



**Iowa General Assembly**  
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House File 2184 - Introduced

HOUSE FILE 2184  
BY BALTIMORE

A BILL FOR

- 1 An Act relating to the brucellosis and tuberculosis eradication
- 2 fund, and providing an appropriation.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5395YH (6) 84  
da/sc



**Iowa General Assembly  
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H.F. 2184

1 Section 1. Section 7D.10A, Code Supplement 2011, is amended  
2 to read as follows:

3 **7D.10A ~~Payment to livestock remediation fund~~ Special**  
4 **payments affecting agriculture.**

5 1. If moneys are not sufficient to support the livestock  
6 remediation fund as provided in chapter 459, subchapter V,  
7 the executive council may authorize as an expense paid from  
8 the appropriations addressed in section 7D.29 the payment of  
9 an amount to the livestock remediation fund as provided under  
10 section 459.501, subsection 5. However, not more than a total  
11 of one million dollars shall be paid pursuant to this section  
12 to the livestock remediation fund at any time.

13 2. The executive council may authorize as an expense  
14 paid from the appropriations addressed in section 7D.29  
15 a compensable loss suffered by a registered member of an  
16 emergency response team who acts under the authority of the  
17 secretary as provided in section 163.3A.

18 3. The executive council may authorize as an expense paid  
19 from the appropriations addressed in section 7D.29 any of the  
20 following:

21 a. A claim for an indemnity by the owner and a claim for  
22 compensation and expenses by appraisers, as provided in section  
23 163.15.

24 b. All or part of an amount requested by the secretary of  
25 agriculture to be deposited in the tuberculosis eradication  
26 fund, as provided in section 165.18. The executive council may  
27 make the authorization subject to any conditions that it deems  
28 appropriate.

29 Sec. 2. Section 7D.29, subsection 1, Code Supplement 2011,  
30 is amended by adding the following new paragraph:

31 NEW PARAGRAPH. c. From the general fund to provide special  
32 payments affecting agriculture as provided in section 7D.10A.

33 Sec. 3. Section 165.1A, Code 2011, is amended by adding the  
34 following new subsections:

35 NEW SUBSECTION. 3. "Fund" means the brucellosis and

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1 tuberculosis eradication fund created pursuant to section  
2 165.18.

3 NEW SUBSECTION. 4. "*Secretary*" means the secretary of  
4 agriculture.

5 Sec. 4. Section 165.18, subsections 2 and 3, Code 2011,  
6 are amended by striking the subsections and inserting in lieu  
7 thereof the following:

8 2. On or before May 15 of each year, the secretary shall  
9 determine if the balance of the fund on June 30 will be  
10 sufficient to support the actual costs to the department in  
11 carrying out the purposes of the fund as provided in subsection  
12 1 for the following fiscal year. If the secretary determines  
13 that the balance of the fund is insufficient, the secretary may  
14 make a request in writing to the executive council to authorize  
15 a payment amount of not more than five hundred thousand dollars  
16 to be deposited into the fund for that fiscal year. The  
17 executive council may authorize payment of moneys as an expense  
18 paid from the appropriations addressed in section 7D.29 and in  
19 the manner provided in section 7D.10A in an amount necessary to  
20 support the fund.

21 Sec. 5. Section 331.512, subsection 1, paragraph e, Code  
22 2011, is amended by striking the paragraph.

23 Sec. 6. Section 331.559, subsection 2, Code 2011, is amended  
24 by striking the subsection.

25 **EXPLANATION**

26 **BACKGROUND.** Code section 165.18 creates a brucellosis and  
27 tuberculosis eradication fund administered by the department of  
28 agriculture and land stewardship. The fund is used to support  
29 costs incurred by the department when administering programs  
30 to control those diseases affecting cattle as provided in  
31 Code chapters 164 and 165. Moneys in the fund derive from a  
32 property tax levied by counties. The tax is levied by county  
33 boards of supervisors after the secretary of agriculture  
34 notifies them of the taxable amount (a maximum levy of 33 and  
35 3/4 cents per \$1,000 of assessed value of all taxable property

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1 in the county).  
2 CHANGES. This bill replaces how the fund is financed by  
3 eliminating the county property tax levy. Instead, the bill  
4 allows the executive council to approve a request by the  
5 secretary of agriculture for a payment amount not to exceed  
6 \$500,000 (Code section 7D.10A). The executive council is  
7 required to notify the legislative services agency before it  
8 meets to consider the secretary's request. The request is  
9 paid by the executive council from appropriations available  
10 to it from the general fund of the state as an authorized  
11 expense (Code section 7D.29). The bill also references other  
12 authorized expenditures already provided for in the Code.



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House File 2185 - Introduced

HOUSE FILE 2185  
BY WENTHE

A BILL FOR

1 An Act providing for a reciprocal arrangement which allows the  
2 movement of equine animals between Iowa and Wisconsin, and  
3 providing for its implementation.  
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5424HH (2) 84  
da/nh



Iowa General Assembly  
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H.F. 2185

1 Section 1. **NEW SECTION. 163.13 Equine animals —**  
2 **reciprocity with Wisconsin.**

3 1. As used in this section, unless the context otherwise  
4 requires: "*equine animal*" means a horse, pony, mule, jenny,  
5 donkey, or hinny.

6 2. Notwithstanding section 163.1, an equine animal may be  
7 imported from Wisconsin into Iowa under an arrangement with  
8 Wisconsin which provides that the owners of equine animals  
9 residing in each state are provided reciprocal treatment.  
10 Subject to this section, an equine animal may move from  
11 Wisconsin into Iowa without a certificate of veterinary  
12 inspection issued in this state, without being tested for an  
13 infectious or contagious disease afflicting equine animals in  
14 this state, and without being subject to a related fee.

15 3. Subsection 2 shall apply to an equine animal imported  
16 from Wisconsin only if all of the following restrictions apply:

17 a. The ownership of the equine animal must not change while  
18 in this state.

19 b. The equine animal must not remain in this state for more  
20 than seven days.

21 c. The equine animal must be accompanied by a document  
22 indicating that the equine animal has tested negatively for  
23 equine infectious anemia according to requirements that comply  
24 with Wisconsin law and rules adopted by the department.

25 d. The equine animal must be in this state for the exclusive  
26 purpose of attending an equine trail ride, show, or exhibition.

27 4. The department shall adopt rules as necessary to  
28 administer this section. The rules may revise the restrictions  
29 provided in subsection 3 or impose additional restrictions or  
30 conditions applicable to the importation of an equine animal.  
31 To every extent practical, the department shall consult with  
32 the Wisconsin department of agriculture, trade, and consumer  
33 protection when adopting such rules in order to ensure that the  
34 owners of equine animals residing in each state are provided  
35 reciprocal treatment.

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1 equine animals moving into Wisconsin. It provides rulemaking  
2 authority to DALs, authorizes DALs to adopt more stringent  
3 requirements than provided in the bill, and requires DALs to  
4 consult with the Wisconsin department of agriculture, trade,  
5 and consumer protection when adopting the rules.

6 SUSPENSION. The bill provides that DALs may suspend the  
7 reciprocal arrangement if (1) there is an outbreak of an  
8 infectious or contagious disease afflicting equine animals or  
9 (2) reciprocal treatment is not being accorded to Iowa owners  
10 of equine animals.

11 IMPLEMENTATION. The bill is to be implemented 30 days after  
12 DALs adopts its rules.



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House File 2186 - Introduced

HOUSE FILE 2186  
BY GAINES, BERRY, and  
ABDUL-SAMAD

(COMPANION TO SF 2052)

A BILL FOR

1 An Act relating to and making appropriations to the state  
2 board of regents for programs established by the state  
3 board or its universities that are designed to increase  
4 college readiness and college awareness in potential  
5 first-generation college students and underrepresented  
6 minority populations, and to increase the number of  
7 ethnically diverse Iowa students in agriculture, science,  
8 technology, engineering, and mathematics degree programs.  
9 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5412HH (3) 84  
kh/rj



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1 Section 1. STATE BOARD OF REGENTS. There is appropriated  
2 from the general fund of the state to the state board of  
3 regents for the fiscal year beginning July 1, 2012, and ending  
4 June 30, 2013, the following amounts, or so much thereof as is  
5 necessary, to be used for the purposes designated:

6 1. For purposes of the minority academic grants for economic  
7 success program in accordance with section 261.103 and in  
8 consultation with the college student aid commission:

9 ..... \$ 1,200,000

10 2. For development and implementation of college-possible  
11 programs pursuant to section 262.92, subsection 1, paragraph  
12 "a":

13 ..... \$ 218,500

14 3. For establishment and implementation of the college go  
15 center program pursuant to section 262.94:

16 ..... \$ 299,880

17 4. For implementation of the science bound program at Iowa  
18 state university of science and technology pursuant to section  
19 262.95:

20 ..... \$ 340,000

21 Sec. 2. Section 261.103, subsection 3, Code 2011, is amended  
22 to read as follows:

23 3. The amount of the grant shall not exceed a student's  
24 yearly financial need or ~~three five thousand five hundred~~  
25 dollars, whichever is less. If the student is attending or  
26 seeking to enroll in an accredited private institution, fifty  
27 percent of the amount of the grant shall be provided by the  
28 accredited private institution and fifty percent shall be  
29 provided by the commission from state funds appropriated for  
30 that purpose.

31 Sec. 3. Section 262.92, subsection 1, Code 2011, is amended  
32 to read as follows:

33 1. The board of regents shall establish or contract to  
34 establish college-bound programs to provide Iowa minority  
35 students with information and experiences relating to

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1 opportunities offered at the regents' universities.

2 a. Programs developed for students in grade five, which  
 3 shall be known as college-possible programs, shall include  
 4 partnerships of not less than six weeks' duration that link  
 5 institutions of higher learning governed by the state board  
 6 of regents with classrooms whose student populations are  
 7 largely comprised of low-income minorities underrepresented  
 8 in college attendance. Program activities shall be planned  
 9 and developed for all members of each student's family and  
 10 shall at a minimum provide access to information and tools  
 11 for college preparation, admission, and success, and shall  
 12 create networks that support college attendance. Program  
 13 elements shall include measures for smoothing the transition  
 14 to middle school, the importance of coursework selection and  
 15 achievement, and identifying and participating in beneficial  
 16 extracurricular activities, and may include other college  
 17 preparation activities.

18 b. Programs developed for students in grades seven through  
 19 twelve may include, but are not limited to, the following  
 20 elements:

21 ~~a.~~ (1) Reinforcement of efforts to attract undergraduate  
 22 students from age groups currently served by traditional  
 23 methods of outreach which use high school and community college  
 24 services.

25 ~~b.~~ (2) Extension of traditional student recruitment methods  
 26 which are designed to encourage minority students in grades  
 27 seven through twelve to pursue postsecondary academic courses  
 28 of study.

29 ~~c.~~ (3) Identification, at each of the regents'  
 30 universities, of courses of study to be targeted for the  
 31 recruitment of minority students.

32 ~~d.~~ (4) Offerings at the regents' universities of innovative  
 33 programs, which are experience oriented, for families with  
 34 minority children.

35 **Sec. 4. NEW SECTION. 262.94 College go centers.**

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1 1. A college go center program is established under the  
2 state board of regents to promote college awareness and provide  
3 secondary school students and their families with resources and  
4 guidance to prepare and plan for college by serving as a point  
5 of coordination that connects students and their families and  
6 teachers with qualified coordinators, postsecondary student  
7 volunteers or peer educators, school system and community  
8 volunteers, career and guidance counselors, postsecondary  
9 representatives, and community, labor, and business centers and  
10 programs.

11 2. Institutions of higher education governed by the state  
12 board of regents may do the following:

13 a. Facilitate partnerships with secondary schools,  
14 communities, business and industry, labor, and nonprofit  
15 organizations that result in the creation and implementation  
16 of college go centers.

17 b. Assist college go center organizers in targeting funding  
18 resources, including but not limited to assistance with local,  
19 state, and federal grant applications; and promoting successful  
20 fundraising activities, ideas, and events in assisting college  
21 go centers.

22 c. Develop and distribute to college go centers parental and  
23 family outreach strategies that assist parents in supporting  
24 and motivating their children to pursue college goals and that  
25 provide parents with tools to help children plan and prepare  
26 for college.

27 Sec. 5. NEW SECTION. **262.95 Science bound program.**

28 1. Iowa state university of science and technology  
29 shall establish a precollegiate, science bound program that  
30 is designed to increase the number of ethnically diverse  
31 Iowa students who pursue degrees in agriculture, science,  
32 technology, engineering, or mathematics; educate students and  
33 parents about college and career planning; raise teachers'  
34 expectations of students' academic abilities and career  
35 aspirations; provide students with more rigorous course

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1 regents to fund programs established or expanded by the bill.  
2 The bill increases the maximum annual grant amount a student  
3 may be awarded under the minority academic grants for economic  
4 success program from \$3,500 to \$5,000; directs the state board  
5 of regents to establish college-possible programs for students  
6 in grade five and a college go center program; and directs Iowa  
7 state university to establish the science bound program, a  
8 precollegiate program that is designed to increase the number  
9 of ethnically diverse Iowa students who pursue degrees in  
10 agriculture, science, technology, engineering, or mathematics,  
11 and award successful science bound program participants  
12 full-tuition scholarships.

13 The college-possible programs shall include partnerships  
14 of not less than six weeks' duration that link regents  
15 universities with grade five classrooms whose student  
16 populations are largely comprised of low-income minorities  
17 underrepresented in college attendance. Program activities  
18 must be planned and developed for the students' families  
19 and provide access to information and tools for college  
20 preparation, admission, and success. The programs must  
21 create networks that support college attendance. Program  
22 elements shall include measures for smoothing the transition  
23 to middle school, the importance of coursework selection and  
24 achievement, and identifying and participating in beneficial  
25 extracurricular activities, and may include other college  
26 preparation activities.

27 The college go center program is established under the state  
28 board of regents to promote college awareness and provide  
29 secondary school students and their families with resources and  
30 guidance to prepare and plan for college by serving as a point  
31 of coordination that connects students and their families and  
32 teachers with qualified coordinators, postsecondary student  
33 volunteers or peer educators, school system and community  
34 volunteers, career and guidance counselors, postsecondary  
35 representatives, and community, labor, and business centers and

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kh/rj

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1 programs.

2 The science bound program must educate students and parents  
3 about college and career planning; raise teachers' expectations  
4 of students' academic abilities and career aspirations;  
5 provide students with more rigorous course expectations and  
6 academic support; identify, develop, and implement learning  
7 opportunities to meet students' specific academic needs; and  
8 provide experiences for students to observe and participate in  
9 science and technology careers and interact with professional  
10 scientists, engineers, and technologists.

11 The program shall include the provision of teacher  
12 enrichment opportunities, teacher resources, and professional  
13 development; parent workshops and mandatory parental  
14 involvement; and activities such as regular meetings with  
15 teachers, visits to the university's campus, summer academic  
16 programs, overnight retreats, and study tables.

17 The requirements participants must meet to qualify for  
18 full-tuition scholarships include participation in 75 percent  
19 of required program activities, successfully meeting high  
20 school graduation requirements and the university's admission  
21 requirements, achieving a cumulative high school grade point  
22 average of at least 3.0 on a 4.0 grade scale, declaring a  
23 major in a technical degree program, and presenting yearly a  
24 satisfactory justification for continuation of the tuition  
25 scholarship.



Iowa General Assembly  
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**House File 2187 - Introduced**

HOUSE FILE 2187  
BY ABDUL-SAMAD and GAINES

**A BILL FOR**

1 An Act making an appropriation for the certificate of  
2 employability program for persons on parole or persons no  
3 longer on parole who are unemployed or underemployed.  
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5861YH (4) 84  
jm/rj



**Iowa General Assembly**  
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H.F. 2187

1 Section 1. EMPLOYABILITY PROGRAM APPROPRIATION. There is  
 2 appropriated from the general fund of the state to the board of  
 3 parole for the fiscal year beginning July 1, 2012, and ending  
 4 June 30, 2013, the following amount, or so much thereof as is  
 5 necessary, to be used for the purposes designated:

6 For the certificate of employability program established in  
 7 section 906.19:

8 ..... \$ 75,000

9 Notwithstanding section 8.33, moneys appropriated in this  
 10 section that remain unencumbered or unobligated at the close of  
 11 the fiscal year shall not revert but shall remain available for  
 12 expenditure for the purposes designated until the close of the  
 13 succeeding fiscal year.

14 **EXPLANATION**

15 This bill relates to the certificate of employability  
 16 program for persons on parole or persons no longer on parole  
 17 who are unemployed or underemployed.

18 The bill appropriates moneys from the general fund of  
 19 the state to the board of parole for the certificate of  
 20 employability program established in Code section 906.19.

21 Notwithstanding Code section 8.33, moneys appropriated in  
 22 the bill that remain unencumbered or unobligated at the close  
 23 of the fiscal year shall not revert but shall remain available  
 24 for expenditure for the purposes designated until the close of  
 25 the succeeding fiscal year.



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House File 2188 - Introduced

HOUSE FILE 2188  
BY MUHLBAUER, STECKMAN, THEDE,  
KEARNS, WILLEMS, HANSON,  
THOMAS, KELLEY, GAINES,  
MASCHER, ABDUL-SAMAD,  
GASKILL, WITTNEBEN,  
LENSING, WINCKLER,  
WESSEL-KROESCHELL, HALL,  
and M. SMITH

A BILL FOR

1 An Act allowing in-state bidders to match comparable  
2 out-of-state bids for purchases or public improvements  
3 through a competitive bidding process by the state or  
4 political subdivisions.  
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 2282HH (2) 84  
je/nh



**Iowa General Assembly  
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H.F. 2188

1 Section 1. Section 8A.311, Code Supplement 2011, is amended  
2 by adding the following new subsection:

3 NEW SUBSECTION. 12A. If the lowest responsive bid received  
4 by the state or a political subdivision for products or other  
5 purchases is from an out-of-state business, and an Iowa-based  
6 business submitted a bid which is within five percent or ten  
7 thousand dollars of the price of the lowest bid, whichever is  
8 less, the Iowa-based business shall be notified and shall be  
9 allowed to match the lowest bid before a contract is awarded.

10 Sec. 2. NEW SECTION. 73.7 **Matching by Iowa bidders.**

11 1. Notwithstanding this chapter, chapter 26, chapter 73A,  
12 chapter 309, chapter 310, chapter 331, or chapter 384, if the  
13 lowest responsive bid received for a contract for a public  
14 improvement or works is from an out-of-state business, and  
15 an Iowa-based business submitted a bid which is within five  
16 percent or ten thousand dollars of the price of the lowest bid,  
17 whichever is less, the Iowa-based business shall be notified  
18 and shall be allowed to match the lowest bid before a contract  
19 is awarded.

20 2. This section applies to the state, its agencies, and any  
21 political subdivisions of the state.

22 **EXPLANATION**

23 This bill provides that for purchases and public improvement  
24 construction contracts initiated by the state or a political  
25 subdivision through a competitive bidding process, if the  
26 lowest responsive bid received is from an out-of-state  
27 business, and an in-state business submitted a bid which  
28 is within 5 percent or \$10,000 of the price of the lowest  
29 responsive bid, whichever is less, the state or political  
30 subdivision shall notify the in-state business and allow it to  
31 match the lowest responsive bid before a contract is awarded.



Iowa General Assembly  
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House File 2189 - Introduced

HOUSE FILE 2189  
BY CHAMBERS

A BILL FOR

- 1 An Act relating to construction permits for appliance recycling
- 2 buildings and making appropriations.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5850YH (3) 84  
tm/nh



**Iowa General Assembly  
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H.F. 2189

1 Section 1. NEW SECTION. 455D.17 **Appliance recycling —**  
2 **construction permit fee.**

3 1. For purposes of this section, unless the context  
4 otherwise requires, “*appliance recycling*” means the process  
5 of disassembling a discarded appliance and removing hazardous  
6 components for environmentally sound disposal prior to the  
7 metal in the appliance being recycled.

8 2. The department shall adopt construction standards  
9 for buildings intended to be used for purposes of appliance  
10 recycling.

11 3. Prior to commencing a construction project for a building  
12 intended to be used for appliance recycling purposes, a person  
13 shall apply for a construction permit under this section. The  
14 department shall impose a construction permit fee of not less  
15 than one thousand dollars.

16 4. An appliance recycling construction permit fund  
17 is created in the state treasury under the control of the  
18 department. Permit fees collected by the department pursuant  
19 to this section shall be deposited in the fund and are  
20 appropriated to the department for purposes of administering  
21 the departmental duties of this section.

22 EXPLANATION

23 This bill relates to construction permits for appliance  
24 recycling buildings.

25 The bill defines the term “*appliance recycling*” to mean the  
26 process of disassembling a discarded appliance and removing  
27 hazardous components for environmentally sound disposal prior  
28 to the metal in the appliance being recycled.

29 The bill requires the department of natural resources to  
30 adopt construction standards for buildings intended to be  
31 used for purposes of appliance recycling. The bill creates  
32 a permitting process for construction projects for buildings  
33 intended to be used for appliance recycling purposes and  
34 requires the department to impose a construction permit fee of  
35 not less than \$1,000. The bill creates an appliance recycling

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tm/nh

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1 construction permit fund in the state treasury under the  
2 control of the department. The bill requires construction  
3 permit fees to be deposited in the fund and appropriates moneys  
4 in the fund to the department for purposes of administering  
5 duties related to the construction of appliance recycling  
6 buildings.



Iowa General Assembly  
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House File 2190 - Introduced

HOUSE FILE 2190  
BY KELLEY

A BILL FOR

1 An Act establishing an energy audit program with regard to  
2 elementary and secondary public school buildings.  
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5641YH (5) 84  
rn/nh



**Iowa General Assembly  
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H.F. 2190

1 Section 1. Section 476.6, subsection 16, Code Supplement  
2 2011, is amended by adding the following new paragraph:  
3 NEW PARAGRAPH. *i.* The board shall establish and coordinate  
4 an energy audit program pursuant to which energy audits shall  
5 be performed in connection with each elementary or secondary  
6 public school building in the state utilized as an attendance  
7 center. The board shall establish by rule criteria for the  
8 audits, which shall include, at a minimum, an inspection of  
9 the school building, assessment of the building's current  
10 energy efficiency, and recommendations for energy-efficient  
11 upgrades or improvements. The selection of one or more  
12 entities or organizations to conduct the audits, and a proposed  
13 timetable for the performance of the audits and submission  
14 of audit results, shall be at the discretion of the board.  
15 Each school district in the state shall submit to the board a  
16 list of school buildings located within the school district  
17 by September 1, 2012. The goal of the program shall be to  
18 complete all audits by January 1, 2014, but the board may grant  
19 extensions of time in the board's discretion upon request by  
20 the entity performing the audit or a school district. The  
21 board shall submit a status report to the general assembly by  
22 January 1, 2013, and by January 1 each year thereafter until  
23 all audits have been completed.

24 **EXPLANATION**

25 This bill directs the Iowa utilities board to establish  
26 and coordinate an energy audit program pursuant to which  
27 energy audits shall be performed in connection with each  
28 elementary or secondary school building in the state utilized  
29 as an attendance center. The bill provides that the board  
30 shall establish by rule criteria for the audits, which shall  
31 include, at a minimum, an inspection of the school building,  
32 assessment of the building's current energy efficiency, and  
33 recommendations for energy-efficient upgrades or improvements.

34 The bill requires each school district to submit to the  
35 board a list of school buildings located within the district

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1 by September 1, 2012. The bill provides that selection of one  
2 or more entities or organizations to perform the audits, and  
3 a proposed timetable for the performance of the audits and  
4 submission of audit results to the board, is in the board's  
5 discretion. The bill specifies a general goal of completion  
6 of all audits by January 1, 2014, but states that the board may  
7 grant extensions of time in the board's discretion upon request  
8 by an entity performing an audit or a school district. The  
9 bill provides that the board shall review audit results and  
10 submit a status report to the general assembly by January 1,  
11 2013, and by January 1 each year thereafter until all audits  
12 have been completed.



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House File 2191 - Introduced

HOUSE FILE 2191  
BY KELLEY

A BILL FOR

- 1 An Act relating to the attainment of high-performance
- 2 certification applicable to elementary and secondary public
- 3 school buildings.
- 4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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1 Section 1. NEW SECTION. 297.7A High-performance  
2 certification.

3 1. A school district commencing the design or construction  
4 of, or commencing the substantial renovation of, an elementary  
5 or secondary public school building on or after July 1, 2012,  
6 shall apply for certification of the construction or renovation  
7 project pursuant to the United States green building council's  
8 leadership in energy and environmental design program. The  
9 application shall be submitted under either the rating system  
10 applicable for schools or for new construction, as determined  
11 most appropriate by the school district. The school district  
12 shall undertake a good-faith effort to meet the minimum  
13 standards applicable for achievement of the program's silver  
14 certification level and are encouraged to seek certification  
15 qualifying for the gold or platinum certification levels.  
16 A school district may apply for certification under an  
17 alternative high-performance energy certification program,  
18 instead of applying for certification pursuant to the United  
19 States green building council's leadership in energy and  
20 environmental design program, provided the alternative program  
21 incorporates comparable certification standards applicable to  
22 new building construction or substantial renovation.

23 2. In addition to the requirement in subsection 1, a  
24 school district shall register all existing elementary or  
25 secondary public school buildings for certification pursuant  
26 to the United States green building council's leadership in  
27 energy and environmental design existing buildings operation  
28 and maintenance program, and pursue certification for  
29 each school building to the extent practicable. A school  
30 district may apply for certification under an alternative  
31 high-performance energy certification program, instead of  
32 applying for certification pursuant to the United States green  
33 building council's leadership in energy and environmental  
34 design program, provided the alternative program incorporates  
35 comparable certification standards applicable to existing

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1 building operation and maintenance.

2 3. Each school district shall notify the department by  
3 September 15 annually regarding the number of projects or  
4 buildings for which certification was sought, if any, and the  
5 results and level of certification achieved. The department  
6 shall submit a report to the general assembly summarizing the  
7 information provided by January 1 annually.

8 EXPLANATION

9 This bill requires a school district commencing the design  
10 or construction of, or commencing the substantial renovation  
11 of, an elementary or secondary public school building on or  
12 after July 1, 2012, to apply for certification of the building  
13 or project pursuant to the United States green building  
14 council's leadership in energy and environmental design  
15 program. The school district may submit the application under  
16 either the program's rating system applicable for schools or  
17 for new construction, as determined most appropriate by the  
18 school district. The bill provides that the school district  
19 shall undertake a good-faith effort to meet the minimum  
20 standards applicable for achievement of the program's silver  
21 certification level and are encouraged to seek certification  
22 qualifying for the gold or platinum certification levels.  
23 The bill also requires a school district to register all  
24 existing elementary or secondary public school buildings for  
25 certification pursuant to the United States green building  
26 council's leadership in energy and environmental design  
27 existing buildings operation and maintenance program, and  
28 pursue certification for each school building to the extent  
29 practicable.

30 The bill provides that a school district may apply for  
31 certification under an alternative high-performance energy  
32 certification program, instead of applying for certification  
33 pursuant to the United States green building council's  
34 leadership in energy and environmental design program,  
35 provided the alternative program incorporates comparable



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1 certification standards applicable to new building construction  
2 or substantial renovation and existing building operation and  
3 maintenance.

4 The bill requires each school district to notify the  
5 department of education by September 15 annually regarding the  
6 number of projects or buildings for which certification was  
7 sought, if any, and the results and level of certification  
8 achieved. The department shall submit a report to the general  
9 assembly summarizing the information provided by January 1  
10 annually.



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**House File 2192 - Introduced**

HOUSE FILE 2192  
BY ABDUL-SAMAD

**A BILL FOR**

- 1 An Act relating to policies granting resident status for
- 2 purposes of paying postsecondary tuition and fees at public
- 3 institutions of higher education.
- 4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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1 Section 1. Section 260C.14, Code 2011, is amended by adding  
2 the following new subsection:

3 NEW SUBSECTION. 23. Adopt a policy, to take effect  
4 not later than January 1, 2013, relating to an additional  
5 classification of students for purposes of determining tuition  
6 and fees, that provides equal opportunity for granting resident  
7 status to individuals who meet all of the following conditions:

8 a. Attended an accredited school in this state for at least  
9 five years as of the date the individual graduated from an  
10 accredited high school or received a high school equivalency  
11 diploma in this state.

12 b. Is accepted for enrollment by the community college.

13 c. Was not required to pay tuition to attend a public high  
14 school in this state.

15 d. Signs an affidavit, if the individual does not have a  
16 social security number, stating that the individual will pursue  
17 citizenship in the United States at the earliest possible time  
18 the individual is able to do so.

19 Sec. 2. Section 262.9, Code Supplement 2011, is amended by  
20 adding the following new subsection:

21 NEW SUBSECTION. 36. Adopt a policy, to take effect  
22 not later than January 1, 2013, relating to an additional  
23 classification of students for purposes of determining tuition  
24 and fees, that provides equal opportunity for granting resident  
25 status to individuals who meet all of the following conditions:

26 a. Attended an accredited school in this state for at least  
27 five years as of the date the individual graduated from an  
28 accredited high school or received a high school equivalency  
29 diploma in this state.

30 b. Is accepted for enrollment by a university under the  
31 control of the board.

32 c. Was not required to pay tuition to attend a public high  
33 school in this state.

34 d. Signs an affidavit, if the individual does not have a  
35 social security number, stating that the individual will pursue



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1 citizenship in the United States at the earliest possible time  
2 the individual is able to do so.

3 EXPLANATION

4 This bill directs the board of directors of a community  
5 college and the state board of regents to adopt policies,  
6 to take effect not later than January 1, 2013, relating to  
7 an additional classification of students for purposes of  
8 determining tuition and fees, that provide equal opportunity  
9 for granting resident status to certain individuals.

10 To meet the requirements of the policy, an individual  
11 must have attended an accredited school in this state for  
12 at least five years or received a high school equivalency  
13 diploma in this state, be accepted for enrollment by a public  
14 postsecondary institution in this state, must not have been  
15 required to pay tuition to attend a public high school in this  
16 state, and must sign an affidavit, if the individual does not  
17 have a social security number, stating that the individual  
18 will pursue U.S. citizenship at the earliest possible time the  
19 individual is able to do so.



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House File 2193 - Introduced

HOUSE FILE 2193  
BY MURPHY, KEARNS,  
HUNTER, T. TAYLOR,  
WESSEL-KROESCHELL, and  
WILLEMS

A BILL FOR

1 An Act relating to patient safety by establishing a nurse  
2 staffing plan, a collaborative nurse staffing committee,  
3 a patient safety committee, and reporting for nurses, and  
4 including effective date provisions.  
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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1 hospital's collaborative nurse staffing committee established  
2 pursuant to section 135P.4. The plan shall provide for the  
3 adequate, appropriate, and quality delivery of health care  
4 services and protect patient safety.

5 2. Except as otherwise provided in this section, a  
6 hospital's staffing plan shall provide that, at all times  
7 during each shift within a unit of the hospital, a direct care  
8 registered nurse may be assigned to not more than the following  
9 number of patients in the specified unit:

10 a. One patient in a trauma emergency unit.

11 b. One patient in an operating room unit, provided that at  
12 least one additional person serves as a scrub assistant in such  
13 unit.

14 c. Two patients in a critical care unit, including neonatal  
15 intensive care units, emergency critical care and intensive  
16 care units, labor and delivery units, coronary care units,  
17 acute respiratory care units, postanesthesia units, and burn  
18 units.

19 d. Three patients in an emergency room unit, pediatrics  
20 unit, stepdown unit, or combined labor, deliver, and postpartum  
21 unit.

22 e. Four patients in a medical-surgical unit, intermediate  
23 care nursery unit, acute care psychiatric unit, or other  
24 specialty care unit.

25 f. Five patients in a rehabilitation unit or skilled nursing  
26 unit.

27 g. Six patients in a postpartum unit or well-baby nursery  
28 unit.

29 3. The department may apply minimum direct care registered  
30 nurse-to-patient ratios established in subsection 2 for a  
31 hospital unit referred to in that subsection to a type of  
32 hospital unit not referred to in that subsection if the  
33 hospital unit provides a level of care to patients whose needs  
34 are similar to the needs of patients cared for in the hospital  
35 unit referred to in that subsection.



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1 4. In developing the staffing plan, the collaborative nurse  
2 staffing committee shall provide for direct care registered  
3 nurse-to-patient ratios above the minimum ratios provided in  
4 subsection 2, if appropriate, based upon consideration of the  
5 following factors:

6 a. The number of patients and acuity level of patients  
7 as determined by the application of an acuity system, on a  
8 shift-by-shift basis.

9 b. The anticipated admissions, discharges, and transfers of  
10 patients during each shift that impact direct patient care.

11 c. Specialized experience required of direct care registered  
12 nurses on a particular unit.

13 d. Staffing levels and services provided by licensed  
14 vocational or practical nurses, licensed psychiatric  
15 technicians, certified nurse assistants, or other ancillary  
16 staff in meeting direct patient care needs not required by a  
17 direct care registered nurse.

18 e. The level of technology available that affects the  
19 delivery of direct patient care.

20 f. The level of familiarity with hospital practices,  
21 policies, and procedures by temporary agency direct care  
22 registered nurses used during a shift.

23 g. Obstacles to efficiency in the delivery of patient care  
24 presented by physical layout.

25 h. Other information relevant to patient care.

26 5. This section shall not be construed as a prohibition  
27 on a hospital's ability to set standards that are at least  
28 equivalent to the requirements under this section.

29 6. a. A hospital shall not average the number of patients  
30 and the total number of direct care registered nurses assigned  
31 to patients in a hospital unit during any one shift or over any  
32 period of time for purposes of meeting the requirements under  
33 this section.

34 b. A hospital shall not impose mandatory overtime  
35 requirements to meet the hospital unit direct care registered

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1 nurse-to-patient ratios required under this section.

2 *c.* A hospital shall ensure that only a direct care  
3 registered nurse may relieve another direct care registered  
4 nurse during breaks, meals, and other routine, expected  
5 absences from a hospital unit.

6 *d.* A hospital shall not encroach on the scope of practice of  
7 a direct care registered nurse. A hospital shall not require a  
8 direct care registered nurse to train a replacement if doing so  
9 would compromise patient safety.

10 *e.* A hospital shall establish a system to document actual  
11 staffing in each unit for each shift.

12 *f.* To the extent appropriate based on the staffing plan in  
13 each unit in relation to actual patient care requirements and  
14 the accuracy of the acuity system, a hospital shall annually  
15 approve updates to the nurse staffing plan developed by the  
16 collaborative nurse staffing committee.

17 *g.* Once developed, a hospital shall conspicuously post  
18 the required staffing levels for each unit in the unit and in  
19 waiting areas. The postings must be visible to hospital staff,  
20 patients, and the public.

21 7. A hospital shall not discipline a direct care registered  
22 nurse for refusing to accept an assignment if, in good faith  
23 and in the nurse's professional judgment, the nurse determines  
24 that the assignment is unsafe for patients due to patient  
25 acuity and nursing intensity.

26 8. The requirements established in this section shall not  
27 apply during a state of emergency if a hospital is requested or  
28 expected to provide an exceptional level of emergency or other  
29 medical services.

30 9. The requirements established in subsections 2, 3,  
31 and 6 do not apply to entities designated as critical access  
32 hospitals pursuant to 42 U.S.C. § 1395i-4. The nurse staffing  
33 plan at a critical access hospital shall follow the standards  
34 set in subsections 2, 3, and 6 as is reasonable based on the  
35 hospital's needs and capabilities.

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1 10. The department may sanction a hospital for failure to  
2 comply with this section, including failure to staff patient  
3 care units at levels required in its staffing plan.

4 11. The department may adopt rules to enforce this section.

5 Sec. 3. NEW SECTION. 135P.3 Nursing facility and mental  
6 health institute nurse staffing plan and standards.

7 1. A nursing facility or mental health institute shall  
8 approve, implement, and comply with a direct care registered  
9 nurse staffing plan developed by the facility's or institute's  
10 collaborative nurse staffing committee established pursuant  
11 to section 135P.4. The plan shall provide for the adequate,  
12 appropriate, and quality delivery of health care services and  
13 protect patient safety.

14 2. In developing the staffing plan, the collaborative nurse  
15 staffing committee shall provide for direct care registered  
16 nurse-to-patient ratios based upon consideration of the  
17 following factors:

18 a. The number of patients and acuity level of patients  
19 as determined by the application of an acuity system, on a  
20 shift-by-shift basis.

21 b. The anticipated admissions, discharges, and transfers of  
22 patients during each shift that impact direct patient care.

23 c. Specialized experience required of direct care registered  
24 nurses on a particular unit.

25 d. Staffing levels and services provided by licensed  
26 vocational or practical nurses, licensed psychiatric  
27 technicians, certified nurse assistants, or other ancillary  
28 staff in meeting direct patient care needs not required by a  
29 direct care registered nurse.

30 e. The level of technology available that affects the  
31 delivery of direct patient care.

32 f. The level of familiarity with the nursing facility's or  
33 mental health institute's practices, policies, and procedures  
34 by temporary agency direct care registered nurses used during a  
35 shift.



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- 1 *g.* Obstacles to efficiency in the delivery of patient care  
2 presented by physical layout.
- 3 *h.* Other information relevant to patient care.
- 4 3. *a.* A nursing facility or mental health institute  
5 shall not average the number of patients and the total number  
6 of direct care registered nurses assigned to patients in a  
7 nursing facility or mental health institute unit during any one  
8 shift or over any period of time for purposes of meeting the  
9 requirements of a direct care registered nurse staffing plan  
10 developed pursuant to this section.
- 11 *b.* A nursing facility or mental health institute shall not  
12 impose mandatory overtime requirements to meet the nursing  
13 facility or mental health institute unit direct care registered  
14 nurse-to-patient ratios required by a direct care registered  
15 nurse staffing plan developed pursuant to this section.
- 16 *c.* A nursing facility or mental health institute shall  
17 ensure that only a direct care registered nurse may relieve  
18 another direct care registered nurse during breaks, meals, and  
19 other routine, expected absences from a nursing facility or  
20 mental health institute unit.
- 21 *d.* A nursing facility or mental health institute shall not  
22 encroach on the scope of practice of a direct care registered  
23 nurse. A nursing facility or mental health institute shall not  
24 require a direct care registered nurse to train a replacement  
25 if doing so would compromise patient safety.
- 26 *e.* A nursing facility or mental health institute shall  
27 establish a system to document actual staffing in each unit for  
28 each shift.
- 29 *f.* To the extent appropriate based on the staffing plan in  
30 each unit in relation to actual patient care requirements and  
31 the accuracy of the acuity system, a nursing facility or mental  
32 health institute shall annually approve updates to the nurse  
33 staffing plan developed by the collaborative nurse staffing  
34 committee.
- 35 *g.* Once developed, a nursing facility or mental health



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1 institute shall conspicuously post the required staffing levels  
 2 for each unit in the unit and in waiting areas. The postings  
 3 must be visible to nursing facility or mental health institute  
 4 staff, patients, and the public.

5 4. A nursing facility or mental health institute shall  
 6 not discipline a direct care registered nurse for refusing  
 7 to accept an assignment if, in good faith and in the nurse's  
 8 professional judgment, the nurse determines that the assignment  
 9 is unsafe for patients due to patient acuity and nursing  
 10 intensity.

11 5. The requirements established in this section shall not  
 12 apply during a state of emergency if a nursing facility or  
 13 mental health institute is requested or expected to provide an  
 14 exceptional level of emergency or other medical services.

15 6. The department may sanction a nursing facility for  
 16 failure to comply with the provisions of this section,  
 17 including failure to staff patient care units at levels  
 18 required in its staffing plan.

19 7. The department may adopt rules to enforce this section.

20 **Sec. 4. NEW SECTION. 135P.4 Collaborative nurse staffing**  
 21 **committee.**

22 1. A hospital, nursing facility, or mental health institute  
 23 shall establish a collaborative nurse staffing committee  
 24 comprised of nonsupervisory staff nurses. The membership of  
 25 the committee shall be apportioned among registered nurses,  
 26 licensed practical nurses, and advanced practice registered  
 27 nurses based upon the proportion of each type of nonsupervisory  
 28 nurse licensee to the total of all nonsupervisory nurses  
 29 employed by the hospital, nursing facility, or mental health  
 30 institute. Each member of the committee shall be appointed  
 31 respectively by other nonsupervisory nurses who hold the same  
 32 license. The committee shall include at least six members, and  
 33 shall meet at least annually. The hospital, nursing facility,  
 34 or mental health institute shall compensate the nurses who  
 35 are employed by the hospital, nursing facility, or mental

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1 health institute and serve on the collaborative nurse staffing  
2 committee for time spent on committee business.

3 2. By majority vote, the committee may establish its own  
4 rules and procedures, and shall set the term of membership.

5 3. *a.* The committee shall recommend a nurse staffing plan  
6 to the hospital, nursing facility, or mental health institute  
7 as provided under sections 135P.2 and 135P.3. If the hospital,  
8 nursing facility, or mental health institute does not approve  
9 the plan, the hospital, nursing facility, or mental health  
10 institute shall provide a written response to the committee,  
11 indicating the reasons for not approving the recommended nurse  
12 staffing plan.

13 *b.* The committee shall annually evaluate its staffing  
14 plan for each type of unit in relation to actual patient care  
15 requirements and the accuracy of its acuity system. The  
16 committee shall recommend updates to the nurse staffing plan  
17 annually based on the evaluation. If the hospital, nursing  
18 facility, or mental health institute does not approve the  
19 updates, the hospital, nursing facility, or mental health  
20 institute shall provide a written response to the committee,  
21 indicating the reasons for not approving the recommended  
22 updates to the nurse staffing plan.

23 *c.* The committee shall recommend a reporting system  
24 for a nurse staffing violation that allows a person with  
25 knowledge of the violation, including but not limited to  
26 health care practitioners, hospital, nursing facility, or  
27 mental health institute employees, patients, and visitors,  
28 to make a report of the violation to the department. If the  
29 committee makes a recommendation to the hospital, nursing  
30 facility, or mental health institute and the hospital, nursing  
31 facility, or mental health institute does not approve the  
32 committee's recommendation, the hospital, nursing facility,  
33 or mental health institute shall provide a written response  
34 to the committee indicating the reasons for not approving the  
35 recommendation.



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1     4. The committee may make other recommendations related  
2 to providing direct care to patients. If the committee  
3 makes a recommendation to the hospital, nursing facility, or  
4 mental health institute and the hospital, nursing facility,  
5 or mental health institute does not approve the committee's  
6 recommendation, the hospital, nursing facility, or mental  
7 health institute shall provide a written response to the  
8 committee, indicating the reasons for not approving the  
9 recommendation of the committee.

10    Sec. 5. NEW SECTION. 135P.5 **School nurse staffing.**

11    1. A school district shall approve, implement, and comply  
12 with a school nurse staffing plan developed by the school  
13 nurses in the district. The plan shall provide for the  
14 adequate, appropriate, and quality delivery of health care  
15 services.

16    2. In developing the school nurse staffing plan, the school  
17 nurses shall consider the following factors:

18    *a.* The number of enrolled students in the school district.

19    *b.* The anticipated need for direct health care services at  
20 each school in the district.

21    *c.* Staffing levels and services provided by licensed  
22 vocational or practical nurses, licensed psychiatric  
23 technicians, certified nurse assistants, or other ancillary  
24 staff in meeting direct student health care needs not required  
25 by a direct care registered nurse.

26    *d.* The level of technology available that affects the  
27 delivery of direct student health care.

28    *e.* Obstacles to efficiency in the delivery of student health  
29 care including the location of schools in the district.

30    *f.* Other information relevant to student health care.

31    3. The school nurse staffing plan shall include but is not  
32 limited to:

33    *a.* The delivery of services that must be administered by a  
34 school nurse.

35    *b.* The delivery of services that require direct supervision



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1 of a school nurse.

2 c. The delivery of services that require indirect  
3 supervision of a school nurse.

4 4. If the school district does not approve the school  
5 nurse staffing plan, it shall provide a written response to  
6 the school nurses, indicating the reason for not following the  
7 recommended school nurse staffing plan.

8 5. The school nurses shall annually evaluate the nurse  
9 staffing plan and meet with the school board of the school  
10 district for which the nurses are employed to recommend updates  
11 to the school nurse staffing plan. If the school district does  
12 not approve the updates it shall provide a written response to  
13 the school nurses, indicating the reason for not following the  
14 recommended updates to the nurse staffing plan.

15 6. The requirements established in this section shall  
16 not apply during a state of emergency if a school district  
17 is requested or expected to provide an exceptional level of  
18 emergency or other medical services.

19 7. The school district must compensate school nurses  
20 for time spent on developing and evaluating the school nurse  
21 staffing plan.

22 8. The school nurses may make other recommendations related  
23 to providing direct care to students in the school district.  
24 If the school nurses make a recommendation to the school  
25 district and the school district does not follow the school  
26 nurses' recommendation, it shall provide a written response to  
27 the school nurses, indicating the reason for not following the  
28 recommendation.

29 **Sec. 6. NEW SECTION. 152.13 Scope of practice.**

30 The scope of practice of a direct care registered nurse shall  
31 not be encroached by any person.

32 **Sec. 7. Section 256.11, subsection 9B, Code 2011, is amended**  
33 **to read as follows:**

34 9B. Beginning July 1, 2007, each school district shall have  
35 a school nurse to provide health services to its students.

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1 ~~Each~~ Beginning July 1, 2015, each school district shall ~~work~~  
 2 ~~toward the goal of having~~ have at least one full-time school  
 3 nurse for every ~~seven~~ six hundred fifty students when more than  
 4 two hundred students are enrolled in the school district. Each  
 5 school district shall approve, implement, and comply with a  
 6 nurse staffing plan pursuant to section 135P.5. For purposes  
 7 of this subsection, "*school nurse*" means a person who holds  
 8 an endorsement or a statement of professional recognition for  
 9 school nurses issued by the board of educational examiners  
 10 under chapter 272.

11 Sec. 8. EFFECTIVE DATE.

12 1. Except as otherwise provided by this Act, this division  
 13 of this Act takes effect July 1, 2013.

14 2. The minimum direct care registered nurse-to-patient  
 15 ratios established in sections 135P.2 and 135P.3, as enacted in  
 16 this division of this Act, and the school nurse staffing plan  
 17 established in section 135P.5, as enacted in this Act, shall  
 18 take effect not later than July 1, 2014, or in the case of a  
 19 critical access hospital as defined in 42 U.S.C. § 1395i-4, not  
 20 later than July 1, 2016.

DIVISION II

PATIENT SAFETY PLAN

23 Sec. 9. NEW SECTION. 135P.6 Patient safety plan.

24 1. A hospital, nursing facility, or mental health institute  
 25 shall develop, implement, and comply with a patient safety  
 26 plan for the purpose of improving the health and safety of  
 27 patients and reducing preventable patient safety events. The  
 28 patient safety plan shall be developed by the hospital, nursing  
 29 facility, or mental health institute in coordination with the  
 30 entity's health care professionals.

31 2. The patient safety plan shall, at a minimum, provide for  
 32 the establishment of all of the following:

33 *a.* A patient safety committee or a committee equivalent in  
 34 composition and function. The committee shall be comprised of  
 35 various health care professionals employed by the hospital,



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1 nursing facility, or mental health institute, at least half  
2 of whom shall be direct care nurses. A hospital, nursing  
3 facility, or mental health institute shall compensate the  
4 health care professionals who are employed by the hospital,  
5 nursing facility, or mental health institute and serve on the  
6 patient safety committee or equivalent committee for time spent  
7 on committee business.

8 *b.* The committee shall do all of the following:

9 (1) Review and approve the patient safety plan.

10 (2) Receive and review reports of patient safety events as  
11 defined in subsection 3.

12 (3) Monitor implementation of corrective actions for  
13 patient safety events.

14 (4) Make recommendations to eliminate future patient safety  
15 events.

16 (5) Review and revise the patient safety plan at least  
17 annually to evaluate and update the plan and to incorporate  
18 advancements in patient safety practices.

19 *c.* A reporting system for patient safety events that allows  
20 a person with knowledge of a patient safety event, including  
21 but not limited to health care practitioners and hospital,  
22 nursing facility, or mental health institute employees,  
23 patients, and visitors, to make a report of a patient safety  
24 event to the hospital, nursing facility, or mental health  
25 institute. A reporting system shall support and encourage a  
26 culture of safety and the reporting of patient safety events.

27 *d.* A process for a team of hospital, nursing facility, or  
28 mental health institute staff to conduct analyses, including  
29 but not limited to root cause analyses of patient safety  
30 events. The team shall be composed of the entity's various  
31 categories of health care professionals with the appropriate  
32 competencies to conduct the required analyses.

33 *e.* A process for providing ongoing patient safety training  
34 for hospital, nursing facility, or mental health institute  
35 personnel and health care practitioners.



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1     3. For the purposes of this section, patient safety events  
2 shall be defined by the patient safety plan and shall include  
3 but are not limited to health-care-associated infections,  
4 as defined in the federal centers for disease control and  
5 prevention's national healthcare safety network, or its  
6 successor, unless the department accepts the recommendation of  
7 the healthcare-associated infection advisory committee, or its  
8 successor, that are determined to be preventable.

9     Sec. 10. EFFECTIVE DATE.

10    1. Except as otherwise provided by this Act, this division  
11 of this Act takes effect July 1, 2013.

12    2. The implementation of a hospital, nursing facility,  
13 or mental health institute patient safety plan pursuant to  
14 section 135P.6, as enacted in this Act, shall take effect not  
15 later than July 1, 2014, or, in the case of a critical access  
16 hospital as defined in 42 U.S.C. § 1395i-4, not later than July  
17 1, 2016.

DIVISION III

PATIENT PROTECTION

18  
19  
20    Sec. 11. NEW SECTION. 135P.7 Retaliation prohibited —  
21 remedies.

22    1. a. A hospital, nursing facility, mental health institute,  
23 or school district shall not take retaliatory action against a  
24 nurse as a reprisal when the nurse reports an action or event  
25 to the hospital, nursing facility, mental health institute,  
26 or school district or to the department or other applicable  
27 entity, and the nurse reasonably believes, based on the nurse's  
28 professional standards of care, professional code of ethics, or  
29 other established guidelines for direct care workers including  
30 but not limited to a patient safety plan or a nurse staffing  
31 plan, that the action or event the nurse has observed occurring  
32 at the hospital, nursing facility, mental health institute, or  
33 school district is a material violation of health and safety  
34 laws or a breach of public safety that has caused serious harm  
35 to or creates a significant probability of serious harm to

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1 patients or health care recipients.

2 *b.* For purposes of this section, “*retaliatory action*”  
3 includes but is not limited to an action by a hospital, nursing  
4 facility, mental health institute, or school district to  
5 discharge a nurse or to take or fail to take action regarding  
6 a nurse’s appointment or proposed appointment to, take or  
7 fail to take action regarding a nurse’s promotion or proposed  
8 promotion to, or fail to provide an advantage in a position in  
9 employment.

10 *c.* Paragraph “*a*” does not apply if the disclosure of the  
11 information is prohibited by statute.

12 2. Subsection 1 may be enforced through a civil action.

13 *a.* A person who violates subsection 1 is liable to an  
14 aggrieved nurse for affirmative relief including reinstatement,  
15 with or without back pay, or any other equitable relief the  
16 court deems appropriate, including attorney fees and costs.

17 *b.* When a person commits, is committing, or proposes to  
18 commit an act in violation of subsection 1, an injunction may  
19 be granted through an action in district court to prohibit the  
20 person from continuing such acts. The action for injunctive  
21 relief may be brought by the aggrieved nurse.

22 EXPLANATION

23 This bill relates to patient safety through nurse staffing.  
24 The bill creates new Code chapter 135P to establish nurse  
25 staffing plans, collaborative nurse staffing committees, and  
26 patient safety plans. The bill also prohibits retaliatory  
27 action against nurses.

28 Division I of the bill relates to nurse staffing plans.  
29 The bill requires a hospital to approve, implement, and  
30 comply with a nurse staffing plan developed by the hospital’s  
31 collaborative nurse staffing committee required by the bill.  
32 The nurse staffing plan must provide for adequate, appropriate,  
33 and quality delivery of services to patients. The bill sets  
34 required registered nurse staffing levels that the staffing  
35 plan must include. The bill provides that the department of



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1 inspections and appeals (DIA) may apply the minimum direct care  
2 registered nurse-to-patient ratios to other hospital units if  
3 the unit provides a level of care to patients whose needs are  
4 similar to that listed. The bill also provides factors for the  
5 collaborative nurse staffing committee to consider when setting  
6 nurse-to-patient ratios above what is listed in the bill. The  
7 bill provides that the nurse staffing plan provisions should  
8 not be construed as a prohibition on the hospital's ability to  
9 set standards that are equivalent to or higher than set under  
10 the bill.

11 The bill specifies a hospital's obligations regarding a  
12 staffing plan. The bill prohibits a hospital from averaging  
13 the number of patients and total number of direct care  
14 registered nurses assigned to a unit during any one shift or  
15 over a period of a time in order to meet the requirements of  
16 the nurse staffing plan. A hospital cannot impose mandatory  
17 overtime requirements to meet the ratios required. Only direct  
18 care registered nurses can relieve other direct care registered  
19 nurses. A hospital cannot encroach on a direct care registered  
20 nurse's scope of practice or require a direct care registered  
21 nurse to train a replacement if doing so would jeopardize  
22 patient safety. A hospital must establish a system to document  
23 staffing in each unit for each shift. A hospital shall  
24 approve updates to the nurse staffing plan as is appropriate  
25 in relation to patient care requirements and the accuracy of  
26 the acuity system. A hospital must conspicuously post staffing  
27 levels for each unit in the unit and in waiting areas. A  
28 hospital may not discipline a direct care registered nurse for  
29 refusing to accept an assignment, if the nurse believes in good  
30 faith and within the nurse's judgment that the assignment is  
31 unsafe for patients. The bill provides that the requirements  
32 established do not apply during a state of emergency. The bill  
33 provides an exception from the staffing requirements and the  
34 hospital obligations for critical access hospitals. The bill  
35 also provides for the DIA to sanction a hospital for failing

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1 to comply with the bill and allows the DIA to enact rules to  
2 enforce the bill.

3 The bill imposes similar requirements on nursing facilities  
4 and mental health institutes, providing factors the facility's  
5 or mental health institute's collaborative nurse staffing  
6 committee must consider when developing a staffing plan, but  
7 the bill does not require specific staffing ratios for nursing  
8 facilities or mental health institutes.

9 The bill provides that hospitals, nursing facilities,  
10 and mental health institutes shall establish collaborative  
11 nurse staffing committees comprised of nonsupervisory staff  
12 nurses. The membership of a committee shall be apportioned  
13 among registered nurses, licensed practical nurses, and  
14 advanced practice registered nurses based upon the proportion  
15 of each type of nonsupervisory nurse licensees to the total  
16 of nonsupervisory nurses employed by the hospital, facility,  
17 or institute. The members of the committee will be appointed  
18 by other nonsupervisory nurses with the same license. The  
19 committee must have six members and must meet at least  
20 annually. The hospital, nursing facility, or mental health  
21 institute must compensate the employed nurses for time spent  
22 on committee business. The committee may establish its own  
23 rules and procedures by majority vote. The committee shall  
24 recommend a nurse staffing plan to the hospital, facility, or  
25 institute. The hospital, facility, or institute must provide  
26 a written response indicating the reasons for not approving  
27 the plan if it does not approve the plan. The committee must  
28 annually evaluate the staffing plan and recommend updates to  
29 the hospital, nursing facility, or mental health institute  
30 respectively. If the hospital, nursing facility, or mental  
31 health institute does not approve the updates, it shall provide  
32 a written response indicating the reasons. The committee  
33 must also recommend a reporting system for a nurse staffing  
34 violation that allows a person with knowledge of the violation  
35 to make a report to the DIA. The committee may make other

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1 recommendations related to providing direct care to patients  
2 to the hospital, nursing facility, or mental health institute,  
3 respectively. If the hospital, nursing facility, or mental  
4 health institute does not approve the recommendation, it shall  
5 provide written notice indicating the reason.

6 The bill also requires a school district to approve,  
7 implement, and comply with a school nurse staffing plan  
8 developed by the district's school nurses. The bill requires  
9 the district's school nurses to consider, the number of  
10 enrolled students, the need for direct health care services at  
11 each school, the staffing levels and services provided by other  
12 ancillary staff, the technology available that affects delivery  
13 of care, obstacles to efficiency including the location of  
14 schools in the district, and other relevant information. The  
15 school nursing staffing plan must include at least the delivery  
16 of services required to be administered by a school nurse, the  
17 delivery of services that require the direct supervision of the  
18 school nurse, and the delivery of services that require the  
19 indirect supervision of a school nurse. The bill states that  
20 a school district that does not approve a nurse staffing plan  
21 must provide a written response indicating the reason for not  
22 following the plan.

23 The bill also requires school nurses to annually evaluate  
24 the nurse staffing plan and meet with the school board to  
25 recommend updates to the plan. The school nurses also may make  
26 other recommendations to the school district. If the school  
27 district does not approve the updates or other recommendations,  
28 it must provide a written response indicating the reason for  
29 not adopting the recommended updates.

30 The bill requires a school district to compensate a school  
31 nurse for time spent developing and evaluating the school nurse  
32 staffing plan.

33 The bill also amends Code section 256.11 regarding the  
34 school nurse requirements for a school district. The bill  
35 requires a school district which has more than 200 students

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1 enrolled to have at least one full-time school nurse for every  
2 600 students beginning in 2015.

3 The division takes effect July 1, 2013. The direct care  
4 registered nurse-to-patient ratios and school nurse staffing  
5 plans take effect not later than July 1, 2014, or July 1, 2016,  
6 for a critical access hospital.

7 Division II of the bill relates to patient safety plans.  
8 The bill provides that a hospital, nursing facility, or  
9 mental health institute must develop, implement, and comply  
10 with a patient safety plan. The patient safety plan must  
11 include and establish a patient safety committee or equivalent  
12 committee. The committee shall be comprised of the entity's  
13 various health care professionals, but at least half of the  
14 committee shall be comprised of direct care nurses. The  
15 health care professionals employed by the entity who serve  
16 on the committee must be compensated for the time spent on  
17 committee business. The patient safety committee must review  
18 and approve the patient safety plan, receive and review reports  
19 of patient safety events, monitor implementation of corrective  
20 actions, make recommendations to eliminate future patient  
21 safety events, review and revise the patient safety plan at  
22 least annually, and update the plan. The bill provides that a  
23 patient safety plan must include a reporting system for patient  
24 safety events, a process for a team of the entity's staff to  
25 conduct analyses of patient safety events, and a process for  
26 providing ongoing patient safety training. The bill states  
27 that a "patient safety event", as used in the bill, shall be  
28 defined by the patient safety plan. This division of the bill  
29 related to patient safety plans takes effect July 1, 2013.  
30 The implementation of a patient safety plan shall take effect  
31 by July 1, 2014, except that a critical access hospital must  
32 implement a patient safety plan by July 1, 2016.

33 Division III of the bill relates to nurses reporting  
34 violations that affect patient safety. The bill provides  
35 that a hospital, nursing facility, mental health institute,

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1 or school district shall not discharge or otherwise retaliate  
2 against a nurse employed by the entity as a reprisal when the  
3 nurse reports an action or event to the entity, DIA, or other  
4 applicable state agency and the nurse reasonably believes the  
5 action or event is a material violation of health and safety  
6 laws or is a breach of public safety that has caused serious  
7 harm to or creates a significant probability of serious harm  
8 to patients or health care recipients. The division does not  
9 apply if the disclosure is prohibited by statute. A person  
10 who violates the division is liable to an aggrieved nurse for  
11 affirmative relief including reinstatement with or without back  
12 pay or any other equitable relief the court deems appropriate.  
13 The bill also provides for an injunction when a person is  
14 committing or proposes to commit an act in violation of the  
15 division.



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**House File 2194 - Introduced**

HOUSE FILE 2194  
BY M. SMITH

**A BILL FOR**

- 1 An Act creating a licensed social worker loan repayment program
- 2 and a revolving fund.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5690HH (2) 84  
jr/nh



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1     Section 1. NEW SECTION.   **261.113 Licensed social worker loan**  
2 **repayment program.**

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

16    2. The contract for the loan repayment shall stipulate the  
17 time period the licensed social worker shall practice in a  
18 critical human service area. In addition, the contract shall  
19 stipulate that the licensed social worker repay any funds paid  
20 on the person's loan by the commission if the person fails to  
21 practice in a critical human service area for the required  
22 period of time.

23    Sec. 2. NEW SECTION.   **261.114 Licensed social worker loan**  
24 **repayment revolving fund.**

25    1. A licensed social worker loan repayment revolving fund  
26 is created in the state treasury as a separate fund under  
27 the control of the commission. The commission shall deposit  
28 payments made by program participants under section 261.113,  
29 subsection 2, moneys appropriated for purposes of the licensed  
30 social worker loan repayment program, and any other available  
31 funds into the loan repayment revolving fund. Moneys in the  
32 fund shall be used for purposes of the licensed social worker  
33 loan repayment program. Notwithstanding section 8.33, moneys  
34 deposited in the fund shall not revert to any fund of the state  
35 at the end of any fiscal year but shall remain in the fund and

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1 be continuously available for the program.

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

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

13 b. Awards shall be within the amounts appropriated for such  
14 purpose and based on availability of funds.

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

17 a. First priority is given to applicants who have received  
18 payment of an award pursuant to this section in a prior year  
19 and who have provided social work services in a critical human  
20 service area in the year prior to such application.

21 b. Second priority is given to applicants who have not  
22 received payment of an award pursuant to this section in  
23 a prior year and who have provided social work services  
24 in a critical human service area in the year prior to such  
25 application.

26 c. Third priority is given to applicants who are  
27 economically disadvantaged, as defined by the commission.

28 5. The commission shall adopt rules pursuant to chapter 17A  
29 to administer this section.

30 **EXPLANATION**

31 This bill creates a licensed social worker loan repayment  
32 program administered by the college student aid commission.  
33 Applicants for the program must enter into an agreement with  
34 the commission, agreeing to work for a specific period of time  
35 in a "critical human service area", defined as a geographic

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1 area in Iowa with a shortage of social workers in health,  
2 mental health, substance abuse, aging, HIV/AIDS, victim, or  
3 child welfare concerns, or communities with multilingual needs.

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

10 The program is funded by a special revolving fund in  
11 the state treasury, controlled by the college student aid  
12 commission. The fund consists of moneys appropriated for  
13 purposes of the program, repayments by participants who fail  
14 to meet the service area requirements, and any other available  
15 moneys. Moneys deposited in the fund do not revert to the  
16 state at the end of any fiscal year but shall remain in the fund  
17 and be continuously available for the program. Interest or  
18 earnings on moneys deposited in the fund shall also be credited  
19 to the fund.



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House File 2195 - Introduced

HOUSE FILE 2195  
BY ANDERSON, PETTENGILL,  
DE BOEF, LOFGREN, ALONS,  
CHAMBERS, HUSEMAN, WATTS,  
COWNIE, BAUDLER, KAUFMANN,  
GARRETT, HAGER, KOESTER,  
R. OLSON, BERRY, MUHLBAUER,  
WITTNEBEN, LUKAN, GAINES,  
and H. MILLER

A BILL FOR

1 An Act providing for the issuance of a certificate of birth  
2 resulting in stillbirth, providing for a fee, and including  
3 effective date provisions.  
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:



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1 Section 1. NEW SECTION. 144.31A Certificate of birth  
 2 resulting in stillbirth.

3 1. As used in this section:

4 a. "Certificate of birth resulting in stillbirth" means a  
 5 certificate issued to record the birth of a stillborn fetus.

6 b. "Stillbirth" means stillbirth as defined in section  
 7 136A.2.

8 2. After each fetal death that occurs in the state which  
 9 is also a stillbirth, the person required to file the fetal  
 10 death certificate pursuant to section 144.30 shall advise any  
 11 parent named on the fetal death certificate that the parent may  
 12 request the preparation of a certificate of birth resulting in  
 13 stillbirth in addition to the fetal death certificate. The  
 14 department shall, within thirty days of receiving a request,  
 15 issue a certificate of birth resulting in stillbirth.

16 3. The department shall prescribe by rules adopted pursuant  
 17 to chapter 17A the form and content of a request and the  
 18 process for requesting a certificate of birth resulting in  
 19 stillbirth.

20 4. The department shall prescribe by rules adopted pursuant  
 21 to chapter 17A the form and content of and the fee for the  
 22 preparation of a certificate of birth resulting in stillbirth.

23 a. At a minimum, the rules shall require that the  
 24 certificate of birth resulting in stillbirth contain all of the  
 25 following:

26 (1) The date of the stillbirth.

27 (2) The county in which the stillbirth occurred.

28 (3) A first name, middle name, last name, no name, or  
 29 combination of these as requested by the parent.

30 (4) The state file number of the corresponding fetal death  
 31 certificate.

32 (5) The statement: "This certificate is not proof of live  
 33 birth."

34 b. The fees collected shall be remitted to the treasurer of  
 35 state for deposit in the general fund of the state or the vital



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1 records fund in accordance with section 144.46.

2 5. The state registrar and county registrar shall make a  
3 notation on the corresponding fetal death certificate when a  
4 certificate of birth resulting in stillbirth is issued.

5 6. Only a parent named on the fetal death certificate may  
6 request a certificate of birth resulting in stillbirth. A  
7 certificate of birth resulting in stillbirth may be requested  
8 and issued at any time regardless of the date on which the  
9 fetal death certificate was issued.

10 7. A certificate of birth resulting in stillbirth is not  
11 required to be filed or registered.

12 8. A certificate of birth resulting in stillbirth shall not  
13 be used to establish, bring, or support a civil cause of action  
14 seeking damages against any person for bodily injury, personal  
15 injury, or wrongful death for a stillbirth.

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

18 EXPLANATION

19 This bill provides for the requesting and issuance of a  
20 certificate of birth resulting in stillbirth. The bill defines  
21 "stillbirth" as an unintended fetal death occurring after a  
22 gestation period of 20 completed weeks, or an unintended fetal  
23 death of a fetus with a weight of 350 or more grams. The bill  
24 provides that after a fetal death occurs which is a stillbirth,  
25 the person required to file a fetal death certificate as  
26 prescribed by law shall advise any parent named on the fetal  
27 death certificate that the parent may request the preparation  
28 of a certificate of birth resulting in stillbirth in addition  
29 to the fetal death certificate. The department is to issue the  
30 certificate within 30 days of receiving a request.

31 The bill directs the department of public health to adopt  
32 rules regarding a request for a certificate of birth resulting  
33 in stillbirth and for the form, content, and fee related to the  
34 preparation of a certificate of birth resulting in stillbirth.  
35 The bill directs that the rules adopted require certain



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1 information on the certificate. Under the bill, a parent named  
2 on the fetal death certificate may request a certificate of  
3 birth resulting in stillbirth at any time regardless of the  
4 date on which the fetal death certificate was issued.

5 The bill provides that a certificate of birth resulting  
6 in stillbirth is not required to be filed or registered. A  
7 certificate of birth resulting in stillbirth also is not to be  
8 used to establish, bring, or support a civil cause of action  
9 seeking damages against any person for bodily injury, personal  
10 injury, or wrongful death for a stillbirth.

11 The bill takes effect upon enactment.



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House File 2196 - Introduced

HOUSE FILE 2196  
BY MURPHY, HUNTER,  
KELLEY, MASCHER,  
ABDUL-SAMAD, T. TAYLOR,  
WESSEL-KROESCHELL, THEDE,  
BERRY, H. MILLER, WINCKLER,  
LENSING, COHOON, and KEARNS

A BILL FOR

- 1 An Act increasing the state minimum hourly wage.
- 2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5821YH (4) 84  
je/rj



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1 Section 1. Section 91D.1, subsection 1, paragraphs a, b, and  
2 d, Code 2011, are amended to read as follows:

3 a. The state hourly wage shall be at least ~~\$6.20 as of~~  
4 ~~April 1, 2007, and~~ \$7.25 as of January 1, 2008, and \$8.80 as of  
5 January 1, 2013.

6 b. Every employer, as defined in the federal Fair Labor  
7 Standards Act of 1938, as amended to January 1, ~~2007~~ 2012,  
8 shall pay to each of the employer's employees, as defined in  
9 the federal Fair Labor Standards Act of 1938, as amended to  
10 January 1, ~~2007~~ 2012, the state hourly wage stated in paragraph  
11 "a", or the current federal minimum wage, pursuant to 29 U.S.C.  
12 § 206, as amended, whichever is greater.

13 d. An employer is not required to pay an employee the  
14 applicable state hourly wage provided in paragraph "a" until  
15 the employee has completed ninety calendar days of employment  
16 with the employer. An employee who has completed ninety  
17 calendar days of employment with the employer prior to ~~April~~  
18 ~~1, 2007, or~~ January 1, ~~2008~~ 2013, shall earn the applicable  
19 state hourly minimum wage as of that date. An employer shall  
20 pay an employee who has not completed ninety calendar days of  
21 employment with the employer an hourly wage of at least ~~\$5.30~~  
22 ~~as of April 1, 2007, and~~ ~~\$6.35~~ \$8.00 as of January 1, ~~2008~~ 2013.

23 Sec. 2. Section 91D.1, subsection 2, paragraph a, Code 2011,  
24 is amended to read as follows:

25 a. The exemptions from the minimum wage requirements stated  
26 in 29 U.S.C. § 213, as amended to January 1, ~~2007~~ 2012, shall  
27 apply, except as otherwise provided in this subsection.

28 EXPLANATION

29 This bill increases the state minimum wage from \$7.25 to  
30 \$8.80 as of January 1, 2013.

31 Code section 91D.1(1)(d) provides that an employer is not  
32 required to pay an employee the applicable state hourly wage  
33 until the employee has completed 90 calendar days of employment  
34 with the employer. The bill provides that an employee who has  
35 completed 90 calendar days of employment with the employer

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1 prior to January 1, 2013, shall earn the applicable state  
2 hourly minimum wage as of that date. The bill provides that  
3 an employer shall pay an employee who has not completed 90  
4 calendar days of employment with the employer an hourly wage of  
5 at least \$8.00 as of January 1, 2013.



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House File 2197 - Introduced

HOUSE FILE 2197  
BY MURPHY

A BILL FOR

1 An Act repealing authorization for the natural resource  
2 commission to establish a special season antlerless deer  
3 hunt.  
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5869HH (2) 84  
av/nh



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1 Section 1. REPEAL. Section 483A.24B, Code 2011, is  
2 repealed.

3

EXPLANATION

4 This bill repeals Code section 483A.24B which authorizes  
5 the natural resource commission to establish a special season  
6 deer hunt for antlerless deer in those counties where paid  
7 antlerless deer only deer hunting licenses remain available  
8 for issuance. Currently, prior to December 15, a resident  
9 may obtain up to three paid antlerless deer only deer hunting  
10 licenses regardless of how many paid or free deer hunting  
11 licenses the person has already obtained. On or after December  
12 15, a resident or nonresident may purchase an unlimited number  
13 of such licenses.



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House File 2198 - Introduced

HOUSE FILE 2198  
BY WINDSCHITL

A BILL FOR

- 1 An Act concerning the authorized possession of certain
- 2 offensive weapons and making penalties applicable.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5072YH (7) 84  
rh/rj



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1 Section 1. Section 724.1, subsections 1, 2, and 8, Code  
 2 2011, are amended to read as follows:

3 1. A machine gun. A machine gun is a firearm which shoots  
 4 or is designed to shoot more than one shot automatically,  
 5 without manual reloading, by a single function of the trigger.

6 2. A short-barreled rifle or short-barreled shotgun. A  
 7 short-barreled rifle or short-barreled shotgun is a rifle with  
 8 a barrel or barrels less than sixteen inches in length or a  
 9 shotgun with a barrel or barrels less than eighteen inches  
 10 in length, as measured from the face of the closed bolt or  
 11 standing breech to the muzzle, or any weapon made from a rifle  
 12 or shotgun ~~with~~ if such weapon as modified has an overall  
 13 length of less than twenty-six inches.

