



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 10, 2009

House Amendment 1016

PAG LIN

1 1 Amend House File 179 as follows:
1 2 #1. By striking page 1, line 25, through page 2,
1 3 line 5.
1 4
1 5
1 6
1 7 BERRY of Black Hawk
1 8 HF 179.501 83
1 9 jp/nh/21590
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Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 10, 2009

House Amendment 1017

PAG LIN

1 1 Amend House File 179 as follows:
1 2 #1. Page 1, by inserting before line 1 the
1 3 following:
1 4 <Section 1. Section 232.69, subsection 1,
1 5 unnumbered paragraph 1, Code 2009, is amended to read
1 6 as follows:
1 7 The classes of persons enumerated in this
1 8 subsection shall make a report within twenty-four
1 9 hours and as provided in section 232.70, of cases of
1 10 child abuse. In addition, the classes of persons
1 11 enumerated in this subsection shall make a report of
1 12 abuse of a child who is under ~~twelve~~ sixteen years of
1 13 age and may make a report of abuse of a child who is
1 14 ~~twelve~~ sixteen years of age or older, which would be
1 15 defined as child abuse under section 232.68,
1 16 subsection 2, paragraph "c" or "e", except that the
1 17 abuse resulted from the acts or omissions of a person
1 18 other than a person responsible for the care of the
1 19 child.>
1 20 #2. By renumbering as necessary.
1 21
1 22
1 23
1 24 SCHULTZ of Crawford
1 25 HF 179.502 83
1 26 jp/nh/21610
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Iowa General Assembly
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February 10, 2009

House File 235 - Introduced

HOUSE FILE
BY BAILEY

Passed House, Date _____ Passed Senate, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays
Approved

A BILL FOR

- 1 An Act relating to involuntary discharge of a resident from the
- 2 veterans home.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 2184HH 83
- 5 pf/nh/8



Iowa General Assembly
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House File 235 - Introduced continued

PAG LIN

1 1 Section 1. Section 35D.15, Code 2009, is amended to read
1 2 as follows:

1 3 35D.15 RULES ENFORCED == POWER TO SUSPEND AND ~~EXPEL~~
1 4 DISCHARGE MEMBERS.

1 5 1. The commandant shall administer and enforce all rules
1 6 adopted by the commission, including rules of discipline and,
1 7 subject to these rules, may immediately suspend the membership
1 8 of and ~~expel~~ discharge any person from the home for infraction
1 9 of the rules when the commandant determines that the health,
1 10 safety, or welfare of the residents of the home is in
1 11 immediate danger and other reasonable alternatives have been
1 12 exhausted. The suspension and ~~expulsion~~ discharge are
1 13 temporary pending action by the commission. Judicial review
1 14 of the action of the commission may be sought in accordance
1 15 with chapter 17A.

1 16 2. a. The commandant may involuntarily discharge a member
1 17 for any of the following reasons:

1 18 (1) The member has been diagnosed with a substance use
1 19 disorder but continues to abuse alcohol or an illegal drug.

1 20 (2) The member refuses to comply with the member's
1 21 prescribed plan of care or treatment.

1 22 (3) The member requires a level of care not provided at
1 23 the Iowa veterans home.

1 24 (4) The member's medical or life skills needs have been
1 25 met to the extent possible through the services provided by
1 26 the Iowa veterans home and the member no longer requires a
1 27 residential or nursing level of care.

1 28 b. The commission shall adopt rules to enforce this
1 29 subsection.

1 30 c. Any involuntary discharge by the commandant under this
1 31 subsection shall comply with the rules adopted by the
1 32 commission under this subsection and by the department of
1 33 inspections and appeals pursuant to section 135C.14,
1 34 subsection 8, paragraph "f".

1 35 Sec. 2. Section 135C.14, subsection 8, Code 2009, is



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House File 235 - Introduced continued

2 1 amended by adding the following new paragraph:

2 2 NEW PARAGRAPH. f. The involuntary discharge of a resident
2 3 of the Iowa veterans home including provisions for notice and
2 4 agency hearings, the development of a resident discharge plan,
2 5 and for providing counseling services to a resident being
2 6 discharged. The rules shall provide that a resident may be
2 7 involuntarily discharged for any of the following reasons:

2 8 (1) The resident has been diagnosed with a substance use
2 9 disorder but continues to abuse alcohol or an illegal drug.

2 10 (2) The resident refuses to comply with the resident's
2 11 prescribed plan of care or treatment.

2 12 (3) The resident requires a level of care not provided at
2 13 the Iowa veterans home.

2 14 (4) The resident's medical or life skills needs have been
2 15 met to the extent possible through the services provided by
2 16 the Iowa veterans home and the resident no longer requires a
2 17 residential or nursing level of care.

2 18 EXPLANATION

2 19 This bill provides for the involuntary discharge of a
2 20 resident of the Iowa veterans home by the commandant under
2 21 limited circumstances. The bill specifies the bases for
2 22 involuntary discharge, requires the commission of veterans
2 23 affairs to adopt rules to enforce the bill, and provides that
2 24 any involuntary discharge under the bill must comply with the
2 25 rules adopted by the commission and the rules adopted by the
2 26 department of inspections and appeals under the health care
2 27 facilities chapter (Code chapter 135C). Current
2 28 administrative rules adopted pursuant to Code chapter 135C for
2 29 residential health care facilities and nursing facilities
2 30 relating to involuntary discharge (481 IAC 57.36(1) and 481
2 31 IAC 58.40(1)) provide for involuntary discharge of residents,
2 32 but the current bases are limited and do not include the bases
2 33 provided under the bill which are specific to the Iowa
2 34 veterans home.

2 35 LSB 2184HH 83



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House File 235 - Introduced continued

3 1 pf/nh/8



Iowa General Assembly
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House File 236 - Introduced

HOUSE FILE

BY T. OLSON, ABDUL=SAMAD, KRESSIG,
BERRY, PETERSEN, L. MILLER,
HEATON, THEDE, REICHERT,
WESSEL=KROESCHELL, and MASCHER

Passed House, Date _____
Vote: Ayes _____ Nays _____
Approved

Passed Senate, Date _____
Vote: Ayes _____ Nays _____

A BILL FOR

- 1 An Act concerning the substitution of antiepileptic drugs and
- 2 establishing an effective date.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 1793YH 83
- 5 jr/nh/5



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House File 236 - Introduced continued

PAG LIN

1 1 Section 1. Section 155A.32, Code 2009, is amended by
1 2 adding the following new subsection:
1 3 NEW SUBSECTION. 4. The pharmacist shall not exercise the
1 4 drug product selection described in this section for an
1 5 antiepileptic drug or formulation of an antiepileptic drug,
1 6 brand or generic name, prescribed for the treatment of
1 7 seizures, including epilepsy, without prior notification of
1 8 and the signed informed consent of that selection from both
1 9 the authorized prescriber and the patient or the patient's
1 10 representative.

1 11 Sec. 2. EFFECTIVE DATE. This Act, being deemed of
1 12 immediate importance, takes effect upon enactment.

1 13 EXPLANATION

1 14 Current law allows a pharmacist to exercise professional
1 15 judgment by selecting a drug product with the same generic
1 16 name and demonstrated bioavailability as the drug prescribed
1 17 for dispensing and sale to the patient. This bill limits that
1 18 discretion in the case of an antiepileptic drug prescribed by
1 19 brand or generic name. Prior to any substitution, the
1 20 pharmacist must obtain signed informed consent of that
1 21 selection from both the authorized prescriber and the patient
1 22 or the patient's representative.

1 23 The board of pharmacy examiners may impose a variety of
1 24 penalties for violation of the bill, as set out in Code
1 25 section 272C.3. In addition, civil penalties not to exceed
1 26 \$25,000 may be imposed.

1 27 The bill is made effective upon enactment.

1 28 LSB 1793YH 83

1 29 jr/nh/5



Iowa General Assembly
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House File 237

HOUSE FILE
BY BAILEY, ZIRKELBACH, and
MAREK

Passed House, Date _____ Passed Senate, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays
Approved

A BILL FOR

1 An Act providing for family military leave from employment for
2 certain relatives of individuals called to active military
3 service and providing a remedy.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
5 TL5B 1195HH 83
6 ec/nh/14



Iowa General Assembly
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House File 237 continued

PAG LIN

1 1 Section 1. NEW SECTION. 29A.110 CITATION.
1 2 This subchapter shall be known and may be cited as the
1 3 "Iowa Family Military Leave Act".
1 4 Sec. 2. NEW SECTION. 29A.111 DEFINITIONS.
1 5 As used in this subchapter, unless the context otherwise
1 6 requires:
1 7 1. "Employee" means any person employed by an employer.
1 8 2. "Employee benefits" means all benefits, other than
1 9 salary and wages, provided or made available to employees by
1 10 an employer and includes group life insurance, health
1 11 insurance, disability insurance, and pensions, regardless of
1 12 whether the benefits are provided by a policy or practice of
1 13 the employer.
1 14 3. "Employer" means the state of Iowa or any political
1 15 subdivision, board, commission, department, institution, or
1 16 school district thereof, and every other person who regularly
1 17 employs at least six employees within the state.
1 18 4. "Family military leave" means time off from work
1 19 requested by an employee to ease the transition of a family
1 20 member who is called into or returning from duty in the armed
1 21 forces of the United States.
1 22 Sec. 3. NEW SECTION. 29A.112 FAMILY MILITARY LEAVE.
1 23 1. An employer shall allow an employee to take family
1 24 military leave as provided in this section if all of the
1 25 following conditions are met:
1 26 a. The employee has been employed by the employer for at
1 27 least twelve months and for at least one thousand two hundred
1 28 fifty hours during the twelve-month period immediately
1 29 preceding the commencement of family military leave.
1 30 b. The employee is the parent or spouse of an individual
1 31 who is a member of the reserve components of the armed forces
1 32 of the United States or the national guard and who is called
1 33 into active federal duty in the armed forces of the United
1 34 States for a period of at least one hundred twenty consecutive
1 35 days at a location more than two hundred fifty miles from the



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2 1 residence of the parent or spouse.
2 2 c. The employee gives at least seven days' notice, or, for
2 3 an employee requesting family military leave prior to the date
2 4 of deployment, such advance notice as is practicable, to the
2 5 employer of dates that the employee intends to take family
2 6 military leave.
2 7 d. The dates of the requested family military leave fall
2 8 within either of the following deployment-related periods:
2 9 (1) During a predeployment period, which commences two
2 10 weeks before and ends one week after the date of deployment of
2 11 the employee's spouse or child.
2 12 (2) During a postdeployment period, which commences one
2 13 week before and ends two weeks after the date the deployment
2 14 of the employee's spouse or child ends. For purposes of this
2 15 subparagraph, the deployment of an employee's spouse or child
2 16 ends upon the date the deployment is completed or the date the
2 17 spouse or child dies or incurs a serious injury preventing the
2 18 completion of the deployment.
2 19 e. The employee has exhausted all accrued leave and
2 20 compensatory time available to the employee, other than sick
2 21 and disability leave.
2 22 2. The maximum family military leave allowed for an
2 23 eligible period of military service is twenty-one days.
2 24 However, no more than fourteen days of family military leave
2 25 shall be allowed during the predeployment or postdeployment
2 26 period.
2 27 3. An employer may require an employee requesting family
2 28 military leave under this section to provide certification
2 29 from the proper military authority to verify the employee's
2 30 eligibility.
2 31 Sec. 4. NEW SECTION. 29A.113 EMPLOYER AND EMPLOYEE
2 32 DUTIES, RIGHTS, AND RESPONSIBILITIES.
2 33 1. An employer shall continue to provide existing employee
2 34 benefits to the employee during family military leave. The
2 35 employee shall be responsible for the same proportion of the



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House File 237 continued

3 1 cost of such benefits as the employee paid before the leave
3 2 period. The employer is not required to pay salary or wages
3 3 to the employee while on family military leave.
3 4 2. Upon expiration of an employee's family military leave,
3 5 the employer shall restore the employee to the position held
3 6 by the employee when the leave commenced or to a position with
3 7 at least equivalent seniority, benefits, pay, and other terms
3 8 and conditions of employment.
3 9 3. An employer shall not discharge, fine, suspend, expel,
3 10 discipline, or discriminate against an employee with respect
3 11 to any term or condition of employment because of the
3 12 employee's actual or potential exercise, or support for
3 13 another employee's exercise, of any right under this
3 14 subchapter. This section does not prevent an employer from
3 15 taking employment action that is independent of the exercise
3 16 of a right under this subchapter.
3 17 4. An employer shall not deprive an employee who takes
3 18 family military leave of any employee benefit that accrued
3 19 before the date the family military leave begins.
3 20 5. This subchapter does not affect an employer's
3 21 obligation to comply with any collective bargaining agreement
3 22 or employee benefit plan that provides greater leave rights to
3 23 employees than provided under section 29A.112.
3 24 6. An employer shall not require an employee to waive
3 25 rights under this subchapter and shall not interfere with,
3 26 restrain, or deny the exercise or attempted exercise of a
3 27 right provided under this subchapter. In addition, an
3 28 employee's rights under this subchapter cannot be waived or
3 29 diminished under a term in a collective bargaining agreement
3 30 or employee benefit plan that takes effect on or after July 1,
3 31 2009.
3 32 Sec. 5. NEW SECTION. 29A.114 ENFORCEMENT.
3 33 A civil action to enforce this subchapter may be brought by
3 34 any employee in a district court having jurisdiction. The
3 35 court may enjoin any act or practice that violates or may



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4 1 violate this subchapter, may award court costs and reasonable
4 2 attorney fees, and may order any other equitable relief that
4 3 is necessary and appropriate to redress the violation or to
4 4 enforce this subchapter.

4 5 Sec. 6. IMPLEMENTATION OF ACT. Section 25B.2, subsection
4 6 3, shall not apply to this Act.

4 7 EXPLANATION

4 8 This bill establishes a family military leave Act.

4 9 The bill provides that the spouse or parent of an
4 10 individual in the national guard or reserves who is ordered to
4 11 active federal duty for a period of at least 120 days at a
4 12 location more than 250 miles away from the spouse or parent
4 13 may take unpaid time off from work for up to 21 days.
4 14 However, the bill provides that of the 21 days of unpaid time
4 15 off allowed, no more than 14 days shall be allowed during the
4 16 predeployment or postdeployment period of the eligible period
4 17 of service. The requirements apply to public and private
4 18 employers in this state with at least six employees and is
4 19 available to employees who have been employed by the employer
4 20 for at least 12 months and who have been employed for at least
4 21 1,250 hours during the 12-month period preceding the requested
4 22 leave. The bill provides that the unpaid time off can be
4 23 taken within two weeks before or one week after the employee's
4 24 spouse's or child's deployment date or one week before or two
4 25 weeks after the employee's spouse's or child's deployment
4 26 ends. The bill provides that the deployment ends when the
4 27 deployment is completed or the military member dies or is
4 28 seriously injured. The bill requires the employee to provide
4 29 notice before taking leave and to have exhausted all accrued
4 30 leave and compensatory time available. The bill requires
4 31 employers to maintain an employee's status during the period
4 32 of leave and to not take adverse action against an employee
4 33 for exercising their rights under the bill. The bill further
4 34 provides that leave rights granted under the bill cannot be
4 35 waived by an employee. The bill provides that a civil action



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House File 237 continued

5 1 may be brought to enforce an employee's rights under the bill
5 2 and to seek equitable relief.
5 3 The bill may include a state mandate as defined in Code
5 4 section 25B.3. The bill makes inapplicable Code section
5 5 25B.2, subsection 3, which would relieve a political
5 6 subdivision from complying with a state mandate if funding for
5 7 the cost of the state mandate is not provided or specified.
5 8 Therefore, political subdivisions are required to comply with
5 9 any state mandate included in the bill.
5 10 LSB 1195HH 83
5 11 ec/nh/14.1



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House File 238 - Introduced

HOUSE FILE
BY COMMITTEE ON STATE GOVERNMENT

(SUCCESSOR TO HSB 32)

Passed House, Date _____ Passed Senate, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays
Approved

A BILL FOR

- 1 An Act establishing a lean enterprise office within the
- 2 department of management.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 1129HV 83
- 5 ec/rj/8



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House File 238 - Introduced continued

PAG LIN

1 1 Section 1. NEW SECTION. 8.70 LEAN ENTERPRISE OFFICE.
1 2 1. For purposes of this section, "lean" means a
1 3 business-oriented system for organizing and managing product
1 4 development, operations, suppliers, and customer relations to
1 5 create precise customer value, expressed as providing goods
1 6 and services with higher quality and fewer defects and errors,
1 7 with less human effort, less space, less capital, and less
1 8 time than more traditional systems.
1 9 2. The office of lean enterprise is established in the
1 10 department of management. The function of the office is to
1 11 ensure implementation of lean tools and enterprises as a
1 12 component of a performance management system for all executive
1 13 branch agencies. Staffing for the office of lean enterprise
1 14 shall be provided by an administrator appointed by the
1 15 director of the department of management.
1 16 3. The duties of the office of lean enterprise may include
1 17 the following:
1 18 a. Create strategic and tactical approaches for lean
1 19 implementation, including integration into state governance
1 20 and operational systems.
1 21 b. Lead and develop state government's capacity to
1 22 implement lean tools and enterprises, including design and
1 23 development of instructional materials as needed with the goal
1 24 of integrating continuous improvement into the organizational
1 25 culture.
1 26 c. (1) Create demand for lean tools and enterprises in
1 27 departments.
1 28 (2) Communicate with agency directors, boards,
1 29 commissions, and senior management to create interest and
1 30 organizational will to implement lean tools and enterprises to
1 31 improve agency results.
1 32 (3) Provide direction and advice to department heads and
1 33 senior management to plan and implement departmental lean
1 34 programs.
1 35 (4) Direct and review plans for leadership and assist with



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House File 238 - Introduced continued

- 2 1 the selection of process improvement projects of key
2 2 importance to agency goals, programs, and missions.
2 3 d. (1) Identify and assist departments in identifying
2 4 potential lean projects.
2 5 (2) Continuously evaluate organizational performance in
2 6 meeting objectives, identify and structure the direction the
2 7 lean implementation should take to provide greatest
2 8 effectiveness, and justify critical and far-reaching changes.
2 9 e. (1) Lead the collection and reporting of data and
2 10 learning related to lean accomplishments.
2 11 (2) Widely disseminate lean results and learning with
2 12 Iowans, stakeholders, and other members of the public to
2 13 demonstrate the benefits and return on investment.
2 14 f. (1) Evaluate the effect of unforeseen developments on
2 15 plans and programs and present to agency directors, boards,
2 16 commissions, and senior management suggested changes in
2 17 overall direction.
2 18 (2) Provide input related to proposals regarding new or
2 19 revised legislation, regulations, and related changes which
2 20 have a direct impact over the implementation.
2 21 g. Lead the development of alliances and partnerships with
2 22 the business community, associations, consultants, and other
2 23 stakeholders to enhance external support and advance the
2 24 implementation of lean tools and enterprises in state
2 25 government.
2 26 h. Lead relations with the general assembly and staff to
2 27 build support for and understanding of lean work in state
2 28 government.

2 29 EXPLANATION

2 30 This bill creates in the department of management the lean
2 31 enterprise office to ensure implementation of lean tools and
2 32 enterprises as a component of a performance management system
2 33 for all executive branch agencies. The bill provides that the
2 34 administrator of the office shall be appointed by the director
2 35 of the department of management. The bill defines "lean" as a



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House File 238 - Introduced continued

3 1 business-oriented system for organizing and managing, designed
3 2 to create precise customer value, expressed as providing goods
3 3 and services with higher quality and fewer defects and errors,
3 4 with less time and effort.
3 5 The duties of the lean enterprise office may include
3 6 creating strategic and tactical approaches for lean
3 7 implementation, developing state government's capacity to
3 8 implement lean tools and enterprises, creating demand for lean
3 9 tools and enterprises in state departments, identifying and
3 10 assisting departments in identifying potential lean projects,
3 11 leading the collection and reporting of data and learning
3 12 related to lean accomplishments, evaluating the effect of
3 13 unforeseen developments on plans and programs, and present to
3 14 agency directors, boards, commissions, and senior management
3 15 suggested changes in overall direction, leading the
3 16 development of alliances and partnerships with the business
3 17 community, associations, consultants, and other stakeholders
3 18 to enhance external support and advance the implementation of
3 19 lean tools and enterprises in state government, and leading
3 20 relations with the general assembly to build support for and
3 21 understanding of lean work in state government.
3 22 LSB 1129HV 83
3 23 ec/rj/8



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House File 239 - Introduced

HOUSE FILE
BY SMITH

Passed House, Date _____
Vote: Ayes _____ Nays _____
Approved

Passed Senate, Date _____
Vote: Ayes _____ Nays _____

A BILL FOR

- 1 An Act relating to delivery of absentee ballots to certain health
- 2 care facilities and hospitals.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 1173HH 83
- 5 sc/nh/8



Iowa General Assembly
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House File 239 - Introduced continued

PAG LIN

1 1 Section 1. Section 53.22, subsection 1, paragraph a, Code
1 2 2009, is amended by adding the following new subparagraph:
1 3 NEW SUBPARAGRAPH. (1A) Notwithstanding subparagraph (1)
1 4 and subsection 3, the commissioner shall, upon receipt of an
1 5 application under this section, contact the applicant by
1 6 telephone to determine whether the applicant wishes to have
1 7 the absentee ballot mailed to the applicant. If the applicant
1 8 wishes to have the absentee ballot delivered by mail, the
1 9 commissioner shall proceed under section 53.8, subsections 1
1 10 and 2. If the commissioner is unable to make contact with the
1 11 applicant by telephone within four days of receiving the
1 12 application, the applicant shall be delivered the absentee
1 13 ballot in the manner provided in subparagraph (1). If section
1 14 53.8, subsection 3, applies to an application received by the
1 15 commissioner, the commissioner shall not mail the notice
1 16 required under section 53.8, subsection 3, until the
1 17 commissioner has contacted the applicant by telephone or after
1 18 four days following the receipt of the application, whichever
1 19 is earlier.

1 20 EXPLANATION

1 21 Under current law, a resident of a health care facility or
1 22 hospital who makes application for an absentee ballot is, in
1 23 most circumstances, delivered the ballot by two special
1 24 precinct election officials appointed by the county
1 25 commissioner of elections. This bill provides that, upon
1 26 receipt of an application for an absentee ballot by a resident
1 27 of a health care facility or hospital, the commissioner shall
1 28 attempt to contact the applicant by telephone to determine
1 29 whether the applicant wishes to have the absentee ballot
1 30 delivered by mail. If the commissioner is unable to make
1 31 telephone contact with the applicant within four days of
1 32 receipt of the application, the ballot shall be delivered to
1 33 the applicant by the two special precinct election officials.

1 34 LSB 1173HH 83

1 35 sc/nh/8



Iowa General Assembly
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February 10, 2009

House File 240 - Introduced

HOUSE FILE
BY BERRY

Passed House, Date _____ Passed Senate, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays
Approved

A BILL FOR

- 1 An Act relating to the setting aside of a portion of child
- 2 support payments in a separate fund to be invested and
- 3 reserved for the child.
- 4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 5 TLSB 2166HH 83
- 6 pf/nh/5



Iowa General Assembly
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February 10, 2009

House File 240 - Introduced continued

PAG LIN

1 1 Section 1. Section 598.21B, subsection 1, Code 2009, is
1 2 amended by adding the following new paragraph:
1 3 NEW PARAGRAPH. bb. The guidelines prescribed by the
1 4 supreme court shall provide that ten percent of the child
1 5 support amount which either party is ordered to pay is set
1 6 aside in a separate fund and invested in a well-balanced
1 7 financial portfolio to be reserved for the child until the
1 8 child reaches the age of twenty-five, unless the court
1 9 determines setting aside such amount is not in the best
1 10 interest of the child.

1 11 EXPLANATION

1 12 This bill directs that the child support guidelines are to
1 13 provide that 10 percent of child support paid by either parent
1 14 is to be set aside in a separate fund and invested in a
1 15 well-balanced financial portfolio to be reserved for the child
1 16 until the child reaches age 25, unless the court determines
1 17 setting aside such amount is not in the best interest of the
1 18 child.

1 19 LSB 2166HH 83

1 20 pf/nh/5



Iowa General Assembly
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House File 241 - Introduced

HOUSE FILE
BY BERRY

Passed House, Date _____ Passed Senate, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays
Approved

A BILL FOR

1 An Act concerning the power of local authorities to limit the
2 issuance of liquor control permits and licenses within certain
3 areas.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
5 TLSB 1376HH 83
6 ec/nh/14



Iowa General Assembly
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House File 241 - Introduced continued

PAG LIN

1 1 Section 1. Section 123.32, subsection 2, Code 2009, is
1 2 amended to read as follows:
1 3 2. ACTION BY LOCAL AUTHORITIES.
1 4 a. The local authority shall either approve or disapprove
1 5 the issuance of a liquor control license, retail wine permit,
1 6 or retail beer permit, shall endorse its approval or
1 7 disapproval on the application and shall forward the
1 8 application with the necessary fee and bond, if required, to
1 9 the division. There is no limit upon the number of liquor
1 10 control licenses, retail wine permits, or retail beer permits
1 11 which may be approved for issuance by local authorities.
1 12 b. A local authority may disapprove the issuance of a
1 13 liquor control license, retail wine permit, or retail beer
1 14 permit, pursuant to an ordinance adopted by the local
1 15 authority, that limits the number of liquor control licenses,
1 16 retail wine permits, or retail beer permits which may be
1 17 approved by the local authority within residential
1 18 neighborhoods or within certain distances from schools, child
1 19 care facilities, parks, or other areas where children
1 20 congregate. The ordinance shall list the criteria for
1 21 limiting the number of liquor control licenses, retail wine
1 22 permits, or retail beer permits.

1 23 EXPLANATION
1 24 This bill authorizes local authorities to disapprove the
1 25 issuance of a liquor control license, retail wine permit, or
1 26 retail beer permit if the local authority has adopted an
1 27 ordinance limiting the number of licenses or permits which may
1 28 be approved within residential neighborhoods or within certain
1 29 distances from schools, child care facilities, parks, or other
1 30 areas where children congregate. The bill provides that the
1 31 local authority shall establish, by ordinance, the criteria
1 32 for limiting the number of licenses or permits.
1 33 LSB 1376HH 83
1 34 ec/nh/14



Iowa General Assembly
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February 10, 2009

House File 242 - Introduced

HOUSE FILE
BY BERRY

Passed House, Date _____ Passed Senate, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays
Approved

A BILL FOR

1 An Act creating the criminal offense of sexual solicitation of a
2 minor, providing for registration on the sex offender
3 registry, and providing penalties.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
5 TLSB 2008HH 83
6 jm/nh/8



Iowa General Assembly
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House File 242 - Introduced continued

PAG LIN

1 1 Section 1. Section 692A.1, subsection 5, Code 2009, is
1 2 amended by adding the following new paragraph:
1 3 NEW PARAGRAPH. o. Sexual solicitation of a minor in
1 4 violation of section 710.12.
1 5 Sec. 2. Section 692A.1, subsection 5, paragraph o, Code
1 6 2009, is amended to read as follows:
1 7 ~~o.~~ p. An indictable offense committed in another
1 8 jurisdiction which would constitute an indictable offense
1 9 under paragraphs "a" through ~~"n"~~ "o".
1 10 Sec. 3. NEW SECTION. 710.12 SEXUAL SOLICITATION OF A
1 11 MINOR.
1 12 1. As used in this section:
1 13 a. "Instant message" means a form of real-time
1 14 communication between two or more people based on typed text.
1 15 b. "Solicit" means to command, authorize, urge, entice,
1 16 request, or advise a person by any means including in person,
1 17 through an agent, over the telephone, through any print
1 18 medium, by mail, by computer or internet, by instant message,
1 19 or by any other electronic means.
1 20 2. A person shall not, with the intent to commit sexual
1 21 abuse or sexual exploitation, knowingly solicit a minor or a
1 22 person reasonably believed to be a minor, to engage in a
1 23 prohibited sex act.
1 24 3. For purposes of determining jurisdiction under section
1 25 803.1, an offense is considered committed in this state if the
1 26 solicitation of a minor or a person believed to be a minor who
1 27 is present in this state originates from another state, or the
1 28 solicitation of a minor or a person believed to be a minor
1 29 originates from this state.
1 30 4. A person who violates this section commits a class "C"
1 31 felony if the person solicited is a minor under thirteen years
1 32 of age or a person reasonably believed to be under thirteen
1 33 years of age.
1 34 5. A person who violates this section commits a class "D"
1 35 felony if the person solicited is a minor under sixteen years



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House File 242 - Introduced continued

2 1 of age or a person reasonably believed to be under sixteen
2 2 years of age.

2 3 EXPLANATION

2 4 This bill creates the criminal offense of sexual
2 5 solicitation of a minor.

2 6 The bill provides that a person shall not, with the intent
2 7 to commit sexual abuse or sexual exploitation, knowingly
2 8 solicit a minor or a person reasonably believed to be a minor,
2 9 to engage in a prohibited sex act.

2 10 Under the bill, "solicit" means to command, authorize,
2 11 urge, entice, request, or advise a person by any means,
2 12 including in person, through an agent, over the telephone,
2 13 through any print medium, by mail, by computer or internet, by
2 14 instant message, or by any other electronic means.

2 15 The bill also provides that a person who commits sexual
2 16 solicitation of a minor shall register as a sex offender.

2 17 The bill is not applicable to a minor 16 years of age or
2 18 older because sex acts with a minor 16 years of age or older
2 19 are not prohibited under Code section 709.4 (sexual abuse) or
2 20 728.12 (sexual exploitation).

2 21 A sex act is defined in Code section 702.17.

2 22 A person who violates the bill commits a class "C" felony
2 23 if the person solicited is a minor under 13 years of age or a
2 24 person reasonably believed to be under 13 years of age.

2 25 A person who violates the bill commits a class "D" felony
2 26 if the person solicited is a minor under 16 years of age or a
2 27 person reasonably believed to be under 16 years of age.

2 28 A class "C" felony is punishable by confinement for no more
2 29 than 10 years and a fine of at least \$1,000 but not more than
2 30 \$10,000. A class "D" felony is punishable by confinement for
2 31 no more than five years and a fine of at least \$750 but no
2 32 more than \$7,500.

2 33 LSB 2008HH 83

2 34 jm/nh/8



Iowa General Assembly
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House File 243 - Introduced

HOUSE FILE
BY COMMITTEE ON STATE
GOVERNMENT

(SUCCESSOR TO HSB 12)

Passed House, Date _____ Passed Senate, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays
Approved

A BILL FOR

- 1 An Act providing for gender balance on local boards, commissions,
- 2 committees, and councils, and including an applicability
- 3 provision.
- 4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 5 TLSB 1345HV 83
- 6 ec/rj/8



Iowa General Assembly
Daily Bills, Amendments & Study Bills
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House File 243 - Introduced continued

PAG LIN

1 1 Section 1. Section 69.16A, Code 2009, is amended to read
1 2 as follows:

1 3 69.16A GENDER BALANCE.

1 4 1. All appointive boards, commissions, committees, and
1 5 councils of the state established by the Code, if not
1 6 otherwise provided by law, shall be gender balanced. No
1 7 person shall be appointed or reappointed to any board,
1 8 commission, committee, or council established by the Code if
1 9 that appointment or reappointment would cause the number of
1 10 members of the board, commission, committee, or council of one
1 11 gender to be greater than one-half the membership of the
1 12 board, commission, committee, or council plus one if the
1 13 board, commission, committee, or council is composed of an odd
1 14 number of members. If the board, commission, committee, or
1 15 council is composed of an even number of members, not more
1 16 than one-half of the membership shall be of one gender. If
1 17 there are multiple appointing authorities for a board,
1 18 commission, committee, or council, they shall consult each
1 19 other to avoid a violation of this section. ~~This section~~
~~1 20 shall not prohibit an individual from completing a term being~~
~~1 21 served on June 30, 1987.~~

1 22 2. All appointive boards, commissions, committees, and
1 23 councils of a political subdivision of the state that are
1 24 established by the Code, if not otherwise provided by law,
1 25 shall be gender balanced as provided by subsection 1 unless
1 26 any of the following applies:

1 27 a. The political subdivision is a city with a population
1 28 of less than one thousand persons.

1 29 b. The board, commission, committee, or council pertains
1 30 to professional licensure or otherwise requires members with
1 31 highly specialized technical expertise.

1 32 c. The political subdivision has made a good faith effort
1 33 to appoint a person to fill a vacancy on a board, commission,
1 34 committee, or council in compliance with subsection 1 for a
1 35 period of three months but has been unable to make a compliant



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House File 243 - Introduced continued

2 1 appointment.

2 2 Sec. 2. APPLICABILITY. This Act is applicable to
2 3 appointive boards, commissions, committees, and councils of a
2 4 political subdivision of the state on and after January 1,
2 5 2012.

2 6 EXPLANATION

2 7 This bill requires appointive boards, commissions,
2 8 committees, and councils of a political subdivision of the
2 9 state that are established by the Iowa Code to be gender
2 10 balanced. However, the bill provides that the gender balance
2 11 requirement for political subdivisions does not apply to
2 12 cities with a population of less than 1,000 persons, boards
2 13 pertaining to professional licensure or otherwise requiring
2 14 members with technical expertise, or to political subdivisions
2 15 that have made a good faith effort to comply but have been
2 16 unable to make a compliant appointment for a period of three
2 17 months.

2 18 Current law only applies the gender balance requirement to
2 19 state boards, commissions, committees, and councils.

2 20 The bill provides that the gender balance requirement for
2 21 political subdivisions applies beginning on and after January
2 22 1, 2012.

2 23 LSB 1345HV 83

2 24 ec/rj/8



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House File 244 - Introduced

HOUSE FILE
BY REICHERT

Passed House, Date _____ Passed Senate, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays
Approved

A BILL FOR

1 An Act excluding from the individual income tax the pay of
2 members of the armed forces, armed forces military reserve,
3 and national guard for service on active duty and including a
4 retroactive applicability date provision.
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
6 TLSB 1906HH 83
7 tw/mg:sc/24



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House File 244 - Introduced continued

PAG LIN

1 1 Section 1. Section 422.7, Code 2009, is amended by adding
1 2 the following new subsection:

1 3 NEW SUBSECTION. 54. Subtract, to the extent included,
1 4 active duty pay received by a person as a member on federal
1 5 active duty of the armed forces or as a member in the armed
1 6 forces military reserve or national guard serving on federal
1 7 active duty other than for training.

1 8 Sec. 2. RETROACTIVE APPLICABILITY DATE. This Act applies
1 9 retroactively to January 1, 2009, for tax years beginning on
1 10 or after that date.

1 11 EXPLANATION

1 12 This bill exempts active duty pay for members of the armed
1 13 forces, armed forces military reserve, and national guard who
1 14 serve on federal active duty other than for training.

1 15 The bill applies retroactively to January 1, 2009, for tax
1 16 years beginning on or after that date.

1 17 LSB 1906HH 83

1 18 tw/mg:sc/24



Iowa General Assembly
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House File 245 - Introduced

HOUSE FILE

BY WINDSCHITL, SCHULTZ, ALONS,
 HUSEMAN, BAUDLER, WATTS,
 DEYOE, WORTHAN, SODERBERG,
 SANDS, MAY, KAUFMANN, RAECKER,
 DOLECHECK, DE BOEF, HELLAND,
 SCHULTE, HAGENOW, SORENSON,
 ARNOLD, and DRAKE

Passed House, Date _____ Passed Senate, Date _____
 Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays
 Approved

A BILL FOR

1 An Act exempting from the computation of the individual income
 2 tax all pay received for service in the national guard and
 3 including a retroactive applicability provision.
 4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
 5 TLSB 1754YH 83
 6 tw/mg:sc/14



Iowa General Assembly
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House File 245 - Introduced continued

PAG LIN

1 1 Section 1. Section 422.7, Code 2009, is amended by adding
1 2 the following new subsection:

1 3 NEW SUBSECTION. 41. Subtract, to the extent included, all
1 4 pay received by the taxpayer for military service performed in
1 5 the national guard.

1 6 Sec. 2. RETROACTIVE APPLICABILITY. This Act applies
1 7 retroactively to January 1, 2009, for tax years beginning on
1 8 or after that date.

1 9 EXPLANATION

1 10 This bill provides an exemption from the individual income
1 11 tax for all pay received by a taxpayer for serving in the
1 12 national guard.

1 13 The bill applies retroactively to January 1, 2009, for tax
1 14 years beginning on or after that date.

1 15 LSB 1754YH 83

1 16 tw/mg:sc/14



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House File 246 - Introduced

HOUSE FILE
BY REICHERT

Passed House, Date _____ Passed Senate, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved

A BILL FOR

1 An Act relating to the vote of qualified electors for elections
2 in drainage or levee districts managed by a board of trustees
3 and including transition provisions.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
5 TLSB 1902YH 83
6 da/sc/14



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House File 246 - Introduced continued

PAG LIN

1 1 Section 1. Section 468.510, Code 2009, is amended to read
1 2 as follows:
1 3 468.510 QUALIFICATIONS OF VOTERS.
1 4 Each landowner eighteen years of age or over without regard
1 5 to sex and any railway or other corporation owning land in
1 6 said district assessed for benefits shall be entitled to one
1 7 vote only, ~~except as provided in section 468.511.~~
1 8 Sec. 2. Section 468.511, subsection 1, Code 2009, is
1 9 amended to read as follows:
1 10 1. ~~When a petition asking for the right to vote in~~
~~1 11 proportion to assessment of benefits at all elections for any~~
~~1 12 purpose thereafter to be held within said district, signed by~~
~~1 13 a majority of the landowners owning land within said district~~
~~1 14 assessed for benefits, is filed with the board of trustees,~~
~~1 15 then, in all elections of trustees thereafter held within said~~
~~1 16 district, any person whose land is assessed for benefits~~
~~1 17 without regard to age, sex, or condition shall be entitled to~~
~~1 18 one vote for each ten dollars or fraction thereof of the~~
~~1 19 original assessment under the current classification against~~
~~1 20 the land actually owned by the person in said district at the~~
~~1 21 time of the election, but in order to have such ballot counted~~
~~1 22 for more than one vote the voter shall write the voter's name~~
~~1 23 upon the ballot.~~ The vote of any landowner of the district
1 24 may be cast by absent voters ballot as provided in chapter 53
1 25 except that the form of the applications for ballots, the
1 26 voters' affidavits on the envelopes, and the endorsement of
1 27 the carrier envelope for preserving the ballot shall be
1 28 substantially in the form provided in subsections 2, 3 and 4,
1 29 below. Application blanks, envelopes and ballots shall be
1 30 provided by and submitted to the office of the county auditor
1 31 in which the election is held. The cost of such blanks,
1 32 envelopes, ballots and postage shall be paid by the district.
1 33 For the purpose of this subchapter all landowners of the
1 34 district shall be considered qualified voters, regardless of
1 35 their place of residence.



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2 1 Sec. 3. Section 468.512, Code 2009, is amended to read as
2 2 follows:
2 3 468.512 VOTE BY AGENT.
2 4 ~~Except where the provisions of section 468.511, providing~~
~~2 5 for vote in proportion to assessment are invoked, any A person~~
2 6 or corporation owning land or right of way within the district
2 7 and assessed for benefits may have the person's or the
2 8 corporation's vote cast by the person's or the corporation's
2 9 agent or proxy authorized to cast such vote by a power of
2 10 attorney signed and acknowledged by such person or
2 11 corporation, and filed before such vote is cast in the
2 12 auditor's office of the county in which such election is held.
2 13 Every such power of attorney shall specify the particular
2 14 election for which it is to be used, indicating the day,
2 15 month, and year of such election, and shall be void for all
2 16 elections subsequently held. ~~The vote of the owner of any~~
~~2 17 land in a drainage or levee district in any election, where~~
~~2 18 the vote is not determined by assessment, may be cast by~~
~~2 19 absent voters ballot in the same manner and form and subject~~
~~2 20 to the same rights and restrictions as is provided in section~~
~~2 21 468.511 relating to vote by absentee ballot when votes are~~
~~2 22 determined by assessment.~~
2 23 Sec. 4. AMENDMENT OF ORGANIC DOCUMENTS. A drainage or
2 24 levee district organized as a private entity and under the
2 25 control and management of a board of trustees as provided in
2 26 chapter 468, subchapter III, shall amend the district's
2 27 organic documents, including its articles of incorporation and
2 28 bylaws, in order to comply with this Act.
2 29 Sec. 5. TRANSITION AND ELECTION PROVISIONS. The term of
2 30 office for those trustees of a levee or drainage district in
2 31 which the vote of qualified electors for office of trustee was
2 32 in proportion to assessment of benefits as provided in section
2 33 468.511 shall terminate on the fourth Saturday in January
2 34 2010. Successors to the office of trustee in such districts
2 35 shall be elected at the election held on the third Saturday of



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3 1 January 2010, as if it were an original election under section
3 2 468.518, and the tenure of office and election of successors
3 3 shall be as provided in that section.

3 4 EXPLANATION

3 5 Code chapter 468, subchapter III, provides for the
3 6 management of drainage or levee districts by a board of
3 7 trustees elected by landowners in the district.

3 8 Code section 468.510 provides that each landowner in the
3 9 district who is at least 18 years old or corporations are
3 10 entitled to one vote, with one exception provided in Code
3 11 section 468.511, which in part allows landowners to vote in
3 12 proportion to their assessment of benefits at all elections
3 13 within the district. The bill eliminates that exception.

3 14 The bill provides that the board of trustees of such a
3 15 district that is organized as a private entity (e.g., a
3 16 nonprofit corporation) must amend its articles of
3 17 incorporation and bylaws, in order to comply with the
3 18 one-person, one-vote requirement. In addition, the district
3 19 must conduct a new election to elect trustees to serve
3 20 staggered terms.

