



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 18, 2009

House Amendment 1058

PAG LIN

1 1 Amend House File 333 as follows:
1 2 #1. Page 20, by inserting after line 18 the
1 3 following:
1 4 <Sec. ____ . NEW SECTION. 91F.14 PREAPPROVED BOND
1 5 EXEMPTION.
1 6 This chapter shall not apply to a public
1 7 improvement that would otherwise qualify for
1 8 prevailing wage rates if the public improvement is
1 9 funded by a bond issuance that was approved prior to
1 10 the effective date of this Act.>
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1 14 DEYOE of Story
1 15 HF 333.307 83
1 16 ak/rj/21809
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House Amendment 1059

PAG LIN

1 1 Amend House File 333 as follows:
 1 2 #1. Page 20, by inserting after line 18 the
 1 3 following:
 1 4 <Sec. _____. NEW SECTION. 421.71 STATE AIDE ==
 1 5 EMPLOYER ELIGIBILITY.
 1 6 1. An employer who chooses not to use the federal
 1 7 employment eligibility program as authorized by the
 1 8 federal Illegal Immigration Reform and Immigrant
 1 9 Responsibility Act of 1996, Pub. L. No. 104=208, shall
 1 10 not be eligible for any developmental assistance.
 1 11 2. For the purposes of this section,
 1 12 "developmental assistance" means any form of public
 1 13 assistance, including tax expenditures, made for the
 1 14 purpose of stimulating the economic development of a
 1 15 corporation, industry, geographic jurisdiction, or any
 1 16 other sector of the state's economy, including but not
 1 17 limited to public assistance involving industrial
 1 18 development bonds, training grants, loans, loan
 1 19 guarantees, enterprise zones, empowerment zones, tax
 1 20 increment financing, fee waivers, land price
 1 21 subsidies, infrastructure constructed or improved for
 1 22 the benefit of a single business or defined group of
 1 23 businesses at the time it is built or improved,
 1 24 matching funds, tax abatements, tax credits and tax
 1 25 discounts of every kind, including corporate,
 1 26 franchise, personal income, sales and use, raw
 1 27 materials, real property, job creation, individual
 1 28 investment, excise, utility, inventory, accelerated
 1 29 depreciation, and research and development tax credits
 1 30 and discounts.>
 1 31 #2. Title page, line 2, by inserting after the
 1 32 word <bodies,> the following: <and denying
 1 33 developmental assistance to employers who choose not
 1 34 to use the federal employment eligibility program,>.
 1 35 #3. By renumbering as necessary.
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 1 39 STRUYK of Pottawattamie
 1 40 HF 333.508 83
 1 41 ak/rj/21632
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House Amendment 1060

PAG LIN

1 1 Amend House File 333 as follows:
1 2 #1. Page 20, by inserting after line 18 the
1 3 following:
1 4 <Sec. ____ . IMMIGRATION STATUS AND CITIZENSHIP
1 5 DATABASE == DEPARTMENT OF PUBLIC SAFETY == STUDY.
1 6 1. The department of public safety shall study the
1 7 feasibility of developing an integrated state
1 8 government database system designed to provide
1 9 information related to the immigration status or
1 10 citizenship of a person.
1 11 2. The database to be developed shall be used as a
1 12 resource for employers, hospitals, banks, schools, and
1 13 other agencies and entities seeking information about
1 14 the immigration status or citizenship of a person.
1 15 3. The department of public safety shall develop
1 16 recommendations regarding policies for sharing
1 17 immigration and citizenship status with employers,
1 18 banks, hospitals, schools, and other agencies and
1 19 entities seeking such information.
1 20 4. The department of public safety shall submit a
1 21 report to the senate and house of representatives
1 22 standing committees on judiciary by January 15, 2010,
1 23 regarding the feasibility of establishing such a
1 24 database and regarding recommendations for
1 25 information-sharing policies.>
1 26 #2. Title page, line 2, by inserting after the
1 27 word <bodies,> the following: <requiring an
1 28 immigration database study,>.
1 29 #3. By renumbering as necessary.
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1 33 STRUYK of Pottawattamie
1 34 HF 333.509 83
1 35 ak/rj/21631
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House Amendment 1061

PAG LIN

1 1 Amend House File 333 as follows:
1 2 #1. Page 10, by inserting after line 27 the
1 3 following:
1 4 <____. The prevailing wage rate is not required to
1 5 be paid to workers of a certified employee
1 6 organization unless the certified employee
1 7 organization certifies that all officers and employees
1 8 of the employee organization are legal United States
1 9 residents and have not been convicted of a felony.>
1 10 #2. By renumbering as necessary.
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1 14 HORBACH of Tama
1 15 HF 333.706 83
1 16 ak/rj/21634
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House Amendment 1062

PAG LIN

1 1 Amend House File 333 as follows:
1 2 #1. Page 4, lines 2 and 3, by striking the words
1 3 <paragraphs "b" and "c"> and inserting the following:
1 4 <paragraph "b">.
1 5 #2. By striking page 4, line 34, through page 5,
1 6 line 35, and inserting the following:
1 7 <b. The public improvement meets the following
1 8 criteria:
1 9 (1) The public improvement is funded fifty percent
1 10 or more by state funds. However, if the public
1 11 improvement is for a school district, the project must
1 12 be funded seventy-five percent or more by state funds.
1 13 For the purposes of this subparagraph, "state funds"
1 14 does not include property taxes, local option sales
1 15 taxes, or revenues generated by local economic
1 16 activities.
1 17 (2) The minimum cost of the public improvement is
1 18 one hundred thousand dollars.>
1 19 #3. Page 8, by striking lines 19 and 20 and
1 20 inserting the following: <306.3. However, the dollar
1 21 threshold criterion of section 91F.3, subsection 10,
1 22 paragraph "b", and an>.
1 23 #4. By renumbering as necessary.
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1 27 BAILEY of Hamilton
1 28 HF 333.510 83
1 29 ak/rj/21823
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House Amendment 1063

PAG LIN

1 1 Amend House File 333 as follows:
1 2 #1. Page 3, line 28, by inserting after the word
1 3 <benefits> the following: <rates>.
1 4 #2. Page 3, line 32, by inserting after the word
1 5 <regents,> the following: <community college,
1 6 publicly funded hospital,>.
1 7 #3. Page 5, line 17, by inserting after the word
1 8 <more.> the following: <The locality for prevailing
1 9 wage rate purposes is determined by the physical
1 10 location of the public improvement project. This
1 11 subparagraph is not applicable to any public
1 12 improvement project that a school board has approved
1 13 at a public hearing on or before April 20, 2009.>
1 14 #4. Page 5, line 34, by striking the word <one>
1 15 and inserting the following: <three>.
1 16 #5. Page 7, line 30, by inserting after the word
1 17 <benefits> the following: <rates>.
1 18 #6. Page 8, by striking lines 10 and 11 and
1 19 inserting the following: <for the life of the
1 20 agreement.>
1 21 #7. Page 10, by striking lines 8 through 10.
1 22 #8. Page 10, by striking lines 23 and 24 and
1 23 inserting the following: <prevailing wage rate under
1 24 this chapter shall pay the wages without any deduction
1 25 for food, sleeping>.
1 26 #9. Page 12, line 26, by inserting after the word
1 27 <chapter> the following: <in accordance with chapter
1 28 17A>.
1 29 #10. Page 13, by striking lines 26 through 28.
1 30 #11. Page 15, line 27, by striking the word
1 31 <division> and inserting the following: <interested
1 32 party>.
1 33 #12. Page 19, line 4, by inserting after the word
1 34 <awarded> the following: <for three years>.
1 35 #13. Page 19, line 16, by striking the word <has>
1 36 and inserting the following: <may have>.
1 37 #14. Page 19, line 19, by striking the word <ten>
1 38 and inserting the following: <thirty>.
1 39 #15. Page 19, line 21, by striking the word <ten>
1 40 and inserting the following: <thirty>.
1 41 #16. Page 19, by striking line 22 and inserting
1 42 the following: <days shall result in an immediate and
1 43 indefinite barring of the>.
1 44 #17. Page 19, line 26, by striking the word <ten>
1 45 and inserting the following: <thirty>.
1 46 #18. Page 19, line 29, by striking the word
1 47 <violation.> and inserting the following: <violation
1 48 to determine the length of the contractor or
1 49 subcontractor's bar, if any, not to exceed three
1 50 years.>



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House Amendment 1063 continued

2 1 #19. By striking page 19, line 34, through page
2 2 20, line 3.
2 3 #20. Page 20, by inserting after line 5 the
2 4 following:
2 5 <12. Any penalties recovered pursuant to this
2 6 chapter shall be deposited in the general fund of the
2 7 state.>
2 8 #21. By renumbering as necessary.
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2 10
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2 12 R. OLSON of Polk
2 13 HF 333.308 83
2 14 ak/rj/21822



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House Amendment 1064

PAG LIN

1 1 Amend House File 332 as follows:
1 2 #1. Page 1, line 21, by striking the words <Any
1 3 renovation or repair> and inserting the following: <A
1 4 renovation>.
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1 8 HEDDENS of Story
1 9 HF 332.201 83
1 10 jm/rj/21810
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Iowa General Assembly
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House File 351 - Introduced

HOUSE FILE
BY BUKTA

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

Passed Senate, Date _____
Vote: Ayes _____ Nays _____

A BILL FOR

- 1 An Act relating to early school start dates and providing
- 2 effective and applicability dates.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 1885YH 83
- 5 kh/rj/8



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House File 351 - Introduced continued

PAG LIN

1 1 Section 1. Section 257.17, Code 2009, is amended to read
1 2 as follows:
1 3 257.17 AID REDUCTION FOR EARLY SCHOOL STARTS.
1 4 State aid payments made pursuant to section 257.16 for a
1 5 fiscal year shall be reduced by one one-hundred-eightieth for
1 6 each day of that fiscal year for which the school district
1 7 begins school before the earliest starting date specified in
1 8 section 279.10, subsection 1. However, this section does not
1 9 apply to a school district that has received approval from the
1 10 ~~director of the department of education under section 279.10,~~
~~1 11 subsection 4,~~ for a pilot program for an innovative school
1 12 year in accordance with section 279.10, subsection 3, or to
1 13 commence classes for regularly established elementary and
1 14 secondary schools in advance of the starting date ~~established~~
~~1 15 in due to an emergency in accordance with section 279.10,~~
1 16 subsection ~~±~~ 4.
1 17 Sec. 2. Section 279.10, subsections 1, 2, and 4, Code
1 18 2009, are amended to read as follows:
1 19 1. The school year shall begin on the first day of July
1 20 and each regularly established elementary and secondary school
1 21 shall begin no sooner than ~~a day during the calendar week in~~
~~1 22 which the first day of September falls the fourth Monday in~~
1 23 August but no later than the first Monday in December-
~~1 24 However, if the first day of September falls on a Sunday,~~
~~1 25 school may begin on a day during the calendar week which~~
~~1 26 immediately precedes the first day of September unless the~~
1 27 school district has received approval from the department of
1 28 education for a pilot program for an innovative school year in
1 29 accordance with subsection 3 or for an early start date due to
1 30 an emergency in accordance with subsection 4. School shall
1 31 continue for at least one hundred eighty days, except as
1 32 provided in subsection 3, and may be maintained during the
1 33 entire calendar year. However, if the board of directors of a
1 34 district extends the school calendar because inclement weather
1 35 caused the district to temporarily close school during the



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House File 351 - Introduced continued

2 1 regular school calendar, the district may excuse a graduating
2 2 senior who has met district or school requirements for
2 3 graduation from attendance during the extended school
2 4 calendar. A school corporation may begin employment of
2 5 personnel for in-service training and development purposes
2 6 before the date to begin elementary and secondary school. The
2 7 earliest starting date specified in this subsection shall not
2 8 apply to a school district which maintains a year around three
2 9 semester school year.

2 10 2. The board of directors shall hold a public hearing on
2 11 any ~~proposal~~ request made pursuant to subsection 3 prior to
2 12 submitting it to the department of education for approval.

2 13 4. ~~The director of the~~ department of education may grant a
2 14 request made by a board of directors of a school district
2 15 stating ~~its desire~~ that an emergency exists which requires the
2 16 school district to commence classes for regularly established
2 17 elementary and secondary schools prior to the earliest
2 18 starting date specified in subsection 1. A The request shall
2 19 ~~be based upon the determination set forth the reasons that a~~
2 20 ~~starting date on or after~~ prior to the earliest starting date
2 21 specified in subsection 1 ~~would have a significant negative~~
2 22 ~~educational impact~~ is necessary and shall describe any actions
2 23 the school district intends to take to ensure that student
2 24 achievement is not adversely affected.

2 25 Sec. 3. EFFECTIVE DATES. This Act takes effect July 1,
2 26 2010, and is applicable for school years beginning on or after
2 27 that date.

EXPLANATION

2 29 This bill changes the earliest school start date to the
2 30 fourth Monday in August and modifies the authority of the
2 31 department of education to grant a request made by a board of
2 32 directors of a school district to commence classes prior to
2 33 the earliest starting date allowed, which currently is no
2 34 sooner than a day during the calendar week in which the first
2 35 day of September falls or, if the first day of September falls



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House File 351 - Introduced continued

3 1 on a Sunday, a day during the prior week. The bill exempts
3 2 from the earliest starting date requirement school districts
3 3 that maintain a year around three semester school year.
3 4 The bill provides that the department may grant a request
3 5 made by a school board stating that an emergency exists which
3 6 requires the school district to commence classes for regularly
3 7 established elementary and secondary schools prior to the
3 8 fourth Monday in August. The request must set forth the
3 9 reasons the early start date is necessary and must describe
3 10 actions the school district intends to take to ensure that
3 11 student achievement is not adversely affected.
3 12 The bill makes conforming changes to modify a provision
3 13 that provides for a reduction in school foundation aid when
3 14 school districts implement early school starts. The bill also
3 15 includes a technical correction.
3 16 The bill takes effect July 1, 2010, for the school year
3 17 beginning July 1, 2010.
3 18 LSB 1885YH 83
3 19 kh/rj/8.1



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House File 352 - Introduced

HOUSE FILE
BY SANDS

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

A BILL FOR

1 An Act relating to a property assessment adjustment for certain
2 persons over the age of sixty-five, providing a penalty, and
3 including retroactive applicability date provisions.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
5 TLSB 2018YH 83
6 md/sc/5



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House File 352 - Introduced continued

PAG LIN

1 1 Section 1. NEW SECTION. 425B.1 HOMESTEAD ASSESSED VALUE
1 2 ADJUSTMENT == PURPOSE.
1 3 Persons who own their homesteads and who meet the
1 4 qualifications provided in this chapter are eligible for an
1 5 adjustment in the assessed value of their homesteads, as
1 6 provided in this chapter, to prevent an increase in such
1 7 values.
1 8 Sec. 2. NEW SECTION. 425B.2 DEFINITIONS.
1 9 As used in this chapter, unless the context otherwise
1 10 requires:
1 11 1. "Assessed value" means the actual value prior to any
1 12 adjustment pursuant to section 441.21, subsection 4.
1 13 2. "Base assessment year" means the assessment year
1 14 beginning in the base year.
1 15 3. "Base year" means the calendar year last ending before
1 16 the claim is filed.
1 17 4. "Claimant" means a person filing a claim for adjustment
1 18 under this chapter who has attained the age of sixty-five
1 19 years on or before December 31 of the base year and is
1 20 domiciled in this state at the time the claim is filed or at
1 21 the time of the person's death in the case of a claim filed by
1 22 the executor or administrator of the claimant's estate.
1 23 5. "Homestead" means the dwelling owned and actually used
1 24 as a home by the claimant during any part of the fiscal year
1 25 beginning July 1 of the base year, and so much of the land
1 26 surrounding it including one or more contiguous lots or tracts
1 27 of land, as is reasonably necessary for use of the dwelling as
1 28 a home, and may consist of a part of a multidwelling or
1 29 multipurpose building and a part of the land upon which it is
1 30 built. It does not include personal property except that a
1 31 manufactured or mobile home may be a homestead. Any dwelling
1 32 or a part of a multidwelling or multipurpose building which is
1 33 exempt from taxation does not qualify as a homestead under
1 34 this chapter. A homestead must be located in this state.
1 35 When a person is confined in a nursing home, extended-care



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House File 352 - Introduced continued

2 1 facility, or hospital, the person shall be considered as
2 2 occupying or living in the person's homestead if the person is
2 3 the owner of the homestead and the person maintains the
2 4 homestead and does not lease, rent, or otherwise receive
2 5 profits from other persons for the use of the homestead.

2 6 6. "Household", "household income", and "income" mean the
2 7 same as those terms are defined in section 425.17.

2 8 7. "Owned" means owned by an owner as defined in section
2 9 425.11.

2 10 Sec. 3. NEW SECTION. 425B.3 RIGHT TO FILE A CLAIM.

2 11 The right to file a claim for an assessed value adjustment
2 12 under this chapter may be exercised by the claimant or on
2 13 behalf of a claimant by the claimant's legal guardian, spouse,
2 14 or attorney, or by the executor or administrator of the
2 15 claimant's estate. If a claimant dies after having filed a
2 16 claim for adjustment, the amount of any adjustment shall be
2 17 made as if the claimant had not died.

2 18 Sec. 4. NEW SECTION. 425B.4 CLAIM FOR ADJUSTMENT.

2 19 1. Subject to the limitations provided in this chapter, a
2 20 claimant may annually claim an adjustment of the assessed
2 21 value of the claimant's homestead for the base assessment
2 22 year. The adjustment claim shall be filed with the county
2 23 assessor between January 1 and February 15 immediately
2 24 following the close of the base assessment year. However, in
2 25 case of sickness, absence, or other disability of the
2 26 claimant, or if in the judgment of the county assessor good
2 27 cause exists, the county assessor may extend the time for
2 28 filing a claim for adjustment through June 30 of the same
2 29 calendar year.

2 30 2. The county assessor shall notify the department of
2 31 revenue by March 1 of the number of claimants receiving
2 32 adjustments under this chapter and the total amount of the
2 33 reduced assessed values for the base assessment year.

2 34 Sec. 5. NEW SECTION. 425B.5 QUALIFICATION AND ADJUSTMENT

2 35 == MAXIMUM TAX DOLLARS LEVIED.



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3 1 1. If the household income qualification specified in
3 2 subsection 2 is met, the assessed value of the claimant's
3 3 homestead in the base assessment year shall be adjusted, but
3 4 not increased, to equal the assessed value, as such assessed
3 5 value may have been adjusted pursuant to this chapter, in the
3 6 assessment year preceding the base assessment year. If the
3 7 amount of property taxes levied against the adjusted
3 8 assessment exceed the amount of property taxes levied against
3 9 the property in the fiscal year for which taxes were first
3 10 levied against an adjusted assessment under this chapter, the
3 11 treasurer shall subtract the difference from the amount due.

3 12 2. A claimant is eligible for an adjustment to the
3 13 assessed value of the claimant's homestead if the claimant's
3 14 household income is twenty-five thousand dollars or less in
3 15 the base year.

3 16 Sec. 6. NEW SECTION. 425B.6 ADMINISTRATION.

3 17 The director of revenue shall make available suitable forms
3 18 for claiming an assessed value adjustment with instructions
3 19 for claimants. Each assessor and county treasurer shall make
3 20 available the forms and instructions. The claim shall be in a
3 21 form as the director may prescribe.

3 22 Sec. 7. NEW SECTION. 425B.7 PROOF OF CLAIM.

3 23 1. Every claimant shall give the department of revenue, in
3 24 support of the claim, reasonable proof of:

- 3 25 a. Age.
- 3 26 b. Changes of homestead.
- 3 27 c. Household membership.
- 3 28 d. Household income.
- 3 29 e. Size and nature of the property claimed as the
3 30 homestead.

3 31 2. The director of revenue may require any additional
3 32 proof necessary to support a claim.

3 33 Sec. 8. NEW SECTION. 425B.8 AUDIT == DENIAL.

3 34 If on the audit of a claim for adjustment under this
3 35 chapter, the director of revenue determines the claim is not



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4 1 allowable, the director shall notify the claimant of the
4 2 denial and the reasons for it. The director shall not deny a
4 3 claim after three years from October 31 of the year in which
4 4 the claim was filed. The director shall give notification to
4 5 the county assessor of the denial of the claim and the county
4 6 assessor shall instruct the county treasurer to proceed to
4 7 collect the tax that would have been levied on the applicable
4 8 adjusted assessed value in the same manner as other property
4 9 taxes due and payable are collected, if the property on which
4 10 the adjustment was granted is still owned by the claimant.

4 11 Sec. 9. NEW SECTION. 425B.9 WAIVER OF CONFIDENTIALITY.

4 12 1. A claimant shall expressly waive any right to
4 13 confidentiality relating to all income tax information
4 14 obtainable through the department of revenue, including all
4 15 information covered by sections 422.20 and 422.72. This
4 16 waiver shall apply to information available to the county
4 17 assessor who shall hold the information confidential except
4 18 that it may be used as evidence to disallow the assessed value
4 19 adjustment.

4 20 2. The department of revenue may release information
4 21 pertaining to a person's eligibility or claim for or receipt
4 22 of the assessed value adjustment to an employee of the
4 23 department of inspections and appeals in the employee's
4 24 official conduct of an audit or investigation.

4 25 Sec. 10. NEW SECTION. 425B.10 FALSE CLAIM == PENALTY.

4 26 A person who makes a false affidavit for the purpose of
4 27 obtaining an adjustment in assessed value provided for in this
4 28 chapter or who knowingly receives the adjustment without being
4 29 legally entitled to it or makes claim for the adjustment in
4 30 more than one county in the state without being legally
4 31 entitled to it is guilty of a fraudulent practice. The claim
4 32 for adjustment shall be disallowed in full and property tax
4 33 shall be levied on the disallowed adjustment at the rate that
4 34 would have been levied but for the adjustment. The director
4 35 of revenue shall send a notice of disallowance of the claim.



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House File 352 - Introduced continued

- 6 1 adjustments.
- 6 2 LSB 2018YH 83
- 6 3 md/sc/5



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House File 353 - Introduced

HOUSE FILE
BY MAY

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

A BILL FOR

1 An Act prohibiting the use of cellular telephones and other
2 wireless communication devices by certain persons operating a
3 motor vehicle under a provisional driver's license and
4 providing a penalty.
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
6 TL5B 2054HH 83
7 dea/nh/5



Iowa General Assembly
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House File 353 - Introduced continued

PAG LIN

1 1 Section 1. NEW SECTION. 321.180C CELL PHONE USE
1 2 RESTRICTED.
1 3 1. A person who has been issued a restricted driver's
1 4 license under section 321.178; an instruction permit or a
1 5 special instruction permit under section 321.180, 321.180A, or
1 6 321.180B; an intermediate driver's license under section
1 7 321.180B; or a special minor's license under section 321.194
1 8 shall not operate or use a cellular telephone or other
1 9 wireless communication device while operating a motor vehicle
1 10 on a highway.
1 11 2. a. This section does not apply when the motor vehicle
1 12 is at a complete stop off the roadway.
1 13 b. This section does not apply to the use of a cellular
1 14 telephone or other wireless communication device to call 911
1 15 or to contact law enforcement authorities or an emergency
1 16 response agency in an emergency situation.
1 17 3. A person who violates this section commits a simple
1 18 misdemeanor punishable as a scheduled violation under section
1 19 805.8A, subsection 4, paragraph "a".
1 20 Sec. 2. Section 805.8A, subsection 4, paragraph a, Code
1 21 2009, is amended to read as follows:
1 22 a. For violations under sections 321.174A, 321.180,
1 23 321.180B, 321.180C, 321.193, and 321.194, the scheduled fine
1 24 is thirty dollars.

1 25 EXPLANATION

1 26 This bill prohibits the use of a cellular telephone or
1 27 other wireless communication device by persons who are
1 28 provisionally licensed to drive. The restriction applies when
1 29 the motor vehicle is being operated on a highway, but not when
1 30 the vehicle is stopped off the roadway. The bill applies to
1 31 every person issued an instruction permit or a special
1 32 instruction permit and to every person under 18 years of age
1 33 issued an intermediate license, a restricted license for
1 34 driving to and from work, or a special minor's license.
1 35 The bill provides an exception for emergency situations



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House File 353 - Introduced continued

2 1 when a cellular telephone is used to call 911 or to contact
2 2 law enforcement authorities or an emergency response agency.
2 3 A violation of the bill, which is a violation of the terms
2 4 of the driver's license, is a simple misdemeanor punishable by
2 5 a scheduled fine of \$30. For a person under 18 years of age
2 6 who is in the graduated driver licensing program, a violation
2 7 would delay issuance of an intermediate license for six months
2 8 or a full driver's license for 12 months.
2 9 LSB 2054HH 83
2 10 dea/nh/5



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House File 354 - Introduced

HOUSE FILE
BY UPMEYER

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

A BILL FOR

- 1 An Act relating to reimbursement of nonparticipating providers
- 2 for eligible services provided to IowaCare program members.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 1187HH 83
- 5 pf/nh/24



Iowa General Assembly
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House File 354 - Introduced continued

PAG LIN

1 1 Section 1. NONPARTICIPATING PROVIDER == IOWACARE ==
1 2 REIMBURSEMENT FOR ELIGIBLE SERVICES PROVIDED TO A MEMBER.
1 3 Beginning July 1, 2010, the department of human services shall
1 4 include in any medical assistance program waiver relating to
1 5 the continuation of the IowaCare program pursuant to chapter
1 6 249J, provisions for reimbursement of eligible services
1 7 provided to an expansion population member by a
1 8 nonparticipating provider if the nonparticipating provider
1 9 does all of the following:
1 10 1. Contacts the appropriate participating provider prior
1 11 to providing eligible services to verify consensus regarding
1 12 one of the following courses of action:
1 13 a. If the nonparticipating provider and the participating
1 14 provider agree that the medical status of the expansion
1 15 population member indicates it is medically possible to
1 16 postpone provision of services, the nonparticipating provider
1 17 shall direct the expansion population member to the
1 18 appropriate participating provider for services.
1 19 b. If the nonparticipating provider and the participating
1 20 provider agree that the medical status of the expansion
1 21 population member indicates it is not medically possible to
1 22 postpone provision of services, the nonparticipating provider
1 23 shall provide medically necessary services.
1 24 2. Notwithstanding subsection 1, if the medical status of
1 25 the expansion population member indicates a medical emergency
1 26 and the nonparticipating provider is not able to contact the
1 27 appropriate participating provider prior to providing
1 28 medically necessary services, the nonparticipating provider
1 29 shall document the medical emergency and inform the
1 30 appropriate participating provider immediately after the
1 31 member has been stabilized of any eligible services provided.

