



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 03, 2010

House Amendment 8041

PAG LIN

1 1 Amend House File 2234 as follows:
1 2 #1. Page 7, after line 25 by inserting:
1 3 <Sec. _____. Section 598.21, subsection 5, paragraph
1 4 1, Code Supplement 2009, is amended to read as follows:
1 5 1. The provisions of ~~an antenuptial a~~
1 6 premarital agreement.
1 7 Sec. _____. Section 598.21A, subsection 1, paragraph
1 8 i, Code 2009, is amended to read as follows:
1 9 i. The provisions of ~~an antenuptial a~~
1 10 premarital agreement.>
1 11 #2. By renumbering as necessary.

T. OLSON of Linn
HF2234.515 (2) 83
pf/rj



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House Amendment 8042

PAG LIN

1 1 Amend House File 2076 as follows:
1 2 #1. Page 1, before line 5 by inserting:
1 3 <Sec. ____ Section 15.104, subsection 8, paragraph
1 4 1, Code Supplement 2009, is amended to read as follows:
1 5 1. Targeted industries development == ~~financial~~
~~1 6 assistance innovation and commercialization. A~~
1 7 report of the expenditures of moneys appropriated
1 8 and allocated to the department for certain programs
1 9 authorized pursuant to ~~section~~ sections 15.411
1 10 and 15.412 relating to the development and
1 11 commercialization of businesses in the targeted
1 12 industry areas of advanced manufacturing, bioscience,
1 13 and information technology, including a summary of
1 14 the activities of the technology commercialization
1 15 committee created pursuant to section 15.116 and the
1 16 Iowa innovation council established pursuant to section
1 17 15.117A.>
1 18 #2. Page 1, line 28, by striking <Twenty=seven> and
1 19 inserting <Twenty=nine>
1 20 #3. Page 2, before line 23 by inserting:
1 21 <(9) Two community college presidents from
1 22 geographically diverse areas of the state, selected by
1 23 the Iowa association of community college trustees.>
1 24 #4. Page 3, by striking lines 16 and 17.
1 25 #5. Title page, by striking lines 1 and 2 and
1 26 inserting: <An Act relating to economic development
1 27 by establishing an Iowa innovation council in the
1 28 department of economic development and by providing for
1 29 certain reports on innovation and commercialization
1 30 within certain targeted industries.>
1 31 #6. By renumbering and correcting internal
1 32 references as necessary.

THOMAS of Clayton
HF2076.545 (1) 83
tw/sc



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House Amendment 8043

PAG LIN

1 1 Amend House File 2252 as follows:
1 2 #1. Page 2, after line 4 by inserting:
1 3 <Sec. ____ EFFECTIVE DATE. This Act takes effect
1 4 May 1, 2010.>
1 5 #2. Title page, line 2, after <applicable> by
1 6 inserting <and including effective date provisions>
1 7 #3. By renumbering as necessary.

KRESSIG of Black Hawk
HF2252.534 (2) 83
rh/nh



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House File 2252 - Introduced

HOUSE FILE
BY COMMITTEE ON COMMERCE

(SUCCESSOR TO HSB 525)

A BILL FOR

1 An Act relating to artisan's liens and Iowa's consumer frauds
2 Act and making remedies applicable.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 5384HV (2) 83
rh/nh



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House File 2252 - Introduced continued

PAG LIN

1 1 Section 1. NEW SECTION. 577.3 Possession to be surrendered
1 2 upon notice from attorney general.
1 3 1. A supplier, as defined in section 537B.2, upon receipt of
1 4 a written notice from the attorney general that the attorney
1 5 general has reason to believe that the supplier has engaged
1 6 in a deceptive act or practice pursuant to section 537B.6,
1 7 subsections 2 through 12, in connection with a transaction in
1 8 which the supplier is asserting a lien to personal property
1 9 pursuant to this chapter, shall surrender possession of the
1 10 property to the owner of the property. The supplier shall
1 11 make the property available to the owner within one business
1 12 day of receiving notice from the attorney general during the
1 13 supplier's usual business hours.
1 14 2. The attorney general shall serve the written notice
1 15 pursuant to subsection 1 by certified mail and such notice
1 16 shall be presumed to have been received by the supplier upon
1 17 the earlier of the date of actual receipt, the date upon which
1 18 the supplier refused initial delivery, or the date the supplier
1 19 was notified was the last day to retrieve the delivery from the
1 20 postal service.
1 21 3. The attorney general's belief that the supplier has
1 22 engaged in a deceptive act or practice pursuant to section
1 23 537B.6, subsections 2 through 12, the supplier's surrendering
1 24 possession of the motor vehicle to the owner pursuant to this
1 25 section, and the attorney general's service of notice on the
1 26 supplier pursuant to this section shall not be admissible
1 27 in any litigation between the supplier and the owner of the
1 28 property subject to the lien unless the supplier fails to
1 29 comply with the requirements of this section.
1 30 4. An otherwise valid lien under this chapter is not lost
1 31 as a result of the supplier surrendering possession of the
1 32 property pursuant to this section and an otherwise valid lien
1 33 may be foreclosed pursuant to section 554.7308 within one year
1 34 of the supplier surrendering possession under this section.
1 35 5. In addition to any other applicable remedy, the attorney



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House File 2252 - Introduced continued

2 1 general may seek relief against a supplier for a violation
2 2 of this section to the same extent the attorney general may
2 3 seek relief under section 714.16, subsection 6, for failure or
2 4 refusal to obey a subpoena issued by the attorney general.

2 5 EXPLANATION

2 6 This bill provides that a supplier under Code section
2 7 537B.2 (a person offering to contract for repairs or service
2 8 upon a motor vehicle), upon receipt of a written notice from
2 9 the attorney general that the attorney general has reason
2 10 to believe that the supplier has engaged in a deceptive act
2 11 or practice under the motor vehicle service trade practices
2 12 Act in connection with a transaction in which the supplier
2 13 is asserting an artisan's lien to personal property, is
2 14 required to surrender possession of the property to the owner
2 15 of the property within one business day of receiving notice
2 16 during the supplier's usual business hours. In addition, an
2 17 otherwise valid artisan's lien is not extinguished as a result
2 18 of the supplier surrendering possession of the property and
2 19 an otherwise valid artisan's lien may be foreclosed pursuant
2 20 to Code section 554.7308 within one year of the supplier
2 21 surrendering possession under the bill.

2 22 The bill provides that the attorney general's belief that
2 23 the supplier has engaged in a deceptive act or practice under
2 24 the motor vehicle service trade practices Act, the supplier's
2 25 surrendering possession of the motor vehicle to the owner
2 26 pursuant to the bill, and the attorney general's service of
2 27 notice on the supplier under the bill, is not admissible in any
2 28 litigation between the supplier and the owner of the property
2 29 subject to the lien unless the supplier fails to comply with
2 30 the requirements of the bill.

2 31 The bill provides that, in addition to any other applicable
2 32 remedy, the attorney general may seek relief against a supplier
2 33 for a violation of the bill to the same extent the attorney
2 34 general may seek injunctive or other relief under Iowa's
2 35 consumer frauds Act for failure or refusal to obey a subpoena



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House File 2252 - Introduced continued

3 1 issued by the attorney general.



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House File 2253 - Introduced

HOUSE FILE
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO HSB 558)

A BILL FOR

1 An Act relating to Iowa's uniform disclaimer of property
2 interest Act.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 5584HV (9) 83
rh/nh



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House File 2253 - Introduced continued

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1 1 Section 1. Section 633E.4, Code 2009, is amended to read as
1 2 follows:

1 3 633E.4 Tax qualified disclaimer.

1 4 ~~Notwithstanding~~ Except as provided in sections 633E.13

1 5 and 633E.15, notwithstanding any other provision of this

1 6 chapter, any disclaimer or transfer that meets the requirements

1 7 of section 2518 of the Internal Revenue Code, ~~as now or~~

1 8 ~~hereafter amended, or any successor statute thereto,~~ and the

1 9 regulations promulgated thereunder, for the purpose of being a

1 10 tax qualified disclaimer with the effect that the disclaimed

1 11 or transferred interest is treated as never having been

1 12 transferred to the disclaimant is effective as a disclaimer

1 13 under this chapter. For purposes of this section, "Internal

1 14 Revenue Code" means the same as defined in section 422.3.

1 15 Sec. 2. Section 633E.7, subsection 1, Code 2009, is amended

1 16 by striking the subsection and inserting in lieu thereof the

1 17 following:

1 18 1. Upon the death of a holder of jointly held property,

1 19 either of the following may occur:

1 20 a. If, during the deceased holder's lifetime, the deceased

1 21 holder could have unilaterally regained a portion of the

1 22 property attributable to the deceased holder's contribution

1 23 without the consent of any other holder, a surviving holder

1 24 may disclaim, in whole or in part, a fractional share of that

1 25 portion of the property attributable to the deceased holder's

1 26 contributions determined by dividing the number one by the

1 27 number of joint holders alive immediately after the death of

1 28 the holder to whose death the disclaimer relates.

1 29 b. For all other jointly held property, a surviving holder

1 30 may disclaim, in whole or in part, a fraction of the whole of

1 31 the property the numerator of which is one and the denominator

1 32 of which is the product of the number of joint holders alive

1 33 immediately before the death of the holder to whose death the

1 34 disclaimer relates multiplied by the number of joint holders

1 35 alive immediately after the death of the holder to whose death



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House File 2253 - Introduced continued

2 1 the disclaimer relates.
2 2 Sec. 3. Section 633E.7, Code 2009, is amended by adding the
2 3 following new subsection:
2 4 NEW SUBSECTION. 4. A noncitizen spouse who is a surviving
2 5 joint tenant of real property interests created after July 13,
2 6 1988, can disclaim the spouse's interest to the full extent
2 7 permitted under section 633E.4.
2 8 Sec. 4. Section 633E.13, subsection 5, Code 2009, is amended
2 9 to read as follows:
2 10 5. A disclaimer is barred or limited if so provided by law
2 11 other than this chapter, except as provided in subsection 7.
2 12 Sec. 5. Section 633E.13, Code 2009, is amended by adding the
2 13 following new subsection:
2 14 NEW SUBSECTION. 7. A disclaimer may be made at any time
2 15 unless otherwise barred and any other law that would bar a
2 16 disclaimer due to the passage of time shall not apply under
2 17 this chapter.
2 18 Sec. 6. Section 633E.14, subsection 2, Code 2009, is amended
2 19 to read as follows:
2 20 2. This chapter does not limit any right of a person to
2 21 ~~waive, release, disclaim, or renounce~~ disclaim an interest in
2 22 or power over property under a ~~law~~ statute other than this
2 23 chapter.

2 24 EXPLANATION

2 25 This bill amends Code section 633E.4, relating to a tax
2 26 qualified disclaimer or transfer of a property interest, to
2 27 allow two exceptions (Code sections 633E.13 and 633E.15) to
2 28 the requirement that a disclaimer or transfer of a property
2 29 interest that is valid under section 2518 of the Internal
2 30 Revenue Code is valid for all purposes under Code chapter
2 31 633E. Code section 633E.13 identifies circumstances under
2 32 which disclaimers are barred or limited and Code section
2 33 633E.15 prohibits a disclaimer from being used to avoid medical
2 34 assistance obligations pursuant to Code chapter 249A.
2 35 The bill amends Code section 633E.7 relating to disclaimers



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House File 2253 - Introduced continued

3 1 of rights of survivorship in jointly held property to provide
3 2 that upon the death of a holder of jointly held property,
3 3 either of the following may occur:

3 4 1. If, during the deceased holder's lifetime, the deceased
3 5 holder could have unilaterally regained a portion of the
3 6 property attributable to the deceased holder's contribution
3 7 without the consent of any other holder, a surviving holder
3 8 may disclaim, in whole or in part, a fractional share of that
3 9 portion of the property attributable to the deceased holder's
3 10 contributions determined by dividing the number one by the
3 11 number of joint holders alive immediately after the death of
3 12 the holder to whose death the disclaimer relates.

3 13 2. For all other jointly held property, a surviving holder
3 14 may disclaim, in whole or in part, a fraction of the whole of
3 15 the property the numerator of which is one and the denominator
3 16 of which is the product of the number of joint holders alive
3 17 immediately before the death of the holder to whose death the
3 18 disclaimer relates multiplied by the number of joint holders
3 19 alive immediately after the death of the holder to whose death
3 20 the disclaimer relates.

3 21 In addition, Code section 633E.7 is amended to allow a
3 22 noncitizen, surviving spouse to make a tax-qualified disclaimer
3 23 of property interests under section 2518 of the Internal
3 24 Revenue Code.

3 25 The bill amends Code section 633E.13 to provide that there
3 26 is no time limit in regard to a disclaimer of an interest in
3 27 property.

3 28 The bill amends Code section 633E.14 to prohibit common
3 29 law disclaimers as an alternative to disclaimers of property
3 30 interests under Code chapter 633E.

LSB 5584HV (9) 83

rh/nh



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House File 2254 - Introduced

HOUSE FILE
BY ARNOLD

A BILL FOR

1 An Act relating to the disposition of certain former school
2 district funds by the director of the department of
3 education and including effective date, validation, and
4 retroactive applicability provisions.
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 5375HH (9) 83
kh/sc



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House File 2254 - Introduced continued

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1 1 Section 1. DEPARTMENT OF EDUCATION == AUTHORIZING FUND
1 2 TRANSFERS == VALIDATION AND RETROACTIVE APPLICABILITY.
1 3 1. a. Notwithstanding any other statute or rule of law
1 4 to the contrary, if a school district whose accreditation was
1 5 removed by action of the state board of education effective
1 6 July 1, 2008, had a negative fund balance in its general fund
1 7 at the end of the school budget year beginning July 1, 2007,
1 8 the director of the department of education is authorized
1 9 to and shall approve by August 1, 2010, the transfer of any
1 10 positive balance from one or more funds of the school district
1 11 to the school district's general fund for the school budget
1 12 year beginning July 1, 2007, and the transfer made is hereby
1 13 validated and to that extent, this Act applies retroactively to
1 14 July 1, 2007.
1 15 b. On the date on which the director of the department
1 16 of education approves the transfer of funds pursuant to this
1 17 subsection, the department shall provide notice of the approval
1 18 of the funds transferred pursuant to this subsection to the
1 19 boards of directors of the school districts to which the former
1 20 school district's territory was merged and shall transmit to
1 21 the state board of education a record of the approval of the
1 22 funds transferred pursuant to this subsection.
1 23 2. The board of directors of a school district to which the
1 24 former school district's territory was merged shall be exempted
1 25 from any liability resulting from the action taken by the
1 26 director of the department of education pursuant to subsection
1 27 1 if the school board, within 30 days of the date on which the
1 28 director of the department of education took action pursuant to
1 29 subsection 1, adopts a resolution to accept the action taken by
1 30 the director pursuant to subsection 1.
1 31 Sec. 2. EFFECTIVE UPON ENACTMENT. This Act, being deemed of
1 32 immediate importance, takes effect upon enactment.
1 33 EXPLANATION
1 34 This bill provides that if a school district whose
1 35 accreditation was removed by action of the state board of



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2 1 education effective July 1, 2008, had a negative fund balance
2 2 in its general fund at the time its accreditation was removed,
2 3 the director of the department of education is authorized
2 4 to and shall by August 1, 2010, approve the transfer of any
2 5 positive balance from one or more funds of the school district
2 6 to the school district's general fund. The board of directors
2 7 of a school district to which the former school district's
2 8 territory was merged is exempt from any liability resulting
2 9 from the transfer if the school board, within 30 days of the
2 10 date the director takes action to transfer the funds, adopts a
2 11 resolution to accept the action taken by the director.
2 12 On the date on which the director approves the transfer of
2 13 funds, the department must provide notice of the director's
2 14 approval of the funds transfer to the affected school boards
2 15 and shall transmit to the state board of education a record of
2 16 the director's approval of the funds transfer.
2 17 The bill takes effect upon enactment.

LSB 5375HH (9) 83

kh/sc



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House File 2255 - Introduced

HOUSE FILE

BY BAUDLER, ZIRKELBACH,
HORBACH, DRAKE,
REICHERT, HELLAND,
SCHULTE, S. OLSON,
TJEPKES, ARNOLD,
WATTS, ROBERTS,
FORRISTALL, VAN
ENGELLENHOVEN,
CHAMBERS, HUSEMAN,
WORTHAN, DOLECHECK,
GRASSLEY, L. MILLER,
DEYOE, REASONER,
SODERBERG, BELL,
GAYMAN, MERTZ, BAILEY,
MAREK, QUIRK, HANSON,
HUSER, SWAIM, THOMAS,
FORD, SHOMSHOR,
PALMER, TYMESON,
RAYHONS, DE BOEF,
PAULSEN, KAUFMANN,
LYKAM, UPMEYER, and R.
OLSON

A BILL FOR

1 An Act relating to permits to carry weapons and permits to
2 acquire pistols and revolvers including the dissemination of
3 information relating to persons suffering from mental and
4 substance abuse health-related disorders and the possession
5 of firearms and providing penalties.

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

TL5B 5227YH (21) 83

rh/rj



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1 1 Section 1. Section 22.7, Code Supplement 2009, is amended by
1 2 adding the following new subsection:

1 3 NEW SUBSECTION. 65. Personally identifiable information
1 4 relating to applicants or holders of nonprofessional permits
1 5 to carry weapons and permits to acquire pistols and revolvers
1 6 pursuant to chapter 724. Such information shall include but
1 7 not be limited to the name, social security number, date of
1 8 birth, driver's license or other identification number, and
1 9 residential or business address of the applicant or permit
1 10 holder. This subsection does not apply to aggregate data
1 11 collected by the department relating to the issuance, denial,
1 12 revocation, and administration of such permits provided that
1 13 the release of such information does not reveal the identity of
1 14 any applicant or permit holder.

1 15 Sec. 2. Section 229.24, subsection 1, Code 2009, is amended
1 16 to read as follows:

1 17 1. All papers and records pertaining to any involuntary
1 18 hospitalization or application for involuntary hospitalization
1 19 of any person under this chapter, whether part of the permanent
1 20 record of the court or of a file in the department of human
1 21 services, are subject to inspection only upon an order of the
1 22 court for good cause shown. ~~Nothing in this section shall~~
~~1 23 prohibit a hospital from complying with the requirements~~
~~1 24 of this chapter and of chapter 230 relative to financial~~
~~1 25 responsibility for the cost of care and treatment provided~~
~~1 26 a patient in that hospital, nor from properly billing any~~
~~1 27 responsible relative or third-party payer for such care and~~
~~1 28 treatment.~~

1 29 Sec. 3. Section 229.24, Code 2009, is amended by adding the
1 30 following new subsection:

1 31 NEW SUBSECTION. 4. This section shall not prohibit any of
1 32 the following:

1 33 a. A hospital from complying with the requirements of this
1 34 chapter and of chapter 230 relative to financial responsibility
1 35 for the cost of care and treatment provided a patient in that



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2 1 hospital or from properly billing any responsible relative or
2 2 third-party payer for such care or treatment.
2 3 b. A court or the department of public safety from
2 4 forwarding to the federal bureau of investigation a copy of
2 5 an order issued under section 724.31, for the sole purpose
2 6 of updating the national instant criminal background system
2 7 database maintained by the federal bureau of investigation.
2 8 Sec. 4. NEW SECTION. 724.4C Possession or carrying of
2 9 firearms while under the influence.
2 10 1. Except as otherwise provided in this section, a
2 11 person under the influence of alcohol or an illegally used
2 12 or possessed controlled substance who knowingly possesses or
2 13 carries a loaded firearm on or about the person or within the
2 14 person's immediate access and control while in a vehicle,
2 15 commits a serious misdemeanor.
2 16 2. If a person who is arrested pursuant to this section
2 17 has a permit to carry weapons issued pursuant to section 724.6
2 18 or 724.7, the issuing officer may suspend such permit pursuant
2 19 to section 724.13. The issuing officer may revoke such permit
2 20 pursuant to section 724.13 upon a conviction pursuant to this
2 21 section.
2 22 3. This section shall not apply to any of the following:
2 23 a. A person who possesses or carries a firearm while in the
2 24 person's own dwelling or place of business or on land owned or
2 25 possessed by the person.
2 26 b. The transitory possession or use of a firearm during
2 27 an act committed in self-defense or in defense of another
2 28 person or any other act committed if legally justified or
2 29 excused, provided such possession or use lasts no longer than
2 30 is immediately necessary.
2 31 Sec. 5. Section 724.7, Code 2009, is amended to read as
2 32 follows:
2 33 724.7 Nonprofessional permit to carry weapons.
2 34 Any person who ~~can reasonably justify going armed~~ may is
2 35 not disqualified under section 724.8, who satisfies the



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3 1 training requirements of section 724.9, and who files an
3 2 application in accordance with section 724.10 shall be issued a
3 3 nonprofessional permit to carry weapons. Such permits shall
3 4 be on a form prescribed and published by the commissioner of
3 5 public safety, which shall be readily distinguishable from the
3 6 professional permit, and shall identify the holder thereof, and
~~3 7 state the reason for the issuance of the permit, and the limits~~
~~3 8 of the authority granted by such permit of the permit. All~~
~~3 9 permits so issued shall be for a definite period as established~~
~~3 10 by the issuing officer, but in no event shall exceed a period~~
3 11 of ~~twelve months~~ five years and shall be valid throughout the
3 12 state except where the possession or carrying of a firearm is
3 13 prohibited by state or federal law.

3 14 Sec. 6. Section 724.8, Code 2009, is amended to read as
3 15 follows:

3 16 724.8 Persons eligible for permit to carry weapons.

3 17 ~~No person shall be issued a~~ professional or nonprofessional
3 18 permit to carry weapons ~~unless~~ shall be issued to a person who
3 19 is subject to any of the following:

3 20 1. ~~The person is~~ Is less than eighteen years of age ~~or~~
~~3 21 older for a professional permit or less than twenty-one years~~
3 22 of age for a nonprofessional permit.

3 23 2. ~~The person has never been convicted of a felony.~~

3 24 3. ~~The person is not addicted to the use of alcohol or any~~
~~3 25 controlled substance.~~

3 26 4. ~~The person has no history of repeated acts of violence.~~

3 27 5. ~~The issuing officer reasonably determines that the~~
~~3 28 applicant does not constitute a danger to any person.~~

3 29 2. Is subject to the provisions of section 724.26.

3 30 ~~6. 3. The person has never~~ Has, within the previous three
3 31 years, been convicted of any ~~crime~~ serious or aggravated
3 32 misdemeanor defined in chapter 708, ~~except "assault" as defined~~
~~3 33 in section 708.1 and "harassment" as defined in section 708.7.~~

3 34 4. Has been convicted in any court of a crime punishable
3 35 by imprisonment for a term exceeding one year as defined in 18



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4 1 U.S.C. { 921(a)(20), pursuant to 18 U.S.C. { 922(d)(1) or 18
4 2 U.S.C. { 922(g)(1).
4 3 5. Is a fugitive from justice as defined in 18 U.S.C. {
4 4 921(a)(15), pursuant to 18 U.S.C. { 922(d)(2) or 18 U.S.C. {
4 5 922(g)(2).
4 6 6. Is an unlawful user of or addicted to any controlled
4 7 substance pursuant to 18 U.S.C. { 922(d)(3) or 18 U.S.C. {
4 8 922(g)(3).
4 9 7. Has been adjudicated seriously mentally impaired or been
4 10 committed to a mental institution for purposes of 18 U.S.C. {
4 11 922(d)(4) or 18 U.S.C. { 922(g)(4).
4 12 8. Is an alien illegally or unlawfully in the United States
4 13 or admitted to the United States under a nonimmigrant visa,
4 14 as those terms are used in 18 U.S.C. { 922(d)(5), 18 U.S.C. {
4 15 922(g)(5), or 18 U.S.C. { 922(y).
4 16 9. Has been discharged from the armed forces under
4 17 dishonorable conditions pursuant to 18 U.S.C. { 922(d)(6) or
4 18 18 U.S.C. { 922(g)(6).
4 19 10. Has renounced the person's United States citizenship
4 20 pursuant to 18 U.S.C. { 922(d)(7) or 18 U.S.C. { 922(g)(7).
4 21 11. Is subject to a court order that restrains such person
4 22 from harassing, stalking, or threatening an intimate partner
4 23 or any child of the intimate partner, as defined in 18 U.S.C. {
4 24 921(a)(32), pursuant to 18 U.S.C. { 922(d)(8) or 18 U.S.C. {
4 25 922(g)(8).
4 26 12. Has been convicted of a misdemeanor crime of domestic
4 27 violence as defined in 18 U.S.C. { 921(a)(33), pursuant to 18
4 28 U.S.C. { 922(d)(9) or 18 U.S.C. { 922(g)(9).
4 29 13. Is under indictment for a crime punishable by
4 30 imprisonment for a term exceeding one year as defined in 18
4 31 U.S.C. { 921(a)(20), pursuant to 18 U.S.C. { 922(n).
4 32 Sec. 7. Section 724.9, Code 2009, is amended by striking the
4 33 section and inserting in lieu thereof the following:
4 34 724.9 Firearm training program.
4 35 1. An applicant shall demonstrate knowledge of firearm



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- 5 1 safety by any of the following means:
- 5 2 a. Completion of any national rifle association firearms
5 3 safety or firearms training course.
- 5 4 b. Completion of any firearms safety or firearms training
5 5 course available to the general public offered by a law
5 6 enforcement agency, community college, college, private or
5 7 public institution or organization, or firearms training
5 8 school utilizing instructors certified by the national rifle
5 9 association or the department of public safety or another
5 10 state's department of public safety, state police department,
5 11 or similar certifying body.
- 5 12 c. Completion of any law enforcement firearms safety or
5 13 firearms training course or class offered for security guards,
5 14 investigators, special deputies, or any division or subdivision
5 15 of a law enforcement or security enforcement agency.
- 5 16 d. Evidence of equivalent experience with a firearm through
5 17 participation in any organized shooting competition.
- 5 18 e. Completion of small arms training while serving with the
5 19 armed forces of the United States as evidenced by any of the
5 20 following:
- 5 21 (1) For personnel released or retired from active duty,
5 22 possession of an honorable discharge or general discharge under
5 23 honorable conditions.
- 5 24 (2) For personnel on active duty or serving in one of the
5 25 national guard or reserve components of the armed forces of the
5 26 United States, possession of a certificate of completion of
5 27 basic training with a service record of successful completion
5 28 of small arms training and qualification.
- 5 29 f. Previously having held a license to carry a firearm in
5 30 this state, any political subdivision of this state, or in a
5 31 state recognized under section 724.11A, unless such license was
5 32 revoked for cause.
- 5 33 g. Completion of a law enforcement agency firearms training
5 34 course that qualifies a peace officer to carry a firearm in the
5 35 normal course of the peace officer's duties.



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6 1 2. Evidence of qualification under this section may be
6 2 documented by any of the following:
6 3 a. A photocopy of a certificate of completion or any
6 4 similar document indicating completion of any course or class
6 5 identified in subsection 1.
6 6 b. An affidavit from the instructor, school, organization,
6 7 or group that conducted or taught a course or class identified
6 8 in subsection 1 attesting to the completion of the course or
6 9 class by the applicant.
6 10 c. A copy of any document indicating participation in any
6 11 firearms shooting competition.
6 12 d. A copy of a license described in subsection 1, paragraph
6 13 "f".
6 14 3. An issuing officer shall not condition the issuance of a
6 15 permit on training requirements that are not specified in or
6 16 that exceed the requirements of this section.
6 17 Sec. 8. Section 724.10, Code 2009, is amended to read as
6 18 follows:
6 19 724.10 Application for permit to carry weapons == ~~criminal~~
~~6 20 history background~~ check required.
6 21 1. A person shall not be issued a permit to carry weapons
6 22 unless the person has completed and signed an application on
6 23 a form to be prescribed and published by the commissioner of
6 24 public safety. The application shall ~~state~~ require only the
6 25 full name, driver's license or nonoperator's identification
6 26 card number, residence, place of birth, and age of the
6 27 applicant, and shall state whether the applicant ~~has ever~~
~~6 28 been convicted of a felony, whether the person is addicted to~~
~~6 29 the use of alcohol or any controlled substance, and whether~~
~~6 30 the person has any history of mental illness or repeated~~
~~6 31 acts of violence~~ meets the criteria specified in sections
6 32 724.8 and 724.9. An applicant may provide the applicant's
6 33 social security number if the applicant so chooses. The
6 34 applicant shall also display an identification card that bears
6 35 a distinguishing number assigned to the cardholder, the full



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7 1 name, date of birth, sex, residence address, and a brief
7 2 description and colored photograph of the cardholder.
7 3 2. The sheriff issuing officer, upon receipt of an
7 4 initial or renewal application under this section, shall
7 5 conduct immediately conduct a criminal history background check
7 6 concerning each applicant by obtaining criminal history data
7 7 from the department of public safety which shall include an
7 8 inquiry of the national instant criminal background system
7 9 maintained by the federal bureau of investigation or any
7 10 successor agency.
7 11 3. A person who knowingly makes a false statement of
7 12 material fact on the an application submitted under this
7 13 section or who knowingly submits any materially falsified or
7 14 forged document in connection with such application commits a
7 15 class "D" felony an aggravated misdemeanor.
7 16 Sec. 9. Section 724.11, Code 2009, is amended to read as
7 17 follows:
7 18 724.11 Issuance of permit to carry weapons.
7 19 1. Applications for permits to carry weapons shall be made
7 20 to the sheriff of the county in which the applicant resides.
7 21 Applications from persons who are nonresidents of the state,
7 22 or whose need to go armed arises out of employment by the
7 23 state, shall be made to the commissioner of public safety. In
7 24 either case, the issuance of the permit shall be by and at the
7 25 discretion of the sheriff or commissioner, who shall, before
7 26 issuing the permit, shall determine that the requirements of
7 27 sections 724.6 to 724.10 have been satisfied. However, the
7 28 training program requirements in section 724.9 may shall be
7 29 waived for renewal permits.
7 30 2. The issuing officer shall collect a fee of ten dollars,
7 31 except from a duly appointed peace officer or correctional
7 32 officer, for each permit issued. Renewal permits or duplicate
7 33 permits shall be issued for a fee of five dollars, provided the
7 34 application for such renewal permit is received by the issuing
7 35 officer at least thirty days prior to the expiration of the



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8 1 applicant's current permit. The issuing officer shall notify
8 2 the commissioner of public safety of the issuance of any permit
8 3 at least monthly and forward to the commissioner an amount
8 4 equal to two dollars for each permit issued and one dollar
8 5 for each renewal or duplicate permit issued. All such fees
8 6 received by the commissioner shall be paid to the treasurer of
8 7 state and deposited in the operating account of the department
8 8 of public safety to offset the cost of administering this
8 9 chapter. ~~Any~~ Notwithstanding section 8.33, any unspent balance
8 10 as of June 30 of each year shall revert to the general fund ~~as~~
~~8 11 provided by section 8.33 of the state.~~

8 12 3. The sheriff or commissioner of public safety shall
8 13 approve or deny an initial or renewal application submitted
8 14 under this section within thirty days of receipt of the
8 15 application. If the issuing officer has not received a
8 16 response to an information request necessary to determine the
8 17 applicant's eligibility at the end of the thirty-day period
8 18 and the applicant is not otherwise disqualified, the issuing
8 19 officer shall issue a conditional permit to the applicant.
8 20 The conditional permit shall be readily distinguishable in
8 21 appearance from a five-year permit and shall be immediately
8 22 revoked if the information subsequently received indicates the
8 23 applicant is ineligible for a permit and the application is
8 24 denied. A person whose application for a permit under this
8 25 chapter is denied may seek review of the denial under section
8 26 724.21A.

8 27 Sec. 10. NEW SECTION. 724.11A Reciprocity.

8 28 1. The commissioner of public safety shall compare the
8 29 provisions of sections 724.7 and 724.8 with similar statutes of
8 30 other states to determine whether such state's laws are similar
8 31 to or exceed the requirements of sections 724.7 and 724.8.
8 32 The commissioner shall seek a reciprocity agreement with each
8 33 state whose laws are similar to or exceed the requirements of
8 34 sections 724.7 and 724.8.

8 35 2. A valid nonprofessional permit or license to carry



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9 1 weapons recognized in this state pursuant to subsection 1 shall
9 2 have the same legal effect as a nonprofessional permit to carry
9 3 weapons issued under this chapter, except that such permit
9 4 shall not be considered to be a substitute for an annual permit
9 5 to acquire weapons issued pursuant to section 724.15.

9 6 Sec. 11. Section 724.13, Code 2009, is amended by striking
9 7 the section and inserting in lieu thereof the following:

9 8 724.13 Suspension or revocation of permit to carry weapons.

9 9 An issuing officer who finds that a person issued a permit
9 10 to carry weapons under this chapter has been arrested for a
9 11 disqualifying offense or is the subject of proceedings that
9 12 could lead to the person's ineligibility for such permit may
9 13 immediately suspend such permit. An issuing officer proceeding
9 14 under this section shall immediately notify the permit holder
9 15 of the suspension by personal service or certified mail on a
9 16 form prescribed and published by the commissioner of public
9 17 safety and the suspension shall become effective upon the
9 18 permit holder's receipt of such notice. If the suspension is
9 19 based on an arrest or a proceeding that does not result in a
9 20 disqualifying conviction or finding against the permit holder,
9 21 the issuing officer shall immediately reinstate the permit upon
9 22 receipt of proof of the matter's final disposition. If the
9 23 arrest leads to a disqualifying conviction or the proceedings
9 24 to a disqualifying finding, the issuing officer shall revoke
9 25 the permit. The issuing officer may also revoke the permit of
9 26 a person whom the issuing officer later finds was not qualified
9 27 for such a permit at the time of issuance or who the officer
9 28 finds provided materially false information on the permit
9 29 application. A person aggrieved by a suspension or revocation
9 30 under this section may seek review of the decision pursuant
9 31 to section 724.21A.

9 32 Sec. 12. Section 724.15, Code 2009, is amended to read as
9 33 follows:

9 34 724.15 Annual permit to acquire pistols or revolvers.

9 35 1. Any person who ~~acquires~~ desires to acquire ownership of



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10 1 any pistol or revolver shall first obtain an annual permit.
10 2 An annual permit shall ~~not~~ be issued upon request to any
10 3 ~~person~~ resident of this state unless the person is subject to
10 4 any of the following:
10 5 a. ~~The person is~~ Is less than twenty-one years of age ~~or~~
~~10 6 older.~~
10 7 b. ~~The person has never been convicted of a felony.~~
10 8 c. ~~The person is not addicted to the use of alcohol or a~~
~~10 9 controlled substance.~~
10 10 d. ~~The person has no history of repeated acts of violence.~~
10 11 e. ~~The person has never been convicted of a crime defined in~~
~~10 12 chapter 708, except "assault" as defined in section 708.1 and~~
~~10 13 "harassment" as defined in section 708.7.~~
10 14 f. ~~The person has never been adjudged mentally incompetent.~~
10 15 b. Is subject to the provisions of section 724.26.
10 16 c. Has been convicted in any court of a crime punishable
10 17 by imprisonment for a term exceeding one year as defined in 18
10 18 U.S.C. { 921(a)(20), pursuant to 18 U.S.C. { 922(d)(1) or 18
10 19 U.S.C. { 922(g)(1).
10 20 d. Is a fugitive from justice as defined in 18 U.S.C. {
10 21 921(a)(15), pursuant to 18 U.S.C. { 922(d)(2) or 18 U.S.C. {
10 22 922(g)(2).
10 23 e. Is an unlawful user of or addicted to any controlled
10 24 substance pursuant to 18 U.S.C. { 922(d)(3) or 18 U.S.C. {
10 25 922(g)(3).
10 26 f. Has been adjudicated seriously mentally impaired or been
10 27 committed to a mental institution for purposes of 18 U.S.C. {
10 28 922(d)(4) or 18 U.S.C. { 922(g)(4).
10 29 g. Is an alien illegally or unlawfully in the United States
10 30 or admitted to the United States under a nonimmigrant visa,
10 31 as those terms are used in 18 U.S.C. { 922(d)(5), 18 U.S.C. {
10 32 922(g)(5), or 18 U.S.C. { 922(y).
10 33 h. Has been discharged from the armed forces under
10 34 dishonorable conditions pursuant to 18 U.S.C. { 922(d)(6) or
10 35 18 U.S.C. { 922(g)(6).



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11 1 i. Has renounced the person's United States citizenship
11 2 pursuant to 18 U.S.C. { 922(d)(7) or 18 U.S.C. { 922(g)(7).
11 3 j. Is subject to a court order that restrains such person
11 4 from harassing, stalking, or threatening an intimate partner
11 5 or any child of the intimate partner as defined in 18 U.S.C. {
11 6 921(a)(32), pursuant to 18 U.S.C. { 922(d)(8) or 18 U.S.C. {
11 7 922(g)(8).
11 8 k. Has been convicted of a misdemeanor crime of domestic
11 9 violence as defined in 18 U.S.C. { 921(a)(33), pursuant to 18
11 10 U.S.C. { 922(d)(9) or 18 U.S.C. { 922(g)(9).
11 11 l. Is under indictment for a crime punishable by
11 12 imprisonment for a term exceeding one year as defined in 18
11 13 U.S.C. { 921(a)(20), pursuant to 18 U.S.C. { 922(n).
11 14 2. Any person who acquires ownership of a pistol or revolver
11 15 shall not be required to obtain an annual permit if any of the
11 16 following apply:
11 17 a. The person transferring the pistol or revolver and the
11 18 person acquiring the pistol or revolver are licensed firearms
11 19 dealers under federal law~~+~~.
11 20 b. The pistol or revolver acquired is an antique firearm, a
11 21 collector's item, a device which is not designed or redesigned
11 22 for use as a weapon, a device which is designed solely for use
11 23 as a signaling, pyrotechnic, line-throwing, safety, or similar
11 24 device, or a firearm which is unserviceable by reason of being
11 25 unable to discharge a shot by means of an explosive and is
11 26 incapable of being readily restored to a firing condition;~~or.~~
11 27 c. The person acquiring the pistol or revolver is authorized
11 28 to do so on behalf of a law enforcement agency.
11 29 d. The person has obtained a valid permit to carry weapons,
11 30 as provided in section 724.11.
11 31 e. The person transferring the pistol or revolver and the
11 32 person acquiring the pistol or revolver are related to one
11 33 another within the second degree of consanguinity or affinity
11 34 unless the person transferring the pistol or revolver knows
11 35 that the person acquiring the pistol or revolver would be



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12 1 ~~ineligible to obtain~~ disqualified from obtaining a permit.
12 2 3. The annual permit to acquire pistols or revolvers shall
12 3 authorize the permit holder to acquire one or more pistols or
12 4 revolvers during the period that the permit remains valid. ~~If~~
12 5 ~~the issuing officer determines that the applicant has become~~
12 6 ~~disqualified under the provisions of subsection 1, the issuing~~
12 7 ~~officer may immediately invalidate the permit.~~
12 8 4. An issuing officer who finds that a person issued a
12 9 permit to acquire pistols or revolvers under this chapter
12 10 has been arrested for a disqualifying offense or who is
12 11 the subject of proceedings that could lead to the person's
12 12 ineligibility for such permit may immediately suspend such
12 13 permit. An issuing officer proceeding under this subsection
12 14 shall immediately notify the permit holder of the suspension
12 15 by personal service or certified mail on a form prescribed
12 16 and published by the commissioner of public safety and the
12 17 suspension shall become effective upon the permit holder's
12 18 receipt of such notice. If the suspension is based on an
12 19 arrest or a proceeding that does not result in a disqualifying
12 20 conviction or finding against the permit holder, the
12 21 commissioner shall immediately reinstate the permit upon
12 22 receipt of proof of the matter's final disposition. If the
12 23 arrest leads to a disqualifying conviction or the proceedings
12 24 to a disqualifying finding, the issuing officer shall revoke
12 25 the permit. The issuing officer may also revoke the permit of
12 26 a person whom the issuing officer later finds was not qualified
12 27 for such a permit at the time of issuance or who the officer
12 28 finds provided materially false information on the permit
12 29 application. A person aggrieved by a suspension or revocation
12 30 under this subsection may seek review of the decision, pursuant
12 31 to section 724.21A.
12 32 Sec. 13. Section 724.17, Code 2009, is amended to read as
12 33 follows:
12 34 724.17 Application for annual permit to acquire == criminal
12 35 history check required.



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13 1 The application for an annual permit to acquire pistols
13 2 or revolvers may be made to the sheriff of the county of
13 3 the applicant's residence and shall be on a form prescribed
13 4 and published by the commissioner of public safety. The
13 5 application shall ~~state~~ require only the full name of the
13 6 applicant, the driver's license or nonoperator's identification
13 7 card number of the applicant, the residence of the applicant,
13 8 and the age and place of birth of the applicant. The
13 9 applicant shall also display an identification card that
13 10 bears a distinguishing number assigned to the cardholder,
13 11 the full name, date of birth, sex, residence address, and
13 12 brief description and colored photograph of the cardholder, or
13 13 other identification as specified by rule of the department
13 14 of public safety. The sheriff shall conduct a criminal
13 15 history check concerning each applicant by obtaining criminal
13 16 history data from the department of public safety which shall
13 17 include an inquiry of the national instant criminal background
13 18 system maintained by the federal bureau of investigation or
13 19 any successor agency. A person who knowingly makes a false
13 20 statement of material fact on the application commits a class
13 21 "D" felony. A person who knowingly makes a false statement
13 22 of material fact on an application submitted under this
13 23 section or who knowingly submits any materially falsified or
13 24 forged document in connection with such application commits an
13 25 aggravated misdemeanor.
13 26 Sec. 14. NEW SECTION. 724.21A Hearing on denial,
13 27 suspension, or revocation of permit to carry weapons and permits
13 28 to acquire pistols or revolvers.
13 29 1. In any case where the sheriff or the commissioner of
13 30 public safety denies an application for or suspends or revokes
13 31 a permit to carry weapons or an annual permit to acquire
13 32 pistols or revolvers, the applicant or permit holder shall have
13 33 the right to appeal the denial, suspension, or revocation of
13 34 the permit to an administrative law judge in the department of
13 35 inspections and appeals within thirty days of receiving written



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14 1 notice of the denial, suspension, or revocation.

14 2 2. The applicant or permit holder may file an appeal with
14 3 an administrative law judge by filing a copy of the denial,
14 4 suspension, or revocation notice with a written statement that
14 5 clearly states the applicant's reasons rebutting the denial,
14 6 suspension, or revocation along with a fee of ten dollars.
14 7 Additional supporting information relevant to the proceedings
14 8 may also be included.

14 9 3. The administrative law judge shall grant an aggrieved
14 10 applicant an opportunity to be heard within forty-five days
14 11 of receipt of the request for an appeal. The hearing may be
14 12 held by telephone or video conference at the discretion of the
14 13 administrative law judge. The administrative law judge shall
14 14 receive witness testimony and other evidence relevant to the
14 15 proceedings at the hearing.

14 16 4. Upon conclusion of the hearing, the administrative law
14 17 judge shall order that the denial, suspension, or revocation
14 18 of the permit be either rescinded or sustained. An applicant,
14 19 permit holder, or issuing officer aggrieved by the final
14 20 judgment of the administrative law judge shall have the right
14 21 to judicial review in accordance with the terms of the Iowa
14 22 administrative procedure Act, chapter 17A.

14 23 Sec. 15. Section 724.23, Code 2009, is amended to read as
14 24 follows:

14 25 724.23 Records kept by commissioner.

14 26 The commissioner of public safety shall maintain a permanent
14 27 record of all valid permits to carry weapons and of current
14 28 permit revocations. Information that would personally identify
14 29 applicants or holders of nonprofessional permits to carry
14 30 weapons or permits to acquire pistols or revolvers including
14 31 but not limited to the person's name, social security number,
14 32 date of birth, driver's license or other identification number,
14 33 and residential or business address shall be kept confidential
14 34 pursuant to section 22.7.

14 35 Sec. 16. Section 724.25, subsection 1, Code 2009, is amended



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15 1 to read as follows:

15 2 1. As used in ~~sections 724.8, subsection 2, and section~~
15 3 724.26, the word "felony" means any offense punishable in the
15 4 jurisdiction where it occurred by imprisonment for a term
15 5 exceeding one year, but does not include any offense, other
15 6 than an offense involving a firearm or explosive, classified as
15 7 a misdemeanor under the laws of the state and punishable by a
15 8 term of imprisonment of two years or less.

15 9 Sec. 17. Section 724.27, Code 2009, is amended to read as
15 10 follows:

15 11 724.27 Offenders' rights restored.

15 12 1. The provisions of section 724.8, ~~subsection 2, section~~
15 13 724.15, subsection 1, ~~paragraphs "b" and "c", and section~~
15 14 724.26 shall not apply to a person who is eligible to have
15 15 the person's civil rights regarding firearms restored under
15 16 section 914.7 ~~and who is pardoned or has had the person's civil~~
~~15 17 rights restored by the President of the United States or the~~
~~15 18 chief executive of a state and who is expressly authorized by~~
~~15 19 the President of the United States or such chief executive~~
~~15 20 to receive, transport, or possess firearms or destructive~~
~~15 21 devices. if any of the following occur:~~

15 22 a. The person is pardoned by the President of the United
15 23 States or the chief executive of a state for a disqualifying
15 24 conviction.

15 25 b. The person's civil rights have been restored after a
15 26 disqualifying conviction, commitment, or adjudication.

15 27 c. The person's conviction for a disqualifying offense has
15 28 been expunged.

15 29 2. Subsection 1 shall not apply to a person whose pardon,
15 30 restoration of civil rights, or expungement of conviction
15 31 expressly forbids the person to receive, transport, or possess
15 32 firearms or destructive devices.

15 33 Sec. 18. NEW SECTION. 724.31 Persons subject to mental and
15 34 substance abuse health-related orders, commitments, or findings ==
15 35 disabilities == restoration of rights == reports.



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16 1 1. Subsequent to the issuance of a court order listed in
16 2 subsection 2, a court shall make a finding as to whether the
16 3 person who is the subject of the order is a person to whom the
16 4 provisions of 18 U.S.C. { 922(d)(4) or 18 U.S.C. { 922(g)(4)
16 5 apply, and if so, shall inform the person of the applicable
16 6 prohibitions and shall order the person not to ship, possess,
16 7 receive, or transport or cause the transport of firearms or
16 8 ammunition. The court shall also order the person to make
16 9 immediate arrangements for the disposition of any firearms or
16 10 ammunition owned or possessed by the person. If the person
16 11 is unable to make lawful disposition by other means, the
16 12 department of public safety may take custody of any firearms
16 13 or ammunition owned or possessed by the person for such time
16 14 as the order issued in subsection 2 remains in effect. The
16 15 clerk of the district court shall forward a copy of the
16 16 prohibition order to the department of public safety which in
16 17 turn shall forward a copy of the order to the federal bureau
16 18 of investigation or its successor agency for inclusion in the
16 19 national instant criminal background check system database.
16 20 2. A court order that does any of the following is subject
16 21 to this section:
16 22 a. Orders commitment or treatment pursuant to section
16 23 125.84.
16 24 b. Orders commitment pursuant to section 222.31.
16 25 c. Orders commitment or treatment pursuant to section
16 26 229.14.
16 27 d. Appoints a guardian or conservator pursuant to section
16 28 231E.6.
16 29 e. Grants a petition filed pursuant to section 597.6.
16 30 f. Issues an order pursuant to section 633.244.
16 31 g. Appoints a guardian pursuant to section 633.556.
16 32 h. Finds a defendant incompetent to stand trial pursuant to
16 33 section 812.5.
16 34 3. a. A person who is the subject of a court order listed
16 35 in subsection 2 may petition the court that issued the order



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17 1 or the court in the county where the person resides to cancel
17 2 the order and to restore the person's right to ship, possess,
17 3 receive, or transport or cause the transport of firearms or
17 4 ammunition. A copy of the petition shall also be served on
17 5 the director of human services and the county attorney at the
17 6 county attorney's office of the county in which the original
17 7 order, commitment, or finding occurred and the director or the
17 8 county attorney may appear, support, object to, and present
17 9 evidence relevant to the relief sought by the petitioner. A
17 10 court considering a petition under this section shall receive
17 11 evidence concerning all of the following:

17 12 (1) The circumstances surrounding the original issuance of
17 13 the prohibition and disposition order pursuant to subsection 1.
17 14 (2) The petitioner's mental health and criminal history.
17 15 (3) The petitioner's reputation and character.
17 16 (4) Any changes in the petitioner's condition or
17 17 circumstances since the order of prohibition relevant to the
17 18 relief sought.

17 19 b. The court shall grant a petition filed pursuant to
17 20 paragraph "a" if the court finds by a preponderance of the
17 21 evidence that the petitioner will not be likely to act in a
17 22 manner dangerous to the public safety and that the granting
17 23 of the relief would not be contrary to the public interest.
17 24 The petitioner may appeal a denial of the requested relief and
17 25 the review shall be de novo. A person may file a petition
17 26 for relief under this subsection not more than once every two
17 27 years.

17 28 c. If a court issues an order granting a petition for relief
17 29 under paragraph "b", the clerk of the district court shall
17 30 immediately forward a copy of the order to the department of
17 31 public safety which, upon receipt, shall immediately forward a
17 32 copy of the order to the federal bureau of investigation or its
17 33 successor agency for inclusion in the national instant criminal
17 34 background check system database.



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18 1 EXPLANATION
18 2 This bill relates to permits to carry weapons and permits
18 3 to acquire pistols and revolvers including the dissemination
18 4 of information relating to persons suffering from mental and
18 5 substance abuse health-related disorders and the possession of
18 6 firearms.
18 7 PERSONALLY IDENTIFIABLE INFORMATION == PERMITS TO CARRY
18 8 WEAPONS AND PERMITS TO ACQUIRE PISTOLS AND REVOLVERS. The
18 9 bill adds a provision in Code section 22.7 making personally
18 10 identifiable information of applicants or holders of
18 11 nonprofessional permits to carry weapons and annual permits to
18 12 acquire pistols or revolvers in Code chapter 724 confidential
18 13 unless otherwise ordered by a court, by the lawful custodian of
18 14 the records, or by another person duly authorized to release
18 15 such information. Such information includes but is not limited
18 16 to the name, social security number or other identification
18 17 number, date of birth, and residential or business address of
18 18 the applicant or permit holder. This provision does not apply
18 19 to aggregate data collected by the department of public safety
18 20 relating to the issuance, denial, revocation, or administration
18 21 of such permits, provided applicant or holder identities are
18 22 not revealed. The bill makes a corresponding amendment to Code
18 23 section 724.23 relating to records of permits to carry weapons
18 24 including permit revocations maintained by the commissioner of
18 25 public safety.
18 26 CONFIDENTIALITY OF RECORDS OF INVOLUNTARY HOSPITAL
18 27 PROCEEDINGS. The bill provides that although all papers and
18 28 records pertaining to any involuntary hospitalization or
18 29 application for involuntary hospitalization of any person
18 30 under Code chapter 229, whether part of the permanent record
18 31 of the court or of a file in the department of human services,
18 32 are subject to public inspection only upon an order of the
18 33 court for good cause shown, this prohibition does not prevent
18 34 a court or the department of public safety from forwarding
18 35 to the federal bureau of investigation a copy of an order



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19 1 issued by a court relating to a person who is the subject of a
19 2 mental health-related order or commitment and the possession of
19 3 firearms by such a person under new Code section 724.31 created
19 4 in the bill.

19 5 POSSESSION OR CARRYING OF FIREARMS WHILE UNDER THE
19 6 INFLUENCE. The bill creates a new crime relating to the
19 7 possession or carrying of firearms while under the influence of
19 8 alcohol or an illegally used or possessed controlled substance
19 9 and provides certain exemptions. The bill makes this crime a
19 10 serious misdemeanor. A person arrested under this provision in
19 11 the bill may have the person's nonprofessional or professional
19 12 permit to carry weapons suspended or revoked. A serious
19 13 misdemeanor is punishable by confinement for no more than one
19 14 year and a fine of at least \$315 but not more than \$1,875.

19 15 NONPROFESSIONAL PERMIT TO CARRY WEAPONS == ISSUANCE ==
19 16 RENEWAL PERMITS. The bill amends current law relating to the
19 17 issuance of nonprofessional permits to carry weapons to provide
19 18 that a person who is not subject to the disqualifying criteria
19 19 in Code section 724.8 and who meets the training requirements
19 20 of Code section 724.9, as amended in the bill, and who files
19 21 the requisite application under Code section 724.10, as amended
19 22 in the bill, shall be issued such a permit for a five-year
19 23 period. Current law provides that even if certain criteria are
19 24 met the issuing officer has the discretion to decide whether a
19 25 permit should be issued to the applicant.

19 26 The bill provides that renewal permits or duplicate permits
19 27 to carry weapons shall be issued provided the application
19 28 for such renewal permit is received by the issuing officer
19 29 at least 30 days prior to the expiration of the applicant's
19 30 current permit and the sheriff or commissioner of public
19 31 safety shall approve or deny an initial or renewal application
19 32 submitted within 30 days of receipt of the application. If the
19 33 issuing officer has not received a response to an information
19 34 request necessary to determine the applicant's eligibility at
19 35 the end of the 30-day period and the applicant is otherwise



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20 1 qualified, the issuing officer shall issue a conditional permit
20 2 to the applicant, which shall be immediately revoked if the
20 3 information subsequently received indicates the applicant is
20 4 ineligible for a permit and the application is denied. A
20 5 person whose application for a permit to carry weapons is
20 6 denied may seek judicial review of the denial under Code
20 7 chapter 17A.

20 8 FIREARMS TRAINING PROGRAM. The bill amends current law
20 9 relating to a firearms training program and requires an
20 10 applicant to demonstrate knowledge of firearm safety through
20 11 completion of certain firearms safety or firearms training
20 12 courses, evidence of equivalent experience with a firearm
20 13 through participation in an organized shooting competition,
20 14 completion of a small arms training program while serving with
20 15 the armed forces of the United States, obtaining or previously
20 16 having held a license to carry a firearm in this state or any
20 17 political subdivision unless such license has been revoked for
20 18 cause, or completion of a law enforcement firearms training
20 19 program that qualifies a peace officer to carry a firearm in
20 20 the normal course of the peace officer's duties.

20 21 BACKGROUND CHECKS. The bill amends Code section 724.10
20 22 relating to background checks of an applicant for a permit to
20 23 carry weapons. The bill requires the issuing officer, upon
20 24 receipt of an initial or renewal application for a permit
20 25 to carry weapons, to conduct a background check utilizing
20 26 any available state and federal data sources. In addition,
20 27 the bill provides that a person who knowingly gives a false
20 28 name or presents false identification or otherwise knowingly
20 29 gives false material information in connection with an
20 30 application for a permit to carry weapons commits an aggravated
20 31 misdemeanor. An aggravated misdemeanor is punishable by
20 32 confinement for no more than two years and a fine of at least
20 33 \$625 but not more than \$6,250.

20 34 RECIPROCITY. The bill creates a reciprocity provision
20 35 requiring the commissioner of public safety to compare the



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House File 2255 - Introduced continued

21 1 relevant provisions relating to the issuance of a permit to
21 2 carry weapons with similar statutes of other states in which
21 3 reciprocity is requested to determine whether such state's laws
21 4 are similar to or exceed the requirements of Iowa law. In
21 5 addition, the bill allows the commissioner of public safety to
21 6 seek a reciprocity agreement with each state whose laws are
21 7 similar to or exceed the Iowa requirements.

21 8 SUSPENSION OR REVOCATION OF PERMITS TO CARRY. The bill
21 9 amends current law relating to the revocation of permits to
21 10 carry by providing that an issuing officer who finds that
21 11 a person who has been issued a permit to carry weapons has
21 12 been arrested for a disqualifying offense or is the subject
21 13 of proceedings that could lead to the person's ineligibility
21 14 for such permit may immediately suspend such permit. If the
21 15 suspension is based on an arrest or a proceeding that does
21 16 not result in a disqualifying conviction or finding against
21 17 the permit holder, the issuing officer shall immediately
21 18 reinstate the permit upon receipt of proof of the matter's
21 19 final disposition. If the arrest leads to a disqualifying
21 20 conviction or the proceedings to a disqualifying finding, the
21 21 issuing officer shall revoke the permit. The issuing officer
21 22 may also revoke the permit of a person whom the issuing officer
21 23 later finds was not qualified for such a permit at the time of
21 24 issuance or who the officer finds provided materially false
21 25 information on the permit application. A person aggrieved by
21 26 a suspension or revocation under this Code section may seek
21 27 review of the decision pursuant to an administrative review
21 28 process under the bill.

21 29 ADMINISTRATIVE REVIEW == DENIAL, SUSPENSION, OR REVOCATION.
21 30 The bill provides an administrative review procedure in any
21 31 case where the sheriff or the commissioner of public safety
21 32 denies an application for or suspends or revokes a permit
21 33 to carry weapons or an annual permit to acquire pistols or
21 34 revolvers and provides that the applicant or permit holder
21 35 shall have the right to appeal the denial, suspension, or



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22 1 revocation of the permit to an administrative law judge in
22 2 the department of inspections and appeals within 30 days
22 3 of receiving written notice of the denial, suspension, or
22 4 revocation. The applicant or permit holder may file an
22 5 appeal with an administrative law judge by filing a copy of
22 6 the denial, suspension, or revocation notice with a written
22 7 statement that clearly states the applicant's reasons rebutting
22 8 the denial, suspension, or revocation along with a fee of \$10.
22 9 The administrative law judge shall grant an aggrieved applicant
22 10 an opportunity to be heard within 45 days of receipt of the
22 11 appeal request and the hearing may be held by telephone or
22 12 video conference at the discretion of the administrative law
22 13 judge. The administrative law judge shall receive witness
22 14 testimony and other evidence relevant to the proceedings at the
22 15 hearing. Upon conclusion of the hearing, the administrative
22 16 law judge shall order that the denial, suspension, or
22 17 revocation of the permit be either rescinded or sustained. An
22 18 applicant, permit holder, or issuing officer aggrieved by the
22 19 final judgment of the administrative law judge shall have the
22 20 right to judicial review in accordance with the terms of the
22 21 Iowa administrative procedure Act pursuant to Code chapter 17A.
22 22 PERMITS TO ACQUIRE PISTOLS OR REVOLVERS == ISSUANCE ==
22 23 PERMIT REVOCATIONS. The bill amends Code section 724.13
22 24 relating to the issuance of permits to acquire pistols or
22 25 revolvers and provides the same procedure for such permit
22 26 denials, suspensions, and revocations as previously indicated
22 27 for denials, suspensions, and revocations of permits to carry
22 28 weapons.
22 29 RESTORATION OF RIGHTS == FIREARMS. The bill makes
22 30 conforming changes relating to the restoration of the right
22 31 to possess a firearm under Code section 724.27 and provides
22 32 that a person whose pardon, restoration of civil rights, or
22 33 expungement of conviction expressly forbids the person to
22 34 receive, transport, or possess firearms is ineligible to have
22 35 the person's civil rights regarding firearms restored.



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House File 2255 - Introduced continued

23 1 PERSONS SUBJECT TO MENTAL AND SUBSTANCE ABUSE HEALTH-RELATED
23 2 ORDERS == RESTORATION OF RIGHTS == REPORTING. The bill
23 3 provides that subsequent to a court order that orders
23 4 commitment or treatment pursuant to Code section 125.84
23 5 (chemical substance abuse), Code section 222.31 (mental
23 6 retardation), or Code section 229.14 (mental health), appoints
23 7 a guardian or conservator pursuant to Code section 231E.6
23 8 (appointment of state or local substitute decision maker),
23 9 grants a petition filed pursuant to Code section 597.6
23 10 (conveyance of property due to mental illness), issues an
23 11 order pursuant to Code section 633.244 (incompetent spouse),
23 12 appoints a guardian pursuant to Code section 633.556, or
23 13 finds a defendant incompetent to stand trial pursuant to Code
23 14 section 812.5, a court shall make a finding as to whether
23 15 the person who is the subject of the order is subject to a
23 16 federal firearms prohibition under federal law (18 U.S.C. {
23 17 922(d)(4) or (g)(4)), and if so, shall inform the person of
23 18 the applicable prohibitions and shall order the person not to
23 19 possess, receive, or transport or cause to transport a firearm
23 20 or offensive weapon. The court shall also order the person to
23 21 make immediate arrangements for the disposition of any firearms
23 22 or ammunition owned or possessed by the person. If the person
23 23 is unable to make lawful disposition by other means, the
23 24 department of public safety may take custody of any firearms or
23 25 ammunition owned or possessed by the person for such time as
23 26 the order remains in effect. The clerk of the district court
23 27 shall forward a copy of the order to the department of public
23 28 safety which in turn shall forward a copy of the order to the
23 29 federal bureau of investigation or its successor agency for
23 30 inclusion in the national instant criminal background check
23 31 system database.
23 32 A person who is the subject of any of the underlying orders
23 33 may petition the court that issued the order or the court in
23 34 the county where the person resides to cancel the order and
23 35 to restore the person's right to ship, possess, receive, or



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24 1 transport or cause the transport of firearms or ammunition. A
24 2 copy of the petition shall also be served on the director of
24 3 human services and the county attorney at the county attorney's
24 4 office of the county in which the original order, commitment,
24 5 or finding occurred and the director or the county attorney may
24 6 appear, support, object to, and present evidence relevant to
24 7 the relief sought by the petitioner. The court shall grant a
24 8 petition if the court finds by a preponderance of the evidence
24 9 that the petitioner will not be likely to act in a manner
24 10 dangerous to the public safety and that the granting of the
24 11 relief would not be contrary to the public interest. The
24 12 petitioner may appeal a denial of the requested relief and the
24 13 review shall be de novo. A person may file a petition for
24 14 relief not more than once every two years. When a court issues
24 15 an order granting a petition for relief, the clerk of the
24 16 district court shall immediately forward a copy of the order
24 17 to the department of public safety which, upon receipt, shall
24 18 immediately forward a copy of the order to the federal bureau
24 19 of investigation or its successor agency for inclusion in the
24 20 national instant criminal background check system database.

LSB 5227YH (21) 83

rh/rj



Iowa General Assembly
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House File 2256 - Introduced

HOUSE FILE
BY MERTZ

A BILL FOR

1 An Act providing an appropriation to reimburse the governing
2 body of a drainage district for repairs associated with a
3 lake owned by the department of natural resources.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TL5B 5904YH (5) 83
da/nh



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House File 2256 - Introduced continued

PAG LIN

1 1 Section 1. APPROPRIATION == DRAINAGE DISTRICT
 1 2 IMPROVEMENTS. There is appropriated from the environment first
 1 3 fund created in section 8.57A to the treasurer of state for the
 1 4 fiscal year beginning July 1, 2010, and ending June 30, 2011,
 1 5 the following amount, or so much thereof as is necessary, to be
 1 6 used for the purposes designated:
 1 7 For purposes of reimbursing the governing body of a drainage
 1 8 district for costs of making repairs or other improvements to
 1 9 the drainage district:
 1 10 \$ 96,633.83
 1 11 The drainage district must be associated with a lake owned by
 1 12 the department of natural resources that is located in a county
 1 13 having a population of less than eleven thousand according to
 1 14 the 2000 certified federal census.
 1 15 EXPLANATION
 1 16 This bill appropriates moneys from the environment first
 1 17 fund to the treasurer of state for FY 2010=2011 for purposes
 1 18 of reimbursing a drainage district for costs of making repairs
 1 19 to the drainage district associated with a lake owned by the
 1 20 department of natural resources.
 LSB 5904YH (5) 83
 da/nh



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House File 2257 - Introduced

HOUSE FILE
BY ANDERSON

A BILL FOR

1 An Act relating to animal cruelty, and making penalties
2 applicable.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 5842HH (2) 83
da/nh



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House File 2257 - Introduced continued

PAG LIN

1 1 Section 1. Section 717B.1, subsection 1, paragraph b, Code
1 2 2009, is amended by striking the paragraph.

1 3 Sec. 2. Section 717B.2, subsection 5, Code 2009, is amended
1 4 to read as follows:

1 5 5. A person taking, hunting, trapping, or fishing for a
1 6 wild animal as provided in chapter 481A, provided that the
1 7 person acts in a manner consistent with customary practices for
1 8 taking, hunting, trapping, or fishing that type of wild animal.

1 9 Sec. 3. Section 717B.3A, subsection 2, paragraph e, Code
1 10 2009, is amended to read as follows:

1 11 e. A person taking, hunting, trapping, or fishing for a
1 12 wild animal as provided in chapter 481A, provided that the
1 13 person acts in a manner consistent with customary practices for
1 14 taking, hunting, trapping, or fishing that type of wild animal.

1 15 EXPLANATION

1 16 BACKGROUND. Code chapter 717B provides animal cruelty
1 17 statutes which apply to all animals other than (1) livestock;
1 18 (2) game, fur-bearing animals, fish, reptiles, or amphibians;
1 19 and (3) nongame species declared to be a nuisance (Code section
1 20 717B.1).

1 21 ANIMAL CRUELTY OFFENSES. For those animals that are
1 22 covered, there are three types of animal cruelty offenses.
1 23 The first is neglect, which occurs when a person impounds or
1 24 confines an animal and fails to provide it with necessities
1 25 such as food or water or who tortures or kills an animal
1 26 by causing it unjustified pain (Code section 717B.3). The
1 27 second is abuse which occurs when a person intentionally
1 28 injures, maims, disfigures, or destroys an animal owned by
1 29 another person (Code section 717B.2). The third is torture
1 30 which occurs when any person inflicts upon an animal severe
1 31 physical pain with a depraved or sadistic intent to cause
1 32 prolonged suffering or death (Code section 717B.3A). The
1 33 offenses involving abuse or torture include specific exemptions
1 34 for taking, hunting, trapping, or fishing for a wild animal
1 35 regulated by the department of natural resources under Code



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House File 2257 - Introduced continued

2 1 chapter 481A.

2 2 BILL'S PROVISIONS. This bill provides that the animal
2 3 cruelty statutes apply to game, fur-bearing animals, fish,
2 4 reptiles, or amphibians. It also modifies the exceptions for
2 5 abuse and torture by persons taking, hunting, trapping, or
2 6 fishing. The exception would only apply if the person acts in
2 7 a manner consistent with customary practices.

2 8 APPLICABLE PENALTIES. A person who negligently or
2 9 intentionally commits the offense of animal neglect is
2 10 guilty of a simple misdemeanor. A person who intentionally
2 11 commits the offense of animal neglect which results in serious
2 12 injury to or the death of an animal is guilty of a serious
2 13 misdemeanor. A person who commits animal abuse is guilty of an
2 14 aggravated misdemeanor. A person who commits animal torture is
2 15 guilty of an aggravated misdemeanor. However, for the second
2 16 or subsequent conviction the person is guilty of a class "D"
2 17 felony.

2 18 A simple misdemeanor is punishable by confinement for no
2 19 more than 30 days or a fine of at least \$65 but not more than
2 20 \$625 or by both. A serious misdemeanor is punishable by
2 21 confinement for no more than one year and a fine of at least
2 22 \$315 but not more than \$1,875. An aggravated misdemeanor is
2 23 punishable by confinement for no more than two years and a fine
2 24 of at least \$625 but not more than \$6,250. A class "D" felony
2 25 is punishable by confinement for no more than five years and a
2 26 fine of at least \$750 but not more than \$7,500.

LSB 5842HH (2) 83

da/nh



Iowa General Assembly
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House File 2258 - Introduced

HOUSE FILE
BY VAN ENGELENHOVEN

A BILL FOR

1 An Act allowing the use of an interactive video
2 teleconferencing system in involuntary commitment hearings
3 for chronic substance abusers and mentally ill persons.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 6051YH (3) 83
rh/nh



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House File 2258 - Introduced continued

PAG LIN

1 1 Section 1. Section 125.82, subsection 4, Code 2009, is
1 2 amended to read as follows:
1 3 4. The respondent's welfare is paramount, and the hearing
1 4 shall be tried as a civil matter and conducted in as informal
1 5 a manner as is consistent with orderly procedure, which may
1 6 include the use of an interactive video teleconferencing system
1 7 consistent with standards adopted by rule by the supreme
1 8 court. Discovery as permitted under the Iowa rules of civil
1 9 procedure is available to the respondent. The court shall
1 10 receive all relevant and material evidence, but the court is
1 11 not bound by the rules of evidence. A presumption in favor of
1 12 the respondent exists, and the burden of evidence and support
1 13 of the contentions made in the application shall be upon the
1 14 person who filed the application. If upon completion of the
1 15 hearing the court finds that the contention that the respondent
1 16 is a chronic substance abuser has not been sustained by clear
1 17 and convincing evidence, the court shall deny the application
1 18 and terminate the proceeding.
1 19 Sec. 2. Section 229.12, subsection 3, paragraph a, Code
1 20 Supplement 2009, is amended to read as follows:
1 21 a. The respondent's welfare shall be paramount and the
1 22 hearing shall be tried as a civil matter and conducted in as
1 23 informal a manner as may be consistent with orderly procedure,
1 24 ~~but consistent therewith the issue shall be tried as a civil~~
1 25 ~~matter which may include the use of an interactive video~~
1 26 teleconferencing system consistent with standards adopted by
1 27 rule by the supreme court. Such discovery as is permitted
1 28 under the Iowa rules of civil procedure shall be available
1 29 to the respondent. The court shall receive all relevant and
1 30 material evidence which may be offered and need not be bound
1 31 by the rules of evidence. There shall be a presumption in
1 32 favor of the respondent, and the burden of evidence in support
1 33 of the contentions made in the application shall be upon the
1 34 applicant.



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House File 2259 - Introduced

HOUSE FILE
BY SCHULTZ

A BILL FOR

1 An Act prohibiting the use of state funding and personnel for
2 advertising associated with the hawk=i program.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TL5B 5913YH (2) 83
pf/nh



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House File 2259 - Introduced continued

PAG LIN

1 1 Section 1. Section 514I.5, subsection 7, paragraph d, Code
1 2 Supplement 2009, is amended to read as follows:
1 3 d. Develop, with the assistance of the department, an
1 4 outreach plan, and provide for periodic assessment of the
1 5 effectiveness of the outreach plan. The plan shall provide
1 6 outreach to families of children likely to be eligible
1 7 for assistance under the program, to inform them of the
1 8 availability of and to assist the families in enrolling
1 9 children in the program. The outreach efforts may include, but
1 10 are not limited to, solicitation of cooperation from programs,
1 11 agencies, and other persons who are likely to have contact
1 12 with eligible children, including but not limited to those
1 13 associated with the educational system, and the development
1 14 of community plans for outreach and marketing. Other state
1 15 agencies shall assist the department in data collection related
1 16 to outreach efforts to potentially eligible children and their
1 17 families. The development or purchase of any outreach efforts
1 18 targeted at new applicants that involve television, radio,
1 19 or newspaper advertising shall not utilize state funds or
1 20 personnel.

1 21 EXPLANATION
1 22 This bill prohibits the development or purchase of outreach
1 23 efforts for the hawk=i program targeted at new applicants
1 24 which involve television, radio, or newspaper advertising from
1 25 utilizing state funds or personnel.

LSB 5913YH (2) 83
pf/nh



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House File 2260 - Introduced

HOUSE FILE
BY SCHULTZ

A BILL FOR

1 An Act relating to a pharmacist's refusal to dispense a
2 specific medication.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 5967YH (2) 83
pf/nh



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House File 2260 - Introduced continued

PAG LIN

1 1 Section 1. NEW SECTION. 155A.43 Liability of pharmacists
1 2 relating to refusal to dispense medications.
1 3 1. A pharmacist shall not be required against that
1 4 individual pharmacist's religious beliefs or moral convictions
1 5 to dispense a specific medication.
1 6 2. Refusal of an individual pharmacist to dispense
1 7 a specific medication shall not be grounds for civil
1 8 liability nor a basis for any disciplinary, recriminatory, or
1 9 discriminatory action against the individual pharmacist or the
1 10 pharmacy of the pharmacist.

1 11 EXPLANATION

1 12 This bill relates to the ability of a pharmacist to refuse
1 13 to dispense a specific medication. The bill provides that
1 14 a pharmacist shall not be required against the pharmacist's
1 15 religious beliefs or moral convictions to dispense a specific
1 16 medication. Such refusal is also not grounds for civil
1 17 liability nor a basis for any disciplinary, recriminatory, or
1 18 discriminatory action against the individual pharmacist or the
1 19 pharmacy of the pharmacist.

LSB 5967YH (2) 83

pf/nh



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House File 2261 - Introduced

HOUSE FILE
BY BURT

A BILL FOR

1 An Act relating to requirements for certain interscholastic
2 athletic contests and competitions.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 6155HH (3) 83
kh/sc



Iowa General Assembly
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House File 2261 - Introduced continued

PAG LIN

1 1 Section 1. Section 256.46, Code 2009, is amended to read as
1 2 follows:

1 3 256.46 Rules for participation in extracurricular activities
1 4 by certain children.

1 5 The state board shall adopt rules that permit a child who
1 6 does not meet the residence requirements for participation
1 7 in extracurricular interscholastic contests or competitions
1 8 sponsored or administered by an organization as defined in
1 9 section 280.13 to participate in the contests or competitions
1 10 immediately if the child is duly enrolled in a school, is
1 11 otherwise eligible to participate, and meets one of the
1 12 following circumstances or a similar circumstance: the child
1 13 has been adopted; the child is placed under foster or shelter
1 14 care; the child is living with one of the child's parents
1 15 as a result of divorce, separation, death, or other change
1 16 in the child's parents' marital relationship, or pursuant to
1 17 other court-ordered decree or order of custody; the child is a
1 18 foreign exchange student, unless undue influence was exerted
1 19 to place the child for primarily athletic purposes; the child
1 20 has been placed in a juvenile correctional facility; the child
1 21 is a ward of the court or the state; the child is a participant
1 22 in a substance abuse or mental health program; or the child is
1 23 enrolled in an accredited nonpublic high school because the
1 24 child's district of residence has entered into a whole grade
1 25 sharing agreement for the pupil's grade with another district.
1 26 The rules shall permit a child who is otherwise eligible to
1 27 participate, but who does not meet one of the foregoing or
1 28 similar circumstances relating to residence requirements, to
1 29 participate at any level of competition other than the varsity
1 30 level. For purposes of this section and ~~section~~ sections
1 31 280.13 and 282.18, "varsity" means the highest level of
1 32 competition offered by one school or school district against
1 33 the highest level of competition offered by an opposing school
1 34 or school district.

1 35 Sec. 2. Section 280.13, Code 2009, is amended to read as



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House File 2261 - Introduced continued

2 1 follows:

2 2 280.13 Requirements for interscholastic athletic contests and
2 3 competitions.

2 4 1. A public school shall not participate in or allow
2 5 students representing a public school to participate in any
2 6 extracurricular interscholastic athletic contest or competition
2 7 which is sponsored or administered by an organization as
2 8 defined in this section, unless the organization is registered
2 9 with the department of education, files financial statements
2 10 with the department in the form and at the intervals prescribed
2 11 by the director of the department of education, and is in
2 12 compliance with rules which the state board of education adopts
2 13 for the proper administration, supervision, operation, adoption
2 14 of eligibility requirements, and scheduling of extracurricular
2 15 interscholastic athletic contests and competitions and the
2 16 organizations.

