House Amendment 1109

PAG LIN

1 1 Amend House File 470 as follows:
1 2 #1. Page 2, line 31, by striking <eighteen> and
1 3 inserting <twenty=one>

BAUDLER of Adair
HF470.943 (1) 84
rn/nh

House Amendment 1110

PAG LIN

1 1 Amend House File 271 as follows:
1 2 #1. Page 1, after line 31 by inserting:
1 3 <Sec. ___. Section 903A.2, subsection 3, Code 2011,
1 4 is amended to read as follows:
1 5 3. Time served in a jail, ~~or~~ municipal holding
1 6 facility, or another facility prior to actual placement
1 7 in an institution under the control of the department
1 8 of corrections and credited against the sentence by
1 9 the court shall accrue for the purpose of reduction of
1 10 sentence under this section. Time which elapses during
1 11 an escape shall not accrue for purposes of reduction of
1 12 sentence under this section.
1 13 Sec. ___. Section 903A.5, subsection 1, Code 2011,
1 14 is amended to read as follows:
1 15 1. An inmate shall not be discharged from the
1 16 custody of the director of the Iowa department of
1 17 corrections until the inmate has served the full term
1 18 for which the inmate was sentenced, less earned time
1 19 and other credits earned and not forfeited, unless
1 20 the inmate is pardoned or otherwise legally released.
1 21 Earned time accrued and not forfeited shall apply
1 22 to reduce a mandatory minimum sentence being served
1 23 pursuant to section 124.406, 124.413, 902.7, 902.8,
1 24 902.8A, or 902.11. An inmate shall be deemed to be
1 25 serving the sentence from the day on which the inmate
1 26 is received into the institution. If an inmate was
1 27 confined to a county jail, municipal holding facility,
1 28 or other correctional or mental facility at any time
1 29 prior to sentencing, or after sentencing but prior to
1 30 the case having been decided on appeal, because of
1 31 failure to furnish bail or because of being charged
1 32 with a nonbailable offense, the inmate shall be given
1 33 credit for the days already served upon the term of the
1 34 sentence. However, if a person commits any offense
1 35 while confined in a county jail, municipal holding
1 36 facility, or other correctional or mental health
1 37 facility, the person shall not be granted jail credit
1 38 for that offense. Unless the inmate was confined in
1 39 a correctional facility, the sheriff of the county in
1 40 which the inmate was confined or the officer in charge
1 41 of the municipal holding facility in which the inmate
1 42 was confined shall certify to the clerk of the district
1 43 court from which the inmate was sentenced and to the
1 44 department of corrections' records administrator at the
1 45 Iowa medical and classification center the number of
1 46 days so served. The department of corrections' records
1 47 administrator, or the administrator's designee, shall
1 48 apply ~~jail~~ credit as ordered by the court of proper
1 49 jurisdiction or as authorized by this section and
1 50 section 907.3, subsection 3>.>

House Amendment 1110 continued

2 1 #2. Title page, line 1, after <relating to>
2 2 by inserting <criminal defendants and inmates by
2 3 modifying>
2 4 #3. Title page, line 2, after <defendants> by
2 5 inserting <and applying credit for time served>
2 6 #4. By renumbering as necessary.

McCARTHY of Polk
HF271.963 (1) 84
jm/nh

House Concurrent Resolution 13 - Introduced

PAG LIN

HOUSE CONCURRENT RESOLUTION NO.
BY COMMITTEE ON COMMERCE

1 1 A Concurrent Resolution urging the United States
1 2 Congress to modernize the Toxic Substances Control
1 3 Act of 1976.
1 4 WHEREAS, consumers in the United States deserve to
1 5 have confidence that the products they buy, when used
1 6 for their intended purposes, are safe; and
1 7 WHEREAS, a federal chemical management program
1 8 should place protecting the public health, including
1 9 children's health, as its highest priority and should
1 10 include strict government oversight; and
1 11 WHEREAS, a federal chemical management program
1 12 should preserve the role of the United States as
1 13 the world's leading innovator and employer in the
1 14 manufacture, processing, distribution, and use of
1 15 chemicals; and
1 16 WHEREAS, the current federal chemical management
1 17 law, the Toxic Substances Control Act of 1976 (TSCA) is
1 18 now nearly 35 years old; and
1 19 WHEREAS, since the enactment of the federal law,
1 20 our ability to understand the impact chemicals have
1 21 on the human body and the environment has advanced
1 22 significantly; and
1 23 WHEREAS, those advancements in science and
1 24 technology need to be integrated into the federal
1 25 chemical management program; and
1 26 WHEREAS, momentum for modernization of the federal
1 27 chemical regulatory system is growing in the Congress

House Concurrent Resolution 13 - Introduced continued

2 1 of the United States; and
2 2 WHEREAS, a robust federal chemical management system
2 3 will obviate the need for state government to adopt
2 4 different, and at times conflicting, state regulatory
2 5 programs that have the potential for negative impacts
2 6 on the national economy; NOW THEREFORE,
2 7 BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES,
2 8 THE SENATE CONCURRING, That the Iowa General Assembly
2 9 encourages the 112th Congress of the United States to
2 10 enact federal legislation to modernize the TSCA to
2 11 strengthen chemical management policy; and
2 12 BE IT FURTHER RESOLVED, That the policy reforms
2 13 should ensure that chemicals are safe for their
2 14 intended use; and
2 15 BE IT FURTHER RESOLVED, That the policy reforms
2 16 should require the United States Environmental
2 17 Protection Agency (EPA) to systematically prioritize
2 18 chemicals for the purpose of assessing their safe
2 19 use; and
2 20 BE IT FURTHER RESOLVED, That the policy reforms
2 21 should require the EPA to act expeditiously and
2 22 efficiently in assessing the safe use of chemicals; and
2 23 BE IT FURTHER RESOLVED, That the policy reforms
2 24 should require companies that manufacture, import,
2 25 process, distribute, or use chemicals to provide
2 26 the EPA with the relevant information to the
2 27 extent necessary for the EPA to make safe use
2 28 determinations; and
2 29 BE IT FURTHER RESOLVED, That the policy reforms
2 30 should assure that the potential risks to children from

House Concurrent Resolution 13 - Introduced continued

3 1 exposures to chemicals are considered in the assessment
3 2 of safe use; and
3 3 BE IT FURTHER RESOLVED, That the policy reforms
3 4 should empower the EPA to impose a range of risk
3 5 management controls to ensure that chemicals are safe
3 6 for their intended use; and
3 7 BE IT FURTHER RESOLVED, That the policy reforms
3 8 should encourage companies and the EPA to work together
3 9 to enhance public access to chemical health and safety
3 10 information; and
3 11 BE IT FURTHER RESOLVED, That the policy reforms
3 12 should require that the EPA rely on scientifically
3 13 valid data and information, regardless of its source,
3 14 including data and information reflecting modern
3 15 advances in science and technology; and
3 16 BE IT FURTHER RESOLVED, That the policy reforms
3 17 should enable the EPA to have the staff, resources,
3 18 and regulatory tools it needs to ensure the safety of
3 19 chemicals; and
3 20 BE IT FURTHER RESOLVED, That the policy reforms
3 21 should ensure that the TSCA remains a vehicle to
3 22 promote and encourage technological innovation and the
3 23 maintenance of a globally competitive industry in the
3 24 United States; and
3 25 BE IT FURTHER RESOLVED, That the Chief Clerk of the
3 26 House and the Secretary of the Senate shall forward
3 27 copies of this resolution to all members of Iowa's
3 28 Congressional delegation.
LSB 1421HV (2) 84
tm/nh

House Concurrent Resolution 14 - Introduced

PAG LIN

HOUSE CONCURRENT RESOLUTION NO.
BY TJEPKES

1 1 A Concurrent Resolution requesting the legislative
1 2 council create a study committee relating to law
1 3 enforcement officer training in Iowa.
1 4 WHEREAS, the legislative council is requested to
1 5 authorize a study for the 2011 legislative interim
1 6 examining law enforcement officer training in Iowa; and
1 7 WHEREAS, the study recommendations and findings
1 8 shall evaluate and make recommendations concerning
1 9 job training requirements of law enforcement officers
1 10 in this state which shall include but not be limited
1 11 to reviewing the basic minimum training requirements,
1 12 curriculum criteria, and the financial accountability
1 13 of an officer candidate in training. The study
1 14 committee shall also evaluate the utilization of
1 15 community colleges as a resource for training in order
1 16 to maximize training opportunities; and
1 17 WHEREAS, the committee shall include representatives
1 18 from the Iowa law enforcement academy, the department
1 19 of public safety, community colleges, the Iowa league
1 20 of cities, the Iowa state association of counties, the
1 21 sheriff's association, the chief of police association,
1 22 and other interested stakeholders; NOW THEREFORE,
1 23 BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES,
1 24 THE SENATE CONCURRING, That the legislative council
1 25 establish an interim study committee examining law
1 26 enforcement officer training in Iowa and issue its
1 27 findings and recommendations in a report to the general
1 28 assembly by January 9, 2012.

LSB 2629YH (3) 84
rh/sc

House File 471 - Introduced

HOUSE FILE
BY PETTENGILL and HEATON

A BILL FOR

An Act creating an Iowa state board for blind and deaf education with authority over the Iowa school for the deaf and the Iowa braille and sight saving school.

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

TLSB 2443YH (4) 84
jp/rj

House File 471 - Introduced continued

PAG LIN

1 1 Section 1. NEW SECTION. 259C.1 Definitions.
1 2 For the purposes of this chapter, unless the context
1 3 otherwise requires:
1 4 1. "Board" means the Iowa state board for blind and deaf
1 5 education created by this chapter.
1 6 2. "Director" means the person appointed to serve as the
1 7 chief administrator for the board and the schools under this
1 8 chapter.
1 9 3. "Schools" means both the Iowa school for the deaf at
1 10 Council Bluffs and the Iowa braille and sight saving school at
1 11 Vinton.
1 12 Sec. 2. NEW SECTION. 259C.2 Iowa state board for blind and
1 13 deaf education.
1 14 1. An Iowa state board for blind and deaf education is
1 15 created with authority over the Iowa school for the deaf and
1 16 the Iowa braille and sight saving school.
1 17 2. The voting members of the board listed in this subsection
1 18 shall be appointed by the governor, subject to confirmation
1 19 by the senate. These voting members shall be appointed to
1 20 staggered terms of three years beginning and ending as provided
1 21 in section 69.19. A vacancy shall be filled for the unexpired
1 22 portion of the term. The voting members of the board appointed
1 23 by the governor shall consist of the following:
1 24 a. The parent of a child with a severe visual impairment.
1 25 b. The parent of a child with a severe hearing loss.
1 26 c. An alumnus of the Iowa school for the deaf.
1 27 d. An alumnus of the Iowa braille and sight saving school.
1 28 e. An employee of an area education agency.
1 29 f. An employee of the department of education.
1 30 g. An employee of the department of human services.
1 31 h. A representative of the governor's developmental
1 32 disabilities council.
1 33 i. An employee of a school district who works with the
1 34 district's program for pupils with sensory impairments.
1 35 3. In addition to the voting members listed in subsection 2,

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the following shall also serve as voting members of the board:
a. The superintendent of the Iowa school for the deaf.
b. The superintendent of the Iowa braille and sight saving school.
4. In addition to the voting members, the following shall serve as ex officio, nonvoting members of the board:
a. A designee of the governor's office.
b. Four members of the general assembly, with one representative each appointed by the speaker and the minority leader of the house of representatives, and one senator each appointed by the majority leader and the minority leader of the senate. A legislative member serves for a term as provided in section 69.16B.
Sec. 3. NEW SECTION. 259C.3 Duties of the board.
The board shall perform the following duties:
1. Approve policies and procedures for the schools.
2. Adopt rules in accordance with chapter 17A necessary for operation of the schools.
3. Approve budgets and exercise control of the schools and the property and other resources connected with the schools.
4. Continue the hall of fame for distinguished graduates at the Iowa braille and sight saving school and at the Iowa school for the deaf originally established by the state board of regents pursuant to section 262.9, subsection 21, Code 2011.
Sec. 4. NEW SECTION. 259C.4 Director of state board for blind and deaf education.
1. The director of the state board for blind and deaf education shall be appointed by the governor, subject to confirmation by the senate.
2. The duties of the director shall include the following:
a. Hiring and supervising the superintendents of the schools.
b. Recommending policies and procedures for the schools and ensuring implementation of those that are approved by the board.

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3 1 c. Recommending rules for adoption by the board.
3 2 d. Managing the budgets, property, and other resources
3 3 connected with the schools, as approved by the board.
3 4 e. Ensuring the schools are operated in accordance with the
3 5 applicable requirements of the state board of education and the
3 6 department of education.
3 7 f. Performing other duties as assigned by the governor and
3 8 the board.
3 9 Sec. 5. NEW SECTION. 259C.5 Iowa school for the deaf.
3 10 1. The Iowa school for the deaf, heretofore established
3 11 pursuant to chapter 270, Code 2011, in Council Bluffs shall
3 12 provide services in accordance with this chapter to eligible
3 13 pupils.
3 14 2. For the purposes of this chapter, an "eligible pupil" at
3 15 the Iowa school for the deaf is a child or young adult resident
3 16 of this state who is less than age twenty=one, has a hearing
3 17 loss which is too severe to allow the pupil to acquire an
3 18 education in public school appropriate to the pupil's needs,
3 19 and the pupil's parent, guardian, or custodian has chosen the
3 20 school for the pupil.
3 21 3. The school may provide services to child or young
3 22 adult residents less than age twenty=one who have additional
3 23 sensory impairments, developmental disabilities, or physical
3 24 disabilities.
3 25 4. A child or young adult who meets the definition in
3 26 subsection 2 other than residency may be considered an eligible
3 27 pupil provided the child or young adult pays the costs of the
3 28 services received as determined by the board. Such cost shall
3 29 not be less than the average expense of resident eligible
3 30 pupils and shall be paid in advance.
3 31 Sec. 6. NEW SECTION. 259C.6 Iowa braille and sight saving
3 32 school.
3 33 1. The Iowa braille and sight saving school, heretofore
3 34 established pursuant to chapter 269, Code 2011, in Vinton,
3 35 shall provide services in accordance with this chapter to

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4 1 eligible pupils.
4 2 2. For the purposes of this chapter, an "eligible pupil" at
4 3 the Iowa braille and sight saving school is a child or young
4 4 adult resident of this state who is less than age twenty=one,
4 5 has a visual disability which is too severe to allow the pupil
4 6 to acquire an education in public school appropriate to the
4 7 pupil's needs, and the pupil's parent, guardian, or custodian
4 8 has chosen the school for the pupil.
4 9 3. The school may provide services to child or young
4 10 adult residents less than age twenty=one who have additional
4 11 sensory impairments, developmental disabilities, or physical
4 12 disabilities.
4 13 4. A child or young adult who meets the definition in
4 14 subsection 2 other than residency may be considered an eligible
4 15 pupil provided the child or young adult pays the costs of the
4 16 services received as determined by the board. Such cost shall
4 17 not be less than the average expense of resident eligible
4 18 pupils and shall be paid in advance.
4 19 5. The school may provide summer programs for adults with
4 20 a severe visual disability who find the school location to be
4 21 more convenient than programs offered in other locations.
4 22 Sec. 7. NEW SECTION. 259C.7 Services provided.
4 23 1. The services provided at or available through both
4 24 schools for eligible pupils shall include but are not limited
4 25 to all of the following:
4 26 a. Education programs available on a full=time, part=time,
4 27 or extended=day basis, depending on education need.
4 28 b. A residential program which incorporates daily living and
4 29 social skill components as well as residential accommodations.
4 30 In order to participate in the residential program, the
4 31 eligible pupil must reside more than twenty=five miles from
4 32 the school location. The residential program services,
4 33 activities, and transportation shall be provided at no charge
4 34 to the eligible pupil's family except for the pupil's clothing,
4 35 toiletries, school supplies, and other personal necessary items

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5 1 as identified by the schools.
5 2 c. Outreach services which may include any of the following:
5 3 (1) Orientation and mobility consultation.
5 4 (2) Addressing the special needs of eligible pupils from
5 5 birth through age six.
5 6 (3) Professional development.
5 7 (4) Transition services for children and young adults who
5 8 would be eligible to attend or are attending one of the schools
5 9 and are age fourteen or older.
5 10 (5) Low vision evaluations.
5 11 (6) Production of accessible materials that comply with the
5 12 national instructional materials accessibility standard.
5 13 d. A summer program for eligible pupils who are age six
5 14 through twenty. The program shall provide vocational and job
5 15 experience components.
5 16 e. A full range of extracurricular activities.
5 17 f. Supportive services for the parents and family of
5 18 eligible pupils.
5 19 2. a. If a funding source or program, directed to children
5 20 and young adults who are less than age twenty=one and have a
5 21 severe hearing loss or visual disability and may have other
5 22 disabilities, applies a requirement for the use of the least
5 23 restrictive environment, the environment at the Iowa school
5 24 for the deaf at Council Bluffs and the Iowa braille and sight
5 25 saving school at Vinton, as appropriate for the hearing loss or
5 26 visual disability, shall be considered to be in compliance with
5 27 the requirement.
5 28 b. If an individual resident of this state who is less
5 29 than age twenty=one has a severe hearing loss or visual
5 30 disability, the individual education plan developed to address
5 31 the individual's needs shall evaluate the extent to which the
5 32 continuum of services available in the individual's home school
5 33 district would be provided in the least restrictive environment
5 34 available to the individual. In order for the individual
5 35 education plan for the individual to recommend for the services

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6 1 to be provided in the individual's home school district, the
6 2 home school district must be able to offer the individual all
6 3 of the following:
6 4 (1) The individual will be able to participate fully in
6 5 school activities.
6 6 (2) The individual will be able to function at grade level
6 7 in reading and math and receive daily instruction in the
6 8 appropriate reading media.
6 9 (3) The individual will be able to travel independently
6 10 within the school facilities.
6 11 (4) The books, materials distributed, and other educational
6 12 materials will be available in the reading media appropriate
6 13 for the individual's special needs.
6 14 (5) A physical education program will be available to
6 15 facilitate the individual's full participation.
6 16 (6) The individual will have technology available to fully
6 17 utilize computers and access the internet and will receive
6 18 instruction in the use of appropriate adaptive computer
6 19 technology.
6 20 (7) The individual will be able to interact informally with
6 21 other children and young adults attending the school.
6 22 (8) The individual will have opportunities to participate
6 23 in extracurricular activities.
6 24 (9) The individual will have opportunities to participate
6 25 in expanded curriculum during the regular school week.
6 26 Sec. 8. NEW SECTION. 259C.8 Charges to counties.
6 27 1. The superintendents of the schools shall certify charges
6 28 attributable to each county for the services provided to
6 29 eligible pupils under this chapter with legal settlement in the
6 30 county that are comparable to the charges levied to a county
6 31 for services provided to such eligible pupils under chapters
6 32 269 and 270, Code 2011.
6 33 2. a. Each superintendent shall, on the first days of
6 34 June and December of each year, certify to the director of the
6 35 department of administrative services the amounts due from

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7 1 counties pursuant to subsection 1, and the director of the
7 2 department of administrative services shall credit the amounts
7 3 due to the general fund of the state, and charge the amount to
7 4 the proper county.
7 5 b. Each superintendent shall, at the time of sending
7 6 certification to the director of the department of
7 7 administrative services, send a duplicate copy to the county
7 8 auditor of the county of the pupil's residence, who shall, when
7 9 ordered by the board of supervisors, proceed to collect the
7 10 same by action if necessary, in the name of the county, and
7 11 when so collected, shall pay the same into the county treasury.
7 12 c. The county auditor shall, upon receipt of the copy of
7 13 the certification, pass the amounts due to the credit of the
7 14 state, and issue a notice to the county treasurer authorizing
7 15 the county treasurer to transfer the amounts due to the
7 16 general state revenue, which shall be filed by the treasurer
7 17 as authority for making the transfer, and the county treasurer
7 18 shall include the amounts in the next remittance of state taxes
7 19 to the treasurer of state, designating the fund to which the
7 20 amounts belong.
7 21 d. If a county fails to pay the amounts due within sixty
7 22 days from the date of certification from the superintendent,
7 23 the director of the department of administrative services shall
7 24 charge the delinquent county a penalty of three=fourths of
7 25 one percent per month on and after sixty days from the date
7 26 of certificate until paid. The penalties collected shall be
7 27 credited to the general fund of the state.
7 28 Sec. 9. Section 252.16, subsection 6, paragraph c, Code
7 29 2011, is amended to read as follows:
7 30 c. A blind person who is an inpatient or resident of, is
7 31 supported by, or is receiving treatment or support services
7 32 from a state resource center created under chapter 222, a
7 33 state mental health institute created under chapter 226, the
7 34 Iowa braille and sight saving school administered by the ~~state~~
~~7 35 board of regents~~ Iowa state board for blind and deaf education,

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8 1 or any community=based provider of treatment or services for
8 2 mental retardation, developmental disabilities, mental health,
8 3 or substance abuse, does not acquire legal settlement in the
8 4 county in which the institution, facility, or provider is
8 5 located, unless the blind person has resided in the county in
8 6 which the institution, facility, or provider is located for
8 7 a period of six months prior to the date of commencement of
8 8 receipt of assistance under the laws of this state or for a
8 9 period of six months subsequent to the date of termination of
8 10 assistance under the laws of this state.
8 11 Sec. 10. Section 256B.2, subsection 2, Code 2011, is amended
8 12 to read as follows:
8 13 2. It is the policy of this state to require school
8 14 districts and state=operated educational programs to provide
8 15 or make provision, as an integral part of public education,
8 16 for a free and appropriate public education sufficient to
8 17 meet the needs of all children requiring special education.
8 18 This chapter is not to be construed as encouraging separate
8 19 facilities or segregated programs designed to meet the needs
8 20 of children requiring special education when the children
8 21 can benefit from all or part of the education program as
8 22 offered by the local school district. To the maximum extent
8 23 possible, children requiring special education shall attend
8 24 regular classes and shall be educated with children who do not
8 25 require special education. Whenever possible, hindrances to
8 26 learning and to the normal functioning of children requiring
8 27 special education within the regular school environment shall
8 28 be overcome by the provision of special aids and services
8 29 rather than by separate programs for those in need of special
8 30 education. Special classes, separate schooling, or other
8 31 removal of children requiring special education from the
8 32 regular educational environment, shall occur only when, and
8 33 to the extent that the nature or severity of the educational
8 34 disability is such, that education in regular classes, even
8 35 with the use of supplementary aids and services, cannot be

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accomplished satisfactorily. For those children who cannot adapt to the regular educational or home living conditions, and who are attending facilities under chapters 259C and 263~~,~~ ~~269, and 270~~, upon the request of the board of directors of an area education agency, the department of human services shall provide residential or detention facilities and the area education agency shall provide special education programs and services. The area education agencies shall cooperate with the board of regents to provide the services required by this chapter.

Sec. 11. Section 261E.6, subsection 4, paragraph a, Code 2011, is amended to read as follows:

a. A school district, the Iowa school for the deaf, the Iowa braille and sight saving school, or accredited nonpublic school shall grant high school credit to an eligible student enrolled in a course under this chapter if the eligible student successfully completes the course as determined by the eligible postsecondary institution. The board of directors of the school district, the ~~board of regents~~ Iowa state board for blind and deaf education for the Iowa school for the deaf and the Iowa braille and sight saving school, or authorities in charge of an accredited nonpublic school shall determine the number of high school credits that shall be granted to an eligible student who successfully completes a course. Eligible students may take up to seven semester hours of credit during the summer months when school is not in session and receive credit for that attendance, if the student pays the cost of attendance for those summer credit hours.

Sec. 12. Section 261E.6, subsection 6, Code 2011, is amended to read as follows:

6. Definition. For purposes of this section and section 261E.7, unless the context otherwise requires, "eligible student" means a student classified by the board of directors of a school district, by the ~~state board of regents~~ Iowa state board for blind and deaf education for pupils of the Iowa

House File 471 - Introduced continued

10 1 school for the deaf and the Iowa braille and sight saving
10 2 school, or by the authorities in charge of an accredited
10 3 nonpublic school as a ninth or tenth grade student who is
10 4 identified according to the school district's gifted and
10 5 talented criteria and procedures, pursuant to section 257.43,
10 6 as a gifted and talented child, or an eleventh or twelfth grade
10 7 student, during the period the student is participating in the
10 8 postsecondary enrollment options program.
10 9 Sec. 13. Section 261E.7, subsection 1, unnumbered paragraph
10 10 1, Code 2011, is amended to read as follows:
10 11 Not later than June 30 of each year, a school district
10 12 shall pay a tuition reimbursement amount to a postsecondary
10 13 institution that has enrolled its resident eligible
10 14 students under this chapter, unless the eligible student is
10 15 participating in open enrollment under section 282.18, in which
10 16 case, the tuition reimbursement amount shall be paid by the
10 17 receiving district. However, if a child's residency changes
10 18 during a school year, the tuition shall be paid by the district
10 19 in which the child was enrolled as of the date specified in
10 20 section 257.6, subsection 1, or the district in which the child
10 21 was counted under section 257.6, subsection 1, paragraph "a",
10 22 subparagraph (6). For students enrolled at the Iowa school
10 23 for the deaf and the Iowa braille and sight saving school, the
10 24 ~~state board of regents~~ Iowa state board for blind and deaf
10 25 education shall pay a tuition reimbursement amount by June 30
10 26 of each year. The amount of tuition reimbursement for each
10 27 separate course shall equal the lesser of:
10 28 Sec. 14. Section 262.7, subsections 4 and 5, Code 2011, are
10 29 amended by striking the subsections.
10 30 Sec. 15. Section 262.9, subsection 2, Code 2011, is amended
10 31 to read as follows:
10 32 2. Elect a president of each of the institutions of higher
10 33 learning; ~~a superintendent of each of the other institutions;~~
10 34 a treasurer and a secretarial officer for each institution
10 35 annually; professors, instructors, officers, and employees;

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and fix their compensation. ~~Sections 279.12 through 279.19 and section 279.27 apply to employees of the Iowa braille and sight saving school and the state school for the deaf, who are licensed pursuant to chapter 272. In following those sections in chapter 279, the references to boards of directors of school districts shall be interpreted to apply to the board of regents.~~

Sec. 16. Section 262.9, subsection 21, Code 2011, is amended by striking the subsection.

Sec. 17. Section 262.43, Code 2011, is amended to read as follows:

262.43 Students residing on state=owned land.

The state board of regents shall pay to the local school boards the tuition payments and transportation costs, as otherwise authorized by statutes for the elementary or high school education of students residing on land owned by the state and under the control of the state board of regents. Such payments for the three institutions of higher learning, the state university of Iowa, the Iowa state university of science and technology, and the university of northern Iowa, shall be made from the funds of the respective institutions other than state appropriations~~, and for the two noncollegiate institutions, the Iowa braille and sight saving school and the state school for the deaf, the payments and costs shall be paid from moneys appropriated to the state board of regents~~.

Sec. 18. Section 263.12, Code 2011, is amended to read as follows:

263.12 Payment by counties.

The provisions of ~~sections 270.4 to 270.8, inclusive,~~ section 259C.8 are hereby made applicable to the university of Iowa hospitals and clinics' center for disabilities and development.

Sec. 19. Section 263.21, Code 2011, is amended to read as follows:

263.21 Transfer of patients from state institutions.

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The director of the department of human services, in respect to institutions under the director's control, the administrator of any of the divisions of the department, in respect to the institutions under the administrator's control, the director of the department of corrections, in respect to the institutions under the department's control, and the ~~state board of regents~~ state board for blind and deaf education, in respect to the Iowa braille and sight saving school and the Iowa school for the deaf, may send any inmate, student, or patient of an institution, or any person committed or applying for admission to an institution, to the university of Iowa hospitals and clinics for treatment and care. The department of human services, the department of corrections, and the ~~state board of regents~~ state board for blind and deaf education shall respectively pay the traveling expenses of such patient, and when necessary the traveling expenses of an attendant for the patient, out of funds appropriated for the use of the institution from which the patient is sent.

Sec. 20. Section 331.381, subsection 9, Code 2011, is amended to read as follows:

9. Comply with ~~chapters 269 and 270~~ chapter 259C in regard to the payment of costs for pupils at the Iowa braille and sight saving school and the school for the deaf.

Sec. 21. Section 331.424, subsection 1, paragraph a, subparagraph (1), subparagraph division (c), Code 2011, is amended to read as follows:

(c) Clothing, transportation, medical, or other services provided persons attending the Iowa braille and sight saving school, the Iowa school for the deaf, or the university of Iowa hospitals and clinics' center for disabilities and development for children with severe disabilities at Iowa City, for which the county becomes obligated to pay pursuant to sections 259C.8 and 263.12~~, 269.2, and 270.4 through 270.7~~.

Sec. 22. Section 331.502, subsection 18, Code 2011, is amended to read as follows:

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18. Carry out duties relating to the collection and payment of funds for educating and supporting deaf students as provided in ~~sections 270.6 and 270.7~~ section 259C.8.

Sec. 23. Section 331.552, subsection 13, Code 2011, is amended to read as follows:

13. Make transfer payments to the state for school expenses for blind and deaf children and support of persons with mental illness as provided in sections 230.21~~, 269.2, and 270.7~~ and 259C.8.

Sec. 24. REPEAL. Chapter 269, Code 2011, is repealed.

Sec. 25. REPEAL. Chapter 270, Code 2011, is repealed.

Sec. 26. TRANSITION.

1. The state board of regents shall administer the Iowa school for the deaf and the Iowa braille and sight saving school in accordance with the requirements of this Act until the Iowa state board for blind and deaf education and that board's director are appointed. Upon order of the governor following the appointments, the administrative responsibilities shall be transferred to the Iowa state board for blind and deaf education and that board's director.

2. Appropriations made for purposes of the Iowa school for the deaf, the Iowa braille and sight saving school, and the Iowa state board for blind and deaf education for the fiscal year beginning July 1, 2011, shall be administered by the department of management until the governor's transfer order under subsection 1 is issued.

3. Until the Iowa state board for blind and deaf education has adopted administrative rules and procedures to implement the provisions of chapter 259C, as enacted by this Act, the relevant rules and procedures for the Iowa school for the deaf and the Iowa braille and sight saving school adopted under authority of the state board of regents shall continue to apply. Any contracts relating to the two schools entered into prior to July 1, 2011, shall continue in accordance with the terms of those contracts until expiration of the contracts.

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Sec. 27. IMPLEMENTATION OF ACT. Section 25B.2, subsection 3, shall not apply to this Act.

EXPLANATION

This bill creates an Iowa state board for blind and deaf education with authority over the Iowa school for the deaf and the Iowa braille and sight saving school in place of the state board of regents.

New Code section 259C.1 provides definitions.

New Code section 259C.2 creates the Iowa state board for blind and deaf education, with voting members appointed by the governor, with the superintendents of the schools and a representative of the governor's office as voting members, and with legislators as nonvoting members. The governor's appointees are subject to senate confirmation.

New Code section 259C.3 specifies the board's duties.

New Code section 259C.4 provides for appointment of a director for the board and specifies duties.

New Code section 259C.5 addresses the Iowa school for the deaf in Council Bluffs, as established pursuant to Code chapter 270, Code 2011. The school is required to provide services to eligible pupils, as defined in the Code section.

New Code section 259C.6 addresses the Iowa braille and sight saving school in Vinton, as established pursuant to Code chapter 269, Code 2011. The school is required to provide services to eligible pupils, as defined in the Code section.

New Code section 259C.7 lists services required to be provided at the schools and provides that the school environments are to be considered in compliance with requirements for the provision of services in the least restrictive environment. In addition, if an individual education plan developed for an individual resident of this state who is less than age 21 and has a severe hearing loss or visual disability, the plan developed to address the individual's needs must evaluate the extent to which the continuum of services available in the individual's home school

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15 1 district would be provided in the least restrictive environment
15 2 available to the individual and provides a list of criteria for
15 3 that purpose.
15 4 New Code section 259C.8 provides procedures for charges
15 5 to counties for eligible pupils with legal settlement. The
15 6 charges are required to be comparable to those charged for
15 7 services at the schools under current law.
15 8 Conforming amendments are made to various Code provisions
15 9 to reflect the change in administrative responsibility for the
15 10 schools and internal references. Code chapter 269, relating to
15 11 the Iowa braille and sight saving school, and Code chapter 270,
15 12 relating to the Iowa school for the deaf, are repealed.
15 13 A transition provision requires the state board of regents
15 14 to administer the schools in accordance with the bill until
15 15 the governor appoints the new board and director and orders
15 16 transfer of the administrative responsibility, provides
15 17 for administration of appropriations for the schools by the
15 18 department of management pending the appointments, continues
15 19 rules and procedures until replaced, and continues contracts.
15 20 The bill may include a state mandate as defined in Code
15 21 section 25B.3. The bill makes inapplicable Code section 25B.2,
15 22 subsection 3, which would relieve a political subdivision from
15 23 complying with a state mandate if funding for the cost of
15 24 the state mandate is not provided or specified. Therefore,
15 25 political subdivisions are required to comply with any state
15 26 mandate included in the bill.
LSB 2443YH (4) 84
jp/rj

House File 472 - Introduced

HOUSE FILE
BY COHOON

A BILL FOR

An Act relating to open enrollment by providing for the retention of state funding by the sending district.

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

TLSB 2534HH (6) 84
md/sc

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1 1 Section 1. Section 256F.4, subsection 4, Code 2011, is
1 2 amended to read as follows:
1 3 4. A charter school or innovation zone school shall
1 4 enroll an eligible resident student who submits a timely
1 5 application unless the number of applications exceeds the
1 6 capacity of a program, class, grade level, or building. In
1 7 this case, students must be accepted by lot. A charter school
1 8 or innovation zone school may enroll an eligible nonresident
1 9 student who submits a timely application in accordance with
1 10 the student admission policy established pursuant to section
1 11 256F.5, subsection 1. If the charter school or innovation zone
1 12 school enrolls an eligible nonresident student, the charter
1 13 school or innovation zone school shall notify the school
1 14 district of residence and the sending district not later than
1 15 March 1 of the preceding school year. Transportation for the
1 16 student shall be in accordance with section 282.18, subsection
1 17 10. ~~The sending district shall make payments to the charter~~
~~1 18 school or innovation zone consortium in the manner required~~
~~1 19 under section 282.18, subsection 7. If the nonresident pupil~~
~~1 20 is also an eligible pupil under section 261E.6, the innovation~~
~~1 21 zone consortium shall pay the tuition reimbursement amount to~~
~~1 22 an eligible postsecondary institution as provided in section~~
~~1 23 261E.7.~~
1 24 Sec. 2. Section 261E.7, subsection 1, unnumbered paragraph
1 25 1, Code 2011, is amended to read as follows:
1 26 Not later than June 30 of each year, a school district
1 27 shall pay a tuition reimbursement amount to a postsecondary
1 28 institution that has enrolled its resident eligible
1 29 students under this chapter~~, unless the eligible student is~~
~~1 30 participating in open enrollment under section 282.18, in which~~
~~1 31 case, the tuition reimbursement amount shall be paid by the~~
~~1 32 receiving district~~. ~~However, if a child's residency changes~~
~~1 33 during a school year, the tuition shall be paid by the district~~
~~1 34 in which the child was enrolled as of the date specified in~~
~~1 35 section 257.6, subsection 1, or the district in which the child~~

~~House File 472 - Introduced continued~~

~~2 1 was counted under section 257.6, subsection 1, paragraph "a",~~
~~2 2 subparagraph (6).~~ For students enrolled at the Iowa school
2 3 for the deaf and the Iowa braille and sight saving school, the
2 4 state board of regents shall pay a tuition reimbursement amount
2 5 by June 30 of each year. The amount of tuition reimbursement
2 6 for each separate course shall equal the lesser of:
2 7 Sec. 3. Section 282.18, subsections 7, 8, and 9, Code 2011,
2 8 are amended to read as follows:
2 9 7. A pupil participating in open enrollment shall be
2 10 counted, for state school foundation aid purposes, in the
2 11 pupil's district of residence. A pupil's residence, for
2 12 purposes of this section, means a residence under section
2 13 282.1. ~~The board of directors of the district of residence~~
~~2 14 shall pay to the receiving district the state cost per pupil~~
~~2 15 for the previous school year, plus any moneys received for~~
~~2 16 the pupil as a result of the non-English speaking weighting~~
~~2 17 under section 280.4, subsection 3, for the previous school~~
~~2 18 year multiplied by the state cost per pupil for the previous~~
~~2 19 year. If the pupil participating in open enrollment is also~~
~~2 20 an eligible pupil under section 261E.6, the receiving district~~
~~2 21 shall pay the tuition reimbursement amount to an eligible~~
~~2 22 postsecondary institution as provided in section 261E.7.~~
2 23 8. If a request filed under this section is for a child
2 24 requiring special education under chapter 256B, the request to
2 25 transfer to the other district shall only be granted if the
2 26 receiving district maintains a special education instructional
2 27 program which is appropriate to meet the child's educational
2 28 needs and the enrollment of the child in the receiving
2 29 district's program would not cause the size of the class in
2 30 that special education instructional program in the receiving
2 31 district to exceed the maximum class size in rules adopted by
2 32 the state board of education for that program. ~~For children~~
~~2 33 requiring special education, the board of directors of the~~
~~2 34 district of residence shall pay to the receiving district the~~
~~2 35 actual costs incurred in providing the appropriate special~~

~~House File 472 - Introduced continued~~

~~3 1 education.~~
3 2 9. a. ~~If a parent or guardian of a child, who is~~
~~3 3 participating in open enrollment under this section, moves~~
~~3 4 to a different school district during the course of either~~
~~3 5 district's academic year, the child's first district of~~
~~3 6 residence shall be responsible for payment of the cost per~~
~~3 7 pupil plus weightings or special education costs to the~~
~~3 8 receiving school district for the balance of the school year in~~
~~3 9 which the move took place. The new district of residence shall~~
~~3 10 be responsible for the payments during succeeding years.~~
3 11 ~~b.~~ If a request to transfer is due to a change in family
3 12 residence, change in the state in which the family residence
3 13 is located, a change in a child's parents' marital status, a
3 14 guardianship proceeding, placement in foster care, adoption,
3 15 participation in a foreign exchange program, or participation
3 16 in a substance abuse or mental health treatment program, and
3 17 the child who is the subject of the request is enrolled in
3 18 any grade from kindergarten through grade twelve at the time
3 19 of the request and is not currently using any provision of
3 20 open enrollment, the parent or guardian of the child shall
3 21 have the option to have the child remain in the child's
3 22 original district of residence under open enrollment with no
3 23 interruption in the child's kindergarten through grade twelve
3 24 educational program. ~~If a parent or guardian exercises this~~
~~3 25 option, the child's new district of residence is not required~~
~~3 26 to pay the amount calculated in subsection 7 until the start of~~
~~3 27 the first full year of enrollment of the child.~~
3 28 ~~c. Quarterly payments shall be made to the receiving~~
~~3 29 district.~~
3 30 ~~d. If the transfer of a pupil from one district to another~~
~~3 31 results in a transfer from one area education agency to~~
~~3 32 another, the sending district shall forward a copy of the~~
~~3 33 request to the sending district's area education agency. The~~
~~3 34 receiving district shall forward a copy of the request to~~
~~3 35 the receiving district's area education agency. Any moneys~~

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~~4 1 received by the area education agency of the sending district~~
~~4 2 for the pupil who is the subject of the request shall be~~
~~4 3 forwarded to the receiving district's area education agency.~~
4 4 ~~c.~~ b. A district of residence may apply to the school
4 5 budget review committee if a student was not included in the
4 6 resident district's enrollment count during the fall of the
4 7 year preceding the student's transfer under open enrollment.
4 8 Sec. 4. Section 282.18, subsection 10, paragraph c, Code
4 9 2011, is amended to read as follows:
4 10 c. If the pupil meets the economic eligibility requirements
4 11 established by the department and state board of education, the
4 12 sending district is responsible for providing transportation
4 13 or paying the pro rata cost of the transportation to a parent
4 14 or guardian for transporting the pupil to and from a point
4 15 on a regular school bus route of a contiguous receiving
4 16 district unless the cost of providing transportation or the
4 17 pro rata cost of the transportation to a parent or guardian
4 18 exceeds the average transportation cost per pupil transported
4 19 for the previous school year in the district. If the cost
4 20 exceeds the average transportation cost per pupil transported
4 21 for the previous school year, the sending district shall
4 22 only be responsible for that average per pupil amount. ~~A~~
~~4 23 sending district which provides transportation for a pupil~~
~~4 24 to a contiguous receiving district under this subsection may~~
~~4 25 withhold, from the district cost per pupil amount that is to~~
~~4 26 be paid to the receiving district, an amount which represents~~
~~4 27 the average or pro rata cost per pupil for transportation,~~
~~4 28 whichever is less.~~
4 29 Sec. 5. Section 282.18, subsection 15, Code 2011, is amended
4 30 to read as follows:
4 31 15. ~~a.~~ If a request under this section is for transfer to
4 32 a laboratory school, as described in chapter 256G, the student
4 33 who is the subject of the request shall be included in the
4 34 basic enrollment of the student's district of residence ~~and the~~
~~4 35 board of directors of the district of residence shall pay to~~

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~~5 1 a laboratory school the state cost per pupil for the previous~~
~~5 2 school year, plus any moneys received for the pupil as a result~~
~~5 3 of the non=English speaking weighting under section 280.4,~~
~~5 4 subsection 3, for the previous school year multiplied by the~~
~~5 5 state cost per pupil for the previous year~~.
5 6 ~~b. Notwithstanding subsection 7, a district of residence~~
~~5 7 shall not be required to pay the state cost per pupil for a~~
~~5 8 student attending a laboratory school during the school year~~
~~5 9 beginning July 1, 2010, if the student was not included in the~~
~~5 10 district of residence's enrollment count for funding purposes~~
~~5 11 in the school year beginning July 1, 2009.~~
5 12 EXPLANATION
5 13 This bill amends requirements relating to the payment of
5 14 certain funds between school districts for open=enrolling
5 15 pupils pursuant to Code section 282.18. Currently, the board
5 16 of directors of the pupil's district of residence (sending
5 17 district) is required to pay to the district to which the
5 18 student is open enrolling (receiving district) the state
5 19 cost per pupil for the previous school year, plus any moneys
5 20 received for the pupil as a result of the non=English speaking
5 21 weighting under Code section 280.4, subsection 3, for the
5 22 previous school year multiplied by the state cost per pupil for
5 23 the previous year. The bill deletes this provision and makes
5 24 several additional conforming deletions relating to the payment
5 25 of certain funding for open enrolling pupils. Under the bill,
5 26 the sending district is not required to pay to the receiving
5 27 district such amounts and would retain the state cost per pupil
5 28 amount.
LSB 2534HH (6) 84
md/sc

House File 473 - Introduced

HOUSE FILE
BY COMMITTEE ON LABOR

(SUCCESSOR TO HSB 91)

A BILL FOR

An Act relating to bidding and contracting for public improvement, public works, and public road projects and including effective date and applicability provisions.
BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 1989HV (2) 84
je/rj

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1 1 Section 1. Section 26.7, Code 2011, is amended by adding the
1 2 following new subsection:
1 3 NEW SUBSECTION. 4. A governmental entity shall not in
1 4 either the notice to bidders or the contract documents require
1 5 proof of satisfaction of any bidder qualification standards
1 6 for the bidder or its proposed subcontractors if the bidder is
1 7 required and able to meet all bond requirements relating to
1 8 payments and performance in accordance with state law. This
1 9 section does not prohibit a public owner from exercising its
1 10 authority under this chapter to determine whether the lowest
1 11 responsive bidder is a responsible bidder in accordance with
1 12 state law.
1 13 Sec. 2. NEW SECTION. 72.6 Public works ==== contractor
1 14 qualifications.
1 15 1. Definitions. As used in this section, unless the context
1 16 otherwise provides:
1 17 a. "Public owner" means a public body including the state
1 18 or a political subdivision of the state, an officer, official,
1 19 agency, authority, board, or commission of the state or of a
1 20 political subdivision of the state, or an institution supported
1 21 in whole or in part by public funds.
1 22 b. "Public road project" means a project under the control
1 23 of a public owner for the construction, maintenance, or repair
1 24 of a road or street that is funded, in whole or in part, by
1 25 moneys from the road use tax fund.
1 26 c. "Public works" means a building or other construction
1 27 project which is constructed under the control of a public
1 28 owner and is paid for in whole or in part with funds of a public
1 29 owner, including funds directed to the public owner from any
1 30 federal government source, including grants. "Public works"
1 31 does not include any work done by or on behalf of a drainage
1 32 or levee district or any work financed by federal funds where
1 33 federal procurement policy applicable to the use of the federal
1 34 funds is inconsistent with the requirements of this section.
1 35 d. "Public works project" means the construction,

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maintenance, or repair of public works. "Public works project" does not mean a public road project.

2. Prohibited criteria. In determining which bidder is the lowest responsible bidder for purposes of awarding a contract to perform a public works project or public road project, a public owner shall not do any of the following:

a. Select a bidder based in whole or in part on a consideration of whether the bidder's employees belong to or are represented by a labor union or labor organization.

b. Require that the bidder selected enter into an agreement that directly or indirectly requires the bidder to recruit, train, or hire employees from a particular source to perform work on the public works project or public road project.

c. Require the bidder or the bidder's subcontractors or their agents to enter into any agreement or arrangement relating to the public works project or public road project which imposes requirements, controls, or limitations on staffing; sources of employee referrals; assignment of work; sources of insurance and benefits including health, life, and disability insurance and retirement pensions; training; or wages. This paragraph does not apply to requirements imposed by federal law.

3. Bidding documents. Criteria described in this section that cannot be considered by a public owner in determining who is the lowest responsible bidder shall be included in any document requesting or inviting bids on public works projects or public road projects subject to this section.

Sec. 3. Section 73A.21, Code 2011, is amended to read as follows:

73A.21 Reciprocal resident bidder <u>and resident labor force</u> preference by state, its agencies, and political subdivisions <u>==== penalties</u>.

<u>1. For purposes of this section:</u>

<u>a. "Commissioner" means the labor commissioner appointed pursuant to section 91.2, or the labor commissioner's designee.</u>

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b. "Division" means the division of labor of the department of workforce development.

c. "Nonresident bidder" means a person or entity who does not meet the definition of a resident bidder.

d. "Public body" means the state and any of its political subdivisions, including a school district, public utility, or the state board of regents.

~~a.~~ e. "Public improvement" means ~~public improvements as defined in section 73A.1~~ a building or other construction work to be paid for in whole or in part by the use of funds of the state, its agencies, and any of its political subdivisions and includes road construction, reconstruction, and maintenance projects.

f. "Public utility" includes municipally owned utilities and municipally owned waterworks.

~~b.~~ g. "Resident bidder" means a person or entity authorized to transact business in this state and having a place of business for transacting business within the state at which it is conducting and has conducted business for at least ~~six months~~ three years prior to the date of the first advertisement for the public improvement ~~and in the case of a corporation, having at least fifty percent of its common stock owned by residents of this state~~. If another state or foreign country has a more stringent definition of a resident bidder, the more stringent definition is applicable as to bidders from that state or foreign country.

h. "Resident labor force preference" means a requirement in which all or a portion of a labor force working on a public improvement is a resident of a particular state or country.

2. Notwithstanding this chapter, chapter 73, chapter 309, chapter 310, chapter 331, or chapter 384, when a contract for a public improvement is to be awarded to the lowest responsible bidder, a resident bidder shall be allowed a preference as against a nonresident bidder from a state or foreign country ~~which~~ if that state or foreign country gives or requires ~~a~~

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~~4 1~~ any preference to bidders from that state or foreign country, including but not limited to any preference to bidders, the imposition of any type of labor force preference, or any other form of preferential treatment to bidders or laborers from that state or foreign country. The preference ~~is~~ allowed shall be equal to the preference given or required by the state or foreign country in which the nonresident bidder is a resident. In the instance of a resident labor force preference, a nonresident bidder shall apply the same resident labor force preference to a public improvement in this state as would be required in the construction of a public improvement by the state or foreign country in which the nonresident bidder is a resident.

~~3. This section applies to the state, its agencies, and any political subdivisions of the state.~~

~~4.~~ 3. If it is determined that this may cause denial of federal funds which would otherwise be available, or would otherwise be inconsistent with requirements of any federal law or regulation, this section shall be suspended, but only to the extent necessary to prevent denial of the funds or to eliminate the inconsistency with federal requirements.

4. The public body involved in a public improvement shall require a nonresident bidder to specify on all project bid specifications and contract documents whether any preference as described in subsection 2 is in effect in the nonresident bidder's state or country of domicile at the time of a bid submittal.

5. The commissioner and the division shall administer and enforce this section, and the commissioner shall adopt rules for the administration and enforcement of this section as provided in section 91.6.

6. The commissioner shall have the following powers and duties for the purposes of this section:

a. The commissioner may hold hearings and investigate charges of violations of this section.

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5 1 b. The commissioner may, consistent with due process of law,
5 2 enter any place of employment to inspect records concerning
5 3 labor force residency, to question an employer or employee, and
5 4 to investigate such facts, conditions, or matters as are deemed
5 5 appropriate in determining whether any person has violated the
5 6 provisions of this section. The commissioner shall only make
5 7 such an entry in response to a written complaint.
5 8 c. The commissioner shall develop a written complaint form
5 9 applicable to this section and make it available in division
5 10 offices and on the department of workforce development's
5 11 internet site.
5 12 d. The commissioner may sue for injunctive relief against
5 13 the awarding of a contract, the undertaking of a public
5 14 improvement, or the continuation of a public improvement in
5 15 response to a violation of this section.
5 16 e. The commissioner may investigate and ascertain the
5 17 residency of a worker engaged in any public improvement in this
5 18 state.
5 19 f. The commissioner may administer oaths, take or cause to
5 20 be taken deposition of witnesses, and require by subpoena the
5 21 attendance and testimony of witnesses and the production of all
5 22 books, registers, payrolls, and other evidence relevant to a
5 23 matter under investigation or hearing.
5 24 g. The commissioner may employ qualified personnel as are
5 25 necessary for the enforcement of this section. Such personnel
5 26 shall be employed pursuant to the merit system provisions of
5 27 chapter 8A, subchapter IV.
5 28 h. The commissioner shall require a contractor or
5 29 subcontractor to file, within ten days of receipt of a request,
5 30 any records enumerated in subsection 7. If the contractor or
5 31 subcontractor fails to provide the requested records within ten
5 32 days, the commissioner may direct, within fifteen days after
5 33 the end of the ten=day period, that the fiscal or financial
5 34 office charged with the custody and disbursement of funds of
5 35 the public body that contracted for construction of the public

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6 1 improvement or undertook the public improvement, to immediately
6 2 withhold from payment to the contractor or subcontractor
6 3 up to twenty=five percent of the amount to be paid to the
6 4 contractor or subcontractor under the terms of the contract
6 5 or written instrument under which the public improvement is
6 6 being performed. The amount withheld shall be immediately
6 7 released upon receipt by the public body of a notice from
6 8 the commissioner indicating that the request for records as
6 9 required by this section has been satisfied.
6 10 7. While participating in a public improvement, a
6 11 nonresident bidder domiciled in a state or country that
6 12 has established a resident labor force preference shall
6 13 make and keep, for a period of not less than three years,
6 14 accurate records of all workers employed by the contractor or
6 15 subcontractor on the public improvement. The records shall
6 16 include each worker's name, address, telephone number when
6 17 available, social security number, trade classification, and
6 18 the starting and ending time of employment.
6 19 8. Any person or entity that violates the provisions of
6 20 this section is subject to a civil penalty in an amount not to
6 21 exceed one thousand dollars for each violation found in a first
6 22 investigation by the division, not to exceed five thousand
6 23 dollars for each violation found in a second investigation
6 24 by the division, and not to exceed fifteen thousand dollars
6 25 for a third or subsequent violation found in any subsequent
6 26 investigation by the division. Each violation of this section
6 27 for each worker and for each day the violation continues
6 28 constitutes a separate and distinct violation. In determining
6 29 the amount of the penalty, the division shall consider the
6 30 appropriateness of the penalty to the person or entity charged,
6 31 upon determination of the gravity of the violations. The
6 32 collection of these penalties shall be enforced in a civil
6 33 action brought by the attorney general on behalf of the
6 34 division.
6 35 9. A party seeking review of the division's determination

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7 1 pursuant to this section may file a written request for an
7 2 informal conference. The request must be received by the
7 3 division within fifteen days after the date of issuance of
7 4 the division's determination. During the conference, the
7 5 party seeking review may present written or oral information
7 6 and arguments as to why the division's determination should
7 7 be amended or vacated. The division shall consider the
7 8 information and arguments presented and issue a written
7 9 decision advising all parties of the outcome of the conference.
7 10 Sec. 4. Section 331.341, subsection 2, Code 2011, is amended
7 11 to read as follows:
7 12 2. The board shall give preference to Iowa products ~~and~~
~~7 13 labor~~ in accordance with chapter 73 and shall comply with bid
7 14 and contract requirements in chapter 26.
7 15 Sec. 5. REPEAL. Sections 73.3 and 73.4, Code 2011, are
7 16 repealed.
7 17 Sec. 6. EFFECTIVE UPON ENACTMENT. This Act, being deemed of
7 18 immediate importance, takes effect upon enactment.
7 19 Sec. 7. APPLICABILITY. This Act applies to all public
7 20 improvement, public works, and public road projects, and to
7 21 public improvement, public works, and public road contracts
7 22 entered into on or after July 1, 2011.
7 23 EXPLANATION
7 24 This bill relates to bidding and contracting for public
7 25 improvement, public works, and public road projects.
7 26 The bill provides that for a public improvement project, the
7 27 public owner is prohibited in either the invitation to bids or
7 28 the contract documents from requiring proof of satisfaction
7 29 of any bidder qualification standards for the bidder or its
7 30 proposed subcontractors so long as the bidder is required and
7 31 able to meet all payment and performance bond requirements
7 32 in accordance with state law. The bill specifies that this
7 33 prohibition is not intended to prohibit the public owner from
7 34 exercising its authority under Code chapter 26 to determine
7 35 whether the lowest responsive bidder is a responsible bidder

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8 1 in accordance with state law.
8 2 The bill sets out procedural requirements which a public
8 3 body must follow when awarding a contract for a public works
8 4 project to a bidder through a competitive bidding process. The
8 5 bill defines criteria that the public body cannot consider
8 6 when awarding such a contract. Prohibited criteria include
8 7 whether the bidder's employees belong to or are represented by
8 8 a labor union; requiring the bidder to enter into an agreement
8 9 that directly or indirectly requires the bidder to recruit,
8 10 train, or hire employees from a particular source; or requiring
8 11 the bidder or its subcontractors or agents to enter into an
8 12 agreement or arrangement imposing various other limitations
8 13 relating to the bidder's employees. The bill requires the
8 14 public body to include the prohibited criteria in any document
8 15 requesting or inviting bids on public works projects subject
8 16 to the bill.
8 17 The bill requires the labor commissioner to administer
8 18 and enforce Code section 73A.21, which allows the state
8 19 and political subdivisions awarding a contract for a public
8 20 improvement to give a preference to an Iowa resident bidder
8 21 over a nonresident bidder. The preference must be reciprocal
8 22 to any preference given to in=state resident bidders over
8 23 nonresident bidders by the state or foreign country of a
8 24 nonresident bidder. The bill directs the labor commissioner
8 25 to hire necessary personnel and adopt rules as necessary to
8 26 administer Code section 73A.21.
8 27 The bill includes in the reciprocity requirement nonresident
8 28 bidders from a state or foreign country which gives any type
8 29 of labor force preference or any other form of preference
8 30 to resident bidders or laborers. The bill provides that if
8 31 the provisions of Code section 73A.21 may cause denial of
8 32 federal funds which would otherwise be available, or would
8 33 otherwise be inconsistent with requirements of any federal law
8 34 or regulation, the Code section will be suspended, but only
8 35 to the extent necessary to prevent denial of the funds or to

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9 1 eliminate the inconsistency with federal requirements. The
9 2 bill requires a public body involved in a public improvement to
9 3 require all nonresident bidders to specify on all project bid
9 4 specifications and contract documents whether the nonresident
9 5 bidder's state or country of residence has any type of resident
9 6 bidder preference in effect at the time of a bid submittal.
9 7 The bill provides the labor commissioner with certain powers
9 8 relating to nonresident bidders for public improvement projects
9 9 to enforce Code section 73A.21. The bill provides the labor
9 10 commissioner with investigative powers concerning nonresident
9 11 bidders. Such powers include the power to hold hearings, to
9 12 enter a place of employment to inspect records regarding labor
9 13 force residency, to question employees, and to take depositions
9 14 and subpoenas. The bill provides that the labor commissioner
9 15 may sue for injunctive relief for violations of Code section
9 16 73A.21. The bill requires the labor commissioner to develop
9 17 a written complaint form for violations. The bill requires a
9 18 nonresident contractor domiciled in a state or country that
9 19 has a resident labor force preference to keep for at least
9 20 three years accurate records containing certain identifying
9 21 information including residency for all workers employed by
9 22 the contractor. The bill provides that the labor commissioner
9 23 may direct that up to 25 percent of the contract price be
9 24 withheld from the contractor if the contractor does not file
9 25 such records until the records are filed. The bill provides
9 26 for a civil penalty of $1,000 for each violation found during
9 27 a first investigation, $5,000 for each violation found during
9 28 a second investigation, and $15,000 for each violation found
9 29 during a subsequent investigation. The bill provides that a
9 30 separate and distinct violation occurs for each worker employed
9 31 by the contractor for each day the worker is employed by the
9 32 contractor. The bill provides for a review process with the
9 33 division of labor and sets out procedural requirements. The
9 34 bill modifies and adds applicable definitions for Code section
9 35 73A.21.

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10 1 The bill strikes the requirement in Code section 331.341
10 2 that a county board of supervisors give preference to in=state
10 3 labor in accordance with Code chapter 73 when contracting for
10 4 public improvement projects.
10 5 The bill repeals Code sections 73.3 and 73.4, which require
10 6 public bodies to give preference to in=state labor in public
10 7 improvement or public works projects.
10 8 The bill is effective upon enactment.
10 9 The bill applies to all public improvement, public works,
10 10 and public road projects, and to public improvement, public
10 11 works, and public road contracts entered into on or after July
10 12 1, 2011.
10 13 The bill may include a state mandate as defined in Code
10 14 section 25B.3.
LSB 1989HV (2) 84
je/rj

House File 474 - Introduced

HOUSE FILE
BY COMMITTEE ON VETERANS
AFFAIRS

(SUCCESSOR TO HF 374)

A BILL FOR

An Act to designate August 7 of each year as Purple Heart Day.
BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 2638HV (1) 84
jr/nh

House File 474 - Introduced continued

PAG LIN

1 1 Section 1. NEW SECTION. 1C.16 Purple Heart Day.
1 2 The governor of this state is hereby requested and
1 3 authorized to issue annually a proclamation designating the
1 4 seventh day of August as Purple Heart Day and to encourage all
1 5 governmental bodies in the state to observe the day in a manner
1 6 that honors the sacrifice of those men and women who shed their
1 7 blood and gave their lives in service to the United States of
1 8 America.
1 9 EXPLANATION
1 10 This bill designates August 7 of each year as Purple Heart
1 11 Day. This designation does not make August 7 a state holiday.
LSB 2638HV (1) 84
jr/nh

House File 475 - Introduced

HOUSE FILE
BY COMMITTEE ON VETERANS
AFFAIRS

(SUCCESSOR TO HF 333)

A BILL FOR

An Act relating to the injured veterans grant program.
BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 2402HV (4) 84
aw/sc

House File 475 - Introduced continued

PAG LIN

1 1 Section 1. Section 35A.14, subsection 5, Code 2011, is
1 2 amended by adding the following new paragraph:
1 3 NEW PARAGRAPH. d. A seriously injured veteran meeting
1 4 all other requirements of this section may receive additional
1 5 grants for subsequent, unrelated injuries that meet the
1 6 requirements of this section. Any subsequent, unrelated injury
1 7 shall be treated as if it were an initial injury for the
1 8 purposes of determining eligibility or allotment.
1 9 EXPLANATION
1 10 This bill allows for a seriously injured veteran who has
1 11 previously received an injured veterans grant to receive
1 12 additional grants from the injured veterans grant program for
1 13 subsequent, unrelated injuries which meet the requirements of
1 14 the program. Any subsequent, unrelated injury will be treated
1 15 as if it were an initial injury for determining eligibility or
1 16 allotment.
LSB 2402HV (4) 84
aw/sc

House File 476 - Introduced

HOUSE FILE
BY IVERSON

A BILL FOR

An Act relating to agricultural associations, by providing for a community investment board.
BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 2139YH (2) 84
da/nh

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PAG LIN

1 1 Section 1. NEW SECTION. 499.5B Agricultural associations ====
1 2 special requirements for small communities.
1 3 1. As used in this section:
1 4 a. "Community" means a city where an agricultural
1 5 association operates a principal business location if the
1 6 city has a population of less than two thousand residents.
1 7 Otherwise, a "community" is a township where the association
1 8 operates a principal business location if the township has a
1 9 population of less than two thousand residents. The population
1 10 of a community shall be determined according to the latest
1 11 decennial census conducted by the United States bureau of the
1 12 census.
1 13 b. "Qualified agricultural association" means an agricultural
1 14 association that operates a business in a community.
1 15 2. A qualified agricultural association shall be subject to
1 16 the oversight of a community investment board which is managed
1 17 by trustees. The trustees must be members of the association
1 18 who reside within the community. The trustees shall be elected
1 19 by members of the association who reside in the community. At
1 20 least three trustees shall serve on the community investment
1 21 board.
1 22 a. Those directors of the board of directors residing
1 23 in the community may nominate candidates to serve on the
1 24 community investment board. Any member who is a resident of
1 25 the community may submit a petition to nominate a candidate. A
1 26 candidate's name shall be placed on the ballot if the petition
1 27 is signed by fifteen percent of the members residing in the
1 28 community.
1 29 b. The board of directors shall conduct the initial election
1 30 for trustees in substantially the same manner as provided
1 31 for the election of the directors. The board of directors
1 32 may create additional procedures to ensure the residency of
1 33 candidates and voters. A trustee shall be elected at a meeting
1 34 of qualified members who are entitled to vote at which a
1 35 majority of all shares entitled to cast a vote do vote.

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c. After the initial trustees are elected, the community investment board or the members of the association who are qualified to vote for the trustees may adopt amendments to the association's articles or bylaws that affect the terms of office and management, as provided by amendments to the articles or bylaws. However, the requirements of this chapter that govern the board of directors or a director shall also govern the community investment board and trustees, including but not limited to the selection of officers, the removal of officers and directors, voting procedures, and standards of conduct. A trustee shall be compensated in the same manner as a director.

3. The community investment board must approve all of the following:

a. The acquisition of shares or other interest in the association by persons who do not reside in the community, as determined by the board. However, the board shall not approve the acquisition of shares or other interest in the association by such person if any of the following applies:

(1) The acquisition equals more than two=hundred and fifty thousand dollars.

(2) Less than eighty percent of all shares or other interests in the association are held by persons who reside within twenty miles of the principal location of the association's business in the community.

b. The merger or consolidation of the association as otherwise provided in this chapter.

Sec. 2. NEW SECTION. 499.64A Requirements for qualified agricultural associations.

The board of directors of a qualified agricultural association, as defined in section 499.5B, shall not take action upon a merger or consolidation as provided in this chapter until the community investment board for the association approves the plan of merger or consolidation.

EXPLANATION

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3 1 This bill relates to agricultural associations organized
3 2 under Code chapter 499 which are located in a city or
3 3 township with a population of less than 2,000 residents. The
3 4 association is required to have a board of trustees who are
3 5 members of the association, who must reside in the community,
3 6 and who are elected from members of the association who
3 7 reside in the community. Any member who is a resident of the
3 8 community may submit a petition to nominate a candidate. A
3 9 candidate must be placed on the ballot upon petition of members
3 10 residing in the community. The community investment board must
3 11 approve the acquisition of shares or other interest in the
3 12 association by persons who do not reside in the community. The
3 13 board cannot approve an acquisition which equals more $250,000
3 14 or if less than 80 percent of all shares or other interests in
3 15 the association are held by persons who reside within 20 miles
3 16 of the principal location of the association's business.
LSB 2139YH (2) 84
da/nh

House File 477 - Introduced

HOUSE FILE
BY KAJTAZOVIC

A BILL FOR

An Act establishing solar energy ownership or purchasing goals applicable to electric utilities.

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

TLSB 2381YH (3) 84
rn/nh

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1 1 Section 1. NEW SECTION. 476.44B Solar energy ownership or
1 2 purchase ==== goals.
1 3 1. Solar energy ownership or purchasing goals are
1 4 established, applicable to electric utilities subject to this
1 5 division, except utilities that elect rate regulation pursuant
1 6 to section 476.1A, and in addition to the one hundred five
1 7 megawatt purchase requirements provided in section 476.44. An
1 8 electric utility is encouraged to own or purchase the following
1 9 goal amounts of solar energy each year for a five=year
1 10 interval, with each succeeding year added to the purchase or
1 11 ownership goal for the preceding year:
1 12 a. By December 31, 2012, twelve megawatts.
1 13 b. By December 31, 2013, thirty=five additional megawatts.
1 14 c. By December 31, 2014, fifty=eight additional megawatts.
1 15 d. By December 31, 2015, eighty additional megawatts.
1 16 e. By December 31, 2016, one hundred fifteen additional
1 17 megawatts.
1 18 2. At the conclusion of the five=year interval established
1 19 in subsection 1, an electric utility complying with the goals
1 20 would own or purchase a cumulative total of three hundred
1 21 megawatts of solar energy and shall be encouraged to maintain
1 22 this ownership or purchase level each year thereafter.
1 23 3. The board shall by rule establish procedures for
1 24 encouraging utilities to comply with the goals and monitoring
1 25 the extent to which compliance is achieved.
1 26 EXPLANATION
1 27 This bill establishes solar energy ownership or purchasing
1 28 goals applicable to designated electric utilities, in addition
1 29 to existing alternate energy purchase requirements contained
1 30 in Code section 476.44.
1 31 The bill provides that an electric utility is encouraged
1 32 to own or purchase increasing amounts of solar energy over a
1 33 five=year period, ranging from 12 megawatts by December 31,
1 34 2012, to 115 megawatts by December 31, 2016. At the conclusion
1 35 of the five years, the bill specifies that an electric utility

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2 1 complying with the goal would own or purchase a cumulative
2 2 total of 300 megawatts of solar energy, and shall be encouraged
2 3 to maintain this level each year thereafter.
2 4 The bill directs the Iowa utilities board by rule to
2 5 establish procedures for encouraging utilities to comply with
2 6 the goals and monitoring the extent to which compliance is
2 7 achieved.
LSB 2381YH (3) 84
rn/nh

House File 478 - Introduced

HOUSE FILE
BY HEDDENS,
WESSEL=KROESCHELL,
PETERSEN, STECKMAN,
THEDE, WINCKLER,
ABDUL=SAMAD, and
MASCHER

A BILL FOR

An Act relating to state and county responsibilities for adult mental health, mental retardation, and developmental disabilities services and including effective date provisions.

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

TLSB 2160YH (9) 84
jp/nh

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1 1 DIVISION I
1 2 MENTAL HEALTH COMMITMENT AND FACILITY COSTS
1 3 Section 1. Section 218.44, Code 2011, is amended to read as
1 4 follows:
1 5 218.44 Wages paid to dependent ==== deposits.
1 6 If ~~such wage be~~ wages are paid to a resident, the
1 7 administrator in control of ~~such~~ the institution in which
1 8 the resident is placed may pay all or any part of the ~~same~~
~~1 9~~ wages directly to any dependent of ~~such~~ the resident, ~~or may~~
1 10 deposit ~~such~~ the wage to the account of ~~such~~ the resident, ~~or~~
~~1 11 may so~~ deposit part ~~thereof~~ of the wage and allow the resident
1 12 a ~~portion~~ part for the resident's own personal use, or ~~may~~
1 13 pay to the ~~county of commitment~~ state all or any part of the
1 14 resident's care, treatment, or subsistence while at ~~said~~ the
1 15 institution from any credit balance accruing to the account of
1 16 ~~said~~ the resident.
1 17 Sec. 2. Section 218.99, Code 2011, is amended to read as
1 18 follows:
1 19 218.99 ~~Counties~~ Department to be notified of patients'
1 20 personal accounts.
1 21 The administrator in control of a state institution shall
1 22 direct the business manager of each institution under the
1 23 administrator's jurisdiction ~~which is mentioned in section~~
~~1 24 331.424, subsection 1, paragraph "a", subparagraphs (1)~~
~~1 25 and (2), and for which services are paid under section~~
~~1 26 331.424A, to quarterly inform the county of legal settlement's~~
~~1 27 entity designated to perform the county's central point~~
~~1 28 of coordination process~~ to quarterly inform the department
1 29 of human services of any patient or resident who has an
1 30 amount in excess of two hundred dollars on account in the
1 31 patients' personal deposit fund and the amount on deposit. The
1 32 administrators shall direct the business manager to further
1 33 notify the ~~entity designated to perform the county's central~~
~~1 34 point of coordination process~~ department at least fifteen days
1 35 before the release of funds in excess of two hundred dollars

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or upon the death of the patient or resident. ~~If the patient or resident has no county of legal settlement, notice shall be made to the director of human services and the administrator in control of the institution involved.~~

Sec. 3. Section 226.9C, subsection 1, paragraph a, Code 2011, is amended to read as follows:

a. Moneys received by the state from billings to counties ~~under section 230.20~~.

Sec. 4. Section 226.45, Code 2011, is amended to read as follows:

226.45 Reimbursement to county or state.

If a patient is not receiving medical assistance under chapter 249A and the amount to the account of any patient in the patients' personal deposit fund exceeds two hundred dollars, the business manager of the hospital may apply any of the excess to reimburse the county of legal settlement or the state ~~in a case where no legal settlement exists~~, as applicable as provided by section 230.1, for liability incurred by the county or the state for the payment of care, support, and maintenance of the patient~~, when billed by the county of legal settlement or by the administrator for a patient having no legal settlement~~ at the state mental health institute.

Sec. 5. Section 230.1, Code 2011, is amended to read as follows:

230.1 Liability of county and state.

1. The necessary and legal costs and expenses attending the taking into custody, care, investigation, admission, commitment, and support of a ~~person~~ resident of this state with mental illness admitted or committed to a federal, state, county, or private hospital or facility on or after July 1, 2012, shall be paid ~~by a county or~~ by the state. ~~as follows:~~

~~a. By the county in which such person has a legal settlement, if the person is eighteen years of age or older.~~

~~b. By the state when such person has no legal settlement in this state, when the person's legal settlement is unknown, or~~

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~~3 1 if the person is under eighteen years of age.~~
3 2 2. ~~The legal settlement of any person found mentally ill who~~
~~3 3 is a patient of any state institution shall be that existing~~
~~3 4 at the time of admission thereto.~~ The necessary and legal
3 5 costs and expenses attending the taking into custody, care,
3 6 investigation, admission, commitment, and support of a resident
3 7 of this state with mental illness admitted or committed to
3 8 a federal, state, county, or private hospital or facility
3 9 before July 1, 2012, which were incurred prior to July 1, 2012,
3 10 shall be paid by the state or a county in accordance with this
3 11 chapter, Code 2011, as applicable. Such costs and expenses
3 12 incurred on or after July 1, 2012, shall be paid by the state as
3 13 provided in subsection 1.
3 14 ~~3. A county of legal settlement is not liable for costs~~
~~3 15 and expenses associated with a person with mental illness~~
~~3 16 unless the costs and expenses are for services and other~~
~~3 17 support authorized for the person through the central point~~
~~3 18 of coordination process. For the purposes of this chapter,~~
~~3 19 "central point of coordination process" means the same as~~
~~3 20 defined in section 331.440.~~
3 21 Sec. 6. Section 230.15, unnumbered paragraph 1, Code 2011,
3 22 is amended to read as follows:
3 23 A person with mental illness and a person legally liable
3 24 for the person's support remain liable for the support of
3 25 the person with mental illness as provided in this section.
3 26 Persons legally liable for the support of a person with mental
3 27 illness include the spouse of the person, any person bound
3 28 by contract for support of the person, and, with respect to
3 29 persons with mental illness under eighteen years of age only,
3 30 the father and mother of the person. The county auditor,
3 31 subject to the direction of the board of supervisors, shall
3 32 enforce the obligation created in this section as to all
3 33 sums advanced by the county. The liability to the state or
3 34 county incurred by a person with mental illness or a person
3 35 legally liable for the person's support under this section

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is limited to an amount equal to one hundred percent of the cost of care and treatment of the person with mental illness at a state mental health institute for one hundred twenty days of hospitalization. This limit of liability may be reached by payment ~~of~~ equal to the cost of care and treatment of the person with mental illness subsequent to a single admission or multiple admissions to a state mental health institute or, if the person is not discharged as cured, subsequent to a single transfer or multiple transfers to a county care facility pursuant to section 227.11. If the person is discharged from a state mental health institute or other inpatient placement and the limit of liability has not been reached, the liability extends to costs provided for outpatient treatment. After reaching this limit of liability, a person with mental illness or a person legally liable for the person's support is liable to the state or county, as applicable, for the care and treatment of the person with mental illness at a state mental health institute or other inpatient placement, or, if transferred but not discharged as cured, at a county care facility or from an outpatient treatment provider in an amount not in excess of the average minimum cost of the maintenance of an individual who is physically and mentally healthy residing in the individual's own home, which standard shall be established and may from time to time be revised by the department of human services. A lien imposed by section 230.25 shall not exceed the amount of the liability which may be incurred under this section on account of a person with mental illness.

Sec. 7. Section 230.16, Code 2011, is amended to read as follows:

230.16 Presumption.

In actions to enforce the liability imposed by section 230.15, the certificate from the superintendent ~~to the~~ or the county auditor stating the sums charged in such cases, shall be presumptively correct.

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5 1 Sec. 8. Section 230.17, Code 2011, is amended to read as
5 2 follows:
5 3 230.17 Board or department may compromise lien.
5 4 1. The board of supervisors ~~is hereby empowered to~~ may
5 5 compromise any and all liabilities to the county~~,~~ created by
5 6 this chapter, when such compromise is deemed to be for the best
5 7 interests of the county.
5 8 2. The department of human services may compromise any and
5 9 all liabilities to the state created by this chapter, when such
5 10 compromise is deemed to be for the best interests of the state.
5 11 Sec. 9. Section 230.18, Code 2011, is amended to read as
5 12 follows:
5 13 230.18 Expense in county or private hospitals.
5 14 The estates of persons with mental illness who may be treated
5 15 or confined in any county hospital or home, or in any private
5 16 hospital or sanatorium, or receive outpatient services, and
5 17 the estates of persons legally bound for their support, shall
5 18 be liable to the county or state, as applicable, for the
5 19 reasonable cost of such support paid by the county or state.
5 20 Sec. 10. Section 230.20, subsections 1, 2, 3, 4, and 5, Code
5 21 2011, are amended by striking the subsections.
5 22 Sec. 11. Section 230.20, subsections 6, 7, and 8, Code 2011,
5 23 are amended to read as follows:
5 24 6. All or any reasonable portion of the charges incurred
5 25 for services provided to a patient, to the most recent date for
5 26 which the charges have been computed, may be paid at any time
5 27 by the patient or by any other person on the patient's behalf.
5 28 Any payment made by the patient or other person, and any
5 29 federal financial assistance received pursuant to Tit. XVIII or
5 30 XIX of the federal Social Security Act for services rendered
5 31 to a patient, shall be credited against the patient's account
5 32 ~~and, if the charges paid as described in this subsection have~~
5 33 ~~previously been billed to a county, reflected in the mental~~
5 34 ~~health institute's next general statement to that county~~.
5 35 7. A superintendent of a mental health institute may request

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that the director of human services enter into a contract with a person for the mental health institute to provide consultation or treatment services or for fulfilling other purposes which are consistent with the purposes stated in section 226.1. The contract provisions shall include charges which reflect the actual cost of providing the services or fulfilling the other purposes. Any income from a contract authorized under this subsection may be retained by the mental health institute to defray the costs of providing the services. ~~Except for a contract voluntarily entered into by a county under this subsection, the costs or income associated with a contract authorized under this subsection shall not be considered in computing charges and per diem costs in accordance with the provisions of subsections 1 through 6 of this section.~~

8. The department shall provide a county with information, which is not otherwise confidential under law, in the department's possession concerning a patient whose cost of care provided outside a state mental health institute or other inpatient setting is chargeable to the county, including but not limited to the information specified in section 229.24, subsection 3.

Sec. 12. Section 331.424A, subsection 2, Code 2011, is amended to read as follows:

2. For the fiscal year beginning July 1, 1996, and succeeding fiscal years, county revenues from taxes and other sources designated for mental health, mental retardation, and developmental disabilities services shall be credited to the mental health, mental retardation, and developmental disabilities services fund of the county. The board shall make appropriations from the fund for payment of services provided under the county management plan approved pursuant to section 331.439. The county may pay for the services in cooperation with other counties by pooling appropriations from the fund with other counties or through county regional

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entities including but not limited to the county's mental health and developmental disabilities regional planning council created pursuant to section 225C.18. The costs of placement, treatment, or other service ordered under chapter 812 shall not be paid from the fund.

Sec. 13. REPEAL. Sections 230.2, 230.3, 230.4, 230.5, 230.6, 230.9, 230.10, 230.11, 230.12, and 230.22, Code 2011, are repealed.

Sec. 14. EFFECTIVE DATE. This division of this Act takes effect July 1, 2012.

DIVISION II

STATE RESOURCE CENTERS

Sec. 15. Section 222.13, Code 2011, is amended to read as follows:

222.13 Voluntary admissions.

1. If an adult person is believed to be a person with mental retardation, the adult person or the adult person's guardian may ~~submit a request through the central point of coordination process for the county board of supervisors to~~ apply to the superintendent of any state resource center for the voluntary admission of the adult person either as an inpatient or an outpatient of the resource center. ~~After determining the legal settlement of the adult person as provided by this chapter, the board of supervisors shall, on forms prescribed by the administrator, apply to the superintendent of the resource center in the district for the admission of the adult person to the resource center.~~ An application for admission to a special unit of any adult person believed to be in need of any of the services provided by the special unit under section 222.88 may be made in the same manner, upon request of the adult person or the adult person's guardian. The superintendent shall accept the application providing a preadmission diagnostic evaluation~~,~~ ~~performed through the central point of coordination process,~~ confirms or establishes the need for admission, except that an application may not be accepted if the institution does not

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have adequate facilities available or if the acceptance will result in an overcrowded condition.

