House Amendment 1104

PAG LIN

1 1 Amend the amendment, H=1097, to Senate File 209,
1 2 as amended, passed, and reprinted by the Senate, as
1 3 follows:
1 4 #1. By striking page 1, line 4, through page 5, line
1 5 17.
1 6 #2. By striking page 6, line 29, through page 7,
1 7 line 48.
1 8 #3. Page 8, by striking lines 25 through 31.
1 9 #4. By renumbering as necessary.

T. OLSON of Linn
H1097.799 (1) 84
jp/sc

House Amendment 1105

PAG LIN

1 1 Amend the amendment, H=1097, to Senate File 209,
1 2 as amended, passed, and reprinted by the Senate, as
1 3 follows:
1 4 #1. By striking page 2, line 47, through page 3,
1 5 line 35, and inserting:
1 6 REVENUE ESTIMATE>
1 7 #2. By striking page 3, line 45, through page 4,
1 8 line 19.
1 9 #3. By renumbering as necessary.

MURPHY of Dubuque
H1097.802 (2) 84
jp/sc

House Amendment 1106

PAG LIN

Amend the amendment, H=1097, to Senate File 209, as amended, passed, and reprinted by the Senate, as follows:

#1. Page 1, by striking lines 6 through 29 and inserting:

<Sec. ___. Section 8.55, subsection 2, paragraph a, Code 2011, is amended to read as follows:

~~a.~~ The maximum balance of the fund is the amount equal to two and one=half percent of the adjusted revenue estimate for the fiscal year. If the amount of moneys in the Iowa economic emergency fund is equal to the maximum balance, moneys in excess of this amount shall be transferred ~~to the general fund.~~ in accordance with the following descending order:

(1) Fifty percent of the excess shall be transferred to the senior living trust fund.

(2) The amount necessary for the veterans trust fund to equal the fund's maximum balance for the fiscal year following the fiscal year of the transfer shall be transferred to the veterans trust fund.

(3) The remainder shall be transferred to the tax relief fund.

Sec. ___. Section 8.55, subsection 2, paragraph b, Code 2011, is amended by striking the paragraph.

Sec. ___. Section 8.57, subsection 2, paragraphs c and d, Code 2011, are amended by striking the paragraphs.>

#2. Page 2, line 39, by striking <the tax relief fund> and inserting <the senior living trust fund, veterans trust fund, and tax relief fund>

#3. By renumbering as necessary.

THOMAS of Clayton
H1097.898 (2) 84
jp/tm

House Amendment 1107

PAG LIN

1 1 Amend the amendment, H=1093, to Senate File 209,
1 2 as amended, passed, and reprinted by the Senate, as
1 3 follows:
1 4
.

1, by striking line 15.
1 5
.

enu be ing, redesignating, and correcting
1 6 internal references as necessary.

JACOBY of Johnson
H1093.795 (1) 84
tw/sc

House Amendment 1108

PAG LIN

Amend the amendment, H=1093, to Senate File 209, as amended, passed, and reprinted by the Senate, as follows:

#1. Page 1, after line 15 by inserting:

<___. Page 21, after line 23 by inserting:

<DIVISION ___

Sec. ___. UNEMPLOYMENT COMPENSATION EXTENDED BENEFIT INDICATORS. Notwithstanding any contrary provisions of chapter 96, with respect to weeks of unemployment beginning on or after December 17, 2010, and ending four weeks prior to the last week for which the federal government funds one hundred percent of the cost of shareable extended unemployment compensation benefits and shareable regular unemployment compensation benefits as authorized by section 2005(a) of Tit. II of the federal Assistance for Unemployed Workers and Struggling Families Act, of the federal American Recovery and Reinvestment Act of 2009, Pub. L. No. 111=5, as amended, for the purposes of section 96.19, subsections 21 and 32, and section 96.29, subsections 4 and 5:

1. There is a state "on" indicator for a week ending on or before December 31, 2011, or any other date established in federal law permitting this provision if the average rate of total seasonally adjusted unemployment under chapter 96 for the period consisting of the most recent three months for which data for all states are published before the close of the week equaled or exceeded six and one=half percent and equaled or exceeded one hundred ten percent of the average of the rates for any or all of the corresponding three=month periods ending in the three preceding calendar years.

2. There is a state "off" indicator for a week only if, for the period consisting of the week and the immediately preceding twelve weeks, neither subsection 1 nor section 96.19, subsection 21 or 30, specify that there is an "on" indicator.

3. A "high unemployment period" means any period during which an extended benefit period would be in effect if subsection 1 were applied by substituting "eight percent" for "six and one half percent". In a high unemployment period, section 96.29, subsection 4, shall be applied by substituting "eighty percent" for "fifty percent" under paragraph "a", subparagraph (1) and "twenty" for "thirteen" under paragraph "a", subparagraph (2).

4. For purposes of determining eligibility for extended unemployment compensation benefits under this Act, an individual's eligibility period shall include

House Amendment 1108 continued

any week which begins in accordance with both of the following:

a. After the date as of which the individual exhausts all rights to emergency unemployment compensation.

b. During an extended benefit period that began on or before the date the individual exhausts all rights to emergency unemployment compensation.

Sec. 2. EFFECTIVE DATE. This division of this Act takes effect on the first Sunday occurring thirty days after enactment of this division of this Act.

Sec. 3. RETROACTIVE APPLICABILITY. For purposes of providing extended unemployment compensation benefits, this division of this Act applies retroactively to weeks of unemployment beginning on or after December 17, 2010. >>

#2. Page 1, after line 15 by inserting:

<___. Title page, line 4, after <credit,> by inserting <providing for extended unemployment benefits,>>

#3. By renumbering as necessary.

ISENHART of Dubuque
H1093.904 (2) 84
tw/sc

House File 427 - Introduced

HOUSE FILE
BY R. OLSON

A BILL FOR

An Act relating to circumstances requiring a court to order the revocation of a defendant's driver's license.

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

TLSB 2101HH (3) 84
dea/nh

House File 427 - Introduced continued

PAG LIN

Section 1. Section 901.5, subsection 10, unnumbered paragraph 1, Code 2011, is amended to read as follows:

In addition to any sentence imposed pursuant to chapter 902 or 903, the court, in the absence of compelling circumstances warranting an exception, shall order the state department of transportation to revoke the defendant's driver's license or motor vehicle operating privilege for a period of one hundred eighty days, or to delay the issuance of a driver's license for one hundred eighty days after the person is first eligible if the defendant has not been issued a driver's license, and shall send a copy of the order in addition to the notice of conviction required under section 124.412, 126.26, or 453B.16, to the state department of transportation, if the defendant is being sentenced for any of the following offenses:

EXPLANATION

Under current law, a court is required to order the department of transportation to revoke a defendant's driver's license or motor vehicle operating privilege for a period of 180 days or, if the person does not have a driver's license, to delay the issuance of a license for 180 days after the person is first eligible, if the defendant is being sentenced for an offense relating to possession or distribution of controlled substances. The license revocation is in addition to any sentence imposed for the crime. The department is authorized to issue a temporary restricted driver's license to such a person whose license has been revoked by the court, but only in a case of hardship or circumstances where alternative means of transportation do not exist.

This bill provides an exception to the requirement for the court to order revocation of a defendant's driver's license for cases in which the court finds compelling circumstances warranting such an exception.

LSB 2101HH (3) 84
dea/nh

Iowa General Assembly
Daily Bills, Amendments & Study Bills
March 01, 2011

House File 428 - Introduced

HOUSE FILE
BY R. OLSON

A BILL FOR

An Act relating to installment agreements entered into with a county attorney or the centralized collection unit of the department of revenue.

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

TLSB 2493HH (3) 84
jm/nh

House File 428 - Introduced continued

PAG LIN

Section 1. Section 321.210A, subsection 1, Code 2011, is amended by adding the following new paragraph:

NEW PARAGRAPH. d. When a person has entered into an installment agreement pursuant to section 321.210B and during the period of the agreement the department receives notification from an insurance carrier that the person's insurance was canceled or terminated pursuant to section 321A.22 or proof of financial responsibility is no longer on file with the department for such a person as required by section 321A.17, the department shall suspend the person's driver's license. The person's license shall be reinstated upon receipt of proof of financial responsibility for the person.

Sec. 2. Section 321.210B, subsection 5, Code 2011, is amended to read as follows:

5. Upon receipt of the report from the clerk of the district court, ~~and~~ payment of the reinstatement fee as provided in section 321.191, and proof of financial responsibility as defined in section 321A.1, the department shall immediately reinstate the driver's license of the person unless the driver's license of the person is otherwise suspended, revoked, denied, or barred under another provision of law.

Sec. 3. Section 321.210B, subsection 6, Code 2011, is amended by striking the subsection.

Sec. 4. Section 321.210B, Code 2011, is amended by adding the following new subsection:

NEW SUBSECTION. 9A. Upon notification from an insurance carrier that a person's insurance was canceled or terminated pursuant to section 321A.22 or proof of financial responsibility is no longer on file with the department as required by section 321A.17, the department shall suspend the driver's license of the person as provided in section 321.210A. For purposes of suspension and reinstatement of the driver's license of the person, the suspension and subsequent reinstatement shall be considered a suspension pursuant to

House File 428 - Introduced continued

section 321.210A.

EXPLANATION

This bill relates to installment agreements entered into with a county attorney or the centralized collection unit of the department of revenue by a person who driver's license has been suspended for failure to pay a fine, penalty, surcharge, or court cost.

A person required to file proof of financial responsibility with the department of transportation to operate a motor vehicle under Code chapter 321A and who enters into an installment agreement pursuant to Code section 321.210B, shall file and maintain proof of financial responsibility with the department of transportation under the bill. If the insurance is canceled or terminated or proof of financial responsibility is no longer on file with the department of transportation while the person has entered into an installment agreement, the bill requires the person's driver's license to be suspended under Code section 321.210A.

"Proof of financial responsibility" is defined in Code section 321A.1(11).

LSB 2493HH (3) 84
jm/nh

House File 429 - Introduced

HOUSE FILE
BY ALONS

A BILL FOR

An Act relating to gubernatorial appointments to fill a vacancy on the court of appeals.

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

TLSB 2312HH (4) 84
jm/rj

House File 429 - Introduced continued

PAG LIN

Section 1. Section 46.12, Code 2011, is amended to read as follows:

46.12 Notification of vacancy and resignation.

1. When a vacancy occurs or will occur within one hundred twenty days in the supreme court~~, the court of appeals,~~ or district court, the state commissioner of elections shall forthwith so notify the chairperson of the proper judicial nominating commission. The chairperson shall call a meeting of the commission within ten days after such notice; if the chairperson fails to do so, the chief justice shall call such meeting.

2. When a vacancy occurs or will occur within one hundred twenty days in the court of appeals, the state commissioner of elections shall notify the governor of the vacancy. The governor shall make the appointment to fill the vacancy pursuant to section 46.14A.

3. When a judge of the supreme court, court of appeals, or district court resigns, the judge shall submit a copy of the resignation to the state commissioner of elections at the time the judge submits the resignation to the governor; and when a judge of the supreme court, court of appeals, or district court dies, the clerk of district court of the county of the judge's residence shall in writing forthwith notify the state commissioner of elections of such fact.

Sec. 2. Section 46.14A, Code 2011, is amended to read as follows:

46.14A Court of appeals ==== ~~nominees~~ appointment.

Vacancies in the court of appeals shall be filled by appointment by the governor ~~from a list of nominees submitted by the state judicial nominating commission. Three nominees shall be submitted for each vacancy~~ subject to confirmation by the senate. ~~Nominees~~ A person appointed to the court of appeals shall have the qualifications prescribed for nominees to the supreme court. The governor shall make the appointment to fill a vacancy on the court of appeals within

House File 429 - Introduced continued

one hundred twenty days of receiving notice that such a vacancy has occurred. The senate shall vote on confirmation during the regular session of the general assembly, if the governor appoints the person during the regular session of the general assembly. If the appointment is made after the regular session of the general assembly, the senate shall vote on confirmation during the next regular session of the general assembly. If the senate fails to confirm an appointment to fill the vacancy, the governor shall make another appointment to the court of appeals subject to confirmation by the senate until the vacancy is filled.

Sec. 3. Section 46.15, subsection 1, Code 2011, is amended to read as follows:

1. All appointments to the supreme court ~~and court of appeals~~ shall be made from the nominees of the state judicial nominating commission, and all appointments to the district court shall be made from the nominees of the district judicial nominating commission.

Sec. 4. Section 46.16, subsection 1, paragraph a, Code 2011, is amended to read as follows:

a. The initial term of office of judges of the supreme court~~, court of appeals,~~ and district court shall be for one year after appointment and until January 1 following the next judicial election after expiration of such year~~; and~~.

Sec. 5. Section 46.16, subsection 1, Code 2011, is amended by adding the following new paragraph:

NEW PARAGRAPH. 0b. The initial term of office of judges of the court of appeals shall be for one year after confirmation and until January 1 following the next judicial election after expiration of such year.

Sec. 6. Section 602.5102, subsection 2, Code 2011, is amended to read as follows:

2. Judges of the court of appeals shall be ~~nominated and~~ appointed and shall stand for retention in office as provided in chapter 46. Judges of the court of appeals shall qualify

House File 429 - Introduced continued

for office as provided in chapter 63.

Sec. 7. EFFECTIVE UPON ENACTMENT. This Act, being deemed of immediate importance, takes effect upon enactment.

EXPLANATION

This bill relates to gubernatorial appointments to fill a vacancy on the court of appeals.

The bill provides that the governor shall appoint a person to fill a vacancy that occurs in the court of appeals, subject to senate confirmation. Current law provides the state judicial nominating commission shall nominate persons for appointment by the governor to the court of appeals.

The bill requires that a person appointed to the court of appeals have the same qualifications prescribed for nominees to the supreme court.

If a vacancy occurs in the court of appeals, the bill requires the governor to make the appointment to fill the vacancy within 120 days of receiving notification that a vacancy has occurred. The bill requires the senate to vote on confirmation during the regular session of the general assembly, if the governor appoints the person during the regular session of the general assembly. If the appointment to fill the vacancy on the court of appeals is made after the regular session of the general assembly, the senate shall vote on confirmation during the next regular session of the general assembly. If the senate fails to confirm the appointment to fill the vacancy, the governor shall make another appointment to the court of appeals subject to confirmation by the senate until the vacancy is filled.

The bill establishes the initial term of a court of appeals judge at one year after confirmation and until January 1 following the next judicial election after expiration of such year. The regular six=year term of a court of appeals judge after retention is unaffected by the bill.

The bill takes effect upon enactment.

LSB 2312HH (4) 84
jm/rj

House File 430 - Introduced

HOUSE FILE
BY SWEENEY

A BILL FOR

An Act providing for nuisance actions arising out of agricultural uses and practices.

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

TLSB 2457HH (2) 84
da/nh

House File 430 - Introduced continued

PAG LIN

Section 1. NEW SECTION. 657.12 Actions against agricultural uses and agricultural practices.

1. Legislative purpose. The general assembly finds that development in rural areas and changes in agricultural technology, practices, and scale of operation have increasingly tended to create conflicts between agricultural and other uses of land. The general assembly believes that, to the extent possible consistent with good public policy, the law should not hamper agricultural production or the use of modern agricultural technology. The general assembly therefore deems it in the best interest of the state to establish limits on the remedies available in those conflicts relating to the agricultural use of land which reach the judicial system.

2. Definitions. As used in this section, unless the context otherwise requires:

a. "Agricultural practice" means any activity associated with an agricultural use.

b. "Agricultural use" means any of the following activities conducted for the purpose of producing an income or livelihood:

(1) Crop or forage production.

(2) Keeping livestock.

(3) Beekeeping.

(4) Nursery, sod, or Christmas tree production.

(5) Floriculture.

(6) Aquaculture.

(7) Fur farming.

(8) Forest management.

(9) Enrolling land in a federal agricultural commodity payment program or a federal or state agricultural land conservation payment program, including but not limited to the federal conservation reserve program.

(10) Any other use that the department of agriculture and land stewardship, by rule, identifies as an agricultural use.

c. "Litigation expenses" means the sum of the costs, disbursements, and expenses, including reasonable attorney,

House File 430 - Introduced continued

expert witness, and engineering fees necessary to prepare for or participate in an action in which an agricultural use or agricultural practice is alleged to be a nuisance.

3. Nuisance actions.

a. (1) An agricultural use or an agricultural practice shall not be found to be a nuisance if all of the following apply:

(a) The agricultural use or agricultural practice alleged to be a nuisance is conducted on, or on a public right=of=way adjacent to, land that was in agricultural use without substantial interruption before the plaintiff began the use of property that the plaintiff alleges was interfered with by the agricultural use or agricultural practice.

(b) The agricultural use or agricultural practice does not present a substantial threat to public health or safety.

(2) This paragraph "a" applies without regard to whether a change in agricultural use or agricultural practice is alleged to have contributed to the nuisance.

b. In an action in which an agricultural use or an agricultural practice is found to be a nuisance, the following conditions apply:

(1) The relief granted shall not substantially restrict or regulate the agricultural use or agricultural practice, unless the agricultural use or agricultural practice is a substantial threat to public health or safety.

(2) If a court orders the defendant to take any action to mitigate the effects of the agricultural use or agricultural practice found to be a nuisance, the court shall do all of the following:

(a) Request public agencies having expertise in agricultural matters to furnish the court with suggestions for practices suitable to mitigate the effects of the agricultural use or agricultural practice found to be a nuisance.

(b) Provide the defendant with a reasonable time to take the action directed in the court's order. The time allowed for

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the defendant to take the action shall not be less than one year after the date of the order unless the agricultural use or agricultural practice is a substantial threat to public health or safety.

(3) If a court orders the defendant to take any action to mitigate the effects of the agricultural use or agricultural practice found to be a nuisance, the court shall not order the defendant to take any action that substantially and adversely affects the economic viability of the agricultural use, unless the agricultural use or agricultural practice is a substantial threat to public health or safety.

4. Costs. The court shall award litigation expenses to the defendant in any action in which an agricultural use or agricultural practice is alleged to be a nuisance if the agricultural use or agricultural practice is not found to be a nuisance. The litigation expenses shall be taxed as part of the costs of the action.

EXPLANATION

This bill limits the right to bring a nuisance action involving an agricultural use or agricultural practice. The bill includes a provision declaring the importance of agricultural production and use of modern agricultural technology. The bill provides for agricultural uses and practices associated with those uses, which include a range of activities associated with crop and animal production. The bill provides that an agricultural use or practice is not a nuisance under two conditions: (1) the defendant's use or practice predates the plaintiff's use; and (2) the defendant's use or practice does not present a substantial threat to public health or safety. The conditions apply without regard to whether there has been a change in the use or practice.

The bill provides a number of restrictions upon a court which orders relief if a nuisance is found. The court cannot substantially restrict the use or practice unless the nuisance is a substantial threat to the public health or safety. It

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must consult with agencies having an expertise in agricultural matters. It must provide the defendant with a reasonable time to take the action, which cannot be less than a year. Finally, the court cannot order a defendant to take any action that substantially and adversely affects the economic viability of the agricultural use, unless there is a substantial threat to public health or safety.

The bill provides that if the defendant in such a nuisance action prevails, the court must award the defendant litigation expenses, including attorney fees and fees of expert witnesses.

LSB 2457HH (2) 84
da/nh

Iowa General Assembly
Daily Bills, Amendments & Study Bills
March 01, 2011

House File 431 - Introduced

HOUSE FILE
BY SWEENEY

A BILL FOR

An Act relating to offenses involving agricultural operations, and providing penalties and remedies.

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

TLSB 2093YH (15) 84
da/rj

House File 431 - Introduced continued

PAG LIN

Section 1. Section 717A.1, subsection 3, Code 2011, is amended by striking the subsection and inserting in lieu thereof the following:

3. "Animal" means a mammal, bird, fish, reptile, or amphibian, including an agricultural animal or any other animal that is maintained by an animal facility.

Sec. 2. Section 717A.1, subsection 4, paragraphs a and b, Code 2011, are amended to read as follows:

a. A location where an agricultural animal is maintained ~~for agricultural production purposes~~, including but not limited to a location dedicated to farming as defined in section 9H.1, a livestock market, or exhibition~~, or a vehicle used to transport the animal~~.

b. A location where an animal is maintained for educational or scientific purposes, including but not limited to a research facility as defined in section 162.2~~, an exhibition, or a vehicle used to transport the animal~~.

Sec. 3. Section 717A.1, subsection 7, Code 2011, is amended to read as follows:

7. "Crop operation" means a ~~commercial enterprise where a crop is maintained on the property of the commercial enterprise~~ location where a crop is maintained, including but not limited to a crop field, orchard, nursery, greenhouse, garden, elevator, seedhouse, barn, or warehouse.

Sec. 4. Section 717A.1, subsection 9, paragraph a, unnumbered paragraph 1, Code 2011, is amended to read as follows:

For an animal maintained at an animal facility or property ~~belonging to~~ kept at an animal facility, "deprive" means to do any of the following:

Sec. 5. Section 717A.1, subsection 9, paragraph b, subparagraph (2), Code 2011, is amended to read as follows:

(2) Dispose of a crop maintained ~~on~~ at the crop operation or property ~~or belonging to~~ kept at the crop operation in a manner that makes recovery of the crop or ~~crop operation~~ property by

House File 431 - Introduced continued

its owner unlikely.

Sec. 6. Section 717A.1, subsection 11, paragraphs a and b, Code 2011, are amended to read as follows:

a. A person, including a public or private entity, who has a legal interest in an animal maintained at the animal facility or other property ~~belonging to~~ kept at an animal facility, or a person who is authorized by the holder of the legal interest to act on the holder's behalf in maintaining the animal or keeping the other property.

b. A person, including a public or private entity, who has a legal interest in a crop maintained at the crop operation or ~~crop operation~~ other property kept at the crop operation, or a person who is authorized by the holder of the legal interest to act on the holder's behalf in maintaining the crop or keeping the other property.

Sec. 7. Section 717A.1, Code 2011, is amended by adding the following new subsection:

NEW SUBSECTION. 11A. "Record" means any printed, inscribed, visual, or audio information that is placed or stored on a tangible medium, and that may be accessed in a perceivable form, including but not limited to any paper or electronic format.

Sec. 8. Section 717A.2, Code 2011, is amended by striking the section and inserting in lieu thereof the following:

717A.2 Animal facility tampering.

1. A person is guilty of animal facility tampering if the person acts without the consent of the owner of an animal facility to willfully do any of the following:

a. Damage, destroy, or alter property kept at the animal facility, including but not limited to land, fixtures, structures, equipment, machinery, vehicles, records, or computer software or data.

b. Kill or injure an animal maintained at the animal facility, including by an act of violence or the transmission of a disease including but not limited to any infectious or

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contagious disease designated by the department of agriculture and land stewardship pursuant to section 163.2.

c. Take by theft an animal maintained or other property kept at the animal facility.

d. Disrupt operations conducted at the animal facility, if the operations directly relate to agricultural production, animal maintenance, educational or scientific purposes, or veterinary care.

2. A person who commits the offense of animal facility tampering is guilty of the following:

a. Animal facility tampering in the first degree occurs when the result of the offense is damages incurred by the owner of the animal facility of more than one hundred thousand dollars. A person convicted of animal facility tampering in the first degree is guilty of a class "C" felony.

b. Animal facility tampering in the second degree occurs when the result of the offense is damages incurred by the owner of the animal facility of more than ten thousand dollars but not more than one hundred thousand dollars. A person convicted of animal facility tampering in the second degree is guilty of a class "D" felony.

c. Animal facility tampering in the third degree occurs when the result of the offense is damages incurred by the owner of the animal facility of more than one thousand dollars but not more than ten thousand dollars. A person convicted of animal facility tampering in the third degree is guilty of an aggravated misdemeanor.

d. Animal facility tampering in the fourth degree occurs when the result of the offense is the damages incurred by the owner of the animal facility of more than three hundred dollars but not more than one thousand dollars. A person convicted of animal facility tampering in the fourth degree is guilty of a serious misdemeanor.

e. Animal facility tampering in the fifth degree occurs when the result of the offense is damages incurred by the owner of

House File 431 - Introduced continued

the animal facility of three hundred dollars or less. A person convicted of animal facility tampering in the fifth degree is guilty of a simple misdemeanor.

3. A person who participates in a conspiracy to commit the offense of animal facility tampering, and who acts in furtherance of that commission, is guilty of the same offense as the person convicted of committing the offense on or in the animal facility.

4. A person convicted of animal facility tampering is subject to an order of restitution as provided in chapter 910.

5. In determining the value of damages incurred by an owner of an animal facility under this section, a court shall calculate the actual and consequential pecuniary losses resulting from the commission of the offense.

Sec. 9. NEW SECTION. 717A.2A Animal facility interference.

1. A person is guilty of animal facility interference, if the person acts without the consent of the owner of an animal facility to willfully do any of the following:

a. Produce a record which reproduces an image or sound occurring at the animal facility as follows:

(1) The record must be created by the person while at the animal facility.

(2) The record must be a reproduction of a visual or audio experience occurring at the animal facility, including but not limited to a photographic or audio medium.

b. Possess or distribute a record which produces an image or sound occurring at the animal facility which was produced as provided in paragraph "a".

c. Exercise control over the animal facility including an animal maintained at the animal facility or other property kept at the animal facility, with intent to deprive the animal facility of the animal or property.

d. Enter onto the animal facility, or remain at the animal facility, if the person has notice that the facility is not open to the public. A person has notice that an animal

House File 431 - Introduced continued

facility is not open to the public if the person is provided notice before entering onto the facility, or the person refuses to immediately leave the facility after being informed to leave. The notice may be in the form of a written or verbal communication by the owner, a fence or other enclosure designed to exclude intruders or contain animals, or a sign posted which is reasonably likely to come to the attention of an intruder and which indicates that entry is forbidden.

2. A person who commits the offense of animal facility interference is guilty of the following:

a. For the first conviction, the person is guilty of an aggravated misdemeanor.

b. For a second or subsequent conviction, the person is guilty of a class "D" felony.

3. A person convicted of animal facility interference is subject to an order of restitution as provided in chapter 910.

Sec. 10. NEW SECTION. 717A.2B Animal facility fraud.

1. A person is guilty of animal facility fraud, if the person willfully does any of the following:

a. Obtains access to an animal facility by false pretenses for the purpose of committing an act not authorized by the owner of the animal facility.

b. Makes a false statement or representation as part of an application to be employed at the animal facility, if the person knows it to be false.

2. A person who commits the offense of animal facility fraud is guilty of the following:

a. For the first conviction, the person is guilty of an aggravated misdemeanor.

b. For a second or subsequent conviction, the person is guilty of a class "D" felony.

3. A person convicted of animal facility fraud is subject to an order of restitution as provided in chapter 910.

Sec. 11. NEW SECTION. 717A.2C Animal facilities ==== civil actions.

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1. A person suffering damages resulting from the commission of animal facility tampering as provided in section 717A.2 or animal facility interference as provided in section 717A.2A may bring an action in the district court against the person causing the damages to recover all of the following:

a. An amount equaling three times all actual and consequential damages.

b. Court costs and reasonable attorney fees.

2. In addition to awarding damages as provided in subsection 1, a court may grant any equitable relief that the court determines is appropriate. Nothing in this chapter shall prevent a party from petitioning a court for equitable relief.

Sec. 12. NEW SECTION. 717A.2D Animal facilities ==== exceptions.

1. Section 717A.2 or 717A.2A does not prohibit any conduct of a person holding a legal interest in an animal facility, an animal maintained at the animal facility, or other property kept at the animal facility which legal interest is superior to the legal interest held by a person incurring damages resulting from the conduct.

2. Section 717A.2 or 717A.2A does not apply to any of the following:

a. A governmental agency or officer who is taking lawful action involving an animal facility, an animal maintained at the animal facility, or other property kept at the animal facility.

b. A licensed veterinarian practicing veterinary medicine as provided in chapter 169 and according to customary standards of care.

Sec. 13. Section 717A.3, Code 2011, is amended by striking the section and inserting in lieu thereof the following:

717A.3 Crop operation tampering.

1. A person is guilty of crop operation tampering if the person acts without the consent of the owner of a crop operation to willfully do any of the following:

House File 431 - Introduced continued

a. Damage, destroy, or alter property kept at the crop operation, including but not limited to land, fixtures, structures, equipment, machinery, vehicles, records, or computer software or data.

b. Destroy or injure a crop maintained at a crop operation, including by an act of violence or the transmission of a disease including but not limited to any disease or pests.

c. Take by theft a crop maintained or other personal property kept at the crop operation.

d. Disrupt operations conducted at the crop operation, if the operations directly relate to agricultural production, crop maintenance, educational or scientific purposes, or horticultural care.

2. A person who commits the offense of crop operation tampering is guilty of the following:

a. Crop operation tampering in the first degree occurs when the result of the offense is damages incurred by the owner of more than one hundred thousand dollars. A person convicted of crop operation tampering in the first degree is guilty of a class "C" felony.

b. Crop operation tampering in the second degree occurs when the result of the offense is damages incurred by the owner of the crop operation of more than ten thousand dollars but not more than one hundred thousand dollars. A person convicted of crop operation tampering in the second degree is guilty of a class "D" felony.

c. Crop operation tampering in the third degree occurs when the result of the offense is damages incurred by the owner of the crop operation of more than one thousand dollars but not more than ten thousand dollars. A person convicted of crop operation property tampering in the third degree is guilty of an aggravated misdemeanor.

d. Crop operation tampering in the fourth degree occurs when the result of the offense is damages incurred by the owner of the crop operation of more than three hundred dollars but

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not more than one thousand dollars. A person convicted of crop operation tampering in the fourth degree is guilty of a serious misdemeanor.

e. Crop operation tampering in the fifth degree occurs when the result of the offense is damages incurred by the owner of the crop operation of three hundred dollars or less. A person convicted of crop operation tampering in the fifth degree is guilty of a simple misdemeanor.

3. A person who participates in a conspiracy to commit the offense of crop operation tampering, and who acts in furtherance of that commission, is guilty of the same offense as the person convicted of committing the offense on or in the crop operation.

4. A person convicted of crop operation tampering is subject to an order of restitution as provided in chapter 910.

5. In determining the value of damages incurred under this section, a court shall calculate the actual and consequential pecuniary losses resulting from the commission of the offense.

Sec. 14. NEW SECTION. 717A.3A Crop operation interference.

1. A person is guilty of crop operation interference, if the person acts without the consent of the owner of a crop operation to willfully do any of the following:

a. Produce a record which reproduces an image or sound occurring at the crop operation as follows:

(1) The record must be created by the person while at the crop operation.

(2) The record must be a reproduction of a visual or audio experience occurring at the crop operation, including but not limited to a photographic or audio medium.

b. Possess or distribute a record which produces an image or sound occurring at the crop operation which was produced as provided in paragraph "a".

c. Exercise control over the crop operation, including a crop maintained at the crop operation or other property kept at the crop operation, with intent to deprive the crop operation

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of the crop or property.

d. Enter onto the crop operation, or remain on or in the crop operation, if the person has notice that the crop operation is not open to the public. A person has notice that a crop operation is not open to the public if the person is provided notice before entering onto the crop operation, or the person refuses to immediately leave the crop operation after being informed to leave. The notice may be in the form of a written or verbal communication by the owner, a fence or other enclosure designed to exclude intruders or contain crops, or a sign posted which is reasonably likely to come to the attention of an intruder and which indicates that entry is forbidden.

2. A person who commits the offense of crop operation interference is guilty of the following:

a. For the first conviction, the person is guilty of an aggravated misdemeanor.

b. For a second or subsequent conviction, the person is guilty of a class "D" felony.

3. A person convicted of crop operation interference is subject to an order of restitution as provided in chapter 910.

Sec. 15. NEW SECTION. 717A.3B Crop operation fraud.

1. A person is guilty of crop operation fraud, if the person willfully does any of the following:

a. Obtains access to a crop operation by false pretenses for the purpose of committing an act not authorized by the owner of the crop operation.

b. Makes a false statement or representation as part of an application to be employed at a crop operation, if the person knows it to be false.

2. A person who commits the offense of crop operation fraud is guilty of the following:

a. For the first conviction, the person is guilty of an aggravated misdemeanor.

b. For a second or subsequent conviction, the person is guilty of a class "D" felony.

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3. A person convicted of crop operation fraud is subject to an order of restitution as provided in chapter 910.

Sec. 16. NEW SECTION. 717A.3C Crop operations ==== civil actions.

1. A person suffering damages resulting from the commission of crop operation tampering as provided in section 717A.3 or crop operation interference as provided in section 717A.3A may bring an action in the district court against the person causing the damage to recover all of the following:

a. An amount equaling three times all actual and consequential damages.

b. Court costs and reasonable attorney fees.

2. In addition to awarding damages as provided in subsection 1, a court may grant any equitable relief that the court determines is appropriate. Nothing in this chapter shall prevent a party from petitioning a court for equitable relief.

Sec. 17. NEW SECTION. 717A.3D Crop operations ==== exceptions.

1. Section 717A.3 or 717A.3A does not prohibit any conduct of a person holding a legal interest in a crop operation, a crop maintained at the crop operation, or other property kept at the crop operation which legal interest is superior to the legal interest held by a person incurring damages resulting from the conduct.

2. Section 717A.3 or 717A.3A does not apply to a governmental agency or officer who is taking lawful action involving a crop operation, a crop maintained at the crop operation, or other property kept at the crop operation.

EXPLANATION

GENERAL. This bill amends Code chapter 717A, which prohibits a person from entering on or damaging property associated with a facility or operation where animals or crops are maintained. An animal facility includes a location where an animal is produced for agricultural or educational scientific purposes, or a location operated by a licensed

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veterinarian, or a commercial or nonprofit pet establishment. A crop operation includes a crop field, orchard, or other location where a crop is grown, harvested, or stored. The bill strikes and rewrites provisions specifying the offenses.

TAMPERING. The bill prohibits a person from tampering with property associated with an animal facility or crop operation, including damaging property, killing or injuring an animal or crop, committing theft, or disrupting operations. The various degrees of the offense based on loss incurred by the owner of the property, and ranging from a class "C" felony for a loss of more than $100,000 to a simple misdemeanor for a loss of $300 or less. A person is guilty of the same offense for conspiracy in furtherance of the act. A person convicted of tampering is subject to an order of restitution (Code chapter 910).

INTERFERENCE. The bill prohibits a person from interfering with an animal facility or crop operation. This includes producing an audio or visual record which reproduces an image or sound occurring on or in the location, or possessing or distributing the record. It also prohibits a person from exercising control over the location or property, with intent to deprive the owner of the property, or entering onto the location, if the person has notice that the location is not open to the public. The severity of the offense is based on whether there has been a previous conviction. For the first conviction, the person is guilty of an aggravated misdemeanor, and for a second or subsequent conviction, the person is guilty of a class "D" felony.

FRAUD. The bill prohibits a person from committing fraud, by obtaining access to an animal facility or crop operation by false pretenses for the purpose of committing an act not authorized by the owner, or making a false statement as part of an application to be employed at the location. The severity of the offense is based on whether there has been a previous conviction. For the first conviction, the person is guilty of an aggravated misdemeanor, and for a second or subsequent

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conviction, the person is guilty of a class "D" felony. A person convicted of tampering is subject to an order of restitution (Code chapter 910).

CONVICTION FOR OFFENSES ==== PENALTIES. A class "C" felony is punishable by confinement for no more than 10 years and a fine of at least $1,000 but not more than $10,000. A class "D" felony is punishable by confinement for no more than five years and a fine of at least $750 but not more than $7,500. An aggravated misdemeanor is punishable by confinement for no more than two years and a fine of at least $625 but not more than $6,250. A serious misdemeanor is punishable by confinement for no more than one year and a fine of at least $315 but not more than $1,875. A simple misdemeanor is punishable by confinement for no more than 30 days or a fine of at least $65 but not more than $625 or by both.

CIVIL PENALTIES. In addition to the criminal penalties, a person suffering damages resulting from the commission of tampering or interference may bring an action in the district court against the person causing the damages to recover an amount equaling three times all actual and consequential damages, and court costs and reasonable attorney fees. In addition, a court may grant a petitioner equitable relief.

EXCEPTIONS. The provisions in the bill do not prohibit any conduct of a person holding a legal interest in an animal facility, crop operation, animal, crop, or property which legal interest is superior to the legal interest held by a person incurring damages resulting from the conduct; an action by a governmental agency or officer; or an action by a licensed veterinarian.

LSB 2093YH (15) 84
da/rj

House File 432 - Introduced

HOUSE FILE
BY PETERSEN, T. OLSON,
and HEDDENS

A BILL FOR

An Act relating to state child care assistance program eligibility and provider requirements.

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

TLSB 2418YH (5) 84
jp/nh

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PAG LIN

Section 1. Section 237A.13, subsection 2, Code 2011, is amended to read as follows:

2.a. The department shall review a family's eligibility for the program at least every twelve months.

b. (1) Services under the program may be provided in a licensed child care center, a child development home, the home of a relative, the child's own home, a child care home, or in a facility exempt from licensing or registration.

(2) If services under the program are provided in a location other than the child's own home, the location shall be subject to an on=site health and safety inspection. The inspection shall be performed prior to provision of program services in the location. A location that has successfully completed an on=site child care health and safety inspection authorized by the department as part of child care regulatory requirements shall be deemed to have met the requirements of this paragraph.

EXPLANATION

This bill relates to eligibility reviews and provider requirements for participation in the state child care assistance program established in Code section 237A.13 and administered by the department of human services.

Consistent with federal requirements for the program, current law provides that services may be provided in a licensed child care center, a child development home, the home of a relative, the child's own home, a child care home, or in a facility exempt from licensing or registration.

The bill requires the department to review a family's eligibility for the program at least every 12 months.

The bill requires that if services under the program are provided in a location other than the child's own home, the location is subject to an on=site health and safety inspection. The inspection is required to be performed prior to provision of program services in the location. A location that has successfully completed an on=site child care health and safety inspection authorized by the department as part of child care

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registration or licensure is deemed to have met the inspection requirement.

LSB 2418YH (5) 84
jp/nh

House File 433 - Introduced

HOUSE FILE
BY WESSEL=KROESCHELL and
HEDDENS

A BILL FOR

An Act providing that certain programs offered by regents institutions must be open to all students and including effective date provisions.

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

TLSB 2452YH (2) 84
je/nh

House File 433 - Introduced continued

PAG LIN

Section 1. Section 262.9, Code 2011, is amended by adding the following new subsection:

NEW SUBSECTION. 36. a. Develop a policy requiring each institution of higher education under the control of the board which offers a learning communities program to offer each student enrolled in the institution the opportunity to participate in the program.

b. For purposes of this subsection, "learning communities program" means a program pursuant to which groups of students, based on shared career or academic goals, engage in any of the following activities together:

(1) Enrolling in certain courses.

(2) Sharing living accommodations.

(3) Receiving mentoring, tutoring, or career guidance.

Sec. 2. EFFECTIVE DATE. This Act takes effect July 1, 2013.

EXPLANATION

This bill directs the board of regents to develop a policy requiring each institution of higher education under the control of the board which offers a learning communities program wherein, based on common career or academic goals, groups of students engage in certain activities together, including enrolling in certain courses, sharing living accommodations, or receiving mentoring, tutoring, or career guidance, to offer each student enrolled in the institution the opportunity to participate in the program.

The bill is effective July 1, 2013.

LSB 2452YH (2) 84
je/nh

House File 434 - Introduced

HOUSE FILE
BY SCHULTE

(COMPANION TO LSB
2489SS BY RAGAN)

A BILL FOR

An Act relating to the sealing of juvenile delinquency records.
BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 2489HH (3) 84
jm/rj

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PAG LIN

Section 1. Section 232.150, subsection 1, paragraph a, unnumbered paragraph 1, Code 2011, is amended to read as follows:

~~Upon application of~~ The court, on its own motion, shall order the scheduling of a hearing two years after the date of the last official action in a case of a person who was taken into custody for a delinquent act or was the subject of a complaint alleging delinquency or was the subject of a delinquency petition, ~~or upon the court's own motion, the court, after hearing, shall order~~ or after the date the child becomes eighteen years of age, and order, if there is no objection from the county attorney, the official juvenile court records in the case including those specified in sections 232.147 and 232.149 sealed if the court finds all of the following:

Sec. 2. Section 232.150, subsection 1, paragraph a, subparagraph (1), Code 2011, is amended by striking the subparagraph.

Sec. 3. Section 692.16, Code 2011, is amended to read as follows:

692.16 Review and removal.

At least every year the division shall review and determine the current status of all Iowa arrests or takings into custody reported, which are at least four years old with no disposition data.

1. Any Iowa arrest ~~or taking of a juvenile into custody~~ of a person eighteen years of age or older recorded within a computer data storage system which has no disposition data after four years shall be removed unless there is an outstanding arrest warrant or detainer on such charge.

2. Any arrest or taking of a juvenile into custody recorded within a computer data storage system which has no disposition data after two years shall be removed unless there is an outstanding arrest warrant or detainer on such charge.

EXPLANATION

This bill relates to the sealing of juvenile delinquency

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records.

The bill provides that the court, on its own motion, shall order the scheduling of a hearing two years after the date of the last official action in a juvenile delinquency case, or after the date the child becomes 18 years of age, and order, if there is no objection from the county attorney, that the delinquency records be sealed.

In order for juvenile records to be sealed, current provisions and the bill require that the juvenile has not committed any subsequent criminal violations greater than a simple misdemeanor and that the juvenile has successfully completed any youthful offender placement.

The bill also accelerates the removal of juvenile records stored within the computer data storage system of the department of public safety. The bill requires the department of public safety to remove the records from the computer data storage system of the department that relate to a juvenile arrest or the taking of a juvenile into custody if no disposition data has been recorded within two years of the arrest or taking into custody, unless there is an outstanding arrest warrant or detainer for the juvenile. Current law requires the arrest or taking into custody information for a juvenile information be removed from the computer data storage system of the department of public safety if no disposition data has been recorded within four years of the arrest or taking into custody.

Code section 692.1 defines "disposition data" to mean information pertaining to a recorded court proceeding subsequent and incidental to a public offense arrest and includes dismissal of the charge, suspension or deferral of sentence.

LSB 2489HH (3) 84
jm/rj

House File 435 - Introduced

HOUSE FILE
BY M. SMITH

A BILL FOR

An Act relating to the provision of absentee ballots to residents or patients of certain health care facilities and hospitals.

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

TLSB 1930YH (3) 84
sc/rj

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PAG LIN

Section 1. Section 39A.4, subsection 1, paragraph c, subparagraphs (11) and (12), Code 2011, are amended to read as follows:

(11) Returning a voted absentee ballot, by mail or in person, to the commissioner's office and the person returning the ballot is not the voter, the voter's designee, or a special precinct election official designated pursuant to section 53.22, subsection ~~1~~ 1A.

(12) Making a false or untrue statement reporting that a voted absentee ballot was returned to the commissioner's office, by mail or in person, by a person other than the voter, the voter's designee, or a special precinct election official designated pursuant to section 53.22, subsection ~~1~~ 1A.

Sec. 2. Section 53.8, subsection 3, paragraphs a and b, Code 2011, are amended to read as follows:

a. When an application for an absentee ballot is received by the commissioner of any county from a registered voter who is a patient in a hospital in that county or a resident of any facility in that county shown to be a health care facility by the list of licenses provided the commissioner under section 135C.29, the absentee ballot shall be mailed or personally delivered to the voter ~~and returned to the commissioner~~ in the manner prescribed by section 53.22.

b. (1) If the application indicates that the ballot is to be personally delivered to the applicant and the application is received more than five days before the ballots are printed and the commissioner has elected to have the ballots personally delivered during the ten=day period after the ballots are printed, the commissioner shall mail to the applicant within twenty=four hours a letter in substantially the following form: Your application for an absentee ballot for the election to be held on ..... has been received. This ballot will be personally delivered to you by a bipartisan team sometime during the ten days after the ballots are printed. If you will not be at the address from which your application was sent

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during any or all of the ten=day period immediately following the printing of the ballots, the ballot will be personally delivered to you sometime during the fourteen days preceding the election. If you will not be at the address from which your application was sent during either of these time periods, contact this office and arrangements will be made to have your absentee ballot delivered at a time when you will be present at that address.

(2) If the application indicates that the ballot is to be personally delivered to the applicant and the application is received more than fourteen calendar days before the election and the commissioner has not elected to mail absentee ballots to applicants as provided under section 53.22, subsection 3, and has not elected to have the absentee ballots personally delivered during the ten=day period after the ballots are printed, the commissioner shall mail to the applicant within twenty=four hours a letter in substantially the following form: Your application for an absentee ballot for the election to be held on ..... has been received. This ballot will be personally delivered to you by a bipartisan team sometime during the fourteen days preceding the election. If you will not be at the address from which your application was sent during any or all of the fourteen=day period immediately preceding the election, contact this office and arrangements will be made to have your absentee ballot delivered at a time when you will be present at that address.

Sec. 3. Section 53.17, subsection 1, paragraph a, Code 2011, is amended to read as follows:

a. The sealed return envelope may be delivered by the registered voter, by the voter's designee, or by the special precinct election officials designated pursuant to section 53.22, subsection ~~1~~ 1A, to the commissioner's office no later than the time the polls are closed on election day. However, if delivered by the voter's designee, the envelope shall be delivered within seventy=two hours of retrieving it from the

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voter or before the closing of the polls on election day, whichever is earlier.

Sec. 4. Section 53.22, subsection 1, paragraph a, Code 2011, is amended to read as follows:

~~a.(1)~~ A registered voter who has applied for an absentee ballot, in a manner other than that prescribed by section 53.10 or 53.11, and who is a resident or patient in a health care facility or hospital located in the county to which the application has been submitted shall be delivered the appropriate absentee ballot in the manner provided in this section. The application for an absentee ballot shall include space for an applicant under this section to indicate whether the applicant wants the ballot mailed or personally delivered to the applicant.

1A. a. (1) If the applicant indicated on the application that the ballot be personally delivered, or if the applicant did not indicate a preference on the application, the ballot shall be delivered by two special precinct election officers, one of whom shall be a member of each of the political parties referred to in section 49.13, who shall be appointed by the commissioner from the election board panel for the special precinct established by section 53.20. The special precinct election officers shall be sworn in the manner provided by section 49.75 for election board members, shall receive compensation as provided in section 49.20, and shall perform their duties during the ten calendar days after the ballots are printed if the commissioner so elects, during the fourteen calendar days preceding the election, and on election day if all ballots requested under section 53.8, subsection 3, have not previously been delivered and returned.

(2) If materials are prepared for the two special precinct election officials, a list shall be made of all voters to whom ballots are to be delivered. The list shall be sent with the officials who deliver the ballots and shall include spaces to indicate whether the person was present at the hospital or

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health care facility when the officials arrived, whether the person requested assistance from the officials, whether the person was assisted by another person of the voter's choice, the time that the ballot was returned to the officials, and any other notes the officials deem necessary.

(3) The officials shall also be issued a supply of extra ballots to replace spoiled ballots. Receipts shall be issued in substantially the same form as receipts issued to precinct election officials pursuant to section 49.65. All ballots shall be accounted for and shall be returned to the commissioner. Separate envelopes shall be provided for the return of spoiled ballots and unused ballots.

Sec. 5. Section 53.22, Code 2011, is amended by adding the following new subsection:

NEW SUBSECTION. 1B. If the applicant indicated on the application that the ballot be mailed to the applicant, the commissioner shall mail the ballot to the applicant in the time prescribed by section 53.8, subsection 1.

Sec. 6. Section 53.22, subsection 3, Code 2011, is amended to read as follows:

3. For any election except a primary or general election or a special election to fill a vacancy under section 69.14, the commissioner may, as an alternative to ~~subsection 1~~ subsections 1A and 1B, mail an absentee ballot to an applicant under this section to be voted and returned to the commissioner in accordance with this chapter. This subsection only applies to applications for absentee ballots from a single health care facility or hospital if there are no more than two applications from that facility or hospital.

EXPLANATION

This bill provides that an applicant for an absentee ballot who is a resident or patient of a health care facility or hospital may indicate on the application whether the applicant wants the absentee ballot personally delivered or mailed to the applicant.

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Under current law, a resident or patient of a health care facility or hospital who makes application for an absentee ballot is, in most circumstances, delivered the ballot by two special precinct election officials appointed by the county commissioner of elections.

LSB 1930YH (3) 84
sc/rj

House File 436 - Introduced

HOUSE FILE
BY ISENHART

A BILL FOR

An Act relating to the utilization of energy by modifying and expanding the energy city designation program.

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

TLSB 1277YH (10) 84
rn/sc

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PAG LIN

Section 1. Section 266.39C, Code 2011, is amended by adding the following new subsection:

NEW SUBSECTION. 7. The Iowa energy center shall administer the designation program for energy cities, energy counties, and energy regions established in section 473.41.

Sec. 2. Section 469.3, subsection 2, paragraph w, Code 2011, is amended by striking the paragraph.

Sec. 3. Section 473.41, Code 2011, is amended to read as follows:

473.41 ~~Energy city designation program~~ Designation program ==== energy cities, counties, and regions.

1. The ~~office~~ department of economic development, with the assistance of the Iowa initiative for sustainable communities administered through the school of urban and regional planning at the university of Iowa, shall establish and administer ~~an energy city~~ a designation program for energy cities, energy counties, and energy regions, with the objective of encouraging cities, counties, and collaborations of cities and counties to develop and implement innovative energy efficiency programs. To qualify for designation as an energy city, energy county, or energy region, a city, county, or collaboration of cities and counties shall submit an application on forms prescribed by the ~~office by rule, indicating~~ department providing the following:

a. ~~Submission of~~ A community=based energy improvement plan, which incorporates the smart planning principles and guidelines pursuant to sections 18B.1 and 18B.2, plans for energy ~~reduction~~ improvement projects, energy=efficient building construction and rehabilitation, and alternative or renewable energy production.

b. ~~Efforts~~ A plan to secure ~~local~~ funding for ~~community=based~~ energy improvement plans~~, and documentation of any state or federal grant or loan funding being pursued in connection therewith~~.

c. ~~Involvement~~ Documentation of involvement by local schools, civic organizations, ~~chambers of commerce~~ business

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organizations, and ~~private~~ other groups in ~~a community-based~~ the energy improvement plan.

d. ~~Existing~~ A summary of existing or proposed ordinances encouraging or supporting energy ~~efficiency~~ improvement initiatives and conservation, recycling efforts, and energy-efficient ~~building code provisions and enforcement~~ buildings.

e. ~~Organization~~ The organization of an energy day observance and proclamation with a commemorating event and awards ceremony for leading energy-efficient community businesses, groups, schools, or individuals.

2. The ~~office shall establish by rule criteria for awarding energy city designations. If more than one designation is awarded annually, the criteria shall include a requirement that the office award the designations to cities of varying populations. Rules shall also be established identifying~~ department shall identify and ~~publicizing~~ publicize private, state, and federal grant and loan programs relating to energy ~~efficiency, and the development of a procedure whereby the office shall coordinate with other state agencies preferences given in the awarding of grants or making of loans to energy city designated applicants~~ improvement, energy demand reduction, energy-efficient building construction and rehabilitation, and alternative or renewable energy production.

3. The department shall coordinate with energy cities, counties, and regions to facilitate the state's participation in the federal better buildings initiative, including but not limited to promoting and facilitating public and private participation in new tax incentives for building efficiency; financing opportunities for commercial retrofits; federal loan guarantees for energy efficiency upgrades at hospitals, schools, and other commercial buildings; applying for grants to foster the streamlining and updating of state and local government regulations to attract private sector investment in energy improvement projects; and participating in the better

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buildings challenge included in the initiative.

4. The department shall conduct an annual statewide event recognizing and showcasing selected energy cities, energy counties, and energy regions which meet or exceed energy improvement criteria established by the department, and businesses, groups, schools, or individuals nominated for recognition by such cities, counties, or regions.

5. For purposes of developing or implementing an energy improvement plan or a plan to secure financing, one or more cities and counties may enter into a chapter 28E agreement through a council of governments to collaborate in the creation of an energy region for purposes of this section and section 473.42, 473.43, and 473.44.

Sec. 4. NEW SECTION. 473.42 Designation program ==== ordinance.

1. A city council or county board of supervisors may adopt an ordinance or ordinances providing energy improvement plan financing as a component of an energy improvement plan submitted by a city, county, or council of governments. Prior to adoption of an ordinance, the city council or county board of supervisors shall do all of the following:

a. Submit the question of adoption of the ordinance to an energy improvement ordinance evaluation committee, which shall include but not be limited to two members who are residents of or operating within the city, county, or energy region representing each of the following categories:

(1) Homeowner energy users.

(2) Business energy users.

(3) Energy utilities.

(4) Architectural firms.

(5) Firms involved in the construction or installation of energy improvements.

(6) Financial institutions.

The committee shall be subject to the requirements of sections 69.16 and 69.16A.

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b. Conduct a public hearing at which interested persons may inquire about or object to the proposed ordinance. Notice of the hearing shall be published as provided in section 331.305 or 362.3, as applicable.

2. The department shall be provided with a copy of any ordinance adopted pursuant to this section.

Sec. 5. NEW SECTION. 473.43 Designation program ==== financing.

1. a. An energy improvement plan financing ordinance adopted by a city council or county board of supervisors pursuant to section 473.42 may authorize the issuance of bonds by the city or county to assist in the financing of energy improvement projects. Energy improvement projects for publicly owned buildings shall be considered an essential corporate purpose for which a city or county may issue bonds. The ordinance may also provide for the repayment of bonds or other financing through special assessments, provided that any lien involved maintains a junior position with respect to any mortgage or other lien on the property. If not repaid according to another contract or agreement, any unpaid assessments shall remain with the property following the sale of the property.

b. If the ordinance provides for the repayment of bonds or other financing through special assessments, the department shall establish procedures and requirements regarding the adoption of a resolution of intent, application forms, packaging assessments, petitions by property owners, submission of resolutions for filing, and adoption of a final assessment schedule.

c. The ordinance may additionally provide for the repayment of financed improvements through billings for energy use under one or more agreements with a city, investor=owned utility, municipal utility, rural electric cooperative, or other energy supplier. Such arrangements shall qualify for incorporation into applicable energy efficiency plan and goal requirements

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established in section 476.6, subsections 14 and 16. The utilities board of the utilities division of the department of commerce shall by rule adopt procedures for the implementation of this paragraph.

2. A city, county, or council of governments may enter into one or more cooperative agreements with financial institutions and other stakeholders for the purpose of financing energy improvement projects and providing for the repayment of such financing.

Sec. 6. NEW SECTION. 473.44 Designation program ==== annual report.

Energy cities, counties, and regions shall provide information to the department on an annual basis regarding the results of the program. The department shall make available on its internet site the information so received.

EXPLANATION

This bill relates to energy efficiency programs undertaken at the city, county, and regional level.

The bill modifies and expands the energy city designation program contained in Code section 473.41. The program is transferred for administrative purposes from the office of energy independence to the Iowa department of economic development, with the assistance of the Iowa initiative for sustainable communities administered through the school of urban and regional planning at the university of Iowa, and expanded to include counties and collaborations of cities and counties at the regional level regarding developing and implementing energy efficiency programs.

The bill expands application requirements for designation pursuant to the program. Modified requirements include submitting an energy improvement plan incorporating smart planning principles and guidelines established in Code sections 18B.1 and 18B.2, and plans for energy improvement projects, energy=efficient building construction and rehabilitation, and alternative or renewable energy production. Requirements shall

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also include submitting a plan for securing funding for energy improvement plans, documentation of local business, civic, and school involvement, and a summary of existing or proposed ordinances encouraging or supporting energy improvement initiatives and activities.

The bill directs the department to identify and publicize private, state, and federal grant and loan programs relating to energy improvement, energy demand reduction, energy=efficient building construction and rehabilitation, and alternative or renewable energy production. The bill also directs the department to coordinate with energy cities, counties, and regions to facilitate the state's participation in the federal better buildings initiative, and to conduct an annual statewide event recognizing and showcasing selected energy cities, energy counties, and energy regions which meet or exceed energy improvement criteria established by the center, and businesses, groups, schools, or individuals nominated for recognition by such cities, counties, or regions.

The bill states that for purposes of developing or implementing an energy improvement plan or a plan to secure financing, one or more cities and counties may enter into a Code chapter 28E agreement through a council of governments to collaborate in the creation of an energy region.

The bill authorizes a city council or county board of supervisors to adopt an energy improvement plan financing ordinance or ordinances as a component of an energy improvement plan. Prior to adoption of an ordinance, the bill directs the city council or county board of supervisors to submit the question of adoption of the ordinance to an energy improvement ordinance evaluation committee, to be comprised as provided in the bill, and to conduct a public hearing at which interested persons may inquire about or object to the proposed ordinance.

The bill provides that an energy improvement plan financing ordinance may authorize the issuance of bonds by the city or county to assist in the financing of energy improvement

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projects, and for the repayment of bonds or other financing through special assessments, provided that any lien involved maintains a junior position with respect to any mortgage or other lien on the property. The bill states that if not repaid according to another contract or agreement, any unpaid assessments shall remain with the property following sale of the property. The bill states that energy improvement projects for publicly owned buildings shall be considered an essential corporate purpose for which a city or county may issue bonds. The bill states that if an ordinance provides for the repayment of bonds or other financing through special assessments, the department shall establish procedures and requirements regarding the adoption of a resolution of intent, application forms, packaging assessments, petitions by property owners, submission of resolutions for filing, and adoption of a final assessment schedule.

The bill provides that an ordinance may additionally provide for the repayment of financed improvements through billings for energy use under one or more agreements with a city, investor=owned utility, municipal utility, rural electric cooperative, or other energy supplier. The bill states that these arrangements shall qualify for incorporation into applicable energy efficiency plan and goal requirements established in Code section 476.6, subsections 14 and 16.

The bill additionally provides that a city, county, or council of governments may enter into one or more cooperative agreements with financial institutions and other stakeholders for the purpose of financing energy improvement projects and providing for the repayment of such financing.

The bill requires energy cities, counties, and regions to submit information to the department on an annual basis regarding the results of the program, which shall be available on the department's internet site.

LSB 1277YH (10) 84
rn/sc

House File 437 - Introduced

HOUSE FILE
BY KOESTER

A BILL FOR

An Act allowing certain teachers an individual income tax credit for certain expenses and including retroactive applicability provisions.

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

TLSB 2367YH (2) 84
tw/sc

House File 437 - Introduced continued

PAG LIN

Section 1. NEW SECTION. 422.11Y Teacher expense credit.

1. The taxes imposed under this division, less the credits allowed under section 422.12, shall be reduced by a teacher expense credit equal to the first four hundred fifty dollars of the cost incurred to purchase supplies by the taxpayer to assist the taxpayer in teaching at a preschool, an elementary or secondary school, which school is accredited under section 256.11, or at a community college, all situated in Iowa. To qualify for the credit, the costs must be nonreimbursable from any source. If the cost incurred has been deducted in computing federal adjusted gross income, the amount of such deduction shall be added in determining net income under section 422.7. Any credit in excess of the tax liability is not refundable.

2. As used in this section, "supplies" includes but is not limited to paper supplies, bulletin boards, books, maps, charts, computer software but not hardware, and other items directly used by the taxpayer as a teacher. The cost incurred to purchase supplies for which a tax credit may be received under this section shall not be used by a school district to supplement its costs of instructional materials.

Sec. 2. RETROACTIVE APPLICABILITY. This Act applies retroactively to January 1, 2011, for tax years beginning on or after that date.

EXPLANATION

This bill provides an income tax credit of up to $450 for teachers that incur expenses for supplies directly used by them in teaching at preschools, accredited elementary or secondary schools, or community colleges in Iowa. To qualify, the expenses must be nonreimbursable from any source. If the expenses were deducted in computing federal adjusted gross income, the deduction shall be added in determining Iowa net income. These supplies include paper supplies, bulletin boards, books, maps, charts, computer software but not hardware, and other similar items directly used by the taxpayer

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as a teacher. The cost incurred to purchase supplies for which a tax credit may be received under this Code section shall not be used by a school district to supplement its costs of instructional materials.

The bill applies retroactively to January 1, 2011, for tax years beginning on or after that date.

LSB 2367YH (2) 84
tw/sc

House File 438 - Introduced

HOUSE FILE
BY HELLAND

A BILL FOR

An Act relating to school district administration costs.
BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 1094YH (1) 84
av/rj

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PAG LIN

Section 1. SCHOOL DISTRICT ADMINISTRATION COSTS. It is the intent of the general assembly to consider ways to lower costs related to the administration of school districts.

EXPLANATION

This bill provides that it is the intent of the general assembly to consider ways to lower costs related to the administration of school districts.

LSB 1094YH (1) 84
av/rj

House File 439 - Introduced

HOUSE FILE
BY PEARSON

A BILL FOR

An Act relating to reporting of waivers granted from abortion notification requirements for pregnant minors.

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

TLSB 2516HH (2) 84
pf/nh

House File 439 - Introduced continued

PAG LIN

Section 1. Section 135L.3, Code 2011, is amended by adding the following new subsection:

NEW SUBSECTION. 4. A court that grants a waiver under this section shall report the total number of waivers granted to the department of public health on an annual basis. The supreme court shall prescribe rules regarding such reporting by the court.

Sec. 2. Section 144.29A, subsection 1, Code 2011, is amended by adding the following new paragraph:

NEW PARAGRAPH. 1. Whether the patient was granted a waiver under section 135L.3.

EXPLANATION

This bill requires a juvenile court that grants a waiver from the abortion notification requirements for pregnant minors to report the total number of waivers granted to the department of public health on an annual basis. The bill directs the supreme court to prescribe rules regarding the reporting. The bill also requires a health care provider who submits a termination of pregnancy report to the department of public health to include in the report whether the patient was granted a waiver.

LSB 2516HH (2) 84
pf/nh

House File 440 - Introduced

HOUSE FILE
BY ISENHART

(COMPANION TO 1073SS
BY JOCHUM)

A BILL FOR

An Act relating to the actions of certain nonprofit corporations and horizontal property regimes and including applicability provisions.

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

TLSB 1073HH (4) 84
md/nh

House File 440 - Introduced continued

PAG LIN

Section 1. Section 499B.15, subsection 2, Code 2011, is amended to read as follows:

2. If the form of administration is a board of administration, board meetings must be open to all apartment owners except for meetings between the board and its attorney with respect to proposed or pending litigation where the contents of the discussion would otherwise be governed by the attorney=client privilege. Notice of each board meeting must be mailed or delivered to each apartment owner at least seven days before the meeting. Each notice shall contain the date, time, place, and purpose of the meeting. Minutes of meetings of the board of administration must be maintained in written form or in another form that can be converted into written form within a reasonable time. The official records of the board of administration must be open to inspection and available for photocopying at reasonable times and places, unless the record or a portion of a record contains the personal information of a co=owner and is deemed confidential upon unanimous vote of the board of administration. Such confidential records shall, however, be open to inspection and available for photocopying if ordered by a court. Any action taken by a board of administration at a meeting that is in violation of any of the provisions of this subsection is not valid or enforceable. In any judicial action, the board of administration shall have the burden of proving that the requirements of this subsection have been met.

Sec. 2. Section 504.823, Code 2011, is amended to read as follows:

504.823 Call and notice of meetings.

1. Unless the articles or bylaws of a corporation, or subsection 3 or 5, ~~provide~~ provides otherwise, regular meetings of the board may be held without notice.

2. Unless the articles, bylaws, or subsection 3 or 5 ~~provide~~ provides otherwise, special meetings of the board must be preceded by at least two days' notice to each director of the

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date, time, and place, but not the purpose, of the meeting.

3. In corporations without members, any board action to remove a director or to approve a matter which would require approval by the members if the corporation had members shall not be valid unless each director is given at least seven days' written notice that the matter will be voted upon at a directors' meeting or unless notice is waived pursuant to section 504.824.

4. Unless the articles or bylaws provide otherwise, the presiding officer of the board, the president, or twenty percent of the directors then in office may call and give notice of a meeting of the board.

5. Notwithstanding any provision of this chapter to the contrary, homeowners' association board meetings shall be open to all members except for meetings between the board and its attorney with respect to proposed or pending litigation where the contents of the discussion would otherwise be governed by the attorney=client privilege. Notice of each board meeting shall be mailed or delivered to each member and to each director at least seven days before the meeting. Each notice shall contain the date, time, place, and purpose of the meeting. Any action taken by a board at a meeting that is in violation of this subsection is not valid or enforceable. In any judicial action, the homeowners' association board shall have the burden of proving that the requirements of this subsection have been met. For purposes of this subsection, "homeowners' association" means a corporation responsible for the operation of an area of real property comprised of land and buildings used primarily for human habitation, that consists of parcel owners or their agents, and in which membership in the corporation is a mandatory condition of parcel ownership.

Sec. 3. Section 504.1602, Code 2011, is amended by adding the following new subsection:

NEW SUBSECTION. 7. Notwithstanding any provision of this chapter to the contrary, a homeowners' association board, under

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section 504.823, subsection 5, may refuse inspection or copying of a record or a portion of a record relating to the personal information of a member upon unanimous vote of the board, unless otherwise ordered by a court.

Sec. 4. APPLICABILITY. This Act applies to homeowners' association board meetings and horizontal property regime board of administration meetings occurring on or after July 8, 2011.

EXPLANATION

This bill applies to horizontal property regimes (condominiums) under Code chapter 499B and to homeowners' associations organized under the revised Iowa nonprofit corporation Act, Code chapter 504. The bill requires homeowners' association board meetings to be open to all members except for meetings between the board and its attorney with respect to proposed or pending litigation where the contents of the discussion would otherwise be governed by the attorney=client privilege. The bill also requires notice of each board meeting to be mailed or delivered to each member and to each director at least seven days before the meeting. Each notice must contain the date, time, place, and purpose of the meeting. Any action taken by a board at a meeting that is in violation of the bill is not valid or enforceable. The bill defines "homeowners' association" as a corporation responsible for the operation of an area of real property comprised of land and buildings used primarily for human habitation, that consists of parcel owners or their agents, and in which membership in the corporation is a mandatory condition of parcel ownership.

The bill provides that in a judicial action, the homeowners' association board has the burden of proving that the requirements relating to meetings and meeting notices have been met.

The bill provides that a homeowners' association board may refuse inspection or copying of a record or a portion of a record relating to the personal information of a member upon

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unanimous vote of the board, unless ordered by a court.

The bill also includes similar provisions for the contents of meeting notices, burden of proof requirements, and record inspection limitations for horizontal property regimes under Code chapter 499B.

The bill applies to homeowners' association board meetings and horizontal property regime board of administration meetings occurring on or after July 8, 2011.

LSB 1073HH (4) 84
md/nh

House File 441 - Introduced

HOUSE FILE
BY ALONS

A BILL FOR

An Act relating to a general assembly member's right to intervene in a court action and including effective date and applicability provisions.

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

TLSB 1586YH (5) 84
rh/rj

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PAG LIN

Section 1. NEW SECTION. 613.22 Intervention rights ==== general assembly.

1. In any court action in which the constitutionality, legality, or interpretation of a statute is at issue, a member or members of the general assembly shall have an unconditional right to intervene as a party in the action and shall be deemed to have proper standing in the action.

2. A member or members of the general assembly desiring to intervene shall have an unconditional right to intervene as a party, and any subsequent member or members shall have a conditional right to intervene.

3. The only defense that may be raised to a motion to intervene as of right under this section is that the proposed intervenor does not have a good faith intention to defend the law. Any party or proposed intervenor may raise this defense.

4. A member or members of the general assembly may request to be represented by the attorney general, if the attorney general is not already representing a party to the action. If the member or members of the general assembly engage a private attorney, no public moneys shall be expended for attorney fees.

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

Sec. 3. APPLICABILITY. This Act applies to actions pending or filed on or after the effective date of this Act.

EXPLANATION

This bill relates to a general assembly member's right to intervene in a court action.

The bill provides that in any court action in which the constitutionality, legality, or interpretation of a statute is at issue, a member or members of the general assembly shall have an unconditional right to intervene as a party in the action and shall be deemed to have proper standing in the action.

The bill provides that a member or members of the general assembly desiring to intervene shall have an unconditional

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right to intervene as a party and any subsequent member or group of members shall have a conditional right to intervene.

The bill provides that the only defense that may be raised to a motion to intervene as of right under the bill is that the proposed intervenor does not have a good faith intention to defend the law.

The bill allows the member or members of the general assembly to request to be represented by the attorney general if the attorney general is not already representing a party to the action. If the member or members of the general assembly engage a private attorney, no public moneys shall be expended for attorney fees.

The bill takes effect upon enactment and applies to actions pending or filed on or after the effective date of the bill.

LSB 1586YH (5) 84
rh/rj

House File 442 - Introduced

HOUSE FILE
BY KAUFMANN

A BILL FOR

An Act relating to operating=while=intoxicated offenses including license revocation periods and ignition interlock licenses and devices and providing penalties.

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

TLSB 2128YH (8) 84
rh/nh

House File 442 - Introduced continued

PAG LIN

Section 1. Section 321.376, subsection 1, Code 2011, is amended to read as follows:

1. The driver of a school bus shall hold a driver's license issued by the department of transportation valid for the operation of the school bus and a certificate of qualification for operation of a commercial motor vehicle issued by a physician or osteopathic physician licensed pursuant to chapter 148, physician's assistant, advanced registered nurse practitioner, or chiropractor or any other person identified by federal and state law as authorized to perform physical examinations, and shall successfully complete an approved course of instruction in accordance with subsection 2. A person holding ~~a temporary restricted~~ an ignition interlock license issued under chapter 321J shall be prohibited from operating a school bus. The department of education shall refuse to issue an authorization to operate a school bus to any person who, after notice and opportunity for hearing, is determined to have committed any of the acts proscribed under section 321.375, subsection 2. The department of education shall take adverse action against any person who, after notice and opportunity for hearing, is determined to have committed any of the acts proscribed under section 321.375, subsection 2. Such action may include a reprimand or warning of the person or the suspension or revocation of the person's authorization to operate a school bus. The department of education shall recommend, and the state board of education shall adopt under chapter 17A, rules and procedures for issuing and suspending or revoking authorization to operate a school bus in this state. Rules and procedures adopted shall include but are not limited to provisions for the revocation or suspension of, or refusal to issue, authorization to persons who are determined to have committed any of the acts proscribed under section 321.375, subsection 2.

Sec. 2. Section 321.560, subsection 1, Code 2011, is amended to read as follows:

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1. A license to operate a motor vehicle in this state shall not be issued to any person declared to be a habitual offender under section 321.555, subsection 1, for a period of not less than two years nor more than six years from the date of the final decision of the department under section 17A.19 or the date on which the district court upholds the final decision of the department, whichever occurs later.

~~a.~~ ~~A~~ However, a temporary restricted license may be issued pursuant to section 321.215, subsection 2, to a person declared to be a habitual offender under section 321.555, subsection 1, paragraph "c".

~~b. A temporary restricted license may be issued pursuant to section 321J.20, subsection 2, to a person declared to be a habitual offender due to a combination of the offenses listed under section 321.555, subsection 1, paragraphs "b" and "c".~~

Sec. 3. Section 321J.1, Code 2011, is amended by adding the following new subsections:

NEW SUBSECTION. 08. "Ignition interlock device" means an electronic device, approved by the commissioner of public safety, that is installed in a vehicle and that requires the taking of a breath sample test prior to the starting of, and at periodic intervals during, the operation of the vehicle. A functioning ignition interlock device prevents a person from operating the motor vehicle with an alcohol concentration greater than a level set by rule of the commissioner of public safety.

NEW SUBSECTION. 008. "Ignition interlock license" means the partial restoration of a person's driving privileges to operate a motor vehicle during the period the person's driver's license or privilege to operate a motor vehicle is suspended or revoked for a violation of this chapter. The issuance and continuing validity of an ignition interlock license is conditioned upon the installation and maintenance of an ignition interlock device on one or more noncommercial vehicles owned or to be operated by the person and restricting the person's driving to

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vehicles so equipped.

NEW SUBSECTION. 0008. "Ignition interlock restriction" means a limitation on a driver's license requiring the person to whom such restricted license is issued to operate only noncommercial vehicles equipped with a functioning ignition interlock device.

Sec. 4. Section 321J.2, subsection 3, paragraphs c and d, Code 2011, are amended to read as follows:

c. Assessment of a fine of one thousand two hundred fifty dollars. However, in the discretion of the court, if no personal or property injury has resulted from the defendant's actions, the court may waive up to six hundred twenty=five dollars of the fine when the defendant presents to the court at the end of the minimum period of ineligibility ~~a temporary restricted~~ an ignition interlock license issued pursuant to section 321J.20.

(1) Upon the entry of a deferred judgment, a civil penalty shall be assessed as provided in section 907.14 in an amount not less than the amount of the criminal fine authorized pursuant to this paragraph "c".

(2) As an alternative to a portion or all of the fine, the court may order the person to perform unpaid community service. However, the court shall not order the person to perform unpaid community service in lieu of a civil penalty or victim restitution. Surcharges and fees shall also be assessed pursuant to chapter 911.

d. Revocation of the person's driver's license for a minimum period of one hundred eighty days up to a maximum revocation period of one year, pursuant to section 321J.4, subsection 1, section 321J.9, or section 321J.12, subsection 2. If a revocation occurs due to test refusal under section 321J.9, the defendant shall be ineligible for ~~a temporary restricted~~ an ignition interlock license for a minimum period of ~~ninety~~ thirty days.

~~(1)~~ A defendant whose alcohol concentration is .08 or

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more ~~but not more than .10~~ shall ~~not~~ be eligible ~~for any temporary restricted license for at least thirty days if a test was obtained and an accident resulting in personal injury or property damage occurred~~ to apply for an ignition interlock license on the effective date of the revocation or any date thereafter during the revocation period if a test was obtained. The department shall require the defendant to install an ignition interlock device ~~of a type approved by the commissioner of public safety~~ on all vehicles owned or operated by the defendant if the defendant seeks ~~a temporary restricted~~ an ignition interlock license. ~~There shall be no such period of ineligibility if no such accident occurred, and the defendant shall not be required to install an ignition interlock device.~~

~~(2) A defendant whose alcohol concentration is more than .10 shall not be eligible for any temporary restricted license for at least thirty days if a test was obtained, and an accident resulting in personal injury or property damage occurred or the defendant's alcohol concentration exceeded .15. There shall be no such period of ineligibility if no such accident occurred and the defendant's alcohol concentration did not exceed .15. In either case, where a defendant's alcohol concentration is more than .10, the department shall require the defendant to install an ignition interlock device of a type approved by the commissioner of public safety on all vehicles owned or operated by the defendant if the defendant seeks a temporary restricted license.~~

Sec. 5. Section 321J.2, subsection 4, paragraphs b and c, Code 2011, are amended to read as follows:

b. Assessment of a ~~minimum fine of one thousand eight hundred fifty dollars and a maximum~~ fine of six thousand two hundred fifty dollars. The court may waive up to four thousand three hundred seventy=five dollars of the fine when the defendant presents to the court at the end of the minimum period of the person's ineligibility an ignition interlock

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license pursuant to section 321J.20. Surcharges and fees shall be assessed pursuant to chapter 911.

c. Revocation of the defendant's driver's license for a period of one year, if a revocation occurs pursuant to section 321J.12, subsection 1. If a revocation occurs due to test refusal under section 321J.9, or pursuant to section 321J.4, subsection 2, the defendant's license shall be revoked for a period of ~~two~~ three years.

Sec. 6. Section 321J.2, subsection 5, paragraph b, Code 2011, is amended to read as follows:

b. Assessment of a ~~minimum fine of three thousand one hundred twenty=five dollars and a maximum~~ fine of nine thousand three hundred seventy=five dollars. The court may waive up to six thousand two hundred fifty dollars of the fine when the defendant presents to the court at the end of the minimum period of the person's ineligibility an ignition interlock license pursuant to section 321J.20. Surcharges and fees shall be assessed pursuant to chapter 911.

Sec. 7. Section 321J.4, Code 2011, is amended to read as follows:

321J.4 Revocation of license ==== ignition interlock devices ==== ~~conditional temporary restricted~~ ignition interlock license.

1. If a defendant is convicted of a violation of section 321J.2 and the defendant's driver's license or nonresident operating privilege has not been revoked under section 321J.9 or 321J.12 for the occurrence from which the arrest arose, the department shall revoke the defendant's driver's license or nonresident operating privilege for one hundred eighty days if the defendant submitted to chemical testing and has had no previous conviction or revocation under this chapter and shall revoke the defendant's driver's license or nonresident operating privilege for ~~one year~~ eighteen months if the defendant refused to submit to chemical testing and has had no previous conviction or revocation under this chapter. ~~The defendant shall not be eligible for any temporary restricted~~

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~~license for at least ninety days if a test was refused under section 321J.9.~~

a. A defendant whose alcohol concentration is .08 or more ~~but not more than .10~~ shall ~~not~~ be eligible ~~for any temporary restricted~~ to apply for an ignition interlock license ~~for at least thirty days~~ on or after the effective date of the revocation if a test was obtained ~~and an accident resulting in personal injury or property damage occurred~~. The department shall require the defendant to install ~~an~~ and maintain a functioning ignition interlock device ~~of a type approved by the commissioner of public safety~~ on all vehicles owned or operated by the defendant if the defendant ~~seeks a temporary restricted~~ applies for an ignition interlock license. ~~There shall be no such period of ineligibility if no such accident occurred, and the defendant shall not be required to install an ignition interlock device.~~

~~b. A defendant whose alcohol concentration is more than .10 shall not be eligible for any temporary restricted license for at least thirty days if a test was obtained and an accident resulting in personal injury or property damage occurred or the defendant's alcohol concentration exceeded .15. There shall be no such period of ineligibility if no such accident occurred and the defendant's alcohol concentration did not exceed .15. In either case, where a defendant's alcohol concentration is more than .10, the department shall require the defendant to install an ignition interlock device of a type approved by the commissioner of public safety on all vehicles owned or operated by the defendant if the defendant seeks a temporary restricted license.~~

~~c.~~ b. If the defendant is under the age of twenty=one, the defendant shall not be eligible for ~~a temporary restricted~~ an ignition interlock license for at least sixty days after the effective date of revocation.

2. If a defendant is convicted of a violation of section 321J.2, and the defendant's driver's license or nonresident

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operating privilege has not already been revoked under section 321J.9 or 321J.12 for the occurrence from which the arrest arose, the department shall revoke the defendant's driver's license or nonresident operating privilege for one year if the defendant submitted to chemical testing and has had a previous conviction or revocation under this chapter and shall revoke the defendant's driver's license or nonresident operating privilege for ~~two~~ three years if the defendant refused to submit to chemical testing and has had a previous revocation under this chapter. The defendant shall ~~not~~ be eligible ~~for any temporary restricted~~ to apply for an ignition interlock license ~~for forty-five days after~~ on the effective date of the revocation ~~if the defendant submitted to chemical testing and shall not be eligible for any temporary restricted license for ninety days after the effective date of revocation if the defendant refused chemical testing~~ or any date thereafter during the revocation period. The ~~temporary restricted~~ ignition interlock license shall be issued in accordance with section 321J.20~~, subsection 2~~. ~~The department shall require the defendant to install an ignition interlock device of a type approved by the commissioner of public safety on all vehicles owned or operated by the defendant if the defendant seeks a temporary restricted license at the end of the minimum period of ineligibility. A temporary restricted license shall not be granted by the department until the defendant installs the ignition interlock device.~~

3. If the court defers judgment pursuant to section 907.3 for a violation of section 321J.2, and if the defendant's driver's license or nonresident operating privilege has not been revoked under section 321J.9 or 321J.12, or has not otherwise been revoked for the occurrence from which the arrest arose, the department shall revoke the defendant's driver's license or nonresident operating privilege for ~~a period of not less than thirty days nor more than ninety days. The defendant shall not be eligible for any temporary restricted license for~~

~~House File 442 - Introduced continued~~

~~1 at least ninety days if a test was refused~~ the time period required for conviction of the violation for which the person was charged.

a. A defendant whose alcohol concentration is .08 or more ~~but not more than .10~~ shall ~~not~~ be eligible to apply for ~~any temporary restricted~~ an ignition interlock license on or after the effective date of the revocation ~~for at least thirty days~~ if a test was obtained ~~and an accident resulting in personal injury or property damage occurred~~. ~~The department shall require the defendant to install an ignition interlock device of a type approved by the commissioner of public safety on all vehicles owned or operated by the defendant if the defendant seeks a temporary restricted license. There shall be no such period of ineligibility if no such accident occurred, and the defendant shall not be required to install an ignition interlock device.~~

~~b. A defendant whose alcohol concentration is more than .10 shall not be eligible for any temporary restricted license for at least thirty days if a test was obtained and an accident resulting in personal injury or property damage occurred or the defendant's alcohol concentration exceeded .15. There shall be no such period of ineligibility if no such accident occurred and the defendant's alcohol concentration did not exceed .15. In either case, where a defendant's alcohol concentration is more than .10, the department shall require the defendant to install an ignition interlock device of a type approved by the commissioner of public safety on all vehicles owned or operated by the defendant if the defendant seeks a temporary restricted license.~~

~~c.~~ b. If the defendant is under the age of twenty=one, the defendant shall not be eligible for ~~a temporary restricted~~ an ignition interlock license for at least sixty days after the effective date of the revocation.

4. Upon a plea or verdict of guilty of a third or subsequent violation of section 321J.2, the department shall revoke

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the defendant's driver's license or nonresident operating privilege for a period of six years. The defendant shall ~~not~~ be eligible to apply for ~~a temporary restricted~~ an ignition interlock license ~~for one year after the effective date of the revocation. The department shall require the defendant to install an ignition interlock device of a type approved by the commissioner of public safety on all vehicles owned or operated by the defendant if the defendant seeks a temporary restricted license at the end of the minimum period of ineligibility. A temporary restricted license shall not be granted by the department until the defendant installs the ignition interlock device~~ upon release from the custody of the director of the department of corrections pursuant to section 321J.2.

5. Upon a plea or verdict of guilty of a violation of section 321J.2 which involved a personal injury, the court shall determine in open court, from consideration of the information in the file and any other evidence the parties may submit, whether a serious injury was sustained by any person other than the defendant and, if so, whether the defendant's conduct in violation of section 321J.2 caused the serious injury. If the court so determines, the court shall order the department to revoke the defendant's driver's license or nonresident operating privilege for a period of one year in addition to any other period of suspension or revocation. The defendant shall not be eligible for ~~any temporary restricted~~ an ignition interlock license until the minimum period of ineligibility has expired under this section or section 321J.9, 321J.12, or 321J.20. The defendant shall surrender to the court any Iowa license or permit and the court shall forward it to the department with a copy of the order for revocation.

6. Upon a plea or verdict of guilty of a violation of section 321J.2 which involved a death, the court shall determine in open court, from consideration of the information in the file and any other evidence the parties may submit, whether a death occurred and, if so, whether the defendant's

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conduct in violation of section 321J.2 caused the death. If the court so determines, the court shall order the department to revoke the defendant's driver's license or nonresident operating privilege for a period of six years. The defendant shall not be eligible for ~~any temporary restricted~~ an ignition interlock license for ~~at least~~ the lesser of two years after the effective date of the revocation or until completion of the defendant's sentence under section 707.6A, subsection 1. The defendant shall surrender to the court any Iowa license or permit and the court shall forward it to the department with a copy of the order for revocation.

7. If a license or permit to operate a motor vehicle is revoked or denied under this section or section 321J.9 or 321J.12, the period of revocation or denial shall be the period provided for such a revocation or until the defendant reaches the age of eighteen whichever period is longer.

8. a. On a conviction for or as a condition of a deferred judgment for a violation of section 321J.2, the court may order the defendant to install and maintain functioning ignition interlock devices ~~of a type approved by the commissioner of public safety on all motor vehicles owned or operated by the defendant which, without tampering or the intervention of another person, would prevent the defendant from operating the motor vehicle with an alcohol concentration greater than a level set by rule of the commissioner of public safety~~ on one or more vehicles owned or operated by the defendant for periods of time as determined by the court. The court shall notify the department of the beginning and ending dates of such periods. The department shall add an ignition interlock restriction to the person's driver's record for the period ordered by the court.

~~b. The commissioner of public safety shall adopt rules to approve certain ignition interlock devices and the means of installation of the devices, and shall establish the level of alcohol concentration beyond which an ignition interlock device~~

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~~will not allow operation of the motor vehicle in which it is installed.~~

~~e.~~ b. The order to install ignition interlock devices shall remain in effect for a period of time as determined by the court which shall not exceed the maximum term of imprisonment which the court could have imposed according to the nature of the violation. While the order is in effect, the defendant shall not operate a motor vehicle which does not have an approved ignition interlock device installed.

~~d.~~ c. If the defendant's driver's license or nonresident operating privilege has been revoked, the department shall not issue ~~a temporary permit~~ an ignition interlock license or a driver's license to the person without certification that an approved ignition interlock ~~devices have~~ device has been installed in ~~all~~ one or more motor vehicles owned or operated by the defendant while the order is in effect.

~~e.~~ d. A defendant who fails within a reasonable time to comply with an order to install an approved ignition interlock device may be declared in contempt of court and punished accordingly.

~~f. A person who tampers with or circumvents an ignition interlock device installed under a court order while an order is in effect commits a serious misdemeanor.~~

Sec. 8. Section 321J.9, subsection 1, paragraphs a and b, Code 2011, are amended to read as follows:

a. ~~One year~~ Eighteen months if the person has no previous revocation under this chapter~~; and~~.

b. ~~Two~~ Three years if the person has had a previous revocation under this chapter.

Sec. 9. Section 321J.9, subsections 2 and 3, Code 2011, are amended to read as follows:

2. ~~a.~~ A person whose driver's license or nonresident operating privileges are revoked under subsection 1 shall ~~not~~ be eligible for ~~a temporary restricted~~ an ignition interlock license ~~for at least ninety~~ thirty days after the

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effective date of the revocation or any date thereafter during the revocation period. ~~A temporary restricted~~ An ignition interlock license issued to a person whose driver's license or nonresident driving privilege has been revoked under subsection 1~~, paragraph "b",~~ shall be issued in accordance with section 321J.20~~, subsection 2~~.

~~b. The department shall require the defendant to install an ignition interlock device of a type approved by the commissioner of public safety on all vehicles owned or operated by the defendant if the defendant seeks a temporary restricted license at the end of the minimum period of ineligibility. A temporary restricted license shall not be granted by the department until the defendant installs the ignition interlock device.~~

3. If the person is a resident without a license or permit to operate a motor vehicle in this state, the department shall deny to the person the issuance of a license or permit for the same period a license or permit would be revoked, and deny issuance of a ~~temporary restricted~~ license for the same period of ineligibility for receipt of ~~a temporary restricted~~ an ignition interlock license, subject to review as provided in this chapter.

Sec. 10. Section 321J.12, subsection 2, Code 2011, is amended to read as follows:

2. a. A person whose driver's license or nonresident operating privileges have been revoked under subsection 1~~, paragraph "a",~~ whose alcohol concentration is .08 or more ~~but not more than .10~~ shall ~~not~~ be eligible for ~~any temporary restricted~~ an ignition interlock license ~~for at least thirty days after~~ on the effective date of the revocation or any date thereafter during the revocation period if a test was obtained ~~and an accident resulting in personal injury or property damage occurred. The department shall require the defendant to install an ignition interlock device of a type approved by the commissioner of public safety on all vehicles owned or~~

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~~operated by the defendant if the defendant seeks a temporary license. There shall be no such period of ineligibility if no such accident occurred, and the defendant shall not be required to install an ignition interlock device~~.

~~b. A defendant whose alcohol concentration is more than .10 shall not be eligible for any temporary restricted license for at least thirty days if a test was obtained and an accident resulting in personal injury or property damage occurred or the defendant's alcohol concentration exceeded .15. There shall be no such period of ineligibility if no such accident occurred and the defendant's alcohol concentration did not exceed .15. In either case, where a defendant's alcohol concentration is more than .10, the department shall require the defendant to install an ignition interlock device of a type approved by the commissioner of public safety on all vehicles owned or operated by the defendant if the defendant seeks a temporary restricted license.~~

~~c.~~ b. If the person is under the age of twenty=one, the person shall not be eligible for ~~a temporary restricted~~ an ignition interlock license for at least sixty days after the effective date of the revocation.

~~d. A person whose license or privileges have been revoked under subsection 1, paragraph "b", for one year shall not be eligible for any temporary restricted license for forty=five days after the effective date of the revocation, and the department shall require the person to install an ignition interlock device of a type approved by the commissioner of public safety on all vehicles owned or operated by the defendant if the defendant seeks a temporary restricted license at the end of the minimum period of ineligibility. The temporary restricted license shall be issued in accordance with section 321J.20, subsection 2. A temporary restricted license shall not be granted by the department until the defendant installs the ignition interlock device.~~

Sec. 11. Section 321J.13, subsection 1, Code 2011, is

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amended to read as follows:

1. Notice of revocation of a person's noncommercial driver's license or operating privilege served pursuant to section 321J.9 or 321J.12 shall include a form that states on its face that the person may be eligible for an ignition interlock license granting the person driving privileges limited to driving vehicles equipped with an ignition interlock device on the effective date of the revocation or at any time thereafter during the revocation period. The form shall be accompanied by a preaddressed envelope on which the person served may indicate by a checkmark if the person ~~only~~ wishes to ~~request a temporary restricted~~ apply for an ignition interlock license on or after the ~~mandatory ineligibility period for issuance of a temporary restricted license has ended, or if the person wishes a hearing to contest the revocation. The form shall clearly state on its face that the form must be completed and returned within ten days of receipt or the person's right to a hearing to contest the revocation is foreclosed. The form shall also be accompanied by a statement of the operation of and the person's rights under this chapter.~~ effective date of the revocation or at any time thereafter during the revocation period or if the person desires a hearing to contest the revocation. The form shall clearly state on its face all of the following:

a. That the form must be completed and returned within ten days of receipt or the person's right to a hearing to contest the revocation is foreclosed.

b. That upon receipt by the department of a request for an application for an ignition interlock license, the person waives the person's right to a hearing.

Sec. 12. Section 321J.17, subsections 1 and 3, Code 2011, are amended to read as follows:

1. If the department revokes a person's driver's license or nonresident operating privilege under this chapter, the department shall assess the person a civil penalty of two

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hundred dollars. The money collected by the department under this section shall be transmitted to the treasurer of state who shall deposit one=half of the money in the separate fund established in section 915.94 and one=half of the money in the general fund of the state. ~~A temporary restricted~~ An ignition interlock license shall not be issued unless an ignition interlock device has been installed pursuant to ~~section 321J.4~~ this chapter. A driver's license or nonresident operating privilege shall not be reinstated unless proof of deinstallation of an ignition interlock device installed pursuant to ~~section 321J.4~~ this chapter has been submitted to the department. Except as provided in section 321.210B, ~~a temporary restricted~~ an ignition interlock license shall not be issued or a driver's license or nonresident operating privilege reinstated until the civil penalty has been paid. A person assessed a penalty under this section may remit the civil penalty along with a processing fee of five dollars to a county treasurer authorized to issue driver's licenses under chapter 321M, or the civil penalty may be paid directly to the department.

3. The department shall also require certification of installation of an ignition interlock device ~~of a type approved by the commissioner of public safety on all~~ on one or more motor vehicles owned or operated by any person seeking reinstatement following a second or subsequent revocation under section 321J.4, 321J.9, or 321J.12~~, unless such a person has previously received a temporary restricted license during the term of the revocation as authorized by this chapter~~.

a. The requirement for the installation and maintenance of an approved functioning ignition interlock device shall be for one hundred eighty days from the date of reinstatement for a first revocation under this chapter, and for one year from the date of reinstatement for a second or subsequent revocation under this chapter unless a different time period is required by statute.

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b. A person shall receive a day=for=day credit toward the mandatory period required by paragraph "a" for any time the person had a valid ignition interlock license during the revocation period as authorized by this chapter.

Sec. 13. Section 321J.20, Code 2011, is amended by striking the section and inserting in lieu thereof the following:

321J.20 Ignition interlock licenses ==== ignition interlock devices ==== penalty.

1. a. The department may, on application, issue an ignition interlock license to a person whose noncommercial driver's license is revoked under this chapter if the person's driver's license has been revoked previously under section 321J.4, 321J.9, or 321J.12.

b. This subsection shall not apply to a revocation ordered under section 321J.4 resulting from a plea or verdict of guilty of a violation of section 321J.2 that involved a death until completion of the period of incarceration ordered by the court for the incident leading to such conviction.

c. This subsection does not apply to a person whose license was revoked or suspended under any of the following:

(1) Section 321J.2A.

(2) Section 321J.4, subsection 4 or 6, until completion of the period of incarceration ordered by the court for the incident leading to such conviction.

(3) Another statute.

d. Following the applicable minimum period of the person's ineligibility, an ignition interlock license under this subsection shall not be issued until the person provides proof that an ignition interlock device is installed on one or more motor vehicles owned or to be operated by the applicant in accordance with section 321J.2, 321J.4, 321J.9, or 321J.12. Installation and maintenance of a functioning ignition interlock device under this subsection shall be required for the period of time for which the ignition interlock license is issued. The department shall cancel any ignition interlock

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license issued under this subsection upon receipt of notice from the person's ignition interlock device provider that the person has removed or has failed to maintain a functioning ignition interlock device on one or more vehicles owned or operated by the person as required by this subsection. The department shall reinstate the person's ignition interlock license upon receipt of notice from the person's ignition interlock device provider that the person has a functioning ignition interlock device on one or more vehicles owned or operated by the person, and upon payment of a twenty=five dollar reinstatement fee.

2. The department, upon receipt of the conviction record of a person required to install an ignition interlock device for operating a motor vehicle not equipped with an approved functioning ignition interlock device or upon receipt of the conviction record of a person for tampering with or circumventing an ignition interlock device, in addition to other penalties provided, shall extend the period of revocation, for an additional like period. The department shall not revoke the person's ignition interlock license solely for violations of this subsection, and if the person is otherwise eligible, the person's ignition interlock license may remain in effect during the additional period of revocation.

3. A person holding an ignition interlock license issued by the department under this chapter shall not operate a commercial motor vehicle on a highway if a commercial driver's license is required for the person's operation of the commercial motor vehicle.

4. A person holding an ignition interlock license issued by the department under this chapter shall not operate a school bus.

5. Notwithstanding any provision of this chapter to the contrary, the department may issue an ignition interlock license to a person otherwise eligible for an ignition interlock license under this section whose revocation period

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under this chapter has expired, but who has not met all requirements for reinstatement of the person's driver's license or nonresident operating privileges.

6. A person who tampers with or circumvents an ignition interlock device installed as required in this chapter and while the requirement for the ignition interlock device is in effect commits a serious misdemeanor.

Sec. 14. NEW SECTION. 321J.20A Employment exemption.

1. a. If a person who is issued an ignition interlock license or whose driver's license has an ignition interlock restriction is required, in the course and scope of the person's employment and at the direction of the person's employer, to operate a noncommercial motor vehicle owned, leased, or rented by the person's employer, the person may, except as provided in paragraph "b", operate such motor vehicle in the course and scope of the person's employment without installation of an ignition interlock device if both of the following apply:

(1) The employer has been notified that the person is restricted to operating only vehicles equipped with a functioning ignition interlock device.

(2) The person has proof of the notification in the person's possession while operating the employer's motor vehicle. Proof of the notification shall be established only by the notarized signature of the employer acknowledging notification on a form that shall be provided by the department for this purpose and shall include a contact telephone number of the employer.

b. The exemption granted in paragraph "a" shall not apply in any of the following circumstances:

(1) For any operation of an employer=owned motor vehicle for the personal use of the person that is not within the course and scope of the person's employment.

(2) If the employer=owned motor vehicle is owned by an entity which is wholly or partially owned by the person subject to this section, unless the person provides proof to the

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satisfaction of the department that the entity is a legitimate operating business entity and that the person's operation of an employer=owned motor vehicle is necessary to the operation of the entity.

(3) If the employer=owned motor vehicle is a school vehicle or a vehicle designed to transport passengers for hire.

Sec. 15. Section 321J.21, subsection 2, Code 2011, is amended to read as follows:

2. In addition to the fine, the department, upon receiving the record of the conviction of a person under this section upon a charge of driving a motor vehicle while the license of the person was suspended, denied, revoked, or barred shall extend the period of suspension, denial, revocation, or bar for an additional like period~~, and the department shall not issue a new license during the additional period~~.

Sec. 16. Section 321J.21, Code 2011, is amended by adding the following new subsection:

NEW SUBSECTION. 3. A person whose period of suspension, denial, revocation, or bar has been extended pursuant to subsection 2 and who is otherwise qualified, may apply to have an ignition interlock license issued upon the effective date of the extended period of suspension, denial, revocation, or bar.

Sec. 17. Section 321J.23, Code 2011, is amended by adding the following new subsections:

NEW SUBSECTION. 6. The state's established successful history of requiring the use of ignition interlock devices and the conclusions drawn from studies by the centers for disease control and prevention of the United States department of health and human services and other research proves that ignition interlock devices prevent alcohol=impaired driving when installed and maintained in a lawful and proper manner.

NEW SUBSECTION. 7. The installation of an ignition interlock device on vehicles owned or operated by an intoxicated driver convicted of an operating=while=intoxicated offense in a timely and efficient manner will help make

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highways safer for Iowa's families, and all state agencies and departments shall cooperate to support this endeavor to the fullest extent possible.

Sec. 18. Section 707.6A, subsection 1A, Code 2011, is amended to read as follows:

1A. Upon a plea or verdict of guilty of a violation of subsection 1, the defendant shall surrender to the court any Iowa license or permit and the court shall forward the license or permit to the department with a copy of the order of conviction. Upon receipt of the order of conviction, the department shall revoke the defendant's driver's license or nonresident operating privilege for a period of six years. The defendant shall not be eligible for ~~a temporary restricted license for at least two years after the revocation~~ an ignition interlock license except as provided in section 321J.4.

EXPLANATION

This bill relates to operating=while=intoxicated offenses, including license revocation periods and ignition interlock licenses and devices, and provides penalties.

Current law provides that the department of transportation may issue a temporary restricted license (also known as a work permit) for violations of Code chapter 321 (department of transportation rules of the road) and for violations of Code chapter 321J (Iowa's operating=while=intoxicated law). The bill replaces temporary restricted licenses with ignition interlock licenses for violations of Code chapter 321J. This change does not affect temporary restricted licenses issued for violations of Code chapter 321.

An "ignition interlock license" is defined in the bill as a license which partially restores a person's driving privileges to operate a motor vehicle during the period a person's driver's license or privilege to operate a motor vehicle is suspended or revoked for violations of Code chapter 321J. The bill also provides for an ignition interlock restriction on the person's driver's license requiring the person to whom such

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restricted license is issued to operate only noncommercial vehicles equipped with a functioning ignition interlock device. The issuance and continuing validity of both an ignition interlock license and an ignition interlock restriction is conditioned upon the installation and maintenance of an ignition interlock device on one or more noncommercial vehicles owned or to be operated by the person and restricting the person's driving to vehicles so equipped.

Under the bill, the department of transportation is authorized to issue an ignition interlock license immediately upon revocation of a person's driver's license for all first and second offenses under Code chapter 321J except a person who refuses chemical testing (ineligible for 30 days after the effective date of the revocation), a person under the age of 21 (ineligible for 60 days after the effective date of the revocation), if an accident occurred which resulted in a death, or upon a third or subsequent offense (ineligible for an ignition interlock license until completion of the period of incarceration ordered by the court for the incident leading to the conviction). In addition, a person convicted of a criminal offense under Code chapter 321J is eligible for a reduction in the person's criminal fine if the person obtains an ignition interlock license.

On a conviction for or as a condition of a deferred judgment for a violation of Code section 321J.2, the bill allows the court to order the person to install and maintain ignition interlock devices on one or more vehicles owned or operated by the person for periods of time as determined by the court. The court is required to notify the department of transportation of the beginning and ending dates of such period and the department is required to add an ignition interlock restriction to the person's driver's record for the period ordered by the court.

The bill provides that the department of transportation shall cancel any ignition interlock license issued upon receipt

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of notice from the person's ignition interlock device provider that the person has removed or has failed to maintain a functioning ignition interlock device on one or more vehicles owned or operated by the person, and shall reinstate the person's ignition interlock license upon receipt of notice from the person's ignition interlock device provider that the person has a functioning ignition interlock on one or more vehicles owned or operated by the person, and upon payment of a reinstatement fee. The department is also authorized to extend the person's revocation period if the department receives information the person has tampered with or has circumvented an ignition interlock device. The department cannot revoke the person's ignition interlock license, and if the person is otherwise eligible, the person's ignition interlock license may remain in effect during the additional period of revocation.