2 17 2. A student enrolled in a school district who failed
2 18 coursework for which credit is given at the end of a grading
2 19 period may be allowed by the school district to participate in
2 20 an athletic contest or competition other than at the varsity
2 21 level. For purposes of this subsection, "varsity" means the
2 22 same as defined in section 256.46.

2 23 3. For the purposes of this section "organization" means
2 24 a corporation, association, or organization which has as one
2 25 of its primary purposes the sponsoring or administration
2 26 of extracurricular interscholastic athletic contests or
2 27 competitions, but does not include an agency of this state,
2 28 a public or private school or school board, or an athletic
2 29 conference or other association whose interscholastic contests
2 30 or competitions do not include more than twenty-four schools.

2 31 EXPLANATION

2 32 This bill permits a school district to allow a student to
2 33 participate in athletic contests and competitions at all but
2 34 the varsity level if the student failed coursework for which
2 35 credit is given.



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House File 2261 - Introduced continued

3 1 Administrative rules currently require all contestants
3 2 to pass all coursework for which credit is given and to be
3 3 making adequate progress toward graduation requirements at
3 4 the end of each grading period. A student who fails a course
3 5 is ineligible to dress for and compete in the next occurring
3 6 interscholastic athletic contests and competitions in which the
3 7 student is a contestant for 30 consecutive calendar days.

LSB 6155HH (3) 83

kh/sc



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House File 2262 - Introduced

HOUSE FILE

BY SORENSON, DEYOE, DE
BOEF, HAGENOW,
WINDSCHITL, ALONS,
KAUFMANN, CHAMBERS,
UPMEYER, RANTS, SANDS,
HORBACH, ARNOLD,
STRUYK, PAULSEN,
TYMESON, ROBERTS, and
SODERBERG

A BILL FOR

- 1 An Act asserting the sovereignty of the state of Iowa.
- 2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 6145YH (5) 83
ec/rj



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House File 2262 - Introduced continued

PAG LIN

1 1 Section 1. NEW SECTION. 1.19 Sovereignty of the state of
1 2 Iowa.

1 3 The State of Iowa hereby claims sovereignty under the Tenth
1 4 Amendment to the Constitution of the United States over all
1 5 powers not otherwise enumerated and granted to the federal
1 6 government by the Constitution of the United States.

1 7 EXPLANATION

1 8 This bill claims sovereignty by the state of Iowa under the
1 9 Tenth Amendment of the United States Constitution over all
1 10 powers not specifically granted to the federal government.

LSB 6145YH (5) 83

ec/rj



Iowa General Assembly
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House File 2263 - Introduced

HOUSE FILE

BY SORENSON, BAUDLER,
HAGENOW, DE BOEF,
TYMESON, WINDSCHITL,
HELLAND, LUKAN,
CHAMBERS, SCHULTZ,
PAULSEN, HUSEMAN,
RANTS, SANDS, HORBACH,
ARNOLD, STRUYK,
ROBERTS, and SODERBERG

A BILL FOR

1 An Act relating to verification of social security numbers for
2 public programs under the purview of the department of human
3 services.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 6042YH (4) 83
pf/nh



Iowa General Assembly
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House File 2263 - Introduced continued

PAG LIN

1 1 Section 1. VERIFICATION OF SOCIAL SECURITY NUMBERS ==
1 2 DEPARTMENT OF HUMAN SERVICES PUBLIC PROGRAMS. The department
1 3 of human services shall adopt rules to require that any
1 4 program supported by public funds under the department of human
1 5 services shall require verification by state or local staff,
1 6 as applicable, of the social security number of any applicant
1 7 for program services. The department shall incorporate the
1 8 verification requirement into all application processes in the
1 9 most cost=effective manner.

1 10 EXPLANATION

1 11 This bill requires the department of human services to adopt
1 12 rules to require that any program supported by public funds
1 13 under the purview of the department require verification by
1 14 state or local staff, as applicable, of the social security
1 15 number of any applicant for program services. The department
1 16 is directed to incorporate the verification requirement into
1 17 all application processes in the most cost=effective manner.

LSB 6042YH (4) 83

pf/nh



Iowa General Assembly
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House File 2264 - Introduced

HOUSE FILE
BY GRASSLEY

A BILL FOR

1 An Act relating to the emergency detention or hospitalization
2 of a person incapacitated by a chemical substance or with a
3 serious mental impairment.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TL5B 5010HH (4) 83
jm/rj



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House File 2264 - Introduced continued

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1 1 Section 1. Section 125.10, Code 2009, is amended by adding
1 2 the following new subsection:

1 3 NEW SUBSECTION. 18. Develop and implement policies for
1 4 providing notice to a law enforcement agency as required by
1 5 section 125.91.

1 6 Sec. 2. Section 125.34, subsection 2, Code 2009, is amended
1 7 to read as follows:

1 8 2. If no facility is readily available the person may
1 9 be taken to an emergency medical service customarily used
1 10 for incapacitated persons. The peace officer in detaining
1 11 the person and in taking the person to a facility shall make
1 12 every reasonable effort to protect the person's health and
1 13 safety. In detaining the person the detaining officer may take
1 14 reasonable steps for self-protection. Detaining a person under
1 15 section 125.91 is not an arrest and no entry or other record
1 16 shall be made to indicate that the person who is detained has
1 17 been arrested or charged with a crime except for an entry
1 18 or other record relating to an arrest upon discharge that is
1 19 permissible under section 125.91.

1 20 Sec. 3. Section 125.91, subsection 2, Code Supplement 2009,
1 21 is amended by adding the following new paragraph:

1 22 NEW PARAGRAPH. Ob. In circumstances where a peace officer
1 23 delivers a person to the facility and the peace officer
1 24 notifies the facility, in writing, that the person is to
1 25 be arrested upon discharge, the facility shall notify the
1 26 law enforcement agency that employs the peace officer by
1 27 telephone and electronic mail at least six hours prior to the
1 28 planned discharge of the person from the facility. If the law
1 29 enforcement agency does not retrieve the person prior to the
1 30 time of the planned discharge, the person may be discharged as
1 31 planned.

1 32 Sec. 4. Section 135B.7, Code Supplement 2009, is amended by
1 33 adding the following new subsection:

1 34 NEW SUBSECTION. 5. The department shall adopt rules to
1 35 establish and implement protocols for providing notice to a law



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2 1 enforcement agency as required by section 229.22.
2 2 Sec. 5. Section 229.22, subsection 2, paragraph a, Code
2 3 Supplement 2009, is amended to read as follows:
2 4 a. In the circumstances described in subsection 1, any
2 5 peace officer who has reasonable grounds to believe that
2 6 a person is mentally ill, and because of that illness is
2 7 likely to physically injure the person's self or others if
2 8 not immediately detained, may without a warrant take or cause
2 9 that person to be taken to the nearest available facility or
2 10 hospital as defined in section 229.11, subsection 1, paragraphs
2 11 "b" and "c". A person believed mentally ill, and likely to
2 12 injure the person's self or others if not immediately detained,
2 13 may be delivered to a facility or hospital by someone other
2 14 than a peace officer. Upon delivery of the person believed
2 15 mentally ill to the facility or hospital, the examining
2 16 physician may order treatment of that person, including
2 17 chemotherapy, but only to the extent necessary to preserve
2 18 the person's life or to appropriately control behavior by the
2 19 person which is likely to result in physical injury to that
2 20 person or others if allowed to continue. The peace officer
2 21 who took the person into custody, or other party who brought
2 22 the person to the facility or hospital, shall describe the
2 23 circumstances of the matter to the examining physician. If the
2 24 person is a peace officer, the peace officer may do so either
2 25 in person or by written report. If the examining physician
2 26 finds that there is reason to believe that the person is
2 27 seriously mentally impaired, and because of that impairment is
2 28 likely to physically injure the person's self or others if not
2 29 immediately detained, the examining physician shall at once
2 30 communicate with the nearest available magistrate as defined
2 31 in section 801.4, subsection 10. The magistrate shall, based
2 32 upon the circumstances described by the examining physician,
2 33 give the examining physician oral instructions either directing
2 34 that the person be released forthwith or authorizing the
2 35 person's detention in an appropriate facility or hospital. The



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3 1 magistrate may also give oral instructions and order that the
3 2 detained person be transported to an appropriate facility or
3 3 hospital.

3 4 Sec. 6. Section 229.22, subsection 2, Code Supplement 2009,
3 5 is amended by adding the following new paragraph:

3 6 NEW PARAGRAPH. Ob. In circumstances where a peace officer
3 7 delivers a person to a facility or hospital and the peace
3 8 officer notifies the facility or hospital, in writing, that
3 9 the person is to be arrested upon discharge or release, the
3 10 facility or hospital shall notify the law enforcement agency
3 11 that employs the peace officer by telephone and electronic
3 12 mail at least six hours prior to the planned discharge or
3 13 release of the person from the facility or hospital. If the
3 14 law enforcement agency does not retrieve the person prior to
3 15 the time of the planned discharge or release, the person may be
3 16 discharged or released as planned.

3 17 Sec. 7. Section 229.22, subsection 2, paragraph b, Code
3 18 Supplement 2009, is amended to read as follows:

3 19 b. If the magistrate orders that the person be detained,
3 20 the magistrate shall, by the close of business on the next
3 21 working day, file a written order with the clerk in the county
3 22 where it is anticipated that an application may be filed
3 23 under section 229.6. The order may be filed by facsimile if
3 24 necessary. The order shall state the circumstances under which
3 25 the person was taken into custody or otherwise brought to a
3 26 facility or hospital, and the grounds supporting the finding of
3 27 probable cause to believe that the person is seriously mentally
3 28 impaired and likely to injure the person's self or others if
3 29 not immediately detained. The order shall confirm the oral
3 30 order authorizing the person's detention including any order
3 31 given to transport the person to an appropriate facility or
3 32 hospital. The clerk shall provide a copy of that order to the
3 33 chief medical officer of the facility or hospital to which the
3 34 person was originally taken, to any subsequent facility or
3 35 hospital to which the person was transported, and to any law



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4 1 enforcement department or ambulance service that transported
4 2 the person pursuant to the magistrate's order.

4 3 EXPLANATION

4 4 This bill relates to the emergency detention or
4 5 hospitalization of a person incapacitated by a chemical
4 6 substance or with a serious mental impairment.

4 7 The bill applies to persons who are not under arrest but who
4 8 will be placed under arrest upon discharge or release from the
4 9 facility or hospital treating the person.

4 10 The bill requires the director of public health to develop
4 11 and implement policies for a facility licensed under Code
4 12 chapter 125 (chemical substance abuse) for notifying a law
4 13 enforcement agency of the planned discharge of a person as
4 14 required by Code section 125.91 under the bill. Violations
4 15 of the requirements of Code chapter 125 are governed by Code
4 16 section 125.17.

4 17 Under the bill, if a peace officer delivers a person to a
4 18 facility for detention due to incapacitation from a chemical
4 19 substance, and the peace officer indicates the person is to
4 20 be arrested upon discharge from the facility, the facility
4 21 shall contact the law enforcement agency that employs the peace
4 22 officer by telephone and electronic mail at least six hours
4 23 prior to the planned discharge of the person from the facility.
4 24 The bill provides that if the law enforcement agency does not
4 25 retrieve the person prior to the time of the planned discharge,
4 26 the person may be discharged as planned.

4 27 The department of inspections and appeals is required to
4 28 adopt rules to establish and implement protocols for notifying
4 29 a law enforcement agency of the planned discharge of a person
4 30 as required by Code section 229.22 as amended by the bill.
4 31 Violations of the requirements of Code chapter 135B are
4 32 governed by Code section 135B.6.

4 33 Under the bill, if a peace officer delivers a person to a
4 34 hospital for emergency hospitalization for a serious mental
4 35 impairment, and the peace officer indicates the person is to



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5 1 be arrested upon discharge or release from the hospital, the
5 2 hospital shall contact the law enforcement agency that employs
5 3 the peace officer by telephone and electronic mail at least
5 4 six hours prior to the planned discharge or release of the
5 5 person from the hospital. The bill provides that if the law
5 6 enforcement agency does not retrieve the person prior to the
5 7 time of the planned discharge or release, the person may be
5 8 discharged or released as planned.

LSB 5010HH (4) 83

jm/rj



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House File 2265 - Introduced

HOUSE FILE
BY ROBERTS

A BILL FOR

1 An Act relating to employees of the department of human
2 services potentially subject to discharge, suspension, or
3 reduction in job classification or pay grade for cause.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 5040YH (1) 83
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1 1 Section 1. Section 217.23, Code 2009, is amended by adding
1 2 the following new subsection:
1 3 NEW SUBSECTION. 3. Unless the provisions of an applicable
1 4 collective bargaining agreement or employment contract provide
1 5 otherwise or the director of human services determines that
1 6 good cause exists, if an employee assigned to the department
1 7 may be subject to discharge, suspension, or reduction in job
1 8 classification or pay grade based on a cause listed in section
1 9 8A.413, subsection 18, while it is being determined whether
1 10 such cause exists, the employee shall remain employed and shall
1 11 be reassigned to duties unrelated to such cause.

1 12 EXPLANATION

1 13 This bill relates to employees of the department of human
1 14 services potentially subject to discharge, suspension, or
1 15 reduction in job classification or pay grade for cause.

1 16 The bill amends Code section 217.23, relating to personnel
1 17 of the department and providing for employees to be subject
1 18 to the state merit system under Code chapter 8A. The bill
1 19 provides that unless the provisions of an applicable collective
1 20 bargaining agreement or employment contract provide otherwise
1 21 or the director of human services determines that good cause
1 22 exists, if an employee of the department may be subject to
1 23 discharge, suspension, or reduction in job classification or
1 24 pay grade based on a cause listed in Code section 8A.413,
1 25 subsection 18, while it is being determined whether such
1 26 cause exists, the employee shall remain employed and shall be
1 27 reassigned to duties unrelated to such cause.

1 28 The causes listed in Code section 8A.413 include failure
1 29 to perform assigned duties; inadequacy in performing
1 30 assigned duties; negligence; inefficiency; incompetence;
1 31 insubordination; unrehabilitated alcoholism or narcotics
1 32 addiction; dishonesty; unlawful discrimination; failure to
1 33 maintain a license, certificate, or qualification necessary
1 34 for a job classification or position; any act or conduct which
1 35 adversely affects the employee's performance or the employing



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- 2 1 agency; or other good cause for discharge, suspension, or
- 2 2 reduction.

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jp/nh



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House File 2266 - Introduced

HOUSE FILE
BY GASKILL

A BILL FOR

1 An Act relating to public utility operation and regulation.
2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TL5B 5857HH (5) 83
rn/sc



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House File 2266 - Introduced continued

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1 1 Section 1. Section 306.46, subsection 3, Code 2009, is
1 2 amended to read as follows:
1 3 3. This section shall not impair or interfere with a city's
1 4 authority to grant, amend, extend, terminate, or renew a
1 5 franchise as provided in section 364.2, and shall not impair
1 6 or interfere with a city's existing general police powers to
1 7 control the use of its right-of-way.
1 8 Sec. 2. Section 364.2, subsection 4, Code Supplement 2009,
1 9 is amended by adding the following new paragraph:
1 10 NEW PARAGRAPH. h. A city may terminate a franchise granted
1 11 to a rate-regulated electric utility which has increased rates
1 12 for electric service by fifteen percent or more than the
1 13 average rate increase implemented by all other rate-regulated
1 14 electric utilities providing service in this state. To
1 15 terminate a franchise pursuant to this paragraph, the city
1 16 shall provide written notice to the rate-regulated electric
1 17 utility of the city's intent to terminate the franchise
1 18 at least one year prior to the date of termination of the
1 19 franchise.
1 20 Sec. 3. Section 474.2, Code 2009, is amended to read as
1 21 follows:
1 22 474.2 Certain persons barred from office.
1 23 No person in the employ of any common carrier or other public
1 24 utility within two years prior to appointment, or owning any
1 25 bonds, stock, or property in any railroad company or other
1 26 public utility shall be eligible to the office of utilities
1 27 board member or secretary of the utilities board; and the
1 28 entering into the employ of any common carrier or other public
1 29 utility or the acquiring of any stock or other interest in
1 30 any common carrier or other public utility by such member or
1 31 secretary after appointment shall disqualify the member or
1 32 secretary to hold the office or perform the duties thereof.
1 33 Sec. 4. Section 476.3, Code 2009, is amended by adding the
1 34 following new subsection:
1 35 NEW SUBSECTION. 4. This section shall not prohibit the



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2 1 board from authorizing rates which vary according to geographic
2 2 area based on an area's rate history, per capita income, or
2 3 need for economic development.

2 4 Sec. 5. Section 476.7, Code 2009, is amended to read as
2 5 follows:

2 6 476.7 Application by utility for review.

2 7 1. If there shall be filed with the board by any public
2 8 utility an application requesting the board to determine the
2 9 reasonableness of the utility's rates, charges, schedules,
2 10 service, or regulations, the board shall promptly initiate a
2 11 formal proceeding. Such a formal proceeding may be initiated
2 12 at any time by the board on its own motion. Whenever such
2 13 a proceeding has been initiated upon application or motion,
2 14 the board shall set the case for hearing and give such notice
2 15 thereof as it deems appropriate. Whenever the board, after
2 16 a hearing held after reasonable notice, finds any public
2 17 utility's rates, charges, schedules, service, or regulations
2 18 are unjust, unreasonable, insufficient, discriminatory, or
2 19 otherwise in violation of any provision of law, the board shall
2 20 determine just, reasonable, sufficient, and nondiscriminatory
2 21 rates, charges, schedules, service, or regulations to be
2 22 thereafter observed and enforced.

2 23 2. This section shall not prohibit the board from
2 24 authorizing rates which vary according to geographic area based
2 25 on an area's rate history, per capita income, or need for
2 26 economic development.

2 27 Sec. 6. Section 480A.6, Code 2009, is amended to read as
2 28 follows:

2 29 480A.6 Franchise ordinance not superseded.

2 30 This chapter does not modify or supersede the rights and
2 31 obligations of a local government and the public utility
2 32 established by the terms of any existing or future franchise
2 33 granted, approved, ~~and~~ accepted, or terminated pursuant to
2 34 section 364.2, subsection 4. A city which collects a city
2 35 franchise fee from an entity pursuant to section 364.2,



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3 1 subsection 4, under an existing or future franchise, shall not
3 2 also collect a fee from that entity under section 480A.3.
3 3 Sec. 7. MUNICIPAL UTILITY FORMATION STUDY. The utilities
3 4 board of the utilities division of the department of
3 5 commerce shall conduct a study to evaluate the process for
3 6 establishing a municipal utility. The study shall include
3 7 identifying existing legal and financial impediments faced by
3 8 a municipality interested in forming a municipal utility, how
3 9 the board might facilitate an easier and more cost-effective
3 10 process, and how the board could provide technical assistance
3 11 to a community interested in establishing a municipal utility.
3 12 The board shall submit a report containing recommendations to
3 13 the general assembly by January 1, 2011.

3 14 EXPLANATION

3 15 This bill relates to and modifies provisions applicable to
3 16 public utility operation and regulation.

3 17 The bill authorizes a city having granted a franchise to
3 18 a rate-regulated electric utility to terminate the franchise
3 19 if the utility has increased rates for electric service by 15
3 20 percent or more than the average rate increase implemented by
3 21 all other rate-regulated electric utilities providing service
3 22 in this state. Prior to termination, the bill requires a
3 23 city to provide written notice to the utility of its intent
3 24 to terminate the franchise at least one year prior to the
3 25 termination date. The bill makes conforming changes consistent
3 26 with other Code provisions.

3 27 The bill modifies a current requirement prohibiting
3 28 eligibility for holding the office of utilities board member
3 29 or secretary of the utilities board if an individual is in
3 30 the employ of any common carrier or other public utility to
3 31 apply this prohibition to the two-year interval preceding the
3 32 individual's appointment. Given that Code section 475A.1,
3 33 dealing with qualification for appointment to the office
3 34 of consumer advocate, references the eligibility criteria
3 35 applicable to holding the office of utilities board member,



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4 1 this modification would also be applicable to the office of
4 2 consumer advocate.
4 3 The bill permits the board to authorize utility rates which
4 4 vary according to geographic area based on an area's rate
4 5 history, per capita income, or need for economic development.
4 6 The bill directs the board to conduct a study evaluating
4 7 the process for establishing a municipal utility. The bill
4 8 specifies that the study shall include identifying existing
4 9 legal and financial impediments faced by a municipality
4 10 interested in forming a municipal utility, how the board might
4 11 facilitate an easier and more cost-effective process, and
4 12 how the board could provide technical assistance. The board
4 13 is required to submit a report containing recommendations
4 14 resulting from the study to the general assembly by January 1,
4 15 2011.

LSB 5857HH (5) 83
rn/sc



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House File 2267 - Introduced

HOUSE FILE

BY SORENSON, WINDSCHITL,
TYMESON, DE BOEF,
SCHULTZ, HAGENOW,
STRUYK, S. OLSON,
PAULSEN, PETTENGILL,
CHAMBERS, WATTS,
HELLAND, DEYOE, ALONS,
RANTS, HUSEMAN, and
HORBACH

A BILL FOR

1 An Act eliminating the requirement that a person who acquires
2 ownership of a pistol or revolver must apply for and be
3 issued an annual permit to acquire a pistol or revolver.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 5588YH (4) 83
rh/rj



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1 1 Section 1. Section 724.27, Code 2009, is amended to read as
1 2 follows:

1 3 724.27 Offenders' rights restored.

1 4 The provisions of section 724.8, subsection 2, ~~section~~
~~1 5 724.15, subsection 1, paragraphs "b" and "c", and section~~

1 6 724.26 shall not apply to a person who is eligible to have
1 7 the person's civil rights regarding firearms restored under
1 8 section 914.7 and who is pardoned or has had the person's civil
1 9 rights restored by the President of the United States or the
1 10 chief executive of a state and who is expressly authorized by
1 11 the President of the United States or such chief executive to
1 12 receive, transport, or possess firearms or destructive devices.

1 13 Sec. 2. REPEAL. Sections 724.15, 724.16, 724.17, 724.18,
1 14 724.19, 724.20, and 724.21, Code 2009, are repealed.

1 15 EXPLANATION

1 16 This bill eliminates the requirement, pursuant to Code
1 17 section 724.15, that a person who acquires ownership of a
1 18 pistol or revolver must apply for and be issued an annual
1 19 permit to acquire a pistol or revolver unless certain
1 20 exceptions apply.

1 21 The bill repeals related Code sections relating to permit
1 22 application (Code sections 724.17 and 724.18) and issuance
1 23 requirements and procedures (Code sections 724.19, 724.20, and
1 24 724.21) and a related transfer of ownership provision (Code
1 25 section 724.16). The bill makes a conforming change to Code
1 26 section 724.27 relating to the restoration of citizenship
1 27 rights to a person convicted of a felony.

1 28 Current law provides that a person who acquires ownership of
1 29 a pistol or revolver without a valid annual permit to acquire
1 30 pistols or revolvers or a person who transfers ownership of
1 31 a pistol or revolver to a person who does not have in the
1 32 person's possession a valid annual permit to acquire pistols
1 33 or revolvers is guilty of an aggravated misdemeanor, and a
1 34 person who transfers ownership of a pistol or revolver to a
1 35 person that the transferor knows is prohibited from acquiring



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2 1 ownership of a pistol or revolver commits a class "D" felony.
2 2 In addition, current law provides that a person who gives a
2 3 false name or presents false identification, or otherwise
2 4 knowingly gives false material information to one from whom the
2 5 person seeks to acquire a pistol or revolver commits a class
2 6 "D" felony.
LSB 5588YH (4) 83
rh/rj



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House File 2268 - Introduced

HOUSE FILE
BY RAECKER

A BILL FOR

1 An Act relating to the establishment of frontier schools.
2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 6071YH (4) 83
kh/rj



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1 1 Section 1. NEW SECTION. 256F.14 Frontier schools.
1 2 1. The board of directors of a school district, the
1 3 administrators of an accredited nonpublic school, the board of
1 4 directors of a community college, the state board of regents,
1 5 an accredited private institution as defined in section 261.9,
1 6 or a private nonprofit corporation organized under chapter 504
1 7 may submit an application to the state board to establish a
1 8 frontier school. The state board shall adopt rules specifying
1 9 the criteria for approval of frontier schools. The department
1 10 shall develop an application process. The applicant shall
1 11 specify in its application all of the following:
1 12 a. Mission and instructional focus of the school.
1 13 b. Organizational structure and management of the school.
1 14 c. Impact of labor agreements and contracts on the success
1 15 of the school.
1 16 d. Roles and responsibilities of all involved
1 17 constituencies.
1 18 e. Arrangements for special needs students.
1 19 f. Connection of the school to the school district.
1 20 g. Facility and operation costs.
1 21 h. Methods for measuring results, including but not limited
1 22 to student achievement results.
1 23 2. For purposes of this section, "frontier school" means a
1 24 school that is nonsectarian in its program, admission policies,
1 25 employment practices, and all other operations. The school is
1 26 a public school and is part of the state's system of public
1 27 education. The primary focus of a frontier school shall be to
1 28 provide a comprehensive program of instruction for at least one
1 29 grade or age group from five through eighteen years of age.
1 30 Frontier schools may be designed to allow significant autonomy
1 31 to the schools. However, frontier schools shall be accountable
1 32 for significant results.
1 33 3. Except as provided in this subsection, frontier schools
1 34 are exempt from all statutes and rules applicable to a school,
1 35 a school board, or a school district, although a frontier



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2 1 school may elect to comply with one or more provisions of
2 2 statute or rule. However, a frontier school shall meet all
2 3 applicable state and local health and safety requirements; a
2 4 frontier school shall be organized and operated as a nonprofit
2 5 corporation under chapter 504; the provisions of chapters
2 6 21 and 22 shall apply to meetings and records of a frontier
2 7 school board; and a frontier school is subject to and shall
2 8 comply with chapters 216 and 216A relating to civil and human
2 9 rights, and sections 275.55A, 279.9A, 280.17B, 280.21B, and
2 10 282.4, relating to suspension and expulsion of a student.
2 11 The frontier school shall employ or contract with necessary
2 12 teachers, as defined in section 272.1, who hold a valid license
2 13 with an endorsement for the type of service for which the
2 14 teacher is employed. Frontier schools are subject to the same
2 15 financial audits, audit procedures, and audit requirements as
2 16 a school district. The audits shall be consistent with the
2 17 requirements of sections 11.6, 11.14, 11.19, 256.9, subsection
2 18 19, and section 279.29, except to the extent deviations
2 19 are necessary because of the program at the school. The
2 20 department, auditor of state, or the legislative services
2 21 agency may conduct financial, program, or compliance audits.
2 22 The provisions of chapter 20 shall not apply to the board of
2 23 directors of a frontier school or its employees.
2 24 4. A student enrolled in a frontier school shall be counted,
2 25 for state school foundation aid purposes, in the student's
2 26 district of residence. A student's residence, for purposes
2 27 of this section, means a residence under section 282.1. The
2 28 board of directors of the district of residence shall pay to
2 29 the frontier school the state cost per pupil for the previous
2 30 school year, plus any moneys received for the student as a
2 31 result of the non-English speaking weighting under section
2 32 280.4, subsection 3, for the previous school year multiplied by
2 33 the state cost per pupil for the previous year.

2 34 EXPLANATION

2 35 This bill provides for the establishment of frontier



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3 1 schools by any of the following: school districts, accredited
3 2 nonpublic schools, public and private accredited postsecondary
3 3 institutions, and private nonprofit corporations. The bill
3 4 requires the entities to apply to the state board of education,
3 5 directs the state board to specify criteria for the approval
3 6 of frontier schools, directs the department of education
3 7 to develop an application process, and specifies what the
3 8 applicant must include in the application.

3 9 The bill defines a frontier school as nonsectarian in its
3 10 program, admission policies, employment practices, and all
3 11 other operations. The school is a public school and is part
3 12 of the state's system of public education. The primary focus
3 13 of a frontier school is to provide a comprehensive program of
3 14 instruction for at least one grade or age group from 5=18 years
3 15 of age. Frontier schools may be designed to allow significant
3 16 autonomy to the schools. However, frontier schools shall be
3 17 accountable for significant results.

3 18 Frontier schools are exempt from all statutes and rules
3 19 applicable to a school, a school board, or a school district,
3 20 except as specified in the bill. A frontier school may elect
3 21 to comply with one or more provisions of statute or rule.

3 22 A frontier school must meet all applicable state and local
3 23 health and safety requirements; be organized and operated as
3 24 a nonprofit corporation; comply with the open meetings and
3 25 records laws; comply with civil and human rights laws; comply
3 26 with Code provisions related to suspension and expulsion of
3 27 a student; and employ or contract with necessary teachers
3 28 who hold a valid license with an endorsement for the type of
3 29 service for which the teacher is employed. Frontier schools
3 30 are subject to the same financial audits, procedures, and
3 31 requirements as a school district, except to the extent
3 32 deviations are necessary because of the program at the school.

3 33 The provisions of Code chapter 20 relating to collective
3 34 bargaining shall not apply to the board of directors of a
3 35 frontier school or its employees.



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4 1 A student enrolled in a frontier school shall be counted,
4 2 for state school foundation aid purposes, in the student's
4 3 district of residence. The district of residence shall pay to
4 4 the frontier school the state cost per pupil for the previous
4 5 school year, plus any moneys received for the student as a
4 6 result of the non-English speaking weighting for the previous
4 7 school year multiplied by the state cost per pupil for the
4 8 previous year.

LSB 6071YH (4) 83

kh/rj



Iowa General Assembly
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House File 2269 - Introduced

HOUSE FILE
BY MASCHER

A BILL FOR

1 An Act expanding the educational standards to include
2 age-appropriate comprehensive sexuality education
3 instruction at the elementary and secondary grade levels.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 5782HH (6) 83
kh/nh



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1 1 Section 1. Section 256.11, subsections 2, 3, and 4, Code
1 2 Supplement 2009, are amended to read as follows:

1 3 2. The kindergarten program shall include experiences
1 4 designed to develop healthy emotional and social habits and
1 5 growth in the language arts and communication skills, as
1 6 well as a capacity for the completion of individual tasks,
1 7 and protect and increase physical well-being with attention
1 8 given to experiences relating to the development of life
1 9 skills, age=appropriate comprehensive sexuality education, and
1 10 age=appropriate human growth and development. A kindergarten
1 11 teacher shall be licensed to teach in kindergarten. An
1 12 accredited nonpublic school must meet the requirements of this
1 13 subsection only if the nonpublic school offers a kindergarten
1 14 program.

1 15 3. The following areas shall be taught in grades one through
1 16 six: English=language arts, social studies, mathematics,
1 17 science, health, age=appropriate comprehensive sexuality
1 18 education, age=appropriate and research-based human growth
1 19 and development, physical education, traffic safety, music,
1 20 and visual art. The health curriculum shall include the
1 21 characteristics of communicable diseases including acquired
1 22 immune deficiency syndrome. The state board as part of
1 23 accreditation standards shall adopt curriculum definitions for
1 24 implementing the elementary program.

1 25 4. The following shall be taught in grades seven and
1 26 eight: English=language arts; social studies; mathematics;
1 27 science; health; age=appropriate comprehensive sexuality
1 28 education; age=appropriate and research-based human growth
1 29 and development; family, consumer, career, and technology
1 30 education; physical education; music; and visual art.
1 31 The health curriculum shall include age=appropriate and
1 32 research-based information regarding the characteristics
1 33 of sexually transmitted diseases, including HPV and the
1 34 availability of a vaccine to prevent HPV, and acquired immune
1 35 deficiency syndrome. The state board as part of accreditation



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2 1 standards shall adopt curriculum definitions for implementing
2 2 the program in grades seven and eight. However, this
2 3 subsection shall not apply to the teaching of family, consumer,
2 4 career, and technology education in nonpublic schools. For
2 5 purposes of this section, "age=appropriate", "HPV", and
2 6 "research=based" mean the same as defined in section 279.50.
2 7 Sec. 2. Section 256.11, subsection 5, paragraph j, Code
2 8 Supplement 2009, is amended to read as follows:
2 9 j. One unit of health education which shall include personal
2 10 health; food and nutrition; environmental health; safety and
2 11 survival skills; consumer health; family life; age=appropriate
2 12 comprehensive sexuality education; age=appropriate and
2 13 research=based human growth and development; substance abuse
2 14 and nonuse; emotional and social health; health resources; and
2 15 prevention and control of disease, including age=appropriate
2 16 and research=based information regarding sexually transmitted
2 17 diseases, including HPV and the availability of a vaccine to
2 18 prevent HPV, and acquired immune deficiency syndrome.
2 19 The state board as part of accreditation standards shall
2 20 adopt curriculum standards for implementing the program in
2 21 grades nine through twelve.

2 22 EXPLANATION

2 23 This bill expands the state educational standards by adding
2 24 age=appropriate comprehensive sexuality education to the areas
2 25 which must be taught in kindergarten through grade 12 by school
2 26 districts and accredited nonpublic schools.

LSB 5782HH (6) 83

kh/nh



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House File 2270 - Introduced

HOUSE FILE
BY ABDUL-SAMAD

A BILL FOR

1 An Act relating to a foreign language requirement at the
2 elementary school level for school districts and including
3 an effective date provision.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 5873HH (3) 83
kh/rj



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House File 2270 - Introduced continued

PAG LIN

1 1 Section 1. Section 256.11, subsection 3, Code Supplement
1 2 2009, is amended to read as follows:
1 3 3. The following areas shall be taught in grades one through
1 4 six: English=language arts, social studies, mathematics,
1 5 science, health, age=appropriate and research=based human
1 6 growth and development, physical education, traffic safety,
1 7 music, and visual art. The health curriculum shall include
1 8 the characteristics of communicable diseases including
1 9 acquired immune deficiency syndrome. At least one foreign
1 10 language shall be taught in grades one through six in school
1 11 districts. The state board as part of accreditation standards
1 12 shall adopt curriculum definitions for implementing the
1 13 elementary program.

1 14 Sec. 2. FOREIGN LANGUAGE FOR ELEMENTARY STUDENTS == SCHOOL
1 15 DISTRICT PLAN. The board of directors of each school district
1 16 shall develop and implement a plan to teach at least one
1 17 foreign language in grades one through six by the school year
1 18 beginning July 1, 2012.

1 19 Sec. 3. STATE MANDATE FUNDING SPECIFIED. In accordance
1 20 with section 25B.2, subsection 3, the state cost of requiring
1 21 compliance with any state mandate included in this Act shall
1 22 be paid by a school district from state school foundation aid
1 23 received by the school district under section 257.16. This
1 24 specification of the payment of the state cost shall be deemed
1 25 to meet all of the state funding=related requirements of
1 26 section 25B.2, subsection 3, and no additional state funding
1 27 shall be necessary for the full implementation of this Act
1 28 by and enforcement of this Act against all affected school
1 29 districts.

1 30 Sec. 4. EFFECTIVE DATE. The section of this Act amending
1 31 section 256.11, subsection 3, takes effect July 1, 2012.

1 32 EXPLANATION

1 33 This bill requires school districts to develop and implement
1 34 a plan to teach at least one foreign language in grades one
1 35 through six by the school year beginning July 1, 2012. The



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House File 2270 - Introduced continued

2 1 provision that amends the educational standards to require
2 2 school districts to teach at least one foreign language in
2 3 grades one through six takes effect July 1, 2012.
2 4 The bill may include a state mandate as defined in Code
2 5 section 25B.3. The bill requires that the state cost of
2 6 any state mandate included in the bill be paid by a school
2 7 district from state school foundation aid received by the
2 8 school district under Code section 257.16. The specification
2 9 is deemed to constitute state compliance with any state mandate
2 10 funding-related requirements of Code section 25B.2. The
2 11 inclusion of this specification is intended to reinstate the
2 12 requirement of political subdivisions to comply with any state
2 13 mandates included in the bill.

LSB 5873HH (3) 83

kh/rj



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House File 2271 - Introduced

HOUSE FILE
BY ABDUL-SAMAD

A BILL FOR

1 An Act establishing a loan forgiveness program and fund for
2 dentists who practice in certain rural areas of the state.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 5300YH (4) 83
kh/nh



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House File 2271 - Introduced continued

PAG LIN

1 1 Section 1. Section 261.2, subsection 8, Code Supplement
1 2 2009, is amended to read as follows:
1 3 8. Submit by January 15 annually a report to the general
1 4 assembly which provides, by program, the number of individuals
1 5 who received loan forgiveness in the previous fiscal year,
1 6 the amount paid to individuals under sections 261.23,
1 7 261.73, 261.106, and 261.112, and the institutions from which
1 8 individuals graduated, and that includes any proposed statutory
1 9 changes and the commission's findings and recommendations.
1 10 Sec. 2. NEW SECTION. 261.106 Dentist loan forgiveness
1 11 program and repayment fund.
1 12 1. a. A dentist loan forgiveness program is established
1 13 to be administered by the commission. A dentist licensed by
1 14 the dental board created under chapter 147 is eligible for the
1 15 program if the dentist agrees to practice in an eligible rural
1 16 community in this state.
1 17 b. For purposes of this section, "eligible rural community"
1 18 means a rural community which is underserved by dental care
1 19 providers and which agrees to match state funds provided on at
1 20 least a dollar-for-dollar basis for the loan repayment of a
1 21 dentist who practices in the community.
1 22 2. Each applicant for loan forgiveness shall, in accordance
1 23 with the rules of the commission, do the following:
1 24 a. Complete and file an application for dentist loan
1 25 forgiveness. The individual shall be responsible for
1 26 the prompt submission of any information required by the
1 27 commission.
1 28 b. File a new application and submit information as
1 29 required by the commission annually on the basis of which the
1 30 applicant's eligibility for the renewed loan forgiveness will
1 31 be evaluated and determined.
1 32 c. Complete and return on a form approved by the commission
1 33 an affidavit of practice verifying that the applicant is, or
1 34 agrees to become, a dentist in an eligible rural community.
1 35 3. a. The annual amount of loan forgiveness funded by the



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House File 2271 - Introduced continued

2 1 state and the eligible rural community shall not exceed the
2 2 resident tuition rate established for institutions of higher
2 3 learning governed by the state board of regents for the first
2 4 year following the dentist's graduation from an accredited
2 5 college of dentistry, or twenty percent of the dentist's total
2 6 federally guaranteed Stafford loan amount under the federal
2 7 family education loan program or the federal direct loan
2 8 program, including principal and interest, whichever amount is
2 9 less. A dentist shall be eligible for the loan forgiveness
2 10 program for not more than five consecutive years.

2 11 b. The dentist, the eligible rural community, and the
2 12 commission shall annually enter into a contract for loan
2 13 repayment that stipulates the time period the dentist shall
2 14 practice in the eligible rural community and that the dentist
2 15 must repay any funds paid on the dentist's loan by the
2 16 commission and the community if the dentist fails to practice
2 17 in the eligible rural community for the required period of
2 18 time.

2 19 4. A dentist loan forgiveness repayment fund is created
2 20 for deposit of moneys appropriated to or received by the
2 21 commission for use under the program. Notwithstanding section
2 22 8.33, moneys deposited in the fund shall not revert to any
2 23 fund of the state at the end of any fiscal year but shall
2 24 remain in the dentist loan forgiveness repayment fund and be
2 25 continuously available for loan forgiveness under the program.
2 26 Notwithstanding section 12C.7, subsection 2, interest or
2 27 earnings on moneys deposited in the fund shall be credited to
2 28 the fund.

2 29 5. The commission shall adopt rules pursuant to chapter 17A
2 30 to administer this section.

2 31 EXPLANATION

2 32 This bill establishes a dentist loan forgiveness program and
2 33 repayment fund to be administered by the college student aid
2 34 commission. A licensed dentist is eligible for the program if
2 35 the dentist agrees to practice in an eligible rural community



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3 1 in this state, which is defined as a rural community which is
3 2 underserved by dental care providers and which agrees to match
3 3 state funds provided on at least a dollar-for-dollar basis for
3 4 the loan repayment of a dentist who practices in the community.
3 5 The annual amount of loan forgiveness cannot exceed the
3 6 resident tuition rate established for regents universities
3 7 for the first year following the dentist's graduation from an
3 8 accredited college of dentistry, or 20 percent of the dentist's
3 9 total federally guaranteed Stafford loan amount under the
3 10 federal family education loan program or the federal direct
3 11 loan program, including principal and interest, whichever
3 12 amount is less. A dentist shall be eligible for the loan
3 13 forgiveness program for not more than five consecutive years.
3 14 The dentist, the eligible rural community, and the
3 15 commission must annually enter into a contract stipulating the
3 16 time period the dentist shall practice in the eligible rural
3 17 community, and stipulating that the dentist must repay any
3 18 funds paid on the loan by the commission and the community if
3 19 the dentist does not practice in the community for the required
3 20 period of time.
3 21 The dentist loan forgiveness repayment fund is created for
3 22 deposit of moneys appropriated to or received by the commission
3 23 for use under the program. Moneys in the fund do not revert to
3 24 any fund of the state at the end of any fiscal year but remain
3 25 in the fund and be continuously available for loan forgiveness
3 26 under the program. Interest earned on moneys in the fund is
3 27 credited to the fund.

LSB 5300YH (4) 83

kh/nh



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House File 2272 - Introduced

HOUSE FILE
BY BAILEY and HELLAND

A BILL FOR

1 An Act removing specified fees imposed for the formation of
2 designated forms of businesses.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TL5B 5859HH (6) 83
rn/nh



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House File 2272 - Introduced continued

PAG LIN

1 1 Section 1. Section 486A.105, subsection 6, Code 2009, is
 1 2 amended to read as follows:
 1 3 6. The secretary of state may collect a fee for filing or
 1 4 providing a certified copy of a statement. The county recorder
 1 5 may collect a fee for recording a statement. A fee shall not
 1 6 be collected for filing a statement of partnership authority
 1 7 pursuant to section 486A.303.

1 8 Sec. 2. Section 486A.1202, subsection 1, paragraph a, Code
 1 9 2009, is amended to read as follows:

1 10 a. Statement of qualification \$50
 1 11 No fee

1 12 Sec. 3. Section 488.1206, subsection 1, paragraph a, Code
 1 13 2009, is amended to read as follows:

1 14 a. Certificate of limited partnership \$100
 1 15 No fee

1 16 Sec. 4. Section 489.117, subsection 1, paragraph a, Code
 1 17 2009, is amended to read as follows:

1 18 a. Certificate of organization \$50
 1 19 No fee

1 20 Sec. 5. Section 490A.124, subsection 1, paragraph a, Code
 1 21 2009, is amended to read as follows:

1 22 a. Articles of organization \$50
 1 23 No fee

EXPLANATION

1 25 This bill removes fees currently imposed or imposable by the
 1 26 secretary of state for formation of certain business entities.
 1 27 The bill removes fees for filing a statement of partnership
 1 28 authority and a statement of qualification to form a limited
 1 29 liability partnership under Code chapter 486A, for filing a
 1 30 certificate of limited partnership under Code chapter 488, and
 1 31 for filing a certificate of organization to form a limited
 1 32 liability company under Code chapters 489 and 490A.

LSB 5859HH (6) 83
 rn/nh



Iowa General Assembly
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House File 2273 - Introduced

HOUSE FILE
BY MERTZ

A BILL FOR

1 An Act relating to drainage districts, by modifying the amount
2 of a bid security required to be submitted by bidders
3 proposing to make improvements and modifying the threshold
4 amount requiring the letting of bids to construct an
5 improvement, and including effective date provisions.
6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 5903YH (11) 83
da/nh



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House File 2273 - Introduced continued

PAG LIN

1 1 Section 1. Section 468.34, Code 2009, is amended to read as
1 2 follows:

1 3 468.34 Advertisement for bids.

1 4 The board shall publish notice once each week for two

1 5 consecutive weeks in a newspaper published in the county

1 6 where the improvement is located, and publish additional

1 7 advertisement and publication elsewhere as the board may

1 8 direct. The notice shall state the time and place of letting

1 9 the work of construction of the improvement, specifying the

1 10 approximate amount of work to be done in each numbered section

1 11 of the district, the time fixed for the commencement, and the

1 12 time of the completion of the work, that bids will be received

1 13 on the entire work and in sections or divisions of it, and

1 14 that a bidder will be required to deposit ~~with the bid cash,~~

~~1 15 a certified check on and certified by a bank in Iowa, or a~~

~~1 16 certified share draft from a credit union in Iowa payable to~~

~~1 17 the auditor or the auditor's order, at the auditor's office, in~~

~~1 18 an amount equal to ten percent of the bid, in no case to exceed~~

~~1 19 ten thousand dollars a bid security with the county auditor as~~

1 20 provided in section 468.35. All notices shall fix the date

1 21 to which bids will be received and upon which the work will

1 22 be let. However, when the estimated cost of the improvement

1 23 is less than ~~fifteen~~ twenty thousand dollars, the board may

1 24 let the contract for the construction without taking bids and

1 25 without publishing notice.

1 26 Sec. 2. Section 468.35, subsection 2, Code 2009, is amended

1 27 to read as follows:

1 28 2. A bid shall be in writing, specifying the portion

1 29 of the work upon which the bid is made, and filed with the

1 30 auditor. The bid shall be accompanied with a bid security.

1 31 The bid security shall be in the form of a deposit of cash, a

1 32 certified check on and certified by a bank in Iowa, a certified

1 33 share draft drawn on a credit union in Iowa, or a bid bond

1 34 with a corporate surety satisfactory to the board as provided

1 35 in section 73A.20. The bid security must be payable to the



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2 1 auditor or the auditor's order at the auditor's office in a sum
2 2 equal to ~~ten~~ five percent of the amount of the bid, ~~but not to~~
~~2 3 exceed ten thousand dollars.~~ However, if the maximum limit
2 4 on a bid security would cause a denial of funds or services
2 5 from the federal government which would otherwise be available,
2 6 or if the maximum limit would otherwise be inconsistent with
2 7 the requirements of federal law, the maximum limit may be
2 8 suspended to the extent necessary to prevent denial of federal
2 9 funds or services or to eliminate the inconsistency with
2 10 federal requirements. The cash, check, or share draft of an
2 11 unsuccessful bidder shall be returned, and the bid bond of an
2 12 unsuccessful bidder shall be canceled. The bid security of a
2 13 successful bidder shall be maintained as a guarantee that the
2 14 bidder will enter into contract in accordance with the bids.

2 15 Sec. 3. Section 468.66, Code 2009, is amended to read as
2 16 follows:

2 17 468.66 Bids required.

2 18 In case the board shall finally determine that any such
2 19 changes as defined in section 468.62 shall be made involving
2 20 an expenditure of ~~fifteen~~ twenty thousand dollars or more, the
2 21 work shall be let by bids in the same manner as is provided for
2 22 the original construction of such improvements.

2 23 Sec. 4. EFFECTIVE UPON ENACTMENT. This Act, being deemed of
2 24 immediate importance, takes effect upon enactment.

2 25 EXPLANATION

2 26 This bill amends a provision in Code chapter 468 which
2 27 authorizes a governing board, usually a county board of
2 28 supervisors and sometimes a joint board of supervisors or a
2 29 board of trustees, to establish and administer a drainage
2 30 district or districts and to locate and establish levees. This
2 31 includes the authority to maintain improvements to a levee,
2 32 ditch, drain, watercourse, or settling basin (Code section
2 33 468.1).

2 34 The bill amends Code sections 468.34 and 468.35, which
2 35 provide for the letting of bids by the board to make



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House File 2273 - Introduced continued

3 1 improvements to the drainage district. A bidder must submit
3 2 a bid security which is a bond or other proof of financial
3 3 responsibility to the county auditor in an amount equal to 10
3 4 percent of the bid amount or \$10,000, whichever is less. This
3 5 bill reduces the percentage of the bid amount required to be
3 6 pledged from 10 percent to 5 percent and eliminates the \$10,000
3 7 ceiling.
3 8 The bill also amends Code sections 468.34 and 468.66 which
3 9 establish a threshold dollar amount before a board must let
3 10 bids for a contract to construct an improvement. The bill
3 11 increases the threshold from \$15,000 to \$20,000.
3 12 The bill takes effect upon enactment.

LSB 5903YH (11) 83

da/nh



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House File 2274 - Introduced

HOUSE FILE
BY ABDUL-SAMAD and
WILLEMS

A BILL FOR

1 An Act concerning workplace accommodations for employees who
2 express breast milk.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 5574YH (3) 83
ak/nh



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House File 2274 - Introduced continued

PAG LIN

1 1 Section 1. NEW SECTION. 91F.1 Short title.
1 2 This chapter shall be known and may be cited as the "Family
1 3 Friendly Workplace Act".
1 4 Sec. 2. NEW SECTION. 91F.2 Definitions.
1 5 1. "Employer" means a person engaged in a business who has
1 6 one or more employees and also includes the state of Iowa, a
1 7 department or agency thereof, and any political subdivision of
1 8 the state.
1 9 2. "Reasonable efforts" means any effort that would not
1 10 impose an undue hardship on the operation of the employer's
1 11 business.
1 12 3. "Undue hardship" means any action that requires
1 13 significant difficulty or expense when considered in relation
1 14 to factors such as the size of the business, the financial
1 15 resources of the business, or the nature and the structure of
1 16 its operation.
1 17 Sec. 3. NEW SECTION. 91F.3 Right to express breast milk in
1 18 workplace == private location.
1 19 1. An employer shall provide reasonable unpaid break time or
1 20 permit an employee to use paid break time, meal time, or both,
1 21 each day, to allow the employee to express breast milk for the
1 22 employee's nursing child for up to two years after the child's
1 23 birth.
1 24 2. The employer shall make reasonable efforts to provide a
1 25 place, other than a bathroom, which is shielded from view and
1 26 free from intrusion from coworkers and the public, that may be
1 27 used by an employee to express breast milk in privacy.
1 28 3. An employer who makes reasonable efforts to accommodate
1 29 an employee who chooses to express breast milk in the workplace
1 30 shall be deemed to be in compliance with the requirements of
1 31 this section.
1 32 4. The department of workforce development shall provide on
1 33 its internet site information and links to other internet sites
1 34 where employers can access information regarding methods to
1 35 accommodate employees who express breast milk in the workplace.



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House File 2274 - Introduced continued

2 1 The department shall consult with appropriate organizations
2 2 or associations to determine the appropriate information and
2 3 internet site links so as to provide employers with the most
2 4 accurate and useful information available.

2 5 5. Before an employee may initiate litigation for a
2 6 violation of this section, there shall be mediation between
2 7 the employer and employee pursuant to chapter 679C unless the
2 8 issue is outside the scope of that chapter pursuant to section
2 9 679C.103.

2 10 Sec. 4. Section 91.5, Code 2009, is amended to read as
2 11 follows:

2 12 91.5 Other duties == jurisdiction in general.

2 13 The commissioner shall have jurisdiction and it shall be the
2 14 commissioner's duty to supervise the enforcement of:

2 15 1. All laws relating to safety appliances and inspection
2 16 thereof and health conditions in manufacturing and mercantile
2 17 establishments, workshops, machine shops, other industrial
2 18 concerns within the commissioner's jurisdiction and sanitation
2 19 and shelter for railway employees.

2 20 2. All laws of the state relating to child labor.

2 21 3. All laws relating to employment agencies.

2 22 4. All laws relating to expressing breast milk in the
2 23 workplace.

2 24 ~~4.~~ 5. Such other provisions of law as are now or shall
2 25 hereafter be within the commissioner's jurisdiction.

2 26 EXPLANATION

2 27 This bill concerns the accommodation in the workplace of
2 28 employees who express breast milk.

2 29 The bill requires that an employer provide an employee who
2 30 expresses breast milk reasonable time each day, paid or unpaid,
2 31 to express breast milk for up to two years after the birth of
2 32 the employee's child. The employer is also required to make
2 33 reasonable efforts to provide a private place other than a
2 34 bathroom for the employee to express breast milk. "Reasonable
2 35 efforts" is defined in the bill.



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House File 2274 - Introduced continued

3 1 The department of workforce development is required to
3 2 provide on its internet site information and other internet
3 3 site links that give employers access to information about
3 4 methods of accommodating employees who express breast milk at
3 5 work.

3 6 The bill states that before an employee can litigate an
3 7 employer's alleged violation of the bill, the employee and
3 8 employer are required to participate in mediation pursuant to
3 9 Code chapter 679C.

LSB 5574YH (3) 83

ak/nh



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House File 2275 - Introduced

HOUSE FILE
BY PALMER

A BILL FOR

1 An Act expanding the definition of criminal mischief in the
2 third degree, and providing penalties.

3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TL5B 5986HH (3) 83

jm/nh



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House File 2275 - Introduced continued

PAG LIN

1 1 Section 1. Section 716.5, subsection 1, Code Supplement
 1 2 2009, is amended by adding the following new paragraphs:
 1 3 NEW PARAGRAPH. f. The person intentionally injures,
 1 4 destroys, disturbs, or removes any marker placed on any tract
 1 5 of land, street, or highway, designating any point, course, or
 1 6 line on the boundary of the tract of land, street, or highway,
 1 7 if the marker was placed at such location by a land surveyor
 1 8 licensed under chapter 542B, or by any person directed by a
 1 9 licensed land surveyor. A governmental entity and employees of
 1 10 such an entity are exempt from prosecution under this paragraph
 1 11 for projects performed pursuant to section 314.8. A licensed
 1 12 land surveyor and persons under the direction of a licensed
 1 13 land surveyor are also exempt from prosecution under this
 1 14 paragraph for removing an existing marker in order to place an
 1 15 upgraded or more suitable marker in the same location.
 1 16 NEW PARAGRAPH. g. The person intentionally injures,
 1 17 destroys, disturbs, or removes any monument that has been
 1 18 established by the national geodetic survey, Iowa geodetic
 1 19 survey, or any county geographic information system for use in
 1 20 the determination of spatial location relative to the specified
 1 21 Iowa state plane coordinate system or precise elevation datum.
 1 22 A governmental entity and employees of such an entity are
 1 23 exempt from prosecution under this paragraph for projects
 1 24 performed pursuant to section 314.8.

EXPLANATION

1 26 This bill expands the definition of criminal mischief in the
 1 27 third degree.
 1 28 A person commits criminal mischief in the third degree
 1 29 under the bill if the person intentionally injures, destroys,
 1 30 disturbs, or removes any marker placed on any tract of land,
 1 31 street, or highway, designating any point, course, or line on
 1 32 the boundary of the tract of land, street, or highway, and the
 1 33 marker was placed at such location by a licensed land surveyor,
 1 34 or by any person directed by a licensed land surveyor. A
 1 35 governmental entity and employees of such an entity are exempt



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2 1 from prosecution under the bill for projects performed pursuant
2 2 to Code section 314.8, relating to preservation of government
2 3 markers in the course of highway construction. A licensed land
2 4 surveyor and persons under the direction of the surveyor are
2 5 also exempt from prosecution under the bill for removing an
2 6 existing marker in order to place an upgraded or more suitable
2 7 marker in the same location.
2 8 A person also commits criminal mischief in the third degree
2 9 under the bill if the person intentionally injures, destroys,
2 10 disturbs, or removes any monument that has been established
2 11 by the national geodetic survey, Iowa geodetic survey, or
2 12 any county geographic information system for use in the
2 13 determination of spatial location relative to the specified
2 14 Iowa state plane coordinate system or precise elevation datum.
2 15 A governmental entity and employees of such an entity are
2 16 exempt from prosecution under the bill for projects performed
2 17 pursuant to Code section 314.8.
2 18 A person who violates the bill commits an aggravated
2 19 misdemeanor. An aggravated misdemeanor is punishable by
2 20 confinement for no more than two years and a fine of at least
2 21 \$625 but not more than \$6,250.

LSB 5986HH (3) 83

jm/nh



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House File 2276 - Introduced

HOUSE FILE
BY UPMEYER and HUSER

A BILL FOR

1 An Act relating to program criteria for the hawk=i and IowaCare
2 programs under the purview of the department of human
3 services.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 5982YH (4) 83
pf/nh



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House File 2276 - Introduced continued

PAG LIN

1 1 Section 1. Section 249J.5, subsection 1, Code 2009, is
1 2 amended to read as follows:

1 3 1. Except as otherwise provided in this chapter, an
1 4 individual nineteen through sixty-four years of age shall
1 5 be eligible solely for the expansion population benefits
1 6 described in this chapter when provided through the expansion
1 7 population provider network as described in this chapter, if
1 8 the individual meets all of the following conditions:

1 9 a. The individual is not eligible for coverage under the
1 10 medical assistance program in effect on or after April 1, 2005.

1 11 b. The individual has a family income at or below two
1 12 hundred percent of the federal poverty level as defined by the
1 13 most recently revised poverty income guidelines published by
1 14 the United States department of health and human services.

1 15 c. The individual fulfills asset test requirements
1 16 established by the department consistent with the medical
1 17 assistance program.

1 18 d. The individual is a resident of Iowa.

1 19 ~~e.~~ e. The individual fulfills all other conditions of
1 20 participation for the expansion population described in this
1 21 chapter, including requirements relating to personal financial
1 22 responsibility.

1 23 Sec. 2. Section 249J.8, subsection 1, Code 2009, is amended
1 24 to read as follows:

1 25 1. Each expansion population member whose family income
1 26 exceeds one hundred percent of the federal poverty level as
1 27 defined by the most recently revised poverty income guidelines
1 28 published by the United States department of health and human
1 29 services shall pay a monthly premium ~~not to exceed one-twelfth~~
1 30 ~~of five percent of the member's annual family income based on~~
1 31 a sliding fee scale. Each expansion population member whose

1 32 family income is equal to or less than one hundred percent
1 33 of the federal poverty level as defined by the most recently
1 34 revised poverty income guidelines published by the United
1 35 States department of health and human services shall not be



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2 1 subject to payment of a monthly premium. All premiums shall be
2 2 paid on the last day of the month of coverage. The department
2 3 shall deduct the amount of any monthly premiums paid by an
2 4 expansion population member for benefits under the healthy and
2 5 well kids in Iowa program when computing the amount of monthly
2 6 premiums owed under this subsection. An expansion population
2 7 member shall pay the monthly premium during the entire period
2 8 of the member's enrollment. Regardless of the length of
2 9 enrollment, the member is subject to payment of the premium for
2 10 a minimum of four consecutive months. However, an expansion
2 11 population member who complies with the requirement of payment
2 12 of the premium for a minimum of four consecutive months during
2 13 a consecutive twelve-month period of enrollment shall be deemed
2 14 to have complied with this requirement for the subsequent
2 15 consecutive twelve-month period of enrollment and shall only be
2 16 subject to payment of the monthly premium on a month-by-month
2 17 basis. Timely payment of premiums, including any arrearages
2 18 accrued from prior enrollment, is a condition of receiving any
2 19 expansion population services. The payment to and acceptance
2 20 by an automated case management system or the department
2 21 of the premium required under this subsection shall not
2 22 automatically confer initial or continuing program eligibility
2 23 on an individual. A premium paid to and accepted by the
2 24 department's premium payment process that is subsequently
2 25 determined to be untimely or to have been paid on behalf of
2 26 an individual ineligible for the program shall be refunded
2 27 to the remitter in accordance with rules adopted by the
2 28 department. Premiums collected under this subsection shall be
2 29 deposited in the premiums subaccount of the account for health
2 30 care transformation created pursuant to section 249J.23. An
2 31 expansion population member shall also pay the same copayments
2 32 required of other adult recipients of medical assistance.
2 33 Sec. 3. Section 514I.4, subsection 5, paragraph b,
2 34 subparagraph (2), Code Supplement 2009, is amended to read as
2 35 follows:



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3 1 (2) Establish for children of families with incomes
3 2 exceeding two hundred percent but not exceeding three hundred
3 3 percent of the federal poverty level, family cost sharing
3 4 amounts, and graduated premiums based on a rationally developed
3 5 sliding fee schedule, that are distinctly different from those
3 6 for families with incomes of one hundred fifty percent or more
3 7 but not exceeding two hundred percent of the federal poverty
3 8 level, in accordance with federal law, with the approval of the
3 9 board.

3 10 Sec. 4. Section 514I.5, subsection 8, paragraph h, Code
3 11 Supplement 2009, is amended to read as follows:

3 12 h. The amount of any cost sharing under the program which
3 13 shall be assessed based on family income and which complies
3 14 with federal law. The rules shall provide that for children
3 15 of families with incomes exceeding two hundred percent but not
3 16 exceeding three hundred percent of the federal poverty level,
3 17 the family cost-sharing amounts, and graduated premiums based
3 18 on a rationally developed sliding fee schedule, are distinctly
3 19 different from those for families with incomes of one hundred
3 20 fifty percent or more but not exceeding two hundred percent of
3 21 the federal poverty level, in accordance with federal law.

3 22 EXPLANATION

3 23 This bill relates to the requirements for the hawk=i
3 24 program and the IowaCare program, both under the purview
3 25 of the department of human services (DHS). With regard to
3 26 the IowaCare program, the bill establishes as eligibility
3 27 requirements that an individual fulfills asset testing
3 28 requirements established by DHS consistent with the medical
3 29 assistance program and that the individual is a resident of the
3 30 state. Additionally, the bill requires that monthly premiums
3 31 for an individual whose family income exceeds 100 percent of
3 32 the federal poverty level be based on a sliding fee scale
3 33 rather than a premium that does not exceed one-twelfth of five
3 34 percent of the member's annual family income.

3 35 With regard to the hawk=i program, the bill directs the



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4 1 hawk=i board and DHS to establish and adopt by rule premiums
4 2 for children of families with incomes exceeding 200 percent but
4 3 not exceeding 300 percent of the federal poverty level that are
4 4 based on a rationally developed sliding fee schedule and that
4 5 are distinctly different from those for families with incomes
4 6 of 150 percent or more but not exceeding 200 percent of the
4 7 federal poverty level.

LSB 5982YH (4) 83

pf/nh



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House File 2277 - Introduced

HOUSE FILE
BY HUSER

(COMPANION TO LSB
5834SS BY JOCHUM)

A BILL FOR

1 An Act prohibiting cities and counties from adopting or
2 enforcing ordinances that require a landlord to evict or
3 impose certain restrictions or penalties on residential
4 tenants and including effective date provisions.
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TL5B 5834HH (4) 83
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1 1 Section 1. Section 331.304A, Code 2009, is amended by adding
1 2 the following new subsection:

1 3 NEW SUBSECTION. 3. a. A county shall not adopt or enforce
1 4 county legislation that requires a landlord under chapter 562A
1 5 or 562B to do any of the following:

1 6 (1) Impose restrictions on a tenant's ability to request
1 7 assistance from a public safety agency as defined in section
1 8 34.1.

1 9 (2) Impose a penalty on or evict a tenant who requests
1 10 assistance from a public safety agency as defined in section
1 11 34.1.

1 12 (3) Impose a penalty, impose liability, or evict a tenant as
1 13 the result of actions taken by a person on the premises without
1 14 the consent of the tenant.

1 15 b. County legislation in effect on the effective date
1 16 of this Act that violates this subsection is void and
1 17 unenforceable and any enforcement activity conducted in
1 18 violation of this subsection is void.

1 19 c. This subsection shall not be construed to limit the
1 20 enforcement of or invalidate any provision of a rental
1 21 agreement.

1 22 Sec. 2. Section 364.3, Code Supplement 2009, is amended by
1 23 adding the following new subsection:

1 24 NEW SUBSECTION. 11. a. A city shall not adopt or enforce
1 25 any ordinance that requires a landlord under chapter 562A or
1 26 562B to do any of the following:

1 27 (1) Impose restrictions on a tenant's ability to request
1 28 assistance from a public safety agency as defined in section
1 29 34.1.

1 30 (2) Impose a penalty on or evict a tenant who requests
1 31 assistance from a public safety agency as defined in section
1 32 34.1.

1 33 (3) Impose a penalty, impose liability, or evict a tenant as
1 34 the result of actions taken by a person on the premises without
1 35 the consent of the tenant.



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2 1 b. An ordinance in effect on the effective date of this Act
2 2 that violates this subsection is void and unenforceable and any
2 3 enforcement activity conducted in violation of this subsection
2 4 is void.

2 5 c. This subsection shall not be construed to limit the
2 6 enforcement of or invalidate any provision of a rental
2 7 agreement.

2 8 Sec. 3. EFFECTIVE UPON ENACTMENT. This Act, being deemed of
2 9 immediate importance, takes effect upon enactment.

2 10 EXPLANATION

2 11 This bill prohibits cities and counties from enacting
2 12 or enforcing ordinances that require a landlord under Code
2 13 chapter 562A (uniform residential landlord and tenant Act) or
2 14 Code chapter 562B (manufactured home communities or mobile
2 15 home parks residential landlord and tenant Act) to impose
2 16 restrictions on a tenant's ability to request assistance from
2 17 a public safety agency as defined in the bill, to impose a
2 18 penalty on or evict a tenant who requests assistance from a
2 19 public safety agency, or to impose a penalty, impose liability,
2 20 or evict a tenant as the result of actions taken by a person on
2 21 the premises without the consent of the tenant.

2 22 The bill provides that an ordinance in effect on the
2 23 effective date of the bill that violates the provisions of the
2 24 bill is void and unenforceable and any enforcement activity
2 25 conducted in violation of the bill is void.

2 26 The bill also provides that the restrictions imposed on
2 27 the enactment and enforcement of such ordinances shall not
2 28 be construed to limit the enforcement of or invalidate any
2 29 provision of a rental agreement.

2 30 The bill takes effect upon enactment.

LSB 5834HH (4) 83

md/nh



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House File 2278 - Introduced

HOUSE FILE
BY SCHULTZ and WINDSCHITL

A BILL FOR

1 An Act relating to adoption eligibility criteria established by
2 private child-placing agencies.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 5969HH (5) 83
pf/nh



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1 1 Section 1. NEW SECTION. 238.16A Private child=placing
1 2 agency == adoption services eligibility requirements.
1 3 A private child=placing agency licensed to place children
1 4 for adoption may establish and administer eligibility
1 5 requirements for adoptive families that do not conflict with
1 6 religious beliefs or moral convictions to which the agency
1 7 subscribes. Establishing and administering such eligibility
1 8 requirements shall not be grounds for revocation of licensure.

1 9 EXPLANATION

1 10 This bill provides that a private child=placing agency may
1 11 establish eligibility requirements for adoptive families that
1 12 do not conflict with the religious beliefs or moral convictions
1 13 to which the agency subscribes. The bill also provides that
1 14 establishing and administering such eligibility requirements
1 15 shall not be grounds for revocation of licensure.

LSB 5969HH (5) 83

pf/nh



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House File 2279 - Introduced

HOUSE FILE
BY HUSER

A BILL FOR

1 An Act relating to the use of multiple credit report inquiries
2 as a negative factor in insurance scoring or for purposes of
3 underwriting or rating a personal insurance policy.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 6074YH (2) 83
av/rj



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1 1 Section 1. Section 515.103, subsection 2, paragraph h, Code
1 2 2009, is amended by adding the following new subparagraph:
1 3 NEW SUBPARAGRAPH. (1A) Multiple inquiries for credit
1 4 reports not initiated by the consumer or initiated by the
1 5 consumer for the consumer's own credit information.

1 6 EXPLANATION

1 7 This bill prohibits an insurer from using multiple inquiries
1 8 for credit reports not initiated by the consumer or initiated
1 9 by the consumer for the consumer's own credit information, as
1 10 a negative factor in any insurance scoring methodology or in
1 11 reviewing credit information for the purpose of underwriting or
1 12 rating a personal insurance policy.

LSB 6074YH (2) 83

av/rj



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House File 2280 - Introduced

HOUSE FILE
BY COMMITTEE ON PUBLIC
SAFETY

(SUCCESSOR TO HSB 604)

A BILL FOR

1 An Act providing for the treatment of animals other than
2 agricultural animals, by providing for regulation of
3 commercial establishments, providing for reporting of
4 threatened animals, providing for fees, providing penalties,
5 and including effective date provisions.

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

TLSB 6171HV (6) 83

da/rj



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1 1 Section 1. Section 162.1, Code 2009, is amended to read as
1 2 follows:

1 3 162.1 ~~Policy~~ Purpose and scope.

1 4 1. The purpose of this chapter is to do all of the
1 5 following:

1 6 ~~1. a. To insure~~ Insure that all dogs and cats handled by
1 7 ~~boarding kennels, commercial kennels, commercial breeders,~~
~~1 8 dealers, and public auctions~~ commercial establishments are
1 9 provided with humane care and treatment ~~by regulating.~~

1 10 b. Regulate the transportation, sale, purchase, housing,
1 11 care, handling, and treatment of ~~such animals~~ dogs and cats by
1 12 persons ~~or organizations~~ engaged in transporting, buying, or
1 13 selling them ~~and to provide.~~

1 14 c. Provide that all vertebrate animals consigned to pet
1 15 shops are provided humane care and treatment by regulating the
1 16 transportation, sale, purchase, housing, care, handling, and
1 17 treatment of such animals by pet shops.

1 18 ~~2. d. To authorize~~ Authorize the sale, trade, or adoption
1 19 of only those animals which appear to be free of infectious or
1 20 communicable disease.

1 21 ~~3. e. To protect~~ Protect the public from zoonotic disease.

1 22 2. This chapter does not apply to livestock as defined
1 23 in section 717.1 or any other agricultural animal used in
1 24 agricultural production as provided in chapter 717A.

1 25 Sec. 2. Section 162.2, Code Supplement 2009, is amended by
1 26 adding the following new subsections:

1 27 NEW SUBSECTION. 4A. "Animal Welfare Act" means the
1 28 federal Animal Welfare Act, 7 U.S.C. ch. 54, and regulations
1 29 promulgated by the United States department of agriculture and
1 30 published in 9 C.F.R. ch. 1.

1 31 NEW SUBSECTION. 4B. "Authorization" means a state license,
1 32 certificate of registration, or permit issued or renewed by the
1 33 department to a commercial establishment as provided in section
1 34 162.2A.

1 35 NEW SUBSECTION. 6A. "Commercial establishment" or



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2 1 "establishment" means an animal shelter, boarding kennel,
2 2 commercial breeder, commercial kennel, dealer, pet shop, pound,
2 3 public auction, or research facility.
2 4 NEW SUBSECTION. 8A. "Department" means the department of
2 5 agriculture and land stewardship.
2 6 NEW SUBSECTION. 9A. "Federal license" means a license
2 7 issued by the United States department of agriculture to a
2 8 person classified as a dealer or exhibitor pursuant to the
2 9 federal Animal Welfare Act.
2 10 NEW SUBSECTION. 9B. "Federal licensee" means a person to
2 11 whom a federal license as a dealer or exhibitor is issued.
2 12 NEW SUBSECTION. 10A. "Permittee" means a commercial
2 13 breeder, dealer, or public auction to whom a permit is issued
2 14 by the department as a federal licensee pursuant to section
2 15 162.2A.
2 16 NEW SUBSECTION. 15A. "Registrant" means a pound, animal
2 17 shelter, or research facility to whom a certificate of
2 18 registration is issued by the department pursuant to section
2 19 162.2A.
2 20 NEW SUBSECTION. 16A. "State fiscal year" means the fiscal
2 21 year described in section 3.12.
2 22 NEW SUBSECTION. 16B. "State licensee" means any of the
2 23 following:
2 24 a. A boarding kennel, commercial kennel, or pet shop to whom
2 25 a state license is issued by the department pursuant to section
2 26 162.2A.
2 27 b. A commercial breeder, dealer, or public auction to whom
2 28 a state license is issued in lieu of a permit by the department
2 29 pursuant to section 162.2A.
2 30 Sec. 3. Section 162.2, subsection 13, Code Supplement 2009,
2 31 is amended to read as follows:
2 32 13. "Pound" ~~or "dog pound"~~ means a facility for the
2 33 prevention of cruelty to animals operated by the state, a
2 34 municipal corporation, or other political subdivision of the
2 35 state for the purpose of impounding or harboring seized stray,



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3 1 homeless, abandoned or unwanted dogs, cats or other animals; or
3 2 a facility operated for such a purpose under a contract with
3 3 any municipal corporation or incorporated society.
3 4 Sec. 4. NEW SECTION. 162.2A Application, issuance, and
3 5 renewal of authorizations.
3 6 1. The department shall provide for the operation
3 7 of a commercial establishment by issuing or renewing an
3 8 authorization, including any of the following:
3 9 a. A certificate of registration for a pound, animal,
3 10 shelter, or research facility.
3 11 b. A state license for a boarding kennel, commercial kennel,
3 12 or pet shop.
3 13 c. A state license or permit for a commercial breeder,
3 14 dealer, or public auction. A federal licensee must apply for
3 15 and be issued either a permit or a state license in lieu of a
3 16 permit.
3 17 2. A person must be issued a separate state license,
3 18 certificate of registration, or permit for each commercial
3 19 establishment owned or operated by the person.
3 20 3. A person must apply for the issuance or renewal of an
3 21 authorization on forms and according to procedures required by
3 22 rules adopted by the department. The application shall contain
3 23 information required by the department, including but not
3 24 limited to all of the following:
3 25 a. The person's name.
3 26 b. The person's principal office or place of business.
3 27 c. The name, address, and type of establishment covered by
3 28 the authorization.
3 29 d. The beginning and end of the person's fiscal year.
3 30 4. The authorization expires on an annual basis as
3 31 provided by the department, and must be renewed by the
3 32 commercial establishment on an annual basis on or before the
3 33 authorization's expiration date.
3 34 5. a. A commercial establishment applying for the issuance
3 35 or renewal of a permit shall provide the department with proof



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4 1 that the person is a federal licensee.
4 2 b. The department shall not require that it must enter onto
4 3 the premises of a commercial establishment in order to issue a
4 4 permit. The department shall not require that it must enter
4 5 onto the premises of a commercial establishment in order to
4 6 renew a permit, unless it has reasonable cause to monitor the
4 7 commercial establishment as provided in section 162.10C.
4 8 Sec. 5. NEW SECTION. 162.2B Fees.
4 9 The department shall establish, assess, and collect fees as
4 10 provided in this section.
4 11 1. A commercial establishment shall pay authorization fees
4 12 to the department for the issuance or renewal of a certificate
4 13 of registration, state license, or permit.
4 14 a. For the issuance or renewal of a certificate of
4 15 registration, seventy=five dollars.
4 16 b. For the issuance or renewal of a state license or permit,
4 17 one hundred seventy=five dollars. However, a commercial
4 18 breeder who owns, keeps, breeds, or transports a greyhound dog
4 19 for pari=mutuel wagering at a racetrack as provided in chapter
4 20 99D shall pay a different fee for the issuance or renewal of a
4 21 state license as provided in rules adopted by the department.
4 22 2. The department shall retain all fees that it collects
4 23 under this section for the exclusive purpose of administering
4 24 and enforcing the provisions of this chapter. The fees shall
4 25 be considered repayment receipts as defined in section 8.2.
4 26 The general assembly shall appropriate moneys to the department
4 27 each state fiscal year necessary for the administration and
4 28 enforcement of this chapter.
4 29 Sec. 6. Section 162.3, Code 2009, is amended by striking the
4 30 section and inserting in lieu thereof the following:
4 31 162.3 Operation of a pound == certificate of registration.
4 32 A pound shall only operate pursuant to a certificate of
4 33 registration issued or renewed by the department as provided
4 34 in section 162.2A. A pound may sell dogs or cats under its
4 35 control, if sales are allowed by the department. The pound



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5 1 shall maintain records as required by the department in order
5 2 for the department to ensure the pound's compliance with the
5 3 provisions of this chapter.