2. If the resource center has no appropriate program for the treatment of an adult or minor person with mental retardation applying under this section or section 222.13A, the ~~board of supervisors~~ central point of coordination for the person's county of residence shall arrange for the placement of the person in any public or private facility within or without the state, approved by the director of the department of human services, which offers appropriate services for the person~~, as determined through the central point of coordination process~~.

3. Upon ~~applying~~ application for admission of an adult or minor person to a resource center, or a special unit, or upon ~~arranging~~ arrangement for the placement of the person in a public or private facility, the ~~board of supervisors~~ superintendent or the department shall make a full investigation into the financial circumstances of that person and those liable for that person's support under section 222.78 to determine whether or not any of them are able to pay the expenses arising out of the admission of the person to a resource center, special treatment unit, or public or private facility. If the ~~board~~ superintendent or the department finds that the person or those legally responsible for the person are presently unable to pay the expenses, ~~the board shall direct that~~ the expenses shall be paid by the ~~county~~ department. The ~~board~~ superintendent or the department may review ~~its~~ the finding at any subsequent time while the person remains at the resource center, or is otherwise receiving care or treatment ~~for which this chapter obligates the county to pay~~. If the ~~board~~ superintendent or the department finds upon review that the person or those legally responsible for the person are presently able to pay the expenses, the finding shall apply only to the charges incurred during the period beginning on the date of the review and continuing thereafter, unless and until the ~~board~~ superintendent or the department again changes ~~its~~

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~~9 1~~ the finding. If the ~~board~~ superintendent or the department
9 2 finds that the person or those legally responsible for the
9 3 person are able to pay the expenses, the ~~board~~ superintendent
9 4 or the department shall direct that the charges be so paid to
9 5 the extent required by section 222.78~~, and the county auditor~~
~~9 6 shall be responsible for the collection of the charges~~.
9 7 Sec. 16. Section 222.13A, subsections 1 and 2, Code 2011,
9 8 are amended to read as follows:
9 9 1. If a minor is believed to be a person with mental
9 10 retardation, the minor's parent, guardian, or custodian may
9 11 ~~request the county board of supervisors to~~ apply for admission
9 12 of the minor as a voluntary patient in a state resource center.
9 13 If the resource center does not have appropriate services for
9 14 the minor's treatment, the ~~board of supervisors~~ central point
9 15 of coordination for the minor's county of residence may arrange
9 16 for the admission of the minor in a public or private facility
9 17 within or without the state, approved by the director of human
9 18 services, which offers appropriate services for the minor's
9 19 treatment.
9 20 2. Upon receipt of an application for voluntary admission
9 21 of a minor, the ~~board of supervisors~~ state resource center
9 22 shall provide for a preadmission diagnostic evaluation of the
9 23 minor to confirm or establish the need for the admission.
9 24 The preadmission diagnostic evaluation shall be performed by
9 25 a person who meets the qualifications of a qualified mental
9 26 retardation professional ~~who is designated through the central~~
~~9 27 point of coordination process~~.
9 28 Sec. 17. Section 222.31, subsection 1, paragraph b, Code
9 29 2011, is amended to read as follows:
9 30 b. (1) Commit the person to the state resource center
9 31 designated by the administrator to serve the county in which
9 32 the hearing is being held, or to a special unit. The court
9 33 shall, prior to issuing an order of commitment, request
9 34 that a diagnostic evaluation of the person be made by the
9 35 superintendent of the resource center or the special unit, or

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10 1 the superintendent's qualified designee. The evaluation shall
10 2 be conducted at a place as the superintendent may direct. The
10 3 cost of the evaluation shall be defrayed by the ~~county of legal~~
~~10 4 settlement~~ department unless otherwise ordered by the court.
10 5 The cost may be equal to but shall not exceed the actual cost
10 6 of the evaluation. Persons referred by a court to a resource
10 7 center or the special unit for diagnostic evaluation shall be
10 8 considered as outpatients of the institution. ~~No~~ An order of
10 9 commitment shall not be issued unless the superintendent of the
10 10 institution recommends that the order be issued, and advises
10 11 the court that adequate facilities for the care of the person
10 12 are available at the state resource center.
10 13 (2) The court shall examine the report of the county
10 14 attorney filed pursuant to section 222.13, and if the report
10 15 shows that neither the person nor those liable for the person's
10 16 support under section 222.78 are presently able to pay the
10 17 charges rising out of the person's care in a resource center,
10 18 or special treatment unit, shall enter an order stating that
10 19 finding and directing that the charges be paid by the ~~person's~~
~~10 20 county of residence~~ department. The court may, upon request
10 21 of the ~~board of supervisors~~ department, review its finding at
10 22 any subsequent time while the person remains at the resource
10 23 center~~, or is otherwise receiving care or treatment for which~~
~~10 24 this chapter obligates the county to pay~~. If the court finds
10 25 upon review that the person or those legally responsible for
10 26 the person are presently able to pay the expenses, that finding
10 27 shall apply only to the charges incurred during the period
10 28 beginning on the date of the ~~board's~~ department's request for
10 29 the review and continuing thereafter, unless and until the
10 30 court again changes its finding. If the court finds that the
10 31 person, or those liable for the person's support, are able
10 32 to pay the charges, the court shall enter an order directing
10 33 that the charges be so paid to the extent required by section
10 34 222.78.
10 35 Sec. 18. Section 222.49, Code 2011, is amended to read as

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11 1 follows:
11 2 222.49 Costs paid.
11 3 1. ~~The~~ Except as provided in subsection 2, the costs of
11 4 proceedings for placement of a person at a state resource
11 5 center shall be ~~defrayed from the county treasury~~ paid by the
11 6 department unless otherwise ordered by the court.
11 7 2. The costs of proceedings for placement of a person at a
11 8 state resource center which commenced prior to July 1, 2012,
11 9 shall be paid by the person's county of legal settlement unless
11 10 otherwise ordered by the court. Such costs shall be paid in
11 11 accordance with this chapter, Code 2011, as applicable.
11 12 3. ~~When~~ If the person alleged to ~~be mentally retarded~~ have
11 13 mental retardation is found not to ~~be mentally retarded~~ have
11 14 mental retardation, the court shall render judgment for such
11 15 costs against the person filing the petition except when the
11 16 petition is filed by order of court.
11 17 Sec. 19. Section 222.50, Code 2011, is amended to read as
11 18 follows:
11 19 222.50 ~~County of legal settlement to pay~~ Payment
11 20 responsibility.
11 21 1. ~~When the~~ Except as provided in subsection 2, if the costs
11 22 of proceedings for placement of a person at a state resource
11 23 center are not paid by the petitioner, the costs shall be paid
11 24 by the department.
11 25 2. If proceedings for placement of a person at a state
11 26 resource center commenced prior to July 1, 2012, and the
11 27 proceedings ~~are~~ were instituted in a county in which the person
11 28 who is alleged to have mental retardation ~~was found~~ resided but
11 29 which is not the county of legal settlement of the person, and
11 30 the costs are not taxed to the petitioner, the county which is
11 31 the legal settlement of the person shall, on presentation of
11 32 a properly itemized bill for such costs, repay the costs to
11 33 the former county. ~~When~~ If the person's legal settlement ~~is~~
~~11 34~~ was outside the state or is unknown, the costs shall be paid
11 35 out of money in the state treasury not otherwise appropriated,

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12 1 itemized on vouchers executed by the auditor of the county
12 2 which paid the costs, and approved by the administrator.
12 3 Sec. 20. Section 222.60, subsection 1, Code 2011, is amended
12 4 to read as follows:
12 5 1. All necessary and legal expenses for the cost of
12 6 admission or commitment or for the treatment, training,
12 7 instruction, care, habilitation, support and transportation
12 8 of persons with mental retardation, as provided for in the
12 9 county management plan provisions implemented pursuant to
12 10 section 331.439, subsection 1, in a state resource center, or
12 11 in a special unit, or any public or private facility within or
12 12 without the state, approved by the director of the department
12 13 of human services, shall be paid by either:
12 14 a. The county in which such person has legal settlement as
12 15 defined in section 252.16, when the person received services at
12 16 a state resource center prior to July 1, 2012. Such expenses
12 17 relating to services received at a state resource center prior
12 18 to July 1, 2012, shall be paid in accordance with this chapter,
12 19 Code 2011, as applicable.
12 20 b. The state when such person has no legal settlement or
12 21 when such settlement is unknown, or when the person receives
12 22 services at a state resource center on or after July 1, 2012.
12 23 Sec. 21. Section 222.63, Code 2011, is amended to read as
12 24 follows:
12 25 222.63 Finding of settlement ==== objection.
12 26 ~~A~~ If payment for a person's necessary and legal expenses
12 27 is a county responsibility under section 222.60, a board of
12 28 supervisors' certification utilizing the central point of
12 29 coordination process that ~~a~~ the person's legal settlement is in
12 30 another county shall be sent by the board of supervisors to the
12 31 auditor of the county of legal settlement. The certification
12 32 shall be accompanied by a copy of the evidence supporting the
12 33 determination. The auditor of the county of legal settlement
12 34 shall submit the certification to the board of supervisors of
12 35 the auditor's county and it shall be conclusively presumed

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that the patient has a legal settlement in that county unless that county disputes the determination of legal settlement as provided in section 225C.8.

Sec. 22. Section 222.64, Code 2011, is amended to read as follows:

222.64 ~~Foreign state or country or unknown~~ State case legal settlement.

If the legal settlement of the person is determined by the board of supervisors through the central point of coordination process to be ~~in~~ a ~~foreign~~ state ~~or country or is determined to be unknown~~ responsibility under section 222.60, the board of supervisors shall certify the determination to the administrator. The certification shall be accompanied by a copy of the evidence supporting the determination. The care of the person shall be as arranged by the board of supervisors or by an order as the court may enter. Application for admission or order of commitment may be made pending investigation by the administrator.

Sec. 23. Section 222.70, Code 2011, is amended to read as follows:

222.70 Legal settlement disputes.

If a dispute arises between counties ~~or between the department and a county~~ as to the legal settlement of a person admitted or committed to a ~~resource center, a special unit, or a~~ community=based service, the dispute shall be resolved as provided in section 225C.8.

Sec. 24. Section 222.78, Code 2011, is amended to read as follows:

222.78 Parents and others liable for support.

The father and mother of any patient admitted or committed to a resource center or to a special unit, as either an inpatient or an outpatient, and any person, firm, or corporation bound by contract made for support of the patient are liable for the support of the patient. The patient and those legally bound for the support of the patient shall be liable to the county

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14 1 for all sums advanced by the county ~~to~~ or the state under the
14 2 provisions of sections 222.60 and 222.77. The liability of
14 3 any person, other than the patient, who is legally bound for
14 4 the support of a patient who is under eighteen years of age
14 5 in a resource center or a special unit shall not exceed the
14 6 average minimum cost of the care of a normally intelligent
14 7 minor without a disability of the same age and sex as the
14 8 minor patient. The administrator shall establish the scale
14 9 for this purpose but the scale shall not exceed the standards
14 10 for personal allowances established by the state division
14 11 under the family investment program. The father or mother
14 12 shall incur liability only during any period when the father
14 13 or mother either individually or jointly receive a net income
14 14 from whatever source, commensurate with that upon which they
14 15 would be liable to make an income tax payment to this state.
14 16 The father or mother of a patient shall not be liable for the
14 17 support of the patient upon the patient attaining eighteen
14 18 years of age. Nothing in this section shall be construed to
14 19 prevent a relative or other person from voluntarily paying the
14 20 full actual cost as established by the administrator for caring
14 21 for the patient with mental retardation.
14 22 Sec. 25. Section 222.79, Code 2011, is amended to read as
14 23 follows:
14 24 222.79 Certification statement presumed correct.
14 25 In actions to enforce the liability imposed by section
14 26 222.78, ~~the~~ a certification statement ~~sent~~ from the
14 27 superintendent ~~to the county auditor pursuant to section 222.74~~
14 28 stating the sums charged in such cases shall be considered to
14 29 be presumptively correct.
14 30 Sec. 26. Section 222.86, Code 2011, is amended to read as
14 31 follows:
14 32 222.86 Payment for care from fund.
14 33 If a patient is not receiving medical assistance under
14 34 chapter 249A and the amount in the account of any patient
14 35 in the patients' personal deposit fund established pursuant

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15 1 to section 222.84 exceeds two hundred dollars, the business
15 2 manager of the resource center or special unit may apply
15 3 any amount of the excess to reimburse the county of legal
15 4 settlement or the state ~~in a case where no legal settlement~~
~~15 5 exists~~, as applicable in accordance with section 222.60, for
15 6 liability incurred by the county or the state for the payment
15 7 of care, support, and maintenance of the patient~~, when billed~~
~~15 8 by the county of legal settlement or by the administrator for a~~
~~15 9 patient having no legal settlement~~ at a state resource center.
15 10 Sec. 27. Section 222.92, subsection 1, Code 2011, is amended
15 11 to read as follows:
15 12 1. The department shall operate the state resource centers
15 13 on the basis of net appropriations from the general fund of
15 14 the state. The appropriation amounts shall be the net amounts
15 15 of state moneys projected to be needed for the state resource
15 16 centers for the fiscal year of the appropriations. The purpose
15 17 of utilizing net appropriations is to encourage the state
15 18 resource centers to operate with increased self=sufficiency, to
15 19 improve quality and efficiency, and to support collaborative
15 20 efforts between the state resource centers and counties and
15 21 other providers of funding for the services available from
15 22 the state resource centers. The state resource centers shall
15 23 not be operated under the net appropriations in a manner that
15 24 results in a cost increase to the state or in cost shifting
15 25 between the state, the medical assistance program, ~~counties,~~ or
15 26 other sources of funding for the state resource centers.
15 27 Sec. 28. Section 222.92, subsection 3, paragraph a, Code
15 28 2011, is amended by striking the paragraph.
15 29 Sec. 29. REPEAL. Sections 222.61, 222.62, 222.65, 222.67,
15 30 222.68, 222.69, 222.73, 222.74, and 222.75, Code 2011, are
15 31 repealed.
15 32 Sec. 30. EFFECTIVE DATE. This division of this Act takes
15 33 effect July 1, 2012.
15 34 DIVISION III
15 35 LEGISLATIVE INTENT AND EFFECTIVE DATES

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16 1 Sec. 31. LEGISLATIVE INTENT ==== PLANNING.
16 2 1. The general assembly intends to assign the
16 3 responsibilities of the state and counties for the costs of
16 4 services as follows:
16 5 a. The necessary and legal nonfederal costs and expenses
16 6 attending the taking into custody, care, investigation,
16 7 admission, commitment, and support of a person with mental
16 8 illness admitted or committed to a federal, state, county, or
16 9 private hospital or facility on or after July 1, 2012, shall be
16 10 paid by the state.
16 11 b. The costs of community=based mental health services for
16 12 adults on or after July 1, 2012, shall be paid by counties.
16 13 c. The nonfederal share of the costs of state resource
16 14 centers on or after July 1, 2012, shall be paid by the state.
16 15 d. The nonfederal share of costs for services, other than
16 16 those associated with the state resource centers, provided to
16 17 adults with mental retardation or intellectual disabilities on
16 18 or after July 1, 2012, shall be paid by counties.
16 19 e. The costs associated with court=ordered commitments of
16 20 persons with mental retardation under chapter 222 on or after
16 21 July 1, 2012, shall be paid by the state.
16 22 2. The department of human services shall work with
16 23 representatives designated by the Iowa state association
16 24 of counties, service providers, and service consumers and
16 25 advocates to develop plans to implement the provisions of
16 26 this Act, including formulating recommendations for statutory
16 27 changes, funding provisions, and other measures to implement
16 28 the intent expressed in subsection 1. In addition, the plans
16 29 and recommendations shall also provide for development and
16 30 funding of a subacute level of care to address behavioral and
16 31 mental health needs of children and adults. The department
16 32 shall report the plans and recommendations to the governor and
16 33 general assembly on or before December 15, 2011.
16 34 3. The office of the citizens' aide shall consult with
16 35 stakeholders in reviewing the role, funding, and appropriate

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17 1 administrative entity for mental health advocates currently
17 2 appointed under section 229.19. The office shall submit
17 3 a report with findings and recommendations to the general
17 4 assembly and governor on or before December 15, 2011.
17 5 Sec. 32. EFFECTIVE DATE. This division of this Act takes
17 6 effect upon enactment.
17 7 EXPLANATION
17 8 This bill revises state and county responsibilities for
17 9 adult mental health, mental retardation, and developmental
17 10 disabilities services effective July 1, 2012. The bill is
17 11 organized into divisions.
17 12 MENTAL HEALTH COMMITMENT AND FACILITY COSTS. This division
17 13 provides for the state to pay necessary and legal nonfederal
17 14 costs and expenses attending the taking into custody, care,
17 15 investigation, admission, commitment, and support of a person
17 16 with mental illness admitted or committed to a federal, state,
17 17 county, or private hospital or facility on or after July
17 18 1, 2012. Current law requires counties to pay capped per
17 19 diem rates for the services at the four state mental health
17 20 institutes and the nonfederal share of other noninstitutional
17 21 mental health services provided to adults with legal settlement
17 22 and for the state to pay for children's services and state
17 23 cases for adults with mental illness.
17 24 Provisions in Code chapter 218, relating to the state
17 25 institutions controlled by the department of human services,
17 26 are amended to provide that certain excess moneys from state
17 27 institution patient wages and accounts are to be paid to the
17 28 department instead of counties. A similar provision in Code
17 29 section 226.45 is also amended.
17 30 Code section 226.9C, relating to operation of the dual
17 31 diagnosis mental health and substance abuse program at the
17 32 state mental health institute at Mount Pleasant on a net
17 33 budgeting basis, is amended to strike a reference to a section
17 34 repealed by the bill.
17 35 Code section 230.1, relating to the liability of the state

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18 1 and counties for the costs and expenses of adults and children
18 2 with mental illness committed to facilities, is amended to
18 3 provide for the state to pay these costs on or after July
18 4 1, 2012. For costs incurred before that date, the payment
18 5 responsibility is determined by the provisions repealed by the
18 6 bill. These provisions assign the responsibility for persons
18 7 age 18 and older to the county of legal settlement or to the
18 8 state when a person has no legal settlement in this state, when
18 9 the person's legal settlement is unknown, or if the person is
18 10 under 18 years of age.
18 11 Code section 230.15, relating to the liability of a person
18 12 with mental illness and persons liable for that person's
18 13 support and establishing a limitation on that liability, is
18 14 amended to also provide for payment to the state. Code section
18 15 230.16, relating to presumption of accuracy of certificates
18 16 from the superintendent of a state resource center in actions
18 17 relating to liability for services, is also made applicable to
18 18 a statement from a county auditor.
18 19 Code section 230.17, relating to the authority of the county
18 20 auditor to compromise a lien for cost liability when in the
18 21 best interests of the county, is expanded to provide similar
18 22 authority to the department of human services when it is in the
18 23 best interests of the state.
18 24 Code section 230.18, relating to liability of an estate to a
18 25 county for costs of services provided in a county hospital or
18 26 home, or in any private hospital or sanatorium, is also made
18 27 applicable to the state.
18 28 Code section 230.20, relating to billings to counties for
18 29 services provided at a state mental health institute and how
18 30 the billings are computed, is amended to repeal the subsections
18 31 involving the requirement for counties to be billed for
18 32 services provided at a state mental health institute and the
18 33 computation methodology. Subsections relating to crediting of
18 34 federal payment offsets and authorization for a state mental
18 35 health institute to provide other services are amended to

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19 1 delete references to county liability for the cost of services.
19 2 Subsection 6, requiring the department to provide information
19 3 possessed by the department to a county, if such information
19 4 is not confidential under law, is modified to apply when the
19 5 county is obligated to pay for services provided outside a
19 6 state mental health institution or other inpatient setting.
19 7 Code section 331.424A, relating to the county mental health,
19 8 mental retardation, and developmental disabilities services
19 9 funds, is amended to prohibit the use of moneys in these funds
19 10 to pay for the costs of placement, treatment, or other service
19 11 ordered by a court under Code chapter 812. This Code chapter
19 12 relates to the confinement of persons accused of a crime who
19 13 may be incompetent to stand trial.
19 14 The following Code sections are repealed by the division:
19 15 section 230.2, relating to finding of legal settlement; section
19 16 230.3, relating to certification of legal settlement; section
19 17 230.4, relating to certification of legal settlement to a
19 18 debtor county; section 230.5, relating to state cases; section
19 19 230.6, relating to investigation of legal settlement by the
19 20 department; section 230.9, relating to changing a state case to
19 21 a county of legal settlement case; section 230.10, requiring
19 22 all legal costs and expenses relating to state hospital
19 23 placements to be charged to the county of legal settlement;
19 24 section 230.11, providing a standing appropriation to repay
19 25 counties for state cases; section 230.12, requiring the state
19 26 and counties to resolve legal settlement disputes using a
19 27 procedure in Code section 225C.8; section 230.20, providing for
19 28 computation of charges and billings to counties for services
19 29 provided at a state mental health institute; and section
19 30 230.22, relating to financial penalties for counties who pay
19 31 the billings late.
19 32 STATE RESOURCE CENTERS. This division provides for the
19 33 state to assume responsibility for the cost of services
19 34 provided at the state resource centers and the costs of
19 35 court=ordered commitments effective July 1, 2012. Current

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20 1 law requires counties to pay capped per diem rates for the
20 2 services. Code chapter 222, relating generally to persons with
20 3 mental retardation and the state resource centers specifically,
20 4 is amended.
20 5 References to county responsibility for the cost of services
20 6 at the state resource centers, court=ordered commitments, and
20 7 county of legal settlement determinations are changed to the
20 8 state, revised, or deleted throughout the chapter. Counties
20 9 retain current responsibility for services provided to adults
20 10 with mental retardation outside the state resource centers.
20 11 The change in legal settlement processes and the shift
20 12 in responsibilities involving the state resource centers
20 13 and court=ordered commitments are specifically addressed in
20 14 the following Code sections: section 222.13, relating to
20 15 voluntary admissions of adults; section 222.13A, relating to
20 16 voluntary admissions of children; section 222.31, relating to
20 17 liability of charges for commitments to placements; section
20 18 222.49, relating to responsibility for the costs of commitment
20 19 proceedings; section 222.50, relating to the county of legal
20 20 settlement's responsibilities for service costs; section
20 21 222.60, relating to state and county responsibilities for
20 22 service costs; section 222.63, relating to certifications
20 23 between counties regarding legal settlement determinations;
20 24 section 222.70, relating to resolution of legal settlement
20 25 disputes; section 222.64, relating to state case legal
20 26 settlement determinations; section 222.70, relating to
20 27 resolution of legal settlement disputes; section 222.78,
20 28 relating to the responsibility of parents and others liable for
20 29 the support of persons placed at a resource center; section
20 30 222.79, relating to state certification of resource center
20 31 cost statements; section 222.86, relating to care payments
20 32 from a special patient fund; and section 222.92, relating to
20 33 the operation of the resource centers using a net general fund
20 34 appropriation.
20 35 The following Code sections are repealed by the division:

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21 1 sections 222.61, 222.62, 222.65, 222.67, 222.68, and 222.69,
21 2 relating to legal settlement determinations, investigations,
21 3 charges, and payments; and sections 222.73, 222.74, and 222.75,
21 4 providing for computation of charges and billings to counties
21 5 for services provided at a state resource center and financial
21 6 penalties for counties who pay the billings late.
21 7 LEGISLATIVE INTENT AND EFFECTIVE DATES. This division
21 8 states legislative intent as to the change in responsibilities
21 9 between the state and counties and requires the department
21 10 of human services to work with representatives designated by
21 11 the Iowa state association of counties, service providers,
21 12 and service consumers and advocates to develop plans to
21 13 implement the bill and intent expressed, including formulating
21 14 recommendations for statutory changes, funding provisions, and
21 15 other measures. The department is also required to address
21 16 implementation of a subacute level of care for children and
21 17 adults with behavioral and mental health needs. The department
21 18 is required to report the plans and recommendations to the
21 19 governor and general assembly on or before December 15, 2011.
21 20 The office of the citizens' aide is required to review and make
21 21 recommendations regarding the appropriate role, funding, and
21 22 administrative entity for mental health advocates generally
21 23 appointed by the courts and funded by counties. This provision
21 24 takes effect upon enactment and the remainder of the bill takes
21 25 effect July 1, 2012.
21 26 The bill amends numerous Code provisions and other
21 27 amendments of related provisions will be necessary to fully
21 28 implement this bill.
LSB 2160YH (9) 84
jp/nh

House File 479 - Introduced

HOUSE FILE
BY SWAIM

A BILL FOR

An Act relating to the definition of assault in the criminal code.
BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 1159HH (3) 84
jm/rj

House File 479 - Introduced continued

PAG LIN

1 1 Section 1. Section 708.1, subsection 1, Code 2011, is
1 2 amended to read as follows:
1 3 1. Any act which is intended to cause pain or injury to, or
1 4 which is intended to result in physical contact which will be
1 5 insulting or offensive to another, ~~coupled with the apparent~~
~~1 6 ability to execute the act~~ and results in physical contact.
1 7 EXPLANATION
1 8 This bill relates to the term "assault" in the criminal code.
1 9 The amendment to Code section 708.1(1) modifies "assault"
1 10 to mean any act which is intended to cause pain or injury to,
1 11 or which is intended to result in physical contact which will
1 12 be insulting or offensive to another, and results in physical
1 13 contact. Under current law, "assault" means any act which is
1 14 intended to cause pain or injury to, or which is intended to
1 15 result in physical contact which will be insulting or offensive
1 16 to another, coupled with the apparent ability to execute the
1 17 act.
1 18 The bill does not modify the other portions of the definition
1 19 of "assault" in Code section 708.1.
1 20 The modification of the definition of "assault" directly
1 21 or indirectly affects the following criminal or juvenile
1 22 offenses and procedures: domestic death review team (135.108),
1 23 dispositional orders in juvenile court (232.52), definition
1 24 of domestic abuse (236.2), school suspension or expulsion
1 25 (282.4), murder in the first degree (707.2), penalties for
1 26 assault (708.2), enhanced penalties for domestic abuse assault
1 27 (708.2A), treatment of domestic abuse offenders (708.2B),
1 28 assault in violation of individual rights (708.2C), assault
1 29 while participating in a felony (708.3), assault on persons
1 30 engaged in certain occupations (708.3A), inmate assaults
1 31 (708.3B), assault with intent to commit sexual abuse (709.11),
1 32 aggravated theft (714.3A), interference with official acts
1 33 (719.1), weapons offenses (724.26), required tests for
1 34 infectious diseases (905.15), and deferred judgment eligibility
1 35 (907.3). The term "assault" appears numerous other times

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2 1 in the Code without a direct reference to the definition of
2 2 assault (708.1).
2 3 The bill affects the prosecution of a criminal offense where
2 4 an "assault" is an element of that criminal offense or a lesser
2 5 included offense of a greater offense charged by indictment or
2 6 information, e.g., willful injury (708.4).
LSB 1159HH (3) 84
jm/rj

House File 480 - Introduced

HOUSE FILE
BY BERRY

A BILL FOR

An Act relating to restoration of rights of citizenship for persons convicted of a crime.

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

TLSB 2373HH (2) 84
jm/sc

House File 480 - Introduced continued

PAG LIN

1 1 Section 1. NEW SECTION. 914.8 Restoration of rights of
1 2 citizenship ==== notification.
1 3 1. A person convicted of a felony criminal offense who
1 4 has been discharged from probation under section 907.9,
1 5 discharged from parole or work release under section 906.15,
1 6 or who has been released from confinement under section 902.6
1 7 because the person has discharged the person's sentence, shall
1 8 be immediately notified by the releasing agency that the
1 9 citizenship rights of the person may be restored if the person
1 10 has paid, in full, any restitution assessed in the case causing
1 11 the loss of citizenship rights.
1 12 2. The notification provided pursuant to this section shall
1 13 include a brief description of the process in section 914.1
1 14 through 914.6 for restoration of rights of citizenship. The
1 15 notification may also include any applicable forms, internet
1 16 sites, and contact information that may assist the person in
1 17 achieving restoration of rights of citizenship.
1 18 EXPLANATION
1 19 This bill relates to the restoration of the rights of
1 20 citizenship for persons convicted of a crime.
1 21 Under the bill, a person convicted of a felony criminal
1 22 offense who has been discharged from probation under Code
1 23 section 907.9, discharged from parole or work release under
1 24 Code section 906.15, or who has been released from confinement
1 25 under Code section 902.6 because the person has discharged
1 26 the person's sentence, shall be immediately notified by the
1 27 releasing agency that the citizenship rights of the person may
1 28 be restored if the person has paid, in full, any restitution
1 29 assessed in the case causing the loss of citizenship rights.
1 30 The notification required by the bill shall include a brief
1 31 description of the restoration of the rights of citizenship
1 32 process. Any notification provided under the bill may
1 33 also include applicable forms, internet sites, and contact
1 34 information that may assist the person in achieving the
1 35 restoration of the rights of citizenship.

LSB 2373HH (2) 84
jm/sc

House File 481 - Introduced

HOUSE FILE
BY COMMITTEE ON
AGRICULTURE

(SUCCESSOR TO HSB 149)

A BILL FOR

An Act relating to reimbursement for state audits of certain commodity organizations, and including effective date provisions.

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

TLSB 2118HV (1) 84
da/nh

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PAG LIN

1 1 Section 1. Section 182.18, subsection 1, Code 2011, is
1 2 amended to read as follows:
1 3 1. Moneys collected under this chapter are subject to audit
1 4 by the auditor of state and shall be used by the Iowa sheep and
1 5 wool promotion board first for the payment of collection and
1 6 refund expenses, second for payment of the costs and expenses
1 7 arising in connection with conducting referendums, and third
1 8 for the purposes identified in section 182.11~~, and fourth for~~
~~1 9 the cost of audits for the auditor of state~~. Moneys of the
1 10 board remaining after a referendum is held at which a majority
1 11 of the voters favor termination of the board and the assessment
1 12 shall continue to be expended in accordance with this chapter
1 13 until exhausted. ~~The auditor of state may seek reimbursement~~
~~1 14 for the cost of the audit.~~
1 15 Sec. 2. Section 184.14, subsection 2, Code 2011, is amended
1 16 to read as follows:
1 17 2. Moneys collected, deposited in the fund, and transferred
1 18 to the council as provided in this chapter are subject to
1 19 audit by the auditor of state. ~~The auditor of state may~~
~~1 20 seek reimbursement for the cost of the audit.~~ The moneys
1 21 transferred to the council shall be used by the council first
1 22 for the payment of collection expenses, second for payment of
1 23 the costs and expenses arising in connection with conducting
1 24 referendums, and third to perform the functions and carry out
1 25 the duties of the council as provided in this chapter~~, and~~
~~1 26 fourth for the cost of audits by the auditor of state~~. Moneys
1 27 remaining after the council is abolished and the imposition of
1 28 an assessment is terminated pursuant to a referendum conducted
1 29 pursuant to section 184.5 shall continue to be expended in
1 30 accordance with this chapter until exhausted.
1 31 Sec. 3. Section 184A.6, subsection 2, Code 2011, is amended
1 32 to read as follows:
1 33 2. The council shall expend moneys from the account first
1 34 for the payment of expenses for the collection of assessments,
1 35 ~~second~~ and then for the payment of expenses related to

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2 1 conducting a referendum as provided in section 184A.12~~,~~
~~2 2 and third for the cost of audits by the auditor of state as~~
~~2 3 required in section 184A.9~~. The council shall expend remaining
2 4 moneys for market development, producer education, and the
2 5 payment of refunds to producers as provided in this chapter.
2 6 Sec. 4. Section 184A.9, Code 2011, is amended to read as
2 7 follows:
2 8 184A.9 Audit.
2 9 Moneys required to be deposited in the turkey council
2 10 account as provided in section 184A.4 shall be subject to
2 11 audit by the auditor of state. ~~The auditor of state may seek~~
~~2 12 reimbursement for the cost of the audit from moneys deposited~~
~~2 13 in the turkey council account.~~
2 14 Sec. 5. Section 185C.26, Code 2011, is amended to read as
2 15 follows:
2 16 185C.26 Deposit of moneys ==== corn promotion fund.
2 17 A state assessment collected by the board from a sale of corn
2 18 shall be deposited in the office of the treasurer of state in
2 19 a special fund known as the corn promotion fund. The fund may
2 20 include any gifts, rents, royalties, interest, license fees,
2 21 or a federal or state grant received by the board. Moneys
2 22 collected, deposited in the fund, and transferred to the board
2 23 as provided in this chapter shall be subject to audit by the
2 24 auditor of state. ~~The auditor of state may seek reimbursement~~
~~2 25 for the cost of the audit from moneys deposited in the fund as~~
~~2 26 provided in this chapter.~~ The department of administrative
2 27 services shall transfer moneys from the fund to the board
2 28 for deposit into an account established by the board in a
2 29 qualified financial institution. The department shall transfer
2 30 the moneys as provided in a resolution adopted by the board.
2 31 However, the department is only required to transfer moneys
2 32 once during each day and only during hours when the offices of
2 33 the state are open. From moneys collected, the board shall
2 34 first pay all the direct and indirect costs incurred by the
2 35 secretary and the costs of referendums, elections, and other

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3 1 expenses incurred in the administration of this chapter, before
3 2 moneys may be expended for the purpose of carrying out the
3 3 purposes of this chapter as provided in section 185C.11.
3 4 Sec. 6. EFFECTIVE UPON ENACTMENT. This Act, being deemed of
3 5 immediate importance, takes effect upon enactment.
3 6 EXPLANATION
3 7 This bill relates to four commodity organizations
3 8 representing producers of sheep (and wool), eggs, turkeys,
3 9 and corn. The marketing, research, and promotional purposes
3 10 of these organizations are financed by an excise tax or state
3 11 assessment (commonly referred to as a checkoff) imposed upon
3 12 the first purchasers of the commodities. Moneys derived from
3 13 each checkoff are controlled by the governing body of each
3 14 organization, including the Iowa sheep and wool promotion
3 15 board, the Iowa egg council, the Iowa turkey marketing council,
3 16 and the Iowa corn promotion board. In each case, the collected
3 17 moneys are subject to audit by the auditor of state. In 2010,
3 18 the general assembly enacted S.F. 2367 (2010 Iowa Acts, ch.
3 19 1189) which amended a number of sections referring to those
3 20 audits, by authorizing the auditor of state to be reimbursed
3 21 from the organizations for the cost of the audits. This
3 22 bill eliminates the changes made in S.F. 2367 and restores
3 23 the sections to the language as it existed prior to that
3 24 legislation.
3 25 The bill takes effect upon enactment.
LSB 2118HV (1) 84
da/nh

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HOUSE FILE
BY COMMITTEE ON COMMERCE

(SUCCESSOR TO HSB 125)

A BILL FOR

An Act relating to various matters under the purview of the insurance division of the department of commerce.
BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 2660HV (2) 84
av/sc

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PAG LIN

1 1 Section 1. Section 502.604, subsections 2 and 4, Code 2011,
1 2 are amended to read as follows:
1 3 2. Summary process. An order under subsection 1 is
1 4 effective on the date of issuance. Upon issuance of the order,
1 5 the administrator shall promptly serve each person subject to
1 6 the order with a copy of the order and a notice that the order
1 7 has been entered. The order must include a statement of any
1 8 restitution order, civil penalty, or costs of investigation
1 9 the administrator will seek, a statement of the reasons for
1 10 the order, and notice that, within thirty days after receipt
1 11 of a request in a record from the person, the matter will be
1 12 scheduled for a hearing. If a person subject to the order does
1 13 not request a hearing and none is ordered by the administrator
1 14 within thirty days after the date of service of the order,
1 15 the order, including an order for restitution, the imposition
1 16 of a civil penalty, or a requirement for payment of costs of
1 17 investigation sought in the order, becomes final as to that
1 18 person by operation of law. If a hearing is requested or
1 19 ordered, the administrator, after notice of and opportunity
1 20 for hearing to each person subject to the order, may modify or
1 21 vacate the order or extend it until final determination.
1 22 4. Civil penalty ==== restitution ==== corrective action. In
1 23 a final order under subsection 3, the administrator may
1 24 impose a civil penalty up to an amount not to exceed a
1 25 maximum of five thousand dollars for a single violation or
1 26 five hundred thousand dollars for more than one violation,
1 27 order restitution, or take other corrective action as the
1 28 administrator deems necessary and appropriate to accomplish
1 29 compliance with the laws of the state relating to all
1 30 securities business transacted in the state.
1 31 Sec. 2. Section 505.8, subsections 1 and 10, Code 2011, are
1 32 amended to read as follows:
1 33 1. The commissioner of insurance shall be the head of the
1 34 division, and shall have general control, supervision, and
1 35 direction over all insurance business transacted in the state,

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and shall enforce all the laws of the state relating to ~~such~~ federal and state insurance business transacted in the state.

10. The commissioner may, after a hearing conducted pursuant to chapter 17A, assess fines or penalties, assess costs of an investigation or proceeding, order restitution, or take other corrective action as the commissioner deems necessary and appropriate to accomplish compliance with the laws of the state relating to all insurance business transacted in the state.

Sec. 3. Section 505.8, Code 2011, is amended by adding the following new subsection:

NEW SUBSECTION. 19. The commissioner may adopt administrative rules pursuant to chapter 17A as necessary to effectuate the insurance provisions of the federal Patient Protection and Affordable Care Act of 2010, or other applicable federal laws.

Sec. 4. Section 505.18, subsection 2, unnumbered paragraph 1, Code 2011, is amended to read as follows:

The commissioner in collaboration with the consumer advocate shall prepare and deliver a report to the governor and to the general assembly no later than November 15 of each year that provides findings regarding health spending costs for health insurance ~~plans~~ carriers in the state for the previous ~~fiscal~~ calendar year. The commissioner may contract with outside vendors or entities to assist in providing the information contained in the annual report. The report shall provide, at a minimum, the following information:

Sec. 5. Section 505.18, subsection 2, paragraph d, Code 2011, is amended to read as follows:

d. A ranking and quantification of those factors that result in higher costs and those factors that result in lower costs for each health insurance ~~plan offered~~ carrier in the state.

Sec. 6. Section 505.19, subsection 3, Code 2011, is amended to read as follows:

3. The consumer advocate shall solicit public comments on

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each proposed health insurance rate increase application if the increase exceeds the average annual health spending growth rate as provided in subsection 1, and shall post without delay during the normal business hours of the division, all comments received on the insurance division's internet site prior to approval or disapproval of the proposed rate increase by the commissioner.

Sec. 7. Section 507E.8, Code 2011, is amended to read as follows:

507E.8 ~~Peace~~ Law enforcement officer status.

1. Bureau investigators shall have the power and status of ~~peace~~ law enforcement officers who by the nature of their duties may be required to perform the duties of a peace officer when making arrests for criminal violations established as a result of their investigations pursuant to this chapter.

2. The general laws applicable to arrests by ~~peace~~ law enforcement officers of the state also apply to bureau investigators. Bureau investigators shall have the power to execute arrest warrants and search warrants for the same criminal violations, serve subpoenas issued for the examination, investigation, and trial of all offenses identified through their investigations, and arrest upon probable cause without warrant a person found in the act of committing a violation of the provisions of this chapter.

Sec. 8. Section 508C.5, Code 2011, is amended by adding the following new subsections:

NEW SUBSECTION. 2A. "Authorized assessment", or the term "authorized" when used in the context of an assessment, means that a resolution has been passed by the board of directors of the association whereby an assessment will be called immediately or in the future from member insurers for a specified amount. An assessment is authorized when the resolution is passed.

NEW SUBSECTION. 2B. "Benefit plan" means a specific employee, union, or association of natural persons benefit

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4 1 plan.
4 2 NEW SUBSECTION. 2C. "Called assessment", or the term
4 3 "called" when used in the context of an assessment, means that
4 4 a notice has been issued by the association to member insurers
4 5 requiring that an authorized assessment be paid within the time
4 6 frame set forth within the notice. An authorized assessment
4 7 becomes a called assessment when notice is mailed by the
4 8 association to member insurers.
4 9 Sec. 9. Section 508C.5, subsection 5, Code 2011, is amended
4 10 to read as follows:
4 11 5. "Covered policy" means a policy or contract ~~within the~~
~~4 12 scope of this chapter as~~ or a portion of a policy or contract
4 13 for which coverage is provided under section 508C.3.
4 14 Sec. 10. Section 508C.5, Code 2011, is amended by adding the
4 15 following new subsections:
4 16 NEW SUBSECTION. 12A. "Plan sponsor" means any of the
4 17 following:
4 18 a. The employer in the case of a benefit plan established or
4 19 maintained by a single employer.
4 20 b. The employee organization in the case of a benefit plan
4 21 established or maintained by an employee organization.
4 22 c. In the case of a benefit plan established or maintained
4 23 by two or more employers or jointly by one or more employers
4 24 and one or more employee organizations, the association,
4 25 committee, joint board of trustees, or other similar group of
4 26 representatives of the parties who establish or maintain the
4 27 benefit plan.
4 28 NEW SUBSECTION. 13A. "Principal place of business" of a
4 29 plan sponsor or a person other than a natural person means the
4 30 single state in which the natural persons who establish policy
4 31 for the direction, control, and coordination of the operations
4 32 of the entity as a whole primarily exercise that function as
4 33 determined pursuant to section 508C.8A.
4 34 NEW SUBSECTION. 13B. "Receivership court" means a court in
4 35 an insolvent or impaired insurer's state having jurisdiction

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5 1 over the conservation, rehabilitation, or liquidation of the
5 2 insurer.
5 3 Sec. 11. Section 508C.5, subsection 14, Code 2011, is
5 4 amended to read as follows:
5 5 14. "Resident" means a person to whom a contractual
5 6 obligation is owed and who resides in a state on the date of
5 7 entry of a court order that determines a member insurer is an
5 8 impaired insurer or a court order that determines a member
5 9 insurer is an insolvent insurer~~, whichever occurs first~~. A
5 10 person may be a resident of only one state, which in the case of
5 11 a person other than a natural person shall be the state of that
5 12 person's principal place of business. A citizen of the United
5 13 States who is a resident of a foreign country, or is a resident
5 14 of a United States possession, territory, or protectorate that
5 15 does not have an association similar to the association created
5 16 by this chapter, shall be deemed a resident of the state or
5 17 domicile of the insurer that issued the policy or contract.
5 18 Sec. 12. NEW SECTION. 508C.8A Principal place of business
5 19 ==== determination.
5 20 1. The principal place of business of a plan sponsor or a
5 21 person other than a natural person shall be determined by the
5 22 association in its reasonable judgment by considering all of
5 23 the following factors:
5 24 a. The state in which the primary executive and
5 25 administrative headquarters of the entity is located.
5 26 b. The state in which the principal office of the chief
5 27 executive officer of the entity is located.
5 28 c. The state in which the board of directors or similar
5 29 governing person or persons of the entity conducts the majority
5 30 of its meetings.
5 31 d. The state in which the executive or management committee
5 32 of the board of directors or similar governing person or
5 33 persons of the entity conducts the majority of its meetings.
5 34 e. The state from which the management of the overall
5 35 operations of the entity is directed.

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2. In the case of a benefit plan sponsored by affiliated companies comprising a consolidated corporation, the principal place of business of the entity shall be deemed to be the state in which the holding company or controlling affiliate has its principal place of business as determined by the association using the factors enumerated in subsection 1. However, if more than fifty percent of the participants in the benefit plan are employed in a single state, that state shall be determined to be the principal place of business of the entity.

3. In the case of a benefit plan established or maintained by two or more employers, or jointly by one or more employers and one or more employee organizations, the principal place of business of the entity shall be deemed to be the principal place of business of the association, committee, joint board of trustees, or other similar group of representatives of the parties who establish or maintain the benefit plan. In lieu of a specific or clear designation of the principal place of business of the entity under this subsection, the principal place of business of the entity shall be deemed to be the principal place of business of the employer or employee organization that has the largest investment in the benefit plan in question.

Sec. 13. Section 508C.9, subsections 2 through 6, Code 2011, are amended to read as follows:

2. There are two classes of assessments as follows:

a. Class A assessments shall be ~~made~~ authorized and called for the purpose of meeting administrative and legal costs and other ~~general~~ expenses ~~and examinations conducted under section 508C.12, subsection 5,~~. Class A assessments may be authorized and called whether or not related to a particular impaired or insolvent insurer.

b. Class B assessments shall be ~~made~~ authorized and called to the extent necessary to carry out the powers and duties of the association under section 508C.8 with regard to an impaired ~~domestic insurer~~ or an insolvent ~~domestic, foreign, or alien~~

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7 1 insurer.
7 2 3. a. The amount of a class A assessment shall be
7 3 determined by the board ~~and to the extent that class A~~
~~7 4 assessments do not exceed one hundred dollars per company~~
~~7 5 in any one calendar year may be made on a per capita basis~~
~~7 6~~ and may be authorized and called on a pro rata or non=pro
7 7 rata basis. If pro rata, the board may provide that the
7 8 assessment be credited against future class B assessments.
7 9 The total of all non=pro rata assessments shall not exceed
7 10 three hundred dollars per member insurer in any one calendar
7 11 year. The amount of a class B assessment shall be allocated
7 12 for assessment purposes among the accounts ~~as the liabilities~~
~~7 13 and expenses of the association, either experienced or~~
~~7 14 reasonably expected, are attributable to those accounts, all~~
~~7 15 as determined by the association and on as equitable a basis~~
~~7 16 as is reasonably practical~~ pursuant to an allocation formula
7 17 which may be based on the premiums or reserves of the impaired
7 18 or insolvent insurer or on any other standard deemed by the
7 19 board in its sole discretion as being fair and reasonable under
7 20 the circumstances.
7 21 b. Class ~~A assessments in excess of one hundred dollars~~
~~7 22 per company per calendar year and class~~ B assessments against
7 23 member insurers for each account shall be in the proportion
7 24 that the average of the aggregate premiums received on business
7 25 in this state by each assessed member insurer on policies or
7 26 contracts ~~related to that~~ covered by each account for the three
7 27 most recent calendar years for which information is available,
7 28 preceding the year in which the insurer became ~~impaired or~~
7 29 insolvent, ~~is~~ or, in the case of an assessment with respect to
7 30 an impaired insurer, the three most recent calendar years for
7 31 which information is available preceding the year in which the
7 32 insurer became impaired, bears to the ~~average of the aggregate~~
7 33 premiums received on business in this state for those calendar
7 34 years by all assessed member insurers ~~on policies related to~~
~~7 35 that account for the three most recent calendar years for which~~

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~~8 1 information is available preceding the assessment~~.
8 2 c. Assessments for funds to meet the requirements of the
8 3 association with respect to an impaired or insolvent insurer
8 4 shall not be ~~made~~ authorized or called until necessary to
8 5 implement the purposes of this chapter. Classification
8 6 of assessments under ~~this~~ subsection 2 and computation
8 7 of assessments under this subsection shall be made with
8 8 a reasonable degree of accuracy, recognizing that exact
8 9 determinations may not always be possible. The association
8 10 shall notify each member insurer of its anticipated pro rata
8 11 share of an authorized assessment not yet called within one
8 12 hundred eighty days after the assessment is authorized.
8 13 4. The association may abate or defer, in whole or in part,
8 14 the assessment of a member insurer if, in the opinion of the
8 15 board, payment of the assessment would endanger the ability of
8 16 the member insurer to fulfill its contractual obligations. If
8 17 an assessment against a member insurer is abated or deferred,
8 18 in whole or in part, the amount by which the assessment is
8 19 abated or deferred may be assessed against the other member
8 20 insurers in a manner consistent with the basis for assessments
8 21 set forth in this section. Once the conditions that caused
8 22 an abatement or deferral have been removed or rectified, the
8 23 member insurer shall pay all assessments that were abated
8 24 or deferred pursuant to a repayment plan approved by the
8 25 association.
8 26 5. a. (1) ~~The~~ Subject to the provisions of subparagraph
8 27 (2) of this paragraph "a", the total of all assessments ~~upon~~
~~8 28~~ authorized by the association with respect to a member insurer
8 29 for each ~~account~~ of the accounts established pursuant to
8 30 section 508C.6, and designated as the health insurance account,
8 31 the life insurance account, the annuity account, and the
8 32 unallocated annuity contract account, shall not in any one
8 33 calendar year exceed two percent of ~~the average of the~~ that
8 34 member insurer's average annual premiums received in this state
8 35 on the policies and contracts covered by the account during

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the three ~~most recent~~ calendar years ~~for which information is available,~~ preceding the year in which the insurer becomes impaired or insolvent~~, on the policies related to that account~~.

(2) ~~However, if~~ If two or more assessments are authorized in one calendar year with respect to insurers that become impaired or insolvent in different calendar years, the average annual premiums for purposes of the aggregate assessment percentage limitation referred to in subparagraph (1) of this paragraph "a" shall be equal~~,~~ and limited~~,~~ to the higher of the three=year average annual premiums for the applicable account as calculated pursuant to this section.

(3) If the maximum assessment ~~for an account~~, together with the other assets of the association in the account, does not provide in ~~any~~ one year in ~~the~~ either account an amount sufficient to carry out the responsibilities of the association, the necessary additional funds shall be assessed for the account in succeeding years as soon as permitted by this chapter.

b. The board may provide in its plan of operation a method of allocating funds among claims, whether relating to one or more impaired or insolvent insurers, when the maximum assessment will be insufficient to cover anticipated claims.

~~b.~~ c. If the maximum assessment ~~under paragraph "a"~~ for ~~any account, other than the health insurance account,~~ either the life insurance account, the annuity account, or the unallocated annuity contract account in one year does not provide an amount sufficient to carry out the responsibilities of the association ~~in any succeeding year~~, the board, pursuant to subsection 3, paragraph ~~"a"~~ "b", shall ~~assess~~ access any of the other said accounts for the necessary additional amount ~~and allocate the amount for assessment among the accounts, other than the health insurance account, in the following sequence: from the life insurance account, to the annuity account, to the unallocated annuity contract account; from the annuity account, to the unallocated annuity contract account, to the life insurance~~

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~~10 1 account; from the unallocated annuity contract account, to the~~
~~10 2 annuity account, to the life insurance account; provided that~~
~~10 3 no amount shall be allocated to an account for assessment until~~
~~10 4 the maximum amount has been allocated to the preceding account~~,
10 5 subject to the maximum assessments stated in paragraph "a" of
10 6 this subsection.
10 7 6. By an equitable method as established in the plan
10 8 of operation, the board may refund to member insurers, in
10 9 proportion to the contribution of each insurer to that account,
10 10 the amount by which the assets of the account, including assets
10 11 accruing from assignment, subrogation, net realized gains, and
10 12 income from investments, exceed the amount the board finds is
10 13 necessary to carry out during the coming year the obligations
10 14 of the association with regard to that account. A reasonable
10 15 amount may be retained in any account to provide funds for the
10 16 continuing expenses of the association and for future ~~losses if~~
~~10 17 refunds are impractical~~ claims.
10 18 Sec. 14. Section 508C.9, Code 2011, is amended by adding the
10 19 following new subsections:
10 20 NEW SUBSECTION. 9. a. A member insurer that wishes to
10 21 protest all or part of an assessment shall pay when due the
10 22 full amount of the assessment as set forth in the notice
10 23 provided by the association. The payment shall be made
10 24 available to meet association obligations during the pendency
10 25 of the protest or any subsequent appeal. The payment shall
10 26 be accompanied by a statement in writing that the payment is
10 27 made under protest and setting forth a brief statement of the
10 28 grounds for the protest.
10 29 b. Within sixty days following the payment of an assessment
10 30 under protest by a member insurer, the association shall
10 31 either notify the protesting member insurer in writing of
10 32 its determination with respect to the protest or notify the
10 33 protesting member insurer that additional time is required to
10 34 resolve the issues raised by the protest.
10 35 c. Within thirty days after a final decision has been made,

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the association shall notify the protesting member insurer in writing of that final decision. Within sixty days of receipt of notice of the final decision, the protesting member insurer may appeal that final decision to the commissioner.

d. As an alternative to rendering a final decision with respect to a protest of an assessment, the association may refer the protest to the commissioner for a final decision, with or without a recommendation from the association.

e. If a protest or subsequent appeal of an assessment is upheld in favor of the protesting member insurer, the amount paid in error or the excess shall be refunded to the member insurer. Interest on a refund due a protesting member insurer shall be paid at the rate actually earned by the association during the pendency of the protest or any subsequent appeal.

NEW SUBSECTION. 10. The association may request information from member insurers in order to aid in the exercise of the association's power under this section, and the member insurers shall promptly comply with such a request.

Sec. 15. Section 508C.11, subsection 1, paragraph c, Code 2011, is amended by striking the paragraph.

Sec. 16. Section 508C.11, subsection 3, Code 2011, is amended to read as follows:

3. ~~An~~ A final action of the board of directors or the association may be appealed to the commissioner by a member insurer if the appeal is taken within ~~thirty~~ sixty days of the member insurer's receipt of notice of the final action being appealed. A final action or order of the commissioner is subject to judicial review pursuant to chapter 17A in a court of competent jurisdiction.

Sec. 17. Section 508C.12, subsection 1, paragraphs b through d, Code 2011, are amended to read as follows:

b. Report to the board of directors when the commissioner has taken any of the actions set forth in paragraph "a" or has received a report from any other commissioner indicating that ~~a member insurer is impaired or insolvent~~ such action has been

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12 1 taken in another state. Reports to the board of directors
12 2 shall contain all significant details of the action taken or
12 3 the report received from another commissioner.
12 4 c. Report to the board of directors when there is reasonable
12 5 cause to believe from an examination, whether completed or in
12 6 process, of a member ~~company~~ insurer that the ~~company~~ insurer
12 7 may be an impaired or insolvent insurer.
12 8 d. Furnish to the board of directors the national
12 9 association of insurance commissioners' ~~early warning tests.~~
~~12 10 The~~ insurance regulatory information system ratios, and
12 11 listing of insurers not included in the ratios, developed
12 12 by the national association of insurance commissioners, and
12 13 the board may use the information in carrying out its duties
12 14 and responsibilities under this section. The report and the
12 15 information contained in the report shall be kept confidential
12 16 by the board of directors until such time as it is made public
12 17 by the commissioner or other lawful authority.
12 18 Sec. 18. Section 508C.12, subsection 2, Code 2011, is
12 19 amended to read as follows:
12 20 2. The commissioner may seek the advice and recommendations
12 21 of the board of directors concerning any matter affecting
12 22 the commissioner's duties and responsibilities regarding the
12 23 financial condition of member ~~companies~~ insurers and companies
12 24 seeking admission to transact insurance business in this state.
12 25 Sec. 19. Section 508C.12, subsection 7, Code 2011, is
12 26 amended by striking the subsection.
12 27 Sec. 20. Section 508C.16, Code 2011, is amended to read as
12 28 follows:
12 29 508C.16 Immunity ==== indemnification.
12 30 1. A member insurer and its agents and employees, the
12 31 association and its agents and employees, members of the board
12 32 of directors, and the commissioner and the commissioner's
12 33 representatives are not liable for any action taken by them
12 34 or omission by them while acting within the scope of their
12 35 employment and in the performance of their powers and duties

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13 1 under this chapter and such immunity granted under this section
13 2 shall extend to their participation in any organization of one
13 3 or more state associations of similar purposes and to that
13 4 organization and its agents and employees.
13 5 2. Sections 490.850 through 490.859 apply to the
13 6 association.
13 7 Sec. 21. Section 508C.17, Code 2011, is amended to read as
13 8 follows:
13 9 508C.17 Stay of proceedings ==== reopening default judgments.
13 10 Proceedings in which the insolvent insurer is a party in a
13 11 court in this state shall be stayed ~~sixty~~ one hundred eighty
13 12 days from the date an order of liquidation, rehabilitation,
13 13 or conservation is final to permit proper legal action by the
13 14 association on matters germane to its powers or duties. The
13 15 association may apply to have a judgment under a decision,
13 16 order, verdict, or finding based on default, set aside by the
13 17 same court that entered the judgment, and shall be permitted to
13 18 defend against the suit on the merits.
13 19 Sec. 22. Section 508C.18, Code 2011, is amended to read as
13 20 follows:
13 21 508C.18 Prohibited advertisements.
13 22 A person, including an insurer, agent or affiliate of an
13 23 insurer, shall not make, publish, disseminate, circulate, or
13 24 place before the public, or cause directly or indirectly, to
13 25 be made, published, disseminated, circulated, or placed before
13 26 the public in a newspaper, magazine, or other publication,
13 27 or in the form of a notice, circular, pamphlet, letter, or
13 28 poster, or over a radio station or television station, or in
13 29 any other way, an advertisement, announcement, or statement,
13 30 written or oral, which uses the existence of the insurance
13 31 guaranty association of this state for the purpose of sales,
13 32 solicitation, or inducement to purchase any form of insurance
13 33 covered by this chapter. However, this section does not apply
13 34 to the association or any other entity which does not sell or
13 35 solicit insurance.

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14 1 Sec. 23. NEW SECTION. 508C.18A Notice to policyholders ====
14 2 summary of chapter and disclosure.
14 3 1. a. Within one hundred eighty days after enactment of
14 4 this section, the association shall prepare a summary document
14 5 describing the general purposes and current provisions of
14 6 this chapter and containing a disclosure in compliance with
14 7 subsection 2. This summary document shall be submitted to the
14 8 commissioner for approval. The approved summary document and
14 9 disclosure shall be delivered to the owner of an insurance
14 10 policy or contract as provided in this section.
14 11 b. This subsection is repealed July 1, 2012.
14 12 2. a. On or after March 1, 2012, an insurer shall not
14 13 deliver an insurance policy or contract in Iowa to the owner
14 14 of the policy or contract unless a summary document describing
14 15 the general purposes and current provisions of this chapter
14 16 and containing a disclosure in compliance with subsection 3 is
14 17 delivered to the policy or contract owner at the same time.
14 18 b. The summary document shall also be available upon request
14 19 by an insurance policy or contract owner.
14 20 c. The distribution, delivery, contents, or interpretation
14 21 of this summary document does not guarantee that either
14 22 the insurance policy or contract or the owner of the policy
14 23 or contract is covered in the event of the impairment or
14 24 insolvency of a member insurer.
14 25 d. The summary document shall be revised by the association
14 26 and approved by the commissioner as amendments to this chapter
14 27 may require. Failure to receive a summary document does not
14 28 give the insurance policy or contract owner, certificate
14 29 holder, or insured any greater rights than those stated in this
14 30 chapter.
14 31 3. The summary document prepared pursuant to this section
14 32 shall contain a clear and conspicuous disclosure on its face.
14 33 The commissioner shall establish the form and content of the
14 34 disclosure which shall do all of the following:
14 35 a. State the name and address of the association and the

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15 1 Iowa insurance division.
15 2 b. Prominently warn the insurance policy or contract owner
15 3 that the association may not cover the policy or contract or,
15 4 if coverage is available, it will be subject to substantial
15 5 limitations and exclusions and conditioned on continued
15 6 residence in this state.
15 7 c. State the types of insurance policies and contracts for
15 8 which the association will provide coverage.
15 9 d. State that the insurer and its agents are prohibited by
15 10 law from using the existence of the association for the purpose
15 11 of sales, solicitation, or inducement to purchase any form of
15 12 insurance.
15 13 e. State that the insurance policy or contract owner should
15 14 not rely on coverage from the association when selecting an
15 15 insurer.
15 16 f. Explain rights available and procedures for filing a
15 17 complaint to allege a violation of any provisions of this
15 18 chapter.
15 19 g. Provide other information as directed by the
15 20 commissioner, including but not limited to sources for
15 21 information about the financial condition of an insurer
15 22 provided that the information is not proprietary and is subject
15 23 to disclosure under chapter 22.
15 24 4. A member insurer shall retain evidence of compliance with
15 25 the provisions of this section for as long as the insurance
15 26 policy or contract for which the notice is given remains in
15 27 effect.
15 28 Sec. 24. Section 511.8, subsection 16, Code 2011, is amended
15 29 by adding the following new paragraph:
15 30 NEW PARAGRAPH. h. Financial instruments used in hedging
15 31 transactions, and securities pledged as collateral for
15 32 financial instruments used in highly effective hedging
15 33 transactions, eligible for inclusion in the legal reserve under
15 34 subsection 22 may be made a part of the deposit by filing a
15 35 verified statement of the financial instruments or securities

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16 1 pursuant to the terms and conditions of the applicable hedging
16 2 transaction agreement or of the applicable collateral agreement
16 3 or other credit support agreement.
16 4 Sec. 25. Section 511.8, subsection 22, Code 2011, is amended
16 5 by adding the following new paragraph:
16 6 NEW PARAGRAPH. i. Securities held in the legal reserve of
16 7 a life insurance company or association pledged as collateral
16 8 for financial instruments used in highly effective hedging
16 9 transactions as defined in the national association of
16 10 insurance commissioners' Statement of Statutory Accounting
16 11 Principles No. 86 shall continue to be eligible for inclusion
16 12 on the legal reserve of the life insurance company or
16 13 association subject to all of the following:
16 14 (1) The life insurance company or association does not
16 15 include the financial instruments used in highly effective
16 16 hedging transactions for which the securities are pledged as
16 17 collateral in the legal reserve of the life insurance company
16 18 or association, provided, however, that this subparagraph
16 19 shall not exclude securities pledged to a counterparty,
16 20 clearing organization, or clearinghouse on an upfront basis
16 21 in the form of initial margin, independent amount, or other
16 22 securities pledged as a precondition of entering into financial
16 23 instruments used in highly effective hedging transactions from
16 24 inclusion in the legal reserve of the life insurance company
16 25 or association.
16 26 (2) Securities pledged as collateral for financial
16 27 instruments used in highly effective hedging transactions are
16 28 not eligible in excess of ten percent of the legal reserve of
16 29 the life insurance company or association, less any financial
16 30 instruments used in hedging transactions held in the legal
16 31 reserve under this subsection.
16 32 (3) Securities pledged to a counterparty, clearing
16 33 organization, or clearinghouse on an upfront basis in
16 34 the form of initial margin, independent amount, or other
16 35 securities pledged as a precondition of entering into financial

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17 1 instruments used in highly effective hedging transactions are
17 2 not eligible in excess of one percent of the legal reserve of
17 3 the life insurance company or association.
17 4 Sec. 26. Section 514C.18, subsection 1, paragraph a, Code
17 5 2011, is amended by striking the paragraph and inserting in
17 6 lieu thereof the following:
17 7 a. Equipment and supplies.
17 8 Sec. 27. Section 515.125, subsection 1, Code 2011, is
17 9 amended to read as follows:
17 10 1. Unless otherwise provided in section 515.127, 515.128,
17 11 515.129, 515.129A, 515.129B, or 515.129C, a policy or contract
17 12 of insurance provided for in this chapter shall not be
17 13 forfeited, suspended, or canceled except by notice to the
17 14 insured as provided in this chapter. A notice of cancellation
17 15 is not effective unless mailed or delivered by the insurer to
17 16 the named insured at least thirty days before the effective
17 17 date of cancellation or, where cancellation is for nonpayment
17 18 of a premium, assessment, or installment provided for in the
17 19 policy, or in a note or contract for the payment thereof, at
17 20 least ten days prior to the date of cancellation. The notice
17 21 may be made in person, or by sending by mail a letter addressed
17 22 to the insured at the insured's address as given in or upon
17 23 the policy, anything in the policy, application, or a separate
17 24 agreement to the contrary notwithstanding.
17 25 Sec. 28. Section 515.126, Code 2011, is amended to read as
17 26 follows:
17 27 515.126 Cancellation of policy ==== notice to insured or
17 28 mortgagee.
17 29 1. Unless otherwise provided in section 515.127 ~~or~~,
17 30 515.128, 515.129, 515.129A, 515.129B, or 515.129C, at any time
17 31 after the maturity of a premium, assessment, or installment
17 32 provided for in the policy, or a note or contract for the
17 33 payment thereof, or after the suspension, forfeiture, or
17 34 cancellation of a policy or contract of insurance, the insured
17 35 may pay to the company the customary short rates and costs of

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18 1 action, if one has been commenced or judgment rendered thereon,
18 2 and may, if the insured so elects, have the policy and all
18 3 contracts or obligations connected with the policy, whether
18 4 in judgment or otherwise, canceled, and all such policy and
18 5 contracts shall be void; and in case of suspension, forfeiture,
18 6 or cancellation of a policy or contract of insurance, the
18 7 insured is not liable for a greater amount than the short
18 8 rates earned at the date of the suspension, forfeiture, or
18 9 cancellation and the costs of action provided for in this
18 10 section.
18 11 2. If the policy is canceled by the insurance company,
18 12 the insurer may retain only the pro rata premium, and if the
18 13 initial cash premium, or any part of the premium, has not been
18 14 paid, the policy may be canceled by the insurance company by
18 15 giving notice to the insured as provided in section 515.125
18 16 and ten days' notice to the mortgagee, or other person to whom
18 17 the policy is made payable, if any, without tendering any
18 18 part of the premium, anything to the contrary in the policy
18 19 notwithstanding.
18 20 Sec. 29. Section 515D.5, subsection 1, Code 2011, is amended
18 21 to read as follows:
18 22 1. a. Notwithstanding the provisions of sections
18 23 515.125 ~~through 515.127~~, 515.126, and 515.129A, a notice of
18 24 cancellation of a policy shall not be effective unless mailed
18 25 or delivered by the insurer to the named insured at least
18 26 thirty days prior to the effective date of cancellation,
18 27 or, where the cancellation is for nonpayment of premium
18 28 notwithstanding the provisions of sections 515.125 and ~~515.127~~
~~18 29~~ 515.126, at least ten days prior to the date of cancellation.
18 30 A post office department certificate of mailing to the named
18 31 insured at the address shown in the policy shall be proof
18 32 of receipt of such mailing. Unless the reason accompanies
18 33 the notice of cancellation, the notice shall state that upon
18 34 written request of the named insured, mailed or delivered
18 35 to the insurer not less than fifteen days prior to the

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date of cancellation, the insurer will state the reason for cancellation together with notification of the right to a hearing before the commissioner within fifteen days as provided in this chapter.

b. When the reason does not accompany the notice of cancellation, the insurer shall, upon receipt of a timely request by the named insured, state in writing the reason for cancellation. A statement of reason shall be mailed or delivered to the named insured within five days after receipt of a request.

Sec. 30. Section 515D.7, subsection 1, Code 2011, is amended to read as follows:

1. Notwithstanding the provisions of sections 515.125 ~~through 515.128~~, 515.129B, and 515.129C, an insurer shall not fail to renew a policy except by notice to the insured as provided in this chapter. A notice of intention not to renew shall not be effective unless mailed or delivered by the insurer to the named insured at least thirty days prior to the expiration date of the policy. A post office department certificate of mailing to the named insured at the address shown in the policy shall be proof of receipt of such mailing. Unless the reason accompanies the notice of intent not to renew, the notice shall state that, upon written request of the named insured, mailed or delivered to the insurer not less than thirty days prior to the expiration date of the policy, the insurer will state the reason for nonrenewal.

Sec. 31. Section 518C.3, subsection 4, paragraph b, subparagraph (3), Code 2011, is amended to read as follows:

(3) ~~An~~ A fee or other amount ~~due an~~ relating to goods and services sought by or on behalf of an attorney, adjuster, ~~or~~ witness ~~as a fee for services rendered to~~, or other provider of goods or services retained by the insolvent insurer or by an insured prior to the date the insurer was declared insolvent.

Sec. 32. Section 518C.3, subsection 4, paragraph b, Code 2011, is amended by adding the following new subparagraphs:

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20 1 NEW SUBPARAGRAPH. (4A) A fee or other amount sought by or
20 2 on behalf of an attorney, adjuster, witness, or other provider
20 3 of goods or services retained by the insured or claimant
20 4 in connection with the assertion of any claim, covered or
20 5 otherwise, against the association.
20 6 NEW SUBPARAGRAPH. (4B) A claim filed with the association
20 7 or with a liquidator for protection afforded under the
20 8 insured's policy or contract for incurred but not reported
20 9 losses or expenses.
20 10 Sec. 33. Section 518C.5, Code 2011, is amended to read as
20 11 follows:
20 12 518C.5 Board of directors.
20 13 1. The board of directors of the association shall
20 14 consist of the officers and directors of the mutual insurance
20 15 association of Iowa or its successor association, but only
20 16 if such officers and directors are employed by a corporation
20 17 organized as a county mutual insurance association pursuant to
20 18 chapter 518 or a state mutual insurance association pursuant to
20 19 chapter 518A.
20 20 2. An officer and director of the mutual insurance
20 21 association of Iowa shall serve in the same capacity on the
20 22 association board as the officer or director serves the mutual
20 23 insurance association of Iowa or its successor association, but
20 24 only if the officer and director is employed by a corporation
20 25 organized as a county mutual insurance association pursuant to
20 26 chapter 518 or a state mutual insurance association pursuant to
20 27 chapter 518A.
20 28 Sec. 34. Section 518C.6, subsection 1, paragraph a,
20 29 subparagraph (2), subparagraph division (b), Code 2011, is
20 30 amended to read as follows:
20 31 (b) An amount not exceeding the lesser of the policy
20 32 limits or ~~three~~ five hundred thousand dollars per claim for
20 33 all covered claims for all damages arising out of any one or a
20 34 series of accidents, occurrences, or incidents, regardless of
20 35 the number of persons making claims or the number of applicable

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policies.

Sec. 35. Section 518C.15, Code 2011, is amended to read as follows:

518C.15 Immunity.

~~Liability~~ There shall be no liability on the part of, and a cause of action of any nature shall not arise against, any member insurer, the association~~,~~ or its agents or employees, the board of directors, any committee established for the purpose of administering the affairs of the association, or any person serving as an alternate or substitute representative director of the association, or the commissioner, or the commissioner's representatives, for any ~~reasonable~~ action taken or any failure to act by them in the performance of their duties and ~~execution of~~ powers ~~as provided for~~ under this chapter.

Sec. 36. Section 521.1, subsection 4, Code 2011, is amended to read as follows:

4. "Company" means a company or association organized under chapter 508, ~~511~~ 514B, 515, 518, 518A, or 520, and includes a mutual insurance holding company organized pursuant to section 521A.14.

Sec. 37. Section 521.2, subsection 1, Code 2011, is amended to read as follows:

1. One or more domestic mutual insurance companies organized under chapter 491 may merge or consolidate with a domestic or foreign mutual insurance company as provided in this chapter. ~~Sections 491.102 through 491.105 shall not be applicable to a merger or consolidation of a domestic mutual insurance company pursuant to this chapter.~~

Sec. 38. Section 521.2, Code 2011, is amended by adding the following new subsections:

NEW SUBSECTION. 5. One or more foreign or domestic stock insurance companies may merge into a domestic mutual insurance company organized under chapter 491 as provided in this chapter.

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22 1 NEW SUBSECTION. 6. One or more domestic health maintenance
22 2 organizations or limited service organizations formed under
22 3 chapter 514B may merge into a domestic insurance company
22 4 organized under chapter 490 or chapter 491 as provided in this
22 5 chapter.
22 6 NEW SUBSECTION. 7. Sections 491.102 through 491.105 shall
22 7 not be applicable to a merger or consolidation of a domestic
22 8 mutual insurance company pursuant to this chapter.
22 9 Sec. 39. Section 521E.3, subsection 1, paragraph a,
22 10 unnumbered paragraph 1, Code 2011, is amended to read as
22 11 follows:
22 12 The filing of a risk=based capital report by an insurer which
22 13 indicates ~~either~~ any of the following:
22 14 Sec. 40. Section 521E.3, subsection 1, paragraph a, Code
22 15 2011, is amended by adding the following new subparagraph:
22 16 NEW SUBPARAGRAPH. (3) For a property and casualty insurer,
22 17 the insurer's total adjusted capital is greater than or equal
22 18 to its company=action=level risk=based capital but less than
22 19 the product of its authorized=control=level risk=based capital
22 20 and three and triggers the trend test determined in accordance
22 21 with the trend test calculation included in the property and
22 22 casualty risk=based capital instructions.
22 23 Sec. 41. Section 521F.4, subsection 1, Code 2011, is amended
22 24 to read as follows:
22 25 1. "Company=action=level event" means any of the following:
22 26 a. The filing of a risk=based capital report by a health
22 27 organization which indicates that the health organization's
22 28 total adjusted capital is greater than or equal to its
22 29 regulatory=action=level risk=based capital but less than its
22 30 company=action=level risk=based capital.
22 31 b. The filing of a risk=based capital report by a health
22 32 organization which indicates that the health organization has
22 33 total adjusted capital which is greater than or equal to its
22 34 company=action=level risk=based capital but less than the
22 35 product of its authorized=control=level risk=based capital and

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23 1 three and triggers the trend test determined in accordance with
23 2 the trend test calculations included in the health risk=based
23 3 capital instructions.
23 4 ~~b.~~ c. Notification by the commissioner to a health
23 5 organization of an adjusted risk=based capital report that
23 6 indicates an event in paragraph "a" or "b", provided the health
23 7 organization does not challenge the adjusted risk=based capital
23 8 report and request a hearing pursuant to section 521F.8.
23 9 ~~c.~~ d. If a hearing is requested pursuant to section 521F.8,
23 10 notification by the commissioner to the health organization
23 11 after the hearing that the commissioner has rejected the health
23 12 organization's challenge of the adjusted risk=based capital
23 13 report indicating the event in paragraph "a" or "b".
23 14 Sec. 42. Section 522B.11, Code 2011, is amended by adding
23 15 the following new subsection:
23 16 NEW SUBSECTION. 7. a. Unless an insurance producer
23 17 holds oneself out as an insurance specialist, consultant, or
23 18 counselor and receives compensation for consultation and advice
23 19 apart from commissions paid by an insurer, the duties and
23 20 responsibilities of an insurance producer are limited to those
23 21 duties and responsibilities set forth in Sandbulte v. Farm
23 22 Bureau Mut. Ins. Co., 343 N.W.2d 457 (Iowa 1984).
23 23 b. The general assembly declares that the holding of
23 24 Langwith v. Am. Nat'l Gen. Ins. Co., (No. 08=0778) (Iowa
23 25 2010) is abrogated to the extent that it overrules Sandbulte
23 26 and imposes higher or greater duties and responsibilities on
23 27 insurance producers than those set forth in Sandbulte.
23 28 Sec. 43. Section 523A.206, subsection 1, Code 2011, is
23 29 amended to read as follows:
23 30 1. The commissioner may conduct an examination under
23 31 this chapter of any seller as often as the commissioner
23 32 deems appropriate. If a seller has a trust arrangement, the
23 33 commissioner shall conduct an examination of such seller doing
23 34 business in this state not less than once every ~~three~~ five
23 35 years unless the seller has provided to the commissioner, on

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an annual basis, a certified copy of an audit conducted by an independent certified public accountant verifying compliance with this chapter. The commissioner may require an audit of a seller, or other person by a certified public accountant to verify compliance with the requirements of this chapter, including rules adopted and orders issued pursuant to this chapter.

Sec. 44. Section 523I.213A, subsection 1, Code 2011, is amended to read as follows:

1. The commissioner or the commissioner's designee may conduct an examination under this chapter of any cemetery as often as the commissioner deems appropriate. If a cemetery has a trust arrangement, the commissioner shall conduct an examination not less than once every ~~three~~ five years.

EXPLANATION

This bill relates to various matters under the purview of the insurance division of the department of commerce.

UNIFORM SECURITIES ACT. Code section 502.604 is amended to allow the administrator of the securities and regulated industries bureau of the insurance division of the department of commerce to order restitution or take other corrective action as deemed necessary to accomplish compliance with the state's securities laws.

INSURANCE DIVISION. Code section 505.8 is amended to provide that the commissioner of insurance shall enforce all state laws relating to both federal and state insurance business transacted in the state and to allow the commissioner to assess the costs of an investigation or proceeding after an administrative hearing. The commissioner is also authorized to adopt administrative rules and emergency rules pursuant to Code chapter 17A as necessary to effectuate the insurance provisions of the federal Patient Protection and Affordable Care Act of 2010, or other applicable federal laws.