The bill prohibits a person holding an ignition interlock license from operating a commercial motor vehicle on a highway if a commercial driver's license is required for the person's operation of the commercial motor vehicle and also prohibits a person holding an ignition interlock license from operating a school bus.

The bill provides that, notwithstanding any provision of Code chapter 321J to the contrary, the department may issue an ignition interlock license to a person otherwise eligible for an ignition interlock license whose revocation period under Code chapter 321J has expired, but who has not met all requirements for reinstatement of the person's driver's license or nonresident operating privileges.

The bill provides that a person who tampers with or circumvents an ignition interlock device while the requirement for the ignition interlock device is in effect commits a serious misdemeanor.

The bill allows a person who is issued an ignition interlock license, or whose driver's license has an ignition interlock restriction in the course and scope of the person's employment

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and at the direction of the person's employer, to operate a noncommercial motor vehicle owned, leased, or rented by the person's employer, to operate such motor vehicle in the course and scope of the person's employment, without installation of an ignition interlock device, if the employer has received notice that the person is restricted to operating only vehicles equipped with a functioning ignition interlock device. The bill provides exceptions to this allowance including an exception for an employer=owned motor vehicle that is a school vehicle or a vehicle designed to transport passengers for hire.

The bill provides that a person who applies for an ignition interlock license waives the person's right to a hearing to contest the revocation or, if the required form is not returned within 10 days of receipt, the person's right to a hearing to contest the revocation is barred. The bill requires the department of transportation to provide specific notice relating to ignition interlock licenses.

The bill provides that unrestricted driving privileges shall not be restored until a person seeking license reinstatement installs and maintains an approved and functioning ignition interlock device for 180 days from the date of reinstatement for a first revocation, and for one year from the date of reinstatement for a second or subsequent revocation. The bill allows a person to receive a day=for=day credit toward the mandatory period required for any time the person had a valid ignition interlock license during the revocation period.

The bill increases the length of license revocation periods for a person who refuses to submit to chemical testing under Code section 321J.9 from one year to 18 months if the person had no previous revocation under Code chapter 321J and from two to three years for a person with a previous revocation.

The bill includes legislative findings.

LSB 2128YH (8) 84
rh/nh

House File 443 - Introduced

HOUSE FILE
BY R. OLSON

A BILL FOR

An Act relating to license revocation periods in criminal actions and administrative proceedings under Iowa's operating=while=intoxicated law.

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

TLSB 2100HH (2) 84
rh/nh

House File 443 - Introduced continued

PAG LIN

Section 1. Section 321J.2, Code 2011, is amended by adding the following new subsection:

NEW SUBSECTION. 9A. A person shall receive credit for the time the person was subject to a license revocation under section 321J.9 or 321J.12 for actions arising out of the same event or occurrence that led to the defendant's subsequent conviction for a violation of this section.

EXPLANATION

This bill allows a person in an operating=while=intoxicated case who is subject to an administrative license revocation for refusing a chemical test under Code section 321J.9 or who is subject to a license revocation for failing a chemical test (indicating the presence of drugs or alcohol above the legal limit pursuant to Code section 321J.2) under Code section 321J.12 to receive credit for the time the person was subject to the license revocation for actions arising out of the same event or occurrence that led to the defendant's subsequent criminal conviction for a violation of Code section 321J.2.

LSB 2100HH (2) 84
rh/nh

House File 444 - Introduced

HOUSE FILE
BY R. OLSON

A BILL FOR

An Act relating to the impoundment of a motor vehicle owned or operated by a person convicted of a second or subsequent operating=while=intoxicated offense.

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

TLSB 2129HH (4) 84
rh/nh

House File 444 - Introduced continued

PAG LIN

Section 1. Section 321J.4B, subsection 2, paragraph a, Code 2011, is amended to read as follows:

a. A motor vehicle is subject to impoundment ~~in the following circumstances:~~

~~(1) If a person operates a vehicle in violation of section 321J.2, and if convicted for that conduct, the conviction would be a second or subsequent offense under section 321J.2.~~

~~(2)~~ ~~If~~ if a person operates a vehicle while that person's driver's license or operating privilege has been suspended, denied, revoked, or barred due to a violation of section 321J.2.

Sec. 2. Section 321J.4B, subsection 3, unnumbered paragraph 1, Code 2011, is amended to read as follows:

The motor vehicle operated by the person in the commission of ~~any~~ the offense ~~included~~ specified in subsection 2, paragraph "a", may be immediately impounded or immobilized in accordance with this section.

Sec. 3. Section 321J.4B, subsection 4, unnumbered paragraph 1, Code 2011, is amended to read as follows:

An owner of a motor vehicle impounded or immobilized under this section, who knows of, should have known of, or gives consent to the operation of, the motor vehicle in violation of subsection 2, paragraph "a"~~, subparagraph (2),~~ shall be:

Sec. 4. Section 321J.4B, subsection 5, paragraph b, Code 2011, is amended by striking the paragraph.

Sec. 5. Section 321J.4B, subsection 6, Code 2011, is amended to read as follows:

6. Upon conviction of the defendant for a second or subsequent violation of subsection 2, paragraph "a", ~~subparagraph (2),~~ the court shall order, if the convicted person is the owner of the motor vehicle used in the commission of the offense, that that motor vehicle be seized and forfeited to the state pursuant to chapters 809 and 809A.

Sec. 6. Section 809A.3, subsection 4, paragraph b, Code 2011, is amended to read as follows:

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b. A second or subsequent violation of section 321J.4B, subsection 2, paragraph "a"~~, subparagraph (2)~~.

EXPLANATION

This bill relates to impoundment of a motor vehicle owned or operated by a person convicted of a second or subsequent operating=while=intoxicated offense.

The bill eliminates the requirement that a person's motor vehicle be impounded if the person operates the motor vehicle in violation of Code section 321J.2 (Iowa's operating=while=intoxicated law), and if convicted for that conduct, the conviction would be a second or subsequent operating=while=intoxicated offense.

The bill makes conforming Code changes to other provisions relating to impoundment in Code section 321J.4B and conduct giving rise to forfeiture (Code section 809A.3).

LSB 2129HH (4) 84
rh/nh

House File 445 - Introduced

HOUSE FILE
BY WITTNEBEN, MURPHY, STECKMAN, WOLFE, WESSEL=KROESCHELL, HUNTER, HANSON, and THOMAS

A BILL FOR

An Act relating to the return of refund values to consumers for empty beverage containers.

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

TLSB 2371HH (4) 84
tm/nh

House File 445 - Introduced continued

PAG LIN

Section 1. Section 455C.2, subsection 1, Code 2011, is amended to read as follows:

1. A refund value of not less than five cents shall be paid by the consumer on each beverage container sold in this state by a dealer for consumption off the premises. Upon return of the empty beverage container upon which a refund value has been paid to the dealer or person operating a redemption center and acceptance of the empty beverage container by the dealer or person operating a redemption center, the dealer ~~or person operating a redemption center~~ shall return the amount of the refund value to the consumer and the person operating a redemption center shall pay a refund value to the consumer of not less than four cents as determined by the person operating a redemption center.

Sec. 2. Section 455C.5, subsection 1, Code 2011, is amended to read as follows:

1. Each beverage container sold or offered for sale in this state by a dealer shall clearly indicate by embossing or by a stamp, label, or other method securely affixed to the container, the refund value of the container that must be paid by the consumer. The department shall specify, by rule, the minimum size of the refund value indication on the beverage containers.

Sec. 3. Section 455C.6, subsection 1, Code 2011, is amended to read as follows:

1. To facilitate the return of empty beverage containers and to serve dealers of beverages, any person may establish a redemption center, subject to the approval of the department, at which consumers may return empty beverage containers and receive payment of the refund value of such beverage containers in an amount determined pursuant to section 455C.2, subsection 1, by the person operating the redemption center.

Sec. 4. Section 455C.7, Code 2011, is amended to read as follows:

455C.7 Unapproved redemption centers.

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Any person may establish a redemption center which has not been approved by the department, at which a consumer may return empty beverage containers and receive payment of the refund value of the beverage containers in an amount determined pursuant to section 455C.2, subsection 1, by the person operating the redemption center. The establishment of an unapproved redemption center shall not relieve any dealer from the responsibility of redeeming any empty beverage containers of the kind and brand sold by the dealer.

EXPLANATION

This bill relates to the return of refund values to consumers for empty beverage containers.

The bill allows a person operating a redemption center to determine the amount of refund value of not less than 4 cents that may be paid to a consumer upon the return of an empty beverage container. The bill provides that beverage containers sold or offered for sale in this state must clearly indicate the refund value of the container that must be paid by the consumer.

LSB 2371HH (4) 84
tm/nh

House File 446 - Introduced

HOUSE FILE
BY ARNOLD

A BILL FOR

An Act requiring issuance of hunter safety and ethics education certificates to residents who are peace officers, active duty military personnel, or honorably discharged veterans.

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

TLSB 2582YH (1) 84
av/sc

House File 446 - Introduced continued

PAG LIN

Section 1. Section 483A.27, subsection 5, Code 2011, is amended to read as follows:

5. An officer of the department or a certified instructor may issue a certificate to a person who has not completed the hunter safety and ethics education course but meets the criteria established by the commission. However, the department shall issue a certificate to a resident who is a peace officer, a person who is on active duty with the armed forces of the United States, or a United States military veteran discharged under honorable conditions who requests the certificate within one year after the date of discharge. For purposes of this subsection, "peace officer" means those officers designated under section 801.4, subsection 11, paragraphs "a", "b", "c", "f", "g", and "h".

Sec. 2. ADDITIONAL ELIGIBILITY. Notwithstanding the requirements contained in section 1 of this Act, a resident who was discharged from United States military service under honorable conditions before July 1, 2011, shall be issued a hunter safety and ethics certificate as provided in section 1 of this Act if the certificate is requested before July 1, 2012.

EXPLANATION

This bill provides that the department of natural resources shall issue a hunter safety and ethics certificate to residents who are peace officers, on active duty with the armed forces of the United States, or are honorably discharged United States military veterans who request the certificate within one year after the date of discharge. Military veterans who were discharged prior to the effective date of the bill on July 1, 2011, also have a year to request the certificate.

For purposes of the bill, peace officers include sheriffs and their deputies, marshals and police officers of cities, peace officer members of the department of public safety, special security officers employed by the board of regents, certain conservation officers, and certain employees of the

House File 446 - Introduced continued

department of transportation.
LSB 2582YH (1) 84
av/sc

House File 447 - Introduced

HOUSE FILE
BY MURPHY

A BILL FOR

An Act relating to state employee life insurance programs and recording certain benefits to the Iowa public employees' retirement system and including effective date provisions.

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

TLSB 1363YH (3) 84
aw/sc

House File 447 - Introduced continued

PAG LIN

Section 1. NEW SECTION. 70A.21 Employees' group whole life insurance program.

1. A state employees' group whole life insurance program is created which shall be administered by the director of the department of administrative services. The director shall contract with a third=party administrator to modify the structure of life insurance for active employees from a group term life insurance policy to a group whole life insurance policy.

2. The department shall adopt rules to ensure that:

a. The death benefit available to an active employee's named beneficiaries will remain the same as under group term life insurance.

b. When an individual is no longer an active employee of the state, the death benefit coverage shall vest to the Iowa public employees' retirement system.

c. Employees hired before the effective date of this section shall retain the right to continue coverage under a group term life insurance policy after termination of active service as provided for in section 509A.6.

d. Employees hired on or after the effective date of this section shall receive group term life insurance, with the right to continue such life insurance in force after termination of active service at such employee's sole expense.

Sec. 2. Section 97B.9, Code 2011, is amended by adding the following new subsection:

NEW SUBSECTION. 3A. The system shall record, as an asset, the present value of the total death benefit of the state employees' group whole life insurance program created in section 70A.21, less an amount to account for employee mortality, as determined by the director of the department of administrative services.

Sec. 3. Section 509A.6, Code 2011, is amended to read as follows:

509A.6 Contract with insurance carrier, health maintenance

House File 447 - Introduced continued

organization, or organized delivery system.

The governing body may contract with a nonprofit corporation operating under the provisions of this chapter or chapter 514 or with any insurance company having a certificate of authority to transact an insurance business in this state with respect of a group insurance plan, which may include life, accident, health, hospitalization and disability insurance during period of active service of such employees, with the right of any employee to continue ~~such~~ a group term life insurance policy in force after termination of active service at such employee's sole expense; may contract with a nonprofit corporation operating under and governed by the provisions of this chapter or chapter 514 with respect of any hospital or medical service plan; and may contract with a health maintenance organization or an organized delivery system authorized to operate in this state with respect to health maintenance organization or organized delivery system activities.

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

EXPLANATION

This bill creates a state employees' group whole life insurance program and allocates realized benefits from the program to the Iowa public employees' retirement system (IPERS).

The bill requires that the director of the department of administrative services administer the state employees' group whole life insurance program. The bill requires that the director contract with a third=party administrator to modify current group term life insurance to group whole life insurance. The bill requires that employee death benefits remain the same, but that when an employee becomes inactive or is terminated, the death benefit shall vest to IPERS. The bill requires that employees hired after the date of enactment participate in a group term life insurance policy, and those employees have the right to continue such coverage at the

House File 447 - Introduced continued

employee's own expense upon the end of employment with the state.

The bill requires that IPERS record the present value of IPERS' interest in the employee group whole life insurance program as an asset.

The bill strikes language in current law that would allow any employee, current or future, to carry the employee's death benefit after employment if the former employee was responsible for the continued expense. The current law pertained only to group term life policies.

LSB 1363YH (3) 84
aw/sc

House File 448 - Introduced

HOUSE FILE
BY HANSON, KELLEY,
WESSEL=KROESCHELL,
GASKILL, STECKMAN, and
ISENHART

A BILL FOR

An Act providing a sales tax exemption for the sales price of high=efficiency vehicle conversion kits.

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

TLSB 1446HH (2) 84
tw/sc

House File 448 - Introduced continued

PAG LIN

Section 1. Section 423.3, Code 2011, is amended by adding the following new subsection:

NEW SUBSECTION. 96. a. The sales price from the sale of high=efficiency vehicle conversion kits.

b. For purposes of this subsection, the following terms have the following meanings:

(1) "Comparable conventional vehicle" means a motor vehicle of the same make, model year, weight, size, and intended use that has not been converted to a high=efficiency vehicle.

(2) "Conversion kit" means the tangible personal property and directly related installation services necessary for the conversion of a conventional motor vehicle to a high=efficiency vehicle.

(3) "Fuel economy" means the average fuel economy of a vehicle, as computed by the United States environmental protection agency pursuant to 40 C.F.R. pt. 600.

(4) "High=efficiency vehicle" means a motor vehicle capable of being powered entirely by an onboard source of electricity that when operational provides at least seventy=five percent more fuel economy than a comparable conventional vehicle.

EXPLANATION

This bill provides a sales tax exemption for the sales price of high=efficiency vehicle conversion kits.

The bill defines certain terms for purposes of the exemption. More specifically, the bill provides that a "conversion kit" includes both the property and the installation services necessary for converting conventional vehicles and that a "high=efficiency vehicle" is a motor vehicle capable of being powered entirely by an onboard source of electricity that when operational provides at least 75 percent more fuel economy than a comparable conventional vehicle.

By operation of Code section 423.6, an item exempt from the imposition of the sales tax is also exempt from the use tax imposed in Code section 423.5.

LSB 1446HH (2) 84
tw/sc

House File 449 - Introduced

HOUSE FILE
BY KAUFMANN, MASCHER, ABDUL=SAMAD, SCHULTZ, HUNTER, PETTENGILL, COHOON, SHAW, KRESSIG, LENSING, WINCKLER, and DRAKE

A BILL FOR

An Act providing for midwife licensure and providing for a fee and a penalty, and including effective date provisions.

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

TLSB 1641YH (7) 84
jr/nh

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PAG LIN

Section 1. Section 147.1, subsections 3 and 6, Code 2011, are amended to read as follows:

3. "Licensed" or "certified", when applied to a physician and surgeon, podiatric physician, osteopathic physician and surgeon, physician assistant, psychologist, chiropractor, nurse, dentist, dental hygienist, dental assistant, optometrist, speech pathologist, audiologist, pharmacist, physical therapist, physical therapist assistant, occupational therapist, occupational therapy assistant, respiratory care practitioner, practitioner of cosmetology arts and sciences, practitioner of barbering, funeral director, dietitian, marital and family therapist, mental health counselor, social worker, massage therapist, midwife, athletic trainer, acupuncturist, nursing home administrator, hearing aid dispenser, or sign language interpreter or transliterator means a person licensed under this subtitle.

6. "Profession" means medicine and surgery, podiatry, osteopathic medicine and surgery, practice as a physician assistant, psychology, chiropractic, nursing, dentistry, dental hygiene, dental assisting, optometry, speech pathology, audiology, pharmacy, physical therapy, physical therapist assisting, occupational therapy, occupational therapy assisting, respiratory care, cosmetology arts and sciences, barbering, mortuary science, marital and family therapy, mental health counseling, social work, dietetics, massage therapy, midwifery, athletic training, acupuncture, nursing home administration, hearing aid dispensing, or sign language interpreting or transliterating.

Sec. 2. Section 147.2, subsection 1, Code 2011, is amended to read as follows:

1. A person shall not engage in the practice of medicine and surgery, podiatry, osteopathic medicine and surgery, psychology, chiropractic, physical therapy, physical therapist assisting, nursing, dentistry, dental hygiene, dental assisting, optometry, speech pathology, audiology, occupational

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therapy, occupational therapy assisting, respiratory care, pharmacy, cosmetology arts and sciences, barbering, social work, dietetics, marital and family therapy or mental health counseling, massage therapy, midwifery, mortuary science, athletic training, acupuncture, nursing home administration, hearing aid dispensing, or sign language interpreting or transliterating, or shall not practice as a physician assistant, unless the person has obtained a license for that purpose from the board for the profession.

Sec. 3. Section 147.13, Code 2011, is amended by adding the following new subsection:

NEW SUBSECTION. 24. For midwifery, the board of midwifery.

Sec. 4. Section 147.14, subsection 1, Code 2011, is amended by adding the following new paragraph:

NEW PARAGRAPH. x. For midwifery, a total of seven members, three members who are licensed midwives under chapter 148F; one member who is licensed under chapter 148, is a practicing family physician, and has professional experience consulting for and collaborating with direct=entry midwives; one member who is an advanced registered nurse practitioner licensed under chapter 152, is a certified nurse midwife, and has professional experience consulting for and collaborating with direct=entry midwives; and two members who are not licensed midwives or licensed health care providers who have received direct=entry midwifery services and who shall represent the general public.

Sec. 5. Section 147.74, Code 2011, is amended by adding the following new subsection:

NEW SUBSECTION. 5A. A midwife licensed under chapter 148F may use the words "licensed midwife" or the initials "L.M." after the person's name.

Sec. 6. NEW SECTION. 148F.1 Definitions.

As used in this chapter, unless the context otherwise requires:

1. "Board" means the board of midwifery.

2. "Licensed midwife" means a person who is licensed to

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practice midwifery as provided in this chapter.

3. "Out=of=hospital" means any facility, institution, or place which is not an ambulatory surgical center or a hospital, such as a birth center as defined in section 135.61 or a private home.

4. "Practice of midwifery" means the provision of primary maternity care during the antepartum, intrapartum, and postpartum periods by a person who is neither licensed to practice under chapter 148 or 148C, nor a nurse recognized by the Iowa board of nursing as an advanced registered nurse practitioner who is a certified nurse midwife, and who is not rendering emergency services without compensation. "Practice of midwifery" may also include the carrying and administration of certain medications during the practice of midwifery, including oxytocin, as a postpartum antihemorrhagic agent, oxygen, intravenous fluids for stabilization, vitamin K, eye prophylactics, and other drugs or procedures as appropriate for the scope of practice for licensed midwives as determined by the board.

Sec. 7. NEW SECTION. 148F.2 Licensure ==== licensed midwifery.

1. Beginning July 1, 2013, every person practicing midwifery in this state shall be licensed pursuant to this chapter. The board shall adopt rules pursuant to chapters 17A, 147, and 272C establishing procedures for the licensing of new and practicing midwives.

2. Prior to obtaining licensure, an applicant shall successfully pass an examination prescribed and approved by the board as determined in rule demonstrating competencies in at least all of the following areas: risk assessment and management; prenatal care; management of normal labor, birth, and postpartum; newborn care up to six weeks; and adult cardiopulmonary resuscitation and newborn resuscitation.

3. The applicant shall provide documentation, satisfactory to the board, of all of the following:

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a. Knowledge and proficiency of all didactic components of midwifery, including definitions, signs and symptoms, differential diagnosis for risk assessment, stabilization and treatment, follow=up, referral, and transport.

b. Complete and thorough preparation as an assistant midwife prior to assuming responsibility as a primary midwife. Clinical care performed under supervision during training including, at a minimum:

(1) Seventy=five prenatal exams.

(2) Twenty births as an assistant midwife.

(3) Twenty births as primary midwife from the onset of labor to the delivery of the placenta and the stabilization of mother and newborn.

(4) Twenty newborn exams.

(5) Forty postpartum exams.

c. Assessment and verification of performance of skills during an intensive, hands=on skills assessment, performed for and scored by an evaluator approved by the board.

d. Passage of a three=hundred=fifty=item national board examination that covers all aspects of midwifery care as identified by job analysis.

e. Evidence that the applicant has provided prenatal, intrapartal, and postpartal care as well newborn assessment, equivalent to a minimum of one thousand three hundred fifty clinical contact hours under the direct supervision of one or more instructors approved by the North American registry of midwives.

4. The applicant shall hold a certified professional midwife credential issued by the North American registry of midwives or any other nationally accredited credential as specified by the board. If an applicant has been subject to prior revocation of a license to practice medicine or nursing, the applicant shall not be eligible for licensure under this chapter, except as determined by the board.

5. The board may request, at the applicant's expense, that

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the department of public safety perform a criminal history check and the department of human services perform child and dependent abuse record checks of the applicant. If an applicant has a criminal record or a record of founded child or dependent adult abuse, the board shall perform an evaluation to determine whether the record warrants denial of licensure.

Sec. 8. NEW SECTION. 148F.3 Use of title ==== penalty.

A person shall not use the title licensed midwife, describe or imply that the person is a licensed midwife, or represent the person as a licensed midwife unless the person is granted a license under this chapter or is licensed as a nurse=midwife under chapter 152.

Sec. 9. NEW SECTION. 148F.4 Rules.

1. The board shall:

a. Adopt rules relating to standards for professional conduct of persons licensed under this chapter.

b. Adopt rules consistent with this chapter and with chapters 147 and 272C which are necessary for the performance of its duties.

c. Act on matters concerning licensure and the processes of applying for, granting, suspending, imposing supervisory or probationary conditions upon, reinstating, and revoking a license.

d. Administer the provisions of this chapter requiring documentation required to demonstrate competence as a midwife, and the processing of applications for licenses and license renewal.

e. Develop continuing education requirements as a condition of license renewal.

f. Evaluate requirements for licensure in other states to determine if reciprocity may be granted.

g. Establish and collect licensure fees as provided in section 147.80 and retain fees as provided in section 147.82.

h. Establish procedures for the issuance, renewal, and revocation or suspension of a license under this chapter.

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i. Maintain a registry of licensed midwives and statistics on the practice of midwifery utilizing vital statistics data.

2. In establishing rules, the board may consult with persons knowledgeable regarding the prenatal and postpartum birth process, particularly those possessing experience with out=of=hospital births, including but not limited to persons licensed under chapter 148, certified professional midwives, advanced registered nurse practitioners who are certified nurse midwives, and women who have given birth in an out=of=hospital setting. In establishing rules, the board shall reflect the knowledge and skills identified by the North American registry of midwives' current job description for the profession and the standards of practice of midwifery established by the national association of certified professional midwives or a successor organization.

3. Rules relating to the practice of midwifery shall not be inconsistent with the North American registry of midwives' current job description for the profession and the standards of practice of midwifery established by the national association of certified professional midwives or a successor organization, and shall not expand the scope of practice of midwifery established by the national association of certified professional midwives or a successor organization.

4. At such time as the board determines that liability insurance is available at an affordable price to certified professional midwives, the board may mandate such coverage. Until that time, each midwife shall comply with the disclosure requirements of this chapter.

Sec. 10. NEW SECTION. 148F.5 Client disclosure.

Prior to accepting a patient for midwifery care, a licensed midwife shall provide information indicating all of the following:

1. Evidence that the care provider is a licensed midwife meeting the requirements of this chapter.

2. Whether the licensed midwife has malpractice liability

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insurance coverage and the policy limits of such coverage.

3. The midwife's educational background and relevant experience, including experience in various birth settings.

4. The nature, scope, and location of the care to be given, including the possibility of and the guidelines for consultation, referral, or transfer of the patient to a hospital from an out=of=hospital setting.

Sec. 11. NEW SECTION. 148F.6 Exceptions.

1. This chapter does not prevent qualified members of other professions including but not limited to individuals licensed under chapter 148 or 152 from providing services consistent with the nature of the practice of midwifery.

2. This chapter does not prevent or prohibit a student midwife from performing tasks related to the practice of midwifery under the supervision of a licensed midwife, a certified nurse midwife, or a licensed physician during completion of the licensure process.

3. The practice of midwifery in this state prior to July 1, 2013, shall not constitute grounds for disciplinary action by the board. The board may issue a license to a person who has practiced midwifery in this state upon application and compliance with the provisions of this chapter and the rules adopted pursuant to this chapter.

Sec. 12. NEW SECTION. 148F.7 Prohibited practice.

A person shall not practice midwifery, or represent that the person is a midwife, unless the person is licensed as provided in this chapter.

Sec. 13. NEW SECTION. 148F.8 Requirements for licensure ==== temporary license.

Beginning July 1, 2013, an individual who does not meet the requirements for licensure by examination pursuant to section 148F.2 may apply for a one=year temporary license as determined by the board in rules. Renewal of the temporary license shall be determined by the board. The board may revoke a temporary license if it determines that the temporary licensee has

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violated standards established by rule.

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

NEW PARAGRAPH. ag. The board of midwifery, created pursuant to chapter 147.

Sec. 15. Section 272C.4, subsection 6, Code 2011, is amended to read as follows:

6. Define by rule acts or omissions that are grounds for revocation or suspension of a license under section 100D.5, 105.22, 147.55, 148.6, 148B.7, 148F.4, 152.10, 153.34, 154A.24, 169.13, 455B.219, 542.10, 542B.21, 543B.29, 544A.13, 544B.15, or 602.3203 or chapter 151 or 155, as applicable, and to define by rule acts or omissions that constitute negligence, careless acts, or omissions within the meaning of section 272C.3, subsection 2, paragraph "b", which licensees are required to report to the board pursuant to section 272C.9, subsection 2.

Sec. 16. INITIAL APPOINTMENTS.

1. Notwithstanding any provision to the contrary in this Act, initial professional appointees to the board of midwifery shall fulfill the national certification requirements of the North American registry of midwives.

2. One of the initial professional appointments to the board shall be appointed for a one=year term, one member shall be appointed for a two=year term, and one member shall be appointed for a three=year term. The members who are licensed under chapter 148 or 152 shall each be appointed for a two=year term, and the members representing the general public shall each be appointed to a three=year term.

Sec. 17. EFFECTIVE DATE. The sections of this Act amending section 147.2, subsection 1, and enacting section 148F.8 take effect July 1, 2013.

EXPLANATION

This bill creates new Code chapter 148F that provides for the licensure of midwives beginning July 1, 2013. A midwife is not an allopathic or osteopathic physician licensed under

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Code chapter 148 or a nurse licensed under Code chapter 152 providing primary maternity care during the antepartum, intrapartum, and postpartum periods.

The bill provides for the establishment of a seven=member board of midwifery consisting of three members who are midwives, one physician, one nurse, and two members who represent the general public. The bill provides for fees to fund the board and provides penalties for violation of the practice requirement; those penalties are set out for all health=related boards in Code chapters 147 and 272C. Code section 147.86 provides that it is a serious misdemeanor to violate a provision of the licensing laws.

The board is similar in composition and responsibilities to other health=related licensing boards.

The provisions of the bill amending Code section 147.2 and enacting Code section 148F.8, both prohibiting the practice of midwifery without a license, take effect July 1, 2013.

LSB 1641YH (7) 84
jr/nh

House File 450 - Introduced

HOUSE FILE
BY HELLAND

A BILL FOR

An Act relating to the operations of certain intergovernmental entities.

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

TLSB 2627YH (1) 84
md/sc

House File 450 - Introduced continued

PAG LIN

Section 1. INTERGOVERNMENTAL ENTITIES ==== POWERS. It is the intent of the general assembly to review and enact legislation relating to the scope and authority of intergovernmental entities established in accordance with chapter 28E.

Sec. 2. INTERGOVERNMENTAL ENTITIES ==== RECORDS AND MEETINGS. It is the intent of the general assembly to review and enact legislation relating to records and meetings of intergovernmental entities established in accordance with chapter 28E.

EXPLANATION

This bill specifies that it is the intent of the general assembly to review and enact legislation relating to the scope, authority, records, and meetings of intergovernmental entities established in accordance with Code chapter 28E.

LSB 2627YH (1) 84
md/sc

House File 451 - Introduced

HOUSE FILE
BY COMMITTEE ON
AGRICULTURE

(SUCCESSOR TO HSB 113)

A BILL FOR

An Act relating to motor fuel, including ethanol blended gasoline and biodiesel or biodiesel blended motor fuel, by providing for regulation and taxes.

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

TLSB 1832HV (1) 84
da/nh

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DIVISION I
REGULATION OF MOTOR FUEL

Section 1. Section 214A.1, Code 2011, is amended by adding the following new subsections:

NEW SUBSECTION. 11A. "Flexible fuel vehicle" means a motor vehicle which is powered by an engine capable of operating using E=85 gasoline.

NEW SUBSECTION. 16A. "Nonblended gasoline" means gasoline other than ethanol blended gasoline.

Sec. 2. Section 214A.2, subsection 4, paragraph b, Code 2011, is amended by adding the following new subparagraph:

NEW SUBPARAGRAPH. (4) Biodiesel blended fuel classified as from B=6 through B=20 must conform to A.S.T.M. international specification D7467 or a successor A.S.T.M. international specification as established by rules adopted by the department.

Sec. 3. Section 214A.16, subsection 1, Code 2011, is amended by striking the subsection and inserting in lieu thereof the following:

1. A motor fuel pump shall be affixed with a decal identifying the motor fuel that it dispenses, as required in this subsection.

a. If the motor fuel is gasoline, the following shall apply:

(1) For gasoline not blended with ethanol, the decal shall identify it as nonblended gasoline.

(2) For gasoline classified as higher than standard ethanol blended gasoline pursuant to section 214A.2, the decal shall identify it as being for use in flexible fuel vehicles only.

b. If the motor fuel is biodiesel fuel, the decal shall identify the biodiesel fuel as provided in 16 C.F.R. pt. 306.

Sec. 4. Section 422.11N, subsection 1, paragraph a, Code 2011, is amended to read as follows:

a. "E=85 gasoline", "ethanol", "ethanol blended gasoline", "gasoline", "flexible fuel vehicle", and "retail dealer" mean the same as defined in section 214A.1.

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Sec. 5. Section 422.11N, subsection 1, paragraph b, Code 2011, is amended by striking the paragraph.

Sec. 6. Section 452A.2, subsection 18, Code 2011, is amended to read as follows:

18. "Flexible fuel vehicle" means ~~a motor vehicle as defined in section 321M.1 which is powered by an engine capable of operating using E=85 gasoline~~ the same as defined in section 214A.1.

DIVISION II

TAXES IMPOSED UPON BIODIESEL FUEL

Sec. 7. Section 452A.2, Code 2011, is amended by adding the following new subsection:

NEW SUBSECTION. 9A. "Diesel fuel" means the same as defined in section 214A.1.

Sec. 8. Section 452A.2, subsection 29, Code 2011, is amended to read as follows:

29. "Nonterminal storage facility" means a facility where motor fuel or special fuel, other than liquefied petroleum gas, is stored that is not supplied by a pipeline or a marine vessel. "Nonterminal storage facility" includes a facility that manufactures products such as ~~ethanol as defined in section 214A.1,~~ biofuel, blend stocks, or additives which may be used as motor fuel or special fuel, other than liquefied petroleum gas, for operating motor vehicles or aircraft.

Sec. 9. Section 452A.3, subsection 3, Code 2011, is amended to read as follows:

3. a. For the privilege of operating motor vehicles or aircraft in this state, there is imposed an excise tax on the use of special fuel in a motor vehicle or aircraft.

(1) The tax rate on special fuel for diesel engines of motor vehicles is twenty=two and one=half cents per gallon. The tax rate on biodiesel for diesel engines of motor vehicles shall be determined on a volume basis with the gross metered gallons adjusted to sixty degrees Fahrenheit.

(2) The rate of tax on special fuel for aircraft is three

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cents per gallon.

(3) On all other special fuel, unless otherwise specified in this section, the per gallon rate is the same as the motor fuel tax.

b. Indelible dye meeting United States environmental protection agency and internal revenue service regulations must be added to special fuel before or upon withdrawal at a terminal or refinery rack for that special fuel to be exempt from tax and the dyed special fuel may be used only for an exempt purpose.

Sec. 10. Section 452A.17, subsection 1, paragraph a, Code 2011, is amended by adding the following new subparagraph:

NEW SUBPARAGRAPH. (11) Diesel fuel used by a nonterminal storage facility to blend with biodiesel to produce biodiesel blended fuel, if the biodiesel blended fuel is distributed to a blender licensed pursuant to section 452A.6 who is also required to pay the excise tax on the same diesel fuel.

Sec. 11. Section 452A.86, Code 2011, is amended to read as follows:

452A.86 Method of determining gallonage.

1. The exclusive method of determining gallonage of any purchases or sales of motor fuel, undyed special fuel, compressed natural gas, or liquefied petroleum gas as defined in this chapter and distillate fuels shall be on a gross volume basis. A temperature=adjusted or other method shall not be used, except as it applies to biodiesel, liquefied petroleum gas, ~~and~~ or the sale or exchange of petroleum products between petroleum refiners. All invoices, bills of lading, or other records of sale or purchase and all returns or records required to be made, kept, and maintained by a supplier, restrictive supplier, importer, exporter, blender, or compressed natural gas or liquefied petroleum gas dealer or user shall be made, kept, and maintained on the gross volume basis.

2. For purposes of this section, "distillate fuels" means any fuel oil, gas oil, topped crude oil, or other petroleum

House File 451 - Introduced continued

oils derived by refining or processing crude oil or unfinished oils which have a boiling range at atmospheric pressure which falls completely or in part between five hundred fifty and twelve hundred degrees Fahrenheit.

DIVISION III

INCOME TAX CREDITS FOR RETAIL DEALERS OF RENEWABLE FUEL

Sec. 12. Section 422.11N, subsection 3, Code 2011, is amended by adding the following new paragraph:

NEW PARAGRAPH. c. The department has received the retail dealer's motor fuel gallonage report for the immediately prior determination period beginning January 1 and ending December 31, as required in section 452A.33. The report must have been received by the department on or before the report's due date. If the retail dealer submits the report on a quarterly or monthly basis as provided in that section, the department must have received all such reports by the same due date.

Sec. 13. Section 422.11O, subsection 2, Code 2011, is amended by adding the following new paragraph:

NEW PARAGRAPH. c. The department has received the retail dealer's motor fuel gallonage report for the immediately prior determination period beginning January 1 and ending December 31, as required in section 452A.33. The report must have been received by the department on or before the report's due date. If the retail dealer submits the report on a quarterly or monthly basis as provided in that section, the department must have received all such reports by the same due date.

Sec. 14. Section 422.11P, subsection 2, paragraph a, Code 2011, is amended by adding the following new subparagraph:

NEW SUBPARAGRAPH. (4) The department has received the retail dealer's motor fuel gallonage report for the immediately prior determination period beginning January 1 and ending December 31, as required in section 452A.33. The report must have been received by the department on or before the report's due date. If the retail dealer submits the report on a quarterly or monthly basis as provided in that section, the

House File 451 - Introduced continued

department must have received all such reports by the same due date.

Sec. 15. Section 452A.33, subsection 1, paragraph a, unnumbered paragraph 1, Code 2011, is amended to read as follows:

Each retail dealer shall submit a motor fuel gallonage report, detailing its total motor fuel gallonage for a determination period as follows:

EXPLANATION

GENERAL. This bill amends provisions in a number of Code chapters relating to motor fuel sold in this state, including motor fuel that contains a percentage of a biofuel (biodiesel or ethanol).

REGULATION OF MOTOR FUEL. The bill amends several provisions in Code chapter 214A, which regulates the sale of motor fuel by the department of agriculture and land stewardship (DALS). The bill establishes a standard for biodiesel blended fuel based on A.S.T.M. international specifications. It also rewrites a provision that requires that a motor fuel pump be affixed with a decal (label) informing the traveling public whether it is dispensing a motor fuel containing ethanol or biodiesel. It retains the label requirement for a motor fuel pump dispensing E=85 gasoline for flexible fuel vehicles or biodiesel blended fuel for diesel=powered motor vehicles, removes a provision requiring a label for a motor fuel pump dispensing other types of ethanol blended fuel (standard ethanol blended gasoline), and requires a label for a motor fuel pump dispensing gasoline without an ethanol component (nonblended gasoline).

EXCISE TAXES IMPOSED UPON BIODIESEL FUEL. The bill amends provisions in Code chapter 452A, which relate to an excise tax imposed upon biodiesel fuel. Generally, an excise tax is imposed on each gallon of motor fuel, including biodiesel fuel (Code section 452A.3) based on a gross volume basis without adjustment (Code section 452A.86). The bill does not directly

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change the excise tax imposed on biodiesel fuel, but changes how the gallonage is calculated at the meter, by requiring that the excise tax be assessed after adjusting the biodiesel's temperature to 60 degrees Fahrenheit.

The bill also provides for a refund of excise taxes paid on diesel fuel by nonterminal storage facilities. A person who manufactures a biofuel, including ethanol or biodiesel for distribution, is classified as a nonterminal storage facility (Code section 452A.2). A nonterminal storage facility is required to pay an excise tax on diesel fuel used in producing biodiesel blended fuel. The bill provides that the nonterminal storage facility is entitled to a refund of the excise tax paid on diesel fuel if the biodiesel blended fuel is distributed to a licensed blender (Code section 452A.6) who must pay the excise tax on that same diesel fuel.

INCOME TAX CREDITS FOR RETAIL DEALERS OF MOTOR FUEL WHICH CONTAINS ETHANOL OR BIODIESEL. Code chapter 422 establishes a tax credit for the promotion of ethanol blended gasoline (Code sections 422.11N and 422.33(11A)), E=85 gasoline (Code sections 422.11O and 422.33(11B)), and biodiesel blended motor fuel (Code sections 422.11P and 422.33(11C)). The bill provides that in order for a retail dealer to claim a tax credit, it must comply with an existing statute that requires a retail dealer to submit a motor fuel gallonage report (Code section 452A.33) for its latest determination period (calendar year). The report includes the retail dealer's total gasoline gallonage, ethanol gallonage, ethanol blended gasoline gallonage, E=85 gasoline gallonage, diesel gallonage, and biodiesel gallonage for each motor fuel site or other permanent or temporary location owned or operated by the retail dealer.

LSB 1832HV (1) 84
da/nh

House File 452 - Introduced

HOUSE FILE
BY COMMITTEE ON
AGRICULTURE

(SUCCESSOR TO HF 293)

A BILL FOR

An Act relating to a tax credit for the promotion of biodiesel blended fuel, and including effective date and applicability provisions.

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

TLSB 1861HV (1) 84
da/rj

House File 452 - Introduced continued

PAG LIN

Section 1. Section 422.11P, Code 2011, is amended by adding the following new subsection:

NEW SUBSECTION. 1A. For purposes of this section, biodiesel fuel shall be classified in the same manner as provided in section 214A.2.

Sec. 2. Section 422.11P, subsection 2, paragraph a, subparagraph (2), Code 2011, is amended by striking the subparagraph.

Sec. 3. Section 422.11P, subsection 2, paragraph b, Code 2011, is amended to read as follows:

b. The tax credit shall apply to biodiesel blended fuel ~~formulated with a minimum percentage of two percent by volume of biodiesel~~ classified as B=10 or higher, if the ~~formulation~~ biodiesel blended fuel meets the ~~standards provided in~~ requirements for that classification as provided in section 214A.2.

Sec. 4. Section 422.11P, subsection 3, Code 2011, is amended to read as follows:

3.~~a. The tax credit shall be calculated separately for each retail motor fuel site operated by the retail dealer.~~

~~b.~~ The amount of the tax credit is ~~three~~ ten cents multiplied by the total number of gallons of biodiesel blended fuel sold and dispensed by the retail dealer through all motor fuel pumps located at a retail motor fuel site operated by the retail dealer during the retail dealer's tax year.

Sec. 5. Section 422.11P, subsection 6, Code 2011, is amended to read as follows:

6. This section is repealed January 1, ~~2012~~ 2015.

Sec. 6. Section 422.33, subsection 11C, paragraph c, Code 2011, is amended by striking the paragraph.

Sec. 7. Section 422.33, subsection 11C, paragraph d, Code 2011, is amended to read as follows:

d. This subsection is repealed on January 1, ~~2012~~ 2015.

Sec. 8. EFFECTIVE DATE. This Act takes effect January 1, 2012.

House File 452 - Introduced continued

Sec. 9. APPLICABILITY DATE. The sections of this Act amending section 422.11P, and section 422.33, subsection 11C, apply to tax years beginning on or after January 1, 2012.

Sec. 10. TAX CREDIT AVAILABILITY. Notwithstanding 2006 Iowa Acts, chapter 1142, section 49, the following shall apply:

1. For a retail dealer who may claim a biodiesel blended fuel tax credit under section 422.11P or 422.33, subsection 11C, as amended in this Act, in calendar year 2012 and whose tax year ends before December 31, 2012, the retail dealer may claim the tax credit during the period beginning January 1, 2012, and ending on the last day of the retail dealer's tax year.

2. For a retail dealer who may claim a biodiesel blended fuel tax credit under section 422.11P or 422.33, subsection 11C, as amended in this Act, in calendar year 2014 and whose tax year ends before December 31, 2014, the retail dealer may continue to claim the tax credit in the retail dealer's following tax year. In that case, the tax credit shall be calculated in the same manner as provided in section 422.11P or 422.33, subsection 11C, as amended in this Act, for the remaining period beginning on the first day of the retail dealer's tax year until December 31, 2014. For that remaining period, the tax credit shall be calculated in the same manner as a retail dealer whose tax year began on the previous January 1 and who is calculating the tax credit on December 31, 2014.

EXPLANATION

GENERAL. This bill provides tax credits for the promotion of biodiesel used in the manufacture of motor fuel which is a blend of diesel fuel and biodiesel (biodiesel blended fuel). The tax credit was enacted by the general assembly in 2006 as part of H.F. 2754 and applied retroactively to tax years beginning on and after January 1, 2006 (2006 Iowa Acts, ch. 1142). Biodiesel fuel is designated B=xx where "xx" is the volume percent of biodiesel (Code section 214A.2). For example, all biodiesel blended fuel must be classified as B=1

House File 452 - Introduced continued

or higher; meaning at least 1 percent of biodiesel blended fuel by volume must be biodiesel. The provisions of the bill are administered by the department of revenue.

A retail dealer who sells and dispenses diesel fuel from a motor fuel pump is eligible for a biodiesel blended fuel tax credit. The tax credit is multiplied by taking a constant rate of 3 cents multiplied by the number of gallons of B=2 or higher sold and dispensed. The tax credit is due to expire on January 1, 2012.

The bill eliminates an eligibility requirement specifying that the retail dealer must sell and dispense 50 percent or more biodiesel blended fuel during the tax year. It increases the minimum biodiesel classification from B=2 to B=10. It also eliminates a requirement that the tax credit be calculated separately for each motor fuel site.

House File 2754 allowed a retail dealer whose tax year began after January 1, 2006, to claim the tax credit for all of 2006, but eliminated the tax credit on December 31, 2012. Similarly, the bill allows the noncalendar year taxpayer to claim the tax credit for all of 2012, but ends the tax credit for all retail dealers on December 31, 2014.

LSB 1861HV (1) 84
da/rj

House File 453 - Introduced

HOUSE FILE
BY COMMITTEE ON
AGRICULTURE

(SUCCESSOR TO HSB 110)

A BILL FOR

An Act relating to the regulation of egg production, and including effective date provisions.

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

TLSB 2217HV (3) 84
da/rj

House File 453 - Introduced continued

PAG LIN

Section 1. Section 10A.104, subsection 12, Code 2011, is amended to read as follows:

12. Administer inspections and licensing of hotels, and home food establishments~~, and egg handlers~~.

Sec. 2. Section 196.1, subsection 3, Code 2011, is amended to read as follows:

3. "Department" means the department of ~~inspections and appeals, as established in section 10A.102~~ agriculture and land stewardship.

Sec. 3. ADMINISTRATIVE RULES ==== TRANSITION PROVISIONS.

1. a. Any rule, regulation, form, order, or directive promulgated by the department of inspections and appeals as required to administer and enforce the provisions of chapter 196 shall continue in full force and effect until amended, repealed, or supplemented by affirmative action of the department of agriculture and land stewardship.

b. Any license issued by the department of inspections and appeals under chapter 196, and in effect on the effective date of this Act, shall continue in full force and effect until expiration or renewal.

2. An administrative hearing or court proceeding arising out of an enforcement action under chapter 196 pending on the effective date of this Act shall not be affected due to this Act. Any cause of action or statute of limitation relating to an action taken by the department of inspections and appeals shall not be affected as a result of this Act and such cause or statute of limitation shall apply to the department of agriculture and land stewardship.

3. Any personnel in the state merit system of employment who are mandatorily transferred due to the effect of this Act shall be so transferred without any loss in salary, benefits, or accrued years of service.

4. Any replacement of signs, logos, stationery, insignia, uniforms, and related items that is made due to the effect of this Act shall be done as part of the normal replacement cycle

House File 453 - Introduced continued

for such items.

Sec. 4. INTERAGENCY COOPERATION. The department of inspections and appeals shall assist the department of agriculture and land stewardship in implementing this Act by providing for an effective transition of powers and duties from one agency to another under chapter 196 and related administrative rules. To the extent requested by the department of agriculture and land stewardship, such assistance shall include but is not limited to assisting in providing inspections and cooperating with federal agencies such as the United States food and drug administration and the United States department of agriculture.

Sec. 5. EFFECTIVE DATES.

1. Except as provided in subsection 2, this Act takes effect July 1, 2012.

2. The section of this Act that provides for interagency cooperation, being deemed of immediate importance, takes effect upon enactment.

EXPLANATION

This bill amends Code chapter 196, which regulates egg production and marketing, including the regulation of so=called "egg handlers" who engage in the purchase or sale of eggs or the use of eggs in the preparation of human food. The Code chapter is regulated by the department of inspections and appeals. The bill requires the department of agriculture and land stewardship to administer the Code chapter.

The bill provides transitional provisions to assist the departments in accomplishing the transfer. The provisions relate to the validity of existing rules, regulations, forms, orders, and directives promulgated by the department of inspections and appeals; licenses issued by the department; pending enforcement or civil actions; the transfer of personnel; and replacement of items with insignia. It also requires the departments to cooperate together in order to effectuate the transfer.

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The bill takes effect July 1, 2012, except for the provision requiring interagency cooperation which takes effect upon enactment.

LSB 2217HV (3) 84
da/rj

House File 454 - Introduced

HOUSE FILE
BY COMMITTEE ON LOCAL
GOVERNMENT

(SUCCESSOR TO HSB 81)

A BILL FOR

An Act permitting city utilities and certain cities to delegate the authority to certify unpaid rates or charges for collection by the county treasurer.

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

TLSB 2136HV (1) 84
aw/sc

House File 454 - Introduced continued

PAG LIN

Section 1. Section 384.84, subsection 4, paragraph a, subparagraph (1), Code 2011, is amended to read as follows:

(1) Except as provided in paragraph "d", all rates or charges for the services of sewer systems, storm water drainage systems, sewage treatment, solid waste collection, water, solid waste disposal, or any of these services, if not paid as provided by ordinance of the council or resolution of the trustees, are a lien upon the property or premises served by any of these services upon certification to the county treasurer that the rates or charges are due. The governing body of a city utility may, by resolution, delegate to a designee named in the resolution the city utility's authority to certify unpaid rates or charges to the county treasurer. The city council of a city that is contracting with a city utility for joint billing or collection or both pursuant to chapter 28E may, by ordinance, delegate to such city utility, or the city utility's designee, the city's authority to certify unpaid rates or charges to the county treasurer.

EXPLANATION

This bill relates to the certification to a county treasurer of unpaid rates or charges due for the services of sewer systems, storm water drainage systems, sewage treatment, solid waste collection, water, or solid waste disposal.

The bill would allow for a city utility to delegate its certification authority to a designee by a resolution of the utility's governing board. The bill also allows for a city council to delegate its certification authority, by ordinance of the city council, to a city utility if it has contracted with the city utility under Code chapter 28E for joint billing or collection services, or to that utility's designee.

LSB 2136HV (1) 84
aw/sc

House File 455 - Introduced

HOUSE FILE
BY COMMITTEE ON
AGRICULTURE

(SUCCESSOR TO HSB 108)

A BILL FOR

An Act placing the agricultural development authority within the department of agriculture and land stewardship.

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

TLSB 2482HV (1) 84
da/nh

House File 455 - Introduced continued

PAG LIN

Section 1. Section 175.3, subsection 1, paragraphs a and c, Code 2011, are amended to read as follows:

a. The agricultural development authority is established within the department of agriculture and land stewardship. The agency is constituted as a public instrumentality and agency of the state exercising public and essential governmental functions.

c. The powers of the authority are vested in and exercised by a board of ten members with nine members appointed by the governor subject to confirmation by the senate. The ~~treasurer of state~~ secretary of agriculture or the ~~treasurer's~~ secretary's designee shall serve as an ex officio nonvoting member. No more than five appointed members shall belong to the same political party. As far as possible the governor shall include within the membership persons who represent financial institutions experienced in agricultural lending, the real estate sales industry, farmers, beginning farmers, average taxpayers, local government, soil and water conservation district officials, agricultural educators, and other persons specially interested in family farm development.

EXPLANATION

This bill amends provisions affecting the agricultural development authority (Code chapter 175), which is organized as an independent self=funding agency charged to provide economic assistance to farmers. The authority is controlled by a board of 10 members, including nine members appointed by the governor and the treasurer of state who serves as an ex officio nonvoting member.

The bill provides that the authority is to be housed within the department of agriculture and land stewardship, and the secretary replaces the treasurer of state as the ex officio nonvoting member.

LSB 2482HV (1) 84
da/nh

Iowa General Assembly
Daily Bills, Amendments & Study Bills
March 01, 2011

House File 456 - Introduced

HOUSE FILE
BY COMMITTEE ON STATE
GOVERNMENT

(SUCCESSOR TO HF 103)

A BILL FOR

An Act relating to the duties and operations of the state commission of libraries, the division of libraries and information services, and the library service areas, and including effective date provisions.

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

TLSB 1211HV (2) 84
kh/sc

House File 456 - Introduced continued

PAG LIN

Section 1. Section 8A.454, subsection 2, Code 2011, is amended to read as follows:

2. A monthly per contract administrative charge shall be assessed by the department on all health insurance plans administered by the department in which the contract holder has a state employer to pay the charge. The amount of the administrative charge shall be established by the general assembly. The department shall collect the administrative charge from each department utilizing the centralized payroll system and shall deposit the proceeds in the fund. In addition, the state board of regents, ~~all library service areas,~~ the state fair board, the state department of transportation, and each judicial district department of correctional services shall remit the administrative charge on a monthly basis to the department and shall submit a report to the department containing the number and type of health insurance contracts held by each of its employees whose health insurance is administered by the department.

Sec. 2. Section 8D.2, subsection 5, paragraph a, Code 2011, is amended to read as follows:

a. "Public agency" means a state agency, an institution under the control of the board of regents, the judicial branch as provided in section 8D.13, subsection 16, a school corporation, a city library, ~~a library service area as provided in chapter 256,~~ a county library as provided in chapter 336, or a judicial district department of correctional services established in section 905.2, to the extent provided in section 8D.13, subsection 14, an agency of the federal government, or a United States post office which receives a federal grant for pilot and demonstration projects.

Sec. 3. Section 8D.9, subsection 1, Code 2011, is amended to read as follows:

1. A private or public agency, other than a state agency, local school district or nonpublic school, city library, ~~library service area,~~ county library, judicial branch, judicial

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district department of correctional services, agency of the federal government, a hospital or physician clinic, or a post office authorized to be offered access pursuant to this chapter as of May 18, 1994, shall certify to the commission no later than July 1, 1994, that the agency is a part of or intends to become a part of the network. Upon receiving such certification from an agency not a part of the network on May 18, 1994, the commission shall provide for the connection of such agency as soon as practical. An agency which does not certify to the commission that the agency is a part of or intends to become a part of the network as required by this subsection shall be prohibited from using the network.

Sec. 4. Section 8D.11, subsection 4, Code 2011, is amended to read as follows:

4. A political subdivision receiving communications services from the state as of April 1, 1986, may continue to do so but communications services shall not be provided or resold to additional political subdivisions other than a school corporation, a city library, ~~a library service area as provided in chapter 256,~~ and a county library as provided in chapter 336. The rates charged to the political subdivision shall be the same as the rates charged to state agencies.

Sec. 5. Section 12C.1, subsection 1, Code 2011, is amended to read as follows:

1. All funds held by the following officers or institutions shall be deposited in one or more depositories first approved by the appropriate governing body as indicated: for the treasurer of state, by the executive council; for judicial officers and court employees, by the supreme court; for the county treasurer, recorder, auditor, and sheriff, by the board of supervisors; for the city treasurer or other designated financial officer of a city, by the city council; for the county public hospital or merged area hospital, by the board of hospital trustees; for a memorial hospital, by the memorial hospital commission; for a school corporation, by the board

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of school directors; for a city utility or combined utility system established under chapter 388, by the utility board; ~~for a library service area established under chapter 256, by the library service area board of trustees;~~ and for an electric power agency as defined in section 28F.2 or 390.9, by the governing body of the electric power agency. However, the treasurer of state and the treasurer of each political subdivision or the designated financial officer of a city shall invest all funds not needed for current operating expenses in time certificates of deposit in approved depositories pursuant to this chapter or in investments permitted by section 12B.10. The list of public depositories and the amounts severally deposited in the depositories are matters of public record. This subsection does not limit the definition of "public funds" contained in subsection 2. Notwithstanding provisions of this section to the contrary, public funds of a state government deferred compensation plan established by the executive council may also be invested in the investment products authorized under section 509A.12.

Sec. 6. Section 218.22, Code 2011, is amended to read as follows:

218.22 Record privileged.

Except with the consent of the administrator in charge of an institution, or on an order of a court of record, the record provided in section 218.21 shall be accessible only to the administrator of the division of the department of human services in control of such institution, the director of the department of human services and to assistants and proper clerks authorized by such administrator or the administrator's director. The administrator of the division of such institution is authorized to permit the division of ~~libraries and information~~ library services of the department of education and the historical division of the department of cultural affairs to copy or reproduce by any photographic, photostatic, microfilm, microcard or other process which

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accurately reproduces a durable medium for reproducing the original and to destroy in the manner described by law such records of residents designated in section 218.21.

Sec. 7. Section 256.7, unnumbered paragraph 1, Code 2011, is amended to read as follows:

Except for the college student aid commission, the commission of libraries and division of library services, and the public broadcasting board and division, the state board shall:

Sec. 8. Section 256.7, subsection 17, Code 2011, is amended to read as follows:

17. Receive and review the budget and unified plan of service submitted by the division of ~~libraries and information~~ library services.

Sec. 9. Section 256.9, unnumbered paragraph 1, Code 2011, is amended to read as follows:

Except for the college student aid commission, the commission of libraries and division of library services, and the public broadcasting board and division, the director shall:

Sec. 10. Section 256.50, subsection 2, Code 2011, is amended to read as follows:

2. "Division" means the division of ~~libraries and information~~ library services of the department of education.

Sec. 11. Section 256.51, subsection 1, unnumbered paragraph 1, Code 2011, is amended to read as follows:

The division of ~~libraries and information~~ library services is ~~established within~~ attached to the department of education for administrative purposes. The state librarian shall be responsible for the division's budgeting and related management functions in accordance section 256.52, subsection 3. The division shall do all of the following:

Sec. 12. Section 256.51, subsection 1, Code 2011, is amended by adding the following new paragraph:

NEW PARAGRAPH. 0a. Provide support services to libraries, including but not limited to consulting, continuing education,

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interlibrary loan services, and references services to assure consistency of service statewide and to encourage local financial support for library services.

Sec. 13. Section 256.51, subsection 1, paragraph d, Code 2011, is amended to read as follows:

d. Develop, in consultation with the ~~library service areas and the~~ area education agency media centers, a biennial unified plan of service and service delivery for the division of ~~libraries and information~~ library services.

Sec. 14. Section 256.51, subsection 1, paragraph j, Code 2011, is amended to read as follows:

j. Establish and administer standards for state agency libraries~~, the library service areas,~~ and public libraries.

Sec. 15. Section 256.51, subsection 1, paragraph k, Code 2011, is amended by striking the paragraph.

Sec. 16. Section 256.51, subsection 2, paragraph c, Code 2011, is amended to read as follows:

c. Accept gifts, contributions, bequests, endowments, or other moneys, including but not limited to the Westgate endowment fund, for any or all purposes of the division. Interest earned on moneys accepted under this paragraph shall be credited to the fund or funds to which the gifts, contributions, bequests, endowments, or other moneys have been deposited, and is available for any or all purposes of the division. The division shall report annually to the ~~director~~ commission and the general assembly regarding the gifts, contributions, bequests, endowments, or other moneys accepted pursuant to this paragraph and the interest earned on them.

Sec. 17. Section 256.52, subsection 1, Code 2011, is amended to read as follows:

1. a. The state commission of libraries consists of one member appointed by the supreme court, the director of the department of education, or the director's designee, and ~~six~~ the following seven members who shall be appointed by the governor to serve four=year terms beginning and ending as

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provided in section 69.19. ~~The governor's appointees shall~~
(1) Two members shall be employed in the state as public librarians.
(2) One member shall be a public library trustee.
(3) One member shall be employed in this state as an academic librarian.
(4) One member shall be employed as a librarian by a school district or area education agency.
(5) Two members shall be selected at large.
b. The members shall be reimbursed for their actual expenditures necessitated by their official duties. Members may also be eligible for compensation as provided in section 7E.6.

Sec. 18. Section 256.52, subsection 3, paragraph b, subparagraphs (1) and (4), Code 2011, are amended to read as follows:

(1) ~~Direct and organize the activities of~~ Organize, staff, and administer the division so as to render the greatest benefit to libraries in the state.

(4) Appoint and approve the technical, professional, ~~excepting the law librarian,~~ secretarial, and clerical staff necessary to accomplish the purposes of the division subject to chapter 8A, subchapter IV.

Sec. 19. Section 256.52, subsection 3, paragraph b, Code 2011, is amended by adding the following new subparagraph:

NEW SUBPARAGRAPH. (4A) (a) Assume all of the outstanding obligations of the library service areas and be liable for and recognize, assume, and carry out all valid contracts and obligations of the library service areas that are consolidated under the commission and administered by the division effective beginning July 1, 2011. Each library service area shall transfer, prior to July 1, 2011, its state=funded assets and title to any state=funded real estate owned by the library service area to the state librarian. In the event that the remaining assets and liabilities cannot be transferred to the

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state librarian, the board of directors of a library service area shall liquidate all assets, settle existing liabilities, and transfer remaining moneys to the general fund of the state. In addition, all fund balances from appropriations of state funds allocated to the library service areas remaining unobligated and unencumbered on the date of the transfer shall be transferred to the general fund of the state.

(b) This subparagraph is repealed July 1, 2015.

Sec. 20. Section 256.52, subsection 5, Code 2011, is amended to read as follows:

5. The commission shall receive and approve the budget and unified plan of service submitted by the division ~~of libraries and information services~~.

Sec. 21. Section 256.54, subsection 1, Code 2011, is amended to read as follows:

1. The state library includes but is not limited to ~~a law library~~ the library support network, the specialized library services unit, and the state data center. The law library shall be under the direction of the specialized library services unit.

Sec. 22. Section 256.54, subsection 2, unnumbered paragraph 1, Code 2011, is amended to read as follows:

The law library shall be administered by a law librarian appointed by the ~~director~~ state librarian subject to chapter 8A, subchapter IV, who shall do all of the following:

Sec. 23. Section 256.55, unnumbered paragraph 1, Code 2011, is amended to read as follows:

A state data center is established in the ~~department of education~~ division. The state data center shall be administered by the state data center coordinator, who shall do all of the following:

Sec. 24. NEW SECTION. 256.58 Library support network.

1. A library support network is established in the division to offer services and programs for libraries, including but not limited to individualized, locally delivered consulting and

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training, and to facilitate resource sharing and innovation through the use of technology, administer enrich Iowa programs, advocate for libraries, promote excellence and innovation in library services, encourage governmental subdivisions to provide local financial support for local libraries, and ensure the consistent availability of quality service to all libraries throughout the state, regardless of location or size.

2. The organizational structure to deliver library support network services shall include district offices. The district offices shall serve as a basis for providing field services to local libraries in the counties comprising the district. The division shall determine which counties are served by each district office. However, the number of district offices established to provide services pursuant to this section shall not exceed six.

Sec. 25. NEW SECTION. 256.59 Specialized library services.

The specialized library services unit is established in the division to provide information services to the three branches of state government and to offer focused information services to the general public in the areas of Iowa law, Iowa state documents, and Iowa history and culture.

Sec. 26. NEW SECTION. 256.62 Library services advisory panel.

1. The state librarian shall convene a library services advisory panel to advise and recommend to the commission and the division evidence=based best practices, to assist the commission and division to determine service priorities and launch programs, articulate the needs and interests of Iowa librarians, and share research and professional development information.

2. The library services advisory panel shall consist of no fewer than eleven members representing libraries of all sizes and types, and various population levels and geographic regions of the state. A simple majority of the members appointed shall be appointed by the executive board of the Iowa library

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association and the remaining members shall be appointed by the state librarian. Terms of members shall begin and end as provided in section 69.19. Any vacancy shall be filled in the same manner as regular appointments are made for the unexpired portion of the regular term. Members shall serve four=year terms which are staggered at the discretion of the state librarian. A member is eligible for reappointment for three successive terms. The members shall elect a chairperson annually.

3. The library services advisory panel shall meet at least twice annually and shall submit its recommendations in a report to the commission and the state librarian at least once annually. The report shall be timely submitted to allow for consideration of the recommendations prior to program planning and budgeting for the following fiscal year.

4. Members of the library services advisory panel shall receive actual and necessary expenses incurred in the performance of their duties. Expenses shall be paid from funds appropriated to the department for purposes of the division.

Sec. 27. Section 256.70, unnumbered paragraph 1, Code 2011, is amended to read as follows:

The division of ~~libraries and information~~ library services of the department of education is hereby authorized to enter into interstate library compacts on behalf of the state of Iowa with any state bordering on Iowa which legally joins therein in substantially the following form and the contracting states agree that:

Sec. 28. Section 256.71, Code 2011, is amended to read as follows:

256.71 Administrator.

The administrator of the division of ~~libraries and information~~ library services shall be the compact administrator. The compact administrator shall receive copies of all agreements entered into by the state or its political subdivisions and other states or political subdivisions;

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consult with, advise and aid such governmental units in the formulation of such agreements; make such recommendations to the governor, legislature, governmental agencies and units as the administrator deems desirable to effectuate the purposes of this compact and consult and co=operate with the compact administrators of other party states.

Sec. 29. Section 273.2, subsection 4, Code 2011, is amended to read as follows:

4. The area education agency board shall provide for special education services and media services for the local school districts in the area and shall encourage and assist school districts in the area to establish programs for gifted and talented children. The board shall assist in facilitating interlibrary loans of materials between school districts and other libraries. ~~Each area education agency shall include as a member of its media center advisory committee a library service area trustee or library service area staff member, who is appointed to the committee by the commission of libraries.~~

Sec. 30. Section 669.2, subsection 5, Code 2011, is amended to read as follows:

5. "State agency" includes all executive departments, agencies, boards, bureaus, and commissions of the state of Iowa, and corporations whose primary function is to act as, and while acting as, instrumentalities or agencies of the state of Iowa, whether or not authorized to sue and be sued in their own names. This definition does not include a contractor with the state of Iowa. Soil and water conservation districts as defined in section 161A.3, subsection 6, and judicial district departments of correctional services as established in section 905.2~~, and library service area boards of trustees as established in chapter 256~~ are state agencies for purposes of this chapter.

Sec. 31. Section 904.601, unnumbered paragraph 1, Code 2011, is amended to read as follows:

The director shall keep the following record of every person

House File 456 - Introduced continued

committed to any of the department's institutions: Name, residence, sex, age, place of birth, occupation, civil condition, date of entrance or commitment, date of discharge, whether a discharge is final, condition of the person when discharged, the name of the institutions from which and to which the person has been transferred, and if the person is dead, the date and cause of death. The director may permit the division of ~~libraries and information~~ library services of the department of education and the historical division of the department of cultural affairs to copy or reproduce by any photographic, photostatic, microfilm, microcard, or other process which accurately reproduces in a durable medium and to destroy in the manner described by law the records of inmates required by this paragraph.

Sec. 32. REPEAL. Sections 256.60, 256.61, 256.66 through 256.68, Code 2011, are repealed.

Sec. 33. TRANSITION PROVISION. A governor's appointee serving on the state commission of libraries on the effective date of this Act shall continue to serve as a member of the commission until the appointee's term expires.

Sec. 34. LIBRARY SERVICE AREA EMPLOYEES ==== LENGTH OF SERVICE ==== TRANSFER OF PERSONNEL RECORDS.

1. The length of service of a permanent employee of a library service area who is employed by a library service area on June 30, 2011, and who is hired by the division of library services on or after July 1, 2011, shall be prorated and credited as state employment service for purposes of vacation and sick leave accrual.

2. The area administrator of each library service area shall submit to the division of library services the personnel records of each permanent full=time employee of the library service area by July 1, 2011.

Sec. 35. EFFECTIVE UPON ENACTMENT. This Act, being deemed of immediate importance, takes effect upon enactment.

EXPLANATION

House File 456 - Introduced continued

This bill changes the name of the division of libraries and information services within the department of education to the division of library services, establishes that the division is attached to the department for administrative purposes only, establishes within the division a library support network and a specialized library services unit, expands the membership of the commission of libraries, directs the state librarian to convene a library services advisory panel, and eliminates the library service areas effective July 1, 2011, transfers their duties to the division, and directs the state librarian to assume all of the outstanding obligations of the library service areas.

The state librarian is made responsible for the division's budgeting and related management functions, and is directed to organize, staff, and administer the division so as to render the greatest benefit to libraries in the state.

Each library service area is directed to transfer, prior to July 1, 2011, its state=funded assets and title to any state=funded real estate owned by the library service area to the state librarian, who currently controls all property of the division. In the event that the remaining assets and liabilities cannot be transferred to the state librarian, the board of directors of a library service area shall liquidate all assets, settle existing liabilities, and transfer remaining moneys to the general fund of the state. In addition, all fund balances from appropriations of state funds allocated to the library service areas remaining unobligated and unencumbered on the date of the transfer shall be transferred to the general fund of the state.

The division is directed to provide support services to libraries, including but not limited to consulting, continuing education, and interlibrary loan and references services to assure consistency of service statewide and to encourage local financial support for library services.

The commission of libraries membership is increased by one

House File 456 - Introduced continued

member. Currently, members are appointed by the governor and are appointed on an at=large basis. Under the bill, the members include public librarians, a public library trustee, an academic librarian, a school district or area education agency librarian, and two members appointed on an at=large basis. A governor's appointee serving on the state commission of libraries on the effective date of the bill shall continue to serve as a member of the commission until the appointee's term expires.

The bill provides that the law librarian be appointed by the state librarian, rather than the director of the department of education.

A library support network is established in the division to offer services and programs for libraries, including individualized, locally delivered consulting services and training, and to facilitate resource sharing and innovation through the use of technology, administer enrich Iowa programs, advocate for libraries throughout the state, provide support for information technology, seek and offer opportunities to libraries throughout the state, promote excellence and innovation in library services, encourage governmental subdivisions to provide local financial support for local libraries, and ensure the consistent availability of quality service to all libraries throughout the state, regardless of location or size. The bill limits to six the number of district offices that can be established to provide the services.

The specialized library services unit is established in the division to provide information services to the three branches of state government and to offer focused information services to the general public in the areas of Iowa law, Iowa state documents, and Iowa history and culture.

The library services advisory panel is tasked with advising and recommending to the commission and the division evidence=based best practices, assisting the commission and

House File 456 - Introduced continued

division to determine service priorities and launch programs, articulating the needs and interests of Iowa librarians, and sharing research and professional development information. The library services advisory panel consists of at least 11 members representing libraries of all sizes and types, and various population levels and geographic regions of the state. A simple majority of the members shall be appointed by the executive board of the Iowa library association, with the state librarian appointing the remaining members. Members shall serve four=year terms which are staggered at the discretion of the state librarian. A member is eligible for reappointment for three successive terms. The members shall elect a chairperson annually. Members of the library services advisory panel shall receive actual and necessary expenses incurred in the performance of their duties. Expenses are paid from funds appropriated to the department for purposes of the division.

The library services advisory panel shall meet at least twice annually and shall submit its recommendations in a report to the commission and the state librarian at least once annually in time to allow for consideration prior to program planning and budgeting for the following fiscal year.

The length of service of a permanent full=time employee of a library service area who is employed by a library service area on June 30, 2011, and who is hired by the division on or after July 1, 2011, shall be credited as state employment service for purposes of vacation and sick leave accrual. The area administrator of each library service area shall submit to the division of libraries and information services the personnel records of each permanent full=time employee of the library service area by July 1, 2011.

The bill takes effect upon enactment.

LSB 1211HV (2) 84
kh/sc

House File 457 - Introduced

HOUSE FILE
BY COMMITTEE ON
AGRICULTURE

(SUCCESSOR TO HSB 111)

A BILL FOR

An Act providing for the transfer of duties relating to the certification of milk from the department of public health to the department of agriculture and land stewardship, providing for the transition, and providing an appropriation.

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

TLSB 2484HV (1) 84
da/nh

House File 457 - Introduced continued

PAG LIN

Section 1. Section 192.109, Code 2011, is amended to read as follows:

192.109 Certification of grade "A" label.

The ~~Iowa~~ department of ~~public health~~ agriculture and land stewardship shall annually survey and certify all milk labeled grade "A" pasteurized and grade "A" raw milk for pasteurization, and, in the event a survey shows the requirements for production, processing, and distribution for such grade are not being complied with, the fact thereof shall be certified by the ~~Iowa~~ department ~~of public health~~ to the secretary of agriculture who shall proceed with the provisions of section 192.107 for suspending the permit of the violator or who, if the secretary did not issue such permit, shall withdraw the grade "A" declared on the label.

Sec. 2. ADMINISTRATIVE RULES ==== TRANSITION PROVISIONS.

1. Any rule, regulation, form, order, or directive promulgated by the department of public health as required to administer and enforce the provisions of section 192.109 shall continue in full force and effect until amended, repealed, or supplemented by affirmative action of the department of agriculture and land stewardship.

2. An administrative hearing or court proceeding arising out of an enforcement action under section 192.109 pending on the effective date of this Act shall not be affected due to this Act. Any cause of action or statute of limitation relating to an action taken by the department of public health shall not be affected as a result of this Act and such cause or statute of limitation shall apply to the department of agriculture and land stewardship.

3. Any personnel in the state merit system of employment who are mandatorily transferred due to the effect of this Act shall be so transferred without any loss in salary, benefits, or accrued years of service.

4. Any replacement of signs, logos, stationery, insignia, uniforms, and related items that is made necessary due to

House File 457 - Introduced continued

the effect of this Act shall be done as part of the normal replacement cycle for such items.

Sec. 3. DEPARTMENT OF AGRICULTURE AND LAND STEWARDSHIP ==== CERTIFICATION OF MILK. There is appropriated from the general fund of the state to the department of agriculture and land stewardship for the fiscal year beginning July 1, 2011, and ending June 30, 2012, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For purposes of performing functions pursuant to section 192.109, including conducting a survey of grade "A" milk and certifying the results to the secretary of agriculture, including salaries, support, maintenance, miscellaneous purposes, and for not more than the following full=time equivalent positions:

..... $ 189,196
..... FTEs 2.00

EXPLANATION

This bill relates to the regulation of milk or milk products, including labeling requirements (Code chapter 191) or production, processing, or distribution requirements (Code chapter 192), as administered and enforced by the department of agriculture and land stewardship. A person who stores, brings, sends, or receives milk or milk products into this state for commercial purposes must be issued a permit by the department (Code section 192.107).

The department of public health annually surveys and certifies to the department of agriculture and land stewardship whether milk or milk products comply with the requirements. The secretary of agriculture then must suspend the permit of a violator or withdraw the grade "A" label (Code section 192.109). The bill transfers the certification authority from the department of public health to the department of agriculture and land stewardship.

The bill provides transitional provisions to assist the departments in accomplishing the transfer. The provisions

House File 457 - Introduced continued

relate to the validity of existing rules, regulations, forms, orders, and directives promulgated by the department of public health; pending enforcement actions; the transfer of personnel; and the replacement of items with insignia.

The bill appropriates moneys from the general fund of the state and allocates full=time equivalent positions to the department of agriculture and land stewardship for purposes of conducting the survey and certifying the results to the secretary of agriculture.

LSB 2484HV (1) 84
da/nh

House File 458 - Introduced

HOUSE FILE
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO HSB 10)

A BILL FOR

An Act concerning the retention of funds due to contractors on public improvements.

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

TLSB 1054HV (3) 84
je/sc

House File 458 - Introduced continued

PAG LIN

Section 1. Section 573.1, Code 2011, is amended by adding the following new subsections:

NEW SUBSECTION. 2A. "Principal contractor" means those persons, firms, or corporations having contracts directly with the public corporation.

NEW SUBSECTION. 6. "Subcontractor" shall include every person, firm, or corporation performing labor for or furnishing materials to a public improvement, except those persons, firms, or corporations having contracts directly with the public corporation.

Sec. 2. Section 573.15, Code 2011, is amended by striking the section and inserting in lieu thereof the following:

573.15 Exception.

1. A person, firm, or corporation performing labor for or furnishing materials to a subcontractor shall not be entitled to a claim against the retainage or bond under this chapter unless the person, firm, or corporation performing the labor or furnishing the materials does all of the following:

a. Notifies the principal contractor in writing within forty=five calendar days of first performing the labor or furnishing the materials for the public improvement. The notice shall contain the name, mailing address, and telephone number of the person, firm, or corporation performing the labor or furnishing the materials and the name of the subcontractor for whom the labor was performed or to whom the materials were furnished. Additional labor performed, or materials furnished by the same person, firm, or corporation to the same subcontractor for the public improvement shall be covered by this notice.

b. Supports the claim with a certified statement that the principal contractor was notified in writing with a notice containing the name, mailing address, and telephone number of the person, firm, or corporation performing the labor or furnishing the materials and the name of the subcontractor for whom the labor was performed or to whom the materials were

House File 458 - Introduced continued

furnished, within forty=five calendar days after the labor was performed or the materials were furnished, pursuant to paragraph "a".

2. Notwithstanding any other provision of this chapter, a principal contractor shall not be prohibited from requesting information from a subcontractor or from a person, firm, or corporation performing labor for or furnishing materials to a subcontractor regarding payments made or payments to be made to a person, firm, or corporation performing labor for or furnishing materials to a subcontractor.

3. This section does not apply to claims for labor filed by employees of principal contractors or employees of subcontractors.

4. A public corporation shall not retain any part of the unpaid fund due to the contractor as provided in this chapter because of the commencement of any action by the contractor against the state department of transportation under authority granted in section 613.11.

EXPLANATION

Current law provides an exception to the requirement that a public corporation retain a portion of funds due a contractor on a public improvement project in a fund for the payment of claims for materials furnished and labor performed. The exception provides that a public corporation need only retain funds due a supplier of material to a general contractor if the supplier provides the general contractor with one of two permitted types of notice after the materials are supplied.

This bill provides that the exception shall apply to both claims for labor and claims for material. The bill also amends the notice requirement to provide that a supplier of labor or material to a general contractor must give only one type of notice, along with a certified statement that such notice was given. The bill provides that a principal contractor, as defined in the bill, shall not be prohibited from requesting information from a subcontractor or from an entity performing

House File 458 - Introduced continued

3 1 labor for or furnishing materials to a subcontractor regarding
3 2 payments made to the entity from the subcontractor for labor or
3 3 materials. The bill provides that the bill does not apply to
3 4 claims for labor filed by employees of principal contractors
3 5 or employees of subcontractors.
LSB 1054HV (3) 84
je/sc

House File 459 - Introduced

HOUSE FILE
BY COMMITTEE ON LOCAL GOVERNMENT

(SUCCESSOR TO HSB 58)

A BILL FOR

An Act relating to civil service commissions.
BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 1823HV (3) 84
aw/rj

House File 459 - Introduced continued

PAG LIN

Section 1. Section 400.1, subsection 1, Code 2011, is amended to read as follows:

1. In cities having a population of eight thousand or over and having a paid fire department or a paid police department, the mayor, one year after a regular city election, with the approval of the council, ~~shall~~ may appoint three civil service commissioners. ~~The~~ If such appointments are made, the mayor shall publish notice of the names of persons selected for appointment no less than thirty days prior to a vote by the city council. Commissioners shall hold office, one until the first Monday in April of the second year, one until the first Monday in April of the third year, and one until the first Monday in April of the fourth year after such appointment, whose successors shall be appointed for a term of four years. In cities having a population of more than seventy thousand, the city council may establish, by ordinance, the number of civil service commissioners at not less than three.

Sec. 2. Section 400.1, subsection 2, Code 2011, is amended to read as follows:

2. For the purpose of determining the population of a city under this chapter, the most recent decennial federal census ~~conducted in 1980~~ shall be used.

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

EXPLANATION

Code section 400.1 currently requires a city having a population of 8,000 or more according to the federal census conducted in 1980 and having a paid fire department or a paid police department, to appoint a civil service commission. Code chapter 400 also establishes several other powers and duties of cities based on population as determined by the federal census conducted in 1980.

This bill requires the most recent decennial federal census to be used in determining the population of a city.

The bill also makes the appointment of civil service

House File 459 - Introduced continued

commissioners optional for cities having a population over 8,000.

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

LSB 1823HV (3) 84
aw/rj

Iowa General Assembly
Daily Bills, Amendments & Study Bills
March 01, 2011

House File 460 - Introduced

HOUSE FILE
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO HSB 64)

A BILL FOR

An Act relating to the discovery of privileged medical records, including mental health records, in a criminal case and including effective date provisions.

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

TLSB 1506HV (2) 84
rh/rj

House File 460 - Introduced continued

PAG LIN

Section 1. Section 228.6, subsection 4, Code 2011, is amended to read as follows:

4. a. Mental health information may be disclosed in a civil or administrative proceeding in which an individual eighteen years of age or older or an individual's legal representative or, in the case of a deceased individual, a party claiming or defending through a beneficiary of the individual, offers the individual's mental or emotional condition as an element of a claim or a defense.

b. Mental health information may be disclosed in a criminal proceeding pursuant to section 622.10, subsection 3A.

Sec. 2. Section 622.10, Code 2011, is amended by adding the following new subsection:

NEW SUBSECTION. 3A. a. Except as otherwise provided in this subsection, the confidentiality privilege under this section shall be absolute with regard to a criminal action and this section shall not be construed to authorize or require the disclosure of any privileged records to a defendant in a criminal action unless either of the following occur:

(1) The privilege holder voluntarily waives the confidentiality privilege.

(2) (a) The defendant seeking access to privileged records under this section files a motion demonstrating in good faith a reasonable probability that the information sought is likely to contain exculpatory information that is not available from any other source and for which there is a compelling need for the defendant to present a defense in the case. Such a motion shall be filed not later than forty days after arraignment under seal of the court. Failure of the defendant to timely file such a motion constitutes a waiver of the right to seek access to privileged records under this section, but the court, for good cause shown, may grant relief from such waiver.

(b) Upon a showing of a reasonable probability that the privileged records sought may likely contain exculpatory information that is not available from any other source, the

House File 460 - Introduced continued

court shall conduct an in camera review of such records to determine whether exculpatory information is contained in such records.

(c) If exculpatory information is contained in such records, the court shall balance the need to disclose such information against the privacy interest of the privilege holder.

(d) Upon the court's determination, in writing, that the privileged information sought is exculpatory and that there is a compelling need for such information that outweighs the privacy interests of the privilege holder, the court shall issue an order allowing the disclosure of only those portions of the records that contain the exculpatory information. The court's order shall also prohibit any further dissemination of the information to any person, other than the defendant, the defendant's attorney, and the prosecutor, unless otherwise authorized by the court.

b. Privileged information obtained by any means other than as provided in paragraph "a" shall not be admissible in any criminal action.

Sec. 3. EFFECTIVE UPON ENACTMENT. This Act, being deemed of immediate importance, takes effect upon enactment.

EXPLANATION

This bill relates to the discovery of privileged medical records, including mental health records, in a criminal case and includes effective date provisions.

Under Iowa Code section 622.10, certain health care professionals, including mental health professionals, are prohibited, in giving testimony, from disclosing any confidential communication that occurs between the health care professional and a patient during the course of the patient's course of treatment. In State v. Cashen, 789 N.W.2d 400 (2010), the Iowa Supreme Court set forth certain protocol that must be followed to balance a patient's right to privacy with a defendant's right to present evidence to a jury that might

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influence the jury's determination of guilt if privileged mental health records are made available in a criminal proceeding.

The bill amends Code section 622.10 to provide that, except as otherwise provided in the bill, the confidentiality privilege under Code section 622.10 shall be absolute in relation to a criminal action and that the bill shall not be construed to authorize or require the disclosure of any privileged records to a defendant in a criminal action unless either the privilege holder voluntarily waives the confidentiality privilege or the defendant seeking access to privileged records files a motion demonstrating in good faith a reasonable probability that the information sought is likely to contain exculpatory information that is not available from any other source and for which there is a compelling need for the defendant to present a defense in the case. Failure of the defendant to timely file a motion constitutes a waiver of the right to seek access to privileged records but the court, for good cause shown, may grant relief from such waiver.

The bill provides that if the defendant files such a motion, the court shall conduct an in camera review of such records to determine whether exculpatory information is contained in such records upon a showing of a reasonable probability that the privileged records sought may likely contain exculpatory information that is not available from any other source. If exculpatory information is contained in such records, the court is required to balance the need to disclose such information against the privacy interest of the privilege holder. If the court determines that the privileged information sought is exculpatory and that there is a compelling need for such information that outweighs the privacy interests of the privilege holder, the court shall issue an order allowing the disclosure of only those portions of the records that contain the exculpatory information. The court's order shall also prohibit any further dissemination of the information to any

House File 460 - Introduced continued

person, other than the defendant, the defendant's attorney, and the prosecutor, unless otherwise authorized by the court. The bill provides that privileged information obtained by any means other than as provided in the bill is not admissible in a criminal action.

The bill makes a conforming amendment to Code section 228.6 relating to the compulsory disclosure of mental health and psychological information.

The bill takes effect upon enactment.

LSB 1506HV (2) 84
rh/rj

House File 461 - Introduced

HOUSE FILE
BY COMMITTEE ON NATURAL RESOURCES

(SUCCESSOR TO HF 96)

A BILL FOR

An Act relating to the attachment of tags to deer carcasses.
BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 1841HV (3) 84
av/nh

House File 461 - Introduced continued

PAG LIN

Section 1. Section 483A.8, subsection 2, Code 2011, is amended to read as follows:

2. The deer hunting license shall be accompanied by a tag designed to be used only once. When a deer is taken, the deer shall be tagged and the tag shall be dated. The tag shall be attached to the carcass of a deer taken within fifteen minutes of the time the deer carcass is located after being taken, or before the carcass is moved to be transported by any means from the place where the deer was taken, whichever occurs first. For each antlered deer taken, the tag shall be affixed to the deer's antlers.

EXPLANATION

This bill requires that a deer tag must be attached to the carcass of a deer taken within 15 minutes of the time the deer is located after being taken, or before the carcass is moved to be transported by any means from the place where the deer was taken, whichever occurs first.

Currently, by rule, a tag must be attached to the carcass of a deer taken within 15 minutes of the time the deer is killed or before the carcass is moved in any manner, whichever occurs first.

LSB 1841HV (3) 84
av/nh

House File 462 - Introduced

HOUSE FILE
BY COMMITTEE ON NATURAL RESOURCES

(SUCCESSOR TO HF 230)

(COMPANION TO SF 54 BY DANDEKAR)

A BILL FOR

An Act allowing the operation of certain motorboats on lake Macbride at any time.

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

TLSB 1615HV (1) 84
av/sc

House File 462 - Introduced continued

PAG LIN

Section 1. Section 462A.31, subsection 1, paragraph b, Code 2011, is amended to read as follows:

b. A motorboat equipped with any power unit mounted or carried aboard the vessel may be operated at a no=wake speed on all artificial lakes of more than one hundred acres in size under the custody of the department. ~~However, on lake Macbride, a motorboat with a power unit exceeding ten horsepower may be operated only when permitted by rule and the rule shall not authorize such use during the period beginning on the Friday before Memorial Day and ending on Labor Day inclusively.~~ This paragraph does not limit motorboat horsepower on natural lakes under the custody of the department or limit the department's authority to establish special speed zoning regulations.

EXPLANATION

This bill amends Code section 462A.31(1)(b) to allow the operation of motorboats with power units exceeding 10 horsepower at any time on lake Macbride.

LSB 1615HV (1) 84
av/sc

House File 463 - Introduced

HOUSE FILE
BY COMMITTEE ON
TRANSPORTATION

(SUCCESSOR TO HF 331)

A BILL FOR

An Act providing for a special civil war sesquicentennial motor vehicle registration plate, establishing fees, and making an appropriation.

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

TLSB 2257HV (1) 84
dea/nh

House File 463 - Introduced continued

PAG LIN

Section 1. Section 321.34, Code 2011, is amended by adding the following new subsection:

NEW SUBSECTION. 25. Civil war sesquicentennial plates.

a. An owner referred to in subsection 12, upon written application to the department, may order special registration plates with a civil war sesquicentennial processed emblem. The emblem shall be designed by the department in consultation with the Iowa civil war sesquicentennial advisory committee.

b. The special plate fees collected by the director under subsection 12, paragraphs "a" and "c", from the issuance and annual validation of letter=number designated and personalized civil war sesquicentennial plates shall be paid monthly to the treasurer of state and deposited in the road use tax fund. The treasurer of state shall transfer monthly from the statutory allocations fund created under section 321.145, subsection 2, to the department of cultural affairs the amount of the special fees collected under subsection 12, paragraph "a", in the previous month for civil war sesquicentennial plates, and such funds are appropriated to the department of cultural affairs to be used for the Iowa battle flag project.

Sec. 2. Section 321.145, subsection 2, paragraph b, subparagraph (3), Code 2011, is amended to read as follows:

(3) The amounts required to be transferred pursuant to section 321.34 from revenues available under this subsection shall be transferred and credited as provided in section 321.34, subsections 7, 10, 10A, 11, 11A, 11B, 13, 16, 17, 18, 19, 20, 20A, 20B, 21, 22, 23, ~~and~~ 24, and 25 for the various purposes specified in those subsections.

EXPLANATION

This bill provides for the issuance of a special motor vehicle registration plate honoring the sesquicentennial of the civil war. The department of transportation, in consultation with the Iowa civil war sesquicentennial advisory committee, is required to design a processed emblem for the special plate.

Fees for the special civil war sesquicentennial plate will

House File 463 - Introduced continued

be the standard fees provided in current law for special registration plates. The initial fee for issuance of special plates is $25. An applicant for personalized special plates must pay a $25 personalized plate fee in addition to the $25 special plate fee. The renewal fee for special plates is $5 in addition to the regular annual registration fee for the vehicle. For renewal of personalized special plates, an additional $5 personalized plate renewal fee applies in addition to the $5 special plate renewal fee and the annual registration fee. All registration fees are deposited in the road use tax fund.

The bill directs that an amount equal to $25 from each civil war sesquicentennial plate fee and $5 from each renewal fee be credited from the statutory allocations fund to the department of cultural affairs. The fees are appropriated for purposes of the Iowa battle flag project, which is administered by the state historical society.

LSB 2257HV (1) 84
dea/nh

House File 464 - Introduced

HOUSE FILE
BY COMMITTEE ON
ENVIRONMENTAL
PROTECTION

(SUCCESSOR TO HF 295)

(COMPANION TO LSB
1037SV by committee on
agriculture)

A BILL FOR

An Act relating to wastewater discharges by on=farm processing operations.

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

TLSB 1037HV (3) 84
da/nh

House File 464 - Introduced continued

PAG LIN

Section 1. Section 455B.171, Code 2011, is amended by adding the following new subsections:

NEW SUBSECTION. 7A. "Food commodity" means any commodity that is derived from a live agricultural animal or harvested crop, both as defined in section 717A.1, which is intended for human consumption in its raw or processed state, and which in its raw state includes but is not limited to milk, eggs, vegetables, fruits, nuts, syrup, and honey.

NEW SUBSECTION. 14A. "On=farm processing operation" means any place located on a farm where the form or condition of a food commodity originating from that farm or another farm is changed or packaged for human consumption, including but not limited to a dairy, creamery, winery, distillery, or cannery. The change to the food commodity may include cleaning, cooling, pasteurizing, purifying, or preserving the food commodity.

Sec. 2. NEW SECTION. 455B.172A On=farm processing operations.

1. The department shall adopt by rule standards for the disposal of wastewater from an on=farm processing operation. These standards shall provide for but are not limited to disposal by all of the following:

a. By land application if all of the following apply:

(1) The volume of wastewater produced by the on=farm processing operation is less than one thousand five hundred gallons per day.

(2) The wastewater is land=applied by a person licensed by the department under section 455B.172.

(3) The application rate does not exceed thirty thousand gallons per acre per year.

(4) The application rate does not exceed one thousand five hundred gallons per acre per day.

(5) The standards for land application are consistent with the rules for land application of septage that implement section 455B.172.

b. At a publicly owned treatment works or other wastewater

House File 464 - Introduced continued

treatment system with the permission of the owner of the treatment works.

c. Through a subsurface absorption system in conformance with applicable regulations of the United States environmental protection agency.

d. Through a disposal system that meets all of the following:

(1) The disposal system is located on the same site as the on=farm processing operation.

(2) The disposal system is constructed in conformance with a permit issued by the department.

(3) For a disposal system that discharges wastewater to a water of the United States, the system must be operated in conformance with a national pollutant discharge elimination system permit issued by the department under section 455B.197.

2. The department shall adopt by rule standards for the disposal of septage from an on=farm processing operation. The rules shall provide that the septage may be discharged to a permitted septage lagoon or septage drying bed with the permission of the owner of the septage system.

Sec. 3. Section 455B.197, Code 2011, is amended by adding the following new subsection:

NEW SUBSECTION. 5. The owner of an on=farm processing operation that produces less than one thousand five hundred gallons per day of wastewater shall not be assessed a fee by the department under this section.

EXPLANATION

This bill provides for on=farm processing operations which manufacture products from commodities originating from that farm or another farm such as a dairy, creamery, winery, distillery, or cannery. The bill requires the department of natural resources to adopt standards by rule for the disposal of wastewater or septage from that operation. The standards for disposal of wastewater must provide for disposal by land application, at a wastewater treatment system, through a

House File 464 - Introduced continued

subsurface absorption system, or through a disposal system that discharges into a public water. The department must also adopt by rule standards for the disposal of septage to a septage lagoon or septage drying bed.

The bill provides that the owner of an operation that produces less than 1,500 gallons per day of wastewater is not required to be assessed a fee for a national pollutant discharge elimination system permit.

LSB 1037HV (3) 84
da/nh

House File 465 - Introduced

HOUSE FILE
BY COMMITTEE ON
TRANSPORTATION

(SUCCESSOR TO HF 251)

A BILL FOR

An Act relating to the enforcement of weight limitations for vehicles with retractable axles.

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

TLSB 1538HV (2) 84
dea/nh

House File 465 - Introduced continued

PAG LIN

Section 1. Section 321.463, Code 2011, is amended by adding the following new subsection:

NEW SUBSECTION. 12A. a. A vehicle or combination of vehicles equipped with a retractable axle may raise the axle when necessary to negotiate a turn, provided that the retractable axle is lowered within one thousand feet following completion of the turn. This paragraph does not apply to a vehicle or combination of vehicles operated on an interstate highway, including a ramp to or from an interstate highway, or on a bridge.

b. A vehicle or combination of vehicles operated with a retractable axle raised as permitted under paragraph "a" is exempt from the weight limitations of this section as long as the vehicle or combination of vehicles is in compliance with the weight limitations of this section when the retractable axle is lowered.

c. This subsection does not prohibit the operation of a vehicle or combination of vehicles equipped with a retractable axle from operating with the retractable axle raised when the vehicle or combination of vehicles is in compliance with the weight limitations of this section with the retractable axle raised.

EXPLANATION

This bill allows a vehicle or combination of vehicles to raise a retractable axle when necessary to negotiate a turn, provided the retractable axle is lowered within one thousand feet of completing the turn. The vehicle or combination of vehicles is exempt from axle weight limitations while making the turn with a raised retractable axle, so long as the vehicle is in compliance when the retractable axle is lowered. The exemption does not apply on an interstate highway, including a ramp leading to or from the interstate, or on a bridge.

LSB 1538HV (2) 84
dea/nh

House File 466 - Introduced

HOUSE FILE
BY COMMITTEE ON
TRANSPORTATION

(SUCCESSOR TO HSB 94)

A BILL FOR

An Act allowing the department of transportation to accept reports from advanced registered nurse practitioners and physician assistants disclosing a physical or mental condition that renders a person incompetent to operate a motor vehicle.

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

TLSB 1835HV (3) 84
dea/nh

House File 466 - Introduced continued

PAG LIN

Section 1. Section 321.186, subsection 4, Code 2011, is amended to read as follows:

4. A physician licensed under chapter 148, an advanced registered nurse practitioner licensed under chapter 152 and registered with the board of nursing, a physician assistant licensed under chapter 148C, or an optometrist licensed under chapter 154 may report to the department the identity of a person who has been diagnosed as having a physical or mental condition which would render the person physically or mentally incompetent to operate a motor vehicle in a safe manner. The physician, advanced registered nurse practitioner, physician assistant, or optometrist shall make reasonable efforts to notify the person who is the subject of the report, in writing. The written notification shall state the nature of the disclosure and the reason for the disclosure. A physician, advanced registered nurse practitioner, physician assistant, or optometrist making a report under this section shall be immune from any liability, civil or criminal, which might otherwise be incurred or imposed as a result of the report. A physician, advanced registered nurse practitioner, physician assistant, or optometrist has no duty to make a report or to warn third parties with regard to any knowledge concerning a person's mental or physical competency to operate a motor vehicle in a safe manner. Any report received by the department from a physician, advanced registered nurse practitioner, physician assistant, or optometrist under this section shall be kept confidential. Information regulated by chapter 141A shall be subject to the confidentiality provisions and remedies of that chapter.

EXPLANATION

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

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

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

LSB 1835HV (3) 84
dea/nh

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HOUSE FILE
BY COMMITTEE ON HUMAN RESOURCES

(SUCCESSOR TO HSB 90)

A BILL FOR

An Act relating to programs and activities under the purview of the department of public health.

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

TLSB 1230HV (2) 84
pf/nh

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DIVISION I
IOWA HEALTH WORKFORCE CENTER

Section 1. Section 135.11, subsection 27, Code 2011, is amended by striking the subsection.

Sec. 2. NEW SECTION. 135.179 Iowa health workforce center ==== established ==== duties.

1. An Iowa health workforce center is established within the division of health promotion and chronic disease prevention of the department.

2. The center shall do all of the following:

a. Coordinate public and private efforts to develop and maintain an appropriate health care delivery infrastructure and a stable, well=qualified, diverse, and sustainable health care workforce in this state.

b. Develop a biennial strategic plan for health care delivery infrastructure and health care workforce resources in this state.

c. Provide for the continuous collection of data to provide a basis for health care strategic planning and health care policymaking.

d. Make recommendations regarding the health care delivery infrastructure and the health care workforce that assist in monitoring current needs, predicting future trends, and informing policymaking.

e. Leverage federal, state, and local resources to support programs under the purview of the center.

DIVISION II
TOBACCO ENFORCEMENT

Sec. 3. Section 142A.1, subsection 2, Code 2011, is amended to read as follows:

2. It is the intent of the general assembly that the comprehensive tobacco use prevention and control initiative established in this chapter will specifically address reduction of tobacco use by youth and pregnant women~~, promotion of compliance by minors and retailers with tobacco sales laws~~

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~~and ordinances,~~ and enhancement of the capacity of youth to make healthy choices. The initiative shall allow extensive involvement of youth in attaining these results.

Sec. 4. Section 142A.2, subsection 10, Code 2011, is amended by striking the subsection.

Sec. 5. Section 142A.3, subsection 3, paragraph a, Code 2011, is amended to read as follows:

a. Members, at least one of whom is a member of a racial minority, to be appointed by the governor, subject to confirmation by the senate pursuant to sections 2.32 and 69.19, and consisting of the following:

(1) Three members who are active with nonprofit health organizations that emphasize tobacco use prevention or who are active as health services providers, at the local level.

~~(2) One member who is a retailer.~~

~~(3)~~ (2) Three members who are active with health promotion activities at the local level in youth education, ~~law enforcement,~~ nonprofit services, or other activities relating to tobacco use prevention and control.

Sec. 6. Section 142A.3, subsection 5, paragraph e, Code 2011, is amended by striking the paragraph.

Sec. 7. Section 142A.4, subsections 14 and 17, Code 2011, are amended by striking the subsections.

Sec. 8. Section 142A.5, subsection 1, paragraph e, Code 2011, is amended by striking the paragraph.

Sec. 9. Section 142A.5, subsection 2, paragraph f, Code 2011, is amended by striking the paragraph.

Sec. 10. Section 142A.6, subsection 2, paragraph e, Code 2011, is amended by striking the paragraph.

Sec. 11. Section 142A.6, subsection 3, paragraph c, Code 2011, is amended by striking the paragraph.

Sec. 12. Section 142A.7, subsection 1, paragraph f, Code 2011, is amended by striking the paragraph.

Sec. 13. Section 142A.8, subsection 4, paragraph d, Code 2011, is amended by striking the paragraph.

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Sec. 14. Section 142A.9, subsection 3, Code 2011, is amended to read as follows:

3. To the greatest extent possible, the youth program shall be directed by youth for youth participants. State and local administrators associated with the initiative shall consult with and utilize the youth program participants in the media, marketing, and communications program; education efforts; and other aspects of the initiative including evaluation~~,~~ and collaboration~~, and enforcement~~.

Sec. 15. Section 453A.2, subsections 4, 6, and 7, Code 2011, are amended to read as follows:

4. The ~~Iowa~~ alcoholic beverages division of the department of ~~public health~~ commerce, a county ~~health department, a city health department~~, or a city may directly enforce this section in district court and initiate proceedings pursuant to section 453A.22 before a permit=issuing authority which issued the permit against a permit holder violating this section.

6. If a county ~~health department, a city health department,~~ or a city has not assessed a penalty pursuant to section 453A.22, subsection 2, for a violation of subsection 1, within sixty days of the adjudication of the violation, the matter shall be transferred to and be the exclusive responsibility of the ~~Iowa~~ alcoholic beverages division of the department of ~~public health~~ commerce. Following transfer of the matter, if the violation is contested, the ~~Iowa~~ alcoholic beverages division of the department of ~~public health~~ commerce shall request an administrative hearing before an administrative law judge, assigned by the division of administrative hearings of the department of inspections and appeals in accordance with the provisions of section 10A.801, to adjudicate the matter pursuant to chapter 17A.