5 4 Sec. 7. Section 162.4, Code 2009, is amended by striking the
5 5 section and inserting in lieu thereof the following:
5 6 162.4 Operation of an animal shelter == certificate of
5 7 registration.

5 8 An animal shelter shall only operate pursuant to a
5 9 certificate of registration issued or renewed by the department
5 10 as provided in section 162.2A. An animal shelter may sell dogs
5 11 or cats if sales are allowed by the department. The animal
5 12 shelter facility shall maintain records as required by the
5 13 department in order for the department to ensure the animal
5 14 shelter's compliance with the provisions of this chapter.

5 15 Sec. 8. NEW SECTION. 162.4A Operation of a research
5 16 facility == certificate of registration.

5 17 A research facility shall only operate pursuant to a
5 18 certificate of registration issued by the department as
5 19 provided in section 162.2A. The research facility shall
5 20 maintain records as required by the department in order for the
5 21 department to ensure the research facility's compliance with
5 22 the provisions of this chapter. A research facility shall not
5 23 purchase a dog or cat from a commercial establishment that does
5 24 not have a valid authorization issued or renewed under this
5 25 chapter or a similar authorization issued or renewed by another
5 26 state.

5 27 Sec. 9. Section 162.5, Code 2009, is amended by striking the
5 28 section and inserting in lieu thereof the following:
5 29 162.5 Operation of a pet shop == state license.

5 30 A pet shop shall only operate pursuant to a state license
5 31 issued or renewed by the department pursuant to section
5 32 162.2A. The pet shop shall maintain records as required by the
5 33 department in order for the department to ensure the pet shop's
5 34 compliance with the provisions of this chapter. A pet shop
5 35 shall not purchase a dog or cat from a commercial establishment



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6 1 that does not have a valid authorization issued or renewed
6 2 under this chapter or a similar authorization issued or renewed
6 3 by another state.
6 4 Sec. 10. NEW SECTION. 162.5A Operation of a boarding kennel
6 5 == state license.
6 6 A boarding kennel shall only operate pursuant to a state
6 7 license issued by the department as provided in section 162.2A.
6 8 The boarding kennel shall maintain records as required by
6 9 the department in order for the department to ensure the
6 10 boarding kennel's compliance with the provisions of this
6 11 chapter. A boarding kennel shall not purchase a dog or cat
6 12 from a commercial establishment that does not have a valid
6 13 authorization issued or renewed under this chapter or a similar
6 14 authorization issued or renewed by another state.
6 15 Sec. 11. Section 162.6, Code 2009, is amended by striking
6 16 the section and inserting in lieu thereof the following:
6 17 162.6 Operation of a commercial kennel == state license.
6 18 A commercial kennel shall only operate pursuant to a state
6 19 license issued or renewed by the department as provided in
6 20 section 162.2A. A commercial kennel shall maintain records
6 21 as required by the department in order for the department to
6 22 ensure the commercial kennel's compliance with the provisions
6 23 of this chapter. A commercial kennel shall not purchase a dog
6 24 or cat from a commercial establishment that does not have a
6 25 valid authorization issued or renewed under this chapter or a
6 26 similar authorization issued or renewed by another state.
6 27 Sec. 12. Section 162.7, Code 2009, is amended by striking
6 28 the section and inserting in lieu thereof the following:
6 29 162.7 Operation of a dealer == state license or permit.
6 30 A dealer shall only operate pursuant to a state license,
6 31 or a permit, issued or renewed by the department as provided
6 32 in section 162.2A. A dealer who is a state licensee shall
6 33 maintain records as required by the department in order for the
6 34 department to ensure compliance with the provisions of this
6 35 chapter. A dealer who is a permittee may, but is not required



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7 1 to maintain records. A dealer shall not purchase a dog or cat
7 2 from a commercial establishment that does not have a valid
7 3 authorization issued or renewed under this chapter or a similar
7 4 authorization issued or renewed by another state.

7 5 Sec. 13. Section 162.8, Code 2009, is amended by striking
7 6 the section and inserting in lieu thereof the following:
7 7 162.8 Operation of a commercial breeder == state license or
7 8 permit.

7 9 A commercial breeder shall only operate pursuant to a state
7 10 license, or a permit, issued or renewed by the department
7 11 as provided in section 162.2A. A commercial breeder who is
7 12 a state licensee shall maintain records as required by the
7 13 department in order for the department to ensure the commercial
7 14 breeder's compliance with the provisions of this chapter. A
7 15 commercial breeder who is a permittee may but is not required
7 16 to maintain records. A commercial breeder shall not purchase a
7 17 dog or cat from a commercial establishment that does not have a
7 18 valid authorization issued or renewed under this chapter or a
7 19 similar authorization issued or renewed by another state.

7 20 Sec. 14. NEW SECTION. 162.9A Operation of a public auction
7 21 == state license or permit.

7 22 A public auction shall only operate pursuant to a state
7 23 license, or a permit, issued or renewed by the department
7 24 as provided in section 162.2A. A public auction which is
7 25 a state licensee shall maintain records as required by the
7 26 department in order for the department to ensure the public
7 27 auction's compliance with the provisions of this chapter. A
7 28 public auction which is a permittee may but is not required to
7 29 maintain records. A public auction shall not purchase a dog or
7 30 cat from a commercial establishment that does not have a valid
7 31 authorization issued or renewed under this chapter or a similar
7 32 authorization issued or renewed by another state.

7 33 Sec. 15. NEW SECTION. 162.10A Commercial establishments ==
7 34 standard of care.

7 35 1. a. A commercial establishment shall provide for a



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8 1 standard of care that ensures that an animal in its possession
8 2 or under its control is not lacking any of the following:
8 3 (1) Adequate feed, adequate water, housing facilities,
8 4 sanitary control, or grooming practices, if such lack causes
8 5 adverse health or suffering.
8 6 (2) Veterinary care.
8 7 b. A commercial establishment, other than a research
8 8 facility or pet shop, shall provide for the standard of care
8 9 for dogs and cats in its possession or under its control, and a
8 10 research facility or pet shop shall provide for the standard of
8 11 care for invertebrate animals in its possession or under its
8 12 control.
8 13 2. a. Except as provided in paragraph "b" or "c", a
8 14 commercial establishment shall comply with rules that the
8 15 department adopts to implement subsection 1. A commercial
8 16 establishment shall be regulated under this paragraph "a"
8 17 unless the person is a state licensee as provided in paragraph
8 18 "b" or a permittee as provided in paragraph "c".
8 19 b. A state licensee who is a commercial breeder owning,
8 20 breeding, transporting, or keeping a greyhound dog for
8 21 pari-mutuel wagering at a racetrack as provided in chapter 99D
8 22 may be required to comply with different rules adopted by the
8 23 department.
8 24 c. A permittee is not required to comply with rules that the
8 25 department adopts to implement a standard of care as provided
8 26 in subsection 1 for state licensees and registrants. The
8 27 department may adopt rules regulating a standard of care for
8 28 a permittee, so long as the rules are not more restrictive
8 29 than required for a permittee under the Animal Welfare Act.
8 30 However, the department may adopt prescriptive rules relating
8 31 to the standard of care. Regardless of whether the department
8 32 adopts such rules, a permittee meets the standard of care
8 33 required in subsection 1, if it voluntarily complies with rules
8 34 applicable to state licensees or registrants. A finding by
8 35 the United States department of agriculture that a permittee



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9 1 complies with the Animal Welfare Act is not conclusive when
9 2 determining that the permittee provides a standard of care
9 3 required in subsection 1.

9 4 3. A commercial establishment fails to provide for a
9 5 standard of care as provided in subsection 1, if the commercial
9 6 establishment commits abuse as described in section 717B.2,
9 7 neglect as described in section 717B.3, or torture as provided
9 8 in section 717B.3A.

9 9 Sec. 16. NEW SECTION. 162.10B Commercial establishments ==
9 10 inspecting state licensees and registrants.

9 11 The department may inspect the commercial establishment of
9 12 a registrant or state licensee by entering onto its business
9 13 premises at any time during normal working hours. The
9 14 department may inspect records required to be maintained by the
9 15 state licensee or registrant as provided in this chapter. If
9 16 the owner or person in charge of the commercial establishment
9 17 refuses admittance, the department may obtain an administrative
9 18 search warrant issued under section 808.14.

9 19 Sec. 17. NEW SECTION. 162.10C Commercial establishments ==
9 20 monitoring permittees.

9 21 1. The department may monitor the commercial establishment
9 22 of a permittee by entering onto its business premises at
9 23 any time during normal working hours. The department shall
9 24 monitor the commercial establishment for the limited purpose of
9 25 determining whether the permittee is providing for a standard
9 26 of care required for permittees under section 162.10A. If
9 27 the owner or person in charge of the commercial establishment
9 28 refuses admittance, the department may obtain an administrative
9 29 search warrant issued under section 808.14.

9 30 2. In order to enter onto the business premises of a
9 31 permittee's commercial establishment, the department must have
9 32 reasonable cause to suspect that the permittee is not providing
9 33 for the standard of care required for permittees under section
9 34 162.10A. Reasonable cause must be supported by any of the
9 35 following:



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10 1 a. An oral or written complaint received by the department
10 2 by a person. The complainant must provide the complainant's
10 3 name and address and telephone number. Notwithstanding chapter
10 4 22, the department's record of a complaint is confidential,
10 5 unless any of the following apply:
10 6 (1) The results of the monitoring are used in a contested
10 7 case proceeding as provided in chapter 17A or in a judicial
10 8 proceeding.
10 9 (2) The record is sought in discovery in any administrative,
10 10 civil, or criminal case.
10 11 (3) The department's record of a complaint is filed by a
10 12 person other than an individual.
10 13 b. A report prepared by a person employed by the United
10 14 States department of agriculture that requires a permittee to
10 15 take action necessary to correct a breach of standard of care
10 16 required of federal licensees by the Animal Welfare Act or of
10 17 permittees by section 162.10A. The department is not required
10 18 to dedicate any number of hours to viewing or analyzing such
10 19 reports.
10 20 3. When carrying out this section, the department may
10 21 cooperate with the United States department of agriculture.
10 22 The department shall report any findings resulting in an
10 23 enforcement action under section 162.10D to the United States
10 24 department of agriculture.
10 25 Sec. 18. NEW SECTION. 162.10D Commercial establishments ==
10 26 disciplinary actions.
10 27 1. The department may take disciplinary action against a
10 28 person by suspending or revoking the person's authorization for
10 29 violating a provision of this chapter or chapter 717B, or who
10 30 commits an unlawful practice under section 714.16.
10 31 2. The department may require that an owner, operator, or
10 32 employee of a commercial establishment subject to disciplinary
10 33 action under subsection 1 to complete a continuing education
10 34 program as a condition for retaining an authorization.
10 35 This section does not prevent a person from voluntarily



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11 1 participating in a continuing education program.
11 2 3. The department shall administer the continuing education
11 3 program by either providing direct instruction or selecting
11 4 persons to provide such instruction. The department is not
11 5 required to compensate persons for providing the instruction,
11 6 and may require attendees to pay reasonable fees necessary to
11 7 compensate the department providing the instruction or a person
11 8 selected by the department to provide the instruction. The
11 9 department shall, to every extent possible, select persons to
11 10 provide the instruction by consulting with organizations that
11 11 represent commercial establishments, including but not limited
11 12 to the Iowa pet breeders association.
11 13 4. The department shall establish the criteria for a
11 14 continuing education program which shall include at least three
11 15 and not more than eight hours of instruction. The department
11 16 shall provide for the program's beginning and ending dates.
11 17 However, a person must complete the program in twelve months
11 18 or less.
11 19 Sec. 19. Section 162.11, subsections 1 and 3, Code 2009, are
11 20 amended by striking the subsections.
11 21 Sec. 20. Section 162.11, subsection 2, Code 2009, is amended
11 22 by striking the subsection and inserting in lieu thereof the
11 23 following:
11 24 2. This chapter does not apply to a federal licensee except
11 25 as provided in the following:
11 26 a. Sections 162.1, 162.2, 162.2A, 162.2B, 162.7, 162.8,
11 27 162.9A, 162.10A, 162.10C, 162.10D, 162.12A, and 162.13.
11 28 b. Section 162.16 but only to the extent required to
11 29 implement sections described in paragraph "a".
11 30 Sec. 21. NEW SECTION. 162.12A Civil penalties.
11 31 The department shall establish, impose, and assess civil
11 32 penalties for violations of this chapter. The department may
11 33 by rule establish a schedule of civil penalties for violations
11 34 of this chapter. All civil penalties collected under this
11 35 section shall be deposited into the general fund of the state.



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12 1 1. a. A commercial establishment that operates pursuant
12 2 to an authorization issued or renewed under this chapter is
12 3 subject to a civil penalty of not more than five hundred
12 4 dollars, regardless of the number of animals possessed or
12 5 controlled by the commercial establishment, for violating this
12 6 chapter. Except as provided in paragraph "b", each day that a
12 7 violation continues shall be deemed a separate offense.
12 8 b. This paragraph applies to a commercial establishment
12 9 that violates a standard of care involving housing as provided
12 10 in section 162.10A. The departmental official who makes
12 11 a determination that a violation exists shall provide a
12 12 corrective plan to the commercial establishment describing how
12 13 the violation will be corrected within a compliance period of
12 14 not more than fifteen days from the date of approval by the
12 15 official of the corrective plan. The civil penalty shall not
12 16 exceed five hundred dollars for the first day of the violation.
12 17 After that day, the department shall not impose a civil penalty
12 18 for the violation during the compliance period. The department
12 19 shall not impose an additional civil penalty, unless the
12 20 commercial establishment fails to correct the violation by the
12 21 end of the compliance period. If the commercial establishment
12 22 fails to correct the violation by the end of the compliance
12 23 period, each day that the violation continues shall be deemed a
12 24 separate offense.
12 25 2. A commercial establishment that does not operate
12 26 pursuant to an authorization issued or renewed under this
12 27 chapter is subject to a civil penalty of not more than one
12 28 thousand dollars, regardless of the number of animals possessed
12 29 or controlled by the commercial establishment, for violating
12 30 this chapter. Each day that a violation continues shall be
12 31 deemed a separate offense.
12 32 Sec. 22. Section 162.13, Code 2009, is amended to read as
12 33 follows:
12 34 162.13 ~~Penalties~~ Criminal penalties == confiscation.
12 35 1. Operation of a pound, animal shelter, pet shop, boarding



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~~13 1 kennel, commercial kennel, research facility, or public
13 2 auction, or dealing in dogs or cats, or both, either as a
13 3 dealer or a commercial breeder, without a currently valid
13 4 license or a certificate of registration is A person who
13 5 operates a commercial establishment without an authorization
13 6 issued or renewed by the department as required in section
13 7 162.2A is guilty of a simple misdemeanor and each day of
13 8 operation is a separate offense.
13 9 2. The failure of ~~any pound, research facility, animal~~
13 10 ~~shelter, pet shop, boarding kennel, commercial kennel,~~
13 11 ~~commercial breeder, public auction, or dealer, to adequately~~
13 12 ~~house, feed, or water dogs, cats, or vertebrate animals in~~
13 13 ~~the person's or facility's possession or custody a person~~
13 14 ~~who owns or operates a commercial establishment to meet the~~
13 15 ~~standard of care required in section 162.10A, subsection 1, is~~
13 16 ~~a simple misdemeanor. The animals are subject to seizure and~~
13 17 ~~impoundment and may be sold or destroyed as provided by rules~~
13 18 ~~which shall be adopted by the department pursuant to chapter~~
13 19 ~~17A. The rules shall provide for the destruction of an animal~~
13 20 ~~by a humane method, including by euthanasia.~~
13 21 3. The failure of a person who owns or operates a commercial
13 22 establishment to meet the requirements of this section is
13 23 also cause for the suspension or revocation ~~or suspension~~
13 24 of license or registration after public hearing of the
13 25 person's authorization as provided in section 162.10D. The
13 26 commission of an act declared to be an unlawful practice under
13 27 section 714.16 or prohibited under chapter 717 or 717B, by
13 28 a person licensed or registered under this chapter is cause
13 29 for revocation or suspension of the license or registration
13 30 certificate.
13 31 4. Dogs, cats, and other ~~vertebrates~~ vertebrate
13 32 animals upon which euthanasia is permitted by law may be
13 33 destroyed by a person subject to this chapter or chapter 169,
13 34 by a humane method, including euthanasia, as provided by rules
13 35 which shall be adopted by the department pursuant to chapter~~



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14 1 17A.
14 2 5. It is unlawful for a dealer to knowingly ship a diseased
14 3 animal. A dealer violating this paragraph is subject to a
14 4 fine not exceeding one hundred dollars. Each diseased animal
14 5 shipped in violation of this paragraph is a separate offense.
14 6 Sec. 23. Section 162.16, Code 2009, is amended by striking
14 7 the section and inserting in lieu thereof the following:
14 8 162.16 Rules.
14 9 The department shall adopt rules and promulgate forms
14 10 necessary to administer and enforce the provisions of this
14 11 chapter.
14 12 Sec. 24. NEW SECTION. 717B.10 Threatened animal reporting
14 13 by veterinarians.
14 14 This section applies to a veterinarian who is licensed or who
14 15 holds a valid temporary permit to practice veterinary medicine
14 16 in this state pursuant to chapter 169.
14 17 1. A veterinarian who is presented with an animal for
14 18 examination or treatment shall file a threatened animal report
14 19 if the veterinarian determines that the animal is a threatened
14 20 animal.
14 21 2. The department shall establish a system of receiving and
14 22 filing threatened animal reports, including the promulgation
14 23 of forms. A threatened animal report shall be in writing in
14 24 a printed or electronic format as required by the department.
14 25 The threatened animal report shall include information as
14 26 required by the department which shall at least include all of
14 27 the following:
14 28 a. Information identifying the veterinarian.
14 29 b. Information identifying the responsible party, including
14 30 the name and address of the responsible party.
14 31 c. Information identifying the threatened animal,
14 32 including by family and species classification, the name and a
14 33 description of the threatened animal, and any other identifying
14 34 information accessed from an installed identification device
14 35 as defined in section 169A.1.



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15 1 d. The date that the veterinarian examined or treated the
15 2 threatened animal.

15 3 e. A summary description of the threatened animal's
15 4 condition and any required treatment whether or not
15 5 administered.

15 6 3. A veterinarian shall use best efforts to complete the
15 7 threatened animal report, but is not required to conduct an
15 8 inquiry in order to obtain information solely to complete the
15 9 report.

15 10 4. A veterinarian who in good faith files a threatened
15 11 animal report with the department shall not be criminally or
15 12 civilly liable, including for damages for acts or omissions
15 13 in preparing or filing the threatened animal report, or
15 14 cooperating with the department or a local authority. The good
15 15 faith of the veterinarian is presumed as a matter of law.

15 16 5. A veterinarian is not required to file a threatened
15 17 animal report if any of the following apply:

15 18 a. The veterinarian when examining or treating a threatened
15 19 animal is any of the following:

15 20 (1) Employed by the state or local authority.
15 21 (2) Under contract with state or local authority.
15 22 (3) Under the supervision of the state or local authority.

15 23 b. The veterinarian is conducting an examination or
15 24 treatment pursuant to court order.

15 25 6. The department may forward a threatened animal report
15 26 to the local authority where the responsible party resides
15 27 or where the threatened animal is kept. The department may
15 28 investigate a commercial establishment identified as the
15 29 responsible party in a threatened animal report.

15 30 7. The department shall record a veterinarian who fails to
15 31 file a threatened animal report as required by this section.
15 32 Prior to recording the veterinarian, the department shall
15 33 notify the veterinarian of its determination and provide the
15 34 veterinarian with an opportunity to contest the determination
15 35 pursuant to chapter 17A. A veterinarian who is recorded and



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16 1 who subsequently fails to file a threatened animal report
16 2 is guilty of a simple misdemeanor. The department may
16 3 refer information regarding such failure subsequent to the
16 4 veterinarian's recording under this subsection to the county
16 5 attorney in the county where the veterinarian is practicing
16 6 or to the attorney general who may initiate and carry out
16 7 the prosecution in cooperation, if possible, with the county
16 8 attorney.

16 9 Sec. 25. REPEAL. Sections 162.9, 162.10, and 162.18, Code
16 10 2009, are repealed.

16 11 Sec. 26. CURRENT DEPARTMENTAL RULES. This Act does not
16 12 diminish the authority of the department of agriculture and
16 13 land stewardship to regulate different types of commercial
16 14 establishments as provided in 21 IAC ch. 67.

16 15 Sec. 27. ISSUANCE OF PERMITS. This Act does not require
16 16 a commercial establishment that has been issued or renewed a
16 17 certificate of registration to be issued a permit earlier than
16 18 required in section 162.2A for the renewal of a permit. The
16 19 person shall hold the certificate of registration in the same
16 20 manner as a permit pursuant to this Act.

16 21 Sec. 28. EFFECTIVE UPON ENACTMENT. This Act, being deemed
16 22 of immediate importance, takes effect upon enactment.

16 23 EXPLANATION

16 24 GENERAL. This bill provides for the regulation of
16 25 commercial establishments that possess or control animals,
16 26 other than animals used for an agricultural purpose, by the
16 27 department of agriculture and land stewardship. Under current
16 28 law an animal shelter, pound, or research facility must obtain
16 29 a certificate of registration; a pet shop, boarding kennel, or
16 30 commercial kennel must obtain a state license; and a commercial
16 31 breeder, dealer, and public auction must obtain a certificate
16 32 of registration because they are federally licensed. The bill
16 33 provides that a commercial breeder, dealer, and public auction
16 34 must obtain a permit instead of a certificate of registration.
16 35 All of these documents are referred to as authorizations.



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17 1 AUTHORIZATION. The bill provides that a commercial
17 2 establishment must pay a fee for being issued or renewed an
17 3 authorization. The bill increases fees required to be paid for
17 4 the issuance or renewal of an authorization. The bill requires
17 5 the department to establish different fees for greyhounds kept
17 6 for racing. It places a restriction upon the department's
17 7 power to enter onto the premises of a commercial establishment
17 8 being issued a permit.

17 9 PURCHASE OF DOGS AND CATS BY UNAUTHORIZED COMMERCIAL
17 10 ESTABLISHMENTS. The bill prohibits a research facility, pet
17 11 shop, boarding kennel, commercial kennel, dealer, commercial
17 12 breeder, or public auction from purchasing a dog or cat from a
17 13 commercial establishment, that is not authorized in this state
17 14 or another state.

17 15 STANDARD OF CARE. The bill requires that commercial
17 16 establishments must operate pursuant to an authorization and
17 17 requires registrants and state licensees to maintain records.
17 18 The bill provides for a general standard of care for all
17 19 commercial establishments. The commercial establishment must
17 20 ensure that an animal in its possession or under its control is
17 21 not lacking adequate feed, adequate water, housing facilities,
17 22 sanitary control, grooming practices affecting the health of
17 23 the animal, or veterinary care. A registrant or state licensee
17 24 must comply with departmental rules, with two exceptions.
17 25 The department may adopt different rules that apply to state
17 26 licensees who keep greyhounds for racing. A permittee may meet
17 27 the standard of care without complying with the departmental
17 28 rules. It may also fail to meet the standard of care even
17 29 though it passes a federal inspection. The department may
17 30 adopt rules implementing a standard of care so long as the
17 31 rules are not more restrictive than the federal Animal Welfare
17 32 Act. The bill allows the department to adopt prescriptive
17 33 rules. A person who commits animal cruelty under Code chapter
17 34 717B fails to meet the standard of care.

17 35 ENTERING ONTO THE BUSINESS PREMISES. The bill provides



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18 1 that the department may inspect a registrant or state licensee
18 2 by entering onto its business premises and may inspect its
18 3 records. The department may monitor a permittee by entering
18 4 onto its business premises for the limited purpose of
18 5 determining whether the permittee is providing for the required
18 6 standard of care. In order to enter onto the premises of a
18 7 permittee, the department must have reasonable cause supported
18 8 by an oral or written complaint or a report filed by the United
18 9 States department of agriculture. The bill provides for the
18 10 confidentiality of complaints filed by individuals unless they
18 11 are relevant to an administrative or court proceeding.

18 12 DISCIPLINARY ACTIONS. The bill provides that the department
18 13 may take disciplinary action against a commercial establishment
18 14 by suspending or revoking the commercial establishment's
18 15 authorization. The department may require that an owner,
18 16 operator, or employee of a commercial establishment complete
18 17 a continuing education program which is supervised by the
18 18 department but may be administered by a person selected by the
18 19 department.

18 20 EXCEPTIONS. The bill eliminates provisions that exempted
18 21 federal licensees from regulations. It provides that
18 22 permittees are subject to regulation as expressly provided in
18 23 the Code chapter.

18 24 PENALTIES. The bill authorizes the department to establish,
18 25 impose, and assess civil penalties for violations of the bill's
18 26 provisions. For an authorized commercial establishment the
18 27 civil penalty is up to \$500 per each day of a violation. For a
18 28 housing violation, the civil penalty is assessed for the first
18 29 day, but not for the subsequent 15 days to allow for correction
18 30 according to a departmental plan.

18 31 Generally a person who violates a standard of care is guilty
18 32 of a simple misdemeanor. The bill provides that a person
18 33 who operates a commercial establishment without obtaining an
18 34 authorization is guilty of a simple misdemeanor. A simple
18 35 misdemeanor is punishable by confinement for no more than 30



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19 1 days or a fine of at least \$65 but not more than \$625 or by
19 2 both.

19 3 RULES. The bill authorizes the department to adopt rules
19 4 necessary to administer and enforce the provisions of the bill
19 5 amending Code chapter 162. It eliminates a provision that
19 6 provides the department cannot adopt rules more stringent than
19 7 federal regulations.

19 8 CURRENT DEPARTMENTAL RULES. The bill provides that it
19 9 does not diminish the authority of the department to regulate
19 10 different types of commercial establishments as provided in its
19 11 rules.

19 12 MANDATORY REPORTING BY VETERINARIANS. The bill provides
19 13 that a veterinarian who is licensed or who holds a valid
19 14 temporary permit to practice veterinary medicine under Code
19 15 chapter 169 must file a report with the department if the
19 16 veterinarian determines that an animal other than livestock is
19 17 threatened by neglect, abuse, or cruelty as those offenses are
19 18 defined in Code chapter 717B. The bill provides for procedures
19 19 required to file a report. The department may forward the
19 20 report to a local authority for enforcement. There is no
19 21 penalty for a veterinarian who on the first occasion fails to
19 22 file a report. The bill shields a veterinarian who files a
19 23 report with the department in good faith from criminal or civil
19 24 liability. A veterinarian who subsequently fails to file a
19 25 report after the department provides the veterinarian a warning
19 26 for the first offense is guilty of a simple misdemeanor.

19 27 A simple misdemeanor is punishable by confinement for no
19 28 more than 30 days and a fine of at least \$65 but not more than
19 29 \$625 or both.

19 30 EFFECTIVE DATE. The bill takes effect upon enactment.

LSB 6171HV (6) 83

da/rj



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House Study Bill 687

SENATE/HOUSE FILE
BY (PROPOSED ATTORNEY
GENERAL BILL)

A BILL FOR

1 An Act relating to charitable solicitations, by providing
2 for registration requirements, providing for fees and
3 appropriations, imposing penalties, and including effective
4 date provisions.

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

TLSB 5385DP (19) 83

da/nh



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1 1 Section 1. NEW SECTION. 13D.1 Definitions.
1 2 1. "Business association" means the same as defined in
1 3 section 202B.102.
1 4 2. "Charitable organization" means a person who solicits or
1 5 purports to solicit contributions for a charitable purpose and
1 6 who receives contributions.
1 7 3. "Charitable purpose" means a benevolent, educational,
1 8 philanthropic, humane, scientific, patriotic, social welfare or
1 9 advocacy, public health, environmental, conservation, civic,
1 10 or other charitable objective.
1 11 4. "Charitable sales promotion" means an advertising or
1 12 sales campaign which is conducted by a commercial coventurer
1 13 and which represents that the purchase or use of goods or
1 14 services offered by the commercial coventurer will benefit, in
1 15 whole or in part, a charitable organization or purpose.
1 16 5. "Commercial coventurer" means a person who, for profit,
1 17 is regularly and primarily engaged in trade or commerce, other
1 18 than in connection with soliciting for charitable organizations
1 19 or purposes, and who conducts a charitable sales promotion.
1 20 6. a. "Contribution" means the grant, promise, or pledge
1 21 of money, credit, property, financial assistance, or any other
1 22 thing of value provided in response to a solicitation.
1 23 b. "Contribution" does not include bona fide fees, dues,
1 24 or assessments paid by members of a charitable organization
1 25 if membership in the organization is not conferred primarily
1 26 as consideration for making a contribution in response to a
1 27 solicitation.
1 28 7. "Internal Revenue Code" means 26 U.S.C. { 1 et seq.,
1 29 designated as the Internal Revenue Code of 1986 by the Tax
1 30 Reform Act of 1986, Pub. L. No. 99=514, including amendments.
1 31 8. "Internal revenue service" means the internal revenue
1 32 service of the United States department of the treasury.
1 33 9. "Political organization" means a political party, a
1 34 candidate for federal or state office, or a political action
1 35 committee formed pursuant to the federal Election Campaign



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2 1 Act, 2 U.S.C. { 431 et seq., and required to file financial
2 2 information with federal or state elections commissions.
2 3 10. "Professional commercial fund-raiser" means any person
2 4 who for compensation solicits contributions in Iowa for a
2 5 charitable organization other than the person. A person whose
2 6 sole responsibility is to mail fund-raising literature is not a
2 7 professional commercial fund-raiser.
2 8 a. "Professional commercial fund-raiser" includes any
2 9 person, other than a bona fide officer or regular employee of
2 10 a charitable organization, who is retained by a charitable
2 11 organization for a fixed fee or rate under a written agreement
2 12 to plan, manage, advise, consult, or prepare material for or
2 13 with respect to the solicitation in this state of contributions
2 14 for a charitable organization but who does not solicit
2 15 contributions or employ, procure, or engage any compensated
2 16 person to solicit contributions.
2 17 b. (1) An attorney licensed to practice law, an investment
2 18 adviser or investment adviser representative as defined in
2 19 section 502.102, or a person engaged in banking as provided in
2 20 section 554.4105, who advises a person to make a charitable
2 21 contribution is not, as a result of such advice, a professional
2 22 commercial fund-raiser.
2 23 (2) A bona fide salaried officer, employee, or volunteer
2 24 of a charitable organization is not a professional commercial
2 25 fund-raiser.
2 26 (3) A political organization is not a professional
2 27 commercial fund-raiser.
2 28 (4) A religious organization is not a professional
2 29 commercial fund-raiser.
2 30 11. "Record" means a book, financial statement, paper,
2 31 correspondence, memorandum, agreement, or other information in
2 32 a printed or electronic form that the attorney general deems
2 33 relevant or material to an inquiry made under this chapter.
2 34 12. "Religious organization" means an organization that
2 35 is exempt from filing a federal annual information return



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3 1 pursuant to 26 U.S.C. { 6033(a)(3)(A)(i) or (iii), 26 U.S.C. {
3 2 6033(a)(3)(C)(i), or pursuant to 26 C.F.R. { 1.6033-2(g)(1)(i)
3 3 through (iv), or 26 C.F.R. { 1.6033-2(g)(1)(vii).
3 4 13. a. "Solicit" or "solicitation" means a request,
3 5 made directly or indirectly, for a contribution on the
3 6 representation that the contribution will be used for a
3 7 charitable purpose. A solicitation is deemed to have taken
3 8 place whether or not the person making the solicitation
3 9 receives a contribution.
3 10 b. "Solicitation" does not include an application for
3 11 a grant from any governmental entity or private nonprofit
3 12 foundation.
3 13 14. "Solicitation campaign" means more than one solicitation
3 14 made by the same person, if the solicitations are similar in
3 15 content or are based on a similar representation, and any of
3 16 the following applies:
3 17 a. The solicitations result in or are represented to result
3 18 in an event.
3 19 b. The solicitations occur or are intended to occur for a
3 20 specific time period.
3 21 c. The solicitations occur for an indefinite period of time
3 22 within the same calendar year.
3 23 15. "Volunteer" means a person who performs a service for a
3 24 charitable organization or charitable purpose and who does not
3 25 receive financial remuneration or who has not been expressly
3 26 nor impliedly promised to be paid financial remuneration for
3 27 performing such service.
3 28 Sec. 2. NEW SECTION. 13D.2 Charitable organizations ==
3 29 registration requirements.
3 30 1. A charitable organization must be registered with the
3 31 attorney general prior to soliciting contributions in this
3 32 state by any means, having contributions solicited in this
3 33 state on its behalf by any other person, or participating in
3 34 a charitable sales promotion.
3 35 2. In order to be registered, a charitable organization must



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4 1 file a registration statement with the attorney general and
4 2 must comply with the annual renewal requirement as provided in
4 3 this chapter.
4 4 3. A registration statement shall contain information
4 5 required by the attorney general, including but not limited to
4 6 all of the following:
4 7 a. The name of the charitable organization, the purpose for
4 8 which it is organized, and the name or names under which it
4 9 intends to solicit contributions.
4 10 b. The mailing address, electronic mail address, and
4 11 telephone number of the principal place of business of the
4 12 charitable organization and the mailing address, electronic
4 13 mail address, and telephone number of each of its offices in
4 14 this state. If the charitable organization does not maintain
4 15 an office in this state, the registration statement shall
4 16 include the name, mailing address, electronic mail address,
4 17 and telephone number of the person who has custody of the
4 18 charitable organization's financial records.
4 19 c. The name and address of each officer, director, trustee,
4 20 or executive personnel of the charitable organization.
4 21 d. The last day of the fiscal year of the charitable
4 22 organization.
4 23 e. The place and date when the charitable organization was
4 24 legally established, the legal form of its organization, and
4 25 its tax-exempt status.
4 26 f. The name and address of each professional commercial
4 27 fund-raiser and each commercial coventurer who is acting or has
4 28 agreed to act on behalf of the charitable organization. If the
4 29 professional commercial fund-raiser or commercial coventurer
4 30 is a business association organized as a legal entity, the
4 31 charitable organization shall list only the name and address of
4 32 the business association.
4 33 g. Any other information determined relevant by the attorney
4 34 general.
4 35 4. A charitable organization required to register under



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5 1 this chapter shall file a financial report with the attorney
5 2 general. The financial report shall include information for
5 3 the charitable organization's most recent fiscal year. The
5 4 charitable organization shall file the financial report on or
5 5 before the fifteenth day of the fifth calendar month after the
5 6 close of each fiscal year of the charitable organization.
5 7 a. The charitable organization may file, in lieu of a
5 8 financial report, a copy of its completed federal tax form
5 9 990 as promulgated by the internal revenue service for the
5 10 charitable organization's most recent fiscal year, including
5 11 all schedules except schedules of donors, for the most recent
5 12 fiscal year.
5 13 b. A charitable organization may apply to the attorney
5 14 general requesting an extension of time to file a financial
5 15 report or a copy of a federal tax form 990 as provided in
5 16 paragraph "a". The attorney general shall consider and approve
5 17 or disapprove such applications under terms, conditions,
5 18 and procedures that are substantially similar to the terms,
5 19 conditions, and procedures established by the internal revenue
5 20 service when considering and approving or disapproving an
5 21 extension of time to file a federal tax form 990. During the
5 22 extension period the charitable organization shall file a copy
5 23 of its most recently filed federal tax form 990 or such other
5 24 financial information that the attorney general may require.
5 25 c. A charitable organization that was first legally
5 26 established within twelve months prior to being required to
5 27 register and thus cannot complete a financial report or a
5 28 federal tax form 990 as provided in paragraph "a", shall file a
5 29 preliminary financial report based on a good faith estimate for
5 30 its first full fiscal year.
5 31 5. a. A charitable organization required to register under
5 32 this chapter shall file with the attorney general a statement
5 33 of amendment reflecting any changes materially affecting the
5 34 charitable organization's identity or business, including but
5 35 not limited to a change to its:



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- 6 1 (1) Name.
- 6 2 (2) Address.
- 6 3 (3) Officers, directors, trustees, or executive personnel.
- 6 4 (4) Form of business association.
- 6 5 (5) Tax status.
- 6 6 b. The statement of amendment shall be filed concurrently
- 6 7 with the next financial report required to be filed pursuant to
- 6 8 this chapter.
- 6 9 6. Each chapter, branch, or affiliate of a charitable
- 6 10 organization that is required to file a registration statement
- 6 11 or statement of amendment under this section shall file a
- 6 12 separate registration statement or statement of amendment, or
- 6 13 shall report the necessary information to its parent charitable
- 6 14 organization which shall file a consolidated registration
- 6 15 statement or statement of amendment.
- 6 16 7. Each registration application, financial report, or
- 6 17 statement of amendment required to be filed pursuant to this
- 6 18 section shall be signed and sworn to under oath by an officer
- 6 19 of the charitable organization, which may include but is not
- 6 20 limited to its chief fiscal officer.
- 6 21 Sec. 3. NEW SECTION. 13D.3 Charitable organizations ==
- 6 22 filing fees.
- 6 23 1. A charitable organization required to file a financial
- 6 24 report or a federal tax form 990 in lieu of the financial
- 6 25 report as provided in section 13D.2, shall pay an annual filing
- 6 26 fee to the attorney general.
- 6 27 2. The amount of the annual filing fee shall be based on the
- 6 28 total receipts collected by the charitable organization from
- 6 29 all solicitations in this state during the period covered in
- 6 30 its financial report, or its federal tax form 990, being filed.
- 6 31 a. For receipts of \$50,000 or
- 6 32 more but less than \$100,000 \$25
- 6 33 b. For receipts of \$100,000 or
- 6 34 more but less than \$250,000 \$50
- 6 35 c. For receipts of \$250,000 or



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7 1 more but less than \$500,000 \$75
 7 2 d. For receipts of \$500,000 or
 7 3 more but less than \$1,000,000 \$100
 7 4 e. For receipts of \$1,000,000 or
 7 5 more but less than \$2,000,000 \$200
 7 6 f. For receipts of \$2,000,000 or
 7 7 more but less than \$5,000,000 \$300
 7 8 g. For receipts of \$5,000,000 or
 7 9 more \$500
 7 10 Sec. 4. NEW SECTION. 13D.4 Charitable organizations ==
 7 11 exemptions.
 7 12 A charitable organization is not required to be registered
 7 13 and is not required to file a financial report as provided in
 7 14 section 13D.2, if the charitable organization is any of the
 7 15 following:
 7 16 1. A political organization.
 7 17 2. A religious organization.
 7 18 3. a. A charitable organization, if any of the following
 7 19 applies:
 7 20 (1) It is required to furnish the internal revenue service
 7 21 an electronic annual notification pursuant to the Internal
 7 22 Revenue Code, 26 U.S.C. { 6033(i).
 7 23 (2) It does not receive contributions from more than ten
 7 24 persons during the charitable organization's fiscal year.
 7 25 b. The exemption authorized in paragraph "a" does not
 7 26 apply to a charitable organization that has contracted with a
 7 27 professional commercial fund-raiser to solicit contributions in
 7 28 this state for the charitable organization.
 7 29 4. a. A foundation acting solely for the support of an
 7 30 institution governed by the state board of regents.
 7 31 b. A foundation acting solely for the support of an
 7 32 institution governed by chapter 260C.
 7 33 c. A private foundation as defined in the Internal Revenue
 7 34 Code, 26 U.S.C. { 509(a), organized for the support of a
 7 35 government body.



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8 1 Sec. 5. NEW SECTION. 13D.5 Attorney general == electronic
8 2 filing.

8 3 The attorney general shall take steps to cooperate with
8 4 other states and the federal government to establish a joint
8 5 state and federal electronic filing project for charitable
8 6 organizations making solicitations as provided in this chapter.
8 7 To every extent feasible, the project shall involve state
8 8 government offices regulating charitable promotion and the
8 9 internal revenue service to enable and promote the electronic
8 10 filing of uniform multistate registration statements and
8 11 federal annual information returns.

8 12 Sec. 6. NEW SECTION. 13D.6 Charitable organizations == use
8 13 of another organization's name in solicitation.

8 14 A charitable organization shall not solicit contributions
8 15 for a charitable purpose in this state, where the charitable
8 16 organization claims that a portion or all of the contributions
8 17 received will be given to another charitable organization
8 18 in this state, without permission from the other charitable
8 19 organization that its name may be referred to as part of the
8 20 solicitation.

8 21 Sec. 7. NEW SECTION. 13D.7 Professional commercial
8 22 fund=raisers == registration and filing fee.

8 23 1. A professional commercial fund-raiser must be registered
8 24 with the attorney general prior to soliciting contributions in
8 25 this state on behalf of a charitable organization.

8 26 2. In order to be registered, a professional commercial
8 27 fund-raiser shall file a registration statement as described in
8 28 this section.

8 29 3. A registration statement shall contain information
8 30 required by the attorney general, including but not limited to
8 31 all of the following:

8 32 a. The mailing address, electronic mail address, and
8 33 telephone number of the principal place of business of the
8 34 professional commercial fund-raiser, and the electronic mail
8 35 address and telephone number of its principal contact person.



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9 1 b. A listing of the professional commercial fund-raiser's
9 2 clients.

9 3 c. Financial disclosure information concerning
9 4 contributions received and disbursements made during the
9 5 previous fiscal year. Financial disclosure information shall
9 6 not include an applicant's donor lists.

9 7 d. Copies of contracts executed by the professional
9 8 commercial fund-raiser and a charitable organization as
9 9 provided in section 13D.8.

9 10 e. Any other information deemed relevant by the attorney
9 11 general.

9 12 4. The attorney general may require that registration
9 13 information be updated on a quarterly basis.

9 14 5. A professional commercial fund-raiser shall pay
9 15 the attorney general a fee of one hundred dollars for each
9 16 registration.

9 17 6. A professional commercial fund-raiser shall file with
9 18 the attorney general a statement of amendment reflecting any
9 19 changes to its client list or to its existing contracts within
9 20 sixty days of such changes.

9 21 7. The registration of a professional commercial
9 22 fund-raiser with the attorney general is valid for twelve
9 23 months.

9 24 8. A professional commercial fund-raiser may submit an
9 25 application for renewal of registration in the same manner as
9 26 for initial registration.

9 27 Sec. 8. NEW SECTION. 13D.8 Professional commercial
9 28 fund-raiser == contracts with charitable organizations.

9 29 1. A contract executed between a professional commercial
9 30 fund-raiser and a charitable organization required to register
9 31 as provided in section 13D.2 shall be in writing and signed
9 32 by an authorized official of the charitable organization.
9 33 The professional commercial fund-raiser shall provide a copy
9 34 of the contract to the charitable organization prior to the
9 35 performance of any material services under the contract.



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10 1 2. A contract executed between a professional commercial
10 2 fund-raiser and a charitable organization shall at least
10 3 contain all of the following provisions:
10 4 a. A statement of the charitable purpose for which the
10 5 solicitation campaign is being conducted.
10 6 b. A statement of the respective obligations of the
10 7 professional commercial fund-raiser and the charitable
10 8 organization.
10 9 c. Whether the professional commercial fund-raiser will at
10 10 any time have custody or control of contributions.
10 11 d. A clear statement of the fees that will be paid to the
10 12 professional commercial fund-raiser or, if the fees are to be
10 13 calculated based on a percentage of contributions or other
10 14 formula, a clear statement of the percentage or other formula.
10 15 e. The effective and termination dates of the contract.
10 16 3. Prior to commencing a solicitation campaign in the
10 17 state, the professional commercial fund-raiser must file with
10 18 the attorney general a description of the manner in which
10 19 the solicitation campaign will be conducted, including but
10 20 not limited to copies of any telephone calling scripts, mail
10 21 solicitations, and pledge mailing materials.
10 22 Sec. 9. NEW SECTION. 13D.9 Rules and forms.
10 23 1. The attorney general may adopt rules as necessary to
10 24 administer and enforce the provisions of this chapter.
10 25 2. The attorney general may prescribe forms determined
10 26 necessary or convenient to administer this chapter, including
10 27 but not limited to forms associated with registration
10 28 requirements for charitable organizations and professional
10 29 commercial fund-raisers.
10 30 Sec. 10. NEW SECTION. 13D.10 Attorney general authority to
10 31 administer this chapter.
10 32 1. The submission of records including but not limited to
10 33 contracts, scripts, and mail solicitations to the attorney
10 34 general pursuant to the filing requirements of this chapter
10 35 do not constitute attorney general approval of the records



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11 1 submitted.

11 2 2. The attorney general may reject the registration of a
11 3 charitable organization or professional commercial fund-raiser
11 4 for failing to comply with the requirements of this chapter.

11 5 3. The attorney general may examine any information that the
11 6 attorney general deems is or may be relevant to a filing by a
11 7 charitable organization or professional commercial fund-raiser
11 8 pursuant to this chapter.

11 9 Sec. 11. NEW SECTION. 13D.11 Enforcement == penalty.

11 10 1. The attorney general shall enforce the provisions of this
11 11 chapter.

11 12 2. A violation of this chapter is a violation of section
11 13 714.16, subsection 2, paragraph "a". The provisions of section
11 14 714.16, including but not limited to provisions relating to
11 15 investigation, injunctive relief, and penalties, shall apply to
11 16 this chapter.

11 17 Sec. 12. NEW SECTION. 13D.12 Funds collected == charitable
11 18 solicitations administration fund == appropriation.

11 19 A charitable solicitations administration fund is created
11 20 as a separate fund in the state treasury to be administered
11 21 by the attorney general. Moneys collected by the attorney
11 22 general under this chapter shall be deposited in the fund.
11 23 The moneys in the fund are appropriated to the department of
11 24 justice exclusively for public education relating to charitable
11 25 solicitations and for enforcement of the provisions of this
11 26 chapter. Notwithstanding section 8.33, any moneys in the fund
11 27 shall not revert. Notwithstanding section 12C.7, subsection
11 28 2, interest or earnings on moneys deposited in the fund shall
11 29 be credited to the fund.

11 30 Sec. 13. Section 714H.2, Code Supplement 2009, is amended by
11 31 adding the following new subsections:

11 32 NEW SUBSECTION. 7A. "Political organization" means a
11 33 political party, a candidate for office, or a political action
11 34 committee required to file financial information with federal
11 35 or state election or campaign commissions.



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12 1 NEW SUBSECTION. 7B. "Religious organization" means
12 2 a religious corporation, trust, foundation, association,
12 3 or organization incorporated or established for religious
12 4 purposes.
12 5 Sec. 14. Section 714H.3, subsection 1, Code Supplement
12 6 2009, is amended to read as follows:
12 7 1. A person shall not engage in a practice or act the
12 8 person knows or reasonably should know is an unfair practice,
12 9 deception, fraud, false pretense, or false promise, or the
12 10 misrepresentation, concealment, suppression, or omission of
12 11 a material fact, with the intent that others rely upon the
12 12 unfair practice, deception, fraud, false pretense, false
12 13 promise, misrepresentation, concealment, suppression, or
12 14 omission in connection with the advertisement, sale, or lease
12 15 of consumer merchandise, or the solicitation of contributions
12 16 for charitable purposes. For the purposes of this chapter,
12 17 a claimant alleging an unfair practice, deception, fraud,
12 18 false pretense, false promise, or misrepresentation must prove
12 19 that the prohibited practice related to a material fact or
12 20 facts. "Solicitations of contributions for charitable purposes"
12 21 does not include solicitations made on behalf of a political
12 22 organization ~~as defined in section 13C.1~~, solicitations made
12 23 on behalf of a religious organization ~~as defined in section~~
~~12 24 13C.1~~, solicitations made on behalf of a state, regionally, or
12 25 nationally accredited college or university, or solicitations
12 26 made on behalf of a nonprofit foundation benefiting a state,
12 27 regionally, or nationally accredited college or university
12 28 subject to section 509(a)(1) or 509(a)(3) of the Internal
12 29 Revenue Code of 1986.
12 30 Sec. 15. CHARITABLE SOLICITATIONS ADMINISTRATION.
12 31 1. There is appropriated from the consumer education and
12 32 litigation fund created in section 714.16C to the department of
12 33 justice for the fiscal year beginning July 1, 2010, and ending
12 34 June 30, 2011, the following amount, or so much thereof as is
12 35 necessary, to be used for the purposes designated:



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13 1 For supporting the administration and enforcement of this
 13 2 Act, including the registration of charitable organizations
 13 3 and professional fund=raisers and the collection and public
 13 4 dissemination of information:
 13 5 \$ 125,000

13 6 2. The department of justice shall repay the amount
 13 7 appropriated in subsection 1 to the consumer education
 13 8 and litigation fund from the charitable solicitations
 13 9 administration fund, as created in this Act, not later than
 13 10 June 30, 2012.

13 11 Sec. 16. REPEAL. Chapter 13C, Code 2009, is repealed.
 13 12 Sec. 17. EFFECTIVE DATE. This Act takes effect January 1,
 13 13 2011.

EXPLANATION

13 14
 13 15 GENERAL. This bill provides for solicitations for
 13 16 contributions by or on behalf of a charitable organization.
 13 17 The bill eliminates Code chapter 13C referring to the same
 13 18 subject and rewrites those provisions in proposed new Code
 13 19 chapter 13D.

13 20 The bill regulates charitable organizations that solicit
 13 21 contributions for a charitable purpose associated with a
 13 22 benevolent, educational, philanthropic, humane, scientific,
 13 23 patriotic, social welfare or advocacy, public health,
 13 24 environmental, conservation, civic, or other charitable
 13 25 objective.

13 26 CHARITABLE ORGANIZATIONS. The bill contains a number of new
 13 27 provisions regulating a charitable organization. According to
 13 28 the bill, a charitable organization must be registered with
 13 29 the attorney general prior to soliciting contributions in this
 13 30 state. The registration statement must include information
 13 31 regarding its business and fund=raising activities. The
 13 32 charitable organization must also file amendment statements
 13 33 that reflect material changes to the organization. The
 13 34 charitable organization must file a financial report which
 13 35 includes information for the charitable organization's most



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14 1 recent fiscal year as provided by the attorney general or, in
14 2 the discretion of the attorney general, a copy of a completed
14 3 federal tax form 990 filed by nonprofit organizations. A
14 4 charitable organization must also pay filing fees with the fee
14 5 based on the amount of receipts collected by the charitable
14 6 organization.

14 7 The bill provides for a number of exceptions from
14 8 the registration requirements, which apply to religious
14 9 organizations; political parties, political candidates,
14 10 and political action committees; organizations that receive
14 11 contributions from 10 persons or less; and foundations
14 12 including those associated with the state board of regents and
14 13 community colleges.

14 14 The bill authorizes the attorney general to cooperate with
14 15 the federal government and state government to establish a
14 16 state electronic filing project.

14 17 PROFESSIONAL COMMERCIAL FUND=RAISERS. The bill provides
14 18 for the registration of professional commercial fund-raisers
14 19 who for compensation solicit contributions in Iowa for a
14 20 charitable organization (but does not include attorneys,
14 21 investment advisers, or investment adviser representatives
14 22 regulated under Code chapter 502, persons engaged in banking,
14 23 political organizations, or religious organizations). The
14 24 bill rewrites provisions contained in Code section 13C.2. It
14 25 retains requirements that prohibit a person from soliciting
14 26 contributions for charitable purposes in this state unless the
14 27 professional commercial fund-raiser registers with the attorney
14 28 general. It eliminates a number of requirements in Code
14 29 section 13C.2, including (1) the option to forgo registration
14 30 by promising to provide financial disclosure information to a
14 31 person or government entity requesting the information and (2)
14 32 a provision requiring the confidentiality of client lists owned
14 33 by a professional commercial fund-raiser. The bill increases
14 34 the fee required for registering from \$10 to \$100.

14 35 USE OF A CHARITABLE ORGANIZATION'S NAME. The bill retains



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15 1 other provisions from Code chapter 13C, including provisions in
15 2 Code section 13C.3, which prohibit a charitable organization
15 3 from soliciting contributions for a charitable purpose where
15 4 the organization claims that a portion of or all of the
15 5 contributions received will be given to another charitable
15 6 organization in this state, without permission from the other
15 7 charitable organization.

15 8 ADMINISTRATION. The bill retains a provision that delegates
15 9 rule making authority to the attorney general, and authorizes
15 10 the attorney general to promulgate forms.

15 11 FUNDING. The bill establishes a charitable solicitations
15 12 administration fund under the control of the attorney general.
15 13 Moneys collected by the attorney general under the bill are
15 14 deposited in the fund, and are appropriated from the fund for
15 15 the use by the attorney general in administering and enforcing
15 16 its provisions.

15 17 PENALTIES. The bill also retains language from Code section
15 18 13C.8 which provides the attorney general with enforcement
15 19 authority, and makes a violation of the Code chapter a
15 20 fraudulent practice under Code section 714.16(2)(a). A
15 21 fraudulent practice is an offense that is punishable by a
15 22 range of penalties depending upon the amount of money or value
15 23 of property taken (see Code sections 714.9 through 714.13),
15 24 from fraudulent practice in the fifth degree punishable as a
15 25 simple misdemeanor to fraudulent practice in the first degree
15 26 punishable as a class "C" felony. A simple misdemeanor is
15 27 punishable by confinement for no more than 30 days or a fine of
15 28 at least \$65 but not more than \$625 or by both. A class "C"
15 29 felony is punishable by confinement for no more than 10 years
15 30 and a fine of at least \$1,000 but not more than \$10,000.

15 31 EFFECTIVE DATE. The bill takes effect on January 1, 2011.

LSB 5385DP (19) 83

da/nh



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House Study Bill 688

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

A BILL FOR

1 An Act concerning weight limits for vehicles carrying grain,
2 fertilizer, or agricultural chemicals on noninterstate
3 highways.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 6173YC (3) 83
dea/nh



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1 1 Section 1. Section 321.463, subsection 5, paragraph c, Code
1 2 Supplement 2009, is amended to read as follows:

1 3 c. The maximum gross weight allowed to be carried on a
1 4 livestock ~~or~~ vehicle, construction vehicle, or a vehicle
1 5 carrying grain, fertilizer, or agricultural chemicals on
1 6 noninterstate highways is as follows:

1 7 NONINTERSTATE HIGHWAYS

1 8 MAXIMUM GROSS WEIGHT TABLE

1 9 LIVESTOCK OR CONSTRUCTION VEHICLE OR VEHICLE

1 10 CARRYING LIVESTOCK, GRAIN, FERTILIZER,

1 11 OR AGRICULTURAL CHEMICALS

1 12 Distance

1 13 in feet 6 Axles 7 Axles

Distance	6 Axles	7 Axles
44	80,500	80,500
45	81,000	81,500
46	81,500	82,500
47	82,000	83,500
48	83,000	84,000
49	83,500	85,000
50	84,000	86,000
51	84,500	87,000
52	85,000	88,000
53	86,000	88,500
54	86,500	89,500
55	87,000	90,500
56	87,500	91,500
57	88,000	92,000
58	89,000	93,000
59	89,500	94,000
60	90,000	95,000
61	95,500	
62	96,000	

1 34 Notwithstanding any provision of this section to the
1 35 contrary, the maximum gross weight allowed to be carried



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2 1 on a noninterstate highway by a ~~livestock~~ vehicle carrying
2 2 livestock, grain, fertilizer, or agricultural chemicals with
2 3 five axles, a minimum distance in feet between the centers of
2 4 the first and fifth axles of sixty-one feet, and a minimum
2 5 distance between the two rear axles of at least eight feet and
2 6 one inch is eighty-six thousand pounds.

2 7 EXPLANATION

2 8 This bill provides weight limitations for vehicles carrying
2 9 grain, fertilizer, or agricultural chemicals that currently
2 10 apply to livestock and construction vehicles. The new weight
2 11 limitations apply to vehicles with six or seven axles traveling
2 12 on noninterstate highways.

2 13 In addition, current law allows a livestock vehicle with
2 14 five axles, a minimum distance of 61 feet between the centers
2 15 of the first and fifth axles, and a minimum distance of eight
2 16 feet, one inch between the two rear axles to carry a maximum
2 17 gross weight of 86,000 pounds. The bill extends the weight
2 18 allowance to similar vehicles carrying grain, fertilizer, or
2 19 agricultural chemicals.

LSB 6173YC (3) 83

dea/nh



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House Study Bill 689

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

A BILL FOR

1 An Act relating to prescription drug costs and practices and
2 making penalties applicable.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 5726YC (2) 83
pf/nh



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PAG LIN

1 1 DIVISION I
1 2 PHARMACY BENEFITS MANAGERS
1 3 Section 1. Section 510.21, Code 2009, is amended to read as
1 4 follows:
1 5 510.21 Certificate of registration required.
1 6 1. A person shall not act as or represent oneself to be
1 7 a third-party administrator in this state, other than an
1 8 adjuster licensed in this state for the kinds of business for
1 9 which the person is acting as a third-party administrator,
1 10 unless the person holds a current certificate of registration
1 11 as a third-party administrator issued by the commissioner of
1 12 insurance. A certificate of registration as a third-party
1 13 administrator is renewable every three years. Failure to hold
1 14 a certificate subjects the third-party administrator to the
1 15 sanctions set out in section 507B.7. The certificate shall
1 16 be issued by the commissioner to a third-party administrator
1 17 unless the commissioner, after due notice and hearing,
1 18 determines that the third-party administrator is not competent,
1 19 trustworthy, financially responsible, or of good personal and
1 20 business reputation, or has had a previous application for an
1 21 insurance license denied for cause within the preceding five
1 22 years.
1 23 2. An application for registration shall be accompanied by
1 24 a filing fee of one hundred dollars. After notice and hearing,
1 25 the commissioner may impose any or all of the sanctions set out
1 26 in section 507B.7, upon finding that either the third-party
1 27 administrator violated any of the requirements of sections
1 28 510.12 through 510.20 and this section, or the third-party
1 29 administrator is not competent, trustworthy, financially
1 30 responsible, or of good personal and business reputation.
1 31 In addition, if the third-party administrator is a pharmacy
1 32 benefits manager as defined in section 510B.2, the commissioner
1 33 may impose any or all of the sanctions set out in section
1 34 507B.7 upon finding that the pharmacy benefits manager has
1 35 violated any provision of chapter 510B.



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2 1 Sec. 2. Section 510B.1, subsection 7, Code 2009, is amended
2 2 by striking the subsection and inserting in lieu thereof the
2 3 following:

2 4 7. "Pharmacy benefits management" means the procurement
2 5 of prescription drugs at a negotiated rate for dispensing
2 6 within the state to covered individuals, the administration or
2 7 management of prescription drug benefits provided by a covered
2 8 entity for the benefit of covered individuals, or any of the
2 9 following services provided with regard to the administration
2 10 of pharmacy benefits:

2 11 a. Mail service pharmacy.

2 12 b. Claims processing or retail network management and
2 13 payment of claims to pharmacies for prescription drugs
2 14 dispensed to covered individuals.

2 15 c. Clinical formulary development and management services.

2 16 d. Rebate contracting and administration.

2 17 e. Certain patient compliance, therapeutic intervention, and
2 18 generic substitution programs.

2 19 f. Disease management programs.

2 20 Sec. 3. Section 510B.3, Code 2009, is amended to read as
2 21 follows:

2 22 510B.3 Enforcement == rules == penalties.

2 23 1. The commissioner shall enforce the provisions of this
2 24 chapter.

2 25 2. The commissioner shall adopt rules pursuant to chapter
2 26 17A to administer this chapter including rules relating to all
2 27 of the following:

2 28 a. Timely payment of pharmacy claims.

2 29 b. A process for adjudication of complaints and settlement
2 30 of disputes between a pharmacy benefits manager and a licensed
2 31 pharmacy related to pharmacy auditing practices, termination of
2 32 pharmacy agreements, and timely payment of pharmacy claims.

2 33 3. A violation of this chapter is subject to the sanctions
2 34 and penalties as specified in section 510.21.

2 35 Sec. 4. Section 510B.4, Code 2009, is amended to read as



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3 1 follows:

3 2 510B.4 Performance of duties == good faith == conflict of
3 3 interest == required practices.

3 4 1. A pharmacy benefits manager shall perform the pharmacy
3 5 benefits manager's duties exercising good faith and fair
3 6 dealing in the performance of its contractual obligations
3 7 toward the covered entity.

3 8 2. A pharmacy benefits manager shall notify the covered
3 9 entity in writing of any activity, policy, practice ownership
3 10 interest, or affiliation of the pharmacy benefits manager
3 11 that directly or indirectly presents any conflict of interest
3 12 pursuant to the requirements of this chapter.

3 13 3. A pharmacy benefits manager owes a fiduciary duty to a
3 14 covered entity and shall discharge that duty in accordance with
3 15 the provisions of state and federal law.

3 16 4. A pharmacy benefits manager shall perform its duties with
3 17 care, skill, prudence, and diligence and in accordance with the
3 18 standards of conduct applicable to a fiduciary in an enterprise
3 19 of a like character and with like aims.

3 20 5. a. A pharmacy benefits manager shall provide to a
3 21 covered entity all financial and utilization information
3 22 requested by the covered entity relating to the provision of
3 23 benefits to covered individuals through that covered entity and
3 24 all financial and utilization information relating to services
3 25 to that covered entity.

3 26 b. A pharmacy benefits manager shall disclose to the covered
3 27 entity all financial terms and arrangements for remuneration
3 28 of any kind that apply between the pharmacy benefits manager
3 29 and any prescription drug manufacturer or labeler, including
3 30 but not limited to formulary management and drug switching
3 31 programs, educational support, claims processing and pharmacy
3 32 network fees that are charged from retail pharmacies and data
3 33 sales fees.

3 34 c. A pharmacy benefits manager disclosing information under
3 35 this subsection may designate that material as confidential.



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4 1 Information designated as confidential by a pharmacy benefits
4 2 manager and disclosed to a covered entity under this subsection
4 3 shall not be disclosed by the covered entity to any person
4 4 without the consent of the pharmacy benefits manager, except
4 5 that disclosure may be made in a court filing under state law
4 6 governing deceptive trade practices or when authorized by state
4 7 law or ordered by a court for good cause shown or made in a
4 8 court filing under seal unless or until otherwise ordered by a
4 9 court.

4 10 d. Nothing in this subsection limits the authority of the
4 11 attorney general to investigate violations of this chapter.

4 12 Sec. 5. Section 510B.6, Code 2009, is amended to read as
4 13 follows:

4 14 510B.6 Dispensing of substitute prescription drug for
4 15 prescribed drug == passing on payments or benefits.

4 16 1. The following provisions shall apply when a pharmacy
4 17 benefits manager requests the dispensing of a substitute
4 18 prescription drug for a prescribed drug to a covered
4 19 individual:

4 20 a. The pharmacy benefits manager may request the
4 21 substitution of a lower priced generic and therapeutically
4 22 equivalent drug for a higher priced prescribed drug.

4 23 b. If the substitute drug's net cost to the covered
4 24 individual or covered entity exceeds the cost of the prescribed
4 25 drug, the substitution shall be made only for medical reasons
4 26 that benefit the covered individual.

4 27 2. A pharmacy benefits manager shall obtain the approval
4 28 of the prescribing practitioner prior to requesting any
4 29 substitution under this section.

4 30 3. A pharmacy benefits manager shall not substitute an
4 31 equivalent prescription drug contrary to a prescription drug
4 32 order that prohibits a substitution.

4 33 4. If a pharmacy benefits manager makes a substitution in
4 34 which the substitute drug's net cost to the covered individual
4 35 or covered entity exceeds the cost of the prescribed drug, the



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5 1 pharmacy benefits manager shall disclose to the covered entity
5 2 the cost of both drugs and any benefit or payment directly
5 3 or indirectly accruing to the pharmacy benefits manager as a
5 4 result of the substitution.

5 5 5. The pharmacy benefits manager shall transfer in full
5 6 to the covered entity any benefit or payment received in any
5 7 form by the pharmacy benefits manager either as a result of
5 8 a prescription drug substitution under subsection 4 or as a
5 9 result of the pharmacy benefits manager substituting a lower
5 10 priced generic and therapeutically equivalent drug for a higher
5 11 priced prescribed drug.

5 12 6. A pharmacy benefits manager that derives any payment or
5 13 benefit for the dispensing of a prescription drug within the
5 14 state based on volume of sales for certain prescription drugs
5 15 or classes or brands of drugs within the state shall pass that
5 16 payment or benefit on in full to the covered entity.

5 17 Sec. 6. NEW SECTION. 510B.8 Market conduct review and
5 18 audit.

5 19 The commissioner may review compliance with this chapter by
5 20 pharmacy benefits managers through market conduct reviews and
5 21 audits, and may assess an annual fee proportional to the cost
5 22 to the division of insurance associated with conducting the
5 23 market conduct review and audit. A market conduct review and
5 24 audit shall be completed at least once every three years for
5 25 each pharmacy benefits manager certified in the state.

5 26 DIVISION II
5 27 SECTION 340B PRESCRIPTION DRUG PURCHASING

5 28 Sec. 7. LEGISLATIVE INTENT. It is the intent of the general
5 29 assembly to reduce prescription drug costs to the state by
5 30 ensuring maximum use of prescription drug pricing available
5 31 through section 340B of the federal Public Health Service Act.

5 32 Sec. 8. WORKGROUP AND REPORT.

5 33 1. The department of public health shall convene a
5 34 workgroup to study the feasibility of providing discounted
5 35 prescription drugs to the most vulnerable of Iowa's citizens



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6 1 through the use of section 340B of the federal Public Health
6 2 Service Act, 42 U.S.C. { 256b (1999). The workgroup shall
6 3 include representatives of 340B hospitals, the corrections
6 4 system, the medical assistance program, low-income nonprofit
6 5 advocacy organizations, and a representative of federally
6 6 qualified health centers or a related federally qualified
6 7 health centers' association. The workgroup, in collaboration
6 8 with the department of public health, shall work with other
6 9 state agencies, representatives of state employees, and
6 10 representatives of health care providers and facilities in the
6 11 state to provide all of the following information:

6 12 a. Covered entities. A description of all health care
6 13 providers and facilities in the state potentially eligible for
6 14 designation as "covered entities" under section 340B, including
6 15 but not limited to all hospitals eligible as disproportionate
6 16 share hospitals; recipients of grants from the United States
6 17 public health service; federally qualified health centers;
6 18 federally qualified look-alikes; state-operated AIDS drug
6 19 assistance programs; Ryan White CARE Act Title I, Title II, and
6 20 Title III programs; tuberculosis, black lung, family planning,
6 21 and sexually transmitted disease clinics; hemophilia treatment
6 22 centers; public housing primary care clinics; and clinics for
6 23 homeless people.

6 24 b. Potential applications and benefits. A listing of
6 25 potential applications of section 340B and the potential
6 26 benefits to public, private, and third-party payors for
6 27 prescription drugs, including but not limited to:

6 28 (1) Application to inmates and employees in juvenile
6 29 correctional facilities, county jails, and state correctional
6 30 institutions.

6 31 (2) Maximizing the use of section 340B within state-funded
6 32 managed care plans.

6 33 (3) Including section 340B providers in state bulk
6 34 purchasing initiatives.

6 35 (4) Utilizing sole source contracts with section 340B



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7 1 providers to furnish high-cost chronic care drugs.
7 2 c. Section 340B discounts. Discounts available through
7 3 section 340B contracts, including estimated cost savings to
7 4 the state as a result of retail markup avoidance, negotiated
7 5 subceiling prices, and coordination with the medical assistance
7 6 program in order to minimize costs to the program and to other
7 7 purchasers of prescription drugs.
7 8 d. Identification of resources. The resources available to
7 9 potential applicants for designation as covered entities for
7 10 the application process, establishing a section 340B program,
7 11 restructuring the health care system, or other methods of
7 12 lowering the cost of prescription drugs. The resources shall
7 13 include state and federal agencies and private philanthropic
7 14 grants to be used for the purposes of this section.

7 15 2. The workgroup shall report its findings to the governor
7 16 and the general assembly not later than December 15, 2010.

7 17 EXPLANATION

7 18 This bill relates to the cost of prescription drugs
7 19 including practices of pharmacy benefits managers and the
7 20 federal section 340B program.

7 21 Division I of the bill relates to pharmacy benefits
7 22 managers. Pharmacy benefits managers are considered
7 23 third-party administrators under current law, and the bill
7 24 provides that in addition to violations of law relating to
7 25 third-party administrators, if a pharmacy benefits manager
7 26 violates provisions of law relating to pharmacy benefits
7 27 managers, the sanctions and penalties applicable to third-party
7 28 administrators apply to such violations. The bill redefines
7 29 "pharmacy benefits management" to include specific services
7 30 including mail services pharmacy and specifies required
7 31 practices of pharmacy benefits managers including the fiduciary
7 32 duties, provision of financial and utilization information, and
7 33 disclosure of financial terms and arrangements for remuneration
7 34 between the pharmacy benefits manager and any prescription drug
7 35 manufacturer or labeler. The bill also requires a pharmacy



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8 1 benefits manager to disclose payments or benefits to a pharmacy
8 2 benefits manager for substitution of prescription drugs, and to
8 3 transfer any payment or benefit to the covered entity that is
8 4 realized through substitution or based on volume of sales. The
8 5 bill also authorizes the commissioner of insurance to perform a
8 6 market conduct review and audit at least every three years for
8 7 each pharmacy benefits manager.
8 8 Division II of the bill relates to prescription drug
8 9 purchasing through section 340B of the federal Public Health
8 10 Services Act (the section 340B program). The bill provides
8 11 that it is the intent of the general assembly to reduce
8 12 prescription drug costs to the state by ensuring maximum use of
8 13 prescription drug pricing available through the section 340B
8 14 program and directs the department of public health to convene
8 15 a workgroup to study the feasibility of providing discounted
8 16 prescription drugs to the most vulnerable of Iowa's citizens
8 17 through the section 340B program. The bill specifies the
8 18 membership of the workgroup, and specifies the information the
8 19 workgroup is to provide regarding covered entities under the
8 20 section 340B program, potential applications and benefits,
8 21 section 340B discounts, and identification of resources. The
8 22 bill directs the workgroup to report its findings to the
8 23 governor and the general assembly no later than December 15,
8 24 2010.

LSB 5726YC (2) 83

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HOUSE FILE

BY (PROPOSED COMMITTEE ON
AGRICULTURE BILL BY
CHAIRPERSON MERTZ)

A BILL FOR

1 An Act relating to grain transactions by regulating grain
2 dealers and warehouse operators, providing for fees, and
3 making penalties applicable.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 5887YC (5) 83
da/nh



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PAG LIN

1 1 Section 1. Section 203.5, Code 2009, is amended to read as
1 2 follows:

1 3 203.5 License.

1 4 1. a. Upon the filing of ~~the~~ an application on a form

1 5 prescribed by the department and compliance with the terms

1 6 and conditions of this chapter ~~and~~ including rules of the

1 7 department, the department shall issue the applicant a

1 8 grain dealer's license ~~to the applicant~~. The license shall

1 9 ~~terminate~~ expires at the end of the third calendar month

1 10 following the close of the grain dealer's fiscal year. A grain

1 11 dealer's license may be renewed annually by ~~the~~ filing of a

1 12 ~~renewal fee and a~~ renewal application on a form prescribed

1 13 by the department. An application for renewal ~~shall~~ must be

1 14 received by the department on or before the end of the third

1 15 calendar month following the close of the grain dealer's fiscal

1 16 year.

1 17 b. The department shall not issue a grain dealer's license

1 18 unless the applicant pays all of the following fees:

1 19 (1) For the issuance of a license, all of the following:

1 20 (a) A license fee imposed under section 203.6.

1 21 (b) A participation fee imposed under section 203D.3A,

1 22 and any delinquent participation fee imposed under a previous

1 23 license as provided in that section.

1 24 (2) For the renewal of a license, all of the following:

1 25 (a) A renewal fee imposed under section 203.6.

1 26 (b) A participation fee imposed under section 203D.3A, and

1 27 any delinquent participation fee as provided in that section.

1 28 (c) A per-bushel fee as provided in section 203D.3A, and

1 29 any delinquent per-bushel fee and penalty as provided in that

1 30 section.

1 31 2. The department shall notify a licensed grain dealer

1 32 of any delinquency in the payment of a participation fee or

1 33 per-bushel fee as provided in section 203D.3A. The department

1 34 shall suspend the grain dealer's license thirty days after

1 35 delivering the notice unless the licensed grain dealer pays the



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2 1 delinquent fee.

2 2 3. The department may suspend or revoke the license of a
2 3 grain dealer who discounts the purchase price paid for grain
2 4 nominally for the participation fee or per-bushel fee as
2 5 provided in section 203D.3A while that fee is not in effect.

2 6 4. A grain dealer license which has ~~terminated~~ expired may
2 7 be reinstated by the department upon receipt of a proper
2 8 renewal application, the renewal fee, and ~~the~~ a reinstatement
2 9 fee as provided in section 203.6 ~~if filed~~, and any
2 10 delinquent participation fee or per-bushel fee and penalty
2 11 as provided in section 203D.3A. The applicant must file
2 12 the renewal application and pay the fees and penalty
2 13 to the department within thirty days from the date of
2 14 ~~termination~~ expiration of the grain dealer license.

2 15 5. The department may cancel a license upon request of the
2 16 licensee unless a complaint or information is filed against the
2 17 licensee alleging a violation of a provision of this chapter.

2 18 6. a. ~~Fees for licenses issued~~ The department shall refund
2 19 a fee paid by an applicant to the department under this section
2 20 if the department does not issue or renew a grain dealer's
2 21 license.

2 22 b. The department shall prorate a fee paid by an applicant
2 23 to the department under this section for the issuance or
2 24 renewal of a license for less than a full year ~~shall be~~
2 25 prorated from the date of the application.

2 26 ~~2.~~ 7. If an applicant has had a license under this chapter
2 27 or chapter 203C revoked for cause within the past three years,
2 28 or has been convicted of a felony involving violations of this
2 29 chapter or chapter 203C, or is owned or controlled by a person
2 30 who has had a license so revoked or who has been so convicted,
2 31 the department may deny a license to the applicant.

2 32 ~~3.~~ 8. The department may deny a license to an applicant if
2 33 any of the following apply:

2 34 a. The applicant has caused liability to the Iowa grain
2 35 depositors and sellers indemnity fund in regard to a license



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3 1 issued under this chapter or chapter 203C, and the liability
3 2 has not been discharged, settled, or satisfied.

3 3 b. The applicant is owned or controlled by a person who has
3 4 caused liability to the fund through operations under a license
3 5 issued under this chapter or chapter 203C and the liability has
3 6 not been discharged, settled, or satisfied.

3 7 Sec. 2. Section 203C.1, subsection 5, Code 2009, is amended
3 8 by striking the subsection and inserting in lieu thereof the
3 9 following:

3 10 5. "Credit=sale contract" means the same as defined in
3 11 section 203.1.

3 12 Sec. 3. Section 203C.7, Code 2009, is amended to read as
3 13 follows:

3 14 203C.7 Application for the issuance or renewal of a license.

3 15 1. Each application for the issuance of a license or
~~3 16 licenses shall be in writing on a form prescribed by the~~
3 17 department, subscribed and sworn to by the applicant or a duly
3 18 authorized representative of the applicant. In addition to
3 19 any other information required by rule of the department the
3 20 application shall include all of the following:

3 21 ~~1. a.~~ a. The name of the individual, partnership, or
~~3 22 corporation person~~ making the application, the names of all
3 23 partners if the applicant is a partnership, and the names and
3 24 titles of the principal officers or managers if the applicant
3 25 is a legal entity including but not limited to a limited
~~3 26 partnership, limited liability partnership, limited liability~~
3 27 company, corporation, or cooperative association.