Code section 505.18 is amended to specify that the commissioner's duty in preparing a report for the governor and

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25 1 the general assembly should include findings regarding health
25 2 spending costs for health insurance carriers in the state, not
25 3 health insurance plans.
25 4 Code section 505.19 is amended to provide that public
25 5 comments received concerning proposed health insurance rate
25 6 increases will be posted without delay during the normal
25 7 business hours of the insurance division.
25 8 INSURANCE FRAUD. Code section 507E.8 is amended to provide
25 9 that securities and regulated industries bureau investigators
25 10 have the power and status of law enforcement officers who by
25 11 the nature of their duties may be required to perform the
25 12 duties of a peace officer.
25 13 IOWA LIFE AND HEALTH INSURANCE GUARANTY ASSOCIATION. Code
25 14 section 508C.5 is amended to add definitions of "authorized
25 15 assessment", "benefit plan", "called assessment", "plan
25 16 sponsor", "principal place of business", and "receivership
25 17 court" and to amend the definition of "covered policy" and
25 18 "resident" for purposes of the Code chapter.
25 19 New Code section 508C.8A specifies the factors an
25 20 association must consider in determining what constitutes the
25 21 principal business of a plan sponsor or a person other than a
25 22 natural person.
25 23 Code section 508C.9(2) is amended to require that the
25 24 association must now "authorize" and "call" class A assessments
25 25 for the purpose of meeting administrative and legal costs
25 26 of the association and class B assessments for otherwise
25 27 carrying out the powers and duties of the association. As
25 28 newly defined, an "authorized assessment" means that the
25 29 board of directors of the association has passed a resolution
25 30 authorizing the assessment and a "called assessment" means that
25 31 a notice has been issued to member insurers requiring that an
25 32 authorized assessment be paid within the time set forth in the
25 33 notice.
25 34 Code section 508C.9(3) is amended to provide that class
25 35 A assessments may be authorized and called on a pro rata or

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26 1 non=pro rata basis. Pro rata assessments may be credited
26 2 against future class B assessments and the total of all non=pro
26 3 rata assessments cannot exceed $300 per member insurer in any
26 4 one calendar year. Class B assessments are determined pursuant
26 5 to an allocation formula which may be based on the premiums
26 6 or reserves of the impaired or insolvent insurer or any other
26 7 standard deemed fair and reasonable by the board. Class B
26 8 assessments for each account maintained by the association are
26 9 made in the proportion each assessed member insurer's premiums
26 10 bear to premiums received by all assessed member insurers. The
26 11 association is required to notify each member insurer of its
26 12 anticipated pro rata share of an assessment within 180 days
26 13 after the assessment is authorized.
26 14 Code section 508C.9(4) is amended to provide that if the
26 15 association abates or defers the assessment of a member
26 16 insurer, the assessment shall be paid by the insurer once the
26 17 conditions that caused the abatement or deferral are removed
26 18 pursuant to a payment plan approved by the association.
26 19 Code section 508C.9(5) is amended to change the calculation
26 20 method for assessments of member insurers with respect to
26 21 the health insurance account, the life insurance account,
26 22 the annuity account, and the unallocated annuity contract
26 23 account. The board is also authorized to provide in its plan
26 24 of operation a method of allocating funds among claims relating
26 25 to one or more impaired or insolvent insurers when the maximum
26 26 assessment will be insufficient to cover anticipated claims.
26 27 If the maximum assessment under the life insurance account, the
26 28 annuity account, or the unallocated annuity contract account is
26 29 insufficient, the board shall access the other said accounts
26 30 for the necessary amount subject to the maximum assessments
26 31 allowed.
26 32 Code section 508C.9(6) is amended to allow the board to
26 33 refund to member insurers amounts the board finds are not
26 34 necessary to carry out the obligations of the association
26 35 with regard to an account that includes assets accruing from

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27 1 assignment, subrogation, net realized gains, and income from
27 2 investments.
27 3 New Code section 508C.9(9) provides a procedure for a member
27 4 insurer to protest and appeal an assessment.
27 5 New Code section 508C.9(10) allows the association to
27 6 request information from member insurers in order to aid in the
27 7 exercise of the association's power.
27 8 Code section 508C.11(1) is amended to strike a provision
27 9 requiring the commissioner to be appointed as the liquidator
27 10 or rehabilitator in a liquidation or rehabilitation proceeding
27 11 involving a domestic insurer.
27 12 Code section 508C.11(3) is amended to provide that a final
27 13 action of the board or the association may be appealed to the
27 14 commissioner by a member insurer within 60, instead of 30, days
27 15 of the insurer's receipt of notice of the final action.
27 16 Code section 508C.12 is amended to require the commissioner
27 17 to report to the board upon receiving notice that certain
27 18 actions have been taken against a member insurer in another
27 19 state and to provide the board with the national association
27 20 of insurance commissioners' insurance regulatory information
27 21 system ratios, and listing of insurers not included in the
27 22 ratios, developed for use by the board in carrying out its
27 23 duties and responsibilities in preventing insolvencies.
27 24 Code section 508C.12(7), which required the board to prepare
27 25 a report to the commissioner at the conclusion of an insurer
27 26 insolvency in which the association was obligated to pay
27 27 claims, is stricken.
27 28 Code section 508C.16 is amended to provide that immunity and
27 29 indemnification provisions that apply to member insurers, the
27 30 association, the board of directors, the commissioner, and any
27 31 of their agents, employees, and representatives for actions or
27 32 omissions made by them in performing their powers and duties
27 33 under Code chapter 508C, are extended to their participation in
27 34 any organization of one or more similar state associations and
27 35 to that organization and its agents and employees.

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28 1 Code section 508C.17 is amended to allow a stay of court
28 2 proceedings in which an insolvent insurer is a party from
28 3 180 instead of 60 days from the date of a final order of
28 4 liquidation, rehabilitation, or conservation to permit legal
28 5 action by the association.
28 6 Code section 508C.18 is amended to specify that persons,
28 7 including insurers and their agents, are prohibited from making
28 8 written or oral advertisements that use the existence of the
28 9 insurance guaranty association to sell insurance.
28 10 New Code section 508C.18A requires the association within
28 11 180 days after enactment of this Code section to prepare a
28 12 summary document describing the general purposes and current
28 13 provisions of Code chapter 508C and containing a disclosure
28 14 with specified information about the coverage provided by the
28 15 association. On or after March 1, 2012, an insurer shall not
28 16 deliver an insurance policy or contract in Iowa to the owner of
28 17 the policy or contract unless the summary document is delivered
28 18 at the same time.
28 19 LIFE INSURANCE COMPANIES AND ASSOCIATIONS. Code section
28 20 511.8(16)(h) is added to provide that financial instruments
28 21 used in hedging transactions and securities pledged as
28 22 collateral for financial instruments used in highly effective
28 23 hedging transactions are eligible for inclusion in the legal
28 24 reserve of an insurance company or association under Code
28 25 section 511.8(22). A corollary provision is added in Code
28 26 section 511.8(22)(i) to provide that securities held in the
28 27 legal reserve of a life insurance company or association
28 28 pledged as collateral for financial instruments used in highly
28 29 effective hedging transactions as defined in the national
28 30 association of insurance commissioners' Statement of Statutory
28 31 Accounting Principles continue to be eligible for inclusion in
28 32 the legal reserve subject to specified conditions.
28 33 SPECIAL HEALTH AND ACCIDENT INSURANCE COVERAGES. Code
28 34 section 514C.18, requiring health insurance coverage for the
28 35 treatment of diabetes, is amended to delete a reference to

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29 1 specific testing supplies for home monitoring of the disease
29 2 and instead add a more general reference to coverage of
29 3 equipment and supplies.
29 4 INSURANCE OTHER THAN LIFE. Code chapter 515 has several
29 5 provisions which relate to the duties of insurers when
29 6 forfeiting, suspending, canceling or nonrenewing commercial
29 7 and personal line policies or contracts of insurance. Code
29 8 sections 515.125 and 515.126 which contain general provisions
29 9 concerning those duties are amended to specify that more
29 10 specific provisions enacted in 2010 concerning personal lines
29 11 of insurance take precedence over these more general provisions
29 12 if they are inconsistent with one another.
29 13 AUTOMOBILE INSURANCE CANCELLATION. Code chapter 515D
29 14 contains provisions which relate specifically to the
29 15 cancellation of personal automobile insurance. Code sections
29 16 515D.5 and 515D.7 are amended to provide that the provisions
29 17 of Code chapter 515D take precedence over those relating to
29 18 the cancellation of personal lines insurance contained in
29 19 Code chapter 515 concerning the cancellation or nonrenewal of
29 20 personal automobile insurance.
29 21 COUNTY AND STATE MUTUAL INSURANCE GUARANTY ASSOCIATION.
29 22 Code section 518C.3(4)(b)(3) is amended to specify that a
29 23 covered claim for which the guaranty association provides
29 24 coverage does not include a fee or other amount relating to
29 25 goods or services sought by on behalf of any provider of goods
29 26 or services retained by an insolvent insurer or by an insured
29 27 prior to the date the insurer was declared insolvent.
29 28 Code section 518C.3(4)(b) is also amended to provide
29 29 that a covered claim does not include a fee or other amount
29 30 sought by or on behalf of an attorney, adjuster, witness, or
29 31 other provider of goods or services retained by an insured or
29 32 claimant in connection with the assertion of a claim against
29 33 the association.
29 34 Code section 518C.5 is amended to provide that the board
29 35 of directors of the guaranty association consists of the

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30 1 officers and directors of the mutual insurance association of
30 2 Iowa or its successor only if those people are employed by a
30 3 corporation organized as a county mutual insurance association
30 4 pursuant to Code chapter 518 or a state mutual insurance
30 5 association pursuant to Code chapter 518A.
30 6 Code section 518C.6(1)(a)(2)(b) is amended to provide
30 7 that the association is obligated to pay certain claims not
30 8 exceeding the lesser of the policy limits or $500,000, instead
30 9 of $300,000, per claim or claims arising out of any one or a
30 10 series of occurrences.
30 11 Code section 518C.15 is amended to expand the immunity
30 12 provisions pertaining to the association to include any
30 13 committee established for the purpose of administering
30 14 the affairs of the association or any person serving as
30 15 an alternate or substitute representative director of the
30 16 association for any actions taken or any failure to act in the
30 17 performance of their duties.
30 18 CONSOLIDATION, MERGERS, AND REINSURANCE. Code section
30 19 521.1(4) is amended to provide that a company subject to the
30 20 consolidation, merger, and reinsurance provisions of Code
30 21 chapter 521 includes a health maintenance organization or
30 22 limited service organization organized pursuant to Code chapter
30 23 514B.
30 24 Code section 521.2 is amended to provide that one or more
30 25 foreign or domestic stock insurance companies may merge into a
30 26 domestic mutual insurance company organized under Code chapter
30 27 491 and one or more domestic health maintenance organizations
30 28 or limited service organizations formed under Code chapter
30 29 514B may merge into a domestic insurance company organized
30 30 under Code chapter 490 or 491. In addition, certain provisions
30 31 relating to merger or consolidation in Code chapter 491 are not
30 32 applicable to the merger or consolidation of a domestic mutual
30 33 insurance company pursuant to this chapter.
30 34 RISK=BASED CAPITAL REQUIREMENTS FOR INSURERS. Code section
30 35 521E.3(1)(a) is amended to add another situation which

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31 1 constitutes a company=action=level event for an insurer when
31 2 included in the filing of a risk=based capital report by the
31 3 insurer.
31 4 RISK=BASED CAPITAL REQUIREMENTS FOR HEALTH ORGANIZATIONS.
31 5 Code section 521F.4(1) is amended to add another situation
31 6 which constitutes a company=action=level event for a health
31 7 organization when included in the filing of a risk=based
31 8 capital report by the health organization.
31 9 INSURANCE PRODUCERS. New Code section 522B.11(7) provides
31 10 that unless an insurance producer holds oneself out as an
31 11 insurance specialist, consultant, or counselor and receives
31 12 compensation for consultation and advice apart from commissions
31 13 paid by an insurer, the duties and responsibilities of an
31 14 insurance producer are limited to those set forth in a case
31 15 entitled Sandbulte v. Farm Bureau Mut. Ins. Co. decided by the
31 16 Iowa Supreme Court in 1984.
31 17 The bill further provides that the new subsection abrogates
31 18 the holding of a case entitled Langwith v. Am. Nat'l Gen. Ins.
31 19 Co. decided by the Iowa Supreme Court on December 30, 2010, to
31 20 the extent that case overrules the Sandbulte case and imposes
31 21 higher or greater duties and responsibilities on insurance
31 22 producers than those set forth in the earlier case.
31 23 CEMETERY AND FUNERAL MERCHANDISE AND FUNERAL SERVICES. Code
31 24 section 523A.206(1) is amended to require the commissioner
31 25 to conduct examinations of sellers of cemetery and funeral
31 26 merchandise, and funeral services every five years, instead of
31 27 every three years.
31 28 CEMETERY REGULATION. Code section 523I.213A(1) is amended
31 29 to require the commissioner to conduct an examination of a
31 30 cemetery every five years, instead of every three years.

House File 483 - Introduced

HOUSE FILE
BY COMMITTEE ON COMMERCE

(SUCCESSOR TO HSB 80)

A BILL FOR

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

House File 483 - Introduced continued

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

House File 483 - Introduced continued

2 1 claims, damages, losses, or expenses, including attorney
2 2 fees, only to the extent that the liability, claims, damages,
2 3 losses, or expenses are caused by, or arise out of, the acts
2 4 or omissions of the indemnitor or the officers, employees, or
2 5 agents of the indemnitor.
2 6 b. A party to the contract to purchase a project=specific
2 7 insurance policy, including an owner's or contractor's
2 8 protective insurance, project management protective liability
2 9 insurance, or builder's risk insurance.
2 10 4. This section does not apply to the indemnity of a surety
2 11 by a principal on any surety bond or to an insurer's obligation
2 12 to its insureds.
2 13 5. If an upper=tier party to a construction contract is
2 14 named as an additional insured or additionally named insured
2 15 on a commercial general liability or similar liability policy
2 16 of insurance of a lower=tier party to a construction contract,
2 17 the coverage to the upper=tier party shall be limited to the
2 18 cost of defense and vicarious liability, and the policy shall
2 19 not extend coverage for the upper=tier party's own negligence,
2 20 whether sole or partial.
2 21 6. If a court action or other binding dispute resolution
2 22 proceeding is brought or initiated against an upper=tier party
2 23 for personal injury by an employee of a lower=tier party to a
2 24 construction contract, and it is ultimately determined that the
2 25 upper=tier party to the construction contract has no liability
2 26 to the employee other than vicarious liability, the upper=tier
2 27 party has a claim of indemnity for all costs, including costs
2 28 of experts and attorney fees, associated with defending such
2 29 action against any party in the contractual chain determined
2 30 to have any liability for the personal injury. Any liability
2 31 of the employee for the employee's own personal injury shall
2 32 be attributed to the employee's employer for purposes of this
2 33 subsection. This indemnification obligation shall be joint and
2 34 several among the parties found liable for the personal injury.
2 35 EXPLANATION

House File 483 - Introduced continued

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

House File 483 - Introduced continued

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

LSB 2087HV (1) 84
je/rj

House File 484 - Introduced

HOUSE FILE
BY COMMITTEE ON STATE
GOVERNMENT

(SUCCESSOR TO HSB 141)

A BILL FOR

An Act concerning investment of certain public funds in companies doing business in Iran by the treasurer of state, public retirement systems in Iowa, and the state board of regents.

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

TLSB 1973HV (2) 84
aw/nh

House File 484 - Introduced continued

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1 1 Section 1. NEW SECTION. 12H.1 Legislative findings and
1 2 intent.
1 3 The general assembly is deeply concerned over the support
1 4 the country of Iran has provided for acts of international
1 5 terrorism. Therefore, the general assembly intends that state
1 6 funds and funds administered by the state, including public
1 7 employee retirement funds, should not be invested in companies
1 8 that provide power production=related services, mineral
1 9 extraction activities, oil=related activities, or military
1 10 equipment to the government of Iran.
1 11 Sec. 2. NEW SECTION. 12H.2 Definitions.
1 12 As used in this chapter, unless the context otherwise
1 13 requires:
1 14 1. "Active business operations" means all business
1 15 operations that are not inactive business operations.
1 16 2. "Business operations" means engaging in commerce in any
1 17 form in Iran, including by acquiring, developing, maintaining,
1 18 owning, selling, possessing, leasing, or operating equipment,
1 19 facilities, personnel, products, services, personal property,
1 20 real property, or any other apparatus of business or commerce.
1 21 3. "Company" means any sole proprietorship, organization,
1 22 association, corporation, partnership, joint venture, limited
1 23 partnership, limited liability partnership, limited liability
1 24 company, or other entity or business association, including
1 25 all wholly owned subsidiaries, majority=owned subsidiaries,
1 26 parent companies, or affiliates of such entities or business
1 27 associations, that exists for profit=making purposes.
1 28 4. "Direct holdings" in a company means all securities of
1 29 that company held directly by the public fund or in an account
1 30 or fund in which the public fund owns all shares or interests.
1 31 5. "Inactive business operations" means the mere continued
1 32 holding or renewal of rights to property previously operated
1 33 for the purpose of generating revenues but not presently
1 34 deployed for such purpose.
1 35 6. "Indirect holdings" in a company means all securities of

House File 484 - Introduced continued

2 1 that company held in an account or fund managed by one or more
2 2 persons not employed by the public fund, in which the public
2 3 fund owns shares or interests together with other investors not
2 4 subject to the provisions of this chapter. Indirect holdings
2 5 include but are not limited to mutual funds, fund of funds,
2 6 private equity funds, hedge funds, and real estate funds.
2 7 7. "Military equipment" means weapons, arms, military
2 8 supplies, and equipment that readily may be used for military
2 9 purposes including but not limited to radar systems or
2 10 military=grade transport vehicles, or supplies or services
2 11 sold or provided directly or indirectly to any terrorist
2 12 organization.
2 13 8. "Mineral extraction activities" include exploring,
2 14 extracting, processing, transporting, or wholesale selling or
2 15 trading of elemental minerals or associated metal alloys or
2 16 oxides, including gold, copper, chromium, chromite, diamonds,
2 17 iron, iron ore, silver, tungsten, uranium, and zinc, as well as
2 18 facilitating such activities, including by providing supplies
2 19 or services in support of such activities.
2 20 9. "Oil=related activities" include but are not limited to
2 21 owning rights to oil blocks; exporting, extracting, producing,
2 22 refining, processing, exploring for, transporting, selling,
2 23 or trading of oil; constructing, maintaining, or operating a
2 24 pipeline, refinery, or other oil field infrastructure; and
2 25 facilitating such activities, including by providing supplies
2 26 or services in support of such activities, provided that the
2 27 mere retail sale of gasoline and related consumer products
2 28 shall not be considered oil=related activities.
2 29 10. "Power production activities" means any business
2 30 operation that involves a project commissioned by any
2 31 Iranian government entity whose purpose is to facilitate
2 32 power=generation and delivery including but not limited to
2 33 establishing power generating plants or hydroelectric dams,
2 34 selling or installing components for the project, providing
2 35 service contracts related to the installation or maintenance

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3 1 of the project, as well as facilitating such activities,
3 2 including by providing supplies or services in support of such
3 3 activities.
3 4 11. "Public fund" means the treasurer of state, the state
3 5 board of regents, the public safety peace officers' retirement
3 6 system created in chapter 97A, the Iowa public employees'
3 7 retirement system created in chapter 97B, the statewide fire
3 8 and police retirement system created in chapter 411, or the
3 9 judicial retirement system created in chapter 602.
3 10 12. "Scrutinized company" means any company that is not
3 11 a social development company that meets any of the following
3 12 criteria:
3 13 a. The company has business operations that involve
3 14 contracts with or provision of supplies or services to
3 15 the government of Iran, companies in which the government
3 16 of Iran has any direct or indirect equity share, Iranian
3 17 government=commissioned consortiums or projects, or companies
3 18 involved in Iranian government=commissioned consortiums or
3 19 projects; and meets any of the additional following criteria:
3 20 (1) More than ten percent of the company's revenues or
3 21 assets linked to Iran involve oil=related activities or mineral
3 22 extraction activities and the company has failed to take
3 23 substantial action.
3 24 (2) More than ten percent of the company's revenues or
3 25 assets linked to Iran involve power production activities and
3 26 the company has failed to take substantial action.
3 27 b. The company supplies military equipment to Iran, unless
3 28 it clearly shows that the military equipment cannot be used to
3 29 facilitate international acts of terrorism.
3 30 13. "Social development company" means a company whose
3 31 primary purpose in Iran is to provide humanitarian goods or
3 32 services, including medicine or medical equipment, agricultural
3 33 supplies or infrastructure, educational opportunities,
3 34 journalism=related activities, information or information
3 35 materials, spiritual=related activities, services of a purely

House File 484 - Introduced continued

4 1 clerical or reporting nature, food, clothing, or general
4 2 consumer goods that are unrelated to oil=related activities,
4 3 mineral extraction activities, or power production activities.
4 4 14. "Substantial action" means adopting, publicizing,
4 5 and implementing a formal plan to cease scrutinized business
4 6 operations within one year and to refrain from any such new
4 7 business operations.
4 8 Sec. 3. NEW SECTION. 12H.3 Identification of companies ====
4 9 notice.
4 10 1. a. By July 1, 2011, the public fund shall make its best
4 11 efforts to identify all scrutinized companies in which the
4 12 public fund has direct or indirect holdings or could possibly
4 13 have such holdings in the future and shall create and make
4 14 available to the public a scrutinized companies list for that
4 15 public fund. The list shall further identify whether the
4 16 company has inactive business operations or active business
4 17 operations. The public fund shall review and update, if
4 18 necessary, the scrutinized companies list and the determination
4 19 of whether a company has inactive or active business operations
4 20 on a quarterly basis thereafter.
4 21 b. In making its best efforts to identify scrutinized
4 22 companies and companies with inactive business operations or
4 23 active business operations, the public fund may review and
4 24 rely, in the best judgment of the public fund, on publicly
4 25 available information regarding companies with business
4 26 operations in Iran, and including other information that
4 27 may be provided by nonprofit organizations, research firms,
4 28 international organizations, and government entities. The
4 29 public fund may also contact asset managers and institutional
4 30 investors for the public fund to identify scrutinized companies
4 31 based upon industry=recognized lists of such companies that the
4 32 public fund may have indirect holdings in.
4 33 2. a. For each company on the scrutinized companies list
4 34 with only inactive business operations in which the public fund
4 35 has direct or indirect holdings, the public fund shall send a

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5 1 written notice informing the company of the requirements of
5 2 this chapter and encouraging it to continue to refrain from
5 3 initiating active business operations in Iran until it is
5 4 able to avoid scrutinized business operations. The public
5 5 fund shall continue to provide such written notice on an
5 6 annual basis if the company remains a scrutinized company with
5 7 inactive business operations.
5 8 b. For each company on the scrutinized companies list with
5 9 active business operations in which the public fund has direct
5 10 or indirect holdings, the public fund shall send a written
5 11 notice informing the company of its status as a scrutinized
5 12 company with active business operations and that it may become
5 13 subject to divestment and restrictions on investing in the
5 14 company by the public fund. The notice shall offer the company
5 15 the opportunity to clarify its Iran=related activities and
5 16 shall encourage the company to either cease its scrutinized
5 17 business operations or convert such operations to inactive
5 18 business operations in order to avoid becoming subject to
5 19 divestment and restrictions on investment in the company by
5 20 the public fund. The public fund shall continue to provide
5 21 such written notice on an annual basis if the company remains a
5 22 scrutinized company with active business operations.
5 23 Sec. 4. NEW SECTION. 12H.4 Prohibited investments ====
5 24 divestment.
5 25 1. The public fund shall not acquire publicly traded
5 26 securities of a company on the public fund's most recent
5 27 scrutinized companies list with active business operations so
5 28 long as such company remains on the public fund's scrutinized
5 29 companies list as a company with active business operations as
5 30 provided in this section.
5 31 2. a. The public fund shall sell, redeem, divest, or
5 32 withdraw all publicly traded securities of a company on
5 33 the public fund's list of scrutinized companies with active
5 34 business operations, so long as the company remains on that
5 35 list, no sooner than ninety days, but no later than eighteen

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6 1 months, following the first written notice sent to the
6 2 scrutinized company with active business operations as required
6 3 by section 12H.3.
6 4 b. This subsection shall not be construed to require the
6 5 premature or otherwise imprudent sale, redemption, divestment,
6 6 or withdrawal of an investment, but such sale, redemption,
6 7 divestment, or withdrawal shall be completed as provided by
6 8 this subsection.
6 9 3. The requirements of this section shall not apply to the
6 10 following:
6 11 a. A company which the United States government
6 12 affirmatively declares to be excluded from its present or any
6 13 future federal sanctions regime relating to Iran.
6 14 b. Indirect holdings of a scrutinized company with active
6 15 business operations. The public fund shall, however, submit
6 16 letters to the managers of such investment funds containing
6 17 companies with scrutinized active business operations
6 18 requesting that they consider removing such companies from the
6 19 fund or create a similar fund with indirect holdings devoid of
6 20 such companies. If the manager creates a similar fund, the
6 21 public fund is encouraged to replace all applicable investments
6 22 with investments in the similar fund consistent with prudent
6 23 investing standards.
6 24 Sec. 5. NEW SECTION. 12H.5 Reports.
6 25 1. Scrutinized companies list. Each public fund shall,
6 26 within thirty days after the scrutinized companies list is
6 27 created or updated as required by section 12H.3, make the list
6 28 available to the public.
6 29 2. Annual report. On October 1, 2012, and each October
6 30 1 thereafter, each public fund shall make available to the
6 31 public, and file with the general assembly, an annual report
6 32 covering the prior fiscal year that includes the following:
6 33 a. The scrutinized companies list as of the end of the
6 34 fiscal year.
6 35 b. A summary of all written notices sent as required by

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7 1 section 12H.3 during the fiscal year.
7 2 c. All investments sold, redeemed, divested, or withdrawn as
7 3 provided in section 12H.4 during the fiscal year.
7 4 Sec. 6. NEW SECTION. 12H.6 Legal obligations.
7 5 With respect to actions taken in compliance with this
7 6 chapter, including all good faith determinations regarding
7 7 companies as required by this chapter, the public fund
7 8 shall be exempt from any conflicting statutory or common law
7 9 obligations, including any such obligations in respect to
7 10 choice of asset managers, investment funds, or investments for
7 11 the public fund's securities portfolios.
7 12 Sec. 7. NEW SECTION. 12H.7 Applicability.
7 13 1. The requirements of sections 12H.3, 12H.4, and 12H.5
7 14 shall not apply upon the occurrence of any of the following:
7 15 a. The Congress or president of the United States, through
7 16 legislation or executive order, declares that mandatory
7 17 divestment of the type provided for in this chapter interferes
7 18 with the conduct of United States foreign policy.
7 19 b. A controlling circuit or district court of the United
7 20 States issues an opinion that declares the mandatory divestment
7 21 of the type provided for in this chapter or similar statutes
7 22 of other states is preempted by the federal law of the United
7 23 States.
7 24 2. The requirements of sections 12H.3, 12H.4, and 12H.5
7 25 shall not apply to Iran if the United States revokes all
7 26 sanctions imposed against the government of Iran.
7 27 Sec. 8. Section 12.8, unnumbered paragraph 1, Code 2011, is
7 28 amended to read as follows:
7 29 The treasurer of state shall invest or deposit, subject to
7 30 ~~chapter~~ chapters 12F and 12H and as provided by law, any of
7 31 the public funds not currently needed for operating expenses
7 32 and shall do so upon receipt of monthly notice from the
7 33 director of the department of administrative services of the
7 34 amount not so needed. In the event of loss on redemption or
7 35 sale of securities invested as prescribed by law, and if the

House File 484 - Introduced continued

8 1 transaction is reported to the executive council, neither the
8 2 treasurer nor director of the department of administrative
8 3 services is personally liable but the loss shall be charged
8 4 against the funds which would have received the profits or
8 5 interest of the investment and there is appropriated from the
8 6 funds the amount so required.
8 7 Sec. 9. Section 97A.7, subsection 1, Code 2011, is amended
8 8 to read as follows:
8 9 1. The board of trustees shall be the trustees of the
8 10 retirement fund created by this chapter as provided in section
8 11 97A.8 and shall have full power to invest and reinvest funds
8 12 subject to the terms, conditions, limitations, and restrictions
8 13 imposed by subsection 2 of this section and ~~chapter~~
~~8 14~~ chapters 12F and 12H, and subject to like terms, conditions,
8 15 limitations, and restrictions said trustees shall have full
8 16 power to hold, purchase, sell, assign, transfer, or dispose of
8 17 any of the securities and investments of the retirement fund
8 18 which have been invested, as well as of the proceeds of said
8 19 investments and any moneys belonging to the retirement fund.
8 20 The board of trustees may authorize the treasurer of state to
8 21 exercise any of the duties of this section. When so authorized
8 22 the treasurer of state shall report any transactions to the
8 23 board of trustees at its next monthly meeting.
8 24 Sec. 10. Section 97B.4, subsection 5, Code 2011, is amended
8 25 to read as follows:
8 26 5. Investments. The system, through the chief investment
8 27 officer, shall invest, subject to ~~chapter~~ chapters 12F and 12H
8 28 and in accordance with the investment policy and goal statement
8 29 established by the board, the portion of the retirement fund
8 30 which, in the judgment of the system, is not needed for
8 31 current payment of benefits under this chapter subject to the
8 32 requirements of section 97B.7A.
8 33 Sec. 11. Section 262.14, unnumbered paragraph 1, Code 2011,
8 34 is amended to read as follows:
8 35 The board may invest funds belonging to the institutions,

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9 1 subject to ~~chapter~~ chapters 12F and 12H and the following
9 2 regulations:
9 3 Sec. 12. Section 411.7, subsection 1, Code 2011, is amended
9 4 to read as follows:
9 5 1. The board of trustees is the trustee of the fire
9 6 and police retirement fund created in section 411.8 and
9 7 shall annually establish an investment policy to govern the
9 8 investment and reinvestment of the moneys in the fund, subject
9 9 to the terms, conditions, limitations, and restrictions imposed
9 10 by subsection 2 and ~~chapter~~ chapters 12F and 12H. Subject
9 11 to like terms, conditions, limitations, and restrictions
9 12 the system has full power to hold, purchase, sell, assign,
9 13 transfer, or dispose of any of the securities and investments
9 14 in which the fund has been invested, as well as of the proceeds
9 15 of the investments and any moneys belonging to the fund.
9 16 Sec. 13. Section 602.9111, subsection 1, Code 2011, is
9 17 amended to read as follows:
9 18 1. So much of the judicial retirement fund as may not be
9 19 necessary to be kept on hand for the making of disbursements
9 20 under this article shall be invested by the treasurer of
9 21 state in any investments authorized for the Iowa public
9 22 employees' retirement system in section 97B.7A and subject
9 23 to the requirements of ~~chapter~~ chapters 12F and 12H, and
9 24 the earnings therefrom shall be credited to the fund. The
9 25 treasurer of state may execute contracts and agreements with
9 26 investment advisors, consultants, and investment management and
9 27 benefit consultant firms in the administration of the judicial
9 28 retirement fund.
9 29 EXPLANATION
9 30 This bill restricts the treasurer of state, the state
9 31 board of regents, the Iowa public employees' retirement
9 32 system (IPERS), the public safety peace officers' retirement
9 33 system, the statewide fire and police retirement system, and
9 34 the judicial retirement system, defined as public funds, from
9 35 directly investing in certain companies with active business

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10 1 operations in Iran. The bill also adds notice requirements
10 2 as to the public funds relative to companies with inactive
10 3 business operations in Iran.
10 4 The bill requires each public fund to develop and maintain a
10 5 list of scrutinized companies with active and inactive business
10 6 operations in Iran that the fund has direct or indirect
10 7 holdings in or in which the fund may invest in the future. Each
10 8 public fund shall determine this list by July 1, 2011, and
10 9 update it on a quarterly basis. The bill defines "scrutinized
10 10 companies" as those companies that have contracts with the
10 11 government of Iran and involve some oil=related or power
10 12 production activities, or supply military equipment to Iran.
10 13 Once a company is listed on the scrutinized companies list of a
10 14 public fund, the bill requires the public fund to send a notice
10 15 to that company relative to the requirements of the bill. If
10 16 the company has inactive business operations, the notice shall
10 17 describe the requirements of the bill and encourage the company
10 18 not to engage in active business operations. If the company
10 19 has active business operations, the notice shall provide that
10 20 the company may qualify for divestment and other investment
10 21 restrictions by the public fund.
10 22 New Code section 12H.4 requires that a public fund not invest
10 23 in, and shall divest from, holdings in a scrutinized company
10 24 with active business operations. If the public fund has direct
10 25 holdings in the company, the public fund shall proceed to
10 26 divest all assets with that company in 18 months so long as the
10 27 company continues active business operations in Iran. The bill
10 28 provides that a public fund shall not be required to divest or
10 29 refrain from investing in a company if the federal government
10 30 so provides or the public fund has indirect holdings, and not
10 31 direct holdings, in that company. However, public funds are
10 32 encouraged to move their indirect holdings to funds that do not
10 33 include scrutinized companies with active business operations.
10 34 The bill defines indirect holdings to include shares in an
10 35 account or fund managed by persons not employed by the public

House File 484 - Introduced continued

11 1 fund, including mutual funds, private equity funds, and other
11 2 similar funds.
11 3 The bill further requires each public fund to prepare
11 4 and make available to the public, and file with the general
11 5 assembly, an annual report, beginning October 1, 2012,
11 6 concerning actions taken by the public fund relative to the
11 7 requirements of this new Code chapter in the previous fiscal
11 8 year.
11 9 The bill provides that the requirements of the bill cease
11 10 to be applicable to Iran if the United States revokes all
11 11 sanctions imposed against Iran, or if Congress or the president
11 12 of the United States declares that mandatory divestment is
11 13 contrary to United States foreign policy or a controlling
11 14 federal court declares the divestment requirements of the bill
11 15 or similar statutes from other states is preempted by federal
11 16 law.
LSB 1973HV (2) 84
aw/nh

House File 485 - Introduced

HOUSE FILE
BY COMMITTEE ON ECONOMIC
GROWTH/REBUILD IOWA

(SUCCESSOR TO HF 181)

A BILL FOR

An Act relating to the legislative review of administrative rules, and rescinding all rules every five years.
BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 1070HV (1) 84
jr/rj

House File 485 - Introduced continued

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1 1 Section 1. Section 17A.5, Code 2011, is amended by adding
1 2 the following new subsection:
1 3 NEW SUBSECTION. 3. An administrative rule is rescinded five
1 4 years after the initial effective date of the rule, excluding
1 5 the effective dates of later amendments. For rules that are in
1 6 effect on July 1, 2011, the recision date is July 1, 2016.
1 7 Sec. 2. NEW SECTION. 17A.8A Legislative review of rules.
1 8 The standing committees of the house of representatives and
1 9 senate may review any administrative rule. If reviewed, the
1 10 standing committee reviewing the rule shall report to the house
1 11 of representatives or senate its findings and recommendations
1 12 concerning its review. If ordered by the speaker of the house
1 13 of representatives or the president of the senate, the report
1 14 of the committee shall be printed in the journal.
1 15 EXPLANATION
1 16 This bill would allow standing committees of the house of
1 17 representatives and senate to review any administrative rule.
1 18 As part of the rulemaking process, no rule could remain in
1 19 effect for more than five years, at which time the rule would
1 20 be automatically rescinded.
LSB 1070HV (1) 84
jr/rj

House File 486 - Introduced

HOUSE FILE
BY ISENHART

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 2274YH (5) 84
da/rj

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PAG LIN

1 1 DIVISION I
1 2 LOCAL FOOD AND FARM INITIATIVE
1 3 Section 1. NEW SECTION. 267A.1 Purpose and goals.
1 4 1. The purpose of this chapter is to empower farmers
1 5 and food entrepreneurs to provide for strong local food
1 6 economies that promote self=sufficiency and job growth in the
1 7 agricultural sector and allied sectors of the economy.
1 8 2. The goals of this chapter are to accomplish all of the
1 9 following:
1 10 a. Promote the expansion of the production of local foods,
1 11 including all of the following:
1 12 (1) The production of Iowa=grown food, including but not
1 13 limited to livestock, eggs, milk, fruit, vegetables, grains,
1 14 herbs, honey, and nuts.
1 15 (2) The processing of Iowa=grown agricultural products
1 16 into food products, including canning, freezing, dehydrating,
1 17 bottling, or otherwise packaging and preserving such products.
1 18 (3) The distribution and marketing of fresh and processed
1 19 Iowa=grown agricultural food products to markets in this state
1 20 and neighboring states.
1 21 b. Increase consumer and institutional spending on
1 22 Iowa=produced and marketed foods.
1 23 c. Increase the profitability of farmers and businesses
1 24 engaged in enterprises related to producing, processing,
1 25 distributing, and marketing local food.
1 26 d. Increase the number of jobs in this state's farm and
1 27 business economies associated with producing, processing,
1 28 distributing, and marketing local food.
1 29 Sec. 2. NEW SECTION. 267A.2 Definitions.
1 30 As used in this section, unless the context otherwise
1 31 requires:
1 32 1. "Coordinator" means the local food and farm program
1 33 coordinator created in section 267A.4.
1 34 2. "Council" means the local food and farm program council
1 35 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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3 1 groups.
3 2 c. Members appointed by the titular heads of state agencies
3 3 to represent their respective state agencies or institutions
3 4 as follows:
3 5 (1) The department of agriculture and land stewardship.
3 6 (2) The department of economic development.
3 7 (3) The department of administrative services.
3 8 (4) The department of human services. The appointed person
3 9 shall have a special knowledge of refugee services.
3 10 (5) The department of inspections and appeals.
3 11 (6) The department of education.
3 12 (7) The department of public health.
3 13 (8) The department of workforce development.
3 14 (9) The department of cultural affairs.
3 15 (10) The Leopold center for sustainable agriculture.
3 16 (11) Iowa state university extension service.
3 17 (12) Iowa state university of science and technology.
3 18 (13) The university of Iowa.
3 19 (14) The university of northern Iowa.
3 20 3. A member appointed under this section to serve on
3 21 the council shall serve at the pleasure of the appointing
3 22 organization, official, state agency, or institution.
3 23 4. The department, acting either directly or indirectly
3 24 under contract with a state board of regents institution, shall
3 25 perform administrative functions necessary for the management
3 26 of the council.
3 27 5. The council shall elect a chairperson from among its
3 28 members each year on a rotating basis as provided by the
3 29 council. The council shall meet on a regular basis and at the
3 30 call of the chairperson or upon the written request to the
3 31 chairperson of a majority of the members.
3 32 6. The members of the council shall not receive compensation
3 33 for their services including as provided in section 7E.6.
3 34 However, the members may be reimbursed for their actual and
3 35 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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5 1 administer a local food and farm program necessary to carry out
5 2 the purpose and goals of this chapter.
5 3 2. The purpose of the program is to do any of the following:
5 4 a. Improve communication and cooperation between and among
5 5 farmers, food entrepreneurs, and consumers.
5 6 b. Improve coordination between and among government
5 7 agencies, public universities and community colleges,
5 8 organizations, and private=sector firms working on local food
5 9 and farm=related issues.
5 10 c. Assist in educational needs assessment and curriculum
5 11 development and delivery regarding local food and farm=related
5 12 services.
5 13 Sec. 7. NEW SECTION. 267A.7 Local food and farm program
5 14 report.
5 15 1. The local food and farm program coordinator shall prepare
5 16 an annual report dated June 30, which shall evaluate the
5 17 state's progress in accomplishing the purpose and goals of this
5 18 chapter.
5 19 2. The report shall include a summary of all the following:
5 20 a. Benchmarks and goals of the program.
5 21 b. Actions taken by the local food and farm program council.
5 22 c. Activities and accomplishments of the local food and farm
5 23 program coordinator.
5 24 d. Recommendations for proposed legislation to be considered
5 25 by the general assembly and the governor.
5 26 e. The amount and source of moneys appropriated or credited
5 27 to, or deposited into the local food and farm program fund, and
5 28 the amount and purposes of expenditures from the fund.
5 29 3. The annual report shall be delivered to the governor and
5 30 general assembly not later than October 1.
5 31 Sec. 8. CONSIDERATION OF IOWA LOCAL FOOD AND FARM PLAN. In
5 32 developing the local food and farm program as provided in this
5 33 Act, the local food and farm program coordinator shall consider
5 34 the implementation of feasible recommendations contained in
5 35 the Iowa local farm and food plan published by the Leopold

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6 1 center for sustainable agriculture in January 2011. The
6 2 coordinator shall provide the plan to the division of libraries
6 3 and information services of the department of education for
6 4 publication as provided in section 256.53.
6 5 DIVISION II
6 6 APPROPRIATIONS
6 7 Sec. 9. APPROPRIATION ==== DEPARTMENT OF AGRICULTURE AND LAND
6 8 STEWARDSHIP ==== LOCAL FOOD AND FARM PROGRAM COORDINATOR. There
6 9 is appropriated from the general fund of the state to the
6 10 department of agriculture and land stewardship for the fiscal
6 11 period beginning July 1, 2011, and ending June 30, 2013, the
6 12 following amount, or so much thereof as is necessary, to be
6 13 used for the purposes designated:
6 14 1. For purposes of supporting a local food and farm program
6 15 coordinator as provided in this Act, for salaries, support,
6 16 maintenance, and miscellaneous purposes, and for not more than
6 17 the following full=time equivalent positions:
6 18 ..... $ 150,000
6 19 ..... FTEs 1.00
6 20 2. The department shall enter into a cost=sharing agreement
6 21 with a state board of regents institution to support the
6 22 coordinator. The coordinator shall be stationed at that state
6 23 board of regents institution as provided in this Act.
6 24 Sec. 10. APPROPRIATION ==== DEPARTMENT OF AGRICULTURE
6 25 AND LAND STEWARDSHIP ==== IOWA FARM=TO=SCHOOL PROGRAM. There
6 26 is appropriated from the general fund of the state to the
6 27 department of agriculture and land stewardship for the fiscal
6 28 period beginning July 1, 2011, and ending June 30, 2013, the
6 29 following amount, or so much thereof as is necessary, to be
6 30 used for the purposes designated:
6 31 For purposes of supporting the farm=to=school program as
6 32 established in chapter 190A:
6 33 ..... $ 100,000
6 34 EXPLANATION
6 35 LOCAL FOOD AND FARM INITIATIVE. This bill provides for an

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7 1 initiative related to the production, processing, and marketing
7 2 of local foods. The initiative is administered by a local food
7 3 and farm program council comprised of members representing
7 4 both the private and public sectors and a local food and farm
7 5 program coordinator established within the department of
7 6 agriculture and land stewardship but stationed in a state board
7 7 of regents institution under a cost=sharing agreement with the
7 8 institution.
7 9 The bill establishes a local food and farm program fund under
7 10 the control of the department and managed by the coordinator
7 11 under the supervision of the council. The bill establishes a
7 12 local food and farm program administered by the coordinator
7 13 with advice from the council. The purpose of the program is
7 14 to improve communication and cooperation between interested
7 15 persons, improve coordination between and among government
7 16 entities and private=sector firms, and assist in providing
7 17 education. In developing the program, the coordinator must
7 18 consider the implementation of feasible recommendations
7 19 contained in the Iowa local food and farm plan published by the
7 20 Leopold center for sustainable agriculture.
7 21 The bill requires the coordinator to prepare an annual
7 22 report to the general assembly and the governor detailing
7 23 the work of the council and coordinator and including
7 24 recommendations.
7 25 APPROPRIATIONS. The bill appropriates moneys from the
7 26 general fund of the state to the department of agriculture
7 27 and land stewardship for fiscal years beginning July 1,
7 28 2011, and July 1, 2012, for purposes of supporting the local
7 29 food and farm program coordinator to be stationed at a state
7 30 regents institution. The bill also appropriates moneys to
7 31 the department of agriculture and land stewardship for the
7 32 fiscal period beginning July 1, 2011, and ending June 30,
7 33 2013, for purposes of supporting the farm=to=school program as
7 34 established in Code chapter 190A.
LSB 2274YH (5) 84
da/rj

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HOUSE FILE
BY H. MILLER, HANSON,
THEDE, THOMAS, KEARNS,
STECKMAN, MASCHER,
ABDUL=SAMAD, COHOON,
GASKILL,
WESSEL=KROESCHELL,
LENSING, KELLEY,
WITTNEBEN, WENTHE,
JACOBY, MUHLBAUER,
MURPHY, WINCKLER,
HUNTER, BERRY,
R. OLSON, S. OLSON,
SWEENEY, DE BOEF,
ALONS, ISENHART,
SWAIM, and QUIRK

A BILL FOR

An Act establishing a committee to provide for greater collaboration between urban and rural communities.
BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 2696YH (4) 84
da/sc

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1 1 Section 1. URBAN=RURAL DIALOGUE COMMITTEE.
1 2 1. An urban=rural dialogue committee is established to
1 3 improve urban, including suburban, and rural communities in
1 4 this state by providing for collaborative efforts.
1 5 2. The committee shall study existing programs administered
1 6 by state agencies which benefit one community, but which
1 7 could be revised or administered differently to benefit both
1 8 communities. The committee shall also study methods to improve
1 9 awareness, understanding, and communication between urban and
1 10 rural communities, including but not limited to how soil and
1 11 water conservation practices, pollution control measures, and
1 12 flood control measures may be better implemented by urban
1 13 residents.
1 14 3. The committee shall be chaired by the secretary of
1 15 agriculture or a designee. The committee shall also include
1 16 the following members:
1 17 a. The director of the department of natural resources, or
1 18 the director's designee.
1 19 b. The president of Iowa state university or the president's
1 20 designee.
1 21 c. Three persons appointed by the secretary of agriculture
1 22 who are rural residents, including two persons who are actively
1 23 engaged in farming.
1 24 d. Two persons appointed by the secretary of agriculture who
1 25 are urban residents.
1 26 4. A public member is entitled to receive reimbursement for
1 27 actual expenses incurred while engaged in the performance of
1 28 official duties under this section. However, a member of the
1 29 committee is not eligible to receive compensation as provided
1 30 in section 7E.6.
1 31 5. The committee shall submit a report to the general
1 32 assembly not later than January 1, 2012. The report shall
1 33 include findings and recommendations, including proposals for
1 34 legislation and administrative rules.
1 35 EXPLANATION

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2 1 The bill establishes an urban=rural dialogue committee to
2 2 improve urban, including suburban, and rural communities by
2 3 providing for collaborative efforts, including by reviewing
2 4 existing programs administered by state agencies and by
2 5 studying methods to improve awareness, understanding, and
2 6 communication between the communities. The committee includes
2 7 state agency representatives, including the department of
2 8 agriculture and land stewardship, the department of natural
2 9 resources, and Iowa state university, and public members
2 10 representing urban and rural communities. The committee must
2 11 submit a report to the general assembly by January 1, 2012.
LSB 2696YH (4) 84
da/sc

House File 488 - Introduced

HOUSE FILE
BY COHOON

A BILL FOR

An Act relating to grade acceleration for students identified as gifted and talented.

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

TLSB 2533HH (3) 84
kh/nh

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1 1 Section 1. Section 257.43, Code 2011, is amended by adding
1 2 the following new subsection:
1 3 NEW SUBSECTION. 2A. Procedures for the academic
1 4 acceleration of gifted and talented students. These procedures
1 5 shall include how the district will do the following:
1 6 a. Assess a student's readiness and motivation for
1 7 acceleration.
1 8 b. Match the level, complexity, and pace of the curriculum
1 9 to a student to achieve the best type of academic acceleration
1 10 for that student.
1 11 Sec. 2. Section 279.61, Code 2011, is amended by adding the
1 12 following new subsection:
1 13 NEW SUBSECTION. 3. A child identified by a school district
1 14 or area education agency as a gifted and talented child
1 15 in accordance with section 257.43, 257.44, or 257.48 may
1 16 be accelerated by grade level or by subject if the child's
1 17 classroom teacher and, if applicable, gifted and talented
1 18 teacher, the administrator of the school building, and the
1 19 child's parent or guardian approve the acceleration in writing.
1 20 EXPLANATION
1 21 This bill permits children identified by a school district
1 22 or area education agency as gifted and talented to be
1 23 accelerated by grade level or by subject if a child's classroom
1 24 teacher and, if applicable, gifted and talented teacher,
1 25 the administrator of the school building, and the child's
1 26 parent or guardian approve the acceleration in writing. The
1 27 bill also requires school districts to include in gifted and
1 28 talented program plans procedures for the academic acceleration
1 29 of gifted and talented students that assess a student's
1 30 readiness and motivation for acceleration and match the level,
1 31 complexity, and pace of the curriculum to a student to achieve
1 32 the best type of academic acceleration for that student.

LSB 2533HH (3) 84
kh/nh

House File 489 - Introduced

HOUSE FILE
BY ALONS

A BILL FOR

An Act relating to the application of foreign laws, and including effective date provisions.
BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 2004YH (3) 84
jm/rj

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1 1 Section 1. NEW SECTION. 537C.1 Definition.
1 2 As used in this chapter, "foreign law, legal code, or system"
1 3 means any law, legal code, or system of a jurisdiction outside
1 4 of any state or territory of the United States, including but
1 5 not limited to international organizations and tribunals, and
1 6 applied by that jurisdiction's courts, administrative bodies,
1 7 or other formal or informal tribunals.
1 8 Sec. 2. NEW SECTION. 537C.2 Comity.
1 9 It is the public policy of this state that the primary factor
1 10 which a court, administrative agency, arbitrator, mediator, or
1 11 other entity or person acting under the authority of state law
1 12 shall consider in granting comity to a decision rendered under
1 13 any foreign law, legal code, or system against a person in this
1 14 state is whether the decision rendered violated any right of
1 15 the person in this state guaranteed by the Constitution of the
1 16 State of Iowa, the Constitution of the United States, or any
1 17 statute enacted or decision issued under the constitution of
1 18 the state of Iowa or the United States.
1 19 Sec. 3. NEW SECTION. 537C.3 Interpretation ==== foreign law.
1 20 If any contract, arbitration agreement, or other agreement
1 21 provides for the choice of a foreign law, legal code, or
1 22 system to govern its interpretation or resolution of any claim
1 23 or dispute and if the enforcement or interpretation of the
1 24 contract, arbitration agreement, or other agreement applying
1 25 that choice of law provision either resulted or would result
1 26 in a violation of any guaranteed right by the Constitution of
1 27 the State of Iowa or the Constitution of the United States, it
1 28 is the public policy of this state that the primary factor in
1 29 interpretation, enforcement, or application of the contract,
1 30 arbitration agreement, or other agreement shall be preservation
1 31 of the constitutional rights of the person in this state
1 32 against whom enforcement is sought, unless otherwise directed
1 33 by another provision of the law.
1 34 Sec. 4. NEW SECTION. 537C.4 Voluntary restriction of
1 35 constitutional rights.

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2 1 This chapter shall not be construed to limit the right
2 2 of a person of this state to voluntarily restrict or limit
2 3 the constitutional rights of a person by contract or waiver.
2 4 However, the language of any such contract or other waiver
2 5 shall be strictly construed in favor of preserving the
2 6 constitutional rights of the person of this state.
2 7 Sec. 5. NEW SECTION. 537C.5 Venue.
2 8 If any contract, arbitration agreement, or other agreement
2 9 provides for the choice of venue or forum outside any state
2 10 or territory of the United States and if the enforcement or
2 11 interpretation of the contract, arbitration agreement, or
2 12 other agreement applying that choice of venue or forum either
2 13 resulted or would result in a violation of any guaranteed right
2 14 by the Constitution of the State of Iowa or the Constitution
2 15 of the United States, it is the public policy of this state
2 16 that in interpreting or construing the contract or arbitration
2 17 agreement, the primary factor to be considered is whether
2 18 the contract or arbitration agreement can be interpreted or
2 19 construed to preserve the constitutional rights of the person
2 20 in this state against whom enforcement is sought.
2 21 Sec. 6. NEW SECTION. 537C.6 Forum non conveniens.
2 22 If a person of this state, subject to personal jurisdiction
2 23 in this state, seeks to maintain litigation, arbitration,
2 24 agency, or similarly binding proceedings in this state and if
2 25 the courts of this state find that granting a claim of forum
2 26 non conveniens or a related claim violates or would likely
2 27 violate the constitutional rights of the nonclaimant in the
2 28 foreign forum with respect to the matter in dispute, it is the
2 29 public policy of this state that the claim shall be denied.
2 30 Sec. 7. NEW SECTION. 537C.7 Applicability.
2 31 This chapter does not apply to a corporation, partnership,
2 32 or other business entity.
2 33 Sec. 8. EFFECTIVE UPON ENACTMENT. This Act, being deemed of
2 34 immediate importance, takes effect upon enactment.
2 35 EXPLANATION

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This bill relates to the application of foreign laws.

As used in the bill, "foreign law" means any law, legal code, or system of a jurisdiction outside of any state or territory of the United States, including but not limited to international organizations and tribunals, and applied by that jurisdiction's courts, administrative bodies, or other formal or informal tribunals.

The bill establishes it is the public policy of this state that the primary factor a court, administrative agency, arbitrator, mediator, or other entity or person acting under the authority of this state shall consider is whether the decision of a foreign court or similar body rendered against a person of this state violated any constitutional rights of the person, prior to granting comity to such a decision.

Under the bill, if any contract, arbitration agreement, or other agreement provides for the choice of a foreign law to govern its interpretation or resolution of any claim or dispute and if the enforcement or interpretation of the contract, arbitration agreement, or other agreement applying that choice of law provision results in a violation of any guaranteed constitutional rights, the bill establishes that it is the public policy of this state that the primary factor in interpretation, enforcement, or application of the contract, arbitration agreement, or other agreement shall be preservation of the constitutional rights of the person in this state, unless otherwise directed by another provision of the law.

Under the bill, if any contract or agreement provides for the choice of venue or forum outside any state or territory of the United States and if the enforcement or interpretation of the contract or agreement applying the choice of venue or forum results in a violation of any guaranteed constitutional rights, the bill establishes that it is the public policy of this state that in interpreting or construing the contract or agreement, the primary factor to be considered is whether it can be interpreted or construed to preserve the constitutional rights

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4 1 of the person in this state against whom enforcement is sought.
4 2 If a person of this state, subject to personal jurisdiction
4 3 in this state, seeks to maintain litigation, arbitration,
4 4 agency, or similarly binding proceedings in this state and if
4 5 the courts of this state find that granting a claim of forum
4 6 non conveniens or a related claim violates the constitutional
4 7 rights of the nonclaimant in the foreign forum with respect
4 8 to the matter in dispute, the bill establishes that it is the
4 9 public policy of this state that the claim be denied.
4 10 The bill does not apply to a corporation, partnership, or
4 11 other business entity.
4 12 The bill takes effect upon enactment.

LSB 2004YH (3) 84
jm/rj

House File 490 - Introduced

HOUSE FILE
BY COMMITTEE ON COMMERCE

(SUCCESSOR TO HSB 27)

A BILL FOR

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

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1 1 Section 1. NEW SECTION. 147.140 Expert certificate of merit
1 2 affidavit ==== health care providers ==== requirements.
1 3 1. For purposes of this section, "health care provider"
1 4 means a physician or surgeon, osteopathic physician or
1 5 surgeon, dentist, podiatric physician, optometrist, pharmacist,
1 6 chiropractor, physician assistant, or nurse licensed in this
1 7 state, a hospital licensed pursuant to chapter 135B, or a
1 8 health care facility licensed pursuant to chapter 135C.
1 9 2. a. In any action for personal injury or wrongful
1 10 death against any health care provider based upon the alleged
1 11 negligence of the licensee in the practice of that profession
1 12 or occupation, or upon the alleged negligence of the hospital
1 13 or health care facility in patient care, which includes a cause
1 14 of action for which expert testimony is necessary to establish
1 15 a prima facie case, the plaintiff shall, within one hundred
1 16 eighty days of the defendant's answer, serve upon the defendant
1 17 an expert's certificate of merit affidavit for each expert
1 18 listed pursuant to section 668.11 who will testify with respect
1 19 to the issues of breach of standard of care or causation.
1 20 b. Each certificate of merit affidavit must be signed by
1 21 the expert. The affidavit must certify the purpose for calling
1 22 the expert by providing under the oath of the expert all of the
1 23 following:
1 24 (1) The expert's statement of familiarity with the
1 25 applicable standard of care.
1 26 (2) The expert's statement that the standard of care was
1 27 breached by the health care provider named in the petition.
1 28 (3) The expert's statement of the actions that the health
1 29 care provider should have taken or failed to take to have
1 30 complied with the standard of care.
1 31 (4) The expert's statement of the manner by which the breach
1 32 of the standard of care was the cause of the injury alleged in
1 33 the petition.
1 34 c. A plaintiff shall serve a separate affidavit on each
1 35 defendant named in the petition.

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2 1 d. Answers to interrogatories may serve as an expert's
2 2 certificate of merit affidavit in lieu of a separately executed
2 3 affidavit if the interrogatories satisfy the requirements of
2 4 this subsection and are signed by the plaintiff's attorney and
2 5 by each expert listed in the answers to interrogatories and
2 6 served upon the defendant within one hundred eighty days of the
2 7 defendant's answer.
2 8 3. The expert's certificate of merit affidavit does not
2 9 preclude additional discovery and supplementation of the
2 10 expert's opinions in accordance with the rules of civil
2 11 procedure.
2 12 4. The parties by agreement or the court for good cause
2 13 shown and in response to a motion filed prior to the expiration
2 14 of the time limits specified in subsection 2 may provide
2 15 for extensions of the time limits specified in subsection
2 16 2. Good cause shall include the inability to timely obtain
2 17 a plaintiff's medical records from medical providers when
2 18 requested prior to filing suit and not produced.
2 19 5. If the plaintiff is acting pro se, the plaintiff shall
2 20 sign the affidavit or answers to interrogatories referred to
2 21 in this section and shall be bound by those provisions as if
2 22 represented by an attorney.
2 23 6. a. Failure to comply with subsection 2 shall result,
2 24 upon motion, in dismissal with prejudice of each cause of
2 25 action as to which expert testimony is necessary to establish a
2 26 prima facie case.
2 27 b. A written notice of deficiency may be served upon the
2 28 plaintiff for failure to comply with subsection 2 because of
2 29 deficiencies in the affidavit or answers to interrogatories.
2 30 The notice shall state with particularity each deficiency of
2 31 the affidavit or answers to interrogatories. The plaintiff
2 32 shall have fourteen days to cure the deficiency. Failure to
2 33 comply within the fourteen days shall result, upon motion, in
2 34 mandatory dismissal with prejudice of each action as to which
2 35 expert testimony is necessary to establish a prima facie case.

House File 490 - Introduced continued

3 1 A party resisting a motion for mandatory dismissal pursuant to
3 2 this section shall have the right to request a hearing on the
3 3 motion.
3 4 EXPLANATION
3 5 This bill relates to the filing of a certificate of merit in
3 6 a medical malpractice action.
3 7 The bill provides that in any action for personal injury
3 8 or wrongful death against any health care provider based upon
3 9 negligence, which includes a cause of action for which expert
3 10 testimony is necessary to establish a prima facie case, the
3 11 plaintiff is required, within 180 days of the defendant's
3 12 answer, to serve the defendant with an expert's certificate
3 13 of merit affidavit for each expert listed who is expected to
3 14 testify with respect to the issues of breach of standard of
3 15 care or causation.
3 16 The bill provides that each certificate of merit affidavit
3 17 must be signed by the expert and include the expert's statement
3 18 of familiarity with the applicable standard of care, the
3 19 expert's statement that the standard of care was breached by
3 20 the health care provider named in the petition, the expert's
3 21 statement of the actions that the health care provider should
3 22 have taken or failed to take to have complied with the standard
3 23 of care, and the expert's statement of the manner by which the
3 24 breach of the standard of care was the cause of the injury
3 25 alleged in the petition.
3 26 The bill provides that a plaintiff shall serve a separate
3 27 affidavit on each defendant named in the petition and that
3 28 answers to interrogatories may serve as an expert's certificate
3 29 of merit affidavit in lieu of a separately executed affidavit
3 30 if the interrogatories satisfy the requirements previously
3 31 noted and are signed by the plaintiff's attorney and by each
3 32 expert listed in the answers to interrogatories and served upon
3 33 the defendant within 180 days of the defendant's answer.
3 34 The bill provides that a certificate of merit affidavit
3 35 does not preclude additional discovery and that the parties by

House File 490 - Introduced continued

4 1 agreement or the court for good cause shown may provide for
4 2 extensions of the time limits provided in the bill. If the
4 3 plaintiff is acting pro se, the plaintiff is required to sign
4 4 the affidavit or answers to interrogatories and shall be bound
4 5 by those provisions as if represented by an attorney.
4 6 The bill provides that failure to comply with the
4 7 requirements of the bill shall result, upon motion, in
4 8 dismissal with prejudice of each cause of action as to which
4 9 expert testimony is necessary to establish a prima facie case.
4 10 A written notice of deficiency may be served upon the plaintiff
4 11 for failure to comply with the requirements of the bill because
4 12 of deficiencies in the affidavit or answers to interrogatories.
4 13 The plaintiff shall have 14 days to cure the deficiency and
4 14 failure to comply within the 14 days shall result, upon motion,
4 15 in mandatory dismissal with prejudice of each action as to
4 16 which expert testimony is necessary to establish a prima facie
4 17 case. A party resisting a motion for mandatory dismissal under
4 18 the bill has the right to request a hearing on the motion.
4 19 For purposes of the bill, "health care provider" means
4 20 a physician or surgeon, osteopathic physician or surgeon,
4 21 dentist, podiatric physician, optometrist, pharmacist,
4 22 chiropractor, physician assistant, or nurse licensed in this
4 23 state, a hospital licensed pursuant to Code chapter 135B, or a
4 24 health care facility licensed pursuant to Code chapter 135C.
LSB 1406HV (3) 84
rh/rj

House File 491 - Introduced

HOUSE FILE
BY COMMITTEE ON ECONOMIC
GROWTH/REBUILD IOWA

(SUCCESSOR TO HF 263)

A BILL FOR

An Act requiring regulatory analysis for new administrative rules regarding the impact of the rules on small business.
BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 1147HV (2) 84
je/nh

House File 491 - Introduced continued

PAG LIN

1 1 Section 1. Section 17A.4A, subsections 1, 4, and 5, Code
1 2 2011, are amended to read as follows:
1 3 1. a. An agency shall issue a regulatory analysis of
1 4 a proposed rule that complies with subsection 2, paragraph
1 5 "a", if, within thirty=two days after the published notice of
1 6 proposed rule adoption, a written request for the analysis is
1 7 submitted to the agency by the administrative rules review
1 8 committee or the administrative rules coordinator. If a rule
1 9 has been adopted without prior notice and an opportunity for
1 10 public participation in reliance upon section 17A.4, subsection
1 11 3, the written request for an analysis that complies with
1 12 subsection 2, paragraph "a", may be made within seventy days of
1 13 publication of the rule.
1 14 b. An agency shall issue a regulatory analysis of a proposed
1 15 rule that complies with subsection 2, paragraph "b", if the
1 16 rule would have a substantial impact on small business ~~and if,~~
~~1 17 within thirty=two days after the published notice of proposed~~
~~1 18 rule adoption, a written request for analysis is submitted to~~
~~1 19 the agency by the administrative rules review committee, the~~
~~1 20 administrative rules coordinator, at least twenty=five persons~~
~~1 21 signing that request who each qualify as a small business or~~
~~1 22 by an organization representing at least twenty=five such~~
~~1 23 persons~~, as determined by the agency pursuant to rules adopted
1 24 by the agency pursuant to paragraph "c". The analysis shall
1 25 be completed prior to publication in the Iowa administrative
1 26 bulletin of notice of the intended action pursuant to section
1 27 17A.4, subsection 1, paragraph "a". A concise summary of the
1 28 analysis shall be published in the Iowa administrative bulletin
1 29 along with the notice of intended action. If a rule has been
1 30 adopted without prior notice and an opportunity for public
1 31 participation in reliance upon section 17A.4, subsection 3, the
1 32 ~~written request for an~~ analysis ~~that complies with subsection~~
~~1 33 2, paragraph "a" or "b", may be made~~ shall be issued within
1 34 seventy days of publication of the rule and a concise summary
1 35 of the analysis shall be published in the Iowa administrative

House File 491 - Introduced continued

2 1 bulletin.
2 2 c. Each agency shall adopt rules setting out criteria for
2 3 the determination of whether a rule proposed by the agency may
2 4 have a substantial impact on small business. Such criteria
2 5 shall include all of the following:
2 6 (1) Any adverse impacts upon small business.
2 7 (2) Any negative impacts upon job growth.
2 8 4. Upon receipt by an agency of a timely request for a
2 9 regulatory analysis pursuant to subsection 1, paragraph "a",
2 10 the agency shall extend the period specified in this chapter
2 11 for each of the following until at least twenty days after
2 12 publication in the Iowa administrative bulletin of a concise
2 13 summary of the regulatory analysis:
2 14 a. The end of the period during which persons may make
2 15 written submissions on the proposed rule.
2 16 b. The end of the period during which an oral proceeding may
2 17 be requested.
2 18 c. The date of any required oral proceeding on the proposed
2 19 rule.
2 20 5. In the case of a rule adopted without prior notice and an
2 21 opportunity for public participation in reliance upon section
2 22 17A.4, subsection 3, ~~the~~ a summary pursuant to subsection 1,
2 23 paragraph "a", must be published within seventy days of the
2 24 request.
2 25 Sec. 2. Section 17A.33, Code 2011, is amended to read as
2 26 follows:
2 27 17A.33 Review by administrative rules review committee.
2 28 The administrative rules review committee shall review
2 29 existing rules, as time permits, to determine if there are
2 30 adverse or beneficial effects from these rules. ~~The committee~~
~~2 31 shall give a high priority to rules that are referred to it~~
~~2 32 by small business as defined in section 17A.4A.~~ The review
2 33 of these rules shall be forwarded to the appropriate standing
2 34 committees of the house and senate.
2 35 EXPLANATION

House File 491 - Introduced continued

3 1 Current law requires an agency proposing a new
3 2 administrative rule that would have a substantial impact on
3 3 small business, upon request of various interested entities,
3 4 to conduct a regulatory analysis meeting certain criteria to
3 5 determine the impact of the proposed rule on small business and
3 6 how the impact can be reduced. This bill makes the requirement
3 7 mandatory for all proposed administrative rules that would have
3 8 a substantial impact on small business.
3 9 The bill directs the agency to adopt rules setting out
3 10 criteria to determine whether a proposed rule may have a
3 11 substantial impact on small business.
LSB 1147HV (2) 84
je/nh

House File 492 - Introduced

HOUSE FILE
BY COMMITTEE ON STATE
GOVERNMENT

(SUCCESSOR TO HSB 106)

A BILL FOR

An Act excluding certain employees of the secretary of state from the public employee collective bargaining law.
BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 2374HV (1) 84
je/rj

House File 492 - Introduced continued

PAG LIN

1 1 Section 1. NEW SECTION. 9.8 Employee classifications.
1 2 In addition to public employees listed in section 20.4,
1 3 public employees of the secretary of state who hold positions
1 4 that are classified in the information technology series and
1 5 administrative assistant series are excluded from chapter 20.
1 6 EXPLANATION
1 7 This bill excludes employees of the secretary of state
1 8 who hold positions that are classified in the information
1 9 technology series and administrative assistant series from Code
1 10 chapter 20, relating to public employee collective bargaining.
LSB 2374HV (1) 84
je/rj

House File 493 - Introduced

HOUSE FILE
BY COMMITTEE ON EDUCATION

(SUCCESSOR TO HF 139)

A BILL FOR

An Act requiring faculty members of regents institutions and community colleges charged with a crime to repay all salary received during a paid leave of absence if convicted.

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

TLSB 1551HV (1) 84
je/nh

House File 493 - Introduced continued

PAG LIN

1 1 Section 1. Section 260C.14, Code 2011, is amended by adding
1 2 the following new subsection:
1 3 NEW SUBSECTION. 23. Adopt rules requiring a faculty member
1 4 on a leave of absence with full or partial compensation because
1 5 the faculty member is charged with the commission of a public
1 6 offense classified as a felony, an aggravated misdemeanor, or
1 7 a serious misdemeanor to repay to the community college all
1 8 salary the faculty member received during the period of the
1 9 leave of absence if the faculty member is convicted of the
1 10 public offense.
1 11 Sec. 2. Section 262.9, Code 2011, is amended by adding the
1 12 following new subsection:
1 13 NEW SUBSECTION. 36. Require each of the institutions of
1 14 higher education governed by the board to adopt rules requiring
1 15 a faculty member on a leave of absence with full or partial
1 16 compensation because the faculty member is charged with the
1 17 commission of a public offense classified as a felony, an
1 18 aggravated misdemeanor, or a serious misdemeanor to repay to
1 19 the institution all salary the faculty member received during
1 20 the period of the leave of absence if the faculty member is
1 21 convicted of the public offense.
1 22 EXPLANATION
1 23 This bill requires regents institutions and community
1 24 colleges to adopt rules requiring a faculty member on a leave
1 25 of absence with full or partial compensation because the
1 26 faculty member is charged with the commission of a public
1 27 offense classified as a felony, an aggravated misdemeanor, or
1 28 a serious misdemeanor, to repay all salary the faculty member
1 29 received during the period of the leave of absence if the
1 30 faculty member is convicted of the public offense.

House File 494 - Introduced

HOUSE FILE
BY COMMITTEE ON HUMAN
RESOURCES

(SUCCESSOR TO HF 309)

A BILL FOR

An Act relating to visitation or interaction with siblings by children participating in the subsidized guardianship program administered by the department of human services and including effective date provisions.

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

TLSB 2356HV (1) 84
jp/nh

House File 494 - Introduced continued

PAG LIN

1 1 Section 1. SUBSIDIZED GUARDIANSHIP PROGRAM ==== SIBLING
1 2 VISITATION. The department of human services shall adapt the
1 3 provisions of section 232.108 for application to the subsidized
1 4 guardianship program in order to facilitate frequent visitation
1 5 or ongoing interaction between children participating in
1 6 the subsidized guardianship program for application to the
1 7 subsidized guardianship program and the siblings of those
1 8 children. However, the visitation or ongoing interaction shall
1 9 not be facilitated if the department determines the visitation
1 10 or ongoing interaction would be detrimental to the child's
1 11 well=being or is suspended or terminated by the court.
1 12 Sec. 2. EFFECTIVE UPON ENACTMENT. This Act, being deemed of
1 13 immediate importance, takes effect upon enactment.
1 14 EXPLANATION
1 15 This bill requires the department of human services to
1 16 adapt the provisions of Code section 232.108 for application
1 17 to the subsidized guardianship program administered by
1 18 the department in order to facilitate frequent visitation
1 19 or ongoing interaction between children participating in
1 20 the program and the siblings of those children. However,
1 21 facilitation of the visiting or interaction is not required if
1 22 the department determines the visitation or ongoing interaction
1 23 would be detrimental to the child's well=being or is suspended
1 24 or terminated by the court.
1 25 The subsidized guardianship program was approved by the
1 26 federal government as a five=year demonstration project to
1 27 operate from February 1, 2007, through January 31, 2012.
1 28 However, the department ended new enrollment in the program
1 29 effective September 1, 2010.
1 30 The bill takes effect upon enactment.
LSB 2356HV (1) 84
jp/nh

House File 495 - Introduced

HOUSE FILE
BY COMMITTEE ON HUMAN
RESOURCES

(SUCCESSOR TO HSB 122)

A BILL FOR

An Act to exclude tests not intended to evaluate the risk of developing a disease from the restrictions on genetic testing contained in the Iowa criminal code.

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

TLSB 1731HV (1) 84
je/rj

House File 495 - Introduced continued

PAG LIN

1 1 Section 1. Section 729.6, subsection 1, paragraph e, Code
1 2 2011, is amended to read as follows:
1 3 e. "Genetic testing" means the same as genetic test as
1 4 defined in 29 U.S.C. { 1191b(d)(7). "Genetic testing" does not
1 5 mean routine physical measurement, a routine chemical, blood,
1 6 or urine analysis, a biopsy, an autopsy, or clinical specimen
1 7 obtained solely for the purpose of conducting an immediate
1 8 clinical or diagnostic test to detect an existing disease,
1 9 illness, impairment, or disorder, ~~or~~ a test for drugs or for
1 10 human immunodeficiency virus infections, or a test that is not
1 11 intended to evaluate the risk that the subject of the test will
1 12 develop a disease.
1 13 EXPLANATION
1 14 Current law excludes routine chemical, blood, or urine
1 15 analyses; tests for drugs; tests for human immunodeficiency
1 16 virus; and certain other procedures from the restrictions on
1 17 genetic testing contained in the Iowa criminal code. This bill
1 18 adds tests not intended to evaluate the risk of developing a
1 19 disease to those exclusions.
LSB 1731HV (1) 84
je/rj

House File 496 - Introduced

HOUSE FILE
BY SWEENEY and STECKMAN

A BILL FOR

An Act relating to disclosure statements required to be delivered to persons interested in acquiring real property, by providing a notice if the real property is located in a levee or drainage district.

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

TLSB 2394HH (2) 84
da/nh

House File 496 - Introduced continued

PAG LIN

1 1 Section 1. Section 558A.4, subsection 1, Code 2011, is
1 2 amended to read as follows:
1 3 1. The disclosure statement shall include ~~information~~ all
1 4 of the following:
1 5 a. Information relating to the condition and important
1 6 characteristics of the property and structures located on the
1 7 property, including significant defects in the structural
1 8 integrity of the structure, as provided in rules which shall
1 9 be adopted by the real estate commission pursuant to section
1 10 543B.9. The rules may require the disclosure to include
1 11 information relating to the property's zoning classification;
1 12 the condition of plumbing, heating, or electrical systems; or
1 13 the presence of pests.
1 14 b. A notice that the property is located within a levee or
1 15 drainage district established pursuant to chapter 468. Before
1 16 the land is transferred, the notice shall be delivered to an
1 17 attorney or abstractor preparing the abstract of title for its
1 18 inclusion.
1 19 EXPLANATION
1 20 BACKGROUND. This bill amends provisions in Code
1 21 chapter 558A, which involves the transfer or conveyance of
1 22 property including one or several dwelling units. A person
1 23 interested in transferring the real property, or a broker or
1 24 salesperson acting on behalf of the person, must deliver a
1 25 written disclosure statement to a person interested in being
1 26 transferred the real property. The disclosure statement must
1 27 include information relating to the condition and important
1 28 characteristics of the property.
1 29 INFORMATION REGARDING THE LOCATION OF PROPERTY WITHIN
1 30 A LEVEE OR DRAINAGE DISTRICT. The bill requires that the
1 31 disclosure statement include a notice that the property is
1 32 located within a levee or drainage district. It also requires
1 33 that before the land is transferred, the notice be delivered
1 34 to an attorney or abstractor preparing the abstract of title
1 35 for its inclusion.

House File 497 - Introduced

HOUSE FILE
BY COMMITTEE ON HUMAN
RESOURCES

(SUCCESSOR TO HF 235)

A BILL FOR

An Act relating to payment for behavioral health services provided by licensed mental health counselors and certified alcohol and drug counselors under the Medicaid program.

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

TLSB 2291HV (2) 84
pf/nh

House File 497 - Introduced continued

PAG LIN

1 1 Section 1. Section 249A.15A, Code 2011, is amended to read
1 2 as follows:
1 3 249A.15A Licensed marital and family therapists ~~and~~, licensed
1 4 master social workers, and licensed mental health counselors.
1 5 1. The department shall adopt rules pursuant to chapter
1 6 17A entitling marital and family therapists who are licensed
1 7 pursuant to chapter 154D to payment for behavioral health
1 8 services provided to recipients of medical assistance, subject
1 9 to limitations and exclusions the department finds necessary on
1 10 the basis of federal laws and regulations.
1 11 2. The department shall adopt rules pursuant to chapter
1 12 17A entitling master social workers who hold a master's
1 13 degree approved by the board of social work, are licensed as
1 14 a master social worker pursuant to section 154C.3, subsection
1 15 1, paragraph "b", and provide treatment services under the
1 16 supervision of an independent social worker licensed pursuant
1 17 to section 154C.3, subsection 1, paragraph "c", to payment
1 18 for behavioral health services provided to recipients of
1 19 medical assistance, subject to limitations and exclusions the
1 20 department finds necessary on the basis of federal laws and
1 21 regulations.
1 22 3. The department shall adopt rules pursuant to chapter 17A
1 23 entitling mental health counselors who are licensed pursuant to
1 24 chapter 154D to payment for behavioral health services provided
1 25 to recipients of medical assistance, subject to limitations
1 26 and exclusions the department finds necessary on the basis of
1 27 federal laws and regulations.
1 28 4. The department shall adopt rules pursuant to chapter 17A
1 29 entitling alcohol and drug counselors who are certified by the
1 30 nongovernmental Iowa board of substance abuse certification to
1 31 payment for behavioral health services provided to recipients
1 32 of medical assistance, subject to limitations and exclusions
1 33 the department finds necessary on the basis of federal laws and
1 34 regulations.
1 35 Sec. 2. MEDICAL ASSISTANCE STATE PLAN ==== MENTAL HEALTH

House File 497 - Introduced continued

2 1 COUNSELORS. The department of human services shall amend the
2 2 medical assistance state plan to allow mental health counselors
2 3 licensed in the state and alcohol and drug counselors certified
2 4 in the state to be participating behavioral health providers
2 5 under the medical assistance program.
2 6 EXPLANATION
2 7 This bill directs the department of human services (DHS) to
2 8 adopt rules entitling licensed mental health counselors and
2 9 certified alcohol and drug counselors to payment for behavioral
2 10 health services provided to recipients of medical assistance,
2 11 subject to limitations and exclusions the department finds
2 12 necessary on the basis of federal laws and regulations. The
2 13 bill also directs DHS to amend the Medicaid state plan to allow
2 14 licensed mental health counselors and certified alcohol and
2 15 drug counselors to be participating behavioral health providers
2 16 under the Medicaid program.
LSB 2291HV (2) 84
pf/nh

House File 498 - Introduced

HOUSE FILE
BY COMMITTEE ON LABOR

(SUCCESSOR TO HF 171)

A BILL FOR

An Act repealing requirements relating to the aggregate ratio in the number of executive branch employees per supervisory employee in executive branch agencies and including effective date provisions.