14 8. Any mechanical device specifically constructed and  
 15 designed so that when attached to a firearm it silences,  
 16 muffles, or suppresses the sound when fired. ~~However, this~~  
 17 ~~subsection does not apply to a mechanical device possessed and~~  
 18 ~~used by a person solely for the purpose of shooting a deer~~  
 19 ~~pursuant to an approved city special deer population control~~  
 20 ~~plan if the person has a valid federal permit to possess and~~  
 21 ~~use the mechanical device.~~

22 Sec. 2. Section 724.2, Code 2011, is amended by striking the  
 23 section and inserting in lieu thereof the following:

24 **724.2 Authority to possess offensive weapons.**

25 All of the following are authorized to possess offensive  
 26 weapons:

27 1. The following persons or entities when the duties or  
 28 lawful activities of the person or entity require or permit  
 29 such possession:

30 a. Any peace officer.

31 b. Any member of the armed forces of the United States or  
 32 of the national guard.

33 c. Any person in the service of the United States.

34 d. A correctional officer, serving in an institution under  
 35 the authority of the Iowa department of corrections.

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1 e. Any person who, under the laws of this state and the  
2 United States, is lawfully engaged in the business of supplying  
3 those authorized to possess such devices.

4 f. Any person, firm, or corporation who under the laws of  
5 this state and the United States is lawfully engaged in the  
6 improvement, invention, or manufacture of firearms.

7 g. Any museum or similar place which possesses, solely as  
8 relics, offensive weapons which are rendered permanently unfit  
9 for use.

10 2. The following persons who possess an offensive weapon  
11 which is a curio or relic firearm under the federal Gun Control  
12 Act of 1968, 18 U.S.C. ch. 44 and the federal National Firearms  
13 Act of 1934, 26 U.S.C. ch. 53:

14 a. A resident of this state, if the offensive weapon  
15 has been permanently rendered unfit for the firing of live  
16 ammunition. The offensive weapon may, however, be adapted for  
17 the firing of blank ammunition.

18 b. A nonresident, if the offensive weapon is legally  
19 possessed by the person in the person's state of residence  
20 and the offensive weapon is at all times while in this state  
21 rendered incapable of firing live ammunition. A nonresident  
22 who possesses an offensive weapon under this subsection while  
23 in this state shall not have in the person's possession live  
24 ammunition. The offensive weapon may, however, be adapted for  
25 the firing of blank ammunition.

26 3. A person who possesses a device described in section  
27 724.1, subsection 8, or a machine gun, short-barreled rifle, or  
28 short-barreled shotgun, as those terms are defined in section  
29 724.1, in compliance with the federal Gun Control Act of 1968,  
30 18 U.S.C. ch. 44 and the federal National Firearms Act of 1934,  
31 26 U.S.C. ch. 53.

32 Sec. 3. Section 724.3, Code 2011, is amended to read as  
33 follows:

34 **724.3 Unauthorized possession of offensive weapons.**

35 Any person or entity, other than a person or entity

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rh/rj

2/3



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1 authorized ~~herein~~ in section 724.2, who knowingly possesses an  
2 offensive weapon commits a class "D" felony.

3 EXPLANATION

4 This bill relates to the authorized possession of offensive  
5 weapons.

6 The bill modifies the definition of a machine gun, a  
7 short-barreled rifle, a short-barreled shotgun, and a  
8 mechanical device that silences, muffles, or suppresses the  
9 sound of a firearm when fired, defined as offensive weapons  
10 under Code section 724.1. Under Code section 724.3 a person  
11 who is not authorized under Code section 724.2 to possess an  
12 offensive weapon is guilty of a class "D" felony.

13 The bill amends provisions in Code section 724.2 authorizing  
14 the possession of certain offensive weapons in certain  
15 circumstances, including an offensive weapon that is a curio  
16 or relic firearm, a machine gun, a short-barreled rifle, a  
17 short-barreled shotgun, and a mechanical device that silences,  
18 muffles, or suppresses the sound of a firearm when fired, as  
19 amended in the bill, in compliance with the provisions of  
20 the federal Gun Control Act of 1968 and the federal National  
21 Firearms Act of 1934.



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House File 2199 - Introduced

HOUSE FILE 2199  
BY PETTENGILL

(COMPANION TO LSB 5137SS BY  
BARTZ)

A BILL FOR

1 An Act relating to the review of administrative rules and the  
2 rulemaking process.  
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5137HH (8) 84  
jr/rj



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1 Section 1. Section 7.17, Code 2011, is amended to read as  
 2 follows:

3 **7.17 Office of administrative rules coordinator.**

4 1. The governor shall establish the office of the  
 5 administrative rules coordinator, and appoint its staff, which  
 6 shall be a part of the governor's office.

7 2. The administrative rules coordinator shall receive all  
 8 notices and rules adopted pursuant to chapter 17A and provide  
 9 the governor with an opportunity to review and object to any  
 10 rule as provided in chapter 17A.

11 3. a. The administrative rules coordinator shall create a  
 12 citizens' committee, consisting of regulators, stakeholders,  
 13 members of the public, and legislators, to advise the  
 14 administrative rules coordinator on rulemaking issues.

15 b. The members of the committee shall not be paid a per diem  
 16 but shall be reimbursed for travel expenses.

17 Sec. 2. Section 17A.4, subsection 1, paragraph b, Code 2011,  
 18 is amended to read as follows:

19 b. (1) Afford all interested persons not less than twenty  
 20 days to submit data, views, or arguments in writing, including  
 21 in an electronic format. If timely requested in writing by  
 22 twenty-five interested persons, by a governmental subdivision,  
 23 by the administrative rules review committee, by an agency, or  
 24 by an association having not less than twenty-five members, the  
 25 agency must give interested persons an opportunity to make oral  
 26 presentation.

27 (2) To the extent practicable, the agency shall provide an  
 28 opportunity to make these oral presentations using the Iowa  
 29 communications network or other electronic means and provide  
 30 public access at multiple sites throughout the state. If  
 31 a request is received from twenty-five interested persons  
 32 residing in the same city or county, the agency shall provide  
 33 an opportunity for oral presentation in that city or county.

34 (3) The opportunity for oral presentation must be held  
 35 at least twenty days after publication of the notice of its



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1 time and place in the Iowa administrative bulletin. The  
2 agency shall consider fully all written and oral submissions  
3 respecting the proposed rule. Within one hundred eighty  
4 days following either the notice published according to the  
5 provisions of paragraph "a" or within one hundred eighty  
6 days after the last date of the oral presentations on the  
7 proposed rule, whichever is later, the agency shall adopt a  
8 rule pursuant to the rulemaking proceeding or shall terminate  
9 the proceeding by publishing notice of termination in the Iowa  
10 administrative bulletin.

11 Sec. 3. Section 17A.4, subsection 2, Code 2011, is amended  
12 to read as follows:

13 2. An agency shall include in a preamble to each rule  
14 ~~it adopts a brief explanation of the principal reasons for~~  
15 ~~its action pursuant to section 17A.5 a concise statement~~  
16 of the principal reasons for and against the rule adopted,  
17 incorporating in the statement the reasons for overruling  
18 considerations urged against the rule and, if applicable, a  
19 brief explanation of the principal reasons for its failure  
20 to provide in that the rule for the waiver of the rule in  
21 specified situations if no such waiver provision is included  
22 in the rule. ~~This explanatory requirement does not apply when~~  
23 ~~the agency adopts a rule that only defines the meaning of a~~  
24 ~~provision of law if the agency does not possess delegated~~  
25 ~~authority to bind the courts to any extent with its definition.~~  
26 ~~In addition, if requested to do so by an interested person,~~  
27 ~~either prior to adoption or within thirty days thereafter, the~~  
28 ~~agency shall issue a concise statement of the principal reasons~~  
29 ~~for and against the rule adopted, incorporating therein the~~  
30 ~~reasons for overruling considerations urged against the rule.~~  
31 ~~This concise statement shall be issued either at the time of~~  
32 ~~the adoption of the rule or within thirty-five days after the~~  
33 ~~agency receives the request.~~

34 Sec. 4. NEW SECTION. 17A.4B Job impact statement.

35 1. a. "Benefit" means the reasonably identifiable and



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1 quantifiable positive effect or outcome that is expected to  
 2 result from implementation of a rule.

3     *b.* “*Cost*” means reasonably identifiable, significant, direct  
 4 or indirect, economic impact that is expected to result from  
 5 implementation of and compliance with a rule.

6     *c.* “*Cost-benefit analysis*” means regulatory analysis  
 7 to provide the public with transparency regarding the  
 8 cost-effectiveness of a rule, including the economic costs and  
 9 the effectiveness weighed by the agency in adopting the rule.  
 10 “*Cost-benefit analysis*” includes a comparison of the probable  
 11 costs and benefits of a rule to the probable costs and benefits  
 12 of less intrusive or less expensive methods that exist for  
 13 achieving the purpose of the rule.

14     *d.* “*Jobs*” means private sector employment including  
 15 self-employment and areas for potential for employment growth.

16     *e.* “*Jobs impact statement*” means a statement that does all  
 17 of the following:

18         (1) Identifies the objective of a rule and the applicable  
 19 section of the statute that provides specific legal authority  
 20 for the agency to adopt the rule.

21         (2) Identifies and describes the cost that the agency  
 22 anticipates state agencies, local governments, the public, and  
 23 the regulated entities, including regulated businesses and  
 24 self-employed individuals, will incur due to the implementation  
 25 of and complying with a rule.

26         (3) Determines whether a rule would have a positive  
 27 or negative impact on private sector jobs and employment  
 28 opportunities in Iowa.

29         (4) Describes and quantifies the nature of the impact a rule  
 30 will have on private sector jobs and employment opportunities  
 31 including the categories of jobs and employment opportunities  
 32 that are affected by the rule, and the number of jobs or  
 33 potential job opportunities and the regions of the state  
 34 affected by the rule.

35         (5) Identifies, where possible, the additional costs to



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1 employers per employee due to implementation of and complying  
2 with a rule.

3 (6) Includes other relevant analysis requested by the  
4 administrative rules coordinator.

5 2. Prior to implementation of a rule, an agency shall  
6 take steps to minimize the adverse impact on jobs and  
7 the development of new employment opportunities due to  
8 implementation of the rule.

9 3. An agency shall provide a jobs impact statement to the  
10 administrative rules coordinator prior to publication of a  
11 notice of intended action or the publication of a rule without  
12 notice.

13 4. The jobs impact statement shall be published as part  
14 of the preamble to the notice of rulemaking in the Iowa  
15 administrative bulletin, unless the administrative rules  
16 coordinator determines that publication of the entire jobs  
17 impact statement would be unnecessary or impractical.

18 5. An agency shall accept comments and information  
19 from stakeholders prior to final preparation of the jobs  
20 impact statement. Any concerned private sector employer or  
21 self-employed individual, potential employer, potential small  
22 business, or member of the public may submit information  
23 relating to a jobs impact statement upon a request for  
24 information or prior to publication of a notice of intended  
25 action by an agency.

26 6. If a jobs impact statement is revised after a notice  
27 of intended action is published, the revised jobs impact  
28 statement shall be published as part of the preamble to the  
29 adopted version of the rule, unless the administrative rules  
30 coordinator determines that publication of the entire jobs  
31 impact statement would be unnecessary or impractical.

32 7. The analysis in the jobs impact statement shall give  
33 particular weight to jobs in production sectors of the economy  
34 which includes the manufacturing and agricultural sectors of  
35 the economy and include analysis, where applicable, of the

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1 impact of the rule on expansion of existing businesses or  
2 facilities.

3 8. The administrative rules coordinator may waive the jobs  
4 impact statement requirement for rules proposed on an emergency  
5 basis or if unnecessary or impractical.

6 9. By July 1, 2013, and every five years thereafter, an  
7 agency shall prepare a comprehensive jobs impact statement  
8 for all of the agency's rules. An agency shall transmit  
9 each five-year comprehensive jobs impact statement to the  
10 administrative rules coordinator, the administrative rules  
11 review committee, and the administrative code editor. The  
12 administrative code editor shall publish the statement, or a  
13 summary, in the Iowa administrative bulletin.

14 Sec. 5. NEW SECTION. 17A.4C **Negotiated rulemaking.**

15 1. An agency shall create a negotiated rulemaking group if  
16 required by statute. An agency may, on its own motion or upon  
17 request, create a negotiated rulemaking group if the agency  
18 determines that a negotiated rulemaking group can adequately  
19 represent the interests that will be significantly affected by  
20 a draft rule proposal and that it is feasible and appropriate  
21 in the particular rulemaking. Notice of the creation of a  
22 negotiated rulemaking group shall be published in the Iowa  
23 administrative bulletin. Upon establishing a negotiated  
24 rulemaking group, the agency shall also specify a time frame  
25 for group deliberations.

26 2. Unless otherwise provided by statute, the agency shall  
27 appoint a sufficient number of members to the group so that  
28 a fair cross section of interests and opinions regarding the  
29 draft rule proposal is represented. One person shall be  
30 appointed to represent the agency. The group shall select its  
31 own chairperson and adopt its rules of procedure. All meetings  
32 of the group shall be open to the public. A majority of the  
33 membership constitutes a quorum. Members shall not receive  
34 any per diem payment but shall be reimbursed for all necessary  
35 expenses. Any vacancy shall be filled in the same manner as

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1 the initial appointment.

2 3. Prior to the publication of a notice of intended action,  
3 the group shall consider the terms or substance of the rule  
4 proposed by the agency and shall attempt to reach a consensus  
5 on the advisability of adopting the draft rule proposal.

6 4. If a group reaches a consensus on a draft rule proposal,  
7 the group shall transmit to the agency a report containing the  
8 consensus on the draft rule proposal. If the group does not  
9 reach a consensus on a draft rule proposal within the specified  
10 time frame, the group shall transmit to the agency a report  
11 stating that inability to reach a consensus and specifying any  
12 areas in which the group reached a consensus. The group may  
13 include in a report any other information, recommendations,  
14 or materials that the group considers appropriate. Any group  
15 member may include as an addendum to the report additional  
16 information, recommendations, or materials. A report issued  
17 under this subsection shall not be considered final agency  
18 action for purposes of judicial review.

19 5. Unless otherwise provided by statute, following  
20 consideration of a draft rule proposal by a negotiated  
21 rulemaking group, the agency may commence rulemaking as  
22 provided in section 17A.4. The group is automatically  
23 abolished upon the agency's adoption of the rule pursuant to  
24 the provisions of section 17A.5.

25 **Sec. 6. NEW SECTION. 17A.6A Rulemaking internet site.**

26 1. Subject to the direction of the administrative rules  
27 coordinator, each agency shall make available to the public  
28 a uniform, searchable, and user-friendly rules database,  
29 published on an internet site.

30 2. An agency's rulemaking internet site shall also make  
31 available to the public all of the following:

32 a. A brief summary of the rulemaking process, including a  
33 description of any opportunity for public participation in the  
34 process.

35 b. Process forms for filing comments or complaints

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1 concerning proposed or adopted rules.

2 *c.* Process forms and instructions for filing a request for  
 3 the creation of a negotiated rulemaking group, a petition for  
 4 rulemaking, a petition for a declaratory order, or a request  
 5 for a waiver of an administrative rule.

6 *d.* Any other material prescribed by the administrative rules  
 7 coordinator.

8 3. To the extent practicable, the administrative rules  
 9 coordinator shall create a uniform format for rulemaking  
 10 internet sites.

11 Sec. 7. Section 17A.7, subsection 2, Code 2011, is amended  
 12 by striking the subsection and inserting in lieu thereof the  
 13 following:

14 2. Over a five-year period of time, an agency shall conduct  
 15 an ongoing and comprehensive review of all of the agency's  
 16 rules. The goal of the review is the identification and  
 17 elimination of all rules of the agency that are outdated,  
 18 redundant, overbroad, ineffective, unnecessary, or otherwise  
 19 undesirable. An agency shall commence its review by developing  
 20 a plan of review in consultation with major stakeholders and  
 21 constituent groups. As part of its review, an agency shall  
 22 review existing policy and interpretive statements or similar  
 23 documents to determine whether it would be necessary or  
 24 appropriate to adopt these statements or documents as rules.

25 *a.* An agency shall establish its five-year plan for review  
 26 of its rules and publish the plan in the Iowa administrative  
 27 bulletin.

28 *b.* An agency's plan for review shall do all of the  
 29 following:

30 (1) Contain a schedule that lists when the review of each  
 31 rule or rule group will occur.

32 (2) State the method by which the agency will analyze  
 33 the rule under review regarding the considerations listed in  
 34 paragraph "c".

35 (3) Provide a means for public participation in the review



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1 process and specify how interested persons may participate in  
2 the review.

3 (4) Identify instances where the agency may require an  
4 exception to the review requirements.

5 (5) Provide a process for ongoing review of rules after the  
6 initial five-year review period has expired.

7 c. An agency shall analyze its rules under review by  
8 considering all of the following:

9 (1) The need for the rule.

10 (2) The clarity of the rule.

11 (3) The intent and legal authority for the rule.

12 (4) The qualitative and quantitative benefits and costs of  
13 the rule.

14 (5) The fairness of the rule.

15 d. When an agency completes its five-year review of its  
16 rules, the agency shall provide a summary of the results to the  
17 administrative rules coordinator and the administrative rules  
18 review committee.

19 Sec. 8. Section 17A.23, Code 2011, is amended to read as  
20 follows:

21 **17A.23 Construction — delegation of authority.**

22 1. Except as expressly provided otherwise by this chapter  
23 or by another statute referring to this chapter by name, the  
24 rights created and the requirements imposed by this chapter  
25 shall be in addition to those created or imposed by every other  
26 statute in existence on July 1, 1975, or enacted after that  
27 date. If any other statute in existence on July 1, 1975, or  
28 enacted after that date diminishes a right conferred upon a  
29 person by this chapter or diminishes a requirement imposed upon  
30 an agency by this chapter, this chapter shall take precedence  
31 unless the other statute expressly provides that it shall take  
32 precedence over all or some specified portion of this ~~named~~  
33 cited chapter.

34 2. This chapter shall be construed broadly to effectuate  
35 its purposes. This chapter shall also be construed to apply



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1 to all agencies not expressly exempted by this chapter or by  
 2 another statute specifically referring to this chapter by ~~name~~  
 3 citation; and except as to proceedings in process on July 1,  
 4 1975, this chapter shall be construed to apply to all covered  
 5 agency proceedings and all agency action not expressly exempted  
 6 by this chapter or by another statute specifically referring to  
 7 this chapter by ~~name~~ citation.

8     3. An agency shall have only that authority or discretion  
 9 delegated to or conferred upon the agency by law and shall not  
 10 expand or enlarge its authority or discretion beyond the powers  
 11 delegated to or conferred upon the agency. Unless otherwise  
 12 specifically provided in statute, a grant of rulemaking  
 13 authority shall be construed narrowly.

14     Sec. 9. **NEW SECTION. 17A.24 Rule implementation of federal**  
 15 **statute, regulation, or policy.**

16     1. Except as otherwise explicitly authorized by state law,  
 17 an agency charged with the implementation of a federal statute,  
 18 regulation, or policy shall not implement the federal statute,  
 19 regulation, or policy in a manner that exceeds the specific  
 20 requirements of the federal statute, regulation, or policy.

21     2. Any portion of an agency rule or policy that implements  
 22 a federal statute, regulation, or policy and that exceeds the  
 23 specific requirements of the federal statute, regulation, or  
 24 policy is automatically superceded by the specific requirements  
 25 of that federal statute, regulation, or policy.

26     Sec. 10. **ENVIRONMENTAL REGULATION STUDY.**

27     1. The legislative council, in consultation with the  
 28 department of natural resources, shall establish a study to  
 29 analyze the projected financial effects of current and proposed  
 30 United States environmental protection agency regulations and  
 31 Iowa department of natural resources rules on Iowa cities over  
 32 a ten-year period.

33     2. The study should include an analysis of projected  
 34 financial costs of such regulations and rules on a hypothetical  
 35 small Iowa community, medium-sized Iowa community, and large



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1 Iowa community.

2 3. The study shall be concluded by June 30, 2013, and a  
3 report shall be provided to the members of the general assembly  
4 and to the governor.

5 EXPLANATION

6 This bill relates to the review of administrative rules and  
7 the rulemaking process.

8 CITIZENS' ADVISORY COMMITTEE. The bill requires that the  
9 administrative rules coordinator create a citizens' committee,  
10 to advise the administrative rules coordinator on rulemaking  
11 issues. The members of the committee shall not be paid a per  
12 diem but shall be reimbursed for travel expenses.

13 RULEMAKING HEARINGS THROUGHOUT STATE. The bill requires  
14 administrative agencies, when feasible, to hold rulemaking  
15 hearings in varied locations throughout the state via the Iowa  
16 communications network and provides that a hearing must be held  
17 in a particular city or county when 25 interested persons from  
18 that city or county make the request.

19 PRINCIPAL REASONS FOR AND AGAINST RULE. The bill requires  
20 that every adopted rule must be accompanied by a concise  
21 statement of the principal reasons for and against the rule  
22 adopted. Under current law such a statement is only provided  
23 on request.

24 JOBS IMPACT STATEMENTS. The bill requires that every  
25 proposed rule under a notice of intended action contain a jobs  
26 impact statement which outlines the objective and statutory  
27 authority of the rule and analyzes and sets out in detail  
28 the impact of the proposed rule on state agencies, local  
29 governments, the public, and the regulated entities, including  
30 regulated businesses and self-employed individuals affected by  
31 the rule. The statement must also determine whether a proposed  
32 rule would have a positive or negative impact on private sector  
33 jobs and employment opportunities.

34 Commencing July 1, 2013, and every five years thereafter,  
35 each agency shall prepare a jobs impact statement for all of

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1 the agency rules. The statement will be published in the Iowa  
2 administrative bulletin.

3 As part of this requirement, an agency is required to  
4 takes steps to minimize the adverse impact on jobs and the  
5 development of new employment opportunities before proposing  
6 a rule.

7 The administrative rules coordinator may waive the jobs  
8 impact statement requirement for emergency-filed rules or if  
9 unnecessary or impractical.

10 NEGOTIATED RULEMAKING GROUPS. If required by statute,  
11 this bill requires an agency to create an ad hoc negotiated  
12 rulemaking group to review draft rule proposals prior to  
13 commencing a rulemaking proceeding. Where a statute does  
14 not require this review, the bill allows an agency to create  
15 such a review group. Members are appointed by the agency  
16 and the composition must adequately represent a fair balance  
17 of the interests affected by the rule. Once such a group is  
18 created, the agency may only commence rulemaking after the  
19 group has considered the draft rule proposal in question. This  
20 provision is based on similar provisions found in the federal  
21 Administrative Procedures Act.

22 USER-FRIENDLY INTERNET SITES. The bill requires each  
23 agency to make available to the public a uniform, searchable,  
24 and user-friendly rules database, published on an internet  
25 site, subject to the direction of the administrative rules  
26 coordinator. Each agency's internet site must contain  
27 specified information relating to the agency's rules and  
28 available procedures for public participation.

29 FIVE-YEAR CYCLE OF AGENCY REVIEW OF RULES. The bill requires  
30 that each state agency review all of its administrative  
31 rules on a five-year cycle. The plan for this review must be  
32 developed in consultation with stakeholders and constituent  
33 groups. The goal of the review is the identification and  
34 elimination of all rules of the agency that are outdated,  
35 redundant, overbroad, ineffective, unnecessary, or otherwise

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1 undesirable.

2 NARROW CONSTRUCTION OF RULES. The bill also establishes  
3 a new rule of statutory construction: Unless otherwise  
4 specifically provided in statute, any grant of rulemaking  
5 authority shall be construed narrowly.

6 FEDERAL LAW IMPLEMENTATION. The bill also provides that  
7 state implementation of a federal statute, regulation,  
8 or policy by a state agency shall not exceed the specific  
9 requirements of the federal statute, regulation, or  
10 policy, except as specifically allowed by state law. Any  
11 portion of a state rule or policy that implements a federal  
12 statute, regulation, or policy and that exceeds the specific  
13 requirements of the federal statute, regulation, or policy is  
14 automatically superceded by the specific requirements of that  
15 federal statute, regulation, or policy.

16 ENVIRONMENTAL RULES STUDY. The bill provides that the  
17 legislative council, in consultation with the department of  
18 natural resources, shall establish a study to analyze the  
19 projected financial effects of current and proposed United  
20 States environmental protection agency regulations and Iowa  
21 department of natural resources rules on Iowa cities over a  
22 10-year period. The report of the study must be completed by  
23 June 30, 2013.



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House File 2200 - Introduced

HOUSE FILE 2200  
BY WATTS, DEYOE, HELLAND,  
SANDS, SODERBERG,  
COWNIE, DRAKE, WORTHAN,  
BRANDENBURG, IVERSON,  
ARNOLD, GARRETT, PEARSON,  
MASSIE, WINDSCHITL,  
TJEPKES, ROGERS, LOFGREN,  
WAGNER, KOESTER, FRY,  
J. SMITH, BAUDLER,  
VAN ENGELENHOVEN,  
JORGENSEN, HANUSA,  
HAGER, SWEENEY, S. OLSON,  
L. MILLER, ALONS, HUSEMAN,  
FORRISTALL, RAYHONS,  
HAGENOW, SCHULTZ, and  
DE BOEF

A BILL FOR

1 An Act providing for legislative and gubernatorial approval of  
2 administrative rules.  
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5380YH (6) 84  
jr/rj



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1 Section 1. Section 17A.5, Code 2011, is amended by adding  
 2 the following new subsection:

3 NEW SUBSECTION. 3. Commencing July 1, 2012, a rulemaking  
 4 action to adopt, amend, or repeal a rule shall be effective for  
 5 only one year after the effective date of such action, unless  
 6 such action is approved by a joint resolution or bill passed by  
 7 the general assembly and approved by the governor.

8 a. An agency shall submit a rulemaking action to adopt,  
 9 amend, or repeal a rule to the president of the senate and the  
 10 speaker of the house of representatives at the next regular  
 11 session of the general assembly. The president and the speaker  
 12 shall refer such action to the appropriate standing committees  
 13 of the general assembly.

14 b. A standing committee shall review such rulemaking  
 15 actions referred to the committee and may take formal committee  
 16 action by sponsoring a joint resolution or bill to approve  
 17 the rulemaking actions. Rulemaking actions may be approved  
 18 either individually or grouped together in one or more joint  
 19 resolutions or bills.

20 c. If a joint resolution or bill is not enacted to approve  
 21 such a rulemaking action within the one-year period, the  
 22 president of the senate and the speaker of the house of  
 23 representatives shall notify the agency and the administrative  
 24 code editor. The administrative code editor shall promptly  
 25 remove from the Iowa administrative code a rule or portion of a  
 26 rule that has expired pursuant to this subsection.

27 d. The expiration of a rule pursuant to this subsection  
 28 does not restore any rule language that existed prior to the  
 29 original rulemaking action. The agency may readopt that  
 30 prior rule language, without notice or opportunity for public  
 31 participation, effective immediately upon filing with the  
 32 administrative rules coordinator.

33 EXPLANATION

34 This bill provides that any new agency rulemaking action  
 35 to adopt, amend, or repeal a rule will expire one year after

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1 the rule's effective date, unless that rule is approved by  
2 a joint resolution or bill, approved by the governor. Each  
3 agency adopting, amending, or repealing a rule must submit such  
4 a rulemaking action to the president of the senate and the  
5 speaker of the house of representatives at the next regular  
6 legislative session. The rulemaking action is to be forwarded  
7 to the appropriate standing committee, which may sponsor a  
8 joint resolution or bill to approve the rulemaking action.  
9 Rulemaking actions may be approved either individually or  
10 grouped together in one or more joint resolutions or bills.  
11 If a joint resolution or bill is not enacted to approve the  
12 rulemaking action within the one-year period, the president  
13 of the senate and the speaker of the house of representatives  
14 shall notify the agency and the administrative code editor.  
15 The administrative code editor shall promptly remove from the  
16 Iowa administrative code the rule or portion of the rule that  
17 has expired.  
18 The agency is permitted to replace the expired rule  
19 language with the prior language of that rule, using emergency  
20 rulemaking procedures.



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House File 2201 - Introduced

HOUSE FILE 2201  
BY ISENHART and KELLEY

A BILL FOR

- 1 An Act relating to gifts, honoraria, and loans received from
- 2 restricted donors and others.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5070HH (9) 84  
tm/rj



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1 DIVISION I

2 ETHICS LAWS

3 Section 1. Section 68B.2, subsection 9, Code 2011, is  
4 amended to read as follows:

5 9. "Gift" means a rendering of anything of value, tangible  
6 or intangible, in return for which legal consideration of equal  
7 or greater value is not given and received.

8 Sec. 2. Section 68B.22, subsection 4, paragraph n, Code  
9 2011, is amended to read as follows:

10 n. Gifts with a value of one hundred dollars or less which  
11 are given to a public official or public employee for the  
12 public official's or public employee's wedding or twenty-fifth  
13 or fiftieth wedding anniversary.

14 Sec. 3. Section 68B.22, subsection 4, paragraph s, Code  
15 2011, is amended to read as follows:

16 s. Gifts of food, beverage, and entertainment received  
17 at a function where every member of the general assembly has  
18 been invited to attend, when the function takes place during  
19 a regular session of the general assembly on a day when  
20 both houses of the general assembly convene during a regular  
21 session and members receive a per diem pursuant to section

22 2.10. A sponsor of a function under this paragraph shall file  
23 a registration prior to the function taking place identifying  
24 the sponsor and the date, time, and location of the function.  
25 The registration shall be filed with the person or persons  
26 designated by the secretary of the senate and the chief clerk  
27 of the house and with the board. After a function takes place,  
28 the sponsor of the function shall file a report disclosing the  
29 total amount expended, including in-kind expenditures, on food,  
30 beverage, and entertainment for the function. The report shall  
31 be filed with the person or persons designated by the secretary  
32 of the senate and the chief clerk of the house and with the  
33 board within twenty-eight calendar days following the date of  
34 the function. For purposes of this paragraph, entertainment  
35 includes free or reduced-price tickets to a scheduled event

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1 open to the general public if the general public may obtain the  
 2 tickets on the same free or reduced-price basis.

3     Sec. 4. Section 68B.22, Code 2011, is amended by adding the  
 4 following new subsections:

5     NEW SUBSECTION. 9. An official, state employee, candidate  
 6 for state public office, or a member of the immediate family  
 7 of an official, state employee, or candidate for state public  
 8 office who receives a gift from a restricted donor that meets  
 9 one of the exceptions provided in subsection 4 and that has a  
 10 value of more than one hundred dollars shall submit a report  
 11 disclosing the gift to the board in a manner required by the  
 12 board. The report shall identify the gift, the restricted  
 13 donor, the value of the gift, the date the gift was received,  
 14 and any other information required by the board. The receipt  
 15 of a gift meeting the criteria of subsection 4, paragraph  
 16 "a", shall not be reported in the report required under this  
 17 subsection.

18     NEW SUBSECTION. 10. A member of the general assembly, a  
 19 legislative employee, or a member of the immediate family of a  
 20 member of the general assembly or a legislative employee who  
 21 receives a gift from a restricted donor that meets one of the  
 22 exceptions provided in subsection 4 and that has a value of  
 23 more than one hundred dollars shall submit a report disclosing  
 24 the gift to the general assembly in a manner required by the  
 25 senate or house of representatives or legislative council, as  
 26 applicable. The report shall identify the gift, the restricted  
 27 donor, the value of the gift, the date the gift was received,  
 28 and any other information required by the senate or house of  
 29 representatives. The receipt of a gift meeting the criteria of  
 30 subsection 4, paragraph "a", shall not be reported in the report  
 31 required under this subsection.

32     Sec. 5. NEW SECTION. **68B.22A Reporting of gifts and**  
 33 **bequests received.**

34     1. An agency of state government that receives a gift  
 35 or bequest with a value of more than one hundred dollars

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1 shall report the gift or bequest to the board and the general  
2 assembly's standing committees on government oversight. A  
3 foundation attached to or associated with an agency of state  
4 government that receives a gift or bequest that has a value of  
5 more than one hundred dollars and is intended to provide moneys  
6 for the funding of a gift to an official or state employee  
7 shall report the gift or bequest to the board and the general  
8 assembly's standing committees on government oversight.

9 2. By January 31 of each year, the board shall submit  
10 to the fiscal services division of the legislative services  
11 agency a written report listing all gifts and bequests  
12 received during the previous calendar year with a value over  
13 one thousand dollars and the purpose for each such gift or  
14 bequest. The submission shall also include a listing of all  
15 gifts and bequests received by a department from a person if  
16 the cumulative value of all gifts and bequests received by the  
17 department from the person during the previous calendar year  
18 exceeds one thousand dollars, and the board shall include, if  
19 available, the purpose for each such gift or bequest.

20 3. The reports on gifts or bequests filed by the state board  
21 of regents and the Iowa state fair board pursuant to section  
22 8.44 shall be deemed sufficient to comply with the requirements  
23 of this section.

24 Sec. 6. Section 68B.23, Code 2011, is amended by adding the  
25 following new subsections:

26 NEW SUBSECTION. 3. An official or state employee receiving  
27 honoraria as allowed under this section of an amount or with  
28 a value of more than one hundred dollars shall file a report  
29 disclosing the receipt of honoraria with the board in the  
30 manner provided in section 68B.22, subsection 9.

31 NEW SUBSECTION. 4. A member of the general assembly or a  
32 legislative employee receiving honoraria as allowed under this  
33 section of an amount or with a value of more than one hundred  
34 dollars shall file a report disclosing the receipt of honoraria  
35 with the senate or house of representatives or legislative

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1 council, as applicable, in the manner provided in section  
2 68B.22, subsection 10.

3 Sec. 7. Section 68B.24, Code 2011, is amended to read as  
4 follows:

5 **68B.24 Loans — receipt from ~~lobbyists~~ restricted donors**  
6 **prohibited.**

7 1. An official, member of the general assembly, state  
8 employee, legislative employee, or candidate for state office  
9 shall not, directly or indirectly, seek or accept a loan or  
10 series of loans from a person who is a ~~lobbyist~~ restricted  
11 donor.

12 2. A ~~lobbyist~~ restricted donor shall not, directly or  
13 indirectly, offer or make a loan or series of loans to an  
14 official, member of the general assembly, state employee,  
15 legislative employee, or candidate for state office. A  
16 ~~lobbyist~~ restricted donor shall also not, directly or  
17 indirectly, join with one or more persons to offer or make a  
18 loan or series of loans to an official, member of the general  
19 assembly, state employee, legislative employee, or candidate  
20 for state office.

21 3. This section shall not apply to loans made in the  
22 ordinary course of business. For purposes of this section,  
23 a loan is "*made in the ordinary course of business*" when it  
24 is made by a person who is regularly engaged in a business  
25 that makes loans to members of the general public and the  
26 finance charges and other terms of the loan are the same or  
27 substantially similar to the finance charges and loan terms  
28 that are available to members of the general public.

29 Sec. 8. REPEAL. Section 8.7, Code Supplement 2011, is  
30 repealed.

DIVISION II

CONFORMING AMENDMENTS

33 Sec. 9. Section 22.7, subsection 52, paragraph d, Code  
34 Supplement 2011, is amended to read as follows:

35 *d.* This subsection does not apply to a report filed with the

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1 ethics and campaign disclosure board pursuant to section ~~8-7~~  
2 68B.22A.

3     Sec. 10. Section 68B.22, subsection 3, Code 2011, is amended  
4 to read as follows:

5     3. A restricted donor may give, and a public official,  
6 public employee, or candidate, or the person's immediate family  
7 member, may accept an otherwise prohibited nonmonetary gift or  
8 a series of otherwise prohibited nonmonetary gifts and not be  
9 in violation of this section if the nonmonetary gift or series  
10 of nonmonetary gifts is donated within thirty days to a public  
11 body, the department of administrative services, or a bona fide  
12 educational or charitable organization, if no part of the net  
13 earnings of the educational or charitable organization inures  
14 to the benefit of any private stockholder or other individual.  
15 All such items donated to the department of administrative  
16 services shall be disposed of by assignment to state agencies  
17 for official use or by public sale. A person ~~subject to~~  
18 ~~section 8-7~~ that receives a gift pursuant subject to this  
19 subsection and section 68B.22A shall file a report pursuant to  
20 section ~~8-7~~ 68B.22A.

21     Sec. 11. Section 68B.32, subsection 1, Code 2011, is amended  
22 to read as follows:

23     1. An Iowa ethics and campaign disclosure board is  
24 established as an independent agency. The board shall  
25 administer this chapter and set standards for, investigate  
26 complaints relating to, and monitor the ethics of officials,  
27 employees, lobbyists, and candidates for office in the  
28 executive branch of state government. The board shall  
29 administer and set standards for, investigate complaints  
30 relating to, and monitor the campaign finance practices of  
31 candidates for public office. The board shall administer and  
32 establish standards for, investigate complaints relating to,  
33 and monitor the reporting of gifts and bequests under section  
34 ~~8-7~~ 68B.22A. The board shall consist of six members and shall  
35 be balanced as to political affiliation as provided in section

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1 69.16. The members shall be appointed by the governor, subject  
2 to confirmation by the senate.

3 Sec. 12. Section 68B.32A, subsections 1, 2, 5, 6, 7, 9, 12,  
4 and 19, Code 2011, are amended to read as follows:

5 1. Adopt rules pursuant to chapter 17A and conduct hearings  
6 under sections 68B.32B and 68B.32C and chapter 17A, as  
7 necessary to carry out the purposes of this chapter, chapter  
8 68A, and section ~~8-7~~ 68B.22A.

9 2. Develop, prescribe, furnish, and distribute any forms  
10 necessary for the implementation of the procedures contained  
11 in this chapter, chapter 68A, and section ~~8-7~~ 68B.22A for the  
12 filing of reports and statements by persons required to file  
13 the reports and statements under this chapter and chapter 68A.

14 5. Receive all registrations and reports that are required  
15 to be filed with the board under this chapter or section ~~8-7~~  
16 68B.22A. The board, upon its own motion, may initiate action,  
17 conduct hearings, impose sanctions, and order administrative  
18 resolutions relating to reporting requirements under this  
19 chapter or section ~~8-7~~ 68B.22A.

20 6. Prepare and publish a manual setting forth examples  
21 of approved uniform systems of accounts and approved methods  
22 of disclosure for use by persons required to file statements  
23 and reports under this chapter, chapter 68A, and section ~~8-7~~  
24 68B.22A. The board shall also prepare and publish other  
25 educational materials, and any other reports or materials  
26 deemed appropriate by the board. The board shall annually  
27 provide all officials and state employees with notification  
28 of the contents of this chapter, chapter 68A, and section ~~8-7~~  
29 68B.22A by distributing copies of educational materials to each  
30 agency of state government under the board's jurisdiction.

31 7. Assure that the statements and reports which have been  
32 filed in accordance with this chapter, chapter 68A, and section  
33 ~~8-7~~ 68B.22A are available for public inspection and copying  
34 during the regular office hours of the office in which they are  
35 filed and not later than by the end of the day during which a

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1 report or statement was received. Rules adopted relating to  
2 public inspection and copying of statements and reports may  
3 include a charge for any copying and mailing of the reports  
4 and statements, shall provide for the mailing of copies upon  
5 the request of any person and upon prior receipt of payment  
6 of the costs by the board, and shall prohibit the use of  
7 the information copied from reports and statements for any  
8 commercial purpose by any person.

9 9. Establish and impose penalties, and recommendations  
10 for punishment of persons who are subject to penalties of or  
11 punishment by the board or by other bodies, for the failure to  
12 comply with the requirements of this chapter, chapter 68A, or  
13 section ~~8-7~~ 68B.22A.

14 12. Establish a procedure for requesting and issuing board  
15 advisory opinions to persons subject to the authority of the  
16 board under this chapter, chapter 68A, or section ~~8-7~~ 68B.22A.  
17 Local officials and local employees may also seek an advisory  
18 opinion concerning the application of the applicable provisions  
19 of this chapter. Advice contained in board advisory opinions  
20 shall, if followed, constitute a defense to a complaint  
21 alleging a violation of this chapter, chapter 68A, section ~~8-7~~  
22 68B.22A, or rules of the board that is based on the same facts  
23 and circumstances.

24 19. Impose penalties upon, or refer matters relating to,  
25 persons who provide false information to the board during a  
26 board investigation of a potential violation of this chapter,  
27 chapter 68A, section ~~8-7~~ 68B.22A, or rules of the board. The  
28 board shall adopt rules to administer this subsection.

29 Sec. 13. Section 68B.32B, subsection 1, Code 2011, is  
30 amended to read as follows:

31 1. Any person may file a complaint alleging that a  
32 candidate, committee, person holding a state office in the  
33 executive branch of state government, employee of the executive  
34 branch of state government, or other person has committed a  
35 violation of chapter 68A or rules adopted by the board. Any

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1 person may file a complaint alleging that a person holding a  
2 state office in the executive branch of state government, an  
3 employee of the executive branch of state government, or a  
4 lobbyist or a client of a lobbyist of the executive branch of  
5 state government has committed a violation of this chapter or  
6 rules adopted by the board. Any person may file a complaint  
7 alleging a violation of section ~~8-7~~ 68B.22A or rules adopted  
8 by the board. The board shall prescribe and provide forms  
9 for purposes of this subsection. A complaint must include  
10 the name and address of the complainant, a statement of the  
11 facts believed to be true that form the basis of the complaint,  
12 including the sources of information and approximate dates of  
13 the acts alleged, and a certification by the complainant under  
14 penalty of perjury that the facts stated to be true are true to  
15 the best of the complainant's knowledge.

16 Sec. 14. Section 68B.32B, subsection 4, paragraph a, Code  
17 2011, is amended to read as follows:

18 a. Facts that would establish a violation of a provision  
19 of this chapter, chapter 68A, section ~~8-7~~ 68B.22A, or rules  
20 adopted by the board.

21 Sec. 15. Section 68B.32B, subsections 8 and 9, Code 2011,  
22 are amended to read as follows:

23 8. The purpose of an investigation by the board's staff  
24 is to determine whether there is probable cause to believe  
25 that there has been a violation of this chapter, chapter 68A,  
26 section ~~8-7~~ 68B.22A, or of rules adopted by the board. To  
27 facilitate the conduct of investigations, the board may issue  
28 and seek enforcement of subpoenas requiring the attendance and  
29 testimony of witnesses and subpoenas requiring the production  
30 of books, papers, records, and other real evidence relating to  
31 the matter under investigation. Upon the request of the board,  
32 an appropriate county attorney or the attorney general shall  
33 assist the staff of the board in its investigation.

34 9. If the board determines on the basis of an investigation  
35 by board staff that there is probable cause to believe the

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1 existence of facts that would establish a violation of this  
2 chapter, chapter 68A, section ~~8-7~~ 68B.22A, or of rules adopted  
3 by the board, the board may issue a statement of charges and  
4 notice of a contested case proceeding to the complainant and  
5 to the person who is the subject of the complaint, in the  
6 manner provided for the issuance of statements of charges  
7 under chapter 17A. If the board determines on the basis of  
8 an investigation by staff that there is no probable cause to  
9 believe that a violation has occurred, the board shall close  
10 the investigation, dismiss any related complaint, and the  
11 subject of the complaint shall be notified of the dismissal.  
12 If the investigation originated from a complaint filed by a  
13 person other than the board, the person making the complaint  
14 shall also be notified of the dismissal.

15 Sec. 16. Section 68B.32C, subsections 1 and 3, Code 2011,  
16 are amended to read as follows:

17 1. Contested case proceedings initiated as a result of  
18 the issuance of a statement of charges pursuant to section  
19 68B.32B, subsection 9, shall be conducted in accordance  
20 with the requirements of chapter 17A. Clear and convincing  
21 evidence shall be required to support a finding that a person  
22 has violated this chapter, section ~~8-7~~ 68B.22A, or any rules  
23 adopted by the board pursuant to this chapter. A preponderance  
24 of the evidence shall be required to support a finding that a  
25 person has violated chapter 68A or any rules adopted by the  
26 board pursuant to chapter 68A. The case in support of the  
27 statement of charges shall be presented at the hearing by one  
28 of the board's attorneys or staff unless, upon the request  
29 of the board, the charges are prosecuted by another legal  
30 counsel designated by the attorney general. A person making a  
31 complaint under section 68B.32B, subsection 1, is not a party  
32 to contested case proceedings conducted relating to allegations  
33 contained in the complaint.

34 3. Upon a finding by the board that the party charged has  
35 violated this chapter, chapter 68A, section ~~8-7~~ 68B.22A, or

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1 rules adopted by the board, the board may impose any penalty  
 2 provided for by section 68B.32D. Upon a final decision of the  
 3 board finding that the party charged has not violated this  
 4 chapter, chapter 68A, section ~~8-7~~ 68B.22A, or the rules of the  
 5 board, the complaint shall be dismissed and the party charged  
 6 and the original complainant, if any, shall be notified.

7 Sec. 17. Section 68B.32D, subsection 1, unnumbered  
 8 paragraph 1, Code 2011, is amended to read as follows:

9 The board, after a hearing and upon a finding that a  
 10 violation of this chapter, chapter 68A, section ~~8-7~~ 68B.22A,  
 11 or rules adopted by the board has occurred, may do one or more  
 12 of the following:

13 Sec. 18. Section 68B.32D, subsection 1, paragraphs c, d, and  
 14 h, Code 2011, are amended to read as follows:

15 *c.* Issue an order requiring the violator to file any report,  
 16 statement, or other information as required by this chapter,  
 17 chapter 68A, section ~~8-7~~ 68B.22A, or rules adopted by the  
 18 board.

19 *d.* Publicly reprimand the violator for violations of this  
 20 chapter, chapter 68A, section ~~8-7~~ 68B.22A, or rules adopted by  
 21 the board in writing and provide a copy of the reprimand to the  
 22 violator's appointing authority.

23 *h.* Issue an order requiring the violator to pay a civil  
 24 penalty of not more than two thousand dollars for each  
 25 violation of this chapter, chapter 68A, section ~~8-7~~ 68B.22A,  
 26 or rules adopted by the board.

EXPLANATION

28 This bill relates to gifts, honoraria, and loans received  
 29 from restricted donors. The bill is organized by divisions.

30 ETHICS LAWS. Currently, the gift law prohibits public  
 31 officials, public employees, and candidates, and immediate  
 32 family members of public officials, public employees, and  
 33 candidates from accepting or receiving gifts from restricted  
 34 donors. The gift law includes a list of exceptions that makes  
 35 an otherwise impermissible gift permissible.

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1 Currently, the term "gift" in Code chapter 68B provides  
2 that a gift is the rendering of anything of value in return  
3 for which legal consideration of equal or greater value is  
4 not given and received. The division adds that a gift can be  
5 either tangible or intangible.

6 Currently, one of the exceptions to the gift law is a gift  
7 from a restricted donor to a public official or public employee  
8 for a wedding or twenty-fifth or fiftieth wedding anniversary.  
9 The division limits such permissible gifts to a value of \$100  
10 or less.

11 Currently, one of the exceptions to the gift law is for  
12 food, beverage, and entertainment received at a function where  
13 every member of the general assembly has been invited to attend  
14 during a regular session of the general assembly. The division  
15 changes the required time frame from during a regular session  
16 of the general assembly to a day when both houses of the  
17 general assembly convene during a regular session and members  
18 receive a per diem. As a result, functions would only qualify  
19 for the exception if they take place during the first 110 days  
20 in the first regular session of a general assembly or during  
21 the first 100 days in the second regular session of a general  
22 assembly. The division also provides that entertainment may  
23 include free or reduced-price tickets to a scheduled event open  
24 to the general public if the general public may obtain the  
25 tickets on the same free or reduced-price basis.

26 The division adds a reporting requirement to the gift law.  
27 If a gift meets one of the exceptions to the gift law and the  
28 value of the gift is more than \$100, certain recipients must  
29 file a report with the Iowa ethics and campaign disclosure  
30 board or with the general assembly, as applicable, disclosing  
31 the gift. The reporting requirement does not apply to  
32 contributions to a candidate or a candidate's committee.

33 The division requires a public official or public employee  
34 receiving permissible honoraria of an amount or with a value  
35 of more than \$100 to file a report with the Iowa ethics

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1 and campaign disclosure board or the general assembly, as  
2 applicable, disclosing the honoraria.

3 Currently, an official, member of the general assembly,  
4 state employee, legislative employee, or candidate for state  
5 office is prohibited from seeking or accepting a loan from  
6 a lobbyist. The division applies the prohibition to all  
7 restricted donors.

8 Currently, Code section 8.7 requires all gifts and bequests  
9 received by a department or by the governor on behalf of the  
10 state to be reported to the ethics and campaign disclosure  
11 board and the general assembly's standing committees on  
12 government oversight. The division repeals Code section 8.7  
13 and moves the content of the Code section to new Code section  
14 68B.22A and makes changes. The division provides that all  
15 agencies of state government, including the governor, must  
16 report the receipt of gifts and bequests. The division limits  
17 the reporting to gifts and bequests with a value of more than  
18 \$100. The division provides that a foundation attached to or  
19 associated with an agency of state government must report gifts  
20 and bequests with a value of more than \$100 when the gift or  
21 bequest is intended to provide moneys for the funding of a gift  
22 to an official or state employee.

23 CONFORMING AMENDMENTS. The division makes conforming  
24 amendments related to the moving of the contents of Code  
25 section 8.7 to new Code section 68B.22A.



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House File 2202 - Introduced

HOUSE FILE 2202  
BY MASCHER

A BILL FOR

- 1 An Act relating to helmet usage by motorcycle and motorized
- 2 bicycle operators and passengers under eighteen years of age
- 3 and providing a penalty.
- 4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5906YH (3) 84  
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1 Section 1. Section 321.210, subsection 2, Code 2011, is  
2 amended by adding the following new paragraph:

3 NEW PARAGRAPH. *f.* Violations of motorcycle helmet  
4 requirements under section 321.447.

5 Sec. 2. NEW SECTION. 321.447 **Persons under age eighteen —**  
6 **motorcycle helmet required.**

7 1. A person under eighteen years of age who is operating  
8 a motorcycle or motorized bicycle or who is being transported  
9 on a motorcycle or motorized bicycle shall wear a properly  
10 adjusted and fastened motorcycle helmet any time the vehicle  
11 is in motion on a street or highway. For purposes of this  
12 section, *"motorcycle helmet"* means a helmet that complies with  
13 the standards and specifications established under 49 C.F.R.  
14 § 571.218.

15 2. The operator and passenger may each be charged separately  
16 for a violation of this section. A person who violates this  
17 section commits a simple misdemeanor punishable as a scheduled  
18 violation under section 805.8A, subsection 14, paragraph *"c"*.

19 Sec. 3. Section 321.555, subsection 2, Code 2011, is amended  
20 to read as follows:

21 2. Six or more of any separate and distinct offenses within  
22 a two-year period in the operation of a motor vehicle, which  
23 are required to be reported to the department by section  
24 321.491 or chapter 321C, except equipment violations, parking  
25 violations as defined in section 321.210, violations of  
26 registration laws, violations of sections 321.445, ~~and~~ 321.446,  
27 and 321.447, violations of section 321.276, operating a vehicle  
28 with an expired license or permit, failure to appear, weights  
29 and measures violations and speeding violations of less than  
30 fifteen miles per hour over the legal speed limit.

31 Sec. 4. Section 805.8A, subsection 14, paragraph *c*, Code  
32 Supplement 2011, is amended by adding the following new  
33 subparagraph:

34 NEW SUBPARAGRAPH. (3) For a violation under section  
35 321.447, the scheduled fine is fifty dollars.

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1 EXPLANATION  
2 This bill requires that a person under 18 years of age shall  
3 wear a properly adjusted and fastened motorcycle helmet when  
4 operating or being transported on a motorcycle or motorized  
5 bicycle. The helmet must comply with federal standards and  
6 specifications for motorcycle helmets.  
7 A violation of the helmet requirement is a simple  
8 misdemeanor punishable by a scheduled fine of \$50. The  
9 operator of the motorcycle or motorized bicycle and the  
10 passenger may each be charged separately with a violation.  
11 However, violations of helmet requirements may not be taken  
12 into account for purposes of determining a person to be a  
13 habitual violator of traffic laws subject to administrative  
14 suspension of a driver's license. These penalty provisions  
15 mirror existing law pertaining to the use of seat belts.



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House File 2203 - Introduced

HOUSE FILE 2203  
BY COMMITTEE ON WAYS AND MEANS

(SUCCESSOR TO HF 2085)  
(SUCCESSOR TO HSB 516)

A BILL FOR

1 An Act relating to employee stock ownership plans by  
2 encouraging the adoption of such plans by Iowa corporations,  
3 creating an individual income tax exemption, making an  
4 appropriation, and including retroactive applicability  
5 provisions.  
6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5250HZ (1) 84  
mm/sc







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1 Division II of the bill applies retroactively to January 1,  
2 2012, for tax years beginning on or after that date.



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House File 2204 - Introduced

HOUSE FILE 2204  
BY BYRNES

A BILL FOR

- 1 An Act authorizing performance-based efficiency contracts for
- 2 governmental units.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5768YH (5) 84  
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1 Section 1. NEW SECTION. 297A.1 **Legislative intent.**  
2 The general assembly finds that investment in energy  
3 conservation measures by public facilities can reduce  
4 the amount of energy and other resources consumed by the  
5 facilities; reduce ongoing operational costs; improve comfort,  
6 reliability, and the indoor environment for employees and  
7 citizens; produce a positive environmental impact; enhance  
8 revenues generated by governmental units; and create local  
9 jobs, producing both immediate and long-term cost savings and  
10 other benefits. It is the policy of this state to encourage  
11 state agencies, departments, and divisions; public health  
12 facilities; public universities and community colleges,  
13 school districts, and area education agencies; and counties,  
14 municipalities, and other political subdivisions to implement  
15 energy conservation and facility improvement measures that  
16 reduce energy, water, wastewater, or any other utility or  
17 operating costs, and, when economically feasible, build,  
18 operate, maintain, or renovate public facilities and systems  
19 in a manner that will minimize operational costs and maximize  
20 utility savings and other efficiencies. It is additionally the  
21 policy of this state to encourage reinvestment of the savings  
22 and revenues resulting from energy conservation measures into  
23 additional and continued energy conservation efforts through  
24 performance-based efficiency contracts and other measures  
25 deemed appropriate by a governmental unit.

26 Sec. 2. NEW SECTION. 297A.2 **Definitions.**

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

29 1. "*Energy conservation measure*" or "*facility improvement*  
30 *measure*" means a program, facility alteration, equipment  
31 installation, remodeling of a new or existing building, or  
32 technology upgrade, which is designed to reduce energy, water,  
33 wastewater, or other utility or operating costs, or enhance  
34 billable revenue, including but not limited to the following:

35 a. Employee training and occupant behavior modification

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- 1 programs.
- 2 *b.* Insulation of building structures and systems within  
3 buildings.
- 4 *c.* Windows and window systems, roofs and roofing materials,  
5 caulking or weather stripping, installation or modification of  
6 doors, heat-absorbing or heat-reflecting applications, or other  
7 modifications to windows, doors, or the building envelope, that  
8 reduce energy and operating costs.
- 9 *d.* Automated or computerized energy or facility control  
10 systems.
- 11 *e.* Heating, ventilation, and air-conditioning systems,  
12 including specialty systems serving food service, laboratory,  
13 and other applications.
- 14 *f.* Lighting systems and fixtures, including daylighting  
15 systems.
- 16 *g.* Energy recovery systems.
- 17 *h.* Systems that produce steam or forms of energy such as  
18 heat in addition to electricity.
- 19 *i.* Renewable energy systems or other distributed power  
20 generation systems.
- 21 *j.* Water and wastewater fixtures, appliances, and equipment.
- 22 *k.* Improvements to water distribution, sewer, and wastewater  
23 treatment facilities.
- 24 *l.* Landscaping measures that reduce watering demands and  
25 capture and hold applied water and rainfall.
- 26 *m.* Metering or related equipment or systems that improve the  
27 accuracy or efficiency of billable revenue-generating systems.
- 28 *n.* Automated, electronic, or remotely controlled  
29 technologies, systems, or measures that reduce operating costs.
- 30 *o.* Installation and modification of software-based systems  
31 that reduce facility management or other facility operating  
32 costs.
- 33 *p.* Programs to reduce energy costs through rate adjustments,  
34 load shifting to reduce peak demand, or use of alternative  
35 energy suppliers, including but not limited to demand response

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1 programs, changes to more favorable rate schedules, negotiation  
2 of lower rates or new suppliers, or auditing of utility billing  
3 and metering.

4 *q.* Energy information and control systems that monitor  
5 consumption, redirect systems to optimal energy sources, and  
6 manage energy-using equipment.

7 *r.* Any measure not otherwise described in this chapter that  
8 is designed to produce utility consumption or operational cost  
9 savings, revenue enhancements, or similar efficiency gains to a  
10 governmental unit.

11 2. *"Governmental unit"* means any authority, board, bureau,  
12 commission, department, agency, or institution of a government  
13 agency, including but not limited to any state agency, or any  
14 county, city, district, municipal corporation, municipality,  
15 municipal authority, political subdivision, school district,  
16 educational institution, incorporated town, township, other  
17 incorporated district, or other public instrumentality  
18 which has the authority to contract for the construction,  
19 reconstruction, alteration, or repair of any public building or  
20 other public work or public improvement.

21 3. *"Performance-based efficiency contract"* means a contract  
22 between a governmental unit and a qualified provider for  
23 the evaluation and recommendation of energy conservation or  
24 facility improvement measures and for implementation of one or  
25 more such measures.

26 4. *"Qualified provider"* means a person with a record of  
27 documented performance-based efficiency contract projects who  
28 is experienced in the design, implementation, and installation  
29 of energy conservation or facility-improvement measures; and  
30 has the technical capabilities to verify that such measures  
31 generate energy and operational cost savings or enhanced  
32 revenues. A *"qualified provider"* provides a governmental unit  
33 with the following information and services in connection with  
34 a performance-based efficiency contract:

35 *a.* Project design and specifications.

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- 1     *b.* Construction and construction management.
- 2     *c.* Commissioning.
- 3     *d.* Ongoing services as required.
- 4     *e.* Measurement, verification, and guarantee of savings from
- 5 energy conservation or facility-improvement measures.
- 6     Sec. 3. NEW SECTION. **297A.3 Selection of qualified provider**
- 7 **— award of performance-based contract — contracting procedures**
- 8 **and provisions — funding.**
- 9     1. A governmental unit may enter into a performance-based
- 10 efficiency contract with a qualified provider in accordance
- 11 with the provisions of this chapter. If, in accordance with
- 12 applicable law, the award of a contract by a governmental
- 13 unit requires action at a public meeting, a governmental
- 14 unit may award a performance-based efficiency contract at
- 15 a public meeting if it has provided public notice in the
- 16 manner prescribed under chapter 21, and the notice shall
- 17 include the names of the parties to the proposed contract
- 18 and the purpose of the contract. For governmental units
- 19 that are not required to take actions on contracts at public
- 20 meetings, the governmental unit may award a performance-based
- 21 efficiency contract in accordance with the procedures
- 22 adopted by the governmental unit and the requirements of all
- 23 applicable laws. However, notwithstanding the provisions of
- 24 chapter 8A, subchapter III, chapter 26, or other provisions
- 25 of law relating to the awarding of public contracts, this
- 26 chapter shall constitute the sole authority necessary for a
- 27 governmental unit to select a qualified provider and enter into
- 28 a performance-based efficiency contract.
- 29     2. A governmental unit may select a qualified provider
- 30 that best meets the needs of the governmental unit in
- 31 accordance with criteria established by the governmental
- 32 unit. After reviewing the qualifications of one or more
- 33 qualified providers, a governmental unit may enter into a
- 34 performance-based efficiency contract with a qualified provider
- 35 if it finds that the amount the governmental unit would spend

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1 on the energy conservation and facility-improvement measures  
2 recommended in the proposal would not exceed the amount of  
3 energy and operational cost savings or revenue enhancements  
4 derived from the measures within a twenty-year period from the  
5 date of installation.

6 3. A qualified provider to whom a performance-based  
7 efficiency contract is awarded shall provide a one hundred  
8 percent performance bond to the governmental unit to assure the  
9 provider's faithful and complete performance of the contract.

10 4. a. A performance-based efficiency contract shall  
11 include a written guarantee by the qualified provider that  
12 the savings and efficiency gains, in the aggregate, will meet  
13 or exceed the cost of the energy conservation or facility  
14 improvement measures to be implemented under the contract.  
15 The qualified provider shall be responsible, pursuant to the  
16 performance-based efficiency contract, for measuring and  
17 verifying the guaranteed savings and efficiency gains provided  
18 by the implemented measures by using one of the measurement  
19 and verification methodologies set forth in the international  
20 performance measurement and verification protocol. If, due to  
21 existing data limitations or the nonconformance of specific  
22 project characteristics, none of the methods listed in the  
23 international performance measurement and verification protocol  
24 is sufficient for measuring guaranteed savings and efficiency  
25 gains, the qualified provider shall develop and document an  
26 alternate method that is compatible with the protocol.

27 b. The performance-based efficiency contract shall  
28 provide for reimbursement by the qualified provider to the  
29 governmental unit for any shortfall of guaranteed savings  
30 and efficiency gains. Savings and efficiency gains shall be  
31 measured, verified, and documented by the qualified provider,  
32 at a minimum, during each of the first three years following  
33 completion of installation of the improvement measures, after  
34 which time the governmental unit may elect, at its discretion,  
35 to discontinue the measurement, verification, and documentation

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1 services and associated guarantee.

2 5. An improvement that is not causally connected  
3 to an energy conservation measure may be included in a  
4 performance-based efficiency contract if the value of the  
5 improvement does not exceed fifteen percent of the total value  
6 of the performance-based efficiency contract, and either the  
7 improvement is necessary to conform to a federal, state, or  
8 local law, rule, or ordinance, or an analysis within the  
9 performance-based efficiency contract demonstrates that there  
10 is an economic advantage to the governmental unit implementing  
11 the improvement as part of the performance-based efficiency  
12 contract.

13 6. A facility alteration which includes expenditures that  
14 are required to properly implement other energy conservation  
15 measures may be included as part of a performance-based  
16 efficiency contract. In such a case, notwithstanding any other  
17 provision of law, the installation of these additional measures  
18 may be supervised by the qualified provider.

19 7. A governmental unit may enter into a third-party  
20 installment payment or lease-purchase agreement to finance  
21 the costs associated with the performance-based efficiency  
22 contract. The installment payment or lease-purchase agreement  
23 may provide for payments over a period of time not to exceed  
24 twenty years commencing on the completion of installation  
25 of the energy conservation measures. Notwithstanding any  
26 other provision of law to the contrary, a governmental unit  
27 may use funds designated for operating, utility, or capital  
28 expenditures to fund any performance-based efficiency contract,  
29 including, without limitation, funding any installment payment  
30 or lease-purchase agreement. Payments under an installment  
31 payment or lease-purchase agreement for energy conservation  
32 measures shall not constitute indebtedness of the governmental  
33 unit within the meaning of a constitutional or statutory debt  
34 limitation, nor shall such payments constitute a tax-supported  
35 obligation.

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1 improvement. The bill defines a "performance-based efficiency  
2 contract" to mean a contract between a governmental unit and  
3 a qualified provider for the evaluation and recommendation of  
4 energy conservation or facility improvement measures and for  
5 implementation of one or more such measures. The bill defines  
6 a "qualified provider" to mean a person with a record of  
7 documented performance-based efficiency contract projects who  
8 is experienced in the design, implementation, and installation  
9 of energy conservation or facility improvement measures; and  
10 has the technical capabilities to verify that such measures  
11 generate energy and operational cost savings or enhanced  
12 revenues.

13 The bill provides that if awarding a contract by a particular  
14 governmental unit requires action at a public meeting, a  
15 governmental unit may award a performance-based efficiency  
16 contract at such a meeting, if it has provided public notice  
17 in the manner prescribed under applicable law relating to open  
18 meetings, and the notice shall include the names of the parties  
19 to the proposed contract and the purpose of the contract.  
20 For governmental units that are not required to take actions  
21 on contracts at public meetings, the bill provides that the  
22 governmental unit may award a performance-based efficiency  
23 contract in accordance with the procedures adopted by the  
24 governmental unit and the requirements of all applicable  
25 laws. The bill states that, notwithstanding provisions in  
26 chapter 8A or 26, or other provisions relating to the awarding  
27 of public contracts, new Code chapter 297A contained in the  
28 bill shall constitute the sole authority necessary for a  
29 governmental unit to select a qualified provider and enter into  
30 a performance-based efficiency contract.

31 The bill provides that after reviewing the qualifications  
32 of one or more qualified providers, a governmental unit may  
33 enter into a performance-based efficiency contract with a  
34 qualified provider if it finds that the amount it would spend  
35 on the energy conservation and facility improvement measures



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1 recommended in the proposal would not exceed the amount of  
2 energy and operational cost savings or revenue enhancements  
3 derived from the measures within a 20-year period from the date  
4 of installation. A qualified provider to whom a contract is  
5 awarded shall be required to provide a 100 percent performance  
6 bond to the governmental unit to assure the provider's faithful  
7 and complete performance of the contract. The bill provides  
8 that a contract shall include a written guarantee by the  
9 qualified provider that the savings and efficiency gains, in  
10 the aggregate, will meet or exceed the cost of the energy  
11 conservation or facility improvement measures to be installed  
12 under the contract. The bill specifies that the qualified  
13 provider shall be responsible, pursuant to the contract, for  
14 measuring and verifying the guaranteed savings and efficiency  
15 gains provided by the installed measures by using one of  
16 the measurement and verification methodologies set forth in  
17 the international performance measurement and verification  
18 protocol. The bill provides that the contract shall provide  
19 for reimbursement by the qualified provider for any shortfall  
20 of guaranteed savings and efficiency gains, and that such  
21 savings and gains shall be measured, verified, and documented  
22 by the qualified provider, at a minimum, during each of the  
23 first three years following completion of installation of the  
24 improvement measures.

25 The bill states that an improvement that is not causally  
26 connected to an energy conservation measure may be included in  
27 a performance-based efficiency contract if the total value of  
28 the improvement does not exceed 15 percent of the total value  
29 of the contract, and either the improvement is necessary to  
30 conform to a federal, state, or local law, rule or ordinance,  
31 or an analysis within the performance-based efficiency contract  
32 demonstrates that there is an economic advantage to the  
33 governmental unit implementing the improvement as part of the  
34 contract.

35 The bill specifies that a facility alteration which includes

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1 expenditures that are required to properly implement other  
2 energy conservation measures may be included as part of  
3 a performance-based efficiency contract. In such a case,  
4 notwithstanding any other provision of law, the bill provides  
5 that the installation of these additional measures may be  
6 supervised by the qualified provider.

7 The bill authorizes a governmental unit to enter into a  
8 third-party installment payment or lease-purchase agreement  
9 to finance the costs associated with the performance-based  
10 efficiency contract. The bill states that a governmental unit  
11 may use funds designated for operating, utility, or capital  
12 expenditures to fund any performance-based efficiency contract,  
13 including, without limitation, any installment payment or  
14 lease-purchase agreement, and that payments under such an  
15 agreement shall not constitute indebtedness of the governmental  
16 unit within the meaning of a constitutional or statutory debt  
17 limitation, nor shall such payments constitute a tax-supported  
18 obligation.

19 The bill provides that any amount of the contract or  
20 agreement costs that is guaranteed by the qualified provider  
21 shall be excluded from any limits or requirements imposed by  
22 Code section 384.24A dealing with loan agreements entered into  
23 by cities, Code section 331.402 dealing with county powers  
24 relating to finances, and Code section 297.36 dealing with  
25 school district loan agreements.



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House File 2205 - Introduced

HOUSE FILE 2205  
BY BYRNES

A BILL FOR

1 An Act including natural gas facilities and electric generating  
2 facilities within the definition of a county enterprise.  
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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1 Section 1. Section 331.461, subsection 2, Code 2011, is  
 2 amended by adding the following new paragraphs:  
 3 NEW PARAGRAPH. *h.* Natural gas facilities, including  
 4 transmission and distribution systems, and including the  
 5 acquisition, establishment, construction, purchase, equipment,  
 6 improvement, extension, operation, maintenance, reconstruction,  
 7 and repair of such facilities within or outside the borders of  
 8 the county, and including facilities to be jointly utilized by  
 9 a county and another political subdivision.

10 NEW PARAGRAPH. *i.* Electric generating facilities,  
 11 including generation, transmission, and distribution systems,  
 12 and including the acquisition, establishment, construction,  
 13 purchase, equipment, improvement, extension, operation,  
 14 maintenance, reconstruction, and repair of such facilities  
 15 located within or outside the borders of the county, and  
 16 including facilities to be jointly utilized by a county and  
 17 another political subdivision.

18 EXPLANATION

19 This bill includes natural gas facilities and electric  
 20 generating facilities within the definition of a county  
 21 enterprise.

22 The bill provides that a county enterprise shall include  
 23 natural gas facilities and electric generating facilities,  
 24 including transmission and distribution systems, and including  
 25 the acquisition, establishment, construction, purchase,  
 26 equipment, improvement, extension, operation, maintenance,  
 27 reconstruction, and repair of such facilities within or outside  
 28 the borders of the county, and including facilities to be  
 29 jointly utilized by a county and another political subdivision.  
 30 With respect to an electric generating facility, the bill also  
 31 includes generation systems within the definition.

32 Including these facilities within the definition of a county  
 33 enterprise will enable projects involving such facilities to  
 34 be financed pursuant to the issuance of revenue bonds by the  
 35 county.

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House File 2206 - Introduced

HOUSE FILE 2206  
BY IVERSON

A BILL FOR

- 1 An Act specifying requirements applicable to salvage dealers
- 2 and recyclers, and providing penalties.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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1 Section 1. **NEW SECTION. 714I.1 Definitions.**

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

4 1. "*Nonferrous material*" means copper, copper alloys,  
5 stainless steel, or aluminum.

6 2. "*Recycler*" means any person engaged in the business of  
7 buying or selling salvaged materials for conversion by that  
8 person or another person or facility into raw materials or  
9 products composed primarily of recycled material. "*Recycler*"  
10 does not include a vehicle recycler subject to chapter 321H or  
11 a redemption center subject to chapter 455C.

12 3. "*Salvage dealer*" means any person engaged in the business  
13 of buying, selling, and dealing in salvaged materials.

14 4. "*Salvaged material*" means scrap iron, brass, lead, copper  
15 or aluminum wire or tubing, and other scrap metals.

16 Sec. 2. **NEW SECTION. 714I.2 Salvage dealers — sales and**  
17 **purchase records.**

18 1. The county board of supervisors in each county shall  
19 adopt an ordinance requiring a salvage dealer or recycler to  
20 maintain complete, accurate, and legible records in the English  
21 language of all purchases and receipt of salvaged materials.  
22 The ordinance shall require a salvage dealer to maintain the  
23 following records:

24 a. The identity of the person from whom the salvaged  
25 material was received or purchased, including name and address;  
26 date of birth; Iowa driver's license number, Iowa nonoperator's  
27 identification card number, or social security number in  
28 conjunction with photo identification; and sex, age, height,  
29 and race.

30 b. The vehicle license plate number of the vehicle that  
31 delivered the salvaged material to the salvage dealer, if  
32 applicable.

33 c. The date and hour of the purchase or receipt of the  
34 salvaged material.

35 d. A reasonably accurate inventory and description of the

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1 salvaged material obtained.  
 2 *e.* The value of or amount paid for the salvaged material.  
 3 *f.* The weight or other measurable quantity of the salvaged  
 4 material.  
 5 *g.* From whom and at what time and place the salvaged  
 6 material was obtained by the person from whom it was purchased  
 7 or received, if known.  
 8 *h.* The date and manner of disposition by the salvage dealer  
 9 of the salvaged material by each article or in bulk.  
 10 *i.* The name and address of the person to whom the salvaged  
 11 material was sold or otherwise disposed of.  
 12 **Sec. 3. NEW SECTION. 714I.3 Payment — nonferrous material.**  
 13 1. A salvage dealer or recycler shall not provide payment  
 14 for nonferrous material unless, in addition to meeting  
 15 the record requirements of section 714I.2, the following  
 16 requirements are met:  
 17 *a.* (1) The payment for the material is to be made by  
 18 cash or check. The check may be mailed to the seller at the  
 19 address provided on the driver's license or nonoperator's  
 20 identification card obtained pursuant to section 714I.2,  
 21 subsection 2, or the cash or check may be collected by the  
 22 seller from the salvage dealer or recycler on or after the  
 23 third business day after the date of sale.  
 24 (2) If the seller prefers to have the check for the material  
 25 mailed to an alternative address, other than a post office  
 26 box, the salvage dealer or recycler shall obtain a copy of a  
 27 gas or electric utility bill addressed to the seller at that  
 28 alternative address with a payment due date no more than two  
 29 months prior to the date of sale.  
 30 (3) This paragraph "a" shall not apply if, during the  
 31 three-month interval prior to the date of sale, the salvage  
 32 dealer or recycler completes five or more separate transactions  
 33 per month, on five or more separate days per month, with the  
 34 seller.  
 35 *b.* At the time of sale, the salvage dealer or recycler

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1 obtains a clear photograph or video of the seller in addition  
2 to the photographic identification required in section 714I.2.