3 21 LSB 1902YH 83

3 22 da/sc/14



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House File 247 - Introduced

HOUSE FILE
BY JACOBY

Passed House, Date _____	Passed Senate, Date _____
Vote: Ayes _____ Nays _____	Vote: Ayes _____ Nays _____
Approved	

A BILL FOR

- 1 An Act establishing a state health insurance mandate commission.
- 2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 3 TLSB 2025YH 83
- 4 av/nh/8



Iowa General Assembly
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House File 247 - Introduced continued

PAG LIN

1 1 Section 1. NEW SECTION. 514C.24 STATE HEALTH INSURANCE
1 2 MANDATE COMMISSION.
1 3 1. DEFINITIONS. As used in this section, unless the
1 4 context otherwise requires:
1 5 a. "Carrier" means an entity subject to the insurance laws
1 6 and regulations of this state, or subject to the jurisdiction
1 7 of the commissioner, that contracts or offers to contract to
1 8 provide, deliver, arrange for, pay for, or reimburse any of
1 9 the costs of health care services, including an insurance
1 10 company offering sickness and accident plans, a health
1 11 maintenance organization, a nonprofit health service
1 12 corporation, an organized delivery system, or any other entity
1 13 that provides a plan of health insurance, health benefits, or
1 14 health services.
1 15 b. "Commissioner" means the Iowa commissioner of
1 16 insurance.
1 17 c. "Mandated health care benefit" means coverage that is
1 18 required or required to be offered under this chapter or other
1 19 state law in an individual or group hospital or health care
1 20 service contract if the law mandating coverage does any of the
1 21 following:
1 22 (1) Stipulates coverage for specific health care services,
1 23 benefits, technologies, or treatments.
1 24 (2) Places limitations or restrictions on deductibles,
1 25 coinsurance, copayments, or annual or lifetime maximum benefit
1 26 amounts.
1 27 (3) Designates a specific category of health care provider
1 28 from whom an insured is entitled to receive care.
1 29 (4) Requires coverage for all services that a health care
1 30 provider recommends that are consistent with "generally
1 31 accepted principles of professional medicine" or a similar
1 32 standard.
1 33 (5) Requires a specific level of payment or rate of
1 34 reimbursement.
1 35 d. "Small employer" means a person actively engaged in



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2 1 business who, on at least fifty percent of the employer's
2 2 working days during the preceding year, employed not less than
2 3 two and not more than fifty full-time equivalent eligible
2 4 employees, as defined in section 513B.2.

2 5 2. EVALUATION BY COMMISSION.

2 6 a. When a bill is requested, the legislative services
2 7 agency shall make an initial determination of whether the bill
2 8 contains a requirement for a mandated health care benefit. If
2 9 a mandated health care benefit may be required as a result of
2 10 the bill, that fact shall be included in the explanation of
2 11 the bill.

2 12 b. A bill containing a notice that the bill contains a
2 13 requirement for a mandated health care benefit shall not be
2 14 voted out of a standing committee of the house of
2 15 representatives or the senate until the chairperson of the
2 16 committee has referred the bill to the commissioner for review
2 17 and evaluation by the state health insurance mandate
2 18 commission created in this section and a report has been
2 19 received from the commission by the speaker of the house of
2 20 representatives and the president of the senate.

2 21 c. Upon referral of such a bill to the commissioner, the
2 22 commissioner shall convene the state health insurance mandate
2 23 commission to conduct a review and evaluation of the bill.
2 24 The commission shall prepare a written report, with the
2 25 assistance of the commissioner, that sets forth the
2 26 commission's findings, evaluations, and recommendations. The
2 27 completed report shall be transmitted to the speaker of the
2 28 house of representatives and to the president of the senate
2 29 within ninety days from the date the commissioner receives
2 30 referral of the bill. The report shall include a financial
2 31 impact analysis performed by an actuary who is a member of the
2 32 American academy of actuaries and who certifies that the
2 33 analysis is consistent with accepted actuarial techniques.

2 34 d. The report shall include but is not limited to a review
2 35 and evaluation of all of the following, to the extent that the



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3 1 information is available:
3 2 (1) Public impact, including all of the following:
3 3 (a) The extent to which the mandated health care benefit
3 4 is generally utilized by a significant portion of the
3 5 population.
3 6 (b) The extent to which insurance coverage for the
3 7 mandated health care benefit is already generally available,
3 8 and if coverage is not generally available, the extent to
3 9 which the lack of coverage results in persons forgoing
3 10 necessary health care treatments or results in unreasonable
3 11 financial hardship to patients.
3 12 (c) The extent to which the mandated health care benefit
3 13 is covered by self-funded employers' groups.
3 14 (d) The level of public demand for the mandated health
3 15 care benefit.
3 16 (e) The level of public demand for insurance coverage of
3 17 the mandated health care benefit.
3 18 (f) The level of interest of collective bargaining agents
3 19 in negotiating privately for inclusion of the coverage in
3 20 group health insurance contracts.
3 21 (2) Medical impact, including all of the following:
3 22 (a) The extent to which the mandated health care benefit
3 23 is recognized by the medical community as being effective in
3 24 the treatment of patients.
3 25 (b) The extent to which the mandated health care benefit
3 26 is recognized by the medical community as being effective as
3 27 demonstrated by a review of scientific and peer-reviewed
3 28 literature.
3 29 (c) The extent to which the mandated health care benefit
3 30 is available and utilized by health care providers in the
3 31 state.
3 32 (d) The extent to which the mandated health care benefit
3 33 makes a positive contribution to the health status of the
3 34 population, including the ramifications of using alternatives
3 35 to or not providing the mandated health care benefit.



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- 4 1 (e) The extent to which the mandated health care benefit
4 2 would diminish or eliminate access to currently available
4 3 health care services.
- 4 4 (3) Financial impact, including all of the following:
- 4 5 (a) The extent to which the mandated health care benefit
4 6 will increase or decrease the cost of health care benefits
4 7 over the next five years.
- 4 8 (b) The extent to which the mandated health care benefit
4 9 will increase the appropriate use of the health care benefit
4 10 over the next five years.
- 4 11 (c) The extent to which the mandated health care benefit
4 12 will be a substitute for a more expensive health care benefit
4 13 over the next five years.
- 4 14 (d) The impact of the mandated health care benefit on
4 15 small employers.
- 4 16 (e) The extent to which the costs resulting from lack of
4 17 coverage for the mandated health care benefit are currently
4 18 paid by or will be shifted to other payers, including both
4 19 public and private entities.
- 4 20 (f) The extent to which the mandated health care benefit
4 21 will increase or decrease the administrative expenses of
4 22 carriers and the premiums and administrative expenses of
4 23 policyholders.
- 4 24 (g) The impact of the mandated health care benefit on the
4 25 total cost of health care over the next five years.
- 4 26 3. COMMISSION == ESTABLISHMENT.
- 4 27 a. A state health insurance mandate commission is
4 28 established to review legislation that proposes to mandate
4 29 health care benefits in this state.
- 4 30 b. The commission shall consist of the following members:
- 4 31 (1) The commissioner or the commissioner's designee.
- 4 32 (2) The chairperson and the ranking member of the senate
4 33 commerce committee or designees of either, both of whom shall
4 34 be ex officio, nonvoting members of the commission.
- 4 35 (3) The chairperson and the ranking member of the house



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5 1 commerce committee or designees of either, both of whom shall
5 2 be ex officio, nonvoting members of the commission.

5 3 (4) Five members appointed by the governor, one of whom
5 4 shall be a representative of a small employer, one a
5 5 representative of a large employer, one a member of a
5 6 collective bargaining unit, one a person who has individual
5 7 health insurance coverage, and one representing the general
5 8 public.

5 9 (5) Four members appointed by the commissioner, one of
5 10 whom shall be an expert in the field of health insurance, one
5 11 an expert in medical research, one an expert in the field of
5 12 social sciences, and one an actuary.

5 13 c. Members of the commission who are appointed shall be
5 14 appointed for three-year terms and shall be balanced as to
5 15 political affiliation as provided in section 69.16. However,
5 16 a member shall serve until a successor has been appointed and
5 17 qualified. A vacancy on the commission shall be filled for
5 18 the unexpired portion of the regular term in the same manner
5 19 as regular appointments are made.

5 20 d. Members of the commission shall receive a per diem and
5 21 mileage, at the same rate that is paid to members of the
5 22 general assembly, when attending to the duties of the
5 23 commission.

5 24 e. The commission shall not conduct business until all
5 25 members of the commission have been appointed or selected and
5 26 qualify. A majority of the members of the commission shall
5 27 constitute a quorum. The commissioner or the commissioner's
5 28 designee shall serve as chairperson of the commission.

5 29 f. Staff and administrative support for the commission
5 30 shall be furnished by the insurance division.

5 31 g. The commission may do all of the following:

- 5 32 (1) Hold public hearings.
- 5 33 (2) Conduct research.
- 5 34 (3) Receive testimony from experts.
- 5 35 (4) Review, for purposes of comparison, the health



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6 1 benefits mandated in other states and the jurisdiction and
6 2 effect of such mandates.

6 3 (5) Contract with experts to develop needed data
6 4 concerning a proposed mandate.

6 5 (6) Perform other actions necessary to accomplish the
6 6 commission's assigned tasks.

6 7 4. COMMISSION BUDGET.

6 8 a. The commissioner shall propose a budget for the first
6 9 year of operation of the state health insurance mandate
6 10 commission, subject to the approval of the state health
6 11 insurance mandate commission.

6 12 b. By July 1, 2010, and by each July 1 thereafter, the
6 13 state health insurance mandate commission shall review the
6 14 costs of the commission's operation for the preceding fiscal
6 15 year and develop a budget for the commission's operation for
6 16 the current fiscal year.

6 17 5. RULES. The commissioner shall adopt rules deemed
6 18 necessary for the administration of this section in accordance
6 19 with chapter 17A.

6 20 EXPLANATION

6 21 This bill adds new Code section 514C.24 creating a state
6 22 health insurance mandate commission consisting of 14 specified
6 23 members and chaired by the commissioner of insurance or the
6 24 commissioner's designee.

6 25 The bill provides that when a bill is requested, the
6 26 legislative services agency shall make an initial
6 27 determination of whether the bill contains a requirement that
6 28 a mandated health care benefit be offered in all individual or
6 29 group hospital or health care service contracts in this state,
6 30 and if so, notice of that fact must be included in the
6 31 explanation of the bill.

6 32 The bill further provides that if such a notice is included
6 33 in the explanation of the bill, the bill shall not be voted
6 34 out of a standing committee of the house of representatives or
6 35 the senate until the chairperson of the committee has referred



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7 1 the bill to the commissioner of insurance for findings,
7 2 evaluations, and recommendations by the state health insurance
7 3 mandate commission. The bill provides that upon receiving
7 4 such a referral, the insurance commissioner shall convene the
7 5 commission, and after completing its review and evaluation the
7 6 commission shall prepare and transmit a written report to the
7 7 speaker of the house of representatives and to the president
7 8 of the senate setting forth the commission's findings,
7 9 including an evaluation of the public, medical, and financial
7 10 impacts, to the extent that the information is available, of
7 11 the proposed mandated health care benefit within 90 days from
7 12 the date the commissioner receives referral of the bill. The
7 13 report must include a financial impact analysis performed by
7 14 an actuary who is a member of the American academy of
7 15 actuaries and who certifies that the analysis is consistent
7 16 with accepted actuarial techniques.

7 17 The bill provides for the organization of the state health
7 18 insurance mandate commission, including three-year terms for
7 19 appointed members, balance in political affiliation,
7 20 vacancies, compensation for a per diem and mileage, quorums,
7 21 and staff and administrative support from the insurance
7 22 division. The bill specifies that the commission may hold
7 23 public hearings, receive testimony from experts, compare
7 24 health benefits mandated in other states, contract with
7 25 experts to develop needed data, and perform other actions
7 26 necessary to accomplish the commission's assigned tasks.

7 27 The bill also provides that the commissioner of insurance
7 28 shall propose a budget for the first year of operation of the
7 29 new commission subject to approval by the commission. The
7 30 bill provides that by July 1, 2010, and by each July 1
7 31 thereafter, the commission shall review the costs of the
7 32 preceding fiscal year and develop a budget for the
7 33 commission's operation for the current fiscal year.

7 34 The bill allows the commissioner of insurance to adopt
7 35 rules deemed necessary for the administration of the new Code



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House File 247 - Introduced continued

- 8 1 section in accordance with Code chapter 17A.
- 8 2 LSB 2025YH 83
- 8 3 av/nh/8



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House File 248 - Introduced

HOUSE FILE
BY WORTHAN

Passed House, Date _____ Passed Senate, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays
Approved

A BILL FOR

1 An Act requiring certain school districts with more than four
2 percent of students participating in open enrollment to pay a
3 portion of its student achievement and teacher quality program
4 funds to the receiving school district.
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
6 TL5B 2178YH 83
7 ak/sc/5



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House File 248 - Introduced continued

PAG LIN

1 1 Section 1. Section 282.18, subsection 7, Code 2009, is
 1 2 amended to read as follows:
 1 3 7. A pupil participating in open enrollment shall be
 1 4 counted, for state school foundation aid purposes, in the
 1 5 pupil's district of residence. A pupil's residence, for
 1 6 purposes of this section, means a residence under section
 1 7 282.1. The board of directors of the district of residence
 1 8 shall pay to the receiving district the state cost per pupil
 1 9 for the previous school year, plus any moneys received for the
 1 10 pupil as a result of the non-English speaking weighting under
 1 11 section 280.4, subsection 3, for the previous school year
 1 12 multiplied by the state cost per pupil for the previous year.
 1 13 If the pupil participating in open enrollment is also an
 1 14 eligible pupil under section 261E.6, the receiving district
 1 15 shall pay the tuition reimbursement amount to an eligible
 1 16 postsecondary institution as provided in section 261E.7. If
 1 17 four percent or more of the pupils residing in a school
 1 18 district participate in open enrollment and enroll in the same
 1 19 receiving district, the district of residence shall pay to the
 1 20 receiving district the percentage of the amount the district
 1 21 of residence receives under section 284.13, subsection 1,
 1 22 paragraph "h", equal to the proportion that the number of
 1 23 students enrolled in the receiving district under this section
 1 24 bears to the basic enrollment of the district of residence.

1 25 EXPLANATION
 1 26 This bill requires a school district with 4 percent or more
 1 27 of its students participating in open enrollment and enrolling
 1 28 in the same receiving district to pay the receiving district
 1 29 the percentage of a portion of student achievement and teacher
 1 30 quality program funds, under Code section 284.13(1)(h), equal
 1 31 to the proportion that the number of students enrolled in the
 1 32 receiving district bears to the basic enrollment of the
 1 33 district where the students live.

1 34 LSB 2178YH 83
 1 35 ak/sc/5



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House File 249 - Introduced

HOUSE FILE
BY BELL

Passed House, Date _____
Vote: Ayes _____ Nays _____
Approved

Passed Senate, Date _____
Vote: Ayes _____ Nays _____

A BILL FOR

1 An Act modifying the duties and powers of the county treasurer
2 relating to the renewal of certain vehicle registrations and
3 to assessments for water districts and assessments related to
4 fence disputes.
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
6 TL5B 1800YH 83
7 md/sc/24



Iowa General Assembly
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House File 249 - Introduced continued

PAG LIN

1 1 Section 1. Section 169C.6, subsection 3, Code 2009, is
1 2 amended to read as follows:
1 3 3. If the fence is not erected or maintained as required
1 4 in section 359A.6, and upon the written request of the board
1 5 of township trustees, the board of supervisors of the county
1 6 where the fence is to be erected or maintained shall act in
1 7 the same manner as the board of township trustees under that
1 8 section, including by erecting or maintaining the fence,
1 9 ordering payment from a defaulted party, and certifying an
1 10 amount due to the county ~~auditor~~ treasurer in the same manner
1 11 as in section 359A.6. The amount due shall include the total
1 12 costs required to erect or maintain the fence and a penalty
1 13 equal to five percent of the total costs. The amount shall be
1 14 placed upon the tax books, and collected with interest and
1 15 penalties after due, in the same manner as other unpaid
1 16 property taxes.

1 17 Sec. 2. Section 321.40, Code 2009, is amended by adding
1 18 the following new subsections:

1 19 NEW SUBSECTION. 10. a. The county treasurer may refuse
1 20 to renew the registration of a vehicle registered to the
1 21 applicant if the county treasurer knows, from information
1 22 provided through the county system as defined in section
1 23 445.1, that the person owns a mobile home or manufactured home
1 24 with delinquent tax owed to a county pursuant to chapter 435.

1 25 b. If the county treasurer refuses to renew the
1 26 applicant's registration, the county treasurer of the county
1 27 where renewal of registration is applied for shall collect the
1 28 delinquent tax for the county where the mobile home or
1 29 manufactured home is located. Upon payment of the required
1 30 amount for the delinquent tax, including applicable fees and
1 31 penalties, an administrative fee as provided in section
1 32 331.553, subsection 4, paragraph "b", and the registration
1 33 fee, the county treasurer shall issue the registration to the
1 34 person. The county treasurer shall cancel the registration
1 35 restriction for the person for each mobile or manufactured



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House File 249 - Introduced continued

2 1 home sold at tax sale pursuant to chapter 446, except for
2 2 those mobile or manufactured homes sold at tax sale pursuant
2 3 to section 446.18. The county treasurer shall cancel the
2 4 registration restriction for the person for each tax sale
2 5 certificate of title issued pursuant to section 435.25. The
2 6 county treasurer to whom the delinquent taxes are paid shall
2 7 update vehicle records to remove registration restrictions
2 8 that have been satisfied or canceled by the county treasurer.
2 9 NEW SUBSECTION. 11. a. In addition to all other remedies
2 10 and proceedings provided by law for the collection of taxes,
2 11 the county treasurer may refuse to renew the registration of a
2 12 vehicle registered to the applicant if the county treasurer
2 13 knows, from information provided through the county system as
2 14 defined in section 445.1, that the applicant is the owner of
2 15 record of a building or improvement with delinquent tax owed
2 16 to a county and the owner of the building or improvement is a
2 17 person other than the owner of the land on which the building
2 18 or improvement is located.
2 19 b. If the county treasurer refuses to renew the
2 20 applicant's registration, the county treasurer of the county
2 21 where renewal of registration is applied for shall collect the
2 22 delinquent tax for the county where the building or
2 23 improvement is located. Upon payment of the required amount
2 24 for the delinquent tax, including applicable fees and
2 25 penalties, an administrative fee as provided in section
2 26 331.553, subsection 4, paragraph "b", and the registration
2 27 fee, the county treasurer shall issue the registration to the
2 28 person. The county treasurer to whom the delinquent taxes are
2 29 paid shall update vehicle records to remove registration
2 30 restrictions that have been satisfied or canceled by the
2 31 county treasurer.
2 32 Sec. 3. Section 331.512, subsection 1, paragraph d, Code
2 33 2009, is amended by striking the paragraph.
2 34 Sec. 4. Section 331.553, subsection 4, Code 2009, is
2 35 amended to read as follows:



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House File 249 - Introduced continued

3 1 4. a. Charge five dollars, as an administrative expense,
3 2 for every rate, charge, rental, or special assessment
3 3 certified as a lien to the treasurer for collection. This
3 4 amount shall be added to the amount of the lien, collected at
3 5 the time of payment from the payor, and credited to the county
3 6 general fund. If the amount of the lien is paid in annual
3 7 installments, an administrative expense charge shall be added
3 8 to each annual installment.

3 9 b. Charge five dollars, as an administrative fee, for all
3 10 taxes, charges, fees, and penalties collected by the treasurer
3 11 from a person applying for renewal of a vehicle registration
3 12 pursuant to section 321.40, subsections 10 and 11. This
3 13 amount shall be added to the total amount due, collected at
3 14 the time of payment from the payor, and credited to the county
3 15 general fund.

3 16 Sec. 5. Section 357.22, Code 2009, is amended to read as
3 17 follows:

3 18 357.22 LIEN OF ASSESSMENTS == TAX.

3 19 When the assessment has been completed, ~~and~~ the bonds have
3 20 been sold and delivered to the county auditor, and the
3 21 schedule of assessment shall be turned over has been delivered
3 22 to the county auditor treasurer, the installments due thereon
3 23 shall be collected in the same manner as ordinary taxes and
3 24 shall constitute a lien on the property against which they are
3 25 made. If the treasurer does not receive sufficient funds to
3 26 enable the treasurer to pay the interest and retire the bonds
3 27 as they become due, the auditor treasurer shall levy an annual
3 28 tax of eighty-one cents per thousand dollars of assessed value
3 29 of all taxable property within the district to pay such
3 30 deficiency, and the county treasurer shall apply the proceeds
3 31 of such levy to the payment of the bonds and the interest on
3 32 the same so long as the bonds are in arrears on either
3 33 interest or principal.

3 34 Sec. 6. Section 359A.4, Code 2009, is amended to read as
3 35 follows:



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House File 249 - Introduced continued

4 1 359A.4 DECISION == DEPOSIT.

4 2 At said time and place the fence viewers shall meet and
4 3 determine by written order the obligations, rights, and duties
4 4 of the respective parties in such matter, and assign to each
4 5 owner the part which the owner shall erect, maintain, rebuild,
4 6 trim or cut back, or pay for, and fix the value thereof, and
4 7 prescribe the time within which the same shall be completed or
4 8 paid for, and, in case of repair, may specify the kind of
4 9 repairs to be made. If the fence is not erected, rebuilt, or
4 10 repaired within the time prescribed in the order, the fence
4 11 viewers shall require the complaining landowner to deposit
4 12 with the fence viewers a sum of money sufficient to pay for
4 13 the erecting, rebuilding, trimming, cutting back or repairing
4 14 such fence together with the fees of the fence viewers and
4 15 costs. Such complaining landowner shall be reimbursed as soon
4 16 as the ~~taxes~~ costs and fees assessed against the party in
4 17 default are collected as provided in section 359A.6.

4 18 Sec. 7. Section 359A.6, Code 2009, is amended to read as
4 19 follows:

4 20 359A.6 DEFAULT == COSTS AND FEES COLLECTED ~~AS TAXES~~.

4 21 If the erecting, rebuilding, or repairing of ~~such a~~ fence
4 22 ~~be is~~ not completed within thirty days ~~from and~~ after the time
4 23 fixed ~~therefor~~ in ~~such the~~ order, the board of township
4 24 trustees acting as fence viewers shall cause the fence to be
4 25 erected, rebuilt, and repaired, and the value thereof may be
4 26 fixed by the fence viewers, and unless the sum so fixed,
4 27 together with all fees of the fence viewers caused by such
4 28 default, ~~as taxed by them~~, is paid to the county treasurer,
4 29 within ten days after the same is so ascertained; or when
4 30 ordered to pay for an existing fence, and the value thereof is
4 31 fixed by the fence viewers, and said sum, together with the
4 32 fees of the fence viewers, ~~as taxed by them~~, remains unpaid by
4 33 the party in default for ten days, the fence viewers shall
4 34 certify to the county ~~auditor~~ treasurer the full amount due
4 35 from the party or parties in default, including all fees and



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5 1 costs ~~taxed~~ assessed by the fence viewers, together with a
 5 2 description of the real estate owned by the party or parties
 5 3 in default along or upon which the said fence exists, and the
 5 4 county ~~auditor~~ treasurer shall enter the same upon the ~~tax~~
 5 5 ~~list~~ county system, as defined in section 445.1, and the
 5 6 amount shall be collected ~~as other taxes~~ in a manner similar
 5 7 to the provisions for collection of rates and charges in
 5 8 section 384.84. Upon certification to the county treasurer,
 5 9 the amount assessed shall be a lien on the parcel until paid.

5 10 EXPLANATION

5 11 This bill amends various provisions relating to the duties
 5 12 and powers of the county treasurer relating to vehicle
 5 13 registrations, water districts, and fence disputes.

5 14 The bill allows a county treasurer to refuse to renew a
 5 15 vehicle registration if the treasurer knows, from information
 5 16 provided through the county system, that the person owes
 5 17 delinquent taxes on a mobile or manufactured home, or on a
 5 18 building or improvement owned by a person other than the owner
 5 19 of the land on which the building or improvement is located.
 5 20 If the county treasurer refuses registration renewal, the
 5 21 treasurer is required to collect the delinquent taxes on
 5 22 behalf of the county where the taxes are owed prior to
 5 23 renewing the registration. The bill also allows the
 5 24 collection by the county treasurer of an administrative fee of
 5 25 \$5 for all property taxes, charges, fees, and penalties
 5 26 collected by the treasurer from a person applying for renewal
 5 27 of a vehicle registration.

5 28 Current law provides that the schedule of assessment for a
 5 29 water district under Code chapter 357 shall be delivered to
 5 30 the county auditor. The bill requires the schedule of
 5 31 assessment to be delivered to the county treasurer for levy by
 5 32 the treasurer.

5 33 Current law provides that if the costs and fees assessed to
 5 34 a responsible party by the fence viewers as the result of a
 5 35 fence dispute are not paid to the county treasurer within the



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House File 249 - Introduced continued

6 1 specified time period, the fence viewers shall certify to the
6 2 county auditor the full amount due and collect the amount in a
6 3 manner similar to the collection of other taxes. The bill
6 4 requires the fence viewers to certify the full amount due to
6 5 the county treasurer. The bill also requires the county
6 6 treasurer to enter the information into the county system,
6 7 rather than the auditor entering it on the tax list, and
6 8 provides that the amount due be collected in a manner similar
6 9 to the collection of rates and charges of city utilities and
6 10 enterprises in Code section 384.84. The bill provides that
6 11 the amount assessed shall be a lien on the parcel until paid.
6 12 LSB 1800YH 83
6 13 md/sc/24



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House File 250 - Introduced

HOUSE FILE
BY TYMESON

Passed House, Date _____	Passed Senate, Date _____
Vote: Ayes _____ Nays _____	Vote: Ayes _____ Nays _____
Approved	

A BILL FOR

- 1 An Act creating a distinguished flying cross special motor
- 2 vehicle registration plate and providing fees.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 1924HH 83
- 5 dea/nh/5



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House File 250 - Introduced continued

PAG LIN

1 1 Section 1. Section 35A.11, Code 2009, is amended by adding
1 2 the following new subsection:

1 3 NEW SUBSECTION. 8A. Distinguished flying cross special
1 4 plates issued pursuant to section 321.34, subsection 20C.

1 5 Sec. 2. Section 321.34, Code 2009, is amended by adding
1 6 the following new subsection:

1 7 NEW SUBSECTION. 20C. DISTINGUISHED FLYING CROSS PLATES.

1 8 An owner referred to in subsection 12 who was awarded a
1 9 distinguished flying cross medal by the United States
1 10 government may, upon written application to the department and
1 11 presentation of satisfactory proof of the award, order special
1 12 registration plates with a distinguished flying cross
1 13 processed emblem. The emblem shall be designed by the
1 14 department in consultation with the adjutant general. The
1 15 special plate fees collected by the director under subsection
1 16 12, paragraphs "a" and "c", from the issuance and annual
1 17 validation of letter=number designated and personalized
1 18 distinguished flying cross plates shall be paid monthly to the
1 19 treasurer of state and deposited in the road use tax fund.

1 20 The treasurer of state shall transfer monthly from the
1 21 statutory allocations fund created under section 321.145,
1 22 subsection 2, to the veterans license fee fund created in
1 23 section 35A.11 the amount of the special fees collected under
1 24 subsection 12, paragraph "a", in the previous month for
1 25 distinguished flying cross plates.

1 26 The surviving spouse of a person who was issued special
1 27 plates under this subsection may continue to use or apply for
1 28 and use the special plates subject to registration of the
1 29 special plates in the surviving spouse's name and upon payment
1 30 of the annual five=dollar special plate fee and the regular
1 31 annual registration fee for the vehicle. If the surviving
1 32 spouse remarries, the surviving spouse shall return the
1 33 special plates to the department and the department shall
1 34 issue regular registration plates to the surviving spouse.

1 35 Sec. 3. Section 321.145, subsection 2, paragraph b,



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House File 250 - Introduced continued

2 1 subparagraph (3), Code 2009, is amended to read as follows:
2 2 (3) The amounts required to be transferred pursuant to
2 3 section 321.34 from revenues available under this subsection
2 4 shall be transferred and credited as provided in section
2 5 321.34, subsections 7, 10, 10A, 11, 11A, 11B, 13, 16, 17, 18,
2 6 19, 20, 20A, 20B, 20C, 21, 22, 23, and 24 for the various
2 7 purposes specified in those subsections.

2 8 EXPLANATION

2 9 This bill requires the department of transportation to make
2 10 available special motor vehicle registration plates for
2 11 recipients of the distinguished flying cross medal. An emblem
2 12 for the plate shall be designed by the department in
2 13 consultation with the adjutant general.

2 14 The special fees for distinguished flying cross plates are
2 15 the same as those applicable to most special plates associated
2 16 with military service: a special initial fee of \$25 and a
2 17 special annual renewal fee of \$5 in addition to the regular
2 18 annual registration fee for the vehicle. For a personalized
2 19 plate, an initial personalized plate fee of \$25 also applies.
2 20 The bill directs the treasurer of state to credit from the
2 21 statutory allocations fund to the veterans license fee fund
2 22 the amount collected from special fees from the sale of
2 23 distinguished flying cross plates. Personalized plate fees
2 24 are deposited in the road use tax fund.

2 25 Pursuant to current law, the surviving spouse of a person
2 26 who was issued special registration plates associated with
2 27 military service is entitled to continue using the plates,
2 28 subject to the special fees, until remarriage.

2 29 LSB 1924HH 83

2 30 dea/nh/5



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House File 251 - Introduced

HOUSE FILE
BY MAREK

Passed House, Date _____ Passed Senate, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays
Approved

A BILL FOR

- 1 An Act relating to mortgage foreclosure and real estate
- 2 obligation protections for members of the reserve military
- 3 forces.
- 4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 5 TLSB 2188HH 83
- 6 rn/rj/5



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House File 251 - Introduced continued

PAG LIN

1 1 Section 1. Section 29A.103, Code 2009, is amended by
1 2 adding the following new subsection:
1 3 NEW SUBSECTION. 3A. For purposes of this section, and
1 4 section 29A.104, subsection 2, paragraph "a", "service member"
1 5 includes a member of the organized reserves called to active
1 6 duty from a reserve component status performing military
1 7 service.

1 8 EXPLANATION

1 9 This bill expands provisions affording protection from
1 10 mortgage foreclosure and relief from real estate-related
1 11 obligations, currently available to national guard members, to
1 12 individuals called to active duty from a reserve component
1 13 status.

1 14 Current law affords court-ordered protection against a
1 15 foreclosure action initiated by a creditor against a service
1 16 member, as defined in Code section 29A.90, and provides a
1 17 mechanism whereby a service member may apply to a court for
1 18 relief from obligations relating to a contract for the
1 19 purchase of real estate or secured by a mortgage or other
1 20 instrument in the nature of a mortgage. Code section 29A.90
1 21 defines a "service member" as a member of the military forces
1 22 of the state performing military service. The Code section
1 23 further defines "military service" as referring to "full-time
1 24 state military service" or "state active duty" as those terms
1 25 are defined in Code section 29A.1 and applied to members of
1 26 the Iowa national guard or Iowa air national guard. The bill
1 27 expands the definition of "service member" to include a member
1 28 of the organized reserves called to active duty from a reserve
1 29 component status performing military service as defined in
1 30 Code section 29A.90 and otherwise applicable to members of the
1 31 Iowa national guard or Iowa air national guard.

1 32 LSB 2188HH 83

1 33 rn/rj/5



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House File 252 - Introduced

HOUSE FILE
BY THOMAS

(COMPANION TO LSB 1950SS BY
HANCOCK)

Passed House, Date _____ Passed Senate, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays
Approved

A BILL FOR

- 1 An Act providing a credit against the individual income tax for
- 2 volunteer fire fighters, certified reserve peace officers, and
- 3 volunteer emergency medical services personnel and including
- 4 effective and applicability date provisions.
- 5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 6 TL5B 1950HH 83
- 7 tw/mg:sc/14



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House File 252 - Introduced continued

PAG LIN

1 1 Section 1. Section 422.12, Code 2009, is amended by adding
1 2 the following new subsection:

1 3 NEW SUBSECTION. 2A. a. A volunteer fire fighter,
1 4 certified reserve peace officer, and volunteer emergency
1 5 medical services personnel credit equal to one hundred
1 6 dollars.

1 7 b. If the taxpayer is not a volunteer fire fighter,
1 8 certified reserve peace officer, or volunteer emergency
1 9 medical services personnel for the entire tax year, the amount
1 10 of the credit stated in paragraph "a" shall be prorated and
1 11 the amount of credit shall equal the maximum amount of credit
1 12 for the tax year, divided by twelve, multiplied by the number
1 13 of months in the tax year that the taxpayer was a volunteer
1 14 fire fighter, certified reserve peace officer, or volunteer
1 15 emergency medical services personnel. The credit amount shall
1 16 be rounded to the nearest five dollars.

1 17 c. If the taxpayer is a volunteer fire fighter, certified
1 18 reserve peace officer, or volunteer emergency medical services
1 19 personnel during any part of a month, the taxpayer shall be
1 20 considered a volunteer fire fighter, certified reserve peace
1 21 officer, or volunteer emergency medical services personnel for
1 22 the entire month. If the taxpayer can claim the credit for
1 23 being a volunteer fire fighter, certified reserve peace
1 24 officer, or volunteer emergency medical services personnel in
1 25 the same month, a credit may be claimed for only one position
1 26 for that month.

1 27 d. The taxpayer shall have a written statement from the
1 28 fire chief, the police chief or sheriff, or from another
1 29 appropriate supervisor verifying that the taxpayer was a
1 30 volunteer fire fighter, certified reserve peace officer, or
1 31 volunteer emergency medical services personnel during the
1 32 months for which the credit under this subsection is claimed.

1 33 e. For purposes of this subsection:

1 34 (1) "Certified reserve peace officer" means a reserve
1 35 peace officer certified through the Iowa law enforcement



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House File 252 - Introduced continued

2 1 academy as provided in section 80D.4.

2 2 (2) "Emergency medical services personnel" means an
2 3 emergency medical care provider who is certified as a first
2 4 responder pursuant to chapter 147A.

2 5 (3) "Volunteer fire fighter" means a volunteer fire
2 6 fighter as defined in section 85.61 who has met the minimum
2 7 training standards established by the fire service training
2 8 bureau pursuant to chapter 100B.

2 9 Sec. 2. EFFECTIVE AND APPLICABILITY DATES. This Act takes
2 10 effect January 1, 2010, for tax years beginning on or after
2 11 that date.

2 12 EXPLANATION

2 13 This bill provides an individual income tax credit of \$100
2 14 to an individual who was a volunteer fire fighter who has met
2 15 the minimum training standards, a certified reserve peace
2 16 officer, or a certified volunteer emergency medical services
2 17 personnel. The credit is to compensate the individual for
2 18 providing these services on a volunteer or reserve basis. If
2 19 the individual was not a volunteer fire fighter, certified
2 20 reserve peace officer, or volunteer emergency medical services
2 21 personnel for the entire tax year, the amount of credit is
2 22 prorated based upon the months of service. A credit may be
2 23 claimed for only one position per month.

2 24 The bill takes effect January 1, 2010, for tax years
2 25 beginning on or after that date.

2 26 LSB 1950HH 83

2 27 tw/mg:sc/14



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House File 253 - Introduced

HOUSE FILE
BY QUIRK

Passed House, Date _____ Passed Senate, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays
Approved

A BILL FOR

- 1 An Act relating to indemnity provisions in construction
- 2 contracts.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 1584HH 83
- 5 ak/rj/5



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House File 253 - Introduced continued

PAG LIN

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



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2 1 claims, damages, losses, or expenses, including attorney fees,
2 2 only to the extent that the liability, claims, damages,
2 3 losses, or expenses are caused by, or arise out of, the acts
2 4 or omissions of the indemnitor or the officers, employees, or
2 5 agents of the indemnitor.

2 6 b. A party to the contract to purchase a project-specific
2 7 insurance policy, including an owner's or contractor's
2 8 protective insurance, project management protective liability
2 9 insurance, or builder's risk insurance.

2 10 4. This section does not apply to the indemnity of a
2 11 surety by a principal on any surety bond or to an insurer's
2 12 obligation to its insureds.

2 13 5. If an upper-tier party to a construction contract is
2 14 named as an additional insured or additionally named insured
2 15 on a commercial general liability or similar liability policy
2 16 of insurance of a lower-tier party to a construction contract,
2 17 the coverage to the upper-tier party shall be limited to the
2 18 cost of defense and vicarious liability, and the policy shall
2 19 not extend coverage for the upper-tier party's own negligence,
2 20 whether sole or partial.

2 21 6. If a court action or other binding dispute resolution
2 22 proceeding is brought or initiated against an upper-tier party
2 23 for personal injury by an employee of a lower-tier party to a
2 24 construction contract, and it is ultimately determined that
2 25 the upper-tier party to the construction contract has no
2 26 liability to the employee other than vicarious liability, the
2 27 upper-tier party has a claim of indemnity for all costs,
2 28 including costs of experts and attorney fees, associated with
2 29 defending such action against any party in the contractual
2 30 chain determined to have any liability for the personal
2 31 injury. Any liability of the employee for the employee's own
2 32 personal injury shall be attributed to the employee's employer
2 33 for purposes of this subsection. This indemnification
2 34 obligation shall be joint and several among the parties found
2 35 liable for the personal injury.



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3 1 EXPLANATION
3 2 This bill relates to the use of indemnity provisions in
3 3 construction contracts. The bill prohibits the use of a
3 4 provision in a construction contract that requires one party
3 5 of the contract to indemnify or hold harmless the other party
3 6 to the contract for damages arising out of the negligence,
3 7 act, or omission of the indemnitee or the officers, employees,
3 8 or agents of the indemnitee as void and unenforceable as
3 9 against public policy.
3 10 The bill provides that a construction contract may either
3 11 contain a provision requiring a party to the contract to
3 12 purchase a project-specific insurance policy, or a provision
3 13 that requires one party of the contract to indemnify or hold
3 14 harmless the other party to the contract for damages arising
3 15 out of the negligence, act, or omission of the indemnitor or
3 16 the officers, employees, or agents of the indemnitor. The
3 17 bill does not apply to the indemnity of a surety by a
3 18 principal on a surety bond.
3 19 The bill provides that if an upper-tier party to a
3 20 construction contract is named as an additional insured on a
3 21 liability policy of a lower-tier party to a construction
3 22 contract, the coverage of the policy to the upper-tier party
3 23 shall be limited to the cost of defense and vicarious
3 24 liability and not to the upper-tier party's own negligence.
3 25 The bill also provides that if a court action or binding
3 26 dispute proceeding is brought by an employee of a lower-tier
3 27 party against an upper-tier party to a construction contract
3 28 and the upper-tier party is found to be without liability
3 29 other than vicarious liability, the upper-tier party shall
3 30 have a claim of indemnity for all costs of the court action or
3 31 dispute resolution proceeding.
3 32 The bill provides definitions of the terms "construction
3 33 contract", "indemnify" or "hold harmless", "lower-tier party",
3 34 and "upper-tier party".
3 35 LSB 1584HH 83



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4 1 ak/rj/5



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House File 254 - Introduced

HOUSE FILE
BY QUIRK

Passed House, Date _____	Passed Senate, Date _____
Vote: Ayes _____ Nays _____	Vote: Ayes _____ Nays _____
Approved	

A BILL FOR

- 1 An Act relating to catch and possession limits on crappie and
- 2 blue gill.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 2124YH 83
- 5 av/rj/5



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House File 254 - Introduced continued

PAG LIN

1 1 Section 1. Section 481A.67, Code 2009, is amended to read
1 2 as follows:
1 3 481A.67 SEASONS AND LIMITS.
1 4 It is unlawful for a person, except as otherwise expressly
1 5 provided, to take, capture, or kill fish, frogs, or turtles
1 6 except during the open season established by the commission.
1 7 It is unlawful during open season to take in any one day an
1 8 amount in excess of the daily catch limit designated for each
1 9 variety or each locality, or have in possession any variety of
1 10 fish, frog, or turtle in excess of the possession limit, or
1 11 have in possession any frog, fish, or turtle at any time under
1 12 the minimum length or weight. The open season, possession
1 13 limit, daily catch limit, and the minimum length or weight for
1 14 each variety of fish, frog, or turtle shall be established by
1 15 rule of the department or commission under the authority of
1 16 sections 456A.24, 481A.38, 481A.39 and 482.1. However, any
1 17 catch or possession limits established by the commission for
1 18 the taking of crappie and blue gill are not applicable to
1 19 lakes that are eight hundred ten acres or less in size.

1 20 EXPLANATION
1 21 This bill prohibits the natural resource commission from
1 22 establishing catch or possession limits for taking crappie and
1 23 blue gill fish from lakes that are 810 acres or less in size.
1 24 LSB 2124YH 83
1 25 av/rj/5



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House File 255 - Introduced

HOUSE FILE
BY GAYMAN

Passed House, Date _____ Passed Senate, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays
Approved

A BILL FOR

- 1 An Act providing for mandatory universal newborn and infant eye
- 2 examinations.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 2107HH 83
- 5 jp/rj/8



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1 1 Section 1. Section 135.131, Code 2009, is amended to read
1 2 as follows:
1 3 135.131 UNIVERSAL NEWBORN AND INFANT HEARING SCREENING AND
1 4 EYE EXAMINATION.

1 5 1. For the purposes of this section, unless the context
1 6 otherwise requires:
1 7 a. "Birth center" means birth center as defined in section
1 8 135.61.

1 9 b. "Birthing hospital" means a private or public hospital
1 10 licensed pursuant to chapter 135B that has a licensed
1 11 obstetric unit or is licensed to provide obstetric services.

1 12 2. ~~Beginning January 1, 2004, all~~ All newborns and infants
1 13 born in this state shall be screened for hearing loss in
1 14 accordance with this section. The person required to perform
1 15 the hearing loss screening shall use at least one of the
1 16 following procedures:

1 17 a. Automated or diagnostic auditory brainstem response.

1 18 b. Otoacoustic emissions.

1 19 c. Any other technology approved by the department.

1 20 3. ~~Beginning January 1, 2004, a~~ A birthing hospital shall
1 21 screen every newborn delivered in the hospital for hearing
1 22 loss and perform an eye examination prior to discharge of the
1 23 newborn from the birthing hospital. A birthing hospital that
1 24 transfers a newborn for acute care prior to completion of the
1 25 hearing screening and eye examination shall notify the
1 26 receiving facility of the status of the hearing screening and
1 27 eye examination. The receiving facility shall be responsible
1 28 for completion of the newborn hearing screening and eye
1 29 examination. The birthing hospital or other facility
1 30 completing the hearing screening and eye examination under
1 31 this subsection shall report the results of the screening and
1 32 examination to the parent or guardian of the newborn and to
1 33 the department in a manner prescribed by rule of the
1 34 department.

1 35 4. ~~Beginning January 1, 2004, a~~ A birth center shall refer



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2 1 the newborn to a licensed audiologist, physician, or hospital
2 2 for screening for hearing loss and to a qualified health care
2 3 professional for an eye examination prior to discharge of the
2 4 newborn from the birth center. The hearing screening and eye
2 5 examination shall be completed within thirty days following
2 6 discharge of the newborn. The ~~person~~ persons completing the
2 7 hearing ~~screening~~ screenings and eye examinations shall report
2 8 the results of ~~the~~ each screening or examination to the parent
2 9 or guardian of the newborn and to the department in a manner
2 10 prescribed by rule of the department.