7. A tobacco compliance employee training fund is created in the office of the treasurer of state. The fund shall consist of civil penalties assessed by the ~~Iowa~~ alcoholic beverages division of the department of ~~public health~~ commerce under

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section 453A.22 for violations of this section. Moneys in the fund are appropriated to the alcoholic beverages division of the department of commerce and shall be used to develop and administer the tobacco compliance employee training program under section 453A.5. Moneys deposited in the fund shall not be transferred, used, obligated, appropriated, or otherwise encumbered except as provided in this subsection. Notwithstanding section 8.33, any unexpended balance in the fund at the end of the fiscal year shall be retained in the fund.

Sec. 16. Section 453A.13, subsection 2, paragraph c, Code 2011, is amended to read as follows:

c. The department, or a city or county, shall submit a duplicate of any application for a retail permit and any retail permit issued by the entity under this subsection to the ~~Iowa~~ alcoholic beverages division of the department of ~~public health~~ commerce within thirty days of the issuance. The alcoholic beverages division of the department of commerce shall submit the current list of all retail permits issued to the Iowa department of public health by the first day of each quarter of a state fiscal year.

Sec. 17. Section 453A.22, subsection 2, unnumbered paragraph 1, Code 2011, is amended to read as follows:

If a retailer or employee of a retailer has violated section 453A.2 or section 453A.36, subsection 6, the department or local authority, or the ~~Iowa~~ alcoholic beverages division of the department of ~~public health~~ commerce following transfer of the matter to the ~~Iowa~~ alcoholic beverages division of the department of ~~public health~~ commerce pursuant to section 453A.2, subsection 6, in addition to the other penalties fixed for such violations in this section, shall assess a penalty upon the same hearing and notice as prescribed in subsection 1 as follows:

Sec. 18. Section 453A.22, subsection 7, Code 2011, is amended to read as follows:

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7. The department or local authority shall report the suspension or revocation of a retail permit under this section to the ~~Iowa~~ alcoholic beverages division of the department of ~~public health~~ commerce within thirty days of the suspension or revocation of the retail permit.

Sec. 19. Section 453A.47A, subsection 6, Code 2011, is amended to read as follows:

6. Issuance. Cities shall issue retail permits to retailers within their respective limits. County boards of supervisors shall issue retail permits to retailers in their respective counties, outside of the corporate limits of cities. The city or county shall submit a duplicate of any application for a retail permit and any retail permit issued by the entity under this section to the ~~Iowa~~ alcoholic beverages division of the department of ~~public health~~ commerce within thirty days of issuance. The alcoholic beverages division of the department of commerce shall submit the current list of all retail permits issued to the Iowa department of public health by the first day of each quarter of a state fiscal year.

DIVISION III

COMMUNICABLE AND INFECTIOUS DISEASES AND POISONINGS

Sec. 20. Section 139A.2, subsections 5 and 8, Code 2011, are amended to read as follows:

5. "Contagious or infectious disease" means hepatitis in any form, meningococcal disease, AIDS or HIV as defined in section 141A.1, tuberculosis, and any other disease~~, with the exception of AIDS or HIV infection as defined in section 141A.1,~~ determined to be life=threatening to a person exposed to the disease as established by rules adopted by the department, based upon a determination by the state epidemiologist and in accordance with guidelines of the centers for disease control and prevention of the United States department of health and human services.

8. "Exposure" means ~~the risk of contracting disease as determined by the centers for disease control and prevention~~

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~~of the United States department of health and human services and adopted by rule of the department~~ a specific eye, mouth, other mucous membrane, nonintact skin, or parenteral contact with blood or other potentially infectious bodily fluids.

Sec. 21. Section 139A.2, Code 2011, is amended by adding the following new subsection:

NEW SUBSECTION. 23A. "Significant exposure" means a situation in which there is a risk of contracting disease through exposure to a person's infectious bodily fluids in a manner capable of transmitting an infectious agent as determined by the centers for disease control and prevention of the United States department of health and human services and adopted by rule of the department.

Sec. 22. Section 139A.19, Code 2011, is amended to read as follows:

139A.19 Care provider notification.

1. a. Notwithstanding any provision of this chapter to the contrary, if a care provider sustains ~~an~~ a significant exposure from an individual while rendering health care services or other services, the individual to whom the care provider was exposed is deemed to consent to a test to determine if the individual has a contagious or infectious disease and is deemed to consent to notification of the care provider of the results of the test, upon submission of ~~an~~ a significant exposure report by the care provider to the hospital, clinic, other health facility, or other person specified in this section to whom the individual is delivered by the care provider as determined by rule. ~~The exposure report form may be incorporated into the Iowa prehospital care report, the Iowa prehospital advanced care report, or a similar report used by an ambulance, rescue, or first response service or law enforcement agency.~~

b. The hospital, clinic, or other health facility in which the significant exposure occurred or other person specified in this section to whom the individual is delivered shall conduct

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the test. If the individual is delivered by the care provider to an institution administered by the Iowa department of corrections, the test shall be conducted by the staff physician of the institution. If the individual is delivered by the care provider to a jail, the test shall be conducted by the attending physician of the jail or the county medical examiner. The sample and test results shall only be identified by a number ~~and shall not otherwise identify the individual tested~~.

c. A hospital, clinic, or other health facility, institutions administered by the department of corrections, and jails shall have written policies and procedures for notification of a care provider under this section. The policies and procedures shall include designation of a representative of the care provider to whom notification shall be provided and who shall, in turn, notify the care provider. The identity of the designated representative of the care provider shall not be revealed to the individual tested. The designated representative shall inform the hospital, clinic, or other health facility, institution administered by the department of corrections, or jail of those parties who received the notification, and following receipt of this information and upon request of the individual tested, the hospital, clinic, or other health facility, institution administered by the department of corrections, or jail shall inform the individual of the parties to whom notification was provided.

d. Notwithstanding any other provision of law to the contrary, a care provider may transmit cautions regarding contagious or infectious disease information, with the exception of AIDS or HIV pursuant to section 80.9B, in the course of the care provider's duties over the police radio broadcasting system under chapter 693 or any other radio=based communications system if the information transmitted does not personally identify an individual.

2. a. If the test results are positive, the hospital,

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clinic, other health facility, or other person performing the test shall notify the subject of the test and make any required reports to the department pursuant to sections 139A.3 and 141A.6. The report to the department shall include the name of the individual tested.

b. If the individual tested is diagnosed or confirmed as having a contagious or infectious disease, the hospital, clinic, other health facility, or other person conducting the test shall notify the care provider or the designated representative of the care provider who shall then notify the care provider.

~~3. The notification to the care provider shall advise the care provider of possible exposure to a particular contagious or infectious disease and recommend that the care provider seek medical attention.~~

c. The notification to the care provider shall be provided as soon as is reasonably possible following determination that the ~~individual~~ subject of the test has a contagious or infectious disease. The notification shall not include the name of the individual tested for the contagious or infectious disease unless the individual consents. If the care provider who sustained ~~an~~ a significant exposure determines the identity of the individual diagnosed or confirmed as having a contagious or infectious disease, the identity of the individual shall be confidential information and shall not be disclosed by the care provider to any other person unless a specific written release is obtained from the individual diagnosed with or confirmed as having a contagious or infectious disease.

~~4. This section does not require or permit, unless otherwise provided, a hospital, health care provider, or other person to administer a test for the express purpose of determining the presence of a contagious or infectious disease, except that testing may be performed if the individual consents and if the requirements of this section are satisfied.~~

~~5.~~ 3. This section does not preclude a hospital, clinic,

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other health facility, or a health care provider from providing notification to a care provider under circumstances in which the hospital's, clinic's, other health facility's, or health care provider's policy provides for notification of the hospital's, clinics, other health facility's, or health care provider's own employees of exposure to a contagious or infectious disease that is not life=threatening if the notice does not reveal a patient's name, unless the patient consents.

~~6.~~ 4. A hospital, clinic, other health facility, or health care provider, or other person participating in good faith in complying with provisions authorized or required under this section is immune from any liability, civil or criminal, which might otherwise be incurred or imposed.

~~7.~~ 5. A hospital's, clinic's, other health facility's, or health care provider's duty ~~of notification~~ to notify under this section is not continuing but is limited to a diagnosis of a contagious or infectious disease made in the course of admission, care, and treatment following the rendering of health care services or other services to ~~which notification under this section applies~~ the individual who was the source of the significant exposure.

6. Notwithstanding subsection 5, the hospital, clinic, or other health facility may provide a procedure for notifying the exposed care provider if, following discharge from or completion of care or treatment by the hospital, clinic, or other health facility, the individual who was the source of the significant exposure, and for whom a significant exposure report was submitted that did not result in notification of the exposed care provider, wishes to provide information regarding the source individual's contagious or infectious disease status to the exposed care provider.

~~8.~~ 7. A hospital, clinic, other health facility, health care provider, or other person who is authorized to perform a test under this section who performs the test in compliance with this section or who fails to perform the test authorized

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under this section, is immune from any liability, civil or criminal, which might otherwise be incurred or imposed.

~~9.~~ 8. A hospital, clinic, other health facility, health care provider, or other person who is authorized to perform a test under this section has no duty to perform the test authorized.

~~10.~~ 9. The department shall adopt rules pursuant to chapter 17A to administer this section. The department may determine by rule the contagious or infectious diseases for which testing is reasonable and appropriate and which may be administered under this section.

~~11.~~ 10. The employer of a care provider who sustained ~~an~~ a significant exposure under this section shall pay the costs of testing for the individual who is the source of the significant exposure and of the testing of the care provider, if the significant exposure was sustained during the course of employment. However, the department shall ~~pay the costs of testing for the~~ assist an individual who is the source of the significant exposure ~~and~~ in finding resources to pay for the costs of the testing ~~of the~~ and shall assist a care provider who renders direct aid without compensation in finding resources to pay for the cost of the test.

Sec. 23. Section 139A.33, Code 2011, is amended to read as follows:

139A.33 Determination of source ==== partner notification program.

~~The local board or the department shall use every available means to determine the source and spread of any infectious case of sexually transmitted disease or infection which is reported.~~

1. The department shall maintain a partner notification program for persons known to have tested positive for a reportable sexually transmitted disease or infection.

2. In administering the program, the department shall provide for all of the following:

a. A person who voluntarily participates in the program

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shall receive post=test counseling during which time the person shall be encouraged to refer for counseling and testing any person with whom the person has had sexual relations or has shared drug injecting equipment.

b. The physician or other health care provider attending the person may provide to the department any relevant information provided by the person regarding any person with whom the tested person has had sexual relations or has shared drug injecting equipment.

3. The department may delegate its partner notification duties under this section to local health authorities or a physician or other health care provider, as provided by rules adopted by the department.

4. In making contact with sexual or drug equipment=sharing partners, the department or its designee shall not disclose the identity of the person who provided the names of the persons to be contacted and shall protect the confidentiality of the persons contacted.

5. a. This section shall not be interpreted as creating a duty to warn third parties of the danger of exposure to a sexually transmitted disease or infection through contact with a person who tests positive for a sexually transmitted disease.

b. This section shall not be interpreted to require the department to provide partner notification services to all persons who have tested positive for a sexually transmitted disease or infection.

DIVISION IV
AIDS UPDATE

Sec. 24. Section 141A.1, subsections 2, 11, 13, 15, and 18, Code 2011, are amended to read as follows:

2. "AIDS=related conditions" means any condition resulting from ~~the~~ human immunodeficiency virus infection that meets the definition of AIDS as established by the centers for disease control and prevention of the United States department of health and human services.

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11. "HIV=related condition" means any condition resulting from ~~the~~ human immunodeficiency virus infection.

13. "Infectious bodily fluids" means bodily fluids capable of transmitting HIV ~~infection~~ as determined by the centers for disease control and prevention of the United States department of health and human services and adopted by rule of the department.

15. "Nonblinded epidemiological studies" means studies in which specimens are collected for the express purpose of testing for ~~the~~ HIV infection and persons included in the nonblinded study are selected according to established criteria.

18. "Significant exposure" means ~~the~~ a situation in which there is a risk of contracting HIV ~~infection by means of~~ through exposure to a person's infectious bodily fluids in a manner capable of transmitting HIV ~~infection~~ as determined by the centers for disease control and prevention of the United States department of health and human services and adopted by rule of the department.

Sec. 25. Section 141A.1, Code 2011, is amended by adding the following new subsection:

NEW SUBSECTION. 6A. "Exposure" means a specific eye, mouth, other mucous membrane, nonintact skin, or parenteral contact with blood or other potentially infectious bodily fluids.

Sec. 26. Section 141A.2, subsection 5, Code 2011, is amended to read as follows:

5. The department shall coordinate efforts with local health officers to investigate sources of HIV infection and use every appropriate means to prevent the spread of ~~the infection~~ HIV.

Sec. 27. Section 141A.3, subsection 2, paragraph b, Code 2011, is amended to read as follows:

b. Provide health information to the public regarding HIV ~~infection~~, including information about how ~~the infection~~ HIV is transmitted and how transmittal can be prevented. The

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department shall prepare and distribute information regarding HIV ~~infection~~ transmission and prevention.

Sec. 28. Section 141A.4, subsection 1, Code 2011, is amended to read as follows:

1. HIV testing and education shall be offered to persons who are at risk for HIV infection including all of the following:

a. Males who have had sexual relations with other males.

b. All persons testing positive for a sexually transmitted disease.

~~b.~~ c. All persons having a history of injecting drug abuse.

~~c.~~ d. Male and female sex workers and those who trade sex for drugs, money, or favors.

~~d.~~ e. Sexual partners of HIV=infected persons.

~~e.~~ f. Persons whose sexual partners are identified in paragraphs "a" through ~~"d"~~ "e".

Sec. 29. Section 141A.5, subsection 2, paragraph c, subparagraph (1), subparagraph division (a), Code 2011, is amended to read as follows:

(a) A physician for the infected person is of the good faith opinion that the nature of the continuing contact poses an imminent danger of HIV ~~infection~~ transmission to the third party.

Sec. 30. Section 141A.6, subsection 1, Code 2011, is amended to read as follows:

1. Prior to undergoing ~~an~~ a voluntary HIV=related test, information shall be available to the subject of the test concerning testing and any means of obtaining additional information regarding HIV ~~infection~~ transmission and risk reduction. If an individual signs a general consent form for the performance of medical tests or procedures, the signing of an additional consent form for the specific purpose of consenting to an HIV=related test is not required during the time in which the general consent form is in effect. If an individual has not signed a general consent form for the performance of medical tests and procedures or the

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consent form is no longer in effect, a health care provider shall obtain oral or written consent prior to performing an HIV=related test. If an individual is unable to provide consent, the individual's legal guardian may provide consent. If the individual's legal guardian cannot be located or is unavailable, a health care provider may authorize the test when the test results are necessary for diagnostic purposes to provide appropriate urgent medical care.

Sec. 31. Section 141A.9, subsection 2, paragraph i, Code 2011, is amended to read as follows:

i. Pursuant to ~~section~~ sections 915.42 and 915.43, to a convicted or alleged sexual assault offender; the physician or other health care provider who orders the test of a convicted or alleged offender; the victim; the parent, guardian, or custodian of the victim if the victim is a minor; the physician of the victim if requested by the victim; the victim counselor or person requested by the victim to provide counseling regarding the HIV=related test and results; the victim's spouse; persons with whom the victim has engaged in vaginal, anal, or oral intercourse subsequent to the sexual assault; members of the victim's family within the third degree of consanguinity; and the county attorney who may use the results as evidence in the prosecution of sexual assault under chapter 915, subchapter IV, or prosecution of the offense of criminal transmission of HIV under chapter 709C. For the purposes of this paragraph, "victim" means victim as defined in section 915.40.

Sec. 32. Section 141A.9, subsection 3, Code 2011, is amended to read as follows:

3. Release may be made of medical or epidemiological information for research or statistical purposes in a manner such that no individual person can be identified.

Sec. 33. Section 141A.9, Code 2011, is amended by adding the following new subsection:

NEW SUBSECTION. 8. Medical information secured pursuant

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to subsection 1 may be shared with other state or federal agencies, with employees or agents of the department, or with local units of government, who have a need for the information in the performance of their duties related to HIV prevention, disease surveillance, or care of persons with HIV, only as necessary to administer the program for which the information is collected or to administer a program within the other agency. Confidential information transferred to other entities under this subsection shall continue to maintain its confidential status and shall not be rereleased by the receiving entity.

Sec. 34. Section 141A.10, subsection 2, Code 2011, is amended to read as follows:

2. A health care provider attending a person who tests positive for ~~the~~ HIV infection has no duty to disclose to or to warn third parties of the dangers of exposure to HIV infection through contact with that person and is immune from any liability, civil or criminal, for failure to disclose to or warn third parties of the condition of that person.

Sec. 35. REPEAL. Section 141A.8, Code 2011, is repealed.

DIVISION V

MISCELLANEOUS PROVISIONS

Sec. 36. Section 135.11, subsection 13, Code 2011, is amended to read as follows:

13. Administer ~~the statewide public health nursing, homemaker-home health aide, and senior health programs~~ healthy aging and essential public health services by approving grants of state funds to the local boards of health ~~and the county boards of supervisors~~ for the purposes of promoting healthy aging throughout the lifespan and enhancing health promotion and disease prevention services, and by providing guidelines for the approval of the grants and allocation of the state funds. ~~Program direction~~ Guidelines, evaluation requirements~~,~~ and formula allocation procedures for ~~each of~~ the ~~programs~~ services shall be established by the department by rule.

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Sec. 37. Section 135A.5, subsection 1, Code 2011, is amended to read as follows:

1. A governmental public health evaluation committee is established to develop~~,~~ and implement~~, and evaluate~~ the evaluation of the governmental public health system and voluntary accreditation program. The committee shall meet at least quarterly. The committee shall consist of no fewer than eleven members and no more than thirteen members. The members shall be appointed by the director of the department. The director may solicit and consider recommendations from professional organizations, associations, and academic institutions in making appointments to the committee.

Sec. 38. REPEAL. Section 135.162, Code 2011, is repealed.

EXPLANATION

This bill relates to programs and activities under the purview of the department of public health (DPH).

Division I relates to the creation of an Iowa health workforce center. The division eliminates an existing directive to the department to establish and administer a program relating to workforce supply and instead establishes an Iowa health workforce center in the division of health promotion and chronic disease prevention of DPH and specifies its duties.

Division II relates to tobacco enforcement by transferring all enforcement duties from DPH to the alcoholic beverages division.

Division III relates to communicable and infectious diseases and poisonings. The bill includes AIDS and HIV, which were previously excluded, in the definition of "contagious and infectious disease" under Code chapter 139A (contagious and infectious diseases and poisonings); provides new definitions for "exposure" and "significant exposure"; amends provisions for the notification of care providers who may have had a significant exposure; provides for the reporting of positive test results to the department; authorizes the notification

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of a care provider after the individual who was the source of a significant exposure is released from a hospital or other health facility if the test did not result in notification of the care provider, but the individual wishes to provide information to the care provider regarding the individual's contagious or infectious disease status; amends a provision that required DPH to pay the cost of testing of the individual who is the source of a significant exposure and of a care provider who renders direct aid without compensation and instead requires DPH to assist these individuals in finding resources to pay for the testing; and establishes a partner notification program for those persons known to have tested positive for a reportable sexually transmitted disease or infection.

Division IV relates to acquired immunodeficiency syndrome provisions. The division amends definitions of exposure and significant exposure; adds men who have sexual relations with other men to the list of persons who are at risk for HIV and to whom HIV testing and education are to be offered; clarifies that the consent, testing, and reporting requirements are applicable to HIV=related testing that is voluntary; eliminates the care provider notification program since this program is combined with the care provider program for communicable and infectious diseases under Code chapter 139A in division III of the bill; includes a reference to the section relating to the right to HIV testing of a convicted or alleged assailant in the context of confidentiality of information; allows for the release of medical or epidemiological information for the purpose of research as well as statistical purposes; and provides for the sharing of medical information obtained, submitted, or maintained under the chapter with other state or federal agencies or local units of government only as necessary to administer the program for which the information is collected or a program within the other entity, but such information is to maintain its confidential status not be

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released.

Division V includes miscellaneous provisions. One provision relates to healthy aging and updates language to eliminate discontinued programs. The language also eliminates county boards of supervisors as potential recipients of grants to promote healthy aging and limits grants to local boards of health. The bill amends a provision in the Iowa public health modernization Act to clarify that the public health evaluation committee is to develop and implement the evaluation of the governmental public health system, not develop and implement the system itself. The division also eliminates the clinicians advisory panel. Clinical input is being provided directly by physicians participating in the entities the advisory panel was to advise, the medical home advisory council, and the prevention and chronic care management initiative.

LSB 1230HV (2) 84
pf/nh

House File 468 - Introduced

HOUSE FILE
BY COMMITTEE ON
AGRICULTURE

(SUCCESSOR TO HSB 99)

A BILL FOR

An Act relating to preferred stock issued by cooperative associations.

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

TLSB 2141HV (1) 84
da/nh

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PAG LIN

Section 1. Section 499.24, Code 2011, is amended to read as follows:

499.24 Preferred stock.

Preferred stock shall bear cumulative or noncumulative dividends as fixed by the articles~~, not exceeding eight percent per annum~~. It shall have no vote. It shall be issued and be transferable without regard to eligibility or membership, and be redeemable on terms specified in the articles and as provided for in this chapter. The directors shall determine the time and amount of its issue.

EXPLANATION

This bill relates to preferred stock issued by a cooperative association organized under Code chapter 499. It eliminates a requirement that the stock's dividends cannot earn more than 8 percent per annum.

LSB 2141HV (1) 84
da/nh

House File 469 - Introduced

HOUSE FILE
BY COMMITTEE ON STATE
GOVERNMENT

(SUCCESSOR TO HF 193)

A BILL FOR

An Act relating to the protection and care of pioneer cemeteries.

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

TLSB 1608HV (2) 84
av/sc

House File 469 - Introduced continued

PAG LIN

Section 1. Section 523I.102, subsection 6, Code 2011, is amended to read as follows:

6. a. "Cemetery" means any area that is or was open to use by the public in general or any segment thereof and is used or is intended to be used to inter or scatter remains.

b. "Cemetery" does not include the following:

~~a.~~ (1) A private burial site where use is restricted to members of a family, if the interment rights are conveyed without a monetary payment, fee, charge, or other valuable form of compensation or consideration.

~~b.~~ (2) A private burial site where use is restricted to a narrow segment of the public, if the interment rights are conveyed without a monetary payment, fee, charge, or other valuable form of compensation or consideration.

~~c.~~ (3) A pioneer cemetery.

c. Notwithstanding paragraph "b", subparagraph (3), a pioneer cemetery shall be considered a cemetery for the purposes of section 523I.316, 523I.317, 523I.401, and 523I.402.

EXPLANATION

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

The bill provides that a pioneer cemetery shall be considered a cemetery for the purposes of preserving and protecting a cemetery for which preservation is not otherwise provided, providing reasonable public access to a cemetery, allowing interested persons to report a neglected cemetery to the commissioner of insurance, and allowing the removal of remains from one cemetery to another upon a showing of good cause.

House File 470 - Introduced

HOUSE FILE
BY COMMITTEE ON COMMERCE

(SUCCESSOR TO HSB 102)

A BILL FOR

An Act relating to matters under the purview of the alcoholic beverages division of the department of commerce, and making penalties applicable.

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

TLSB 1243HV (2) 84
rn/nh

House File 470 - Introduced continued

PAG LIN

Section 1. Section 22.7, subsection 24, Code 2011, is amended by striking the subsection.

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

NEW SUBSECTION. 014A. "Grape brandy" means brandy produced by the distillation of fermented grapes or grape juice.

Sec. 3. Section 123.41, Code 2011, is amended to read as follows:

123.41 Manufacturer's license.

1. Upon application in the prescribed form and accompanied by a fee of three hundred fifty dollars, the administrator may in accordance with this chapter grant and issue a license, valid for a one=year period after date of issuance, to a manufacturer which shall allow the manufacture, storage, and wholesale disposition and sale of alcoholic liquors to the division and to customers outside of the state.

2. As a condition precedent to the approval and granting of a manufacturer's license, an applicant shall file a statement under oath with the division that the applicant is a bona fide manufacturer of alcoholic liquors, and that the applicant will faithfully observe and comply with all laws, rules, and regulations governing the manufacture and sale of alcoholic liquor.

~~2.~~ 3. A person who holds an experimental distilled spirits plant permit or its equivalent issued by the ~~federal bureau of alcohol, tobacco and firearms~~ alcohol and tobacco tax and trade bureau of the United States department of the treasury may produce alcohol for use as fuel without obtaining a manufacturer's license from the division.

4. A violation of the requirements of this section shall subject the licensee to the general penalties provided in this chapter and shall constitute grounds for imposition of a civil penalty or suspension or revocation of the license after notice and opportunity for a hearing pursuant to section 123.39 and chapter 17A.

House File 470 - Introduced continued

Sec. 4. Section 123.43A, subsection 8, Code 2011, is amended to read as follows:

8. Micro=distilled spirits purchased at a micro=distillery shall not be consumed ~~within three hundred feet of a micro=distillery or~~ on any property owned, operated, or controlled by a micro=distillery.

Sec. 5. NEW SECTION. 123.46A Delivery of alcoholic beverages by retailers.

1. Licensees and permittees authorized to sell alcoholic liquor, wine, or beer in original unopened containers for consumption off the licensed premises may deliver alcoholic liquor, wine, or beer to a home or other designated location in this state. Deliveries shall be limited to alcoholic beverages authorized by the licensee's or permittee's license or permit.

2. All deliveries of alcoholic liquor, wine, or beer shall be subject to the following requirements and restrictions:

a. Payment for the alcoholic liquor, wine, or beer shall be received on the licensed premises at the time of order.

b. Alcoholic liquor, wine, or beer delivered to a person shall be for personal use and not for resale.

c. Deliveries shall only be made to persons in this state who are twenty=one years of age or older.

d. Deliveries shall not be made to a person who is intoxicated or is simulating intoxication.

e. Deliveries shall occur between 6:00 a.m. and 10:00 p.m. Monday through Saturday, and between 8:00 a.m. and 10:00 p.m. Sunday.

f. Delivery of alcoholic liquor, wine, or beer shall be made by the licensee or permittee, or the licensee's or permittee's employee, and not by a third party.

g. Delivery personnel shall be eighteen years of age or older.

h. Deliveries shall be made in a vehicle owned, leased, or under the control of the licensee or permittee.

i. Valid proof of the recipient's identity and age shall

House File 470 - Introduced continued

be obtained at the time of delivery, and the signature of a person twenty=one years of age or older shall be obtained as a condition of delivery.

j. Licensees and permittees shall maintain records of deliveries which include the quantity delivered, the recipient's name and address, and the signature of the recipient of the alcoholic liquor, wine, or beer. The records shall be maintained on the licensed premises for a period of three years.

3. A violation of this section or any other provision of this chapter shall subject the licensee or permittee to the penalty provisions of section 123.39.

4. Nothing in this section shall impact the direct shipment of wine as regulated by section 123.187.

Sec. 6. Section 123.56, subsections 1, 2, and 3, Code 2011, are amended to read as follows:

1. Subject to rules of the division, manufacturers of native wines from grapes, cherries, other fruits or other fruit juices, vegetables, vegetable juices, dandelions, clover, honey, or any combination of these ingredients, holding a class "A" wine permit as required by this chapter, may sell, keep, or offer for sale and deliver the wine. ~~Sales may be made at retail for off=premises consumption when sold on the premises of the manufacturer, or in a retail establishment operated by the manufacturer. Sales may also be made to class "A" or retail wine permittees or liquor control licensees as authorized by the class "A" wine permit.~~ Notwithstanding any other provision of this chapter, manufacturers of native wine may purchase and possess grape brandy from the division for the sole purpose of manufacturing wine.

2. Native wine may be sold at retail for off=premises consumption when sold on the premises of the manufacturer, or in a retail establishment operated by the manufacturer. Sales may also be made to class "A" or retail wine permittees or liquor control licensees as authorized by the class "A"

House File 470 - Introduced continued

wine permit. A manufacturer of native wines shall not sell the wines other than as permitted in this chapter and shall not allow wine sold to be consumed upon the premises of the manufacturer. However, prior to sale native wines may be sampled on the premises where made, when no charge is made for the sampling. A person may manufacture native wine for consumption on the manufacturer's premises, when the wine or any part of it is not manufactured for sale.

3. A manufacturer of native wines may ship wine in closed containers to individual purchasers inside ~~and outside~~ this state by obtaining a wine direct shipper license pursuant to section 123.187. ~~The manufacturer shall label the package containing the wine with the words "deliver to adults only".~~

Sec. 7. Section 123.57, Code 2011, is amended to read as follows:

123.57 Examination of accounts.

The financial condition and transactions of all offices, departments, warehouses, and depots of the division shall be examined at least once each year by the state auditor and at shorter periods if requested by the administrator, governor, commission, or ~~executive council~~ the general assembly's standing committees on government oversight.

Sec. 8. REPEAL. Section 123.43, Code 2011, is repealed.

EXPLANATION

This bill makes changes regarding matters under the purview of the alcoholic beverages division of the department of commerce.

The bill deletes an exception to the open records law in Code chapter 22 which currently provides that records of purchases of alcoholic liquor from the division which would reveal purchases made by an individual class "E" liquor control licensee shall be kept confidential, unless required to be revealed for law enforcement purposes or for the collection of payments due the division pursuant to Code section 123.24.

The bill provides that prior to the approval and granting

House File 470 - Introduced continued

of a manufacturer's license, which allows the manufacture, storage, and wholesale disposition and sale of alcoholic liquors to the division and to customers outside of the state, an applicant must file a statement under oath with the division that the applicant is a bona fide manufacturer of alcoholic liquors, and that the applicant will faithfully observe and comply with all laws, rules, and regulations governing the manufacture and sale of alcoholic liquor. The bill subjects a licensee violating the requirements for issuance of a manufacturer's license, in addition to any other applicable penalty contained in Code chapter 123, to the civil penalty and suspension or revocation provisions contained in Code section 123.39. The civil penalty is in an amount not to exceed $1,000 per violation. The bill repeals Code section 123.43, which requires the posting of a $5,000 bond by applicants for a manufacturer's license.

The bill deletes a current provision prohibiting micro=distilled spirits purchased at a micro=distillery from being consumed within 300 feet of a micro=distillery.

The bill provides that a licensee or permittee authorized to sell liquor, wine, or beer in original unopened containers for consumption off the licensed premises may deliver it to a home or other designated location in Iowa. Payment for the liquor, wine, or beer shall be received on the licensed premises at the time of order; liquor, wine, or beer shall be for personal use and not for resale; deliveries shall only be made to persons in this state who are 21 or older; and deliveries shall not be made to a person who is intoxicated or is simulating intoxication. Additionally, deliveries shall occur between 6:00 a.m. and 10:00 p.m. Monday through Saturday and 8:00 a.m. and 10:00 p.m. Sunday and shall be made by the licensee or permittee, or the licensee's or permittee's employee. Delivery personnel are required to be 18 or older. Further, deliveries shall be made in a vehicle owned, leased, or under the control of the licensee or permittee, valid proof of the recipient's

House File 470 - Introduced continued

identity and age shall be obtained at the time of delivery and the signature of an adult shall be obtained as a condition of delivery, and licensees and permittees are required to maintain records of deliveries for a period of three years. The bill's provisions do not impact provisions regulating the direct shipment of wine in Code section 123.187. A violation of the delivery provisions, or any other provision of Code chapter 123, shall subject the licensee's or permittee's license or permit to the penalty provisions of Code section 123.39, which include possible suspension or revocation and a civil penalty not to exceed $1,000 per violation.

Additionally, the bill makes specified changes relating to the manufacture of native wine. The bill states that manufacturers of native wine may purchase and possess grape brandy, as defined in the bill, for the sole purpose of manufacturing wine, provided that the grape brandy is purchased from the division. The bill clarifies that a manufacturer of native wine shall obtain a wine shipper's license pursuant to Code section 123.187 to ship wine inside this state and makes the manufacturer subject to the provisions of the Code section.

LSB 1243HV (2) 84
rn/nh

House Resolution 16 - Introduced

PAG LIN

HOUSE RESOLUTION NO.
BY J.?TAYLOR

A Resolution honoring the life of service of Iowan Richard "Dick" Sturgeon.

WHEREAS, Dick Sturgeon served the community of Sioux City as president of Local 1426 and as a representative of the Machinists Union on several local and state commissions; and

WHEREAS, Dick Sturgeon served as a workers' advocate for a nonprofit organization he created called Workers Have Rights Too and received the War Eagle Award given by the Sioux City Human Rights Commission; and

WHEREAS, Dick Sturgeon's life of service included being an usher at the Tyson Events Center and the Sioux City Convention Center, a volunteer driver for Meals on Wheels, a server at the Mid=Town Community Center, a volunteer board member at the Mary J. Treglia Community House, a member of the Environmental Advisory Board to the City Council of Sioux City, a deacon and elder of Westlawn Presbyterian Church, and a teacher of first aid to many Boy Scouts; and

WHEREAS, Dick Sturgeon was the faithful husband of Delores Helen Rupe for 52 years, the father of two daughters and two sons, and with Delores, the foster parents of many children; NOW THEREFORE,

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, That the House of Representatives honors the life and memory of Dick Sturgeon, whose extensive service has helped to better the state of Iowa, and extends its condolences to the Sturgeon family.

LSB 1695YH (2) 84
jr/nh

House Resolution 17 - Introduced

PAG LIN

HOUSE RESOLUTION NO.
BY HEDDENS, HEATON, SCHULTE, and M. SMITH

A Resolution recognizing Wednesday, March 2, 2011, as "Spread the Word to End the Word" day of awareness in Iowa and encouraging the American Medical Association, the American Psychiatric Association, and kindred organizations to utilize the term "intellectual disability" for clinical purposes.

WHEREAS, the terms "mental retardation" and "mentally retarded", originally introduced as medical terms, have evolved in today's society to be used as hate speech to degrade and insult persons with intellectual disabilities; and

WHEREAS, "Spread the Word to End the Word" is an ongoing effort by Special Olympics and Best Buddies International to raise the consciousness of society about the dehumanizing and hurtful effects of using terms based on the word "retarded" and encourage cessation of the use of such terms; and

WHEREAS, the effort to build awareness would be greatly advanced if the American Medical Association, the American Psychiatric Association, and kindred organizations act to replace the use of terms based on the word "retarded" with the use of terms based on the words "intellectual disabilities" for clinical purposes; and

WHEREAS, promoting the use of respectful and inclusive language is essential to acknowledging the dignity and humanity of persons with intellectual disabilities; NOW THEREFORE,

House Resolution 17 - Introduced continued

BE IT FURTHER RESOLVED BY THE HOUSE OF REPRESENTATIVES, That the House of Representatives proclaims and recognizes Wednesday, March 2, 2011, as "Spread the Word to End the Word" day of awareness in Iowa; and

BE IT FURTHER RESOLVED, That all Iowans are encouraged to declare support for their fellow Iowans with intellectual disabilities by spreading the word to end the word on March 2, 2011, and thereafter; and

BE IT FURTHER RESOLVED, That the American Medical Association, the American Psychiatric Association, and kindred organizations are encouraged to replace the use of terms based on the word "retarded" with the use of terms based on the words "intellectual disabilities" for clinical purposes.

LSB 2714HH (7) 84
jp/nh

Iowa General Assembly
Daily Bills, Amendments & Study Bills
March 01, 2011

House Study Bill 188

HOUSE FILE
BY (PROPOSED COMMITTEE ON AGRICULTURE BILL BY CHAIRPERSON SWEENEY)

A BILL FOR

An Act relating to the environmental impact of livestock operations by providing for financial assistance, and making an appropriation.

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

TLSB 2510YC (4) 84
da/nh

House Study Bill 188 continued

PAG LIN

Section 1. NEW SECTION. 175.34A Livestock environmental assistance revolving fund.

1. A livestock environmental assistance revolving fund is created in the state treasury under the control of the agricultural development authority. The fund is composed of moneys appropriated by the general assembly, and moneys available to and obtained or accepted by the authority from the United States or private sources for placement in the fund. It shall include moneys attributable to interest earned on a certificate of deposit issued by an eligible lending institution participating in the livestock environmental assistance program as provided in section 175.34B and the moneys attributable to the principal invested in the certificate of deposit upon its maturity, renewal, or early withdrawal.

2. Moneys in the fund are subject to an annual audit by the auditor of state.

3. The fund shall be used exclusively to support the livestock environmental assistance program as provided in section 175.34B, and to defray expenses by the authority in administering the program.

4. The authority may adopt rules pursuant to chapter 17A to administer this section.

5. Section 8.33 shall not apply to moneys in the fund. Notwithstanding section 12C.7, moneys earned as income, including as interest, from the fund shall remain in the fund until expended as provided in this section.

Sec. 2. NEW SECTION. 175.34B Livestock environmental assistance program.

1. As used in this section, unless the context otherwise requires:

a. "Eligible lending institution" means a financial institution that is empowered to make commercial loans and is eligible pursuant to chapter 12C to be a depository of state funds.

House Study Bill 188 continued

b. "Livestock" means the same as in section 169C.1.

2. The authority shall establish a livestock environmental assistance program. The authority may enter into agreements with eligible lending institutions that provide loans to livestock producers for the purposes of constructing structures, or installing practices, equipment, or systems which prevent or control the impact of a livestock operation on the environment.

3. As part of the agreement, the authority may deposit an amount equaling all or part of the principal loan amount with the eligible lending institution in return for a certificate of deposit issued by the eligible lending institution. The authority may provide for the terms and conditions of the agreement offered to eligible lending institutions, including but not limited to the interest rate borne by the certificate of deposit at a rate which is lower than the existing market rate, compliance with the terms and conditions of the agreement, penalties for breach of the agreement, and the renewal of a certificate of deposit.

4. Nothing in this section authorizes the authority to be a lender, guarantor, secured party, or servicer of a loan.

5. The authority shall not in any manner directly or indirectly pledge the credit of the state.

6. The authority shall adopt all rules necessary to administer this section.

Sec. 3. APPROPRIATION. There is appropriated from the general fund of the state to the livestock environmental assistance revolving fund created in section 175.34A for the fiscal year beginning July 1, 2011, and ending June 30, 2012, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For purposes of supporting the livestock environmental assistance program as provided in section 175.34B:

..... $ 15,000,000

EXPLANATION

House Study Bill 188 continued

This bill establishes a livestock environmental assistance revolving fund and program administered by the agricultural development authority. The purpose of the fund and the program is to allow the authority to enter into agreements with private lenders who extend commercial loans to livestock producers for the purposes of constructing structures, or installing practices, equipment, or systems which prevent or control the impact of a livestock operation on the environment. As part of the agreement, the authority deposits moneys equaling the principal amount of the loan with the lending institution in return for a certificate of deposit earning interest at a rate lower than the market rate. The moneys from the certificate of deposit are to be placed in the fund on maturity.

The bill appropriates $15 million to the fund from the general fund of the state. Moneys in the fund do not revert to the general fund of the state and interest earned on the fund remains in the fund.

LSB 2510YC (4) 84
da/nh

House Study Bill 189

HOUSE FILE
BY (PROPOSED COMMITTEE ON APPROPRIATIONS BILL BY HOUSE APPROPRIATIONS SUBCOMMITTEE ON ADMINISTRATION AND REGULATION)

A BILL FOR

An Act relating to and making appropriations to certain state departments, agencies, funds, and certain other entities, providing for regulatory authority, and other properly related matters.

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

TLSB 1000HB (3) 84
rn/tm

House Study Bill 189 continued

PAG LIN

Section 1. DEPARTMENT OF ADMINISTRATIVE SERVICES.

1. There is appropriated from the general fund of the state to the department of administrative services for the fiscal year beginning July 1, 2011, and ending June 30, 2012, the following amounts, or so much thereof as is necessary, to be used for the purposes designated, and for not more than the following full=time equivalent positions:

a. For salaries, support, maintenance, and miscellaneous purposes:

..... $ 4,020,344
..... FTEs 84.18

b. For the payment of utility costs:

..... $ 2,939,400
..... FTEs 1.00

Notwithstanding section 8.33, any excess funds appropriated for utility costs in this lettered paragraph shall not revert to the general fund of the state at the end of the fiscal year but shall remain available for expenditure for the purposes of this lettered paragraph during the succeeding fiscal year.

c. For Terrace Hill operations:

..... $ 405,914
..... FTEs 6.88

d. For the I3 distribution account:

..... $ 3,478,000

e. For operations and maintenance of the Iowa building:

..... $ 1,018,185
..... FTEs 4.00

2. Members of the general assembly serving as members of the deferred compensation advisory board shall be entitled to receive per diem and necessary travel and actual expenses pursuant to section 2.10, subsection 5, while carrying out their official duties as members of the board.

3. Any funds and premiums collected by the department for workers' compensation shall be segregated into a separate workers' compensation fund in the state treasury to be used

House Study Bill 189 continued

for payment of state employees' workers' compensation claims and administrative costs. Notwithstanding section 8.33, unencumbered or unobligated moneys remaining in this workers' compensation fund at the end of the fiscal year shall not revert but shall be available for expenditure for purposes of the fund for subsequent fiscal years.

Sec. 2. REVOLVING FUNDS. There is appropriated to the department of administrative services for the fiscal year beginning July 1, 2011, and ending June 30, 2012, from the revolving funds designated in chapter 8A and from internal service funds created by the department such amounts as the department deems necessary for the operation of the department consistent with the requirements of chapter 8A.

Sec. 3. FUNDING FOR IOWACCESS.

1. Notwithstanding section 321A.3, subsection 1, for the fiscal year beginning July 1, 2011, and ending June 30, 2012, the first $750,000 collected and transferred by the department of transportation to the treasurer of state with respect to the fees for transactions involving the furnishing of a certified abstract of a vehicle operating record under section 321A.3, subsection 1, shall be transferred to the IowAccess revolving fund for the purposes of developing, implementing, maintaining, and expanding electronic access to government records as provided by law.

2. All fees collected with respect to transactions involving IowAccess shall be deposited in the IowAccess revolving fund and shall be used only for the support of IowAccess projects.

Sec. 4. STATE EMPLOYEE HEALTH INSURANCE ADMINISTRATION CHARGE. For the fiscal year beginning July 1, 2011, and ending June 30, 2012, the monthly per contract administrative charge which may be assessed by the department of administrative services shall be $2 per contract on all health insurance plans administered by the department.

Sec. 5. AUDITOR OF STATE.

House Study Bill 189 continued

1. There is appropriated from the general fund of the state to the office of the auditor of state for the fiscal year beginning July 1, 2011, and ending June 30, 2012, the following amount, or so much thereof as is necessary, to be used for the purposes designated, and for not more than the following full=time equivalent positions:

For salaries, support, maintenance, and miscellaneous purposes:

..... $ 905,468

..... FTEs 103.00

2. The auditor of state may retain additional full=time equivalent positions as is reasonable and necessary to perform governmental subdivision audits which are reimbursable pursuant to section 11.20 or 11.21, to perform audits which are requested by and reimbursable from the federal government, and to perform work requested by and reimbursable from departments or agencies pursuant to section 11.5A or 11.5B. The auditor of state shall notify the department of management, the legislative fiscal committee, and the legislative services agency of the additional full=time equivalent positions retained.

Sec. 6. IOWA ETHICS AND CAMPAIGN DISCLOSURE BOARD. There is appropriated from the general fund of the state to the Iowa ethics and campaign disclosure board for the fiscal year beginning July 1, 2011, and ending June 30, 2012, the following amount, or so much thereof as is necessary, for the purposes designated:

For salaries, support, maintenance, and miscellaneous purposes, and for not more than the following full=time equivalent positions:

..... $ 475,000

..... FTEs 5.00

Sec. 7. DEPARTMENT OF COMMERCE.

1. There is appropriated from the general fund of the state to the department of commerce for the fiscal year

House Study Bill 189 continued

beginning July 1, 2011, and ending June 30, 2012, the following amounts, or so much thereof as is necessary, for the purposes designated:

a. ALCOHOLIC BEVERAGES DIVISION

For salaries, support, maintenance, and miscellaneous purposes, and for not more than the following full=time equivalent positions:

..... $ 1,220,391
..... FTEs 21.00

b. PROFESSIONAL LICENSING AND REGULATION BUREAU

For salaries, support, maintenance, and miscellaneous purposes, and for not more than the following full=time equivalent positions:

..... $ 609,353
..... FTEs 12.00

2. There is appropriated from the department of commerce revolving fund created in section 546.12 to the department of commerce for the fiscal year beginning July 1, 2011, and ending June 30, 2012, the following amounts, or so much thereof as is necessary, for the purposes designated:

a. BANKING DIVISION

For salaries, support, maintenance, and miscellaneous purposes, and for not more than the following full=time equivalent positions:

..... $ 8,851,670
..... FTEs 80.00

b. CREDIT UNION DIVISION

For salaries, support, maintenance, and miscellaneous purposes, and for not more than the following full=time equivalent positions:

..... $ 1,727,995
..... FTEs 19.00

c. INSURANCE DIVISION

(1) For salaries, support, maintenance, and miscellaneous purposes, and for not more than the following full=time

House Study Bill 189 continued

equivalent positions:
..... $ 4,983,244
..... FTEs 106.50

(2) The insurance division may reallocate authorized full=time equivalent positions as necessary to respond to accreditation recommendations or requirements. The insurance division expenditures for examination purposes may exceed the projected receipts, refunds, and reimbursements, estimated pursuant to section 505.7, subsection 7, including the expenditures for retention of additional personnel, if the expenditures are fully reimbursable and the division first does both of the following:

(a) Notifies the department of management, the legislative services agency, and the legislative fiscal committee of the need for the expenditures.

(b) Files with each of the entities named in subparagraph division (a) the legislative and regulatory justification for the expenditures, along with an estimate of the expenditures.

d. UTILITIES DIVISION

(1) For salaries, support, maintenance, and miscellaneous purposes, and for not more than the following full=time equivalent positions:
..... $ 8,173,069
..... FTEs 79.00

(2) The utilities division may expend additional funds, including funds for additional personnel, if those additional expenditures are actual expenses which exceed the funds budgeted for utility regulation and the expenditures are fully reimbursable. Before the division expends or encumbers an amount in excess of the funds budgeted for regulation, the division shall first do both of the following:

(a) Notify the department of management, the legislative services agency, and the legislative fiscal committee of the need for the expenditures.

(b) File with each of the entities named in subparagraph

House Study Bill 189 continued

division (a) the legislative and regulatory justification for the expenditures, along with an estimate of the expenditures.

3. CHARGES. Each division and the office of consumer advocate shall include in its charges assessed or revenues generated an amount sufficient to cover the amount stated in its appropriation and any state=assessed indirect costs determined by the department of administrative services.

Sec. 8. DEPARTMENT OF COMMERCE ==== PROFESSIONAL LICENSING AND REGULATION BUREAU. There is appropriated from the housing trust fund of the Iowa finance authority created in section 16.181, to the bureau of professional licensing and regulation of the banking division of the department of commerce for the fiscal year beginning July 1, 2011, and ending June 30, 2012, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For salaries, support, maintenance, and miscellaneous purposes:

..... $ 62,317

Sec. 9. GOVERNOR AND LIEUTENANT GOVERNOR. There is appropriated from the general fund of the state to the offices of the governor and the lieutenant governor for the fiscal year beginning July 1, 2011, and ending June 30, 2012, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

1. GENERAL OFFICE

For salaries, support, maintenance, and miscellaneous purposes for the general office of the governor and the general office of the lieutenant governor, and for not more than the following full=time equivalent positions:

..... $ 2,063,492
..... FTEs 21.00

2. TERRACE HILL QUARTERS

For salaries, support, maintenance, and miscellaneous purposes for the governor's quarters at Terrace Hill, and for not more than the following full=time equivalent positions:

House Study Bill 189 continued

..... $ 124,533
..... FTEs 1.88

Sec. 10. GOVERNOR'S OFFICE OF DRUG CONTROL POLICY. There is appropriated from the general fund of the state to the governor's office of drug control policy for the fiscal year beginning July 1, 2011, and ending June 30, 2012, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For salaries, support, maintenance, and miscellaneous purposes, including statewide coordination of the drug abuse resistance education (D.A.R.E.) programs or similar programs, and for not more than the following full=time equivalent positions:

..... $ 326,043
..... FTEs 8.00

Sec. 11. DEPARTMENT OF HUMAN RIGHTS. There is appropriated from the general fund of the state to the department of human rights for the fiscal year beginning July 1, 2011, and ending June 30, 2012, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

1. CENTRAL ADMINISTRATION DIVISION

For salaries, support, maintenance, and miscellaneous purposes, and for not more than the following full=time equivalent positions:

..... $ 235,890
..... FTEs 7.00

2. COMMUNITY ADVOCACY AND SERVICES DIVISION

For salaries, support, maintenance, and miscellaneous purposes, and for not more than the following full=time equivalent positions:

..... $ 820,135
..... FTEs 17.00

3. CRIMINAL AND JUVENILE JUSTICE PLANNING DIVISION

For salaries, support, maintenance, and miscellaneous purposes, and for not more than the following full=time

House Study Bill 189 continued

equivalent positions:
..... $ 1,023,892
..... FTEs 10.00

The criminal and juvenile justice planning advisory council and the juvenile justice advisory council shall coordinate their efforts in carrying out their respective duties relative to juvenile justice.

Sec. 12. DEPARTMENT OF INSPECTIONS AND APPEALS. There is appropriated from the general fund of the state to the department of inspections and appeals for the fiscal year beginning July 1, 2011, and ending June 30, 2012, the following amounts, or so much thereof as is necessary, for the purposes designated:

1. ADMINISTRATION DIVISION

For salaries, support, maintenance, and miscellaneous purposes, and for not more than the following full=time equivalent positions:
..... $ 1,537,715
..... FTEs 37.40

2. ADMINISTRATIVE HEARINGS DIVISION

For salaries, support, maintenance, and miscellaneous purposes, and for not more than the following full=time equivalent positions:
..... $ 528,753
..... FTEs 23.00

3. INVESTIGATIONS DIVISION

a. For salaries, support, maintenance, and miscellaneous purposes, and for not more than the following full=time equivalent positions:
..... $ 1,168,639
..... FTEs 58.50

b. The department, in coordination with the investigations division, shall provide a report to the general assembly by January 10, 2012, concerning the fiscal impact of additional full=time equivalent positions on the department's efforts

House Study Bill 189 continued

relative to the Medicaid divestiture program under chapter 249F.

4. HEALTH FACILITIES DIVISION

a. For salaries, support, maintenance, and miscellaneous purposes, and for not more than the following full=time equivalent positions:

..... $ 3,400,541

..... FTEs 134.75

b. The department shall, in coordination with the health facilities division, make the following information available to the public in a timely manner, to include providing the information on the department's internet website, during the fiscal year beginning July 1, 2011, and ending June 30, 2012:

(1) The number of inspections conducted by the division annually by type of service provider and type of inspection.

(2) The total annual operations budget for the division, including general fund appropriations and federal contract dollars received by type of service provider inspected.

(3) The total number of full=time equivalent positions in the division, to include the number of full=time equivalent positions serving in a supervisory capacity, and serving as surveyors, inspectors, or monitors in the field by type of service provider inspected.

(4) Identification of state and federal survey trends, cited regulations, the scope and severity of deficiencies identified, and federal and state fines assessed and collected concerning nursing and assisted living facilities and programs.

c. It is the intent of the general assembly that the department and division continuously solicit input from facilities regulated by the division to assess and improve the division's level of collaboration and to identify new opportunities for cooperation.

5. EMPLOYMENT APPEAL BOARD

a. For salaries, support, maintenance, and miscellaneous purposes, and for not more than the following full=time

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equivalent positions:
..... $ 42,215
..... FTEs 14.00

b. The employment appeal board shall be reimbursed by the labor services division of the department of workforce development for all costs associated with hearings conducted under chapter 91C, related to contractor registration. The board may expend, in addition to the amount appropriated under this subsection, additional amounts as are directly billable to the labor services division under this subsection and to retain the additional full=time equivalent positions as needed to conduct hearings required pursuant to chapter 91C.

6. CHILD ADVOCACY BOARD

a. For foster care review and the court appointed special advocate program, including salaries, support, maintenance, and miscellaneous purposes, and for not more than the following full=time equivalent positions:
..... $ 2,404,771
..... FTEs 40.80

b. The department of human services, in coordination with the child advocacy board and the department of inspections and appeals, shall submit an application for funding available pursuant to Tit. IV=E of the federal Social Security Act for claims for child advocacy board administrative review costs.

c. The court appointed special advocate program shall investigate and develop opportunities for expanding fund=raising for the program.

d. Administrative costs charged by the department of inspections and appeals for items funded under this subsection shall not exceed 4 percent of the amount appropriated in this subsection.

Sec. 13. DEPARTMENT OF INSPECTIONS AND APPEALS ==== MUNICIPAL CORPORATION FOOD INSPECTIONS. For the fiscal year beginning July 1, 2011, and ending June 30, 2012, the department of inspections and appeals shall retain any license fees generated

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during the fiscal year as a result of actions under section 137F.3A occurring during the period beginning July 1, 2009, and ending June 30, 2011, for the purpose of enforcing the provisions of chapters 137C, 137D, and 137F.

Sec. 14. DEPARTMENT OF INSPECTIONS AND APPEALS ==== HEALTH CARE FACILITIES INSPECTIONS. Notwithstanding any provision of section 135C.16 to the contrary, inspections of health care facilities that are only state=licensed and not certified under the Medicare or Medicaid programs shall not be inspected by the department of inspections and appeals every thirty months, but only as provided pursuant to sections 135C.9 and 135C.38.

Sec. 15. RACING AND GAMING COMMISSION.

1. RACETRACK REGULATION

There is appropriated from the gaming regulatory revolving fund established in section 99F.20 to the racing and gaming commission of the department of inspections and appeals for the fiscal year beginning July 1, 2011, and ending June 30, 2012, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For salaries, support, maintenance, and miscellaneous purposes for the regulation of pari=mutuel racetracks, and for not more than the following full=time equivalent positions:

..... $ 2,511,440
..... FTEs 28.53

2. EXCURSION BOAT AND GAMBLING STRUCTURE REGULATION

There is appropriated from the gaming regulatory revolving fund established in section 99F.20 to the racing and gaming commission of the department of inspections and appeals for the fiscal year beginning July 1, 2011, and ending June 30, 2012, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For salaries, support, maintenance, and miscellaneous purposes for administration and enforcement of the excursion boat gambling and gambling structure laws, and for not more

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than the following full=time equivalent positions:
..... $ 3,078,100
..... FTEs 44.22

Sec. 16. ROAD USE TAX FUND APPROPRIATION ==== DEPARTMENT OF INSPECTIONS AND APPEALS. There is appropriated from the road use tax fund created in section 312.1 to the administrative hearings division of the department of inspections and appeals for the fiscal year beginning July 1, 2011, and ending June 30, 2012, the following amount, or so much thereof as is necessary, for the purposes designated:

For salaries, support, maintenance, and miscellaneous purposes:
..... $ 1,623,897

Sec. 17. DEPARTMENT OF MANAGEMENT.

1. There is appropriated from the general fund of the state to the department of management for the fiscal year beginning July 1, 2011, and ending June 30, 2012, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

For salaries, support, maintenance, and miscellaneous purposes, and for not more than the following full=time equivalent positions:
..... $ 2,163,998
..... FTEs 25.00

2. Of the moneys appropriated in this section, the department shall use a portion for enterprise resource planning, providing for a salary model administrator, conducting performance audits, and for the department's LEAN process.

Sec. 18. ROAD USE TAX APPROPRIATION ==== DEPARTMENT OF MANAGEMENT. There is appropriated from the road use tax fund created in section 312.1 to the department of management for the fiscal year beginning July 1, 2011, and ending June 30, 2012, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

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For salaries, support, maintenance, and miscellaneous purposes:
..... $ 56,000

Sec. 19. DEPARTMENT OF REVENUE.

1. There is appropriated from the general fund of the state to the department of revenue for the fiscal year beginning July 1, 2011, and ending June 30, 2012, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

For salaries, support, maintenance, and miscellaneous purposes, and for not more than the following full=time equivalent positions:
..... $ 17,615,484
..... FTEs 303.48

2. Of the funds appropriated pursuant to this section, $400,000 shall be used to pay the direct costs of compliance related to the collection and distribution of local sales and services taxes imposed pursuant to chapters 423B and 423E.

3. The director of revenue shall prepare and issue a state appraisal manual and the revisions to the state appraisal manual as provided in section 421.17, subsection 17, without cost to a city or county.

Sec. 20. MOTOR VEHICLE FUEL TAX APPROPRIATION. There is appropriated from the motor fuel tax fund created by section 452A.77 to the department of revenue for the fiscal year beginning July 1, 2011, and ending June 30, 2012, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For salaries, support, maintenance, miscellaneous purposes, and for administration and enforcement of the provisions of chapter 452A and the motor vehicle use tax program:
..... $ 1,305,775

Sec. 21. SECRETARY OF STATE.

1. There is appropriated from the general fund of the state to the office of the secretary of state for the fiscal year

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beginning July 1, 2011, and ending June 30, 2012, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

a. For salaries, support, maintenance, and miscellaneous purposes, and for not more than the following full=time equivalent positions:

..... $ 2,895,585

..... FTEs 45.00

b. For costs associated with decennial redistricting:

..... $ 75,000

2. The state department or state agency which provides data processing services to support voter registration file maintenance and storage shall provide those services without charge.

Sec. 22. SECRETARY OF STATE FILING FEES REFUND. Notwithstanding the obligation to collect fees pursuant to the provisions of section 490.122, subsection 1, paragraphs "a" and "s", and section 504.113, subsection 1, paragraphs "a", "c", "d", "j", "k", "l", and "m", for the fiscal year beginning July 1, 2011, the secretary of state may refund these fees to the filer pursuant to rules established by the secretary of state. The decision of the secretary of state not to issue a refund under rules established by the secretary of state is final and not subject to review pursuant to chapter 17A.

Sec. 23. TREASURER.

1. There is appropriated from the general fund of the state to the office of treasurer of state for the fiscal year beginning July 1, 2011, and ending June 30, 2012, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For salaries, support, maintenance, and miscellaneous purposes, and for not more than the following full=time equivalent positions:

..... $ 854,289

..... FTEs 28.80

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2. The office of treasurer of state shall supply clerical and secretarial support for the executive council.

Sec. 24. ROAD USE TAX APPROPRIATION ==== OFFICE OF TREASURER OF STATE. There is appropriated from the road use tax fund created in section 312.1 to the office of treasurer of state for the fiscal year beginning July 1, 2011, and ending June 30, 2012, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For enterprise resource management costs related to the distribution of road use tax funds:

..... $ 93,148

Sec. 25. IPERS ==== GENERAL OFFICE. There is appropriated from the Iowa public employees' retirement system fund to the Iowa public employees' retirement system for the fiscal year beginning July 1, 2011, and ending June 30, 2012, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For salaries, support, maintenance, and other operational purposes to pay the costs of the Iowa public employees' retirement system, and for not more than the following full=time equivalent positions:

..... $ 17,686,968
..... FTEs 90.13

Sec. 26. Section 8A.361, Code 2011, is amended to read as follows:

8A.361 Vehicle assignment ==== authority in department.

The department shall provide for the assignment of all ~~state=owned~~ motor vehicles ~~to~~ utilized by all state officers and employees, and ~~to~~ by all state offices, departments, bureaus, and commissions, except the state department of transportation, institutions under the control of the state board of regents, the department for the blind, and any other agencies exempted by law.

Sec. 27. Section 8A.362, subsection 4, paragraphs a through c, Code 2011, are amended to read as follows:

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a. The director shall provide for the purchase of ~~all~~ motor vehicles for all branches of the state government, except the state department of transportation, institutions under the control of the state board of regents, the department for the blind, and any other state agency exempted by law, which are not rented or leased pursuant to Code section 8A.367. The director shall purchase new vehicles in accordance with competitive bidding procedures for items or services as provided in this subchapter. The director may purchase used or preowned vehicles at governmental or dealer auctions if the purchase is determined to be in the best interests of the state.

b. The director, and any other state agency, which for purposes of this subsection includes but is not limited to community colleges and institutions under the control of the state board of regents, or local governmental subdivisions purchasing new motor vehicles, shall purchase ~~new passenger~~ motor vehicles and light trucks, which are not rented or leased pursuant to Code section 8A.367, so that the average fuel efficiency for the fleet of new passenger vehicles and light trucks purchased in that year equals or exceeds the average fuel economy standard for the vehicles' model year as established by the United States secretary of transportation under 15 U.S.C. { 2002. This paragraph does not apply to vehicles purchased for law enforcement purposes or used for off=road maintenance work, or work vehicles used to pull loaded trailers.

c. Not later than June 15 of each year, the director shall report compliance with the corporate average fuel economy standards published by the United States secretary of transportation for ~~new~~ assigned motor vehicles, other than motor vehicles purchased by the state department of transportation, institutions under the control of the state board of regents, the department for the blind, and any other state agency exempted from the requirements of this subsection.

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The report of compliance shall classify the vehicles ~~purchased~~ assigned for the current vehicle model year using the following categories: passenger automobiles, enforcement automobiles, vans, and light trucks. The director shall deliver a copy of the report to the office of energy independence. As used in this paragraph, "corporate average fuel economy" means the corporate average fuel economy as defined in 49 C.F.R. { 533.5.

Sec. 28. Section 8A.362, subsection 5, Code 2011, is amended by striking the subsection.

Sec. 29. Section 8A.362, subsections 7 through 9, Code 2011, are amended to read as follows:

7. The director may authorize the establishment of motor pools consisting of a number of ~~state=owned~~ state=assigned motor vehicles under the director's supervision. The director may store the motor vehicles in a public or private garage. If the director establishes a motor pool, any state officer or employee desiring the use of a ~~state=owned~~ state=assigned motor vehicle on state business shall notify the director of the need for a vehicle within a reasonable time prior to actual use of the motor vehicle. The director may assign a motor vehicle from the motor pool to the state officer or employee, or from the vendor awarded a contract pursuant to section 8A.367. If two or more state officers or employees desire the use of a ~~state=owned~~ state=assigned motor vehicle for a trip to the same destination for the same length of time, the director may assign one vehicle to make the trip.

8. The director shall require that a sign be placed on each state=owned motor vehicle in a conspicuous place which indicates its ownership by the state. This requirement shall not apply to motor vehicles requested to be exempt by the director or by the commissioner of public safety. All state=owned motor vehicles shall display registration plates bearing the word "official" except motor vehicles requested to be furnished with ordinary plates by the director or by the commissioner of public safety pursuant to section 321.19. The

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director shall keep an accurate record of the registration plates used on all state=owned motor vehicles. This subsection shall not apply to an assigned vehicle rented or leased pursuant to section 8A.367.

9. All fuel used in ~~state=owned~~ state=assigned automobiles shall be purchased at cost from the various installations or garages of the state department of transportation, state board of regents, department of human services, or state motor pools throughout the state, unless the state=owned sources for the purchase of fuel are not reasonably accessible. If the director determines that state=owned sources for the purchase of fuel are not reasonably accessible, the director shall authorize the purchase of fuel from other sources. The director may prescribe a manner, other than the use of the revolving fund, in which the purchase of fuel from state=owned sources is charged to the state agency responsible for the use of the motor vehicle. The director shall prescribe the manner in which oil and other normal motor vehicle maintenance for state=owned motor vehicles may be purchased from private sources, if they cannot be reasonably obtained from a state motor pool. The director may advertise for bids and award contracts in accordance with competitive bidding procedures for items and services as provided in this subchapter for furnishing fuel, oil, grease, and vehicle replacement parts for all state=owned motor vehicles. The director and other state agencies, when advertising for bids for gasoline, shall also seek bids for ethanol blended gasoline.

Sec. 30. Section 8A.363, subsection 1, Code 2011, is amended to read as follows:

1. A state officer or employee shall not use a ~~state=owned~~ state=assigned motor vehicle for personal private use. A state officer or employee shall not be compensated for driving a privately owned motor vehicle unless it is done on state business with the approval of the director. In that case the state officer or employee shall receive an amount to be

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determined by the director. The amount shall not exceed the maximum allowable under the federal internal revenue service rules per mile, notwithstanding established mileage requirements or depreciation allowances. However, the director may authorize private motor vehicle rates in excess of the rate allowed under the federal internal revenue service rules for state business use of substantially modified or specially equipped privately owned vehicles required by persons with disabilities. A statutory provision establishing reimbursement for necessary mileage, travel, or actual expenses to a state officer falls under the private motor vehicle mileage rate limitation provided in this section unless specifically provided otherwise. Any peace officer employed by the state as defined in section 801.4 who is required to use a private motor vehicle in the performance of official duties shall receive the private vehicle mileage rate at the rate provided in this section. However, the director may delegate authority to officials of the state, and department heads, for the use of private vehicles on state business up to a yearly mileage figure established by the director. If a ~~state~~ motor vehicle has been assigned to a state officer or employee, the officer or employee shall not collect mileage for the use of a privately owned motor vehicle unless the ~~state~~ motor vehicle assigned is not usable.

Sec. 31. NEW SECTION. 8A.367 State=owned passenger vehicles ==== disposition and sale ==== fleet privatization.

1. For purposes of this section, "passenger vehicles" means United States environmental protection agency designated compact sedans, compact wagon, midsize sedans, midsize wagons, full=size sedans, and passenger minivans, and additional vehicle classes determined by the department to be able to be reasonably supported by a private entity for rental or leasing. "Passenger vehicles" does not mean utility vehicles, vans other than passenger minivans, fire trucks, ambulances, motor homes, buses, medium=duty and heavy=duty trucks, heavy construction

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equipment, and other highway maintenance vehicles, vehicles assigned for law enforcement purposes, and any other classes of vehicles of limited application approved by the director of the department of administrative services.

2. On or before September 30, 2011, the department shall implement a request for proposal process to enter into a contract for the purpose of state passenger vehicle rental or leasing from a private entity. Prior to awarding a contract, a private entity shall demonstrate the following:

a. Existence of sufficient inventory of passenger vehicles within this state to accommodate the needs of the state in assigning passenger vehicles.

b. Existence of adequate personnel in any county within the state where rental and leasing activity can be supported to satisfy the terms of the contract in renting or leasing state=assigned vehicles.

c. Existence of adequate personnel to facilitate the sale and disposition of the existing state=owned passenger vehicles returned to the department pursuant to subsection 3 or otherwise under the control of the department. Notwithstanding the provisions of section 8A.364 to the contrary, proceeds from the sale of motor vehicles as provided by this subsection shall be credited to the fund from which the motor vehicles were purchased.

3. By March 1, 2012, the department shall award a vehicle rental or leasing contract to a private entity, and shall assign passenger vehicles for rental or lease pursuant to that contract, to the extent the department determines doing so would be economically feasible and financially advantageous. By March 1, 2012, all state=assigned passenger vehicles designated for use by multiple drivers, and located in any county of this state which can support the operation of a private entity for rental and leasing purposes, which the department determines would be suitable for rental or leasing shall be returned to the department for use and disposition as

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provided in this section.

4. Notwithstanding any other provision of state law to the contrary, a private entity awarded a contract pursuant to this section shall not be required to indemnify or hold harmless the state for any liability the state might have to any third party due to the negligence of the state or any of its employees.

5. The department shall conduct an ongoing evaluation regarding the economic advantages of renting or leasing state=assigned vehicles versus state ownership of such vehicles, and shall accordingly adjust the number of vehicles subject to the rental and leasing contract pursuant to this section at intervals specified in the contract.

Sec. 32. Section 99D.14, subsection 2, paragraph b, Code 2011, is amended to read as follows:

b. Notwithstanding sections 8.60 and 99D.17, the portion of the fee paid pursuant to paragraph "a" relating to the costs of special agents plus any direct and indirect support costs for the agents, for the division of criminal investigation's racetrack activities, shall not be deposited in the general fund of the state but instead shall be deposited into either the gaming enforcement revolving fund established in section 80.43 or the gaming regulatory revolving fund established in section 99F.20, as determined by the department.

Sec. 33. Section 99F.10, subsection 4, paragraph b, Code 2011, is amended to read as follows:

b. Notwithstanding sections 8.60 and 99F.4, the portion of the fee paid pursuant to paragraph "a" relating to the costs of special agents and officers plus any direct and indirect support costs for the agents and officers, for the division of criminal investigation's excursion gambling boat or gambling structure activities, shall not be deposited in the general fund of the state but instead shall be deposited into either the gaming enforcement revolving fund established in section 80.43 or the gaming regulatory revolving fund established in section 99F.20, as determined by the department.

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Sec. 34. NEW SECTION. 99F.20 Gaming regulatory revolving fund.

1. A gaming regulatory revolving fund is created in the state treasury under the control of the department. The fund shall consist of fees collected and deposited into the fund paid by licensees pursuant to section 99D.14, subsection 2, paragraph "b", and fees paid by licensees pursuant to section 99F.10, subsection 4, paragraph "b". All costs relating to racetrack, excursion boat, and gambling structure regulation shall be paid from the fund as provided in appropriations made for this purpose by the general assembly.

2. To meet the department's cash flow needs, the department may temporarily use funds from the general fund of the state to pay expenses in excess of moneys available in the revolving fund if those additional expenditures are fully reimbursable and the department reimburses the general fund of the state and ensures all moneys are repaid in full by the close of the fiscal year. Because any general fund moneys used shall be fully reimbursed, such temporary use of funds from the general fund of the state shall not constitute an appropriation for purposes of calculating the state general fund expenditure limitation pursuant to section 8.54.

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

Sec. 35. NEW SECTION. 216A.102A Immigration status verification for low=income home energy assistance program.

1. The department of human rights shall participate in the systematic alien verification for entitlements program established by United States citizenship and immigration services in order to verify the eligibility of each person seeking funds pursuant to the federal low=income home energy assistance program.

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2. Unless otherwise required by federal law, funds from the federal low=income home energy assistance program shall not be awarded to a household unless at least one member of the household is a United States citizen or lawfully present in the United States.

Sec. 36. REPEAL. 2009 Iowa Acts, chapter 179, section 146, is repealed.

Sec. 37. CODE EDITOR DIRECTIVE. The Code editor is directed to change the words "state=owned" to "state=assigned", to the extent not otherwise changed pursuant to this Act, in Code sections 8A.362, 8A.363, 8A.364, and 8A.366.

EXPLANATION

This bill relates to and appropriates moneys to various state departments, agencies, and funds for the fiscal year beginning July 1, 2011, and ending June 30, 2012. The bill makes appropriations to state departments and agencies including the department of administrative services, auditor of state, Iowa ethics and campaign disclosure board, department of commerce, offices of governor and lieutenant governor, the governor's office of drug control policy, department of human rights, department of inspections and appeals, department of management, department of revenue, secretary of state, treasurer of state, and Iowa public employees' retirement system.

The bill requires the department of administrative services to implement a request for proposals by September 30, 2011, to enter into a contract for the purpose of renting or leasing state passenger vehicles, as defined in the bill, from a private entity with sufficient inventory and personnel to accommodate the needs of the state. The bill provides that by March 1, 2012, the department shall award a contract for rental or leasing to the private entity, and assign passenger vehicles for rental or lease, to the extent the department determines doing so would be economically feasible and financially advantageous. If a contract is entered into, the bill states

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that all state=assigned passenger vehicles located in any county which can support the operation of a rental and leasing entity, which the department determines would be suitable for rental or leasing, shall be returned to the department for sale or disposal by the private entity. The bill absolves the private entity from liability to a third party due to negligence on the part of the state or its employees, and requires the department to evaluate the economic advantages of state ownership versus rental or leasing and adjust the number of vehicles subject to the contract accordingly. The bill makes conforming changes consistent with these provisions, and eliminates Code section 8A.362, subsection 5, which requires that a minimum of 10 percent of new state=owned passenger vehicles and light pickup trucks shall be equipped with engines which utilize specified alternative methods of propulsion.

The bill establishes a new gaming regulatory revolving fund in the state treasury under the control of the department of inspections and appeals, consisting of fees collected and deposited into the fund paid by pari=mutuel wagering licensees pursuant to Code section 99D.14, subsection 2, paragraph "b", and fees paid by gambling boat and racetrack licensees pursuant to Code section 99F.10, subsection 4, paragraph "b". The bill specifies that all costs relating to racetrack, excursion boat, and gambling structure regulation shall be paid from the fund as provided in appropriations made for this purpose by the general assembly. The bill makes conforming Code modifications consistent with this provision.

The bill directs the department of human rights to participate in the systematic alien verification for entitlements (SAVE) program established by United States citizenship and immigration services in order to verify the eligibility of each person seeking funds through the federal low=income home energy assistance program. The bill prohibits the department from awarding funds from the program to a household unless at least one member of the household is a

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United States citizen or lawfully present in the United States, unless otherwise required by federal law.

The bill repeals a sunset provision enacted during the 2009 legislative session applicable to the department of commerce revolving fund established in Code section 546.12. The provision currently repeals the Code section effective July 1, 2011.

LSB 1000HB (3) 84
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HOUSE FILE
BY (PROPOSED COMMITTEE ON APPROPRIATIONS BILL BY HOUSE APPROPRIATIONS SUBCOMMITTEE ON AGRICULTURE AND NATURAL RESOURCES)

(SUCCESSOR TO LSB 1001HA)

A BILL FOR

An Act relating to and making appropriations involving state government entities involved with agriculture, natural resources, and environmental protection.

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

TLSB 1001HB (1) 84
da/jp

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DIVISION I
DEPARTMENT OF AGRICULTURE AND LAND STEWARDSHIP
GENERAL APPROPRIATIONS

Section 1. GENERAL FUND ==== DEPARTMENT.

1. There is appropriated from the general fund of the state to the department of agriculture and land stewardship for the fiscal year beginning July 1, 2011, and ending June 30, 2012, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For purposes of supporting the department, including its divisions, for administration, regulation, and programs; for salaries, support, maintenance, and miscellaneous purposes; and for not more than the following full=time equivalent positions:

..... $ 16,497,308
..... FTEs 333.60

2. The department shall submit a report each quarter of the fiscal year to the legislative services agency, the department of management, the members of the joint appropriations subcommittee on agriculture and natural resources, and the chairpersons and ranking members of the senate and house committees on appropriations. The report shall describe in detail the expenditure of moneys appropriated in this section to support the department's administration, regulation, and programs.

3. Of the amount appropriated in this section, $238,000 is transferred to Iowa state university of science and technology, to be used for the university's midwest grape and wine industry institute.

DESIGNATED APPROPRIATIONS ==== ANIMAL HUSBANDRY

Sec. 2. UNCLAIMED PARI=MUTUEL WAGERING WINNINGS ==== HORSE AND DOG RACING. There is appropriated from the moneys available under section 99D.13 to the department of agriculture and land stewardship for the fiscal year beginning July 1, 2011, and ending June 30, 2012, the following amount, or so much thereof as is necessary, to be used for the purposes

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designated:

For purposes of supporting the department's administration and enforcement of horse and dog racing law pursuant to section 99D.22, including for salaries, support, maintenance, and miscellaneous purposes:

..... $ 305,516

DESIGNATED APPROPRIATIONS ==== MOTOR FUEL

Sec. 3. RENEWABLE FUEL INFRASTRUCTURE FUND ==== MOTOR FUEL INSPECTION. There is appropriated from the renewable fuel infrastructure fund created in section 15G.205 to the department of agriculture and land stewardship for the fiscal year beginning July 1, 2011, and ending June 30, 2012, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For purposes of the inspection of motor fuel, including salaries, support, maintenance, and miscellaneous purposes:

..... $ 500,000

The department shall establish and administer programs for the auditing of motor fuel including biofuel processing and production plants, for screening and testing motor fuel, including renewable fuel, and for the inspection of motor fuel sold by dealers including retail dealers who sell and dispense motor fuel from motor fuel pumps.

DIVISION II

DEPARTMENT OF NATURAL RESOURCES

GENERAL APPROPRIATIONS

Sec. 4. GENERAL FUND ==== DEPARTMENT.

1. There is appropriated from the general fund of the state to the department of natural resources for the fiscal year beginning July 1, 2011, and ending June 30, 2012, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For purposes of supporting the department, including its divisions, for administration, regulation, and programs; for salaries, support, maintenance, and miscellaneous purposes; and

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for not more than the following full=time equivalent positions:
..... $ 12,266,688
..... FTEs 1,145.95

2. The department shall submit a report each quarter of the fiscal year to the legislative services agency, the department of management, the members of the joint appropriations subcommittee on agriculture and natural resources, and the chairpersons and ranking members of the senate and house committees on appropriations. The report shall describe in detail the expenditure of moneys appropriated under this section to support the department's administration, regulation, and programs.

Sec. 5. STATE FISH AND GAME PROTECTION FUND ==== DIVISION OF FISH AND WILDLIFE.

1. There is appropriated from the state fish and game protection fund to the department of natural resources for the fiscal year beginning July 1, 2011, and ending June 30, 2012, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For purposes of supporting the division of fish and wildlife, including for administration, regulation, and programs; and for salaries, support, maintenance, equipment, and miscellaneous purposes:
..... $ 38,793,154

2. Notwithstanding section 455A.10, the department may use the unappropriated balance remaining in the state fish and game protection fund to provide for the funding of health and life insurance premium payments from unused sick leave balances of conservation peace officers employed in a protection occupation who retire, pursuant to section 97B.49B.

Sec. 6. GROUNDWATER PROTECTION FUND ==== WATER QUALITY. There is appropriated from the groundwater protection fund created in section 455E.11 to the department of natural resources for the fiscal year beginning July 1, 2011, and ending June 30, 2012, from those moneys which are not allocated pursuant to

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that section, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For purposes of supporting the department's protection of the state's groundwater, including for administration, regulation, and programs, and for salaries, support, maintenance, equipment, and miscellaneous purposes:

..... $ 3,455,832

DESIGNATED APPROPRIATIONS ==== MISCELLANEOUS

Sec. 7. SPECIAL SNOWMOBILE FUND ==== SNOWMOBILE PROGRAM. There is appropriated from the special snowmobile fund created under section 321G.7 to the department of natural resources for the fiscal year beginning July 1, 2011, and ending June 30, 2012, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

For purposes of administering and enforcing the state snowmobile programs:

..... $ 100,000

Sec. 8. UNASSIGNED REVENUE FUND ==== UNDERGROUND STORAGE TANK SECTION EXPENSES. There is appropriated from the unassigned revenue fund administered by the Iowa comprehensive underground storage tank fund board to the department of natural resources for the fiscal year beginning July 1, 2011, and ending June 30, 2012, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

For purposes of paying for administration expenses of the department's underground storage tank section:

..... $ 200,000

Sec. 9. STORM WATER DISCHARGE PERMIT FEES ==== SUPPORT FOR SPECIAL PURPOSES. Notwithstanding any contrary provision of state law, for the fiscal year beginning July 1, 2011, and ending June 30, 2012, the department of natural resources may use additional moneys available to the department collected from storm water discharge permit fees as provided in sections 455B.103A and 455B.197 for the staffing of the following additional full=time equivalent positions for the purposes

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designated:

1. For purposes of reducing the department's floodplain permit backlog:

..... FTEs 2.00

2. For purposes of implementing the federal total maximum daily load program:

..... FTEs 2.00

DIVISION III

IOWA STATE UNIVERSITY

Sec. 10. GENERAL FUND ==== VETERINARY DIAGNOSTIC LABORATORY.

1. There is appropriated from the general fund of the state to Iowa state university of science and technology for the fiscal year beginning July 1, 2011, and ending June 30, 2012, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For purposes of supporting the college of veterinary medicine for the operation of the veterinary diagnostic laboratory and for not more than the following full=time equivalent positions:

..... $ 3,237,636

..... FTEs 44.00

2. a. Iowa state university of science and technology shall not reduce the amount that it allocates to support the college of veterinary medicine from any other source due to the appropriation made in this section.

b. Paragraph "a" does not apply to a reduction made to support the college of veterinary medicine, if the same percentage of reduction imposed on the college of veterinary medicine is also imposed on all of Iowa state university's budget units.

3. If by June 30, 2012, Iowa state university of science and technology fails to allocate the moneys appropriated in this section to the college of veterinary medicine in accordance with this section, the moneys appropriated in this section for that fiscal year shall revert to the general fund of the state.

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Sec. 11. VETERINARY DIAGNOSTIC LABORATORY ==== FUTURE YEAR. This section applies if appropriations made in this Act and all other Acts enacted by the Eighty=fourth General Assembly during the 2011 regular session and all extraordinary sessions, for the fiscal year beginning July 1, 2011, and ending June 30, 2012, for purposes of supporting the operation of the veterinary diagnostic laboratory associated with the college of veterinary medicine at Iowa state university, total less than $0. It is the intent of the general assembly that the amount of any deficit will be appropriated by the general assembly during its 2012 regular session for purposes of supporting the operation of the veterinary diagnostic laboratory for the fiscal year beginning July 1, 2012, and ending June 30, 2013.

DIVISION IV

ENVIRONMENT FIRST FUND ==== GENERAL APPROPRIATIONS

Sec. 12. DEPARTMENT OF AGRICULTURE AND LAND STEWARDSHIP. There is appropriated from the environment first fund created in section 8.57A to the department of agriculture and land stewardship for the fiscal year beginning July 1, 2011, and ending June 30, 2012, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

1. CONSERVATION RESERVE ENHANCEMENT PROGRAM (CREP)

a. For the conservation reserve enhancement program to restore and construct wetlands for the purposes of intercepting tile line runoff, reducing nutrient loss, improving water quality, and enhancing agricultural production practices:

..... $ 1,000,000

b. Not more than 10 percent of the moneys appropriated in paragraph "a" may be used for costs of administration and implementation of soil and water conservation practices.

c. Notwithstanding any other provision in law, the department may provide state resources from this appropriation, in combination with other appropriate environment first

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fund appropriations, for cost sharing to match United States department of agriculture, natural resources conservation service, wetlands reserve enhancement program (WREP) funding available to Iowa.

2. WATERSHED PROTECTION

a. For continuation of a program that provides multiobjective resource protections for flood control, water quality, erosion control, and natural resource conservation: ..... $ 900,000

b. Not more than 10 percent of the moneys appropriated in paragraph "a" may be used for costs of administration and implementation of soil and water conservation practices.

3. FARM MANAGEMENT DEMONSTRATION PROGRAM

a. For continuation of a statewide voluntary farm management demonstration program to demonstrate the effectiveness and adaptability of emerging practices in agronomy that protect water resources and provide other environmental benefits: ..... $ 725,000

b. Not more than 10 percent of the moneys appropriated in paragraph "a" may be used for costs of administration and implementation of soil and water conservation practices.

c. Of the amount appropriated in paragraph "a", $400,000 shall be allocated to an organization representing soybean growers to provide for an agriculture and environment performance program in order to carry out the purposes of this subsection as specified in paragraph "a".

4. AGRICULTURAL DRAINAGE WELL WATER QUALITY ASSISTANCE FUND

a. For deposit in the agricultural drainage well water quality assistance fund created in section 460.303 to be used for purposes of supporting the agricultural drainage well water quality assistance program as provided in section 460.304: ..... $ 875,000

b. Not more than 10 percent of the moneys appropriated in paragraph "a" may be used for costs of administration and

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implementation of soil and water conservation practices.

5. SOIL AND WATER CONSERVATION ==== ADMINISTRATION

For use by the department for costs of administration and implementation of soil and water conservation practices:

..... $ 2,000,000

6. CONSERVATION RESERVE PROGRAM (CRP)

a. To encourage and assist farmers in enrolling in and the implementation of the federal conservation reserve program and to work with them to enhance their revegetation efforts to improve water quality and habitat:

..... $ 1,000,000

b. Not more than 10 percent of the moneys appropriated in paragraph "a" may be used for costs of administration and implementation of soil and water conservation practices.

7. LOESS HILLS DEVELOPMENT AND CONSERVATION FUND

a. For deposit in the loess hills development and conservation fund created in section 161D.2:

..... $ 475,000

b. (1) Of the amount appropriated in paragraph "a", $316,667 shall be allocated to the fund's hungry canyons account.

(2) Not more than 10 percent of the moneys allocated to the hungry canyons account as provided in subparagraph (1) may be used for administrative costs.

c. (1) Of the amount appropriated in paragraph "a", $158,333 shall be allocated to the fund's loess hills alliance account.

(2) Not more than 10 percent of the moneys allocated to the loess hills alliance account as provided in subparagraph (1) may be used for administrative costs.

8. SOUTHERN IOWA DEVELOPMENT AND CONSERVATION FUND

a. For deposit in the southern Iowa development and conservation fund created in section 161D.12:

..... $ 225,000

b. Not more than 10 percent of the moneys appropriated in

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paragraph "a" may be used for administrative costs.

9. SOIL AND WATER CONSERVATION

a. For use by the department in providing for soil and water conservation administration, the conservation of soil and water resources, or the support of soil and water conservation district commissioners:

..... $ 6,300,000

b. The department may deposit any amount of the moneys into the Mississippi river basin healthy watersheds initiative fund created in section 161G.2.

Sec. 13. DEPARTMENT OF NATURAL RESOURCES. There is appropriated from the environment first fund created in section 8.57A to the department of natural resources for the fiscal year beginning July 1, 2011, and ending June 30, 2012, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

1. KEEPERS OF THE LAND

For statewide coordination of volunteer efforts under the water quality and keepers of the land programs:

..... $ 100,000

2. STATE PARKS MAINTENANCE AND OPERATIONS

For regular maintenance of state parks and staff time associated with these activities:

..... $ 2,910,000

3. GEOGRAPHIC INFORMATION SYSTEM (GIS)

To provide local watershed managers with geographic information system data for their use in developing, monitoring, and displaying results of their watershed work:

..... $ 195,000

4. WATER QUALITY MONITORING

For continuing the establishment and operation of water quality monitoring stations:

..... $ 2,955,000

5. PUBLIC WATER SUPPLY SYSTEM ACCOUNT

For deposit in the public water supply system account of the

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water quality protection fund created in section 455B.183A:
..... $ 500,000

6. REGULATION OF ANIMAL FEEDING OPERATIONS

For the regulation of animal feeding operations, including as provided for in chapters 459 and 459A:
..... $ 420,000

7. AMBIENT AIR QUALITY

For the abatement, control, and prevention of ambient air pollution in this state, including measures as necessary to assure attainment and maintenance of ambient air quality standards from particulate matter:
..... $ 425,000

8. WATER QUANTITY REGULATION

For regulating water quantity from surface and subsurface sources by providing for the allocation and use of water resources, the protection and management of water resources, and the preclusion of conflicts among users of water resources, including as provided in chapter 455B, division III, part 4:
..... $ 495,000

Sec. 14. REVERSION. Notwithstanding section 8.33, moneys appropriated for the fiscal year beginning July 1, 2011, in this division of this Act that remain unencumbered or unobligated at the close of the fiscal year shall not revert but shall remain available to be used for the purposes designated until the close of the fiscal year beginning July 1, 2012, or until the project for which the appropriation was made is completed, whichever is earlier.

DIVISION V
RESOURCES ENHANCEMENT AND PROTECTION (REAP) FUND

Sec. 15. ENVIRONMENT FIRST FUND. Notwithstanding the amount of the standing appropriation from the general fund of the state to the Iowa resources enhancement and protection fund as provided in section 455A.18, there is appropriated from the environment first fund created in section 8.57A to

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the Iowa resources enhancement and protection fund, in lieu of the appropriation made in section 455A.18, for the fiscal year beginning July 1, 2011, and ending June 30, 2012, the following amount, to be allocated as provided in section 455A.19:
..... $ 11,500,000

Sec. 16. OPEN SPACES ACCOUNT ==== TRANSFERS. Notwithstanding section 455A.19, for the fiscal year beginning July 1, 2011, and ending June 30, 2012, there is transferred from the open spaces account of the Iowa resources enhancement and protection fund created pursuant to sections 455A.18 and 455A.19, subsection 1, paragraph "a", the following amounts to be used for the purposes designated:

a. To the department of natural resources for expenses related to the maintenance and operation of state parks:
..... $ 375,000

b. To the soil conservation division of the department of agriculture and land stewardship for the administration and implementation of soil and water conservation practices as provided in chapter 161A:
..... $ 375,000

c. To the loess hills development and conservation authority created in section 161D.2 for deposit in the hungry canyons account as provided in that section:
..... $ 25,000

Sec. 17. OPEN SPACES ACCOUNT ==== LIMITATIONS ON USE. Notwithstanding section 455A.19, subsection 1, paragraph "a", for the fiscal year beginning July 1, 2011, and ending June 30, 2012, moneys deposited into the open spaces account of the Iowa resources enhancement and protection fund created pursuant to sections 455A.18 and 455A.19, subsection 1, paragraph "a", shall not be used for any purpose related to the acquisition of land, including but not limited to acquisition by purchase, lease, or lease=purchase, if the department would be the titleholder or a lessee or lessor of the land.

DIVISION VI

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RELATED STATUTORY CHANGES

Sec. 18. Section 455G.3, Code 2011, is amended by adding the following new subsection:

NEW SUBSECTION. 10. a. For the fiscal year beginning July 1, 2011, and each fiscal year thereafter, there is appropriated from the Iowa comprehensive petroleum underground storage tank fund to the department of natural resources two hundred thousand dollars for purposes of technical review support to be conducted by nongovernmental entities for leaking underground storage tank assessments.

b. Notwithstanding section 8.33, moneys appropriated in paragraph "a" which remain unexpended or unobligated at the close of a fiscal year shall not revert, but remain available for expenditure for the purposes designated in paragraph "a" until expended.

EXPLANATION

GENERAL. This bill relates to agriculture and natural resources by making appropriations for the 2011=2012 fiscal year to support related entities, including the department of agriculture and land stewardship, the department of natural resources, and Iowa state university.

The bill appropriates moneys to the department of agriculture and land stewardship and the department of natural resources. The appropriations are made to support those departments for administration, regulation, and programs. The bill requires the departments to submit quarterly reports to the general assembly and department of management regarding the expenditure of appropriated moneys. The bill also provides moneys to support specific programs or projects administered by those departments. The bill appropriates moneys from a number of sources, including the general fund of the state, the state fish and game protection fund, the groundwater protection fund, and the environment first fund. The bill is organized into divisions.

DEPARTMENT OF AGRICULTURE AND LAND STEWARDSHIP. For the

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department of agriculture and land stewardship, moneys are appropriated in order to support its divisions.

The bill appropriates moneys from the general fund of the state to support designated programs, including horse and dog racing, and motor fuel inspection.

DEPARTMENT OF NATURAL RESOURCES. For the department of natural resources, moneys are appropriated from the general fund in order to support its divisions.

The bill makes appropriations from other funds. The bill appropriates moneys to the department of natural resources from the state fish and game protection fund to support programs related to fish and wildlife. The bill appropriates moneys from the groundwater protection fund to support groundwater quality. The bill appropriates moneys from the snowmobile fund to the department for snowmobile programs.

The bill includes miscellaneous provisions. An appropriation is made from the unassigned revenue fund administered by the Iowa comprehensive underground storage tank fund board to the department of natural resources for administration and expenses of the underground storage tank section.

The bill provides that the department of natural resources may use additional funds for staffing to reduce the department's floodplain permit backlog and implementing the federal maximum daily load program.

IOWA STATE UNIVERSITY. The bill appropriates moneys from the general fund of the state for the operation of the Iowa state university's veterinary diagnostic laboratory. It includes provisions expressing legislative intent for a future appropriation for the diagnostic laboratory.

IOWA RESOURCES ENHANCEMENT AND PROTECTION FUND. The bill appropriates moneys from the environment first fund to the Iowa resources enhancement and protection fund in lieu of the $20 million appropriated by Code section 455A.18 from the general fund of the state.

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The bill includes several provisions affecting the open spaces account of the Iowa resources enhancement and protection fund. It transfers moneys for use by the department of natural resources, the department of agriculture and land stewardship, and the loess hills development and conservation authority.

The bill also provides that moneys in the open spaces account cannot be used for land acquisition for fiscal year 2011=2012.

RELATED STATUTORY CHANGES. The bill amends a provision in the Code section 455G.3 establishing an Iowa comprehensive petroleum underground storage tank fund. The bill provides a standing limited appropriation from the fund to the department of natural resources to support technical reviews of leaking underground storage tank assessments.

LSB 1001HB (1) 84
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Iowa General Assembly
Daily Bills, Amendments & Study Bills
March 01, 2011

House Study Bill 191

HOUSE FILE
BY (PROPOSED COMMITTEE ON APPROPRIATIONS BILL BY HOUSE APPROPRIATIONS SUBCOMMITTEE ON ECONOMIC DEVELOPMENT)

A BILL FOR

An Act relating to and making appropriations to the department of cultural affairs, the department of economic development, certain board of regents institutions, the department of workforce development, the public employment relations board, and the Iowa finance authority, and related matters.

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

TLSB 1002HB (4) 84
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PAG LIN

Section 1. DEPARTMENT OF CULTURAL AFFAIRS. There is appropriated from the general fund of the state to the department of cultural affairs for the fiscal year beginning July 1, 2011, and ending June 30, 2012, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

1. ADMINISTRATION

a. For salaries, support, maintenance, miscellaneous purposes, and for not more than the following full=time equivalent positions for the department:

..... $ 171,813
..... FTEs 69.87

b. The department of cultural affairs shall coordinate activities with the tourism office of the department of economic development to promote attendance at the state historical building and at this state's historic sites.

c. Full=time equivalent positions authorized under this subsection shall be funded, in full or in part, using moneys appropriated under this subsection and subsections 2, 3, 4, 5, 6, and 8.

2. HISTORICAL DIVISION

For the support of the historical division:

..... $ 2,267,701

3. HISTORIC SITES

For the administration and support of historic sites:

..... $ 426,398

4. ARTS DIVISION

For the support of the arts division:

..... $ 933,764

5. GREAT PLACES

For the great places program:

..... $ 150,000

6. ARCHIVE IOWA GOVERNORS' RECORDS

For archiving the records of Iowa governors:

..... $ 5,000

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7. RECORDS CENTER RENT
For payment of rent for the state records center:
..... $ 227,243
8. BATTLE FLAGS
For continuation of the project recommended by the Iowa battle flag advisory committee to stabilize the condition of the battle flag collection:
..... $ 5,000

Sec. 2. GOALS AND ACCOUNTABILITY ==== ECONOMIC DEVELOPMENT.

1. For the fiscal year beginning July 1, 2011, the goals for the department of economic development shall be to expand and stimulate the state economy, increase the wealth of Iowans, and increase the population of the state.

2. To achieve the goals in subsection 1, the department of economic development shall do all of the following for the fiscal year beginning July 1, 2011:

a. Concentrate its efforts on programs and activities that result in commercially viable products and services.

b. Adopt practices and services consistent with free market, private sector philosophies.

c. Ensure economic growth and development throughout the state.

d. Work with businesses and communities to continually improve the economic development climate along with the economic well=being and quality of life for Iowans.

e. Coordinate with other state agencies to ensure that they are attentive to the needs of an entrepreneurial culture.

f. Establish a strong and aggressive marketing image to showcase Iowa's workforce, existing industry, and potential. A priority shall be placed on recruiting new businesses, business expansion, and retaining existing Iowa businesses. Emphasis shall be placed on entrepreneurial development through helping entrepreneurs secure capital, and developing networks and a business climate conducive to entrepreneurs and small businesses.

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g. Encourage the development of communities and quality of life to foster economic growth.

h. Prepare communities for future growth and development through development, expansion, and modernization of infrastructure.

i. Develop public=private partnerships with Iowa businesses in the tourism industry, Iowa tour groups, Iowa tourism organizations, and political subdivisions in this state to assist in the development of advertising efforts.

j. Develop, to the fullest extent possible, cooperative efforts for advertising with contributions from other sources.

Sec. 3. DEPARTMENT OF ECONOMIC DEVELOPMENT.

1. APPROPRIATION

There is appropriated from the general fund of the state to the department of economic development for the fiscal year beginning July 1, 2011, and ending June 30, 2012, the following amounts, or so much thereof as is necessary, to be used for the purposes designated in subsection 2, and for not more than the following full=time equivalent positions:

..... $ 9,928,058
..... FTEs 149.00

2. DESIGNATED PURPOSES

a. For salaries, support, miscellaneous purposes, programs, and the maintenance of an administration division, a business development division, and a community development division.

b. The full=time equivalent positions authorized under this section shall be funded, in whole or in part, by the moneys appropriated under subsection 1 or by other moneys received by the department, including certain federal moneys.

c. For transfer to the Iowa state commission grant program.

d. For business development operations and programs, the film office, international trade, export assistance, workforce recruitment, and the partner state program.

e. For transfer to the strategic investment fund.

f. For transfer to the grow Iowa values fund.

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g. For community economic development programs, tourism operations, community assistance, plans for Iowa green corps and summer youth programs, the mainstreet and rural mainstreet programs, the school=to=career program, the community development block grant, and housing and shelter=related programs.

h. For achieving the goals and accountability, fulfilling the requirements, and doing all other things required under this bill.

3. NONREVERSION

Notwithstanding section 8.33, moneys appropriated in subsection 1 that remain unencumbered or unobligated at the close of the fiscal year shall not revert but shall remain available for expenditure for the purposes designated in subsection 2 until the close of the succeeding fiscal year.

4. FINANCIAL ASSISTANCE RESTRICTIONS

a. A business creating jobs with economic development assistance through moneys appropriated in this section shall be subject to contract provisions stating that new and retained jobs shall be filled by individuals who are citizens of the United States who reside within the United States or any person authorized to work in the United States pursuant to federal law, including legal resident aliens in the United States.

b. Any vendor who receives such public moneys shall adhere to such contract provisions and provide periodic assurances as the state shall require that the jobs are filled solely by citizens of the United States who reside within the United States or any person authorized to work in the United States pursuant to federal law, including legal resident aliens in the United States.

c. A business that receives financial assistance from the department from moneys appropriated in this bill shall only employ individuals legally authorized to work in this state. In addition to all other applicable penalties provided by current law, all or a portion of the assistance received

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by a business which is found to knowingly employ individuals not legally authorized to work in this state is subject to recapture by the department.

5. USES OF APPROPRIATIONS

a. From the moneys appropriated in this section, the department may provide financial assistance in the form of a grant to a community economic development entity for conducting a local workforce recruitment effort designed to recruit former citizens of the state and former students at colleges and universities in the state to meet the needs of local employers.

b. From the moneys appropriated in this section, the department may provide financial assistance to early stage industry companies being established by women entrepreneurs.

c. From the moneys appropriated in this section, the department may provide financial assistance in the form of grants, loans, or forgivable loans for advanced research and commercialization projects involving value=added agriculture, advanced technology, or biotechnology.

6. WORLD FOOD PRIZE AWARD

a. Notwithstanding the standing limited appropriation provided under section 15.368, subsection 1, an appropriation from the general fund of the state to the department of economic development for the fiscal year beginning July 1, 2011, and ending June 30, 2012, shall not be made for purposes of the world food prize.

b. It is the intent of the general assembly to reconsider in a future fiscal year the allocation of moneys for the support of the world food prize award.

Sec. 4. VISION IOWA PROGRAM ==== FTE AUTHORIZATION. For purposes of administrative duties associated with the vision Iowa program, the department of economic development is authorized an additional 2.25 FTEs above those otherwise authorized in this Act.

Sec. 5. INSURANCE ECONOMIC DEVELOPMENT. From the moneys collected by the division of insurance in excess of the

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anticipated gross revenues under section 505.7, subsection 3, during the fiscal year beginning July 1, 2011, $100,000 shall be transferred to the department of economic development for insurance economic development and international insurance economic development.

Sec. 6. COMMUNITY DEVELOPMENT LOAN FUND. Notwithstanding section 15E.120, subsection 5, there is appropriated from the Iowa community development loan fund all moneys available during the fiscal year beginning July 1, 2011, and ending June 30, 2012, to the department of economic development for purposes of the community development program.

Sec. 7. WORKFORCE DEVELOPMENT FUND. There is appropriated from the workforce development fund account created in section 15.342A to the workforce development fund created in section 15.343 for the fiscal year beginning July 1, 2011, and ending June 30, 2012, the following amount, for purposes of the workforce development fund, and for not more than the following full=time equivalent positions:

..... $ 4,000,000
..... FTEs 4.00

Sec. 8. WORKFORCE DEVELOPMENT ADMINISTRATION. From moneys appropriated or transferred to or receipts credited to the workforce development fund created in section 15.343, up to $400,000 for the fiscal year beginning July 1, 2011, and ending June 30, 2012, are appropriated to the department of economic development for the administration of workforce development activities including salaries, support, maintenance, and miscellaneous purposes, and for not more than the following full=time equivalent positions:

..... FTEs 4.00

Sec. 9. JOB TRAINING FUND. Notwithstanding section 15.251, all moneys in the job training fund on July 1, 2011, and any moneys appropriated or credited to the fund during the fiscal year beginning July 1, 2011, shall be transferred to the workforce development fund established pursuant to section

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15.343.