3     *c.* The salvage dealer or recycler obtains a clear photograph  
4 or video of the nonferrous material being purchased.

5     2. This section shall not apply if, on the date of sale, the  
6 salvage dealer or recycler has on file or receives all of the  
7 following:

8     *a.* The name, physical business address, and business  
9 telephone number of the seller's business.

10    *b.* The business license number or tax identification number  
11 of the seller's business.

12    *c.* A copy of the valid driver's license of the person  
13 delivering the nonferrous material on behalf of the seller to  
14 the salvage dealer or the recycler.

15    Sec. 4. NEW SECTION. 714I.4 **Retention of records —**  
16 **unauthorized disclosure.**

17     1. Records required or information obtained pursuant to  
18 this chapter shall be preserved for a minimum of two years from  
19 the date of purchase or receipt and maintained at the place of  
20 business of the salvage dealer or recycler.

21     2. Any unauthorized disclosure of personal identification  
22 information collected from a seller by a salvage dealer or  
23 recycler is prohibited, and any such disclosure shall render  
24 the violator subject to the penalty provisions of section  
25 714I.7.

26    Sec. 5. NEW SECTION. 714I.5 **Inspections.**

27     1. Every salvage dealer or recycler shall, during normal  
28 business hours, allow periodic inspection by a peace officer of  
29 any premises maintained and any salvage material thereon for  
30 the purpose of determining compliance with the recordkeeping  
31 and payment requirements of this chapter, and shall during  
32 those hours produce records of sales and purchases and all  
33 property purchased incident to those transactions which is in  
34 the possession of the salvage dealer or recycler.

35     2. For the purposes of this chapter, "peace officer" means



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1 any of the following:

2     *a.* An officer holding a warrant authorizing the officer to  
3 search for personal property.

4     *b.* A person appointed by the sheriff of a county or  
5 appointed by the head of the department of a city.

6     *c.* An officer holding a court order directing the officer to  
7 examine the records or property.

8     Sec. 6. NEW SECTION. 714I.6 Property subject to hold.

9     1. Whenever a peace officer has probable cause to believe  
10 that property in the possession of a salvage dealer or  
11 recycler is stolen, in lieu of seizing the property, the peace  
12 officer may place a hold on the property for a period not  
13 to exceed ninety days. When a peace officer places a hold  
14 on the property, the peace officer shall provide the salvage  
15 dealer or recycler a written notice at the time the hold  
16 is placed, describing the item or items to be held plus an  
17 applicable case number. During this period, the salvage dealer  
18 or recycler shall not release or dispose of the property,  
19 except pursuant to a court order or upon receipt of a written  
20 authorization signed by a peace officer who is a member of the  
21 law enforcement agency of which the peace officer placing the  
22 hold on the property is a member. Except as specifically set  
23 forth in this section, a salvage dealer or recycler shall not  
24 be subject to civil liability for compliance with this section.

25     2. Whenever property that is in the possession of a salvage  
26 dealer or recycler is subject to a hold and the property is  
27 required by a peace officer in a criminal investigation, the  
28 salvage dealer or recycler, upon reasonable notice, shall  
29 produce the property at reasonable times and places or may  
30 deliver the property to any peace officer upon the request of  
31 any peace officer who is a member of the law enforcement agency  
32 of which the peace officer placing the hold on the property is  
33 a member.

34     3. Whenever property that is in the possession of a salvage  
35 dealer or recycler is subject to a hold and the property is no

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1 longer required for the purpose of criminal investigation, the  
2 law enforcement agency that placed the hold on the property  
3 shall undertake the following:

4     *a.* If the law enforcement agency has no knowledge of the  
5 property on hold being reported as stolen, the property shall  
6 be released upon written notice to the salvage dealer or  
7 recycler. The notice shall be provided in a timely fashion.

8     *b.* If the law enforcement agency has knowledge that the  
9 property has been reported stolen, the law enforcement agency  
10 shall notify the person who reported the property as stolen of  
11 the name and address of the salvage dealer or recycler holding  
12 the property and authorize the release of the property to that  
13 person within sixty days following delivery of the notice. If  
14 the owner of property that has been reported as stolen seeks to  
15 recover property that is subject to a hold, the salvage dealer  
16 or recycler shall advise the owner of the property of the name  
17 and badge number of the peace officer who placed the hold on  
18 the property and the name of the law enforcement agency of  
19 which the officer is a member. If the property is not required  
20 to be held pursuant to a criminal prosecution the hold shall  
21 be released.

22     *c.* Upon conviction of a person for the theft of property  
23 placed on hold pursuant to this section, the court shall order  
24 the person convicted to do both of the following:

25         (1) Pay the salvage dealer or recycler reasonable costs for  
26 the storage of the property.

27         (2) Pay the owner of the stolen property for both the value  
28 of the property stolen and any reasonable collateral damage  
29 caused in the commission of the theft.

30     Sec. 7. NEW SECTION. 714I.7 **Penalty.**

31         1. A violation of this chapter is a simple misdemeanor.

32         2. A second or subsequent violation of this chapter is  
33 a serious misdemeanor, and may subject the violator to the  
34 possible suspension, revocation, or nonrenewal of a license or  
35 permit, if issued by the state or a political subdivision of

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1 the state, under conditions or as prescribed by the licensing  
2 authority.

3 Sec. 8. REPEAL. Section 714.27, Code Supplement 2011, is  
4 repealed.

5 EXPLANATION

6 This bill specifies requirements applicable to salvage  
7 dealers and recyclers, primarily relating to recordkeeping and  
8 identification of buyers and sellers of salvaged materials.

9 The bill provides several definitions. The bill defines  
10 "nonferrous material" to mean copper, copper alloys, stainless  
11 steel, or aluminum. The bill defines "recycler" to mean any  
12 person engaged in the business of buying or selling salvaged  
13 materials for conversion by that person or another person or  
14 facility into raw materials or products composed primarily of  
15 recycled material, not including a vehicle recycler subject  
16 to Code chapter 321H or a redemption center subject to Code  
17 chapter 455C. The bill defines a "salvage dealer" to mean any  
18 person engaged in the business of buying, selling, and dealing  
19 in salvaged materials. The bill defines "salvaged materials"  
20 to mean scrap iron, brass, lead, copper or aluminum wire or  
21 tubing, and other scrap metals.

22 The bill provides that the county board of supervisors in  
23 each county shall adopt an ordinance requiring a salvage dealer  
24 or recycler to maintain records of all purchases and receipt  
25 of salvaged materials. The bill specifies that the records  
26 shall include the identity of the person from whom the salvaged  
27 material was received or purchased, including name and address;  
28 date of birth; Iowa driver's license number, Iowa nonoperator's  
29 identification card number, or social security number in  
30 conjunction with photo identification; and sex, age, height,  
31 and race; the vehicle license plate number of the vehicle  
32 that delivered the salvaged material to the salvage dealer,  
33 if applicable; the date and hour of the purchase or receipt  
34 of the salvaged material; a reasonably accurate inventory and  
35 description of the salvaged material obtained; the value of

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1 or amount paid for the salvaged material; the weight or other  
2 measurable quantity of the salvaged material; from whom and at  
3 what time and place the salvaged material was obtained by the  
4 person from whom it was purchased or received, if known; the  
5 date and manner of disposition by the salvage dealer of the  
6 salvaged material by each article or in bulk; and the name and  
7 address of the person to whom the salvaged material was sold or  
8 otherwise disposed of.

9 The bill also provides that a salvage dealer or recycler  
10 shall not provide payment for nonferrous material unless,  
11 in addition to meeting the record requirements, additional  
12 requirements are met. The bill provides that payment for the  
13 material shall be made by cash or check mailed to the seller at  
14 the address provided by the seller, or the cash or check may  
15 be collected by the seller from the salvage dealer or recycler  
16 on or after the third business day after the date of sale. In  
17 the event that the seller prefers to have the check for the  
18 material mailed to an alternative address, other than a post  
19 office box, the bill requires the salvage dealer or recycler  
20 to obtain a copy of a gas or electric utility bill addressed  
21 to the seller at that alternative address with a payment due  
22 date no more than two months prior to the date of sale. The  
23 bill provides that the delayed payment provision shall not  
24 be applicable if, during the three-month interval prior to  
25 the date of sale, the salvage dealer or recycler completes  
26 five or more separate transactions per month, on five or more  
27 separate days per month, with the seller. Additionally, the  
28 bill requires that at the time of sale, the salvage dealer  
29 or recycler must obtain a clear photograph or video of the  
30 seller and of the nonferrous material being purchased. The  
31 bill provides that none of the above requirements regarding  
32 delayed payment and identification shall apply to a transaction  
33 if, on the date of sale, the salvage dealer or recycler has  
34 on file or receives the name, physical business address,  
35 and business telephone number of the seller's business, the

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1 business license number or tax identification number of the  
2 seller's business, and a copy of the valid driver's license of  
3 the person delivering the nonferrous material on behalf of the  
4 seller to the salvage dealer or the recycler.

5 The bill specifies that records required or information  
6 obtained pursuant to the bill's provisions shall be preserved  
7 for a minimum of two years from the date of purchase or  
8 sale, and subjects any unauthorized disclosure of personal  
9 identification information collected from a seller by a salvage  
10 dealer or recycler to penalty provisions as subsequently  
11 described.

12 The bill requires every salvage dealer or recycler, during  
13 normal business hours, to allow periodic inspection of any  
14 premises maintained and any salvage material thereon for the  
15 purpose of determining compliance with the recordkeeping  
16 requirements, and requires the production of sales and  
17 purchase records and all property purchased incident to those  
18 transactions which is in the possession of the salvage dealer  
19 or recycler for inspection by a peace officer, as defined in  
20 the bill.

21 The bill provides that when a peace officer has probable  
22 cause to believe that property in the possession of a salvage  
23 dealer or recycler is stolen, in lieu of seizing the property,  
24 the peace officer may place a hold on the property for a period  
25 not to exceed 90 days. The bill specifies notice and release  
26 provisions with regard to any property subject to a hold. The  
27 bill provides that upon conviction of a person for the theft  
28 of property placed on hold, the court shall order the person  
29 convicted to pay the salvage dealer or recycler reasonable  
30 costs for the storage of the property, and pay the owner of the  
31 stolen property for both the value of the property stolen and  
32 any reasonable collateral damage caused in the commission of  
33 the theft.

34 The bill provides that an initial violation of the bill's  
35 provisions is a simple misdemeanor, and that a second or

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1 subsequent violation is a serious misdemeanor, and may subject  
2 the violator to the possible suspension, revocation, or  
3 nonrenewal of a license or permit, if issued by the state or a  
4 political subdivision of the state. A simple misdemeanor is  
5 punishable by confinement for no more than 30 days or a fine  
6 of at least \$65 but not more than \$625, or by both. A serious  
7 misdemeanor is punishable by confinement for no more than one  
8 year and a fine of at least \$315 but not more than \$1,875.  
9 Additionally, the bill repeals Code section 714.27,  
10 which authorized political subdivisions to adopt a model  
11 ordinance providing restrictions on sales of copper to salvage  
12 dealers. Such sales would now be encompassed within the bill's  
13 provisions.



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House File 2207 - Introduced

HOUSE FILE 2207  
BY SWAIM

A BILL FOR

1 An Act relating to insurance coverage of cranial prostheses for  
2 cancer patients and including applicability provisions.  
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5841YH (3) 84  
av/nh



**Iowa General Assembly  
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H.F. 2207

1 Section 1. Section 514C.24, Code 2011, is amended by adding  
2 the following new subsection:

3 NEW SUBSECTION. 1A. Notwithstanding the uniformity of  
4 treatment requirements of section 514C.6, a contract, policy,  
5 or plan providing for third-party payment or prepayment for  
6 cancer treatment shall provide coverage benefits for a cranial  
7 prosthesis prescribed by a physician licensed under chapter 148  
8 for chemotherapy-induced alopecia.

9 Sec. 2. APPLICABILITY. This Act applies to third-party  
10 payment provider policies, contracts, or plans specified in  
11 section 514C.24, subsection 2, that are delivered, issued for  
12 delivery, continued, or renewed in this state on or after July  
13 1, 2012.

14 **EXPLANATION**

15 This bill requires that specified individual and group  
16 contracts, policies, or plans providing for third-party payment  
17 or prepayment for cancer treatment shall provide coverage  
18 benefits for a cranial prosthesis (wig) prescribed by a  
19 physician for chemotherapy-induced hair loss. The bill applies  
20 to third-party payment provider policies, contracts, or plans  
21 that are delivered, issued for delivery, continued, or renewed  
22 in this state on or after July 1, 2012.



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House File 2208 - Introduced

HOUSE FILE 2208  
BY BYRNES

A BILL FOR

1 An Act providing for the licensure of applicants with  
2 professional employment in mathematics-related or  
3 science-related fields as teachers for secondary  
4 school-level mathematics and science courses.  
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5560YH (3) 84  
kh/rj



**Iowa General Assembly  
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H.F. 2208

1 Section 1. Section 272.2, Code Supplement 2011, is amended  
2 by adding the following new subsection:

3 NEW SUBSECTION. 19. Adopt rules to license as a secondary  
4 teacher endorsed to teach only mathematics or science, an  
5 applicant who has not graduated from an approved practitioner  
6 preparation program but who, at a minimum, holds a bachelor's  
7 degree with a major course of study in mathematics or science  
8 from an accredited postsecondary institution; has at least six  
9 thousand hours of successful, recent, and relevant employment  
10 in a mathematics-related or science-related profession; and  
11 successfully passes the educational testing services' Praxis  
12 II subject examination for biology and general science if  
13 the endorsement sought is to teach a science course, or the  
14 educational testing services' Praxis II mathematics content  
15 and knowledge examination if the endorsement sought is for  
16 mathematics.

17 EXPLANATION

18 This bill directs the board of educational examiners to  
19 adopt rules to license as a secondary teacher endorsed to teach  
20 only mathematics or science, an applicant who has not graduated  
21 from an approved practitioner preparation program but who, at a  
22 minimum, holds a bachelor's degree with a major in mathematics  
23 or science from an accredited postsecondary institution; has  
24 at least 6,000 hours of employment in a mathematics-related  
25 or science-related profession; and successfully passes the  
26 educational testing services' Praxis II biology and general  
27 science test if the endorsement sought is to teach a science  
28 course, or the educational testing services' Praxis II  
29 mathematics content and knowledge test if the endorsement  
30 sought is for mathematics.

LSB 5560YH (3) 84  
kh/rj



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House File 2209 - Introduced

HOUSE FILE 2209  
BY KELLEY

A BILL FOR

- 1 An Act relating to the assessment of the drug abuse resistance
- 2 education surcharge.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5865YH (3) 84  
jm/nh





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House File 2210 - Introduced

HOUSE FILE 2210  
BY SWAIM

A BILL FOR

- 1 An Act relating to notice of garnishment proceedings and
- 2 the seizure of moneys in a bank, credit union, or other
- 3 financial institution account.
- 4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5020HH (3) 84  
rh/rj



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H.F. 2210

1 Section 1. Section 642.14, Code 2011, is amended to read as  
 2 follows:

3 **642.14 Notice.**

4 1. Judgment against the garnishee shall not be entered  
 5 until the principal defendant has had ten days' notice of the  
 6 garnishment proceedings, to be served in the same manner as  
 7 original notices.

8 a. If the subject of the garnishment is moneys in an  
 9 account in a bank, credit union, or other financial institution  
 10 owned by the principal defendant, the notice shall be served  
 11 simultaneously with the seizure of the moneys by the sheriff.

12 b. However, if If the subject of the garnishment is to  
 13 earnings owed the defendant by the garnishee, judgment may be  
 14 entered if notice to the defendant is served with the notice  
 15 of garnishment to the garnishee who shall deliver the notice  
 16 to the defendant with the remainder of or in lieu of the  
 17 defendant's earnings.

18 2. The garnishee shall state in answer to the service of  
 19 notice of garnishment whether or not service of notice was  
 20 delivered to the defendant.

21 3. The notice required by this section shall contain the  
 22 full text of section 630.3A.

23 EXPLANATION

24 Under Code chapter 642, once a plaintiff obtains judgment  
 25 and seeks execution on the judgment through garnishment  
 26 proceedings, the plaintiff must serve a notice of garnishment  
 27 on the defendant. This bill provides that if the subject of  
 28 the garnishment is moneys in a bank, credit union, or other  
 29 financial institution account owned by the principal defendant,  
 30 the notice shall be served simultaneously with the seizure of  
 31 the moneys by the sheriff.



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House File 2211 - Introduced

HOUSE FILE 2211  
BY WILLEMS, KELLEY,  
WESSEL-KROESCHELL,  
ABDUL-SAMAD, and GAINES

A BILL FOR

1 An Act requiring employers to provide school activity leave,  
2 providing for penalties, and including applicability  
3 provisions.  
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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je/rj



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H.F. 2211

1 Section 1. NEW SECTION. **91F.1 Definitions.**

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

4 1. "*Child*" means a biological, adopted, or foster child,  
5 a stepchild, a legal ward, or a child of a person standing in  
6 loco parentis who is under eighteen years of age or is eighteen  
7 years of age or older and incapable of self-care because of a  
8 mental or physical disability.

9 2. "*Commissioner*" means the labor commissioner, appointed  
10 pursuant to section 91.2.

11 3. "*Eligible employee*" means an employee as defined in  
12 section 91A.2 who has been employed by the employer from whom  
13 school activity leave is requested for at least twelve months  
14 and for at least one thousand two hundred fifty hours during  
15 the previous twelve-month period.

16 4. "*Employer*" means a person who, in this state, employs  
17 fifty or more natural persons for each working day during  
18 each of twenty or more calendar work weeks in the current or  
19 preceding calendar year.

20 5. "*School activity*" means any activity of students  
21 sponsored by a school, including athletic contests, concerts,  
22 school plays, and events organized by student organizations.

23 6. "*School activity leave*" means full or partial absence  
24 from an eligible employee's ordinary job responsibilities  
25 either with full or partial pay or without pay, to attend a  
26 school activity at which the eligible employee has a leadership  
27 role.

28 Sec. 2. NEW SECTION. **91F.2 School activity leave**  
29 **authorized.**

30 An eligible employee shall be entitled to a total of two  
31 hundred hours of school activity leave during any twelve-month  
32 period.

33 Sec. 3. NEW SECTION. **91F.3 Exemption.**

34 1. An employer may deny school activity leave under section  
35 91F.2 to an eligible employee if all of the following apply:

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1     *a.* Denial is necessary to prevent substantial economic  
2 injury to the operations of the employer.

3     *b.* The employer notifies the employee of the intent of the  
4 employer to deny restoration of the employee's position on such  
5 basis at the time the employer determines that such injury  
6 would occur.

7     *c.* In any case in which the school activity leave has  
8 commenced, the employee elects not to return to employment  
9 after receiving such notice.

10    2. This section applies only to an eligible employee who is  
11 a salaried employee who is among the highest-paid ten percent  
12 of the employees employed by the employer within seventy-five  
13 miles of the facility at which the eligible employee is  
14 employed.

15    Sec. 4. NEW SECTION. **91F.4 School activity leave**  
16 **requirements.**

17    1. An employer shall not be required to pay an eligible  
18 employee for any school activity leave taken pursuant to  
19 section 91F.2. However, an eligible employee taking school  
20 activity leave permitted by this chapter may elect to  
21 substitute for the school activity leave permitted under this  
22 chapter any of the eligible employee's accrued vacation leave  
23 or other accrued time off during such period or any other paid  
24 or unpaid time off negotiated with the employer.

25    2. An eligible employee shall provide the employer with  
26 reasonable advance notice of foreseeable need for school  
27 activity leave. Reasonable notice shall be at least thirty  
28 days where practical. An eligible employee shall make a  
29 reasonable effort in the scheduling of school activity leave so  
30 as not to unduly disrupt the operations of an employer.

31    3. An employer may require that a request for school  
32 activity leave under this chapter be supported by a  
33 certification issued by a school superintendent, principal, or  
34 other school authority of the eligible employee's child. The  
35 eligible employee shall provide, in a timely manner, a copy of

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1 such certification to the employer. The certification shall  
2 include the date on which the school activity leave is expected  
3 to commence and the expected duration of the school activity  
4 leave. An employer may require that an eligible employee  
5 obtain subsequent recertification on a reasonable basis.

6 Sec. 5. NEW SECTION. **91F.5 Employer notice — complaint**  
7 **process.**

8 An employer shall post, in conspicuous places on the  
9 premises of the employer where notices to eligible employees  
10 and applicants for employment are customarily posted, a notice,  
11 to be prepared or approved by the commissioner, setting forth  
12 excerpts from, or summaries of, the pertinent provisions of  
13 this chapter and information pertaining to the submission of a  
14 complaint to the commissioner.

15 Sec. 6. NEW SECTION. **91F.6 Prohibited acts.**

16 1. An employer shall not refuse to hire, discharge, fine,  
17 suspend, expel, deny any employment benefit to, or discriminate  
18 against an individual for exercising the individual's rights  
19 to take school activity leave or for giving any information,  
20 testifying, or cooperating with an investigation pursuant to  
21 this chapter.

22 2. An employer shall not interfere with an investigation or  
23 proceeding pursuant to this chapter.

24 Sec. 7. NEW SECTION. **91F.7 Complaints — investigative**  
25 **authority.**

26 1. An eligible employee may submit a complaint to the  
27 commissioner alleging a violation of this chapter.

28 2. The commissioner, or the commissioner's designee, shall  
29 have the power to enter the premises of an employer, when the  
30 premises is open or in operation, for the purpose of enforcing  
31 this chapter.

32 3. The commissioner, or the commissioner's designee,  
33 may issue subpoenas, administer oaths, and take testimony  
34 in all matters relating the enforcement of this chapter.

35 Witnesses subpoenaed and testifying before the commissioner

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1 or the commissioner's designee shall be paid the same fees as  
 2 witnesses under section 622.69, payment to be made out of the  
 3 funds appropriated to the division of labor services.

4 4. The commissioner may require employers to keep records  
 5 pertaining to compliance with this chapter. The commissioner  
 6 shall not require an employer to submit to the commissioner  
 7 records more than once during any twelve-month period, unless  
 8 the commissioner has reasonable cause to believe a violation  
 9 of this chapter has occurred.

10 **Sec. 8. NEW SECTION. 91F.8 Penalties — enforcement.**

11 1. An employer that fails to grant an eligible employee  
 12 school activity leave authorized by section 91F.2 shall be  
 13 liable to the eligible employee for damages equal to the  
 14 amount of any wages, salary, employment benefits, or other  
 15 compensation denied or lost to such employee by reason of the  
 16 violation; court costs; reasonable attorney fees; and any other  
 17 equitable relief the court deems appropriate.

18 2. An employer that violates this chapter shall be assessed  
 19 a civil penalty of one hundred dollars for each separate  
 20 offense. The commissioner, or the commissioner's designee,  
 21 may recover the civil penalty. All civil penalties collected  
 22 pursuant to this chapter shall be deposited in the general fund  
 23 of the state.

24 **Sec. 9. NEW SECTION. 91F.9 Rules.**

25 The commissioner shall adopt, pursuant to chapter 17A, any  
 26 rules necessary to administer this chapter.

27 **Sec. 10. APPLICABILITY.** This Act applies only to those  
 28 collective bargaining agreements entered into on or after the  
 29 effective date of this Act.

30 **EXPLANATION**

31 This bill provides that an eligible employee is entitled to  
 32 200 hours of school activity leave during any 12-month period.  
 33 "School activity leave" is defined as full or partial absence  
 34 from an eligible employee's ordinary job responsibilities  
 35 either with full or partial pay or without pay, to attend a



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1 school activity at which the eligible employee has a leadership  
2 role. An "eligible employee" is defined as an employee as  
3 defined in Code section 91A.2 who has been employed for at  
4 least 12 months and for least 1,250 hours of service during the  
5 previous 12-month period by the employer from whom leave is  
6 requested. An "employer" is defined as a person who, in this  
7 state, employs 50 or more natural persons for each working day  
8 during each of 20 or more calendar work weeks in the current  
9 or preceding calendar year. A "school activity" is defined  
10 as any activity of students sponsored by a school, including  
11 athletic contests, concerts, school plays, and events organized  
12 by student organizations.

13 The bill provides that an employer may deny school activity  
14 leave to an eligible employee if denial is necessary to prevent  
15 substantial economic injury to the operations of the employer;  
16 the employer notifies the employee of the employer's intent to  
17 deny restoration of the employee's position on such basis at  
18 the time the employer determines that such injury would occur;  
19 and in any case in which the leave has commenced, the employee  
20 elects not to return to employment after receiving such notice.  
21 This exemption applies only to an eligible employee who is a  
22 salaried employee who is among the highest paid 10 percent of  
23 the employees employed by the employer within 75 miles of the  
24 facility at which the employee is employed.

25 The bill provides that school activity leave need not be paid  
26 leave. However, an eligible employee may elect to substitute  
27 for school activity leave any of the eligible employee's  
28 accrued vacation leave or other accrued time off during such  
29 period or any other paid or unpaid time off negotiated with the  
30 employer.

31 The bill requires an eligible employee to provide the  
32 employer with reasonable advance notice of foreseeable need for  
33 school activity leave. Reasonable notice shall be at least 30  
34 days where practical. An eligible employee is also required  
35 to make a reasonable effort in the scheduling of school

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1 activity leave so as not to unduly disrupt the operations of  
2 an employer.

3 The bill provides that an employer may require that a request  
4 for school activity leave be supported by a certification  
5 issued by a school superintendent, principal, or other school  
6 authority of the eligible employee's child. The eligible  
7 employee must then provide, in a timely manner, certification  
8 to the employer. The certification is to include the date  
9 on which the school activity leave is expected to commence  
10 and the expected duration of the leave. The bill provides  
11 that an employer may require that an eligible employee obtain  
12 subsequent recertification on a reasonable basis.

13 The bill requires each employer to post a notice, to be  
14 prepared or approved by the labor commissioner, setting forth  
15 excerpts from, or summaries of, the pertinent provisions of  
16 the bill and information pertaining to the submission of a  
17 complaint to the labor commissioner.

18 The bill prohibits an employer from refusing to hire,  
19 discharging, fining, suspending, expelling, denying any  
20 employment benefit to, or discriminating against an individual  
21 for exercising the individual's rights to take school activity  
22 leave or for giving any information, testifying, or cooperating  
23 with an investigation pursuant to the bill. The bill also  
24 prohibits an employer from interfering with an investigation or  
25 proceeding pursuant to the bill.

26 The bill provides that an eligible employee may submit a  
27 complaint to the labor commissioner alleging a violation of  
28 the bill. The bill provides that the labor commissioner, or  
29 the commissioner's designee, may enter the premises of an  
30 employer, when the premises is open or in operation, for the  
31 purpose of enforcing the bill's provisions. The bill provides  
32 that the labor commissioner, or the commissioner's designee,  
33 may issue subpoenas, administer oaths, and take testimony in  
34 all matters relating to the enforcement of the bill. The bill  
35 provides that the labor commissioner may require employers

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1 to keep records pertaining to compliance with the bill, but  
2 cannot require any employer to submit records more than once  
3 during any 12-month period, unless the labor commissioner  
4 has reasonable cause to believe a violation of the bill has  
5 occurred.

6 The bill provides that an employer that fails to grant  
7 an eligible employee school activity leave is liable to the  
8 employee for damages equal to the amount of any wages, salary,  
9 employment benefits, or other compensation denied or lost  
10 to the employee by reason of the violation; court costs;  
11 reasonable attorney fees; and any other equitable relief the  
12 court deems appropriate. The bill also provides that any  
13 employer that violates the bill shall be assessed a civil  
14 penalty of \$100, which is to be deposited in the state general  
15 fund, for each separate offense. The labor commissioner, or  
16 the commissioner's designee, may recover the civil penalty.

17 The bill directs the labor commissioner to adopt any rules  
18 necessary to administer the bill.

19 The bill applies to only those collective bargaining  
20 agreements entered into on or after the effective date of the  
21 bill.



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House File 2212 - Introduced

HOUSE FILE 2212  
BY T. TAYLOR

A BILL FOR

1 An Act relating to close clearances and safe spaces around  
2 railroad tracks and railroad facilities, and providing  
3 penalties and including effective date provisions.  
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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1 Section 1. NEW SECTION. 327F.10 Minimum clear space  
2 requirements for bridges, structures, poles, and other  
3 obstructions.

4 1. *Overhead clearances.*

5 a. The minimum overhead clearance above a railroad track  
6 that is used or proposed to be used for transporting freight  
7 cars shall be twenty-two feet, except as otherwise provided in  
8 this subsection.

9 b. The overhead clearance above the top rail of tracks  
10 located at the entrance to or inside a building may be  
11 less than twenty-two feet but not less than eighteen feet.  
12 However, if an overhead clearance of less than twenty-two  
13 feet exists above tracks inside a building, the movement of  
14 railway equipment shall be brought to a stop before entering  
15 the building. In switching movements requiring a number of  
16 entries, stopping is required only upon initial entry.

17 c. This subsection does not apply to electric wires or  
18 equipment required above tracks for the operation of trains by  
19 electric energy, provided that a carrier that conducts such an  
20 operation adopts and enforces rules which prohibit an employee  
21 from being on top of a rail car while the car is being operated  
22 under lower clearances than those provided in this subsection.

23 d. The overhead clearances provided in this subsection do  
24 not apply to engine houses, engine house facilities, tipples,  
25 or facilities used for servicing rail cars or for loading or  
26 unloading bulk commodities if compliance is not reasonably  
27 practicable.

28 e. The department of transportation may waive the  
29 requirements of this subsection for structures constructed  
30 before January 1, 2012, if the waiver will not adversely affect  
31 the safety of the public or employees of the railroad.

32 2. *Side clearances.*

33 a. The minimum side clearance from the center line of  
34 tangent railroad tracks that are used or proposed to be  
35 used for transporting freight cars shall conform with the

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1 requirements of this subsection, except that structures,  
2 including platforms and tracks, constructed or under  
3 construction prior to January 1, 2012, may be maintained at  
4 clearances existing prior to that date, and may be extended at  
5 existing clearances unless such an extension is in connection  
6 with reconstruction of the original platform.

7 *b.* The minimum side clearance between the center line of  
8 the track and any structure or obstruction above the top of the  
9 rail, except structures or obstructions specifically exempted  
10 under this subsection, shall be twelve feet.

11 *c.* (1) A platform that is four feet or less above the top  
12 of the rail, except a platform adjacent to main or passing  
13 tracks, may be less than eight feet six inches from the center  
14 line of the track on one side of such track if a full clearance  
15 of at least eight feet six inches is maintained on the opposite  
16 side of the track or the distance from the center of the track  
17 to the center of the adjacent track is not less than fourteen  
18 feet.

19 (2) A platform that is four feet six inches or less above  
20 the top of the rail, if used principally for loading or  
21 unloading refrigerator cars, shall not be less than eight feet  
22 from the center line of the track.

23 (3) A low passenger platform that is eight inches or less  
24 above the top rail shall not be less than five feet one inch  
25 from the center line of the track. A high passenger platform  
26 that is four feet or less above the top rail shall not be less  
27 than five feet seven inches from the center line of the track.

28 (4) Platforms constructed before January 1, 2012, with less  
29 than the clearances prescribed in this paragraph "*c*" may be  
30 extended at such lesser clearances unless the extension is in  
31 connection with reconstruction of the original platform.

32 *d.* The side clearance, other than for platforms, on sidings  
33 only, at an entrance to a building or inside a building shall  
34 not be less than eight feet from the center line of the track.

35 *e.* Switchboxes, switch-operating mechanisms, and

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1 accessories necessary for the control or operation of signals  
2 or interlockers projecting four inches or less above the top  
3 rail shall not be less than three feet from the center line of  
4 the track.

5 *f.* The center spindle of signal and switch stands three  
6 feet or less above the top of the rail and located between  
7 tracks, if not practicable to provide the clearances otherwise  
8 prescribed in this subsection, shall not be less than six feet  
9 from the center line of the track.

10 *g.* Through bridges supporting affected track, tunnels, water  
11 columns, or oil columns shall not be less than eight feet from  
12 the center line of the track, except where special protection  
13 is required for unusual commodities.

14 *h.* (1) The clearance for through bridges supporting  
15 affected track, water barrel platforms or refuge platforms on  
16 bridges or trestles not provided with walkways, handrails,  
17 water barrels, water columns, block signals, cattle guards,  
18 and stock chutes, if all or portions thereof are four feet or  
19 less above the top of the rail, may be decreased to the extent  
20 defined by a line extending diagonally upward from a point  
21 level with the top of the rail and five feet distant laterally  
22 from the center line of the track to a point four feet above  
23 the top of the rail and eight feet distant laterally from the  
24 center line of the track. However, the minimum clearance for  
25 handrails or water barrels on bridges with walkways shall be  
26 seven feet nine inches, and the minimum clearance for fences  
27 for cattle guards shall be six feet nine inches.

28 (2) The lesser clearances authorized in subparagraph (1)  
29 for handrails and water barrels do not apply to through bridges  
30 if the work of train workers or yard workers requires the  
31 workers to be on the decks of such bridges for the purpose of  
32 coupling or uncoupling cars in the performance of switching  
33 service on a switching lead.

34 *i.* The side clearances specified in this subsection do  
35 not apply to mail cranes when the arms of the mail cranes are

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1 supporting mail sacks for delivery, if the top arm is not  
2 higher than ten feet eight inches above the top of the rail and  
3 neither arm extends within six feet five inches from the center  
4 line of the track.

5     *j.* Icing platforms and supports shall have a minimum side  
6 clearance of eight feet. Except in emergencies, operations  
7 over portions of track adjacent to icing platforms constructed  
8 before January 1, 2012, with a side clearance of less than  
9 eight feet shall be restricted to the movement or switching  
10 of trains containing refrigerator cars to be iced and to the  
11 necessary use of such tracks for the unloading of supplies  
12 required for the operation of an icing dock.

13     *k.* The side clearances specified in this section do not  
14 apply to the following:

15         (1) Intertrack fences located on the center line between  
16 tracks.

17         (2) Engine houses, engine house facilities, tipples, or  
18 facilities used for servicing rail cars or for loading or  
19 unloading bulk commodities if compliance is not reasonably  
20 practicable.

21         (3) Car retarders, derails, switch point protectors,  
22 guardrails, and similar appurtenances projecting three inches  
23 or less above the top of the rail.

24     1. The minimum side clearances prescribed in this subsection  
25 are for tangent tracks. Structures adjacent to curve tracks  
26 shall have additional minimum side clearances compensating for  
27 curvature.

28     3. *Overhead and side clearances.*

29         *a.* The overhead and side clearances prescribed in  
30 subsections 1 and 2 may be decreased to the extent of a line  
31 extending diagonally downward from a point four feet from the  
32 center line of the track and twenty-two feet above the top of  
33 the rail to a point eight feet from the center line of the track  
34 and sixteen feet above the top of the rail.

35         *b.* For tracks located at an entrance to or inside a



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1 building with an overhead clearance of eighteen feet and a side  
2 clearance of eight feet, as prescribed in this section, the  
3 overhead and side clearances may be decreased to the extent of  
4 a line extending diagonally downward from a point four feet  
5 from the center line of the track and eighteen feet above the  
6 top of the rail to a point eight feet from the center line of  
7 the track and fourteen feet above the top of the rail.

8     *c.* A canopy at one side of the track at a freight platform  
9 may not be less than four feet from the center line of the  
10 track if the height of the canopy is at least seventeen feet  
11 six inches above the top of the rail and if the full clearance  
12 of eight feet six inches is maintained on the opposite side of  
13 the track or the distance from the center of the track to the  
14 center of the adjacent track is not less than fourteen feet.

15     *d.* A shelter over a platform used for passenger car  
16 operation may not be less than four feet six inches from the  
17 center line of the track if the height is not less than fifteen  
18 feet above the top of the rail, provided that a carrier that  
19 conducts such an operation adopts and enforces rules which  
20 prohibit an employee from riding on the side of equipment if  
21 standing above car floor height.

22     4. *Clearances between parallel tracks.*

23     *a.* The minimum distance between the center lines of parallel  
24 tracks shall be thirteen feet six inches for main tracks and  
25 thirteen feet six inches for yard and side tracks, except as  
26 otherwise provided in this subsection.

27     *b.* The center line of any track except a main track or a  
28 passing track, which is parallel and adjacent to a main track  
29 or a passing track, shall be fifteen feet from the center line  
30 of such main track or passing track, except that if a passing  
31 track is adjacent to and at least fifteen feet from the main  
32 track, such other track may be constructed adjacent to the  
33 passing track with a clearance of not less than thirteen feet  
34 six inches.

35     *c.* The center line of any ladder track which is parallel to

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1 another adjacent track shall have a clearance of not less than  
2 eighteen feet from the center line of such other track, except  
3 that parallel ladder tracks shall have a clearance of not less  
4 than nineteen feet from center line to center line.

5 *d.* The minimum distance between the center line of parallel  
6 team and house tracks shall be thirteen feet six inches.

7 *e.* Tracks constructed or under construction prior to January  
8 1, 2012, may be extended without increasing the distances  
9 between tracks.

10 5. *Other conditions and obstructions adjacent to tracks.*

11 *a.* A railroad shall not knowingly permit merchandise,  
12 material, or other articles to remain piled or assembled on  
13 ground or platforms adjacent to any track at a distance of less  
14 than eight feet six inches from the center line of the track. A  
15 suitable line or other marker may be maintained at a distance  
16 of eight feet six inches from the center line of the track on  
17 all platforms, excluding passenger platforms, to indicate the  
18 space along the edge of the platform which must be kept clear  
19 of merchandise, material, or other articles.

20 *b.* The space between tracks ordinarily used by train  
21 workers, yard workers, and other employees as a walkway in  
22 the discharge of their duties, and the space beside such  
23 tracks within eight feet six inches of the center line of the  
24 tracks, shall be kept in reasonably suitable condition for such  
25 purpose.

26 6. *Preexisting clearances.* Except as otherwise provided  
27 in this section, if an overhead or side clearance between a  
28 track and any building, structure, or facility is less than the  
29 minimum prescribed in this section but existed prior to January  
30 1, 2012, the minimum clearances prescribed by this section  
31 shall be required when the building, structure, or facility is  
32 relocated or reconstructed. However, the department may grant  
33 specific requests for the continuance of prior clearances at  
34 reconstructed buildings, structures, or facilities as provided  
35 in subsection 7.

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1     7. *Waivers.*

2     *a.* Nothing in this section shall be construed to restrict  
3 the temporary distribution of materials or the performance of  
4 work on, over, or adjacent to tracks if the distribution or  
5 performance is necessary in the construction or maintenance  
6 of facilities or equipment, provided that the distribution  
7 or performance is carried out within a reasonable time under  
8 conditions reasonably necessary to provide for the safety of  
9 all concerned, including proper notice by train order, message,  
10 or bulletin.

11    *b.* If, in any particular case, a waiver from any of the  
12 requirements of this section is deemed necessary by a carrier,  
13 the department, upon good cause shown, may grant an application  
14 by the carrier for a waiver. The request for the waiver shall  
15 be accompanied by a full statement of conditions existing and  
16 the reason why the waiver is necessary.

17    8. *Application of terms.* Wherever the terms "railroad",  
18 "railroad track", "track", "building", "entrance to or inside  
19 a building", "structure", "facility", "platform", or other  
20 similar terms are used in this section, the terms apply only to  
21 property owned by or leased to a common carrier railroad.

22    9. *Application of section.* This section shall not be  
23 construed as limiting the authority or jurisdiction of the  
24 department of transportation.

25    Sec. 2. NEW SECTION. 327F.11 **Safe space along railroad**  
26 **rights-of-way.**

27    1. For purposes of this section, "safe space" means the area  
28 encompassed within the following distances:

29    *a.* From the actual grade level to a distance of twenty-two  
30 feet six inches above the top of the rail head.

31    *b.* A distance of eight feet six inches on both sides of a  
32 perpendicular from the center line of a railroad track with a  
33 radius of not less than four hundred feet lateral curvature.

34    *c.* A distance of nine feet on both sides of a perpendicular  
35 from the center line of a railroad track with a radius of less

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1 than four hundred feet curvature.

2 2. A person shall not permit scrap iron, lumber, debris,  
3 vegetation exceeding a height of four inches, marked unevenness  
4 of terrain, or any other material or condition which endangers  
5 a railroad employee to remain or continue in the safe space  
6 over which the person has control.

7 Sec. 3. NEW SECTION. 327F.12 **Close clearance warnings.**

8 1. The owner of a railroad track shall place a warning  
9 device at a location where the close clearance between the  
10 track and a building, machinery, trees, brush, or other object  
11 is such that the building, machinery, trees, brush, or other  
12 object physically impedes a person who is lawfully riding the  
13 side of a train in the course of the person's duties in service  
14 to a railroad company from clearing the building, machinery,  
15 trees, brush, or other object.

16 2. The warning device shall be placed in a location which  
17 provides adequate notice to a person riding the side of a train  
18 so that the person may prepare for the close clearance. Any  
19 signs posted shall not be a danger to other persons working on  
20 the property.

21 3. Placement of a warning device pursuant to this section  
22 does not relieve the owner of a railroad track from any duties  
23 required under chapter 317 or section 327F.27.

24 Sec. 4. Section 327F.13, Code 2011, is amended by striking  
25 the section and inserting in lieu thereof the following:

26 **327F.13 Close clearances and safe spaces — enforcement.**

27 1. *Applicability of provisions.* The provisions of sections  
28 327F.10, 327F.11, and 327F.12 apply to matters under the  
29 purview of the state and enforceable by the department of  
30 transportation. Sections 327F.10, 327F.11, and 327F.12 do not  
31 apply to the exercise of authority which a federal agency has  
32 delegated to state enforcement personnel under section 206 of  
33 the federal Railroad Safety Act of 1970, 49 U.S.C. § 20106, or  
34 any other regulation or requirement preempted by federal law.

35 2. *Emergency orders.* If an inspector authorized by



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1 the department determines through testing, inspection,  
2 investigation, or research that a locomotive, car, or other  
3 facility or equipment of a railroad is in a condition that  
4 violates a law, regulation, or order which the department is  
5 authorized to enforce, and the condition is so hazardous as to  
6 present an imminent danger or potential danger likely to result  
7 in injury to a person, damage to property, or a breakdown of  
8 equipment, the inspector shall declare such locomotive, car, or  
9 other facility "out of service".

10 3. *Action by inspector.* When an inspector authorized by  
11 the department declares a locomotive, car, or other facility  
12 to be "out of service", the inspector shall affix an "out of  
13 service" notice in a prominent place on the locomotive, car,  
14 or other facility. The affixing of an "out of service" notice  
15 shall constitute legal notice that the locomotive, car, or  
16 facility shall not be used or operated until all defects noted  
17 on the "out of service" notice have been repaired. Such notice  
18 shall not be removed until the defects noted by the inspector  
19 have been corrected by the railroad company and the locomotive,  
20 car, or other facility is in full compliance with applicable  
21 regulations. In the case of a track or other facility for  
22 which it is not practical to affix an "out of service" notice,  
23 the inspector shall furnish immediate telephone or telegraphic  
24 notification to the owner of the track or facility in lieu of  
25 affixing an "out of service" notice, describing the specific  
26 location of the affected track or other facility, the nature of  
27 the defect, and related conditions. When an "out of service"  
28 notice has been affixed or the owner of the track has been  
29 notified, the inspector shall furnish notice by the most  
30 expeditious manner to the railroad immediately responsible for  
31 the operation of the defective locomotive, car, track, or other  
32 facility. The notice shall indicate the nature of the defects  
33 involved which caused the equipment or other facility to be  
34 placed "out of service". The inspector shall retain one copy  
35 of the notice and immediately forward one copy of the notice

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1 to the department.

2 4. *Reduction in maximum speed of track.* When an inspector  
3 authorized by the department determines the existence of a  
4 hazardous local track condition, the inspector shall furnish  
5 immediate telephone or telegraphic notification to the owner  
6 of the track that movements within defined limits of the track  
7 must be made at a reduced maximum speed, which shall be the  
8 speed applicable to the highest federal railroad administration  
9 class designation that the inspector determines is appropriate.  
10 Within forty-eight hours following the notification, the  
11 inspector shall furnish notice in duplicate to the owner of the  
12 track or to the owner's agent immediately responsible for the  
13 affected track. The notice shall indicate the full particulars  
14 of the conditions and the violations which create the local  
15 safety hazard. Such conditions or violations shall be fully  
16 repaired or otherwise brought into compliance with the highest  
17 federal railroad administration designation applicable to the  
18 speed at which trains will operate on the track in question.

19 5. *Action by railroad.* When a locomotive, car, or other  
20 facility of a railroad has been declared "out of service", the  
21 locomotive, car, or facility shall be removed from service  
22 until the defect or defects are corrected. In the case of  
23 track which is reduced in class as provided in subsection  
24 4, the railroad shall take the steps necessary to insure  
25 compliance with the findings of the inspector. For the purpose  
26 of making necessary corrections, defective locomotive units,  
27 freight cars, cabin cars, or passenger carrying cars may  
28 be moved to the nearest available point where the unit can  
29 be repaired, provided that other similar units in suitable  
30 operating condition are also a part of the consist. When the  
31 defects noted on the notice have been corrected, the railroad  
32 shall notify the inspector issuing the notice and the inspector  
33 shall inspect the locomotive, car, or other facility. If the  
34 repairs or corrections have been satisfactorily completed, the  
35 inspector shall remove the "out of service" notice.

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1     6. *Reinspection — review by department.*

2     *a.* Upon issuance of an "out of service" notice, the  
3 railroad involved may request a second inspection of the  
4 locomotive, car, or other facility. An engineer designated  
5 by the department shall arrange for an immediate reinspection  
6 by a second authorized inspector. If, on reinspection, the  
7 decision of the original inspector is affirmed or modified  
8 by an engineer designated by the department, the engineer  
9 shall notify the railroad in writing that the original finding  
10 is affirmed or modified. If the decision of the original  
11 inspector is not affirmed or modified, the inspector shall  
12 immediately remove the "out of service" notice and enter an  
13 appropriate notation on the related notice to the railroad, and  
14 the restrictions of the notice shall cease to be effective.

15     *b.* If, upon reinspection, an engineer designated by the  
16 department affirms or modifies the findings of the original  
17 inspection, the railroad may, within thirty days of the  
18 affirmation or modification, request the department to conduct  
19 a hearing at which interested parties may be present and  
20 testify for the purpose of reviewing the inspections. As a  
21 result of the hearing, the department may modify in whole  
22 or in part the findings of the inspections and the actions  
23 taken by the inspectors. Actions on review may be undertaken  
24 on an expedited basis in relation to other business of the  
25 department.

26     *c.* The requirements of an "out of service" notice shall be  
27 effective pending action by the department.

28     *d.* Upon petition of a carrier based upon good cause, the  
29 department may grant a request for an extension of time for  
30 compliance with an "out of service" notice issued or modified  
31 as provided under this subsection.

32     7. *Penalties.*

33     *a.* A violation of section 327F.10, 327F.11, or 327F.12 is  
34 punishable as a schedule "one" penalty under section 327C.5.

35     *b.* A violation of this section shall subject the violator to

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1 such civil or criminal penalties as may be provided by law.  
 2     *c.* Each day of noncompliance constitutes a separate  
 3 violation. If a locomotive or car which was properly equipped  
 4 by a carrier subsequently becomes defective or insecure while  
 5 in use by the carrier, the car or locomotive may be hauled as  
 6 necessary from the place where it is in use to the nearest  
 7 available point where the equipment can be repaired, and the  
 8 penalties imposed under this subsection shall not apply.

9     Sec. 5. RULES. The department of transportation shall adopt  
 10 rules it deems necessary to implement this Act.

11     Sec. 6. EFFECTIVE DATE. This Act takes effect January 1,  
 12 2012.

EXPLANATION

13  
 14     This bill concerns requirements and enforcement provisions  
 15 for minimum clearances along railroad tracks and safe spaces  
 16 along railroad rights-of-way.

17     CLEARANCE REQUIREMENTS. The bill establishes that the  
 18 minimum clearance above a railroad track used for transporting  
 19 freight is 22 feet. Exceptions are specified for tracks at  
 20 the entrance to or inside a building, tracks for the operation  
 21 of trains by electricity, and engine houses and certain other  
 22 facilities where compliance is not reasonably practicable.  
 23 The department of transportation is authorized to waive the  
 24 overhead clearance requirements for structures constructed  
 25 prior to January 1, 2012.

26     The bill establishes a minimum side clearance of 12 feet from  
 27 the center line of the track for structures and obstructions  
 28 above the top of the rail. Exceptions are specified for  
 29 platforms; sidings at entrances to or inside buildings;  
 30 switchboxes, switch-operating mechanisms, and accessories  
 31 for control or operation of signals or interlockers; center  
 32 spindles of signal and switch stands; through bridges; mail  
 33 cranes; icing platforms and supports; intertrack fences;  
 34 engine houses and certain other facilities where compliance  
 35 is not reasonably practicable; car retarders, derails, switch

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1 point projectors, guardrails, or similar appurtenances; and  
2 curve tracks. Structures constructed or under construction  
3 prior to January 1, 2012, may be maintained and extended at  
4 existing clearances, except in connection with reconstruction  
5 of the original platform.

6 The bill provides specific formulas for the modification of  
7 overhead and side clearances in relation to one another.

8 The bill establishes a minimum distance of 13 feet six  
9 inches between the center lines of parallel tracks, and the  
10 same required distance for yard and sidetracks. Specific  
11 requirements for main tracks and passing tracks, ladder tracks,  
12 and parallel team and house tracks are detailed in the bill.  
13 However, tracks constructed or under construction prior to  
14 January 1, 2012, may be extended with the existing distances  
15 between tracks.

16 The department of transportation is authorized to grant  
17 waivers from any of the clearance requirements upon the request  
18 of a carrier and upon a showing of good cause.

19 SAFE SPACES. The bill defines "safe space" as the area from  
20 the grade level to a distance of 22 feet six inches above the  
21 top of the head rail; a distance of eight feet six inches on  
22 both sides of a perpendicular from the center line of a track  
23 with a radius of not less than 400 feet lateral curvature; and  
24 a distance of nine feet on both sides of a perpendicular from  
25 the center line of a track with a radius of less than 400 feet  
26 lateral curvature. Safe spaces are required to be kept free of  
27 scrap iron, lumber, debris, vegetation higher than four inches,  
28 markedly uneven terrain, or any other material or condition  
29 which endangers employees.

30 CLOSE CLEARANCE WARNING DEVICES. The bill retains current  
31 requirements for the owner of a railroad track to place a  
32 warning device at a location where a close clearance between  
33 a train and a building or other object might physically  
34 impede a person lawfully riding on the side of a train from  
35 clearing the building or object. The bill applies the close

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1 clearance warning requirements to situations where a person is  
2 lawfully riding on the side of a cut of cars. Under current  
3 law, requirements for close clearance warning devices only  
4 apply to locations specified in rules by the department of  
5 transportation when funds are available to reimburse the owner  
6 of a railroad track for the cost of the close clearance warning  
7 device. The bill strikes that applicability provision.

8 ENFORCEMENT. The bill states that the close clearance  
9 and safe spaces requirements in the bill apply only to  
10 matters under the purview of the state and enforceable by the  
11 department of transportation, and do not apply to the exercise  
12 of the authority delegated to state enforcement personnel  
13 pursuant to federal law.

14 The bill provides that an inspector authorized by the  
15 department may declare a locomotive, car, or other facility  
16 to be "out of service" if it is found to be in a condition  
17 that poses a danger to a person or property or might cause  
18 a breakdown of equipment. In the case of a track or other  
19 facility where it is not practical to post a notice, a  
20 telephone or telegraphic notification to the owner of  
21 the affected track or facility may be substituted. The  
22 inspector must also furnish notice to the railroad immediately  
23 responsible for operation of the defective locomotive, car,  
24 track, or other facility, send a copy of the notice to the  
25 department, and retain one copy.

26 If an inspector determines the existence of a hazardous  
27 local track condition, the inspector is required to order a  
28 reduction in the maximum speed of a track, with notice to the  
29 owner of the track or the owner's agent.

30 The bill outlines the process for a railroad to make  
31 required repairs to defective track, locomotives, cars, or  
32 other facilities, bringing them into compliance with applicable  
33 regulations and resulting in removal of an "out of service"  
34 notice or a restriction on maximum speed imposed by an  
35 inspector.



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1 When an "out of service" notice is issued, a railroad may  
2 request a second inspection and, if the second inspection  
3 does not affirm or modify the findings of the original  
4 investigation, the second inspector must immediately remove  
5 the "out of service" notice, which ceases to be effective.  
6 If the findings of the original inspection are affirmed or  
7 modified, the railroad may, within 30 days, request a hearing  
8 with the department. The bill specifies that actions on review  
9 may be prioritized by the department according to the needs  
10 of the department's schedule. However, the requirements of  
11 an "out of service" notice remain effective pending action  
12 by the department. The department is authorized to grant a  
13 request for an extension of time for compliance with an "out of  
14 service" order upon petition of a carrier based on good cause.  
15 The bill provides that violations of close clearance,  
16 safe space, and close clearance warning requirements are  
17 punishable by a schedule "one" penalty under the penalty  
18 schedule applicable to carriers. A schedule "one" penalty is a  
19 \$100 fine. Violations of enforcement provisions may subject  
20 the violator to such penalties as may be provided by other  
21 law. Each day of noncompliance with the requirements of the  
22 bill constitutes a separate violation. If a locomotive or car  
23 which was properly equipped by a carrier subsequently becomes  
24 defective or insecure, it may be hauled to a nearby location  
25 for repair, and the penalties imposed by the bill do not apply.  
26 The bill requires the department of transportation to adopt  
27 rules it deems necessary for implementation of the bill.  
28 The bill takes effect January 1, 2012.



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House File 2213 - Introduced

HOUSE FILE 2213  
BY PETTENGILL, BALTIMORE, and  
R. OLSON

A BILL FOR

1 An Act concerning the administrative rules review committee and  
2 the rulemaking process.  
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5463YH (6) 84  
ec/rj



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1 Section 1. Section 17A.4, subsection 3, Code 2011, is  
2 amended to read as follows:

3 3. a. When an agency for good cause finds that notice and  
4 public participation would be unnecessary, impracticable, or  
5 contrary to the public interest, the provisions of subsection 1  
6 shall be inapplicable. The agency shall incorporate in each  
7 rule issued in reliance upon this provision either the finding  
8 and a brief statement of the reasons for the finding, or a  
9 statement that the rule is within a very narrowly tailored  
10 category of rules whose issuance has previously been exempted  
11 from subsection 1 by a special rule relying on this provision  
12 and including such a finding and statement of reasons for the  
13 entire category.

14 b. (1) If the administrative rules review committee by  
15 a two-thirds vote, the governor, or the attorney general  
16 files with the administrative code editor an objection to the  
17 adoption of ~~any a rule or portion of a rule~~ pursuant to this  
18 subsection, ~~that the rule or portion of the rule~~ shall cease  
19 to be effective one hundred eighty days after the date the  
20 objection was filed. A

21 (2) If the administrative rules review committee files with  
22 the administrative code editor an objection to the adoption of  
23 a rule or portion of a rule pursuant to this subsection, the  
24 administrative rules review committee, by a separate two-thirds  
25 vote, may suspend the applicability of the rule or portion  
26 of the rule until the rule ceases to be effective under this  
27 paragraph "b". The determination to suspend the applicability  
28 of the rule or portion of the rule shall be included in the copy  
29 of the objection to be forwarded to the agency.

30 c. If an objection to a rule is filed under this subsection,  
31 a copy of the objection, properly dated, shall be forwarded to  
32 the agency at the time of filing the objection. In any action  
33 contesting a rule or portion of a rule adopted pursuant to  
34 this subsection, the burden of proof shall be on the agency to  
35 show that the procedures of subsection 1 were impracticable,

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1 unnecessary, or contrary to the public interest and that, if a  
2 category of rules was involved, the category was very narrowly  
3 tailored.

4 Sec. 2. Section 17A.4, subsection 7, Code 2011, is amended  
5 to read as follows:

6 7. a. Upon the vote of two-thirds of its members the  
7 administrative rules review committee may delay the effective  
8 date of a rule or portion of a rule seventy days beyond that  
9 permitted in section 17A.5, unless the rule was promulgated  
10 under section 17A.5, subsection 2, paragraph "b". ~~This~~  
11 ~~provision shall be utilized by the committee only if further~~  
12 ~~time is necessary to study and examine the rule. If the~~  
13 rule was promulgated under section 17A.5, subsection 2,  
14 paragraph "b", the administrative rules review committee,  
15 within thirty-five days of the effective date of the rule and  
16 upon the vote of two-thirds of its members, may suspend the  
17 applicability of the rule or portion of the rule for seventy  
18 days.

19 b. Notice of an effective date that was delayed under this  
20 provision shall be published in the Iowa administrative code  
21 and bulletin.

22 Sec. 3. Section 17A.4, Code 2011, is amended by adding the  
23 following new subsection:

24 NEW SUBSECTION. 9. Upon the vote of two-thirds of its  
25 members, the administrative rules review committee, following  
26 notice of intended action as provided in subsection 1 and prior  
27 to adoption of a rule pursuant to that notice, may suspend  
28 further action relating to that notice for seventy days.  
29 Notice of a notice of intended action that was suspended under  
30 this provision shall be published in the Iowa administrative  
31 code and bulletin.

32 Sec. 4. Section 17A.8, subsection 4, Code 2011, is amended  
33 to read as follows:

34 4. a. ~~The committee shall choose a chairperson from its~~  
35 ~~membership and~~ prescribe its rules of procedure. The committee

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1 may employ a secretary or may appoint the administrative code  
 2 editor or a designee to act as secretary.

3 b. The chairperson of the committee shall be chosen as  
 4 provided in this paragraph. For the term commencing with the  
 5 convening of the first regular session of each general assembly  
 6 and ending upon the convening of the second regular session  
 7 of that general assembly, the chairperson shall be chosen by  
 8 the committee from its members who are members of the house of  
 9 representatives. For the term commencing with the convening  
 10 of the second regular session of each general assembly and  
 11 ending upon the convening of the first regular session of the  
 12 next general assembly, the chairperson shall be chosen by the  
 13 committee from its members who are members of the senate. A  
 14 vacancy shall be filled in the same manner as the original  
 15 appointment and shall be for the remainder of the unexpired  
 16 term of the vacancy.

17 Sec. 5. Section 17A.8, subsection 9, Code 2011, is amended  
 18 to read as follows:

19 9. a. Upon a vote of two-thirds of its members, the  
 20 administrative rules review committee may delay the effective  
 21 date of a rule or portion of a rule until the adjournment  
 22 of the next regular session of the general assembly, unless  
 23 the rule was promulgated under section 17A.5, subsection 2,  
 24 paragraph "b". If the rule was promulgated under section  
 25 17A.5, subsection 2, paragraph "b", the administrative rules  
 26 review committee, within thirty-five days of the effective date  
 27 of the rule and upon the vote of two-thirds of its members,  
 28 may suspend the applicability of the rule or portion of the  
 29 rule until the adjournment of the next regular session of the  
 30 general assembly.

31 b. The committee shall refer a rule or portion of a rule  
 32 whose effective date has been delayed or applicability has  
 33 been suspended to the speaker of the house of representatives  
 34 and the president of the senate who shall refer the delayed  
 35 or suspended rule or portion of the rule to the appropriate

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1 standing committees of the general assembly. A standing  
 2 committee shall review a the rule within twenty-one days  
 3 after the rule is referred to the committee by the speaker  
 4 of the house of representatives or the president of the  
 5 senate and shall take formal committee action by sponsoring  
 6 a joint resolution to disapprove the rule, by proposing  
 7 legislation relating to the rule, or by refusing to propose  
 8 a joint resolution or legislation concerning the rule. The  
 9 standing committee shall inform the administrative rules review  
 10 committee of the committee action taken concerning the rule.  
 11 If the general assembly has not disapproved of the rule by a  
 12 joint resolution, the rule shall become effective. The speaker  
 13 of the house of representatives and the president of the senate  
 14 shall notify the administrative code editor of the final  
 15 disposition of each rule or portion of a rule whose effective  
 16 date has been delayed or whose applicability has been suspended  
 17 pursuant to this subsection. If a the rule is disapproved, ~~it~~  
 18 the rule shall not ~~become~~ be effective and the agency shall  
 19 rescind the rule. ~~This section shall not apply to rules made~~  
 20 ~~effective under section 17A.5, subsection 2, paragraph "b".~~

EXPLANATION

22 This bill concerns the administrative rules review committee  
 23 (ARRC) relative to its powers concerning the rulemaking process  
 24 and the process of selecting a chairperson of the committee.

25 Code section 17A.4(3), concerning the adoption of a rule  
 26 without notice, is amended to provide that if the ARRC, upon  
 27 a two-thirds vote, objects to a rule, the ARRC, by a separate  
 28 two-thirds vote, may also suspend the applicability of the rule  
 29 until the rule ceases to be effective. In addition, the bill  
 30 provides that the ARRC may object to a portion of a rule. Under  
 31 current law, the rule ceases to be effective 180 days after the  
 32 date the objection is filed by the ARRC.

33 Code section 17A.4(7), concerning the 70-day delay  
 34 authority of the ARRC, is amended to provide that the ARRC  
 35 may, upon a two-thirds vote, suspend the applicability of a

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1 rule promulgated under Code section 17A.5(2)(b), (so-called  
2 emergency rulemaking) for 70 days. The bill provides that  
3 action to suspend the applicability of a rule under this new  
4 provision must be taken within 35 days of the effective date  
5 of the rule. In addition, the bill provides that the ARRC may  
6 utilize the 70-day delay authority regardless of the reason  
7 for the delay and for a portion of a rule. Under current law,  
8 rules promulgated under Code section 17A.5(2)(b) take effect  
9 upon filing and are not subject to the 70-day delay authority  
10 of the ARRC.

11 Code section 17A.4, new subsection 9, provides that the  
12 ARRC, upon a two-thirds vote, may suspend for 70 days further  
13 action relating to a notice of intended action filed by an  
14 agency. Under current law, the ARRC has no authority relating  
15 to a notice of intended action filed with the ARRC until the  
16 adopted rule is filed with the ARRC following this notice.

17 Code section 17A.8(4), concerning the selection of the  
18 chairperson of the ARRC, is amended. The bill provides that  
19 the chairperson for the term commencing with the convening  
20 of the first regular session of each general assembly and  
21 ending upon the convening of the second regular session of that  
22 general assembly shall be chosen by the committee from its  
23 members who are members of the house of representatives. The  
24 chairperson for the term commencing with the convening of the  
25 second regular session of each general assembly and ending upon  
26 the convening of the first regular session of the next general  
27 assembly shall be chosen by the committee from its members  
28 who are members of the senate. Current law provides that the  
29 chairperson shall be selected by the ARRC from the membership  
30 of the ARRC.

31 Code section 17A.8(9), concerning the session delay  
32 authority of the ARRC, is amended to provide that the ARRC,  
33 upon a two-thirds vote, may suspend the applicability of  
34 a rule promulgated under Code section 17A.5(2)(b), until  
35 the adjournment of the next regular session of the general

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1 assembly. The bill also provides that action to suspend the  
2 applicability of a rule under this new provision must be taken  
3 within 35 days of the effective date of the rule. In addition,  
4 the bill provides that the ARRC may utilize the session delay  
5 authority for a portion of a rule. Under current law, rules  
6 promulgated under Code section 17A.5(2)(b) take effect upon  
7 filing and are not subject to the session delay authority of  
8 the ARRC.



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House File 2214 - Introduced

HOUSE FILE 2214  
BY COMMITTEE ON TRANSPORTATION

(SUCCESSOR TO HF 2048)

A BILL FOR

- 1 An Act prohibiting the use of automated traffic law enforcement
- 2 systems, and including effective date provisions.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5038HV (2) 84  
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1 Section 1. **NEW SECTION. 321.5A Automated traffic law**  
2 **enforcement systems prohibited.**

3 1. The department or a local authority shall not place  
4 or cause to be placed on or adjacent to a street or highway,  
5 or maintain or employ the use of, an automated traffic law  
6 enforcement system for the enforcement of any provision of this  
7 chapter or any local ordinance relating to vehicular traffic or  
8 to prove a violation of any such provision or ordinance.

9 2. For purposes of this section, *“automated traffic law*  
10 *enforcement system”* means a device with one or more sensors  
11 working in conjunction with a traffic control signal or device  
12 or a speed-measuring device to produce recorded images of  
13 vehicles being operated in violation of traffic or speed laws.  
14 *“Automated traffic law enforcement system”* does not include a  
15 device operated in the presence of a peace officer or a device  
16 mounted on a school bus and operated in the presence of the  
17 driver of the school bus.

18 Sec. 2. **TERMINATION OF AUTOMATED TRAFFIC LAW ENFORCEMENT**  
19 **PROGRAMS — REMOVAL OF SYSTEMS — VALIDITY OF PRIOR NOTICES AND**  
20 **CITATIONS.**

21 1. A local authority using an automated traffic law  
22 enforcement system shall discontinue using the system on or  
23 before the effective date of this Act. A local authority shall  
24 remove all automated traffic law enforcement system equipment  
25 from the highways on or before July 1, 2012.

26 2. As of the effective date of this Act, all local  
27 ordinances authorizing the use of an automated traffic law  
28 enforcement system are void. However, notices of violations  
29 mailed or citations issued pursuant to such an ordinance  
30 prior to the date the ordinance becomes void shall not be  
31 invalidated under this Act and shall be processed according to  
32 the provisions of the law under which they were authorized.

33 Sec. 3. **EFFECTIVE UPON ENACTMENT.** This Act, being deemed of  
34 immediate importance, takes effect upon enactment.

35

EXPLANATION

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1 This bill prohibits the use of automated traffic law  
2 enforcement systems in Iowa.

3 Automated traffic law enforcement systems, commonly known  
4 as "red light cameras" or "speed cameras", are devices with  
5 one or more sensors which work in conjunction with a traffic  
6 control signal or device or a speed-measuring device to produce  
7 recorded images of vehicles being operated in violation of  
8 traffic or speed laws. The bill specifies that the term  
9 "automated traffic law enforcement system" does not include a  
10 device operated in the presence of a peace officer or a device  
11 mounted on a school bus and operated in the presence of the  
12 school bus driver.

13 The bill requires that a local authority currently using  
14 an automated traffic law enforcement system shall discontinue  
15 using the system on or before the effective date of the bill.  
16 All automated traffic law enforcement system equipment must be  
17 removed from the highways by July 1, 2012.

18 A local authority's ordinance authorizing the use of  
19 automated traffic law enforcement systems is void on the  
20 effective date of the bill, but notices of violations mailed  
21 or citations issued under such an ordinance shall not be  
22 invalidated and shall be processed according to the prior law.

23 The bill is effective upon enactment.



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House Study Bill 592 - Introduced

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

A BILL FOR

- 1 An Act regulating the sale of portable electronics insurance,
- 2 including by requiring licensure, and providing for fees and
- 3 penalties.
- 4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 6008YC (2) 84  
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- 1 Section 1. **NEW SECTION. 522D.1 Definitions.**  
2 As used in this chapter, unless the context otherwise  
3 requires:
- 4 1. "*Commissioner*" means the commissioner of insurance.
  - 5 2. "*Customer*" means a person who purchases portable  
6 electronics.
  - 7 3. "*Enrolled customer*" means a customer who elects coverage  
8 under a portable electronics insurance policy issued to a  
9 vendor of portable electronics.
  - 10 4. "*Location*" means any physical location in this state, or  
11 any website, call center site, or similar location directed to  
12 residents of this state.
  - 13 5. "*Portable electronics*" means electronic devices that are  
14 portable in nature, and the accessories and services related to  
15 the use of such devices.
  - 16 6. *a. "Portable electronics insurance"* means insurance  
17 providing coverage for the repair or replacement of portable  
18 electronics which may include coverage against any one or more  
19 of the following causes of loss:
    - 20 (1) Property loss.
    - 21 (2) Theft.
    - 22 (3) Inoperability due to mechanical failure.
    - 23 (4) Malfunction.
    - 24 (5) Damage.
    - 25 (6) Other similar causes of loss.
  - 26 *b. "Portable electronics insurance"* does not include any of  
27 the following:
    - 28 (1) A service contract or extended warranty providing  
29 coverage limited to the repair, replacement, or maintenance  
30 of property for the operational or structural failure of the  
31 property due to a defect in materials, workmanship, accidental  
32 damage from handling power surges, or normal wear and tear.
    - 33 (2) A policy of insurance coverage of a seller's or  
34 manufacturer's obligations under a warranty.
    - 35 (3) A homeowner's, renter's, private passenger automobile,

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1 commercial multiperil, or similar insurance policy.  
 2 7. *“Portable electronics transaction”* means any of the  
 3 following:  
 4 a. The sale or lease of portable electronics by a vendor to  
 5 a customer.  
 6 b. The sale of a service related to the use of portable  
 7 electronics by a vendor to a customer.  
 8 8. *“Supervising entity”* means a business entity that is  
 9 a licensed insurer or an insurance producer licensed under  
 10 chapter 522B, that is appointed by an insurer to supervise the  
 11 administration of a portable electronics insurance program.  
 12 9. *“Vendor”* means a person in the business of engaging in  
 13 portable electronics transactions, directly or indirectly.  
 14 **Sec. 2. NEW SECTION. 522D.2 Licensure of vendors.**  
 15 1. A vendor shall obtain a portable electronics limited  
 16 lines insurance license as required under this chapter to  
 17 sell or offer for sale coverage under a policy of portable  
 18 electronics insurance.  
 19 2. A portable electronics limited lines insurance license  
 20 issued to a vendor pursuant to this chapter authorizes any  
 21 employee or authorized representative of the vendor to sell or  
 22 offer coverage under a policy of portable electronics insurance  
 23 to a customer at each location at which the vendor engages in  
 24 portable electronics transactions.  
 25 3. A supervising entity shall maintain a registry of vendor  
 26 locations that are authorized to sell or solicit portable  
 27 electronics insurance in this state. Upon request by the  
 28 commissioner and with ten days’ notice to the supervising  
 29 entity, the registry shall be open to inspection and  
 30 examination by the commissioner during regular business hours  
 31 of the supervising entity.  
 32 4. Notwithstanding any other provision of law to the  
 33 contrary, a portable electronics limited lines insurance  
 34 license issued pursuant to this chapter authorizes the licensee  
 35 and its employees or authorized representatives to engage in

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1 those activities that are permitted in this chapter.  
 2     Sec. 3. NEW SECTION. 522D.3 Requirements for sale of  
 3 portable electronics insurance.  
 4     1. At every location where portable electronics insurance  
 5 is offered to customers, brochures or other written materials  
 6 that do all of the following shall be made available to  
 7 prospective customers:  
 8     a. Disclose that portable electronics insurance may provide  
 9 a duplication of coverage already provided by the customer's  
 10 homeowner's insurance policy, renter's insurance policy, or  
 11 other source of insurance coverage.  
 12     b. State that enrollment by the customer in a portable  
 13 electronics insurance program is not required in order to  
 14 purchase or lease portable electronics.  
 15     c. Summarize the material terms of the portable electronics  
 16 insurance coverage including all of the following:  
 17         (1) The identity of the insurer.  
 18         (2) The identity of the supervising entity.  
 19         (3) The amount of any applicable deductible and how it is  
 20 to be paid.  
 21         (4) Benefits of the coverage.  
 22         (5) Key terms and conditions of coverage such as whether  
 23 portable electronics may be repaired or replaced with similar  
 24 make and model reconditioned or nonoriginal manufacturer parts  
 25 or equipment.  
 26     d. Summarize the process for filing a claim, including  
 27 a description of how to return portable electronics and the  
 28 maximum fee applicable in the event the customer fails to  
 29 comply with any equipment return requirements.  
 30     e. State that an enrolled customer may cancel enrollment for  
 31 coverage under a portable electronics insurance policy at any  
 32 time and the person paying the premium shall receive a refund  
 33 or credit of any applicable unearned premium.  
 34     2. Portable electronics insurance may be offered on a  
 35 month-to-month or other periodic basis as a group or master

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1 commercial inland marine policy issued to a vendor for its  
2 enrolled customers.