2 11 5. ~~Beginning January 1, 2004, if~~ If a newborn is delivered
2 12 in a location other than a birthing hospital or a birth
2 13 center, the physician or other health care professional who
2 14 undertakes the pediatric care of the newborn or infant shall
2 15 ensure that the hearing screening ~~is~~ and the eye examination
2 16 are performed within three months of the date of the newborn's
2 17 or infant's birth. The physician or other health care
2 18 professional shall report the results of the hearing screening
2 19 and the eye examination to the parent or guardian of the
2 20 newborn or infant and to the department in a manner prescribed
2 21 by rule of the department.

2 22 6. A birthing hospital, birth center, physician, or other
2 23 health care professional required to report information under
2 24 subsection 3, 4, ~~or~~ 5, or 7 shall report all of the following
2 25 information to the department relating to a newborn's or
2 26 infant's hearing screening, as applicable:

2 27 a. The name, address, and telephone number, if available,
2 28 of the mother of the newborn or infant.

2 29 b. The primary care provider at the birthing hospital or
2 30 birth center for the newborn or infant.

2 31 c. The results of the hearing screening or the eye
2 32 examination.

2 33 d. Any rescreenings and the diagnostic audiological
2 34 assessment procedures used or any follow-up eye examinations
2 35 and examination procedures used.



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3 1 7. All newborns and infants born in this state shall
3 2 receive an eye examination in accordance with this section.
3 3 The procedure used for an eye examination under this section
3 4 shall include but is not limited to eye dilation. In addition
3 5 to the eye examination required to be performed at or near the
3 6 time of an infant's birth in accordance with subsections 3, 4,
3 7 5, and 6, a pediatrician, physician, or other health care
3 8 professional providing care for the infant shall repeat the
3 9 eye examination when providing care for the infant subsequent
3 10 to the birth, once at or near eight weeks of age and once
3 11 during the period between six and nine months of age. The
3 12 pediatrician, physician, or other health care professional
3 13 performing an eye examination subsequent to the infant's birth
3 14 pursuant to this subsection shall report the results of the
3 15 eye examination to the parent or guardian of the infant and to
3 16 the department in a manner prescribed by rule of the
3 17 department.

3 18 ~~7.~~ 8. The department may share information with agencies
3 19 and persons involved with newborn and infant hearing
3 20 screenings and eye examinations, follow-up, and intervention
3 21 services, including the local birth-to-three coordinator or
3 22 similar agency, the local area education agency, and local
3 23 health care providers. The department shall adopt rules to
3 24 protect the confidentiality of the individuals involved.

3 25 ~~8.~~ 9. An area education agency with which information is
3 26 shared pursuant to subsection ~~7~~ 8 shall report all of the
3 27 following information to the department relating to a
3 28 newborn's or infant's hearing or vision, follow-up, and
3 29 intervention services, as applicable:

3 30 a. The name, address, and telephone number, if available,
3 31 of the mother of the newborn or infant.

3 32 b. The results of the hearing screening and any
3 33 rescreenings, including the diagnostic audiological assessment
3 34 procedures used.

3 35 c. The results of the eye examination and any



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4 1 reexamination made, including the eye examination procedures

4 2 used.

4 3 ~~e.~~ d. The nature of any follow-up or other intervention

4 4 services provided to the newborn or infant.

4 5 ~~9.~~ 10. This section shall not apply if the parent objects

4 6 to the screening or eye examination. If a parent objects to

4 7 the screening or eye examination, the birthing hospital, birth

4 8 center, physician, or other health care professional required

4 9 to report information under subsection 3, 4, ~~or~~ 5, 6, or 7 to

4 10 the department shall obtain a written refusal from the parent,

4 11 shall document the refusal in the newborn's or infant's

4 12 medical record, and shall report the refusal to the department

4 13 in the manner prescribed by rule of the department.

4 14 ~~10.~~ 11. A person who acts in good faith in complying with

4 15 this section shall not be civilly or criminally liable for

4 16 reporting the information required to be reported by this

4 17 section.

4 18 Sec. 2. Section 135B.18A, Code 2009, is amended to read as

4 19 follows:

4 20 135B.18A UNIVERSAL NEWBORN AND INFANT HEARING SCREENING

4 21 AND EYE EXAMINATION.

4 22 ~~Beginning January 1, 2004, a~~ A birthing hospital as defined

4 23 in section 135.131 shall comply with section 135.131 relating

4 24 to universal newborn and infant hearing screening and eye

4 25 examinations.

4 26

EXPLANATION

4 27 This bill requires mandatory newborn and infant eye

4 28 examinations.

4 29 The bill amends current law in Code section 135.131, which

4 30 mandates universal newborn and infant hearing loss screening,

4 31 by adding the eye examination requirement. The eye

4 32 examination must utilize the eye dilation procedure.

4 33 Under the bill, the eye examination is required shortly

4 34 after birth, depending upon the location at which the birth

4 35 occurred. In addition, health care practitioners who provide



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5 1 care to the infant following the birth are required to perform
5 2 eye examinations at or near eight weeks of age and between six
5 3 to nine months of age. As with the current hearing loss
5 4 screening, the results of the eye examination are required to
5 5 be reported to the infant's parent or guardian and to the
5 6 department of public health.
5 7 As with the hearing screening, the eye examination is not
5 8 performed if the parent objects.
5 9 The information sharing provisions applicable for the
5 10 hearing screenings also apply to the eye examination
5 11 requirement.
5 12 The bill also makes a conforming amendment in Code section
5 13 135B.18A, relating to the applicability of the screening
5 14 requirement to birthing hospitals.
5 15 LSB 2107HH 83
5 16 jp/rj/8.1



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House Resolution 10 - Introduced

PAG LIN

H.R. _____ S.R. _____

1 1 HOUSE RESOLUTION NO.
1 2 BY RAECKER and SMITH
1 3 A Resolution recognizing the Uncommon Public Service
1 4 Award.
1 5 WHEREAS, Herbert Hoover was both a visionary and
1 6 dedicated public servant and through his tireless
1 7 efforts millions of lives were saved in the years
1 8 after World War I; and
1 9 WHEREAS, to honor that spirit of public service the
1 10 Herbert Hoover Presidential Library Association has
1 11 created the Uncommon Public Service Award; and
1 12 WHEREAS, the association will annually present the
1 13 Uncommon Public Service Award to Iowa legislators who
1 14 exemplify Hoover's humanitarian efforts and have gone
1 15 above and beyond the call of duty to demonstrate
1 16 uncommon service and commitment to the people of Iowa;
1 17 and
1 18 WHEREAS, recipients of the award will become
1 19 honorary members of the Herbert Hoover Presidential
1 20 Library Association for one year and a plaque for each
1 21 recipient will be hung on the "Wall of Uncommon
1 22 Iowans" which will be on permanent display in the
1 23 Herbert Hoover Presidential Library Museum; NOW
1 24 THEREFORE,
1 25 BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES,
1 26 That the House of Representatives recognizes the
1 27 Herbert Hoover Presidential Library Association and
1 28 thanks its members for the creation of the Uncommon
1 29 Public Service Award.
1 30 LSB 2155HH 83



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House Resolution 10 - Introduced continued

2 1 jr/rj/8



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House Resolution 11

PAG LIN

H.R. _____ S.R. _____

1 1 HOUSE RESOLUTION NO. ____

1 2 BY COMMITTEE ON ETHICS

1 3 (SUCCESSOR TO HSB 1)

1 4 A Resolution relating to the rules governing lobbyists

1 5 in the House of Representatives.

1 6 BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES,

1 7 That the House Rules Governing Lobbyists shall be as

1 8 follows:

1 9 HOUSE RULES GOVERNING LOBBYISTS

1 10 1. DEFINITIONS OF TERMS. As used in these rules,

1 11 "client", "gift", "immediate family member",

1 12 "lobbyist", and "person" have the meanings provided in

1 13 section 68B.2 of the Code, except that the terms

1 14 "lobbyist" and "client" shall only refer to persons

1 15 who are lobbyists or clients of lobbyists of the house

1 16 of representatives. Except as otherwise provided,

1 17 "employee of the house" means a full-time permanent

1 18 paid employee of the house of representatives.

1 19 2. REGISTRATION REQUIRED.

1 20 a. All lobbyists shall, on or before the day their

1 21 lobbying activity begins, register in the manner

1 22 provided under section 68B.36 of the Code. Lobbyist

1 23 registration forms shall be available in the office of

1 24 the chief clerk of the house.

1 25 b. In addition each registered lobbyist shall file

1 26 with the chief clerk of the house a statement of the

1 27 general subjects of legislation in which the lobbyist

1 28 is or may be interested, the file number of the bills

1 29 and resolutions and the bill number of study bills, if

1 30 known, which will be lobbied, whether the lobbyist



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2 1 intends to lobby for or against each bill, resolution,
2 2 or study bill, if known, and on whose behalf the
2 3 lobbyist is lobbying the bill, resolution, or study
2 4 bill.
2 5 Any change in or addition to the information
2 6 required by this rule shall be registered with the
2 7 chief clerk of the house within ten days from the time
2 8 the change or addition is known to the lobbyist.
2 9 3. CANCELLATION OF REGISTRATION. If a lobbyist's
2 10 service on behalf of a particular employer, client, or
2 11 cause is concluded after the lobbyist registers but
2 12 before the first day of the next legislative session,
2 13 the lobbyist shall cancel the registration in the
2 14 manner required under section 68B.36 of the Code.
2 15 Upon cancellation of registration, a person is
2 16 prohibited from engaging in any lobbying activity on
2 17 behalf of that particular employer, client, or cause
2 18 until reregistering and complying with the
2 19 requirements of section 68B.36 of the Code.
2 20 ~~3A.~~ 4. AMENDMENT OF REGISTRATION. If a
2 21 registered lobbyist represents more than one employer,
2 22 client, or cause and the lobbyist's services are
2 23 concluded on behalf of a particular employer, client,
2 24 or cause after the lobbyist registers but before the
2 25 first day of the next legislative session, the
2 26 lobbyist shall file an amendment to the lobbyist's
2 27 registration indicating which employer, client, or
2 28 cause is no longer represented by the lobbyist and the
2 29 date upon which the representation concluded.
2 30 If a lobbyist is retained by one or more additional



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House Resolution 11 continued

3 1 employers, clients, or causes after the lobbyist
3 2 registers but before the first day of the next
3 3 legislative session, the lobbyist shall file an
3 4 amendment to the lobbyist's registration indicating
3 5 the employer, client, or cause to be added and the
3 6 date upon which the representation begins.
3 7 Amendments to a lobbyist's registration regarding
3 8 changes which occur during the time that the general
3 9 assembly is in session shall be filed within one
3 10 working day after the date upon which the change in
3 11 the lobbyist's representation becomes effective.
3 12 Amendments regarding changes which occur when the
3 13 general assembly is not in session shall be filed
3 14 within ten days after the date upon which the change
3 15 in the lobbyist's representation becomes effective.
3 16 ~~4.~~ 5. PUBLIC ACCESS. All information filed by a
3 17 lobbyist or a client of a lobbyist under chapter 68B
3 18 of the Code is a public record and open to public
3 19 inspection at any reasonable time.
3 20 ~~5.~~ 6. CHARGE ACCOUNTS. Lobbyists and the clients
3 21 they represent shall not allow members of the house to
3 22 charge any amounts or items to a charge account to be
3 23 paid for by those lobbyists or by the clients they
3 24 represent.
3 25 ~~6.~~ 7. ACCESS TO HOUSE FLOOR. Lobbyists shall
3 26 only be permitted on the floor of the house pursuant
3 27 to rule 20 of the rules of the house.
3 28 ~~7.~~ 8. FEE OR BONUS PROHIBITED. A fee or bonus
3 29 shall not be paid to any lobbyist with reference to
3 30 any legislative action that is conditioned wholly or



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4 1 in part upon the results attained by the lobbyist.
4 2 ~~8.~~ 9. OFFERS OF ECONOMIC OR INVESTMENT
4 3 OPPORTUNITY. A lobbyist, employer, or client of a
4 4 lobbyist shall not offer economic or investment
4 5 opportunity or promise of employment to any member of
4 6 the house with intent to influence conduct in the
4 7 performance of official duties.
4 8 ~~9.~~ 10. PERSONAL OR FINANCIAL OBLIGATION. A
4 9 lobbyist shall not do anything with the purpose of
4 10 placing a member of the house under personal or
4 11 financial obligation to a lobbyist or a lobbyist's
4 12 principal or agent.
4 13 ~~10.~~ 11. ATTEMPTS TO CREATE ADDITIONAL EMPLOYMENT.
4 14 A lobbyist shall not cause or influence the
4 15 introduction of any bill or amendment for the purpose
4 16 of being employed to secure its passage or defeat.
4 17 ~~11.~~ 12. CAMPAIGN SUPPORT. A lobbyist shall not
4 18 influence or attempt to influence a member's actions
4 19 by the promise of financial support for the member's
4 20 candidacy or threat of financial support for an
4 21 opposition candidate. A lobbyist shall not make a
4 22 campaign contribution to a member or to a member's
4 23 candidate's committee during the time that the general
4 24 assembly is in session.
4 25 ~~12.~~ 13. COMMUNICATION WITH MEMBER'S EMPLOYER
4 26 PROHIBITED. A lobbyist shall not communicate with a
4 27 member's employer for the purpose of influencing a
4 28 vote of the member.
4 29 ~~13.~~ 14. EXCESS PAYMENTS. A lobbyist shall not
4 30 pay or agree to pay to a member a price, fee,



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5 1 compensation, or other consideration for the sale or
5 2 lease of any property or the furnishing of services
5 3 which is substantially in excess of that which other
5 4 persons in the same business or profession would
5 5 charge in the ordinary course of business.

5 6 ~~14.~~ 15. PROHIBITION AGAINST GIFTS. A lobbyist or
5 7 client of a lobbyist shall not, directly or
5 8 indirectly, offer or make a gift or series of gifts to
5 9 any member or full-time permanent employee of the
5 10 house or the immediate family members of a member or
5 11 full-time permanent employee of the house except as
5 12 otherwise provided in section 68B.22 of the Code. A
5 13 lobbyist or client of a lobbyist who intends or plans
5 14 to give a nonmonetary item, other than food or drink
5 15 consumed in the presence of the donor, which does not
5 16 have a readily ascertainable value, to a member or
5 17 full-time permanent employee of the house, prior to
5 18 giving or sending the item to the member or employee,
5 19 shall seek approval of the item from the chief clerk
5 20 of the house. A lobbyist or client of a lobbyist who
5 21 seeks approval of an item from the chief clerk shall
5 22 submit the item and evidence of the value of the item
5 23 at the time that approval is requested.

5 24 A lobbyist shall inform each of the lobbyist's
5 25 clients of the requirements of section 68B.22 of the
5 26 Code and of the responsibility to seek approval prior
5 27 to giving or sending a nonmonetary item which does not
5 28 have a readily ascertainable value to a member or a
5 29 full-time permanent employee of the house.

5 30 ~~15.~~ 16. FINANCIAL TRANSACTIONS. A lobbyist shall



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6 1 not, directly or indirectly, make a loan to a member
6 2 of the house or to an employee of the house.
6 3 A loan prohibited under this section does not
6 4 include a loan made in the ordinary course of business
6 5 of a lobbyist if the primary business of the lobbyist
6 6 is something other than lobbying, if consideration of
6 7 equal or greater value is received by the lobbyist,
6 8 and if fair market value is given or received for the
6 9 benefit conferred.
6 10 ~~16.~~ 17. HONORARIA == RESTRICTIONS. A lobbyist or
6 11 client of a lobbyist shall not pay an honorarium to a
6 12 member or employee of the house for a speaking
6 13 engagement or other formal public appearance in the
6 14 official capacity of the member or employee except as
6 15 otherwise provided in section 68B.23 of the Code.
6 16 ~~17.~~ 18. COMPLAINTS. The procedures for
6 17 complaints and enforcement of these rules shall be the
6 18 same as those provided in the house code of ethics.
6 19 ~~18.~~ 19. PROCEDURES AND FORMS. The chief clerk of
6 20 the house, subject to the approval of the house ethics
6 21 committee, shall prescribe procedures for compliance
6 22 with these rules, and shall prepare forms for the
6 23 filing of complaints and make them available to any
6 24 person.
6 25 LSB 1532HV 83
6 26 tm/rj/14



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House Study Bill 161

HOUSE FILE
BY (PROPOSED COMMITTEE ON
REBUILD IOWA AND DISASTER
RECOVERY BILL BY
CHAIRPERSON SCHUELLER)

Passed House, Date _____ Passed Senate, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays
Approved

A BILL FOR

- 1 An Act relating to home improvement contractor surety bonds.
- 2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 3 TLSB 2002YC 83
- 4 ak/rj/5



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1 1 Section 1. NEW SECTION. 91C.9 HOME IMPROVEMENT
1 2 CONTRACTOR BOND.
1 3 1. As used in this section:
1 4 a. "Home improvement" means the repair, replacement,
1 5 remodeling, alteration, conversion, modernization, improvement
1 6 of, or addition to land or a building, or a portion of land or
1 7 a building, that is used or designed to be used as a
1 8 residential dwelling.
1 9 b. "Home improvement contractor" means a person acting as
1 10 a sole proprietor or a business organized as a partnership,
1 11 corporation, or association that undertakes or agrees to
1 12 perform any home improvement.
1 13 2. a. A home improvement contractor, prior to entering
1 14 into a home improvement contract in this state, must file with
1 15 the labor commissioner a bond in the amount of twenty-five
1 16 thousand dollars issued by a surety company authorized to do
1 17 business in this state.
1 18 b. The condition of the surety bond is such that the home
1 19 improvement contractor must conform with the laws and rules of
1 20 this state as applicable and for the benefit of any person who
1 21 enters into a home improvement contract with the home
1 22 improvement contractor.
1 23 c. The aggregate liability of the surety bond for any and
1 24 all breaches of the conditions of the surety bond shall not
1 25 exceed the amount of the surety bond regardless of the number
1 26 of years the surety bond is in effect and the number of claims
1 27 made against the surety bond. Any revision of the surety bond
1 28 shall not be cumulative. If the surety's obligation under a
1 29 bond has been exhausted, the contractor is required to file a
1 30 new bond.
1 31 d. The surety bond shall be continuous in nature until
1 32 canceled by the surety company with at least thirty days
1 33 written notice to the labor commissioner and to the home
1 34 improvement contractor. The surety company's obligation under
1 35 the bond shall continue until the surety company has fully



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2 1 satisfied the notice requirements of this section.

2 2 EXPLANATION

2 3 This bill requires that before entering into a contract in
2 4 the state of Iowa, a home improvement contractor must file
2 5 with the labor commissioner a \$25,000 surety bond issued by a
2 6 surety company authorized to do business in the state. The
2 7 bill defines both "home improvement" and "home improvement
2 8 contractor".

2 9 The condition on the surety bond must be that the home
2 10 improvement contractor conform with all state laws and rules
2 11 as applicable and for the benefit of any person who enters
2 12 into a contract with the home improvement contractor.

2 13 The total liability of the bond for any and all breaches of
2 14 contract shall not exceed the \$25,000 amount of the bond no
2 15 matter how many years the bond is in effect or the number of
2 16 claims made against the bond. If the surety's obligation
2 17 under a bond is exhausted, the contractor must file a new
2 18 bond.

2 19 The bond shall be continuous until canceled by the surety
2 20 company, which must provide the labor commissioner and the
2 21 home improvement contractor at least 30 days' notice. The
2 22 surety company's obligation does not end until the notice
2 23 requirements are met.

2 24 LSB 2002YC 83

2 25 ak/rj/5



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HOUSE FILE
BY (PROPOSED COMMITTEE ON
REBUILD IOWA AND DISASTER
RECOVERY BILL BY
CHAIRPERSON SCHUELLER)

Passed House, Date _____ Passed Senate, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays
Approved

A BILL FOR

- 1 An Act relating to disaster emergency assistance immunity.
- 2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 3 TLSB 1879HC 83
- 4 tm/rj/8



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PAG LIN

1 1 Section 1. NEW SECTION. 613.17A VOLUNTEER DISASTER
1 2 EMERGENCY ASSISTANCE IMMUNITY.
1 3 During a disaster as defined in section 29C.2 or in the
1 4 period immediately following a disaster for which the governor
1 5 has issued a proclamation of disaster emergency pursuant to
1 6 section 29C.6, a person who in good faith renders emergency
1 7 assistance without compensation shall not be liable for any
1 8 civil damages for acts or omissions occurring during the
1 9 rendering of the emergency assistance at the place of the
1 10 disaster emergency unless such acts or omissions constitute
1 11 recklessness.

1 12 EXPLANATION

1 13 This bill relates to disaster emergency assistance
1 14 immunity.
1 15 The bill provides that, during a disaster or in the period
1 16 immediately following a disaster for which the governor has
1 17 issued a proclamation of disaster emergency, a person who in
1 18 good faith renders emergency assistance without compensation
1 19 shall not be liable for any civil damages for acts or
1 20 omissions occurring during the rendering of the emergency
1 21 assistance at the place of the disaster emergency unless such
1 22 acts or omissions constitute recklessness.
1 23 LSB 1879HC 83
1 24 tm/rj/8



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SENATE/HOUSE FILE
BY (PROPOSED DEPARTMENT OF
TRANSPORTATION BILL)

Passed Senate, Date _____
Vote: Ayes _____ Nays _____
Approved

Passed House, Date _____
Vote: Ayes _____ Nays _____

A BILL FOR

1 An Act relating to matters under the purview of the department of
2 transportation, including provisions for the administration of
3 the department, driver licensing, vehicle regulation, and the
4 issuance of citations, providing a penalty, and providing
5 effective and retroactive applicability dates.
6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
7 TLSB 1312DP 83
8 dea/nh/8



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2 1 2009, is amended to read as follows:

2 2 c. Upon receipt of a report of a failure to pay the fine,
2 3 penalty, surcharge, or court costs from the clerk of the
2 4 district court, the department shall in accordance with its
2 5 rules, suspend the person's driver's license until the fine,
2 6 penalty, surcharge, or court costs are paid, ~~unless the person~~
~~2 7 proves to the satisfaction of the department that the person~~
~~2 8 cannot pay the fine, penalty, surcharge, or court costs.~~

2 9 Sec. 6. Section 321J.8, subsection 1, paragraph c,
2 10 subparagraph (2), Code 2009, is amended to read as follows:

2 11 (2) If the person is operating a noncommercial motor
2 12 vehicle and holding a commercial driver's license as defined
2 13 in section 321.1 and either refuses to submit to the test or
2 14 ~~operates a motor vehicle while under the influence of an~~
~~2 15 alcoholic beverage or other drug or controlled substance or a~~
~~2 16 combination of such substances submits to the test and the~~
2 17 results indicate the presence of a controlled substance or
2 18 other drug or an alcohol concentration equal to or in excess
2 19 of the level prohibited by section 321J.2, the person is
2 20 disqualified from operating a commercial motor vehicle for the
2 21 applicable period under section 321.208 in addition to any
2 22 revocation of the person's driver's license or nonresident
2 23 operating privilege which may be applicable under this
2 24 chapter.

2 25 Sec. 7. Section 321J.13, subsection 6, paragraphs a and c,
2 26 Code 2009, are amended to read as follows:

2 27 a. The department shall grant a request for a hearing to
2 28 rescind the revocation if the person whose motor vehicle
2 29 license or operating privilege has been or is being revoked
2 30 under section 321J.9 or 321J.12 submits a petition containing
2 31 information relating to the discovery of new evidence that
2 32 provides grounds for ~~recission~~ rescission of the revocation.

2 33 c. Such a holding by the court in the criminal action is
2 34 binding on the department, and the department shall rescind
2 35 the revocation. If the offense for which the revocation was



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3 1 imposed was committed while the person was operating a
3 2 noncommercial motor vehicle and holding a commercial driver's
3 3 license and the department disqualified the person from
3 4 operating a commercial motor vehicle under section 321.208,
3 5 subsection 2, paragraph "a" or "b", as a result of the
3 6 revocation, the department shall also rescind the
3 7 disqualification.

3 8 Sec. 8. Section 321.192, Code 2009, is repealed.

3 9 DIVISION III
3 10 VEHICLES

3 11 Sec. 9. Section 312.2, subsection 19, paragraph a, Code
3 12 2009, is amended by striking the paragraph and inserting in
3 13 lieu thereof the following:

3 14 a. The treasurer of state, before making the allotments
3 15 provided for in this section, shall credit monthly to the
3 16 TIME=21 fund created in section 312A.2 the following amounts:

3 17 (1) One-half of the amount received by the treasurer from
3 18 trailer registration fees pursuant to section 321.123,
3 19 subsection 1, paragraph "a", subparagraph (1).

3 20 (2) Two-thirds of the amount received by the treasurer
3 21 from trailer registration fees collected pursuant to section
3 22 321.123, subsection 1, paragraph "a", subparagraph (2).

3 23 (3) One-third of the amount received by the treasurer from
3 24 trailer registration fees collected pursuant to section
3 25 321.123, subsection 2.

3 26 Sec. 10. Section 321.1, subsection 17, Code 2009, is
3 27 amended to read as follows:

3 28 17. "Dealer" means every person engaged in the business of
3 29 buying, selling, or exchanging vehicles of a type required to
3 30 be registered hereunder and who has an established place of
3 31 business for such purpose in this state. "Dealer" includes
3 32 those persons required to be licensed as dealers under
3 33 chapters 322 and 322C.

3 34 Sec. 11. Section 321.18, subsection 7, Code 2009, is
3 35 amended to read as follows:



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4 1 7. Any school bus in this state used exclusively for the
4 2 transportation of pupils to and from school or a school
4 3 function or for the purposes provided in section 285.1,
4 4 subsection 1, and section 285.10, subsection 9, or used
4 5 exclusively for the transportation of children enrolled in a
4 6 federal head start program. Upon application the department
4 7 shall, without charge, issue a registration certificate and
4 8 ~~shall also issue registration plates, which shall have~~
~~4 9 imprinted thereon the words "Private School Bus" and a~~
~~4 10 distinguishing number assigned to the applicant. Such The~~
4 11 plates shall be attached to the front and rear of each bus
4 12 exempt from registration under this subsection.
4 13 Sec. 12. Section 321.22, Code 2009, is amended to read as
4 14 follows:
4 15 321.22 URBAN AND REGIONAL TRANSIT EQUIPMENT CERTIFICATES
4 16 AND PLATES.
4 17 1. An urban transit company or system having a franchise
4 18 to operate in any city and any regional transit system may
4 19 make application to the department, upon forms furnished by
4 20 the department, for a certificate containing a distinguishing
4 21 number and for one or more pairs of ~~transit bus~~ registration
4 22 plates to be attached to the front and rear of buses owned or
4 23 operated by the transit company or system.
4 24 2. The department shall issue to the applicant a
4 25 certificate, or certificates, containing, but not limited to,
4 26 the applicant's name and address, the distinguishing number
4 27 assigned to the applicant, and such other information deemed
4 28 necessary by the department for proper identification of the
4 29 buses.
4 30 3. The department shall issue ~~transit bus~~ registration
4 31 plates ~~as applied for, which shall be imprinted with the words~~
~~4 32 "Transit Bus" and the distinguishing number assigned to the~~
4 33 applicant.
4 34 4. The department shall issue the certificates and plates
4 35 without fee.



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5 1 Sec. 13. Section 321.166, subsection 9, Code 2009, is
5 2 amended to read as follows:

5 3 9. Special registration plates issued pursuant to section
5 4 321.34 ~~beginning January 1, 1997~~, other than gold star, medal
5 5 of honor, collegiate, fire fighter, and natural resources
5 6 registration plates, shall be consistent with the design and
5 7 color of regular registration plates but shall provide a space
5 8 on a portion of the plate for the purpose of allowing the
5 9 placement of a distinguishing processed emblem. Special
5 10 registration plates shall also comply with the requirements
5 11 for regular registration plates as provided in this section to
5 12 the extent the requirements are consistent with the section
5 13 authorizing a particular special vehicle registration plate.

5 14 Sec. 14. Section 321F.9, Code 2009, is amended to read as
5 15 follows:

5 16 321F.9 OPTION TO PURCHASE == DEALER'S LICENSE.

5 17 Any person engaged in business in this state shall not
5 18 enter into any agreement for the use of a motor vehicle under
5 19 the terms of which that person grants to another an option to
5 20 purchase the motor vehicle without first having obtained a
5 21 motor vehicle dealer's license under the provisions of chapter
5 22 322, and all sales of motor vehicles under such options shall
5 23 be subject to sales or use taxes imposed under the provisions
5 24 of chapter 423. Nothing contained in this section shall
5 25 require such person to have a place of business as provided by
5 26 section 322.6, subsection ~~8~~ 1, paragraph "h".

5 27 Sec. 15. Section 321H.2, subsections 6, 8, and 9, Code
5 28 2009, are amended to read as follows:

5 29 6. "Used vehicle parts dealer" means a person engaged in
5 30 the business of selling bodies, parts of bodies, frames or
5 31 component parts of used vehicles subject to registration ~~under~~
5 32 ~~chapter 321~~.

5 33 8. "Vehicle rebuilder" means a person engaged in the
5 34 business of rebuilding or restoring to operating condition
5 35 vehicles subject to registration ~~under chapter 321~~, which have



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6 1 been damaged or wrecked.

6 2 9. "Vehicle salvager" means a person engaged in the
6 3 business of scrapping, recycling, dismantling, or storing
6 4 wrecked or damaged vehicles or selling reusable parts of
6 5 vehicles or storing vehicles not currently registered which
6 6 vehicles are vehicles subject to registration ~~under chapter~~
~~6 7 321.~~

6 8 Sec. 16. Section 321H.2, Code 2009, is amended by adding
6 9 the following new subsection:

6 10 NEW SUBSECTION. 9A. "Vehicle subject to registration"
6 11 means any vehicle that is of a type required to be registered
6 12 under chapter 321 when operated on a public highway, including
6 13 but not limited to a vehicle that is inoperable, salvage, or
6 14 rebuilt.

6 15 Sec. 17. Section 321H.3, Code 2009, is amended to read as
6 16 follows:

6 17 321H.3 PROHIBITIONS.

6 18 Except for educational institutions, ~~people;~~ persons
6 19 licensed as new vehicle dealers under chapter 322, ~~people;~~
6 20 persons engaged in a hobby not for profit, ~~people;~~ persons
6 21 engaged in the business of purchasing bodies, parts of bodies,
6 22 frames, or component parts of vehicles only for sale as scrap
6 23 metal; or a ~~person~~ persons licensed under the provisions of
6 24 this chapter as ~~an~~ authorized vehicle ~~recycler~~ recyclers, a
6 25 person in this state shall not engage in the business of any
6 26 of the following:

6 27 1. Selling or offering for sale used bodies, parts of
6 28 bodies, frames, or component parts of more than six used
6 29 vehicles subject to registration ~~under chapter 321~~ in a
6 30 ~~calendar year; or~~ twelve-month period.

6 31 2. ~~Wrecking or dismantling in a calendar year~~ Dismantling,
6 32 scrapping, recycling, salvaging, or obtaining a junking
6 33 certificate for more than six vehicles ~~or the parts of more~~
~~6 34 than six vehicles~~ subject to registration ~~under chapter 321~~
~~6 35 for resale; or~~ in a twelve-month period.



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7 1 3. Rebuilding or restoring for sale ~~six or~~ more than six
7 2 wrecked or salvage vehicles subject to registration ~~under~~
~~7 3 chapter 321 in a calendar year; or twelve-month period.~~
7 4 4. Storing more than six vehicles not currently registered
7 5 or storing damaged vehicles except where such storing of
7 6 damaged vehicles is incidental to the primary purpose of the
7 7 repair of motor vehicles for others, ~~scrapping, disposing,~~
~~7 8 salvaging or recycling more than six vehicles or parts of more~~
~~7 9 than six vehicles subject to registration under chapter 321 in~~
~~7 10 a calendar year.~~
7 11 Sec. 18. Section 321H.4, subsections 2 and 3, Code 2009,
7 12 are amended to read as follows:
7 13 2. a. Application for a license as an authorized vehicle
7 14 recycler shall be made to the department on forms provided by
7 15 the department. The application shall be accompanied by a fee
7 16 of seventy dollars for a two-year period or part thereof. The
7 17 license shall be approved or disapproved within thirty days
7 18 after application for the license. A license expires on
7 19 December 31 of even-numbered years. A licensee shall have the
7 20 month of expiration and the month after the month of
7 21 expiration to renew the license. A person who fails to renew
7 22 a license by the end of this time period and desires to hold a
7 23 license shall file a new license application and pay the
7 24 required fee. A separate license shall be obtained for each
7 25 county in which an applicant conducts operations.
7 26 b. The applicant shall specify which business or
7 27 businesses, as enumerated in subsection 1, the applicant is
7 28 applying for a license to engage in. An applicant shall have
7 29 or demonstrate that the applicant will have the facilities and
7 30 equipment necessary to engage in the business or businesses
7 31 for which the applicant is applying for a license. The
7 32 license shall specify which business or businesses the
7 33 applicant has been authorized to engage in.
7 34 3. Each licensee shall file with the department a
7 35 supplemental statement form when the licensee's principal



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8 1 place of business, an extension, or the operation of business
8 2 in the county is changed to differ from the information
8 3 contained on the initial license application form ~~within~~
~~8 4 fifteen days after each~~ at least ten days prior to any
8 5 operational change. The department shall notify each licensee
8 6 of the approval of a change in license status. If a change in
8 7 license status is approved by the department the licensee
8 8 shall surrender the old license to the department together
8 9 with a thirty-five dollar fee. The department shall issue a
8 10 new license modified to reflect the principal place of
8 11 business, each extension, and the operations of the licensee.
8 12 Sec. 19. Section 321H.6, Code 2009, is amended to read as
8 13 follows:
8 14 321H.6 DENIAL, SUSPENSION, OR REVOCATION OF LICENSE.
8 15 The license of a person issued under the provisions of this
8 16 chapter may be denied, revoked, or suspended if the department
8 17 finds ~~that the licensee has any of the following:~~
8 18 1. ~~Violated~~ The licensee has violated any ~~provisions~~
8 19 provision of this chapter; ~~or.~~
8 20 2. ~~Made~~ The licensee has made any material
8 21 misrepresentation to the department in connection with an
8 22 application for a license, junking certificate, salvage
8 23 certificate, certificate of title, or registration of a
8 24 vehicle; ~~or.~~
8 25 3. ~~Been~~ The licensee has been convicted of a fraudulent
8 26 practice in connection with selling or offering for sale
~~8 27 vehicles or parts of vehicles subject to registration under~~
~~8 28 chapter 321; or or any other indictable offense in connection~~
8 29 with selling or other activity relating to motor vehicles, in
8 30 this state or any other state.
8 31 4. ~~Failed~~ The licensee has failed to maintain an
8 32 established principal place of business in the county without
8 33 notification to the department; ~~or.~~
8 34 5. ~~Had~~ The licensee has had a license issued under the
8 35 provisions of this chapter denied, suspended, or revoked



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9 1 within the previous three years; ~~or.~~
 9 2 ~~6. Been convicted of violation of any of sections 321.52,~~
~~9 3 321.71, 321.78, 321.92, 321.97, 321.98, 321.99, 321.100, or~~
~~9 4 714.16.~~
 9 5 Sec. 20. Section 321H.8, Code 2009, is amended to read as
 9 6 follows:
 9 7 321H.8 PENALTIES.
 9 8 1. A person convicted of violating a provision of this
 9 9 chapter is guilty of a serious misdemeanor.
 9 10 2. A person convicted of a fraudulent practice or any
 9 11 other indictable offense in connection with selling or other
 9 12 activity relating to motor vehicles, in this state or any
 9 13 other state, shall not for a period of five years from the
 9 14 date of conviction be an owner, salesperson, employee, officer
 9 15 of a corporation, or representative of a licensed motor
 9 16 vehicle recycler or represent themselves as an owner,
 9 17 salesperson, employee, officer of a corporation, or
 9 18 representative of a licensed motor vehicle recycler.
 9 19 Sec. 21. Section 322.3, subsection 12, Code 2009, is
 9 20 amended to read as follows:
 9 21 12. A person convicted of a fraudulent practice or any
 9 22 other indictable offense in connection with selling,
~~9 23 bartering, or otherwise dealing in or other activity relating~~
 9 24 to motor vehicles, in this state or any other state, shall not
 9 25 for a period of five years from the date of conviction be an
 9 26 owner, salesperson, employee, officer of a corporation, or
 9 27 dealer representative of a licensed motor vehicle dealer or
 9 28 represent themselves as an owner, salesperson, employee, or
 9 29 dealer representative of a licensed motor vehicle dealer.
 9 30 Sec. 22. Section 322.6, Code 2009, is amended to read as
 9 31 follows:
 9 32 322.6 DENIAL OF LICENSE.
 9 33 1. The department may deny the application of ~~any~~ a person
 9 34 for a license as a motor vehicle dealer and refuse to issue a
 9 35 license to the person ~~as such,~~ if, after reasonable notice and



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10 1 a hearing, the department determines ~~that such applicant~~ any
10 2 of the following:

10 3 ~~1. a. Has~~ The applicant made a material false statement in
10 4 the application for the license; ~~or.~~

10 5 ~~2. b. Has~~ The applicant has not complied with the
10 6 provisions of this chapter or any rules or regulations
10 7 ~~promulgated~~ adopted by the department ~~thereunder~~ pursuant to
10 8 this chapter, except as otherwise provided; ~~or.~~

10 9 ~~3. c. Is~~ The applicant is of bad business repute; ~~or.~~

10 10 ~~4. d. Has~~ The applicant has been ~~guilty~~ convicted of a
10 11 fraudulent act practice in connection with selling, ~~bartering,~~
~~10 12 or otherwise dealing in~~ or other activity relating to motor
10 13 vehicles; ~~or~~ in this or any other state.

10 14 ~~5. e. Is~~ The applicant is about to engage in any a
10 15 fraudulent practice or other indictable offense in connection
10 16 with the sale, barter, or otherwise dealing in selling or
10 17 other activity relating to motor vehicles, ~~which is fraudulent~~
~~10 18 or in violation of the law~~; ~~or~~ in this or any other state.

10 19 ~~6. f. Has~~ The applicant has entered into a contract or
10 20 agreement or is about to enter into a contract or agreement
10 21 with ~~any a~~ a manufacturer or distributor of motor vehicles which
10 22 is contrary to any provision of this chapter; ~~or.~~

10 23 ~~7. g. Has~~ The applicant has a contract or agreement with
10 24 ~~any a~~ a manufacturer or distributor of motor vehicles or is
10 25 about to enter into a contract or agreement with ~~any a~~ a
10 26 manufacturer or distributor of motor vehicles, ~~who,~~ without
10 27 just, reasonable, and lawful cause ~~therefor~~, has ~~terminated~~
10 28 within ninety days from the date of application a contract or
10 29 agreement with a motor vehicle dealer in any county of the
10 30 state in which the applicant proposes to engage in business; ~~.~~

10 31 ~~8. h. Does~~ The applicant does not have a place of business
10 32 within the meaning of this chapter, unless the applicant is a
10 33 person referred to in ~~subsection 7 of~~ section 322.3; ~~.~~
10 34 subsection 7.

10 35 ~~9. i. Has~~ The applicant has violated any ~~of the provisions~~



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11 1 provision of sections section 321.78, 321.81, 321.92, 321.97,
11 2 321.98, 321.99, 321.100, 539.4, 714.1, and or 714.16; ~~or.~~

11 3 ~~10. j. If it has been judicially determined~~ Following a
11 4 judicial determination that the licensee has applicant
11 5 intentionally violated any of the provisions provision of the
11 6 Iowa consumer credit code, chapter 537, and the licensee the
11 7 applicant continues to make consumer credit sales, consumer
11 8 loans, or consumer leases in violation of the Iowa consumer
11 9 credit code, chapter 537.

11 10 k. The applicant is or will be acting on behalf of a
11 11 person whose dealer license has been revoked as provided in
11 12 this chapter.

11 13 2. It shall be sufficient cause for refusal or revocation
11 14 of a license as a motor vehicle dealer in the case of a
11 15 partnership or corporation if any member of the partnership or
11 16 any officer or director of the corporation has committed ~~any~~
11 17 an act or omission which would be cause for refusing to issue
11 18 a license to, or revoking a license ~~to~~ of, such person as an
11 19 individual.

11 20 3. In considering whether or not a contract or agreement
11 21 between a motor vehicle dealer and a manufacturer or
11 22 distributor of motor vehicles has been terminated by ~~such the~~
11 23 manufacturer or distributor without just and reasonable cause
11 24 ~~therefor,~~ the department shall take into consideration the
11 25 circumstances existing at the time of ~~such the~~ termination,
11 26 including the amount of business transacted by the motor
11 27 vehicle dealer pursuant to the contract or agreement and prior
11 28 to ~~such the~~ termination; the investment necessarily made and
11 29 the obligation necessarily incurred by the motor vehicle
11 30 dealer in the performance of the dealer's part of ~~such the~~
11 31 contract; the permanency of such investment; the reasons for
11 32 ~~such the~~ termination by ~~such the~~ manufacturer or distributor;
11 33 and the fact that it is injurious to the public welfare for
11 34 the business of a motor vehicle dealer to be disrupted by
11 35 termination of ~~such a~~ contract without just and reasonable



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12 1 cause.

12 2 4. Whenever the department determines to deny the
12 3 application of ~~any~~ a person for a license as a motor vehicle
12 4 dealer and refuses to issue a license to the person ~~as such~~,
12 5 the department shall enter a final order ~~thereof~~ with its
12 6 findings relating ~~thereto~~ to the determination within thirty
12 7 days from the date of the hearing ~~thereon~~.

12 8 Sec. 23. EFFECTIVE AND RETROACTIVE APPLICABILITY DATES.
12 9 The section of this division of this Act amending section
12 10 312.2, subsection 19, being deemed of immediate importance,
12 11 takes effect upon enactment and applies retroactively to
12 12 January 1, 2009.

12 13 DIVISION IV
12 14 ENFORCEMENT

12 15 Sec. 24. Section 321.95, Code 2009, is amended to read as
12 16 follows:

12 17 321.95 RIGHT OF INSPECTION.