3 28 ~~2. b.~~ b. The principal office or place of business of the
3 29 applicant.

3 30 ~~3. c.~~ c. A general description of each warehouse as to storage
3 31 capacity, type of construction, mechanical equipment, if any,
3 32 and condition.

3 33 4. d. The approximate location of each warehouse.

3 34 ~~5. e.~~ e. The type and quantity of agricultural product, or
3 35 products intended to be stored in each warehouse.



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4 1 ~~6.~~ f. A complete financial statement for use of the
4 2 department in the administration of this chapter, as required
4 3 by section 203C.6.
4 4 ~~7.~~ g. A tariff on a form to be prescribed by the department
4 5 for storage, receiving, and loadout charges.
4 6 2. Each application for the renewal of a license shall be
4 7 in writing and include information required by the department,
4 8 including changes to information required in subsection 1.
4 9 Sec. 4. Section 203C.37, Code 2009, is amended to read as
4 10 follows:
4 11 203C.37 ~~Failure to pay fee~~ Issuance of a license and payment
4 12 of fees.
4 13 1. a. Upon the filing of an application pursuant to section
4 14 203C.7 and compliance with the terms and conditions of this
4 15 chapter including rules of the department, the department
4 16 shall issue the applicant a warehouse operator's license.
4 17 The license expires at the end of the third calendar month
4 18 following the close of the warehouse operator's fiscal year.
4 19 A warehouse operator's license may be renewed annually by the
4 20 filing of a renewal application on a form prescribed by the
4 21 department pursuant to section 203C.37. An application for
4 22 renewal must be received by the department on or before the
4 23 end of the third calendar month following the close of the
4 24 warehouse operator's fiscal year.
4 25 b. The department shall not approve an application for the
4 26 issuance or renewal of a warehouse operator's license unless
4 27 the applicant pays all of the following fees:
4 28 (1) For the issuance of a license, all of the following:
4 29 (a) A license fee imposed under section 203C.33.
4 30 (b) A participation fee imposed under section 203D.3A,
4 31 and any delinquent participation fee imposed under a previous
4 32 license as provided in that section.
4 33 (2) For the renewal of a license, all of the following:
4 34 (a) A renewal fee imposed under section 203C.33.
4 35 (b) A participation fee imposed under section 203D.3A, and



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5 1 any delinquent participation fee as provided in that section.

5 2 3. Failure The failure of a warehouse operator to file

5 3 a renewal application and to pay the license a renewal fee

5 4 as provided for in section 203C.33 and any delinquent

5 5 participation fee as provided in section 203D.3A, on or

5 6 before the end of the third calendar month following the

5 7 close of the licensee's fiscal year shall cause a license to

5 8 terminate expire.

5 9 4. A warehouse license which that has terminated expired may

5 10 be reinstated by the department upon receipt of a proper

5 11 renewal application, the renewal fee, and the reinstatement fee

5 12 as provided for in section 203C.33, if filed and any delinquent

5 13 participation fee as provided in section 203D.3A. The

5 14 applicant must file the renewal application and pay the fees to

5 15 the department within thirty days from the date of termination

5 16 of that the warehouse license expires.

5 17 5. The department may cancel the license upon request of the

5 18 licensee unless a complaint or information is filed against the

5 19 licensee alleging a violation of a provision of this chapter.

5 20 6. a. The department shall refund a fee paid by a person to

5 21 the department under this section if the department does not

5 22 issue the person a license or renew the person's license.

5 23 b. The department shall prorate a fee paid by a person to

5 24 the department under this section for the issuance or renewal

5 25 of a license for less than a full year.

5 26 Sec. 5. Section 203D.1, Code Supplement 2009, is amended by

5 27 adding the following new subsections:

5 28 NEW SUBSECTION. 1A. "Credit=sale contract" means the same

5 29 as defined in section 203.1.

5 30 NEW SUBSECTION. 6A. "Grain dealer" means the same as

5 31 defined in section 203.1.

5 32 NEW SUBSECTION. 9A. "Licensee" means a licensed grain

5 33 dealer or licensed warehouse operator.

5 34 NEW SUBSECTION. 13. "Warehouse operator" means the same as

5 35 defined in section 203C.1.



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6 1 Sec. 6. Section 203D.3, subsection 1, Code Supplement 2009,
6 2 is amended to read as follows:

6 3 1. The grain depositors and sellers indemnity fund is
6 4 created in the state treasury as a separate account. The
6 5 general fund of the state is not liable for claims presented
6 6 against the ~~grain depositors and sellers indemnity~~ fund under
6 7 section 203D.6.

6 8 1A. The fund consists of ~~a per-bushel fee on purchased grain~~
6 9 ~~remitted~~ all of the following:

6 10 a. Participation fees paid to the department by licensed
6 11 grain dealers and persons applying to be issued a grain
6 12 dealer's license as provided in section 203D.3A.

6 13 b. Participation fees paid to the department by licensed
6 14 warehouse operators and persons applying to be issued a
6 15 warehouse operator's license as provided in section 203D.3A.

6 16 c. ~~Per-bushel fees paid to the department by licensed~~
6 17 ~~grain dealers and licensed warehouse operators; an annual fee~~
6 18 ~~charged to and remitted by licensed grain dealers and licensed~~
6 19 ~~warehouse operators; delinquency as provided in section~~
6 20 ~~203D.3A.~~

6 21 d. Delinquency penalties; sums.

6 22 e. Amounts collected by the department by state pursuant
6 23 to legal action on behalf of the fund; and interest,.

6 24 f. Interest, earnings on investments, property, or
6 25 securities acquired through the use of moneys in the fund.

6 26 1B. The fiscal year of the fund begins July 1 and ends on
6 27 June 30. Fiscal quarters of the fund begin July 1, October
6 28 1, January 1, and April 1. The finances of the fund shall be
6 29 calculated on an accrual basis in accordance with generally
6 30 accepted accounting principles.

6 31 1C. The moneys collected under this section and deposited
6 32 in the fund shall be used exclusively to indemnify depositors
6 33 and sellers as provided in section 203D.6 and to pay the
6 34 administrative costs of this chapter.

6 35 Sec. 7. Section 203D.3, subsections 2, 3, 4, and 7, Code



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7 1 Supplement 2009, are amended by striking the subsections.
7 2 Sec. 8. NEW SECTION. 203D.3A Fees.
7 3 The department shall collect fees as provided in this
7 4 section, if established by the board pursuant to section
7 5 203D.5, at rates determined by the board as provided in that
7 6 section. A person required to pay a fee shall use forms
7 7 and deliver the payment to the department as required by the
7 8 department.
7 9 1. a. A person who applies for the issuance of a new
7 10 license as a grain dealer pursuant to section 203.5 or a
7 11 warehouse operator pursuant to sections 203C.7 and 203C.33
7 12 shall pay the department an initial participation fee as part
7 13 of the application.
7 14 (1) In calculating the amount of the initial participation
7 15 fee, an applicant for a license shall be deemed a licensee
7 16 paying the full amount of the participation fee owing on the
7 17 licensee's first anniversary date as provided in paragraph
7 18 "b". The department must be satisfied that the applicant is
7 19 calculating the amount due in good faith and using the best
7 20 information available.
7 21 (2) If the department issues the license, the licensee shall
7 22 recalculate the participation fee when making a payment on the
7 23 licensee's first installment date as provided in paragraph
7 24 "b". The licensee may notify the department of any overpayment
7 25 and shall notify the department of any underpayment by the
7 26 licensee's first installment date in a manner and according to
7 27 procedures required by the department. The department shall
7 28 refund any overpayment to the licensee and the licensee shall
7 29 pay any additional amount resulting from an underpayment.
7 30 b. A licensee shall pay a participation fee on four
7 31 successive installment dates, with each installment date
7 32 occurring on the last date of the fund's fiscal quarter as
7 33 provided in section 203D.3. The licensee shall pay twenty-five
7 34 percent of the total participation fee assessed on each
7 35 installment date. However, nothing in this subsection prevents



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8 1 a licensee from paying the participation fee on an accelerated
8 2 basis. A licensee shall pay the first installment on the last
8 3 date of the fund's fiscal quarter immediately following the
8 4 licensee's anniversary date.

8 5 (1) For a licensed grain dealer, the anniversary date is
8 6 the last date to apply for the renewal of the grain dealer's
8 7 license before the license expires as provided in section
8 8 203.5.

8 9 (2) For a licensed warehouse operator, the anniversary date
8 10 is the last date to apply for the renewal of the warehouse
8 11 operator's license before the license expires as provided in
8 12 section 203C.37.

8 13 c. A licensee is delinquent if the licensee fails to submit
8 14 the payment when due or if, upon examination, an underpayment
8 15 of the fee is found by the department.

8 16 d. A licensee shall not pass on the cost of a participation
8 17 fee to sellers. The department may suspend or revoke the
8 18 license of a grain dealer for passing on the cost, as provided
8 19 in chapter 203.

8 20 2. a. A per=bushel fee shall be assessed on all purchased
8 21 grain. However, if the grain dealer provides documentation
8 22 regarding the transaction satisfactory to the department, the
8 23 following transactions shall be excluded from the per=bushel
8 24 fee:

8 25 (1) Grain purchased from the United States government or any
8 26 of its subdivisions or agencies.

8 27 (2) Grain purchased from a person licensed as a grain dealer
8 28 in any jurisdiction.

8 29 (3) Grain purchased under a credit=sale contract.

8 30 b. The grain dealer shall forward the per=bushel fee to the
8 31 department on a quarterly basis in the manner and using the
8 32 forms prescribed by the department. A licensee is delinquent
8 33 if the licensee fails to submit the full fee or quarterly
8 34 forms when due or if, upon examination, an underpayment of the
8 35 fee is found by the department. The grain dealer is subject



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9 1 to a penalty of ten dollars for each day the grain dealer is
9 2 delinquent or an amount equal to the amount of the deficiency,
9 3 whichever is less. However, a licensee who fails to submit the
9 4 full fee or quarterly forms when due, is subject to a minimum
9 5 payment of ten dollars. The department may establish and apply
9 6 a margin of error in determining whether a grain dealer is
9 7 delinquent. The per-bushel fee shall be collected only once
9 8 on each bushel of grain.

9 9 c. A grain dealer may choose to pass on the cost of a
9 10 per-bushel fee to the sellers by an itemized discount noted
9 11 on the settlement sheet. However, if the per-bushel fee is
9 12 not in effect, no grain dealer shall make such a discount on
9 13 the purchase of grain. A discount made nominally for the
9 14 per-bushel fee while the fee is not in effect is grounds for
9 15 license suspension or revocation under chapter 203.

9 16 Sec. 9. Section 203D.5, Code Supplement 2009, is amended to
9 17 read as follows:

9 18 203D.5 ~~Adjustments to fee~~ Fees == imposition, adjustment, or
9 19 waiver.

9 20 1. The board shall annually review ~~annually~~ the debits of
9 21 and credits to the grain depositors and sellers indemnity fund
9 22 created in section 203D.3 and shall determine whether to impose
9 23 the participation fee and per-bushel fee as provided in section
9 24 203D.3A, make any adjustments in the per-bushel fee required
~~9 25 under section 203D.3, subsection 2, and the dealer=warehouse~~
~~9 26 fee required under section 203D.3, subsection 3, that are to~~
9 27 the fees effective on the previous July 1, or waive the fees
9 28 as necessary to maintain the fund within the limits established
~~9 29 under comply with this section. Not~~ The board shall make the
9 30 determination not later than the first day of May 1 of each
9 31 year, the board shall determine the proposed amount of the
~~9 32 per-bushel fee based on the expected volume of grain on which~~
~~9 33 the fee is to be collected and that is likely to be handled~~
~~9 34 under this chapter, and shall also determine any adjustment to~~
~~9 35 the dealer=warehouse fee. The board shall make any changes~~



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~~10 1 in impose the fees or adjust the previous year's fees effective~~
~~10 2 on the previous July 1 in accordance with chapter 17A. Changes~~
~~10 3 in The imposition or adjustment of the fees shall become~~
~~10 4 effective as follows:~~
~~10 5 a. For the participation fee, on the following July 1.~~
~~10 6 However, the licensee shall continue to pay the participation~~
~~10 7 fee at the rate in effect on the prior July 1, until the~~
~~10 8 licensee has paid the amount owing.~~
~~10 9 b. For a per-bushel fee, on the following first day of July~~
~~10 10 1.~~
~~10 11 2. a. Except as provided in paragraph "b", the rate of a~~
~~10 12 participation fee owed by a licensee shall be calculated as~~
~~10 13 follows:~~
~~10 14 (1) For a licensed grain dealer, not more than fourteen~~
~~10 15 thousandths of a cent per bushel assessed on all purchased~~
~~10 16 grain entered in the company-owned paid position during the~~
~~10 17 grain dealer's last fiscal year at each location at which~~
~~10 18 records are maintained for transactions of the grain dealer,~~
~~10 19 as determined according to information submitted by the grain~~
~~10 20 dealer to the department for the issuance or renewal of a~~
~~10 21 license as provided in section 203.5.~~
~~10 22 (2) For a licensed warehouse operator, not more than~~
~~10 23 fourteen thousandths of a cent per bushel of bulk grain storage~~
~~10 24 capacity for each warehouse licensed pursuant to section 203C.8~~
~~10 25 or five hundred dollars, whichever is less. The participation~~
~~10 26 fee shall be determined using information provided to the~~
~~10 27 department by the warehouse operator applying for the issuance~~
~~10 28 or renewal of a license as provided in sections 203C.7 and~~
~~10 29 203C.37.~~
~~10 30 b. A licensee shall pay a participation fee of at least~~
~~10 31 fifty dollars.~~
~~10 32 3. The rate of the per-bushel fee shall not exceed~~
~~10 33 one-quarter cent per bushel assessed on all purchased grain~~
~~10 34 as defined in section 203D.1. Until the per-bushel fee is~~
~~10 35 adjusted or waived as provided in this section, the per-bushel~~



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12 1 by two fees paid by grain dealers and warehouse operators: an
12 2 annual fee and a per=bushel fee.
12 3 The first fee is an annual fee, also referred to as a
12 4 dealer=warehouse fee, paid by both grain dealers and warehouse
12 5 operators (Code sections 203D.3 and 203D.5). For grain
12 6 dealers, the amount of the annual fee is based on the class
12 7 of license held (Code sections 203.3 and 203D.3) and for
12 8 warehouse operators, the amount of the annual fee is based on
12 9 the warehouse's storage capacity (Code section 203D.3). A
12 10 grain dealer or warehouse operator must pay the full annual
12 11 fee before a grain dealer's or warehouse operator's license is
12 12 issued or renewed (Code section 203D.3). There is no penalty
12 13 for a delinquent fee. The Code chapter is silent about whether
12 14 a grain dealer or warehouse operator may pass on the annual fee
12 15 to depositors.
12 16 The second fee is a per=bushel fee assessed once on grain
12 17 purchased by a grain dealer (Code section 203D.3). The rate
12 18 of the per=bushel fee is established and adjusted by the board
12 19 but cannot exceed one=quarter cent per bushel (Code section
12 20 203D.5). The fee is collected on the basis of the fund's
12 21 fiscal quarters (Code section 203D.3). The grain dealer is
12 22 subject to a penalty of \$10 for each day the grain dealer is
12 23 delinquent or an amount equal to the amount of the deficiency,
12 24 whichever is less (Code section 203D.3). A grain dealer may
12 25 pass on the cost of a per=bushel fee to the sellers (Code
12 26 section 203D.3).
12 27 The board may impose, waive, or adjust the fees as necessary
12 28 to maintain the fund's solvency. The board meets on May 1
12 29 to impose, adjust, or waive the fees (Code section 203D.5).
12 30 However, if at the end of any three=month period, the fund
12 31 exceeds \$8 million the fees are waived and no longer owing
12 32 (Code section 203D.5). The board may reinstate the fees if its
12 33 assets are more than \$3 million but less than \$8 million. The
12 34 board must reinstate the fees if the assets are less than \$3
12 35 million.



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13 1 BILL CHANGES == REPLACING ANNUAL FEE WITH PARTICIPATION
13 2 FEE. The bill replaces the annual fee with a participation
13 3 fee. The licensee must still pay the participation fee based
13 4 on the licensee's anniversary date. The licensee must pay the
13 5 participation fee on the last date of the fund's fiscal quarter
13 6 after the licensee's anniversary date. However, the licensee
13 7 may elect to pay the participation fee in four successive
13 8 installments, with each installment date occurring on the
13 9 last date of the fund's fiscal quarter. A person applying
13 10 for the issuance of a new license must pay the department
13 11 an initial participation fee as part of the application, and
13 12 then recalculate the participation fee when making the first
13 13 required payment as a licensee. The participation fee, like
13 14 the per=bushel fee, takes effect on July 1. A licensed grain
13 15 dealer pays not more than fourteen thousandths of a cent per
13 16 bushel assessed on all purchased grain and a licensed warehouse
13 17 operator pays not more than fourteen thousandths of a cent per
13 18 bushel of bulk grain storage capacity or \$500 whichever is
13 19 less. However, the minimum payment for a licensee is \$50.
13 20 BILL CHANGES == PER=BUSHEL FEE. The bill amends a provision
13 21 that excludes certain credit=sale contracts from transactions
13 22 used to calculate the per=bushel fee paid by licensed grain
13 23 dealers. Currently, grain purchased under credit=sale
13 24 contracts is excluded only if it is entered into on or before
13 25 the date of delivery (Code section 203D.3). The bill excludes
13 26 all grain purchased under credit=sale contracts. A credit=sale
13 27 contract is an agreement for the sale of grain under which the
13 28 sales price is paid 30 or more days after delivery to the grain
13 29 dealer (Code section 203.1). Sellers cannot be reimbursed from
13 30 the fund from losses arising from credit=sale contracts (Code
13 31 section 203D.6).
13 32 BILL CHANGES == LICENSEES. Currently, a person applying
13 33 for a warehouse license must state whether the applicant is an
13 34 individual, partnership, or corporation (Code section 203C.7).
13 35 The bill provides for filings by other business entities,



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14 1 such as limited partnerships, limited liability partnerships,
14 2 limited liability companies, or cooperative associations. The
14 3 bill provides that a warehouse license expires at the end of
14 4 the third calendar month following the close of the warehouse
14 5 operator's fiscal year according to current practice. It also
14 6 includes conforming amendments to the provisions in the bill
14 7 providing for the issuance, suspension, or revocation of a
14 8 license for failing to pay a fee, and for the refund of fees
14 9 when a license is canceled or otherwise terminated.

14 10 APPLICABLE PENALTIES. Generally, a grain dealer or
14 11 warehouse operator who violates a provision of Code chapter
14 12 203 or 203C commits a simple misdemeanor or alternatively
14 13 is subject to a civil penalty of not more than \$1,500 (Code
14 14 sections 203.11 and 203C.36). However, there are special
14 15 offenses. A person who knowingly submits false information
14 16 to the department is guilty of a fraudulent practice, and
14 17 a person who engages in the business of a grain dealer or
14 18 warehouse operator without a license is guilty of a serious
14 19 misdemeanor for the first offense and an aggravated misdemeanor
14 20 for a second or subsequent offense (Code sections 203.11 and
14 21 203C.36). A grain dealer or warehouse operator who knowingly
14 22 submits false information to or withholds information from the
14 23 department is guilty of a fraudulent practice. The penalty
14 24 for committing a fraudulent practice ranges from a simple
14 25 misdemeanor to a class "C" felony depending upon the amount of
14 26 money or value of property involved.

14 27 A simple misdemeanor is punishable by confinement for no
14 28 more than 30 days or a fine of at least \$65 but not more than
14 29 \$625 or by both. A serious misdemeanor is punishable by
14 30 confinement for no more than one year and a fine of at least
14 31 \$315 but not more than \$1,875. An aggravated misdemeanor is
14 32 punishable by confinement for no more than two years and a fine
14 33 of at least \$625 but not more than \$6,250. A class "D" felony
14 34 is punishable by confinement for no more than five years and
14 35 a fine of at least \$750 but not more than \$7,500. A class "C"



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15 1 felony is punishable by confinement for no more than 10 years
15 2 and a fine of at least \$1,000 but not more than \$10,000.
LSB 5887YC (5) 83
da/nh



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House Study Bill 691

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

A BILL FOR

1 An Act establishing a high performance certification program
2 applicable to certain public buildings.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 6168HC (5) 83
rn/sc



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1 1 Section 1. NEW SECTION. 473B.1 High performance public
1 2 building certification == program established == legislative
1 3 intent.
1 4 The intent of the general assembly is to promote
1 5 effective energy and environmental standards for the design,
1 6 construction, renovation, and maintenance of public buildings.
1 7 These standards shall improve the capacity of the state to
1 8 operate high performance buildings and thereby increasing
1 9 energy independence, increasing demand for environmentally
1 10 preferable building materials, finishes, and furnishings,
1 11 reducing waste generation and manage waste through recycling
1 12 and diversion from landfill disposal, and establishing life
1 13 cycle cost analysis as the appropriate and most efficient
1 14 analysis to determine the optimal performance level of a
1 15 building project.
1 16 Sec. 2. NEW SECTION. 473B.2 Definitions.
1 17 As used in this section, unless the context otherwise
1 18 requires:
1 19 1. "Department" means the department of administrative
1 20 services.
1 21 2. "High performance certification" means a public building
1 22 design, construction, and renovation standard that is certified
1 23 by an independent third-party organization pursuant to section
1 24 473B.3 as having been achieved.
1 25 3. "Public building" means a facility that meets all of the
1 26 following conditions:
1 27 a. Is constructed or renovated in whole or in part with
1 28 state funds or with funds guaranteed or insured by a state
1 29 agency, with the state or guaranteed funding constituting at
1 30 least fifty percent of the project cost.
1 31 b. Contains ten thousand or more square feet.
1 32 c. Includes a heating, ventilation, or air conditioning
1 33 system.
1 34 d. Has not entered the design phase prior to July 1, 2010.
1 35 4. "State agency" means an agency, department, authority,



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2 1 board, commission, council, court, office, bureau, institution,
2 2 unit, or division of the executive or judicial branches of
2 3 state government, whether elected or appointed, including
2 4 institutions under the control of the state board of regents.
2 5 5. "Substantial renovation" means any renovation of a
2 6 public building the cost of which exceeds fifty percent of the
2 7 replacement value of the facility.
2 8 Sec. 3. NEW SECTION. 473B.3 Program established.
2 9 1. The department shall adopt rules establishing a high
2 10 performance certification program. The objectives of the
2 11 program shall include the following:
2 12 a. Reducing operating costs of public buildings by
2 13 decreasing the consumption of energy, water, and other
2 14 resources.
2 15 b. Recovering the increased initial capital costs
2 16 attributable to compliance with the program by reducing
2 17 long-term energy, maintenance, and operating expenses.
2 18 c. Improving the indoor environmental quality of public
2 19 buildings for a healthier work environment.
2 20 2. A state agency designing, constructing, or controlling
2 21 the substantial renovation of a public building on or after
2 22 July 1, 2010, shall be required to submit design plans and
2 23 specifications to the department for approval before contracts
2 24 for the construction or substantial renovation are let. A
2 25 proposal shall not be approved unless high performance
2 26 certification is achieved, subject to the provisions of
2 27 subsection 3. The department shall adopt rules establishing a
2 28 certification process by an independent third party that the
2 29 design, construction, or substantial renovation, based upon a
2 30 life cycle cost analysis conducted pursuant to chapter 470,
2 31 meets the minimum standards of the United States green building
2 32 council's leadership in energy and environmental design
2 33 rating system (LEED), the green building initiative's green
2 34 globes rating system, or standards developed by an alternative
2 35 third-party organization designated by the department.



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3 1 3. Notwithstanding subsection 2, the department may waive
3 2 the high performance certification requirement if a state
3 3 agency submits an estimate indicating that the increased
3 4 initial costs of achieving certification are projected to
3 5 exceed five percent of the total design and construction or
3 6 substantial renovation costs, and the department determines
3 7 that the public building is not anticipated to recoup these
3 8 costs through decreased operational and maintenance expenses
3 9 within five years. In the event a waiver is granted, an
3 10 accredited construction, engineering, or architectural
3 11 professional associated with the proposed public building
3 12 project shall submit to the department a written declaration
3 13 that to the extent possible the construction or substantial
3 14 renovation shall be executed in a manner which is consistent
3 15 with the program's high performance certification standards.
3 16 A waiver pursuant to this subsection shall not be granted if
3 17 the department determines that the public building can be
3 18 anticipated to recoup the increased costs within five years.

3 19 4. A public building of less than ten thousand square feet,
3 20 nonsubstantial renovations of public buildings, and public
3 21 building maintenance programs shall, to the extent possible,
3 22 conform to high performance certification standards.

3 23 5. When awarding contracts for the design, construction, or
3 24 substantial renovation of a public building, preference shall
3 25 be given to companies employing at least one LEED-accredited
3 26 individual. The department shall identify and seek to have
3 27 public buildings receiving high performance certification
3 28 designated as an energy star building pursuant to the energy
3 29 star program developed and jointly administered by the United
3 30 States environmental agency and the United States department
3 31 of energy.

3 32 6. The department shall develop and implement a process
3 33 to monitor and evaluate the program, and shall, by January 1
3 34 annually, submit a report regarding compliance with program
3 35 guidelines, indicating the number of public buildings receiving



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4 1 high performance certification, and describing any resulting
4 2 energy and environmental benefits observed.

4 3 EXPLANATION

4 4 This bill establishes a high performance certification
4 5 program administered by the department of administrative
4 6 services and applicable to public buildings.

4 7 The bill states that the intent of the general assembly is to
4 8 promote effective energy and environmental standards for the
4 9 design, construction, renovation, and maintenance of public
4 10 buildings. The bill further states that these standards will
4 11 improve the capacity of the state to operate high performance
4 12 buildings to increase energy independence, increase demand for
4 13 environmentally preferable building materials, finishes, and
4 14 furnishings, reduce waste generation and manage waste through
4 15 recycling and diversion from landfill disposal, and establish
4 16 life cycle cost analysis as the appropriate and most efficient
4 17 analysis to determine the optimal performance level of a
4 18 building project.

4 19 The bill provides that the department shall adopt rules
4 20 establishing the program, with objectives which include
4 21 reducing operating costs of public buildings by decreasing the
4 22 consumption of energy, water, and other resources; recovering
4 23 the increased initial capital costs attributable to compliance
4 24 with the program over time by reducing long-term energy,
4 25 maintenance, and operating expenses; and improving the indoor
4 26 environmental quality of public buildings for a healthier work
4 27 environment. The bill defines a public building as a facility
4 28 that is constructed or renovated in whole or in part with state
4 29 funds or with funds guaranteed or insured by a state agency,
4 30 with state or guaranteed funds constituting at least 50 percent
4 31 of the project cost; that contains 10,000 or more square feet;
4 32 includes a heating, ventilation, or air conditioning system;
4 33 and has not entered the design phase prior to July 1, 2010.

4 34 The bill provides that a state agency, as defined in the
4 35 bill, which is designing, constructing, or controlling the



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5 1 substantial renovation of a public building on or after
5 2 July 1, 2010, shall be required to submit design plans and
5 3 specifications to the department for approval before contracts
5 4 for the construction or substantial renovation are let. The
5 5 bill defines "substantial renovation" to mean any renovation
5 6 of a public building the cost of which exceeds 50 percent
5 7 of the replacement value of the facility. The bill provides
5 8 that a proposal shall not be approved unless high performance
5 9 certification is achieved pursuant to a process conducted
5 10 by an independent third party certifying that the design,
5 11 construction, or substantial renovation meets the minimum
5 12 standards of the United States green building council's
5 13 leadership in energy and environmental design rating system
5 14 (LEED), the green building initiative's green globes rating
5 15 system, or standards developed by an alternative third-party
5 16 organization designated by the department.

5 17 The bill provides for a waiver from these requirements if a
5 18 state agency submits an estimate indicating that the increased
5 19 initial costs of achieving certification are projected to
5 20 exceed 5 percent of the total design and construction or
5 21 substantial renovation costs, and the department determines
5 22 that the public building is not anticipated to recoup these
5 23 costs through decreased operational and maintenance expenses
5 24 within five years. In this event, the bill requires an
5 25 accredited construction, engineering, or architectural
5 26 professional associated with the proposed public building
5 27 project to submit a written declaration that to the extent
5 28 possible the construction or substantial renovation shall be
5 29 executed in a manner which is consistent with the program's
5 30 high performance certification standards. The bill states that
5 31 a waiver shall not be granted if the department determines that
5 32 the public building can be anticipated to recoup the costs
5 33 within a five-year period.

5 34 The bill provides that public buildings of less than 10,000
5 35 square feet, nonsubstantial public building renovations, and



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6 1 public building maintenance programs shall, to the extent
6 2 possible, conform to high performance certification standards.

6 3 Additionally, the bill states that when awarding contracts
6 4 for the design, construction, or substantial renovation of
6 5 a public building, preference shall be given to companies
6 6 employing at least one LEED=accredited individual. The bill
6 7 directs the department to identify and seek to have public
6 8 buildings receiving high performance certification designated
6 9 as an energy star building pursuant to the energy star program
6 10 developed and jointly administered by the United States
6 11 environmental agency and the United States department of
6 12 energy.

6 13 The bill requires the department to develop and implement
6 14 a process to monitor and evaluate the program and to submit a
6 15 report regarding compliance with program guidelines, the number
6 16 of public buildings receiving high performance certification,
6 17 and resulting energy and environmental benefits observed, by
6 18 January 1 annually.

LSB 6168HC (5) 83

rn/sc



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House Study Bill 692

HOUSE FILE
BY (PROPOSED COMMITTEE ON
JUDICIARY BILL BY
CHAIRPERSON SWAIM)

A BILL FOR

1 An Act modifying sex offender registry provisions, and
2 providing penalties.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 6013YC (5) 83
jm/rj



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1 1 Section 1. Section 692A.101, subsection 2, Code Supplement
1 2 2009, is amended to read as follows:

1 3 2. a. "Aggravated offense against a minor" means a
1 4 conviction for any of the following offenses, if such offense
1 5 was committed against a minor, or otherwise involves a minor:

1 6 ~~a.~~ (1) Sexual abuse in the first degree in violation of
1 7 section 709.2.

1 8 ~~b.~~ (2) Sexual abuse in the second degree in violation of
1 9 section 709.3.

1 10 ~~c.~~ (3) Sexual abuse in the third degree in violation
1 11 of section 709.4, except for a violation of section 709.4,
1 12 subsection 2, paragraph "c", subparagraph (4).

1 13 b. Any offense specified in the laws of another jurisdiction
1 14 or prosecuted in federal, military, or foreign court, that
1 15 is comparable to an offense listed in paragraph "a" shall be
1 16 considered an aggravated offense against a minor if such an
1 17 offense was committed against a minor or otherwise involves a
1 18 minor.

1 19 Sec. 2. Section 692A.101, subsection 28, Code Supplement
1 20 2009, is amended to read as follows:

1 21 28. a. "Sex offense against a minor" means an offense
1 22 for which a conviction has been entered for a sex offense
1 23 classified as a tier I, tier II, or tier III offense under
1 24 this chapter if such offense was committed against a minor, or
1 25 otherwise involves a minor.

1 26 b. Any conviction for an offense specified in the laws
1 27 of another jurisdiction or any conviction for an offense
1 28 prosecuted in federal, military, or foreign court, that is
1 29 comparable to an offense under paragraph "a" shall be considered
1 30 a sex offense against a minor if such an offense was committed
1 31 against a minor or otherwise involves a minor.

1 32 Sec. 3. Section 692A.102, subsection 1, paragraph c,
1 33 Code Supplement 2009, is amended by adding the following new
1 34 subparagraph:

1 35 NEW SUBPARAGRAPH. (5A). Penetration of the genitalia or



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2 1 anus with an object in violation of section 708.2, subsection
2 2 5.

2 3 Sec. 4. Section 692A.106, Code Supplement 2009, is amended
2 4 by adding the following new subsection:

2 5 NEW SUBSECTION. 2A. If a sex offender is placed on
2 6 probation, parole, or work release and the probation, parole,
2 7 or work release is revoked, the period of registration shall
2 8 commence anew upon release from custody.

2 9 Sec. 5. Section 692A.111, Code Supplement 2009, is amended
2 10 by adding the following new subsection:

2 11 NEW SUBSECTION. 2A. Any violation of this chapter prior
2 12 to July 1, 2009, shall be considered a previous offense for
2 13 purposes of enhancing any penalty or period of registration
2 14 under this chapter.

2 15 Sec. 6. Section 692A.123, Code Supplement 2009, is amended
2 16 to read as follows:

2 17 692A.123 Immunity for good faith conduct.

2 18 Criminal or juvenile justice agencies, ~~and employees of~~
~~2 19 criminal or juvenile justice agencies and state agencies,~~
2 20 schools as defined in section 692A.114, public libraries, and
2 21 child care facilities, and their employees shall be immune
2 22 from liability for acts or omissions arising from a good faith
2 23 effort to comply with this chapter.

2 24 Sec. 7. Section 692A.125, subsection 2, paragraph c, Code
2 25 Supplement 2009, is amended to read as follows:

2 26 c. Any sex offender who ~~is serving~~ has been sentenced to a
2 27 special sentence pursuant to section 903B.1 or 903B.2 prior to
2 28 July 1, 2009.

2 29 Sec. 8. Section 713.3, Code 2009, is amended by adding the
2 30 following new subsection:

2 31 NEW SUBSECTION. 3. For purposes of determining whether
2 32 the person should register as a sex offender pursuant to the
2 33 provisions of chapter 692A for violations of subsection 1,
2 34 paragraphs "a", "b", or "c", the fact finder shall make a
2 35 determination as provided in section 692A.126.



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3 1 Sec. 9. Section 713.4, Code 2009, is amended by adding the
3 2 following new unnumbered paragraph after unnumbered paragraph
3 3 1:
3 4 NEW UNNUMBERED PARAGrAPH For purposes of determining
3 5 whether the person should register as a sex offender pursuant
3 6 to the provisions of chapter 692A, the fact finder shall make a
3 7 determination as provided in section 692A.126.
3 8 Sec. 10. Section 713.5, Code 2009, is amended by adding the
3 9 following new unnumbered paragraph after unnumbered paragraph
3 10 2:
3 11 NEW UNNUMBERED PARAGrAPH For purposes of determining
3 12 whether the person should register as a sex offender pursuant
3 13 to the provisions of chapter 692A, the fact finder shall make a
3 14 determination as provided in section 692A.126.
3 15 Sec. 11. Section 713.6, Code 2009, is amended by adding the
3 16 following new unnumbered paragraph after unnumbered paragraph
3 17 2:
3 18 NEW UNNUMBERED PARAGrAPH For purposes of determining
3 19 whether the person should register as a sex offender pursuant
3 20 to the provisions of chapter 692A, the fact finder shall make a
3 21 determination as provided in section 692A.126.
3 22 Sec. 12. Section 713.6A, Code 2009, is amended by adding the
3 23 following new subsection:
3 24 NEW SUBSECTION. 3. For purposes of determining whether
3 25 the person should register as a sex offender pursuant to the
3 26 provisions of chapter 692A, the fact finder shall make a
3 27 determination as provided in section 692A.126.
3 28 Sec. 13. Section 713.6B, Code 2009, is amended by adding the
3 29 following new subsection:
3 30 NEW SUBSECTION. 3. For purposes of determining whether
3 31 the person should register as a sex offender pursuant to the
3 32 provisions of chapter 692A, the fact finder shall make a
3 33 determination as provided in section 692A.126.
3 34 EXPLANATION
3 35 This bill modifies sex offender registry provisions.



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4 1 Current law in Code section 692A.101(2) specifies that
4 2 the residency restrictions under Code section 692A.114 apply
4 3 to a person convicted of sexual abuse in the first degree in
4 4 violation of Code section 709.2, sexual abuse in the second
4 5 degree in violation of Code section 709.3, and sexual abuse in
4 6 the third degree in violation of Code section 709.4, except for
4 7 a violation of Code section 709.4(2)(c)(4).

4 8 The bill provides that any conviction for an offense
4 9 specified in the laws of another jurisdiction or any conviction
4 10 for an offense prosecuted in federal, military, or foreign
4 11 court, that is comparable to any offense listed in current law
4 12 in Code section 692A.101(2) shall be considered an aggravated
4 13 offense against a minor if the offense was against a minor or
4 14 otherwise involved a minor, making the offender subject to
4 15 the sex offender residency restrictions under Code section
4 16 692A.114.

4 17 Current law specifies that the exclusionary zones and
4 18 prohibited employment provisions apply to a sex offender who
4 19 commits a sex offense against a minor. The bill provides that
4 20 any conviction for an offense specified in the laws of another
4 21 jurisdiction or any conviction for an offense prosecuted in
4 22 federal, military, or foreign court, that is comparable to a
4 23 conviction for a sex offense against a minor in this state
4 24 shall be considered a sex offense against a minor in this
4 25 state.

4 26 A person who violates the residency restrictions exclusions
4 27 zones, or prohibited employment provisions commits an
4 28 aggravated misdemeanor for a first offense and a class "D"
4 29 felony for a second or subsequent offense. A person who
4 30 commits additional criminal offenses while in violation of
4 31 Code chapter 692A commits a class "C" felony under certain
4 32 circumstances.

4 33 The bill makes the criminal offense of penetration of the
4 34 genitalia or anus with an object under Code section 708.2(5) an
4 35 offense that requires registration as a sex offender. The bill



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5 1 makes the offense a tier III offense. An offense classified as
5 2 a tier III offense is considered the most serious of offenses.
5 3 A tier III offender must report to the county sheriff every
5 4 three months and is prohibited from applying for modification
5 5 of the sex offender registry requirements for five years from
5 6 the date of the commencement of the requirement to register.

5 7 The bill provides that if a sex offender is placed on
5 8 probation, parole, or work release and such status is
5 9 subsequently revoked, the registration period for the sex
5 10 offender shall commence anew upon release from custody.

5 11 The bill specifies that any violation of Code chapter 692A
5 12 prior to July 1, 2009, shall be considered a previous offense
5 13 for purposes of enhancing any penalty or period of registration
5 14 in Code chapter 692A.

5 15 The bill provides immunity to schools, public libraries,
5 16 and child care facilities and the employees of such entities,
5 17 from liability for acts or omissions arising from a good faith
5 18 effort to comply with the Code chapter 692A. Current law
5 19 provides immunity to criminal and juvenile justice agencies and
5 20 state agencies and their employees.

5 21 The bill specifies in certain burglary related provisions
5 22 that if a judge or jury makes a determination beyond a
5 23 reasonable doubt, that the offense is sexually motivated, the
5 24 offender shall be required to register. Current law specifies
5 25 this determination in Code section 692A.126 but not in the
5 26 existing burglary provisions.

LSB 6013YC (5) 83

jm/rj



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House Study Bill 693

HOUSE FILE
BY (PROPOSED COMMITTEE ON
JUDICIARY BILL BY
CHAIRPERSON SWAIM)

A BILL FOR

1 An Act relating to the service of notice requirements for
2 landlords and tenants and the service of notice requirements
3 in an action for forcible entry and detainer and including
4 effective date provisions.

5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 6174HC (22) 83
md/nh



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1 1 Section 1. Section 562A.8, Code 2009, is amended by striking
1 2 the section and inserting in lieu thereof the following:
1 3 562A.8 Notice.
1 4 1. Notices required under this chapter, except those
1 5 notices identified in section 562A.29A, shall be served as
1 6 follows:
1 7 a. A landlord shall serve notice on a tenant by one or more
1 8 of the following methods:
1 9 (1) Hand delivery to the tenant.
1 10 (2) Delivery evidenced by an acknowledgment of delivery
1 11 that is signed and dated by a resident of the dwelling unit
1 12 who is at least eighteen years of age. Delivery under this
1 13 subparagraph shall be deemed to provide notice to all tenants
1 14 of the dwelling unit.
1 15 (3) Personal service pursuant to rule of civil procedure
1 16 1.305, Iowa court rules, for the personal service of original
1 17 notice.
1 18 (4) Mailing by both regular mail and certified mail, as
1 19 defined in section 618.15, to the address of the dwelling unit
1 20 or to an address provided by the tenant for mailing.
1 21 (5) Posting on the primary entrance door of the dwelling
1 22 unit. A notice posted according to this subparagraph shall be
1 23 posted within the applicable time period for serving notice and
1 24 shall include the date the notice was posted.
1 25 (6) A method of providing notice that results in the notice
1 26 actually being received by the tenant.
1 27 b. A tenant shall serve notice on a landlord by one or more
1 28 of the following methods:
1 29 (1) Hand delivery to the landlord or the landlord's agent
1 30 designated under section 562A.13.
1 31 (2) Delivery evidenced by an acknowledgment of delivery
1 32 that is signed and dated by the landlord or the landlord's
1 33 agent designated under section 562A.13.
1 34 (3) Personal service pursuant to rule of civil procedure
1 35 1.305, Iowa court rules, for the personal service of original



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2 1 notice.

2 2 (4) Delivery to an employee or agent of the landlord at the
2 3 landlord's business office.

2 4 (5) Mailing by both regular mail and certified mail, as
2 5 defined in section 618.15, to the address of the landlord's
2 6 business office or to an address designated by the landlord for
2 7 mailing.

2 8 (6) A method of providing notice that results in the notice
2 9 actually being received by the landlord.

2 10 2. Notice served by mail under this section is deemed
2 11 completed four days after the notice is deposited in the mail
2 12 and postmarked for delivery, whether or not the recipient signs
2 13 a receipt for the notice.

2 14 Sec. 2. Section 562A.12, subsection 6, Code 2009, is amended
2 15 to read as follows:

2 16 6. Upon termination of the landlord's interest in the
2 17 dwelling unit, the landlord's successor in interest shall have
2 18 all the rights and obligations of the landlord with respect to
2 19 the rental deposits, except that if the tenant does not object
2 20 to the stated amount within twenty days after written notice to
2 21 the tenant of the amount of rental deposit being transferred or
2 22 assumed, the obligations of the landlord's successor to return
2 23 the deposit shall be limited to the amount contained in the
2 24 notice. The notice shall contain a stamped envelope addressed
2 25 to the landlord's successor ~~and may be given by mail or by~~
~~2 26 personal service.~~

2 27 Sec. 3. Section 562A.29A, Code 2009, is amended by striking
2 28 the section and inserting in lieu thereof the following:

2 29 562A.29A Method of service of notice on tenant.

2 30 1. A written notice of termination required under section
2 31 562A.27, subsection 1, 2, or 5, a notice of termination and
2 32 notice to quit under section 562A.27A, or a notice to quit
2 33 required by section 648.3, shall be served upon the tenant by
2 34 one or more of the following methods:

2 35 a. Delivery evidenced by an acknowledgment of delivery



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3 1 that is signed and dated by a resident of the dwelling unit
3 2 who is at least eighteen years of age. Delivery under this
3 3 paragraph shall be deemed to provide notice to all tenants of
3 4 the dwelling unit.
3 5 b. Personal service pursuant to rules of civil procedure
3 6 1.305, Iowa court rules, for the personal service of original
3 7 notice.
3 8 c. Posting on the primary entrance door of the dwelling
3 9 unit and mailing by both regular mail and certified mail, as
3 10 defined in section 618.15, to the address of the dwelling
3 11 unit or to the tenant's last known address, if different from
3 12 the address of the dwelling unit. A notice posted according
3 13 to this paragraph shall be posted within the applicable time
3 14 period for serving notice and shall include the date the notice
3 15 was posted.
3 16 2. Notice served by mail under this section is deemed
3 17 completed four days after the notice is deposited in the mail
3 18 and postmarked for delivery, whether or not the recipient signs
3 19 a receipt for the notice.
3 20 Sec. 4. Section 562B.9, Code 2009, is amended by striking
3 21 the section and inserting in lieu thereof the following:
3 22 562B.9 Notice.
3 23 1. Notices required under this chapter, except those
3 24 notices identified in section 562B.27A, shall be served as
3 25 follows:
3 26 a. A landlord shall serve notice on a tenant by one or more
3 27 of the following methods:
3 28 (1) Hand delivery to the tenant.
3 29 (2) Delivery evidenced by an acknowledgment of delivery
3 30 that is signed and dated by a resident of the dwelling unit
3 31 who is at least eighteen years of age. Delivery under this
3 32 subparagraph shall be deemed to provide notice to all tenants
3 33 of the dwelling unit.
3 34 (3) Personal service pursuant to rule of civil procedure
3 35 1.305, Iowa court rules, for the personal service of original



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4 1 notice.
4 2 (4) Mailing by both regular mail and certified mail, as
4 3 defined in section 618.15, to the address of the dwelling unit
4 4 or to an address provided by the tenant for mailing.
4 5 (5) Posting on the primary entrance door of the dwelling
4 6 unit. A notice posted according to this subparagraph shall be
4 7 posted within the applicable time period for serving notice and
4 8 shall include the date the notice was posted.
4 9 (6) A method of providing notice that results in the notice
4 10 actually being received by the tenant.
4 11 b. A tenant shall serve notice on a landlord by one or more
4 12 of the following methods:
4 13 (1) Hand delivery to the landlord or the landlord's agent
4 14 designated under section 562B.14.
4 15 (2) Delivery evidenced by an acknowledgment of delivery
4 16 that is signed and dated by the landlord or the landlord's
4 17 agent designated under section 562B.14.
4 18 (3) Personal service pursuant to rule of civil procedure
4 19 1.305, Iowa court rules, for the personal service of original
4 20 notice.
4 21 (4) Delivery to an employee or agent of the landlord at the
4 22 landlord's business office.
4 23 (5) Mailing by both regular mail and certified mail, as
4 24 defined in section 618.15, to the address of the landlord's
4 25 business office or to an address designated by the landlord for
4 26 mailing.
4 27 (6) A method of providing notice that results in the notice
4 28 actually being received by the landlord.
4 29 2. Notice served by mail under this section is deemed
4 30 completed four days after the notice is deposited in the mail
4 31 and postmarked for delivery, whether or not the recipient signs
4 32 a receipt for the notice.
4 33 Sec. 5. Section 562B.13, subsection 7, Code 2009, is amended
4 34 to read as follows:
4 35 7. Upon termination of the landlord's interest in the



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5 1 manufactured home community or mobile home park, the landlord's
5 2 successor in interest shall have all the rights and obligations
5 3 of the landlord with respect to the rental deposits, except
5 4 that if the tenant does not object to the stated amount within
5 5 twenty days after written notice to the tenant of the amount of
5 6 rental deposit being transferred or assumed, the obligations
5 7 of the landlord's successor to return the deposit shall be
5 8 limited to the amount contained in the notice. The notice
5 9 shall contain a stamped envelope addressed to the landlord's
5 10 successor ~~and may be given by mail or by personal service.~~

5 11 Sec. 6. Section 562B.27A, Code 2009, is amended by striking
5 12 the section and inserting in lieu thereof the following:

5 13 562B.27A Method of service of notice on tenant.

5 14 1. A written notice of termination required under section
5 15 562B.25, a notice of termination and notice to quit under
5 16 section 562B.25A, or a notice to quit required by section
5 17 648.3, shall be served upon the tenant according to one or more
5 18 of the following methods:

5 19 a. Delivery evidenced by an acknowledgment of delivery
5 20 that is signed and dated by a resident of the dwelling unit
5 21 who is at least eighteen years of age. Delivery under this
5 22 paragraph shall be deemed to provide notice to all tenants of
5 23 the dwelling unit.

5 24 b. Personal service pursuant to rule of civil procedure
5 25 1.305, Iowa court rules, for the personal service of original
5 26 notice.

5 27 c. Posting on the primary entrance door of the dwelling
5 28 unit and mailing by both regular mail and certified mail, as
5 29 defined in section 618.15, to the address of the dwelling
5 30 unit or to the tenant's last known address, if different from
5 31 the address of the dwelling unit. A notice posted according
5 32 to this paragraph shall be posted within the applicable time
5 33 period for serving notice and shall include the date the notice
5 34 was posted.

5 35 2. Notice served by mail under this section is deemed



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6 1 completed four days after the notice is deposited in the mail
6 2 and postmarked for delivery, whether or not the recipient signs
6 3 a receipt for the notice.

6 4 Sec. 7. Section 631.4, subsection 2, Code Supplement 2009,
6 5 is amended by striking the subsection and inserting in lieu
6 6 thereof the following:

6 7 2. Actions for forcible entry and detainer. The manner of
6 8 service of original notice and the times for appearance for an
6 9 action for forcible entry and detainer shall be governed by the
6 10 requirements of chapter 648.

6 11 Sec. 8. Section 648.3, Code 2009, is amended to read as
6 12 follows:

6 13 648.3 Notice to quit.

6 14 1. ~~Before action can be brought in any except the first of~~
~~6 15 the above classes, under any ground specified in section 648.1,~~
6 16 except subsection 1, three days' notice to quit must be given
6 17 to the defendant in writing. However, a landlord who has given
6 18 a tenant three days' notice to pay rent and has terminated
6 19 the tenancy as provided in section 562A.27, subsection 2, or
6 20 section 562B.25, subsection 2, if the tenant is renting the
6 21 manufactured or mobile home or the land from the landlord, may
6 22 commence the action without giving a three-day notice to quit.

6 23 2. A notice to quit required under subsection 1 shall
6 24 be served on the defendant according to one or more of the
6 25 following methods:

6 26 a. Delivery evidenced by an acknowledgment of delivery that
6 27 is signed and dated by a resident of the premises who is at
6 28 least eighteen years of age. Delivery under this paragraph
6 29 shall be deemed to provide notice to the defendant.

6 30 b. Personal service pursuant to rule of civil procedure
6 31 1.305, Iowa court rules, for the personal service of original
6 32 notice.

6 33 c. Posting on the primary entrance door of the premises and
6 34 mailing by both regular mail and certified mail, as defined
6 35 in section 618.15, to the address of the premises or to the



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7 1 defendant's last known address, if different from the address
7 2 of the premises. A notice posted according to this paragraph
7 3 shall be posted within the applicable time period for serving
7 4 notice and shall include the date the notice was posted.

7 5 3. A notice to quit served by mail under this section is
7 6 deemed completed four days after the notice is deposited in the
7 7 mail and postmarked for delivery, whether or not the recipient
7 8 signs a receipt for the notice.

7 9 Sec. 9. Section 648.5, Code 2009, is amended by striking the
7 10 section and inserting in lieu thereof the following:

7 11 648.5 Venue == service of original notice == hearing.

7 12 1. An action for forcible entry and detainer shall be
7 13 brought in a county where all or part of the premises is
7 14 located. Such an action shall be tried as an equitable action.
7 15 Upon receipt of the petition, the court shall set a date, time,
7 16 and place for hearing. The court shall set the date of hearing
7 17 no later than eight days from the filing date, except that the
7 18 court shall set a later hearing date no later than fifteen days
7 19 from the date of filing if the plaintiff requests or consents
7 20 to the later date of hearing.

7 21 2. Original notice shall be served upon a defendant by one
7 22 or more of the following methods:

7 23 a. Delivery evidenced by an acknowledgment of service that
7 24 is signed and dated by a resident of the premises who is at
7 25 least eighteen years of age. Delivery under this paragraph
7 26 shall be deemed to provide notice to all tenants or residents
7 27 of the premises. Service of original notice under this
7 28 paragraph is invalid if the acknowledgment of service is signed
7 29 and dated less than three days prior to the hearing.

7 30 b. Personal service pursuant to rule of civil procedure
7 31 1.305, Iowa court rules, for the personal service of original
7 32 notice. Service of original notice under this paragraph shall
7 33 not occur less than three days prior to the hearing.

7 34 c. If service cannot be made following two attempts using
7 35 a method specified under paragraph "a" or "b", by posting on



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8 1 the primary entrance door of the premises and mailing by both
8 2 regular mail and certified mail, as defined in section 618.15,
8 3 to the address of the premises or to the defendant's last known
8 4 address, if different from the address of the premises. An
8 5 original notice posted according to this paragraph shall be
8 6 posted not less than three days prior to the hearing and shall
8 7 include the date the original notice was posted. Service of
8 8 original notice by mailing shall occur not less than three days
8 9 prior to the hearing.

8 10 3. Service of original notice by mail is deemed completed
8 11 four days after the notice is deposited in the mail and
8 12 postmarked for delivery, whether or not the recipient signs a
8 13 receipt for the original notice.

8 14 4. If service of original notice is made by posting and
8 15 mailing under subsection 2, paragraph "c", the plaintiff
8 16 shall, at or before the time of the hearing, file one or more
8 17 affidavits describing the time and manner in which the notice
8 18 was posted and mailed. The plaintiff shall attach copies of
8 19 the documents that were mailed and posted to the affidavits.

8 20 5. A default judgment shall not be entered against a
8 21 defendant if original notice has not been served on the
8 22 defendant as required in this section. If the original notice
8 23 cannot be served within the time periods required in this
8 24 section, the court may set a new hearing date and time.

8 25 6. At the hearing, except for actions commenced as a small
8 26 claim action under chapter 631, the court shall determine
8 27 whether a genuine issue of material fact exists in the action.
8 28 If the court determines that a genuine issue of material fact
8 29 exists, an evidentiary hearing on the petition shall be held
8 30 and the court shall continue the hearing to a future date and
8 31 issue all appropriate orders relating to discovery and trial
8 32 preparation.

8 33 Sec. 10. REPEAL. Section 648.10, Code 2009, is repealed.

8 34 Sec. 11. EFFECTIVE UPON ENACTMENT. This Act, being deemed
8 35 of immediate importance, takes effect upon enactment.



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10 1 Current Code section 648.3 requires that a three days'
10 2 notice to quit be given to a defendant before an action
10 3 for forcible entry and detainer may be initiated. The bill
10 4 requires such a notice to quit to be served on the defendant
10 5 according to one or more of the methods specified in the bill.
10 6 The acceptable methods of service include delivery evidenced
10 7 by an acknowledgment of delivery that is signed and dated by
10 8 a resident of the premises, personal service in the manner
10 9 provided by the Iowa rules of civil procedure for the personal
10 10 service of original notice, and both posting on the primary
10 11 entrance door of the dwelling unit and mailing by both regular
10 12 mail and certified mail.
10 13 The bill strikes and replaces Code section 648.5 relating to
10 14 service of original notice and other requirements for certain
10 15 forcible entry and detainer actions. The bill requires an
10 16 action for forcible entry and detainer to be brought in a
10 17 county where all or part of the premises is located, requires
10 18 such an action to be tried as an equitable action, and requires
10 19 the court to set a hearing no later than eight days from the
10 20 filing date, except in specified circumstances. The bill
10 21 requires service of original notice by delivery evidenced by
10 22 a signed and dated acknowledgment of service or by personal
10 23 service in the manner provided by the Iowa rules of civil
10 24 procedure for the personal service of original notice. If,
10 25 however, such service cannot be made following two attempts
10 26 by the plaintiff, service may be made by both posting on the
10 27 primary entrance door of the premises and by mailing by both
10 28 regular mail and certified mail.
10 29 If the original notice is posted, it must be posted not less
10 30 than three days prior to the hearing and shall include the
10 31 date the original notice was posted. The bill provides that
10 32 service of original notice by mailing must occur not less than
10 33 three days prior to the hearing and that service of original
10 34 notice by mail is deemed completed four days after the notice
10 35 is deposited in the mail and postmarked for delivery. If



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11 1 service of original notice is made by posting and mailing, the
11 2 plaintiff is required, at or before the time of the hearing, to
11 3 file one or more affidavits explaining the time and manner in
11 4 which the notice was posted and mailed and attach copies of the
11 5 documents that were mailed and posted to the affidavits.

11 6 The bill provides that a default judgment may not be entered
11 7 against a defendant if original notice has not been served on
11 8 the defendant as required under the bill.

11 9 The bill also provides that, except for an action commenced
11 10 as a small claim, the court shall determine whether a genuine
11 11 issue of material fact exists in an action for forcible entry
11 12 and detainer. If the court determines that a genuine issue of
11 13 material fact exists, an evidentiary hearing on the petition
11 14 shall be held and the court shall continue the hearing to
11 15 a future date and issue all appropriate orders relating to
11 16 discovery and trial preparation.

11 17 The bill takes effect upon enactment.

LSB 6174HC (22) 83

md/nh



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House Study Bill 694

HOUSE FILE
BY (PROPOSED COMMITTEE ON
JUDICIARY BILL BY
CHAIRPERSON SWAIM)

A BILL FOR

1 An Act relating to nonsubstantive Code corrections and
2 providing effective dates and for retroactive applicability.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 5365HC (1) 83
lh/rj



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1 1 DIVISION I
1 2 MISCELLANEOUS PROVISIONS
1 3 Section 1. Section 9A.102, subsection 2, Code Supplement
1 4 2009, is amended to read as follows:
1 5 2. "Athlete agent" means an individual who enters into
1 6 an agency contract with a student athlete or, directly or
1 7 indirectly, recruits or solicits a student athlete to enter
1 8 into an agency contract. "Athlete agent" includes an individual
1 9 who represents to the public that the individual is an athlete
1 10 agent. "Athlete agent" does not include a spouse, parent,
1 11 sibling, grandparent, or guardian of the student athlete or an
1 12 individual acting solely on behalf of a professional sports
1 13 team or professional sports organization. "Athlete agent" does
1 14 not include an individual licensed to practice as an attorney
1 15 in this state when the individual is acting as a representative
1 16 for a student athlete, unless the attorney also represents the
1 17 student athlete in negotiations for an ~~agent~~ agency contract.
1 18 Sec. 2. Section 9H.1, subsection 18, paragraph b, Code 2009,
1 19 is amended to read as follows:
1 20 b. Corporations which qualify under ~~Title 26, section 26~~
1 21 U.S.C. { 501(c)(3) of the United States Code.
1 22 Sec. 3. Section 10B.1, subsection 9, paragraph b, Code 2009,
1 23 is amended to read as follows:
1 24 b. A corporation which qualifies under ~~Title 26, section 26~~
1 25 U.S.C. { 501, of the United States Code.
1 26 Sec. 4. Section 12B.10B, subsection 1, Code 2009, is amended
1 27 to read as follows:
1 28 1. Political subdivisions shall approve written investment
1 29 policies which incorporate the guidelines specified in
1 30 ~~section sections 12B.10, sections 12B.10A through, this~~
1 31 section, and section 12B.10C, and any other provisions deemed
1 32 necessary to adequately safeguard invested public funds.
1 33 Sec. 5. Section 20.4, subsection 2, Code Supplement 2009,
1 34 is amended to read as follows:
1 35 2. Representatives of a public employer, including the



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2 1 administrative officer, director or chief executive officer
2 2 of a public employer or major division thereof as well as
2 3 the officer's or director's deputy, first assistant, and
2 4 any supervisory employees. "Supervisory employee" means any
2 5 individual having authority in the interest of the public
2 6 employer to hire, transfer, suspend, ~~layoff~~ lay off, recall,
2 7 promote, discharge, assign, reward or discipline other public
2 8 employees, or the responsibility to direct them, or to adjust
2 9 their grievances, or effectively to recommend such action, if,
2 10 in connection with the foregoing, exercise of such authority
2 11 is not of a merely routine or clerical nature, but requires
2 12 the use of independent judgment. All school superintendents,
2 13 assistant superintendents, principals and assistant principals
2 14 shall be deemed to be supervisory employees.

2 15 Sec. 6. Section 28E.17, subsection 1, Code 2009, is amended
2 16 to read as follows:

2 17 1. It is the public policy of this state to encourage the
2 18 establishment or acquisition of urban mass transit systems and
2 19 the equipment, maintenance, and operation thereof by public
2 20 agencies in cooperation with, and with the assistance of the
2 21 urban mass transportation administration of the United States
2 22 department of transportation, pursuant to the provisions of
2 23 the Urban Mass Transportation Act of 1964, as amended, ~~Title~~
~~2 24 49, sections 1601 49 U.S.C. { 5301 et seq., United States~~
~~2 25 Code,~~ which requires unification or official coordination of
2 26 local mass transportation services on an area-wide basis as a
2 27 condition of such assistance.

2 28 Sec. 7. Section 43.31, Code Supplement 2009, is amended to
2 29 read as follows:

2 30 43.31 Form of official ballot == implementation by rule.

2 31 The state commissioner shall adopt rules in accordance
2 32 with chapter 17A to implement sections 43.27 through 43.30,
2 33 section 43.36, sections 49.30 through 49.33, sections 49.36
2 34 through 49.41, section 49.57, and any other provision of the
2 35 law prescribing the form of the official ballot.



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3 1 Sec. 8. Section 53.40, subsection 3, Code Supplement 2009,
3 2 is amended to read as follows:

3 3 3. If the affidavit on the affidavit envelope shows that
3 4 the affiant is not a qualified voter on the day of the election
3 5 at which the ballot is offered for voting, the envelope shall
3 6 not be opened, but the envelope and ballot contained in the
3 7 envelope shall be preserved and returned by the precinct
3 8 election officials to the commissioner, who shall preserve them
3 9 for the period of time and under the conditions provided for in
3 10 sections 50.12 ~~through, 50.13, 50.15, and section~~ 50.19.

3 11 Sec. 9. Section 53.41, subsection 3, Code 2009, is amended
3 12 to read as follows:

3 13 3. Not more than one ballot shall be transmitted by the
3 14 commissioner to any voter for a particular election unless
3 15 after the ballot has been mailed the voter reports a change
3 16 in the address to which the ballot should be sent. A ballot
3 17 shall be mailed using a serial number that indicates that this
3 18 is a replacement sent to an updated address. The original
3 19 ballot shall be counted only if the replacement ballot does
3 20 not arrive. If the commissioner receives more than one
3 21 absent voter's ballot, provided for by this division, from or
3 22 purporting to be from any one voter for a particular election,
3 23 all of the ballots so received from or purporting to be from
3 24 such voter are void, and the commissioner shall not deliver any
3 25 of the ballots to the precinct election officials, but shall
3 26 retain them in the commissioner's office, and preserve them for
3 27 the period and under the conditions provided for in sections
3 28 50.12 ~~through, 50.13, 50.15, and section~~ 50.19.

3 29 Sec. 10. Section 76.2, subsection 1, paragraph a, Code
3 30 Supplement 2009, is amended to read as follows:

3 31 a. The governing authority of ~~these political subdivisions a~~
3 32 political subdivision specified in section 76.1, subsection
3 33 1, before issuing bonds shall, by resolution, provide for the
3 34 assessment of an annual levy upon all the taxable property in
3 35 the political subdivision sufficient to pay the interest and



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4 1 principal of the bonds within a period named not exceeding
4 2 the applicable period of time specified in section 76.1. A
4 3 certified copy of this resolution shall be filed with the
4 4 county auditor or the auditors of the counties in which the
4 5 political subdivision is located; and the filing shall make
4 6 it a duty of the auditors to enter annually this levy for
4 7 collection from the taxable property within the boundaries
4 8 of the political subdivision until funds are realized to pay
4 9 the bonds in full. The levy shall continue to be made against
4 10 property that is severed from the political subdivision after
4 11 the filing of the resolution until funds are realized to pay
4 12 the bonds in full.

4 13 Sec. 11. Section 92.9, subsection 4, Code 2009, is amended
4 14 to read as follows:

4 15 4. The apprentice is registered by the ~~bureau~~ office of
4 16 apprenticeship ~~and training~~ of the United States department of
4 17 labor as employed in accordance with the standards established
4 18 by that department.

4 19 Sec. 12. Section 92.18, Code 2009, is amended to read as
4 20 follows:

4 21 92.18 Migratory labor == defined.

4 22 As used in this chapter, the term "migratory labor"
4 23 shall include any person who customarily and repeatedly
4 24 travels from state to state for the purpose of obtaining
4 25 ~~reasonable~~ seasonal employment.

4 26 Sec. 13. Section 96.9, subsection 4, paragraph a, Code
4 27 Supplement 2009, is amended to read as follows:

4 28 a. (1) Money credited to the account of this state in
4 29 the unemployment trust fund by the secretary of the treasury
4 30 of the United States pursuant to ~~section~~ { 903 of the Social
4 31 Security Act may not be requisitioned from this state's account
4 32 or used except for the payment of benefits and for the payment
4 33 of expenses incurred for the administration of this chapter.
4 34 Such money may be requisitioned pursuant to subsection 3 of
4 35 this section for the payment of benefits. Such money may also



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5 1 be requisitioned and used for the payment of expenses incurred
5 2 for the administration of this chapter but only pursuant to
5 3 a specific appropriation by the legislature and only if the
5 4 expenses are incurred and the money is requisitioned after the
5 5 enactment of an appropriation law which ~~(1) specifies:~~

5 6 (a) Specifies the purposes for which such money is
5 7 appropriated and the amounts appropriated therefor, ~~(2) limits;~~

5 8 (b) Limits the period within which such money may be
5 9 obligated to a period ending not more than two years after the
5 10 date of the enactment of the appropriation law, ~~and (3) limits~~

5 11 (c) Limits the amount which may be obligated during a
5 12 twelve-month period beginning on July 1 and ending on the next
5 13 June 30 to an amount which does not exceed the amount by which
5 14 the aggregate of the amounts transferred to the account of
5 15 this state pursuant to ~~section~~ { 903 of the Social Security
5 16 Act exceeds the aggregate of the amounts used by this state
5 17 pursuant to this chapter and charged against the amounts
5 18 transferred to the account of this state during the same
5 19 twelve-month period.

5 20 (2) For purposes of this subsection, amounts used by
5 21 this state for administration shall be chargeable against
5 22 transferred amounts at the exact time the obligation is entered
5 23 into. The use of money appropriated under this subsection
5 24 shall be accounted for in accordance with standards established
5 25 by the United States secretary of labor.

5 26 Sec. 14. Section 96.20, subsection 2, Code Supplement 2009,
5 27 is amended to read as follows:

5 28 2. a. The department may enter into arrangements with the
5 29 appropriate agencies of other states, or a contiguous country
5 30 with which the United States has an agreement with respect to
5 31 unemployment compensation or of the federal government ~~(a)~~
5 32 ~~whereby:~~

5 33 (1) Whereby wages or services, upon the basis of which
5 34 an individual may become entitled to benefits under the
5 35 unemployment compensation law of another state or of the



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6 1 federal government, shall be deemed to be wages for employment
6 2 by employers for the purposes of section 96.3 and section 96.4,
6 3 subsection 5; provided such other state agency or agency of the
6 4 federal government has agreed to reimburse the fund for such
6 5 portion of benefits paid under this chapter upon the basis of
6 6 such wages or services as the department finds will be fair and
6 7 reasonable as to all affected interests, and ~~(b) whereby~~
6 8 (2) Whereby the department will reimburse other state
6 9 or federal agencies charged with the administration of
6 10 unemployment compensation laws with such reasonable portion of
6 11 benefits, paid under the law of any such other states or of the
6 12 federal government upon the basis of employment or wages for
6 13 employment by employers, as the department finds will be fair
6 14 and reasonable as to all affected interests.
6 15 b. Reimbursements so payable shall be deemed to be benefits
6 16 for the purposes of section 96.3, subsection 5, paragraph "a",
6 17 and section 96.9, but no reimbursement so payable shall be
6 18 charged against any employer's account for the purposes of
6 19 section 96.7, unless wages so transferred are sufficient to
6 20 establish a valid claim in Iowa, and that such charges shall
6 21 not exceed the amount that would have been charged on the
6 22 basis of a valid claim. The department is hereby authorized
6 23 to make to other state or federal agencies and receive from
6 24 such other state or federal agencies, reimbursements from
6 25 or to the fund, in accordance with arrangements pursuant
6 26 to this section. The department shall participate in any
6 27 arrangements for the payment of compensation on the basis of
6 28 combining an individual's wages and employment covered under
6 29 this Act with the individual's wages and employment covered
6 30 under the unemployment compensation laws of other states
6 31 which are approved by the United States secretary of labor in
6 32 consultation with the state unemployment compensation agencies
6 33 as reasonably calculated to assure the prompt and full payment
6 34 of compensation in such situations and which include provisions
6 35 for: ~~Applying~~ applying the base period of a single state law



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7 1 to a claim involving the combining of an individual's wages
7 2 and employment covered under two or more state unemployment
7 3 compensation laws, and avoiding the duplication use of wages
7 4 and employment by reason of such combining.
7 5 Sec. 15. Section 97B.1A, subsection 20, paragraph d, Code
7 6 Supplement 2009, is amended to read as follows:
7 7 d. Temporary or seasonal interruptions in service for
7 8 employees of a school corporation or educational institution
7 9 when the temporary suspension of service does not terminate the
7 10 period of employment of the employee and the employee returns
7 11 to service at a school corporation or educational institution
7 12 upon the end of the temporary or seasonal interruption.
7 13 However,
7 14 ~~However,~~ effective July 1, 2004, "service" does not mean
7 15 service for which an employee receives remuneration from an
7 16 employer for temporary employment during any quarter in which
7 17 the employee is on an otherwise unpaid leave of absence that
7 18 is not authorized under the federal Family and Medical Leave
7 19 Act of 1993 or other similar leave. Remuneration paid by the
7 20 employer for the temporary employment shall not be treated by
7 21 the system as covered wages.
7 22 Sec. 16. Section 97B.42, Code 2009, is amended to read as
7 23 follows:
7 24 97B.42 Mandatory membership == membership in other systems.
7 25 1. Each employee whose employment commences after July 4,
7 26 1953, or who has not qualified for credit for prior service
7 27 rendered prior to July 4, 1953, or any publicly elected
7 28 official of the state or any of its political subdivisions
7 29 shall become a member upon the first day in which such
7 30 employee is employed. The employee shall continue to be an
7 31 active member so long as the employee continues in covered
7 32 employment. The employee shall cease to be an active member
7 33 if the employee joins another retirement system in the state
7 34 which is maintained in whole or in part by public contributions
7 35 or payments and receives retirement credit for service in that



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8 1 other system for the same position previously covered under
8 2 this chapter. If an employee joins another publicly maintained
8 3 retirement system and ceases to be an active member under
8 4 this chapter, the employee may elect to leave the employee's
8 5 accumulated contributions in the retirement fund or receive
8 6 a refund of the employee's accumulated contributions in
8 7 the manner provided for members who are terminating covered
8 8 employment pursuant to section 97B.53. However, if an employee
8 9 joins another publicly maintained retirement system and leaves
8 10 the employee's accumulated contributions in the retirement
8 11 fund, the employee shall not be eligible to receive retirement
8 12 benefits until the employee has a bona fide retirement from
8 13 employment with a covered employer as provided in section
8 14 97B.52A, or until the employee would otherwise be eligible to
8 15 receive benefits upon attaining the age of seventy years as
8 16 provided in section 97B.46.

8 17 2. Employment shall not be covered under this chapter until
8 18 the employment is covered under the federal Social Security Act
8 19 and any agreements which are required pursuant to chapter 97C
8 20 are effective.

8 21 3. Nothing in this chapter shall be deemed to exclude from
8 22 coverage, under the provisions of this chapter, any public
8 23 employee who was not on or as of July 4, 1953, a member of
8 24 another retirement system supported by public funds. All
8 25 such employees and their employers shall be required to make
8 26 contributions as specified as to other public employees and
8 27 employers. Nothing in this chapter shall be deemed to prohibit
8 28 the reestablishment of a retirement system supported by public
8 29 funds which had been in operation prior to July 4, 1953, and
8 30 was subsequently liquidated.

8 31 4. Persons who are members of any other retirement system
8 32 in the state which is maintained in whole or in part by
8 33 public contributions other than persons who are covered under
8 34 the provisions of chapter 97, Code 1950, as amended by the
8 35 Fifty-fourth General Assembly on the date of the repeal of



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9 1 said chapter, under the provisions of sections 97.50 through
9 2 97.53 shall not become members under this chapter while still
9 3 actively participating in that other retirement system unless
9 4 the persons do not receive retirement credit for service in
9 5 that other system for the position to be covered under this
9 6 chapter.

9 7 5. Nothing herein contained shall be construed to permit
9 8 any employer to make any public contributions or payments on
9 9 behalf of an employee in the same position for the same period
9 10 of time to both the Iowa public employees' retirement system
9 11 and any other retirement system in the state which is supported
9 12 in whole or in part by public contributions or payments.

9 13 6. Notwithstanding any other provision of this section, a
9 14 person newly entering employment with a community college on
9 15 or after July 1, 1990, may elect coverage under an eligible
9 16 alternative retirement benefits system described in section
9 17 260C.14, subsection 17, paragraph "a", subparagraph (1), in
9 18 lieu of coverage under the Iowa public employees' retirement
9 19 system, but only if the person is already a member of the
9 20 alternative retirement benefits system. An election to
9 21 participate in an eligible alternative retirement benefits
9 22 system as described in section 260C.14, subsection 17, is
9 23 irrevocable as to the person's employment with that community
9 24 college and any other community college in this state.

9 25 7. Notwithstanding any other provision of this section,
9 26 commencing July 1, 1994, a member who is employed by a
9 27 community college may elect coverage under an eligible
9 28 alternative retirement benefits system as provided in section
9 29 260C.14, subsection 17, in lieu of continuing or commencing
9 30 contributions to the Iowa public employees' retirement system.
9 31 However, the employer's annual contribution in dollars to the
9 32 eligible alternative retirement benefits system shall not
9 33 exceed the annual contribution in dollars which the employer
9 34 would contribute if the employee had elected to remain an
9 35 active member under this chapter, as set forth in section



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10 1 97B.11. A member employed by a community college who elects
10 2 coverage under an eligible alternative retirement benefits
10 3 system may withdraw the member's accumulated contributions
10 4 effective when coverage under the eligible alternative
10 5 retirement benefits system commences. A member who is employed
10 6 by a community college prior to July 1, 1994, must file an
10 7 election for coverage under the eligible alternative retirement
10 8 benefits system described in section 260C.14, subsection 17,
10 9 paragraph "a", subparagraph (1), with the system and the
10 10 employing community college within eighteen months of the first
10 11 day on which coverage commences under the community college's
10 12 eligible alternative retirement benefits system described in
10 13 section 260C.14, subsection 17, paragraph "a", subparagraph
10 14 (1), or the employee shall remain a member under this chapter
10 15 and shall not be eligible to elect to participate in that
10 16 community college's eligible alternative retirement benefits
10 17 system described in section 260C.14, subsection 17, paragraph
10 18 "a", subparagraph (1) at a later date. Employees of a community
10 19 college hired on or after July 1, 1994, must file an election
10 20 for coverage under an eligible alternative retirement benefits
10 21 system with the system and the employing community college
10 22 within sixty days of commencing employment, or the employee
10 23 shall remain a member under this chapter and shall not be
10 24 eligible to elect to participate in an eligible alternative
10 25 retirement benefits system of the community college at a later
10 26 date. The system shall cooperate with the boards of directors
10 27 of the community colleges to facilitate the implementation of
10 28 this provision.
10 29 ~~Notwithstanding any other provision of this section, a~~
~~10 30 person newly entering employment with a community college on~~
~~10 31 or after July 1, 1990, may elect coverage under an eligible~~
~~10 32 alternative retirement benefits system, as defined in section~~
~~10 33 260C.14, subsection 17, paragraph "a", in lieu of coverage~~
~~10 34 under the Iowa public employees' retirement system, but only if~~
~~10 35 the person is already a member of the alternative retirement~~



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~~11 1 benefits system. An election to participate in an eligible
11 2 alternative retirement benefits system as described in section
11 3 260C.14, subsection 17, is irrevocable as to the person's
11 4 employment with that community college and any other community
11 5 college in this state.~~

11 6 8. Except as otherwise provided in this section, an employer
11 7 shall not sponsor and a member shall not participate in another
11 8 retirement system in this state supported in whole or in part
11 9 by public contributions or payments where such retirement
11 10 system is in lieu of the retirement system established by
11 11 this chapter. However, in addition to the retirement system
11 12 established by this chapter, an employer may sponsor and a
11 13 member may participate in a supplemental defined contribution
11 14 plan qualified under Internal Revenue Code ~~section~~ { 401(a),
11 15 a tax-deferred annuity qualified under Internal Revenue
11 16 Code ~~section~~ { 403(b), or an eligible deferred compensation
11 17 plan qualified under Internal Revenue Code ~~section~~ { 457,
11 18 regardless of whether contributions to such supplemental
11 19 plans are characterized as employer contributions or employee
11 20 contributions, and subject to the applicable limits set forth
11 21 in the Internal Revenue Code for such plans. A defined benefit
11 22 plan that supplements the retirement system established by this
11 23 chapter shall not be offered by public employers covered under
11 24 this chapter.