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

TLSB 2163HV (1) 84
jp/rj

House File 498 - Introduced continued

PAG LIN

1 1 Section 1. Section 8A.402, subsection 2, paragraph g, Code
1 2 2011, is amended to read as follows:
1 3 ~~g. (1) (a) Consult with the department of management~~
~~1 4 and discuss and collaborate with executive branch agencies to~~
~~1 5 implement and maintain a policy for incrementally increasing~~
~~1 6 the aggregate ratio in the number of employees per supervisory~~
~~1 7 employee in executive branch agencies. For purposes of~~
~~1 8 determining the effects of the policy on the state employee~~
~~1 9 workforce, the base date of July 1, 2008, shall be used and~~
~~1 10 the target date for full implementation shall be July 1, 2011.~~
~~1 11 The target aggregate ratio of supervisory employees to other~~
~~1 12 employees shall be as follows:~~
1 13 ~~(i) For the fiscal year beginning July 1, 2010, one to~~
~~1 14 fourteen.~~
1 15 ~~(ii) For the fiscal year beginning July 1, 2011, one to~~
~~1 16 fifteen.~~
1 17 ~~(b) For the purposes of this paragraph "g", "supervisory~~
~~1 18 employee" means a public employee who is not a member of a~~
~~1 19 collective bargaining unit and who has authority, in the~~
~~1 20 interest of a public employer, to hire, transfer, suspend, lay~~
~~1 21 off, recall, promote, discharge, assign, reward, or discipline~~
~~1 22 other public employees, to direct such public employees, or~~
~~1 23 to adjust the grievances of such public employees, or to~~
~~1 24 effectively recommend any such action.~~
1 25 ~~(c) In this paragraph "g", executive branch agencies, except~~
~~1 26 the department of public safety, shall not grant a supervisory~~
~~1 27 employee with the right to replace or bump a junior employee~~
~~1 28 not being laid off for a position for which the supervisory~~
~~1 29 employee is qualified.~~
1 30 ~~(d) The policy shall allow appropriation units with~~
~~1 31 twenty-eight or fewer full-time equivalent employee positions~~
~~1 32 to apply for an exception to the policy through the executive~~
~~1 33 council. The policy shall allow for exceptions when~~
~~1 34 the supervisory employee ratio is mandated by a federal~~
~~1 35 requirement.~~

House File 498 - Introduced continued

2 1 ~~(e) (i) Beginning July 1, 2011, the policy shall allow~~
~~2 2 a director of an executive branch agency who believes that~~
~~2 3 the agency will not be able to reach the applicable target~~
~~2 4 aggregate ratio to apply for a waiver of that requirement~~
~~2 5 through a five-person review board. In applying for a waiver,~~
~~2 6 the director shall provide detailed documentation to the board~~
~~2 7 describing the efforts that the executive branch agency has~~
~~2 8 made in attempting to meet the applicable target aggregate~~
~~2 9 ratio provided in this paragraph "g". The review board shall~~
~~2 10 consist of the director of the department of management or~~
~~2 11 a designee of the director, three agency directors or the~~
~~2 12 designees of those directors as designated by the governor,~~
~~2 13 and one public member selected by the employee organization~~
~~2 14 representing the greatest number of executive branch employees.~~
~~2 15 However, if a department represented on the review board seeks~~
~~2 16 a waiver, the member representing the department shall not~~
~~2 17 participate in the decision on whether to grant a waiver for~~
~~2 18 that department.~~
2 19 ~~(ii) Prior to determining whether to grant a waiver, the~~
~~2 20 review board shall make an initial determination of whether the~~
~~2 21 executive branch agency has provided sufficient information~~
~~2 22 to conduct a review. If not, the review board shall deny~~
~~2 23 the request and notify the executive branch agency of the~~
~~2 24 information needed to consider the request for waiver. If a~~
~~2 25 waiver is granted, the review board shall limit the waiver to~~
~~2 26 only those operations within an executive branch agency in~~
~~2 27 which adequate justification for granting a waiver has been~~
~~2 28 established.~~
2 29 ~~(f) The policy shall provide that if layoffs are~~
~~2 30 implemented, the number of middle management position layoffs~~
~~2 31 shall correspond to the relative number of direct service~~
~~2 32 position layoffs.~~
2 33 ~~(g) The policy shall improve on the system in effect as~~
~~2 34 of the base date by specifically defining and accounting for~~
~~2 35 supervisory employee span of control.~~

House File 498 - Introduced continued

3 1 ~~(h) The policy shall provide that in calculating the span~~
~~3 2 of control ratio for an executive branch agency, unfunded~~
~~3 3 full-time equivalent positions shall not be utilized.~~
3 4 ~~(i) The department shall present an interim report to the~~
~~3 5 governor and general assembly on or before April 1, 2010,~~
~~3 6 annual updates on or before April 1 subsequently, and a final~~
~~3 7 report on or before April 1, 2012, detailing the effects of~~
~~3 8 the policy on the composition of the workforce, cost savings,~~
~~3 9 government efficiency, and outcomes.~~
3 10 ~~(j) The policy developed pursuant to this paragraph "g"~~
~~3 11 shall not encompass employees under the state board of regents.~~
3 12 ~~(2) Evaluate the state's systems for job classification of~~
~~3 13 executive branch employees in order to ensure the existence~~
~~3 14 of technical skill-based career paths for such employees~~
~~3 15 which do not depend upon an employee gaining supervisory~~
~~3 16 responsibility for advancement, and which provide incentives~~
~~3 17 for such employees to broaden their knowledge and skill base.~~
~~3 18 The evaluation shall include but is not limited to a review of~~
~~3 19 the classifications for all positions and providing options~~
~~3 20 for eliminating obsolete, duplicative, or unnecessary job~~
~~3 21 classifications. The department shall present interim reports~~
~~3 22 to the general assembly on or before January 15, 2010, and~~
~~3 23 January 14, 2011, concerning the department's progress in~~
~~3 24 completing the evaluation and associated outcomes.~~
3 25 Sec. 2. EFFECTIVE UPON ENACTMENT. This Act, being deemed of
3 26 immediate importance, takes effect upon enactment.
3 27 EXPLANATION
3 28 This bill amends Code section 8A.402, relating to the
3 29 responsibilities of the department of administrative services
3 30 involving state human resource management by repealing
3 31 requirements for increasing the aggregate ratio in the number
3 32 of executive branch employees per supervisory employee in
3 33 executive branch agencies. The affected provision provides,
3 34 with certain exceptions and exclusions, for increasing that
3 35 ratio to fifteen to one by fiscal year 2011=2012.

House File 498 - Introduced continued

4 1 The bill takes effect upon enactment.
LSB 2163HV (1) 84
jp/rj

House File 499 - Introduced

HOUSE FILE
BY COMMITTEE ON STATE
GOVERNMENT

(SUCCESSOR TO HF 316)

A BILL FOR

An Act relating to a voter's designee for purposes of returning absentee ballots.

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

TLSB 1439HV (1) 84
sc/nh

House File 499 - Introduced continued

PAG LIN

1 1 Section 1. Section 53.17, Code 2011, is amended by adding
1 2 the following new subsection:
1 3 NEW SUBSECTION. 5. The person designated by a voter to
1 4 return a completed absentee ballot may be any person the voter
1 5 chooses, except that a candidate whose name is on the ballot or
1 6 an elected official shall not serve as a voter's designee or
1 7 otherwise return a ballot under this section.
1 8 EXPLANATION
1 9 Current law provides that an absentee voter may designate
1 10 a person to return the voter's absentee ballot. This bill
1 11 provides that a candidate whose name is on the ballot or an
1 12 elected official shall not serve as a voter's designated
1 13 person.

LSB 1439HV (1) 84
sc/nh

House File 500 - Introduced

HOUSE FILE
BY COMMITTEE ON
ENVIRONMENTAL
PROTECTION

(SUCCESSOR TO HSB 48)

A BILL FOR

An Act relating to rulemaking authority of the department of natural resources and including effective date and applicability provisions.
BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 2017HV (3) 84
tm/rj

House File 500 - Introduced continued

PAG LIN

1 1 Section 1. Section 455A.4, subsection 1, unnumbered
1 2 paragraph 1, Code 2011, is amended to read as follows:
1 3 Except as otherwise provided by law ~~and subject to~~
~~1 4 rules adopted by the natural resource commission and the~~
~~1 5 environmental protection commission~~, the director shall:
1 6 Sec. 2. Section 455A.4, subsection 1, paragraph i, Code
1 7 2011, is amended to read as follows:
1 8 i. Adopt rules in accordance with chapter 17A as necessary
1 9 or desirable ~~for the organization or reorganization of the~~
~~1 10 department~~ to provide for the administration of chapter 321G,
1 11 321I, 455B, 455C, 456A, 456B, 457A, 459, 459A, 459B, 461A,
1 12 462A, 462B, 464A, 465C, 481A, 481B, 483A, 484A, or 484B.
1 13 Rulemaking authority held by the natural resource commission
1 14 or the environmental protection commission is vested in the
1 15 director upon the effective date of this Act. Rules adopted by
1 16 the natural resource commission or the environmental protection
1 17 commission prior to the effective date of this Act, shall
1 18 remain effective until modified or rescinded by action of the
1 19 director in accordance with the provisions of chapter 17A.
1 20 Sec. 3. Section 455A.5, subsection 6, paragraph a, Code
1 21 2011, is amended to read as follows:
1 22 a. ~~Establish~~ Recommend policy ~~and adopt rules, pursuant~~
~~1 23 to chapter 17A, necessary~~ to provide for the effective
1 24 administration of chapter 321G, 321I, 456A, 456B, 457A, 461A,
1 25 462A, 462B, 464A, 465C, 481A, 481B, 483A, 484A, or 484B.
1 26 Sec. 4. Section 455A.5, subsection 6, paragraph e, Code
1 27 2011, is amended by striking the paragraph.
1 28 Sec. 5. NEW SECTION. 455A.5A Schedule of fees ==== rules.
1 29 1. The director shall adopt, by rule, a schedule of fees for
1 30 permits issued by the natural resource commission, including
1 31 conditional permits, and a schedule of fees for administration
1 32 of the permits. The fees shall be collected by the department
1 33 and used to offset costs incurred in administrating a program
1 34 for which the issuance of the permit is made or under which
1 35 enforcement is carried out.

House File 500 - Introduced continued

2. In determining the fee schedule, the director shall consider all of the following:

a. The reasonable costs associated with reviewing applications, issuing permits, and monitoring compliance with the terms of issued permits.

b. The relative benefits to the applicant and to the public of a permit review, permit issuance, and monitoring compliance with the terms of the permit.

c. The typical costs associated with a type of project or activity for which a permit is required.

3. However, a fee shall not exceed the actual costs incurred by the department.

Sec. 6. Section 455A.6, subsection 6, paragraph a, Code 2011, is amended to read as follows:

a. ~~Establish~~ Recommend policy for the department ~~and adopt rules, pursuant to chapter 17A,~~ necessary to provide for the effective administration of chapter 455B, 455C, or 459.

Sec. 7. Section 455B.103, subsection 1, Code 2011, is amended by striking the subsection and inserting in lieu thereof the following:

1. Adopt, modify, or repeal rules pursuant to chapter 17A. The director shall have only the authority and discretion that is expressly delegated or granted by this chapter, chapter 455C, chapter 459, chapter 459A, and chapter 459B and shall not exercise such authority and discretion except to the extent necessary to implement this chapter, chapter 455C, chapter 459, chapter 459A, and chapter 459B. Any rulemaking authority held by the commission is vested in the director upon the effective date of this Act. Rules adopted by the commission prior to the effective date of this Act shall remain in effect until modified or rescinded by action of the director in accordance with the provisions of chapter 17A.

a. The director shall include in the preamble of a rule a statement referencing the authority delegated to the director pursuant to which the rule is adopted. The preamble for the

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3 1 rule shall indicate when the director is implementing a federal
3 2 rule by reference and include a financial impact statement
3 3 detailing the general impact of the rule upon the regulated
3 4 parties.
3 5 b. When proposing or adopting rules to implement a specific
3 6 federal environmental program, the director shall not impose
3 7 requirements more restrictive than the requirements of the
3 8 federal program being implemented.
3 9 c. When proposing or adopting rules, the director shall
3 10 include departmental policy relating to the disclosure of
3 11 information concerning a violation or alleged violation
3 12 of the rules, standards, permits, or orders issued by the
3 13 department and the confidentiality of information obtained by
3 14 the department in the administration and enforcement of this
3 15 chapter, chapter 455C, chapter 459, chapter 459A, and chapter
3 16 459B.
3 17 Sec. 8. Section 455B.103, subsection 2, Code 2011, is
3 18 amended by striking the subsection.
3 19 Sec. 9. Section 455B.105, subsections 3 and 11, Code 2011,
3 20 are amended by striking the subsections.
3 21 Sec. 10. NEW SECTION. 455B.106 Schedule of fees ==== rules.
3 22 1. The director shall adopt, by rule, procedures and forms
3 23 necessary to implement the provisions of this chapter and
3 24 chapters 459, 459A, and 459B relating to permits, conditional
3 25 permits, and general permits.
3 26 2. The director may also adopt, by rule, a schedule of fees
3 27 for permit and conditional permit applications and a schedule
3 28 of fees which may be periodically assessed for administration
3 29 of permits and conditional permits. In determining the fee
3 30 schedules, the director shall consider:
3 31 a. The state's reasonable cost of reviewing applications,
3 32 issuing permits and conditional permits, and checking
3 33 compliance with the terms of the permits.
3 34 b. The relative benefits to the applicant and to the
3 35 public of permit and conditional permit review, issuance, and

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monitoring compliance. It is the intention of the general assembly that permit fees shall not cover any costs connected with correcting violation of the terms of any permit and shall not impose unreasonable costs on any municipality.

c. The typical costs of the particular types of projects or activities for which permits or conditional permits are required, provided that in no circumstances shall fees be in excess of the actual costs to the department.

3. Except as otherwise provided in this chapter and chapter 459, fees collected by the department under this section shall be remitted to the treasurer of state and credited to the general fund of the state.

4. The director shall adopt rules for applications or permits related to the national pollutant discharge elimination system (NPDES) coverage as described in section 455B.197, including fees, only to the extent that the rules are consistent with that section.

Sec. 11. Section 455B.183A, subsection 2, Code 2011, is amended to read as follows:

2. The ~~commission~~ director shall adopt fees as required pursuant to section ~~455B.105~~ 455B.106 for permits required for public water supply systems as provided in sections 455B.174 and 455B.183. Fees paid pursuant to this section shall not be subject to the sales or services tax. The fees shall be for each of the following:

a. The construction, installation, or modification of a public water supply system. The amount of the fees may be based on the type of system being constructed, installed, or modified.

b. The operation of a public water supply system, including any part of the system. The ~~commission~~ director shall adopt a fee schedule which shall be based on the total number of persons served by public water supply systems in this state. However, a public water supply system shall be assessed a fee of at least twenty=five dollars. A public water supply system

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not owned or operated by a community and serving a transient population shall be assessed a fee of twenty=five dollars. The ~~commission~~ director shall calculate all fees in the schedule to produce total revenues equaling three hundred fifty thousand dollars for each fiscal year, commencing with the fiscal year beginning July 1, 1995, and ending June 30, 1996. For each fiscal year, the fees shall be deposited into the public water supply system account. By May 1 of each year, the department shall estimate the total revenue expected to be collected from the overpayment of fees, which are all fees in excess of the amount of the total revenues which are expected to be collected under the current fee schedule, and the total revenue expected to be collected from the payment of fees during the next fiscal year. The ~~commission~~ director shall adjust the fees if the estimate exceeds the amount of revenue required to be deposited in the account pursuant to this paragraph.

Sec. 12. Section 455B.310, subsection 5, Code 2011, is amended to read as follows:

5. Solid waste disposal facilities with special provisions which limit the site to disposal of construction and demolition waste, landscape waste, coal combustion waste, cement kiln dust, foundry sand, and solid waste materials approved by the department for lining or capping, or for construction berms, dikes, or roads in a sanitary disposal project or sanitary landfill are exempt from the tonnage fees imposed under this section. However, solid waste disposal facilities under this subsection are subject to the fees imposed pursuant to section ~~455B.105, subsection 11, paragraph "a"~~ 455B.106. Notwithstanding the provisions of section ~~455B.105, subsection 11, paragraph "b"~~ 455B.106, the fees collected pursuant to this subsection shall be deposited in the solid waste account as established in section 455E.11, subsection 2, paragraph "a", to be used by the department for the regulation of these solid waste disposal facilities.

Sec. 13. Section 459B.104, subsections 1 and 2, Code 2011,

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are amended to read as follows:

1. The ~~environmental protection commission~~ director of the department shall establish by rule adopted pursuant to chapter 17A, requirements relating to the construction, including expansion, or operation of dry bedded confinement feeding operations, including related dry bedded manure confinement feeding operation buildings and stockpiles.

2. Any provision referring generally to compliance with the requirements of this chapter as applied to dry bedded confinement feeding operations also includes compliance with requirements in rules adopted by the ~~environmental protection commission~~ director of the department pursuant to this section, orders issued by the department as authorized under this chapter, and the terms and conditions applicable to manure management plans required under this chapter.

Sec. 14. INTENT. It is the intent of the general assembly that upon the effective date of this Act, the director of the department of natural resources shall have the powers and duties and shall assume the sole responsibility for proposing and adopting rules as necessary for the effective administration of the duties of the department of natural resources. All references in statute or rules to the rulemaking authority of the natural resource commission or the environmental protection commission of the department of natural resources shall upon the effective date of this Act be construed to refer only to the director of the department of natural resources.

Sec. 15. APPLICABILITY. This Act applies to all rules noticed or adopted after the effective date of this Act. If a rule with an effective date prior to the effective date of this Act is amended after the effective date of this Act, then the provisions of this Act are applicable to the entire rule being amended and not only to the precise portion of the rules that is being amended. For purposes of applying the provisions of this Act, the effective date of the amendment to a rule shall

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be the new effective date of the rule as a whole.

Sec. 16. EFFECTIVE UPON ENACTMENT. This Act, being deemed of immediate importance, takes effect upon enactment.

EXPLANATION

This bill relates to rulemaking authority of the department of natural resources.

Currently, the environmental protection commission and the natural resources commission both have rulemaking authority for Code chapters administered by the department of natural resources. The bill transfers the rulemaking authority for both commissions to the director of the department of natural resources. The bill makes conforming amendments.

The bill takes effect upon enactment and applies to rules noticed or adopted after the date of enactment.

LSB 2017HV (3) 84
tm/rj

House File 501 - Introduced

HOUSE FILE
BY COMMITTEE ON COMMERCE

(SUCCESSOR TO HSB 126)

A BILL FOR

An Act relating to the licensing and regulation of real estate brokers and salespersons.

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

TLSB 2631HV (1) 84
rn/rj

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1 1 Section 1. Section 543B.29, subsection 4, Code 2011, is
1 2 amended to read as follows:
1 3 4. A real estate broker's or salesperson's license shall be
1 4 revoked following three violations of this section or section
1 5 543B.34 within a ~~three=year~~ five=year period.
1 6 Sec. 2. Section 543B.33, Code 2011, is amended to read as
1 7 follows:
1 8 543B.33 Salespersons ==== change of employment.
1 9 When any real estate salesperson is discharged or terminates
1 10 employment with the real estate broker by whom the salesperson
1 11 is employed, the real estate broker shall immediately deliver
1 12 or mail ~~by certified mail~~ to the real estate commission the
1 13 real estate salesperson's license on the reverse side of
1 14 which the employing broker shall set out the date and cause
1 15 of termination of employment. The real estate broker at the
1 16 time of mailing the real estate salesperson's license to the
1 17 commission shall address a communication to the last known
1 18 residence address of the real estate salesperson stating that
1 19 the license has been delivered or mailed to the commission.
1 20 A copy of the communication to the real estate salesperson
1 21 shall accompany the license when mailed or delivered to the
1 22 commission. It is unlawful for any real estate salesperson to
1 23 perform any of the acts contemplated by this chapter either
1 24 directly or indirectly under authority of a license from and
1 25 after the date of receipt of the license by the commission.
1 26 The commission shall, upon presentation of evidence by the
1 27 salesperson that the salesperson has been employed by another
1 28 broker, issue another license for the balance of the current
1 29 license period showing each change of employment. A fee as
1 30 determined by the commission shall be charged for the issuance
1 31 of the license. Not more than one license shall be issued to
1 32 any real estate salesperson for the same period of time.
1 33 Sec. 3. Section 543B.34, unnumbered paragraph 3, Code 2011,
1 34 is amended to read as follows:
1 35 If an investigation pursuant to this section reveals that an

House File 501 - Introduced continued

2 1 unlicensed person has assumed to act in the capacity of a real
2 2 estate broker or real estate salesperson, the commission ~~may~~
2 3 shall issue a cease and desist order, and ~~may~~ shall impose a
2 4 civil penalty of up to the greater of ten thousand dollars or
2 5 ten percent of the real estate sale price.
2 6 Sec. 4. Section 543B.56A, Code 2011, is amended to read as
2 7 follows:
2 8 543B.56A Brokerage agreements ==== contents.
2 9 1. The purpose of this section is to promote the protection
2 10 of the public by establishing minimum standards reasonably
2 11 expected by the public in reliance upon the professional work
2 12 product of real estate licensees. The reliance of the public
2 13 and business community on sound professional opinions and
2 14 assistance imposes on real estate licensees certain obligations
2 15 both to their clients and to the public. The purpose of
2 16 this section is also to assist in ensuring that licensees'
2 17 obligations are met including licensees' exercising sound
2 18 independent business judgment, striving to continuously improve
2 19 professional business skills and knowledge in the industry,
2 20 promoting sound and informative real estate reporting, and
2 21 exercising the highest fiduciary duties to clients and the
2 22 public.
2 23 2. A brokerage agreement shall specify that the broker
2 24 shall, at a minimum, do all of the following:
2 25 ~~1.~~ a. Accept delivery of and present to the client offers
2 26 and counteroffers to buy, sell, rent, lease, or exchange the
2 27 client's property or the property the client seeks to purchase
2 28 or lease.
2 29 ~~2.~~ b. Assist the client in developing, communicating,
2 30 negotiating, and presenting offers or counteroffers until a
2 31 rental agreement, lease, exchange agreement, offer to buy or
2 32 sell, or purchase agreement is signed and all contingencies are
2 33 satisfied or waived and the transaction is completed.
2 34 ~~3.~~ c. Answer the client's questions relating to
2 35 the brokerage agreements, listing agreements, offers,

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3 1 counteroffers, notices, and contingencies.
3 2 ~~4.~~ d. Provide prospective buyers access to listed
3 3 properties.
3 4 EXPLANATION
3 5 This bill makes specified modifications to provisions
3 6 relating to the licensing and regulation of real estate brokers
3 7 and salespersons.
3 8 The bill changes a provision currently providing that a real
3 9 estate broker's or salesperson's license shall be suspended
3 10 or revoked following three violations described in Code
3 11 section 543B.29, which specifies conditions for suspension or
3 12 revocation, during a three=year period, to a five=year period.
3 13 The bill deletes a requirement that a real estate broker mail
3 14 by certified mail to the real estate commission the license of
3 15 a discharged or terminated salesperson employed by the broker,
3 16 with the result that only regular mail is required. The bill
3 17 changes a current provision that the real estate commission,
3 18 upon determining that an unlicensed person has acted in the
3 19 capacity of a real estate broker or real estate salesperson,
3 20 may issue a cease and desist order or impose a specified civil
3 21 penalty, to a requirement that the commission shall issue an
3 22 order and impose a penalty.
3 23 Additionally, the bill adds to Code section 543B.56A,
3 24 relating to the contents of brokerage agreements, a provision
3 25 specifying that the purpose of the Code section is to promote
3 26 the protection of the public by establishing minimum standards
3 27 for the professional work product of licensees, and to assist
3 28 ensuring specified licensee obligations are met.
LSB 2631HV (1) 84
rn/rj

House Study Bill 204

SENATE/HOUSE FILE
BY (PROPOSED GOVERNOR'S
OFFICE OF DRUG CONTROL
POLICY BILL)

A BILL FOR

An Act making changes to the membership of the Iowa drug policy advisory council.

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

TLSB 1193DP (3) 84
aw/sc

House Study Bill 204 continued

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1 1 Section 1. Section 80E.2, subsection 1, unnumbered
1 2 paragraph 1, Code 2011, is amended to read as follows:
1 3 An Iowa drug policy advisory council is established which
1 4 shall consist of the following ~~fifteen~~ seventeen members:
1 5 Sec. 2. Section 80E.2, subsection 1, Code 2011, is amended
1 6 by adding the following new paragraph:
1 7 NEW PARAGRAPH. 0h. The administrator of the alcoholic
1 8 beverages division in the department of commerce, or the
1 9 administrator's designee.
1 10 Sec. 3. Section 80E.2, subsection 1, paragraph m, Code 2011,
1 11 is amended to read as follows:
1 12 m. A member representing the Iowa peace officers association
1 13 ~~of chiefs of police and peace officers~~.
1 14 Sec. 4. Section 80E.2, subsection 1, Code 2011, is amended
1 15 by adding the following new paragraph:
1 16 NEW PARAGRAPH. p. A member representing the Iowa police
1 17 chiefs association.
1 18 Sec. 5. Section 80E.2, subsection 2, Code 2011, is amended
1 19 to read as follows:
1 20 2. The prosecuting attorney, licensed substance abuse
1 21 treatment specialist, certified substance abuse prevention
1 22 specialist, substance abuse treatment program director, member
1 23 representing the Iowa peace officers association ~~of chiefs~~
1 24 ~~of police and peace officers~~, member representing the Iowa
1 25 state police association, ~~and the~~ member representing the Iowa
1 26 state sheriffs' and deputies' association, and the member
1 27 representing the Iowa police chiefs association shall be
1 28 appointed by the governor, subject to senate confirmation, for
1 29 four=year terms beginning and ending as provided in section
1 30 69.19. A vacancy on the council shall be filled for the
1 31 unexpired term in the same manner as the original appointment
1 32 was made.
1 33 EXPLANATION
1 34 This bill makes changes related to the membership of the
1 35 drug policy advisory council. Membership on the council

House Study Bill 204 continued

2 1 is comprised of state officials specified in statute and
2 2 representatives of law enforcement and substance abuse
2 3 professions. The representatives of law enforcement and
2 4 substance abuse professions are appointed to the council by the
2 5 governor, subject to confirmation by the senate.
2 6 The bill expands membership of the council from 15 to
2 7 17 members. The advisory council shall now include the
2 8 administrator of the alcoholic beverages division of the
2 9 department of commerce and one representative from the Iowa
2 10 police chiefs association. The bill also changes the name of
2 11 the Iowa association of chiefs of police and peace officers to
2 12 the Iowa peace officers association to reflect the name change
2 13 made by that association in 2010.
2 14 The bill makes conforming amendments related to the name
2 15 change and to the new membership position representing the Iowa
2 16 police chiefs association.
LSB 1193DP (3) 84
aw/sc

House Study Bill 205

HOUSE FILE
BY (PROPOSED COMMITTEE ON
STATE GOVERNMENT BILL
BY CHAIRPERSON COWNIE)

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 2604YC (1) 84
pf/nh

House Study Bill 205 continued

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1 1 Section 1. NEW SECTION. 136E.1 Definitions.
1 2 As used in this chapter unless the context otherwise
1 3 requires:
1 4 1. "Adult stem cells" means autologous or allogeneic
1 5 cellular material including but not limited to stem cells,
1 6 immune cells, and other types of mature cells that may have
1 7 been or may be combined with naturally occurring biomaterials
1 8 or materials approved or cleared for any purpose by the United
1 9 States food and drug administration or other applicable agency
1 10 or authority.
1 11 2. "Allogeneic" means originating from the body of another
1 12 person.
1 13 3. "Autologous" means originating from a person's own body.
1 14 4. "Cell or tissue bank" means a facility that stores adult
1 15 stem cells or tissue.
1 16 Sec. 2. NEW SECTION. 136E.2 Practices relating to adult
1 17 stem cells.
1 18 1. Notwithstanding any law to the contrary:
1 19 a. A person licensed to practice medicine pursuant to
1 20 chapter 148 in this state may extract, process, or administer
1 21 autologous adult stem cells.
1 22 b. A person licensed or authorized to administer or assist
1 23 in the administration of medicine or health care in this state
1 24 may extract, process, or administer autologous adult stem
1 25 cells to the extent permitted under the person's license or
1 26 authorization.
1 27 c. A person may operate a cell or tissue bank in this state.
1 28 d. A pharmacy owned or operated in this state, or a
1 29 pharmacist licensed pursuant to chapter 155A, may compound a
1 30 drug, medicine, or health product using adult stem cells as an
1 31 ingredient.
1 32 e. A person licensed to practice medicine in this state may
1 33 conduct adult stem cell clinical research for development of
1 34 therapies and cures consistent with chapter 707C. This chapter
1 35 shall not be interpreted to limit or prohibit any activity

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2 1 otherwise authorized pursuant to chapter 707C.
2 2 f. A person authorized to conduct adult stem cell clinical
2 3 research in the state may import into this state any compound
2 4 or drug containing adult stem cells if the compound or drug is
2 5 obtained in accordance with the laws of the jurisdiction from
2 6 which the compound or drug is obtained and the compound or drug
2 7 is used for the purposes of clinical research.
2 8 g. A person who is authorized to extract, process, or
2 9 administer autologous adult stem cells under this section
2 10 may import into this state compounds and drugs used in the
2 11 administration of such stem cells if the compound or drug is
2 12 obtained in accordance with the laws of the jurisdiction from
2 13 which the compound or drug is obtained and the compound or drug
2 14 is used for administration of autologous adult stem cells to a
2 15 person in a treatment plan by a person licensed or authorized
2 16 to extract, process, or administer autologous adult stem cells.
2 17 2. a. The board of medicine, the board of pharmacy, and
2 18 other appropriate licensing boards established pursuant to
2 19 chapter 147 shall adopt rules in accordance with this chapter.
2 20 The rules adopted shall not prohibit the activities authorized
2 21 in this chapter and shall not impose disciplinary action or
2 22 civil or criminal penalties against a person for engaging
2 23 in any activity authorized by this chapter. This paragraph
2 24 shall not be interpreted to authorize the adoption of rules
2 25 that absolve a person from civil or criminal liability or
2 26 disciplinary action otherwise applicable if the person engages
2 27 in an activity authorized under this chapter but fails to use
2 28 the reasonable care, skill, or knowledge ordinarily used in
2 29 rendering medical services under similar circumstances.
2 30 b. The board of medicine, the board of pharmacy, and other
2 31 appropriate licensing boards may adopt rules to regulate the
2 32 procedures used to administer adult stem cells in this state.
2 33 EXPLANATION
2 34 This bill relates to the use of adult stem cells in the
2 35 state, including uses relating to the practice of medicine, the

House Study Bill 205 continued

3 1 practice of pharmacy, and clinical research.
3 2 The bill defines terms used in the bill and authorizes
3 3 certain activities relating to adult stem cells. The bill
3 4 authorizes a person licensed to practice medicine in the state
3 5 to extract, process, or administer autologous adult stem cells.
3 6 "Autologous" means originating from the person's own body.
3 7 The bill also provides that a person licensed or authorized
3 8 to administer or assist in the administration of medicine or
3 9 health care in this state may extract, process, or administer
3 10 autologous adult stem cells to the extent permitted under the
3 11 person's license or authorization.
3 12 The bill authorizes all of the following: the operation
3 13 of a cell or tissue bank in this state; a pharmacy owned or
3 14 operated in the state or a licensed pharmacist to compound
3 15 a drug, medicine, or health product using adult stem cells
3 16 as an ingredient; a person licensed to practice medicine to
3 17 conduct adult stem cell clinical research for development of
3 18 therapies and cures consistent with Code chapter 707C (human
3 19 stem cell research and cloning) while clarifying that the
3 20 bill is not to be interpreted as limiting or prohibiting
3 21 any activity authorized under chapter 707C; a person who is
3 22 authorized to conduct adult stem cell clinical research to
3 23 import any compound or drug containing adult stem cells if
3 24 the compound or drug is obtained in accordance with the laws
3 25 of the originating jurisdiction and is used for clinical
3 26 research; and a person who is authorized to extract, process,
3 27 or administer autologous adult stem cells to import compounds
3 28 and drugs used in the administration of such stem cells if the
3 29 compound or drug is obtained in accordance with the laws of the
3 30 originating jurisdiction and the compound or drug is used for
3 31 administration of autologous adult stem cells to a person in a
3 32 treatment plan by a person licensed or authorized to extract,
3 33 process, or administer autologous adult stem cells.
3 34 The bill directs the board of medicine, the board of
3 35 pharmacy, and other appropriate licensing boards to adopt rules

House Study Bill 205 continued

4 1 in accordance with the bill, but provides that the rules shall
4 2 not prohibit the activities authorized in the bill and shall
4 3 not impose disciplinary action or civil or criminal penalties
4 4 against a person for engaging in any activity authorized
4 5 under the bill. However, the bill is not to be interpreted
4 6 to authorize the adoption of rules that absolve a person who
4 7 engages in an activity authorized under the bill from civil or
4 8 criminal liability or disciplinary action otherwise applicable
4 9 for failure to use the reasonable care, skill, or knowledge
4 10 ordinarily used in rendering medical services under similar
4 11 circumstances. The bill does authorize the board of medicine,
4 12 the board of pharmacy and other appropriate licensing boards to
4 13 adopt rules to regulate the procedures used to administer adult
4 14 stem cells in this state.

LSB 2604YC (1) 84
pf/nh

House Study Bill 206

SENATE/HOUSE FILE
BY (PROPOSED GOVERNOR'S
BUDGET BILL)

A BILL FOR

An Act relating to and making appropriations involving state government entities concerned with agriculture, natural resources, and environmental protection, and including effective date provisions.
BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 1010XG (13) 84
da/tm

House Study Bill 206 continued

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1 1 DIVISION I
1 2 DEPARTMENT OF AGRICULTURE AND LAND STEWARDSHIP
1 3 GENERAL APPROPRIATIONS
1 4 Section 1. GENERAL FUND == DEPARTMENT.
1 5 1. There is appropriated from the general fund of the
1 6 state to the department of agriculture and land stewardship
1 7 for the following fiscal years, the following amounts, or so
1 8 much thereof as is necessary, to be used for the purposes
1 9 designated:
1 10 For purposes of supporting the department, including its
1 11 divisions, for administration, regulation, and programs; for
1 12 salaries, support, maintenance, and miscellaneous purposes:
1 13 FY 2011=2012..... $ 16,872,308
1 14 FY 2012=2013..... $ 16,872,308
1 15 2. The department shall submit a report each quarter of the
1 16 fiscal years to the legislative services agency, the department
1 17 of management, the members of the joint appropriations
1 18 subcommittee on agriculture and natural resources, and the
1 19 chairpersons and ranking members of the senate and house
1 20 committees on appropriations. The report shall describe in
1 21 detail the expenditure of moneys appropriated in this section
1 22 to support the department's administration, regulation, and
1 23 programs.
1 24 3. Of the amount appropriated in this section for each
1 25 fiscal year, $225,000 is transferred to Iowa state university
1 26 of science and technology, to be used for the university's
1 27 midwest grape and wine industry institute.
1 28 DESIGNATED APPROPRIATIONS == ANIMAL HUSBANDRY
1 29 Sec. 2. UNCLAIMED PARI=MUTUEL WAGERING WINNINGS ==
1 30 HORSE AND DOG RACING. There is appropriated from the moneys
1 31 available under section 99D.13 to the department of agriculture
1 32 and land stewardship for the following fiscal years, the
1 33 following amounts, or so much thereof as is necessary, to be
1 34 used for the purposes designated:
1 35 For purposes of supporting the department's administration

House Study Bill 206 continued

2 1 and enforcement of horse and dog racing law pursuant to section
2 2 99D.22, including for salaries, support, maintenance, and
2 3 miscellaneous purposes:
2 4 FY 2011=2012..... $ 305,516
2 5 FY 2012=2013..... $ 305,516
2 6 DESIGNATED APPROPRIATIONS == MOTOR FUEL
2 7 Sec. 3. RENEWABLE FUEL INFRASTRUCTURE FUND == MOTOR
2 8 FUEL INSPECTION. There is appropriated from the renewable
2 9 fuel infrastructure fund created in section 15G.205 to
2 10 the department of agriculture and land stewardship for
2 11 the following fiscal years, the following amounts, or so
2 12 much thereof as is necessary, to be used for the purposes
2 13 designated:
2 14 For purposes of the inspection of motor fuel, including
2 15 salaries, support, maintenance, and miscellaneous purposes:
2 16 FY 2011=2012..... $ 500,000
2 17 FY 2012=2013..... $ 500,000
2 18 The department shall establish and administer programs
2 19 for the auditing of motor fuel including biofuel processing
2 20 and production plants, for screening and testing motor fuel,
2 21 including renewable fuel, and for the inspection of motor fuel
2 22 sold by dealers including retail dealers who sell and dispense
2 23 motor fuel from motor fuel pumps.
2 24 DIVISION II
2 25 DEPARTMENT OF NATURAL RESOURCES
2 26 GENERAL APPROPRIATIONS
2 27 Sec. 4. GENERAL FUND == DEPARTMENT.
2 28 1. There is appropriated from the general fund of the
2 29 state to the department of natural resources for the following
2 30 fiscal years, the following amounts, or so much thereof as is
2 31 necessary, to be used for the purposes designated:
2 32 For purposes of supporting the department, including its
2 33 divisions, for administration, regulation, and programs; for
2 34 salaries, support, maintenance, and miscellaneous purposes:
2 35 FY 2011=2012..... $ 12,641,688

House Study Bill 206 continued

3 1 FY 2012=2013..... $ 12,641,688
3 2 2. The department shall submit a report each quarter of each
3 3 fiscal year to the legislative services agency, the department
3 4 of management, the members of the joint appropriations
3 5 subcommittee on agriculture and natural resources, and the
3 6 chairpersons and ranking members of the senate and house
3 7 committees on appropriations. The report shall describe in
3 8 detail the expenditure of moneys appropriated under this
3 9 section to support the department's administration, regulation,
3 10 and programs.
3 11 Sec. 5. STATE FISH AND GAME PROTECTION FUND == DIVISION OF
3 12 FISH AND WILDLIFE.
3 13 1. a. There is appropriated from the state fish and
3 14 game protection fund to the department of natural resources
3 15 for the following fiscal years, the following amount, or so
3 16 much thereof as is necessary, to be used for the purposes
3 17 designated:
3 18 For purposes of supporting the division of fish and
3 19 wildlife, including for administration, regulation, and
3 20 programs; and for salaries, support, maintenance, equipment,
3 21 and miscellaneous purposes:
3 22 FY 2011=2012..... $ 38,793,154
3 23 FY 2012=2013..... $ 38,793,154
3 24 b. Notwithstanding section 455A.10, for each fiscal year
3 25 the department may use the unappropriated balance remaining
3 26 in the state fish and game protection fund to provide for the
3 27 funding of health and life insurance premium payments from
3 28 unused sick leave balances of conservation peace officers
3 29 employed in a protection occupation who retire, pursuant to
3 30 section 97B.49B.
3 31 2. The department shall not expend more moneys from the
3 32 state fish and game protection fund than provided in this
3 33 section, unless the expenditure derives from contributions made
3 34 by a private entity, or a grant or moneys received from the
3 35 federal government, and is approved by the natural resource

House Study Bill 206 continued

4 1 commission. The department of natural resources shall promptly
4 2 notify the legislative services agency and the chairpersons and
4 3 ranking members of the joint appropriations subcommittee on
4 4 agriculture and natural resources concerning the commission's
4 5 approval.
4 6 Sec. 6. GROUNDWATER PROTECTION FUND == WATER QUALITY. There
4 7 is appropriated from the groundwater protection fund created
4 8 in section 455E.11 to the department of natural resources for
4 9 the following fiscal years, from those moneys which are not
4 10 allocated pursuant to that section, the following amounts, or
4 11 so much thereof as is necessary, to be used for the purposes
4 12 designated:
4 13 For purposes of supporting the department's protection
4 14 of the state's groundwater, including for administration,
4 15 regulation, and programs, and for salaries, support,
4 16 maintenance, equipment, and miscellaneous purposes:
4 17 FY 2011=2012..... $ 3,455,832
4 18 FY 2012=2013..... $ 3,455,832
4 19 DESIGNATED APPROPRIATIONS == MISCELLANEOUS
4 20 Sec. 7. SPECIAL SNOWMOBILE FUND == SNOWMOBILE
4 21 PROGRAM. There is appropriated from the special snowmobile
4 22 fund created under section 321G.7 to the department of natural
4 23 resources for the following fiscal years, the following
4 24 amounts, or so much thereof as is necessary, to be used for the
4 25 purpose designated:
4 26 For purposes of administering and enforcing the state
4 27 snowmobile programs:
4 28 FY 2011=2012..... $ 100,000
4 29 FY 2012=2013..... $ 100,000
4 30 Sec. 8. UNASSIGNED REVENUE FUND == UNDERGROUND STORAGE TANK
4 31 SECTION EXPENSES. There is appropriated from the unassigned
4 32 revenue fund administered by the Iowa comprehensive underground
4 33 storage tank fund board to the department of natural resources
4 34 for the following fiscal years, the following amounts, or
4 35 so much thereof as is necessary, to be used for the purpose

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5 1 designated:
5 2 For purposes of paying for administration expenses of the
5 3 department's underground storage tank section:
5 4 FY 2011=2012..... $ 200,000
5 5 FY 2012=2013..... $ 200,000
5 6 Sec. 9. STORM WATER DISCHARGE PERMIT FEES == SUPPORT FOR
5 7 SPECIAL PURPOSES. Notwithstanding any contrary provision of
5 8 state law, for the following fiscal years, the department of
5 9 natural resources may use additional moneys available to the
5 10 department collected from storm water discharge permit fees as
5 11 provided in section 455B.103A or 455B.197 for the staffing of
5 12 the following additional full=time equivalent positions for the
5 13 purposes designated:
5 14 1. For purposes of reducing the department's floodplain
5 15 permit backlog:
5 16 FY 2011=2012..... FTEs 2.00
5 17 FY 2012=2013..... FTEs 2.00
5 18 2. For purposes of implementing the federal total maximum
5 19 daily load program:
5 20 FY 2011=2012..... FTEs 2.00
5 21 FY 2012=2013..... FTEs 2.00
5 22 DIVISION III
5 23 IOWA STATE UNIVERSITY
5 24 Sec. 10. GENERAL FUND == VETERINARY DIAGNOSTIC LABORATORY.
5 25 1. There is appropriated from the general fund of the
5 26 state to Iowa state university of science and technology for
5 27 the following fiscal years, the following amounts, or so
5 28 much thereof as is necessary, to be used for the purposes
5 29 designated:
5 30 For purposes of supporting the college of veterinary
5 31 medicine for the operation of the veterinary diagnostic
5 32 laboratory:
5 33 FY 2011=2012..... $ 3,237,636
5 34 FY 2012=2013..... $ 3,237,636
5 35 2. a. Iowa state university of science and technology

House Study Bill 206 continued

6 1 shall not reduce the amount that it allocates to support the
6 2 college of veterinary medicine from any other source due to an
6 3 appropriation made in this section for a fiscal year.
6 4 b. Paragraph "a" does not apply to a reduction made to
6 5 support the college of veterinary medicine, if the same
6 6 percentage of reduction imposed on the college of veterinary
6 7 medicine is also imposed on all of Iowa state university's
6 8 budget units.
6 9 3. a. If by June 30, 2012, Iowa state university of science
6 10 and technology fails to allocate the moneys appropriated for
6 11 the fiscal year beginning July 1, 2011, and ending June 30,
6 12 2012, in this section to the college of veterinary medicine in
6 13 accordance with this section, the moneys appropriated in this
6 14 section for that fiscal year shall revert to the general fund
6 15 of the state.
6 16 b. If by June 30, 2013, Iowa state university of science
6 17 and technology fails to allocate the moneys appropriated for
6 18 the fiscal year beginning July 1, 2012, and ending June 30,
6 19 2013, in this section to the college of veterinary medicine in
6 20 accordance with this section, the moneys appropriated in this
6 21 section for that fiscal year shall revert to the general fund
6 22 of the state.
6 23 DIVISION IV
6 24 ENVIRONMENT FIRST FUND == GENERAL APPROPRIATIONS
6 25 Sec. 11. DEPARTMENT OF AGRICULTURE AND LAND
6 26 STEWARDSHIP. There is appropriated from the environment first
6 27 fund created in section 8.57A to the department of agriculture
6 28 and land stewardship for the following fiscal years, the
6 29 following amounts, or so much thereof as is necessary, to be
6 30 used for the purposes designated:
6 31 1. CONSERVATION RESERVE ENHANCEMENT PROGRAM (CREP)
6 32 a. For the conservation reserve enhancement program to
6 33 restore and construct wetlands for the purposes of intercepting
6 34 tile line runoff, reducing nutrient loss, improving water
6 35 quality, and enhancing agricultural production practices:

House Study Bill 206 continued

FY 2011=2012..... $ 1,000,000
FY 2012=2013..... $ 1,000,000
b. Not more than 10 percent of the moneys appropriated in paragraph "a", for each fiscal year, 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 for each fiscal year, in combination with other appropriate environment first 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:
FY 2011=2012..... $ 900,000
FY 2012=2013..... $ 900,000
b. Not more than 10 percent of the moneys appropriated in paragraph "a", for each fiscal year, 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:
FY 2011=2012..... $ 725,000
FY 2012=2013..... $ 725,000
b. Not more than 10 percent of the moneys appropriated in paragraph "a", for each fiscal year, may be used for costs of administration and implementation of soil and water conservation practices.

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8 1 c. Of the amount appropriated in paragraph "a", for each
8 2 fiscal year, $400,000 shall be allocated to an organization
8 3 representing soybean growers to provide for an agriculture
8 4 and environment performance program in order to carry out the
8 5 purposes of this subsection as specified in paragraph "a".
8 6 4. AGRICULTURAL DRAINAGE WELL WATER QUALITY ASSISTANCE FUND
8 7 a. For deposit in the agricultural drainage well water
8 8 quality assistance fund created in section 460.303 to be used
8 9 for purposes of supporting the agricultural drainage well water
8 10 quality assistance program as provided in section 460.304:
8 11 FY 2011=2012..... $ 875,000
8 12 FY 2012=2013..... $ 875,000
8 13 b. Not more than 10 percent of the moneys appropriated
8 14 in paragraph "a", for each fiscal year, may be used for
8 15 costs of administration and implementation of soil and water
8 16 conservation practices.
8 17 5. SOIL AND WATER CONSERVATION == ADMINISTRATION
8 18 For use by the department for costs of administration and
8 19 implementation of soil and water conservation practices:
8 20 FY 2011=2012..... $ 6,300,000
8 21 FY 2012=2013..... $ 6,300,000
8 22 6. CONSERVATION RESERVE PROGRAM (CRP)
8 23 a. To encourage and assist farmers in enrolling in and the
8 24 implementation of the federal conservation program and to work
8 25 with them to enhance their revegetation efforts to improve
8 26 water quality and habitat:
8 27 FY 2011=2012..... $ 1,000,000
8 28 FY 2012=2013..... $ 1,000,000
8 29 b. Not more than 10 percent of the moneys appropriated
8 30 in paragraph "a", for each fiscal year, may be used for
8 31 costs of administration and implementation of soil and water
8 32 conservation practices.
8 33 7. LOESS HILLS DEVELOPMENT AND CONSERVATION FUND
8 34 a. For deposit in the loess hills development and
8 35 conservation fund created in section 161D.2:

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9 1 FY 2011=2012..... $ 475,000
9 2 FY 2012=2013..... $ 475,000
9 3 b. (1) Of the amount appropriated in paragraph "a", for
9 4 each fiscal year, $300,000 shall be allocated to the fund's
9 5 hungry canyons account.
9 6 (2) Not more than 10 percent of the moneys allocated to the
9 7 hungry canyons account as provided in subparagraph (1), for
9 8 each fiscal year, may be used for administrative costs.
9 9 c. (1) Of the amount appropriated in paragraph "a", for
9 10 each fiscal year, $175,000 shall be allocated to the fund's
9 11 loess hills alliance account.
9 12 (2) Not more than 10 percent of the moneys allocated to the
9 13 loess hills alliance account as provided in subparagraph (1),
9 14 for each fiscal year, may be used for administrative costs.
9 15 8. SOUTHERN IOWA DEVELOPMENT AND CONSERVATION FUND
9 16 a. For deposit in the southern Iowa development and
9 17 conservation fund created in section 161D.12:
9 18 FY 2011=2012..... $ 225,000
9 19 FY 2012=2013..... $ 225,000
9 20 b. Not more than 10 percent of the moneys appropriated
9 21 in paragraph "a", for each fiscal year, may be used for
9 22 administrative costs.
9 23 9. SOIL AND WATER CONSERVATION
9 24 a. For use by the department in providing for soil and
9 25 water conservation administration, the conservation of soil and
9 26 water resources, or the support of soil and water conservation
9 27 district commissioners:
9 28 FY 2011=2012..... $ 2,000,000
9 29 FY 2012=2013..... $ 2,000,000
9 30 b. The department may deposit any amount of the moneys
9 31 appropriated in paragraph "a", for each fiscal year, into the
9 32 Mississippi river basin healthy watersheds initiative fund
9 33 created in section 161G.2.
9 34 Sec. 12. DEPARTMENT OF NATURAL RESOURCES. There is
9 35 appropriated from the environment first fund created in section

House Study Bill 206 continued

10 1 8.57A to the department of natural resources for the following
10 2 fiscal years, the following amounts, or so much thereof as is
10 3 necessary, to be used for the purposes designated:
10 4 1. KEEPERS OF THE LAND
10 5 For statewide coordination of volunteer efforts under the
10 6 water quality and keepers of the land programs:
10 7 FY 2011=2012..... $ 100,000
10 8 FY 2012=2013..... $ 100,000
10 9 2. STATE PARKS MAINTENANCE AND OPERATIONS
10 10 For regular maintenance of state parks and staff time
10 11 associated with these activities:
10 12 FY 2011=2012..... $ 2,910,000
10 13 FY 2012=2013..... $ 2,910,000
10 14 3. GEOGRAPHIC INFORMATION SYSTEM (GIS)
10 15 To provide local watershed managers with geographic
10 16 information system data for their use in developing,
10 17 monitoring, and displaying results of their watershed work:
10 18 FY 2011=2012..... $ 195,000
10 19 FY 2012=2013..... $ 195,000
10 20 4. WATER QUALITY MONITORING
10 21 For continuing the establishment and operation of water
10 22 quality monitoring stations:
10 23 FY 2011=2012..... $ 2,955,000
10 24 FY 2012=2013..... $ 2,955,000
10 25 5. PUBLIC WATER SUPPLY SYSTEM ACCOUNT
10 26 For deposit in the public water supply system account of the
10 27 water quality protection fund created in section 455B.183A:
10 28 FY 2011=2012..... $ 500,000
10 29 FY 2012=2013..... $ 500,000
10 30 6. REGULATION OF ANIMAL FEEDING OPERATIONS
10 31 For the regulation of animal feeding operations, including
10 32 as provided for in chapters 459 and 459A:
10 33 FY 2011=2012..... $ 420,000
10 34 FY 2012=2013..... $ 420,000
10 35 7. AMBIENT AIR QUALITY

House Study Bill 206 continued

11 1 For the abatement, control, and prevention of ambient
11 2 air pollution in this state, including measures as necessary
11 3 to assure attainment and maintenance of ambient air quality
11 4 standards from particulate matter:
11 5 FY 2011=2012..... $ 425,000
11 6 FY 2012=2013..... $ 425,000
11 7 8. WATER QUANTITY REGULATION
11 8 For regulating water quantity from surface and subsurface
11 9 sources by providing for the allocation and use of water
11 10 resources, the protection and management of water resources,
11 11 and the preclusion of conflicts among users of water resources,
11 12 including as provided in chapter 455B, division III, part 4:
11 13 FY 2011=2012..... $ 495,000
11 14 FY 2012=2013..... $ 495,000
11 15 Sec. 13. REVERSION.
11 16 1. Notwithstanding section 8.33, moneys appropriated for
11 17 the fiscal year beginning July 1, 2011, in this division of
11 18 this Act that remain unencumbered or unobligated at the close
11 19 of the fiscal year shall not revert but shall remain available
11 20 for the purposes designated until the close of the fiscal year
11 21 beginning July 1, 2012, or until the project for which the
11 22 appropriation was made is completed, whichever is earlier.
11 23 2. Notwithstanding section 8.33, moneys appropriated for
11 24 the fiscal year beginning July 1, 2012, in this division of
11 25 this Act that remain unencumbered or unobligated at the close
11 26 of the fiscal year shall not revert but shall remain available
11 27 for the purposes designated until the close of the fiscal year
11 28 beginning July 1, 2013, or until the projects for which the
11 29 appropriation was made are completed, whichever is earlier.
11 30 DIVISION V
11 31 ENVIRONMENT FIRST FUND == RESOURCES ENHANCEMENT
11 32 AND PROTECTION (REAP)
11 33 Sec. 14. IOWA RESOURCES ENHANCEMENT AND PROTECTION
11 34 FUND. Notwithstanding the amount of the standing appropriation
11 35 from the general fund of the state to the Iowa resources

House Study Bill 206 continued

enhancement and protection fund as provided in section 455A.18, there is appropriated from the environment first fund created in section 8.57A to the Iowa resources enhancement and protection fund, in lieu of the appropriation made in section 455A.18, for the following fiscal years, the following amounts, to be allocated as provided in section 455A.19:

FY 2011=2012..... $ 11,500,000
FY 2012=2013..... $ 11,500,000

DIVISION VI
RELATED STATUTORY CHANGES

Sec. 15. Section 455G.3, subsection 7, Code 2011, is amended to read as follows:

7. a. For the fiscal year beginning July 1, 2010, there is appropriated from the Iowa comprehensive petroleum underground storage tank fund to the department of natural resources one hundred thousand dollars for purposes of database modifications necessary to accept batched external data regarding underground storage tank inspections conducted by nongovernmental entities.

b. 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 designated until the close of the succeeding fiscal year.

Sec. 16. EFFECTIVE UPON ENACTMENT. This division of this Act, being deemed of immediate importance, takes effect upon enactment.

EXPLANATION

GENERAL. This bill relates to agriculture and natural resources by making appropriations for the 2011=2012 and 2012=2013 fiscal years 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

House Study Bill 206 continued

13 1 departments for administration, regulation, and programs. The
13 2 bill requires the departments to submit quarterly reports to
13 3 the general assembly and department of management regarding the
13 4 expenditure of appropriated moneys. The bill also provides
13 5 moneys to support specific programs or projects administered by
13 6 those departments. The bill appropriates moneys from a number
13 7 of sources, including the general fund of the state, the state
13 8 fish and game protection fund, the groundwater protection fund,
13 9 and the environment first fund. The bill is organized into
13 10 divisions.
13 11 DEPARTMENT OF AGRICULTURE AND LAND STEWARDSHIP. For the
13 12 department of agriculture and land stewardship, moneys are
13 13 appropriated in order to support its divisions.
13 14 The bill appropriates moneys from the general fund to
13 15 support designated programs, including horse and dog racing,
13 16 and motor fuel inspection.
13 17 DEPARTMENT OF NATURAL RESOURCES. For the department of
13 18 natural resources, moneys are appropriated from the general
13 19 fund in order to support its divisions.
13 20 The bill makes appropriations from other funds. The bill
13 21 appropriates moneys to the department of natural resources from
13 22 the state fish and game protection fund to support programs
13 23 related to fish and wildlife. The bill appropriates moneys
13 24 from the groundwater protection fund to support groundwater
13 25 quality. The bill appropriates moneys from the snowmobile fund
13 26 to the department for snowmobile programs.
13 27 The bill includes miscellaneous provisions. An
13 28 appropriation is made from the unassigned revenue fund
13 29 administered by the Iowa comprehensive underground storage
13 30 tank fund board to the department of natural resources for
13 31 administration and expenses of the underground storage tank
13 32 section.
13 33 The bill provides that the department of natural
13 34 resources may use additional funds for staffing to reduce the
13 35 department's floodplain permit backlog and implementing the

House Study Bill 206 continued

14 1 federal maximum daily load program.
14 2 IOWA STATE UNIVERSITY. The bill appropriates moneys from
14 3 the general fund of the state for the operation of the Iowa
14 4 state university's veterinary diagnostic laboratory.
14 5 ENVIRONMENT FIRST FUND == GENERAL APPROPRIATIONS. The
14 6 bill appropriates funding from the environment first fund
14 7 to the department of agriculture and land stewardship and
14 8 the department of natural resources to support a number of
14 9 programs and projects. A nonreversion clause authorizes the
14 10 appropriations made in this division to be carried forward into
14 11 the succeeding fiscal year.
14 12 ENVIRONMENT FIRST FUND == RESOURCE ENHANCEMENT AND
14 13 PROTECTION. The bill appropriates moneys from the environment
14 14 first fund to the resources enhancement and protection fund in
14 15 lieu of the $20 million appropriated each fiscal year by Code
14 16 section 455A.8 from the general fund of the state.
14 17 RELATED STATUTORY CHANGES. The bill amends a provision
14 18 in the Code section 455G.3 appropriating moneys to the
14 19 department of natural resources for purposes of making
14 20 database modifications regarding Iowa comprehensive petroleum
14 21 underground storage tank inspections. The bill extends the
14 22 period of the appropriation for the fiscal year beginning on
14 23 July 1, 2011, and ending June 30, 2012.
14 24 Division VI of this Act takes effect upon enactment.

House Study Bill 207

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

A BILL FOR

An Act relating to actions against counties and cities.
BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 2727YC (2) 84
rh/sc

House Study Bill 207 continued

PAG LIN

1 1 Section 1. NEW SECTION. 613.22 Action against political
1 2 subdivision.
1 3 1. Notwithstanding any other provision of the law to the
1 4 contrary, any person may file an action against a political
1 5 subdivision if the person is a resident of the political
1 6 subdivision and if the action is based upon a conflict
1 7 between state law and any ordinance, motion, resolution,
1 8 amendment, regulation, or rule of the political subdivision.
1 9 Any ordinance, motion, resolution, amendment, regulation,
1 10 or rule adopted by a political subdivision that is declared
1 11 by the court to be in conflict with state law is void and
1 12 unenforceable and any enforcement activity conducted in
1 13 violation of the state law is void.
1 14 2. For purposes of this section, "political subdivision"
1 15 means any county or city.
1 16 EXPLANATION
1 17 This bill allows any person to file an action against
1 18 a political subdivision if the person is a resident of
1 19 the political subdivision and if the action is based upon
1 20 a conflict between state law and any ordinance, motion,
1 21 resolution, amendment, regulation, or rule of the political
1 22 subdivision. Any ordinance, motion, resolution, amendment,
1 23 regulation, or rule adopted by a political subdivision
1 24 declared by the court to be in conflict with state law is
1 25 void and unenforceable. For purposes of the bill, "political
1 26 subdivision" means any county or city.
1 27 Current law in Iowa requires a prospective plaintiff to have
1 28 suffered some direct or substantial injury or to be likely to
1 29 suffer such an injury in order to have standing in a lawsuit.
LSB 2727YC (2) 84
rh/sc

House Study Bill 208

HOUSE FILE
BY (PROPOSED COMMITTEE ON
STATE GOVERNMENT BILL
BY CHAIRPERSON COWNIE)

A BILL FOR

An Act concerning live dog racing at pari=mutuel dog racetracks and including effective date provisions.

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

TLSB 1454YC (11) 84
aw/sc

House Study Bill 208 continued

PAG LIN

1 1 Section 1. NEW SECTION. 99D.9A Dog racetrack licensure ====
1 2 simultaneous telecasts.
1 3 A licensee authorized to operate a pari=mutuel dog racetrack
1 4 and to conduct gambling games pursuant to section 99F.6 as
1 5 of January 1, 2011, may, upon written notification to the
1 6 commission, discontinue scheduling performances of live dog
1 7 races at the racetrack and maintain a license under this
1 8 chapter for purposes of permitting pari=mutuel wagering on
1 9 simultaneously telecast dog races.
1 10 Sec. 2. Section 99D.11, subsection 6, paragraph b, Code
1 11 2011, is amended to read as follows:
1 12 b. (1) The commission may authorize the licensee to
1 13 simultaneously telecast within the racetrack enclosure, for
1 14 the purpose of pari=mutuel wagering, a horse or dog race
1 15 licensed by the racing authority of another state. It is
1 16 the responsibility of each licensee to obtain the consent of
1 17 appropriate racing officials in other states as required by
1 18 the federal Interstate Horseracing Act of 1978, 15 U.S.C.
1 19 { 3001 = 3007, to televise races for the purpose of conducting
1 20 pari=mutuel wagering.
1 21 (2) A licensee may also obtain the permission of a person
1 22 licensed by the commission to conduct horse or dog races in
1 23 this state to televise races conducted by that person for the
1 24 purpose of conducting pari=mutuel ~~racing~~ wagering. However,
1 25 arrangements made by a licensee to televise any race for
1 26 the purpose of conducting pari=mutuel wagering are subject
1 27 to the approval of the commission, and the commission shall
1 28 select the races to be televised. The races selected by the
1 29 commission shall be the same for all licensees approved by the
1 30 commission to televise races for the purpose of conducting
1 31 pari=mutuel wagering. The commission shall not authorize the
1 32 simultaneous telecast or televising of and a licensee shall
1 33 not simultaneously telecast or televise any horse or dog race
1 34 for the purpose of conducting pari=mutuel wagering unless the
1 35 simultaneous telecast or televising is done at the racetrack of

House Study Bill 208 continued

2 1 a licensee that schedules no less than sixty performances of
2 2 nine live races each day of the season or that is not obligated
2 3 to schedule performances of live races pursuant to section
2 4 99D.9A.
2 5 (3) For purposes of the taxes imposed under this chapter,
2 6 races televised by a licensee for purposes of pari=mutuel
2 7 wagering shall be treated as if the races were held at the
2 8 racetrack of the licensee. Notwithstanding any contrary
2 9 provision in this chapter, the commission may allow a licensee
2 10 to adopt the same deductions as those of the pari=mutuel
2 11 racetrack from which the races are being simultaneously
2 12 telecast.
2 13 Sec. 3. Section 99F.6, subsection 4, paragraph b, Code 2011,
2 14 is amended to read as follows:
2 15 b. The commission shall authorize the licensees of
2 16 pari=mutuel dog racetracks located in Dubuque county and Black
2 17 Hawk county to conduct gambling games as provided in section
2 18 99F.4A if the licensees schedule at least one hundred thirty
2 19 performances of twelve live races each day during a season of
2 20 twenty=five weeks. For the pari=mutuel dog racetrack located
2 21 in Pottawattamie county, the commission shall authorize the
2 22 licensee to conduct gambling games as provided in section
2 23 99F.4A if the licensee schedules at least two hundred ninety
2 24 performances of twelve live races each day during a season of
2 25 fifty weeks. The commission shall approve an annual contract
2 26 to be negotiated between the annual recipient of the dog racing
2 27 promotion fund and each dog racetrack licensee to specify the
2 28 percentage or amount of gambling game proceeds which shall be
2 29 dedicated to supplement the purses of live dog races. The
2 30 parties shall agree to a negotiation timetable to insure no
2 31 interruption of business activity. If the parties fail to
2 32 agree, the commission shall impose a timetable. If the two
2 33 parties cannot reach agreement, each party shall select a
2 34 representative and the two representatives shall select a
2 35 third person to assist in negotiating an agreement. The two

House Study Bill 208 continued

3 1 representatives may select the commission or one of its members
3 2 to serve as the third party. Alternately, each party shall
3 3 submit the name of the proposed third person to the commission
3 4 who shall then select one of the two persons to serve as the
3 5 third party. All parties to the negotiations, including the
3 6 commission, shall consider that the dog racetracks were built
3 7 to facilitate the development and promotion of Iowa greyhound
3 8 racing dogs in this state and shall negotiate and decide
3 9 accordingly. However, the requirement to schedule performances
3 10 of live races for purposes of conducting gambling games under
3 11 this chapter shall not apply to a licensee who is not obligated
3 12 to schedule performances of live races pursuant to section
3 13 99D.9A.
3 14 Sec. 4. IOWA GREYHOUND RETIREMENT FUND.
3 15 1. A greyhound retirement fund is created in the state
3 16 treasury under the control of the racing and gaming commission.
3 17 2. The fund shall consist of all of the following:
3 18 a. Moneys in the dog racing promotion fund created in
3 19 section 99D.12 and the Iowa horse and dog breeders fund
3 20 created in section 99D.22, that were deposited in those funds
3 21 from a dog racetrack licensee that discontinues scheduling
3 22 performances of live dog races pursuant to section 99D.9A.
3 23 b. Moneys credited to the fund from a dog racetrack licensee
3 24 that discontinues scheduling performances of live dog races
3 25 pursuant to section 99D.9A representing the remaining balance
3 26 of all dog purse supplement payments owed by the licensee
3 27 pursuant to an agreement approved by the commission.
3 28 3. Moneys in the fund shall be disbursed by the racing
3 29 and gaming commission to registered Iowa greyhound owners and
3 30 qualified adoption agencies approved by the commission in an
3 31 expeditious and equitable manner as determined by the racing
3 32 and gaming commission.
3 33 4. Section 8.33 does not apply to any moneys in the fund.
3 34 Notwithstanding section 12C.7, subsection 2, interest or
3 35 earnings on moneys deposited in the fund shall be credited to

House Study Bill 208 continued

4 1 the fund.
4 2 Sec. 5. EFFECTIVE UPON ENACTMENT. This Act, being deemed of
4 3 immediate importance, takes effect upon enactment.
4 4 EXPLANATION
4 5 This bill concerns the conduct of live dog racing at
4 6 pari=mutuel dog racetracks authorized to conduct gambling
4 7 games.
4 8 New Code section 99D.9A allows a licensee authorized to
4 9 operate a pari=mutuel dog racetrack and to conduct gambling
4 10 games as of January 1, 2011, to discontinue scheduling
4 11 performances of live dog races upon written notice to the
4 12 Iowa racing and gaming commission, and to maintain a license
4 13 under Code chapter 99D for purposes of permitting pari=mutuel
4 14 wagering on simultaneously telecast dog races.
4 15 Code section 99D.11(6)(b), concerning pari=mutuel wagering
4 16 on simultaneous telecasts of horse or dog races, is amended
4 17 to allow a simultaneous telecast of dog races at a licensee
4 18 in this state that is not obligated to schedule live dog
4 19 races pursuant to new Code section 99D.9A. Under current
4 20 law, simulcast telecasting of races can only be allowed at
4 21 a racetrack of a licensee that schedules no less than 60
4 22 performances of nine live races each day of the season.
4 23 Code section 99F.6(4)(b) is amended to allow the conduct
4 24 of gambling games at a pari=mutuel dog racetrack that is not
4 25 obligated to schedule performances of live races pursuant to
4 26 new Code section 99D.9A.
4 27 The bill also establishes a greyhound retirement fund
4 28 under the control of the racing and gaming commission. The
4 29 fund shall consist of moneys in the dog racing promotion fund
4 30 created in Code section 99D.12 and the Iowa horse and dog
4 31 breeders fund created in Code section 99D.22 that are deposited
4 32 in those funds from a dog racetrack licensee that discontinues
4 33 live dog racing as provided by this bill. In addition, the
4 34 fund shall also consist of moneys credited to the fund from
4 35 a dog racetrack licensee that discontinues live dog racing

House Study Bill 208 continued

5 1 in an amount representing the remaining balance of all dog
5 2 purse supplement payments owed by the licensee pursuant to
5 3 an agreement approved by the commission. The bill provides
5 4 that moneys in the fund shall be disbursed by the commission
5 5 to registered Iowa greyhound owners and qualified adoption
5 6 agencies approved by the commission in an expeditious and
5 7 equitable manner as determined by the commission.
5 8 The bill takes effect upon enactment.

LSB 1454YC (11) 84
aw/sc

House Study Bill 209

HOUSE FILE
BY (PROPOSED COMMITTEE ON
AGRICULTURE BILL BY
CHAIRPERSON SWEENEY)

A BILL FOR

An Act creating a committee to provide for greater collaboration between urban and rural communities.

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

TLSB 2730HC (2) 84
da/nh

House Study Bill 209 continued

PAG LIN

1 1 Section 1. URBAN=RURAL DIALOGUE COMMITTEE.
1 2 1. An urban=rural dialogue committee is established to
1 3 improve urban, including suburban, and rural communities in
1 4 this state by providing for collaborative efforts.
1 5 2. The committee shall study existing programs administered
1 6 by state agencies which benefit one community, but which
1 7 could be revised or administered differently to benefit both
1 8 communities. The committee shall also study methods to improve
1 9 awareness, understanding, and communication between urban and
1 10 rural communities, including but not limited to how soil and
1 11 water conservation practices, pollution control measures, and
1 12 flood control measures may be better implemented by urban
1 13 residents.
1 14 3. The committee shall be chaired by the secretary of
1 15 agriculture or a designee. The committee shall also include
1 16 the following members:
1 17 a. The director of the department of natural resources, or
1 18 the director's designee.
1 19 b. The president of Iowa state university or the president's
1 20 designee.
1 21 c. Three persons appointed by the secretary of agriculture
1 22 who are rural residents, including two persons who are actively
1 23 engaged in farming.
1 24 d. Two persons appointed by the secretary of agriculture who
1 25 are urban residents.
1 26 4. A public member is entitled to receive reimbursement for
1 27 actual expenses incurred while engaged in the performance of
1 28 official duties under this section. However, a member of the
1 29 committee is not eligible to receive compensation as provided
1 30 in section 7E.6.
1 31 5. The committee shall submit a report to the general
1 32 assembly not later than January 1, 2012. The report shall
1 33 include findings and recommendations, including proposals for
1 34 legislation and administrative rules.
1 35 EXPLANATION

House Study Bill 209 continued

2 1 The bill establishes an urban=rural dialogue committee to
2 2 improve urban, including suburban, and rural communities by
2 3 providing for collaborative efforts, including by reviewing
2 4 existing programs administered by state agencies and by
2 5 studying methods to improve awareness, understanding, and
2 6 communication between the communities. The committee includes
2 7 state agency representatives, including the department of
2 8 agriculture and land stewardship, the department of natural
2 9 resources, and Iowa state university, and public members
2 10 representing urban and rural communities. The committee must
2 11 submit a report to the general assembly by January 1, 2012.
LSB 2730HC (2) 84
da/nh

House Study Bill 210

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

A BILL FOR

An Act providing for allocation of E911 wireless surcharge revenue to counties for specified purposes.

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

TLSB 2262YC (5) 84
rn/nh

House Study Bill 210 continued

PAG LIN

1 1 Section 1. Section 34A.7A, subsection 2, Code 2011, is
1 2 amended by adding the following new paragraph:
1 3 NEW PARAGRAPH. 0g. The program manager shall allocate fifty
1 4 percent of the total amount of surcharge generated per calendar
1 5 quarter, or the maximum amount remaining after the allocations
1 6 under paragraphs "a" through "f" if less, to each joint E911
1 7 service board on a prorated basis based upon the proportion
1 8 of E911 surcharge revenue collected from each county, to be
1 9 utilized for public safety, communications, and emergency
1 10 management projects specified by the respective service boards.
1 11 The allocation pursuant to this paragraph shall continue for
1 12 a twenty=year period beginning in the fiscal year commencing
1 13 July 1, 2011, and ending June 30, 2031. The maximum amount
1 14 allocated to a county pursuant to this paragraph shall be a
1 15 total of eight million dollars, and any excess which would
1 16 otherwise be allocated to that county shall be allocated to
1 17 each other county within the state which has not reached the
1 18 eight million dollar maximum allocation on a prorated basis.
1 19 Sec. 2. Section 34A.7A, subsection 2, paragraph g, Code
1 20 2011, is amended to read as follows:
1 21 g. If moneys remain in the fund after fully paying all
1 22 obligations under paragraphs "a" through ~~"f"~~ "0g", the remainder
1 23 may be accumulated in the fund as a carryover operating
1 24 surplus. This surplus shall be used to fund future phase
1 25 2 network and public safety answering point improvements
1 26 and wireless carriers' transport costs related to wireless
1 27 E911 services, if those costs are not otherwise recovered by
1 28 wireless carriers through customer billing or other sources and
1 29 approved by the program manager. Notwithstanding section 8.33,
1 30 any moneys remaining in the fund at the end of each fiscal year
1 31 shall not revert to the general fund of the state but shall
1 32 remain available for the purposes of the fund.
1 33 EXPLANATION
1 34 This bill allocates 50 percent of E911 wireless surcharge
1 35 revenue, or the maximum amount remaining after other

House Study Bill 210 continued

2 1 allocations contained in Code section 34A.7A, subsection 2,
2 2 are made, if less, to each county joint E911 service board
2 3 for public safety, communications, and emergency management
2 4 projects specified by the service board. The allocation
2 5 shall continue for a 20=year period, and be distributed on a
2 6 prorated basis based upon the proportion of E911 surcharge
2 7 revenue collected from each county. The bill specifies that
2 8 the maximum amount to be allocated to any one county pursuant
2 9 to the surcharge shall not exceed $8 million.
LSB 2262YC (5) 84
rn/nh

House Study Bill 211

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

A BILL FOR

An Act restricting the ability of cities and counties to adopt or enforce certain ordinances relating to residential property.

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

TLSB 2707YC (2) 84
aw/sc

House Study Bill 211 continued

PAG LIN

1 1 Section 1. Section 331.302, Code 2011, is amended by adding
1 2 the following new subsection:
1 3 NEW SUBSECTION. 17. A county shall not adopt or enforce
1 4 an ordinance that creates different classes of persons
1 5 within the ordinance to distinguish between persons living in
1 6 owner=occupied housing and persons living in rental properties
1 7 or that creates different classes of residential property based
1 8 on whether the property is owner=occupied or is leased to a
1 9 person who does not own the property.
1 10 Sec. 2. Section 364.3, Code 2011, is amended by adding the
1 11 following new subsection:
1 12 NEW SUBSECTION. 11. A city shall not adopt or enforce an
1 13 ordinance that creates different classes of persons within
1 14 the ordinance to distinguish between persons living in
1 15 owner=occupied housing and persons living in rental properties
1 16 or that creates different classes of residential property based
1 17 on whether the property is owner=occupied or is leased to a
1 18 person who does not own the property.
1 19 EXPLANATION
1 20 This bill restricts the ability of cities and counties to
1 21 adopt and enforce ordinances which distinguish between persons
1 22 living in owner=occupied housing and persons living in rental
1 23 properties or which distinguishes residential property based on
1 24 whether it is owner=occupied or leased.

LSB 2707YC (2) 84
aw/sc

House Study Bill 212

HOUSE FILE
BY (PROPOSED COMMITTEE ON
WAYS AND MEANS BILL BY
CHAIRPERSON SANDS)

A BILL FOR

An Act providing an individual income tax credit for certain supplies purchased by a teacher and including retroactive applicability provisions.

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

TLSB 1708YC (2) 84
tw/sc

House Study Bill 212 continued

PAG LIN

1 1 Section 1. NEW SECTION. 422.11Y Teacher expense credit.
1 2 1. The taxes imposed under this division, less the credits
1 3 allowed under section 422.12, shall be reduced by a teacher
1 4 expense credit equal to the first two hundred fifty dollars
1 5 of the cost incurred to purchase supplies by the taxpayer to
1 6 assist the taxpayer in teaching at an elementary or secondary
1 7 school situated in Iowa, which school is accredited under
1 8 section 256.11. To qualify for the credit, the costs must be
1 9 nonreimbursable from any source. If the cost incurred has been
1 10 deducted in computing federal adjusted gross income, the amount
1 11 of such deduction shall be added in determining net income
1 12 under section 422.7. Any credit in excess of the tax liability
1 13 is nonrefundable.
1 14 2. As used in this section, "supplies" includes but is
1 15 not limited to paper supplies, bulletin boards, books, maps,
1 16 charts, computer software but not hardware, and other items
1 17 directly used by the taxpayer as a teacher. The cost incurred
1 18 to purchase supplies for which a tax credit may be received
1 19 under this section shall not be used by a school district to
1 20 supplement its costs of instructional materials.
1 21 Sec. 2. RETROACTIVE APPLICABILITY. This Act applies
1 22 retroactively to January 1, 2011, for tax years beginning on
1 23 or after that date.
1 24 EXPLANATION
1 25 This bill provides an income tax credit of up to $250 for
1 26 teachers that incur expenses for supplies directly used by
1 27 them in teaching at accredited elementary or secondary schools
1 28 in Iowa. To qualify, the expenses must be nonreimbursable
1 29 from any source. If the expenses were deducted in computing
1 30 federal adjusted gross income, the deduction shall be added
1 31 in determining Iowa net income. These supplies include paper
1 32 supplies, bulletin boards, books, maps, charts, computer
1 33 software but not hardware, and other similar items directly
1 34 used by the taxpayer as a teacher. The cost incurred to
1 35 purchase supplies for which a tax credit may be received under

House Study Bill 212 continued

2 1 this Code section shall not be used by a school district to
2 2 supplement its costs of instructional materials.
2 3 The bill applies retroactively to January 1, 2011, for tax
2 4 years beginning on or after that date.
LSB 1708YC (2) 84
tw/sc

House Study Bill 213

HOUSE FILE
BY (PROPOSED COMMITTEE ON
WAYS AND MEANS BILL BY
CHAIRPERSON SANDS)

A BILL FOR

An Act providing a sales tax exemption for global positioning systems used in farming operations.