12 18 1. Peace officers shall have the authority to inspect any
12 19 vehicle or component part in possession of a vehicle
12 20 rebuilder, vehicle salvager, used vehicle parts dealer, or any
12 21 person licensed under chapter 322, or found upon the public
12 22 highway or in any public garage, enclosure, or property in
12 23 which vehicles or component parts are kept for sale, storage,
12 24 hire, or repair and for that purpose may enter any such public
12 25 garage, enclosure, or property. Every vehicle rebuilder,
12 26 vehicle salvager, used vehicle parts dealer, or any person
12 27 licensed under chapter 322, or a person having used engines or
12 28 transmissions which are component parts for sale shall keep an
12 29 accurate and complete record of all vehicles demolished and of
12 30 such component parts purchased or received for resale as
12 31 component parts in the course of business. These records shall
12 32 contain the name and address of the person from whom each such
12 33 vehicle or component part was purchased or received and the
12 34 date when the purchase or receipt occurred or the junking
12 35 certificate if required for the vehicle. These records shall



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13 1 be open for inspection by any peace officer at any time during
13 2 normal business hours. Records required by this section shall
13 3 be kept for at least three years after the transaction which
13 4 they record.

13 5 2. A person convicted of a violation of this section is
13 6 guilty of a simple misdemeanor punishable as a scheduled
13 7 violation under section 805.8A, subsection 14, paragraph "j".

13 8 Sec. 25. Section 321.449, subsection 4, Code 2009, is
13 9 amended to read as follows:

13 10 4. Notwithstanding other provisions of this section, rules
13 11 adopted under this section for drivers of commercial vehicles
13 12 shall not apply to a driver of a commercial vehicle who is
13 13 engaged exclusively in intrastate commerce, when the
13 14 commercial vehicle's gross vehicle weight rating is twenty=six
13 15 thousand pounds or less, unless the vehicle is used to
13 16 transport hazardous materials requiring a placard or if the
13 17 vehicle is designed to transport more than fifteen passengers,
13 18 including the driver. For the purpose of complying with the
13 19 hours of service recordkeeping requirements under 49 C.F.R. }
~~13 20 395.1(e)(5) }~~ 395.1(e)(1)(v)(A=D), a driver's report of daily
13 21 beginning and ending on=duty time submitted to the motor
13 22 carrier at the end of each workweek shall be considered
13 23 acceptable motor carrier time records. In addition, rules
13 24 adopted under this section shall not apply to a driver
13 25 operating intrastate for a farm operation as defined in
13 26 section 352.2, or for an agricultural interest when the
13 27 commercial vehicle is operated between the farm as defined in
13 28 section 352.2 and another farm, between the farm and a market
13 29 for farm products, or between the farm and an agribusiness
13 30 location. A driver or a driver=salesperson for a private
13 31 carrier, who is not for hire and who is engaged exclusively in
13 32 intrastate commerce, may drive twelve hours, be on duty
13 33 sixteen hours in a twenty=four=hour period and be on duty
13 34 seventy hours in seven consecutive days or eighty hours in
13 35 eight consecutive days. For=hire drivers who are engaged



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14 1 exclusively in intrastate commerce and who operate trucks and
14 2 truck tractors exclusively for the movement of construction
14 3 materials and equipment to and from construction projects may
14 4 also drive twelve hours, be on duty sixteen hours in a
14 5 twenty-four-hour period, and be on duty seventy hours in seven
14 6 consecutive days or eighty hours in eight consecutive days. A
14 7 "driver-salesperson" means as defined in 49 C.F.R. } 395.2, as
14 8 adopted by the department by rule.

14 9 Sec. 26. Section 321.449, Code 2009, is amended by adding
14 10 the following new subsection:

14 11 NEW SUBSECTION. 8. a. In the course of enforcing the
14 12 motor carrier safety rules adopted by the department under
14 13 chapter 17A, the department's peace officers are authorized,
14 14 at reasonable times and places and under reasonable
14 15 circumstances, to enter upon, to inspect, and to examine any
14 16 and all vehicles and loads carried, land, buildings, and
14 17 equipment of any person subject to the federal motor carrier
14 18 safety regulations in 49 C.F.R. pts. 105=185, 382, 383, 385,
14 19 and 390=399, and to inspect and copy any and all accounts,
14 20 records, memoranda, correspondence, and other documents
14 21 including those maintained in an electronic format.

14 22 b. Upon request of a department peace officer acting
14 23 within the scope of official duties and authority with respect
14 24 to the federal motor carrier safety regulations in 49 C.F.R.
14 25 pts. 105=185, 382, 383, 385, and 390=399, at reasonable times
14 26 and places and under reasonable circumstances, and after being
14 27 furnished appropriate identification by that officer, a person
14 28 subject to the federal motor carrier safety regulations in 49
14 29 C.F.R. pts. 105=185, 382, 383, 385, and 390=399 shall submit
14 30 to the peace officer the person's accounts, books, records,
14 31 memoranda, correspondence, and other documents, including
14 32 those maintained in an electronic format, for inspection and
14 33 copying and shall submit the person's vehicles, loads, land,
14 34 buildings, and equipment for examination.

14 35 Sec. 27. Section 805.6, subsection 1, paragraph a,



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15 1 subparagraphs (1) and (2), Code 2009, are amended to read as
15 2 follows:

15 3 (1) The commissioner of public safety, the director of
15 4 transportation, and the director of the department of natural
15 5 resources, acting jointly, shall adopt a uniform, combined
15 6 citation and complaint which shall be used for charging all
15 7 traffic violations in Iowa under state law or local regulation
15 8 or ordinance, and which shall be used for charging all other
15 9 violations which are designated by sections 805.8A, 805.8B,
15 10 and 805.8C to be scheduled violations. The filing fees and
15 11 court costs in cases of parking meter and overtime parking
15 12 violations which are denied are as stated in section 602.8106,
15 13 subsection 1. The court costs in scheduled violation cases
15 14 where a court appearance is not required are as stated in
15 15 section 602.8106, subsection 1. The court costs in scheduled
15 16 violation cases where a court appearance is required are as
15 17 stated in section 602.8106, subsection 1. This subsection
15 18 does not prevent the charging of any of those violations by
15 19 information, by private complaint filed under chapter 804, or
15 20 by a simple notice of fine where permitted by section 321.236,
15 21 subsection 1. Each uniform citation and complaint shall be
15 22 serially numbered and shall be in quintuplicate, and the
15 23 officer shall deliver the original and a copy to the court
15 24 where the defendant is to appear, two copies to the defendant,
15 25 and a copy to the law enforcement agency of the officer. If
15 26 the uniform citation and complaint is created electronically,
15 27 the issuing agency shall cause the uniform citation and
15 28 complaint to be transmitted to the court, and the officer
15 29 shall deliver a document to the defendant which contains a
15 30 section for the defendant and a section which may be sent to
15 31 the court. The court shall forward an abstract of the uniform
15 32 citation and complaint in accordance with section 321.491 when
15 33 applicable.

15 34 (2) The uniform citation and complaint shall contain
15 35 spaces for the parties' names; the address of the alleged



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16 1 offender; the registration number of the offender's vehicle;
16 2 the information required by section 805.2, a warning which
16 3 states, "I hereby swear and affirm that the information
16 4 provided by me on this citation is true under penalty of
16 5 providing false information"; and a statement that providing
16 6 false information is a violation of section 719.3; a list of
16 7 the scheduled fines prescribed by sections 805.8A, 805.8B, and
16 8 805.8C, either separately or by group, and a statement of the
16 9 court costs payable in scheduled violation cases, whether or
16 10 not a court appearance is required or is demanded; a brief
16 11 explanation of sections 805.9 and 805.10; and a space where
16 12 the defendant may sign an admission of the violation when
16 13 permitted by section 805.9; and the uniform citation and
16 14 complaint shall require that the defendant appear before a
16 15 court at a specified time and place. The uniform citation and
16 16 complaint also may contain a space for the imprint of a credit
16 17 card, and may contain any other information which the
16 18 commissioner of public safety, the director of transportation,
16 19 and the director of the department of natural resources may
16 20 determine.

16 21 Sec. 28. Section 805.8A, subsection 14, Code 2009, is
16 22 amended by adding the following new paragraph:

16 23 NEW PARAGRAPH. j. VEHICLE COMPONENT PARTS RECORDS
16 24 VIOLATIONS. For violations under section 321.95, the
16 25 scheduled fine is fifty dollars.

16 26 EXPLANATION

16 27 This bill contains miscellaneous provisions concerning the
16 28 administration of the department of transportation and matters
16 29 regulated by the department.

16 30 DIVISION I == ADMINISTRATION. The bill strikes language
16 31 prohibiting the director of transportation from serving on or
16 32 under a committee of a political party or from making campaign
16 33 contributions.

16 34 The bill strikes language authorizing the use of moneys in
16 35 the statutory allocation fund for expenditures for projects on



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17 1 bridges over rivers bordering the state which are not payable
17 2 from the primary road fund.
17 3 DIVISION II == DRIVER LICENSING. The bill amends
17 4 provisions relating to disqualification of a commercial motor
17 5 vehicle operator for operating while intoxicated. Under
17 6 current law, a person is disqualified from operating a
17 7 commercial motor vehicle for one year if the person is found
17 8 to have operated a commercial motor vehicle while any amount
17 9 of a controlled substance is present in the person or if the
17 10 person is found to have operated a commercial or noncommercial
17 11 motor vehicle while under the influence of an alcoholic
17 12 beverage or other drug or controlled substance. The bill
17 13 replaces those provisions with a single requirement that a
17 14 person is disqualified from operating a commercial motor
17 15 vehicle for one year if the person is found to have operated a
17 16 commercial or noncommercial motor vehicle while intoxicated,
17 17 as that term applies for all motor vehicle operators under
17 18 Code chapter 321J. The bill makes a conforming amendment
17 19 relating to the information required in a peace officer's
17 20 statement to a person requested to submit to a chemical test.
17 21 Finally, the bill requires that when a person's driver's
17 22 license has been administratively revoked upon a charge of
17 23 operating while intoxicated and a criminal decision on the
17 24 evidence leads to rescission of the revocation, the department
17 25 shall also rescind a disqualification from operating a
17 26 commercial motor vehicle that resulted from the same
17 27 circumstances that lead to the revocation if the person was
17 28 operating a noncommercial motor vehicle and holding a
17 29 commercial driver's license when the incident occurred.
17 30 The bill strikes the duty of the department of
17 31 transportation to determine whether a person has the ability
17 32 to pay a criminal penalty, fine, surcharge, or court costs
17 33 before the department suspends the person's driver's license
17 34 for failure to pay.
17 35 The bill repeals the department's administrative authority



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18 1 to waive or refund driver's license fees.
18 2 DIVISION III == VEHICLES. Language allocating revenue from
18 3 trailer registration fees to the TIME=21 fund is revised to
18 4 account for fees that are prorated for a portion of a year,
18 5 and not just fees that are collected for the entire year.
18 6 This provision takes effect upon enactment and applies
18 7 retroactively to January 1, 2009.
18 8 The definition of "dealer" in Code chapter 321 is amended
18 9 to include persons required to be licensed as motor vehicle
18 10 dealers or as travel trailer dealers.
18 11 The bill eliminates specific requirements for the design of
18 12 registration plates issued for private school buses and
18 13 transit buses. Plates labeled "private school bus" or
18 14 "transit bus" will no longer be required.
18 15 The bill allows the department to issue special gold star
18 16 motor vehicle registration plates with a design and color that
18 17 varies from that of regular registration plates. Currently,
18 18 most special plates must conform to the design and color of
18 19 regular registration plates, except for a space to allow
18 20 placement of a distinguishing processed emblem.
18 21 The bill amends several provisions relating to vehicle
18 22 recyclers. The bill specifies that a license is required for
18 23 a person engaged in the business of dismantling, scrapping,
18 24 recycling, salvaging, or obtaining a junking certificate for
18 25 more than six vehicles subject to registration in a 12-month
18 26 period. The period for filing a supplemental statement form
18 27 with the department is changed from within 15 days after each
18 28 operational change to at least 10 days prior to any
18 29 operational change. The bill clarifies that grounds for
18 30 revocation of a license include conviction of a fraudulent
18 31 practice or any other indictable offense in connection with
18 32 selling or other activity relating to motor vehicles in this
18 33 or any other state. For five years following such a
18 34 conviction, a person shall not be, and shall not represent
18 35 themselves to be, an owner, salesperson, employee, officer of



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19 1 a corporation, or representative of a licensed motor vehicle
19 2 recycler.

19 3 The bill makes revisions to Code sections 322.3 and 322.6
19 4 relating to prohibited acts regarding motor vehicle
19 5 manufacturing, distributing, and selling and to denial of an
19 6 application for a motor vehicle dealer's license,
19 7 respectively. The bill clarifies provisions regarding
19 8 prohibitions against, and denial of a motor vehicle dealer's
19 9 license for, acts which are fraudulent practices or other
19 10 indictable offenses in connection with selling or other
19 11 activity relating to motor vehicles in this or any other
19 12 state. In addition, the bill provides that a motor vehicle
19 13 dealer's license may be denied if the applicant is or will be
19 14 acting on behalf of a person whose dealer license has been
19 15 revoked.

19 16 DIVISION IV == ENFORCEMENT. Current law gives peace
19 17 officers inspection authority concerning vehicles and
19 18 component parts and establishes recordkeeping requirements for
19 19 vehicle rebuilders, vehicle salvagers, used vehicle parts
19 20 dealers, motor vehicle dealers, and certain other persons
19 21 engaged in related practices. Currently, a violation of those
19 22 provisions is a simple misdemeanor. The bill changes the
19 23 penalty to a simple misdemeanor punishable by a scheduled fine
19 24 of \$50.

19 25 The bill provides inspection authority for peace officers
19 26 to examine vehicles, loads, land, buildings, and equipment of
19 27 any person subject to federal motor carrier safety regulations
19 28 and requires those persons to permit such examinations and
19 29 submit required documents for inspection and copying.

19 30 The bill adds language to requirements for the processing
19 31 of a uniform citation and complaint that is created
19 32 electronically. Specifically, the issuing agency must
19 33 transmit the uniform citation and complaint to the court, and
19 34 the officer issuing the citation must deliver a document to
19 35 the defendant which contains a section for the defendant and a



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20 1 section which may be sent to the court.
20 2 LSB 1312DP 83
20 3 dea/nh/8.1



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House Study Bill 164

HOUSE FILE
BY (PROPOSED COMMITTEE ON
TRANSPORTATION BILL BY
CHAIRPERSON QUIRK)

Passed House, Date _____ Passed Senate, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays
Approved

A BILL FOR

1 An Act increasing the excise tax on motor fuel and special fuel
2 for diesel engines of motor vehicles, allocating revenues to
3 the TIME=21 fund, and providing an effective date.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
5 TLSB 2070YC 83
6 dea/mg/14



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1 1 Section 1. Section 312.2, Code 2009, is amended by adding
1 2 the following new subsection:

1 3 NEW SUBSECTION. 21. a. The treasurer of state, before
1 4 making the allotments provided for in this section, shall
1 5 credit monthly to the TIME=21 fund created in section 312A.2
1 6 the revenue accruing to the road use tax fund from the excise
1 7 tax on motor fuel and special fuel, in the amount equal to the
1 8 revenues collected as follows:

1 9 (1) For the period beginning on the effective date of this
1 10 Act and ending December 31, 2009, the following amounts:

1 11 (a) The amount of excise tax collected under section
1 12 452A.3, subsections 1 and 1A, from four cents per gallon.

1 13 (b) The amount of excise tax on special fuel for diesel
1 14 engines of motor vehicles collected under section 452A.3,
1 15 subsection 3, from four cents per gallon.

1 16 (2) Beginning January 1, 2010, the following amounts:

1 17 (a) The amount of excise tax collected under section
1 18 452A.3, subsections 1 and 1A, from eight cents per gallon.

1 19 (b) The amount of excise tax on special fuel for diesel
1 20 engines of motor vehicles collected under section 452A.3,
1 21 subsection 3, from eight cents per gallon.

1 22 b. For each fiscal year beginning on or after July 1,
1 23 2008, the crediting of revenues under paragraph "a" shall
1 24 continue until the aggregate amount of revenue accruing to the
1 25 TIME=21 fund from all sources as provided in section 312A.2
1 26 for the fiscal year is equal to two hundred million dollars.

1 27 c. This subsection is repealed June 30, 2028.

1 28 Sec. 2. Section 452A.3, subsection 1, paragraph b, Code
1 29 2009, is amended to read as follows:

1 30 b. The For the period beginning on the effective date of
1 31 this Act and ending December 31, 2009, the rate for the excise
1 32 tax shall be as follows:

1 33 (1) If the distribution percentage is not greater than
1 34 fifty percent, the rate shall be ~~nineteen~~ twenty=three cents
1 35 for ethanol blended gasoline and ~~twenty~~ twenty=four cents for



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2 1 motor fuel other than ethanol blended gasoline.

2 2 (2) If the distribution percentage is greater than fifty
2 3 percent but not greater than fifty=five percent, the rate
2 4 shall be ~~nineteen~~ twenty=three cents for ethanol blended
2 5 gasoline and ~~twenty~~ twenty=four and one=tenth cents for motor
2 6 fuel other than ethanol blended gasoline.

2 7 (3) If the distribution percentage is greater than
2 8 fifty=five percent but not greater than sixty percent, the
2 9 rate shall be ~~nineteen~~ twenty=three cents for ethanol blended
2 10 gasoline and ~~twenty~~ twenty=four and three=tenths cents for
2 11 motor fuel other than ethanol blended gasoline.

2 12 (4) If the distribution percentage is greater than sixty
2 13 percent but not greater than sixty=five percent, the rate
2 14 shall be ~~nineteen~~ twenty=three cents for ethanol blended
2 15 gasoline and ~~twenty~~ twenty=four and five=tenths cents for
2 16 motor fuel other than ethanol blended gasoline.

2 17 (5) If the distribution percentage is greater than
2 18 sixty=five percent but not greater than seventy percent, the
2 19 rate shall be ~~nineteen~~ twenty=three cents for ethanol blended
2 20 gasoline and ~~twenty~~ twenty=four and seven=tenths cents for
2 21 motor fuel other than ethanol blended gasoline.

2 22 (6) If the distribution percentage is greater than seventy
2 23 percent but not greater than seventy=five percent, the rate
2 24 shall be ~~nineteen~~ twenty=three cents for ethanol blended
2 25 gasoline and ~~twenty=one~~ twenty=five cents for motor fuel other
2 26 than ethanol blended gasoline.

2 27 (7) If the distribution percentage is greater than
2 28 seventy=five percent but not greater than eighty percent, the
2 29 rate shall be ~~nineteen~~ twenty=three and three=tenths cents for
2 30 ethanol blended gasoline and ~~twenty~~ twenty=four and
2 31 eight=tenths cents for motor fuel other than ethanol blended
2 32 gasoline.

2 33 (8) If the distribution percentage is greater than eighty
2 34 percent but not greater than eighty=five percent, the rate
2 35 shall be ~~nineteen~~ twenty=three and five=tenths cents for



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3 1 ethanol blended gasoline and ~~twenty~~ twenty-four and
3 2 seven-tenths cents for motor fuel other than ethanol blended
3 3 gasoline.
3 4 (9) If the distribution percentage is greater than
3 5 eighty-five percent but not greater than ninety percent, the
3 6 rate shall be ~~nineteen~~ twenty-three and seven-tenths cents for
3 7 ethanol blended gasoline and ~~twenty~~ twenty-four and
3 8 four-tenths cents for motor fuel other than ethanol blended
3 9 gasoline.
3 10 (10) If the distribution percentage is greater than ninety
3 11 percent but not greater than ninety-five percent, the rate
3 12 shall be ~~nineteen~~ twenty-three and nine-tenths cents for
3 13 ethanol blended gasoline and ~~twenty~~ twenty-four and one-tenth
3 14 cents for motor fuel other than ethanol blended gasoline.
3 15 (11) If the distribution percentage is greater than
3 16 ninety-five percent, the rate shall be ~~twenty~~ twenty-four
3 17 cents for ethanol blended gasoline and ~~twenty~~ twenty-four
3 18 cents for motor fuel other than ethanol blended gasoline.
3 19 Sec. 3. Section 452A.3, subsection 1, Code 2009, is
3 20 amended by adding the following new paragraph:
3 21 NEW PARAGRAPH. c. Beginning January 1, 2010, the rate for
3 22 the excise tax shall be as follows:
3 23 (1) If the distribution percentage is not greater than
3 24 fifty percent, the rate shall be twenty-seven cents for
3 25 ethanol blended gasoline and twenty-eight cents for motor fuel
3 26 other than ethanol blended gasoline.
3 27 (2) If the distribution percentage is greater than fifty
3 28 percent but not greater than fifty-five percent, the rate
3 29 shall be twenty-seven cents for ethanol blended gasoline and
3 30 twenty-eight and one-tenth cents for motor fuel other than
3 31 ethanol blended gasoline.
3 32 (3) If the distribution percentage is greater than
3 33 fifty-five percent but not greater than sixty percent, the
3 34 rate shall be twenty-seven cents for ethanol blended gasoline
3 35 and twenty-eight and three-tenths cents for motor fuel other



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4 1 than ethanol blended gasoline.

4 2 (4) If the distribution percentage is greater than sixty
4 3 percent but not greater than sixty-five percent, the rate
4 4 shall be twenty-seven cents for ethanol blended gasoline and
4 5 twenty-eight and five-tenths cents for motor fuel other than
4 6 ethanol blended gasoline.

4 7 (5) If the distribution percentage is greater than
4 8 sixty-five percent but not greater than seventy percent, the
4 9 rate shall be twenty-seven cents for ethanol blended gasoline
4 10 and twenty-eight and seven-tenths cents for motor fuel other
4 11 than ethanol blended gasoline.

4 12 (6) If the distribution percentage is greater than seventy
4 13 percent but not greater than seventy-five percent, the rate
4 14 shall be twenty-seven cents for ethanol blended gasoline and
4 15 twenty-nine cents for motor fuel other than ethanol blended
4 16 gasoline.

4 17 (7) If the distribution percentage is greater than
4 18 seventy-five percent but not greater than eighty percent, the
4 19 rate shall be twenty-seven and three-tenths cents for ethanol
4 20 blended gasoline and twenty-eight and eight-tenths cents for
4 21 motor fuel other than ethanol blended gasoline.

4 22 (8) If the distribution percentage is greater than eighty
4 23 percent but not greater than eighty-five percent, the rate
4 24 shall be twenty-seven and five-tenths cents for ethanol
4 25 blended gasoline and twenty-eight and seven-tenths cents for
4 26 motor fuel other than ethanol blended gasoline.

4 27 (9) If the distribution percentage is greater than
4 28 eighty-five percent but not greater than ninety percent, the
4 29 rate shall be twenty-seven and seven-tenths cents for ethanol
4 30 blended gasoline and twenty-eight and four-tenths cents for
4 31 motor fuel other than ethanol blended gasoline.

4 32 (10) If the distribution percentage is greater than ninety
4 33 percent but not greater than ninety-five percent, the rate
4 34 shall be twenty-seven and nine-tenths cents for ethanol
4 35 blended gasoline and twenty-eight and one-tenth cents for



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5 1 motor fuel other than ethanol blended gasoline.
5 2 (11) If the distribution percentage is greater than
5 3 ninety=five percent, the rate shall be twenty=eight cents for
5 4 ethanol blended gasoline and twenty=eight cents for motor fuel
5 5 other than ethanol blended gasoline.

5 6 Sec. 4. Section 452A.3, subsection 1A, Code 2009, is
5 7 amended to read as follows:

5 8 1A. Except as otherwise provided in this section and in
5 9 this division, after June 30, 2012, an excise tax of ~~twenty~~
5 10 twenty=eight cents is imposed on each gallon of motor fuel
5 11 used for any purpose for the privilege of operating motor
5 12 vehicles in this state.

5 13 Sec. 5. Section 452A.3, subsection 3, Code 2009, is
5 14 amended to read as follows:

5 15 3. For the privilege of operating motor vehicles or
5 16 aircraft in this state, there is imposed an excise tax on the
5 17 use of special fuel in a motor vehicle or aircraft. ~~The For~~
5 18 the period beginning on the effective date of this Act and
5 19 ending December 31, 2009, the tax rate on special fuel for
5 20 diesel engines of motor vehicles is ~~twenty=two~~ twenty=six and
5 21 one=half cents per gallon, and beginning January 1, 2010, the
5 22 tax rate is thirty and one=half cents per gallon. The rate of
5 23 tax on special fuel for aircraft is three cents per gallon.
5 24 On all other special fuel, unless otherwise specified in this
5 25 section, the per gallon rate is the same as the motor fuel
5 26 tax. Indelible dye meeting United States environmental
5 27 protection agency and internal revenue service regulations
5 28 must be added to fuel before or upon withdrawal at a terminal
5 29 or refinery rack for that fuel to be exempt from tax and the
5 30 dyed fuel may be used only for an exempt purpose.

5 31 Sec. 6. EFFECTIVE DATE. This Act, being deemed of
5 32 immediate importance, takes effect upon enactment.

5 33 EXPLANATION

5 34 This bill increases the excise tax on gasoline and ethanol
5 35 blended gasoline by 4 cents per gallon beginning on the



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6 1 effective date of the bill and by an additional 4 cents per
6 2 gallon beginning January 1, 2010. The current differential in
6 3 the tax rate between ethanol and other motor fuel is
6 4 maintained under the bill.

6 5 The bill also increases the excise tax on special fuel for
6 6 diesel engines of motor vehicles by 4 cents per gallon
6 7 beginning on the effective date of the bill and by an
6 8 additional 4 cents per gallon beginning January 1, 2010.

6 9 The excise tax on E=85 gasoline is not increased under the
6 10 bill. However, pursuant to current law, the tax on E=85
6 11 defaults to the rate applicable to gasoline and ethanol
6 12 blended gasoline at such time as sales of E=85 reach a
6 13 specified threshold.

6 14 All excise taxes on motor vehicle fuel are used for road
6 15 purposes as required under the Iowa Constitution. The bill
6 16 requires the treasurer of state to credit from the road use
6 17 tax fund to the TIME=21 fund the revenues attributable to the
6 18 increase in motor fuel taxes under the bill until the
6 19 aggregate amount in a fiscal year of all revenue accruing to
6 20 the TIME=21 fund from all sources during each fiscal year
6 21 beginning on or after July 1, 2008, equals \$200 million. Once
6 22 the TIME=21 funding target is reached, additional revenues
6 23 collected from the increase in motor fuel and special fuel
6 24 taxes under the bill will not be transferred from the road use
6 25 tax fund for the remainder of the fiscal year.

6 26 Regardless of whether the TIME=21 fund is fully funded, the
6 27 provision crediting motor fuel tax revenues to the TIME=21
6 28 fund is repealed, and the revenues will remain in the road use
6 29 tax fund, on June 30, 2028. Pursuant to current law, the
6 30 TIME=21 fund is scheduled to be dissolved on that date.

6 31 The marine fuel tax fund, which receives a small percentage
6 32 of motor fuel tax revenues attributable to fuel used in
6 33 watercraft, is also impacted by the bill.

6 34 The bill takes effect upon enactment.

6 35 LSB 2070YC 83



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7 1 dea/mg/14.1



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House Study Bill 165

HOUSE FILE
 BY (PROPOSED COMMITTEE ON
 ENVIRONMENTAL PROTECTION
 BILL BY CHAIRPERSON OLSON)

Passed House, Date _____ Passed Senate, Date _____
 Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays
 Approved

A BILL FOR

1 An Act extending the time period during which a wind energy
 2 conversion facility shall be considered approved for purposes
 3 of the renewable energy tax credit under specified
 4 circumstances.
 5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
 6 TLSB 1842HC 83
 7 rn/nh/14



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1 1 Section 1. Section 476C.3, subsection 3, Code 2009, is
1 2 amended to read as follows:
1 3 3. A facility that is not operational within thirty months
1 4 after issuance of an approval for the facility by the board
1 5 shall cease to be an eligible renewable energy facility.
1 6 However, a wind energy conversion facility that is approved as
1 7 eligible under this section but is not operational within
1 8 eighteen months due to the unavailability of necessary
1 9 equipment or a delay in receiving federal transmission
1 10 approval from the federal energy regulatory commission shall
1 11 be granted an additional twelve months to become operational.
1 12 A facility that is granted and thereafter loses approval may
1 13 reapply to the board for a new determination.

1 14 EXPLANATION

1 15 This bill relates to wind energy conversion facilities that
1 16 have received approval for the renewable energy tax credit
1 17 pursuant to Code chapter 476C. Current law provides that an
1 18 eligible renewable energy facility, as defined in the Code
1 19 chapter, that is not operational within 30 months after
1 20 receiving approval shall cease to be eligible for the credit.
1 21 An exception is provided, however, if the facility is a wind
1 22 energy conversion facility which was not operational within 18
1 23 months due to the unavailability of necessary equipment. In
1 24 such cases an additional 12-month period shall be granted.
1 25 The bill extends this additional period to wind energy
1 26 conversion facilities which were not operational because of a
1 27 delay in receiving federal transmission approval from the
1 28 federal energy regulatory commission.
1 29 LSB 1842HC 83
1 30 rn/nh/14



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SENATE/HOUSE FILE
BY (PROPOSED DEPARTMENT OF
ECONOMIC DEVELOPMENT BILL)

Passed Senate, Date _____
Vote: Ayes _____ Nays _____
Approved

Passed House, Date _____
Vote: Ayes _____ Nays _____

A BILL FOR

- 1 An Act relating to the eligibility for tax credits and income
- 2 reductions for qualified expenditures under the film,
- 3 television, and video project promotion program and providing
- 4 effective and retroactive applicability date provisions.
- 5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 6 TLSB 1235DP 83
- 7 tw/mg:sc/5



Iowa General Assembly
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House Study Bill 166 continued

PAG LIN

1 1 Section 1. Section 15.393, subsection 2, paragraph a,
1 2 subparagraph (2), Code 2009, is amended to read as follows:
1 3 (2) A qualified expenditure by a taxpayer is a payment to
1 4 an Iowa resident or an Iowa-based business for the sale,
1 5 rental, or furnishing of tangible personal property or for
1 6 services directly related to the registered project including
1 7 but not limited to aircraft, vehicles, equipment, materials,
1 8 supplies, accounting, animals and animal care, artistic and
1 9 design services, graphics, construction, data and information
1 10 services, delivery and pickup services, labor and personnel,
1 11 lighting, makeup and hairdressing, film, music, photography,
1 12 sound, video and related services, printing, research, site
1 13 fees and rental, travel related to Iowa distant locations,
1 14 trash removal and cleanup, and wardrobe. ~~For the purposes of~~
~~1 15 this subparagraph, "labor and personnel" does not include the~~
~~1 16 director, producers, or cast members other than extras and~~
~~1 17 stand-ins.~~
1 18 (i) For purposes of this subparagraph, "labor and
1 19 personnel" includes compensation paid, in an amount not to
1 20 exceed one million dollars each, to the principal producer,
1 21 the principal director, and the principal cast members,
1 22 provided that the principal producer, director, or cast member
1 23 is an Iowa resident or an Iowa-based business.
1 24 (ii) The department of revenue, in consultation with the
1 25 department of economic development, shall by rule establish a
1 26 list of eligible expenditures.
1 27 Sec. 2. Section 15.393, subsection 2, paragraph c, Code
1 28 2009, is amended to read as follows:
1 29 c. For tax years beginning on or after January 1, 2007,
1 30 the tax year in which a qualified expenditure occurred, and
1 31 for the ensuing three tax years, a taxpayer may claim a
1 32 reduction in adjusted gross income not to exceed in a tax year
1 33 twenty-five percent of the amount of the qualified expenditure
1 34 for purposes of taxes imposed in chapter 422, divisions II and
1 35 III, for payments received from the sale, rental, or



Iowa General Assembly
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House Study Bill 166 continued

2 1 furnishing of tangible personal property or services directly
2 2 related to the production of a project registered under this
2 3 section which meets the criteria of a qualified expenditure
2 4 under paragraph "a", subparagraph (2).

2 5 Sec. 3. EFFECTIVE AND RETROACTIVE APPLICABILITY DATES.

2 6 1. The section of this Act amending section 15.393,
2 7 subsection 2, paragraph "a", applies retroactively to January
2 8 1, 2008, for tax years beginning on or after that date.

2 9 2. The section of this Act amending section 15.393,
2 10 subsection 2, paragraph "c", applies retroactively to
2 11 qualified expenditures made in tax years beginning on or after
2 12 January 1, 2008.

2 13 3. This Act, being deemed of immediate importance, takes
2 14 effect upon enactment.

2 15 EXPLANATION

2 16 This bill relates to the eligibility for tax credits for
2 17 qualified expenditures and deduction from income received from
2 18 certain qualified expenditures under the film, television, and
2 19 video project promotion program.

2 20 The program currently does not allow salary expenditures
2 21 for directors, producers, and principal cast members to be
2 22 counted as qualified expenditures under the program. The bill
2 23 allows up to \$1 million in compensation for each of these
2 24 persons to be counted toward a taxpayer's qualified
2 25 expenditures if the person is an Iowa resident or Iowa-based
2 26 business.

2 27 The program also currently allows vendors to take a
2 28 reduction in adjusted gross income for qualified expenditures
2 29 in the same year as the expenses are incurred. The bill makes
2 30 the credit available for the tax year in which the
2 31 expenditures were incurred and for three ensuing tax years.

2 32 The bill provides effective and retroactive applicability
2 33 date provisions.

2 34 LSB 1235DP 83

2 35 tw/mg:sc/5.1



Iowa General Assembly
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Senate Amendment 3018

PAG LIN

1 1 Amend Senate Resolution 9 as follows:
1 2 #1. Page 1, line 24, by striking the word
1 3 <President=elect> and inserting the following:
1 4 <President>.
1 5 #2. Page 7, by striking lines 1 and 2, and
1 6 inserting the following: <Nancy Pelosi; Senator
1 7 Edward Kennedy,>.
1 8
1 9
1 10
1 11 JACK HATCH
1 12 SR 9.201 83
1 13 pf/rj/12325
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Senate Amendment 3019

PAG LIN

1 1 Amend Senate File 98 as follows:
1 2 #1. Page 1, by striking lines 15 and 16 and
1 3 inserting the following: <director of the department
1 4 of management.>
1 5
1 6
1 7
1 8 STACI APPEL
1 9 SF 98.201 83
1 10 ec/rj/12419
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Iowa General Assembly
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Senate Amendment 3020

PAG LIN

1 1 Amend Senate File 113 as follows:
1 2 #1. Page 1, by inserting before line 1 the
1 3 following:
1 4 <Section 1. Section 598.1, subsection 8, Code
1 5 2009, is amended to read as follows:
1 6 8. "Postsecondary education subsidy" means an
1 7 amount which either of the parties may be required to
1 8 pay under a temporary order or final judgment or
1 9 decree for educational expenses of a child who is
1 10 between the ages of eighteen and ~~twenty-two~~ twenty-one
1 11 years if the child is regularly attending a course of
1 12 vocational=technical training either as a part of a
1 13 regular school program or under special arrangements
1 14 adapted to the individual person's needs; or is, in
1 15 good faith, a full=time student in a college,
1 16 university, or community college; or has been accepted
1 17 for admission to a college, university, or community
1 18 college and the next regular term has not yet begun.>
1 19 #2. By renumbering as necessary.
1 20
1 21
1 22
1 23 DAVID L. HARTSUCH
1 24 SF 113.501 83
1 25 pf/nh/11681
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Iowa General Assembly
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Senate File 126 - Introduced

SENATE FILE
BY DANIELSON

Passed Senate, Date _____ Passed House, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved

A BILL FOR

- 1 An Act establishing an Iowa veterans hall of fame.
- 2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 3 TL5B 1843SS 83
- 4 ec/nh/5



Iowa General Assembly
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Senate File 126 - Introduced continued

PAG LIN

1 1 Section 1. NEW SECTION. 35A.6 IOWA VETERANS HALL OF
1 2 FAME.
1 3 1. An Iowa veterans hall of fame shall be created under
1 4 the control of the department. At a minimum, the department
1 5 shall establish an internet website to honor veterans selected
1 6 for inclusion in the hall of fame. The goal of the hall of
1 7 fame is to recognize outstanding veterans from Iowa who have
1 8 distinguished themselves both in military and civilian life.
1 9 2. The members of the hall of fame shall be selected by
1 10 the commission pursuant to criteria established by the
1 11 department in consultation with the commission.

1 12 EXPLANATION

1 13 This bill establishes an Iowa veterans hall of fame under
1 14 the control of the department of veterans affairs to recognize
1 15 outstanding veterans from Iowa who have distinguished
1 16 themselves both in military and civilian life. At a minimum,
1 17 the bill requires the department to establish an internet
1 18 website to honor those veterans selected.

1 19 The bill provides that the commission of veterans affairs
1 20 shall select members to the hall of fame pursuant to criteria
1 21 established by the department in consultation with the
1 22 commission.

1 23 LSB 1843SS 83

1 24 ec/nh/5



Iowa General Assembly
Daily Bills, Amendments & Study Bills
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Senate File 127 - Introduced

SENATE FILE
BY DANIELSON

Passed Senate, Date _____ Passed House, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays
Approved

A BILL FOR

1 An Act appropriating moneys to the department of economic
2 development for financial assistance to national heritage
3 areas.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
5 TLSB 1826SS 83
6 tw/tm:jp/5



**Iowa General Assembly
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Senate File 127 - Introduced continued

PAG LIN

1 1 Section 1. NATIONAL HERITAGE AREAS. There is appropriated
1 2 from the general fund of the state to the department of
1 3 economic development for the fiscal year beginning July 1,
1 4 2009, and ending June 30, 2010, the following amount, or so
1 5 much thereof as is necessary, to be used for the purposes
1 6 designated:

1 7 For purposes of preserving Iowa's cultural heritage and
1 8 improving economic growth in the state by providing one or
1 9 more financial assistance grants to national heritage areas in
1 10 the state where certain natural, cultural, historic, and
1 11 recreational resources have shaped a distinctive landscape:
1 12 \$ 100,000

EXPLANATION

1 14 This bill appropriates \$100,000 to the department of
1 15 economic development for purposes of preserving Iowa's
1 16 cultural heritage and improving economic growth in the state
1 17 by providing financial assistance to national heritage areas
1 18 in the state where certain natural, cultural, historic, and
1 19 recreational resources have shaped a distinctive landscape.

1 20 LSB 1826SS 83

1 21 tw/tm:jp/5



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 10, 2009

Senate File 128 - Introduced

SENATE FILE
BY KIBBIE

Passed Senate, Date _____
Vote: Ayes _____ Nays _____
Approved

Passed House, Date _____
Vote: Ayes _____ Nays _____

A BILL FOR

1 An Act relating to and increasing the excise tax on motor fuel
2 and certain special fuel and allocating a portion of the
3 increased revenues to the TIME=21 fund.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
5 TLSB 2019XS 83
6 dea/mg:sc/24



Iowa General Assembly
Daily Bills, Amendments & Study Bills
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Senate File 128 - Introduced continued

PAG LIN

1 1 Section 1. Section 312.2, Code 2009, is amended by adding
1 2 the following new subsection:
1 3 NEW SUBSECTION. 21. a. The treasurer of state, before
1 4 making the allotments provided for in this section, shall
1 5 credit monthly from the road use tax fund to the TIME=21 fund
1 6 created in section 312A.2 the revenue accruing to the road use
1 7 tax fund from the excise tax on motor fuel and special fuel in
1 8 an amount equal to the revenues collected as follows:
1 9 (1) The amount of excise tax collected under section
1 10 452A.3, subsections 1, 1A, 1B, subsection 3, paragraphs "a",
1 11 "b", and "d", and subsection 3A, from five cents per gallon.
1 12 (2) The amount of excise tax collected under section
1 13 452A.3, subsection 4, from five cents per hundred cubic feet.
1 14 b. This subsection is repealed June 30, 2028.
1 15 Sec. 2. Section 452A.2, Code 2009, is amended by adding
1 16 the following new subsection:
1 17 NEW SUBSECTION. 3A. "Biodiesel fuel" means the same as
1 18 defined in section 214A.1.
1 19 Sec. 3. Section 452A.3, subsection 1, paragraph b, Code
1 20 2009, is amended to read as follows:
1 21 b. The rate for the excise tax shall be as follows:
1 22 (1) If the distribution percentage is not greater than
1 23 fifty percent, the rate shall be ~~nineteen~~ twenty-eight cents
1 24 for ethanol blended gasoline and ~~twenty~~ twenty-nine cents for
1 25 motor fuel other than ethanol blended gasoline.
1 26 (2) If the distribution percentage is greater than fifty
1 27 percent but not greater than fifty-five percent, the rate
1 28 shall be ~~nineteen~~ twenty-eight cents for ethanol blended
1 29 gasoline and ~~twenty~~ twenty-nine and one-tenth cents for motor
1 30 fuel other than ethanol blended gasoline.
1 31 (3) If the distribution percentage is greater than
1 32 fifty-five percent but not greater than sixty percent, the
1 33 rate shall be ~~nineteen~~ twenty-eight cents for ethanol blended
1 34 gasoline and ~~twenty~~ twenty-nine and three-tenths cents for
1 35 motor fuel other than ethanol blended gasoline.



Iowa General Assembly
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Senate File 128 - Introduced continued

2 1 (4) If the distribution percentage is greater than sixty
2 2 percent but not greater than sixty=five percent, the rate
2 3 shall be ~~nineteen~~ twenty=eight cents for ethanol blended
2 4 gasoline and ~~twenty~~ twenty=nine and five=tenths cents for
2 5 motor fuel other than ethanol blended gasoline.

2 6 (5) If the distribution percentage is greater than
2 7 sixty=five percent but not greater than seventy percent, the
2 8 rate shall be ~~nineteen~~ twenty=eight cents for ethanol blended
2 9 gasoline and ~~twenty~~ twenty=nine and seven=tenths cents for
2 10 motor fuel other than ethanol blended gasoline.

2 11 (6) If the distribution percentage is greater than seventy
2 12 percent but not greater than seventy=five percent, the rate
2 13 shall be ~~nineteen~~ twenty=eight cents for ethanol blended
2 14 gasoline and ~~twenty=one~~ thirty cents for motor fuel other than
2 15 ethanol blended gasoline.

2 16 (7) If the distribution percentage is greater than
2 17 seventy=five percent but not greater than eighty percent, the
2 18 rate shall be ~~nineteen~~ twenty=eight and three=tenths cents for
2 19 ethanol blended gasoline and ~~twenty~~ twenty=nine and
2 20 eight=tenths cents for motor fuel other than ethanol blended
2 21 gasoline.

2 22 (8) If the distribution percentage is greater than eighty
2 23 percent but not greater than eighty=five percent, the rate
2 24 shall be ~~nineteen~~ twenty=eight and five=tenths cents for
2 25 ethanol blended gasoline and ~~twenty~~ twenty=nine and
2 26 seven=tenths cents for motor fuel other than ethanol blended
2 27 gasoline.