Sec. 10. IOWA STATE UNIVERSITY.

1. There is appropriated from the general fund of the state to Iowa state university of science and technology for the fiscal year beginning July 1, 2011, and ending June 30, 2012, the following amount, or so much thereof as is necessary, to be used for small business development centers, the science and technology research park, and the institute for physical research and technology, and for not more than the following full=time equivalent positions:

..... $ 935,233
..... FTEs 56.63

2. Of the moneys appropriated in subsection 1, Iowa state university of science and technology shall allocate at least $935,233 for purposes of funding small business development centers.

3. Iowa state university of science and technology shall do all of the following:

a. Direct expenditures for research toward projects that will provide economic stimulus for Iowa.

b. Provide emphasis to providing services to Iowa=based companies.

4. a. It is the intent of the general assembly that the industrial incentive program focus on Iowa industrial sectors and seek contributions and in=kind donations from businesses, industrial foundations, and trade associations, and that moneys for the institute for physical research and technology industrial incentive program shall be allocated only for projects which are matched by private sector moneys for directed contract research or for nondirected research. The match required of small businesses as defined in section 15.102, subsection 6, for directed contract research or for nondirected research shall be $1 for each $3 of state funds. The match required for other businesses for directed contract research or for nondirected research shall be $1 for each $1 of

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state funds. The match required of industrial foundations or trade associations shall be $1 for each $1 of state funds.

b. Iowa state university of science and technology shall report annually to the joint appropriations subcommittee on economic development and the legislative services agency the total amount of private contributions, the proportion of contributions from small businesses and other businesses, and the proportion for directed contract research and nondirected research of benefit to Iowa businesses and industrial sectors.

5. Notwithstanding section 8.33, moneys appropriated in this section that remain unencumbered or unobligated at the close of the fiscal year shall not revert but shall remain available for expenditure for the purposes designated until the close of the succeeding fiscal year.

Sec. 11. UNIVERSITY OF NORTHERN IOWA.

1. There is appropriated from the general fund of the state to the university of northern Iowa for the fiscal year beginning July 1, 2011, and ending June 30, 2012, the following amount, or so much thereof as is necessary, to be used for the MyEntreNet internet application, including salaries, support, maintenance, miscellaneous purposes, and for not more than the following full=time equivalent positions:

..... $ 273,064
..... FTEs 3.06

2. The university of northern Iowa shall do all of the following:

a. Direct expenditures for research toward projects that will provide economic stimulus for Iowa.

b. Provide emphasis to providing services to Iowa=based companies.

3. Notwithstanding section 8.33, moneys appropriated in this section that remain unencumbered or unobligated at the close of the fiscal year shall not revert but shall remain available for expenditure for the purposes designated until the close of the succeeding fiscal year.

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Sec. 12. BOARD OF REGENTS REPORT. By January 15, 2012, the state board of regents shall submit a report on the progress of regents institutions in meeting the strategic plan for technology transfer and economic development to the secretary of the senate, the chief clerk of the house of representatives, and the legislative services agency.

Sec. 13. DEPARTMENT OF WORKFORCE DEVELOPMENT. There is appropriated from the general fund of the state to the department of workforce development for the fiscal year beginning July 1, 2011, and ending June 30, 2012, the following amounts, or so much thereof as is necessary, for the purposes designated:

1. DIVISION OF LABOR SERVICES

a. For the division of labor services, including salaries, support, maintenance, miscellaneous purposes, and for not more than the following full=time equivalent positions:

..... $ 3,495,440
..... FTEs 62.75

b. From the contractor registration fees, the division of labor services shall reimburse the department of inspections and appeals for all costs associated with hearings under chapter 91C, relating to contractor registration.

2. DIVISION OF WORKERS' COMPENSATION

a. For the division of workers' compensation, including salaries, support, maintenance, miscellaneous purposes, and for not more than the following full=time equivalent positions:

..... $ 2,267,788
..... FTEs 29.00

b. The division of workers' compensation shall charge a $100 filing fee for workers' compensation cases. The filing fee shall be paid by the petitioner of a claim. However, the fee can be taxed as a cost and paid by the losing party, except in cases where it would impose an undue hardship or be unjust under the circumstances. The moneys generated by the filing fee allowed under this subsection are appropriated to the

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department of workforce development to be used for purposes of administering the division of workers' compensation.

3. WORKFORCE DEVELOPMENT OPERATIONS

a. For the operation of field offices, the workforce development board, and for not more than the following full=time equivalent positions:

..... $ 9,707,042

..... FTEs 130.00

b. The department shall not reduce the number of field offices being operated as of January 1, 2009.

4. OFFENDER REENTRY PROGRAM

a. For the development and administration of an offender reentry program to provide offenders with employment skills, and for not more than the following full=time equivalent positions:

..... $ 284,464

..... FTEs 3.00

b. The department shall partner with the department of corrections to provide staff within the correctional facilities to improve offenders' abilities to find and retain productive employment.

5. Notwithstanding section 8.33, moneys appropriated in this section that remain unencumbered or unobligated at the close of the fiscal year shall not revert but shall remain available for expenditure for the purposes designated until the close of the succeeding fiscal year.

Sec. 14. ACCOUNTABILITY ==== AUDIT. The auditor of state shall annually conduct an audit of the department of workforce development and shall report the findings of such annual audit, including the accountability of programs of the department, to the chairpersons and ranking members of the joint appropriations subcommittee on economic development. The department shall pay for the costs associated with the audit.

Sec. 15. EMPLOYMENT SECURITY CONTINGENCY FUND ==== DIVISION OF WORKERS' COMPENSATION.

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1. There is appropriated from the special employment security contingency fund to the department of workforce development for the fiscal year beginning July 1, 2011, and ending June 30, 2012, the following amount, or so much thereof as is necessary, for the division of workers' compensation, salaries, support, maintenance, and miscellaneous purposes:
..... $ 471,000

2. Any remaining additional penalty and interest revenue is appropriated to the department of workforce development to accomplish the mission of the department.

Sec. 16. SPECIAL EMPLOYMENT SECURITY CONTINGENCY FUND ==== FIELD OFFICES. There is appropriated from the special employment security contingency fund to the department of workforce development for the fiscal year beginning July 1, 2011, and ending June 30, 2012, the following amount, or so much thereof as is necessary, to be used for field offices:
..... $ 662,427

Sec. 17. UNEMPLOYMENT COMPENSATION RESERVE FUND ==== FIELD OFFICES. Notwithstanding section 96.9, subsection 8, paragraph "e", there is appropriated from interest earned on the unemployment compensation reserve fund to the department of workforce development for the fiscal year beginning July 1, 2011, and ending June 30, 2012, the following amount or so much thereof as is necessary, for the operation of field offices:
..... $ 6,500,000

Sec. 18. GENERAL FUND ==== EMPLOYEE MISCLASSIFICATION PROGRAM. There is appropriated from the general fund of the state to the department of workforce development for the fiscal year beginning July 1, 2011, and ending June 30, 2012, the following amount, or so much thereof as is necessary, to be used for enhancing efforts to investigate employers that misclassify workers and for not more than the following full=time equivalent positions:
..... $ 451,458
..... FTEs 8.10

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Sec. 19. PUBLIC EMPLOYMENT RELATIONS BOARD.

1. There is appropriated from the general fund of the state to the public employment relations board for the fiscal year beginning July 1, 2011, and ending June 30, 2012, the following amount, or so much thereof as is necessary, for salaries, support, maintenance, miscellaneous purposes, and for not more than the following full=time equivalent positions:

..... $ 1,057,871
..... FTEs 9.00

2. Of the moneys appropriated in this section, the board shall allocate $15,000 for maintaining a website that allows searchable access to a database of collective bargaining information.

Sec. 20. IOWA FINANCE AUTHORITY AUDIT. The auditor of state is requested to review the audit of the Iowa finance authority performed by the auditor hired by the authority.

Sec. 21. UNEMPLOYMENT COMPENSATION PROGRAM. Notwithstanding section 96.9, subsection 4, paragraph "a", moneys credited to the state by the secretary of the treasury of the United States pursuant to section 903 of the Social Security Act are appropriated to the department of workforce development and shall be used by the department for the administration of the unemployment compensation program only. This appropriation shall not apply to any fiscal year beginning after December 31, 2011.

Sec. 22. IOWA FINANCE AUTHORITY.

1. There is appropriated from the general fund of the state to the Iowa finance authority for the fiscal year beginning July 1, 2011, and ending June 30, 2012, the following amount, or so much thereof as is necessary, to be used for the rent subsidy program, to provide reimbursement for rent expenses to eligible persons:

..... $ 658,000

2. Participation in the rent subsidy program shall be limited to only those persons who meet the requirements for the

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nursing facility level of care for home and community=based services waiver services as in effect on July 1, 2010, and to those individuals who are eligible for the federal money follows the person grant program under the medical assistance program. Of the moneys appropriated in this section, not more than $35,000 may be used for administrative costs.

EXPLANATION

This bill makes appropriations and transfers from the general fund of the state and other funds to the department of cultural affairs, the department of economic development, the university of northern Iowa, Iowa state university, the department of workforce development, the public employment relations board, and the Iowa finance authority for the 2011=2012 fiscal year.

The bill provides, among other things, that the goals for the department of economic development shall be to expand and stimulate the state economy, increase the wealth of Iowans, and increase the population of the state.

The bill transfers moneys collected by the division of insurance in excess of the anticipated gross revenues to the department of economic development for purposes of insurance economic development and international insurance economic development.

The bill appropriates moneys from the Iowa community development loan fund to the department of economic development for purposes of the community development program.

The bill appropriates moneys from the workforce development fund account to the workforce development fund.

The bill provides that moneys appropriated or transferred to or receipts credited to the workforce development fund are appropriated to the department of economic development for administration of workforce development activities.

The bill provides that all moneys in the job training fund on July 1, 2011, and any moneys appropriated or credited to the fund during the fiscal year beginning July 1, 2011, shall be

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transferred to the workforce development fund.

The bill requires the state board of regents to submit a report on the progress of regents institutions in meeting the strategic plan for technology transfer and economic development.

The bill requires the auditor of state to conduct an audit of the department of workforce development.

The bill appropriates moneys from the special employment security contingency fund to the department of workforce development for the division of workers' compensation and for the operation of field offices.

The bill appropriates interest earned on the unemployment compensation reserve fund to the department of workforce development for the operation of field offices.

The bill appropriates moneys to the department of workforce development for an employee misclassification program.

The bill requests the auditor of state to review the audit of the Iowa finance authority performed by the auditor hired by the authority.

The bill appropriates moneys from moneys credited to the state by the secretary of the treasury of the United States pursuant to the Social Security Act to the department of workforce development for the administration of the unemployment compensation program only.

The bill appropriates moneys to the Iowa finance authority for purposes of the rent subsidy program.

LSB 1002HB (4) 84
tw/tm

House Study Bill 192

HOUSE FILE
BY (PROPOSED COMMITTEE ON APPROPRIATIONS BILL BY HOUSE APPROPRIATIONS SUBCOMMITTEE ON EDUCATION)

A BILL FOR

An Act relating to the funding of, the operation of, and appropriation of moneys to the college student aid commission, the department for the blind, the department of education, and the state board of regents, and providing for related matters.

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

TLSB 1003HB (2) 84
kh/tm

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PAG LIN

DEPARTMENT FOR THE BLIND

Section 1. ADMINISTRATION. There is appropriated from the general fund of the state to the department for the blind for the fiscal year beginning July 1, 2011, and ending June 30, 2012, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For salaries, support, maintenance, miscellaneous purposes, and for not more than the following full=time equivalent positions:

..... $ 1,706,053
..... FTEs 88.00

COLLEGE STUDENT AID COMMISSION

Sec. 2. There is appropriated from the general fund of the state to the college student aid commission for the fiscal year beginning July 1, 2011, and ending June 30, 2012, the following amounts, or so much thereof as may be necessary, to be used for the purposes designated:

1. GENERAL ADMINISTRATION

For salaries, support, maintenance, miscellaneous purposes, and for not more than the following full=time equivalent positions:

..... $ 234,903
..... FTEs 3.95

2. STUDENT AID PROGRAMS

For payments to students for the Iowa grant program established in section 261.93:

..... $ 848,761

3. DES MOINES UNIVERSITY ==== HEALTH CARE PROFESSIONAL RECRUITMENT PROGRAM

For forgivable loans to Iowa students attending Des Moines university ==== osteopathic medical center under the forgivable loan program pursuant to section 261.19:

..... $ 349,699

4. NATIONAL GUARD EDUCATIONAL ASSISTANCE PROGRAM

For purposes of providing national guard educational

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assistance under the program established in section 261.86:
..... $ 3,186,233
5. ALL IOWA OPPORTUNITY FOSTER CARE GRANT PROGRAM
For purposes of the all Iowa opportunity foster care grant program established pursuant to section 261.6:
..... $ 594,383
6. ALL IOWA OPPORTUNITY SCHOLARSHIP PROGRAM
a. For purposes of the all Iowa opportunity scholarship program established pursuant to section 261.87:
..... $ 2,403,949
b. If the moneys appropriated by the general assembly to the college student aid commission for fiscal year 2011=2012 for purposes of the all Iowa opportunity scholarship program exceed $500,000, "eligible institution" as defined in section 261.87, shall, during fiscal year 2011=2012, include accredited private institutions as defined in section 261.9, subsection 1.
7. REGISTERED NURSE AND NURSE EDUCATOR LOAN FORGIVENESS PROGRAM
a. For purposes of the registered nurse and nurse educator loan forgiveness program established pursuant to section 261.23:
..... $ 86,736
b. It is the intent of the general assembly that the commission continue to consider moneys allocated pursuant to this subsection as moneys that meet the state matching funds requirements of the federal leveraging educational assistance program and the federal supplemental leveraging educational assistance program established under the Higher Education Act of 1965, as amended.
8. BARBER AND COSMETOLOGY ARTS AND SCIENCES TUITION GRANT PROGRAM
For purposes of the barber and cosmetology arts and sciences tuition grant program established pursuant to section 261.18:
..... $ 39,626
Sec. 3. CHIROPRACTIC LOAN FUNDS. Notwithstanding section

House Study Bill 192 continued

261.72, the moneys deposited in the chiropractic loan revolving fund created pursuant to section 261.72, may be used for purposes of the chiropractic loan forgiveness program established in section 261.73.

Sec. 4. WORK=STUDY APPROPRIATION FOR FY 2011=2012. Notwithstanding section 261.85, for the fiscal year beginning July 1, 2011, and ending June 30, 2012, the amount appropriated from the general fund of the state to the college student aid commission for the work=study program under section 261.85 shall be zero.

DEPARTMENT OF EDUCATION

Sec. 5. There is appropriated from the general fund of the state to the department of education for the fiscal year beginning July 1, 2011, and ending June 30, 2012, the following amounts, or so much thereof as may be necessary, to be used for the purposes designated:

1. GENERAL ADMINISTRATION

For salaries, support, maintenance, miscellaneous purposes, and for not more than the following full=time equivalent positions:

..... $ 6,019,042
..... FTEs 81.67

2. VOCATIONAL EDUCATION ADMINISTRATION

For salaries, support, maintenance, miscellaneous purposes, and for not more than the following full=time equivalent positions:

..... $ 422,319
..... FTEs 11.50

3. VOCATIONAL REHABILITATION SERVICES DIVISION

a. For salaries, support, maintenance, miscellaneous purposes, and for not more than the following full=time equivalent positions:

..... $ 4,477,378
..... FTEs 255.00

b. For matching funds for programs to enable persons

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with severe physical or mental disabilities to function more independently, including salaries and support, and for not more than the following full=time equivalent position:
..... $ 39,457
..... FTEs 1.00

c. For the entrepreneurs with disabilities program established pursuant to section 259.4, subsection 9:
..... $ 146,760

d. For costs associated with centers for independent living:
..... $ 40,633

4. STATE LIBRARY

a. For salaries, support, maintenance, miscellaneous purposes, and for not more than the following full=time equivalent positions:
..... $ 1,219,799
..... FTEs 17.00

b. For the enrich Iowa program established under section 256.57:
..... $ 1,688,316

5. LIBRARY SERVICE AREA SYSTEM

For state aid:
..... $ 934,917

6. PUBLIC BROADCASTING DIVISION

For salaries, support, maintenance, capital expenditures, miscellaneous purposes, and for not more than the following full=time equivalent positions:
..... $ 6,710,017
..... FTEs 82.00

7. REGIONAL TELECOMMUNICATIONS COUNCILS

For state aid:
..... $ 1,001,269

The regional telecommunications councils established in section 8D.5 shall use the moneys appropriated in this subsection to provide technical assistance for network

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classrooms, planning and troubleshooting for local area networks, scheduling of video sites, and other related support activities.

8. VOCATIONAL EDUCATION TO SECONDARY SCHOOLS

For reimbursement for vocational education expenditures made by secondary schools:

..... $ 2,435,234

Moneys appropriated in this subsection shall be used to reimburse school districts for vocational education expenditures made by secondary schools to meet the standards set in sections 256.11, 258.4, and 260C.14.

9. SCHOOL FOOD SERVICE

For use as state matching funds for federal programs that shall be disbursed according to federal regulations, including salaries, support, maintenance, miscellaneous purposes, and for not more than the following full=time equivalent positions:

..... $ 1,993,795

..... FTEs 20.58

10. EARLY CHILDHOOD IOWA FUND ==== GENERAL AID

For deposit in the school ready children grants account of the early childhood Iowa fund created in section 256I.11:

..... $ 5,386,113

a. From the moneys deposited in the school ready children grants account for the fiscal year beginning July 1, 2011, and ending June 30, 2012, not more than $265,950 is allocated for the early childhood Iowa office and other technical assistance activities. The early childhood Iowa state board shall direct staff to work with the early childhood stakeholders alliance created in section 256I.12 to inventory technical assistance needs. Moneys allocated under this lettered paragraph may be used by the early childhood Iowa state board for the purpose of skills development and support for ongoing training of staff. However, except as otherwise provided in this subsection, moneys shall not be used for additional staff or for the reimbursement of staff.

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b. As a condition of receiving moneys appropriated in this subsection, each early childhood Iowa area board shall report to the early childhood Iowa state board progress on each of the local indicators approved by the area board. Each early childhood Iowa area board must also submit an annual budget for the area's comprehensive school ready children grant developed for providing services for children from birth through five years of age, and provide other information specified by the early childhood Iowa state board, including budget amendments as needed. The early childhood Iowa state board shall establish a submission deadline for the annual budget and any budget amendments that allow a reasonable period of time for preparation by the early childhood Iowa area boards and for review and approval or request for modification of the materials by the early childhood Iowa state board. In addition, each early childhood Iowa area board must continue to comply with reporting provisions and other requirements adopted by the early childhood Iowa state board in implementing section 256I.9.

c. Of the amount appropriated in this subsection for deposit in the school ready children grants account of the early childhood Iowa fund, $2,318,018 shall be used for efforts to improve the quality of early care, health, and education programs. Moneys allocated pursuant to this paragraph may be used for additional staff and for the reimbursement of staff. The early childhood Iowa state board may reserve a portion of the allocation, not to exceed $88,650, for the technical assistance expenses of the early childhood Iowa state office, including the reimbursement of staff, and shall distribute the remainder to early childhood Iowa areas for local quality improvement efforts through a methodology identified by the early childhood Iowa state board to make the most productive use of the funding, which may include use of the distribution formula, grants, or other means.

d. Of the amount appropriated in this subsection for

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deposit in the school ready children grants account of the early childhood Iowa fund, $825,030 shall be used for support of professional development and training activities for persons working in early care, health, and education by the early childhood Iowa state board in collaboration with the professional development component group of the early childhood Iowa stakeholders alliance maintained pursuant to section 256I.12, subsection 7, paragraph "b", and the early childhood Iowa area boards. Expenditures shall be limited to professional development and training activities agreed upon by the parties participating in the collaboration.

11. EARLY CHILDHOOD IOWA FUND ==== PRESCHOOL TUITION ASSISTANCE

a. For deposit in the school ready children grants account of the early childhood Iowa fund created in section 256I.11:
..... $ 3,128,877

b. The amount appropriated in this subsection shall be used for early care, health, and education programs to assist low=income parents with tuition for preschool and other supportive services for children ages three, four, and five who are not attending kindergarten in order to increase the basic family income eligibility requirement to not more than 200 percent of the federal poverty level. In addition, if sufficient funding is available after addressing the needs of those who meet the basic income eligibility requirement, an early childhood Iowa area board may provide for eligibility for those with a family income in excess of the basic income eligibility requirement through use of a sliding scale or other copayment provisions.

12. EARLY CHILDHOOD IOWA FUND ==== FAMILY SUPPORT AND PARENT EDUCATION

a. For deposit in the school ready children grants account of the early childhood Iowa fund created in section 256I.11:
..... $ 12,364,434

b. The amount appropriated in this subsection shall be

House Study Bill 192 continued

used for family support services and parent education programs targeted to families expecting a child or with newborn and infant children through age five and shall be distributed using the distribution formula approved by the early childhood Iowa state board and shall be used by an early childhood Iowa area board only for family support services and parent education programs targeted to families expecting a child or with newborn and infant children through age five.

13. BIRTH TO AGE THREE SERVICES

For expansion of the federal Individuals with Disabilities Education Improvement Act of 2004, Pub. L. No. 108=446, as amended to January 1, 2011, birth through age three services due to increased numbers of children qualifying for those services:

..... $ 1,618,116

From the moneys appropriated in this subsection, $383,769 shall be allocated to the child health specialty clinic at the state university of Iowa to provide additional support for infants and toddlers who are born prematurely, drug=exposed, or medically fragile.

14. TEXTBOOKS OF NONPUBLIC SCHOOL PUPILS

To provide moneys for costs of providing textbooks to each resident pupil who attends a nonpublic school as authorized by section 301.1:

..... $ 600,987

Funding under this subsection is limited to $20 per pupil and shall not exceed the comparable services offered to resident public school pupils.

15. BEGINNING ADMINISTRATOR MENTORING AND INDUCTION PROGRAM

For purposes of administering the beginning administrator mentoring and induction program established pursuant to chapter 284A:

..... $ 183,448

16. STUDENT ACHIEVEMENT AND TEACHER QUALITY PROGRAM

For purposes of the student achievement and teacher quality

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program established pursuant to chapter 284, and for not more than the following full=time equivalent positions:
..... $ 4,498,878
..... FTEs 2.00

17. PRESCHOOL PROGRAM FOR FOUR=YEAR=OLD CHILDREN

For the operation of the preschool program for four=year=old children, and to provide program scholarships to pay for eligible four=year=old children to attend preschool provided by school districts or private education partners if the Eighty=fourth General Assembly, 2011 Regular Session, enacts legislation establishing the program:
..... $ 33,600,000

18. COMMUNITY COLLEGES

For general state financial aid to merged areas as defined in section 260C.2 in accordance with chapters 258 and 260C:
..... $144,412,677

Notwithstanding the allocation formula in section 260C.18C, the funds appropriated in this subsection shall be allocated as follows:

a. Merged Area I ..... $ 7,193,160
b. Merged Area II ..... $ 7,668,517
c. Merged Area III ..... $ 7,065,937
d. Merged Area IV ..... $ 3,468,832
e. Merged Area V ..... $ 7,920,501
f. Merged Area VI ..... $ 6,754,335
g. Merged Area VII ..... $ 10,058,110
h. Merged Area IX ..... $ 12,509,932
i. Merged Area X ..... $ 22,023,317
j. Merged Area XI ..... $ 22,200,433
k. Merged Area XII ..... $ 8,204,755
l. Merged Area XIII ..... $ 8,448,728
m. Merged Area XIV ..... $ 3,521,840
n. Merged Area XV ..... $ 11,040,426
o. Merged Area XVI ..... $ 6,333,854

STATE BOARD OF REGENTS

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Sec. 6. There is appropriated from the general fund of the state to the state board of regents for the fiscal year beginning July 1, 2011, and ending June 30, 2012, the following amounts, or so much thereof as may be necessary, to be used for the purposes designated:

1. OFFICE OF STATE BOARD OF REGENTS

a. For salaries, support, maintenance, miscellaneous purposes, and for not more than the following full=time equivalent positions:

..... $ 1,023,664
..... FTEs 15.00

The state board of regents shall submit a monthly financial report in a format agreed upon by the state board of regents office and the legislative services agency.

b. For moneys to be allocated to the southwest Iowa graduate studies center:

..... $ 85,320

c. For moneys to be allocated to the siouxland interstate metropolitan planning council for the tristate graduate center under section 262.9, subsection 22:

..... $ 64,963

d. For moneys to be allocated to the quad=cities graduate studies center:

..... $ 126,585

e. For moneys to be distributed to Iowa public radio for public radio operations:

..... $ 381,939

2. STATE UNIVERSITY OF IOWA

a. General university, including lakeside laboratory

For salaries, support, maintenance, equipment, miscellaneous purposes, and for not more than the following full=time equivalent positions:

..... $201,596,040
..... FTEs 5,058.55

b. Oakdale campus

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For salaries, support, maintenance, miscellaneous purposes, and for not more than the following full=time equivalent positions:
..... $ 2,132,789
..... FTEs 38.25

c. State hygienic laboratory

For salaries, support, maintenance, miscellaneous purposes, and for not more than the following full=time equivalent positions:
..... $ 3,449,746
..... FTEs 102.50

d. Family practice program

For allocation by the dean of the college of medicine, with approval of the advisory board, to qualified participants to carry out the provisions of chapter 148D for the family practice program, including salaries and support, and for not more than the following full=time equivalent positions:
..... $ 1,744,290
..... FTEs 190.40

e. Child health care services

For specialized child health care services, including childhood cancer diagnostic and treatment network programs, rural comprehensive care for hemophilia patients, and the Iowa high=risk infant follow=up program, including salaries and support, and for not more than the following full=time equivalent positions:
..... $ 643,239
..... FTEs 57.97

f. Statewide cancer registry

For the statewide cancer registry, and for not more than the following full=time equivalent positions:
..... $ 145,386
..... FTEs 2.10

g. Substance abuse consortium

For moneys to be allocated to the Iowa consortium for

House Study Bill 192 continued

substance abuse research and evaluation, and for not more than the following full=time equivalent position:
..... $ 54,164
..... FTEs 1.00

h. Center for biocatalysis

For the center for biocatalysis, and for not more than the following full=time equivalent positions:
..... $ 705,931
..... FTEs 6.28

i. Primary health care initiative

For the primary health care initiative in the college of medicine, and for not more than the following full=time equivalent positions:
..... $ 632,972
..... FTEs 5.89

From the moneys appropriated in this lettered paragraph, $254,889 shall be allocated to the department of family practice at the state university of Iowa college of medicine for family practice faculty and support staff.

j. Birth defects registry

For the birth defects registry, and for not more than the following full=time equivalent position:
..... $ 37,346
..... FTEs 1.00

k. Larned A. Waterman Iowa nonprofit resource center

For the Larned A. Waterman Iowa nonprofit resource center, and for not more than the following full=time equivalent positions:
..... $ 158,542
..... FTEs 2.75

3. IOWA STATE UNIVERSITY OF SCIENCE AND TECHNOLOGY

a. General university

For salaries, support, maintenance, equipment, miscellaneous purposes, and for not more than the following full=time equivalent positions:

House Study Bill 192 continued

13 1 ..... $157,965,890
13 2 ..... FTEs 3,647.42
13 3 b. Agricultural experiment station
13 4 For the agricultural experiment station salaries, support,
13 5 maintenance, miscellaneous purposes, and for not more than the
13 6 following full=time equivalent positions:
13 7 ..... $ 27,420,590
13 8 ..... FTEs 546.98
13 9 c. Cooperative extension service in agriculture and home
13 10 economics
13 11 For the cooperative extension service in agriculture and
13 12 home economics salaries, support, maintenance, miscellaneous
13 13 purposes, and for not more than the following full=time
13 14 equivalent positions:
13 15 ..... $ 17,495,648
13 16 ..... FTEs 383.34
13 17 d. Leopold center
13 18 For agricultural research grants at Iowa state university of
13 19 science and technology under section 266.39B, and for not more
13 20 than the following full=time equivalent positions:
13 21 ..... $ 387,645
13 22 ..... FTEs 11.25
13 23 e. Livestock disease research
13 24 For deposit in and the use of the livestock disease research
13 25 fund under section 267.8:
13 26 ..... $ 168,595
13 27 4. UNIVERSITY OF NORTHERN IOWA
13 28 a. General university
13 29 For salaries, support, maintenance, equipment, miscellaneous
13 30 purposes, and for not more than the following full=time
13 31 equivalent positions:
13 32 ..... $ 71,833,650
13 33 ..... FTEs 1,447.50
13 34 b. Recycling and reuse center
13 35 For purposes of the recycling and reuse center, and for not

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more than the following full=time equivalent positions:
..... $ 170,947
..... FTEs 3.00

c. Science, technology, engineering, and mathematics (STEM) collaborative initiative

For purposes of establishing a science, technology, engineering, and mathematics (STEM) collaborative initiative, and for not more than the following full=time equivalent positions:
..... $ 1,692,000
..... FTEs 6.20

(1) From the moneys appropriated in this lettered paragraph, up to $282,000 shall be allocated for salaries, staffing, and institutional support. The remainder of the moneys appropriated in this lettered paragraph shall be expended only to support activities directly related to recruitment of kindergarten through grade 12 mathematics and science teachers and for ongoing mathematics and science programming for students enrolled in kindergarten through grade 12.

(2) The university of northern Iowa shall work with the community colleges to develop STEM professional development programs for community college instructors and STEM curriculum development.

d. Real estate education program

For purposes of the real estate education program, and for not more than the following full=time equivalent position:
..... $ 122,221
..... FTEs 1.00

5. STATE SCHOOL FOR THE DEAF

For salaries, support, maintenance, miscellaneous purposes, and for not more than the following full=time equivalent positions:
..... $ 8,159,166
..... FTEs 126.60

House Study Bill 192 continued

6. IOWA BRAILLE AND SIGHT SAVING SCHOOL

For salaries, support, maintenance, miscellaneous purposes, and for not more than the following full=time equivalent positions:

..... $ 3,622,320
..... FTEs 62.87

7. TUITION AND TRANSPORTATION COSTS

For payment to local school boards for the tuition and transportation costs of students residing in the Iowa braille and sight saving school and the state school for the deaf pursuant to section 262.43 and for payment of certain clothing, prescription, and transportation costs for students at these schools pursuant to section 270.5:

..... $ 11,474

8. LICENSED CLASSROOM TEACHERS

For distribution at the Iowa braille and sight saving school and the Iowa school for the deaf based upon the average yearly enrollment at each school as determined by the state board of regents:

..... $ 80,032

Sec. 7. ENERGY COST=SAVINGS PROJECTS ==== FINANCING. For the fiscal year beginning July 1, 2011, and ending June 30, 2012, the state board of regents may use notes, bonds, or other evidences of indebtedness issued under section 262.48 to finance projects that will result in energy cost savings in an amount that will cause the state board to recover the cost of the projects within an average of six years.

Sec. 8. PRESCRIPTION DRUG COSTS. Notwithstanding section 270.7, the department of administrative services shall pay the state school for the deaf and the Iowa braille and sight saving school the moneys collected from the counties during the fiscal year beginning July 1, 2011, for expenses relating to prescription drug costs for students attending the state school for the deaf and the Iowa braille and sight saving school.

Sec. 9. Section 256I.9, subsection 3, paragraph b, Code

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2011, is amended to read as follows:

b. Family support services and parent education programs promoted to parents of children from zero through age five. Family support services shall include but are not limited to home visitation. Of the state funding ~~from all sources~~ that an area board designates for family support programs, at least sixty percent shall be committed to programs with a home visitation component.

Sec. 10. Section 261.19, Code 2011, is amended to read as follows:

261.19 ~~Osteopathic physician~~ Health care professional recruitment program.

1. A ~~physician~~ health care professional recruitment program is established~~,~~ to be administered by the college student aid commission~~,~~ for Des Moines university ~~==== osteopathic medical center~~. The program shall consist of a ~~forgivable loan program and a tuition scholarship program for students and a~~ loan repayment program for ~~physicians~~ health care professionals. The commission shall regularly adjust the ~~physician~~ service requirement under each aspect of the program to provide, to the extent possible, an equal financial benefit for each period of service required.

2.~~a. Notwithstanding the administration provisions of subsection 1, the forgivable loan program established pursuant to subsection 1 shall be administered by the commission in conjunction with Des Moines university ==== osteopathic medical center. Des Moines university ==== osteopathic medical center shall match on an equal basis state aid appropriated for purposes of the forgivable loan program.~~

~~b. Des Moines university ==== osteopathic medical center shall provide recommendations to the commission for students who meet the eligibility requirements of the forgivable loan program. A forgivable loan may be awarded to a resident of Iowa who is enrolled at Des Moines university ==== osteopathic medical center if the student agrees to practice in this state~~

~~House Study Bill 192 continued~~

~~for a period of time to be determined by the commission at the time the loan is awarded. Forgivable loans to eligible students shall not become due until after the student completes a residency program. Interest on the loans shall begin to accrue the day following the student's graduation date. If the student completes the period of practice established by the commission and agreed to by the student, the loan amount shall be forgiven. The loan amount shall not be forgiven if the osteopathic physician fails to complete the required time period of practice in this state or fails to satisfactorily continue in the university's program of medical education.~~

~~3. A student enrolled at Des Moines university osteopathic medical center shall be eligible for a tuition scholarship for the student's study at the university. The scholarship shall be for an amount not to exceed the annual tuition at the university. A student who receives a tuition scholarship shall not be eligible for the loan repayment program provided for by this section. A student who receives a tuition scholarship shall agree to practice in an eligible rural community in this state for a period of time to be determined by the commission at the time the scholarship is awarded. The student shall repay the scholarship to the commission if the student fails to practice in a medically underserved rural community in this state for the required period of time.~~

~~4.~~ A ~~physician~~ health care professional shall be eligible for the ~~physician~~ loan repayment program if the ~~physician~~ health care professional agrees to practice in an eligible rural community in this state. Des Moines university ~~osteopathic medical center~~ shall recruit and place ~~physicians~~ health care professionals in rural communities which have agreed to provide additional funds for the ~~physician's~~ recipient's loan repayment. The contract for the loan repayment shall stipulate the time period the ~~physician~~ recipient shall practice in an eligible rural community in this

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state. In addition, the contract shall stipulate that the ~~physician~~ recipient repay any funds paid on the ~~physician's~~ recipient's loan by the commission if the ~~physician~~ recipient fails to practice in an eligible rural community in this state for the required period of time.

3. A health care professional recruitment revolving fund is created in the state treasury as a separate fund under the control of the commission. The commission shall deposit payments made by health care professional recruitment program recipients and the proceeds from the sale of osteopathic loans awarded pursuant to section 261.19, subsection 2, paragraph "b", Code 2011, into the health care professional recruitment revolving fund. Moneys credited to the fund shall be used to supplement moneys appropriated for the health care professional recruitment program, for loan repayment in accordance with this section, and to pay for loan or interest repayment defaults by program recipients. Notwithstanding section 8.33, any balance in the fund on June 30 of any fiscal year shall not revert to the general fund of the state.

4. For purposes of this ~~subsection, "eligible~~ section:

a. "Eligible rural community" means a medically underserved rural community which agrees to match state funds provided on at least a dollar=for=dollar basis for the loan repayment of a ~~physician~~ health care professional who practices in the community.

b. "Health care professional" means a physician, physician assistant, podiatrist, or physical therapist.

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

Sec. 11. Section 261.25, subsections 1 and 2, Code 2011, are amended to read as follows:

1. There is appropriated from the general fund of the state to the commission for each fiscal year the sum of ~~forty=four~~ forty=three million thirteen thousand four hundred forty=eight dollars for tuition grants.

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2. There is appropriated from the general fund of the state to the commission for each fiscal year the sum of ~~four~~ two million ~~six hundred fifty thousand four hundred eighty=seven~~ dollars for tuition grants for students attending for=profit accredited private institutions located in Iowa. A for=profit institution which, effective March 9, 2005, purchased an accredited private institution that was exempt from taxation under section 501(c) of the Internal Revenue Code, shall be an eligible institution under the tuition grant program. For purposes of the tuition grant program, "for=profit accredited private institution" means an accredited private institution which is not exempt from taxation under section 501(c)(3) of the Internal Revenue Code but which otherwise meets the requirements of section 261.9, subsection 1, paragraph "b", and whose students were eligible to receive tuition grants in the fiscal year beginning July 1, 2003.

Sec. 12. Section 284.13, subsection 1, paragraphs a through c, Code 2011, are amended to read as follows:

a. For the fiscal year beginning July 1, ~~2010~~ 2011, and ending June 30, ~~2011~~ 2012, to the department of education, the amount of ~~nine~~ six hundred ~~sixty=four~~ eighty=five thousand dollars for the issuance of national board certification awards in accordance with section 256.44. Of the amount allocated under this paragraph, not less than ~~seventy=six~~ eighty=five thousand ~~five hundred~~ dollars shall be used to administer the ambassador to education position in accordance with section 256.45.

b. For the fiscal year beginning July 1, ~~2010~~ 2011, and succeeding fiscal years, an amount up to ~~four~~ three million ~~one~~ two hundred ~~seven~~ thousand ~~two hundred forty~~ dollars for first=year and second=year beginning teachers, to the department of education for distribution to school districts and area education agencies for purposes of the beginning teacher mentoring and induction programs. A school district or area education agency shall receive one thousand three hundred

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dollars per beginning teacher participating in the program. If the funds appropriated for the program are insufficient to pay mentors, school districts, and area education agencies as provided in this paragraph, the department shall prorate the amount distributed to school districts and area education agencies based upon the amount appropriated. Moneys received by a school district or area education agency pursuant to this paragraph shall be expended to provide each mentor with an award of five hundred dollars per semester, at a minimum, for participation in the school district's or area education agency's beginning teacher mentoring and induction program; to implement the plan; and to pay any applicable costs of the employer's share of contributions to federal social security and the Iowa public employees' retirement system or a pension and annuity retirement system established under chapter 294, for such amounts paid by the district or area education agency.

c. For the fiscal year beginning July 1, ~~2010~~ 2011, and ending June 30, ~~2011~~ 2012, up to six hundred thirteen thousand eight hundred seventy=eight dollars to the department for purposes of implementing the professional development program requirements of section 284.6, assistance in developing model evidence for teacher quality committees established pursuant to section 284.4, subsection 1, paragraph "c", and the evaluator training program in section 284.10. A portion of the funds allocated to the department for purposes of this paragraph may be used by the department for administrative purposes and for not more than four full=time equivalent positions.

Sec. 13. Section 284.13, subsection 1, paragraph d, Code 2011, is amended by striking the paragraph.

Sec. 14. REPEAL. Section 261.19B, Code 2011, is repealed.

EXPLANATION

This bill appropriates moneys for fiscal year 2011=2012 from the general fund of the state to the college student aid commission, the department for the blind, the department of education, and the state board of regents and its institutions.

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The bill appropriates to the department for the blind for its administration.

The bill includes appropriations to the college student aid commission for general administrative purposes, student aid programs, loan forgiveness for health care professionals, the national guard educational assistance program, the all Iowa opportunity foster care grant and scholarship programs, the registered nurse loan and nurse educator forgiveness program, and the barber and cosmetology arts and sciences tuition grant program.

The bill replaces the osteopathic physician recruitment program with a health care professionals recruitment program, and the osteopathic forgivable loan program, the match requirement under the program for Des Moines university, and the osteopathic tuition scholarship.

The bill reduces the standing appropriations for Iowa tuition grants for students attending nonprofit and for=profit institutions. The bill notwithstands the $2.75 million standing appropriation for the Iowa work=study program and provides that the amount appropriated for fiscal year 2011=2012 is zero.

The bill appropriates moneys to the department of education for purposes of the department's general administration, vocational education administration, division of vocational rehabilitation services including independent living and the entrepreneurs with disabilities program and independent living centers, state library for general administration and the enrich Iowa program, library service area system, public broadcasting division, regional telecommunications councils, vocational education to secondary schools, school food service, early childhood Iowa fund, expansion of the federal Individuals with Disabilities Education Improvement Act birth through age three services, textbooks for nonpublic school pupils, the beginning administrator mentoring and induction program, the student achievement and teacher quality program, and community

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colleges. The bill appropriates $33.6 million for a preschool program for four=year=old children if the legislature enacts legislation establishing the program.

The bill amends statute to provide that of the state funding that an early childhood Iowa area board designates of family support programs, at least 60 percent shall be committed to programs with a home visitation component. Current Code requires 60 percent of all funding from all sources be used for programs with a home visitation component. The bill also amends statute to change the allocations under the student achievement and teacher quality program, and to strike the allocation for teacher development academies.

The bill appropriates moneys to the state board of regents for the board office, universities' general operating budgets; the southwest Iowa graduate studies center; the siouxland interstate metropolitan planning council; the quad=cities graduate studies center; Iowa public radio; the state university of Iowa; Iowa state university of science and technology; the university of northern Iowa; and for the Iowa school for the deaf and the Iowa braille and sight saving school, including tuition and transportation costs for students residing in the schools and licensed classroom teachers.

The bill also requires the department of administrative services to pay the state school for the deaf and the Iowa braille and sight saving school moneys collected from counties for expenses related to prescription drug costs for students attending the schools.

The bill allows the state board of regents to use indebtedness to finance certain projects resulting in energy savings.

LSB 1003HB (2) 84
kh/tm

House Study Bill 193

HOUSE FILE
BY (PROPOSED COMMITTEE ON APPROPRIATIONS BILL BY HOUSE APPROPRIATIONS SUBCOMMITTEE ON JUSTICE SYSTEM)

A BILL FOR

An Act relating to and making appropriations to the justice system.

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

TLSB 1005HB (6) 84
jm/jp

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DIVISION I
APPROPRIATIONS

Section 1. DEPARTMENT OF JUSTICE.

1. There is appropriated from the general fund of the state to the department of justice for the fiscal year beginning July 1, 2011, and ending June 30, 2012, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

a. For the general office of attorney general for salaries, support, maintenance, and miscellaneous purposes, including the prosecuting attorneys training program, matching funds for federal violence against women grant programs, victim assistance grants, office of drug control policy prosecuting attorney program, and odometer fraud enforcement, and for not more than the following full=time equivalent positions:

..... $ 7,292,930
..... FTEs 212.00

It is the intent of the general assembly that as a condition of receiving the appropriation provided in this lettered paragraph, the department of justice shall maintain a record of the estimated time incurred representing each agency or department.

b. For victim assistance grants:

..... $ 2,876,400

The funds appropriated in this lettered paragraph shall be used to provide grants to care providers providing services to crime victims of domestic abuse or to crime victims of rape and sexual assault.

The balance of the victim compensation fund established in section 915.94 may be used to provide salary and support of not more than 24 FTEs and to provide maintenance for the victim compensation functions of the department of justice.

The department of justice may transfer moneys from the victim compensation fund established in section 915.94 to the victim assistance grant program.

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c. For legal services for persons in poverty grants as provided in section 13.34:
..... $ 1,000,000

2. a. The department of justice, in submitting budget estimates for the fiscal year commencing July 1, 2012, pursuant to section 8.23, shall include a report of funding from sources other than amounts appropriated directly from the general fund of the state to the department of justice or to the office of consumer advocate. These funding sources shall include but are not limited to reimbursements from other state agencies, commissions, boards, or similar entities, and reimbursements from special funds or internal accounts within the department of justice. The department of justice shall also report actual reimbursements for the fiscal year commencing July 1, 2010, and actual and expected reimbursements for the fiscal year commencing July 1, 2011.

b. The department of justice shall include the report required under paragraph "a", as well as information regarding any revisions occurring as a result of reimbursements actually received or expected at a later date, in a report to the co=chairpersons and ranking members of the joint appropriations subcommittee on the justice system and the legislative services agency. The department of justice shall submit the report on or before January 15, 2012.

Sec. 2. OFFICE OF CONSUMER ADVOCATE. There is appropriated from the department of commerce revolving fund created in section 546.12 to the office of consumer advocate of the department of justice for the fiscal year beginning July 1, 2011, and ending June 30, 2012, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For salaries, support, maintenance, miscellaneous purposes, and for not more than the following full=time equivalent positions:
..... $ 3,136,163

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..... FTEs 22.00

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

1. There is appropriated from the general fund of the state to the department of corrections for the fiscal year beginning July 1, 2011, and ending June 30, 2012, the following amounts, or so much thereof as is necessary, to be used for the operation of adult correctional institutions, reimbursement of counties for certain confinement costs, and federal prison reimbursement, to be allocated as follows:

a. For the operation of the Fort Madison correctional facility, including salaries, support, maintenance, and miscellaneous purposes:

..... $ 41,031,283

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

..... $ 31,985,974

c. For the operation of the Oakdale correctional facility, including salaries, support, maintenance, and miscellaneous purposes:

..... $ 54,374,426

d. For the operation of the Newton correctional facility, including salaries, support, maintenance, and miscellaneous purposes:

..... $ 25,958,757

e. For the operation of the Mt. Pleasant correctional facility, including salaries, support, maintenance, and miscellaneous purposes:

..... $ 25,917,815

f. For the operation of the Rockwell City correctional facility, including salaries, support, maintenance, and miscellaneous purposes:

..... $ 9,316,466

g. For the operation of the Clarinda correctional facility, including salaries, support, maintenance, and miscellaneous

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purposes:
..... $ 24,639,518
Moneys received by the department of corrections as reimbursement for services provided to the Clarinda youth corporation are appropriated to the department and shall be used for the purpose of operating the Clarinda correctional facility.
h. For the operation of the Mitchellville correctional facility, including salaries, support, maintenance, and miscellaneous purposes:
..... $ 15,615,374
i. For the operation of the Fort Dodge correctional facility, including salaries, support, maintenance, and miscellaneous purposes:
..... $ 29,062,235
j. For reimbursement of counties for temporary confinement of work release and parole violators, as provided in sections 901.7, 904.908, and 906.17, and for offenders confined pursuant to section 904.513:
..... $ 775,092
k. For federal prison reimbursement, reimbursements for out=of=state placements, and miscellaneous contracts:
..... $ 239,411
2. The department of corrections shall use moneys appropriated in subsection 1 to continue to contract for the services of a Muslim imam and a Native American spiritual leader.
Sec. 4. DEPARTMENT OF CORRECTIONS ==== ADMINISTRATION.
There is appropriated from the general fund of the state to the department of corrections for the fiscal year beginning July 1, 2011, and ending June 30, 2012, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:
1. For general administration, including salaries, support, maintenance, employment of an education director to administer

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a centralized education program for the correctional system, and miscellaneous purposes:
..... $ 4,835,542

a. It is the intent of the general assembly that as a condition of receiving the appropriation provided in this lettered paragraph the department of corrections shall not, except as otherwise provided in paragraph "c", enter into a new contract, unless the contract is a renewal of an existing contract, for the expenditure of moneys in excess of $100,000 during the fiscal year beginning July 1, 2011, for the privatization of services performed by the department using state employees as of July 1, 2011, or for the privatization of new services by the department without prior consultation with any applicable state employee organization affected by the proposed new contract and prior notification of the co=chairpersons and ranking members of the joint appropriations subcommittee on the justice system.

b. It is the intent of the general assembly that each lease negotiated by the department of corrections with a private corporation for the purpose of providing private industry employment of inmates in a correctional institution shall prohibit the private corporation from utilizing inmate labor for partisan political purposes for any person seeking election to public office in this state and that a violation of this requirement shall result in a termination of the lease agreement.

c. It is the intent of the general assembly that as a condition of receiving the appropriation provided in this subsection the department of corrections shall not enter into a lease or contractual agreement pursuant to section 904.809 with a private corporation for the use of building space for the purpose of providing inmate employment without providing that the terms of the lease or contract establish safeguards to restrict, to the greatest extent feasible, access by inmates working for the private corporation to personal identifying

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information of citizens.

2. For educational programs for inmates at state penal institutions:

..... $ 2,308,109

a. As a condition of receiving the appropriation in this subsection, the department of corrections shall transfer at least $300,000 from the canteen operating funds established pursuant to section 904.310 to be used for correctional educational programs funded in this subsection.

b. It is the intent of the general assembly that moneys appropriated in this subsection shall be used solely for the purpose indicated and that the moneys shall not be transferred for any other purpose. In addition, it is the intent of the general assembly that the department shall consult with the community colleges in the areas in which the institutions are located to utilize moneys appropriated in this subsection to fund the high school completion, high school equivalency diploma, adult literacy, and adult basic education programs in a manner so as to maintain these programs at the institutions.

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

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

e. Notwithstanding section 8.33, moneys appropriated in this subsection that remain unobligated or unexpended at the close of the fiscal year shall not revert but shall remain available to be used only for the purposes designated in this subsection until the close of the succeeding fiscal year.

3. For the development of the Iowa corrections offender network (ICON) data system:

..... $ 424,364

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4. For offender mental health and substance abuse treatment:
..... $ 22,319

5. For viral hepatitis prevention and treatment:
..... $ 167,881

Sec. 5. JUDICIAL DISTRICT DEPARTMENTS OF CORRECTIONAL SERVICES.

1. There is appropriated from the general fund of the state to the department of corrections for the fiscal year beginning July 1, 2011, and ending June 30, 2012, for salaries, support, maintenance, and miscellaneous purposes, the following amounts, or so much thereof as is necessary, to be allocated as follows:

a. For the first judicial district department of correctional services:
..... $ 12,020,098

b. For the second judicial district department of correctional services:
..... $ 10,336,948

c. For the third judicial district department of correctional services:
..... $ 5,599,765

d. For the fourth judicial district department of correctional services:
..... $ 5,391,355

e. For the fifth judicial district department of correctional services, including funding for electronic monitoring devices for use on a statewide basis:
..... $ 18,742,129

f. For the sixth judicial district department of correctional services:
..... $ 13,112,563

g. For the seventh judicial district department of correctional services:
..... $ 6,492,814

h. For the eighth judicial district department of

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correctional services:
..... $ 6,731,055

2. Each judicial district department of correctional services, within the funding available, shall continue programs and plans established within that district to provide for intensive supervision, sex offender treatment, diversion of low=risk offenders to the least restrictive sanction available, job development, and expanded use of intermediate criminal sanctions.

3. Each judicial district department of correctional services shall provide alternatives to prison consistent with chapter 901B. The alternatives to prison shall ensure public safety while providing maximum rehabilitation to the offender. A judicial district department of correctional services may also establish a day program.

4. The governor's office of drug control policy shall consider federal grants made to the department of corrections for the benefit of each of the eight judicial district departments of correctional services as local government grants, as defined pursuant to federal regulations.

5. The department of corrections shall continue to contract with a judicial district department of correctional services to provide for the rental of electronic monitoring equipment which shall be available statewide.

6. A judicial district department of correctional services shall accept into the facilities of the district department, offenders assigned from other judicial district departments of correctional services.

Sec. 6. DEPARTMENT OF CORRECTIONS ==== REALLOCATION OF APPROPRIATIONS. Notwithstanding section 8.39, within the moneys appropriated in this Act to the department of corrections, the department may reallocate the moneys appropriated and allocated as necessary to best fulfill the needs of the correctional institutions, administration of the department, and the judicial district departments of

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correctional services. However, in addition to complying with the requirements of sections 904.116 and 905.8 and providing notice to the legislative services agency, the department of corrections shall also provide notice to the department of management, prior to the effective date of the revision or reallocation of an appropriation made pursuant to this section. The department of corrections shall not reallocate an appropriation or allocation for the purpose of eliminating any program.

Sec. 7. INTENT ==== REPORTS.

1. The department of corrections in cooperation with townships, the Iowa cemetery associations, and other nonprofit or governmental entities may use inmate labor during the fiscal year beginning July 1, 2011, to restore or preserve rural cemeteries and historical landmarks. The department in cooperation with the counties may also use inmate labor to clean up roads, major water sources, and other water sources around the state.

2. On a quarterly basis the department shall provide a status report regarding private=sector employment to the legislative services agency beginning on July 1, 2011. The report shall include the number of offenders employed in the private sector, the combined number of hours worked by the offenders, the total amount of allowances, and the distribution of allowances pursuant to section 904.702, including any moneys deposited in the general fund of the state.

Sec. 8. ELECTRONIC MONITORING REPORT. The department of corrections shall submit a report on electronic monitoring to the general assembly, to the co=chairpersons and the ranking members of the joint appropriations subcommittee on the justice system, and to the legislative services agency by January 15, 2012. The report shall specifically address the number of persons being electronically monitored and break down the number of persons being electronically monitored by offense committed. The report shall also include a comparison of any

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data from the prior fiscal year with the current year.

Sec. 9. STATE AGENCY PURCHASES FROM PRISON INDUSTRIES.

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

2. State agencies are hereby encouraged to purchase products from Iowa state industries, as defined in section 904.802, when purchases are required and the products are available from Iowa state industries. State agencies shall obtain bids from Iowa state industries for purchases of office furniture during the fiscal year beginning July 1, 2011, exceeding $5,000 or in accordance with applicable administrative rules related to purchases for the agency.

Sec. 10. STATE PUBLIC DEFENDER. There is appropriated from the general fund of the state to the office of the state public defender of the department of inspections and appeals for the fiscal year beginning July 1, 2011, and ending June 30, 2012, the following amounts, or so much thereof as is necessary, to be allocated as follows for the purposes designated:

1. For salaries, support, maintenance, miscellaneous purposes, and for not more than the following full=time equivalent positions:

..... $ 24,083,182
..... FTEs 219.00

2. For the fees of court=appointed attorneys for indigent adults and juveniles, in accordance with section 232.141 and chapter 815:

..... $ 29,680,929

Sec. 11. BOARD OF PAROLE. There is appropriated from the general fund of the state to the board of parole for the fiscal

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year beginning July 1, 2011, and ending June 30, 2012, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For salaries, support, maintenance, miscellaneous purposes, and for not more than the following full=time equivalent positions:

..... $ 1,053,835
..... FTEs 12.50

Sec. 12. DEPARTMENT OF PUBLIC DEFENSE. There is appropriated from the general fund of the state to the department of public defense for the fiscal year beginning July 1, 2011, and ending June 30, 2012, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

1. MILITARY DIVISION

For salaries, support, maintenance, miscellaneous purposes, and for not more than the following full=time equivalent positions:

..... $ 5,527,042
..... FTEs 313.00

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

2. HOMELAND SECURITY AND EMERGENCY MANAGEMENT DIVISION

For salaries, support, maintenance, miscellaneous purposes, and for not more than the following full=time equivalent positions:

..... $ 1,836,877
..... FTEs 40.00

a. The homeland security and emergency management division may temporarily exceed and draw more than the amount appropriated in this subsection and incur a negative cash

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balance as long as there are receivables of federal funds equal to or greater than the negative balance and the amount appropriated in this subsection is not exceeded at the close of the fiscal year.

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

Sec. 13. DEPARTMENT OF PUBLIC SAFETY. There is appropriated from the general fund of the state to the department of public safety for the fiscal year beginning July 1, 2011, and ending June 30, 2012, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

1. For the department's administrative functions, including the criminal justice information system, and for not more than the following full=time equivalent positions:

..... $ 4,007,075
..... FTEs 36.00

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

..... $ 12,533,931
..... FTEs 159.10

The department shall employ one additional special agent and one additional criminalist for the purpose of investigating cold cases. Prior to employing the additional special agent and criminalist authorized in this paragraph, the department shall provide a written statement to prospective employees that

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states to the effect that the positions are being funded by a temporary federal grant and there are no assurances that funds from other sources will be available after the federal funding expires. If the federal funding for the additional positions expires during the fiscal year, the number of full=time equivalent positions authorized in this subsection is reduced by 2.00 FTEs.

3. For the criminalistics laboratory fund created in section 691.9:

..... $ 302,345

4. a. For the division of narcotics enforcement, including the state's contribution to the peace officers' retirement, accident, and disability system provided in chapter 97A in the amount of the state's normal contribution rate, as defined in section 97A.8, multiplied by the salaries for which the funds are appropriated, to meet federal fund matching requirements, and for not more than the following full=time equivalent positions:

..... $ 6,429,884
..... FTEs 74.00

b. For the division of narcotics enforcement for undercover purchases:

..... $ 109,042

5. For the division of state fire marshal, for fire protection services as provided through the state fire service and emergency response council as created in the department, and for the state's contribution to the peace officers' retirement, accident, and disability system provided in chapter 97A in the amount of the state's normal contribution rate, as defined in section 97A.8, multiplied by the salaries for which the funds are appropriated, and for not more than the following full=time equivalent positions:

..... $ 4,298,707
..... FTEs 55.00

6. For the division of state patrol, for salaries, support,

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maintenance, workers' compensation costs, and miscellaneous purposes, including the state's contribution to the peace officers' retirement, accident, and disability system provided in chapter 97A in the amount of the state's normal contribution rate, as defined in section 97A.8, multiplied by the salaries for which the funds are appropriated, and for not more than the following full=time equivalent positions:

..... $ 51,903,233

..... FTEs 513.00

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

7. For deposit in the sick leave benefits fund established under section 80.42 for all departmental employees eligible to receive benefits for accrued sick leave under the collective bargaining agreement:

..... $ 279,517

8. For costs associated with the training and equipment needs of volunteer fire fighters:

..... $ 575,520

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

b. Notwithstanding section 8.39, within the moneys appropriated in this section, the department of public safety may reallocate moneys as necessary to best fulfill the needs provided for in the appropriation. However, the department shall not reallocate an appropriation made to the department in this section unless notice of the reallocation is given to the legislative services agency and the department of management prior to the effective date of the reallocation. The notice shall include information regarding the rationale

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for reallocating the appropriation. The department shall not reallocate an appropriation made in this section for the purpose of eliminating any program.

9. For the law enforcement training council, if enacted by this Act, for salaries, support, maintenance, miscellaneous purposes, and for not more than the following full=time equivalent positions:

..... $ 398,500
..... FTEs 3.00

Sec. 14. GAMING ENFORCEMENT.

1. There is appropriated from the gaming enforcement revolving fund created in section 80.43 to the department of public safety for the fiscal year beginning July 1, 2011, and ending June 30, 2012, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For any direct and indirect support costs for agents and officers of the division of criminal investigation's excursion gambling boat, gambling structure, and racetrack enclosure enforcement activities, including salaries, support, maintenance, miscellaneous purposes, and for not more than the following full=time equivalent positions:

..... $ 9,836,306
..... FTEs 120.00

2. For each additional license to conduct gambling games on an excursion gambling boat, gambling structure, or racetrack enclosure issued during the fiscal year beginning July 1, 2011, there is appropriated from the gaming enforcement fund to the department of public safety for the fiscal year beginning July 1, 2011, and ending June 30, 2012, an additional amount of not more than $521,000 to be used for not more than 6.00 additional full=time equivalent positions.

3. The department of public safety, with the approval of the department of management, may employ no more than two special agents and four gaming enforcement officers for each additional riverboat or gambling structure regulated after July

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1, 2011, and one special agent for each racing facility which becomes operational during the fiscal year which begins July 1, 2011. One additional gaming enforcement officer, up to a total of four per riverboat or gambling structure, may be employed for each riverboat or gambling structure that has extended operations to 24 hours and has not previously operated with a 24=hour schedule. Positions authorized in this subsection are in addition to the full=time equivalent positions otherwise authorized in this section.

Sec. 15. CIVIL RIGHTS COMMISSION. There is appropriated from the general fund of the state to the Iowa state civil rights commission for the fiscal year beginning July 1, 2011, and ending June 30, 2012, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For salaries, support, maintenance, miscellaneous purposes, and for not more than the following full=time equivalent positions:

..... $ 1,297,069
..... FTEs 28.00

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

Sec. 16. 2009 Iowa Acts, chapter 178, section 20, is amended to read as follows:

SEC. 20. CONSUMER EDUCATION AND LITIGATION FUND. Notwithstanding section 714.16C, for each fiscal year of the period beginning July 1, 2008, and ending June 30, ~~2011~~ 2013, the annual appropriations in section 714.16C, are increased from $1,125,000 to $1,875,000, and $75,000 to $125,000 respectively. Moneys appropriated from the consumer education and litigation fund may be allocated for cash flow purposes to the victim compensation fund established in section 915.94 during each of the fiscal years enumerated, provided that any moneys so allocated are returned to the consumer

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education and litigation fund by the end of each fiscal year an allocation occurs.

Sec. 17. IOWA COMMUNICATIONS NETWORK. It is the intent of the general assembly that the executive branch agencies receiving an appropriation in this Act utilize the Iowa communications network or secure other electronic communications in lieu of traveling for the fiscal year addressed by the appropriations.

Sec. 18. HOMELAND SECURITY AND EMERGENCY MANAGEMENT DIVISION. There is appropriated from the wireless E911 emergency communications fund created in section 34A.7A to the administrator of the homeland security and emergency management division of the department of public defense for the fiscal year beginning July 1, 2011, and ending June 30, 2012, an amount not exceeding $200,000 to be used for implementation, support, and maintenance of the functions of the administrator and program manager under chapter 34A and to employ the auditor of the state to perform an annual audit of the wireless E911 emergency communications fund.

Sec. 19. SUPERVISORY EMPLOYEES TO OTHER EMPLOYEES ==== RATIO. Notwithstanding section 8A.402, subsection 2, paragraph "g", for the fiscal year beginning July 1, 2011, the department of corrections, department of public safety, and the judicial district departments of correctional services shall be exempt from the target ratio of supervisory employees to other employees otherwise applicable for that fiscal year under section 8A.402, subsection 2, paragraph "g".

DIVISION II

CREATION OF LAW ENFORCEMENT TRAINING COUNCIL

Sec. 20. Section 7E.5, subsection 2, paragraph a, Code 2011, is amended to read as follows:

a. There is a civil rights commission, a public employment relations board, an interstate cooperation commission, an ethics and campaign disclosure board, and ~~an Iowa~~ a law enforcement ~~academy~~ training council.

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Sec. 21. Section 80.1A, Code 2011, is amended by adding the following new subsections:

NEW SUBSECTION. 05. "Law enforcement officer" means an officer appointed by the director of the department of natural resources, a member of a police force or other agency or department of the state, county, city, or tribal government regularly employed as such and who is responsible for the prevention and detection of crime and the enforcement of the criminal laws of this state and all individuals, as determined by the council, who by the nature of their duties may be required to perform the duties of a peace officer.

NEW SUBSECTION. 6. "Telecommunicator" means a person who receives requests for, or dispatches requests to, emergency response agencies which include but are not limited to law enforcement, fire, rescue, and emergency medical services agencies.

Sec. 22. Section 80.11, Code 2011, is amended to read as follows:

80.11 Course of instruction.

The course of instruction for peace officers of the department shall, at a minimum, be equal to the course of instruction required by the ~~Iowa law enforcement academy pursuant to chapter 80B~~ a law enforcement training school as provided in chapter 260D.

Sec. 23. NEW SECTION. 80.44 Law enforcement training council.

1. The law enforcement training council is created within the department which shall consist of the following seven voting members appointed by the governor subject to confirmation by the senate to terms of four years commencing as provided in section 69.19:

a. Three residents of the state.

b. A sheriff of a county.

c. A police officer who is a member of a police department of a city with a population larger than fifty thousand persons.

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d. A police officer who is a member of a police department of a city with a population of less than fifty thousand persons.

e. A member of the department of public safety.

2. One senator appointed by the majority leader of the senate, one senator appointed by the minority leader of the senate, one representative appointed by the speaker of the house of representatives, and one representative appointed by the minority leader of the house of representatives are also ex officio, nonvoting members of the council who shall serve terms as provided in section 69.16B.

3. In the event a member appointed pursuant to this section is unable to complete a term, the vacancy shall be filled for the unexpired term in the same manner as the original appointment.

Sec. 24. NEW SECTION. 80.45 Officers of training council.

The training council shall elect from its membership a chairperson and a vice chairperson each of whom shall serve for a term of one year and who may be reelected. Membership on the council shall not constitute holding a public office and members of the council shall not be required to take and file oaths of office before serving on the council. A member of the council shall not be disqualified from holding any public office or employment by reason of appointment or membership on the council, and a member shall not forfeit any such office or employment by reason of appointment to the council, notwithstanding the provisions of any general, special or local law, ordinance or city charter.

Sec. 25. NEW SECTION. 80.46 Training council ==== compensation and expenses.

The members of the training council, who are not employees of the state or a political subdivision, shall be paid a per diem as specified in section 7E.6. All members of the council shall be reimbursed for necessary and actual expenses incurred in attending meetings and in the performance of their duties.

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All per diem and expense moneys paid to nonlegislative members shall be paid from funds appropriated to the department. Legislative members of the council shall receive payment pursuant to sections 2.10 and 2.12.

Sec. 26. NEW SECTION. 80.47 Training council ==== meetings.

The training council shall meet at least four times each year and shall hold special meetings when called by the chairperson or, in the absence of the chairperson, by the vice chairperson, or by the chairperson upon written request of five members of the council. The council shall establish procedures and requirements with respect to quorum, place, and conduct of meetings.

Sec. 27. NEW SECTION. 80.48 Training council ==== annual report.

The training council shall make an annual report to the governor, the attorney general, and the commissioner of public safety which shall include pertinent data regarding the standards established and the degree of participation of agencies in the law enforcement training schools.

Sec. 28. NEW SECTION. 80.49 Training council ==== rules.

1. The commissioner, subject to the approval of the council, shall adopt rules in accordance with the provisions of this chapter and chapter 17A, giving due consideration to varying factors and special requirements of law enforcement agencies relative to the following:

a. Minimum entrance requirements, course of study, attendance requirements, and equipment and facilities required at approved law enforcement training schools. The minimum age requirement for entrance to approved law enforcement training schools shall be eighteen years of age. The minimum course of study requirements shall include a separate domestic abuse curriculum, which may include but is not limited to outside speakers from domestic abuse shelters and crime victim assistance organizations. The minimum course of study requirements shall also include a sexual assault curriculum.

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b. Minimum basic training requirements a law enforcement officer employed after July 1, 1968, must complete in order to remain eligible for continued employment and the time within which such basic training must be completed. The minimum requirements shall mandate training devoted to the topic of domestic abuse and sexual assault. The training council shall submit an annual report to the general assembly by January 15 of each year relating to the continuing education requirements devoted to the topic of domestic abuse, including the number of hours required, the substance of the classes offered, and other related matters.

c. (1) Categories or classifications of advanced in=service training programs and minimum courses of study and attendance requirements for such categories or classifications.

(2) In=service training under this paragraph "c" shall include the requirement that all law enforcement officers complete a course on investigation, identification, and reporting of public offenses based on the race, color, religion, ancestry, national origin, political affiliation, sex, sexual orientation, age, or disability of the victim. The commissioner shall consult with the civil rights commission, the department, and the prosecuting attorneys training coordinator in developing the requirements for this course and may contract with outside providers for this course.

d. Within the existing curriculum, expanded training regarding racial and cultural awareness and dealing with gang=affected youth.

e. Training standards on the subject of human trafficking, to include curricula on cultural sensitivity and the means to deal effectively and appropriately with trafficking victims. Such training shall encourage law enforcement personnel to communicate in the language of the trafficking victims. The course of instruction and training standards shall be developed by the commissioner in consultation with the appropriate national and state experts in the field of human trafficking.

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f. Minimum standards of physical, educational, and moral fitness which shall govern the recruitment, selection, and appointment of law enforcement officers.

g. Minimum standards of mental fitness which shall govern the initial recruitment, selection, and appointment of law enforcement officers. The rules shall include but are not limited to providing a battery of psychological tests to determine cognitive skills, personality characteristics, and suitability of an applicant for a law enforcement career. However, this battery of tests need only be given to applicants being considered in the final selection process for a law enforcement position. Notwithstanding any provision of chapter 400, an applicant shall not be hired if the employer determines from the tests that the applicant does not possess sufficient cognitive skills, personality characteristics, or suitability for a law enforcement career. The commissioner shall provide for the cognitive and psychological examinations and their administration to the law enforcement agencies or applicants, and shall identify and hire persons to interpret the examinations.

h. Grounds for revocation or suspension of a law enforcement officer's certification.

i. Exemptions from particular provisions in case of any state, county, or city, if, in the opinion of the training council, the standards of law enforcement training established and maintained by the governmental agency are as high or higher than those established pursuant to this chapter; or revocation in whole or in part of such exemption, if in its opinion the standards of law enforcement training established and maintained by the governmental agency are lower than those established pursuant to this chapter.

j. Minimum qualifications for instructors in telecommunicator training schools.

k. Minimum qualifications for instructors in law enforcement and jailer training schools.

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1. Certification through examination for individuals who have successfully completed the federal bureau of investigation national academy, have corrected Snellen vision in both eyes of 20/20 or better, and were employed on or before January 1, 1996, as chief of police of a city in this state with a population of twenty thousand or more.

2. A certified course of instruction provided for under this section shall not be eliminated by the law enforcement council.

Sec. 29. NEW SECTION. 80.50 Authority of law enforcement training council.

The council may do all of the following:

1. Designate members to visit and inspect any law enforcement or jailer training schools, or examine the curriculum or training procedures, for which application for approval has been made.

2. Issue certificates to law enforcement training schools qualifying under the regulations of the council.

3. Issue certificates to law enforcement officers and jailers who have met the requirements of this chapter and rules adopted under chapter 17A relative to hiring and training standards.

4. Make recommendations to the governor, the attorney general, the commissioner, and the general assembly on matters pertaining to qualification and training of law enforcement officers and jailers and other matters considered necessary to improve law enforcement services and jailer training.

5. Cooperate with federal, state, and local enforcement agencies in establishing and conducting local or area schools, or regional training centers for instruction and training of law enforcement officers and jailers.

6. Direct research in the field of law enforcement and jailer training and accept grants for such purposes.

7. a. Revoke a law enforcement officer's certification for the conviction of a felony or revoke or suspend a law enforcement officer's certification for a violation of rules

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adopted pursuant to section 80.49, subsection 1, paragraph "h". In addition, the council may consider revocation or suspension proceedings when an employing agency recommends to the council that revocation or suspension would be appropriate with regard to a current or former employee. If a law enforcement officer resigns, the employing agency shall notify the council that an officer has resigned and state the reason for the resignation if a substantial likelihood exists that the reason would result in the revocation or suspension of an officer's certification for a violation of the rules.

b. A recommendation by an employing agency must be in writing and set forth the reasons why the action is being recommended, the findings of the employing agency concerning the matter, the action taken by the employing agency, and that the action by the agency is final. "Final", as used in this section, means that all appeals through a grievance procedure available to the officer or civil service have been exhausted. The written recommendations shall be unavailable for inspection by anyone except personnel of the employing agency, the council and the affected law enforcement officer, or as ordered by a reviewing court.

c. The council shall establish a process for the protest and appeal of a revocation or suspension made pursuant to this subsection.

8. In accordance with chapter 17A, conduct investigations, hold hearings, appoint hearing examiners, administer oaths and issue subpoenas enforceable in district court on matters relating to the revocation or suspension of a law enforcement officer's certification.

9. Secure the assistance of the state division of criminal investigation in the investigation of alleged violations, as provided under section 80.9A, subsection 6, paragraphs "c" and "g", of the provisions adopted under section 80.49.

Sec. 30. NEW SECTION. 80.51 Training council ==== telecommunicator training standards.

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The commissioner, subject to the approval of the law enforcement training council, in consultation with the Iowa state sheriffs' and deputies' association, the Iowa police executive forum, the Iowa association of chiefs of police and peace officers, the Iowa state police association, the Iowa association of professional fire fighters, the Iowa emergency medical services association, the joint council of Iowa fire service organizations, the Iowa chapter of the association of public safety communications officials=international, inc., the Iowa chapter of the national emergency number association, the homeland security and emergency management division of the Iowa department of public defense, and the Iowa department of public health, shall adopt rules pursuant to chapter 17A establishing minimum standards and fees for training of telecommunicators.

Sec. 31. Section 80D.1A, subsections 1 and 2, Code 2011, are amended to read as follows:

~~1. "Academy" means the Iowa law enforcement academy.~~

~~2.~~ 1. "Council" means the ~~Iowa~~ law enforcement ~~academy~~ training council.

Sec. 32. Section 80D.3, subsection 3, paragraph a, Code 2011, is amended to read as follows:

a. A person appointed to serve as a reserve peace officer who has received basic training as a peace officer and has been certified by the ~~academy~~ a law enforcement training school pursuant to chapter ~~80B~~ 260D and rules adopted pursuant to ~~chapter 80B~~ chapters 80 and 260D may be exempted from completing the minimum training course at the discretion of the appointing authority. However, such a person appointed to serve as a reserve peace officer shall meet mandatory in=service training requirements established by academy rules if the person has not served as an active peace officer within one hundred eighty days of appointment as a reserve peace officer.

Sec. 33. Section 80D.7, Code 2011, is amended to read as follows:

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80D.7 Carrying weapons.

A member of a reserve force shall not carry a weapon in the line of duty until the member has been approved by the governing body and certified by the ~~Iowa~~ law enforcement ~~academy~~ training council to carry weapons. After approval and certification, a reserve peace officer may carry a weapon in the line of duty only when authorized by the chief of police, sheriff, commissioner of public safety or the commissioner's designee, or director of the judicial district department of correctional services or the director's designee, as the case may be.

Sec. 34. Section 80F.1, subsection 1, paragraph e, Code 2011, is amended to read as follows:

e. "Officer" means a certified law enforcement officer, fire fighter, emergency medical technician, corrections officer, detention officer, jailer, probation or parole officer, communications officer, or any other law enforcement officer certified by the ~~Iowa~~ law enforcement ~~academy~~ training council and employed by a municipality, county, or state agency.

Sec. 35. Section 97B.49B, subsection 1, paragraph e, subparagraph (9), Code 2011, is amended to read as follows:

(9) A jailer or detention officer who performs duties as a jailer, including but not limited to the transportation of inmates, who is certified as having completed jailer training pursuant to chapter ~~80B~~ 904, and who is employed by a county as a jailer.

Sec. 36. Section 200.17A, subsection 4, Code 2011, is amended to read as follows:

4. The department, a law enforcement officer as defined in section ~~80B.3~~ 80.1A, or an agent of the United States department of justice may examine and photocopy the record during regular business hours.

Sec. 37. Section 232.69, subsection 3, paragraph d, subparagraph (3), Code 2011, is amended to read as follows:

(3) A training program using such an approved curriculum

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offered by the department of human services, the department of education, an area education agency, a school district, ~~the Iowa~~ a law enforcement ~~academy~~ training school, or a similar public agency.

Sec. 38. Section 235B.16, subsection 5, paragraph d, subparagraph (3), Code 2011, is amended to read as follows:

(3) A training program using such an approved curriculum offered by the department of human services, the department on aging, the department of inspections and appeals, ~~the Iowa~~ a law enforcement ~~academy~~ training school, or a similar public agency.

Sec. 39. NEW SECTION. 260D.1 Purpose of law enforcement training schools.

In order to maximize training opportunities for law enforcement officers throughout the state it is the intent of the legislature to authorize the creation of law enforcement training schools in the community colleges under the coordination and direction of the law enforcement training council created in section 80.44.

Sec. 40. NEW SECTION. 260D.1A Definition.

As used in this chapter "law enforcement officer" means the same as defined in section 80.1A.

Sec. 41. NEW SECTION. 260D.2 Authorization of law enforcement training schools.

Each community college is authorized to create a law enforcement training school for the certification of a law enforcement officer in order to serve the best interests of the state and in carrying out the intent and purpose of this chapter.

Sec. 42. NEW SECTION. 260D.3 Examination and attendance fees ==== training cost.

1. The full cost of providing cognitive and psychological examinations of law enforcement officer candidates may be charged by a law enforcement training school.

2. A law enforcement training school shall charge to the

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following entities the following costs to provide the basic training course which is designed to meet the minimum basic training requirements for a law enforcement officer:

a. To the department of natural resources and the department of transportation, the total cost.

b. To a candidate from any other state agency or department of the state, the total cost. The candidate and the agency or department may negotiate the portion of the total cost each must pay.

c. For a candidate sponsored by a political subdivision and hired by the political subdivision, the total cost. The candidate and the political subdivision may negotiate the portion of the total cost each must pay.

d. For all other candidates, including a candidate from a tribal government, to the candidate the total costs.

Sec. 43. NEW SECTION. 260D.4 Training.

1. An individual who is not a certified law enforcement officer may apply for attendance at a short course of study at an approved law enforcement training school if such individual is sponsored by a law enforcement agency. Such individual may be sponsored by a law enforcement agency that either intends to hire or has hired the individual as a law enforcement officer.

2. An individual who submits an application pursuant to subsection 1 shall, at a minimum, meet all minimum hiring standards as established by the law enforcement training council rules, including the successful completion of certain psychological and physical testing examinations. In addition, such individual shall be of good moral character as determined by a thorough background investigation by the hiring law enforcement agency. The law enforcement training school shall conduct the requisite testing and background investigation for a fee if the law enforcement agency does not do so, and for such purposes, the law enforcement school shall be defined as a law enforcement agency and shall have the authority to conduct a background investigation including a fingerprint search of

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local, state, and national fingerprint files.

3. An individual who submits an application pursuant to subsection 1 shall, at a minimum, submit proof of successful completion of a two=year or four=year police science or criminal justice program at an accredited educational institution in this state approved by the law enforcement training council.

4. An individual shall not be granted permission to attend an approved law enforcement training school pursuant to subsection 1 if such acceptance would result in the nonacceptance of another qualifying applicant who is a law enforcement officer.

5. This section applies only to individuals who apply for certification through a short course of study as established by rule.

6. An individual who has not been hired by a law enforcement agency must be hired by a law enforcement agency within eighteen months of completing the short course of study in order to obtain certification pursuant to this section.

Sec. 44. NEW SECTION. 260D.5 Law enforcement training ==== application by individual ==== individual expense.

1. Notwithstanding any other provision of law to the contrary, an individual who is not a certified law enforcement officer may apply for attendance at a law enforcement training school if such individual is sponsored by a law enforcement agency that either intends to hire or has hired the individual as a law enforcement officer on the condition that the individual meets the minimum eligibility standards described in subsection 2. The costs for attendance by such an individual at the law enforcement training school shall be paid as provided in section 260D.3.

2. An individual who submits an application pursuant to subsection 1 shall, at a minimum, meet all minimum hiring standards as established by law enforcement training council rules, including the successful completion of certain

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psychological and physical testing examinations. In addition, such individual shall be of good moral character as determined by a thorough background investigation by the law enforcement training school for a fee. For such purposes, the law enforcement training school shall have the authority to conduct a background investigation of the individual, including a fingerprint search of local, state, and national fingerprint files.

3. An individual shall not be granted permission to attend a law enforcement training school if such acceptance would result in the nonacceptance of another qualifying applicant who is a law enforcement officer.

4. An individual who has not been hired by a law enforcement agency must be hired by a law enforcement agency within eighteen months of completing the appropriate coursework at the law enforcement training school in order to obtain certification pursuant to chapter 80.

Sec. 45. NEW SECTION. 260D.6 Law enforcement officer ==== tribal government.

A law enforcement officer who is a member of a police force of a tribal government and who becomes certified through a law enforcement training school shall be subject to the certification and revocation of certification rules and procedures as provided in this chapter. The certified law enforcement officer shall be subject to the jurisdiction of the courts of this state if an agreement exists between the tribal government and the state or between the tribal government and a county, which grants authority to the law enforcement officer to act in a law enforcement capacity off a settlement or reservation.

Sec. 46. Section 262.13, Code 2011, is amended to read as follows:

262.13 Security officers at institutions as peace officers.

The board may authorize any institution under its control to commission one or more of its employees as special security

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officers. Special security officers shall have the powers, privileges, and immunities of regular peace officers when acting in the interests of the institution by which they are employed. The board shall provide as rapidly as practicable for the adequate training of such special security officers at ~~the Iowa~~ a law enforcement ~~academy~~ training school or in an equivalent training program, unless they have already received such training.

Sec. 47. Section 321.52, subsection 4, paragraph c, Code 2011, is amended to read as follows:

c. A salvage theft examination shall be made by a peace officer who has been specially certified and recertified when required by the ~~Iowa~~ law enforcement ~~academy~~ training council to do salvage theft examinations. The ~~Iowa~~ law enforcement ~~academy~~ training council shall determine standards for training and certification, conduct training, and may approve alternative training programs which satisfy the ~~academy's~~ council's standards for training and certification. The owner of the salvage vehicle shall make the vehicle available for examination at a time and location designated by the peace officer doing the examination. The owner may obtain a permit to drive the vehicle to and from the examination location by submitting a repair affidavit to the agency performing the examination stating that the vehicle is reasonably safe for operation and listing the repairs which have been made to the vehicle. The owner must be present for the examination and have available for inspection the salvage title, bills of sale for all essential parts changed, if applicable, and the repair affidavit. The examination shall be for the purposes of determining whether the vehicle or repair components have been stolen. The examination is not a safety inspection and a signed salvage theft examination certificate shall not be construed by any court of law to be a certification that the vehicle is safe to be operated. There shall be no cause of action against the peace officer or the agency conducting

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the examination or the county treasurer for failure to discover or note safety defects. If the vehicle passes the theft examination, the peace officer shall indicate that the vehicle passed examination on the salvage theft examination certificate. The permit and salvage theft examination certificate shall be on controlled forms prescribed and furnished by the department. The owner shall pay a fee of thirty dollars upon completion of the examination. The agency performing the examinations shall retain twenty dollars of the fee and shall pay five dollars of the fee to the department and five dollars of the fee to the treasurer of state for deposit in the general fund of the state. Moneys deposited to the general fund under this paragraph are subject to the requirements of section 8.60 and shall be used by the Iowa law enforcement ~~academy~~ council to provide for the special training, certification, and recertification of officers as required by this subsection.

Sec. 48. Section 321.267A, subsection 4, Code 2011, is amended to read as follows:

4. For the purposes of this section, "certified law enforcement officer" includes a law enforcement officer who is certified through ~~the Iowa~~ a law enforcement ~~academy~~ training school under chapter 260D as provided in section ~~80B.13~~ 80.50, subsection 3, or a reserve peace officer certified through ~~the Iowa~~ a law enforcement ~~academy~~ training school under chapter 206D as provided in section 80D.4A.

Sec. 49. Section 321J.1, subsection 8, paragraph e, Code 2011, is amended to read as follows:

e. Any other law enforcement officer who has satisfactorily completed an approved course relating to motor vehicle operators under the influence of alcoholic beverages at ~~the Iowa~~ a law enforcement ~~academy~~ training school or ~~a~~ other law enforcement training program approved by the department of public safety.

Sec. 50. Section 331.651, subsection 2, paragraph c, Code

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2011, is amended to read as follows:

c. Be a certified peace officer recognized by the ~~Iowa~~ law enforcement ~~academy~~ training council under chapter ~~80B~~ 80, or complete the basic training course provided ~~at the Iowa law enforcement academy's central training facility~~ by a law enforcement training school under chapter 260D, or a location other than the central training facility within one year of taking office. A person shall be deemed to have completed the basic training course if the person meets all course requirements except the physical training requirements.

Sec. 51. Section 341A.6, subsection 2, Code 2011, is amended to read as follows:

2. To administer practical tests designed to determine the ability of persons examined to perform the duties of the position for which they are seeking appointment. Such tests shall be designed and prepared by the ~~director of the Iowa law enforcement academy~~ commissioner of the department of public safety, shall be administered by each commission in a uniform manner prescribed by the ~~director~~ commissioner of the department of public safety, and shall be consistent with standards established pursuant to ~~chapter 80B~~ chapters 80 and 260D governing standards for employment of Iowa law enforcement officers. Notice of such tests shall be posted in the office of the sheriff and the office of the board of supervisors not less than thirty days prior to giving such tests.

Sec. 52. Section 341A.10, Code 2011, is amended to read as follows:

341A.10 Citizenship.

An applicant for any position under civil service shall be a citizen of the United States who can read and write the English language, and shall meet the minimum requirements of ~~the Iowa~~ a law enforcement ~~academy~~ training council for a law enforcement officer.

Sec. 53. Section 341A.11, unnumbered paragraph 1, Code 2011, is amended to read as follows:

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The tenure of every deputy sheriff holding an office or position of employment under the provisions of this chapter shall be conditional upon a probationary period. If the employee has successfully completed training at ~~the Iowa~~ a law enforcement ~~academy~~ training school or a regional training facility certified by the ~~director of the Iowa~~ law enforcement ~~academy~~ training council prior to initial appointment as a deputy sheriff, the probationary period shall be for a period of up to nine months and shall commence with the date of initial appointment as a deputy sheriff. If the employee has not successfully completed training at ~~the Iowa~~ a law enforcement ~~academy~~ training school or a regional training facility certified by the ~~director of the Iowa~~ law enforcement ~~academy~~ training council prior to initial appointment as a deputy sheriff, the probationary period shall commence with the date of initial employment as a deputy sheriff and shall continue for a period of up to nine months following the date of successful completion of training at the ~~Iowa~~ law enforcement ~~academy~~ training council or a regional training facility certified by the ~~director of the Iowa~~ law enforcement ~~academy~~ training council. During the probationary period, the appointee may be removed or discharged by the sheriff without the right of appeal to the commission. Each deputy sheriff who transfers from one jurisdiction to another shall be employed subject to a probationary period of up to nine months. After the probationary period, the deputy sheriff may be removed or discharged, suspended without pay, demoted, or reduced in rank, or deprived of vacation privileges or other privileges for any of the following reasons:

Sec. 54. Section 384.15, subsection 7, unnumbered paragraph 1, Code 2011, is amended to read as follows:

Adopt rules for the administration of a law enforcement officer training reimbursement program by the director of the department of management. A decision of the director may be appealed by a city or county to the committee. The program

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shall provide reimbursement to a city or county for necessary and actual expenses incurred in training a law enforcement officer who resigns from law enforcement service with the city or county within four years after completion of the law enforcement training. The reimbursable training expenses include mileage, food, lodging, tuition, replacement of an officer while the officer is in training if the replacement officer is a temporary employee hired for that purpose only or is on overtime status, and salary costs of the officer while in training. The law enforcement training eligible for reimbursement is the minimum law enforcement officer training required under ~~chapter 80B~~ chapters 80 and 260D and, if funding is available, approved advanced law enforcement training and reserve officer training required under chapter 80D. The committee shall adopt rules prescribing application forms, expense documentation, and procedures necessary to administer the reimbursement program.

Sec. 55. Section 400.8, subsection 3, Code 2011, is amended to read as follows:

3. All appointments to such positions shall be conditional upon a probation period of not to exceed six months, and in the case of police dispatchers and fire fighters a probation period not to exceed twelve months. In the case of police patrol officers, if the employee has successfully completed training at ~~the Iowa~~ law enforcement ~~academy~~ training school or another training facility certified by the ~~director of the Iowa~~ law enforcement ~~academy~~ training council before the initial appointment as a police patrol officer, the probationary period shall be for a period of up to nine months and shall commence with the date of initial appointment as a police patrol officer. If the employee has not successfully completed training at ~~the Iowa~~ a law enforcement ~~academy~~ training school or another training facility certified by the ~~director of the~~ law enforcement ~~academy~~ training council before initial appointment as a police patrol officer, the probationary

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period shall commence with the date of initial employment as a police patrol officer and shall continue for a period of up to nine months following the date of successful completion of training at ~~the Iowa~~ a law enforcement ~~academy~~ training school or another training facility certified by the ~~director of the Iowa~~ law enforcement ~~academy~~ training council. A police patrol officer transferring employment from one jurisdiction to another shall be employed subject to a probationary period of up to nine months. However, in cities with a population over one hundred seventy=five thousand, appointments to the position of fire fighter shall be conditional upon a probation period of not to exceed twenty=four months. During the probation period, the appointee may be removed or discharged from such position by the appointing person or body without the right of appeal to the commission. A person removed or discharged during a probationary period shall, at the time of discharge, be given a notice in writing stating the reason or reasons for the dismissal. A copy of such notice shall be promptly filed with the commission. Continuance in the position after the expiration of such probationary period shall constitute a permanent appointment.

Sec. 56. Section 456A.14, Code 2011, is amended to read as follows:

456A.14 Temporary appointments ==== peace officer status.

The director may appoint temporary officers for a period not to exceed six months and may adopt minimum physical, educational, mental, and moral requirements for the temporary officers. ~~Chapter 80B does~~ Chapters 80 and 260D do not apply to the temporary officers. Temporary officers have all the powers of peace officers in the enforcement of this chapter and chapters 321G, 321I, 456B, 461A, 461B, 462A, 462B, 463B, 465C, 481A, 481B, 482, 483A, 484A, and 484B, and the trespass laws.

Sec. 57. Section 462A.2, subsection 28, paragraph e, Code 2011, is amended to read as follows:

e. Any other certified law enforcement officer as defined

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in section ~~80B.3~~ 80.1A, who has satisfactorily completed an approved course relating to operating while intoxicated, either at ~~the Iowa~~ a law enforcement ~~academy~~ training school under chapter 260D or in a law enforcement training program approved by the department of public safety.

Sec. 58. Section 805.1, subsection 3, paragraph a, Code 2011, is amended to read as follows:

a. State and local law enforcement agencies in the state of Iowa may cooperate to formulate uniform guidelines that will provide for the maximum possible use of citations in lieu of arrest and in lieu of continued custody for offenses for which citations are authorized. These guidelines shall be submitted to the ~~Iowa~~ law enforcement ~~academy~~ training council for review. The ~~Iowa~~ law enforcement ~~academy~~ training council shall then submit recommendations to the general assembly no later than January 1, 1984.

Sec. 59. Section 817.3, Code 2011, is amended to read as follows:

817.3 Certified law enforcement officers ==== oaths, signatures, and testimony.

A law enforcement officer, as defined in section ~~80B.3~~ 80.1A, who is certified by ~~the Iowa~~ a law enforcement ~~academy~~ training school under chapter 260D, may administer oaths, acknowledge signatures, and take voluntary testimony pursuant to the officer's duties as provided by law.

Sec. 60. NEW SECTION. 904.120 Jailer training standards.

The director, in consultation with the law enforcement training council, the Iowa state sheriffs' and deputies' association, and the Iowa association of chiefs of police and peace officers, shall adopt rules in accordance with chapter 17A establishing minimum standards and fees for the training of jailers.

Sec. 61. MISCELLANEOUS TRANSITION PROVISIONS.

1. The initial membership of the law enforcement training council shall be composed of the membership of the Iowa law

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enforcement academy council.

2. Effective on or after July 1, 2011, as determined by the law enforcement training council created pursuant to this division of this Act, all of the membership of the Iowa law enforcement academy council shall be redesignated to serve as the membership of the initial law enforcement training council.

3. Until the law enforcement training council and the department of public safety have adopted administrative rules to implement the provisions of this Act, the department of public safety shall apply the relevant rules adopted to implement the Iowa law enforcement academy and the Iowa law enforcement academy council. The rules shall include measures to ensure there is continuity of services in the transition from the Iowa law enforcement academy and the Iowa law enforcement academy council to the law enforcement training council and the department of public safety. The rules shall also address the transition of contracts entered into by the Iowa law enforcement academy and the Iowa law enforcement academy council.

Sec. 62. REPEAL. Chapter 80B, Code 2011, is repealed.

EXPLANATION

This bill relates to and makes appropriations to the justice system.

DIVISION I ==== APPROPRIATIONS. The division makes appropriations from the general fund of the state for fiscal year 2011=2012 to the departments of justice, corrections, public defense, and public safety, and the law enforcement council, office of the state public defender, board of parole, and Iowa state civil rights commission.

The division appropriates moneys from the department of commerce revolving fund to the office of consumer advocate of the department of justice.

The division also appropriates moneys from the gaming enforcement revolving fund to the department of public safety.

The division also provides that for each additional license

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to conduct gambling games on an excursion gambling boat, gambling structure, or racetrack enclosure issued for the fiscal year beginning on July 1, 2011, there is appropriated from the gaming enforcement fund to the department of public safety for the fiscal year beginning July 1, 2011, and ending June 30, 2012, an additional amount of not more than $521,000 to be used for not more than 6.00 additional full=time equivalent positions.

The division extends the fiscal period that increases the annual appropriations from the consumer education and litigation fund in Code section 714.16C, to the department of justice. The division extends the fiscal period authorizing such increases from the fiscal period beginning on July 1, 2008, and ending on June 30, 2011, to the fiscal period beginning on July 1, 2008, and ending June 30, 2013. By extending the fiscal period that authorizes increased appropriations from the consumer education and litigation fund, the division also extends the fiscal period that moneys may be allocated from the consumer education and litigation fund to the victim compensation fund for cash flow purposes, if the moneys so allocated are returned to the consumer and education litigation fund by the end of each fiscal year the allocation occurs.

For the fiscal year beginning July 1, 2011, the division provides that the department of corrections, department of public safety, and the judicial district department of correctional services are exempt from the target ratio of supervisory employees to other employees otherwise applicable for the fiscal year beginning July 1, 2011, under Code section 8A.402(2)(g).

DIVISION II ==== LAW ENFORCEMENT TRAINING COUNCIL. The division eliminates the Iowa law enforcement academy and repeals Code chapter 80B relating to the establishment of the academy.

The division transfers the duties of the Iowa law

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enforcement academy council to the law enforcement training council under the purview of the department of public safety on July 1, 2011. The transfer of the duties of the Iowa law enforcement academy council to the law enforcement training council does not result in the removal of an appointed member or lengthen or shorten the terms of the current appointed members.

The division moves the telecommunicator training under the purview of the department of public safety. The division provides the department shall adopt rules and establish minimum standards and fees for the training of a telecommunicator. A "telecommunicator" means a person who receives requests for, or dispatches requests to, emergency response agencies which include but are not limited to law enforcement, fire, rescue, and emergency medical services agencies. Under current law, the Iowa law enforcement academy provides such training.

Under the division, it is the intent of the general assembly to maximize training opportunities for law enforcement officers throughout the state under the coordination and direction of the newly created law enforcement training council. The division authorizes the community colleges to create law enforcement training schools for the certification of law enforcement officers in this state.

The bill modifies the fees a community college may charge a candidate for attending a law enforcement training school from the current fee structure in Code section 80B.11B.

The division also permits the law enforcement training school to use the funds raised from the fees to fulfill the obligations of the law enforcement training school to train and certify a law enforcement officer. This provision currently exists for fees charged by the Iowa law enforcement academy under current law.

The division provides that an individual who is not a certified law enforcement officer may apply for attendance at a law enforcement training school if the individual is

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sponsored by a law enforcement agency that either intends to hire or has hired the individual as a law enforcement officer. This provision currently exists for individuals under similar circumstances who attend the Iowa law enforcement academy.

The division provides a law enforcement officer who is a member of a police force of a tribal government who becomes certified by a community college law enforcement training school shall be subject to the certification and revocation of certification rules and procedures as other certified law enforcement officers, as is the case under current law as well.

The division transfers the authority to establish standards for jailer training from the Iowa law enforcement academy to the department of corrections. The division requires the director of the department of corrections in consultation with the law enforcement council, the Iowa state sheriffs' and deputies' association, and the Iowa association of chiefs of police and peace officers, to adopt rules in accordance with Code chapter 17A for the establishment of minimum standards and fees for the training of jailers.

LSB 1005HB (6) 84
jm/jp

House Study Bill 194

HOUSE FILE
BY (PROPOSED COMMITTEE ON APPROPRIATIONS BILL BY HOUSE APPROPRIATIONS SUBCOMMITTEE ON JUSTICE SYSTEM)

A BILL FOR

An Act relating to and making appropriations to the judicial branch.

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

TLSB 1006HB (2) 84
jm/jp

House Study Bill 194 continued

PAG LIN

Section 1. JUDICIAL BRANCH.

1. There is appropriated from the general fund of the state to the judicial branch for the fiscal year beginning July 1, 2011, and ending June 30, 2012, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

a. For salaries of supreme court justices, appellate court judges, district court judges, district associate judges, judicial magistrates and staff, state court administrator, clerk of the supreme court, district court administrators, clerks of the district court, juvenile court officers, board of law examiners and board of examiners of shorthand reporters and judicial qualifications commission; receipt and disbursement of child support payments; reimbursement of the auditor of state for expenses incurred in completing audits of the offices of the clerks of the district court during the fiscal year beginning July 1, 2011; and maintenance, equipment, and miscellaneous purposes:

..... $154,111,822

b. For deposit in the revolving fund created pursuant to section 602.1302, subsection 3, for jury and witness fees, mileage, costs related to summoning jurors, fees for interpreters, and reimbursement of attorney fees paid by the state public defender:

..... $ 2,300,000

2. The judicial branch, except for purposes of internal processing, shall use the current state budget system, the state payroll system, and the Iowa finance and accounting system in administration of programs and payments for services, and shall not duplicate the state payroll, accounting, and budgeting systems.

3. The judicial branch shall submit monthly financial statements to the legislative services agency and the department of management containing all appropriated accounts in the same manner as provided in the monthly financial status

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reports and personal services usage reports of the department of administrative services. The monthly financial statements shall include a comparison of the dollars and percentage spent of budgeted versus actual revenues and expenditures on a cumulative basis for full=time equivalent positions and dollars.

4. The judicial branch shall focus efforts upon the collection of delinquent fines, penalties, court costs, fees, surcharges, or similar amounts.

5. The judicial branch shall open the offices of the clerk of the district court in all 99 counties from 8:00 a.m. until 4:30 p.m. during each business day the judicial branch is open for business in order to address the relative needs of the citizens of each county.

6. In addition to the requirements for transfers under section 8.39, the judicial branch shall not change the appropriations from the amounts appropriated to the judicial branch in this Act, unless notice of the revisions is given prior to their effective date to the legislative services agency. The notice shall include information on the branch's rationale for making the changes and details concerning the workload and performance measures upon which the changes are based.

7. The judicial branch shall submit a semiannual update to the legislative services agency specifying the amounts of fines, surcharges, and court costs collected using the Iowa court information system since the last report. The judicial branch shall continue to facilitate the sharing of vital sentencing and other information with other state departments and governmental agencies involved in the criminal justice system through the Iowa court information system.

8. The judicial branch shall provide a report to the general assembly by January 1, 2012, concerning the amounts received and expended from the enhanced court collections fund created in section 602.1304 and the court technology and modernization

House Study Bill 194 continued

fund created in section 602.8108, subsection 7, during the fiscal year beginning July 1, 2010, and ending June 30, 2011, and the plans for expenditures from each fund during the fiscal year beginning July 1, 2011, and ending June 30, 2012. A copy of the report shall be provided to the legislative services agency.

9. The judicial branch is encouraged to purchase products from Iowa state industries, as defined in section 904.802, when purchases are required and the products are available from Iowa state industries. The judicial branch shall obtain bids from Iowa state industries for purchases of office furniture during the fiscal year beginning July 1, 2011, exceeding $5,000.

Sec. 2. CIVIL TRIALS ==== LOCATION. Notwithstanding any provision to the contrary, for the fiscal year beginning July 1, 2011, and ending June 30, 2012, if all parties in a case agree, a civil trial including a jury trial may take place in a county contiguous to the county with proper jurisdiction, even if the contiguous county is located in an adjacent judicial district or judicial election district. If the trial is moved pursuant to this section, court personnel shall treat the case as if a change of venue occurred. However, if a trial is moved to an adjacent judicial district or judicial election district, the judicial officers serving in the judicial district or judicial election district receiving the case shall preside over the case.

Sec. 3. TRAVEL REIMBURSEMENT. Notwithstanding section 602.1509, for the fiscal year beginning July 1, 2011, a judicial officer may waive travel reimbursement for any travel outside the judicial officer's county of residence to conduct official judicial business.

Sec. 4. POSTING OF REPORTS IN ELECTRONIC FORMAT ==== LEGISLATIVE SERVICES AGENCY. All reports or copies of reports required to be provided by the judicial branch for fiscal year 2011=2012 to the legislative services agency shall be provided in an electronic format. The legislative services agency shall

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post the reports on its internet website and shall notify by electronic means all the members of the joint appropriations subcommittee on the justice system when a report is posted. Upon request, copies of the reports may be mailed to members of the joint appropriations subcommittee on the justice system.