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

TLSB 1990YC (4) 84
tw/sc

House Study Bill 213 continued

PAG LIN

1 1 Section 1. Section 423.3, Code 2011, is amended by adding
1 2 the following new subsection:
1 3 NEW SUBSECTION. 96. The sales price of global positioning
1 4 systems, including software activation and subscription fees,
1 5 used in farming operations.
1 6 EXPLANATION
1 7 This bill provides a sales tax exemption for the sales price
1 8 of global positioning systems, including software activation
1 9 and subscription fees, used in farming operations.
1 10 By operation of Code section 423.6, an item exempt from the
1 11 imposition of the sales tax is also exempt from the use tax
1 12 imposed in Code section 423.5.
LSB 1990YC (4) 84
tw/sc

House Study Bill 214

HOUSE FILE
BY (PROPOSED COMMITTEE ON
WAYS AND MEANS BILL BY
CHAIRPERSON SANDS)

A BILL FOR

An Act relating to assessment of telecommunications company property for purposes of property taxation, and including effective date and applicability provisions.
BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 1543YC (1) 84
md/sc

House Study Bill 214 continued

PAG LIN

1 1 Section 1. Section 427A.1, subsection 1, paragraph h, Code
1 2 2011, is amended to read as follows:
1 3 h. Property assessed by the department of revenue pursuant
1 4 to sections 428.24 to 428.29, ~~or chapters 433,~~ chapter 433 if
1 5 such property was first assessed for taxation in this state
1 6 before January 1, 1996, or chapters 434, 437, 437A, and 438.
1 7 Sec. 2. Section 433.4, Code 2011, is amended to read as
1 8 follows:
1 9 433.4 Assessment.
1 10 1. The director of revenue shall on or before October 31
1 11 each year, proceed to find the actual value of the property
1 12 of these companies in this state, taking into consideration
1 13 the information obtained from the statements required~~,~~ and any
1 14 further information the director can obtain~~, using the same as~~
~~1 15 a means for determining the actual cash value of the property~~
~~1 16 of these companies within this state~~.
1 17 2. ~~The~~ For company property that was first assessed for
1 18 taxation in this state before January 1, 1996, the director
1 19 shall ~~also~~ take into consideration the information described
1 20 in subsection 1 and the valuation of all property of these
1 21 companies, including franchises and the use of the property
1 22 in connection with lines outside the state, and making these
1 23 deductions as may be necessary on account of extra value
1 24 of property outside the state as compared with the value
1 25 of property in the state, in order that the actual ~~cash~~
1 26 value of the property of the company within this state may
1 27 be ascertained. The assessment shall include all property
1 28 of every kind and character whatsoever, real, personal, or
1 29 mixed, used by the companies in the transaction of telegraph
1 30 and telephone business; and the property so included in the
1 31 assessment shall not be taxed in any other manner than as
1 32 provided in this chapter.
1 33 3. For company property that was first assessed for taxation
1 34 in this state on or after January 1, 1996, the director shall
1 35 determine the value of the property within this state as

House Study Bill 214 continued

2 1 follows:
2 2 a. For the assessment year beginning January 1, 2014, the
2 3 value of such property shall equal the sum of the following:
2 4 (1) Eighty percent of the property's value as determined in
2 5 the manner provided under subsection 2.
2 6 (2) Twenty percent of the property's value as determined in
2 7 the manner provided under paragraph "e".
2 8 b. For the assessment year beginning January 1, 2015, the
2 9 value of such property shall equal the sum of the following:
2 10 (1) Sixty percent of the property's value as determined in
2 11 the manner provided under subsection 2.
2 12 (2) Forty percent of the property's value as determined in
2 13 the manner provided under paragraph "e".
2 14 c. For the assessment year beginning January 1, 2016, the
2 15 value of such property shall equal the sum of the following:
2 16 (1) Forty percent of the property's value as determined in
2 17 the manner provided under subsection 2.
2 18 (2) Sixty percent of the property's value as determined in
2 19 the manner provided under paragraph "e".
2 20 d. For the assessment year beginning January 1, 2017, the
2 21 value of such property shall equal the sum of the following:
2 22 (1) Twenty percent of the property's value as determined in
2 23 the manner provided under subsection 2.
2 24 (2) Eighty percent of the property's value as determined in
2 25 the manner provided under paragraph "e".
2 26 e. For the assessment year beginning January 1, 2018,
2 27 and each assessment year thereafter, such property shall be
2 28 assessed in the same manner as all other property assessed
2 29 as commercial property by the local assessor under chapters
2 30 427, 427A, 427B, 428, and 441; provided that such property
2 31 that is not exempt under subsection 4 or other provision of
2 32 law shall be valued at an amount no greater than the cost
2 33 of such property, reduced by accounting depreciation and
2 34 by any appropriate adjustments for functional and economic
2 35 obsolescence, and in determining said values the director shall

House Study Bill 214 continued

3 1 not use any minimum amount or percentage of original cost as
3 2 the base or minimum value for any item or class of property,
3 3 regardless of whether the property is still in service.
3 4 4. Company property that was first assessed for taxation
3 5 in this state on or after January 1, 1996, shall not be
3 6 assessed and taxed as real property to the extent it consists
3 7 of cable, wire, conduit, vaults, switches, or other equipment
3 8 or fixtures used primarily to provide or facilitate the
3 9 electronic transmission, conveyance, or routing of voice,
3 10 data, audio, video, or any other information or signal to a
3 11 point, or between or among points, regardless of the content
3 12 or technology utilized and regardless of whether the property
3 13 would otherwise be considered attached to the real property.
3 14 Sec. 3. Section 476.1D, subsection 10, unnumbered paragraph
3 15 2, Code 2011, is amended by striking the unnumbered paragraph.
3 16 Sec. 4. EFFECTIVE UPON ENACTMENT AND APPLICABILITY.
3 17 1. Except as provided in subsection 2, this Act takes effect
3 18 July 1, 2013, and applies to assessment years beginning on or
3 19 after January 1, 2014.
3 20 2. The section of this Act amending section 476.1D takes
3 21 effect July 1, 2017, and applies to assessment years beginning
3 22 on or after January 1, 2018.
3 23 EXPLANATION
3 24 This bill relates to the manner in which telecommunications
3 25 company property is taxed.
3 26 The assessment provisions of Code section 433.4
3 27 currently provide that in ascertaining the actual value of
3 28 telecommunications company property the director of revenue
3 29 shall include all property of every kind and character
3 30 whatsoever, real, personal, or mixed, used by the company in
3 31 the transaction of telegraph and telephone business.
3 32 Under the bill, telecommunications company property that was
3 33 first assessed for taxation before January 1, 1996, continues
3 34 to be assessed in the manner provided under current Code
3 35 section 433.4. However, the bill modifies the Code section

House Study Bill 214 continued

4 1 to provide that the value of a company's property that was
4 2 first assessed for taxation on or after January 1, 1996, shall,
4 3 subject to specific restrictions and provisions in the bill, be
4 4 determined in the same manner as all other property assessed as
4 5 commercial property by the local assessor.
4 6 For the assessment year beginning January 1, 2014, and for
4 7 each assessment year through the assessment year beginning
4 8 January 1, 2017, the bill provides for the transition from
4 9 the current assessment methodology in Code section 433.4
4 10 to the new assessment methodology created in the bill for
4 11 telecommunications company property that was first assessed for
4 12 taxation on or after January 1, 1996. The bill then provides
4 13 that for the assessment year beginning January 1, 2018, and for
4 14 each assessment year thereafter, all of the telecommunication
4 15 company's property that was first assessed for taxation on or
4 16 after January 1, 1996, is assessed using the new assessment
4 17 methodology created in the bill.
4 18 Except for the section of the bill amending Code section
4 19 476.1D, the bill takes effect July 1, 2013, and applies to
4 20 assessment years beginning on or after January 1, 2014. The
4 21 section of the bill amending Code section 476.1D takes effect
4 22 July 1, 2017, and applies to assessment years beginning on or
4 23 after January 1, 2018.
LSB 1543YC (1) 84
md/sc

House Study Bill 215

HOUSE FILE
BY (PROPOSED COMMITTEE ON
WAYS AND MEANS BILL BY
CHAIRPERSON SANDS)

A BILL FOR

An Act relating to the assessment and taxation of qualifying local exchange carrier property.

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

TLSB 2041YC (4) 84
rn/sc

House Study Bill 215 continued

PAG LIN

1 1 Section 1. Section 433.4, Code 2011, is amended to read as
1 2 follows:
1 3 433.4 Assessment.
1 4 ~~The~~ Except as otherwise provided in section 433.16, the
1 5 director of revenue shall on or before October 31 each year,
1 6 proceed to find the actual value of the property of these
1 7 companies in this state, taking into consideration the
1 8 information obtained from the statements required, and any
1 9 further information the director can obtain, using the same as
1 10 a means for determining the actual cash value of the property
1 11 of these companies within this state. The director shall
1 12 also take into consideration the valuation of all property
1 13 of these companies, including franchises and the use of the
1 14 property in connection with lines outside the state, and
1 15 making these deductions as may be necessary on account of
1 16 extra value of property outside the state as compared with
1 17 the value of property in the state, in order that the actual
1 18 cash value of the property of the company within this state
1 19 may be ascertained. The assessment shall include all property
1 20 of every kind and character whatsoever, real, personal, or
1 21 mixed, used by the companies in the transaction of telegraph
1 22 and telephone business; and the property so included in the
1 23 assessment shall not be taxed in any other manner than as
1 24 provided in this chapter.
1 25 Sec. 2. NEW SECTION. 433.16 Qualifying local exchange
1 26 carriers ==== assessment and taxation ==== exception.
1 27 1. For assessment years beginning on or after January
1 28 1, 2012, the property of qualifying local exchange carriers
1 29 shall be assessed for taxation according to subsections 2 and
1 30 3, exclusive of any other provision of this chapter. For
1 31 purposes of this section, "qualifying local exchange carriers"
1 32 means telecommunications companies that provide local exchange
1 33 service and have less than fifty thousand customer access lines
1 34 located in this state.
1 35 2. For valuations established on or after January 1, 2012,

House Study Bill 215 continued

2 1 the director shall determine the value of the land, buildings,
2 2 structures, and improvements of qualifying local exchange
2 3 carriers in the same manner as all other property assessed as
2 4 commercial property by the local assessor pursuant to chapters
2 5 427, 427A, 427B, 428, and 441. All reporting, protest, and
2 6 appeal procedures for qualifying local exchange carriers shall
2 7 be determined according to those provisions.
2 8 3. Notwithstanding any other provision of this section
2 9 or chapter 427, 427A, 427B, 428, or 441 to the contrary,
2 10 telephone wires, fiber optic cables, electronics, and similar
2 11 items used by qualifying local exchange carriers to transmit
2 12 sounds or data shall not be included when determining the value
2 13 of a qualifying local exchange carrier's land, buildings,
2 14 structures, and improvements for purposes of this section.
2 15 EXPLANATION
2 16 This bill provides that property of certain local exchange
2 17 carriers shall be assessed for taxation by the department of
2 18 revenue in the same manner as commercial property is assessed
2 19 by the local assessor. The bill defines "qualifying local
2 20 exchange carriers" as telecommunications companies that provide
2 21 local exchange service and have less than 50,000 customer
2 22 access lines in Iowa.
2 23 The assessment provisions of Code section 433.4
2 24 currently provide that in ascertaining the actual value of
2 25 telecommunications company property, including local exchange
2 26 carrier property, the director of revenue shall include
2 27 all property of every kind and character whatsoever, real,
2 28 personal, or mixed, used by the company in the transaction of
2 29 telegraph and telephone business.
2 30 The bill provides that for assessments issued on and
2 31 after January 1, 2012, the land, buildings, structures, and
2 32 improvements of qualifying local exchange carriers shall be
2 33 assessed by the department of revenue for taxation in the same
2 34 manner as all other commercial property is assessed pursuant
2 35 to Code chapters 427, 427A, 427B, 428, and 441 by the local

House Study Bill 215 continued

3 1 assessor. The bill provides that all reporting and appeal
3 2 procedures for qualifying local exchange carriers shall be
3 3 determined pursuant to those Code chapters.
3 4 The bill provides that telephone wires, fiber optic
3 5 cables, electronics, and similar items used by qualifying
3 6 local exchange carriers to transmit sounds or data shall
3 7 not be included when determining the value of a qualifying
3 8 local exchange carrier's land, buildings, structures, and
3 9 improvements.
LSB 2041YC (4) 84
rn/sc

House Study Bill 216

HOUSE FILE
BY (PROPOSED COMMITTEE ON
WAYS AND MEANS BILL BY
CHAIRPERSON SANDS)

A BILL FOR

An Act providing a sales tax exemption for mowing implements used in farming operations.

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

TLSB 1993YC (4) 84
tw/sc

House Study Bill 216 continued

PAG LIN

1 1 Section 1. Section 423.3, Code 2011, is amended by adding
1 2 the following new subsection:
1 3 NEW SUBSECTION. 96. The sales price, exclusive of services
1 4 related to the purchase, of mowing implements used in farming
1 5 operations if such implements are not self=propelled.
1 6 EXPLANATION
1 7 This bill provides a sales tax exemption for mowing
1 8 implements used in farming operations if such implements are
1 9 not self=propelled.
1 10 By operation of Code section 423.6, an item exempt from the
1 11 imposition of the sales tax is also exempt from the use tax
1 12 imposed in Code section 423.5.
LSB 1993YC (4) 84
tw/sc

Senate Amendment 3041

PAG LIN

1 1 Amend Senate File 209, as amended, passed, and
1 2 reprinted by the Senate, as follows:
1 3 #1. Page 7, by striking lines 28 through 31 and
1 4 inserting <section 103, and Pub. L. No. 111=5, section
1 5 1201, does not apply in computing net income for state
1 6 tax purposes. If the>
1 7 #2. Page 8, line 17, by striking <2011> and
1 8 inserting <2010>
1 9 #3. Page 9, by striking lines 16 through 19 and
1 10 inserting <section 103, and Pub. L. No. 111=5, section
1 11 1201, does not apply in computing net income for state
1 12 tax purposes. If the>
1 13 #4. Page 10, line 5, by striking <2011> and
1 14 inserting <2010>
1 15 #5. Page 11, by striking lines 12 through 23.
1 16 #6. Page 21, after line 23 by inserting:
1 17 <DIVISION ___
1 18 TAX RELIEF FUND
1 19 Sec. ___. Section 8.55, subsection 2, Code 2011, is
1 20 amended to read as follows:
1 21 2. a. The maximum balance of the fund is the
1 22 amount equal to two and one=half percent of the
1 23 adjusted revenue estimate for the fiscal year. If the
1 24 amount of moneys in the Iowa economic emergency fund is
1 25 equal to the maximum balance, moneys in excess of this
1 26 amount shall be transferred to the ~~general~~ tax relief
1 27 fund.
1 28 b. Notwithstanding paragraph "a", any moneys
1 29 in excess of the maximum balance in the economic
1 30 emergency fund after the distribution of the surplus
1 31 in the general fund of the state at the conclusion
1 32 of each fiscal year shall not be transferred to the
1 33 ~~general~~ tax relief fund ~~of the state~~ but shall be
1 34 transferred to the senior living trust fund. The
1 35 total amount appropriated, reverted, or transferred,
1 36 in the aggregate, under this paragraph, section
1 37 8.57, subsection 2, and any other law providing
1 38 for an appropriation or reversion or transfer of an
1 39 appropriation to the credit of the senior living trust
1 40 fund, for all fiscal years beginning on or after July
1 41 1, 2004, shall not exceed the amount specified in
1 42 section 8.57, subsection 2, paragraph "c".
1 43 Sec. ___. NEW SECTION. 8.57E Tax relief fund.
1 44 1. The tax relief fund is created. The fund shall
1 45 be separate from the general fund of the state and
1 46 the balance in the fund shall not be considered part
1 47 of the balance of the general fund of the state. The
1 48 moneys credited to the fund are not subject to section
1 49 8.33 and shall not be transferred, used, obligated,
1 50 appropriated, or otherwise encumbered except as

Senate Amendment 3041 continued

2 1 provided in this section.
2 2 2. Moneys in the tax relief fund shall only be
2 3 used as pursuant to appropriations made by the general
2 4 assembly to reduce taxes.
2 5 3. a. Moneys in the fund may be used for cash flow
2 6 purposes during a fiscal year provided that any moneys
2 7 so allocated are returned to the fund by the end of
2 8 that fiscal year.
2 9 b. Except as provided in section 8.58, the tax
2 10 relief fund shall be considered a special account for
2 11 the purposes of section 8.53 in determining the cash
2 12 position of the general fund of the state for the
2 13 payment of state obligations.
2 14 4. Notwithstanding section 12C.7, subsection 2,
2 15 interest or earnings on moneys deposited in the tax
2 16 relief fund shall be credited to the fund.
2 17 Sec. ___. Section 8.58, Code 2011, is amended to
2 18 read as follows:
2 19 8.58 Exemption from automatic application.
2 20 1. To the extent that moneys appropriated under
2 21 section 8.57 do not result in moneys being credited
2 22 to the general fund under section 8.55, subsection
2 23 2, moneys appropriated under section 8.57 and moneys
2 24 contained in the cash reserve fund, rebuild Iowa
2 25 infrastructure fund, environment first fund, ~~and~~ Iowa
2 26 economic emergency fund, and tax relief fund shall not
2 27 be considered in the application of any formula, index,
2 28 or other statutory triggering mechanism which would
2 29 affect appropriations, payments, or taxation rates,
2 30 contrary provisions of the Code notwithstanding.
2 31 2. To the extent that moneys appropriated under
2 32 section 8.57 do not result in moneys being credited
2 33 to the general fund under section 8.55, subsection
2 34 2, moneys appropriated under section 8.57 and moneys
2 35 contained in the cash reserve fund, rebuild Iowa
2 36 infrastructure fund, environment first fund, ~~and~~ Iowa
2 37 economic emergency fund, and tax relief fund shall not
2 38 be considered by an arbitrator or in negotiations under
2 39 chapter 20.
2 40 Sec. ___. TAX RELIEF FUND ==== LEGISLATIVE
2 41 INTENT. It is the intent of the general assembly to
2 42 enact appropriations from the tax relief fund created
2 43 by this division of this Act pursuant to tax relief
2 44 legislation which shall be proposed by the standing
2 45 committees on ways and means of the senate and house
2 46 of representatives.
2 47 Sec. ___. EFFECTIVE DATE AND APPLICABILITY.
2 48 1. This division of this Act, being deemed of
2 49 immediate importance, takes effect upon enactment.
2 50 2. The amendment in this division to section

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3 1 8.55, providing for transfer of moneys from the Iowa
3 2 economic emergency fund to the tax relief fund instead
3 3 of the general fund of the state applies to transfers
3 4 made from the Iowa economic emergency fund after
3 5 the effective date of this division and the state
3 6 general fund expenditure limitation calculated for the
3 7 fiscal year beginning July 1, 2011, shall be adjusted
3 8 accordingly.
3 9 DIVISION ___
3 10 STATE EMPLOYEES ==== REVENUE ESTIMATE
3 11 Sec. ___. GROUP HEALTH INSURANCE PREMIUM COSTS FOR
3 12 STATE EMPLOYEES.
3 13 1. The state's executive and judicial branch
3 14 authorities responsible for negotiating the collective
3 15 bargaining agreements entered into under chapter 20
3 16 shall engage in discussions with the applicable state
3 17 employee organizations to renegotiate provisions
3 18 involving health insurance coverage of state employees
3 19 and their families in order to achieve cost savings
3 20 for the state. The discussions shall include but are
3 21 not limited to a requirement for a state employee who
3 22 is covered by a collective bargaining agreement and
3 23 is a member of state group health insurance plan for
3 24 employees of the state established under chapter 509A
3 25 to pay at least one hundred dollars per month of the
3 26 total premium for such health plan coverage for single
3 27 persons or increase the amount paid per month for
3 28 family coverage by the same amount that would be paid
3 29 for the single persons coverage.
3 30 2. If collective bargaining agreements are
3 31 renegotiated to achieve cost savings pursuant to
3 32 subsection 1, the cost savings provisions shall
3 33 also apply to state employees who are not covered by
3 34 collective bargaining as provided in chapter 20 and
3 35 are members of a state group health insurance plan for
3 36 employees of the state established under chapter 509A.
3 37 3. Beginning on the effective date of this section
3 38 or March 1, 2011, whichever is earlier, a state
3 39 legislator or legislative staff member who is a member
3 40 of a state group health insurance plan for employees
3 41 of the state established under chapter 509A shall pay
3 42 at least one hundred dollars per month of the total
3 43 premium for such health care coverage for single
3 44 persons or increase the amount paid per month for
3 45 family coverage by the same amount that would be paid
3 46 for the single persons coverage. The payment amount
3 47 shall be determined by the legislative council, subject
3 48 to the minimum amount specified in this subsection.
3 49 Sec. ___. REVENUE ESTIMATING CONFERENCE
3 50 MEETING. Upon the request of the speaker of the

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4 1 house of representatives or the majority leader of the
4 2 senate, the revenue estimating conference shall meet on
4 3 a date in February or March 2011, as specified in the
4 4 request. At this meeting, in addition to the estimates
4 5 normally agreed to at the meetings of the conference,
4 6 the conference shall also agree on estimates for fiscal
4 7 year 2012=2013.
4 8 Sec. ___. NEW SECTION. 8A.440 Group health
4 9 insurance premium costs.
4 10 1. Collective bargaining agreements entered into
4 11 pursuant to chapter 20 for state employees shall
4 12 provide that a state employee covered by that agreement
4 13 who is a member of a state group health insurance plan
4 14 for employees of the state established under chapter
4 15 509A shall pay at least one hundred dollars per month
4 16 of the total premium for such insurance for single
4 17 persons or increase the amount paid per month for
4 18 family coverage by the same amount that would be paid
4 19 for the single persons coverage.
4 20 2. A state employee not covered by a collective
4 21 bargaining agreement as provided in chapter 20 who
4 22 is a member of a state group health insurance plan
4 23 for employees of the state established under chapter
4 24 509A shall pay the same amount per month of the
4 25 total premium for such insurance as is paid under
4 26 the collective bargaining agreement that covers
4 27 the greatest number of state employees in the state
4 28 government entity employing the state employee.
4 29 Sec. ___. APPLICABILITY. The provision of this
4 30 division of this Act enacting section 8A.440, applies
4 31 to collective bargaining agreements entered into on or
4 32 after the effective date of this division of this Act.
4 33 Sec. ___. EFFECTIVE UPON ENACTMENT. This division
4 34 of this Act, being deemed of immediate importance,
4 35 takes effect upon enactment.
4 36 DIVISION ___
4 37 NATURAL RESOURCES
4 38 Sec. ___. DEPARTMENT OF NATURAL RESOURCES ==== REAL
4 39 PROPERTY ACQUISITION CURTAILED.
4 40 1. Notwithstanding any provision to the contrary,
4 41 for the period beginning on the effective date of this
4 42 section through the close of the fiscal year ending
4 43 on June 30, 2011, the department of natural resources
4 44 shall not enter into a new arrangement to acquire or
4 45 otherwise control real property.
4 46 2. For the purposes of this section, "new
4 47 arrangement" means an obligation entered into on
4 48 or after the effective date of this section. An
4 49 obligation includes but is not limited to an agreement,
4 50 contract, lease=purchase arrangement, or any other

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5 1 instrument leading to state ownership or control
5 2 of real property that was not previously owned or
5 3 controlled by the state. "New arrangement" does
5 4 not include a real property acquisition or control
5 5 project for which an appropriation to the department
5 6 was encumbered prior to the effective date of this
5 7 section. "New arrangement" does not include a donated
5 8 real property acquisition or control project received
5 9 or entered into on or after the effective date of this
5 10 section.
5 11 3. This section, being deemed of immediate
5 12 importance, takes effect upon enactment.
5 13 Sec. ___. 2010 Iowa Acts, chapter 1191, section 20,
5 14 is amended to read as follows:
5 15 SEC. 13. IOWA RESOURCES ENHANCEMENT AND PROTECTION
5 16 FUND. Notwithstanding the amount of the standing
5 17 appropriation from the general fund of the state to
5 18 the Iowa resources enhancement and protection fund as
5 19 provided in section 455A.18, there is appropriated from
5 20 the environment first fund created in section 8.57A to
5 21 the Iowa resources enhancement and protection fund,
5 22 in lieu of the appropriation made in section 455A.18,
5 23 for the fiscal year beginning July 1, 2010, and ending
5 24 June 30, 2011, the following amount, to be allocated as
5 25 provided in section 455A.19:
5 26 ..... $ ~~15,000,000~~
5 27 11,931,189
5 28 Sec. ___. EFFECTIVE UPON ENACTMENT. This division
5 29 of this Act, being deemed of immediate importance,
5 30 takes effect upon enactment.
5 31 DIVISION ___
5 32 COUNTY MENTAL HEALTH
5 33 AND DISABILITY SERVICES
5 34 Sec. ___. COUNTY WAITING LISTS.
5 35 1. There is appropriated from the general fund of
5 36 the state to the department of human services for the
5 37 fiscal year beginning July 1, 2010, and ending June 30,
5 38 2011, the following amount, or so much thereof as is
5 39 necessary, to be used for the purposes designated:
5 40 To be credited to the risk pool in the property tax
5 41 relief fund created in chapter 426B and expended as
5 42 provided in this section:
5 43 ..... $ 25,000,000
5 44 2. The amount appropriated in this section is
5 45 appropriated from the risk pool to the department
5 46 of human services for distribution as provided in
5 47 this section. Notwithstanding section 8.33, moneys
5 48 appropriated in this section that remain unencumbered
5 49 or unobligated at the close of the fiscal year shall
5 50 not revert but shall remain available for expenditure

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6 1 for the purposes designated until the close of the
6 2 succeeding fiscal year.
6 3 3. a. For the purposes of this section, "services
6 4 fund" means a county's mental health, mental
6 5 retardation, and developmental disabilities services
6 6 fund created in section 331.424A.
6 7 b. The risk pool board shall implement a process
6 8 for distribution of the amount appropriated in this
6 9 section to counties to be used to provide eligibility
6 10 for services and other support payable from the
6 11 counties' services funds for persons who are eligible
6 12 under county management plans in effect as of December
6 13 31, 2010, but due to insufficient funding are on a
6 14 waiting list for the services and other support. The
6 15 period addressed by the funding appropriated in this
6 16 section begins on or after the effective date of
6 17 this section and ends June 30, 2012. Of the amount
6 18 appropriated in this section, up to $5,000,000 shall
6 19 be targeted to expand medical assistance program
6 20 waiver slots for those waivers for which counties pay
6 21 the nonfederal share of the costs. The distribution
6 22 allocations shall be completed on or before July 1,
6 23 2011.
6 24 c. The general assembly finds that as of the time
6 25 of enactment of this section, the funding appropriated
6 26 in this section is sufficient to eliminate the need
6 27 for continuing , instituting, or reinstituting waiting
6 28 lists during the period addressed by the appropriation.
6 29 However, the process implemented by the risk pool
6 30 board shall ensure there is adequate funding so that
6 31 a person made eligible for services and other support
6 32 from the waiting list would not be required to return
6 33 to the waiting list if a later projection indicates the
6 34 funding is insufficient to cover for the entire period
6 35 all individuals removed from the waiting list pursuant
6 36 to this section.
6 37 d. The funding provided in this section is intended
6 38 to provide necessary services for adults in need of
6 39 mental health, mental retardation, or developmental
6 40 disabilities services until improvements to the current
6 41 system can be developed and enacted.
6 42 Sec. ___. ADULT MENTAL HEALTH AND DISABILITY
6 43 SERVICE SYSTEM REFORM.
6 44 1. The general assembly finds there is need to
6 45 reform the adult mental health and disability services
6 46 system administered by counties to address the needs
6 47 of persons with mental illness, mental retardation, or
6 48 developmental disabilities. Issues with the current
6 49 system include the following:
6 50 a. Lack of a set of core services uniformly

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7 1 available throughout the state.
7 2 b. Lack of uniformity in service expenditures
7 3 throughout the state.
7 4 c. Disparity in county levy rates for the services
7 5 funds for this system.
7 6 d. The need to improve the array of community=based
7 7 services and services to avoid the use or continued use
7 8 of crisis services.
7 9 e. The need to expand the availability of dual
7 10 diagnosis mental health and substance abuse services.
7 11 f. The need to improve the consistency of services
7 12 available to both youth and adult populations.
7 13 g. The need to address the medical assistance
7 14 (Medicaid) program changes in the federal Patient
7 15 Protection and Affordable Care Act (PPACA) that will
7 16 greatly expand the program's eligibility for persons in
7 17 the service system beginning in calendar year 2014.
7 18 h. Dissatisfaction with using county of legal
7 19 settlement determinations to determine county and state
7 20 financial responsibility for services.
7 21 2. In order to address the issues identified in
7 22 subsection 1, the committees on human resources,
7 23 appropriations, and ways and means of the senate and
7 24 house of representatives shall propose legislation to
7 25 address the following actions by the dates indicated:
7 26 a. Phase=in of the state fully assuming the
7 27 nonfederal share of the costs for Medicaid program
7 28 services now borne by counties by the implementation
7 29 date of the Medicaid eligibility changes under PPACA.
7 30 b. Provide property tax relief and equity by having
7 31 the state assume a greater role in funding the adult
7 32 mental health and disability services system from
7 33 counties by July 1, 2012, when the repeals contained in
7 34 this division of this Act take effect.
7 35 c. Shift the balance of responsibilities for the
7 36 services system between the state and counties so
7 37 that the state ensures greater uniformity and there
7 38 is sufficient size to develop effective services
7 39 while maintaining the county role of bringing local
7 40 resources together in unique ways that best meet the
7 41 needs of clients, by implementing a new services system
7 42 structure by July 1, 2012, when the repeals contained
7 43 in this division of this Act take effect.
7 44 Sec. ___. Section 331.424A, Code 2011, is amended
7 45 by adding the following new subsection:
7 46 NEW SUBSECTION. 6. This section is repealed July
7 47 1, 2012.
7 48 Sec. ___. Section 331.438, Code 2011, is amended by
7 49 adding the following new subsection:
7 50 NEW SUBSECTION. 5. This section is repealed July

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8 1 1, 2012.
8 2 Sec. ___. Section 331.439, Code 2011, is amended by
8 3 adding the following new subsection:
8 4 NEW SUBSECTION. 10. This section is repealed July
8 5 1, 2012.
8 6 Sec. ___. Section 331.440, Code 2011, is amended by
8 7 adding the following new subsection:
8 8 NEW SUBSECTION. 7. This section is repealed July
8 9 1, 2012.
8 10 Sec. ___. NEW SECTION. 426B.6 Future repeal.
8 11 This chapter is repealed July 1, 2012.
8 12 Sec. ___. 2010 Iowa Acts, chapter 1193, section 1,
8 13 is amended to read as follows:
8 14 SECTION 1. ADULT MH/MR/DD SERVICES ALLOWED
8 15 GROWTH FUNDING ==== FY 2011=2012. Notwithstanding
8 16 section 331.439, subsection 3, the allowed growth
8 17 factor adjustment for county mental health, mental
8 18 retardation, and developmental disabilities service
8 19 expenditures for the fiscal year beginning July 1,
8 20 2011, shall be established by statute which shall be
8 21 enacted within thirty calendar days of the ~~convening of~~
8 22 ~~the Eighty-fourth General Assembly, 2011 Session, on~~
8 23 ~~January 10, 2011~~ date the governor's recommendation is
8 24 submitted to the general assembly. The governor shall
8 25 submit to the general assembly a recommendation for
8 26 such allowed growth factor adjustment and the amounts
8 27 of related appropriations to the general assembly
8 28 on or before January ~~11~~ 27, 2011. The governor's
8 29 recommendation and the allowed growth factor adjustment
8 30 enacted by the general assembly pursuant to this
8 31 section shall incorporate measures to ensure that
8 32 the funding appropriated during the 2011 legislative
8 33 session to the risk pool in the property tax relief
8 34 fund to eliminate county waiting lists for services can
8 35 be relied upon to remain available for the long term to
8 36 support the services provided for the individuals who
8 37 were removed from a waiting list.
8 38 Sec. ___. CONFORMING PROVISIONS. The legislative
8 39 services agency shall prepare a study bill for
8 40 consideration by the committees on human resources of
8 41 the senate and house of representatives for the 2012
8 42 legislative session, providing conforming Code changes
8 43 for implementation of the repeal provisions contained
8 44 in this division of this Act.
8 45 Sec. ___. EFFECTIVE UPON ENACTMENT. This division
8 46 of this Act, being deemed of immediate importance,
8 47 takes effect upon enactment.
8 48 Sec. ___. RETROACTIVE APPLICABILITY. The provision
8 49 of this division of this Act amending 2010 Iowa Acts,
8 50 chapter 1193, section 1, applies retroactively to April

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9 1 29, 2010.>
9 2 #7. Title page, by striking lines 2 through 4 and
9 3 inserting <making appropriations and providing for
9 4 updated Code references to the Internal Revenue Code
9 5 and including effective date and>
9 6 #8. By renumbering, redesignating, and correcting
9 7 internal references as necessary.
SF209.950.H (5) 84
mb

Senate File 364 - Introduced

SENATE FILE
BY COMMITTEE ON STATE
GOVERNMENT

(SUCCESSOR TO SF 226)

A BILL FOR

An Act relating to the licensure of orthotists, prosthetists, and pedorthists and providing for fees and penalties.
BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 2240SV (2) 84
jr/nh

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PAG LIN

1 1 Section 1. Section 147.1, subsections 3 and 6, Code 2011,
1 2 are amended to read as follows:
1 3 3. "Licensed" or "certified", when applied to a physician
1 4 and surgeon, podiatric physician, osteopathic physician and
1 5 surgeon, physician assistant, psychologist, chiropractor,
1 6 nurse, dentist, dental hygienist, dental assistant,
1 7 optometrist, speech pathologist, audiologist, pharmacist,
1 8 physical therapist, physical therapist assistant, occupational
1 9 therapist, occupational therapy assistant, orthotist,
1 10 prosthetist, pedorthist, respiratory care practitioner,
1 11 practitioner of cosmetology arts and sciences, practitioner
1 12 of barbering, funeral director, dietitian, marital and
1 13 family therapist, mental health counselor, social worker,
1 14 massage therapist, athletic trainer, acupuncturist, nursing
1 15 home administrator, hearing aid dispenser, or sign language
1 16 interpreter or transliterator means a person licensed under
1 17 this subtitle.
1 18 6. "Profession" means medicine and surgery, podiatry,
1 19 osteopathic medicine and surgery, practice as a physician
1 20 assistant, psychology, chiropractic, nursing, dentistry,
1 21 dental hygiene, dental assisting, optometry, speech pathology,
1 22 audiology, pharmacy, physical therapy, physical therapist
1 23 assisting, occupational therapy, occupational therapy
1 24 assisting, respiratory care, cosmetology arts and sciences,
1 25 barbering, mortuary science, marital and family therapy, mental
1 26 health counseling, social work, dietetics, massage therapy,
1 27 athletic training, acupuncture, nursing home administration,
1 28 hearing aid dispensing, ~~or~~ sign language interpreting or
1 29 transliterating, orthotics, prosthetics, or pedorthics.
1 30 Sec. 2. Section 147.2, subsection 1, Code 2011, is amended
1 31 to read as follows:
1 32 1. A person shall not engage in the practice of medicine
1 33 and surgery, podiatry, osteopathic medicine and surgery,
1 34 psychology, chiropractic, physical therapy, physical
1 35 therapist assisting, nursing, dentistry, dental hygiene,

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2 1 dental assisting, optometry, speech pathology, audiology,
2 2 occupational therapy, occupational therapy assisting,
2 3 orthotics, prosthetics, pedorthics, respiratory care,
2 4 pharmacy, cosmetology arts and sciences, barbering, social
2 5 work, dietetics, marital and family therapy or mental health
2 6 counseling, massage therapy, mortuary science, athletic
2 7 training, acupuncture, nursing home administration, hearing aid
2 8 dispensing, or sign language interpreting or transliterating,
2 9 or shall not practice as a physician assistant, unless the
2 10 person has obtained a license for that purpose from the board
2 11 for the profession.
2 12 Sec. 3. Section 147.13, Code 2011, is amended by adding the
2 13 following new subsection:
2 14 NEW SUBSECTION. 24. For orthotics, prosthetics, and
2 15 pedorthics, the board of orthotics, prosthetics, and
2 16 pedorthics.
2 17 Sec. 4. Section 147.14, subsection 1, Code 2011, is amended
2 18 by adding the following new paragraph:
2 19 NEW PARAGRAPH. x. For the board of orthotics, prosthetics,
2 20 and pedorthics, three persons licensed to practice orthotics,
2 21 prosthetics, or pedorthics who have engaged in the practice
2 22 of orthotics, prosthetics, or pedorthics in Iowa for at least
2 23 three years immediately preceding their appointment to the
2 24 board and two members who are not licensed to practice and who
2 25 shall represent the general public.
2 26 Sec. 5. Section 147.74, Code 2011, is amended by adding the
2 27 following new subsection:
2 28 NEW SUBSECTION. 24. a. An orthotist licensed under chapter
2 29 148F may use the words "licensed orthotist" after the person's
2 30 name or signify the same by the use of the letters "L.O." after
2 31 the person's name.
2 32 b. A pedorthist licensed under chapter 148F may use the
2 33 words "licensed pedorthist" after the person's name or signify
2 34 the same by the use of the letters "L.ped." after the person's
2 35 name.

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3 1 c. A prosthetist licensed under chapter 148F may use the
3 2 words "licensed prosthetist" after the person's name or signify
3 3 the same by the use of the letters "L.P." after the person's
3 4 name.
3 5 Sec. 6. NEW SECTION. 148F.1 Title and purpose.
3 6 1. This chapter may be cited and referred to as the
3 7 "Orthotics, Prosthetics, and Pedorthics Practice Act".
3 8 2. The purpose of this chapter is to provide for the
3 9 regulation of persons offering orthotic, prosthetic, and
3 10 pedorthic services to the public in order to safeguard the
3 11 public health, safety, and welfare.
3 12 Sec. 7. NEW SECTION. 148F.2 Definitions.
3 13 As used in this chapter:
3 14 1. "Board" means the board of orthotics, prosthetics, and
3 15 pedorthics.
3 16 2. "Orthosis" means a custom=fabricated or custom=fitted
3 17 brace or support designed to provide for alignment, correction,
3 18 or prevention of neuromuscular or musculoskeletal dysfunction,
3 19 disease, injury, or deformity. "Orthosis" does not include
3 20 fabric or elastic supports, corsets, arch supports, low
3 21 temperature plastic splints, trusses, elastic hoses, canes,
3 22 crutches, soft cervical collars, dental appliances, or other
3 23 similar devices carried in stock and sold as "over=the=counter"
3 24 items by a drug store, department store, corset shop, or
3 25 surgical supply facility.
3 26 3. "Orthotic and prosthetic education program" means a course
3 27 of instruction accredited by the commission on accreditation
3 28 of allied health education programs, consisting of both of the
3 29 following:
3 30 a. A basic curriculum of college level instruction in math,
3 31 physics, biology, chemistry, and psychology.
3 32 b. A specific curriculum in orthotic or prosthetic courses,
3 33 including but not limited to:
3 34 (1) Lectures covering pertinent anatomy, biomechanics,
3 35 pathomechanics, prosthetic=orthotic components and materials,

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4 1 training and functional capabilities, prosthetic or orthotic
4 2 performance evaluation, prescription considerations, etiology
4 3 of amputations and disease processes necessitating prosthetic
4 4 or orthotic use, and medical management.
4 5 (2) Subject matter related to pediatric and geriatric
4 6 problems.
4 7 (3) Instruction in acute care techniques, such as immediate
4 8 and early post=surgical prosthetics and fracture bracing
4 9 techniques.
4 10 (4) Lectures, demonstrations, and laboratory experiences
4 11 related to the entire process of measuring, casting, fitting,
4 12 fabricating, aligning, and completing prostheses or orthoses.
4 13 4. "Orthotic and prosthetic scope of practice" means a
4 14 list of tasks, with relative weight given to such factors
4 15 as importance, criticality, and frequency, based on
4 16 internationally accepted standards of orthotic and prosthetic
4 17 care as outlined by the international society of prosthetics
4 18 and orthotics' professional profile for category I and category
4 19 III orthotic and prosthetic personnel.
4 20 5. "Orthotics" means the science and practice of evaluating,
4 21 measuring, designing, fabricating, assembling, fitting,
4 22 adjusting, or servicing an orthosis under an order from a
4 23 licensed physician or podiatric physician for the correction or
4 24 alleviation of neuromuscular or musculoskeletal dysfunction,
4 25 disease, injury, or deformity.
4 26 6. "Orthotist" means a health care professional,
4 27 specifically educated and trained in orthotic patient care,
4 28 who measures, designs, fabricates, fits, or services orthoses
4 29 and may assist in the formulation of the order and treatment
4 30 plan of orthoses for the support or correction of disabilities
4 31 caused by neuromusculoskeletal diseases, injuries, or
4 32 deformities.
4 33 7. "Pedorthic device" means therapeutic shoes, such as
4 34 diabetic shoes and inserts, shoe modifications made for
4 35 therapeutic purposes, below=the=ankle partial foot prostheses,

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5 1 and foot orthoses for use at the ankle or below. The term also
5 2 includes subtalar=control foot orthoses designed to manage the
5 3 function of the anatomy by controlling the range of motion of
5 4 the subtalar joint. Excluding pedorthic devices which are
5 5 footwear, the proximal height of a custom pedorthic device
5 6 does not extend beyond the junction of the gastrocnemius and
5 7 the Achilles tendon. "Pedorthic device" does not include
5 8 nontherapeutic inlays or footwear regardless of method of
5 9 manufacture; unmodified, nontherapeutic over=the=counter shoes;
5 10 or prefabricated foot care products.
5 11 8. "Pedorthic education program" means an educational
5 12 program accredited by the national commission on orthotic and
5 13 prosthetic education consisting of all of the following:
5 14 a. A basic curriculum of instruction in foot=related
5 15 pathology of diseases, anatomy, and biomechanics.
5 16 b. A specific curriculum in pedorthic courses, including
5 17 lectures covering shoes, foot orthoses, and shoe modifications,
5 18 pedorthic components and materials, training and functional
5 19 capabilities, pedorthic performance evaluation, prescription
5 20 considerations, etiology of disease processes necessitating
5 21 use of pedorthic devices, medical management, subject matter
5 22 related to pediatric and geriatric problems, and lectures,
5 23 demonstrations, and laboratory experiences related to the
5 24 entire process of measuring and casting, fitting, fabricating,
5 25 aligning, and completing pedorthic devices.
5 26 9. "Pedorthic scope of practice" means a list of tasks
5 27 with relative weight given to such factors as importance,
5 28 criticality, and frequency based on nationally accepted
5 29 standards of pedorthic care as outlined by the national
5 30 commission on orthotic and prosthetic education comprehensive
5 31 analysis with an empirical validation study of the profession
5 32 performed by an independent testing company.
5 33 10. "Pedorthics" means the science and practice of
5 34 evaluating, measuring, designing, fabricating, assembling,
5 35 fitting, adjusting, or servicing a pedorthic device under an

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order from a licensed physician or podiatric physician for the correction or alleviation of neuromuscular or musculoskeletal dysfunction, disease, injury, or deformity.

11. "Pedorthist" means a health care professional, specifically educated and trained in pedorthic patient care, who measures, designs, fabricates, fits, or services pedorthic devices and may assist in the formulation of the order and treatment plan of pedorthic devices for the support or correction of disabilities caused by neuromusculoskeletal diseases, injuries, or deformities.

12. "Prosthesis" means an artificial medical device that is not surgically implanted and that is used to replace a missing limb, appendage, or any other external human body part including an artificial limb, hand, or foot.

13. "Prosthetics" means the science and practice of evaluating, measuring, designing, fabricating, assembling, fitting, adjusting, or servicing a prosthesis under an order from a licensed physician.

14. "Prosthetist" means a health care professional, specifically educated and trained in prosthetic patient care, who measures, designs, fabricates, fits, or services prostheses and may assist in the formulation of the order and treatment plan of prostheses for the replacement of external parts of the human body lost due to amputation or congenital deformities or absences.

15. "Resident" means a person who has completed an education program in either orthotics or prosthetics and is continuing the person's clinical education in a residency accredited by the national commission on orthotic and prosthetic education.

16. "Residency" means an approved supervised program of a minimum duration of one year to acquire practical clinical training in orthotics or prosthetics in a patient care setting.

Sec. 8. NEW SECTION. 148F.3 Duties of the board.

The board shall administer this chapter. The board's duties shall include but are not limited to the following:

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7 1 1. Adoption of rules to administer and interpret this
7 2 chapter, chapter 147, and chapter 272C with respect to the
7 3 education and licensing of orthotists, prosthetists, and
7 4 pedorthists.
7 5 2. Adoption of rules to establish accepted standards of
7 6 orthotic and prosthetic scope of practice, including the
7 7 classification of devices and supervision of nonlicensed
7 8 caregivers.
7 9 3. Adoption of rules relating to professional conduct and
7 10 licensing and the establishment of ethical and professional
7 11 standards of practice.
7 12 4. Acting on matters concerning licensure and the process
7 13 of applying for, granting, suspending, imposing supervisory
7 14 or probationary conditions upon, reinstating, revoking, or
7 15 renewing a license.
7 16 5. Establishing and collecting licensure fees as provided
7 17 in section 147.80.
7 18 6. Developing continuing education requirements as a
7 19 condition of license renewal.
7 20 7. Evaluating requirements for licensure in other states to
7 21 determine if reciprocity may be granted.
7 22 8. Adoption of rules providing temporary licensing for
7 23 persons providing orthotic, prosthetic, and pedorthic care
7 24 in this state prior to the effective date of this Act. A
7 25 temporary license is good for no more than one year.
7 26 Sec. 9. NEW SECTION. 148F.4 Persons and practices not
7 27 affected.
7 28 This chapter does not prevent or restrict the practice,
7 29 services, or activities of any of the following:
7 30 1. A person licensed in this state by any other law from
7 31 engaging in the profession or occupation for which the person
7 32 is licensed, including but not limited to persons set out in
7 33 section 147.1, subsections 3 and 6.
7 34 2. A person employed as an orthotics, prosthetics, or
7 35 pedorthics practitioner by the government of the United States

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8 1 if that person practices solely under the direction or control
8 2 of the organization by which the person is employed.
8 3 3. A person pursuing a course of study leading to a degree
8 4 or certificate in orthotics, prosthetics, or pedorthics in an
8 5 educational program accredited or approved according to rules
8 6 adopted by the board, if the activities and services constitute
8 7 a part of a supervised course of study and the person is
8 8 designated by a title which clearly indicates the person's
8 9 status as a student, resident, or trainee.
8 10 Sec. 10. NEW SECTION. 148F.5 Qualifications for licensure
8 11 as orthotist, prosthetist, or pedorthist.
8 12 1. To qualify for a license to practice orthotics or
8 13 prosthetics, a person shall meet the following requirements:
8 14 a. Possess a baccalaureate degree from a college or
8 15 university.
8 16 b. Have completed the amount of formal training, including
8 17 but not limited to an orthotic and prosthetic education
8 18 program, and clinical practice established and approved by the
8 19 board.
8 20 c. Complete a clinical residency in the professional area
8 21 for which a license is sought in accordance with standards,
8 22 guidelines, or procedures for residencies established and
8 23 approved by the board. The majority of training must be
8 24 devoted to services performed under the supervision of a
8 25 licensed practitioner of orthotics or prosthetics or a person
8 26 certified as a certified orthotist, certified prosthetist,
8 27 or certified prosthetist orthotist whose practice is located
8 28 outside the state.
8 29 d. Pass all written, practical, and oral examinations that
8 30 are required and approved by the board.
8 31 e. Be qualified to practice in accordance with accepted
8 32 standards of orthotic and prosthetic care as established by the
8 33 board.
8 34 2. To qualify for a license to practice pedorthics, a person
8 35 shall meet the following requirements:

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a. Submit proof of a high school diploma or its equivalent.

b. Have completed the amount of formal training, including but not limited to a pedorthic education program, and clinical practice established and approved by the board.

c. Complete a qualified work experience program or internship in pedorthics that has a minimum of one thousand hours of pedorthic patient care experience in accordance with any standards, guidelines, or procedures established and approved by the board. The majority of training must be devoted to services performed under the supervision of a licensed practitioner of pedorthics or a person certified as a certified pedorthist whose practice is located outside the state.

d. Pass all examinations that are required and approved by the board.

e. Be qualified to practice in accordance with accepted standards of pedorthic care as established by the board.

3. The standards and requirements for licensure established by the board shall be substantially equal to or in excess of standards commonly accepted in the professions of orthotics, prosthetics, or pedorthics, as applicable. The board shall adopt rules as necessary to set the standards and requirements.

4. A person may be licensed in more than one discipline.

Sec. 11. NEW SECTION. 148F.6 Assistants and technicians.

1. a. A person shall not work as an assistant to an orthotist or prosthetist or provide patient care services or fabrication of orthoses or prostheses, unless the work is performed under the supervision of a licensed orthotist or prosthetist.

b. An assistant may perform orthotic or prosthetic procedures and related tasks in the management of patient care. An assistant may also fabricate, repair, and maintain orthoses and prostheses.

2. a. A person shall not work as a technician unless the work is performed under the supervision of a licensed

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10 1 orthotist, prosthetist, or pedorthist.
10 2 b. A technician may assist a person licensed under this
10 3 chapter with fabrication of orthoses, prostheses, or pedorthic
10 4 devices but shall not provide direct patient care.
10 5 Sec. 12. NEW SECTION. 148F.7 Limitation on provision of
10 6 care and services.
10 7 A licensed orthotist, prosthetist, or pedorthist may provide
10 8 care or services only if the care or services are provided
10 9 pursuant to an order from a licensed physician, a licensed
10 10 podiatric physician, an advanced registered nurse practitioner
10 11 who has a written collaborative agreement with a collaborating
10 12 physician or podiatric physician that specifically authorizes
10 13 ordering the services of an orthotist, prosthetist, or
10 14 pedorthist, an advanced registered nurse practitioner who
10 15 practices in a hospital or ambulatory surgical treatment center
10 16 and possesses clinical privileges to order services of an
10 17 orthotist, prosthetist, or pedorthist, or a physician assistant
10 18 who has been delegated the authority to order the services of
10 19 an orthotist, prosthetist, or pedorthist by the assistant's
10 20 supervising physician. A licensed podiatric physician or an
10 21 advanced registered nurse practitioner collaborating with a
10 22 podiatric physician may only order care or services concerning
10 23 the foot from a licensed pedorthist or orthotist.
10 24 Sec. 13. NEW SECTION. 148F.8 Penalties.
10 25 1. If any person, company, or other entity violates a
10 26 provision of this chapter, the attorney general may petition
10 27 for an order enjoining the violation or for an order enforcing
10 28 compliance with this chapter. Upon the filing of a verified
10 29 petition in court, the court may issue a temporary restraining
10 30 order, without notice or bond, and may preliminarily and
10 31 permanently enjoin the violation. If it is established
10 32 that the person, company, or other entity has violated or is
10 33 violating the injunction, the court may punish the offender
10 34 for contempt of court. Proceedings under this section shall
10 35 be in addition to, and not in lieu of, all other remedies and

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11 1 penalties provided in this chapter.
11 2 2. If a person practices as an orthotist, prosthetist,
11 3 or pedorthist or represents the person as such without being
11 4 licensed under the provisions of this chapter, then any other
11 5 licensed orthotist, pedorthist, or prosthetist, any interested
11 6 party, or any person injured by the person may petition for
11 7 relief as provided in subsection 1.
11 8 3. If a company or other entity holds itself out to provide
11 9 orthotic, prosthetic, or pedorthic services without having
11 10 an orthotist, prosthetist, or pedorthist licensed under the
11 11 provisions of this chapter on its staff to provide those
11 12 services, then any other licensed orthotist, prosthetist,
11 13 or pedorthist or any interested party or injured person may
11 14 petition for relief as provided in subsection 1.
11 15 Sec. 14. Section 272C.1, subsection 6, Code 2011, is amended
11 16 by adding the following new paragraph:
11 17 NEW PARAGRAPH. ag. The board of orthotics, prosthetics, and
11 18 pedorthics, created pursuant to chapter 147.
11 19 Sec. 15. INITIAL BOARD. The initial members of the board of
11 20 orthotics, prosthetics, and pedorthics established pursuant to
11 21 this Act shall be appointed to the following terms:
11 22 1. Two professional members eligible for licensure and one
11 23 public member shall be appointed for a term of two years.
11 24 2. One professional member eligible for licensure and one
11 25 public member shall be appointed for a term of one year.
11 26 EXPLANATION
11 27 This bill creates new Code chapter 148F that requires
11 28 the licensure of persons offering orthotic, prosthetic, or
11 29 pedorthic services. The bill provides for the establishment of
11 30 a five=member licensing board consisting of three professional
11 31 members and two members who represent the general public.
11 32 The bill provides for fees to fund the board and provides
11 33 penalties for violation of the practice requirement. The
11 34 penalties, including criminal penalties, are set out for all
11 35 health=related boards in Code chapters 147 and 272C. In

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12 1 addition to penalties, the bill sets out several procedures for
12 2 enforcing compliance with this licensing law. The attorney
12 3 general may seek a judicial ruling to stop violations. That
12 4 same standing for court action is extended to any licensed
12 5 orthotist, pedorthist, or prosthetist, any interested party, or
12 6 any person injured by the violation. The board is similar in
12 7 composition and responsibilities to the other health=related
12 8 licensing boards.
12 9 Orthotics is the science and practice of evaluating,
12 10 measuring, designing, fabricating, assembling, fitting,
12 11 adjusting, or servicing a custom=fabricated or custom=fitted
12 12 brace or support for the correction or alleviation of
12 13 neuromuscular or musculoskeletal dysfunction, disease, injury,
12 14 or deformity.
12 15 Pedorthics is the science and practice of evaluating,
12 16 measuring, designing, fabricating, assembling, fitting,
12 17 adjusting, or servicing a specially designed shoe or shoe
12 18 insert for the correction or alleviation of neuromuscular or
12 19 musculoskeletal dysfunction, disease, injury, or deformity.
12 20 Prosthetics is the science and practice of evaluating,
12 21 measuring, designing, fabricating, assembling, fitting,
12 22 adjusting, or servicing an artificial medical device that is
12 23 not surgically implanted and that is used to replace a missing
12 24 limb, appendage, or any other external human body part.
12 25 The bill provides qualifications for licensure as an
12 26 orthotist, prosthetist, or pedorthist and requirements for
12 27 assistants and technicians to be supervised by such licensees.
LSB 2240SV (2) 84
jr/nh

Senate File 365 - Introduced

SENATE FILE
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO SSB
1043)

A BILL FOR

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

Senate File 365 - Introduced continued

PAG LIN

1 1 Section 1. Section 232.8, subsection 3, paragraph a, Code
1 2 2011, is amended to read as follows:
1 3 a. The juvenile court, after a hearing and in accordance
1 4 with the provisions of section 232.45, may waive jurisdiction
1 5 of a child alleged to have committed a public offense so
1 6 that the child may be prosecuted as an adult or youthful
1 7 offender for such offense in another court. If the child~~,~~
~~1 8 except a child being prosecuted as a youthful offender,~~ pleads
1 9 guilty or is found guilty of a public offense other than a
1 10 class "A" felony in another court of this state, that court
1 11 may suspend the sentence or, with the consent of the child,
1 12 defer judgment and without regard to restrictions placed upon
1 13 deferred judgments for adults, place the child on probation for
1 14 a period of not less than one year upon such conditions as it
1 15 may require. Upon fulfillment of the conditions of probation,
1 16 a child who receives a deferred judgment shall be discharged
1 17 without entry of judgment. A child prosecuted as a youthful
1 18 offender shall be sentenced pursuant to section 907.3A.
1 19 Sec. 2. Section 232.50, subsection 1, Code 2011, is amended
1 20 to read as follows:
1 21 1. As soon as practicable following the entry of an order of
1 22 adjudication pursuant to section 232.47 or notification that
1 23 the child has ~~received a youthful offender deferred sentence~~
~~1 24~~ been placed on youthful offender status pursuant to section
1 25 907.3A, the court shall hold a dispositional hearing in order
1 26 to determine what disposition should be made of the matter.
1 27 Sec. 3. Section 232.52, subsection 1, Code 2011, is amended
1 28 to read as follows:
1 29 1. Pursuant to a hearing as provided in section 232.50, the
1 30 court shall enter the least restrictive dispositional order
1 31 appropriate in view of the seriousness of the delinquent act,
1 32 the child's culpability as indicated by the circumstances of
1 33 the particular case, the age of the child, the child's prior
1 34 record, or the fact that the child has ~~received a youthful~~
~~1 35 offender deferred sentence~~ been placed on youthful offender

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2 1 status under section 907.3A. The order shall specify the
2 2 duration and the nature of the disposition, including the type
2 3 of residence or confinement ordered and the individual, agency,
2 4 department, or facility in whom custody is vested. In the
2 5 case of a child who has ~~received a youthful offender deferred~~
2 6 ~~sentence~~ been placed on youthful offender status, the initial
2 7 duration of the dispositional order shall be until the child
2 8 reaches the age of eighteen.
2 9 Sec. 4. Section 232.54, subsection 1, paragraph g, Code
2 10 2011, is amended to read as follows:
2 11 g. With respect to a juvenile court dispositional order
2 12 entered regarding a child who has received a youthful offender
2 13 ~~deferred~~ sentence under section 907.3A, the dispositional
2 14 order may be terminated prior to the child reaching the age
2 15 of eighteen upon motion of the child, the person or agency to
2 16 whom custody of the child has been transferred, or the county
2 17 attorney following a hearing before the juvenile court if it
2 18 is shown by clear and convincing evidence that it is in the
2 19 best interests of the child and the community to terminate
2 20 the order. The hearing may be waived if all parties to the
2 21 proceeding agree. The dispositional order regarding a child
2 22 who has ~~received a youthful offender deferred sentence~~ been
2 23 placed on youthful offender status may also be terminated prior
2 24 to the child reaching the age of eighteen upon motion of the
2 25 county attorney, if the waiver of the child to district court
2 26 was conditioned upon the terms of an agreement between the
2 27 county attorney and the child, and the child violates the terms
2 28 of the agreement after the waiver order has been entered. The
2 29 district court shall discharge the child's youthful offender
2 30 status upon receiving a termination order under this section.
2 31 Sec. 5. Section 232.54, subsection 1, paragraph h,
2 32 unnumbered paragraph 1, Code 2011, is amended to read as
2 33 follows:
2 34 With respect to a dispositional order entered regarding a
2 35 child who has ~~received a youthful offender deferred sentence~~

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

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subsection 7, ~~and place the juvenile~~ on youthful offender status. The court shall transfer supervision of the youthful offender to the juvenile court for disposition in accordance with section 232.52. An adjudication of delinquency entered by the juvenile court for a public offense shall not be deemed a conviction and shall not preclude the subsequent entry of a deferred judgment, conviction, or sentence by the district court. The court shall require supervision of the youthful offender in accordance with section 232.54, subsection 1, paragraph "h", or subsection 2 of this section. ~~Notwithstanding section 901.2,~~ The court may order a presentence investigation ~~shall not be ordered by the court subsequent to an entry of a plea of guilty or verdict of guilty or prior to deferral of sentence of a youthful offender under this section~~ under section 902.1.

2. The court shall hold a hearing prior to a youthful offender's eighteenth birthday to determine whether the youthful offender shall continue on youthful offender status after the youthful offender's eighteenth birthday ~~under the supervision of the court or be discharged~~. The court shall review the report of the juvenile court regarding the youthful offender and shall hear evidence by or on behalf of the youthful offender, by the county attorney, and by the person or agency to whom custody of the youthful offender was transferred. The court shall make its decision, pursuant to the sentencing options available in subsection 3, after considering the services available to the youthful offender, the evidence presented, the juvenile court's report, the interests of the youthful offender, and interests of the community.

3. a. Notwithstanding any provision of the Code which prescribes a mandatory minimum sentence for the offense committed by the youthful offender, following transfer of the youthful offender from the juvenile court back to the court having jurisdiction over the criminal proceedings involving the

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5 1 youthful offender, the court ~~may continue the youthful offender~~
~~5 2 deferred sentence or enter a sentence, which may be a suspended~~
~~5 3 sentence.~~ shall order one of the following sentencing options:
5 4 (1) Defer judgment and place the youthful offender on
5 5 probation, upon the consent of the youthful offender.
5 6 (2) Defer the sentence and place the youthful offender
5 7 on probation upon such terms and conditions as the court may
5 8 require.
5 9 (3) Suspend the sentence and place the youthful offender
5 10 on probation upon such terms and conditions as the court may
5 11 require.
5 12 (4) A term of confinement.
5 13 (5) Discharge the youthful offender from youthful offender
5 14 status and terminate the sentence.
5 15 b. Notwithstanding anything in section 907.7 to the
5 16 contrary, if the district court ~~either~~ grants the youthful
5 17 offender a deferred judgment, continues the youthful offender
5 18 deferred sentence, or enters a sentence~~,~~ and suspends the
5 19 sentence, and places the youthful offender on probation, the
5 20 term of formal supervision shall commence upon entry of the
5 21 order by the district court and may continue for a period not
5 22 to exceed five years. If the district court enters a sentence
5 23 of confinement, and the youthful offender was previously placed
5 24 in secure confinement by the juvenile court under the terms
5 25 of the initial disposition order or any modification to the
5 26 initial disposition order, the person shall receive credit for
5 27 any time spent in secure confinement. During any period of
5 28 probation imposed by the district court, a youthful offender
5 29 who violates the terms of probation is subject to section
5 30 908.11.
5 31 EXPLANATION
5 32 This bill relates to the placement of a juvenile on youthful
5 33 offender status in district court.
5 34 A youthful offender is a juvenile, 15 years of age or
5 35 younger, who is prosecuted in district court but is supervised

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6 1 in juvenile court until the age of 18. Upon the youthful
6 2 offender attaining the age of 18, under current law, the
6 3 district court has discretion to discharge the sentence or
6 4 continue supervision of the youthful offender in district court
6 5 as provided Code section 907.3A.
6 6 The bill modifies the sentencing options for a youthful
6 7 offender upon the youthful offender attaining the age of
6 8 18. The bill allows the district court to defer judgment
6 9 of a juvenile who has been waived to district court pursuant
6 10 to Code section 232.45, subsection 7, for prosecution as a
6 11 youthful offender. The bill also allows the court to suspend
6 12 the sentence and place the youthful offender on probation upon
6 13 such terms and conditions as the court may require. Current
6 14 law only allows the district court to defer the sentence of a
6 15 juvenile who has been waived to district court pursuant to Code
6 16 section 232.45, subsection 7, for prosecution as a youthful
6 17 offender.
6 18 Under the bill and in current law, upon the youthful
6 19 offender attaining the age of 18, the district court retains
6 20 the power to defer the sentence and place the youthful offender
6 21 on probation; sentence the youthful offender to a term of
6 22 confinement, or discharge the youthful offender from youthful
6 23 offender status and terminate the sentence.
6 24 A "deferred judgment" means a sentencing option where the
6 25 adjudication of guilt and the imposition of a sentence are
6 26 deferred by the court. However, the court retains the power
6 27 to pronounce judgment and impose sentence subject to the
6 28 defendant's compliance with conditions set by the court as a
6 29 requirement of the deferred judgment.
6 30 A "deferred sentence" means a sentencing option where the
6 31 court enters an adjudication of guilt but does not impose a
6 32 sentence. The court does retain the power to sentence the
6 33 defendant to any sentence it originally could have imposed
6 34 subject to the defendant's compliance with conditions set by
6 35 the court as a requirement of the deferred sentence.

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7 1 A "suspended sentence" means a sentencing option whereby
7 2 the court pronounces judgment and imposes a sentence and then
7 3 suspends execution of the sentence subject to the defendant's
7 4 compliance with conditions set by the court as a requirement of
7 5 the suspended sentence. Revocation of the suspended sentence
7 6 results in the execution of sentence already pronounced.
LSB 1594SV (2) 84
jm/rj

Senate File 366 - Introduced

SENATE FILE
BY COMMITTEE ON STATE
GOVERNMENT

(SUCCESSOR TO SF 232)

A BILL FOR

An Act requiring periodic review of administrative rules by administrative agencies.

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

TLSB 2431SV (1) 84
jr/nh

Senate File 366 - Introduced continued

PAG LIN

1 1 Section 1. Section 17A.7, subsection 2, Code 2011, is
1 2 amended by striking the subsection and inserting in lieu
1 3 thereof the following:
1 4 2. Over a five=year period of time, an agency shall conduct
1 5 an ongoing and comprehensive review of all of the agency's
1 6 rules. The goal of the review is the identification and
1 7 elimination of all rules of the agency that are outdated,
1 8 redundant, overbroad, ineffective, unnecessary, or otherwise
1 9 undesirable. An agency shall commence its review by developing
1 10 a plan of review in consultation with major stakeholders and
1 11 constituent groups. As part of its review, an agency shall
1 12 review existing policy and interpretive statements or similar
1 13 documents to determine whether it would be necessary or
1 14 appropriate to adopt these statements or documents as rules.
1 15 a. An agency shall establish its five=year plan for review
1 16 of its rules and publish the plan in the Iowa administrative
1 17 bulletin.
1 18 b. An agency's plan for review shall do all of the
1 19 following:
1 20 (1) Contain a schedule that lists when the review of each
1 21 rule or rule group will occur.
1 22 (2) State the method by which the agency will determine
1 23 whether the rule under review meets the criteria listed in this
1 24 section.
1 25 (3) Provide a means for public participation in the review
1 26 process and specify how interested persons may participate in
1 27 the review.
1 28 (4) Identify instances where the agency may require an
1 29 exception to the review requirements.
1 30 (5) Provide a process for ongoing review of rules after the
1 31 initial five=year review period has expired.
1 32 c. An agency shall consider all of the following criteria
1 33 when reviewing its rules:
1 34 (1) The need for the rule.
1 35 (2) The clarity of the rule.

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2 1 (3) The intent and legal authority for the rule.
2 2 (4) The qualitative and quantitative benefits and costs of
2 3 the rule.
2 4 (5) The fairness of the rule.
2 5 d. When an agency completes its five=year review of its
2 6 rules, the agency shall provide a summary of the results to the
2 7 administrative rules coordinator and the administrative rules
2 8 review committee.
2 9 EXPLANATION
2 10 This bill requires that each state agency review all of its
2 11 administrative rules on a five=year cycle. The plan for this
2 12 review must be developed in consultation with stakeholders
2 13 and constituent groups. The goal of the review is the
2 14 identification and elimination of all rules of the agency that
2 15 are outdated, redundant, overbroad, ineffective, unnecessary,
2 16 or otherwise undesirable.
LSB 2431SV (1) 84
jr/nh

Senate File 367 - Introduced

SENATE FILE
BY COMMITTEE ON EDUCATION

(SUCCESSOR TO SF 153)

A BILL FOR

An Act concerning the protection of student athletes from concussions and other brain injuries.
BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 1983SV (2) 84
je/nh

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PAG LIN

1 1 Section 1. NEW SECTION. 280.13C Brain injury policies.
1 2 1. a. The Iowa high school athletic association and the
1 3 Iowa girls high school athletic union shall work together
1 4 to develop and distribute guidelines and other pertinent
1 5 information to inform and educate coaches, student athletes,
1 6 and the parents and guardians of student athletes of the risks,
1 7 signs, symptoms, and behaviors consistent with a sports=related
1 8 concussion or brain injury, including the danger of continuing
1 9 to participate in athletic activities after suffering a
1 10 concussion or brain injury.
1 11 b. Annually, each school district and nonpublic school shall
1 12 provide to the parent or guardian of each student athlete a
1 13 concussion and brain injury information sheet, as developed
1 14 by the Iowa high school athletic association and the Iowa
1 15 girls high school athletic union. The student athlete and the
1 16 student athlete's parent or guardian shall sign and return the
1 17 concussion and brain injury information sheet to the student
1 18 athlete's school prior to the student athlete's participation
1 19 in any extracurricular interscholastic athletic activity for
1 20 grades seven through twelve.
1 21 2. If a student athlete's coach or contest official observes
1 22 signs, symptoms, or behaviors consistent with a concussion
1 23 or brain injury in an interscholastic athletic practice or
1 24 game, the student athlete shall be immediately removed from
1 25 participation.
1 26 3. a. A student athlete who has been removed from
1 27 participation shall not recommence such participation until
1 28 the student athlete has been evaluated by a licensed health
1 29 care provider trained in the evaluation and management of
1 30 concussions and other brain injuries and the student athlete
1 31 has received written clearance to return to participation from
1 32 the health care provider.
1 33 b. For the purposes of this section, a "licensed health care
1 34 provider" means a physician, physician assistant, chiropractor,
1 35 advanced registered nurse practitioner, nurse, or athletic

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2 1 trainer licensed by a board designated under section 147.13.
2 2 4. The board of directors of each public school district and
2 3 the authorities in charge of each nonpublic school shall adopt
2 4 rules and procedures necessary to carry out the requirements of
2 5 this section.
2 6 EXPLANATION
2 7 This bill directs the Iowa high school athletic association
2 8 and the Iowa girls high school athletic union to develop and
2 9 distribute guidelines and other pertinent information to
2 10 inform and educate coaches, student athletes, and parents and
2 11 guardians of student athletes of the risks, signs, symptoms,
2 12 and behaviors consistent with a sports=related concussion or
2 13 brain injury, including the danger of continuing to participate
2 14 in athletic activities after a concussion or brain injury.
2 15 The bill requires school districts and nonpublic schools to
2 16 annually provide the parent or guardian of a student athlete
2 17 with a concussion and brain injury information sheet, as
2 18 developed by the Iowa high school athletic association and the
2 19 Iowa girls high school athletic union, which must be signed
2 20 and returned before the student athlete may participate in an
2 21 extracurricular interscholastic athletic activity for grades
2 22 seven through 12.
2 23 The bill provides that if a student athlete's coach or
2 24 contest official observes signs, symptoms, or behaviors
2 25 consistent with a concussion or brain injury in an
2 26 interscholastic athletic practice or game, the student athlete
2 27 must be removed from participation. The bill provides that a
2 28 student athlete removed from participation shall not recommence
2 29 participation until the student athlete has been evaluated
2 30 by a licensed health care provider, defined as a physician,
2 31 physician assistant, chiropractor, advanced registered nurse
2 32 practitioner, nurse, or athletic trainer licensed by a board
2 33 designated under Code section 147.13, trained in the evaluation
2 34 and management of concussions and other head injuries and
2 35 received written clearance to return to play.

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3 1 The bill directs the board of directors of each school
3 2 district and the authorities in charge of each nonpublic school
3 3 to adopt rules and procedures necessary to carry out the
3 4 requirements of the bill.
LSB 1983SV (2) 84
je/nh

Senate File 368 - Introduced

SENATE FILE
BY SORENSON

A BILL FOR

An Act requiring birth certificates to be filed with affidavits of candidacy for presidential and vice presidential candidates.

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

TLSB 2503XS (2) 84
sc/nh

Senate File 368 - Introduced continued

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1 1 Section 1. NEW SECTION. 45.3A Filing of birth certificates
1 2 ==== presidential and vice presidential candidates.
1 3 1. A candidate for president or vice president shall attach
1 4 to and file with the affidavit of candidacy a copy of the
1 5 candidate's birth certificate certified by the appropriate
1 6 official in the candidate's state of birth. The certified copy
1 7 shall be made part of the affidavit of candidacy and shall be
1 8 made available for public inspection in the same manner as the
1 9 affidavit of candidacy.
1 10 2. A candidate for president or vice president who does
1 11 not comply with the requirements of this section shall not
1 12 be eligible for placement on the ballot as a candidate for
1 13 president or vice president anywhere in the state.
1 14 EXPLANATION
1 15 This bill provides that candidates for president and vice
1 16 president shall file, along with their affidavit of candidacy,
1 17 a certified copy of the candidate's birth certificate which
1 18 shall be made available for public inspection in the same
1 19 manner as the candidate's affidavit of candidacy. The bill
1 20 further provides that a candidate for president or vice
1 21 president who does not attach to the affidavit of candidacy a
1 22 certified copy of the candidate's birth certificate shall not
1 23 be eligible for placement on the ballot anywhere in the state.

Senate File 369 - Introduced

SENATE FILE
BY SORENSON

A BILL FOR

An Act providing for a moratorium on regulations affecting the sale of unprocessed food, and including effective date provisions.

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

TLSB 2532XS (2) 84
da/nh

Senate File 369 - Introduced continued

PAG LIN

1 1 Section 1. MORATORIUM ON REGULATIONS AFFECTING THE SALE OF
1 2 UNPROCESSED FOOD.
1 3 1. As used in this section, unless the context otherwise
1 4 requires:
1 5 a. "State agency" means any unit of state government
1 6 designated as an authority, board, commission, committee,
1 7 council, department, or independent agency as defined in
1 8 section 7E.4, including but not limited to each principal
1 9 central department enumerated in section 7E.5.
1 10 b. "Unprocessed food" means food that is an agricultural
1 11 commodity sold for consumption in its raw state without being
1 12 subjected to a change in form, condition, or temperature,
1 13 including but not limited to raw milk, eggs in the shell,
1 14 nuts in the shell, honey in the comb, fresh fruit, and fresh
1 15 vegetables.
1 16 2. Notwithstanding any other provision to the contrary, a
1 17 moratorium is declared on every state agency's administration
1 18 and enforcement of statutes and rules affecting the sale of
1 19 unprocessed food in this state, including but not limited to
1 20 all of the following:
1 21 a. The issuance of permits or licenses.
1 22 b. The inspection of the unprocessed food or an
1 23 establishment that sells unprocessed food.
1 24 c. The labeling of unprocessed food or containers
1 25 containing unprocessed food.
1 26 3. This section takes effect July 1, 2012.
1 27 Sec. 2. REPORT BY STATE AGENCIES. The department of
1 28 agriculture and land stewardship, the department of public
1 29 health, and the department of inspections and appeals, shall
1 30 cooperate to publish and prepare a joint report to the general
1 31 assembly not later than January 1, 2012. The report shall
1 32 provide a list of all statutes and rules affected by this
1 33 Act and proposals to most effectively amend or repeal those
1 34 statutes and rules without affecting the administration and
1 35 enforcement of other provisions.

Senate File 369 - Introduced continued

EXPLANATION

This bill provides that, notwithstanding any other provision to the contrary, a moratorium exists on every state agency's administration and enforcement of statutes and rules affecting the sale of unprocessed food in this state. Unprocessed food includes milk, eggs, nuts, honey, fruit, and vegetables. The regulations include the issuance of permits or licenses, the inspection of the unprocessed food or an establishment that sells such food, and labeling. The moratorium takes effect on July 1, 2012. By January 1, 2012, the department of agriculture and land stewardship, the department of public health, and the department of inspections and appeals must submit a joint report to the general assembly outlining all statutes and rules affected by the moratorium and proposals to most effectively amend or repeal those statutes and rules.

LSB 2532XS (2) 84
da/nh

Senate File 370 - Introduced

SENATE FILE
BY SORENSON

A BILL FOR

An Act authorizing refusal of vaccinations and immunizations.
BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 2523XS (2) 84
jp/nh

Senate File 370 - Introduced continued

PAG LIN

1 1 Section 1. Section 135.141, subsection 2, paragraph f, Code
1 2 2011, is amended to read as follows:
1 3 f. Coordinate the location, procurement, storage,
1 4 transportation, maintenance, and distribution of medical
1 5 supplies, drugs, antidotes, and vaccines to prepare for or in
1 6 response to a public health disaster, including receiving,
1 7 distributing, and administering items from the strategic
1 8 national stockpile program of the centers for disease control
1 9 and prevention of the United States department of health and
1 10 human services. The provisions of this paragraph relating
1 11 to distribution of vaccines in response to a public health
1 12 disaster shall not require the vaccination of any person who
1 13 refuses the vaccination.
1 14 Sec. 2. Section 135.142, subsection 1, Code 2011, is amended
1 15 to read as follows:
1 16 1. The department may purchase and distribute antitoxins,
1 17 serums, vaccines, immunizing agents, antibiotics, and other
1 18 pharmaceutical agents or medical supplies as deemed advisable
1 19 in the interest of preparing for or controlling a public
1 20 health disaster. The provisions of this subsection relating
1 21 to distribution of vaccines in response to a public health
1 22 disaster shall not require the vaccination of any person who
1 23 refuses the vaccination.
1 24 Sec. 3. Section 135.144, subsection 6, Code 2011, is amended
1 25 to read as follows:
1 26 6. Vaccinate or order that individuals be vaccinated
1 27 against an infectious disease and to prevent the spread of
1 28 communicable or potentially communicable disease. Vaccinations
1 29 shall be administered by any qualified person authorized to do
1 30 so by the department. The vaccination shall not be provided
1 31 or ordered if it is reasonably likely to lead to serious
1 32 harm to the affected individual or the individual refuses
1 33 the vaccination. To prevent the spread of communicable or
1 34 potentially communicable disease, the department may isolate or
1 35 quarantine, pursuant to chapter 139A and the rules implementing

Senate File 370 - Introduced continued

2 1 chapter 139A and this division of this chapter, any person who
2 2 is unable or unwilling to undergo vaccination pursuant to this
2 3 subsection.
2 4 Sec. 4. Section 135.146, subsection 2, Code 2011, is amended
2 5 to read as follows:
2 6 2. Participation in the vaccination program shall be
2 7 voluntary, except for first responders who are classified
2 8 as having occupational exposure to blood=borne pathogens as
2 9 defined by the occupational safety and health administration
2 10 standard contained in 29 C.F.R. { 1910.1030. First responders
2 11 who are so classified shall be required to receive the
2 12 vaccinations as described in subsection 1. A first responder
2 13 shall be exempt from this requirement, however, when a written
2 14 statement from a licensed physician is presented indicating
2 15 that a vaccine is medically contraindicated for that person
2 16 or the first responder signs a written statement that the
2 17 administration of a vaccination conflicts with religious tenets
2 18 or that the vaccination is refused.
2 19 Sec. 5. Section 139A.8, subsection 4, Code 2011, is amended
2 20 to read as follows:
2 21 4. ~~a.~~ Immunization is not required for a person's
2 22 enrollment in any elementary or secondary school or licensed
2 23 child care center if ~~either~~ any of the following applies:
2 24 ~~(1)~~ a. The applicant, or if the applicant is a minor, the
2 25 applicant's parent or legal guardian, submits to the admitting
2 26 official a statement signed by a physician, advanced registered
2 27 nurse practitioner, or physician assistant who is licensed by
2 28 the board of medicine, board of nursing, or board of physician
2 29 assistants that the immunizations required would be injurious
2 30 to the health and well=being of the applicant or any member of
2 31 the applicant's family.
2 32 ~~(2)~~ b. The applicant, or if the applicant is a minor, the
2 33 applicant's parent or legal guardian, submits an affidavit
2 34 signed by the applicant, or if the applicant is a minor,
2 35 the applicant's parent or legal guardian, stating that the

Senate File 370 - Introduced continued

3 1 immunization conflicts with the tenets and practices of a
3 2 recognized religious denomination of which the applicant is an
3 3 adherent or member.
3 4 c. The applicant, or if the applicant is a minor, the
3 5 applicant's parent or legal guardian, submits an affidavit
3 6 signed by the applicant, or if the applicant is a minor,
3 7 the applicant's parent or legal guardian, stating that the
3 8 immunization is refused.
3 9 ~~b. The exemptions under this subsection do not apply in~~
~~3 10 times of emergency or epidemic as determined by the state board~~
~~3 11 of health and as declared by the director of public health.~~
3 12 EXPLANATION
3 13 This bill authorizes persons to refuse vaccinations
3 14 and immunizations by amending Code provisions containing
3 15 vaccination requirements.
3 16 The portion of Code section 135.141, relating to the duties
3 17 of the department of public health concerning the division of
3 18 acute disease prevention and emergency response and requiring
3 19 the department to coordinate distribution of vaccines during
3 20 a public health disaster, is amended to prohibit required
3 21 vaccination of any person who refuses the vaccination. Code
3 22 section 135.142, relating to purchase of health care supplies
3 23 relating to a public health disaster, is similarly amended.
3 24 Code section 135.144, relating to additional duties of the
3 25 department during a public health disaster and specifically
3 26 authorizing the department to provide or order vaccinations, is
3 27 amended to prohibit providing or ordering vaccination of any
3 28 person who refuses the vaccination.
3 29 Code section 135.146, establishing a first responder
3 30 vaccination program and requiring first responders who are
3 31 classified as having occupational exposure to blood=borne
3 32 pathogens, as defined by federal requirements, to receive
3 33 vaccinations unless medically contraindicated or in conflict
3 34 with a religious tenet of the first responder, is amended
3 35 to allow the first responder to refuse by signing a written

Senate File 370 - Introduced continued

4 1 statement.
4 2 Code section 139A.8, listing immunizations required
4 3 of children enrolling in an elementary school, secondary
4 4 school, or licensed child care center, is amended to allow
4 5 enrollment if the applicant, or if the applicant is a minor,
4 6 the applicant's parent or legal guardian, submits an affidavit
4 7 signed by the applicant, or if the applicant is a minor,
4 8 the applicant's parent or legal guardian, stating that the
4 9 immunization is refused. In addition, the bill repeals
4 10 authority to eliminate immunization exemptions during times
4 11 of emergency or epidemic, as determined by the state board of
4 12 health and as declared by the director of public health.
LSB 2523XS (2) 84
jp/nh

Senate File 371 - Introduced

SENATE FILE
BY ZAUN

A BILL FOR

An Act relating to liability cases involving licensed professionals.