2 28 (9) If the distribution percentage is greater than
2 29 eighty=five percent but not greater than ninety percent, the
2 30 rate shall be ~~nineteen~~ twenty=eight and seven=tenths cents for
2 31 ethanol blended gasoline and ~~twenty~~ twenty=nine and
2 32 four=tenths cents for motor fuel other than ethanol blended
2 33 gasoline.

2 34 (10) If the distribution percentage is greater than ninety
2 35 percent but not greater than ninety=five percent, the rate



Iowa General Assembly
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Senate File 128 - Introduced continued

3 1 shall be ~~nineteen~~ twenty-eight and nine-tenths cents for
3 2 ethanol blended gasoline and ~~twenty~~ twenty-nine and one-tenth
3 3 cents for motor fuel other than ethanol blended gasoline.
3 4 (11) If the distribution percentage is greater than
3 5 ninety-five percent, the rate shall be ~~twenty~~ twenty-nine
3 6 cents for ethanol blended gasoline and ~~twenty~~ twenty-nine
3 7 cents for motor fuel other than ethanol blended gasoline.
3 8 Sec. 4. Section 452A.3, subsections 1A, 1B, 1C, 3, 3A, and
3 9 4, Code 2009, are amended to read as follows:
3 10 1A. Except as otherwise provided in this section and in
3 11 this division, after June 30, 2012, an excise tax of ~~twenty~~
3 12 twenty-nine cents is imposed on each gallon of motor fuel used
3 13 for any purpose for the privilege of operating motor vehicles
3 14 in this state.
3 15 1B. a. An excise tax of ~~seventeen~~ twenty-six cents is
3 16 imposed on each gallon of E=85 gasoline as defined in section
3 17 214A.1, subject to the determination provided in ~~subsection 1C~~
3 18 paragraph "b".
3 19 ~~1C.~~ b. The rate of the excise tax on E=85 gasoline
3 20 imposed in ~~subsection 1B~~ paragraph "a" shall be determined
3 21 based on the number of gallons of E=85 gasoline that are
3 22 distributed in this state during the previous calendar year.
3 23 The department shall determine the actual tax paid for E=85
3 24 gasoline for each period beginning January 1 and ending
3 25 December 31. The amount of the tax paid on E=85 gasoline
3 26 during the past calendar year shall be compared to the amount
3 27 of tax on E=85 gasoline that would have been paid using the
3 28 tax rate for gasoline imposed in subsection 1 or 1A and a
3 29 difference shall be established. If this difference is equal
3 30 to or greater than twenty-five thousand dollars, the tax rate
3 31 for E=85 gasoline for the period beginning July 1 following
3 32 the end of the determination period shall be the rate in
3 33 effect as stated in subsection 1 or 1A.
3 34 3. For the privilege of operating motor vehicles or
3 35 aircraft in this state, there is imposed an excise tax on the



Iowa General Assembly
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Senate File 128 - Introduced continued

4 1 use of special fuel in a motor vehicle or aircraft. ~~The tax~~
4 2 ~~rate on special fuel for diesel engines of motor vehicles is~~
4 3 ~~twenty-two and one-half cents per gallon.~~
4 4 a. Except as otherwise provided in this section and in
4 5 this division, until June 30, 2012, this paragraph shall apply
4 6 to the excise tax imposed on each gallon of special fuel for
4 7 diesel engines of motor vehicles used for any purpose for the
4 8 privilege of operating motor vehicles in this state. The rate
4 9 of the excise tax shall be based on the number of gallons of
4 10 biodiesel fuel that is distributed in this state as expressed
4 11 as a percentage of the number of gallons of special fuel for
4 12 diesel engines of motor vehicles distributed in this state,
4 13 which is referred to as the distribution percentage. The
4 14 department shall determine the percentage basis for each
4 15 determination period beginning January 1 and ending December
4 16 31. The rate for the excise tax shall apply for the period
4 17 beginning July 1 and ending June 30 following the end of the
4 18 determination period. The rate for the excise tax shall be as
4 19 follows:
4 20 (1) If the distribution percentage is not greater than
4 21 fifty percent, the rate shall be thirty and five-tenths cents
4 22 for biodiesel fuel and thirty-one and five-tenths cents for
4 23 diesel fuel other than biodiesel fuel.
4 24 (2) If the distribution percentage is greater than fifty
4 25 percent but not greater than fifty-five percent, the rate
4 26 shall be thirty and five-tenths cents for biodiesel fuel and
4 27 thirty-one and six-tenths cents for diesel fuel other than
4 28 biodiesel fuel.
4 29 (3) If the distribution percentage is greater than
4 30 fifty-five percent but not greater than sixty percent, the
4 31 rate shall be thirty and five-tenths cents for biodiesel fuel
4 32 and thirty-one and eight-tenths cents for diesel fuel other
4 33 than biodiesel fuel.
4 34 (4) If the distribution percentage is greater than sixty
4 35 percent but not greater than sixty-five percent, the rate



Iowa General Assembly
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Senate File 128 - Introduced continued

5 1 shall be thirty and five-tenths cents for biodiesel fuel and
5 2 thirty-two cents for diesel fuel other than biodiesel fuel.
5 3 (5) If the distribution percentage is greater than
5 4 sixty-five percent but not greater than seventy percent, the
5 5 rate shall be thirty and five-tenths cents for biodiesel fuel
5 6 and thirty-two and two-tenths cents for diesel fuel other than
5 7 biodiesel fuel.
5 8 (6) If the distribution percentage is greater than seventy
5 9 percent but not greater than seventy-five percent, the rate
5 10 shall be thirty and five-tenths cents for biodiesel fuel and
5 11 thirty-two and five-tenths cents for diesel fuel other than
5 12 biodiesel fuel.
5 13 (7) If the distribution percentage is greater than
5 14 seventy-five percent but not greater than eighty percent, the
5 15 rate shall be thirty and eight-tenths cents for biodiesel fuel
5 16 and thirty-two and three-tenths cents for diesel fuel other
5 17 than biodiesel fuel.
5 18 (8) If the distribution percentage is greater than eighty
5 19 percent but not greater than eighty-five percent, the rate
5 20 shall be thirty-one cents for biodiesel fuel and thirty-two
5 21 and two-tenths cents for diesel fuel other than biodiesel
5 22 fuel.
5 23 (9) If the distribution percentage is greater than
5 24 eighty-five percent but not greater than ninety percent, the
5 25 rate shall be thirty-one and two-tenths cents for biodiesel
5 26 fuel and thirty-one and nine-tenths cents for diesel fuel
5 27 other than biodiesel fuel.
5 28 (10) If the distribution percentage is greater than ninety
5 29 percent but not greater than ninety-five percent, the rate
5 30 shall be thirty-one and four-tenths cents for biodiesel fuel
5 31 and thirty-one and six-tenths cents for diesel fuel other than
5 32 biodiesel fuel.
5 33 (11) If the distribution percentage is greater than
5 34 ninety-five percent, the rate shall be thirty-one and
5 35 five-tenths cents for biodiesel fuel and thirty-one and



Iowa General Assembly
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Senate File 128 - Introduced continued

6 1 five-tenths cents for diesel fuel other than biodiesel fuel.

6 2 b. Except as otherwise provided in this section and in

6 3 this division, after June 30, 2012, an excise tax of

6 4 thirty-one and five-tenths cents is imposed on each gallon of

6 5 special fuel for diesel engines of motor vehicles used for any

6 6 purpose for the privilege of operating motor vehicles in this

6 7 state.

6 8 c. The rate of tax on special fuel for aircraft is three

6 9 cents per gallon.

6 10 d. On all other special fuel not covered under paragraph

6 11 "a", "b", or "c", unless otherwise specified in this section,

6 12 the per gallon rate is the same as the motor fuel tax.

6 13 e. Indelible dye meeting United States environmental

6 14 protection agency and internal revenue service regulations

6 15 must be added to fuel before or upon withdrawal at a terminal

6 16 or refinery rack for that fuel to be exempt from tax and the

6 17 dyed fuel may be used only for an exempt purpose.

6 18 3A. For liquefied petroleum gas used as a special fuel,

6 19 the rate of tax shall be ~~twenty~~ twenty-nine cents per gallon.

6 20 4. For compressed natural gas used as a special fuel, the

6 21 rate of tax that is equivalent to the motor fuel tax shall be

6 22 ~~sixteen~~ twenty-five cents per hundred cubic feet adjusted to a

6 23 base temperature of sixty degrees Fahrenheit and a pressure of

6 24 fourteen and seventy-three hundredths pounds per square inch

6 25 absolute.

6 26

EXPLANATION

6 27 This bill increases the excise tax on motor fuel by 9 cents

6 28 per gallon beginning July 1, 2009. The increase applies to

6 29 gasoline, ethanol blended gasoline, and E=85 gasoline. The

6 30 differential in the tax rate between ethanol and other motor

6 31 fuel is not affected under the bill.

6 32 The bill also increases the excise tax on special fuel for

6 33 diesel engines of motor vehicles and establishes a

6 34 differential between the tax rate on biodiesel fuel and diesel

6 35 fuel other than biodiesel fuel based on the distribution



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Senate File 128 - Introduced continued

7 1 percentage of biodiesel fuel. Under the distribution
7 2 percentage formula, which mirrors the formula for ethanol
7 3 blended gasoline and nonblended gasoline, the tax rates for
7 4 biodiesel fuel and diesel fuel other than biodiesel fuel are
7 5 as follows:

7 6 DISTRIBUTION	BIODIESEL RATE	NONBIODIESEL RATE
7 7 PERCENTAGE		
7 8 50 percent or less	30.5 cents	31.5 cents
7 9 50-55 percent	30.5 cents	31.6 cents
7 10 55-60 percent	30.5 cents	31.8 cents
7 11 60-65 percent	30.5 cents	32.0 cents
7 12 65-70 percent	30.5 cents	32.2 cents
7 13 70-75 percent	30.5 cents	32.5 cents
7 14 75-80 percent	30.8 cents	32.3 cents
7 15 80-85 percent	31.0 cents	32.2 cents
7 16 85-90 percent	31.2 cents	31.9 cents
7 17 90-95 percent	31.4 cents	31.6 cents
7 18 greater than 95	31.5 cents	31.5 cents
7 19 percent		

7 20 The distribution formula applies through June 30, 2012.
7 21 After that date, the tax rate for all special fuel for diesel
7 22 engines of motor vehicles is 31.5 cents.

7 23 The bill also raises the excise tax on liquefied petroleum
7 24 gas used as a special fuel by 9 cents per gallon and the tax
7 25 on compressed natural gas by 9 cents per cubic foot.

7 26 All excise taxes on motor vehicle fuel are to be used for
7 27 road purposes as required under the Iowa Constitution. The
7 28 bill directs the treasurer of state to credit monthly from the
7 29 road use tax fund to the TIME=21 fund an amount equal to 5
7 30 cents per gallon of the tax collected on motor fuel and
7 31 special fuel other than aviation gasoline and special fuel for
7 32 aircraft. The provision crediting that portion of increased
7 33 motor fuel tax revenues to the TIME=21 fund is repealed, and
7 34 the revenues will revert to the road use tax fund, on June 30,
7 35 2028. Pursuant to current law, the TIME=21 fund is scheduled



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Senate File 128 - Introduced continued

8 1 to be dissolved on that date.

8 2 The marine fuel tax fund, which receives a small percentage

8 3 of motor fuel tax revenues attributable to fuel used in

8 4 watercraft, is also impacted by the bill.

8 5 LSB 2019XS 83

8 6 dea/mg:sc/24.2



Iowa General Assembly
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Senate File 129 - Introduced

SENATE FILE
BY DANIELSON

Passed Senate, Date _____
Vote: Ayes _____ Nays _____
Approved

Passed House, Date _____
Vote: Ayes _____ Nays _____

A BILL FOR

- 1 An Act concerning the operation of a motorcycle transporting a
- 2 passenger under eighteen years of age and providing a penalty.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 1840SS 83
- 5 dea/nh/5



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Senate File 129 - Introduced continued

PAG LIN

1 1 Section 1. Section 321.275, Code 2009, is amended by
1 2 adding the following new subsection:
1 3 NEW SUBSECTION. 9. HELMETS FOR MINOR PASSENGERS. A
1 4 person shall not operate a motorcycle on a street or highway
1 5 with a passenger on the motorcycle who is under eighteen years
1 6 of age unless the passenger is wearing a properly adjusted and
1 7 fastened motorcycle helmet any time the motorcycle is in
1 8 motion on the street or highway. A violation of this
1 9 subsection is a simple misdemeanor punishable as a scheduled
1 10 violation pursuant to section 805.8A, subsection 6, paragraph
1 11 "e". For purposes of this subsection, "motorcycle helmet"
1 12 means a helmet that complies with the standards and
1 13 specifications established under 49 C.F.R. } 571.218.
1 14 Sec. 2. Section 805.8A, subsection 6, Code 2009, is
1 15 amended by adding the following new paragraph:
1 16 NEW PARAGRAPH. e. For violations under section 321.275,
1 17 subsection 9, the scheduled fine is one hundred dollars.

1 18 EXPLANATION

1 19 This bill prohibits the operator of a motorcycle from
1 20 transporting a passenger under 18 years of age unless the
1 21 passenger is wearing a properly adjusted and fastened
1 22 motorcycle helmet whenever the motorcycle is in motion on the
1 23 street or highway. The helmet must comply with federal
1 24 standards and specifications for motorcycle helmets.

1 25 A violation of the bill is a simple misdemeanor punishable
1 26 by a scheduled fine of \$100.

1 27 LSB 1840SS 83

1 28 dea/nh/5



Iowa General Assembly
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Senate File 130 - Introduced

SENATE FILE
BY ZAUN

Passed Senate, Date _____
Vote: Ayes _____ Nays _____
Approved

Passed House, Date _____
Vote: Ayes _____ Nays _____

A BILL FOR

- 1 An Act relating to the membership of the vision Iowa board and
- 2 including an applicability provision.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 2140SS 83
- 5 tw/rj/5



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Senate File 130 - Introduced continued

PAG LIN

1 1 Section 1. Section 15F.102, subsection 2, paragraph d,
1 2 Code 2009, is amended to read as follows:
1 3 d. Four members of the general public, at least two of
1 4 whom are under the age of thirty-five at the time of
1 5 appointment.

1 6 Sec. 2. APPLICABILITY. This Act applies to the
1 7 appointment of members of the general public appointed to the
1 8 vision Iowa board on or after the effective date of this Act.

1 9 EXPLANATION

1 10 This bill relates to the membership of the vision Iowa
1 11 board. The bill provides that at least two of the four
1 12 members of the general public must be under the age of 35 at
1 13 the time of appointment.

1 14 The bill applies to appointments made on or after the
1 15 effective date of the bill.

1 16 LSB 2140SS 83

1 17 tw/rj/5



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 10, 2009

Senate File 131 - Introduced

SENATE FILE
BY APPEL

Passed Senate, Date _____
Vote: Ayes _____ Nays _____
Approved

Passed House, Date _____
Vote: Ayes _____ Nays _____

A BILL FOR

1 An Act authorizing the posting of certain notices, actions, and
2 information of certain local governments on an internet
3 website.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
5 TLSB 1648XS 83
6 md/sc/8



Iowa General Assembly
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Senate File 131 - Introduced continued

PAG LIN

1 1 Section 1. Section 21.4, subsection 4, Code 2009, is
1 2 amended to read as follows:
1 3 4. If another section of the Code requires or authorizes a
1 4 manner of giving specific notice of a meeting, hearing, or an
1 5 intent to take action by a governmental body, compliance with
1 6 that section shall constitute compliance with the notice
1 7 requirements of this section.
1 8 Sec. 2. NEW SECTION. 22A.1 ELECTRONIC PUBLICATION OF
1 9 PUBLIC NOTICES.
1 10 1. For purposes of this section, "municipality" means a
1 11 public body or corporation that has power to levy or certify a
1 12 tax or sum of money to be collected by taxation.
1 13 2. a. A municipality that is required by statute to
1 14 publish or post in a public place a notice, action, or other
1 15 information, may, in lieu of such requirements, post the
1 16 notice, action, or other information on an internet website if
1 17 posting such information on an internet website has been
1 18 authorized, by ordinance or resolution of the governing body
1 19 of the municipality, as a means of official publication.
1 20 b. An ordinance or resolution that authorizes posting on
1 21 an internet website as an official publication shall identify
1 22 each type of notice, action, or information that shall be
1 23 posted on an internet website in lieu of publication. If the
1 24 municipality is a city or a county such authorization shall be
1 25 by ordinance.
1 26 c. This section shall not apply to the publication of
1 27 notices under chapter 6B, notices provided under the rules of
1 28 civil procedure, or any notice required to be given by
1 29 personal service.
1 30 3. Notices, actions, or other information posted by a
1 31 municipality on an internet website pursuant to this section
1 32 shall include all information otherwise required to be
1 33 contained in the publication and shall comply with all
1 34 requirements relating to the date of publication.
1 35 4. If posting on an internet website is authorized by a



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Senate File 131 - Introduced continued

2 1 municipality to satisfy publication requirements, all of the
2 2 following shall apply:

2 3 a. The internet website shall be operated and maintained
2 4 by the governing body of the municipality.

2 5 b. The internet website shall be accessible at all times
2 6 by the public, including the visually impaired.

2 7 c. The public shall not be charged for access to any
2 8 notice, action, or other information posted on the internet
2 9 website pursuant to this section.

2 10 d. The internet website shall be searchable by keyword,
2 11 type of notice, action, or information, and geographic
2 12 location.

2 13 e. The notice, action, or other information posted on an
2 14 internet website pursuant to this section shall be maintained
2 15 and accessible through the same website address for as long as
2 16 required by law or as long as such information is customarily
2 17 maintained by the municipality, whichever is longer.

2 18 f. A notice, action, or other information posted on an
2 19 internet website pursuant to this section by a municipality
2 20 other than a city shall also be made available by the
2 21 municipality in a paper format in the office of the county
2 22 auditor. A notice, action, or other information posted on an
2 23 internet website pursuant to this section by a municipality
2 24 that is a city shall also be made available by the
2 25 municipality in a paper format in the office of the city
2 26 clerk.

2 27 Sec. 3. Section 49.53, subsection 2, Code 2009, is amended
2 28 to read as follows:

2 29 2. The notice shall be published in at least one
2 30 newspaper, as defined in section 618.3, which is published in
2 31 the county or other political subdivision in which the
2 32 election is to occur or, if no newspaper is published there,
2 33 in at least one newspaper of substantial circulation in the
2 34 county or political subdivision. For the general election or
2 35 the primary election the foregoing notice shall be published



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3 1 in at least two newspapers published in the county. However,
3 2 if there is only one newspaper published in the county,
3 3 publication in one newspaper shall be sufficient. Compliance
3 4 with the requirements of section 22A.1 shall constitute
3 5 compliance with the publication requirements of this section.

3 6 Sec. 4. Section 279.36, unnumbered paragraph 1, Code 2009,
3 7 is amended to read as follows:

3 8 The requirements of section 279.35 are satisfied by
3 9 publication in at least one newspaper published in the
3 10 district or, if there is none, in at least one newspaper
3 11 having general circulation within the district. Compliance
3 12 with the requirements of section 22A.1 shall constitute
3 13 compliance with the publication requirements of this section.

3 14 Sec. 5. Section 331.305, Code 2009, is amended to read as
3 15 follows:

3 16 331.305 PUBLICATION OF NOTICES.

3 17 Unless otherwise provided by state law, if notice of an
3 18 election, hearing, or other official action is required by
3 19 this chapter, the board shall publish the notice at least
3 20 once, not less than four nor more than twenty days before the
3 21 date of the election, hearing, or other action, in one or more
3 22 newspapers which meet the requirements of section 618.14.

3 23 Notice of an election shall also comply with section 49.53.

3 24 Compliance with the requirements of section 22A.1 shall
3 25 constitute compliance with the publication requirements of
3 26 this section.

3 27 Sec. 6. Section 362.3, Code 2009, is amended by adding the
3 28 following new subsection:

3 29 NEW SUBSECTION. 3. Compliance with the requirements of
3 30 section 22A.1 shall constitute compliance with the
3 31 requirements of this section relating to publication in a
3 32 newspaper and to publication by posting.

3 33 EXPLANATION

3 34 This bill relates to the publication of notices, actions,
3 35 and other information by municipalities, as defined in the



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4 1 bill. Under the bill, a municipality that is required by
4 2 statute to publish, or post in a public place, a notice,
4 3 action, or other information, may, in lieu of such
4 4 requirements, post the notice, action, or other information on
4 5 an internet website if posting such information on an internet
4 6 website has been authorized, by ordinance or resolution of the
4 7 municipality and the type of notice, action, or other
4 8 information required to be posted is identified in the
4 9 ordinance or resolution.

4 10 The bill does not allow notices under Code chapter 6B
4 11 ("Procedure Under Eminent Domain"), notices provided under the
4 12 rules of civil procedure, or any notice required to be given
4 13 by personal service to be posted on an internet website in
4 14 lieu of publication or service.

4 15 The bill requires notices, actions, or other information
4 16 posted on an internet website to include all information
4 17 otherwise required to be published and requires compliance
4 18 with all provisions relating to the date of publication.

4 19 The bill also requires an internet website used to post
4 20 notices, actions, and other information to be operated and
4 21 maintained by the governing body of the municipality;
4 22 accessible at all times by the public, including the visually
4 23 impaired; accessible to the public without charge; and
4 24 searchable. All information posted on an internet website
4 25 under the bill shall be maintained and accessible through the
4 26 same website address for as long as required by law or as long
4 27 as such information is customarily maintained by the
4 28 municipality, whichever is longer.

4 29 The bill requires a municipality to make all information
4 30 posted on the internet website, in lieu of publication or
4 31 posting in a public place, available in a paper format in the
4 32 office of the county auditor or in the office of the city
4 33 clerk if the municipality is a city.

4 34 LSB 1648XS 83

4 35 md/sc/8.1



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Senate File 132 - Introduced

SENATE FILE
BY HATCH

Passed Senate, Date _____ Passed House, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays
Approved

A BILL FOR

- 1 An Act relating to Medicaid reimbursement for interpreter
- 2 services.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 2091SS 83
- 5 pf/nh/8



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Senate File 132 - Introduced continued

PAG LIN

1 1 Section 1. INTERPRETER SERVICES AS COVERED SERVICE UNDER
1 2 MEDICAID. The department of human services shall submit a
1 3 medical assistance state plan amendment to the centers for
1 4 Medicare and Medicaid services of the United States department
1 5 of health and human services for approval to allow interpreter
1 6 services to be a covered service under the state medical
1 7 assistance program. Upon approval, the department shall
1 8 implement interpreter services as a covered service under the
1 9 state medical assistance program.

1 10 EXPLANATION

1 11 This bill directs the department of human services (DHS) to
1 12 submit a Medicaid program state plan amendment to the federal
1 13 government for approval to allow interpreter services to be a
1 14 covered service under the Medicaid program. The bill also
1 15 directs DHS to implement interpreter services as a covered
1 16 service upon receipt of such approval.

1 17 LSB 2091SS 83

1 18 pf/nh/8



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Senate File 133 - Introduced

SENATE FILE
BY COMMITTEE ON STATE GOVERNMENT

(SUCCESSOR TO SSB 1050)

(COMPANION TO HF 243)

Passed Senate, Date _____
Vote: Ayes _____ Nays _____
Approved

Passed House, Date _____
Vote: Ayes _____ Nays _____

A BILL FOR

- 1 An Act providing for gender balance on local boards, commissions,
- 2 committees, and councils, and including an applicability
- 3 provision.
- 4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 5 TLSB 1345SV 83
- 6 ec/rj/8



Iowa General Assembly
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Senate File 133 - Introduced continued

PAG LIN

1 1 Section 1. Section 69.16A, Code 2009, is amended to read
1 2 as follows:

1 3 69.16A GENDER BALANCE.

1 4 1. All appointive boards, commissions, committees, and
1 5 councils of the state established by the Code, if not
1 6 otherwise provided by law, shall be gender balanced. No
1 7 person shall be appointed or reappointed to any board,
1 8 commission, committee, or council established by the Code if
1 9 that appointment or reappointment would cause the number of
1 10 members of the board, commission, committee, or council of one
1 11 gender to be greater than one-half the membership of the
1 12 board, commission, committee, or council plus one if the
1 13 board, commission, committee, or council is composed of an odd
1 14 number of members. If the board, commission, committee, or
1 15 council is composed of an even number of members, not more
1 16 than one-half of the membership shall be of one gender. If
1 17 there are multiple appointing authorities for a board,
1 18 commission, committee, or council, they shall consult each
1 19 other to avoid a violation of this section. ~~This section~~
~~1 20 shall not prohibit an individual from completing a term being~~
~~1 21 served on June 30, 1987.~~

1 22 2. All appointive boards, commissions, committees, and
1 23 councils of a political subdivision of the state that are
1 24 established by the Code, if not otherwise provided by law,
1 25 shall be gender balanced as provided by subsection 1 unless
1 26 any of the following applies:

1 27 a. The political subdivision is a city with a population
1 28 of less than one thousand persons.

1 29 b. The board, commission, committee, or council pertains
1 30 to professional licensure or otherwise requires members with
1 31 highly specialized technical expertise.

1 32 c. The political subdivision has made a good faith effort
1 33 to appoint a person to fill a vacancy on a board, commission,
1 34 committee, or council in compliance with subsection 1 for a
1 35 period of three months but has been unable to make a compliant



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2 1 appointment.

2 2 Sec. 2. APPLICABILITY. This Act is applicable to
2 3 appointive boards, commissions, committees, and councils of a
2 4 political subdivision of the state on and after January 1,
2 5 2012.

2 6 EXPLANATION

2 7 This bill requires appointive boards, commissions,
2 8 committees, and councils of a political subdivision of the
2 9 state that are established by the Iowa Code to be gender
2 10 balanced. However, the bill provides that the gender balance
2 11 requirement for political subdivisions does not apply to
2 12 cities with a population of less than 1,000 persons, boards
2 13 pertaining to professional licensure or otherwise requiring
2 14 members with technical expertise, or to political subdivisions
2 15 that have made a good faith effort to comply but have been
2 16 unable to make a compliant appointment for a period of three
2 17 months. Current law only applies the gender balance
2 18 requirement to state boards, commissions, committees, and
2 19 councils. The bill provides that the gender balance
2 20 requirement for political subdivisions applies beginning on
2 21 and after January 1, 2012.

2 22 LSB 1345SV 83

2 23 ec/rj/8



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Senate File 134 - Introduced

SENATE FILE
BY HATCH

Passed Senate, Date _____
Vote: Ayes _____ Nays _____
Approved

Passed House, Date _____
Vote: Ayes _____ Nays _____

A BILL FOR

1 An Act relating to county mental health, mental retardation, and
2 developmental disabilities services funds and levies,
3 authorizing a supplemental levy for such funds under certain
4 circumstances, and providing an effective date.
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
6 TLSB 2171XS 83
7 jp/sc/14



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Senate File 134 - Introduced continued

PAG LIN

1 1 Section 1. NEW SECTION. 225C.6C ADULT MENTAL HEALTH AND
1 2 DISABILITY SERVICES SYSTEM REFORM.
1 3 1. It is the intent of the general assembly to reform the
1 4 adult services system for mental health, mental retardation,
1 5 and developmental disabilities services administered by
1 6 counties in order to achieve all of the following goals:
1 7 a. Improve the overall system.
1 8 b. Increase equity.
1 9 c. Reduce complexity.
1 10 d. Eliminate the legal settlement system as a method of
1 11 determining financial responsibility.
1 12 e. Encourage efficiency.
1 13 f. Establish a base level of services while encouraging
1 14 local efforts to creatively meet consumer needs.
1 15 g. Eliminate waiting lists.
1 16 h. Improve capacity for meeting individual consumer needs.
1 17 i. Enhance accountability.
1 18 2. The commission shall do all of the following in
1 19 implementing the services system reform:
1 20 a. Identify a base level of adult mental health and
1 21 disability services that shall be available in each county of
1 22 the state on or before July 1, 2010. The initial list of base
1 23 level services shall be developed by the commission and
1 24 reported to the governor and general assembly on or before
1 25 December 15, 2009.
1 26 b. Implement a process for a county or a group of
1 27 contiguous counties to form a regional service network. The
1 28 minimum general population for a regional service network is
1 29 one hundred thousand persons. The most recent population
1 30 estimates issued by the United States bureau of the census
1 31 shall be applied in determining population for the purposes of
1 32 this paragraph. Notwithstanding chapter 426B or any other
1 33 provision of law to the contrary, in order to receive state
1 34 funding for disability services and property tax relief for
1 35 the fiscal year beginning July 1, 2010, each county shall have



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2 1 entered into an agreement to be part of a regional service
2 2 network on or before December 15, 2009.
2 3 c. Adapt the concepts used in the school foundation aid
2 4 formula to formulate proposals for a new system of shared
2 5 state and county financing of the adult mental health, mental
2 6 retardation, and developmental disabilities services system.
2 7 d. Calculate a statewide cost for all counties to provide
2 8 the base level of services identified in paragraph "a"
2 9 beginning July 1, 2011. Utilize the calculated statewide cost
2 10 and an analysis of the property tax rates for county services
2 11 funds under section 331.424A, plus the state moneys
2 12 distributed for property tax relief and allowed growth under
2 13 chapter 426B, and any other provision to do the following:
2 14 (1) Propose a base level services fund levy rate for all
2 15 counties to replace the dollar limitation in effect under
2 16 section 331.424A, Code 2009.
2 17 (2) Propose the percentage of statewide cost of base level
2 18 services that will be funded by the state.
2 19 (3) Propose authorizing an additional levy for counties to
2 20 cover the costs of base level services and other mental health
2 21 and disabilities services beyond the amount generated under
2 22 subparagraphs (1) and (2).
2 23 (4) In developing the proposals under this lettered
2 24 paragraph, the commission may utilize formulas involving
2 25 calculations of average and per capita general population
2 26 expenditure rates.
2 27 Sec. 2. Section 331.424, Code 2009, is amended by adding
2 28 the following new subsection:
2 29 NEW SUBSECTION. 3. For county mental health, mental
2 30 retardation, and developmental disabilities services, an
2 31 amount authorized in accordance with this subsection. The
2 32 revenue from a supplemental levy authorized under this
2 33 subsection shall be credited to the county's services fund
2 34 under section 331.424A.
2 35 a. For the fiscal years beginning July 1, 2009, and July



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3 1 1, 2010, the maximum amount of a county's supplemental levy
3 2 under this subsection shall be the sum of the following:
3 3 (1) The gross amount approved for the county as eligible
3 4 for risk pool assistance for the previous fiscal year by the
3 5 risk pool board under section 426B.5. This amount, as
3 6 adjusted for inflation, may also be included in subsequent
3 7 fiscal years.
3 8 (2) Any negative balance amount for the county's services
3 9 fund under section 331.424A in the most recently completed
3 10 fiscal year at the time the supplemental levy is certified.
3 11 (3) The amount needed to eliminate a waiting list for
3 12 services in effect at the time the supplemental levy is
3 13 certified.
3 14 (4) The amount needed to avoid implementation of a waiting
3 15 list for services.
3 16 (5) The amount needed to implement a base level service
3 17 identified by the mental health, mental retardation,
3 18 developmental disabilities, and brain injury commission under
3 19 section 225C.6C.
3 20 b. For the fiscal year beginning July 1, 2011, and
3 21 succeeding fiscal years, the amount needed to cover all base
3 22 level services and other services approved for the service
3 23 population that are not covered by state, federal, and private
3 24 funding or by the services fund levy authorized under section
3 25 331.424A.
3 26 c. For the fiscal years beginning July 1, 2009, and July
3 27 1, 2010, the levy rate resulting from the combination of the
3 28 county's supplemental levy under paragraph "a" and the
3 29 county's services fund levy authorized under section 331.424A
3 30 shall not exceed the actual levy rate of the county's services
3 31 fund for the fiscal year beginning July 1, 1997.
3 32 d. The amounts proposed by a county to be used as the
3 33 basis for a levy certification under this section are subject
3 34 to review and approval by the risk pool board. The risk pool
3 35 board's decision is final.



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4 1 Sec. 3. EFFECTIVE DATE == INITIAL SUPPLEMENTAL LEVY.
4 2 1. This Act, being deemed of immediate importance, takes
4 3 effect upon enactment.
4 4 2. If the effective date of this Act is after March 15,
4 5 2009, a county board of supervisors may amend the county's
4 6 budget to incorporate a supplemental levy authorized under
4 7 section 331.424, subsection 3, as enacted by this Act, by
4 8 following all of the following procedures:
4 9 a. The amended budget shall be certified on or before May
4 10 31, 2009.
4 11 b. Not less than twenty days before May 31, 2009, and not
4 12 less than ten days before the date set for the hearing under
4 13 paragraph "c", the board shall file the amended budget with
4 14 the auditor. The auditor shall make available a sufficient
4 15 number of copies of the amended budget to meet the requests of
4 16 taxpayers and organizations and have them available for
4 17 distribution at the courthouse or other places designated by
4 18 the board.
4 19 c. The board shall set a time and place for a public
4 20 hearing on the amended budget before the final certification
4 21 date and shall publish notice of the hearing not less than ten
4 22 nor more than twenty days prior to the hearing in the county
4 23 newspapers selected under chapter 349. A summary of the
4 24 proposed budget amendment, in the form prescribed by the
4 25 director of the department of management, shall be included in
4 26 the notice. Proof of publication shall be filed with and
4 27 preserved by the auditor. A levy is not valid unless and
4 28 until the notice is published and filed.
4 29 d. At the hearing, a resident or taxpayer of the county
4 30 may present to the board objections to or arguments in favor
4 31 of any part of the amendment to the budget.
4 32 3. After the hearing, the board shall adopt by resolution
4 33 the amended budget and certificate of taxes for the next
4 34 fiscal year and shall direct the auditor to properly certify
4 35 and file the budget and certificate of taxes as adopted. The



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5 1 board shall not adopt a tax in excess of the tax necessary to
5 2 incorporate the supplemental levy amount into the budget, and
5 3 a greater tax than that adopted shall not be levied or
5 4 collected. An amended budget and certificate of taxes adopted
5 5 for the following fiscal year in accordance with this section
5 6 becomes effective on the first day of that year.
5 7 Notwithstanding sections 331.435 and 331.436, a budget
5 8 amendment adopted in accordance with this section is not
5 9 subject to protest to the state appeal board.

5 10 EXPLANATION

5 11 This bill relates to county mental health, mental
5 12 retardation, and developmental disabilities (MH/MR/DD)
5 13 services funds and levies and authorizes a supplemental levy
5 14 under certain circumstances.

5 15 New Code section 225C.6C directs the mental health, mental
5 16 retardation, developmental disabilities, and brain injury
5 17 commission to perform various tasks for reforming the system
5 18 for providing these services to adults. The tasks include
5 19 identifying and projecting the costs for each county to
5 20 provide a base level of services and for requiring each county
5 21 to enter into a service agreement for the county or a group of
5 22 contiguous counties to form service areas comprising a minimum
5 23 general population of 100,000. The tasks for the financing
5 24 portion of the system reform involve adapting concepts
5 25 utilized in the school foundation aid formula. Proposals are
5 26 required to be completed for implementation by counties
5 27 beginning July 1, 2011.

5 28 Code section 331.424, relating to the supplemental property
5 29 tax levy for counties, is amended to authorize a county to
5 30 implement a supplemental levy for the county's MH/MR/DD
5 31 services fund. The levy authority is subject to various
5 32 restrictions, and the combined levy rate for the new
5 33 supplemental levy plus the services fund levy for FY 2009=2010
5 34 or 2010=2011 cannot exceed the county's actual services fund
5 35 levy rate for FY 1997=1998. The amounts proposed as a basis



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6 1 for the supplemental levy are subject to review and approval
6 2 by the risk pool board.
6 3 The bill takes effect upon enactment and includes a
6 4 procedure for a county to amend the budget for FY 2009=2010 to
6 5 implement the new supplemental levy authority for FY 2009=2010
6 6 in the event the bill is enacted after March 15, 2009.
6 7 LSB 2171XS 83
6 8 jp/sc/14.1



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Senate File 135 - Introduced

SENATE FILE
BY BOLKCOM

(COMPANION TO LSB 2089HH
BY REICHERT)

Passed Senate, Date _____
Vote: Ayes _____ Nays _____
Approved

Passed House, Date _____
Vote: Ayes _____ Nays _____

A BILL FOR

1 An Act relating to the membership and administration of the Iowa
2 propane education and research council, increasing an
3 assessment, and providing an effective date.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
5 TLSB 2089SS 83
6 rn/nh/5



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Senate File 135 - Introduced continued

PAG LIN

1 1 Section 1. Section 101C.2, subsection 8, Code 2009, is
1 2 amended by striking the subsection.
1 3 Sec. 2. Section 101C.3, subsections 1 and 4, Code 2009,
1 4 are amended to read as follows:
1 5 1. The Iowa propane education and research council is
1 6 established. ~~Members of the council shall be appointed by the~~
~~1 7 governor from a list of nominees submitted by qualified~~
~~1 8 propane industry organizations within thirty days after May~~
~~1 9 24, 2007, and by December 15 of each year thereafter. The~~
1 10 council shall consist of ten voting members, nine of whom
1 11 represent retail propane marketers and one of whom shall be a
~~1 12 public member the administrator of the division of community~~
1 13 action agencies of the department of human rights. Members of
1 14 the council other than the administrator shall be appointed by
1 15 the fire marshal from a list of nominees submitted by
1 16 qualified propane industry organizations by December 15 of
1 17 each year. Qualified propane industry organizations shall
~~1 18 together nominate all members of the council. A vacancy in~~
1 19 the unfinished term of a council member shall be filled for
1 20 the remainder of the term in the same manner as the original
1 21 appointment was made. Other than the ~~public member~~
1 22 administrator, council members shall be full-time employees or
1 23 owners of a propane industry business or representatives of an
1 24 agricultural cooperative actively engaged in the propane
1 25 industry. An employee of a qualified propane industry
1 26 organization shall not serve as a member of the council. An
1 27 officer of the board of directors of a qualified propane
1 28 industry organization or propane industry trade association
1 29 shall not serve concurrently as a member of the council. The
1 30 fire marshal or a designee may serve as an ex officio,
1 31 nonvoting member of the council.
1 32 4. A council member, ~~other than the public member~~, shall
1 33 not receive compensation for the council member's service and
1 34 shall not be reimbursed for expenses relating to the council
1 35 member's service. ~~The public member shall receive a per diem~~



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~~2 1 as specified in section 7E.6 and shall be reimbursed for~~
~~2 2 actual expenses incurred in performing official duties of the~~
~~2 3 council not to exceed forty days per year. A member of the~~
2 4 council shall not be a salaried employee of the council or of
2 5 any organization or agency which receives funds from the
2 6 council.

2 7 Sec. 3. Section 101C.4, subsection 1, Code 2009, is
2 8 amended to read as follows:

2 9 1. The council and its activities shall be funded by an
2 10 annual assessment. Upon establishment of the council and each
2 11 year thereafter the annual assessment shall be made at a rate
2 12 of ~~one-tenth~~ two-tenths of one cent on each gallon of odorized
2 13 propane sold. One-half of the assessment shall be used for
2 14 energy efficiency programs dedicated to weatherization,
2 15 acquisition and installation of energy-efficient customer
2 16 appliances, and energy efficiency education.

2 17 Sec. 4. Section 101C.14, Code 2009, is repealed.

2 18 Sec. 5. EFFECTIVE DATE. The section of this Act amending
2 19 section 101C.4, subsection 1, takes effect January 1, 2010.

2 20 EXPLANATION

2 21 This bill modifies the membership of the Iowa propane
2 22 education and research council. Current law provides for nine
2 23 members of the council representing retail propane marketers,
2 24 and one "public member" of the council who represents a
2 25 significant user of propane, a public safety official, a state
2 26 regulatory official, or another group knowledgeable about
2 27 propane. The bill deletes references to a public member,
2 28 instead providing that the tenth member shall be the
2 29 administrator of the division of community action agencies of
2 30 the department of human rights. The bill makes conforming
2 31 changes elsewhere in Code chapter 101C.