3 3. The commissioner of insurance shall establish  
4 eligibility and underwriting standards for customers electing  
5 to enroll in coverage for each portable electronics insurance  
6 program.

7 Sec. 4. NEW SECTION. 522D.4 Authority of vendors.

8 1. The employees and authorized representatives of a vendor  
9 may sell or offer portable electronics insurance to customers  
10 and shall not be subject to licensure under this chapter or as  
11 an insurance producer under chapter 522B provided that all of  
12 the following requirements are met:

13 a. The vendor obtains a portable electronics limited lines  
14 insurance license that authorizes the vendor's employees  
15 or authorized representatives to sell or offer portable  
16 electronics insurance pursuant to this chapter.

17 b. The insurer issuing the portable electronics insurance  
18 either directly supervises the administration of the portable  
19 electronics insurance program or appoints a supervising entity  
20 to supervise the administration of the program, including  
21 development of a training program for employees and authorized  
22 representatives of the vendor. The training required by this  
23 paragraph shall comply with all of the following requirements:

24 (1) The training shall be delivered to employees and  
25 authorized representatives of a vendor who are directly engaged  
26 in the activity of selling or offering for sale portable  
27 electronics insurance.

28 (2) The training may be offered in electronic form.  
29 However, if the training is conducted in electronic form, the  
30 supervising entity shall implement a supplemental education  
31 program for employees and authorized representatives of  
32 the vendor regarding the portable electronics insurance  
33 product that is conducted and overseen by an employee of the  
34 supervising entity who is an insurance producer licensed under  
35 chapter 522B.



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1       (3) Each employee and authorized representative of a vendor  
2 shall receive basic instruction about the portable electronics  
3 insurance offered to customers and the disclosures required  
4 under section 522D.3.

5       *c.* An employee or authorized representative of a vendor  
6 shall not advertise, represent, or otherwise hold the employee  
7 or authorized representative out as being a licensed insurance  
8 producer under chapter 522B.

9       2. *a.* Charges for portable electronics insurance coverage  
10 may be billed and collected by the vendor. Any charge to an  
11 enrolled customer for coverage that is not included in the cost  
12 associated with the purchase or lease of portable electronics  
13 shall be separately itemized on the enrolled customer's bill.  
14 If the portable electronics insurance is included with the  
15 purchase or lease of portable electronics, the vendor shall  
16 clearly and conspicuously disclose to the enrolled customer  
17 that the portable electronics insurance is included with the  
18 portable electronics.

19       *b.* A vendor that bills and collects charges for portable  
20 electronics insurance shall not be required to maintain such  
21 funds in a segregated account provided that the vendor is  
22 authorized by the insurer to hold such funds in an alternative  
23 manner and remits such amounts to the supervising entity within  
24 sixty days of receipt.

25       *c.* All funds received by a vendor from an enrolled customer  
26 for the purchase of portable electronics insurance shall be  
27 considered funds held in trust by the vendor in a fiduciary  
28 capacity for the benefit of the insurer. A vendor may receive  
29 compensation for billing and collection services.

30       Sec. 5. NEW SECTION. **522D.5 Penalties — suspension or**  
31 **revocation of license.**

32       If a vendor or the vendor's employee or authorized  
33 representative violates any provision of this chapter, the  
34 commissioner may do any of the following:

35       1. After notice and hearing, impose penalties not to exceed



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1 five hundred dollars per violation or five thousand dollars in  
2 the aggregate for such violations.

3 2. After notice and hearing, take other affirmative action  
4 that the commissioner deems necessary and reasonable to carry  
5 out the purposes of this chapter, including the following:

6 a. Suspend the privilege of selling or offering for sale  
7 portable electronics insurance pursuant to this chapter at  
8 specific business locations where violations of this chapter  
9 have occurred.

10 b. Suspend or revoke the ability of an individual employee  
11 or authorized representative to sell or offer for sale portable  
12 electronics insurance pursuant to the portable electronics  
13 limited lines insurance license of a vendor.

14 **Sec. 6. NEW SECTION. 522D.6 Termination of portable**  
15 **electronics insurance.**

16 Notwithstanding any other provision of law to the contrary:

17 1. An insurer may terminate or otherwise change the terms  
18 and conditions of a policy of portable electronics insurance  
19 only upon providing the vendor and enrolled customers with at  
20 least thirty days' notice of such termination or change.

21 2. If the insurer changes the terms and conditions of a  
22 policy of portable electronics insurance, the insurer shall  
23 provide the vendor with a revised policy or endorsement and  
24 each enrolled customer with a revised certificate, endorsement,  
25 updated brochure, or other evidence indicating that a change in  
26 the terms and conditions of the policy has occurred along with  
27 a summary of material changes.

28 3. Notwithstanding subsection 1, an insurer may terminate  
29 an enrolled customer's enrollment under a portable electronics  
30 insurance policy with fifteen days' notice upon discovery of  
31 fraud or material misrepresentation in obtaining coverage or in  
32 the presentation of a claim under that coverage.

33 4. Notwithstanding subsection 1, an insurer may immediately  
34 terminate an enrolled customer's enrollment under a portable  
35 electronics insurance policy for any of the following reasons:

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- 1     *a.* Nonpayment of premium.
- 2     *b.* If the enrolled customer ceases to have active service  
3 with the vendor.
- 4     *c.* If the enrolled customer exhausts the aggregate limit of  
5 liability, if any, under the terms of the portable electronics  
6 insurance policy and the insurer sends notice of termination to  
7 the enrolled customer within thirty days after exhaustion of  
8 the limit. However, if notice is not timely sent, enrollment  
9 shall continue notwithstanding the aggregate limit of liability  
10 until the insurer sends notice of termination to the enrolled  
11 customer.
- 12     5. If a portable electronics insurance policy is terminated  
13 by a vendor, the vendor shall mail or deliver written notice  
14 to each enrolled customer advising the enrolled customer  
15 of the termination of the policy and the effective date of  
16 termination. The written notice shall be mailed or delivered  
17 to the enrolled customer at least thirty days prior to the  
18 termination.
- 19     6. *a.* Whenever notice or correspondence with respect to a  
20 policy of portable electronics insurance is required pursuant  
21 to this section or is otherwise required by law, the notice  
22 or correspondence shall be in writing and sent within the  
23 notice period, if any, specified in the statute or regulation  
24 requiring the notice or correspondence.
- 25     *b.* Notwithstanding any other provision of law to the  
26 contrary, notices and correspondence may be sent by mail or by  
27 electronic means as set forth in this paragraph "b".
- 28     (1) If the notice or correspondence is sent by mail, it  
29 shall be sent to the vendor at the vendor's mailing address  
30 specified for such purpose and to the affected enrolled  
31 customers at their last known mailing addresses on file with  
32 the insurer. The insurer or vendor, as the case may be, shall  
33 maintain proof of mailing in a form authorized or accepted  
34 by the United States postal service or other commercial mail  
35 delivery service.



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1       (2) If the notice or correspondence is sent by electronic  
2 means, it shall be sent to the vendor at the vendor's  
3 electronic mail address specified for such purpose and to the  
4 affected enrolled customers at their last known electronic mail  
5 address as provided by each enrolled customer to the insurer or  
6 vendor, as the case may be. For purposes of this subparagraph,  
7 an enrolled customer's provision of an electronic mail address  
8 to an insurer or vendor shall be deemed consent to receive  
9 notices and correspondence by electronic means. The insurer or  
10 vendor, as the case may be, shall maintain proof that a notice  
11 or correspondence was sent by electronic means to an enrolled  
12 customer.

13       7. Notice or correspondence required by this section or  
14 otherwise required by law may be sent on behalf of an insurer  
15 or vendor, as the case may be, by the supervising entity  
16 appointed by the insurer.

17       Sec. 7. NEW SECTION. **522D.7 Application for license —**  
18 **fees.**

19       1. If a vendor is selling or offering to sell or will  
20 sell or offer to sell portable electronics insurance in this  
21 state, the vendor shall submit a sworn application for a  
22 portable electronics limited lines insurance license to the  
23 commissioner on an application form prescribed and furnished by  
24 the commissioner.

25       2. The application form shall include the following  
26 information:

27       *a.* The name, residence address, and other information  
28 required by the commissioner for an employee or officer of  
29 the vendor that is designated by the vendor as the person  
30 responsible for or who will be responsible for the vendor's  
31 compliance with the requirements of this chapter. However, if  
32 the vendor derives more than fifty percent of its revenue from  
33 the sale of portable electronics insurance, the information  
34 required in this paragraph shall be provided for all officers,  
35 directors, and shareholders of record of the vendor that have





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1 "Portable electronics insurance" is insurance that provides  
2 coverage for the repair or replacement of portable electronics  
3 including various causes of loss. "Portable electronics  
4 insurance" does not include a service contract or extended  
5 warranty, a seller's or manufacturer's warranty obligations,  
6 or other insurance such as homeowner's, renter's, automobile,  
7 or commercial multiperil insurance. Vendors of portable  
8 electronics sell or offer for sale such insurance pursuant  
9 to a policy issued to the vendor by an insurer that offers  
10 such coverage. The bill applies to vendors that have physical  
11 locations in the state, as well as any website, call center  
12 site, or similar location directed to residents of this state.

13 Vendors are required to obtain a portable electronics  
14 limited lines insurance license as required under new Code  
15 chapter 522D to sell or offer for sale coverage under a  
16 portable electronics insurance policy. Such a license  
17 issued to a vendor authorizes any employee or authorized  
18 representative of the vendor to sell or offer the insurance  
19 coverage at each location in the state where the vendor  
20 sells portable electronics. A "supervising entity" that is  
21 a licensed insurer or licensed insurance producer under Code  
22 chapter 522B must maintain a registry of vendor locations at  
23 which portable electronics insurance is sold or solicited that  
24 is available for inspection by the commissioner of insurance.

25 Vendors that sell portable electronics insurance are  
26 required to offer written materials to customers that disclose  
27 certain specified information about the insurance that is being  
28 offered. Such insurance may be offered on a month-to-month or  
29 other periodic basis. Eligibility and underwriting standards  
30 must be established for each portable electronics insurance  
31 program by the commissioner of insurance.

32 Employees and authorized representatives of a vendor may  
33 sell or offer portable electronics insurance to customers  
34 and are not subject to licensure under new Code chapter  
35 522D or Code chapter 522B if certain training and oversight

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1 requirements are met by the insurer and the supervising entity  
2 appointed by the insurer.

3 A vendor may bill and collect charges for portable  
4 electronics insurance and be paid for doing so but is  
5 considered to hold any funds collected in trust for the  
6 insurer.

7 The commissioner of insurance may subject a vendor or the  
8 vendor's employees or authorized representatives to penalties  
9 for violations of the Code chapter not to exceed \$500 per  
10 violation or \$5,000 in the aggregate. The commissioner may  
11 also suspend the vendor's privilege of selling the insurance  
12 at specific locations of the vendor or suspend or revoke  
13 the selling privileges of a specific employee or authorized  
14 representative of a vendor.

15 An insurer cannot terminate or otherwise change the terms of  
16 a portable electronics insurance policy without giving notice  
17 to the vendor and enrolled customers as provided in the bill.  
18 Notice may be sent in writing by mail or by electronic means.

19 A vendor who is selling or offering to sell or will sell  
20 or offer to sell portable electronics insurance in this state  
21 must submit a sworn application for a portable electronics  
22 limited lines insurance license to the commissioner. A vendor  
23 who is engaging in the sale of such insurance on or before the  
24 effective date of the bill must apply for a license within  
25 90 days of the date the application form is made available  
26 by the commissioner of insurance. Any vendor that commences  
27 operations in the state after the effective date of the bill  
28 must obtain a license prior to selling or offering for sale  
29 portable electronics insurance.

30 Portable electronics limited lines insurance licenses shall  
31 be valid for 24 months and shall not exceed \$1,000 for an  
32 initial license or \$500 for a renewal of the license, except  
33 that if a vendor has 10 or fewer locations in the state, the  
34 license cost shall not exceed \$100 for an initial license and  
35 for each renewal of the license.

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1 The commissioner of insurance is required to adopt rules  
2 pursuant to Code chapter 17A to implement and administer the  
3 provisions of the bill.



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House Study Bill 593 - Introduced

HOUSE FILE \_\_\_\_\_  
BY (PROPOSED COMMITTEE ON  
ECONOMIC GROWTH/REBUILD  
IOWA BILL BY CHAIRPERSON  
GRASSLEY)

A BILL FOR

- 1 An Act creating the manufactured housing program fund.
- 2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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1 Section 1. NEW SECTION. 16.100B **Manufactured housing**  
2 **program fund.**

3 1. A manufactured housing program fund is created within the  
4 authority to further the goal of providing affordable housing  
5 to Iowans. The moneys in the fund are annually appropriated to  
6 the authority for the purpose of providing funding to financing  
7 agents or financial institutions to finance the purchase by  
8 an individual of a manufactured home that is in compliance  
9 with all laws, rules, and standards that are applicable to  
10 manufactured homes and manufactured housing.

11 2. Moneys received by the authority for the manufactured  
12 housing program fund, transferred by the authority for deposit  
13 in the fund, appropriated to the fund, and any other moneys  
14 available to and obtained or accepted by the authority for  
15 placement in the fund shall be deposited in the fund and  
16 are appropriated to the authority to be used as set forth  
17 in this section. Additionally, recapture of awards and  
18 other repayments to the fund shall be deposited in and are  
19 appropriated to the fund. Notwithstanding section 8.33,  
20 unencumbered or unobligated moneys remaining in the fund on  
21 June 30 of any fiscal year shall not revert to any other fund  
22 but shall be available for expenditure in subsequent years.  
23 Notwithstanding section 12C.7, interest or earnings on moneys  
24 in the fund or appropriated to the fund shall be credited to  
25 the fund.

26 3. The authority shall allocate moneys available in the  
27 manufactured housing program fund to financing agents or  
28 financial institutions to be used as set forth in subsection  
29 1. The authority may provide funding to a financing agent or  
30 financial institution in the form of loans, linked deposits,  
31 guarantees, reserve funds, or any other prudent financial  
32 instruments.

33 4. The authority shall adopt rules pursuant to chapter  
34 17A including but not limited to eligibility requirements for  
35 financing agents or financial institutions to receive funding

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1 through the manufactured housing program fund and any other  
2 rules necessary to implement and administer this section.

3 5. For purposes of this section, "*manufactured home*" or  
4 "*manufactured housing*" means the same as defined in section  
5 435.1.

6 EXPLANATION

7 This bill creates the manufactured housing program fund  
8 within the Iowa finance authority to further the goal of  
9 providing affordable housing to Iowans. The moneys in the fund  
10 are annually appropriated to the authority for the purpose of  
11 providing funding to financing agents or financial institutions  
12 to finance the purchase by an individual of a manufactured  
13 home that is in compliance with all applicable laws, rules,  
14 and standards that are applicable to manufactured homes and  
15 manufactured housing.

16 The authority is required to allocate the moneys in the fund  
17 to financing agents and financial institutions to meet the  
18 purposes set forth in the bill and may provide funding in the  
19 form of loans, linked deposits, guarantees, reserve funds, or  
20 any other prudent financial instruments.

21 The authority is required to adopt rules that include but  
22 are not limited to eligibility requirements for financing  
23 agents and financial institutions to receive funding, and any  
24 other rules that are necessary to implement and administer the  
25 provisions of the bill.

26 For purposes of the bill, "*manufactured home*" or  
27 "*manufactured housing*" means a factory-built structure  
28 constructed under authority of 42 U.S.C. § 5403, that is  
29 required by federal law to display a seal from the United  
30 States department of housing and urban development, and was  
31 constructed on or after June 15, 1976.



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House Study Bill 594 - Introduced

HOUSE FILE \_\_\_\_\_  
BY (PROPOSED COMMITTEE ON  
ENVIRONMENTAL PROTECTION  
BILL BY CHAIRPERSON OLSON)

A BILL FOR

- 1 An Act relating to pollution prevention and waste management
- 2 assistance.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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1 Section 1. Section 455B.481, subsections 1 through 3, Code  
2 2011, are amended to read as follows:

3 1. The purpose of this part is to promote the proper and  
4 ~~safe storage, treatment, and disposal~~ management of solid,  
5 hazardous, and low-level radioactive wastes in Iowa. The  
6 ~~management of these wastes generated within Iowa is the~~  
7 ~~responsibility of Iowans. It is the intent of the general~~  
8 ~~assembly that Iowans assume this responsibility to the extent~~  
9 ~~consistent with the protection of public health, safety, and~~  
10 ~~the environment, and that Iowans insure that waste management~~  
11 ~~practices, as alternatives to land disposal, including source~~  
12 ~~reduction, recycling, compaction, incineration, and other forms~~  
13 ~~of waste reduction, are employed.~~

14 2. ~~It is also the intent of the general assembly that a~~  
15 ~~comprehensive waste management plan be established by the~~  
16 ~~department which includes: the determination of need and~~  
17 ~~adequate regulatory controls prior to the initiation of site~~  
18 ~~selection; the process for selecting a superior site determined~~  
19 ~~to be necessary; the establishment of a process for a site~~  
20 ~~community to submit or present data, views, or arguments~~  
21 ~~regarding the selection of the operator and the technology~~  
22 ~~that best ensures proper facility operation; the prohibition~~  
23 ~~of shallow land burial of hazardous and low-level radioactive~~  
24 ~~wastes; the establishment of a regulatory framework for a~~  
25 ~~facility; and the establishment of provisions for the safe~~  
26 ~~and orderly development, operation, closure, postclosure, and~~  
27 ~~long-term monitoring and maintenance of the facility.~~

28 3. 2. ~~In order to meet capacity assurance requirements~~  
29 ~~of section 104k of the federal Superfund Amendments and~~  
30 ~~Reauthorization Act of 1986, Pub. L. No. 99-499, and further~~  
31 ~~the objectives of waste minimization, the The department,~~  
32 ~~in cooperation with the small business assistance center at~~  
33 ~~the university of northern Iowa, shall work with generators~~  
34 ~~of hazardous wastes in the state to develop and implement~~  
35 ~~aggressive waste minimization programs. The goal of these~~



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1 ~~programs is to reduce the volume of hazardous waste generated~~  
 2 ~~in the state as a whole by twenty-five percent of the amount~~  
 3 ~~generated as of January 1, 1987, as reported in the biennial~~  
 4 ~~reports collected by the United States environmental protection~~  
 5 ~~agency. The twenty-five percent reduction goal shall be~~  
 6 ~~reached as expeditiously as possible and no later than July~~  
 7 ~~1, 1994. In meeting the reduction goal, elements "a" through~~  
 8 ~~"d" of the hazardous waste management hierarchy shall be~~  
 9 ~~utilized. The department, in cooperation with the small~~  
 10 ~~business assistance center, shall reassess the twenty-five~~  
 11 ~~percent reduction goal in 1994. The department shall promote~~  
 12 ~~research and development, provide and promote educational~~  
 13 ~~and informational programs, promote and encourage provide~~  
 14 confidential, voluntary technical assistance to hazardous waste  
 15 generators, promote assistance by the small business assistance  
 16 center, and promote other activities by the public and private  
 17 sectors that support this goal. ~~In the promotion of the goal,~~  
 18 the following hazardous waste management pollution prevention  
 19 hierarchy, in descending order of preference, ~~is established~~  
 20 ~~by the department:~~

- 21 a. Source reduction for waste elimination.
- 22 b. Reuse.
- 23 c. On-site recycling.
- 24 ~~e.~~ d. Off-site recycling.
- 25 ~~d.~~ e. Waste treatment.
- 26 ~~e.~~ f. Incineration Combustion with energy recovery.
- 27 ~~f.~~ g. Land disposal.

28 Sec. 2. Section 455B.481, subsections 4 and 5, Code 2011,  
 29 are amended by striking the subsections.

30 Sec. 3. Section 455B.482, Code 2011, is amended by adding  
 31 the following new subsection:

32 NEW SUBSECTION. 7A. "Pollution prevention" means employment  
 33 of a practice that reduces the industrial use of toxic  
 34 substances or reduces the environmental and health hazards  
 35 associated with an environmental waste without diluting or



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1 concentrating the waste before the release, handling, storage,  
2 transport, treatment, or disposal of the waste.

3 Sec. 4. Section 455B.484, Code 2011, is amended by adding  
4 the following new subsection:

5 NEW SUBSECTION. 1A. Implement the waste management policy  
6 provided in section 455B.481.

7 Sec. 5. Section 455B.484, subsections 2, 3, 4, 6, 7, 9, and  
8 10, Code 2011, are amended by striking the subsections.

9 Sec. 6. Section 455B.484A, subsection 1, paragraph c, Code  
10 2011, is amended to read as follows:

11 *c.* "Assistance program" means the ~~waste reduction assistance~~  
12 pollution prevention program of the department or of the Iowa  
13 waste reduction center for safe and economic management of  
14 solid waste and hazardous substances conducted pursuant to  
15 section 268.4.

16 Sec. 7. Section 455B.485, subsections 3 and 5, Code 2011,  
17 are amended by striking the subsections.

18 Sec. 8. Section 455B.486, subsection 1, Code 2011, is  
19 amended by striking the subsection.

20 Sec. 9. Section 455B.487, unnumbered paragraph 1, Code  
21 2011, is amended to read as follows:

22 The commission shall adopt rules establishing criteria for  
23 the identification of land areas or sites which are suitable  
24 for the operation of facilities for the management of ~~hazardous~~  
25 ~~and~~ low-level radioactive wastes. Upon request, the department  
26 shall assist in locating suitable sites for the location of  
27 a facility. The commission may purchase or condemn land to  
28 be leased or used for the operation of a facility subject to  
29 chapter 6A. Consideration for a contract for purchase of land  
30 shall not be in excess of funds appropriated by the general  
31 assembly for that purpose. The commission may lease land  
32 purchased under this section to any person including the state  
33 or a state agency. This section authorizes the state to own or  
34 operate ~~hazardous waste facilities and~~ low-level radioactive  
35 waste facilities, subject to the approval of the general



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1 assembly.

2 Sec. 10. Section 455B.487, unnumbered paragraph 11, Code  
 3 2011, is amended by striking the unnumbered paragraph.

4 Sec. 11. Section 455B.487, subsections 1 through 3, Code  
 5 2011, are amended by striking the subsections.

6 Sec. 12. Section 455D.1, Code 2011, is amended by adding the  
 7 following new subsection:

8 NEW SUBSECTION. 4A. "*Pollution prevention techniques*" means  
 9 any of the following practices employed by the user of a toxic  
 10 substance:

11 *a.* Input substitution, which is the replacement of a toxic  
 12 substance or raw material used in a production process with a  
 13 nontoxic or less toxic substance.

14 *b.* Product reformulation, which is the substitution of an  
 15 end product which is nontoxic or less toxic upon use or release  
 16 for an existing end product.

17 *c.* Production process redesign or modification, which is  
 18 the development and use of production processes of a different  
 19 design other than those currently in use.

20 *d.* Production process modernization, which is the upgrading  
 21 or replacing of existing production process equipment or  
 22 methods with other equipment or methods based on the same  
 23 production process.

24 *e.* Improved operation and maintenance of existing production  
 25 process equipment and methods, which is the modification or  
 26 addition to existing equipment or methods, including but not  
 27 limited to such techniques as improved housekeeping practices,  
 28 system adjustments, product and process inspections, and  
 29 production process control equipment or methods.

30 *f.* Recycling, reuse, or extended use of toxic substances by  
 31 using equipment or methods that become an integral part of the  
 32 production process.

33 Sec. 13. Section 455D.7, subsection 1, Code 2011, is amended  
 34 to read as follows:

35 1. Unless otherwise specified in this chapter, adopt rules



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1 necessary to implement this chapter pursuant to chapter 17A.  
2 ~~Initial rules shall be adopted no later than April 1, 1992.~~

3 Sec. 14. Section 455D.7, subsection 4, Code 2011, is amended  
4 by striking the subsection.

5 Sec. 15. Section 455D.15, subsection 2, Code Supplement  
6 2011, is amended by striking the subsections and inserting in  
7 lieu thereof the following:

8 2. The fund shall be utilized by the department for  
9 providing technical assistance to Iowa businesses in developing  
10 and implementing pollution prevention techniques.

11 Sec. 16. Section 455D.15, subsection 3, Code Supplement  
12 2011, is amended by striking the subsection.

13 Sec. 17. Section 455E.8, subsections 2 and 3, Code 2011, are  
14 amended by striking the subsections.

15 Sec. 18. REPEAL. Sections 455B.516, 455B.517, and  
16 455B.518, Code 2011, are repealed.

EXPLANATION

17  
18 This bill relates to pollution prevention and waste  
19 management assistance.

20 The bill amends the waste management assistance provisions  
21 of Code chapter 455B by updating the waste management policy.  
22 The bill includes reuse and combustion with energy recovery in  
23 the pollution prevention hierarchy and removes incineration  
24 from the hierarchy.

25 The bill includes a new definition for "pollution  
26 prevention" and uses the term to replace "hazardous waste  
27 management" and "waste reduction assistance". The bill  
28 eliminates references to hazardous waste throughout Code  
29 chapter 455B, division IV, part 9, including duties of the  
30 department and the environmental protection commission relating  
31 to hazardous waste and the location, acquisition, and operation  
32 of hazardous waste management facilities.

33 The bill eliminates many of the duties of the department in  
34 relation to waste management and includes a new general duty to  
35 implement the waste management policy.



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1 The bill eliminates two duties of the environmental  
2 protection commission in relation to waste management policy.  
3 The duties relate to budget requests and approval of certain  
4 contracts and agreements.

5 The bill eliminates a duty of the commission to recommend  
6 to the general assembly, annually, the imposition of waste  
7 abatement fees, rebates, and deposits.

8 The bill amends provisions related to the waste volume  
9 reduction and recycling fund. The bill eliminates a  
10 requirement that grants from the fund be awarded based on the  
11 solid waste management hierarchy. The bill provides that the  
12 fund shall be utilized for purposes of providing technical  
13 assistance to Iowa businesses in developing and implementing  
14 pollution prevention techniques.

15 The bill eliminates two duties of the director of the  
16 department relating to groundwater reporting requirements.

17 The bill repeals Code sections 455B.516, 455B.517, and  
18 455B.518, which relate to the toxics pollution prevention  
19 program.



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House Study Bill 595 - Introduced

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

A BILL FOR

1 An Act establishing a rural Iowa primary care grant and  
2 forgivable loan program to be administered by the college  
3 student aid commission, a rural Iowa primary care trust  
4 fund, and making appropriations.  
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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1 Section 1. **NEW SECTION. 261.115 Rural Iowa primary care**  
 2 **grant and forgivable loan program — fund — appropriations.**

3 1. *Program established.* A rural Iowa primary care grant and  
 4 forgivable loan program is established to be administered by  
 5 the college student aid commission for purposes of providing  
 6 grants and forgivable loans to medical students who agree to  
 7 practice as physicians in service commitment areas for two  
 8 years.

9 2. *Eligibility.* An individual is eligible to apply to enter  
 10 into a program agreement with the commission if the individual  
 11 is enrolled in the state university of Iowa college of medicine  
 12 or Des Moines university — osteopathic medical center in a  
 13 curriculum leading to a doctor of medicine degree or a doctor  
 14 of osteopathy degree.

15 3. *Program agreements.* A program agreement shall be  
 16 entered into by an eligible student and the commission when  
 17 the eligible student begins the curriculum leading to a doctor  
 18 of medicine or osteopathy degree. Under the agreement, the  
 19 eligible student shall receive a grant award and forgivable  
 20 loan in accordance with subsection 5, and the eligible student  
 21 shall agree to meet all of the following requirements:

22 a. Receive a doctor of medicine or osteopathy degree from  
 23 an eligible university and apply for, enter, and complete a  
 24 residency program approved by the commission.

25 b. Apply for and obtain a license to practice medicine and  
 26 surgery or osteopathic medicine and surgery in this state.

27 c. Within nine months of receiving a license in accordance  
 28 with paragraph "b", engage in the full-time practice of medicine  
 29 and surgery or osteopathic medicine and surgery specializing in  
 30 family medicine, pediatrics, psychiatry, internal medicine, or  
 31 general surgery for a period of forty-eight consecutive months  
 32 in the service commitment area specified under subsection  
 33 6, unless the grant recipient receives a waiver from the  
 34 commission to complete the months of practice required under  
 35 the agreement in another service commitment area pursuant to



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1 subsection 6.

2 4. *Priority to Iowa residents.* In awarding grants, the  
3 commission shall give priority to eligible students who are  
4 residents of Iowa upon enrolling in the university.

5 5. *Grant awards and forgivable loan amounts.*

6 a. The amount of a program grant to a full-time student  
7 who enters into an agreement pursuant to subsection 3 shall  
8 be not more than thirty thousand dollars annually for tuition  
9 and mandatory fees. The amount of a forgivable loan shall be  
10 not more than twenty thousand dollars annually for the living  
11 expenses of the grant recipient.

12 b. The commission shall not enter into more than twenty  
13 program agreements annually, and the aggregate total of grants  
14 awarded shall not exceed eighty in a fiscal year. Fifty  
15 percent of the grants shall be awarded to students attending  
16 each university described in subsection 2. However, if  
17 there are fewer than ten eligible student applicants at one  
18 university, eligible student applicants enrolled in the other  
19 university may be awarded the remaining grants.

20 6. *Selection of service commitment area.* A grant recipient  
21 shall notify the commission of the recipient's service  
22 commitment area prior to beginning practice in the area in  
23 accordance with subsection 3, paragraph "c". The commission  
24 may waive the requirement that the grant recipient practice in  
25 the same service commitment area for all forty-eight months.

26 7. *Failure to satisfy agreement — repayment provisions.*

27 a. Except as otherwise provided in this subsection, a  
28 person who entered into an agreement pursuant to subsection 3  
29 and fails to meet the requirements of the agreement shall be  
30 subject to the following:

31 (1) Except as provided in subsection 8, a person who fails  
32 to engage in the full-time practice of medicine and surgery or  
33 osteopathic medicine and surgery within a service commitment  
34 area for the required period of time shall repay the commission  
35 an amount equal to the total of the amount of grant and



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1 forgivable loan moneys received by the person pursuant to the  
2 agreement or the amount of money determined under rules adopted  
3 by the commission, plus annual interest at the rate of ten  
4 percent per annum from the date such money was received.

5 (2) A person who fails to apply for and enter residency  
6 in accordance with the agreement shall be required to repay  
7 the commission, upon graduation from the eligible university  
8 or upon termination or completion of a residency that does  
9 not comply with the provisions of the agreement, whichever is  
10 later, an amount equal to the total of the amount of grant and  
11 forgivable loan moneys received by the person pursuant to the  
12 agreement or the amount of money determined under rules adopted  
13 by the commission, plus annual interest at the rate of fifteen  
14 percent per annum.

15 b. Repayment of an amount determined pursuant to paragraph  
16 "a" shall be made in not more than ten equal annual installment  
17 payments. Repayment shall commence six months after the  
18 date on which the commission determined that the person was  
19 noncompliant with the agreement pursuant to paragraph "a".  
20 If an installment payment is more than ninety days overdue,  
21 the entire repayment amount, including interest, shall become  
22 immediately due and payable. The total repayment obligation  
23 imposed on a person pursuant to this subsection may be  
24 satisfied by the person at any time prior to graduation from  
25 an eligible university if the person makes a single lump-sum  
26 payment equal to the total of the entire amount received, plus  
27 all amounts of interest accrued as determined by the commission  
28 under the terms of the agreement.

29 c. If at any time a person who is making repayments pursuant  
30 to paragraph "a", subparagraph (1), takes actions which  
31 secure compliance with the agreement entered into pursuant  
32 to subsection 3, the commission shall waive the balance of  
33 the repayment amount, including any interest accrued on the  
34 balance of the repayment amount, from the time the commission  
35 determines that the person secured compliance with the

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1 agreement until the person's obligation is satisfied, or until  
2 such time as the person again becomes subject to repayments for  
3 noncompliance. Any repayment amount due prior to the time the  
4 commission determines that the person secured compliance with  
5 the agreement shall continue to be payable as determined by the  
6 commission pursuant to this subsection.

7     8. *Part-time practice — agreement amended.* A person who  
8 entered an agreement pursuant to subsection 3 may apply to the  
9 commission to amend the agreement to allow the person to engage  
10 in less than the full-time practice specified in the agreement  
11 and under subsection 3, paragraph "c". If the commission  
12 determines exceptional circumstances exist, the commission and  
13 the person may consent to amend the agreement under which the  
14 person shall engage in less than full-time practice of medicine  
15 and surgery or osteopathic medicine and surgery specializing in  
16 family medicine, pediatrics, psychiatry, internal medicine, or  
17 general surgery in a service commitment area for an extended  
18 period of part-time practice determined by the commission to  
19 be proportional to the amount of full-time practice remaining  
20 under the original agreement.

21     9. *Postponement and satisfaction of service obligation.*

22     a. The obligation to engage in practice in accordance with  
23 subsection 3 shall be postponed for the following purposes:

24       (1) Active duty status in the armed forces, the armed forces  
25 military reserve, or the national guard.

26       (2) Service in volunteers in service to America.

27       (3) Service in the federal peace corps.

28       (4) A period of service commitment to the United States  
29 public health service commissioned corps.

30       (5) A period of religious missionary work conducted by an  
31 organization exempt from federal income taxation pursuant to  
32 section 501(c)(3) of the Internal Revenue Code.

33       (6) Any period of temporary medical incapacity during which  
34 the person obligated is unable, due to a medical condition, to  
35 engage in full-time practice as required under subsection 3,







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1 doctor of medicine or osteopathy degree; apply for, enter, and  
2 complete a residency program approved by the commission; apply  
3 for and obtain a license to practice medicine and surgery or  
4 osteopathic medicine and surgery in this state; and, within  
5 nine months of receiving a license, engage in the full-time  
6 practice of medicine and surgery, specializing in family  
7 medicine, pediatrics, psychiatry, internal medicine, or general  
8 surgery for 48 consecutive months in the service commitment  
9 area, unless the grant recipient receives a waiver from the  
10 commission to complete the months of practice required under  
11 the agreement in another service commitment area. A service  
12 commitment area is defined to mean a city in Iowa with a  
13 population of less than 20,000 that is located more than 20  
14 miles from a city with a population of 50,000 or more.

15 In awarding grants, the commission shall give priority to  
16 eligible students who are residents of Iowa upon enrolling in  
17 the university.

18 Not more than 20 program agreements may be entered into  
19 annually, and the aggregate total of grants awarded shall not  
20 exceed 80 in a fiscal year. Fifty percent of the grants shall  
21 be awarded to students attending each university, though if  
22 there are fewer than 10 eligible student applicants at one  
23 university, eligible student applicants enrolled in the other  
24 university may be awarded the remaining grants.

25 A person who fails to meet the requirements of the program  
26 agreement shall be subject to repayment. If the person fails  
27 to engage in the full-time practice of medicine and surgery  
28 within a service commitment area for the required period of  
29 time, the person must repay the commission the total amount  
30 of the grant and forgivable loan moneys received plus annual  
31 interest at the rate of 10 percent per annum from the date such  
32 money was received. A person who fails to apply for and enter  
33 residency shall be required to repay, upon graduation or upon  
34 termination or completion of a residency that does not comply  
35 with the provisions of the agreement, whichever is later, an

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1 amount equal to the total of the amount of grant and forgivable  
2 loan moneys received, plus annual interest at the rate of 15  
3 percent per annum.

4 Repayment shall be made in not more than 10 equal annual  
5 installment payments, and shall commence six months after  
6 the date on which the commission determined that the person  
7 was noncompliant. If an installment payment is more than 90  
8 days overdue, the entire repayment amount including interest  
9 shall become immediately due and payable. The total repayment  
10 obligation may be satisfied at any time prior to graduation if  
11 the person makes a single lump-sum payment equal to the total  
12 amount received plus all amounts of interest accrued.

13 The commission is authorized to waive future repayments  
14 for a person who is making repayments but who takes action to  
15 secure compliance with the agreement. Any repayment amount due  
16 prior to the time the commission determines that the person  
17 secured compliance with the agreement shall continue to be  
18 payable as determined by the commission.

19 A person may apply to the commission to amend the agreement  
20 to allow the person to engage in less than full-time practice.  
21 If the commission determines exceptional circumstances  
22 exist, the commission and the person may consent to amend  
23 the agreement to provide for an extended period of part-time  
24 practice determined by the commission to be proportional to  
25 the amount of full-time practice remaining under the original  
26 agreement.

27 The obligation to engage in practice may be postponed  
28 for active duty status in the armed forces, the armed forces  
29 military reserve, or the national guard; service in volunteers  
30 in service to America; service in the federal peace corps; a  
31 period of service commitment to the U.S. public health service  
32 commissioned corps; a period of religious missionary work; or  
33 any period of temporary medical incapacity. However, except  
34 for periods of medical incapacity, a postponement cannot last  
35 more than two years.

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1 The obligation shall be considered satisfied when the terms  
2 of the agreement are completed, the person dies, or the person,  
3 due to a permanent disability, is unable to practice medicine  
4 and surgery.



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House Study Bill 596 - Introduced

HOUSE FILE \_\_\_\_\_  
BY (PROPOSED COMMITTEE  
ON JUDICIARY BILL BY  
CHAIRPERSON ANDERSON)

A BILL FOR

1 An Act providing for notarial acts and including effective date  
2 provisions.  
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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- 1 copy, and noting a protest of a negotiable instrument.
- 2 6. *“Notarial officer”* means a notary public or other  
3 individual authorized to perform a notarial act.
- 4 7. *“Notary public”* means an individual commissioned to  
5 perform a notarial act by the secretary of state.
- 6 8. *“Official stamp”* means a physical image affixed to or  
7 embossed on a tangible record or an electronic image attached  
8 to or logically associated with an electronic record.
- 9 9. *“Person”* means an individual, corporation, business  
10 trust, statutory trust, estate, trust, partnership, limited  
11 liability company, association, joint venture, public  
12 corporation, government or governmental subdivision, agency, or  
13 instrumentality, or any other legal or commercial entity.
- 14 10. a. *“Personal appearance”* means an act of a party to  
15 physically appear within the presence of a notary public at the  
16 time the notarization occurs.
- 17 b. *“Personal appearance”* does not include appearances  
18 which require video, optical, or technology with similar  
19 capabilities.
- 20 11. *“Record”* means information that is inscribed on a  
21 tangible medium or that is stored in an electronic or other  
22 medium and is retrievable in perceivable form.
- 23 12. *“Sign”* means, with present intent to authenticate or  
24 adopt a record, to do any of the following:
- 25 a. Execute or adopt a tangible symbol.
- 26 b. Attach to or logically associate with the record an  
27 electronic symbol, sound, or process.
- 28 13. *“Signature”* means a tangible symbol or an electronic  
29 signature that evidences the signing of a record.
- 30 14. *“Stamping device”* means any of the following:
- 31 a. A physical device capable of affixing to or embossing on  
32 a tangible record an official stamp.
- 33 b. An electronic device or process capable of attaching to  
34 or logically associating with an electronic record an official  
35 stamp.



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1     15. *“State”* means a state of the United States, the District  
2 of Columbia, Puerto Rico, the United States Virgin Islands, or  
3 any territory or insular possession subject to the jurisdiction  
4 of the United States.

5     16. *“Verification on oath or affirmation”* means a  
6 declaration, made by an individual on oath or affirmation  
7 before a notarial officer, that a statement in a record is  
8 true.

9     Sec. 3. NEW SECTION. **9B.4 Authority to perform notarial**  
10 **act.**

11     1. A notarial officer may perform a notarial act authorized  
12 by this chapter or by law of this state other than this  
13 chapter.

14     2. A notarial officer shall not perform a notarial act  
15 with respect to a record to which the notarial officer or  
16 the notarial officer’s spouse is a party, or in which either  
17 of them has a direct beneficial interest. A notarial act  
18 performed in violation of this subsection is voidable.

19     Sec. 4. NEW SECTION. **9B.5 Requirements for certain notarial**  
20 **acts.**

21     1. A notarial officer who takes an acknowledgment of a  
22 record shall determine, from personal knowledge or satisfactory  
23 evidence of the identity of the individual, that the  
24 individual appearing before the notarial officer and making the  
25 acknowledgment has the identity claimed and that the signature  
26 on the record is the signature of the individual.

27     2. A notarial officer who takes a verification of a  
28 statement on oath or affirmation shall determine, from personal  
29 knowledge or satisfactory evidence of the identity of the  
30 individual, that the individual appearing before the notarial  
31 officer and making the verification has the identity claimed  
32 and that the signature on the statement verified is the  
33 signature of the individual.

34     3. A notarial officer who witnesses or attests to a  
35 signature shall determine, from personal knowledge or



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1 satisfactory evidence of the identity of the individual, that  
2 the individual appearing before the notarial officer and  
3 signing the record has the identity claimed.

4 4. A notarial officer who certifies or attests a copy of a  
5 record or an item that was copied shall determine that the copy  
6 is a full, true, and accurate transcription or reproduction of  
7 the record or item.

8 5. A notarial officer who makes or notes a protest of a  
9 negotiable instrument shall determine the matters set forth in  
10 section 554.3505, subsection 2.

11 **Sec. 5. NEW SECTION. 9B.6 Personal appearance required.**

12 If a notarial act relates to a statement made in or a  
13 signature executed on a record, the individual making the  
14 statement or executing the signature shall appear personally  
15 before the notarial officer.

16 **Sec. 6. NEW SECTION. 9B.7 Identification of individual.**

17 1. A notarial officer has personal knowledge of the identity  
18 of an individual appearing before the notarial officer if the  
19 individual is personally known to the officer through dealings  
20 sufficient to provide reasonable certainty that the individual  
21 has the identity claimed.

22 2. A notarial officer has satisfactory evidence of the  
23 identity of an individual appearing before the notarial officer  
24 if the notarial officer can identify the individual pursuant  
25 to any of the following:

26 a. By means of any of the following:

27 (1) A passport, driver's license, or government-issued  
28 nondriver identification card, which is current or expired not  
29 more than three years before performance of the notarial act.

30 (2) Another form of government identification issued to  
31 an individual, which is current or expired not more than  
32 three years before performance of the notarial act, contains  
33 the signature or a photograph of the individual, and is  
34 satisfactory to the notarial officer.

35 b. By a verification on oath or affirmation of a credible



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1 witness personally appearing before the officer and known  
2 to the notarial officer or whom the notarial officer can  
3 identify on the basis of a passport, driver's license, or  
4 government-issued nondriver identification card, which is  
5 current or expired not more than three years before performance  
6 of the notarial act.

7 3. A notarial officer may require an individual to provide  
8 additional information or identification credentials necessary  
9 to assure the officer of the identity of the individual.

10 **Sec. 7. NEW SECTION. 9B.8 Authority to refuse to perform**  
11 **notarial act.**

12 1. A notarial officer may refuse to perform a notarial  
13 act if the notarial officer is not satisfied that any of the  
14 following apply:

15 a. The individual executing the record is competent or has  
16 the capacity to execute the record.

17 b. The individual's signature is knowingly and voluntarily  
18 made.

19 2. A notarial officer may refuse to perform a notarial act  
20 unless refusal is prohibited by law other than this chapter.

21 3. A notarial officer shall not condition the performing of  
22 notarial services upon the requirement that the person served  
23 be a customer or client of the establishment by which the  
24 notarial officer is employed. The employer of a notary public  
25 shall not condition the performing of a notarial service upon  
26 the requirement that the person served be a customer or client  
27 of the establishment by which the notary public is employed.

28 **Sec. 8. NEW SECTION. 9B.9 Signature if individual unable**  
29 **to sign.**

30 If an individual is physically unable to sign a record, the  
31 individual may direct an individual other than the notarial  
32 officer to sign the individual's name on the record. The  
33 notarial officer shall insert "Signature affixed by (name of  
34 other individual) at the direction of (name of individual)" or  
35 words of similar import.



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1     Sec. 9. NEW SECTION. **9B.10 Notarial act in this state.**  
2     1. A notarial act may be performed in this state by any of  
3 the following:  
4     *a.* A notary public of this state.  
5     *b.* A judge, clerk, or deputy clerk of a court of this state.  
6     *c.* A person authorized by the law of this state to  
7 administer oaths.  
8     *d.* Any other individual authorized to perform the specific  
9 act by the law of this state.  
10    *e.* A registrar of vital statistics or a designee of a  
11 registrar of vital statistics.  
12    2. The signature and title of an individual performing  
13 a notarial act in this state are prima facie evidence that  
14 the signature is genuine and that the individual holds the  
15 designated title.  
16    3. The signature and title of a notarial officer described  
17 in subsection 1, paragraph “*a*”, “*b*”, or “*c*”, conclusively  
18 establish the authority of the notarial officer to perform a  
19 notarial act.  
20    Sec. 10. NEW SECTION. **9B.11 Notarial act in another state.**  
21    1. A notarial act performed in another state has the  
22 same effect under the law of this state as if performed by a  
23 notarial officer of this state, if the act performed in that  
24 state is performed by any of the following:  
25    *a.* A notary public of that state.  
26    *b.* A judge, clerk, or deputy clerk of a court of that state.  
27    *c.* Any other individual authorized by the law of that state  
28 to perform the notarial act.  
29    2. The signature and title of an individual performing a  
30 notarial act in another state are prima facie evidence that  
31 the signature is genuine and that the individual holds the  
32 designated title.  
33    3. The signature and title of a notarial officer described  
34 in subsection 1, paragraph “*a*” or “*b*”, conclusively establish  
35 the authority of the notarial officer to perform the notarial

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1 act.

2 4. The notarial act performed in another state must be  
3 performed in accordance with section 9B.6.

4 Sec. 11. NEW SECTION. **9B.12 Notarial act under authority of**  
5 **federally recognized Indian tribe.**

6 1. A notarial act performed under the authority and in  
7 the jurisdiction of a federally recognized Indian tribe has  
8 the same effect as if performed by a notarial officer of this  
9 state, if the act performed in the jurisdiction of the tribe is  
10 performed by any of the following:

11 a. A notary public of the tribe.

12 b. A judge, clerk, or deputy clerk of a court of the tribe.

13 c. Any other individual authorized by the law of the tribe  
14 to perform the notarial act.

15 2. The signature and title of an individual performing a  
16 notarial act under the authority of and in the jurisdiction of  
17 a federally recognized Indian tribe are prima facie evidence  
18 that the signature is genuine and that the individual holds the  
19 designated title.

20 3. The signature and title of a notarial officer described  
21 in subsection 1, paragraph "a" or "b", conclusively establish  
22 the authority of the notarial officer to perform the notarial  
23 act.

24 Sec. 12. NEW SECTION. **9B.13 Notarial act under federal**  
25 **authority.**

26 1. A notarial act performed under federal law has the  
27 same effect under the law of this state as if performed by  
28 a notarial officer of this state, if the act performed under  
29 federal law is performed by any of the following:

30 a. A judge, clerk, or deputy clerk of a court.

31 b. An individual in military service or performing duties  
32 under the authority of military service who is authorized to  
33 perform notarial acts under federal law.

34 c. An individual designated a notarial officer by the  
35 United States department of state for performing notarial acts







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1 following apply:

2     *a.* It is in a short form set forth in section 9B.16.

3     *b.* It is in a form otherwise permitted by the law of this  
4 state.

5     *c.* It is in a form permitted by the law applicable in the  
6 jurisdiction in which the notarial act is performed.

7     *d.* It sets forth the actions of the notarial officer and the  
8 actions are sufficient to meet the requirements of the notarial  
9 act as provided in sections 9B.5, 9B.6, and 9B.7, or a law of  
10 this state other than this chapter.

11     4. By executing a certificate of a notarial act, a notarial  
12 officer certifies that the notarial officer has complied with  
13 the requirements and made the determinations specified in  
14 sections 9B.4, 9B.5, and 9B.6.

15     5. A notarial officer shall not affix the notarial officer's  
16 signature to, or logically associate it with, a certificate  
17 until the notarial act has been performed.

18     6. If a notarial act is performed regarding a tangible  
19 record, a certificate must be part of, or securely attached  
20 to, the record. If a notarial act is performed regarding  
21 an electronic record, the certificate must be affixed to, or  
22 logically associated with, the electronic record. If the  
23 secretary of state has established standards pursuant to  
24 section 9B.27 for attaching, affixing, or logically associating  
25 the certificate, the process must conform to the standards.

26     Sec. 15. NEW SECTION. **9B.16 Short form certificates.**

27     The following short form certificates of notarial acts are  
28 sufficient for the purposes indicated, if completed with the  
29 information required by section 9B.15, subsections 1 and 2:

30     1. For an acknowledgment in an individual capacity:

31 State of.....

32 [County] of.....

33 This record was acknowledged before me on.....(Date)

34 by.....Name(s) of individual(s)

35 .....



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1 Signature of notarial officer  
 2 Stamp  
 3 [.....]  
 4 Title of office  
 5 [My commission expires:.....]  
 6 2. For an acknowledgment in a representative capacity:  
 7 State of.....  
 8 [County] of.....  
 9 This record was acknowledged before me on.....(Date)  
 10 by.....Name(s) of individual(s)  
 11 as (type of authority, such as officer or trustee) of (name of  
 12 party on behalf of whom record was executed).  
 13 .....  
 14 Signature of notarial officer  
 15 Stamp  
 16 [.....]  
 17 Title of office  
 18 [My commission expires:.....]  
 19 3. For a verification on oath or affirmation:  
 20 State of.....  
 21 [County] of.....  
 22 Signed and sworn to (or affirmed) before me on.....(Date)  
 23 by.....Name(s) of individual(s) making statement  
 24 .....  
 25 Signature of notarial officer  
 26 Stamp  
 27 [.....]  
 28 Title of office  
 29 [My commission expires:.....]  
 30 4. For witnessing or attesting a signature:  
 31 State of.....  
 32 [County] of.....  
 33 Signed [or attested] before me on..... (Date)  
 34 by.....Name(s) of individual(s)  
 35 .....

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1 accordance with state or federal authority. This section does  
2 not apply to a chief officer or a chief officer's designee  
3 certifying a peace officer's verification of a uniform citation  
4 and complaint pursuant to section 805.6, subsection 3. A  
5 judicial officer, chief officer, or chief officer's designee is  
6 not required to acquire or use an official stamp in performing  
7 these acts.

8     Sec. 17. NEW SECTION. **9B.18 Stamping device.**

9     1. A notary public is responsible for the security of the  
10 notary public's stamping device and shall not allow another  
11 individual to use the device to perform a notarial act.

12     2. If a notary public's stamping device is lost or  
13 stolen, the notary public or the notary public's personal  
14 representative or guardian shall notify promptly the  
15 commissioning officer or agency on discovering that the device  
16 is lost or stolen.

17     Sec. 18. NEW SECTION. **9B.20 Notification regarding  
18 performance of notarial act on electronic record —selection of  
19 technology.**

20     1. A notary public may select one or more tamper-evident  
21 technologies to perform notarial acts with respect to  
22 electronic records. A person shall not require a notary public  
23 to perform a notarial act with respect to an electronic record  
24 with a technology that the notary public has not selected.

25     2. Before a notary public performs the notary public's  
26 initial notarial act with respect to an electronic record,  
27 a notary public shall notify the secretary of state that  
28 the notary public will be performing notarial acts with  
29 respect to electronic records and identify the technology the  
30 notary public intends to use. If the secretary of state has  
31 established standards for approval of technology pursuant to  
32 section 9B.27, the technology must conform to the standards.  
33 If the technology conforms to the standards, the secretary of  
34 state shall approve the use of the technology.

35     Sec. 19. NEW SECTION. **9B.21 Commission as notary public —**



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1 **qualifications — no immunity or benefit.**

2 1. An individual qualified under subsection 2 may apply to  
3 the secretary of state for a commission as a notary public.  
4 The applicant shall comply with and provide the information  
5 required by rules established by the secretary of state and pay  
6 an application fee of thirty dollars to the secretary of state.  
7 A person appointed as a notary public under subsection 4 is not  
8 subject to the fee imposed by this subsection.

9 2. An applicant for a commission as a notary public shall  
10 meet all of the following qualifications:

11 a. Be at least eighteen years of age.

12 b. Be a citizen or permanent legal resident of the United  
13 States.

14 c. Be a resident of or have a place of employment or  
15 practice in this state.

16 d. Be able to read and write English.

17 e. Not be disqualified to receive a commission under section  
18 9B.23.

19 3. Before issuance of a commission as a notary public, an  
20 applicant for the commission shall execute an oath of office  
21 and submit it to the secretary of state.

22 4. a. The secretary of state shall appoint members of the  
23 general assembly as notaries public, upon request, and may  
24 revoke an appointment for cause.

25 b. The secretary of state may appoint one or more employees  
26 of a state agency as a notary public to perform notarial  
27 acts associated with their positions, pursuant to conditions  
28 established by the secretary of state. As used in this  
29 paragraph, "*state agency*" means any executive, judicial,  
30 or legislative department, commission, board, institution,  
31 division, bureau, office, agency, or other entity of state  
32 government.

33 5. The secretary of state may appoint as a notary public  
34 a resident of a state bordering Iowa if that person's place  
35 of work or business is within the state of Iowa. If a notary

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1 public who is a resident of a state bordering Iowa ceases  
2 to work or maintain a place of business in Iowa, the notary  
3 commission expires.

4 6. On compliance with this section, the secretary of state  
5 shall issue a commission as a notary public to an applicant for  
6 a term of three years. The term of a notarial officer who is a  
7 resident of a state bordering Iowa and whose place of work or  
8 business is in Iowa is one year. The term of a notary public  
9 who is a member of the general assembly is the member's term of  
10 office. The term of a notary public who is an employee of a  
11 state agency designated to receive an appointment as provided  
12 in subsection 4 shall terminate at the end of employment.

13 7. A commission to act as a notary public authorizes the  
14 notary public to perform notarial acts. The commission does  
15 not provide the notary public any immunity or benefit conferred  
16 by law of this state on public officials or employees.

17 Sec. 20. NEW SECTION. **9B.21A Notice of expiration of term.**

18 The secretary of state, two months preceding the  
19 expiration of a commission, shall notify the notary public  
20 of the expiration date and furnish a blank application for  
21 reappointment.

22 Sec. 21. NEW SECTION. **9B.23 Grounds to deny, refuse to  
23 renew, revoke, suspend, or condition commission of notary public.**

24 1. The secretary of state may deny, refuse to renew, revoke,  
25 suspend, or impose a condition on a commission as notary public  
26 for any act or omission that demonstrates the individual lacks  
27 the honesty, integrity, competence, or reliability to act  
28 as a notary public, including any of the following acts or  
29 omissions:

30 a. A failure to comply with this chapter.

31 b. A fraudulent, dishonest, or deceitful misstatement or  
32 omission in the application for a commission as a notary public  
33 submitted to the secretary of state.

34 c. A conviction of the applicant or notary public of any  
35 felony or a crime involving fraud, dishonesty, or deceit.



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1     *d.* A finding against, or admission of liability by,  
 2 the applicant or notary public in any legal proceeding or  
 3 disciplinary action based on the applicant's or notary public's  
 4 fraud, dishonesty, or deceit.

5     *e.* A failure by the notary public to discharge any duty  
 6 required of a notary public, whether by this chapter, rules  
 7 adopted by the secretary of state, or any federal or state law.

8     *f.* The use of false or misleading advertising or  
 9 representation by the notary public representing that the  
 10 notary public has a duty, right, or privilege that the notary  
 11 public does not have.

12    *g.* A violation by the notary public of a rule adopted by the  
 13 secretary of state regarding a notary public.

14    *h.* A denial, refusal to renew, revocation, suspension, or  
 15 conditioning of a notary public commission in another state.

16    2. If the secretary of state denies, refuses to renew,  
 17 revokes, suspends, or imposes conditions on a commission as a  
 18 notary public, the applicant or notary public is entitled to  
 19 timely notice and hearing in accordance with rules adopted by  
 20 the secretary of state.

21    3. The authority of the secretary of state to deny, refuse  
 22 to renew, suspend, revoke, or impose conditions on a commission  
 23 as a notary public does not prevent either the secretary of  
 24 state or a person aggrieved by a notary public from seeking and  
 25 obtaining other criminal or civil remedies provided by law.

26    Sec. 22. NEW SECTION. **9B.24 Database of notaries public.**

27    The secretary of state shall maintain an electronic database  
 28 of notaries public which complies with all of the following:

29    1. Through which a person may verify the authority of a  
 30 notary public to perform notarial acts.

31    2. Which indicates whether a notary public has notified the  
 32 secretary of state that the notary public will be performing  
 33 notarial acts on electronic records.

34    Sec. 23. NEW SECTION. **9B.25 Prohibited acts.**

35    1. A commission as a notary public does not authorize an



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1 individual to do any of the following:

2     *a.* Assist persons in drafting legal records, give legal  
3 advice, or otherwise practice law.

4     *b.* Act as an immigration consultant or an expert on  
5 immigration matters.

6     *c.* Represent a person in a judicial or administrative  
7 proceeding relating to immigration to the United States, United  
8 States citizenship, or related matters.

9     *d.* Receive compensation for performing any of the activities  
10 listed in this subsection.

11     2. A notary public shall not engage in false or deceptive  
12 advertising.

13     3. A notary public, other than an attorney licensed to  
14 practice law in this state, shall not use the term "notario" or  
15 "notario publico".

16     4. A notary public, other than an attorney licensed to  
17 practice law in this state, shall not advertise or represent  
18 that the notary public may assist persons in drafting legal  
19 records, give legal advice, or otherwise practice law. If  
20 a notary public who is not an attorney licensed to practice  
21 law in this state in any manner advertises or represents that  
22 the notary public offers notarial services, whether orally  
23 or in a record, including broadcast media, print media, or  
24 the internet, the notary public shall include the following  
25 statement, or an alternate statement authorized or required by  
26 the secretary of state in the advertisement or representation,  
27 prominently and in each language used in the advertisement or  
28 representation:

29     I am not an attorney licensed to practice law in this state.  
30 I am not allowed to draft legal records, give advice on legal  
31 matters, including immigration, or charge a fee for those  
32 activities.

33     If the form of advertisement or representation is not  
34 broadcast media, print media, or the internet and does not  
35 permit inclusion of the statement required by this subsection



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1 because of size, it must be displayed prominently or provided  
2 at the place of performance of the notarial act before the  
3 notarial act is performed.

4 5. Except as otherwise allowed by law, a notary public shall  
5 not withhold access to or possession of an original record  
6 provided by a person that seeks performance of a notarial act  
7 by the notary public.

8 Sec. 24. NEW SECTION. **9B.26 Validity of notarial acts.**

9 1. Except as otherwise provided in section 9B.4, subsection  
10 2, the failure of a notarial officer to perform a duty or meet  
11 a requirement specified in this chapter does not invalidate a  
12 notarial act performed by the notarial officer. The validity  
13 of a notarial act under this chapter does not prevent an  
14 aggrieved person from seeking to invalidate the record or  
15 transaction that is the subject of the notarial act or from  
16 seeking other remedies based on law of this state other than  
17 this chapter or law of the United States. This section  
18 does not validate a purported notarial act performed by an  
19 individual who does not have the authority to perform notarial  
20 acts.

21 2. The validity of a notarial act shall not be affected  
22 or impaired by the fact that the notarial officer performing  
23 the notarial act is an officer, director, or shareholder of  
24 a corporation that may have a beneficial interest or other  
25 interest in the subject matter of the notarial act.

26 Sec. 25. NEW SECTION. **9B.27 Rules.**

27 1. The secretary of state may adopt rules to administer this  
28 chapter. Any rules adopted with respect to the performance of  
29 notarial acts on electronic records shall not require or favor  
30 one technology or technical specification over another.

31 Sec. 26. NEW SECTION. **9B.28 Notary public commission in  
32 effect.**

33 A commission as a notary public in effect on January 1,  
34 2013, continues until its date of expiration. A notary public  
35 who applies to renew a commission as a notary public on or



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1 after January 1, 2013, is subject to and shall comply with this  
2 chapter. A notary public, in performing notarial acts on or  
3 after January 1, 2013, shall comply with this chapter.

4 Sec. 27. NEW SECTION. 9B.30 Uniformity of application and  
5 construction.

6 In applying and construing this chapter, consideration must  
7 be given to the need to promote uniformity of the law with  
8 respect to its subject matter among states that enact the  
9 revised uniform law on notarial acts.

10 Sec. 28. NEW SECTION. 9B.31 Relation to electronic  
11 signatures in global and national commerce act.

12 This chapter modifies, limits, and supersedes the federal  
13 Electronic Signatures in Global and National Commerce Act, 15  
14 U.S.C. § 7001 et seq., but does not modify, limit, or supersede  
15 section 101(c) of that Act, 15 U.S.C. § 7001(c), or authorize  
16 electronic delivery of any of the notices described in section  
17 103(b) of that Act, 15 U.S.C. § 7003(b).

18 Sec. 29. REPEAL. Chapter 9E, Code 2011, is repealed.

19 DIVISION II

20 COORDINATING AMENDMENTS

21 Sec. 30. Section 2C.7, subsection 1, Code 2011, is amended  
22 to read as follows:

23 1. Hold another public office of trust or profit under the  
24 laws of this state other than ~~the office of~~ notary public as  
25 provided in chapter 9B.

26 Sec. 31. Section 4.1, subsection 28, Code 2011, is amended  
27 to read as follows:

28 28. *Seal.* Where the seal of a court, public office, public  
29 officer, or public or private corporation may be required  
30 to be affixed to any paper, the word "seal" shall include  
31 an impression upon the paper alone, or upon wax, ~~or~~ a wafer  
32 affixed to the paper, or an official ink stamp ~~if a notarial~~  
33 ~~seal~~ of a notarial officer as provided in chapter 9B. If the  
34 seal of a court is required, the word "seal" may also include a  
35 visible electronic image of the seal on an electronic document.





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1     *h.* The signature of a notary public under chapter 9B  
2 attesting to the identities of the parties signing the  
3 affidavit of paternity.

4     Sec. 40. Section 321.251, subsection 2, paragraph b, Code  
5 2011, is amended to read as follows:

6     *b.* A written notice of election shall be filed with the  
7 designated officials of the local authority whose ordinances,  
8 rules, or regulations will govern the vehicular traffic. The  
9 appropriate officials shall be the city clerk and chief of  
10 police of the city in which the real property is located and  
11 the county sheriff and the county recorder of the county in  
12 which the real property is located. The notice shall include  
13 the legal description of the real property, the street address,  
14 if any, and the date and time when the owner wishes the  
15 election to become effective. The notice shall be signed by  
16 every titleholder of the real property and acknowledged by a  
17 notary public as provided in chapter 9B.

18     Sec. 41. Section 321G.29, subsection 3, Code Supplement  
19 2011, is amended to read as follows:

20     3. An owner of a snowmobile shall apply to the county  
21 recorder for issuance of a certificate of title within thirty  
22 days after acquisition. The application shall be on forms the  
23 department prescribes and accompanied by the required fee.  
24 The application shall be signed and sworn to before a ~~notary~~  
25 ~~public~~ notarial officer as provided in chapter 9B or other  
26 person who administers oaths, or shall include a certification  
27 signed in writing containing substantially the representation  
28 that statements made are true and correct to the best of the  
29 applicant's knowledge, information, and belief, under penalty  
30 of perjury. The application shall contain the date of sale  
31 and gross price of the snowmobile or the fair market value if  
32 no sale immediately preceded the transfer and any additional  
33 information the department requires. If the application is  
34 made for a snowmobile last previously registered or titled in  
35 another state or foreign country, the application shall contain



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1 this information and any other information the department  
 2 requires.

3 Sec. 42. Section 321I.31, subsection 3, Code 2011, is  
 4 amended to read as follows:

5 3. An owner of an all-terrain vehicle shall apply to  
 6 the county recorder for issuance of a certificate of title  
 7 within thirty days after acquisition. The application shall  
 8 be on forms the department prescribes and accompanied by the  
 9 required fee. The application shall be signed and sworn to  
 10 before a notary public as provided in chapter 9B or other  
 11 person who administers oaths, or shall include a certification  
 12 signed in writing containing substantially the representation  
 13 that statements made are true and correct to the best of the  
 14 applicant's knowledge, information, and belief, under penalty  
 15 of perjury. The application shall contain the date of sale and  
 16 gross price of the all-terrain vehicle or the fair market value  
 17 if no sale immediately preceded the transfer and any additional  
 18 information the department requires. If the application is  
 19 made for an all-terrain vehicle last previously registered or  
 20 titled in another state or foreign country, the application  
 21 shall contain this information and any other information the  
 22 department requires.

23 Sec. 43. Section 462A.77, subsection 4, Code 2011, is  
 24 amended to read as follows:

25 4. Every owner of a vessel subject to titling under this  
 26 chapter shall apply to the county recorder for issuance of a  
 27 certificate of title for the vessel within thirty days after  
 28 acquisition. The application shall be on forms the department  
 29 prescribes, and accompanied by the required fee. The  
 30 application shall be signed and sworn to before a notary public  
 31 as provided in chapter 9B or other person who administers  
 32 oaths, or shall include a certification signed in writing  
 33 containing substantially the representation that statements  
 34 made are true and correct to the best of the applicant's  
 35 knowledge, information, and belief, under penalty of perjury.



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1 The application shall contain the date of sale and gross price  
2 of the vessel or the fair market value if no sale immediately  
3 preceded the transfer, and any additional information the  
4 department requires. If the application is made for a vessel  
5 last previously registered or titled in another state or  
6 foreign country, it shall contain this information and any  
7 other information the department requires.

8 Sec. 44. Section 535B.1, subsection 11, Code Supplement  
9 2011, is amended to read as follows:

10 11. *“Real estate closing services”* means the administrative  
11 and clerical services required to carry out the conveyance or  
12 transfer of real estate or an interest in real estate located  
13 in this state to a purchaser or lender. *“Real estate closing  
14 services”* include but are not limited to preparing settlement  
15 statements, determining that all closing documents conform  
16 to the parties’ contract requirements, ascertaining that the  
17 lender’s instructions have been satisfied, conducting a closing  
18 conference, receiving and disbursing funds, and completing  
19 form documents and instruments selected by and in accordance  
20 with instructions of the parties to the transaction. *“Real  
21 estate closing services”* do not include performing solely ~~notary~~  
22 ~~functions~~ notarial acts as provided in chapter 9B.

23 Sec. 45. Section 554.3505, subsection 2, Code 2011, is  
24 amended to read as follows:

25 2. A protest is a certificate of dishonor made by a United  
26 States consul or vice consul, or a notary public as provided  
27 in chapter 9B or other person authorized to administer oaths  
28 by the law of the place where dishonor occurs. It may be made  
29 upon information satisfactory to that person. The protest must  
30 identify the instrument and certify either that presentment  
31 has been made or, if not made, the reason why it was not made,  
32 and that the instrument has been dishonored by nonacceptance  
33 or nonpayment. The protest may also certify that notice of  
34 dishonor has been given to some or all parties.

35 Sec. 46. Section 558.15, Code 2011, is amended to read as



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1 follows:

2 **558.15 ~~Notarial Official stamps or seals of nonresidents~~**  
3 **nonresident public notaries — presumption.**

4 Any ~~notarial official~~ stamp or seal purporting to have been  
5 affixed to any instrument in writing, by any notary public as  
6 provided in chapter 9B residing elsewhere than in this state,  
7 shall be prima facie evidence that the words thereon engraved  
8 conform to the requirements of the law of the place where such  
9 certificate purports to have been made.

10 Sec. 47. Section 558.20, Code 2011, is amended to read as  
11 follows:

12 **558.20 Acknowledgments.**

13 The acknowledgment of any deed, conveyance, or other  
14 instrument in writing by which real estate in this state  
15 is conveyed or encumbered, whether made within this state,  
16 outside this state, outside the United States, or under federal  
17 authority, shall comply with the provisions of chapter ~~9E~~ 9B.

18 Sec. 48. Section 558.40, Code 2011, is amended to read as  
19 follows:

20 **558.40 Liability of officer.**

21 Any officer, who knowingly misstates a material fact in any  
22 of the certificates mentioned in this chapter or chapter ~~9E~~ 9B,  
23 shall be liable for all damages caused thereby, and shall be  
24 guilty of a serious misdemeanor.

25 Sec. 49. Section 558.42, Code 2011, is amended to read as  
26 follows:

27 **558.42 Acknowledgment as condition precedent.**

28 A document shall not be deemed lawfully recorded, unless  
29 it has been previously acknowledged or proved in the manner  
30 prescribed in chapter ~~9E~~ 9B, except that affidavits, and  
31 certified copies of petitions in bankruptcy with or without the  
32 schedules appended, of decrees of adjudication in bankruptcy,  
33 and of orders approving trustees' bonds in bankruptcy, and  
34 uniform commercial code financing statements and financing  
35 statement changes as provided in chapter 554 need not be thus



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1 acknowledged.

2 Sec. 50. Section 589.4, Code 2011, is amended to read as  
3 follows:

4 **589.4 Acknowledgments by corporation officers.**

5 The acknowledgments of all deeds, mortgages, or other  
6 instruments in writing taken or certified more than ten years  
7 earlier, which instruments have been recorded in the recorder's  
8 office of any county of this state, including acknowledgments  
9 of instruments made by a corporation, or to which the  
10 corporation was a party, or under which the corporation was  
11 a beneficiary, and which have been acknowledged before or  
12 certified by a notary public as provided in chapter 9B who was  
13 at the time of the acknowledgment or certifying a stockholder  
14 or officer in the corporation, are legal and valid official  
15 acts of the notaries public, and entitle the instruments to be  
16 recorded, anything in the laws of the state of Iowa in regard  
17 to acknowledgments to the contrary notwithstanding. This  
18 section does not affect pending litigation.

19 Sec. 51. Section 589.5, Code 2011, is amended to read as  
20 follows:

21 **589.5 Acknowledgments by stockholders.**

22 All deeds and conveyances of lands within this state  
23 executed more than ten years earlier, but which have been  
24 acknowledged or proved according to and in compliance with  
25 the laws of this state before a notary public as provided  
26 in chapter 9B or other official authorized by law to take  
27 acknowledgments who was, at the time of the acknowledgment,  
28 an officer or stockholder of a corporation interested in the  
29 deed or conveyance, or otherwise interested in the deeds or  
30 conveyances, are, if otherwise valid, valid in law as though  
31 acknowledged or proved before an officer not interested in  
32 the deeds or conveyances; and if recorded more than ten years  
33 earlier, in the respective counties in which the lands are, the  
34 records are valid in law as though the deeds and conveyances,  
35 so acknowledged or proved and recorded, had, prior to being

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1 recorded, been acknowledged or proved before an officer having  
2 no interest in the deeds or conveyances.

3 Sec. 52. Section 600.7, subsection 2, paragraph b, Code  
4 2011, is amended to read as follows:

5 *b.* If by any other person, either in the presence of the  
6 juvenile court or court in which the adoption petition is filed  
7 or before a notary public as provided in chapter 9B.

8 Sec. 53. Section 602.8102, subsection 78, Code 2011, is  
9 amended to read as follows:

10 78. Certify an acknowledgment of a written instrument  
11 relating to real estate as provided in section ~~9E.10~~ 9B.10 or  
12 558.20.

13 Sec. 54. Section 622.86, Code 2011, is amended to read as  
14 follows:

15 **622.86 Foreign affidavits.**

16 Those taken out of the state before any judge or clerk of  
17 a court of record, or before a notary public as provided in  
18 chapter 9B, or a commissioner appointed by the governor of this  
19 state to take acknowledgment of deeds in the state where such  
20 affidavit is taken, are of the same credibility as if taken  
21 within the state.