1 32 EXPLANATION

1 33 This bill requires that in any Medicaid program waiver
1 34 relating to the continuation of the IowaCare program submitted
1 35 on or after July 1, 2010, the department of human services



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House File 354 - Introduced continued

2 1 must include provisions for reimbursement of eligible services
2 2 provided to an expansion population member by a
2 3 nonparticipating provider if the nonparticipating provider
2 4 complies with certain requirements. The requirements include
2 5 contacting the appropriate participating provider prior to
2 6 providing eligible services to verify consensus regarding
2 7 which provider should provide services to the member, based
2 8 upon the medical status of the member. If the member's
2 9 medical status indicates that provision of services may be
2 10 postponed, the nonparticipating provider shall direct the
2 11 member to the appropriate participating provider for services.
2 12 If the member's medical status indicates that it is not
2 13 medically possible to postpone provision of services to the
2 14 member, the nonparticipating provider shall provide medically
2 15 necessary services. If the medical status of the member
2 16 indicates a medical emergency and the nonparticipating
2 17 provider is not able to contact the appropriate participating
2 18 provider prior to providing medically necessary services, the
2 19 nonparticipating provider shall document the medical emergency
2 20 and inform the appropriate participating provider immediately
2 21 after the member has been stabilized of any eligible services
2 22 provided.
2 23 LSB 1187HH 83
2 24 pf/nh/24



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House File 355 - Introduced

HOUSE FILE
BY UPMEYER

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

A BILL FOR

1 An Act establishing standardized requirements and a consumer
2 guide for long-term care insurance policies and providing an
3 applicability date.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
5 TLSB 1378YH 83
6 av/nh/14



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House File 355 - Introduced continued

PAG LIN

1 1 Section 1. Section 514G.105, Code 2009, is amended by
1 2 adding the following new subsections:
1 3 NEW SUBSECTION. 5A. STANDARD PROVISIONS.
1 4 a. The commissioner shall adopt rules establishing
1 5 standard provisions for terms and benefits required to be
1 6 included in a long-term care insurance policy advertised,
1 7 marketed, offered, delivered, or issued for delivery in this
1 8 state. The rules shall establish a standard format for such
1 9 long-term care insurance policies to facilitate ease of
1 10 comparison of the various policies by consumers.
1 11 b. The commissioner shall review each policy of long-term
1 12 care insurance prior to the policy being advertised, marketed,
1 13 offered, delivered, or issued for delivery in this state to
1 14 ensure that the policy complies with the requirements of this
1 15 subsection and rules adopted pursuant to this subsection.
1 16 NEW SUBSECTION. 7A. CONSUMER GUIDE.
1 17 a. A consumer guide, as prescribed by the commissioner by
1 18 rule, shall be delivered to a prospective applicant for
1 19 long-term care insurance at the time of the initial
1 20 solicitation for coverage.
1 21 (1) In the case of producer solicitations, a producer
1 22 shall deliver the consumer guide to a prospective applicant
1 23 prior to the presentation of an application or enrollment
1 24 form.
1 25 (2) In the case of direct response solicitations, the
1 26 consumer guide shall be presented in conjunction with any
1 27 application or enrollment form.
1 28 (3) In the case of a policy issued to a group as described
1 29 in section 514G.103, subsection 9, paragraph "a", a consumer
1 30 guide is not required to be delivered to the applicant,
1 31 provided that the information described in paragraph "b" of
1 32 this subsection is contained in other enrollment materials
1 33 provided. Upon request such other enrollment materials shall
1 34 be made available to the commissioner.
1 35 b. The consumer guide shall include a description of the



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2 1 standard terms, benefits, and format required for a long-term
2 2 care insurance policy in this state. The commissioner of
2 3 insurance may by reference adopt or permit the use of the
2 4 long-term care insurance consumer guide developed by the
2 5 national association of insurance commissioners, the blue
2 6 cross and blue shield association, or the health insurance
2 7 association of America, provided that the consumer guide that
2 8 is adopted or permitted to be used by reference meets all of
2 9 the requirements of this subsection.

2 10 Sec. 2. APPLICABILITY. This Act applies to long-term care
2 11 insurance policies advertised, marketed, offered, delivered,
2 12 or issued for delivery in this state on or after July 1, 2009.

2 13 EXPLANATION

2 14 This bill requires the commissioner of insurance to adopt
2 15 rules establishing standard provisions for terms and benefits
2 16 required to be included in a long-term care insurance policy
2 17 advertised, marketed, offered, delivered, or issued for
2 18 delivery in this state. The rules must establish a standard
2 19 format for such policies so that consumers can easily compare
2 20 the various policies offered. The commissioner is required to
2 21 review each policy of long-term care insurance to ensure that
2 22 the policy complies with these requirements.

2 23 The bill also requires the commissioner to adopt rules
2 24 concerning a consumer guide to be delivered to prospective
2 25 applicants for long-term care insurance at the time of
2 26 solicitation, application, or enrollment. The guide must
2 27 include a description of the required standard terms,
2 28 benefits, and format in long-term care insurance policies in
2 29 this state. The commissioner may by reference adopt or permit
2 30 the use of a consumer guide developed by the national
2 31 association of insurance commissioners, the blue cross and
2 32 blue shield association, or the health insurance association
2 33 of America, so long as the guide meets all the requirements of
2 34 the bill.

2 35 The bill is applicable to long-term care insurance policies



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House File 355 - Introduced continued

- 3 1 advertised, marketed, offered, delivered, or issued for
- 3 2 delivery in this state on or after July 1, 2009.
- 3 3 LSB 1378YH 83
- 3 4 av/nh/14



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House File 356 - Introduced

HOUSE FILE
BY UPMEYER

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

A BILL FOR

- 1 An Act providing for the performance audits of state departments.
- 2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 3 TLSB 1762YH 83
- 4 ec/nh/24



Iowa General Assembly
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House File 356 - Introduced continued

PAG LIN

1 1 Section 1. Section 2.45, subsection 5, paragraph c, Code
1 2 2009, is amended to read as follows:

1 3 c. The committee shall implement a systematic process of
1 4 reviewing the reports required to be filed with the
1 5 legislative services agency pursuant to section 8F.4 and
1 6 section 11.2, subsection 3.

1 7 Sec. 2. Section 11.2, Code 2009, is amended by adding the
1 8 following new subsection:

1 9 NEW SUBSECTION. 3. a. In conjunction with the audit
1 10 required of departments under this section, the auditor of
1 11 state shall, on a schedule established by the auditor, conduct
1 12 a performance audit of departments on a regular basis.

1 13 b. A performance audit conducted pursuant to this
1 14 subsection shall, at a minimum, include consideration of the
1 15 following:

1 16 (1) Analysis of compliance with the department's strategic
1 17 and performance plan if established pursuant to the
1 18 accountable government Act as provided in chapter 8E.

1 19 (2) Analysis of departmental performance data, performance
1 20 measures, and self-assessment systems.

1 21 (3) Identification of any potential cost savings and
1 22 services that can be reduced, eliminated, or more economically
1 23 transferred to the private sector.

1 24 (4) An analysis of the programs and services provided by
1 25 the department and an identification of whether any gaps in
1 26 service or duplication of services and programs exists.

1 27 (5) Feasibility of pooling information technology systems
1 28 within the department.

1 29 (6) Analysis of the roles and functions of the department,
1 30 and recommendations to change or eliminate departmental roles
1 31 or functions.

1 32 (7) Consideration of statutory, regulatory, or other
1 33 remedial changes that may be necessary for the department to
1 34 properly carry out its functions and implement best practices
1 35 in performing the duties of the department.



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House File 356 - Introduced continued

2 1 c. Upon completion of the performance audit, the auditor
2 2 of state shall make the report available to the public and a
2 3 copy shall be filed with the audited department and the
2 4 legislative services agency.

2 5 EXPLANATION

2 6 This bill provides authority to the auditor of state to
2 7 conduct performance audits of state departments.
2 8 The bill provides that the auditor shall, in conjunction
2 9 with an annual audit of a state department, conduct a
2 10 performance audit of that department, on a schedule
2 11 established by the auditor, on a regular basis. The
2 12 performance audit shall include an analysis of a department's
2 13 compliance with the accountable government Act and any
2 14 performance measures established for the department,
2 15 identification of any potential cost savings, identification
2 16 of services that can be reduced, eliminated, or transferred to
2 17 the private sector, whether any gaps in service or duplication
2 18 of services and programs exists, the feasibility of pooling
2 19 information technology systems, an analysis of the roles and
2 20 functions of the department, and any recommendations to change
2 21 or eliminate departmental roles or functions, and
2 22 consideration of statutory, regulatory, or other remedial
2 23 changes that may be necessary. Upon completion of the
2 24 performance audit, the auditor of state shall make the report
2 25 available to the public and a copy shall be filed with the
2 26 audited department and the legislative services agency. The
2 27 bill also requires the legislative oversight committee to
2 28 implement a systematic process of reviewing the reports
2 29 required to be filed with the legislative services agency.
2 30 LSB 1762YH 83
2 31 ec/nh/24



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House File 357 - Introduced

HOUSE FILE
BY KAUFMANN

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

A BILL FOR

- 1 An Act relating to preschool support provided through school
- 2 ready children grants under the community empowerment
- 3 initiative.
- 4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 5 TLSB 1336YH 83
- 6 jp/nh/5



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House File 357 - Introduced continued

PAG LIN

1 1 Section 1. Section 28.8, subsection 3, paragraph a, Code
1 2 2009, is amended to read as follows:
1 3 a. Preschool services provided on a voluntary basis to
1 4 children deemed at risk of not succeeding in elementary school
1 5 as determined by the community board and specified in the
1 6 grant plan developed in accordance with this section. If
1 7 funding provided through the school ready children grants
1 8 account of the Iowa empowerment fund is designated for
1 9 assisting low-income parents or families with preschool
1 10 tuition, the funding may also be used to address needs for
1 11 resources other than preschool services for children in
1 12 families that have significant challenges or needs that impair
1 13 the children's school readiness or ability to benefit from
1 14 preschool, regardless of income eligibility. These challenges
1 15 or needs apply to children newborn through five years of age
1 16 and include but are not limited to acclimatization to the
1 17 community or society, specialized language support, physical
1 18 or mental disability, and sign language or other specialized
1 19 communication or difficulty with communication.

1 20

EXPLANATION

1 21 This bill relates to preschool support provided through
1 22 school ready children grants under the community empowerment
1 23 initiative by amending Code section 28.8, relating to
1 24 requirements for the grant program.

1 25 The bill provides that if funding provided through the
1 26 grants account is designated for assisting low-income parents
1 27 or families with preschool tuition, the funding may also be
1 28 used to address needs for resources other than preschool
1 29 services for children in families that have significant
1 30 challenges or needs that impair the children's school
1 31 readiness or ability to benefit from preschool, regardless of
1 32 income eligibility. The eligible challenges and needs apply
1 33 to children from birth through age five and include but are
1 34 not limited to acclimatization to the community or society,
1 35 specialized language support, physical or mental disability,



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- 2 1 and sign language or other specialized communication or
- 2 2 difficulty with communication.
- 2 3 LSB 1336YH 83
- 2 4 jp/nh/5



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House File 358 - Introduced

HOUSE FILE
BY KAUFMANN and WAGNER

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

A BILL FOR

- 1 An Act relating to equal treatment of bars and gaming floors
- 2 under the smokefree air Act.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 2160YH 83
- 5 pf/rj/14



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House File 358 - Introduced continued

PAG LIN

1 1 Section 1. Section 142D.4, subsection 10, Code 2009, is
1 2 amended by striking the subsection and inserting in lieu
1 3 thereof the following:

1 4 10. Both of the following as long as any prohibition
1 5 against smoking or exemption from the prohibition against
1 6 smoking under this chapter applies equally to both of the
1 7 locations specified:

1 8 a. Only the gaming floor of a premises licensed pursuant
1 9 to chapter 99F exclusive of any restaurant located within the
1 10 gaming floor which is an enclosed area and subject to the
1 11 prohibitions of section 142D.3.

1 12 b. Bars.

1 13 EXPLANATION

1 14 This bill relates to exemptions under the smokefree air Act
1 15 (Code chapter 142D). Under current law, gaming floors, not
1 16 including any enclosed bar or restaurant on the gaming floors,
1 17 are exempt from the prohibition against smoking. Under
1 18 current law, bars are subject to the prohibition against
1 19 smoking. Under the bill, bars are exempt from the
1 20 prohibitions against smoking with the caveat that any
1 21 prohibition against smoking or exemption from the prohibition
1 22 against smoking under the Act applies equally to both gaming
1 23 floors and bars. The bill also makes a conforming change to
1 24 the existing exemption for gaming floors consistent with the
1 25 exemption for bars under the bill.

1 26 LSB 2160YH 83

1 27 pf/rj/14.2



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House File 359 - Introduced

HOUSE FILE
BY WENTHE

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

A BILL FOR

- 1 An Act relating to the rights and remedies of an employee injured
- 2 in an aircraft accident against an employer.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 1141YH 83
- 5 av/nh/8



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House File 359 - Introduced continued

PAG LIN

1 1 Section 1. Section 85.20, subsection 1, Code 2009, is
1 2 amended to read as follows:
1 3 1. Against the employee's employer. However, this
1 4 limitation does not apply to a personal injury sustained by an
1 5 employee during transportation by air provided by the
1 6 employee's employer for purposes related to the employee's
1 7 employment if such injury arises out of and in the course of
1 8 the employment and the employer does not ensure that such
1 9 transportation is provided via a properly maintained aircraft
1 10 by properly licensed pilots and other required licensed
1 11 aircraft personnel. Under such circumstances it shall be
1 12 presumed that the injury to the employee was the direct result
1 13 and growing out of the negligence of the employer and that the
1 14 negligence was the proximate cause of the injury. The burden
1 15 of proof shall rest upon the employer to rebut the presumption
1 16 of negligence and the employer shall not be permitted to plead
1 17 or rely upon any defense of the common law, including the
1 18 defenses of contributory negligence and assumption of risk.

1 19

EXPLANATION

1 20 This bill provides that the rights and remedies provided by
1 21 the state's workers' compensation laws are not the exclusive
1 22 remedy of an employee who is injured during air transportation
1 23 provided by the employee's employer for purposes related to
1 24 the employee's employment if the injury arises out of and in
1 25 the course of the employment and the employer has not ensured
1 26 that the transportation is provided via a properly maintained
1 27 aircraft by properly licensed pilots and other required
1 28 licensed aircraft personnel. Under such circumstances it is
1 29 presumed that the injury to the employee was the direct result
1 30 and growing out of the negligence of the employer and that the
1 31 negligence was the proximate cause of the injury. The burden
1 32 of proof rests upon the employer to rebut the presumption of
1 33 negligence and the employer is not permitted to plead or rely
1 34 upon any defense of the common law, including the defense of
1 35 contributory negligence and assumption of risk.



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House File 359 - Introduced continued

2 1 LSB 1141YH 83
2 2 av/nh/8



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House File 360 - Introduced

HOUSE FILE
BY UPMEYER

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

A BILL FOR

- 1 An Act relating to repayment of support to an obligor following
- 2 disestablishment of paternity.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 2147YH 83
- 5 pf/nh/24



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House File 360 - Introduced continued

PAG LIN

1 1 Section 1. Section 600B.41A, subsection 4, Code 2009, is
1 2 amended by adding the following new paragraph:
1 3 NEW PARAGRAPH. c. That any support paid from the date the
1 4 action to overcome paternity is filed by the established
1 5 father who is determined not to be the biological father shall
1 6 be refunded to the established father.

1 7 EXPLANATION

1 8 This bill provides that following an action to overcome
1 9 paternity, if the court finds that the establishment of
1 10 paternity is overcome, the order is to include a provision
1 11 that any support paid from the date the action to overcome
1 12 paternity is filed by the established father who is determined
1 13 not to be the biological father shall be refunded to the
1 14 established father.

1 15 LSB 2147YH 83

1 16 pf/nh/24



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House File 361 - Introduced

HOUSE FILE
 BY MAY, WINDSCHITL, and
 THOMAS

(COMPANION TO LSB 2113SS BY
 JOHNSON)

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

A BILL FOR

1 An Act relating to the civil liability of a physician acting as a
 2 volunteer emergency medical services director for acts or
 3 omissions occurring in the performance of the director's
 4 volunteer duties.
 5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
 6 TLSB 2113HH 83
 7 rh/rj/14



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House File 361 - Introduced continued

PAG LIN

1 1 Section 1. Section 613.17, Code 2009, is amended by adding
1 2 the following new subsection:

1 3 NEW SUBSECTION. 3. A licensed physician acting as a
1 4 volunteer emergency medical services director shall not be
1 5 liable for any civil damages for acts or omissions occurring
1 6 in the performance of the director's volunteer duties unless
1 7 such acts or omissions constitute recklessness or willful and
1 8 wanton misconduct.

1 9 EXPLANATION

1 10 The bill provides that a licensed physician acting as a
1 11 volunteer emergency medical services director shall not be
1 12 liable for any civil damages for acts or omissions occurring
1 13 in the performance of the director's volunteer duties unless
1 14 such acts or omissions constitute recklessness or willful and
1 15 wanton misconduct.

1 16 LSB 2113HH 83

1 17 rh/rj/14



Iowa General Assembly
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House File 362 - Introduced

HOUSE FILE

BY SANDS, WINDSCHITL, HEATON,
PETTENGILL, SORENSON, HELLAND,
S. OLSON, FORRISTALL, HORBACH,
DE BOEF, WATTS, SCHULTZ, and
HUSEMAN

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

Passed Senate, Date _____
Vote: Ayes _____ Nays _____

A BILL FOR

- 1 An Act relating to smoking prohibitions, providing penalties, and
- 2 providing a repeal.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 1957YH 83
- 5 pf/rj/5



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House File 362 - Introduced continued

PAG LIN

1 1 Section 1. NEW SECTION. 142B.1 DEFINITIONS.
1 2 As used in this chapter, unless the context otherwise
1 3 requires:
1 4 1. "Bar" means an establishment or portion of an
1 5 establishment where one can purchase and consume alcoholic
1 6 beverages as defined in section 123.3, subsection 4, but
1 7 excluding any establishment or portion of the establishment
1 8 having table and seating facilities for serving of meals to
1 9 more than fifty people at one time and where, in consideration
1 10 of payment, meals are served at tables to the public.
1 11 2. "Public meeting" means a gathering in person of the
1 12 members of a governmental body, whether an open or a closed
1 13 session under chapter 21.
1 14 3. "Public place" means any enclosed indoor area used by
1 15 the general public or serving as a place of work containing
1 16 two hundred fifty or more square feet of floor space,
1 17 including but not limited to all restaurants with a seating
1 18 capacity greater than fifty, all retail stores, lobbies and
1 19 malls, offices, including waiting rooms, and other commercial
1 20 establishments; public conveyances with departures, travel,
1 21 and destination entirely within this state; educational
1 22 facilities; hospitals, clinics, nursing homes, and other
1 23 health care and medical facilities; and auditoriums,
1 24 elevators, theaters, libraries, art museums, concert halls,
1 25 indoor arenas, and meeting rooms. "Public place" does not
1 26 include a retail store at which fifty percent or more of the
1 27 sales result from the sale of tobacco or tobacco products, the
1 28 portion of a retail store where tobacco or tobacco products
1 29 are sold, a private, enclosed office occupied exclusively by
1 30 smokers even though the office may be visited by nonsmokers, a
1 31 room used primarily as the residence of students or other
1 32 persons at an educational facility, a sleeping room in a motel
1 33 or hotel, or each resident's room in a health care facility.
1 34 The person in custody or control of the facility shall provide
1 35 a sufficient number of rooms in which smoking is not permitted



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2 1 to accommodate all persons who desire such rooms.
2 2 4. "Smoking" means the carrying of or control over a
2 3 lighted cigar, cigarette, pipe, or other lighted smoking
2 4 equipment.
2 5 Sec. 2. NEW SECTION. 142B.2 PROHIBITION.
2 6 1. A person shall not smoke in a public place or in a
2 7 public meeting except in a designated smoking area. This
2 8 prohibition does not apply in cases in which an entire room or
2 9 hall is used for a private social function and seating
2 10 arrangements are under the control of the sponsor of the
2 11 function and not of the proprietor or person in charge of the
2 12 place. This prohibition does not apply to factories,
2 13 warehouses, and similar places of work not usually frequented
2 14 by the general public, except that an employee cafeteria in
2 15 such place of work shall have a designated nonsmoking area.
2 16 2. Smoking areas may be designated by persons having
2 17 custody or control of public places, except in places in which
2 18 smoking is prohibited by the fire marshal or by other law,
2 19 ordinance, or regulation.
2 20 3. a. Where smoking areas are designated, existing
2 21 physical barriers and existing ventilation systems shall be
2 22 used to minimize the toxic effect of smoke in adjacent
2 23 nonsmoking areas. In the case of public places consisting of
2 24 a single room, the provisions of this law shall be considered
2 25 met if one side of the room is reserved and posted as a
2 26 no-smoking area. No public place other than a bar shall be
2 27 designated as a smoking area in its entirety. If a bar has
2 28 within its premises a nonsmoking area, this designation shall
2 29 be posted on all entrances normally used by the public.
2 30 b. If the public place is subject to any state inspection
2 31 process or under contract with the state, the person
2 32 performing the inspection shall check for compliance with the
2 33 posting requirement.
2 34 c. A facility inspected by the department of inspections
2 35 and appeals shall be inspected by the department for



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House File 362 - Introduced continued

3 1 compliance with sections 142B.3 and 142B.4.
3 2 4. Notwithstanding subsection 1, smoking is prohibited on
3 3 elevators.
3 4 Sec. 3. NEW SECTION. 142B.3 RESPONSIBILITIES OF
3 5 PROPRIETORS.
3 6 The person having custody or control of a public place or
3 7 public meeting shall make reasonable efforts to prevent
3 8 smoking in the public place or public meeting by posting
3 9 appropriate signs indicating no=smoking or smoking areas and
3 10 arranging seating accordingly.
3 11 Sec. 4. NEW SECTION. 142B.4 AREAS POSTED.
3 12 A person having custody or control of a public place or
3 13 public meeting shall cause signs to be posted within the
3 14 appropriate areas of the facility advising patrons of smoking
3 15 and no=smoking areas. In addition the statement "Smoking
3 16 prohibited except in designated areas" shall be conspicuously
3 17 posted on all major entrances to the public place or public
3 18 meeting.
3 19 Sec. 5. NEW SECTION. 142B.5 CIVIL PENALTY FOR VIOLATION
3 20 == UNIFORM APPLICATION.
3 21 1. A person who smokes in those areas prohibited in
3 22 section 142B.2, or who violates section 142B.4, shall pay a
3 23 civil fine pursuant to section 805.8C, subsection 3, paragraph
3 24 "a", for each violation.
3 25 2. Judicial magistrates shall hear and determine
3 26 violations of this chapter. The civil penalties paid pursuant
3 27 to this chapter shall be deposited in the county treasury.
3 28 3. Enforcement of this chapter shall be implemented in an
3 29 equitable manner throughout the state. For the purpose of
3 30 equitable and uniform implementation, application, and
3 31 enforcement of state and local laws and regulations, the
3 32 provisions of this chapter shall supersede any local law or
3 33 regulation which is inconsistent with or conflicts with the
3 34 provisions of this chapter.
3 35 Sec. 6. Section 237A.3A, Code 2009, is amended by adding



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4 1 the following new subsection:

4 2 NEW SUBSECTION. 5. Smoking, as defined in section 142B.1,
4 3 shall not be permitted during a child development home's hours
4 4 of operation in an area of the child development home which
4 5 may be used by the children receiving child care.

4 6 Sec. 7. Section 331.427, subsection 1, unnumbered
4 7 paragraph 1, Code 2009, is amended to read as follows:

4 8 Except as otherwise provided by state law, county revenues
4 9 from taxes and other sources for general county services shall
4 10 be credited to the general fund of the county, including
4 11 revenues received under sections 9I.11, 101A.3, 101A.7,
4 12 123.36, 123.143, ~~142D.9~~ 142B.5, 176A.8, 321.105, 321.152,
4 13 321G.7, 321I.8, section 331.554, subsection 6, sections
4 14 341A.20, 364.3, 368.21, 423A.7, 428A.8, 433.15, 434.19,
4 15 445.57, 453A.35, 458A.21, 483A.12, 533.329, 556B.1, 583.6,
4 16 602.8108, 904.908, and 906.17, and the following:

4 17 Sec. 8. Section 805.8C, subsection 3, paragraph a, Code
4 18 2009, is amended to read as follows:

4 19 a. For violations described in section ~~142D.9~~ 142B.5,
4 20 subsection 1, the scheduled fine is ~~fifty~~ twenty-five dollars,
4 21 and is a civil penalty, and the criminal penalty surcharge
4 22 under section 911.1 shall not be added to the penalty, and the
4 23 court costs pursuant to section 805.9, subsection 6, shall not
4 24 be imposed. If the civil penalty assessed for a violation
4 25 described in section ~~142D.9~~ 142B.5, subsection 1, is not paid
4 26 in a timely manner, a citation shall be issued for the
4 27 violation in the manner provided in section 804.1. However, a
4 28 person under age eighteen shall not be detained in a secure
4 29 facility for failure to pay the civil penalty. The
4 30 complainant shall not be charged a filing fee.