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

TLSB 2586XS (3) 84
rh/nh

Senate File 371 - Introduced continued

PAG LIN

1 1 Section 1. Section 668.11, Code 2011, is amended to read as
1 2 follows:
1 3 668.11 ~~Disclosure of expert witnesses in liability~~ Liability
1 4 cases involving licensed professionals ==== expert witnesses ====
1 5 malicious prosecution ==== abuse of process.
1 6 1. a. A party in a professional liability case brought
1 7 against a licensed professional pursuant to this chapter who
1 8 intends to call an expert witness of their own selection, shall
1 9 certify to the court and all other parties the expert's name,
1 10 qualifications, and the purpose for calling the expert within
1 11 the following time period:
1 12 ~~a.~~ (1) The plaintiff within one hundred eighty days of the
1 13 defendant's answer unless the court for good cause not ex parte
1 14 extends the time of disclosure.
1 15 ~~b.~~ (2) The defendant within ninety days of plaintiff's
1 16 certification.
1 17 ~~2.~~ b. If a party fails to disclose an expert pursuant to
1 18 ~~subsection 1~~ paragraph "a" or does not make the expert available
1 19 for discovery, the expert shall be prohibited from testifying
1 20 in the action unless leave for the expert's testimony is given
1 21 by the court for good cause shown.
1 22 ~~3. This section does not apply to court appointed experts or~~
~~1 23 to rebuttal experts called with the approval of the court.~~
1 24 c. A party shall disclose the following information for
1 25 each expert witness whose testimony the party anticipates using
1 26 at trial or for each expert witness upon whose opinion the
1 27 opinions or conclusions of any expert witness whose testimony
1 28 is anticipated for use at trial is based:
1 29 (1) A written report prepared and signed by the expert.
1 30 (2) A complete statement of all opinions the expert
1 31 is expected to express and the basis and reasons for such
1 32 opinions.
1 33 (3) A complete statement of the data or other information
1 34 considered by the expert in forming the expert's opinions.
1 35 (4) Any exhibits or other tangible materials considered by

Senate File 371 - Introduced continued

2 1 the expert in forming the expert's opinions.
2 2 (5) The expert's qualifications including a list of all
2 3 publications authored by the expert in the previous ten years.
2 4 (6) A list of all other cases in which the expert has
2 5 testified as an expert and not as a party in the previous ten
2 6 years.
2 7 (7) All of the following:
2 8 (a) The relationship between the expert and the party
2 9 including the party's attorney, insurer, or surety, including,
2 10 at a minimum, a description of all matters for which the expert
2 11 has been used as a consultant or trial expert for the party.
2 12 (b) The compensation paid to the expert for each matter on
2 13 which the expert has been consulted and the annual compensation
2 14 paid to the expert during the previous ten years by the party
2 15 designating the expert.
2 16 d. The disclosures described in paragraph "c" shall be
2 17 admissible as evidence subject only to such evidentiary
2 18 objections as would otherwise apply to the information.
2 19 2. This section does not apply to court=appointed experts or
2 20 to rebuttal experts called with the approval of the court.
2 21 3. a. A licensed professional subject to a claim for
2 22 negligence or other unintentional misconduct shall have a cause
2 23 of action for malicious prosecution in a subsequent claim
2 24 against the person who brought such claim and their attorney,
2 25 or both, if all of the following occur:
2 26 (1) The original claim was dismissed as to the licensed
2 27 professional or the trier of fact found that the conduct of
2 28 the licensed professional was not the proximate cause of the
2 29 claimant's or plaintiff's damages.
2 30 (2) The trier of fact found that the person who brought the
2 31 claim against the licensed professional lacked probable cause
2 32 to do so at the time the original action against the licensed
2 33 professional was commenced.
2 34 b. The licensed professional's damages may include but
2 35 are not limited to attorney fees, expert witness fees, travel

Senate File 371 - Introduced continued

3 1 expenses, and the value of the time spent preparing for or
3 2 participating in the defense of the original claim against the
3 3 licensed professional.
3 4 4. Any party who has successfully brought a claim for
3 5 professional liability against a licensed professional shall
3 6 have a cause of action for abuse of process when all of the
3 7 following conditions exist:
3 8 a. The professional liability action proceeded to trial and
3 9 was not resolved by settlement prior to an initial decision by
3 10 the trier of fact in favor of the person bringing the action
3 11 against the licensed professional.
3 12 b. The trier of fact awarded damages and those damages
3 13 exceed the final settlement demand of the person so demanding
3 14 by more than one hundred percent.
3 15 EXPLANATION
3 16 This bill relates to liability cases involving licensed
3 17 professionals.
3 18 EXPERT WITNESSES. The bill amends current law relating
3 19 to the disclosure of an expert witness in a liability case
3 20 involving a licensed professional to require a party who
3 21 expects to call an expert witness at trial or upon which the
3 22 opinions or conclusions of the expert witness are based to
3 23 include certain specific information including the expert's
3 24 qualifications, a written report, data, and other expertise the
3 25 expert intends to rely on, as well as information relating to
3 26 any relationship between the expert and the party including, at
3 27 a minimum, a description of all matters for which the expert
3 28 has been used as a consultant or trial expert for the party,
3 29 and the compensation paid to the expert for each matter on
3 30 which the expert has been consulted and the annual compensation
3 31 paid to the expert during the previous 10 years by the party
3 32 designating the expert. The bill provides that the disclosures
3 33 required in the bill shall be admissible as evidence subject
3 34 only to such evidentiary objections as would otherwise apply to
3 35 the information. The bill does not apply to court=appointed

Senate File 371 - Introduced continued

4 1 experts or to rebuttal experts called with the approval of the
4 2 court.
4 3 MALICIOUS PROSECUTION. The bill provides that a licensed
4 4 professional subject to a claim for negligence or other
4 5 unintentional misconduct has a cause of action for malicious
4 6 prosecution in a subsequent claim against the person who
4 7 brought such claim and their attorney, or both, if the
4 8 original claim was dismissed as to the licensed professional
4 9 or the trier of fact found that the conduct of the licensed
4 10 professional was not the proximate cause of the claimant's
4 11 or plaintiff's damages and the trier of fact found that the
4 12 original plaintiff who brought the claim against the licensed
4 13 professional lacked probable cause to do so at the time
4 14 the original action against the licensed professional was
4 15 commenced. The licensed professional's damages may include but
4 16 are not limited to attorney fees, expert witness fees, travel
4 17 expenses, and the value of the time spent preparing for or
4 18 participating in the defense of the original claim against the
4 19 licensed professional.
4 20 ABUSE OF PROCESS. The bill provides that any party who has
4 21 successfully brought a claim for professional liability against
4 22 a licensed professional shall have a cause of action for abuse
4 23 of process when the professional liability action proceeded to
4 24 trial and was not resolved by settlement prior to an initial
4 25 decision by the trier of fact in favor of the person bringing
4 26 the action against the licensed professional and the trier
4 27 of fact awarded damages and those damages exceed the final
4 28 settlement demand of the person so demanding by more than 100
4 29 percent.
LSB 2586XS (3) 84
rh/nh

Senate File 372 - Introduced

SENATE FILE
BY CHELGREN, WHITVER,
BACON, HAHN, ANDERSON,
HAMERLINCK, SEYMOUR,
ERNST, SORENSON, and
McKINLEY

A BILL FOR

An Act relating to the issuance of a permit to carry weapons.
BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 2520XS (5) 84
rh/rj

Senate File 372 - Introduced continued

PAG LIN

1 1 Section 1. Section 724.11, subsection 4, Code 2011, is
1 2 amended to read as follows:
1 3 4. The sheriff or commissioner of public safety shall
1 4 approve or deny an initial or renewal application submitted
1 5 under this section within ~~thirty~~ five business days of receipt
1 6 of the application. A person whose application for a permit
1 7 under this chapter is denied may seek review of the denial
1 8 under section 724.21A. The failure to approve or deny an
1 9 initial or renewal application shall result in a decision of
1 10 approval.
1 11 Sec. 2. LEGISLATIVE FINDINGS. The general assembly finds
1 12 that there is an urgent need for Iowa sheriffs to be diligent
1 13 and timely in processing applications for permits to carry
1 14 weapons in an effort to assure compliance with the applicable
1 15 rules and laws governing the issuance of permits to carry
1 16 weapons.
1 17 EXPLANATION
1 18 This bill amends current law requiring the sheriff or
1 19 commissioner of public safety to approve or deny an initial or
1 20 renewal application for a permit to carry weapons from within
1 21 30 days of receipt of an application to within five business
1 22 days of receipt of an application.
1 23 The bill further provides that the general assembly finds
1 24 that there is an urgent need for Iowa sheriffs to be diligent
1 25 and timely in processing applications for permits to carry
1 26 weapons in an effort to assure compliance with the applicable
1 27 rules and laws governing the issuance of permits to carry
1 28 weapons.
LSB 2520XS (5) 84
rh/rj

Senate File 373 - Introduced

SENATE FILE
BY ERNST

A BILL FOR

An Act providing an exemption from the computation of the individual state income tax of all pay received for military service and including retroactive applicability provisions.

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

TLSB 1881XS (2) 84
tw/sc

Senate File 373 - Introduced continued

PAG LIN

1 1 Section 1. Section 422.7, Code 2011, is amended by adding
1 2 the following new subsection:
1 3 NEW SUBSECTION. 42A. Subtract, to the extent included, all
1 4 pay received by the taxpayer for military service, including
1 5 training, in the armed forces, the armed forces military
1 6 reserve, or the national guard.
1 7 Sec. 2. RETROACTIVE APPLICABILITY. This Act applies
1 8 retroactively to January 1, 2011, for tax years beginning on
1 9 or after that date.
1 10 EXPLANATION
1 11 This bill exempts from the individual income tax all
1 12 pay received by a taxpayer for military service, including
1 13 training, in the armed forces, the armed forces military
1 14 reserve, or the national guard.
1 15 The bill applies retroactively to January 1, 2011, for tax
1 16 years beginning on or after that date.
LSB 1881XS (2) 84
tw/sc

Senate File 374 - Introduced

SENATE FILE
BY ZAUN

A BILL FOR

An Act providing for the licensure of operators authorized to purchase, use, and explode fireworks, and including penalties.

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

TLSB 2591XS (4) 84
aw/nh

Senate File 374 - Introduced continued

PAG LIN

1 1 Section 1. NEW SECTION. 101D.1 Definitions.
1 2 For purposes of this chapter, unless the context otherwise
1 3 requires:
1 4 1. "Department" means the department of public safety.
1 5 2. "Division" means the division of the state fire marshal
1 6 in the department.
1 7 3. "Fireworks" means permissible fireworks as described in
1 8 section 727.2A.
1 9 4. "License" means a privilege granted by the state fire
1 10 marshal to operate fireworks, including any privilege related
1 11 to a license granted by issuance of a stamp or a payment of a
1 12 fee.
1 13 5. "License agent" means an individual, business, or
1 14 governmental agency authorized to sell a license.
1 15 Sec. 2. NEW SECTION. 101D.2 Fireworks operator license ====
1 16 fee.
1 17 1. A person shall not purchase, operate, or ignite fireworks
1 18 within this state without first obtaining a license from the
1 19 division for those purposes and paying a fee of forty=one
1 20 dollars.
1 21 2. The division shall provide for the issuance of fireworks
1 22 operator licenses to eligible persons. A person must be at
1 23 least eighteen years of age and must successfully complete the
1 24 firework safety education program created in section 101D.3 to
1 25 be eligible for a license under this chapter.
1 26 3. A license shall be issued for a period not to exceed one
1 27 year.
1 28 4. The state fire marshal shall adopt rules for
1 29 the revocation or suspension of a license and for the
1 30 administration of this chapter.
1 31 Sec. 3. NEW SECTION. 101D.3 Firework safety education
1 32 program ==== license requirements.
1 33 1. A person shall not obtain a fireworks operator license
1 34 unless the person has satisfactorily completed a fireworks
1 35 safety education course approved by the division and offered

Senate File 374 - Introduced continued

2 1 by the department. A person who is seventeen years of age or
2 2 older may enroll in an approved fireworks safety education
2 3 course, but a person who is seventeen years of age and who
2 4 has successfully completed the course, shall be issued a
2 5 certificate of completion which becomes valid on the person's
2 6 eighteenth birthday. A certificate of completion from an
2 7 approved fireworks safety education course issued in this state
2 8 is valid for the requirements of this section.
2 9 2. a. A certificate of completion shall not be issued
2 10 to a person who has not satisfactorily completed the minimum
2 11 requirements of such a course as adopted by the state fire
2 12 marshal pursuant to chapter 17A. The state fire marshal shall
2 13 establish the curriculum for the course.
2 14 b. Upon completion of the course, each person shall be
2 15 required to pass an individual oral test or a written test
2 16 provided by the division in order to receive a certificate
2 17 of completion. The state fire marshal shall establish
2 18 the criteria for successfully passing the test. Based on
2 19 the results of the test and demonstrated safe handling of
2 20 fireworks, the instructor shall determine the persons who shall
2 21 be issued a certificate of completion.
2 22 3. The department shall provide a manual for fireworks
2 23 safety which shall be used by all instructors and persons
2 24 receiving fireworks safety education training in this state.
2 25 The department may produce the manual in a print or electronic
2 26 format.
2 27 4. The division shall provide for the certification of
2 28 persons who wish to become fireworks safety instructors. A
2 29 person shall not act as an instructor in a fireworks safety
2 30 education course as provided in this section without first
2 31 obtaining an instructor's certificate from the division.
2 32 5. An officer of the department or a certified instructor
2 33 may issue a certificate to a person who has not completed the
2 34 fireworks safety education course but meets other criteria
2 35 established by the state fire marshal.

Senate File 374 - Introduced continued

3 1 6. A fireworks operator license obtained under this
3 2 chapter by a person who gave false information or presented a
3 3 fraudulent certificate of completion shall be revoked and a new
3 4 license shall not be issued for at least two years from the
3 5 date of revocation. A license obtained by a person who has not
3 6 satisfactorily completed the fireworks safety education course
3 7 or has not met the requirements established by the state fire
3 8 marshal shall be revoked.
3 9 7. An initial firework safety certificate of completion
3 10 shall be issued without cost. A duplicate certificate shall be
3 11 issued at a cost of three dollars.
3 12 8. Enrollment in the program shall be free for a person's
3 13 initial enrollment. The division shall charge a one hundred
3 14 dollar fee for any subsequent enrollment.
3 15 Sec. 4. NEW SECTION. 101D.4 License agents.
3 16 The state fire marshal may designate license agents for the
3 17 sale of licenses, but in so doing the interest of the state
3 18 shall be fully protected.
3 19 Sec. 5. NEW SECTION. 101D.5 Allocation of fee revenue.
3 20 All revenue collected from the fireworks operator license
3 21 fees as provided in section 101D.2, subsection 1, that is
3 22 collected by the division shall be allocated as follows:
3 23 1. One dollar of each license fee collected shall be
3 24 allocated to the division.
3 25 2. Ten dollars of each license fee collected shall be
3 26 allocated to fire departments throughout the state of Iowa.
3 27 The state fire marshal shall adopt rules pursuant to chapter
3 28 17A for the direction of such moneys.
3 29 3. Ten dollars of each license fee collected shall be
3 30 allocated to public school districts throughout the state of
3 31 Iowa. The state fire marshal shall adopt rules pursuant to
3 32 chapter 17A for the direction of such moneys.
3 33 4. Twenty dollars of each license fee collected shall be
3 34 allocated to the state general fund.
3 35 Sec. 6. NEW SECTION. 101D.6 Accounting.

Senate File 374 - Introduced continued

4 1 The state fire marshal shall by rule establish specific
4 2 requirements for remittance of funds and the necessary
4 3 accounting and reporting for licenses issued.
4 4 Sec. 7. NEW SECTION. 101D.7 Operation of fireworks ====
4 5 penalty.
4 6 1. A person who does not possess a valid fireworks operator
4 7 license shall not operate fireworks.
4 8 2. A person may only operate fireworks during the months of
4 9 January, May, June, July, or December of each year, or during
4 10 certain holiday weekends, as permitted by rule adopted by the
4 11 state fire marshal pursuant to chapter 17A.
4 12 3. A person shall not operate fireworks at any time when
4 13 the state fire marshal has declared the operation of fireworks
4 14 to be a threat to public safety. The state fire marshal may
4 15 declare such a threat if conditions warrant such a declaration.
4 16 4. A person shall not operate, ignite, or store fireworks
4 17 in an unsafe manner as described within the fireworks safety
4 18 manual described in section 101D.3, subsection 3.
4 19 5. A licensee who violates the provisions of this section
4 20 shall have their license suspended and shall be required to
4 21 successfully complete the firework safety education program
4 22 created in section 101D.3 again before the division may issue
4 23 another license to that person.
4 24 6. Any person who violates the provisions of this section is
4 25 subject to a civil penalty not to exceed three hundred dollars
4 26 for each offense.
4 27 Sec. 8. NEW SECTION. 101D.8 Sales permits.
4 28 1. The division shall issue permits for the sale of
4 29 fireworks. A permit shall not be issued to a person under
4 30 eighteen years of age.
4 31 2. All permits shall be for the calendar year or any
4 32 fraction thereof and shall expire on the thirty=first day of
4 33 December of each year. The division may set a fee for issuance
4 34 of such a permit to cover administrative costs of this section.
4 35 3. Permits shall be conspicuously displayed in the permit

Senate File 374 - Introduced continued

5 1 holder's place of business along with a clearly visible sign
5 2 that states the law concerning the sale, use, and possession of
5 3 fireworks in this state.
5 4 4. The state fire marshal shall adopt rules in accordance
5 5 with chapter 17A to regulate fireworks sellers and the sale of
5 6 fireworks, including the establishment of a fee for a permit
5 7 issued pursuant to this section.
5 8 Sec. 9. Section 727.2, subsection 2, Code 2011, is amended
5 9 to read as follows:
5 10 2. a. A person, or a firm, partnership, or corporation
5 11 ~~who offers~~ permitted under section 101D.8 may offer for
5 12 sale~~, exposes for sale, sells at retail, or uses or explodes~~
5 13 any fireworks~~, commits a simple misdemeanor~~ permissible
5 14 under sections 727.2A and 727.2B. In addition to any other
5 15 penalties, the punishment imposed for a violation of this
5 16 section shall include assessment of a fine of not less than two
5 17 hundred fifty dollars. ~~However, the~~
5 18 b. The council of a city or a county board of supervisors
5 19 may, upon application in writing, grant a permit for the
5 20 display of fireworks not permissible under section 727.2A by
5 21 municipalities, fair associations, amusement parks, and other
5 22 organizations or groups of individuals approved by the city
5 23 or the county board of supervisors when the fireworks display
5 24 will be handled by a competent operator, but no such permit
5 25 shall be required for the display of fireworks at the Iowa
5 26 state fairgrounds by the Iowa state fair board, at incorporated
5 27 county fairs, or at district fairs receiving state aid. Sales
5 28 of fireworks for such display may be made for that purpose
5 29 only.
5 30 Sec. 10. Section 727.2, subsection 3, Code 2011, is amended
5 31 by striking the subsection.
5 32 Sec. 11. NEW SECTION. 727.2A Permissible fireworks.
5 33 Permissible fireworks are the consumer fireworks enumerated
5 34 in chapter 3 of the American pyrotechnics association, inc.,
5 35 standard 87=1, and that comply with the labeling regulations

Senate File 374 - Introduced continued

6 1 promulgated by the United States consumer product safety
6 2 commission.
6 3 Sec. 12. NEW SECTION. 727.2B Examination of fireworks ====
6 4 penalty.
6 5 If consumer fireworks are not permissible under section
6 6 727.2A, the proposed seller must submit the fireworks to the
6 7 state fire marshal for examination and approval prior to the
6 8 sale of such fireworks. A person who violates this section
6 9 commits a serious misdemeanor.
6 10 EXPLANATION
6 11 This bill provides for the legal sale and use of consumer
6 12 fireworks within the state.
6 13 The bill provides for the licensure of consumer fireworks
6 14 operators by the division of the state fire marshal of the
6 15 department of public safety. The bill provides that a person
6 16 may not purchase, operate, or explode fireworks within the
6 17 state without being licensed under the bill. The bill provides
6 18 that a person must be at least 18 years of age, have completed
6 19 a fireworks safety education program, and paid a fee of $41
6 20 in order to receive a license pursuant to the bill. The bill
6 21 provides that a license will not be for longer than one year.
6 22 The bill provides that the state fire marshal shall adopt
6 23 rules for the revocation or suspension of a fireworks operator
6 24 license and for the administration of the bill.
6 25 The bill provides for the creation of a fireworks safety
6 26 education program. The bill provides that successful
6 27 completion of the program is required in order to be issued a
6 28 fireworks operator license. The bill provides that a person
6 29 may enroll in the program upon reaching the age of 17. The
6 30 bill states that any certificate of completion issued to a
6 31 person under the age of 18 will not become valid until the
6 32 person reaches the age of 18. A certificate of completion
6 33 will not be issued to a person who has not satisfactorily
6 34 completed the requirements of the program, as adopted by the
6 35 state fire marshal. The state fire marshal shall establish the

Senate File 374 - Introduced continued

7 1 curriculum for the program. The program instructor shall issue
7 2 a certificate of completion based upon passage of the test and
7 3 upon demonstrated safe handling of fireworks.
7 4 The bill provides that the division shall administer
7 5 individual oral or written tests, and that the division shall
7 6 require passage of the test in order to issue a certificate of
7 7 completion. The state fire marshal shall establish criteria
7 8 for passing.
7 9 The department of public safety shall provide a manual for
7 10 fireworks safety to be used by all instructors and persons
7 11 receiving fireworks safety training. The department may
7 12 produce this manual in either print or electronic form.
7 13 The division of the state fire marshal shall provide for the
7 14 certification of instructors. The bill allows for an officer
7 15 of the department or an instructor to issue a certificate of
7 16 completion to any person who has not completed the program but
7 17 who meets other criteria established by the state fire marshal.
7 18 The bill provides that a person who obtained a license by
7 19 providing false information or a fraudulent certificate shall
7 20 have the license revoked and the person shall not be issued a
7 21 license for at least two years from the date of revocation.
7 22 The bill also provides for the revocation of licenses where a
7 23 licensee has not met the requirements of the bill. The bill
7 24 provides that the initial certificate shall be issued at no
7 25 cost, but that duplicate certificates shall cost $3. The bill
7 26 provides that enrollment within the program shall be free for a
7 27 person's initial enrollment, but that any subsequent enrollment
7 28 shall result in a $100 fee.
7 29 The bill allows the state fire marshal to designate license
7 30 agents. The bill provides for the distribution of the
7 31 fireworks operator license fees. From each $41 license fee,
7 32 $1 will be directed to the division of the fire marshal, $10
7 33 will be directed to fire departments throughout the state as
7 34 designated by the fire marshal, $10 will be directed to public
7 35 school districts throughout the state as designated by the fire

Senate File 374 - Introduced continued

8 1 marshal, and $20 will be directed to the general fund of the
8 2 state.
8 3 The bill provides that a person who does not possess a valid
8 4 fireworks operator license shall not be allowed to operate
8 5 fireworks. The bill provides that fireworks may only be
8 6 operated during certain months and certain holiday weekends.
8 7 The bill provides that the state fire marshal may, when
8 8 warranted, declare the operation of fireworks to be a threat
8 9 to public safety. Operation of fireworks during the time of
8 10 such a declaration is not permitted. The bill provides that
8 11 a person shall not operate, ignite, or store fireworks in an
8 12 unsafe manner as described in the fireworks safety manual. The
8 13 bill requires that any person violating these provisions have
8 14 their license suspended and be required to successfully retake
8 15 the fireworks safety education course before the person could
8 16 be issued another license. The bill also provides that any
8 17 person violating the provisions is subject to a civil penalty
8 18 not to exceed $300 per offense.
8 19 The bill also provides for the permitting of fireworks
8 20 sales. The division shall issue such permits and shall not
8 21 provide such permits to persons under the age of 18. The
8 22 bill requires that these permits be displayed by the vendor
8 23 conspicuously. The bill requires that the fire marshal adopt
8 24 rules to regulate fireworks vendors and the sale of fireworks.
8 25 The bill amends criminal provisions related to fireworks to
8 26 allow for the use of consumer fireworks by licensed operators.
8 27 The bill provides that permissible consumer fireworks, for use
8 28 by licensed fireworks operators pursuant to the bill, will
8 29 include those fireworks listed in chapter 3 of the American
8 30 pyrotechnics association, inc., standard 87=1 that comply with
8 31 certain labeling regulations.
8 32 The bill also provides that if a consumer firework is
8 33 not contained within that chapter, a seller must submit
8 34 the fireworks to the state fire marshal for examination and
8 35 approval prior to their sale. The bill provides that violating

Senate File 374 - Introduced continued

9 1 this provision is a serious misdemeanor.
LSB 2591XS (4) 84
aw/nh

Senate File 375 - Introduced

SENATE FILE
BY McKINLEY

A BILL FOR

An Act providing for negotiated rulemaking.
BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 2451SS (1) 84
jr/rj

Senate File 375 - Introduced continued

PAG LIN

1 1 Section 1. NEW SECTION. 17A.4B Negotiated rulemaking.
1 2 1. An agency shall create a negotiated rulemaking group if
1 3 required by statute. An agency may, on its own motion or upon
1 4 request, create a negotiated rulemaking group if the agency
1 5 determines that a negotiated rulemaking group can adequately
1 6 represent the interests that will be significantly affected by
1 7 a draft rule proposal and that it is feasible and appropriate
1 8 in the particular rulemaking. Notice of the creation of a
1 9 negotiated rulemaking group shall be published in the Iowa
1 10 administrative bulletin. Upon establishing a negotiated
1 11 rulemaking group, the agency shall also specify a time frame
1 12 for group deliberations.
1 13 2. Unless otherwise provided by statute, the agency shall
1 14 appoint a sufficient number of members to the group so that
1 15 a fair cross section of opinions and interests regarding the
1 16 draft rule proposal is represented. One person shall be
1 17 appointed to represent the agency. The group shall select its
1 18 own chairperson and adopt its rules of procedure. All meetings
1 19 of the group shall be open to the public. A majority of the
1 20 membership constitutes a quorum. Members shall not receive
1 21 any per diem payment but shall be reimbursed for all necessary
1 22 expenses. Any vacancy shall be filled in the same manner as
1 23 the initial appointment.
1 24 3. Prior to the publication of a notice of intended action,
1 25 the group shall consider the terms or substance of the rule
1 26 drafted by the agency and shall attempt to reach a consensus
1 27 concerning the draft rule proposal.
1 28 4. If a group reaches a consensus on a draft rule proposal,
1 29 the group shall transmit to the agency a report containing the
1 30 consensus on the draft rule proposal. If the group does not
1 31 reach a consensus on a draft rule proposal within the specified
1 32 time frame, the group shall transmit to the agency a report
1 33 stating that inability to reach a consensus and specifying any
1 34 areas in which the group reached a consensus. The group may
1 35 include in a report any other information, recommendations,

Senate File 375 - Introduced continued

2 1 or materials that the group considers appropriate. Any group
2 2 member may include as an addendum to the report additional
2 3 information, recommendations, or materials. A report issued
2 4 under this subsection shall not be considered final agency
2 5 action for purposes of judicial review.
2 6 5. Unless otherwise provided by statute, following a
2 7 negotiated rulemaking group consideration of a draft rule
2 8 proposal, the agency may commence rulemaking as provided in
2 9 section 17A.4. The group is automatically abolished upon the
2 10 agency's adoption of the rule pursuant to the provisions of
2 11 section 17A.5.
2 12 EXPLANATION
2 13 If required by statute, this bill requires an agency to
2 14 create an ad hoc group to review draft rule proposals prior
2 15 to commencing a rulemaking proceeding. Where a statute does
2 16 not require this review, the bill allows an agency to create
2 17 such a review group. Members are appointed by the agency and
2 18 the composition must adequately represent a fair balance of the
2 19 interests affected by the rule. Once such a group is created,
2 20 the agency may only commence rulemaking after the group has
2 21 considered the draft rule proposal in question.
2 22 The bill is based on similar provisions found in the federal
2 23 Administrative Procedures Act.

Senate File 376 - Introduced

SENATE FILE
BY McKINLEY

A BILL FOR

An Act relating to requests for a regulatory analysis.
BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 2433SS (2) 84
jr/rj

Senate File 376 - Introduced continued

PAG LIN

1 1 Section 1. Section 17A.4A, subsection 1, Code 2011, is
1 2 amended to read as follows:
1 3 1. An agency shall issue a regulatory analysis of a proposed
1 4 rule that complies with subsection 2, paragraph "a", if, within
1 5 ~~thirty=two~~ seventy days after the published notice of proposed
1 6 rule adoption, a written request for the analysis is submitted
1 7 to the agency by the administrative rules review committee, ~~or~~
1 8 the administrative rules coordinator or at least twenty=five
1 9 persons signing the request who are directly and adversely
1 10 affected by the rule or an organization representing at least
1 11 twenty=five such persons. An agency shall issue a regulatory
1 12 analysis of a proposed rule that complies with subsection 2,
1 13 paragraph "b", if the rule would have a substantial impact
1 14 on small business and if, within thirty=two days after the
1 15 published notice of proposed rule adoption, a written request
1 16 for analysis is submitted to the agency by the administrative
1 17 rules review committee, the administrative rules coordinator,
1 18 at least twenty=five persons signing that request who each
1 19 qualify as a small business or by an organization representing
1 20 at least twenty=five such persons. If a rule has been
1 21 adopted without prior notice and an opportunity for public
1 22 participation in reliance upon section 17A.4, subsection 3, the
1 23 written request for an analysis that complies with subsection
1 24 2, paragraph "a" or "b", may be made within seventy days of
1 25 publication of the rule.
1 26 Sec. 2. Section 17A.4A, subsection 4, unnumbered paragraph
1 27 1, Code 2011, is amended to read as follows:
1 28 Upon receipt by an agency of a timely request for a
1 29 regulatory analysis, which is received prior to the adoption of
1 30 the rule, the agency shall extend the period specified in this
1 31 chapter for each of the following until at least twenty days
1 32 after publication in the administrative bulletin of a concise
1 33 summary of the regulatory analysis:
1 34 EXPLANATION
1 35 This bill expands the period for requesting a regulatory

Senate File 376 - Introduced continued

2 1 analysis statement for newly proposed administrative rules.
2 2 The current period is 32 days from the publication of a notice
2 3 of intended action. The bill expands this period to 70 days.
2 4 The bill also expands the eligible requesters of these analyses
2 5 by allowing 25 persons who are directly and adversely impacted
2 6 by the rule or an organization representing 25 such persons to
2 7 make the request.
LSB 2433SS (2) 84
jr/rj

Senate File 377 - Introduced

SENATE FILE
BY ZAUN

A BILL FOR

An Act increasing the amount of the tuition tax credit and including retroactive applicability provisions.
BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 1720XS (3) 84
tw/sc

Senate File 377 - Introduced continued

PAG LIN

1 1 Section 1. Section 422.12, subsection 2, paragraph b, Code
1 2 2011, is amended to read as follows:
1 3 b. A tuition credit equal to ~~twenty-five~~ fifty percent
1 4 of the first one thousand dollars ~~which~~ that the taxpayer
1 5 has paid to others for each dependent in grades kindergarten
1 6 through twelve, for tuition and textbooks of each dependent
1 7 in attending an elementary or secondary school situated in
1 8 Iowa, which school is accredited or approved under section
1 9 256.11, which is not operated for profit, and which adheres
1 10 to the provisions of the federal Civil Rights Act of 1964 and
1 11 chapter 216. Notwithstanding any other provision, all other
1 12 credits allowed under this subsection shall be deducted before
1 13 the tuition credit under this paragraph. The department, when
1 14 conducting an audit of a taxpayer's return, shall also audit
1 15 the tuition tax credit portion of the tax return.
1 16 Sec. 2. RETROACTIVE APPLICABILITY. This Act applies
1 17 retroactively to January 1, 2011, for tax years beginning on
1 18 or after that date.
1 19 EXPLANATION
1 20 This bill increases the amount of tuition tax credit allowed
1 21 under Code section 422.12 from 25 percent of the first $1,000
1 22 paid for tuition and textbooks to 50 percent of the first
1 23 $1,000.
1 24 The bill applies retroactively to January 1, 2011, for tax
1 25 years beginning on or after that date.

LSB 1720XS (3) 84
tw/sc

Senate File 378 - Introduced

SENATE FILE
BY ZAUN

A BILL FOR

An Act relating to the use of automated traffic enforcement systems.

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

TLSB 2254XS (5) 84
dea/rj

Senate File 378 - Introduced continued

PAG LIN

1 1 Section 1. Section 321.1, Code 2011, is amended by adding
1 2 the following new subsection:
1 3 NEW SUBSECTION. 95. "Automated traffic enforcement system"
1 4 means a device with one or more sensors working in conjunction
1 5 with at least one of the following:
1 6 a. An official traffic=control signal, to produce recorded
1 7 images of motor vehicles entering an intersection against a
1 8 flashing red light, steady circular red light, or a steady red
1 9 arrow.
1 10 b. An official traffic=control signal at a railroad grade
1 11 crossing, as described in section 321.342, to produce recorded
1 12 images of vehicles violating a flashing red or steady circular
1 13 red light.
1 14 c. A speed measuring device, to produce recorded images of
1 15 motor vehicles travelling at a prohibited rate of speed.
1 16 Sec. 2. NEW SECTION. 321.5A Automated traffic enforcement
1 17 systems.
1 18 The state or a local authority shall not use an automated
1 19 traffic enforcement system except as provided in this section.
1 20 1. A local authority may by ordinance authorize the use of
1 21 automated traffic enforcement systems to detect violations of
1 22 posted speed limits or official traffic=control signals which
1 23 constitute municipal or county infractions.
1 24 2. A local authority shall provide signage, in conformance
1 25 with the uniform system adopted pursuant to section 321.252,
1 26 giving notice of the use of an automated traffic enforcement
1 27 system on the approach to each location where an automated
1 28 traffic enforcement system is in use as follows:
1 29 a. A sign shall be posted on each road on the approach to
1 30 the next traffic=control signal where an automated traffic
1 31 enforcement system is in use.
1 32 b. A sign shall be posted on the approach to the next speed
1 33 limit zone on a road where an automated traffic enforcement
1 34 system is being used for speed limit enforcement.
1 35 c. A temporary sign shall be positioned or posted on the

Senate File 378 - Introduced continued

2 1 approach to each location where a mobile automated traffic
2 2 enforcement system is being used for speed limit enforcement.
2 3 d. A temporary or permanent sign giving notice of the use
2 4 of an automated traffic enforcement system for the enforcement
2 5 of speed limits shall be positioned or posted at a distance
2 6 in advance of the automated traffic enforcement system which,
2 7 in relation to the applicable speed limit, would provide
2 8 adequate notice to a motor vehicle operator travelling at the
2 9 speed limit before entering the range of the automated traffic
2 10 enforcement system.
2 11 3. Recorded images produced by an automated traffic
2 12 enforcement system evidencing a violation of a posted speed
2 13 limit or an official traffic=control signal shall be reviewed
2 14 by a peace officer of the local law enforcement agency to
2 15 affirm that a violation occurred and the identity of the motor
2 16 vehicle involved in the violation. If following the officer's
2 17 review, a notice of a fine or citation is issued to the owner
2 18 of the motor vehicle involved in the violation, the following
2 19 requirements apply:
2 20 a. An affidavit bearing the written or electronic signature
2 21 of the peace officer shall be included on the notice or
2 22 citation.
2 23 b. The notice or citation shall contain a statement, in bold
2 24 type, regarding the process for appealing the fine.
2 25 c. The notice or citation shall be sent by ordinary mail to
2 26 the owner of the motor vehicle involved not more than thirty
2 27 days following the incident giving rise to the notice of a fine
2 28 or citation, as evidenced by the postmark.
2 29 4. A local authority shall not charge the owner of a
2 30 motor vehicle administrative costs in addition to any civil
2 31 penalty imposed for a violation detected by an automated
2 32 traffic enforcement system. Civil penalties imposed for such
2 33 violations shall not exceed the following amounts:
2 34 a. For a violation of an official traffic=control signal,
2 35 fifty dollars.

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3 1 b. For a violation of a speed limit, the amount of the
3 2 fine established in section 805.8A for an equivalent speeding
3 3 violation charged as a scheduled violation, subject to the
3 4 limitation established in section 331.302, subsection 2, for
3 5 violation of a county ordinance, or the limitation established
3 6 in section 364.3, subsection 2, for violation of a city
3 7 ordinance.
3 8 5. A local authority that uses an automated traffic
3 9 enforcement system shall file annually with the department of
3 10 public safety a report comparing the type and rate of accidents
3 11 that occurred at each location where an automated traffic
3 12 enforcement system was employed during the previous year to
3 13 the type and rate of accidents at the same location during
3 14 the previous consecutive year. The report shall be kept on
3 15 file and used by the governing body of the local authority
3 16 in evaluating the effectiveness of the automated traffic
3 17 enforcement program in improving public safety.
3 18 Sec. 3. EXISTING AUTOMATED TRAFFIC ENFORCEMENT SYSTEMS ====
3 19 VALIDITY OF PRIOR NOTICES AND CITATIONS. Notices mailed or
3 20 citations issued of violations committed prior to the effective
3 21 date of this Act, pursuant to a local ordinance authorizing the
3 22 use of an automated traffic enforcement system, shall not be
3 23 invalidated by the enactment of this Act and shall be processed
3 24 according to the provisions of the law under which they were
3 25 authorized.
3 26 EXPLANATION
3 27 This bill authorizes and restricts the use of automated
3 28 traffic enforcement (ATE) systems by state and local highway
3 29 authorities.
3 30 The bill defines "automated traffic enforcement system" as
3 31 a device with one or more sensors working in conjunction with
3 32 at least one of the following: an official traffic=control
3 33 signal at an intersection, an official traffic=control signal
3 34 at a railroad grade crossing, or a speed measuring device. An
3 35 ATE system records images of vehicles violating an associated

Senate File 378 - Introduced continued

4 1 traffic=control signal or a speed limit. The definition
4 2 includes within its scope devices known as "red light cameras"
4 3 and "speed cameras".
4 4 The bill authorizes the use of ATE systems in conjunction
4 5 with official traffic=control signals or for the enforcement of
4 6 speed limits pursuant to municipal or county ordinance.
4 7 A local authority is required to post signs giving notice of
4 8 the use of an ATE system on the approach to each location where
4 9 an ATE system is in use. The signage must be in conformance
4 10 with the uniform system adopted by the state. The bill
4 11 specifies that signs giving notice of an ATE system being used
4 12 for speed limit enforcement must be positioned or posted at
4 13 a distance in advance of the ATE system which would provide
4 14 adequate notice to a motor vehicle operator travelling at the
4 15 speed limit before entering the range of the ATE system.
4 16 The bill requires that recorded images produced by an ATE
4 17 system showing a violation of a posted speed limit or an
4 18 official traffic control signal must be reviewed by a peace
4 19 officer of the local law enforcement agency to affirm that
4 20 the violation occurred and the identity of the motor vehicle
4 21 involved in the violation. A notice of a fine or citation
4 22 issued to the owner of the motor vehicle must include an
4 23 affidavit bearing the written or electronic signature of the
4 24 peace officer and a statement, in bold type, regarding the
4 25 process for appealing the fine. The notice or citation must be
4 26 mailed to the owner within 30 days following the occurrence of
4 27 the violation, as evidenced by the postmark.
4 28 The bill imposes limits on the fine amounts that may be
4 29 charged by a local authority for ATE violations and prohibits
4 30 a local authority from charging administrative costs in
4 31 addition to a fine. The fine for a violation of an official
4 32 traffic=control device is limited to $50. For a speeding
4 33 violation, the fine cannot exceed the amount of the fine set
4 34 out in Code section 805.8A for an equivalent speeding violation
4 35 charged as a scheduled violation. Speeding fines are also

Senate File 378 - Introduced continued

5 1 subject to the limitation under current law, which restricts
5 2 penalties for violation of a local ordinance to not more than
5 3 the penalty for a simple misdemeanor, currently capped at $625.
5 4 The bill requires a local authority using an ATE system to
5 5 file an annual report with the department of public safety
5 6 comparing the type and rate of accidents that occurred at each
5 7 ATE system location for the two previous years. The report
5 8 is to be kept on file by the local authority for use by its
5 9 governing body in evaluating public safety improvements under
5 10 the ATE program.
5 11 The bill provides that notices mailed or citations issued of
5 12 violations committed prior to the effective date of the bill,
5 13 pursuant to a local ordinance, are not invalidated by the bill
5 14 and remain enforceable.

Senate File 379 - Introduced

SENATE FILE
BY HANCOCK

A BILL FOR

An Act relating to service brake requirements for certain trailers used to transport construction materials or equipment.

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

TLSB 2603XS (2) 84
dea/nh

Senate File 379 - Introduced continued

PAG LIN

1 1 Section 1. Section 321.430, subsection 4, Code 2011, is
1 2 amended by adding the following new paragraph:
1 3 NEW PARAGRAPH. e. A trailer with a gross weight exceeding
1 4 three thousand pounds and equipped with a tow bar and a
1 5 steering axle, which is used for the transportation of
1 6 construction materials or equipment, need not be equipped with
1 7 brakes on the front wheels.
1 8 EXPLANATION
1 9 Current law requires every motor vehicle, trailer, or
1 10 semitrailer to be equipped with service brakes on all wheels.
1 11 Exceptions are allowed for motorcycles and motorized bicycles,
1 12 trailers with a gross weight of less than 3,000 pounds, certain
1 13 trucks and truck tractors equipped with three or more axles,
1 14 and certain vehicles in a driveaway=towaway operation.
1 15 This bill creates an exception from the brake requirement
1 16 for certain trailers with a gross weight of more than 3,000
1 17 pounds which are used to transport construction materials or
1 18 equipment. If such a trailer is equipped with a tow bar and a
1 19 steering axle, the trailer is not required to be equipped with
1 20 brakes on the front wheels.
LSB 2603XS (2) 84
dea/nh

Senate File 380 - Introduced

SENATE FILE
BY RAGAN and JOCHUM

(COMPANION TO LSB
2489HH BY SCHULTE)

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 2489SS (4) 84
jm/rj

Senate File 380 - Introduced continued

PAG LIN

1 1 Section 1. Section 232.150, subsection 1, paragraph a,
1 2 unnumbered paragraph 1, Code 2011, is amended to read as
1 3 follows:
1 4 ~~Upon application of~~ The court, on its own motion, shall order
1 5 the scheduling of a hearing two years after the date of the
1 6 last official action in a case of a person who was taken into
1 7 custody for a delinquent act or was the subject of a complaint
1 8 alleging delinquency or was the subject of a delinquency
1 9 petition, ~~or upon the court's own motion, the court, after~~
~~1 10 hearing, shall order~~ or after the date the child becomes
1 11 eighteen years of age, and order, if there is no objection from
1 12 the county attorney, the official juvenile court records in the
1 13 case including those specified in sections 232.147 and 232.149
1 14 sealed if the court finds all of the following:
1 15 Sec. 2. Section 232.150, subsection 1, paragraph a,
1 16 subparagraph (1), Code 2011, is amended by striking the
1 17 subparagraph.
1 18 Sec. 3. Section 692.16, Code 2011, is amended to read as
1 19 follows:
1 20 692.16 Review and removal.
1 21 At least every year the division shall review and determine
1 22 the current status of all Iowa arrests or takings into custody
1 23 reported, which are at least four years old with no disposition
1 24 data.
1 25 1. Any Iowa arrest ~~or taking of a juvenile into custody~~
~~1 26~~ of a person eighteen years of age or older recorded within
1 27 a computer data storage system which has no disposition
1 28 data after four years shall be removed unless there is an
1 29 outstanding arrest warrant or detainer on such charge.
1 30 2. Any arrest or taking of a juvenile into custody recorded
1 31 within a computer data storage system which has no disposition
1 32 data after two years shall be removed unless there is an
1 33 outstanding arrest warrant or detainer on such charge.
1 34 EXPLANATION
1 35 This bill relates to the sealing of juvenile delinquency

Senate File 380 - Introduced continued

2 1 records.
2 2 The bill provides that the court, on its own motion, shall
2 3 order the scheduling of a hearing two years after the date of
2 4 the last official action in a juvenile delinquency case, or
2 5 after the date the child becomes 18 years of age, and order,
2 6 if there is no objection from the county attorney, that the
2 7 delinquency records be sealed.
2 8 In order for juvenile records to be sealed, current
2 9 provisions and the bill require that the juvenile has not
2 10 committed any subsequent criminal violations greater than a
2 11 simple misdemeanor and that the juvenile has successfully
2 12 completed any youthful offender placement.
2 13 The bill also accelerates the removal of juvenile records
2 14 stored within the computer data storage system of the
2 15 department of public safety. The bill requires the department
2 16 of public safety to remove the records from the computer
2 17 data storage system of the department that relate to a
2 18 juvenile arrest or the taking of a juvenile into custody if
2 19 no disposition data has been recorded within two years of the
2 20 arrest or taking into custody, unless there is an outstanding
2 21 arrest warrant or detainer for the juvenile. Current law
2 22 requires the arrest or taking into custody information for a
2 23 juvenile information be removed from the computer data storage
2 24 system of the department of public safety if no disposition
2 25 data has been recorded within four years of the arrest or
2 26 taking into custody.
2 27 Code section 692.1 defines "disposition data" to mean
2 28 information pertaining to a recorded court proceeding
2 29 subsequent and incidental to a public offense arrest and
2 30 includes dismissal of the charge, suspension or deferral of
2 31 sentence.
LSB 2489SS (4) 84
jm/rj

Senate File 381 - Introduced

SENATE FILE
BY CHELGREN

A BILL FOR

An Act relating to the department of human rights by prohibiting the department from providing advocacy or services on the basis of race or ethnicity and finding that such advocacy or services may be provided on the basis of gender.

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

TLSB 2524SS (5) 84
aw/sc

Senate File 381 - Introduced continued

PAG LIN

1 1 Section 1. Section 7E.5, subsection 1, paragraph s, Code
1 2 2011, is amended to read as follows:
1 3 s. The department of human rights, created in section
1 4 216A.1, which has primary responsibility for services relating
1 5 to ~~Latino persons,~~ women, persons with disabilities, community
1 6 action agencies, criminal and juvenile justice planning,
1 7 ~~African Americans,~~ and deaf and hard=of=hearing persons~~,~~
~~1 8 persons of Asian and Pacific Islander heritage, and Native~~
~~1 9 Americans~~.
1 10 Sec. 2. Section 216A.1, subsection 1, paragraph a,
1 11 subparagraphs (1), (5), (6), and (7), Code 2011, are amended
1 12 by striking the subparagraphs.
1 13 Sec. 3. Section 216A.1, subsection 2, Code 2011, is amended
1 14 to read as follows:
1 15 2. The purpose of the department is to ensure basic
1 16 rights, freedoms, and opportunities for all by empowering
1 17 ~~underrepresented~~ Iowans and eliminating economic, social, and
1 18 cultural barriers.
1 19 Sec. 4. Section 216A.1, Code 2011, is amended by adding the
1 20 following new subsection:
1 21 NEW SUBSECTION. 3. The department shall not grant to
1 22 any citizen, or class of citizens, privileges or immunities,
1 23 which, upon the same terms shall not equally belong to all
1 24 citizens, and shall therefore not provide advocacy or services
1 25 to any citizen, or class of citizens, on the basis of race or
1 26 ethnicity. The department may, however, provide advocacy or
1 27 services to any citizen, or class of citizens, on the basis of
1 28 gender, as the general assembly finds that the Constitution
1 29 both specifically and within context recognizes a difference
1 30 between the genders.
1 31 Sec. 5. Section 216A.3, subsection 2, paragraph a, Code
1 32 2011, is amended to read as follows:
1 33 a. The voting members shall consist of ~~nine~~ five voting
1 34 members selected by each of the permanent commissions within
1 35 the department, and two voting members, appointed by the

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2 1 governor. For purposes of this paragraph "a", "permanent
2 2 commissions" means the ~~commission of Latino affairs,~~
2 3 commission on the status of women, commission of persons
2 4 with disabilities, commission on community action agencies,
2 5 commission of deaf services, and the criminal and juvenile
2 6 justice planning advisory council~~, commission on the status of~~
~~2 7 African Americans, commission of Asian and Pacific Islander~~
~~2 8 affairs, and commission of Native American affairs~~. The term
2 9 of office for voting members is four years.
2 10 Sec. 6. Section 216A.3, subsection 4, paragraph a, Code
2 11 2011, is amended to read as follows:
2 12 a. Develop and monitor implementation of a comprehensive
2 13 strategic plan to remove barriers ~~for underrepresented~~
~~2 14 populations and, in doing so,~~ in order to increase Iowa's
2 15 productivity and inclusivity, including performance measures
2 16 and benchmarks.
2 17 Sec. 7. Section 216A.4, subsection 4, Code 2011, is amended
2 18 by striking the subsection.
2 19 Sec. 8. REPEAL. Sections 216A.11, 216A.12, 216A.13,
2 20 216A.14, 216A.15, 216A.141, 216A.142, 216A.143, 216A.146,
2 21 216A.151, 216A.152, 216A.153, 216A.154, 216A.161, 216A.162,
2 22 216A.163, 216A.165, 216A.166, 216A.167, Code 2011, are
2 23 repealed.
2 24 EXPLANATION
2 25 This bill eliminates certain race=based or ethnicity=based
2 26 offices within the division of community advocacy and services
2 27 of the department of human rights. The bill also prohibits
2 28 the department from providing advocacy or services to any
2 29 citizen or class of citizens on the basis of race or ethnicity.
2 30 The bill, however, specifically allows for the provision of
2 31 advocacy or services on the basis of gender.
2 32 The bill eliminates the commission of Latino affairs and the
2 33 office of Latino affairs. The bill eliminates the commission
2 34 on the status of African Americans and the office on the status
2 35 of African Americans. The bill eliminates the commission of

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3 1 Asian and Pacific Islander affairs and the office of Asian and
3 2 Pacific Islander affairs. The bill eliminates the commission
3 3 of Native American affairs and the office of Native American
3 4 affairs. The bill amends the department's statement of
3 5 purpose and removes certain definitions.
LSB 2524SS (5) 84
aw/sc

Senate File 382 - Introduced

SENATE FILE
BY BOETTGER

A BILL FOR

An Act establishing a pilot program relating to state aid funding for special education support services, media services, educational services, area education agency professional development supplement, and area education agency teacher salary supplement, allowing certain school districts to select the method of providing services the funding supports, and including applicability provisions.

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

TLSB 2314XS (4) 84
md/sc

Senate File 382 - Introduced continued

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1 1 Section 1. SCHOOL DISTRICT SERVICES AND FUNDING ==== PILOT
1 2 PROGRAM
1 3 1. a. The department of education shall establish a pilot
1 4 program for school districts to provide special education
1 5 support services, media services, and educational services in
1 6 accordance with this section. A school district interested
1 7 in participating in the pilot program shall prepare a plan
1 8 for providing such services and submit the plan along with
1 9 an application to the department of education, on a form
1 10 prescribed by the department, not later than February 1, 2012.
1 11 The department shall not approve more than ten applications
1 12 for participation in the pilot program, and not more than two
1 13 applications may be approved for school districts located
1 14 within the same area education agency.
1 15 b. Notwithstanding any provision of chapter 257 to the
1 16 contrary, for school budget years beginning on July 1, 2012,
1 17 July 1, 2013, and July 1, 2014, the state aid funding for
1 18 special education support services, media services, and
1 19 educational services, as calculated under chapter 257, shall be
1 20 paid directly to the applicable school districts approved under
1 21 paragraph "a".
1 22 2. A school district approved by the department of education
1 23 and receiving funding under subsection 1 shall choose one of
1 24 the following options:
1 25 a. A school district may provide its own special education
1 26 services, media services, and educational services, as those
1 27 services are described in chapter 273. However, the school
1 28 district shall not receive funding for its costs that exceeds
1 29 the amount determined under subsection 1, except for funds
1 30 received from another school district for providing special
1 31 education services, media services, or educational services to
1 32 such other school district.
1 33 b. A school district may contract with organizations,
1 34 including other school districts and area education agencies,
1 35 to provide special education services, media services, and

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2 1 educational services, as those services are described in
2 2 chapter 273. However, the school district contracting for such
2 3 services shall not receive funding for its costs that exceeds
2 4 the amount determined under subsection 1.
2 5 3. The department of education shall distribute the
2 6 appropriate amount of area education agency professional
2 7 development supplement and area education agency teacher salary
2 8 supplement funding to a school district if an area education
2 9 agency contracts to provide the services.
2 10 4. Notwithstanding any provision of chapter 273 to the
2 11 contrary, for school budget years beginning on July 1,
2 12 2012, July 1, 2013, and July 1, 2014, an area education
2 13 agency or other organization shall receive state aid funding
2 14 for providing special education support services, media
2 15 services, and educational services from the school districts
2 16 participating in the pilot program and for which the area
2 17 education agency or organization has contracted to provide such
2 18 services. Area education agencies and other organizations
2 19 may submit bids for providing special education support
2 20 services, media services, and educational services to the
2 21 participating school districts in a process to be determined by
2 22 the department of education by rule under chapter 17A.
2 23 5. School districts approved to participate in the pilot
2 24 program shall provide such special education support services,
2 25 media services, and educational services in accordance with
2 26 this section and rules adopted by the department of education
2 27 for the school budget years beginning on July 1, 2012, July 1,
2 28 2013, and July 1, 2014. For school budget years beginning on
2 29 or after July 1, 2015, the participating school districts shall
2 30 provide such services according to chapters 257 and 273.
2 31 6. The department of education shall review and analyze
2 32 the pilot program and submit a report to the general assembly
2 33 on or before October 1, 2015. The report shall include
2 34 recommendations relating to statewide implementation of the
2 35 pilot program.

Senate File 382 - Introduced continued

EXPLANATION

This bill establishes a pilot program which directs state aid funding for special education support services, media services, educational services, area education agency professional development supplement, and area education agency teacher salary supplement to the applicable school districts approved for participation in the pilot program by the department of education.

A school district interested in participating in the pilot program is required to prepare a plan for providing special education support services, media services, and educational services, and submit the plan along with an application to the department of education not later than February 1, 2012. The department shall not approve more than ten applications for participation in the pilot program, and not more than two applications may be approved for school districts located within the same area education agency.

The bill allows a participating school district to provide its own services. A school district may also bid to provide services to participating school districts. A participating school district may also contract with organizations to receive these services. If a school district provides its own special education support services, media services, or educational services, it shall not receive funding that exceeds the amount determined under Code chapter 257. An area education agency (AEA) or organization that successfully contracts to provide these services to a participating school district will receive the appropriate amount of funding from the school district with which the organization has contracted. The department of education is tasked with developing a bid process by rule.

Under the pilot program, participating school districts shall provide such special education support services, media services, and educational services in accordance with the bill for the school budget years beginning on July 1, 2012, July 1, 2013, and July 1, 2014. For school budget years beginning on

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4 1 or after July 1, 2015, the participating school districts shall
4 2 provide such services according to Code chapters 257 and 273.
4 3 The bill directs the department of education to review and
4 4 analyze the pilot program and submit a report to the general
4 5 assembly on or before October 1, 2015.
LSB 2314XS (4) 84
md/sc

Senate File 383 - Introduced

SENATE FILE
BY CHELGREN

A BILL FOR

An Act repealing the grow Iowa values fund, reverting appropriations and prohibiting further obligating of moneys, and including effective date provisions.

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

TLSB 2481XS (2) 84
tw/rj

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PAG LIN

1 1 Section 1. Section 15.103, subsection 6, Code 2011, is
1 2 amended to read as follows:
1 3 6. As part of the organizational structure of the
1 4 department, the board shall establish a due diligence
1 5 committee and a loan and credit guarantee committee composed
1 6 of members of the board. The committees shall serve in an
1 7 advisory capacity to the board and shall carry out any duties
1 8 assigned by the board in relation to programs administered
1 9 by the department. The loan and credit guarantee committee
1 10 shall advise the board on the winding up of loan guarantees
1 11 made under the loan and credit guarantee program established
1 12 pursuant to section 15E.224, Code 2009~~, and on the proper~~
~~1 13 amount of the allocation described in section 15G.111,~~
~~1 14 subsection 4, paragraph "g"~~.
1 15 Sec. 2. Section 15.104, subsection 1, Code 2011, is amended
1 16 by striking the subsection.
1 17 Sec. 3. Section 15.104, subsection 8, paragraphs b and i,
1 18 Code 2011, are amended by striking the paragraphs.
1 19 Sec. 4. Section 15.104, subsection 8, paragraph j, Code
1 20 2011, is amended to read as follows:
1 21 j. Renewable fuel programs. A detailed accounting of
1 22 expenditures in support of renewable fuel infrastructure
1 23 programs, as provided in sections 15G.203 and 15G.204. ~~The~~
~~1 24 renewable fuel infrastructure board established in section~~
~~1 25 15G.202 shall approve that portion of the department's annual~~
~~1 26 report regarding projects supported from the grow Iowa values~~
~~1 27 fund created in section 15G.111.~~ This paragraph is repealed on
1 28 July 1, 2012.
1 29 Sec. 5. Section 15.327, Code 2011, is amended by adding the
1 30 following new subsections:
1 31 NEW SUBSECTION. 01. "Base employment level" means the
1 32 number of full=time equivalent positions at a business,
1 33 as established by the department and a business using the
1 34 business's payroll records, as of the date a business applies
1 35 for financial assistance under the program.

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

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3 1 estimating the amount of taxes to be received from a business
3 2 by the state and dividing the estimate by the estimated cost
3 3 to the state of providing certain financial incentives to
3 4 the business, reflecting a ten=year period of taxation and
3 5 incentives and expressed in terms of current dollars. For
3 6 purposes of the program, "fiscal impact ratio" does not include
3 7 taxes received by political subdivisions.
3 8 8. "Maintenance period completion date" means the date on
3 9 which the maintenance period ends.
3 10 10. "Project completion date" means the date by which
3 11 a recipient of financial assistance has agreed to meet all
3 12 the terms and obligations contained in an agreement with the
3 13 department as described in section 15.330.
3 14 12. "Qualifying wage threshold" means the county wage or the
3 15 regional wage, as calculated pursuant to subsections 3A and
3 16 12A, whichever is lower.
3 17 13. "Retained job" means a full=time equivalent position,
3 18 in existence at the time an employer applies for financial
3 19 assistance which remains continuously filled or authorized
3 20 to be filled as soon as possible and which is at risk of
3 21 elimination if the project for which the employer is seeking
3 22 assistance does not proceed.
3 23 Sec. 7. Section 15.329, subsection 2, Code 2011, is amended
3 24 to read as follows:
3 25 2. A business providing a sufficient package of benefits to
3 26 each employee holding a created or retained job shall qualify
3 27 for a credit against the qualifying wage threshold requirements
3 28 described in subsection 1, paragraph "c". The credit shall be
3 29 calculated and applied in the following manner: ~~described in~~
~~3 30 section 15G.112, subsection 4, paragraph "b".~~
3 31 a. By multiplying the qualifying wage threshold of
3 32 the county in which the business is located by one and
3 33 three=tenths.
3 34 b. By multiplying the result of paragraph "a" by one=tenth.
3 35 c. The amount of the result of paragraph "b" shall be

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

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5 1 Sec. 12. Section 15A.7, subsection 3, Code 2011, is amended
5 2 to read as follows:
5 3 3. That the employer shall agree to pay wages for the jobs
5 4 for which the credit is taken of at least the county wage or
5 5 the regional wage, as calculated ~~by the department~~ pursuant to
5 6 section ~~15G.112, subsection 3~~ 15.327, subsections 3A and 12A,
5 7 whichever is lower. Eligibility for the supplemental credit
5 8 shall be based on a one=time determination of starting wages by
5 9 the community college.
5 10 Sec. 13. Section 15E.193, subsection 1, paragraphs b
5 11 through d, Code 2011, are amended to read as follows:
5 12 b. (1) The business shall provide a sufficient package of
5 13 benefits to each employee holding a created or retained job.
5 14 For purposes of this paragraph, "created job" and "retained job"
5 15 have the same meaning as defined in section ~~15G.101~~ 15.327.
5 16 (2) The board, upon the recommendation of the department,
5 17 shall adopt rules determining what constitutes a sufficient
5 18 package of benefits.
5 19 c. The business shall pay a wage that is at least ninety
5 20 percent of the qualifying wage threshold. For purposes of this
5 21 paragraph, "qualifying wage threshold" has the same meaning as
5 22 defined in section ~~15G.101~~ 15.327.
5 23 d. Creates or retains at least ten full=time equivalent
5 24 positions and maintains them until the maintenance period
5 25 completion date. For purposes of this paragraph, "maintenance
5 26 period completion date" and "full=time equivalent position" have
5 27 the same meanings as defined in section ~~15G.101~~ 15.327.
5 28 Sec. 14. Section 15E.231, unnumbered paragraph 1, Code
5 29 2011, is amended to read as follows:
5 30 ~~In order for an~~ An economic development region ~~to receive~~
~~5 31 moneys under the grow Iowa values financial assistance program~~
~~5 32 established in section 15G.112, an~~ shall establish a regional
5 33 development plan. An economic development region's regional
5 34 development plan must be approved by the department. An
5 35 economic development region shall consist of not less than

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three counties, unless two contiguous counties have a combined population of at least three hundred thousand based on the most recent federal decennial census. An economic development region shall establish a focused economic development effort that shall include a regional development plan relating to one or more of the following areas:

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

Sec. 16. Section 15E.351, subsection 1, Code 2011, is amended to read as follows:

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

Sec. 17. Section 159A.6B, subsection 2, Code 2011, is amended to read as follows:

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

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7 1 assistance to the person. ~~The office shall assist the person~~
~~7 2 in completing any technical information required in order to~~
~~7 3 receive assistance by the department of economic development~~
~~7 4 pursuant to the value-added agriculture component of the grow~~
~~7 5 Iowa values financial assistance program established pursuant~~
~~7 6 to section 15G.112.~~
7 7 Sec. 18. Section 455B.104, subsection 2, Code 2011, is
7 8 amended by striking the subsection.
7 9 Sec. 19. 2010 Iowa Acts, chapter 1184, section 26, is
7 10 amended to read as follows:
7 11 SEC. 26. GROW IOWA VALUES FUND.
7 12 1. There is appropriated from the rebuild Iowa
7 13 infrastructure fund to the department of economic development
7 14 for deposit in the grow Iowa values fund, for the fiscal year
7 15 beginning July 1, 2010, and ending June 30, 2011, the following
7 16 amount, notwithstanding section 8.57, subsection 6, paragraph
7 17 "c":
7 18 ..... $ 38,000,000
7 19 2. On the effective date of this section of this 2011 Iowa
7 20 Act, any unobligated and unencumbered moneys appropriated in
7 21 this section and section 27 of this 2010 Iowa Act, shall revert
7 22 to the general fund of the state. Any repayments of moneys
7 23 loaned from moneys appropriated in this section and section 27
7 24 of this 2010 Iowa Act, and received after the effective date
7 25 of this 2011 Iowa Act, shall be credited to the general fund of
7 26 the state.
7 27 Sec. 20. 2010 Iowa Acts, chapter 1184, section 27, is
7 28 amended to read as follows:
7 29 SEC. 27. GROW IOWA VALUES FUND APPROPRIATION REDUCTION.
7 30 1. In lieu of the $50,000,000 appropriated for the fiscal
7 31 year beginning July 1, 2010, and ending June 30, 2011, from
7 32 the grow Iowa values fund to the department of economic
7 33 development pursuant to section 15G.111, subsection 3, there is
7 34 appropriated from the grow Iowa values fund to the department
7 35 of economic development for the fiscal year beginning July 1,

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8 1 2010, and ending June 30, 2011, $38,000,000 for the purposes of
8 2 making expenditures pursuant to chapter 15G.
8 3 2. On the effective date of this section of this 2011 Iowa
8 4 Act, an entity receiving moneys appropriated pursuant to this
8 5 section, with the exception of moneys allocated pursuant to
8 6 section 28, subsections 2 and 5, of this 2010 Iowa Act, shall
8 7 cease obligating or encumbering such moneys.
8 8 Sec. 21. REPEAL. Section 15E.233, Code 2011, is repealed.
8 9 Sec. 22. REPEAL. Sections 15G.101 and 15G.109 through
8 10 15G.115, Code 2011, are repealed.
8 11 Sec. 23. REPEAL. Section 266.19, Code 2011, is repealed.
8 12 Sec. 24. REPEAL. Section 455B.433, Code 2011, is repealed.
8 13 Sec. 25. EFFECTIVE DATE. The provisions of this Act
8 14 amending 2010 Iowa Acts, chapter 1184, being deemed of
8 15 immediate importance, take effect upon enactment.
8 16 EXPLANATION
8 17 This bill relates to the grow Iowa values fund.
8 18 The bill repeals Code sections related to the grow Iowa
8 19 values fund and financial assistance program and makes
8 20 conforming amendments. The bill amends two 2010 Iowa Acts
8 21 provisions to prohibit the department of economic development
8 22 from further obligating any moneys appropriated for purposes
8 23 of the grow Iowa values fund for fiscal year 2010=2011 and
8 24 requires that unobligated and unencumbered moneys are credited
8 25 to the general fund of the state, which take effect upon
8 26 enactment. The bill requires repayments on moneys loaned from
8 27 the appropriated moneys to be credited to the general fund of
8 28 the state.
LSB 2481XS (2) 84
tw/rj

Senate File 384 - Introduced

SENATE FILE
BY BOETTGER

A BILL FOR

An Act relating to service of notice of a proposed involuntary guardianship upon parents of an adult ward.

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

TLSB 1523XS (1) 84
rh/nh

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1 1 Section 1. Section 633.554, subsection 2, paragraph b,
1 2 subparagraph (1), Code 2011, is amended to read as follows:
1 3 (1) The parents of the proposed ward, ~~if the proposed ward~~
~~1 4 is a minor~~ whether the proposed ward is a minor or an adult.
1 5 EXPLANATION
1 6 This bill provides that the parents of a proposed ward,
1 7 whether minor or adult, shall be served notice of the filing of
1 8 a petition for appointment of a guardian on the proposed ward's
1 9 behalf in an involuntary guardianship proceeding. Current
1 10 law provides that the parents of a proposed ward receive such
1 11 notice only if the proposed ward is a minor.
LSB 1523XS (1) 84
rh/nh

Senate File 385 - Introduced

SENATE FILE
BY CHELGREN, BOETTGER, HAMERLINCK, ZAUN, WHITVER, BERTRAND, ANDERSON, KETTERING, HAHN, SORENSON, and BACON

A BILL FOR

An Act relating to the production or manufacture of goods retained within the state of Iowa and applicable federal authority, providing penalties, and including applicability provisions.

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

TLSB 2469XS (7) 84
rn/nh

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1 1 Section 1. NEW SECTION. 554E.1 Short title.
1 2 This chapter may be cited as the "Intrastate Commerce Act".
1 3 Sec. 2. NEW SECTION. 554E.2 Legislative intent.
1 4 The general assembly finds the following:
1 5 1. The tenth amendment to the Constitution of the United
1 6 States codifies in law that the only powers which the federal
1 7 government may exercise are those that have been delegated to
1 8 it in the Constitution of the United States.
1 9 2. The ninth amendment to the Constitution of the United
1 10 States guarantees to the people rights not enumerated in the
1 11 Constitution and reserves to the people those rights.
1 12 3. Under Article I, section 8, clause 3, of the Constitution
1 13 of the United States, the federal government is empowered to
1 14 regulate commerce among the several states.
1 15 4. The power to regulate intrastate commerce is reserved to
1 16 the states or the people under the ninth and tenth amendments
1 17 to the Constitution of the United States.
1 18 5. During the constitutional convention, the founders
1 19 considered a plan which would have authorized the federal
1 20 government to not only regulate commerce among the several
1 21 states, but also any activity having spillover effects across
1 22 state lines, and they rejected it.
1 23 Sec. 3. NEW SECTION. 554E.3 Iowa goods retained in=state ====
1 24 federal regulation ==== inapplicability.
1 25 1. As used in this chapter, unless the context otherwise
1 26 requires:
1 27 a. "Goods" means all real or personal, tangible or
1 28 intangible property, regardless of the date of origin,
1 29 manufacture, or creation.
1 30 b. "Produced" means grown, mined, extracted, or created.
1 31 2. All goods produced or manufactured, whether commercially
1 32 or privately, within the boundaries of this state that are
1 33 held, maintained, or retained within the boundaries of this
1 34 state shall not be deemed to have traveled in interstate
1 35 commerce and shall not be subject to federal law, federal

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2 1 regulation, or the authority of the Congress of the United
2 2 States under its constitutional power to regulate commerce
2 3 among the states. This chapter shall apply to goods that are
2 4 manufactured within this state from basic materials or parts.
2 5 The authority of the Congress of the United States to regulate
2 6 interstate commerce in basic materials or parts shall not
2 7 include the authority to regulate goods manufactured within
2 8 this state from such materials or parts.
2 9 3. This chapter shall not apply to the following:
2 10 a. Goods manufactured within this state unless the words
2 11 "made in Iowa" are clearly stamped or marked on an integral
2 12 part of the good.
2 13 b. Goods produced within this state unless the words
2 14 "product of Iowa" are clearly stamped or marked on the
2 15 container or packaging.
2 16 c. Goods ordered, procured, or purchased by the United
2 17 States government or by any contractor pursuant to an agreement
2 18 with the United States government.
2 19 Sec. 4. NEW SECTION. 554E.4 Penalties.
2 20 1. Any official, agent, or employee of the United States
2 21 government or any employee of a corporation providing services
2 22 to the United States government that enforces or attempts to
2 23 enforce an Act, order, law, statute, rule, or regulation of the
2 24 government of the United States in violation of this Act shall
2 25 be guilty of a class "D" felony.
2 26 2. Any public officer or employee of this state that
2 27 enforces or attempts to enforce an Act, order, law, statute,
2 28 rule, or regulation of the government of the United States in
2 29 violation of this Act shall be guilty of a serious misdemeanor.
2 30 Sec. 5. APPLICABILITY.
2 31 1. This Act applies to goods held, maintained, or retained
2 32 within the boundaries of the state that have been produced or
2 33 manufactured within this state at any time before, on, or after
2 34 July 1, 2011.
2 35 2. Notwithstanding subsection 1, the section of this Act

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3 1 enacting section 554E.4, prescribing penalties for a violation
3 2 of the Act's provisions, applies only to violations occurring
3 3 on or after July 1, 2011.
3 4 EXPLANATION
3 5 This bill relates to the production or manufacture of goods
3 6 retained within the state of Iowa and federal regulatory
3 7 authority.
3 8 The bill provides legislative intent regarding the retention
3 9 and delegation of powers in the United States Constitution,
3 10 and states that the power to regulate intrastate commerce is
3 11 reserved to the states or the people under the ninth and tenth
3 12 amendments to the Constitution. The bill also states that
3 13 during the constitutional convention, the founders considered
3 14 a plan which would have authorized the federal government to
3 15 not only regulate commerce among the several states, but also
3 16 any activity having spillover effects across state lines, and
3 17 rejected it.
3 18 The bill provides definitions. The bill defines "goods" to
3 19 mean all real or personal, tangible or intangible property,
3 20 regardless of the date of origin, manufacture, or creation.
3 21 The bill defines "produced" to mean grown, mined, extracted,
3 22 or created.
3 23 The bill states that all goods produced or manufactured
3 24 either commercially or privately within Iowa that are held,
3 25 maintained, or retained within Iowa shall not be deemed to
3 26 have traveled in interstate commerce and therefore shall
3 27 not be subject to federal law, federal regulation, or the
3 28 constitutional authority of the Congress of the United States
3 29 to regulate interstate commerce. The bill provides that
3 30 this only applies to goods that are manufactured within Iowa
3 31 from basic materials or parts. The bill further provides
3 32 that protection from federal regulation shall be confined
3 33 to goods manufactured within Iowa which have "made in Iowa"
3 34 clearly stamped or marked on an integral part, or produced in
3 35 Iowa unless the words "product of Iowa" are clearly stamped

Senate File 385 - Introduced continued

4 1 or marked on the container or packaging. The bill further
4 2 provides that goods ordered, procured, or purchased by the
4 3 United States government or by any contractor pursuant to an
4 4 agreement with the United States government are not included in
4 5 the protection from federal regulation.
4 6 The bill specifies that any official, agent, or employee of
4 7 the United States government or any employee of a corporation
4 8 providing services to the United States government that
4 9 enforces or attempts to enforce an Act, order, law, statute,
4 10 rule, or regulation of the government of the United States in
4 11 violation of the bill's provisions shall be guilty of a class
4 12 "D" felony. A class "D" felony is punishable by confinement
4 13 for no more than five years and a fine of at least $750 but not
4 14 more than $7,500. The bill further specifies that a public
4 15 officer or employee of this state that enforces or attempts to
4 16 enforce an Act, order, law, statute, rule, or regulation of the
4 17 government of the United States in violation of the bill shall
4 18 be guilty of a serious misdemeanor. A serious misdemeanor is
4 19 punishable by confinement for no more than one year and a fine
4 20 of at least $315 but not more than $1,875.
4 21 The bill applies to goods held, maintained, or retained
4 22 within the boundaries of the state that have been produced or
4 23 manufactured within this state at any time before, on, or after
4 24 July 1, 2011. Penalty provisions apply only to violations
4 25 occurring on or after July 1, 2011.
LSB 2469XS (7) 84
rn/nh

Senate File 386 - Introduced

SENATE FILE
BY COMMITTEE ON NATURAL
RESOURCES AND
ENVIRONMENT

(SUCCESSOR TO SF 53)

A BILL FOR

An Act relating to disaster mitigation and predisaster planning by providing for comprehensive watershed management planning, creating a watershed management grant program, providing floodplain management regulation incentives, creating a predisaster hazard mitigation grant program, and making appropriations.