22 Sec. 55. Section 624.37, subsection 1, Code Supplement  
23 2011, is amended to read as follows:

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



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1 original judgment requesting that the payor of the judgment,  
2 if different from the judgment debtor, be subrogated to the  
3 rights of the judgment creditor, that the court determine the  
4 amount currently owed on the judgment, or any other relief as  
5 may be necessary to accomplish payment and satisfaction of the  
6 judgment. If the motion relates to a lien of judgment as to  
7 specific property, the motion may be filed by a person with an  
8 interest in the property.

9 Sec. 56. Section 633.279, subsection 2, paragraph a, Code  
10 Supplement 2011, is amended to read as follows:

11 a. An attested will may be made self-proved at the time of  
12 its execution, or at any subsequent date, by the acknowledgment  
13 thereof by the testator and the affidavits of the witnesses,  
14 each made before a person authorized to administer oaths  
15 and take acknowledgments under the laws of this state, and  
16 evidenced by such person's certificate, under seal, attached  
17 or annexed to the will, in form and content substantially as  
18 follows:

19 Affidavit

20 State of ..... )  
21 County of ..... ) ss

22 We, the undersigned, ....., ..... and ....., the  
23 testator and the witnesses, respectively, whose names are  
24 signed to the attached or foregoing instrument, being first  
25 duly sworn, declare to the undersigned authority that said  
26 instrument is the testator's will and that the testator  
27 willingly signed and executed such instrument, or expressly  
28 directed another to sign the same in the presence of the  
29 witnesses, as a free and voluntary act for the purposes therein  
30 expressed; that said witnesses, and each of them, declare to  
31 the undersigned authority that such will was executed and  
32 acknowledged by the testator as the testator's will in their  
33 presence and that they, in the testator's presence, at the  
34 testator's request, and in the presence of each other, did  
35 subscribe their names thereto as attesting witnesses on the

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da/rj





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H.F. \_\_\_\_\_

1                                    In the District Court of Iowa  
2                                    In and for ..... County  
3 In the Matter of the Estate of .....  
4 ....., Deceased  
5 Probate No. ....  
6 Testimony of Subscribing  
7 Witness on Probate of Will.  
8 State of ..... )  
9 ..... County ) ss  
10 I, ....., being first duly sworn, state:  
11 I reside in the County of ....., State of .....; I  
12 knew the testator on the .... day of ..... (month), ...  
13 (year), the date of the instrument, the original or exact  
14 reproduction of which is attached hereto, now shown to me,  
15 and purporting to be the last will and testament of the said  
16 ....., deceased; I am one of the subscribing witnesses to  
17 said instrument; at the said date of said instrument, I knew  
18 ....., the other subscribing witness; that said instrument was  
19 exhibited to me and to the other subscribing witness by the  
20 testator, who declared the same to be the testator's last will  
21 and testament, and was signed by the testator at .....,  
22 in the County of ....., State of ....., on the date shown  
23 in said instrument, in the presence of myself and the other  
24 subscribing witness; and the other subscribing witness and I  
25 then and there, at the request of the testator, in the presence  
26 of said testator and in the presence of each other, subscribed  
27 our names thereto as witnesses.  
28 .....  
29 Name of witness  
30 .....  
31 Address  
32 Subscribed and sworn to before me this ... day of .....  
33 (month), ... (year)  
34 .....  
35 Notary Public in and for

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da/rj

29/32



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H.F. \_\_\_\_\_

1 the  
 2 ~~(Seal)~~ (Stamp) State of .....

3 Sec. 58. Section 633A.4604, subsection 2, Code 2011, is  
 4 amended to read as follows:

5 2. The certification must contain a statement that the trust  
 6 has not been revoked, modified, or amended in any manner which  
 7 would cause the representations contained in the certification  
 8 of trust to be incorrect and must contain a statement that it  
 9 is being signed by all of the currently acting trustees of the  
 10 trust and is sworn and subscribed to under penalty of perjury  
 11 before a notary public as provided in chapter 9B.

12 DIVISION III

13 EFFECTIVE DATE

14 Sec. 59. EFFECTIVE DATE. This Act takes effect January 1,  
 15 2013.

16 EXPLANATION

17 GENERAL. This bill is based in part on the Revised Uniform  
 18 Law on Notarial Acts as proposed by the national conference  
 19 of commissioners on uniform state laws (tentatively codified  
 20 under Code chapter 9B), repeals the "Iowa Law on Notarial  
 21 Acts" (currently codified under Code chapter 9E), and makes  
 22 conforming changes throughout the Code concerning notaries  
 23 public. The bill differs from the model act in several  
 24 respects. For example, it does not include optional provisions  
 25 requiring a notary public to maintain a journal or pass an  
 26 examination. The bill also includes provisions that are part  
 27 of the current law. For example, it requires the secretary  
 28 of state to notify a notary public of an upcoming expiration.  
 29 The secretary of state is responsible for administering  
 30 requirements applicable to notaries public.

31 NOTARIAL OFFICERS. Under the bill, a notarial officer  
 32 (a notary public or other authorized individual) may take  
 33 an acknowledgment, administer an oath or affirmation, take  
 34 a verification on oath or affirmation, witness or attest a  
 35 signature, certify or attest a copy, and note a protest of a



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1 negotiable instrument. The bill requires a notarial officer  
2 to have personal knowledge or satisfactory evidence of the  
3 identity of someone appearing before the officer for certain  
4 notarial acts. The bill requires notaries public to use a  
5 stamp, and sets requirements for the stamp and stamping device.  
6 It establishes qualifications to become a notary public,  
7 including requiring a notary public to be a citizen or legal  
8 permanent resident. It provides grounds for the secretary of  
9 state to deny, suspend, or otherwise limit a notary public's  
10 appointment. It also requires a nonattorney notary public to  
11 state in any advertisement that they are not authorized to give  
12 legal advice. The bill replaces a reference to a notarial seal  
13 with an official stamp.

14 NOTARIAL ACTS. The bill provides for the recognition  
15 of notarial acts, under specified procedures, that are  
16 performed both within and outside the state. It prescribes  
17 requirements for different types of notarial acts as well as  
18 certificates that must be executed along with such acts. The  
19 bill authorizes a notarial act to be performed in Iowa by a  
20 notary public or other designated person (a judge, clerk or  
21 deputy clerk of a court, a person authorized by the law of this  
22 state to administer oaths, an individual authorized to perform  
23 a specific act by the law, or a registrar of vital statistics  
24 or a designee). Under the bill, the signature and title of  
25 someone performing a notarial act is prima facie evidence that  
26 the signature is genuine and that the individual holds the  
27 designated title. The bill recognizes a notarial act legally  
28 performed in another state, territory, or insular possession  
29 of the United States, or on the land of a federally recognized  
30 Indian tribe. The bill specifically applies to a notarial act  
31 performed with respect to a tangible or electronic record. It  
32 requires a notary public who wishes to perform a notarial act  
33 involving an electronic record to notify the secretary of state  
34 regarding the technology that the notary public will use.

35 RULEMAKING. The bill authorizes the secretary of state to



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1 adopt rules necessary to administer the bill.  
2 COORDINATING AMENDMENTS. The bill amends a number of  
3 provisions which refer to a notary public, by expressly  
4 referencing the bill's new Code chapter. The affected Code  
5 chapters include those relating to the office of citizens'  
6 aide, military justice, elections, vital statistics, health  
7 care, family support, transportation and recreation, commercial  
8 law, court administration, property conveyances, family law,  
9 evidence, and probate.  
10 EFFECTIVE DATE. The bill takes effect on January 1, 2013.



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House Study Bill 597 - Introduced

HOUSE FILE \_\_\_\_\_  
BY (PROPOSED COMMITTEE  
ON JUDICIARY BILL BY  
CHAIRPERSON ANDERSON)

A BILL FOR

1 An Act relating to civil actions relating to real estate,  
2 including mortgage foreclosure actions.  
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5459YC (3) 84  
rh/sc



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H.F. \_\_\_\_\_

1 Section 1. Section 617.11, Code 2011, is amended to read as  
 2 follows:

3 **617.11 Lis pendens.**

4 1. ~~When so indexed said action~~ When a petition or municipal  
 5 infraction citation affecting real estate is indexed pursuant  
 6 to section 617.10, either action shall be considered pending so  
 7 as to charge all third persons with notice of its pendency, and  
 8 while pending no interest can be acquired by third persons in  
 9 the subject matter thereof as against the plaintiff's rights.

10 2. If a claim of interest against the property is acquired  
 11 prior to the indexing of the petition or citation and such  
 12 claim is not filed of record prior to indexing, it is subject  
 13 to the pending action as provided in subsection 1, unless any  
 14 of the following occurs:

15 a. The claimant intervenes in the pending action prior to  
 16 entry of judgment.

17 b. The claimant, prior to transfer of an interest in the  
 18 property to a bona fide third-party transferee, records an  
 19 affidavit showing that the party seeking relief under the  
 20 pending action had, prior to the indexing of the petition or  
 21 citation, actual notice of the claim of interest and of the  
 22 identity of the claimant.

23 3. This subsection does not apply to a mechanic's lien filed  
 24 pursuant to chapter 572 or to a person who has taken possession  
 25 of the property for value prior to the indexing of the petition  
 26 or citation.

27 Sec. 2. Section 654.4A, unnumbered paragraph 1, Code 2011,  
 28 is amended to read as follows:

29 In addition to any other form of service authorized by  
 30 law, where in rem relief is the only relief requested in a  
 31 foreclosure action or nonjudicial foreclosure under section  
 32 654.18 or chapter 655A against either a party or a person to be  
 33 served with a notice pursuant to section 654.15B, all of the  
 34 following shall apply:

35 Sec. 3. Section 654.18, subsection 1, paragraph e, Code



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H.F. \_\_\_\_\_

1 2011, is amended to read as follows:

2 e. (1) The mortgagee shall send by certified mail a  
3 notice of the election to all junior lienholders as of the  
4 date of the conveyance under paragraph "a", stating that the  
5 junior lienholders have thirty days from the date of mailing  
6 to exercise any rights of redemption. The notice may also be  
7 given in the manner prescribed in section 656.3 in which case  
8 the junior lienholders have thirty days from the completion of  
9 publication to exercise the rights of redemption.

10 (2) In addition to any other form of service authorized by  
11 law, service of process in an alternative nonjudicial voluntary  
12 foreclosure procedure filed pursuant to this section where in  
13 rem relief is the only relief requested shall be served in the  
14 manner provided in section 654.4A.

15 Sec. 4. Section 655A.3, subsection 1, paragraph b, Code  
16 2011, is amended to read as follows:

17 b. The notice shall contain the following in capital letters  
18 of the same type or print size as the rest of the notice:

19 WITHIN THIRTY DAYS AFTER YOUR RECEIPT OF THIS NOTICE, YOU  
20 MUST EITHER CURE THE DEFAULTS DESCRIBED IN THIS NOTICE OR FILE  
21 WITH THE RECORDER OF THE COUNTY WHERE THE MORTGAGED PROPERTY  
22 IS LOCATED A REJECTION OF THIS NOTICE AND SERVE A COPY OF YOUR  
23 REJECTION ON THE MORTGAGEE IN THE MANNER PROVIDED BY THE RULES  
24 ~~OF CIVIL PROCEDURE FOR SERVICE OF ORIGINAL NOTICES IN SECTION~~  
25 655A.4. IF YOU WISH TO REJECT THIS NOTICE, YOU SHOULD CONSULT  
26 AN ATTORNEY AS TO THE PROPER MANNER TO MAKE THE REJECTION.

27 IF YOU DO NOT TAKE EITHER OF THE ACTIONS DESCRIBED ABOVE  
28 WITHIN THE THIRTY-DAY PERIOD, THE FORECLOSURE WILL BE COMPLETE  
29 AND YOU WILL LOSE TITLE TO THE MORTGAGED PROPERTY. AFTER THE  
30 FORECLOSURE IS COMPLETE THE DEBT SECURED BY THE MORTGAGED  
31 PROPERTY WILL BE EXTINGUISHED.

32 Sec. 5. Section 655A.4, Code 2011, is amended to read as  
33 follows:

34 **655A.4 Service.**

35 Notice under this chapter shall be served as provided in





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House Study Bill 598 - Introduced

HOUSE FILE \_\_\_\_\_  
BY (PROPOSED COMMITTEE ON  
VETERANS AFFAIRS BILL BY  
CHAIRPERSON CHAMBERS)

A BILL FOR

- 1 An Act making a transfer to the veterans trust fund and
- 2 including effective date provisions.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5919YC (10) 84  
jp/sc



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H.F. \_\_\_\_\_

1 Section 1. TRANSFER TO VETERANS TRUST FUND. At the  
2 close of the fiscal year beginning July 1, 2011, following  
3 the appropriations made to the cash reserve fund pursuant  
4 to section 8.57, subsections 1 and 3, and the Iowa economic  
5 emergency fund pursuant to section 8.57, subsection 4, and  
6 following any transfer made from the Iowa economic emergency  
7 fund to the taxpayers trust fund pursuant to section 8.55,  
8 subsection 2, paragraph "a", subparagraph (1), from the excess  
9 moneys that remain, an amount sufficient for the balance of  
10 the veterans trust fund created in section 35A.13 to reach  
11 fifty million dollars, up to the amount of excess moneys that  
12 remains, shall be transferred to the veterans trust fund,  
13 and any remaining excess shall be transferred to the general  
14 fund of the state as provided in section 8.55, subsection 2,  
15 paragraph "a", subparagraph (2).

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

18 EXPLANATION

19 This bill provides for a one-time transfer of moneys from  
20 the Iowa economic emergency fund to the veterans trust fund  
21 at the close of fiscal year 2011-2012. The bill provides for  
22 the transfer to be made after the standing appropriations of  
23 the amounts necessary for the cash reserve fund and the Iowa  
24 economic emergency fund to each reach their maximum balance.

25 Under current law, when the economic emergency fund has  
26 reached its maximum balance, the first \$60 million of the  
27 excess, limited to the difference between the actual net  
28 revenue for the general fund of the state for the fiscal year  
29 and the adjusted revenue estimate for the fiscal year, is  
30 transferred to the taxpayers trust fund. The bill provides  
31 that from the excess moneys that remain following the taxpayers  
32 trust fund transfer, an amount sufficient for the balance in  
33 the veterans trust fund to reach \$50 million up to the amount  
34 of excess moneys that remains is to be transferred to the  
35 veterans trust fund. Any remaining excess is to be transferred

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jp/sc

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1 to the general fund of the state, as is provided by current  
2 law.  
3 The bill takes effect upon enactment.



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House Study Bill 599 - Introduced

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

A BILL FOR

1 An Act relating to eligibility for the renewable energy tax  
2 credit.  
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5577YC (2) 84  
rn/sc



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H.F. \_\_\_\_\_

1 Section 1. Section 476C.1, Code Supplement 2011, is amended  
2 by adding the following new subsection:

3 NEW SUBSECTION. 4A. "*Cogeneration facility*" means a  
4 facility in this state in which the same energy source is  
5 utilized for the sequential generation of electrical or  
6 mechanical power in combination with steam, heat, or other  
7 forms of useful energy.

8 Sec. 2. Section 476C.1, subsection 6, unnumbered paragraph  
9 1, Code Supplement 2011, is amended to read as follows:

10 "*Eligible renewable energy facility*" means a wind energy  
11 conversion facility, a biogas recovery facility, a biomass  
12 conversion facility, a methane gas recovery facility, a solar  
13 energy conversion facility, ~~or~~ a refuse conversion facility,  
14 or a natural gas cogeneration facility that meets all of the  
15 following requirements:

16 Sec. 3. Section 476C.3, subsection 4, paragraph b, Code  
17 Supplement 2011, is amended to read as follows:

18 *b.* The maximum amount of energy production capacity  
19 equivalent of all other facilities the board may find eligible  
20 under this chapter shall not exceed a combined output of  
21 fifty-three megawatts of nameplate generating capacity and  
22 one hundred sixty-seven billion British thermal units of heat  
23 for a commercial purpose. Of the maximum amount of energy  
24 production capacity equivalent of all other facilities found  
25 eligible under this chapter, no more than ten megawatts of  
26 nameplate generating capacity or energy production capacity  
27 equivalent shall be allocated to any one facility. Of the  
28 maximum amount of energy production capacity equivalent of all  
29 other facilities found eligible under this chapter, fifty-five  
30 billion British thermal units of heat for a commercial purpose  
31 shall be reserved for an eligible facility that is a refuse  
32 conversion facility for processed, engineered fuel from a  
33 multicounty solid waste management planning area. The maximum  
34 amount of energy production capacity the board may find  
35 eligible for a single refuse conversion facility is fifty-five



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1 billion British thermal units of heat for a commercial purpose.  
 2 Of the maximum amount of energy production capacity equivalent  
 3 of all other facilities found eligible under this chapter, an  
 4 amount equivalent to ten megawatts of nameplate generating  
 5 capacity shall be reserved for ~~eligible renewable energy~~  
 6 natural gas cogeneration facilities incorporated within or  
 7 associated with an ethanol ~~cogeneration~~ plant engaged in the  
 8 sale of ethanol ~~to states to meet~~ assist the ethanol plant in  
 9 meeting a low carbon fuel standard.

10 EXPLANATION

11 This bill modifies provisions relating to reserving  
 12 specified amounts of energy production capacity equivalent for  
 13 designated facilities in qualifying for the renewable energy  
 14 tax credit provided in Code chapter 476C.

15 The Code chapter provides that the maximum amount of energy  
 16 production capacity equivalent of nonwind energy facilities  
 17 eligible for the tax credit shall not exceed a specified  
 18 combined output level. Currently, out of this amount, a  
 19 maximum of 10 megawatts of nameplate generating capacity is  
 20 reserved for eligible renewable energy facilities incorporated  
 21 within or associated with an ethanol cogeneration plant  
 22 engaged in the sale of ethanol to states to meet a low carbon  
 23 fuel standard. The bill modifies this provision to restrict  
 24 the reserved amount to natural gas cogeneration facilities  
 25 associated with the ethanol plant. The bill also deletes  
 26 reference to an ethanol "cogeneration" plant, and changes the  
 27 provision that the plant is engaged in the sale of ethanol to  
 28 states to meet a low carbon fuel standard to specify that the  
 29 plant is engaged in the sale of ethanol, without reference to  
 30 other states, in order to assist an ethanol plant in meeting a  
 31 low carbon fuel standard.

32 The bill defines "cogeneration facility" to mean a facility  
 33 in this state in which the same energy source is utilized for  
 34 the sequential generation of electrical or mechanical power  
 35 in combination with steam, heat, or other forms of useful

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1 energy. The bill adds natural gas cogeneration facilities to  
2 the list of facilities designated as eligible renewable energy  
3 facilities qualifying for the renewable energy tax credit.



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House Study Bill 600 - Introduced

SENATE/HOUSE FILE \_\_\_\_\_  
BY (PROPOSED ATTORNEY GENERAL  
BILL)

A BILL FOR

1 An Act relating to mobile and manufactured home tenancy  
2 by providing for minimum duration of rental agreements  
3 and termination or nonrenewal of rental agreements, and  
4 modifying notice of unpaid rent and related forcible entry  
5 and detainer provisions.  
6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5289DP (5) 84  
ad/sc



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S.F. \_\_\_\_\_ H.F. \_\_\_\_\_

1 Section 1. Section 562B.10, subsection 4, Code 2011, is  
2 amended to read as follows:

3 4. Rental agreements shall be for a term of at least one  
4 ~~year unless otherwise specified in the rental agreement.~~  
5 Rental agreements shall be ~~canceled~~ terminated by at least  
6 sixty days' written notice given by ~~either party~~ a tenant  
7 unless the tenant is terminating the rental agreement pursuant  
8 to a section of this chapter which allows for a shorter notice  
9 period. ~~A landlord shall not cancel a rental agreement solely~~  
10 ~~for the purpose of making the tenant's mobile home space~~  
11 ~~available for another mobile home.~~ Rental agreements shall be  
12 terminated by a landlord, or not renewed by a landlord, in a  
13 time and manner which complies with this chapter.

14 Sec. 2. Section 562B.10, Code 2011, is amended by adding the  
15 following new subsection:

16 NEW SUBSECTION. 4A. *a.* A landlord may terminate a tenancy  
17 during the initial twelve months of the tenancy if the tenant  
18 engages in any of the following:

19 (1) A material noncompliance with the rental agreement.

20 (2) A material violation of the manufactured mobile home  
21 community or mobile home park rules or regulations.

22 (3) Any other violation of this chapter for which  
23 termination is a remedy.

24 *b.* A landlord may terminate a tenancy after the initial  
25 twelve months, or may only fail to renew a tenancy, for any of  
26 the following reasons:

27 (1) A legitimate and material business reason the impact of  
28 which is not specific to one tenant.

29 (2) A change in the use of the land if a change in the use  
30 of the land is included in the rental agreement as grounds for  
31 termination or nonrenewal.

32 (3) Any of the reasons included in paragraph *"a"*.

33 *c.* A landlord may terminate or not renew a tenancy pursuant  
34 to paragraph *"b"*, subparagraphs (1) and (2), by a written notice  
35 given to the tenant at least sixty days prior to the periodic



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S.F. \_\_\_\_\_ H.F. \_\_\_\_\_

1 rental date specified in the notice. The notice shall specify  
2 all facts which give rise to the notice of termination or  
3 failure to renew.

4 Sec. 3. Section 562B.25, subsection 2, Code 2011, is amended  
5 to read as follows:

6 2. If rent is unpaid when due and the tenant fails to pay  
7 rent within ~~three~~ fourteen days after written notice by the  
8 landlord of nonpayment and of the landlord's intention to  
9 terminate the rental agreement if the rent is not paid within  
10 that period of time, the landlord may terminate the rental  
11 agreement.

12 Sec. 4. Section 648.3, subsection 1, Code 2011, is amended  
13 to read as follows:

14 1. Before action can be brought under any ground specified  
15 in section 648.1, except subsection 1, three days' notice to  
16 quit must be given to the defendant in writing. However, a  
17 landlord who has given a tenant three days' notice to pay rent  
18 and has terminated the tenancy as provided in section 562A.27,  
19 subsection 2, or fourteen days' notice to pay rent as provided  
20 in section 562B.25, subsection 2, if the tenant is renting the  
21 manufactured or mobile home or the land from the landlord, may  
22 commence the action without giving a three-day notice to quit.

23 Sec. 5. Section 648.4, Code 2011, is amended to read as  
24 follows:

25 **648.4 Notice terminating tenancy.**

26 When the tenancy is at will and the action is based on the  
27 ground of the nonpayment of rent when due, no notice of the  
28 termination of the tenancy other than the three-day notice, or,  
29 if the tenant is renting the manufactured or mobile home or the  
30 land from the landlord, the fourteen-day notice pursuant to  
31 section 562B.25, subsection 2, need be given before beginning  
32 the action.

33 **EXPLANATION**

34 This bill makes changes relating to tenancy in mobile home  
35 parks and manufactured home communities.

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ad/sc

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S.F. \_\_\_\_\_ H.F. \_\_\_\_\_

1 The bill amends Code section 562B.10 to provide that the term  
2 of a rental agreement shall be for at least one year regardless  
3 of whether the rental agreement specifies otherwise. The bill  
4 eliminates the right of the landlord to terminate an agreement  
5 at the end of the term of the rental agreement upon 60 days'  
6 written notice to the tenant.

7 The bill further amends Code section 562B.10 to provide that  
8 a landlord may terminate a tenancy during the initial 12 months  
9 of the tenancy if the tenant acts in material noncompliance  
10 of the rental agreement, commits a material violation of the  
11 manufactured mobile home community or mobile home park rules  
12 or regulations, or commits any other violation of Code chapter  
13 562B which allows the remedy of termination.

14 The bill provides that a landlord may terminate a tenancy  
15 after the initial 12 months or may fail to renew a tenancy for  
16 a legitimate and material business reason the impact of which  
17 is not specific to one tenant, a change in the use of the land  
18 if a change in the use of the land is included in the rental  
19 agreement as grounds for termination or nonrenewal, or any  
20 reason for termination allowed in the initial 12 months of the  
21 tenancy.

22 The bill provides that if a landlord terminates or fails to  
23 renew a tenancy for a legitimate and material business reason  
24 or a change in the use of the land as allowed in the bill, the  
25 landlord shall terminate or fail to renew by a written notice  
26 given to the tenant at least 60 days prior to the periodic  
27 rental date specified in the notice. The notice must specify  
28 all facts which give rise to the notice of termination or  
29 failure to renew.

30 The bill amends Code section 562B.25 to increase the number  
31 of days from three to 14 in which a tenant has to pay the  
32 unpaid rent after written notice is provided to the tenant of  
33 nonpayment of the rent.

34 The bill amends Code section 648.3 to provide that a  
35 landlord can commence a forcible entry and detainer action

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ad/sc



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1 without giving a three-day notice to quit when the landlord  
2 has given 14 days' notice to pay rent as provided in Code  
3 section 562B.25. The bill amends Code section 648.4 to add  
4 that when the tenancy is at will and the forcible entry and  
5 detainer action is based on nonpayment of rent, no notice other  
6 than the 14-day notice to pay rent provided to a mobile home  
7 or manufactured home tenant pursuant to Code section 562B.25  
8 need be given before beginning the forcible entry and detainer  
9 action.



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House Study Bill 601 - Introduced

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

A BILL FOR

1 An Act relating to unemployment insurance benefit eligibility  
2 requirements and periods for calculating employer  
3 contribution rates and including effective date and  
4 applicability provisions.  
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5207DP (5) 84  
je/rj



**Iowa General Assembly  
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S.F. \_\_\_\_\_ H.F. \_\_\_\_\_

1 Section 1. Section 96.4, subsection 4, paragraph c, Code  
2 2011, is amended to read as follows:

3 c. If the individual has drawn benefits in any benefit year,  
4 the individual must during or subsequent to that year, work  
5 in and be paid wages for insured work totaling at least ~~two~~  
6 ~~hundred fifty~~ one thousand five hundred dollars, as a condition  
7 to receive benefits in the next benefit year.

8 Sec. 2. Section 96.4, Code 2011, is amended by adding the  
9 following new subsection:

10 NEW SUBSECTION. 8. The individual has satisfied one  
11 one-week waiting period during the individual's benefit year.  
12 To satisfy the one-week waiting period, the individual, with  
13 respect to the week in question, must meet all of the following  
14 conditions:

15 a. Must be unemployed.

16 b. Must have filed a claim for benefits in accordance with  
17 section 96.6, subsection 1.

18 c. Must be eligible for benefits from this state and would  
19 receive benefits after deductions from this state but for the  
20 waiting period; must not receive benefits from this or any  
21 other state; and must not be eligible for benefits from any  
22 other state.

23 Sec. 3. Section 96.7, subsection 2, paragraph c,  
24 subparagraphs (1) through (3), Code 2011, are amended to read  
25 as follows:

26 (1) A nonconstruction contributory employer newly subject  
27 to this chapter shall pay contributions at the rate specified  
28 in the twelfth benefit ratio rank but not less than one percent  
29 until the end of the calendar year in which the employer's  
30 account has been chargeable with benefits for ~~twelve~~ four  
31 consecutive calendar quarters immediately preceding the  
32 computation date.

33 (2) A construction contributory employer, as defined under  
34 rules adopted by the department, which is newly subject to this  
35 chapter shall pay contributions at the rate specified in the



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1 twenty-first benefit ratio rank until the end of the calendar  
2 year in which the employer's account has been chargeable  
3 with benefits for ~~twelve~~ four consecutive calendar quarters  
4 immediately preceding the computation date.

5 (3) Thereafter, the employer's contribution rate shall be  
6 determined in accordance with paragraph "d", except that the  
7 employer's average annual taxable payroll and benefit ratio  
8 may be computed, as determined by the department, for less  
9 than ~~five~~ three periods of four consecutive calendar quarters  
10 immediately preceding the computation date.

11 Sec. 4. Section 96.7, subsection 2, paragraph d,  
12 subparagraph (2), unnumbered paragraph 3, Code 2011, is amended  
13 to read as follows:

14 "*Benefit ratio*" means a number computed to six decimal places  
15 on July 1 of each year obtained by dividing the average of all  
16 benefits charged to an employer during the ~~five~~ three periods  
17 of four consecutive calendar quarters immediately preceding  
18 the computation date by the employer's average annual taxable  
19 payroll.

20 Sec. 5. Section 96.19, subsection 2, Code 2011, is amended  
21 to read as follows:

22 2. "*Average annual taxable payroll*" means the average of the  
23 total amount of taxable wages paid by an employer for insured  
24 work during the ~~five~~ three periods of four consecutive calendar  
25 quarters immediately preceding the computation date.

26 Sec. 6. EFFECTIVE DATE. This Act takes effect July 1, 2012.

27 Sec. 7. APPLICABILITY. This Act applies to unemployment  
28 insurance benefit claims with an effective date on or after  
29 July 1, 2012.

30 EXPLANATION

31 This bill requires an individual who has drawn unemployment  
32 insurance benefits to earn wages for insured work totaling  
33 at least \$1,500 before the individual can be eligible for  
34 unemployment insurance benefits in a subsequent benefit year.  
35 Under current law, such an individual must earn \$250.



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1 The bill requires an individual to satisfy a one-week  
2 waiting period during the individual's benefit year in order  
3 to receive unemployment insurance benefits. The bill requires  
4 that, regarding the week in question, the individual must be  
5 unemployed, must have filed a claim for benefits in accordance  
6 with Code section 96.6(1), must be eligible for benefits after  
7 deductions in the state of Iowa but for the waiting period,  
8 must not receive benefits from the state of Iowa or any other  
9 state, and must not be eligible for benefits from any other  
10 state.

11 The bill reduces the time period during which construction  
12 and nonconstruction employers are subject to the contribution  
13 rate for new employers for unemployment insurance from three  
14 years to one year. The bill reduces the years of experience  
15 used to calculate the benefit ratio for an employer's  
16 contribution rate from five to three.

17 The bill takes effect July 1, 2012, and applies to  
18 unemployment insurance benefit claims with an effective date on  
19 or after July 1, 2012.



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House Study Bill 602 - Introduced

SENATE/HOUSE FILE \_\_\_\_\_  
BY (PROPOSED SECRETARY OF  
STATE BILL)

A BILL FOR

1 An Act concerning the review, approval, and establishment of  
2 county supervisor districting plans.  
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5274XD (9) 84  
ec/sc



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1 Section 1. Section 49.8, subsection 4, Code 2011, is amended  
2 to read as follows:

3 4. If city population data certified by the United States  
4 bureau of the census following the federal decennial census  
5 is revised and the revision is certified by the United  
6 States bureau of the census, such revisions may be used  
7 to revise precinct and ward boundaries in accordance with  
8 the requirements of sections 49.3 and 49.5. The board of  
9 supervisors shall determine whether such revised population  
10 data affects the population equality of supervisor districts.  
11 If necessary, the temporary county redistricting commission  
12 shall be reconvened, notwithstanding section 331.210A,  
13 subsection 4, and supervisor districts shall be revised  
14 in accordance with the requirements of section 331.210A,  
15 ~~subsection~~ subsections 2 and 2A.

16 Sec. 2. Section 68B.32A, subsection 16, Code 2011, is  
17 amended by striking the subsection.

18 Sec. 3. Section 331.209, subsection 4, Code 2011, is amended  
19 by striking the subsection.

20 Sec. 4. Section 331.210A, subsection 2, paragraph e, Code  
21 2011, is amended by striking the paragraph.

22 Sec. 5. Section 331.210A, subsection 2, paragraph f,  
23 subparagraph (4), Code 2011, is amended to read as follows:

24 (4) The governing body, after approving a plan, shall comply  
25 with the requirements of ~~paragraph "e"~~ subsection 2A.

26 Sec. 6. Section 331.210A, Code 2011, is amended by adding  
27 the following new subsection:

28 NEW SUBSECTION. 2A. *Review and approval of plans.*

29 a. The plan adopted by the board of supervisors as provided  
30 in subsection 2 shall be submitted to the state commissioner of  
31 elections for review and approval. To facilitate this review,  
32 each applicable temporary county redistricting commission  
33 shall notify the state commissioner of elections when the  
34 boundaries of supervisor districts will be changed or newly  
35 divided pursuant to a change in the county representation plan,



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1 shall provide documentation as to when the board of supervisors  
2 approved the new supervisor district plan, shall provide a map  
3 delineating the new boundary lines, and shall certify to the  
4 state commissioner of elections the populations of the new  
5 supervisor districts as determined under the latest federal  
6 decennial census.

7     *b.* (1) The state commissioner shall reject a county  
8 supervisor districting plan submitted to the state commissioner  
9 if a valid petition requesting that the legislative services  
10 agency prepare the supervisor districting plan for the county  
11 is filed with the state commissioner of elections, on a form  
12 prescribed by the state commissioner, within thirty days after  
13 the plan is approved by the board of supervisors. For purposes  
14 of this subparagraph, a petition is a valid petition if signed  
15 by eligible electors of the county equal in number to at least  
16 two percent of the total votes cast in the county for the  
17 office of governor at the last preceding general election  
18 for governor. In addition, the petition shall include the  
19 signatures of the eligible electors, a statement of their place  
20 of residence, and the date on which they signed the petition.  
21 If a date of signature on a petition is a date prior to the date  
22 the board of supervisors approved the plan, the signature shall  
23 not be counted.

24     (2) Upon determining that a valid petition has been  
25 filed with the state commissioner, the state commissioner  
26 shall direct the legislative services agency to prepare a  
27 supervisor districting plan for the county. The legislative  
28 services agency shall draw the plan, based to the extent  
29 possible upon the precinct plan adopted and approved by the  
30 state commissioner for use by the county, in accordance with  
31 the standards of section 42.4, to the extent applicable, and  
32 such other legal requirements applicable to county supervisor  
33 districts. The legislative services agency shall submit the  
34 plan to the state commissioner who shall impose the plan on the  
35 county.

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1     *c.* (1) If a valid petition as provided by paragraph “*b*” is  
2 not filed with the state commissioner, the state commissioner  
3 shall review the plan submitted and shall approve the plan if  
4 the plan meets the standards of section 42.4 and such other  
5 legal requirements applicable to county supervisor districts  
6 and precincts.

7     (2) If the state commissioner finds that the plan does  
8 not meet the standards of section 42.4 and such other legal  
9 requirements applicable to county supervisor districts or  
10 precincts, the state commissioner shall reject the plan, and  
11 the board of supervisors shall direct the commission to prepare  
12 and adopt an acceptable plan. If it is necessary for the  
13 temporary county redistricting commission to make subsequent  
14 attempts at adopting an acceptable plan because the initial  
15 proposed district or precinct plan has been rejected pursuant  
16 to this subparagraph, the subsequent plans do not require  
17 public hearings.

18     *d.* Upon failure of a temporary county redistricting  
19 commission to make the required changes in supervisor district  
20 boundaries by the dates specified by sections 331.203,  
21 331.204, and 331.209 as determined by the state commissioner of  
22 elections, the state commissioner of elections shall make or  
23 cause to be made the necessary changes as soon as possible, and  
24 shall assess to the county the expenses incurred in so doing.  
25 The state commissioner of elections may request the services of  
26 personnel and materials available to the legislative services  
27 agency to assist the state commissioner in making required  
28 changes in supervisor district boundaries which become the  
29 state commissioner’s responsibility.

30     Sec. 7. Section 331.210A, subsection 4, Code 2011, is  
31 amended to read as follows:

32     4. *Termination.* The terms of the members of the temporary  
33 county redistricting commission shall expire twenty days  
34 following the date the county’s supervisor district plan and  
35 corresponding precinct plan, if applicable, are approved or

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1 imposed by the state commissioner of elections under ~~sections~~  
 2 section 49.7 and 331.209 ~~this section~~.

3 Sec. 8. Section 331.248, subsection 2, paragraph h, Code  
 4 2011, is amended to read as follows:

5 *h.* Provide for a representation plan for the governing body  
 6 which representation plan may differ from the representation  
 7 plans provided in section 331.206 and in chapter 372. If the  
 8 plan calls for representation by districts and the charter  
 9 has been approved in a county whose population is one hundred  
 10 eighty thousand or more, the plan shall be drawn pursuant to  
 11 section 331.210A, subsection 2, paragraph "f". The initial  
 12 representation plan for such a county shall be drawn as  
 13 provided in section 331.210A, subsection 2, paragraph "f",  
 14 within one hundred twenty days after the election at which the  
 15 charter is approved. For the initial representation plan,  
 16 the charter commission shall assume the role of the governing  
 17 body for purposes of this paragraph ~~and~~, section 331.210A,  
 18 subsection 2, paragraphs "d" through ~~and~~ "f", and section  
 19 331.210A, subsection 2A.

20 EXPLANATION

21 This bill concerns county supervisor districting plans.  
 22 Under current law, following adoption by the county  
 23 supervisors of a county supervisor districting plan, an  
 24 eligible elector from the county may file, within 14 days of  
 25 adopting the plan, a complaint with the state commissioner of  
 26 elections (the secretary of state), alleging that the plan was  
 27 drawn for improper political reasons. Once filed, current law  
 28 provides that the complaint be forwarded to the ethics and  
 29 campaign disclosure board for a determination of whether the  
 30 plan was improperly drawn.

31 The bill eliminates the complaint process relative to  
 32 the ethics and campaign disclosure board. Instead, the bill  
 33 provides that if following the adoption of a county supervisor  
 34 district plan a valid petition is filed with the commissioner  
 35 of elections, the state commissioner shall reject the plan and

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1 direct the legislative services agency to draw a plan. The  
2 bill provides that the petition shall be filed within 30 days  
3 after the adoption of the plan and shall be signed by eligible  
4 electors of the county equal in number to at least 2 percent of  
5 the total votes cast for the office of governor in the county  
6 at the last preceding general election for governor. To be  
7 counted, a signature shall not be dated prior to the date the  
8 board of supervisors approved the plan. The bill provides that  
9 once the state commissioner determines that a valid petition  
10 has been filed, the legislative services agency shall draw a  
11 county supervisor districting plan that shall be imposed on the  
12 county by the state commissioner.

13 The bill makes additional changes to relocate provisions  
14 relative to the consideration, review, approval, and  
15 imposition of county supervisor districting plans by the state  
16 commissioner of elections to Code section 331.210A.



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House Study Bill 603 - Introduced

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

A BILL FOR

1 An Act requiring salvage dealers to maintain designated  
2 records, and providing a penalty.  
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 6035YC (1) 84  
rn/sc



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H.F. \_\_\_\_\_

1 Section 1. Section 714.27, Code Supplement 2011, is amended  
2 to read as follows:

3 **714.27 ~~Copper theft~~ Salvage dealers — ordinance authorized**  
4 **— penalty.**

5 1. ~~The governing body of a political subdivision in which~~  
6 ~~copper theft has been reported may consider the adoption of a~~  
7 ~~copper theft~~ board of supervisors in each county shall adopt  
8 an ordinance requiring a salvage dealer to maintain complete,  
9 accurate, and legible records in the English language of all  
10 purchases and receipt of salvaged materials. Such records  
11 shall be maintained and located at the place of business of  
12 the salvage dealer for a minimum of one year from the date of  
13 purchase or receipt by the salvage dealer. For the purposes of  
14 this section, "salvage dealer" means any person engaged in the  
15 business of buying, selling, and dealing in salvaged materials.  
16 For the purposes of this section, "salvaged materials" means  
17 scrap iron, brass, lead, copper, or aluminum wire or tubing,  
18 and other scrap metals.

19 2. The ordinance ~~may~~ shall require a salvage dealer to  
20 maintain ~~one or more of~~ the following records:

21 a. The identity of the person from whom the salvaged  
22 material was received or purchased, including name and address;  
23 date of birth; Iowa driver's license number, Iowa nonoperator's  
24 identification card number, or social security number in  
25 conjunction with photo identification; sex, age, height, and  
26 race.

27 b. The vehicle license plate number of the vehicle that  
28 delivered the salvaged material to the salvage dealer, if  
29 applicable.

30 c. The date and hour of the purchase or receipt of the  
31 salvaged material.

32 d. A reasonably accurate inventory and description of the  
33 salvaged material obtained.

34 e. The value of or amount paid for the salvaged material.

35 f. The weight or other measurable quantity of the salvaged



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1 material.

2 *g.* From whom and at what time and place the salvaged  
3 material was obtained by the person from whom it was purchased  
4 or received, if known.

5 *h.* The date and manner of disposition by the salvage dealer  
6 of the salvaged material by each article or in bulk.

7 *i.* The name and address of the person to whom the salvaged  
8 material was sold or otherwise disposed of.

9 3. *a.* A violation of this section by a salvage dealer is a  
10 simple misdemeanor.

11 *b.* (1) In addition to the penalty imposed pursuant to  
12 paragraph "a", in the event that a political subdivision issues  
13 city or county within which a salvage dealer is conducting  
14 business has issued a license or permit to a the salvage dealer  
15 for the operation of a salvage business, the ordinance may  
16 shall provide for the suspension, revocation, or nonrenewal of  
17 the license or permit in the event the ordinance is violated by  
18 the salvage dealer. A suspension, revocation, or nonrenewal  
19 shall not take effect without notice delivered to the licensee  
20 or permittee in the regular mail addressed to the licensee  
21 or permittee at the licensed premises a minimum of ten days  
22 prior to a date set for hearing before a magistrate or district  
23 associate judge. The notice shall inform the licensee or  
24 permittee of the time, date, and place of hearing, the purpose  
25 of the hearing, and shall set out briefly the reasons for the  
26 hearing.

27 (2) A decision regarding whether to suspend or revoke  
28 a license or permit, or deny its renewal, shall be at the  
29 discretion of the magistrate or district associate judge,  
30 based upon the circumstances surrounding the violation and its  
31 severity.

32 (3) A licensee or permittee whose license or permit or  
33 renewal has been revoked or denied because of a violation of  
34 this section shall not be eligible for another such license  
35 or permit for a period of one hundred eighty days after the



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1 revocation or denial.

2 ~~b. In the event a political subdivision does not issue a~~  
3 ~~license or permit to a salvage dealer for the operation of a~~  
4 ~~salvage business, the ordinance may provide for such penalty~~  
5 ~~provision as the governing body of the political subdivision~~  
6 ~~may deem appropriate.~~

7 EXPLANATION

8 This bill imposes information-gathering requirements on  
9 salvage dealers under specified circumstances.

10 The bill modifies current provisions contained in Code  
11 section 714.27 authorizing a political subdivision of the state  
12 to adopt an ordinance aimed at preventing or curtailing copper  
13 theft. The Code section provides that the governing body of a  
14 political subdivision in which copper theft has been reported  
15 may consider the adoption of a copper theft ordinance requiring  
16 a salvage dealer to maintain a specified list of records of all  
17 purchases and receipt of salvaged materials.

18 The bill changes adoption of the ordinance from optional to  
19 mandatory for a county board of supervisors and applies the  
20 ordinance to salvaged materials, rather than only copper. The  
21 bill provides definitions of "salvage dealer" and "salvaged  
22 materials". A "salvage dealer" is defined to mean any person  
23 engaged in the business of buying, selling, and dealing in  
24 salvaged materials. The bill defines "salvaged materials"  
25 to mean scrap iron, brass, lead, copper, or aluminum wire or  
26 tubing and other scrap metals.

27 The bill does not modify or alter the information currently  
28 authorized to be obtained by a salvage dealer from a person  
29 from whom salvaged materials was received or purchased, but  
30 such information shall now be required to be obtained. The  
31 information generally relates to the identity of the person  
32 from whom salvaged material was received or purchased, the  
33 vehicle license plate number of the vehicle that delivered the  
34 salvaged material, the date and hour of the purchase or receipt  
35 of the salvaged material, a reasonably accurate inventory and

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1 description of the salvaged material obtained, the value of  
2 or amount paid for the salvaged material, the weight or other  
3 measurable quantity of the salvaged material, from whom and at  
4 what time and place the salvaged material was obtained by the  
5 person from whom it was purchased or received, if known, the  
6 date and manner of disposition by the salvage dealer of the  
7 salvaged material, and the name and address of the person to  
8 whom the salvaged material was sold or otherwise disposed of.

9 The bill specifies that a violation of the bill's provisions  
10 by a salvage dealer shall constitute a simple misdemeanor  
11 punishable by confinement for no more than 30 days or a fine  
12 of at least \$65 but not more than \$625 or by both. The bill  
13 additionally modifies the currently optional suspension,  
14 revocation, or nonrenewal of a license or permit if issued to a  
15 salvage dealer by a city or county in which the salvage dealer  
16 conducts business, to provisions which mandate such suspension,  
17 revocation, or nonrenewal.



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House Study Bill 604 - Introduced

SENATE/HOUSE FILE \_\_\_\_\_  
BY (PROPOSED ECONOMIC  
DEVELOPMENT AUTHORITY BILL)

A BILL FOR

1 An Act relating to economic development by providing an  
2 adjustment to net income for certified suppliers of anchor  
3 manufacturers for purposes of state taxation and including  
4 retroactive applicability provisions.  
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5279DP (5) 84  
mm/sc



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1     Section 1. NEW SECTION. 15.226 **Definitions.**  
2     For purposes of this part:  
3     1. "*Anchor manufacturer*" means a business that meets all of  
4 the following:  
5     a. Manufactures tangible personal property at a facility in  
6 Iowa.  
7     b. Exports at least fifty percent of the tangible personal  
8 property produced at the facility to markets outside of the  
9 state.  
10    2. "*Certified supplier*" means a business certified pursuant  
11 to section 15.227.  
12    3. "*Facility*" means a building or buildings located in the  
13 state at which tangible personal property is manufactured for  
14 sale within or without the state of Iowa.  
15    4. "*Manufactured*" or "*Manufactures*" means adding value to  
16 personal property through a process of manufacturing, refining,  
17 purifying, combining of different materials, the packaging of  
18 meats, extracting and recovering natural resources, and all  
19 processes of fabricating and curing, with a view to selling the  
20 property for gain or profit.  
21    5. "*Tangible personal property*" means the same as defined in  
22 section 422.33, subsection 2, unnumbered paragraph 2.  
23    Sec. 2. NEW SECTION. 15.227 **Certification of suppliers.**  
24    1. A business meeting the requirements of subsection 2 may  
25 apply to the authority, no later than ninety days after the  
26 end of a tax year of the business, for certification under  
27 this section. If a business applying to the authority meets  
28 the requirements of subsection 2, the authority shall issue  
29 a certificate to the business stating that the business is a  
30 certified supplier.  
31    2. To receive certification as a certified supplier, a  
32 business must meet all of the following for the tax year  
33 immediately preceding the tax year for which the requested  
34 certificate will be valid:  
35    a. The business manufactures tangible personal property at a

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1 facility in Iowa.

2 *b.* The business derives more than ten percent of its gross  
3 sales from sales to anchor manufacturers.

4 *c.* The business provides a statement from an anchor  
5 manufacturer, signed by an officer or authorized representative  
6 of the anchor manufacturer, attesting that the anchor  
7 manufacturer meets the definition of anchor manufacturer under  
8 section 15.226, and provides supporting documentation in a form  
9 prescribed by the authority.

10 *d.* The business meets one of the following criteria:

11 (1) At least ten percent of the total payroll of the  
12 business is located in the state.

13 (2) The business employs at least one hundred employees at a  
14 facility in the state.

15 *e.* The business agrees to annually provide to the authority  
16 information and data on jobs created and capital investments  
17 made in the state by the business. The information and data  
18 shall be in a form prescribed by the authority.

19 3. A certificate is valid for one tax year and shall include  
20 an expiration date. Reapplication may be made each year for  
21 certification under this part. The department of revenue shall  
22 accept a validly issued, unexpired certificate issued under  
23 this section.

24 **Sec. 3. NEW SECTION. 15.228 Eligibility for adjustment to**  
25 **net income of certified suppliers.**

26 A certified supplier shall be eligible to make the  
27 adjustment to net income in section 422.35, subsection 26, for  
28 a tax year if all the following apply:

29 1. The certified supplier's net business income for the tax  
30 year, allocated and apportioned to this state under section  
31 422.33, subsection 2, paragraph "b", computed without regard  
32 to section 422.35, subsection 26, increased by more than ten  
33 percent over the certified supplier's net business income in  
34 the prior year, allocated and apportioned to this state under  
35 section 422.33, subsection 2, paragraph "b".





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1 state.

2 A business that meets all of the qualifications of a  
3 certified supplier may annually apply to the authority to  
4 receive a certificate labeling the business as a certified  
5 supplier. A business must apply for a certificate no later  
6 than 90 days after the end of its tax year. The certificate is  
7 valid for one year and shall include an expiration date.

8 The certified supplier will be entitled to make an  
9 adjustment to its net income if it attaches the valid,  
10 unexpired certificate to its tax return, and if its net  
11 business income allocated and apportioned to this state,  
12 computed without regard to the adjustment to net income  
13 provided in the bill, increased by more than 10 percent over  
14 its prior year net business income allocated and apportioned  
15 to this state.

16 If both requirements are met, the certified supplier is  
17 entitled to subtract from its net income an amount equal to  
18 the difference between its current year net business income  
19 allocated and apportioned to this state, computed without  
20 regard to the adjustment to net income provided in the bill,  
21 and 110 percent of its prior year net business income allocated  
22 and apportioned to this state.

23 The bill provides the authority and department of revenue  
24 with rulemaking authority.

25 The bill applies retroactively to January 1, 2012, for tax  
26 years beginning on or after that date.



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Senate File 2024

S-5006

- 1 Amend Senate File 2024 as follows:  
 2 1. Page 1, before line 9 by inserting:  
 3 <Sec. \_\_\_\_\_. Section 260C.18A, subsection 1, Code  
 4 Supplement 2011, is amended by adding the following new  
 5 paragraph:  
 6 NEW PARAGRAPH. *c.* There is appropriated from the  
 7 general fund of the state to the workforce training and  
 8 economic development funds for each fiscal year until  
 9 the close of the fiscal year that begins July 1, 2014,  
 10 the sum of twelve million dollars.  
 11 Sec. \_\_\_\_\_. Section 260C.18A, subsection 2, Code  
 12 Supplement 2011, is amended by adding the following new  
 13 paragraph:  
 14 NEW PARAGRAPH. *j.* Development and implementation  
 15 of the national career readiness certificate and the  
 16 skills certification system endorsed by the national  
 17 association of manufacturers.>  
 18 2. Page 1, line 23, by striking <2016> and  
 19 inserting <2014>  
 20 3. Page 1, line 31, by striking <2016> and  
 21 inserting <2014>  
 22 4. Page 2, line 3, by striking  
 23 <vocational-technical> and inserting <career-technical>  
 24 5. Page 2, line 8, by striking  
 25 <vocational-technical> and inserting <career-technical>  
 26 6. Page 2, line 16, by striking  
 27 <vocational-technical> and inserting <career-technical>  
 28 7. Page 2, line 21, by striking  
 29 <vocational-technical> and inserting <career-technical>  
 30 8. Page 2, line 22, by striking  
 31 <vocational-technical> and inserting <career-technical>  
 32 9. Page 2, line 26, by striking  
 33 <vocational-technical> and inserting <career-technical>  
 34 10. Page 3, line 17, by striking  
 35 <vocational-technical> and inserting <career-technical>  
 36 11. Page 3, line 32, by striking  
 37 <vocational-technical> and inserting <career-technical>  
 38 12. Page 4, line 9, by striking  
 39 <vocational-technical> and inserting <career-technical>  
 40 13. Page 4, line 25, by striking <2016> and  
 41 inserting <2014>  
 42 14. Page 4, line 26, by striking <eighteen> and  
 43 inserting <six>  
 44 15. Page 4, line 32, by striking <2016> and  
 45 inserting <2014>  
 46 16. By renumbering as necessary.

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HERMAN C. QUIRMBACH, CHAIRPERSON



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**Senate File 2116 - Introduced**

SENATE FILE 2116  
BY BARTZ, SMITH, BEHN,  
FEENSTRA, KAPUCIAN,  
HAMERLINCK, DIX, WHITVER,  
CHELGREN, ANDERSON,  
SEYMOUR, GREINER, SORENSON,  
ERNST, BACON, BOETTGER,  
HAHN, KETTERING, and ZAUN

(COMPANION TO LSB 5137HH BY  
PETTENGILL)

**A BILL FOR**

1 An Act relating to the review of administrative rules and the  
2 rulemaking process.  
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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jr/rj



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1 Section 1. Section 7.17, Code 2011, is amended to read as  
2 follows:

3 **7.17 Office of administrative rules coordinator.**

4 1. The governor shall establish the office of the  
5 administrative rules coordinator, and appoint its staff, which  
6 shall be a part of the governor's office.

7 2. The administrative rules coordinator shall receive all  
8 notices and rules adopted pursuant to chapter 17A and provide  
9 the governor with an opportunity to review and object to any  
10 rule as provided in chapter 17A.

11 3. a. The administrative rules coordinator shall create a  
12 citizens' committee, consisting of regulators, stakeholders,  
13 members of the public, and legislators, to advise the  
14 administrative rules coordinator on rulemaking issues.

15 b. The members of the committee shall not be paid a per diem  
16 but shall be reimbursed for travel expenses.

17 Sec. 2. Section 17A.4, subsection 1, paragraph b, Code 2011,  
18 is amended to read as follows:

19 b. (1) Afford all interested persons not less than twenty  
20 days to submit data, views, or arguments in writing, including  
21 in an electronic format. If timely requested in writing by  
22 twenty-five interested persons, by a governmental subdivision,  
23 by the administrative rules review committee, by an agency, or  
24 by an association having not less than twenty-five members, the  
25 agency must give interested persons an opportunity to make oral  
26 presentation.

27 (2) To the extent practicable, the agency shall provide an  
28 opportunity to make these oral presentations using the Iowa  
29 communications network or other electronic means and provide  
30 public access at multiple sites throughout the state. If  
31 a request is received from twenty-five interested persons  
32 residing in the same city or county, the agency shall provide  
33 an opportunity for oral presentation in that city or county.

34 (3) The opportunity for oral presentation must be held  
35 at least twenty days after publication of the notice of its



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1 time and place in the Iowa administrative bulletin. The  
 2 agency shall consider fully all written and oral submissions  
 3 respecting the proposed rule. Within one hundred eighty  
 4 days following either the notice published according to the  
 5 provisions of paragraph "a" or within one hundred eighty  
 6 days after the last date of the oral presentations on the  
 7 proposed rule, whichever is later, the agency shall adopt a  
 8 rule pursuant to the rulemaking proceeding or shall terminate  
 9 the proceeding by publishing notice of termination in the Iowa  
 10 administrative bulletin.

11 Sec. 3. Section 17A.4, subsection 2, Code 2011, is amended  
 12 to read as follows:

13 2. An agency shall include in a preamble to each rule  
 14 ~~it adopts a brief explanation of the principal reasons for~~  
 15 ~~its action pursuant to section 17A.5 a concise statement~~  
 16 of the principal reasons for and against the rule adopted,  
 17 incorporating in the statement the reasons for overruling  
 18 considerations urged against the rule and, if applicable, a  
 19 brief explanation of the principal reasons for its failure  
 20 to provide in that the rule for the waiver of the rule in  
 21 specified situations if no such waiver provision is included  
 22 in the rule. ~~This explanatory requirement does not apply when~~  
 23 ~~the agency adopts a rule that only defines the meaning of a~~  
 24 ~~provision of law if the agency does not possess delegated~~  
 25 ~~authority to bind the courts to any extent with its definition.~~  
 26 ~~In addition, if requested to do so by an interested person,~~  
 27 ~~either prior to adoption or within thirty days thereafter, the~~  
 28 ~~agency shall issue a concise statement of the principal reasons~~  
 29 ~~for and against the rule adopted, incorporating therein the~~  
 30 ~~reasons for overruling considerations urged against the rule.~~  
 31 ~~This concise statement shall be issued either at the time of~~  
 32 ~~the adoption of the rule or within thirty-five days after the~~  
 33 ~~agency receives the request.~~

34 Sec. 4. NEW SECTION. 17A.4B Job impact statement.

35 1. a. "Benefit" means the reasonably identifiable and

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1 quantifiable positive effect or outcome that is expected to  
 2 result from implementation of a rule.

3     *b.* “*Cost*” means reasonably identifiable, significant, direct  
 4 or indirect, economic impact that is expected to result from  
 5 implementation of and compliance with a rule.

6     *c.* “*Cost-benefit analysis*” means regulatory analysis  
 7 to provide the public with transparency regarding the  
 8 cost-effectiveness of a rule, including the economic costs and  
 9 the effectiveness weighed by the agency in adopting the rule.  
 10 “*Cost-benefit analysis*” includes a comparison of the probable  
 11 costs and benefits of a rule to the probable costs and benefits  
 12 of less intrusive or less expensive methods that exist for  
 13 achieving the purpose of the rule.

14     *d.* “*Jobs*” means private sector employment including  
 15 self-employment and areas for potential for employment growth.

16     *e.* “*Jobs impact statement*” means a statement that does all  
 17 of the following:

18         (1) Identifies the objective of a rule and the applicable  
 19 section of the statute that provides specific legal authority  
 20 for the agency to adopt the rule.

21         (2) Identifies and describes the cost that the agency  
 22 anticipates state agencies, local governments, the public, and  
 23 the regulated entities, including regulated businesses and  
 24 self-employed individuals, will incur due to the implementation  
 25 of and complying with a rule.

26         (3) Determines whether a rule would have a positive  
 27 or negative impact on private sector jobs and employment  
 28 opportunities in Iowa.

29         (4) Describes and quantifies the nature of the impact a rule  
 30 will have on private sector jobs and employment opportunities  
 31 including the categories of jobs and employment opportunities  
 32 that are affected by the rule, and the number of jobs or  
 33 potential job opportunities and the regions of the state  
 34 affected by the rule.

35         (5) Identifies, where possible, the additional costs to



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1 employers per employee due to implementation of and complying  
2 with a rule.

3 (6) Includes other relevant analysis requested by the  
4 administrative rules coordinator.

5 2. Prior to implementation of a rule, an agency shall  
6 take steps to minimize the adverse impact on jobs and  
7 the development of new employment opportunities due to  
8 implementation of the rule.

9 3. An agency shall provide a jobs impact statement to the  
10 administrative rules coordinator prior to publication of a  
11 notice of intended action or the publication of a rule without  
12 notice.

13 4. The jobs impact statement shall be published as part  
14 of the preamble to the notice of rulemaking in the Iowa  
15 administrative bulletin, unless the administrative rules  
16 coordinator determines that publication of the entire jobs  
17 impact statement would be unnecessary or impractical.

18 5. An agency shall accept comments and information  
19 from stakeholders prior to final preparation of the jobs  
20 impact statement. Any concerned private sector employer or  
21 self-employed individual, potential employer, potential small  
22 business, or member of the public may submit information  
23 relating to a jobs impact statement upon a request for  
24 information or prior to publication of a notice of intended  
25 action by an agency.

26 6. If a jobs impact statement is revised after a notice  
27 of intended action is published, the revised jobs impact  
28 statement shall be published as part of the preamble to the  
29 adopted version of the rule, unless the administrative rules  
30 coordinator determines that publication of the entire jobs  
31 impact statement would be unnecessary or impractical.

32 7. The analysis in the jobs impact statement shall give  
33 particular weight to jobs in production sectors of the economy  
34 which includes the manufacturing and agricultural sectors of  
35 the economy and include analysis, where applicable, of the

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1 impact of the rule on expansion of existing businesses or  
2 facilities.

3 8. The administrative rules coordinator may waive the jobs  
4 impact statement requirement for rules proposed on an emergency  
5 basis or if unnecessary or impractical.

6 9. By July 1, 2013, and every five years thereafter, an  
7 agency shall prepare a comprehensive jobs impact statement  
8 for all of the agency's rules. An agency shall transmit  
9 each five-year comprehensive jobs impact statement to the  
10 administrative rules coordinator, the administrative rules  
11 review committee, and the administrative code editor. The  
12 administrative code editor shall publish the statement, or a  
13 summary, in the Iowa administrative bulletin.

14 Sec. 5. NEW SECTION. 17A.4C **Negotiated rulemaking.**

15 1. An agency shall create a negotiated rulemaking group if  
16 required by statute. An agency may, on its own motion or upon  
17 request, create a negotiated rulemaking group if the agency  
18 determines that a negotiated rulemaking group can adequately  
19 represent the interests that will be significantly affected by  
20 a draft rule proposal and that it is feasible and appropriate  
21 in the particular rulemaking. Notice of the creation of a  
22 negotiated rulemaking group shall be published in the Iowa  
23 administrative bulletin. Upon establishing a negotiated  
24 rulemaking group, the agency shall also specify a time frame  
25 for group deliberations.

26 2. Unless otherwise provided by statute, the agency shall  
27 appoint a sufficient number of members to the group so that  
28 a fair cross section of interests and opinions regarding the  
29 draft rule proposal is represented. One person shall be  
30 appointed to represent the agency. The group shall select its  
31 own chairperson and adopt its rules of procedure. All meetings  
32 of the group shall be open to the public. A majority of the  
33 membership constitutes a quorum. Members shall not receive  
34 any per diem payment but shall be reimbursed for all necessary  
35 expenses. Any vacancy shall be filled in the same manner as



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1 the initial appointment.

2 3. Prior to the publication of a notice of intended action,  
3 the group shall consider the terms or substance of the rule  
4 proposed by the agency and shall attempt to reach a consensus  
5 on the advisability of adopting the draft rule proposal.

6 4. If a group reaches a consensus on a draft rule proposal,  
7 the group shall transmit to the agency a report containing the  
8 consensus on the draft rule proposal. If the group does not  
9 reach a consensus on a draft rule proposal within the specified  
10 time frame, the group shall transmit to the agency a report  
11 stating that inability to reach a consensus and specifying any  
12 areas in which the group reached a consensus. The group may  
13 include in a report any other information, recommendations,  
14 or materials that the group considers appropriate. Any group  
15 member may include as an addendum to the report additional  
16 information, recommendations, or materials. A report issued  
17 under this subsection shall not be considered final agency  
18 action for purposes of judicial review.

19 5. Unless otherwise provided by statute, following  
20 consideration of a draft rule proposal by a negotiated  
21 rulemaking group, the agency may commence rulemaking as  
22 provided in section 17A.4. The group is automatically  
23 abolished upon the agency's adoption of the rule pursuant to  
24 the provisions of section 17A.5.

25 **Sec. 6. NEW SECTION. 17A.6A Rulemaking internet site.**

26 1. Subject to the direction of the administrative rules  
27 coordinator, each agency shall make available to the public  
28 a uniform, searchable, and user-friendly rules database,  
29 published on an internet site.

30 2. An agency's rulemaking internet site shall also make  
31 available to the public all of the following:

32 *a.* A brief summary of the rulemaking process, including a  
33 description of any opportunity for public participation in the  
34 process.

35 *b.* Process forms for filing comments or complaints



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1 concerning proposed or adopted rules.

2 *c.* Process forms and instructions for filing a request for  
3 the creation of a negotiated rulemaking group, a petition for  
4 rulemaking, a petition for a declaratory order, or a request  
5 for a waiver of an administrative rule.

6 *d.* Any other material prescribed by the administrative rules  
7 coordinator.

8 3. To the extent practicable, the administrative rules  
9 coordinator shall create a uniform format for rulemaking  
10 internet sites.

11 Sec. 7. Section 17A.7, subsection 2, Code 2011, is amended  
12 by striking the subsection and inserting in lieu thereof the  
13 following:

14 2. Over a five-year period of time, an agency shall conduct  
15 an ongoing and comprehensive review of all of the agency's  
16 rules. The goal of the review is the identification and  
17 elimination of all rules of the agency that are outdated,  
18 redundant, overbroad, ineffective, unnecessary, or otherwise  
19 undesirable. An agency shall commence its review by developing  
20 a plan of review in consultation with major stakeholders and  
21 constituent groups. As part of its review, an agency shall  
22 review existing policy and interpretive statements or similar  
23 documents to determine whether it would be necessary or  
24 appropriate to adopt these statements or documents as rules.

25 *a.* An agency shall establish its five-year plan for review  
26 of its rules and publish the plan in the Iowa administrative  
27 bulletin.

28 *b.* An agency's plan for review shall do all of the  
29 following:

30 (1) Contain a schedule that lists when the review of each  
31 rule or rule group will occur.

32 (2) State the method by which the agency will analyze  
33 the rule under review regarding the considerations listed in  
34 paragraph "c".

35 (3) Provide a means for public participation in the review

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1 process and specify how interested persons may participate in  
2 the review.

3 (4) Identify instances where the agency may require an  
4 exception to the review requirements.

5 (5) Provide a process for ongoing review of rules after the  
6 initial five-year review period has expired.

7 c. An agency shall analyze its rules under review by  
8 considering all of the following:

9 (1) The need for the rule.

10 (2) The clarity of the rule.

11 (3) The intent and legal authority for the rule.

12 (4) The qualitative and quantitative benefits and costs of  
13 the rule.

14 (5) The fairness of the rule.

15 d. When an agency completes its five-year review of its  
16 rules, the agency shall provide a summary of the results to the  
17 administrative rules coordinator and the administrative rules  
18 review committee.

19 Sec. 8. Section 17A.23, Code 2011, is amended to read as  
20 follows:

21 **17A.23 Construction — delegation of authority.**

22 1. Except as expressly provided otherwise by this chapter  
23 or by another statute referring to this chapter by name, the  
24 rights created and the requirements imposed by this chapter  
25 shall be in addition to those created or imposed by every other  
26 statute in existence on July 1, 1975, or enacted after that  
27 date. If any other statute in existence on July 1, 1975, or  
28 enacted after that date diminishes a right conferred upon a  
29 person by this chapter or diminishes a requirement imposed upon  
30 an agency by this chapter, this chapter shall take precedence  
31 unless the other statute expressly provides that it shall take  
32 precedence over all or some specified portion of this ~~named~~  
33 cited chapter.

34 2. This chapter shall be construed broadly to effectuate  
35 its purposes. This chapter shall also be construed to apply



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1 to all agencies not expressly exempted by this chapter or by  
 2 another statute specifically referring to this chapter by ~~name~~  
 3 citation; and except as to proceedings in process on July 1,  
 4 1975, this chapter shall be construed to apply to all covered  
 5 agency proceedings and all agency action not expressly exempted  
 6 by this chapter or by another statute specifically referring to  
 7 this chapter by ~~name~~ citation.

8     3. An agency shall have only that authority or discretion  
 9 delegated to or conferred upon the agency by law and shall not  
 10 expand or enlarge its authority or discretion beyond the powers  
 11 delegated to or conferred upon the agency. Unless otherwise  
 12 specifically provided in statute, a grant of rulemaking  
 13 authority shall be construed narrowly.

14     Sec. 9. **NEW SECTION. 17A.24 Rule implementation of federal**  
 15 **statute, regulation, or policy.**

16     1. Except as otherwise explicitly authorized by state law,  
 17 an agency charged with the implementation of a federal statute,  
 18 regulation, or policy shall not implement the federal statute,  
 19 regulation, or policy in a manner that exceeds the specific  
 20 requirements of the federal statute, regulation, or policy.

21     2. Any portion of an agency rule or policy that implements  
 22 a federal statute, regulation, or policy and that exceeds the  
 23 specific requirements of the federal statute, regulation, or  
 24 policy is automatically superceded by the specific requirements  
 25 of that federal statute, regulation, or policy.

26     Sec. 10. **ENVIRONMENTAL REGULATION STUDY.**

27     1. The legislative council, in consultation with the  
 28 department of natural resources, shall establish a study to  
 29 analyze the projected financial effects of current and proposed  
 30 United States environmental protection agency regulations and  
 31 Iowa department of natural resources rules on Iowa cities over  
 32 a ten-year period.

33     2. The study should include an analysis of projected  
 34 financial costs of such regulations and rules on a hypothetical  
 35 small Iowa community, medium-sized Iowa community, and large



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1 Iowa community.

2 3. The study shall be concluded by June 30, 2013, and a  
3 report shall be provided to the members of the general assembly  
4 and to the governor.

5 EXPLANATION

6 This bill relates to the review of administrative rules and  
7 the rulemaking process.

8 CITIZENS' ADVISORY COMMITTEE. The bill requires that the  
9 administrative rules coordinator create a citizens' committee,  
10 to advise the administrative rules coordinator on rulemaking  
11 issues. The members of the committee shall not be paid a per  
12 diem but shall be reimbursed for travel expenses.

13 RULEMAKING HEARINGS THROUGHOUT STATE. The bill requires  
14 administrative agencies, when feasible, to hold rulemaking  
15 hearings in varied locations throughout the state via the Iowa  
16 communications network and provides that a hearing must be held  
17 in a particular city or county when 25 interested persons from  
18 that city or county make the request.

19 PRINCIPAL REASONS FOR AND AGAINST RULE. The bill requires  
20 that every adopted rule must be accompanied by a concise  
21 statement of the principal reasons for and against the rule  
22 adopted. Under current law such a statement is only provided  
23 on request.

24 JOBS IMPACT STATEMENTS. The bill requires that every  
25 proposed rule under a notice of intended action contain a jobs  
26 impact statement which outlines the objective and statutory  
27 authority of the rule and analyzes and sets out in detail  
28 the impact of the proposed rule on state agencies, local  
29 governments, the public, and the regulated entities, including  
30 regulated businesses and self-employed individuals affected by  
31 the rule. The statement must also determine whether a proposed  
32 rule would have a positive or negative impact on private sector  
33 jobs and employment opportunities.

34 Commencing July 1, 2013, and every five years thereafter,  
35 each agency shall prepare a jobs impact statement for all of

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1 the agency rules. The statement will be published in the Iowa  
2 administrative bulletin.

3 As part of this requirement, an agency is required to  
4 takes steps to minimize the adverse impact on jobs and the  
5 development of new employment opportunities before proposing  
6 a rule.

7 The administrative rules coordinator may waive the jobs  
8 impact statement requirement for emergency-filed rules or if  
9 unnecessary or impractical.

10 NEGOTIATED RULEMAKING GROUPS. If required by statute,  
11 this bill requires an agency to create an ad hoc negotiated  
12 rulemaking group to review draft rule proposals prior to  
13 commencing a rulemaking proceeding. Where a statute does  
14 not require this review, the bill allows an agency to create  
15 such a review group. Members are appointed by the agency  
16 and the composition must adequately represent a fair balance  
17 of the interests affected by the rule. Once such a group is  
18 created, the agency may only commence rulemaking after the  
19 group has considered the draft rule proposal in question. This  
20 provision is based on similar provisions found in the federal  
21 Administrative Procedures Act.

22 USER-FRIENDLY INTERNET SITES. The bill requires each  
23 agency to make available to the public a uniform, searchable,  
24 and user-friendly rules database, published on an internet  
25 site, subject to the direction of the administrative rules  
26 coordinator. Each agency's internet site must contain  
27 specified information relating to the agency's rules and  
28 available procedures for public participation.

29 FIVE-YEAR CYCLE OF AGENCY REVIEW OF RULES. The bill requires  
30 that each state agency review all of its administrative  
31 rules on a five-year cycle. The plan for this review must be  
32 developed in consultation with stakeholders and constituent  
33 groups. The goal of the review is the identification and  
34 elimination of all rules of the agency that are outdated,  
35 redundant, overbroad, ineffective, unnecessary, or otherwise

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1 undesirable.

2 NARROW CONSTRUCTION OF RULES. The bill also establishes  
3 a new rule of statutory construction: Unless otherwise  
4 specifically provided in statute, any grant of rulemaking  
5 authority shall be construed narrowly.

6 FEDERAL LAW IMPLEMENTATION. The bill also provides that  
7 state implementation of a federal statute, regulation,  
8 or policy by a state agency shall not exceed the specific  
9 requirements of the federal statute, regulation, or  
10 policy, except as specifically allowed by state law. Any  
11 portion of a state rule or policy that implements a federal  
12 statute, regulation, or policy and that exceeds the specific  
13 requirements of the federal statute, regulation, or policy is  
14 automatically superceded by the specific requirements of that  
15 federal statute, regulation, or policy.

16 ENVIRONMENTAL RULES STUDY. The bill provides that the  
17 legislative council, in consultation with the department of  
18 natural resources, shall establish a study to analyze the  
19 projected financial effects of current and proposed United  
20 States environmental protection agency regulations and Iowa  
21 department of natural resources rules on Iowa cities over a  
22 10-year period. The report of the study must be completed by  
23 June 30, 2013.