4 31 Sec. 9. Chapter 142D, Code 2009, is repealed.

4 32 Sec. 10. Section 237A.3B, Code 2009, is repealed.

4 33 EXPLANATION

4 34 This bill repeals the "Smokefree Air Act", Code chapter
4 35 142D, and instead reenacts smoking prohibition provisions that



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5 1 were in effect until the enactment of the "Smokefree Air Act".
5 2 The bill provides for prohibition of smoking in designated
5 3 areas, requires posting of signs to mark smoking and
5 4 no=smoking areas, provides civil penalties, and requires
5 5 enforcement of the provisions to be implemented in an
5 6 equitable manner throughout the state.
5 7 LSB 1957YH 83
5 8 pf/rj/5



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House File 363 - Introduced

HOUSE FILE
BY DE BOEF and WATTS

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

A BILL FOR

- 1 An Act concerning rules relating to copayments and other
- 2 information regarding services provided to medical assistance
- 3 recipients.
- 4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 5 TLSB 2212YH 83
- 6 pf/nh/8



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1 1 Section 1. ADMINISTRATIVE RULES == COPAYMENTS FOR CERTAIN
1 2 SERVICES PROVIDED UNDER THE MEDICAL ASSISTANCE PROGRAM. The
1 3 department of human services shall adopt or amend rules under
1 4 the medical assistance program to provide for all of the
1 5 following:

1 6 1. A copayment charge shall not be applicable for a
1 7 recipient of care as an inpatient at a hospital, nursing
1 8 facility, state mental health institute, or other medical
1 9 institution if the person is required, as a condition of
1 10 receiving services in the hospital, facility, or institution,
1 11 to spend for costs of necessary medical care all but a minimal
1 12 amount of income for personal needs.

1 13 2. A copayment charge of five dollars shall be applicable
1 14 for all covered services rendered in a hospital emergency room
1 15 if the medical condition does not result in an inpatient
1 16 admission to the hospital at the time of the emergency room
1 17 visit or at a subsequent time.

1 18 3. The eligibility card of any recipient of medical
1 19 assistance twenty-one years of age or older shall include a
1 20 statement regarding the copayment charge for office visits and
1 21 emergency room visits.

1 22 4. Any Medipass program card shall include a statement
1 23 informing the recipient that the recipient must see the doctor
1 24 whose name is printed on the card or receive a referral from
1 25 such doctor in order to receive coverage for nonemergent
1 26 medical services.

1 27 EXPLANATION

1 28 This bill directs the department of human services to adopt
1 29 or amend rules for the medical assistance program to provide
1 30 for all of the following:

1 31 1. That a copayment charge shall not be applicable for a
1 32 recipient of care as an inpatient at a hospital, nursing
1 33 facility, state mental health institute, or other medical
1 34 institution if the person is required, as a condition of
1 35 receiving services in the hospital, facility, or institution,



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2 1 to spend for costs of necessary medical care all but a minimal
2 2 amount of income for personal needs. Current rules provide
2 3 that a copayment does not apply to such care in such
2 4 facilities, but does not specify that the copayment is only
2 5 not applicable to care provided to an individual as an
2 6 inpatient.

2 7 2. A copayment charge of \$5 for all covered services
2 8 rendered in a hospital emergency room if the medical condition
2 9 does not result in an inpatient admission to the hospital at
2 10 the time of the emergency room visit or at a subsequent time.
2 11 Current rules provide that copayment charges are not
2 12 applicable for emergency services.

2 13 3. The eligibility card of any recipient of medical
2 14 assistance 21 years of age or older is to include a statement
2 15 of the copayment charge for office visits and emergency room
2 16 visits.

2 17 4. A Medipass program card is to include a statement
2 18 informing the recipient that the recipient must see the doctor
2 19 whose name is printed on the card or receive a referral from
2 20 such doctor in order to receive coverage for nonemergent
2 21 medical services.

2 22 LSB 2212YH 83

2 23 pf/nh/8



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HOUSE FILE
BY COMMITTEE ON EDUCATION

(SUCCESSOR TO HF 186)

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

A BILL FOR

1 An Act transferring the authority to register postsecondary
2 schools from the secretary of state to the college student aid
3 commission and providing for related matters, and making
4 penalties applicable.
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
6 TLSB 1860HV 83
7 kh/nh/14



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1 1 Section 1. Section 261.2, subsection 7, unnumbered
1 2 paragraph 1, Code 2009, is amended to read as follows:
1 3 Adopt rules to establish reasonable registration standards
1 4 for the approval, pursuant to section 261B.3A, of
1 5 postsecondary schools that are required to register with the
1 6 ~~secretary of state~~ commission in order to operate in this
1 7 state. The registration standards established by the
1 8 commission shall ensure that all of the following conditions
1 9 are satisfied:
1 10 Sec. 2. Section 261.2, subsection 8, Code 2009, is amended
1 11 by striking the subsection.
1 12 Sec. 3. Section 261B.2, Code 2009, is amended by adding
1 13 the following new subsection:
1 14 NEW SUBSECTION. 0A. "Commission" means the college
1 15 student aid commission created pursuant to section 261.1.
1 16 Sec. 4. Section 261B.2, subsection 4, Code 2009, is
1 17 amended by striking the subsection.
1 18 Sec. 5. Section 261B.3, Code 2009, is amended to read as
1 19 follows:
1 20 261B.3 REGISTRATION.
1 21 1. ~~A~~ Except as provided in section 261B.11, a school that
1 22 maintains or conducts one or more courses of instruction,
1 23 including courses of instruction by correspondence or other
1 24 distance delivery method, offered in this state or which has a
1 25 presence in this state and offers courses in other states or
1 26 foreign countries shall register with the ~~secretary~~
1 27 commission. Registrations shall be renewed every four years
1 28 or upon any substantive change in ~~program offerings,~~ location,
1 29 or accreditation. Registration shall be made on application
1 30 forms approved and supplied by the ~~secretary~~ commission and at
1 31 the time and in the manner prescribed by the ~~secretary~~
1 32 commission. Upon receipt of a complete and accurate
1 33 registration application, the ~~secretary~~ commission shall issue
1 34 an acknowledgment of document filed and send it to the school.
1 35 2. The ~~secretary~~ commission may request additional



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2 1 information as necessary to enable the ~~secretary~~ commission to
2 2 determine the accuracy and completeness of the information
2 3 contained in the registration application. If the ~~secretary~~
2 4 commission believes that false, misleading, or incomplete
2 5 information has been submitted in connection with an
2 6 application for registration, the ~~secretary~~ commission may
2 7 deny registration. The ~~secretary~~ commission shall conduct a
2 8 hearing on the denial if a hearing is requested by a school.
2 9 The ~~secretary~~ commission may withhold an acknowledgment of
2 10 document filed pending the outcome of the hearing. Upon a
2 11 finding after the hearing that information contained in the
2 12 registration application is false, misleading, or incomplete,
2 13 the ~~secretary~~ commission shall deny an acknowledgment of
2 14 document filed to the school. The ~~secretary~~ commission shall
2 15 make the final decision on each registration. However, the
2 16 decision of the ~~secretary~~ commission is subject to judicial
2 17 review in accordance with section 17A.19.

2 18 3. The ~~secretary~~ commission shall adopt rules under
2 19 chapter 17A for the implementation of this chapter.

2 20 Sec. 6. Section 261B.3A, Code 2009, is amended to read as
2 21 follows:

2 22 261B.3A REQUIREMENTS.

2 23 1. In order to register, a school shall be accredited by
2 24 an agency or organization approved or recognized by the United
2 25 States department of education or a successor agency, be
2 26 approved by any other state agency authorized to approve the
2 27 school in this state, and, ~~except as provided in subsection 2~~
2 28 subsequently, be approved for operation by the ~~college student~~
2 29 aid commission.

2 30 2. A practitioner preparation program ~~that is~~ operated by
2 31 a school that applies to register the program in accordance
2 32 with this chapter shall, in order to register, be accredited
2 33 by an agency or organization approved or recognized by the
2 34 United States department of education or a successor agency
2 35 ~~and, in addition,~~ be approved by the state board of education



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3 1 pursuant to section 256.7, subsection 3, and, subsequently, be
3 2 approved for operation by the commission.

3 3 3. Nothing in this chapter shall be construed to exempt a
3 4 school from the requirements of chapter 490 or 491.

3 5 Sec. 7. Section 261B.4, unnumbered paragraph 1, Code 2009,
3 6 is amended to read as follows:

3 7 As a basis for registration, schools shall provide the
3 8 ~~secretary~~ commission with the following information:

3 9 Sec. 8. Section 261B.5, Code 2009, is amended to read as
3 10 follows:

3 11 261B.5 CHANGES.

3 12 If any information provided to the ~~secretary~~ commission
3 13 under section 261B.3 or 261B.4 changes, the school shall
3 14 inform the ~~secretary~~ commission within ninety days of the
3 15 effective date of the ~~change on forms prescribed and furnished~~
3 16 in the format specified by the ~~secretary~~ commission.

3 17 Sec. 9. Section 261B.6, Code 2009, is amended to read as
3 18 follows:

3 19 261B.6 LIST OF SCHOOLS.

3 20 The ~~secretary~~ commission shall maintain a list of
3 21 registered schools and the list and the information submitted
3 22 under sections 261B.3 and 261B.4 are public records under
3 23 chapter 22.

3 24 Sec. 10. Section 261B.7, Code 2009, is amended to read as
3 25 follows:

3 26 261B.7 UNAUTHORIZED REPRESENTATION.

3 27 Neither a school nor its officials or employees shall
3 28 advertise or represent that the school is approved or
3 29 accredited by the ~~secretary~~ commission or the state of Iowa
3 30 nor shall it use the registration as a reference in
3 31 promotional materials.

3 32 Sec. 11. Section 261B.8, subsection 1, Code 2009, is
3 33 amended to read as follows:

3 34 1. The ~~secretary~~ commission shall set by rule and collect
3 35 a nonrefundable initial registration fee and a renewal of



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4 1 registration fee from each registered school.
4 2 Sec. 12. Section 261B.10, Code 2009, is amended by
4 3 striking the section and inserting in lieu thereof the
4 4 following:
4 5 261B.10 ADVISORY COMMITTEE.
4 6 1. The commission shall establish an advisory committee on
4 7 postsecondary registration to review and make recommendations
4 8 relating to applications from schools required to register
4 9 pursuant to this chapter. The commission shall adopt rules
4 10 establishing the policies and procedures of the advisory
4 11 committee. Meetings of the advisory committee are subject to
4 12 the requirements of chapter 21.
4 13 2. The members of the advisory committee on postsecondary
4 14 registration shall include one representative from the
4 15 commission and one representative from each of the following:
4 16 a. The state board of regents.
4 17 b. The department of education.
4 18 c. The office of the attorney general.
4 19 d. A community college located in this state.
4 20 e. A not-for-profit accredited private institution as
4 21 defined in section 261.9, incorporated or otherwise organized
4 22 under the laws of this state.
4 23 f. A for-profit accredited private institution as defined
4 24 in section 261.9, subsection 1, incorporated or otherwise
4 25 organized under the laws of this state.
4 26 Sec. 13. Section 261B.11, subsections 8 and 9, Code 2009,
4 27 are amended to read as follows:
4 28 8. Schools and educational programs conducted by religious
4 29 organizations solely for the religious instruction of ~~members~~
4 30 leadership practitioners of that religious organization.
4 31 9. Postsecondary educational institutions licensed by the
4 32 state of Iowa prior to July 1, 2009, to conduct business in
4 33 the state.
4 34 Sec. 14. Section 261B.12, Code 2009, is amended to read as
4 35 follows:



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5 1 261B.12 ENFORCEMENT.

5 2 1. When the ~~secretary~~ commission or the ~~secretary's~~
5 3 commission's designee believes a school is in violation of
5 4 this chapter, the ~~secretary~~ commission shall order the school
5 5 to show cause why the ~~secretary~~ commission should not issue a
5 6 cease and desist order to the school.

5 7 2. After the school's response to the show cause order has
5 8 been reviewed by the ~~secretary~~ commission, the ~~secretary~~
5 9 commission may issue a cease and desist order to the school if
5 10 the ~~secretary~~ commission believes the school continues to be
5 11 in violation of this chapter. If the school does not cease
5 12 and desist, the ~~secretary~~ commission may seek judicial
5 13 enforcement of the cease and desist order in any district
5 14 court.

5 15 Sec. 15. Section 714.18, Code 2009, is amended to read as
5 16 follows:

5 17 714.18 EVIDENCE OF FINANCIAL RESPONSIBILITY.

5 18 1. Except as otherwise provided in subsection 4 2, every
5 19 person, firm, association, or corporation maintaining or
5 20 conducting in Iowa any such course of instruction, by
5 21 classroom instruction or by correspondence, or other distance
5 22 delivery method, or soliciting in Iowa the sale of such
5 23 course, shall file with the ~~secretary of state~~ college student
5 24 aid commission the following:

5 25 1. a. A continuous corporate surety bond to the state of
5 26 Iowa in the sum of fifty thousand dollars conditioned for the
5 27 faithful performance of all contracts and agreements with
5 28 students made by such person, firm, association, or
5 29 corporation, or their salespersons; but the aggregate
5 30 liability of the surety for all breaches of the conditions of
5 31 the bond shall not exceed the sum of the bond. The surety on
5 32 the bond may cancel the bond upon giving thirty days' written
5 33 notice to the ~~secretary of state~~ college student aid
5 34 commission and thereafter shall be relieved of liability for
5 35 any breach of condition occurring after the effective date of



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6 1 the cancellation.

6 2 2. b. A statement designating a resident agent for the
6 3 purpose of receiving service in civil actions. In the absence
6 4 of such designation, service may be had upon the secretary of
6 5 state if service cannot otherwise be made in this state.

6 6 3. c. A copy of any catalog, prospectus, brochure, or
6 7 other advertising material intended for distribution in Iowa.
6 8 Such material shall state the cost of the course offered, the
6 9 schedule of refunds for portions of the course not completed,
6 10 and if no refunds are to be paid, the material shall so state.
6 11 Any contract induced by advertising materials not previously
6 12 filed as provided in this chapter shall be voidable on the
6 13 part of the pupil or any person liable for the tuition
6 14 provided for in the contract.

6 15 4. 2. A school licensed under the provisions of section
6 16 157.8 or 158.7 shall file with the ~~secretary of state~~ college
6 17 student aid commission the following:

6 18 a. (1) A continuous corporate surety bond to the state of
6 19 Iowa in the sum of fifty thousand dollars or ten percent of
6 20 the total annual tuition collected, whichever is less,
6 21 conditioned for the faithful performance of all contracts and
6 22 agreements with students made by such school. A school
6 23 desiring to file a surety bond based on a percentage of annual
6 24 tuition shall provide to the ~~secretary of state~~ college
6 25 student aid commission, in the form prescribed by the
6 26 ~~secretary commission~~, a notarized statement attesting to the
6 27 total amount of tuition collected in the preceding
6 28 twelve-month period. The ~~secretary commission~~ shall determine
6 29 the sufficiency of the statement and the amount of the bond.
6 30 Tuition information submitted pursuant to this ~~paragraph~~
6 31 subparagraph shall be kept confidential.

6 32 (2) If the school has filed a performance bond with an
6 33 agency of the United States government pursuant to federal
6 34 law, the ~~secretary of state~~ college student aid commission
6 35 shall reduce the bond required by this paragraph "a" by an



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7 1 amount equal to the amount of the federal bond.
7 2 (3) The aggregate liability of the surety for all breaches
7 3 of the conditions of the bond shall not exceed the sum of the
7 4 bond. The surety on the bond may cancel the bond upon giving
7 5 thirty days' written notice to the ~~secretary of state college~~
7 6 student aid commission and thereafter shall be relieved of
7 7 liability for any breach of condition occurring after the
7 8 effective date of the cancellation.

7 9 (4) The ~~secretary of state college student aid commission~~
7 10 may accept a letter of credit from a bank in lieu of the
7 11 corporate surety bond required by this paragraph "a".

7 12 b. The statement required in subsection ~~2~~ 1, paragraph
7 13 "b".

7 14 c. The materials required in subsection ~~3~~ 1, paragraph
7 15 "c".

7 16 Sec. 16. NEW SECTION. 714.21A CIVIL ENFORCEMENT.

7 17 A violation of chapter 261B, or section 714.17, 714.18, or
7 18 714.20 constitutes an unlawful practice pursuant to section
7 19 714.16.

7 20 Sec. 17. Section 714.22, subsections 1 and 2, Code 2009,
7 21 are amended to read as follows:

7 22 1. File a bond or a bond is filed on their behalf by a
7 23 parent corporation with the ~~secretary of state college student~~
7 24 aid commission as required by section 714.18.

7 25 2. File an annual sworn statement, or such statement is
7 26 filed on their behalf by a parent corporation, certified by a
7 27 certified public accountant, showing all assets and
7 28 liabilities of the trade or vocational school and the assets
7 29 of any parent corporation. The statement shall show the trade
7 30 or vocational school's net worth, or the net worth of the
7 31 parent corporation, to be not less than five times the amount
7 32 of the bond required by section 714.18. If a parent
7 33 corporation files the statement or its net worth is included
7 34 in the statement to comply with this subsection, the parent
7 35 corporation shall appoint a registered agent and otherwise is



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8 1 subject to section 714.18, subsection ~~2~~ 1, paragraph "b", and
8 2 is liable for the breach of any contract or agreement with
8 3 students as well as liable for any fraud in connection with
8 4 the contract or agreement or for any violation of section
8 5 714.16 by the trade or vocational school or any of its agents
8 6 or salespersons.

8 7 EXPLANATION

8 8 This bill transfers the administrative duties relating to
8 9 the registration of postsecondary schools, and the evidence of
8 10 financial responsibility those schools must file, from the
8 11 office of the secretary of state to the college student aid
8 12 commission. The bill also establishes that a postsecondary
8 13 school that maintains or conducts courses of instruction by
8 14 distance delivery methods in Iowa must register with the
8 15 commission and provide evidence of financial responsibility.
8 16 The bill makes conforming changes to a number of Code
8 17 provisions.

8 18 The bill modifies the registration requirements by adding
8 19 that the school must be approved by all state agencies
8 20 authorized to approve the school before being approved to
8 21 operate by the commission. The bill eliminates a requirement
8 22 which provides that a substantial change in program offerings
8 23 means the school must renew its registration. The bill adds
8 24 that a practitioner preparation program, which must be
8 25 accredited and approved by the state board of education to
8 26 operate in this state, must also be approved for operation by
8 27 the commission. A violation of the registration requirements
8 28 constitutes an unlawful practice under the consumer fraud Act.

8 29 The bill alters the membership on the advisory committee on
8 30 postsecondary registration to replace the representative of
8 31 the office of secretary of state with a representative of the
8 32 commission, and adds to the membership a representative from a
8 33 for-profit accredited private institution.

8 34 The bill modifies the list of schools and courses of
8 35 instruction exempt from Code chapter 261B, relating to the



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House File 364 - Introduced continued

9 1 registration of postsecondary schools, by providing that
9 2 schools and education programs conducted by religious
9 3 organizations are only exempt when providing instruction to
9 4 leadership practitioners of that religious organization, and
9 5 by providing that postsecondary educational institutions must
9 6 be licensed by the state to conduct business in the state
9 7 prior to July 1, 2009, in order to be exempt from the Code
9 8 chapter.
9 9 The bill also specifies that registration under Code
9 10 chapter 261B does not exempt a school from the requirements of
9 11 the Iowa business corporation Act or for organization of a
9 12 corporation for pecuniary profit under Code chapter 491.
9 13 LSB 1860HV 83
9 14 kh/nh/14



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House File 365 - Introduced

HOUSE FILE
BY KAUFMANN and QUIRK

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

A BILL FOR

- 1 An Act relating to the definition of veteran for purposes of the
- 2 military service property tax exemption.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 1322YH 83
- 5 md/mg:sc/5



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House File 365 - Introduced continued

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1 1 Section 1. Section 426A.11, subsection 4, Code 2009, is
1 2 amended to read as follows:
1 3 4. For purposes of this chapter, unless the context
1 4 otherwise requires, "veteran" also means a resident of this
1 5 state who is a former member of the armed forces of the United
1 6 States and who served for a minimum aggregate of ~~eighteen~~
1 7 twelve months and who was discharged under honorable
1 8 conditions. However, "veteran" also means a resident of this
1 9 state who is a former member of the armed forces of the United
1 10 States and who, after serving fewer than ~~eighteen~~ twelve
1 11 months, was honorably discharged because of a service-related
1 12 injury sustained by the veteran.

1 13 Sec. 2. IMPLEMENTATION. Section 25B.7 does not apply to
1 14 this Act.

1 15 EXPLANATION

1 16 This bill amends the definition of veteran as it relates to
1 17 the military service property tax exemption. Current law
1 18 provides that the definition of veteran includes a resident of
1 19 the state who is a former member of the armed forces and was
1 20 either honorably discharged after serving a minimum of 18
1 21 months or was honorably discharged because of service-related
1 22 injury after serving fewer than 18 months. The bill reduces
1 23 the 18-month aggregate service requirement to 12 months.

1 24 The bill provides that the requirement for fully funding
1 25 tax exemptions by the state does not apply.

1 26 LSB 1322YH 83

1 27 md/mg:sc/5



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House File 366 - Introduced

HOUSE FILE
BY GAYMAN

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

A BILL FOR

- 1 An Act allowing time off to attend presidential precinct caucuses
- 2 and making penalties applicable.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 2373HH 83
- 5 ec/nh/8



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1 1 Section 1. Section 39A.5, subsection 1, paragraph b, Code
1 2 2009, is amended by adding the following new subparagraph:

1 3 NEW SUBPARAGRAPH. (3) As an employer, denying an employee
1 4 the privilege conferred by section 43.4 to attend a precinct
1 5 caucus, or subjecting an employee to a penalty or reduction of
1 6 wages because of the exercise of that privilege.

1 7 Sec. 2. Section 43.4, Code 2009, is amended by adding the
1 8 following new unnumbered paragraph:

1 9 NEW UNNUMBERED PARAGRAPH. Any person entitled to
1 10 participate in a precinct caucus held as part of the
1 11 presidential nominating process in this state who is required
1 12 to be present at work for an employer during the three-hour
1 13 period starting thirty minutes prior to the time the precinct
1 14 caucus starts is entitled to such time off from work to
1 15 participate in the precinct caucus. Application by any
1 16 employee for such absence shall be made to the employee's
1 17 employer individually and in writing prior to the date of the
1 18 precinct caucus, and the employer shall designate the period
1 19 of time to be taken. The employee is not liable for any
1 20 penalty nor shall any deduction be made from the person's
1 21 regular salary or wages on account of such absence. This
1 22 paragraph shall not apply if the person is employed in a
1 23 position in which the absence of the person from work would
1 24 affect public health or safety.

1 25 EXPLANATION

1 26 This bill provides that a person shall be entitled to time
1 27 off from work to attend a presidential precinct caucus for
1 28 three hours beginning 30 minutes prior to the start of the
1 29 precinct caucus. The bill provides that the employee shall
1 30 make a written application with their employer for such
1 31 absence and the employee is not liable for any penalty nor
1 32 shall any deduction be made from the person's regular salary
1 33 or wages on account of such absence. The bill provides that
1 34 the requirement to allow time off does not apply if the person
1 35 is employed in a position in which the absence of the person



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House File 366 - Introduced continued

2 1 from work would affect public health or safety.
2 2 The bill provides that an employer who denies an employee
2 3 the privilege conferred by this bill to attend a presidential
2 4 precinct caucus commits election misconduct in the fourth
2 5 degree, a simple misdemeanor. A simple misdemeanor is
2 6 punishable by confinement for no more than 30 days or a fine
2 7 of at least \$65 but not more than \$625 or by both.
2 8 LSB 2373HH 83
2 9 ec/nh/8



Iowa General Assembly
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House File 367 - Introduced

HOUSE FILE
BY PETTENGILL

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

A BILL FOR

1 An Act increasing the number of members serving on the utilities
2 board within the utilities division of the department of
3 commerce and changing the membership from an appointed to an
4 elected board.
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
6 TL5B 1588HH 83
7 rn/sc/5



Iowa General Assembly
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House File 367 - Introduced continued

PAG LIN

1 1 Section 1. Section 39.21, Code 2009, is amended by adding
1 2 the following new subsection:

1 3 NEW SUBSECTION. 5. Members of the utilities board within
1 4 the utilities division of the department of commerce as
1 5 provided in section 474.1.

1 6 Sec. 2. Section 474.1, subsections 1 and 2, Code 2009, are
1 7 amended by striking the subsections and inserting in lieu
1 8 thereof the following:

1 9 1. a. A utilities division is created within the
1 10 department of commerce. The policymaking body for the
1 11 division is the utilities board which is created within the
1 12 division.