2 32 The bill also provides for an increase in the annual
2 33 assessment imposed pursuant to Code section 101C.4 to fund the
2 34 expenses and activities of the council from the current rate
2 35 of one-tenth of 1 cent to two-tenths of 1 cent on each gallon



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Senate File 135 - Introduced continued

3 1 of odorized propane sold. The bill directs that one-half of
3 2 the assessment shall be used for energy efficiency programs
3 3 dedicated to weatherization, acquisition and installation of
3 4 energy-efficient customer appliances, and energy efficiency
3 5 education. The bill provides that the assessment increases
3 6 and the dedication of a portion of the assessments
3 7 specifically to energy efficiency programs take effect January
3 8 1, 2010.
3 9 The bill additionally repeals a future repeal date for the
3 10 Code chapter of December 31, 2014.
3 11 LSB 2089SS 83
3 12 rn/nh/5



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Senate File 136

SENATE FILE
BY RAGAN and BOLKCOM

(COMPANION TO HF 97 BY GASKILL)

Passed Senate, Date _____ Passed House, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved

A BILL FOR

1 An Act requiring the use of headlights on a motor vehicle during
2 any period of moisture accumulation and making a penalty
3 applicable.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
5 TL5B 1742XS 83
6 dea/nh/8



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Senate File 136 continued

PAG LIN

1 1 Section 1. Section 321.384, Code 2009, is amended to read
 1 2 as follows:
 1 3 321.384 WHEN LIGHTED LAMPS REQUIRED.
 1 4 1. ~~Every~~ A motor vehicle ~~upon~~ operated on a highway ~~within~~
 1 5 ~~the state, at any time from~~ shall display lighted headlamps as
 1 6 provided in section 321.415 during the following times,
 1 7 subject to exceptions under this chapter with respect to
 1 8 parked vehicles:
 1 9 a. From sunset to sunrise, and at such other times when.
 1 10 b. Whenever conditions such as fog, snow, sleet, or rain
 1 11 provide insufficient lighting to render clearly discernible
 1 12 persons and vehicles on the highway at a distance of five
 1 13 hundred feet ahead, shall display lighted headlamps as
 1 14 provided in section 321.415, subject to exceptions with
 1 15 respect to parked vehicles as hereinafter stated.
 1 16 c. Whenever there is moisture accumulating on the
 1 17 windshield due to misting, light rain, or other weather
 1 18 conditions.
 1 19 2. ~~Whenever~~ A requirement is ~~hereinafter declared as to in~~
 1 20 this chapter regarding the distance from which certain lamps
 1 21 and devices shall render objects visible or within which such
 1 22 lamps or devices shall be visible, ~~said provisions~~ shall apply
 1 23 during the times stated in subsection 1 ~~of this section,~~
 1 24 paragraphs "a" and "b", upon a straight level unlighted
 1 25 highway under normal atmospheric conditions unless a different
 1 26 time or condition is expressly stated.
 1 27 EXPLANATION
 1 28 This bill amends Code section 321.384 to require the
 1 29 operator of a motor vehicle to display lighted headlamps on
 1 30 the vehicle whenever there is moisture accumulating on the
 1 31 windshield due to misting, light rain, or other weather
 1 32 conditions. Currently, the use of headlamps is required from
 1 33 sunset to sunrise and at all other times when conditions such
 1 34 as fog, snow, sleet, or rain provide insufficient lighting to
 1 35 clearly see 500 feet ahead. A violation is a simple



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2 1 misdemeanor, punishable by a scheduled fine of \$20.
2 2 The following Code sections contain provisions which are
2 3 linked to the times when headlamps are required under Code
2 4 section 321.384 and are therefore affected indirectly by the
2 5 bill:
2 6 Code section 321.392, which requires the use of certain
2 7 lighting devices and reflectors on motor trucks and trailers.
2 8 Code section 321.394, which requires a red light to be
2 9 displayed on projecting loads.
2 10 Code section 321.395, which requires lighting on vehicles
2 11 stopped on an unlighted roadway or shoulder.
2 12 Code sections 321.397, 321.398, and 321.418, which describe
2 13 lighting requirements for bicycles, animal drawn vehicles, and
2 14 slow-moving vehicles.
2 15 Code section 321.405, which requires self-illumination of
2 16 mechanical signal devices.
2 17 Code sections 321.415 and 321.419, which provide
2 18 specifications for headlamps.
2 19 LSB 1742XS 83
2 20 dea/nh/8.1



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Senate File 137 - Introduced

SENATE FILE
BY COMMITTEE ON STATE GOVERNMENT

(SUCCESSOR TO SSB 1089)

Passed Senate, Date _____
Vote: Ayes _____ Nays _____
Approved

Passed House, Date _____
Vote: Ayes _____ Nays _____

A BILL FOR

- 1 An Act providing that wage discrimination is an unfair employment
- 2 practice under the Iowa civil rights Act and providing an
- 3 enhanced remedy.
- 4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 5 TL5B 1394SV 83
- 6 ec/nh/24



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Senate File 137 - Introduced continued

PAG LIN

1 1 Section 1. Section 216.2, subsection 15, Code 2009, is
1 2 amended to read as follows:
1 3 15. "Unfair practice" or "discriminatory practice" means
1 4 those practices specified as unfair or discriminatory in
1 5 sections 216.6, 216.6A, 216.7, 216.8, 216.8A, 216.9, 216.10,
1 6 216.11, and 216.11A.
1 7 Sec. 2. NEW SECTION. 216.6A ADDITIONAL UNFAIR OR
1 8 DISCRIMINATORY PRACTICE == WAGE DISCRIMINATION IN EMPLOYMENT.
1 9 1. a. The general assembly finds that the practice of
1 10 discriminating against any employee because of the age, race,
1 11 creed, color, sex, sexual orientation, gender identity,
1 12 national origin, religion, or disability of such employee by
1 13 paying wages to such employee at a rate less than the rate
1 14 paid to other employees does all of the following:
1 15 (1) Unjustly discriminates against the person receiving
1 16 the lesser rate.
1 17 (2) Leads to low employee morale, high turnover, and
1 18 frequent labor unrest.
1 19 (3) Discourages employees paid at lesser wage rates from
1 20 training for higher level jobs.
1 21 (4) Curtails employment opportunities, decreases
1 22 employees' mobility, and increases labor costs.
1 23 (5) Impairs purchasing power and threatens the maintenance
1 24 of an adequate standard of living by such employees and their
1 25 families.
1 26 (6) Prevents optimum utilization of the state's available
1 27 labor resources.
1 28 (7) Threatens the well-being of citizens of this state and
1 29 adversely affects the general welfare.
1 30 b. The general assembly declares that it is the policy of
1 31 this state to correct and, as rapidly as possible, to
1 32 eliminate, discriminatory wage practices based on age, race,
1 33 creed, color, sex, sexual orientation, gender identity,
1 34 national origin, religion, and disability.
1 35 2. a. It shall be an unfair or discriminatory practice



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Senate File 137 - Introduced continued

2 1 for any employer or agent of any employer to discriminate
2 2 against any employee because of the age, race, creed, color,
2 3 sex, sexual orientation, gender identity, national origin,
2 4 religion, or disability of such employee by paying wages to
2 5 such employee at a rate less than the rate paid to other
2 6 employees who are employed within the same establishment for
2 7 equal work on jobs, the performance of which requires equal
2 8 skill, effort, and responsibility, and which are performed
2 9 under similar working conditions. An employer or agent of an
2 10 employer who is paying wages to an employee at a rate less
2 11 than the rate paid to other employees in violation of this
2 12 section shall not remedy the violation by reducing the wage
2 13 rate of any employee.

2 14 b. For purposes of this subsection, an unfair or
2 15 discriminatory practice occurs when a discriminatory pay
2 16 decision or other practice is adopted, when an individual
2 17 becomes subject to a discriminatory pay decision or other
2 18 practice, or when an individual is affected by application of
2 19 a discriminatory pay decision or other practice, including
2 20 each time wages, benefits, or other compensation is paid,
2 21 resulting in whole or in part from such a decision or other
2 22 practice.

2 23 3. It shall be an affirmative defense for a claim arising
2 24 under this section if any of the following applies:

2 25 a. Payment of wages is made pursuant to a seniority
2 26 system.

2 27 b. Payment of wages is made pursuant to a merit system.

2 28 c. Payment of wages is made pursuant to a system which
2 29 measures earnings by quantity or quality of production.

2 30 d. Pay differential is based on any other factor other
2 31 than the age, race, creed, color, sex, sexual orientation,
2 32 gender identity, national origin, religion, or disability of
2 33 such employee.

2 34 4. This section shall not apply to any employer who
2 35 regularly employs less than four individuals. For purposes of



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3 1 this subsection, individuals who are members of the employer's
3 2 family shall not be counted as employees.

3 3 Sec. 3. Section 216.15, subsection 8, paragraph a,
3 4 subparagraph (8), Code 2009, is amended to read as follows:

3 5 (8) (a) Payment to the complainant of damages for an
3 6 injury caused by the discriminatory or unfair practice which
3 7 damages shall include but are not limited to actual damages,
3 8 court costs and reasonable attorney fees.

3 9 (b) For an unfair or discriminatory practice relating to
3 10 wage discrimination pursuant to section 216.6A, damages under
3 11 this subparagraph (8) include but are not limited to court
3 12 costs, reasonable attorney fees, and an amount equal to twice
3 13 the wage differential paid to another employee compared to the
3 14 complainant for the period of time for which the complainant
3 15 has been discriminated against, or, in instances of willful
3 16 violation, an amount equal to three times the wage
3 17 differential paid to another employee as compared to the
3 18 complainant for the applicable period of time.

3 19 EXPLANATION

3 20 This bill provides that discrimination against any employee
3 21 on the basis of pay because of the age, race, creed, color,
3 22 sex, sexual orientation, gender identity, national origin,
3 23 religion, or disability of such employee is an unfair
3 24 employment practice under the Iowa civil rights Act. The bill
3 25 provides that an unfair or discriminatory practice occurs
3 26 relative to wage discrimination when a discriminatory pay
3 27 decision is made, when an individual becomes subject to a
3 28 discriminatory pay decision, or when an individual is affected
3 29 by application of a discriminatory pay decision or other
3 30 practice, including each time wages, benefits, or other
3 31 compensation is paid, resulting in whole or in part from such
3 32 a decision or practice. The bill provides that it shall be an
3 33 affirmative defense to a claim if payment of wages is made
3 34 pursuant to a seniority system, a merit system, a system which
3 35 measures earnings by quantity or quality of production, or is



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4 1 based on any other factor other than the age, race, creed,
4 2 color, sex, sexual orientation, gender identity, national
4 3 origin, religion, or disability of such employee. The bill
4 4 also provides that the bill does not apply to employers who
4 5 regularly employ fewer than four individuals. The bill does
4 6 provide that reducing the wage rate of an employee does not
4 7 remedy any potential violation for wage discrimination.
4 8 The bill also authorizes the civil rights commission to
4 9 award damages to a person subject to wage discrimination in an
4 10 amount double the wage differential paid to any other employee
4 11 compared to the complainant for the period of time for which
4 12 the complainant has been discriminated, and, in instances of
4 13 willful violation, up to three times that wage differential
4 14 amount.
4 15 LSB 1394SV 83
4 16 ec/nh/24



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Senate Study Bill 1179

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

Passed Senate, Date _____ Passed House, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved

A BILL FOR

1 An Act relating to a quality assurance assessment program,
2 nursing facility reimbursements, and providing monetary
3 penalties, contingencies, and retroactive and other effective
4 dates.
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
6 TL5B 2100XC 83
7 pf/rj/8



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Senate Study Bill 1179 continued

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1 1 DIVISION I
1 2 QUALITY ASSURANCE ASSESSMENT PROGRAM
1 3 Section 1. NEW SECTION. 249L.1 TITLE. This chapter
1 4 shall be known and may be cited as the "Quality Assurance
1 5 Assessment Program".
1 6 Sec. 2. NEW SECTION. 249L.2 DEFINITIONS. As used in
1 7 this chapter, unless the context otherwise requires:
1 8 1. "Department" means the department of human services.
1 9 2. "Gross revenue" means all revenue, without deduction,
1 10 that is derived from the performance of nursing facility
1 11 services but does not include other operating revenue or
1 12 nonoperating revenue.
1 13 3. "Medically indigent individual" means an individual
1 14 eligible for coverage under the medical assistance program who
1 15 is a resident of a Medicaid-certified nursing facility.
1 16 4. "Nonoperating revenue" means income from activities not
1 17 relating directly to the day-to-day operations of a nursing
1 18 facility such as gains on the disposal of a facility's assets,
1 19 dividends, and interest from security investments, gifts,
1 20 grants, and endowments.
1 21 5. "Nursing facility" means a licensed nursing facility as
1 22 defined in section 135C.1 that is a freestanding facility or
1 23 distinct part or unit of a hospital which is not owned by the
1 24 state or federal government.
1 25 6. "Other operating revenue" means income from nonpatient
1 26 care services to patients and from sales to and activities for
1 27 persons other than patients which may include but are not
1 28 limited to such activities as providing personal laundry
1 29 service for patients, providing meals to persons other than
1 30 patients, gift shop sales, or vending machine commissions.
1 31 7. "Patient day" means a calendar day of care provided to
1 32 an individual resident of a nursing facility that is not
1 33 reimbursed under Medicare, including the date of admission but
1 34 not including the date of discharge, unless the dates of
1 35 admission and discharge occur on the same day, in which case



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2 1 the resulting number of patient days is one patient day.
2 2 8. "Uniform tax requirement waiver" means a waiver of the
2 3 uniform tax requirement for permissible health care-related
2 4 taxes as provided in 42 C.F.R. } 433.68(e)(2)(i) and (ii).
2 5 Sec. 3. NEW SECTION. 249L.3 QUALITY ASSURANCE ASSESSMENT
2 6 == IMPOSED == COLLECTION == DEPOSIT == DOCUMENTATION == CIVIL
2 7 ACTIONS.
2 8 1. a. A nursing facility in this state shall be assessed
2 9 a quality assurance assessment for each patient day for the
2 10 preceding quarter.
2 11 b. The quality assurance assessment shall be implemented
2 12 as a broad-based health care-related tax as defined in 42
2 13 U.S.C. } 1396b(w)(3)(B).
2 14 c. The quality assurance assessment shall be imposed
2 15 uniformly upon all nursing facilities, unless otherwise
2 16 provided in this chapter.
2 17 d. The aggregate quality assurance assessments imposed
2 18 under this chapter shall not exceed the maximum amount that
2 19 may be assessed pursuant to the indirect guarantee threshold
2 20 as established pursuant to 42 C.F.R. } 433.68(f)(3)(i).
2 21 2. The quality assurance assessment shall be paid by each
2 22 nursing facility to the department on a quarterly basis. The
2 23 department shall prepare and distribute a form upon which
2 24 nursing facilities shall calculate and report the quality
2 25 assurance assessment. A nursing facility shall submit the
2 26 completed form with the assessment amount no later than thirty
2 27 days following the end of each calendar quarter.
2 28 3. A nursing facility shall retain and preserve for a
2 29 period of three years such books and records as may be
2 30 necessary to determine the amount of the quality assurance
2 31 assessment for which the nursing facility is liable under this
2 32 chapter. The department may inspect and copy the books and
2 33 records of a nursing facility for the purpose of auditing the
2 34 calculation of the quality assurance assessment. All
2 35 information obtained by the department under this subsection



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3 1 is confidential and does not constitute a public record.

3 2 4. The department shall collect the quality assurance
3 3 assessment imposed and shall deposit all revenues collected in
3 4 the quality assurance trust fund created in section 249L.4.

3 5 5. If the department determines that a nursing facility
3 6 has underpaid or overpaid the quality assurance assessment,
3 7 the department shall notify the nursing facility of the amount
3 8 of the unpaid quality assurance assessment or refund due.
3 9 Such payment or refund shall be due or refunded within thirty
3 10 days of the issuance of the notice.

3 11 6. a. A nursing facility that fails to pay the quality
3 12 assurance assessment within the time frame specified in this
3 13 section shall pay, in addition to the outstanding quality
3 14 assurance assessment, a penalty of one and five-tenths percent
3 15 of the quality assurance assessment amount owed for each month
3 16 or portion of each month that the payment is overdue.
3 17 However, if the department determines that good cause is shown
3 18 for failure to comply with payment of the quality assurance
3 19 assessment, the department may waive the penalty or a portion
3 20 of the penalty.

3 21 b. If a quality assurance assessment has not been received
3 22 by the department by the last day of the month in which the
3 23 payment is due, the department shall withhold an amount equal
3 24 to the quality assurance assessment and penalty owed from any
3 25 payment due such nursing facility under the medical assistance
3 26 program.

3 27 c. The quality assurance assessment imposed under this
3 28 chapter constitutes a debt due the state and may be collected
3 29 by civil action, including but not limited to the filing of
3 30 tax liens, and any other method provided for by law.

3 31 d. Any penalty collected pursuant to this subsection shall
3 32 be credited to the quality assurance trust fund.

3 33 7. If federal financial participation to match the quality
3 34 assurance assessments made under this section becomes
3 35 unavailable under federal law, the department shall terminate



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4 1 the imposition of the assessments beginning on the date the
4 2 federal statutory, regulatory, or interpretive change takes
4 3 effect.

4 4 Sec. 4. NEW SECTION. 249L.4 QUALITY ASSURANCE TRUST FUND
4 5 == LIMITATIONS OF USE == REIMBURSEMENT ADJUSTMENTS TO NURSING
4 6 FACILITIES.

4 7 1. A quality assurance trust fund is created in the state
4 8 treasury under the authority of the department. Moneys
4 9 received through the collection of the nursing facility
4 10 quality assurance assessment imposed under this chapter and
4 11 any other moneys specified for deposit in the trust fund shall
4 12 be deposited in the trust fund.

4 13 2. Moneys in the trust fund shall be used, subject to
4 14 their appropriation by the general assembly, by the department
4 15 for reimbursement only for services for which federal
4 16 financial participation under the medical assistance program
4 17 is available to match state funds.

4 18 3. The trust fund shall be separate from the general fund
4 19 of the state and shall not be considered part of the general
4 20 fund of the state. The moneys in the trust fund shall not be
4 21 considered revenue of the state, but rather shall be funds of
4 22 the quality assurance assessment program. The moneys
4 23 deposited in the trust fund are not subject to section 8.33
4 24 and shall not be transferred, used, obligated, appropriated,
4 25 or otherwise encumbered, except to provide for the purposes of
4 26 this chapter. Moneys in the trust fund may be used for cash
4 27 flow purposes during a fiscal year provided that any moneys so
4 28 allocated are returned to the trust fund by the end of that
4 29 fiscal year. Notwithstanding section 12C.7, subsection 2,
4 30 interest or earnings on moneys deposited in the trust fund
4 31 shall be credited to the trust fund.

4 32 4. The department shall adopt rules pursuant to chapter
4 33 17A to administer the trust fund and reimbursements made from
4 34 the trust fund.

4 35 5. a. The determination of medical assistance



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5 1 reimbursements to nursing facilities shall continue to be
5 2 calculated in accordance with the modified price-based
5 3 case-mix reimbursement system as specified in 2001 Iowa Acts,
5 4 chapter 192, section 4, subsection 2, paragraph "c". In
5 5 addition, moneys that are appropriated from the trust fund for
5 6 reimbursements to nursing facilities that serve the medically
5 7 indigent shall be used to provide the following nursing
5 8 facility reimbursement rate adjustment increases within the
5 9 parameters specified:

5 10 (1) A quality assurance assessment pass-through. This
5 11 rate add-on shall account for the cost incurred by the nursing
5 12 facility in paying the quality assurance assessment, but only
5 13 with respect to the pro rata portion of the assessment that
5 14 correlates with the patient days in the nursing facility that
5 15 are attributable to medically indigent residents.

5 16 (2) A quality assurance assessment rate add-on. This rate
5 17 add-on shall be calculated on a per-patient-day basis for
5 18 medically indigent residents. The amount paid to a nursing
5 19 facility as a quality assurance assessment rate add-on shall
5 20 be ten dollars per patient day.

5 21 b. In determining the appropriate level of quality
5 22 assurance assessment reimbursements to nursing facilities, the
5 23 department shall determine the amount of quality assurance
5 24 assessments collected that have been directed to increases in
5 25 nursing facility reimbursements. The department shall
5 26 cooperate with nursing facility organizations to determine
5 27 that no less than eighty-five percent of the quality assurance
5 28 assessments collected are directed to total nursing facility
5 29 reimbursements under the modified price-based case-mix
5 30 reimbursement system including the reimbursements identified
5 31 in this section.

5 32 6. The department shall report annually to the general
5 33 assembly regarding the use of moneys deposited in the trust
5 34 fund and appropriated to the department.

5 35 Sec. 5. EFFECTIVE AND IMPLEMENTATION DATES. This division



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6 1 of this Act takes effect upon enactment and is retroactively
6 2 applicable to the effective date specified in the state plan
6 3 amendment as specified in division II of this Act. However,
6 4 this division of this Act shall not be implemented until the
6 5 department receives approval of the waivers and the medical
6 6 assistance state plan amendment as specified in division II of
6 7 this Act.

6 8 DIVISION II
6 9 DIRECTIVES TO DEPARTMENT OF HUMAN SERVICES
6 10 AND CONTINGENCIES

6 11 Sec. 6. DEFINITIONS. As used in this division of this
6 12 Act, "department", "nursing facility", "patient day", and
6 13 "uniform tax requirement waiver" mean as defined in section
6 14 249L.2, as enacted in this Act.

6 15 Sec. 7. DIRECTIVES TO DEPARTMENT OF HUMAN SERVICES.

6 16 No later than June 30, 2009, the department shall request
6 17 approval of all of the following from the United States
6 18 department of health and human services:

6 19 1. An amendment to the terms and conditions of the
6 20 IowaCare waiver to eliminate the provision in which the state
6 21 agrees to refrain from imposing any provider tax during the
6 22 pendency of the demonstration waiver for IowaCare.

6 23 2. A uniform tax requirement waiver to allow the state to
6 24 impose varying levels of taxation on providers based on
6 25 specified criteria.

6 26 3. A medical assistance state plan amendment to revise the
6 27 state nursing facility reimbursement methodology to, in part,
6 28 allow the medical assistance program to reimburse nursing
6 29 facilities for the medical assistance portion of the provider
6 30 tax paid by the nursing facilities.

6 31 Sec. 8. CONTINGENCY PROVISIONS.

6 32 1. The quality assurance assessment created in this Act
6 33 shall accrue beginning on the date specified in the medical
6 34 assistance state plan amendment. However, accrued quality
6 35 assurance assessments shall not be collected prior to



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7 1 completion of both of the following:

7 2 a. The approval of the waivers and the medical assistance
7 3 state plan amendment by the centers for Medicare and Medicaid
7 4 of the United States department of health and human services.

7 5 b. An appropriation by the general assembly to implement
7 6 the nursing facility provider reimbursements as provided in
7 7 this Act.

7 8 2. If a medical assistance state plan amendment specifies
7 9 an effective date in one calendar quarter, but the medical
7 10 assistance state plan amendment is not approved by the centers
7 11 for Medicare and Medicaid services of the United States
7 12 department of health and human services until a subsequent
7 13 quarter, all accrued but unpaid quality assurance assessments
7 14 from any prior quarter shall be paid to the department by lump
7 15 sum payment no later than forty-five days after one of the
7 16 following:

7 17 a. The date of approval of the medical assistance state
7 18 plan amendment.

7 19 b. The date of the adjustment of medical assistance
7 20 reimbursement rates to nursing homes as provided for in an
7 21 appropriation by the general assembly pursuant to this Act.

7 22 Sec. 9. EFFECTIVE DATE. This division of this Act, being
7 23 deemed of immediate importance, takes effect upon enactment.

7 24 EXPLANATION

7 25 Division I of this bill creates a quality assurance
7 26 assessment imposed on nursing facilities and includes a
7 27 quality assurance assessment fund.

7 28 The bill imposes a quality assurance assessment on nursing
7 29 facilities for each patient day. The fee is to be
7 30 broad-based, imposed uniformly, and is not to exceed the
7 31 indirect guarantee threshold as required under federal law.
7 32 The quality assurance assessment is to be paid by each nursing
7 33 facility to the department of human services (DHS) on a
7 34 quarterly basis. DHS is to prepare and distribute a form upon
7 35 which nursing facilities shall calculate and report the



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8 1 quality assurance assessment, and each nursing facility is
8 2 required to submit the completed form with the assessment
8 3 amount no later than 30 days following the end of each
8 4 calendar quarter. The bill includes requirements for
8 5 recordkeeping and access to records for the purposes of
8 6 auditing. The bill provides for payments or refunds for
8 7 underpayments or overpayments and also provides penalties and
8 8 collection measures for nonpayment by nursing facilities in a
8 9 timely manner.

8 10 Once DHS collects the assessments, the revenue is to be
8 11 deposited in the quality assurance trust fund established in
8 12 the bill. The fund is created in the state treasury under the
8 13 authority of DHS. Moneys in the trust fund are required to be
8 14 used, subject to their appropriation by the general assembly,
8 15 only as provided in the appropriations from the trust fund to
8 16 DHS only for reimbursement for services for which federal
8 17 financial participation is available. The bill directs DHS to
8 18 adopt rules pursuant to Code chapter 17A to administer the
8 19 trust fund and reimbursements made from the trust fund. The
8 20 bill provides that nursing facilities are to continue to be
8 21 reimbursed under the modified price-based case-mix
8 22 reimbursement methodology originally created in 2001. In
8 23 addition to the amount of reimbursement provided under the
8 24 continuation of the existing formula, the moneys in the fund
8 25 are to be used to provide supplemental payments to nursing
8 26 facilities: a quality assurance assessment pass-through and a
8 27 quality assurance assessment rate add-on. The bill provides a
8 28 methodology for providing these rate adjustments. In
8 29 determining the appropriate level of the assessment
8 30 reimbursements to nursing facilities, DHS is required to
8 31 determine the amount of assessments collected that have been
8 32 directed to increases in nursing facility reimbursements and
8 33 to cooperate with nursing facility organizations to determine
8 34 that no less than 85 percent of the assessments collected are
8 35 directed to total nursing facility reimbursements.



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9 1 DHS is required to report annually to the general assembly
9 2 regarding the use of moneys deposited in the trust fund and
9 3 appropriated to DHS.
9 4 Division I of the bill takes effect upon enactment and is
9 5 retroactively applicable to the effective date specified in
9 6 the state plan amendment. The bill directs that division I of
9 7 the bill is only to be implemented following receipt of
9 8 approval of the waivers and state plan amendment as specified
9 9 in division II of the bill.
9 10 Division II of the bill provides directives to DHS and
9 11 contingencies. The bill directs that no later than June 30,
9 12 2009, DHS shall request waivers and a state plan amendment
9 13 from the centers for Medicare and Medicaid services of the
9 14 United States department of health and human services.
9 15 Division II also includes contingency provisions relating to
9 16 accrual and payment of the assessment. Under the bill, the
9 17 assessment would only accrue beginning on the date specified
9 18 in the medical assistance state plan amendment. The accrued
9 19 assessments would not, however, be collected prior to
9 20 fulfillment of both the approval of the waivers and state plan
9 21 amendment and provision of an appropriation by the general
9 22 assembly to implement the nursing facility provider
9 23 reimbursements as provided in the bill. A contingency is also
9 24 included relating to the collection in a lump sum of
9 25 assessments that accrue during the quarter specified in the
9 26 state plan amendment but prior to the approval of a state plan
9 27 amendment.
9 28 Division II of the bill takes effect upon enactment.
9 29 LSB 2100XC 83
9 30 pf/rj/8



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Senate Study Bill 1180

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

Passed Senate, Date _____
Vote: Ayes _____ Nays _____
Approved

Passed House, Date _____
Vote: Ayes _____ Nays _____

A BILL FOR

1 An Act relating to the identification of the eligibility of
2 tenants of an assisted living program for benefits through the
3 United States department of veterans affairs.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
5 TLSB 2102SC 83
6 pf/nh/8



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Senate Study Bill 1180 continued

PAG LIN

1 1 Section 1. NEW SECTION. 231C.5A ASSESSMENT OF TENANTS ==
1 2 PROGRAM ELIGIBILITY.
1 3 An assisted living program receiving reimbursement through
1 4 the medical assistance program under chapter 249A shall assist
1 5 the department of veterans affairs in identifying, upon
1 6 admission of a tenant, the tenant's eligibility for benefits
1 7 through the United States department of veterans affairs. The
1 8 assisted living program shall also assist the commission of
1 9 veterans affairs in determining such eligibility for tenants
1 10 residing in the program on July 1, 2009. The department of
1 11 inspections and appeals, in cooperation with the department of
1 12 human services, shall adopt rules to administer this section,
1 13 including a provision that ensures that if a tenant is
1 14 eligible for benefits through the United States department of
1 15 veterans affairs or other third-party payor, the payor of last
1 16 resort for reimbursement to the assisted living program is the
1 17 medical assistance program. The rules shall also require the
1 18 assisted living program to request information from a tenant
1 19 or tenant's personal representative regarding the tenant's
1 20 veteran status and to report to the department of veterans
1 21 affairs only the names of tenants identified as potential
1 22 veterans along with the names of their spouses and any
1 23 dependents. Information reported by the assisted living
1 24 program shall be verified by the department of veterans
1 25 affairs.

1 26 EXPLANATION

1 27 This bill requires assisted living programs that receive
1 28 reimbursement through the medical assistance (Medicaid)
1 29 program to assist the department of veterans affairs in
1 30 identifying, upon admission of a tenant, and for tenants
1 31 already residing in the assisted living program on July 1,
1 32 2009, the tenant's eligibility for benefits through the United
1 33 States department of veterans affairs. The department of
1 34 inspections and appeals, in cooperation with the department of
1 35 human services, shall adopt rules to administer the bill



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2 1 including rules to ensure that if the tenant is eligible for
2 2 veterans benefits or other third-party payor benefits, the
2 3 payor of last resort for reimbursement to the assisted living
2 4 program is the Medicaid program. The rules are also to
2 5 require the assisted living program to request information
2 6 from a tenant or the tenant's personal representative
2 7 regarding the tenant's veteran status and to report to the
2 8 department of veterans affairs only the names of tenants
2 9 identified as potential veterans along with the names of their
2 10 spouses and any dependents. The information submitted is to
2 11 be verified by the department of veterans affairs.
2 12 Code section 135C.31A is a similar provision applicable to
2 13 health care facilities.
2 14 LSB 2102SC 83
2 15 pf/nh/8



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Senate Study Bill 1181

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

Passed Senate, Date _____
Vote: Ayes _____ Nays _____
Approved

Passed House, Date _____
Vote: Ayes _____ Nays _____

A BILL FOR

- 1 An Act relating to the Iowa Indian child welfare Act.
- 2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 3 TLSB 2157XC 83
- 4 jp/rj/8



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Senate Study Bill 1181 continued

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1 1 Section 1. Section 232B.3, subsection 6, Code 2009, is
1 2 amended to read as follows:

1 3 6. "Indian child" or "child" means an unmarried Indian
1 4 person who is under eighteen years of age ~~or a child who is~~
~~1 5 under eighteen years of age that an Indian tribe identifies as~~
~~1 6 a child of the tribe's community.~~

1 7 Sec. 2. Section 232B.9, subsections 1, 2, 5, and 6, Code
1 8 2009, are amended to read as follows:

1 9 1. In any adoptive or other permanent placement of an
1 10 Indian child, in the absence of good cause to the contrary,
1 11 preference shall be given to a placement with one of the
1 12 following, in descending priority order:

- 1 13 a. A member of the Indian child's family.
- 1 14 b. Other members of the Indian child's tribe.
- 1 15 c. Another Indian family.
- 1 16 d. A non=Indian family approved by the Indian child's
1 17 tribe.

1 18 e. A non=Indian family that is committed to enabling the
1 19 child to have extended family visitation and participation in
1 20 the cultural and ceremonial events of the child's tribe.

1 21 2. An emergency removal, foster care, or preadoptive
1 22 placement of an Indian child shall be in the least restrictive
1 23 setting which most approximates a family situation and in
1 24 which the child's special needs, if any, may be met. The
1 25 child shall also be placed within reasonable proximity to the
1 26 child's home, taking into account any special needs of the
1 27 child. In any foster care or preadoptive placement, in the
1 28 absence of good cause to the contrary, a preference shall be
1 29 given to the child's placement with one of the following, in
1 30 descending priority order:

- 1 31 a. A member of the child's extended family.
- 1 32 b. A foster home licensed, approved, or specified by the
1 33 child's tribe.
- 1 34 c. An Indian foster home licensed or approved by an
1 35 authorized non=Indian licensing authority.



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2 1 d. A child foster care agency approved by an Indian tribe
2 2 or operated by an Indian organization which has a program
2 3 suitable to meet the Indian child's needs.

2 4 e. A non-Indian child foster care agency approved by the
2 5 child's tribe.

2 6 f. A non-Indian family committed to enabling the child to
2 7 have extended family visitation and participation in the
2 8 cultural and ceremonial events of the child's tribe.

2 9 5. Notwithstanding the placement preferences listed in
2 10 subsections 1 and 2, if a different order of placement
2 11 preference is established by the child's tribe or in a binding
2 12 agreement between the child's tribe and the state entered into
2 13 pursuant to section 232B.11, in the absence of good cause to
2 14 the contrary, the court or agency effecting the placement
2 15 shall follow the order of preference established by the tribe
2 16 or in the agreement.

2 17 6. As appropriate, the placement preference of the Indian
2 18 child or parent shall be considered. In applying the
2 19 preferences, a consenting parent's request for anonymity shall
2 20 also be given weight by the court or agency effecting the
2 21 placement. ~~Unless there is clear and convincing evidence that~~
~~2 22 placement within the order of preference applicable under~~
~~2 23 subsection 1, 2, or 5 would be harmful to the Indian child,~~
~~2 24 consideration of the preference of the Indian child or parent~~
~~2 25 or a parent's request for anonymity shall not be a basis for~~
~~2 26 placing an Indian child outside of the applicable order of~~
~~2 27 preference.~~

2 28 EXPLANATION

2 29 This bill relates to the Iowa Indian child welfare Act
2 30 (Iowa ICWA) by amending provisions found to be
2 31 unconstitutional by the Iowa supreme court. Under Code
2 32 section 232B.2, the purpose of the Iowa ICWA is to clarify
2 33 state policies and procedures regarding implementation of the
2 34 federal Indian Child Welfare Act (federal ICWA), enacted in
2 35 1978.



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3 1 Code section 232B.3, defining the terms "Indian child" or
3 2 "child", is amended to eliminate language that included a
3 3 child who is under 18 years of age that an Indian tribe
3 4 identifies as a child of the tribe's community. Under the
3 5 ruling, *In the Interest of A.W. and S.W., Minor Children*, 741
3 6 N.W.2d 793 (2007), the court found that the inclusion of the
3 7 language being eliminated by the bill expanded the scope of
3 8 the Iowa ICWA beyond the group of children addressed by the
3 9 federal ICWA, violating the equal protection clause of the
3 10 United States Constitution and the equality provision of
3 11 Article I, section 6, of the Iowa Constitution.

3 12 Code section 232B.9 provisions, relating to preferences for
3 13 adoption and other permanent placement, or emergency removal,
3 14 foster care, or preadoptive placement, of an Indian child, are
3 15 amended to allow a good cause exception to the specified
3 16 placement preferences. Language is eliminated that provides
3 17 that the consideration of the preference of the Indian child
3 18 or the parent or a parent's request for anonymity cannot be
3 19 used as the basis for deviating from the order of placement
3 20 otherwise specified in the Iowa ICWA unless there is clear and
3 21 convincing evidence that using the order of placement would be
3 22 harmful to the Indian child. Under the ruling, *In the*
3 23 *Interest of N.N.E., Minor Child*, 725 N.W.2d 1 (2008), the
3 24 court found that the federal ICWA allows the court to deviate
3 25 for good cause from placement preferences and that the high
3 26 burden in the Iowa ICWA to deviate from the placement
3 27 preferences violates substantive due process rights. Although
3 28 the facts addressed in the ruling applied to a voluntary
3 29 termination of parental rights, the court noted that the
3 30 placement preferences in the Iowa ICWA also apply to emergency
3 31 removal, foster care, and preadoptive placements.

3 32 LSB 2157XC 83
3 33 jp/rj/8



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Senate Study Bill 1182

SENATE FILE
BY (PROPOSED COMMITTEE ON
TRANSPORTATION BILL
BY CHAIRPERSON RIELLY)

Passed Senate, Date _____
Vote: Ayes _____ Nays _____
Approved

Passed House, Date _____
Vote: Ayes _____ Nays _____

A BILL FOR

- 1 An Act increasing the excise tax on motor fuel and special fuel
- 2 for diesel engines of motor vehicles, allocating revenues to
- 3 the TIME=21 fund, and providing an effective date.
- 4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 5 TLSB 2070XC 83
- 6 dea/mg/14



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Senate Study Bill 1182 continued

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1 1 Section 1. Section 312.2, Code 2009, is amended by adding
1 2 the following new subsection:
1 3 NEW SUBSECTION. 21. a. The treasurer of state, before
1 4 making the allotments provided for in this section, shall
1 5 credit monthly to the TIME=21 fund created in section 312A.2
1 6 the revenue accruing to the road use tax fund from the excise
1 7 tax on motor fuel and special fuel, in the amount equal to the
1 8 revenues collected as follows:
1 9 (1) For the period beginning on the effective date of this
1 10 Act and ending December 31, 2009, the following amounts:
1 11 (a) The amount of excise tax collected under section
1 12 452A.3, subsections 1 and 1A, from four cents per gallon.
1 13 (b) The amount of excise tax on special fuel for diesel
1 14 engines of motor vehicles collected under section 452A.3,
1 15 subsection 3, from four cents per gallon.
1 16 (2) Beginning January 1, 2010, the following amounts:
1 17 (a) The amount of excise tax collected under section
1 18 452A.3, subsections 1 and 1A, from eight cents per gallon.
1 19 (b) The amount of excise tax on special fuel for diesel
1 20 engines of motor vehicles collected under section 452A.3,
1 21 subsection 3, from eight cents per gallon.
1 22 b. For each fiscal year beginning on or after July 1,
1 23 2008, the crediting of revenues under paragraph "a" shall
1 24 continue until the aggregate amount of revenue accruing to the
1 25 TIME=21 fund from all sources as provided in section 312A.2
1 26 for the fiscal year is equal to two hundred million dollars.
1 27 c. This subsection is repealed June 30, 2028.
1 28 Sec. 2. Section 452A.3, subsection 1, paragraph b, Code
1 29 2009, is amended to read as follows:
1 30 b. The For the period beginning on the effective date of
1 31 this Act and ending December 31, 2009, the rate for the excise
1 32 tax shall be as follows:
1 33 (1) If the distribution percentage is not greater than
1 34 fifty percent, the rate shall be ~~nineteen~~ twenty=three cents
1 35 for ethanol blended gasoline and ~~twenty~~ twenty=four cents for



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2 1 motor fuel other than ethanol blended gasoline.

2 2 (2) If the distribution percentage is greater than fifty
2 3 percent but not greater than fifty=five percent, the rate
2 4 shall be ~~nineteen~~ twenty=three cents for ethanol blended
2 5 gasoline and ~~twenty~~ twenty=four and one=tenth cents for motor
2 6 fuel other than ethanol blended gasoline.

2 7 (3) If the distribution percentage is greater than
2 8 fifty=five percent but not greater than sixty percent, the
2 9 rate shall be ~~nineteen~~ twenty=three cents for ethanol blended
2 10 gasoline and ~~twenty~~ twenty=four and three=tenths cents for
2 11 motor fuel other than ethanol blended gasoline.

2 12 (4) If the distribution percentage is greater than sixty
2 13 percent but not greater than sixty=five percent, the rate
2 14 shall be ~~nineteen~~ twenty=three cents for ethanol blended
2 15 gasoline and ~~twenty~~ twenty=four and five=tenths cents for
2 16 motor fuel other than ethanol blended gasoline.

2 17 (5) If the distribution percentage is greater than
2 18 sixty=five percent but not greater than seventy percent, the
2 19 rate shall be ~~nineteen~~ twenty=three cents for ethanol blended
2 20 gasoline and ~~twenty~~ twenty=four and seven=tenths cents for
2 21 motor fuel other than ethanol blended gasoline.

2 22 (6) If the distribution percentage is greater than seventy
2 23 percent but not greater than seventy=five percent, the rate
2 24 shall be ~~nineteen~~ twenty=three cents for ethanol blended
2 25 gasoline and ~~twenty=one~~ twenty=five cents for motor fuel other
2 26 than ethanol blended gasoline.

2 27 (7) If the distribution percentage is greater than
2 28 seventy=five percent but not greater than eighty percent, the
2 29 rate shall be ~~nineteen~~ twenty=three and three=tenths cents for
2 30 ethanol blended gasoline and ~~twenty~~ twenty=four and
2 31 eight=tenths cents for motor fuel other than ethanol blended
2 32 gasoline.

2 33 (8) If the distribution percentage is greater than eighty
2 34 percent but not greater than eighty=five percent, the rate
2 35 shall be ~~nineteen~~ twenty=three and five=tenths cents for



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3 1 ethanol blended gasoline and ~~twenty~~ twenty-four and
3 2 seven-tenths cents for motor fuel other than ethanol blended
3 3 gasoline.
3 4 (9) If the distribution percentage is greater than
3 5 eighty-five percent but not greater than ninety percent, the
3 6 rate shall be ~~nineteen~~ twenty-three and seven-tenths cents for
3 7 ethanol blended gasoline and ~~twenty~~ twenty-four and
3 8 four-tenths cents for motor fuel other than ethanol blended
3 9 gasoline.
3 10 (10) If the distribution percentage is greater than ninety
3 11 percent but not greater than ninety-five percent, the rate
3 12 shall be ~~nineteen~~ twenty-three and nine-tenths cents for
3 13 ethanol blended gasoline and ~~twenty~~ twenty-four and one-tenth
3 14 cents for motor fuel other than ethanol blended gasoline.
3 15 (11) If the distribution percentage is greater than
3 16 ninety-five percent, the rate shall be ~~twenty~~ twenty-four
3 17 cents for ethanol blended gasoline and ~~twenty~~ twenty-four
3 18 cents for motor fuel other than ethanol blended gasoline.
3 19 Sec. 3. Section 452A.3, subsection 1, Code 2009, is
3 20 amended by adding the following new paragraph:
3 21 NEW PARAGRAPH. c. Beginning January 1, 2010, the rate for
3 22 the excise tax shall be as follows:
3 23 (1) If the distribution percentage is not greater than
3 24 fifty percent, the rate shall be twenty-seven cents for
3 25 ethanol blended gasoline and twenty-eight cents for motor fuel
3 26 other than ethanol blended gasoline.
3 27 (2) If the distribution percentage is greater than fifty
3 28 percent but not greater than fifty-five percent, the rate
3 29 shall be twenty-seven cents for ethanol blended gasoline and
3 30 twenty-eight and one-tenth cents for motor fuel other than
3 31 ethanol blended gasoline.
3 32 (3) If the distribution percentage is greater than
3 33 fifty-five percent but not greater than sixty percent, the
3 34 rate shall be twenty-seven cents for ethanol blended gasoline
3 35 and twenty-eight and three-tenths cents for motor fuel other



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4 1 than ethanol blended gasoline.

4 2 (4) If the distribution percentage is greater than sixty
4 3 percent but not greater than sixty-five percent, the rate
4 4 shall be twenty-seven cents for ethanol blended gasoline and
4 5 twenty-eight and five-tenths cents for motor fuel other than
4 6 ethanol blended gasoline.

4 7 (5) If the distribution percentage is greater than
4 8 sixty-five percent but not greater than seventy percent, the
4 9 rate shall be twenty-seven cents for ethanol blended gasoline
4 10 and twenty-eight and seven-tenths cents for motor fuel other
4 11 than ethanol blended gasoline.

4 12 (6) If the distribution percentage is greater than seventy
4 13 percent but not greater than seventy-five percent, the rate
4 14 shall be twenty-seven cents for ethanol blended gasoline and
4 15 twenty-nine cents for motor fuel other than ethanol blended
4 16 gasoline.

4 17 (7) If the distribution percentage is greater than
4 18 seventy-five percent but not greater than eighty percent, the
4 19 rate shall be twenty-seven and three-tenths cents for ethanol
4 20 blended gasoline and twenty-eight and eight-tenths cents for
4 21 motor fuel other than ethanol blended gasoline.

4 22 (8) If the distribution percentage is greater than eighty
4 23 percent but not greater than eighty-five percent, the rate
4 24 shall be twenty-seven and five-tenths cents for ethanol
4 25 blended gasoline and twenty-eight and seven-tenths cents for
4 26 motor fuel other than ethanol blended gasoline.

4 27 (9) If the distribution percentage is greater than
4 28 eighty-five percent but not greater than ninety percent, the
4 29 rate shall be twenty-seven and seven-tenths cents for ethanol
4 30 blended gasoline and twenty-eight and four-tenths cents for
4 31 motor fuel other than ethanol blended gasoline.