Sec. 5. JUDICIAL OFFICER ==== UNPAID LEAVE. Notwithstanding the annual salary rates for judicial officers established by 2008 Iowa Acts, chapter 1191, section 11, for the fiscal year beginning July 1, 2011, and ending June 30, 2012, the supreme court may by order place all judicial officers on unpaid leave status on any day employees of the judicial branch are placed on temporary layoff status. The biweekly pay of the judicial officers shall be reduced accordingly for the pay period in which the unpaid leave date occurred in the same manner as for noncontract employees of the judicial branch. Through the course of the fiscal year, the judicial branch may use an amount equal to the aggregate amount of salary reductions due to the judicial officer unpaid leave days for any purpose other than for judicial salaries.

Sec. 6. IOWA COMMUNICATIONS NETWORK. It is the intent of the general assembly that the judicial branch utilize the Iowa communications network or other secure electronic communications in lieu of traveling for the fiscal year beginning July 1, 2011.

EXPLANATION

This bill appropriates from the general fund of the state for FY 2011=2012 to the judicial branch for salaries, maintenance, equipment, and miscellaneous purposes.

The bill appropriates $2.3 million from the general fund of the state to the revolving fund created in Code section 602.1302 for jury and witness fees, mileage, costs related to summoning jurors, fees for interpreters, and certain attorney fee reimbursement.

The bill requires the judicial branch to open the offices of the clerk of the district court in all 99 counties from 8:00

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a.m. until 4:30 p.m. during each business day the judicial branch is open for business in order to address the relative needs of the citizens of each county.

The bill provides that a civil trial including a jury trial may take place in a county contiguous to the county with proper jurisdiction, even if the contiguous county is located in an adjacent judicial district or judicial election district, if all the parties in a case agree. If a trial is moved to another county that is located in another judicial district or judicial election district, the judicial officers serving the judicial district or judicial election district receiving the case shall preside over the case.

The bill permits a judicial officer to waive travel reimbursement for any travel outside the judicial officer's county of residence to conduct official business.

The bill allows a judicial officer to be placed on unpaid leave for the fiscal year beginning July 1, 2011, and ending June 30, 2012, on any day a court employee is required to furlough. The bill provides that if a judicial officer is placed on unpaid leave, the salary of the judicial officer shall be reduced accordingly for the pay period in which the unpaid leave occurred. Through the course of the fiscal year, the bill provides that the judicial branch may use an amount equal to the aggregate amount of the salary reductions due to judicial officer unpaid leave for any purpose other than judicial salaries.

The bill provides legislative intent that the judicial branch utilize the Iowa communications network or other secure electronic communications in lieu of traveling.

LSB 1006HB (2) 84
jm/jp

Iowa General Assembly
Daily Bills, Amendments & Study Bills
March 01, 2011

House Study Bill 195

SENATE/HOUSE FILE
BY (PROPOSED COMMITTEE ON APPROPRIATIONS BILL BY JOINT APPROPRIATIONS SUBCOMMITTEE ON TRANSPORTATION, INFRASTRUCTURE, AND CAPITALS)

A BILL FOR

An Act relating to and making transportation and other infrastructure=related appropriations to the department of transportation, including allocation and use of moneys from the road use tax fund and the primary road fund.

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

TLSB 1007JB (1) 84
dea/tm

House Study Bill 195 continued

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Section 1. ROAD USE TAX FUND. There is appropriated from the road use tax fund created in section 312.1 to the department of transportation for the fiscal year beginning July 1, 2011, and ending June 30, 2012, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

1. For the payment of costs associated with the production of driver's licenses, as defined in section 321.1, subsection 20A:

..... $ 3,876,000

Notwithstanding section 8.33, moneys appropriated in this subsection that remain unencumbered or unobligated at the close of the fiscal year shall not revert but shall remain available for expenditure for the purposes specified in this subsection until the close of the succeeding fiscal year.

2. For salaries, support, maintenance, and miscellaneous purposes:

a. Operations:

..... $ 6,570,000

b. Planning:

..... $ 458,000

c. Motor vehicles:

..... $ 33,921,000

3. For payments to the department of administrative services for utility services:

..... $ 225,000

4. Unemployment compensation:

..... $ 7,000

5. For payments to the department of administrative services for paying workers' compensation claims under chapter 85 on behalf of employees of the department of transportation:

..... $ 119,000

6. For payment to the general fund of the state for indirect cost recoveries:

..... $ 78,000

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7. For reimbursement to the auditor of state for audit expenses as provided in section 11.5B:
..... $ 67,319

8. For automation, telecommunications, and related costs associated with the county issuance of driver's licenses and vehicle registrations and titles:
..... $ 1,406,000

9. For transfer to the department of public safety for operating a system providing toll=free telephone road and weather conditions information:
..... $ 100,000

10. For costs associated with the participation in the Mississippi river parkway commission:
..... $ 40,000

11. For motor vehicle division field facility maintenance projects at various locations:
..... $ 200,000

12. For scale replacement projects at various locations:
..... $ 550,000

For purposes of section 8.33, unless specifically provided otherwise, moneys appropriated in subsections 11 and 12 that remain unencumbered or unobligated shall not revert but shall remain available for expenditure for the purposes designated until the close of the fiscal year that ends three years after the end of the fiscal year for which the appropriation was made. However, if the projects for which the appropriation was made are completed in an earlier fiscal year, unencumbered or unobligated moneys shall revert at the close of that same fiscal year.

Sec. 2. PRIMARY ROAD FUND. There is appropriated from the primary road fund created in section 313.3 to the department of transportation for the fiscal year beginning July 1, 2011, and ending June 30, 2012, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

1. For salaries, support, maintenance, miscellaneous

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purposes, and for not more than the following full=time equivalent positions:

a. Operations:

..... $ 40,356,529

..... FTEs 296.00

b. Planning:

..... $ 8,697,095

..... FTEs 121.00

c. Highways:

..... $230,913,992

..... FTEs 2,247.00

d. Motor vehicles:

..... $ 1,413,540

..... FTEs 445.00

2. For payments to the department of administrative services for utility services:

..... $ 1,388,000

3. Unemployment compensation:

..... $ 138,000

4. For payments to the department of administrative services for paying workers' compensation claims under chapter 85 on behalf of the employees of the department of transportation:

..... $ 2,846,000

5. For disposal of hazardous wastes from field locations and the central complex:

..... $ 800,000

6. For payment to the general fund of the state for indirect cost recoveries:

..... $ 572,000

7. For reimbursement to the auditor of state for audit expenses as provided in section 11.5B:

..... $ 415,181

8. For costs associated with producing transportation maps:

..... $ 242,000

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9. For inventory and equipment replacement:
..... $ 5,366,000
10. For utility improvements at various locations:
..... $ 400,000
11. For roofing projects at various locations:
..... $ 200,000
12. For heating, cooling, and exhaust system improvements at various locations:
..... $ 400,000
13. For deferred maintenance projects at field facilities throughout the state:
..... $ 1,000,000
14. For elevator upgrades at the Ames complex:
..... $ 100,000
15. For wastewater treatment improvements at various locations:
..... $ 1,000,000
16. For replacement of the Swea City garage:
..... $ 2,100,000

For purposes of section 8.33, unless specifically provided otherwise, moneys appropriated in subsections 10 through 16 that remain unencumbered or unobligated shall not revert but shall remain available for expenditure for the purposes designated until the close of the fiscal year that ends three years after the end of the fiscal year for which the appropriation was made. However, if the project or projects for which such appropriation was made are completed in an earlier fiscal year, unencumbered or unobligated moneys shall revert at the close of that same fiscal year.

EXPLANATION

This bill makes and limits appropriations for FY 2011=2012 from the road use tax fund and the primary road fund to the department of transportation.

Appropriations from the road use tax fund include appropriations for driver's license production costs, salaries,

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operations, planning, motor vehicles, utility services provided by the department of administrative services, unemployment and workers' compensation, indirect cost recoveries, audits, county issuance of driver's licenses and vehicle registration and titling, a system providing toll=free telephone road and weather reports, participation in the Mississippi river parkway commission, motor vehicle division field facility maintenance projects, and scale replacement projects.

Appropriations from the primary road fund include appropriations for salaries, operations, planning, highways, motor vehicles, utility services provided by the department of administrative services, unemployment and workers' compensation, hazardous waste disposal, indirect cost recoveries, audits, production of transportation maps, inventory and equipment replacement, utility projects, roofing projects, heating and cooling improvements, deferred maintenance at field facilities, elevator upgrades at the Ames complex, wastewater treatment improvements, and replacement of the Swea City garage.

LSB 1007JB (1) 84
dea/tm

House Study Bill 196

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

A BILL FOR

An Act relating to the construction of subdivision improvements and certain notice requirements.

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

TLSB 2673YC (2) 84
aw/sc

House Study Bill 196 continued

PAG LIN

Section 1. Section 354.8, Code 2011, is amended to read as follows:

354.8 Review and approval by governing bodies.

1. A proposed subdivision plat lying within the jurisdiction of a governing body shall be submitted to that governing body for review and approval prior to recording. Governing bodies shall apply reasonable standards and conditions in accordance with applicable statutes and ordinances for the review and approval of subdivisions. The governing body, within sixty days of application for final approval of the subdivision plat, shall determine whether the subdivision conforms to its comprehensive plan and shall give consideration to the possible burden on public improvements and to a balance of interests between the proprietor, future purchasers, and the public interest in the subdivision when reviewing the proposed subdivision and when requiring the installation of public improvements in conjunction with approval of a subdivision. The governing body shall not issue final approval of a subdivision plat unless the subdivision plat conforms to sections 354.6, 354.11, and 355.8.

2. If the subdivision plat and all matters related to final approval of the subdivision plat conform to the standards and conditions established by the governing body, and conform to this chapter and chapter 355, the governing body, by resolution, shall approve the plat and certify the resolution which shall be recorded with the plat. The recorder shall refuse to accept a subdivision plat presented for recording without a resolution from each applicable governing body approving the subdivision plat or waiving the right to review.

3. The governing body may require a proprietor to provide a bond in an amount determined by the governing body to secure construction of subdivision improvements, and may condition the release of the bond on the governing body's acceptance of the subdivision improvements as having been properly constructed in accordance with the applicable design requirements. As used

House Study Bill 196 continued

in this section, the term "subdivision improvements" means any fixture, structure, or other improvement to land required to be constructed or installed by the proprietor as a condition of the governing body's approval of a subdivision plat.

4. a. For a city with a population equal to or greater than fifty thousand, if the proprietor or the contractor for the construction of subdivision improvements has provided the name and facsimile number or electronic mail address of the contractor, the city shall notify the contractor, either by facsimile or electronic mail, not less than forty=eight hours in advance of the date on which the city will consider the acceptance of subdivision improvements constructed by the contractor.

b. For a city with a population equal to or greater than twenty=five thousand but less than fifty thousand, a proprietor or the contractor for the construction of subdivision improvements may request that the city notify the contractor, either by facsimile or electronic mail, not less than forty=eight hours in advance of the date on which the city will consider the acceptance of subdivision improvements constructed by the contractor. Upon the receipt of such a request to notify the contractor, the city shall provide such notice.

c. A city's failure to provide notice pursuant to paragraph "a" or "b" shall not impose any responsibility on the city for the payment of any amounts owed by a proprietor to a contractor.

5. A city may establish jurisdiction to review subdivisions or plats of survey outside its boundaries pursuant to the provisions of section 354.9. In the case of a city, the provisions of this section apply to the review by the city of both subdivision plats and plats of survey.

EXPLANATION

This bill relates to the construction of subdivision improvements and certain notice requirements.

The bill permits a governing body to require that a

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proprietor submit a bond in order to secure the construction of subdivision improvements. The bill permits a governing body to condition the release of such a bond upon the proper construction of such improvements. A governing body is a city council or a county board of supervisors.

The bill requires that a city with a population equal to or greater than 50,000 provide 48=hour advance notice to a contractor before considering the acceptance of subdivision improvements constructed by the contractor, if the proprietor or contractor has provided certain contact information for the contractor.

The bill requires that a city with a population equal to or greater than 25,000 but less than 50,000 provide 48=hour advance notice to a contractor before considering the acceptance of subdivision improvements constructed by the contractor, if the proprietor or contractor has requested that such notice be given and has provided certain contact information for the contractor.

The bill provides that a city is not responsible for any amounts owed by a proprietor to a contractor due to a failure to provide notice under the bill.

LSB 2673YC (2) 84
aw/sc

House Study Bill 197

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

A BILL FOR

An Act delaying increases in employee and employer contribution rates to the Iowa public employees' retirement system.

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

TLSB 2704YC (2) 84
aw/sc

House Study Bill 197 continued

PAG LIN

Section 1. Section 97B.11, subsection 2, unnumbered paragraph 1, Code 2011, is amended to read as follows:

Prior to July 1, ~~2011~~ 2012, for purposes of this section, unless the context otherwise requires:

Sec. 2. Section 97B.11, subsection 2, paragraph c, Code 2011, is amended to read as follows:

c. "Total additional percentage" means for the fiscal period beginning July 1, 2007, through June 30, ~~2011~~ 2012, the total additional percentage for the prior fiscal year plus, only if the total comparison percentage is greater than the total of the applicable employee percentage and the applicable employer percentage for the prior fiscal year, one=half percentage point.

Sec. 3. Section 97B.11, subsection 3, unnumbered paragraph 1, Code 2011, is amended to read as follows:

On and after July 1, ~~2011~~ 2012, for purposes of this section, unless the context otherwise requires:

Sec. 4. 2008 Iowa Acts, chapter 1171, section 47, as amended by 2010 Iowa Acts, chapter 1167, section 35, is amended to read as follows:

SEC. 47. TRANSITION PROVISION == REQUIRED CONTRIBUTION RATE FOR FISCAL ~~YEAR~~ YEARS 2010=2011 AND 2011=2012. For purposes of establishing the required contribution rate for the fiscal year beginning July 1, ~~2011~~ 2012, as provided in section 97B.11, as amended in this Act, the required contribution rate for the fiscal year beginning July 1, 2010, and the fiscal year beginning July 1, 2011, shall be, for members described in section 97B.49B, and members described in section 97B.49C, the total contribution percentage rate paid by members and employers of that membership group for the fiscal year beginning July 1, 2010, and the fiscal year beginning July 1, 2011.

Sec. 5. 2010 Iowa Acts, chapter 1167, section 38, is amended to read as follows:

SEC. 38. IPERS REGULAR MEMBERS == REQUIRED CONTRIBUTION

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RATE FOR FISCAL YEAR ~~2011=2012~~ 2012=2013. Notwithstanding any provision of section 97B.11 to the contrary, for members in regular service as defined in section 97B.1A, the required contribution rate for the fiscal year beginning July 1, ~~2011~~ 2012, as provided in section 97B.11, shall be thirteen and forty=five hundredths percent.

EXPLANATION

This bill delays for a period of one year statutory changes that alter the contribution rates of employees and employers contributing to the Iowa public employees' retirement system. Statutory changes relating to contribution rates that are set to take effect on July 1, 2011, would instead take effect on July 1, 2012.

LSB 2704YC (2) 84
aw/sc

Iowa General Assembly
Daily Bills, Amendments & Study Bills
March 01, 2011

House Study Bill 198

SENATE/HOUSE FILE
BY (PROPOSED DEPARTMENT OF ADMINISTRATIVE SERVICES BILL)

A BILL FOR

An Act relating to government property and projects, including competitive bidding, the location of state agencies, and outstanding state warrants.

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

TLSB 1326DP (3) 84
aw/nh

House Study Bill 198 continued

PAG LIN

Section 1. Section 8A.311, Code 2011, is amended by adding the following new subsection:

NEW SUBSECTION. 1A. The department, for any purchase made pursuant to a competitive bidding procedure provided under this section, may require that each bidder file with the department statements showing the bidder's financial standing, equipment, and experience in providing the goods or services to be purchased. The statements shall be on standard forms prepared by the department and shall be filed with the department prior to the letting at which the bidder expects to bid. The department, in advance of the letting, may notify the bidder as to the amount and the nature of the goods or services for which the bidder is deemed qualified to bid. A bidder who is prequalified by the department under this subsection shall be deemed qualified for any other goods or services opportunities offered by the department and need only submit proof of the prequalification in a manner determined by the department to submit a bid.

Sec. 2. Section 8A.321, subsection 6, Code 2011, is amended to read as follows:

6. a. Lease all buildings and office space necessary to carry out the provisions of this subchapter or necessary for the proper functioning of any state agency ~~at the seat of government~~ wherever located throughout the state. For state agencies at the seat of government, the director may lease buildings and office space in Polk county or in a county contiguous to Polk county. If no specific appropriation has been made, the proposed lease shall be submitted to the executive council for approval. The cost of any lease for which no specific appropriation has been made shall be paid from the fund provided in section 7D.29. The director shall also develop cooperative relationships with the state board of regents in order to promote the colocation of state agencies.

b. When the general assembly is not in session, the director may request moneys from the executive council for moving

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state agencies ~~located at the seat of government~~ from one location to another. The request may include moving costs, telecommunications costs, repair costs, or any other costs relating to the move. The executive council may approve and shall pay the costs from funds provided in section 7D.29 if it determines the agency or department has no available funds for these expenses.

~~e. Coordinate the leasing of buildings and office space by state agencies throughout the state and develop cooperative relationships with the state board of regents in order to promote the colocation of state agencies.~~

Sec. 3. Section 8A.324, subsection 1, paragraph a, Code 2011, is amended to read as follows:

a. The director may dispose of unfit or unnecessary personal property by sale. ~~Proceeds~~ The net proceeds from the sale of personal property shall be deposited in the general fund of the state. For purposes of this subsection, "net proceeds" means the total revenue received as a result of the sale of the personal property less the department's expenses associated with the disposal of the property and the expenses incurred by the state agency that disposed of the property.

Sec. 4. Section 8A.327, subsection 1, Code 2011, is amended to read as follows:

1. A rent revolving fund is created in the state treasury under the control of the department to be used by the department to pay the lease or rental costs of all buildings and office space necessary for the proper functioning of any state agency ~~at the seat of state government~~ wherever located throughout the state as provided in section 8A.321, subsection 6, except that this fund shall not be used to pay the rental or lease costs of a state agency which has not received funds budgeted for rental or lease purposes.

Sec. 5. Section 22.3A, subsection 1, paragraph e, Code 2011, is amended to read as follows:

e. "Data processing software" means an ordered set of

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instructions or statements that, when executed by a computer, causes the computer to process data, and includes any program or set of programs, procedures, or routines used to employ and control capabilities of computer hardware. As used in this paragraph, "data processing software" includes but is not limited to an operating system, compiler, assembler, utility, library resource, maintenance routine, application, ~~or~~ computer networking program, or the associated documentation.

Sec. 6. Section 22.7, subsection 32, Code 2011, is amended to read as follows:

32. Social security numbers of the owners of unclaimed property reported to the treasurer of state pursuant to section 556.11, subsection 2, included on claim forms filed with the treasurer of state pursuant to section 556.19, included in outdated warrant reports received by the treasurer of state pursuant to section 556.2C, Code 2011, or stored in record systems maintained by the treasurer of state for purposes of administering chapter 556, or social security numbers of payees included on state warrants included in records systems maintained by the department of administrative services for the purpose of documenting and tracking outdated warrants pursuant to section 556.2C, Code 2011.

Sec. 7. Section 26.3, subsection 2, Code 2011, is amended to read as follows:

2. A governmental entity shall have an engineer licensed under chapter 542B, a landscape architect licensed under chapter 544B, or an architect registered under chapter 544A prepare plans and specifications, and calculate the estimated total cost of a proposed public improvement. A governmental entity shall ensure that ~~a sufficient number of~~ paper copies of the project's contract documents, including all drawings, plans, specifications, and estimated total costs of the proposed public improvement are made available for distribution ~~at no charge~~ to prospective bidders, subcontractor bidders, suppliers, and contractor plan room services. If a deposit is

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required as part of a paper contract documents distribution policy by the public owner, the deposit shall ~~not exceed two hundred fifty dollars per set which shall~~ be refunded upon return of the contract documents within fourteen days after award of the project. If the contract documents are not returned in a timely manner and in a reusable condition, the deposit shall be forfeited. The governmental entity shall reimburse the landscape architect, architect, or professional engineer for the actual costs of preparation and distribution of plans and specifications.

Sec. 8. Section 73.3, Code 2011, is amended to read as follows:

73.3 Iowa labor.

Every commission, board, committee, officer, or other governing body of the state, or of any county, township, school district, or city, and every person acting as contracting agent for any such commission, board, committee, officer, or other governing body of the state, or of any county, township, school district, or city, shall give preference to Iowa labor in the constructing or building of any public improvement or works, and every contract entered into by any such commission, board, committee, officer, or other governing body of the state for the construction or building of any public improvement or works shall contain a provision requiring that preference shall be given to Iowa domestic labor in the constructing or building of such public improvement or works. The preference to be given to Iowa domestic labor pursuant to this section shall only be enforced against a successful vendor whose principal place of business is located in a state that requires a similar preference be provided for its domestic labor.

Sec. 9. Section 556.2C, Code 2011, is amended to read as follows:

556.2C Outstanding state warrants.

~~1. a. An unpaid, outdated warrant that is canceled pursuant to section 8A.519 shall be included in a list of outstanding~~

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~~state warrants maintained by the director of the department of administrative services. On or before July 1 of each year, the director of the department of administrative services shall provide the office of the treasurer of state with a consolidated list of such outstanding warrants that have not been previously reported to the office.~~

~~b. The consolidated list shall be accompanied by supporting information as specified by the treasurer of state. The treasurer of state may include information regarding the outstanding warrants in the notice published pursuant to section 556.12 and on the treasurer of state's official internet website.~~

~~c. The reporting requirements of this section do not apply to outdated warrants charged to federal grants or other nonstate funds for which funding is no longer available as described in section 25.2.~~

~~2.~~ An agreement to pay compensation to recover or assist in the recovery of an outstanding warrant made within twenty=four months after the date the warrant is canceled is unenforceable. However, an agreement made after twenty=four months from the date the warrant is canceled is valid if the fee or compensation agreed upon is not more than fifteen percent of the recoverable property, the agreement is in writing and signed by the payee, and the writing discloses the nature and value of the property and the name and address of the person in possession. This ~~subsection~~ section does not apply to a payee who has a bona fide fee contract with a practicing attorney regulated under chapter 602, article 10.

Sec. 10. Section 556.18, subsection 2, paragraph d, Code 2011, is amended by striking the paragraph.

Sec. 11. Section 904.808, subsection 1, paragraph b, Code 2011, is amended to read as follows:

b. (1) When the state director releases, in writing, the obligation of the department or agency to purchase the product from Iowa state industries, after determining that Iowa state

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industries is unable to meet the performance characteristics of the purchase request for the product, and a copy of the release is attached to the request to the director of the department of administrative services for payment for a similar product, or when Iowa state industries is unable to furnish needed products, comparable in both quality and price to those available from alternative sources, within a reasonable length of time. However, a release is not required if Iowa state industries is provided an invitation to bid in the same manner as other vendors and either fails to submit a compliant bid or is not the successful bidder.

(2) Any disputes arising between a purchasing department or agency and Iowa state industries regarding similarity of products, or comparability of quality or price, or the availability of the product, shall be referred to the director of the department of administrative services, whose decision shall be subject to appeal as provided in section 8A.313. However, if the purchasing department is the department of administrative services, any matter which would be referred to the director under this paragraph shall be referred to the executive council in the same manner as if the matter were to be heard by the director of the department of administrative services. The decision of the executive council is final.

EXPLANATION

This bill relates to competitive bidding and the operations of the department of administrative services.

The bill amends Code section 8A.311 to allow the department to require each bidder to file statements of the bidder's financial background, equipment, and past experience pursuant to competitive bidding procedures. The department shall prepare standard forms for these statements. A bidder prequalified under this provision will be considered qualified to bid for any goods or services opportunities offered by the department by submitting appropriate proof of prequalification.

Currently, Code section 8A.321, subsection 6, permits the

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director of administrative services to lease buildings and office space at the seat of government and to coordinate the lease of buildings and office space elsewhere throughout the state. The bill expands the authority to actually lease such space throughout the state.

A provision in Code section 8A.324, related to the department director's authority to sell personal property, is amended so that only the net proceeds of the sale shall be deposited in the general fund. A definition of "net proceeds" is provided. Current law requires that all proceeds of such sales be deposited in the general fund.

In Code section 22.3A, the bill expands the definition of "data processing software" related to the examination of public records, to include all of the documentation associated with the software.

The bill amends Code section 26.3, relating to competitive bids for public improvement contracts, to allow the governmental entity to begin charging prospective bidders and others for copies of project documents. The bill also removes a cap on the deposit which the government may charge for these materials. Current law requires that sufficient documents be provided free of charge, and includes a cap on deposits of $250.

The bill amends Code section 73.3 to limit the preference given to Iowa domestic labor in the constructing or building of any public improvement or works, so that it be enforced only in instances where a vendor's primary place of business is located in a state that enforces such a preference for its own domestic labor.

The bill removes from the requirements for the disposition of unclaimed property in Code section 556.2C, that the department include a reporting of outdated or unpaid warrants in a consolidated list sent annually to the office of the treasurer of state. The bill makes corresponding changes in Code provisions referring to the eliminated language.

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The bill also creates an exception from the requirement in Code section 904.808 that the director of the department of corrections provide a written release to a department or agency, in the instance that Iowa state industries either is an unsuccessful bidder or fails to submit a compliant bid, so long as the department of corrections is provided the same invitation to bid as other vendors.

LSB 1326DP (3) 84
aw/nh

House Study Bill 199

HOUSE FILE
BY (PROPOSED COMMITTEE ON
VETERANS AFFAIRS BILL
BY CHAIRPERSON
CHAMBERS)

A BILL FOR

An Act relating to officers or enlisted persons within the national guard or organized reserves of the armed forces of the United States or any member of the civil air patrol.

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

TLSB 2711YC (2) 84
aw/nh

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Section 1. Section 29A.43, subsection 1, Code 2011, is amended to read as follows:

1. A person shall not discriminate against any officer or enlisted person of the national guard or organized reserves of the armed forces of the United States or any member of the civil air patrol because of that membership. An employer or prospective employer shall not discriminate against any officer or enlisted person of the national guard or organized reserves of the armed forces of the United States or any member of the civil air patrol in hiring, initial employment, employment, or reemployment because of that membership. An employer, or agent of an employer, shall not discharge a person from employment because of being an officer or enlisted person of the military forces of the state or member of the civil air patrol, or hinder or prevent the officer or enlisted person or member of the civil air patrol from performing any military service or civil air patrol duty the person is called upon to perform by proper authority. A member of the national guard or organized reserves of the armed forces of the United States ordered to temporary duty, as defined in section 29A.1, subsection 3, 11, or 12, or a member of the civil air patrol performing duty pursuant to section 29A.3A, for any purpose is entitled to a leave of absence during the period of the duty or service, from the member's private employment unless the employment is of a temporary nature. Upon completion of the duty or service, the employer shall restore the person to the position held prior to the leave of absence or employ the person in a position of like seniority, status, and pay. However, the person shall give evidence to the employer of satisfactory completion of the duty or service, and that the person is still qualified to perform the duties of the position. The period of absence shall be construed as an absence with leave, and shall in no way affect the employee's rights to vacation, sick leave, bonus, or other employment benefits relating to the employee's particular employment.

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EXPLANATION

This bill specifies that an employer or prospective employer must not discriminate against any officer or enlisted person of the national guard or organized reserves of the armed forces of the United States or any member of the civil air patrol in hiring, initial employment, employment, or reemployment because of that membership.

LSB 2711YC (2) 84
aw/nh

House Study Bill 200

SENATE/HOUSE FILE
BY (PROPOSED DEPARTMENT OF COMMERCE/INSURANCE DIVISION BILL)

A BILL FOR

An Act creating new procedures for external review of health care coverage decisions by health carriers and including transition and applicability provisions.

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

TLSB 1334XD (24) 84
av/nh

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Section 1. NEW SECTION. 514J.101 Purpose ==== applicability.
The purpose of this chapter is to provide uniform standards for the establishment and maintenance of external review procedures to assure that covered persons have the opportunity for an independent review of an adverse determination or final adverse determination made by a health carrier as required by the federal Patient Protection and Affordable Care Act, Pub. L. No. 111=148, as amended by the federal Health Care and Education Reconciliation Act of 2010, Pub. L. No. 111=152, which amends the Public Health Service Act and adopts, in part, new 42 U.S.C. { 300gg=19, and to address issues which are unique to the external review process in this state.
Sec. 2. NEW SECTION. 514J.102 Definitions.
As used in this chapter, unless the context otherwise requires:
1. "Adverse determination" means a determination by a health carrier that an admission, availability of care, continued stay, or other health care service that is a covered benefit has been reviewed and, based upon the information provided, does not meet the health carrier's requirements for medical necessity, appropriateness, health care setting, level of care, or effectiveness, and the requested service or payment for the service is therefore denied, reduced, or terminated. "Adverse determination" does not include a denial of coverage for a service or treatment specifically listed in plan or evidence of coverage documents as excluded from coverage, or a denial of coverage for a service or treatment that has already been received and for which the covered person has no financial liability.
2. "Authorized representative" means any of the following:
a. A person to whom a covered person has given express written consent to represent the covered person in an external review.
b. A person authorized by law to provide substituted consent for a covered person.

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c. A family member of the covered person when the covered person is unable to provide consent.

d. The covered person's treating health care professional when the covered person is unable to provide consent.

3. "Best evidence" means evidence based on randomized clinical trials. If randomized clinical trials are not available, "best evidence" means evidence based on cohort studies or case=control studies. If randomized clinical trials, cohort studies, or case=control studies are not available, "best evidence" means evidence based on case=series studies. If none of these are available, "best evidence" means evidence based on expert opinion.

4. "Case=control study" means a retrospective evaluation of two groups of patients with different outcomes to determine which specific interventions the patients received.

5. "Case=series study" means an evaluation of a series of patients with a particular outcome, without the use of a control group.

6. "Certification" means a determination by a health carrier that an admission, availability of care, continued stay, or other health care service has been reviewed and, based on the information provided, satisfies the health carrier's requirements for medical necessity, appropriateness, health care setting, level of care, and effectiveness.

7. "Clinical review criteria" means the written screening procedures, decision abstracts, clinical protocols, and practice guidelines used by a health carrier to determine the necessity and appropriateness of health care services.

8. "Cohort study" means a prospective evaluation of two groups of patients with only one group of patients receiving a specific intervention.

9. "Commissioner" means the commissioner of insurance.

10. "Covered benefits" or "benefits" means those health care services to which a covered person is entitled under the terms of a health benefit plan.

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11. "Covered person" means a policyholder, subscriber, enrollee, or other individual participating in a health benefit plan.

12. "Disclose" means to release, transfer, or otherwise divulge protected health information to any person other than the individual who is the subject of the protected health information.

13. "Emergency medical condition" means the sudden and, at the time, unexpected onset of a health condition or illness that requires immediate medical attention, where failure to provide medical attention would result in a serious impairment to bodily functions, serious dysfunction of a bodily organ or part, or would place the person's health in serious jeopardy.

14. "Emergency services" means health care items and services furnished or required to evaluate and treat an emergency medical condition.

15. "Evidence=based standard" means the conscientious, explicit, and judicious use of the current best evidence based on the overall systematic review of the research in making decisions about the care of individual patients.

16. "Expert opinion" means a belief or an interpretation by specialists with experience in a specific area about the scientific evidence pertaining to a particular service, intervention, or therapy.

17. "Facility" means an institution providing health care services or a health care setting, including but not limited to hospitals and other licensed inpatient centers, ambulatory surgical or treatment centers, skilled nursing centers, residential treatment centers, diagnostic, laboratory and imaging centers, and rehabilitation and other therapeutic health settings.

18. "Final adverse determination" means an adverse determination involving a covered benefit that has been upheld by a health carrier at the completion of the health carrier's internal grievance process.

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19. "Health benefit plan" means a policy, contract, certificate, or agreement offered or issued by a health carrier to provide, deliver, arrange for, pay for, or reimburse any of the costs of health care services.

20. "Health care professional" means a physician or other health care practitioner licensed, accredited, registered, or certified to perform specified health care services consistent with state law.

21. "Health care provider" or "provider" means a health care professional or a facility.

22. "Health care services" means services for the diagnosis, prevention, treatment, cure, or relief of a health condition, illness, injury, or disease.

23. "Health carrier" means an entity subject to the insurance laws and regulations of this state, or subject to the jurisdiction of the commissioner, including an insurance company offering sickness and accident plans, a health maintenance organization, a nonprofit health service corporation, a plan established pursuant to chapter 509A for public employees, or any other entity providing a plan of health insurance, health care benefits, or health care services. "Health carrier" includes, for purposes of this chapter, an organized delivery system.

24. "Health information" means information or data, whether oral or recorded in any form or medium, and personal facts or information about events or relationships that relates to any of the following:

a. The past, present, or future physical, mental, or behavioral health or condition of a covered person or a member of the covered person's family.

b. The provision of health care services to a covered person.

c. Payment to a health care provider for the provision of health care services to a covered person.

25. "Independent review organization" means an entity that

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conducts independent external reviews of adverse determinations and final adverse determinations.

26. "Medical or scientific evidence" means evidence found in any of the following sources:

a. Peer=reviewed scientific studies published in or accepted for publication by medical journals that meet nationally recognized requirements for scientific manuscripts and that submit most of their published articles for review by experts who are not part of the editorial staff.

b. Peer=reviewed medical literature, including literature relating to therapies reviewed and approved by a qualified institutional review board, biomedical compendia, and other medical literature that meet the criteria of the national institutes of health's national library of medicine for indexing in index medicus or medline, or of elsevier science ltd. for indexing in excerpta medicus or embase.

c. Medical journals recognized by the United States secretary of health and human services under section 1861(t)(2) of the federal Social Security Act.

d. The following standard reference compendia:

(1) American hospital formulary service drug information.

(2) Drug facts and comparisons.

(3) American dental association accepted dental therapeutics.

(4) United States pharmacopoeia drug information.

e. Findings, studies, or research conducted by or under the auspices of federal government agencies and nationally recognized federal research institutes, including any of the following:

(1) Federal agency for health care research and quality.

(2) National institutes of health.

(3) National cancer institute.

(4) National academy of sciences.

(5) Centers for Medicare and Medicaid services.

(6) Federal food and drug administration.

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(7) Any national board recognized by the national institutes of health for the purpose of evaluating the medical value of health care services.

f. Any other medical or scientific evidence that is comparable to the sources listed in paragraphs "a" through "e".

27. "NAIC" means the national association of insurance commissioners.

28. "Organized delivery system" means an entity system authorized under 1993 Iowa Acts, ch. 158, and licensed by the director of public health, and performing utilization review.

29. "Person" means an individual, a corporation, a partnership, an association, a joint venture, a joint stock company, a trust, an unincorporated organization, any similar entity, or any combination of the foregoing.

30. "Protected health information" means health information that meets either of the following descriptions:

a. Health information that identifies a covered person who is the subject of the information.

b. Health information with respect to which there is a reasonable basis to believe that the information could be used to identify a covered person.

31. "Randomized clinical trial" means a controlled, prospective study of patients that have been randomized into an experimental group and a control group at the beginning of the study with only the experimental group of patients receiving a specific intervention, which includes study of the groups for variables and anticipated outcomes over time.

Sec. 3. NEW SECTION. 514J.103 Applicability and scope.

1. Except as provided in subsection 2, this chapter shall apply to all health carriers.

2. This chapter shall not apply to any of the following:

a. A policy or certificate that provides coverage only for a specified disease, specified accident or accident=only, credit, disability income, hospital indemnity, long=term care, dental care, vision care, or any other limited supplemental benefit.

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b. A Medicare supplement policy of insurance, as defined by the commissioner by rule.

c. Coverage under a plan through Medicare, Medicaid, or the federal employees health benefits program, any coverage issued under 10 U.S.C. ch. 55, and any coverage issued as supplemental to that coverage.

d. Any coverage issued as supplemental to liability insurance.

e. Workers' compensation or similar insurance.

f. Automobile medical=payment insurance or any insurance under which benefits are payable with or without regard to fault, whether written on a group blanket or individual basis.

Sec. 4. NEW SECTION. 514J.104 Notice of right to external review.

1. A health carrier shall notify a covered person or the covered person's authorized representative, if known, in writing of the covered person's right to request an external review and include the appropriate statements and information set forth in this chapter at the time the health carrier sends written notice of a final adverse determination.

2. a. The notice shall include the following, or substantially equivalent, language:

We have denied your request for the provision of or payment for a health care service or course of treatment. You may have the right to have our decision reviewed by health care professionals who have no association with us if our decision involved making a judgment as to the medical necessity, appropriateness, health care setting, level of care, or effectiveness of the health care service or treatment you requested by submitting a request for external review to the commissioner of insurance.

b. The notice shall include the current address and contact information for the commissioner as specified in administrative rule.

3. The health carrier shall include in the notice a

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statement informing the covered person or the covered person's authorized representative, if known, of the following:

a. If the covered person has a medical condition pursuant to which the time frame for completion of a standard external review would seriously jeopardize the life or health of the covered person or would jeopardize the covered person's ability to regain maximum function, the covered person or the covered person's authorized representative may file a request for an expedited external review.

b. If the final adverse determination concerns an admission, availability of care, continued stay, or health care service for which the covered person received emergency services, but has not been discharged from a facility, the covered person or the covered person's authorized representative may request an expedited external review.

c. If the final adverse determination concerns a denial of coverage based on a determination that the recommended or requested health care service or treatment is experimental or investigational as provided in section 514J.109, and the covered person's treating health care professional certifies in writing that the recommended or requested health care service or treatment that is the subject of the recommendation or request would be significantly less effective if not promptly initiated, the covered person or the covered person's authorized representative may request an expedited external review.

4. The health carrier shall include with the notice a copy of the descriptions of both the standard and expedited external review procedures the health carrier is required to provide pursuant to section 514J.116, highlighting the provisions in the external review procedures that give the covered person or the covered person's authorized representative the opportunity to submit additional information and including any forms used to process an external review.

5. The health carrier shall also include with the notice

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an authorization form, or other document approved by the commissioner that complies with the requirements of 45 C.F.R. { 164.508 and with Tit. I of the federal Genetic Information Nondiscrimination Act of 2008, Pub. L. No. 110=233, 122 Stat. 881, by which the covered person or the covered person's authorized representative authorizes the health carrier and the covered person's treating health care provider to disclose protected health information, including medical records, concerning the covered person that is pertinent to the external review.

Sec. 5. NEW SECTION. 514J.105 Request for external review.

A covered person or the covered person's authorized representative may make a request for an external review of a final adverse determination. Except for a request for an expedited external review, all requests for external review shall be made in writing to the commissioner. The commissioner may prescribe by rule the form and content of external review requests.

Sec. 6. NEW SECTION. 514J.106 Exhaustion of internal grievance process ==== exceptions ==== expedited external review request.

1. Except as otherwise provided in this section, a request for an external review shall not be made until the covered person or the covered person's authorized representative has exhausted the health carrier's internal grievance process and received a final adverse determination.

2. A covered person or the covered person's authorized representative shall be considered to have exhausted the health carrier's internal grievance process if the covered person or the covered person's authorized representative has filed a grievance involving an adverse determination and, except to the extent the covered person or the covered person's authorized representative requested or agreed to a delay, has not received a written decision on the grievance from the health carrier within thirty days following the date the covered person or the

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covered person's authorized representative filed the grievance with the health carrier.

3. A covered person or the covered person's authorized representative may file a request for an expedited external review of an adverse determination without exhausting the health carrier's internal grievance process under either of the following circumstances:

a. The covered person has a medical condition pursuant to which the time frame for completion of an internal review of the grievance involving an adverse determination would seriously jeopardize the life or health of the covered person or would jeopardize the covered person's ability to regain maximum function as provided in section 514J.108.

b. The adverse determination involves a denial of coverage based on a determination that the recommended or requested health care service or treatment is experimental or investigational and the covered person's treating physician certifies in writing that the recommended or requested health care service or treatment that is the subject of the adverse determination would be significantly less effective if not promptly initiated as provided in section 514J.109.

4. A request for an external review of an adverse determination may be made before the covered person or the covered person's authorized representative has exhausted the health carrier's internal grievance procedures whenever the health carrier agrees to waive the exhaustion requirement. If the requirement to exhaust the health carrier's internal grievance procedures is waived, the covered person or the covered person's authorized representative may file a request with the commissioner in writing for a standard external review.

Sec. 7. NEW SECTION. 514J.107 External review ==== standard.

1. A covered person or the covered person's authorized representative may file a written request for an external review with the commissioner within four months after any of

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the following events:

a. The date of receipt of a final adverse determination.

b. The failure of a health carrier to issue a written decision within thirty days following the date the covered person or the covered person's authorized representative filed a grievance involving an adverse determination as provided in section 514J.106, subsection 2.

c. The agreement of the health carrier to waive the requirement that the covered person or the covered person's authorized representative exhaust the health carrier's internal grievance procedures before filing a request for external review of an adverse determination as provided in section 514J.106, subsection 4.

2. Within one business day after the date of receipt of a request for external review, the commissioner shall send a copy of the request to the health carrier.

3. Within five business days following the date of receipt of the external review request from the commissioner, the health carrier shall complete a preliminary review of the request to determine whether:

a. The individual is or was a covered person under the health benefit plan at the time the health care service was recommended or requested.

b. The health care service that is the subject of the adverse determination or of the final adverse determination, is a covered service under the covered person's health benefit plan, but for a determination by the health carrier that the health care service is not covered because it does not meet the health carrier's requirements for medical necessity, appropriateness, health care setting, level of care, or effectiveness.

c. The covered person or the covered person's authorized representative has exhausted the health carrier's internal grievance process, unless the covered person or the covered person's authorized representative is not required to exhaust

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the health carrier's internal grievance process pursuant to section 514J.106 or this section.

d. The covered person or the covered person's authorized representative has provided all the information and forms required to process an external review request.

4. Within one business day after completion of a preliminary review pursuant to subsection 3, the health carrier shall notify the commissioner and the covered person or the covered person's authorized representative in writing whether the request is complete and whether the request is eligible for external review.

a. If the health carrier determines that the request is not complete, the health carrier shall notify the covered person or the covered person's authorized representative and the commissioner in writing that the request is not complete and what information or materials are needed to make the request complete.

b. If the health carrier determines that the request is not eligible for external review, the health carrier shall issue a notice of initial determination in writing informing the covered person or the covered person's authorized representative and the commissioner of that determination and the reasons the request is not eligible for review. The health carrier shall also include a statement in the notice informing the covered person or the covered person's authorized representative that the health carrier's initial determination of ineligibility may be appealed to the commissioner.

5. The commissioner may specify by rule the form required for the health carrier's notice of initial determination and any supporting information to be included in the notice.

6. The commissioner may determine that a request is eligible for external review, notwithstanding a health carrier's initial determination that the request is not eligible, and refer the request for external review. In making this determination, the commissioner's decision shall be made in accordance with the

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terms of the covered person's health benefit plan and shall be subject to all applicable provisions of this chapter.

7. Within one business day after receipt of notice from a health carrier that a request for external review is eligible for external review or upon a determination by the commissioner that a request is eligible for external review, the commissioner shall do all of the following:

a. Assign an independent review organization from the list of approved independent review organizations maintained by the commissioner and notify the health carrier of the name of the assigned independent review organization. The assignment of an independent review organization shall be done on a random basis among those approved independent review organizations qualified to conduct the particular external review based on the nature of the health care service that is the subject of the adverse determination or final adverse determination and other circumstances, including conflict of interest concerns.

b. Notify the covered person or the covered person's authorized representative in writing that the request is eligible and has been accepted for external review including the name of the assigned independent review organization and that the covered person or the covered person's authorized representative may submit in writing to the independent review organization within five business days following receipt of such notice from the commissioner, additional information that the independent review organization shall consider when conducting the external review. The independent review organization may, in the organization's discretion, accept and consider additional information submitted by the covered person or the covered person's authorized representative after five business days.

8. Within five business days after receipt of notice from the commissioner pursuant to subsection 7, the health carrier shall provide to the independent review organization the documents and any information considered in making the adverse

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determination or final adverse determination. Failure by the health carrier to provide the documents and information within the time specified shall not delay the conduct of the external review.

9. If the health carrier fails to provide the documents and information within the time specified, the independent review organization may terminate the external review and make a decision to reverse the adverse determination or final adverse determination. Within one business day after making such a decision, the independent review organization shall notify the covered person or the covered person's authorized representative, the health carrier, and the commissioner of its decision.

10. The independent review organization shall review all of the information and documents received pursuant to subsection 8 and any other information submitted in writing to the independent review organization by the covered person or the covered person's authorized representative pursuant to subsection 7, paragraph "b". Upon receipt of any information submitted by the covered person or the covered person's authorized representative, the independent review organization shall, within one business day, forward the information to the health carrier. In reaching a decision the independent review organization is not bound by any decisions or conclusions reached during the health carrier's internal grievance process.

11. Upon receipt of information forwarded pursuant to subsection 10, a health carrier may reconsider its adverse determination or final adverse determination that is the subject of the external review.

a. Reconsideration by the health carrier of its determination shall not delay or terminate the external review. The external review shall only be terminated if the health carrier decides, upon completion of its reconsideration, to reverse its determination and provide coverage or payment for the health care service that is the subject of the adverse

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determination or final adverse determination.

b. Within one business day after making a decision to reverse its adverse determination or final adverse determination, the health carrier shall notify the covered person or the covered person's authorized representative, the independent review organization, and the commissioner in writing of its decision. The independent review organization shall terminate the external review upon receipt of notice of the health carrier's decision to reverse its adverse determination or final adverse determination.

12. In addition to the documents and information provided to the independent review organization pursuant to this section, the independent review organization shall, to the extent the information or documents are available and the independent review organization considers them appropriate, consider the following in reaching a decision:

a. The covered person's pertinent medical records.

b. The treating health care professional's recommendation.

c. Consulting reports from appropriate health care professionals and other documents submitted by the health carrier, covered person, or the covered person's treating physician or other health care professional.

d. The terms of coverage under the covered person's health benefit plan with the health carrier, to ensure that the independent review organization's decision is not contrary to the terms of coverage under the covered person's health benefit plan with the health carrier.

e. The most appropriate practice guidelines, which shall include applicable evidence=based standards and may include any other practice guidelines developed by the federal government, national or professional medical societies, boards, and associations.

f. Any applicable clinical review criteria developed and used by the health carrier.

g. The opinion of the independent review organization's

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clinical reviewer after considering the information or documents described in paragraphs "a" through "f" to the extent the information or documents are available and the clinical reviewer considers them relevant.

13. a. Within forty=five days after the date of receipt of a request for an external review, the independent review organization shall provide written notice of its decision to uphold or reverse the adverse determination or final adverse determination of the health carrier to the covered person or the covered person's authorized representative, the health carrier, and the commissioner.

b. The independent review organization shall include in its decision all of the following:

(1) A general description of the reason for the request for external review.

(2) The date the independent review organization received the assignment from the commissioner to conduct the external review.

(3) The date the external review was conducted.

(4) The date of the decision.

(5) The principal reason or reasons for its decision, including what applicable evidence=based standards, if any, were a basis for its decision.

(6) The rationale for its decision.

(7) References to evidence or documentation, including evidence=based standards, considered in reaching its decision.

14. Upon receipt of notice of a decision reversing the adverse determination or final adverse determination of the health carrier, the health carrier shall immediately approve the coverage that was the subject of the determination.

Sec. 8. NEW SECTION. 514J.108 External review ==== expedited.

1. Notwithstanding section 514J.107, a covered person or the covered person's authorized representative may make an oral or written request to the commissioner for an expedited external review at the time the covered person or the covered

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person's authorized representative receives any of the following:

a. An adverse determination that involves a medical condition of the covered person for which the time frame for completion of an internal review of a grievance involving an adverse determination would seriously jeopardize the life or health of the covered person or would jeopardize the covered person's ability to regain maximum function.

b. A final adverse determination that involves a medical condition where the time frame for completion of a standard external review would seriously jeopardize the life or health of the covered person or would jeopardize the covered person's ability to regain maximum function.

c. A final adverse determination that concerns an admission, availability of care, continued stay, or health care service for which the covered person received emergency services, and has not been discharged from a facility.

2. a. Upon receipt of a request for an expedited external review, the commissioner shall immediately send written notice of the request to the health carrier.

b. Immediately upon receipt of notice of a request for expedited external review, the health carrier shall complete a preliminary review of the request to determine whether the request meets the eligibility requirements for external review set forth in section 514J.107, subsection 3, and this section.

c. The health carrier shall then immediately issue a notice of initial determination informing the commissioner and the covered person or the covered person's authorized representative of its eligibility determination including a statement informing the covered person or the covered person's authorized representative of the right to appeal that determination to the commissioner.

d. The commissioner may specify by rule the form required for the health carrier's notice of initial determination and any supporting information to be included in the notice.

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3. The commissioner may determine that a request is eligible for expedited external review, notwithstanding a health carrier's initial determination that the request is not eligible. In making a determination, the commissioner's decision shall be made in accordance with the terms of the covered person's health benefit plan and shall be subject to all applicable provisions of this chapter. The commissioner shall make a determination pursuant to this subsection as expeditiously as possible.

4. a. Upon receipt of notice from a health carrier that a request is eligible for expedited external review or upon a determination by the commissioner that a request is eligible for expedited external review, the commissioner shall immediately assign an independent review organization from the list of approved independent review organizations maintained by the commissioner to conduct the expedited external review. The commissioner shall then immediately notify the health carrier and the covered person or the covered person's authorized representative of the name of the assigned independent review organization.

b. The assignment of an independent review organization shall be done on a random basis among those approved independent review organizations qualified to conduct the particular external review based on the nature of the health care service that is the subject of the adverse determination or final adverse determination and other circumstances, including conflict of interest concerns.

5. Upon receiving notice of the independent review organization assigned to conduct the expedited external review, the health carrier shall provide or transmit all necessary documents and information considered in making the adverse determination or final adverse determination to the independent review organization electronically or by telephone or facsimile or any other available expeditious method.

6. The independent review organization is not bound

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by any decisions or conclusions reached during the health carrier's internal grievance process. The independent review organization shall consider the documents and information provided by the health carrier, and to the extent the information or documents are available and the independent review organization considers them appropriate, shall consider the following in reaching a decision:

a. The covered person's pertinent medical records.

b. The treating health care professional's recommendation.

c. Consulting reports from appropriate health care professionals and other documents submitted by the health carrier, covered person or the covered person's authorized representative, or the covered person's treating physician or other health care professional.

d. The terms of coverage under the covered person's health benefit plan with the health carrier, to ensure that the independent review organization's decision is not contrary to the terms of coverage under the covered person's health benefit plan with the health carrier.

e. The most appropriate practice guidelines, which shall include applicable evidence=based standards and may include any other practice guidelines developed by the federal government, national or professional medical societies, boards, and associations.

f. Any applicable clinical review criteria developed and used by the health carrier.

g. The opinion of the independent review organization's clinical reviewer after considering the information or documents described in paragraphs "a" through "f" to the extent the information or documents are available and the clinical reviewer considers them relevant.

7. a. As expeditiously as the covered person's medical condition or circumstances require, but in no event more than seventy=two hours after the date of receipt of an eligible request for expedited external review, the assigned independent

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review organization shall do all of the following:
(1) Make a decision to uphold or reverse the adverse determination or final adverse determination of the health carrier.
(2) Notify the covered person or the covered person's authorized representative, the health carrier, and the commissioner of its decision.
b. If the notice given by the independent review organization pursuant to paragraph "a" was not in writing, within forty=eight hours after providing that notice, the independent review organization shall provide written confirmation of the decision to the covered person or the covered person's authorized representative, the health carrier, and the commissioner that includes the information set forth in section 514J.107, subsection 13, paragraph "b".
c. Upon receipt of the notice of decision by an independent review organization pursuant to paragraph "a" reversing the adverse determination or final adverse determination, the health carrier shall immediately approve the coverage that was the subject of the adverse determination or final adverse determination.
Sec. 9. NEW SECTION. 514J.109 External review of experimental or investigational treatment adverse determinations.
1. Within four months after the date of receipt of a notice of an adverse determination or final adverse determination that involves a denial of coverage based on a determination that the health care service or treatment recommended or requested is experimental or investigational, a covered person or the covered person's authorized representative may file a request for external review with the commissioner.
2. Within one business day after the date of receipt of the request, the commissioner shall notify the health carrier of the request.
3. Within five business days following the date of receipt of notice of a request for external review pursuant to this

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section, the health carrier shall complete a preliminary review of the request to determine whether:

a. The individual is or was a covered person under the health benefit plan at the time the health care service or treatment was recommended or requested.

b. The recommended or requested health care service or treatment that is the subject of the adverse determination or final adverse determination meets the following conditions:

(1) Is a covered benefit under the covered person's health benefit plan except for the health carrier's determination that the service or treatment is experimental or investigational for a particular medical condition.

(2) Is not explicitly listed as an excluded benefit under the covered person's health benefit plan with the health carrier.

c. The covered person's treating physician has certified that one of the following situations is applicable:

(1) Standard health care services or treatments have not been effective in improving the condition of the covered person.

(2) Standard health care services or treatments are not medically appropriate for the covered person.

(3) There is no available standard health care service or treatment covered by the health carrier that is more beneficial than the recommended or requested health care service or treatment sought.

d. The covered person's treating physician has certified in writing one of the following:

(1) That the recommended or requested health care service or treatment that is the subject of the adverse determination or final adverse determination is likely to be more beneficial to the covered person, in the physician's opinion, than any available standard health care services or treatments.

(2) The physician is a licensed, board=certified, or board=eligible physician qualified to practice in the area of

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medicine appropriate to treat the covered person's condition, and that scientifically valid studies using accepted protocols demonstrate that the health care service or treatment recommended or requested that is the subject of the adverse determination or final adverse determination is likely to be more beneficial to the covered person than any available standard health care services or treatments.

e. The covered person or the covered person's authorized representative has exhausted the health carrier's internal grievance process, unless the covered person or the covered person's authorized representative is not required to exhaust the health carrier's internal grievance process pursuant to section 514J.106 or 514J.108.

f. The covered person or the covered person's authorized representative has provided all the information and forms required by the commissioner that are necessary to process an external review pursuant to this section.

4. Within one business day after completion of the preliminary review pursuant to subsection 3, the health carrier shall notify the commissioner and the covered person or the covered person's authorized representative in writing whether the request is complete and whether the request is eligible for external review pursuant to this section. If the request is not complete, the health carrier shall notify the commissioner and the covered person or the covered person's authorized representative in writing and include in the notice what information or materials are needed to make the request complete. If the request is not eligible for external review, the health carrier shall notify the covered person or the covered person's authorized representative and the commissioner in writing and include in the notice the reasons for its ineligibility.

5. The commissioner may specify by rule the form required for the health carrier's notice of initial determination and any supporting information to be included in the notice. The

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notice of initial determination shall include a statement informing the covered person or the covered person's authorized representative that a health carrier's initial determination that the external review request is ineligible for review may be appealed to the commissioner.

6. The commissioner may determine that a request is eligible for external review pursuant to this section, notwithstanding a health carrier's initial determination that the request is ineligible, and require that it be referred for external review. In making this determination, the commissioner's decision shall be made in accordance with the terms of the covered person's health benefit plan and shall be subject to all applicable provisions of this chapter.

7. Within one business day after receipt of the notice from the health carrier that the external review request is eligible for external review or upon a determination by the commissioner that a request is eligible for external review, the commissioner shall do all of the following:

a. Assign an independent review organization from the list of approved independent review organizations maintained by the commissioner and notify the health carrier of the name of the assigned independent review organization.

b. Notify the covered person or the covered person's authorized representative in writing of the request's eligibility and acceptance for external review and the name of the assigned independent review organization and that the covered person or the covered person's authorized representative may submit in writing to the independent review organization, within five business days following the date of receipt of such notice, additional information that the independent review organization shall consider when conducting the external review. The independent review organization may, in the organization's discretion, accept and consider additional information submitted by the covered person or the covered person's authorized representative after five business

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days.

8. Within one business day after receipt of the notice of assignment to conduct the external review, the assigned independent review organization shall select one or more clinical reviewers, as it determines is appropriate pursuant to subsection 9 to conduct the external review.

9. In selecting clinical reviewers, the independent review organization shall select physicians or other health care professionals who meet the minimum qualifications described in this chapter and, through clinical experience in the past three years, are experts in the treatment of the covered person's condition and knowledgeable about the recommended or requested health care service or treatment that is the subject of the adverse determination or the final adverse determination. Neither the covered person or the covered person's authorized representative nor the health carrier shall choose or control the choice of the clinical reviewers selected to conduct the external review.

10. Each clinical reviewer selected shall provide a written opinion to the independent review organization regarding whether the recommended or requested health care service or treatment should be covered. Each clinical reviewer shall review all of the information and documents received and any other information submitted in writing by the covered person or the covered person's authorized representative. In reaching an opinion, a clinical reviewer is not bound by any decisions or conclusions reached during the health carrier's internal grievance process.

11. Within five business days after receipt of notice of the assignment of the independent review organization, the health carrier shall provide to the independent review organization the documents and any information considered in making the adverse determination or the final adverse determination. Failure by the health carrier to provide the documents and information within the time specified shall not delay the

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conduct of the external review.

12. If the health carrier fails to provide the documents and information within the time specified, the independent review organization may terminate the external review and make a decision to reverse the adverse determination or final adverse determination. Within one business day after making such a decision, the independent review organization shall notify the covered person or the covered person's authorized representative, the health carrier, and the commissioner.

13. Within one business day after the receipt of any information submitted by the covered person or the covered person's authorized representative, the independent review organization shall forward the information to the health carrier. Upon receipt of the forwarded information, the health carrier may reconsider its adverse determination or final adverse determination that is the subject of the external review.

a. Reconsideration by the health carrier of its adverse determination or final adverse determination shall not delay or terminate the external review. The external review shall only be terminated if the health carrier decides, upon completion of its reconsideration, to reverse its determination and provide coverage or payment for the recommended or requested health care service or treatment that is the subject of the determination.

b. Within one business day after making a decision to reverse its determination, the health carrier shall notify the covered person or the covered person's authorized representative, the independent review organization, and the commissioner in writing of its decision. The independent review organization shall terminate the external review upon receipt of such notice from the health carrier.

14. a. Within twenty days after being selected to conduct the external review, each clinical reviewer shall provide an opinion to the assigned independent review organization

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regarding whether the recommended or requested health care service or treatment should be covered pursuant to this section.

b. Each clinical reviewer's opinion shall be in writing and include the following information:

(1) A description of the covered person's medical condition.

(2) A description of the indicators relevant to determining whether there is sufficient evidence to demonstrate that the recommended or requested health care service or treatment is likely to be more beneficial to the covered person than any available standard health care services or treatments and that the adverse risks of the recommended or requested health care service or treatment would not be substantially increased over those of available standard health care services or treatments.

(3) A description and analysis of any medical or scientific evidence considered in reaching the opinion.

(4) A description and analysis of any applicable evidence=based standards.

(5) Information on whether the reviewer's rationale for the opinion is based on either of the factors described in subsection 15, paragraph "e".

15. In addition to the documents and information provided, each clinical reviewer, to the extent the information or documents are available and the reviewer considers them appropriate, shall consider all of the following in reaching an opinion:

a. The covered person's pertinent medical records.

b. The treating physician's recommendation or request.

c. Consulting reports from appropriate health care professionals and other documents submitted by the health carrier, the covered person or the covered person's authorized representative, or the covered person's treating physician or other health care professional.

d. The terms of coverage under the covered person's health

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benefit plan with the health carrier to ensure that, but for the health carrier's determination that the recommended or requested health care service or treatment that is the subject of the opinion is experimental or investigational, the reviewer's opinion is not contrary to the terms of coverage under the covered person's health benefit plan with the health carrier.

e. Whether either of the following factors is applicable:

(1) The recommended or requested health care service or treatment has been approved by the federal food and drug administration, if applicable, for the condition.

(2) Medical or scientific evidence or evidence=based standards demonstrate that the expected benefits of the recommended or requested health care service or treatment is likely to be more beneficial to the covered person than any available standard health care service or treatment and the adverse risks of the recommended or requested health care service or treatment would not be substantially increased over those of available standard health care services or treatments.

16. a. If a majority of the clinical reviewers opine that the recommended or requested health care service or treatment should be covered, the independent review organization shall make a decision to reverse the health carrier's adverse determination or final adverse determination.

b. If a majority of the clinical reviewers opine that the recommended or requested health care service or treatment should not be covered, the independent review organization shall make a decision to uphold the health carrier's adverse determination or final adverse determination.

c. If the clinical reviewers are evenly split as to whether the recommended or requested health care service or treatment should be covered, the independent review organization shall obtain the opinion of an additional clinical reviewer in order for the independent review organization to make a decision based on the opinions of a majority of the clinical reviewers.

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d. The additional clinical reviewer selected shall use the same information to reach an opinion as the clinical reviewers who have already submitted their opinions.

e. The selection of an additional clinical reviewer under this subsection shall not extend the time within which the assigned independent review organization is required to make a decision based on the opinions of the clinical reviewers for the external review.

17. Within twenty days after it receives the opinion of each clinical reviewer, the assigned independent review organization shall make a decision based on the opinions of the clinical reviewer or reviewers, to uphold or reverse the adverse determination or final adverse determination of the health carrier and provide written notice of the decision to the covered person or the covered person's authorized representative, the health carrier, and the commissioner.

18. a. A covered person or the covered person's authorized representative may make a written or oral request to the commissioner for an expedited external review of the adverse determination or final adverse determination pursuant to this subsection if the covered person's treating physician certifies, in writing, that the recommended or requested health care service or treatment that is the subject of the request would be significantly less effective if not promptly initiated.

(1) Upon receipt of a request for an expedited external review pursuant to this subsection, the commissioner shall immediately notify the health carrier.

(2) Upon receipt of notice of the request for expedited external review, the health carrier shall immediately determine whether the request is eligible for external review as provided in subsection 3, paragraphs "a" through "f", and shall immediately issue a notice of initial determination informing the commissioner and the covered person or the covered person's authorized representative of its eligibility determination.

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The notice of initial determination of eligibility issued by a health carrier shall include a statement informing the covered person or the covered person's authorized representative that the health carrier's initial determination that the external review request is ineligible for expedited external review may be appealed to the commissioner.

(3) The commissioner may determine that a request is eligible for external review, notwithstanding a health carrier's initial determination that the request is not eligible, and refer the request for external review. In making this determination, the commissioner's decision shall be made in accordance with the terms of the covered person's health benefit plan and shall be subject to all applicable provisions of this chapter.

b. (1) Upon receipt of the notice of initial determination that the request is eligible for expedited external review or upon a determination by the commissioner that the request is eligible for expedited external review, the commissioner shall immediately assign an independent review organization to conduct the expedited external review, from the list of approved independent review organizations maintained by the commissioner, and notify the health carrier of the name of the assigned independent review organization.

(2) Upon receipt of notice of the independent review organization assigned to conduct an expedited external review, the health carrier shall provide or transmit all necessary documents and information considered in making the adverse determination or final adverse determination to the independent review organization electronically or by telephone or facsimile or any other available expeditious method.

(3) A clinical reviewer or clinical reviewers shall be selected immediately by the independent review organization and shall provide an opinion orally or in writing to the assigned independent review organization as expeditiously as the covered person's medical condition or circumstances require, but in no

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event more than five calendar days after being selected. If the opinion provided was not in writing, within forty=eight hours following the date the opinion was provided, the clinical reviewer shall provide written confirmation of the opinion to the assigned independent review organization and include all required information in support of the opinion.

c. Within forty=eight hours after the date of receipt of the opinion of each clinical reviewer, the assigned independent review organization shall make a decision based on the opinions of the clinical reviewer or reviewers as to whether to reverse or uphold the adverse determination or final adverse determination and provide notice of the decision orally or in writing to the covered person or the covered person's authorized representative, the health carrier, and the commissioner. If the notice was provided orally, within forty=eight hours after the date of providing that notice, the independent review organization shall provide written confirmation of the decision to the covered person or the covered person's authorized representative, the health carrier, and the commissioner.

d. The independent review organization shall include in the notice of its decision all of the following:

(1) A general description of the reason for the request for an expedited external review.

(2) The written opinion of each clinical reviewer, including the recommendation of each clinical reviewer as to whether the recommended or requested health care service or treatment should be covered and the rationale for the reviewer's recommendation.

(3) The date the independent review organization was assigned by the commissioner to conduct the expedited external review.

(4) The date the expedited external review was conducted.

(5) The date of its decision.

(6) The principal reason or reasons for its decision.

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(7) The rationale for its decision.

19. Upon receipt of notice of a decision of the independent review organization reversing an adverse determination or final adverse determination, the health carrier shall immediately approve coverage of the recommended or requested health care service or treatment that was the subject of the determination.

Sec. 10. NEW SECTION. 514J.110 Effect of external review decision.

1. An external review decision pursuant to this chapter is binding on the health carrier except to the extent the health carrier has other remedies available under applicable Iowa law. The external review process shall not be considered a contested case under chapter 17A.

2. a. A covered person or the covered person's authorized representative may appeal the external review decision made by an independent review organization by filing a petition for judicial review either in Polk county district court or in the district court in the county in which the covered person resides. The petition for judicial review must be filed within fifteen business days after the issuance of the review decision. The petition shall name the covered person or the covered person's authorized representative, or the person's health care provider as the petitioner. The respondent shall be the health carrier. The petition shall not name the independent review organization as a party.

b. The commissioner shall not be named as a respondent unless the petitioner alleges action or inaction by the commissioner under the standards articulated in section 17A.19, subsection 10. Allegations against the commissioner under section 17A.19, subsection 10, shall be stated with particularity. The commissioner may, upon motion, intervene in the judicial review proceeding. The findings of fact by the independent review organization conducting the external review are conclusive and binding on appeal.

3. The health carrier shall follow and comply with the

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decision of the court on appeal. The health carrier or treating health care provider shall not be subject to any penalties, sanctions, or award of damages for following and complying in good faith with the external review decision of the independent review organization or the decision of the court on appeal.

4. The covered person or the covered person's authorized representative may bring an action in Polk county district court or in the district court in the county in which the covered person resides to enforce the external review decision of the independent review organization or the decision of the court on appeal.

5. A covered person or the covered person's authorized representative shall not file a subsequent request for external review involving any determination for which the covered person or the covered person's authorized representative has already received an external review decision.

6. If a covered person dies before the completion of the external review process, the process shall continue to completion if there is potential liability of a health carrier to the estate of the covered person.

7. a. If a covered person who has already received health care services under a health benefit plan requests external review of the plan's adverse determination or final adverse determination and changes to another health benefit plan before the external review process is completed, the health carrier whose coverage was in effect at the time the health care service was received is responsible for completing the external review process.

b. If a covered person who has not yet received health care services requests external review of a health benefit plan's adverse determination or final adverse determination and then changes to another plan prior to receipt of the health care services and completion of the external review process, the external review process shall begin anew with the

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covered person's current health carrier. In this instance, the external review process shall be conducted as an expedited external review.

Sec. 11. NEW SECTION. 514J.111 Approval of independent review organizations.

1. The commissioner shall approve applications submitted by independent review organizations to conduct external reviews under this chapter. The commissioner may retain an outside expert to perform reviews of such applications.

2. In order to be eligible for approval by the commissioner to conduct external reviews, an independent review organization shall meet all of the following requirements:

a. Be accredited by a nationally recognized private accrediting entity that the commissioner determines has independent review organization accreditation standards that are equivalent to or exceed the minimum qualifications for independent review organizations established in this chapter.

b. Submit an application in a form and format as directed by the commissioner.

c. Meet the minimum qualifications contained in section 514J.112.

3. The commissioner may approve independent review organizations that are not accredited by a nationally recognized private accrediting entity if there are no acceptable nationally recognized private accrediting entities providing independent review organization accreditation.

4. The commissioner shall develop an application form for initially approving and for reapproving independent review organizations to conduct external reviews.

5. The commissioner may charge an initial application fee and a renewal fee as specified by rule.

6. The approval of an independent review organization to conduct external reviews by the commissioner pursuant to this chapter is effective for two years, unless the commissioner determines that the independent review organization is not

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satisfying the minimum qualifications of this chapter. If the commissioner determines that an independent review organization has lost its accreditation or no longer satisfies the minimum requirements established under this chapter, the commissioner shall terminate approval of the independent review organization to conduct external reviews and remove the independent review organization from the list of independent review organizations approved to conduct external reviews that is maintained by the commissioner.

7. The commissioner shall maintain a list of currently approved independent review organizations.

Sec. 12. NEW SECTION. 514J.112 Minimum qualifications for independent review organizations.

1. To be approved to conduct external reviews pursuant to this chapter, an independent review organization shall have and maintain written policies and procedures that govern all aspects of both the standard external review process and the expedited external review process and that include, at a minimum, all of the following:

a. A quality assurance mechanism that does all of the following:

(1) Ensures that external reviews are conducted within the specified time frames and that required notices are provided in a timely manner.

(2) Ensures the selection of qualified and impartial clinical reviewers to conduct external reviews on behalf of the independent review organization and suitable matching of reviewers to specific cases and that the independent review organization employs or contracts with an adequate number of clinical reviewers to meet this objective.

(3) Ensures the confidentiality of medical and treatment records and clinical review criteria.

(4) Establishes and maintains written procedures to ensure that the independent review organization is unbiased in addition to any other procedures required under this section.

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(5) Ensures that any person employed by or under contract with the independent review organization adheres to the requirements of this chapter.

b. A toll=free telephone service to receive information related to external reviews twenty=four hours a day, seven days a week, that is capable of accepting, recording, or providing appropriate instruction to incoming telephone callers outside normal business hours.

c. An agreement and a system to maintain required records and provide access to those records by the commissioner.

2. Each clinical reviewer assigned by an independent review organization to conduct external reviews shall be a physician or other appropriate health care professional who meets all of the following minimum qualifications:

a. Is an expert in the treatment of the covered person's medical condition that is the subject of the external review.

b. Is knowledgeable about the recommended or requested health care service or treatment through recent or current actual clinical experience treating patients with the same or similar medical condition as the covered person.

c. Holds a nonrestricted license in a state of the United States and, for physicians, a current certification by a recognized American medical specialty board in the area or areas appropriate to the subject of the external review.

d. Has no history of disciplinary actions or sanctions, including loss of staff privileges or participation restrictions, that have been taken or are pending by any hospital, governmental agency or unit, or regulatory body that raise a substantial question as to the clinical reviewer's physical, mental, or professional competence or moral character.

3. An independent review organization shall not own or control, be a subsidiary of, or in any way be owned or controlled by, or exercise control with, a health benefit plan, a national, state, or local trade association of health benefit

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plans, or a national, state, or local trade association of health care providers.

4. Neither the independent review organization selected to conduct an external review nor any clinical reviewer assigned by the independent organization to conduct an external review shall have a material professional, familial, or financial conflict of interest with any of the following:

a. The health carrier that is the subject of the external review.

b. The covered person whose health care service or treatment is the subject of the external review or the covered person's authorized representative.

c. Any officer, director, or management employee of the health carrier that is the subject of the external review.

d. The health care professional or the health care professional's medical group or independent practice association recommending the health care service or treatment that is the subject of the external review.

e. The facility at which the recommended health care service or treatment would be provided.

f. The developer or manufacturer of the principal drug, device, procedure, or other therapy being recommended for the covered person whose health care service treatment is the subject of the external review.

5. In determining whether an independent review organization or a clinical reviewer of the independent review organization has a material professional, familial, or financial conflict of interest as provided in subsection 4, the commissioner shall take into consideration situations where the independent review organization to be assigned to conduct an external review of a specified case or a clinical reviewer to be assigned by the independent review organization to conduct an external review of a specified case may have an apparent professional, familial, or financial relationship or connection with a person described in subsection 4, but the

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characteristics of that relationship or connection are such that they do not constitute a material professional, familial, or financial conflict of interest that would prohibit selection of the independent review organization or the clinical reviewer to conduct the external review.

6. a. An independent review organization that is accredited by a nationally recognized private accrediting entity that has independent review accreditation standards that the commissioner has determined are equivalent to or exceed the minimum qualifications of this section shall be presumed to be in compliance with the requirements of this section.

b. The commissioner shall initially and periodically review the standards of each nationally recognized private accrediting entity that provides accreditation to independent review organizations to determine whether the accrediting entity's standards are, and continue to be, equivalent to or exceed the minimum qualifications established under this section. The commissioner may accept a review of those standards conducted by the national association of insurance commissioners for the purpose of making a determination under this subsection.

c. Upon request, a nationally recognized private accrediting entity shall make its current independent review organization accreditation standards available to the commissioner or to the national association of insurance commissioners in order for the commissioner to determine if the accrediting entity's standards are equivalent to or exceed the minimum qualifications established under this section. The commissioner may exclude consideration of accreditation of independent review organizations by any private accrediting entity whose standards have not been reviewed by the national association of insurance commissioners.

Sec. 13. NEW SECTION. 514J.113 Immunity for independent review organizations.

An independent review organization, a clinical reviewer working on behalf of an independent review organization, or

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an employee, agent, or contractor of an independent review organization shall not be liable in damages to any person for any opinions rendered or acts or omissions performed within the scope of the duties of the organization, the clinical reviewer, or an employee, agent, or contractor of the organization under this chapter during, or upon completion of, an external review conducted pursuant to this chapter, unless the opinion was rendered or the act or omission was performed in bad faith or involved gross negligence.

Sec. 14. NEW SECTION. 514J.114 External review reporting requirements.

1. a. An independent review organization assigned to conduct an external review shall maintain written records in the aggregate by state and by health carrier of all requests for external review for which it conducted an external review during a calendar year.

b. Each independent review organization required to maintain written records pursuant to this section shall submit to the commissioner, upon request, a report in the format specified by the commissioner. The report shall include in the aggregate by state and by health carrier all of the following:

(1) The total number of requests for external review assigned to the independent review organization.

(2) The average length of time for resolution of each request for external review assigned to the independent review organization.

(3) A summary of the types of coverages or cases for which an external review was requested, in the format required by the commissioner by rule.

(4) Any other information required by the commissioner.

c. The independent review organization shall retain the written records for at least three years.

2. a. Each health carrier shall maintain written records in the aggregate by state and by type of health benefit plan offered by the health carrier of all requests for external

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review that the health carrier receives notice of from the commissioner pursuant to this chapter.

b. Each health carrier required to maintain written records of requests for external review pursuant to this subsection shall submit to the commissioner, upon request, a report in the format specified by the commissioner. The report shall include in the aggregate by state and by type of health benefit plan offered all of the following:

(1) The total number of requests for external review of the health carrier's adverse determinations and final adverse determinations.

(2) Of the total number of requests for external review, the number of requests determined eligible for external review.

(3) The number of requests for external review resolved and, of those resolved, the number resolved upholding the adverse determination or final adverse determination of the health carrier and the number resolved reversing the adverse determination or final adverse determination of the health carrier.

(4) The number of external reviews that were terminated as the result of a reconsideration by the health carrier of its adverse determination or final adverse determination after the receipt of additional information from the covered person or the covered person's authorized representative.

(5) Any other information the commissioner may request or require.

c. The health carrier shall retain the written records for at least three years.

Sec. 15. NEW SECTION. 514J.115 Expenses of external review.

The health carrier against which a request for a standard external review or an expedited external review is filed shall pay the costs of retaining an independent review organization to conduct the external review.

Sec. 16. NEW SECTION. 514J.116 Disclosure requirements.

1. Each health carrier shall include a description of

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the external review procedures contained in this chapter in or attached to any policy, certificate, membership booklet, outline of coverage, or other evidence of coverage that is provided to a covered person. The description shall be in a format prescribed by the commissioner by rule.

2. The description required by subsection 1 shall include a statement that informs the covered person of the right of the covered person to file a request for an external review of an adverse determination or final adverse determination of the health carrier with the commissioner. The statement shall explain that external review is available when the adverse determination or final adverse determination involves an issue of medical necessity, appropriateness, health care setting, level of care, or effectiveness. The statement shall include the telephone number and address of the commissioner. The statement shall also inform the covered person that when filing a request for external review, the covered person will be required to authorize the release of any medical records of the covered person that may be required to be reviewed for the purpose of reaching a decision on the request for external review.

Sec. 17. NEW SECTION. 514J.117 Rulemaking authority.

The commissioner may adopt rules pursuant to chapter 17A to carry out the provisions of this chapter.

Sec. 18. NEW SECTION. 514J.118 Severability.

If any provision of this chapter, or the application of the provision to any person or circumstance is held invalid, the remainder of the chapter, and the application of the provision to persons or circumstances other than those to which it is held invalid, shall not be affected.

Sec. 19. NEW SECTION. 514J.119 Penalties.

A person who fails to comply with the provisions of this chapter or the rules adopted pursuant to this chapter is subject to the penalties provided under chapter 507B.

Sec. 20. NEW SECTION. 514J.120 Applicability.

House Study Bill 200 continued

1. This chapter applies to all requests for external review filed on or after July 1, 2011.

2. Section 514J.116 applies to all health benefit plans delivered, issued for delivery, continued, or renewed in this state on or after July 1, 2011.

Sec. 21. REPEAL. Sections 514J.1 through 514J.15, Code 2011, are repealed.

Sec. 22. TRANSITION PROVISION ==== APPLICABILITY TO PRIOR REQUESTS. Sections 514J.1 through 514J.15, Code 2011, are applicable to all requests for external review filed prior to July 1, 2011.

EXPLANATION

This bill adds new provisions in Code chapter 514J, which provides procedures for external review of adverse determinations made by health carriers, as required by the federal Patient Protection and Affordable Care Act, as amended by the federal Health Care and Education Reconciliation Act of 2010, which amends the Public Health Service Act. The new provisions apply to all requests for external review filed on or after July 1, 2011. The bill repeals the current provisions in Code chapter 514J relating to the external review of health care coverage decisions.

An "adverse determination" is a determination by a health carrier that payment for a health care service that is a covered benefit under a health benefit plan is being denied, reduced, or terminated because the health care service does not meet the carrier's requirements for medical necessity, appropriateness, health care setting, level of care, or effectiveness. A "final adverse determination" is an adverse determination involving a covered benefit that has been upheld by a health carrier at the completion of the health carrier's internal grievance process.

The bill allows a covered person under a health benefit plan or the covered person's authorized representative to request an external review of the health carrier's determination after

House Study Bill 200 continued

receiving a final adverse determination or sooner, after receiving an adverse determination, if the covered person has a medical condition where the time frame for completion of that internal review would jeopardize the person's life or health or ability to regain maximum function, or the adverse determination is that the requested health care service is experimental or investigational and the effectiveness of the treatment will be significantly less effective if not promptly initiated. The bill provides procedures for a standard external review or an expedited external review.

Pursuant to a request for standard external review, the health carrier must complete a preliminary review to determine if the request is eligible for external review as specified in the bill and report to the commissioner of insurance and the covered person. Even if the health carrier determines that the request is ineligible, the commissioner of insurance may determine that the request is eligible for review.

Once a request is determined to be eligible for review, the commissioner is required to assign an independent review organization to conduct the external review of the adverse or final adverse determination of the health carrier. During the review, the carrier may reconsider its adverse or final adverse determination and provide the coverage requested. If this does not occur, the independent review organization selects clinical reviewers to consider all pertinent information and within 45 days of receiving the request for external review, the independent review organization must provide written notice of its decision to uphold or reverse the adverse or final adverse determination of the carrier. Upon receipt of a decision of reversal, the carrier must approve the coverage that was the subject of the adverse or final adverse determination.

The bill also provides a similar procedure for expedited external review of an adverse or final adverse determination that involves a medical condition of the covered person for which the time frame for completion of the internal review

House Study Bill 200 continued

by the health carrier or a standard external review would seriously jeopardize the life or health or the ability to regain maximum function of the covered person. The expedited external review procedures provide that a request for expedited external review can be made by a covered person orally, and shortens the required time frames for action by the health carrier, the commissioner, and the independent review organization in responding to the request and reaching a decision.

The bill provides separate procedures for standard and expedited external reviews of adverse determinations or final adverse determinations involving experimental or investigational treatment. In a standard external review, if an independent review organization selects multiple clinical reviewers to review the request, the organization must make a decision to uphold or reverse an adverse or final adverse determination of a health carrier based on the opinion of a majority of the clinical reviewers.

The bill allows a covered person or the covered person's authorized representative to appeal the external review decision made by an independent review organization by filing a petition for judicial review in Polk county district court or in the district court in the county where the covered person resides. Findings of fact made by an independent review organization are conclusive and binding on appeal. A covered person or the covered person's authorized representative may also bring an action in district court to enforce an external review decision against a carrier.

The bill includes requirements for the qualifications of an independent review organization to be listed as eligible for selection by the commissioner to conduct an external review.

The bill provides that independent review organizations and clinical reviewers are not liable in damages for any opinions rendered in furtherance of their duties under this new division unless rendered in bad faith or with gross negligence.

House Study Bill 200 continued

Independent review organizations and health carriers are required to keep specified records about external review requests involving them. The expense of retaining an independent review organization to conduct an external review is assessed against the health carrier whose adverse or final adverse determination is being reviewed.

External review procedures must be disclosed by health carriers by including or attaching them to the policies, certificates, membership booklets, outline of coverage, or other evidence of coverage that is provided to covered persons. This disclosure requirement applies to all health benefit plans delivered, issued for delivery, continued, or renewed on or after July 1, 2011.

The commissioner of insurance has the authority to adopt rules to carry out the provisions of the new division and the provisions of the new division are severable if held invalid.

LSB 1334XD (24) 84
av/nh

House Study Bill 201

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

A BILL FOR

An Act relating to wind energy development and production.
BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 2705YC (2) 84
rn/nh

House Study Bill 201 continued

PAG LIN

Section 1. Section 476B.5, subsection 4, Code 2011, is amended to read as follows:

4. The maximum amount of nameplate generating capacity of all qualified facilities the board may find eligible under this chapter shall not exceed one hundred ~~fifty~~ megawatts of nameplate generating capacity.

Sec. 2. Section 476C.1, subsection 6, paragraph d, Code 2011, is amended to read as follows:

d. Was initially placed into service on or after July 1, 2005, and before January 1, ~~2012~~ 2013.

Sec. 3. Section 476C.3, subsection 4, Code 2011, is amended to read as follows:

4. The maximum amount of nameplate generating capacity of all wind energy conversion facilities the board may find eligible under this chapter shall not exceed three hundred ~~thirty~~ sixty=three megawatts of nameplate generating capacity. The maximum amount of energy production capacity equivalent of all other facilities the board may find eligible under this chapter shall not exceed a combined output of twenty megawatts of nameplate generating capacity and one hundred sixty=seven billion British thermal units of heat for a commercial purpose. Of the maximum amount of energy production capacity equivalent of all other facilities found eligible under this chapter, fifty=five billion British thermal units of heat for a commercial purpose shall be reserved for an eligible facility that is a refuse conversion facility for processed, engineered fuel from a multicounty solid waste management planning area. The maximum amount of energy production capacity the board may find eligible for a single refuse conversion facility is fifty=five billion British thermal units of heat for a commercial purpose.

EXPLANATION

This bill relates to wind energy production and development.

The bill decreases the maximum amount of nameplate generating capacity for all qualified facilities eligible for

House Study Bill 201 continued

the wind energy production tax credit specified in Code chapter 476B from 150 megawatts to 100 megawatts.

The bill extends the time period during which an eligible renewable energy facility seeking to qualify for the renewable energy tax credit in Code chapter 476C shall have been placed in service by one year to before January 1, 2013.

The bill increases the maximum amount of nameplate generating capacity for all wind energy conversion facilities eligible for the renewable energy tax credit from 330 megawatts to 363 megawatts, in recognition of a waiting list for receipt of the tax credit as established in Code section 476C.3, subsection 5.

LSB 2705YC (2) 84
rn/nh

House Study Bill 202

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

A BILL FOR

An Act relating to expert witness standards, damage awards, and proportionate liability in medical malpractice actions.

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

TLSB 2388YC (5) 84
rh/rj

House Study Bill 202 continued

PAG LIN

Section 1. Section 147.139, Code 2011, is amended to read as follows:

147.139 Expert witness standards.

If the standard of care given by a physician and surgeon or an osteopathic physician and surgeon licensed pursuant to chapter 148, or a dentist licensed pursuant to chapter 153, is at issue, the court shall only allow a person to qualify as an expert witness and to testify on the issue of the appropriate standard of care ~~if the person's medical or dental qualifications relate directly to the medical problem or problems at issue and the type of treatment administered in the case.~~, breach of the standard of care, or proximate cause if all of the following qualifications are established:

1. The expert is licensed to practice medicine, osteopathic medicine, or dentistry and in the three years preceding the allegedly negligent act, was engaged in the active practice of medicine, osteopathic medicine, or dentistry, or was a qualified instructor at an accredited university of medicine and surgery, osteopathic medicine and surgery, or dentistry.

2. The expert practices or provides university instruction in the same or substantially similar specialty as the defendant.

3. If the defendant is board=certified in a specialty, the expert is also certified in that specialty by a board recognized by the American board of medical specialties and is licensed and in good standing in each state of licensure, and has not had the expert's license revoked or suspended in the past five years.

Sec. 2. Section 668A.1, Code 2011, is amended by adding the following new subsection:

NEW SUBSECTION. 4. a. In any action for damages for injury or death against any health care provider, whether based in tort, contract, or otherwise, arising out of an act or omission in connection with the provision of health care services, punitive or exemplary damages may be awarded only if the jury

House Study Bill 202 continued

is unanimous in regard to finding liability and the amount of exemplary or punitive damages.

b. Notwithstanding section 668.4, in any action brought under subsection 1 in which there are two or more defendants, an award of punitive or exemplary damages shall be specific as to a defendant, and each defendant is liable only for the amount of the award made against that defendant.

c. For purposes of this subsection, "health care provider" means a physician as defined in section 135.1, an advanced registered nurse practitioner licensed pursuant to chapter 152, a hospital as defined in section 135B.1, and a health care facility as defined in section 135C.1.

Sec. 3. NEW SECTION. 668B.1 Title.

This chapter may be cited as the "Noneconomic Damage Awards Against Health Care Providers Act".

Sec. 4. NEW SECTION. 668B.2 Definitions.

As used in this chapter, unless the context otherwise requires:

1. "Health care provider" means a physician as defined in section 135.1, an advanced registered nurse practitioner licensed pursuant to chapter 152, a hospital as defined in section 135B.1, and a health care facility as defined in section 135C.1.

2. "Health care services" means services that involve diagnosis, treatment, medical evaluation, advice, or such acts as may be permissible under the health care licensing statutes of this state.

3. "Noneconomic damages" means damages arising from pain, suffering, inconvenience, physical impairment, mental anguish, emotional pain and suffering, loss of chance, loss of consortium, and any other nonpecuniary damages.

Sec. 5. NEW SECTION. 668B.3 Damage awards.

3. In any action for damages for injury or death against any health care provider, whether based in tort, contract, or otherwise, arising out of an act or omission in connection with

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the provision of health care services, the injured plaintiff shall be entitled to recover noneconomic damages, but such damages shall not exceed the following amounts, except upon a finding of actual malice on the part of the defendant:

a. In any action against a single health care provider, two hundred fifty thousand dollars.

b. In any action a against certified class of health care providers, five hundred thousand dollars.

EXPLANATION

This bill relates to expert witness standards, damage awards, and proportionate liability in medical malpractice actions.

The bill provides that if the standard of care given by a physician or surgeon, or an osteopathic physician or surgeon licensed pursuant to Code chapter 148, or a dentist licensed pursuant to Code chapter 153, is at issue in a medical malpractice case, the court shall only allow a licensed health care provider to qualify as an expert witness and to testify on the issue of the appropriate standard of care, breach of that standard, or proximate cause if the health care provider meets certain professional practice and educational criteria. Current law relating to expert witness standards in a medical malpractice action allows a person to testify as an expert witness and to testify on the appropriate standard of care if the person's medical or dental qualifications relate directly to the medical problem at issue and the type of treatment involved.

The bill provides that in any action for damages for injury or death against any health care provider, whether based in tort, contract, or otherwise, arising out of an act or omission in connection with the provision of health care services, punitive or exemplary damages may be awarded only if the jury is unanimous in regard to finding liability and the amount of exemplary or punitive damages. Notwithstanding Iowa's rule of joint and several liability in Code section 668.4, in any

House Study Bill 202 continued

medical malpractice action in which there are two or more defendants, an award of punitive or exemplary damages shall be specific as to a defendant, and each defendant is liable only for the amount of the award made against that defendant.

The bill provides that in any action for noneconomic damages for injury or death against any health care provider whether based in tort, contract, or otherwise, arising out of an act or omission in connection with the provision of health care services, the injured plaintiff shall be entitled to recover noneconomic damages not to exceed $250,000 from a single defendant or $500,000 from a certified class of defendants, except upon a finding of actual malice on the part of the defendant.

"Noneconomic damages" is defined as damages arising from pain, suffering, inconvenience, physical impairment, mental anguish, emotional pain and suffering, loss of chance, loss of consortium, and any other nonpecuniary damages.

For purposes of the damage award provisions in the bill that are to be codified in Code chapters 668A and 668B, "health care provider" means a physician defined as a person licensed to practice medicine and surgery, osteopathic medicine and surgery, osteopathy, chiropractic, podiatry, or optometry under the laws of this state pursuant to Code section 135.1, an advanced registered nurse practitioner licensed pursuant to Code chapter 152, a hospital defined as a place which is devoted primarily to the maintenance and operation of facilities for the medical diagnosis, treatment, or care over a period exceeding 24 hours of two or more nonrelated individuals pursuant to Code section 135B.1, and a health care facility defined as a residential care facility, a nursing facility, an intermediate care facility for persons with mental illness, or an intermediate care facility for persons with mental retardation pursuant to Code section 135C.1.

LSB 2388YC (5) 84
rh/rj

House Study Bill 203

HOUSE FILE
BY (PROPOSED COMMITTEE ON
AGRICULTURE BILL BY
CHAIRPERSON SWEENEY)

A BILL FOR

An Act relating to livestock by providing for their feeding and care when the livestock are deemed to be neglected.

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

TLSB 2715YC (2) 84
da/rj

House Study Bill 203 continued

PAG LIN

Section 1. INTENT OF THE GENERAL ASSEMBLY. It is the intent of the general assembly to enact legislation relating to the feeding and care of livestock that are deemed by a court to be neglected.

EXPLANATION

This bill provides that it is the intent of the general assembly to enact legislation relating to the feeding and care of livestock that are deemed by a court to be neglected.

LSB 2715YC (2) 84
da/rj

Senate Amendment 3040

PAG LIN

1 1 Amend Senate File 303 as follows:
1 2 #1. Page 2, after line 9 by inserting:
1 3 <Sec. ___. NEW SECTION. 96.5A Termination ====
1 4 ineligibility.
1 5 An individual shall not be eligible for state
1 6 unemployment compensation benefits on the basis of
1 7 new employment if the individual's new employment is
1 8 terminated within two weeks of the date the individual
1 9 began employment with the terminating employer.>
1 10 #2. Title page, line 1, by striking <extended>
1 11 #3. By renumbering as necessary.

RANDY FEENSTRA
SF303.888 (1) 84
je/rj

Iowa General Assembly
Daily Bills, Amendments & Study Bills
March 01, 2011

Senate File 345 - Introduced

SENATE FILE
BY DVORSKY

A BILL FOR

An Act relating to misconduct by a school employee and providing related duties, responsibilities, or civil and criminal immunity for other persons, accredited public and private schools, the department of education, and the board of educational examiners.

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

TLSB 2615XS (2) 84
kh/rj

Senate File 345 - Introduced continued

PAG LIN

Section 1. Section 272.2, subsection 1, paragraph b, Code 2011, is amended by striking the paragraph and inserting in lieu thereof the following:

b. Provide annually to any person who holds a license, certificate, authorization, or statement of recognition issued by the board, training relating to the knowledge and understanding of the board's code of professional conduct and ethics. The board shall develop a curriculum that addresses the code of professional conduct and ethics and shall annually provide regional training opportunities throughout the state.

Sec. 2. Section 272.2, subsection 14, paragraph a, Code 2011, is amended to read as follows:

a. (1) The board may deny a license to or revoke the license of a person upon the board's finding by a preponderance of evidence that either the person has been convicted of a crime or that there has been a founded report of child abuse against the person. Rules adopted in accordance with this ~~paragraph~~ subparagraph shall provide that in determining whether a person should be denied a license or that a practitioner's license should be revoked, the board shall consider the nature and seriousness of the founded abuse or crime in relation to the position sought, the time elapsed since the crime was committed, the degree of rehabilitation which has taken place since the incidence of founded abuse or the commission of the crime, the likelihood that the person will commit the same abuse or crime again, and the number of founded abuses committed by or criminal convictions of the person involved.

(2) The board may deny a license to or revoke the license of an administrator if the board finds by a preponderance of evidence that the administrator failed to report a suspected case of child abuse, as required under section 232.69, which was later determined to be founded child abuse. Rules adopted in accordance with this subparagraph shall provide that in determining whether an administrator should be denied a license

Senate File 345 - Introduced continued

or that an administrator's license should be revoked, the board shall consider the nature and seriousness of the founded abuse or crime.

Sec. 3. Section 272.15, subsection 2, Code 2011, is amended to read as follows:

2. a. If, in the course of performing official duties, an employee of the department becomes aware of any alleged misconduct by an individual licensed under this chapter, the employee shall report the alleged misconduct to the board of educational examiners under rules adopted pursuant to subsection 1.

b. If the alleged misconduct by an individual specified in paragraph "a" results in an investigation of an alleged incident of abuse of a student conducted in accordance with 281 IAC 102, a report of misconduct shall be filed as provided in paragraph "a" whether or not the individual whose alleged misconduct is the subject of the report resigns prior to the completion of the investigation.

Sec. 4. Section 279.8, Code 2011, is amended to read as follows:

279.8 General rules ==== bonds of employees.

1. The board shall make rules for its own government and that of the directors, officers, employees, teachers, and pupils, and for the care of the schoolhouse, grounds, and property of the school corporation, and shall aid in the enforcement of the rules, and require the performance of duties imposed by law and the rules.

2. The board shall include in its rules provisions regulating the loading and unloading of pupils from a school bus stopped on the highway during a period of reduced highway visibility caused by fog, snow, or other weather conditions.

3. The board shall have the authority to include in its rules provisions allowing school corporation employees to use school credit cards to pay for the actual and necessary expenses incurred in the performance of work=related duties.

Senate File 345 - Introduced continued

4. a. The board shall place on administrative leave a school employee who is the subject of an investigation of an alleged incident of abuse of a student conducted in accordance with 281 IAC 102.

b. If the results of an investigation of abuse of a student by a school employee who holds a license, certificate, authorization, or statement of recognition issued by the board of educational examiners finds that the school employee's conduct constitutes a crime under any other statute, the board shall report the results of the investigation to the board of educational examiners.

5. Employees of a school corporation maintaining a high school who have the custody of funds belonging to the corporation or funds derived from extracurricular activities and other sources in the conduct of their duties, shall be required to furnish suitable bond indemnifying the corporation or any activity group connected with the school against loss, and employees who have the custody of property belonging to the corporation or any activity group connected with the school may be required to furnish such bond. Said bond or bonds may be in such form and penalty as the board may approve and the premiums on same shall be paid from the general fund of the corporation.

Sec. 5. Section 280.27, Code 2011, is amended to read as follows:

280.27 Reporting violence ==== immunity.

An employee of a school district, an accredited nonpublic school, or an area education agency who participates in good faith and acts reasonably in the making of a report to, or investigation by, an appropriate person or agency regarding violence, threats of violence, physical or sexual abuse of a student, or other inappropriate activity against a school employee or student in a school building, on school grounds, or at a school=sponsored function shall be immune from civil or criminal liability relating to such action, as well as for participating in any administrative or judicial proceeding

Senate File 345 - Introduced continued

resulting from or relating to the report or investigation.

EXPLANATION

This bill makes changes relating to misconduct by a school employee and provides for the related duties and responsibilities of certain other persons, accredited public and private schools, the department of education, and the board of educational examiners.

The bill directs the board of educational examiners to provide annually to any person who holds a license, certificate, authorization, or statement of recognition issued by the board, training relating to the knowledge and understanding of the board's code of professional conduct and ethics. The board shall develop a curriculum that addresses the code of professional conduct and ethics and shall annually provide regional training opportunities throughout the state.

The board is authorized to deny a license to or revoke the license of an administrator upon the board's finding that the administrator failed to report a suspected case of child abuse which was later determined to be founded child abuse. In determining whether an administrator should be denied a license or have it revoked, the board shall consider the nature and seriousness of the founded abuse or crime.

Current law provides that if, in the course of performing official duties, an employee of the department of education becomes aware of any alleged misconduct by a licensed individual, the employee shall report the alleged misconduct to the board. The bill provides that if the alleged misconduct results in an investigation of an alleged incident of abuse of a student under the rules of the department of education, a report of misconduct shall be filed with the board whether or not the individual whose alleged misconduct is the subject of the report resigns prior to the completion of the investigation.

The bill also requires a school board to place on administrative leave a school employee who is the subject of

Senate File 345 - Introduced continued

an investigation of an alleged incident of abuse of a student. If the results of the investigation of a school employee who holds a license, certificate, authorization, or statement of recognition issued by the board of educational examiners find that the school employee's conduct constitutes a crime under any other statute, the school board shall report the results of the investigation to the board of educational examiners.

The bill provides civil and criminal immunity to an employee of a school district, an accredited nonpublic school, or an area education agency who participates in good faith and acts reasonably in the making of a report to, or investigation by, an appropriate person or agency regarding physical or sexual abuse of a student.

LSB 2615XS (2) 84
kh/rj

Iowa General Assembly
Daily Bills, Amendments & Study Bills
March 01, 2011

Senate File 346 - Introduced

SENATE FILE
BY SORENSON

A BILL FOR

An Act relating to agricultural land acquired by the department of natural resources, by providing for restrictions on the acquisition of new land, directing the sale of existing land, and authorizing the expenditure of sale proceeds for the benefit of state parks.

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

TLSB 2221XS (2) 84
da/nh

Senate File 346 - Introduced continued

PAG LIN

Section 1. NEW SECTION. 455A.10A State fish and game protection fund ==== acquisition of land.

The department shall not use moneys from the state fish and game protection fund to acquire any legal or equitable interest in land except as provided in section 455A.14.

Sec. 2. NEW SECTION. 455A.14 Restrictions upon the acquisition of land ==== funding source.

1. The department shall not use moneys appropriated directly from the general fund of the state to acquire any legal or equitable interest in land.

2. Notwithstanding subsection 1, the department may use moneys appropriated from the general fund of the state for the express purpose of land acquisition to the extent expressly required by statute.

3. Notwithstanding subsection 1, the department may use moneys appropriated from a source other than the general fund of the state to acquire a legal or equitable interest in land, if authorized by statute, regardless of whether the appropriated moneys originated from the general fund of the state. However, this subsection applies only if all the following conditions have been satisfied:

a. The land does not have an average corn suitability rating ranging from forty to one hundred, based on the most current soil maps for the county available at Iowa state university.

b. The department issues a statement justifying all reasons for the land's acquisition. The statement must be signed by the director of the department and published in the Iowa administrative bulletin at least sixty days prior to the acquisition. A copy of the statement must also be delivered to the fiscal services division of the legislative services agency prior to publication.

Sec. 3. NEW SECTION. 455A.14A Sale of agricultural land used for row crop farming.

1. The department shall sell all land that it owns if on July 1, 2010, such land was leased for row crop farming and

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such land has an average corn suitability rating ranging from fifty to one hundred, based on the most current soil maps for the county available at Iowa state university. The sale of such land shall be completed no later than June 30, 2014.

2. Any moneys received by the department from the sale of land subject to subsection 1 shall be considered repayment receipts as defined in section 8.2, and retained exclusively by the department for purposes of maintaining, repairing, or renovating state parks, including but not limited to structures or infrastructure associated with state parks. The department may also use the proceeds to purchase, maintain, or repair equipment used at state parks, including but not limited to lawn mowers.

3. The department shall submit a report to the general assembly by January 1 of each year detailing its plans to sell land described in subsection 1, its progress in completing the sales, the proceeds received from the sales, and the expenditure of those proceeds.

4. This section is repealed on July 1, 2015.

Sec. 4. Section 455A.19, subsection 1, paragraph a, Code 2011, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH An appropriation made under this paragraph "a" shall not be used to acquire any legal or equitable interest in land except as provided in section 455A.14.