1 13 b. The board is composed of five members, one to be
1 14 elected by the registered voters of each congressional
1 15 district. Board members shall be elected on a nonpartisan
1 16 basis at the general election for staggered four-year terms
1 17 commencing on the first day of January that is not a Sunday or
1 18 holiday following their election. Any eligible elector is
1 19 entitled to membership on the board, except that no more than
1 20 one member shall at any one time be a resident of any one
1 21 congressional district. A vacancy shall be filled by the
1 22 chairperson of the board for the unexpired balance of the term
1 23 as provided in section 69.12 until the next succeeding general
1 24 election.

1 25 c. At each general election a successor shall be chosen
1 26 for each commissioner whose term will expire in the succeeding
1 27 January. Nomination of candidates shall be made by petition
1 28 in accordance with chapter 45, except that each candidate's
1 29 nominating petition shall be signed by at least three hundred
1 30 eligible electors residing in the congressional district. The
1 31 petition form shall be furnished by the county commissioner of
1 32 elections. Every candidate shall file with the nomination
1 33 papers an affidavit stating the candidate's name, the
1 34 candidate's residence, that the person is a candidate and is
1 35 eligible for board membership, and that if elected the



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2 1 candidate will qualify for the office. The affidavit shall
2 2 also state that the candidate is aware that the candidate is
2 3 disqualified from holding office if the candidate has been
2 4 convicted of a felony or other infamous crime and the
2 5 candidate's rights have not been restored by the governor or
2 6 by the president of the United States.

2 7 d. The signed petitions shall be filed with the county
2 8 commissioner of elections not later than 5:00 p.m. on the
2 9 sixty-ninth day before the general election. The votes for
2 10 board membership shall be canvassed in the same manner as the
2 11 votes for state officers, and the returns shall be certified
2 12 to the state commissioner of elections. A plurality is
2 13 sufficient to elect members, and a primary election for the
2 14 office shall not be held.

2 15 e. As used in this subsection, "congressional district"
2 16 means those districts established following the 2000 federal
2 17 decennial census.

2 18 2. The utilities board shall organize by appointing an
2 19 executive secretary, who shall take the same oath as the
2 20 members. The board shall set the salary of the executive
2 21 secretary within the limits of the pay plan for exempt
2 22 positions provided for in section 8A.413, subsection 3, unless
2 23 otherwise provided by the general assembly. The board may
2 24 employ additional personnel as it finds necessary. Board
2 25 members shall elect a member to serve as the chairperson of
2 26 the board. The chairperson shall be the administrator of the
2 27 utilities division. A member shall serve as chairperson for a
2 28 two-year term.

2 29 Sec. 3. TRANSITION PROVISIONS. Membership terms of
2 30 utilities board members serving on the board on the effective
2 31 date of this Act and otherwise expiring prior to the general
2 32 election to be conducted in 2010 shall be extended until the
2 33 first day of January that is not a Sunday or holiday following
2 34 the election. Membership terms of utilities board members
2 35 appointed to the board after the effective date of this Act



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House File 367 - Introduced continued

3 1 shall expire in 2011 on the first day of January that is not a
3 2 Sunday or holiday.

3 3 EXPLANATION

3 4 This bill changes the composition of the utilities board
3 5 within the utilities division of the department of commerce
3 6 from the current membership of three appointed members to a
3 7 membership of five elected members.

3 8 The bill provides that the five members shall be elected by
3 9 the registered voters of each congressional district, as those
3 10 districts were established following the 2000 federal census,
3 11 with no more than one member at any time residing in any one
3 12 district, on a nonpartisan basis for staggered four-year
3 13 terms. The election shall be held biennially at the same time
3 14 as the general election, and any eligible elector is entitled
3 15 to membership on the board.

3 16 The bill specifies nomination of candidates for the board
3 17 shall be made by petition pursuant to Code chapter 45, with
3 18 the exception that each candidate's nominating petition shall
3 19 be signed by at least 25 eligible electors residing in the
3 20 district. The bill states that the votes for board membership
3 21 shall be canvassed in the same manner as the votes for state
3 22 officers, that returns shall be certified to the state
3 23 commissioner of elections, that a plurality is sufficient to
3 24 elect members, and that a primary election for the office
3 25 shall not be held.

3 26 The bill provides that a chairperson of the board shall be
3 27 elected from among the board membership for a two-year term.
3 28 Currently, a chairperson is appointed by the governor.

3 29 The bill provides transition provisions for the general
3 30 election in 2010. The terms of utilities board members
3 31 serving on the board on the bill's effective date and
3 32 otherwise expiring prior to the general election in 2010 shall
3 33 be extended until the first day of January that is not a
3 34 Sunday or holiday following the election. The terms of
3 35 members appointed after the effective date shall expire in



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4 1 2011 on the first day of January that is not a Sunday or a
4 2 holiday.
4 3 LSB 1588HH 83
4 4 rn/sc/5



Iowa General Assembly
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February 18, 2009

House File 368 - Introduced

HOUSE FILE
BY PETTENGILL

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

A BILL FOR

- 1 An Act adding personal finance skills and financial literacy
- 2 requirements to the educational standards for school districts
- 3 and accredited nonpublic schools.
- 4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 5 TLSB 2020YH 83
- 6 kh/nh/8



Iowa General Assembly
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House File 368 - Introduced continued

PAG LIN

1 1 Section 1. Section 256.11, subsections 2, 3, and 4, Code
1 2 2009, are amended to read as follows:
1 3 2. The kindergarten program shall include experiences
1 4 designed to develop healthy emotional and social habits and
1 5 growth in the language arts and communication skills, as well
1 6 as a capacity for the completion of individual tasks, and
1 7 protect and increase physical well-being with attention given
1 8 to experiences relating to the development of life skills,
1 9 including but not limited to personal finance skills, and
1 10 human growth and development. A kindergarten teacher shall be
1 11 licensed to teach in kindergarten. An accredited nonpublic
1 12 school must meet the requirements of this subsection only if
1 13 the nonpublic school offers a kindergarten program.
1 14 3. The following areas shall be taught in grades one
1 15 through six: English=language arts, social studies, financial
1 16 literacy, mathematics, science, health, age=appropriate and
1 17 research-based human growth and development, physical
1 18 education, traffic safety, music, and visual art. The health
1 19 curriculum shall include the characteristics of communicable
1 20 diseases including acquired immune deficiency syndrome. The
1 21 state board as part of accreditation standards shall adopt
1 22 curriculum definitions for implementing the elementary
1 23 program.
1 24 4. The following shall be taught in grades seven and
1 25 eight: English=language arts; social studies; financial
1 26 literacy; mathematics; science; health; age=appropriate and
1 27 research-based human growth and development; family, consumer,
1 28 career, and technology education; physical education; music;
1 29 and visual art. The health curriculum shall include
1 30 age=appropriate and research-based information regarding the
1 31 characteristics of sexually transmitted diseases, including
1 32 HPV and the availability of a vaccine to prevent HPV, and
1 33 acquired immune deficiency syndrome. The state board as part
1 34 of accreditation standards shall adopt curriculum definitions
1 35 for implementing the program in grades seven and eight.



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2 1 However, this subsection shall not apply to the teaching of
2 2 family, consumer, career, and technology education in
2 3 nonpublic schools. For purposes of this section,
2 4 "age=appropriate", "HPV", and "research=based" mean the same
2 5 as defined in section 279.50.

2 6 Sec. 2. Section 256.11, subsection 5, Code 2009, is
2 7 amended by adding the following new paragraph:

2 8 NEW PARAGRAPH. k. One-half unit of financial literacy.

2 9 Sec. 3. STATE MANDATE FUNDING SPECIFIED. In accordance
2 10 with section 25B.2, subsection 3, the state cost of requiring
2 11 compliance with any state mandate included in this Act shall
2 12 be paid by a school district from state school foundation aid
2 13 received by the school district under section 257.16. This
2 14 specification of the payment of the state cost shall be deemed
2 15 to meet all of the state funding-related requirements of
2 16 section 25B.2, subsection 3, and no additional state funding
2 17 shall be necessary for the full implementation of this Act by
2 18 and enforcement of this Act against all affected school
2 19 districts.

2 20 EXPLANATION

2 21 This bill requires school districts and accredited
2 22 nonpublic schools to offer personal finance skills and
2 23 literacy in their kindergarten through grade 12 education
2 24 programs. The kindergarten program must include personal
2 25 finance skills; the grade 1=8 programs must include financial
2 26 literacy; and the grade 9=12 program must provide one-half
2 27 unit of financial literacy.

2 28 The bill may include a state mandate as defined in Code
2 29 section 25B.3. The bill requires that the state cost of any
2 30 state mandate included in the bill be paid by a school
2 31 district from state school foundation aid received by the
2 32 school district under Code section 257.16. The specification
2 33 is deemed to constitute state compliance with any state
2 34 mandate funding-related requirements of Code section 25B.2.
2 35 The inclusion of this specification is intended to reinstate



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3 1 the requirement of political subdivisions to comply with any
3 2 state mandates included in the bill.
3 3 LSB 2020YH 83
3 4 kh/nh/8



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House File 369 - Introduced

HOUSE FILE
BY UPMEYER

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

A BILL FOR

- 1 An Act creating a silver alert program within the department of
- 2 public safety for missing cognitively impaired persons.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 2262HH 83
- 5 jm/nh/8



Iowa General Assembly
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House File 369 - Introduced continued

PAG LIN

1 1 Section 1. NEW SECTION. 80G.1 SILVER ALERT PROGRAM ==
1 2 CREATION.
1 3 A silver alert program is created as a cooperative effort
1 4 between the department of public safety and local law
1 5 enforcement agencies to aid in the identification and location
1 6 of cognitively impaired persons who are missing.
1 7 Sec. 2. NEW SECTION. 80G.2 DEFINITIONS.
1 8 As used in this chapter, the following definitions apply:
1 9 1. "Cognitively impaired person" means a person sixty=five
1 10 years of age or older who is deficient in short=term or
1 11 long=term memory; orientation as to person, place, and time;
1 12 deductive or abstract reasoning; or judgment as it relates to
1 13 safety awareness.
1 14 2. "Department" means the department of public safety.
1 15 Sec. 3. NEW SECTION. 80G.3 CRITERIA.
1 16 A silver alert shall be issued by Iowa state patrol
1 17 communications upon receipt of a request from a law
1 18 enforcement agency if the following criteria apply:
1 19 1. The law enforcement agency has confirmed that a
1 20 cognitively impaired person has been missing for less than
1 21 seventy=two hours and an entry has been made into the Iowa
1 22 online articles and warrants system identifying the person as
1 23 missing. The law enforcement agency shall submit to the
1 24 department sufficient information to confirm the person is
1 25 missing on a form prescribed by the department prior to a
1 26 silver alert being transmitted.
1 27 2. The law enforcement agency believes the circumstances
1 28 surrounding the disappearance indicate the person is in danger
1 29 of serious injury or death.
1 30 3. There is enough descriptive information about the
1 31 disappearance to ensure that an immediate broadcast of the
1 32 information will aid in the discovery of the person.
1 33 Sec. 4. NEW SECTION. 80G.4 ACTIVATION AND TERMINATION.
1 34 1. Upon establishment of the silver alert criteria in
1 35 section 80G.3, the department shall transmit a silver alert



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2 1 through the emergency alert system to Iowa broadcasters.

2 2 2. Upon the transmission of a silver alert the department
2 3 shall post the alert on an internet website accessible by the
2 4 public.

2 5 3. After an initial silver alert transmission, additional
2 6 information may be submitted by the participating law
2 7 enforcement agency by facsimile transmission, electronic mail,
2 8 or telephonic means.

2 9 4. The communications officer of the state patrol may
2 10 direct the transmission of an Iowa silver alert upon request
2 11 from another state, provided that there is evidence the person
2 12 may be present in Iowa.

2 13 5. A silver alert shall terminate if the person is located
2 14 or five hours have elapsed since the transmission of the
2 15 alert.

2 16 6. A silver alert may be renewed.

2 17 Sec. 5. NEW SECTION. 80G.5 RULES.

2 18 The department shall adopt rules pursuant to chapter 17A to
2 19 implement this chapter.

2 20 EXPLANATION

2 21 This bill creates a silver alert program within the
2 22 department of public safety.

2 23 The bill provides that the purpose of the program is to aid
2 24 in the identification and location of cognitively impaired
2 25 persons who are missing.

2 26 The bill defines "cognitively impaired person" to mean a
2 27 person 65 years of age or older who is deficient in short-term
2 28 or long-term memory; orientation as to person, place, and
2 29 time; deductive or abstract reasoning; or judgment as it
2 30 relates to safety awareness.

2 31 Under the bill, a silver alert shall be issued by the
2 32 department of public safety if the following apply; a law
2 33 enforcement agency has confirmed that a cognitively impaired
2 34 person has been missing for less than 72 hours and an entry
2 35 has been made into the Iowa online articles and warrants



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3 1 system; the law enforcement agency believes the circumstances
3 2 surrounding the disappearance indicate the person is in danger
3 3 of serious injury or death; and there is enough descriptive
3 4 information about the disappearance to ensure an immediate
3 5 broadcast of the information will aid in the discovery of the
3 6 person.

3 7 If the criteria for issuing a silver alert have been
3 8 established, the department of public safety shall transmit a
3 9 silver alert through the emergency alert system to Iowa
3 10 broadcasters. Upon the transmission of the silver alert the
3 11 department shall also post the alert on an internet website.

3 12 The bill provides that a silver alert shall be terminated
3 13 when the person is located or five hours after transmission of
3 14 the alert.

3 15 The bill also provides a silver alert may be renewed.

3 16 LSB 2262HH 83

3 17 jm/nh/8



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House File 370 - Introduced

HOUSE FILE
BY KELLEY

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

A BILL FOR

- 1 An Act prohibiting a person from transporting a child under six
- 2 years of age on a motorcycle and making a penalty applicable.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 2109YH 83
- 5 dea/nh/5



Iowa General Assembly
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House File 370 - 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. TRANSPORTATION OF CHILDREN. A person
1 4 shall not operate a motorcycle with a child on the motorcycle
1 5 who would be required under section 321.446, subsection 1, to
1 6 be secured in a child restraint system when being transported
1 7 in a motor vehicle.

1 8 EXPLANATION

1 9 This bill prohibits transporting a child on a motorcycle if
1 10 the child would be required to be secured in a child restraint
1 11 system when being transported in a motor vehicle. Under
1 12 existing law, the use of child restraint systems is required
1 13 for all children under the age of six.

1 14 All motor vehicle violations are punishable as simple
1 15 misdemeanors unless otherwise provided. A simple misdemeanor
1 16 is punishable by confinement for no more than 30 days or a
1 17 fine of at least \$65 but not more than \$625 or by both.

1 18 LSB 2109YH 83

1 19 dea/nh/5



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February 18, 2009

House File 371 - Introduced

HOUSE FILE
BY BERRY

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

A BILL FOR

1 An Act requiring schools to establish a policy to restrict
2 students' use of cellular telephones during school hours.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
4 TLSB 2004HH 83
5 ak/nh/8



Iowa General Assembly
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House File 371 - Introduced continued

PAG LIN

1 1 Section 1. NEW SECTION. 280.29 CELLULAR TELEPHONE
1 2 RESTRICTIONS.
1 3 The board of directors of each public school district and
1 4 the authorities in charge of each nonpublic school shall
1 5 establish a policy for students that prohibits the use of
1 6 cellular telephones and other electronic communication devices
1 7 during school hours. The policy may allow students to have
1 8 such devices on school grounds but the devices shall remain in
1 9 lockers or other locations not accessible during classroom
1 10 hours.

1 11 EXPLANATION
1 12 This bill requires the boards of directors of public school
1 13 districts and the authorities in charge of nonpublic schools
1 14 to establish a policy for students that prohibits the use of
1 15 cellular phones and other electronic communication devices
1 16 during school hours. Students may be allowed to have the
1 17 devices on school grounds but the devices may not be
1 18 accessible during classroom hours.
1 19 LSB 2004HH 83
1 20 ak/nh/8



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House File 372 - Introduced

HOUSE FILE
BY BERRY

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

Passed Senate, Date _____
Vote: Ayes _____ Nays _____

A BILL FOR

- 1 An Act restricting the application of pesticides on school
- 2 property.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 2005HH 83
- 5 tm/sc/5



Iowa General Assembly
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House File 372 - Introduced continued

PAG LIN

1 1 Section 1. Section 206.21, Code 2009, is amended by adding
1 2 the following new subsection:

1 3 NEW SUBSECTION. 4. The secretary of agriculture shall
1 4 adopt rules prohibiting the application of pesticides on
1 5 property owned by local school districts, accredited or
1 6 approved nonpublic schools, area education agencies, community
1 7 colleges, institutions governed by the state board of regents,
1 8 and independent colleges and universities.

1 9 EXPLANATION

1 10 This bill relates to restrictions on the application of
1 11 pesticides.

1 12 The bill requires the secretary of agriculture to adopt
1 13 rules prohibiting the application of pesticides on property
1 14 owned by local school districts, accredited or approved
1 15 nonpublic schools, area education agencies, community
1 16 colleges, institutions governed by the state board of regents,
1 17 and independent colleges and universities.

1 18 LSB 2005HH 83

1 19 tm/sc/5



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House File 373 - Introduced

HOUSE FILE
BY COMMITTEE ON ECONOMIC GROWTH

(SUCCESSOR TO HSB 42)

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

A BILL FOR

1 An Act relating to the number of historic preservation grants
2 that may be awarded in a county and providing an effective
3 date.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
5 TLSB 1306HV 83
6 tw/sc:mg/14



Iowa General Assembly
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House File 373 - Introduced continued

PAG LIN

1 1 Section 1. 2008 Iowa Acts, chapter 1179, section 1,
1 2 subsection 4, paragraph b, unnumbered paragraph 2, is amended
1 3 to read as follows:

1 4 In making grants pursuant to this lettered paragraph, the
1 5 department shall consider the existence and amount of other
1 6 funds available to an applicant for the designated project. A
1 7 grant awarded from moneys appropriated in this lettered
1 8 paragraph shall not exceed \$100,000 per project. Not more
1 9 than ~~two grants may be awarded in the same county~~ \$200,000 may
1 10 be awarded in the same county in the same round of grant
1 11 reviews.

1 12 Sec. 2. EFFECTIVE DATE. This Act, being deemed of
1 13 immediate importance, takes effect upon enactment.

1 14 EXPLANATION

1 15 This bill amends the 2008 Iowa Acts to allow the department
1 16 of cultural affairs to award more than two historic
1 17 preservation grants in the same county.

1 18 The bill limits the total amount of grants made in a county
1 19 to \$200,000 during the same round of grant reviews, rather
1 20 than limiting the total number of grants made in a county as
1 21 provided by current law.

1 22 The bill takes effect upon enactment.

1 23 LSB 1306HV 83

1 24 tw/sc:mg/14



Iowa General Assembly
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House File 374 - Introduced

HOUSE FILE
BY COMMITTEE ON AGRICULTURE

(SUCCESSOR TO HSB 143)

Passed House, Date _____

Passed Senate, Date _____

Vote: Ayes _____ Nays _____

Vote: Ayes _____ Nays _____

Approved

A BILL FOR

- 1 An Act relating to the grain depositors and sellers indemnity
- 2 fund.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 1186HV 83
- 5 da/nh/14



Iowa General Assembly
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House File 374 - Introduced continued

PAG LIN

1 1 Section 1. Section 203D.5, subsection 2, Code 2009, is
1 2 amended to read as follows:
1 3 2. If, at the end of any three-month period, the assets of
1 4 the fund exceed ~~six~~ eight million dollars, less any encumbered
1 5 balances or pending or unsettled claims, the per-bushel fee
1 6 required under section 203D.3, subsection 2, and the
1 7 dealer-warehouse fee required under section 203D.3, subsection
1 8 3, shall be waived and the fees are not assessable or owing.
1 9 The board shall reinstate the fees if the assets of the fund,
1 10 less any unencumbered balances or pending or unsettled claims,
1 11 are three million dollars or less.

1 12 Sec. 2. Section 203D.6, subsection 7, Code 2009, is
1 13 amended to read as follows:

1 14 7. PAYMENT OF CLAIMS. Upon a determination that the claim
1 15 is eligible for payment, the board shall provide for payment
1 16 of ninety percent of the loss, as determined under subsection
1 17 4, but not more than ~~one~~ three hundred ~~fifty~~ thousand dollars
1 18 per claimant. If at any time the board determines that there
1 19 are insufficient funds to make payment of all claims, the
1 20 board may order that payment be deferred on specified claims.
1 21 The department, upon the board's instruction, shall hold those
1 22 claims for payment until the board determines that the fund
1 23 again contains sufficient assets.

1 24 EXPLANATION

1 25 BACKGROUND. This bill amends Code chapter 203D which
1 26 establishes the grain depositors and sellers indemnity fund
1 27 for use in indemnifying a "depositor" who has stored grain
1 28 with a warehouse operator licensed in this state, for losses
1 29 resulting from the depositor's right to receive possession of
1 30 the grain, and a "seller" who is a producer selling grain to a
1 31 grain dealer, for losses resulting from a failure to receive
1 32 payment for that grain. The fund is administered by the Iowa
1 33 grain indemnity fund board, and grain dealers and warehouse
1 34 operators are regulated by the department of agriculture and
1 35 land stewardship.



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House File 374 - Introduced continued

2 1 The fund is supported by the following fees: (1) a
2 2 dealer=warehouse fee which is a fixed amount imposed upon
2 3 licensed grain dealers and warehouse operators (for grain
2 4 dealers an amount based on whether they hold a class 1 or
2 5 class 2 license, and for warehouse operators an amount based
2 6 on warehouse storage capacity), and (2) a per=bushel fee
2 7 imposed on "purchased grain", which is grain sold to a grain
2 8 dealer by a seller, remitted by the grain dealer to the
2 9 department, and allowed to be passed through to the seller.
2 10 The board is provided discretion in its administration of
2 11 the fund. First, it may adjust the amount of the per=bushel
2 12 fee up to one=quarter cent per bushel on all purchased grain.
2 13 Second, it may suspend ("waive") the assessment of the
2 14 dealer=warehouse fee or the per=bushel fee, if the
2 15 unencumbered balance of the fund (less pending claims) is more
2 16 than \$3 million. Conversely, the fees are automatically
2 17 waived once the balance exceeds \$6 million.
2 18 A person who timely files an eligible claim with the board
2 19 is entitled to receive 90 percent of a loss with a maximum
2 20 payout of \$150,000.
2 21 BILL'S PROVISIONS. The bill provides that the balance in
2 22 the fund required to automatically waive the assessment of the
2 23 dealer=warehouse fee and the per=bushel fee, is increased from
2 24 \$6 million to \$8 million. The amount of the maximum payout
2 25 for a loss by an eligible claimant is increased from \$150,000
2 26 to \$300,000.
2 27 LSB 1186HV 83
2 28 da/nh/14



Iowa General Assembly
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House File 375 - Introduced

HOUSE FILE
BY COMMITTEE ON COMMERCE

(SUCCESSOR TO HSB 72)

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

A BILL FOR

- 1 An Act specifying a duty of agency applicable to licensed
- 2 mortgage brokers and making penalties applicable.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 1295HV 83
- 5 rn/nh/5



Iowa General Assembly
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House File 375 - Introduced continued

PAG LIN

1 1 Section 1. NEW SECTION. 535B.18 DUTY OF AGENCY.
1 2 1. A licensee or individual registrant acting in the
1 3 capacity of a mortgage broker pursuant to section 535B.1,
1 4 subsection 5, shall be considered to have created an agency
1 5 relationship with the borrower in all cases and shall perform
1 6 all of the following duties:
1 7 a. Act in good faith and with fair dealing toward
1 8 borrowers and place the borrower's interest ahead of the
1 9 interest of any other party, including the interest of the
1 10 licensee or individual registrant.
1 11 b. Not accept, give, or charge any undisclosed
1 12 compensation or realize any undisclosed remuneration, either
1 13 through direct or indirect means, that inures to the benefit
1 14 of the licensee or individual registrant in connection with
1 15 the licensee's or individual registrant's relationship with
1 16 the borrower.
1 17 c. Carry out all lawful instructions provided or issued by
1 18 the borrower.
1 19 d. Affirmatively disclose to a borrower all material facts
1 20 of which the licensee or individual registrant has knowledge
1 21 which might reasonably affect the borrower's rights,
1 22 interests, or ability to receive the borrower's intended
1 23 benefit from the mortgage loan.
1 24 e. Use reasonable care in the performance of duties.
1 25 f. Account to the borrower for all the borrower's money
1 26 and property received as agent.
1 27 2. a. This section shall not be construed to prohibit a
1 28 licensee or individual registrant from contracting for or
1 29 collecting a fee after services have been rendered which was
1 30 disclosed and agreed to by the borrower in advance of the
1 31 provision of such services.
1 32 b. This section shall not be construed as requiring a
1 33 licensee or individual registrant to obtain a loan for the
1 34 borrower containing terms or conditions not available in the
1 35 usual course of business to the licensee or individual



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2 1 registrant, or to obtain a loan for the borrower from a
2 2 mortgage lender with whom the licensee or individual
2 3 registrant does not have a business relationship.
2 4 3. The duties and standards of care established in this
2 5 section shall not be waived or modified by contract or
2 6 otherwise.

2 7 EXPLANATION

2 8 This bill confers upon licensed mortgage brokers and
2 9 individual registrants a duty of agency.