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**Senate File 2117 - Introduced**

SENATE FILE 2117  
BY ZAUN

**A BILL FOR**

1 An Act providing for the disposition of fines collected by  
2 a city or county pursuant to an automated traffic law  
3 enforcement program.  
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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1 Section 1. Section 331.307, Code 2011, is amended by adding  
2 the following new subsection:

3 NEW SUBSECTION. 14. *a.* Notwithstanding any other provision  
4 of law, civil fines collected by a county from the use of an  
5 automated traffic law enforcement system shall be allocated as  
6 follows:

7 (1) The amount necessary to satisfy contractual obligations  
8 of the county relating to the use of automated traffic law  
9 enforcement systems shall be retained by the county for that  
10 purpose.

11 (2) Moneys in excess of the amount necessary for the purpose  
12 specified in subparagraph (1) shall be deposited in the account  
13 established in section 602.8108.

14 *b.* For purposes of this subsection, *"automated traffic law*  
15 *enforcement system"* means a device with one or more sensors  
16 working in conjunction with a traffic control signal or device  
17 or a speed-measuring device to produce recorded images of  
18 vehicles being operated in violation of traffic or speed laws.

19 Sec. 2. Section 364.3, subsection 2, Code Supplement 2011,  
20 is amended to read as follows:

21 2. For a violation of an ordinance, a city shall not  
22 provide a penalty in excess of the maximum fine and term of  
23 imprisonment for a simple misdemeanor under section 903.1,  
24 subsection 1, paragraph "a". Am Except as otherwise provided  
25 in this section, an amount equal to ten percent of all  
26 fines collected by cities shall be deposited in the account  
27 established in section 602.8108. ~~However, one~~

28 a. One hundred percent of all fines collected by a city  
29 pursuant to section 321.236, subsection 1, shall be retained  
30 by the city.

31 b. Civil fines collected by a city from the use of an  
32 automated traffic law enforcement system shall be allocated as  
33 follows:

34 (1) The amount necessary to satisfy contractual obligations  
35 of the city relating to the use of automated traffic law



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1 enforcement systems shall be retained by the city for that  
 2 purpose.

3 (2) Moneys in excess of the amount necessary for the purpose  
 4 specified in subparagraph (1) shall be deposited in the account  
 5 established in section 602.8108.

6 (3) For purposes of this subsection, "automated traffic law  
 7 enforcement system" means a device with one or more sensors  
 8 working in conjunction with a traffic control signal or device  
 9 or a speed-measuring device to produce recorded images of  
 10 vehicles being operated in violation of traffic or speed laws.

11 c. The criminal penalty surcharge required by section 911.1  
 12 shall be added to a city fine and is not a part of the city's  
 13 penalty.

14 Sec. 3. Section 602.8108, Code Supplement 2011, is amended  
 15 by adding the following new subsection:

16 NEW SUBSECTION. 11. The clerk of the district court shall  
 17 forward to the treasurer of state, not later than the fifteenth  
 18 day of each month, all moneys received from counties pursuant  
 19 to section 331.307, subsection 14, and from cities pursuant to  
 20 section 364.3, subsection 2, paragraph "b", for deposit in the  
 21 road use tax fund.

EXPLANATION

23 This bill directs that, from the civil fines collected  
 24 by a city or county from the use of automated traffic  
 25 law enforcement systems, the amount necessary to satisfy  
 26 contractual obligations relating to the use of the systems  
 27 shall be retained by the city or county. Moneys in excess of  
 28 that amount are to be deposited in the road use tax fund.

29 Automated traffic law enforcement systems are devices with  
 30 one or more sensors which work in conjunction with a traffic  
 31 control signal or device or a speed-measuring device to produce  
 32 recorded images of vehicles being operated in violation of  
 33 traffic or speed laws.



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**Senate File 2118 - Introduced**

SENATE FILE 2118  
BY DANIELSON

**A BILL FOR**

- 1 An Act relating to contested charges for certain reimbursable
- 2 employers for unemployment insurance.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5819SS (2) 84  
je/nh



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S.F. 2118

1 Section 1. Section 96.7, subsection 8, paragraph b,  
2 subparagraph (5), Code 2011, is amended to read as follows:  
3 (5) The provisions for collection of contributions under  
4 section 96.14 are applicable to reimbursements for benefits  
5 paid in lieu of contributions. However, if a nonprofit  
6 organization prevails in a redetermination in accordance with  
7 subparagraph (4) or appeal in accordance with subsection 5,  
8 the department shall not charge the nonprofit organization  
9 any further interest on a contested amount which has not been  
10 paid by the nonprofit organization, and shall refund to the  
11 nonprofit organization within thirty days any interest which  
12 the nonprofit organization has paid on the contested amount.

EXPLANATION

13  
14 This bill provides that if a nonprofit organization which is  
15 a reimbursable employer for unemployment insurance successfully  
16 contests a charge on the nonprofit organization's unemployment  
17 insurance account by filing an application for redetermination  
18 or an appeal, the department of workforce development shall  
19 not charge the nonprofit organization any further interest on  
20 a contested amount which has not been paid by the nonprofit  
21 organization, and shall refund to the nonprofit organization  
22 within 30 days any interest which the nonprofit organization  
23 has paid on the contested amount. Under Code section  
24 96.6(7)(c), the bill applies to governmental reimbursable  
25 employers as well. Reimbursable employers for unemployment  
26 insurance are only charged when claims for unemployment  
27 insurance benefits are made.



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**Senate File 2119 - Introduced**

SENATE FILE 2119  
BY COMMITTEE ON HUMAN  
RESOURCES

(SUCCESSOR TO SSB 3038)

**A BILL FOR**

1 An Act relating to the sealing and expungement of child abuse  
2 registry information.  
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5282SV (1) 84  
ad/nh



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S.F. 2119

1 Section 1. Section 235A.18, subsection 1, paragraph a, Code  
2 Supplement 2011, is amended to read as follows:  
3 a. Report and disposition data relating to a particular  
4 case of alleged child abuse shall be sealed ten years after  
5 the initial placement of the data in the registry unless good  
6 cause be shown why the data should remain open to authorized  
7 access. If a subsequent report of an alleged case of child  
8 abuse involving the child named in the initial data placed in  
9 the registry as the victim of abuse or a person named in the  
10 data as having abused a child is received by the department  
11 within this ten-year period, the data shall be sealed ten years  
12 after receipt of the subsequent report unless good cause be  
13 shown why the data should remain open to authorized access.  
14 However, ~~such report and~~ a person named in the initial data  
15 placed in the registry as having abused a child shall have the  
16 person's name removed from the registry if that person has  
17 not had a subsequent case of alleged abuse which resulted in  
18 the person's name being placed in the registry as the person  
19 responsible for the abuse within the ten-year period. Report  
20 and disposition data shall be made available to the department  
21 of justice if the department requests access to the alleged  
22 child abuse records for purposes of review by the prosecutor's  
23 review committee or commitment of sexually violent predators  
24 under chapter 229A.

25

EXPLANATION

26 This bill amends Code section 235A.18, relating to sealing  
27 and expungement of founded child abuse information. The bill  
28 requires a person's name to be removed from the child abuse  
29 registry by the department of human services after 10 years as  
30 long as that person has had no subsequent founded child abuse  
31 report or reports during that 10-year time span. The bill  
32 states the person's name will be removed regardless of whether  
33 the report and disposition data relating to the particular case  
34 remain open to authorized access.

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**Senate File 2120 - Introduced**

SENATE FILE 2120  
BY COMMITTEE ON STATE  
GOVERNMENT

(SUCCESSOR TO SSB 3057)

**A BILL FOR**

- 1 An Act relating to the practice of optometry.
- 2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5303SV (1) 84  
jr/nh



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S.F. 2120

1 Section 1. Section 147.108, subsection 2, Code 2011, is  
2 amended to read as follows:  
3 2. After contact lenses have been adequately adapted and  
4 the patient released from initial follow-up care by a person  
5 licensed under chapter 148 or 154, the patient may request  
6 a copy, at no cost, of the contact lens prescription from  
7 that licensed person. A person licensed under chapter 148 or  
8 154 shall not withhold a contact lens prescription after the  
9 requirements of this section have been met. The prescription,  
10 at the option of the prescriber, may be given orally only to a  
11 person who is actively practicing and licensed under chapter  
12 148, 154, or 155A. The contact lens prescription shall contain  
13 an expiration date, at the discretion of the prescriber, but  
14 not to exceed eighteen months. The contact lens prescription  
15 shall contain the necessary requirements of the ophthalmic  
16 lens, and the prescription validation requirements as defined  
17 by rules adopted pursuant to this section. The prescription  
18 may contain adapting and material guidelines and may also  
19 contain specific instructions for use by the patient. For  
20 the purpose of this section, "*ophthalmic lens*" means one which  
21 has been fabricated to fill the requirements of a particular  
22 contact lens prescription, including pharmaceutical-delivering  
23 contact lenses as defined in section 154.1, subsection 4 3.

24 Sec. 2. Section 154.1, Code 2011, is amended to read as  
25 follows:  
26 **154.1 Board defined — optometry — ~~diagnostically certified~~**  
27 **~~licensed optometrists — therapeutically certified optometrists~~**  
28 **licensed optometrists.**

29 1. As used in this chapter, "*board*" means the board of  
30 optometry created under chapter 147.  
31 2. For the purpose of this subtitle, the following classes  
32 of persons shall be deemed to be engaged in the practice of  
33 optometry:  
34 *a.* Persons employing any means ~~other than the use of drugs,~~  
35 ~~medicine, or surgery~~ for the measurement of the visual power



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1 and visual efficiency of the human eye; persons engaged in  
2 the prescribing and adapting of lenses, prisms, and contact  
3 lenses; ~~and~~ persons engaged in the using or employing of visual  
4 training or ocular exercise for the aid, relief, or correction  
5 of vision; and persons employing the use of medicines and  
6 procedures for the purposes of diagnosis and treatment of  
7 diseases or conditions of the eye and adnexa.

8     *b.* Persons who allow the public to use any mechanical device  
9 for a purpose described in paragraph "a".

10     *c.* Persons who publicly profess to be optometrists and to  
11 assume the duties incident to the profession.

12     ~~3. Diagnostically certified licensed optometrists may~~  
13 ~~employ cycloplegics, mydriatics, and topical anesthetics as~~  
14 ~~diagnostic agents topically applied to determine the condition~~  
15 ~~of the human eye for proper optometric practice or referral~~  
16 ~~for treatment to a person licensed under chapter 148. A~~  
17 ~~diagnostically certified licensed optometrist is an optometrist~~  
18 ~~who is licensed to practice optometry in this state and who is~~  
19 ~~certified by the board to use diagnostic agents.~~

20     ~~4. 3. a. Therapeutically certified optometrists An~~  
21 optometrist licensed under this chapter may employ all  
22 diagnostic and therapeutic pharmaceutical agents for the  
23 purpose of diagnosis and treatment of conditions of the human  
24 eye and adnexa pursuant to this subsection, excluding the  
25 use of injections other than to counteract an anaphylactic  
26 reaction, and notwithstanding section 147.107, may without  
27 charge supply any of the above pharmaceuticals to commence a  
28 course of therapy. A licensed optometrist may perform minor  
29 surgical procedures and use medications for the diagnosis and  
30 treatment of diseases, disorders, and conditions of the eye and  
31 adnexa. A license to practice optometry under this chapter  
32 does not authorize the performance of surgical procedures  
33 which require the use of injectable or general anesthesia or  
34 penetration of the globe or the use of ophthalmic lasers for  
35 the purpose of ophthalmic surgery within or upon the globe.

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1     ~~b. Therapeutically certified optometrists~~ A licensed  
2 optometrist may employ and, notwithstanding section 147.107,  
3 supply pharmaceutical-delivering contact lenses for the  
4 purpose of treatment of conditions of the human eye and adnexa.  
5 For purposes of this paragraph, *"pharmaceutical-delivering*  
6 *contact lenses"* means contact lenses that contain one or more  
7 therapeutic pharmaceutical agents authorized for employment  
8 by this section for the purpose of treatment of conditions of  
9 the human eye and adnexa and that deliver such agents into the  
10 wearer's eye.

11     ~~c. Therapeutically certified optometrists~~ A licensed  
12 optometrist may prescribe oral steroids for a period not to  
13 exceed fourteen days without consultation with a physician.  
14 ~~Therapeutically certified optometrists shall not prescribe oral~~  
15 ~~Imuran or oral Methotrexate.~~

16     ~~d. Therapeutically certified optometrists~~ A licensed  
17 optometrist may be authorized, where reasonable and  
18 appropriate, by rule of the board, to employ new diagnostic and  
19 therapeutic pharmaceutical agents approved by the United States  
20 food and drug administration on or after July 1, 2002, for the  
21 diagnosis and treatment of the human eye and adnexa.

22     ~~e. The board shall~~ is not ~~be~~ required to adopt rules  
23 relating to topical pharmaceutical agents, oral antimicrobial  
24 agents, oral antihistamines, oral antiglaucoma agents, and  
25 oral analgesic agents. ~~Superficial~~ A licensed optometrist may  
26 remove superficial foreign bodies ~~may be removed~~ from the human  
27 eye and adnexa.

28     ~~f. The therapeutic efforts of a therapeutically certified~~  
29 licensed optometrist are intended for the purpose of  
30 examination, diagnosis, and treatment of visual defects,  
31 abnormal conditions, and diseases of the human eye and adnexa,  
32 for proper optometric practice or referral for consultation or  
33 treatment to persons licensed under chapter 148.

34     ~~g. A therapeutically certified~~ licensed optometrist is  
35 an optometrist who is licensed to practice optometry in this



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1 state and who is certified by the board to use the agents and  
2 procedures authorized pursuant to this subsection.

3 ~~5.~~ 4. Beginning July 1, 2012, all licensed optometrists  
4 shall meet requirements established by the board by rule to  
5 employ diagnostic and therapeutic pharmaceutical agents for the  
6 practice of optometry. All licensees practicing optometry in  
7 this state shall have demonstrated qualifications and obtained  
8 certification to use diagnostic and therapeutic pharmaceutical  
9 agents as a condition of license renewal.

10 Sec. 3. Section 154.10, Code 2011, is amended to read as  
11 follows:

12 **154.10 Standard of care.**

13 ~~1. A diagnostically certified licensed optometrist  
14 employing diagnostic pharmaceutical agents as authorized by  
15 section 154.1 shall be held to the same standard of care in the  
16 use of such agents and in diagnosis as is common to persons  
17 licensed under chapter 148 in this state.~~

18 2. A therapeutically certified person licensed as an  
19 optometrist employing pharmaceutical agents as authorized  
20 by section 154.1 pursuant to this chapter shall be held to  
21 the same standard of care in the use of such agents and in  
22 diagnosis and treatment as is common to persons licensed under  
23 chapter 148 in this state.

24 Sec. 4. Section 155A.21, subsection 2, Code 2011, is amended  
25 to read as follows:

26 2. Subsection 1 does not apply to a licensed pharmacy,  
27 licensed wholesaler, physician, veterinarian, dentist,  
28 podiatric physician, ~~therapeutically certified optometrist,~~  
29 advanced registered nurse practitioner, physician assistant,  
30 a nurse acting under the direction of a physician, or the  
31 board of pharmacy, its officers, agents, inspectors, and  
32 representatives, or to a common carrier, manufacturer's  
33 representative, or messenger when transporting the drug or  
34 device in the same unbroken package in which the drug or device  
35 was delivered to that person for transportation.





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Senate File 2121 - Introduced

SENATE FILE 2121  
BY COMMITTEE ON STATE  
GOVERNMENT

(SUCCESSOR TO SSB 3015)

A BILL FOR

1 An Act relating to the title of the office of citizens' aide.  
2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5245SV (1) 84  
jr/sc



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1 Section 1. Section 2.12, unnumbered paragraph 4, Code 2011,  
2 is amended to read as follows:  
3 There is appropriated out of any funds in the state treasury  
4 not otherwise appropriated such sums as may be necessary for  
5 the fiscal year budgets of the legislative services agency and  
6 the ~~citizens' aide~~ ombudsman office for salaries, support,  
7 maintenance, and miscellaneous purposes to carry out their  
8 statutory responsibilities. The legislative services agency  
9 and the ~~citizens' aide~~ ombudsman office shall submit their  
10 proposed budgets to the legislative council not later than  
11 September 1 of each year. The legislative council shall review  
12 and approve the proposed budgets not later than December 1 of  
13 each year. The budget approved by the legislative council for  
14 each of its statutory legislative agencies shall be transmitted  
15 by the legislative council to the department of management on  
16 or before December 1 of each year for the fiscal year beginning  
17 July 1 of the following year. The department of management  
18 shall submit the approved budgets received from the legislative  
19 council to the governor for inclusion in the governor's  
20 proposed budget for the succeeding fiscal year. The approved  
21 budgets shall also be submitted to the chairpersons of the  
22 committees on appropriations. The committees on appropriations  
23 may allocate from the funds appropriated by this section  
24 the funds contained in the approved budgets, or such other  
25 amounts as specified, pursuant to a concurrent resolution to be  
26 approved by both houses of the general assembly. The director  
27 of the department of administrative services shall issue  
28 warrants for salaries, support, maintenance, and miscellaneous  
29 purposes upon requisition by the administrative head of each  
30 statutory legislative agency. If the legislative council  
31 elects to change the approved budget for a legislative agency  
32 prior to July 1, the legislative council shall transmit the  
33 amount of the budget revision to the department of management  
34 prior to July 1 of the fiscal year, however, if the general  
35 assembly approved the budget it cannot be changed except

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1 pursuant to a concurrent resolution approved by the general  
2 assembly.

3 Sec. 2. Section 2.42, subsection 14, Code 2011, is amended  
4 to read as follows:

5 14. To hear and act upon appeals of aggrieved employees of  
6 the legislative services agency and the office of the ~~citizens'~~  
7 ~~aide~~ ombudsman pursuant to rules of procedure established by  
8 the council.

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

11 **2C.2 Office established.**

12 The office of ~~citizens'~~ ombudsman is established.

13 Sec. 4. Section 2C.3, Code 2011, is amended to read as  
14 follows:

15 **2C.3 Appointment — vacancy.**

16 1. The ~~citizens'~~ ombudsman shall be appointed by the  
17 legislative council with the approval and confirmation of a  
18 constitutional majority of the senate and with the approval  
19 and confirmation of a constitutional majority of the house of  
20 representatives. The legislative council shall fill a vacancy  
21 in this office in the same manner as the original appointment.  
22 If the appointment or vacancy occurs while the general assembly  
23 is not in session, such appointment shall be reported to the  
24 senate and the house of representatives within thirty days of  
25 their convening at their next regular session for approval and  
26 confirmation.

27 2. The ~~citizens'~~ ombudsman shall employ and supervise  
28 all employees under the ~~citizens'~~ ombudsman's direction  
29 in such positions and at such salaries as shall be authorized  
30 by the legislative council. The legislative council shall hear  
31 and act upon appeals of aggrieved employees of the office of  
32 the ~~citizens'~~ ombudsman.

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

35 **2C.4 Citizen of United States and resident of Iowa.**

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1 The ~~citizens' aide~~ ombudsman shall be a citizen of the  
2 United States and a resident of the state of Iowa, and shall  
3 be qualified to analyze problems of law, administration, and  
4 public policy.

5 Sec. 6. Section 2C.5, Code 2011, is amended to read as  
6 follows:

7 **2C.5 Term — removal.**

8 The ~~citizens' aide~~ ombudsman shall hold office for four  
9 years from the first day in July of the year of approval by the  
10 senate and the house of representatives, and until a successor  
11 is appointed by the legislative council, unless the ~~citizens'~~  
12 ~~aide~~ ombudsman can no longer perform the official duties, or  
13 is removed from office. The ~~citizens' aide~~ ombudsman may at  
14 any time be removed from office by constitutional majority vote  
15 of the two houses of the general assembly or as provided by  
16 chapter 66. If a vacancy occurs in the office of ~~citizens'~~  
17 ~~aide~~ ombudsman, the deputy ~~citizens' aide~~ ombudsman shall act  
18 as ~~citizens' aide~~ ombudsman until the vacancy is filled by the  
19 legislative council.

20 Sec. 7. Section 2C.6, Code 2011, is amended to read as  
21 follows:

22 **2C.6 Deputy — assistant for penal agencies.**

23 1. The ~~citizens' aide~~ ombudsman shall designate one of the  
24 members of the staff as the deputy ~~citizens' aide~~ ombudsman,  
25 with authority to act as ~~citizens' aide~~ ombudsman when the  
26 ~~citizens' aide~~ ombudsman is absent from the state or becomes  
27 disabled. The ~~citizens' aide~~ ombudsman may delegate to members  
28 of the staff any of the ~~citizens' aide's~~ authority or duties of  
29 the office except the duty of formally making recommendations  
30 to agencies or reports to the governor or the general assembly.

31 2. The ~~citizens' aide~~ ombudsman shall appoint an assistant  
32 who shall be primarily responsible for investigating complaints  
33 relating to penal or correctional agencies.

34 Sec. 8. Section 2C.7, unnumbered paragraph 1, Code 2011, is  
35 amended to read as follows:



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1 Neither the ~~citizens' aide~~ ombudsman nor any member of the  
 2 staff shall:

3 Sec. 9. Section 2C.8, Code 2011, is amended to read as  
 4 follows:

5 **2C.8 Closed files.**

6 The ~~citizens' aide~~ ombudsman may maintain secrecy in respect  
 7 to all matters including the identities of the complainants or  
 8 witnesses coming before the ~~citizens' aide~~ ombudsman, except  
 9 that the general assembly, any standing committee of the  
 10 general assembly or the governor may require disclosure of any  
 11 matter and shall have complete access to the records and files  
 12 of the ~~citizens' aide~~ ombudsman. The ~~citizens' aide~~ ombudsman  
 13 may conduct private hearings.

14 Sec. 10. Section 2C.9, Code 2011, is amended to read as  
 15 follows:

16 **2C.9 Powers.**

17 The ~~citizens' aide~~ ombudsman may:

18 1. Investigate, on complaint or on the ~~citizens' aide's~~  
 19 ombudsman's own motion, any administrative action of any  
 20 agency, without regard to the finality of the administrative  
 21 action, except that the ~~citizens' aide~~ ombudsman shall not  
 22 investigate the complaint of an employee of an agency in regard  
 23 to that employee's employment relationship with the agency  
 24 except as otherwise provided by this chapter. A communication  
 25 or receipt of information made pursuant to the powers  
 26 prescribed in this chapter shall not be considered an ex parte  
 27 communication as described in the provisions of section 17A.17.

28 2. Investigate, on complaint or on the ~~citizens' aide's~~  
 29 ombudsman's own motion, any administrative action of any person  
 30 providing child welfare or juvenile justice services under  
 31 contract with an agency that is subject to investigation by the  
 32 ~~citizens' aide~~ ombudsman. The person shall be considered to  
 33 be an agency for purposes of the ~~citizens' aide's~~ ombudsman's  
 34 investigation.

35 3. Prescribe the methods by which complaints are to be made,



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1 received, and acted upon; determine the scope and manner of  
2 investigations to be made; and, subject to the requirements of  
3 this chapter, determine the form, frequency, and distribution  
4 of the conclusions and recommendations of the ~~citizens' aide~~  
5 ombudsman.

6 4. Request and receive from each agency assistance and  
7 information as necessary in the performance of the duties of  
8 the office. Notwithstanding section 22.7, pursuant to an  
9 investigation the ~~citizens' aide~~ ombudsman may examine any and  
10 all records and documents of any agency unless its custodian  
11 demonstrates that the examination would violate federal  
12 law or result in the denial of federal funds to the agency.  
13 Confidential documents provided to the ~~citizens' aide~~ ombudsman  
14 by other agencies shall continue to maintain their confidential  
15 status. The ~~citizens' aide~~ ombudsman is subject to the same  
16 policies and penalties regarding the confidentiality of the  
17 document as an employee of the agency. The ~~citizens' aide~~  
18 ombudsman may enter and inspect premises within any agency's  
19 control and may observe proceedings and attend hearings, with  
20 the consent of the interested party, including those held under  
21 a provision of confidentiality, conducted by any agency unless  
22 the agency demonstrates that the attendance or observation  
23 would violate federal law or result in the denial of federal  
24 funds to that agency. This subsection does not permit the  
25 examination of records or access to hearings and proceedings  
26 which are the work product of an attorney under section 22.7,  
27 subsection 4, or which are privileged communications under  
28 section 622.10.

29 5. Issue a subpoena to compel any person to appear, give  
30 sworn testimony, or produce documentary or other evidence  
31 relevant to a matter under inquiry. The ~~citizens' aide~~  
32 ombudsman, deputies, and assistants of the ~~citizens' aide~~  
33 ombudsman may administer oaths to persons giving testimony  
34 before them. If a witness either fails or refuses to obey  
35 a subpoena issued by the ~~citizens' aide~~ ombudsman, the

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1 ~~citizens' aide~~ ombudsman may petition the district court having  
2 jurisdiction for an order directing obedience to the subpoena.  
3 If the court finds that the subpoena should be obeyed, it shall  
4 enter an order requiring obedience to the subpoena, and refusal  
5 to obey the court order is subject to punishment for contempt.

6     6. Establish rules relating to the operation, organization,  
7 and procedure of the office of the ~~citizens' aide~~ ombudsman.  
8 The rules are exempt from chapter 17A and shall be published in  
9 the Iowa administrative code.

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

12     **2C.10 No charge for services.**

13     ~~No~~ A monetary charge or other charge shall not be levied upon  
14 any person as a prerequisite to presentation of a complaint to  
15 the ~~citizens' aide~~ ombudsman.

16     Sec. 12. Section 2C.11, Code 2011, is amended to read as  
17 follows:

18     **2C.11 Subjects for investigations.**

19     1. An appropriate subject for investigation by the office of  
20 the ~~citizens' aide~~ ombudsman is an administrative action that  
21 might be:

22     a. Contrary to law or regulation.

23     b. Unreasonable, unfair, oppressive, or inconsistent with  
24 the general course of an agency's functioning, even though in  
25 accordance with law.

26     c. Based on a mistake of law or arbitrary in ascertainments  
27 of fact.

28     d. Based on improper motivation or irrelevant consideration.

29     e. Unaccompanied by an adequate statement of reasons.

30     2. The ~~citizens' aide~~ ombudsman may also be concerned with  
31 strengthening procedures and practices which lessen the risk  
32 that objectionable administrative actions will occur.

33     Sec. 13. Section 2C.11A, Code 2011, is amended to read as  
34 follows:

35     **2C.11A Subjects for investigations — disclosures of**



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1 **information.**

2 The office of ~~citizens' aide~~ ombudsman shall investigate  
 3 a complaint filed by an employee who is not a merit system  
 4 employee or an employee covered by a collective bargaining  
 5 agreement and who alleges that adverse employment action has  
 6 been taken against the employee in violation of section 70A.28,  
 7 subsection 2. A complaint filed pursuant to this section shall  
 8 be made within thirty calendar days following the effective  
 9 date of the adverse employment action. The ~~citizens' aide~~  
 10 ombudsman shall investigate the matter and shall issue findings  
 11 relative to the complaint in an expeditious manner.

12 Sec. 14. Section 2C.12, Code 2011, is amended to read as  
 13 follows:

14 **2C.12 Complaints investigated.**

15 1. The ~~citizens' aide~~ ombudsman may receive a complaint from  
 16 any source concerning an administrative action. The ~~citizens'~~  
 17 ~~aide~~ ombudsman shall conduct a suitable investigation into the  
 18 administrative actions complained of unless the ~~citizens' aide~~  
 19 ombudsman finds substantiating facts that:

20 *a.* The complainant has available another remedy or channel  
 21 of complaint which the complainant could reasonably be expected  
 22 to use.

23 *b.* The grievance pertains to a matter outside the ~~citizens'~~  
 24 ~~aide~~ ombudsman's power.

25 *c.* The complainant has no substantive or procedural interest  
 26 which is directly affected by the matter complained about.

27 *d.* The complaint is trivial, frivolous, vexatious, or not  
 28 made in good faith.

29 *e.* Other complaints are more worthy of attention.

30 *f.* The ~~citizens' aide~~ ombudsman's resources are insufficient  
 31 for adequate investigation.

32 *g.* The complaint has been delayed too long to justify  
 33 present examination of its merit.

34 2. The ~~citizens' aide~~ ombudsman may decline to investigate  
 35 a complaint, but shall not be prohibited from inquiring into



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1 the matter complained about or into related problems at some  
2 future time.

3 Sec. 15. Section 2C.13, Code 2011, is amended to read as  
4 follows:

5 **2C.13 No investigation — notice to complainant.**

6 If the ~~citizens' aide~~ ombudsman decides not to investigate,  
7 the complainant shall be informed of the reasons for  
8 the decision. If the ~~citizens' aide~~ ombudsman decides  
9 to investigate, the complainant and the agency shall be  
10 notified of the decision. After completing consideration  
11 of a complaint, whether or not it has been investigated,  
12 the ~~citizens' aide~~ ombudsman shall without delay inform the  
13 complainant of the fact, and if appropriate, shall inform the  
14 agency involved. The ~~citizens' aide~~ ombudsman shall on request  
15 of the complainant, and as appropriate, report the status of  
16 the investigation to the complainant.

17 Sec. 16. Section 2C.14, Code 2011, is amended to read as  
18 follows:

19 **2C.14 Institutionalized complainants.**

20 A letter to the ~~citizens' aide~~ ombudsman from a person in  
21 a correctional institution, a hospital, or other institution  
22 under the control of an agency shall be immediately forwarded,  
23 unopened, to the ~~citizens' aide~~ ombudsman by the institution  
24 where the writer of the letter is a resident. A letter from the  
25 ~~citizens' aide~~ ombudsman to such a person shall be immediately  
26 delivered, unopened, to the person.

27 Sec. 17. Section 2C.15, Code 2011, is amended to read as  
28 follows:

29 **2C.15 Reports critical of agency or officer.**

30 Before announcing a conclusion or recommendation that  
31 criticizes an agency or any officer or employee, the ~~citizens'~~  
32 ~~aide~~ ombudsman shall consult with that agency, officer, or  
33 employee, and shall attach to every report sent or made under  
34 the provisions of this chapter a copy of any unedited comments  
35 made by or on behalf of the officer, employee, or agency.



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1     Sec. 18. Section 2C.16, Code 2011, is amended to read as  
2 follows:

3     **2C.16 Recommendations to agency.**

4     1. The ~~citizens' aide~~ ombudsman shall state recommendations  
5 to an agency, if, after having considered a complaint and  
6 whatever material the ~~citizens' aide~~ ombudsman deems pertinent,  
7 the ~~citizens' aide~~ ombudsman finds substantiating facts for any  
8 of the following:

- 9     a. A matter should be further considered by the agency.
- 10    b. An administrative action should be modified or canceled.
- 11    c. A rule on which an administrative action is based should  
12 be altered.
- 13    d. Reasons should be given for an administrative action.
- 14    e. Any other action should be taken by the agency.

15    2. If the ~~citizens' aide~~ ombudsman requests, the agency  
16 shall, within twenty working days notify the ~~citizens' aide~~  
17 ombudsman of any action taken on the recommendations or the  
18 reasons for not complying with them.

19    3. If the ~~citizens' aide~~ ombudsman believes that an  
20 administrative action has occurred because of laws of which  
21 results are unfair or otherwise objectionable, the ~~citizens'~~  
22 ~~aide~~ ombudsman shall notify the general assembly concerning  
23 desirable statutory change.

24    Sec. 19. Section 2C.17, Code 2011, is amended to read as  
25 follows:

26    **2C.17 Publication of conclusions.**

27    1. The ~~citizens' aide~~ ombudsman may publish the  
28 conclusions, recommendations, and suggestions and transmit  
29 them to the governor or the general assembly or any of its  
30 committees. When publishing an opinion adverse to an agency or  
31 official the ~~citizens' aide~~ ombudsman shall, unless excused by  
32 the agency or official affected, include with the opinion any  
33 unedited reply made by the agency.

34    2. Any conclusions, recommendations, and suggestions so  
35 published may at the same time be made available to the news



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1 media or others who may be concerned.

2 Sec. 20. Section 2C.18, Code 2011, is amended to read as  
3 follows:

4 **2C.18 Report to general assembly.**

5 The ~~citizens'~~ ombudsman shall by April 1 of each year  
6 submit an economically designed and reproduced report to the  
7 general assembly and to the governor concerning the exercise  
8 of the ~~citizens'~~ ombudsman functions during the preceding  
9 calendar year. In discussing matters with which the ~~citizens'~~  
10 ombudsman has been concerned, the ~~citizens'~~ ombudsman  
11 shall not identify specific persons if to do so would cause  
12 needless hardship. If the annual report criticizes a named  
13 agency or official, it shall also include unedited replies made  
14 by the agency or official to the criticism, unless excused by  
15 the agency or official affected.

16 Sec. 21. Section 2C.19, Code 2011, is amended to read as  
17 follows:

18 **2C.19 Disciplinary action recommended.**

19 If the ~~citizens'~~ ombudsman believes that any public  
20 official, employee or other person has acted in a manner  
21 warranting criminal or disciplinary proceedings, the ~~citizens'~~  
22 ombudsman shall refer the matter to the appropriate  
23 authorities.

24 Sec. 22. Section 2C.20, Code 2011, is amended to read as  
25 follows:

26 **2C.20 Immunities.**

27 No civil action, except removal from office as provided  
28 in chapter 66, or proceeding shall be commenced against the  
29 ~~citizens'~~ ombudsman or any member of the staff for any  
30 act or omission performed pursuant to the provisions of this  
31 chapter unless the act or omission is actuated by malice or  
32 is grossly negligent, nor shall the ~~citizens'~~ ombudsman  
33 or any member of the staff be compelled to testify in any  
34 court with respect to any matter involving the exercise of the  
35 ~~citizens'~~ ombudsman's official duties except as may be

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1 necessary to enforce the provisions of this chapter.

2 Sec. 23. Section 2C.21, Code 2011, is amended to read as  
3 follows:

4 **2C.21 Witnesses.**

5 A person required by the ~~citizens' aide~~ ombudsman to provide  
6 information shall be paid the same fees and travel allowances  
7 as are extended to witnesses whose attendance has been required  
8 in the district courts of this state. Officers and employees  
9 of an agency shall not be entitled to such fees and allowances.  
10 A person who, with or without service of compulsory process,  
11 provides oral or documentary information requested by the  
12 ~~citizens' aide~~ ombudsman shall be accorded the same privileges  
13 and immunities as are extended to witnesses in the courts of  
14 this state, and shall also be entitled to be accompanied and  
15 advised by counsel while being questioned.

16 Sec. 24. Section 2C.22, Code 2011, is amended to read as  
17 follows:

18 **2C.22 Penalties.**

19 A person who willfully obstructs or hinders the lawful  
20 actions of the ~~citizens' aide~~ ombudsman or the ~~citizens' aide's~~  
21 ombudsman's staff, or who willfully misleads or attempts to  
22 mislead the ~~citizens' aide~~ ombudsman in the ~~citizens' aide's~~  
23 ombudsman's inquiries, shall be guilty of a simple misdemeanor.

24 Sec. 25. Section 2C.23, Code 2011, is amended to read as  
25 follows:

26 **2C.23 Citation.**

27 This chapter shall be known and may be cited as the "*Iowa*  
28 *Citizens' Aide Ombudsman Act*".

29 Sec. 26. Section 8F.3, subsection 1, paragraph d, Code 2011,  
30 is amended to read as follows:

31 *d.* Information regarding any policies adopted by the  
32 governing body of the recipient entity that prohibit taking  
33 adverse employment action against employees of the recipient  
34 entity who disclose information about a service contract to  
35 the oversight agency, the auditor of state, the office of the



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1 attorney general, or the office of ~~citizens' aide~~ ombudsman and  
 2 that state whether those policies are substantially similar  
 3 to the protection provided to state employees under section  
 4 70A.28. The information provided shall state whether employees  
 5 of the recipient entity are informed on a regular basis of  
 6 their rights to disclose information to the oversight agency,  
 7 the office of ~~citizens' aide~~ ombudsman, the auditor of state,  
 8 or the office of the attorney general and the telephone numbers  
 9 of those organizations.

10 Sec. 27. Section 23A.4, Code 2011, is amended to read as  
 11 follows:

12 **23A.4 Relief for aggrieved persons.**

13 1. Any aggrieved person may, after pursuing remedies  
 14 offered by chapter 17A, seek injunctive relief for violations  
 15 of this chapter by filing an action in the district court for  
 16 the county in which the aggrieved business is located.

17 2. A state agency or political subdivision found to be in  
 18 violation of this chapter shall be assessed and shall pay to  
 19 the aggrieved person fees and other expenses, as defined in  
 20 section 625.28.

21 3. Chapter 17A and this section are the exclusive remedy  
 22 for violations of this chapter. However, the office of the  
 23 ~~citizens' aide~~ ombudsman may review violations of this chapter  
 24 and make recommendations as provided in chapter 2C.

25 Sec. 28. Section 70A.28, subsections 2, 6, and 8, Code 2011,  
 26 are amended to read as follows:

27 2. A person shall not discharge an employee from or take  
 28 or fail to take action regarding an employee's appointment or  
 29 proposed appointment to, promotion or proposed promotion to,  
 30 or any advantage in, a position in a state employment system  
 31 administered by, or subject to approval of, a state agency as a  
 32 reprisal for a failure by that employee to inform the person  
 33 that the employee made a disclosure of information permitted  
 34 by this section, or for a disclosure of any information by  
 35 that employee to a member or employee of the general assembly,



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1 a disclosure of information to the office of ~~citizens' aide~~  
 2 ombudsman, or a disclosure of information to any other public  
 3 official or law enforcement agency if the employee reasonably  
 4 believes the information evidences a violation of law or rule,  
 5 mismanagement, a gross abuse of funds, an abuse of authority,  
 6 or a substantial and specific danger to public health or  
 7 safety. However, an employee may be required to inform the  
 8 person that the employee made a disclosure of information  
 9 permitted by this section if the employee represented that  
 10 the disclosure was the official position of the employee's  
 11 immediate supervisor or employer.

12 6. Subsection 2 may also be enforced by an employee through  
 13 an administrative action pursuant to the requirements of this  
 14 subsection if the employee is not a merit system employee or  
 15 an employee covered by a collective bargaining agreement. An  
 16 employee eligible to pursue an administrative action pursuant  
 17 to this subsection who is discharged, suspended, demoted,  
 18 or otherwise receives a reduction in pay and who believes  
 19 the adverse employment action was taken as a result of the  
 20 employee's disclosure of information that was authorized  
 21 pursuant to subsection 2, may file an appeal of the adverse  
 22 employment action with the public employment relations  
 23 board within thirty calendar days following the later of the  
 24 effective date of the action or the date a finding is issued  
 25 to the employee by the office of the ~~citizens' aide~~ ombudsman  
 26 pursuant to section 2C.11A. The findings issued by the  
 27 ~~citizens' aide~~ ombudsman may be introduced as evidence before  
 28 the public employment relations board. The employee has the  
 29 right to a hearing closed to the public, but may request a  
 30 public hearing. The hearing shall otherwise be conducted in  
 31 accordance with the rules of the public employment relations  
 32 board and the Iowa administrative procedure Act, chapter 17A.  
 33 If the public employment relations board finds that the action  
 34 taken in regard to the employee was in violation of subsection  
 35 2, the employee may be reinstated without loss of pay or

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1 benefits for the elapsed period, or the public employment  
2 relations board may provide other appropriate remedies.  
3 Decisions by the public employment relations board constitute  
4 final agency action.

5 8. The director of the department of administrative  
6 services or, for employees of the general assembly or of the  
7 state board of regents, the legislative council or the state  
8 board of regents, respectively, shall provide procedures for  
9 notifying new state employees of the provisions of this section  
10 and shall periodically conduct promotional campaigns to provide  
11 similar information to state employees. The information shall  
12 include the toll-free telephone number of the ~~citizens' aide~~  
13 ombudsman.

14 Sec. 29. Section 217.3A, subsection 3, paragraph a,  
15 subparagraph (1), Code 2011, is amended to read as follows:

16 (1) Members of the advisory committee shall include at least  
17 one district judge and representatives of custodial parent  
18 groups, noncustodial parent groups, the general assembly,  
19 the office of ~~citizens' aide~~ ombudsman, the Iowa state bar  
20 association, the Iowa county attorneys association, and  
21 other constituencies which have an interest in child support  
22 enforcement issues, appointed by the respective entity.

23 Sec. 30. Section 236.16, subsection 1, paragraph c, Code  
24 2011, is amended to read as follows:

25 c. Designate and award moneys for publicizing and staffing  
26 a statewide, toll-free telephone hotline for use by victims  
27 of domestic abuse. The department may award a grant to a  
28 public agency or a private, nonprofit organization for the  
29 purpose of operating the hotline. The operation of the  
30 hotline shall include informing victims of their rights and  
31 of various community services that are available, referring  
32 victims to service providers, receiving complaints concerning  
33 misconduct by peace officers and encouraging victims to refer  
34 such complaints to the office of ~~citizens' aide~~ ombudsman,  
35 providing counseling services to victims over the telephone,



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1 and providing domestic abuse victim advocacy.

2 EXPLANATION

3 This bill changes the title of the office of citizens' aide  
4 to the office of ombudsman. The office is established in Code  
5 chapter 2C.



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**Senate File 2122 - Introduced**

SENATE FILE 2122  
BY COMMITTEE ON STATE  
GOVERNMENT

(SUCCESSOR TO SSB 3019)

**A BILL FOR**

1 An Act exempting review services from specified requirements  
2 otherwise applicable to the performance of attest services  
3 by out-of-state certified public accounting firms.  
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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rn/nh



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1 Section 1. Section 542.20, subsection 5, paragraph a, Code  
2 2011, is amended to read as follows:

3 a. The firm shall not perform attest services, other than  
4 review services, in Iowa or for a client having a home office  
5 in Iowa.

6 Sec. 2. Section 542.20, subsection 5, paragraph c, Code  
7 2011, is amended to read as follows:

8 c. The firm may perform compilation or review services only  
9 if it complies with the ownership and peer review requirements  
10 of section 542.7.

11 Sec. 3. Section 542.20, subsection 6, paragraph c, Code  
12 2011, is amended to read as follows:

13 c. An individual who provides attest services, other than  
14 review services, in Iowa or for a client having a home office  
15 in Iowa must practice through a certified public accounting  
16 firm that is licensed under section 542.7.

17 Sec. 4. Section 542.20, subsection 6, Code 2011, is amended  
18 by adding the following new paragraph:

19 NEW PARAGRAPH. h. An individual who provides reviews of  
20 financial statements, as provided in section 542.3, subsection  
21 1, in Iowa or for a client having a home office in Iowa must  
22 provide such services through a certified public accounting  
23 firm that is validly licensed in the state of its principal  
24 place of business and complies with the peer review and  
25 ownership provisions of section 542.7.

26 EXPLANATION

27 This bill exempts review services performed by out-of-state  
28 certified public accounting firms from permit to practice  
29 requirements otherwise applicable to the performance of attest  
30 services by such firms. Review services are included within  
31 the definition of "attest services" pursuant to Code section  
32 542.3, subsection 1. The bill requires review services to  
33 be provided through a certified public accounting firm that  
34 is validly licensed in the state of its principal place of  
35 business and subjects the performance of such services to

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1 ownership and peer review provisions contained in Code section  
2 542.7.



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**Senate File 2123 - Introduced**

SENATE FILE 2123  
BY COMMITTEE ON HUMAN  
RESOURCES

(SUCCESSOR TO SSB 3041)

**A BILL FOR**

1 An Act making changes to the controlled substance schedules,  
2 and making penalties applicable.  
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5212SV (1) 84  
jm/rj



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S.F. 2123

1 Section 1. Section 124.204, subsection 9, Code Supplement  
2 2011, is amended by striking the subsection.

3 Sec. 2. Section 124.206, subsection 6, Code 2011, is amended  
4 by adding the following new paragraph:

5 NEW PARAGRAPH. *c.* Immediate precursor to fentanyl:  
6 4-anilino-N-phenethyl-4-piperidine (ANPP).

7 Sec. 3. Section 124.208, subsection 6, Code 2011, is amended  
8 by adding the following new paragraphs:

9 NEW PARAGRAPH. *bh.* Boldione  
10 (androsta-1,4-diene-3,17-dione).

11 NEW PARAGRAPH. *bi.* Desoxymethyltestosterone  
12 (17[alpha]-methyl-5[alpha]-androst-2-en-17[beta]-ol);  
13 also known as madol.

14 NEW PARAGRAPH. *bj.* 19-nor-4,9(10)-androstadienedione  
15 (estra-4,9(10)diene-3,17-dione).

16 Sec. 4. Section 124.210, subsection 3, Code 2011, is amended  
17 by adding the following new paragraph:

18 NEW PARAGRAPH. *oe.* Carisoprodol.

19 Sec. 5. Section 124.212, subsection 5, Code 2011, is amended  
20 by adding the following new paragraph:

21 NEW PARAGRAPH. *oa.* Ezogabine  
22 [N-[2-amino-4(4-fluorobenzylamino)-phenyl]carbamic acid ethyl  
23 ester].

24 Sec. 6. Section 124B.2, subsection 1, Code 2011, is amended  
25 by adding the following new paragraph:

26 NEW PARAGRAPH. *aa.* Ergocristine and its salts.

27 EXPLANATION

28 This bill makes changes to the controlled substance  
29 schedules, and makes penalties applicable.

30 The bill removes two controlled substances (benzylfentanyl  
31 and thenylfentanyl) from the schedule I classification of  
32 controlled substances to conform with action undertaken by the  
33 federal drug enforcement administration.

34 The bill classifies ANPP, a precursor substance for  
35 fentanyl, as a schedule II controlled substance.

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1 The bill classifies three anabolic steroids as schedule III  
2 controlled substances.

3 The bill classifies the depressant carisoprodol also  
4 known as "soma" as a schedule IV controlled substance to  
5 conform with action undertaken by the federal drug enforcement  
6 administration.

7 The bill classifies the depressant ezogabine as a schedule V  
8 controlled substance to conform with action undertaken by the  
9 federal drug enforcement administration. The drug is used to  
10 treat epilepsy.

11 The bill classifies ergocristine and its salts as a  
12 precursor substance for lysergic acid diethylamide (LSD).  
13 The classification results in new control and reporting  
14 requirements.

15 It is a class "C" felony pursuant to Code section  
16 124.401(1)(c)(8), for any unauthorized person to violate a  
17 provision of Code section 124.401, involving a classified  
18 substance placed on schedule I, II, or III pursuant to the  
19 bill. A class "C" felony for this particular offense is  
20 punishable by confinement for no more than 10 years and a fine  
21 of at least \$1,000 but not more than \$50,000.

22 If a person possesses a controlled substance in violation of  
23 Code section 124.401(5) as a first offense, the person commits  
24 a serious misdemeanor. A serious misdemeanor is punishable by  
25 confinement for no more than one year and a fine of at least  
26 \$315 but not more than \$1,875.



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**Senate File 2124 - Introduced**

SENATE FILE 2124  
BY BARTZ

**A BILL FOR**

- 1 An Act relating to the duties, authority, and operations of
- 2 governmental entities and officials and certain governmental
- 3 enforcement actions.
- 4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5730XS (3) 84  
md/sc



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S.F. 2124

1 Section 1. SHORT TITLE AND INTENT.

2 1. This Act shall be known as the "Restructure or Eliminate  
3 Frivolous, Obsolete, and Redundant Mandates in Governments  
4 Act".

5 2. It is the intent of the general assembly to examine all  
6 frivolous, obsolete, and redundant mandates in all levels of  
7 government and take all necessary actions to restructure or  
8 eliminate such mandates to create more efficient governments.

9 Sec. 2. Section 26.3, subsection 2, Code 2011, is amended  
10 to read as follows:

11 2. A governmental entity shall have an engineer licensed  
12 under chapter 542B, a landscape architect licensed under  
13 chapter 544B, or an architect registered under chapter 544A  
14 prepare plans and specifications, and calculate the estimated  
15 total cost of a proposed public improvement. A governmental  
16 entity shall ensure that a sufficient number of paper copies  
17 of the project's contract documents, including all drawings,  
18 plans, specifications, and estimated total costs of the  
19 proposed public improvement are made available for distribution  
20 ~~at no charge~~ to prospective bidders, subcontractor bidders,  
21 suppliers, and contractor plan room services. If a deposit is  
22 required as part of a paper contract documents distribution  
23 policy by the public owner, the deposit shall not exceed two  
24 hundred fifty dollars per set which shall be refunded upon  
25 return of the contract documents within fourteen days after  
26 award of the project. If the contract documents are not  
27 returned in a timely manner and in a reusable condition, the  
28 deposit shall be forfeited. The governmental entity shall  
29 reimburse the landscape architect, architect, or professional  
30 engineer for the actual costs of preparation and distribution  
31 of plans and specifications.

32 Sec. 3. Section 29B.59, Code 2011, is amended to read as  
33 follows:

34 **29B.59 Execution of confinement.**

35 1. A sentence of confinement adjudged by a military court,

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1     Sec. 5. Section 48A.26, subsection 3, Code 2011, is amended  
 2 to read as follows:

3     3. If the registration form is missing required information  
 4 pursuant to section 48A.11, subsection 8, the acknowledgment  
 5 shall advise the applicant what additional information is  
 6 required. The commissioner shall enclose a new registration  
 7 form for the applicant to use. If the registration form has  
 8 no address, the commissioner shall make a reasonable effort  
 9 to determine where the acknowledgment should be sent. If the  
 10 incomplete registration form is received during the period in  
 11 which registration is closed pursuant to section 48A.9 but  
 12 by 5:00 p.m. on the Saturday before the election for general  
 13 ~~and primary~~ elections, by 5:00 p.m. on the Friday or Saturday  
 14 before the primary election pursuant to section 43.2A, or by  
 15 5:00 p.m. on the Friday before the election for all other  
 16 elections, the commissioner shall send a notice advising the  
 17 applicant of election day and in-person absentee registration  
 18 procedures under section 48A.7A.

19     Sec. 6. Section 53.2, subsection 6, Code 2011, is amended  
 20 to read as follows:

21     6. If an application for an absentee ballot is received  
 22 from an eligible elector who is not a registered voter  
 23 the commissioner shall send the eligible elector a voter  
 24 registration form and another absentee ballot application form.  
 25 If the application is received after the time registration  
 26 closes pursuant to section 48A.9 but by 5:00 p.m. on the  
 27 Saturday before the election for general ~~and primary~~ elections,  
 28 by 5:00 p.m. on the Friday or Saturday before the primary  
 29 election pursuant to section 43.2A, or by 5:00 p.m. on the  
 30 Friday before the election for all other elections, the  
 31 commissioner shall notify the applicant by mail of the election  
 32 day and in-person absentee registration provisions of section  
 33 48A.7A. In addition to notification by mail, the commissioner  
 34 shall also attempt to contact the applicant by any other method  
 35 available to the commissioner.

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1     Sec. 7. Section 53.18, subsection 2, Code 2011, is amended  
 2 to read as follows:

3     2. If the commissioner receives the return envelope  
 4 containing the completed absentee ballot by 5:00 p.m. on  
 5 the Saturday before the election for general ~~and primary~~  
 6 elections, by 5:00 p.m. on the Friday or Saturday before the  
 7 primary election pursuant to section 43.2A, and by 5:00 p.m.  
 8 on the Friday before the election for all other elections, the  
 9 commissioner shall open the envelope to review the affidavit  
 10 for completeness. If the affidavit is incomplete, the  
 11 commissioner shall, within twenty-four hours of the time the  
 12 envelope was received, notify the voter of that fact and that  
 13 the voter may complete the affidavit in person at the office of  
 14 the commissioner by 5:00 p.m. on the day before the election,  
 15 vote a replacement ballot in the manner and within the time  
 16 period provided in subsection 3, or appear at the voter's  
 17 precinct polling place on election day and cast a ballot in  
 18 accordance with section 53.19, subsection 3.

19     Sec. 8. Section 142.3, Code 2011, is amended to read as  
 20 follows:

21     **142.3 Notification of department.**

22     Every county medical examiner, funeral director or embalmer,  
 23 and the managing officer of every public asylum, hospital,  
 24 county care facility, penitentiary, or reformatory, as soon  
 25 as any dead body shall come into the person's custody which  
 26 may be used for scientific purposes as provided in sections  
 27 142.1 and 142.2, shall at once notify the nearest relative  
 28 or friend of the deceased, if known, and the Iowa department  
 29 of public health by ~~telegram~~ a secure notification format  
 30 approved by the department, and hold such body unburied for  
 31 forty-eight hours. Upon receipt of such ~~telegram~~ notification,  
 32 the department shall ~~telegraph~~ transmit instructions relative  
 33 to the disposition to be made of ~~said~~ the body. Complete  
 34 jurisdiction over said bodies is vested exclusively in the Iowa  
 35 department of public health. No autopsy or post mortem, except

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1 as are legally ordered by county medical examiners, shall be  
2 performed on any of said bodies prior to their delivery to the  
3 medical schools.

4 Sec. 9. Section 144.32, unnumbered paragraph 1, Code 2011,  
5 is amended to read as follows:

6 If a person other than a funeral director, medical examiner,  
7 or emergency medical service assumes custody of a dead body  
8 or fetus, the person shall secure a burial transit permit.

9 To be valid, the burial transit permit must be issued by the  
10 county medical examiner, or a funeral director, ~~or the county~~  
11 ~~registrar of the county where the certificate of death or fetal~~  
12 ~~death was filed.~~ The permit shall be obtained prior to the  
13 removal of the body or fetus from the place of death and the  
14 permit shall accompany the body or fetus to the place of final  
15 disposition.

16 Sec. 10. Section 191.7, Code 2011, is amended to read as  
17 follows:

18 **191.7 Enforcement of oleomargarine law.**

19 It shall be the duty of the secretary of agriculture and the  
20 secretary's agents to enforce this chapter ~~and of the county~~  
21 ~~attorneys~~ and of the attorney general of the state to cooperate  
22 with the secretary in the enforcement of this chapter.

23 Sec. 11. Section 217.32, Code 2011, is amended to read as  
24 follows:

25 **217.32 Office space in county.**

26 Where the department of human services assigns personnel to  
27 an office located in a county for the purpose of performing in  
28 that county designated duties and responsibilities assigned by  
29 law to the department, it shall be the responsibility of the  
30 county to provide and maintain the necessary office space and  
31 office supplies and equipment for the personnel so assigned  
32 in the same manner as if they were employees of the county.

33 The department shall at least annually, or more frequently if  
34 the department so elects, reimburse the county for ~~a portion,~~  
35 ~~designated by law,~~ of the cost of maintaining office space and

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1 providing supplies and equipment as required by this section,  
2 and also for ~~a similar portion of~~ the cost of providing the  
3 necessary office space if in order to do so it is necessary  
4 for the county to lease office space outside the courthouse or  
5 any other building owned by the county. ~~The portion of the~~  
6 ~~foregoing costs reimbursed to the county under this section~~  
7 ~~shall be equivalent to the proportion of those costs which the~~  
8 ~~federal government authorizes to be paid from available federal~~  
9 ~~funds, unless the general assembly directs otherwise when~~  
10 ~~appropriating funds for support of the department.~~

11 Sec. 12. Section 297.26, Code 2011, is amended to read as  
12 follows:

13 **297.26 Sale by department.**

14 Any school building or any school site, the title of which  
15 is vested in the state of Iowa by reason of it having been  
16 provided by state mining camp funds for schools in mining  
17 camps, ~~shall~~ may be sold at public or private sale by the  
18 department when the director of the department of education  
19 determines it is no longer needed for school purposes.

20 Sec. 13. Section 331.302, subsection 10, paragraph a,  
21 subparagraph (2), Code 2011, is amended to read as follows:

22 (2) If a proposed code of ordinances contains a proposed new  
23 ordinance or amendment, the board shall hold a public hearing  
24 on the proposed code before adoption. The auditor shall  
25 publish notice of the hearing as provided in section 331.305.  
26 Copies of the proposed code of ordinances shall be available at  
27 the auditor's office or on the auditor's internet site, and the  
28 notice shall so state. Within thirty days after the hearing,  
29 the board may adopt the proposed code of ordinances which  
30 becomes law upon publication of the ordinance adopting it. If  
31 the board substantially amends the proposed code of ordinances  
32 after a hearing, notice and hearing shall be repeated.

33 Sec. 14. Section 331.302, subsection 10, paragraph b, Code  
34 2011, is amended to read as follows:

35 b. Ordinances and amendments which become effective



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1 after adoption of a code of ordinances may be compiled as a  
2 supplement to the code, and upon adoption of the supplement by  
3 resolution, become part of the code of ordinances. In lieu of  
4 other publication, the supplement under this paragraph may be  
5 made available on the auditor's internet site.

6 Sec. 15. Section 331.302, subsection 10, Code 2011, is  
7 amended by adding the following new paragraph:

8 NEW PARAGRAPH. *d.* The compilation of the code of ordinances  
9 required under this subsection may be accomplished by the use  
10 of electronic means and electronic publication.

11 Sec. 16. Section 331.602, subsection 27, Code 2011, is  
12 amended by striking the subsection.

13 Sec. 17. Section 331.653, subsection 27, Code 2011, is  
14 amended to read as follows:

15 27. Give notice of the time and place of making an  
16 appraisal of unneeded school land as provided in ~~sections~~  
17 section 297.17 and 297.28.

18 Sec. 18. Section 331.756, subsection 36, Code Supplement  
19 2011, is amended by striking the subsection.

20 Sec. 19. Section 331.802, subsection 3, paragraph e, Code  
21 2011, is amended to read as follows:

22 *e.* Death that has occurred ~~unexpectedly or~~ from an  
23 unexplained cause.

24 Sec. 20. Section 356.49, Code 2011, is amended to read as  
25 follows:

26 **356.49 Jail report.**

27 A county sheriff shall file, on a monthly basis, a ~~written~~  
28 report with the director of the department of corrections.  
29 The report shall include, but not be restricted to, the total  
30 number of men, women, and juveniles held in the jail for  
31 the reporting month. The director shall adopt and provide  
32 a uniform reporting form to be utilized by county sheriffs.  
33 The director may require electronic filing of such reports by  
34 county sheriffs.

35 Sec. 21. Section 380.8, subsection 1, paragraph b, Code



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1 2011, is amended to read as follows:

2     *b.* A city may maintain a code of ordinances either by  
3 compiling at least annually a supplement to the code of  
4 ordinances consisting of all new ordinances and amendments to  
5 ordinances which became effective during the previous year and  
6 adopting the supplement by resolution or by adding at least  
7 annually new ordinances and amendments to ordinances to the  
8 code of ordinances itself. In lieu of other publication, the  
9 supplement under this paragraph may be made available on the  
10 city's internet site.

11     Sec. 22. Section 380.8, subsection 2, paragraph b, Code  
12 2011, is amended to read as follows:

13     *b.* If a proposed code of ordinances contains a new ordinance  
14 or an amendment to existing ordinances, the council shall  
15 hold a public hearing on the proposed code before adoption.  
16 The clerk shall publish notice of the hearing as provided in  
17 section 362.3. Copies of the proposed code of ordinances  
18 must be available at the city clerk's office or on the city's  
19 internet site, and the notice must so state. Within thirty  
20 days after the hearing, the council may adopt the proposed  
21 code of ordinances. A new ordinance or an amendment to an  
22 existing ordinance becomes effective upon publication of the  
23 ordinance adopting the code of ordinances unless a subsequent  
24 effective date is provided within an ordinance. If the council  
25 substantially amends the proposed code of ordinances after the  
26 hearing, notice and hearing must be repeated before the code  
27 may be adopted.

28     Sec. 23. Section 380.8, Code 2011, is amended by adding the  
29 following new subsection:

30     NEW SUBSECTION. 4. The compilation of the code of  
31 ordinances required under this section may be accomplished by  
32 the use of electronic means and electronic publication.

33     Sec. 24. Section 380.10, subsections 1 and 3, Code 2011, are  
34 amended to read as follows:

35     1. A city may adopt the provisions of any statewide or





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1 ~~permitted activity shall be provided in the same manner.~~

2 Sec. 26. Section 459.312, subsection 4, Code Supplement  
3 2011, is amended by adding the following new paragraph:

4 NEW PARAGRAPH. c. A manure management plan required to be  
5 delivered to a board of supervisors by the department or by the  
6 person submitting the manure management plan may be delivered  
7 electronically.

8 Sec. 27. Section 468.14, Code 2011, is amended to read as  
9 follows:

10 **468.14 Notice of hearing.**

11 When any plan and report of the engineer has been approved  
12 by the board, such approval shall be entered of record in its  
13 proceedings as a tentative plan only for the establishment  
14 of said improvement. Thereupon it shall enter an order  
15 fixing a date for the hearing upon the petition not less  
16 than forty days from the date of the order of approval, and  
17 directing the auditor immediately to cause notice to be given  
18 to the owner of each tract of land or lot within the proposed  
19 levee or drainage district as shown by the transfer books  
20 of the auditor's office, including railway companies having  
21 right-of-way in the proposed district and to all lienholders  
22 or encumbrancers of any land within the proposed district  
23 without naming them, and also to all other persons whom it may  
24 concern, and without naming individuals all actual occupants of  
25 the land in the proposed district, of the pendency and prayer  
26 of the said petition, including a statement describing the  
27 favorable report thereon by the engineer, and that such report  
28 may be amended before final action, the approval thereof by  
29 the board as a tentative plan, and the day and the hour set  
30 for hearing on said petition and report, and that all claims  
31 for damages except claims for land required for right-of-way,  
32 and all objections to the establishment of said district for  
33 any reason must be made in writing and filed in the office  
34 of the auditor at or before the time set for such hearing.  
35 The notice required under this section shall also include a



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1 statement describing the location and times that the engineer's  
 2 report may be reviewed at either a county office or on a county  
 3 internet site.

4 Sec. 28. Section 600B.23, Code 2011, is amended to read as  
 5 follows:

6 **600B.23 Costs payable by county.**

7 If the finding of the court be in favor of the defendant the  
 8 costs of the action shall be paid by the complainant, unless  
 9 the complainant is deemed indigent by the court, then the costs  
 10 of the action shall be paid by the county.

11 Sec. 29. Section 714.16, subsection 2, paragraph g, Code  
 12 2011, is amended to read as follows:

13 g. (1) It is an unlawful practice for a person to acquire  
 14 directly or indirectly an interest in a business which has  
 15 either gone out of business or is going out of business  
 16 and conduct or continue a going-out-of-business sale where  
 17 additional merchandise has been added to the merchandise  
 18 of the liquidating business for the purposes of the sale,  
 19 unless the person provides a clear and conspicuous notice  
 20 in all advertisements that merchandise has been added. The  
 21 advertisement shall also state the customary retail price of  
 22 the merchandise that has been added or brought in for the  
 23 sale. The person acquiring the interest shall obtain a permit  
 24 to hold the sale before commencing the sale. If the sale  
 25 is to be held in a city which has an ordinance regulating  
 26 going-out-of-business sales, then the permit shall be obtained  
 27 from the city. ~~If the sale is to be located outside of a~~  
 28 ~~city or in a city which does not have an ordinance regulating~~  
 29 ~~going-out-of-business sales, then the permit shall be obtained~~  
 30 ~~from the county in which the proposed sale is to be held. The~~  
 31 ~~county board of supervisors shall prescribe the procedures~~  
 32 ~~necessary to obtain the permit. The permit shall state the~~  
 33 percentage of merchandise for sale that was obtained from  
 34 the liquidating business and the percentage of merchandise  
 35 for sale that was added from other sources. The permit or

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1 an accurate reproduction of the permit shall be clearly and  
 2 conspicuously posted at all entrances to the site of the sale  
 3 and at all locations where sales are consummated. A person who  
 4 violates this paragraph, including any misrepresentation of  
 5 the presence and the percentage of additional merchandise that  
 6 had been added to that of the liquidating company, is liable  
 7 for a civil penalty of not to exceed one thousand dollars for  
 8 each day of each violation. The civil penalties collected  
 9 shall be deposited in the general fund of the ~~political entity~~  
 10 city which prosecutes the violation. The civil penalty is  
 11 in addition to and not in lieu of any criminal penalty. A  
 12 ~~political entity~~ city enforcing this paragraph may obtain a  
 13 preliminary injunction without posting a bond to enjoin a  
 14 violation of paragraph "c" and this paragraph pending a hearing.

15 (2) This paragraph does not prohibit a city ~~or county~~  
 16 from adopting an ordinance prohibiting the conducting of a  
 17 going-out-of-business sale in which additional merchandise is  
 18 added to the merchandise of the liquidating business for the  
 19 purposes of the sale.

20 Sec. 30. REPEAL. Sections 207.11, 208.21, and sections  
 21 297.27 through 297.32, Code 2011, are repealed.

EXPLANATION

23 This bill relates to certain duties and operations of  
 24 governmental entities and officials and related enforcement  
 25 actions. The bill is designated as the "Restructure or  
 26 Eliminate Frivolous, Obsolete, and Redundant Mandates in  
 27 Governments Act". The bill states that it is the intent of  
 28 the general assembly to examine all frivolous, obsolete, and  
 29 redundant mandates in all levels of government and take all  
 30 necessary actions to restructure or eliminate such mandates.

31 Under Code section 26.3 relating to competitive bidding  
 32 for public improvements, a governmental entity is required  
 33 to provide a sufficient number of paper copies of the  
 34 project's contract documents, including all drawings, plans,  
 35 specifications, and estimated total costs. The bill strikes

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1 the prohibition on governmental entities charging for providing  
2 such items to prospective bidders, subcontractor bidders,  
3 suppliers, and contractor plan room services.

4 Current Code section 29B.59 provides that city or county  
5 jails and other jails, penitentiaries, or prisons must receive  
6 persons ordered into confinement by a military court and  
7 prohibits such jails, penitentiaries, or prisons from requiring  
8 payment of a fee or charge for receiving or confining the  
9 person. The bill allows such jails, penitentiaries, or prisons  
10 to require a reasonable fee or charge in such situations.

11 The bill provides that prior to publication of the notice  
12 of election under Code section 49.53, the commissioner  
13 of elections (county auditor) shall determine whether the  
14 commissioner's office will be open on the Saturday before  
15 the primary election. In making such a determination, the  
16 bill requires the commissioner to give consideration to the  
17 number of absentee ballots cast for the primary election held  
18 four years previous and the number of voter registrations  
19 received before the close of registration for the primary  
20 election held four years previous. The bill also requires the  
21 notice of election to include information as to whether the  
22 commissioner's office will be open on the Saturday before the  
23 election and the hours that the commissioner's office will be  
24 open on that Saturday.

25 Current Code section 142.3 requires a county medical  
26 examiner, funeral director or embalmer, and the managing  
27 officer of every public asylum, hospital, county care facility,  
28 penitentiary, or reformatory, as soon as any dead body shall  
29 come into the person's custody which may be used for scientific  
30 purposes to notify the nearest relative or friend of the  
31 deceased, if known, and the Iowa department of public health  
32 by telegram. The bill allows such notification to occur by a  
33 secure notification format approved by the department of public  
34 health.

35 The bill removes the county registrar (county recorder) from



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1 the list of persons who may issue a burial transit permit.

2 The bill removes the county attorney from those persons  
3 required to enforce Code chapter 191 (oleomargarine law).

4 The bill repeals Code sections 207.11 and 208.21 relating to  
5 agencies, political subdivisions, and publicly owned utilities  
6 or corporations that engage in certain mining activities. Code  
7 sections 207.11 and 208.21 subject such entities that engage in  
8 mining to similar mining regulations as other mining entities.

9 Code section 217.32 requires the counties to provide  
10 and maintain necessary office space and office supplies and  
11 equipment for certain department of human services personnel  
12 that are assigned to duties in the county. Code section 217.32  
13 further provides that the department of human services shall  
14 reimburse the county for a portion of such costs that is  
15 equivalent to the proportion of those costs which the federal  
16 government authorizes to be paid unless the general assembly  
17 directs otherwise. The bill requires reimbursement to the  
18 county of the total cost of maintaining the office space and  
19 providing supplies and equipment.

20 The bill repeals several Code sections relating to the  
21 disposition of certain state-owned buildings and school sites  
22 (provided by state mining camp funds for schools in mining  
23 camps). The bill provides that such property may be sold at  
24 public or private sale by the department of education when the  
25 director of the department of education determines that it is  
26 no longer needed for school purposes.

27 The bill amends provisions relating to the compilation of a  
28 code of ordinances by each county under Code section 331.302  
29 and each city under Code section 380.8. The bill allows such  
30 compilation and related supplements to be accomplished by the  
31 use of electronic means and electronic publication. The bill  
32 also permits cities and counties to make certain standards and  
33 codes adopted by reference available on the entity's internet  
34 site.

35 The bill strikes a requirement that the county recorder

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1 carry out duties relating to the recordation of articles of  
2 incorporation and other instruments for savings and loan  
3 associations as provided in Code chapter 534.

4 The bill strikes a provision classifying an unexpected death  
5 as a death which affects the public interest. If a death  
6 is classified as a death that affects the public interest,  
7 the state or county medical examiner must be notified and a  
8 preliminary investigation of the death must be conducted.

9 Code section 356.49 requires the county sheriff to file a  
10 monthly written report with the director of the department of  
11 corrections relating to the total number of persons held in  
12 the jail. The bill allows the director of the department of  
13 corrections to require electronic filing of such reports.

14 As a condition of the general permit under Code section  
15 455B.103A, a person proposing to conduct activities covered  
16 by a general permit is required to provide notice of intent  
17 to conduct a covered activity to the department of natural  
18 resources. The bill strikes the additional notice requirement  
19 of publication in two newspapers with the largest circulation  
20 in the area and the requirement that such notices be provided  
21 and published when such activities are discontinued.

22 The bill allows certain manure management plans that are  
23 required to be delivered to a county board of supervisors under  
24 Code section 459.312(4) to be delivered electronically.

25 The bill specifies that notices provided by the county  
26 auditor under Code section 468.14, relating to the approval  
27 of a proposed levee and drainage district plan and engineer's  
28 report, must include a statement describing the favorable  
29 report of the engineer. Such notice must also include a  
30 statement describing the location and times that the engineer's  
31 report may be reviewed at either a county office or on a county  
32 internet site.

33 The bill provides that in proceedings under Code chapter  
34 600B (paternity and obligations for support) if the finding of  
35 the court is in favor of the defendant the costs of the action



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1 shall be paid by the complainant, unless the complainant is  
2 deemed indigent, then the costs of the action are paid by the  
3 county.

4 The bill strikes the requirement for counties to issue  
5 going-out-of-business sale permits for such sales occurring in  
6 a city that does not regulate going-out-of-business sales or in  
7 the unincorporated areas of the county. The bill also strikes  
8 other references to counties relating to the regulation of  
9 going-out-of-business sales.



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**Senate File 2125 - Introduced**

SENATE FILE 2125  
BY COMMITTEE ON HUMAN  
RESOURCES

(SUCCESSOR TO SSB 3043)

**A BILL FOR**

1 An Act relating to physician orders for scope of treatment.  
2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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1 Section 1. LEGISLATIVE FINDINGS. The general assembly  
2 recognizes the importance of encouraging individuals to discuss  
3 and make health care decisions before a situation necessitates  
4 an actual decision. The general assembly also recognizes  
5 that health care planning is a process, rather than a single  
6 decision, based upon the individual's values and personal  
7 health status. Advance directives provide the opportunity for  
8 an individual to enunciate and document the individual's wishes  
9 and to identify the person authorized to make decisions for the  
10 individual if the individual is unable to make decisions. The  
11 general assembly recognizes that the physician order for scope  
12 of treatment form, modeled after the national physician orders  
13 for life-sustaining treatment paradigm initiative, complements  
14 advance directives by converting individual wishes contained  
15 in advance directives, or as otherwise expressed, into medical  
16 orders that may be recognized and acted upon across medical  
17 settings, thereby enhancing the ability of medical providers to  
18 understand and honor patients' wishes. An Iowa physician order  
19 for scope of treatment form is intended for individuals who  
20 are frail and elderly or who have a chronic, critical medical  
21 condition or a terminal illness.