EXPLANATION

This bill restricts the department of natural resources' expenditure of moneys for the acquisition of land. The moneys cannot derive directly from the general fund of the state, unless expressly required by statute. In addition, conditions are placed on the expenditure of moneys for land acquisition deriving from another source. First, the land cannot have an average corn suitability rating ranging from 40 to 100. Second, the department must publish a statement justifying the

Senate File 346 - Introduced continued

acquisition in the Iowa administrative bulletin. The statement must be signed by the director and delivered to the fiscal services division of the legislative services agency prior to publication.

The bill also requires the department to sell all land that it owns which was leased for row crop farming, if such land has an average corn suitability rating ranging from 50 to 100. The sale of the land must be completed no later than June 30, 2014. The sale proceeds are to be used by the department for purposes of maintaining, repairing, or renovating state parks. The department must submit a report to the general assembly by January 1 of each year detailing its progress in selling the land and use of the sale proceeds.

A corn suitability rating (CSR) is an index used to score different types of soil for potential row=crop productivity, with the highest rating being 100.

LSB 2221XS (2) 84
da/nh

Iowa General Assembly
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March 01, 2011

Senate File 347 - Introduced

SENATE FILE
BY SORENSON

A BILL FOR

An Act designating silver and gold coin as legal tender in payment of specified debts.

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

TLSB 2546XS (2) 84
rn/nh

Senate File 347 - Introduced continued

PAG LIN

Section 1. NEW SECTION. 421D.1 Legislative intent.
The general assembly finds and declares that the state is experiencing an economic crisis of severe magnitude caused in large part by the substitution of federal reserve notes for silver and gold coin as legal tender in this state. The general assembly also finds and declares that pursuant to Article I, section 10, paragraph 1 of the Constitution of the United States, and the tenth amendment to the Constitution of the United States, it is necessary to protect the safety, health, and welfare of the citizens of this state by guaranteeing them a constitutional and economically sound monetary system.

Sec. 2. NEW SECTION. 421D.2 Definitions.
For the purposes of this chapter, unless the context otherwise requires:

1. "Silver and gold coin" means the silver and gold coins of the United States coined and minted, or silver and gold coins of any foreign nation adopted as money of the United States, by authority of Congress pursuant to Article I, section 8, paragraph 5 of the Constitution of the United States and all new certificates of the United States issued by authority of Congress pursuant to Article I, section 8, paragraph 5 of the Constitution of the United States, which certificates are redeemable on demand in silver and gold coin at their face values. "Silver and gold coin" does not include any note, obligation, security, bill of credit, or other form or species of paper currency or other instrument or document intended to circulate as money emitted or issued by the United States or any department, agency, or office of the United States; or by the federal reserve system or any board, committee, member bank, instrumentality, official, or agent of the system.

2. "State" means the state of Iowa and all executive and administrative departments, agencies, courts, instrumentalities, and political subdivisions, and all elected and appointed officials, employees, and agents acting in their

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official capacities.

Sec. 3. NEW SECTION. 421D.3 Legal tender ==== debt payments.

Notwithstanding any other provision to the contrary, the state shall not recognize, employ, or compel any person or entity to recognize or employ anything other than silver and gold coin as a legal tender in payment of any debt arising out of the following:

1. Taxation by the state. The applicable authority for the tax shall mandate the calculation and payment of the tax in silver and gold coin.

2. Expropriation of private property pursuant to the exercise of the power of eminent domain by the state or by any entity privileged by the laws of the state to exercise this power.

3. Judgments, decrees, or orders of any court or administrative agency of this state in civil or criminal actions or proceedings, except where and only to the extent that the court or agency granting an award shall find, on the basis of clear and convincing evidence, that payment of silver and gold coin shall not constitute just compensation for the damages suffered by the prevailing party, and therefore shall mandate:

a. Specific performance of a contract or agreement by other than the payment of money.

b. Specific restitution of identifiable property other than money.

c. Other like relief, and contracts or agreements for the payment of wages, salaries, fees, or other monetary compensation to any person, corporation, or other entity who or which shall provide goods or services to the state in aid of performance of its governmental functions.

Sec. 4. NEW SECTION. 421D.4 Units and measures ==== dollar calculations.

1. The unit and measure for determining what shall constitute legal tender in payment of any debt specified in

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section 421D.3 is the standard silver dollar, containing three hundred seventy one and twenty=five hundredths grains or troy ounce equivalent of fine silver, as coined or minted by the authority of Congress from time to time pursuant to Article I, section 8, paragraph 5 of the Constitution of the United States.

2. The value of any silver or gold coin as legal tender in payment of any debt specified in section 421D.3 must be denominated in dollars and calculated as follows:

a. The value of any silver coin must be calculated by dividing the weight of fine silver in grains or troy ounce equivalent that the coin shall contain by three hundred seventy=one and twenty=five hundredths grains or troy ounce equivalent, and expressing the quotient in dollars.

b. The value of any gold coin shall be calculated by multiplying the weight of fine gold in grains or troy ounce equivalent that the coin shall contain by the proportion by weight between silver and gold as determined by the treasurer of state by dividing the product of such multiplication by three hundred seventy=one and twenty=five hundredths grains or troy ounce equivalent, and expressing the quotient in dollars.

c. At the beginning of each business day, the treasurer of state shall determine the average proportion by weight by which gold exchanges against silver in the major precious metals market or markets in the state, and shall immediately make available this determination to any person upon request without charge. This information shall be permanently certified and recorded by the treasurer of state.

d. On and after July 1, 2011, the state shall denominate all public accounts, and record the value of all public assets and liabilities, in standard silver dollars.

EXPLANATION

This bill designates silver and gold coin as legal tender in payment of specified debts.

The bill provides legislative intent that the general

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assembly finds and declares Iowa to be experiencing an economic crisis of severe magnitude caused in large part by the substitution of federal reserve notes for silver and gold coin as legal tender. The bill also provides that the general assembly finds and declares that pursuant to Article I, section 10, paragraph 1 of the Constitution of the United States, and the 10th amendment to the Constitution of the United States, it is necessary to protect the safety, health, and welfare of the citizens of this state by guaranteeing them a constitutional and economically sound monetary system.

The bill provides two definitions. The bill provides that "silver and gold coin" means the silver and gold coins of the United States coined and minted, or silver and gold coins of any foreign nation adopted as money of the United States, by authority of Congress and all new certificates of the United States issued by authority of Congress, which certificates are redeemable on demand in silver and gold coin at their face values. The bill states that "silver and gold coin" does not include any note, obligation, security, bill of credit, or other form or species of paper currency or other instrument or document intended to circulate as money emitted or issued by the United States or any department, agency, or office of the United States; or by the federal reserve system or any board, committee, member bank, instrumentality, official, or agent of the system. The bill provides that "state" means the state of Iowa and all executive and administrative departments, agencies, courts, instrumentalities, and political subdivisions, and all elected and appointed officials, employees, and agents acting in their official capacities.

The bill provides that, notwithstanding any other provision to the contrary, Iowa shall not recognize, employ, or compel any person or entity to recognize or employ anything other than silver and gold coin as a legal tender in payment of debts or obligations arising out of taxation by the state, where the applicable authority for the tax shall mandate the calculation

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and payment of the tax in silver and gold coin, or the taking of private property by eminent domain. Silver and gold coin shall also be legal tender in connection with judgments, decrees, or orders of any court or administrative agency of this state in civil or criminal actions or proceedings, except where and only to the extent that the court or agency granting an award shall find, on the basis of clear and convincing evidence, that payment of silver and gold coin shall not constitute just compensation for the damages suffered by the prevailing party.

The bill states that the unit and measure for determining what shall constitute legal tender is the standard silver dollar, containing 371.25 grains or troy ounce equivalent of fine silver. The bill also provides that the value of any silver or gold coin as legal tender must be denominated in dollars. The bill provides formulas for conversion of the value of a silver or gold coin into dollar equivalents.

The bill provides that at the beginning of each business day, the treasurer of state shall determine the average proportion by weight by which gold exchanges against silver in the major precious metals market or markets in the state, shall immediately make available the determination to any person upon request without charge, and shall permanently certify and record the determination. The bill further provides that on and after July 1, 2011, the state shall denominate all public accounts, and record the value of all public assets and liabilities, in standard silver dollars.

LSB 2546XS (2) 84
rn/nh

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SENATE FILE
BY COMMITTEE ON STATE GOVERNMENT

(SUCCESSOR TO SSB 1063)

A BILL FOR

An Act relating to establishment of an Iowa health benefit exchange, abolishment of the Iowa insurance information exchange, and including effective date provisions.

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

TLSB 2121SV (1) 84
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DIVISION I
IOWA HEALTH BENEFIT EXCHANGE

Section 1. NEW SECTION. 514M.1 Short title.

This Act shall be known and may be cited as the "Iowa Health Benefit Exchange Act".

Sec. 2. NEW SECTION. 514M.2 Findings.

The general assembly finds the following:

1. The cost of health insurance for individuals and employers in Iowa is increasing.

2. The cost of health insurance for state and local governments in Iowa is increasing.

3. The number of uninsured and underinsured persons in Iowa is increasing.

4. The federal Patient Protection and Affordable Care Act, Pub. L. No. 111=148, as amended by the federal Health Care and Education Reconciliation Act of 2010, Pub. L. No. 111=152, requires each state, by January 1, 2014, to establish an American health benefit exchange that facilitates the purchase of qualified health plans by qualified individuals and qualified small employers, as specified, and meets certain other requirements. The federal Act also requires each state to inform the secretary by January 1, 2013, that the state has the ability to implement the exchange by January 1, 2014.

5. The establishment of the Iowa health benefit exchange provides an opportunity to increase access to health care, expand health care coverage, lower the costs of health care, and provide the foundation for a sustainable health care system for Iowa citizens and employers.

Sec. 3. NEW SECTION. 514M.3 Purpose and intent.

It is the purpose of this chapter to do all of the following:

1. Enact the necessary state laws to be consistent with the federal Act.

2. Provide for the establishment of an American health benefit exchange as required by the federal Act to facilitate the purchase and sale of qualified health benefit plans in

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the individual market in this state and to provide for the establishment of a small business health options program, known as a small business health options program exchange, to assist qualified small employers in this state in facilitating the enrollment of their employees in qualified health benefit plans offered in the small group market.

3. Reduce the number of uninsured Iowans by creating an organized, transparent, and easy=to=navigate health insurance marketplace with low administrative costs that offers a choice of high=value health benefit plans for individuals and employers.

4. Provide qualified individuals and employers with the ability to claim available federal tax credits and cost=sharing subsidies, and to meet the personal responsibility requirements imposed under the federal Act.

Sec. 4. NEW SECTION. 514M.4 Definitions.

As used in this chapter, unless the context otherwise requires:

1. "Board" means the board of directors of the Iowa health benefit exchange.

2. "Commissioner" means the commissioner of insurance.

3. "Defined contribution arrangement health benefit plan" means an employer group health benefit plan individually selected by an employee of a small employer, within the actuarial tier of platinum, gold, silver, or bronze, as defined in the federal Act, selected by the small employer.

4. "Exchange" means the Iowa health benefit exchange established pursuant to section 514M.5.

5. "Federal Act" means the federal Patient Protection and Affordable Care Act, Pub. L. No. 111=148, as amended by the federal Health Care and Education Reconciliation Act of 2010, Pub. L. No. 111=152, and any amendments thereto, or regulations or guidance issued under, those acts.

6. a. "Health benefit plan" means a policy, contract, certificate, or agreement offered or issued by a health carrier

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to provide, deliver, arrange for, pay for, or reimburse any of the costs of health care services.

b. "Health benefit plan" does not include any of the following:

(1) Coverage only for accident, or disability income insurance, or any combination thereof.

(2) Coverage issued as a supplement to liability insurance.

(3) Liability insurance, including general liability insurance and automobile liability insurance.

(4) Workers' compensation or similar insurance.

(5) Automobile medical payment insurance.

(6) Credit=only insurance.

(7) Coverage for on=site medical clinics.

(8) Other similar insurance coverage, specified in federal regulations issued pursuant to Tit. XXVII of the federal Public Health Service Act, as enacted by the federal Health Insurance Portability and Accountability Act of 1996, Pub. L. No. 104=191, and amended by the federal Act, under which benefits for health care services are secondary or incidental to other insurance benefits.

c. "Health benefit plan" does not include any of the following benefits if they are provided under a separate policy, certificate, or contract of insurance or are otherwise not an integral part of the plan:

(1) Limited scope dental or vision benefits.

(2) Benefits for long=term care, nursing home care, home health care, community=based care, or any combination thereof.

(3) Other similar, limited benefits specified in federal regulations issued pursuant to the federal Health Insurance Portability and Accountability Act of 1996, Pub. L. No. 104=191.

d. "Health benefit plan" does not include any of the following benefits if the benefits are provided under a separate policy, certificate, or contract of insurance, there is no coordination between the provision of the benefits

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and any exclusion of benefits under any group health plan maintained by the same plan sponsor, and the benefits are paid with respect to an event without regard to whether benefits are provided with respect to such an event under any group health plan maintained by the same plan sponsor:

(1) Coverage only for a specified disease or illness.

(2) Hospital indemnity or other fixed indemnity insurance.

e. "Health benefit plan" does not include any of the following if offered as a separate policy, certificate, or contract of insurance:

(1) Medicare supplemental health insurance as defined under section 1882(g)(1) of the federal Social Security Act.

(2) Coverage supplemental to the coverage provided under 10 U.S.C. ch. 55, by the civilian health and medical program of the uniformed services.

(3) Supplemental coverage similar to that provided under a group health plan.

7. "Health carrier" means an entity subject to the insurance laws and rules of this state, or subject to the jurisdiction of the commissioner, that contracts or offers to contract to provide, deliver, arrange for, pay for, or reimburse any of the costs of health care services, including an insurance company offering sickness and accident plans, a health maintenance organization, a nonprofit hospital or health service corporation, or any other entity providing a plan of health insurance, health benefits, or health services.

8. "Insurance producer" means a person required to be licensed under chapter 522B to sell, solicit, or negotiate insurance.

9. "Qualified dental plan" means a limited scope dental plan that has been certified in accordance with section 514M.10.

10. "Qualified employer" means a small employer that elects to make its full=time employees eligible for one or more qualified health benefit plans offered through the small business health options program exchange, and at the option of

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the employer, some or all of its part=time employees, provided that the employer does either of the following:

a. Has its principal place of business in this state and elects to provide coverage through the small business health options program exchange to all of its eligible employees wherever employed.

b. Elects to provide coverage through the small business health options program exchange to all of its eligible employees who are principally employed in this state.

11. "Qualified health benefit plan" means a health benefit plan that has in effect a certification that the plan meets the criteria for certification described in section 1311(c) of the federal Act and section 514M.10.

12. "Qualified individual" means an individual, including a minor, who is all of the following:

a. Is seeking to enroll in a qualified health plan offered to individuals through the exchange.

b. Is a resident of this state.

c. At the time of enrollment, is not incarcerated, other than incarceration pending the disposition of charges.

d. Is, and is reasonably expected to be, for the entire period for which enrollment is sought, a citizen or national of the United States or an alien lawfully present in the United States.

13. "Resident" means a person who is a resident of this state for state income tax purposes.

14. "Secretary" means the secretary of the United States department of health and human services.

15. "Small business health options program exchange" means the small business health options program exchange established under section 514M.9.

16. a. "Small employer" means an employer that employed an average of one to fifty employees during the preceding calendar year.

b. For the purposes of this subsection:

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(1) All persons treated as a single employer under subsection (b), (c), (m), or (o) of section 414 of the Internal Revenue Code of 1986 shall be treated as a single employer.

(2) An employer and any predecessor employer shall be treated as a single employer.

(3) All employees shall be counted, including part=time employees and employees who are not eligible for coverage through the employer.

(4) If an employer was not in existence throughout the preceding calendar year, the determination of whether that employer is a small employer shall be based on the average number of employees that is reasonably expected that employer will employ on business days in the current calendar year.

(5) An employer that makes enrollment in qualified health plans available to its employees through the small business health options program exchange, and would cease to be a small employer by reason of an increase in the number of its employees, shall continue to be treated as a small employer for purposes of this chapter as long as it continuously makes enrollment through the small business health options program exchange available to its employees.

Sec. 5. NEW SECTION. 514M.5 Iowa health benefit exchange established.

1. The Iowa health benefit exchange is established as a nonprofit corporation under the purview of the office of the governor.

2. The exchange shall operate under a plan of operation established and approved under section 514M.8 and shall exercise its powers through a board of directors established under section 514M.6. The board shall implement and direct the activities of the exchange, whose purpose is to create and administer a state=based exchange, as described in section 1311 of the federal Act and this chapter.

3. The exchange shall facilitate the availability, choice, and adoption of private health benefit plans to eligible

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individuals and groups as described in this chapter and in the federal Act.

4. The exchange shall make individual and small employer group coverage available to Iowa residents no later than January 1, 2014.

5. The exchange shall be considered a governmental body for the purposes of chapter 21 and a government body for the purposes of chapter 22.

Sec. 6. NEW SECTION. 514M.6 Board of directors.

1. There is a board of directors of the exchange which shall carry out the powers and duties of the exchange as set forth in this chapter.

2. The board of directors of the exchange shall consist of seven voting members and two nonvoting members. The voting members shall be appointed by the governor, subject to confirmation by the senate. The governor shall designate one voting member as chairperson and one as vice chairperson. The nonvoting members shall be the commissioner of insurance and the director of human services or their designees.

3. Each member of the board appointed by the governor shall be a resident of this state and the composition of the voting members of the board shall be in compliance with sections 69.16, 69.16A, and 69.16C.

4. The voting members of the board shall be appointed for staggered terms of three years within sixty days after the effective date of this Act and by December 15 of each year thereafter. The initial terms of the voting members of the board shall be staggered at the discretion of the governor. A voting member of the board is eligible for reappointment. The governor shall fill a vacancy on the board in the same manner as the original appointment for the remainder of the term. A voting member of the board may be removed by the governor for misfeasance, malfeasance, willful neglect of duty, failure to actively participate in the affairs of the board, or other cause after notice and a public hearing unless the notice and

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hearing are waived by the member in writing.

5. The voting members of the board shall include representatives of consumers and small employers as well as individuals that are knowledgeable about health insurance, health finance, and health systems.

6. A voting member of the board shall not be an employee of, a consultant to, a member of the board of directors of, affiliated with, have an ownership interest in, or otherwise be a representative of any health carrier, insurance producer agency, insurance consultant organization, trade association of insurers, or association offering health insurance coverage to its members, while serving on the board.

7. Voting members of the board may be reimbursed from the moneys of the exchange for expenses incurred by them as members, but shall not be otherwise compensated by the exchange for their services.

8. A majority of the voting members of the board constitutes a quorum. The affirmative vote of a majority of the voting members is necessary for any action taken by the board. The majority shall not include a member who has a conflict of interest and a statement by a member of a conflict of interest is conclusive for this purpose. A vacancy in the membership of the board does not impair the right of a quorum to exercise the rights and perform the duties of the board. An action taken by the board under this chapter may be authorized by resolution at a regular or special meeting and each resolution shall take effect immediately and need not be published or posted. Meetings of the board shall be held at the call of the chairperson or at the request of a majority of the voting members.

9. The voting members of the board shall give bond as required for public officers in chapter 64.

10. The voting members of the board are subject to and are officials within the meaning of chapter 68B.

Sec. 7. NEW SECTION. 514M.7 Executive director ==== staff.

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1. The voting members of the board shall meet, and within forty=five days of their appointment to the board, appoint an executive director to supervise the administrative affairs and general management and operations of the exchange. The executive director shall not be a member of the board, shall serve at the pleasure of the board, and shall receive compensation as fixed by the board.

2. The executive director of the exchange shall keep a record of the proceedings of the board and shall be the custodian of all books, documents, and papers filed with the board, the minute book or journal of the board, and the official seal of the board. The executive director may cause copies to be made of minutes and other records and documents of the board and may give certificates under the official seal of the board that the copies are true copies, and persons dealing with the board may rely upon the certificates.

3. The executive director shall, with the approval of the board, do all of the following:

a. Plan, direct, coordinate, and execute administrative functions of the exchange in conformity with the policies and directives of the board.

b. Employ professional and clerical staff as necessary.

c. Report to the board on all operations under the executive director's control and supervision.

d. Prepare an annual budget and manage the administrative expenses of the exchange.

e. Undertake any other activities necessary to implement the powers and duties of the board.

Sec. 8. NEW SECTION. 514M.8 General requirements for the exchange ==== plan of operation.

1. The exchange shall be organized as a nonprofit corporation and shall submit to the commissioner a plan of operation for the exchange within ninety days after the appointment of the board of directors. After notice and hearing, the commissioner shall approve the plan of operation

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if the plan is determined to be suitable to assure the fair, reasonable, and equitable administration of the exchange and to meet the requirements of federal and state law for a state health benefit exchange. In addition to other requirements, the plan of operation shall provide for all of the following:

a. The handling and accounting of assets and moneys of the exchange, including the power to borrow money, and to establish lines of credit and cash and investment accounts.

b. The amount and method of reimbursing members of the board for expenses incurred by them as members.

c. Regular times and places for meetings of the board.

d. Records to be kept of all financial transactions, and the annual audit and fiscal reporting to the secretary, the governor, the commissioner, the general assembly, and the public.

e. Hiring independent consultants as necessary.

f. Procedures and criteria detailing the implementation of the activities and duties assigned to the exchange pursuant to this chapter and applicable federal law.

g. Adoption of bylaws to regulate the affairs and the conduct of the exchange's business.

h. Maintenance of an office within the state at such place or places as the exchange may designate.

i. The power to approve the use of trademarks, brand names, seals, logos, and other similar instruments by participating health carriers, employers, or organizations.

j. Additional provisions necessary or proper for the execution of the powers and duties of the exchange.

k. The assessment of health carriers in the state to fund the operation of the exchange as provided in section 514M.12.

2. The exchange has the power to enter into agreements with other state and federal agencies.

3. The exchange shall do the following:

a. Beginning no later than January 1, 2014, make qualified health benefit plans available to qualified individuals and

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qualified employers and facilitate the purchase and sale of such plans.

b. Beginning no later than January 1, 2014, provide for the establishment of a small business health options program exchange that is designed to assist qualified small employers in this state in facilitating the enrollment of their employees in qualified health benefit plans offered in the small group market in this state.

c. Beginning no later than January 1, 2014, provide an option for an eligible small employer to choose to participate in a defined contribution arrangement health benefit plan made available by the exchange.

d. Within sixty days of appointment of the board of directors, begin to collaborate with the commissioner to integrate the functions of the Iowa insurance information exchange established in section 505.32 into the Iowa health benefit exchange in order to ensure the most seamless transition possible from an insurance information exchange to the Iowa health benefit exchange within the time period prescribed by the federal Act.

4. The exchange may contract with an eligible entity for any of its functions described in this chapter, not otherwise delegated to the commissioner or the board. An eligible entity includes but is not limited to the department of public health, the department of human services, or an entity that has experience in individual and small group health insurance, benefit administration, or other experience relevant to the responsibilities of the exchange. However, a health carrier or an affiliate of a health carrier is not an eligible entity for the purposes of this subsection.

5. The exchange shall not make available any health benefit plan that is not a qualified health benefit plan.

6. The exchange shall allow a health carrier to offer a plan that provides limited scope dental benefits meeting the requirements of section 9832(c)(2)(A) of the Internal Revenue

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Code of 1986 through the exchange, either separately or in conjunction with a qualified health benefit plan, if the plan provides pediatric dental benefits meeting the requirements of section 1302(b)(1)(J) of the federal Act.

7. The exchange or a health carrier offering health benefit plans through the exchange shall not charge an individual a fee or penalty for termination of coverage if the individual enrolls in another type of minimum essential coverage because the individual has become newly eligible for that coverage or because the individual's employer=sponsored coverage has become affordable under the standards of the federal Act, to be codified at section 36B(c)(2)(C) of the Internal Revenue Code of 1986.

Sec. 9. NEW SECTION. 514M.9 Powers and duties of the exchange.

1. The exchange shall, according to the provisions of this chapter, applicable rules, and applicable federal laws and regulations do all of the following:

a. Implement procedures for the certification, recertification, and decertification of health benefit plans as qualified health benefit plans, consistent with guidelines developed by the secretary under section 1311(c) of the federal Act and applicable state law.

b. Provide for the operation of a toll=free telephone hotline to respond to requests for assistance.

c. Provide for enrollment periods, as determined by the secretary under section 1311(c)(6) of the federal Act and applicable state law.

d. Maintain an internet site through which enrollees, employers, and prospective enrollees of qualified health benefit plans, at a minimum, may obtain standardized comparative information on such plans. In developing the electronic clearinghouse, the board may require health carriers participating in the exchange to make available and regularly update an electronic directory of contracting health care

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providers so individuals seeking coverage through the exchange can search by health care provider name to determine which health benefit plans in the exchange include that health care provider in their network, and whether that health care provider is accepting new patients for that particular health benefit plan.

e. Assign a rating to each qualified health benefit plan offered through the exchange in accordance with criteria developed by the secretary under section 1311(c)(3) of the federal Act, and determine the level of coverage of each qualified health benefit plan in accordance with regulations issued by the secretary under section 1302(d)(2)(A) of the federal Act and applicable state law.

f. Utilize a standardized format for presenting health benefit plan options in the exchange, including the use of the uniform outline of coverage established under section 2715 of the Public Health Service Act and applicable state law.

g. In accordance with section 1413 of the federal Act and applicable state law, inform individuals of eligibility requirements for the Medicaid program under Tit. XIX of the federal Social Security Act, the children's health insurance program under Tit. XXI of the federal Social Security Act, or any applicable state or local public program and if through screening of an application by the exchange, the exchange determines that any individual is eligible for any such program, enroll that individual in that program.

h. Establish and make available by electronic means a calculator to determine the actual cost of coverage after application of any premium tax credit under the standards of the federal Act to be codified at section 36B(c)(2)(C) of the Internal Revenue Code of 1986 and any cost=sharing reduction under section 1402 of the federal Act.

i. Establish a small business health options program exchange through which individuals employed by qualified employers may enroll in any qualified health benefit plan

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offered through the small business health options program exchange at the level of coverage specified by the employer. In establishing a small business health options program exchange, the exchange shall do all of the following:

(1) Provide consolidated billing and premium payment by employers including detailed information to employers on health benefit plans and costs chosen by their employees.

(2) Establish an electronic interface and facilitate the flow of funds between health carriers, employers, and employees, including subsidies and the use of free choice vouchers as provided in the federal Act.

(3) Provide plan enrollment information to employers.

j. Establish guidelines consistent with procedures established pursuant to the federal Act that allow insurance producers to assist individuals and small employers in purchasing qualified health benefit plans from the exchange and receive a commission from the exchange for the services provided by them. If an insurance producer receives a commission from the carrier that issues a qualified health benefit plan, the producer shall not collect a commission from the exchange.

k. Subject to section 1411 of the federal Act and applicable state law, grant a certification attesting that, for purposes of the individual responsibility penalty under the standards of the federal Act to be codified at section 5000A of the Internal Revenue Code of 1986, an individual is exempt from the individual responsibility requirement or from the penalty imposed by that section because of any of the following:

(1) There is no affordable qualified health benefit plan available through the exchange, or the individual's employer, covering the individual.

(2) The individual meets the requirements for any other such exemption from the individual responsibility requirement or penalty.

l. Transfer to the United States secretary of the treasury

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all of the following:
(1) A list of the individuals who are issued a certification under paragraph "k", subparagraph (1), including the name and taxpayer identification number of each individual.
(2) The name and taxpayer identification number of each individual who was an employee of an employer but who was determined to be eligible for the premium tax credit under the standards of the federal Act to be codified at section 36B(c)(2)(C) of the Internal Revenue Code of 1986 because of either of the following:
(a) The employer did not provide minimum essential health benefits coverage.
(b) The employer provided the minimum essential health benefits coverage, but it was determined under the standards of the federal Act to be codified at section 36B(c)(2)(C) of the Internal Revenue Code of 1986 to either be unaffordable to the employee or not provide the required minimum actuarial value.
(3) The name and taxpayer identification number of all of the following:
(a) Each individual who notifies the exchange under section 1411(b)(4) of the federal Act that the individual has changed employers.
(b) Each individual who ceases coverage under a qualified health benefit plan during a plan year and the effective date of that cessation.
m. Provide to each employer the name of each employee of the employer described in paragraph "l", subparagraph (2), who ceases coverage under a qualified health benefit plan during a plan year and the effective date of the cessation.
n. Perform duties required of, or delegated to, the exchange by the secretary, the United States secretary of the treasury, or the commissioner related to determining eligibility for premium tax credits, reduced cost=sharing, or individual responsibility requirement exemptions.
o. Select entities qualified to serve as navigators

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in accordance with section 1311(i) of the federal Act and applicable state law and award grants to enable navigators to do the following:

(1) Conduct public education activities for individuals and small employers to raise awareness of the availability of qualified health benefit plans.

(2) Distribute fair and impartial information concerning enrollment in qualified health benefit plans, and the availability of premium tax credits under the standards of the federal Act to be codified at section 36B(c)(2)(C) of the Internal Revenue Code of 1986, cost=sharing reductions under section 1402 of the federal Act, federal employer health tax credits, and state employer health tax credits and subsidies.

(3) Facilitate enrollment in qualified health benefit plans.

(4) Provide referrals to the office of health insurance consumer assistance established under the federal Act pursuant to section 2793 of the federal Public Health Service Act and the office of the commissioner or any other appropriate state agency, for any enrollee with a grievance, complaint, or question regarding the enrollee's health benefit plan, coverage, or a determination under that plan or coverage.

(5) Provide information in a manner that is culturally and linguistically appropriate to the needs of the population being served by the exchange.

p. In consultation with the commissioner, review the rate of premium growth within the exchange and outside the exchange, and consider the information in developing recommendations on whether to continue limiting qualified employer status to small employers.

q. Credit the amount of any free choice voucher to the monthly premium of the plan in which a qualified employee is enrolled, in accordance with section 10108 of the federal Act, and collect the amount credited from the offering employer.

r. Consult with stakeholders who are relevant to carrying

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out the activities required under this chapter including but not limited to the following:

(1) Educated health care consumers who are individuals that are knowledgeable about the health care system, have a background or experience in making informed decisions regarding health, medical, and scientific matters, and who are enrollees in qualified health benefit plans.

(2) Individuals and entities with experience in facilitating enrollment in qualified health benefit plans.

(3) Representatives of small businesses and self=employed individuals.

(4) The department of human services.

(5) The commissioner.

(6) The department of public health.

(7) Advocates for enrolling hard=to=reach populations.

s. Seek and receive federal grants available pursuant to section 1311 of the federal Act and other grant funding available from private or government sources.

t. Require qualified health benefit plans to provide information and make disclosures to enrollees required by state and federal law.

u. Require qualified health benefit plans to implement activities to reduce health care access disparities, including the use of language services, community outreach, and cultural competency training for employees of such plans.

v. Assist in the implementation of reinsurance and risk adjustment mechanisms, as required by state and federal law.

w. Publicize the existence of the exchange, the eligibility and enrollment requirements of the exchange, and the benefits and advantages of purchasing coverage through the exchange.

x. Develop services that aid small employers in the administration of their group health benefit plans.

y. Facilitate the development of cafeteria plans pursuant to section 125 of the Internal Revenue Code of 1986, for use by employers participating in the exchange.

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z. Establish guidelines for determining what state licensure requirements for insurance producers are applicable, if any, to the exchange and to exchange employees and entities or persons who are qualified as navigators.

aa. Examine methods to limit health benefit plan design options to create adequate consumer choice and value, while avoiding unnecessary, duplicative, and confusing plan designs.

ab. Encourage the development of health benefit plans that promote wellness, preventative health care, and new innovations in health care delivery systems that promote efficiency, curb health care costs, and provide value to health care consumers.

ac. Develop strategies that encourage the participation of health carriers in the exchange, including cooperatives and multistate plans, that offer good value to consumers and have high=quality ratings.

ad. Develop strategies to ensure the viability of the exchange by minimizing adverse risk selection.

ae. Meet all of the following financial integrity requirements:

(1) Keep an accurate accounting of all activities, receipts, and expenditures of the exchange and annually submit to the secretary, the governor, the commissioner, the general assembly, and the public, a report concerning such accountings as provided in section 514M.12.

(2) Fully cooperate with any investigation conducted by the secretary pursuant to the secretary's authority under the federal Act and allow the secretary, in coordination with the inspector general of the United States department of health and human services to do all of the following:

(a) Investigate the affairs of the exchange.

(b) Examine the properties and records of the exchange.

(c) Require periodic reports in relation to the activities undertaken by the exchange.

(3) In carrying out its activities under this chapter, not use any funds intended for the administrative and operational

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expenses of the exchange for staff retreats, promotional giveaways, excessive executive compensation, or promotion of federal or state legislative and regulatory modifications.

2. The exchange has the power to enter into agreements with other state and federal agencies.

3. The exchange shall encourage cross=agency consultation and coordination and shall consult regularly with the commissioner, department of human services, department of public health, and where appropriate, the attorney general, all of which shall be required to lend expertise and resources to the exchange as needed.

4. The exchange shall coordinate its activities with the Iowa Medicaid enterprise of the department of human services, the department of revenue, and the insurance division of the department of commerce to ensure that the state fulfills the requirements of the federal Act and to ensure that there is a seamless integration of the functions of the exchange, the Medicaid program, and the hawk=i program including eligibility determinations and distribution of premium subsidies and other cost=sharing assistance.

5. The exchange may enter into information=sharing agreements with federal and state agencies and other state exchanges to carry out its responsibilities under this chapter provided such agreements include adequate protections with respect to the confidentiality of the information to be shared and comply with all state and federal laws and regulations.

6. The exchange may establish and manage a system of aggregating all moneys paid as tax credits, premium subsidies, and premium payments made by, or on behalf of, individuals obtaining coverage through the exchange, including any premium payments made by employers, enrollees, employees, unions, or other organizations and paying those moneys to the health carrier.

Sec. 10. NEW SECTION. 514M.10 Health benefit plan certification.

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1. The exchange may certify a health benefit plan as a qualified health benefit plan if the plan meets all of the following criteria:

a. The plan provides the essential health benefit package described in section 1302(a) of the federal Act, except that the plan is not required to provide essential benefits that duplicate the minimum benefits of qualified dental plans, as provided in subsection 7, if all of the following occur:

(1) The exchange determines that at least one qualified dental plan is available to supplement the plan's coverage.

(2) The health carrier makes a prominent disclosure at the time it offers the plan, in a form approved by the exchange, that the plan does not provide the full range of essential pediatric benefits and that qualified dental plans providing those benefits and other dental benefits not covered by the plan are offered through the exchange.

b. The premium rates and contract language have been approved by the commissioner.

c. The plan provides at least a bronze level of coverage, as that level is defined by the federal Act, unless the plan is certified as a qualified catastrophic plan, meets the requirements of the federal Act for catastrophic plans, and will only be offered to individuals eligible for catastrophic coverage.

d. The plan's cost=sharing requirements do not exceed the limits established under section 1302(c)(1) of the federal Act, and if the plan is offered through the small business health options program exchange, the plan's deductible does not exceed the limits established under section 1302(c)(2) of the federal Act.

e. The health carrier offering the plan meets all of the following criteria:

(1) Is licensed and in good standing to offer health insurance coverage in this state.

(2) Has received form and rate prior approval from the

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commissioner for that health benefit plan as required by statute.

(3) Offers at least one qualified health benefit plan in the silver level and at least one qualified health plan in the gold level, as those levels are defined in the federal Act, through each component of the exchange in which the health carrier participates, where component refers to the small business health options program exchange and to the exchange for individual coverage.

(4) Charges the same premium rate for each qualified health benefit plan without regard to whether the plan is offered through the exchange and without regard to whether the plan is offered directly from the health carrier or through an insurance producer.

(5) Does not charge any termination of coverage fees or penalties in violation of section 514M.8.

(6) Offers at least one qualified health benefit plan in the silver level and at least one qualified health benefit plan in the gold level, as those levels are defined in the federal Act, outside the exchange, unless the health carrier does not offer any health benefit plans outside the exchange.

(7) Complies with the regulations developed by the secretary under section 1311(d) of the federal Act, applicable state laws, and such other requirements as the exchange may establish.

f. The plan meets the requirements of certification as adopted by rule pursuant to this section and by the secretary under section 1311(c) of the federal Act, which include but are not limited to minimum standards in the areas of marketing practices, network adequacy, essential community providers in underserved areas, accreditation, quality improvement, uniform enrollment forms and descriptions of coverage, and information on quality measures for health benefit plan performance.

g. The exchange determines that making the health benefit plan available through the exchange is in the interest of

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qualified individuals and qualified employers in the state.

2. The exchange shall not exclude a health benefit plan from certification for any of the following reasons:

a. On the basis that the plan is a fee=for=service plan.

b. Through the imposition of premium price controls.

c. On the basis that the health benefit plan provides treatments necessary to prevent patients' deaths in circumstances the exchange determines are inappropriate or too costly.

3. The exchange has the authority to limit participation in the exchange, to the extent permitted by the federal Act and by the United States department of health and human services, to the health benefit plans that the exchange determines offer the best value, meaning the best combination of price and quality. In making a determination of which health benefit plans offer the best value, the exchange should consider all of the following:

a. Rates and rate increases of the health benefit plan.

b. Health care effectiveness data, and information set and consumer assessment of health care providers and systems scores.

c. Implementation of payment mechanisms by the plan to reduce medical errors and preventable hospitalizations, reduce disparities in access to and quality of health care, and improve language access.

d. The extent to which cost=sharing creates barriers to treatment for lower=income enrollees.

4. The exchange shall require each health carrier seeking certification of a health benefit plan as a qualified health benefit plan to do the following:

a. Provide notice of any proposed premium increase and a justification for the increase to the exchange and to affected policyholders before implementation of that increase. The health carrier shall prominently post the information on its internet site. The exchange shall take this information, along

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with the information and the recommendations provided to the exchange by the commissioner under the federal Act pursuant to section 2794(b) of the federal Public Health Service Act and applicable state law, into consideration when determining whether to allow the health carrier to make health benefit plans available through the exchange.

b. Make available to the public, in the format described in paragraph "c", and submit to the exchange, the secretary, and the commissioner, accurate and timely disclosure of all of the following:

(1) Claims payment policies and practices.

(2) Periodic financial disclosures.

(3) Data on enrollment.

(4) Data on disenrollment.

(5) Data on the number of claims that are denied.

(6) Data on rating practices.

(7) Information on cost=sharing and payments with respect to any out=of=network coverage.

(8) Information on enrollee and participant rights under Tit. I of the federal Act and applicable state law.

(9) Other information as determined appropriate by the secretary, the exchange, or the commissioner.

c. The information required in paragraph "b" shall be provided in plain language, as that term is defined in section 1311(e) of the federal Act, as amended by section 10104 of the federal Act, and applicable state law.

5. The exchange shall permit individuals to learn, in a timely manner upon the request of an individual, the amount of cost=sharing, including deductibles, copayments, and coinsurance, under the individual's plan or coverage that the individual would be responsible for paying with respect to the furnishing of a specific item or service by a participating provider. At a minimum, this information shall be made available to the individual through an internet site and through other means for individuals without access to the

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internet.

6. The exchange shall not exempt any health carrier seeking certification of a health benefit plan, regardless of the type or size of the health carrier, from applicable state licensure or solvency requirements and shall apply the criteria of this section in a manner that assures a level playing field between or among health carriers participating in the exchange.

7. a. The provisions of this chapter that are applicable to qualified health benefit plans shall also apply to the extent relevant to qualified dental plans except as modified in accordance with the provisions of paragraphs "b", "c", and "d" or by rules adopted by the exchange.

b. A health carrier shall be licensed to offer dental coverage, but is not required to be licensed to offer other health benefits.

c. A qualified dental plan shall be limited to dental and oral health benefits, without substantially duplicating the benefits typically offered by health benefit plans without dental coverage and shall include, at a minimum, the essential pediatric dental benefits prescribed by the secretary pursuant to section 1302(b)(1)(J) of the federal Act, and such other dental benefits as the exchange or the secretary may specify by regulation or rule.

d. Health carriers may jointly offer a comprehensive plan through the exchange in which the dental benefits are provided by a health carrier through a qualified dental plan and the other benefits are provided by a health carrier through a qualified health benefit plan, provided that the plans are priced separately and are also made available for purchase separately at the same price.

Sec. 11. NEW SECTION. 514M.11 Advisory committees.

1. The board shall establish one or more advisory committees consisting of representatives from the insurance industry, producer organizations, consumer advocacy groups, labor unions, employers, health care providers, and other interested parties.

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The advisory committees shall meet when requested by the board.

2. An advisory committee may offer input to the board regarding proposed rules, the plan of operation for the exchange, and any other topics relevant to the exchange.

3. Public participation and comment, including written comments, shall be encouraged by an advisory committee.

Sec. 12. NEW SECTION. 514M.12 Funding for the exchange ==== assessments ==== annual financial report.

1. Funding to operate the exchange shall come from federal and private grants and from assessment fees charged to health carriers. The exchange shall charge an assessment fee to all health carriers in this state, as necessary to support the operations of the exchange as provided under this chapter. No state funding shall be appropriated or allocated for the operation or administration of the exchange. The assessment shall provide for the sharing of exchange losses and expenses on an equitable and proportionate basis among health carriers in the state as provided in this section.

2. Following the close of each calendar year, the exchange shall determine the net premiums and payments, the expenses of administration, and the incurred losses of the exchange for the year. The exchange shall certify the amount of any net loss for the preceding calendar year to the commissioner and director of revenue. Any loss shall be assessed by the exchange to all health carriers in proportion to the health carriers' respective shares of total health insurance premiums or payments for subscriber contracts received in Iowa during the second preceding calendar year, or to their paid losses in the year, coinciding with or ending during the calendar year or on any other equitable basis as provided in the plan of operation. In sharing losses, the exchange may abate or defer in any part the assessment of a health carrier, if, in the opinion of the board, payment of the assessment would endanger the ability of the health carrier to fulfill its contractual obligations. The exchange may also provide for an initial or

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interim assessment against health carriers if necessary to assure the financial capability of the exchange to meet the incurred or estimated claims expenses or operating expenses of the exchange until the next calendar year is completed. Net gains, if any, shall be held at interest to offset future losses or allocated to reduce future expenses of the exchange.

a. For purposes of this subsection, "total health insurance premiums" and "payments for subscriber contracts" include, without limitation, premiums or other amounts paid to or received by a health carrier for individual and group health benefit plan coverage provided under any chapter of the Code or of any Iowa Acts, and "paid losses" includes, without limitation, claims paid by a health carrier operating on a self=funded basis for individual and group health benefit plan coverage provided under any chapter of the Code or of any Iowa Acts.

b. For purposes of calculating and conducting the assessment, the exchange shall have the express authority to require health carriers to report on an annual basis each health carrier's total health insurance premiums and payments for subscriber contracts and paid losses. A health carrier is liable for its share of the assessment calculated in accordance with this section regardless of whether it participates in the individual insurance market.

3. The exchange is subject to examination by the commissioner. The exchange shall conduct periodic audits to assure the general accuracy of the financial data submitted to the exchange, and the exchange shall have an annual audit of its operations made by an independent certified public accountant. The results of that audit shall be provided to the governor, the commissioner, the general assembly, and the public. Not later than April 30 of each year, the board of directors shall submit to the secretary, the governor, the commissioner, the general assembly, and the public a financial report for the preceding calendar year in a form approved by

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the commissioner and in compliance with federal law.

4. The exchange is subject to oversight by the legislative fiscal committee of the legislative council. Not later than April 30 of each year, the board of directors shall submit to the legislative fiscal committee a financial report for the preceding year in a form approved by the committee.

5. The exchange is exempt from payment of all fees and all taxes levied by this state or any of its political subdivisions.

6. The exchange shall publish the average costs of licensing, regulatory fees, and any other payments required by the exchange, and the administrative costs of the exchange, on the exchange internet site to educate consumers and employers about the costs of operating the exchange. This information shall include moneys lost to waste, fraud, and abuse.

Sec. 13. NEW SECTION. 514M.13 Annual exchange status report.

1. Every year the board shall examine the operations of the exchange and the demographics of the persons enrolled in the exchange and submit a written exchange status report to the secretary, the governor, the commissioner, the general assembly, and the public. The exchange status report shall include a review of the following:

a. The operation and administration of the exchange, including but not limited to:

(1) Surveys and reports of health benefit plans available to eligible individuals and employers and the experience of the plans.

(2) Administrative costs, claims statistics, complaint data, and goals defined and achieved by the board during the preceding year.

b. Information about the experience of health benefit plans available through the exchange including data on enrollees inside the exchange and on enrollees purchasing health benefit plans outside the exchange.

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c. Any other significant observations regarding the utilization of the individual exchange and the small business health options program exchange.

2. The first exchange report shall be due on April 15, 2015, and annually on that date thereafter.

3. On or before August 1, 2012, the board shall research, investigate, produce, and submit one or more reports as described in subsection 1 on the following topics:

a. Feasibility of merging the nongroup and small group health insurance markets and risk pools, and the resulting impact on premiums charged to individuals and small employer groups.

b. Feasibility of establishing a multistate exchange and the effects of a multistate exchange on health carriers and health care consumers in the state.

c. Development of strategies to reduce health care costs, such as encouraging the use of accountable care organizations and the medical home model, and the effect of such changes on health care costs and health insurance premiums for exchange enrollees.

d. Development of strategies to avoid adverse risk selection inside the exchange.

e. Feasibility of establishing a basic plan as described in the federal Act for individuals whose income levels fall between one hundred thirty=three percent and two hundred percent of the federal poverty level based on the number of people in the individual's household as defined by the most recently revised poverty income guidelines published by the United States department of health and human services and the possible impact of such a plan on the exchange, the health insurance market, and health care consumers in the state.

f. Feasibility of incorporating certain government=sponsored health benefit plans, such as state employee plans and school district plans, in the exchange and the possible impact on those plans, the exchange, and the

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health insurance market in the state.

Sec. 14. NEW SECTION. 514M.14 Relation to other laws.

Nothing in this chapter, and no action taken by the exchange pursuant to this chapter, shall be construed to preempt or supersede the authority of the commissioner to regulate the business of insurance in this state. Except as expressly provided to the contrary in this chapter, all health carriers offering qualified health benefit plans in this state shall comply fully with all applicable health insurance laws of this state and rules adopted and orders issued by the commissioner.

Sec. 15. EFFECTIVE UPON ENACTMENT. This division of this Act, being deemed of immediate importance, takes effect upon enactment.

DIVISION II

COORDINATING PROVISIONS

IOWA INSURANCE INFORMATION EXCHANGE

Sec. 16. REPEAL. Section 505.32, Code 2011, is repealed.

Sec. 17. EFFECTIVE DATE. This division of this Act takes effect December 31, 2013.

EXPLANATION

This bill relates to establishment of an Iowa health benefit exchange, and repeal of a provision establishing the Iowa health insurance information exchange.

DIVISION I ==== IOWA HEALTH BENEFIT EXCHANGE. Division I of the bill contains new Code chapter 514M, which establishes the Iowa health benefit exchange (exchange) to comply with the requirement of the federal Patient Protection and Affordable Care Act (PPACA) that each state establish a health benefit exchange by January 1, 2014, to facilitate the purchase of qualified health benefit plans by qualified individuals and qualified small employers and meet other requirements specified in state and federal law.

The exchange is established as a nonprofit corporation under the purview of the governor. The exchange operates under bylaws and a plan of operation approved by the commissioner of

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insurance. The exchange is subject to the Iowa open meetings and open records laws.

The exchange exercises its powers through a nine=member board of directors, seven of whom are voting members and are appointed by the governor and confirmed by the senate, and the commissioner of insurance and director of human services, or their designees, who are nonvoting members. The composition of the board is subject to state requirements of equality in political affiliation, gender balance, and minority representation. The voting members of the board may be reimbursed from the moneys of the exchange only for expenses and do not receive any other compensation for their services.

The members of the board must be appointed by the governor within 60 days after enactment of division I of the bill. The plan of operation of the exchange must be submitted to the commissioner within 90 days after the appointment of the board. The board must meet, and within 45 days of their appointment, appoint an executive director to supervise the administrative affairs and general management and operations of the exchange. The executive director may also employ professional and clerical staff for the exchange as necessary.

Beginning no later than January 1, 2014, the exchange is required to make qualified health benefit plans available to qualified individuals and qualified employers, and facilitate the purchase and sale of such plans; provide for the establishment of a small business health options program (SHOP) exchange to assist qualified small employers in Iowa in facilitating the enrollment of their employees in qualified health benefit plans offered in the small group market in this state; and provide an option for an eligible small employer to choose to participate in a defined contribution arrangement health benefit plan made available by the exchange. Within 60 days of appointment of the board of directors, the exchange is required to begin to collaborate with the commissioner of insurance to integrate the functions of the Iowa insurance

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information exchange into the new Iowa health benefit exchange consistent with state and federal law. The bill specifies the powers and duties of the exchange to carry out the intent of the chapter consistent with the PPACA and state law.

The exchange is given parameters for certifying health benefit plans as qualified health benefit plans. Under the PPACA, only qualified health benefit plans can be sold through the exchange and a health benefit plan must be certified as meeting certain minimum standards specified in the PPACA and in this bill to be certified as a qualified health benefit plan. Also, a health carrier must meet certain standards in order to have its plans certified so that the plans can be offered through the exchange. Licensed insurance producers are allowed to assist individuals and small employers with purchasing qualified health benefit plans through the exchange and to receive a commission for doing so.

The board of the exchange is authorized to establish one or more advisory committees consisting of various stakeholders to offer input to the board concerning the exchange and topics relevant to the exchange.

Funding to operate the exchange comes from federal and private grants and from assessment fees charged to health carriers in the state. Pursuant to federal law, no state funding can be appropriated or allocated for the operation or administration of the exchange. The amount of the assessment for each health carrier to pay the exchange losses and expenses is to be shared on an equitable and proportionate basis based on the health carrier's respective share of total health insurance premiums or payments for subscriber contracts received in Iowa. The assessment formula to be utilized is similar to that used by HIPIowa.

The exchange is required to file an annual financial report including the results of an audit of the exchange by an independent certified public accountant to the secretary of the United States department of health and human services, the

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governor, the commissioner of insurance, the general assembly, the legislative fiscal committee of the legislative council, and the public. The exchange is also required to file an annual exchange status report that examines the operations of the exchange and the demographics of the persons enrolled in the exchange with the secretary of the United States department of health and human services, the governor, the commissioner of insurance, the general assembly, and the public. On or before August 1, 2012, the board of the exchange is required to submit one or more reports to these same persons on topics involving the feasibility of various strategies to reduce health care costs in the state.

Division I of the bill, establishing the Iowa health benefit exchange, takes effect upon enactment.

DIVISION II ==== IOWA INSURANCE INFORMATION EXCHANGE. In division II of the bill, Code section 505.32, which established the Iowa insurance information exchange, is repealed effective December 31, 2013.

LSB 2121SV (1) 84
pf:av/rj

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March 01, 2011

Senate File 349 - Introduced

SENATE FILE
BY CHELGREN, WHITVER, and SORENSON

(COMPANION TO HF 210)

A BILL FOR

An Act relating to the identification of historic properties by certain rural electric cooperatives.

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

TLSB 2051XS (3) 84
jr/nh

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Section 1. NEW SECTION. 303.19A Effort required of rural electric cooperatives receiving federal funding to identify historic properties.

1. When constructing electric distribution and transmission facilities, a rural electric cooperative receiving federal funding for the construction shall only be required to conduct an archeological site survey of its proposed route when, based upon a review of existing information on historic properties within the area of potential effects of the construction, it is determined that a historic property, as defined by the federal National Historic Preservation Act of 1966, as amended, is likely to exist within the proposed route.

2. An archeological site survey required to be conducted by a rural electric cooperative shall be designed to be no more arduous than the reasonable and good faith effort required under the federal National Historic Preservation Act of 1966, as amended, as interpreted by the advisory council on historic preservation, shall reflect the public interest, and shall take into account the likelihood and magnitude of potential impacts to historic properties and project costs.

EXPLANATION

The department of cultural affairs is responsible for administering the Iowa cultural resources survey and registration program which is to be operated in accordance with federal law. Site surveys of proposed routes of construction that have the potential to impact historic properties may be requested under this program if federal funds are used to finance the construction.

This bill establishes specific standards for surveys by rural electric cooperatives. The bill requires a rural electric cooperative to perform a site survey only when a historic property is likely to exist on the property. The survey itself must be a reasonable and good faith effort, balancing the impacts on the historic property and the project costs.

LSB 2051XS (3) 84
jr/nh

Iowa General Assembly
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March 01, 2011

Senate File 350 - Introduced

SENATE FILE
BY CHELGREN, GREINER,
ZAUN, WHITVER, BACON,
HAHN, BEHN, HOUSER,
ANDERSON, HAMERLINCK,
SEYMOUR, ERNST,
BERTRAND, SORENSON,
McKINLEY, and BARTZ

A BILL FOR

An Act relating to contract payments made by the state or an agency of the state.

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

TLSB 2360SS (4) 84
tm/sc

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Section 1. NEW SECTION. 72.6 Contract payments.

1. The state or an agency of the state shall either make full or partial payments as required under a contract or provide a written statement to the other party to the contract explaining the reason an invoice is in dispute within thirty days of one of the following dates, whichever is earliest:

a. The date the state or an agency of the state receives an invoice showing a payment is due and payable.

b. The date a payment becomes due and payable under a contract.

2. For purposes of this section, receipt of an invoice occurs at the time of actual physical or electronic delivery. In a dispute regarding the date of the receipt of an invoice, the burden of proof is on the state or agency of the state to establish by a preponderance of the evidence the date of receipt. An intake bates stamp using time and date and made with a tamper proof stamping mechanism shall be considered prima facie evidence of the date of receipt.

EXPLANATION

This bill relates to contract payments made by the state or an agency of the state.

The bill requires the state or an agency of the state to either make full or partial payments as required under a contract or provide a written statement to the other party to the contract explaining the reason an invoice is in dispute within 30 days of the date an invoice is received or the date a payment is due and payable under a contract, whichever is earlier. The bill provides that in a dispute regarding the date of the receipt of an invoice, the burden of proof is on the state or an agency of the state to establish by a preponderance of the evidence the date of receipt.

Senate File 351 - Introduced

SENATE FILE
BY CHELGREN, ZAUN, DIX, WHITVER, BACON, HAHN, BEHN, HOUSER, ANDERSON, HAMERLINCK, SEYMOUR, ERNST, BERTRAND, SORENSON, and McKINLEY

A BILL FOR

An Act relating to the tax rates imposed on corporations and including retroactive applicability provisions.

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

TLSB 2353XS (3) 84
tw/rj

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PAG LIN

Section 1. Section 422.33, subsection 1, Code 2011, is amended by striking the subsection and inserting in lieu thereof the following:

1. a. A tax is imposed annually upon each corporation doing business in this state, or deriving income from sources within this state, at the rate of six percent of the net income received by the corporation during the income year.

b. For purposes of this section:

(1) "Income from sources within this state" means income from real, tangible, or intangible property located or having a situs in this state.

(2) "Net income" means the net income as calculated in section 422.35 and determined to be reasonably attributable to Iowa pursuant to subsections 2 and 3.

Sec. 2. Section 422.33, subsection 1A, Code 2011, is amended to read as follows:

1A. There is imposed upon each corporation exempt from the general business tax on corporations by section 422.34, subsection 2, a tax at the ~~rates~~ rate specified in subsection 1 upon the state's apportioned share computed in accordance with subsections 2 and 3 of the unrelated business income computed in accordance with the Internal Revenue Code and with the adjustments set forth in section 422.35.

Sec. 3. Section 422.33, subsection 4, unnumbered paragraph 1, Code 2011, is amended to read as follows:

In addition to all taxes imposed under this division, there is imposed upon each corporation doing business within the state the greater of the tax determined in subsection 1~~, paragraphs "a" through "d"~~ or the state alternative minimum tax equal to sixty percent of the maximum state corporate income tax rate, rounded to the nearest one=tenth of one percent, of the state alternative minimum taxable income of the taxpayer computed under this subsection.

Sec. 4. RETROACTIVE APPLICABILITY. This Act applies retroactively to January 1, 2011, for tax years beginning on

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or after that date.

EXPLANATION

This bill relates to the tax rates applied to corporations.

Currently, the corporate income tax is imposed in a progressive manner using four income brackets with increasing rates: on the first $25,000 of income, the rate is 6 percent; on income between $25,000 and $100,000, the rate is 8 percent; on income between $100,000 and $250,000, the rate is 10 percent; on income of $250,000 or more, the rate is 12 percent. The bill eliminates this tiered bracket and rate structure and imposes the tax at the rate of 6 percent on the corporation's net income attributable to Iowa.

The bill applies retroactively to tax years beginning on or after January 1, 2011.

LSB 2353XS (3) 84
tw/rj

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Senate File 352 - Introduced

SENATE FILE
BY CHELGREN, ZAUN, and SORENSON

A BILL FOR

An Act relating to an exemption for smoking in public places, places of employment, and outdoor areas meeting certain conditions.

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

TLSB 2259XS (7) 84
pf/rj

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PAG LIN

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

NEW SUBSECTION. 12. a. A public place, place of employment, or outdoor area otherwise subject to the prohibitions of section 142D.3 that meets any of the following conditions:

(1) Entrance to the public place, place of employment, or outdoor area is restricted to individuals eighteen years of age or older.

(2) An enclosed area within the public place, place of employment, or outdoor area is restricted to individuals eighteen years of age or older and smoke does not infiltrate from the enclosed area into areas in which smoking is otherwise prohibited under section 142D.3.

b. This subsection shall not be construed to prohibit the owner, operator, manager, or other person having custody or control of a public place, place of employment, or outdoor area from designating the entire public place, place of employment, or outdoor area as a nonsmoking place pursuant to section 142D.5.

EXPLANATION

This bill exempts public places, places of employment, and outdoor areas otherwise subject to the prohibition against smoking from the prohibition if either of the following conditions is met: entrance to the public place, place of employment, or outdoor area is restricted to individuals 18 years of age or older; or an enclosed area within the public place, place of employment, or outdoor area is restricted to individuals 18 years of age or older and smoke does not infiltrate from the enclosed area into areas in which smoking is otherwise prohibited. The bill also provides that the bill is not to be construed to prohibit the owner, operator, manager, or other person having custody or control of a public place, place of employment, or outdoor area from designating the entire public place, place of employment, or outdoor area

Senate File 352 - Introduced continued

2 1 as a nonsmoking place.
LSB 2259XS (7) 84
pf/rj

Senate File 353 - Introduced

SENATE FILE
BY McKINLEY

A BILL FOR

An Act to require state agencies to accept public comments on proposed rulemaking in an electronic format.

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

TLSB 2399SS (2) 84
jr/sc

Senate File 353 - Introduced continued

PAG LIN

Section 1. Section 17A.4, subsection 1, paragraph b, Code 2011, is amended to read as follows:

b. Afford all interested persons not less than twenty days to submit data, views, or arguments in writing or in an electronic format. If feasible, an electronic format may include the use of electronic mail and posting to an internet site. If timely requested in writing by twenty=five interested persons, by a governmental subdivision, by the administrative rules review committee, by an agency, or by an association having not less than twenty=five members, the agency must give interested persons an opportunity to make oral presentation. The opportunity for oral presentation must be held at least twenty days after publication of the notice of its time and place in the Iowa administrative bulletin. The agency shall consider fully all written and oral submissions respecting the proposed rule. Within one hundred eighty days following either the notice published according to the provisions of paragraph "a" or within one hundred eighty days after the last date of the oral presentations on the proposed rule, whichever is later, the agency shall adopt a rule pursuant to the rulemaking proceeding or shall terminate the proceeding by publishing notice of termination in the Iowa administrative bulletin.

Sec. 2. Section 68B.2, subsection 13, paragraph b, subparagraph (8), Code 2011, is amended to read as follows:

(8) Persons whose activities are limited to submitting data, views, or arguments in writing or in an electronic format, or requesting an opportunity to make an oral presentation under section 17A.4, subsection 1.

EXPLANATION

This bill requires state agencies to accept public comments on proposed rulemaking in an electronic format, which would include electronic mail, posting on an internet site, and other forms of electronic communications.

LSB 2399SS (2) 84
jr/sc

Senate File 354 - Introduced

SENATE FILE
BY BEHN

A BILL FOR

An Act providing an exception from alcoholic beverage control business interest limitations for specified individuals.

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

TLSB 1906XS (5) 84
rn/nh

Senate File 354 - Introduced continued

PAG LIN

Section 1. Section 123.45, Code 2011, is amended to read as follows:

123.45 Limitations on business interests.

1. Except as provided in section 123.6, a commission member or division employee shall not, directly or indirectly, individually, or as a member of a partnership or shareholder in a corporation, have any interest in dealing in or in the manufacture of alcoholic liquor, wine, or beer, and shall not receive any kind of profit nor have any interest in the purchase or sale of alcoholic liquor, wine, or beer by persons so authorized under this chapter. However, this provision does not prohibit any member or employee from lawfully purchasing and keeping alcoholic liquor, wine, or beer in the member's or employee's possession for personal use.

2. A person engaged in the business of manufacturing, bottling, or wholesaling alcoholic beverages, wine, or beer, or any jobber, representative, broker, employee, or agent of such a person, shall not directly or indirectly supply, furnish, give, or pay for any furnishings, fixtures, or equipment used in the storage, handling, serving, or dispensing of alcoholic beverages, wine, beer, or food within the place of business of a licensee or permittee authorized under this chapter to sell at retail; nor shall the person directly or indirectly extend any credit for alcoholic beverages or beer or pay for any such license or permit~~,~~; nor directly or indirectly be interested in the ownership, conduct, or operation of the business of another licensee or permittee authorized under this chapter to sell at retail~~,~~; nor hold a retail liquor control license or retail wine or beer permit. ~~However, a~~

3. The limitations contained in subsection 2 shall be subject to the following exceptions:

a. A person engaged in the wholesaling of beer or wine may sell only disposable glassware, which is constructed of paper, paper laminated, or plastic materials and designed primarily for personal consumption on a one=time usage

Senate File 354 - Introduced continued

basis, to retailers for use within the premises of licensed establishments, for an amount which is greater than or equal to an amount which represents the greater of either the amount paid for the disposable glassware by the supplier or the amount paid for the disposable glassware by the wholesaler. ~~Also, a~~

b. A person engaged in the business of manufacturing beer may sell beer at retail for consumption on or off the premises of the manufacturing facility and, notwithstanding any other provision of this chapter or the fact that a person is the holder of a class "A" beer permit, may be granted not more than one class "B" beer permit as defined in section 123.124 for that purpose.

4. An employee of a person engaged in the business of manufacturing, bottling, or wholesaling alcoholic beverages, wine, or beer may also be employed by another licensee or permittee authorized under this chapter to sell alcoholic beverages at retail provided that the employee does not directly or indirectly possess an ownership interest in either business or engage in exclusionary practices as defined by rule.

5. A licensee or permittee who permits or assents to or is a party in any way to a violation or infringement of this section is guilty of a violation of this section.

EXPLANATION

This bill relates to provisions which restrict or limit potentially conflicting business interests among alcoholic beverage, wine, or beer licensees under Code chapter 123.

Among other restrictions, Code section 123.45 provides that a person engaged in the business of manufacturing, bottling, or wholesaling alcoholic beverages, wine, or beer, or any jobber, representative, broker, employee, or agent of such a person, shall not directly or indirectly be interested in the ownership, conduct, or operation of the business of another licensee or permittee authorized under Code chapter 123 to sell at retail. The bill creates an exception allowing an employee

Senate File 354 - Introduced continued

of a person engaged in the business of manufacturing, bottling, or wholesaling alcoholic beverages, wine, or beer to also be employed by another licensee or permittee authorized under the Code chapter to sell alcoholic beverages at retail, provided that the employee does not directly or indirectly possess an ownership interest in either business or engage in exclusionary practices as defined by rule.

LSB 1906XS (5) 84
rn/nh

Iowa General Assembly
Daily Bills, Amendments & Study Bills
March 01, 2011

Senate File 355 - Introduced

SENATE FILE
BY DANIELSON, McCOY, and BEALL

A BILL FOR

An Act relating to the construction and maintenance of walkways in rail yards and providing a penalty.

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

TLSB 2213XS (4) 84
dea/nh

Senate File 355 - Introduced continued

PAG LIN

Section 1. NEW SECTION. 327F.1A Definitions.
As used in this chapter, unless the context otherwise requires:
1. "Department" means the department of transportation.
2. "Director" means the director of transportation.
Sec. 2. NEW SECTION. 327F.37 Rail yard walkways.
1. Scope. This section applies to all walkways in rail yards in this state. This section does not apply to tracks constructed in industry yards owned by an entity other than a rail carrier.
2. Definitions. For purposes of this section, unless the context otherwise requires:
a. "Frequently" means at least five days per week, one shift per day.
b. "Good cause" includes but is not limited to a showing that compliance will impose an undue hardship on the rail carrier.
3. General requirements and recommendations.
a. (1) Walkways may be surfaced with asphalt, concrete, planking, grating, native material, crushed material, or other similar material. When crushed material is used, one hundred percent of the material must be capable of passing through a one and one=half inch square sieve opening, and not less than ninety percent of the material must be capable of passing through a one=inch square sieve opening; provided that a de minimus variation shall not be a violation of this section in an instance where the rail carrier has made a good faith effort to comply with the percentage requirements of this subparagraph.
(2) Crushed material smaller than that described in subparagraph (1) should be used whenever practicable, especially in places where drainage and durability issues do not exist. Material that is three=fourths inch or smaller in size is recommended for switching lead tracks.
b. Walkways shall have a reasonably uniform surface and

Senate File 355 - Introduced continued

be maintained in a safe condition without compromising track drainage.

c. Cross slopes for walkways shall not exceed one inch of elevation for each eight inches of horizontal length in any direction.

d. Walkways shall be at least two feet wide.

e. Walkways shall be kept reasonably free of spilled fuel oil, sand, posts, vegetation, nonballast rocks, and other hazards or obstructions.

4. Standard. A rail carrier shall provide walkways adjacent to those portions of yard tracks where rail carrier employees frequently work on the ground performing switching activities.

5. Other tracks.

a. If the department finds, after notice and hearing, that rail carrier employees who frequently work adjacent to a portion of track performing switching activities are exposed to safety hazards due to the lack of a walkway or due to the condition of a walkway constructed before July 1, 2009, the department may order a rail carrier to construct a walkway adjacent to a portion of track where employees perform switching activities or require a rail carrier to modify an existing walkway in conformance with subsection 4 within a reasonable period of time.

b. For purposes of this subsection, "frequently" means at least five days per week, one shift per day, or any other period the department deems frequent enough to warrant an order pursuant to this subsection.

6. Compliance. A rail carrier is excused from complying with this section during maintenance activities and during any period of heavy rain or snow, derailment, rock and earth slides, washouts, or similar weather or seismic conditions, and for a reasonable period after such conditions to allow a return to compliance.

7. Waivers. A rail carrier may petition the department for a waiver of any provision of this section for good cause shown.

Senate File 355 - Introduced continued

8. Enforcement. A formal complaint of an alleged violation of this section shall not be filed with the department until the filing party has attempted to address the allegations with the rail carrier. A complaint of an alleged violation of this part shall contain a written statement that the filing party has made a reasonable, good faith attempt to address the alleged violation with the rail carrier.

9. Penalties. A rail carrier who violates this section commits a "schedule one" violation. Each day a violation exists shall be considered a separate violation.

Sec. 3. Section 327F.39, subsection 1, paragraphs a and b, Code 2011, are amended by striking the paragraphs.

EXPLANATION

This bill establishes standards and requirements for the construction and maintenance of walkways in rail yards. The provisions of the bill apply to all walkways in rail yards in this state, but do not apply to tracks in industry yards owned by an entity other than a rail carrier.

The bill specifies that walkways may be surfaced with asphalt, concrete, planking, grating, native material, crushed material, or other similar material. If crushed material is used, 100 percent of the material must be able to pass through a one and one=half inch sieve opening, and at least 90 percent of the material must be able to pass through a one=inch sieve opening, with allowance for a de minimus variation. The bill contains general recommendations for the use of crushed material. In addition, the bill requires that walkways be at least two feet wide, with cross slopes of not more than one inch of elevation for each eight inches of length in any direction. Walkways must have a reasonably uniform surface, be maintained in safe condition without compromising track drainage, and be kept reasonably free of spilled fuel oil, sand, posts, vegetation, nonballast rocks, and other hazards and obstructions.

The bill establishes a standard requirement for rail

Senate File 355 - Introduced continued

carriers to provide walkways adjacent to portions of yard tracks where rail carrier employees work on the ground performing switching activities at least five days per week, one shift per day. However, following an administrative hearing, the department of transportation may order a rail carrier to construct a walkway or conform a preexisting walkway to the new standards along any portion of track where the lack of a walkway or condition of a walkway poses a safety hazard to employees performing switching activities for any period of time.

The bill excuses a rail carrier from compliance with walkway requirements during maintenance activities and during periods of heavy rain or snow, derailment, rock and earth slides, washouts, or other weather or seismic conditions, and for a reasonable period following such an occurrence.

The department of transportation may grant a waiver of any provision of the bill to a rail carrier upon a showing of good cause, including but not limited to a showing that compliance will impose an undue hardship on the rail carrier.

A party who alleges a violation of the requirements of the bill may not file a formal complaint until the filing party has made a good faith attempt to address the alleged violation with the rail carrier. A violation of the bill's provisions is a "schedule one" violation, punishable by a $100 fine for each day a violation exists.

The bill makes technical changes to Code chapter 327F to codify definitions applicable to the bill and to the entire Code chapter.

LSB 2213XS (4) 84
dea/nh

Senate File 356 - Introduced

SENATE FILE
BY DANIELSON

A BILL FOR

An Act establishing new residency restrictions for sex offenders, and providing penalties.

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

TLSB 1858XS (2) 84
jm/rj

Senate File 356 - Introduced continued

PAG LIN

Section 1. Section 692A.107, subsection 2, Code 2011, is amended to read as follows:

2. If a sex offender violates any requirements of section 692A.104, 692A.105, 692A.108, 692A.112, 692A.113, 692A.114, 692A.114A, or 692A.115, in addition to any criminal penalty prescribed for such violation, the period of registration is tolled until the offender complies with the registration provisions of this chapter.

Sec. 2. Section 692A.109, subsection 1, Code 2011, is amended by adding the following new paragraph:

NEW PARAGRAPH. 0i. Inform the sex offender who was convicted of a sex offense against a minor of the prohibitions established under section 692A.114A by providing the offender with a written copy of section 692A.114A and relevant definitions of section 692A.101.

Sec. 3. Section 692A.111, subsection 1, Code 2011, is amended to read as follows:

1. A sex offender who violates any requirements of section 692A.104, 692A.105, 692A.108, 692A.112, 692A.113, 692A.114, 692A.114A, or 692A.115 commits an aggravated misdemeanor for a first offense and a class "D" felony for a second or subsequent offense. However, a sex offender convicted of an aggravated offense against a minor, a sex offense against a minor, or a sexually violent offense committed while in violation of any of the requirements specified in section 692A.104, 692A.105, 692A.108, 692A.112, 692A.113, 692A.114, 692A.114A, or 692A.115 is guilty of a class "C" felony, in addition to any other penalty provided by law. Any fine imposed for a second or subsequent violation shall not be suspended. Notwithstanding section 907.3, the court shall not defer judgment or sentence for any violation of any requirements specified in this chapter. For purposes of this subsection, a violation occurs when a sex offender knows or reasonably should know of the duty to fulfill a requirement specified in this chapter as referenced in the offense charged.

Senate File 356 - Introduced continued

Sec. 4. Section 692A.114, subsection 1, paragraph b, Code 2011, is amended by striking the paragraph.

Sec. 5. Section 692A.114, subsection 2, Code 2011, is amended to read as follows:

2. A sex offender shall not reside within two thousand feet of the real property comprising ~~a school or~~ a child care facility.

Sec. 6. Section 692A.114, subsection 3, unnumbered paragraph 1, Code 2011, is amended to read as follows:

A sex offender residing within two thousand feet of the real property comprising ~~a school or~~ a child care facility does not commit a violation of this section if any of the following apply:

Sec. 7. Section 692A.114, subsection 3, paragraph d, Code 2011, is amended to read as follows:

d. The sex offender has established a residence prior to any newly located ~~school or~~ child care facility being established.

Sec. 8. NEW SECTION. 692A.114A Residency restrictions ==== schools.

1. As used in this section:

a. "Minor" means a person who is under eighteen years of age or who is enrolled in a secondary school.

b. "School" means a public or nonpublic elementary or secondary school.

c. "Sex offender" means a person required to be registered under this chapter who has been convicted of a sex offense against a minor.

2. A sex offender shall not reside within two thousand feet of the real property comprising a school.

3. A sex offender residing within two thousand feet of the real property comprising a school does not commit a violation of this section if any of the following apply:

a. The sex offender is required to serve a sentence at a jail, prison, juvenile facility, or other correctional institution or facility.

Senate File 356 - Introduced continued

b. The sex offender is subject to an order of commitment under chapter 229A.

c. The sex offender has established a residence prior to July 1, 2011.

d. The sex offender has established a residence prior to any newly located school being established.

e. The sex offender is a minor.

f. The sex offender is a ward in a guardianship, and a district judge or associate probate judge grants an exemption from the residency restriction.

g. The sex offender is a patient or resident at a health care facility as defined in section 135C.1 or a patient in a hospice program, and a district judge or associate probate judge grants an exemption from the residency restriction.

Sec. 9. Section 692A.121, subsection 2, paragraph b, subparagraph (1), Code 2011, is amended by adding the following new subparagraph division:

NEW SUBPARAGRAPH DIVISION. (0h) A specific reference indicating whether a particular sex offender is subject to residency restrictions pursuant to section 692A.114A.

Sec. 10. Section 692A.123, Code 2011, is amended to read as follows:

692A.123 Immunity for good faith conduct.

Criminal or juvenile justice agencies, state agencies, schools as defined in section ~~692A.114~~ 692A.114A, public libraries, and child care facilities, and their employees shall be immune from liability for acts or omissions arising from a good faith effort to comply with this chapter.

Sec. 11. Section 692A.129, Code 2011, is amended to read as follows:

692A.129 Probation and parole officers.

A probation or parole officer supervising a sex offender is not precluded from imposing more restrictive exclusion zone requirements, employment prohibitions, and residency restrictions than under sections 692A.113 ~~and~~, 692A.114, and

Senate File 356 - Introduced continued

692A.114A.

EXPLANATION

This bill establishes new residency restrictions for sex offenders.

The bill prohibits a sex offender who commits a sex offense against a minor from establishing a residency within 2,000 feet of a school. A "sex offense against a minor" means a sex offense enumerated in Code section 692A.102 committed against a minor, or otherwise involves a minor. Current law prohibits a sex offender who commits an aggravated offense against a minor from establishing a residency within 2,000 feet of a school. An "aggravated offense" is defined in Code section 692A.101(1).

The new residency restrictions prohibiting the establishment of a residency within 2,000 feet of a school do not apply to a sex offender who commits a sex offense against a minor under the following circumstances: the offender is required to serve a sentence at a jail, prison, juvenile facility, or other correctional institution or facility; the offender is subject to an order of commitment under Code chapter 229A; the offender has established a residence prior to July 1, 2011; the offender has established a residence prior to any newly located school being established; the offender is a minor; the offender is a ward in a guardianship, and a district judge or associate probate judge grants an exemption from the residency restriction; or the offender is a patient or resident at a health care facility as defined in Code section 135C.1 or a patient in a hospice program, and a district judge or associate probate judge grants an exemption from the residency restriction.

A sex offender who violates the new residency restrictions by establishing a residency within 2,000 feet of a school commits an aggravated misdemeanor for a first offense and a class "D" felony for a second or subsequent offense. A sex offender convicted of a sex offense against a minor while in violation of certain requirements of Code chapter 692A commits

Senate File 356 - Introduced continued

a class "C" felony.

The bill does not affect exclusion zones or the residency restrictions established for child care facilities.

An aggravated misdemeanor is punishable by confinement for no more than two years and a fine of at least $625 but not more than $6,250. A class "D" felony is punishable by confinement for no more than five years and a fine of at least $750 but not more than $7,500. A class "C" felony is punishable by confinement for no more than 10 years and a fine of at least $1,000 but not more than $10,000.

LSB 1858XS (2) 84
jm/rj

Senate File 357 - Introduced

SENATE FILE
BY BLACK

A BILL FOR

An Act relating to public access to founded dependent adult abuse information.

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

TLSB 2261XS (2) 84
rh/nh

Senate File 357 - Introduced continued

PAG LIN

Section 1. Section 235B.5, Code 2011, is amended by adding the following new subsection:

NEW SUBSECTION. 3A. The department shall provide dependent adult abuse information for all cases of founded dependent adult abuse in an electronic format on the department's internet website for public access, provided identifying details of a subject of a founded dependent adult abuse report issued by the department are deleted pursuant to section 235B.13.

Sec. 2. Section 235B.6, Code 2011, is amended by striking the section and inserting in lieu thereof the following:

235B.6 Authorized access.

1. Founded dependent adult abuse information including dependent adult abuse reports for all cases of founded dependent adult abuse shall be public records, provided any identifying details of the subjects of such information are deleted prior to public access.

2. Access to unfounded dependent adult abuse information is authorized only to the following persons:

a. A subject of a report including all of the following:

(1) To an adult named in a report as a victim of abuse or to the adult's attorney or guardian ad litem.

(2) To a guardian or legal custodian, or that person's attorney, of an adult named in a report as a victim of abuse.

(3) To the person or the attorney for the person named in a report as having abused an adult.

b. A person involved in an investigation of dependent adult abuse including all of the following:

(1) An employee or agent of the department responsible for the investigation of a dependent adult abuse report or for the purpose of performing record checks as required under section 135C.33.

(2) A multidisciplinary team, if the department of human services approves the composition of the multidisciplinary team and determines that access to the team is necessary to assist

Senate File 357 - Introduced continued

the department in the investigation, diagnosis, assessment, and disposition of a case of dependent adult abuse.

(3) The mandatory reporter who reported the dependent adult abuse in an individual case.

c. Other persons including all of the following:

(1) Registry or department personnel when necessary to the performance of their official duties or a person or agency under contract with the department to carry out official duties and functions of the registry.

(2) The state or a local long=term care resident's advocate if the victim resides in a long=term care facility or the alleged perpetrator is an employee of a long=term care facility.

EXPLANATION

This bill requires the department of human services to provide dependent adult abuse information for all cases of founded dependent adult abuse in an electronic format on the department's internet website for public access, provided identifying details of a subject of a founded dependent adult abuse report issued by the department are deleted.

Current law provides all dependent adult abuse information including information relating to founded and unfounded cases of dependent adult abuse, shall be confidential, except as specifically provided. Access to both founded and unfounded dependent adult abuse information is specifically authorized only to certain persons under Code chapter 235B.

The bill also applies to founded cases of dependent adult abuse that occur in certain hospital and health care facilities and certain elder group homes, assisted living programs, and adult day service programs pursuant to Code chapter 235E (Code section 235E.4).

LSB 2261XS (2) 84
rh/nh

Senate File 358 - Introduced

SENATE FILE
BY COMMITTEE ON STATE
GOVERNMENT

(SUCCESSOR TO SF 230)

A BILL FOR

An Act amending the Iowa administrative procedure Act as it relates to public participation in the rulemaking process, the adoption and effectiveness of administrative rules, and the delegation of rulemaking authority to administrative agencies.

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

TLSB 2426SV (1) 84
jr/nh

Senate File 358 - Introduced continued

PAG LIN

Section 1. Section 17A.4, subsection 1, paragraph b, Code 2011, is amended to read as follows:

b. (1) Afford all interested persons not less than twenty days to submit data, views, or arguments in writing. If timely requested in writing by twenty=five interested persons, by a governmental subdivision, by the administrative rules review committee, by an agency, or by an association having not less than twenty=five members, the agency must give interested persons an opportunity to make oral presentation.

(2) To the extent practicable, the agency shall provide an opportunity to make these oral presentations using the Iowa communications network or other electronic means and provide public access at multiple sites throughout the state. If a request is received from twenty=five interested persons residing in the same city or county, the agency shall provide an opportunity for oral presentation in that city or county.

(3) The opportunity for oral presentation must be held at least twenty days after publication of the notice of its time and place in the Iowa administrative bulletin. The agency shall consider fully all written and oral submissions respecting the proposed rule. Within one hundred eighty days following either the notice published according to the provisions of paragraph "a" or within one hundred eighty days after the last date of the oral presentations on the proposed rule, whichever is later, the agency shall adopt a rule pursuant to the rulemaking proceeding or shall terminate the proceeding by publishing notice of termination in the Iowa administrative bulletin.

Sec. 2. Section 17A.4, subsections 2 and 3, Code 2011, are amended to read as follows:

2. An agency shall include in a preamble to each rule it adopts ~~a brief explanation of the principal reasons for its action~~ pursuant to section 17A.5 a concise statement of the principal reasons for and against the rule adopted, incorporating in the statement the reasons for overruling

Senate File 358 - Introduced continued

considerations urged against the rule and, if applicable, a brief explanation of the principal reasons for its failure to provide in that rule for the waiver of the rule in specified situations if no such waiver provision is included in the rule. ~~This explanatory requirement does not apply when the agency adopts a rule that only defines the meaning of a provision of law if the agency does not possess delegated authority to bind the courts to any extent with its definition. In addition, if requested to do so by an interested person, either prior to adoption or within thirty days thereafter, the agency shall issue a concise statement of the principal reasons for and against the rule adopted, incorporating therein the reasons for overruling considerations urged against the rule. This concise statement shall be issued either at the time of the adoption of the rule or within thirty=five days after the agency receives the request.~~

3. When an agency for good cause finds that notice and public participation would be unnecessary, impracticable, or contrary to the public interest, the provisions of subsection 1 shall be inapplicable. The agency shall incorporate in each rule issued in reliance upon this provision either the finding and a brief statement of the reasons for the finding, or a statement that the rule is within a very narrowly tailored category of rules whose issuance has previously been exempted from subsection 1 by a special rule relying on this provision and including such a finding and statement of reasons for the entire category. ~~If the administrative rules review committee by a two=thirds vote, the governor, or the attorney general files with the administrative code editor an objection to the adoption of any rule pursuant to this subsection, that rule shall cease to be effective one hundred eighty days after the date the objection was filed. A copy of the objection, properly dated, shall be forwarded to the agency at the time of filing the objection.~~ In any action contesting a rule adopted pursuant to this subsection, the burden of proof shall be on

Senate File 358 - Introduced continued

the agency to show that the procedures of subsection 1 were impracticable, unnecessary, or contrary to the public interest and that, if a category of rules was involved, the category was very narrowly tailored. A rule adopted pursuant to this subsection shall remain in effect for one hundred eighty days, unless a shorter period is specified in the rule.

Sec. 3. Section 17A.23, Code 2011, is amended to read as follows:

17A.23 Construction ==== delegation of authority.

1. Except as expressly provided otherwise by this chapter or by another statute referring to this chapter by name, the rights created and the requirements imposed by this chapter shall be in addition to those created or imposed by every other statute in existence on July 1, 1975, or enacted after that date. If any other statute in existence on July 1, 1975, or enacted after that date diminishes a right conferred upon a person by this chapter or diminishes a requirement imposed upon an agency by this chapter, this chapter shall take precedence unless the other statute expressly provides that it shall take precedence over all or some specified portion of this named chapter.

2. This chapter shall be construed broadly to effectuate its purposes. This chapter shall also be construed to apply to all agencies not expressly exempted by this chapter or by another statute specifically referring to this chapter by name; and except as to proceedings in process on July 1, 1975, this chapter shall be construed to apply to all covered agency proceedings and all agency action not expressly exempted by this chapter or by another statute specifically referring to this chapter by name.

3. An agency shall have only that authority or discretion delegated to or conferred upon the agency by law and shall not expand or enlarge its authority or discretion beyond the powers delegated to or conferred upon the agency. Unless otherwise specifically provided in statute, any grant of rulemaking

Senate File 358 - Introduced continued

authority shall be construed narrowly.

EXPLANATION

This bill makes a number of changes to the rulemaking process. The bill requires administrative agencies, when feasible, to hold rulemaking hearings in varied locations throughout the state via the Iowa communications network and provides that a hearing must be held in a particular city or county when 25 interested persons from that city or county make the request.

Every adopted rule must be accompanied by a concise statement of the principal reasons for and against the rule adopted; under current law such a statement is only provided on request.

The bill also provides that so=called "emergency" rules are in effect for only 180 days.

The bill also establishes a new rule of statutory construction: Unless otherwise specifically provided in statute, any grant of rulemaking authority shall be construed narrowly.

LSB 2426SV (1) 84
jr/nh

Iowa General Assembly
Daily Bills, Amendments & Study Bills
March 01, 2011

Senate File 359 - Introduced

SENATE FILE
BY COMMITTEE ON LOCAL GOVERNMENT

(SUCCESSOR TO SSB 1050)

A BILL FOR

An Act relating to the county recorder fees charged for each recorded transaction.

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

TLSB 1824SV (1) 84
aw/nh

Senate File 359 - Introduced continued

PAG LIN

Section 1. Section 331.604, subsection 3, paragraph b, subparagraph (3), unnumbered paragraph 1, Code 2011, is amended to read as follows:

~~Beginning~~ For the period beginning July 1, 2011, and ending June 30, 2016, the recorder shall also collect a fee of ~~one dollar~~ two dollars for each recorded transaction, regardless of the number of pages, for which a fee is paid pursuant to subsection 1 to be used for the purposes in subparagraph (2) and for the following purposes:

EXPLANATION

This bill relates to the fees charged by a county recorder for each recorded transaction.

Current law requires that, between July 1, 2009, and June 30, 2011, a recorder charge a fee of $3 for each recorded transaction regardless of the number of pages. Current law reduces this fee to $1 for each recorded transaction beginning July 1, 2011.

The bill increases the fee to be charged beginning July 1, 2011, from $1 to $2 for each recorded transaction, and provides an end date for imposition of the fee of June 30, 2016. Current law does not set an end date for the charging of this fee.

LSB 1824SV (1) 84
aw/nh

Senate File 360 - Introduced

SENATE FILE
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO SSB
1092)

A BILL FOR

An Act relating to bail restrictions placed on criminal defendants.

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

TLSB 1920SV (2) 84
jm/nh

Senate File 360 - Introduced continued

PAG LIN

Section 1. Section 811.1, subsections 1 and 2, Code 2011, are amended to read as follows:

1. A defendant awaiting judgment of conviction and sentencing following either a plea or verdict of guilty of a class "A" felony, ~~murder,~~ forcible felony as defined in section 702.11, any class "B" felony included in section 462A.14 or 707.6A; ~~felonious assault; felonious child endangerment; sexual abuse in the second degree; sexual abuse in the third degree; kidnapping; robbery in the first degree; arson in the first degree; burglary in the first degree;~~ any felony included in section 124.401, subsection 1, paragraph "a" or "b"; or a second or subsequent offense under section 124.401, subsection 1, paragraph "c"; any felony punishable under section 902.9, subsection 1; any public offense committed while detained pursuant to section 229A.5; or any public offense committed while subject to an order of commitment pursuant to chapter 229A.

2. A defendant appealing a conviction of a class "A" felony; ~~murder;~~ forcible felony as defined in section 702.11; any class "B" or "C" felony included in section 462A.14 or 707.6A; ~~felonious assault; felonious child endangerment; sexual abuse in the second degree; sexual abuse in the third degree; kidnapping; robbery in the first degree; arson in the first degree; burglary in the first degree;~~ any felony included in section 124.401, subsection 1, paragraph "a" or "b"; or a second or subsequent conviction under section 124.401, subsection 1, paragraph "c"; any felony punishable under section 902.9, subsection 1; any public offense committed while detained pursuant to section 229A.5; or any public offense committed while subject to an order of commitment pursuant to chapter 229A.

EXPLANATION

This bill relates to bail restrictions placed on criminal defendants.

The bill specifies a defendant awaiting sentencing after a

Senate File 360 - Introduced continued

plea of guilty or a conviction for a forcible felony is not eligible for bail.

The bill also specifies a defendant appealing a conviction for a forcible felony is not eligible for bail.

The changes in the bill make a defendant eligible for bail if the defendant was convicted of or appealing a conviction for assault without the intent to cause serious injury but causing serious injury in violation of Code section 708.2(4), willful injury causing bodily injury in violation of Code section 708.4(2), sexual abuse between spouses, sexual abuse against a minor 14 or 15 years of age when the defendant is at least four years older than the minor, or child endangerment in violation of Code section 726.6(6).

The bill makes a defendant ineligible for bail if the defendant was convicted of or appealing a conviction for robbery in the second degree in violation of Code section 711.3.

LSB 1920SV (2) 84
jm/nh

Iowa General Assembly
Daily Bills, Amendments & Study Bills
March 01, 2011

Senate File 361 - Introduced

SENATE FILE
BY COMMITTEE ON STATE GOVERNMENT

(SUCCESSOR TO SSB 1150)

A BILL FOR

An Act authorizing the Iowa state fair board to establish an endowment fund to receive gifts in trust dedicated to the maintenance and improvement of the Iowa state fairgrounds.

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

TLSB 2668SV (1) 84
da/rj

Senate File 361 - Introduced continued

PAG LIN

Section 1. Section 22.7, subsection 52, paragraph a, unnumbered paragraph 1, Code 2011, is amended to read as follows:

The following records relating to a charitable donation made to a foundation acting solely for the support of an institution governed by the state board of regents, to the board of the Iowa state fair foundation when the record relates to a gift for deposit in or expenditure from the Iowa state fairgrounds trust fund as provided in section 173.22A, to a foundation acting solely for the support of an institution governed by chapter 260C, to a private foundation as defined in section 509 of the Internal Revenue Code organized for the support of a government body, or to an endow Iowa qualified community foundation, as defined in section 15E.303, organized for the support of a government body:

Sec. 2. Section 173.11, subsection 3, Code 2011, is amended to read as follows:

3. Administer the ~~funds~~ foundation fund under the control of the Iowa state fair foundation, in its capacity as the board of the Iowa state fair foundation, as directed by the board ~~and~~. The treasurer shall administer the fund in accordance with procedures of the treasurer of state, and maintain a correct account of receipts and disbursements of assets of the foundation fund.

Sec. 3. Section 173.14, subsection 11, Code 2011, is amended to read as follows:

11. Administer the Iowa state fair foundation created in section 173.22 in its capacity as the board of the Iowa state fair foundation.

a. ~~In administering~~ The board shall administer the foundation ~~the board shall authorize~~ fund by authorizing all payments from the foundation fund. The board on behalf of the foundation fund may contract, sue and be sued, and adopt rules necessary to carry out the provisions of this subsection, but the board in administering the foundation fund shall not in any

Senate File 361 - Introduced continued

manner, directly or indirectly, pledge the credit of the state.

b. The board shall administer the Iowa state fairgrounds trust fund as trustees of an institutional endowment fund as provided in section 173.22A.

Sec. 4. Section 173.22, Code 2011, is amended to read as follows:

173.22 Iowa state fair foundation ==== foundation fund.

1. An Iowa state fair foundation is established under the authority of the Iowa state fair board.

2. A foundation fund is created within the state treasury composed of moneys appropriated or available to and obtained or accepted by the foundation. The foundation fund shall include moneys credited to the fund as provided in section 422.12D.

3. The foundation may solicit or accept gifts, including donations and bequests. A gift, to the greatest extent possible, shall be used according to the expressed desires of the person providing the gift.

4. ~~Assets of~~ Moneys in the foundation fund shall be used to support foundation activities, including foundation administration, or capital projects or major maintenance improvements at the Iowa state fairgrounds or to property under the control of the board.

5. a. Foundation moneys credited to the foundation fund may be expended on a matching basis with public moneys or Iowa state fair authority receipts. All interest earned on moneys in the foundation fund ~~or through other foundation assets~~ shall be credited to and remain in the fund. Section 8.33 does not apply to moneys in the fund.

b. The auditor of state shall conduct regular audits of the foundation fund and shall make a certified report relating to the condition of the ~~foundation and the~~ foundation fund to the treasurer of the state, and to the treasurer and secretary of the state fair board.

Sec. 5. NEW SECTION. 173.22A Iowa state fairgrounds trust fund.

Senate File 361 - Introduced continued

1. An Iowa state fairgrounds trust fund is created as an endowment fund under the authority and in the custody of the Iowa state fair board in its capacity as the board of the Iowa state fair foundation. The Iowa state fairgrounds trust fund is not part of the state treasury. The fund shall be composed exclusively of gifts accepted by the board in trust from private donors or testators. The board may accept these gifts in trust and shall fulfill its duties as trustee of gifts accepted notwithstanding section 633.63. The trust beneficiaries shall include all future attendees of events held on the Iowa state fairgrounds. The fund shall be an endowment fund to be used exclusively for the maintenance and improvement of the Iowa state fairgrounds and for no other purpose. The board shall decline any gifts not consistent with these purposes.

2. Moneys in the Iowa state fairgrounds trust fund shall not be deposited in the state treasury, but shall be held separate and apart from both the state fair's operating moneys and the state fair foundation fund established in section 173.22. The board as trustee shall hold only legal title to these moneys, which shall not form any part of the general fund of the state. The moneys shall not be subject to appropriation by the general assembly or subject to transfer pursuant to chapter 8. The moneys are not and shall not be deemed public funds for any purpose. The fund shall be an institutional endowment fund within the meaning of and subject to chapter 540A. The fund shall not be subject to audit by the auditor of state, but shall be audited annually by a certified public accountant. The annual audit shall be delivered to the auditor of state, who may include it in any further report that the auditor of state deems appropriate. However, an annual audit shall be a confidential record to the extent required in section 22.7, subsection 52. The moneys may be held in perpetuity, subject to the provisions for release or modification of restrictions on the moneys as provided in chapter 540A.

Senate File 361 - Introduced continued

Sec. 6. Section 422.12D, subsections 1 and 2, Code 2011, are amended to read as follows:

1. A person who files an individual or a joint income tax return with the department of revenue under section 422.13 may designate one dollar or more to be paid to the foundation fund of the Iowa state fair foundation as established in section 173.22. If the refund due on the return or the payment remitted with the return is insufficient to pay the amount designated by the taxpayer to the ~~Iowa state fair~~ foundation fund, the amount designated shall be reduced to the remaining amount of the refund or the remaining amount remitted with the return. The designation of a contribution to the ~~Iowa state fair~~ foundation fund under this section is irrevocable.

2. The director of revenue shall draft the income tax form to allow the designation of contributions to the ~~Iowa state fair~~ foundation fund on the tax return. The department, on or before January 31, shall transfer the total amount designated on the tax form due in the preceding year to the foundation fund ~~created pursuant to section 173.22~~.

EXPLANATION

This bill creates an endowment trust fund known as the Iowa state fairgrounds trust fund to be held by the Iowa state fair board in its capacity as the Iowa state foundation board of directors (a tax=exempt charitable organization under section 501(c)(3) of the Internal Revenue Code). The bill requires that moneys in the fund must be used exclusively for the maintenance and improvement of the Iowa state fairgrounds. The fund must be held in perpetuity for the benefit of all fairgoers and attendees of events at the state fairgrounds. The fund must be composed exclusively of gifts accepted by the board in trust from private donors or testators for deposit into this fund. This fund is not part of the state treasury, and is not subject to appropriation by the general assembly or transfer by the department of management. Instead, the fund is governed by Code chapter 540A (the "Uniform Prudent Management

Senate File 361 - Introduced continued

of Institutional Funds Act"). Records in possession of the fair board that disclose a donor's or prospective donor's personal information are confidential under Code chapter 22 governing Iowa's open records.

LSB 2668SV (1) 84
da/rj

Senate File 362 - Introduced

SENATE FILE
BY BEALL, KIBBIE, HATCH, DANIELSON, BEHN, FEENSTRA, DIX, SMITH, and SORENSON

A BILL FOR

An Act relating to the use of adult stem cells in this state, including uses relating to the practice of medicine, the practice of pharmacy, and clinical research.

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

TLSB 2604XS (5) 84
pf/nh

Senate File 362 - Introduced continued

PAG LIN

Section 1. NEW SECTION. 136E.1 Definitions.
As used in this chapter unless the context otherwise requires:
1. "Adult stem cells" means autologous or allogeneic cellular material including but not limited to stem cells, immune cells, and other types of mature cells that may have been or may be combined with naturally occurring biomaterials or materials approved or cleared for any purpose by the United States food and drug administration or other applicable agency or authority.
2. "Allogeneic" means originating from the body of another person.
3. "Autologous" means originating from a person's own body.
4. "Cell or tissue bank" means a facility that stores adult stem cells or tissue.
Sec. 2. NEW SECTION. 136E.2 Practices relating to adult stem cells.
1. Notwithstanding any law to the contrary:
a. A person licensed to practice medicine pursuant to chapter 148 in this state may extract, process, or administer autologous adult stem cells.
b. A person licensed or authorized to administer or assist in the administration of medicine or health care in this state may extract, process, or administer autologous adult stem cells to the extent permitted under the person's license or authorization.
c. A person may operate a cell or tissue bank in this state.
d. A pharmacy owned or operated in this state, or a pharmacist licensed pursuant to chapter 155A, may compound a drug, medicine, or health product using adult stem cells as an ingredient.
e. A person licensed to practice medicine in this state may conduct adult stem cell clinical research for development of therapies and cures consistent with chapter 707C. This chapter shall not be interpreted to limit or prohibit any activity

Senate File 362 - Introduced continued

otherwise authorized pursuant to chapter 707C.

f. A person authorized to conduct adult stem cell clinical research in the state may import into this state any compound or drug containing adult stem cells if the compound or drug is obtained in accordance with the laws of the jurisdiction from which the compound or drug is obtained and the compound or drug is used for the purposes of clinical research.

g. A person who is authorized to extract, process, or administer autologous adult stem cells under this section may import into this state compounds and drugs used in the administration of such stem cells if the compound or drug is obtained in accordance with the laws of the jurisdiction from which the compound or drug is obtained and the compound or drug is used for administration of autologous adult stem cells to a person in a treatment plan by a person licensed or authorized to extract, process, or administer autologous adult stem cells.

2. a. The board of medicine, the board of pharmacy, and other appropriate licensing boards established pursuant to chapter 147 shall adopt rules in accordance with this chapter. The rules adopted shall not prohibit the activities authorized in this chapter and shall not impose disciplinary action or civil or criminal penalties against a person for engaging in any activity authorized by this chapter. This paragraph shall not be interpreted to authorize the adoption of rules that absolve a person from civil or criminal liability or disciplinary action otherwise applicable if the person engages in an activity authorized under this chapter but fails to use the reasonable care, skill, or knowledge ordinarily used in rendering medical services under similar circumstances.

b. The board of medicine, the board of pharmacy, and other appropriate licensing boards may adopt rules to regulate the procedures used to administer adult stem cells in this state.

EXPLANATION

This bill relates to the use of adult stem cells in the state, including uses relating to the practice of medicine, the

Senate File 362 - Introduced continued

practice of pharmacy, and clinical research.

The bill defines terms used in the bill and authorizes certain activities relating to adult stem cells. The bill authorizes a person licensed to practice medicine in the state to extract, process, or administer autologous adult stem cells. "Autologous" means originating from the person's own body. The bill also provides that a person licensed or authorized to administer or assist in the administration of medicine or health care in this state may extract, process, or administer autologous adult stem cells to the extent permitted under the person's license or authorization.

The bill authorizes all of the following: the operation of a cell or tissue bank in this state; a pharmacy owned or operated in the state or a licensed pharmacist to compound a drug, medicine, or health product using adult stem cells as an ingredient; a person licensed to practice medicine to conduct adult stem cell clinical research for development of therapies and cures consistent with Code chapter 707C (human stem cell research and cloning) while clarifying that the bill is not to be interpreted as limiting or prohibiting any activity authorized under chapter 707C; a person who is authorized to conduct adult stem cell clinical research to import any compound or drug containing adult stem cells if the compound or drug is obtained in accordance with the laws of the originating jurisdiction and is used for clinical research; and a person who is authorized to extract, process, or administer autologous adult stem cells to import compounds and drugs used in the administration of such stem cells if the compound or drug is obtained in accordance with the laws of the originating jurisdiction and the compound or drug is used for administration of autologous adult stem cells to a person in a treatment plan by a person licensed or authorized to extract, process, or administer autologous adult stem cells.