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

TLSB 1190SV (1) 84
tm/sc

Senate File 386 - Introduced continued

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1 1 DIVISION I
1 2 COMPREHENSIVE WATERSHED
1 3 MANAGEMENT PLANNING
1 4 Section 1. NEW SECTION. 455B.263A Flood water reduction
1 5 planning.
1 6 1. In consultation with stakeholders representing
1 7 agriculture, local governments, environmental interests,
1 8 recreational interests, federal agencies, and any other related
1 9 interests, the department shall do all of the following:
1 10 a. Establish goals for reducing future flood damage through
1 11 the holding of flood waters measured in acre=feet of water
1 12 held.
1 13 b. Identify strategies for achieving flood water reduction
1 14 goals for at least six basins in the state and at least three
1 15 major river regions.
1 16 c. Identify specific flood water reduction projects that
1 17 can be implemented and the time frame for implementing such
1 18 projects.
1 19 d. Identify private, local, and federal funding sources for
1 20 flood water reduction projects and strategies.
1 21 e. Identify suggested land use strategies to avoid
1 22 identified flood hazards.
1 23 f. Identify agencies or entities within a basin or major
1 24 river region that will be responsible for implementing and
1 25 updating flood water reduction plans within each basin and
1 26 major river region.
1 27 Sec. 2. NEW SECTION. 455B.283 Comprehensive watershed
1 28 management planning ==== appropriation.
1 29 For the fiscal period beginning July 1, 2011, and ending
1 30 June 30, 2021, there is appropriated each fiscal year from
1 31 the general fund of the state to the department of natural
1 32 resources three million dollars for purposes of comprehensive
1 33 watershed management planning for at least six basins in the
1 34 state and at least three major river regions as determined by
1 35 the department. The department shall prioritize the planning

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2 1 for the basins and major river regions based on flood risk,
2 2 opportunity for improvement, and interest in planning from
2 3 entities within the basin or major river region. However, all
2 4 planning for at least six basins and at least three major river
2 5 regions shall be completed by June 30, 2021.
2 6 Sec. 3. WATER RESOURCES COORDINATING COUNCIL ==== STUDIES.
2 7 1. The water resources coordinating council established
2 8 pursuant to section 466B.3 shall assess state programs and
2 9 funding for watershed management purposes for the effectiveness
2 10 of the programs in reducing flood damage and improving water
2 11 quality and the geographic distribution of funding. By
2 12 November 15, 2011, the council shall submit a report to the
2 13 general assembly detailing the council's findings, conclusions,
2 14 and recommendations for future action.
2 15 2. The water resources coordinating council shall analyze
2 16 and assess incentives for landowners and developers in both
2 17 rural and urban settings to retain flood water on their
2 18 property. The incentives to be examined shall include but
2 19 not be limited to bounties for retention of flood water,
2 20 property tax incentives, and tradeable permits. By November
2 21 15, 2011, the council shall submit a report to the general
2 22 assembly detailing the council's findings, conclusions, and
2 23 recommendations for future action.
2 24 DIVISION II
2 25 WATERSHED MANAGEMENT
2 26 GRANT PROGRAM
2 27 Sec. 4. NEW SECTION. 466B.41 Watershed management grant
2 28 program and fund ==== appropriation.
2 29 1. The department of natural resources shall establish a
2 30 watershed management grant program for purposes of providing
2 31 financial assistance for voluntary watershed management
2 32 projects. The department shall provide administrative
2 33 assistance and support to the watershed management grant board
2 34 established in subsection 2.
2 35 2. A watershed management grant board is established

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3 1 consisting of the following members:
3 2 a. The director of the department of natural resources or
3 3 the director's designee.
3 4 b. The secretary of agriculture or the secretary's designee.
3 5 c. The administrator of the homeland security and emergency
3 6 management division of the department of public defense or the
3 7 administrator's designee.
3 8 d. One member selected by the Iowa flood center at the
3 9 university of Iowa.
3 10 e. One member selected by the center for energy and
3 11 environmental education at the university of northern Iowa.
3 12 f. One member selected by the water center at Iowa state
3 13 university of science and technology.
3 14 g. The governor shall appoint the following members:
3 15 (1) One member representing agricultural producers.
3 16 (2) One member representing county conservation boards.
3 17 (3) One member representing soil and water conservation
3 18 districts.
3 19 (4) One member representing city governments.
3 20 (5) One member representing environmental interests.
3 21 3. All member appointments made pursuant to subsection 2,
3 22 paragraph "g", shall comply with sections 69.16, 69.16A, and
3 23 69.16C, and shall be subject to confirmation by the senate.
3 24 All members appointed pursuant to subsection 2, paragraph "g",
3 25 shall be appointed to three=year staggered terms, and the terms
3 26 shall commence and end as provided by section 69.19. If a
3 27 vacancy occurs, a successor shall be appointed to serve the
3 28 unexpired term. A successor shall be appointed in the same
3 29 manner and subject to the same qualifications as the original
3 30 appointment. During the first meeting of each new fiscal year,
3 31 the board shall elect one member to serve as the chairperson.
3 32 A majority of the board constitutes a quorum.
3 33 4. The watershed management grant board shall meet at least
3 34 twice a year for purposes of considering applications and
3 35 awarding financial assistance under the watershed management

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4 1 grant program. In making grant awards for watershed management
4 2 projects under the program, the board shall consider all of the
4 3 following criteria:
4 4 a. The project must be designed to hold a demonstrable
4 5 amount of water during flood events measured in acre=feet of
4 6 water.
4 7 b. The project must be a voluntary project that does not
4 8 involve condemnation of property.
4 9 c. Additional consideration shall be given to applications
4 10 that contain any of the following:
4 11 (1) Projects identified or recognized through comprehensive
4 12 watershed management plans.
4 13 (2) Projects that leverage federal moneys through programs
4 14 including but not limited to the federal wetland reserve
4 15 program, the federal emergency watershed protection program,
4 16 the federal farm and ranch lands protection program, and the
4 17 federal conservation reserve program.
4 18 (3) Projects that leverage private or local moneys.
4 19 5. A watershed management grant program fund is created
4 20 in the state treasury under the control of the department of
4 21 natural resources and consisting of any moneys appropriated
4 22 by the general assembly and any other moneys available to and
4 23 obtained or accepted by the department for placement in the
4 24 fund. The fund shall be used to provide grants under the
4 25 watershed management grant program established in this section.
4 26 Moneys in the fund are not subject to section 8.33 and shall
4 27 not be transferred, used, obligated, appropriated, or otherwise
4 28 encumbered except as provided in this section.
4 29 6. For the fiscal period beginning July 1, 2011, and ending
4 30 June 30, 2021, there is appropriated each fiscal year from the
4 31 general fund to the department of natural resources thirty
4 32 million dollars for deposit in the watershed management grant
4 33 program fund.
4 34 7. The department of natural resources shall adopt rules
4 35 pursuant to chapter 17A necessary for the administration of

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5 1 this subchapter.
5 2 DIVISION III
5 3 MISCELLANEOUS APPROPRIATIONS
5 4 Sec. 5. NEW SECTION. 161C.8 Technical assistance.
5 5 For the fiscal period beginning July 1, 2011, and ending
5 6 June 30, 2021, there is appropriated each fiscal year from
5 7 the general fund to the department of agriculture and land
5 8 stewardship four million two hundred thousand dollars for
5 9 purposes of providing watershed project technical assistance.
5 10 Assistance may be provided to landowners, soil and water
5 11 conservation districts, county conservation boards, and the
5 12 department of natural resources.
5 13 Sec. 6. NEW SECTION. 455B.284 Floodplain management ====
5 14 appropriation.
5 15 1. For the fiscal period beginning July 1, 2011, and ending
5 16 June 30, 2021, there is appropriated each fiscal year from the
5 17 general fund to the department of natural resources two million
5 18 dollars for purposes of floodplain management activities.
5 19 2. For the fiscal period beginning July 1, 2011, and
5 20 ending June 30, 2021, there is appropriated each fiscal year
5 21 from the general fund to the department of natural resources
5 22 fifty thousand dollars for purposes of providing a grant to
5 23 an organization for the establishment of a mentor network for
5 24 floodplain managers that fosters dialogue, education, and
5 25 technical support to floodplain managers to assist cities and
5 26 counties in the establishment of federally compliant floodplain
5 27 programs. The organization must be an organization by and
5 28 consisting of local floodplain managers.
5 29 Sec. 7. NEW SECTION. 466C.2 Appropriation.
5 30 For the fiscal period beginning July 1, 2011, and ending
5 31 June 30, 2021, there is appropriated each fiscal year from the
5 32 general fund to the state board of regents one million three
5 33 hundred thousand dollars for purposes of the Iowa flood center.
5 34 DIVISION IV
5 35 FLOODPLAIN MANAGEMENT

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6 1 REGULATION INCENTIVES
6 2 Sec. 8. NEW SECTION. 29C.23 Local disaster planning.
6 3 1. The homeland security and emergency management division
6 4 of the department of public defense, in consultation with the
6 5 department of natural resources, shall educate cities and
6 6 counties regarding the community rating system of the national
6 7 flood insurance program of the federal emergency management
6 8 agency.
6 9 2. The homeland security and emergency management division
6 10 of the department of public defense shall provide state
6 11 matching funds in addition to matching funds provided under
6 12 section 29C.20, subsection 3, but not to exceed an additional
6 13 fifteen percent, to communities located within an area declared
6 14 to be a disaster area due to flooding in a declaration issued
6 15 by the president of the United States or the governor based on
6 16 the extent to which the community meets any of the following
6 17 criteria:
6 18 a. Adoption of exemplary floodplain management regulations
6 19 under the community rating system of the national flood
6 20 insurance program of the federal emergency management agency or
6 21 participation in a watershed management authority.
6 22 b. Participation in a comprehensive watershed management
6 23 planning process that has resulted in a completed comprehensive
6 24 watershed management plan.
6 25 c. Adoption of floodplain regulation at levels more
6 26 protective than the one hundred year floodplain.
6 27 d. Completion of projects to flood proof critical facilities
6 28 located within a five hundred year floodplain.
6 29 e. Adoption of soil restoration standards for development.
6 30 f. Adoption of storm water management standards equal to the
6 31 department of natural resources storm water management manual.
6 32 g. Adoption of superior predisaster hazard mitigation plans.
6 33 3. The homeland security and emergency management division
6 34 of the department of public defense shall adopt rules pursuant
6 35 to chapter 17A as necessary for the administration of this

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7 1 section.
7 2 DIVISION V
7 3 PREDISASTER HAZARD
7 4 MITIGATION GRANT PROGRAM
7 5 Sec. 9. NEW SECTION. 29C.24 Predisaster hazard mitigation
7 6 grant program and fund ==== appropriation.
7 7 1. The homeland security and emergency management
7 8 division of the department of public defense shall establish
7 9 a predisaster hazard mitigation grant program for purposes of
7 10 providing financial assistance for predisaster planning. The
7 11 division shall provide administrative assistance and support to
7 12 the predisaster hazard mitigation grant board established in
7 13 subsection 2.
7 14 2. A predisaster hazard mitigation grant board is
7 15 established consisting of the following members:
7 16 a. The director of the department of natural resources or
7 17 the director's designee.
7 18 b. The director of the Iowa finance authority or the
7 19 director's designee.
7 20 c. The administrator of the homeland security and emergency
7 21 management division of the department of public defense or the
7 22 administrator's designee.
7 23 d. The director of the department of economic development or
7 24 the director's designee.
7 25 e. The governor shall appoint the following members:
7 26 (1) One member representing city governments.
7 27 (2) One member representing county governments.
7 28 (3) Three members with expertise in finance, engineering,
7 29 or construction.
7 30 3. All member appointments made pursuant to subsection 2,
7 31 paragraph "e", shall comply with sections 69.16, 69.16A, and
7 32 69.16C, and shall be subject to confirmation by the senate.
7 33 All members appointed pursuant to subsection 2, paragraph "e",
7 34 shall be appointed to three=year staggered terms and the terms
7 35 shall commence and end as provided by section 69.19. If a

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8 1 vacancy occurs, a successor shall be appointed to serve the
8 2 unexpired term. A successor shall be appointed in the same
8 3 manner and subject to the same qualifications as the original
8 4 appointment. During the first meeting of each new fiscal year,
8 5 the board shall elect one member to serve as the chairperson.
8 6 A majority of the board constitutes a quorum.
8 7 4. The predisaster hazard mitigation grant board shall meet
8 8 at least twice a year for purposes of considering applications
8 9 and awarding financial assistance under the predisaster hazard
8 10 mitigation grant program to cities and counties. In making
8 11 grant awards under the program, the board shall consider all of
8 12 the following criteria:
8 13 a. The project must reduce projected damage from anticipated
8 14 future disasters.
8 15 b. The project must propose leveraging federal, local, or
8 16 private moneys.
8 17 5. A predisaster hazard mitigation grant program fund
8 18 is created in the state treasury under the control of the
8 19 department of natural resources and consisting of any moneys
8 20 appropriated by the general assembly and any other moneys
8 21 available to and obtained or accepted by the department for
8 22 placement in the fund. The fund shall be used to provide
8 23 grants under the predisaster hazard mitigation grant program
8 24 established in this section. Moneys in the fund are not
8 25 subject to section 8.33 and shall not be transferred, used,
8 26 obligated, appropriated, or otherwise encumbered except as
8 27 provided in this section.
8 28 6. For the fiscal period beginning July 1, 2011, and ending
8 29 June 30, 2021, there is appropriated each fiscal year from the
8 30 general fund to the homeland security and emergency management
8 31 division of the department of public defense twenty million
8 32 dollars for deposit in the predisaster hazard mitigation grant
8 33 program fund.
8 34 7. The homeland security and emergency management division
8 35 of the department of public defense shall adopt rules pursuant

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9 1 to chapter 17A necessary for the administration of this
9 2 section.
9 3 EXPLANATION
9 4 This bill relates to disaster mitigation and predisaster
9 5 planning by providing for comprehensive watershed management
9 6 planning, creating a watershed management grant program,
9 7 providing floodplain management regulation incentives, creating
9 8 a predisaster hazard mitigation grant program, and making
9 9 appropriations. The bill is divided into divisions.
9 10 COMPREHENSIVE WATERSHED MANAGEMENT PLANNING. The division
9 11 requires the department of natural resources to consult with
9 12 certain stakeholders to establish goals for reducing future
9 13 flood damage through the holding of flood waters measured in
9 14 acre=feet of water held, to identify strategies for achieving
9 15 flood water reduction goals for at least six basins and at
9 16 least three major river regions, to identify specific flood
9 17 water reduction projects that can be implemented and the time
9 18 frame for implementing such projects, to identify private,
9 19 local, and federal funding sources for flood water reduction
9 20 projects and strategies, to identify suggested land use
9 21 strategies to avoid identified flood hazards, and to identify
9 22 certain agencies or entities to be responsible for implementing
9 23 and updating flood water reduction plans.
9 24 For the fiscal period beginning July 1, 2011, and ending
9 25 June 30, 2021, the division appropriates each fiscal year from
9 26 the general fund of the state to the department of natural
9 27 resources $3 million for purposes of comprehensive watershed
9 28 management planning for at least six basins in the state and
9 29 at least three major river regions. The bill requires the
9 30 planning to be prioritized based on certain criteria.
9 31 The division requires the water resources coordinating
9 32 council to submit two reports to the general assembly by
9 33 November 15, 2011. The reports relate to an assessment of
9 34 state programs and funding for watershed management purposes
9 35 and an assessment of incentives for landowners and developers

Senate File 386 - Introduced continued

10 1 in both the rural and urban settings to retain flood water on
10 2 their property.
10 3 WATERSHED MANAGEMENT GRANT PROGRAM. The division creates
10 4 a watershed management grant program and fund for purposes
10 5 of providing financial assistance for voluntary watershed
10 6 projects. Under the program, grants are awarded by a watershed
10 7 management grant board created in the division. The board is
10 8 required to meet at least twice a year and in making the awards
10 9 is required to consider certain criteria. The criteria include
10 10 that the project must be designed to hold a demonstrable amount
10 11 of water during flood events measured in acre=feet of water and
10 12 the project must be a voluntary project that does not involve
10 13 condemnation of property. Additional consideration is given
10 14 to applications that are identified or recognized through
10 15 comprehensive watershed management plans, that leverage certain
10 16 federal moneys, or that leverage private or local moneys. For
10 17 the fiscal period beginning July 1, 2011, and ending June 30,
10 18 2021, the division appropriates each fiscal year from the
10 19 general fund to the department of natural resources $30 million
10 20 for deposit in the watershed management grant program fund for
10 21 use under the program. The division requires the department of
10 22 natural resources to adopt administrative rules for the program
10 23 and requires the department to provide administrative support
10 24 to the board.
10 25 MISCELLANEOUS APPROPRIATIONS. For the fiscal period
10 26 beginning July 1, 2011, and ending June 30, 2021, the division
10 27 appropriates each fiscal year from the general fund to the
10 28 department of agriculture and land stewardship $4.2 million for
10 29 purposes of providing watershed project technical assistance
10 30 to landowners, soil and water conservation districts, county
10 31 conservation boards, and the department of natural resources.
10 32 For the fiscal period beginning July 1, 2011, and ending June
10 33 30, 2021, the division appropriates each fiscal year from the
10 34 general fund to the department of natural resources $2 million
10 35 for purposes of floodplain management activities.

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11 1 For the fiscal period beginning July 1, 2011, and ending
11 2 June 30, 2021, the division appropriates each fiscal year from
11 3 the general fund to the department of natural resources $50,000
11 4 for purposes of providing a grant to an organization for the
11 5 establishment of a mentor network for floodplain managers
11 6 that fosters dialogue, education, and technical support to
11 7 floodplain managers to assist cities and counties in the
11 8 establishment of federally compliant floodplain programs.
11 9 For the fiscal period beginning July 1, 2011, and ending
11 10 June 30, 2021, the division appropriates each fiscal year from
11 11 the general fund to the state board of regents $1.3 million for
11 12 purposes of the Iowa flood center.
11 13 FLOODPLAIN MANAGEMENT REGULATION INCENTIVES. The division
11 14 requires the homeland security and emergency management
11 15 division of the department of public defense, in consultation
11 16 with the department of natural resources, to educate cities
11 17 and counties regarding the community rating system of the
11 18 national flood insurance program of the federal emergency
11 19 management agency. The division requires the homeland security
11 20 and emergency management division to provide state matching
11 21 moneys in addition to certain other matching funds, but not to
11 22 exceed an additional 15 percent, to communities within an area
11 23 declared to be a disaster area due to flooding in a declaration
11 24 issued by the president of the United States or the governor
11 25 when the community meets one of several listed criteria.
11 26 PREDISASTER HAZARD MITIGATION GRANT PROGRAM. The division
11 27 requires the homeland security and emergency management
11 28 division of the department of public defense to establish a
11 29 predisaster hazard mitigation grant program for purposes of
11 30 providing financial assistance for predisaster planning. The
11 31 division creates a predisaster hazard mitigation grant board
11 32 that is required to meet at least twice a year for purposes of
11 33 considering grant applications. In making grant awards under
11 34 the program, the board is required to consider projects that
11 35 must reduce projected damage from anticipated future disasters

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12 1 and propose leveraging federal, local, and private moneys.
12 2 For the fiscal period beginning July 1, 2011, and ending June
12 3 30, 2021, the division appropriates each fiscal year from the
12 4 general fund to the homeland security and emergency management
12 5 division $20 million for deposit in the predisaster hazard
12 6 mitigation grant program fund for use under the program. The
12 7 homeland security and emergency management division is required
12 8 to adopt administrative rules for purposes of the program and
12 9 to provide administrative support to the board.
LSB 1190SV (1) 84
tm/sc

Senate File 387 - Introduced

SENATE FILE
BY COMMITTEE ON ECONOMIC
GROWTH/REBUILD IOWA

(SUCCESSOR TO SF 145)

A BILL FOR

An Act providing for a manufacturing jobs program and including retroactive applicability provisions.
BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 1059SV (1) 84
tw/sc

Senate File 387 - Introduced continued

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

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

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

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

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

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

Sec. 6. NEW SECTION. 15.325A Repeal.

This part is repealed on December 31, 2020.

Sec. 7. NEW SECTION. 422.11Y Manufacturing activities tax credit.

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

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

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

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

DIVISION II

CONFORMING CHANGES

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

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

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

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

Senate File 387 - Introduced continued

5 1 manufacturing jobs program described in sections 15.321 through
5 2 15.325A.
5 3 EXPLANATION
5 4 This bill creates a manufacturing jobs program within the
5 5 department of economic development.
5 6 Division I of the bill creates the program. The program
5 7 provides corporate and individual income tax credits to
5 8 eligible manufacturers for 100 percent of their capital
5 9 investment directly related to increasing manufacturing
5 10 activities in the state. To be eligible, a manufacturer must
5 11 be an Iowa=based business manufacturing goods at a facility
5 12 in Iowa, have a North American Industry Classification System
5 13 code within the manufacturing sector range 31=33, increase
5 14 manufacturing activities either by manufacturing a new
5 15 product or by expanding production capacity for an existing
5 16 product, make a minimum capital investment, and meet all the
5 17 requirements of an eligible business under the high quality
5 18 jobs program specified in Code section 15.329. Meeting the
5 19 requirements of the high quality jobs program, by operation of
5 20 law, requires a manufacturer to meet certain job creation and
5 21 wage threshold requirements also required in that program and
5 22 in the grow Iowa values fund and financial assistance program.
5 23 A manufacturer receiving assistance under the manufacturing
5 24 jobs program is not eligible for assistance under the high
5 25 quality jobs program.
5 26 The division provides that the tax credits are available
5 27 against the individual and corporate income taxes. The
5 28 tax credits are refundable subject to the approval of the
5 29 department of economic development or, at the taxpayer's
5 30 election, may be carried forward against future tax liability
5 31 for up to 10 years or until depleted, whichever occurs first.
5 32 The tax credits are not transferable. The maximum amount
5 33 of tax credit that an eligible manufacturer may claim is $5
5 34 million. The total amount of tax credits that may be approved
5 35 under the program is $15 million.

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

LSB 1059SV (1) 84
tw/sc

Senate File 388 - Introduced

SENATE FILE
BY COMMITTEE ON HUMAN
RESOURCES

(SUCCESSOR TO SF 113)

A BILL FOR

An Act modifying provisions relating to the regulation of delayed deposit services businesses, providing penalties, and including effective date provisions.

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

TLSB 1472SV (2) 84
rn/sc

Senate File 388 - Introduced continued

PAG LIN

1 1 Section 1. Section 533D.2, subsection 2, unnumbered
1 2 paragraph 1, Code 2011, is amended to read as follows:
1 3 "Delayed deposit services business" means a person who for a
1 4 ~~fee~~ finance charge does either of the following:
1 5 Sec. 2. Section 533D.2, Code 2011, is amended by adding the
1 6 following new subsection:
1 7 NEW SUBSECTION. 2A. "Finance charge" means all charges
1 8 payable directly or indirectly as a condition of a delayed
1 9 deposit service transaction, including interest, fees, service
1 10 charges, renewal charges, credit insurance premiums, and any
1 11 ancillary product sold in connection with a delayed deposit
1 12 service transaction.
1 13 Sec. 3. Section 533D.9, Code 2011, is amended to read as
1 14 follows:
1 15 533D.9 ~~Fee~~ Finance charge restriction ==== required disclosure.
1 16 1. A licensee shall not ~~charge a fee in excess of fifteen~~
~~1 17 dollars on the first one hundred dollars on the face amount~~
~~1 18 of a check or more than ten dollars on subsequent one hundred~~
~~1 19 dollar increments on the face amount of the check for services~~
~~1 20 provided by the licensee, or pro rata for any portion of one~~
~~1 21 hundred dollars face value~~ apply a finance charge in excess of
1 22 an amount equal to thirty=six percent per annum, as computed
1 23 pursuant to the federal Truth in Lending Act.
1 24 2. A licensee shall give to the maker of the check, at the
1 25 time any delayed deposit service transaction is made, or if
1 26 there are two or more makers, to one of them, notice written in
1 27 clear, understandable language disclosing all of the following:
1 28 a. The ~~fee~~ finance charge to be ~~charged~~ imposed for the
1 29 transaction.
1 30 b. The annual percentage rate as computed pursuant to the
1 31 federal Truth in Lending Act.
1 32 c. The date on which the check will be deposited or
1 33 presented for negotiation.
1 34 d. Any penalty, not to exceed fifteen dollars, which the
1 35 licensee will charge if the check is not negotiable on the

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2 1 date agreed upon. A penalty to be charged pursuant to this
2 2 section shall only be collected by the licensee once on a check
2 3 no matter how long the check remains unpaid. A penalty to be
2 4 charged pursuant to this section is a licensee's exclusive
2 5 remedy and if a licensee charges a penalty pursuant to this
2 6 section no other penalties under this chapter or any other
2 7 provision apply.
2 8 3. In addition to the notice required by subsection 2, every
2 9 licensee shall conspicuously display a schedule of all ~~fees,~~
~~2 10~~ finance charges, and penalties for all services provided by
2 11 the licensee authorized by this section. The notice shall be
2 12 posted at the office and every branch office of the licensee.
2 13 Sec. 4. Section 533D.10, subsection 1, paragraphs d and f,
2 14 Code 2011, are amended to read as follows:
2 15 d. Require the maker to receive payment by a method which
2 16 causes the maker to pay additional ~~or further fees and~~ finance
2 17 charges to the licensee or another person.
2 18 f. Receive or apply any other finance charges or ~~fees~~
~~2 19~~ penalties in addition to ~~the fees~~ those listed in section
2 20 533D.9, subsections 1 and 2.
2 21 Sec. 5. Section 533D.10, subsection 1, Code 2011, is amended
2 22 by adding the following new paragraph:
2 23 NEW PARAGRAPH. g. Engage in any device or subterfuge
2 24 intended to evade the requirements of this chapter, including
2 25 but not limited to assisting a maker of a check in entering
2 26 into a delayed deposit service transaction at a rate of
2 27 interest prohibited pursuant to the laws of this state,
2 28 entering into transactions disguised as personal property sales
2 29 and leaseback transactions, or disguising amounts received
2 30 pursuant to a transaction as cash rebates for the pretextual
2 31 installment sale of goods or services, or assisting a maker
2 32 of a check in entering into a transaction through the mail,
2 33 telephone, internet, or any other electronic means, regardless
2 34 of whether the licensee has a physical location in this state.
2 35 Sec. 6. Section 533D.10, Code 2011, is amended by adding the

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following new subsection:
NEW SUBSECTION. 3. A delayed deposit service transaction made in violation of this chapter may not be enforced against a maker of a check. A delayed deposit service transaction made in violation of this chapter is void, and the licensee does not have the right to collect, receive, or retain any payments, interest, or finance charges from the maker of the check.
Sec. 7. Section 533D.12, subsection 2, paragraph d, Code 2011, is amended by striking the paragraph.
Sec. 8. Section 533D.12, Code 2011, is amended by adding the following new subsection:
NEW SUBSECTION. 7. A violation of this chapter is a violation of section 714.16, subsection 2, paragraph "a". The provisions of section 714.16, including but not limited to provisions relating to investigation, injunctive relief, and penalties, shall apply to this chapter unless more prescriptive and stringent provisions are otherwise specified in this chapter.
Sec. 9. EFFECTIVE UPON ENACTMENT. This Act, being deemed of immediate importance, takes effect upon enactment.

EXPLANATION

This bill modifies provisions relating to the regulation of delayed deposit services businesses.
The bill deletes current provisions prohibiting delayed deposit services licensees from charging a fee in excess of $15 on the first $100 on the face amount of a check or more than $10 on subsequent $100 increments on the face amount of the check for services provided by the licensee. The bill substitutes a provision prohibiting imposition of a finance charge in excess of an amount equal to 36 percent per annum as computed pursuant to the federal Truth in Lending Act. The bill defines "finance charge" to mean all charges payable directly or indirectly as a condition of a delayed deposit service transaction, including interest, fees, service charges, renewal charges, credit insurance premiums, and any ancillary product sold in

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connection with a delayed deposit service transaction.

The bill provides, with respect to prohibited acts by a licensee, that a licensee may not engage in any device or subterfuge intended to evade the requirements of Code chapter 533D, including but not limited to assisting a maker of a check in entering into a delayed deposit service transaction at a rate of interest prohibited pursuant to Iowa law, entering into transactions disguised as personal property sales and leaseback transactions, or disguising amounts received pursuant to a transaction as cash rebates for the pretextual installment sale of goods or services, or assisting a maker of a check in entering into a transaction through the mail, telephone, internet, or any other electronic means, regardless of whether the licensee has a physical location in this state. The bill additionally provides that a delayed deposit service transaction entered into which violates the Code chapter may not be enforced with respect to a maker of a check, that any payment made or collected in connection therewith is void, and that the licensee does not have the right to collect, receive, or retain any payments, interest, or finance charges.

Further, the bill deletes a penalty provision authorizing the superintendent of banking to impose a civil penalty not to exceed $5,000 per violation. The bill states that a violation of the Code chapter constitutes a consumer fraud pursuant to the provisions of Code section 714.16, and that the applicable provisions relating to investigation, injunctive relief, and penalties shall apply to Code chapter 533D unless more prescriptive and stringent provisions are otherwise specified in the Code chapter. The primary effect of this change is to make violations subject to a civil penalty pursuant to Code section 714.16, subsection 7, in an amount not to exceed $40,000 per violation, and in addition a civil penalty of not more than $5,000 for each day of intentional violation of a temporary restraining order, preliminary injunction, or permanent injunction.

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5 1 The bill takes effect upon enactment.
LSB 1472SV (2) 84
rn/sc

Senate File 389 - Introduced

SENATE FILE
BY COMMITTEE ON VETERANS
AFFAIRS

(SUCCESSOR TO SF 296)

A BILL FOR

An Act relating to the nonreversion of funds appropriated to the national guard educational assistance program and including effective date and retroactive applicability provisions.

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

TLSB 2447SV (1) 84
je/nh

Senate File 389 - Introduced continued

PAG LIN

1 1 Section 1. Section 261.86, subsection 6, Code 2011, is
1 2 amended to read as follows:
1 3 6. Notwithstanding section 8.33, until one year after the
1 4 date the president of the United States or the Congress of
1 5 the United States declares a cessation of hostilities ending
1 6 operation Iraqi freedom, operation new dawn, and operation
1 7 enduring freedom, funds appropriated for purposes of this
1 8 section which remain unencumbered or unobligated at the close
1 9 of the fiscal year for which the funds were appropriated shall
1 10 not revert but shall be available for expenditure for the
1 11 following fiscal year for purposes of this section.
1 12 Sec. 2. EFFECTIVE UPON ENACTMENT AND RETROACTIVE
1 13 APPLICABILITY. This Act, being deemed of immediate importance,
1 14 takes effect upon enactment and applies retroactively to
1 15 September 1, 2010.
1 16 EXPLANATION
1 17 This bill provides that funds appropriated for the national
1 18 guard education assistance program shall not revert to the
1 19 general fund of the state but shall be available for use by
1 20 the program for the next fiscal year until one year after the
1 21 declared end of operation Iraqi freedom, operation new dawn,
1 22 and operation enduring freedom. Operation Iraqi freedom ended
1 23 on August 31, 2010, and was succeeded by operation new dawn on
1 24 September 1, 2010. The bill takes effect upon enactment and
1 25 applies retroactively to September 1, 2010.

LSB 2447SV (1) 84
je/nh

Senate File 390 - Introduced

SENATE FILE
BY COMMITTEE ON COMMERCE

(SUCCESSOR TO SSB
1144)

A BILL FOR

An Act relating to the permitting, licensing, construction, and operation of nuclear generation facilities.

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

TLSB 2351SV (1) 84
rn/nh

Senate File 390 - Introduced continued

PAG LIN

1 1 Section 1. Section 476.6, subsection 22, Code 2011, is
1 2 amended by adding the following new paragraph:
1 3 NEW PARAGRAPH. d. A rate=regulated electric utility that
1 4 was subject to a revenue sharing settlement agreement with
1 5 regard to its electric base rates as of January 1, 2010, shall
1 6 file an application for ratemaking principles applicable to the
1 7 construction of a nuclear generating facility with the board.
1 8 The application shall comply with the provisions of section
1 9 476.53.
1 10 Sec. 2. Section 476.53, Code 2011, is amended to read as
1 11 follows:
1 12 476.53 Electric generating and transmission facilities.
1 13 1. It is the intent of the general assembly to attract
1 14 the development of electric power generating and transmission
1 15 facilities within the state in sufficient quantity to ensure
1 16 reliable electric service to Iowa consumers and provide
1 17 economic benefits to the state. It is also the intent of the
1 18 general assembly to encourage rate=regulated public utilities
1 19 to consider altering existing electric generating facilities,
1 20 where reasonable, to manage carbon emission intensity in
1 21 order to facilitate the transition to a carbon=constrained
1 22 environment.
1 23 ~~2.~~ a. The general assembly's intent with regard to the
1 24 development of electric power generating and transmission
1 25 facilities, or the significant alteration of an existing
1 26 generating facility, as provided in this subsection ~~1~~, shall be
1 27 implemented in a manner that is cost=effective and compatible
1 28 with the environmental policies of the state, as expressed in
1 29 Title XI.
1 30 b. The general assembly's intent with regard to the
1 31 reliability of electric service to Iowa consumers, as provided
1 32 in this subsection ~~1~~, shall be implemented by considering the
1 33 diversity of the types of fuel used to generate electricity,
1 34 the availability and reliability of fuel supplies, and the
1 35 impact of the volatility of fuel costs.

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2 1 2. It is also the intent of the general assembly to
2 2 encourage the prudent development of baseload nuclear
2 3 electric power generation. Nuclear generation has a long=term
2 4 proven record of providing a safe, reliable, and secure
2 5 source of electricity in the United States and offers the
2 6 potential for significant job creation, substantial economic
2 7 development benefits, and the production of electricity at
2 8 significantly reduced levels of regulated air emissions when
2 9 compared to output from other thermal generation sources.
2 10 Further, the general assembly recognizes that meeting
2 11 stringent environmental permit requirements is expensive and
2 12 creates significant cost burdens on customers and employers
2 13 attributable to the imposition of additional comprehensive
2 14 and costly regulations by the United States environmental
2 15 protection agency that dramatically increase costs to
2 16 customers. Finally, the general assembly recognizes that
2 17 development of nuclear electric power generation requires
2 18 significant capital investment and a substantial period of
2 19 time for successful nuclear generation development, siting,
2 20 licensing, and deployment.
2 21 3. a. The board shall specify in advance, by order issued
2 22 after a contested case proceeding, the ratemaking principles
2 23 that will apply ~~when the costs of the electric power generating~~
~~2 24 facility or alternate energy production facility are included~~
~~2 25 in regulated electric rates~~ whenever a rate=regulated public
2 26 utility does any of the following:
2 27 (1) Files an application pursuant to section 476A.3 to
2 28 ~~construct~~ do any of the following in Iowa ~~a~~:
2 29 (a) Construct a baseload electric power generating facility
2 30 with a nameplate generating capacity equal to or greater than
2 31 three hundred megawatts ~~or a~~.
2 32 (b) Construct a combined=cycle electric power generating
2 33 facility~~, or an~~.
2 34 (c) Construct an alternate energy production facility as
2 35 defined in section 476.42~~, or to significantly~~.

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3 1 (d) Significantly alter an existing generating facility.
3 2 (i) For purposes of this subparagraph division (d), a
3 3 significant alteration of an existing generating facility must,
3 4 in order to qualify for establishment of ratemaking principles,
3 5 fall into one of the following categories:
3 6 ~~(a)~~ (A) Conversion of a coal fueled facility into a gas
3 7 fueled facility.
3 8 ~~(b)~~ (B) Addition of carbon capture and storage facilities
3 9 at a coal fueled facility.
3 10 ~~(c)~~ (C) Addition of gas fueled capability to a coal fueled
3 11 facility, in order to convert the facility to one that will
3 12 rely primarily on gas for future generation.
3 13 ~~(d)~~ (D) Addition of a biomass fueled capability to a coal
3 14 fueled facility.
3 15 (ii) With respect to a significant alteration of an existing
3 16 generating facility, an original facility shall not be required
3 17 to be either a baseload or a combined=cycle facility. Only
3 18 the incremental investment undertaken by a utility under
3 19 subparagraph ~~divisions (a), (b), (c), or (d)~~ subdivision (i),
3 20 subparagraph part (A), (B), (C), or (D) shall be eligible to
3 21 apply the ratemaking principles established by the order issued
3 22 pursuant to paragraph "e". ~~Facilities for which advanced~~
~~3 23 ratemaking principles are obtained pursuant to this section~~
~~3 24 shall not be subject to a subsequent board review pursuant to~~
~~3 25 section 476.6, subsection 21 to the extent that the investment~~
~~3 26 has been considered by the board under this section. To the~~
~~3 27 extent an eligible utility has been authorized to make capital~~
~~3 28 investments subject to section 476.6, subsection 21, such~~
~~3 29 investments shall not be eligible for ratemaking principles~~
~~3 30 pursuant to this section.~~
3 31 (2) Expresses its intent to file an application pursuant to
3 32 section 476A.3 to build a nuclear generating facility including
3 33 but not limited to small modular reactor technology, or
3 34 expresses its intent to seek authority pursuant to a combined
3 35 construction and operating license or an early site permit from

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the United States nuclear regulatory commission.

~~(2)~~ (3) Leases or owns in Iowa, in whole or in part, ~~a~~ any of the following:

(a) A new baseload electric power generating facility with a nameplate generating capacity equal to or greater than three hundred megawatts ~~or a~~.

(b) A combined=cycle electric power generating facility~~,~~ ~~or a~~.

(c) A new alternate energy production facility as defined in section 476.42.

(d) A new nuclear generating facility including but not limited to small modular reactor technology.

b. In determining the applicable ratemaking principles, the board shall not be limited to traditional ratemaking principles or traditional cost recovery mechanisms.

(1) Among the principles and mechanisms the board may consider, the board has the authority to approve ratemaking principles proposed by a rate=regulated public utility that provide for reasonable restrictions upon the ability of the public utility to seek a general increase in electric rates under section 476.6 for at least three years after the generating facility begins providing service to Iowa customers.

(2) In determining the applicable ratemaking principles for a nuclear generating facility or for a license or permit from the United States nuclear regulatory commission, a ratemaking principles order issued by the board shall incorporate all of the following:

(a) Enable the utility to recover upon issuance of the order, through a rider pursuant to a tariff filing, a return on, and a return of all prudent costs associated with, the permitting, licensing, and construction of a nuclear generating facility. The amount of such cost recovery from utility customers shall be reduced by the amount of any funding of such costs borne by the United States department of energy or any other governmental entity, and costs recovered from any joint

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5 1 owners of the nuclear generating facility. A determination of
5 2 all prudent costs recoverable pursuant to this subparagraph
5 3 division shall be made and the level and rate of the recovery
5 4 of such charges reset annually to reflect the level of
5 5 reasonable costs related to pursuit of United States nuclear
5 6 regulatory commission authority or construction costs expected
5 7 to be incurred in the next twelve months. A determination
5 8 shall also be made of any adjustment required to balance the
5 9 preceding period's actual expenditures and financing costs
5 10 with what had been projected and included in costs recoverable
5 11 for the preceding period. If applicable, the utility shall
5 12 report to the board annually the budgeted and actual costs as
5 13 compared to the estimated total in=service cost of the nuclear
5 14 generating facility that was presented in the last annual
5 15 filing, as projected through the expected in=service date of
5 16 the nuclear generating facility. Following issuance of the
5 17 board's ratemaking principles order, the utility shall file an
5 18 application with the board on an annual basis providing such
5 19 information, with the understanding that some cost components
5 20 may be higher than estimated and other cost components may be
5 21 lower. Each annual proceeding shall be completed by the board
5 22 within ninety days from the date of filing the application.
5 23 The complete methodology for determination of prudent costs
5 24 shall be addressed as a ratemaking principle. All United
5 25 States nuclear regulatory commission authority costs are
5 26 to be recovered over a period not to exceed the estimated
5 27 construction period for a nuclear generating facility as
5 28 determined by the board. All nuclear generating facility
5 29 construction costs are to be recovered over a period not
5 30 to exceed the sum of the estimated construction period for
5 31 a nuclear unit, plus its useful life as determined by the
5 32 board. A utility's commencement of cost collection shall
5 33 begin promptly after completion of the ratemaking principles
5 34 proceeding, allowing for such additional time as may be needed
5 35 by the board to review a compliance rider tariff filing.

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6 1 (b) Enable the utility to recover in rates all prudently
6 2 incurred expenses and costs, including but not limited to
6 3 ongoing operations and maintenance costs, decommissioning
6 4 funding and site restoration costs, and taxes for such a new
6 5 nuclear generating facility.
6 6 (c) Base the allowed debt and equity return on a capital
6 7 structure calculated using the average of the utility's
6 8 actual thirteen monthly balances for long=term debt, preferred
6 9 stock, and common equity. The long=term debt and preferred
6 10 stock thirteen=month balances shall include adjustments for
6 11 thirteen=month balances of unamortized discount, premium,
6 12 expense, and any gain or loss on reacquired securities. The
6 13 costs of long=term debt and preferred stock shall reflect
6 14 the actual embedded interest and dividend rate for each
6 15 issue as well as any annual amortization of unamortized
6 16 discount, premium, expense, and any gain or loss on reacquired
6 17 securities. The costs of common equity shall reflect the
6 18 risks to which the investor's capital is exposed and not the
6 19 investor's source of funds, and the investor=required cost of
6 20 capital of the rate=regulated utility, and neither directly
6 21 nor indirectly include additional debt of the rate=regulated
6 22 utility's parent or other affiliates in the rate=regulated
6 23 utility's capital structure or cost of service.
6 24 (d) Allow the utility to recover all prudent
6 25 preconstruction and construction costs incurred if the
6 26 utility elects not to complete or is precluded from completing
6 27 construction of the nuclear generating facility. Costs
6 28 determined to be prudent in prior annual proceedings shall not
6 29 subsequently be redetermined to be imprudent. The utility
6 30 shall recover such costs over a period equal to the period
6 31 during which the costs were incurred or five years, whichever
6 32 is longer, in a manner to be determined by the board.
6 33 (e) Allow the utility to recover the net book value of
6 34 any generating facility that the utility commits to retire
6 35 in anticipation of the operation of a new nuclear generating

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7 1 facility. The board shall allow for the recovery of a return
7 2 on, and a return of the book value of, the retired generating
7 3 facility over a period not greater than the remaining useful
7 4 life of the facility prior to a determination to retire the
7 5 facility.
7 6 c. In determining the applicable ratemaking principles, the
7 7 board shall make the following findings:
7 8 (1) The rate=regulated public utility has in effect a
7 9 board=approved energy efficiency plan as required under section
7 10 476.6, subsection 16.
7 11 (2) ~~The~~ Except for an application for ratemaking principles
7 12 subject to paragraph "a", subparagraph (2), the rate=regulated
7 13 public utility has demonstrated to the board that the public
7 14 utility has considered other sources for long=term electric
7 15 supply and that the facility or lease is reasonable when
7 16 compared to other feasible alternative sources of supply. ~~The~~
~~7 17 rate=regulated public utility may satisfy the requirements of~~
~~7 18 this subparagraph through a competitive bidding process, under~~
~~7 19 rules adopted by the board, that demonstrate the facility or~~
~~7 20 lease is a reasonable alternative to meet its electric supply~~
~~7 21 needs.~~
7 22 d. The applicable ratemaking principles shall be determined
7 23 in a contested case proceeding, which proceeding may be
7 24 combined with the proceeding for issuance of a certificate
7 25 conducted pursuant to chapter 476A.
7 26 e. The order setting forth the applicable ratemaking
7 27 principles shall be issued prior to the commencement of
7 28 construction or lease of the facility.
7 29 f. Following issuance of the order, the rate=regulated
7 30 public utility shall have the option of proceeding according to
7 31 either of the following:
7 32 (1) Withdrawing its application for a certificate pursuant
7 33 to chapter 476A or withdrawing its ratemaking principles
7 34 application.
7 35 (2) Proceeding with the construction or lease of the

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8 1 facility or efforts to pursue United States nuclear regulatory
8 2 commission authority.
8 3 g. Notwithstanding any provision of this chapter to the
8 4 contrary, the ratemaking principles established by the order
8 5 issued pursuant to paragraph "e" shall be binding with regard
8 6 to the specific electric power generating facility in any
8 7 subsequent rate proceeding.
8 8 h. Any judicial action directly or indirectly resulting
8 9 in a modification of the board's ratemaking principles order
8 10 shall be applied prospectively only. No refunds shall be made
8 11 of revenues previously collected, unless the board determines
8 12 such revenues to be in excess of the costs incurred or to be
8 13 incurred by the utility. With respect to financial commitments
8 14 made prior to any judicial action directly or indirectly
8 15 resulting in a modification of the board's ratemaking
8 16 principles order, the utility shall recover such costs under a
8 17 cancellation costs ratemaking principle.
8 18 4. The utilities board and the consumer advocate may employ
8 19 additional temporary staff, or may contract for professional
8 20 services with persons who are not state employees, as the
8 21 board and the consumer advocate deem necessary to perform
8 22 required functions as provided in this section, including but
8 23 not limited to review of power purchase contracts, review of
8 24 emission plans and budgets, and review of ratemaking principles
8 25 proposed for construction or lease of a new generating
8 26 facility, including a new nuclear generating facility or United
8 27 States nuclear regulatory commission authority. Beginning
8 28 July 1, 2002, there is appropriated out of any funds in the
8 29 state treasury not otherwise appropriated, such sums as may
8 30 be necessary to enable the board and the consumer advocate to
8 31 hire additional staff and contract for services under this
8 32 section. The costs of the additional staff and services shall
8 33 be assessed to the utilities pursuant to the procedure in
8 34 section 476.10 and section 475A.6.
8 35 5. Facilities for which advanced ratemaking principles are

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9 1 obtained pursuant to this section shall not be subject to a
9 2 subsequent board review pursuant to section 476.6, subsection
9 3 21, to the extent that the investment has been considered
9 4 by the board under this section. To the extent an eligible
9 5 utility has been authorized to make capital investments subject
9 6 to section 476.6, subsection 21, such investments shall not be
9 7 eligible for ratemaking principles pursuant to this section.
9 8 Sec. 3. ELECTRIC UTILITY RATE INCREASES ==== MITIGATION
9 9 STUDY. The utilities board of the utilities division of the
9 10 department of commerce shall conduct a study to identify
9 11 the potential impact to customer electric utility rates
9 12 resulting from recent federal regulations adopted by the United
9 13 States environmental protection agency, and strategies to
9 14 mitigate this impact. The study shall be undertaken with the
9 15 involvement of rate=regulated electric public utilities and
9 16 other stakeholders identified by the board. The board shall
9 17 submit a report regarding the results of the study by January
9 18 1, 2012.
9 19 EXPLANATION
9 20 This bill relates to the permitting, licensing,
9 21 construction, and operation of nuclear generation facilities.
9 22 The bill provides that it is the intent of the general
9 23 assembly to encourage the prudent development of baseload
9 24 nuclear electric power generation, noting that nuclear
9 25 generation has a long=term proven record of providing a safe,
9 26 reliable, and secure source of electricity, and offers the
9 27 potential for significant job creation, substantial economic
9 28 development benefits, and the production of electricity at
9 29 significantly reduced levels of regulated air emissions when
9 30 compared to output from other thermal generation sources.
9 31 The bill provides that the general assembly also recognizes
9 32 that meeting stringent environmental permit requirements is
9 33 expensive and creates significant cost burdens on customers
9 34 and employers attributable to the imposition of additional
9 35 comprehensive and costly regulations by the United States

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10 1 environmental protection agency that dramatically increase
10 2 costs to customers. The bill provides that the general
10 3 assembly additionally recognizes that development of nuclear
10 4 electric power generation requires significant capital
10 5 investment and a substantial period of time for successful
10 6 nuclear generation development, siting, licensing, and
10 7 deployment.
10 8 The bill requires a rate=regulated electric utility that
10 9 was subject to a revenue sharing settlement agreement with
10 10 regard to its electric base rates as of January 1, 2010, to
10 11 file an application for ratemaking principles applicable to the
10 12 construction of a nuclear generating facility with the Iowa
10 13 utilities board, and that the application shall comply with the
10 14 provisions of Code section 476.53.
10 15 The bill makes significant modifications to Code section
10 16 476.53 consistent with the potential construction of a nuclear
10 17 generating facility. The bill provides that the board shall
10 18 specify in advance the ratemaking principles that will apply
10 19 when a rate=regulated public utility expresses its intent to
10 20 file an application pursuant to Code section 476A.3 to build a
10 21 nuclear generating facility, including but not limited to small
10 22 modular reactor technology, or expresses its intent to seek
10 23 authority pursuant to a combined construction and operating
10 24 license or an early site permit from the United States nuclear
10 25 regulatory commission, or leases or owns in whole or in part
10 26 such a facility.
10 27 The bill provides that in determining the applicable
10 28 ratemaking principles for a nuclear generating facility or for
10 29 a license or permit from the United States nuclear regulatory
10 30 commission, a ratemaking principles order issued by the
10 31 board shall incorporate several components. The bill states
10 32 that after the order is issued, the utility may recover from
10 33 utility customers a return on, and return of all prudent costs
10 34 associated with, the permitting, licensing, and construction of
10 35 a facility, reduced by the amount of any funding of such costs

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11 1 borne by the United States department of energy or any other
11 2 governmental entity, and costs recovered from any joint owners
11 3 of the nuclear generating facility. The bill provides that
11 4 the determination of prudent costs and the level and rate of
11 5 the recovery of charges shall be reset annually to reflect the
11 6 level of reasonable costs related to pursuit of United States
11 7 nuclear regulatory commission authority or construction costs
11 8 expected to be incurred by the utility in the next 12 months.
11 9 A determination shall also be made of any adjustment required
11 10 to balance the preceding period's actual expenditures and
11 11 financing costs with what had been projected and included in
11 12 costs recoverable for the preceding period. The bill directs
11 13 a utility, if applicable, to report to the board annually the
11 14 budgeted and actual costs as compared to the estimated total
11 15 in=service cost of the nuclear generating facility that was
11 16 presented in the last annual filing, as projected through the
11 17 expected in=service date of the nuclear generating facility.
11 18 The bill provides that after the order is issued, a utility
11 19 shall file an application with the board on an annual basis
11 20 providing the budgeted versus actual cost information, and that
11 21 each annual proceeding shall be completed by the board within
11 22 90 days from the date of filing the application.
11 23 The bill states that all United States nuclear regulatory
11 24 commission authority costs are to be recovered over a period
11 25 not to exceed the estimated construction period for a nuclear
11 26 generating facility as determined by the board, and that all
11 27 nuclear generating facility construction costs are to be
11 28 recovered over a period not to exceed the sum of the estimated
11 29 construction period for a nuclear unit, plus its useful life as
11 30 determined by the board. The bill also states that a utility's
11 31 commencement of cost collection shall begin promptly after
11 32 completion of the ratemaking principles proceeding, allowing
11 33 for such additional time as may be needed by the board to
11 34 review a compliance rider tariff filing.
11 35 The bill provides that the order shall additionally enable

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12 1 the utility to recover in rates all prudently incurred expenses
12 2 and costs, including but not limited to ongoing operations and
12 3 maintenance costs, decommissioning funding and site restoration
12 4 costs, and taxes for a new nuclear generating facility.
12 5 Further, the order shall base the allowed debt and equity
12 6 return on a capital structure calculated using the average
12 7 of the utility's actual 13 monthly balances for long=term
12 8 debt, preferred stock, and common equity, including specified
12 9 adjustments. The bill states that the costs of long=term
12 10 debt and preferred stock shall reflect the actual embedded
12 11 interest and dividend rate for each issue as well as any annual
12 12 amortization of unamortized discount, premium, expense, and any
12 13 gain or loss on reacquired securities, and that the cost of
12 14 common equity shall reflect the risks to which the investor's
12 15 capital is exposed and not the investor's source of funds, and
12 16 the investor=required cost of capital of the rate=regulated
12 17 utility, and shall neither directly nor indirectly include
12 18 additional debt of the rate=regulated utility's parent or other
12 19 affiliates in the rate=regulated utility's capital structure
12 20 or cost of service.
12 21 The bill provides that the order shall also allow a utility
12 22 to recover all prudent preconstruction and construction costs
12 23 incurred if the utility elects not to complete or is precluded
12 24 from completing construction of the nuclear generating
12 25 facility, recovered over a period equal to the period during
12 26 which the costs were incurred or five years, whichever is
12 27 longer, and in a manner to be determined by the board. The
12 28 bill states that the order shall further allow the utility to
12 29 recover the net book value of any generating facility that the
12 30 utility commits to retire in anticipation of the operation of
12 31 a new nuclear generating facility, and that the board shall
12 32 allow for the recovery of a return on, and return of the book
12 33 value of, the retired generating facility over a period not
12 34 greater than the remaining useful life of the facility prior to
12 35 a determination to retire the facility.

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13 1 The bill exempts a rate=regulated public utility applying
13 2 for ratemaking principles with regard to a nuclear generating
13 3 facility from requirements that a utility must demonstrate to
13 4 the board that it has considered other sources for long=term
13 5 electric supply and that the facility or a lease of a facility
13 6 is reasonable when compared to other feasible alternative
13 7 sources of supply, and removes a provision applicable with
13 8 regard to any application that a utility may satisfy these
13 9 requirements.
13 10 The bill provides that any judicial action directly
13 11 or indirectly resulting in a modification of the board's
13 12 ratemaking principles order shall be applied prospectively
13 13 only, and that no refunds shall be made of revenues previously
13 14 collected, unless the board determines such revenues to be in
13 15 excess of the costs incurred or to be incurred by the utility.
13 16 The bill directs the board to conduct a study to identify
13 17 the potential impact to customer electric utility rates
13 18 resulting from recent federal regulations adopted by the United
13 19 States environmental protection agency, and strategies to
13 20 mitigate this impact. The study shall be undertaken with the
13 21 involvement of rate=regulated electric public utilities and
13 22 other stakeholders identified by the board. The bill requires
13 23 the board to submit a report regarding the results of the study
13 24 by January 1, 2012.
13 25 The bill makes additional conforming changes and relocation
13 26 of specified provisions consistent with expanding applicable
13 27 ratemaking principles in connection with a nuclear generating
13 28 facility.
LSB 2351SV (1) 84
rn/nh

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SENATE FILE
BY COMMITTEE ON COMMERCE

(SUCCESSOR TO SF 235)

A BILL FOR

An Act authorizing the establishment of health insurance exchanges in the state and including effective date provisions.

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

TLSB 2010SV (1) 84
av/rj

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PAG LIN

1 1 Section 1. NEW SECTION. 514M.1 Title.
1 2 This Act shall be known and may be cited as the "Iowa Health
1 3 Insurance Exchange Act".
1 4 Sec. 2. NEW SECTION. 514M.2 Purpose and intent.
1 5 The purpose of this Act is to provide for the establishment
1 6 of health insurance exchanges in this state to facilitate
1 7 the sale and purchase of qualified health benefit plans in
1 8 the individual market in this state and to assist qualified
1 9 small employers in the state in facilitating the availability
1 10 of qualified health benefit plans offered in the small group
1 11 market. The intent of authorizing the establishment of health
1 12 insurance exchanges in the state is to reduce the number of
1 13 uninsured, provide a transparent marketplace and consumer
1 14 education, and assist individuals with access to programs,
1 15 premium assistance tax credits, and cost=sharing reductions.
1 16 Sec. 3. NEW SECTION. 514M.3 Definitions.
1 17 As used in this chapter, unless the context otherwise
1 18 requires:
1 19 1. "Commissioner" means the commissioner of insurance.
1 20 2. "Exchange" means a health insurance exchange established
1 21 or approved pursuant to section 514M.4.
1 22 3. "Federal Act" means the federal Patient Protection and
1 23 Affordable Care Act, Pub. L. No. 111=148, as amended by the
1 24 federal Health Care and Education Reconciliation Act of 2010,
1 25 Pub. L. No. 111=152, and any amendments thereto, or regulations
1 26 or guidance issued under, those Acts.
1 27 4. a. "Health benefit plan" means a policy, contract,
1 28 certificate, or agreement offered or issued by a health carrier
1 29 to provide, deliver, arrange for, pay for, or reimburse any of
1 30 the costs of health care services.
1 31 b. "Health benefit plan" does not include any of the
1 32 following:
1 33 (1) Coverage only for accident, or disability income
1 34 insurance, or any combination thereof.
1 35 (2) Coverage issued as a supplement to liability insurance.

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2 1 (3) Liability insurance, including general liability
2 2 insurance and automobile liability insurance.
2 3 (4) Workers' compensation or similar insurance.
2 4 (5) Automobile medical payment insurance.
2 5 (6) Credit=only insurance.
2 6 (7) Coverage for on=site medical clinics.
2 7 (8) Other similar insurance coverage, specified in federal
2 8 regulations issued pursuant to Tit. XXVII of the federal Public
2 9 Health Service Act, as enacted by the federal Health Insurance
2 10 Portability and Accountability Act of 1996, Pub. L. No.
2 11 104=191, and amended by the federal Act, under which benefits
2 12 for health care services are secondary or incidental to other
2 13 insurance benefits.
2 14 c. "Health benefit plan" does not include any of the
2 15 following benefits if they are provided under a separate
2 16 policy, certificate, or contract of insurance or are otherwise
2 17 not an integral part of the plan:
2 18 (1) Limited scope dental or vision benefits.
2 19 (2) Benefits for long=term care, nursing home care, home
2 20 health care, community=based care, or any combination thereof.
2 21 (3) Other similar, limited benefits specified in federal
2 22 regulations issued pursuant to the federal Health Insurance
2 23 Portability and Accountability Act of 1996, Pub. L. No.
2 24 104=191.
2 25 d. "Health benefit plan" does not include any of the
2 26 following benefits if the benefits are provided under a
2 27 separate policy, certificate, or contract of insurance, there
2 28 is no coordination between the provision of the benefits
2 29 and any exclusion of benefits under any group health plan
2 30 maintained by the same plan sponsor, and the benefits are paid
2 31 with respect to an event without regard to whether benefits are
2 32 provided with respect to such an event under any group health
2 33 plan maintained by the same plan sponsor:
2 34 (1) Coverage only for a specified disease or illness.
2 35 (2) Hospital indemnity or other fixed indemnity insurance.

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3 1 e. "Health benefit plan" does not include any of the
3 2 following if offered as a separate policy, certificate, or
3 3 contract of insurance:
3 4 (1) Medicare supplemental health insurance as defined under
3 5 section 1882(g)(1) of the federal Social Security Act.
3 6 (2) Coverage supplemental to the coverage provided under 10
3 7 U.S.C. ch. 55, by the civilian health and medical program of
3 8 the uniformed services.
3 9 (3) Supplemental coverage similar to that provided under a
3 10 group health plan.
3 11 5. "Health carrier" means an entity subject to the insurance
3 12 laws and rules of this state, or subject to the jurisdiction
3 13 of the commissioner, that contracts or offers to contract to
3 14 provide, deliver, arrange for, pay for, or reimburse any of
3 15 the costs of health care services, including an insurance
3 16 company offering sickness and accident plans, a health
3 17 maintenance organization, a nonprofit hospital or health
3 18 service corporation, or any other entity providing a plan of
3 19 health insurance, health benefits, or health services.
3 20 6. "Insurance producer" means a person required to be
3 21 licensed under chapter 522B.
3 22 7. "Mandate=free health benefit plan" means a health
3 23 benefit plan that is exempt from some or all special health and
3 24 accident insurance coverages required pursuant to the federal
3 25 Act or chapter 514C.
3 26 8. "Qualified dental plan" means a limited scope dental plan
3 27 that has been certified in accordance with section 514M.8.
3 28 9. "Qualified employer" means a small employer that elects
3 29 to make its full=time employees eligible for one or more
3 30 qualified health benefit plans offered through the exchange,
3 31 and at the option of the employer, some or all of its part=time
3 32 employees, provided that the employer does either of the
3 33 following:
3 34 a. Has its principal place of business in this state and
3 35 elects to provide coverage through the exchange to all of its

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4 1 eligible employers wherever employed.
4 2 b. Elects to provide coverage through the exchange to all
4 3 of its eligible employees who are principally employed in this
4 4 state.
4 5 10. "Qualified health benefit plan" means a health benefit
4 6 plan that has in effect a certification as described in section
4 7 1311(c) of the federal Act and section 514M.8.
4 8 11. "Qualified individual" means an individual, including a
4 9 minor, who is all of the following:
4 10 a. Is seeking to enroll in a qualified health plan offered
4 11 to individuals through the exchange.
4 12 b. Is a resident of this state.
4 13 c. At the time of enrollment, is not incarcerated, other
4 14 than incarceration pending the disposition of charges.
4 15 d. Is, and is reasonably expected to be, for the entire
4 16 period for which enrollment is sought, a citizen or national of
4 17 the United States or an alien lawfully present in the United
4 18 States.
4 19 12. "Secretary" means the secretary of the United States
4 20 department of health and human services.
4 21 13. a. "Small employer" means an employer that employed an
4 22 average of one to fifty employees during the preceding calendar
4 23 year.
4 24 b. For the purposes of this subsection:
4 25 (1) All persons treated as a single employer under
4 26 subsection (b), (c), (m), or (o) of section 414 of the Internal
4 27 Revenue Code of 1986 shall be treated as a single employer.
4 28 (2) An employer and any predecessor employer shall be
4 29 treated as a single employer.
4 30 (3) All employees shall be counted, including part=time
4 31 employees and employees who are not eligible for coverage
4 32 through the employer.
4 33 (4) If an employer was not in existence throughout the
4 34 preceding calendar year, the determination of whether that
4 35 employer is a small employer shall be based on the average

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5 1 number of employees that is reasonably expected that employer
5 2 will employ on business days in the current calendar year.
5 3 (5) An employer that makes enrollment in qualified health
5 4 plans available to its employees through the small business
5 5 health options program exchange, and would cease to be a
5 6 small employer by reason of an increase in the number of its
5 7 employees, shall continue to be treated as a small employer
5 8 for purposes of this chapter as long as it continuously makes
5 9 enrollment through the small business health options program
5 10 exchange available to its employees.
5 11 Sec. 4. NEW SECTION. 514M.4 Establishment of Iowa health
5 12 insurance exchange ==== additional exchanges authorized.
5 13 1. A health insurance exchange shall be established in
5 14 this state, and subject to the discretion of the commissioner,
5 15 may be operated by the insurance division of the department
5 16 of commerce under the supervision of the commissioner or as
5 17 a nonprofit corporation approved by the commissioner. The
5 18 commissioner shall approve the establishment of one or more
5 19 exchanges in the state that meet the requirements of this
5 20 chapter. An exchange or components of an exchange established
5 21 or approved pursuant to this subsection may be operated on a
5 22 statewide or regional basis, or on a multistate basis, subject
5 23 to the approval of the commissioner. An exchange established
5 24 or approved pursuant to this subsection shall be operated
5 25 pursuant to a plan of operation approved by the commissioner.
5 26 2. The commissioner shall establish a provider
5 27 reimbursement system for health benefit plans issued in this
5 28 state that all health carriers and health providers may join to
5 29 facilitate fair and reasonable payments for the cost of health
5 30 care services provided pursuant to a health benefit plan.
5 31 3. The commissioner shall create a value or outcome=based
5 32 reimbursement system for health benefit plans issued in this
5 33 state to which all health carriers may subscribe.
5 34 4. An exchange shall do all of the following:
5 35 a. Facilitate the purchase and sale of qualified health

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6 1 benefit plans to qualified individuals and qualified employers
6 2 as described in this chapter and in the federal Act.
6 3 b. Meet the requirements of this chapter and any rules
6 4 adopted pursuant to this chapter.
6 5 5. All persons who enroll in a qualified health benefit plan
6 6 offered through an exchange shall be enrolled by an insurance
6 7 producer. The health carrier that issues the qualified health
6 8 benefit plan selected shall pay the producer a commission of
6 9 at least five percent of the premium paid by the enrollee.
6 10 If a health carrier offers health benefit plans outside the
6 11 exchange, the health carrier shall pay an insurance producer
6 12 that enrolls a person in that health benefit plan a commission
6 13 of at least five percent of the premium paid by the enrollee.
6 14 6. An exchange may employ staff to carry out the functions
6 15 of the exchange, but no public employee shall sell, solicit,
6 16 negotiate, advise, or counsel consumers on health insurance or
6 17 otherwise offer services for which a license as an insurance
6 18 producer is required pursuant to chapter 522B.
6 19 7. An exchange may contract with an eligible entity to
6 20 fulfill any of its responsibilities as described in this
6 21 chapter. An eligible entity includes but is not limited to an
6 22 entity that has experience in individual and small group health
6 23 benefit plans, benefit administration, or other experience
6 24 relevant to the responsibilities to be assumed by the entity.
6 25 However, a health carrier or an affiliate of a health carrier
6 26 is not an eligible entity for the purposes of this subsection.
6 27 8. An exchange may enter into information=sharing
6 28 agreements with federal and state agencies and other state
6 29 exchanges to carry out its responsibilities under this chapter
6 30 provided such agreements include adequate protections with
6 31 respect to the confidentiality of the information to be shared
6 32 and comply with all state and federal laws and regulations.
6 33 Sec. 5. NEW SECTION. 514M.5 General requirements.
6 34 1. An exchange or exchanges established or approved
6 35 pursuant to section 514M.4 shall make qualified health

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7 1 benefit plans that are effective on or before January 1, 2014,
7 2 available to qualified individuals and qualified employers in
7 3 the state.
7 4 2. The exchange or exchanges that are established or
7 5 approved shall request a five=year waiver from the secretary
7 6 from the certification requirements for health benefit plans of
7 7 the federal Act to enable the exchange to offer mandate=free
7 8 health benefit plans in addition to offering qualified health
7 9 benefit plans through the exchange.
7 10 3. The exchange or exchanges shall allow a health carrier
7 11 to offer a plan that provides limited scope dental benefits
7 12 meeting the requirements of section 9832(c)(2)(A) of the
7 13 Internal Revenue Code of 1986 through the exchange, either
7 14 separately or in conjunction with a qualified health benefit
7 15 plan, if the plan provides pediatric dental benefits meeting
7 16 the requirements of section 1302(b)(1)(J) of the federal Act.
7 17 4. An exchange or a health carrier offering qualified
7 18 health benefit plans through an exchange shall not charge an
7 19 individual a fee or penalty for termination of coverage if
7 20 the individual enrolls in another type of minimum essential
7 21 coverage because the individual has become newly eligible for
7 22 that coverage or because the individual's employer=sponsored
7 23 coverage has become affordable under the standards of the
7 24 federal Act, to be codified at section 36B(c)(2)(C) of the
7 25 Internal Revenue Code of 1986.
7 26 Sec. 6. NEW SECTION. 514M.6 Duties of an exchange.
7 27 An exchange established or approved pursuant to section
7 28 514M.4 shall do all of the following:
7 29 1. Implement procedures for the certification,
7 30 recertification, and decertification of health benefit plans
7 31 as qualified health benefit plans, consistent with guidelines
7 32 developed by the secretary under section 1311(c) of the federal
7 33 Act and applicable state law.
7 34 2. Provide for the operation of a toll=free telephone
7 35 hotline to respond to requests for assistance.

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8 1 3. Provide for enrollment periods, as determined by the
8 2 secretary under section 1311(c)(6) of the federal Act and
8 3 applicable state law.
8 4 4. Maintain an internet site through which enrollees and
8 5 prospective enrollees of qualified health benefit plans may
8 6 obtain standardized comparative information on such plans.
8 7 5. Assign a rating to each qualified health benefit plan
8 8 offered through the exchange in accordance with criteria
8 9 developed by the secretary under section 1311(c)(3) of the
8 10 federal Act, and determine the level of coverage of each
8 11 qualified health benefit plan in accordance with regulations
8 12 issued by the secretary under section 1302(d)(2)(A) of the
8 13 federal Act and applicable state law.
8 14 6. Utilize a standardized format for presenting health
8 15 benefit plan options in the exchange, including the use of the
8 16 uniform outline of coverage established under section 2715 of
8 17 the Public Health Service Act and applicable state law.
8 18 7. In accordance with section 1413 of the federal Act
8 19 and applicable state law, inform individuals of eligibility
8 20 requirements for the Medicaid program under Tit. XIX of the
8 21 federal Social Security Act, the children's health insurance
8 22 program under Tit. XXI of the federal Social Security Act, or
8 23 any applicable state or local public program and, if through
8 24 screening of an application by the exchange, the exchange
8 25 determines that any individual is eligible for any such
8 26 program, enroll that individual in that program.
8 27 8. Establish and make available by electronic means a
8 28 calculator to determine the actual cost of coverage after
8 29 application of any premium tax credit under the standards of
8 30 the federal Act to be codified at section 36B(c)(2)(C) of the
8 31 Internal Revenue Code of 1986 and any cost=sharing reductions
8 32 under section 1402 of the federal Act.
8 33 9. Establish a component of the exchange through which
8 34 qualified employers may access coverage for their eligible
8 35 employees and the employees can enroll in any qualified health

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9 1 benefit plan offered through the exchange at the level of
9 2 coverage specified by the employer.
9 3 10. Subject to section 1411 of the federal Act and
9 4 applicable state law, grant a certification attesting that,
9 5 for purposes of the individual responsibility penalty under
9 6 the standards of the federal Act, to be codified at section
9 7 5000A of the Internal Revenue Code of 1986, an individual is
9 8 exempt from the individual responsibility requirement or from
9 9 the penalty imposed by that section because of any of the
9 10 following:
9 11 a. There is no affordable qualified health benefit plan
9 12 available through the exchange, or the individual's employer,
9 13 covering the individual.
9 14 b. The individual meets the requirements for any other such
9 15 exemption from the individual responsibility requirement or
9 16 penalty.
9 17 11. Transfer to the United States secretary of the treasury
9 18 all of the following:
9 19 a. A list of the individuals who are issued a certification
9 20 under subsection 10, paragraph "a", including the name and
9 21 taxpayer identification number of each individual.
9 22 b. The name and taxpayer identification number of each
9 23 individual who was an employee of an employer but who was
9 24 determined to be eligible for the premium tax credit under
9 25 the standards of the federal Act to be codified at section
9 26 36B(c)(2)(C) of the Internal Revenue Code of 1986, because of
9 27 either of the following:
9 28 (1) The employer did not provide minimum essential health
9 29 benefits coverage.
9 30 (2) The employer provided the minimum essential health
9 31 benefits coverage, but it was determined under the standards
9 32 of the federal Act, to be codified at section 36B(c)(2)(C) of
9 33 the Internal Revenue Code of 1986, to either be unaffordable to
9 34 the employee or not to provide the required minimum actuarial
9 35 value.

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c. The name and taxpayer identification number of all of the following:

(1) Each individual who notifies the exchange under section 1411(b)(4) of the federal Act that the individual has changed employers.

(2) Each individual who ceases coverage under a qualified health benefit plan during a plan year and the effective date of that cessation.

12. Provide to each employer the name of each employee of the employer described in subsection 11, paragraph "b", who ceases coverage under a qualified health benefit plan during a plan year and the effective date of the cessation.

13. 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.

14. Review the rate of premium growth within the exchange and outside the exchange, and consider the information obtained in developing recommendations on whether to continue limiting qualified employer status to small employers.

15. 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.

16. Meet all of the following financial integrity requirements:

a. Keep an accurate accounting of all activities, receipts, and expenditures of the exchange and annually submit to the commissioner a report concerning such accountings.

b. 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:

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11 1 (1) Investigate the affairs of the exchange.
11 2 (2) Examine the properties and records of the exchange.
11 3 (3) Require periodic reports in relation to the activities
11 4 undertaken by the exchange.
11 5 Sec. 7. NEW SECTION. 514M.7 Navigators.
11 6 1. An exchange may select entities qualified to serve as
11 7 navigators in accordance with section 1311(i) of the federal
11 8 Act, standards developed by the secretary, and applicable state
11 9 law, and award grants to enable navigators to do all of the
11 10 following:
11 11 a. Conduct public education activities to raise awareness
11 12 of the availability of qualified health benefit plans through
11 13 an exchange.
11 14 b. Distribute fair and impartial information concerning
11 15 enrollment in qualified health benefit plans, and the
11 16 availability of premium tax credits under the standards of the
11 17 federal Act, to be codified at section 36B(c)(2)(C) of the
11 18 Internal Revenue Code of 1986, and any cost=sharing reductions
11 19 under section 1402 of the federal Act.
11 20 c. Facilitate enrollment through an insurance producer in
11 21 qualified health benefit plans through an exchange or in health
11 22 benefit plans outside an exchange.
11 23 d. Provide referrals to the office of health insurance
11 24 consumer assistance established under the federal Act pursuant
11 25 to section 2793 of the federal Public Health Service Act
11 26 and the office of the commissioner or any other appropriate
11 27 state agency, for any enrollee with a grievance, complaint,
11 28 or question regarding the enrollee's health benefit plan,
11 29 coverage, or a determination under that plan or coverage.
11 30 e. Provide information in a manner that is culturally and
11 31 linguistically appropriate to the needs of the population being
11 32 served by an exchange.
11 33 2. All entities qualified as navigators that facilitate
11 34 enrollment in health benefit plans shall be licensed as
11 35 insurance producers or shall utilize the services of an

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12 1 insurance producer to assist in such facilitation.
12 2 3. All entities that provide facilitation for a navigator
12 3 shall be licensed as insurance producers.
12 4 Sec. 8. NEW SECTION. 514M.8 Health benefit plan
12 5 certification.
12 6 1. An exchange may certify a health benefit plan as a
12 7 qualified health benefit plan if the plan meets all of the
12 8 following criteria:
12 9 a. The plan provides the essential health benefit package
12 10 described in section 1302(a) of the federal Act, except that
12 11 the plan is not required to provide essential benefits that
12 12 duplicate the minimum benefits of qualified dental plans, as
12 13 provided in subsection 5, if all of the following occur:
12 14 (1) The exchange determines that at least one qualified
12 15 dental plan is available to supplement the plan's coverage.
12 16 (2) The health carrier makes a prominent disclosure at the
12 17 time it offers the plan, in a form approved by the exchange,
12 18 that the plan does not provide the full range of essential
12 19 pediatric benefits and that qualified dental plans providing
12 20 those benefits and other dental benefits not covered by the
12 21 plan are offered through the exchange.
12 22 b. The premium rates and contract language have been
12 23 approved by the commissioner.
12 24 c. The plan provides at least a bronze level of coverage,
12 25 as that level is defined by the federal Act, unless the plan
12 26 is certified as a qualified catastrophic plan, meets the
12 27 requirements of the federal Act for catastrophic plans, and
12 28 will only be offered to individuals eligible for catastrophic
12 29 coverage.
12 30 d. The plan's cost=sharing requirements do not exceed the
12 31 limits established under section 1302(c)(1) of the federal
12 32 Act, and if the plan is offered through the component of the
12 33 exchange that offers plans to small employers, the plan's
12 34 deductible does not exceed the limits established under section
12 35 1302(c)(2) of the federal Act.

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13 1 e. The plan offers wellness programs.
13 2 f. The health carrier offering the plan provides greater
13 3 transparency and disclosure of information about the plan
13 4 benefits, provider networks, claim payment practices, and
13 5 solvency ratings, and establishes a process for consumers to
13 6 compare features of health benefit plans offered through an
13 7 exchange or exchanges that have been established or approved
13 8 pursuant to section 514M.4.
13 9 g. The health carrier offering the plan meets all of the
13 10 following criteria:
13 11 (1) Is licensed and in good standing to offer health
13 12 insurance coverage in this state.
13 13 (2) Offers at least one qualified health benefit plan in
13 14 the silver level and at least one qualified health benefit plan
13 15 in the gold level, as those levels are defined in the federal
13 16 Act, through each component of the exchange in which the health
13 17 carrier participates, where component refers to the components
13 18 of the exchange which offer individual coverage and coverage
13 19 for small employers.
13 20 (3) Charges the same premium rate for each qualified health
13 21 benefit plan without regard to whether the plan is offered
13 22 through the exchange.
13 23 (4) Does not charge any termination of coverage fees or
13 24 penalties in violation of section 514M.5.
13 25 (5) Complies with the regulations developed by the
13 26 secretary under section 1311(d) of the federal Act, applicable
13 27 state laws, and such other requirements as the exchange may
13 28 establish.
13 29 h. The plan meets the requirements of certification as
13 30 adopted by rule pursuant to this section and by the secretary
13 31 under section 1311(c) of the federal Act, which include but
13 32 are not limited to minimum standards in the areas of marketing
13 33 practices, network adequacy, essential community providers in
13 34 underserved areas, accreditation, quality improvement, uniform
13 35 enrollment forms and descriptions of coverage, and information

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14 1 on quality measures for health benefit plan performance.
14 2 i. The exchange determines that making the health benefit
14 3 plan available through the exchange is in the interest of
14 4 qualified individuals and qualified employers in the state.
14 5 2. An exchange shall not exclude a health benefit plan from
14 6 certification for any of the following reasons:
14 7 a. On the basis that the plan is a fee=for=service plan.
14 8 b. Through the imposition of premium price controls.
14 9 c. On the basis that the health benefit plan provides
14 10 treatments necessary to prevent patients' deaths in
14 11 circumstances the exchange determines are inappropriate or too
14 12 costly.
14 13 3. An exchange shall permit individuals to learn, in a
14 14 timely manner upon the request of an individual, the amount
14 15 of cost=sharing, including deductibles, copayments, and
14 16 coinsurance, under the individual's plan or coverage that the
14 17 individual would be responsible for paying with respect to the
14 18 furnishing of a specific item or service by a participating
14 19 provider. At a minimum, this information shall be made
14 20 available to the individual through an internet site and
14 21 through other means for individuals without access to the
14 22 internet.
14 23 4. An exchange shall not exempt any health carrier seeking
14 24 certification of a health benefit plan, regardless of the type
14 25 or size of the health carrier, from applicable state licensure
14 26 or solvency requirements and shall apply the criteria of this
14 27 section in a manner that assures a level playing field between
14 28 or among health carriers participating in the exchange.
14 29 5. a. The provisions of this chapter that are applicable
14 30 to qualified health benefit plans shall also apply to the
14 31 extent relevant to qualified dental plans except as modified in
14 32 accordance with the provisions of paragraphs "b", "c", and "d"
14 33 or by rules adopted by an exchange.
14 34 b. A health carrier shall be licensed to offer dental
14 35 coverage, but is not required to be licensed to offer other

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15 1 health benefits.
15 2 c. A qualified dental plan shall be limited to dental and
15 3 oral health benefits, without substantially duplicating the
15 4 benefits typically offered by health benefit plans without
15 5 dental coverage and shall include, at a minimum, the essential
15 6 pediatric dental benefits prescribed by the secretary pursuant
15 7 to section 1302(b)(1)(J) of the federal Act, and such other
15 8 dental benefits as an exchange or the secretary may specify by
15 9 regulation or rule.
15 10 d. Health carriers may jointly offer a comprehensive plan
15 11 through an exchange in which the dental benefits are provided
15 12 by a health carrier through a qualified dental plan and the
15 13 other benefits are provided by a health carrier through a
15 14 qualified health benefit plan, provided that the plans are
15 15 priced separately and are also made available for purchase
15 16 separately at the same price.
15 17 Sec. 9. NEW SECTION. 514M.9 Funding ==== publication of
15 18 costs.
15 19 1. An exchange may charge assessments or user fees to health
15 20 carriers that offer health benefit plans through the exchange
15 21 or may otherwise generate the funding necessary to support the
15 22 operation of the exchange, as provided pursuant to the plan of
15 23 operation of the exchange.
15 24 2. An exchange shall publish the average costs of licensing,
15 25 regulatory fees, and any other payments required by the
15 26 exchange, and the administrative costs of the exchange, on an
15 27 internet site for the purpose of educating consumers about the
15 28 costs of operating the exchange. The information provided
15 29 shall include information on moneys lost due to waste, fraud,
15 30 and abuse of the health care system.
15 31 Sec. 10. NEW SECTION. 514M.10 Rules.
15 32 The commissioner shall adopt rules pursuant to chapter 17A
15 33 to administer the provisions of this chapter. Rules adopted
15 34 under this section shall not conflict with or prevent the
15 35 application of regulations promulgated by the secretary under

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16 1 the federal Act.
16 2 Sec. 11. NEW SECTION. 514M.11 Advisory committee ==== risk
16 3 adjustment.
16 4 The commissioner shall establish an advisory committee
16 5 within the division of insurance of the department of commerce
16 6 to develop a risk adjustment mechanism that will apportion
16 7 risk among the health carriers providing defined contribution
16 8 health benefit plans, to protect those health carriers from
16 9 the risks of adverse selection. The commissioner may delegate
16 10 the responsibility for development of this mechanism to an
16 11 exchange.
16 12 Sec. 12. NEW SECTION. 514M.12 Relation to other laws.
16 13 This chapter, and action taken by an exchange pursuant to
16 14 this chapter, shall not be construed to preempt or supersede
16 15 the authority of the commissioner to regulate the business
16 16 of insurance in this state. Except as expressly provided to
16 17 the contrary in this chapter, all health carriers offering
16 18 qualified health benefit plans in this state shall comply fully
16 19 with all applicable health insurance laws of this state and
16 20 rules adopted and orders issued by the commissioner.
16 21 Sec. 13. FUTURE REPEAL. If the federal Act is repealed
16 22 by federal legislation or is ruled invalid by a federal court
16 23 decision, chapter 514M is repealed effective twelve months
16 24 after the effective date of such federal legislation or after
16 25 the date of the federal court decision.
16 26 Sec. 14. CONTINGENT EFFECTIVE DATE. This Act takes effect
16 27 six months prior to the date upon which an exchange is required
16 28 by federal law to be operational.
16 29 EXPLANATION
16 30 This bill authorizes the establishment of health insurance
16 31 exchanges in the state.
16 32 The bill creates new Code chapter 514M, which authorizes the
16 33 establishment of health insurance exchanges in the state to
16 34 facilitate the purchase and sale of qualified health benefit
16 35 plans in the individual market in this state and to assist

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17 1 qualified small employers in facilitating the availability
17 2 of qualified health benefit plans offered in the small group
17 3 market. The intent of establishing of such exchanges is
17 4 to reduce the number of uninsured, provide a transparent
17 5 marketplace and consumer education, and assist individuals
17 6 with access to programs, premium assistance tax credits, and
17 7 cost=sharing reductions.
17 8 A health insurance exchange shall be established in the
17 9 state, and subject to the discretion of the commissioner of
17 10 insurance, may be operated by the insurance division of the
17 11 department of commerce or as a nonprofit corporation approved
17 12 by the commissioner. The commissioner is required to approve
17 13 the establishment of one or more exchanges in the state that
17 14 meet the requirements of new Code chapter 514M. An exchange
17 15 or components of an exchange may be operated on a statewide
17 16 or regional basis, or on a multistate basis, subject to the
17 17 approval of the commissioner. Such an exchange shall be
17 18 operated pursuant to a plan of operation approved by the
17 19 commissioner.
17 20 All persons who enroll in a qualified health benefit plan
17 21 offered through an exchange must be enrolled by an insurance
17 22 producer who is licensed as provided in Code chapter 522B. The
17 23 health carrier that issues the qualified health benefit plan
17 24 selected must pay the insurance producer a commission of at
17 25 least 5 percent of the premium paid by the enrollee. If a
17 26 health carrier offers health benefit plans outside an exchange,
17 27 the health carrier must also pay the producer involved in the
17 28 sale a commission of at least 5 percent of the premium paid by
17 29 the enrollee.
17 30 An exchange may contract with an eligible entity to
17 31 fulfill any of its responsibilities as described in new Code
17 32 chapter 514M. An eligible entity includes an entity with
17 33 experience in individual and small group health benefit plans,
17 34 benefit administration, or other experience relevant to the
17 35 responsibilities to be assumed by the entity, but does not

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18 1 include a health carrier or its affiliate. An exchange may
18 2 also enter into information=sharing agreements with federal
18 3 and state agencies and other state exchanges if there are
18 4 adequate protections with respect to the confidentiality of the
18 5 information to be shared.
18 6 An exchange established or approved pursuant to Code section
18 7 514M.4 is required to make qualified health benefit plans
18 8 that are effective on or before January 1, 2014, available
18 9 to qualified individuals and qualified employers. Such an
18 10 exchange is also required to request a five=year waiver from
18 11 the secretary of the United States department of health and
18 12 human services of the certification requirements for health
18 13 benefit plans of the federal Patient Protection and Affordable
18 14 Care Act (PPACA), to enable the exchange to offer mandate=free
18 15 health benefit plans that are exempt from some or all of
18 16 the special health and accident insurance coverages required
18 17 pursuant to the federal Act or Code chapter 514C.
18 18 An exchange or a health carrier offering qualified health
18 19 benefit plans through the exchange cannot charge an individual
18 20 a fee or penalty for termination of coverage if the individual
18 21 enrolls in another type of minimum essential coverage because
18 22 the individual is newly eligible for that coverage or because
18 23 the individual's employer=sponsored coverage has become
18 24 affordable.
18 25 The bill specifies the duties of an exchange to carry out
18 26 the intent of the Code chapter consistent with the PPACA and
18 27 state law. The bill authorizes an exchange to select entities
18 28 to serve as navigators and to award grants to enable navigators
18 29 to conduct public education activities; distribute fair and
18 30 impartial information concerning enrollment in qualified health
18 31 benefit plans including the availability of premium tax credits
18 32 and cost=sharing reductions; facilitate enrollment through an
18 33 insurance producer in health benefit plans through or outside
18 34 the exchange; provide referrals to the federal office of health
18 35 insurance consumer assistance; and provide information that is

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19 1 culturally and linguistically appropriate to the needs of the
19 2 population being served by the exchange. Entities qualified as
19 3 navigators that facilitate enrollment in health benefit plans
19 4 must be licensed as insurance producers or utilize the services
19 5 of an insurance producer to assist in such facilitation. All
19 6 entities that provide facilitation for a navigator shall be
19 7 licensed as insurance producers.
19 8 An exchange is given parameters for certifying health
19 9 benefit plans as qualified health benefit plans. Under the
19 10 PPACA, only qualified health benefit plans can be sold through
19 11 an exchange and a health benefit plan must be certified as
19 12 meeting certain minimum standards specified in the PPACA
19 13 and in new Code chapter 514M to be certified as a qualified
19 14 health benefit plan. Also, a health carrier must meet certain
19 15 standards in order to have its plans certified so that the
19 16 plans can be offered through an exchange.
19 17 An exchange is authorized to charge assessments or user fees
19 18 to health carriers that offer health benefit plans through
19 19 the exchange, or to otherwise generate the funding necessary
19 20 to support the operation of the exchange, as provided in the
19 21 plan of operation of the exchange. An exchange is required
19 22 to publish the average costs of licensing, regulatory fees,
19 23 and any other payments required by the exchange and the
19 24 administrative costs of the exchange on an internet site, to
19 25 educate consumers about the costs of operating the exchange.
19 26 The commissioner of insurance is required to adopt rules
19 27 pursuant to Code chapter 17A to administer the provisions of
19 28 the new Code chapter.
19 29 The commissioner is required to establish an advisory
19 30 committee or delegate the responsibility to an exchange, to
19 31 develop a risk adjustment mechanism that will apportion risk
19 32 among the health carriers providing defined contribution health
19 33 benefit plans, to protect those health carriers from the risks
19 34 of adverse selection.
19 35 The bill takes effect six months prior to the date upon

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20 1 which an exchange is required by federal law to be operational.
20 2 If the PPACA is repealed by federal legislation or is ruled
20 3 invalid by a federal court decision, new Code chapter 514M is
20 4 repealed effective 12 months after the effective date of such
20 5 federal legislation or after the date of the federal court
20 6 decision.
LSB 2010SV (1) 84
av/rj

Senate File 392 - Introduced

SENATE FILE
BY McCOY

A BILL FOR

An Act relating to whistleblower protection for state employees and making penalties applicable.