11 25 Sec. 17. Section 100B.13, subsection 2, Code 2009, is
11 26 amended to read as follows:

11 27 2. Revenue for the volunteer fire fighter preparedness fund
11 28 shall include, but is not limited to, the following:

11 29 a. Moneys credited to the fund pursuant to section

11 30 ~~422.12F~~ 422.12L.

11 31 ~~b. Moneys credited to the fund pursuant to section 422.12C.~~

11 32 ~~e.~~ b. Moneys in the form of a devise, gift, bequest,
11 33 donation, or federal or other grant intended to be used for the
11 34 purposes of the fund.

11 35 Sec. 18. Section 100D.1, subsections 4 and 5, Code



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12 1 Supplement 2009, are amended to read as follows:

12 2 4. "Fire extinguishing system contractor" means a
12 3 person or persons who are engaging in or representing
12 4 ~~oneself themselves~~ to the public as engaging in the activity or
12 5 business of layout, installation, repair, service, alteration,
12 6 addition, testing, maintenance, or maintenance inspection of
12 7 automatic fire extinguishing systems in this state, as defined
12 8 in section 100C.1, and who is certified pursuant to chapter
12 9 100C.

12 10 5. "Fire protection system" means a sprinkler system,
12 11 standpipe system, hose system, special hazard system, dry
12 12 ~~systems system~~, foam ~~systems system~~, or any water-based fire
12 13 protection system, either manual or automatically activated,
12 14 used for fire protection purposes that is composed of an
12 15 integrated system of underground and overhead piping connected
12 16 to a water source. For licensing purposes only "fire protection
12 17 system" does not include the water service piping to a structure
12 18 or building from a city water main.

12 19 Sec. 19. Section 103.1, subsection 1, Code Supplement 2009,
12 20 is amended to read as follows:

12 21 1. "Apprentice electrician" means any person who, as
12 22 such person's principal occupation, is engaged in learning
12 23 and assisting in the installation, alteration, and repair
12 24 of electrical wiring, apparatus, and equipment as an
12 25 employee of a person licensed under this chapter, and who is
12 26 licensed by the board and is progressing toward completion
12 27 of an apprenticeship training program registered by the
12 28 ~~bureau office~~ of apprenticeship ~~and training~~ of the United
12 29 States department of labor. For purposes of this chapter,
12 30 persons who are not engaged in the installation, alteration, or
12 31 repair of electrical wiring, apparatus, and equipment, either
12 32 inside or outside buildings, shall not be considered apprentice
12 33 electricians.

12 34 Sec. 20. Section 103.12, subsection 1, Code 2009, is amended
12 35 to read as follows:



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13 1 1. An applicant for a class A journeyman electrician license
13 2 shall have successfully completed an apprenticeship training
13 3 program registered by the ~~bureau~~ office of apprenticeship ~~and~~
~~13 4 training~~ of the United States department of labor in accordance
13 5 with the standards established by that department or shall have
13 6 received training or experience for a period of time and under
13 7 conditions as established by the board by rule.

13 8 Sec. 21. Section 103.15, subsection 1, Code Supplement
13 9 2009, is amended to read as follows:

13 10 1. A person shall be licensed by the board and pay a
13 11 licensing fee to work as an apprentice electrician while
13 12 participating in an apprenticeship training program registered
13 13 by the ~~bureau~~ office of apprenticeship ~~and training~~ of the
13 14 United States department of labor in accordance with the
13 15 standards established by that department. An apprenticeship
13 16 shall be limited to six years from the date of licensure,
13 17 unless extended by the board upon a finding that a hardship
13 18 existed which prevented completion of the apprenticeship
13 19 program. Such licensure shall entitle the licensee to act as
13 20 an apprentice to an electrical contractor, a class A master
13 21 electrician, a class B master electrician, a class A journeyman
13 22 electrician, or a class B journeyman electrician as provided in
13 23 subsection 3.

13 24 Sec. 22. Section 103.15, subsection 2, paragraph a, Code
13 25 Supplement 2009, is amended to read as follows:

13 26 a. A person shall be licensed as an unclassified person by
13 27 the board to perform electrical work if the work is performed
13 28 under the personal supervision of a person actually licensed to
13 29 perform such work and the licensed and unclassified persons are
13 30 employed by the same employer. A person shall not be employed
13 31 continuously for more than one hundred days as an unclassified
13 32 person without having obtained a current license from the
13 33 board. For the purposes of determining whether a person has
13 34 been "employed continuously" for more than one hundred days
13 35 under this subsection, employment shall include any days not



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14 1 worked due to illness, holidays, weekend days, and other
14 2 absences that do not constitute separation from or termination
14 3 of employment. Any period of employment as a nonlicensed
14 4 unclassified person shall not be credited to any applicable
14 5 experiential requirement of an apprenticeship training
14 6 program registered by the ~~bureau~~ office of apprenticeship ~~and~~
~~14 7 training~~ of the United States department of labor.
14 8 Sec. 23. Section 124.212A, subsection 1, paragraph a, Code
14 9 Supplement 2009, is amended to read as follows:
14 10 a. Provide for the sale of a pseudoephedrine product
14 11 ~~in~~ from a locked cabinet or behind the sales counter where the
14 12 public is unable to reach the product and where the public is
14 13 not permitted.
14 14 Sec. 24. Section 126.12, subsection 3, paragraph b, Code
14 15 2009, is amended to read as follows:
14 16 b. A drug which is licensed under the federal Public Health
14 17 Service Act of July 1, 1944, 42 U.S.C. { 201 et seq. or under
14 18 the Animal ~~Virus, Serum, Toxin, Antitoxin~~ Virus-Serum-Toxin Act
14 19 of March 4, 1913, 21 U.S.C. { 151 et seq.
14 20 Sec. 25. Section 126.23A, subsection 1, paragraph b,
14 21 subparagraph (1), Code Supplement 2009, is amended to read as
14 22 follows:
14 23 (1) Provide for the sale of a pseudoephedrine product
14 24 ~~in~~ from a locked cabinet or behind a sales counter where the
14 25 public is unable to reach the product and where the public is
14 26 not permitted.
14 27 Sec. 26. Section 135.107, subsection 3, paragraph b,
14 28 subparagraph (2), subparagraph division (h), Code Supplement
14 29 2009, is amended to read as follows:
14 30 (h) Upon availability of state funds,
14 31 ~~determine~~ determination of eligibility criteria and
14 32 qualifications for participating communities and applicants not
14 33 located in federally designated shortage areas.
14 34 Sec. 27. Section 135A.4, subsection 1, Code Supplement
14 35 2009, is amended to read as follows:



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15 1 1. A governmental public health advisory council is
15 2 established to advise the department and make policy
15 3 recommendations to the director of the department concerning
15 4 administration, implementation, and coordination of this
15 5 chapter and to make recommendations to the department regarding
15 6 the governmental public health system. The council shall meet
15 7 at a ~~minimum of~~ least quarterly. The council shall consist
15 8 of no fewer than fifteen members and no ~~greater~~ more than
15 9 twenty-three members. The members shall be appointed
15 10 by the director. The director may solicit and consider
15 11 recommendations from professional organizations, associations,
15 12 and academic institutions in making appointments to the
15 13 council.

15 14 Sec. 28. Section 135A.5, subsection 1, Code Supplement
15 15 2009, is amended to read as follows:

15 16 1. A governmental public health evaluation committee
15 17 is established to develop, implement, and evaluate the
15 18 governmental public health system and voluntary accreditation
15 19 program. The committee shall meet at least quarterly. The
15 20 committee shall consist of no fewer than eleven members and
15 21 no ~~greater~~ more than thirteen members. The members shall be
15 22 appointed by the director of the department. The director
15 23 may solicit and consider recommendations from professional
15 24 organizations, associations, and academic institutions in
15 25 making appointments to the committee.

15 26 Sec. 29. Section 135A.9, subsection 1, Code Supplement
15 27 2009, is amended to read as follows:

15 28 1. Incorporation of the Iowa public health standards
15 29 recommended to the department pursuant to section
15 30 ~~135A.5~~ 135A.4, subsection 6.

15 31 Sec. 30. Section 142A.3, subsection 4, paragraph a, Code
15 32 Supplement 2009, is amended to read as follows:

15 33 a. Four members of the general assembly, with not more
15 34 than one member from each chamber being from the same
15 35 political party. The majority leader of the senate and



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16 1 the minority leader of the senate shall each appoint one
16 2 of the senate members. The majority leader of the house
16 3 of representatives and the minority leader of the house of
16 4 representatives shall each appoint one of the house members.
16 5 Sec. 31. Section 155.12, Code 2009, is amended to read as
16 6 follows:
16 7 155.12 Conflict with federal law == effect.
16 8 If any provision of this chapter is in conflict with the
16 9 requirements of section 1908 of the United States Social
16 10 Security Act (~~42 United States Code, section 1396g~~) codified at
16 11 42 U.S.C. { 1396g, relative to a state program for licensing of
16 12 administrators of nursing homes, and except for such conflict
16 13 the state would be entitled to receive contributions from the
16 14 United States for payment of assistance under the program
16 15 established pursuant to Title Tit. XIX of the United States
16 16 Social Security Act (~~42 United States Code, sections, codified~~
16 17 at 42 U.S.C. { 1396 ? 1396g, inclusive}), such provision of this
16 18 chapter so in conflict with said statute of the United States
16 19 shall be considered as suspended and of no effect until sixty
16 20 days after the convening of the next regular session of the
16 21 general assembly after such conflict is discovered.
16 22 Sec. 32. Section 158.16, Code Supplement 2009, is amended
16 23 to read as follows:
16 24 158.16 Penalty.
16 25 A person convicted of violating any of the provisions of this
16 26 chapter shall be fined an amount not to exceed one thousand
16 27 dollars.
16 28 Sec. 33. Section 159.1, unnumbered paragraph 1, Code 2009,
16 29 is amended to read as follows:
16 30 For the purposes of subtitles 1 through 3 of this title,
16 31 excluding chapters 161A ~~through~~ and 161C, unless otherwise
16 32 provided:
16 33 Sec. 34. Section 159.1, subsection 5, Code 2009, is amended
16 34 to read as follows:
16 35 5. "Person" includes an individual, a corporation, company,



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17 1 firm, society, or association; and the act, omission, or
17 2 conduct of any officer, agent, or other person acting in a
17 3 representative capacity shall be imputed to the organization
17 4 or person represented, and the person acting in such capacity
17 5 shall also be liable for violation of subtitles 1 through 3 of
17 6 this title, excluding chapters 161A ~~through~~ and 161C.

17 7 Sec. 35. Section 159.5, subsection 11, Code Supplement
17 8 2009, is amended to read as follows:

17 9 11. Establish, publish, and enforce rules not inconsistent
17 10 with law for the enforcement of the provisions of subtitles
17 11 1 through 3 of this title, excluding chapters 161A
17 12 ~~through~~ and 161C, and for the enforcement of the various laws,
17 13 the administration and supervision of which are imposed upon
17 14 the department.

17 15 Sec. 36. Section 159A.4, subsection 2, paragraph a,
17 16 unnumbered paragraph 1, Code Supplement 2009, is amended to
17 17 read as follows:

17 18 The following ~~department~~ agency representatives:

17 19 Sec. 37. Section 166D.2, subsection 31, Code 2009, is
17 20 amended to read as follows:

17 21 31. "Licensed pseudorabies vaccine" means a pseudorabies
17 22 virus vaccine produced under license from the United States
17 23 secretary of agriculture under the federal ~~Virus, Serum and~~
~~17 24 Toxin Virus=Serum=Toxin~~ Act of March 4, 1913, 21 U.S.C. { 151
17 25 et seq.

17 26 Sec. 38. Section 172A.5, Code 2009, is amended to read as
17 27 follows:

17 28 172A.5 Bonded packers registration.

17 29 A dealer or broker who has a bond required by the United
17 30 States department of agriculture under the Packers and
17 31 Stockyards Act of 1921 as amended, ~~Title VII, sections 181~~
~~17 32 through 231, United States Code 7 U.S.C. { 181 = 231,~~ shall be
17 33 exempt from the provisions of this chapter upon registration
17 34 with the secretary. Registration shall be effective upon
17 35 filing with the secretary a certified copy of the bond filed



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18 1 with the United States department of agriculture, and shall
18 2 continue in effect until that bond is terminated.

18 3 Sec. 39. Section 172D.3, subsection 2, paragraph a, Code
18 4 2009, is amended to read as follows:

18 5 a. Exclusion for federally mandated requirements. This
18 6 section shall apply to the department's rules except for rules
18 7 required for delegation of the national pollutant discharge
18 8 elimination system permit program pursuant to the federal
18 9 Water Pollution Control Act, ~~Title 33, United States Code, 33~~
18 10 U.S.C. ch. 126 26, as amended, and 40 C.F.R. pt. 124.

18 11 Sec. 40. Section 196.9, Code 2009, is amended to read as
18 12 follows:

18 13 196.9 Eggs unfit for human food.

18 14 Eggs determined to be unfit for human food under ~~title 21,~~
~~18 15 section 21 U.S.C. { 1034 of the United States Code~~ as amended
18 16 to July 1, 1985, shall not be bought or sold or offered for
18 17 purchase or sale by any person unless the eggs are denatured so
18 18 that they cannot be used for human food.

18 19 Sec. 41. Section 215.17, Code 2009, is amended to read as
18 20 follows:

18 21 215.17 Test weights to be used.

18 22 1. A person engaged in scale repair work for hire shall
18 23 use only test weights sealed by the department in determining
18 24 the effectiveness of repair work and the test weights shall be
18 25 sealed as to their accuracy once each year. However, a person
18 26 shall not claim to be an official scale inspector and shall
18 27 not use the test weights except to determine the accuracy of
18 28 scale repair work done by the person and the person shall not
18 29 be entitled to a fee for their use. A fee shall be charged
18 30 and collected at time of inspection for the inspection of such
18 31 weights as follows:

18 32 All weights up to and including 25
18 33 pounds\$ 1.10 each

18 34 Over twenty=five pounds capacity,
18 35 up to and including 50 pounds 2.25 each



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19 1 Over 50 pounds capacity, up to and
19 2 including 100 pounds 3.00 each
19 3 Over 100 pounds capacity, up to
19 4 and including 500 pounds 4.50 each
19 5 Over 500 pounds capacity, up to
19 6 and including 1,000 pounds 7.50 each
19 7 2. The fee for all tank calibrations shall be as follows:
19 8 100 gallons up to and including
19 9 300 gallons\$ 4.50
19 10 301 gallons up to and including
19 11 500 gallons 7.50
19 12 501 gallons up to and including
19 13 1,000 gallons 11.25
19 14 1,001 gallons up to and including
19 15 2,000 gallons 15.00
19 16 2,001 gallons up to and including
19 17 3,000 gallons 18.00
19 18 3,001 gallons up to and including
19 19 4,000 gallons 21.00
19 20 4,001 gallons up to and including
19 21 5,000 gallons 24.00
19 22 5,001 gallons up to and including
19 23 6,000 gallons 27.00
19 24 6,001 gallons up to and including
19 25 7,000 gallons 30.00
19 26 7,001 gallons and up 37.50
19 27 3. Calibration shall not be required of a tank which is not
19 28 used for the purpose of measuring, or which is equipped with
19 29 a meter, and vehicle tanks loaded from meters and carrying a
19 30 printed ticket showing gallonage shall not be required to be
19 31 calibrated.
19 32 Sec. 42. Section 256A.4, subsection 1, Code 2009, is amended
19 33 to read as follows:
19 34 1. a. The board of directors of each school district may
19 35 develop and offer a family support program which provides



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20 1 outreach and incentives for the voluntary participation of
20 2 expectant parents and parents of children in the period of
20 3 life from birth through age five, who reside within district
20 4 boundaries, in educational family support experiences designed
20 5 to assist parents in learning about the physical, mental, and
20 6 emotional development of their children. A board may contract
20 7 with another school district or public or private nonprofit
20 8 agency for provision of the approved program or program site.
20 9 b. A family support program shall meet multicultural gender
20 10 fair guidelines. The program shall encourage parents to be
20 11 aware of practices that may affect equitable development of
20 12 children. The program shall include parents in the planning,
20 13 implementation, and evaluation of the program. A program
20 14 shall be designed to meet the needs of the residents of the
20 15 participating district and may use unique approaches to provide
20 16 for those needs. The goals of a family support program shall
20 17 include, but are not limited to, the following:
20 18 ~~a.~~ (1) Family involvement as a key component of school
20 19 improvement with an emphasis on communication and active family
20 20 participation in family support programming.
20 21 ~~b.~~ (2) Family participation in the planning and
20 22 decision-making process for the program and encouragement of
20 23 long-term parental involvement in their children's education.
20 24 ~~c.~~ (3) Meeting the educational and developmental needs of
20 25 expectant parents and parents of young children.
20 26 ~~d.~~ (4) Developmentally appropriate activities for children
20 27 that include those skills necessary for adaptation to both the
20 28 home and school environments.
20 29 Sec. 43. Section 257.9, subsection 8, Code Supplement 2009,
20 30 is amended to read as follows:
20 31 8. Early intervention supplement state cost per pupil. For
20 32 the budget year beginning July 1, 2009, for the early
20 33 intervention supplement state cost per pupil, the department of
20 34 management shall add together the early intervention allocation
20 35 made to each district for the fiscal year beginning July



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21 1 1, 2008, pursuant to section 256D.4, Code 2009, and divide
21 2 that sum by the statewide total budget enrollment for the
21 3 fiscal year beginning July 1, 2009. The early intervention
21 4 supplement state cost per pupil for the budget year beginning
21 5 July 1, 2010, and succeeding budget years, shall be the
21 6 amount calculated by the department of management under this
21 7 subsection for the base year plus an allowable growth amount
21 8 that is equal to the early intervention supplement categorical
21 9 state percent of growth, pursuant to section 257.8, subsection
21 10 2, for the budget year, multiplied by the amount calculated by
21 11 the department of management under this subsection for the base
21 12 year.

21 13 Sec. 44. Section 257.10, subsection 11, paragraph a, Code
21 14 Supplement 2009, is amended to read as follows:

21 15 a. For the budget year beginning July 1, 2009, the
21 16 department of management shall divide the early intervention
21 17 allocation made to each district for the fiscal year beginning
21 18 July 1, 2008, pursuant to section 256D.4, Code 2009, by the
21 19 district's budget enrollment in the fiscal year beginning July
21 20 1, 2009, to determine the early intervention supplement cost
21 21 per pupil. For the budget year beginning July 1, 2010, and
21 22 succeeding budget years, the early intervention supplement
21 23 district cost per pupil for each school district for a budget
21 24 year is the early intervention supplement district cost per
21 25 pupil for the base year plus the early development supplement
21 26 state allowable growth amount for the budget year.

21 27 Sec. 45. Section 257.15, subsection 1, paragraph a, Code
21 28 2009, is amended to read as follows:

21 29 a. For the budget year beginning July 1, 1991, the
21 30 department of management shall calculate for each district the
21 31 difference between the sum of the revenues generated by the
21 32 foundation property tax and the additional property tax in the
21 33 district calculated under this chapter and the revenues that
21 34 would have been generated by the foundation property tax and
21 35 the additional property tax in that district for that budget



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22 1 year calculated under chapter 442, Code 1989, if chapter 442,
22 2 Code 1989, were in effect, except that the revenues that
22 3 would have been generated by the additional property tax levy
22 4 under chapter 442, Code 1989, shall not include revenues
22 5 generated for the school improvement program. However in
22 6 making the calculation of the difference in revenues under
22 7 this subsection, the department shall not include the revenues
22 8 generated under section 257.37 and under chapter 442, Code
22 9 1989, for funding media and educational services through the
22 10 area education agencies. If the property tax revenues for a
22 11 district calculated under this chapter exceed the property tax
22 12 revenues for that district calculated under chapter 442, Code
22 13 1989, the department of management shall reduce the revenues
22 14 raised by the additional property tax levy in that district
22 15 under this chapter by that difference and the department of
22 16 education shall pay property tax adjustment aid to the district
22 17 equal to that difference from moneys appropriated for property
22 18 tax adjustment aid.

22 19 Sec. 46. Section 262A.2, subsection 5, Code Supplement
22 20 2009, is amended to read as follows:

22 21 5. "Institutional income" shall mean income received by an
22 22 institution from sources other than ~~(a) student~~ the following:

22 23 a. Student fees and charges, ~~(b) rates.~~

22 24 b. Rates, fees, rentals or charges imposed and collected
22 25 under the provisions of ~~(1)~~ sections 262.35 through 262.42,
22 26 ~~(2)~~ sections 262.44 through 262.53, and ~~(3)~~ sections 262.55
22 27 through 262.66, ~~(c) state.~~

22 28 c. State appropriations, ~~and (d) "hospital.~~

22 29 d. Hospital income", as that term is defined in ~~subsection~~
~~22 30 4 of section 263A.1.~~

22 31 Sec. 47. Section 279.14, subsection 2, Code 2009, is amended
22 32 to read as follows:

22 33 2. The determination of standards of performance expected
22 34 of school district personnel shall be reserved as an exclusive
22 35 management right of the school board and shall not be subject



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23 1 to mandatory negotiations under chapter 20. Notwithstanding
23 2 chapter 20, objections to the procedures, use, or content of
23 3 an evaluation in a teacher termination proceeding brought
23 4 before the school board in a hearing held in accordance with
23 5 section 279.16 or 279.27 shall not be subject to the grievance
23 6 procedures negotiated in accordance with chapter 20. A school
23 7 district shall not be obligated to process any evaluation
23 8 grievance after service of a notice and recommendation to
23 9 terminate an individual's continuing teaching contract in
23 10 accordance with this chapter ~~279~~.

23 11 Sec. 48. Section 282.1, subsection 1, Code Supplement 2009,
23 12 is amended to read as follows:

23 13 1. Persons between five and twenty-one years of age are of
23 14 school age. Nonresident children shall be charged the maximum
23 15 tuition rate as determined in section 282.24, subsection
23 16 1, with the exception that those residing temporarily in
23 17 a school corporation may attend school in the corporation
23 18 upon terms prescribed by the board, ~~and boards~~. A school
23 19 district discontinuing grades under section 282.7, subsection 1
23 20 or subsections 1 and 3, shall be charged tuition as provided in
23 21 section 282.24, subsection ~~2~~ 1.

23 22 Sec. 49. Section 298.18, subsection 1, paragraph d, Code
23 23 Supplement 2009, is amended to read as follows:

23 24 d. The amount estimated and certified to apply on principal
23 25 and interest for any one year may exceed two dollars and
23 26 seventy cents per thousand dollars of assessed value by the
23 27 amount approved by the voters of the school corporation,
23 28 but not exceeding four dollars and five cents per thousand
23 29 dollars of the assessed value of the taxable property within
23 30 any school corporation, provided that the registered voters
23 31 of such school corporation have first approved such increased
23 32 amount at an election held on a date specified in section 39.2,
23 33 subsection 4, paragraph "c".

23 34 Sec. 50. Section 299.1, unnumbered paragraph 2, Code 2009,
23 35 is amended to read as follows:



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24 1 The board of directors of a public school district or the
24 2 governing body of an accredited nonpublic school may, by
24 3 resolution, require attendance for the entire time when the
24 4 schools are in session in any school year and adopt a policy
24 5 or rules relating to the reasons considered to be valid or
24 6 acceptable excuses for absence from school.

24 7 Sec. 51. Section 306C.20, Code 2009, is amended to read as
24 8 follows:

24 9 306C.20 Bonus funds agreements.

24 10 The department shall enter into agreements with the duly
24 11 constituted federal authorities in order to secure for the
24 12 state all bonus federal funds allotted and appropriations to
24 13 the state and to avoid loss or reduction, under ~~Title 23,~~
~~24 14 section 131, of the United States Code 23 U.S.C. { 131, of~~
24 15 federal aid funds apportioned or to be apportioned to the
24 16 state under ~~Title 23, section 104 of the United States Code 23~~
24 17 U.S.C. { 104. The department may accept funds from whatever
24 18 source, including any allotment of funds by the United States,
24 19 or any of its departments or agencies, appropriated to carry
24 20 out the purposes of ~~Title 23, section 131 of the United States~~
~~24 21 Code 23 U.S.C. { 131.~~ The department shall take such steps as
24 22 may be necessary to obtain from the United States or any of its
24 23 departments or agencies, funds allotted and appropriated for
24 24 the purpose of paying the federal share of just compensation
24 25 to be paid to advertising device owners and owners of the
24 26 real property under the terms of this chapter and ~~Title 23,~~
~~24 27 section 131, paragraph "g" of the United States Code 23 U.S.C.~~
24 28 { 131(g). All moneys received pursuant to the provisions of
24 29 this chapter shall be deposited in the "highway beautification
24 30 fund".

24 31 Sec. 52. Section 321.166, subsection 4, Code Supplement
24 32 2009, is amended to read as follows:

24 33 4. The registration plate number, except on motorized
24 34 ~~bicycle bicycles, motorcycle motorcycles, motorcycle~~
24 35 ~~trailer trailers,~~ and trailers with an empty weight of two



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25 1 thousand pounds or less shall be of sufficient size to be
25 2 readable from a distance of one hundred feet during daylight.

25 3 Sec. 53. Section 331.321, subsection 1, paragraph a, Code
25 4 Supplement 2009, is amended to read as follows:

25 5 a. A veterans memorial commission in accordance with
25 6 sections 37.9 ~~to~~, 37.10, and 37.15, when a proposition to
25 7 erect a memorial building or monument has been approved by the
25 8 voters.

25 9 Sec. 54. Section 331.508, subsection 10, Code 2009, is
25 10 amended to read as follows:

25 11 10. Real estate transfer book, index book, and plat
25 12 book as provided in sections 558.60 ~~to~~, 558.63, and 558.65
25 13 through 558.67.

25 14 Sec. 55. Section 420.220, Code 2009, is amended to read as
25 15 follows:

25 16 420.220 City tax sale after public bidder sale.

25 17 1. Property located in a city acting under special charter
25 18 which collects its own taxes, shall not, after sale of such
25 19 property to the county for taxes, be offered or sold at any
25 20 sale for taxes or special assessments collectible by any such
25 21 city except in the following events:

25 22 ~~1-~~ a. In the event of redemption from sale to the county
25 23 or transfer by the county of the certificate of purchase then
25 24 sale may be made by the city as freely as if this section
25 25 and sections 420.220 to 420.221 through 420.229 had never
25 26 become law.

25 27 ~~2-~~ b. In the event that any special assessment or
25 28 installment thereof levied by any such city, prior to April 22,
25 29 1941, shall be or become delinquent, then the property against
25 30 which the same was levied may be sold therefor only at the
25 31 first regular tax sale of such city occurring within such a
25 32 period of time after delinquency that sale for such assessment
25 33 or installment might lawfully be made at such first regular tax
25 34 sale.

25 35 ~~3-~~ c. In the event of sale or conveyance of the property



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26 1 by the county after issuance of tax deed to it then sale may
26 2 be made for general city taxes levied after such sale or
26 3 conveyance by the county.
26 4 ~~4-~~ d. In the event of levy of any special assessment
26 5 against the property after purchase thereof at tax sale by the
26 6 county, then sale may be made for any such special assessment
26 7 or installment thereof, then delinquent.
26 8 2. The county auditor shall, promptly after the purchase
26 9 of any real estate by the county at tax sale, certify to the
26 10 city treasurer of any such city, a statement showing the tracts
26 11 or parcels so purchased and the dates of purchase thereof
26 12 respectively. In the event either of redemption from any
26 13 such sale or transfer of the certificate of purchase, the
26 14 county auditor shall promptly certify to the city treasurer
26 15 a statement showing such redemption or transfer. The city
26 16 treasurer shall make appropriate entries in the treasurer's tax
26 17 books of the facts so certified by the county auditor as well
26 18 as of the matters certified by such treasurer to said auditor
26 19 under the provisions of section 420.222.
26 20 Sec. 56. Section 422.34, subsection 1, Code 2009, is amended
26 21 to read as follows:
26 22 1. All state, national, private, ~~co-operative~~ cooperative,
26 23 and savings banks, credit unions, title insurance and trust
26 24 companies, savings and loan associations, production credit
26 25 associations, insurance companies or insurance associations,
26 26 reciprocal or inter-insurance exchanges, and fraternal
26 27 beneficiary associations.
26 28 Sec. 57. Section 424.16, subsection 2, Code Supplement
26 29 2009, is amended to read as follows:
26 30 2. A notice authorized or required under this section may
26 31 be given by mailing the notice to the person for whom it is
26 32 intended, addressed to that person at the address given in the
26 33 last return filed by the person pursuant to this chapter, or if
26 34 no return has been filed, then to any address obtainable. The
26 35 mailing of the notice is presumptive evidence of the receipt



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27 1 of the notice by the person to whom addressed. Any period
27 2 of time which is determined according to this chapter by the
27 3 giving of notice commences to run from the date of mailing of
27 4 the notice. Neither mailed notice ~~or~~ nor notice by publication
27 5 is required for the initial determination and imposition of the
27 6 charge. The board shall undertake to provide reasonable notice
27 7 of the environmental protection charge and procedures, as in
27 8 the board's sole discretion it deems appropriate, provided that
27 9 the actual charge and procedures are published in the Iowa
27 10 administrative bulletin prior to the effective date of the
27 11 charge.

27 12 Sec. 58. Section 433.7, Code Supplement 2009, is amended to
27 13 read as follows:

27 14 433.7 Hearing.

27 15 At the time of determination of value ~~of~~ by the director of
27 16 revenue, any company interested shall have the right to appear,
27 17 by its officers or agents, before the director of revenue and
27 18 be heard on the question of the valuation of its property for
27 19 taxation.

27 20 Sec. 59. Section 455B.131, subsection 13, paragraph b, Code
27 21 2009, is amended to read as follows:

27 22 b. Qualifies as a small business concern by the United
27 23 States department of commerce pursuant to 15 U.S.C. { ~~632~~ 631,
27 24 et seq.

27 25 Sec. 60. Section 455B.602, subsection 8, paragraph a, Code
27 26 2009, is amended to read as follows:

27 27 a. "Responsible person" means a person who is legally
27 28 liable for the contamination or who is legally responsible
27 29 for abating contamination under any applicable law, including
27 30 ~~chapters 455B and~~ this chapter, chapter 455E, and the common
27 31 law. This may include a person causing, allowing, or otherwise
27 32 participating in the activities or events which cause the
27 33 contamination, persons who have failed to conduct their
27 34 activities so as to prevent the release of contaminants into
27 35 groundwater, persons who are obligated to abate a condition, or



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28 1 persons responsible for or a successor to such persons.
28 2 Sec. 61. Section 455G.3, subsection 3, paragraph b, Code
28 3 2009, is amended to read as follows:
28 4 b. To establish a loan guarantee account, as provided by and
28 5 to the extent permitted by section 455G.10, Code 1999.
28 6 Sec. 62. Section 455G.21, subsection 3, Code 2009, is
28 7 amended to read as follows:
28 8 3. Moneys in the fund shall not be used for purposes of
28 9 bonding or providing security for bonding under this chapter
28 10 ~~455G~~.
28 11 Sec. 63. Section 466B.3, subsection 4, paragraphs e and k,
28 12 Code Supplement 2009, are amended to read as follows:
28 13 e. The ~~director~~ administrator of the homeland security
28 14 and emergency management division of the department of public
28 15 defense or the ~~director's~~ administrator's designee.
28 16 k. The executive director of the Iowa finance authority or
28 17 the executive director's designee.
28 18 Sec. 64. Section 483A.24, subsection 2, paragraph f, Code
28 19 2009, is amended to read as follows:
28 20 f. (1) A deer hunting license or wild turkey hunting
28 21 license issued pursuant to this subsection shall be attested by
28 22 the signature of the person to whom the license is issued and
28 23 shall contain a statement in substantially the following form:
28 24 By signing this license I certify that I qualify as an owner
28 25 or tenant under Iowa Code section 483A.24.
28 26 (2) A person who makes a false attestation ~~as described~~
~~28 27 in~~ under this paragraph "f" is guilty of a simple misdemeanor.
28 28 In addition, the person's hunting license shall be revoked and
28 29 the person shall not be issued a hunting license for a period
28 30 of one year.
28 31 Sec. 65. Section 483A.24, subsection 14, Code 2009, is
28 32 amended to read as follows:
28 33 14. Upon payment of the fee of five dollars for a lifetime
28 34 fishing license or lifetime hunting and fishing combined
28 35 license, the department shall issue a lifetime fishing license



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29 1 or lifetime hunting and fishing combined license to a resident
29 2 of Iowa who has served in the armed forces of the United
29 3 States on active federal service and who was disabled or was a
29 4 prisoner of war during that veteran's military service. The
29 5 department shall prepare an application to be used by a person
29 6 requesting a lifetime fishing license or lifetime hunting and
29 7 fishing combined license under this subsection. The department
29 8 of veterans affairs shall assist the department in verifying
29 9 the status or claims of applicants under this subsection. As
29 10 used in this subsection, "disabled" means entitled to a service
29 11 connected rating under the ~~United States Code, Title 38, 38~~
29 12 U.S.C. ch. 11.

29 13 Sec. 66. Section 489.1013, subsection 3, paragraph c, Code
29 14 2009, is amended to read as follows:

29 15 c. A statement that the domestication was approved as
29 16 required by this chapter.

29 17 Sec. 67. Section 491.36, Code 2009, is amended to read as
29 18 follows:

29 19 491.36 Foreign=trade zone corporation.

29 20 A corporation may be organized under the laws of this state
29 21 for the purpose of establishing, operating, and maintaining
29 22 a foreign=trade zone as defined in 19 ~~United States Code,~~
~~29 23 { 81(a) U.S.C. { 81a.~~ A corporation organized for the
29 24 purposes set forth in this section has all powers necessary
29 25 or convenient for applying for a grant of authority to
29 26 establish, operate, and maintain a foreign=trade zone under the
29 27 provisions of 19 ~~United States Code { 81(a) U.S.C. { 81a,~~ et
29 28 seq., and rules promulgated thereunder, and for establishing,
29 29 operating, and maintaining a foreign=trade zone pursuant to
29 30 that grant of authority.

29 31 Sec. 68. Section 518.14, subsection 4, paragraph g, Code
29 32 Supplement 2009, is amended to read as follows:

29 33 g. Home office real estate. With the prior approval of
29 34 the commissioner, funds may be invested in a home office real
29 35 estate for the association or a subsidiary, at the direction of



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30 1 the board of directors. The association or subsidiary shall
30 2 obtain the approval of the commissioner prior to the sale or
30 3 disposition of home office real estate owned by the association
30 4 or subsidiary. Effective as to home office real estate
30 5 acquired on or after July 1, 2009, an association shall not
30 6 invest more than twenty percent of its total admitted assets in
30 7 such real estate. With the prior approval of the commissioner,
30 8 an association may exceed the real estate investment limitation
30 9 to effectuate a merger with, or the acquisition of, another
30 10 association.

30 11 Sec. 69. Section 518A.12, subsection 4, paragraph g, Code
30 12 Supplement 2009, is amended to read as follows:

30 13 g. Home office real estate. With the prior approval of
30 14 the commissioner, funds may be invested in a home office real
30 15 estate for the association or a subsidiary, at the direction of
30 16 the board of directors. The association or subsidiary shall
30 17 obtain the approval of the commissioner prior to the sale or
30 18 disposition of home office real estate owned by the association
30 19 or subsidiary. Effective as to home office real estate
30 20 acquired on or after July 1, 2009, an association shall not
30 21 invest more than twenty percent of its total admitted assets in
30 22 such real estate. With the prior approval of the commissioner,
30 23 an association may exceed the real estate investment limitation
30 24 to effectuate a merger with, or the acquisition of, another
30 25 association.

30 26 Sec. 70. Section 533A.8, subsection 5, unnumbered paragraph
30 27 1, Code Supplement 2009, is amended to read as follows:

30 28 If the debt management program is based on a model which
30 29 requires the licensee or any licensee to receive money or
30 30 evidences thereof from the debtor to distribute to the debtor's
30 31 creditors, the licensee who receives the money or evidences
30 32 thereof from the debtor for distribution to the debtor's
30 33 creditors shall do all of the following:

30 34 Sec. 71. Section 537.5105, subsection 2, unnumbered
30 35 paragraph 1, Code 2009, is amended to read as follows:



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31 1 In addition to the provisions of section 642.21, the
31 2 maximum part of the aggregate disposable earnings of an
31 3 individual for any workweek which is subjected to garnishment
31 4 to enforce payment of a judgment arising from a consumer credit
31 5 transaction may not exceed the lesser of twenty-five percent
31 6 of the individual's disposable earnings for that week, or
31 7 the amount by which the individual's disposable earnings for
31 8 that week exceed forty times the federal minimum hourly wage
31 9 prescribed by the Fair Labor Standards Act of 1938, ~~United~~
~~31 10 States Code, title 29, section 206, subsection "a," paragraph~~
~~31 11 (1) 29 U.S.C. 206(a)(1),~~ in effect at the time the earnings are
31 12 payable.

31 13 Sec. 72. Section 543C.2, subsection 9, Code 2009, is amended
31 14 to read as follows:

31 15 9. If the subdivided land sought to be filed comes
31 16 within the purview of the ~~interstate land sales full~~
~~31 17 disclosure federal Interstate Land Sales Full Disclosure Act~~
~~31 18 (Title 15, United States Code section, codified at 15 U.S.C.~~
~~31 19 { 1701 et seq.} seq.,~~ the subdivider must furnish a copy of the
31 20 accepted report filed with the department of housing and urban
31 21 development. If the subdivision comes under the regulation of
31 22 the real estate laws of the state where the land is located
31 23 and that state requires a state offering statement or public
31 24 report, the subdivider must also include a copy of said state
31 25 report.

31 26 Sec. 73. Section 554.2310, subsection 3, Code Supplement
31 27 2009, is amended to read as follows:

31 28 3. if delivery is authorized and made by way of documents
31 29 of title otherwise than by subsection 2 then payment is due
31 30 regardless of where the goods are to be received ~~(i)~~ at the
31 31 time and place at which the buyer is to receive delivery of the
31 32 tangible documents or ~~(ii)~~ at the time the buyer is to receive
31 33 delivery of the electronic documents and at the seller's place
31 34 of business or if none, the seller's residence; and

31 35 Sec. 74. Section 554.12403, subsection 2, Code 2009, is



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32 1 amended to read as follows:

32 2 2. a. ~~(i)~~ If the sender and receiving bank are members of
32 3 a funds=transfer system that nets obligations multilaterally
32 4 among participants, the receiving bank receives final
32 5 settlement when settlement is complete in accordance with the
32 6 rules of the system.

32 7 b. ~~(ii)~~ The obligation of the sender to pay the amount of
32 8 a payment order transmitted through the funds=transfer system
32 9 may be satisfied, to the extent permitted by the rules of
32 10 the system, by setting off and applying against the sender's
32 11 obligation the right of the sender to receive payment from
32 12 the receiving bank of the amount of any other payment order
32 13 transmitted to the sender by the receiving bank through the
32 14 funds=transfer system.

32 15 c. ~~(iii)~~ The aggregate balance of obligations owed by each
32 16 sender to each receiving bank in the funds=transfer system
32 17 may be satisfied, to the extent permitted by the rules of the
32 18 system, by setting off and applying against that balance the
32 19 aggregate balance of obligations owed to the sender by other
32 20 members of the system. The aggregate balance is determined
32 21 after the right of setoff stated in ~~clause (ii) of this~~
~~32 22 subsection~~ paragraph "b" has been exercised.

32 23 Sec. 75. Section 554B.2, Code 2009, is amended to read as
32 24 follows:

32 25 554B.2 Security interest.

32 26 A security interest in rolling stock of a transmitting
32 27 utility may be perfected either as provided in the Uniform
32 28 Commercial Code, chapter 554, or as provided in the ~~Interstate~~
~~32 29 Commerce~~ ICC Termination Act of 1995, 49 U.S.C., ~~section 20~~
~~32 30 "c."~~ { 701, 11301.

32 31 Sec. 76. Section 602.8106, subsection 1, paragraph d, Code
32 32 Supplement 2009, is amended to read as follows:

32 33 d. ~~The~~ For court costs in scheduled violation cases where a
32 34 court appearance is required, sixty dollars.

32 35 Sec. 77. Section 626D.3, subsection 2, Code 2009, is amended



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33 1 to read as follows:

33 2 2. The person filing the tribal judgment shall make and file
33 3 with the clerk of court an affidavit setting forth the name and
33 4 last known address of the party seeking enforcement and the
33 5 responding party. Upon the filing of the tribal judgment and
33 6 accompanying affidavit, the enforcing party shall serve upon
33 7 the responding party a notice of filing of the tribal judgment
33 8 together with a copy of the tribal judgment in accordance with
33 9 Iowa rule of civil procedure 1.442 ~~of the Iowa rules of civil~~
~~33 10 procedure.~~ The enforcing party shall file proof of service or
33 11 mailing with the clerk of court. The notice of filing shall
33 12 include the name and address of the enforcing party and the
33 13 enforcing party's attorney, if any, and shall include the text
33 14 contained in sections 626D.4 and 626D.5.

33 15 Sec. 78. Section 633.517, subsection 1, Code 2009, is
33 16 amended to read as follows:

33 17 1. A written finding of presumed death, made by the
33 18 secretary of defense, or other officer or employee of the
33 19 United States authorized to make such finding, pursuant to
33 20 the federal Missing Persons Act ~~456, 56 Stat. 143, 1092, and~~
~~33 21 P.L. 408, Ch. 371, 2d Session 78th Congress; 50 U.S.C. App.~~
~~33 22 Supp. 1001-17}~~ codified at 10 U.S.C. 1501, et seq., as now or
33 23 hereafter amended, or a duly certified copy of such a finding,
33 24 shall be received in any court, office, or other place in this
33 25 state, as evidence of the death of the person therein found
33 26 to be dead, and of the date, circumstances, and place of the
33 27 disappearance.

33 28 Sec. 79. Section 636.45, Code Supplement 2009, is amended
33 29 to read as follows:

33 30 636.45 Federally insured loans.

33 31 1. Insurance companies, ~~building~~ savings and loan
33 32 associations, trustees, guardians, executors, administrators,
33 33 and other fiduciaries, the state and its political
33 34 subdivisions, and institutions and agencies thereof, and all
33 35 other persons, associations, and corporations ~~(1) may:~~



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34 1 a. May make such loans and advances of credit and purchases
34 2 of obligations representing loans and advances of credit as
34 3 are eligible for insurance pursuant to Tit. I, ~~section~~ { 2, of
34 4 the National Housing Act ~~{12~~ (1934), codified at 12 U.S.C. ch.
34 5 ~~13}~~ 13, and may obtain such insurance, ~~(2) may;~~

34 6 b. May make such loans, secured by real property or
34 7 leasehold, as the federal housing administrator insures
34 8 or makes a commitment to insure pursuant to Tit. II of
34 9 the National Housing Act (1934), and may obtain such
34 10 insurance, ~~;~~ and ~~(3) may~~

34 11 c. May make real property loans which are guaranteed or
34 12 insured by the secretary of the United States department of
34 13 veterans affairs under the provisions of ~~Tit. 38, sections 1801~~
~~34 14 through 1824, inclusive, United States Code 38 U.S.C. { 3701~~
34 15 et seq.

34 16 2. It shall be lawful for insurance companies, building
34 17 and loan associations, trustees, guardians, executors,
34 18 administrators, and other fiduciaries, the state and its
34 19 political subdivisions, and institutions and agencies thereof,
34 20 and all other persons, associations, and corporations, subject
34 21 to the laws of this state, to originate real estate loans which
34 22 are guaranteed or insured by the secretary of the United States
34 23 department of veterans affairs under the provisions of ~~Tit. 38,~~
~~34 24 sections 1801 through 1824, inclusive, United States Code 38~~
34 25 U.S.C. { 3701 et seq., and originate loans secured by real
34 26 property or leasehold, as the federal housing administrator
34 27 insures or makes a commitment to insure pursuant to Tit. II of
34 28 the National Housing Act (1934), and may obtain such insurance
34 29 and may invest their funds, and the moneys in their custody or
34 30 possession, eligible for investment, in bonds and notes secured
34 31 by mortgage or trust deed insured by the federal housing
34 32 administrator, and in the debentures issued by the federal
34 33 housing administrator pursuant to Tit. II of the National
34 34 Housing Act (1934), and in securities issued by national
34 35 mortgage associations or similar credit institutions now or



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35 1 hereafter organized under Tit. III of the National Housing
35 2 Act (1934), and in real estate loans which are guaranteed or
35 3 insured by the secretary of the United States department of
35 4 veterans affairs under the provisions of ~~Tit. 38, sections 1801~~
~~35 5 through 1824, inclusive, United States Code 38 U.S.C. { 3701~~
35 6 et seq.

35 7 Sec. 80. Section 669.22, Code 2009, is amended to read as
35 8 follows:
35 9 669.22 Actions in federal court.
35 10 The state shall defend any employee, and shall indemnify and
35 11 hold harmless an employee of the state in any action commenced
35 12 in federal court under ~~section 1983, Title 42, United States~~
~~35 13 Code, 42 U.S.C. { 1983~~ against the employee for acts of the
35 14 employee while acting in the scope of employment. The duty to
35 15 indemnify and hold harmless shall not apply and the state shall
35 16 be entitled to restitution from an employee if the employee
35 17 fails to cooperate in the investigation or defense of the claim
35 18 or demand, or if, in an action commenced by the state against
35 19 the employee, it is determined that the conduct of the employee
35 20 upon which the claim or demand was based constituted a willful
35 21 and wanton act or omission or malfeasance in office.

35 22 Sec. 81. Section 670.8, unnumbered paragraph 2, Code 2009,
35 23 is amended to read as follows:
35 24 The duties to defend and to save harmless and indemnify shall
35 25 apply whether or not the municipality is a party to the action
35 26 and shall include but not be limited to cases arising under
35 27 ~~title 42 United States Code section 42 U.S.C. { 1983.~~

35 28 Sec. 82. Section 714B.10, subsection 2, Code 2009, is
35 29 amended to read as follows:
35 30 2. Advertising in connection with the sale or purchase of
35 31 books, recordings, videocassettes, periodicals, and similar
35 32 goods through a membership group or club which is regulated
35 33 by the federal trade commission pursuant to ~~Code of Federal~~
~~35 34 Regulations, Title 16, part 4525.1 16 C.F.R. pt. 425.1,~~
35 35 concerning use of negative option plans by sellers in commerce.



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36 1 Sec. 83. Section 723.4, subsection 6, paragraph b,
36 2 unnumbered paragraph 1, Code 2009, is amended to read as
36 3 follows:
36 4 As used in this ~~section~~ subsection:
36 5 Sec. 84. 2009 Iowa Acts, chapter 9, section 6, subsection 1,
36 6 is amended by striking the subsection.
36 7 Sec. 85. 2009 Iowa Acts, chapter 100, section 35, is amended
36 8 to read as follows:
36 9 SEC. 35. EFFECTIVE AND APPLICABILITY DATES. This division
36 10 of this Act, being deemed of immediate importance, takes effect
36 11 upon enactment and applies to disaster recovery project
36 12 costs incurred on or after the effective date of this division
36 13 of this Act and before July 1, 2010.
36 14 Sec. 86. 2009 Iowa Acts, chapter 175, section 25, is amended
36 15 to read as follows:
36 16 SEC. 25. EFFECTIVE DATE. The section of this Act amending
36 17 section 455B.172, subsection ~~± 11~~, paragraph "a", as enacted
36 18 by 2008 Iowa Acts, chapter 1033, section 1, takes effect July
36 19 1, 2010.
36 20 Sec. 87. 2009 Iowa Acts, chapter 179, section 30, is amended
36 21 to read as follows:
36 22 SEC. 30. Section 12.90C, subsection 2, paragraph a, if
36 23 enacted by 2009 Iowa Acts, Senate File 477, is amended to read
36 24 as follows:
36 25 ~~3.~~ a. The net proceeds of bonds issued pursuant to section
36 26 12.90A other than bonds issued for the purpose of refunding
36 27 such bonds and investment earnings on the net proceeds.
36 28 Sec. 88. 2009 Iowa Acts, chapter 179, sections 201 and 202,
36 29 are amended to read as follows:
36 30 SEC. 201. IMPLEMENTATION. Section 25B.7 does not apply
36 31 to the property tax exemption enacted in this division of
36 32 this Act.
36 33 SEC. 202. APPLICABILITY DATE PROVISION. The sections of
36 34 this division of this Act providing sales and use tax refunds
36 35 apply to sales and use tax paid on or after July 1, 2009.



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37 1 Sec. 89. REPEAL. 2009 Iowa Acts, chapter 133, sections 228
37 2 and 247, are repealed.

37 3 Sec. 90. REPEAL. 2009 Iowa Acts, chapter 170, section 3,
37 4 is repealed.

37 5

DIVISION II

37 6

VOLUME III RENUMBERING

37 7 Sec. 91. Section 260C.14, subsections 10 and 17, Code
37 8 Supplement 2009, are amended to read as follows:

37 9 10. Make necessary rules to provide for the policing,
37 10 control, and regulation of traffic and parking of vehicles and
37 11 bicycles on the property of the community college.

37 12 a. The rules may provide for the use of institutional roads,
37 13 driveways, and grounds; registration of vehicles and bicycles;
37 14 the designation of parking areas; the erection and maintenance
37 15 of signs designating prohibitions or restrictions; the
37 16 installation and maintenance of parking control devices except
37 17 parking meters; and assessment, enforcement, and collection of
37 18 reasonable penalties for the violation of the rules.

37 19 b. Rules made under this subsection may be enforced under
37 20 procedures adopted by the board of directors. Penalties may
37 21 be imposed upon students, faculty, and staff for violation
37 22 of the rules, including, but not limited to, a reasonable
37 23 monetary penalty which may be deducted from student deposits
37 24 and faculty or staff salaries or other funds in possession of
37 25 the community college or added to student tuition bills. The
37 26 rules made under this subsection may also be enforced by the
37 27 impoundment of vehicles and bicycles parked in violation of
37 28 the rules, and a reasonable fee may be charged for the cost of
37 29 impoundment and storage prior to the release of the vehicle or
37 30 bicycle to the owner. Each community college shall establish
37 31 procedures for the determination of controversies in connection
37 32 with the imposition of penalties. The procedures shall require
37 33 giving notice of the violation and the penalty prescribed and
37 34 providing the opportunity for an administrative hearing.

37 35 17. a. Provide for eligible alternative retirement benefits



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38 1 systems which shall be limited to the following:

38 2 a. (1) An alternative retirement benefits system which is
38 3 issued by or through a nonprofit corporation issuing retirement
38 4 annuities exclusively to educational institutions and their
38 5 employees for persons newly employed after July 1, 1990, and
38 6 for persons employed by the community college who are members
38 7 of the Iowa public employees' retirement system on July 1,
38 8 1994, and who elect coverage under that system pursuant to
38 9 section 97B.42, in lieu of coverage under the Iowa public
38 10 employees' retirement system.

38 11 b. (2) An alternative retirement benefits system which
38 12 is issued by or through an insurance company authorized to
38 13 issue annuity contracts in this state, for persons newly
38 14 employed on or after July 1, 1997, who are already members
38 15 of the alternative retirement benefits system and who elect
38 16 coverage under that system pursuant to section 97B.42, in lieu
38 17 of coverage under the Iowa public employees' retirement system.

38 18 c. (3) An alternative retirement benefits system offered
38 19 through the community college, at the discretion of the
38 20 board of directors of the community college, pursuant to
38 21 this ~~lettered paragraph~~ subparagraph which is issued by or
38 22 through an insurance company authorized to issue annuity
38 23 contracts in this state, for persons newly employed by that
38 24 community college on or after July 1, 1998, who are not
38 25 members of the alternative retirement benefits system and
38 26 who elect coverage under that system pursuant to section
38 27 97B.42, in lieu of coverage under the Iowa public employees'
38 28 retirement system. The board of directors of a community
38 29 college may limit the number of providers of alternative
38 30 retirement benefits systems offered pursuant to this ~~lettered~~
~~38 31 paragraph~~ subparagraph to no more than six. The selection by
38 32 the board of directors of a community college of a provider
38 33 of an alternative retirement benefits system pursuant to
38 34 this ~~lettered paragraph~~ subparagraph shall not constitute an
38 35 endorsement of that provider by the community college.



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39 1 b. However, the employer's annual contribution in dollars
39 2 under an eligible alternative retirement benefits system
39 3 described in this subsection shall not exceed the annual
39 4 contribution in dollars which the employer would contribute if
39 5 the employee had elected to remain an active member pursuant
39 6 to the Iowa public employees' retirement system, as set forth
39 7 in section 97B.11.
39 8 c. For purposes of this subsection, "alternative retirement
39 9 benefits system" means an employer-sponsored primary pension
39 10 plan requiring mandatory employer contributions that meets
39 11 the requirements of section 401(a), 403(a), or 403(b) of the
39 12 Internal Revenue Code.
39 13 Sec. 92. Section 261.1, Code 2009, is amended to read as
39 14 follows:
39 15 261.1 Commission created.
39 16 1. There is hereby created a commission to be known as the
39 17 "College Student Aid Commission" of the state of Iowa.
39 18 2. Membership of the commission shall be as follows:
39 19 ~~1-~~ a. A member of the state board of regents to be named
39 20 by the board, or the executive director of the board if
39 21 so appointed by the board, who shall serve for a four-year
39 22 term or until the expiration of the member's term of office.
39 23 Such member shall convene the organizational meeting of the
39 24 commission.
39 25 ~~2-~~ b. The director of the department of education or the
39 26 director's designee.
39 27 ~~3--a.c.~~ (1) Two members of the senate, one to be
39 28 appointed by the president of the senate and one to be
39 29 appointed by the minority leader of the senate, to serve as ex
39 30 officio, nonvoting members.
39 31 ~~b-~~ (2) Two members of the house of representatives, one
39 32 to be appointed by the speaker of the house of representatives
39 33 and one to be appointed by the minority leader of the house of
39 34 representatives, to serve as ex officio, nonvoting members.
39 35 ~~e-~~ (3) The members of the senate and house of



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40 1 representatives shall serve at the pleasure of the appointing
40 2 legislator for a term beginning upon the convening of the
40 3 general assembly and expiring upon the convening of the
40 4 following general assembly, or when the appointee's successor
40 5 is appointed, whichever occurs later.

40 6 ~~4.~~ d. Eight additional members to be appointed by the
40 7 governor. One of the members shall be selected to represent
40 8 private colleges and universities located in the state of
40 9 Iowa. When appointing this member, the governor shall give
40 10 careful consideration to any person or persons nominated or
40 11 recommended by any organization or association of some or all
40 12 private colleges and universities located in the state of Iowa.
40 13 One of the members shall be selected to represent community
40 14 colleges located in the state of Iowa. When appointing this
40 15 member, the governor shall give careful consideration to any
40 16 person or persons nominated or recommended by any organization
40 17 or association of Iowa community colleges. One member shall
40 18 be enrolled as a student at a board of regents institution,
40 19 community college, or accredited private institution. One
40 20 member shall be a representative of a lending institution
40 21 located in this state. One member shall be an individual
40 22 who is repaying or has repaid a student loan guaranteed by
40 23 the commission. The other three members, none of whom shall
40 24 be official board members or trustees of an institution of
40 25 higher learning or of an association of institutions of higher
40 26 learning, shall be selected to represent the general public.

40 27 3. The members of the commission appointed by the governor
40 28 shall serve for a term of four years.

40 29 4. a. Vacancies on the commission shall be filled for the
40 30 unexpired term of such vacancies in the same manner as the
40 31 original appointment.

40 32 b. A vacancy shall exist on the commission when a
40 33 legislative member of the commission ceases to be a member of
40 34 the general assembly or when a student member ceases to be
40 35 enrolled as a student. Such vacancy shall be filled within



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41 1 thirty days.
41 2 Sec. 93. Section 261.48, Code 2009, is amended to read as
41 3 follows:
41 4 261.48 Minority teacher loan payments.
41 5 1. An individual is eligible for reimbursement payments
41 6 under the guaranteed loan payment program if the individual
41 7 meets all of the following conditions:
41 8 ~~1.~~ a. Is a teacher employed on a full-time basis under
41 9 sections 279.13 through 279.19 in a school district in this
41 10 state, is a teacher in an approved nonpublic school in this
41 11 state, or is a licensed teacher at the Iowa braille and sight
41 12 saving school or the Iowa school for the deaf.
41 13 ~~2.~~ b. Is a member of a minority.
41 14 ~~3.~~ c. Has never defaulted on a loan guaranteed by the
41 15 commission.
41 16 ~~4.~~ d. Has an outstanding debt with an eligible lender
41 17 under the Iowa guaranteed student loan program or the Iowa
41 18 supplemental loans for students program, has parents with an
41 19 outstanding debt with an eligible lender under the Iowa PLUS
41 20 loan program, or has an outstanding debt under the Stafford
41 21 loan program, the supplemental loans for students program, or
41 22 the PLUS loan program.
41 23 ~~5.~~ e. Graduated from college after January 1, 1989.
41 24 2. The maximum annual reimbursement payment to an eligible
41 25 teacher under this section for loan repayments made during a
41 26 school year is one thousand dollars or the remainder of the
41 27 teacher's loan, whichever is less. Total payments under this
41 28 section for an eligible teacher are limited to a six-year
41 29 period and shall not exceed six thousand dollars. If a teacher
41 30 fails to complete a year of employment on a full-time basis
41 31 as provided in subsection 1, paragraph "a", the teacher shall
41 32 not be reimbursed for loan payments made during that school
41 33 year. If the number of eligible applicants exceeds the funding
41 34 available, the commission may accept applicants based on
41 35 academic scholarship.



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42 1 3. The commission may sign contracts with eligible students
42 2 at or after the time of loan origination to assure loan
42 3 repayment.
42 4 Sec. 94. Section 261.121, subsection 2, unnumbered
42 5 paragraph 2, Code 2009, is amended to read as follows:
42 6 3. The notice shall include all of the following:
42 7 Sec. 95. Section 272C.6, subsections 3, 4, and 6, Code 2009,
42 8 are amended to read as follows:
42 9 3. a. The presiding officer of a hearing panel may issue
42 10 subpoenas pursuant to rules of the board on behalf of the board
42 11 or on behalf of the licensee. A licensee may have subpoenas
42 12 issued on the licensee's behalf.
42 13 (1) A subpoena issued under the authority of a licensing
42 14 board may compel the attendance of witnesses and the production
42 15 of professional records, books, papers, correspondence and
42 16 other records, whether or not privileged or confidential under
42 17 law, which are deemed necessary as evidence in connection with
42 18 a disciplinary proceeding.
42 19 (2) Nothing in this subsection shall be deemed to enable
42 20 a licensing board to compel an attorney of the licensee, or
42 21 stenographer or confidential clerk of the attorney, to disclose
42 22 any information when privileged against disclosure by section
42 23 622.10.
42 24 (3) In the event of a refusal to obey a subpoena, the
42 25 licensing board may petition the district court for its
42 26 enforcement. Upon proper showing, the district court shall
42 27 order the person to obey the subpoena, and if the person fails
42 28 to obey the order of the court the person may be found guilty of
42 29 contempt of court.
42 30 b. The presiding officer of a hearing panel may also
42 31 administer oaths and affirmations, take or order that
42 32 depositions be taken, and pursuant to rules of the board, grant
42 33 immunity to a witness from disciplinary proceedings initiated
42 34 either by the board or by other state agencies which might
42 35 otherwise result from the testimony to be given by the witness



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43 1 to the panel.

43 2 4. a. In order to assure a free flow of information for
43 3 accomplishing the purposes of this section, and notwithstanding
43 4 section 622.10, all complaint files, investigation files,
43 5 other investigation reports, and other investigative
43 6 information in the possession of a licensing board or peer
43 7 review committee acting under the authority of a licensing
43 8 board or its employees or agents which relates to licensee
43 9 discipline are privileged and confidential, and are not subject
43 10 to discovery, subpoena, or other means of legal compulsion
43 11 for their release to a person other than the licensee and
43 12 the boards, their employees and agents involved in licensee
43 13 discipline, and are not admissible in evidence in a judicial or
43 14 administrative proceeding other than the proceeding involving
43 15 licensee discipline. However, investigative information
43 16 in the possession of a licensing board or its employees or
43 17 agents which relates to licensee discipline may be disclosed
43 18 to appropriate licensing authorities within this state,
43 19 the appropriate licensing authority in another state, the
43 20 coordinated licensure information system provided for in
43 21 the nurse licensure compact contained in section 152E.1 or
43 22 the advanced practice registered nurse compact contained in
43 23 section 152E.3, the District of Columbia, or a territory or
43 24 country in which the licensee is licensed or has applied for a
43 25 license. If the investigative information in the possession
43 26 of a licensing board or its employees or agents indicates a
43 27 crime has been committed, the information shall be reported
43 28 to the proper law enforcement agency. However, a final
43 29 written decision and finding of fact of a licensing board in a
43 30 disciplinary proceeding, including a decision referred to in
43 31 section 272C.3, subsection 4, is a public record.

43 32 b. Pursuant to the provisions of section 17A.19, subsection
43 33 6, a licensing board upon an appeal by the licensee of the
43 34 decision by the licensing board, shall transmit the entire
43 35 record of the contested case to the reviewing court.



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44 1 c. Notwithstanding the provisions of section 17A.19,
44 2 subsection 6, if a waiver of privilege has been involuntary
44 3 and evidence has been received at a disciplinary hearing, the
44 4 court shall order withheld the identity of the individual whose
44 5 privilege was waived.

44 6 6. a. A board created pursuant to chapter 147, 154A, 155,
44 7 169, 542, 542B, 543B, 543D, 544A, or 544B may charge a fee not
44 8 to exceed seventy-five dollars for conducting a disciplinary
44 9 hearing pursuant to this chapter which results in disciplinary
44 10 action taken against the licensee by the board, and in addition
44 11 to the fee, may recover from a licensee the costs for the
44 12 following procedures and associated personnel:

44 13 ~~a.~~ (1) Transcript.

44 14 ~~b.~~ (2) Witness fees and expenses.

44 15 ~~c.~~ (3) Depositions.

44 16 ~~d.~~ (4) Medical examination fees incurred relating to a
44 17 person licensed under chapter 147, 154A, 155, or 169.

44 18 b. The department of agriculture and land stewardship,
44 19 the department of commerce, and the Iowa department of public
44 20 health shall each adopt rules pursuant to chapter 17A which
44 21 provide for the allocation of fees and costs collected pursuant
44 22 to this section to the board under its jurisdiction collecting
44 23 the fees and costs. The fees and costs shall be considered
44 24 repayment receipts as defined in section 8.2.

44 25 Sec. 96. Section 273.9, subsection 4, Code 2009, is amended
44 26 to read as follows:

44 27 4. The costs of media services provided through the area
44 28 education agency shall not be funded until the program plans
44 29 submitted by the administrators of each area education agency
44 30 as required by section 273.4 are modified as necessary and
44 31 approved by the director of the department of education
44 32 according to the criteria of section 273.6.

44 33 5. The state board of education shall adopt rules under
44 34 chapter 17A relating to the approval of program plans under
44 35 this section.



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45 1 Sec. 97. Section 273.22, subsection 2, Code 2009, is amended
45 2 to read as follows:

45 3 2. a. The collective bargaining agreement of the area
45 4 education agency with the largest basic enrollment, as
45 5 defined in section 257.6, for the year prior to the year the
45 6 reorganization is effective, shall serve as the base agreement
45 7 in the new area education agency and the employees of the other
45 8 area education agencies involved in the formation of the new
45 9 area education agency shall automatically be accreted to the
45 10 bargaining unit of that collective bargaining agreement for
45 11 purposes of negotiating the contracts for the following years
45 12 without further action by the public employment relations
45 13 board. If only one collective bargaining agreement is in
45 14 effect among the area education agencies that are party to
45 15 the reorganization, that agreement shall serve as the base
45 16 agreement, and the employees of the other agencies involved
45 17 in the formation of the new area education agency shall
45 18 automatically be accreted to the bargaining unit of that
45 19 collective bargaining agreement for purposes of negotiating the
45 20 contracts for the following years without further action by the
45 21 public employment relations board.

45 22 b. The board of the newly formed area education agency,
45 23 using the base agreement as its existing contract, shall
45 24 bargain with the combined employees of the affected agencies
45 25 for the school year that begins on the effective date of the
45 26 reorganization. The bargaining shall be completed by the
45 27 dates specified in section 20.17 prior to the school year
45 28 in which the reorganization becomes effective or within one
45 29 hundred eighty days after the organization of the new board,
45 30 whichever is later. If a bargaining agreement was already
45 31 concluded by the board and employees of the affected agency
45 32 with the contract serving as the base agreement for the school
45 33 year beginning with the effective date of the reorganization,
45 34 that agreement shall be void. However, if the base agreement
45 35 contains multiyear provisions affecting school years subsequent



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46 1 to the effective year of the reorganization, the base agreement
46 2 shall remain in effect as specified in the agreement.
46 3 c. The provisions of the base agreement shall apply to the
46 4 offering of new contracts or continuation, modification, or
46 5 termination of existing contracts as provided in subsection 1.
46 6 Sec. 98. Section 275.33, subsection 2, Code 2009, is amended
46 7 to read as follows:
46 8 2. a. The collective bargaining agreement of the district
46 9 with the largest basic enrollment for the year prior to
46 10 the reorganization, as defined in section 257.6, in the new
46 11 district shall serve as the base agreement and the employees
46 12 of the other districts involved in the formation of the new
46 13 district shall automatically be accreted to the bargaining
46 14 unit of that collective bargaining agreement for purposes of
46 15 negotiating the contracts for the following years without
46 16 further action by the public employment relations board. If
46 17 only one collective bargaining agreement is in effect among
46 18 the districts which are party to the reorganization, then that
46 19 agreement shall serve as the base agreement, and the employees
46 20 of the other districts involved in the formation of the new
46 21 district shall automatically be accreted to the bargaining
46 22 unit of that collective bargaining agreement for purposes of
46 23 negotiating the contracts for the following years without
46 24 further action by the public employment relations board.
46 25 b. The board of the newly formed district, using the base
46 26 agreement as its existing contract, shall bargain with the
46 27 combined employees of the existing districts for the school
46 28 year beginning with the effective date of the reorganization.
46 29 The bargaining shall be completed by the dates specified
46 30 in section 20.17 prior to the school year in which the
46 31 reorganization becomes effective or within one hundred eighty
46 32 days after the organization of the new board, whichever is
46 33 later. If a bargaining agreement was already concluded by the
46 34 board and employees of the existing district with the contract
46 35 serving as the base agreement for the school year beginning



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47 1 with the effective date of the reorganization, that agreement
47 2 shall be void. However, if the base agreement contains
47 3 multiyear provisions affecting school years subsequent to the
47 4 effective date of the reorganization, the base agreement shall
47 5 remain in effect as specified in the agreement.

47 6 c. The provisions of the base agreement shall apply to the
47 7 offering of new contracts, or continuation, modification, or
47 8 termination of existing contracts as provided in subsection 1
47 9 ~~of this section.~~

47 10 Sec. 99. Section 277.28, Code 2009, is amended to read as
47 11 follows:

47 12 277.28 Oath required.

47 13 1. Each director elected at a regular district or director
47 14 district election shall qualify by taking the oath of office
47 15 on or before the time set for the organization meeting of the
47 16 board and the election and qualification entered of record by
47 17 the secretary. The oath may be administered by any qualified
47 18 member of the board or the secretary of the board and may be
47 19 taken in substantially the following form:

47 20 ~~"Do~~ Do you solemnly swear that you will support the
47 21 Constitution of the United States and the Constitution of the
47 22 State of Iowa and that you will faithfully and impartially to
47 23 the best of your ability discharge the duties of the office
47 24 of (naming the office)
47 25 in (naming the district) as now or
47 26 hereafter required by ~~law?~~ law?

47 27 2. If the oath of office is taken elsewhere than in the
47 28 presence of the board in session it may be administered by
47 29 any officer listed in sections 63A.1 and 63A.2 and shall be
47 30 subscribed to by the person taking it in substantially the
47 31 following form:

47 32 ~~"I~~ I,, do solemnly swear that I
47 33 will support the Constitution of the United States and the
47 34 Constitution of the State of Iowa and that I will faithfully
47 35 and impartially to the best of my ability discharge the duties



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48 1 of the office of (naming the office)
 48 2 in (naming the district) as now or
 48 3 hereafter required by ~~law.~~ law.
 48 4 3. Such oath shall be properly verified by the administering
 48 5 officer and filed with the secretary of the board.
 48 6 Sec. 100. Section 279.40, Code 2009, is amended to read as
 48 7 follows:
 48 8 279.40 Sick leave.
 48 9 1. a. Public school employees are granted leave of absence
 48 10 for medically related disability with full pay in the following
 48 11 minimum amounts:
 48 12 ~~1.~~ (1) The first year of employment 10 days.
 48 13 ~~2.~~ (2) The second year of employment 11 days.
 48 14 ~~3.~~ (3) The third year of employment 12 days.
 48 15 ~~4.~~ (4) The fourth year of employment 13 days.
 48 16 ~~5.~~ (5) The fifth year of employment 14 days.
 48 17 ~~6.~~ (6) The sixth and subsequent years
 48 18 of employment 15 days.
 48 19 b. The above amounts shall apply only to consecutive years
 48 20 of employment in the same school district and unused portions
 48 21 shall be cumulative to at least a total of ninety days. The
 48 22 school board shall, in each instance, require such reasonable
 48 23 evidence as it may desire confirming the necessity for such
 48 24 leave of absence.
 48 25 2. Nothing in this section shall be construed as limiting
 48 26 the right of a school board to grant more time than the days
 48 27 herein specified.
 48 28 3. Cumulation of sick leave under this section shall not be
 48 29 affected or terminated due to the organization or dissolution
 48 30 of a community school district or districts which include all
 48 31 or the portion of the district which employed the particular
 48 32 public school employee for the school year previous to the
 48 33 organization or dissolution, if the employee is employed by one
 48 34 of the community school districts for the first school year
 48 35 following its organization or dissolution.



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49 1 4. Any amounts due an employee under this section shall be
49 2 reduced by benefits payable under sections 85.33 and 85.34,
49 3 subsection 1.
49 4 Sec. 101. Section 279.51, subsection 1, unnumbered
49 5 paragraphs 1 and 2, Code 2009, are amended to read as follows:
49 6 There is appropriated from the general fund of the state
49 7 to the department of education for the fiscal year beginning
49 8 July 1, 2007, and each succeeding fiscal year, the sum of
49 9 twelve million six hundred six thousand one hundred ninety-six
49 10 dollars. The moneys shall be allocated as follows:
49 11 ~~The moneys shall be allocated as follows:~~
49 12 Sec. 102. Section 280.21A, subsection 1, Code 2009, is
49 13 amended to read as follows:
49 14 1. a. A school employee who, in the course of employment,
49 15 suffers a personal injury causing temporary total disability,
49 16 or a permanent partial or total disability, resulting from an
49 17 episode of violence toward that employee, for which workers'
49 18 compensation under chapter 85 is payable, shall be entitled
49 19 to receive workers' compensation, which the district shall
49 20 supplement in order for the employee to receive full salary and
49 21 benefits for the shortest of the following periods:
49 22 ~~a.~~ (1) One year from the date of the disability.
49 23 ~~b.~~ (2) The period during which the employee is disabled and
49 24 incapable of employment.
49 25 b. During the period described in paragraph "a" ~~or "b"~~,
49 26 subparagraph (1) or (2), the school employee shall not be
49 27 required to use accumulated sick leave or vacation.
49 28 Sec. 103. Section 284.14, subsection 5, Code 2009, is
49 29 amended to read as follows:
49 30 5. Iowa excellence fund.
49 31 a. An Iowa excellence fund is created within the office of
49 32 the treasurer of state, to be administered by the commission.
49 33 Notwithstanding section 8.33, moneys in the fund that remain
49 34 unencumbered or unobligated at the close of the fiscal year
49 35 shall not revert but shall remain in the fund.



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50 1 b. The commission may provide grants from this fund,
50 2 according to criteria developed by the commission, for
50 3 implementation of the pay-for-performance program.

50 4 Sec. 104. Section 298.4, Code 2009, is amended to read as
50 5 follows:

50 6 298.4 District management levy.

50 7 1. The board of directors of a school district may certify
50 8 for levy by April 15 of a school year, a tax on all taxable
50 9 property in the school district for a district management levy.
50 10 The revenue from the tax levied in this section shall be placed
50 11 in the district management levy fund of the school district.

50 12 The district management levy shall be expended only for the
50 13 following purposes:

50 14 ~~1.~~ a. To pay the cost of unemployment benefits as provided
50 15 in section 96.31.

50 16 ~~2.~~ b. To pay the costs of liability insurance and the costs
50 17 of a judgment or settlement relating to liability together with
50 18 interest accruing on the judgment or settlement to the expected
50 19 date of payment.

50 20 ~~3.~~ c. To pay the costs of insurance agreements under
50 21 section 296.7.

50 22 ~~4.~~ d. To pay the costs of a judgment under section 298.16.

50 23 ~~5.~~ e. To pay the cost of early retirement benefits to
50 24 employees under section 279.46.

50 25 2. Unencumbered funds collected from the levies authorized
50 26 in sections 96.31, 279.46, and 296.7 prior to July 1, 1991, may
50 27 be expended for the purposes listed in subsections 1, ~~3,~~ and
~~50 28 5~~ paragraphs "a", "c", and "e".

50 29 Sec. 105. Section 303.1A, Code 2009, is amended to read as
50 30 follows:

50 31 303.1A Director's duties.

50 32 1. The duties of the director shall include, but are not
50 33 limited to, the following:

50 34 ~~1.~~ a. Adopt rules that are necessary for the effective
50 35 administration of the department.