The bill directs the board of medicine, the board of pharmacy, and other appropriate licensing boards to adopt rules

Senate File 362 - Introduced continued

in accordance with the bill, but provides that the rules shall not prohibit the activities authorized in the bill and shall not impose disciplinary action or civil or criminal penalties against a person for engaging in any activity authorized under the bill. However, the bill is not to be interpreted to authorize the adoption of rules that absolve a person who engages in an activity authorized under the bill from civil or criminal liability or disciplinary action otherwise applicable for failure to use the reasonable care, skill, or knowledge ordinarily used in rendering medical services under similar circumstances. The bill does authorize the board of medicine, the board of pharmacy and other appropriate licensing boards to adopt rules to regulate the procedures used to administer adult stem cells in this state.

LSB 2604XS (5) 84
pf/nh

Senate File 363 - Introduced

SENATE FILE
BY BACON

A BILL FOR

An Act relating to the use of a flashing blue light on certain funeral escort vehicles and making a penalty applicable.

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

TLSB 2475XS (3) 84
dea/nh

Senate File 363 - Introduced continued

PAG LIN

Section 1. Section 321.324A, subsection 1, Code 2011, is amended to read as follows:

1. For purposes of this section, "funeral procession" means a procession of motor vehicles accompanying the body of a deceased person during daylight hours, which is being escorted by a vehicle continually displaying its emergency signal lamps flashing simultaneously and using lighted headlamps and identifying flags, ~~or an escort~~ a vehicle displaying a flashing or revolving red and amber light visible to pedestrians in all directions, or a funeral escort vehicle with a permit issued under section 321.451A displaying a flashing blue light, and keeping all other motor vehicles with lighted headlamps in close formation.

Sec. 2. Section 321.423, subsection 3, Code 2011, is amended to read as follows:

3. Blue light.

a. A blue light shall not be used on any vehicle except for the following:

(1) A vehicle owned or exclusively operated by a fire department.

(2) A vehicle authorized by the chief of the fire department if the vehicle is owned by a member of the fire department, the request for authorization is made by the member on forms provided by the department, and necessity for authorization is demonstrated in the request.

(3) An authorized emergency vehicle, other than a vehicle described in paragraph "a", subparagraph (1) or (2), if the blue light is positioned on the passenger side of the vehicle and is used in conjunction with a red light positioned on the driver side of the vehicle.

(4) A funeral escort vehicle with a permit issued under section 321.451A, when the vehicle is leading a funeral procession as defined in section 321.324A to a cemetery or other place for the burial, entombment, or interment of human remains.

Senate File 363 - Introduced continued

b. A person shall not use only a blue light on a vehicle unless the vehicle meets the requirements of paragraph "a", subparagraph (1), ~~or~~ (2), or (4).

Sec. 3. NEW SECTION. 321.451A Funeral escort vehicles ==== blue light permit.

1. The owner of a motor vehicle used as a funeral escort vehicle who wishes to display a flashing blue light on the vehicle shall apply for a permit on forms provided by the department. Upon receipt of the application and a showing of necessity for the designation, the director or the director's designee may issue a permit for the use of a blue light as provided in section 321.423, subsection 3, paragraph "a".

2. The application for a permit must include the name of the owner of the vehicle, vehicle identification information, a description of the vehicle's lighting equipment, and a description of how the vehicle will be used as a funeral escort vehicle.

3. The permit shall at all times be carried with the registration receipt for the vehicle to which the permit refers. The owner of the vehicle shall surrender the permit to the department when the vehicle is no longer being used as a funeral escort vehicle. The permit may be revoked by the director upon a showing of abuse.

EXPLANATION

Under current law, a vehicle which is used to escort a funeral procession may continually display its emergency signal lamps, lighted headlamps, and identifying flags or display a flashing or revolving red and amber light. Blue lights are authorized for use on fire department vehicles, vehicles owned by certain fire department members, and some authorized emergency vehicles. This bill provides a process for the use of a flashing blue light on a funeral escort vehicle.

Under the bill, if the owner of a funeral escort vehicle wishes to use a flashing blue light, the owner must apply to the department of transportation for a special permit. Upon a

Senate File 363 - Introduced continued

showing of necessity, the department may issue a permit for the funeral escort vehicle. The permit must be carried with the vehicle at all times and must be surrendered to the department when the vehicle is no longer being used as a funeral escort vehicle. The permit may be revoked by the department upon a showing of abuse.

The bill authorizes the use of a flashing blue light on a funeral escort vehicle with a permit when the vehicle is leading a funeral procession to a cemetery or other place for the burial, entombment, or interment of human remains.

Pursuant to current law, a violation of provisions relating to the use of flashing lights on a vehicle is a simple misdemeanor, punishable by a scheduled fine of $30.

LSB 2475XS (3) 84
dea/nh

Iowa General Assembly
Daily Bills, Amendments & Study Bills
March 01, 2011

Senate Study Bill 1172

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

A BILL FOR

An Act relating to the regulation of indemnification provisions in construction contracts.

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

TLSB 2716SC (2) 84
je/rj

Senate Study Bill 1172 continued

PAG LIN

1 1 Section 1. INTENT TO REGULATE. It is the intent of
1 2 the general assembly to provide for the regulation of
1 3 indemnification provisions in construction contracts.
1 4 EXPLANATION
1 5 This bill provides that it is the intent of the general
1 6 assembly to provide for the regulation of indemnification
1 7 provisions in construction contracts.
LSB 2716SC (2) 84
je/rj

Senate Study Bill 1173

SENATE FILE
BY (PROPOSED COMMITTEE ON
VETERANS AFFAIRS BILL
BY CHAIRPERSON BEALL)

A BILL FOR

An Act creating a post=Vietnam Conflict veterans' bonus fund, providing penalties, and making appropriations.

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

TLSB 2444XC (3) 84
aw/nh

Senate Study Bill 1173 continued

PAG LIN

Section 1. Section 35A.8, subsection 5, Code 2011, is amended by adding the following new paragraph:

NEW PARAGRAPH. g. A post=Vietnam Conflict veterans' bonus fund is created in the state treasury. The post=Vietnam Conflict veterans' bonus fund shall consist of all moneys appropriated to the fund to pay the bonus compensation authorized in section 35A.8B. On July 1, 2011, all funds remaining in the Vietnam Conflict veterans' bonus fund created in paragraph "f" are appropriated to the post=Vietnam Conflict veterans' bonus fund created in this paragraph. Notwithstanding section 12C.7, interest or earnings on investments or time deposits of the moneys in the post=Vietnam Conflict veterans' bonus fund shall be credited to the bonus fund. Section 8.33 does not apply to moneys appropriated to the post=Vietnam Conflict veterans' bonus fund.

Sec. 2. NEW SECTION. 35A.8B Post=Vietnam Conflict veterans' bonus ==== limited residency requirement ==== appropriation.

1. a. A person who served on active duty for not less than one hundred twenty days in the armed forces of the United States at any time between August 24, 1982, and July 31, 1984, both dates inclusive, between December 20, 1989, and January 31, 1990, both dates inclusive, or between August 2, 1990, and February 28, 1991, both dates inclusive, and who was inducted into active duty service from the state of Iowa and was honorably discharged or separated from active duty service, or is still in active service in an honorable status, or has been retired, or has been furloughed to a reserve, or has been placed on inactive status is entitled to receive from moneys appropriated for that purpose the sum of seventeen dollars and fifty cents for each month that the person was on active duty service in a conflict service area, within the dates specified in this paragraph. Compensation under this paragraph shall not exceed a total sum of five hundred dollars. Compensation for a fraction of a month shall not be considered unless the fraction is sixteen days or more, in which case the fraction shall be

Senate Study Bill 1173 continued

computed as a full month.

b. A person otherwise qualified under paragraph "a" except that the person was on active duty service but was not present in a conflict service area is entitled to receive from moneys appropriated for that purpose the sum of twelve dollars and fifty cents for each month that the person was on active duty service, within the dates specified in paragraph "a". Compensation under this paragraph shall not exceed a total sum of three hundred dollars. Compensation for a fraction of a month shall not be considered unless the fraction is sixteen days or more, in which case the fraction shall be computed as a full month.

c. The department shall adopt rules pursuant to chapter 17A providing for the definition of a conflict service area.

2. A person otherwise eligible to receive compensation pursuant to subsection 1 shall be entitled to compensation pursuant to this section if all of the following requirements are met:

a. The person has not received a bonus or compensation similar to that provided in this section from this state or another state.

b. The person was on active duty service after August 24, 1982, and the person did not refuse on conscientious, political, religious, or other grounds, to be subject to military discipline.

c. The person made application for a bonus or compensation similar to that provided in this section from this state and was denied compensation because the person did not meet applicable residency requirements.

d. The person files an application for compensation under this section in a manner determined by the department of veterans affairs.

3. The surviving unremarried widow or widower, child or children, mother, father, or person standing in loco parentis, in the order named and none other, of any deceased person shall

Senate Study Bill 1173 continued

be paid the compensation that the deceased person would be entitled to pursuant to this section, if living. However, if any person has died or shall die, or is disabled, from service=connected causes incurred during the period and in the area from which the person is entitled to receive compensation pursuant to this section, the person or the first survivor as designated by this subsection, and in the order named, shall be paid five hundred dollars or three hundred dollars, whichever maximum amount would have applied pursuant to subsection 1, paragraph "a" or "b", regardless of the length of service.

4. A person who knowingly makes a false statement relating to a material fact in supporting an application under this section is guilty of a serious misdemeanor. A person convicted pursuant to this section shall forfeit all benefits to which the person may have been entitled under this section.

5. All payments and allowances made under this section shall be exempt from taxation, levy, and sale on execution.

6. The bonus compensation authorized under this section shall be paid from moneys appropriated for post=Vietnam Conflict veterans' bonuses.

7. The director of the department of veterans affairs shall provide for the administration of the bonus authorized in this section. The department shall adopt rules, pursuant to chapter 17A, as necessary to administer this section including but not limited to application procedures, investigation, approval or disapproval, and payment of claims. The department may expend up to one percent of the moneys appropriated for the bonus compensation authorized under this section for administrative costs associated with the requirements of this section.

Sec. 3. Section 422.7, Code 2011, is amended by adding the following new subsection:

NEW SUBSECTION. 54. Subtract, to the extent included, the amount of any post=Vietnam Conflict veterans bonus provided pursuant to section 35A.8, subsection 5, and section 35A.8B.

EXPLANATION

Senate Study Bill 1173 continued

This bill provides for the creation of a veterans' bonus fund within the state treasury for the provision of bonuses to veterans of the United States military who served during the period of certain conflicts.

The bonus fund would be available to certain members of the United States armed forces who served in active duty during the military conflicts in Lebanon, Granada, Panama, and the Persian Gulf. The bill provides certain dates for the periods of these conflicts. The bill provides that veterans who served in conflict service areas during these periods will receive a larger bonus for their service than veterans who did not serve in a conflict service area. The bill provides for the computation of such payments based upon months of service either in or outside of a conflict service area. A person who served in a conflict service area will not receive more than a $500 bonus and a person who did not serve in a conflict service area will not receive more than a $300 bonus from the fund.

The bill requires that a veteran must meet additional requirements to qualify for a bonus. The person must not have received a similar bonus from this state or any other state. The person must not have refused to be subject to military discipline on certain grounds. The person must have applied for a similar bonus and been denied compensation because the person did not meet residency requirements. The bill also requires that the person file an application for the bonus from this fund in order to qualify.

Certain other persons including a surviving unremarried widow or widower, child or children, mother, father, or person standing in loco parentis of any deceased person shall be paid the compensation that the deceased person would have been entitled to. Payments for such compensation may be made to the first survivor in the order named and none other. The bill provides that upon certain service=related death or disability that the veteran or first survivor will be paid the highest possible contribution permitted to that individual allowed by

Senate Study Bill 1173 continued

the fund.

The bill provides that knowingly making a false statement of material fact supporting an application to receive these funds is a serious misdemeanor. The bill also provides that a conviction on such a charge would result in forfeiture of any rights to collect from the fund.

Moneys received from the fund are exempt from taxation, levy, and sale on execution. The director of the department of veterans affairs is to administer the fund and adopt rules as necessary for the fund's administration.

LSB 2444XC (3) 84
aw/nh

Senate Study Bill 1174

SENATE FILE
BY (PROPOSED COMMITTEE ON AGRICULTURE BILL BY CHAIRPERSON SENG)

A BILL FOR

An Act relating to motor fuel, including ethanol and biodiesel used in the formulation of motor fuel, by providing for related infrastructure, tax credits, and appropriations, and including effective date and applicability provisions.

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

TLSB 2723SC (4) 84
da/nh

Senate Study Bill 1174 continued

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DIVISION I
REGULATION OF MOTOR FUEL

Section 1. Section 214A.1, Code 2011, is amended by adding the following new subsections:

NEW SUBSECTION. 11A. "Flexible fuel vehicle" means a motor vehicle which is powered by an engine capable of operating using E=85 gasoline.

NEW SUBSECTION. 16A. "Nonblended gasoline" means gasoline other than ethanol blended gasoline.

Sec. 2. Section 214A.2, subsection 4, paragraph b, Code 2011, is amended by adding the following new subparagraph:

NEW SUBPARAGRAPH. (4) Biodiesel blended fuel classified as from B=6 through B=20 must conform to A.S.T.M. international specification D7467 or a successor A.S.T.M. international specification as established by rules adopted by the department.

Sec. 3. Section 214A.16, subsection 1, Code 2011, is amended by striking the subsection and inserting in lieu thereof the following:

1. A motor fuel pump shall be affixed with a decal identifying the motor fuel that it dispenses, as required in this subsection.

a. If the motor fuel is gasoline, the following shall apply:

(1) For gasoline not blended with ethanol, the decal shall identify it as nonblended gasoline.

(2) For gasoline classified as higher than standard ethanol blended gasoline pursuant to section 214A.2, the decal shall identify it as being for use in flexible fuel vehicles only.

b. If the motor fuel is biodiesel fuel, the decal shall identify the biodiesel fuel as provided in 16 C.F.R. pt. 306.

Sec. 4. Section 422.11N, subsection 1, paragraph a, Code 2011, is amended to read as follows:

a. "E=85 gasoline", "ethanol", "ethanol blended gasoline", "gasoline", "flexible fuel vehicle", and "retail dealer" mean the same as defined in section 214A.1.

Senate Study Bill 1174 continued

Sec. 5. Section 422.11N, subsection 1, paragraph b, Code 2011, is amended by striking the paragraph.

Sec. 6. Section 452A.2, subsection 18, Code 2011, is amended to read as follows:

18. "Flexible fuel vehicle" means ~~a motor vehicle as defined in section 321M.1 which is powered by an engine capable of operating using E-85 gasoline~~ the same as defined in section 214A.1.

DIVISION II
LIMITING LIABILITY OF
RETAIL DEALERS

Sec. 7. NEW SECTION. 214A.20 Retail dealers ==== limitation on liability.

1. A retail dealer is not liable for damages caused to a motor by the use of incompatible motor fuel dispensed at the retail dealer's retail motor fuel site, if all of the following applies:

a. The incompatible motor fuel complies with the specifications for a type of motor fuel as provided in section 214A.2.

b. The incompatible motor fuel is selected by a person other than the retail dealer, including an employee or agent of the retail dealer.

c. The incompatible motor fuel is dispensed from a motor fuel pump that correctly labels the type of fuel dispensed.

2. For purposes of this section, a motor fuel is incompatible with a motor according to the manufacturer of the motor.

DIVISION III
INFRASTRUCTURE

Sec. 8. Section 15G.205, subsection 4, paragraph c, Code 2011, is amended to read as follows:

c. Notwithstanding section 8.33, unencumbered and unobligated moneys remaining in the infrastructure fund at the close of each fiscal year shall not revert but shall remain

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available in the infrastructure fund for expenditure for the same purposes ~~until the end of the fiscal year that begins July 1, 2011, at which time the unencumbered and unobligated moneys remaining shall revert to the funds from which appropriated~~ provided in this section.

Sec. 9. NEW SECTION. 15G.207 Motor fuel blender pump installation project.

1. A motor fuel blender pump installation project is established in the department under the direction of the renewable fuel infrastructure board created pursuant to section 15G.202.

2. Notwithstanding sections 15G.203, 15G.204, and 15G.205, or any other provision to the contrary, the department of economic development shall support the project by using all available moneys deposited in the renewable fuel infrastructure fund to award financial incentives to retail dealers as provided in this section. All moneys in the fund which are not otherwise obligated or unencumbered on the effective date of this Act are available for the purposes of this section.

3. The project shall be administered by the department and moneys shall be awarded by the board in the same manner as the renewable fuel infrastructure program for retail motor fuel sites as provided in section 15G.203.

4. The purpose of the project is to improve retail motor fuel sites located in this state by installing motor fuel blender pumps capable of dispensing different classifications of ethanol blended gasoline or capable of dispensing different classifications of biodiesel blended fuel. The improvements may include installing, replacing, or converting related infrastructure used to store, blend, or dispense ethanol blended fuel or biodiesel blended fuel from a motor fuel blender pump. A motor fuel blender pump dispensing ethanol blended gasoline under the project must dispense different classifications of ethanol blended gasoline, including E=15 gasoline to be dispensed at all times that the blender pump is

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operating. Nothing in this section prevents the installation of a blender pump which is also capable of dispensing E=85 gasoline.

5. The renewable fuel infrastructure board shall submit a report to the general assembly not later than January 1 of each year of the project, including findings regarding the progress of the project.

6. This section is repealed on July 1, 2014.

Sec. 10. EFFECTIVE UPON ENACTMENT. This division of this Act, being deemed of immediate importance, takes effect upon enactment.

DIVISION IV
ETHANOL BLENDED GASOLINE
TAX CREDIT

Sec. 11. Section 2.48, subsection 3, paragraph d, subparagraph (5), Code 2011, is amended to read as follows:

(5) The ~~ethanol~~ E=15 promotion tax credits available under section 422.11N.

Sec. 12. Section 422.11N, subsection 1, paragraph f, Code 2011, is amended to read as follows:

f. "Tax credit" means the ~~ethanol~~ E=15 promotion tax credit as provided in this section.

Sec. 13. Section 422.11N, subsection 3, Code 2011, is amended to read as follows:

3. The taxes imposed under this division, less the tax credits allowed under section 422.12, shall be reduced by an ~~ethanol~~ E=15 gasoline promotion tax credit for each tax year that the taxpayer is eligible to claim the tax credit under this section. In order to be eligible, all of the following must apply:

a. The taxpayer is a retail dealer who sells and dispenses ethanol blended gasoline designated as E=15 or higher pursuant to section 214A.2 through a motor fuel pump in the tax year in which the tax credit is claimed.

b. The retail dealer complies with requirements of the

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department to administer this section.

Sec. 14. Section 422.11N, subsection 4, paragraph d, Code 2011, is amended by striking the paragraph.

Sec. 15. Section 422.11N, subsection 5, paragraph a, unnumbered paragraph 1, Code 2011, is amended to read as follows:

For a retail dealer whose tax year is the same as a determination period beginning on January 1 and ending on December 31, the retail dealer's tax credit is calculated by multiplying the retail dealer's total ethanol gallonage from ethanol blended gasoline designated as E=15 or higher, pursuant to section 214A.2, by a tax credit rate, which may be adjusted based on the retail dealer's biofuel threshold percentage disparity. The tax credit rate is as follows:

Sec. 16. Section 422.11N, subsection 5, paragraph a, subparagraph (1), Code 2011, is amended to read as follows:

(1) For any tax year in which the retail dealer has attained a biofuel threshold percentage for the determination period, the tax credit rate is ~~six~~ sixteen and one=half cents.

Sec. 17. Section 422.11N, subsection 5, paragraph a, subparagraph (2), subparagraph divisions (a) and (b), Code 2011, are amended to read as follows:

(a) If the retail dealer's biofuel threshold percentage disparity equals two percent or less, the tax credit rate is ~~four~~ fourteen and one=half cents.

(b) If the retail dealer's biofuel threshold percentage disparity equals more than two percent but not more than four percent, the tax credit rate is ~~two~~ twelve and one=half cents.

Sec. 18. Section 422.11N, subsection 6, Code 2011, is amended to read as follows:

6. A retail dealer is eligible to claim an ~~ethanol~~ E=15 gasoline promotion tax credit as provided in this section even though the retail dealer claims an E=85 gasoline promotion tax credit pursuant to section 422.11O for the same tax year and for the same ethanol gallonage.

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Sec. 19. Section 422.11O, subsection 5, Code 2011, is amended to read as follows:

5. A retail dealer is eligible to claim an E=85 gasoline promotion tax credit as provided in this section even though the retail dealer claims an ~~ethanol~~ E=15 gasoline promotion tax credit pursuant to section 422.11N for the same tax year for the same ethanol gallonage.

Sec. 20. Section 422.33, subsection 11A, unnumbered paragraph 1, Code 2011, is amended to read as follows:

The taxes imposed under this division shall be reduced by an ~~ethanol~~ E=15 promotion tax credit for each tax year that the taxpayer is eligible to claim the tax credit under this subsection.

Sec. 21. Section 422.33, subsection 11A, paragraphs a and b, Code 2011, are amended to read as follows:

a. The taxpayer shall claim the tax credit in the same manner as provided in section 422.11N. The taxpayer may claim the tax credit according to the same requirements, for the same amount, and calculated in the same manner, as provided for the ~~ethanol~~ E=15 promotion tax credit pursuant to section 422.11N.

b. Any ~~ethanol~~ E=15 promotion tax credit which is in excess of the taxpayer's tax liability shall be refunded or may be shown on the taxpayer's final, completed return credited to the tax liability for the following tax year in the same manner as provided in section 422.11N.

Sec. 22. Section 452A.31, subsection 2, paragraph a, subparagraph (1), Code 2011, is amended to read as follows:

(1) The total ethanol blended gasoline gallonage which is the retail dealer's total number of gallons of ethanol blended gasoline and which includes any subclassification required by the department. However, the total ethanol blended gasoline gallonage must at least include all of the following subclassifications:

(a) The total ~~E=xx~~ E=10 gasoline gallonage which is the total number of gallons of ethanol blended gasoline ~~other than~~

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~~E=85 gasoline~~ designated as E=9 or E=10.

(b) The total E=15 gasoline gallonage which is the total number of gallons of ethanol blended gasoline designated as E=11 to E=15.

(c) The total ~~E=85~~ flexible fuel gasoline gallonage which is the total number of gallons of ethanol blended gasoline designated as E=16 to E=85 ~~gasoline~~.

Sec. 23. Section 452A.31, subsection 4, paragraph a, subparagraph (1), Code 2011, is amended by striking the subparagraph and inserting in lieu thereof the following:

(1) The aggregate ethanol blended gasoline gallonage which is the aggregate total number of gallons of ethanol blended gasoline and which includes the aggregate ethanol blended gasoline gallonage for each subclassification provided for in subsection 2.

Sec. 24. NEW SECTION. 452A.34 Classification of ethanol blended fuel.

For purposes of this division, ethanol blended fuel shall be classified in the same manner as provided in section 214A.2.

Sec. 25. 2006 Iowa Acts, chapter 1142, section 49, subsection 2, as amended by 2006 Iowa Acts, chapter 1175, section 17, is amended to read as follows:

2. For a retail dealer who may claim an ~~ethanol~~ E=15 promotion tax credit under section 422.11N or 422.33, subsection 11A, as enacted in this Act and amended in subsequent Acts, in calendar year 2020 and whose tax year ends prior to December 31, 2020, the retail dealer may continue to claim the tax credit in the retail dealer's following tax year. In that case, the tax credit shall be calculated in the same manner as provided in section 422.11N or 422.33, subsection 11A, as enacted in this Act and amended in subsequent Acts, for the remaining period beginning on the first day of the retail dealer's new tax year until December 31, 2020. For that remaining period, the tax credit shall be calculated in the same manner as a retail dealer whose tax year began on the

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previous January 1 and who is calculating the tax credit on December 31, 2020.

Sec. 26. EFFECTIVE DATE. This division of this Act takes effect January 1, 2012.

Sec. 27. APPLICABILITY. The sections of this division of this Act amending section 422.11N and section 422.33, subsection 11A, and the section of this division of this Act amending 2006 Iowa Acts, chapter 1142, section 49, subsection 2, as amended by 2006 Iowa Acts, chapter 1175, section 17, apply to tax years beginning on or after January 1, 2012.

DIVISION V

TAXES IMPOSED UPON BIODIESEL FUEL

Sec. 28. Section 452A.2, Code 2011, is amended by adding the following new subsection:

NEW SUBSECTION. 9A. "Diesel fuel" means the same as defined in section 214A.1.

Sec. 29. Section 452A.2, subsection 29, Code 2011, is amended to read as follows:

29. "Nonterminal storage facility" means a facility where motor fuel or special fuel, other than liquefied petroleum gas, is stored that is not supplied by a pipeline or a marine vessel. "Nonterminal storage facility" includes a facility that manufactures products such as ~~ethanol as defined in section 214A.1,~~ biofuel, blend stocks, or additives which may be used as motor fuel or special fuel, other than liquefied petroleum gas, for operating motor vehicles or aircraft.

Sec. 30. Section 452A.3, subsection 3, Code 2011, is amended to read as follows:

3. a. For the privilege of operating motor vehicles or aircraft in this state, there is imposed an excise tax on the use of special fuel in a motor vehicle or aircraft.

(1) The tax rate on special fuel for diesel engines of motor vehicles is twenty=two and one=half cents per gallon. The tax rate on biodiesel for diesel engines of motor vehicles shall be determined on a volume basis with the gross metered gallons

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adjusted to sixty degrees Fahrenheit.

(2) The rate of tax on special fuel for aircraft is three cents per gallon.

(3) On all other special fuel, unless otherwise specified in this section, the per gallon rate is the same as the motor fuel tax.

b. Indelible dye meeting United States environmental protection agency and internal revenue service regulations must be added to special fuel before or upon withdrawal at a terminal or refinery rack for that special fuel to be exempt from tax and the dyed special fuel may be used only for an exempt purpose.

Sec. 31. Section 452A.17, subsection 1, paragraph a, Code 2011, is amended by adding the following new subparagraph:

NEW SUBPARAGRAPH. (11) Diesel fuel used by a nonterminal storage facility to blend with biodiesel to produce biodiesel blended fuel, if the biodiesel blended fuel is distributed to a blender licensed pursuant to section 452A.6 who is also required to pay the excise tax on the same diesel fuel.

Sec. 32. Section 452A.86, Code 2011, is amended to read as follows:

452A.86 Method of determining gallonage.

1. The exclusive method of determining gallonage of any purchases or sales of motor fuel, undyed special fuel, compressed natural gas, or liquefied petroleum gas as defined in this chapter and distillate fuels shall be on a gross volume basis. A temperature=adjusted or other method shall not be used, except as it applies to biodiesel, liquefied petroleum gas, ~~and~~ or the sale or exchange of petroleum products between petroleum refiners. All invoices, bills of lading, or other records of sale or purchase and all returns or records required to be made, kept, and maintained by a supplier, restrictive supplier, importer, exporter, blender, or compressed natural gas or liquefied petroleum gas dealer or user shall be made, kept, and maintained on the gross volume basis.

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2. For purposes of this section, "distillate fuels" means any fuel oil, gas oil, topped crude oil, or other petroleum oils derived by refining or processing crude oil or unfinished oils which have a boiling range at atmospheric pressure which falls completely or in part between five hundred fifty and twelve hundred degrees Fahrenheit.

DIVISION VI

INCOME TAX CREDITS FOR RETAIL DEALERS OF RENEWABLE FUEL

Sec. 33. Section 422.11N, subsection 3, Code 2011, is amended by adding the following new paragraph:

NEW PARAGRAPH. c. The department has received the retail dealer's motor fuel gallonage report for the immediately prior determination period beginning January 1 and ending December 31, as required in section 452A.33. The report must have been received by the department on or before the report's due date. If the retail dealer submits the report on a quarterly or monthly basis as provided in that section, the department must have received all such reports by the same due date.

Sec. 34. Section 422.11O, subsection 2, Code 2011, is amended by adding the following new paragraph:

NEW PARAGRAPH. c. The department has received the retail dealer's motor fuel gallonage report for the immediately prior determination period beginning January 1 and ending December 31, as required in section 452A.33. The report must have been received by the department on or before the report's due date. If the retail dealer submits the report on a quarterly or monthly basis as provided in that section, the department must have received all such reports by the same due date.

Sec. 35. Section 422.11P, subsection 2, paragraph a, Code 2011, is amended by adding the following new subparagraph:

NEW SUBPARAGRAPH. (4) The department has received the retail dealer's motor fuel gallonage report for the immediately prior determination period beginning January 1 and ending December 31, as required in section 452A.33. The report

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must have been received by the department on or before the report's due date. If the retail dealer submits the report on a quarterly or monthly basis as provided in that section, the department must have received all such reports by the same due date.

Sec. 36. Section 452A.33, subsection 1, paragraph a, unnumbered paragraph 1, Code 2011, is amended to read as follows:

Each retail dealer shall submit a motor fuel gallonage report, detailing its total motor fuel gallonage for a determination period as follows:

EXPLANATION

GENERALLY. This bill relates to motor fuel regulated by the department of agriculture and land stewardship (DALS) pursuant to Code chapter 214A and classified according to the percentage of biofuel blended into the motor fuel (e.g., E=10 means a gallon of gasoline containing 10 percent ethanol and B=5 means a gallon of diesel fuel containing 5 percent biodiesel). Both ethanol blended gasoline and biodiesel blended fuel are subject to promotional programs and tax incentives.

GENERAL ==== REGULATION OF MOTOR FUEL. The bill amends several provisions in Code chapter 214A, which regulates the sale of motor fuel by DALS. The bill establishes a standard for biodiesel blended fuel based on A.S.T.M. international specifications. It also rewrites a provision that requires that a motor fuel pump be affixed with a decal (label) informing the traveling public whether it is dispensing a motor fuel containing ethanol or biodiesel. It retains the label requirement for a motor fuel pump dispensing E=85 gasoline for flexible fuel vehicles or biodiesel blended fuel for diesel=powered motor vehicles, removes a provision requiring a label for a motor fuel pump dispensing other types of ethanol blended fuel (standard ethanol blended gasoline), and requires a label for a motor fuel pump dispensing gasoline without an ethanol component (nonblended gasoline).

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LIMITING LIABILITY OF RETAIL DEALERS. The bill amends Code chapter 214A, which provides for motor fuel, including gasoline or ethanol blended gasoline, E=85 gasoline, diesel fuel, and biodiesel fuel. The bill provides that a retail dealer is not liable for damages caused to a motor by the use of an incompatible motor fuel (e.g., the use of E=85 gasoline in a conventional gasoline=powered motor). The bar against liability depends upon the satisfaction of certain conditions: (1) the motor fuel must meet legal specifications, (2) the retail dealer cannot have selected it for use in the motor, and (3) the dispensing pump must be correctly labeled.

INFRASTRUCTURE. The bill suspends the operation of two current programs providing incentives for the installation of renewable fuel infrastructure. The programs are supported from moneys deposited in the renewable fuel infrastructure fund. The bill provides that the department of economic development and the renewable fuel infrastructure board must use all available moneys deposited in the fund to award financial incentives to retail dealers participating in a project to install infrastructure associated with dispensing renewable fuel from motor fuel blender pumps. The board must report to the general assembly regarding the project. The project is eliminated on July 1, 2014.

The bill eliminates a provision which provides that moneys in the fund revert at the end of the fiscal year beginning July 1, 2011.

This division of the bill takes effect upon enactment.

ETHANOL BLENDED GASOLINE TAX CREDIT AND REPORTING. The bill amends the ethanol promotion tax credit which is calculated separately for each retail motor fuel site from which the retail dealer sells and dispenses ethanol blended gasoline (Code sections 422.11N and 422.33, subsection 11A). The tax credit rate depends upon the number of gallons of ethanol blended gasoline and biodiesel blended fuel that a retail dealer sold throughout a calendar year (referred to as a

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determination period). The amount of the tax credit depends upon whether the retail dealer met that biofuel threshold. This bill renames the tax credit as the E=15 promotion tax credit, and provides that the tax credit applies only to those gallons of ethanol that are part of ethanol blended gasoline designated as E=15 or higher. It also allows a retail dealer filing a tax return on a noncalendar year basis to claim the tax credit. The tax credit is eliminated on January 1, 2021.

The bill also amends reporting requirements by retail dealers and the department of revenue. A retail dealer's report calculates the total motor fuel gallonage, and further divides that number based on a number of classifications depending upon the type of motor fuel sold, including ethanol blended gasoline gallonage. The department then calculates the aggregate total for the motor fuel gallonage including by classification for the determination period. The bill revises the reporting classifications for ethanol blended gasoline, by including subclassifications for E=9 and E=10, E=11 to E=15, and E=16 to E=85. It provides that the department may establish additional subclassifications.

This division of the bill is effective on January 1, 2012, and tax credit provisions are applicable to the tax years beginning on or after that date.

EXCISE TAXES IMPOSED UPON BIODIESEL FUEL. The bill amends provisions in Code chapter 452A which relate to an excise tax imposed upon biodiesel fuel. Generally, an excise tax is imposed on each gallon of motor fuel, including biodiesel fuel (Code section 452A.3) based on a gross volume basis without adjustment (Code section 452A.86). The bill does not directly change the excise tax imposed on biodiesel fuel, but changes how the gallonage is calculated at the meter, by requiring that the excise tax be assessed after adjusting the biodiesel's temperature to 60 degrees Fahrenheit.

The bill also provides for a refund of excise taxes paid on diesel fuel by nonterminal storage facilities. A person

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who manufactures a biofuel, including ethanol or biodiesel for distribution, is classified as a nonterminal storage facility (Code section 452A.2). A nonterminal storage facility is required to pay an excise tax on diesel fuel used in producing biodiesel blended fuel. The bill provides that the nonterminal storage facility is entitled to a refund of the excise tax paid on diesel fuel if the biodiesel blended fuel is distributed to a licensed blender (Code section 452A.6) who must pay the excise tax on that same diesel fuel.

INCOME TAX CREDITS FOR RETAIL DEALERS OF MOTOR FUEL WHICH CONTAINS ETHANOL OR BIODIESEL. Code chapter 422 establishes a tax credit for the promotion of ethanol blended gasoline (Code sections 422.11N and 422.33(11A)), E=85 gasoline (Code sections 422.11O and 422.33(11B)), and biodiesel blended motor fuel (Code sections 422.11P and 422.33(11C)). The bill provides that in order for a retail dealer to claim a tax credit, it must comply with an existing statute that requires a retail dealer submit a motor fuel gallonage report (Code section 452A.33) for its latest determination period (calendar year). The report includes the retail dealer's total gasoline gallonage, ethanol gallonage, ethanol blended gasoline gallonage, E=85 gasoline gallonage, diesel gallonage, and biodiesel gallonage for each motor fuel site or other permanent or temporary location owned or operated by the retail dealer.

LSB 2723SC (4) 84
da/nh

Iowa General Assembly
Daily Bills, Amendments & Study Bills
March 01, 2011

Senate Study Bill 1175

SENATE FILE
BY (PROPOSED COMMITTEE ON
STATE GOVERNMENT BILL
BY CHAIRPERSON
DANIELSON)

A BILL FOR

An Act relating to bond requirements for the construction of subdivision improvements.

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

TLSB 2718SC (2) 84
aw/sc

Senate Study Bill 1175 continued

PAG LIN

Section 1. Section 354.8, Code 2011, is amended to read as follows:

354.8 Review and approval by governing bodies.

1. A proposed subdivision plat lying within the jurisdiction of a governing body shall be submitted to that governing body for review and approval prior to recording. Governing bodies shall apply reasonable standards and conditions in accordance with applicable statutes and ordinances for the review and approval of subdivisions. The governing body, within sixty days of application for final approval of the subdivision plat, shall determine whether the subdivision conforms to its comprehensive plan and shall give consideration to the possible burden on public improvements and to a balance of interests between the proprietor, future purchasers, and the public interest in the subdivision when reviewing the proposed subdivision and when requiring the installation of public improvements in conjunction with approval of a subdivision. The governing body shall not issue final approval of a subdivision plat unless the subdivision plat conforms to sections 354.6, 354.11, and 355.8.

2. If the subdivision plat and all matters related to final approval of the subdivision plat conform to the standards and conditions established by the governing body, and conform to this chapter and chapter 355, the governing body, by resolution, shall approve the plat and certify the resolution which shall be recorded with the plat. The recorder shall refuse to accept a subdivision plat presented for recording without a resolution from each applicable governing body approving the subdivision plat or waiving the right to review.

3. The governing body may require a proprietor to provide a bond in an amount determined by the governing body to secure construction of subdivision improvements, and may condition the release of the bond on the governing body's acceptance of the subdivision improvements as having been properly constructed in accordance with the applicable design requirements. If

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the governing body requires the provision of such a bond by a proprietor, the proprietor may provide a bond directly or have a bond provided on the proprietor's behalf by the contractor hired for the construction of the subdivision improvements. As used in this section, the term "subdivision improvements" means any fixture, structure, or other improvement to land required to be constructed or installed by the proprietor as a condition of the governing body's approval of a subdivision plat.

4. A city may establish jurisdiction to review subdivisions or plats of survey outside its boundaries pursuant to the provisions of section 354.9. In the case of a city, the provisions of this section apply to the review by the city of both subdivision plats and plats of survey.

EXPLANATION

This bill relates to bond requirements for the construction of subdivision improvements.

The bill permits a governing body to require that a proprietor submit a bond in order to secure the construction of subdivision improvements. The bill permits a city to condition the release of such bonds upon the proper construction of such improvements. If such a bond is required by the city, the bill permits the proprietor to submit a bond attained on behalf of the proprietor or on behalf of the contractor hired to construct such subdivision improvements.

LSB 2718SC (2) 84
aw/sc

Iowa General Assembly
Daily Bills, Amendments & Study Bills
March 01, 2011

Senate Study Bill 1176

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

A BILL FOR

An Act relating to the utilization of energy by modifying and expanding the energy city designation program.

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

TLSB 1277XC (2) 84
rn/sc

Senate Study Bill 1176 continued

PAG LIN

Section 1. Section 266.39C, Code 2011, is amended by adding the following new subsection:

NEW SUBSECTION. 7. The Iowa energy center shall administer the designation program for energy cities, energy counties, and energy regions established in section 473.41.

Sec. 2. Section 469.3, subsection 2, paragraph w, Code 2011, is amended by striking the paragraph.

Sec. 3. Section 473.41, Code 2011, is amended to read as follows:

473.41 ~~Energy city designation program~~ Designation program ==== energy cities, counties, and regions.

1. The ~~office~~ department of economic development, with the assistance of the Iowa initiative for sustainable communities administered through the school of urban and regional planning at the university of Iowa, shall establish and administer ~~an energy city~~ a designation program for energy cities, energy counties, and energy regions, with the objective of encouraging cities, counties, and collaborations of cities and counties to develop and implement innovative energy efficiency programs. To qualify for designation as an energy city, energy county, or energy region, a city, county, or collaboration of cities and counties shall submit an application on forms prescribed by the ~~office by rule, indicating~~ department providing the following:

a. ~~Submission of~~ A community=based energy improvement plan, which incorporates the smart planning principles and guidelines pursuant to sections 18B.1 and 18B.2, plans for energy ~~reduction~~ improvement projects, energy=efficient building construction and rehabilitation, and alternative or renewable energy production.

b. ~~Efforts~~ A plan to secure ~~local~~ funding for ~~community=based~~ energy improvement plans~~, and documentation of any state or federal grant or loan funding being pursued in connection therewith~~.

c. ~~Involvement~~ Documentation of involvement by local schools, civic organizations, ~~chambers of commerce~~ business

Senate Study Bill 1176 continued

organizations, and ~~private~~ other groups in ~~a community-based~~ the energy improvement plan.

d. ~~Existing~~ A summary of existing or proposed ordinances encouraging or supporting energy ~~efficiency~~ improvement initiatives and conservation, recycling efforts, and energy-efficient ~~building code provisions and enforcement~~ buildings.

e. ~~Organization~~ The organization of an energy day observance and proclamation with a commemorating event and awards ceremony for leading energy-efficient community businesses, groups, schools, or individuals.

2. The ~~office shall establish by rule criteria for awarding energy city designations. If more than one designation is awarded annually, the criteria shall include a requirement that the office award the designations to cities of varying populations. Rules shall also be established identifying~~ department shall identify and ~~publicizing~~ publicize private, state, and federal grant and loan programs relating to energy ~~efficiency, and the development of a procedure whereby the office shall coordinate with other state agencies preferences given in the awarding of grants or making of loans to energy city designated applicants~~ improvement, energy demand reduction, energy-efficient building construction and rehabilitation, and alternative or renewable energy production.

3. The department shall coordinate with energy cities, counties, and regions to facilitate the state's participation in the federal better buildings initiative, including but not limited to promoting and facilitating public and private participation in new tax incentives for building efficiency; financing opportunities for commercial retrofits; federal loan guarantees for energy efficiency upgrades at hospitals, schools, and other commercial buildings; applying for grants to foster the streamlining and updating of state and local government regulations to attract private sector investment in energy improvement projects; and participating in the better

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buildings challenge included in the initiative.

4. The department shall conduct an annual statewide event recognizing and showcasing selected energy cities, energy counties, and energy regions which meet or exceed energy improvement criteria established by the department, and businesses, groups, schools, or individuals nominated for recognition by such cities, counties, or regions.

5. For purposes of developing or implementing an energy improvement plan or a plan to secure financing, one or more cities and counties may enter into a chapter 28E agreement through a council of governments to collaborate in the creation of an energy region for purposes of this section and section 473.42, 473.43, and 473.44.

Sec. 4. NEW SECTION. 473.42 Designation program ==== ordinance.

1. A city council or county board of supervisors may adopt an ordinance or ordinances providing energy improvement plan financing as a component of an energy improvement plan submitted by a city, county, or council of governments. Prior to adoption of an ordinance, the city council or county board of supervisors shall do all of the following:

a. Submit the question of adoption of the ordinance to an energy improvement ordinance evaluation committee, which shall include but not be limited to two members who are residents of or operating within the city, county, or energy region representing each of the following categories:

(1) Homeowner energy users.

(2) Business energy users.

(3) Energy utilities.

(4) Architectural firms.

(5) Firms involved in the construction or installation of energy improvements.

(6) Financial institutions.

The committee shall be subject to the requirements of sections 69.16 and 69.16A.

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b. Conduct a public hearing at which interested persons may inquire about or object to the proposed ordinance. Notice of the hearing shall be published as provided in section 331.305 or 362.3, as applicable.

2. The department shall be provided with a copy of any ordinance adopted pursuant to this section.

Sec. 5. NEW SECTION. 473.43 Designation program ==== financing.

1. a. An energy improvement plan financing ordinance adopted by a city council or county board of supervisors pursuant to section 473.42 may authorize the issuance of bonds by the city or county to assist in the financing of energy improvement projects. Energy improvement projects for publicly owned buildings shall be considered an essential corporate purpose for which a city or county may issue bonds. The ordinance may also provide for the repayment of bonds or other financing through special assessments, provided that any lien involved maintains a junior position with respect to any mortgage or other lien on the property. If not repaid according to another contract or agreement, any unpaid assessments shall remain with the property following the sale of the property.

b. If the ordinance provides for the repayment of bonds or other financing through special assessments, the department shall establish procedures and requirements regarding the adoption of a resolution of intent, application forms, packaging assessments, petitions by property owners, submission of resolutions for filing, and adoption of a final assessment schedule.

c. The ordinance may additionally provide for the repayment of financed improvements through billings for energy use under one or more agreements with a city, investor=owned utility, municipal utility, rural electric cooperative, or other energy supplier. Such arrangements shall qualify for incorporation into applicable energy efficiency plan and goal requirements

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established in section 476.6, subsections 14 and 16. The utilities board of the utilities division of the department of commerce shall by rule adopt procedures for the implementation of this paragraph.

2. A city, county, or council of governments may enter into one or more cooperative agreements with financial institutions and other stakeholders for the purpose of financing energy improvement projects and providing for the repayment of such financing.

Sec. 6. NEW SECTION. 473.44 Designation program ==== annual report.

Energy cities, counties, and regions shall provide information to the department on an annual basis regarding the results of the program. The department shall make available on its internet site the information so received.

EXPLANATION

This bill relates to energy efficiency programs undertaken at the city, county, and regional level.

The bill modifies and expands the energy city designation program contained in Code section 473.41. The program is transferred for administrative purposes from the office of energy independence to the Iowa department of economic development, with the assistance of the Iowa initiative for sustainable communities administered through the school of urban and regional planning at the university of Iowa, and expanded to include counties and collaborations of cities and counties at the regional level regarding developing and implementing energy efficiency programs.

The bill expands application requirements for designation pursuant to the program. Modified requirements include submitting an energy improvement plan incorporating smart planning principles and guidelines established in Code sections 18B.1 and 18B.2, and plans for energy improvement projects, energy=efficient building construction and rehabilitation, and alternative or renewable energy production. Requirements shall

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also include submitting a plan for securing funding for energy improvement plans, documentation of local business, civic, and school involvement, and a summary of existing or proposed ordinances encouraging or supporting energy improvement initiatives and activities.

The bill directs the department to identify and publicize private, state, and federal grant and loan programs relating to energy improvement, energy demand reduction, energy=efficient building construction and rehabilitation, and alternative or renewable energy production. The bill also directs the department to coordinate with energy cities, counties, and regions to facilitate the state's participation in the federal better buildings initiative, and to conduct an annual statewide event recognizing and showcasing selected energy cities, energy counties, and energy regions which meet or exceed energy improvement criteria established by the center, and businesses, groups, schools, or individuals nominated for recognition by such cities, counties, or regions.

The bill states that for purposes of developing or implementing an energy improvement plan or a plan to secure financing, one or more cities and counties may enter into a Code chapter 28E agreement through a council of governments to collaborate in the creation of an energy region.

The bill authorizes a city council or county board of supervisors to adopt an energy improvement plan financing ordinance or ordinances as a component of an energy improvement plan. Prior to adoption of an ordinance, the bill directs the city council or county board of supervisors to submit the question of adoption of the ordinance to an energy improvement ordinance evaluation committee, to be comprised as provided in the bill, and to conduct a public hearing at which interested persons may inquire about or object to the proposed ordinance.

The bill provides that an energy improvement plan financing ordinance may authorize the issuance of bonds by the city or county to assist in the financing of energy improvement

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projects, and for the repayment of bonds or other financing through special assessments, provided that any lien involved maintains a junior position with respect to any mortgage or other lien on the property. The bill states that if not repaid according to another contract or agreement, any unpaid assessments shall remain with the property following sale of the property. The bill states that energy improvement projects for publicly owned buildings shall be considered an essential corporate purpose for which a city or county may issue bonds. The bill states that if an ordinance provides for the repayment of bonds or other financing through special assessments, the department shall establish procedures and requirements regarding the adoption of a resolution of intent, application forms, packaging assessments, petitions by property owners, submission of resolutions for filing, and adoption of a final assessment schedule.

The bill provides that an ordinance may additionally provide for the repayment of financed improvements through billings for energy use under one or more agreements with a city, investor=owned utility, municipal utility, rural electric cooperative, or other energy supplier. The bill states that these arrangements shall qualify for incorporation into applicable energy efficiency plan and goal requirements established in Code section 476.6, subsections 14 and 16.

The bill additionally provides that a city, county, or council of governments may enter into one or more cooperative agreements with financial institutions and other stakeholders for the purpose of financing energy improvement projects and providing for the repayment of such financing.

The bill requires energy cities, counties, and regions to submit information to the department on an annual basis regarding the results of the program, which shall be available on the department's internet site.

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rn/sc

Iowa General Assembly
Daily Bills, Amendments & Study Bills
March 01, 2011

Senate Study Bill 1177

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

A BILL FOR

An Act relating to statutory corrections which may adjust language to reflect current practices, insert earlier omissions, delete redundancies and inaccuracies, delete temporary language, resolve inconsistencies and conflicts, update ongoing provisions, or remove ambiguities, and including effective date and retroactive applicability provisions.

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

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lh/rj

Senate Study Bill 1177 continued

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DIVISION I
STATUTORY CORRECTIONS

Section 1. Section 8.9, subsection 1, Code 2011, is amended to read as follows:

1. The office of grants enterprise management is established in the department of management. The function of the office is to develop and administer a system to track, identify, advocate for, and coordinate nonstate grants as defined in section 8.2, subsections 1 and 3. Staffing for the office of grants enterprise management shall be provided by a facilitator appointed by the director of the department of management. Additional staff may be hired, subject to the availability of funding. ~~Funding for the office is from the appropriation to the department pursuant to section 8A.505, subsection 2.~~

Sec. 2. Section 8A.207, subsection 5, paragraph c, Code 2011, is amended to read as follows:

c. Contracts let by another governmental entity. The department, on its own behalf or on the behalf of another participating agency or governmental entity, may procure information technology under an existing competitively procured contract let by another governmental entity, or may approve such procurement in the same manner by a participating agency or governmental entity. The department, on its own behalf or on the behalf of another participating agency or governmental entity, may also procure information technology by leveraging an existing competitively procured contract, ~~or~~ other than a contract associated with the state board of regents or an institution under the control of the state board of regents.

Sec. 3. Section 15.104, subsection 6, Code 2011, is amended to read as follows:

6. Review grants or contracts awarded by the department, with respect to the department's adherence to the guidelines and procedures ~~and the impact on the three-year strategic plan for economic growth~~.

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Sec. 4. Section 15.117A, subsection 2, paragraph a, subparagraph (5), Code 2011, is amended to read as follows:

(5) The person ~~designated~~ appointed as the chief information officer pursuant to section ~~8A.104, subsection 12~~ 8A.201A, or, if no person has been so ~~designated~~ appointed, the director of the department of administrative services, or the director's designee.

Sec. 5. Section 15.119, subsection 2, paragraph e, Code 2011, is amended to read as follows:

e. The assistive device tax credit program administered pursuant to ~~section 422.11E and~~ section 422.33, subsection 9.

Sec. 6. Section 15.333, subsection 1, paragraph b, Code 2011, is amended by striking the paragraph.

Sec. 7. Section 16.131A, unnumbered paragraph 1, Code 2011, is amended to read as follows:

As used in section 16.131, this section, and sections 16.132 through ~~16.134~~ 16.135, unless the context otherwise requires:

Sec. 8. Section 16.135, subsection 2, paragraph b, Code 2011, is amended to read as follows:

b. The financial ability of the users to support the existing wastewater treatment system, improvements to the wastewater treatment system, and the long=term maintenance of the wastewater treatment system.

Sec. 9. Section 16.192, subsections 4 and 5, Code 2011, are amended to read as follows:

4. Award financial assistance, including financial assistance in the form of grants under the Iowa jobs program and Iowa jobs II program pursuant to sections 16.194, 16.194A, and 16.195.

5. Enter into and enforce grant agreements as necessary or convenient to implement the Iowa jobs program and Iowa jobs II program.

Sec. 10. Section 16.193, subsections 1 and 2, Code 2011, are amended to read as follows:

1. The Iowa finance authority, subject to approval by the

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Iowa jobs board, shall adopt administrative rules pursuant to chapter 17A necessary to administer the Iowa jobs program and Iowa jobs II program. The authority shall provide the board with assistance in implementing administrative functions, providing technical assistance and application assistance to applicants under the programs, negotiating contracts, and providing project follow up. The authority, in cooperation with the board, may conduct negotiations on behalf of the board with applicants regarding terms and conditions applicable to awards under the program.

2. During the term of the Iowa jobs program established in section 16.194 and the Iowa jobs II program established in section 16.194A, two hundred thousand dollars of the moneys deposited in the rebuild Iowa infrastructure fund shall be allocated each fiscal year to the Iowa finance authority for purposes of administering the Iowa jobs program and Iowa jobs II program, notwithstanding section 8.57, subsection 6, paragraph "c".

Sec. 11. Section 16.193, subsection 3, paragraph a, Code 2011, is amended to read as follows:

a. During the term of the Iowa jobs program and Iowa jobs II program, the Iowa finance authority shall collect data on all of the projects approved for the program. The department of management and the state agencies associated with the projects shall assist the authority with the data collection and in developing the report required by this subsection. The authority shall report quarterly to the governor and the general assembly concerning the data.

Sec. 12. Section 16.195, subsection 1, Code 2011, is amended to read as follows:

1. Applications for assistance under the Iowa jobs program and Iowa jobs II program shall be submitted to the Iowa finance authority. The authority shall provide a staff review and evaluation of applications to the Iowa jobs program review committee referred to in subsection 2 and to the Iowa jobs

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board.

Sec. 13. Section 28H.1, unnumbered paragraph 1, Code 2011, is amended to read as follows:

For purposes of this chapter, a council of governments includes the following areas established by executive order number 11, ~~1969~~ 1968 or a chapter 28E agreement:

Sec. 14. Section 29A.43, subsection 1, Code 2011, is amended to read as follows:

1. A person shall not discriminate against any officer or enlisted person of the national guard or organized reserves of the armed forces of the United States or any member of the civil air patrol because of that membership. An employer, or agent of an employer, shall not discharge a person from employment because of being an officer or enlisted person of the military forces of the state or member of the civil air patrol, or hinder or prevent the officer or enlisted person or member of the civil air patrol from performing any military service or civil air patrol duty the person is called upon to perform by proper authority. A member of the national guard or organized reserves of the armed forces of the United States ordered to temporary duty or service, as defined in section 29A.1, subsection 3, 11, or 12, or a member of the civil air patrol performing duty pursuant to section 29A.3A, for any purpose is entitled to a leave of absence during the period of the duty or service, from the member's private employment unless the employment is of a temporary nature. Upon completion of the duty or service, the employer shall restore the person to the position held prior to the leave of absence or employ the person in a position of like seniority, status, and pay. However, the person shall give evidence to the employer of satisfactory completion of the duty or service, and that the person is still qualified to perform the duties of the position. The period of absence shall be construed as an absence with leave, and shall in no way affect the employee's rights to vacation, sick leave, bonus, or other employment

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benefits relating to the employee's particular employment.

Sec. 15. Section 50.39, Code 2011, is amended to read as follows:

50.39 Abstract.

~~It~~ The state board of canvassers shall make an abstract stating the number of ballots cast for each office, the names of all the persons voted for, for what office, the number of votes each received, and whom ~~it~~ the state board of canvassers declares to be elected, and if a public question has been submitted to the voters of the state, the number of ballots cast for and against the question and a declaration of the result as determined by the canvassers; which abstract shall be signed by the canvassers in their official capacity and as state canvassers, and have the seal of the state affixed.

Sec. 16. Section 52.2, Code 2011, is amended to read as follows:

52.2 ~~Purchase~~ Optical scan voting system required.

~~1. Except as otherwise provided in subsection 2, the board of supervisors of a county may, by a majority vote, authorize, purchase, and order the use of voting machines or an optical scan voting system in any one or more voting precincts within the county until otherwise ordered by the board of supervisors. Voting machines and an optical scan voting system may be used concurrently at the same precinct.~~

~~2.~~ Notwithstanding any provision to the contrary, for elections held on or after November 4, 2008, a county shall use an optical scan voting system only. The requirements of the federal Help America Vote Act relating to disabled voters shall be met by a county through the use of electronic ballot marking devices that are compatible with an optical scan voting system.

Sec. 17. Section 68A.401, subsection 4, Code 2011, is amended to read as follows:

4. Political committees expressly advocating the nomination, election, or defeat of candidates for both federal office and any elected office created by law or the

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Constitution of the State of Iowa shall file statements and reports with the board in addition to any federal reports required to be filed with the board. However, a political committee that is registered and filing full disclosure reports of all financial activities with the federal election commission may file verified statements as provided in section ~~68A.201~~ 68B.201A.

Sec. 18. Section 88.5, subsection 11, Code 2011, is amended to read as follows:

11. Railway sanitation and shelter. A railway corporation within the state shall provide adequate sanitation and shelter for all railway employees. The commissioner shall adopt rules requiring railway corporations within the state to provide a safe and healthy workplace. The commissioner shall enforce the requirements of this ~~section~~ subsection upon the receipt of a written complaint.

Sec. 19. Section 89.3, subsection 5, paragraph a, unnumbered paragraph 1, Code 2011, is amended to read as follows:

An object that meets all of the following criteria shall be inspected at least once each year externally while under pressure and at least once every four years internally while not under pressure, unless the commissioner determines an earlier inspection is warranted~~.~~:

Sec. 20. Section 89.5, subsection 3, unnumbered paragraph 1, Code 2011, is amended to read as follows:

A rule adopted pursuant to this chapter which adopts standards by reference to another publication shall be exempt from the requirements of section ~~2B.5A~~ 17A.6, subsection ~~4~~ 2, if the following conditions exist:

Sec. 21. Section 89A.3, subsection 5, unnumbered paragraph 1, Code 2011, is amended to read as follows:

A rule adopted pursuant to this section which adopts standards by reference to another publication shall be exempt from the requirements of section ~~2B.5A~~ 17A.6, subsection ~~4~~ 2,

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if the following conditions exist:

Sec. 22. Section 90A.11, subsection 3, paragraph e, Code 2011, is amended to read as follows:

e. Civil penalties recovered pursuant to this ~~section~~ subsection shall be remitted by the commissioner to the treasurer of state for deposit in the general fund of the state.

Sec. 23. Section 91.4, Code 2011, is amended to read as follows:

91.4 Duties and powers.

1. The duties of said commissioner shall be:

~~1.~~ a. To safely keep all records, papers, documents, correspondence, and other property pertaining to or coming into the commissioner's hands by virtue of the office, and deliver the same to the commissioner's successor, except as otherwise provided.

~~2.~~ b. To collect, assort, and systematize statistical details relating to programs of the division of labor services.

~~3.~~ c. To issue from time to time bulletins containing information of importance to the industries of the state and to the safety of wage earners.

~~4.~~ d. To conduct and to cooperate with other interested persons and organizations in conducting educational programs and projects on employment safety.

e. To serve as an ex officio member of the state fire service and emergency response council, or appoint a designee to serve as an ex officio member of such council, to assist the council in the development of rules relating to fire fighting training standards and any other issues relating to occupational safety and health standards for fire fighters.

~~5.~~ 2. The director of the department of workforce development, in consultation with the labor commissioner, shall, at the time provided by law, make an annual report to the governor setting forth in appropriate form the business and expense of the division of labor services for the preceding

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year, the number of remedial actions taken under chapter 89A, the number of disputes or violations processed by the division and the disposition of the disputes or violations, and other matters pertaining to the division which are of public interest, together with recommendations for change or amendment of the laws in this chapter and chapters 88, 88A, 88B, 89, 89A, 89B, 90A, 91A, 91C, 91D, 91E, 92, and 94A, and section 85.68, and the recommendations, if any, shall be transmitted by the governor to the first general assembly in session after the report is filed.

~~6.~~ 3. The commissioner, with the assistance of the office of the attorney general if requested by the commissioner, may commence a civil action in any court of competent jurisdiction to enforce the statutes under the commissioner's jurisdiction.

~~7.~~ 4. The division of labor services may sell documents printed by the division at cost according to rules established by the labor commissioner pursuant to chapter 17A. Receipts from the sale shall be deposited to the credit of the division and may be used by the division for administrative expenses.

~~8.~~ 5. Except as provided in chapter 91A, the commissioner may recover interest, court costs, and any attorney fees incurred in recovering any amounts due. The recovery shall only take place after final agency action is taken under chapter 17A, or upon judicial review, after final disposition of the case by the court. Attorney fees recovered in an action brought under the jurisdiction of the commissioner shall be deposited in the general fund of the state. The commissioner is exempt from the payment of any filing fee or other court costs including but not limited to fees paid to county sheriffs.

~~9.~~ 6. The commissioner may establish rules pursuant to chapter 17A to assess and collect interest on fees, penalties, and other amounts due the division. The commissioner may delay or, following written notice, deny the issuance of a license, commission, registration, certificate, or permit authorized

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under chapter 88A, 89, 89A, 90A, 91C, or 94A if the applicant for the license, commission, registration, certificate, or permit owes a liquidated debt to the commissioner.

~~10. Serve as an ex officio member of the state fire service and emergency response council, or appoint a designee to serve as an ex officio member of such council, to assist the council in the development of rules relating to fire fighting training standards and any other issues relating to occupational safety and health standards for fire fighters.~~

Sec. 24. Section 97B.49A, subsection 3, Code 2011, is amended to read as follows:

3. Calculation of monthly allowance. For each active or inactive vested member retiring on or after July 1, 1994, ~~with four or more complete years of~~ who is vested by service, a monthly benefit shall be computed which is equal to one=twelfth of an amount equal to the applicable percentage of the final average covered wage multiplied by a fraction of years of service. However, if benefits under this section commence on an early retirement date, the amount of the benefit shall be reduced in accordance with section 97B.50.

Sec. 25. Section 97C.3, subsections 1, 2, and 3, Code 2011, are amended to read as follows:

1. Benefits will be provided for employees whose services are covered by the agreement ~~(and~~, and their dependents and ~~survivors)~~ survivors, on the same basis as though such services constituted employment within the meaning of Tit. II of said Social Security Act.

2. The state will pay to the secretary of the treasury, at such time or times as may be prescribed under the Social Security Act, Tit. II, contributions with respect to wages ~~(as~~ as defined in section 97C.2 ~~of this chapter)~~, equal to the sum of taxes which would be imposed by sections 1400 and 1410 of the federal Insurance Contributions Act, if the services covered by the agreement constituted employment within the meaning of that Act.

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3. Such agreement shall be effective with respect to services in employment covered by the agreement performed after a date specified therein, but in no event may it be effective with respect to any such services performed prior to the first day of the calendar year in which such agreement is entered into or in which the modification of the agreement making it applicable to such services is entered into, provided that in the case of an agreement or modification made after ~~the effective date of this chapter [May~~ May 3, ~~1953]~~ 1953, and prior to January 1, 1954, such agreement or modification of the agreement shall be made effective with respect to any such services performed on or after January 1, 1951.

Sec. 26. Section 99B.5A, subsection 2, unnumbered paragraph 1, Code 2011, is amended to read as follows:

Bingo may lawfully be conducted at a fair~~, as defined in section 174.1,~~ or a community festival if all the following conditions are met:

Sec. 27. Section 100C.6, subsection 4, Code 2011, is amended to read as follows:

4. Relieve any person engaged in fire protection system installation, maintenance, repair, service, or inspection as ~~defined~~ provided in section 100D.1 from obtaining a fire protection system installer and maintenance worker license as required pursuant to chapter 100D.

Sec. 28. Section 101.1, subsection 2, Code 2011, is amended by adding the following new paragraph:

NEW PARAGRAPH. e. "Petroleum" means petroleum as defined in section 455B.471.

Sec. 29. Section 101.2, Code 2011, is amended to read as follows:

101.2 Scope of rules.

Except as otherwise provided in this chapter, the rules shall be in substantial compliance with the standards of the national fire protection association relating to flammable and combustible liquids, ~~and~~ liquefied petroleum gases, and

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liquefied natural gases.

Sec. 30. Section 101.3, Code 2011, is amended to read as follows:

101.3 Separate rules for liquids and gas.

The rules covering combustible and flammable liquids shall be formulated and promulgated separately from those covering liquefied petroleum gas and from those covering liquefied natural gases.

Sec. 31. Section 101.21, subsection 4, Code 2011, is amended by striking the subsection.

Sec. 32. Section 101.22, subsection 8, paragraph b, Code 2011, is amended to read as follows:

b. A person who conveys or deposits flammable or combustible liquid shall inspect the aboveground flammable or combustible liquid storage tank to determine the existence or absence of the registration tag. If a registration tag is not affixed to the aboveground flammable or combustible liquid storage tank fill pipe, the person conveying or depositing the flammable or combustible liquid may deposit the flammable or combustible liquid in the unregistered tank. However, ~~the~~ only one deposit is allowed ~~only in the single instance~~ into the unregistered tank, ~~that~~ the person ~~provides~~ making the deposit shall provide the owner or operator of the tank with another notice as required by subsection 5, and ~~that~~ the person ~~provides~~ shall provide the owner or operator with an aboveground flammable or combustible liquid storage tank registration form.

Sec. 33. Section 103.25, subsection 1, Code 2011, is amended to read as follows:

1. At or before commencement of any installation required to be inspected by the board, the licensee or property owner making such installation shall submit to the state fire marshal's office a request for inspection. The board shall prescribe the methods by which the request may be submitted, which may include electronic submission or through a form prescribed by the board that can be submitted either through

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the mail or by a fax transmission. The board shall also prescribe methods by which inspection fees can be paid, which may include electronic methods of payment. If the board or the state fire marshal's office becomes aware that a person has failed to file a necessary request for inspection, the board shall send a written notification by certified mail that the request must be filed within fourteen days. Any person filing a late request for inspection shall pay a delinquency fee in an amount to be determined by the board. A person who fails to file a late request within fourteen days from receipt of the notification shall be subject to a civil penalty to be determined by the board by rule.

Sec. 34. Section 103.33, subsection 3, Code 2011, is amended to read as follows:

3. Upon receipt of notice of appeal from a condemnation or disconnection order because the electrical installation is not in compliance with accepted standards of construction for health safety ~~to health~~ and property safety, except as provided in subsection 2, the order appealed from shall be stayed until final decision of the board and the board shall notify the property owner and the electrical contractor, class A master electrician, class B master electrician, fire alarm installer, special electrician, or if established by the board the residential master electrician, making the installation. The power supplier shall also be notified in those instances in which the order has been served on such supplier.

Sec. 35. Section 123.53, subsection 4, Code 2011, is amended to read as follows:

4. The treasurer of state shall, each quarter, prepare an estimate of the gaming revenues and of the moneys to be deposited in the beer and liquor control fund that will become available during the remainder of the appropriate fiscal year for the purposes described in subsection 3. The department of management, the department of inspections and appeals, and the department of commerce shall take appropriate actions to

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provide that the sum of the amount of gaming revenues available to be deposited into the revenue bonds debt service fund and the revenue bonds federal subsidy holdback fund during a fiscal year and the amount of moneys to be deposited in the beer and liquor control fund available to be deposited into the revenue bonds debt service fund and the revenue bonds federal subsidy holdback fund during such fiscal year will be sufficient to cover any anticipated deficiencies.

Sec. 36. Section 135B.19, Code 2011, is amended to read as follows:

135B.19 Title of division.

This ~~law~~ division may be cited as the "Pathology and Radiology Services in Hospitals Law".

Sec. 37. Section 163.30, subsection 5, paragraph a, Code 2011, is amended to read as follows:

a. However, swine may be moved intrastate directly to an approved state, federal, or auction market without identification or certification, if the swine are to be identified and certificated at the state, federal, or auction market.

Sec. 38. Section 185C.29, subsection 1, Code 2011, is amended to read as follows:

1. After the direct and indirect costs incurred by the secretary and the costs of elections, referendums, necessary board expenses, and administrative costs have been paid, at least seventy=five percent of the remaining moneys from a state assessment deposited in the corn promotion fund shall be used to carry out the purposes of ~~this chapter~~ the board as provided in section 185C.11.

Sec. 39. Section 203D.1, Code 2011, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH As used in this chapter, unless the context otherwise requires:

Sec. 40. Section 207.1, subsection 2, Code 2011, is amended to read as follows:

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2. The general assembly finds and declares that because the federal Surface Mining Control and Reclamation Act of 1977, Pub. L. No. 95=87, codified at 30 U.S.C. ch. 25, subch. IV, provides for a permit system to regulate the mining of coal and reclamation of the mining sites and provides that permits may be issued by states which are authorized to implement the provisions of that Act, it is in the interest of the people of Iowa to enact the provisions of this chapter in order to authorize the state to implement the provisions of the federal Surface Mining Control and Reclamation Act of 1977 and federal regulations and guidelines issued pursuant to that Act.

Sec. 41. Section 207.3, subsections 2 and 3, Code 2011, are amended to read as follows:

2. The division may, after notification to the committee, commence proceedings to suspend, revoke, or refuse to renew a license of a licensee for repeated or willful violation of any of the provisions of this chapter or of the federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. { 801 et seq.

3. The hearing shall be held pursuant to chapter 17A not less than fifteen nor more than thirty days after the mailing or service of the notice. If the licensee is found to have willfully or repeatedly violated any of the provisions of this chapter or of the federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. { 801 et seq., the committee may affirm or modify the proposed suspension, revocation, or refusal to renew the license.

Sec. 42. Section 207.16, subsection 1, Code 2011, is amended to read as follows:

1. Each operator upon completion of any reclamation work required by this chapter shall apply to the division in writing for approval of the work. The division shall promulgate rules consistent with Pub. L. No. 95=87, ~~section~~ { 519, codified at 30 U.S.C. { 1269, regarding procedures and requirements to release performance bonds or deposits.

Sec. 43. Section 207.19, Code 2011, is amended to read as

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follows:

207.19 Surface effects of underground coal mining operations.

1. The provisions of this chapter shall be applicable to surface operations and surface impacts incident to an underground coal mine with such modifications to the permit application requirements, permit approval or denial procedures, and bond requirements as are necessary to accommodate the distinct difference between surface and underground coal mining. The division shall promulgate such modifications in its rules to allow for such distinct differences and still fulfill the purposes of this chapter and be consistent with the requirements ~~in section 516~~ of Pub. L. No. 95=87, { 516, codified at 30 U.S.C. { 1266, and the permanent regulations issued pursuant to that Act.

2. In order to protect the stability of the land, the division shall suspend underground coal mining under urbanized areas, cities, and communities and adjacent to industrial or commercial buildings, major impoundments, or permanent streams if the administrator finds imminent danger to inhabitants of the urbanized areas, cities, and communities.

Sec. 44. Section 207.21, subsection 1, Code 2011, is amended to read as follows:

1. The division shall participate in the abandoned mine reclamation program under ~~Tit. IV,~~ Pub. L. No. 95=87, Tit. IV, codified at 30 U.S.C. ch. 25, subch. IV. There is established an abandoned mine reclamation fund under the control of the division.

Sec. 45. Section 207.21, subsection 4, paragraph a, Code 2011, is amended to read as follows:

a. The division shall submit to the secretary a state reclamation plan and annual projects to carry out the purposes of this program. The plan shall generally identify the areas to be reclaimed, the purposes for which the reclamation is proposed, the relationship of the lands to be reclaimed and the proposed reclamation to surrounding areas, the specific

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criteria for ranking and identifying projects to be funded, and the legal authority and programmatic capability to perform such work in conformance with the provisions of ~~Tit. IV of~~ Pub. L. No. 95=87, Tit. IV, codified at 30 U.S.C. ch. 25, subch. IV.

Sec. 46. Section 207.21, subsection 5, unnumbered paragraph 1, Code 2011, is amended to read as follows:

The division in participating in the abandoned mine reclamation program under ~~Tit. IV of~~ Pub. L. No. 95=87, Tit. IV, codified at 30 U.S.C. ch. 25, subch. IV, shall have the following additional powers:

Sec. 47. Section 207.22, subsection 3, paragraph b, Code 2011, is amended to read as follows:

b. Acquisition of coal refuse disposal sites and all coal refuse thereon will serve the purposes of Tit. IV of Pub. L. No. 95=87, Tit. IV, codified at 30 U.S.C. ch. 25, subch. IV, or that public ownership is desirable to meet emergency situations and prevent recurrences of the adverse effect of past coal mining practices.

Sec. 48. Section 216A.6, subsection 2, paragraph d, Code 2011, is amended to read as follows:

d. Department, or division, or office evaluations of information about a person seeking or receiving advocacy services.

Sec. 49. Section 216A.96, unnumbered paragraph 1, Code 2011, is amended to read as follows:

A community action agency ~~or delegate agency~~ shall:

Sec. 50. Section 216A.97, Code 2011, is amended to read as follows:

216A.97 Administration.

A community action agency ~~or a delegate agency~~ may administer the components of a community action program when the program is consistent with plans and purposes and applicable law. The community action programs may be projects which are eligible for assistance from any source. The programs shall be developed to meet local needs and may be

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designed to meet eligibility standards of a federal or state program.

Sec. 51. Section 216A.133A, subsection 5, Code 2011, is amended to read as follows:

5. The board shall report to the ~~legislative~~ general assembly's standing committees on government oversight ~~committee~~ all sources of funding by December 1 of each year.

Sec. 52. Section 217.6, Code 2011, is amended to read as follows:

217.6 Rules and regulations ==== organization of department.

1. The director is hereby authorized to recommend to the council for adoption such rules and regulations as are necessary to carry into practice the programs of the various divisions and to establish such divisions and to assign or reassign duties, powers, and responsibilities within the department, all with the approval of the council on human services, within the department as the director deems necessary and appropriate for the proper administration of the duties, functions and programs with which the department is charged. Any action taken, decision made, or administrative rule adopted by any administrator of a division may be reviewed by the director. The director, upon such review, may affirm, modify, or reverse any such action, decision, or rule. ~~The director shall organize the department of human services into divisions to carry out in efficient manner the intent of this chapter.~~

2. The director shall organize the department of human services into divisions to carry out in efficient manner the intent of this chapter. The department of human services may be initially divided into the following divisions of responsibility: the division of child and family services, the division of mental health and disability services, the division of administration, and the division of planning, research and statistics.

3. If the department of human services requires or requests a service consumer, service provider, or other person to

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maintain required documentation in electronic form, the department shall accept such documentation submitted by electronic means and shall not require a physical copy of the documentation unless required by state or federal law.

Sec. 53. Section 225C.5, subsection 1, paragraph k, Code 2011, is amended to read as follows:

k. One member ~~who is~~ shall be a military veteran ~~and~~ who is knowledgeable concerning the behavioral and mental health issues of veterans.

Sec. 54. Section 225C.6, subsection 1, paragraph k, Code 2011, is amended to read as follows:

k. Coordinate activities with the governor's developmental disabilities council and the mental health planning council, created pursuant to federal law. ~~Work~~ The commission shall work with other state agencies on coordinating, collaborating, and communicating concerning activities involving persons with disabilities.

Sec. 55. Section 229.22, subsection 2, paragraph a, Code 2011, is amended to read as follows:

a. In the circumstances described in subsection 1, any peace officer who has reasonable grounds to believe that a person is mentally ill, and because of that illness is likely to physically injure the person's self or others if not immediately detained, may without a warrant take or cause that person to be taken to the nearest available facility or hospital as defined in section 229.11, subsection 1, paragraphs "b" and "c". A person believed mentally ill, and likely to injure the person's self or others if not immediately detained, may be delivered to a facility or hospital by someone other than a peace officer. Upon delivery of the person believed mentally ill to the facility or hospital, the examining physician may order treatment of that person, including chemotherapy, but only to the extent necessary to preserve the person's life or to appropriately control behavior by the person which is likely to result in physical injury to that

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person or others if allowed to continue. The peace officer who took the person into custody, or other party who brought the person to the facility or hospital, shall describe the circumstances of the matter to the examining physician. If the person is a peace officer, the peace officer may do so either in person or by written report. If the examining physician finds that there is reason to believe that the person is seriously mentally impaired, and because of that impairment is likely to physically injure the person's self or others if not immediately detained, the examining physician shall at once communicate with the nearest available magistrate as defined in section 801.4, subsection 10. The magistrate shall, based upon the circumstances described by the examining physician, give the examining physician oral instructions either directing that the person be released forthwith or authorizing the person's detention in an appropriate facility. A peace officer from the law enforcement agency that took the person into custody, if available, during the communication with the magistrate, may inform the magistrate that an arrest warrant has been issued for or charges are pending against the person and request that any oral or written order issued under this subsection require the facility or hospital to notify the law enforcement agency about the discharge of the person prior to discharge. The magistrate may also give oral instructions and order that the detained person be transported to an appropriate facility.

Sec. 56. Section 229.39, subsection 3, paragraph a, Code 2011, is amended to read as follows:

a. The filing after July 1, 1978, of any report relative to that person's status which would have been required to be filed prior to said date if that person had initially been hospitalized under this chapter as amended by 1975 Iowa Acts ~~of the Sixty-sixth General Assembly, 1975 Session~~, ch. 139, sections 1 to 30.

Sec. 57. Section 231.62, subsection 3, unnumbered paragraph 1, Code 2011, is amended to read as follows:

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The department shall adopt rules ~~in consultation with the direct care worker task force established pursuant to 2005 Iowa Acts, ch. 88, and in coordination with the recommendations made by the task force,~~ to implement all of the following training and education provisions:

Sec. 58. Section 232.172, subsection 2, Code 2011, is amended to read as follows:

2. This subsection applies to the confinement of a delinquent juvenile under the jurisdiction of this state in an institution located within a noncompacting state, as defined in section 232.173, that entered into the interstate compact on juveniles under section 232.171~~, Code 2009~~. In addition to any institution in which the authorities of this state may otherwise confine or order the confinement of the delinquent juvenile, such authorities may, pursuant to the out=of=state confinement amendment to the interstate compact on juveniles in section 232.171, ~~Code 2009,~~ confine or order the confinement of the delinquent juvenile in a compact institution within another party state.

Sec. 59. Section 232C.4, Code 2011, is amended to read as follows:

232C.4 Effect of emancipation order.

1. An emancipation order shall have the same effect as a ~~child~~ minor reaching the age of majority with respect to but not limited to the following:

a. The ability to sue or be sued in the ~~child's~~ minor's own name.

b. The right to enter into a binding contract.

c. The right to establish a legal residence.

d. The right to incur debts.

e. The right to consent to medical, dental, or psychiatric care.

2. An emancipation order shall have the same effect as the ~~child~~ minor reaching the age of majority and the parents are exempt from the following:

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a. Future child support obligations for the emancipated ~~child~~ minor.

b. An obligation to provide medical support for the emancipated ~~child~~ minor, unless deemed necessary by the court.

c. A right to the income or property of the emancipated ~~child~~ minor.

d. A responsibility for the debts of the emancipated ~~child~~ minor.

3. An emancipated minor shall remain subject to voting restrictions under chapter 48A, gambling restrictions under chapter 99B, 99D, 99F, 99G, or 725, alcohol restrictions under chapter 123, compulsory attendance requirements under chapter 299, and cigarette tobacco restrictions under chapter 453A.

4. An emancipated ~~child~~ minor shall not be considered an adult for prosecution except as provided in section 232.8.

5. Notwithstanding sections 232.147 through 232.151, the emancipation order shall be released by the juvenile court subject to rules prescribed by the supreme court.

6. A parent who is absolved of child support obligations pursuant to an emancipation order shall notify the child support recovery unit of the department of human services of the emancipation.

Sec. 60. Section 234.7, subsection 2, paragraph a, unnumbered paragraph 1, Code 2011, is amended to read as follows:

The department of human services shall submit a waiver request to the United States department of health and human services as necessary to provide coverage under the medical assistance program for ~~not more than three hundred~~ children ~~at any one time~~ who are described by both of the following:

Sec. 61. Section 234.35, subsection 3, paragraph c, Code 2011, is amended to read as follows:

c. For a child who is at imminent risk of becoming homeless or failing to graduate from high school or to obtain a ~~graduate equivalency~~ general education development diploma,

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if the services are in the child's best interests, funding is available for the services, and an appropriate alternative service is unavailable.

Sec. 62. Section 235B.1, subsection 4, paragraph b, subparagraph (1), Code 2011, is amended to read as follows:

(1) The advisory council shall consist of ~~fourteen~~ twelve members. ~~Six~~ Eight members shall be appointed by and serve at the pleasure of the governor. Four of the members appointed shall be appointed on the basis of knowledge and skill related to expertise in the area of dependent adult abuse including professionals practicing in the disciplines of medicine, public health, mental health, long=term care, social work, law, and law enforcement. Two of the members appointed shall be members of the general public with an interest in the area of dependent adult abuse and two of the members appointed shall be members of the Iowa caregivers association. In addition, the membership of the council shall include the director or the director's designee of the department of human services, the department on aging, the Iowa department of public health, and the department of inspections and appeals.

Sec. 63. Section 249M.3, subsection 5, Code 2011, is amended to read as follows:

5. Net patient revenue as reported on each participating hospital's fiscal year 2008 Medicare cost report, or as reported under subsection 4 if applicable, shall be the sole basis for the health care access assessment for the duration of the program.

Sec. 64. Section 256B.3, subsection 9, Code 2011, is amended to read as follows:

9. To cooperate with existing agencies such as the department of human services, the Iowa department of public health, the state school for the deaf, the Iowa braille and sight saving school, ~~the state tuberculosis sanatorium,~~ the children's hospitals, or other agencies concerned with the welfare and health of children requiring special education

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in the coordination of their educational activities for such children.

Sec. 65. Section 256F.5, subsection 10, Code 2011, is amended to read as follows:

10. The organization of the charter school or innovation zone school in terms of ages of students or grades to be taught along with an estimate of the total enrollment of the charter school or innovation zone school.

Sec. 66. Section 256H.1, subsection 8, paragraph a, Code 2011, is amended to read as follows:

a. Each member state shall, through the creation of a state council or use of an existing body or board, provide for the coordination among its agencies of government, local education agencies and military installations concerning the state's participation in, and compliance with, this compact and interstate commission activities. While each member state may determine the membership of its own state council, its membership must include at least: the director of the department of education, a superintendent of a school district with a high concentration of military children, a representative from a military installation, one representative each from the legislative and executive branches of government, and other offices and stakeholder groups the state council deems appropriate. A member state that does not have a school district deemed to contain a high concentration of military children may appoint a superintendent from another school district to represent local education agencies on the state council.

Sec. 67. Section 260C.69, subsection 1, Code 2011, is amended to read as follows:

1. Each community college which completes a project, as defined under section 260C.56, subsection 4, shall set aside a percentage of available dormitory space for the purposes of meeting the needs of the following ~~students~~:

a. Students, with families, who are participating in

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specialized or intensive programs.

b. Students who are participating in specialized or intensive programs.

c. Child care arrangements for students, faculty, or staff.

d. Students whose residence is located too far from the community college to permit commuting to and from school, as determined by the board of directors of the merged area.

e. Students whose disabilities require special housing adaptations.

Sec. 68. Section 260G.6, subsection 4, Code 2011, is amended to read as follows:

4. In order to receive moneys pursuant to this section, a program agreement approved by the community college board of directors shall be in place, program capital cost requests shall be approved by the Iowa economic development board created in section 15.103, ~~program capital cost requests shall be approved or denied not later than sixty days following receipt of the request by the department of economic development,~~ and employer contributions toward program capital costs shall be certified and agreed to in the agreement. Program capital cost requests shall be approved or denied not later than sixty days following receipt of the request by the department of economic development.

Sec. 69. Section 262.30, Code 2011, is amended to read as follows:

262.30 Contracts for ~~training teachers~~ practitioner preparation.

The board of directors of any school district in the state of Iowa may enter into contract with the state board of regents for furnishing instruction to pupils of such school district, and for ~~training teachers~~ practitioner preparation for the schools of the state in such particular lines of demonstration and instruction as are deemed necessary for the efficiency of the university of northern Iowa, state university of Iowa, and Iowa state university of science and technology as training

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schools for ~~teachers~~ practitioners.

Sec. 70. Section 263.1, Code 2011, is amended to read as follows:

263.1 Objects ==== departments.

The university of Iowa shall never be under the control of any religious denomination. Its object shall be to provide the best and most efficient means of imparting to men and women, upon equal terms, a liberal education and thorough knowledge of the different branches of literature and the arts and sciences, with their varied applications. It shall include colleges of liberal arts, law, medicine, and such other colleges and departments, with such courses of instruction and elective studies as the state board of regents may determine from time to time. If a ~~teachers training course~~ practitioner preparation program as defined in section 272.1 is established by the board, it shall include the subject of physical education. Instruction in the liberal arts college shall begin, so far as practicable, at the points where the same is completed in high schools.

Sec. 71. Section 263.8, Code 2011, is amended to read as follows:

263.8 Reports ==== tests.

1. Charges may be assessed for transportation of specimens and cost of examination. Reports of epidemiological examinations and investigations shall be sent to the responsible agency.

2. In addition to its regular work, the laboratory shall perform without charge all bacteriological, serological, and epidemiological examinations and investigations which ~~may be~~ are required by rule by the Iowa department of public health ~~and said department shall establish rules therefor~~. The laboratory shall also provide, those laboratory, scientific field measurement, and environmental quality services which, by contract, are requested by the other agencies of government.

3. The laboratory is authorized to perform such other

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laboratory determinations as may be requested by any state institution, citizen, school, municipality or local board of health~~, and the~~. The laboratory is authorized to charge fees covering transportation of samples and the costs of examinations performed upon their request.

Sec. 72. Section 266.2, Code 2011, is amended to read as follows:

266.2 Courses of study.

There shall be adopted and taught at said university of science and technology practical courses of study, embracing in their leading branches such as relate to agriculture and mechanic arts, mines and mining, and ceramics, and such other branches as are best calculated to educate thoroughly the agricultural and industrial classes in the several pursuits and professions of life, including military tactics. If a ~~teachers training course~~ practitioner preparation program as defined in section 272.1 is established, it shall include the subject of physical education.

Sec. 73. Section 273.11, subsection 1, Code 2011, is amended to read as follows:

1. The state board of education shall develop standards and rules for the accreditation of area education agencies ~~by July 1, 1997~~. Standards shall be general in nature, but at a minimum shall identify requirements addressing the services provided by each division, as well as identifying indicators of quality that will permit area education agencies, school districts, the department of education, and the general public to judge accurately the effectiveness of area education agency services.

Sec. 74. Section 284.1, unnumbered paragraph 1, Code 2011, is amended to read as follows:

A student achievement and teacher quality program is established to promote high student achievement. The program shall consist of the following ~~five~~ four major elements:

Sec. 75. Section 284.6, subsection 9, Code 2011, is amended

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to read as follows:

9. Moneys received pursuant to section 257.10, subsection 10, or section 257.37A, subsection 2, shall be maintained as a separate listing within ~~its~~ a school district's or area education agency's budget for funds received and expenditures made pursuant to this subsection. A school district shall certify to the department of education how the school district allocated the funds and that moneys received under this subsection were used to supplement, not supplant, the professional development opportunities the school district would otherwise make available.

Sec. 76. Section 301.1, subsection 3, paragraph c, Code 2011, is amended to read as follows:

c. Laptop computers or other portable personal computing devices which are used for nonreligious instructional ~~use~~ purposes only.

Sec. 77. Section 309.37, subsection 2, Code 2011, is amended to read as follows:

2. An accurate plan and profile of the roads surveyed, showing ~~(a) cuts~~ all of the following:

a. Cuts and fills~~, (b) outline~~.

b. Outline of grades~~, (c) all~~.

c. All existing permanent bridges, culverts and grades~~, and (d) proper~~.

d. Proper bench marks on each bridge and culvert.

Sec. 78. Section 312.4, subsection 2, Code 2011, is amended to read as follows:

2. The amount of the road use tax fund which the treasurer has credited to ~~(a)~~ the following:

a. The primary road fund~~, (b) the~~.

b. The secondary road fund of the counties~~, (c) the~~.

c. The farm=to=market road fund~~, and (d) the~~.

d. The street fund of the cities.

Sec. 79. Section 314.28, Code 2011, is amended to read as follows:

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314.28 Keep Iowa beautiful fund.

1. A keep Iowa beautiful fund is created in the office of the treasurer of state. The fund is composed of moneys appropriated or available to and obtained or accepted by the treasurer of state for deposit in the fund. ~~The fund shall include moneys transferred to the fund as provided in section 422.12A. The fund shall also include moneys transferred to the fund as provided in section 422.12G.~~ All interest earned on moneys in the fund shall be credited to and remain in the fund.

Section 8.33 does not apply to moneys in the fund.

2. Moneys in the fund that are authorized by the department for expenditure are appropriated, and shall be used, to educate and encourage Iowans to take greater responsibility for improving their community environment and enhancing the beauty of the state through litter prevention, improving waste management and recycling efforts, and beautification projects.

3. The department may authorize payment of moneys from the fund upon approval of an application from a private or public organization. The applicant shall submit a plan for litter prevention, improving waste management and recycling efforts, or a beautification project along with its application. The department shall establish standards relating to the type of projects available for assistance.

Sec. 80. Section 317.1A, subsection 1, paragraphs a and b, Code 2011, are amended to read as follows:

a. Primary noxious weeds, which shall include:

(1) Quack grass ~~(Agropyron~~ (Elymus repens).

(2) Perennial sow thistle (Sonchus arvensis).

(3) Canada thistle (Cirsium arvense).

(4) Bull thistle (Cirsium ~~lanceolatum)~~ vulgare).

(5) European morning glory or field bindweed (Convolvulus arvensis).

(6) Horse nettle (Solanum carolinense).

(7) Leafy spurge (Euphorbia esula).

(8) Perennial pepper=grass ~~(Lepidium~~ (Cardaria draba).

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(9) Russian knapweed ~~(Centaurea~~ (Acroptilon repens).
(10) Buckthorn (Rhamnus spp., not to include Frangula alnus, syn. Rhamnus frangula).
(11) All other species of thistles belonging in the genera of Cirsium and Carduus.
b. Secondary noxious weeds, which shall include:
(1) Butterprint (Abutilon theophrasti) annual.
(2) Cocklebur (Xanthium ~~commune)~~ strumarium) annual.
(3) Wild mustard ~~(Brassica~~ (Sinapis arvensis) annual.
(4) Wild carrot (Daucus carota) biennial.
(5) Buckhorn (Plantago lanceolata) perennial.
(6) Sheep sorrel (Rumex acetosella) perennial.
(7) Sour dock (Rumex crispus) perennial.
(8) Smooth dock (Rumex altissimus) perennial.
(9) Poison hemlock (Conium maculatum).
(10) Multiflora rose (Rosa multiflora).
(11) Wild sunflower (wild strain of Helianthus ~~annus~~ annuus L.) annual.
(12) Puncture vine (Tribulus terrestris) annual.
(13) Teasel ~~(Dipsacus)~~ (Dipsacus spp.) biennial.
(14) Shattercane (Sorghum bicolor) annual.

Sec. 81. Section 321.190, subsection 1, paragraph e, Code 2011, is amended by striking the paragraph.

Sec. 82. Section 321G.29, subsection 1, Code 2011, is amended to read as follows:

1. The owner of a snowmobile acquired on or after January 1, 1998, other than a snowmobile used exclusively as a farm implement or a snowmobile more than thirty years old registered as provided in section 321G.4, subsection ~~5~~ 4, shall apply to the county recorder of the county in which the owner resides for a certificate of title for the snowmobile. The owner of a snowmobile used exclusively as a farm implement may obtain a certificate of title. A person who owns a snowmobile that is not required to have a certificate of title may apply for and receive a certificate of title for the snowmobile

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and, subsequently, the snowmobile shall be subject to the requirements of this chapter as if the snowmobile were required to be titled. All snowmobiles that are titled shall be registered.

Sec. 83. Section 327H.20A, subsection 3, Code 2011, is amended to read as follows:

3. Notwithstanding any other provision to the contrary, on or after July 1, 2006, moneys received as repayments for loans made pursuant to this chapter or chapter 327I, Code 2009, before, on, or after July 1, 2005, other than repayments of federal moneys subject to section 327H.21, shall be credited to the railroad revolving loan and grant fund. Notwithstanding section 8.33, moneys in the railroad revolving loan and grant fund shall not revert to the fund from which ~~it was~~ the moneys were appropriated but shall remain available indefinitely for expenditure under this section.

Sec. 84. Section 330.20, Code 2011, is amended to read as follows:

330.20 Appointment of commission ==== terms.

When a majority of the voters favors airport control and management by a commission, the governing body shall, within ten days, appoint an airport commission of three or five members, each of whom shall be a resident of the city or county establishing the commission or a resident of a city or county in this state served by the airport. At least two of the members of a three=member commission and at least three of the members of a five=member commission shall be residents of the city or county establishing the commission. The governing body shall by ordinance set the commencement dates of office and the length of the terms of office which shall be no more than six and no less than three years. The terms of the first appointees of a newly created commission shall be staggered by length of term and all subsequent appointments shall be for full terms. Vacancies shall be filled in the same manner as original appointments are made. Members of the airport

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commission shall serve without compensation. Each commissioner shall execute and furnish a bond in an amount fixed by the governing body and filed with the city clerk of the city, or county auditor of the county, establishing the commission. The commission shall elect from its own members a chairperson and a secretary who shall serve for a term as the commission shall determine.

Sec. 85. Section 330A.10, subsection 1, Code 2011, is amended to read as follows:

1. Moneys of an authority shall be paid to the treasurer of the authority who shall not commingle said moneys with any other moneys, but shall deposit them in a separate account or accounts. The moneys in said accounts shall be paid out ~~on~~ by check of the treasurer on requisition of the chairperson of the authority, or of such other person, or persons, as the authority may authorize to make such requisition.

Sec. 86. Section 331.402, subsection 3, paragraph f, Code 2011, is amended to read as follows:

f. A loan agreement to which a county is a party or in which a county has a participatory interest is an obligation of a political subdivision of this state for the purpose of chapters 502 and 636, and is a lawful investment for banks, trust companies, ~~building and loan associations,~~ savings and loan associations, investment companies, insurance companies, insurance associations, executors, guardians, trustees, and any other fiduciaries responsible for the investment of funds.

Sec. 87. Section 331.449, Code 2011, is amended to read as follows:

331.449 Prior projects preserved.

Projects and proceedings for the issuance of general obligation bonds commenced before July 1, 1981, may be consummated and completed as required or permitted by any statute amended or repealed by ~~this Act~~ 1981 Iowa Acts, chapter 117, as though the repeal or amendment had not occurred, and the rights, duties, and interests following from such projects

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and proceedings remain valid and enforceable. Projects commenced prior to July 1, 1981, may be financed by the issuance of general obligation bonds under any such amended or repealed law or by the issuance of general obligation bonds under this part. For the purposes of this section, commencement of a project includes but is not limited to action taken by the board or an authorized officer to fix a date for a hearing in connection with any part of the project, and commencement of proceedings for the issuance of general obligation bonds includes but is not limited to action taken by the board to fix a date for either a hearing or a sale in connection with any part of the general obligation bonds, or to order any part thereof to be issued.

Sec. 88. Section 331.470, Code 2011, is amended to read as follows:

331.470 Prior projects preserved.

Projects and proceedings for the issuance of revenue bonds, pledge orders, and other temporary obligations, commenced before July 1, 1981 may be completed as required or permitted by any statute amended or repealed by ~~this Act~~ 1981 Iowa Acts, chapter 117, as though the amendment or repeal had not occurred, and the rights, duties, and interests resulting from the projects and proceedings remain valid and enforceable. Projects commenced prior to July 1, 1981, may be financed by the issuance of revenue bonds, pledge orders, and other temporary obligations under any such amended or repealed law or by the issuance of revenue bonds and pledge orders under this part. For purposes of this section, commencement of a project includes but is not limited to action taken by the board or an authorized officer to fix a date for either a hearing or an election in connection with any part of the project, and commencement of proceedings for the issuance of revenue bonds, pledge orders, and other temporary obligations includes~~,~~ but is not limited to~~,~~ action taken by the board to fix a date for either a hearing or a sale in connection with any part of such

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revenue bonds, pledge orders, or other temporary obligations or to order any part thereof to be issued.

Sec. 89. Section 357I.2, subsection 3, Code 2011, is amended to read as follows:

3. If part or all of the proposed district lies within two miles of the boundaries of a city, the board shall send a copy of the petition to each such city before scheduling the public hearing on the petition. A city that receives a copy of the petition may require that any road or street improvements and associated drainage improvements constructed within the district after establishment of the district be constructed in compliance with requirements for such improvements then in effect within the city. The city shall notify the board of the city's response to the petition within thirty days of receiving the petition. If the city wants requirements for road or street improvements and associated drainage improvements then in effect within the city to apply within the district, the requirements shall be included in the resolution of the board establishing the district and shall be incorporated into the plans and specifications for the improvements prepared by the district engineer or county engineer. The plans and specifications shall be subject to approval by the board and by the city council of each affected city, which approval must occur before commencement of construction. If costs for construction of improvements according to a city's standards exceed the costs for such construction according to county standards, the ~~petitioner~~ petitioners shall pay the difference in the costs.

Sec. 90. Section 360.9, subsection 5, Code 2011, is amended to read as follows:

5. Subject to the right of reversion to the present owner as ~~above~~ provided in this section, the township trustees may sell, lease, exchange, give, or grant and accept any interest in real property to, with, or from any county, municipal corporation, or school district if the real property is within

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the jurisdiction of both the grantor and grantee and the advertising and public auction requirements of this section shall not apply to any such transaction between the aforesaid local units of government.

Sec. 91. Section 403.11, Code 2011, is amended to read as follows:

403.11 Exemptions from legal process.

1. All property of a municipality, including funds, owned or held by it for the purposes of this chapter shall be exempt from levy and sale by virtue of an execution~~; and no execution~~. Execution or other judicial process shall not issue against the ~~same; nor shall~~ property and a judgment against a municipality shall not be a charge or lien upon such property~~: Provided, however, that~~. However, the provisions of this section shall not apply to or limit the right of obligees to pursue any remedies for the enforcement of any pledge or lien given pursuant to this chapter by a municipality on its rents, fees, grants or revenues from urban renewal projects.

2. The property of a municipality, acquired or held for the purposes of this chapter, is declared to be public property used for essential public and governmental purposes, and such property shall be exempt from all taxes of the municipality, the county, the state, or any political subdivision thereof~~: Provided, that~~. However, such tax exemption shall terminate when the municipality sells, leases or otherwise disposes of such property in an urban renewal area to a purchaser or lessee which is not a public body entitled to tax exemption with respect to such property.

Sec. 92. Section 403A.2, subsection 8, Code 2011, is amended to read as follows:

8. a. "Housing project" or "project" means any work or undertaking~~: (a)~~ to do any of the following:

(1) To demolish, clear or remove buildings from any slum areas~~; or (b) to~~.

(2) To provide decent, safe and sanitary urban or rural

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dwellings, apartments or other living accommodations for families of low income, lower=income families, or very low=income families~~; or (c) to~~.

(3) To accomplish a combination of the foregoing.

b. Such work or undertaking may include buildings, land, equipment, facilities and other real or personal property for necessary, convenient or desirable appurtenances, streets, sewers, water service, utilities, parks, site preparation, landscaping, administrative, community, health, recreational, welfare or other purposes.

c. The term "housing project" or "project" also may be applied to the planning of the buildings and improvements, the acquisition of property, the demolition of existing structures, the construction, reconstruction, alteration or repair of the improvements and all other work in connection therewith, and the term shall include all other real and personal property and all tangible or intangible assets held or used in connection with the housing project.

Sec. 93. Section 404A.4, subsection 2, paragraph d, Code 2011, is amended to read as follows:

d. For the fiscal year beginning July 1, 2012, and for each fiscal year thereafter, the ~~department~~ office shall reserve not more than forty=five million dollars worth of tax credits for any one taxable year.

Sec. 94. Section 411.38, subsection 3, Code 2011, is amended to read as follows:

3. As used in this section, unless the context otherwise requires, "alternative assumptions" means that the interest rate earned on investments of moneys in the fire and police retirement fund would be seven percent and that the state would not contribute to the fund under ~~sections~~ section 411.8 and section 411.20, Code 2009, after January 1, 1992, and "proposed assumptions" means that the interest rate earned on investments of moneys in the fire and police retirement fund would be seven and one=half percent and the state will pay contributions as

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provided pursuant to ~~sections~~ section 411.8 and section 411.20, Code 2009, after January 1, 1992. These assumptions are to be used solely for the purposes of this section, and shall not impact upon decisions of the board of trustees concerning the assumption of the interest rate earned on investments, or the contributions by the state as provided for in ~~sections~~ section 411.8 and section 411.20, Code 2009.

Sec. 95. Section 419.11, Code 2011, is amended to read as follows:

419.11 Tax equivalent to be paid ==== assessment procedure ==== appeal.

1. a. Any municipality acquiring, purchasing, constructing, reconstructing, improving, or extending any industrial buildings, buildings used as headquarters facilities or pollution control facilities, as provided in this chapter, shall annually pay out of the revenue from such industrial buildings, buildings used as headquarters facilities or pollution control facilities to the state of Iowa and to the city, school district, and any other political subdivision, authorized to levy taxes, a sum equal to the amount of tax, determined by applying the tax rate of the taxing district to the assessed value of the property, which the state, county, city, school district, or other political subdivision would receive if the property were owned by any private person or corporation, any other statute to the contrary notwithstanding.

b. For purposes of arriving at such tax equivalent, the property shall be valued and assessed by the assessor in whose jurisdiction the property is located, in accordance with chapter 441, but the municipality, the lessee on behalf of the municipality, and such other persons as are authorized by chapter 441 shall be entitled to protest any assessment and take appeals in the same manner as any taxpayer. Such valuations shall be included in any summation of valuations in the taxing district for all purposes known to the law. Income from this source shall be considered under the provisions of

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section 384.16, subsection 1, paragraph "a", subparagraph (2).