22 Sec. 2. NEW SECTION. 144D.1 Physician orders for scope of  
23 treatment.

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

- 26 1. *"Advanced registered nurse practitioner"* means an advanced  
27 registered nurse practitioner licensed pursuant to chapter 152  
28 or 152E.
- 29 2. *"Department"* means the department of public health.
- 30 3. *"Emergency medical care provider"* means emergency medical  
31 care provider as defined in section 147A.1.
- 32 4. *"Health care facility"* means health care facility as  
33 defined in section 135C.1, a hospice program as defined in  
34 section 135J.1, an elder group home as defined in section  
35 231B.1, and an assisted living program as defined in section



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1 231C.2.

2 5. *"Health care provider"* means an individual, including  
3 an emergency medical care provider and an individual providing  
4 home and community-based services, and including a home  
5 health agency, licensed, certified, or otherwise authorized or  
6 permitted by the law of this state to administer health care  
7 in the ordinary course of business or in the practice of a  
8 profession.

9 6. *"Home health agency"* means home health agency as defined  
10 in 42 C.F.R. pt. 484.

11 7. *"Hospital"* means hospital as defined in section 135B.1.

12 8. *"Legal representative"* means an individual authorized to  
13 execute a POST form on behalf of a patient who is not competent  
14 to do so, in the order of priority set out in section 144A.7,  
15 subsection 1, and guided by the express or implied intentions  
16 of the patient or, if such intentions are unknown, by the  
17 patient's best interests given the patient's overall medical  
18 condition and prognosis.

19 9. *"Patient"* means an individual who is frail and elderly  
20 or who has a chronic, critical medical condition or a terminal  
21 illness and for which a physician order for scope of treatment  
22 is consistent with the individual's goals of care.

23 10. *"Physician"* means a person licensed to practice medicine  
24 and surgery or osteopathic medicine and surgery in this state.

25 11. *"Physician assistant"* means a person licensed as a  
26 physician assistant under chapter 148C.

27 12. *"Physician orders for scope of treatment form"* or *"POST*  
28 *form"* means a document containing medical orders which may  
29 be relied upon across medical settings that consolidates  
30 and summarizes a patient's preferences for life-sustaining  
31 treatments and interventions and acts as a complement to and  
32 does not supersede any valid advance directive.

33 **Sec. 3. NEW SECTION. 144D.2 Physician orders for scope of**  
34 **treatment (POST) form.**

35 1. The POST form shall be a uniform form based upon the





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1 state to the extent the form is consistent with the laws of  
 2 this state, and may be accepted by a health care provider,  
 3 hospital, or health care facility.

4 2. A health care provider, hospital, or health care facility  
 5 may comply with an executed POST form, notwithstanding that the  
 6 physician, advanced registered nurse practitioner, or physician  
 7 assistant who signed the POST form does not have admitting  
 8 privileges at the hospital or health care facility providing  
 9 health care or treatment.

10 3. A POST form may be revoked at any time and in any manner  
 11 by which the patient or a patient's legal representative is  
 12 able to communicate the patient's intent to revoke, without  
 13 regard to the patient's mental or physical condition. A  
 14 revocation is only effective as to the health care provider,  
 15 hospital, or health care facility upon communication to the  
 16 health care provider, hospital, or health care facility by the  
 17 patient, the patient's legal representative, or by another to  
 18 whom the revocation was communicated.

19 4. In the absence of actual notice of the revocation  
 20 of a POST form, a health care provider, hospital, health  
 21 care facility, or any other person who complies with a POST  
 22 form shall not be subject to civil or criminal liability or  
 23 professional disciplinary action for actions taken under  
 24 this chapter which are in accordance with reasonable medical  
 25 standards. A health care provider, hospital, health care  
 26 facility, or other person against whom criminal or civil  
 27 liability is asserted because of conduct in compliance with  
 28 this chapter may interpose the restriction on liability in this  
 29 paragraph as an absolute defense.

30 5. A health care provider, hospital, or health care facility  
 31 that is unwilling to comply with an executed POST form based on  
 32 policy, religious beliefs, or moral convictions shall take all  
 33 reasonable steps to transfer the patient to another health care  
 34 provider, hospital, or health care facility.

35 **Sec. 5. NEW SECTION. 144D.4 General provisions.**



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1 1. If an individual is a qualified patient as defined in  
2 section 144A.2, the individual's declaration executed under  
3 chapter 144A shall control health care decision making for the  
4 individual in accordance with chapter 144A. If an individual  
5 has not executed a declaration pursuant to chapter 144A, health  
6 care decision making relating to life-sustaining procedures for  
7 the individual shall be governed by section 144A.7. A POST  
8 form shall not supersede a declaration executed pursuant to  
9 chapter 144A.

10 2. If an individual has executed a durable power of attorney  
11 for health care pursuant to chapter 144B, the individual's  
12 durable power of attorney for health care shall control health  
13 care decision making for the individual in accordance with  
14 chapter 144B. A POST form shall not supersede a durable power  
15 of attorney for health care executed pursuant to chapter 144B.

16 3. If the individual's physician has issued an  
17 out-of-hospital do-not-resuscitate order pursuant to section  
18 144A.7A, the POST form shall not supersede the out-of-hospital  
19 do-not-resuscitate order.

20 4. Death resulting from the withholding or withdrawal of  
21 life-sustaining procedures pursuant to an executed POST form  
22 and in accordance with this chapter does not, for any purpose,  
23 constitute a suicide, homicide, or dependent adult abuse.

24 5. The executing of a POST form does not affect in any  
25 manner the sale, procurement, or issuance of any policy of  
26 life insurance, nor shall it be deemed to modify the terms  
27 of an existing policy of life insurance. A policy of life  
28 insurance is not legally impaired or invalidated in any manner  
29 by the withholding or withdrawal of life-sustaining procedures  
30 pursuant to this chapter notwithstanding any term of the policy  
31 to the contrary.

32 6. A health care provider, hospital, health care facility,  
33 health care service plan, insurer issuing disability insurance,  
34 self-insured employee welfare benefit plan, or nonprofit  
35 hospital plan shall not require any person to execute a POST

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1 form as a condition of being insured for, or receiving, health  
 2 care services.

3 7. This chapter does not create a presumption concerning  
 4 the intention of an individual who has not executed a POST  
 5 form with respect to the use, withholding, or withdrawal  
 6 of life-sustaining procedures in the event of a terminal  
 7 condition.

8 8. This chapter shall not be interpreted to affect the  
 9 right of an individual to make decisions regarding use of  
 10 life-sustaining procedures as long as the individual is able to  
 11 do so, nor to impair or supersede any right or responsibility  
 12 that any person has to effect the withholding or withdrawal  
 13 of medical care in any lawful manner. In that respect, the  
 14 provisions of this chapter are cumulative.

15 9. This chapter shall not be construed to condone,  
 16 authorize, or approve mercy killing or euthanasia, or to permit  
 17 any affirmative or deliberate act or omission to end life other  
 18 than to permit the natural process of dying.

19 EXPLANATION

20 This bill provides for the use of physician orders for scope  
 21 of treatment (POST).

22 The bill provides legislative findings that provide that  
 23 the general assembly recognizes the importance of encouraging  
 24 individuals to discuss and make health care decisions before an  
 25 actual decision is necessary; that health care planning is a  
 26 process based upon the individual's values and personal health  
 27 status; and that advance directives provide the opportunity  
 28 for an individual to enunciate and document their wishes and  
 29 to identify the person authorized to make decisions for the  
 30 individual. The general assembly also recognizes that the  
 31 POST form, modeled after the national physician orders for  
 32 life-sustaining treatment paradigm initiative, complements  
 33 advance directives by converting individual wishes contained  
 34 in advance directives, or as otherwise expressed, into medical  
 35 orders that may be recognized and acted upon across medical



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1 settings, thereby enhancing the ability of medical providers  
2 to understand and honor patients' wishes. The POST form is  
3 intended for individuals who are frail and elderly or who have  
4 a chronic, critical medical condition or a terminal illness.

5 The bill provides definitions used in Code chapter 144D,  
6 including the physician orders for scope of treatment (POST)  
7 form, which means a document containing medical orders which  
8 may be relied upon across medical settings that consolidates  
9 and summarizes an individual's preferences for life-sustaining  
10 treatments and interventions and acts as a complement to but  
11 does not supersede any valid advance directive.

12 The bill specifies the content of the POST form and that the  
13 department of public health is to prescribe the uniform POST  
14 form and post the form on the department's website for public  
15 availability.

16 The bill specifies compliance requirements for the POST  
17 form. A POST form executed in this state or another state  
18 or jurisdiction in compliance with the law of the applicable  
19 state or jurisdiction shall be deemed valid and enforceable in  
20 this state to the extent the form is consistent with the laws  
21 of this state, and may be accepted by a health care provider,  
22 hospital, or health care facility. A health care provider,  
23 hospital, or health care facility may comply with an executed  
24 POST form, even if the physician, advanced registered nurse  
25 practitioner, or physician assistant who signed the POST form  
26 does not have admitting privileges at the hospital or health  
27 care facility providing health care or treatment. The bill  
28 provides an absolute defense to civil or criminal liability or  
29 professional disciplinary action for a health care provider,  
30 hospital, health care facility, or any other person who  
31 complies with a POST form if the actions are in accordance with  
32 reasonable medical standards. The bill requires a health care  
33 provider, hospital, or health care facility that is unwilling  
34 to comply with an executed POST form due to policy, religious  
35 beliefs, or moral convictions to take all reasonable steps to

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1 transfer the patient to another health care provider, hospital,  
2 or health care facility.

3 The bill provides for the relation of an executed POST  
4 form to a declaration under the life-sustaining procedures  
5 Act, a durable power of attorney for health care, and an  
6 out-of-hospital do-not-resuscitate order. In all cases,  
7 the declaration, the durable power of attorney, and the  
8 out-of-hospital do-not-resuscitate order control health care  
9 decision making and the POST form does not supersede them.

10 The bill provides that death resulting from the withholding  
11 or withdrawal of life-sustaining procedures pursuant to an  
12 executed POST form and in accordance with the bill does not  
13 constitute a suicide, homicide, or dependent adult abuse and  
14 that executing a POST form does not affect in any manner  
15 the sale, procurement, or issuance of any policy of life  
16 insurance; modify the terms of an existing policy of life  
17 insurance; or legally impair or invalidate the policy. The  
18 bill prohibits the execution of a POST form as a condition for  
19 being insured or receiving health care services and provides  
20 that not executing a POST form does not create a presumption  
21 concerning the intention of an individual with respect to the  
22 use, withholding, or withdrawal of life-sustaining procedures  
23 in the event of a terminal condition.

24 The bill is not to be interpreted to affect the right of an  
25 individual to make decisions regarding use of life-sustaining  
26 procedures as long as the individual is able to do so, nor to  
27 impair or supersede any right or responsibility that any person  
28 has to effect the withholding or withdrawal of medical care in  
29 any lawful manner. The bill is not to be construed to condone,  
30 authorize, or approve mercy killing or euthanasia, or to permit  
31 any affirmative or deliberate act or omission to end life other  
32 than to permit the natural process of dying.

33 The general assembly in 2008 Iowa Acts, chapter 1188,  
34 section 36, established a two-year pilot project in Linn county  
35 and in 2010 Iowa Acts, chapter 1192, section 58, expanded



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1 the pilot project to Jones county and extended the duration  
2 until June 30, 2012, to pilot the use of the POST form. The  
3 legislation also directed the department to convene an advisory  
4 council for the pilot project and directed the advisory council  
5 to report its findings and recommendations to the general  
6 assembly by January 1, 2012. The advisory council recommended  
7 expanding the adoption of the POST form statewide.



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**Senate File 2126 - Introduced**

SENATE FILE 2126  
BY COMMITTEE ON STATE  
GOVERNMENT

(SUCCESSOR TO SSB 3016)

**A BILL FOR**

1 An Act providing for the funding of the duties of the state's  
2 social security administrator.  
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5301SV (3) 84  
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S.F. 2126

1 Section 1. NEW SECTION. 97C.13A Federal-state agreement  
2 administration — costs.

3 Actual costs incurred by the state agency in the fulfillment  
4 of its duties under this chapter shall be paid as an expense  
5 authorized by the executive council from the appropriations  
6 addressed in section 7D.29. Costs paid from appropriations as  
7 provided in this section shall not exceed ten thousand dollars  
8 each fiscal year.

9 EXPLANATION

10 This bill provides that costs incurred by the Iowa public  
11 employees' retirement system (IPERS) relative to the duties  
12 of IPERS under Code chapter 97C, the federal Social Security  
13 Enabling Act, shall be paid as an expense authorized by the  
14 executive council under Code section 7D.29 (performance of  
15 duty). The bill limits the costs to be paid to \$10,000 each  
16 fiscal year.



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**Senate Study Bill 3123 - Introduced**

SENATE FILE \_\_\_\_\_  
BY (PROPOSED COMMITTEE  
ON COMMERCE BILL BY  
CHAIRPERSON McCOY)

**A BILL FOR**

1 An Act authorizing charitable auctions for alcoholic spirits.  
2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 6023XC (2) 84  
ec/nh



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1 Section 1. Section 123.173A, Code 2011, is amended to read  
2 as follows:

3 **123.173A Charity beer, spirits, and wine auction permit.**

4 1. For purposes of this section, "*authorized nonprofit*  
5 *entity*" includes a nonprofit entity which has a principal office  
6 in the state, a nonprofit corporation organized under chapter  
7 504, or a foreign corporation as defined in section 504.141,  
8 whose income is exempt from federal taxation under section  
9 501(c) of the Internal Revenue Code.

10 2. An authorized nonprofit entity may, upon application to  
11 the division and receipt of a charity beer, spirits, and wine  
12 auction permit from the division, conduct a charity auction  
13 which includes beer, spirits, and wine. The application shall  
14 specify the date and time when the charity beer, spirits, and  
15 wine auction is to be conducted and the premises in this state  
16 where the charity beer, spirits, and wine auction is to be  
17 physically conducted. The applicant shall certify that the  
18 objective of the charity beer, spirits, and wine auction is  
19 to raise funds solely to be used for educational, religious,  
20 or charitable purposes and that the entire proceeds from the  
21 charity beer, spirits, and wine auction are to be expended for  
22 any of the purposes described in section 423.3, subsection 78.

23 3. An authorized nonprofit entity shall be eligible to  
24 receive only two charity beer, spirits, and wine auction  
25 permits during a calendar year and each charity beer, spirits,  
26 and wine auction permit shall be valid for a period not to  
27 exceed thirty-six consecutive hours.

28 4. The authorized nonprofit entity conducting the charity  
29 beer, spirits, and wine auction shall obtain the beer, spirits,  
30 and wine to be auctioned at the charity beer, spirits, and  
31 wine auction from an Iowa retail beer permittee, an Iowa  
32 retail alcoholic liquor permittee, an Iowa micro-distilled  
33 spirits permittee, or an Iowa retail wine permittee, or may  
34 receive donations of beer, spirits, or wine to be auctioned at  
35 the charity beer, spirits, and wine auction ~~from persons who~~

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~~1 purchased the donated beer or wine from an Iowa retail beer  
2 permittee or an Iowa retail wine permittee and who present  
3 a receipt documenting the purchase at the time the beer or  
4 wine is donated. The authorized nonprofit entity conducting  
5 the charity beer and wine auction shall retain a copy of the  
6 receipt for a period of one year from the date of the charity  
7 beer and wine auction.~~

8     5. Persons shall be physically present at the charity  
9 beer, spirits, and wine auction to be eligible to bid on beer,  
10 spirits, and wine sold at the charity auction.

11     6. The beer, spirits, and wine sold at the charity beer,  
12 spirits, and wine auction shall be in original containers  
13 for consumption off of the premises where the charity beer,  
14 spirits, and wine auction is conducted. No other alcoholic  
15 beverage may be sold by the charity beer, spirits, and wine  
16 auction permittee at the charity beer, spirits, and wine  
17 auction. A purchaser of beer, spirits, or wine at a charity  
18 beer, spirits, and wine auction shall not take possession of  
19 the beer, spirits, or wine until the person is leaving the  
20 event. A purchaser of beer, spirits, or wine at a charity  
21 beer, spirits, and wine auction shall not open the container  
22 or consume or permit the consumption of the beer, spirits, or  
23 wine purchased on the premises where the charity beer, spirits,  
24 and wine auction is conducted. A purchaser of beer, spirits,  
25 or wine at a charity beer, spirits, and wine auction shall not  
26 resell the beer, spirits, or wine.

27     7. A liquor control licensee, beer permittee,  
28 micro-distilled spirits permittee, or wine permittee shall not  
29 purchase beer, spirits, or wine at a charity beer, spirits, and  
30 wine auction. The charity beer, spirits, and wine auction may  
31 be conducted on a premises for which a class "B" liquor control  
32 license or class "C" liquor control license has been issued,  
33 provided that the liquor control licensee does not participate  
34 in the charity beer, spirits, and wine auction, supply beer,  
35 spirits, or wine to be auctioned at the charity beer, spirits,

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Senate Study Bill 3124 - Introduced

SENATE/HOUSE FILE \_\_\_\_\_  
BY (PROPOSED DEPARTMENT OF  
COMMERCE/CREDIT UNION  
DIVISION BILL)

A BILL FOR

1 An Act relating to credit unions, including methods of  
2 voting by credit union members and the board of directors,  
3 electronic communications to certain credit union members,  
4 the composition of the board of directors, assessment of  
5 fees for examination and supervision, limited negotiated  
6 disclosures of certain confidential information, treatment  
7 of ownership shares, and superintendent management  
8 authority, and making penalties applicable.  
9 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5194DP (13) 84  
rn/rj



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1 Section 1. Section 533.108, subsection 1, Code 2011, is  
2 amended to read as follows:

3 1. a. Records of the credit union division are public  
4 records subject to the provisions of chapter 22, except as  
5 otherwise provided in this chapter.

6 b. Papers, documents, writings, reports, reports of  
7 examinations and other information relating specifically to the  
8 supervision and regulation of a specific state credit union or  
9 of other persons by the superintendent pursuant to the laws of  
10 this state are not public records and shall not be open for  
11 examination or copying by the public or for examination or  
12 publication by the news media.

13 c. The superintendent or an employee of the credit  
14 union division shall not disclose ~~such~~ information relating  
15 specifically to the supervision and regulation of a specific  
16 state credit union or of other persons in any manner to any  
17 person other than the person examined, except as otherwise  
18 authorized by this section or section 533.113 or 533.308.

19 d. Notwithstanding the prohibition on disclosure pursuant to  
20 paragraph "c", the superintendent or an employee of the credit  
21 union division may disclose information relating specifically  
22 to the supervision and regulation of a specific state credit  
23 union or of other persons if the credit union or other person  
24 consents in writing to the disclosure and the persons to  
25 whom the disclosures are made are subject to, or agree to  
26 comply with, standards of confidentiality comparable to those  
27 contained in this chapter.

28 Sec. 2. Section 533.112, Code 2011, is amended to read as  
29 follows:

30 **533.112 Annual and individual fees — examination fees —**  
31 **delinquencies.**

32 1. Each state credit union shall pay an annual fee for  
33 examination and supervision as determined by the superintendent  
34 based on the actual cost of operating the credit union  
35 division.



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1     a. The cost of operating the credit union division shall  
 2 include but not be limited to costs and expenses for salaries  
 3 and benefits, expenses and travel for employees, office  
 4 facilities, supplies, equipment, and administrative costs and  
 5 expenses incurred in the discharge of the duties imposed on the  
 6 superintendent under this chapter.

7     b. (1) The cost of operating the credit union division  
 8 shall also include but not be limited to the costs incurred due  
 9 to additional time and other division resources required for  
 10 any of the following:

11     (a) Performing services for the credit union that are  
 12 customarily performed by the credit union.

13     (b) Performing services related to a particular examination  
 14 that exceed estimates for an individual credit union's  
 15 examination based on factors including but not limited to the  
 16 asset size of the credit union, the complexity of transactions  
 17 to be examined, and the examination history of the credit  
 18 union.

19     (2) An individual fee assessment for such costs incurred  
 20 under this paragraph "b" may be made in addition to a credit  
 21 union's annual fee.

22     c. The In establishing the structure of the fee schedule,  
 23 the superintendent shall consider recommendations from the  
 24 review board and from state credit unions in determining the  
 25 amount of the annual fee.

26     d. The annual fee may be paid in one or more installments,  
 27 as provided by rule by the superintendent.

28     ~~2. Each state credit union, corporation, credit union~~  
 29 ~~service organization, or other person subject to an examination~~  
 30 ~~pursuant to section 533.113 shall pay an examination fee as~~  
 31 ~~determined by the superintendent, which shall reflect but not~~  
 32 ~~be limited to the time required for the examination and the~~  
 33 ~~costs of the examination. The superintendent shall establish~~  
 34 ~~by rule an examination fee schedule.~~

35     a. The costs of the examination shall include but not



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1 be limited to costs and expenses for salaries and benefits,  
 2 expenses and travel for employees, office facilities, supplies,  
 3 equipment, and administrative costs and expenses incurred in  
 4 the discharge of duties imposed upon the superintendent under  
 5 this chapter.

6 b. The examination fee shall be due within thirty days of  
 7 presentation of the fee statement to the corporation, credit  
 8 union service organization, or other person examined by the  
 9 division.

10 3. In addition to the annual fee and examination fee  
 11 assessed pursuant to this section, the division may also assess  
 12 a credit union, credit union service organization, corporation,  
 13 or other person subject to an examination pursuant to section  
 14 533.133 for the expense of accountants, investigators, and  
 15 other experts reasonably necessary to assist in the conduct of  
 16 the examination, pursuant to section 533.113, subsection 1.

17 4. a. Failure of a state credit union, corporation, credit  
 18 union service organization, or other person to pay a fee  
 19 pursuant to subsection 1, ~~or 2,~~ or 3 shall result in the fee  
 20 being considered delinquent and a penalty equal to five percent  
 21 of the original fee may be assessed for each day or part of a  
 22 day the payment remains delinquent.

23 b. A fee delinquency under this subsection by a corporation,  
 24 credit union service organization, or other person may result  
 25 in the superintendent collecting the delinquent fee and penalty  
 26 from the state credit union owning shares or investments or  
 27 having business transactions or a relationship with such  
 28 corporation, credit union service organization, or other  
 29 person.

30 c. A fee delinquency under this subsection may also  
 31 constitute grounds for revocation of the certificate of  
 32 approval of the credit union to operate in this state.

33 Sec. 3. Section 533.113, subsection 6, paragraph e, Code  
 34 2011, is amended by striking the paragraph.

35 Sec. 4. Section 533.201, subsections 7 and 8, Code 2011, are



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1 amended to read as follows:

2 ~~7. Articles of incorporation may be amended by a favorable~~  
3 ~~vote of a majority of the members present at a meeting, if that~~  
4 ~~number constitutes a quorum and if the proposed amendment was~~  
5 ~~contained in the notice of the meeting.~~

6 ~~8. Bylaws~~ Articles of incorporation or bylaws may be amended  
7 by any of the following methods, upon a favorable vote of a  
8 majority of the board of directors selecting the method of  
9 voting:

10 a. The favorable vote of a majority of the members present  
11 at a meeting, if that number constitutes a quorum and if the  
12 proposed amendment was contained in the notice of the meeting.

13 b. The favorable vote of a majority of the members of the  
14 board.

15 c. By a majority vote of members voting by mailed or  
16 electronic ballot, ensuring ~~the confidentiality of voters~~ votes  
17 remain confidential and secret from all interested parties, and  
18 that each member is only allowed to vote once, according to  
19 procedures specified by rule of the superintendent, requiring  
20 at least twenty days' notice to all members or as specified  
21 in the bylaws. An announcement shall be made to members of  
22 the results of the vote. Ballots shall be preserved for a  
23 reasonable period of time following the vote.

24 d. A combination of procedures as specified in paragraphs  
25 "a" and "c", whereby members are allowed to vote either  
26 in person at a meeting or by mailed or electronic ballot,  
27 according to procedures specified by rule of the superintendent  
28 or as specified in the bylaws.

29 8. If the proposed amendment receives a favorable majority  
30 of the total votes cast ~~in person and by mailed or electronic~~  
31 ~~ballot~~ under the method of voting selected under subsection 7,  
32 the articles of incorporation or bylaws shall be are amended as  
33 proposed. Notice shall be given to members of the results of  
34 the vote. Ballots of members shall be preserved for at least  
35 sixty days after the results are tallied and notice given to



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1 members, and until any challenge is resolved.

2 Sec. 5. Section 533.203, Code 2011, is amended to read as  
 3 follows:

4 533.203 Fiscal year — membership meetings — voting by  
 5 membership — notice.

6 1. The fiscal year of all state credit unions shall end  
 7 December 31.

8 2. Annual meetings shall be held, and special meetings may  
 9 be held, in the manner indicated in the bylaws.

10 a. ~~At all meetings, a~~ A member shall have one vote  
 11 regardless of the number of or class of shares held by the  
 12 member.

13 b. There shall be no voting by proxy.

14 c. A member other than a natural person may cast a single  
 15 vote through a delegated agent.

16 3. a. ~~The majority of members present at any meeting may~~  
 17 ~~vote to modify, amend, or reverse any act of the board of~~  
 18 ~~directors or instruct the board to take action not inconsistent~~  
 19 ~~with the articles, bylaws, or this chapter.~~

20 b. ~~In order to be binding upon the board of directors, any~~  
 21 ~~action taken by the membership to modify, amend, or reverse~~  
 22 ~~an act of the board, or to instruct the board to take action,~~  
 23 ~~requires an affirmative vote of a majority of all eligible~~  
 24 ~~members obtained by submitting the modification, amendment, or~~  
 25 ~~reversal to the members by mail or electronic ballot, pursuant~~  
 26 ~~to rules adopted by the superintendent. When a vote of the~~  
 27 membership is required under the provisions of this chapter,  
 28 the board of directors, by a favorable vote of the majority  
 29 of the board, shall select one of the following methods for  
 30 conducting that vote, unless a procedure for that vote is  
 31 otherwise specified:

32 (1) The favorable vote of a majority of the members present  
 33 at a meeting, if that number constitutes a quorum and if the  
 34 proposed vote was contained in the notice of the meeting.

35 (2) By a majority vote of members voting by mailed or





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1 to read as follows:

2 **533.204 Election of board.**

3 1. At the organizational meeting, and at each annual meeting  
 4 after initial organization, a board of directors of not less  
 5 than nine members shall be elected to hold office for such.  
 6 The board shall consist of at least seven members, but in every  
 7 instance shall be composed of an odd number of directors. The  
 8 directors shall serve staggered terms of three years, as the  
 9 bylaws provide and, so that an approximately equal number of  
 10 terms expire at each annual meeting. A director shall serve  
 11 until successors are a successor is elected and qualified.

12 2. At each annual meeting, one member shall be elected to  
 13 fill each position vacated by reason of an expiring term or  
 14 other cause.

15 3. ~~Pursuant to rules adopted by the superintendent,~~  
 16 ~~state credit unions may~~ The board of directors shall allow  
 17 members to vote on the election of directors via electronic  
 18 means including but not limited to the internet or telephone  
 19 according to the provisions of section 533.203.

20 4. A record of the names and addresses of the directors,  
 21 officers, and committee persons shall be filed with the  
 22 superintendent within ten days following each election or any  
 23 other change in the directors, officers, or committee persons.

24 5. ~~a. A state credit union wishing to maintain a board~~  
 25 ~~of directors of less than nine members may apply to the~~  
 26 ~~superintendent for permission to reduce the required number of~~  
 27 ~~directors. An application to reduce the required number of~~  
 28 ~~directors under this subsection must demonstrate both of the~~  
 29 ~~following:~~

30 ~~(1) The application is necessitated by a hardship or other~~  
 31 ~~special circumstance.~~

32 ~~(2) A lesser number of directors is in the best interest of~~  
 33 ~~the state credit union and its members.~~

34 ~~b. In no event shall the superintendent allow a state credit~~  
 35 ~~union to maintain fewer than seven directors on a state credit~~



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1 ~~union board.~~

2     Sec. 8. Section 533.205, subsection 2, paragraph b, Code  
3 Supplement 2011, is amended to read as follows:

4     b. The board may also appoint alternate members of the  
5 credit committee or the auditing committee.

6     Sec. 9. Section 533.208, subsection 3, Code 2011, is amended  
7 to read as follows:

8     3. Suspend by ~~unanimous~~ majority vote any officer,  
9 director, or member of the auditing committee ~~and call the~~  
10 ~~members together to act on the suspension,~~ if the auditing  
11 committee deems the action to be necessary to the proper  
12 conduct of the state credit union. The suspension shall be  
13 put to a vote of the membership, according to the provisions  
14 of section 533.203. The members ~~at the meeting~~ may vote to  
15 sustain the suspension and remove the officer, director, or  
16 member permanently or may vote to reinstate the officer,  
17 director, or member.

18     Sec. 10. Section 533.210, subsections 3, 4, and 6, Code  
19 2011, are amended to read as follows:

20     3. Any member may withdraw from the state credit union  
21 at any time, but advance notice of withdrawal of shares or  
22 deposits may be required as provided in this section.

23     4. After deducting all amounts due from the member to  
24 the state credit union and the amount necessary to honor  
25 outstanding share drafts drawn against accounts of the member,  
26 all amounts paid on shares or as deposits of an expelled or  
27 ~~withdrawing~~ withdrawn member, along with accrued dividends and  
28 interest to the date of expulsion or withdrawal, shall be paid  
29 to that member.

30     6. ~~Withdrawing or expelled~~ Expelled or withdrawn members  
31 shall have no further rights in the state credit union.  
32 However, ~~withdrawing or expelled~~ or withdrawn members shall not  
33 be released from any remaining liability to the state credit  
34 union because of the expulsion or withdrawal.

35     Sec. 11. Section 533.213, subsection 3, paragraph f, Code





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1 insurance and the superintendent, provided that each credit  
2 union shall acquire deposit insurance from the appropriate  
3 agency of the federal government.

4 Sec. 14. Section 533.308, subsection 2, Code 2011, is  
5 amended to read as follows:

6 2. The superintendent may furnish to any official of an  
7 insurance plan by which the accounts of a state credit union  
8 are insured or by which its employees and officials are bonded,  
9 any information relating to examinations, investigations,  
10 and reports of the status of that state credit union or  
11 its employees and officials for the purpose of facilitating  
12 the availability or continuation of the insurance or bond  
13 of the state credit union or resolution of a claim. The  
14 superintendent and the insurance company shall, whenever  
15 possible, execute a confidentiality agreement regarding  
16 the information provided by the superintendent that imposes  
17 standards of confidentiality comparable to those required by  
18 this chapter.

19 Sec. 15. Section 533.308, Code 2011, is amended by adding  
20 the following new subsection:

21 NEW SUBSECTION. 3. A state credit union may furnish to  
22 any official of an insurance plan by which the accounts of the  
23 state credit union are insured or by which its employees and  
24 officials are bonded, any information regarding transactions  
25 of the state credit union, examinations, investigations,  
26 or reports of the status of the state credit union or its  
27 employees and officials for the purpose of facilitating the  
28 availability or continuation of the insurance or bond of the  
29 state credit union or resolution of a claim. The state credit  
30 union and the insurance company shall, whenever possible,  
31 execute a confidentiality agreement regarding the information  
32 provided by the state credit union that imposes standards of  
33 confidentiality comparable to those required by this chapter.

34 Sec. 16. Section 533.309, subsection 1, Code 2011, is  
35 amended to read as follows:

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1     1. *Ownership share account.* The ownership share account  
2 shall consist of an account balance held by the state credit  
3 union in accordance with the state credit union's bylaws. Each  
4 member may acquire only one ownership share. In the case of a  
5 joint account, the joint account owners may acquire only one  
6 ownership share unless each joint account owner applies for and  
7 is accepted as an individual member. ~~The state credit union  
8 shall not set off fees against a member's ownership share.~~

9     Sec. 17. Section 533.325, subsection 1, Code 2011, is  
10 amended to read as follows:

11     1. The directors, officers, committee members, and  
12 employees of a state credit union shall hold in confidence all  
13 information regarding transactions of the state credit union,  
14 including information regarding transactions with its members  
15 and their personal affairs, except to the extent necessary in  
16 connection with making any of the following:

17     a. Making, extending, or collecting a loan or line of  
18 credit, ~~guaranteeing.~~

19     b. Guaranteeing of member share drafts by third parties, ~~or~~  
20 complying.

21     c. Communicating with an insurance company for the purpose  
22 of facilitating the availability or continuation of the  
23 insurance or bond of the state credit union or the resolution  
24 of a claim, pursuant to section 533.308, subsection 3.

25     d. Pursuant to a confidentiality agreement that is executed  
26 pursuant to section 533.108, subsection 1.

27     e. Complying with the examination of credit union records by  
28 regulatory authorities ~~or compliance.~~

29     f. Compliance with an order from a court having jurisdiction  
30 over the state credit union.

31     Sec. 18. Section 533.401, subsection 1, Code 2011, is  
32 amended to read as follows:

33     1. With the approval of the superintendent, a state credit  
34 union may merge with another credit union under the existing  
35 certificate of approval of the other credit union if the merger



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1 is pursuant to a plan agreed upon by a majority of the board  
2 of directors of each credit union joining in the merger and  
3 the merger is approved by the affirmative vote of a majority  
4 of the members of the merging credit union ~~either by mail or~~  
5 ~~in person at a meeting called for the purpose of voting on the~~  
6 ~~merger according to the provisions of section 533.203. At~~  
7 least twenty days' notice shall be provided between the sending  
8 of notice and the scheduled conclusion of the vote.

9 Sec. 19. Section 533.401, subsection 3, paragraph c, Code  
10 2011, is amended to read as follows:

11 ~~c. At the meeting called to consider the merger, a~~ A  
12 majority of the votes received, ~~by regular mail or in person,~~  
13 ~~upon the question according to the method of voting selected~~  
14 by the board of directors pursuant to section 533.203, were in  
15 favor of the merger.

16 Sec. 20. Section 533.403, subsection 1, Code 2011, is  
17 amended to read as follows:

18 1. A state credit union may convert into a federal credit  
19 union with the approval of the administrator of the national  
20 credit union administration and by the affirmative vote of  
21 a majority of the credit union's members who vote on the  
22 proposal, according to the provisions of section 533.203. ~~This~~  
23 ~~vote, if taken, shall be at a meeting called for that purpose~~  
24 ~~and shall be in the manner prescribed by the bylaws.~~

25 Sec. 21. Section 533.405, subsections 1, 2, and 6, Code  
26 2011, are amended to read as follows:

27 1. ~~At a special meeting called for that purpose, a~~ A state  
28 credit union may dissolve upon the affirmative vote of a  
29 majority of its members eligible to vote ~~at the special meeting~~  
30 according to the provisions of section 533.203. At least  
31 twenty days' notice shall be provided between the sending of  
32 notice and the scheduled conclusion of the vote.

33 ~~a. Notice of the meeting's purpose shall be contained in the~~  
34 ~~meeting's notice.~~

35 ~~b. Any member eligible to vote and not present at the~~



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1 ~~meeting may, within twenty days after the date on which the~~  
 2 ~~meeting was held, vote in favor of dissolution by signing a~~  
 3 ~~statement in a form approved by the superintendent. This vote~~  
 4 ~~shall have the same force and effect as if cast at the meeting.~~

5     2. *a.* The state credit union shall cease to do business  
 6 except for the purposes of liquidation immediately upon ~~giving~~  
 7 sending notice of the ~~special meeting called for the members'~~  
 8 vote on dissolution.

9     *b.* The board of directors shall ~~immediately~~ notify the  
 10 superintendent of the intention of the state credit union to  
 11 dissolve within three business days of a vote by a majority of  
 12 the board of directors in favor of dissolution, and prior to  
 13 sending notice of the members' vote.

14     *c.* The state credit union shall not resume its regular  
 15 business unless the dissolution fails to receive the required  
 16 vote of the members or unless the members have revoked prior  
 17 affirmative action to dissolve as provided for in subsection 6.

18     6. *a.* At any time prior to any distribution of its assets,  
 19 a state credit union may revoke the voluntary dissolution  
 20 proceedings by the affirmative vote of a majority of its  
 21 members eligible to vote, according to the provisions of  
 22 section 533.203. This vote, if taken, shall be at a special  
 23 ~~meeting called for that purpose in the manner prescribed by the~~  
 24 ~~bylaws.~~ At least twenty days' notice shall be provided between  
 25 the sending of notice and the scheduled conclusion of the vote.

26     *b.* ~~The~~ Upon the conclusion of the vote, the board of  
 27 directors shall immediately notify the superintendent of any  
 28 such action to revoke voluntary dissolution proceedings.

29     Sec. 22. Section 533.502, subsection 2, Code 2011, is  
 30 amended to read as follows:

31     2. *a.* The superintendent shall ~~thereafter~~ manage the  
 32 property and business of the state credit union until such time  
 33 as the superintendent may relinquish to the state credit union  
 34 the management, upon such conditions as the superintendent  
 35 may prescribe, or until the affairs of the state credit



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1 union are finally dissolved as provided in this chapter. The  
 2 superintendent may operate and direct the affairs of the  
 3 state credit union in its regular course of business. The  
 4 superintendent may also collect amounts due the state credit  
 5 union and do such other acts as are necessary or expedient to  
 6 conduct the affairs of the state credit union and conserve or  
 7 protect its assets, property, and business.

8 b. The superintendent may appoint one or more persons, with  
 9 powers specified in the certificate of appointment, to assist  
 10 the superintendent in the duty of management, conservation, or  
 11 dissolution and distribution of the business and property of a  
 12 state credit union.

13 c. During the period of the superintendent's management of  
 14 the property and business of the state credit union, and prior  
 15 to the time that the superintendent may apply to the district  
 16 court for appointment as receiver, the superintendent may  
 17 assess the state credit union for costs and expenses incurred  
 18 by the division in the management of the state credit union.  
 19 Costs and expenses shall include but not be limited to costs  
 20 and expenses for salaries and benefits, expenses and travel  
 21 for employees, office facilities, supplies, equipment, and  
 22 administrative costs and expenses incurred in the management of  
 23 the state credit union.

24 EXPLANATION

25 This bill relates to matters under the purview of the credit  
 26 union division of the department of commerce.

27 The bill modifies provisions prohibiting disclosure of  
 28 confidential information pertaining to the supervision and  
 29 regulation of a specific state credit union or of other  
 30 persons. The bill provides that, notwithstanding the general  
 31 prohibition on disclosure, the superintendent of credit unions  
 32 or an employee of the credit union division may disclose  
 33 information relating specifically to the supervision and  
 34 regulation of a specific state credit union or of other persons  
 35 if the credit union or other person consents in writing to



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1 the disclosure and the persons to whom the disclosures are  
2 made are subject to, or agree to comply with, standards of  
3 confidentiality comparable to those contained in Code chapter  
4 533. The bill references Code sections 533.113 and 533.308  
5 as constituting exceptions to the general prohibition. In  
6 connection specifically to Code section 533.308, relating to  
7 the furnishing to officials of an insurance plan and specified  
8 information to facilitate the availability or continuation  
9 of insurance or a bond, or the resolution of a claim, the  
10 bill adds that the superintendent and the insurance company  
11 shall, whenever possible, execute a confidentiality agreement  
12 regarding the information provided by the superintendent.

13 The bill specifies that the annual fees referenced in Code  
14 section 533.112 payable by state credit unions refer to one  
15 annual fee relating to examination and supervision, based on  
16 the actual cost of operating the credit union division. The  
17 bill provides that the cost of operating the credit union  
18 division shall include but not be limited to costs and expenses  
19 for salaries and benefits, expenses and travel for employees,  
20 office facilities, supplies, equipment, and administrative  
21 costs and expenses incurred in the discharge of the duties  
22 imposed on the superintendent under Code chapter 533. The bill  
23 provides that the cost of operating the credit union division  
24 shall also include but not be limited to the costs incurred  
25 due to additional time and other division resources required  
26 for either performing services for the credit union that are  
27 customarily performed by the credit union, or performing  
28 services related to a particular examination that exceed  
29 estimates for an individual credit union's examination based on  
30 specified factors, and that an individual fee assessment for  
31 such costs may be made in addition to a credit union's annual  
32 fee. The bill states that the annual fee may be paid in one or  
33 more installments, as provided by rule by the superintendent.

34 The bill also provides that a separate examination fee shall  
35 be payable by a corporation, credit union service organization,



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1 or other person subject to an examination pursuant to Code  
 2 section 533.113 in an amount determined by the superintendent,  
 3 which shall reflect but not be limited to the time required  
 4 for the examination and the costs of the examination. The  
 5 bill provides that the costs of the examination shall include  
 6 components similar to the previously referenced fee payable  
 7 by state credit unions including but not be limited to costs  
 8 and expenses for salaries and benefits, expenses and travel  
 9 for employees, office facilities, supplies, equipment, and  
 10 administrative costs and expenses incurred in the discharge  
 11 of duties imposed upon the superintendent. The bill provides  
 12 that this examination fee shall be due within 30 days of  
 13 presentation of the fee statement to the corporation, credit  
 14 union service organization, or other person examined by the  
 15 division. Further, the bill specifies that the assessment of a  
 16 credit union, credit union service organization, corporation,  
 17 or other person subject to an examination for the expense  
 18 of accountants, investigators, and other experts reasonably  
 19 necessary to assist in the conduct of the examination, is  
 20 separate from and not included in the annual fee.

21 The bill deletes a provision in Code section 533.309  
 22 that prohibits credit unions from setting off fees against  
 23 a member's ownership share. The bill modifies provisions  
 24 contained in Code sections 533.210 and 533.302 relating to  
 25 withdrawing members providing advance notice of the withdrawal  
 26 of shares or deposits in the credit union, and referring to  
 27 expelled or withdrawn members.

28 The bill additionally coordinates voting procedures  
 29 throughout Code chapter 533 pursuant to modifications to  
 30 Code section 533.203. The bill provides that when a vote  
 31 is required, the board of directors of the credit union by  
 32 majority vote shall select one of several alternative methods  
 33 for conducting the vote, unless a procedure for a particular  
 34 vote is otherwise specified. The alternative methods include  
 35 by a vote of a majority of the members present at a meeting,







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**Senate Study Bill 3125 - Introduced**

SENATE/HOUSE FILE \_\_\_\_\_  
BY (PROPOSED DEPARTMENT OF  
COMMERCE/BANKING DIVISION  
BILL)

**A BILL FOR**

1 An Act relating to matters under the purview of the banking  
2 division of the department of commerce, and including  
3 effective date provisions.  
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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1 this chapter, "shareholder" means a member of the mutual  
2 corporation.

3 36. "*Shares*" means the units into which the proprietary  
4 interests in a state bank incorporated as a stock corporation  
5 are divided, including any membership interests of a state bank  
6 organized as a limited liability company under this chapter.

7 39. "*State bank*" means any bank incorporated pursuant to  
8 the provisions of this chapter after January 1, 1970, and any  
9 "*state bank*" or "~~savings bank~~" incorporated pursuant to the laws  
10 of this state and doing business as such on January 1, 1970,  
11 or a bank organized as a limited liability company or a mutual  
12 corporation under this chapter.

13 Sec. 4. Section 524.103, Code 2011, is amended by adding the  
14 following new subsection:

15 NEW SUBSECTION. 39A. "*Stock corporation*" means a  
16 corporation which is authorized to issue capital stock.

17 Sec. 5. Section 524.302, subsection 1, paragraph d, Code  
18 2011, is amended to read as follows:

19 *d.* (1) The If the state bank will be a stock corporation,  
20 the aggregate number of common and preferred shares which the  
21 state bank shall have authority to issue and the par value of  
22 such shares. If such shares are to be divided into classes  
23 or series, the number of shares of each class or series and  
24 a statement of the par value of the shares of each class or  
25 series.

26 (2) If the state bank will be a mutual corporation, that the  
27 corporation will be a mutual corporation.

28 Sec. 6. NEW SECTION. 524.316 **State banks as mutual**  
29 **corporations.**

30 The superintendent may adopt rules to ensure that a state  
31 bank incorporated as a mutual corporation is operating in a  
32 safe and sound manner and is subject to the superintendent's  
33 authority in the same manner as a state bank incorporated as a  
34 stock corporation.

35 Sec. 7. Section 524.405, Code 2011, is amended to read as





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1 each class. Prior to the issuance of shares of a class, the  
 2 preferences, limitations, and relative rights of that class  
 3 must be described in the articles of incorporation. All shares  
 4 of a class must have preferences, limitations, and relative  
 5 rights identical with those of other shares of the same class  
 6 except to the extent otherwise permitted by section 524.523.

7 2. The articles of incorporation of a stock corporation must  
 8 authorize both of the following:

9 a. One or more classes of shares that together have  
 10 unlimited voting rights.

11 b. One or more classes of shares, which may be the same  
 12 class or classes as those with voting rights, that together  
 13 are entitled to receive the net assets of the state bank upon  
 14 dissolution.

15 Sec. 9. Section 524.523, subsection 1, Code 2011, is amended  
 16 to read as follows:

17 1. The shares of a state bank incorporated as a stock  
 18 corporation shall be represented by certificates signed by  
 19 such officers, employees, or agents as are authorized by the  
 20 articles of incorporation or bylaws to sign. If no contrary  
 21 provisions are made in the articles of incorporation or bylaws,  
 22 the certificates shall be signed by the president or a vice  
 23 president and the cashier or an assistant cashier of the state  
 24 bank.

25 Sec. 10. Section 524.526, subsection 1, unnumbered  
 26 paragraph 1, Code 2011, is amended to read as follows:

27 A state bank incorporated as a stock corporation may do any  
 28 of the following:

29 Sec. 11. Section 524.527, Code 2011, is amended to read as  
 30 follows:

31 **524.527 Liability of shareholders.**

32 1. A purchaser of the shares of a state bank incorporated as  
 33 a stock corporation is not liable to the bank, its creditors,  
 34 or depositors with respect to the shares except to pay the  
 35 consideration for which the shares were authorized to be issued



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1 under section 524.521, or the consideration specified in the  
 2 subscription agreement authorized under section 524.525.

3 2. Unless otherwise provided in the articles of  
 4 incorporation, a shareholder of a state bank is not personally  
 5 liable for the acts or debts of the state bank, its creditors,  
 6 or depositors.

7 3. A member of a state bank incorporated as a mutual  
 8 corporation is not personally liable for the acts or debts of  
 9 the state bank, its creditors, or depositors.

10 Sec. 12. NEW SECTION. 524.538A Voting by member of mutual  
 11 corporation.

12 All holders of savings, demand, or other authorized  
 13 accounts of a bank incorporated as or converted to be a  
 14 mutual corporation are members of the state bank. In the  
 15 consideration of all questions requiring action by the members  
 16 of the state bank, each holder of an account shall be permitted  
 17 to cast one vote for each one hundred dollars, or fraction  
 18 thereof, of the withdrawal value of the member's account. No  
 19 member, however, shall cast more than one thousand member  
 20 votes. All accounts shall be nonassessable.

21 Sec. 13. Section 524.545, Code 2011, is amended to read as  
 22 follows:

23 **524.545 Options for shares.**

24 A state bank incorporated as a stock corporation may  
 25 authorize the granting of options to officers and employees to  
 26 purchase unissued shares of the state bank in accordance with a  
 27 plan approved by the superintendent.

28 Sec. 14. NEW SECTION. 524.1421 Mutual to stock conversions.

29 1. A mutual corporation, a mutual holding company, a  
 30 federal mutual association, or a federal mutual holding  
 31 company, subject to the provisions of this chapter, may convert  
 32 into a stock corporation that is either a state bank or a  
 33 state bank mutual bank holding company upon approval of the  
 34 superintendent.

35 2. A mutual corporation, a mutual holding company, a federal



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1 mutual association, or a federal mutual holding company shall  
2 make an application to the superintendent for approval of  
3 the conversion in a manner prescribed by the superintendent  
4 and shall deliver to the superintendent, when available, the  
5 following:

6     *a.* Articles of conversion.

7     *b.* A business plan addressing factors prescribed by the  
8 superintendent.

9     *c.* Proof of publication of the notice required by section  
10 524.1422.

11     *d.* The applicable fee payable to the secretary of state,  
12 under section 490.122, for the filing and recording of the  
13 articles of conversion.

14     3. The superintendent may adopt rules governing mutual to  
15 stock conversions.

16     Sec. 15. NEW SECTION. 524.1422 Notice of mutual to stock  
17 conversion.

18     Within thirty days after an application for conversion has  
19 been accepted for processing, the mutual corporation, mutual  
20 holding company, federal mutual association, or federal mutual  
21 holding company shall publish a notice of the delivery of the  
22 articles of conversion to the superintendent in a newspaper of  
23 general circulation published in the municipal corporation or  
24 unincorporated area in which the mutual corporation, mutual  
25 holding company, federal mutual association, or federal mutual  
26 holding company has its principal place of business, or if  
27 there is none, a newspaper of general circulation published  
28 in the county, or in a county adjoining the county, in which  
29 the mutual corporation, mutual holding company, federal  
30 mutual association, or federal mutual holding company has its  
31 principal place of business. The notice shall set forth the  
32 information required by the superintendent.

33     Sec. 16. Section 524.1504, subsection 1, paragraphs e and f,  
34 Code 2011, are amended to read as follows:

35     *e.* The For a stock corporation, the number of shares



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1 entitled to vote on the amendment, and if the shares of any  
2 class are entitled to vote thereon as a class, the number of  
3 shares of each class. For a mutual corporation, the number of  
4 member votes entitled to be cast.

5 *f.* The number of shares or member votes voted for and  
6 against such amendment, respectively, and if the shares of any  
7 class are entitled to vote thereon as a class, the number of  
8 shares of each such class voted for and against such amendment.

9 **Sec. 17. NEW SECTION. 524.1809 Mutual bank holding**  
10 **companies.**

11 1. A state bank may be owned, directly or indirectly, by a  
12 mutual bank holding company.

13 2. A mutual holding company authorized pursuant to 12 U.S.C.  
14 § 1467a and regulations promulgated thereunder may convert to a  
15 mutual bank holding company authorized under this chapter.

16 3. A mutual corporation may reorganize as a mutual holding  
17 company in the manner provided in 12 U.S.C. § 1467a(o). The  
18 resulting mutual holding company shall be a mutual bank holding  
19 company authorized under this chapter.

20 4. A mutual bank holding company authorized under this  
21 chapter shall also be subject to chapter 490, the Iowa business  
22 corporations Act. If a provision of chapter 490 conflicts with  
23 the provisions of this chapter or a rule of the superintendent  
24 adopted pursuant to this chapter, the provisions of this  
25 chapter or rule of the superintendent shall control.

26 5. The superintendent may adopt rules pursuant to  
27 chapter 17A pertaining to mutual bank holding companies and  
28 reorganizations into mutual bank holding companies under this  
29 chapter.

30 **Sec. 18. EFFECTIVE UPON ENACTMENT.** This division of this  
31 Act, being deemed of immediate importance, takes effect upon  
32 enactment.

33 **DIVISION II**

34 **MISCELLANEOUS PROVISIONS**

35 **Sec. 19. Section 524.226, unnumbered paragraph 4, Code**

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1    ~~3.~~ c. Engaged solely in holding obligations of the United  
2 States, the farm credit banks, the federal home loan banks,  
3 or obligations fully guaranteed by the United States as to  
4 principal and interest.

5    ~~4.~~ d. Where the affiliate relationship has arisen as  
6 a result of shares acquired in satisfaction of a bona fide  
7 debt contracted prior to the date of the creation of such  
8 relationship provided that such shares shall be sold at public  
9 or private sale within one year from the date of the creation  
10 of the relationship, unless the time is extended by the  
11 superintendent.

12    ~~5.~~ e. Where the affiliate relationship exists by reason  
13 of the ownership or control of any voting shares thereof by  
14 a state bank as executor, administrator, trustee, receiver,  
15 agent, depository, or in any other fiduciary capacity, except  
16 where such shares are held for the benefit of all or a majority  
17 of the shareholders of such state bank.

18    ~~6.~~ f. Which is a bank.

19    ~~7.~~ g. Which is an operations subsidiary or other subsidiary  
20 in which the state bank owns or controls eighty percent or more  
21 of the voting shares. However, an operations subsidiary shall  
22 not conduct any activity at any location where the state bank  
23 itself would not be permitted to conduct that activity without  
24 the prior approval of the superintendent.

25    2. a. The superintendent may, in the superintendent's  
26 discretion, by regulation or order, exempt transactions or  
27 relationships from the requirements of section 524.1102 if  
28 the superintendent finds such exemptions to be in the public  
29 interest and consistent with the purposes of section 524.1102.

30    b. A state bank may request an exemption from the  
31 requirements of section 524.1102 by submitting a written  
32 request to the superintendent including all of the following:

33    (1) A detailed description of the transaction or  
34 relationship for which the state bank seeks an exemption.

35    (2) A statement of the reasons for exemption of the



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1 transaction or relationship.

2 (3) An explanation of how the exemption would be in the  
3 public interest and consistent with the purposes of section  
4 524.1102.

5 Sec. 22. Section 524.1305, subsection 9, Code 2011, is  
6 amended to read as follows:

7 9. If at any time during the course of dissolution  
8 proceedings the superintendent finds that the assets of the  
9 state bank will not be sufficient to discharge its obligations,  
10 the superintendent shall ~~apply to the district court for~~  
11 ~~appointment as receiver~~ tender to the federal deposit insurance  
12 corporation the receivership in the manner required by section  
13 524.1310, and the dissolution shall thereafter be treated as an  
14 involuntary dissolution in accordance with the terms of that  
15 section and sections 524.1311 and 524.1312.

16 Sec. 23. Section 524.1310, Code 2011, is amended to read as  
17 follows:

18 **524.1310 Involuntary dissolution after commencement of**  
19 **business — superintendent as receiver.**

20 1. a. In a situation in which the superintendent has  
21 required, in accordance with section 524.226, that the state  
22 bank cease to carry on its business, the superintendent shall  
23 ~~apply to the district court for the county in which the state~~  
24 ~~bank is located for appointment as receiver for the state~~  
25 ~~bank. The district court shall appoint the superintendent as~~  
26 ~~receiver unless the superintendent has tendered the appointment~~  
27 ~~to the federal deposit insurance corporation as provided for~~  
28 ~~in section 524.1313, in which case the district court shall~~  
29 ~~appoint~~ tender to the federal deposit insurance corporation  
30 as receiver the receivership for the state bank. The affairs  
31 of the state bank shall thereafter be ~~under the direction of~~  
32 ~~the district court, and the assets of the state bank shall be~~  
33 ~~distributed in accordance with section 524.1312~~ governed by  
34 this section, section 524.1311, and the provisions of federal  
35 law, and shall be subject to federal court jurisdiction, and



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1 the assets of the state bank shall be distributed in accordance  
 2 with section 524.1312. If there is a conflict between the  
 3 provisions of state and federal law, federal law shall govern.

4 b. All amounts due creditors and shareholders described  
 5 in section 490.1440 shall be deposited with the treasurer of  
 6 state in accordance with that section. Such amounts shall be  
 7 retained by the treasurer of state and subject to claim in  
 8 the manner provided for in section 490.1440. Amounts due to  
 9 depositors who are unknown, or who are under a disability and  
 10 there is no person legally competent to receive the amount, or  
 11 who cannot be found after the exercise of reasonable diligence,  
 12 shall be transmitted to the treasurer of state in the manner  
 13 required by section 524.1305, subsection 6. Such property  
 14 shall be treated as abandoned, retained by the treasurer of  
 15 state, and is subject to claim, in the manner provided for in  
 16 sections 556.14 to 556.21. ~~The attorney general, or assistants~~  
 17 ~~appointed by the court, shall represent the superintendent in~~  
 18 ~~all proceedings connected with the receivership.~~

19 2. Under the receivership, the rights of depositors and  
 20 other creditors of the insured state bank shall be determined  
 21 in accordance with the laws of this state.

22 3. The federal deposit insurance corporation as receiver  
 23 shall possess all the powers, rights, and privileges provided  
 24 under section 524.1311, except insofar as that section may be  
 25 in conflict with the laws of the United States.

26 4. If the federal deposit insurance corporation pays or  
 27 makes available for payment the insured deposit liabilities  
 28 of an insured state bank, the federal deposit insurance  
 29 corporation shall be subrogated by operation of law to all  
 30 rights against such insured state bank of the owners of  
 31 such deposits in the same manner and to the same extent as  
 32 subrogation of the federal deposit insurance corporation  
 33 is provided for in applicable federal law in the case of a  
 34 national bank.

35 Sec. 24. Section 524.1311, Code 2011, is amended to read as



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1 follows:

2 **524.1311 Involuntary dissolution after commencement of**  
3 **business — receivership procedure.**

4 ~~1. In all situations in which the superintendent has~~  
5 ~~been named the receiver as provided in section 524.1310 the~~  
6 ~~superintendent shall make~~ Under the receivership, a diligent  
7 effort shall be made to collect and realize on the assets of  
8 the state bank, and to make distribution of the proceeds from  
9 time to time to those entitled thereto. The superintendent  
10 federal deposit insurance corporation may execute assignments,  
11 releases, and satisfactions to effectuate sales and transfers  
12 as receiver or after the receivership has terminated. Upon  
13 ~~the order of the court in which the receivership is pending,~~  
14 ~~the superintendent~~ The federal deposit insurance corporation  
15 may sell or compound all bad or doubtful debts, and, on a like  
16 ~~order,~~ may sell all the real and personal property of such  
17 state bank, on such terms as the court shall direct.

18 ~~2. All expenses of the receivership and dissolution shall~~  
19 ~~be fixed by the superintendent, subject to the approval of~~  
20 ~~the district court, and shall be paid out of the assets of~~  
21 ~~the state bank. After the involuntary dissolution of a state~~  
22 ~~bank, the superintendent shall file notice of the dissolution~~  
23 ~~with the secretary of state and the county recorder of the~~  
24 ~~county in which the state bank is located. No fee shall be~~  
25 ~~charged by the secretary of state or the county recorder for~~  
26 ~~the filing or recording. The corporate existence of the state~~  
27 ~~bank shall cease upon filing of the notice of dissolution with~~  
28 ~~the secretary of state.~~

29 ~~3. At the termination of the receivership, the~~  
30 ~~superintendent shall file a final report containing the details~~  
31 ~~of the superintendent's actions therein, together with such~~  
32 ~~additional facts as the court may require.~~

33 ~~4. Upon the submission and approval of the final report, the~~  
34 ~~court shall enter a decree dissolving the state bank whereupon~~  
35 ~~the corporate existence of the state bank shall cease. It~~









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1 legally invest funds, including capital, in their control or  
2 belonging to them.

3 Sec. 35. Section 12A.4, subsection 4, Code 2011, is amended  
4 to read as follows:

5 4. Bonds issued under this chapter are investment  
6 securities and negotiable instruments within the meaning of  
7 and for purposes of the uniform commercial code, chapter  
8 554. Bonds are securities in which public officers and  
9 bodies of this state; political subdivisions of this state;  
10 insurance companies and associations and other persons carrying  
11 on an insurance business; banks, trust companies, savings  
12 associations, ~~savings and loan associations,~~ and investment  
13 companies; administrators, guardians, executors, trustees, and  
14 other fiduciaries; and other persons authorized to invest in  
15 bonds of the state, may properly and legally invest funds,  
16 including capital, in their control or belonging to them.

17 Sec. 36. Section 12C.1, subsection 2, Code Supplement 2011,  
18 is amended to read as follows:

19 2. As used in this chapter unless the context otherwise  
20 requires:

21 a. *"Bank"* means a corporation or limited liability company  
22 engaged in the business of banking and organized under the laws  
23 of this state, another state, or the United States. *"Bank"* also  
24 means a savings and loan, savings association, or savings bank  
25 organized under the laws of ~~this state,~~ another state, or the  
26 United States.

27 b. *"Credit union"* means a cooperative, nonprofit association  
28 incorporated under chapter 533 or the federal Credit Union Act,  
29 12 U.S.C. § 1751 et seq., and that is insured by the national  
30 credit union administration and includes an office of a credit  
31 union.

32 c. *"Depository"* means a bank, ~~a savings and loan,~~ or a  
33 credit union in which public funds are deposited under this  
34 chapter.

35 d. *"Financial institution"* means a bank or a credit union.





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1 ~~i~~ h. "Uninsured public funds" means any amount of  
 2 public funds of a public funds depositor on deposit in an  
 3 account at a financial institution that exceeds the amount of  
 4 public funds in that account that are insured by the federal  
 5 deposit insurance corporation or the national credit union  
 6 administration.

7 Sec. 37. Section 12C.13, Code 2011, is amended to read as  
 8 follows:

9 **12C.13 Deposit not membership.**

10 Notwithstanding chapter 534 ~~524~~, the deposit of public  
 11 funds in a credit union as defined in section 533.102 or an  
 12 ~~association defined in section 534.102 a mutual corporation~~  
 13 as defined in section 524.103 does not constitute being  
 14 a shareholder, stockholder, or owner of a corporation in  
 15 violation of Article VIII of the Constitution of the State of  
 16 Iowa or any other provision of law.

17 Sec. 38. Section 12C.20, subsections 1 and 4, Code 2011, are  
 18 amended to read as follows:

19 1. On or before the tenth day of February, May, August,  
 20 and November of each year, each ~~savings and loan and each~~  
 21 out-of-state bank that has one or more branches in the state  
 22 shall calculate and certify to the superintendent of banking in  
 23 the form prescribed by the superintendent the amount of public  
 24 funds on deposit ~~at the savings and loan and~~ at each such  
 25 branch of the out-of-state bank as of the end of the previous  
 26 calendar quarter.

27 4. On or before the twentieth day of February, May, August,  
 28 and November of each year, the superintendent shall notify the  
 29 treasurer of state of the amount of collateral required to be  
 30 pledged as of the end of the previous calendar quarter based  
 31 upon the certification provided to the superintendent under  
 32 subsection 1 or 2 and a review by the superintendent of the  
 33 quarterly call report filed by each bank that is not ~~a savings~~  
 34 ~~and loan or~~ an out-of-state bank.

35 Sec. 39. Section 12E.11, subsection 8, Code 2011, is amended



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1 to read as follows:

2 8. The bonds issued under this chapter are securities in  
3 which insurance companies and associations and other persons  
4 engaged in the business of insurance; banks, trust companies,  
5 savings associations, ~~savings and loan associations~~, and  
6 investment companies; administrators, guardians, executors,  
7 trustees, and other fiduciaries; and other persons authorized  
8 to invest in bonds or other obligations of the state may  
9 properly and legally invest funds, including capital, in their  
10 control or belonging to them.

11 Sec. 40. Section 16.1, subsection 1, paragraph y, Code  
12 Supplement 2011, is amended to read as follows:

13 y. "*Mortgage lender*" means any bank, trust company, mortgage  
14 company, national banking association, federal savings and loan  
15 association, life insurance company, any governmental agency,  
16 or any other financial institution authorized to make mortgage  
17 loans in this state and includes a financial institution as  
18 defined in section 496B.2, subsection 4, which lends moneys for  
19 industrial or business purposes.

20 Sec. 41. Section 16.30, Code 2011, is amended to read as  
21 follows:

22 **16.30 Bonds and notes as legal investments.**

23 Bonds and notes of the authority are securities in which  
24 public officers, state departments and agencies, political  
25 subdivisions, insurance companies, and other persons carrying  
26 on an insurance business, banks, trust companies, savings and  
27 ~~loan~~ associations, investment companies and other persons  
28 carrying on a banking business, administrators, executors,  
29 guardians, conservators, trustees and other fiduciaries,  
30 and other persons authorized to invest in bonds or other  
31 obligations of this state, may properly and legally invest  
32 funds including capital in their control or belonging to them.  
33 The bonds and notes are also securities which may be deposited  
34 with and may be received by public officers, state departments  
35 and agencies, and political subdivisions, for any purpose for



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1 which the deposit of bonds or other obligations of this state  
2 is authorized.

3 Sec. 42. Section 16.177, subsection 5, Code 2011, is amended  
4 to read as follows:

5 5. The bonds are securities in which public officers and  
6 bodies of this state, political subdivisions of this state,  
7 insurance companies and associations and other persons carrying  
8 on an insurance business, banks, trust companies, savings  
9 associations, ~~savings and loan associations~~, and investment  
10 companies, administrators, guardians, executors, trustees,  
11 and other fiduciaries, and other persons authorized to invest  
12 in bonds or other obligations of the state, may properly and  
13 legally invest funds, including capital, in their control or  
14 belonging to them.

15 Sec. 43. Section 28J.18, Code 2011, is amended to read as  
16 follows:

17 **28J.18 Revenue bonds are lawful investments.**

18 Port authority revenue bonds issued pursuant to this  
19 chapter are lawful investments of banks, credit unions, trust  
20 companies, ~~savings and loan~~ associations, deposit guaranty  
21 associations, insurance companies, trustees, fiduciaries,  
22 trustees or other officers having charge of the bond retirement  
23 funds or sinking funds of port authorities and governmental  
24 agencies, and taxing districts of this state, the pension  
25 and annuity retirement system, the Iowa public employees'  
26 retirement system, the police and fire retirement systems under  
27 chapters 410 and 411, a revolving fund of a governmental agency  
28 of this state, and are acceptable as security for the deposit  
29 of public funds under chapter 12C.

30 Sec. 44. Section 68A.503, subsections 1 through 4, Code  
31 2011, are amended to read as follows:

32 1. Except as provided in subsections 3, 4, 5, and 6, an  
33 insurance company, ~~savings and loan~~ association, bank, credit  
34 union, or corporation shall not make a monetary or in-kind  
35 contribution to a candidate or committee except for a ballot



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1 issue committee.

2 2. Except as provided in subsection 3, a candidate or  
 3 committee, except for a ballot issue committee, shall not  
 4 receive a monetary or in-kind contribution from an insurance  
 5 company, savings ~~and loan~~ association, bank, credit union, or  
 6 corporation.

7 3. An insurance company, savings ~~and loan~~ association,  
 8 bank, credit union, or corporation may use money, property,  
 9 labor, or any other thing of value of the entity for the  
 10 purposes of soliciting its stockholders, administrative  
 11 officers, professional employees, and members for contributions  
 12 to a political committee sponsored by that entity and for  
 13 financing the administration of a political committee sponsored  
 14 by that entity. The entity's employees to whom the foregoing  
 15 authority does not extend may voluntarily contribute to  
 16 such a political committee but shall not be solicited for  
 17 contributions. A candidate or committee may solicit, request,  
 18 and receive money, property, labor, and any other thing of  
 19 value from a political committee sponsored by an insurance  
 20 company, savings ~~and loan~~ association, bank, credit union, or  
 21 corporation as permitted by this subsection.

22 4. The prohibitions in subsections 1 and 2 shall not apply  
 23 to an insurance company, savings ~~and loan~~ association, bank,  
 24 credit union, or corporation engaged in any of the following  
 25 activities:

26 a. Using its funds to encourage registration of voters and  
 27 participation in the political process or to publicize public  
 28 issues.

29 b. Using its funds to expressly advocate the passage or  
 30 defeat of ballot issues.

31 c. Using its funds for independent expenditures as provided  
 32 in section 68A.404.

33 d. Using its funds to place campaign signs as permitted  
 34 under section 68A.406.

35 Sec. 45. Section 175.2, subsection 1, paragraphs 1 and o,



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1 Code 2011, are amended to read as follows:

2     1. *"Lending institution"* means a bank, trust company,  
3 mortgage company, national banking association, ~~savings~~  
4 ~~and loan association~~, life insurance company, any state or  
5 federal governmental agency or instrumentality, including  
6 without limitation the federal land bank or any of its local  
7 associations, or any other financial institution or entity  
8 authorized to make farm operating loans in this state.

9     o. *"Mortgage lender"* means a bank, trust company,  
10 mortgage company, national banking association, ~~savings~~  
11 ~~and loan association~~, life insurance company, any state or  
12 federal governmental agency or instrumentality, including  
13 without limitation the federal land bank or any of its local  
14 associations, or any other financial institution or entity  
15 authorized to make mortgage loans or secured loans in this  
16 state.

17     Sec. 46. Section 175.21, Code 2011, is amended to read as  
18 follows:

19     **175.21 Bonds and notes as legal investments.**

20     Bonds and notes are securities in which public officers,  
21 state departments and agencies, political subdivisions,  
22 insurance companies and other persons carrying on an  
23 insurance business, banks, trust companies, ~~savings and loan~~  
24 ~~associations~~, investment companies and other persons carrying  
25 on a banking business, administrators, executors, guardians,  
26 conservators, trustees and other fiduciaries and other persons  
27 authorized to invest in bonds or other obligations of this  
28 state may properly and legally invest funds including capital  
29 in their control or belonging to them. The bonds and notes  
30 are also securities which may be deposited with and may be  
31 received by public officers, state departments and agencies and  
32 political subdivisions for any purpose for which the deposit of  
33 bonds or other obligations of this state is authorized.

34     Sec. 47. Section 179.1, subsection 8, Code 2011, is amended  
35 to read as follows:



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1     8. *“Qualified financial institution”* means a bank  ~~or~~  credit  
2  ~~union, or savings and loan~~ as defined in section 12C.1.

3     Sec. 48. Section 181.1, subsection 7, Code 2011, is amended  
4 to read as follows:

5     7. *“Qualified financial institution”* means a bank  ~~or~~  credit  
6  ~~union, or savings and loan~~ as defined in section 12C.1.

7     Sec. 49. Section 183A.1, subsection 9, Code 2011, is amended  
8 to read as follows:

9     9. *“Qualified financial institution”* means a bank  ~~or~~  credit  
10  ~~union, or savings and loan~~ as defined in section 12C.1.

11     Sec. 50. Section 184.1, subsection 10, Code 2011, is amended  
12 to read as follows:

13     10. *“Qualified financial institution”* means a bank  ~~or~~  credit  
14  ~~union, or savings and loan~~ as defined in section 12C.1.

15     Sec. 51. Section 184A.1, subsection 8, Code 2011, is amended  
16 to read as follows:

17     8. *“Qualified financial institution”* means a bank  ~~or~~  credit  
18  ~~union, or savings and loan~~ as defined in section 12C.1.

19     Sec. 52. Section 185.1, subsection 13, Code 2011, is amended  
20 to read as follows:

21     13. *“Qualified financial institution”* means a bank  ~~or~~  credit  
22  ~~union, or savings and loan~~ as defined in section 12C.1.

23     Sec. 53. Section 185C.1, subsection 13, Code 2011, is  
24 amended to read as follows:

25     13. *“Qualified financial institution”* means a bank  ~~or~~  credit  
26  ~~union, or savings and loan~~ as defined in section 12C.1.

27     Sec. 54. Section 202C.1, subsection 4, Code 2011, is amended  
28 to read as follows:

29     4. *“Financial institution”* means a bank or savings  ~~and~~   
30  ~~loan~~ association authorized by  ~~this state or by~~  the laws of  
31 the United States, which is a member of the federal deposit  
32 insurance corporation, the federal savings and loan insurance  
33 corporation, or the national bank for cooperatives established  
34 in the Agricultural Credit Act, Pub. L. No. 100-233.

35     Sec. 55. Section 203.1, subsection 7, paragraph a, Code



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1 2011, is amended to read as follows:

2     *a.* A bank or savings ~~and loan~~ association authorized by  
3 the laws of ~~this state~~, any other state, or the United States,  
4 which is a member of the federal deposit insurance corporation.

5     Sec. 56. Section 206.2, subsection 12, Code 2011, is amended  
6 to read as follows:

7     12. "*Financial institution*" means a bank or savings ~~and~~  
8 ~~loan~~ association authorized by ~~this state or by~~ the laws of  
9 the United States, which is a member of the federal deposit  
10 insurance corporation or the federal savings and loan insurance  
11 corporation.

12     Sec. 57. Section 216.10, subsection 1, paragraph b, Code  
13 2011, is amended to read as follows:

14     *b.* Person authorized or licensed to do business in this  
15 state pursuant to chapter 524, 533, ~~534~~, 536, or 536A to refuse  
16 to loan or extend credit or to impose terms or conditions  
17 more onerous than those regularly extended to persons of  
18 similar economic backgrounds because of age, color, creed,  
19 national origin, race, religion, marital status, sex, sexual  
20 orientation, gender identity, physical disability, or familial  
21 status.