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51 1 ~~2.~~ b. Direct and administer the programs and services of
51 2 the department.
51 3 ~~3.~~ c. Prepare the departmental budget request by September
51 4 ~~first~~ 1 of each year on the forms furnished, and including the
51 5 information required by the department of management.
51 6 ~~4.~~ d. Accept, receive, and administer grants or other funds
51 7 or gifts from public or private agencies including the federal
51 8 government for the various divisions and the department.
51 9 ~~5.~~ e. Appoint and approve the technical, professional,
51 10 secretarial, and clerical staff necessary to accomplish the
51 11 purposes of the department subject to chapter 8A, subchapter
51 12 IV.
51 13 ~~6.~~ f. Administer the Iowa cultural trust as provided in
51 14 chapter 303A and do all of the following:
51 15 ~~a.~~ (1) Develop and adopt by rule criteria for the issuance
51 16 of trust fund credits by measuring the efforts of qualified
51 17 organizations, as defined in section 303A.3, to increase their
51 18 endowment or other resources for the promotion of the arts,
51 19 history, or the sciences and humanities in Iowa. If the
51 20 director determines that the organizations have increased the
51 21 amount of their endowment and other resources, the director
51 22 shall certify the amount of increase in the form of trust
51 23 fund credits to the treasurer, who shall deposit in the Iowa
51 24 cultural trust fund, from moneys received for purposes of the
51 25 trust fund as provided in section 303A.4, subsection 2, an
51 26 amount equal to the trust fund credits. If the amount of the
51 27 trust fund credits issued by the director exceeds the amount of
51 28 moneys available to be deposited in the trust fund as provided
51 29 in section 303A.4, subsection 2, the outstanding trust fund
51 30 credits shall not expire but shall be available to draw down
51 31 additional moneys which become available to be deposited in the
51 32 trust fund as provided in section 303A.4, subsection 2.
51 33 ~~b.~~ (2) Develop and implement, in accordance with chapter
51 34 303A, a grant application process for grants issued to
51 35 qualified organizations as defined in section 303A.3.



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52 1 ~~e.~~ (3) Develop and adopt by rule criteria for the
52 2 approval of Iowa cultural trust grants. The criteria shall
52 3 include, but shall not be limited to, the future stability and
52 4 sustainability of a qualified organization.
52 5 ~~d.~~ (4) Compile, in consultation with the Iowa arts
52 6 council and the state historical society of Iowa, a list of
52 7 grant applications recommended for funding in accordance
52 8 with the amount available for distribution as provided in
52 9 section 303A.6, subsection 3. The list of recommended grant
52 10 applications shall be submitted to the Iowa cultural trust
52 11 board of trustees for approval.
52 12 ~~e.~~ (5) Monitor the allocation and use of grant moneys by
52 13 qualified organizations to determine whether moneys are used
52 14 in accordance with the provisions of this ~~subsection~~ paragraph
52 15 "f" and chapter 303A. The director shall annually submit the
52 16 director's findings and recommendations in a report to the Iowa
52 17 cultural trust board of trustees prior to final board action in
52 18 approving grants for the next succeeding fiscal year.
52 19 2. The director may appoint a member of the staff to be
52 20 acting director who shall have the powers delegated by the
52 21 director in the director's absence. The director may delegate
52 22 the powers and duties of that office to the administrators.
52 23 Sec. 106. Section 307.12, Code 2009, is amended to read as
52 24 follows:
52 25 307.12 Duties of the director.
52 26 1. The director shall:
52 27 ~~1.~~ a. Manage the internal operations of the department and
52 28 establish guidelines and procedures to promote the orderly and
52 29 efficient administration of the department.
52 30 ~~2.~~ b. Employ personnel as necessary to carry out the duties
52 31 and responsibilities of the department, consistent with chapter
52 32 8A, subchapter IV.
52 33 ~~3.~~ c. Assist the commission in developing state
52 34 transportation policy and a state transportation plan.
52 35 ~~4.~~ d. Establish temporary advisory boards of a size the



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53 1 director deems appropriate to advise the department.
53 2 ~~5.~~ e. Prepare a budget for the department and prepare
53 3 reports required by law.
53 4 ~~6.~~ f. Present the department's proposed budget to the
53 5 commission prior to December 31 of each year.
53 6 ~~7.~~ g. Appoint the deputy director of transportation and the
53 7 administrators of the department.
53 8 ~~8.~~ h. Review and submit legislative proposals necessary to
53 9 maintain current state transportation laws.
53 10 ~~9.~~ i. Enter into reciprocal agreements relating to motor
53 11 vehicle inspections with authorized officials of any other
53 12 state, subject to approval by the commission. The director may
53 13 exempt or impose requirements upon nonresident motor vehicles
53 14 consistent with those imposed upon vehicles of Iowa residents
53 15 operated in other states.
53 16 ~~10.~~ j. Adopt rules in accordance with chapter 17A as
53 17 the director deems necessary for the administration of the
53 18 department and the exercise of the director's and department's
53 19 powers and duties.
53 20 ~~11.~~ k. Reorganize the administration of the department as
53 21 needed to increase administrative efficiency.
53 22 ~~12.~~ l. Provide for the receipt or disbursement of federal
53 23 funds allocated to the state and its political subdivisions for
53 24 transportation purposes.
53 25 ~~13.~~ m. Include in the department's annual budget all
53 26 estimated federal funds to be received or allocated to the
53 27 department.
53 28 ~~14.~~ n. Adopt, after consultation with the department of
53 29 natural resources and the department of public safety, rules
53 30 relating to enforcement of the rules regarding transportation
53 31 of hazardous wastes adopted by the department of natural
53 32 resources. The department and the division of state patrol of
53 33 the department of public safety shall carry out the enforcement
53 34 of the rules.
53 35 ~~15.~~ o. Prepare and submit a report to the general assembly



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54 1 on or before January 15 of each fiscal year describing the
54 2 prior fiscal year's highway construction program, actual
54 3 expenditures of the program, and contractual obligations of the
54 4 program.

54 5 ~~16.~~ p. Administer chapter 327J.

54 6 2. If in the interest of the state, the director may allow
54 7 a subsistence expense to an employee under the supervision of
54 8 the department's administrator for highways for continuous
54 9 stay in one location while on duty away from established
54 10 headquarters and place of domicile for a period not to exceed
54 11 forty-five days; and allow automobile expenses in accordance
54 12 with section 8A.363, for moving an employee and the employee's
54 13 family from place of present domicile to new domicile, and
54 14 actual transportation expense for moving of household goods.
54 15 The household goods for which transportation expense is allowed
54 16 shall not include pets or animals.

54 17 Sec. 107. Section 314.1, subsection 3, Code 2009, is amended
54 18 to read as follows:

54 19 3. a. In the award of contracts for the construction,
54 20 reconstruction, improvement, or repair or maintenance of a
54 21 highway, bridge, or culvert, the agency having charge of
54 22 awarding such contracts shall give due consideration not
54 23 only to the prices bid but also to the mechanical or other
54 24 equipment and the financial responsibility and experience in
54 25 the performance of like or similar contracts. The agency may
54 26 reject any or all bids. The agency may readvertise and relet
54 27 the project without conducting an additional public hearing
54 28 if no substantial changes are made to the project's plans or
54 29 specifications. The agency may let by private contract or
54 30 build by day labor, at a cost not in excess of the lowest bid
54 31 received.

54 32 b. Upon the completion of any contract or project on
54 33 either the farm-to-market or secondary road system, the county
54 34 engineer shall file with the county auditor a statement showing
54 35 the total cost thereof with certificate that the work has been



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55 1 done in accordance with the plans and specifications. Upon
55 2 completion of a contract or project on the municipal street
55 3 system, the city public works department or city engineer shall
55 4 file with the city clerk a statement showing the total cost of
55 5 the contract or project with a certificate that the work has
55 6 been done in accordance with the plans and specifications. All
55 7 contracts shall be in writing and shall be secured by a bond
55 8 for the faithful performance thereof as provided by law.

55 9 Sec. 108. Section 314.22, subsection 3, paragraph b,
55 10 unnumbered paragraph 2, Code 2009, is amended to read as
55 11 follows:

55 12 c. Members of the committee shall serve without
55 13 compensation, but may be reimbursed for allowable expenses from
55 14 the living roadway trust fund created under section 314.21. No
55 15 more than a simple majority of the members of the committee
55 16 shall be of the same gender as provided in section 69.16A.
55 17 The director of the department shall appoint the chair of the
55 18 committee and shall establish a minimum schedule of meetings
55 19 for the committee.

55 20 Sec. 109. Section 317.1A, Code 2009, is amended to read as
55 21 follows:

55 22 317.1A Noxious weeds.

55 23 1. The following weeds are hereby declared to be noxious and
55 24 shall be divided into two classes, ~~namely~~ as follows:

55 25 ~~1. a.~~ a. Primary noxious weeds, which shall include ~~quack~~:

55 26 (1) Quack grass (Agropyron repens), ~~perennial~~.

55 27 (2) Perennial sow thistle (Sonchus arvensis), ~~perennial~~.

55 28 (3) Canada thistle (Cirsium arvense), ~~bull~~.

55 29 (4) Bull thistle (Cirsium lanceolatum), ~~perennial~~.

55 30 (5) European morning glory or field bindweed (Convolvulus
55 31 arvensis), ~~horse~~.

55 32 (6) Horse nettle (Solanum carolinense), ~~leafy~~.

55 33 (7) Leafy spurge (Euphorbia esula), ~~perennial~~.

55 34 (8) Perennial pepper=grass (Lepidium draba), ~~perennial~~.

55 35 (9) Russian knapweed (Centaurea repens), ~~buckthorn~~.



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56 1 (10) Buckthorn (Rhamnus, not to include Rhamnus frangula) ~~7~~
~~56 2 and all.~~
56 3 (11) All other species of thistles belonging in the genera
56 4 of Cirsium and Carduus.
56 5 ~~2.~~ b. Secondary noxious weeds, which shall include
56 6 ~~butterprint:~~
56 7 (1) Butterprint (Abutilon theophrasti) annual, ~~cocklebur.~~
56 8 (2) Cocklebur (Xanthium commune) annual, ~~wild.~~
56 9 (3) Wild mustard (Brassica arvensis) annual, ~~wild.~~
56 10 (4) Wild carrot (Daucus carota) biennial, ~~buckhorn.~~
56 11 (5) Buckhorn (Plantago lanceolata) perennial, ~~sheep.~~
56 12 (6) Sheep sorrel (Rumex acetosella) perennial, ~~sour.~~
56 13 (7) Sour dock (Rumex crispus) perennial, ~~smooth.~~
56 14 (8) Smooth dock (Rumex altissimus) perennial, ~~poison.~~
56 15 (9) Poison hemlock (Conium maculatum), ~~multiflora.~~
56 16 (10) Multiflora rose (Rosa multiflora), ~~wild.~~
56 17 (11) Wild sunflower (wild strain of Helianthus annus L.)
56 18 annual, ~~puncture.~~
56 19 (12) Puncture vine (Tribulus terrestris) annual, ~~teasel.~~
56 20 (13) Teasel (Dipsacus) biennial, ~~and shattercane.~~
56 21 (14) Shattercane (Sorghum bicolor) annual.
56 22 2. a. The multiflora rose (Rosa multiflora) shall not be
56 23 considered a secondary noxious weed when cultivated for or used
56 24 as understock for cultivated roses or as ornamental shrubs in
56 25 gardens, or in any county whose board of supervisors has by
56 26 resolution declared it not to be a noxious weed.
56 27 b. Shattercane (Sorghum bicolor) shall not be considered a
56 28 secondary noxious weed when cultivated or in any county whose
56 29 board of supervisors has by resolution declared it not to be a
56 30 noxious weed.
56 31 Sec. 110. Section 317.6, Code 2009, is amended to read as
56 32 follows:
56 33 317.6 Entering land to destroy weeds == notice.
56 34 1. If there is a substantial failure by the owner or person
56 35 in possession or control of any land to comply with any order



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57 1 of destruction pursuant to the provisions of this chapter, the
57 2 county weed commissioner, including the weed commissioner's
57 3 deputies, or employees acting under the weed commissioner's
57 4 direction may enter upon any land within the commissioner's
57 5 county for the purpose of destroying noxious weeds.

57 6 2. The entry may be made without the consent of the
57 7 landowner or person in possession or control of the land.
57 8 However, the actual work of destruction shall not be commenced
57 9 until five days after the landowner and the person in
57 10 possession or control of the land have been notified.

57 11 3. The notice shall state the facts relating to failure of
57 12 compliance with the county program of weed destruction order
57 13 or orders made by the board of supervisors. The notice shall
57 14 be delivered by personal service on the owner and persons in
57 15 possession and control of the land. The personal service may
57 16 be served by the weed commissioner or any person designated in
57 17 writing by the weed commissioner. However, in lieu of personal
57 18 service, the weed commissioner may provide that the notice be
57 19 delivered by certified mail. A copy of the notice shall be
57 20 filed in the office of the county auditor. The last known
57 21 address of the owner or person in possession or control of the
57 22 land may be ascertained, if necessary, from the last tax list
57 23 in the county treasurer's office. Where any person owning
57 24 land within the county has filed a written instrument in the
57 25 office of the county auditor designating the name and address
57 26 of its agent, the notice may be delivered to that agent. In
57 27 computing time for notice, it shall be from the date of service
57 28 as evidenced on the return of service. If delivery is made by
57 29 certified mail, it shall be from the date of mailing.

57 30 Sec. 111. Section 317.14, Code 2009, is amended to read as
57 31 follows:

57 32 317.14 Notice of program.

57 33 1. Notice of any order made pursuant to section 317.13 shall
57 34 be given by one publication in the official newspapers of the
57 35 county and shall be directed to all property owners.



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58 1 ~~2.~~ 2. ~~Said~~ The notice shall state:

58 2 ~~1.~~ a. The time for destruction.

58 3 ~~2.~~ b. The manner of destruction, if other than cutting
58 4 above the surface of the ground.

58 5 ~~3.~~ c. That, unless ~~said~~ the order is complied with, the
58 6 weed commissioner shall cause ~~said~~ the weeds to be destroyed
58 7 and the cost ~~thereof~~ of destroying the weeds will be taxed
58 8 against the real estate on which the noxious weeds are
58 9 destroyed.

58 10 Sec. 112. Section 321.1, subsection 20A, Code Supplement
58 11 2009, is amended to read as follows:

58 12 20A. "Driver's license" means any license or permit
58 13 issued to a person to operate a motor vehicle on the highways
58 14 of this state, including but not limited to a temporary
58 15 restricted or temporary license and an instruction, chauffeur's
58 16 instruction, commercial driver's instruction, or temporary
58 17 permit. For purposes of license suspension, revocation, bar,
58 18 disqualification, cancellation, or denial under this chapter
58 19 and chapters 321A, 321C, and 321J, "driver's license" includes
58 20 any privilege to operate a motor vehicle.

~~58 21 For purposes of license suspension, revocation, bar,~~
~~58 22 disqualification, cancellation, or denial under this~~
~~58 23 chapter and chapters 321A, 321C, and 321J, "driver's~~
~~58 24 license" includes any privilege to operate a motor vehicle.~~

58 25 Sec. 113. Section 321.190, subsection 1, paragraph d, Code
58 26 2009, is amended to read as follows:

58 27 d. The fee for a nonoperator's identification card shall
58 28 be five dollars and the card shall be valid for a period
58 29 of five years from the date of issuance. A nonoperator's
58 30 identification card shall be issued without expiration
58 31 to anyone age seventy or over. If an applicant for a
58 32 nonoperator's identification card is a foreign national
58 33 who is temporarily present in this state, the nonoperator's
58 34 identification card shall be issued only for the length of time
58 35 the foreign national is authorized to be present as determined



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59 1 by the department, not to exceed two years. An issuance fee
59 2 shall not be charged for a person whose driver's license or
59 3 driving privilege has been suspended under section 321.210,
59 4 subsection 1, paragraph ~~"e"~~ (a), subparagraph (3).
59 5 e. The nonoperator's identification card fees shall be
59 6 transmitted by the department to the treasurer of state who
59 7 shall credit the fees to the road use tax fund.
59 8 Sec. 114. Section 321.210, subsection 1, Code 2009, is
59 9 amended to read as follows:
59 10 1. a. The department is authorized to establish rules
59 11 providing for the suspension of the license of an operator upon
59 12 thirty days' notice and without preliminary hearing upon a
59 13 showing by its records or other sufficient evidence that the
59 14 licensee:
59 15 a. (1) Is an habitually reckless or negligent driver of a
59 16 motor vehicle.
59 17 b. (2) Is an habitual violator of the traffic laws.
59 18 c. (3) Is physically or mentally incapable of safely
59 19 operating a motor vehicle.
59 20 d. (4) Has permitted an unlawful or fraudulent use of the
59 21 license.
59 22 e. (5) Has committed an offense or acted in a manner in
59 23 another state or foreign jurisdiction which in this state would
59 24 be grounds for suspension or revocation.
59 25 f. (6) Has committed a serious violation of the motor
59 26 vehicle laws of this state.
59 27 g. (7) Is subject to a license suspension under section
59 28 321.513.
59 29 b. Prior to a suspension taking effect under paragraph
59 30 "a", ~~"b", "c", "d", "e", or "f"~~ subparagraphs (1), (2), (3),
59 31 (4), (5), or (6), the licensee shall have received thirty
59 32 days' advance notice of the effective date of the suspension.
59 33 Notwithstanding the terms of the Iowa administrative procedure
59 34 Act, chapter 17A, the filing of a petition for judicial
59 35 review shall, except for suspensions under paragraph ~~"e"~~ "a",



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60 1 subparagraph (3), operate to stay the suspension pending the
60 2 determination by the district court.
60 3 Sec. 115. Section 321.212, subsection 1, paragraph a, Code
60 4 2009, is amended to read as follows:
60 5 a. (1) Except as provided in section 321.210A or 321.513
60 6 the department shall not suspend a license for a period of
60 7 more than one year, except that a license suspended because of
60 8 incompetency to drive a motor vehicle shall be suspended until
60 9 the department receives satisfactory evidence that the former
60 10 holder is competent to operate a motor vehicle and a refusal
60 11 to reinstate constitutes a denial of license within section
60 12 321.215; upon revoking a license the department shall not grant
60 13 an application for a new license until the expiration of one
60 14 year after the revocation, unless another period is specified
60 15 by law.
60 16 (2) A suspension under section 321.210, subsection 1,
60 17 paragraph ~~"d"~~ "a", subparagraph (4), for a violation of section
60 18 321.216B shall not exceed six months. As soon as practicable
60 19 after the period of suspension has expired, but not later than
60 20 six months after the date of expiration, the department shall
60 21 expunge information regarding the suspension from the person's
60 22 driving record.
60 23 Sec. 116. Section 321.299, Code 2009, is amended to read as
60 24 follows:
60 25 321.299 Overtaking a vehicle.
60 26 The following rules shall govern the overtaking and passing
60 27 of vehicles proceeding in the same direction, subject to those
60 28 limitations, exceptions, and special rules hereinafter stated:
60 29 1. The driver of a vehicle overtaking another vehicle
60 30 proceeding in the same direction shall pass to the left
60 31 ~~thereof~~ of the other vehicle at a safe distance and shall not
60 32 again drive to the right side of the roadway until safely clear
60 33 of the overtaken vehicle.
60 34 2. Except when overtaking and passing on the right is
60 35 permitted, the driver of an overtaken vehicle shall give way



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61 1 to the right in favor of the overtaking vehicle and shall not
61 2 increase the speed of the overtaken vehicle until completely
61 3 passed by the overtaking vehicle.
61 4 Sec. 117. Section 321.366, Code 2009, is amended to read as
61 5 follows:
61 6 321.366 Acts prohibited on fully controlled=access
61 7 facilities.
61 8 1. It is unlawful for a person, except a person
61 9 operating highway maintenance equipment or an authorized
61 10 emergency vehicle, to do any of the following on a fully
61 11 controlled=access facility:
61 12 ~~1.~~ a. Drive a vehicle over, upon, or across a curb, central
61 13 dividing section, or other separation or dividing line.
61 14 ~~2.~~ b. Make a left turn or a semicircular or U=turn at a
61 15 maintenance cross=over where an official sign prohibits the
61 16 turn.
61 17 ~~3.~~ c. Drive a vehicle except in the proper lane provided
61 18 for that purpose and in the proper direction and to the right
61 19 of the central dividing curb, separation, section, or line.
61 20 ~~4.~~ d. Drive a vehicle into the facility from a local
61 21 service road.
61 22 ~~5.~~ e. Stop, park, or leave standing a vehicle, whether
61 23 attended or unattended, upon the paved portion.
61 24 ~~6.~~ f. Stop, park, or leave standing a vehicle, whether
61 25 attended or unattended, upon the shoulders, or the right=of=way
61 26 except at designated rest areas or in case of an emergency or
61 27 other dire necessity.
61 28 2. For the purpose of this section, fully controlled=access
61 29 facility is a highway which gives preference to through traffic
61 30 by providing access connections at interchanges with selected
61 31 public roads only and by prohibiting crossings at grade or
61 32 direct access at driveway connections.
61 33 3. Violations of this section are punishable as a scheduled
61 34 violation under section 805.8A, subsection 6, paragraph "d".
61 35 Sec. 118. Section 321.383, subsection 3, Code 2009, is



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62 1 amended to read as follows:

62 2 3. Garbage collection vehicles, when operated on the
62 3 streets or highways of this state at speeds of thirty-five
62 4 miles per hour or less, may display a reflective device
62 5 that complies with the standards of the American society of
62 6 agricultural engineers. At speeds in excess of thirty-five
62 7 miles per hour the device shall not be visible.

62 8 4. Any person who violates any provision of this section
62 9 shall be fined as provided in section 805.8A, subsection 3,
62 10 paragraph "d".

62 11 Sec. 119. Section 321.409, Code 2009, is amended to read as
62 12 follows:

62 13 321.409 Mandatory lighting equipment.

62 14 1. Except as hereinafter provided, the headlamps or the
62 15 auxiliary driving lamp or the auxiliary passing lamp or
62 16 combination thereof on motor vehicles other than motorcycles
62 17 or motorized bicycles shall be so arranged that the driver
62 18 may select at will between distributions of light projected
62 19 to different elevations and the lamps may, in addition, be so
62 20 arranged that selection can be made automatically, subject to
62 21 the following limitations:

62 22 ~~1-~~ a. There shall be an uppermost distribution of light, or
62 23 composite beam, so aimed and of sufficient intensity to reveal
62 24 persons and vehicles at a distance of at least three hundred
62 25 fifty feet ahead for all conditions.

62 26 ~~2-~~ b. There shall be a lowermost distribution of light, or
62 27 composite beam so aimed and of sufficient intensity to reveal
62 28 persons and vehicles at a distance of at least one hundred
62 29 feet ahead. On a straight level road under any condition of
62 30 loading none of the high-intensity portion of the beam shall be
62 31 directed to strike the eyes of an approaching driver.

62 32 ~~3-~~ 2. Every new motor vehicle, other than a motorcycle
62 33 or motorized bicycle which has multiple-beam road-lighting
62 34 equipment shall be equipped with a beam indicator, which shall
62 35 be lighted whenever the uppermost distribution of light from



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63 1 the headlamps is in use, and shall not otherwise be lighted.
63 2 The indicator shall be so designed and located that when
63 3 lighted it will be readily visible without glare to the driver
63 4 of the vehicle.
63 5 Sec. 120. Section 321.474, Code 2009, is amended to read as
63 6 follows:
63 7 321.474 Department may restrict.
63 8 1. The department shall have authority, as granted to
63 9 local authorities, to determine by resolution and to impose
63 10 restrictions as to the weight of vehicles, except implements of
63 11 husbandry as defined in section 321.1, implements of husbandry
63 12 loaded on hauling units for transporting the implements to
63 13 locations for repair, and fire apparatus and road maintenance
63 14 equipment owned by, under lease to, or used in the performance
63 15 of a contract with a state or local authority, operated upon
63 16 any highway under the jurisdiction of the department for a
63 17 definite period of time not to exceed twelve months. The
63 18 restrictions shall be effective when signs giving notice of the
63 19 restrictions and the expiration date of the restrictions are
63 20 erected upon the affected highway or portion of highway.
63 21 2. Upon a finding that a bridge or culvert does not
63 22 meet established standards set forth by state and federal
63 23 authorities, the department may impose, by resolution,
63 24 restrictions for an indefinite period of time on the weight of
63 25 vehicles operated upon bridges or culverts located on highways
63 26 under its jurisdiction. The restrictions shall be effective
63 27 when signs giving notice of the restrictions are erected. The
63 28 restrictions shall not apply to implements of husbandry loaded
63 29 on hauling units for transporting the implements to locations
63 30 for purposes of repair or to fire apparatus or road maintenance
63 31 equipment owned by, under lease to, or used in the performance
63 32 of a contract with a state or local authority.
63 33 3. For the purposes of restrictions imposed under
63 34 this section, a triple axle is any group of three or more
63 35 consecutive axles where the centers of any consecutive axles



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64 1 are more than forty inches apart and where the centers of
64 2 the extreme axles are more than eighty-four inches apart but
64 3 not more than one hundred sixty-eight inches apart. Where
64 4 triple axle restrictions are imposed, the signs erected by the
64 5 department shall give notice of the restrictions.

64 6 4. Any person who violates a restriction imposed by
64 7 resolution pursuant to this section, upon conviction or a plea
64 8 of guilty, is subject to a fine determined by dividing the
64 9 difference between the actual weight of the vehicle and the
64 10 maximum weight allowed by the restriction by one hundred and
64 11 multiplying the quotient by two dollars.

64 12 5. The department may issue special permits, during periods
64 13 the restrictions are in effect, to permit limited operation
64 14 of vehicles upon specified routes with loads in excess of any
64 15 restrictions imposed under this section, but not in excess of
64 16 load restrictions imposed by this chapter. The department
64 17 shall issue a special permit for not to exceed eight weeks upon
64 18 a showing of agricultural hardship. The department shall issue
64 19 special permits to trucks moving farm produce, which decays
64 20 or loses its value if not speedily put to its intended use,
64 21 to market upon a showing to the department that there is a
64 22 requirement for trucking the produce, or to trucks moving any
64 23 farm feeds or fuel necessary for home heating purposes. The
64 24 operator of a vehicle which is the subject of a permit issued
64 25 under this ~~paragraph~~ subsection shall carry the permit while
64 26 operating the vehicle and shall show the permit to any peace
64 27 officer upon request.

64 28 Sec. 121. Section 321.491, Code 2009, is amended to read as
64 29 follows:

64 30 321.491 Convictions and recommendations for suspension to be
64 31 reported.

64 32 1. Every district judge, district associate judge, and
64 33 judicial magistrate shall keep a full record of every case in
64 34 which a person is charged with any violation of this chapter
64 35 or of any other law regulating the operation of vehicles on



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65 1 highways.

65 2 2. a. Within ten days after the conviction or forfeiture
65 3 of bail of a person upon a charge of violating any provision of
65 4 this chapter or other law regulating the operation of vehicles
65 5 on highways every magistrate of the court or clerk of the
65 6 district court of record in which the conviction occurred or
65 7 bail was forfeited shall prepare and immediately forward to the
65 8 department an abstract of the record of the case. The abstract
65 9 of the record of the case must be certified by the person
65 10 preparing it to be true and correct.

65 11 b. A certified abstract of the record of the case prepared
65 12 for the department shall only be available to the public
65 13 from the department. A noncertified record of conviction
65 14 or forfeiture of bail shall be available to the public from
65 15 the judicial branch. The clerk of the district court shall
65 16 collect a fee of fifty cents for each noncertified copy of
65 17 any record of conviction or forfeiture of bail furnished to
65 18 any requester except the department or other local, state, or
65 19 federal government entity. Moneys collected under this section
65 20 shall be transferred to the department as a repayment receipt,
65 21 as defined in section 8.2, to enhance the efficiency of the
65 22 department to process records and information between the
65 23 department and the Iowa court information system.

65 24 c. Notwithstanding any other provision in this section
65 25 or chapter 22, the judicial branch shall be the provider of
65 26 public electronic access to the clerk's records of convictions
65 27 and forfeitures of bail through the Iowa court information
65 28 system and shall, if all such records are provided monthly to a
65 29 vendor, collect a fee from such vendor for the period beginning
65 30 on July 1, 1997, and ending on June 30, 1999, which is the
65 31 greater of three thousand dollars per month or the actual
65 32 direct cost of providing the records. On and after July 1,
65 33 1999, if all such records are provided monthly to a vendor,
65 34 the judicial branch shall collect a fee from such vendor which
65 35 is the greater of ten thousand dollars per month or the actual



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66 1 direct cost of providing the records.

66 2 3. The abstract must be made upon a form furnished by the
66 3 department or by copying a uniform citation and complaint or
66 4 by using an electronic process which accurately reproduces or
66 5 forms a durable medium for accurately and legibly reproducing
66 6 an unaltered image or reproduction of the citation, and
66 7 must include the name and address of the party charged, the
66 8 registration number of the vehicle involved, the nature of
66 9 the offense, the date of hearing, the plea, the judgment, or
66 10 whether the bail was forfeited, the amount of the fine or
66 11 forfeiture, and any court recommendation, if any, that the
66 12 person's driver's license be suspended. The department shall
66 13 consider and act upon the recommendation.

66 14 4. Every clerk of a court of record shall also forward a
66 15 like report to the department upon the conviction of any person
66 16 of manslaughter or other felony in the commission of which a
66 17 vehicle was used.

66 18 5. The failure, refusal, or neglect of an officer to
66 19 comply with the requirements of this section shall constitute
66 20 misconduct in office and shall be ~~ground~~ grounds for removal
66 21 from office.

66 22 6. All abstracts received by the department under this
66 23 section shall be open to public inspection during reasonable
66 24 business hours.

66 25 Sec. 122. Section 321E.11, Code 2009, is amended to read as
66 26 follows:

66 27 321E.11 Daylight movement only == exceptions == holidays.

66 28 1. Movements by permit in accordance with this chapter
66 29 shall be permitted only during the hours from thirty minutes
66 30 prior to sunrise to thirty minutes following sunset unless the
66 31 issuing authority determines that the movement can be better
66 32 accomplished at another period of time because of traffic
66 33 volume conditions or the vehicle subject to the permit has an
66 34 overall length not to exceed one hundred feet, an overall width
66 35 not to exceed eleven feet, and an overall height not to exceed



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67 1 fourteen feet, four inches, and the permit requires the vehicle
67 2 to operate only on those highways designated by the department.
67 3 Additional safety lighting and escorts may be required for
67 4 movement at night.

67 5 2. Except as provided in section 321.457, no movement by
67 6 permit shall be permitted on holidays, after twelve o'clock
67 7 noon on days preceding holidays and holiday weekends, or
67 8 special events when abnormally high traffic volumes can be
67 9 expected. Such restrictions shall not be applicable to urban
67 10 transit systems as defined in section 321.19, subsection 2.

67 11 3. For the purposes of this chapter, ~~holidays~~ "holidays"
67 12 shall include Memorial Day, Independence Day, and Labor Day.

67 13 Sec. 123. Section 327G.81, Code 2009, is amended to read as
67 14 follows:

67 15 327G.81 Maintenance of improvements along rights-of-way.

67 16 1. A person, including a state agency or political
67 17 subdivision of the state, who acquires a railroad right-of-way
67 18 after July 1, 1979, for a purpose other than farming has all of
67 19 the following responsibilities concerning that right-of-way:

67 20 ~~1.~~ a. Construction, maintenance, and repair of the fence
67 21 on each side of the property, however, this requirement may be
67 22 waived by a written agreement with the adjoining landowner.

67 23 ~~2.~~ b. Private crossings as provided for in section 327G.11.

67 24 ~~3.~~ c. Drainage as delineated in chapter 468, subchapter V.

67 25 ~~4.~~ d. Overhead, underground, or multiple crossings in
67 26 accord with section 327G.12.

67 27 ~~5.~~ e. Weed control in accord with chapter 317.

67 28 2. This section does not absolve the property owners of
67 29 other duties and responsibilities that they may be assigned as
67 30 property owners by law. Subsection 1, paragraph "a", does not
67 31 apply to rights-of-way located on land within the corporate
67 32 limits of a city except where the acquired right-of-way is
67 33 contiguous to land assessed as agricultural land.

67 34 Sec. 124. Section 328.41, Code 2009, is amended to read as
67 35 follows:



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68 1 328.41 Operating recklessly or while intoxicated.

68 2 It shall be unlawful for any person to operate an aircraft

68 3 in the air space above this state or on the ground or water

68 4 within this state, while under the influence of intoxicating

68 5 liquor, narcotics, or other habit-forming drug, or to operate

68 6 an aircraft in the air space above this state or on the ground

68 7 or water within this state in a careless or reckless manner so

68 8 as to endanger the life or property of another.

68 9 1. Any person who operates an aircraft in a careless or

68 10 reckless manner in violation of the provisions of this section

68 11 shall be guilty of a simple misdemeanor.

68 12 2. Any person who operates any aircraft, while in an

68 13 intoxicated condition or under the influence of narcotic drugs

68 14 in violation of this section, shall, upon conviction or a plea

68 15 of guilty, be guilty of: a

68 16 a. A serious misdemeanor for the first offense, ~~be guilty~~

~~68 17 of an.~~

68 18 b. An aggravated misdemeanor for the second offense, ~~and be~~

~~68 19 guilty of a.~~

68 20 c. A class "D" felony for a third offense.

68 21 Sec. 125. Section 330A.9, subsection 4, paragraph e,

68 22 unnumbered paragraph 2, Code 2009, is amended to read as

68 23 follows:

68 24 5. Any of the bonds issued pursuant to this chapter are, and

68 25 are hereby declared to be, negotiable instruments, and shall

68 26 have all the qualities and incidents of negotiable instruments.

68 27 Sec. 126. Section 331.206, subsection 2, Code 2009, is

68 28 amended to read as follows:

68 29 2. a. The plan used under subsection 1 shall be selected

68 30 by the board or by a special election as provided in section

68 31 331.207. A plan selected by the board shall remain in effect

68 32 for at least six years unless it is changed by a special

68 33 election as provided in section 331.207.

68 34 b. A plan selected by the board shall become effective

68 35 on the first day in January which is not a Sunday or holiday



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69 1 following the next general election, at which time the terms of
69 2 the members expire and the terms of the members elected under
69 3 the requirements of the new supervisor representation plan at
69 4 the general election as specified in section 331.208, 331.209,
69 5 or 331.210 shall commence.

69 6 Sec. 127. Section 331.236, Code 2009, is amended to read as
69 7 follows:

69 8 331.236 Ballot requirements.

69 9 1. Unless otherwise provided, the question of adopting the
69 10 proposed alternative form of government shall be submitted to
69 11 the electors in substantially the following form:

69 12 Should the (charter or amendment) described below be adopted
69 13 for (insert name of local government)?

69 14 2. The ballot must contain a brief description and summary
69 15 of the proposed charter or amendment.

69 16 Sec. 128. Section 331.247, subsection 7, paragraph c, Code
69 17 2009, is amended to read as follows:

69 18 c. (1) If an election is held, the governing body shall
69 19 submit the question of amending the charter to the electors in
69 20 substantially the following form:

69 21 Should the amendment described below be adopted for the
69 22 city=county consolidated charter of (insert name of county and
69 23 of each consolidated city)?

69 24 (2) The ballot must contain a brief description and summary
69 25 of the proposed amendment.

69 26 Sec. 129. Section 331.252, Code 2009, is amended to read as
69 27 follows:

69 28 331.252 Form of ballot == city=county consolidation.

69 29 1. The question of city=county consolidation shall be
69 30 submitted to the electors in substantially the following form:

69 31 Should the charter described below be adopted for (insert
69 32 name of county and each city proposing to consolidate)?

69 33 2. The ballot must contain a brief description and summary
69 34 of the proposed charter.

69 35 Sec. 130. Section 331.255, Code 2009, is amended to read as



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70 1 follows:

70 2 331.255 Form of ballot == multicounty consolidation.

70 3 1. The question of multicounty consolidation shall be
70 4 submitted to the electors in substantially the following form:

70 5 Should the consolidation charter described below be adopted
70 6 for (name of applicable county)?

70 7 2. The ballot must contain a brief description and summary
70 8 of the proposed charter.

70 9 Sec. 131. Section 331.262, subsections 1 and 9, Code 2009,
70 10 are amended to read as follows:

70 11 1. a. As a political subdivision of the state, the
70 12 community commonwealth unit of local government shall have the
70 13 statutory and constitutional status of a county and of a city
70 14 to the extent the community commonwealth governing body assumes
70 15 the powers and duties of cities as those powers and duties
70 16 relate to the delivery of services. For each service provided
70 17 by the community commonwealth, the community commonwealth shall
70 18 assume the same statutory rights, powers, and duties relating
70 19 to the provision of the service as if the member city were
70 20 itself providing the service to its citizens.

70 21 b. On its effective date, the community commonwealth
70 22 charter operates to replace the existing county government
70 23 structure. The governments of participating cities shall
70 24 remain in existence to render those services not transferred to
70 25 the community commonwealth government.

70 26 9. a. A city or county wishing to terminate its membership
70 27 in the community commonwealth government must do so pursuant to
70 28 the existing charter procedure under this chapter or chapter
70 29 372, whichever is applicable.

70 30 b. A city or county may join an existing community
70 31 commonwealth government by resolution of the board or council,
70 32 whichever is applicable, or upon petition of eligible electors
70 33 of the city or county, whichever is applicable, equal in number
70 34 to at least twenty-five percent of the persons who voted at the
70 35 last general election for the office of governor or president



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71 1 of the United States, whichever is fewer. Within fifteen days
71 2 after receiving a valid petition, the applicable governing
71 3 body shall adopt a resolution in favor of participation and
71 4 shall immediately forward the resolution to the governing
71 5 body of the community commonwealth. If a majority of the
71 6 community commonwealth governing body approves the resolution,
71 7 the question of joining the community commonwealth shall be
71 8 submitted to the electorate of the petitioning city or county
71 9 within sixty days after approval of the resolution.
71 10 Sec. 132. Section 331.301, subsection 10, paragraph e,
71 11 subparagraph (1), Code Supplement 2009, is amended to read as
71 12 follows:
71 13 (1) (a) The board must follow substantially the
71 14 authorization procedures of section 331.443 to authorize
71 15 a lease or lease=purchase contract for personal property
71 16 which is payable from the general fund. The board must
71 17 follow substantially the authorization procedures of section
71 18 331.443 to authorize a lease or lease=purchase contract for
71 19 real property which is payable from the general fund if the
71 20 principal amount of the lease=purchase contract does not exceed
71 21 the following limits:
71 22 ~~(a)~~ (i) Four hundred thousand dollars in a county having a
71 23 population of twenty=five thousand or less.
71 24 ~~(b)~~ (ii) Five hundred thousand dollars in a county having a
71 25 population of more than twenty=five thousand but not more than
71 26 fifty thousand.
71 27 ~~(c)~~ (iii) Six hundred thousand dollars in a county having
71 28 a population of more than fifty thousand but not more than one
71 29 hundred thousand.
71 30 ~~(d)~~ (iv) Eight hundred thousand dollars in a county having
71 31 a population of more than one hundred thousand but not more
71 32 than two hundred thousand.
71 33 ~~(e)~~ (v) One million dollars in a county having a population
71 34 of more than two hundred thousand.
71 35 (b) However, if the principal amount of a lease or



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72 1 lease=purchase contract pursuant to this subparagraph (1) is
72 2 less than twenty=five thousand dollars, the board may authorize
72 3 the lease or lease=purchase contract without following the
72 4 authorization procedures of section 331.443.

72 5 Sec. 133. Section 331.301, subsection 10, paragraph e,
72 6 subparagraph (2), subparagraph division (b), Code Supplement
72 7 2009, is amended to read as follows:

72 8 (b) (i) If at any time before the end of the thirty=day
72 9 period after which a meeting may be held to take action to
72 10 enter into the lease or lease=purchase contract, a petition
72 11 is filed with the auditor in the manner provided by section
72 12 331.306, asking that the question of entering into the lease or
72 13 lease=purchase contract be submitted to the registered voters
72 14 of the county, the board shall either by resolution declare the
72 15 proposal to enter into the lease or lease=purchase contract to
72 16 have been abandoned or shall direct the county commissioner
72 17 of elections to call a special election upon the question of
72 18 entering into the lease or lease=purchase contract. However,
72 19 for purposes of this subparagraph (2), the petition shall not
72 20 require signatures in excess of one thousand persons.

72 21 (ii) The question to be placed on the ballot shall be stated
72 22 affirmatively in substantially the following manner:

72 23 Shall the county of enter into a lease or
72 24 lease=purchase contract in an amount of \$ for
72 25 the purpose of?

72 26 (iii) Notice of the election and its conduct shall be in the
72 27 manner provided in section 331.442, subsections 2 through 4.

72 28 Sec. 134. Section 331.307, subsections 9 through 12, Code
72 29 2009, are amended to read as follows:

72 30 9. a. When judgment has been entered against a defendant,
72 31 the court may do any of the following:

72 32 ~~a.~~ (1) Impose a civil penalty by entry of a personal
72 33 judgment against the defendant.

72 34 ~~b.~~ (2) Direct that payment of the civil penalty be
72 35 suspended or deferred under conditions imposed by the court.



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73 1 ~~e.~~ (3) Grant appropriate alternative relief ordering the
73 2 defendant to abate or cease the violation.
73 3 ~~d.~~ (4) Authorize the county to abate or correct the
73 4 violation.
73 5 ~~e.~~ (5) Order that the county's costs for abatement or
73 6 correction of the violation be entered as a personal judgment
73 7 against the defendant or assessed against the property where
73 8 the violation occurred, or both.
73 9 b. If a defendant willfully violates the terms of an order
73 10 imposed by the court, the failure is contempt.
73 11 10. The magistrate or district associate judge shall have
73 12 jurisdiction to assess or enter judgment for costs of abatement
73 13 or correction in an amount not to exceed the jurisdictional
73 14 amount for a money judgment in a civil action pursuant to
73 15 section 631.1, subsection 1, for magistrates and section
73 16 602.6306, subsection 2, for district associate judges. If the
73 17 county seeks abatement or correction costs in excess of those
73 18 amounts, the case shall be referred to the district court for
73 19 hearing and entry of an appropriate order. The procedure for
73 20 hearing in the district court shall be the same procedure as
73 21 that for a small claims appeal pursuant to section 631.13.
73 22 ~~10.~~ 11. A defendant or the county may file a motion for
73 23 a new trial or may appeal the decision of the magistrate or
73 24 district associate judge to the district court. The procedure
73 25 on appeal shall be the same as for a small claim pursuant to
73 26 section 631.13. A factual determination made by the trial
73 27 court, supported by substantial evidence as shown in the
73 28 record, is binding for purposes of appeal relating to the
73 29 violation at issue, but shall not be admissible or binding
73 30 as to any future violation for the same or similar ordinance
73 31 provision by the same defendant.
73 32 ~~11.~~ 12. This section does not preclude a peace officer
73 33 of a county from issuing a criminal citation for a violation
73 34 of a county code or regulation if criminal penalties are also
73 35 provided for the violation. Each day that a violation occurs



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74 1 or is permitted by the defendant to exist, constitutes a
74 2 separate offense.
74 3 ~~12.~~ 13. The issuance of a civil citation for a county
74 4 infraction or the ensuing court proceedings do not provide
74 5 an action for false arrest, false imprisonment, or malicious
74 6 prosecution.
74 7 Sec. 135. Section 331.342, Code 2009, is amended to read as
74 8 follows:
74 9 331.342 Conflicts of interest in public contracts.
74 10 1. As used in this section, "contract" means a claim,
74 11 account, or demand against or agreement with a county, express
74 12 or implied, other than a contract to serve as an officer or
74 13 employee of the county. However, contracts subject to section
74 14 314.2 are not subject to this section.
74 15 2. An officer or employee of a county shall not have an
74 16 interest, direct or indirect, in a contract with that county.
74 17 A contract entered into in violation of this section is void.
74 18 The provisions of this section do not apply to:
74 19 ~~1.~~ a. The designation of a bank or trust company as a
74 20 depository, paying agent, or for investment of funds.
74 21 ~~2.~~ b. An employee of a bank or trust company, who serves as
74 22 treasurer of a county.
74 23 ~~3.~~ c. Contracts made by a county upon competitive bid in
74 24 writing, publicly invited and opened.
74 25 ~~4.~~ d. Contracts in which a county officer or employee
74 26 has an interest solely by reason of employment, or a stock
74 27 interest of the kind described in ~~subsection 8~~ paragraph "h", or
74 28 both, if the contracts are made by competitive bid, publicly
74 29 invited and opened, or if the remuneration of employment will
74 30 not be directly affected as a result of the contract and the
74 31 duties of employment do not directly involve the procurement or
74 32 preparation of any part of the contract. The competitive bid
74 33 qualification of this ~~subsection~~ paragraph does not apply to
74 34 a contract for professional services not customarily awarded
74 35 by competitive bid.



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75 1 ~~5.~~ e. The designation of official newspapers.
75 2 ~~6.~~ f. A contract in which a county officer or employee
75 3 has an interest if the contract was made before the time the
75 4 officer or employee was elected or appointed, but the contract
75 5 shall not be renewed.
75 6 ~~7.~~ g. A contract with volunteer fire fighters or civil
75 7 defense volunteers.
75 8 ~~8.~~ h. A contract with a corporation in which a county
75 9 officer or employee has an interest by reason of stockholdings
75 10 when less than five percent of the outstanding stock of the
75 11 corporation is owned or controlled directly or indirectly by
75 12 the officer or employee or the spouse or immediate family of
75 13 the officer or employee.
75 14 ~~9.~~ i. A contract made by competitive bid, publicly
75 15 invited and opened, in which a member of a county board,
75 16 commission, or administrative agency has an interest, if
75 17 the member is not authorized by law to participate in the
75 18 awarding of the contract. The competitive bid qualification
75 19 of this ~~subsection~~ paragraph does not apply to a contract for
75 20 professional services not customarily awarded by competitive
75 21 bid.
75 22 ~~10.~~ j. Contracts not otherwise permitted by this section,
75 23 for the purchase of goods or services by a county, which
75 24 benefit a county officer or employee, if the purchases
75 25 benefiting that officer or employee do not exceed a cumulative
75 26 total purchase price of one thousand five hundred dollars in
75 27 a fiscal year.
75 28 ~~11.~~ k. A contract that is a bond, note, or other obligation
75 29 of the county and the contract is not acquired directly
75 30 from the county, but is acquired in a transaction with a
75 31 third party, who may or may not be the original underwriter,
75 32 purchaser, or obligee of the contract.
75 33 Sec. 136. Section 331.402, subsection 3, paragraph d,
75 34 subparagraph (2), subparagraph division (b), Code Supplement
75 35 2009, is amended to read as follows:



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76 1 (b) (i) If at any time before the end of the thirty-day
 76 2 period after which a meeting may be held to take action to
 76 3 enter into the loan agreement, a petition is filed with the
 76 4 auditor in the manner provided by section 331.306 asking that
 76 5 the question of entering into the loan agreement be submitted
 76 6 to the registered voters of the county, the board shall either
 76 7 by resolution declare the proposal to enter into the loan
 76 8 agreement to have been abandoned or shall direct the county
 76 9 commissioner of elections to call a special election upon the
 76 10 question of entering into the loan agreement. However, for
 76 11 purposes of this subparagraph (2), the petition shall not
 76 12 require signatures in excess of one thousand persons.

76 13 (ii) The question to be placed on the ballot shall be stated
 76 14 affirmatively in substantially the following manner:
 76 15 Shall the county of enter into a
 76 16 loan agreement in amount of \$.. for the purpose of
 76 17?

76 18 (iii) Notice of the election and its conduct shall be in the
 76 19 manner provided in section 331.442, subsections 2 through 4.
 76 20 Sec. 137. Section 331.424, subsection 1, Code 2009, is
 76 21 amended to read as follows:

76 22 1. a. For general county services, an amount sufficient to
 76 23 pay the charges for the following:

76 24 ~~a.~~ (1) To the extent that the county is obligated by
 76 25 statute to pay the charges for:

76 26 ~~(1)~~ (a) The costs of inpatient or outpatient substance
 76 27 abuse admission, commitment, transportation, care, and
 76 28 treatment at any of the following:

76 29 ~~(a)~~ (i) The alcoholic treatment center at Oakdale.
 76 30 However, the county may require that an admission to the center
 76 31 shall be reported to the board by the center within five
 76 32 days as a condition of the payment of county funds for that
 76 33 admission.

76 34 ~~(b)~~ (ii) A state mental health institute, or a
 76 35 community-based public or private facility or service.



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77 1 ~~(2)~~ (b) Care of children admitted or committed to the Iowa
77 2 juvenile home at Toledo.
77 3 ~~(3)~~ (c) Clothing, transportation, medical, or other
77 4 services provided persons attending the Iowa braille and sight
77 5 saving school, the Iowa school for the deaf, or the university
77 6 of Iowa hospitals and clinics' center for disabilities and
77 7 development for children with severe disabilities at Iowa City,
77 8 for which the county becomes obligated to pay pursuant to
77 9 sections 263.12, 269.2, and 270.4 through 270.7.
77 10 ~~b-~~ (2) Foster care and related services provided under
77 11 court order to a child who is under the jurisdiction of the
77 12 juvenile court, including court-ordered costs for a guardian
77 13 ad litem under section 232.71C.
77 14 ~~e-~~ (3) Elections, and voter registration pursuant to
77 15 chapter 48A.
77 16 ~~d-~~ (4) Employee benefits under chapters 96, 97B, and 97C,
77 17 which are associated with salaries for general county services.
77 18 ~~e-~~ (5) Joint county and city building authorities
77 19 established under section 346.27, as provided in subsection 22
77 20 of that section.
77 21 ~~f-~~ (6) Tort liability insurance, property insurance, and
77 22 any other insurance that may be necessary in the operation of
77 23 the county, costs of a self-insurance program, costs of a local
77 24 government risk pool, and amounts payable under any insurance
77 25 agreements to provide or procure such insurance, self-insurance
77 26 program, or local government risk pool.
77 27 ~~g-~~ (7) The maintenance and operation of the courts,
77 28 including but not limited to the salary and expenses of the
77 29 clerk of the district court and other employees of the clerk's
77 30 office, and bailiffs, court costs if the prosecution fails or
77 31 if the costs cannot be collected from the person liable, costs
77 32 and expenses of prosecution under section 189A.17, salaries
77 33 and expenses of juvenile court officers under chapter 602,
77 34 court-ordered costs in domestic abuse cases under section
77 35 236.5, the county's expense for confinement of prisoners under



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78 1 chapter 356A, temporary assistance to the county attorney,
78 2 county contributions to a retirement system for bailiffs,
78 3 reimbursement for judicial magistrates under section 602.6501,
78 4 claims filed under section 622.93, interpreters' fees under
78 5 section 622B.7, uniform citation and complaint supplies under
78 6 section 805.6, and costs of prosecution under section 815.13.
78 7 ~~h.~~ (8) Court-ordered costs of conciliation procedures under
78 8 section 598.16.
78 9 ~~i.~~ (9) Establishment and maintenance of a joint county
78 10 indigent defense fund pursuant to an agreement under section
78 11 28E.19.
78 12 ~~j.~~ (10) The maintenance and operation of a local emergency
78 13 management agency established pursuant to chapter 29C.
78 14 b. The board may require a public or private facility, as a
78 15 condition of receiving payment from county funds for services
78 16 it has provided, to furnish the board with a statement of the
78 17 income, assets, and legal residence including township and
78 18 county of each person who has received services from that
78 19 facility for which payment has been made from county funds
78 20 under ~~paragraphs "a" and "b"~~ paragraph "a", subparagraphs (1)
78 21 and (2). However, the facility shall not disclose to anyone
78 22 the name or street or route address of a person receiving
78 23 services for which commitment is not required, without first
78 24 obtaining that person's written permission.
78 25 c. Parents or other persons may voluntarily reimburse the
78 26 county or state for the reasonable cost of caring for a patient
78 27 or an inmate in a county or state facility.
78 28 Sec. 138. Section 331.605, Code 2009, is amended to read as
78 29 follows:
78 30 331.605 Other fees.
78 31 1. The recorder shall collect:
78 32 ~~i.~~ a. For the issuance of a registration or transfer for
78 33 a vessel or boat:
78 34 ~~a.~~ (1) A registration fee as provided in section 462A.5.
78 35 ~~b.~~ (2) A writing fee as provided in section 462A.53.



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79 1 ~~e.~~ (3) A transfer and writing fee as provided in section
79 2 462A.44.
79 3 ~~2.~~ b. For issuance of hunting, fishing, and fur harvester
79 4 licenses:
79 5 ~~a.~~ (1) The fees specified in section 483A.1.
79 6 ~~b.~~ (2) The writing fee as provided in section 483A.12.
79 7 ~~3.~~ c. A state migratory game bird fee as provided in
79 8 section 483A.1.
79 9 ~~4.~~ d. For the issuance of snowmobile registrations and user
79 10 permits, the fees specified in sections 321G.4 and 321G.4A.
79 11 ~~5.~~ e. For the issuance of all-terrain vehicle registrations
79 12 and user permits, the fees specified in sections 321I.4 and
79 13 321I.5.
79 14 ~~6.~~ f. A county fee of four dollars for a certified copy of
79 15 a birth record, death record, or marriage certificate.
79 16 ~~7.~~ g. For filing an application for the license to marry,
79 17 thirty-five dollars, which includes payment for one certified
79 18 copy of the original certificate of marriage, to be issued
79 19 following filing of the original certificate of marriage, four
79 20 dollars of which shall be retained by the county pursuant to
79 21 ~~subsection 6~~ paragraph "f". For issuing an application for an
79 22 order of the district court authorizing the validation of a
79 23 license to marry before the expiration of three days from the
79 24 date of issuance of the license, five dollars. The district
79 25 court shall authorize the early validation of a marriage
79 26 license without the payment of any fees imposed in this
79 27 ~~subsection~~ paragraph upon showing that the applicant is unable
79 28 to pay the fees.
79 29 ~~8.~~ h. Other fees as provided by law.
79 30 2. However, the county shall not be required to pay the fees
79 31 required in this section.
79 32 Sec. 139. Section 331.651, Code 2009, is amended to read as
79 33 follows:
79 34 331.651 Office of county sheriff.
79 35 1. The office of sheriff is an elective office. However,



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80 1 if a vacancy occurs in the office, the first deputy shall
80 2 assume the office after qualifying as provided in this
80 3 section. The first deputy shall hold the office until a
80 4 successor is appointed or elected to the unexpired term as
80 5 provided in chapter 69. If a sheriff is suspended from office,
80 6 the district court may appoint a sheriff until a temporary
80 7 appointment is made by the board as provided in section 66.19.
80 8 2. A person elected or appointed sheriff shall meet all the
80 9 following qualifications:
80 10 a. Have no felony convictions.
80 11 b. Be age twenty-one or over at the time of assuming the
80 12 office of sheriff.
80 13 c. Be a certified peace officer recognized by the Iowa law
80 14 enforcement academy council under chapter 80B or complete the
80 15 basic training course provided at the Iowa law enforcement
80 16 academy's central training facility or a location other than
80 17 the central training facility within one year of taking office.
80 18 A person shall be deemed to have completed the basic training
80 19 course if the person meets all course requirements except the
80 20 physical training requirements.
80 21 ~~2.~~ 3. A person elected or appointed to the office of
80 22 sheriff shall qualify by taking the oath of office as provided
80 23 in section 63.10 and give bond as provided in section 64.8.
80 24 ~~3.~~ 4. The term of office of the sheriff is four years.
80 25 Sec. 140. Section 336.2, Code 2009, is amended to read as
80 26 follows:
80 27 336.2 Library districts formed.
80 28 1. A library district may be established composed of one or
80 29 more counties, one or more cities, or any combination of cities
80 30 and counties.
80 31 2. a. Eligible electors residing within the proposed
80 32 district in a number not less than five percent of those voting
80 33 for president of the United States or governor, as the case
80 34 may be, within the district at the last general election may
80 35 petition the board of supervisors of the county, or the city



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81 1 council, for the establishment of the library district. The
81 2 petition shall clearly designate the area to be included in the
81 3 district.

81 4 b. The board of supervisors of each county and the city
81 5 council of each city containing area within the proposed
81 6 district shall submit the question to the registered voters
81 7 within their respective counties and cities at the next general
81 8 election. The petition shall be filed not less than eighty-two
81 9 days before the election.

81 10 3. a. A library district shall be established if a majority
81 11 of the electors voting on the question and residing in the
81 12 proposed library district favor its establishment.

81 13 b. The result of the election within cities maintaining a
81 14 free public library shall be considered separately, and no city
81 15 shall be included within the library district unless a majority
81 16 of its electors voting on the question favor its inclusion. In
81 17 such cases the boundaries of an established district may vary
81 18 from those of the proposed district.

81 19 4. After the establishment of a library district other areas
81 20 may be included by mutual agreement of the board of trustees of
81 21 the library district and the governing body of the area sought
81 22 to be included.

81 23 Sec. 141. Section 336.16, Code 2009, is amended to read as
81 24 follows:

81 25 336.16 Withdrawal from district == termination.

81 26 1. a. (1) A city may withdraw from the library district
81 27 upon a majority vote in favor of withdrawal by the electorate
81 28 of the city in an election held on a motion by the city council.
81 29 The election shall be held simultaneously with a general or
81 30 city election. Notice of a favorable vote to withdraw shall
81 31 be sent by certified mail to the board of library trustees of
81 32 the library district and the county auditor or city clerk, as
81 33 appropriate, prior to January 10, and the withdrawal shall be
81 34 effective on July 1.

81 35 (2) A county may withdraw from the district after a majority



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82 1 of the voters of the unincorporated area of the county voting
82 2 on the issue favor the withdrawal. The board of supervisors
82 3 shall call for the election which shall be held at the next
82 4 general election.

82 5 b. A city or county election shall not be called until a
82 6 hearing has been held on the proposal to submit a proposition
82 7 of withdrawal to an election. A hearing may be held only after
82 8 public notice published as provided in section 362.3 in the
82 9 case of a city or section 331.305 in the case of a county. A
82 10 copy of the notice submitted for publication shall be mailed to
82 11 the library on or before the date of publication. The proposal
82 12 presented at the hearing must include a plan for continuing
82 13 adequate library service with or without all participants and
82 14 the respective allocated costs and levels of service shall
82 15 be stated. At the hearing, any interested person shall be
82 16 given a reasonable time to be heard, either for or against the
82 17 withdrawal or the plan to accompany it.

82 18 2. A library district may be terminated if a majority of
82 19 the electors of the unincorporated area of the county and the
82 20 cities included in the library district voting on the issue
82 21 favor the termination. The election shall be held upon motion
82 22 of the board of supervisors and simultaneously with a general
82 23 or other county election. If the vote favors termination, the
82 24 termination shall be effective on the succeeding July 1.

82 25 3. An election for withdrawal from or termination of a
82 26 library district shall not be held more than once each four
82 27 years.

82 28 Sec. 142. Section 352.3, subsections 1 and 4, Code 2009, are
82 29 amended to read as follows:

82 30 1. a. In each county a county land preservation and use
82 31 commission is created composed of the following members:

82 32 ~~a.~~ (1) One member appointed by and from the county
82 33 agricultural extension council.

82 34 ~~b.~~ (2) Two members appointed by the district soil and water
82 35 conservation commissioners, one of whom must be a member of the



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83 1 district soil and water conservation board of commissioners and
83 2 one must be a person who is not a commissioner, but is actively
83 3 operating a farm in the county.
83 4 ~~e.~~ (3) One member appointed by the board of supervisors
83 5 from the residents of the county who may be a member of the
83 6 board.
83 7 ~~e.~~ (4) One member appointed by and from a convention of the
83 8 mayors and councilpersons of the cities of the county. If a
83 9 participating city contains fifty percent or more of the total
83 10 population of the participating cities, that city may appoint
83 11 the member appointed under this paragraph.
83 12 b. However, if a city contains more than fifty percent of
83 13 the population of a county which has a population exceeding
83 14 fifty thousand persons, that city shall not participate
83 15 in the convention of mayors and councilpersons and the
83 16 members appointed under paragraph ~~"e"~~ "a", subparagraph
83 17 (4), shall be one member appointed by and from the mayor and
83 18 councilpersons of that city and one member appointed by and
83 19 from the convention of mayors and councilpersons and the member
83 20 appointed under paragraph ~~"e"~~ (a), subparagraph (3), shall be
83 21 a resident of the county engaged in actual farming operations
83 22 appointed by the board of supervisors.
83 23 4. A vacancy in the county commission shall be filled
83 24 in the same manner as the appointment of the member whose
83 25 position is vacant. The term of a county commissioner is
83 26 four years. However, in the initial appointments to the
83 27 county commission, the members appointed under subsection 1,
83 28 ~~paragraphs~~ paragraph "a", subparagraphs (1) and ~~"b"~~ (2) shall
83 29 be appointed to terms of two years. Members may be appointed
83 30 to succeed themselves.
83 31 Sec. 143. Section 352.6, Code 2009, is amended to read as
83 32 follows:
83 33 352.6 Creation or expansion of agricultural areas.
83 34 1. An owner of farmland may submit a proposal to the county
83 35 board for the creation or expansion of an agricultural area



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84 1 within the county. An agricultural area, at its creation,
84 2 shall include at least three hundred acres of farmland;
84 3 however, a smaller area may be created if the farmland
84 4 is adjacent to farmland subject to an agricultural land
84 5 preservation ordinance pursuant to section 335.27 or adjacent
84 6 to land located within an existing agricultural area. The
84 7 proposal shall include a description of the proposed area to be
84 8 created or expanded, including its boundaries. The territory
84 9 shall be as compact and as nearly adjacent as feasible. Land
84 10 shall not be included in an agricultural area without the
84 11 consent of the owner. Agricultural areas shall not exist
84 12 within the corporate limits of a city. The county board may
84 13 consult with the department of natural resources when creating
84 14 or expanding an agricultural area contiguous to a location
84 15 which is under the direct supervision of the department,
84 16 including a state park, state preserve, state recreation area,
84 17 or sovereign lake. Agricultural areas may be created in a
84 18 county which has adopted zoning ordinances. Except as provided
84 19 in this section, the use of the land in agricultural areas is
84 20 limited to farm operations.
84 21 ~~1.~~ 2. The following shall be permitted in an agricultural
84 22 area:
84 23 a. Residences constructed for occupation by a person engaged
84 24 in farming or in a family farm operation. Nonconforming
84 25 preexisting residences may be continued in residential use.
84 26 b. Property of a telephone company, city utility as defined
84 27 in section 390.1, public utility as defined in section 476.1,
84 28 or pipeline company as defined in section 479.2.
84 29 ~~2.~~ 3. The county board of supervisors may permit any use
84 30 not listed in subsection ~~1~~ 2 in an agricultural area only if it
84 31 finds all of the following:
84 32 a. The use is not inconsistent with the purposes set forth
84 33 in section 352.1.
84 34 b. The use does not interfere seriously with farm operations
84 35 within the area.



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85 1 c. The use does not materially alter the stability of the
85 2 overall land use pattern in the area.
85 3 Sec. 144. Section 354.11, Code 2009, is amended to read as
85 4 follows:
85 5 354.11 Attachments to subdivision plats.
85 6 1. A subdivision plat, other than an auditor's plat, that
85 7 is presented to the recorder for recording shall conform to
85 8 section 354.6 and shall not be accepted for recording unless
85 9 accompanied by the following documents:
85 10 ~~1-~~ a. A statement by the proprietors and their spouses, if
85 11 any, that the plat is prepared with their free consent and in
85 12 accordance with their desire, signed and acknowledged before an
85 13 officer authorized to take the acknowledgment of deeds. The
85 14 statement by the proprietors may also include a dedication to
85 15 the public of all lands within the plat that are designated for
85 16 streets, alleys, parks, open areas, school property, or other
85 17 public use, if the dedication is approved by the governing
85 18 body.
85 19 ~~2-~~ b. A statement from the mortgage holders or lienholders,
85 20 if any, that the plat is prepared with their free consent and
85 21 in accordance with their desire, signed and acknowledged before
85 22 an officer authorized to take the acknowledgment of deeds. An
85 23 affidavit and bond as provided for in section 354.12, may be
85 24 recorded in lieu of the consent of the mortgage or lienholder.
85 25 When a mortgage or lienholder consents to the subdivision, a
85 26 release of mortgage or lien shall be recorded for any areas
85 27 conveyed to the governing body or dedicated to the public.
85 28 ~~3-~~ c. An opinion by an attorney at law who has examined the
85 29 abstract of title of the land being platted. The opinion shall
85 30 state the names of the proprietors and holders of mortgages,
85 31 liens, or other encumbrances on the land being platted and
85 32 shall note the encumbrances, along with any bonds securing the
85 33 encumbrances. Utility easements shall not be construed to be
85 34 encumbrances for the purpose of this section.
85 35 ~~4-~~ d. A certified resolution by each governing body as



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86 1 required by section 354.8 either approving the subdivision or
86 2 waiving the right to review.

86 3 ~~5.~~ e. A statement by the auditor approving the name or
86 4 title of the subdivision plat.

86 5 ~~6.~~ f. A certificate of the treasurer that the land is free
86 6 from certified taxes and certified special assessments or that
86 7 the land is free from certified taxes and that the certified
86 8 special assessments are secured by bond in compliance with
86 9 section 354.12.

86 10 2. A subdivision plat which includes no land set apart
86 11 for streets, alleys, parks, open areas, school property, or
86 12 public use other than utility easements, shall be accompanied
86 13 by the documents listed in ~~subsections~~ subsection 1, 2, 3,
~~86 14 4,~~ paragraphs "a", "b", "c", "d", and 5 "e" and a certificate of
86 15 the treasurer that the land is free from certified taxes other
86 16 than certified special assessments.

86 17 Sec. 145. Section 357C.13, Code 2009, is amended to read as
86 18 follows:

86 19 357C.13 Determination of fee.

86 20 1. The owner of any property joining an established
86 21 benefited street lighting district shall pay to the board of
86 22 trustees of the district an initial fee to be computed as
86 23 follows:

86 24 ~~1.~~ a. The board of trustees shall first determine fair
86 25 market value of all property and improvements owned by the
86 26 benefited street lighting district, less any indebtedness.

86 27 ~~2.~~ b. The board shall then determine the assessed value of
86 28 all property in said district. This shall be divided into the
86 29 value determined in ~~subsection 1 of this section~~ paragraph "a".

86 30 ~~3.~~ c. The board shall determine the assessed value of the
86 31 property of each landowner joining the established district.

86 32 4. d. The result obtained in ~~subsection 2~~ paragraph
86 33 "b" shall be multiplied by the result obtained in ~~subsection~~
~~86 34 3~~ paragraph "c". The result shall be the initial fee to be
86 35 charged each landowner.



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87 1 2. The initial fees paid to the district trustees shall be
87 2 used to help defray the cost and maintenance of the district's
87 3 street lighting service.

87 4 Sec. 146. Section 358.2, Code 2009, is amended to read as
87 5 follows:

87 6 358.2 Petition == deposit.

87 7 1. Any twenty=five or more eligible electors resident
87 8 within the limits of any proposed sanitary district may file
87 9 a petition in the office of the county auditor of the county
87 10 in which the proposed sanitary district, or the major portion
87 11 thereof, is located, requesting that there be submitted to
87 12 the registered voters of such proposed district the question
87 13 whether the territory within the boundaries of such proposed
87 14 district shall be organized as a sanitary district under this
87 15 chapter. Such petition shall be addressed to the board of
87 16 supervisors of the county wherein it is filed and shall set
87 17 forth:

87 18 ~~1.~~ a. An intelligible description of the boundaries of the
87 19 territory to be embraced in such district.

87 20 ~~2.~~ b. The name of such proposed sanitary district.

87 21 ~~3.~~ c. That the public health, comfort, convenience, or
87 22 welfare will be promoted by the establishment of such sanitary
87 23 district.

87 24 ~~4.~~ d. The signatures of the petitioners.

87 25 2. No territory shall be included within more than one
87 26 sanitary district organized under this chapter, and if any
87 27 proposed sanitary district shall fail to receive a majority of
87 28 votes cast at any election thereon as hereinafter provided, no
87 29 petition shall be filed for establishment of such a sanitary
87 30 district within one year from the date of such previous
87 31 election.

87 32 3. a. There shall be filed with the petition a bond with
87 33 sureties approved by the auditor, or a certified check, credit
87 34 union certified share draft or cash in an amount sufficient
87 35 for the payment of all costs and expenses incurred in the



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88 1 proceedings if the district is not finally established.
88 2 b. No preliminary expense shall be incurred before the
88 3 establishment of the proposed sanitary district by the board in
88 4 excess of the amount of bond filed by the petitioners. In case
88 5 it is necessary to incur any expense in addition to the amount
88 6 of the bond, the board of supervisors shall require the filing
88 7 of an additional security until the additional bond is filed in
88 8 sufficient amount to cover the expense.
88 9 Sec. 147. Section 358.7, Code 2009, is amended to read as
88 10 follows:
88 11 358.7 Election.
88 12 1. Each registered voter resident within such proposed
88 13 sanitary district shall have the right to cast a ballot at such
88 14 election and no person shall vote in any precinct but that of
88 15 the person's residence. Ballots at such election shall be in
88 16 substantially the following form, to wit:
88 17 For Sanitary District
88 18 Against Sanitary District
88 19 2. The board of supervisors shall cause a statement of
88 20 the result of such election to be spread upon the records of
88 21 the county auditor. If a majority of the votes cast upon the
88 22 question of incorporation of the proposed sanitary district
88 23 shall be in favor of the proposed sanitary district, such
88 24 proposed sanitary district shall thenceforth be deemed an
88 25 organized sanitary district under this chapter and established
88 26 as conducive to the public health, comfort, convenience, and
88 27 welfare.
88 28 Sec. 148. Section 360.9, Code 2009, is amended to read as
88 29 follows:
88 30 360.9 Reversion of real estate == payment.
88 31 1. a. Any real estate, including improvements thereon,
88 32 situated wholly outside of a city, owned by a township and
88 33 heretofore used for township purposes and which is no longer
88 34 necessary for township purposes, shall revert to the present
88 35 owner of the tract from which the same was taken, provided that



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89 1 said owner of the tract last aforesaid shall, within the time
89 2 hereinafter prescribed, pay the value thereof to the township
89 3 clerk. In the event the township trustees and said owner of
89 4 the tract from which such real property was taken do not agree
89 5 as to the value of such property and improvements thereon,
89 6 the township clerk shall, on written application of either
89 7 party, appoint three disinterested residents of the township to
89 8 appraise such property and improvements thereon.

89 9 b. The township clerk shall give notice to said trustees and
89 10 said owner of the time and place of making such appraisalment,
89 11 which notice shall be served in the same manner and for the
89 12 same time as for the commencement of action in the district
89 13 court. Such appraisers shall inspect the real estate and
89 14 improvements and, at the time and place designated in the
89 15 notice, appraise the same in writing, which appraisalment, after
89 16 being duly verified, shall be filed with the township clerk.

89 17 c. If the present owner of the tract from which said site
89 18 was taken fails to pay the amount of such appraisalment to
89 19 such township within twenty days after the filing of same
89 20 with the township clerk, the township trustees may sell said
89 21 site, including any improvements thereon, to any person at the
89 22 appraised value, or may sell the same at public auction for the
89 23 best bid.

89 24 2. Any real estate, including improvements thereon,
89 25 situated within a city, owned by a township and heretofore
89 26 used for township purposes and which is no longer necessary
89 27 for township purposes, may be sold by the township trustees at
89 28 public auction for the best bid.

89 29 3. The township trustees in the case of joint ownership,
89 30 in conjunction with any city authorities, shall not sell such
89 31 real estate including improvements thereon unless the city
89 32 authorities concur in such sale. The proceeds of such sale
89 33 of jointly owned real estate including improvements located
89 34 thereon shall be prorated between the township and the city on
89 35 the basis of their respective contribution to the acquisition



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90 1 and maintenance of such property.
90 2 4. a. Sales at public auction contemplated herein shall be
90 3 made only after the township trustees advertise for bids for
90 4 such property. Such advertisement shall definitely describe
90 5 said property and be published by at least one insertion each
90 6 week for two consecutive weeks in some newspaper having general
90 7 circulation in the township.
90 8 b. The township trustee shall not, prior to two weeks after
90 9 the said second publication, nor later than six months after
90 10 said second publication, accept any bid. The township trustees
90 11 may accept only the best bid received prior to acceptance. The
90 12 township trustees may decline to sell if all the bids received
90 13 are deemed inadequate.
90 14 5. Subject to the right of reversion to the present
90 15 owner as above provided, the township trustees may sell,
90 16 lease, exchange, give, or grant and accept any interest
90 17 in real property to, with, or from any county, municipal
90 18 corporation, or school district if the real property is within
90 19 the jurisdiction of both the grantor and grantee and the
90 20 advertising and public auction requirements of this section
90 21 shall not apply to any such transaction between the aforesaid
90 22 local units of government.
90 23 Sec. 149. Section 362.5, Code 2009, is amended to read as
90 24 follows:
90 25 362.5 Interest in public contract prohibited == exceptions.
90 26 1. When used in this section, "contract" means any claim,
90 27 account, or demand against or agreement with a city, express
90 28 or implied.
90 29 2. A city officer or employee shall not have an interest,
90 30 direct or indirect, in any contract or job of work or material
90 31 or the profits thereof or services to be furnished or performed
90 32 for the officer's or employee's city. A contract entered into
90 33 in violation of this section is void.
90 34 3. The provisions of this section do not apply to:
90 35 ~~1.~~ a. The payment of lawful compensation of a city officer



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91 1 or employee holding more than one city office or position, the
91 2 holding of which is not incompatible with another public office
91 3 or is not prohibited by law.
91 4 ~~2.~~ b. The designation of a bank or trust company as a
91 5 depository, paying agent, or for investment of funds.
91 6 ~~3.~~ c. An employee of a bank or trust company, who serves
91 7 as treasurer of a city.
91 8 ~~4.~~ d. Contracts made by a city, upon competitive bid in
91 9 writing, publicly invited and opened.
91 10 ~~5.~~ e. Contracts in which a city officer or employee has an
91 11 interest solely by reason of employment, or a stock interest of
91 12 the kind described in ~~subsection 9~~ paragraph "i", or both, if
91 13 the contracts are made by competitive bid in writing, publicly
91 14 invited and opened, or if the remuneration of employment will
91 15 not be directly affected as a result of the contract and the
91 16 duties of employment do not directly involve the procurement or
91 17 preparation of any part of the contract. The competitive bid
91 18 qualification of this ~~subsection~~ paragraph does not apply to
91 19 a contract for professional services not customarily awarded
91 20 by competitive bid.
91 21 ~~6.~~ f. The designation of an official newspaper.
91 22 ~~7.~~ g. A contract in which a city officer or employee has an
91 23 interest if the contract was made before the time the officer
91 24 or employee was elected or appointed, but the contract may not
91 25 be renewed.
91 26 ~~8.~~ h. Contracts with volunteer fire fighters or civil
91 27 defense volunteers.
91 28 ~~9.~~ i. A contract with a corporation in which a city
91 29 officer or employee has an interest by reason of stockholdings
91 30 when less than five percent of the outstanding stock of the
91 31 corporation is owned or controlled directly or indirectly by
91 32 the officer or employee or the spouse or immediate family of
91 33 such officer or employee.
91 34 ~~10.~~ j. Contracts not otherwise permitted by this section,
91 35 for the purchase of goods or services by a city having a



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92 1 population of more than two thousand five hundred, which
92 2 benefit a city officer or employee, if the purchases benefiting
92 3 that officer or employee do not exceed a cumulative total
92 4 purchase price of one thousand five hundred dollars in a fiscal
92 5 year.