2. If and to the extent the proceedings under which the bonds authorized to be issued under the provisions of this chapter so provide, the municipality may agree to cooperate with the lessee of a project in connection with any administrative or judicial proceedings for determining the validity or amount of any such payments and may agree to appoint or designate and reserve the right in and for such lessee to take all action which the municipality may lawfully take in respect of such payments and all matters relating thereto, provided, however, that such lessee shall bear and pay all costs and expenses of the municipality thereby incurred at the request of such lessee or by reason of any such action taken by such lessee in behalf of the municipality. Any lessee of a project which has paid, as rentals additional to those required to be paid pursuant to section 419.5, the amounts required by ~~the first sentence of this section~~ subsection 1, paragraph "a", to be paid by the municipality shall not be required to pay any such taxes to the state or to any such county, city, school district or other political subdivision, any other statute to the contrary notwithstanding. To the extent that any lessee or contracting party pays taxes on a project or part thereof, the municipality shall not be required to pay the tax equivalent herein provided, and to such extent the lessee or contracting party shall not be required to pay amounts to the municipality for such purpose.

3. This section shall not be applicable to any municipality acquiring, purchasing, constructing, reconstructing, improving, or extending any buildings for the purpose of establishing, maintaining, or assisting any private or state of Iowa college or university, nor to any municipality in connection with any project for the benefit of a voluntary nonprofit hospital, clinic, or health care facility, the property of which is otherwise exempt under the provisions of chapter 427. The payment, collection, and apportionment of the tax equivalent

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shall be subject to the provisions of chapters 445, 446 and 447.

Sec. 96. Section 420.207, Code 2011, is amended to read as follows:

420.207 Taxation in general.

Sections 426A.11 through 426A.15, 427.1, 427.8 to 427.11, 428.4, 428.20, 428.22, 428.23, 437.1, 437.3, 441.21, 443.1 to 443.3, 444.2 ~~to 444.5~~ through 444.4, and 447.9 to 447.13, so far as applicable, apply to cities acting under special charters.

Sec. 97. Section 420.241, Code 2011, is amended to read as follows:

420.241 Deed ==== when executed.

Immediately after the expiration of ninety days from the date of service of the notice, as prescribed by sections 447.9 ~~to~~ through 447.14 and section 448.1, the treasurer, collector, or person authorized to act as collector of taxes, shall make out a deed for each lot or parcel of land sold and remaining unredeemed and deliver the same to the purchaser upon the return of the certificate of purchase.

Sec. 98. Section 422.1, Code 2011, is amended to read as follows:

422.1 Classification of chapter.

The provisions of this chapter are herein classified and designated as follows:

1. Division I Introductory provisions.
2. Division II Personal net income tax.
3. Division III Business tax on corporations.
4. Division IV Repealed by 2003 Acts, 1st Ex., ch. 2, { 151, 205; see chapter 423.
5. Division V Taxation of financial institutions.
6. Division VI Administration.
7. Division VII Estimated taxes by

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corporations and
financial institutions.
8. Division VIII Allocation of revenues.
9. Division IX Fuel tax credit.
10. Division X ~~Livestock production tax credit~~
Repealed by 2009 Acts, ch. 179, { 152, 153.

Sec. 99. Section 422.33, subsection 9, paragraph b, Code 2011, is amended to read as follows:

b. To receive the assistive device tax credit, the eligible small business must submit an application to the department of economic development. If the taxpayer meets the criteria for eligibility, the department of economic development shall issue to the taxpayer a certification of entitlement for the assistive device tax credit. However, the combined amount of tax credits that may be approved for a fiscal year under this subsection ~~and section 422.11E~~ shall not exceed five hundred thousand dollars. Tax credit certificates shall be issued on an earliest filed basis. The certification shall contain the taxpayer's name, address, tax identification number, the amount of the credit, and tax year for which the certificate applies. The taxpayer must file the tax credit certificate with the taxpayer's corporate income tax return in order to claim the tax credit. The departments of economic development and revenue shall each adopt rules to jointly administer this subsection and shall provide by rule for the method to be used to determine for which fiscal year the tax credits are approved.

Sec. 100. Section 424.2, subsections 6, 10, and 13, Code 2011, are amended to read as follows:

6. "Depositor" means the person who deposits petroleum into an underground storage tank subject to regulation under chapter 455G or an aboveground ~~petroleum~~ flammable or combustible liquid storage tank as defined in section 101.21, located at

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a retail motor ~~vehicle~~ fuel outlet if the aboveground storage tank is physically connected directly to pumps which dispense petroleum that is sold at the motor ~~vehicle~~ fuel outlet on a retail basis.

10. "Owner or operator" means "owner or operator" of an underground storage tank as used in chapter 455G or the "owner" or "operator" of an aboveground ~~petroleum~~ flammable or combustible liquid storage tank as defined in section 101.21, located at a retail motor ~~vehicle~~ fuel outlet if the aboveground storage tank is physically connected directly to pumps which dispense petroleum that is sold at the motor ~~vehicle~~ fuel outlet on a retail basis.

13. "Tank" means an underground storage tank subject to regulation under chapter 455G or an aboveground ~~petroleum~~ flammable or combustible liquid storage tank as defined in section 101.21, located at a retail motor ~~vehicle~~ fuel outlet if the aboveground storage tank is physically connected directly to pumps which dispense petroleum that is sold at the motor ~~vehicle~~ fuel outlet on a retail basis.

Sec. 101. Section 441.8, Code 2011, is amended to read as follows:

441.8 Term ==== continuing education ==== filling vacancy.

1. The term of office of an assessor appointed under this chapter shall be for six years. Appointments for each succeeding term shall be made in the same manner as the original appointment except that not less than ninety days before the expiration of the term of the assessor the conference board shall hold a meeting to determine whether or not it desires to reappoint the incumbent assessor to a new term. The conference board shall have the power to reappoint the incumbent assessor only if the incumbent assessor has satisfactorily completed the continuing education program provided for in this section. If the decision is made not to reappoint the assessor, the assessor shall be notified, in writing, of such decision not less than ninety days prior to

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the expiration of the assessor's term of office. Failure of the conference board to provide timely notification of the decision not to reappoint the assessor shall result in the assessor being reappointed.

~~Effective January 1, 1980, the conference board shall have the power to reappoint the incumbent assessor only if the incumbent assessor has satisfactorily completed the continuing education program provided for in this section.~~

2. a. The director of revenue shall develop and administer a program of continuing education which shall emphasize assessment and appraisal procedures, and the assessment laws of this state, and which shall include the subject matter specified in section 441.5.

b. The director of revenue shall establish, designate, or approve courses, workshops, seminars, or symposiums to be offered as part of the continuing education program, the content of these courses, workshops, seminars, or symposiums and the number of hours of classroom instruction for each. The director of revenue may provide that no more than thirty hours of tested credit may be received for the submission of a narrative appraisal approved by a professional appraisal society designated by the director. At least once each year the director of revenue shall evaluate the continuing education program and make necessary changes in the program.

3. Upon the successful completion of courses, workshops, seminars, a narrative appraisal or symposiums contained in the program of continuing education, as demonstrated by attendance at sessions of the courses, workshops, seminars or symposiums and, in the case of a course designated by the director of revenue, attaining a grade of at least seventy percent on an examination administered at the conclusion of the course, or the submission of proof that a narrative appraisal has been approved by a professional appraisal society designated by the director of revenue the assessor or deputy assessor shall receive credit equal to the number of hours of classroom

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instruction contained in those courses, workshops, seminars, or symposiums or the number of hours of credit specified by the director of revenue for a narrative appraisal. An assessor or deputy assessor shall not be allowed to obtain credit for a course, workshop, seminar, or symposium for which the assessor or deputy assessor has previously received credit during the current term or appointment except for those courses, workshops, seminars, or symposiums designated by the director of revenue. Only one narrative appraisal may be approved for credit during the assessor's or deputy assessor's current term or appointment and credit shall not be allowed for a narrative appraisal approved by a professional appraisal society prior to the beginning of the assessor's or deputy assessor's current term or appointment. The examinations shall be confidential, except that the director of revenue and persons designated by the director may have access to the examinations.

4. Upon receiving credit equal to one hundred fifty hours of classroom instruction during the assessor's current term of office of which at least ninety of the one hundred fifty hours are from courses requiring an examination upon conclusion of the course, the director of revenue shall certify to the assessor's conference board that the assessor is eligible to be reappointed to the position. For persons appointed to complete an unexpired term, the number of credits required to be certified as eligible for reappointment shall be prorated according to the amount of time remaining in the present term of the assessor. If the person was an assessor in another jurisdiction, the assessor may carry forward any credit hours received in the previous position in excess of the number that would be necessary to be considered current in that position. Upon written request by the person seeking a waiver of the continuing education requirements, the director may waive the continuing education requirements if the director determines good cause exists for the waiver.

5. Within each six=year period following the appointment

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of a deputy assessor, the deputy assessor shall comply with this section except that upon the successful completion of ninety hours of classroom instruction of which at least sixty of the ninety hours are from courses requiring an examination upon conclusion of the course, the deputy assessor shall be certified by the director of revenue as being eligible to remain in the position. If a deputy assessor fails to comply with this section, the deputy assessor shall be removed from the position until successful completion of the required hours of credit. If a deputy is appointed to the office of assessor, the hours of credit obtained as deputy pursuant to this section shall be credited to that individual as assessor and for the individual to be reappointed at the expiration of the term as assessor, that individual must obtain the credits which are necessary to total the number of hours for reappointment. Upon written request by the person seeking a waiver of the continuing education requirements, the director may waive the continuing education requirements if the director determines good cause exists for the waiver.

6. Each conference board shall include in the budget for the operation of the assessor's office funds sufficient to enable the assessor and any deputy assessor to obtain certification as provided in this section. The conference board shall also allow the assessor and any deputy assessor sufficient time off from their regular duties to obtain certification. The director of revenue shall adopt rules pursuant to chapter 17A to implement and administer this section.

7. If the incumbent assessor is not reappointed as ~~above~~ provided in this section, then not less than sixty days before the expiration of the term of said assessor, a new assessor shall be selected as provided in section 441.6.

8. In the event of the removal, resignation, death, or removal from the county of the said assessor, the conference board shall proceed to fill the vacancy by appointing an assessor to serve the unexpired term in the manner provided in

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section 441.6. Until the vacancy is filled, the chief deputy shall act as assessor, and in the event there be no deputy, in the case of counties the auditor shall act as assessor and in the case of cities having an assessor the city clerk shall act as assessor.

Sec. 102. Section 450.10, subsections 1, 2, 3, and 4, Code 2011, are amended to read as follows:

1. When the property or any interest in property, or income from property, taxable under the provisions of this chapter, passes to the brother or sister, son=in=law, or daughter=in=law, the rate of tax imposed on the individual share so passing shall be as follows:

a. Five percent on any amount up to twelve thousand five hundred dollars.

b. Six percent on any amount in excess of twelve thousand five hundred dollars and up to twenty=five thousand dollars.

c. Seven percent on any amount in excess of twenty=five thousand dollars and up to seventy=five thousand dollars.

d. Eight percent on any amount in excess of seventy=five thousand dollars and up to one hundred thousand dollars.

e. Nine percent on any amount in excess of one hundred thousand dollars and up to one hundred fifty thousand dollars.

f. Ten percent on all sums in excess of one hundred fifty thousand dollars.

2. When the property or interest in property or income from property, taxable under this chapter, passes to a person not included in subsections 1 and 6, the rate of tax imposed on the individual share so passing shall be as follows:

a. Ten percent on any amount up to fifty thousand dollars.

b. Twelve percent on any amount in excess of fifty thousand dollars and up to one hundred thousand dollars.

c. Fifteen percent on all sums in excess of one hundred thousand dollars.

3. When the property or any interest ~~therein~~ in property or income ~~therefrom~~ from property, taxable under the provisions of

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this chapter, passes in any manner to societies, institutions or associations incorporated or organized under the laws of any other state, territory, province or country than this state, for charitable, educational or religious purposes, or to cemetery associations, including humane societies not organized under the laws of this state, or to resident trustees for uses without this state, the rate of tax imposed shall be ~~as follows:~~ ten percent on the entire amount so passing.

~~Ten percent on the entire amount so passing.~~

4. When the property or any interest in property or income from property, taxable under this chapter, passes to any firm, corporation, or society organized for profit, including fraternal and social organizations which do not qualify for exemption under sections 170(c) and 2055 of the Internal Revenue Code, the rate of tax imposed shall be ~~as follows:~~ fifteen percent on the entire amount so passing.

~~Fifteen percent on the entire amount so passing.~~

Sec. 103. Section 452A.74, Code 2011, is amended to read as follows:

452A.74 Unlawful acts ==== penalty.

1. It shall be unlawful:

~~1.~~ a. For any person to knowingly fail, neglect, or refuse to make any required return or statement or pay over fuel taxes required under this chapter.

~~2.~~ b. For any person to knowingly make any false, incorrect, or materially incomplete record required to be kept or made under this chapter, to refuse to offer required books and records to the department of revenue or the state department of transportation for inspection on demand or to refuse to permit the department of revenue or the state department of transportation to examine the person's motor fuel or undyed special fuel storage tanks and handling or dispensing equipment.

~~3.~~ c. For any seller to issue or any purchaser to receive and retain any incorrect or false invoice or sales ticket in

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connection with the sale or purchase of motor fuel or undyed special fuel.

~~4.~~ d. For any claimant to alter any invoice or sales ticket, whether the invoice or sales ticket is to be used to support a claim for refund or income tax credit or not, provided, however, if a claimant's refund permit has been revoked for cause as provided in section 452A.19, the revocation shall serve as a bar to prosecution for violation of this ~~subsection~~ paragraph.

~~5.~~ e. For any person to act as a supplier, restrictive supplier, importer, exporter, blender, or compressed natural gas or liquefied petroleum gas dealer or user without the required license.

~~6.~~ f. For any person to use motor fuel, undyed special fuel, or dyed special fuel in the fuel supply tank of a vehicle with respect to which the person knowingly has not paid or had charged to the person's account with a distributor or dealer, or with respect to which the person does not, within the time required in this chapter, report and pay the applicable fuel tax.

~~7.~~ g. For any licensed compressed natural gas or liquefied petroleum gas dealer or user to dispense compressed natural gas or liquefied petroleum gas into the fuel supply tank of any motor vehicle without collecting the fuel tax.

~~8.~~ 2. Any delivery of compressed natural gas or liquefied petroleum gas to a compressed natural gas or liquefied petroleum gas dealer or user for the purpose of evading the state tax on compressed natural gas or liquefied petroleum gas, into facilities other than those licensed above knowing that the fuel will be used for highway use shall constitute a violation of this section. Any compressed natural gas or liquefied petroleum gas dealer or user for purposes of evading the state tax on compressed natural gas or liquefied petroleum gas, who allows a distributor to place compressed natural gas or liquefied petroleum gas for highway use in facilities other

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than those licensed above, shall also be deemed in violation of this section.

3. A person found guilty of an offense specified in this section is guilty of a fraudulent practice. Prosecution for an offense specified in this section shall be commenced within six years following ~~its~~ the date of commission of the offense.

Sec. 104. Section 455D.11C, subsection 1, Code 2011, is amended to read as follows:

1. A waste tire management fund is created within the state treasury. ~~For the fiscal year beginning July 1, 2002, through the fiscal year beginning July 1, 2006, moneys received from each five dollar surcharge on the issuance of a certificate of title shall be deposited as provided in section 321.52A, Code 2007.~~ Notwithstanding section 8.33, any unexpended balance in the fund at the end of each fiscal year shall be retained in the fund. Notwithstanding section 12C.7, any interest or earnings on investments from moneys in the fund shall be credited to the fund. Moneys from the fund that are expended by the department in closing or bringing into compliance a waste tire collection site pursuant to section 455D.11A and later recouped by the department shall be credited to the fund.

Sec. 105. Section 455G.31, subsection 1, Code 2011, is amended to read as follows:

1. a. As used in this section, unless the context otherwise requires:

~~a.~~ (1) "Dispenser" includes a motor fuel pump, including but not limited to a motor fuel blender pump.

~~b.~~ (2) "E=85 gasoline", "ethanol blended gasoline", and "retail dealer" mean the same as defined in section 214A.1.

~~c.~~ (3) "Gasoline storage and dispensing infrastructure" means any storage tank located below ground or above ground and any associated equipment including but not limited to a pipe, hose, connection, fitting seal, or motor fuel pump, which is used to store, measure, and dispense gasoline by a retail dealer.

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~~d. Ethanol blended gasoline shall be designated in the same manner as provided in section 214A.2.~~

~~e.~~ (4) "Motor fuel pump" means the same as defined in section 214.1.

b. Ethanol blended gasoline shall be designated in the same manner as provided in section 214A.2.

Sec. 106. Section 455J.6, subsection 4, Code 2011, is amended to read as follows:

4. A majority of voting members shall not include any member who has a conflict of interest. A statement by a member that the member has a conflict of interest is conclusive for this purpose. A vacancy in the membership does not ~~impair~~ prevent the council from performing the duties of the council.

Sec. 107. Section 461A.57, Code 2011, is amended to read as follows:

461A.57 Penalties.

~~Any~~ Unless otherwise provided, any person violating any of the provisions of sections 461A.35 to 461A.56 is guilty of a simple misdemeanor.

Sec. 108. Section 461A.76, Code 2011, is amended to read as follows:

461A.76 Contracts with local authorities.

1. ~~Anything~~ Notwithstanding anything in chapter 468, subchapter I, parts 1 through 5, to the contrary, county boards of supervisors and trustees having control of any levee or drainage district established thereunder, including joint levee or drainage districts, may enter into contracts and agreements with municipalities or corporations authorized to establish water recreational areas under the provisions of this division. Such contracts or agreements shall be in writing and may be made prior to or after the establishment of a water recreational area. If made prior to the establishment of a water recreational area they may be made conditional upon the final establishment of such area and if conditional upon such final establishment may be entered into prior to the hearing

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provided for in section 461A.63.

2. Such contracts or agreements may embrace any of the following subjects:

~~1.~~ a. For the impoundment of drainage waters to create artificial lakes or ponds.

~~2.~~ b. For compensation to drainage districts for drainage improvements destroyed or rendered useless by the establishment of water recreational areas and the structures, waters or works thereof.

~~3.~~ c. For the diversion of waters from established drainage ditches or tile drains to other channels.

~~4.~~ d. For sanitary measures and precautions.

~~5.~~ e. For the control of water levels in lakes, ponds or impoundments of water to avoid damage to or malfunction of drainage facilities.

~~6.~~ f. For the construction of additional drainage facilities promoting the interests of either or both of the contracting parties.

~~7.~~ g. For the granting of easements or licenses by one party to the other.

~~8.~~ h. For the payment of money by one contracting party to the other in consideration of acts or performance of the other party required by such contract or agreement.

3. When any expenditure of levee or drainage district funds is proposed by the authority contained in this section and where the estimated expenditure will exceed fifty percent of the original total cost of the district and subsequent improvements therein as defined by section 468.126, the same procedure respecting notice and hearing shall be followed as is provided in said section 468.126, for repair proposals where the estimated cost of the repair exceeds fifty percent of the original total cost of the district and subsequent improvements therein.

Sec. 109. Section 465B.2, Code 2011, is amended to read as follows:

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465B.2 Statewide trails development program.

1. The state department of transportation shall undertake the following ~~programs~~ actions to establish a program to meet the objective stated in section 465B.1:

~~1.~~ a. Prepare a long=range plan for the acquisition, development, promotion, and management of recreation trails throughout the state. The plan shall identify needs and opportunities for recreation trails of different kinds having national, statewide, regional, and multicounty importance. Recommendations in the plan shall include but not be limited to:

~~a.~~ (1) Specific acquisition needs and opportunities for different types of trails.

~~b.~~ (2) Development needs including trail surfacing, restrooms, shelters, parking, and other needed facilities.

~~c.~~ (3) Promotional programs which will encourage Iowans and state visitors to increase use of trails.

~~d.~~ (4) Management activities including maintenance, enforcement of rules, and replacement needs.

~~e.~~ (5) Funding levels needed to accomplish the statewide trails objectives.

~~f.~~ (6) Ways in which trails can be more fully incorporated with parks, cultural sites, and natural resource sites.

~~2.~~ b. ~~The~~ Include, within the plan ~~shall recommend~~, recommendations for standards for establishing functional classifications for all types of recreation trails as well as a system for determining jurisdictional control over trails. Levels of jurisdiction may be vested in the state, counties, cities, and private organizations.

~~3.~~2. a. The state department of transportation may enter into contracts for the preparation of the trails plan. The department shall involve the department of natural resources, the Iowa department of economic development, and the department of cultural affairs in the preparation of the plan. The recommendations and comments of organizations representing

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different types of trail users and others with interests in this program shall also be incorporated in the preparation of the trails plan and shall be submitted with the plan to the general assembly. The plan shall be submitted to the general assembly no later than January 15, 1988. Existing trail projects involving acquisition or development may receive funding prior to the completion of the trails plan.

b. The department shall give priority to funding the acquisition and development of trail portions which will complete segments of existing trails. The department shall give preference to the acquisition of trail routes which use existing or abandoned railroad right=of=ways, river valleys, and natural greenbelts. Multiple recreational use of routes for trails, other forms of transportation, utilities, and other uses compatible with trails shall be given priority.

c. The department may acquire property by negotiated purchase and hold title to property for development of trails. The department may enter into agreements with other state agencies, political subdivisions of the state, and private organizations for the planning, acquisition, development, promotion, management, operations, and maintenance of recreation trails.

3. The department may adopt rules under chapter 17A to carry out a trails program.

Sec. 110. Section 481A.19, subsection 1, paragraph a, Code 2011, is amended to read as follows:

a. Any person licensed by the authority of Illinois, Minnesota, Missouri, Wisconsin, Nebraska, or South Dakota to take fish, game, mussels, or fur=bearing animals from or in the waters forming the boundary between such state and Iowa, may take such fish, game, mussels, or fur=bearing animals from that portion of said waters lying within the territorial jurisdiction of this state, without having procured a license ~~for it~~ from the director of this state, in the same manner that persons holding Iowa licenses may do, if the laws of Illinois,

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Minnesota, Missouri, Wisconsin, Nebraska, or South Dakota, respectively, extend a similar privilege to persons so licensed under the laws of Iowa.

Sec. 111. Section 481C.2A, subsection 6, Code 2011, is amended to read as follows:

6. The department shall make educational materials that explain the deer depredation management program available to the general public, and available specifically to farmers and farm and commodity organizations, in both electronic and brochure formats ~~by June 30, 2008~~.

Sec. 112. Section 482.9, subsection 4, Code 2011, is amended to read as follows:

4. For a person to lift or to fish licensed commercial gear of another person, except when under the direct supervision of the licensee as provided in section 482.7.

Sec. 113. Section 482.10, subsection 2, Code 2011, is amended to read as follows:

2. All intrastate and interstate shipments of commercial fish, turtles, turtle eggs, or roe or roe species, must be accompanied by a receipt which shows the name and address of the seller, date of sale, and the species, numbers, and pounds of the fish, roe species, roe, turtles, or turtle eggs being sold.

Sec. 114. Section 483A.1A, subsection 10, paragraph c, Code 2011, is amended to read as follows:

c. Is a student who qualifies as a resident pursuant to paragraph "b" only for the purpose of purchasing any resident license specified in section 483A.1 ~~or 484A.2~~.

Sec. 115. Section 483A.12, Code 2011, is amended to read as follows:

483A.12 Fees.

1. The license agent shall be responsible for all fees for the issuance of hunting, fishing, and fur harvester licenses~~,~~ and combination packages of licenses sold by the license agent. All unused license blanks shall be surrendered to the

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department upon the department's demand.

2. A license agent shall retain a writing fee of fifty cents from the sale of each license or combination package of licenses except that the writing fee for a free deer or wild turkey hunting license as authorized under section 483A.24, subsection 2, shall be one dollar. If a county recorder is a license agent, the writing fees retained by the county recorder shall be deposited in the general fund of the county.

Sec. 116. Section 483A.31, subsection 3, Code 2011, is amended to read as follows:

3. When another state confers upon fishing, hunting, or trapping licensees of this state reciprocal rights, privileges, and immunities, a fishing, hunting, or trapping license issued by that state entitles the licensee to all rights, privileges, and immunities in the public waters or public lands of this state enjoyed by the holders of equivalent licenses issued by this state, subject to duties, responsibilities, and liabilities imposed on ~~its own~~ licensees of this state by the laws of this state.

Sec. 117. Section 499.2, Code 2011, is amended to read as follows:

499.2 Definitions.

As used in this chapter, unless the context otherwise requires:

1. "Agricultural associations" are those formed to produce, grade, blend, preserve, process, store, warehouse, market, sell, or handle an agricultural product, or a by=product of an agricultural product; to produce ethanol; to purchase, produce, sell, or supply machinery, petroleum products, equipment, fertilizer, supplies, business services, or educational service to or for those engaged as bona fide producers of agricultural products; to finance any such activities; or to engage in any cooperative activity connected with or for any number of these purposes.

2. "Agricultural products" include horticultural,

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viticultural, forestry, dairy, livestock, poultry, bee and any other farm products.

3. "Association" means a corporation formed under this chapter.

4. A "cooperative association" is one which deals with or functions for its members at least to the extent required by section 499.3; and which distributes its net earnings among its members in proportion to their dealings with it, except for limited dividends or other items permitted in this chapter; and in which each voting member has one vote and no more.

5. "Local deferred patronage dividends" of an association means that portion of each member's deferred patronage dividends described in section 499.30 which the board of directors of the association has determined arise from earnings of the association other than earnings which have been allocated to the association but which have not been paid in cash to the association by other cooperative organizations of which the association is a member. However, if the board of directors fails to make a determination with respect to a deceased member's deferred patronage dividends prior to the member's death, then "local deferred patronage dividends" means that portion of the member's deferred patronage dividends which is proportional to the deferred patronage dividends described in section 499.30 less the amount of undistributed net earnings which have been allocated to the association by other cooperative organizations of which the association is a member, compared to all deferred patronage dividends of the association.

6. "Local deferred patronage preferred stock" of an association means preferred stock, if any, of an association which has been issued in exchange for local deferred patronage dividends. If preferred stock has been issued in exchange for deferred patronage dividends prior to the time the board of directors of the association has determined the portion of each member's deferred patronage dividend which represents

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local deferred patronage dividends, then the board of directors may reasonably determine what portion of the preferred stock was issued in exchange for local deferred patronage dividends and the portion which was issued for other deferred patronage dividends.

7. "Member" refers not only to members of nonstock associations but also to common stockholders of stock associations, unless the context of a particular provision otherwise indicates.

Sec. 118. Section 499A.1, subsection 1, Code 2011, is amended to read as follows:

1. Any two or more persons of full age, a majority of whom are citizens of the state, may organize themselves for the following or similar purposes: Ownership of residential, business property on a cooperative basis. A ~~corporation~~ cooperative is a person within the meaning of this chapter. The organizers shall adopt, and sign and acknowledge the articles of incorporation, stating the name by which the cooperative shall be known, the location of its principal place of business, its business or objects, the number of directors to conduct the cooperative's business or objects, the names of the directors for the first year, the time of the cooperative's annual meeting, the time of the annual meeting of its directors, and the manner in which the articles may be amended. The articles of incorporation shall be filed with the secretary of state who shall, if the secretary approves the articles, endorse the secretary of state's approval on the articles, record the articles, and forward the articles to the county recorder of the county where the principal place of business is to be located, and there the articles shall be recorded, and upon recording be returned to the cooperative. The articles shall not be filed by the secretary of state until a filing fee of five dollars together with a recording fee of fifty cents per page is paid, and upon the payment of the fees and the approval of the articles by the secretary of state,

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the secretary shall issue to the cooperative a certificate of incorporation as a cooperative not for pecuniary profit. The county recorder shall collect recording fees pursuant to section 331.604 for articles forwarded for recording under this section.

Sec. 119. Section 508.33, Code 2011, is amended to read as follows:

508.33 Subsidiary companies acquired.

Any life insurance company incorporated in this state may organize, or acquire by purchase, in whole or in part subsidiary insurance and investment companies in which it owns not less than fifty=one percent of the common stock, and notwithstanding any other provisions of this subtitle inconsistent herewith may ~~(1) invest~~ do all of the following:

1. Invest funds from surplus for such purpose~~, (2) make~~.

2. Make loans to such subsidiaries~~, and (3) permit~~.

3. Permit all or part of its officers and directors to serve as officers or directors of such subsidiary companies.

Sec. 120. Section 514G.105, subsection 1, paragraph c, Code 2011, is amended to read as follows:

c. Provide coverage for skilled nursing care only, or provide significantly more coverage for skilled nursing care in a facility than coverage for lower levels of care.

Sec. 121. Section 514G.110, subsection 6, paragraph c, Code 2011, is amended to read as follows:

c. An insured may object to the independent review entity selected by the insurer or to the licensed health care professional designated by the independent review entity to conduct the review by filing a notice of objection along with reasons for the objection, with the commissioner within ten days of receipt of a notice sent by the independent review entity pursuant to paragraph "b". The commissioner shall consider the insured's objection and shall notify the insured, the insurer, and the independent review entity of ~~its~~ the commissioner's decision to sustain or deny the objection within

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two business days of receipt of the objection.

Sec. 122. Section 514I.5, subsection 1, unnumbered paragraph 1, Code 2011, is amended to read as follows:

A hawk=i board for the hawk=i program is established. The board shall meet not less than six and not more than twelve times annually, for the purposes of establishing policy for, directing the department on, and adopting rules for the program. The board shall consist of seven voting members and four ex officio, nonvoting members, including all of the following:

Sec. 123. Section 524.310, subsection 5, paragraph b, Code 2011, is amended to read as follows:

b. A corporate or company name reserved, registered, or protected as provided in section 490.402, 490.403, 490A.402, 504.402, or 504.403.

Sec. 124. Section 524.1406, subsection 3, paragraph a, Code 2011, is amended to read as follows:

a. Notwithstanding any contrary provision in chapter 490, division XIII, in determining the fair value of the shareholder's shares of a bank organized under this chapter or a bank holding company as defined in section 524.1801 in a transaction or event in which the shareholder is entitled to appraisal rights, due consideration shall be given to valuation factors recognized for federal and state estate tax purposes, including discounts for minority interests and discounts for lack of marketability. However, any payment made to shareholders under section 490.1324 shall be in an amount not less than the stockholders' equity in the bank disclosed in its last statement of condition filed under section 524.220 or the total equity capital of the bank holding company disclosed in the most recent report filed by the bank holding company with the board of governors of the federal reserve system, divided by the number of shares outstanding.

Sec. 125. Section 533.111, subsection 4, paragraph b, Code 2011, is amended to read as follows:

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b. Funds appropriated to the credit union division shall be subject at all times to the warrant of the director of ~~revenue~~ the department of administrative services, drawn upon written requisition of the superintendent or a designated representative, for the payment of all salaries and other expenses necessary to carry out the duties of the credit union division.

Sec. 126. Section 533.204, subsection 5, Code 2011, is amended to read as follows:

5. a. A state credit union wishing to maintain a board of directors of less than nine members may apply to the superintendent for permission to reduce the required number of directors. An application to reduce the required number of directors under this subsection must demonstrate both of the following:

~~a.~~ (1) The application is necessitated by a hardship or other special circumstance.

~~b.~~ (2) A lesser number of directors is in the best interest of the state credit union and its members.

b. In no event ~~may~~ shall the superintendent allow a state credit union to maintain fewer than seven directors on a state credit union board.

Sec. 127. Section 533.205, subsection 2, paragraph d, Code 2011, is amended to read as follows:

d. The board may appoint an executive committee to act on ~~its~~ the board's behalf.

Sec. 128. Section 533.207, subsection 4, Code 2011, is amended to read as follows:

4. The credit committee shall meet as often as may be necessary after due notice to each committee member.

Sec. 129. Section 533.315, subsection 9, paragraph a, Code 2011, is amended to read as follows:

a. The provisions of the Iowa consumer credit code, chapter 537, shall apply to consumer loans made by a state credit union, and a provision of that ~~code~~ chapter shall supersede

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any conflicting provision of this chapter with respect to a consumer loan.

Sec. 130. Section 533.404, subsection 2, Code 2011, is amended to read as follows:

2. All amounts due members who are unknown, or who are under a disability and no person is legally competent to receive the amounts, or who cannot be found after the exercise of reasonable diligence, shall be transmitted to the treasurer of state who shall hold the amounts in the manner prescribed by chapter 556. All amounts due creditors as described in section 490.1440 shall be transmitted to the treasurer of state in accordance with that section ~~and~~, shall be retained by the treasurer of state, and are subject to claim as provided for in that section.

Sec. 131. Section 533.505, subsection 4, Code 2011, is amended to read as follows:

4. The refusal of any person to obey an order of the district court issued pursuant to subsection ~~1~~ 3, without reasonable cause, shall be considered a contempt of court.

Sec. 132. Section 534.202, subsection 1, Code 2011, is amended to read as follows:

1. Power to purchase and to lend upon loans. The power to make loans shall include ~~(a) the~~ all of the following:

a. The power to purchase loans of any type that the association may make~~, (b) the~~.

b. The power to make loans upon the security of loans of any type that the association may make~~, and (c) the~~.

c. The power to sell any loans of the type the association is authorized to make.

Sec. 133. Section 535B.1, subsection 8, Code 2011, is amended to read as follows:

8. "Natural person" means an individual who is not an association, joint venture~~,~~ or joint stock company, partnership, limited partnership, business corporation, nonprofit corporation, other business entity, or any other

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group of individuals or business entities, however organized.

Sec. 134. Section 546.10, subsection 10, Code 2011, is amended to read as follows:

10. Notwithstanding section 17A.6, subsection ~~4~~ 2, the licensing boards included within the bureau pursuant to subsection 1 may adopt standards by reference to another publication without providing a copy of the publication to the administrative rules coordinator if the publication containing the standards is readily accessible on the internet at no cost and the internet site at which the publication may be found is included in the administrative rules that adopt the standard.

Sec. 135. Section 582.1, Code 2011, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH As used in this chapter, unless the context otherwise requires:

Sec. 136. Section 600.11, subsection 2, Code 2011, is amended to read as follows:

2. a. At least twenty days before the adoption hearing, a copy of the petition and its attachments and a notice of the adoption hearing shall be given by the adoption petitioner to:

~~a.~~ (1) A guardian, guardian ad litem if appointed for the adoption proceedings, and custodian of, and a person in a parent=child relationship with the person to be adopted. This ~~paragraph~~ subparagraph does not require notice to be given to a person whose parental rights have been terminated with regard to the person to be adopted.

~~b.~~ (2) The person to be adopted who is an adult.

~~c.~~ (3) Any person who is designated to make an investigation and report under section 600.8.

~~d.~~ (4) Any other person who is required to consent under section 600.7.

~~e.~~ (5) A person who has been granted visitation rights with the child to be adopted pursuant to section 600C.1.

~~Nothing in this subsection shall require the petitioner to give notice to self or to petitioner's spouse. A duplicate~~

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~~copy of the petition and its attachments shall be mailed to the department by the clerk of court at the time the petition is filed.~~

~~f.~~ (6) A person who is ordered to pay support or a postsecondary education subsidy pursuant to section 598.21F, or chapter 234, 252A, 252C, 252F, 598, 600B, or any other chapter of the Code, for a person eighteen years of age or older who is being adopted by a stepparent, and the support order or order requires payment of support or postsecondary education subsidy for any period of time after the child reaches eighteen years of age.

b. Nothing in this subsection shall require the petitioner to give notice to self or to petitioner's spouse. A duplicate copy of the petition and its attachments shall be mailed to the department by the clerk of court at the time the petition is filed.

Sec. 137. Section 600C.1, subsection 5, Code 2011, is amended to read as follows:

5. For the purposes of this ~~subsection~~ section, "substantial relationship" includes but is not limited to any of the following:

a. The child has lived with the grandparent or great=grandparent for at least six months.

b. The grandparent or great=grandparent has voluntarily and in good faith supported the child financially in whole or in part for a period of not less than six months.

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

Sec. 138. Section 602.8105, subsection 2, paragraph e, Code 2011, is amended to read as follows:

e. For filing a praecipe to issue execution under chapter 626, twenty=five dollars. The fee shall be recoverable by the creditor from the debtor against whom the execution is issued. A fee payable by a political subdivision of the state

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under this paragraph shall be collected by the clerk of the district court as provided in section 602.8109. However, the fee shall be waived and shall not be collected from a political subdivision of the state if a county attorney or county attorney's designee is collecting a delinquent judgment pursuant to section 602.8107, subsection 4.

Sec. 139. Section 602.8109, subsection 6, Code 2011, is amended to read as follows:

6. If the amount owed by the city under subsection 5, paragraph "a", for a calendar month is greater than the amount due to the city under subsection 5, paragraph "b", for that month, the city shall remit the difference to the clerk of the district court no later than the last day of the month in which the statement under subsection 5 is received.

Sec. 140. Section 626D.5, subsection 4, Code 2011, is amended to read as follows:

4. The court may ~~recognize and enforce or~~ decline to recognize and enforce a tribal judgment on equitable grounds for any of the following reasons:

a. The tribal judgment was obtained by extrinsic fraud.

b. The tribal judgment conflicts with another filed judgment that is entitled to recognition in this state.

c. The tribal judgment is inconsistent with the parties' contractual choice of forum provided the contractual choice of forum issue was timely raised in the tribal court.

d. The tribal court does not recognize and enforce judgments of the courts of this state under standards similar to those provided in this chapter.

e. The cause of action or defense upon which the tribal judgment is based is repugnant to the fundamental public policy of the United States or this state.

Sec. 141. Section 633.3, subsection 4, Code 2011, is amended to read as follows:

4. Charges ==== includes costs of administration, funeral expenses, cost of monument, and federal and state estate taxes.

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Sec. 142. Section 633.231, subsection 2, Code 2011, is amended to read as follows:

2. The notice shall be in substantially the following form:

NOTICE OF OPENING ADMINISTRATION OF ESTATE, OF APPOINTMENT OF ADMINISTRATOR, AND NOTICE TO CREDITOR

In the District Court of Iowa
In and for .... County.
In the Estate of ....., Deceased
Probate No. ....
To the Department of Human Services Who May Be Interested in the Estate of ....., Deceased, who died on or about .... (date):

You are hereby notified that on the .. day of ... (month), ... (year), an intestate estate was opened in the above=named court and that ..... was appointed administrator of the estate.

You are further notified that the birthdate of the deceased is ..... and the deceased's social security number is ...=..=.... The name of the spouse is ..... The birthdate of the spouse is .... and the spouse's social security number is ...=..=...., and that the spouse of the deceased is alive as of the date of this notice, or deceased as of .... (date).

You are further notified that the deceased was/was not a disabled or a blind child of the medical assistance recipient by the name of ....., who had a birthdate of .... and a social security number of ...=..=...., and the medical assistance debt of that medical assistance recipient was waived pursuant to section 249A.5, subsection 2, paragraph "a", subparagraph (1), and is now collectible from this estate pursuant to section 249A.5, subsection 2, paragraph "b".

Notice is hereby given that if the department of human services has a claim against the estate for the deceased person

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or persons named in this notice, the claim shall be filed with the clerk of the above=named district court, as provided by law, duly authenticated, for allowance within six months from the date of sending this notice and, unless otherwise allowed or paid, the claim is thereafter forever barred. If the department does not have a claim, the department shall return the notice to the ~~executor~~ administrator with notification stating the department does not have a claim within six months from the date of sending this notice.
Dated this ... day of .... (month), ... (year)
.....
Administrator of estate
.....
Address
.....
Attorney for administrator
.....
Address

Sec. 143. Section 633.717, subsection 8, Code 2011, is amended to read as follows:

8. The denial by a court of this state of a petition to accept a guardianship or conservatorship transferred from another state does not affect the ability of the guardian or conservator to seek appointment as guardian or conservator in this state under section 633.551, ~~or~~ 633.552, or 633.566, if the court has jurisdiction to make an appointment other than by reason of the provisional order of transfer.

Sec. 144. Section 633A.3112, subsection 1, Code 2011, is amended to read as follows:

1. "Charges" includes costs of administration, funeral expenses, costs of monuments, and federal and state estate taxes.

Sec. 145. Section 636.45, subsection 2, Code 2011, is amended to read as follows:

2. It shall be lawful for insurance companies, ~~building~~

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~~65 1~~ savings and loan associations, trustees, guardians, executors, administrators, and other fiduciaries, the state and its political subdivisions, and institutions and agencies thereof, and all other persons, associations, and corporations, subject to the laws of this state, to originate real estate loans which are guaranteed or insured by the secretary of the United States department of veterans affairs under the provisions of 38 U.S.C. { 3701 et seq., and originate loans secured by real property or leasehold, as the federal housing administrator insures or makes a commitment to insure pursuant to Tit. II of the National Housing Act (1934), and may obtain such insurance and may invest their funds, and the moneys in their custody or possession, eligible for investment, in bonds and notes secured by mortgage or trust deed insured by the federal housing administrator, and in the debentures issued by the federal housing administrator pursuant to Tit. II of the National Housing Act (1934), and in securities issued by national mortgage associations or similar credit institutions now or hereafter organized under Tit. III of the National Housing Act (1934), and in real estate loans which are guaranteed or insured by the secretary of the United States department of veterans affairs under the provisions of 38 U.S.C. { 3701 et seq.

Sec. 146. Section 654.6, Code 2011, is amended to read as follows:

654.6 Deficiency ==== general execution.

If the mortgaged property does not sell for an amount which is sufficient to satisfy the execution, a general execution may be issued against the mortgagor, unless the parties have stipulated otherwise.

Sec. 147. Section 692A.113, subsection 1, paragraph h, Code 2011, is amended to read as follows:

h. Loiter on or within three hundred feet of the premises of any place intended primarily for the use of minors including but not limited to a playground available to the public, a

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children's play area available to the public, a recreational or sport=related activity area when in use by a minor, a swimming or wading pool available to the public when in use by a minor, or a beach available to the public when in use by a minor.

Sec. 148. Section 707.6A, subsection 4, Code 2011, is amended to read as follows:

4. A person commits a class "D" felony when the person unintentionally causes a serious injury, as defined in section ~~321J.1~~ 702.18, by any of the means described in subsection 1 or 2.

Sec. 149. Section 714.8, subsection 14, paragraph a, Code 2011, is amended to read as follows:

a. Makes payment pursuant to an agreement with a dealer or market agency for livestock held by the dealer or market agency by use of a financial instrument which is a check, share draft, draft, or written order on any financial institution, as defined in section ~~203C.1~~ 203.1, if after seven days from the date that possession of the livestock is transferred pursuant to the purchase, the financial institution refuses payment on the instrument because of insufficient funds in the maker's account.

Sec. 150. Section 717F.1, subsection 10, paragraph c, Code 2011, is amended to read as follows:

c. A research facility which ~~is certified~~ has been issued a certificate of registration by the department of agriculture and land stewardship as provided in ~~section 162.10~~ sections 162.2A and 162.4A.

Sec. 151. Section 728.8, Code 2011, is amended to read as follows:

728.8 Suspension of licenses or permits.

Any person who knowingly permits a violation of section 728.2, 728.3, or 728.5, subsection ~~6~~ 1, paragraph "f", to occur on premises under the person's control shall have all permits and licenses issued to the person under state or local law as a prerequisite for doing business on such premises revoked for

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a period of six months. The county attorney shall notify all agencies responsible for issuing licenses and permits of any conviction under section 728.2, 728.3, or 728.5, subsection ~~6~~ 1, paragraph "f".

Sec. 152. Section 731.8, Code 2011, is amended to read as follows:

731.8 Exception.

The provisions of this chapter shall not apply to employers or employees covered by the federal ~~Railroad~~ Railway Labor Act, 45 U.S.C. { 151 et seq.

Sec. 153. Section 805.8A, subsection 4, unnumbered paragraph 1, Code 2011, is amended to read as follows:

For driver's license violations under the following sections, the scheduled ~~violation~~ fine is as follows:

Sec. 154. Section 805.8A, subsection 6, unnumbered paragraph 1, Code 2011, is amended to read as follows:

For operating violations under the following sections, the scheduled ~~violation~~ fine is as follows:

Sec. 155. Section 805.8A, subsection 7, unnumbered paragraph 1, Code 2011, is amended to read as follows:

For failure to yield or obey violations under the following sections, the scheduled ~~violation~~ fine is as follows:

Sec. 156. Section 805.8A, subsection 8, unnumbered paragraph 1, Code 2011, is amended to read as follows:

For traffic sign or signal violations under the following sections, the scheduled ~~violation~~ fine is as follows:

Sec. 157. Section 805.8A, subsection 14, paragraph c, subparagraph (2), Code 2011, is amended to read as follows:

(2) For a violation under section 321.446, the scheduled ~~violation~~ fine is one hundred dollars.

Sec. 158. Section 907.3, subsection 3, unnumbered paragraph 1, Code 2011, is amended to read as follows:

By record entry at the time of or after sentencing, the court may suspend the sentence and place the defendant on probation upon such terms and conditions as it may require including

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commitment to an alternate jail facility or a community correctional residential treatment facility to be followed by a ~~term~~ period of probation as specified in section 907.7, or commitment of the defendant to the judicial district department of correctional services for supervision or services under section 901B.1 at the level of sanctions which the district department determines to be appropriate and the payment of fees imposed under section 905.14. A person so committed who has probation revoked shall be given credit for such time served. However, the court shall not suspend any of the following sentences:

Sec. 159. Section 908.11, subsection 4, Code 2011, is amended to read as follows:

4. If the violation is established, the court may continue the probation or youthful offender status with or without an alteration of the conditions of probation or a youthful offender status. If the defendant is an adult or a youthful offender the court may hold the defendant in contempt of court and sentence the defendant to a jail term while continuing the probation or youthful offender status, order the defendant to be placed in a violator facility established pursuant to section 904.207 while continuing the probation or youthful offender status, extend the ~~term~~ period of probation for up to one year as authorized in section 907.7 while continuing the probation or youthful offender status, or revoke the probation or youthful offender status and require the defendant to serve the sentence imposed or any lesser sentence, and, if imposition of sentence was deferred, may impose any sentence which might originally have been imposed.

Sec. 160. Section 915.86, subsection 14, Code 2011, is amended to read as follows:

14. Reasonable expenses incurred by a victim, the victim's parent or caretaker, or the survivor of a homicide victim as described in subsection 10 to replace locks, windows, and other residential security items at the victim's residence or at

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the residential scene of a crime, not to exceed five hundred dollars per residence.

Sec. 161. 2010 Iowa Acts, chapter 1031, section 255, is amended by striking the section and inserting in lieu thereof the following:

SEC. 255. 2008 Iowa Acts, chapter 1080, section 1, subsection 6, is amended to read as follows:

6. This section is repealed on ~~July 1~~ March 10, 2010.

Sec. 162. Section 203C.37, subsection 1, paragraph a, as amended by 2010 Iowa Acts, chapter 1082, section 4, is amended to read as follows:

a. Upon the filing of an application pursuant to section 203C.7 and compliance with the terms and conditions of this chapter including rules of the department, the department shall issue the applicant a warehouse operator's license. The license expires at the end of the third calendar month following the close of the warehouse operator's fiscal year. A warehouse operator's license may be renewed annually by the filing of a renewal application on a form prescribed by the department pursuant to section ~~203C.37~~ 203C.7. An application for renewal must be received by the department on or before the end of the third calendar month following the close of the warehouse operator's fiscal year.

Sec. 163. 2010 Iowa Acts, chapter 1193, section 141, is amended to read as follows:

SEC. 141. EFFECTIVE DATE. The provision of this division of this Act amending section ~~421.3~~ 421C.3, if enacted by 2010 Iowa Acts, Senate File 2383, takes effect on the effective date of section 421C.3.

Sec. 164. 2010 Iowa Acts, chapter 1193, section 203, is amended to read as follows:

SEC. 203. 2010 Iowa Acts, Senate File 2356, section ~~2~~ 1, amending section 249J.7, if enacted, is repealed.

Sec. 165. REPEAL. Section 80D.15, Code 2011, is repealed.

Sec. 166. REPEAL. Section 103A.27, Code 2011, is repealed.

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Sec. 167. REPEAL. Section 455B.473A, Code 2011, is repealed.

DIVISION II
RESTRUCTURING

Sec. 168. Section 421B.2, subsections 1 and 6, Code 2011, are amended to read as follows:

1. "Basic cost of cigarettes" shall mean whichever of one of the two following amounts is lower~~: (a) the~~, less, in either case, all trade discounts and customary discounts for cash, plus one=half of the full face value of any stamps which may be required by any cigarette tax act of this state:

a. The true invoice cost of cigarettes to the wholesaler or retailer, as the case may be~~, or (b) the~~.

b. The lowest replacement cost of cigarettes to the wholesaler or retailer in the quantity last purchased~~, less, in either case, all trade discounts and customary discounts for cash, plus one=half of the full face value of any stamps which may be required by any cigarette tax act of this state~~.

6. "Retailer" means any person who is engaged in this state in the business of selling, or offering to sell, cigarettes at retail. For purposes of this chapter, a person who does not meet the definition of retailer or wholesaler but who is engaged in the business of selling cigarettes in this state to a retailer or final consumer shall be considered a retailer and subject to the minimum pricing requirements of this chapter.

~~For purposes of this chapter, a person who does not meet the definition of retailer or wholesaler but who is engaged in the business of selling cigarettes in this state to a retailer or final consumer shall be considered a retailer and subject to the minimum pricing requirements of this chapter.~~

Sec. 169. Section 425.11, Code 2011, is amended to read as follows:

425.11 Definitions.

1. For the purpose of this chapter and wherever used in this chapter:

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~~1.~~ a. ~~The words "assessed~~ "Assessed valuation" ~~shall mean~~ means the taxable valuation of the homestead as fixed by the assessor, or by the board of review, under the provisions of section 441.21, without deducting therefrom the exemptions authorized in section 426A.11.

~~2.~~ b. ~~Unless the context otherwise requires, "book"~~ "Book", "list", "record", or "schedule" kept by a county auditor, assessor, treasurer, recorder, sheriff, or other county officer, unless the context otherwise requires, means the county system as defined in section 445.1.

c. "Dwelling house" shall embrace any building occupied wholly or in part by the claimant as a home.

~~3.~~ d. ~~The word "homestead"~~ "Homestead" shall have the following meaning:

~~a.~~ (1) The homestead includes the dwelling house which the owner, in good faith, is occupying as a home on July 1 of the year for which the credit is claimed and occupies as a home for at least six months during the calendar year in which the fiscal year begins, except as otherwise provided.

(a) When any person is inducted into active service under the Selective Training and Service Act of the United States or whose voluntary entry into active service results in a credit on the quota of persons required for service under the Selective Training and Service Act, or who, being a member of any component part of the military, naval, or air forces or nurse corps of this state or nation, is called or ordered into active service, such person shall be considered as occupying or living on the homestead during such service and, where equitable or legal title of the homestead is in the spouse of the person who is a member of or is inducted into the armed services of the United States, the spouse shall be considered as occupying or living on the homestead during such service.

(b) When any person is confined in a nursing home, extended=care facility, or hospital, such person shall be considered as occupying or living on a homestead where such

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person is the owner of such homestead and such person maintains such homestead and does not lease, rent, or otherwise receive profits from other persons for the use thereof.

~~b.~~ (2) It may contain one or more contiguous lots or tracts of land with the buildings or other appurtenances thereon habitually, and in good faith, used as a part of the homestead.

~~c.~~ (3) It must not embrace more than one dwelling house, but where a homestead has more than one dwelling house situated thereon, the credit provided for in this chapter shall apply to the home and buildings used by the owner, but shall not apply to any other dwelling house and buildings appurtenant.

~~d. The words "dwelling house" shall embrace any building occupied wholly or in part by the claimant as a home.~~

~~4.~~ e. ~~The word "owner" shall mean~~ "Owner" means the person who holds the fee simple title to the homestead, and in addition shall mean the person occupying as a surviving spouse or the person occupying under a contract of purchase which contract has been recorded in the office of the county recorder of the county in which the property is located; or the person occupying the homestead under devise or by operation of the inheritance laws where the whole interest passes or where the divided interest is shared only by persons related or formerly related to each other by blood, marriage or adoption; or the person occupying the homestead is a shareholder of a family farm corporation that owns the property; or the person occupying the homestead under a deed which conveys a divided interest where the divided interest is shared only by persons related or formerly related to each other by blood, marriage or adoption; or where the person occupying the homestead holds a life estate with the reversion interest held by a nonprofit corporation organized under chapter 504, provided that the holder of the life estate is liable for and pays property tax on the homestead; or where the person occupying the homestead holds an interest in a horizontal property regime under chapter 499B, regardless of whether the underlying land committed to

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the horizontal property regime is in fee or as a leasehold interest, provided that the holder of the interest in the horizontal property regime is liable for and pays property tax on the homestead; or where the person occupying the homestead is a member of a community land trust as defined in 42 U.S.C. { 12773, regardless of whether the underlying land is in fee or as a leasehold interest, provided that the member of the community land trust is occupying the homestead and is liable for and pays property tax on the homestead. For the purpose of this chapter the word "owner" shall be construed to mean a bona fide owner and not one for the purpose only of availing the person of the benefits of this chapter. In order to qualify for the homestead tax credit, evidence of ownership shall be on file in the office of the clerk of the district court or recorded in the office of the county recorder at the time the owner files with the assessor a verified statement of the homestead claimed by the owner as provided in section 425.2.

2. Where not in conflict with the terms of the definitions ~~above~~ set out in subsection 1, the provisions of chapter 561 shall control.

Sec. 170. Section 427B.3, Code 2011, is amended to read as follows:

427B.3 Period of partial exemption.

1. "Actual value added", as used in this chapter, means the actual value added as of the first year for which the exemption is received, except that actual value added by improvements to machinery and equipment means the actual value as determined by the assessor as of January 1 of each year for which the exemption is received.

2. The actual value added to industrial real estate for the reasons specified in section 427B.1 is eligible to receive a partial exemption from taxation for a period of five years. However, if property ceases to be classified as industrial real estate or ceases to be used as a warehouse or distribution center, the partial exemption for the value added shall not be

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allowed for subsequent assessment years. ~~"Actual value added" as used in this chapter means the actual value added as of the first year for which the exemption is received, except that actual value added by improvements to machinery and equipment means the actual value as determined by the assessor as of January 1 of each year for which the exemption is received.~~

3. a. The amount of actual value added which is eligible to be exempt from taxation shall be as follows:

~~1.~~ (1) For the first year, seventy=five percent.

~~2.~~ (2) For the second year, sixty percent.

~~3.~~ (3) For the third year, forty=five percent.

~~4.~~ (4) For the fourth year, thirty percent.

~~5.~~ (5) For the fifth year, fifteen percent.

b. This schedule shall be followed unless an alternative schedule is adopted by the city council of a city or the board of supervisors of a county in accordance with section 427B.1.

4. However, the granting of the exemption under this section for new construction constituting complete replacement of an existing building or structure shall not result in the assessed value of the industrial real estate being reduced below the assessed value of the industrial real estate before the start of the new construction added.

DIVISION III

INTERNAL REFERENCE CORRECTIONS

Sec. 171. Section 47.10, Code 2011, is amended to read as follows:

47.10 Optical scan voting system fund.

An optical scan voting system fund is established in the office of the treasurer of state under the control of the secretary of state. Moneys in the fund are appropriated to the office of the secretary of state for purchase and distribution of optical scan voting system equipment to counties to assist county compliance with section 52.2~~, subsection 2~~. The secretary of state, in consultation with the department of administrative services, shall establish a procedure for

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purchasing and distributing the equipment.

Sec. 172. Section 80D.5, Code 2011, is amended to read as follows:

80D.5 No exemptions.

There shall be no exemptions from the personal and training standards provided for in this chapter except as provided in ~~sections~~ section 80D.7 ~~and 80D.15~~.

DIVISION IV

EFFECTIVE AND APPLICABILITY PROVISIONS

Sec. 173. EFFECTIVE UPON ENACTMENT AND RETROACTIVE APPLICABILITY. The following provision or provisions of this Act, being deemed of immediate importance, take effect upon enactment and apply on the dates specified:

1. The section of this Act amending 2010 Iowa Acts, chapter 1031, section 255, applies retroactively to March 10, 2010.

2. The section of this Act amending 2010 Iowa Acts, chapter 1082, section 4, applies retroactively to July 1, 2010.

3. The section of this Act amending 2010 Iowa Acts, chapter 1193, section 141, applies retroactively to January 1, 2011.

4. The section of this Act amending 2010 Iowa Acts, chapter 1193, section 203, applies retroactively to July 1, 2010.

EXPLANATION

This bill contains statutory corrections that adjust language to reflect current practices, insert earlier omissions, delete redundancies and inaccuracies, delete temporary language, resolve inconsistencies and conflicts, update ongoing provisions, or remove ambiguities. The Code sections amended include the following:

DIVISION I. Code section 8.9: Strikes language within this provision establishing the office of grants enterprise management that cites to a provision within Code section 8A.505 that formerly provided a standing appropriation for the office, but which was stricken by 2009 Iowa Acts, ch. 181, {38.

Code section 8A.207: Deletes the word "or" to correct the

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exception language pertaining to the contract procedures for procurement of information technology that was added by 2010 Iowa Acts, ch. 1189, {36.

Code section 15.104: Strikes a reference to a three=year strategic plan for economic growth that was eliminated in 2008 by 2008 Iowa Acts, ch. 1122, {5.

Code section 15.117A: Updates, within language designating the membership of the Iowa innovation council, a reference to the provision under which the chief information officer is appointed. Code section 8A.104, subsection 12, was stricken by 2010 Iowa Acts, ch. 1031, {1, and Code section 8A.201A was enacted in 2010 Iowa Acts, ch. 1031, {8.

Code sections 15.119 and 422.33: Eliminate references to Code section 422.11E, that previously provided for an assistive device tax credit for individuals and was repealed by 2009 Iowa Acts, ch. 179, {151.

Code section 15.333: Strikes paragraph "b" of subsection 1, which relates to the receiving of refunds of unused tax credits by businesses which produce value=added agricultural products or which use biotechnology=related processes to conform to changes made by 2010 Iowa Acts, ch. 1138, {27.

Code section 16.131A: Expands a citation string that governs the applicability of the subchapter definitions contained in this Code section to include a reference to Code section 16.135, which was added to the subchapter in 2009 by 2009 Iowa Acts, ch. 72, {2.

Code section 16.135: Clarifies, by adding the words "wastewater treatment", that the system referred to in this provision relating to a wastewater viability assessment is a wastewater treatment system and not a "water system" as defined in Code section 16.131A.

Code sections 16.192, 16.193, and 16.195: Add references to the Iowa jobs II program in language pertaining to the administration of Iowa jobs programs to conform to changes made by 2010 Iowa Acts, ch. 1184.

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Code section 28H.1: Corrects the date pertaining to the signing of the executive order number 11 that established the regions to be used for the coordination of state services. Executive order number 11 was signed by Governor Harold Hughes on February 19, 1968.

Code section 29A.43: Adds the words "or service" to conform to other instances within this provision that describe the reasons for absences from employment that cannot be used to discriminate against employees who are also enlisted members of the national guard, armed forces reserves, and civil air patrol.

Code section 50.39: Replaces, in two instances, the word "it" with the words "the state board of canvassers" to clarify what entity is responsible for making the abstract of the ballots and declaring the winner of an election.

Code section 52.2: Strikes, in Code section 52.2, an obsolete provision that used to allow a county board of supervisors to purchase and use voting machines in addition to optical scan voting systems. Effective November 4, 2008, optical scan voting systems are the only voting system that is permissible in this state. An internal reference in Code section 47.10 to the language which remains in Code section 52.2 is corrected in division III of the bill to reflect the changes to Code section 52.2.

Code section 68A.401: Corrects the reference to the provision which allows political committees that are registered and filing full disclosure reports of all financial activities with the federal election commission to file verified statements.

Code section 80D.15: Repeals at the end of this division of the bill this obsolete provision exempting certain auxiliary civil defense police from provisions relating to reserve peace officers. Auxiliary civil defense police officers no longer exist in this state. Code chapter 29C now governs situations in which civil defense police officers used to be utilized on

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the local level. An internal reference to this Code section is stricken from Code section 80D.5 in division III of the bill.

Code section 88.5: Corrects an internal reference relating to the filing of complaints regarding railway sanitation and shelter. The balance of the provisions in this Code section have their own enforcement mechanisms and relate to different health and safety issues.

Code section 89.3: Makes a technical correction and clarifies the applicability of the criteria to be used to determine the inspection schedule for certain boilers.

Code sections 89.5, 89A.3, and 546.10: Correct internal references to purchase and publication requirements from which certain state agencies are exempt to reflect 2010 changes made in 2010 Iowa Acts, ch. 1031, to Code section 17A.6.

Code section 90A.11: Corrects a reference by changing the word "section" to "subsection" to reflect the addition of new civil penalties to this Code section by 2010 Iowa Acts, ch. 1122, {10.

Code section 91.4: Reorganizes this provision to separate out the actual duties of the labor commissioner from other mandatory and permissive requirements that may apply to or affect the commissioner's duties.

Code section 97B.49A: Conforms language pertaining to calculation of an Iowa public employees' retirement system member's monthly allowance to changes made to the vesting by service requirements in 2010 Iowa Acts, ch. 1167.

Code section 97C.3: Makes two technical changes and then deletes language to substitute the actual effective date of Code chapter 97C for language referring to that date in this portion of the federal social security enabling Act.

Code section 99B.5A: Strikes a reference to Code section 174.1 in connection to a use of the term "fair" in this provision permitting the conducting of bingo at a fair. The term "fair" is defined for Code chapter 99B in Code section 99B.1, subsection 14, and describes a fair as an event, whereas

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Code section 174.1 refers to an organization incorporated to conduct those events.

Code section 100C.6: Substitutes the word "provided" for "defined" in language describing the applicability of the Code chapter regulating fire extinguishing and alarm systems contractors and installers. Only some of the terms listed are actually defined in Code section 100D.1, with the balance of the term being described or included within other terms instead.

Code sections 101.1 and 101.21: Move the definition of the term "petroleum" from division II of this Code chapter relating to combustible and flammable liquids and liquefied gases to division I to conform to changes made by 2010 Iowa Acts, ch. 1014, that removed the term from the text of the other provisions within division II of Code chapter 101. The term is still used in division I of the Code chapter.

Code sections 101.2, 101.3, and 424.2: Add language relating to combustible liquids and liquefied natural gases to reflect changes made in Code chapter 101 by 2010 Iowa Acts, ch. 1014.

Code section 101.22: Clarifies the meaning of an incomplete sentence, consisting of several sentence fragments, that describes the limitations on the circumstances under which a person may convey or deposit a flammable or combustible liquid in an unregistered aboveground storage tank.

Code section 103.25: Clarifies when a person, who fails to file a late request for inspection of an electrical installation after receiving notice, may become subject to a civil penalty by specifying when the 14=day period begins to run.

Code section 103.33: Conforms the use of the expression "standards of construction for health safety and property safety" to other uses of the same expression in this Code chapter relating to the regulation of electricians and electrical contractors.

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Code section 103A.27: Repeals at the end of this division of the bill the provision establishing the commission on energy efficiency standards and practices. The commission has fulfilled all of its duties and submitted the required final report to the general assembly on January 1, 2011.

Code section 123.53: Adds a reference to the revenue bonds federal subsidy holdback fund in language relating to the deposit of moneys into certain funds used to pay principal and interest on bonds to conform to changes made in this Code section by 2010 Iowa Acts, ch. 1184, {92.

Code section 135B.19: Changes the word "law" to "division" to reflect that the provisions that may be cited as the "pathology and radiology services in hospitals law" are codified in a single division of Code chapter 135B.

Code section 163.30: Adds the words "state, federal or" before the word "auction" to correct an inadvertent omission made when this provision relating to the movement of swine to slaughter or livestock market was amended by 2010 Iowa Acts, ch. 1069, {21.

Code section 185C.29: Changes the words "this chapter" to "the board" to conform to the language of Code section 185C.11 and to the wording of a similar provision, Code section 185.26.

Code sections 203D.1, 499.2, and 582.1: Add, in these three definitional Code sections, the standard lead=in paragraph used throughout the Code that describes the applicability of these definitions within the Code chapters pertaining to grain depositors and sellers indemnification, cooperative associations, and hospital liens.

Code sections 207.1, 207.3, 207.16, 207.19, 207.21, and 207.22: Add in citations to the United States Code after various public references in these provisions relating to the regulation of mining to reflect the places in the federal Code that the public laws were codified.

Code section 216A.6: Adds the words "or office" to provisions that protect the confidentiality of evaluations

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of information about a person receiving advocacy services to conform to changes made to the subunit structure within the department of human rights by 2010 Iowa Acts, ch. 1031. The department previously consisted of the department and divisions. 2010 Iowa Acts, ch. 1031, changed many of the divisions into "offices", so that advocacy services previously provided only by a division may now be provided by an "office".

Code sections 216A.96 and 216A.97: Strike references to a "delegate agency" in these two provisions regulating the administration of community action programs in communities to conform changes made to Code section 216A.94 by 2010 Iowa Acts, ch. 1031, which struck language providing for contracting by a public agency with a delegate agency to assist a governing board of a recognized community action agency.

Code section 216A.133A: Replaces an obsolete reference to the former legislative government oversight committee with a reference to the general assembly's standing committees on government oversight in this provision requiring the criminal and juvenile justice planning advisory council to submit a report detailing all sources of funding annually. The legislative government oversight committee was eliminated by 2009 Iowa Acts, ch. 86.

Code section 217.6: Numbers the paragraphs, updates the headnote, and moves a sentence relating to the organization of the department of human services with other language relating to initial internal divisions within that department.

Code section 225C.5: Replaces the words "who is" with the words "shall be" to conform this provision to the style and syntax within other provisions describing the membership of the mental health and disability services commission.

Code section 225C.6: Adds language to complete an incomplete sentence in this provision describing a duty of the mental health and disability services commission.

Code section 229.22: Adds the words "facility or" before the word "hospital" to conform to other changes made by 2010

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Iowa Acts, ch. 1103, to this provision relating to the initial transportation or delivery of a person believed to be seriously mentally impaired to a placement for evaluation.

Code section 229.39: Updates the citation to an Iowa Act to conform to current Iowa Act citation form in this provision relating to the status of persons hospitalized for treatment of mental illness under a former civil commitment law.

Code section 231.62: Strikes from this provision requiring the department on aging to consult with the direct care worker task force when adopting rules to implement training and education provisions on Alzheimer's disease. The direct care worker task force was abolished by 2008 Iowa Acts, ch. 1156, {54.

Code section 232.172: Strikes two references to the 2009 Code version of Code section 232.171, which were added by 2010 Acts, ch. 1192, to this provision referencing the interstate compacts on juveniles. The addition of a reference to a prior Code is used to indicate the repeal of a provision, but Code section 232.171 was not repealed in 2010 and exists in the 2011 Code.

Code section 232C.4: Changes the word "child" to the word "minor" to conform to other references to nonadults in all of the other provisions in this Code chapter relating to emancipation of minors.

Code section 234.7: Strikes a cap of "not more than three hundred" children "at any one time" to conform to changes made by 2010 Iowa Acts, ch. 1141, {10 to Code section 249J.13, which references the criteria in this Code section.

Code section 234.35: Strikes, in this provision relating to when foster care services payments may still be made for 18=year=old children, the words "graduate equivalency" and adds the words "general education development" to correct this reference to the type of diploma obtainable by a person who has not graduated from high school but can demonstrate equivalent educational attainments.

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Code section 235B.1: Corrects the total number of members and the number of gubernatorial appointees that serve on the dependent adult protective advisory council. The numbers reflected in these corrections conform to other language which specifies the qualifications that the members must possess.

Code section 249M.3: Adds the words "or as reported under subsection 4, if applicable" to language describing the reports of net patient revenue that can be used for health care access assessment under the hospital health care access assessment program. Hospitals that report under subsection 4 were not in existence prior to fiscal year 2008 and could not have submitted the other type of report referenced.

Code section 256B.3: Deletes, in this provision requiring cooperation by the division of special education of the department of education with other agencies concerning the welfare and health of children requiring special education, a reference to the state tuberculosis sanatorium. The state tuberculosis sanatorium was located in Oakdale, Iowa, until sometime in the 1960s, when it was closed and transferred to University of Iowa ownership.

Code section 256F.5: Adds the word "charter" before the word "school" in this provision relating to the organization of charter or innovation zone schools to conform to language later in the same sentence and elsewhere in Code chapter 256F.

Code section 256H.1: Adds an indefinite article "a" in two places to clarify language describing the composition of the state council that provides for the coordination of the activities of state government to participate in the interstate compact on education of military children.

Code section 260C.69: Strikes the word "students" from language requiring a community college to set aside dormitory space for certain purposes because the purposes listed include child care arrangements for faculty and staff, in addition to child care arrangements for students.

Code section 260G.6: Moves language relating to the

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timeframe for approval or denial of program capital cost requests by the department of economic development out of language stating the requirements for receiving funding for a capital project under the accelerated career education program.

Code sections 262.30, 263.1, and 266.2: Change references to the training of teachers to refer to practitioner preparation in these provisions describing the programs provided through the state universities under the control of the state board of regents, to conform to the definitions used in Code chapter 272 describing the educational programs designed to prepare a person to instruct students in the elementary and secondary schools in Iowa.

Code section 263.8: Updates language in and numbers the paragraphs in this Code section relating to charges for tests performed by the state hygenic laboratory.

Code section 273.11: Deletes an obsolete deadline for adoption of standards and rules by the state board of education for the accreditation of area education agencies.

Code section 284.1: Replaces the word "five" with "four" to reflect that there are only four elements listed for the student achievement and teacher quality program. The fifth element was stricken by 2007 Iowa Acts, ch. 108, {12.

Code section 284.6: Replaces the word "its" with the words "a school district's or area education agency's" in this provision requiring that funds received by those two entities under Code sections 257.10 and 257.37A for professional development be maintained as separate listings within their respective budgets.

Code section 301.1: Changes the word "use" to "purposes" to correct the syntax of the sentence relating to when moneys for the adoption and purchase of personal computing devices that are provided to public schools may be, to the extent that funding is available, also made available to private schools.

Code section 309.37: Restructures this provision describing a portion of the contents of the county engineer's survey of

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secondary roads under the annual secondary road construction program, to conform the Code section to standard Code hierarchy.

Code section 312.4: Restructures this subsection describing part of the contents of the monthly report by the treasurer of state regarding the crediting of funds from the road use tax fund to other road funds to conform to standard Code hierarchy.

Code section 314.28: Strikes obsolete references to transfers of funds from Code sections 422.12A and 422.12G to the keep Iowa beautiful fund. Both Code sections were repealed, in 2005 and 2007 respectively, pursuant to the terms of Code section 422.12E.

Code section 317.1A: Updates the Latin names ascribed to plants classified as noxious weeds pursuant to Code chapter 317.

Code section 321.190: Strikes paragraph "e" of subsection 1, which states that fees from nonoperator's identification cards are to be credited to the road use tax fund to conform this provision to changes made in 2008 Iowa Acts, ch. 1113, known as the TIME=21 legislation. In that legislation, Code section 321.145 was amended to direct that those same nonoperator's fees be deposited in the statutory allocations fund.

Code section 321G.29: Corrects an incorrect reference in subsection 1 of this Code section to subsection 5 of Code section 321G.4. There are only four subsections in Code section 321G.4, and subsection 4 is the subsection that provides an exemption for certain snowmobiles from annual registration and fee requirements if the snowmobile has been registered and a one=time fee has been paid.

Code section 327H.20A: Strikes the words "it was" and substitutes the words "the moneys were" to clarify what was appropriated from the railroad revolving loan and grant fund and to correct the grammar of the sentence.

Code section 330.20: Clarifies, by adding the words "in

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the same manner", language describing how vacancies in the membership of an airport commission are to be filled.

Code section 330A.10: Changes the word "on" to "by" to update language relating to how payments of moneys of an aviation authority are to be paid out of accounts by the treasurer of the authority.

Code sections 331.402 and 636.45: Removes or updates references to building and loan associations in these two Code sections so that only "savings and loan associations", which is the term currently used to describe those entities, remains.

Code sections 331.449 and 331.470: Strikes the words "this Act" and replaces them with the citation to the 1981 Iowa Act that is referred to in these two savings provisions that relate to the issuance of certain bonds or other obligations by counties.

Code section 357I.2: Replaces the word "petitioner" with "petitioners" in language relating to petitions for proposed benefited secondary road services districts, because, under subsection 1, petitions must be signed by at least 25 percent of the resident owners of the proposed district.

Code section 360.9: Replaces the word "above" with the words "in this section" to clarify an internal reference relating to the right of reversion of an owner of property that has been taken under eminent domain procedures by a township for public use.

Code section 403.11: Updates language relating to exemption of municipal property from legal process to conform to current Code style and to improve readability.

Code section 403A.2: Restructures and rewrites the language of this definition of housing project to conform to current Code hierarchy, to eliminate unanchored unnumbered paragraphs, and to improve readability.

Code section 404A.4: Replaces the word "department" with the word "office" in this language relating to reservation of historic preservation and cultural and entertainment district

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tax credits. The tax credits are reserved by the state historic preservation office of the department of cultural affairs.

Code section 411.38: Adds the words "Code 2009" in three instances after a citation to Code section 411.20. Code section 411.20 was repealed by 2010 Iowa Acts, ch. 1167, {53.

Code section 419.11: Numbers paragraphs and changes an internal reference to reflect the new numbering in this Code section relating to payment by municipalities of moneys as the tax equivalent for industrial property used as headquarters facilities or pollution control facilities.

Code section 420.207: Corrects a string citation by eliminating a reference to Code section 444.5 in this provision pertaining to taxation by special charter cities. Code section 444.5 was repealed by 1983 Iowa Acts, ch. 101, {129.

Code section 420.241: Corrects a string citation that currently extends from one Code chapter into another and prevents proper hypertext linkage. The correction breaks the citation string at the end of the first Code chapter and then adds the remaining Code section from the second Code chapter.

Code section 422.1: Updates the provision in the Code chapter governing income taxation that sets out the various Code chapter divisions to reflect the repeal of the livestock production tax credit by 2009 Iowa Acts, ch. 179.

Code section 441.8: Restructures, numbers, and letters unnumbered paragraphs, deletes an obsolete effective date, and corrects an internal reference in this provision relating to the term of office of county assessors and continuing education requirements for county assessors.

Code section 450.10: Updates language, letters unnumbered paragraphs, and combines sentence fragments within paragraphs in this provision relating to inheritance tax rates.

Code section 452A.74: Renumbers this penalty provision in the motor and special fuel taxes Code chapter to eliminate unanchored unnumbered paragraphs and replaces the word "its" in

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language referring to the commission of an offense under the Code chapter with more specific language referring to the date of commission of the offense.

Code section 455B.473A: Repeals at the end of this division of the bill an obsolete amnesty program for certain petroleum underground storage tanks which were not registered prior to July 1, 1988, but were registered by October 1, 1989.

Code section 455D.11C: Strikes obsolete language relating to deposit of waste tire surcharges on the issuance of certificates of title in this provision establishing the waste tire management fund.

Code section 455G.31: Redesignates and moves language in a set of definitions relating to E=85 gasoline storage and dispensing infrastructure. The language moved is not a definition or part of a definition.

Code section 455J.6: Clarifies language relating to the effect of a vacancy in the membership of the solid waste alternative program advisory council on the council's ability to perform council duties.

Code section 461A.57: Adds the language "unless otherwise provided", to this provision that states that persons violating the provisions of Code sections 461A.35 to 461A.56 are guilty of a simple misdemeanor to accommodate the fact that the penalties associated with several of the provisions are scheduled fines under Code section 805.8A.

Code section 461A.76: Numbers this provision relating to contracts for the establishment of water recreational areas, deletes the word "said" before an internal reference, and adds a missing "notwithstanding" at the beginning of the Code section.

Code section 465B.2: Restructures, partially rewrites, and redesignates this provision establishing the state trails development program to make the language of this Code section more consistent with the objectives and requirements stated.

Code section 481A.19: Strikes the words "for it" which

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appear to refer back to plural forms of the taking of different animals to improve the grammar of this provision relating to reciprocal state licenses for hunting and fishing.

Code section 481C.2A: Strikes an obsolete deadline in this provision requiring the department of natural resources to make available educational materials that explain the deer depredation management program.

Code section 482.9: Conforms the language of a provision prohibiting the use of licensed commercial fishing gear by persons other than the licensee with Code section 482.7, which permits certain persons to do so when under the direct supervision of the licensee.

Code section 482.10: Adds the words "turtle eggs" at the beginning of subsection 2 of this Code section regulating the intrastate and interstate shipment of fish, turtles, turtle eggs, roe, or roe species to make the language of the subsection internally consistent.

Code section 483A.1A: Strikes a citation to Code section 484A.2 from this definition of the term "resident" for purposes of delineating eligibility for resident fishing and hunting licenses because Code section 484A.2 relates only to whether a person who is 16 years of age or older must pay a migratory game bird fee.

Code section 483A.12: Adds the word "and" to a series that describes the fees that a license agent is responsible for and adds the word "hunting" in language describing the free deer or wild turkey hunting license writing fee.

Code section 483A.31: Strikes the words "its own" and adds the words "of this state" to correct the grammar in language describing the nature of rights, privileges, and immunities conferred under reciprocal licensing arrangements between states.

Code section 499A.1: Strikes the word "corporation" and inserts the word "cooperative" in this provision relating to housing cooperatives to conform with the balance of the

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language in subchapter 1 of Code chapter 499A.

Code section 508.33: Rewrites for clarity and restructures this provision relating to acquisition of subsidiary companies by life insurance companies, to conform to current Code structures and hierarchy.

Code section 514G.105: Adds the word "nursing" between the words "skilled" and "care" to conform to other language in this provision relating health insurance coverage for that type of care that is provided in a facility.

Code section 514G.110: Replaces the word "its" with the words "the commissioner's" in language describing the insurance commissioner's input into the independent review of health care benefit trigger determinations process.

Code section 514I.5: Adds reference to the four ex officio, nonvoting members of the hawk=i board in language describing the membership of that board.

Code section 524.310: Adds in references to reservation of names under the limited liability company chapter in this provision requiring state banks that use a fictitious name to transact business to comply with requirements that the name be distinguishable from the names used by other similar business entities. Code chapter 524 currently does permit state banks to organize as a limited liability company.

Code sections 524.1406, 633.3, and 633A.3112: Adds references to state estate taxes in these provisions to conform to changes made by 2010 Iowa Acts, ch. 1138.

Code section 533.111: Changes a reference to the director of revenue to the director of the department of administrative services in language relating to the manner in which funds appropriated to the credit union division may be spent to conform to changes made by 2003 Iowa Acts, ch. 145.

Code section 533.204: Restructures subsection 5, relating to state credit unions wishing to maintain a board of directors with fewer than nine members, to eliminate unanchored unnumbered paragraphs and to change the word "may" to "shall"

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in language that prohibits the superintendent of credit unions from permitting a state credit union to maintain a board with fewer than seven members.

Code section 533.205: Replaces the word "its" with the words "the board's" in language permitting a state credit union board to appoint an executive committee to act on the board's behalf.

Code section 533.207: Adds the word "committee" in front of the word "member" to clarify the notice procedures that must be followed before the credit committee of a state credit union may meet.

Code section 533.315: Adds a reference to Code chapter 537, that applies to consumer loans made by state credit unions and replaces the word "code" with the word "chapter" to clarify that Code chapter 537 is being referred to, not the entire Iowa Code.

Code section 533.404: Strikes the word "and" and adds the word "are" to correct the grammar of a series that describes what happens to funds for which no owner or no competent owner can be found if a state credit union holding those funds dissolves.

Code section 533.505: Corrects an internal reference to language in this provision relating to state credit unions which are in receivership. Subsection 1 of this Code section provides for the issuance of a subpoena to compel witnesses to appear and subsection 3 provides for the issuance of a court order to compel compliance with the subpoena.

Code section 534.202: Rewrites and restructures this provision relating to the power of savings and loan associations to purchase and make loans, to conform to current Code structures and hierarchy.

Code section 535B.1: Strikes a comma in the subsection 8 definition of natural person in the mortgage bankers and brokers Code chapter to conform the language to nearly identical language contained in subsection 7.

Code section 600.11: Moves language to correct a

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codification error which occurred in 2002 when paragraph "f" was added to subsection 2 of this section by 2002 Iowa Acts, ch. 1018, {20, and redesignates the provision to eliminate unanchored unnumbered paragraphs.

Code section 600C.1: Changes the word "subsection" to "section" to reflect the use of the term defined in subsection 5 in other portions of this Code section 600C.1.

Code section 602.8105: Adds the words "from the debtor" in language describing from whom a creditor may recover a fee for the filing of praecipe to issue execution to collect on a delinquent judgment.

Code section 602.8109: Adds the word "day" in language in subsection 6 that describes the timeframe within which a city must remit amounts owing for court costs and other fees. The addition of the word is consistent with the description of similar timeframes in other subsections in this Code section.

Code section 626D.5: Strikes the words "recognize and enforce or" from language that precedes a listing of what appear to be reasons not to enforce a tribal judgment. The reasons listed include obtaining the tribal judgment by extrinsic fraud, conflict with another judgment entitled to recognition, inconsistency with the parties' choice of forum, lack of reciprocal recognition of judgments, and causes of action being repugnant to fundamental public policy of the United States or this state.

Code section 633.231: Changes the word "executor" to the word "administrator" in language added by 2010 Iowa Acts, ch. 1137, {4 to the notice language in this provision relating to medical assistance claims in intestate estates to conform to the term used throughout this Code section to describe the individual charged with administration of an estate.

Code section 633.717: Adds a citation to the Code provision, Code section 633.566, under which a person may seek appointment as a conservator in this state, to this provision which relates to an out=of=state guardian or conservator petitioning to

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become a guardian or conservator in this state in the event that a court denies a petition to transfer a guardianship or conservatorship from another state.

Code section 654.6: Adds the words "an amount which" in language which describes the circumstances after the sale of mortgaged property under which a general execution may be issued against a mortgagor.

Code section 692A.113: Adds the word "a" before words describing one of the areas in use by a minor that a registered sex offender is prohibited from loitering on or being within 300 feet of.

Code section 707.6A: Changes a reference to a definition of serious injury from a reference to Code section 321J.1 to a reference to Code section 702.8 in this Code section establishing the offense of homicide by vehicle. Code section 321J.1 defines serious injury as serious injury as defined in Code section 702.8.

Code section 714.8: Changes a reference to a definition of financial institution from a reference to Code section 203C.1 to a reference to Code section 203.1 in this Code section establishing the offense of fraudulent practices. Code section 203C.1 defines financial institution as a financial institution as defined in Code section 203.1.

Code section 717F.1: Changes language in the definition of the term "research facility" in the dangerous wild animals Code chapter to reflect changes in certification procedures for certain facilities made by 2010 Iowa Acts, ch. 1030.

Code section 728.8: Corrects an internal reference to a subsection in Code section 728.5 in this provision relating to public indecent exposure in certain establishments to reflect the renumbering of Code section 728.5 by 2010 Iowa Acts, ch. 1078.

Code section 731.8: Adds a citation to the location of the codified version of the federal Railway Labor Act in the United States Code in a provision that exempts employers or employees

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covered by that federal Act from state labor union membership regulation.

Code section 805.8A: Changes the word "violation" to "fine" in several places in this provision that sets scheduled fines for various motor vehicle and transportation violations to make the language of this provision internally consistent.

Code sections 907.3 and 908.11: Changes the word "term" to the word "period" in language that describes initial commitment and subsequent changes to the length of probation to conform these provisions relating to commitment to and violations of probation to changes made to Code section 907.7 by 2010 Iowa Acts, ch. 1175, {1.

Code section 915.86: Adds the word "homicide" before the word "victim" in this provision describing expenses that are compensable for survivors of the victim to conform the language of this subsection 14 to subsection 10, which is referenced in this subsection.

2010 Iowa Acts, ch. 1031: Corrects an effective date provision relating to the repeal of the sustainable natural resource funding advisory committee.

2010 Iowa Acts, ch. 1082: Corrects an internal reference within an amendment to Code section 203C.37 to reflect the correct citation to the provision pertaining to the filing of an application for a warehouse operator's license.

2010 Iowa Acts, ch. 1193, {141: Corrects an internal reference to conform to the other instance of the citation to the correct Code section enacted by 2010 Iowa Acts, S.F. 2383 (ch. 1146).

2010 Iowa Acts, ch. 1193, {203: Corrects a reference to the section of 2010 Iowa Acts, S.F. 2356 (ch. 1134), in which Code section 249J.7 was enacted.

DIVISION II. Code sections in Volume IV of the Iowa Code are numbered, renumbered, and redesignated within this division of this bill to assist in the elimination of "unanchored" unnumbered paragraphs within numbered and lettered sections of

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the Code. These renumberings include some restructuring of provisions within these Code sections and the correction of internal references within these provisions. In some cases, similar provisions are consolidated and in others they are broken into numbered or lettered lists to allow the reader to better identify Code section components. In the process of renumbering, some style changes are made to reflect current Code format, style, and syntax.

DIVISION III. This division contains internal reference corrections that pertain to provisions within other divisions of this bill.

DIVISION IV. This division contains effective and retroactive applicability dates that apply to various changes made in Division I of this bill.

LSB 2378SC (20) 84
lh/rj

Iowa General Assembly
Daily Bills, Amendments & Study Bills
March 01, 2011

Senate Study Bill 1178

SENATE FILE
BY (PROPOSED COMMITTEE ON
LOCAL GOVERNMENT BILL
BY CHAIRPERSON
WILHELM)

A BILL FOR

An Act relating to property taxes and fees by modifying provisions relating to receipts for the payment of property taxes and provisions relating to delinquent rates and charges and by specifying certain dates for notices and delinquency.

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

TLSB 2690SC (5) 84
md/sc

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Section 1. Section 358.20, Code 2011, is amended by adding the following new subsection:

NEW SUBSECTION. 1A. a. If the delinquent rates or charges were incurred prior to the date a transfer of the property or premises in fee simple is filed with the county recorder and such delinquencies were not certified to the county treasurer prior to such date, the delinquent rates or charges are not eligible to be certified to the county treasurer. If certification of such delinquent rates or charges is attempted subsequent to the date a transfer of the property or premises in fee simple is filed with the county recorder, the county treasurer shall return the certification to the sanitary district attempting certification along with a notice stating that the delinquent rates or charges cannot be made a lien against the property or premises.

b. If the sanitary district is prohibited under paragraph "a" from certifying delinquent rates or charges against the property or premises served by the services of the sanitary district, the sanitary district may certify the delinquent rates or charges against any other property or premises located in this state and owned by the account holder in whose name the rates or charges were incurred.

Sec. 2. Section 445.5, subsection 6, Code 2011, is amended to read as follows:

6. The county treasurer shall deliver to the taxpayer a receipt stating the year of tax, date of payment, a description of the parcel, and the amount of taxes, interest, fees, and costs paid ~~except when payment of taxes is made by check, then a receipt shall be issued only upon request~~ when payment is made by cash tender. A receipt for other payment tender types shall only be delivered upon request. The receipt shall be in full of the first half, second half, or full year amounts unless a payment is made under section 445.36A or 435.24, subsection 6.

Sec. 3. Section 445.36, subsection 3, Code 2011, is amended

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to read as follows:

3. If an installment of taxes, or an annual payment in the case of special assessments, or payment in full in the case of rates or charges, is delinquent and not paid as of ~~February~~ November 1 of the fiscal year in which the amounts are due, the treasurer shall notify the taxpayer of the delinquency and the due date for the second installment. Failure to receive notice is not a defense to the payment of the total amount due.

Sec. 4. Section 468.57, subsection 2, unnumbered paragraph 1, Code 2011, is amended to read as follows:

To pay the assessments in not less than ten nor more than twenty equal installments, with the number of payments and interest rate determined by the board, notwithstanding chapter 74A. The first installment of each assessment, or the total amount if less than one hundred dollars, is due and payable on July 1 next succeeding the date of the levy, unless the assessment is filed with the county treasurer after May 31 in any year. The first installment shall bear interest on the whole unpaid assessment from the date of the levy as set by the board to the first day of December following the due date. The succeeding annual installments, with interest on the whole unpaid amount, to the first day of December following the due date, are respectively due on July 1 annually, and must be paid at the same time and in the same manner as the first semiannual payment of ordinary taxes. All future installments of an assessment may be paid on any date by payment of the then outstanding balance plus interest to the next December 1, or additional annual installments may be paid after the current installment has been paid before December 1 without interest. A payment must be for the full amount of the next installment. If installments remain to be paid, the next annual installment with interest added to December 1 will be due. After December 1, if a drainage assessment is not delinquent, a property owner may pay one=half or all of the next annual installment of principal and interest of a drainage assessment prior to the

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delinquency date of the installment. When the next installment has been paid in full, successive principal installments may be prepaid. The county treasurer shall accept the payments of the drainage assessment, and shall credit the next annual installment or future installments of the drainage assessment to the extent of the payment or payments, and shall remit the payments to the drainage fund. If a property owner elects to pay one or more principal installments in advance, the pay schedule shall be advanced by the number of principal installments prepaid. Each installment of an assessment with interest on the unpaid balance is delinquent from October 1 after its due date~~, including those instances~~. However, when the last day of September is a Saturday or Sunday, ~~and bears~~ that amount shall be delinquent from the second business day of October. Taxes assessed pursuant to this chapter which become delinquent shall bear the same delinquent interest as ordinary taxes. When collected, the interest must be credited to the same drainage fund as the drainage special assessment.

EXPLANATION

This bill amends Code section 358.20, relating to sanitary districts, by establishing requirements and procedures for delinquent rates and charges that are charged by the sanitary district. The bill specifies conditions under which delinquent rates and charges may not be certified by the county treasurer as a lien against the property or premises and specifies how the sanitary district may certify and collect such delinquent rates or charges. The requirements and procedures in the bill are similar to those for certain sewer, storm water, sewage treatment, solid waste collection, and water services provided by a city utility or city enterprise under Code section 384.84.

The bill amends Code chapter 445, relating to the collection of property taxes, by specifying that the county treasurer must deliver to the taxpayer a receipt when payment is made by cash tender. Under the bill, the county treasurer is only required to provide a receipt for other payment tender types

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upon request.

Current Code section 445.36, provides that if an installment of taxes, an annual payment of special assessments, or a payment in full of rates or charges, is delinquent and not paid as of February 1, the county treasurer is required to notify the taxpayer of the delinquency and the due date for the second installment. The bill changes the date from February 1 to November 1 of the fiscal year in which the amounts are due.

Current Code section 468.57, relating to the payment of certain levee and drainage district assessments, specifies that each installment of an assessment is delinquent from October 1 after its due date including when the last day of September is a Saturday or Sunday. The bill amends that provision to specify that if the last day of September is a Saturday or Sunday, the amount is delinquent from the second business day of October.

LSB 2690SC (5) 84
md/sc

Iowa General Assembly
Daily Bills, Amendments & Study Bills
March 01, 2011

Senate Study Bill 1179

SENATE FILE
BY (PROPOSED COMMITTEE ON AGRICULTURE BILL BY CHAIRPERSON SENG)

A BILL FOR

An Act providing for a local food and farm program initiative and making appropriations.

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

TLSB 2274SC (1) 84
da/rj

Senate Study Bill 1179 continued

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DIVISION I
LOCAL FOOD AND FARM INITIATIVE

Section 1. NEW SECTION. 267A.1 Purpose and goals.

1. The purpose of this chapter is to empower farmers and food entrepreneurs to provide for strong local food economies that promote self=sufficiency and job growth in the agricultural sector and allied sectors of the economy.

2. The goals of this chapter are to accomplish all of the following:

a. Promote the expansion of the production of local foods, including all of the following:

(1) The production of Iowa=grown food, including but not limited to livestock, eggs, milk, fruit, vegetables, grains, herbs, honey, and nuts.

(2) The processing of Iowa=grown agricultural products into food products, including canning, freezing, dehydrating, bottling, or otherwise packaging and preserving such products.

(3) The distribution and marketing of fresh and processed Iowa=grown agricultural food products to markets in this state and neighboring states.

b. Increase consumer and institutional spending on Iowa=produced and marketed foods.

c. Increase the profitability of farmers and businesses engaged in enterprises related to producing, processing, distributing, and marketing local food.

d. Increase the number of jobs in this state's farm and business economies associated with producing, processing, distributing, and marketing local food.

Sec. 2. NEW SECTION. 267A.2 Definitions.

As used in this section, unless the context otherwise requires:

1. "Coordinator" means the local food and farm program coordinator created in section 267A.4.

2. "Council" means the local food and farm program council established in section 267A.3.

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3. "Department" means the department of agriculture and land stewardship.

4. "Fund" means the local food and farm program fund created in section 267A.5.

5. "State agency" means the same as defined in section 8A.101.

Sec. 3. NEW SECTION. 267A.3 Local food and farm program council.

1. A local food and farm program council is established to advise the local food and farm program coordinator carrying out the purpose and goals of this chapter as provided in section 267A.1.

2. The council shall be composed of members appointed as follows:

a. Members appointed at the discretion of and by the following organizations to represent the private sector:

(1) One person by the Iowa farm bureau federation who is engaged in local food production.

(2) One person by the practical farmers of Iowa who is involved in local food production.

(3) One person by the Iowa farmers union who is involved in local food production.

(4) One person by the Iowa food policy council.

(5) One person by the Iowa grocery industry association who is involved in local food marketing.

(6) One person by the Iowa meat processors association.

(7) One person by the Iowa fruit and vegetable growers association.

(8) One person by the Iowa farmers market association.

(9) One person by the Iowa bankers association.

b. Members appointed by the governor to represent the private sector which include all of the following:

(1) One person actively engaged in the distribution of local food to processors, wholesalers, or retailers.

(2) Two persons from two regional food systems working

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groups.

c. Members appointed by the titular heads of state agencies to represent their respective state agencies or institutions as follows:

(1) The department of agriculture and land stewardship.

(2) The department of economic development.

(3) The department of administrative services.

(4) The department of human services. The appointed person shall have a special knowledge of refugee services.

(5) The department of inspections and appeals.

(6) The department of education.

(7) The department of public health.

(8) The department of workforce development.

(9) The department of cultural affairs.

(10) The Leopold center for sustainable agriculture.

(11) Iowa state university extension service.

(12) Iowa state university of science and technology.

(13) The university of Iowa.

(14) The university of northern Iowa.

3. A member appointed under this section to serve on the council shall serve at the pleasure of the appointing organization, official, state agency, or institution.

4. The department, acting either directly or indirectly under contract with a state board of regents institution, shall perform administrative functions necessary for the management of the council.

5. The council shall elect a chairperson from among its members each year on a rotating basis as provided by the council. The council shall meet on a regular basis and at the call of the chairperson or upon the written request to the chairperson of a majority of the members.

6. The members of the council shall not receive compensation for their services including as provided in section 7E.6. However, the members may be reimbursed for their actual and necessary expenses incurred in the performance of their duties

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as members of the council if allowed by the council.

7. A majority of the members constitutes a quorum and the affirmative vote of a majority of the members present is necessary for any substantive action to be taken by the council. The majority shall not include any member who has a conflict of interest and a statement by a member that the member has a conflict of interest is conclusive for this purpose. A vacancy in the membership does not impair the duties of the council.

Sec. 4. NEW SECTION. 267A.4 Local food and farm program coordinator.

The position of local food and farm program coordinator is created within the department. The coordinator shall be the primary state official charged with carrying out the purpose and goals of this chapter. The coordinator shall be stationed by the department at a state board of regents institution under a cost=sharing agreement with the institution.

Sec. 5. NEW SECTION. 267A.5 Local food and farm program fund.

A local food and farm program fund is created in the state treasury under the control of the department. The fund is separate from the general fund of the state. The fund is composed of moneys appropriated by the general assembly and moneys available to and obtained or accepted by the local food and farm program from the United States government or private sources for placement in the fund. Moneys in the fund shall be used to carry out the purpose and goals of this chapter as provided in section 267A.1, including but not limited to administering the local food and farm program as provided in section 267A.6. The fund shall be managed by the local food and farm program coordinator under the supervision of the local food and farm program council.

Sec. 6. NEW SECTION. 267A.6 Local food and farm program.

1. The local food and farm program coordinator, with advice from the local food and farm program council, shall develop and

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administer a local food and farm program necessary to carry out the purpose and goals of this chapter.

2. The purpose of the program is to do any of the following:

a. Improve communication and cooperation between and among farmers, food entrepreneurs, and consumers.

b. Improve coordination between and among government agencies, public universities and community colleges, organizations, and private=sector firms working on local food and farm=related issues.

c. Assist in educational needs assessment and curriculum development and delivery regarding local food and farm=related services.

Sec. 7. NEW SECTION. 267A.7 Local food and farm program report.

1. The local food and farm program coordinator shall prepare an annual report dated June 30, which shall evaluate the state's progress in accomplishing the purpose and goals of this chapter.

2. The report shall include a summary of all the following:

a. Benchmarks and goals of the program.

b. Actions taken by the local food and farm program council.

c. Activities and accomplishments of the local food and farm program coordinator.

d. Recommendations for proposed legislation to be considered by the general assembly and the governor.

e. The amount and source of moneys appropriated or credited to, or deposited into the local food and farm program fund, and the amount and purposes of expenditures from the fund.

3. The annual report shall be delivered to the governor and general assembly not later than October 1.

Sec. 8. CONSIDERATION OF IOWA LOCAL FOOD AND FARM PLAN. In developing the local food and farm program as provided in this Act, the local food and farm program coordinator shall consider the implementation of feasible recommendations contained in the Iowa local farm and food plan published by the Leopold

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center for sustainable agriculture in January 2011. The coordinator shall provide the plan to the division of libraries and information services of the department of education for publication as provided in section 256.53.

DIVISION II

APPROPRIATIONS

Sec. 9. APPROPRIATION ==== DEPARTMENT OF AGRICULTURE AND LAND STEWARDSHIP ==== LOCAL FOOD AND FARM PROGRAM COORDINATOR. There is appropriated from the general fund of the state to the department of agriculture and land stewardship for the fiscal period beginning July 1, 2011, and ending June 30, 2013, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

1. For purposes of supporting a local food and farm program coordinator as provided in this Act, for salaries, support, maintenance, and miscellaneous purposes, and for not more than the following full=time equivalent positions:

..... $ 150,000

..... FTEs 1.00

2. The department shall enter into a cost=sharing agreement with a state board of regents institution to support the coordinator. The coordinator shall be stationed at that state board of regents institution as provided in this Act.

Sec. 10. APPROPRIATION ==== DEPARTMENT OF AGRICULTURE AND LAND STEWARDSHIP ==== IOWA FARM=TO=SCHOOL PROGRAM. There is appropriated from the general fund of the state to the department of agriculture and land stewardship for the fiscal period beginning July 1, 2011, and ending June 30, 2013, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For purposes of supporting the farm=to=school program as established in chapter 190A:

..... $ 100,000

EXPLANATION

LOCAL FOOD AND FARM INITIATIVE. This bill provides for an

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initiative related to the production, processing, and marketing of local foods. The initiative is administered by a local food and farm program council comprised of members representing both the private and public sectors and a local food and farm program coordinator established within the department of agriculture and land stewardship but stationed in a state board of regents institution under a cost=sharing agreement with the institution.

The bill establishes a local food and farm program fund under the control of the department and managed by the coordinator under the supervision of the council. The bill establishes a local food and farm program administered by the coordinator with advice from the council. The purpose of the program is to improve communication and cooperation between interested persons, improve coordination between and among government entities and private=sector firms, and assist in providing education. In developing the program, the coordinator must consider the implementation of feasible recommendations contained in the Iowa local food and farm plan published by the Leopold center for sustainable agriculture.

The bill requires the coordinator to prepare an annual report to the general assembly and the governor detailing the work of the council and coordinator and including recommendations.

APPROPRIATIONS. The bill appropriates moneys from the general fund of the state to the department of agriculture and land stewardship for fiscal years beginning July 1, 2011, and July 1, 2012, for purposes of supporting the local food and farm program coordinator to be stationed at a state regents institution. The bill also appropriates moneys to the department of agriculture and land stewardship for the fiscal period beginning July 1, 2011, and ending June 30, 2013, for purposes of supporting the farm=to=school program as established in Code chapter 190A.

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