2 10 The bill provides that a licensee or individual registrant
2 11 acting in the capacity of a mortgage broker pursuant to Code
2 12 section 535B.1, subsection 5, shall be considered to have
2 13 created an agency relationship with a borrower in all cases.
2 14 The bill specifies duties a licensee or individual registrant
2 15 shall perform pursuant to the agency relationship, including
2 16 acting in a borrower's best interest, in good faith, and with
2 17 fair dealing, and not accepting, giving, or charging any
2 18 undisclosed compensation or realizing any undisclosed
2 19 remuneration that inures to the licensee's or individual
2 20 registrant's benefit in connection with their relationship
2 21 with the borrower. Additional duties include carrying out all
2 22 lawful instructions provided or issued by a borrower,
2 23 affirmatively disclosing all material facts of which the
2 24 licensee or individual registrant has knowledge which might
2 25 reasonably affect a borrower's rights, interests, or ability
2 26 to receive the intended benefit from the mortgage loan, using
2 27 reasonable care in the performance of duties, and accounting
2 28 for all the borrower's money and property received as agent.

2 29 The bill states that the duty of agency shall not be
2 30 construed to prohibit a licensee or individual registrant from
2 31 contracting for or collecting a fee after services have been
2 32 rendered which was disclosed and agreed to by the borrower in
2 33 advance of the provision of the services, and shall also not
2 34 be construed to require a licensee or individual registrant to
2 35 obtain a loan for the borrower containing terms or conditions



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House File 375 - Introduced continued

3 1 not available to the licensee or individual registrant in the
3 2 usual course of business, or to obtain a loan for the borrower
3 3 from a mortgage lender with whom the licensee or individual
3 4 registrant does not have a business relationship. The bill
3 5 provides that the duty of agency and standards of care cannot
3 6 be waived or modified by contract or otherwise.

3 7 A violation of the bill's provisions subjects a licensee to
3 8 the disciplinary provisions of Code chapter 535B, including
3 9 license suspension and revocation, and imposition of civil
3 10 penalties in an amount not to exceed \$5,000 per violation.

3 11 LSB 1295HV 83

3 12 rn/nh/5



**Iowa General Assembly
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House Resolution 15 - Introduced

PAG LIN

H.R. _____ S.R. _____

1 1 HOUSE RESOLUTION NO. ____

1 2 BY ABDUL=SAMAD, FORD, H. MILLER, BERRY,

1 3 THEDE, and BURT

1 4 A Resolution designating February 2009 as Black History

1 5 Month.

1 6 WHEREAS, Black History Month in the United States

1 7 dates back to 1926, based upon the efforts of Dr.

1 8 Carter G. Woodson, a Harvard-educated scholar

1 9 descended from slave parents; and

1 10 WHEREAS, Black History Month is traditionally

1 11 observed in February of each year; and

1 12 WHEREAS, Black History Month is designated to

1 13 recognize and pay tribute to many African-Americans

1 14 long neglected by society and the history books; and

1 15 WHEREAS, Black History Month aims to bridge the gap

1 16 created by American history's failure to accurately

1 17 acknowledge, portray, and record the contributions of

1 18 Blacks in society; and

1 19 WHEREAS, Black History Month acknowledges the

1 20 achievements of Blacks in the military, the arts,

1 21 civil rights, education, entertainment, history, law,

1 22 literature, medicine, music, politics, science,

1 23 sports, and other areas; and

1 24 WHEREAS, the African-American population in Iowa

1 25 has grown from 1.4 percent of the state population in

1 26 1980 to 2.5 percent in 2006, and is projected to grow

1 27 to 3.5 percent by 2030; and

1 28 WHEREAS, African-Americans in Iowa are increasingly

1 29 assuming leadership roles in law, medicine,

1 30 government, education, the arts, and other areas; and



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House Resolution 15 - Introduced continued

2 1 WHEREAS, six African-Americans are currently
2 2 serving in the House of Representatives, the largest
2 3 number of African-Americans ever in the House; NOW
2 4 THEREFORE,
2 5 BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES,
2 6 That the House of Representatives designates February
2 7 2009 as Black History Month and encourages schools,
2 8 community leaders, religious leaders, and all Iowans
2 9 to take this opportunity to discover the history of
2 10 African-Americans in Iowa, from George Washington
2 11 Carver to James B. Morris to Simon Estes to Luther and
2 12 Willie Glanton, and to learn about the contributions
2 13 African-Americans continue to make to Iowa's economic
2 14 and cultural well-being.
2 15 LSB 2278HH 83
2 16 jr/rj/14



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February 18, 2009

House Study Bill 191

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

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

Passed Senate, Date _____
Vote: Ayes _____ Nays _____

A BILL FOR

- 1 An Act eliminating certain exemptions from the certificate of
- 2 need process.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 2318YC 83
- 5 pf/nh/5



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House Study Bill 191 continued

PAG LIN

1 1 Section 1. Section 135.63, subsection 2, paragraphs j, k,
1 2 and l, Code 2009, are amended by striking the paragraphs.
1 3 Sec. 2. Section 135.67, subsection 3, Code 2009, is
1 4 amended by striking the subsection.

1 5 EXPLANATION

1 6 This bill eliminates exemptions for certain activities from
1 7 the certificate of need process. The bill eliminates the
1 8 exemptions for: the construction, modification, or
1 9 replacement of nonpatient care services, including parking
1 10 facilities, heating, ventilation, and air conditioning
1 11 systems, computers, telephone systems, medical office
1 12 buildings, and other projects of a similar nature; the
1 13 redistribution of beds by a hospital within the acute care
1 14 category of bed usage subject to specified reporting
1 15 requirements; and the replacement or modernization of any
1 16 institutional health facility if the replacement or
1 17 modernization does not add new health services or additional
1 18 bed capacity for existing health services subject to specified
1 19 criteria.

1 20 The bill also amends the provision relating to the
1 21 department of public health waiving the letter of intent
1 22 procedures and substituting a summary review procedure under
1 23 certain circumstances by eliminating this waiver for an
1 24 application for a certificate of need for a project which will
1 25 not change the existing bed capacity of the applicant's
1 26 facility or service, as determined by the department, by more
1 27 than 10 percent or 10 beds, whichever is less, over a two-year
1 28 period.

1 29 LSB 2318YC 83
1 30 pf/nh/5



Iowa General Assembly
Daily Bills, Amendments & Study Bills
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House Study Bill 192

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

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

Passed Senate, Date _____
Vote: Ayes _____ Nays _____

A BILL FOR

1 An Act authorizing a county board of supervisors to levy a tax on
2 real property in the county for flood and erosion control
3 projects.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
5 TLSB 2013HC 83
6 da/nh/5



Iowa General Assembly
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February 18, 2009

House Study Bill 192 continued

PAG LIN

1 1 Section 1. Section 161E.9, Code 2009, is amended to read
1 2 as follows:
1 3 161E.9 TAX LEVY.
1 4 The county board of supervisors may annually levy a tax not
1 5 to exceed six and three-fourths cents per thousand dollars of
1 6 assessed value of all ~~agricultural lands~~ real property in the
1 7 county, to be used for flood and erosion control, including
1 8 acquisition of land or interests in land, and repair,
1 9 alteration, maintenance, and operation of works of improvement
1 10 on lands under the control or jurisdiction of the county as
1 11 provided in this chapter.

1 12 EXPLANATION

1 13 This bill amends Code chapter 161E which provides for the
1 14 flood and erosion control projects as administered by a county
1 15 board of supervisors in cooperation with other entities
1 16 including soil and water conservation districts and federal
1 17 agencies (Code section 161E.1). Code section 161E.9 provides
1 18 that a county board of supervisors may levy a special property
1 19 tax on agricultural land to be used to support such projects.
1 20 The bill expands the provision to allow for the levy of the
1 21 tax on all real property in the county.
1 22 LSB 2013HC 83
1 23 da/nh/5



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House Study Bill 193

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

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

Passed Senate, Date _____
Vote: Ayes _____ Nays _____

A BILL FOR

- 1 An Act relating to storm water management plans.
- 2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 3 TLSB 2176HC 83
- 4 tm/nh/5



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House Study Bill 193 continued

PAG LIN

1 1 Section 1. NEW SECTION. 455B.282 STORM WATER MANAGEMENT
1 2 PLANS.
1 3 A city shall adopt a storm water management plan designed
1 4 to control and manage storm water runoff and mitigate flood
1 5 damage in residential or commercial development projects. The
1 6 plan shall be applicable to each residential or commercial
1 7 development project which begins site preparation activities
1 8 after July 1, 2009. A city may consult with the department in
1 9 the development of a storm water management plan.
1 10 EXPLANATION
1 11 This bill relates to storm water management plans.
1 12 The bill requires a city to adopt a storm water management
1 13 plan designed to control and manage storm water runoff and
1 14 mitigate flood damage in residential or commercial development
1 15 projects. The plan shall be applicable to each residential or
1 16 commercial development project which begins site preparation
1 17 activities after July 1, 2009. The bill allows a city to
1 18 consult with the department of natural resources in the
1 19 development of a storm water management plan.
1 20 LSB 2176HC 83
1 21 tm/nh/5



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House Study Bill 194

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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House Study Bill 194 continued

PAG LIN

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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House Study Bill 194 continued

3 1 da/rj/8.2



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House Study Bill 195

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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House Study Bill 195 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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House Study Bill 195 continued

2 1 FAILURE TO COLLECT NEW REGISTRATION FEES
2 2 Sec. 4. Section 321.2, subsection 4, Code 2009, is amended
2 3 to read as follows:
2 4 4. The director of revenue shall administer and enforce
2 5 the collection of the fee and related penalties for new
2 6 registration as provided in section 321.105A.
2 7 Sec. 5. Section 321.105A, Code 2009, is amended by adding
2 8 the following new subsection:
2 9 NEW SUBSECTION. 5A. CIVIL PENALTIES AGAINST LICENSED
2 10 DEALERS.
2 11 a. The following civil penalties shall be assessed against
2 12 a licensed dealer who fails, at the time of sale or transfer
2 13 of a vehicle, to collect or forward the fee for new
2 14 registration as required pursuant to subsection 5, paragraph
2 15 "a":
2 16 (1) A five hundred dollar penalty for the first violation.
2 17 (2) A one thousand dollar penalty for the second violation
2 18 if that violation occurs within three years of the first
2 19 violation.
2 20 (3) A two thousand dollar penalty for the third violation,
2 21 and for each subsequent violation, if such violations occur
2 22 within three years of the first violation.
2 23 b. The county treasurer shall, within thirty calendar days
2 24 after the date of sale or transfer, or as soon as is
2 25 reasonably practicable, notify the department of revenue of a
2 26 licensed dealer in violation of subsection 5, paragraph "a".
2 27 c. The department of revenue shall collect and enforce all
2 28 penalties due against a licensed dealer who violates
2 29 subsection 5, paragraph "a".
2 30 d. All penalties collected pursuant to this subsection
2 31 shall be deposited into the road use tax fund.
2 32 DIVISION IV
2 33 FINANCIAL ACCOUNT MATCHING SYSTEM
2 34 Sec. 6. Section 421.17, Code 2009, is amended by adding
2 35 the following new subsection:



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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 32 Sec. 12. Section 452A.74A, subsections 1, 2, 4, and 5,
6 33 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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HOUSE FILE
BY (PROPOSED COMMITTEE ON
JUDICIARY BILL BY
CHAIRPERSON SWAIM)

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

A BILL FOR

- 1 An Act relating to trusts and estates including the
- 2 administration of small estates and including retroactive and
- 3 other applicability provisions.
- 4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 5 TLSB 1165HC 83
- 6 rh/rj/14



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1 1 Section 1. Section 614.14, subsection 6, Code 2009, is
1 2 amended to read as follows:

1 3 6. An interest in real estate ~~currently or previously~~ held
1 4 of record at any time by a trust shall be deemed to be held of
1 5 record by the trustee of such trust.

1 6 Sec. 2. Section 633.40, subsection 1, Code 2009, is
1 7 amended to read as follows:

1 8 1. COURT PRESCRIBING NOTICE. Except as otherwise provided
1 9 in this probate code, the court shall fix the time and place
1 10 of hearing of any matter requiring notice and shall prescribe
1 11 ~~the time and manner of service of the notice of such hearing a~~
1 12 time for the hearing not less than twenty days after the date
1 13 the notice is served unless the court finds by clear and
1 14 convincing evidence that a shorter time period will not unduly
1 15 prejudice any party receiving such notice. The court shall
1 16 also prescribe the manner of service of the notice of such
1 17 hearing.

1 18 Sec. 3. Section 633.237, subsection 4, Code 2009, is
1 19 amended to read as follows:

1 20 4. The notice provisions under subsections 1 and 2 are not
1 21 applicable if the surviving spouse is a personal
1 22 representative of the estate or a trustee of a revocable trust
1 23 or if the surviving spouse or the spouse's conservator files,
1 24 at any time, an election to take under the will, receive the
1 25 intestate share, or take under the revocable trust. If the
1 26 surviving spouse fails to file an election under this section
1 27 within four months of the decedent's death, it shall be
1 28 conclusively presumed that the surviving spouse elects to take
1 29 under the will, receive the intestate share, or take under the
1 30 revocable trust.

1 31 Sec. 4. Section 633.238, subsection 1, unnumbered
1 32 paragraph 1, Code 2009, is amended to read as follows:

1 33 The elective share of the surviving spouse shall be limited
1 34 to all of the following:

1 35 Sec. 5. Section 633.246, Code 2009, is amended to read as



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2 1 follows:

2 2 633.246 ELECTION NOT SUBJECT TO CHANGE.

2 3 An election by or on behalf of a surviving spouse to take
2 4 the share provided in ~~either~~ section 633.211, 633.212,
2 5 633.236, 633.238, or 633.240, or 633.244 ~~hereof once made~~
2 6 shall be binding and shall not be subject to change except for
2 7 such causes as would justify an equitable decree for the
2 8 rescission of a deed.

2 9 Sec. 6. Section 633.350, Code 2009, is amended to read as
2 10 follows:

2 11 633.350 TITLE TO DECEDENT'S ESTATE == WHEN PROPERTY PASSES
2 12 == POSSESSION AND CONTROL THEREOF == LIABILITY FOR
2 13 ADMINISTRATION EXPENSES, DEBTS, AND FAMILY ALLOWANCE.

2 14 Except as otherwise provided in this probate code, when a
2 15 person dies, the title to the person's property, real and
2 16 personal, passes to the person to whom it is devised by the
2 17 person's last will, or, in the absence of such disposition, to
2 18 the persons who succeed to the estate as provided in this
2 19 probate code, but all of the property shall be subject to the
2 20 possession of the personal representative as provided in
2 21 section 633.351 and to the control of the court for the
2 22 purposes of administration, sale, or other disposition under
2 23 the provisions of law, and such property, except homestead and
2 24 other exempt property, shall be chargeable with the payment of
2 25 debts and charges against the estate. There shall be no
2 26 priority as between real and personal property, except as
2 27 provided in this probate code or by the will of the decedent.
2 28 If real property is titled at any time in a decedent's estate,
2 29 such property shall be treated as titled in the name of the
2 30 personal representative of the estate.

2 31 Sec. 7. Section 633.376, Code 2009, is amended to read as
2 32 follows:

2 33 633.376 ALLOWANCE TO CHILDREN WHO DO NOT RESIDE WITH
2 34 SURVIVING SPOUSE.

2 35 1. The court may also make an allowance to a child of the



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3 1 decedent who is less than eighteen years of age or who is
3 2 between the ages of eighteen and twenty-two years who is
3 3 regularly attending an accredited school in pursuance of a
3 4 course of study leading to a high school diploma or its
3 5 equivalent, or regularly attending a course of
3 6 vocational=technical training either as a part of a regular
3 7 school program or under special arrangements adapted to the
3 8 individual person's needs; or is, in good faith, a full-time
3 9 student in a college, university, or community college; or has
3 10 been accepted for admission to a college, university, or
3 11 community college and the next regular term has not yet begun;
3 12 or a child of any age who is dependent because of physical or
3 13 mental disability; who does not reside with the surviving
3 14 spouse, of an amount it deems reasonable in the light of the
3 15 assets and condition of the estate, to provide for the child's
3 16 proper support during the period of twelve months.

3 17 2. The estate's personal representative shall cause
3 18 written notice to be mailed pursuant to section 633.40,
3 19 subsection 5, to the legal guardian of each child qualified
3 20 under subsection 1 and to each child who has no legal
3 21 guardian. The notice shall inform the child and the child's
3 22 guardian, if applicable, of the right to apply, within four
3 23 months after service of the notice, for support for a period
3 24 of twelve months following the decedent's death. If an
3 25 application for support has not been filed within four months
3 26 after service of the notice by or on behalf of the child
3 27 qualifying for support under subsection 1, the child shall be
3 28 deemed to have waived the right to support under this section.
3 29 A child who qualifies for support under this section may waive
3 30 the child's right to such support by filing an affidavit
3 31 acknowledging receipt of notice and irrevocably waiving the
3 32 child's right to support under this section.

3 33 Sec. 8. Section 633.639, Code 2009, is amended to read as
3 34 follows:

3 35 633.639 TITLE TO WARD'S PROPERTY.



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4 1 The title to all property of the ward is in the ward and
4 2 not the conservator subject, however, to the possession of the
4 3 conservator and to the control of the court for the purposes
4 4 of administration, sale or other disposition, under the
4 5 provisions of the law. Any real property titled at any time
4 6 in the name of a conservatorship shall be deemed to be titled
4 7 in the ward's name subject to the conservator's right of
4 8 possession.

4 9 Sec. 9. Section 633A.2203, Code 2009, is amended to read
4 10 as follows:

4 11 633A.2203 ~~MODIFICATION OR TERMINATION OF IRREVOCABLE TRUST~~
4 12 ~~OR MODIFICATION OF DISPOSITIVE PROVISIONS OF IRREVOCABLE TRUST~~
4 13 ~~BY COURT.~~

4 14 1. An irrevocable trust may be terminated or its
4 15 dispositive provisions modified by the court with the consent
4 16 of all of the beneficiaries if continuance of the trust on the
4 17 same or different terms is not necessary to carry out a
4 18 material purpose.

4 19 2. Upon termination of the trust, the court shall order
4 20 the distribution of trust property in accordance with the
4 21 probable intention of the settlor.

4 22 3. For purposes of this section, the consent of a person
4 23 who may bind a beneficiary is considered the consent of the
4 24 beneficiary.

4 25 4. For the purposes of this section, removal of the
4 26 trustee or a provision in the trust instrument allowing a
4 27 beneficiary to remove the trustee or to appoint a new trustee
4 28 shall not be allowed as a modification under this section.
4 29 This subsection shall not operate to limit the scope of
4 30 dispositive provisions.

4 31 Sec. 10. Section 633A.4502, Code 2009, is amended to read
4 32 as follows:

4 33 633A.4502 BREACH OF TRUST == ACTIONS.

4 34 1. ~~To~~ Except as provided in section 633A.4213, to remedy a
4 35 breach of trust which has occurred or may occur, a beneficiary



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- 5 1 or cotrustee of the trust may request the court to do any of
5 2 the following:
- 5 3 ~~1.~~ a. Compel the trustee to perform the trustee's duties.
 - 5 4 ~~2.~~ b. Enjoin the trustee from committing a breach of
5 5 trust.
 - 5 6 ~~3.~~ c. Compel the trustee to redress a breach of trust by
5 7 payment of money or otherwise.
 - 5 8 ~~4.~~ d. Appoint a receiver or temporary trustee to take
5 9 possession of the trust property and administer the trust.
 - 5 10 ~~5.~~ e. Remove the trustee.
 - 5 11 ~~6.~~ f. Reduce or deny compensation to the trustee.
 - 5 12 ~~7.~~ g. Subject to section 633A.4603, nullify an act of the
5 13 trustee, impose an equitable lien or a constructive trust on
5 14 trust property, or trace trust property wrongfully disposed of
5 15 and recover the property or its proceeds.
 - 5 16 ~~8.~~ h. Order any other appropriate relief.
- 5 17 2. This section does not apply to any trust created prior
5 18 to July 1, 2002, and applies to trusts created on or after
5 19 July 1, 2002, unless the settlor has specifically waived the
5 20 requirements of this section in the trust instrument. Waiver
5 21 of this section shall not bar any beneficiary's common law
5 22 right to an accounting, and shall not provide any immunity to
5 23 a trustee, acting under the terms of the trust, for liability
5 24 to any beneficiary who discovers facts giving rise to a cause
5 25 of action against the trustee.
- 5 26 Sec. 11. Section 635.8, subsection 1, unnumbered paragraph
5 27 1, Code 2009, is amended to read as follows:
5 28 The personal representative shall file with the court a
5 29 closing statement and proof of service thereof within a
5 30 reasonable time from the date of issuance of the letters of
5 31 appointment, and the closing statement shall be verified or
5 32 affirmed under penalty of perjury, stating all of the
5 33 following:
- 5 34 Sec. 12. Section 637.421, Code 2009, is amended to read as
5 35 follows:



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6 1 637.421 DEFERRED COMPENSATION, ANNUITIES, AND SIMILAR
6 2 PAYMENTS.

6 3 1. ~~This section applies to payments~~ For purposes of this
6 4 section, the following definitions shall apply:

6 5 a. "Payments" means a payment that a trustee may receive
6 6 over a fixed number of years or during the life of one or more
6 7 individuals because of services rendered or property
6 8 transferred to the payor in exchange for future payments. ~~The~~
~~6 9 payments "Payments" include those made in cash money or~~
6 10 property from the payor's general assets or from a separate
6 11 fund created by the payor, including. For purposes of
6 12 subsections 4, 5, 6, and 7, "payments" also includes any
6 13 payment from a separate fund regardless of the reason for the
6 14 payment.

6 15 b. "Separate fund" includes a private or commercial
6 16 annuity, an individual retirement account, and a pension,
6 17 profit sharing, stock bonus, or stock ownership plan. ~~This~~
~~6 18 section does not apply to payments to which section 637.422~~
~~6 19 applies.~~

6 20 2. To the extent that a payment is characterized as
6 21 interest, ~~or~~ a dividend or a payment made in lieu of interest
6 22 or a dividend, ~~it must be allocated~~ a trustee shall allocate
6 23 the payment to income. ~~The trustee shall allocate to~~
6 24 principal the balance of the payment and any other payment
6 25 received in the same accounting period that is not
6 26 characterized as interest, a dividend, or an equivalent
6 27 payment ~~must be allocated to principal.~~

6 28 3. If no part of a payment is characterized as interest, a
6 29 dividend, or an equivalent payment, and all or part of the
6 30 payment is required to be made, a trustee shall allocate to
6 31 income ten percent of the part that is required to be made
6 32 during the accounting period and the balance to principal. If
6 33 no part of a payment is required to be made or the payment
6 34 received is the entire amount to which the trustee is
6 35 entitled, ~~the trustee shall allocate~~ the entire payment ~~must~~



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~~7 1 be allocated to principal. For purposes of this subsection, a
7 2 payment is not required to be made to the extent that the
7 3 payment is made because the trustee exercises a right of
7 4 withdrawal.~~

~~7 5 4. If, to obtain an estate tax marital deduction for a
7 6 trust, a trustee must allocate more of a payment to income
7 7 than provided for by this section, the trustee shall allocate
7 8 to income the additional amount necessary to obtain the
7 9 marital deduction. Except as otherwise provided in subsection
7 10 5, subsections 6 and 7 apply, and subsections 2 and 3 do not
7 11 apply in determining the allocation of a payment made from a
7 12 separate fund to any of the following:~~

~~7 13 a. A trust to which an election to qualify for a marital
7 14 deduction had been made under section 2056(b)(7) of the
7 15 Internal Revenue Code of 1986, as amended.~~

~~7 16 b. A trust that qualifies for a marital deduction under
7 17 section 2056(b)(5) of the Internal Revenue Code of 1986, as
7 18 amended.~~

~~7 19 5. Subsections 4, 6, and 7 do not apply if and to the
7 20 extent that the series of payments would, without the
7 21 application of subsection 4, qualify for a marital deduction
7 22 under section 2056(b)(7)(c) of the Internal Revenue Code of
7 23 1986, as amended.~~

~~7 24 6. A trustee shall determine the internal income of each
7 25 separate fund for the accounting period as if the separate
7 26 fund were a trust subject to this chapter. Upon request of
7 27 the surviving spouse, the trustee shall demand that the person
7 28 administering the separate fund to distribute such internal
7 29 income to the trust. The trustee shall allocate a payment
7 30 from the separate fund to income to the extent of the internal
7 31 income of the separate fund and distribute that amount to the
7 32 surviving spouse. The trustee shall allocate the balance to
7 33 principal. Upon request of the surviving spouse, the trustee
7 34 shall allocate principal to income to the extent the internal
7 35 income of the separate fund exceeds payments made from the~~



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8 1 separate fund to the trust during the accounting period.
8 2 7. If a trustee cannot determine the internal income of a
8 3 separate fund but can determine the value of the separate
8 4 fund, the internal income of the separate fund is deemed to
8 5 equal four percent of the value of the fund according to the
8 6 most recent statement of the value prior to the beginning of
8 7 the accounting period. If the trustee is unable to determine
8 8 the internal income of the separate fund and the fund's value,
8 9 the internal income of the fund is deemed to equal the product
8 10 of the interest rate and the present value of the expected
8 11 future payments as determined pursuant to section 7520 of the
8 12 Internal Revenue Code of 1986, as amended.
8 13 8. This section does not apply to a payment made under
8 14 section 637.422.
8 15 Sec. 13. Section 637.505, subsections 3 and 4, Code 2009,
8 16 are amended to read as follows:
8 17 3. A tax required to be paid by a trustee on the trust's
8 18 share of an entity's taxable income must be paid
8 19 ~~proportionately,~~ according to all of the following principles:
8 20 a. From income, to the extent that receipts from the
8 21 entity are allocated only to income.
8 22 b. From principal, to the extent that ~~the following~~
8 23 ~~principles are observed:~~
8 24 (1) ~~Receipts~~ receipts from the entity are allocated only
8 25 to principal.
8 26 (2) ~~The trust's share of the entity's taxable income~~
8 27 ~~exceeds the total receipts in paragraph "a" and in~~
8 28 ~~subparagraph (1).~~
8 29 c. Proportionately from principal and income to the extent
8 30 that receipts from the entity are allocated to both income and
8 31 principal.
8 32 d. From principal to the extent that the tax exceeds the
8 33 total receipts from the entity.
8 34 4. ~~For purposes of this section, receipts allocated to~~
8 35 ~~principal or income shall be reduced by the amount distributed~~



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~~9 1 to a beneficiary from principal or income for which the trust
9 2 receives a deduction in calculating the tax After applying
9 3 subsections 1 through 3, the trustee shall adjust income or
9 4 principal receipts to the extent that the taxes of the trust
9 5 are reduced because the trust receives a deduction for
9 6 payments made to a beneficiary.~~

9 7 Sec. 14. APPLICABILITY AND RETROACTIVITY.