92 6 ~~11.~~ k. Contracts not otherwise permitted by this section
92 7 for the purchase of goods or services by a city having a
92 8 population of two thousand five hundred or less, which benefit
92 9 a city officer or employee, if the purchases benefiting that
92 10 officer or employee do not exceed a cumulative total purchase
92 11 price of two thousand five hundred dollars in a fiscal year.

92 12 ~~12.~~ l. Franchise agreements between a city and a utility
92 13 and contracts entered into by a city for the provision of
92 14 essential city utility services.

92 15 ~~13.~~ m. A contract that is a bond, note, or other obligation
92 16 of the city and the contract is not acquired directly from
92 17 the city, but is acquired in a transaction with a third party
92 18 who may or may not be the original underwriter, purchaser, or
92 19 obligee of the contract.

92 20 Sec. 150. Section 368.20, Code 2009, is amended to read as
92 21 follows:

92 22 368.20 Procedure after approval.

92 23 1. After the county commissioner of elections has certified
92 24 the results to the board, the board shall:

92 25 ~~1.~~ a. Serve and publish notice of the result as provided
92 26 in section 362.3.

92 27 ~~2.~~ b. File with the secretary of state and the clerk of
92 28 each city incorporated or involved in a boundary adjustment,
92 29 and record with the recorder of each county which contains
92 30 a portion of any city or territory involved, copies of the
92 31 proceedings including the original petition or plan and any
92 32 amendments, the order of the board approving the petition or
92 33 plan, proofs of service and publication of required notices,
92 34 certification of the election result, and any other material
92 35 deemed by the board to be of primary importance to the



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93 1 proceedings.
93 2 2. Upon proper filing and expiration of time for appeal,
93 3 the incorporation, discontinuance, or boundary adjustment is
93 4 complete. However, if an appeal to any of the proceedings
93 5 is pending, completion does not occur until the appeal is
93 6 decided, unless a subsequent date is provided in the proposal.
93 7 The board shall also file with the state department of
93 8 transportation a copy of the map and legal land description of
93 9 each completed incorporation or corporate boundary adjustment
93 10 completed under sections 368.11 through 368.22 or approved
93 11 annexation within an urbanized area.
93 12 Sec. 151. Section 368.22, Code 2009, is amended to read as
93 13 follows:
93 14 368.22 Appeal.
93 15 1. a. A city, or a resident or property owner in the
93 16 territory or city involved may appeal a decision of the board
93 17 or a committee, or the legality of an election, to the district
93 18 court of a county which contains a portion of any city or
93 19 territory involved.
93 20 b. Appeal must be filed within thirty days of the filing
93 21 of a decision or the publication of notice of the result of an
93 22 election.
93 23 c. Appeal of an approval of a petition or plan does not stay
93 24 the election.
93 25 2. The judicial review provisions of this section and
93 26 chapter 17A shall be the exclusive means by which a person or
93 27 party who is aggrieved or adversely affected by agency action
93 28 may seek judicial review of that agency action. The court's
93 29 review on appeal of a decision is limited to questions relating
93 30 to jurisdiction, regularity of proceedings, and whether the
93 31 decision appealed from is arbitrary, unreasonable, or without
93 32 substantial supporting evidence. The court may reverse and
93 33 remand a decision of the board or a committee, with appropriate
93 34 directions.
93 35 3. The following portions of section 17A.19 are not



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94 1 applicable to this chapter:
94 2 ~~1.~~ a. The part of subsection 2 which relates to where
94 3 proceedings for judicial review shall be instituted.
94 4 ~~2.~~ b. Subsection 5.
94 5 ~~3.~~ c. Subsection 8.
94 6 ~~4.~~ d. Subsection 9.
94 7 ~~5.~~ e. Subsection 10.
94 8 ~~6.~~ f. Subsection 11.
94 9 Sec. 152. Section 372.5, Code 2009, is amended to read as
94 10 follows:
94 11 372.5 Commission form.
94 12 1. A city governed by the commission form has five
94 13 departments as follows:
94 14 ~~1.~~ a. Department of public affairs.
94 15 ~~2.~~ b. Department of accounts and finances.
94 16 ~~3.~~ c. Department of public safety.
94 17 ~~4.~~ d. Department of streets and public improvements.
94 18 ~~5.~~ e. Department of parks and public property.
94 19 2. a. A city governed by the commission form has a council
94 20 composed of a mayor and four council members elected at large,
94 21 unless the council representation plan is changed pursuant
94 22 to section 372.13, subsection 11. The mayor administers the
94 23 department of public affairs and each other council member is
94 24 elected to administer one of the other four departments.
94 25 b. However, a city governed, on July 1, 1975, by the
94 26 commission form and having a council composed of a mayor and
94 27 two council members elected at large may continue with a
94 28 council of three until the form of government is changed as
94 29 provided in section 372.2 or section 372.9 or without changing
94 30 the form, may submit to the voters the question of increasing
94 31 the council to five members assigned to the five departments as
94 32 set out in this section.
94 33 3. The mayor shall supervise the administration of all
94 34 departments and report to the council all matters requiring its
94 35 attention. The mayor is a member of the council and may vote on



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95 1 all matters before the council.
 95 2 4. The council member elected to administer the department
 95 3 of accounts and finances is mayor pro tem.
 95 4 5. The council may appoint a city treasurer or may, by
 95 5 ordinance, provide for election of that officer.
 95 6 Sec. 153. Section 373.7, Code 2009, is amended to read as
 95 7 follows:
 95 8 373.7 Form of ballot.
 95 9 1. The question of metropolitan consolidation shall be
 95 10 submitted to the electors in substantially the following form:
 95 11 Should the cities of
 95 12 and unite to form one joint
 95 13 metropolitan corporation government?
 95 14 2. The ballot must contain a brief description and summary
 95 15 of the proposed charter or amendment.
 95 16 Sec. 154. Section 376.8, subsection 2, Code 2009, is amended
 95 17 to read as follows:
 95 18 2. In a regular city election held for a city where the
 95 19 council has chosen a runoff election in lieu of a primary,
 95 20 candidates are elected as provided by subsection 1, except that
 95 21 no candidate is elected who fails to receive a majority of the
 95 22 votes cast for the office in question. In the case of at-large
 95 23 elections to a multimember body, a majority is one vote more
 95 24 than half the quotient found by dividing the total number of
 95 25 votes cast for all candidates for that body by the number of
 95 26 positions to be filled. In calculating the number of votes
 95 27 necessary to constitute a majority, fractions shall be rounded
 95 28 up to the next higher whole number.
~~95 29 In calculating the number of votes necessary to constitute~~
~~95 30 a majority, fractions shall be rounded up to the next higher~~
~~95 31 whole number.~~
 95 32 Sec. 155. Section 384.24A, subsection 4, paragraph b,
 95 33 subparagraph (2), Code Supplement 2009, is amended to read as
 95 34 follows:
 95 35 (2) (a) If at any time before the end of the thirty-day



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96 1 period after which a meeting may be held to take action to
96 2 enter into the loan agreement, a petition is filed with the
96 3 clerk of the city in the manner provided by section 362.4,
96 4 asking that the question of entering into the loan agreement be
96 5 submitted to the registered voters of the city, the governing
96 6 body shall either by resolution declare the proposal to
96 7 enter into the loan agreement to have been abandoned or shall
96 8 direct the county commissioner of elections to call a special
96 9 election upon the question of entering into the loan agreement.
96 10 However, for purposes of this paragraph, the petition shall not
96 11 require signatures in excess of one thousand persons.

96 12 (b) The question to be placed on the ballot shall be stated
96 13 affirmatively in substantially the following manner:

96 14 Shall the city of enter into a loan
96 15 agreement in amount of \$ for the purpose
96 16 of?

96 17 (c) Notice of the election and its conduct shall be in the
96 18 manner provided in section 384.26, subsections 2 through 4.

96 19 Sec. 156. Section 384.50, Code 2009, is amended to read as
96 20 follows:

96 21 384.50 Notice of hearing.

96 22 1. The clerk shall publish notice of the date, time, and
96 23 place of the hearing once each week for two consecutive weeks
96 24 in the manner provided by section 362.3, the first publication
96 25 of which shall be not less than ten days before the date of the
96 26 hearing.

96 27 2. The notice must be in substantially the following form:

96 28 NOTICE TO PROPERTY OWNERS

96 29 Notice is given that there is now on file for public
96 30 inspection in the office of the clerk of,
96 31 Iowa, a proposed resolution of necessity, an estimate of cost,
96 32 and a plat and schedule showing the amounts proposed to be
96 33 assessed against each lot and the valuation of each lot within
96 34 a district approved by the council of,
96 35 Iowa, for a improvement of the type(s) and



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97 1 in the location(s) as follows:
 97 2 The council will meet at .. o'clock ..m.,
 97 3 on (date), at the,
 97 4 at which time the owners of property subject to assessment for
 97 5 the proposed improvement or any other person having an interest
 97 6 in the matter may appear and be heard for or against the making
 97 7 of the improvement, the boundaries of the district, the cost,
 97 8 the assessment against any lot, or the final adoption of a
 97 9 resolution of necessity. A property owner will be deemed to
 97 10 have waived all objections unless at the time of hearing the
 97 11 property owner has filed objections with the clerk.
 97 12

97 13 Clerk

97 14 3. Not less than fifteen days before the hearing, the clerk
 97 15 shall send a copy of the notice by mail to each property owner
 97 16 whose property is subject to assessment for the improvement at
 97 17 the address as shown by the records of the county auditor. If
 97 18 a property is shown to be in the name of more than one owner
 97 19 at the same mailing address, a single notice may be mailed
 97 20 addressed to all owners at that address. Failure to receive a
 97 21 mailed notice is not a defense to the special assessment.

97 22 Sec. 157. Section 389.2, Code 2009, is amended to read as
 97 23 follows:

97 24 389.2 Submission to voters.

97 25 A joint water utility may be established by two or more
 97 26 cities. A proposal to establish a joint water utility or to
 97 27 join an existing joint water utility may be submitted to the
 97 28 voters of a city by the city council upon its own motion, or
 97 29 upon receipt of a valid petition pursuant to section 362.4.

97 30 1. If the proposal is to establish a joint water utility,
 97 31 the proposal shall be submitted to the voters of each city
 97 32 proposing to establish the joint water utility. If a majority
 97 33 of the electorate in each of at least two cities approves the
 97 34 proposal, the cities approving the proposal may establish a
 97 35 joint water utility.



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98 1 2. If the proposal is to join an existing joint water
98 2 utility, the proposal must first be submitted to the joint
98 3 water utility board for its approval. If the proposal is
98 4 approved by the board, the proposal shall be submitted to the
98 5 electorate of the city wishing to join. The proposal must
98 6 receive a majority affirmative vote for passage.
98 7 Sec. 158. Section 403.5, subsection 4, paragraph b, Code
98 8 2009, is amended to read as follows:
98 9 b. (1) The urban renewal plan conforms to the general plan
98 10 of the municipality as a whole; provided, that if the urban
98 11 renewal area consists of an area of open land to be acquired by
98 12 the municipality, such area shall not be so acquired except:
98 13 ~~(1)~~ (a) If it is to be developed for residential uses,
98 14 the local governing body shall determine that a shortage of
98 15 housing of sound standards and design with decency, safety, and
98 16 sanitation exists in the municipality; that the acquisition
98 17 of the area for residential uses is an integral part of and
98 18 essential to the program of the municipality; and that one or
98 19 more of the following conditions exist:
98 20 ~~(a)~~ (i) That the need for housing accommodations has been
98 21 or will be increased as a result of the clearance of slums in
98 22 other areas, including other portions of the urban renewal
98 23 area.
98 24 ~~(b)~~ (ii) That conditions of blight in the municipality and
98 25 the shortage of decent, safe, and sanitary housing cause or
98 26 contribute to an increase in and spread of disease and crime,
98 27 so as to constitute a menace to the public health, safety,
98 28 morals, or welfare.
98 29 ~~(c)~~ (iii) That the provision of public improvements related
98 30 to housing and residential development will encourage housing
98 31 and residential development which is necessary to encourage
98 32 the retention or relocation of industrial and commercial
98 33 enterprises in this state and its municipalities.
98 34 ~~(d)~~ (iv) The acquisition of the area is necessary to
98 35 provide for the construction of housing for low and moderate



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99 1 income families.
99 2 ~~(2)~~ (b) If it is to be developed for nonresidential
99 3 uses, the local governing body shall determine that such
99 4 nonresidential uses are necessary and appropriate to facilitate
99 5 the proper growth and development of the community in
99 6 accordance with sound planning standards and local community
99 7 objectives.
99 8 (2) The acquisition of open land authorized in
99 9 ~~subparagraphs (1) and (2)~~ subparagraph (1), subparagraph
99 10 divisions (a) and (b) may require the exercise of governmental
99 11 action, as provided in this chapter, because of defective
99 12 or unusual conditions of title, diversity of ownership,
99 13 tax delinquency, improper subdivisions, outmoded street
99 14 patterns, deterioration of site, economic disuse, unsuitable
99 15 topography or faulty lot layouts, or because of the need for
99 16 the correlation of the area with other areas of a municipality
99 17 by streets and modern traffic requirements, or any combination
99 18 of such factors or other conditions which retard development of
99 19 the area. If such governmental action involves the exercise of
99 20 eminent domain authority, the municipality is subject to the
99 21 limitations of this chapter and chapters 6A and 6B.
99 22 Sec. 159. Section 403A.5, Code 2009, is amended to read as
99 23 follows:
99 24 403A.5 Exercise of municipal housing powers == municipal
99 25 housing agency.
99 26 1. Any municipality may create, in such municipality, a
99 27 public body corporate and politic to be known as the "Municipal
99 28 Housing Agency" of such municipality except that such agency
99 29 shall not transact any business or exercise its powers
99 30 hereunder until or unless the local governing body has elected
99 31 to exercise its municipal housing powers through such an agency
99 32 as prescribed in this section.
99 33 2. If the municipal housing agency is authorized to transact
99 34 business and exercise powers hereunder, the mayor, by and with
99 35 the advice and consent of the local governing body, shall



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100 1 appoint a board of commissioners of the municipal housing
100 2 agency which board shall consist of five commissioners. The
100 3 term of office for three of the commissioners originally
100 4 appointed shall be two years and the term of office for two
100 5 of the commissioners originally appointed shall be one year.
100 6 Thereafter the term of office for each commissioner shall be
100 7 two years. In cities having a population of more than one
100 8 hundred thousand, the city council may establish, by ordinance,
100 9 the number of commissioners at not less than five.

100 10 3. A commissioner shall receive no compensation for
100 11 services, but shall be entitled to the necessary expenses,
100 12 including traveling expenses, incurred in the discharge of a
100 13 duty. Each commissioner shall hold office until a successor
100 14 has been appointed and has qualified. A certificate of the
100 15 appointment or reappointment of any commissioner shall be filed
100 16 with the clerk of the municipality, and the certificate shall
100 17 be conclusive evidence of the due and proper appointment of the
100 18 commissioner.

100 19 4. a. The powers of a municipal housing agency shall
100 20 be exercised by the commissioners. A majority of the
100 21 commissioners shall constitute a quorum for the purpose of
100 22 conducting business and exercising the powers of the agency,
100 23 and for all other purposes. Action may be taken by the agency
100 24 upon a vote of a majority of the commissioners present, unless
100 25 in any case the bylaws shall require a larger number. Any
100 26 persons may be appointed as commissioners if they reside within
100 27 the area of operation of the agency, which area shall be
100 28 conterminous with the area of operation of the municipality,
100 29 and if they are otherwise eligible for appointments under this
100 30 chapter.

100 31 b. The mayor shall designate a chairperson and vice
100 32 chairperson from among the commissioners. An agency may employ
100 33 an executive director, technical experts and such other agents
100 34 and employees, permanent and temporary, as it may require, and
100 35 the agency may determine their qualifications, duties, and



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101 1 compensation. For such legal service as it may require, an
101 2 agency may employ or retain its own counsel and legal staff.
101 3 An agency authorized to transact business and exercise powers
101 4 under this chapter shall file, with the local governing
101 5 body, on or before September 30 of each year, a report of
101 6 its activities for the preceding fiscal year, which report
101 7 shall include a complete financial statement setting forth its
101 8 assets, liabilities, income, and operating expense as of the
101 9 end of such fiscal year. At the time of filing the report, the
101 10 agency shall publish in a newspaper of general circulation in
101 11 the community a notice to the effect that such report has been
101 12 filed with the municipality, and that the report is available
101 13 for inspection during business hours in the office of the city
101 14 clerk and in the office of the agency.

101 15 c. For inefficiency, or neglect of duty, or misconduct in
101 16 office, a commissioner may be removed by a majority vote of the
101 17 governing body of the municipality only after a hearing before
101 18 the body, and after the commissioner shall have been given a
101 19 copy of the charges at least ten days prior to such hearing,
101 20 and after the commissioner shall have had an opportunity to be
101 21 heard in person or by counsel.

101 22 5. A municipality may itself exercise the powers in
101 23 connection with municipal housing as defined in this chapter,
101 24 or may, if the local governing body by resolution determines
101 25 such action to be in the public interest, elect to have such
101 26 powers exercised by the municipal housing agency, if one
101 27 exists or is subsequently established in the community. In
101 28 the event the local governing body makes such determination,
101 29 the municipal housing agency shall be vested with all of the
101 30 municipal housing project powers in the same manner as though
101 31 all such powers were conferred on such agency instead of the
101 32 municipality. If the local governing body does not elect to
101 33 make such determination, the municipality in its discretion may
101 34 exercise its municipal housing project powers through a board
101 35 or commissioner, or through such officers of the municipality



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102 1 as the local governing body may by resolution determine.

102 2 6. A municipality or a "Municipal Housing Agency" may not
102 3 proceed with a housing project until a study or a report and
102 4 recommendation on housing available within the community is
102 5 made public by the municipality or agency and is included in
102 6 its recommendations for a housing project. Recommendations
102 7 must receive majority approval from the local governing body
102 8 before proceeding on the housing project.

102 9 Sec. 160. Section 404.2, subsection 2, paragraph h, Code
102 10 2009, is amended to read as follows:

102 11 h. Any tax exemption schedule authorized in section 404.3,
102 12 subsection 5, that shall be used in lieu of the schedule set
102 13 out in section 404.3, subsection 1, 2, 3, or 4. In the case of
102 14 a county, the tax schedules used shall only be applicable to
102 15 property of the type for which the revitalization area is zoned
102 16 at the time the county designates the area a revitalization
102 17 area.

~~102 18 In the case of a county, the tax schedules used shall only be~~
~~102 19 applicable to property of the type for which the revitalization~~
~~102 20 area is zoned at the time the county designates the area a~~
~~102 21 revitalization area.~~

102 22 Sec. 161. Section 411.5, subsection 9, Code 2009, is amended
102 23 to read as follows:

102 24 9. Duties of actuary.

102 25 a. The actuary shall be the technical advisor of the system
102 26 on matters regarding the operation of the fire and police
102 27 retirement fund and shall perform such other duties as are
102 28 required in connection with the operation of the system.

102 29 b. The actuary shall make such investigation of anticipated
102 30 interest earnings and of the mortality, service, and
102 31 compensation experience of the members of the system as the
102 32 actuary recommends, and on the basis of the investigation the
102 33 system shall adopt such tables and such rates as are required
102 34 in subsection 11.

102 35 Sec. 162. Section 411.30, Code 2009, is amended to read as



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103 1 follows:
103 2 411.30 Transfer of membership.
103 3 1. Upon the written approval of the applicable county
103 4 board of supervisors and city council, to the Iowa public
103 5 employees' retirement system, a vested member of the Iowa
103 6 public employees' retirement system on June 30, 1986, who meets
103 7 all of the following requirements shall become a member of a
103 8 retirement system under this chapter on July 1, 1986:
103 9 ~~1.~~ a. Was a vested member of the retirement system
103 10 established in this chapter on June 30, 1973.
103 11 ~~2.~~ b. Was an elected bailiff of a municipal court on June
103 12 30, 1973.
103 13 ~~3.~~ c. Became a deputy sheriff on July 1, 1973, and pursuant
103 14 to 1972 Iowa Acts, chapter 1124, section 43, continued coverage
103 15 under a retirement system under this chapter.
103 16 ~~4.~~ d. Upon election as a county sheriff, was transferred
103 17 from membership under this chapter to membership in a
103 18 retirement system established in chapter 97B.
103 19 2. The Iowa public employees' retirement system shall
103 20 transfer to the board of trustees of the applicable retirement
103 21 system under this chapter an amount equal to the total of the
103 22 accumulated contributions of the member as defined in section
103 23 97B.1A, subsection 2, together with the employer contribution
103 24 for that period of service plus the interest that accrued on
103 25 the contributions for that period equal to two percent plus
103 26 the interest dividend rate applicable for each year. The
103 27 board of trustees of the applicable retirement system under
103 28 this chapter shall credit the member whose contributions are
103 29 transferred under this section with membership service under
103 30 this chapter for the period for which the member was covered
103 31 under the Iowa public employees' retirement system. If the
103 32 amount of the accumulated contributions as defined in section
103 33 97B.1A, subsection 2, transferred is less than the amount that
103 34 would have been contributed under section 411.8, subsection
103 35 1, paragraph "f", at the rates in effect for the period for



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104 1 which contributions were made plus the interest that would have
104 2 accrued on the amount, the member shall pay the difference
104 3 together with interest that would have accrued on the amount.
104 4 3. a. If the amount of the employer contributions
104 5 transferred is less than the amount that would have been
104 6 contributed by the employer under section 411.5, subsection
104 7 12, paragraph "b", plus the interest that would have accrued
104 8 on the contributions, the board of trustees of the applicable
104 9 retirement system under this chapter shall determine the
104 10 remaining contribution amount due. The board of trustees shall
104 11 notify the county board of supervisors of the county in which
104 12 the sheriff was elected of the remaining amount to be paid to
104 13 the retirement system under this chapter.
104 14 b. The county board of supervisors shall forthwith pay to
104 15 the board of trustees of the applicable retirement system the
104 16 remaining amount to be paid from moneys in the county general
104 17 fund.
104 18 4. From July 1, 1986, the county board of supervisors
104 19 of the county in which the sheriff was elected shall deduct
104 20 the contribution required of the member under section 411.8,
104 21 subsection 1, paragraph "f", from the member's earnable
104 22 compensation and the county shall pay from the county general
104 23 fund an amount equal to the normal rate of contribution
104 24 multiplied by the member's earnable compensation to the
104 25 applicable retirement system for the period in which the member
104 26 remains sheriff or deputy sheriff of that county.

DIVISION III

INTERNAL REFERENCE CHANGES

104 27
104 28
104 29 Sec. 163. Section 123.38, unnumbered paragraph 2, Code
104 30 2009, is amended to read as follows:
104 31 Any licensee or permittee, or the licensee's or permittee's
104 32 executor or administrator, or any person duly appointed by the
104 33 court to take charge of and administer the property or assets
104 34 of the licensee or permittee for the benefit of the licensee's
104 35 or permittee's creditors, may voluntarily surrender a license



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105 1 or permit to the division. When a license or permit is
105 2 surrendered the division shall notify the local authority, and
105 3 the division or the local authority shall refund to the person
105 4 surrendering the license or permit, a proportionate amount of
105 5 the fee received by the division or the local authority for
105 6 the license or permit as follows: if a license or permit is
105 7 surrendered during the first three months of the period for
105 8 which it was issued, the refund shall be three-fourths of the
105 9 amount of the fee; if surrendered more than three months but
105 10 not more than six months after issuance, the refund shall be
105 11 one-half of the amount of the fee; if surrendered more than
105 12 six months but not more than nine months after issuance, the
105 13 refund shall be one-fourth of the amount of the fee. No refund
105 14 shall be made, however, for any special liquor permit, nor
105 15 for a liquor control license, wine permit, or beer permit
105 16 surrendered more than nine months after issuance. For purposes
105 17 of this paragraph, any portion of license or permit fees used
105 18 for the purposes authorized in section 331.424, subsection 1,
105 19 ~~paragraphs "a" and "b"~~ paragraph "a", subparagraphs (1) and (2),
105 20 and in section 331.424A, shall not be deemed received either
105 21 by the division or by a local authority. No refund shall be
105 22 made to any licensee or permittee, upon the surrender of the
105 23 license or permit, if there is at the time of surrender, a
105 24 complaint filed with the division or local authority, charging
105 25 the licensee or permittee with a violation of this chapter.
105 26 If upon a hearing on a complaint the license or permit is
105 27 not revoked or suspended, then the licensee or permittee is
105 28 eligible, upon surrender of the license or permit, to receive
105 29 a refund as provided in this section; but if the license or
105 30 permit is revoked or suspended upon hearing the licensee or
105 31 permittee is not eligible for the refund of any portion of the
105 32 license or permit fee.
105 33 Sec. 164. Section 144.36, subsection 4, Code 2009, is
105 34 amended to read as follows:
105 35 4. The county registrar shall record and forward to the



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106 1 state registrar on or before the tenth day of each calendar
106 2 month the original certificates of marriages filed with the
106 3 county registrar during the preceding calendar month and the
106 4 fees collected by the county registrar on behalf of the state
106 5 for applications for a license to marry in accordance with
106 6 section 331.605, subsection 7 1, paragraph "g".

106 7 Sec. 165. Section 144.46, subsection 2, Code 2009, is
106 8 amended to read as follows:

106 9 2. Fees collected by the state registrar and by the county
106 10 registrar on behalf of the state under this section shall
106 11 be deposited in the general fund of the state and the vital
106 12 records fund established in section 144.46A in accordance with
106 13 an apportionment established by rule. Fees collected by the
106 14 county registrar pursuant to section 331.605, subsection 6 1,
106 15 paragraph "f", shall be deposited in the county general fund.

106 16 Sec. 166. Section 218.99, Code 2009, is amended to read as
106 17 follows:

106 18 218.99 Counties to be notified of patients' personal
106 19 accounts.

106 20 The administrator in control of a state institution shall
106 21 direct the business manager of each institution under the
106 22 administrator's jurisdiction which is mentioned in section
106 23 331.424, subsection 1, ~~paragraphs "a" and "b"~~ paragraph "a",
106 24 subparagraphs (1) and (2), and for which services are paid
106 25 under section 331.424A, to quarterly inform the county of legal
106 26 settlement's entity designated to perform the county's central
106 27 point of coordination process of any patient or resident who
106 28 has an amount in excess of two hundred dollars on account in
106 29 the patients' personal deposit fund and the amount on deposit.
106 30 The administrators shall direct the business manager to further
106 31 notify the entity designated to perform the county's central
106 32 point of coordination process at least fifteen days before the
106 33 release of funds in excess of two hundred dollars or upon the
106 34 death of the patient or resident. If the patient or resident
106 35 has no county of legal settlement, notice shall be made to the



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107 1 director of human services and the administrator in control of
107 2 the institution involved.

107 3 Sec. 167. Section 303A.4, subsection 2, Code 2009, is
107 4 amended to read as follows:

107 5 2. An Iowa cultural trust fund is created in the office
107 6 of the treasurer of state for the purpose of receiving moneys
107 7 appropriated by the general assembly and any other moneys
107 8 available to the trust fund due to the issuance of trust
107 9 fund credits by the director as provided in section 303.1A,
107 10 subsection ~~6~~ 1, paragraph "f".

107 11 Sec. 168. Section 303A.6, subsection 2, Code 2009, is
107 12 amended to read as follows:

107 13 2. Approve or disapprove the grants recommended for
107 14 approval by the director, in consultation with the Iowa arts
107 15 council and the state historical society of Iowa, in accordance
107 16 with section 303.1A, subsection ~~6~~ 1, paragraph "e" "f",
107 17 subparagraph (3). The board may delete any recommendation, but
107 18 shall not add to or otherwise amend the list of recommended
107 19 grants.

107 20 Sec. 169. Section 307.10, subsection 15, Code 2009, is
107 21 amended to read as follows:

107 22 15. Approve all rules prior to their adoption by the
107 23 director pursuant to section 307.12, subsection ~~10~~ 1, paragraph
107 24 "j".

107 25 Sec. 170. Section 321.12, subsection 3, paragraph a, Code
107 26 2009, is amended to read as follows:

107 27 a. Records concerning suspensions authorized under section
107 28 321.210, subsection 1, paragraph ~~"g"~~ "a", subparagraph (7),
107 29 and section 321.210A may be destroyed six months after the
107 30 suspension is terminated and the requirements of section
107 31 321.191 have been satisfied.

107 32 Sec. 171. Section 321.180A, subsections 1 and 3, Code 2009,
107 33 are amended to read as follows:

107 34 1. Notwithstanding other provisions of this chapter, a
107 35 person with a physical disability, who is not suffering from



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108 1 a convulsive disorder and who can provide a favorable medical
108 2 report, whose license renewal has been denied under section
108 3 321.177, subsection 6 or 7, or whose driver's license has
108 4 been suspended under section 321.210, subsection 1, paragraph
108 5 ~~"e"~~ "a", subparagraph (3), upon meeting the requirements of
108 6 section 321.186, other than a driving demonstration or the
108 7 person's limitations which caused the denial under section
108 8 321.177, subsection 6 or 7, or suspension under section
108 9 321.210, subsection 1, paragraph ~~"e"~~ "a", subparagraph (3),
108 10 and upon paying the fee required in section 321.191, shall be
108 11 issued a special instruction permit by the department. Upon
108 12 issuance of the permit the denial or suspension shall be stayed
108 13 and the stay shall remain in effect as long as the permit is
108 14 valid.

108 15 3. The permittee may apply for a driver's license if thirty
108 16 days have elapsed since issuance of the special instruction
108 17 permit. The department shall issue a driver's license if the
108 18 permittee is qualified, passes all required tests, including
108 19 a driving test, and pays the required fees. If the person
108 20 has not obtained a driver's license before expiration of the
108 21 person's special instruction permit, the person's former
108 22 denial or suspension under section 321.177, subsection 6
108 23 or 7, or section 321.210, subsection 1, paragraph ~~"e"~~ "a",
108 24 subparagraph (3), upon service of notice by the department,
108 25 shall be reinstated. A permit shall be reissued for one
108 26 additional six-month period if a permittee continues to meet
108 27 the qualifications of subsection 1 and has incurred no motor
108 28 vehicle violations.

108 29 Sec. 172. Section 321.191, subsection 8, Code 2009, is
108 30 amended to read as follows:

108 31 8. Driver's license reinstatements. The fee for
108 32 reinstatement of a driver's license shall be twenty dollars
108 33 for a license which is, after notice and opportunity for
108 34 hearing, canceled, suspended, revoked, or barred. However,
108 35 reinstatement of the privilege suspended under section 321.210,



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109 1 subsection 1, paragraph ~~"e"~~ "a", subparagraph (3), shall be
109 2 without fee. The fee for reinstatement of the privilege
109 3 to operate a commercial motor vehicle after a period of
109 4 disqualification shall be twenty dollars.
109 5 Sec. 173. Section 321.210, subsection 2, paragraph c, Code
109 6 2009, is amended to read as follows:
109 7 c. Parking violations, meaning violation of a local
109 8 authority parking ordinance or violation of sections 321L.4,
109 9 321.366, subsection ~~6~~ 1, paragraph "f", and 321.354 through
109 10 321.361 except section 321.354, subsection 1.
109 11 Sec. 174. Section 321.210C, subsection 1, Code 2009, is
109 12 amended to read as follows:
109 13 1. A person whose driver's license or operating privileges
109 14 have been suspended, revoked, or barred under this chapter
109 15 for a conviction of a moving traffic violation, or suspended,
109 16 revoked, or barred under section 321.205 or section 321.210,
109 17 subsection 1, paragraph ~~"e"~~ "a", subparagraph (5), must
109 18 satisfactorily complete a twelve-month probation period
109 19 beginning immediately after the end of the period of
109 20 suspension, revocation, or bar. Upon a second conviction of a
109 21 moving traffic violation which occurred during the probation
109 22 period, the department may suspend the driver's license or
109 23 operating privileges for an additional period equal in duration
109 24 to the original period of suspension, revocation, or bar, or
109 25 for one year, whichever is the shorter period.
109 26 Sec. 175. Section 321.218, subsection 3, paragraph a, Code
109 27 Supplement 2009, is amended to read as follows:
109 28 a. The department, upon receiving the record of the
109 29 conviction of a person under this section upon a charge of
109 30 operating a motor vehicle while the license of the person is
109 31 suspended or revoked, shall, except for licenses suspended
109 32 under section 252J.8, 321.210, subsection 1, paragraph ~~"e"~~ "a",
109 33 subparagraph (3), or section 321.210A or 321.513, extend the
109 34 period of suspension or revocation for an additional like
109 35 period or for one year, whichever period is shorter, and the



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110 1 department shall not issue a new driver's license to the person
110 2 during the extended period.

110 3 Sec. 176. Section 321.415, subsection 1, paragraphs a and b,
110 4 Code 2009, are amended to read as follows:

110 5 a. Whenever a driver of a vehicle approaches an oncoming
110 6 vehicle within one thousand feet, the driver shall use a
110 7 distribution of light, or composite beam, so aimed that the
110 8 glaring rays are not projected into the eyes of the oncoming
110 9 driver. The lowermost distribution of light, or composite
110 10 beam, specified in section 321.409, subsection ~~2~~ 1, paragraph
110 11 "b", shall be deemed to avoid glare at all times, regardless of
110 12 road contour and loading.

110 13 b. Whenever the driver of a vehicle follows another vehicle
110 14 within four hundred feet to the rear, except when engaged in
110 15 the act of overtaking and passing, the driver shall use a
110 16 distribution of light permissible under this chapter other
110 17 than the uppermost distribution of light specified in section
110 18 321.409, subsection 1, paragraph "a".

110 19 Sec. 177. Section 321A.17, subsection 4, Code Supplement
110 20 2009, is amended to read as follows:

110 21 4. An individual applying for a driver's license following a
110 22 period of suspension or revocation pursuant to a dispositional
110 23 order issued under section 232.52, subsection 2, paragraph
110 24 "a", or under section 321.180B, section 321.210, subsection
110 25 1, paragraph ~~"a"~~ "a", subparagraph (4), or section 321.210A,
110 26 321.213A, 321.213B, 321.216B, or 321.513, following a period
110 27 of suspension under section 321.194, or following a period
110 28 of revocation pursuant to a court order issued under section
110 29 901.5, subsection 10, or under section 321J.2A, is not required
110 30 to maintain proof of financial responsibility under this
110 31 section.

110 32 Sec. 178. Section 331.301, subsection 12, Code Supplement
110 33 2009, is amended to read as follows:

110 34 12. The board of supervisors may credit funds to a reserve
110 35 for the purposes authorized by subsection 11 of this section;



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111 1 section 331.424, subsection 1, paragraph ~~"f"~~ "a", subparagraph
111 2 (6); and section 331.441, subsection 2, paragraph "b". Moneys
111 3 credited to the reserve, and interest earned on such moneys,
111 4 shall remain in the reserve until expended for purposes
111 5 authorized by subsection 11 of this section; section 331.424,
111 6 subsection 1, paragraph ~~"f"~~ "a", subparagraph (6); or section
111 7 331.441, subsection 2, paragraph "b".
111 8 Sec. 179. Section 331.610, Code 2009, is amended to read as
111 9 follows:
111 10 331.610 Abolition of office of recorder == identification of
111 11 office == place of filing.
111 12 If the office of county recorder is abolished in a county,
111 13 the auditor of that county shall be referred to as the county
111 14 auditor and recorder. After abolition of the office of county
111 15 recorder, references in the Code requiring filing or recording
111 16 of documents with the county recorder shall be deemed to
111 17 require the filing in the office of the county auditor and
111 18 recorder, and all duties of the abolished office of recorder
111 19 shall be performed by the county auditor and recorder.
111 20 However, the board of supervisors may direct that any of
111 21 the duties of the abolished office of recorder prescribed
111 22 in section 331.602, subsection 9, 10, 11, or 16, or section
111 23 331.605, subsection 1, ~~2, 3, 4~~ paragraphs "a", "b", "c", "d",
111 24 or ~~5~~ "e", shall be performed by other county officers or
111 25 employees as provided in section 331.323.
111 26 Sec. 180. Section 368.7, subsection 3, Code 2009, is amended
111 27 to read as follows:
111 28 3. An application for annexation of territory within an
111 29 urbanized area of a city other than the city to which the
111 30 annexation is directed must be approved both by resolution of
111 31 the council which receives the application and by the board.
111 32 The board shall not approve an application which creates an
111 33 island. Notice of the application shall be mailed by certified
111 34 mail, by the city to which the annexation is directed, at least
111 35 fourteen business days prior to any action by the city council



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112 1 on the application to the council of each city whose boundary
112 2 adjoins the territory or is within two miles of the territory,
112 3 to the board of supervisors of each county which contains a
112 4 portion of the territory, each affected public utility, and
112 5 to the regional planning authority of the territory. Notice
112 6 of the application shall be published in an official county
112 7 newspaper in each county which contains a portion of the
112 8 territory at least ten business days prior to any action by the
112 9 city council on the application. The annexation is completed
112 10 when the board has filed and recorded copies of applicable
112 11 portions of the proceedings as required by section 368.20,
112 12 subsection ~~2~~ 1, paragraph "b".

112 13 DIVISION IV

112 14 DIRECTIVES

112 15 Sec. 181. CODE EDITOR DIRECTIVES.

112 16 1. The Code editor is directed to number or renumber to
112 17 eliminate unnumbered paragraphs in sections 256.33, 256B.4,
112 18 256B.6, 260C.31, 260C.66, 260C.69, 261.83, 261A.15, 262.25,
112 19 262A.13, 275.16, 277.4, 285.2, 305B.11, 306.22, 307.22, 309.10,
112 20 311.7, 313.3, 313.5, 321.31, 321.68, 321.193, 321.211, 321.473,
112 21 321.475, 321.476, 321E.28, 321I.15, 321L.3, 322.9, 322A.15,
112 22 322C.12, 326.19A, 326.25, 327D.13, 327F.27, 327G.4, 327G.15,
112 23 327G.29, 327G.32, 331.254, 331.261, 354.10, 354.12, 354.22,
112 24 356.26, 357.1A, 357A.2, 357A.18, 357A.20, 357C.1A, 357C.5,
112 25 359.52, 362.3, 372.1, 376.6, 384.18, 389.3, 400.7, 403A.14, and
112 26 420.43, Code 2009, in accordance with established Code section
112 27 hierarchy and correct internal references in the Code and in
112 28 any enacted Iowa Acts as necessary.

112 29 2. The Code editor is directed to number, renumber,
112 30 designate, or redesignate to eliminate unnumbered paragraphs
112 31 within section subunits in sections 22.1, subsection 3;
112 32 256.11, subsection 5, paragraphs "g", "h", and "j"; 256.12,
112 33 subsection 2; 256.52, subsection 3; 257.3, subsection 1; 257.6,
112 34 subsections 3 and 5; 257.32, subsection 1; 257.37, subsection
112 35 5; 258.17, subsections 2 and 3; 260C.18B, subsection 1;



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113 1 260C.72, subsection 1; 261.17, subsection 3; 261.38, subsection
113 2 5; 261.126, subsection 4; 266.39, subsections 3 and 4; 273.8,
113 3 subsection 8; 273.27, subsection 1; 279.10, subsection 3;
113 4 279.15, subsection 2; 280.15, subsection 2; 282.3, subsection
113 5 2; 282.4, subsection 2; 285.5, subsection 1; 296.7, subsections
113 6 1 and 4; 299A.4, subsection 7; 303.16, subsection 5; 303.16,
113 7 subsection 9, paragraph "a"; 306.4, subsection 4; 313.2A,
113 8 subsection 2; 316.2, subsection 3; 321.34, subsections 2, 8,
113 9 8A, 15, 16, 17, 18, 19, 20, 20A, and 20B; 321.48, subsection 1;
113 10 321.69, subsections 7 and 10; 321.109, subsection 2; 321.124,
113 11 subsection 3, paragraph "h"; 321.166, subsection 1; 321.180,
113 12 subsection 1, paragraphs "a" and "b"; 321.180B, subsections 1
113 13 and 2; 321.189, subsection 1; 321.201, subsection 1; 321.372,
113 14 subsections 1 and 3; 321.445, subsection 2; 321.471, subsection
113 15 1; 321A.2, subsection 1; 321A.5, subsection 3; 321G.13,
113 16 subsection 1; 321J.4B, subsection 5, paragraph "f"; 321J.20,
113 17 subsection 1, paragraph "c"; 321J.24, subsection 5; 322.3,
113 18 subsection 13; 322.19, subsection 1; 322G.4, subsections
113 19 1, 2, and 3; 322G.6, subsection 3; 324A.6, subsection 1;
113 20 331.238, subsection 2; 331.248, subsection 4; 331.249,
113 21 subsections 2 and 7; 331.260, subsection 2; 331.323, subsection
113 22 1; 331.426, subsection 2; 331.463, subsection 1; 331.659,
113 23 subsection 1; 331.904, subsection 1; 350.4, subsection 9;
113 24 352.5, subsection 3; 356.7, subsection 5; 357A.24, subsection
113 25 4; 359.49, subsection 8; 368.7, subsection 1, paragraph
113 26 "b", and subsection 4; 368.11, subsection 3, paragraph "m";
113 27 372.4, subsection 1; 373.2, subsection 2; 373.11, subsection
113 28 1; 384.38, subsection 3; 384.65, subsection 4; 384.82,
113 29 subsection 1; 384.103, subsection 2; 386.3, subsection 3;
113 30 403.5, subsection 2; 403.8, subsection 2; 403.9, subsection
113 31 3; 403.19, subsection 5, paragraph "a"; 403.22, subsection
113 32 1; 404.2, subsection 5; 411.6B, subsection 1, paragraph "b";
113 33 411.8, subsection 1, paragraph "g"; and 411.21, subsection 7,
113 34 Code 2009, and correct internal references in the Code and in
113 35 any enacted Iowa Acts as necessary.



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114 1 3. The Code editor is directed to number or renumber
114 2 to eliminate unnumbered paragraphs within section subunits
114 3 in sections 10A.108, subsection 1; 321L.5, subsection 6;
114 4 and 411.36, subsection 1, Code Supplement 2009, and correct
114 5 internal references in the Code and in any enacted Iowa Acts
114 6 as necessary.
114 7 4. a. The Code editor is directed to strike the words
114 8 "title" or "Title" and insert "Tit." within federal Act
114 9 references in sections 13.31, subsections 1 and 6; 15E.192,
114 10 subsection 2; 15E.195, subsections 1 and 2; 30.1, subsection
114 11 3; 47.1, subsection 5; 96.11, subsection 10, paragraph "c";
114 12 97C.1; 97C.2, subsections 2, 5, and 7; 97C.3, unnumbered
114 13 paragraph 1, and subsections 1 and 2; 135C.9, subsection
114 14 1, paragraph "b"; 142A.8, subsection 2; 203C.1, subsection
114 15 26; 207.21, subsections 1, 4, and 5; 207.22, subsection 3,
114 16 paragraph "b"; 217.38; 228.1, subsection 7; 230.20, subsection
114 17 6; 232.1A; 234.6, subsection 1; 249.1, subsection 3; 249A.2,
114 18 subsections 1, 4, 6, 7, and 8; 249A.20A, subsection 5; 249A.24,
114 19 subsection 2, paragraph "b"; 249B.1, subsections 6 and 7;
114 20 249F.1, subsection 1; 249F.8; 249J.3, subsection 8; 249J.10,
114 21 subsection 3; 249J.22, subsection 3; 252B.6, subsection
114 22 3; 252B.9, subsection 2, paragraph "b", subparagraph (1),
114 23 subsection 3, paragraphs "c", "d", "e", subparagraph (1), and
114 24 "f"; 252B.14, subsection 5; 252D.20; 252E.15; 259.2, unnumbered
114 25 paragraph 2; 259.9; 260C.18A, subsection 2, paragraph "c";
114 26 306B.1, subsections 3 and 4; 307.10, subsection 13; 321.105,
114 27 subsection 5; 321.450, subsections 1 and 3; 403.6, subsection
114 28 7; 455B.133, subsection 3 and subsection 8, paragraph "a";
114 29 459A.102, subsection 19; 483A.4, subsection 1; 486A.101,
114 30 subsection 2, paragraph "a"; 488.102, subsection 3, paragraph
114 31 "a"; 490A.102, subsection 2; 514.7, subsections 2 through
114 32 4; 514B.1, subsection 5, paragraphs "b" through "d"; 514C.8,
114 33 subsection 1; 514F.4, subsection 2, paragraph "a"; 514I.9,
114 34 subsection 1; 523A.401, subsection 5, paragraph "a"; 523A.402,
114 35 subsection 5, paragraph "a"; 523A.602, subsection 3; 534.205,



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115 1 subsection 1; 541A.1, subsection 8, paragraph "b", subparagraph
115 2 (2); and 541A.6, Code 2009.

115 3 b. The Code editor is directed to strike the word "title"
115 4 or "Title" and insert "Tit." within federal Act references in
115 5 section 35.1, subsection 2, paragraph "b", subparagraphs (1)
115 6 and (2), Code Supplement 2009.

115 7 c. The Code editor is directed to strike the word "Title"
115 8 and "Part" and insert "Tit." and "pt." within federal Act
115 9 references in sections 257.50 and 261.86, subsection 5, Code
115 10 2009.

115 11 d. The Code editor is directed to strike the words "Title",
115 12 "subtitle", "Part", and "Subpart" and insert "Tit.", "subtit.",
115 13 "pt.", and "subpt.", where applicable, within federal Act
115 14 references in sections 256.10A; 256F.3, subsection 1; and
115 15 476.42, subsection 1, unnumbered paragraph 2 and subsection 4,
115 16 unnumbered paragraph 2, Code 2009.

115 17 e. The Code editor is directed to strike the word "Title"
115 18 and "subchapter" and insert "Tit." and "subch." within a
115 19 federal Act reference in section 537.1302, Code 2009.

115 20 f. The Code editor is directed to strike the words
115 21 "subchapter" and "part" and insert "pt." within a Code of
115 22 federal regulations reference in section 162.20, subsection 5,
115 23 paragraph "c", Code 2009.

115 24

DIVISION V

115 25

EFFECTIVE DATES

115 26 Sec. 182. EFFECTIVE UPON ENACTMENT AND RETROACTIVE
115 27 APPLICABILITY. The following provision or provisions of this
115 28 Act, being deemed of immediate importance, take effect upon
115 29 enactment and apply retroactively to July 1, 2009:

115 30 1. The section of this Act striking 2009 Iowa Acts, chapter
115 31 9, section 6, subsection 1.

115 32 2. The section of this Act repealing 2009 Iowa Acts, chapter
115 33 133, sections 228 and 247.

115 34 3. The section of this Act repealing 2009 Iowa Acts, chapter
115 35 170, section 3.



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116 1 4. The section of this Act amending 2009 Iowa Acts, chapter
116 2 179, section 30.

116 3 5. The section of this Act amending 2009 Iowa Acts, chapter
116 4 179, sections 201 and 202.

116 5 Sec. 183. EFFECTIVE UPON ENACTMENT AND RETROACTIVE
116 6 APPLICABILITY. The section of this Act amending 2009 Iowa
116 7 Acts, chapter 100, section 35, takes effect upon enactment and
116 8 applies retroactively to May 12, 2009.

116 9 EXPLANATION

116 10 This bill makes Code changes and corrections that are
116 11 considered to be nonsubstantive and noncontroversial, in
116 12 addition to style changes. Changes made include updating
116 13 or correcting names of and references to public and private
116 14 entities and funds, correcting internal Code and subject matter
116 15 references, renumbering and reorganizing various provisions
116 16 to eliminate unnumbered paragraphs and facilitate citation,
116 17 updating United States Code and Code of federal regulations
116 18 references, and making various grammatical corrections. The
116 19 Code sections in which the technical, grammatical, and other
116 20 nonsubstantive changes are made include all of the following:

116 21 DIVISION I. Code section 9A.102, subsection 2: Corrects a
116 22 reference to the term "agency contract" which is the defined
116 23 term used to describe contracts entered into between athletes
116 24 and athlete agents.

116 25 Code sections 9H.1, 10B.1, 28E.17, 155.12, 172A.5, 196.9,
116 26 306C.20, 455B.131, 483A.24, 491.36, 537.5105, 543C.2,
116 27 554B.2, 633.517, 636.45, 669.22, 670.8, and 714B.10: Updates
116 28 references to provisions within the United States Code and the
116 29 Code of federal regulations. In Code sections 9H.1, 10B.1,
116 30 28E.17, 96.9, 155.12, 172A.5, 196.9, 306C.20, 483A.24, 491.36,
116 31 537.5105, 543C.2, 554B.2, 633.517, 636.45, 669.22, 670.8,
116 32 and 714B.10 the references are converted to a standardized
116 33 format. In Code sections 28E.17, 554B.2, 633.517, and 636.45
116 34 the references are updated to reflect the current United States
116 35 Code reference and in Code sections 455B.131, 491.36, and



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117 1 714B.10 the references are corrected to reflect the correct
117 2 United States Code or Code of federal regulations reference.
117 3 In Code section 636.45, the term "building and loan
117 4 associations" is updated to the current term "savings and loan
117 5 associations".
117 6 Code sections 12B.10B, 43.31, 53.40, 53.41, 159.1, 159.5,
117 7 279.14, 331.321, 331.508, 420.220, 455B.602, 455G.21,
117 8 and 626D.3: Updates internal references to eliminate
117 9 self=references to Code chapters in Code sections within those
117 10 Code chapters, self=references within Code sections, and
117 11 references to repealed Code sections in string and through
117 12 citations in current Code sections. The purpose of the
117 13 updates is to improve the hypertext and internal reference
117 14 identification process.
117 15 Code section 20.4: Corrects the grammar of a collective
117 16 bargaining provision by changing the noun "layoff" to the
117 17 verb "lay off" within the definition of the term "supervisory
117 18 employee".
117 19 Code section 76.2: Substitutes "a political subdivision"
117 20 for "these political subdivisions" to conform to the use of
117 21 the singular "political subdivision" elsewhere in the Code
117 22 section and adds a reference to the provision which specifies
117 23 what types of entities are referred to when the term "political
117 24 subdivision" is used.
117 25 Code sections 92.9, 103.1, 103.12, and 103.15: Updates
117 26 references to the name of the office within the United States
117 27 department of labor that is responsible for oversight of
117 28 apprenticeship programs.
117 29 Code sections 92.18: Replaces the word "seasonable" with
117 30 the word "seasonal" to correct the description of the purpose
117 31 for which certain laborers travel from state to state seeking
117 32 employment.
117 33 Code section 96.9: Renumbers to eliminate an unnumbered
117 34 paragraph and place numbered items into a list, as well
117 35 as replaces the word "section" with a section symbol in a



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118 1 reference to the federal Social Security Act.
118 2 Code section 96.20: Renumbers to eliminate an unnumbered
118 3 paragraph and conform numbering within this provision to Code
118 4 section hierarchy and combines two sentence fragments into a
118 5 single sentence in this unemployment compensation provision.
118 6 Code section 97B.1A, subsection 20: Combines two unnumbered
118 7 paragraphs under lettered paragraph "d" to eliminate an
118 8 unanchored unnumbered paragraph.
118 9 Code section 97B.42: Numbers unnumbered paragraphs and
118 10 reverses the placement of two provisions to place them in
118 11 chronological order in this Code section relating to certain
118 12 persons who are members of the Iowa public employees'
118 13 retirement system. Internal references to Code section
118 14 260C.14, which is partially renumbered in Division II of this
118 15 bill to eliminate unanchored unnumbered paragraphs, are also
118 16 corrected.
118 17 Code section 100B.13: Replaces two references to repealed
118 18 provisions that formerly provided revenue for volunteer fire
118 19 fighter preparedness fund with a reference to the current
118 20 provision that provides those funds.
118 21 Code section 100D.1: Makes grammatical changes in language
118 22 defining the terms "fire extinguishing system contractor" and
118 23 "fire protection system".
118 24 Code sections 124.212A and 126.23A: Substitutes the word
118 25 "from" for the word "in" in these provisions relating to sales
118 26 of pseudoephedrine products.
118 27 Code sections 126.12 and 166D.1: Corrects and conforms two
118 28 references to the name of the federal Virus=Serum=Toxin Act.
118 29 Code section 135.107, subsection 3, paragraph b,
118 30 subparagraph (2), subparagraph division (h): Substitutes the
118 31 words "determination of" for the word "determine" to conform
118 32 the usage within this subparagraph division to other usage in
118 33 other provisions in this subparagraph.
118 34 Code sections 135A.4 and 135A.5: Conforms language in
118 35 Code section 135A.4 to similar language relating to quarterly



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119 1 meetings of the respective public entities and changes the word
119 2 "greater" to "more" in language describing the maximum number
119 3 of members that may serve on those entities.
119 4 Code section 135A.9: Corrects the reference to the
119 5 Code section pursuant to which public health standards
119 6 are recommended by the governmental public health advisory
119 7 committee to the department of public health.
119 8 Code section 142A.3: Adds the words "of representative" to
119 9 a reference to the appointments made by the majority leader of
119 10 the house of representatives to the commission on tobacco use
119 11 prevention and control.
119 12 Code section 158.16: Adds the words "an amount" between
119 13 the words "fined" and "not to exceed one thousand dollars" in
119 14 language describing the penalty applicable for violations under
119 15 the Code chapter relating to the practice of barbering.
119 16 Code section 159A.4: Substitutes the word "agency" for
119 17 the word "department" in language preceding an enumeration of
119 18 agencies, including but not limited to departments, which have
119 19 representatives on the renewable fuels and coproducts advisory
119 20 committee.
119 21 Code section 215.17: Numbers provisions in this section
119 22 relating to test weights to set off the portions of the
119 23 provisions which constitute the statutory language from the
119 24 portions which set out tables containing fee amounts.
119 25 Code section 256A.4, subsection 1: Adds the words "family
119 26 support" in the very first paragraph of and renumbers to
119 27 eliminate unnumbered paragraphs in this subsection permitting
119 28 the establishment of family support programs.
119 29 Code sections 257.9, 257.10, and 455G.3: Adds references
119 30 to the years in which certain repealed but still referenced
119 31 provisions last appeared in the Code to permit readers of the
119 32 Code to locate the text of these former Code sections.
119 33 Code section 257.15: Adds the words "Code 1989" after
119 34 each instance of the citation to former Code chapter 442 to
119 35 facilitate hypertext linkage programming and conform to other



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120 1 instances of that citation within this Code section.
120 2 Code section 262A.2: Updates the listing of items within
120 3 this definition of "institutional income" to eliminate
120 4 hierarchical numbering that does not conform to existing Code
120 5 hierarchy.
120 6 Code section 282.1: Splits a run-on sentence into two
120 7 sentences, substitutes the words "school district" for "boards"
120 8 in the second sentence, and corrects an incorrect subsection
120 9 reference to the provision that relates to the charging of
120 10 tuition to sending school districts for students from grades
120 11 discontinued by the sending district.
120 12 Code section 298.18, subsection 1, paragraph "d": Adds
120 13 the word "dollars" after the words "cents per thousand" to
120 14 conform with other similar instances of language describing the
120 15 property taxes imposed under this Code section.
120 16 Code section 299.1: Adds the words "school district" in a
120 17 reference to the governing bodies of public school districts
120 18 which set attendance policies for the districts.
120 19 Code section 321.166: Corrects the grammar in this
120 20 provision describing the size of the registration plate numbers
120 21 on certain conveyances by substituting the plural form of
120 22 several nouns for the singular form of those same nouns.
120 23 Code section 422.34: Updates the spelling of the word
120 24 "cooperative" to match other uses within the chapter as well as
120 25 the spelling of the defined term within the federal Internal
120 26 Revenue Code.
120 27 Code section 424.16: Corrects the grammar in this provision
120 28 by substituting the word "nor" for the word "or" in the phrase
120 29 "Neither mailed notice or notice by publication".
120 30 Code section 433.7: Substitutes the word "by" for the
120 31 word "of" in the phrase "of the director" that appears in the
120 32 sentence beginning "At the time of determination of value of
120 33 the director..."
120 34 Code section 466B.3: Corrects references to the executive
120 35 heads of the homeland security and emergency management



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121 1 division of the department of public defense and of the Iowa
121 2 finance authority.
121 3 Code section 483A.24, subsection 2, paragraph "f": Numbers
121 4 certain paragraphs, within this lettered paragraph relating
121 5 to attestations in deer and wild turkey hunting license
121 6 applications, to anchor those paragraphs.
121 7 Code section 489.1013: Adds the word "that" in language
121 8 relating to the contents of a statement that relates to
121 9 domestication of a limited liability company in a foreign
121 10 jurisdiction.
121 11 Code sections 518.14 and 518A.12: Strikes an extraneous
121 12 "a" before references to "home office real estate" in language
121 13 relating to permitted investments in home office real estate by
121 14 state and county mutual insurance associations.
121 15 Code section 533A.8: Adds the word "the" between the words
121 16 "do all of" and the word "following" in language expressing
121 17 requirements imposed on debt management program licensees.
121 18 Code sections 554.2310 and 554.12403: Redesignates
121 19 subsections within these two provisions to conform to current
121 20 established Code section hierarchy. In Code section 554.2310,
121 21 the nonconforming numerals are stricken. In Code section
121 22 554.12403, the subsection components are given paragraph
121 23 lettering.
121 24 Code section 602.8106, subsection 1, paragraph "d": Strikes
121 25 the word "The" and substitutes the word "For" to conform the
121 26 style of this provision relating to collection by the clerk
121 27 of costs in scheduled violation cases to the style of other
121 28 paragraphs in this subsection.
121 29 Code section 723.4, subsection 6, paragraph "b": Changes
121 30 the word "section" to "subsection" to correctly refer to the
121 31 scope of the definitions contained within this subsection
121 32 paragraph. The defined terms are used only in that subsection.
121 33 2009 Iowa Acts, chapter 9, section 6: Strikes a directive
121 34 to create a new division within Code chapter 68B that was not
121 35 needed for the codification of the changes made by the Act.



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122 1 2009 Iowa Acts, chapter 100, section 35: Corrects this
122 2 effective date provision to refer to the division of the Act to
122 3 which it applies.
122 4 2009 Iowa Acts, chapter 133, sections 228 and 247: Strikes
122 5 extraneous provisions that changed internal references,
122 6 because the renumbering upon which the reference changes were
122 7 originally based were not made.
122 8 2009 Iowa Acts, chapter 170, section 3: Repeals, effective
122 9 July 1, 2009, pursuant to Division V of this bill, the addition
122 10 of a new subsection 9A to Code section 15G.111, which was
122 11 limited in effect from July 1, 2008, to June 30, 2009. Code
122 12 section 15G.111 was entirely rewritten effective July 1, 2009,
122 13 in 2009 Iowa Acts, chapter 123.
122 14 2009 Iowa Acts, chapter 175, section 25: Corrects an
122 15 incorrect subsection reference to amendments made by this same
122 16 Act to Code section 455B.172.
122 17 2009 Iowa Acts, chapter 179, section 30: Corrects an
122 18 incorrect paragraph designation in the text of an amendment to
122 19 subsection 2, paragraph "a", of Code section 12.90C.
122 20 2009 Iowa Acts, chapter 179, sections 201 and 202: Corrects
122 21 these implementation and applicability provisions to refer to
122 22 the division of the Act to which they apply.
122 23 DIVISION II. The Code sections in this division are amended
122 24 by numbering and renumbering the provisions within volume III
122 25 of the Code, and by changing textual references as necessary.
122 26 The purposes of the numbering and renumbering are to conform
122 27 certain provisions to existing Code section hierarchy, to
122 28 eliminate "unanchored" unnumbered paragraphs within the Code
122 29 sections, to facilitate Code section readability, and to
122 30 facilitate citation to those Code sections.
122 31 DIVISION III. This division contain corrections to internal
122 32 references to Code sections which are numbered or renumbered in
122 33 division II of this bill.
122 34 DIVISION IV. This division contains Code editor directives
122 35 to do the following:



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123 1 1. Number and renumber provisions to eliminate "unanchored"
123 2 unnumbered paragraphs in provisions that do not require any
123 3 additional textual reference corrections.
123 4 2. Change federal references to a standardized format to
123 5 facilitate hypertext linkage of Code title, subtitle, chapter,
123 6 subchapter, and part references and to facilitate future
123 7 identification of those federal references for future hypertext
123 8 linkage.
123 9 DIVISION V. This division contains the effective dates
123 10 applicable to various provisions in division I of this bill.
LSB 5365HC (1) 83
lh/rj



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House Study Bill 695

SENATE/HOUSE FILE
BY (PROPOSED DEPARTMENT
OF TRANSPORTATION
BILL)

A BILL FOR

1 An Act relating to the regulation of motor vehicles by the
2 department of transportation, including clarification of
3 the definition of business=trade truck and requirements for
4 the issuance of temporary persons with disabilities parking
5 permits.
6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 5411DP (9) 83
dea/nh



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PAG LIN

1 1 Section 1. Section 321.1, subsection 7A, Code Supplement
1 2 2009, is amended to read as follows:
1 3 7A. "Business=trade truck" means a model year 2010 or
1 4 newer motor truck with an unladen weight of ten thousand pounds
1 5 or less which is owned by a corporation, limited liability
1 6 company, or partnership or by a person who files a schedule C
1 7 or schedule F form with the federal internal revenue service
1 8 and which is eligible for depreciation under { 167 of the
1 9 Internal Revenue Code. If the motor truck is a leased vehicle,
1 10 the motor truck is a business=trade truck only if the lessee
1 11 is a corporation, limited liability company, or partnership
1 12 and the truck is used primarily for purposes of the business
1 13 operations of the corporation, limited liability company, or
1 14 partnership or the lessee is a person who files a schedule C or
1 15 schedule F form with the federal internal revenue service and
1 16 the truck is used primarily for purposes of the person's own
1 17 business or farming operation.
1 18 Sec. 2. Section 321L.2, subsection 1, unnumbered paragraph
1 19 1, Code Supplement 2009, is amended to read as follows:
1 20 A resident of the state with a disability desiring a persons
1 21 with disabilities parking permit shall apply to the department
1 22 upon an application form furnished by the department providing
1 23 the applicant's full legal name, address, date of birth, and
1 24 social security number or Iowa driver's license number or
1 25 Iowa nonoperator's identification card number, and shall also
1 26 provide a statement from a physician licensed under chapter
1 27 148 or 149, a physician assistant licensed under chapter
1 28 148C, an advanced registered nurse practitioner licensed
1 29 under chapter 152, or a chiropractor licensed under chapter
1 30 151, or a physician, physician assistant, nurse practitioner,
1 31 or chiropractor licensed to practice in a contiguous state,
1 32 written on the physician's, physician assistant's, nurse
1 33 practitioner's, or chiropractor's stationery, stating the
1 34 nature of the applicant's disability and such additional
1 35 information as required by rules adopted by the department



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2 1 under section 321L.8. If the person is applying for a
2 2 temporary persons with disabilities parking permit, the
2 3 physician's, physician assistant's, nurse practitioner's, or
2 4 chiropractor's statement shall state the period of time during
2 5 which the person is expected to be disabled and the period
2 6 of time for which the permit should be issued, not to exceed
2 7 six months. The department may waive the requirement that
2 8 the applicant furnish the applicant's social security number,
2 9 Iowa driver's license number, or nonoperator's identification
2 10 card number when the application for a temporary persons with
2 11 disabilities parking permit is made on behalf of a person who
2 12 is less than one year old.

2 13 EXPLANATION

2 14 This bill amends the definition of "business=trade truck"
2 15 to clarify that the term applies only to model year 2010 or
2 16 newer motor trucks. For purposes of motor vehicle registration
2 17 fees, a "business=trade truck" is a motor truck with an unladen
2 18 weight of 10,000 pounds or less which is used for business or
2 19 farming.

2 20 The bill allows the department of transportation to
2 21 waive the requirement that an applicant for a persons with
2 22 disabilities parking permit furnish the applicant's social
2 23 security number, driver's license number, or nonoperator's
2 24 identification card number when the application is for a
2 25 temporary permit and is made on behalf of a person who is less
2 26 than one year old.

LSB 5411DP (9) 83

dea/nh



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House Study Bill 696

HOUSE FILE

BY (PROPOSED COMMITTEE ON
AGRICULTURE BILL BY
CHAIRPERSON MERTZ)

A BILL FOR

1 An Act concerning gambling and horse racing, by providing
2 for pari-mutuel wagering, purse agreements for races of
3 standardbred horses at county fairs, and county gambling
4 elections, and including effective date and retroactive
5 applicability provisions.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 6110HC (2) 83

ec/sc



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PAG LIN

1 1 Section 1. Section 99D.11, subsection 6, paragraph b, Code
1 2 Supplement 2009, is amended to read as follows:

1 3 b. (1) The commission may authorize the licensee to
1 4 simultaneously telecast within the racetrack enclosure, for
1 5 the purpose of pari-mutuel wagering, a horse or dog race
1 6 licensed by the racing authority of another state. It is
1 7 the responsibility of each licensee to obtain the consent of
1 8 appropriate racing officials in other states as required by
1 9 the federal Interstate Horseracing Act of 1978, 15 U.S.C.
1 10 { 3001=3007, to televise races for the purpose of conducting
1 11 pari-mutuel wagering.

1 12 (2) A licensee may also obtain the permission of a person
1 13 licensed by the commission to conduct horse or dog races
1 14 in this state to televise races conducted by that person
1 15 for the purpose of conducting pari-mutuel racing. However,
1 16 arrangements made by a licensee to televise any race for
1 17 the purpose of conducting pari-mutuel wagering are subject
1 18 to the approval of the commission, and the commission shall
1 19 select the races to be televised. The races selected by the
1 20 commission shall be the same for all licensees approved by the
1 21 commission to televise races for the purpose of conducting
1 22 pari-mutuel wagering. The commission shall not authorize the
1 23 simultaneous telecast or televising of and a licensee shall
1 24 not simultaneously telecast or televise any horse or dog race
1 25 for the purpose of conducting pari-mutuel wagering unless the
1 26 simultaneous telecast or televising is done at the racetrack of
1 27 a licensee that schedules no less than sixty performances of
1 28 nine live races each day of the season or is done for an entity
1 29 licensed in another state to conduct pari-mutuel wagering and
1 30 such entity accepts wagers only within states in which it is
1 31 licensed or authorized to accept wagers.

1 32 (3) For purposes of the taxes imposed under this chapter,
1 33 races televised by a licensee for purposes of pari-mutuel
1 34 wagering shall be treated as if the races were held at the
1 35 racetrack of the licensee. Notwithstanding any contrary



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2 1 provision in this chapter, the commission may allow a licensee
2 2 to adopt the same deductions as those of the pari-mutuel
2 3 racetrack from which the races are being simultaneously
2 4 telecast.
2 5 Sec. 2. Section 99F.6, subsection 4, paragraph a, Code 2009,
2 6 is amended to read as follows:
2 7 a. (1) Before a license is granted, the division of
2 8 criminal investigation of the department of public safety
2 9 shall conduct a thorough background investigation of the
2 10 applicant for a license to operate a gambling game operation
2 11 on an excursion gambling boat. The applicant shall provide
2 12 information on a form as required by the division of criminal
2 13 investigation.
2 14 (2) A qualified sponsoring organization licensed to operate
2 15 gambling games under this chapter shall distribute the receipts
2 16 of all gambling games, less reasonable expenses, charges,
2 17 taxes, fees, and deductions allowed under this chapter, as
2 18 winnings to players or participants or shall distribute the
2 19 receipts for educational, civic, public, charitable, patriotic,
2 20 or religious uses as defined in section 99B.7, subsection 3,
2 21 paragraph "b". However, a licensee to conduct gambling games
2 22 under this chapter shall, unless an operating agreement for an
2 23 excursion gambling boat otherwise provides, distribute at least
2 24 three percent of the adjusted gross receipts for each license
2 25 year for educational, civic, public, charitable, patriotic,
2 26 or religious uses as defined in section 99B.7, subsection 3,
2 27 paragraph "b". However, if a licensee who is also licensed to
2 28 conduct pari-mutuel wagering at a horse racetrack has unpaid
2 29 debt from the pari-mutuel racetrack operations, the first
2 30 receipts of the gambling games operated within the racetrack
2 31 enclosure less reasonable operating expenses, taxes, and fees
2 32 allowed under this chapter shall be first used to pay the
2 33 annual indebtedness.
2 34 (3) The commission shall authorize, subject to the debt
2 35 payments for horse racetracks and the provisions of paragraph



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3 1 "b" for dog racetracks, a licensee who is also licensed to
3 2 conduct pari-mutuel dog or horse racing to use receipts from
3 3 gambling games within the racetrack enclosure to supplement
3 4 purses for races particularly for Iowa-bred horses pursuant to
3 5 an agreement which shall be negotiated between the licensee and
3 6 representatives of the dog or horse owners. For agreements
3 7 subject to commission approval concerning purses for horse
3 8 racing beginning on or after January 1, 2006, and ending
3 9 before January 1, 2021, the agreements shall provide that
3 10 total annual purses for all horse racing shall be no less than
3 11 eleven percent of the first two hundred million dollars of net
3 12 receipts, and six percent of net receipts above two hundred
3 13 million dollars. In addition, for agreements concerning horse
3 14 racing between the licensee operating the horse racetrack
3 15 in Polk county and representatives of standardbred horse
3 16 owners, the agreement shall include a supplemental amount
3 17 for standardbred horse races held at county fair racetracks
3 18 in the state, and the supplemental amount shall be included
3 19 in determining the total annual purses for all horse racing
3 20 that is required to be paid as provided by this paragraph
3 21 "a". Agreements that are subject to commission approval
3 22 concerning horse purses for a particular period of time
3 23 beginning on or after January 1, 2006, and ending before
3 24 January 1, 2021, shall be jointly submitted to the commission
3 25 for approval.

3 26 (4) A qualified sponsoring organization shall not make a
3 27 contribution to a candidate, political committee, candidate's
3 28 committee, state statutory political committee, county
3 29 statutory political committee, national political party, or
3 30 fund-raising event as these terms are defined in section
3 31 68A.102. The membership of the board of directors of a
3 32 qualified sponsoring organization shall represent a broad
3 33 interest of the communities.

3 34 (5) For purposes of this paragraph "a", "net receipts" means
3 35 the annual adjusted gross receipts from all gambling games less



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4 1 the annual amount of money pledged by the owner of the facility
4 2 to fund a project approved to receive vision Iowa funds as of
4 3 July 1, 2004.

4 4 Sec. 3. Section 99F.7, subsection 11, Code 2009, is amended
4 5 to read as follows:

4 6 11. a. A license to conduct gambling games on an
4 7 excursion gambling boat, gambling structure, or at a racetrack
4 8 enclosure in a county shall be issued only if the county

4 9 electorate approves the conduct of the gambling games as
4 10 provided in this subsection. The board of supervisors,
4 11 upon receipt of a valid petition meeting the requirements of
4 12 section 331.306, and subject to the requirements of paragraph
4 13 "e", shall direct the commissioner of elections to submit

4 14 to the registered voters of the county a proposition to
4 15 approve or disapprove the conduct of gambling games on an
4 16 excursion gambling boat, gambling structure, or at a racetrack
4 17 enclosure in the county. The proposition shall be submitted

4 18 at an election held on a date specified in section 39.2,
4 19 subsection 4, paragraph "a". To be submitted at a general
4 20 election, the petition must be received by the board of
4 21 supervisors at least five working days before the last day for
4 22 candidates for county offices to file nomination papers for
4 23 the general election pursuant to section 44.4. If a majority
4 24 of the county voters voting on the proposition favor the
4 25 conduct of gambling games, the commission may issue one or
4 26 more licenses as provided in this chapter. If a majority of
4 27 the county voters voting on the proposition do not favor the
4 28 conduct of gambling games, a license to conduct gambling games
4 29 in the county shall not be issued.

4 30 b. If ~~licenses~~ a license to conduct gambling games ~~and to~~
~~operate on~~ an excursion gambling boat ~~are~~, gambling structure,
4 32 or at a racetrack enclosure is in effect pursuant to a
4 33 referendum as set forth in this section and ~~are~~ is subsequently
4 34 disapproved by a referendum of the county electorate, the
4 35 ~~licenses~~ license issued by the commission after a referendum



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5 1 approving gambling games on an excursion gambling ~~boats~~ boat,
5 2 gambling structure, or at a racetrack enclosure shall remain
5 3 valid and ~~are~~ is subject to renewal for ~~a total of nine~~
~~5 4 years~~ one year from the date of ~~original issue~~ the referendum
5 5 disapproving the conduct of gambling games in the county unless
5 6 the commission revokes a license at an earlier date as provided
5 7 in this chapter.

5 8 c. If a licensee of a pari-mutuel racetrack who held a
5 9 valid license issued under chapter 99D as of January 1, 1994,
5 10 requests a license to operate gambling games as provided in
5 11 this chapter, the board of supervisors of a county in which
5 12 the licensee of a pari-mutuel racetrack requests a license to
5 13 operate gambling games shall submit to the county electorate a
5 14 proposition to approve or disapprove the operation of gambling
5 15 games at pari-mutuel racetracks at an election held on a date
5 16 specified in section 39.2, subsection 4, paragraph "a". If the
5 17 operation of gambling games at the pari-mutuel racetrack is not
5 18 approved by a majority of the county electorate voting on the
5 19 proposition at the election, the commission shall not issue a
5 20 license to operate gambling games at the racetrack.

5 21 d. If the proposition to operate gambling games ~~on an~~
~~5 22 excursion gambling boat or at a racetrack enclosure is~~
5 23 approved by a majority of the county electorate voting on
5 24 the proposition, the board of supervisors shall submit
5 25 ~~the same~~ a proposition requiring the approval or defeat of
~~5 26 gambling games to the county electorate at the general election~~
~~5 27 held in 2002 and, unless the operation of gambling games is~~
~~5 28 terminated earlier as provided in this chapter or chapter~~
~~5 29 99D, at the next~~ general election held at each subsequent
~~5 30 eight-year interval no sooner than the eighth calendar year~~
5 31 following the election approving gambling games, unless the
5 32 operation of gambling games is terminated earlier as provided
5 33 in this chapter or chapter 99D. However, if a proposition
5 34 to operate gambling games is approved by a majority of the
5 35 county electorate voting on the proposition in two successive



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6 1 elections, a proposition under this paragraph shall not
 6 2 thereafter be required to be submitted to the electorate to
 6 3 authorize the conduct of gambling games pursuant to this
 6 4 chapter.
 6 5 e. After a referendum has been held which approved
 6 6 or defeated a proposal to conduct gambling games on excursion
~~6 7 gambling boats or which defeated a proposal to conduct gambling~~
~~6 8 games at a licensed pari-mutuel racetrack enclosure as provided~~
 6 9 in this section, another referendum on a proposal to conduct
 6 10 gambling games ~~on an excursion gambling boat or at a licensed~~
~~6 11 pari-mutuel racetrack shall not be held for at least eight~~
~~6 12 years until calendar year 2015 and then may only be held every~~
 6 13 eighth calendar year thereafter. However, if any proposition
 6 14 to operate gambling games is approved by a vote in favor of
 6 15 such proposition equal to at least sixty percent of the total
 6 16 votes cast for and against the proposition, another referendum
 6 17 on a proposal to conduct gambling games shall not be held until
 6 18 calendar year 2022 and then may only be held every fifteenth
 6 19 calendar year thereafter.