4 32 (10) If the distribution percentage is greater than ninety
4 33 percent but not greater than ninety-five percent, the rate
4 34 shall be twenty-seven and nine-tenths cents for ethanol
4 35 blended gasoline and twenty-eight and one-tenth cents for



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5 1 motor fuel other than ethanol blended gasoline.
5 2 (11) If the distribution percentage is greater than
5 3 ninety=five percent, the rate shall be twenty=eight cents for
5 4 ethanol blended gasoline and twenty=eight cents for motor fuel
5 5 other than ethanol blended gasoline.

5 6 Sec. 4. Section 452A.3, subsection 1A, Code 2009, is
5 7 amended to read as follows:

5 8 1A. Except as otherwise provided in this section and in
5 9 this division, after June 30, 2012, an excise tax of ~~twenty~~
5 10 twenty=eight cents is imposed on each gallon of motor fuel
5 11 used for any purpose for the privilege of operating motor
5 12 vehicles in this state.

5 13 Sec. 5. Section 452A.3, subsection 3, Code 2009, is
5 14 amended to read as follows:

5 15 3. For the privilege of operating motor vehicles or
5 16 aircraft in this state, there is imposed an excise tax on the
5 17 use of special fuel in a motor vehicle or aircraft. ~~The For~~
5 18 the period beginning on the effective date of this Act and
5 19 ending December 31, 2009, the tax rate on special fuel for
5 20 diesel engines of motor vehicles is ~~twenty=two~~ twenty=six and
5 21 one=half cents per gallon, and beginning January 1, 2010, the
5 22 tax rate is thirty and one=half cents per gallon. The rate of
5 23 tax on special fuel for aircraft is three cents per gallon.
5 24 On all other special fuel, unless otherwise specified in this
5 25 section, the per gallon rate is the same as the motor fuel
5 26 tax. Indelible dye meeting United States environmental
5 27 protection agency and internal revenue service regulations
5 28 must be added to fuel before or upon withdrawal at a terminal
5 29 or refinery rack for that fuel to be exempt from tax and the
5 30 dyed fuel may be used only for an exempt purpose.

5 31 Sec. 6. EFFECTIVE DATE. This Act, being deemed of
5 32 immediate importance, takes effect upon enactment.

5 33 EXPLANATION

5 34 This bill increases the excise tax on gasoline and ethanol
5 35 blended gasoline by 4 cents per gallon beginning on the



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6 1 effective date of the bill and by an additional 4 cents per
6 2 gallon beginning January 1, 2010. The current differential in
6 3 the tax rate between ethanol and other motor fuel is
6 4 maintained under the bill.

6 5 The bill also increases the excise tax on special fuel for
6 6 diesel engines of motor vehicles by 4 cents per gallon
6 7 beginning on the effective date of the bill and by an
6 8 additional 4 cents per gallon beginning January 1, 2010.

6 9 The excise tax on E=85 gasoline is not increased under the
6 10 bill. However, pursuant to current law, the tax on E=85
6 11 defaults to the rate applicable to gasoline and ethanol
6 12 blended gasoline at such time as sales of E=85 reach a
6 13 specified threshold.

6 14 All excise taxes on motor vehicle fuel are used for road
6 15 purposes as required under the Iowa Constitution. The bill
6 16 requires the treasurer of state to credit from the road use
6 17 tax fund to the TIME=21 fund the revenues attributable to the
6 18 increase in motor fuel taxes under the bill until the
6 19 aggregate amount in a fiscal year of all revenue accruing to
6 20 the TIME=21 fund from all sources during each fiscal year
6 21 beginning on or after July 1, 2008, equals \$200 million. Once
6 22 the TIME=21 funding target is reached, additional revenues
6 23 collected from the increase in motor fuel and special fuel
6 24 taxes under the bill will not be transferred from the road use
6 25 tax fund for the remainder of the fiscal year.

6 26 Regardless of whether the TIME=21 fund is fully funded, the
6 27 provision crediting motor fuel tax revenues to the TIME=21
6 28 fund is repealed, and the revenues will remain in the road use
6 29 tax fund, on June 30, 2028. Pursuant to current law, the
6 30 TIME=21 fund is scheduled to be dissolved on that date.

6 31 The marine fuel tax fund, which receives a small percentage
6 32 of motor fuel tax revenues attributable to fuel used in
6 33 watercraft, is also impacted by the bill.

6 34 The bill takes effect upon enactment.

6 35 LSB 2070XC 83



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7 1 dea/mg/14



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Senate Study Bill 1183

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

Passed Senate, Date _____
Vote: Ayes _____ Nays _____
Approved

Passed House, Date _____
Vote: Ayes _____ Nays _____

A BILL FOR

- 1 An Act relating to the use of insurance loss history in the
- 2 issuance of dramshop liability insurance.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 1993XC 83
- 5 av/rj/14



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1 1 Section 1. Section 123.92, Code 2009, is amended to read
1 2 as follows:

1 3 123.92 CIVIL LIABILITY FOR DISPENSING OR SALE AND SERVICE
1 4 OF BEER, WINE, OR INTOXICATING LIQUOR (DRAMSHOP ACT) ==
1 5 LIABILITY INSURANCE == UNDERAGE PERSONS.

1 6 1. a. Any person who is injured in person or property or
1 7 means of support by an intoxicated person or resulting from
1 8 the intoxication of a person, has a right of action for all
1 9 damages actually sustained, severally or jointly, against any
1 10 licensee or permittee, whether or not the license or permit
1 11 was issued by the division or by the licensing authority of
1 12 any other state, who sold and served any beer, wine, or
1 13 intoxicating liquor to the intoxicated person when the
1 14 licensee or permittee knew or should have known the person was
1 15 intoxicated, or who sold to and served the person to a point
1 16 where the licensee or permittee knew or should have known the
1 17 person would become intoxicated.

1 18 b. If the injury was caused by an intoxicated person, a
1 19 permittee or licensee may establish as an affirmative defense
1 20 that the intoxication did not contribute to the injurious
1 21 action of the person. ~~The remedy provided by this section~~
~~1 22 shall apply both prospectively, to actions filed on or after~~
~~1 23 July 1, 1992, and retrospectively, to actions pending in trial~~
~~1 24 or appellate courts prior to July 1, 1992.~~

1 25 2. Every liquor control licensee and class "B" beer
1 26 permittee, except a class "E" liquor control licensee, shall
1 27 furnish proof of financial responsibility by the existence of
1 28 a liability insurance policy in an amount determined by the
1 29 division. An insurer providing dramshop liability insurance
1 30 shall not surcharge the premium or decline to insure a
1 31 licensee or permittee at the location for which the license or
1 32 permit is issued based on the insurance loss history of a
1 33 previous licensee or permittee at that location.

1 34 3. a. Notwithstanding section 123.49, subsection 1, any
1 35 person who is injured in person or property or means of



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2 1 support by an intoxicated person who is under legal age or
2 2 resulting from the intoxication of a person who is under legal
2 3 age, has a right of action for all damages actually sustained,
2 4 severally or jointly, against a person who is not a licensee
2 5 or permittee and who dispensed or gave any beer, wine, or
2 6 intoxicating liquor to the intoxicated underage person when
2 7 the nonlicensee or nonpermittee who dispensed or gave the
2 8 beer, wine, or intoxicating liquor to the underage person knew
2 9 or should have known the underage person was intoxicated, or
2 10 who dispensed or gave beer, wine, or intoxicating liquor to
2 11 the underage person to a point where the nonlicensee or
2 12 nonpermittee knew or should have known that the underage
2 13 person would become intoxicated.

2 14 b. If the injury was caused by an intoxicated person who
2 15 is under legal age, a person who is not a licensee or
2 16 permittee and who dispensed or gave beer, wine, or
2 17 intoxicating liquor to the underage person may establish as an
2 18 affirmative defense that the intoxication did not contribute
2 19 to the injurious action of the underage person.

2 20 c. For purposes of this ~~paragraph~~ subsection, "dispensed"
2 21 or "gave" means the act of physically presenting a receptacle
2 22 containing beer, wine, or intoxicating liquor to the underage
2 23 person whose actions or intoxication results in the sustaining
2 24 of damages by another person. However, a person who dispenses
2 25 or gives beer, wine, or intoxicating liquor to an underage
2 26 person shall only be liable for any damages if the person knew
2 27 or should have known that the underage person was under legal
2 28 age.

2 29 EXPLANATION

2 30 This bill amends Code section 123.92 to prohibit an insurer
2 31 that provides dramshop liability insurance from surcharging
2 32 the premium or declining to insure a licensee or permittee at
2 33 the location for which the license or permit is issued based
2 34 on the loss history of a previous licensee or permittee at
2 35 that location.



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Senate Study Bill 1183 continued

3 1 LSB 1993XC 83
3 2 av/rj/14



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Senate Study Bill 1184

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

Passed Senate, Date _____
Vote: Ayes _____ Nays _____
Approved

Passed House, Date _____
Vote: Ayes _____ Nays _____

A BILL FOR

- 1 An Act relating to the use of unfounded claims history in
- 2 determinations related to the issuance of dramshop liability
- 3 coverage.
- 4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 5 TLSB 1994XC 83
- 6 av/rj/14



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PAG LIN

1 1 Section 1. Section 123.92, Code 2009, is amended to read
1 2 as follows:

1 3 123.92 CIVIL LIABILITY FOR DISPENSING OR SALE AND SERVICE
1 4 OF BEER, WINE, OR INTOXICATING LIQUOR (DRAMSHOP ACT) ==
1 5 LIABILITY INSURANCE == UNDERAGE PERSONS.

1 6 1. a. Any person who is injured in person or property or
1 7 means of support by an intoxicated person or resulting from
1 8 the intoxication of a person, has a right of action for all
1 9 damages actually sustained, severally or jointly, against any
1 10 licensee or permittee, whether or not the license or permit
1 11 was issued by the division or by the licensing authority of
1 12 any other state, who sold and served any beer, wine, or
1 13 intoxicating liquor to the intoxicated person when the
1 14 licensee or permittee knew or should have known the person was
1 15 intoxicated, or who sold to and served the person to a point
1 16 where the licensee or permittee knew or should have known the
1 17 person would become intoxicated.

1 18 b. If the injury was caused by an intoxicated person, a
1 19 permittee or licensee may establish as an affirmative defense
1 20 that the intoxication did not contribute to the injurious
1 21 action of the person. ~~The remedy provided by this section~~
~~1 22 shall apply both prospectively, to actions filed on or after~~
~~1 23 July 1, 1992, and retrospectively, to actions pending in trial~~
~~1 24 or appellate courts prior to July 1, 1992.~~

1 25 2. Every liquor control licensee and class "B" beer
1 26 permittee, except a class "E" liquor control licensee, shall
1 27 furnish proof of financial responsibility by the existence of
1 28 a liability insurance policy in an amount determined by the
1 29 division. An insurer providing dramshop liability insurance
1 30 shall not consider unfounded claims in an applicant's or
1 31 insured's claims history in determining whether to decline,
1 32 cancel, nonrenew, or surcharge such a policy.

1 33 3. a. Notwithstanding section 123.49, subsection 1, any
1 34 person who is injured in person or property or means of
1 35 support by an intoxicated person who is under legal age or



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2 1 resulting from the intoxication of a person who is under legal
2 2 age, has a right of action for all damages actually sustained,
2 3 severally or jointly, against a person who is not a licensee
2 4 or permittee and who dispensed or gave any beer, wine, or
2 5 intoxicating liquor to the intoxicated underage person when
2 6 the nonlicensee or nonpermittee who dispensed or gave the
2 7 beer, wine, or intoxicating liquor to the underage person knew
2 8 or should have known the underage person was intoxicated, or
2 9 who dispensed or gave beer, wine, or intoxicating liquor to
2 10 the underage person to a point where the nonlicensee or
2 11 nonpermittee knew or should have known that the underage
2 12 person would become intoxicated.

2 13 b. If the injury was caused by an intoxicated person who
2 14 is under legal age, a person who is not a licensee or
2 15 permittee and who dispensed or gave beer, wine, or
2 16 intoxicating liquor to the underage person may establish as an
2 17 affirmative defense that the intoxication did not contribute
2 18 to the injurious action of the underage person.

2 19 c. For purposes of this ~~paragraph~~ subsection, "dispensed"
2 20 or "gave" means the act of physically presenting a receptacle
2 21 containing beer, wine, or intoxicating liquor to the underage
2 22 person whose actions or intoxication results in the sustaining
2 23 of damages by another person. However, a person who dispenses
2 24 or gives beer, wine, or intoxicating liquor to an underage
2 25 person shall only be liable for any damages if the person knew
2 26 or should have known that the underage person was under legal
2 27 age.

2 28 EXPLANATION

2 29 This bill amends Code section 123.92 to prohibit an insurer
2 30 that provides dramshop liability coverage from considering
2 31 unfounded claims in an applicant's or insured's claims history
2 32 in determining whether to decline, cancel, nonrenew, or
2 33 surcharge such a policy.

2 34 LSB 1994XC 83

2 35 av/rj/14



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Senate Study Bill 1185

SENATE/HOUSE FILE
BY (PROPOSED DEPARTMENT OF
TRANSPORTATION BILL)

Passed Senate, Date _____
Vote: Ayes _____ Nays _____
Approved

Passed House, Date _____
Vote: Ayes _____ Nays _____

A BILL FOR

1 An Act relating to matters under the purview of the department of
2 transportation, including provisions for the administration of
3 the department, driver licensing, vehicle regulation, and the
4 issuance of citations, providing a penalty, and providing
5 effective and retroactive applicability dates.
6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
7 TLSB 1312DP 83
8 dea/nh/8



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2 1 2009, is amended to read as follows:

2 2 c. Upon receipt of a report of a failure to pay the fine,
2 3 penalty, surcharge, or court costs from the clerk of the
2 4 district court, the department shall in accordance with its
2 5 rules, suspend the person's driver's license until the fine,
2 6 penalty, surcharge, or court costs are paid, ~~unless the person~~
~~2 7 proves to the satisfaction of the department that the person~~
~~2 8 cannot pay the fine, penalty, surcharge, or court costs.~~

2 9 Sec. 6. Section 321J.8, subsection 1, paragraph c,
2 10 subparagraph (2), Code 2009, is amended to read as follows:

2 11 (2) If the person is operating a noncommercial motor
2 12 vehicle and holding a commercial driver's license as defined
2 13 in section 321.1 and either refuses to submit to the test or
2 14 ~~operates a motor vehicle while under the influence of an~~
~~2 15 alcoholic beverage or other drug or controlled substance or a~~
~~2 16 combination of such substances submits to the test and the~~
2 17 results indicate the presence of a controlled substance or
2 18 other drug or an alcohol concentration equal to or in excess
2 19 of the level prohibited by section 321J.2, the person is
2 20 disqualified from operating a commercial motor vehicle for the
2 21 applicable period under section 321.208 in addition to any
2 22 revocation of the person's driver's license or nonresident
2 23 operating privilege which may be applicable under this
2 24 chapter.

2 25 Sec. 7. Section 321J.13, subsection 6, paragraphs a and c,
2 26 Code 2009, are amended to read as follows:

2 27 a. The department shall grant a request for a hearing to
2 28 rescind the revocation if the person whose motor vehicle
2 29 license or operating privilege has been or is being revoked
2 30 under section 321J.9 or 321J.12 submits a petition containing
2 31 information relating to the discovery of new evidence that
2 32 provides grounds for ~~recission~~ rescission of the revocation.

2 33 c. Such a holding by the court in the criminal action is
2 34 binding on the department, and the department shall rescind
2 35 the revocation. If the offense for which the revocation was



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3 1 imposed was committed while the person was operating a
3 2 noncommercial motor vehicle and holding a commercial driver's
3 3 license and the department disqualified the person from
3 4 operating a commercial motor vehicle under section 321.208,
3 5 subsection 2, paragraph "a" or "b", as a result of the
3 6 revocation, the department shall also rescind the
3 7 disqualification.

3 8 Sec. 8. Section 321.192, Code 2009, is repealed.

3 9 DIVISION III
3 10 VEHICLES

3 11 Sec. 9. Section 312.2, subsection 19, paragraph a, Code
3 12 2009, is amended by striking the paragraph and inserting in
3 13 lieu thereof the following:

3 14 a. The treasurer of state, before making the allotments
3 15 provided for in this section, shall credit monthly to the
3 16 TIME=21 fund created in section 312A.2 the following amounts:

3 17 (1) One-half of the amount received by the treasurer from
3 18 trailer registration fees pursuant to section 321.123,
3 19 subsection 1, paragraph "a", subparagraph (1).

3 20 (2) Two-thirds of the amount received by the treasurer
3 21 from trailer registration fees collected pursuant to section
3 22 321.123, subsection 1, paragraph "a", subparagraph (2).

3 23 (3) One-third of the amount received by the treasurer from
3 24 trailer registration fees collected pursuant to section
3 25 321.123, subsection 2.

3 26 Sec. 10. Section 321.1, subsection 17, Code 2009, is
3 27 amended to read as follows:

3 28 17. "Dealer" means every person engaged in the business of
3 29 buying, selling, or exchanging vehicles of a type required to
3 30 be registered hereunder and who has an established place of
3 31 business for such purpose in this state. "Dealer" includes
3 32 those persons required to be licensed as dealers under
3 33 chapters 322 and 322C.

3 34 Sec. 11. Section 321.18, subsection 7, Code 2009, is
3 35 amended to read as follows:



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4 1 7. Any school bus in this state used exclusively for the
4 2 transportation of pupils to and from school or a school
4 3 function or for the purposes provided in section 285.1,
4 4 subsection 1, and section 285.10, subsection 9, or used
4 5 exclusively for the transportation of children enrolled in a
4 6 federal head start program. Upon application the department
4 7 shall, without charge, issue a registration certificate and
4 8 ~~shall also issue registration plates, which shall have~~
~~4 9 imprinted thereon the words "Private School Bus" and a~~
~~4 10 distinguishing number assigned to the applicant. Such The~~
4 11 plates shall be attached to the front and rear of each bus
4 12 exempt from registration under this subsection.
4 13 Sec. 12. Section 321.22, Code 2009, is amended to read as
4 14 follows:
4 15 321.22 URBAN AND REGIONAL TRANSIT EQUIPMENT CERTIFICATES
4 16 AND PLATES.
4 17 1. An urban transit company or system having a franchise
4 18 to operate in any city and any regional transit system may
4 19 make application to the department, upon forms furnished by
4 20 the department, for a certificate containing a distinguishing
4 21 number and for one or more pairs of ~~transit bus~~ registration
4 22 plates to be attached to the front and rear of buses owned or
4 23 operated by the transit company or system.
4 24 2. The department shall issue to the applicant a
4 25 certificate, or certificates, containing, but not limited to,
4 26 the applicant's name and address, the distinguishing number
4 27 assigned to the applicant, and such other information deemed
4 28 necessary by the department for proper identification of the
4 29 buses.
4 30 3. The department shall issue ~~transit bus~~ registration
4 31 plates ~~as applied for, which shall be imprinted with the words~~
~~4 32 "Transit Bus" and the distinguishing number assigned to the~~
4 33 applicant.
4 34 4. The department shall issue the certificates and plates
4 35 without fee.



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5 1 Sec. 13. Section 321.166, subsection 9, Code 2009, is
5 2 amended to read as follows:

5 3 9. Special registration plates issued pursuant to section
5 4 321.34 ~~beginning January 1, 1997~~, other than gold star, medal
5 5 of honor, collegiate, fire fighter, and natural resources
5 6 registration plates, shall be consistent with the design and
5 7 color of regular registration plates but shall provide a space
5 8 on a portion of the plate for the purpose of allowing the
5 9 placement of a distinguishing processed emblem. Special
5 10 registration plates shall also comply with the requirements
5 11 for regular registration plates as provided in this section to
5 12 the extent the requirements are consistent with the section
5 13 authorizing a particular special vehicle registration plate.

5 14 Sec. 14. Section 321F.9, Code 2009, is amended to read as
5 15 follows:

5 16 321F.9 OPTION TO PURCHASE == DEALER'S LICENSE.

5 17 Any person engaged in business in this state shall not
5 18 enter into any agreement for the use of a motor vehicle under
5 19 the terms of which that person grants to another an option to
5 20 purchase the motor vehicle without first having obtained a
5 21 motor vehicle dealer's license under the provisions of chapter
5 22 322, and all sales of motor vehicles under such options shall
5 23 be subject to sales or use taxes imposed under the provisions
5 24 of chapter 423. Nothing contained in this section shall
5 25 require such person to have a place of business as provided by
5 26 section 322.6, subsection ~~8~~ 1, paragraph "h".

5 27 Sec. 15. Section 321H.2, subsections 6, 8, and 9, Code
5 28 2009, are amended to read as follows:

5 29 6. "Used vehicle parts dealer" means a person engaged in
5 30 the business of selling bodies, parts of bodies, frames or
5 31 component parts of used vehicles subject to registration ~~under~~
5 32 ~~chapter 321~~.

5 33 8. "Vehicle rebuilder" means a person engaged in the
5 34 business of rebuilding or restoring to operating condition
5 35 vehicles subject to registration ~~under chapter 321~~, which have



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6 1 been damaged or wrecked.

6 2 9. "Vehicle salvager" means a person engaged in the
6 3 business of scrapping, recycling, dismantling, or storing
6 4 wrecked or damaged vehicles or selling reusable parts of
6 5 vehicles or storing vehicles not currently registered which
6 6 vehicles are vehicles subject to registration ~~under chapter~~
~~6 7 321.~~

6 8 Sec. 16. Section 321H.2, Code 2009, is amended by adding
6 9 the following new subsection:

6 10 NEW SUBSECTION. 9A. "Vehicle subject to registration"
6 11 means any vehicle that is of a type required to be registered
6 12 under chapter 321 when operated on a public highway, including
6 13 but not limited to a vehicle that is inoperable, salvage, or
6 14 rebuilt.

6 15 Sec. 17. Section 321H.3, Code 2009, is amended to read as
6 16 follows:

6 17 321H.3 PROHIBITIONS.

6 18 Except for educational institutions, ~~people;~~ persons
6 19 licensed as new vehicle dealers under chapter 322, ~~people;~~
6 20 persons engaged in a hobby not for profit, ~~people;~~ persons
6 21 engaged in the business of purchasing bodies, parts of bodies,
6 22 frames, or component parts of vehicles only for sale as scrap
6 23 metal; or a ~~person~~ persons licensed under the provisions of
6 24 this chapter as ~~an~~ authorized vehicle ~~recycler~~ recyclers, a
6 25 person in this state shall not engage in the business of any
6 26 of the following:

6 27 1. Selling or offering for sale used bodies, parts of
6 28 bodies, frames, or component parts of more than six used
6 29 vehicles subject to registration ~~under chapter 321~~ in a
6 30 ~~calendar year; or~~ twelve-month period.

6 31 2. ~~Wrecking or dismantling in a calendar year~~ Dismantling,
6 32 scrapping, recycling, salvaging, or obtaining a junking
6 33 certificate for more than six vehicles ~~or the parts of more~~
~~6 34 than six vehicles~~ subject to registration ~~under chapter 321~~
~~6 35 for resale; or~~ in a twelve-month period.



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7 1 3. Rebuilding or restoring for sale ~~six or~~ more than six
7 2 wrecked or salvage vehicles subject to registration ~~under~~
~~7 3 chapter 321 in a calendar year; or twelve-month period.~~
7 4 4. Storing more than six vehicles not currently registered
7 5 or storing damaged vehicles except where such storing of
7 6 damaged vehicles is incidental to the primary purpose of the
7 7 repair of motor vehicles for others, ~~scrapping, disposing,~~
~~7 8 salvaging or recycling more than six vehicles or parts of more~~
~~7 9 than six vehicles subject to registration under chapter 321 in~~
~~7 10 a calendar year.~~
7 11 Sec. 18. Section 321H.4, subsections 2 and 3, Code 2009,
7 12 are amended to read as follows:
7 13 2. a. Application for a license as an authorized vehicle
7 14 recycler shall be made to the department on forms provided by
7 15 the department. The application shall be accompanied by a fee
7 16 of seventy dollars for a two-year period or part thereof. The
7 17 license shall be approved or disapproved within thirty days
7 18 after application for the license. A license expires on
7 19 December 31 of even-numbered years. A licensee shall have the
7 20 month of expiration and the month after the month of
7 21 expiration to renew the license. A person who fails to renew
7 22 a license by the end of this time period and desires to hold a
7 23 license shall file a new license application and pay the
7 24 required fee. A separate license shall be obtained for each
7 25 county in which an applicant conducts operations.
7 26 b. The applicant shall specify which business or
7 27 businesses, as enumerated in subsection 1, the applicant is
7 28 applying for a license to engage in. An applicant shall have
7 29 or demonstrate that the applicant will have the facilities and
7 30 equipment necessary to engage in the business or businesses
7 31 for which the applicant is applying for a license. The
7 32 license shall specify which business or businesses the
7 33 applicant has been authorized to engage in.
7 34 3. Each licensee shall file with the department a
7 35 supplemental statement form when the licensee's principal



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8 1 place of business, an extension, or the operation of business
8 2 in the county is changed to differ from the information
8 3 contained on the initial license application form ~~within~~
~~8 4 fifteen days after each~~ at least ten days prior to any
8 5 operational change. The department shall notify each licensee
8 6 of the approval of a change in license status. If a change in
8 7 license status is approved by the department the licensee
8 8 shall surrender the old license to the department together
8 9 with a thirty-five dollar fee. The department shall issue a
8 10 new license modified to reflect the principal place of
8 11 business, each extension, and the operations of the licensee.
8 12 Sec. 19. Section 321H.6, Code 2009, is amended to read as
8 13 follows:
8 14 321H.6 DENIAL, SUSPENSION, OR REVOCATION OF LICENSE.
8 15 The license of a person issued under the provisions of this
8 16 chapter may be denied, revoked, or suspended if the department
8 17 finds ~~that the licensee has any of the following:~~
8 18 1. ~~Violated~~ The licensee has violated any provisions
8 19 provision of this chapter; or.
8 20 2. ~~Made~~ The licensee has made any material
8 21 misrepresentation to the department in connection with an
8 22 application for a license, junking certificate, salvage
8 23 certificate, certificate of title, or registration of a
8 24 vehicle; ~~or.~~
8 25 3. ~~Been~~ The licensee has been convicted of a fraudulent
8 26 practice in connection with selling or offering for sale
~~8 27 vehicles or parts of vehicles subject to registration under~~
~~8 28 chapter 321; or or any other indictable offense in connection~~
8 29 with selling or other activity relating to motor vehicles, in
8 30 this state or any other state.
8 31 4. ~~Failed~~ The licensee has failed to maintain an
8 32 established principal place of business in the county without
8 33 notification to the department; ~~or.~~
8 34 5. ~~Had~~ The licensee has had a license issued under the
8 35 provisions of this chapter denied, suspended, or revoked



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9 1 within the previous three years; ~~or.~~

9 2 ~~6. Been convicted of violation of any of sections 321.52,~~

~~9 3 321.71, 321.78, 321.92, 321.97, 321.98, 321.99, 321.100, or~~

~~9 4 714.16.~~

9 5 Sec. 20. Section 321H.8, Code 2009, is amended to read as
9 6 follows:

9 7 321H.8 PENALTIES.

9 8 1. A person convicted of violating a provision of this
9 9 chapter is guilty of a serious misdemeanor.

9 10 2. A person convicted of a fraudulent practice or any
9 11 other indictable offense in connection with selling or other

9 12 activity relating to motor vehicles, in this state or any

9 13 other state, shall not for a period of five years from the

9 14 date of conviction be an owner, salesperson, employee, officer

9 15 of a corporation, or representative of a licensed motor

9 16 vehicle recycler or represent themselves as an owner,

9 17 salesperson, employee, officer of a corporation, or

9 18 representative of a licensed motor vehicle recycler.

9 19 Sec. 21. Section 322.3, subsection 12, Code 2009, is

9 20 amended to read as follows:

9 21 12. A person convicted of a fraudulent practice or any

9 22 other indictable offense in connection with selling,

~~9 23 bartering, or otherwise dealing in~~ or other activity relating

9 24 to motor vehicles, in this state or any other state, shall not

9 25 for a period of five years from the date of conviction be an

9 26 owner, salesperson, employee, officer of a corporation, or

9 27 ~~dealer~~ representative of a licensed motor vehicle dealer or

9 28 represent themselves as an owner, salesperson, employee, or

9 29 ~~dealer~~ representative of a licensed motor vehicle dealer.

9 30 Sec. 22. Section 322.6, Code 2009, is amended to read as
9 31 follows:

9 32 322.6 DENIAL OF LICENSE.

9 33 1. The department may deny the application of ~~any~~ a person

9 34 for a license as a motor vehicle dealer and refuse to issue a

9 35 license to the person ~~as such,~~ if, after reasonable notice and



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10 1 a hearing, the department determines ~~that such applicant~~ any
10 2 of the following:

10 3 ~~1. a. Has~~ The applicant made a material false statement in
10 4 the application for the license; ~~or.~~

10 5 ~~2. b. Has~~ The applicant has not complied with the
10 6 provisions of this chapter or any rules or regulations
10 7 ~~promulgated~~ adopted by the department ~~thereunder~~ pursuant to
10 8 this chapter, except as otherwise provided; ~~or.~~

10 9 ~~3. c. Is~~ The applicant is of bad business repute; ~~or.~~

10 10 ~~4. d. Has~~ The applicant has been ~~guilty~~ convicted of a
10 11 fraudulent act practice in connection with selling, ~~bartering,~~
~~10 12 or otherwise dealing in~~ or other activity relating to motor
10 13 vehicles; ~~or~~ in this or any other state.

10 14 ~~5. e. Is~~ The applicant is about to engage in any a
10 15 fraudulent practice or other indictable offense in connection
10 16 with the sale, barter, or otherwise dealing in selling or
10 17 other activity relating to motor vehicles, ~~which is fraudulent~~
~~10 18 or in violation of the law~~; ~~or~~ in this or any other state.

10 19 ~~6. f. Has~~ The applicant has entered into a contract or
10 20 agreement or is about to enter into a contract or agreement
10 21 with ~~any a~~ a manufacturer or distributor of motor vehicles which
10 22 is contrary to any provision of this chapter; ~~or.~~

10 23 ~~7. g. Has~~ The applicant has a contract or agreement with
10 24 ~~any a~~ a manufacturer or distributor of motor vehicles or is
10 25 about to enter into a contract or agreement with ~~any a~~ a
10 26 manufacturer or distributor of motor vehicles, ~~who,~~ without
10 27 just, reasonable, and lawful cause ~~therefor~~, has ~~terminated~~
10 28 within ninety days from the date of application a contract or
10 29 agreement with a motor vehicle dealer in any county of the
10 30 state in which the applicant proposes to engage in business; ~~.~~

10 31 ~~8. h. Does~~ The applicant does not have a place of business
10 32 within the meaning of this chapter, unless the applicant is a
10 33 person referred to in ~~subsection 7 of~~ section 322.3; ~~.~~
10 34 subsection 7.

10 35 ~~9. i. Has~~ The applicant has violated any ~~of the provisions~~



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11 1 provision of sections section 321.78, 321.81, 321.92, 321.97,
11 2 321.98, 321.99, 321.100, 539.4, 714.1, and or 714.16; or.

11 3 10. j. If it has been judicially determined Following a
11 4 judicial determination that the licensee has applicant
11 5 intentionally violated any of the provisions provision of the
11 6 Iowa consumer credit code, chapter 537, and the licensee the
11 7 applicant continues to make consumer credit sales, consumer
11 8 loans, or consumer leases in violation of the Iowa consumer
11 9 credit code, chapter 537.

11 10 k. The applicant is or will be acting on behalf of a
11 11 person whose dealer license has been revoked as provided in
11 12 this chapter.

11 13 2. It shall be sufficient cause for refusal or revocation
11 14 of a license as a motor vehicle dealer in the case of a
11 15 partnership or corporation if any member of the partnership or
11 16 any officer or director of the corporation has committed any
11 17 an act or omission which would be cause for refusing to issue
11 18 a license to, or revoking a license to of, such person as an
11 19 individual.

11 20 3. In considering whether or not a contract or agreement
11 21 between a motor vehicle dealer and a manufacturer or
11 22 distributor of motor vehicles has been terminated by such the
11 23 manufacturer or distributor without just and reasonable cause
11 24 therefor, the department shall take into consideration the
11 25 circumstances existing at the time of such the termination,
11 26 including the amount of business transacted by the motor
11 27 vehicle dealer pursuant to the contract or agreement and prior
11 28 to such the termination; the investment necessarily made and
11 29 the obligation necessarily incurred by the motor vehicle
11 30 dealer in the performance of the dealer's part of such the
11 31 contract; the permanency of such investment; the reasons for
11 32 such the termination by such the manufacturer or distributor;
11 33 and the fact that it is injurious to the public welfare for
11 34 the business of a motor vehicle dealer to be disrupted by
11 35 termination of such a contract without just and reasonable



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12 1 cause.

12 2 4. Whenever the department determines to deny the
12 3 application of ~~any~~ a person for a license as a motor vehicle
12 4 dealer and refuses to issue a license to the person ~~as such~~,
12 5 the department shall enter a final order ~~thereof~~ with its
12 6 findings relating ~~thereto~~ to the determination within thirty
12 7 days from the date of the hearing ~~thereon~~.

12 8 Sec. 23. EFFECTIVE AND RETROACTIVE APPLICABILITY DATES.
12 9 The section of this division of this Act amending section
12 10 312.2, subsection 19, being deemed of immediate importance,
12 11 takes effect upon enactment and applies retroactively to
12 12 January 1, 2009.

12 13 DIVISION IV
12 14 ENFORCEMENT

12 15 Sec. 24. Section 321.95, Code 2009, is amended to read as
12 16 follows:

12 17 321.95 RIGHT OF INSPECTION.

12 18 1. Peace officers shall have the authority to inspect any
12 19 vehicle or component part in possession of a vehicle
12 20 rebuilder, vehicle salvager, used vehicle parts dealer, or any
12 21 person licensed under chapter 322, or found upon the public
12 22 highway or in any public garage, enclosure, or property in
12 23 which vehicles or component parts are kept for sale, storage,
12 24 hire, or repair and for that purpose may enter any such public
12 25 garage, enclosure, or property. Every vehicle rebuilder,
12 26 vehicle salvager, used vehicle parts dealer, or any person
12 27 licensed under chapter 322, or a person having used engines or
12 28 transmissions which are component parts for sale shall keep an
12 29 accurate and complete record of all vehicles demolished and of
12 30 such component parts purchased or received for resale as
12 31 component parts in the course of business. These records shall
12 32 contain the name and address of the person from whom each such
12 33 vehicle or component part was purchased or received and the
12 34 date when the purchase or receipt occurred or the junking
12 35 certificate if required for the vehicle. These records shall



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13 1 be open for inspection by any peace officer at any time during
13 2 normal business hours. Records required by this section shall
13 3 be kept for at least three years after the transaction which
13 4 they record.

13 5 2. A person convicted of a violation of this section is
13 6 guilty of a simple misdemeanor punishable as a scheduled
13 7 violation under section 805.8A, subsection 14, paragraph "j".

13 8 Sec. 25. Section 321.449, subsection 4, Code 2009, is
13 9 amended to read as follows:

13 10 4. Notwithstanding other provisions of this section, rules
13 11 adopted under this section for drivers of commercial vehicles
13 12 shall not apply to a driver of a commercial vehicle who is
13 13 engaged exclusively in intrastate commerce, when the
13 14 commercial vehicle's gross vehicle weight rating is twenty=six
13 15 thousand pounds or less, unless the vehicle is used to
13 16 transport hazardous materials requiring a placard or if the
13 17 vehicle is designed to transport more than fifteen passengers,
13 18 including the driver. For the purpose of complying with the
13 19 hours of service recordkeeping requirements under 49 C.F.R. }
~~13 20 395.1(e)(5) }~~ 395.1(e)(1)(v)(A=D), a driver's report of daily
13 21 beginning and ending on=duty time submitted to the motor
13 22 carrier at the end of each workweek shall be considered
13 23 acceptable motor carrier time records. In addition, rules
13 24 adopted under this section shall not apply to a driver
13 25 operating intrastate for a farm operation as defined in
13 26 section 352.2, or for an agricultural interest when the
13 27 commercial vehicle is operated between the farm as defined in
13 28 section 352.2 and another farm, between the farm and a market
13 29 for farm products, or between the farm and an agribusiness
13 30 location. A driver or a driver=salesperson for a private
13 31 carrier, who is not for hire and who is engaged exclusively in
13 32 intrastate commerce, may drive twelve hours, be on duty
13 33 sixteen hours in a twenty=four=hour period and be on duty
13 34 seventy hours in seven consecutive days or eighty hours in
13 35 eight consecutive days. For=hire drivers who are engaged



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14 1 exclusively in intrastate commerce and who operate trucks and
14 2 truck tractors exclusively for the movement of construction
14 3 materials and equipment to and from construction projects may
14 4 also drive twelve hours, be on duty sixteen hours in a
14 5 twenty-four-hour period, and be on duty seventy hours in seven
14 6 consecutive days or eighty hours in eight consecutive days. A
14 7 "driver-salesperson" means as defined in 49 C.F.R. } 395.2, as
14 8 adopted by the department by rule.

14 9 Sec. 26. Section 321.449, Code 2009, is amended by adding
14 10 the following new subsection:

14 11 NEW SUBSECTION. 8. a. In the course of enforcing the
14 12 motor carrier safety rules adopted by the department under
14 13 chapter 17A, the department's peace officers are authorized,
14 14 at reasonable times and places and under reasonable
14 15 circumstances, to enter upon, to inspect, and to examine any
14 16 and all vehicles and loads carried, land, buildings, and
14 17 equipment of any person subject to the federal motor carrier
14 18 safety regulations in 49 C.F.R. pts. 105=185, 382, 383, 385,
14 19 and 390=399, and to inspect and copy any and all accounts,
14 20 records, memoranda, correspondence, and other documents
14 21 including those maintained in an electronic format.

14 22 b. Upon request of a department peace officer acting
14 23 within the scope of official duties and authority with respect
14 24 to the federal motor carrier safety regulations in 49 C.F.R.
14 25 pts. 105=185, 382, 383, 385, and 390=399, at reasonable times
14 26 and places and under reasonable circumstances, and after being
14 27 furnished appropriate identification by that officer, a person
14 28 subject to the federal motor carrier safety regulations in 49
14 29 C.F.R. pts. 105=185, 382, 383, 385, and 390=399 shall submit
14 30 to the peace officer the person's accounts, books, records,
14 31 memoranda, correspondence, and other documents, including
14 32 those maintained in an electronic format, for inspection and
14 33 copying and shall submit the person's vehicles, loads, land,
14 34 buildings, and equipment for examination.

14 35 Sec. 27. Section 805.6, subsection 1, paragraph a,



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15 1 subparagraphs (1) and (2), Code 2009, are amended to read as
15 2 follows:

15 3 (1) The commissioner of public safety, the director of
15 4 transportation, and the director of the department of natural
15 5 resources, acting jointly, shall adopt a uniform, combined
15 6 citation and complaint which shall be used for charging all
15 7 traffic violations in Iowa under state law or local regulation
15 8 or ordinance, and which shall be used for charging all other
15 9 violations which are designated by sections 805.8A, 805.8B,
15 10 and 805.8C to be scheduled violations. The filing fees and
15 11 court costs in cases of parking meter and overtime parking
15 12 violations which are denied are as stated in section 602.8106,
15 13 subsection 1. The court costs in scheduled violation cases
15 14 where a court appearance is not required are as stated in
15 15 section 602.8106, subsection 1. The court costs in scheduled
15 16 violation cases where a court appearance is required are as
15 17 stated in section 602.8106, subsection 1. This subsection
15 18 does not prevent the charging of any of those violations by
15 19 information, by private complaint filed under chapter 804, or
15 20 by a simple notice of fine where permitted by section 321.236,
15 21 subsection 1. Each uniform citation and complaint shall be
15 22 serially numbered and shall be in quintuplicate, and the
15 23 officer shall deliver the original and a copy to the court
15 24 where the defendant is to appear, two copies to the defendant,
15 25 and a copy to the law enforcement agency of the officer. If
15 26 the uniform citation and complaint is created electronically,
15 27 the issuing agency shall cause the uniform citation and
15 28 complaint to be transmitted to the court, and the officer
15 29 shall deliver a document to the defendant which contains a
15 30 section for the defendant and a section which may be sent to
15 31 the court. The court shall forward an abstract of the uniform
15 32 citation and complaint in accordance with section 321.491 when
15 33 applicable.

15 34 (2) The uniform citation and complaint shall contain
15 35 spaces for the parties' names; the address of the alleged



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16 1 offender; the registration number of the offender's vehicle;
16 2 the information required by section 805.2, a warning which
16 3 states, "I hereby swear and affirm that the information
16 4 provided by me on this citation is true under penalty of
16 5 providing false information"; and a statement that providing
16 6 false information is a violation of section 719.3; a list of
16 7 the scheduled fines prescribed by sections 805.8A, 805.8B, and
16 8 805.8C, either separately or by group, and a statement of the
16 9 court costs payable in scheduled violation cases, whether or
16 10 not a court appearance is required or is demanded; a brief
16 11 explanation of sections 805.9 and 805.10; and a space where
16 12 the defendant may sign an admission of the violation when
16 13 permitted by section 805.9; and the uniform citation and
16 14 complaint shall require that the defendant appear before a
16 15 court at a specified time and place. The uniform citation and
16 16 complaint also may contain a space for the imprint of a credit
16 17 card, and may contain any other information which the
16 18 commissioner of public safety, the director of transportation,
16 19 and the director of the department of natural resources may
16 20 determine.

16 21 Sec. 28. Section 805.8A, subsection 14, Code 2009, is
16 22 amended by adding the following new paragraph:

16 23 NEW PARAGRAPH. j. VEHICLE COMPONENT PARTS RECORDS
16 24 VIOLATIONS. For violations under section 321.95, the
16 25 scheduled fine is fifty dollars.

16 26 EXPLANATION

16 27 This bill contains miscellaneous provisions concerning the
16 28 administration of the department of transportation and matters
16 29 regulated by the department.

16 30 DIVISION I == ADMINISTRATION. The bill strikes language
16 31 prohibiting the director of transportation from serving on or
16 32 under a committee of a political party or from making campaign
16 33 contributions.