9 8 1. The section of this Act amending section 614.14 applies
9 9 retroactively to all trusts in existence on and after July 1,
9 10 1999.

9 11 2. The section of this Act amending section 633.40,
9 12 subsection 1, applies to orders setting hearings entered on or
9 13 after July 1, 2009.

9 14 3. The sections of this Act amending section 633.237,
9 15 subsection 4, section 633.238, subsection 1, and section
9 16 633.246 apply to estates of decedents and revocable trusts of
9 17 settlors dying on or after July 1, 2009.

9 18 4. The sections of this Act amending sections 633.350 and
9 19 633.639 apply retroactively to conveyances occurring on or
9 20 after July 1, 1999.

9 21 5. The sections of this Act amending sections 633.376 and
9 22 635.8 apply to estates of decedents dying on or after July 1,
9 23 2009.

9 24 6. The section of this Act amending section 633A.2203
9 25 applies to all proceedings to modify dispositive provisions of
9 26 or to terminate an irrevocable trust on or after July 1, 2009,
9 27 regardless of the date the trust was created.

9 28 7. The sections of this Act amending sections 637.421 and
9 29 637.505 apply as of the decedent's date of death for marital
9 30 trusts funded beginning on or after January 1, 2009. For all
9 31 other marital trusts, these amendments apply as of January 1,
9 32 2009.

9 33

EXPLANATION

9 34 This bill relates to trusts and estates including the
9 35 administration of small estates and includes retroactive and



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10 1 other applicability provisions.

10 2 The bill provides that an interest in real estate held of
10 3 record at any time by a trust shall be deemed to be held of
10 4 record by the trustee of such trust. This provision applies
10 5 retroactively to all trusts in existence on or after July 1,
10 6 1999.

10 7 The bill provides that a probate court shall prescribe a
10 8 time for the hearing not less than 20 days after the date the
10 9 notice in a probate proceeding is served unless the court
10 10 finds by clear and convincing evidence that a shorter time
10 11 period will not unduly prejudice any party receiving such
10 12 notice. The court shall also prescribe the manner in which
10 13 the notice shall be served. This provision applies to orders
10 14 setting hearings entered on or after July 1, 2009.

10 15 The bill provides that the specific requirements for notice
10 16 provisions applicable to a situation where a personal
10 17 representative of the estate of the decedent, who is the
10 18 spouse, is appointed, are not applicable if the surviving
10 19 spouse or the spouse's conservator files, at any time, an
10 20 election to take under the will, receive the intestate share,
10 21 or take under the revocable trust. This provision applies to
10 22 estates of decedents and revocable trusts of settlors dying on
10 23 or after July 1, 2009.

10 24 The bill limits the elective share of the surviving spouse
10 25 who elects to take against a decedent's will to the elective
10 26 share portions contained in Code section 633.238 and does not
10 27 include nonprobate or nontrust assets. This provision applies
10 28 to estates of decedents and revocable trusts of settlors dying
10 29 on or after July 1, 2009.

10 30 The bill adds the spousal share provisions of the probate
10 31 code based upon the circumstances in existence at the time of
10 32 the decedent's death to a provision relating to the elective
10 33 share of the surviving spouse that provides that an election
10 34 of a surviving spouse is not subject to change except for a
10 35 situation that would justify an equitable decree for the



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House Study Bill 196 continued

11 1 recision of a deed. This provision applies to estates of
11 2 decedents and revocable trusts of settlors dying on or after
11 3 July 1, 2009.

11 4 The bill provides that if real property is titled at any
11 5 time in a decedent's estate, such property shall be treated as
11 6 titled in the name of the personal representative of the
11 7 estate. This provision applies retroactively to conveyances
11 8 occurring on or after July 1, 1999.

11 9 The bill provides specific notice provisions for a minor
11 10 child or the legal guardian of a minor child of a decedent who
11 11 does not reside with a surviving spouse of the child's right
11 12 to request a family allowance from the decedent's estate.
11 13 This provision applies to estates of decedents dying on or
11 14 after July 1, 2009.

11 15 The bill provides that any real property titled at any time
11 16 in the name of a conservatorship shall be deemed to be titled
11 17 in the ward's name subject to the conservator's right of
11 18 possession. This provision applies to conveyances occurring
11 19 on or after July 1, 1999.

11 20 The bill specifies that Code section 633A.2203 applies to
11 21 the termination of an irrevocable trust or the modification of
11 22 the dispositive provisions of an irrevocable trust. The bill
11 23 also specifies that Code section 633A.2203 shall not be used
11 24 to remove or replace a trustee. This provision applies to all
11 25 proceedings to modify dispositive provisions of or to
11 26 terminate an irrevocable trust on or after July 1, 2009,
11 27 regardless of the date the trust was created.

11 28 The bill creates an exception for remedying a breach of
11 29 trust which has occurred or may occur in the future. The
11 30 exception relates generally to a trustee's duty to keep the
11 31 qualified beneficiaries of a trust reasonably informed about
11 32 the administration of the trust for remedying a breach of
11 33 trust which has occurred or may occur in the future. This
11 34 provision does not apply to any trust created prior to July 1,
11 35 2002, and applies to trusts created on or after July 1, 2002,



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House Study Bill 196 continued

12 1 unless the settlor has specifically waived the requirements of
12 2 Code section 633A.4502 in the trust instrument. Waiver of
12 3 Code section 633A.4502 shall not bar a beneficiary's common
12 4 law right to an accounting and shall not provide any immunity
12 5 to a trustee, acting under the terms of a trust, for liability
12 6 to any beneficiary who discovers facts giving rise to a cause
12 7 of action against the trustee.

12 8 The bill requires a personal representative of a small
12 9 estate to file proof of service of a closing statement. This
12 10 provision applies to estates of decedents dying on or after
12 11 July 1, 2009.

12 12 The bill makes changes to provisions in Iowa's uniform
12 13 principal and income Act (UPIA, Code chapter 637), which
12 14 generally provides certain procedures for trustees who
12 15 administer trusts and personal representatives who administer
12 16 estates to allocate receipts and payments to principal and
12 17 income. The changes relate to certain payments including
12 18 payments characterized as interest, a dividend, or an
12 19 equivalent payment, that a trustee may receive over a fixed
12 20 number of years or during the life of one or more individuals
12 21 because of services rendered or property transferred to the
12 22 payor in exchange for future payments. The changes also
12 23 relate to income taxes required to be paid by a trustee. The
12 24 changes to the UPIA in the bill are necessary to address
12 25 concerns by the Internal Revenue Service that would otherwise
12 26 disqualify certain retirement accounts from eligibility for a
12 27 marital deduction. Such provisions apply as of the date of
12 28 the decedent's death for marital trusts funded beginning on or
12 29 after January 1, 2009. For all other marital trusts, such
12 30 provisions apply on or after January 1, 2009.

12 31 LSB 1165HC 83

12 32 rh/rj/14.1



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House Study Bill 197

SENATE/HOUSE FILE
BY (PROPOSED AUDITOR OF
STATE BILL)

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

Passed House, Date _____
Vote: Ayes _____ Nays _____

A BILL FOR

- 1 An Act concerning audit and review functions of the auditor of
- 2 state relative to governmental subdivisions.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 1243XD 83
- 5 ec/sc/14



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House Study Bill 197 continued

PAG LIN

1 1 Section 1. Section 11.1, Code 2009, is amended to read as
1 2 follows:

1 3 11.1 DEFINITIONS.

1 4 1. For purposes of this chapter, unless the context
1 5 otherwise requires:

1 6 a. ~~The term "department" shall be construed to mean~~
1 7 "Department" means any authority charged by law with official
1 8 responsibility for the expenditure of public money of the
1 9 state and any agency receiving money from the general revenues
1 10 of the state.

1 11 b. "Examination" means procedures that are less in scope
1 12 than an audit but which are directed toward reviewing
1 13 financial activities and compliance with legal requirements.

1 14 c. "Governmental subdivision" means cities and
1 15 administrative agencies established by cities, hospitals or
1 16 health care facilities established by a city, counties, county
1 17 hospitals organized under chapters 347 and 347A, memorial
1 18 hospitals organized under chapter 37, entities organized under
1 19 chapter 28E, community colleges, area education agencies, and
1 20 school districts.

1 21 d. "Regents institutions" means the institutions governed
1 22 by the board of regents under section 262.7.

1 23 2. As used in this chapter, unless the context otherwise
1 24 requires, "book", "list", "record", or "schedule" kept by a
1 25 county auditor, assessor, treasurer, recorder, sheriff, or
1 26 other county officer means the county system as defined in
1 27 section 445.1.

1 28 Sec. 2. Section 11.6, subsection 1, paragraph a,
1 29 subparagraph (1), Code 2009, is amended to read as follows:

1 30 (1) ~~The~~ Except for entities organized under chapter 28E
1 31 having budgeted gross receipts of one hundred thousand dollars
1 32 or less in a fiscal year, the financial condition and
1 33 transactions of all ~~cities and city offices, counties, county~~
~~1 34 hospitals organized under chapters 347 and 347A, memorial~~
~~1 35 hospitals organized under chapter 37, entities organized under~~



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~~House Study Bill 197 continued~~

~~2 1 chapter 28E having gross receipts in excess of one hundred
2 2 thousand dollars in a fiscal year, merged areas, area
2 3 education agencies, and all school offices in school
2 4 districts, governmental subdivisions shall be examined audited
2 5 at least once each year, except that cities. Cities having a
2 6 population of seven hundred or more but less than two thousand
2 7 shall be examined at least once every four years, and cities
2 8 budgeted gross receipts of one hundred thousand dollars but
2 9 less than two million dollars in a fiscal year shall be
2 10 examined at least once each year pursuant to procedures
2 11 established by the office of auditor of state and the report
2 12 of the examination shall be filed with the office of the
2 13 auditor of state and the examined city. However, cities
2 14 having a population of less than seven hundred budgeted gross
2 15 receipts of less than one hundred thousand dollars in a fiscal
2 16 year may be examined as otherwise provided in this section.
2 17 The examination shall cover the fiscal year next preceding the
2 18 year in which the audit is conducted. The examination audit
2 19 of school offices districts shall include an audit of all
2 20 school funds including categorical funding provided by the
2 21 state, the certified annual financial report, the certified
2 22 enrollment as provided in section 257.6, supplementary
2 23 weighting as provided in section 257.11, and the revenues and
2 24 expenditures of any nonprofit school organization established
2 25 pursuant to section 279.62. Differences in certified
2 26 enrollment shall be reported to the department of management.
2 27 The examination audit of school offices districts shall
2 28 include at a minimum a determination that the laws of the
2 29 state are being followed, that categorical funding is not used
2 30 to supplant other funding except as otherwise provided, that
2 31 supplementary weighting is pursuant to an eligible sharing
2 32 condition, and that postsecondary courses provided in
2 33 accordance with section 257.11 and chapter 261E supplement,
2 34 rather than supplant, school district courses. The
2 35 examination audit of a city that owns or operates a municipal~~



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3 1 utility providing local exchange services pursuant to chapter
3 2 476 shall include ~~an audit~~ performing tests of the city's
3 3 compliance with section 388.10. The ~~examination~~ audit of a
3 4 city that owns or operates a municipal utility providing
3 5 telecommunications services pursuant to section 388.10 shall
3 6 include ~~an audit~~ performing tests of the city's compliance
3 7 with section 388.10.

3 8 Sec. 3. Section 11.36, Code 2009, is amended by adding the
3 9 following new subsection:

3 10 NEW SUBSECTION. 4. When, in the auditor of state's
3 11 judgment, the auditor of state finds sufficient information is
3 12 available to demonstrate a governmental subdivision may not
3 13 have substantially complied with the laws, rules, regulations,
3 14 and contractual agreements governing public funds, the auditor
3 15 of state shall establish actions to be taken to determine
3 16 whether substantial compliance with those laws, rules,
3 17 regulations, and contractual agreements has been achieved by
3 18 the governmental subdivision receiving public funds. Payment
3 19 for the examination shall be made from the proper public funds
3 20 of the governmental subdivision.

3 21 EXPLANATION

3 22 This bill makes changes relating to the duties and
3 23 responsibilities of the auditor of state relative to
3 24 governmental subdivisions.

3 25 Code section 11.1 is amended to define examination as a
3 26 procedure less in scope than an audit but which is directed at
3 27 reviewing financial activities and compliance with legal
3 28 requirements. Governmental subdivision is also defined to
3 29 mean cities, administrative agencies of cities, city
3 30 hospitals, counties, county hospitals, memorial hospitals,
3 31 chapter 28E entities, community colleges, area education
3 32 agencies, and school districts.

3 33 Code section 11.6(1), concerning what governmental
3 34 subdivisions are subject to audit or examination is amended.
3 35 The bill amends language concerning the auditing of cities by



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4 1 eliminating the requirement that cities with a population
4 2 between 700 and 2,000 shall have an audit at least once in
4 3 four years. The bill provides that cities with budgeted gross
4 4 receipts of at least \$100,000, but less than \$2 million, shall
4 5 be examined at least once each year pursuant to procedures
4 6 established by the auditor and a report of the examination
4 7 shall be filed with the auditor and the examined city. The
4 8 bill provides that cities with budgeted gross receipts of less
4 9 than \$100,000 may be examined.

4 10 Code section 11.36, concerning the review by the auditor of
4 11 entities receiving public moneys, is amended. The Code
4 12 section is amended to provide that the auditor has the
4 13 authority to investigate a governmental subdivision if the
4 14 auditor of state gains information of noncompliance that is
4 15 sufficient to warrant an investigation. If an examination is
4 16 warranted, the governmental subdivision is required to pay for
4 17 the examination.

4 18 LSB 1243XD 83

4 19 ec/sc/14



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Senate Amendment 3023

PAG LIN

1 1 Amend House Concurrent Resolution 3 as follows:
1 2 #1. Page 16, line 26, by striking the figure <9th>
1 3 and inserting the following: <~~9th~~ 8th>.
1 4 #2. Page 16, line 30, by striking the figure
1 5 <13th> and inserting the following: <~~13th~~ 11th>.
1 6 #3. Page 17, line 2, by striking the figure <11th>
1 7 and inserting the following: <~~11th~~ 9th>.
1 8 #4. Page 17, line 5, by striking the figure <14th>
1 9 and inserting the following: <~~14th~~ 12th>.
1 10 #5. Page 17, line 9, by striking the figure <15th>
1 11 and inserting the following: <~~15th~~ 13th>.
1 12
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1 14
1 15
1 16
1 17 MERLIN BARTZ
1 18 HCR 3.201 83
1 19 rj/nh/21787
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Senate File 176 - Introduced

SENATE FILE
BY COMMITTEE ON COMMERCE

(SUCCESSOR TO SSB 1162)

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

Passed House, Date _____
Vote: Ayes _____ Nays _____

A BILL FOR

1 An Act allowing the waiver of certain administrative penalties
2 for late annual reports concerning cemetery and funeral
3 merchandise, and funeral services, upon a showing of good
4 cause or financial hardship and providing an immediate
5 effective date.
6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
7 TLSB 2110SV 83
8 av/rj/14



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Senate File 176 - Introduced continued

PAG LIN

1 1 Section 1. Section 523A.204, subsection 4, Code 2009, is
1 2 amended to read as follows:
1 3 4. The commissioner shall levy an administrative penalty
1 4 in the amount of five hundred dollars against a preneed seller
1 5 that fails to file the annual report when due, payable to the
1 6 state for deposit in the general fund of the state. However,
1 7 the commissioner may waive the administrative penalty upon a
1 8 showing of good cause or financial hardship.

1 9 Sec. 2. Section 523A.502A, subsection 3, Code 2009, is
1 10 amended to read as follows:

1 11 3. The commissioner shall levy an administrative penalty
1 12 in the amount of five hundred dollars against a sales agent
1 13 who fails to file an annual report when due, payable to the
1 14 state for deposit in the general fund. However, the
1 15 commissioner may waive the administrative penalty upon a
1 16 showing of good cause or financial hardship.

1 17 Sec. 3. EFFECTIVE DATE. This Act, being deemed of
1 18 immediate importance, takes effect upon enactment.

1 19 EXPLANATION

1 20 This bill allows the commissioner of insurance to waive
1 21 administrative penalties against sellers and sales agents of
1 22 cemetery and funeral merchandise and funeral services for
1 23 failure to timely file annual reports, upon a showing of good
1 24 cause or financial hardship. The bill is effective upon
1 25 enactment.

1 26 LSB 2110SV 83

1 27 av/rj/14



Iowa General Assembly
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Senate File 177 - Introduced

SENATE FILE
BY COMMITTEE ON EDUCATION

(SUCCESSOR TO SSB 1175)

(COMPANION TO HF 328 BY COMMITTEE
ON EDUCATION)

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

Passed House, Date _____
Vote: Ayes _____ Nays _____

A BILL FOR

- 1 An Act relating to requirements for school districts providing
- 2 transportation to students participating in open enrollment.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TL5B 1679SV 83
- 5 kh/nh/8



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Senate File 177 - Introduced continued

PAG LIN

1 1 Section 1. Section 282.18, subsection 10, Code 2009, is
1 2 amended to read as follows:

1 3 10. a. Notwithstanding section 285.1 relating to
1 4 transportation of nonresident pupils, the parent or guardian
1 5 is responsible for transporting the pupil without
1 6 reimbursement to and from a point on a regular school bus
1 7 route of the receiving district. For purposes of this
1 8 subsection, "a point on a regular school bus route of the
1 9 receiving district" includes any school bus stop on the
1 10 regular school bus route of the receiving district that
1 11 existed prior to road construction that necessitates a change
1 12 in the regular school bus route, whether or not the change in
1 13 the regular school bus route resulting from the road
1 14 construction necessitates sending school vehicles from the
1 15 receiving district into the district of residence in order to
1 16 safely, economically, or efficiently transport students to or
1 17 from the preexisting point.

1 18 b. ~~However, a~~ A receiving district may send school
1 19 vehicles into the district of residence of the pupil using the
1 20 open enrollment option under this section, for the purpose of
1 21 transporting the pupil to and from school in the receiving
1 22 district, if the boards of both the sending and receiving
1 23 districts agree to this arrangement.

1 24 c. If the pupil meets the economic eligibility
1 25 requirements established by the department and state board of
1 26 education, the sending district is responsible for providing
1 27 transportation or paying the pro rata cost of the
1 28 transportation to a parent or guardian for transporting the
1 29 pupil to and from a point on a regular school bus route of a
1 30 contiguous receiving district unless the cost of providing
1 31 transportation or the pro rata cost of the transportation to a
1 32 parent or guardian exceeds the average transportation cost per
1 33 pupil transported for the previous school year in the
1 34 district. If the cost exceeds the average transportation cost
1 35 per pupil transported for the previous school year, the



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2 1 sending district shall only be responsible for that average
2 2 per pupil amount. A sending district which provides
2 3 transportation for a pupil to a contiguous receiving district
2 4 under this subsection may withhold from the district cost per
2 5 pupil amount, that is to be paid to the receiving district, an
2 6 amount which represents the average or pro rata cost per pupil
2 7 for transportation, whichever is less.

2 8 EXPLANATION

2 9 This bill defines a point on a regular school bus route of
2 10 a receiving school district for purposes of transporting
2 11 students who are participating in open enrollment. The
2 12 definition provides that such a point includes any school bus
2 13 stop on the route that existed prior to road construction
2 14 which necessitates a change in the route, whether or not the
2 15 change to the route necessitates sending school vehicles from
2 16 the receiving district into the district of residence to
2 17 transport the students to or from the preexisting point on the
2 18 route safely, economically, or efficiently.

2 19 Currently, the receiving school district can only send
2 20 vehicles into the district of residence for purposes of
2 21 transporting students participating in open enrollment if both
2 22 school districts agree to the arrangement.

2 23 LSB 1679SV 83

2 24 kh/nh/8



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Senate File 178 - Introduced

SENATE FILE
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO SSB 1037)

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

A BILL FOR

- 1 An Act relating to a private cause of action for certain consumer
- 2 fraud violations.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 1307SV 83
- 5 rh/rj/14



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Senate File 178 - Introduced continued

PAG LIN

1 1 Section 1. NEW SECTION. 714H.1 TITLE.
1 2 This chapter shall be known and may be cited as the
1 3 "Private Remedy for Consumer Fraud Act".
1 4 Sec. 2. NEW SECTION. 714H.2 DEFINITIONS.
1 5 1. "Advertisement" means the same as defined in section
1 6 714.16.
1 7 2. "Consumer" means a natural person or the person's legal
1 8 representative.
1 9 3. "Consumer merchandise" means merchandise offered for
1 10 sale or lease, or sold or leased, primarily for personal,
1 11 family, or household purposes.
1 12 4. "Deception" means the same as defined in section
1 13 714.16.
1 14 5. "Merchandise" means the same as defined in section
1 15 714.16 except that, for the purposes of this chapter,
1 16 "merchandise" does not include services offered or provided by
1 17 any of the following pursuant to a profession or business for
1 18 which they are licensed or registered:
1 19 a. Insurance companies subject to Title XIII.
1 20 b. Attorneys licensed to practice law in this state.
1 21 c. Financial institutions as defined in section 423.2,
1 22 subsection 6.
1 23 d. Public utilities as defined in section 476.1 that
1 24 furnish gas by a piped distribution system or electricity to
1 25 the public for compensation, when engaged in activities
1 26 subject to regulation by the utilities board pursuant to
1 27 chapter 476.
1 28 e. Persons or facilities licensed, certified, or
1 29 registered under chapter 135B, 135C, 135J, 148, 148A, 148B,
1 30 148C, 149, 151, 152, 152A, 152B, 153, 154, 154B, 154C, 154D,
1 31 155A, 169, 522B, 542, 542B, 544A, or 544B.
1 32 6. "Person" means the same as defined in section 714.16.
1 33 7. "Sale" means any sale or offer for sale of consumer
1 34 merchandise for cash or credit.
1 35 8. "Unfair practice" means the same as defined in section



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2 1 714.16.
2 2 Sec. 3. NEW SECTION. 714H.3 PROHIBITED PRACTICES AND
2 3 ACTS.
2 4 1. A person shall not engage in an unfair practice,
2 5 deception, fraud, false pretense, false promise, or
2 6 misrepresentation, or the concealment, suppression, or
2 7 omission of a material fact with the intent that others rely
2 8 upon the concealment, suppression, or omission, in connection
2 9 with the advertisement, sale, or lease of consumer
2 10 merchandise, or the solicitation of contributions for
2 11 charitable purposes. For the purposes of this chapter, any
2 12 claimant alleging fraud, false promise, false pretense, or
2 13 misrepresentation must prove that the prohibited practice
2 14 related to a material fact or facts.
2 15 2. A person shall not engage in any practice or act that
2 16 is in violation of any of the following:
2 17 a. Section 321.69.
2 18 b. Chapter 516D.
2 19 c. Section 516E.5, 516E.9, or 516E.10.
2 20 d. Chapter 555A.
2 21 e. Section 714.16, subsection 2, paragraphs "b" through
2 22 "n".
2 23 f. Chapter 714A.
2 24 Sec. 4. NEW SECTION. 714H.4 EXCLUSIONS.
2 25 1. This chapter shall not apply to any of the following:
2 26 a. Advertising by a retailer for a product, other than a
2 27 drug or other product claiming to have a health-related
2 28 benefit or use, if the advertising is prepared by a supplier,
2 29 unless the retailer participated in the preparation of the
2 30 advertisement or knew or should have known that the
2 31 advertisement was deceptive, false, or misleading.
2 32 b. In connection with an advertisement that violates this
2 33 chapter, the newspaper, magazine, publication, or other print
2 34 media in which the advertisement appears, or the radio
2 35 station, television station, or other electronic media which



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3 1 disseminates the advertisement if the newspaper, magazine,
3 2 publication, radio station, television station, or other print
3 3 or electronic media has no knowledge of the fraudulent intent,
3 4 design, or purpose of the advertiser at the time the
3 5 advertisement is accepted.

3 6 c. Any advertisement that complies with the statutes,
3 7 rules, and regulations of the federal trade commission.

3 8 d. The provision of local exchange carrier telephone
3 9 service pursuant to a certificate issued under section 476.29.

3 10 e. An affirmative act that violates this chapter but is
3 11 specifically required by, and is in strict conformance with,
3 12 other applicable law, to the extent that the actor could not
3 13 reasonably avoid a violation of this chapter.