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

TLSB 1042XS (2) 84
je/rj

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1 1 Section 1. Section 70A.28, Code 2011, is amended by adding
1 2 the following new subsection:
1 3 NEW SUBSECTION. 4A. It shall not be a defense to an
1 4 alleged violation of subsection 1 or 2 that a person alleged
1 5 to have violated subsection 1 or 2 was acting within the scope
1 6 of the employee's office or employment as defined in section
1 7 669.2, subsection 1. The penalty and remedial provisions of
1 8 subsections 4 through 6 apply to a violation of subsection 1
1 9 or 2 by such a person.
1 10 EXPLANATION
1 11 This bill prohibits the assertion of a scope of employment
1 12 defense within the meaning of Code section 669.2(1) by an
1 13 employee of the state alleged to have violated the state
1 14 whistleblower law. The bill applies the penalty and remedial
1 15 provisions of the state whistleblower law to such an employee.
1 16 Under Code section 70A.28(4), a violation of the bill is a
1 17 simple misdemeanor. A simple misdemeanor is punishable by
1 18 confinement for no more than 30 days or a fine of at least
1 19 $65 but not more than $625 or both. Civil and administrative
1 20 remedies also apply.
LSB 1042XS (2) 84
je/rj

Senate File 393 - Introduced

SENATE FILE
BY COMMITTEE ON LOCAL GOVERNMENT

(SUCCESSOR TO SSB 1124)

A BILL FOR

An Act relating to drainage and levee districts by providing for the delivery of a written communication to state and local government.

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

TLSB 2055SV (4) 84
da/sc

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

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

LSB 2055SV (4) 84
da/sc

Senate File 394 - Introduced

SENATE FILE
BY COMMITTEE ON STATE GOVERNMENT

(SUCCESSOR TO SSB 1091)

A BILL FOR

An Act creating a high performance certification program applicable to certain public buildings.
BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 2066SV (4) 84
rn/sc

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1 1 Section 1. NEW SECTION. 473B.1 High performance public
1 2 building certification ==== program established ==== legislative
1 3 intent.
1 4 The intent of the general assembly is to promote
1 5 effective energy and environmental standards for the design,
1 6 construction, renovation, and maintenance of public buildings.
1 7 These standards shall improve the capacity of the state to
1 8 operate high performance buildings and thereby increasing
1 9 energy independence, increasing demand for environmentally
1 10 preferable building materials, finishes, and furnishings,
1 11 reducing waste generation and manage waste through recycling
1 12 and diversion from landfill disposal, and establishing life
1 13 cycle cost analysis as the appropriate and most efficient
1 14 analysis to determine the optimal performance level of a
1 15 building project.
1 16 Sec. 2. NEW SECTION. 473B.2 Definitions.
1 17 As used in this section, unless the context otherwise
1 18 requires:
1 19 1. "Department" means the department of public safety.
1 20 2. "High performance certification" means a public building
1 21 design, construction, and renovation standard that is certified
1 22 by an independent third=party organization pursuant to section
1 23 473B.3 as having been achieved.
1 24 3. a. "Public building" means a facility that meets all of
1 25 the following conditions:
1 26 (1) Is constructed or renovated in whole or in part
1 27 with state funds or with funds guaranteed or insured by a
1 28 state agency, with the state funding or guaranteed funding
1 29 constituting at least fifty percent of the project cost.
1 30 (2) Contains five thousand or more square feet.
1 31 (3) Includes a heating, ventilation, or air conditioning
1 32 system.
1 33 (4) Has not entered the design phase prior to July 1, 2011.
1 34 b. For purposes of this definition, a "public building"
1 35 shall not refer to or include a building constructed or

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2 1 renovated by a school district or a city or county but shall
2 2 include a building constructed or renovated by an institution
2 3 under the control of the state board of regents.
2 4 4. "State agency" means an agency, department, authority,
2 5 board, commission, council, court, office, bureau, institution,
2 6 unit, or division of the executive or judicial branches of
2 7 state government, whether elected or appointed, including
2 8 institutions under the control of the state board of regents.
2 9 5. "Substantial renovation" means any renovation of a
2 10 public building the cost of which exceeds fifty percent of the
2 11 replacement value of the facility.
2 12 Sec. 3. NEW SECTION. 473B.3 Program established.
2 13 1. The department shall adopt rules creating a program
2 14 establishing a high performance certification process. The
2 15 objectives of the program shall include the following:
2 16 a. Reducing operating costs of public buildings by
2 17 decreasing the consumption of energy, water, and other
2 18 resources, and where feasible increasing the use of wind,
2 19 solar, geothermal, and other proven sources of alternative
2 20 energy.
2 21 b. Recovering the increased initial capital costs
2 22 attributable to compliance with the program by reducing
2 23 long=term energy, maintenance, and operating expenses.
2 24 c. Improving the indoor environmental quality of public
2 25 buildings for a healthier work environment.
2 26 2. A state agency designing, constructing, or controlling
2 27 the substantial renovation of a public building on or after
2 28 July 1, 2011, shall be required to submit design plans and
2 29 specifications to the department for approval before contracts
2 30 for the construction or substantial renovation are let. A
2 31 proposal shall not be approved unless high performance
2 32 certification is achieved, subject to the provisions of
2 33 subsection 3. The department shall adopt rules establishing
2 34 a certification process by an independent third party that
2 35 the design, construction, or substantial renovation, based

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3 1 upon a life cycle cost analysis conducted pursuant to chapter
3 2 470, meets the minimum standards of the United States green
3 3 building council's leadership in energy and environmental
3 4 design rating system, the green building initiative's green
3 5 globes rating system, or standards developed by an alternative
3 6 nationally recognized third=party organization designated by
3 7 the department.
3 8 3. Notwithstanding subsection 2, the department may waive
3 9 the high performance certification requirement if a state
3 10 agency submits an estimate indicating that the increased
3 11 initial costs of achieving certification are projected to
3 12 exceed five percent of the total design and construction or
3 13 substantial renovation costs, and the department determines
3 14 that the public building is not anticipated to recoup these
3 15 costs through decreased operational and maintenance expenses
3 16 within five years. In the event a waiver is granted, an
3 17 accredited construction, engineering, or architectural
3 18 professional associated with the proposed public building
3 19 project shall submit to the department a written declaration
3 20 that to the extent possible the construction or substantial
3 21 renovation shall be executed in a manner which is consistent
3 22 with the program's high performance certification standards.
3 23 A waiver pursuant to this subsection shall not be granted if
3 24 the department determines that the public building can be
3 25 anticipated to recoup the increased costs within five years.
3 26 4. A public building of less than ten thousand square feet,
3 27 nonsubstantial renovations of public buildings, and public
3 28 building maintenance programs shall, to the extent possible,
3 29 conform to high performance certification standards.
3 30 5. The department shall identify and seek to have public
3 31 buildings receiving high performance certification designated
3 32 as an energy star building pursuant to the energy star program
3 33 developed and jointly administered by the United States
3 34 environmental agency and the United States department of
3 35 energy.

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4 1 6. The department shall develop and implement a process
4 2 to monitor and evaluate the program, and shall, by January 1
4 3 annually, submit a report regarding compliance with program
4 4 guidelines, indicating the number of public buildings receiving
4 5 high performance certification, and describing any resulting
4 6 energy and environmental benefits observed.
4 7 EXPLANATION
4 8 This bill establishes a high performance certification
4 9 program administered by the department of public safety and
4 10 applicable to public buildings.
4 11 The bill states that the intent of the general assembly is to
4 12 promote effective energy and environmental standards for the
4 13 design, construction, renovation, and maintenance of public
4 14 buildings. The bill further states that these standards will
4 15 improve the capacity of the state to operate high performance
4 16 buildings to increase energy independence, increase demand for
4 17 environmentally preferable building materials, finishes, and
4 18 furnishings, reduce waste generation and manage waste through
4 19 recycling and diversion from landfill disposal, and establish
4 20 life cycle cost analysis as the appropriate and most efficient
4 21 analysis to determine the optimal performance level of a
4 22 building project.
4 23 The bill provides that the department shall adopt rules
4 24 establishing the program, with objectives which include
4 25 reducing operating costs of public buildings by decreasing the
4 26 consumption of energy, water, and other resources and where
4 27 feasible increasing the use of wind, solar, geothermal, and
4 28 other proven sources of alternative energy; recovering the
4 29 increased initial capital costs attributable to compliance
4 30 with the program over time by reducing long=term energy,
4 31 maintenance, and operating expenses; and improving the indoor
4 32 environmental quality of public buildings for a healthier work
4 33 environment. The bill defines a public building as a facility
4 34 that is constructed or renovated in whole or in part with state
4 35 funds or with funds guaranteed or insured by a state agency,

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5 1 with state or guaranteed funds constituting at least 50 percent
5 2 of the project cost; that contains 5,000 or more square feet;
5 3 includes a heating, ventilation, or air conditioning system;
5 4 and has not entered the design phase prior to July 1, 2011.
5 5 The bill specifies that a public building shall not include
5 6 a building constructed or renovated by a school district or
5 7 a city or county but shall include a building constructed or
5 8 renovated by an institution under the control of the state
5 9 board of regents.
5 10 The bill provides that a state agency, as defined in the
5 11 bill, which is designing, constructing, or controlling the
5 12 substantial renovation of a public building on or after
5 13 July 1, 2011, shall be required to submit design plans and
5 14 specifications to the department for approval before contracts
5 15 for the construction or substantial renovation are let. The
5 16 bill defines "substantial renovation" to mean any renovation
5 17 of a public building the cost of which exceeds 50 percent
5 18 of the replacement value of the facility. The bill provides
5 19 that a proposal shall not be approved unless high performance
5 20 certification is achieved pursuant to a process conducted
5 21 by an independent third party certifying that the design,
5 22 construction, or substantial renovation meets the minimum
5 23 standards of the United States green building council's
5 24 leadership in energy and environmental design rating system
5 25 (LEED), the green building initiative's green globes rating
5 26 system, or standards developed by an alternative nationally
5 27 recognized third=party organization designated by the
5 28 department.
5 29 The bill provides for a waiver from these requirements if a
5 30 state agency submits an estimate indicating that the increased
5 31 initial costs of achieving certification are projected to
5 32 exceed 5 percent of the total design and construction or
5 33 substantial renovation costs, and the department determines
5 34 that the public building is not anticipated to recoup these
5 35 costs through decreased operational and maintenance expenses

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6 1 within five years. In this event, the bill requires an
6 2 accredited construction, engineering, or architectural
6 3 professional associated with the proposed public building
6 4 project to submit a written declaration that to the extent
6 5 possible the construction or substantial renovation shall be
6 6 executed in a manner which is consistent with the program's
6 7 high performance certification standards. The bill states that
6 8 a waiver shall not be granted if the department determines that
6 9 the public building can be anticipated to recoup the costs
6 10 within a five=year period.
6 11 The bill provides that public buildings of less than 10,000
6 12 square feet, nonsubstantial public building renovations, and
6 13 public building maintenance programs shall, to the extent
6 14 possible, conform to high performance certification standards.
6 15 The bill directs the department to identify and seek to
6 16 have public buildings receiving high performance certification
6 17 designated as an energy star building pursuant to the energy
6 18 star program developed and jointly administered by the United
6 19 States environmental agency and the United States department
6 20 of energy.
6 21 The bill requires the department to develop and implement
6 22 a process to monitor and evaluate the program and to submit a
6 23 report regarding compliance with program guidelines, the number
6 24 of public buildings receiving high performance certification,
6 25 and resulting energy and environmental benefits observed, by
6 26 January 1 annually.
LSB 2066SV (4) 84
rn/sc

Senate File 395 - Introduced

SENATE FILE
BY COMMITTEE ON COMMERCE

(SUCCESSOR TO SSB
1102)

A BILL FOR

An Act relating to the assessment of certain subdivided real property and including applicability provisions.
BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 1901SV (1) 84
md/sc

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PAG LIN

1 1 Section 1. Section 405.1, Code 2011, is amended to read as
1 2 follows:
1 3 405.1 Housing development ==== tax status ==== limitation.
1 4 ~~1.~~ The board of supervisors of a county ~~with a population~~
~~1 5 of less than twenty thousand~~ may adopt an ordinance providing
1 6 that property acquired and subdivided for development of
1 7 housing shall continue to be assessed for taxation in the
1 8 manner that it was prior to the acquisition for housing. Each
1 9 lot shall continue to be taxed in the manner it was prior
1 10 to its acquisition for housing until the lot is sold for
1 11 construction or occupancy of housing ~~or five years from the~~
~~1 12 date of subdivision, whichever is shorter. Upon the sale or~~
~~1 13 the expiration of the five-year period, the property shall be~~
~~1 14 assessed for taxation as residential or commercial multifamily~~
~~1 15 property, whichever is applicable~~.
1 16 ~~2. The board of supervisors of a county with a population~~
~~1 17 of twenty thousand or more may adopt an ordinance providing~~
~~1 18 that property acquired and subdivided for development of~~
~~1 19 housing shall continue to be assessed for taxation in the~~
~~1 20 manner that it was prior to the acquisition for housing. Each~~
~~1 21 lot shall continue to be taxed in the manner it was prior~~
~~1 22 to its acquisition for housing until the lot is sold for~~
~~1 23 construction or occupancy of housing or three years from the~~
~~1 24 date of subdivision, whichever is shorter. Upon the sale or~~
~~1 25 the expiration of the three-year period, the property shall be~~
~~1 26 assessed for taxation as residential or commercial multifamily~~
~~1 27 property, whichever is applicable.~~
1 28 Sec. 2. Section 441.72, Code 2011, is amended to read as
1 29 follows:
1 30 441.72 Assessment of platted lots.
1 31 When a subdivision plat is recorded pursuant to chapter
1 32 354, the individual lots within the subdivision plat shall
1 33 not be assessed in excess of the total assessment of the land
1 34 as acreage or unimproved property ~~for three years after the~~
~~1 35 recording of the plat or~~ until the lot is actually improved

Senate File 395 - Introduced continued

with permanent construction~~, whichever occurs first~~. When an individual lot has been improved with permanent construction, the lot shall be assessed for taxation purposes as provided in chapter 428 and this chapter. This section does not apply to special assessment levies.

Sec. 3. APPLICABILITY. This Act applies to assessment years beginning on or after January 1, 2012.

EXPLANATION

Currently, a platted lot for which a subdivision plat has been recorded will be assessed for property tax purposes as acreage or unimproved property for three years or until the lot is actually improved with permanent construction, whichever occurs first. This bill removes the three=year time limit and provides that a platted lot will be assessed as acreage or unimproved property until the lot is actually improved with permanent construction.

The bill also repeals a provision that allowed a county of 20,000 or more to adopt an ordinance providing for assessment of subdivided lots acquired for development of housing in the manner they were assessed prior to acquisition for three years from the date of subdivision or until the lot is sold for construction or occupancy of housing, whichever is sooner. The bill also amends a similar provision that allowed counties with a population of less than 20,000 to adopt the same ordinance but with a five=year assessment period, by removing the five=year time limit and providing that such an ordinance may allow each lot to be taxed in the manner it was prior to its acquisition until the lot is sold for construction or occupancy of housing.

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

LSB 1901SV (1) 84
md/sc

Senate File 396 - Introduced

SENATE FILE
BY COMMITTEE ON COMMERCE

(SUCCESSOR TO SSB
1172)

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 2716SV (1) 84
je/rj

Senate File 396 - Introduced 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 2716SV (1) 84
je/rj

Senate File 397 - Introduced

SENATE FILE
BY COMMITTEE ON VETERANS
AFFAIRS

(SUCCESSOR TO SF 87)

A BILL FOR

An Act creating criminal offenses for falsely claiming the receipt of certain military medals or decorations and providing penalties.

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

TLSB 1088SV (1) 84
aw/nh

Senate File 397 - Introduced continued

PAG LIN

1 1 Section 1. NEW SECTION. 718B.1 Military medals or
1 2 decorations protections ==== penalties.
1 3 1. False claims about receipt of military decorations or
1 4 medals. A person shall not falsely represent, verbally or in
1 5 writing, that the person was awarded any decoration or medal
1 6 authorized by the United States Congress for the armed forces
1 7 of the United States, any of the service medals or badges
1 8 awarded to the members of such forces, the ribbon, button,
1 9 or rosette of any such badge, decoration, or medal, or any
1 10 colorable imitation of such item. A person violating this
1 11 subsection commits a serious misdemeanor.
1 12 2. Enhanced penalty for offenses involving medal of honor.
1 13 a. If a decoration or medal involved in an offense
1 14 under subsection 1 is a medal of honor, the violation is an
1 15 aggravated misdemeanor.
1 16 b. For purposes of this subsection, the term "medal of
1 17 honor" means any of the following:
1 18 (1) A medal of honor awarded under 10 U.S.C. { 3741, 6241,
1 19 or 8741 or 14 U.S.C. { 491.
1 20 (2) A duplicate medal of honor issued under 10 U.S.C. {
1 21 3754, 6256, or 8754 or 14 U.S.C. { 504.
1 22 (3) A replacement of a medal of honor provided under 10
1 23 U.S.C. { 3747, 6253, or 8747 or 14 U.S.C. { 501.
1 24 3. Enhanced penalty for offenses involving certain other
1 25 medals. If a decoration or medal involved in an offense
1 26 described in subsection 1 is a distinguished=service cross
1 27 awarded under 10 U.S.C. { 3742, a navy cross awarded under 10
1 28 U.S.C. { 6242, an air force cross awarded under 10 U.S.C. {
1 29 8742, a silver star awarded under 10 U.S.C. { 3746, 6244, or
1 30 8746, a purple heart awarded under 10 U.S.C. { 1129, or any
1 31 replacement or duplicate medal for such medal as authorized by
1 32 law, the violation is an aggravated misdemeanor.
1 33 EXPLANATION
1 34 This bill creates a criminal offense for falsely claiming
1 35 the receipt of certain military medals or decorations. Such

Senate File 397 - Introduced continued

2 1 offense is a serious misdemeanor. Under Code chapter 903, a
2 2 serious misdemeanor shall carry a fine of at least $315 but not
2 3 more than $1,875. For this violation a court may also order
2 4 imprisonment of not more than one year.
2 5 The bill creates enhanced sentences if the medal
2 6 or decoration involved is the medal of honor, the
2 7 distinguished=service cross, navy cross, air force cross,
2 8 silver star, purple heart, or a replacement or duplicate
2 9 of these medals. The bill elevates these violations to an
2 10 aggravated misdemeanor. Under Code chapter 903, an aggravated
2 11 misdemeanor shall carry a fine of at least $625 but not
2 12 more than $6,250. For this violation a court may also order
2 13 imprisonment of not more than two years.
LSB 1088SV (1) 84
aw/nh

Senate File 398 - Introduced

SENATE FILE
BY COMMITTEE ON VETERANS
AFFAIRS

(SUCCESSOR TO SSB
1173)

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 2444SV (1) 84
aw/nh

Senate File 398 - Introduced continued

PAG LIN

1 1 Section 1. Section 35A.8, subsection 5, Code 2011, is
1 2 amended by adding the following new paragraph:
1 3 NEW PARAGRAPH. g. A post=Vietnam Conflict veterans' bonus
1 4 fund is created in the state treasury. The post=Vietnam
1 5 Conflict veterans' bonus fund shall consist of all moneys
1 6 appropriated to the fund to pay the bonus compensation
1 7 authorized in section 35A.8B. On July 1, 2011, all funds
1 8 remaining in the Vietnam Conflict veterans' bonus fund
1 9 created in paragraph "f" are appropriated to the post=Vietnam
1 10 Conflict veterans' bonus fund created in this paragraph.
1 11 Notwithstanding section 12C.7, interest or earnings on
1 12 investments or time deposits of the moneys in the post=Vietnam
1 13 Conflict veterans' bonus fund shall be credited to the bonus
1 14 fund. Section 8.33 does not apply to moneys appropriated to
1 15 the post=Vietnam Conflict veterans' bonus fund.
1 16 Sec. 2. NEW SECTION. 35A.8B Post=Vietnam Conflict veterans'
1 17 bonus ==== limited residency requirement ==== appropriation.
1 18 1. a. A person who served on active duty for not less
1 19 than one hundred twenty days in the armed forces of the United
1 20 States at any time between August 24, 1982, and July 31, 1984,
1 21 both dates inclusive, between December 20, 1989, and January
1 22 31, 1990, both dates inclusive, or between August 2, 1990,
1 23 and February 28, 1991, both dates inclusive, and who was
1 24 inducted into active duty service from the state of Iowa and
1 25 was honorably discharged or separated from active duty service,
1 26 or is still in active service in an honorable status, or has
1 27 been retired, or has been furloughed to a reserve, or has been
1 28 placed on inactive status is entitled to receive from moneys
1 29 appropriated for that purpose the sum of seventeen dollars and
1 30 fifty cents for each month that the person was on active duty
1 31 service in a conflict service area, within the dates specified
1 32 in this paragraph. Compensation under this paragraph shall not
1 33 exceed a total sum of five hundred dollars. Compensation for a
1 34 fraction of a month shall not be considered unless the fraction
1 35 is sixteen days or more, in which case the fraction shall be

Senate File 398 - Introduced continued

2 1 computed as a full month.
2 2 b. A person otherwise qualified under paragraph "a" except
2 3 that the person was on active duty service but was not present
2 4 in a conflict service area is entitled to receive from moneys
2 5 appropriated for that purpose the sum of twelve dollars and
2 6 fifty cents for each month that the person was on active
2 7 duty service, within the dates specified in paragraph "a".
2 8 Compensation under this paragraph shall not exceed a total sum
2 9 of three hundred dollars. Compensation for a fraction of a
2 10 month shall not be considered unless the fraction is sixteen
2 11 days or more, in which case the fraction shall be computed as
2 12 a full month.
2 13 c. The department shall adopt rules pursuant to chapter 17A
2 14 providing for the definition of a conflict service area.
2 15 2. A person otherwise eligible to receive compensation
2 16 pursuant to subsection 1 shall be entitled to compensation
2 17 pursuant to this section if all of the following requirements
2 18 are met:
2 19 a. The person has not received a bonus or compensation
2 20 similar to that provided in this section from this state or
2 21 another state.
2 22 b. The person was on active duty service after August
2 23 24, 1982, and the person did not refuse on conscientious,
2 24 political, religious, or other grounds, to be subject to
2 25 military discipline.
2 26 c. The person made application for a bonus or compensation
2 27 similar to that provided in this section from this state
2 28 and was denied compensation because the person did not meet
2 29 applicable residency requirements.
2 30 d. The person files an application for compensation under
2 31 this section in a manner determined by the department of
2 32 veterans affairs.
2 33 3. The surviving unremarried widow or widower, child or
2 34 children, mother, father, or person standing in loco parentis,
2 35 in the order named and none other, of any deceased person shall

Senate File 398 - Introduced 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 File 398 - Introduced continued

4 1 This bill provides for the creation of a veterans' bonus
4 2 fund within the state treasury for the provision of bonuses to
4 3 veterans of the United States military who served during the
4 4 period of certain conflicts.
4 5 The bonus fund would be available to certain members of the
4 6 United States armed forces who served in active duty during
4 7 the military conflicts in Lebanon, Granada, Panama, and the
4 8 Persian Gulf. The bill provides certain dates for the periods
4 9 of these conflicts. The bill provides that veterans who served
4 10 in conflict service areas during these periods will receive
4 11 a larger bonus for their service than veterans who did not
4 12 serve in a conflict service area. The bill provides for the
4 13 computation of such payments based upon months of service
4 14 either in or outside of a conflict service area. A person who
4 15 served in a conflict service area will not receive more than a
4 16 $500 bonus and a person who did not serve in a conflict service
4 17 area will not receive more than a $300 bonus from the fund.
4 18 The bill requires that a veteran must meet additional
4 19 requirements to qualify for a bonus. The person must not have
4 20 received a similar bonus from this state or any other state.
4 21 The person must not have refused to be subject to military
4 22 discipline on certain grounds. The person must have applied
4 23 for a similar bonus and been denied compensation because the
4 24 person did not meet residency requirements. The bill also
4 25 requires that the person file an application for the bonus from
4 26 this fund in order to qualify.
4 27 Certain other persons including a surviving unremarried
4 28 widow or widower, child or children, mother, father, or person
4 29 standing in loco parentis of any deceased person shall be paid
4 30 the compensation that the deceased person would have been
4 31 entitled to. Payments for such compensation may be made to the
4 32 first survivor in the order named and none other. The bill
4 33 provides that upon certain service=related death or disability
4 34 that the veteran or first survivor will be paid the highest
4 35 possible contribution permitted to that individual allowed by

Senate File 398 - Introduced 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 2444SV (1) 84
aw/nh

Senate File 399 - Introduced

SENATE FILE
BY COMMITTEE ON VETERANS
AFFAIRS

(SUCCESSOR TO SF 329)

A BILL FOR

An Act regulating the advertising of veterans benefits appeal services by requiring certain disclosures and including a civil penalty.

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

TLSB 1039SV (1) 84
aw/rj

Senate File 399 - Introduced continued

PAG LIN

1 1 Section 1. NEW SECTION. 546B.1 Veterans benefits appeal
1 2 services ==== regulation of advertising practices.
1 3 As used in this chapter:
1 4 1. a. "Advertising" or "advertisement" means any of the
1 5 following:
1 6 (1) Any written or printed communication made for the
1 7 purpose of soliciting, describing, or promoting veterans
1 8 benefits appeal services, including but not limited to a
1 9 brochure, letter, pamphlet, newspaper, telephone listing,
1 10 periodical, or other writing.
1 11 (2) Any directory listing caused or permitted by a person to
1 12 be made available which indicates that veterans benefits appeal
1 13 services are being offered.
1 14 (3) Any radio, television, computer network, or similar
1 15 airwave or electronic transmission which solicits or promotes a
1 16 person offering veterans benefits appeal services.
1 17 b. "Advertising" or "advertisement" does not include any of
1 18 the following:
1 19 (1) Any printing or writing used on buildings, uniforms, or
1 20 badges, where the purpose of the writing is for identification.
1 21 (2) Any printing or writing in a memorandum or other
1 22 communication used in the ordinary course of business where the
1 23 sole purpose of the writing is other than the solicitation or
1 24 promotion of veterans benefits appeal services.
1 25 2. "Veteran" means as defined in section 35.1.
1 26 3. "Veterans benefits appeal services" means services which
1 27 a veteran might reasonably require in order to appeal a denial
1 28 of federal or state veterans benefits, including but not
1 29 limited to denials of disability, limited=income, home loan,
1 30 insurance, education and training, burial and memorial, and
1 31 dependent and survivor benefits.
1 32 Sec. 2. NEW SECTION. 546B.2 Advertising disclosure
1 33 requirements.
1 34 1. A person advertising services to represent or assist
1 35 veterans in appealing a denial of veterans benefits shall

Senate File 399 - Introduced continued

2 1 conspicuously disclose in the advertisement, in similar type
2 2 size or voice=over, that appeal services are also offered at
2 3 no cost by county commission of veteran affairs offices as
2 4 maintained pursuant to section 35B.6.
2 5 2. A person who fails to comply with the provisions of
2 6 this section is subject to a civil penalty not to exceed one
2 7 thousand dollars for each violation. Civil penalties shall
2 8 be assessed by the district court in an action initiated
2 9 by the attorney general. For the purposes of computing
2 10 the amount of each civil penalty, each day of a continuing
2 11 violation constitutes a separate violation. Additionally,
2 12 the attorney general may accept a civil penalty as determined
2 13 by the attorney general in settlement of an investigation of
2 14 a violation of this section regardless of whether an action
2 15 has been filed pursuant to this section. Any civil penalty
2 16 recovered shall be deposited in the veterans trust fund created
2 17 in section 35A.13.
2 18 EXPLANATION
2 19 This bill requires that a person advertising veterans
2 20 benefits appeal services disclose in the advertisement that the
2 21 same services are also available through county commission of
2 22 veteran affairs offices free of charge. The bill provides or
2 23 incorporates definitions for advertising, veteran, and veterans
2 24 benefits appeal services.
2 25 The bill provides a civil penalty of up to $1,000 for each
2 26 violation. The bill states that the civil penalty will be
2 27 assessed by the district court in an action initiated by the
2 28 attorney general and that each day of a continuing violation
2 29 shall be counted as a separate violation. The attorney
2 30 general's office is given the discretion to accept a civil
2 31 penalty in settlement of an investigation. The bill also
2 32 requires that any civil penalty recovered must be deposited in
2 33 the veterans trust fund.
LSB 1039SV (1) 84
aw/rj

Senate File 400 - Introduced

SENATE FILE
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO SSB
1120)

A BILL FOR

An Act relating to the conveyance or encumbrance of a homestead by a spouse.

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

TLSB 1667SV (3) 84
rh/sc

Senate File 400 - Introduced continued

PAG LIN

1 1 Section 1. Section 561.13, Code 2011, is amended to read as
1 2 follows:
1 3 561.13 Conveyance or encumbrance.
1 4 1. A conveyance or encumbrance of~~,~~ or a contract to convey
1 5 or encumber the homestead, if the owner is married, ~~is not~~
~~1 6 valid, unless and until the spouse of the owner executes~~ may
1 7 be invalidated by a spouse who has not executed the same or a
1 8 like instrument, or a power of attorney for the execution of
1 9 the same or a like instrument. However, when the homestead is
1 10 conveyed or encumbered along with or in addition to other real
1 11 estate, it is not necessary to particularly describe or set
1 12 aside the tract of land constituting the homestead, whether the
1 13 homestead is exclusively the subject of the contract or not,
1 14 but the contract may be enforced as to real estate other than
1 15 the homestead at the option of the purchaser or encumbrancer.
1 16 2. If a spouse who holds only homestead rights and surviving
1 17 spouse's statutory share in the homestead specifically
1 18 relinquishes homestead rights in an instrument, including
1 19 a power of attorney constituting the other spouse as the
1 20 husband's or wife's attorney in fact, as provided in section
1 21 597.5, it is not necessary for the spouse to join in the
1 22 granting clause of the same or a like instrument.
1 23 3. A conveyance or encumbrance or a contract to convey or
1 24 encumber the homestead is not invalid under subsection 1 if any
1 25 of the following apply:
1 26 a. The nonsigning spouse's interest is terminated by divorce
1 27 or other order of the court.
1 28 b. Section 614.15 or 654.12B applies.
1 29 c. Voiding the conveyance or encumbrance or the contract
1 30 to convey or encumber the homestead would unjustly enrich the
1 31 nonsigning spouse.
1 32 4. For the purposes of this section, "nonsigning spouse"
1 33 means a spouse who has not executed a conveyance or encumbrance
1 34 or a contract to convey or encumber the homestead, the same or
1 35 a like instrument, or a power of attorney for the execution of

Senate File 400 - Introduced continued

2 1 the same or a like instrument.
2 2 5. For the purposes of this section, a document that
2 3 provides all of the following meets the requirement of a "same
2 4 or a like instrument":
2 5 a. Includes information sufficiently identifying the
2 6 original conveyance, encumbrance, or contract.
2 7 b. Releases the homestead rights and surviving spouse's
2 8 statutory share in the homestead.
2 9 EXPLANATION
2 10 This bill provides that the conveyance or encumbrance of a
2 11 homestead by a married person who is the owner of the homestead
2 12 is not automatically invalid if the person's spouse has not
2 13 joined in the conveyance or encumbrance. Such a spouse must
2 14 take action to invalidate the conveyance or encumbrance.
2 15 The bill further provides that a conveyance or encumbrance
2 16 or a contract to convey or encumber the homestead is not
2 17 invalid under the bill if the nonsigning spouse's interest is
2 18 terminated by divorce or other order of the court, either Code
2 19 section 614.15 (relating to the general statute of limitations
2 20 for the failure of a spouse to convey or transfer an interest
2 21 in real estate) or Code section 654.12B (relating to the
2 22 priority status of a purchase money mortgage lien over all
2 23 other mortgages) applies, or if voiding the conveyance or
2 24 encumbrance would unjustly enrich the nonsigning spouse.
2 25 The bill defines a "nonsigning spouse" as a spouse who
2 26 has not executed a conveyance or encumbrance or the contract
2 27 to convey or encumber the homestead, the same or a like
2 28 instrument, or a power of attorney for a same or a like
2 29 instrument. A "same or a like instrument" document must
2 30 include information sufficiently identifying the original
2 31 conveyance, encumbrance, or contract and must release the
2 32 homestead rights and the surviving spouse's statutory share in
2 33 the homestead.

Senate File 401 - Introduced

SENATE FILE
BY COMMITTEE ON HUMAN RESOURCES

(SUCCESSOR TO SSB 1030)

A BILL FOR

An Act relating to the penalty for the unlawful practice of dentistry.
BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 1187SV (2) 84
jr/rj

Senate File 401 - Introduced continued

PAG LIN

1 1 Section 1. Section 153.17, Code 2011, is amended by striking
1 2 the section and inserting in lieu thereof the following:
1 3 153.17 Unlawful practice.
1 4 1. A person who engages in the practice of dental hygiene
1 5 without a license or who violates section 147.84 or 147.85 in
1 6 connection with a license to practice dental hygiene commits
1 7 a fraudulent practice or a serious misdemeanor as provided in
1 8 sections 147.84 through 147.86.
1 9 2. A person who engages in the practice of dentistry or
1 10 dental surgery without a license or who violates section 147.84
1 11 or 147.85 in connection with a license to practice dentistry
1 12 commits a class "D" felony.
1 13 3. This section does not apply to a person who fails to
1 14 renew the person's license within an established grace period.
1 15 EXPLANATION
1 16 Current law provides the same penalty for unlawful
1 17 practice by either a dentist or dental hygienist == a serious
1 18 misdemeanor. This bill provides that practicing dentistry or
1 19 dental surgery without a license or violating the provisions of
1 20 Code section 147.84 or 147.85 in connection with a license to
1 21 practice dentistry commits a class "D" felony. Code sections
1 22 147.84 and 147.85 relate to providing forged or fraudulent
1 23 documents in connection with professional practices and
1 24 licensing.
1 25 As provided in Code section 902.9(5), a class "D" felony is
1 26 punishable by confinement for no more than five years and a
1 27 fine of at least $750 but not more than $7,500.
LSB 1187SV (2) 84
jr/rj

Senate File 402 - Introduced

SENATE FILE
BY COMMITTEE ON VETERANS AFFAIRS

(SUCCESSOR TO SSB 1134)

A BILL FOR

1 An Act relating to the injured veterans grant program.
2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 2402SV (1) 84
aw/sc

Senate File 402 - Introduced continued

PAG LIN

1 1 Section 1. Section 35A.14, subsection 5, Code 2011, is
1 2 amended by adding the following new paragraph:
1 3 NEW PARAGRAPH. d. A seriously injured veteran meeting
1 4 all other requirements of this section may receive additional
1 5 grants for subsequent, unrelated injuries that meet the
1 6 requirements of this section.
1 7 EXPLANATION
1 8 This bill allows for a seriously injured veteran who has
1 9 previously received an injured veterans grant to receive
1 10 additional grants from the injured veterans grant program for
1 11 subsequent, unrelated injuries which meet the requirements of
1 12 the program.
LSB 2402SV (1) 84
aw/sc

Senate Joint Resolution 15 - Introduced

SENATE JOINT RESOLUTION
BY SORENSON

SENATE JOINT RESOLUTION

A Joint Resolution proposing an amendment to the Constitution of the State of Iowa relating to the use of eminent domain.
BE IT RESOLVED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 2616XS (5) 84
md/rj

Senate Joint Resolution 15 - Introduced continued

PAG LIN

1 1 Section 1. The following amendment to the Constitution of
1 2 the State of Iowa is proposed:
1 3 Section 18 of Article I of the Constitution of the State of
1 4 Iowa, as amended by the Amendment of 1908, is repealed and the
1 5 following adopted in lieu thereof:
1 6 Eminent domain.SEC. 18. Private property shall not be
1 7 taken for a public use, for a public purpose, or for a public
1 8 improvement. The acquisition of private property for a public
1 9 use, for a public purpose, or for a public improvement shall
1 10 only occur upon consent of the property owner. The state
1 11 or a political subdivision of the state shall not assist the
1 12 government of the United States in any action to take private
1 13 property for a public use, for a public purpose, or for a
1 14 public improvement without the consent of the property owner.
1 15 Sec. 2. PUBLICATION AND REFERRAL TO NEXT GENERAL
1 16 ASSEMBLY. The foregoing proposed amendment to the Constitution
1 17 of the State of Iowa is referred to the general assembly to be
1 18 chosen at the next general election for members of the general
1 19 assembly, and the secretary of state is directed to cause the
1 20 proposed amendment to be published for three consecutive months
1 21 previous to the date of that election as provided by law.
1 22 EXPLANATION
1 23 This joint resolution proposes an amendment to the
1 24 Constitution of the State of Iowa by providing that private
1 25 property shall not be taken for a public use, for a public
1 26 purpose, or for a public improvement. The resolution also
1 27 provides that the acquisition of private property for a public
1 28 use, for a public purpose, or for a public improvement shall
1 29 only occur upon consent of the property owner. The resolution
1 30 prohibits the state or a political subdivision from assisting
1 31 the government of the United States in any action to take
1 32 private property for such purposes without the consent of the
1 33 property owner.
1 34 The resolution, if adopted, would be published and then
1 35 referred to the next general assembly (85th) for adoption,

Senate Joint Resolution 15 - Introduced continued

2 1 before being submitted to the electorate for ratification.
LSB 2616XS (5) 84
md/rj

Senate Joint Resolution 16 - Introduced

SENATE JOINT RESOLUTION
BY SORENSON

SENATE JOINT RESOLUTION

A Joint Resolution proposing an amendment to the Constitution of the State of Iowa relating to standing to file an action challenging the constitutionality of a law.

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

TLSB 2632XS (4) 84
rh/rj

Senate Joint Resolution 16 - Introduced continued

PAG LIN

1 1 Section 1. The following amendment to the Constitution of
1 2 the State of Iowa is proposed:
1 3 Article V of the Constitution of the State of Iowa is amended
1 4 by adding the following new section:
1 5 Standing.SEC. 6A. Any natural person shall be deemed to
1 6 have standing in order to file an action challenging any law as
1 7 unconstitutional if the person is a resident of this state.
1 8 Sec. 2. PUBLICATION AND REFERRAL TO NEXT GENERAL
1 9 ASSEMBLY. The foregoing proposed amendment to the Constitution
1 10 of the State of Iowa is referred to the general assembly to be
1 11 chosen at the next general election for members of the general
1 12 assembly, and the secretary of state is directed to cause the
1 13 same to be published for three consecutive months previous to
1 14 the date of that election as provided by law.
1 15 EXPLANATION
1 16 This joint resolution proposes an amendment to the
1 17 Constitution of the State of Iowa providing that any person
1 18 shall be deemed to have standing in order to file an action
1 19 challenging any law as unconstitutional if the person is a
1 20 resident of this state.
1 21 The joint resolution, if adopted, would be referred to the
1 22 next general assembly (Eighty=fifth) for adoption a second time
1 23 before being submitted to the electorate for ratification.
LSB 2632XS (4) 84
rh/rj

Senate Resolution 5 - Introduced

PAG LIN

SENATE RESOLUTION NO.
BY BOETTGER

1 1 A Resolution recognizing March 2011 as Iowa Women's
1 2 History Month.
1 3 WHEREAS, Iowa women of every race, class, and
1 4 ethnic background have made historic contributions
1 5 to the growth and strength of our state and nation
1 6 in countless recorded and unrecorded ways, including
1 7 through the struggle for women's rights; and
1 8 WHEREAS, Iowa women have played and continue to
1 9 play a critical economic, cultural, and social role by
1 10 constituting a significant portion of the labor force
1 11 working inside and outside of the home, despite being
1 12 underpaid; and
1 13 WHEREAS, Iowa women were particularly important in
1 14 the establishment of early charitable, philanthropic,
1 15 and cultural institutions in our state and nation; and
1 16 WHEREAS, Iowa women and men amended Article I,
1 17 section 1, of the Constitution of Iowa to read that
1 18 "All men and women are, by nature, free and equal, and
1 19 have certain inalienable rights"; and
1 20 WHEREAS, Iowa women have been leaders in business
1 21 and industry as well as the abolitionist movement, the
1 22 emancipation movement, the industrial labor movement,
1 23 the civil rights movement, the peace movement, and the
1 24 women's suffrage movement, which have created a more
1 25 fair and just society for all; and
1 26 WHEREAS, despite these contributions, and those
1 27 of women throughout the world, the role of women
1 28 has been consistently overlooked and undervalued in

Senate Resolution 5 - Introduced continued

2 1 the literature, teaching, and study of history; NOW
2 2 THEREFORE,
2 3 BE IT RESOLVED BY THE SENATE, That the Senate
2 4 recognizes the month of March 2011 as Iowa Women's
2 5 History Month and invites the citizens of Iowa to
2 6 continue to uncover the roles women have played
2 7 throughout history.
LSB 2352XS (2) 84
jr/nh

Senate Study Bill 1180

SENATE FILE
BY (PROPOSED COMMITTEE ON
AGRICULTURE BILL BY
CHAIRPERSON SENG)

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 2715XC (2) 84
da/rj

Senate Study Bill 1180 continued

PAG LIN

1 1 Section 1. INTENT OF THE GENERAL ASSEMBLY. It is the intent
1 2 of the general assembly to enact legislation relating to the
1 3 feeding and care of livestock that are deemed by a court to be
1 4 neglected.
1 5 EXPLANATION
1 6 This bill provides that it is the intent of the general
1 7 assembly to enact legislation relating to the feeding and care
1 8 of livestock that are deemed by a court to be neglected.
LSB 2715XC (2) 84
da/rj

Senate Study Bill 1181

SENATE FILE
BY (PROPOSED COMMITTEE ON
LOCAL GOVERNMENT BILL
BY CHAIRPERSON
WILHELM)

A BILL FOR

An Act relating to the powers and governance of benefited recreational lake districts, water quality districts, and combined recreational lake and water quality districts.

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

TLSB 2726XC (1) 84
md/sc

Senate Study Bill 1181 continued

PAG LIN

1 1 Section 1. Section 357E.1, subsection 3, Code 2011, is
1 2 amended to read as follows:
1 3 3. "District" means a benefited recreational lake district
1 4 or a water quality district or a combined district incorporated
1 5 as a public entity and organized pursuant to this chapter.
1 6 Sec. 2. Section 357E.9, Code 2011, is amended to read as
1 7 follows:
1 8 357E.9 Trustees ==== term and qualification.
1 9 1. a. At the election, the names of at least ~~three~~ seven
1 10 candidates for trustee shall be written in by the voters on
1 11 blank ballots without formal nomination and the board of
1 12 supervisors shall appoint ~~three~~ seven from among the ~~five~~ nine
1 13 receiving the highest number of votes as trustees for the
1 14 district. ~~One trustee~~ Three trustees shall be appointed to
1 15 serve for one year, ~~one~~ two for two years, and ~~one~~ two for three
1 16 years. The trustees shall give bond in the amount required by
1 17 the board, the premium of which shall be paid by the district.
1 18 The trustees must be residents of the district or be property
1 19 owners within the district. Vacancies shall be filled by
1 20 election, but if there are no candidates for a trustee office,
1 21 the vacancy may be filled by appointment by the board. The
1 22 terms of the succeeding trustees are for three years.
1 23 b. For districts in existence on July 1, 2011, the number
1 24 of trustees, other than those appointed under subsection 2,
1 25 shall be increased from three trustees to seven trustees. For
1 26 the initial seven=member board under this paragraph, the board
1 27 of supervisors shall appoint four trustees. One trustee shall
1 28 be appointed to serve for one year, one for two years, and two
1 29 for three years. The term of each trustee appointed under this
1 30 paragraph shall expire on the same date as the term of the
1 31 current trustee whose term expires during the same year.
1 32 2. If the state owns at least four hundred acres of land
1 33 contiguous to a lake within the district, the natural resource
1 34 commission shall appoint two members of the board of trustees
1 35 in addition to the ~~three~~ seven members provided in this

Senate Study Bill 1181 continued

2 1 section. The additional two members must be citizens of the
2 2 state, not less than eighteen years of age, and property owners
2 3 within the district. The two additional members have voting
2 4 and other authority equal to the other members of the board and
2 5 hold office at the pleasure of the natural resource commission.
2 6 Sec. 3. Section 357E.11, Code 2011, is amended by striking
2 7 the section and inserting in lieu thereof the following:
2 8 357E.11 Bonds and indebtedness.
2 9 1. A district may borrow money for its corporate purposes,
2 10 but shall not become indebted in any manner or for any purpose
2 11 to an amount in the aggregate exceeding five percent on the
2 12 value of the taxable property within the district, to be
2 13 ascertained by the last state and county tax lists previous to
2 14 the incurring of the indebtedness. Indebtedness within this
2 15 limit shall not include the indebtedness of any other municipal
2 16 corporation located wholly or partly within the boundaries of
2 17 the district.
2 18 2. A district shall have the same powers to issue bonds,
2 19 including both general obligation and revenue bonds, that
2 20 cities have under the laws of this state, including but not
2 21 limited to chapter 76, section 384.4, and sections 384.23
2 22 through 384.94. The bonds shall be made payable at the place
2 23 and be of the form as the board of trustees shall by resolution
2 24 designate. In the application of the laws to this chapter, the
2 25 words used in the laws referring to municipal corporations or
2 26 to cities shall be held to include districts organized under
2 27 this chapter; the words "council" or "city council" shall be
2 28 held to include the board of trustees of a district; the words
2 29 "mayor" and "clerk" shall be held to include the president and
2 30 clerk of a board of trustees; and like construction shall be
2 31 given to any other words in the laws where required to permit
2 32 the exercise of the powers by districts under this section.
2 33 3. An indebtedness shall not be incurred under this section
2 34 until authorized by an election. The election shall be held
2 35 and notice given in the same manner as provided in section

Senate Study Bill 1181 continued

3 1 357E.8, except that a proposition to authorize indebtedness is
3 2 approved if sixty percent of those voting on the proposition
3 3 vote in favor of the proposition. A proposition for the
3 4 authorization of indebtedness may be submitted to the voters at
3 5 the same election as the election under section 357E.8.
3 6 EXPLANATION
3 7 This bill makes changes to Code chapter 357E relating to
3 8 benefited recreational lake districts, water quality districts,
3 9 and combined recreational lake and water quality districts.
3 10 The bill specifies that districts under Code chapter 357E
3 11 are incorporated as public entities.
3 12 The bill increases from three to seven the number of trustees
3 13 on the board governing a benefited recreational lake district,
3 14 water quality district, or combined recreational lake and
3 15 water quality district, other than the two trustees who may
3 16 be appointed by the natural resource commission if the state
3 17 owns a certain amount of land contiguous to a lake within the
3 18 district. The bill makes corresponding changes to the trustee
3 19 selection procedure for newly established districts.
3 20 The bill also provides that for districts in existence on
3 21 July 1, 2011, the board of supervisors is required to appoint
3 22 four additional trustees. One trustee shall be appointed to
3 23 serve for one year, one for two years, and two for three years.
3 24 Following expiration of those initial appointments, vacancies
3 25 are filled by election.
3 26 Current law requires trustees to be residents of the
3 27 district. The bill would also allow property owners within the
3 28 district to serve as trustees.
3 29 The bill strikes and replaces Code section 357E.11, relating
3 30 to a district's authority to issue bonds in anticipation of
3 31 revenue. New Code section 357E.11 authorizes a district to
3 32 issue bonds, including both general obligation and revenue
3 33 bonds, in the same manner as cities. The bill provides that
3 34 the bonds must be payable at the place and be of the form
3 35 designated by the board of trustees. The bill provides,

Senate Study Bill 1181 continued

4 1 however, that a district may not incur an indebtedness until
4 2 authorized by an election where 60 percent of those voting on
4 3 the proposition vote in favor of the proposition.
LSB 2726XC (1) 84
md/sc

Senate Study Bill 1182

SENATE/HOUSE FILE
BY (PROPOSED DEPARTMENT
OF HUMAN SERVICES
BILL)

A BILL FOR

An Act relating to requirements of the department of human services involving individuals and families.
BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 1223DP (6) 84
jp/nh

Senate Study Bill 1182 continued

PAG LIN

1 1 DIVISION I
1 2 CHILD CARE RESOURCE AND REFERRAL AGENCIES
1 3 Section 1. Section 237A.26, Code 2011, is amended to read
1 4 as follows:
1 5 237A.26 Statewide resource and referral services ~~==== grants~~.
1 6 1. The department shall administer the funding for a
1 7 statewide grant program for child care resource and referral
1 8 services. ~~Grants shall only be awarded to community=based~~
~~1 9 nonprofit incorporated agencies and public agencies.~~ Grants
1 10 shall be awarded to facilitate the establishment of regional
1 11 resource and referral agencies throughout the state~~, based upon~~
~~1 12 the distribution of the child population in the state~~.
1 13 2. The department shall provide oversight of and annually
1 14 evaluate an agency which is awarded a grant to provide resource
1 15 and referral services to a region. For the purposes of this
1 16 section, "agency" means an incorporated nonprofit agency, public
1 17 agency, or private company.
1 18 3. An agency which receives a grant to provide resource
1 19 and referral services shall perform both of the following
1 20 functions:
1 21 a. Organize assistance to child care homes and child
1 22 ~~development homes~~ care facilities utilizing training levels
1 23 based upon the ~~homes'~~ child care providers' degrees of
1 24 experience and interest.
1 25 b. Operate in partnership with both public and private
1 26 interests and coordinate resource and referral services with
1 27 existing community services.
1 28 4. An agency~~, to be eligible to receive a grant to provide~~
~~1 29 resource and referral services, must~~ may be required by the
1 30 department to match the grant with financial resources ~~equal to~~
~~1 31 at least twenty=five percent of the amount of the grant~~. The
1 32 financial resources may include a private donation, an in=kind
1 33 contribution, or a public funding source other than a separate
1 34 state grant for child care service improvement.
1 35 5. An agency, to be eligible to receive a grant to provide

Senate Study Bill 1182 continued

2 1 resource and referral services, must have a board of directors
2 2 if the agency is an incorporated nonprofit agency or must have
2 3 an advisory board if the agency is a public agency or private
2 4 company, to oversee the provision of resource and referral
2 5 services. The board shall include providers, consumers, and
2 6 other persons interested in the provision or delivery of child
2 7 care services.
2 8 6. An agency which receives a child care resource and
2 9 referral grant ~~shall~~ may be awarded funding to provide ~~all~~
2 10 various child care=related services, which may include but are
2 11 not limited to any of the following services:
2 12 a. Assist families in selecting quality child care. The
2 13 agency must provide referrals to registered and licensed child
2 14 care facilities, and to persons providing care, supervision,
2 15 and guidance of a child which is not defined as child care
2 16 under section 237A.1 and may provide referrals to unregistered
2 17 providers.
2 18 b. Assist child care providers in adopting appropriate
2 19 program and business practices to provide quality child care
2 20 services.
2 21 c. Provide information to the public regarding the
2 22 availability of child care services in the communities within
2 23 the agency's region.
2 24 d. Actively encourage the development of new and expansion
2 25 of existing child care facilities in response to identified
2 26 community needs.
2 27 e. Provide specialized services to employers, including the
2 28 provision of resource and referral services to employee groups
2 29 identified by the employer and the provision of technical
2 30 assistance to develop employer=supported child care programs.
2 31 The specialized services may include but are not limited to
2 32 working with employers to identify networks of recommended
2 33 registered and licensed child care providers for employee
2 34 groups and to implement employer=supported quality improvement
2 35 initiatives among the network providers.

Senate Study Bill 1182 continued

3 1 f. Refer eligible child care facilities to the federal child
3 2 care food programs.
3 3 g. Loan toys, other equipment, and resource materials to
3 4 child care facilities.
3 5 ~~h. Administer funding designated within the grant to provide~~
~~3 6 a substitute caregiver program for registered child development~~
~~3 7 homes to provide substitute child care in a home when the~~
~~3 8 home provider is ill, on vacation, receiving training, or is~~
~~3 9 otherwise unable to provide the care.~~
3 10 7. The department may contract with an agency receiving
3 11 a child care resource and referral grant to perform any of
3 12 the following functions relating to publicly funded services
3 13 providing care, supervision, and guidance of a child:
3 14 a. Determine an individual's eligibility for the services in
3 15 accordance with income requirements.
3 16 b. Administer a voucher, certificate, or other system for
3 17 reimbursing an eligible provider of the services.
3 18 8. For purposes of improving the quality and consistency
3 19 of data collection, consultation, and other support to child
3 20 care home and child development home providers, a resource and
3 21 referral services agency grantee shall coordinate and assist
3 22 with publicly and privately funded efforts administered at
3 23 the community level to provide the support. The support and
3 24 efforts addressed by a grantee may include but are not limited
3 25 to community=funded child care home and child development home
3 26 consultants. Community members involved with the assistance
3 27 may include but are not limited to the efforts of an early
3 28 childhood Iowa area board under chapter 256I, and of community
3 29 representatives of education, health, human services, business,
3 30 faith, and public interests.
3 31 DIVISION II
3 32 GUARDIAN AND CONSERVATOR TRAINING ==== FOSTER HOME INSURANCE FUND
3 33 Sec. 2. Section 237.13, subsection 1, Code 2011, is amended
3 34 to read as follows:
3 35 1. For the purposes of this section, "foster home" means

Senate Study Bill 1182 continued

4 1 ~~either of the following:~~
4 2 ~~a. An~~ an individual, as defined in section 237.1, subsection
4 3 7, who is licensed to provide child foster care and shall also
4 4 be known as a "licensed foster home".
4 5 ~~b. A guardian appointed on a voluntary petition pursuant~~
~~4 6 to section 232.178, or a voluntary petition of a ward pursuant~~
~~4 7 to section 633.557, or a conservator appointed on a voluntary~~
~~4 8 petition of a ward pursuant to section 633.572, provided the~~
~~4 9 ward has an income that does not exceed one hundred fifty~~
~~4 10 percent of the current federal office of management and budget~~
~~4 11 poverty guidelines and who does not have resources in excess~~
~~4 12 of the criteria for resources under the federal supplemental~~
~~4 13 security income program. However, the ward's ownership of~~
~~4 14 one residence and one vehicle shall not be considered in~~
~~4 15 determining resources.~~
4 16 Sec. 3. Section 237.13, subsection 5, Code 2011, is amended
4 17 by striking the subsection.
4 18 Sec. 4. REPEAL. Section 217.40, Code 2011, is repealed.
4 19 DIVISION III
4 20 EARNED INCOME TAX CREDIT INFORMATION
4 21 Sec. 5. Section 217.36, Code 2011, is amended to read as
4 22 follows:
4 23 217.36 ~~Distribution~~ Provision of earned income tax credit
4 24 information.
4 25 1. The department shall ensure that educational materials
4 26 relating to the federal and state earned income tax credits
4 27 are provided in accordance with this section to each household
4 28 receiving assistance or benefits under:
4 29 a. The hawk=i program under chapter 514I.
4 30 b. The family investment program under chapter 239B.
4 31 c. The medical assistance Act under chapter 249A.
4 32 d. The food and food assistance programs defined in section
4 33 234.1 which are administered by the department.
4 34 e. Any other appropriate programs administered by, or under
4 35 the oversight of, the department of human services.

Senate Study Bill 1182 continued

5 1 2. The department shall, by mail or through the internet,
5 2 provide a household described in subsection 1 with access to:
5 3 a. Internal revenue service publications relating to the
5 4 federal earned income tax credit.
5 5 b. Department of revenue publications relating to the state
5 6 earned income tax credit.
5 7 c. Information prepared by tax preparers who provide
5 8 volunteer or free federal or state income tax preparation
5 9 services to low=income and other eligible persons and who are
5 10 located in close geographic proximity to the person.
5 11 ~~3. In January of each year, the department or a~~
~~5 12 representative of the department shall mail to each household~~
~~5 13 described in subsection 1 information about the federal and~~
~~5 14 state earned income tax credit that provides the household with~~
~~5 15 referrals to the resources described in subsection 2.~~
5 16 ~~4. The mailings required by the department under this~~
~~5 17 section do not have to be made as a separate mailing but may~~
~~5 18 be included in existing mailings being made to the appropriate~~
~~5 19 households.~~
5 20 DIVISION IV
5 21 UNIT FOR SEXUALLY VIOLENT PREDATORS ==== BARBERING LICENSE
5 22 EXEMPTION
5 23 Sec. 6. Section 158.2, Code 2011, is amended by adding the
5 24 following new subsection:
5 25 NEW SUBSECTION. 8. Persons committed pursuant to chapter
5 26 229A to the custody of the director of the department of human
5 27 services in the unit for sexually violent predators who cut the
5 28 hair or trim or shave the beard of any other person within the
5 29 unit, without receiving direct compensation from the person
5 30 receiving the service.
5 31 DIVISION V
5 32 ADOPTION PLACEMENT INVESTIGATIONS AND REPORTS
5 33 Sec. 7. Section 600.8, subsection 9, Code 2011, is amended
5 34 to read as follows:
5 35 9. The department may investigate, on its own initiative or

Senate Study Bill 1182 continued

on order of the juvenile court ~~or court~~, any placement made or adoption petition filed under this chapter or chapter 600A and may report its resulting recommendation to the juvenile court ~~or court~~.

DIVISION VI

RETAINING CHILD IN NEED OF ASSISTANCE COMPLAINT INFORMATION

Sec. 8. Section 232.81, subsection 4, Code 2011, is amended by striking the subsection.

DIVISION VII

REGISTRY ACCESS ==== CERTIFIED NURSE AIDES AND JUVENILE SHELTER AND DETENTION FACILITY VOLUNTEERS

Sec. 9. Section 232.142, subsection 4, Code 2011, is amended to read as follows:

4. The director shall adopt minimal rules and standards for the establishment, maintenance, and operation of such homes as shall be necessary to effect the purposes of this chapter. The rules shall apply the requirements of section 237.8, concerning employment and evaluation of persons with direct responsibility for a child or with access to a child when the child is alone and persons residing in a child foster care facility, to persons employed by, ~~or~~ residing in, or volunteering for a home approved under this section. The director shall, upon request, give guidance and consultation in the establishment and administration of the homes and programs for the homes.

Sec. 10. Section 235A.15, subsection 2, paragraph e, Code 2011, is amended by adding the following new subparagraphs:

NEW SUBPARAGRAPH. (20) To the administrator of a certified nurse aide program, if the data relates to a record check of a student of the program performed pursuant to section 135C.33.

NEW SUBPARAGRAPH. (21) To the administrator of a juvenile detention or shelter care home, if the data relates to a record check of an existing or prospective employee, resident, or volunteer for or in the home.

Sec. 11. Section 235B.6, subsection 2, paragraph e, Code 2011, is amended by adding the following new subparagraphs:

Senate Study Bill 1182 continued

7 1 NEW SUBPARAGRAPH. (16) To the administrator of a certified
7 2 nurse aide program, if the data relates to a record check of a
7 3 student of the program performed pursuant to section 135C.33.
7 4 NEW SUBPARAGRAPH. (17) To the administrator of a juvenile
7 5 detention or shelter care home, if the data relates to a record
7 6 check of an existing or prospective employee, resident, or
7 7 volunteer for or in the home.
7 8 DIVISION VIII
7 9 MEDICAID FAMILY PLANNING SERVICES
7 10 Sec. 12. Section 249A.3, subsection 2, paragraph a,
7 11 subparagraph (10), Code 2011, is amended to read as follows:
7 12 (10) ~~Women~~ Individuals eligible for family planning
7 13 services under a federally approved demonstration waiver.
7 14 EXPLANATION
7 15 This bill relates to the department of human services. It is
7 16 organized into divisions.
7 17 CHILD CARE RESOURCE AND REFERRAL AGENCIES. This division
7 18 relates to the grants administered by the department for child
7 19 care resource and referral agencies in Code section 237A.26.
7 20 The department's responsibilities for the program are revised
7 21 so that the department is responsible for the program funding
7 22 rather than the program itself. A requirement to facilitate
7 23 establishment of the regional agencies based on child
7 24 population is removed. A requirement in current law focusing
7 25 services on child care homes and registered child development
7 26 homes is expanded to include child care facilities, which
7 27 brings in child care centers. A restriction that grantees must
7 28 either be a nonprofit or public agency is removed.
7 29 The bill makes the current 25 percent matching funds
7 30 requirement for a grantee discretionary, to be determined by
7 31 the department. The current list of services required to be
7 32 provided by a grantee is made selective. The requirement for a
7 33 grantee to designate funding for a substitute caregiver program
7 34 for when a provider is unable to provide care is eliminated.
7 35 GUARDIAN AND CONSERVATOR TRAINING ==== FOSTER HOME INSURANCE

Senate Study Bill 1182 continued

8 1 FUND. This division amends Code section 237.13, requiring
8 2 the department to administer the foster home insurance fund.
8 3 The provisions in subsections 1 and 5 providing eligibility
8 4 for coverage to voluntary guardians, low=income wards, or
8 5 conservators appointed under Code chapter 633 are eliminated.
8 6 Code section 217.40, requiring the department to establish
8 7 training programs to assist all appointed guardians and
8 8 conservators in understanding their fiduciary duties and
8 9 liabilities, the special needs of the ward, and how to best
8 10 serve the ward and the ward's interests, is repealed.
8 11 EARNED INCOME TAX CREDIT INFORMATION. This division revises
8 12 the department's responsibilities regarding provision of
8 13 information to the departmental clients concerning the earned
8 14 income tax credit. A requirement for the department to send
8 15 an informational mailing regarding the credit and assistive
8 16 resources to clients in January each year is eliminated along
8 17 with a proviso that the required mailing does not have to be a
8 18 separate mailing.
8 19 UNIT FOR SEXUALLY VIOLENT PREDATORS ==== BARBERING LICENSE
8 20 EXEMPTION. This division amends Code section 158.2, relating
8 21 to persons exempted from the barbering licensing requirements.
8 22 The amendment adds to the list of persons a person committed to
8 23 the custody of the director of the department of human services
8 24 in the unit for sexually violent predators who cuts the hair or
8 25 trims or shaves the beard of any other person within the unit,
8 26 without receiving direct compensation from the person receiving
8 27 the service.
8 28 ADOPTION PLACEMENT INVESTIGATIONS AND REPORTS. This
8 29 division relates to adoption placement investigations and
8 30 reports performed by the department under Code section 600.8.
8 31 Current law allows the department to investigate any voluntary
8 32 adoption placement made or adoption petition filed under Code
8 33 chapters 600 and 600A and requires such investigation when
8 34 ordered by the juvenile court or court. Under the bill, the
8 35 juvenile court=ordered investigation requirement is maintained

Senate Study Bill 1182 continued

9 1 and the court=ordered requirement is removed.
9 2 RETAINING CHILD IN NEED OF ASSISTANCE COMPLAINT INFORMATION.
9 3 This division amends Code section 232.81 to remove a
9 4 restriction prohibiting a person or agency from maintaining
9 5 records of child in need of assistance complaints that were
9 6 dismissed without the filing of a petition.
9 7 REGISTRY ACCESS ==== CERTIFIED NURSE AIDES AND JUVENILE
9 8 SHELTER AND DETENTION FACILITY VOLUNTEERS. This division
9 9 amends Code section 232.142, relating to juvenile shelter and
9 10 detention homes, Code section 235A.15, relating to access to
9 11 child abuse registry information, and Code section 235B.6,
9 12 relating to dependent adult abuse registry information. Access
9 13 is provided for the administrator of a certified nurse aide
9 14 program, if the data relates to a record check of a student
9 15 of the program performed pursuant to Code section 135C.33,
9 16 and for the administrator of a juvenile detention or shelter
9 17 care home, if the data pertains to an existing or prospective
9 18 employee, resident, or volunteer for or in the home. Current
9 19 law authorizes the checks for persons employed by or residing
9 20 in such homes but provides the registry access through other
9 21 Code provisions.
9 22 MEDICAID FAMILY PLANNING SERVICES. This division amends
9 23 Code section 249A.3, relating to eligibility for the medical
9 24 assistance (Medicaid) program, by revising an existing optional
9 25 category. The amendment removes a restriction limiting
9 26 eligibility for family planning services under a federally
9 27 approved demonstration waiver to only women.
LSB 1223DP (6) 84
jp/nh

Senate Study Bill 1183

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

A BILL FOR

An Act relating to persons prohibited from possessing or receiving firearms because of mental health commitments or adjudications and to petitions for relief from such prohibitions, and including effective date and applicability provisions.

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

TLSB 2720XC (4) 84
rh/rj

Senate Study Bill 1183 continued

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1 1 Section 1. Section 724.31, Code 2011, is amended by striking
1 2 the section and inserting in lieu thereof the following:
1 3 724.31 Persons subject to firearm disabilities due to mental
1 4 health commitments or adjudications ==== relief from disabilities
1 5 ==== reports.
1 6 1. When a court issues an order or judgment under the
1 7 laws of this state by which a person becomes subject to the
1 8 provisions of 18 U.S.C. { 922(d)(4) and (g)(4), the clerk of
1 9 the district court shall forward only such information as is
1 10 necessary to identify the person to the department of public
1 11 safety, which in turn shall forward the information to the
1 12 federal bureau of investigation or its successor agency for
1 13 the sole purpose of inclusion in the national instant criminal
1 14 background check system database. The clerk of the district
1 15 court shall also notify the person of the prohibitions imposed
1 16 under 18 U.S.C. { 922(d)(4) and (g)(4).
1 17 2. A person who is subject to the disabilities imposed by 18
1 18 U.S.C. { 922(d)(4) and (g)(4) because of an order or judgment
1 19 that occurred under the laws of this state may petition
1 20 the court that issued the order or judgment or the court
1 21 in the county where the person resides for relief from the
1 22 disabilities imposed under 18 U.S.C. { 922(d)(4) and (g)(4).
1 23 A copy of the petition shall also be served on the director of
1 24 human services and the county attorney at the county attorney's
1 25 office of the county in which the original order occurred, and
1 26 the director or the county attorney may appear, support, object
1 27 to, and present evidence relevant to the relief sought by the
1 28 petitioner.
1 29 3. The court shall receive and consider evidence in a closed
1 30 proceeding, including evidence offered by the petitioner,
1 31 concerning all of the following:
1 32 a. The circumstances surrounding the original issuance of
1 33 the order or judgment that resulted in the firearm disabilities
1 34 imposed by 18 U.S.C. { 922(d)(4) and (g)(4).
1 35 b. The petitioner's record, which shall include, at a

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2 1 minimum, the petitioner's mental health records and criminal
2 2 history records, if any.
2 3 c. The petitioner's reputation, developed, at a minimum,
2 4 through character witness statements, testimony, and other
2 5 character evidence.
2 6 d. Any changes in the petitioner's condition or
2 7 circumstances since the issuance of the original order or
2 8 judgment that are relevant to the relief sought.
2 9 4. The court shall grant a petition for relief filed
2 10 pursuant to subsection 2 if the court finds by a preponderance
2 11 of the evidence that the petitioner will not be likely to
2 12 act in a manner dangerous to the public safety and that the
2 13 granting of the relief would not be contrary to the public
2 14 interest. A record shall be kept of the proceedings, but the
2 15 record shall remain confidential and shall be disclosed only to
2 16 a court in the event of an appeal. The petitioner may appeal
2 17 a denial of the requested relief, and review on appeal shall
2 18 be de novo. A person may file a petition for relief under
2 19 subsection 2 not more than once every two years.
2 20 5. If a court issues an order granting a petition for relief
2 21 filed pursuant to subsection 2, the clerk of the court shall
2 22 immediately notify the department of public safety of the
2 23 order granting relief under this section. The department of
2 24 public safety shall, as soon thereafter as is practicable but
2 25 not later than ten business days thereafter, update, correct,
2 26 modify, or remove the petitioner's record in any database that
2 27 the department of public safety makes available to the national
2 28 instant criminal background check system and shall notify the
2 29 United States department of justice that the basis for such
2 30 record being made available no longer applies.
2 31 Sec. 2. APPLICABILITY. The state court administrator shall
2 32 coordinate with the department of public safety to forward
2 33 only such information as is necessary to identify a person
2 34 subject to an order or judgment specified in section 724.31,
2 35 subsection 2, for any such order or judgment that was issued

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3 1 prior to January 1, 2011, and which is available electronically
3 2 in the Iowa court information system. Such information shall
3 3 be forwarded to the department of public safety, which in
3 4 turn shall forward the information to the federal bureau of
3 5 investigation or its successor agency for the sole purpose of
3 6 inclusion in the national instant criminal background check
3 7 system database, as soon as practical, but not later than four
3 8 months after the effective date of this Act. Within five days
3 9 of completion of the forwarding of information required by this
3 10 section of this Act, the department of public safety shall give
3 11 notice to the Code editor that the requirements of this section
3 12 of this Act have been fulfilled.
3 13 Sec. 3. EFFECTIVE UPON ENACTMENT. This Act, being deemed of
3 14 immediate importance, takes effect upon enactment.
3 15 EXPLANATION
3 16 This bill relates to persons prohibited from possessing
3 17 or receiving firearms because of mental health commitments
3 18 or adjudications and to petitions for relief from such
3 19 prohibitions, and including effective date and applicability
3 20 provisions.
3 21 The bill provides that when a court issues an order or
3 22 judgment by which a person becomes subject to the provisions
3 23 of 18 U.S.C. { 922(d)(4) and (g)(4), the clerk of the district
3 24 court shall forward only such information as is necessary to
3 25 identify the person to the department of public safety, which
3 26 in turn shall forward the information to the federal bureau
3 27 of investigation for the sole purpose of inclusion in the
3 28 national instant criminal background check system database. A
3 29 person who is subject to the disabilities imposed by 18 U.S.C.
3 30 { 922(d)(4) and (g)(4) because of an order or judgment may
3 31 petition the court that issued the order or judgment or the
3 32 court in the county where the person resides to remove the
3 33 disabilities imposed under 18 U.S.C. { 922(d)(4) and (g)(4).
3 34 The court shall receive and consider evidence in a closed
3 35 proceeding, including evidence offered by the petitioner,

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4 1 concerning all of the following circumstances surrounding
4 2 the original issuance of the order or judgment that resulted
4 3 in the firearm disabilities imposed by 18 U.S.C. { 922(d)(4)
4 4 and (g)(4), the petitioner's record, including, at a minimum,
4 5 the petitioner's mental health records and criminal history
4 6 records, if any, the petitioner's reputation, developed, at a
4 7 minimum, through character witness statements, testimony, and
4 8 other character evidence, and any changes in the petitioner's
4 9 condition or circumstances since the issuance of the original
4 10 order or judgment that are relevant to the relief sought.
4 11 The bill provides that the court shall grant a petition for
4 12 relief if the court finds by a preponderance of the evidence
4 13 that the petitioner will not be likely to act in a manner
4 14 dangerous to the public safety and that the granting of the
4 15 relief would not be contrary to the public interest. A record
4 16 shall be kept of the proceedings, but the record shall remain
4 17 confidential and shall be disclosed only to a court in the
4 18 event of an appeal. The petitioner may appeal a denial of the
4 19 requested relief, and review on appeal shall be de novo. A
4 20 person may file a petition for relief under the bill not more
4 21 than once every two years. If a court issues an order granting
4 22 a petition for relief, the clerk of the court is required
4 23 to immediately notify the department of public safety of the
4 24 order granting relief and the department of public safety is
4 25 required, as soon thereafter as is practicable but not later
4 26 than 10 business days thereafter, to update, correct, modify,
4 27 or remove the petitioner's record in any database that the
4 28 department of public safety makes available to the national
4 29 instant criminal background check system and shall notify the
4 30 United States department of justice that the basis for such
4 31 record being made available no longer applies.
4 32 The bill further provides that the state court administrator
4 33 shall coordinate with the department of public safety to
4 34 forward only such information as is necessary to identify a
4 35 person subject to an order or judgment specified in the bill,

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5 1 for any such order or judgment that was issued prior to January
5 2 1, 2011, and which is available electronically in the Iowa
5 3 court information system. Such information shall be forwarded
5 4 to the department of public safety, which in turn shall forward
5 5 the information to the federal bureau of investigation or its
5 6 successor agency for the sole purpose of inclusion in the
5 7 national instant criminal background check system database, as
5 8 soon as practical, but not later than four months after the
5 9 effective date of the bill. Within five days of completion of
5 10 the forwarding of information required by this section of this
5 11 bill, the department of public safety shall give notice to the
5 12 Code editor that the requirements of this section of this bill
5 13 have been fulfilled.
5 14 The bill takes effect upon enactment.

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