22     Sec. 58. Section 234.37, Code 2011, is amended to read as  
23 follows:

24     **234.37 Department may establish accounts for certain**  
25 **children.**

26     The department of human services is authorized to establish  
27 an account in the name of any child committed to the director  
28 of human services or the director's designee, or whose legal  
29 custody has been transferred to the department, or who is  
30 voluntarily placed in foster care pursuant to section 234.35.  
31 Any money which the child receives from the United States  
32 government or any private source shall be placed in the child's  
33 account, unless a guardian of the child's property has been  
34 appointed and demands the money, in which case it shall be  
35 paid to the guardian. The account shall be maintained by the







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1 care in selecting securities for purchase or investment.  
2 Sec. 65. Section 261.71, subsection 2, Code 2011, is amended  
3 to read as follows:

4 2. The contract for the loan repayment shall stipulate  
5 the time period the chiropractor shall practice in an  
6 underserved area in this state. In addition, the contract  
7 shall stipulate that the chiropractor repay any funds paid on  
8 the chiropractor's loan by the commission if the chiropractor  
9 fails to practice in an underserved area in this state for the  
10 required period of time. Forgivable loans made to eligible  
11 students shall not become due, for repayment purposes, until  
12 one year after the student has graduated. A loan that has  
13 not been forgiven may be sold to a bank, savings ~~and loan~~  
14 association, credit union, or nonprofit agency eligible to  
15 participate in the guaranteed student loan program under the  
16 federal Higher Education Act of 1965, 20 U.S.C. § 1071 et seq.,  
17 by the commission when the loan becomes due for repayment.

18 Sec. 66. Section 261A.19, Code 2011, is amended to read as  
19 follows:

20 **261A.19 Investment of funds of authority.**

21 Except as otherwise provided in section 261A.18, subsection  
22 3, the authority may invest funds in direct obligations  
23 of the United States of America; obligations for which the  
24 timely payment of principal and interest is fully guaranteed  
25 by the United States of America; obligations of the federal  
26 intermediate credit banks, federal banks for cooperatives,  
27 federal land banks, federal home loan banks, federal national  
28 mortgage association, government national mortgage association  
29 and the student loan marketing association; certificates of  
30 deposit or time deposits constituting direct obligations of a  
31 bank as defined by chapter 524; and in withdrawable capital  
32 accounts or deposits of ~~state or~~ federal chartered savings ~~and~~  
33 ~~loan~~ associations which are insured by the federal ~~savings~~  
34 ~~and loan~~ deposit insurance corporation. However, investments  
35 may be made only in certificates of deposit or time deposits





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1 purchase or investment.

2 Sec. 69. Section 262A.11, Code 2011, is amended to read as  
3 follows:

4 **262A.11 Bonds as security for investments.**

5 All banks, trust companies, bankers, ~~savings banks and~~  
6 ~~institutions, building and loan associations,~~ savings and  
7 loan associations, investment companies, and other persons  
8 carrying on a banking or investment business, all insurance  
9 companies, insurance associations, and other persons carrying  
10 on an insurance business, and all executors, administrators,  
11 guardians, trustees, and other fiduciaries may legally invest  
12 any sinking funds, moneys, or other funds belonging to them  
13 or within their control in any bonds issued pursuant to this  
14 chapter; provided, however, that nothing contained in this  
15 section may be construed as relieving any persons from any  
16 duty of exercising reasonable care in selecting securities for  
17 purchase or investment.

18 Sec. 70. Section 263A.9, Code 2011, is amended to read as  
19 follows:

20 **263A.9 Investment in bonds or notes by financial**  
21 **institutions.**

22 All banks, trust companies, bankers, ~~savings banks and~~  
23 ~~institutions, building and loan associations,~~ savings and  
24 loan associations, investment companies, and other persons  
25 carrying on a banking or investment business, all insurance  
26 companies, insurance associations, and other persons carrying  
27 on an insurance business, and all executors, administrators,  
28 guardians, trustees, and other fiduciaries may legally invest  
29 any sinking funds, moneys, or other funds belonging to them  
30 or within their control in any bonds or notes issued pursuant  
31 to this chapter; provided, however, that nothing contained in  
32 this section may be construed as relieving any persons from any  
33 duty of exercising reasonable care in selecting securities for  
34 purchase or investment.

35 Sec. 71. Section 322.7A, subsection 6, paragraph e, Code





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1 investment of funds.

2 Sec. 76. Section 384.24A, subsection 6, Code 2011, is  
3 amended to read as follows:

4 6. A loan agreement to which a city is a party or in  
5 which the city has a participatory interest is an obligation  
6 of a political subdivision of this state for the purposes of  
7 chapters 502 and 636, and is a lawful investment for banks,  
8 trust companies, ~~building and loan associations,~~ savings and  
9 ~~loan~~ associations, investment companies, insurance companies,  
10 insurance associations, executors, guardians, trustees, and any  
11 other fiduciaries responsible for the investment of funds.

12 Sec. 77. Section 390.20, subsection 1, Code 2011, is amended  
13 to read as follows:

14 1. A bank, trust company, savings association, ~~building and~~  
15 ~~loan association,~~ ~~savings and loan association,~~ or investment  
16 company.

17 Sec. 78. Section 403.10, Code 2011, is amended to read as  
18 follows:

19 **403.10 Bonds as legal investment.**

20 All banks, trust companies, ~~building and loan associations,~~  
21 ~~savings and loan~~ associations, investment companies, and other  
22 persons carrying on an investment business; all insurance  
23 companies, insurance associations, and other persons carrying  
24 on an insurance business; and all executors, administrators,  
25 curators, trustees, and other fiduciaries, may legally invest  
26 any sinking funds, moneys, or other funds belonging to them or  
27 within their control in any bonds or other obligations issued  
28 by a municipality pursuant to this chapter, or those issued  
29 by any urban renewal agency vested with urban renewal project  
30 powers under section 403.14. Such bonds and other obligations  
31 shall be authorized security for all public deposits. It is  
32 the purpose of this section to authorize any persons, political  
33 subdivisions and officers, public or private, to use any funds  
34 owned or controlled by them for the purchase of any such bonds  
35 or other obligations. Nothing contained in this section with







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1     Sec. 87. Section 463C.12, subsection 5, Code 2011, is  
2 amended to read as follows:

3     5. The bonds are securities in which public officers and  
4 bodies of this state, political subdivisions of this state,  
5 insurance companies and associations and other persons carrying  
6 on an insurance business, banks, trust companies, savings  
7 associations, ~~savings and loan associations~~, and investment  
8 companies, administrators, guardians, executors, trustees,  
9 and other fiduciaries, and other persons authorized to invest  
10 in bonds or other obligations of the state, may properly and  
11 legally invest funds, including capital, in their control or  
12 belonging to them.

13    Sec. 88. Section 483A.55, Code 2011, is amended to read as  
14 follows:

15     **483A.55 Bonds as legal investments.**

16    Bonds are securities in which all public officers and bodies  
17 of the state and all municipalities and political subdivisions  
18 of this state, all insurance companies and associations  
19 and other persons carrying on an insurance business, all  
20 banks, bankers, trust companies, ~~savings banks~~, and savings  
21 associations, ~~including savings and loan associations, building~~  
22 ~~loan associations~~, investment companies, and other persons  
23 carrying on a banking business, all administrators, guardians,  
24 executors, trustees, and other fiduciaries and all other  
25 persons who are now or may be authorized to invest in bonds or  
26 other obligations of this state may properly and legally invest  
27 funds including capital in their control or belonging to them.  
28 The bonds are also securities which may be deposited with and  
29 may be received by all public officers and bodies of the state  
30 and all municipalities and legal subdivisions of this state for  
31 any purpose for which the deposit of bonds or other obligations  
32 of the state is now or may be authorized.

33    Sec. 89. Section 490.1701, subsection 2, Code 2011, is  
34 amended to read as follows:

35    2. Unless otherwise provided, this chapter does not apply to





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1 unpaid installments on the stock owned by them, or transferred  
2 by them for the purpose of defrauding creditors; and execution  
3 against the company may, to that extent, be levied upon  
4 the private property of any such individual. ~~The foregoing~~  
5 ~~provisions shall not apply to building and loan associations,~~  
6 ~~and savings and loan associations.~~

7 Sec. 93. Section 492.5, Code 2011, is amended to read as  
8 follows:

9 **492.5 Par value required.**

10 No corporation organized under the laws of this state,  
11 ~~except building and loan associations,~~ shall issue any  
12 certificate of a share of capital stock, or any substitute  
13 therefor, until the corporation has received the par value  
14 thereof.

15 Sec. 94. Section 492.9, Code 2011, is amended to read as  
16 follows:

17 **492.9 Certificate of issuance of stock.**

18 It shall be the duty of every corporation, ~~except~~  
19 ~~corporations qualified under chapter 534,~~ to file a certificate  
20 under oath with the secretary of state, within thirty days  
21 after the issuance of any capital stock, stating the date of  
22 issue, the amount issued, the sum received therefor, if payment  
23 be made in money, or the property or thing taken, if such be  
24 the method of payment. If the corporation fails to file said  
25 certificate of issuance of stock within the thirty-day period  
26 herein provided, it may thereafter file the same upon first  
27 paying to the secretary of state a penalty of ten dollars when  
28 the said certificate is offered for filing. Provided further  
29 that the penalty herein provided for is first paid and provided  
30 the said report contains the specific information required  
31 by this section as to the issuance of any capital stock not  
32 previously reported, then the first annual report filed by  
33 such corporation following such failure to comply with the  
34 provisions of this section, shall be received by the secretary  
35 of state as a compliance with this section.





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1 chapter 533, ~~or a bank under chapter 524, or a savings and loan~~  
2 ~~association under chapter 534.~~

3 Sec. 99. Section 515C.9, Code 2011, is amended to read as  
4 follows:

5 **515C.9 Restrictions on advertising.**

6 No bank, savings ~~and loan~~ association, insurance company, or  
7 other lending institution, any of whose authorized real estate  
8 securities are insured by mortgage guaranty insurance companies  
9 may state in any brochure, pamphlet, report, or any form of  
10 advertising that the real estate loans of the bank, savings  
11 ~~and loan~~ association, insurance company, or other lending  
12 institution are "insured loans" unless the brochure, pamphlet,  
13 report, or advertising also clearly states that the loans  
14 are insured by private insurers and the names of the private  
15 insurers are given and shall not make any such statement at all  
16 unless such insurance is by an insurer authorized to write this  
17 coverage in this state.

18 Sec. 100. Section 516E.10, subsection 1, paragraph h, Code  
19 2011, is amended to read as follows:

20 *h.* A bank, savings ~~and loan~~ association, credit union,  
21 insurance company, or other lending institution shall not  
22 require the purchase of a service contract as a condition of  
23 a loan.

24 Sec. 101. Section 523A.102, subsection 11, unnumbered  
25 paragraph 1, Code 2011, is amended to read as follows:

26 "*Financial institution*" means a state or federally insured  
27 bank, savings ~~and loan~~ association, credit union, trust  
28 department thereof, or a trust company authorized to do  
29 business within this state and which has been granted trust  
30 powers under the laws of this state or the United States, which  
31 holds funds under a trust agreement. "*Financial institution*"  
32 does not include:

33 Sec. 102. Section 523C.17, Code 2011, is amended to read as  
34 follows:

35 **523C.17 Lending institutions, service companies, and**



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1 **insurance companies.**

2 A bank, savings ~~and loan~~ association, insurance company, or  
3 other lending institution shall not require the purchase of  
4 a residential service contract as a condition of a loan. A  
5 service company or an insurer, either directly or indirectly,  
6 as a part of any real property transaction in which a  
7 residential service contract will be issued, purchased, or  
8 acquired, shall not require that a residential service contract  
9 be issued, purchased, or acquired in conjunction with or as a  
10 condition precedent to the issuance, purchase, or acquisition,  
11 by any person, of a policy of insurance. A lending institution  
12 shall not sell a residential service contract to a borrower  
13 unless the borrower signs an affidavit acknowledging that  
14 the purchase is not required. Violation of this section is  
15 punishable as provided in section 523C.13.

16 Sec. 103. Section 523I.102, subsection 12, Code 2011, is  
17 amended to read as follows:

18 12. "*Financial institution*" means a state or federally  
19 insured bank, savings ~~and loan~~ association, credit union, trust  
20 department thereof, or a trust company that is authorized to do  
21 business within this state, that has been granted trust powers  
22 under the laws of this state or the United States, and that  
23 holds funds under a trust agreement. "*Financial institution*"  
24 does not include a cemetery or any person employed by or  
25 directly involved with a cemetery.

26 Sec. 104. Section 524.103, subsection 38, Code 2011, is  
27 amended by striking the subsection.

28 Sec. 105. Section 524.107, subsection 2, Code 2011, is  
29 amended to read as follows:

30 2. A person doing business in this state shall not use  
31 the words "bank" or "trust" or use any derivative, plural,  
32 or compound of the words "bank", "banking", "bankers", or  
33 "trust" in any manner which would tend to create the impression  
34 that the person is authorized to engage in the business of  
35 banking or to act in a fiduciary capacity, except a state





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1 the recording of electronic impulses or other indicia of a  
 2 transaction for delayed transmission to a bank. Subject to the  
 3 provisions of chapter 527, a state bank may utilize, establish  
 4 or operate, alone or with one or more other banks, savings  
 5 and loan associations incorporated under ~~the provisions of~~  
 6 ~~chapter 534 or~~ federal law, credit unions incorporated under  
 7 the provisions of chapter 533 or federal law, corporations  
 8 licensed under chapter 536A, or third parties, the satellite  
 9 terminals permitted under chapter 527, by means of which  
 10 customers and banks may transmit and receive electronic  
 11 impulses constituting transactions pursuant to this section.  
 12 However, such utilization, establishment, or operation shall be  
 13 lawful only when in compliance with chapter 527. Nothing in  
 14 this section shall be construed as authority for any person to  
 15 engage in transactions not otherwise permitted by applicable  
 16 law, nor shall anything in this section be deemed to repeal,  
 17 replace or in any other way affect any applicable law or rule  
 18 regarding the maintenance of or access to financial information  
 19 maintained by any bank.

20 Sec. 109. Section 524.1401, subsections 1 and 3, Code 2011,  
 21 are amended to read as follows:

22 1. Upon compliance with the requirements of this chapter,  
 23 one or more state banks, one or more national banks, ~~one or~~  
 24 ~~more state associations,~~ one or more federal associations, one  
 25 or more corporations, or any combination of these entities,  
 26 with the approval of the superintendent, may merge into a state  
 27 bank.

28 3. Upon compliance with the requirements of this chapter  
 29 ~~and chapter 534,~~ one or more state banks may merge with one or  
 30 ~~more state associations or~~ federal associations. The authority  
 31 of a state bank to merge into a ~~state or~~ federal association  
 32 is subject to the conditions the laws of the United States  
 33 authorize at the time of the transaction.

34 Sec. 110. Section 524.1409, Code 2011, is amended to read  
 35 as follows:



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1     **524.1409 Conversion of national bank or federal savings**  
 2 **association ~~or state savings and loan association~~ into state**  
 3 **bank.**

4     A national bank, or federal savings association, ~~or state~~  
 5 ~~savings and loan association~~, subject to the provisions of this  
 6 chapter, may convert into a state bank upon authorization by  
 7 and compliance with the laws of the United States, adoption  
 8 of a plan of conversion by the affirmative vote of at least  
 9 a majority of its directors and the holders of two-thirds of  
 10 each class of its shares at a meeting held upon not less than  
 11 ten days' notice to all shareholders, and upon approval of the  
 12 superintendent.

13     Sec. 111. Section 524.1410, unnumbered paragraph 1, Code  
 14 2011, is amended to read as follows:

15     A national bank, or federal savings association, ~~or state~~  
 16 ~~savings and loan association~~ shall make an application to the  
 17 superintendent for approval of the conversion in a manner  
 18 prescribed by the superintendent and shall deliver to the  
 19 superintendent, when available:

20     Sec. 112. Section 524.1411, unnumbered paragraph 1, Code  
 21 2011, is amended to read as follows:

22     The articles of conversion shall be signed by two duly  
 23 authorized officers of the national bank, or federal savings  
 24 association, ~~or state savings and loan association~~ and shall  
 25 contain all of the following:

26     Sec. 113. Section 524.1411, subsection 1, Code 2011, is  
 27 amended to read as follows:

28     1. The name of the national bank, or federal savings  
 29 association, ~~or state savings and loan association~~ and the name  
 30 of the resulting state bank.

31     Sec. 114. Section 524.1412, unnumbered paragraph 1, Code  
 32 2011, is amended to read as follows:

33     Within thirty days after the application for conversion has  
 34 been accepted for processing, the national bank, or federal  
 35 savings association, ~~or state savings and loan association~~



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1 shall publish a notice of the delivery of the articles of  
 2 conversion to the superintendent in a newspaper of general  
 3 circulation published in the municipal corporation or  
 4 unincorporated area in which the national bank, or federal  
 5 savings association, ~~or state savings and loan association~~  
 6 has its principal place of business, or if there is none, a  
 7 newspaper of general circulation published in the county,  
 8 or in a county adjoining the county, in which the national  
 9 bank, or federal savings association, ~~or state savings and~~  
 10 ~~loan association~~ has its principal place of business. Proof  
 11 of publication of the notice shall be delivered to the  
 12 superintendent within fourteen days. The notice shall set  
 13 forth all of the following:

14 Sec. 115. Section 524.1412, subsection 1, Code 2011, is  
 15 amended to read as follows:

16 1. The name of the national bank, or federal savings  
 17 association, ~~or state savings and loan association~~ and the name  
 18 of the resulting state bank.

19 Sec. 116. Section 524.1415, Code 2011, is amended to read  
 20 as follows:

21 **524.1415 Effect of filing of articles of conversion with**  
 22 **secretary of state.**

23 1. The conversion is effective upon the filing of the  
 24 articles of conversion with the secretary of state, or at any  
 25 later date and time as specified in the articles of conversion.  
 26 The acknowledgment of filing is conclusive evidence of the  
 27 performance of all conditions required by this chapter for  
 28 conversion of a national bank, or federal savings association,  
 29 ~~or state savings and loan association~~ into a state bank, except  
 30 as against the state.

31 2. When a conversion becomes effective, the existence of the  
 32 national bank, or federal savings association, ~~or state savings~~  
 33 ~~and loan association~~ shall continue in the resulting state bank  
 34 which shall have all the property, rights, powers, and duties  
 35 of the national bank, or federal savings association, ~~or state~~



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1 ~~savings and loan association~~, except that the resulting state  
2 bank shall have only the authority to engage in such business  
3 and exercise such powers as it would have, and shall be subject  
4 to the same prohibitions and limitations to which it would be  
5 subject, upon original incorporation under this chapter. The  
6 articles of incorporation of the resulting state bank shall be  
7 the provisions stated in the articles of conversion.

8 3. A liability of the national bank, or federal savings  
9 association, ~~or state savings and loan association~~, or of the  
10 national bank's, or federal savings association's, ~~or state~~  
11 ~~savings and loan association's~~ shareholders, directors, or  
12 officers, is not affected by the conversion. A lien on any  
13 property of the national bank, or federal savings association,  
14 ~~or state savings and loan association~~ is not impaired by the  
15 conversion. A claim existing or action pending by or against  
16 the national bank, or federal savings association, ~~or state~~  
17 ~~savings and loan association~~ may be prosecuted to judgment as  
18 if the conversion had not taken place, or the resulting state  
19 bank may be substituted in its place.

20 4. The title to all real estate and other property owned by  
21 the converting national bank, or federal savings association,  
22 ~~or state savings and loan association~~ is vested in the  
23 resulting state bank without reversion or impairment.

24 Sec. 117. Section 524.1416, Code 2011, is amended to read  
25 as follows:

26 **524.1416 Authority for conversion of state bank into national**  
27 **bank or federal savings association ~~or state savings and loan~~**  
28 **association.**

29 1. A state bank may convert into a national bank, or federal  
30 savings association, ~~or state savings and loan association~~ upon  
31 ~~authorization~~ by ~~and~~ compliance with the laws of the United  
32 States, and adoption of a plan of conversion by the affirmative  
33 vote of at least a majority of its directors and the holders  
34 of two-thirds of each class of its shares at a meeting held  
35 upon not less than ten days' notice to all shareholders. The





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1 ~~savings and loan association~~ who objects to the plan of  
2 conversion is entitled to appraisal rights as provided in  
3 chapter 490, division XIII.

4 2. If a shareholder of a national bank or federal savings  
5 association that converts into a state bank objects to the plan  
6 of conversion and complies with the requirements of applicable  
7 laws of the United States, the resulting state bank is liable  
8 for the value of the shareholder's shares as determined in  
9 accordance with such laws of the United States.

10 ~~3. If a shareholder of a state savings and loan association~~  
11 ~~that converts to a state bank objects to the plan of conversion~~  
12 ~~and complies with the requirements of applicable laws of this~~  
13 ~~state, the resulting bank is liable for the value of the~~  
14 ~~shareholder's shares as determined in accordance with such laws~~  
15 ~~of this state.~~

16 Sec. 119. Section 524.1418, Code 2011, is amended to read  
17 as follows:

18 **524.1418 Succession to fiduciary accounts and appointments —**  
19 **application for appointment of new fiduciary.**

20 The provisions of section 524.1009 apply to a resulting  
21 state or national bank, or federal savings association, ~~or~~  
22 ~~state savings and loan association~~ after a conversion with the  
23 same effect as though the state or national bank, or federal  
24 savings association, ~~or state savings and loan association~~ were  
25 a party to a plan of merger, and the conversion were a merger,  
26 within the provisions of that section.

27 Sec. 120. Section 524.1805, subsection 5, Code 2011, is  
28 amended to read as follows:

29 5. For purposes of subsection 1, a bank that resulted from  
30 the conversion of a ~~state savings and loan association or~~  
31 federal savings association, as defined in 12 U.S.C. § 1813,  
32 is deemed to have been in continuous existence and operation  
33 as a bank for the combined periods of continuous existence and  
34 operation of the bank and the association from which it was  
35 converted.



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1     Sec. 121. Section 527.2, subsections 2 and 9, Code 2011, are  
2 amended to read as follows:

3     2. *“Administrator”* means and includes the superintendent of  
4 banking, ~~the superintendent of savings and loan associations,~~  
5 and the superintendent of credit unions within the department  
6 of commerce and the supervisor of industrial loan companies  
7 within the office of the superintendent of banking. However,  
8 the powers of administration and enforcement of this chapter  
9 shall be exercised only as provided in sections 527.3, 527.5,  
10 subsection 7, sections 527.11, 527.12, and any other pertinent  
11 provision of this chapter.

12     9. *“Financial institution”* means and includes any bank  
13 incorporated under the provisions of any state or federal  
14 law, any savings and loan association incorporated under the  
15 provisions of ~~any state or~~ federal law, any credit union  
16 organized under the provisions of any state or federal law,  
17 any corporation licensed as an industrial loan company under  
18 chapter 536A, and any affiliate of a bank, savings and loan  
19 association, credit union, or industrial loan company.

20     Sec. 122. Section 527.3, subsection 1, Code 2011, is amended  
21 to read as follows:

22     1. For purposes of this chapter the superintendent of  
23 banking only has the power to issue rules applicable to, to  
24 accept and approve or disapprove applications or informational  
25 statements from, to conduct hearings and revoke any  
26 approvals relating to, and to exercise all other supervisory  
27 authority created by this chapter with respect to banks; ~~the~~  
28 ~~superintendent of savings and loan associations only shall have~~  
29 ~~and exercise such powers and authority with respect to savings~~  
30 ~~and loan associations;~~ the superintendent of credit unions only  
31 has such powers and authority with respect to credit unions;  
32 and the superintendent of banking or the superintendent’s  
33 designee only has such powers and authority with respect to  
34 industrial loan companies.

35     Sec. 123. Section 527.5, subsection 11, paragraph d, Code











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1 regular course of their principal business, or while performing  
2 an escrow function.

3 Sec. 132. Section 535.2, subsection 2, paragraph b,  
4 subparagraph (6), Code Supplement 2011, is amended to read as  
5 follows:

6 (6) With respect to any transaction referred to in paragraph  
7 "a" of this subsection, this subsection supersedes any  
8 interest-rate or finance-charge limitations contained in the  
9 Code, including but not limited to this chapter and chapters  
10 321, 322, 524, 533, ~~534~~, 536A, and 537.

11 Sec. 133. Section 535.8, subsection 2, paragraph b,  
12 subparagraph (3), Code 2011, is amended to read as follows:

13 (3) A lender shall not charge the borrower any costs other  
14 than expressly permitted by this paragraph "b". However,  
15 additional costs incurred in connection with a loan under this  
16 paragraph "b", if bona fide and reasonable, may be collected by  
17 a state-chartered financial institution licensed under chapter  
18 ~~524~~ or 533, ~~or 534~~, to the extent permitted under applicable  
19 federal law as determined by the office of the comptroller of  
20 the currency of the United States department of treasury, the  
21 national credit union administration, or the office of thrift  
22 supervision of the United States department of treasury. Such  
23 costs shall apply only to the same type of state-chartered  
24 entity as the federally chartered entity affected and shall  
25 apply to and may be collected by an insurer organized under  
26 chapter 508 or 515, or otherwise authorized to conduct the  
27 business of insurance in this state.

28 Sec. 134. Section 535A.2, subsection 2, paragraph b, Code  
29 2011, is amended by striking the paragraph.

30 Sec. 135. Section 535B.11, subsection 3, paragraph b, Code  
31 2011, is amended to read as follows:

32 b. Compliance with sections 524.905, 533.315, ~~534.206~~, and  
33 536A.20 shall constitute compliance with this subsection.

34 Sec. 136. Section 535C.2, subsection 4, paragraph i, Code  
35 2011, is amended by striking the paragraph.



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1     Sec. 137. Section 536A.24, Code 2011, is amended to read as  
2 follows:

3     **536A.24 Electronic transactions.**

4     A licensee may engage in any transaction otherwise permitted  
5 by this chapter and applicable law, by means of either the  
6 direct transmission of electronic impulses or other indicia  
7 of a transaction for delayed transmission to the licensee.  
8 Subject to the provisions of chapter 527, a licensee may  
9 utilize, establish or operate, alone or with one or more  
10 other licensees, banks incorporated under the provisions of  
11 chapter 524 or federal law, credit unions incorporated under  
12 the provisions of chapter 533 or federal law, savings and loan  
13 associations incorporated under the provisions of ~~chapter 534~~  
14 ~~or~~ federal law, or third parties, the satellite terminals  
15 permitted under chapter 527, by means of which the licensee may  
16 transmit to or receive from any customer electronic impulses  
17 constituting transactions pursuant to this section. However,  
18 such utilization, establishment or operation is lawful only  
19 when in compliance with chapter 527. Nothing in this section  
20 authorizes a licensee or other person to engage in transactions  
21 not otherwise permitted by applicable law, nor does anything  
22 in this section repeal, replace or in any other way affect any  
23 applicable law or rule regarding the maintenance of or access  
24 to financial information maintained by a licensee.

25     Sec. 138. Section 536C.2, subsection 1, Code 2011, is  
26 amended to read as follows:

27     1. "*Administrator*" means the superintendent of banking,  
28 ~~the superintendent of savings and loan associations or the~~  
29 ~~superintendent's successor,~~ or the superintendent of credit  
30 unions. However, the powers of administration and enforcement  
31 of this chapter are to be exercised pursuant to section  
32 536C.14.

33     Sec. 139. Section 536C.3, Code 2011, is amended to read as  
34 follows:

35     **536C.3 Exemptions.**





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1 chartered, or holding an authorization certificate pursuant to  
2 chapter 524~~7~~ or 533, ~~or 5347~~ or pursuant to the laws of any  
3 other state or of the United States which authorizes the person  
4 to make loans and to receive deposits, including a savings,  
5 share, certificate or deposit account, and which is subject to  
6 supervision by an official or agency of this state, such other  
7 state, or of the United States.

8 Sec. 144. Section 537.2301, subsection 1, Code 2011, is  
9 amended to read as follows:

10 1. As used in this part, "*licensing authority*" means the  
11 agency designated in chapter 524, 533, ~~5347~~ 536, or 536A to  
12 issue licenses or otherwise authorize the conduct of business  
13 pursuant to the respective chapter or this chapter, and  
14 "*licensee*" includes any person subject to regulation by a  
15 licensing authority. "*License*" includes the authorization, of  
16 whatever form, to engage in the conduct regulated under those  
17 chapters.

18 Sec. 145. Section 537.2305, subsection 1, Code 2011, is  
19 amended to read as follows:

20 1. For the purpose of discovering violations of this chapter  
21 or securing information lawfully required, the licensing  
22 authority shall examine periodically at intervals the licensing  
23 authority deems appropriate, but not less frequently than is  
24 required for other examinations of the licensee by section  
25 524.217, 533.113, ~~534.4017~~ 536.10, or 536A.15, whichever is  
26 applicable, the loans, business, and records of every licensee,  
27 except a licensee which has no office physically located in  
28 this state and engages in no face-to-face solicitation in this  
29 state. In addition, the licensing authority may at any time  
30 investigate the loans, business, and records of any lender.  
31 For these purposes the licensing authority shall be given free  
32 and reasonable access to the offices, places of business, and  
33 records of the lender.

34 Sec. 146. Section 537.2501, subsection 1, paragraph j, Code  
35 2011, is amended to read as follows:



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1     *j.* For a consumer loan where the amount financed does not  
 2 exceed three thousand dollars and the term of the loan does  
 3 not exceed twelve months, a bank, ~~savings bank, savings and~~  
 4 ~~loan association, or~~ credit union incorporated pursuant to  
 5 state or federal law, or a federally chartered or out-of-state  
 6 chartered savings bank or savings and loan association may  
 7 charge an additional application fee not to exceed the lesser  
 8 of ten percent of the amount financed or thirty dollars. If  
 9 the loan is not approved, the application fee shall not exceed  
 10 the lesser of ten percent of the amount applied for by the  
 11 applicant or thirty dollars. The fee permitted pursuant to  
 12 this paragraph shall not be charged in connection with a loan  
 13 used for the purchase of a motor vehicle, or for a loan where  
 14 the borrower's dwelling is used as security.

15     Sec. 147. Section 537.6105, subsection 1, Code 2011, is  
 16 amended to read as follows:

17     1. With respect to supervised financial organizations  
 18 subject to regulation under ~~chapters~~ chapter 524, or 533 and  
 19 ~~534~~, and persons licensed under chapters 536 and 536A, the  
 20 powers of examination and investigation as provided in sections  
 21 537.2305 and 537.6106, and administrative enforcement as  
 22 provided in sections 537.2303 and 537.6108, shall be exercised  
 23 by the official or agency to whose supervision the person is  
 24 subject. All other powers of the administrator under this  
 25 chapter may be exercised by the administrator with respect  
 26 to such persons. In all actions or other court proceedings  
 27 brought to enforce this chapter, the attorney general or the  
 28 attorney general's designee shall participate.

29     Sec. 148. Section 537.6201, Code 2011, is amended to read  
 30 as follows:

31     **537.6201 Applicability.**

32     This part applies to all of the following:

33     1. Creditors engaged in consumer credit transactions  
 34 and acts, practices or conduct involving consumer credit  
 35 transactions to which this chapter applies pursuant to section







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1     1. The banking division shall regulate and supervise banks  
2 under chapter 524, debt management licensees under chapter  
3 533A, money services under chapter 533C, delayed deposit  
4 services under chapter 533D, ~~savings and loan associations~~  
5 ~~under chapter 534~~, mortgage bankers and brokers under  
6 chapter 535B, regulated loan companies under chapter 536, and  
7 industrial loan companies under chapter 536A, and shall perform  
8 other duties assigned to the division by law. The division  
9 is headed by the superintendent of banking who is appointed  
10 pursuant to section 524.201. The state banking council  
11 shall render advice within the division when requested by the  
12 superintendent.

13     Sec. 152. Section 551A.4, subsection 1, paragraph a, Code  
14 2011, is amended to read as follows:

15     a. The offer or sale of a business opportunity if the  
16 purchaser is a bank, federally chartered savings and loan  
17 association, trust company, insurance company, credit union,  
18 or investment company as defined by the federal Investment  
19 Company Act of 1940, a pension or profit-sharing trust, or  
20 other financial institution or institutional buyer, or a  
21 broker-dealer registered pursuant to chapter 502, whether the  
22 purchaser is acting for itself or in a fiduciary capacity.

23     Sec. 153. Section 556.1, subsections 1 and 4, Code 2011, are  
24 amended to read as follows:

25     1. *"Banking organization"* means any bank, trust company,  
26 savings bank, savings association, industrial bank, land bank,  
27 safe deposit company, or a private banker engaged in business  
28 in this state.

29     4. *"Financial organization"* means any ~~savings and loan~~  
30 ~~association, building and loan association,~~ federally chartered  
31 savings and loan association, credit union, cooperative bank or  
32 investment company, engaged in business in this state.

33     Sec. 154. Section 636.23, subsections 10 and 14, Code 2011,  
34 are amended to read as follows:

35     10. ~~Building and loan~~ Savings associations. Shares





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1 and may invest their funds, and the moneys in their custody or  
 2 possession, eligible for investment, in bonds and notes secured  
 3 by mortgage or trust deed insured by the federal housing  
 4 administrator, and in the debentures issued by the federal  
 5 housing administrator pursuant to Tit. II of the National  
 6 Housing Act (1934), and in securities issued by national  
 7 mortgage associations or similar credit institutions now or  
 8 hereafter organized under Tit. III of the National Housing  
 9 Act (1934), and in real estate loans which are guaranteed or  
 10 insured by the secretary of the United States department of  
 11 veterans affairs under the provisions of 38 U.S.C. § 3701 et  
 12 seq.

13 Sec. 157. REPEAL. Chapter 534, Code and Code Supplement  
 14 2011, is repealed.

15 EXPLANATION

16 This bill relates to matters under the purview of the banking  
 17 division of the department of commerce.

18 MUTUAL OWNERSHIP FOR STATE BANKS. Division I of the bill  
 19 authorizes mutual ownership for state chartered banks and state  
 20 holding companies. The division defines a "mutual corporation"  
 21 as a corporation that is incorporated on a mutual ownership  
 22 basis pursuant to Code chapter 524 as amended by the division,  
 23 or converted to become subject to the Code chapter, and which  
 24 does not have authority to issue capital stock. The division  
 25 defines a "mutual holding company" as a bank holding company  
 26 that is a mutual corporation or that owns or controls a mutual  
 27 corporation. The division authorizes the superintendent of  
 28 banking to adopt rules to ensure that a state bank incorporated  
 29 as a mutual corporation is operating in a safe and sound manner  
 30 and is subject to the superintendent's authority in the same  
 31 manner as a state bank incorporated as a stock corporation,  
 32 and makes several modifications to existing provisions in Code  
 33 chapter 524 to differentiate between stock corporations and  
 34 mutual corporations.

35 The division provides that a mutual corporation, a mutual



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1 holding company, a federal mutual association, or a federal  
2 mutual holding company may convert into a stock corporation  
3 that is either a state bank or a state bank mutual bank holding  
4 company upon approval of the superintendent. An application  
5 for approval of the conversion shall include submission of  
6 articles of conversion, a business plan addressing factors  
7 prescribed by the superintendent, proof of publication of a  
8 notice of conversion, and applicable filing and recording fees.

9 The division provides that a state bank may be owned,  
10 directly or indirectly, by a mutual bank holding company.  
11 The division authorizes a mutual holding company authorized  
12 pursuant to specified federal regulations to convert to a  
13 mutual bank holding company. The division also authorizes a  
14 mutual corporation to reorganize as a mutual holding company as  
15 prescribed in specified federal regulations, which would then  
16 be regarded as a mutual bank holding company subject to Code  
17 chapter 524. The division states that a mutual bank holding  
18 company shall also be subject to Code chapter 490, the Iowa  
19 business corporations Act, and provides that if a provision  
20 of the Iowa business corporations Act conflicts with the  
21 provisions of Code chapter 524 or a rule of the superintendent,  
22 the provisions of Code chapter 524 or rule shall control.

23 The division authorizes the superintendent to adopt rules  
24 pursuant to Code chapter 17A pertaining to mutual bank holding  
25 companies and reorganizations into mutual bank holding  
26 companies.

27 Division I takes effect upon enactment.

28 MISCELLANEOUS PROVISIONS. Division II of the bill  
29 provides exemptions from provisions governing loans and other  
30 transactions between a state bank and affiliates of the bank  
31 contained in Code section 524.1102. The division authorizes  
32 a state bank to own federal home loan bank shares in an amount  
33 exceeding 15 percent of the state bank's aggregate capital,  
34 but not exceeding 25 percent of the state bank's aggregate  
35 capital, if the ownership of shares exceeding 15 percent







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1 banking acting as the administrator under Code chapter 535B  
 2 may furnish information relating to supervision of closing  
 3 agent licensees whose activities relate to the issuance of  
 4 title guaranty certificates issued by the title guaranty  
 5 division of the Iowa finance authority to the title guaranty  
 6 division. The bill states that the title guaranty division may  
 7 use this information to satisfy its reinsurance requirements  
 8 and may provide the information to its reinsurer to the  
 9 extent necessary to satisfy reinsurer requirements provided  
 10 the reinsurer agrees to maintain the confidentiality of the  
 11 information. The bill directs the title guaranty division to  
 12 maintain the confidentiality of all other information provided  
 13 in the course of the examination.

14 The provisions of division II regarding involuntary  
 15 dissolution take effect upon enactment.

16 SAVINGS AND LOAN ASSOCIATIONS. Division III of the bill  
 17 repeals Code chapter 534, relating to state savings and loan  
 18 associations. The division makes conforming changes consistent  
 19 with the repeal of the Code chapter. The bill additionally  
 20 deletes references to building and loan associations and, where  
 21 appropriate, to savings banks.

22 Additionally, the division replaces references in Code  
 23 section 12C.13 relating to deposits of public funds not  
 24 constituting being a shareholder, stockholder, or owner of  
 25 a corporation in violation of specified provisions of law  
 26 with references to Code chapter 524 and a mutual corporation  
 27 as defined in the bill. Further, the bill modifies the  
 28 representation of public members on boards establishing policy  
 29 for a central routing unit under Code section 527.9.



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**Senate Study Bill 3126 - Introduced**

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

**A BILL FOR**

- 1 An Act revising the Iowa nonprofit corporation Act.
- 2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5460SC (5) 84  
av/nh



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1 Section 1. Section 504.141, subsection 3, Code 2011, is  
 2 amended by striking the subsection and inserting in lieu  
 3 thereof the following:

4 3. "Board" or "board of directors" means the group of  
 5 individuals responsible for management of the activities and  
 6 affairs of a corporation, regardless of the name used to refer  
 7 to the group. "Board" or "board of directors" includes a  
 8 designated body to the extent that both of the following are  
 9 applicable:

10 a. The powers, functions, or authority of the board have  
 11 been vested in, or are exercised by, the designated body.

12 b. The provisions of this chapter in which the term "board"  
 13 or "board of directors" is used are relevant to the discharge  
 14 by the designated body of the body's powers, functions, or  
 15 authority.

16 Sec. 2. Section 504.141, Code 2011, is amended by adding the  
 17 following new subsections:

18 NEW SUBSECTION. 8A. "Designated body" means a person or  
 19 group, other than a committee of the board of directors, that  
 20 has been vested by the articles of incorporation or bylaws  
 21 with powers that, if not vested by the articles or bylaws in  
 22 that person or group, would be required by this chapter to be  
 23 exercised by the board or the members.

24 NEW SUBSECTION. 11A. "Domestic unincorporated entity" means  
 25 an unincorporated entity whose internal affairs are governed by  
 26 the laws of this state.

27 NEW SUBSECTION. 17A. "Foreign unincorporated entity" means  
 28 an unincorporated entity whose internal affairs are governed by  
 29 an organic law of a jurisdiction other than this state.

30 NEW SUBSECTION. 34A. a. "Unincorporated entity" means an  
 31 organization or other legal entity that is not a corporation  
 32 and that either has a separate legal existence or has the power  
 33 to acquire an estate in real property in the entity's own name.  
 34 "Unincorporated entity" includes a general partnership, limited  
 35 liability company, limited partnership, business or statutory



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1 trust, joint stock association, and unincorporated nonprofit  
2 association.

3     *b.* *"Unincorporated entity"* does not include a domestic  
4 or foreign business corporation, a nonprofit corporation, an  
5 estate, a trust, a governmental subdivision, a state, the  
6 United States, or a foreign government.

7     Sec. 3. Section 504.141, subsections 9, 15, and 22, Code  
8 2011, are amended to read as follows:

9     9. *"Directors"* means individuals, designated in the articles  
10 or bylaws or elected by the incorporators, and their successors  
11 and individuals elected or appointed by any other name or title  
12 to act as members of the board. *"Directors"* does not include  
13 individuals who are members of a designated body.

14     15. *"Entity"* includes a ~~corporation and foreign corporation;~~  
15 ~~business corporation and domestic or foreign business~~  
16 ~~corporation; limited liability company and domestic or foreign~~  
17 ~~limited liability company; profit and nonprofit unincorporated~~  
18 ~~association; corporation sole; business trust; domestic or~~  
19 ~~foreign unincorporated entity; estate; partnership; ; trust;~~  
20 ~~and two or more persons having a joint or common economic~~  
21 ~~interest; and; state; the United States; and; governmental~~  
22 subdivision; and foreign government.

23     22. *a.* *"Member"* means a person who on more than one  
24 occasion, pursuant to the provisions of a corporation's  
25 articles or bylaws, has a right to vote for the election of a  
26 director or directors of a corporation, irrespective of how a  
27 member is defined in the articles or bylaws of the corporation.  
28 A person is not a member because of any of the following:

29     ~~a.~~ (1) The person's rights as a delegate.

30     ~~b.~~ (2) The person's rights to designate a director.

31     ~~c.~~ (3) The person's rights as a director.

32     *b.* *"Member"* includes a designated body to the extent that  
33 all of the following are applicable:

34     (1) The powers, functions, or authority of the member have  
35 been vested in, or are exercised by, the designated body.



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1     (2) The provisions of this chapter in which the term  
 2     "member" is used are relevant to the discharge by the designated  
 3     body of the body's powers, functions, or authority.

4     Sec. 4. Section 504.622, Code 2011, is amended by adding the  
 5 following new subsection:

6     NEW SUBSECTION. 01. A membership in a public benefit or  
 7 mutual benefit corporation may be terminated or suspended for  
 8 the reasons and in the manner provided in the articles of  
 9 incorporation or bylaws.

10    Sec. 5. Section 504.622, subsection 1, Code 2011, is amended  
 11 to read as follows:

12    1. A To the extent the articles of incorporation or bylaws  
 13 do not address the termination or suspension of a member, a  
 14 member of a public benefit or mutual benefit corporation shall  
 15 not be expelled or suspended, and a membership or memberships  
 16 in such a corporation shall not be terminated or suspended  
 17 except pursuant to a procedure which is fair and reasonable and  
 18 is carried out in good faith.

19    Sec. 6. Section 504.701, Code 2011, is amended by adding the  
 20 following new subsection:

21    NEW SUBSECTION. 7. The articles of incorporation or  
 22 bylaws may provide that an annual or regular meeting of  
 23 members is not required to be held at a geographic location  
 24 if the meeting is held by means of the internet or other  
 25 electronic communications technology in a manner pursuant to  
 26 which the members have the opportunity to read or hear the  
 27 proceedings substantially concurrent with the occurrence of the  
 28 proceedings, vote on matters submitted to the members, pose  
 29 questions, and make comments.

30    Sec. 7. Section 504.702, Code 2011, is amended by adding the  
 31 following new subsection:

32    NEW SUBSECTION. 6. The articles of incorporation or bylaws  
 33 may provide that a special meeting of members is not required  
 34 to be held at a geographic location if the meeting is held  
 35 by means of the internet or other electronic communications



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1 technology in a manner pursuant to which the members have the  
2 opportunity to read or hear the proceedings substantially  
3 concurrent with the occurrence of the proceedings, vote on  
4 matters submitted to the members, pose questions, and make  
5 comments.

6     **Sec. 8. NEW SECTION. 504.709 Conduct of meetings.**

7     1. At each meeting of members, an individual shall preside  
8 as chair. The chair shall be appointed as follows:

9     *a.* As provided in the articles of incorporation or bylaws.

10    *b.* In the absence of a provision in the articles of  
11 incorporation or bylaws, by the board of directors.

12    *c.* In the absence of both a provision in the articles of  
13 incorporation or bylaws and an appointment of the chair by the  
14 board, by the members at the meeting.

15    2. Except as provided in the articles of incorporation or  
16 bylaws, the chair shall determine the order of business and  
17 shall have the authority to establish rules for the conduct of  
18 the meeting.

19    3. Any rules adopted for, and the conduct of, the meeting  
20 shall be fair to the members.

21    4. The chair of the meeting shall announce at the meeting  
22 when the polls close for each matter voted upon. If no  
23 announcement is made, the polls shall be deemed to have closed  
24 upon the final adjournment of the meeting. After the polls  
25 are closed, no ballots, proxies, or votes, or any otherwise  
26 permissible revocations or changes thereto may be accepted.

27     **Sec. 9. NEW SECTION. 504.719 Inspectors of election.**

28    1. A corporation with members may appoint one or more  
29 inspectors to act at a meeting of members and to make a report  
30 in the form of a record of the inspectors' determinations.  
31 Each inspector shall execute the duties of inspector  
32 impartially and according to the best of the inspector's  
33 ability.

34    2. The inspectors shall do all of the following:

35    *a.* Ascertain the number of members and their voting power.



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- 1     *b.* Determine the members present at the meeting.
- 2     *c.* Determine the validity of proxies and ballots.
- 3     *d.* Count all votes.
- 4     *e.* Determine the result of the voting.
- 5     3. An inspector may, but is not required to, be a director,
- 6 member of a designated body, member, officer, or employee of
- 7 the corporation. A person who is a candidate for an office
- 8 to be filled at the meeting shall not be an inspector at that
- 9 meeting.
- 10    Sec. 10. Section 504.801, subsection 2, Code 2011, is
- 11 amended to read as follows:
- 12    2. Except as otherwise provided in this chapter or
- 13 ~~subsection 3~~ section 504.813, all corporate powers shall be
- 14 exercised by or under the authority of, and the affairs of the
- 15 corporation managed under the direction of, and subject to the
- 16 oversight of, its board of directors.
- 17    Sec. 11. Section 504.801, subsection 3, Code 2011, is
- 18 amended by striking the subsection.
- 19    Sec. 12. **NEW SECTION. 504.813 Designated body.**
- 20    1. Some, but not all, of the powers, authority, or functions
- 21 of the board of directors of a corporation under this chapter
- 22 may be vested by the articles of incorporation or bylaws in a
- 23 designated body. If such a designated body is created, all of
- 24 the following are applicable:
- 25    *a.* The provisions of this part and other provisions of
- 26 law applicable to the rights, duties, and liabilities of the
- 27 board of directors or directors individually also apply to
- 28 the designated body and to the members of the designated body
- 29 individually. The provisions of this part and other provisions
- 30 of law applicable to meetings, notice, and actions of the board
- 31 of directors also apply to the designated body in the absence
- 32 of an applicable rule in the articles of incorporation, bylaws,
- 33 or internal operating rules of the designated body.
- 34    *b.* To the extent that the powers, authority, or functions of
- 35 the board of directors have been vested in the designated body,



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1 the directors are relieved from their duties and liabilities  
 2 with respect to those powers, authority, and functions.

3     *c.* A provision of the articles of incorporation or bylaws  
 4 regarding the indemnification of directors or limiting the  
 5 liability of directors adopted pursuant to section 504.202,  
 6 subsection 2, paragraphs “*d*” and “*e*” is applicable to members  
 7 of the designated body, except as otherwise provided in the  
 8 articles of incorporation or bylaws.

9     2. Some, but not all, of the rights or obligations of the  
 10 members of a corporation under this chapter may be vested in  
 11 a designated body by the articles of incorporation or bylaws.  
 12 If such a designated body is created, all of the following are  
 13 applicable:

14     *a.* The provisions of this part and other provisions of  
 15 law applicable to the rights and obligations of members also  
 16 apply to the designated body and to members of the designated  
 17 body individually. The provisions of this part and other  
 18 provisions of law applicable to meetings, notice, and actions  
 19 of members also apply to the designated body in the absence  
 20 of an applicable provision in the articles of incorporation,  
 21 bylaws, or internal operating rules of the designated body.

22     *b.* To the extent the rights or obligations of the members  
 23 have been vested in the designated body, the members are  
 24 relieved from responsibility with respect to those rights and  
 25 obligations.

26     3. The articles of incorporation or bylaws may prescribe  
 27 qualifications for members of a designated body. Except  
 28 as otherwise provided in the articles of incorporation or  
 29 bylaws, a member of a designated body is not required to be an  
 30 individual; a director, officer, or member of the corporation;  
 31 or a resident of this state.

32     Sec. 13. Section 504.826, Code 2011, is amended by adding  
 33 the following new subsection:

34     NEW SUBSECTION. 7. A corporation may create or authorize  
 35 the creation of one or more advisory committees whose members



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1 are not required to be directors. An advisory committee is not  
2 a committee of the board of directors and shall not exercise  
3 any powers of the board.

4 Sec. 14. Section 504.831, Code 2011, is amended by adding  
5 the following new subsection:

6 NEW SUBSECTION. 2A. In discharging board or committee  
7 duties, a director must disclose, or cause to be disclosed, to  
8 the other board or committee members, information not already  
9 known by them, but known by the director to be material to the  
10 discharge of the decision-making or oversight functions of the  
11 board or committee, except that such disclosure is not required  
12 to the extent that the director reasonably believes that doing  
13 so would violate a duty imposed by law, a legally enforceable  
14 obligation of confidentiality, or a professional ethics rule.

15 Sec. 15. Section 504.831, subsection 5, paragraph c, Code  
16 2011, is amended to read as follows:

17 *c.* A committee of the board or advisory committee of  
18 which the director is not a member, as to matters within  
19 ~~its~~ the committee's or advisory committee's jurisdiction, if  
20 the director reasonably believes the committee or advisory  
21 committee merits confidence.

22 Sec. 16. Section 504.834, Code 2011, is amended by adding  
23 the following new subsection:

24 NEW SUBSECTION. 1A. This section does not apply to any of  
25 the following:

- 26 *a.* An advance to pay reimbursable expenses reasonably  
27 expected to be incurred by a director or officer.
- 28 *b.* An advance to pay premiums on life insurance if the  
29 advance is secured by the cash value of the policy.
- 30 *c.* An advance made pursuant to part 5 of this subchapter  
31 VIII.
- 32 *d.* Loans or advances made pursuant to employee benefit  
33 plans.
- 34 *e.* A loan secured by the principal residence of an officer.
- 35 *f.* A loan to pay relocation expenses of an officer.





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1     *b.* The officer's superior officer, or another appropriate  
2 person within the corporation, or the board of directors, or  
3 a committee of the board, of any actual or probable material  
4 violation of law involving the corporation or any material  
5 breach of duty to the corporation by an officer, employee,  
6 or agent of the corporation, that the officer believes has  
7 occurred or is likely to occur.

8     Sec. 19. Section 504.1101, subsection 1, Code 2011, is  
9 amended to read as follows:

10     1. Subject to the limitations set forth in section 504.1102,  
11 one or more nonprofit corporations may merge with or into any  
12 one or more business corporations or nonprofit corporations or  
13 ~~limited liability companies~~ unincorporated entities, if the  
14 plan of merger is approved as provided in section 504.1103.

15     Sec. 20. Section 504.1101, subsection 2, paragraphs a, c,  
16 and d, Code 2011, are amended to read as follows:

17     *a.* The name of each corporation or ~~limited liability company~~  
18 unincorporated entity planning to merge and the name of the  
19 surviving corporation into which each plans to merge.

20     *c.* The manner and basis, if any, of converting the  
21 memberships of each public benefit or religious corporation  
22 into memberships of the surviving corporation or ~~limited~~  
23 liability company unincorporated entity.

24     *d.* If the merger involves a mutual benefit corporation,  
25 the manner and basis, if any, of converting memberships of  
26 each merging corporation into memberships, obligations, or  
27 securities of the surviving or any other corporation or ~~limited~~  
28 liability company unincorporated entity or into cash or other  
29 property in whole or in part.

30     Sec. 21. Section 504.1101, subsection 3, paragraph a, Code  
31 2011, is amended to read as follows:

32     *a.* Any amendments to the articles of incorporation or bylaws  
33 of the surviving corporation or ~~limited liability company~~  
34 unincorporated entity to be effected by the planned merger.

35     Sec. 22. Section 504.1102, subsection 1, paragraphs a and b,



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1 Code 2011, are amended to read as follows:

2 *a.* A public benefit or religious corporation, or a  
3 domestic unincorporated entity which, if incorporated, would  
4 qualify under this chapter as a public benefit or religious  
5 corporation.

6 *b.* A foreign corporation which would qualify under this  
7 chapter as a public benefit or religious corporation, or a  
8 foreign unincorporated entity which, if incorporated, would  
9 qualify under this chapter as a public benefit or religious  
10 corporation.

11 Sec. 23. Section 504.1102, subsection 1, paragraph d,  
12 unnumbered paragraph 1, Code 2011, is amended to read as  
13 follows:

14 A business or mutual benefit corporation, or ~~limited~~  
15 ~~liability company~~ an unincorporated entity which, if  
16 incorporated, would not qualify as a public benefit or  
17 religious corporation, provided that all of the following apply  
18 where the public benefit or religious corporation is not the  
19 surviving entity in the merger:

20 Sec. 24. Section 504.1102, subsection 1, paragraph d,  
21 subparagraphs (2) and (3), Code 2011, are amended to read as  
22 follows:

23 (2) The business or mutual benefit corporation or ~~limited~~  
24 ~~liability company~~ unincorporated entity which, if incorporated,  
25 would not qualify as a public benefit or religious corporation,  
26 shall return, transfer, or convey any assets held by it upon  
27 condition requiring return, transfer, or conveyance, which  
28 condition occurs by reason of the merger, in accordance with  
29 such condition.

30 (3) The merger is approved by a majority of directors of  
31 the public benefit or religious corporation or managers of  
32 an unincorporated entity which, if incorporated, would not  
33 qualify as a public benefit or religious corporation, who are  
34 not and will not become members or shareholders in or officers,  
35 employees, agents, or consultants of the surviving entity.

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1     Sec. 25. Section 504.1106, subsection 1, Code 2011, is  
2 amended to read as follows:  
3     1. Except as provided in section 504.1102, one or more  
4 foreign business or nonprofit corporations or foreign  
5 unincorporated entities may merge with one or more domestic  
6 nonprofit corporations if all of the following conditions are  
7 met:  
8     a. The merger is permitted by the law of the state or  
9 country under whose law each foreign corporation or foreign  
10 unincorporated entity is incorporated and each foreign  
11 corporation or foreign unincorporated entity complies with that  
12 law in effecting the merger.  
13     b. The foreign corporation or foreign unincorporated  
14 entity complies with section 504.1104 if it is the surviving  
15 corporation of the merger.  
16     c. Each domestic nonprofit corporation complies with the  
17 applicable provisions of sections 504.1101 through 504.1103  
18 and, if it is the surviving corporation of the merger, with  
19 section 504.1104.

20     Sec. 26. Section 504.1106, subsection 2, Code 2011, is  
21 amended to read as follows:  
22     2. Upon the merger taking effect, the surviving foreign  
23 business or nonprofit corporation, or foreign unincorporated  
24 entity, is deemed to have irrevocably appointed the secretary  
25 of state as its agent for service of process in any proceeding  
26 brought against it.

EXPLANATION

27     This bill makes various revisions to the Iowa nonprofit  
28 corporation Act.  
29  
30     Code section 504.141 is amended to add a definition of a  
31 "designated body" which is a person or group other than a  
32 committee of the board of directors that is vested by the  
33 articles of incorporation or bylaws of a nonprofit corporation  
34 with powers otherwise required to be exercised by the corporate  
35 board of directors or the members. Other definitions are

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1 modified to include a designated body within the meaning of the  
2 "board of directors" or as a "member" of the corporation and to  
3 exclude individuals who are members of a designated body from  
4 the definition of a "director".

5 Code section 504.141 is also amended to provide that an  
6 "entity" includes an "unincorporated entity" and to include  
7 a definition of an "unincorporated entity" which is an  
8 organization or other legal entity that is not a corporation  
9 and that either has a separate legal existence or has the  
10 power to acquire an estate in real property in the entity's  
11 own name. An "unincorporated entity" includes specified  
12 types of legal entities that are not corporations. An  
13 "unincorporated entity" also does not include an estate, a  
14 trust, a governmental subdivision, a state, the United States,  
15 or a foreign government. There are also definitions for a  
16 "domestic unincorporated entity" whose affairs are governed  
17 by Iowa law and for a "foreign unincorporated entity" whose  
18 affairs are governed by the law of another jurisdiction.

19 Code section 504.622 is amended to provide that membership  
20 in a public benefit or mutual benefit corporation may be  
21 terminated or suspended as provided in the articles of  
22 incorporation or bylaws and to the extent that those items do  
23 not address such a termination or suspension, the procedure  
24 must be carried out in good faith in a manner which is fair and  
25 reasonable.

26 Code sections 504.701 and 504.702 are amended to allow a  
27 nonprofit corporation with members to hold an annual or regular  
28 meeting or a special meeting by means of the internet or other  
29 electronic communications technology so long as members have  
30 the opportunity to read or hear the proceedings substantially  
31 concurrent with the occurrence of the proceedings and can vote,  
32 pose questions, and make comments.

33 New Code section 504.709 requires that an individual preside  
34 as chair at each meeting of corporate members as provided in  
35 the articles of incorporation or bylaws, as appointed by the

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1 board, or as appointed by members at the meeting. Unless  
2 otherwise provided by the articles or bylaws, the chair shall  
3 determine the order of business and establish rules for the  
4 conduct of the meeting.

5 New Code section 504.719 allows a nonprofit corporation with  
6 members to appoint one or more inspectors to assist with voting  
7 at the meeting and make a report of their determinations and  
8 the results of the vote.

9 Code section 504.801 is amended to provide that, with the  
10 exception of corporate powers that are vested in a designated  
11 body, all such powers shall be exercised by or under the  
12 authority of, and the affairs of the corporation shall be  
13 managed under the direction and subject to the oversight of,  
14 the board of directors.

15 New Code section 504.813 allows some, but not all, of the  
16 powers, authority, or functions of the board of directors,  
17 or of the rights or obligations of members, of a nonprofit  
18 corporation to be vested by the articles of incorporation or  
19 bylaws in a designated body. If such a designated body is  
20 created, provisions of law applicable to the powers, authority,  
21 functions, rights, or obligations of the board of directors,  
22 the directors individually, or the members apply to the  
23 designated body and its members individually and the directors  
24 or members are relieved of their duties and liabilities with  
25 respect to those matters vested in the designated body.

26 Code section 504.826 is amended to provide that a nonprofit  
27 corporation can create or authorize the creation of one or  
28 more advisory committees whose members are not required to be  
29 directors of the corporation. Such an advisory committee is  
30 not a committee of the board and cannot exercise any powers of  
31 the board.

32 Code section 504.831 is amended to provide that in  
33 discharging board or committee duties a corporate director  
34 must disclose information to the other board or committee  
35 members that is not known to them but known by the director to





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1 corporation by the director.

2 Code section 504.843 is amended to provide that a corporate  
3 officer has the duty to provide information to specified  
4 persons within the corporation about the affairs of the  
5 corporation known to the officer to be material and about any  
6 actual or probable material violation of law involving the  
7 corporation or any material breach of duty to the corporation  
8 by an officer, employee, or agent of the corporation.

9 Code section 504.1101 which applies to mergers of nonprofit  
10 corporations with other entities, is amended to substitute  
11 the newly defined term "unincorporated entity" for "limited  
12 liability company". A limited liability company is now  
13 encompassed within the definition of an "unincorporated  
14 entity", which includes other types of entities as well.

15 Code section 504.1102, which allows certain mergers by  
16 public benefit or religious corporations without prior  
17 approval of the district court, is amended to also apply to a  
18 newly defined "domestic unincorporated entity" and "foreign  
19 unincorporated entity" which, if incorporated, would qualify  
20 as a public benefit or religious corporation, and to an  
21 "unincorporated entity", which if incorporated, would not  
22 qualify as a public benefit or religious corporation, but meets  
23 other specifications.

24 Code section 504.1102 is also amended to provide that when  
25 a merger of a public benefit or religious corporation with  
26 a business or mutual benefit corporation or unincorporated  
27 entity, which if incorporated would not qualify as a public  
28 benefit or religious corporation, will result in the public  
29 benefit or religious corporation not surviving, certain  
30 conditions must be met.

31 Code section 504.1106 is amended to allow mergers between a  
32 newly defined "foreign unincorporated entity" and a domestic  
33 nonprofit corporation under specified conditions.



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Senate Study Bill 3127 - Introduced

SENATE FILE \_\_\_\_\_  
BY (PROPOSED COMMITTEE ON  
VETERANS AFFAIRS BILL BY  
CHAIRPERSON BEALL)

A BILL FOR

1 An Act making appropriations to the commission of veterans  
2 affairs for the provision of veterans services, and  
3 including effective date provisions.  
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 6000XC (6) 84  
aw/rj



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S.F. \_\_\_\_\_

1 Section 1. Section 35A.13, subsection 4, Code Supplement
2 2011, is amended to read as follows:

3 4. The minimum balance of the trust fund required prior
4 to expenditure of moneys from the trust fund is five million
5 dollars. Once the minimum balance is reached, the interest and
6 earnings on the fund and any moneys received under subsection
7 2, paragraph "a", the first three hundred thousand dollars
8 transferred each fiscal year pursuant to section 99G.9A from
9 the lottery fund to the trust fund are appropriated to the
10 commission to be used to achieve the purposes of this section.
11 Moneys appropriated to the commission that remain unobligated
12 or unexpended at the end of each fiscal year shall revert to
13 the trust fund. It is the intent of the general assembly that
14 the balance in the trust fund reach fifty million dollars.

15 Sec. 2. COMMISSION OF VETERANS AFFAIRS. There is
16 appropriated from the veterans trust fund, created in section
17 35A.13, to the commission of veterans affairs for the fiscal
18 year beginning July 1, 2011, and ending June 30, 2012, to be
19 used for the purposes stated in section 35A.13, subsection 6,
20 the following amount:

21 ..... \$ 300,000

22 Sec. 3. EFFECTIVE UPON ENACTMENT. The following provision
23 or provisions of this Act, being deemed of immediate
24 importance, take effect upon enactment:

25 1. The section of this Act making an appropriation to the
26 commission of veterans affairs for the fiscal year beginning
27 July 1, 2011.

28 EXPLANATION

29 This bill makes appropriations from the veterans trust
30 fund to the commission of veterans affairs to be used for the
31 provision of veterans services.

32 Current law provides for the appropriation of the interest
33 and earnings from the veterans trust fund and certain other
34 moneys received in the trust fund pursuant to Code section
35 35A.13(2)(a) to the commission. The bill removes the language



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1 appropriating moneys pursuant to Code section 35A.13(2)(a),  
2 but appropriates the first \$300,000 that is transferred into  
3 the trust fund each fiscal year from the lottery fund pursuant  
4 to Code section 99G.9A, to the commission for the provision of  
5 such in veterans services.

6 The bill requires that moneys appropriated to the commission  
7 that remain unobligated or unexpended at the end of each fiscal  
8 year shall revert to the veterans trust fund.

9 The bill also provides for a one-time appropriation of  
10 \$300,000 from the trust fund to the commission for the fiscal  
11 year beginning July 1, 2011, and ending June 30, 2012, in order  
12 to provide certain veterans services pursuant to Code section  
13 35A.13(6). The section of the bill appropriating moneys to  
14 the commission for the fiscal year beginning July 1, 2011, and  
15 ending June 30, 2012, is effective upon enactment.



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Senate Study Bill 3128 - Introduced

SENATE FILE \_\_\_\_\_  
BY (PROPOSED COMMITTEE  
ON COMMERCE BILL BY  
CHAIRPERSON McCOY)

A BILL FOR

- 1 An Act relating to the Iowa comprehensive health insurance
- 2 association and to HIPIOWA-FED, and including effective date
- 3 provisions.
- 4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 6003XC (6) 84  
av/nh



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1 Section 1. Section 514E.1, Code 2011, is amended by adding  
 2 the following new subsection:

3 NEW SUBSECTION. 12A. "HIPIOWA-FED" means the limited  
 4 liability company organized by the association for the  
 5 purposes of administering the state of Iowa temporary high-risk  
 6 insurance pool program pursuant to a contract with the United  
 7 States department of health and human services.

8 Sec. 2. Section 514E.2, subsection 7, Code 2011, is amended  
 9 by adding the following new paragraph:

10 NEW PARAGRAPH. *Ob.* Following the close of each calendar  
 11 year, HIPIOWA-FED shall determine the net premiums and  
 12 payments, the expenses of administration, and the incurred  
 13 losses of the program for the year. HIPIOWA-FED shall certify  
 14 the amount of any net loss for the preceding calendar year to  
 15 the commissioner of insurance and director of revenue and to  
 16 the United States department of health and human services. In  
 17 the event that additional federal funding is not provided to  
 18 HIPIOWA-FED to offset the loss, the loss shall be assessed by  
 19 the association on behalf of HIPIOWA-FED to all members of the  
 20 association in proportion to their respective shares of total  
 21 health insurance premiums or payments for subscriber contracts  
 22 received in Iowa during the second preceding calendar year, or  
 23 with paid losses in the year, coinciding with or ending during  
 24 the calendar year or on any other equitable basis as provided  
 25 in the plan of operation of the association or as required by  
 26 the United States department of health and human services. In  
 27 sharing losses, the association, on behalf of HIPIOWA-FED, may  
 28 abate or defer in any part the assessment of a member, if, in  
 29 the opinion of the board of the association, payment of the  
 30 assessment would endanger the ability of the member to fulfill  
 31 its contractual obligations. The association, on behalf  
 32 of HIPIOWA-FED, may also provide for an initial or interim  
 33 assessment against members of the association if necessary to  
 34 assure the financial capability of HIPIOWA-FED to meet the  
 35 incurred or estimated claims expenses or operating expenses of

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1 the temporary high-risk insurance pool program until the next  
2 calendar year is completed. Net gains, if any, must be held at  
3 interest to offset future losses or allocated to reduce future  
4 premiums.

5 Sec. 3. Section 514E.2, Code 2011, is amended by adding the  
6 following new subsections:

7 NEW SUBSECTION. 12A. The association shall be considered a  
8 governmental body for purposes of chapter 21 and a government  
9 body for purposes of chapter 22. A person to whom the  
10 association delegates the duties and powers of the association  
11 shall be considered a governmental body for purposes of chapter  
12 21 and a government body for purposes of chapter 22 to the  
13 extent that the person carries out the powers and duties of the  
14 association.

15 NEW SUBSECTION. 12B. HIPIOWA-FED shall be considered a  
16 governmental body for purposes of chapter 21 and a government  
17 body for purposes of chapter 22. A person to whom the duties  
18 and powers of the limited liability company are delegated shall  
19 be considered a governmental body for purposes of chapter  
20 21 and a government body for purposes of chapter 22 to the  
21 extent that the person carries out the powers and duties of the  
22 limited liability company.

23 Sec. 4. REQUEST FOR WAIVER OF CONTRACT PROVISIONS BY  
24 HIPIOWA-FED. Within thirty days after the effective date of  
25 this Act, HIPIOWA-FED, the limited liability company organized  
26 by the Iowa comprehensive health insurance association for the  
27 purpose of administering the state of Iowa temporary high-risk  
28 insurance pool program pursuant to a contract with the United  
29 State department of health and human services, shall request  
30 a waiver from the United States department of health and  
31 human services from the requirements of the contract between  
32 HIPIOWA-FED and the department to allow HIPIOWA-FED to accept  
33 third-party payment of premiums for an individual enrolled in  
34 the program.

35 Sec. 5. EFFECTIVE UPON ENACTMENT. This Act, being deemed of



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1 immediate importance, takes effect upon enactment.

2 EXPLANATION

3 This bill relates to HIPIOWA-FED, a limited liability  
4 company organized by the Iowa comprehensive health insurance  
5 association for the purpose of administering the state of  
6 Iowa temporary high-risk insurance pool program pursuant to a  
7 contract with the United States department of health and human  
8 services. The bill provides that both the Iowa comprehensive  
9 health insurance association and HIPIOWA-FED shall be  
10 considered governmental bodies for purposes of Iowa's open  
11 meetings law and government bodies for purposes of Iowa's open  
12 records law and must meet the requirements of those provisions.  
13 A person to whom the association or HIPIOWA-FED delegates its  
14 duties and powers is also subject to the requirements of the  
15 open records law and the open meetings law to the extent that  
16 the person carries out those powers and duties.

17 The bill also provides that HIPIOWA-FED must determine its  
18 net premiums and payments, the expenses of administration, and  
19 the incurred losses of the program at the end of each year  
20 and certify the amount of any net loss to the commissioner of  
21 insurance and the director of revenue and to the United States  
22 department of health and human services. If additional federal  
23 funding is not provided to HIPIOWA-FED to offset the loss, the  
24 loss shall be assessed to members of the Iowa comprehensive  
25 health insurance association in the same manner as assessments  
26 are made for losses incurred by the state high-risk pool.  
27 Members of the association subject to this assessment include  
28 all health insurers, health maintenance organizations, and  
29 organized delivery systems licensed by the director of public  
30 health, providing individual and group health insurance or  
31 health care services in the state. An insurer that is subject  
32 to the assessment is eligible to offset the assessment paid  
33 pursuant to Code chapter 514E against the insurer's premium tax  
34 liability owed pursuant to Code chapter 432.

35 The bill also requires HIPIOWA-FED to request a waiver from

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1 the United States department of health and human services from  
2 the requirements of the contract between HIPIOWA-FED and the  
3 department to allow HIPIOWA-FED to accept third-party payment  
4 of premiums for an individual enrolled in insurance through the  
5 HIPIOWA-FED program. The bill is effective upon enactment and  
6 the request for a waiver must be made within 30 days after the  
7 effective date of the bill.



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Senate Study Bill 3129 - Introduced

SENATE FILE \_\_\_\_\_  
BY (PROPOSED COMMITTEE ON  
STATE GOVERNMENT BILL BY  
CHAIRPERSON DANIELSON)

A BILL FOR

1 An Act establishing a limited license to conduct raffles by a  
2 qualified person.  
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5296XC (2) 84  
ec/nh



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S.F. \_\_\_\_\_

1 Section 1. Section 99B.7, subsection 3, paragraph a, Code  
 2 Supplement 2011, is amended to read as follows:

3 a. A person wishing to conduct games and raffles pursuant  
 4 to this section as a qualified organization shall submit an  
 5 application and a license fee of one hundred fifty dollars.  
 6 The annual license fee for a statewide raffle license shall  
 7 be one hundred fifty dollars. However, upon submission of an  
 8 application accompanied by a license fee of fifteen dollars,  
 9 a person may be issued a limited license to conduct all games  
 10 and raffles pursuant to this section at a specified location  
 11 and during a specified period of fourteen consecutive calendar  
 12 days, except that a bingo occasion may only be conducted once  
 13 per each seven consecutive calendar days of the specified  
 14 period. ~~In addition, a~~ A qualified organization may also  
 15 be issued a limited license to conduct raffles pursuant to  
 16 this section for a period of ninety days for a license fee of  
 17 forty dollars or for a period of one hundred eighty days for  
 18 a license fee of seventy-five dollars. In addition, a person  
 19 who is an eligible applicant may be issued a limited license  
 20 to conduct raffles pursuant to this section for a period of  
 21 seven days for a license fee of twenty-five dollars if the  
 22 person agrees to comply with the requirements of this section  
 23 applicable to qualified organizations conducting raffles and  
 24 designates what charitable organizations, as defined in section  
 25 15E.311, shall receive at least seventy-five percent of the  
 26 net receipts as required by this section. For the purposes of  
 27 this paragraph, a limited license is deemed to be issued on the  
 28 first day of the period for which the license is issued.

29 EXPLANATION

30 This bill authorizes a person to be issued a limited license  
 31 to conduct raffles under Code section 99B.7 for a period of  
 32 seven days in the same manner as a charitable organization if  
 33 the person agrees to comply with the requirements applicable to  
 34 qualified organizations conducting raffles and designates what  
 35 charitable organizations, as defined in Code section 15E.311,

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1 shall receive at least 75 percent of the net receipts of the  
2 raffle. The bill provides that the license fee for the limited  
3 license shall be \$25.