3 14 2. "Material fact" as used in this chapter does not
3 15 include repairs of damage to or adjustments on or replacements
3 16 of parts with new parts of otherwise new merchandise if the
3 17 repairs, adjustments, or replacements are made to achieve
3 18 compliance with factory specifications and are made before
3 19 sale of the merchandise at retail and the actual cost of any
3 20 labor and parts charged to or performed by a retailer for any
3 21 such repairs, adjustments, and parts does not exceed three
3 22 hundred dollars or ten percent of the actual cost to a
3 23 retailer including freight of the merchandise, whichever is
3 24 less, providing that the seller posts in a conspicuous place
3 25 notice that repairs, adjustments, or replacements will be
3 26 disclosed upon request. The exclusion provided in this
3 27 subsection does not apply to the concealment, suppression, or
3 28 omission of a material fact if the purchaser requests
3 29 disclosure of any repair, adjustment, or replacement.

3 30 Sec. 5. NEW SECTION. 714H.5 PRIVATE CAUSE OF ACTION.

3 31 1. A consumer who suffers damage or injury as the result
3 32 of a prohibited practice or act in violation of this chapter
3 33 may bring an action at law to recover actual damages. The
3 34 court may order such equitable relief as it deems necessary to
3 35 protect the public from further violations, including



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4 1 temporary and permanent injunctive relief.
4 2 2. If the court finds that a person has violated this
4 3 chapter, the court shall award to the consumer the costs of
4 4 the action and to the consumer's attorney reasonable fees.
4 5 Reasonable attorney fees shall be determined by the value of
4 6 the time reasonably expended by the attorney including but not
4 7 limited to consideration of the following factors:
4 8 a. The time and labor required.
4 9 b. The novelty and difficulty of the issues in the case.
4 10 c. The skills required to perform the legal services
4 11 properly.
4 12 d. The preclusion of other employment by the attorney due
4 13 to the attorney's acceptance of the case.
4 14 e. The customary fee.
4 15 f. Whether the fee is fixed or contingent.
4 16 g. The time limitations imposed by the client or the
4 17 circumstances of the case.
4 18 h. The amount of money involved in the case and the
4 19 results obtained.
4 20 i. The experience, reputation, and ability of the
4 21 attorney.
4 22 j. The undesirability of the case.
4 23 k. The nature and length of the professional relationship
4 24 between the attorney and the client.
4 25 l. Damage awards in similar cases.
4 26 3. In order to recover damages, a claim under this section
4 27 shall be proved by a preponderance of the evidence.
4 28 4. If the finder of fact finds by a preponderance of
4 29 clear, convincing, and satisfactory evidence that a prohibited
4 30 practice or act in violation of this chapter constitutes
4 31 willful and wanton disregard for the rights or safety of
4 32 another, in addition to an award of actual damages, statutory
4 33 damages up to three times the amount of actual damages may be
4 34 awarded to a prevailing consumer.
4 35 5. An action pursuant to this chapter must be brought



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5 1 within five years of the occurrence of the last event giving
5 2 rise to the cause of action under this chapter or within five
5 3 years of the discovery of the violation of this chapter by the
5 4 person bringing the action, whichever is later.

5 5 6. This section shall not affect a consumer's right to
5 6 seek relief under any other theory of law.

5 7 Sec. 6. NEW SECTION. 714H.6 ATTORNEY GENERAL
5 8 NOTIFICATION.

5 9 1. A party filing a petition, counterclaim,
5 10 cross-petition, or pleading in intervention alleging a
5 11 violation under this chapter, within seven days following the
5 12 date of filing such pleading, shall provide a copy to the
5 13 attorney general and, within seven days following entry of any
5 14 final judgment in the action, shall provide a copy of the
5 15 judgment to the attorney general. This subsection shall not
5 16 apply to small claims actions, except as provided in
5 17 subsection 2.

5 18 2. A party appealing to district court a small claims
5 19 order or judgment involving an issue raised under this
5 20 chapter, within seven days of providing notice of the appeal,
5 21 shall notify the attorney general in writing and provide a
5 22 copy of the pleading raising the issue and a copy of the small
5 23 claims court order or judgment.

5 24 3. A party appealing an order or judgment involving an
5 25 issue raised under this chapter, within seven days following
5 26 the date such notice of appeal is filed with the court, shall
5 27 notify the attorney general in writing and provide a copy of
5 28 the pleading raising the issue and a copy of the court order
5 29 or judgment being appealed.

5 30 4. Upon timely application to the court in which an action
5 31 involving an issue raised under this chapter is pending, the
5 32 attorney general may intervene as a party at any time or may
5 33 be heard at any time. The attorney general's failure to
5 34 intervene shall not preclude the attorney general from
5 35 bringing a separate enforcement action.



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Senate File 178 - Introduced continued

6 1 5. All copies of pleadings, orders, judgments, and notices
6 2 required by this section to be sent to the attorney general
6 3 shall be sent by certified mail unless the attorney general
6 4 has previously been provided such copies of pleadings, orders,
6 5 judgments, or notices in the same action by certified mail, in
6 6 which case subsequent mailings may be made by regular mail.
6 7 Failure to provide the required mailings to the attorney
6 8 general shall not be grounds for dismissal of an action under
6 9 this chapter, but shall be grounds for a subsequent action by
6 10 the attorney general to vacate or modify the judgment.

6 11 EXPLANATION

6 12 This bill creates a private remedy for certain consumer
6 13 fraud Act violations.

6 14 The bill creates a private cause of action for consumer
6 15 fraud violations. The bill provides that a consumer who
6 16 suffers damage or injury as a result of a prohibited practice
6 17 or act declared to violate the bill may bring an action at law
6 18 to recover actual damages, and may seek court protection from
6 19 further violations, including temporary and permanent
6 20 injunctive relief. In addition, a prevailing consumer in such
6 21 an action shall be awarded costs and reasonable attorney fees
6 22 to be determined by the value of time reasonably expended by
6 23 the attorney including but not limited to certain factors as
6 24 specified in the bill. In addition, if the finder of fact
6 25 finds by a preponderance of clear, convincing, and
6 26 satisfactory evidence, that a prohibited practice or act in
6 27 violation of the bill constitutes willful and wanton disregard
6 28 for the rights or safety of another, in addition to an award
6 29 of actual damages, statutory damages up to three times the
6 30 amount of actual damages may be awarded to a prevailing
6 31 consumer.

6 32 The bill defines a prohibited practice or act to include an
6 33 unfair practice, deception, fraud, false pretense, false
6 34 promise, or misrepresentation, or the concealment,
6 35 suppression, or omission of a material fact with the intent



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Senate File 178 - Introduced continued

7 1 that others rely on the concealment, suppression, or omission,
7 2 in connection with the advertisement, sale, or lease of
7 3 consumer merchandise, or the solicitation of contributions for
7 4 charitable purposes. For the purposes of the bill, any
7 5 claimant alleging fraud, false promise, false pretense, or
7 6 misrepresentation must prove that the prohibited practice
7 7 related to a material fact or facts. "Merchandise" does not
7 8 include service offered or provided by certain insurance
7 9 companies, attorneys, financial institutions, public
7 10 utilities, hospitals, health care facilities, hospice
7 11 programs, physicians and surgeons, osteopathic physicians and
7 12 surgeons, physical therapists, occupational therapists,
7 13 physician assistants, podiatrists, chiropractors, nurses,
7 14 dietitians, respiratory care practitioners and therapists,
7 15 dentists, optometrists, psychologists, social workers,
7 16 behavioral therapists, pharmacists, veterinarians, insurance
7 17 producers, public accountants, engineers, architects, and
7 18 landscape architects.

7 19 The bill does not apply to certain advertising by a
7 20 retailer for a product unless the retailer participated in the
7 21 preparation of the advertisement or knew or should have known
7 22 that the advertisement was deceptive or misleading, print
7 23 media in which the advertisement appears or electronic media
7 24 which disseminates the advertisement if the print or
7 25 electronic media has no knowledge of the fraudulent intent,
7 26 design, or purpose of the advertiser at the time the
7 27 advertisement is accepted, any advertisement that complies
7 28 with the statutes, rules, and regulations of the federal trade
7 29 commission, the provision of certain local exchange carrier
7 30 telephone services, and an affirmative act that is in
7 31 violation of the bill but that is specifically required by and
7 32 is in strict conformance with other applicable law, to the
7 33 extent the actor could not reasonably avoid a violation of the
7 34 bill.

7 35 The bill authorizes the attorney general to oversee private



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8 1 consumer fraud actions, including small claims court actions,
8 2 by requiring a party filing a petition, counterclaim,
8 3 cross=petition, or pleading in intervention alleging a
8 4 violation under the bill to provide a copy of the relevant
8 5 documents, including judgments and notices of appeal, to the
8 6 attorney general. In addition, the attorney general may
8 7 intervene as a party in a private consumer fraud action at any
8 8 time, or may be heard in such an action at any time.
8 9 The bill provides that failure to provide all mailings of
8 10 petitions, orders, judgments, and notices of appeal to the
8 11 attorney general shall not be grounds for dismissal, but shall
8 12 be grounds for a subsequent action by the attorney general to
8 13 vacate or modify the judgment.
8 14 LSB 1307SV 83
8 15 rh/rj/14



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Senate File 179 - Introduced

SENATE FILE
BY BOLKCOM

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

A BILL FOR

- 1 An Act providing for a pilot project supporting high=quality
- 2 child care for low=income children.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 1976XS 83
- 5 jp/nh/8



Iowa General Assembly
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Senate File 179 - Introduced continued

PAG LIN

1 1 Section 1. Section 237A.13, Code 2009, is amended by
1 2 adding the following new subsection:
1 3 NEW SUBSECTION. 7A. a. The department shall implement a
1 4 pilot project to support high-quality child care for
1 5 low-income children. The implementation shall be limited to
1 6 the extent of the funding designated for the pilot program.
1 7 b. To participate in the pilot project, a child care
1 8 facility must comply with all of the following:
1 9 (1) The facility is accredited by the national association
1 10 for the education of young children, meets or exceeds the Iowa
1 11 quality preschool program standards adopted by the department
1 12 of education, has demonstrated a high degree of quality under
1 13 the voluntary child care quality rating system under section
1 14 237A.30, or is a federally funded head start program that
1 15 meets or exceeds head start performance standards.
1 16 (2) At least sixty percent of the children receiving child
1 17 care from the facility are participating in the state child
1 18 care assistance program.
1 19 (3) The facility offers a comprehensive set of services in
1 20 addition to child care for the parents and other family
1 21 members of the children receiving child care from the
1 22 facility.
1 23 c. The components of the pilot project may include but are
1 24 not limited to the following:
1 25 (1) Income eligibility for participating families is
1 26 redetermined twelve months from the date of the initial
1 27 eligibility determination and every twelve months thereafter.
1 28 (2) Participating families are exempt from any waiting
1 29 list applied under this section during the period of
1 30 participation.
1 31 (3) Participating families thought to be eligible for
1 32 state child care assistance based upon prima facie review have
1 33 a period of presumptive eligibility of not more than thirty
1 34 days while eligibility is being determined.
1 35 (4) Participating families who are also participating in



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Senate File 179 - Introduced continued

2 1 the family investment, food assistance, hawk=i, or medical
2 2 assistance programs or whose children are receiving free or
2 3 reduced price meals under the federal National School Lunch
2 4 Act and the federal Child Nutrition Act of 1966, 42 U.S.C. }
2 5 1751=1785, have twelve months of categorical eligibility for
2 6 the state child care assistance program.
2 7 (5) The reimbursement methodology for facilities utilizes
2 8 a tiered approach based upon the quality rating of a facility
2 9 and allows reimbursement rates above the usual rate paid under
2 10 the state child care assistance program.

2 11 EXPLANATION

2 12 This bill provides for a pilot project supporting
2 13 high=quality child care for low=income children under the
2 14 state child care assistance program in Code section 237A.13.
2 15 The state child care assistance program is funded through a
2 16 federal block grant and state funds.

2 17 To participate in the pilot project, a child care facility
2 18 (defined by Code chapter 237A as a child care center,
2 19 preschool, or a registered child development home) must meet
2 20 certain quality standards, have at least 60 percent of the
2 21 children receiving child care participating in the state child
2 22 care assistance program, and provide comprehensive services to
2 23 the families of the children receiving child care.

2 24 The pilot project components may include an annual
2 25 eligibility redetermination period, exemption from waiting
2 26 list requirements under the state child care assistance
2 27 program, a 30=day period of presumptive eligibility, state
2 28 child care assistance program categorical eligibility based on
2 29 family eligibility for other public programs, and tiered
2 30 reimbursement based on a facility's quality rating.

2 31 LSB 1976XS 83

2 32 jp/nh/8



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Senate File 180 - Introduced

SENATE FILE
BY KETTERING

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

Passed House, Date _____
Vote: Ayes _____ Nays _____

A BILL FOR

1 An Act relating to exemptions from the prohibitions of the
2 smokefree air Act for bars and restaurants under certain
3 conditions.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
5 TLSB 2338XS 83
6 pf/rj/5



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Senate File 180 - Introduced continued

PAG LIN

1 1 Section 1. Section 142D.2, subsections 1 and 17, Code
 1 2 2009, are amended to read as follows:
 1 3 1. "Bar" means an establishment where one may purchase
 1 4 alcoholic beverages, as defined in section 123.3, for
 1 5 consumption on the premises and in which ~~the serving of food~~
~~1 6 is only incidental to the consumption of those sixty percent~~
 1 7 or more of the gross revenue of the establishment is derived
 1 8 from the sales of such beverages.

1 9 17. "Restaurant" means an eating establishment
 1 10 establishment, including a private ~~and~~ or public school
 1 11 ~~cafeterias~~ cafeteria, which ~~offer~~ offers food to the public,
 1 12 guests, or employees, including the kitchen and catering
 1 13 facilities in which food is prepared on the premises for
 1 14 serving elsewhere, and including ~~a bar~~ an area within a
 1 15 restaurant where one may purchase alcoholic beverages, as
 1 16 defined in section 123.3, for consumption on the premises.

1 17 Sec. 2. Section 142D.3, subsection 2, paragraph b, Code
 1 18 2009, is amended by striking the paragraph.

1 19 Sec. 3. Section 142D.4, Code 2009, is amended by adding
 1 20 the following new subsection:

1 21 NEW SUBSECTION. 12. A bar otherwise subject to the
 1 22 prohibitions of section 142D.3 that meets both of the
 1 23 following conditions:

1 24 a. Only invites and allows entrance to individuals
 1 25 twenty=one years of age and older.

1 26 b. Utilizes air filtration and ventilation equipment in
 1 27 accordance with standards adopted by rule of the department.

1 28 EXPLANATION

1 29 This bill amends the smokefree air Act (Code chapter 142D)
 1 30 relating to bars. The bill redefines "bar" under the Act to
 1 31 provide that a bar is an establishment in which alcoholic
 1 32 beverages may be purchased for consumption on the premises and
 1 33 in which at least 60 percent of the gross revenue of the
 1 34 establishment is derived from the sales of such beverages.
 1 35 The bill changes the definition of "restaurant" to include



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2 1 areas of the restaurant where alcoholic beverages can be
2 2 purchased and consumed rather than referring to the new
2 3 definition of "bar". The bill exempts from the smoking
2 4 prohibitions of the Act, bars which only invite and allow
2 5 entrance to individuals 21 years of age and older and utilize
2 6 air filtration and ventilation equipment in accordance with
2 7 standards adopted by rule of the department of public health.
2 8 The bill also eliminates the provision prohibiting smoking in
2 9 the outdoor seating and serving areas of restaurants.
2 10 LSB 2338XS 83
2 11 pf/rj/5



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Senate File 181 - Introduced

SENATE FILE

BY APPEL, STEWART, SCHMITZ,
QUIRMBACH, DOTZLER, DEARDEN,
FRAISE, KIBBIE, SODDERS,
RAGAN, JOCHUM, RIELLY,
SCHOENJAHN, KREIMAN, and
BOLKCOM

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

Passed House, Date _____
Vote: Ayes _____ Nays _____

A BILL FOR

1 An Act establishing campaign contribution limits for candidates
2 for statewide office or the general assembly and making civil
3 and criminal penalties applicable.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
5 TL5B 1622SS 83
6 jr/sc/8



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Senate File 181 - Introduced continued

PAG LIN

1 1 Section 1. NEW SECTION. 68A.502A LIMITATIONS ON
1 2 CONTRIBUTIONS.
1 3 1. During any election campaign cycle a person shall not
1 4 make and a candidate or candidate's committee shall not accept
1 5 any contribution, as defined in section 68A.102, that in the
1 6 aggregate exceeds the following:
1 7 a. Two thousand dollars to any candidate or candidate's
1 8 committee for a statewide office.
1 9 b. Five hundred dollars to any candidate or candidate's
1 10 committee for the Iowa house of representatives.
1 11 c. One thousand dollars to any candidate or candidate's
1 12 committee for the Iowa senate.
1 13 2. A state statutory political committee, political party,
1 14 or political committee shall not make and a candidate or
1 15 candidate's committee shall not accept contributions that,
1 16 during any election campaign cycle, in the aggregate, exceed
1 17 the following:
1 18 a. Four thousand dollars to any candidate or candidate's
1 19 committee for a statewide office.
1 20 b. One thousand dollars to any candidate or candidate's
1 21 committee for the Iowa house of representatives.
1 22 c. Two thousand dollars to any candidate or candidate's
1 23 committee for the Iowa senate.
1 24 3. The term "election campaign cycle" means the time
1 25 period between elections for a particular office. For
1 26 purposes of this section, each primary, general, and special
1 27 election is a separate election campaign cycle. Separate
1 28 contribution limits for each type of election for a particular
1 29 office, including primary, general, and special elections,
1 30 apply in an election campaign cycle. However, if a candidate
1 31 for office does not run in a contested primary election, the
1 32 contribution limit for the general election shall apply for
1 33 the time period covering both the primary and general
1 34 elections.
1 35 4. The contribution limitations in this section do not



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2 1 include contributions made by the candidate to the candidate's
2 2 own campaign.

2 3 EXPLANATION

2 4 This bill establishes campaign contribution limits for
2 5 candidates for statewide office and the general assembly.
2 6 Separate limits are established for individuals, political
2 7 committees, state party central committees, and political
2 8 parties. It is a violation both for a contributor to make and
2 9 a candidate or candidate's committee to accept contributions
2 10 in excess of the amounts set out in the bill.

2 11 The specified limitations are for each election cycle,
2 12 i.e., a primary, general, or special election. By operation
2 13 of law, the limitations apply to in-kind contributions, such
2 14 as printing, but do not apply to the cash value of volunteer
2 15 activity.

2 16 The bill provides that the contribution restrictions do not
2 17 apply to contributions made by the candidate to the
2 18 candidate's own campaign.

2 19 As provided in Code section 68A.701, a willful violation of
2 20 any provision of the campaign finance chapter is a serious
2 21 misdemeanor punishable by confinement for up to one year and a
2 22 fine of at least \$315 but not more than \$1,875. A variety of
2 23 civil remedies are also available in Code section 68B.32D for
2 24 a violation of Code chapter 68A or rules of the ethics and
2 25 campaign disclosure board, ranging from a reprimand to a civil
2 26 penalty of not more than \$2,000.

2 27 LSB 1622SS 83

2 28 jr/sc/8



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Senate File 182 - Introduced

SENATE FILE
BY BOLKCOM

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

Passed House, Date _____
Vote: Ayes _____ Nays _____

A BILL FOR

- 1 An Act relating to restrictions on the use of fertilizer
- 2 containing phosphorus on turf and making a penalty applicable.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 2244SS 83
- 5 tm/nh/5



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Senate File 182 - Introduced continued

PAG LIN

1 1 Section 1. Section 200.3, Code 2009, is amended by adding
1 2 the following new subsection:

1 3 NEW SUBSECTION. 27A. "Turf" means noncrop land planted
1 4 with closely mowed, managed grasses including but not limited
1 5 to residential and commercial property, private golf courses,
1 6 and property owned by the state or a political subdivision of
1 7 the state including parks, recreation areas, and public golf
1 8 courses. "Turf" does not mean pasture, hay, turf grown on
1 9 turf farms, or any other form of agricultural production.

1 10 Sec. 2. NEW SECTION. 200.23 TURF FERTILIZER
1 11 RESTRICTIONS.

1 12 1. A person may apply a fertilizer containing phosphorus
1 13 to turf only under any of the following circumstances:

1 14 a. A tissue, soil, or other test by a laboratory or other
1 15 method approved by the secretary and performed within the
1 16 three years prior to application indicates that the level of
1 17 available phosphorus in the soil is insufficient to support
1 18 healthy turf growth.

1 19 b. The property owner or an agent of the property owner is
1 20 first establishing turf by seed or sod procedures. Fertilizer
1 21 containing phosphorus may only be applied during the first
1 22 growing season following the application of the seed or sod
1 23 procedure.

1 24 c. The fertilizer containing the phosphorus is used on
1 25 golf course turf under the direction of a person licensed,
1 26 certified, or approved by an organization with an ongoing turf
1 27 management training program approved by the secretary.

1 28 2. Applications of fertilizer containing phosphorus
1 29 pursuant to subsection 1 shall not exceed rates approved by
1 30 the secretary.

1 31 3. The secretary, in consultation with the Iowa
1 32 cooperative extension service in agriculture and home
1 33 economics, shall produce consumer information on restrictions
1 34 and recommended best practices for lawn fertilizer containing
1 35 phosphorus, and on best management practices for other



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Senate File 182 - Introduced continued

2 1 residential sources of phosphorus in the urban landscape. The
2 2 information must be in a format and of a content suitable for
2 3 posting and distribution at retail points of sale of
2 4 fertilizer that contains phosphorus and is for use on turf.

2 5 EXPLANATION

2 6 This bill relates to restrictions on the use of fertilizer
2 7 containing phosphorus on turf.

2 8 The bill allows a person to apply a fertilizer containing
2 9 phosphorus to turf only under three circumstances:

2 10 1. A tissue, soil, or other test by a laboratory or other
2 11 method approved by the secretary and performed within the
2 12 three years prior to application indicates that the level of
2 13 available phosphorus in the soil is insufficient to support
2 14 healthy turf growth.

2 15 2. The property owner is first establishing turf by seed
2 16 or sod procedures.

2 17 3. The fertilizer containing the phosphorus is used on
2 18 golf course turf under the direction of a person licensed,
2 19 certified, or approved by an organization with an ongoing turf
2 20 management training program approved by the secretary of
2 21 agriculture.

2 22 The bill provides that allowable applications of fertilizer
2 23 containing phosphorus shall not exceed rates approved by the
2 24 secretary of agriculture.

2 25 The bill requires the secretary of agriculture, in
2 26 consultation with the Iowa cooperative extension service in
2 27 agriculture and home economics, to produce consumer
2 28 information on restrictions and recommended best practices for
2 29 lawn fertilizer containing phosphorus, and on best management
2 30 practices for other residential sources of phosphorus in the
2 31 urban landscape.

2 32 The bill defines the term "turf" to mean noncrop land
2 33 planted with closely mowed, managed grasses including but not
2 34 limited to residential and commercial property, private golf
2 35 courses, and property owned by the state or a political



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3 1 subdivision of the state including parks, recreation areas,
3 2 and public golf courses. "Turf" does not mean pasture, hay,
3 3 turf grown on turf farms, or any other form of agricultural
3 4 production.
3 5 A criminal penalty of a simple misdemeanor is applicable to
3 6 violations of the provisions of the bill. A simple
3 7 misdemeanor is punishable by confinement for not more than 30
3 8 days or a fine of at least \$65 but not more than \$625 or by
3 9 both.
3 10 LSB 2244SS 83
3 11 tm/nh/5



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Senate File 183 - Introduced

SENATE FILE

BY OLIVE, DOTZLER, and WIECK

Passed Senate, Date _____

Passed House, Date _____

Vote: Ayes _____ Nays _____

Vote: Ayes _____ Nays _____

Approved

A BILL FOR

- 1 An Act relating to property assessment and taxation by creating a
- 2 recreational class of property.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 2313XS 83
- 5 md/sc/14



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Senate File 183 - Introduced continued

PAG LIN

1 1 Section 1. Section 441.21, Code 2009, is amended by adding
1 2 the following new subsection:

1 3 NEW SUBSECTION. 13. a. Beginning with valuations
1 4 established on or after January 1, 2010, property described in
1 5 this subsection shall be valued as a separate class of
1 6 property called recreational property and shall be assessed at
1 7 fifty percent of its actual value. Recreational property is
1 8 subject to reassessment by the assessor and is subject to the
1 9 same equalization percentage amount determined by the director
1 10 of revenue pursuant to section 441.49 as is ordered for
1 11 commercial property.

1 12 b. For purposes of this subsection, "recreational
1 13 property" means a golf course, downhill skiing area,
1 14 campground, amusement park, or water theme park, if such
1 15 property is operated as a commercial enterprise and otherwise
1 16 subject to taxation.

1 17 EXPLANATION

1 18 This bill creates a new class of property, recreational
1 19 property, for purposes of property assessment and taxation,
1 20 beginning with valuations established on or after January 1,
1 21 2010. The bill describes recreational property as a golf
1 22 course, downhill skiing area, campground, amusement park, or
1 23 water theme park, all of which are operated as a commercial
1 24 enterprise and are otherwise subject to taxation. The bill
1 25 provides that recreational property shall be assessed for
1 26 taxation at 50 percent of its actual value.