6 20 Sec. 4. EFFECTIVE UPON ENACTMENT AND RETROACTIVE
 6 21 APPLICABILITY. The section of this Act amending section
 6 22 99F.7, subsection 11, being deemed of immediate importance,
 6 23 takes effect upon enactment and is retroactively applicable to
 6 24 elections occurring on and after January 1, 1994.

EXPLANATION

6 26 This bill concerns gambling and horse racing by providing
 6 27 for pari-mutuel wagering, purse agreements for races of
 6 28 standardbred horses at county fairs, and county gambling
 6 29 elections.

6 30 Code section 99D.11(6), concerning pari-mutuel wagering on
 6 31 simultaneous telecasts of horse or dog races, is amended to
 6 32 allow a simultaneous telecast of horse or dog races in this
 6 33 state for pari-mutuel wagering if the telecast is done for
 6 34 an entity licensed in another state to conduct pari-mutuel
 6 35 wagering and the entity only accepts wagers from within states



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7 1 in which it is authorized to accept wagers. Under current
7 2 law, simulcast telecasting of races can only be allowed at
7 3 a racetrack of a licensee that schedules no less than 60
7 4 performances of nine live races each day of the season.
7 5 Code section 99F.6 is amended to provide that agreements
7 6 concerning horse racing between the horse racetrack in Polk
7 7 county and representatives of standardbred horses shall include
7 8 a supplemental amount for standardbred races held at county
7 9 fairs which amount shall be included in determining the total
7 10 amount of horse purses that is required to be paid.
7 11 Code section 99F.7(11), concerning the requirements relative
7 12 to conducting a referendum to approve or disapprove gambling
7 13 games in a county is amended. The amended Code section
7 14 provides that if a proposition to operate gambling games
7 15 on an excursion boat, gambling structure, or racetrack has
7 16 been approved in two successive elections in a county, the
7 17 proposition to authorize gambling games is not thereafter
7 18 required to be submitted to the county electorate. Current law
7 19 provides that the proposition to conduct gambling games shall
7 20 be resubmitted to the county electorate every eight years.
7 21 The amended Code section also provides that if a proposal
7 22 to operate gambling games has been approved, another election
7 23 shall not be held sooner than the eighth calendar year
7 24 following the approval, but in no event prior to calendar year
7 25 2015, and then, may only be held each eighth year thereafter.
7 26 In addition, the bill provides that if any proposition to
7 27 conduct gambling games in a county passes with 60 percent
7 28 approval, then no referendum shall be held in that county until
7 29 calendar year 2022, and then may only be held each fifteenth
7 30 calendar year thereafter. The provision that the county may
7 31 hold a referendum on the proposition to conduct gambling games
7 32 upon submission of a petition from the county electorate is
7 33 maintained but is made subject to the bill's requirements on
7 34 when elections can be held. Current law provides that no
7 35 election shall be held for eight years after a proposal has



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8 1 been defeated but is silent as to when an election can be held
8 2 if the proposal to conduct gambling games has been approved.
8 3 The amended Code section also provides that if gambling
8 4 games are authorized in a county but a subsequent referendum
8 5 to conduct gambling games has been defeated, any license to
8 6 conduct gambling games in that county shall remain valid for
8 7 one year following the defeat of the referendum. Current
8 8 law provides that the license remains valid for nine years
8 9 following the date of the original issue of a license to
8 10 conduct gambling games in that county.
8 11 The amendments to Code section 99F.7(11) take effect
8 12 upon enactment and are retroactively applicable to elections
8 13 occurring on and after January 1, 1994.

LSB 6110HC (2) 83

ec/sc



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Senate Amendment 5047

PAG LIN

1 1 Amend Senate File 2062, as amended, passed, and
1 2 reprinted by the Senate, as follows:
1 3 #1. Page 2, line 27, by striking <May 28> and
1 4 inserting <June 24>
1 5 #2. Page 2, line 34, by striking <May 28> and
1 6 inserting <June 24>
SF2062.475.H (3) 83
mb



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Senate File 2175 - Introduced

SENATE FILE
BY COMMITTEE ON VETERANS
AFFAIRS

(SUCCESSOR TO SSB
3118)

A BILL FOR

1 An Act providing for representation of military veterans on
2 certain mental health policy bodies.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 5996SV (1) 83
jp/sc



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Senate File 2175 - Introduced continued

PAG LIN

1 1 Section 1. Section 225C.4, subsection 1, Code 2009, is
1 2 amended by adding the following new paragraph:
1 3 NEW PARAGRAPH. t. Coordinate with the mental health
1 4 planning and advisory council created pursuant to 42 U.S.C. {
1 5 300x=3 to ensure the council membership includes representation
1 6 by a military veteran who is knowledgeable concerning the
1 7 behavioral and mental health issues of veterans.

1 8 Sec. 2. Section 225C.5, subsection 1, Code Supplement 2009,
1 9 is amended by adding the following new paragraph:
1 10 NEW PARAGRAPH. jj. One member who is a military veteran
1 11 and who is knowledgeable concerning the behavioral and mental
1 12 health issues of veterans.

1 13 EXPLANATION

1 14 This bill provides representation of military veterans on
1 15 certain mental health policy bodies.

1 16 Code section 225C.4, relating to the duties of the
1 17 administrator of the division of mental health and disability
1 18 services of the department of human services, is amended to
1 19 direct the administrator to coordinate with the mental health
1 20 planning and advisory council created pursuant to federal law
1 21 to ensure the council membership includes representation by a
1 22 military veteran who is knowledgeable concerning the behavioral
1 23 and mental health issues of veterans. The council operates
1 24 with its own bylaws and its membership is subject to federal
1 25 requirements requiring certain state agencies to be represented
1 26 and imposing a membership percentage limitation on the members
1 27 who are state employees or providers of mental health services.

1 28 Code section 225C.5, creating the mental health, mental
1 29 retardation, developmental disabilities, and brain injury
1 30 commission, is amended to add a new membership slot for a
1 31 military veteran who is knowledgeable concerning the behavioral
1 32 and mental health issues of veterans. Under current law the
1 33 commission has 17 voting members appointed by the governor and
1 34 confirmed by the senate.

LSB 5996SV (1) 83

jp/sc



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Senate File 2176 - Introduced

SENATE FILE
BY HARTSUCH

A BILL FOR

1 An Act relating to the validity in other jurisdictions of a
2 marriage solemnized in Iowa.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 6138XS (3) 83
pf/rj



Iowa General Assembly
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Senate File 2176 - Introduced continued

PAG LIN

1 1 Section 1. Section 595.20, Code 2009, is amended to read as
1 2 follows:

1 3 595.20 Foreign marriages == marriages solemnized in Iowa ==
1 4 validity == required effect.

1 5 1. A marriage which is solemnized in any other state,
1 6 territory, country, or any foreign jurisdiction which is
1 7 valid in that state, territory, country, or other foreign
1 8 jurisdiction, is valid in this state if the parties meet the
1 9 requirements for validity pursuant to section 595.2, subsection
1 10 1, and if the marriage would not otherwise be declared void.

1 11 2. Another state, territory, country, or any other foreign
1 12 jurisdiction is not required to give effect to a marriage
1 13 which is solemnized in this state if the marriage could not be
1 14 legally solemnized in that jurisdiction.

1 15 EXPLANATION

1 16 This bill provides that a marriage solemnized in Iowa is
1 17 not required to be given effect in another jurisdiction if
1 18 the marriage could not be legally solemnized in the other
1 19 jurisdiction.

LSB 6138XS (3) 83

pf/rj



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Senate File 2177 - Introduced

SENATE FILE

BY KETTERING, MCKINLEY,
BEHN, SEYMOUR, WIECK,
HARTSUCH, REYNOLDS,
WARD, NOBLE, KAPUCIAN,
FEENSTRA, BARTZ,
BOETTGER, HAHN,
HOUSER, HAMERLINCK,
ZAUN, and JOHNSON

A BILL FOR

1 An Act relating to the use of revenue or appropriations bonding
2 authority by the state.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 5736XS (8) 83
jp/rj



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Senate File 2177 - Introduced continued

PAG LIN

1 1 Section 1. Section 8.54, Code 2009, is amended by adding the
1 2 following new subsection:
1 3 NEW SUBSECTION. 6A. If a bill or joint resolution provides
1 4 for new revenue or appropriations bonding authority, or
1 5 an expansion of existing revenue or appropriations bonding
1 6 authority, which bonds are funded in whole or in part from
1 7 moneys from the general fund or from another portion of the
1 8 state treasury, the bill or joint resolution shall not become
1 9 law unless approved by the affirmative votes of at least
1 10 two-thirds of the whole membership of each house of the general
1 11 assembly.

1 12 EXPLANATION

1 13 This bill relates to the use of revenue or appropriations
1 14 bonding authority by the state.
1 15 The bill requires, as part of the state general fund
1 16 expenditure limitation law in Code section 8.54, that enactment
1 17 of a bill or joint resolution providing for new or expanded
1 18 authority to issue revenue or appropriations bonds funded in
1 19 whole or in part from moneys from the general fund or from
1 20 another portion of the state treasury requires a two-thirds
1 21 majority of each house of the general assembly.

LSB 5736XS (8) 83

jp/rj



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Senate File 2178 - Introduced

SENATE FILE
BY COMMITTEE ON EDUCATION

(SUCCESSOR TO SF 2058)

A BILL FOR

1 An Act relating to textbooks and laptop computers or other
2 personal portable computing devices adopted for use by
3 school districts and provided to public and accredited
4 nonpublic school students.
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 5377SV (1) 83
kh/nh



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Senate File 2178 - Introduced continued

PAG LIN

1 1 Section 1. Section 301.1, subsection 3, Code 2009, is
1 2 amended to read as follows:

1 3 3. As used in subsection 2, "textbooks" means ~~books~~ any of
1 4 the following:

1 5 a. Books and loose-leaf or bound manuals, systems of
1 6 reusable instructional materials or combinations of books and
1 7 supplementary instructional materials which convey information
1 8 to the student or otherwise contribute to the learning process,
1 9 ~~or electronic.~~

1 10 b. Electronic textbooks, including but not limited to
1 11 computer software, applications using computer-assisted
1 12 instruction, interactive videodisc, and other computer
1 13 courseware and magnetic media.

1 14 c. Laptop computers or other portable personal computing
1 15 devices which are used for nonreligious instructional use only.

1 16 EXPLANATION

1 17 This bill relates to the use of state funds allocated to
1 18 school districts for purposes of making textbooks available to
1 19 accredited nonpublic school pupils by expanding the definition
1 20 of textbooks to include laptop computers or other portable
1 21 personal computing devices which are used for nonreligious
1 22 instructional use only. Currently, the definition is limited
1 23 to books, supplementary instructional materials, and electronic
1 24 textbooks, including but not limited to computer software.

LSB 5377SV (1) 83

kh/nh



Iowa General Assembly
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Senate File 2179 - Introduced

SENATE FILE
BY COMMITTEE ON
TRANSPORTATION

(SUCCESSOR TO SF 2055)

A BILL FOR

1 An Act concerning the use of child restraint systems or seat
2 belts by motor vehicle passengers who are minors and making
3 a penalty applicable.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 5201SV (1) 83
dea/nh



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Senate File 2179 - Introduced continued

PAG LIN

1 1 Section 1. Section 321.445, subsection 2, Code 2009, is
1 2 amended to read as follows:
1 3 2. a. The driver and front seat occupants of a type of
1 4 motor vehicle that is subject to registration in Iowa, except a
1 5 motorcycle or a motorized bicycle, shall each wear a properly
1 6 adjusted and fastened safety belt or safety harness any time
1 7 the vehicle is in forward motion on a street or highway in this
1 8 state except that a child under ~~eleven~~ eighteen years of age
1 9 shall be secured as required under section 321.446.
1 10 b. This subsection does not apply to:
1 11 a. (1) The driver or front seat occupants of a motor
1 12 vehicle which is not required to be equipped with safety belts
1 13 or safety harnesses.
1 14 ~~b.~~ (2) The driver and front seat occupants of a motor
1 15 vehicle who are actively engaged in work which requires them
1 16 to alight from and reenter the vehicle at frequent intervals,
1 17 providing the vehicle does not exceed twenty-five miles per
1 18 hour between stops.
1 19 ~~c.~~ (3) The driver of a motor vehicle while performing
1 20 duties as a rural letter carrier for the United States postal
1 21 service. This exemption applies only between the first
1 22 delivery point after leaving the post office and the last
1 23 delivery point before returning to the post office.
1 24 ~~d.~~ (4) Passengers on a bus.
1 25 e. (5) A person possessing a written certification from
1 26 a health care provider licensed under chapter 148 or 151 on a
1 27 form provided by the department that the person is unable to
1 28 wear a safety belt or safety harness due to physical or medical
1 29 reasons. The certification shall specify the time period for
1 30 which the exemption applies. The time period shall not exceed
1 31 twelve months, at which time a new certification may be issued
1 32 unless the certifying health care provider is from a United
1 33 States military facility, in which case the certificate may
1 34 specify a longer period of time or a permanent exemption.
1 35 ~~f.~~ (6) Front seat occupants of an authorized emergency



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Senate File 2179 - Introduced continued

2 1 vehicle while they are being transported in an emergency.
2 2 However, this exemption does not apply to the driver of the
2 3 authorized emergency vehicle.
2 4 c. The department, in cooperation with the department of
2 5 public safety and the department of education, shall establish
2 6 educational programs to foster compliance with the safety belt
2 7 and safety harness usage requirements of this subsection.
2 8 Sec. 2. Section 321.446, subsections 2 and 3, Code 2009, are
2 9 amended to read as follows:
2 10 2. A child at least six years of age but under
2 11 ~~eleven~~ eighteen years of age who is being transported in
2 12 a motor vehicle subject to registration, except a school
2 13 bus or motorcycle, shall be secured during transit by a
2 14 child restraint system that is used in accordance with the
2 15 manufacturer's instructions or by a safety belt or safety
2 16 harness of a type approved under section 321.445.
2 17 3. This section does not apply to ~~peace~~ the following:
2 18 a. Peace officers acting on official duty. ~~This~~
~~2 19 section also does not apply to the~~
2 20 b. The transportation of children in 1965 model year or
2 21 older vehicles, authorized emergency vehicles, buses, or motor
2 22 homes, except when a child is transported in a motor home's
2 23 passenger seat situated directly to the driver's right. ~~This~~
~~2 24 section does not apply to the~~
2 25 c. The transportation of a child who has been certified
2 26 by a physician licensed under chapter 148 as having a
2 27 medical, physical, or mental condition that prevents or makes
2 28 inadvisable securing the child in a child restraint system,
2 29 safety belt, or safety harness.
2 30 d. A back seat occupant of a motor vehicle for whom no
2 31 safety belt is available because all safety belts are being
2 32 used by other occupants or cannot be used due to the use of a
2 33 child restraint system in the seating position for which a belt
2 34 is provided.



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Senate File 2179 - Introduced continued

3 1 EXPLANATION
3 2 This bill requires that all persons under 18 years of age who
3 3 are being transported in a motor vehicle, other than a school
3 4 bus or motorcycle, be secured by an approved child restraint
3 5 system or a seat belt regardless of seating position.
3 6 The bill provides an exemption from child restraint
3 7 requirements in situations where a child occupying a back seat
3 8 is not restrained because all safety belts in the vehicle are
3 9 in use or cannot be used because a child restraint system is
3 10 occupying the seating position for which a belt is provided.
3 11 Pursuant to existing law, a motor vehicle operator who
3 12 violates child restraint requirements commits a simple
3 13 misdemeanor subject to a scheduled fine of \$25. However, such
3 14 offenses are not considered for purposes of determining a
3 15 habitual offender of motor vehicle laws.

LSB 5201SV (1) 83
dea/nh



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Senate File 2180 - Introduced

SENATE FILE
BY REYNOLDS and WARNSTADT

(COMPANION TO lsb
5655hh by bell)

A BILL FOR

1 An Act allowing county treasurers to collect restitution
2 owed to a district court, certain debts owed to or being
3 collected by the state, and delinquent debt owed to the
4 clerk of the district court from a person renewing a vehicle
5 registration, and providing a fee.
6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 5655XS (6) 83
dea/nh



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Senate File 2180 - Introduced continued

PAG LIN

1 1 Section 1. Section 321.40, subsection 4, Code Supplement
1 2 2009, is amended to read as follows:

1 3 4. a. The county treasurer shall refuse to renew the
1 4 registration of a vehicle registered to a person when notified
1 5 by the department through the distributed teleprocessing
1 6 network that the person has not paid restitution as defined
1 7 under section 910.1, subsection 4, to a clerk of the court
1 8 located within the state. Each clerk of court shall, on a
1 9 daily basis, notify the department through the Iowa court
1 10 information system of the full name, ~~and~~ social security
1 11 number, and amount due for restitution, including all
1 12 applicable fees and penalties, of all persons who owe
1 13 delinquent restitution and the full name and social security
1 14 number, if applicable, of all persons whose restitution
1 15 obligation has been satisfied or canceled. This subsection
1 16 does not apply to the transfer of a registration or the
1 17 issuance of a new registration.

1 18 b. The county treasurer of the county of the person's
1 19 residence and in which the person's vehicle is registered
1 20 may collect restitution on behalf of a clerk of the district
1 21 court located within the state from a person applying for
1 22 renewal of a vehicle registration. The applicant may remit the
1 23 amount due for restitution along with a processing fee of five
1 24 dollars to the county treasurer at the time of registration
1 25 renewal. Upon payment of the required restitution, the
1 26 processing fee, and the vehicle registration fee, the county
1 27 treasurer shall issue the registration to the person. A county
1 28 treasurer collecting restitution for a clerk of the district
1 29 court shall update vehicle records on a daily basis through
1 30 the distributed teleprocessing network for all persons whose
1 31 restitution obligations have been satisfied or canceled by the
1 32 county treasurer. On a monthly basis, the county treasurer
1 33 shall forward all restitution funds collected to the department
1 34 of revenue for disbursement to the respective clerks of the
1 35 district court where the plans of restitution were filed.



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Senate File 2180 - Introduced continued

2 1 Sec. 2. Section 321.40, subsection 6, Code Supplement 2009,
2 2 is amended to read as follows:

2 3 6. a. The department or the county treasurer shall refuse
2 4 to renew the registration of a vehicle registered to the
2 5 applicant if the department or the county treasurer knows that
2 6 the applicant has a delinquent account, charge, fee, loan,
2 7 taxes, or other indebtedness owed to or being collected by the
2 8 state, from information provided pursuant to sections 8A.504
2 9 and 421.17. An applicant may contest this action by requesting
2 10 a contested case proceeding from the agency that referred the
2 11 debt for collection pursuant to section 8A.504. The department
2 12 of revenue and the department of transportation shall notify
2 13 the county treasurers through the distributed teleprocessing
2 14 network of all persons who owe such a charge, fee, loan, taxes,
2 15 or other indebtedness.

2 16 b. The county treasurer of the county of the person's
2 17 residence and in which the person's vehicle is registered may
2 18 collect a charge, fee, loan, taxes, or other indebtedness owed
2 19 to or being collected by the state from a person applying
2 20 for renewal of a vehicle registration. The applicant may
2 21 remit full payment of the charge, fee, loan, taxes, or other
2 22 indebtedness including applicable fees and penalties, along
2 23 with a processing fee of five dollars, to the county treasurer
2 24 at the time of registration renewal. Upon full payment of
2 25 the required charge, fee, loan, taxes, or other indebtedness
2 26 including applicable fees and penalties, the processing fee,
2 27 and the vehicle registration fee, the county treasurer shall
2 28 issue the registration to the person. A county treasurer
2 29 collecting on behalf of the department of revenue shall update
2 30 the vehicle registration records through the distributed
2 31 teleprocessing network on a daily basis for all persons
2 32 whose charge, fee, loan, taxes, or other debt payable to the
2 33 department of revenue has been satisfied or canceled by the
2 34 county treasurer. On a monthly basis, a county treasurer shall
2 35 forward all funds collected for the department of revenue to



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Senate File 2180 - Introduced continued

3 1 the department of revenue.

3 2 Sec. 3. Section 321.40, subsection 9, Code Supplement 2009,
3 3 is amended by adding the following new paragraph:

3 4 NEW PARAGRAPH. c. Notwithstanding paragraph "a", the county
3 5 treasurer of the county of the person's residence and in which
3 6 the person's vehicle is registered may collect delinquent court
3 7 debt on behalf of a clerk of the district court located within
3 8 the state from a person applying for renewal of a vehicle
3 9 registration, unless the clerk of the district court notifies
3 10 the county treasurer that the person's debt must be paid in
3 11 person to the clerk of the district court. The clerk of the
3 12 district court shall, on a daily basis, notify the department
3 13 through the Iowa court information system of the amount of
3 14 payment required from a person identified under paragraph "a"
3 15 in order to allow the person to renew a vehicle registration.
3 16 The applicant may remit payment of the amount required by
3 17 the clerk of the district court along with a processing
3 18 fee of five dollars to the county treasurer at the time of
3 19 registration renewal. Upon payment of the amount required by
3 20 the clerk of the district court, the processing fee, and the
3 21 vehicle registration fee, the county treasurer shall issue the
3 22 registration to the person. A county treasurer collecting
3 23 delinquent court debt for the clerk of the district court shall
3 24 update vehicle records on a daily basis through the distributed
3 25 teleprocessing network for all persons whose court debts have
3 26 been satisfied or canceled by the county treasurer and transfer
3 27 the court debt funds collected under this paragraph to the
3 28 clerk of the district court.

3 29 Sec. 4. Section 321.152, Code 2009, is amended by adding the
3 30 following new subsection:

3 31 NEW SUBSECTION. 2A. The five dollar processing fee charged
3 32 by a county treasurer for collection of restitution pursuant to
3 33 section 321.40, subsection 4; the collection of debts payable
3 34 to the department of revenue pursuant to section 321.40,
3 35 subsection 6; or the collection of debt owed to a clerk of the



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Senate File 2180 - Introduced continued

4 1 district court pursuant to section 321.40, subsection 9, shall
4 2 be retained for deposit in the county general fund.
4 3 Sec. 5. Section 321.153, Code 2009, is amended to read as
4 4 follows:
4 5 321.153 Treasurer's report to department.
4 6 1. The county treasurer on the tenth day of each month shall
4 7 certify to the department a full and complete statement of all
4 8 fees and penalties received by the county treasurer during
4 9 the preceding calendar month and shall remit all moneys not
4 10 retained for deposit under section 321.152 to the treasurer of
4 11 state.
4 12 2. The distributed teleprocessing network shall be used
4 13 in the collection, receipting, accounting, and reporting of
4 14 any fee collected through the registration renewal or title
4 15 process, with sufficient time and financial resources provided
4 16 for implementation.
4 17 3. This section does not apply to fees collected or retained
4 18 by a county treasurer pursuant to participation in county
4 19 issuance of driver's licenses under chapter 321M.
4 20 4. This section does not apply to processing fees charged by
4 21 a county treasurer for collection of restitution pursuant to
4 22 section 321.40, subsection 4; the collection of debts payable
4 23 to the department of revenue pursuant to section 321.40,
4 24 subsection 6; or the collection of court debt owed to a clerk
4 25 of the district court pursuant to section 321.40, subsection 9.

4 26 EXPLANATION

4 27 This bill expands the ability of county treasurers to
4 28 collect certain moneys owed to a district court or the state
4 29 from persons applying for renewal of a vehicle registration.
4 30 Currently, a treasurer is required to refuse registration
4 31 renewal if the treasurer is notified by the department of
4 32 transportation that the applicant has not paid restitution
4 33 to a clerk of court in the state. The applicant must remit
4 34 the restitution directly to the clerk of court before the
4 35 vehicle registration can be renewed. The bill allows the



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5 1 county treasurer to collect the restitution from the applicant
5 2 and to then renew the registration. The county treasurer is
5 3 required to update the vehicle records through the distributed
5 4 teleprocessing network on a daily basis for persons whose
5 5 restitution obligations have been satisfied or canceled by
5 6 the county treasurer and forward all restitution funds to the
5 7 department of revenue on a monthly basis for distribution to
5 8 the applicable clerks of court.

5 9 Current law requires a county treasurer to refuse to renew
5 10 a vehicle registration if the treasurer knows that the person
5 11 has a delinquent account, charge, fee, loan, taxes, or other
5 12 indebtedness owed to or being collected by the state. The
5 13 person has to address the debt before the county treasurer
5 14 can renew the registration of the person's vehicle. The bill
5 15 provides a process for collection of such debts by the county
5 16 treasurer on behalf of the department of revenue. The county
5 17 treasurer may collect the amount owed prior to issuing the
5 18 registration renewal. The treasurer is required to update the
5 19 vehicle records through the distributed teleprocessing network
5 20 on a daily basis for persons whose debts have been satisfied
5 21 or canceled by the county treasurer and forward the amounts
5 22 collected to the department of revenue on a monthly basis.

5 23 Current law also requires the county treasurer to refuse
5 24 to renew a vehicle registration for an applicant who owes
5 25 delinquent court debt that is being collected by a county
5 26 attorney. However, if the person enters into a payment plan
5 27 satisfactory to the county attorney, the county treasurer
5 28 may temporarily lift the registration hold and renew the
5 29 applicant's vehicle registration. The bill allows the county
5 30 treasurer to collect delinquent court debt on behalf of a clerk
5 31 of the district court in the state and renew the applicant's
5 32 vehicle registration, unless the treasurer is notified that
5 33 the debt must be paid in person to the clerk of court. The
5 34 clerk of court is required to provide daily notification to the
5 35 department of transportation through the Iowa court information



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6 1 system of the amount of payment required before the applicant's
6 2 registration can be renewed. The county treasurer is required
6 3 to update the vehicle records through the distributed
6 4 teleprocessing network on a daily basis for persons whose court
6 5 debts have been satisfied or canceled by the county treasurer
6 6 and transfer the funds collected to the clerk of court.
6 7 If an applicant for renewal of a vehicle registration
6 8 chooses to make payment to the county treasurer for restitution
6 9 owed to the court; for a charge, fee, loan, taxes, or other
6 10 indebtedness owed to the state; or for delinquent court debt
6 11 owed to the clerk of the district court, the applicant is
6 12 required to pay a \$5 processing fee to the county treasurer,
6 13 which is to be deposited in the county general fund.

LSB 5655XS (6) 83

dea/nh



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Senate File 2181 - Introduced

SENATE FILE
BY COMMITTEE ON LABOR AND
BUSINESS RELATIONS

(SUCCESSOR TO SSB
3057)

A BILL FOR

- 1 An Act relating to employment practices and public safety
- 2 programs administered by the division of labor services of
- 3 the department of workforce development.
- 4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 5428SV (1) 83
ak/nh



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Senate File 2181 - Introduced continued

PAG LIN

1 1 Section 1. Section 88.5, subsection 1, Code 2009, is amended
1 2 by striking the subsection and inserting in lieu thereof the
1 3 following:

1 4 1. Promulgation of rules. The commissioner shall, by rule,
1 5 promulgate standards as needed to conform state occupational
1 6 safety and health standards to federal occupational safety and
1 7 health standards. The commissioner shall follow the rulemaking
1 8 procedures of chapter 17A, and shall file a notice of intended
1 9 action within ninety days of federal publication of a new,
1 10 amended, or revoked federal standard.

1 11 Sec. 2. Section 88.19, Code 2009, is amended to read as
1 12 follows:

1 13 88.19 Annual report.

1 14 Within one hundred twenty days following the convening
1 15 of each session of each general assembly, the commissioner
1 16 shall prepare and submit to the governor for transmittal to
1 17 the general assembly a report upon the subject matter of
1 18 this chapter, the progress toward achievement of the purpose
1 19 of this chapter, the needs and requirements in the field
1 20 of occupational safety and health, and any other relevant
1 21 information. Such reports may include information regarding
1 22 occupational safety and health standards, and criteria for such
1 23 standards, developed during the preceding year; evaluation of
1 24 standards and criteria previously developed under this chapter,
1 25 defining areas of emphasis for new criteria and standards;
1 26 and evaluation of the degree of observance of applicable
1 27 occupational safety and health standards, and a summary of
1 28 inspection and enforcement activity undertaken, ~~including~~
~~1 29 remedial actions taken under chapter 89A;~~ analysis and
1 30 evaluation of research activities for which results have been
1 31 obtained under governmental and nongovernmental sponsorship;
1 32 an analysis of major occupational diseases; evaluation of
1 33 available control and measurement technology for hazards for
1 34 which standards or criteria have been developed during the
1 35 preceding year; description of cooperative efforts undertaken



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2 1 between government agencies and other interested parties in
2 2 the implementation of this chapter during the preceding year;
2 3 a progress report on the development of an adequate supply
2 4 of trained personnel in the field of occupational safety and
2 5 health, including estimates of future needs and the efforts
2 6 being made by government and others to meet those needs;
2 7 listing of all toxic substances in industrial usage for which
2 8 labeling requirements, criteria, or standards have not yet
2 9 been established; and such recommendations for additional
2 10 legislation as are deemed necessary to protect the safety and
2 11 health of the worker and improve the administration of this
2 12 chapter.

2 13 Sec. 3. Section 89.3, subsection 9, Code Supplement 2009,
2 14 is amended by striking the subsection and inserting in lieu
2 15 thereof the following:

2 16 9. An internal inspection shall not be required on an
2 17 unfired steam pressure vessel that was manufactured without an
2 18 inspection opening.

2 19 Sec. 4. Section 89.4, subsection 3, Code 2009, is amended by
2 20 striking the subsection.

2 21 Sec. 5. Section 89.6, Code 2009, is amended to read as
2 22 follows:

2 23 89.6 ~~New boilers == notice~~ Notice to commissioner.

2 24 1. Before any equipment included under the provisions
2 25 of this chapter is installed by any owner, user, or lessee
2 26 thereof, a ten days' written notice of intention to install the
2 27 equipment shall be given to the commissioner. The notice shall
2 28 designate the proposed place of installation, the type and
2 29 capacity of the equipment, the use to be made thereof, the name
2 30 of the company which manufactured the equipment, and whether
2 31 the equipment is new or used.

2 32 2. Before any power boiler is converted to a low pressure
2 33 boiler, the owner or user shall give ten days' written notice
2 34 of intent to convert the boiler to the commissioner. The
2 35 notice shall designate the boiler location, the uses of the



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3 1 building, and other information specified by rule by the board.

3 2 Sec. 6. Section 89.14, Code Supplement 2009, is amended by
3 3 adding the following new subsection:

3 4 NEW SUBSECTION. 9. The board may adopt rules governing the
3 5 conversion of power boilers to low pressure boilers.

3 6 Sec. 7. Section 91.4, subsection 5, Code 2009, is amended
3 7 to read as follows:

3 8 5. The director of the department of workforce development,
3 9 in consultation with the labor commissioner, shall, at the
3 10 time provided by law, make an annual report to the governor

3 11 setting forth in appropriate form the business and expense of
3 12 the division of labor services for the preceding year, the

3 13 number of remedial actions taken under chapter 89A, the number

3 14 of disputes or violations processed by the division and the
3 15 disposition of the disputes or violations, and other matters

3 16 pertaining to the division which are of public interest,

3 17 together with recommendations for change or amendment of the

3 18 laws in this chapter and chapters 88, 88A, 88B, 89, 89A, 89B,
3 19 90A, 91A, 91C, 91D, 91E, 92, and 94A, and section 85.68,

3 20 and the recommendations, if any, shall be transmitted by the
3 21 governor to the first general assembly in session after the

3 22 report is filed.

3 23 Sec. 8. Section 92.2, subsection 2, Code 2009, is amended by
3 24 striking the subsection.

3 25 Sec. 9. Section 92.10, unnumbered paragraph 1, Code 2009,
3 26 is amended to read as follows:

3 27 ~~Except as provided in section 92.2, a~~ A person under sixteen

3 28 years of age shall not be employed or permitted to work with or
3 29 without compensation unless the person, firm, or corporation

3 30 employing such person receives and keeps on file accessible

3 31 to any officer charged with the enforcement of this chapter,

3 32 a work permit issued as provided in this chapter, and keeps a

3 33 complete list of the names and ages of all such persons under

3 34 sixteen years of age employed.

3 35 Sec. 10. Section 92.12, Code 2009, is amended to read as



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Senate File 2181 - Introduced continued

4 1 follows:

4 2 92.12 Migrant labor permits.

4 3 1. Every person, firm, or corporation employing migrant
4 4 laborers shall obtain and keep on file, accessible to any
4 5 officer charged with the enforcement of this chapter, a
4 6 ~~special~~ work permit, prior to the employment of such migratory
4 7 laborer.

4 8 2. ~~Special work~~ Work permits for migrant workers
4 9 shall be issued by the superintendent of schools, or the
4 10 superintendent's designee, nearest the temporary living
4 11 quarters of the family, ~~or by the county director of social~~
~~4 12 welfare~~ or by the department of workforce development, upon
4 13 application of the parent or head of the migrant family. The
4 14 person authorized to issue such permits for migratory workers
4 15 shall not issue such permit until the person has received,
4 16 examined, and approved ~~one of the following as evidence of~~
~~4 17 age: a birth certificate, passport, baptism certificate, or~~
~~4 18 school record~~ documentation of proof of age as described in
4 19 section 92.11. ~~Applicants under fourteen years of age must~~
~~4 20 obtain a certificate from a registered nurse or physician~~
~~4 21 stating that the applicant for the work permit has reached the~~
~~4 22 normal development of a child of the applicant's age and is in~~
~~4 23 sufficiently sound health and physically able to perform the~~
~~4 24 work for which the permit is sought.~~

4 25 3. One copy of the permit issued shall be given to the
4 26 employer to be kept on file for the length of employment and
4 27 upon termination of employment shall be returned to the labor
4 28 commissioner. One copy of the permit shall be kept by the
4 29 issuing officer, and one copy forwarded to the commissioner,
~~4 30 along with the certificate of fitness of the persons under~~
~~4 31 fourteen years of age.~~ The blank forms for the work permit for
4 32 migratory workers shall be formulated by the commissioner and
4 33 furnished by the commissioner to the issuing officer.

4 34 EXPLANATION

4 35 This bill affects certain employment practices and safety



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Senate File 2181 - Introduced continued

5 1 programs administered by the division of labor services of the
5 2 department of workforce development.
5 3 The bill replaces obsolete language in Code section 88.5
5 4 pertaining to adoption of occupational safety and health
5 5 standards with contemporary rulemaking standards.
5 6 The requirement to make an annual report on remedial actions
5 7 taken pursuant to Code chapter 89A is moved from Code chapter
5 8 88 to Code chapter 91.
5 9 The bill strikes a provision in Code section 89.3 concerning
5 10 the conversion of power boilers to low pressure boilers, and
5 11 adopts two new provisions concerning the conversion of power
5 12 boilers to low pressure boilers in order to update standards.
5 13 The bill strikes a provision of Code section 89.4 concerning an
5 14 exemption from internal inspections for unfired steam pressure
5 15 vessels manufactured without an inspection plate, and adopts a
5 16 new provision exempting such vessels from internal inspections
5 17 if they are manufactured without an inspection opening in Code
5 18 section 89.3.
5 19 Code section 92.2(2) is stricken so that there is no longer
5 20 an exception from the labor permit requirement for youth under
5 21 16 who are engaged in street occupations.
5 22 Finally, the language in Code section 92.12 is updated and
5 23 amended to coordinate with Code section 92.11, making the
5 24 requirements for youth migrant labor permits more similar to
5 25 regular youth labor permits.

LSB 5428SV (1) 83

ak/nh



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Senate Study Bill 3196

SENATE FILE
BY (PROPOSED COMMITTEE ON
REBUILD IOWA BILL BY
CHAIRPERSON HOGG)

A BILL FOR

1 An Act creating a disaster recovery fund and including
2 effective date and applicability provisions.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 6069XC (7) 83
jp/rj



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Senate Study Bill 3196 continued

PAG LIN

1 1 Section 1. Section 8.55, subsection 2, paragraph a, Code
1 2 2009, is amended to read as follows:
1 3 a. The maximum balance of the fund is the amount equal
1 4 to two and one-half percent of the adjusted revenue estimate
1 5 for the fiscal year. If the amount of moneys in the Iowa
1 6 economic emergency fund is equal to the maximum balance,
1 7 moneys in excess of this amount shall be transferred to the
1 8 ~~general disaster recovery~~ fund created in section 8.56A.
1 9 Sec. 2. NEW SECTION. 8.56A Disaster recovery fund.
1 10 1. A disaster recovery fund is created. The fund shall be
1 11 separate from the general fund of the state and the balance in
1 12 the fund shall not be considered part of the balance of the
1 13 general fund of the state. The moneys credited to the fund
1 14 are not subject to section 8.33, and shall not be transferred,
1 15 used, obligated, appropriated, or otherwise encumbered except
1 16 as provided in this section.
1 17 2. The maximum balance of the fund is the amount equal to
1 18 ten percent of the adjusted revenue estimate for the fiscal
1 19 year. If the amount of moneys in the disaster recovery fund is
1 20 equal to the maximum balance, moneys in excess of this amount
1 21 shall be transferred to the general fund of the state.
1 22 3. a. If the president of the United States, at the request
1 23 of the governor, has declared a major disaster to exist in this
1 24 state, not more than fifty million dollars or twenty percent
1 25 of the unencumbered, unobligated balance of the disaster
1 26 recovery fund, whichever is less, as of the issuance date of
1 27 the executive council's determination in accordance with this
1 28 subsection, is appropriated to the department of management to
1 29 be used in accordance with this subsection to address necessary
1 30 disaster-related expenses, serious needs, or other assistance
1 31 for citizens of this state who are adversely affected by the
1 32 major disaster. The appropriation made in this subsection is
1 33 contingent upon the executive council issuing a determination
1 34 that the expenses, needs, and other assistance to be addressed
1 35 by the appropriation are within the purposes authorized in



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Senate Study Bill 3196 continued

2 1 paragraph "b" and cannot be funded by any other source.
2 2 b. The amount appropriated in this subsection shall only be
2 3 used for one or more of the following purposes:
2 4 (1) For the department of human services to provide
2 5 case management services for disaster-affected individuals
2 6 to identify sources of federal, state, local, private, and
2 7 charitable support.
2 8 (2) For the department of human services to provide grants
2 9 of not more than two thousand five hundred dollars to reimburse
2 10 disaster-affected families for unmet needs. The unmet needs
2 11 addressed by the grants may include expenses associated
2 12 with lost personal property, home repair, food assistance,
2 13 mental health assistance, utility assistance, child care, and
2 14 temporary housing.
2 15 (3) For the department of economic development to provide
2 16 case management services for disaster-affected businesses and
2 17 nonprofit organizations to identify sources of federal, state,
2 18 local, private, and charitable support.
2 19 (4) For the department of economic development to provide
2 20 assistance to disaster-affected businesses and nonprofit
2 21 organizations to repair property damaged in the disaster or to
2 22 maintain the wages and benefits of all or some of the persons
2 23 employed prior to the disaster whose employment is impacted by
2 24 the disaster.
2 25 (5) For the Iowa finance authority to provide grants to
2 26 temporarily or permanently repair or replace disaster-affected
2 27 housing.
2 28 (6) For the homeland security and emergency management
2 29 division of the department of public defense to provide
2 30 disaster assistance to units of local government. The disaster
2 31 assistance may include but is not limited to debris removal,
2 32 repair of infrastructure and facilities damaged in the
2 33 disaster, local case management services, services to address
2 34 local individual unmet needs, local housing assistance, and
2 35 local business or nonprofit organization assistance.



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3 1 (7) For the department of management to provide matching
3 2 funding for the disaster-related necessary expenses or serious
3 3 needs of units of local or state governments in accordance with
3 4 section 29C.6, subsection 17.
3 5 c. Assistance provided under paragraph "b" shall not be used
3 6 to supplant any other financial support, assistance, or grants
3 7 provided by any federal or other state agency.
3 8 4. a. Moneys in the fund may be used for cash flow purposes
3 9 during a fiscal year provided that any moneys so allocated are
3 10 returned to the fund by the end of that fiscal year.
3 11 b. Except as provided in section 8.58, the disaster recovery
3 12 fund shall be considered a special account for the purposes of
3 13 section 8.53 in determining the cash position of the general
3 14 fund of the state for the payment of state obligations.
3 15 5. Notwithstanding section 12C.7, subsection 2, interest
3 16 or earnings on moneys deposited in the disaster recovery fund
3 17 shall be credited to the fund. Such credited moneys, if
3 18 appropriated, may be used for the expenses of providing ongoing
3 19 training and staffing for disaster response and recovery by
3 20 the department of human services, department of economic
3 21 development, Iowa finance authority, or division of homeland
3 22 security and emergency management of the department of public
3 23 safety.
3 24 Sec. 3. Section 8.58, Code 2009, is amended to read as
3 25 follows:
3 26 8.58 Exemption from automatic application.
3 27 1. To the extent that moneys appropriated under section
3 28 8.57 do not result in moneys being credited to the general
3 29 fund under section 8.55, subsection 2, moneys appropriated
3 30 under section 8.57 and moneys contained in the cash reserve
3 31 fund, rebuild Iowa infrastructure fund, environment first
3 32 fund, disaster recovery fund, and Iowa economic emergency fund
3 33 shall not be considered in the application of any formula,
3 34 index, or other statutory triggering mechanism which would
3 35 affect appropriations, payments, or taxation rates, contrary



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4 1 provisions of the Code notwithstanding.

4 2 2. To the extent that moneys appropriated under section
4 3 8.57 do not result in moneys being credited to the general
4 4 fund under section 8.55, subsection 2, moneys appropriated
4 5 under section 8.57 and moneys contained in the cash reserve
4 6 fund, rebuild Iowa infrastructure fund, environment first fund,
4 7 disaster recovery fund, and Iowa economic emergency fund shall
4 8 not be considered by an arbitrator or in negotiations under
4 9 chapter 20.

4 10 Sec. 4. EFFECTIVE UPON ENACTMENT AND APPLICABILITY. This
4 11 Act, being deemed of immediate importance, takes effect upon
4 12 enactment and is applicable to moneys transferred from the Iowa
4 13 economic emergency fund pursuant to section 8.55, subsection 2,
4 14 paragraph "a", as amended by this Act, beginning with the close
4 15 of the fiscal year ending on June 30, 2010.

4 16 EXPLANATION

4 17 This bill creates a disaster recovery fund in new Code
4 18 section 8.56A.

4 19 Under current state financing law, surplus state general
4 20 fund moneys are first credited to the cash reserve until
4 21 it reaches its maximum balance equal to 7.5 percent of the
4 22 adjusted revenue estimate for the applicable fiscal year, the
4 23 surplus moneys are credited to the Iowa economic emergency
4 24 fund until it reaches its maximum balance equal to 2.5 percent
4 25 of the adjusted revenue estimate. The bill provides for the
4 26 surplus moneys to flow to the disaster recovery fund once
4 27 the first two funds have reached the maximum balance. Under
4 28 current law, the surplus funding is transferred to the general
4 29 fund of the state. The bill provides that if the disaster
4 30 recovery fund reaches its maximum balance equal to 10 percent
4 31 of the adjusted revenue estimate, surplus moneys then flow to
4 32 the general fund.

4 33 The bill provides a contingent appropriation from the fund
4 34 to address the effects of a major disaster. The appropriation
4 35 amount is limited to the lesser of \$50 million or 20 percent of



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5 1 the amount available in the fund.
5 2 The appropriation is contingent upon the president of the
5 3 United States having declared a major disaster to exist in this
5 4 state and the executive council issuing a determination that
5 5 the expenses, needs, and other assistance to be addressed by
5 6 the appropriation cannot be funded by any other source.
5 7 The appropriation can only be used for addressing necessary
5 8 disaster-related expenses, serious needs, or other assistance
5 9 for citizens of this state who are adversely affected by the
5 10 major disaster through one or more of the following authorized
5 11 purposes: case management and assistance provided by the
5 12 department of human services to disaster-affected individuals
5 13 and families; case management and assistance provided by
5 14 the department of economic development to disaster-affected
5 15 businesses and nonprofit organizations to address property
5 16 damage and the wages and benefits of disaster-affected
5 17 employees; for assistance provided by the Iowa finance
5 18 authority to repair or replace housing; for assistance provided
5 19 to local governments by the homeland security and emergency
5 20 management division of the department of public defense;
5 21 and for the department of management to provide matching
5 22 funding of up to 25 percent for federal assistance for the
5 23 disaster-related necessary expenses or serious needs of
5 24 units of local or state governments in accordance with Code
5 25 section 29C.6, subsection 17. The moneys from the contingent
5 26 appropriation cannot be used to supplant any other financial
5 27 support, assistance, or grants provided by any federal or other
5 28 state agency.
5 29 Moneys credited to the new fund are otherwise not subject to
5 30 transfer, use, obligation, appropriation, or other encumbrance
5 31 except for disaster recovery. However, during the course of
5 32 a fiscal year moneys in the fund may be used for cash flow
5 33 purposes provided that any moneys so allocated are returned to
5 34 the fund by the end of that fiscal year.
5 35 Interest or earnings on moneys in the fund are retained by



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6 1 the fund instead of the general fund as otherwise provided in
6 2 Code section 12C.7. These retained moneys may be appropriated
6 3 for training and staffing of disaster and recovery functions
6 4 of the state agencies receiving funding from the contingent
6 5 appropriation in the bill.
6 6 Code section 8.58 is amended to include the disaster
6 7 recovery fund in the list of various reserve funds that are
6 8 exempted from being considered to be available for any formula,
6 9 index, or other statutory triggering mechanism which would
6 10 affect appropriations, payments, or taxation rates or being
6 11 considered by an arbitrator or in negotiations under Code
6 12 chapter 20, relating to public employee collective bargaining.
6 13 The bill takes effect upon enactment and applies to
6 14 transfers of surplus moneys from the Iowa economic emergency
6 15 fund beginning with the fiscal year ending on June 30, 2010.
LSB 6069XC (7) 83
jp/rj



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Senate Study Bill 3197

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

A BILL FOR

1 An Act making, reducing, and supplementing appropriations for
2 expenditures in the fiscal year beginning July 1, 2009, and
3 including effective date provisions.

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

TLSB 5876XG (20) 83

jp/tm



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2 1 1, paragraph "e":
 2 2 \$ 415,980
 2 3 f. For the operation of the Rockwell City correctional
 2 4 facility in 2009 Iowa Acts, chapter 178, section 3, subsection
 2 5 1, paragraph "f":
 2 6 \$ 108,833
 2 7 g. For the operation of the Clarinda correctional facility
 2 8 in 2009 Iowa Acts, chapter 178, section 3, subsection 1,
 2 9 paragraph "g":
 2 10 \$ 451,752
 2 11 h. For the operation of the Mitchellville correctional
 2 12 facility in 2009 Iowa Acts, chapter 178, section 3, subsection
 2 13 1, paragraph "h":
 2 14 \$ 169,416
 2 15 i. For the operation of the Fort Dodge correctional facility
 2 16 in 2009 Iowa Acts, chapter 1180, section 3, subsection 1,
 2 17 paragraph "i":
 2 18 \$ 200,000
 2 19 2. For the judicial district departments of correctional
 2 20 services in 2009 Iowa Acts, chapter 178, section 5, subsection
 2 21 1, to be allocated as follows:
 2 22 a. For the first judicial district department of
 2 23 correctional services in 2009 Iowa Acts, chapter 178, section
 2 24 5, subsection 1, paragraph "a":
 2 25 \$ 110,275
 2 26 b. For the second judicial district department of
 2 27 correctional services in 2009 Iowa Acts, chapter 178, section
 2 28 5, subsection 1, paragraph "b":
 2 29 \$ 308,214
 2 30 c. For the third judicial district department of
 2 31 correctional services in 2009 Iowa Acts, chapter 178, section
 2 32 5, subsection 1, paragraph "c":
 2 33 \$ 18,010
 2 34 d. For the fourth judicial district department of
 2 35 correctional services in 2009 Iowa Acts, chapter 178, section



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3 1 5, subsection 1, paragraph "d":
3 2 \$ 76,117
3 3 e. For the fifth judicial district department of
3 4 correctional services in 2009 Iowa Acts, chapter 178, section
3 5 5, subsection 1, paragraph "e":
3 6 \$ 790,020
3 7 f. For the sixth judicial district department of
3 8 correctional services in 2009 Iowa Acts, chapter 178, section
3 9 5, subsection 1, paragraph "f":
3 10 \$ 24,923
3 11 g. For the seventh judicial district department of
3 12 correctional services in 2009 Iowa Acts, chapter 178, section
3 13 5, subsection 1, paragraph "g":
3 14 \$ 400,850
3 15 h. For the eighth judicial district department of
3 16 correctional services in 2009 Iowa Acts, chapter 178, section
3 17 5, subsection 1, paragraph "h":
3 18 \$ 864,048
3 19 Sec. 2. STATE PUBLIC DEFENDER. After applying the reduction
3 20 made pursuant to executive order number 19 issued October 8,
3 21 2009, to the appropriation made for the following designated
3 22 purposes, there is appropriated from the general fund of
3 23 the state to the office of the state public defender of the
3 24 department of inspections and appeals for the fiscal year
3 25 beginning July 1, 2009, and ending June 30, 2010, the following
3 26 amount, or so much thereof as is necessary, to supplement the
3 27 appropriations made for the following designated purposes:
3 28 For the fees of court-appointed attorneys for indigent
3 29 adults and juveniles, in accordance with section 232.141 and
3 30 chapter 815, in 2009 Iowa Acts, chapter 178, section 10,
3 31 subsection 2:
3 32 \$ 10,900,000
3 33 Sec. 3. DEPARTMENT OF PUBLIC DEFENSE. After applying
3 34 the reduction made pursuant to executive order number 19
3 35 issued October 8, 2009, to the appropriations made for the



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4 1 following designated purposes, and the transfers made from
 4 2 the appropriations pursuant to the authority in section 8.39
 4 3 and addressed in the notice of appropriation transfer from
 4 4 the department of management dated December 23, 2009, there
 4 5 is appropriated from the general fund of the state to the
 4 6 department of public defense for the fiscal year beginning July
 4 7 1, 2009, and ending June 30, 2010, the following amounts, or so
 4 8 much thereof as is necessary, to supplement the appropriations
 4 9 made for the following designated purposes:

4 10 1. MILITARY DIVISION
 4 11 For salaries, support, maintenance, and miscellaneous
 4 12 purposes, in 2009 Iowa Acts, chapter 178, section 13,
 4 13 subsection 1:
 4 14 \$ 526,202

4 15 2. HOMELAND SECURITY AND EMERGENCY MANAGEMENT DIVISION
 4 16 For salaries, support, maintenance, and miscellaneous
 4 17 purposes in 2009 Iowa Acts, chapter 178, section 13, subsection
 4 18 2:
 4 19 \$ 61,614

4 20 Sec. 4. 2009 Iowa Acts, chapter 172, section 1, subsection
 4 21 1, as amended by 2009 Iowa Acts, chapter 179, section 66, is
 4 22 amended to read as follows:

4 23 1. There is appropriated from the general fund of the state
 4 24 to the judicial branch for the fiscal year beginning July 1,
 4 25 2009, and ending June 30, 2010, the following amount, or so
 4 26 much thereof as is necessary, to be used for the purposes
 4 27 designated:

4 28 For salaries of supreme court justices, appellate court
 4 29 judges, district court judges, district associate judges,
 4 30 judicial magistrates and staff, state court administrator,
 4 31 clerk of the supreme court, district court administrators,
 4 32 clerks of the district court, juvenile court officers, board of
 4 33 law examiners and board of examiners of shorthand reporters and
 4 34 judicial qualifications commission; receipt and disbursement
 4 35 of child support payments; reimbursement of the auditor



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5 1 of state for expenses incurred in completing audits of the
 5 2 offices of the clerks of the district court during the fiscal
 5 3 year beginning July 1, 2009; and maintenance, equipment, and
 5 4 miscellaneous purposes:
 5 5 \$160,184,957
 5 6 148,811,822

5 7 As a condition of receiving an increase to the appropriation
 5 8 made in this section, the judicial branch shall allocate
 5 9 the first \$5,400,000 of the increased amount as follows:
 5 10 \$4,800,000 for the state's required contribution under section
 5 11 602.9104 to the judicial retirement fund, \$350,000 for court
 5 12 debt collection, and \$250,000 for judicial officer and court
 5 13 employee travel reimbursement for civil trials.

5 14 DIVISION II
 5 15 EDUCATION

5 16 Sec. 5. DEPARTMENT OF EDUCATION. After applying the
 5 17 reduction made pursuant to executive order number 19 issued
 5 18 October 8, 2009, to the appropriations made for the following
 5 19 designated purposes, and the transfers made to and from the
 5 20 appropriations pursuant to the authority in section 8.39 and
 5 21 addressed in the notices of appropriation transfer from the
 5 22 department of management dated December 15, 2009, and December
 5 23 23, 2009, there is appropriated from the general fund of the
 5 24 state to the department of education for the fiscal year
 5 25 beginning July 1, 2009, and ending June 30, 2010, the following
 5 26 amounts, or so much thereof as is necessary, to supplement the
 5 27 appropriations made for the following designated purposes:

5 28 1. STATE LIBRARY == ENRICH IOWA PROGRAM
 5 29 For the enrich Iowa program established under section
 5 30 256.57, in 2009 Iowa Acts, chapter 177, section 6, subsection
 5 31 4, paragraph "b" :
 5 32 \$ 179,608

5 33 2. IOWA EMPOWERMENT FUND == PRESCHOOL TUITION ASSISTANCE
 5 34 For deposit in the school ready children grants account of
 5 35 the Iowa empowerment fund created in section 28.9, in 2009 Iowa



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Senate Study Bill 3197 continued

6 1 Acts, chapter 177, section 6, subsection 11, paragraph "a":
6 2 \$ 877,215
6 3 3. FOUR=YEAR=OLD PRESCHOOL PROGRAM
6 4 For allocation to eligible school districts for the
6 5 four=year=old preschool program under chapter 256C, in 2009
6 6 Iowa Acts, chapter 177, section 6, subsection 14:
6 7 \$ 1,194,569
6 8 4. TEXTBOOKS OF NONPUBLIC SCHOOL PUPILS
6 9 To provide moneys for costs of providing textbooks to each
6 10 resident pupil who attends a nonpublic school as authorized
6 11 by section 301.1, in 2009 Iowa Acts, chapter 177, section 6,
6 12 subsection 15:
6 13 \$ 62,563
6 14 5. CORE CURRICULUM AND CAREER INFORMATION AND
6 15 DECISION=MAKING SYSTEM
6 16 For purposes of implementing the statewide core curriculum
6 17 for school districts and accredited nonpublic schools and a
6 18 state=designated career information and decision?making system
6 19 in 2009 Iowa Acts, chapter 177, section 6, subsection 17:
6 20 \$ 197,954
6 21 6. STUDENT ACHIEVEMENT AND TEACHER QUALITY PROGRAM
6 22 For purposes of the student achievement and teacher quality
6 23 program established pursuant to chapter 284, in 2009 Iowa Acts,
6 24 chapter 177, section 6, subsection 18:
6 25 \$ 892,428
6 26 7. COMMUNITY COLLEGES
6 27 For general state financial aid to merged areas as defined
6 28 in section 260C.2 in accordance with chapters 258 and 260C, in
6 29 2009 Iowa Acts, chapter 177, section 6, subsection 19:
6 30 \$ 5,943,581
6 31 The appropriation made in this subsection shall be allocated
6 32 to the merged areas in the same proportion as the allocations
6 33 made to the merged areas in accordance with 2009 Iowa Acts,
6 34 chapter 177, section 6, subsection 19, bear to the amount
6 35 appropriated.



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7 1 8. PROGRAMS FOR AT=RISK CHILDREN
7 2 For programs for at-risk children in section 279.51, as
7 3 limited by 2009 Iowa Acts, chapter 179, section 4, subsection
7 4 9:
7 5 \$ 1,149,389
7 6 9. K=12 MANAGEMENT INFORMATION SYSTEM
7 7 For the kindergarten to grade twelve management information
7 8 system in 2009 Iowa Acts, chapter 179, section 156, subsection
7 9 3, paragraph "b":
7 10 \$ 23,000
7 11 10. IOWA SENIOR YEAR PLUS PROGRAM
7 12 For purposes of implementing the senior year plus program
7 13 established pursuant to section 261E.1, in 2008 Iowa Acts,
7 14 chapter 1181, section 5, subsection 17:
7 15 \$ 140,556
7 16 Sec. 6. STATE BOARD OF REGENTS. After applying the
7 17 reduction made pursuant to executive order number 19 issued
7 18 October 8, 2009, to the appropriations made for the following
7 19 designated purposes, and the transfers made to and from the
7 20 appropriations pursuant to the authority in section 8.39 and
7 21 addressed in the notice of appropriation transfer from the
7 22 department of management dated December 23, 2009, there is
7 23 appropriated from the general fund of the state to the state
7 24 board of regents for the fiscal year beginning July 1, 2009,
7 25 and ending June 30, 2010, the following amounts, or so much
7 26 thereof as is necessary, to supplement the appropriations made
7 27 for the following designated purposes:
7 28 1. STATE UNIVERSITY OF IOWA
7 29 For the general university, including lakeside laboratory
7 30 in 2009 Iowa Acts, chapter 177, section 10, subsection 2,
7 31 paragraph "a":
7 32 \$ 14,371,621
7 33 2. IOWA STATE UNIVERSITY OF SCIENCE AND TECHNOLOGY
7 34 For the general university in 2009 Iowa Acts, chapter 177,
7 35 section 10, subsection 3, paragraph "a":



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9 1 1, 2009, and ending June 30, 2010, the following amounts, or so
 9 2 much thereof as is necessary, to supplement the appropriations
 9 3 made for the following designated purposes:

9 4 1. ADDICTIVE DISORDERS
 9 5 For reducing the prevalence of use of tobacco, alcohol, and
 9 6 other drugs, and treating individuals affected by addictive
 9 7 behaviors, including gambling, in 2009 Iowa Acts, chapter 182,
 9 8 section 2, subsection 1:
 9 9 \$ 2,627,532

9 10 2. HEALTHY CHILDREN AND FAMILIES
 9 11 For promoting the optimum health status for children,
 9 12 adolescents from birth through 21 years of age, and families,
 9 13 in 2009 Iowa Acts, chapter 182, section 2, subsection 2:
 9 14 \$ 329,267

9 15 3. CHRONIC CONDITIONS
 9 16 For serving individuals identified as having chronic
 9 17 conditions or special health care needs in 2009 Iowa Acts,
 9 18 chapter 182, section 2, subsection 3:
 9 19 \$ 321,643

9 20 4. COMMUNITY CAPACITY
 9 21 For strengthening the health care delivery system at
 9 22 the local level in 2009 Iowa Acts, chapter 182, section 2,
 9 23 subsection 4:
 9 24 \$ 23,000

9 25 5. ELDERLY WELLNESS
 9 26 For promotion of healthy aging and optimization of the
 9 27 health of older adults in 2009 Iowa Acts, chapter 182, section
 9 28 2, subsection 5:
 9 29 \$ 834,578

9 30 6. INFECTIOUS DISEASES
 9 31 For reducing the incidence and prevalence of communicable
 9 32 diseases, in 2009 Iowa Acts, chapter 182, section 2, subsection
 9 33 7:
 9 34 \$ 203,970

9 35 7. PUBLIC PROTECTION



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10 1 For protecting the health and safety of the public through
 10 2 establishing standards and enforcing regulations, in 2009 Iowa
 10 3 Acts, chapter 182, section 2, subsection 8:
 10 4 \$ 23,248

10 5 8. CENTER FOR CONGENITAL AND INHERITED DISORDERS CENTRAL
 10 6 REGISTRY

10 7 For the center for congenital and inherited disorders
 10 8 central registry to supplement the amount appropriated pursuant
 10 9 to section 144.13A, subsection 4, paragraph "a":
 10 10 \$ 20,684

DIVISION V
HUMAN SERVICES

10 13 Sec. 10. DEPARTMENT OF HUMAN SERVICES == STATE CASES. After
 10 14 applying the reduction made pursuant to executive order number
 10 15 19 issued October 8, 2009, to the appropriation made for the
 10 16 following designated purposes, there is appropriated from the
 10 17 general fund of the state to the department of human services
 10 18 for the fiscal year beginning July 1, 2009, and ending June 30,
 10 19 2010, the following amount, or so much thereof as is necessary,
 10 20 to supplement the appropriation made for the following
 10 21 designated purposes:

10 22 For distribution to counties for state case services
 10 23 for persons with mental illness, mental retardation, and
 10 24 developmental disabilities in accordance with section 331.440,
 10 25 in 2009 Iowa Acts, chapter 182, section 24, subsection 1:
 10 26 \$ 100,163

JUVENILE DELINQUENT GRADUATED SANCTIONS

10 28 Sec. 11. 2009 Iowa Acts, chapter 182, section 16, subsection
 10 29 2, is amended to read as follows:

10 30 2. In order to address a reduction of \$5,200,000 from
 10 31 the amount allocated under the appropriation made for the
 10 32 purposes of this section in prior years for purposes of
 10 33 juvenile delinquent graduated sanction services, up to
 10 34 ~~\$5,200,000~~ \$4,200,000 of the amount of federal temporary
 10 35 assistance for needy families block grant funding appropriated



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11 1 in this division of this Act for child and family services
11 2 and the \$1,000,000 allocated in the appropriation made
11 3 in this division of this Act from the juvenile detention
11 4 home fund shall be made available for purposes of juvenile
11 5 delinquent graduated sanction services.
11 6 Sec. 12. 2009 Iowa Acts, chapter 182, section 19, is amended
11 7 to read as follows:
11 8 SEC. 19. JUVENILE DETENTION HOME FUND. Moneys deposited
11 9 in the juvenile detention home fund created in section 232.142
11 10 during the fiscal year beginning July 1, 2009, and ending June
11 11 30, 2010, are appropriated to the department of human services
11 12 for the fiscal year beginning July 1, 2009, and ending June 30,
11 13 2010, to be allocated as follows:
11 14 1. For funding of juvenile delinquent graduated sanction
11 15 services as provided in the appropriation made in this Act
11 16 for child and family services in 2009 Iowa Acts, chapter 182,
11 17 section 15, subsection 2, as amended.
11 18 2. ~~for~~ For distribution of an amount equal to a percentage
11 19 of the costs of the establishment, improvement, operation,
11 20 and maintenance of county or multicounty juvenile detention
11 21 homes in the fiscal year beginning July 1, 2008. Moneys
11 22 ~~appropriated~~ allocated for distribution in accordance with
11 23 ~~this section~~ subsection shall be allocated among eligible
11 24 detention homes, prorated on the basis of an eligible
11 25 detention home's proportion of the costs of all eligible
11 26 detention homes in the fiscal year beginning July 1, 2008.
11 27 The percentage figure shall be determined by the department
11 28 based on the amount available for distribution for the
11 29 fund. Notwithstanding section 232.142, subsection 3, the
11 30 financial aid payable by the state under that provision for
11 31 the fiscal year beginning July 1, 2009, shall be limited to
11 32 the amount ~~appropriated~~ allocated for the purposes of this
11 33 ~~section~~ subsection.
11 34 Sec. 13. 2009 Iowa Acts, chapter 182, section 48, is amended
11 35 by adding the following new subsection:



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13 1 For the renovation and construction of certain nursing
 13 2 facilities, consistent with the provisions of chapter 249K, as
 13 3 enacted in this Act:
 13 4 \$ 1,000,000
 13 5 200,000
 13 6 Sec. 17. 2008 Iowa Acts, chapter 1179, section 1, subsection
 13 7 1, paragraph d, is amended to read as follows:
 13 8 d. For costs associated with developing the request for
 13 9 proposals necessary for the procurement and implementation
 13 10 of a human resources module associated with the integrated
 13 11 information for Iowa system, notwithstanding section 8.57,
 13 12 subsection 6, paragraph "c":
 13 13 \$ 200,000
 13 14 0
 13 15 Sec. 18. 2008 Iowa Acts, chapter 1179, section 1, subsection
 13 16 3, paragraph c, is amended to read as follows:
 13 17 c. For a study related to the fifth judicial district
 13 18 department of correctional services, notwithstanding section
 13 19 8.57, subsection 6, paragraph "c":
 13 20 \$ 200,000
 13 21 96,654
 13 22 Sec. 19. 2008 Iowa Acts, chapter 1179, section 1, subsection
 13 23 4, paragraph d, is amended to read as follows:
 13 24 d. For repairs to the historic Kimball organ located in
 13 25 Clermont, Iowa, notwithstanding section 8.57, subsection 6,
 13 26 paragraph "c":
 13 27 \$ 80,000
 13 28 55,000
 13 29 Sec. 20. 2008 Iowa Acts, chapter 1179, section 1, subsection
 13 30 7, paragraphs a and b, are amended to read as follows:
 13 31 a. For the renovation and construction of certain nursing
 13 32 facilities, consistent with the provisions of chapter 249K:
 13 33 \$ 600,000
 13 34 0
 13 35 b. For a study of ways to enhance access to health insurance



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14 1 by registered child development home providers in accordance
 14 2 with this section, notwithstanding section 8.57, subsection 6,
 14 3 paragraph "c":
 14 4 \$ 50,000
 14 5 0
 14 6 Sec. 21. 2008 Iowa Acts, chapter 1179, section 1, subsection
 14 7 9, paragraph c, is amended to read as follows:
 14 8 c. For a grant to a city with a population of more
 14 9 than 30,500 but less than 31,500, according to the 2006
 14 10 estimate issued by the United States bureau of the census,
 14 11 notwithstanding section 8.57, subsection 6, paragraph "c":
 14 12 \$ ~~150,000~~
 14 13 135,000
 14 14 Sec. 22. 2009 Iowa Acts, chapter 184, section 5, is amended
 14 15 to read as follows:
 14 16 SEC. 5. Notwithstanding the amount of the standing
 14 17 appropriation from the rebuild Iowa infrastructure fund
 14 18 as provided in section 15G.110, subsection 2, there is
 14 19 appropriated from the rebuild Iowa infrastructure fund to
 14 20 the department of economic development for deposit into the
 14 21 grow Iowa values fund, in lieu of the appropriation made in
 14 22 section 15G.110, subsection 2, for the fiscal year beginning
 14 23 July 1, 2009, and ending June 30, 2010, the following amount,
 14 24 notwithstanding section 8.57, subsection 6, paragraph "c":
 14 25 \$ ~~45,000,000~~
 14 26 27,500,000
 14 27 Sec. 23. 2009 Iowa Acts, chapter 184, section 7, is amended
 14 28 to read as follows:
 14 29 SEC. 7. REDUCTION OF THE GROW IOWA VALUES FUND APPROPRIATION
 14 30 TO THE DEPARTMENT OF ECONOMIC DEVELOPMENT. In lieu of the
 14 31 fifty million dollars appropriated for the fiscal year
 14 32 beginning July 1, 2009, and ending June 30, 2010, from the grow
 14 33 Iowa values fund to the department of economic development
 14 34 pursuant to section 15G.111, subsection 3, if enacted by 2009
 14 35 Iowa Acts, Senate File 344, section 2, there is appropriated



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15 1 from the grow Iowa values fund to the department of economic
15 2 development for the fiscal year beginning July 1, 2009, and
15 3 ending June 30, 2010, ~~forty-five~~ twenty-seven million five
15 4 hundred thousand dollars for purposes of making expenditures
15 5 pursuant to chapter 15G.

15 6 Sec. 24. 2009 Iowa Acts, chapter 184, section 8, unnumbered
15 7 paragraph 1, is amended to read as follows:

15 8 In lieu of the amounts allocated pursuant to section
15 9 15G.111, subsections 4 through 10, if enacted by 2009
15 10 Iowa Acts, Senate File 344, section 2, for the fiscal year
15 11 beginning July 1, 2009, and ending June 30, 2010, of the
15 12 ~~forty-five~~ twenty-seven million five hundred thousand dollars
15 13 appropriated to the department of economic development pursuant
15 14 to this division of this Act, the department shall allocate the
15 15 following amounts for the following purposes as described in
15 16 section 15G.111, subsections 4 through 10, if enacted by 2009
15 17 Iowa Acts, Senate File 344, section 2:

15 18 Sec. 25. 2009 Iowa Acts, chapter 184, section 8, subsection
15 19 1, is amended to read as follows:

15 20 1. For departmental purposes, ~~twenty-eight~~ eleven million
15 21 ~~eight~~ three hundred thousand dollars. Of the moneys
15 22 allocated pursuant to this subsection and in lieu of the two
15 23 million dollars allocated for deposit in the renewable fuel
15 24 infrastructure fund under section 15G.111, subsection 4,
15 25 paragraph "h", if enacted by 2009 Iowa Acts, Senate File 344,
15 26 section 2, the department shall allocate one million eight
15 27 hundred thousand dollars for deposit in the renewable fuel
15 28 infrastructure fund.

DIVISION viI

EFFECTIVE DATE

15 31 Sec. 26. EFFECTIVE UPON ENACTMENT. Unless provided
15 32 otherwise, this Act, being deemed of immediate importance,
15 33 takes effect upon enactment.

EXPLANATION

15 35 This bill makes, reduces, and supplements appropriations



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16 1 for expenditures in FY 2009=2010. The bill is organized into
16 2 divisions.

16 3 DIVISION I == JUSTICE SYSTEM. This division supplements
16 4 the amounts of appropriations made for the justice system in
16 5 2009 Iowa Acts, chapter 178, to the following departments
16 6 and agencies: department of corrections institutions and
16 7 community-based corrections, public defender, and department
16 8 of public defense. In addition, certain appropriations made
16 9 to the judicial branch in 2009 Iowa Acts, chapter 172, are
16 10 reduced.

16 11 Language is included clarifying that the supplemental
16 12 appropriations are made after the governor's uniform reduction
16 13 made pursuant to executive order number 19 issued October 8,
16 14 2009, and various transfers to and from appropriations.

16 15 DIVISION II == EDUCATION. This division supplements certain
16 16 appropriations made for education.

16 17 Appropriations made in 2009 Iowa Acts, chapter 177, to
16 18 the department of education for the following purposes
16 19 are supplemented: enrich Iowa program, preschool tuition
16 20 assistance, four-year-old preschool program, textbooks of
16 21 nonpublic school pupils, core curriculum and career information
16 22 and decision-making system, student achievement and teacher
16 23 quality program, and community colleges. The appropriation
16 24 made for the senior year plus program in 2008 Iowa Acts,
16 25 chapter 1181, is also supplemented. Code section 261E.13
16 26 allowed the unexpended portion of the appropriation to remain
16 27 available for FY 2009=2010. Appropriations made in 2009
16 28 Iowa Acts, chapter 179, for the following purposes are also
16 29 addressed: the standing appropriation for at-risk children
16 30 that was limited is supplemented to restore the limited amount
16 31 and an appropriation for management information system is
16 32 restored. The appropriations to the state board of regents
16 33 for the following purposes are supplemented: state university
16 34 of Iowa, Iowa state university of science and technology, and
16 35 university of northern Iowa.



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17 1 Language is included clarifying that the supplemental
17 2 appropriations are made after the governor's uniform reduction
17 3 made pursuant to executive order number 19 issued October 8,
17 4 2009, and various transfers to and from appropriations.
17 5 DIVISION III == GENERAL ASSEMBLY AND MISCELLANEOUS. This
17 6 division addresses appropriations for the expenses of the
17 7 general assembly and other purposes. A reduction to the amount
17 8 of the standing appropriation made for the expenses of the
17 9 general assembly in 2009 Iowa Acts, chapter 179, is increased.
17 10 The number of full-time equivalent positions authorized for the
17 11 office of state=federal relations under the governor's office
17 12 in 2009 Iowa Acts, chapter 181, are increased.
17 13 DIVISION IV == HEALTH. This division revises certain
17 14 appropriations made for health programs in 2009 Iowa Acts,
17 15 chapter 182. The following appropriations are supplemented:
17 16 addictive disorders, healthy children and families, chronic
17 17 conditions, community capacity, elderly wellness, infectious
17 18 diseases, public protection, and center for congenital and
17 19 inherited disorders.
17 20 Language is included clarifying that the supplemental
17 21 appropriations are made after the governor's uniform reduction
17 22 made pursuant to executive order number 19 issued October 8,
17 23 2009, and various transfers to and from appropriations.
17 24 DIVISION V == HUMAN SERVICES. This division revises,
17 25 supplements, and makes new appropriations for human services.
17 26 The general fund appropriation made for distribution to
17 27 counties for state case services for persons with mental
17 28 illness, mental retardation, and developmental disabilities is
17 29 supplemented and any excess funds in the risk pool for such
17 30 services is also transferred to the state cases appropriation.
17 31 An additional appropriation is made from the IowaCare account
17 32 for distribution to a publicly owned acute care teaching
17 33 hospital located in a county with a population over 350,000.
17 34 The allocation of federal temporary assistance for needy
17 35 families block grant funding in the appropriation made to the



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18 1 department of human services in 2009 Iowa Acts, chapter 182,
18 2 section 15, subsection 2, that was designated for juvenile
18 3 delinquent graduated sanction services is reduced by \$1
18 4 million and replaced with a like amount allocated from the
18 5 appropriation to the department from the juvenile detention
18 6 home fund in 2009 Iowa Acts, chapter 182, section 19.
18 7 Language is included clarifying that the supplemental
18 8 appropriations are made after the governor's uniform reduction
18 9 made pursuant to executive order number 19 issued October 8,
18 10 2009, and various transfers to and from appropriations.
18 11 DIVISION VI == INFRASTRUCTURE APPROPRIATIONS. This division
18 12 revises various infrastructure appropriations.
18 13 Appropriations from the rebuild Iowa infrastructure fund
18 14 in 2007 Iowa Acts, chapter 219, for the following purposes
18 15 are reduced: to the department of corrections for electrical
18 16 systems costs at the Fort Madison facility and to the
18 17 department of human services for renovation and construction
18 18 of certain nursing facilities.
18 19 Appropriations from the rebuild Iowa infrastructure fund in
18 20 2008 Iowa Acts, chapter 1179, for the following purposes are
18 21 reduced or eliminated: to the department of administrative
18 22 services for information technology, to the department of
18 23 corrections for a study related to the fifth judicial district
18 24 department of correctional services, to the department of
18 25 cultural affairs for repairs to a historic Kimball organ,
18 26 to the department of human services for renovation and
18 27 construction of certain nursing facilities and a study of ways
18 28 to enhance access to health insurance by certain child care
18 29 providers, and to the department of natural resources for a
18 30 grant to a city with a certain population level.
18 31 A reduction in the standing appropriation from \$50 million
18 32 to \$45 million made from the rebuild Iowa infrastructure
18 33 fund to the grow Iowa values fund in 2009 Acts, chapter
18 34 184, is further reduced to \$27.5 million. The allocation of
18 35 this funding for the programs of the department of economic



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19 1 development is reduced accordingly.
19 2 DIVISION VII == EFFECTIVE DATE. This division provides that
19 3 the bill takes effect upon enactment unless otherwise provided.
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