16 34 The bill strikes language authorizing the use of moneys in
16 35 the statutory allocation fund for expenditures for projects on



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17 1 bridges over rivers bordering the state which are not payable
17 2 from the primary road fund.
17 3 DIVISION II == DRIVER LICENSING. The bill amends
17 4 provisions relating to disqualification of a commercial motor
17 5 vehicle operator for operating while intoxicated. Under
17 6 current law, a person is disqualified from operating a
17 7 commercial motor vehicle for one year if the person is found
17 8 to have operated a commercial motor vehicle while any amount
17 9 of a controlled substance is present in the person or if the
17 10 person is found to have operated a commercial or noncommercial
17 11 motor vehicle while under the influence of an alcoholic
17 12 beverage or other drug or controlled substance. The bill
17 13 replaces those provisions with a single requirement that a
17 14 person is disqualified from operating a commercial motor
17 15 vehicle for one year if the person is found to have operated a
17 16 commercial or noncommercial motor vehicle while intoxicated,
17 17 as that term applies for all motor vehicle operators under
17 18 Code chapter 321J. The bill makes a conforming amendment
17 19 relating to the information required in a peace officer's
17 20 statement to a person requested to submit to a chemical test.
17 21 Finally, the bill requires that when a person's driver's
17 22 license has been administratively revoked upon a charge of
17 23 operating while intoxicated and a criminal decision on the
17 24 evidence leads to rescission of the revocation, the department
17 25 shall also rescind a disqualification from operating a
17 26 commercial motor vehicle that resulted from the same
17 27 circumstances that lead to the revocation if the person was
17 28 operating a noncommercial motor vehicle and holding a
17 29 commercial driver's license when the incident occurred.
17 30 The bill strikes the duty of the department of
17 31 transportation to determine whether a person has the ability
17 32 to pay a criminal penalty, fine, surcharge, or court costs
17 33 before the department suspends the person's driver's license
17 34 for failure to pay.
17 35 The bill repeals the department's administrative authority



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18 1 to waive or refund driver's license fees.
18 2 DIVISION III == VEHICLES. Language allocating revenue from
18 3 trailer registration fees to the TIME=21 fund is revised to
18 4 account for fees that are prorated for a portion of a year,
18 5 and not just fees that are collected for the entire year.
18 6 This provision takes effect upon enactment and applies
18 7 retroactively to January 1, 2009.
18 8 The definition of "dealer" in Code chapter 321 is amended
18 9 to include persons required to be licensed as motor vehicle
18 10 dealers or as travel trailer dealers.
18 11 The bill eliminates specific requirements for the design of
18 12 registration plates issued for private school buses and
18 13 transit buses. Plates labeled "private school bus" or
18 14 "transit bus" will no longer be required.
18 15 The bill allows the department to issue special gold star
18 16 motor vehicle registration plates with a design and color that
18 17 varies from that of regular registration plates. Currently,
18 18 most special plates must conform to the design and color of
18 19 regular registration plates, except for a space to allow
18 20 placement of a distinguishing processed emblem.
18 21 The bill amends several provisions relating to vehicle
18 22 recyclers. The bill specifies that a license is required for
18 23 a person engaged in the business of dismantling, scrapping,
18 24 recycling, salvaging, or obtaining a junking certificate for
18 25 more than six vehicles subject to registration in a 12-month
18 26 period. The period for filing a supplemental statement form
18 27 with the department is changed from within 15 days after each
18 28 operational change to at least 10 days prior to any
18 29 operational change. The bill clarifies that grounds for
18 30 revocation of a license include conviction of a fraudulent
18 31 practice or any other indictable offense in connection with
18 32 selling or other activity relating to motor vehicles in this
18 33 or any other state. For five years following such a
18 34 conviction, a person shall not be, and shall not represent
18 35 themselves to be, an owner, salesperson, employee, officer of



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19 1 a corporation, or representative of a licensed motor vehicle
19 2 recycler.

19 3 The bill makes revisions to Code sections 322.3 and 322.6
19 4 relating to prohibited acts regarding motor vehicle
19 5 manufacturing, distributing, and selling and to denial of an
19 6 application for a motor vehicle dealer's license,
19 7 respectively. The bill clarifies provisions regarding
19 8 prohibitions against, and denial of a motor vehicle dealer's
19 9 license for, acts which are fraudulent practices or other
19 10 indictable offenses in connection with selling or other
19 11 activity relating to motor vehicles in this or any other
19 12 state. In addition, the bill provides that a motor vehicle
19 13 dealer's license may be denied if the applicant is or will be
19 14 acting on behalf of a person whose dealer license has been
19 15 revoked.

19 16 DIVISION IV == ENFORCEMENT. Current law gives peace
19 17 officers inspection authority concerning vehicles and
19 18 component parts and establishes recordkeeping requirements for
19 19 vehicle rebuilders, vehicle salvagers, used vehicle parts
19 20 dealers, motor vehicle dealers, and certain other persons
19 21 engaged in related practices. Currently, a violation of those
19 22 provisions is a simple misdemeanor. The bill changes the
19 23 penalty to a simple misdemeanor punishable by a scheduled fine
19 24 of \$50.

19 25 The bill provides inspection authority for peace officers
19 26 to examine vehicles, loads, land, buildings, and equipment of
19 27 any person subject to federal motor carrier safety regulations
19 28 and requires those persons to permit such examinations and
19 29 submit required documents for inspection and copying.

19 30 The bill adds language to requirements for the processing
19 31 of a uniform citation and complaint that is created
19 32 electronically. Specifically, the issuing agency must
19 33 transmit the uniform citation and complaint to the court, and
19 34 the officer issuing the citation must deliver a document to
19 35 the defendant which contains a section for the defendant and a



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20 1 section which may be sent to the court.
20 2 LSB 1312DP 83
20 3 dea/nh/8.1



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Senate Study Bill 1186

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

Passed Senate, Date _____
 Vote: Ayes _____ Nays _____
 Approved

Passed House, Date _____
 Vote: Ayes _____ Nays _____

A BILL FOR

- 1 An Act relating to public notice requirements for meetings of
- 2 boards of township trustees.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 1851SC 83
- 5 md/sc/8



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Senate Study Bill 1186 continued

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1 1 Section 1. Section 21.4, subsection 1, Code 2009, is
1 2 amended to read as follows:
1 3 1. A governmental body, ~~except township trustees,~~ shall
1 4 give notice of the time, date, and place of each meeting, and
1 5 its tentative agenda, in a manner reasonably calculated to
1 6 apprise the public of that information. Reasonable notice
1 7 shall include advising the news media who have filed a request
1 8 for notice with the governmental body and posting the notice
1 9 on a bulletin board or other prominent place which is easily
1 10 accessible to the public and clearly designated for that
1 11 purpose at the principal office of the body holding the
1 12 meeting, or if no such office exists, at the building in which
1 13 the meeting is to be held.

1 14 Sec. 2. Section 359.17, subsection 2, Code 2009, is
1 15 amended to read as follows:

1 16 2. A board of township trustees shall give prior notice of
1 17 a meeting to discuss, deliberate, or act upon a matter
1 18 relating to the budget or a tax levy of the township or
1 19 relating to the trustees' duty to provide fire protection
1 20 service and, if provided, emergency medical service, pursuant
1 21 to section 359.42. The trustees shall give notice of such
1 22 meeting at least ~~forty-eight~~ twenty-four hours preceding the
1 23 commencement of the meeting. However, a notice is not
1 24 required pursuant to this subsection when the trustees gather
1 25 for ~~minor or~~ purely ministerial matters relating to the
1 26 trustees' duty for providing such fire protection service or
1 27 emergency medical service. The notice shall state the time,
1 28 date, and place of the meeting and the proposed agenda. The
1 29 notice shall be provided to the county auditor who shall post
1 30 the notice in an area of the courthouse where notices to the
1 31 public are commonly posted.

1 32 EXPLANATION

1 33 Current law requires that notice of a board of township
1 34 trustees meeting relating to the budget, a tax levy of the
1 35 township, or the trustees' duty or authority to provide fire



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Senate Study Bill 1186 continued

2 1 protection service or emergency medical service shall be given
2 2 at least 48 hours before the meeting. This bill requires such
2 3 notice to be given at least 24 hours before the meeting.
2 4 The bill removes the exemption for township trustees in
2 5 Code section 21.4 relating to notices required for meetings of
2 6 governmental bodies. The bill amends the exemption from the
2 7 board of township trustees meeting notice requirements for
2 8 minor or ministerial matters to conform with the provisions of
2 9 Code section 21.2.
2 10 LSB 1851SC 83
2 11 md/sc/8



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 February 10, 2009

Senate Study Bill 1187

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

Passed Senate, Date _____
 Vote: Ayes _____ Nays _____
 Approved

Passed House, Date _____
 Vote: Ayes _____ Nays _____

A BILL FOR

- 1 An Act requiring lessees of certain real estate to file a
- 2 memorandum of the lease with the county recorder and providing
- 3 a civil penalty.
- 4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 5 TLSB 1911SC 83
- 6 md/sc/14



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Senate Study Bill 1187 continued

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1 1 Section 1. NEW SECTION. 428.4A BUILDINGS AND
1 2 IMPROVEMENTS == MEMORANDA OF LEASES RECORDED.
1 3 1. If a lease of real estate is made for the purpose of
1 4 erecting a building or making improvements to the real estate
1 5 by a person other than the owner of the land, as provided in
1 6 section 428.4, a memorandum of the lease shall be filed by the
1 7 lessee with the county recorder not later than sixty days
1 8 after the execution of the lease.
1 9 2. a. A memorandum required to be filed under this
1 10 section shall comply with the document formatting requirements
1 11 of section 331.606B, subsection 1, and shall contain the
1 12 information specified in section 331.606B, subsection 2,
1 13 paragraphs "b" and "h".
1 14 b. This section shall not apply to leases made for the
1 15 purpose of placing a manufactured home or mobile home within a
1 16 manufactured home community or a mobile home park. However,
1 17 this section shall apply to other buildings or improvements
1 18 made on the property by the lessee.
1 19 c. If a lease subject to this section is assigned to
1 20 another person, the assignee shall file a memorandum of such
1 21 assignment with the recorder containing all the information
1 22 required in paragraph "a".
1 23 d. A groundwater hazard statement is not required to be
1 24 presented with a memorandum recorded under this section.
1 25 3. Failure to timely file a memorandum under this section
1 26 shall not invalidate an otherwise valid lease.
1 27 4. A memorandum filed under this section shall be retained
1 28 by the recorder for the duration of the lease or until all
1 29 taxes, as defined in section 445.1, subsection 6, owed by the
1 30 lessee have been paid.
1 31 5. Failure of a lessee to file a memorandum as required
1 32 under this section is punishable by a civil penalty not to
1 33 exceed seven hundred fifty dollars. The recorder shall
1 34 forward to the city attorney or county attorney, as
1 35 applicable, of the assessing jurisdiction where the real



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2 1 estate is located a copy of each memorandum recorded more than
2 2 sixty days from the date the lease was executed. The city
2 3 attorney or county attorney shall initiate action in the
2 4 district court to enforce provisions of this section. Civil
2 5 penalties collected pursuant to this subsection shall be
2 6 deposited in the general fund of the city or county, as
2 7 appropriate.

2 8 Sec. 2. Section 331.602, Code 2009, is amended by adding
2 9 the following new subsection:

2 10 NEW SUBSECTION. 39A. Notwithstanding the recording
2 11 requirements of 331.606B, record all memoranda required to be
2 12 filed under section 428.4A, and make such memorandum
2 13 information available to all other county or city officials
2 14 upon request.

2 15 EXPLANATION

2 16 This bill requires that if a lease of real estate is made
2 17 for the purpose of erecting a building or making improvements
2 18 to the real estate by a person other than the owner of the
2 19 land, memorandum of the lease shall be filed by the lessee
2 20 with the county recorder not later than 60 days after the
2 21 execution of the lease. The bill provides that each
2 22 memorandum filed shall include the name and address of the
2 23 taxpayer, the legal description of the property, and the
2 24 parcel identification number.

2 25 The bill provides that a memorandum filed with the recorder
2 26 shall be retained by the recorder for the duration of the
2 27 lease or until all taxes owed by the lessee have been paid.

2 28 The bill provides that the failure of a lessee to file a
2 29 memorandum as required under the bill is punishable by a civil
2 30 penalty not to exceed \$750. The bill provides that civil
2 31 penalties collected shall be deposited in the appropriate city
2 32 or county general fund.

2 33 LSB 1911SC 83

2 34 md/sc/14



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Senate Study Bill 1188

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

Passed Senate, Date _____
Vote: Ayes _____ Nays _____
Approved

Passed House, Date _____
Vote: Ayes _____ Nays _____

A BILL FOR

- 1 An Act relating to publication of property assessment
- 2 equalization orders.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 1848SC 83
- 5 md/sc/14



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Senate Study Bill 1188 continued

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1 1 Section 1. Section 441.49, unnumbered paragraph 3, Code
1 2 2009, is amended to read as follows:
1 3 On or before October 15 the county auditor shall cause to
1 4 be published in official newspapers of general circulation the
1 5 final equalization order. The publication shall include, in
1 6 type larger than the remainder of the publication, the
1 7 following ~~statement~~ statements:
1 8 1. "Assessed values are equalized by the department of
1 9 revenue every two years. Local taxing authorities determine
1 10 the final tax levies and may reduce property tax rates to
1 11 compensate for any increase in valuation due to equalization."
1 12 2. "An affected property owner or taxpayer may protest the
1 13 application of this equalization order by filing an appeal
1 14 between October 16 and October 25 with the county board of
1 15 review of the county where the property is located."
1 16 PARAGRAPH DIVIDED. Failure to publish the equalization
1 17 order has no effect upon the validity of the orders.

1 18 EXPLANATION
1 19 This bill requires that the notice of an equalization order
1 20 published by the county auditor contain a statement indicating
1 21 that an affected property owner or taxpayer may protest the
1 22 application of the equalization order by filing an appeal with
1 23 the local board of review between October 16 and October 25,
1 24 which is the current statutory time period for filing such an
1 25 appeal.
1 26 LSB 1848SC 83
1 27 md/sc/14



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Senate Study Bill 1189

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

Passed Senate, Date _____
Vote: Ayes _____ Nays _____
Approved

Passed House, Date _____
Vote: Ayes _____ Nays _____

A BILL FOR

- 1 An Act relating to damages recoverable for the wrongful or
- 2 negligent injury or death of a spouse or parent.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 1737SC 83
- 5 rh/rj/5



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1 1 Section 1. Section 613.15, Code 2009, is amended to read
 1 2 as follows:
 1 3 613.15 INJURY OR DEATH OF SPOUSE OR PARENT == MEASURE OF
 1 4 RECOVERY.
 1 5 1. In any action for damages because of the wrongful or
 1 6 negligent injury or death of a ~~woman~~ spouse or parent, there
 1 7 shall be no disabilities or restrictions, and ~~recovery may be~~
~~1 8 had on account thereof in the same manner as in cases of~~
~~1 9 damage because of the wrongful or negligent injury or death of~~
~~1 10 a man. In addition she, or her administrator for her estate,~~
 1 11 the surviving spouse or child, including an adult child, may
 1 12 recover for physician's services, nursing and hospital
 1 13 expense, and in the case of both women and men, such person,
~~1 14 or the appropriate administrator, may recover expenses, the~~
 1 15 value of services and support as spouse or parent, or both, as
 1 16 the case may be, and the decedent's loss of enjoyment of life,
 1 17 in such sum as the jury deems proper; provided, however,
 1 18 recovery for these elements of damage may not be had by the
 1 19 spouse and ~~children, as such,~~ child of any person who, or
 1 20 whose administrator, is entitled to recover same.
 1 21 2. For purposes of this section:
 1 22 a. "Loss of enjoyment of life" includes but is not limited
 1 23 to the value of life itself and is measured separate from the
 1 24 economic productive value the decedent would have had.
 1 25 b. "Services and support" includes but is not limited to
 1 26 the expense and actual loss of financial support and
 1 27 companionship including the loss of counsel, guidance, advice,
 1 28 assistance, and protection.

1 29 EXPLANATION
 1 30 This bill relates to damages recoverable for the wrongful
 1 31 or negligent injury or death of a spouse or parent.
 1 32 The bill provides that in any action for damages because of
 1 33 the wrongful or negligent injury or death of a spouse or
 1 34 parent, the surviving spouse or child, including an adult
 1 35 child, may recover damages for the value of physician's



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2 1 services; nursing and hospital expenses; lost services and
2 2 support, defined to include but not be limited to the expense
2 3 and actual loss of financial support and companionship
2 4 including the loss of counsel, guidance, advice, assistance,
2 5 and protection; and the decedent's loss of enjoyment of life.
2 6 "Loss of enjoyment of life" includes but is not limited to the
2 7 value of life itself and is measured separate from the
2 8 economic productive value the decedent would have had.
2 9 LSB 1737SC 83
2 10 rh/rj/5.1



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Senate Study Bill 1190

SENATE/HOUSE FILE
BY (PROPOSED DEPARTMENT OF
REVENUE BILL)

Passed Senate, Date _____
Vote: Ayes _____ Nays _____
Approved

Passed House, Date _____
Vote: Ayes _____ Nays _____

A BILL FOR

1 An Act relating to the administration of the tax and related laws
2 by the department of revenue, including the administration of
3 the income tax, the franchise tax, the motor fuel tax, and of
4 fees for new vehicle registration, providing civil and
5 criminal penalties, and including effective date, retroactive
6 applicability date, and other applicability date provisions.
7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
8 TLSB 1363XD 83
9 tw/mg:sc/14



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Senate Study Bill 1190 continued

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1 1 DIVISION I
1 2 HOUSING ASSISTANCE WITHHOLDING CREDITS
1 3 Section 1. Section 15E.196, subsection 1, paragraph b,
1 4 Code 2009, is amended by striking the paragraph.
1 5 DIVISION II
1 6 ENDOW IOWA DONATIONS
1 7 Sec. 2. Section 15E.305, subsection 1, Code 2009, is
1 8 amended to read as follows:
1 9 1. For tax years beginning on or after January 1, 2003, a
1 10 tax credit shall be allowed against the taxes imposed in
1 11 chapter 422, divisions II, III, and V, and in chapter 432, and
1 12 against the moneys and credits tax imposed in section 533.329
1 13 equal to twenty percent of a taxpayer's endowment gift to an
1 14 endow Iowa qualified community foundation. An individual may
1 15 claim a tax credit under this section of a partnership,
1 16 limited liability company, S corporation, estate, or trust
1 17 electing to have income taxed directly to the individual. The
1 18 amount claimed by the individual shall be based upon the pro
1 19 rata share of the individual's earnings from the partnership,
1 20 limited liability company, S corporation, estate, or trust. A
1 21 tax credit shall be allowed only for an endowment gift made to
1 22 an endow Iowa qualified community foundation for a permanent
1 23 endowment fund established to benefit a charitable cause in
1 24 this state. The amount of the endowment gift for which the
1 25 tax credit is claimed shall not be deductible in determining
1 26 taxable income for state income tax purposes. Any tax credit
1 27 in excess of the taxpayer's tax liability for the tax year may
1 28 be credited to the tax liability for the following five years
1 29 or until depleted, whichever occurs first. A tax credit shall
1 30 not be carried back to a tax year prior to the tax year in
1 31 which the taxpayer claims the tax credit.
1 32 Sec. 3. EFFECTIVE AND APPLICABILITY DATES. This division
1 33 of this Act takes effect January 1, 2010, and applies to tax
1 34 years beginning on or after that date.
1 35 DIVISION III



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3 1 NEW SUBSECTION. 27A. a. To establish and administer a
3 2 system and process for matching and comparing obligor
3 3 information from the department's centralized debt collection
3 4 data bank described in subsection 27 with account information
3 5 from financial institutions.
3 6 b. For purposes of this subsection, the terms "account",
3 7 "bank", "credit union", "facility", "financial institution",
3 8 "obligor", "savings and loan association", and "working days"
3 9 have the same meaning as defined in section 421.17A,
3 10 subsection 1.
3 11 c. Financial institutions doing business in Iowa shall
3 12 provide to the department information on all individuals who
3 13 hold one or more accounts with the financial institution and
3 14 upon whom a levy may be issued by the facility. The
3 15 department shall enter into agreements with financial
3 16 institutions for the provision of such information.
3 17 d. An agreement between a financial institution and the
3 18 department shall provide for the quarterly delivery of the
3 19 following information for each individual identified through
3 20 the matching and comparison system:
3 21 (1) Name.
3 22 (2) Address.
3 23 (3) Account numbers.
3 24 (4) Social security number or tax identification number,
3 25 whichever is applicable.
3 26 e. Each agreement shall require the financial institution
3 27 to obtain and deliver the information by one of the following
3 28 means:
3 29 (1) Comparing an individual's name and social security
3 30 number or tax identification number with the name and social
3 31 security number or tax identification number provided by the
3 32 department.
3 33 (2) Providing reports containing the information required
3 34 under paragraph "d" to the department. The reports shall be
3 35 used only in tax judgment and levy administration.



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4 1 f. If, as a result of the matching and comparison process,
4 2 the facility determines that the information described in
4 3 paragraph "d" matches the information of an obligor, the
4 4 facility may initiate an administrative action under section
4 5 421.17A to levy against an account held by the obligor.

4 6 g. The facility may pay a reasonable fee to a financial
4 7 institution, not to exceed the actual costs incurred, for the
4 8 delivery of information provided quarterly pursuant to
4 9 paragraph "e". A reasonable fee for costs incurred includes
4 10 payment for the programming and development of a system for
4 11 automating the provision of information or a payment for
4 12 another method of compiling and providing the information
4 13 described in paragraph "e". Notwithstanding any other
4 14 provision of law to the contrary, an agreement with a
4 15 financial institution pursuant to this subsection shall
4 16 specify a date by which the financial institution shall submit
4 17 a claim for the fee described in this paragraph.

4 18 h. This subsection shall not be construed to preclude a
4 19 financial institution from recouping a deposit made to an
4 20 individual's account to which the financial institution is
4 21 lawfully entitled or from collecting any of the regularly
4 22 scheduled account activity fees necessary to maintain the
4 23 account during the period the account is blocked or
4 24 encumbered.

4 25 i. The information provided by a financial institution
4 26 under this subsection shall be confidential and shall be
4 27 available exclusively to the department and only for use in
4 28 levy collection activities.

4 29 j. A financial institution providing information pursuant
4 30 to this subsection shall not be held liable for blocking or
4 31 surrendering an individual's assets in response to a levy
4 32 under this subsection or for any other action taken in good
4 33 faith to comply with this subsection.

4 34 k. This subsection shall not be construed to preclude the
4 35 department from encumbering an obligor's account with a



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5 1 financial institution by any other remedy available under the
5 2 law.

5 3 1. The director shall promulgate rules specifying an
5 4 implementation and administration plan for the system
5 5 described in this subsection. The plan shall, to the extent
5 6 possible, take into consideration any similar existing systems
5 7 utilized by financial institutions, multi-state financial data
5 8 clearinghouses, or other state agencies.

5 9 DIVISION V

5 10 ASSISTIVE DEVICE TAX CREDIT

5 11 Sec. 7. Section 422.33, subsection 9, Code 2009, is
5 12 amended by striking the subsection.

5 13 Sec. 8. Section 422.11E, Code 2009, is repealed.

5 14 DIVISION VI

5 15 COMPOSITE RETURNS

5 16 Sec. 9. Section 422.13, subsection 5, Code 2009, is
5 17 amended to read as follows:

5 18 5. a. Notwithstanding subsections 1 through 4 and
5 19 sections 422.15 and 422.36, a partnership, a limited liability
5 20 company whose members are taxed on the company's income under
5 21 provisions of the Internal Revenue Code, trust, or corporation
5 22 whose stockholders are taxed on the corporation's income under
5 23 the provisions of the Internal Revenue Code may, not later
5 24 than the due date for filing its return for the taxable year,
5 25 including any extension thereof, elect to file a composite
5 26 return for the nonresident partners, members, beneficiaries,
5 27 or shareholders. Nonresident trusts or estates which are
5 28 partners, members, beneficiaries, or shareholders in
5 29 partnerships, limited liability companies, trusts, or S
5 30 corporations may also be included on a composite return. The
5 31 director may require that a composite return be filed under
5 32 the conditions deemed appropriate by the director. A
5 33 partnership, limited liability company, trust, or corporation
5 34 filing a composite return is liable for tax required to be
5 35 shown due on the return.



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6 1 b. Notwithstanding subsection 1 through 4 and sections
6 2 422.15 and 422.36, if the director determines that it is
6 3 necessary for the efficient administration of this chapter,
6 4 the director may require that a composite return be filed for
6 5 nonresidents other than nonresident partners, members,
6 6 beneficiaries or shareholders in partnerships, limited
6 7 liability companies, trusts, or S corporations.

6 8 c. All powers of the director and requirements of the
6 9 director apply to returns filed under this subsection
6 10 including, but not limited to, the provisions of this division
6 11 and division VI of this chapter.

DIVISION VII

UNDERPAYMENT OF ESTIMATED TAXES

6 13 Sec. 10. Section 422.88, subsections 2 and 3, Code 2009,
6 14 are amended to read as follows:

6 16 2. The amount of the underpayment shall be the excess of
6 17 the amount of the installment which would be required to be
6 18 paid if the estimated tax was equal to ~~ninety~~ one hundred
6 19 percent of the tax shown on the return of the taxpayer for the
6 20 taxable year over the amount of installments paid on or before
6 21 the date prescribed for payment.

6 22 3. If the taxpayer did not file a return during the
6 23 taxable year, the amount of the underpayment shall be equal to
6 24 ~~ninety~~ one hundred percent of the taxpayer's tax liability for
6 25 the taxable year over the amount of installments paid on or
6 26 before the date prescribed for payment.

6 27 Sec. 11. RETROACTIVE APPLICABILITY. This division of this
6 28 Act applies retroactively to January 1, 2009, for tax years
6 29 beginning on or after that date.

DIVISION VIII

VIOLATIONS OF THE MOTOR FUEL TAX LAWS

6 31 Sec. 12. Section 452A.74A, subsections 1, 2, 4, and 5,
6 32 Code 2009, are amended to read as follows:

6 34 1. ILLEGAL USE OF DYED FUEL. The illegal use of dyed fuel
6 35 in the supply tank of a motor vehicle shall result in a civil



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7 1 penalty assessed against the owner or operator of the motor
7 2 vehicle as follows:

7 3 a. A ~~two~~ five hundred dollar ~~fine~~ penalty for the first
7 4 violation.

7 5 b. A ~~five hundred~~ one thousand dollar ~~fine~~ penalty for a
7 6 second violation within three years of the first violation.

7 7 c. A ~~one two~~ two thousand dollar ~~fine~~ penalty for third and
7 8 subsequent violations within three years of the first
7 9 violation.

7 10 2. ILLEGAL IMPORTATION OF UNTAXED FUEL. A person who
7 11 imports motor fuel or undyed special fuel without a valid
7 12 importer's license or supplier's license shall be assessed a
7 13 civil penalty as provided in this subsection. However, the
7 14 owner or operator of the importing vehicle shall not be guilty
7 15 of violating this subsection if it is shown by the owner or
7 16 operator that the owner or operator reasonably did not know or
7 17 reasonably should not have known of the illegal importation.

7 18 a. For a first violation, the importing vehicle shall be
7 19 detained and a ~~fine~~ penalty of ~~two~~ four thousand dollars shall
7 20 be paid before the vehicle will be released. The owner or
7 21 operator of the importing vehicle or the owner of the fuel may
7 22 be held liable for payment of the ~~fine~~ penalty.

7 23 b. For a second violation, the importing vehicle shall be
7 24 detained and a ~~fine~~ penalty of ~~five~~ ten thousand dollars shall
7 25 be paid before the vehicle will be released. The owner or
7 26 operator of the importing vehicle or the owner of the fuel may
7 27 be held liable to pay the ~~fine~~ penalty.

7 28 c. For third and subsequent violations, the importing
7 29 vehicle and the fuel shall be seized and a ~~fine~~ penalty of ~~ten~~
7 30 twenty thousand dollars shall be paid before the vehicle will
7 31 be released. The owner or operator of the importing vehicle
7 32 or the owner of the fuel may be held liable to pay the ~~fine~~
7 33 penalty.

7 34 d. If the owner or operator of the importing vehicle or
7 35 the owner of the fuel fails to pay the tax and ~~fine~~ penalty



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8 1 for a first or second offense, the importing vehicle and the
8 2 fuel may be seized. The department of revenue, the state
8 3 department of transportation, or any peace officer, at the
8 4 request of either department, may seize the vehicle and the
8 5 fuel.

8 6 e. If the operator or owner of the importing vehicle or
8 7 the owner of the fuel ~~move~~ moves the vehicle or the fuel after
8 8 the vehicle has been detained and a sticker has been placed on
8 9 the vehicle stating that "This vehicle cannot be moved until
8 10 the tax, penalty, and interest have been paid to the
8 11 Department of Revenue", an additional penalty of ~~five~~ ten
8 12 thousand dollars shall be assessed against the operator or
8 13 owner of the importing vehicle or the owner of the fuel.

8 14 f. For purposes of this subsection, "vehicle" means as
8 15 defined in section 321.1.

8 16 4. ILLEGAL HEATING OF FUEL. The deliberate heating of
8 17 taxable motor fuel or special fuel by dealers prior to
8 18 consumer sale is a ~~simple~~ serious misdemeanor.

8 19 5. PREVENTION OF INSPECTION. The department of revenue or
8 20 the state department of transportation may conduct inspections
8 21 for coloration, markers, and shipping papers at any place
8 22 where taxable fuel is or may be loaded into transport
8 23 vehicles, produced, or stored. Any attempts by a person to
8 24 prevent, stop, or delay an inspection of fuel or shipping
8 25 papers by authorized personnel shall be subject to a civil
8 26 penalty of not more than ~~one~~ two thousand dollars per
8 27 occurrence. Any law enforcement officer or department of
8 28 revenue or state department of transportation employee may
8 29 physically inspect, examine, or otherwise search any tank,
8 30 reservoir, or other container that can or may be used for the
8 31 production, storage, or transportation of any type of fuel.

8 32 EXPLANATION

8 33 This bill relates to the administration of the tax and
8 34 related laws by the department of revenue, including the
8 35 administration of the income tax, the franchise tax, the motor



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9 1 fuel tax, and of fees for new vehicle registration.
9 2 Current law provides incentives and assistance to eligible
9 3 businesses located in enterprise zones. One of these
9 4 incentives is a 1.5 percent match as part of a housing
9 5 assistance program funded through a credit from withholding
9 6 based on the wages paid to employees participating in the
9 7 program. Division I of the bill strikes the provisions of the
9 8 Code that authorize such a program.
9 9 Division II of the bill provides that charitable gifts that
9 10 are the basis for claiming a tax credit under the endow Iowa
9 11 program are not eligible for a deduction when calculating
9 12 taxable income for purposes of the state income or franchise
9 13 tax. This change takes effect January 1, 2010, and applies to
9 14 tax years beginning on or after that date.
9 15 Division III of the bill provides for civil penalties to be
9 16 assessed against a licensed dealer who fails, at the time of
9 17 sale or transfer of a vehicle, to collect or forward the fee
9 18 for new registration as required pursuant to Code section
9 19 321.105A, subsection 5. The schedule of penalties is as
9 20 follows: a \$500 penalty for the first violation; a \$1,000
9 21 penalty for the second violation within three years of the
9 22 first violation; a \$2,000 penalty for the third and for each
9 23 subsequent violation within three years of the first
9 24 violation. The department of revenue collects and enforces
9 25 the penalties and deposits them in the road use tax fund.
9 26 Division IV of the bill provides for the establishment and
9 27 administration of a system for matching financial account
9 28 information with obligor information in the department of
9 29 revenue's centralized debt collection facility data bank. The
9 30 director of revenue must enter into agreements with financial
9 31 institutions doing business in Iowa in order to provide for
9 32 the delivery of information on all individuals who hold one or
9 33 more accounts with a financial institution and upon whom a
9 34 levy may be issued by the facility. Each agreement must
9 35 provide for the delivery on a quarterly basis of name,



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10 1 address, account number, and social security number or tax
10 2 identification number, whichever is applicable. The
10 3 information is to be provided by one of the following means:
10 4 by comparing the financial institutions' records with the name
10 5 and either a social security number or a tax identification
10 6 number provided by the department or by providing reports
10 7 containing the information. Information in the reports is
10 8 confidential and must be used only in tax judgment and levy
10 9 administration. Financial institutions providing the
10 10 information to the department may receive a reasonable fee,
10 11 not to exceed the actual costs incurred.

10 12 The provision of information under the system does not
10 13 preclude a financial institution from recouping a deposit into
10 14 an individual's account to which the financial institution is
10 15 lawfully entitled or from collecting any of the regularly
10 16 scheduled account activity fees necessary to maintain the
10 17 account during the period the account is blocked or
10 18 encumbered. A financial institution providing information
10 19 cannot be held liable for blocking or surrendering an
10 20 individual's assets in response to a levy or for any other
10 21 action taken in good faith to comply with the requirements of
10 22 providing information to the department. The director shall
10 23 promulgate rules specifying an implementation and
10 24 administration plan for the system. The plan must, to the
10 25 extent possible, take into consideration any similar existing
10 26 systems utilized by financial institutions, multi-state
10 27 financial data clearinghouses, or other state agencies.

10 28 Division V of the bill repeals the assistive device tax
10 29 credit under the individual and corporate income taxes.

10 30 Division VI of the bill provides that if the director
10 31 determines that it is necessary for the efficient
10 32 administration of the income tax, the director may require
10 33 that a composite return be filed for nonresidents other than
10 34 nonresident partners, members, beneficiaries or shareholders
10 35 in partnerships, limited liability companies, trusts, or S



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11 1 corporations.

11 2 Division VII of the bill increases the standard for the
11 3 exception to the penalty for making underpayments of estimated
11 4 tax by corporations and financial institutions from 90 percent
11 5 of the tax liability to the full amount of the tax liability.

11 6 The effect of the change is to calculate underpayments under
11 7 Iowa law the same as calculating them under federal law. This
11 8 change applies retroactively to January 1, 2009, for tax years
11 9 beginning on or after that date.

11 10 Under current law, civil penalties are imposed for certain
11 11 violations of the motor fuel and special fuel tax laws in
11 12 addition to any taxes due. Division VIII of the bill
11 13 increases the penalties for the illegal use of dyed fuel in
11 14 the supply tank of a motor vehicle to \$500 for the first
11 15 violation, \$1,000 for a second violation within three years of
11 16 the first violation, and \$2,000 for the third violation, and
11 17 for each subsequent violation, within three years of the first
11 18 violation.

11 19 The division increases the penalties for the illegal
11 20 importation of untaxed fuel to \$4,000 for the first violation
11 21 and \$10,000 for a second violation, and \$20,000 for the third
11 22 violation and for each subsequent violation. The additional
11 23 penalty assessed for moving a vehicle that has been detained
11 24 for the illegal importation of untaxed fuel is increased to
11 25 \$10,000.

11 26 The division makes the illegal heating of motor fuel prior
11 27 to consumer sale by a dealer a serious misdemeanor. A serious
11 28 misdemeanor is punishable by confinement for no more than one
11 29 year and a fine of at least \$315 but not more than \$1,875.

11 30 The division increases the penalty for preventing the
11 31 inspection of fuel to \$2,000 per occurrence.

11 32 LSB 1363XD 83

11 33 tw/mg:sc/14.1



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Senate Study Bill 1191

SENATE/HOUSE FILE
BY (PROPOSED OFFICE OF
ENERGY INDEPENDENCE
BILL)

Passed Senate, Date _____
Vote: Ayes _____ Nays _____
Approved

Passed House, Date _____
Vote: Ayes _____ Nays _____

A BILL FOR

- 1 An Act establishing an energy efficiency savings standard
- 2 applicable to gas and electric public utilities.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 1301DP 83
- 5 rn/rj/14



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1 1 Section 1. Section 476.6, subsection 16, Code 2009, is
1 2 amended by adding the following new paragraph:
1 3 NEW PARAGRAPH. i. For the period commencing July 1, 2010,
1 4 and ending June 30, 2014, the capacity and energy savings
1 5 performance standards developed for gas and electric public
1 6 utilities required to be rate-regulated pursuant to paragraph
1 7 "b", and the energy efficiency goals established by gas and
1 8 electric public utilities pursuant to paragraph "c", shall be
1 9 subject to and incorporate a minimum percentage reduction
1 10 standard in projected energy use based upon the anticipated
1 11 demand and population shifts within the utility's service
1 12 area. The minimum percentage reduction standard shall be
1 13 equal to one and one-half percent for the first year of the
1 14 period, followed by an additional one-percent reduction each
1 15 year for the succeeding three years, resulting in a total
1 16 percentage reduction of four and one-half percent. The board
1 17 shall determine a date by which each utility shall annually
1 18 submit energy savings results achieved during the preceding
1 19 twelve months documenting the extent to which the percentage
1 20 reduction standard has been met. The board may, in its
1 21 discretion, permit this annual submission to be incorporated
1 22 into the assessments required to be submitted by gas and
1 23 electric utilities subject to rate regulation, and the
1 24 progress reports required to be submitted by gas and electric
1 25 utilities not subject to rate regulation, pursuant to
1 26 paragraphs "b" and "c", respectively.

1 27 EXPLANATION
1 28 This bill establishes a minimum percentage reduction
1 29 standard in projected energy use for gas and electric public
1 30 utilities. The standard is phased in during the four-year
1 31 period beginning July 1, 2010, and ending June 30, 2014, in an
1 32 amount corresponding to an additional 1.5 percent reduction
1 33 the first year, followed by an additional 1 percent reduction
1 34 for each of the next three years. The bill requires each
1 35 utility to submit documentation annually during this period



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2 1 regarding the extent to which the standard has been met, which
2 2 may, in the discretion of the Iowa utilities board, be
2 3 incorporated into existing applicable reporting requirements.
2 4 LSB 1301DP 83
2 5 rn/rj/14



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Senate Study Bill 1192

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

Passed Senate, Date _____
Vote: Ayes _____ Nays _____
Approved

Passed House, Date _____
Vote: Ayes _____ Nays _____

A BILL FOR

- 1 An Act providing a task force on regional watershed, land use,
- 2 and floodplain management policies.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 1725XL 83
- 5 da/rj/8



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Senate Study Bill 1192 continued

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1 1 Section 1. TASK FORCE ON REGIONAL WATERSHED, LAND USE, AND
1 2 FLOODPLAIN MANAGEMENT POLICIES. A task force on regional
1 3 watershed, land use, and floodplain management policies is
1 4 created.

1 5 1. The members of the task force include all of the
1 6 following:

1 7 a. Fifteen members appointed by the governor who may
1 8 include persons interested in agriculture, natural habitat,
1 9 natural resources, hydrology and geography, floodplain
1 10 management, water quality, land use planning, urban
1 11 development, utilities, and related areas as determined
1 12 appropriate by the governor.

1 13 b. Four members of the general assembly, two senators
1 14 appointed by the majority leader and minority leader in the
1 15 senate and two members of the house of representatives
1 16 appointed by the speaker of the house and the house minority
1 17 leader as provided in sections 2.32A and 69.16B.

1 18 2. The task force shall develop comprehensive policies
1 19 that whenever practical address regional watershed management,
1 20 floodplain management, and associated land uses based on all
1 21 of the following principles:

1 22 a. The preservation or enhancement of natural resources,
1 23 including by providing for soil and water conservation
1 24 practices and environmental protection.

1 25 b. Sustainable development that includes smart growth
1 26 strategies and green design and construction approaches.

1 27 c. The mitigation of losses that could occur as a result
1 28 of natural disasters, including losses occurring within
1 29 floodplains.

1 30 3. The comprehensive policies developed by the task force
1 31 shall be used by state and local governments in preparing
1 32 plans for watershed management, floodplain management, and
1 33 associated land uses.

1 34 4. a. The rebuild Iowa office shall provide staff and
1 35 resources to the task force.



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3 1 da/rj/8.2



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Senate Study Bill 1193

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

Passed Senate, Date _____
Vote: Ayes _____ Nays _____
Approved

Passed House, Date _____
Vote: Ayes _____ Nays _____

A BILL FOR

- 1 An Act requiring counties and cities with flood hazard areas
- 2 within their boundaries to participate in the national flood
- 3 insurance program.
- 4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 5 TLSB 1727XL 83
- 6 av/rj/5



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1 1 Section 1. NEW SECTION. 455B.262B NATIONAL FLOOD
1 2 INSURANCE PROGRAM == PARTICIPATION REQUIRED.
1 3 1. All counties and cities in this state that have flood
1 4 hazard areas within their political boundaries identified by
1 5 the federal emergency management agency shall meet the
1 6 requirements for participation in the national flood insurance
1 7 program administered by the federal emergency management
1 8 agency on or before July 30, 2011. Each county or city shall
1 9 agree to manage flood hazard areas within its jurisdiction by
1 10 adopting regulatory standards that meet or exceed statewide
1 11 floodplain management standards and the minimum requirements
1 12 of the national flood insurance program.
1 13 2. The department shall assist counties and cities with
1 14 developing and administering local floodplain management
1 15 programs and with otherwise meeting the requirements for
1 16 participation in the national flood insurance program.
1 17 3. State participation in funding financial assistance
1 18 under section 29C.6, subsection 17, paragraph "a", is
1 19 contingent upon the county or city participating in the
1 20 national flood insurance program pursuant to this section.
1 21 Sec. 2. IMPLEMENTATION OF ACT. Section 25B.2, subsection
1 22 3, shall not apply to this Act.

1 23 EXPLANATION

1 24 This bill creates new Code section 455B.262B requiring all
1 25 counties and cities in the state that have flood hazard areas
1 26 within their political boundaries identified by the federal
1 27 emergency management agency to meet the requirements for
1 28 participation in the national flood insurance program
1 29 administered by the federal emergency management agency on or
1 30 before July 30, 2011. Each county or city must agree to
1 31 manage flood hazard areas within its jurisdiction by adopting
1 32 regulatory standards that meet or exceed statewide floodplain
1 33 management standards and the minimum standards of the national
1 34 flood insurance program. The department of natural resources
1 35 shall assist cities and counties with developing and



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2 1 administering local floodplain management programs and
2 2 otherwise meeting the requirements of the national flood
2 3 insurance program.
2 4 State participation in funding financial assistance to a
2 5 county or city pursuant to Code section 29C.6(17)(a) when
2 6 federal financial assistance is available, is contingent upon
2 7 the county or city participating in the national flood
2 8 insurance program as required in new Code section 455B.262B.
2 9 The bill may include a state mandate as defined in Code
2 10 section 25B.3. The bill makes inapplicable Code section
2 11 25B.2, subsection 3, which would relieve a political
2 12 subdivision from complying with a state mandate if funding for
2 13 the cost of the state mandate is not provided or specified.
2 14 Therefore, political subdivisions are required to comply with
2 15 any state mandate included in the bill.
2 16 LSB 1727XL 83
2 17 av/rj/5.2