1 27 LSB 2313XS 83

1 28 md/sc/14



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Senate File 184 - Introduced

SENATE FILE
BY BOLKCOM

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

Passed House, Date _____
Vote: Ayes _____ Nays _____

A BILL FOR

1 An Act providing for inclusion of annual utility costs in
2 information required to be disclosed prior to a transfer of
3 real estate.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
5 TLSB 2291SS 83
6 rn/rj/14



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Senate File 184 - Introduced continued

PAG LIN

1 1 Section 1. Section 558A.4, subsection 1, Code 2009, is
1 2 amended to read as follows:
1 3 1. The disclosure statement shall include information
1 4 relating to the condition and important characteristics of the
1 5 property and structures located on the property, including
1 6 significant defects in the structural integrity of the
1 7 structure, as provided in rules which shall be adopted by the
1 8 real estate commission pursuant to section 543B.9. The
1 9 disclosure statement shall also include the total amount of
1 10 utility costs billed to the property and structures located on
1 11 the property during the preceding twelve-month period. The
1 12 rules may require the disclosure to include information
1 13 relating to the property's zoning classification; the
1 14 condition of plumbing, heating, or electrical systems; or the
1 15 presence of pests.

1 16

EXPLANATION

1 17 This bill adds to information currently required to be
1 18 disclosed by a transferor of real property to a transferee in
1 19 a written disclosure statement the disclosure of utility costs
1 20 billed to the property during the preceding 12-month period.
1 21 LSB 2291SS 83
1 22 rn/rj/14



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Senate File 185 - Introduced

SENATE FILE
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO SF 78)

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

A BILL FOR

- 1 An Act relating to scrap metal transactions, prohibiting certain
- 2 sales, and imposing criminal penalties.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 1170SV 83
- 5 tm/nh/5



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Senate File 185 - Introduced continued

PAG LIN

1 1 Section 1. NEW SECTION. 714.27 SCRAP METAL TRANSACTIONS
1 2 AND REPORTING == PENALTIES.
1 3 1. For purposes of this section, and unless the context
1 4 otherwise requires, the following definitions shall apply:
1 5 a. "Scrap metal" means any metal suitable for
1 6 reprocessing.
1 7 b. "Scrap metal dealer" means any person operating a
1 8 business at a fixed or mobile location that is engaged in one
1 9 of the following activities:
1 10 (1) Buying, selling, procuring, collecting, gathering,
1 11 soliciting, or dealing in scrap metal.
1 12 (2) Operating, managing, or maintaining a scrap metal
1 13 yard.
1 14 c. "Scrap metal yard" means any yard, plot, space,
1 15 enclosure, building, mobile facility, or other place where
1 16 scrap metal is collected, gathered together, stored, or kept
1 17 for shipment, sale, or transfer.
1 18 2. a. A person shall not sell scrap metal to a scrap
1 19 metal dealer in this state unless the person provides to the
1 20 scrap metal dealer, at or before the time of sale, the
1 21 person's name, address, and place of business, if any, and
1 22 presents to the scrap metal dealer a valid driver's license or
1 23 nonoperator's identification card, military identification
1 24 card, passport, or other government-issued photo
1 25 identification.
1 26 b. A scrap metal dealer shall not make an initial purchase
1 27 of scrap metal from a person without demanding and receiving
1 28 the information required by this subsection. However, after
1 29 an initial transaction, a scrap metal dealer may only require
1 30 the person's name and place of business for subsequent
1 31 purchases, provided the scrap metal dealer retains all
1 32 information received during the initial transaction.
1 33 3. A scrap metal dealer shall keep a confidential register
1 34 or log of each transaction, including a record of the
1 35 information required by subsection 2. All records and



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Senate File 185 - Introduced continued

2 1 information kept pursuant to this subsection shall be retained
2 2 for at least two years, and shall be provided to a law
2 3 enforcement agency upon request during normal business hours
2 4 when the law enforcement agency has reasonable grounds to
2 5 request such information as part of a criminal investigation.
2 6 A law enforcement agency shall preserve the confidentiality of
2 7 the information provided under this subsection and shall not
2 8 disclose it to a third party, except as may be necessary in
2 9 the prosecution of a criminal violation.

2 10 4. The following scrap metal transactions are exempt from
2 11 the requirements of this section:

2 12 a. Transactions in which the total sale price is fifty
2 13 dollars or less, except transactions for the sale of catalytic
2 14 converters.

2 15 b. Transactions for the sale of catalytic converters in
2 16 which the total sale price is seventy-five dollars or less.

2 17 c. Transactions in which a scrap metal dealer is selling
2 18 scrap metal.

2 19 d. Transactions in which the person selling the scrap
2 20 metal is known to the scrap metal dealer purchasing the scrap
2 21 metal to be the officer, employee, or agent of an established
2 22 commercial or industrial business, operating from a fixed
2 23 location, that may reasonably be expected to produce scrap
2 24 metal during the operation of the business.

2 25 5. A person who violates this section is guilty of a
2 26 simple misdemeanor. However, a person who violates this
2 27 section three or more times within a two-year period is guilty
2 28 of a serious misdemeanor.

2 29 EXPLANATION

2 30 This bill relates to scrap metal sales.

2 31 The bill prohibits persons from selling scrap metal to a
2 32 scrap metal dealer without providing identification and
2 33 certain information such as a permanent address during an
2 34 initial sale. Less information is required for subsequent
2 35 transactions.



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3 1 The bill exempts certain transactions of small dollar
3 2 amounts and transactions in which the person selling the scrap
3 3 metal is a scrap metal dealer or in which the person selling
3 4 is known to the scrap metal dealer as an established business
3 5 that generates scrap metal.

3 6 The bill requires scrap metal dealers to maintain a
3 7 confidential log of transactions and keep records of
3 8 transactions for at least two years and to provide that
3 9 information to law enforcement agencies upon request and upon
3 10 reasonable grounds.

3 11 The bill imposes criminal penalties for violations. A
3 12 person who violates the Code chapter is guilty of a simple
3 13 misdemeanor, and a person who does so three or more times in a
3 14 two-year period is guilty of a serious misdemeanor.

3 15 A simple misdemeanor is punishable by confinement for no
3 16 more than 30 days or a fine of at least \$65 but not more than
3 17 \$625 or by both.

3 18 A serious misdemeanor is punishable by confinement for no
3 19 more than one year and a fine of at least \$315 but not more
3 20 than \$1,875.

3 21 LSB 1170SV 83

3 22 tm/nh/5



Iowa General Assembly
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February 18, 2009

Senate File 186 - Introduced

SENATE FILE
BY COMMITTEE ON VETERANS
AFFAIRS

(SUCCESSOR TO SSB 1148)

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

Passed House, Date _____
Vote: Ayes _____ Nays _____

A BILL FOR

- 1 An Act concerning preferential hiring treatment by government for
- 2 veterans.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 1352SV 83
- 5 ec/nh/5



Iowa General Assembly
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Senate File 186 - Introduced continued

PAG LIN

1 1 Section 1. Section 35C.1, subsection 1, Code 2009, is
1 2 amended to read as follows:
1 3 1. In every public department and upon all public works in
1 4 the state, and of the counties, cities, and school
1 5 corporations of the state, veterans ~~as defined in section 35.1~~
1 6 who are citizens and residents of this state the United States
1 7 are entitled to preference in appointment and employment over
1 8 other applicants of no greater qualifications. The preference
1 9 in appointment and employment for employees of cities under a
1 10 municipal civil service is the same as provided in section
1 11 400.10. For purposes of this section, "veteran" means as
1 12 defined in section 35.1 except that the requirement that the
1 13 person be a resident of this state shall not apply.

1 14 Sec. 2. Section 400.10, Code 2009, is amended to read as
1 15 follows:

1 16 400.10 PREFERENCES.

1 17 In all examinations and appointments under this chapter,
1 18 other than promotions and appointments of chief of the police
1 19 department and chief of the fire department, veterans ~~as~~
1 20 ~~defined in section 35.1,~~ who are citizens and residents of
1 21 this state the United States, shall have five percentage
1 22 points added to the veteran's grade or score attained in
1 23 qualifying examinations for appointment to positions and five
1 24 additional percentage points added to the grade or score if
1 25 the veteran has a service-connected disability or is receiving
1 26 compensation, disability benefits or pension under laws
1 27 administered by the veterans administration. An honorably
1 28 discharged veteran who has been awarded the Purple Heart ~~for~~
1 29 ~~disabilities~~ incurred in action shall be considered to have a
1 30 service-connected disability. However, the percentage points
1 31 shall be given only upon passing the exam and shall not be the
1 32 determining factor in passing. Veteran's preference
1 33 percentage points shall be applied once to the final scores
1 34 used to rank applicants for selection for an interview. For
1 35 purposes of this section, "veteran" means as defined in



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Senate File 186 - Introduced continued

2 1 section 35.1 except that the requirement that the person be a
2 2 resident of this state shall not apply.

2 3 EXPLANATION

2 4 This bill removes the requirement that a person be a
2 5 citizen and resident of Iowa in order to receive a veterans
2 6 preference in appointment or employment for public employment,
2 7 including municipal civil service employment under Code
2 8 chapter 400.

2 9 For purposes of municipal civil service employment, the
2 10 bill also provides that the veteran's preference points are
2 11 percentage points and that the percentage points shall be
2 12 applied once to the final scores used to rank applicants for
2 13 selection for an interview. In addition, the bill strikes the
2 14 phrase "for disabilities" as a qualifier as to whether a
2 15 person awarded a Purple Heart shall be considered to have a
2 16 disability for purposes of determining veterans preference.

2 17 LSB 1352SV 83

2 18 ec/nh/5



Iowa General Assembly
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Senate File 187 - Introduced

SENATE FILE
BY COMMITTEE ON NATURAL
RESOURCES

(SUCCESSOR TO SSB 1174)

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

Passed House, Date _____
Vote: Ayes _____ Nays _____

A BILL FOR

- 1 An Act providing for the issuance of special deer hunting
- 2 licenses to residents who are nonambulatory.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 2022SV 83
- 5 av/nh/8



Iowa General Assembly
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Senate File 187 - Introduced continued

PAG LIN

1 1 Section 1. NEW SECTION. 483A.8C NONAMBULATORY DEER
1 2 HUNTING LICENSES.
1 3 1. A nonambulatory person who is a resident may be issued
1 4 one any sex deer hunting license which is valid and may be
1 5 used to hunt deer with a shotgun or a muzzleloading shotgun
1 6 during any established deer hunting season. A person who
1 7 applies for a license pursuant to this section shall complete
1 8 a form, as required by rule, that is signed by a physician who
1 9 verifies that the person is nonambulatory.
1 10 2. A person who obtains a deer hunting license under this
1 11 section is not required to pay the wildlife habitat fee but
1 12 shall purchase a deer hunting license and hunting license, be
1 13 otherwise qualified to hunt, and pay a one dollar fee that
1 14 shall be used and is appropriated for the purpose of deer herd
1 15 population management, including assisting with the cost of
1 16 processing deer donated to the help us stop hunger program
1 17 administered by the commission.
1 18 3. A person may obtain a license under this section in
1 19 addition to any other deer hunting licenses for which the
1 20 person is eligible.
1 21 4. For the purposes of this section, "nonambulatory
1 22 person" means an individual with paralysis of the lower half
1 23 of the body with the involvement of both legs, usually caused
1 24 by disease of or injury to the spinal cord, or caused by the
1 25 loss of both legs or the loss of a part of both legs.
1 26 EXPLANATION
1 27 This bill allows a nonambulatory resident to be issued one
1 28 any sex deer hunting license which is valid and may be used to
1 29 hunt deer with a shotgun or a muzzleloading shotgun during any
1 30 established deer hunting season. A person who applies for the
1 31 license must complete a form which is signed by a physician
1 32 who verifies that the person is nonambulatory.
1 33 A person who obtains the license is not required to pay the
1 34 wildlife habitat fee but must purchase a deer hunting license
1 35 and hunting license, be otherwise qualified to hunt, and pay a



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Senate File 187 - Introduced continued

2 1 \$1 fee that shall be used and is appropriated for the purpose
2 2 of deer herd population management, including assisting with
2 3 the cost of processing deer donated to the help us stop hunger
2 4 program administered by the commission. A person may obtain a
2 5 license under this section in addition to any other deer
2 6 hunting licenses for which the person is eligible.

2 7 For the purposes of the bill, "nonambulatory person" means
2 8 an individual with paralysis of the lower half of the body
2 9 with the involvement of both legs, usually caused by disease
2 10 of or injury to the spinal cord, or caused by the loss of both
2 11 legs or the loss of a part of both legs.

2 12 LSB 2022SV 83

2 13 av/nh/8



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Senate File 188 - Introduced

SENATE FILE
BY SCHOENJAHN

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

A BILL FOR

- 1 An Act concerning the sale of beer and wine by native wineries
- 2 and breweries.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 2199XS 83
- 5 ec/nh/8



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Senate File 188 - Introduced continued

PAG LIN

1 1 Section 1. Section 123.56, subsection 5, Code 2009, is
1 2 amended to read as follows:
1 3 5. Notwithstanding any other provision of this chapter, a
1 4 person engaged in the business of manufacturing native wine
1 5 may sell beer purchased from a brewery holding a class "A"
1 6 beer permit and native wine at retail for consumption on the
1 7 premises of the manufacturing facility by applying for a class
1 8 "C" native wine permit as provided in section 123.178B. A
1 9 manufacturer of native wine may be granted not more than one
1 10 class "C" native wine permit.

1 11 Sec. 2. Section 123.130, unnumbered paragraph 3, Code
1 12 2009, is amended to read as follows:

1 13 A person who holds a special class "A" permit for the same
1 14 location at which the person holds a class "C" liquor control
1 15 license or class "B" beer permit may manufacture and sell beer
1 16 to be consumed on the premises and may sell beer to a class
1 17 "A" permittee for resale purposes. In addition, a person who
1 18 holds a special class "A" permit for the same location at
1 19 which the person holds a class "B" beer permit may purchase
1 20 wine from a native winery holding a class "A" wine permit for
1 21 sale at retail for consumption on the premises.

1 22 Sec. 3. Section 123.178B, Code 2009, is amended by adding
1 23 the following new subsection:

1 24 NEW SUBSECTION. 4. A person holding a class "C" native
1 25 wine permit and a class "A" native wine permit may purchase
1 26 beer from a brewery holding a class "A" beer permit for sale
1 27 at retail for consumption on the premises.

1 28 EXPLANATION

1 29 This bill concerns the sale of native wines and beer.

1 30 Code sections 123.56 and 123.178B are amended to allow a
1 31 person holding a class "C" native wine permit and a class "A"
1 32 native wine permit to purchase beer from a brewery holding a
1 33 class "A" beer permit for sale at retail for consumption on
1 34 the premises.

1 35 Code section 123.130 is amended to allow a person who holds



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Senate File 188 - Introduced continued

2 1 a special class "A" beer permit and a class "B" beer permit to
2 2 purchase and sell wine from a native winery for sale at retail
2 3 for consumption on the premises.
2 4 LSB 2199XS 83
2 5 ec/nh/8



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Senate File 189 - Introduced

SENATE FILE
BY BLACK

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

Passed House, Date _____
Vote: Ayes _____ Nays _____

A BILL FOR

1 An Act to require the department of veterans affairs to conduct a
2 study concerning the restoration and maintenance of the medal
3 of honor memorial for the state of Iowa.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
5 TLSB 2270SS 83
6 jr/sc/24



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Senate File 189 - Introduced continued

PAG LIN

1 1 Section 1. IOWA MEDAL OF HONOR MEMORIAL STUDY. The Iowa
1 2 department of veterans affairs shall conduct a study regarding
1 3 the cost of providing funds for the restoration and
1 4 maintenance of the medal of honor memorial for the state of
1 5 Iowa, located at the freedoms foundation medal of honor grove
1 6 in Valley Forge, Pennsylvania. The purpose of the study shall
1 7 be to provide the general assembly with recommendations
1 8 regarding the feasibility of providing funding for the
1 9 restoration of the memorial and an estimate of the costs
1 10 involved in the restoration and ongoing maintenance of the
1 11 memorial.

1 12 Sec. 2. The department shall submit a report to the
1 13 general assembly on or before January 15, 2010, regarding the
1 14 department's findings and recommendations.

1 15 EXPLANATION

1 16 This bill requires the Iowa department of veterans affairs
1 17 to conduct a study concerning the restoration and maintenance
1 18 of the medal of honor memorial for the state of Iowa and to
1 19 report to the general assembly by January 15, 2010.

1 20 LSB 2270SS 83

1 21 jr/sc/24



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Senate File 190 - Introduced

SENATE FILE
BY BOLKCOM

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

A BILL FOR

1 An Act prohibiting the use of handheld cellular telephones and
2 other wireless communication devices by motor vehicle
3 operators and providing a penalty.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
5 TLSB 2340SS 83
6 dea/nh/5



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Senate File 190 - Introduced continued

PAG LIN

1 1 Section 1. NEW SECTION. 321.363A USE OF WIRELESS
1 2 COMMUNICATION DEVICES RESTRICTED.
1 3 1. A person shall not operate or use a cellular telephone
1 4 or other wireless communication device while operating a motor
1 5 vehicle on a street or highway unless the person uses a
1 6 headset or hands-free adapter to operate or use the telephone
1 7 or communication device.
1 8 a. This subsection does not apply to the use of a handheld
1 9 cellular telephone or other handheld wireless communication
1 10 device to call 911 or to contact law enforcement authorities
1 11 or an emergency response agency in an emergency situation.
1 12 b. This subsection does not apply when the motor vehicle
1 13 is at a complete stop off the roadway.
1 14 c. This subsection does not apply to the use of an amateur
1 15 radio by a federally licensed amateur radio operator.
1 16 2. A person who violates subsection 1 commits a simple
1 17 misdemeanor, punishable as a scheduled violation under section
1 18 805.8A, subsection 6, paragraph "e".
1 19 Sec. 2. Section 805.8A, subsection 6, Code 2009, is
1 20 amended by adding the following new paragraph:
1 21 NEW PARAGRAPH. e. For violations under section 321.363A,
1 22 the scheduled fine is thirty dollars.
1 23 EXPLANATION
1 24 This bill prohibits the driver of a motor vehicle from
1 25 operating or using a cellular telephone or other wireless
1 26 communication device without using a headset or hands-free
1 27 adapter while operating a motor vehicle on a street or
1 28 highway. An exception is allowed for emergency situations
1 29 when the use of a handheld phone or device is to call 911 or
1 30 contact law enforcement authorities or an emergency response
1 31 agency. In addition, federally licensed amateur radio
1 32 operators are exempt when operating an amateur radio. The
1 33 bill does not prohibit a driver from using any cellular
1 34 telephone or other wireless communication device when the
1 35 motor vehicle is at a complete stop off the roadway.



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Senate File 190 - Introduced continued

2 1 The bill establishes a scheduled fine of \$30 as the penalty
2 2 for a violation.
2 3 LSB 2340SS 83
2 4 dea/nh/5



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 18, 2009

Senate File 191 - Introduced

SENATE FILE
BY DANIELSON

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

A BILL FOR

- 1 An Act providing for a disaster recovery tax credit and including
- 2 a retroactive applicability date provision.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 1822SS 83
- 5 tw/mg:sc/8



Iowa General Assembly
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Senate File 191 - Introduced continued

PAG LIN

1 1 Section 1. NEW SECTION. 404B.1 DISASTER RECOVERY TAX
1 2 CREDIT.
1 3 1. a. A disaster recovery tax credit shall be allowed
1 4 against the taxes imposed in chapter 422, divisions II, III,
1 5 and V, and in chapter 432, for a portion of a taxpayer's costs
1 6 incurred in projects rehabilitating certain historic property
1 7 located in this state and damaged as a result of a natural
1 8 disaster occurring in calendar year 2008.
1 9 b. To be eligible for the credit, a taxpayer shall meet
1 10 all of the following requirements:
1 11 (1) The rehabilitation project shall be one of the
1 12 following:
1 13 (a) A certified rehabilitation of a certified historic
1 14 structure, as designated by the United States secretary of the
1 15 interior pursuant to 36 C.F.R. pt. 67.
1 16 (b) The rehabilitation of a nonhistoric, nonresidential
1 17 building placed in service before 1936.
1 18 (2) The rehabilitation project shall be for property
1 19 located in an area declared a disaster area in calendar year
1 20 2008 by the governor or by a federal official.
1 21 (3) The rehabilitation project shall be for property
1 22 damaged as a result of a natural disaster occurring in
1 23 calendar year 2008.
1 24 (4) The rehabilitation project shall have begun on or
1 25 before December 31, 2009.
1 26 c. An individual may claim a tax credit under this section
1 27 of a partnership, limited liability company, S corporation,
1 28 estate, or trust electing to have income taxed directly to the
1 29 individual. The amount claimed by the individual shall be
1 30 based upon the pro rata share of the individual's earnings
1 31 from the partnership, limited liability company, S
1 32 corporation, estate, or trust.
1 33 d. A tax credit in excess of a taxpayer's tax liability
1 34 shall be refunded with interest computed under section 422.25.
1 35 In lieu of claiming a refund, a taxpayer may elect to have the



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2 1 overpayment shown on the taxpayer's final, completed return
2 2 credited to the tax liability for the following year.
2 3 2. a. The amount of the tax credit shall be one of the
2 4 following:
2 5 (1) If the property is a certified rehabilitation of a
2 6 certified historic structure, the amount of the tax credit
2 7 shall equal twenty percent of the qualified rehabilitation
2 8 costs.
2 9 (2) If the property is a nonhistoric, nonresidential
2 10 building placed in service before 1936, the amount of the tax
2 11 credit shall equal ten percent of the qualified rehabilitation
2 12 costs.
2 13 b. In computing the amount of the tax credit, the only
2 14 costs which may be included are the rehabilitation costs
2 15 incurred between the period ending on the project completion
2 16 date and beginning on the date two years prior to the project
2 17 completion date, provided that any qualified rehabilitation
2 18 costs incurred prior to the date of approval of the project as
2 19 provided in this section must be qualified rehabilitation
2 20 expenditures under the federal rehabilitation credit in
2 21 section 47 of the Internal Revenue Code.
2 22 c. For purposes of this subsection, qualified
2 23 rehabilitation costs include amounts if they are properly
2 24 includable in computing the basis of the eligible property for
2 25 tax purposes. Amounts treated as an expense and deducted in
2 26 the tax year in which they are paid or incurred and amounts
2 27 that are otherwise not added to the basis of the eligible
2 28 property for tax purposes are not qualified rehabilitation
2 29 costs. Amounts incurred for architectural and engineering
2 30 fees, site survey fees, legal expenses, insurance premiums,
2 31 development fees, and other construction-related costs are
2 32 qualified rehabilitation costs to the extent they are added to
2 33 the basis of the eligible property for tax purposes. Costs of
2 34 sidewalks, parking lots, and landscaping do not constitute
2 35 qualified rehabilitation costs.



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Senate File 191 - Introduced continued

3 1 d. For purposes of individual and corporate income taxes
3 2 and the franchise tax, the increase in the basis of the
3 3 rehabilitated property that would otherwise result from the
3 4 qualified rehabilitation costs shall be reduced by the amount
3 5 of the credit computed under this section.

3 6 3. a. In order to qualify for a tax credit pursuant to
3 7 this section, a rehabilitation project shall receive approval
3 8 from the state historic preservation office of the department
3 9 of cultural affairs in the same manner described in section
3 10 404A.3.

3 11 b. Upon completion of the rehabilitation project, a
3 12 certification of completion must be obtained from the state
3 13 historic preservation office of the department of cultural
3 14 affairs. A completion certificate shall identify the person
3 15 claiming the tax credit under this section and the
3 16 rehabilitation costs incurred up to the two years preceding
3 17 the completion date.

3 18 c. To claim a tax credit under this section, a taxpayer
3 19 must attach a tax credit certificate issued by the department
3 20 of cultural affairs to the taxpayer's tax return verifying the
3 21 taxpayer's eligibility for the credit.

3 22 4. a. After verifying the eligibility for the tax credit,
3 23 the state historic preservation office of the department of
3 24 cultural affairs, in consultation with the department of
3 25 economic development, shall issue a disaster recovery tax
3 26 credit certificate to be attached to the person's tax return.

3 27 b. The tax credit certificate shall contain the taxpayer's
3 28 name, address, tax identification number, the date of project
3 29 completion, the amount of credit, any other information
3 30 required by the department of revenue, and a place for the
3 31 name and tax identification number of a transferee and the
3 32 amount of the tax credit being transferred.

3 33 5. a. Tax credit certificates issued under this section
3 34 may be transferred to any person or entity. Within ninety
3 35 days of transfer, the transferee must submit the transferred



Iowa General Assembly
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Senate File 191 - Introduced continued

4 1 tax credit certificate to the department of revenue along with
4 2 a statement containing the transferee's name, tax
4 3 identification number, and address, and the denomination that
4 4 each replacement tax credit certificate is to carry and any
4 5 other information required by the department of revenue.

4 6 b. Within thirty days of receiving the transferred tax
4 7 credit certificate and the transferee's statement, the
4 8 department of revenue shall issue one or more replacement tax
4 9 credit certificates to the transferee. Each replacement
4 10 certificate must contain the information required under
4 11 subsection 4, paragraph "b".

4 12 c. Tax credit certificate amounts of less than the minimum
4 13 amount established by rule of the state historic preservation
4 14 office shall not be transferable. A tax credit shall not be
4 15 claimed by a transferee under this section until a replacement
4 16 tax credit certificate identifying the transferee as the
4 17 proper holder has been issued.

4 18 d. The transferee may use the amount of the tax credit
4 19 transferred against the taxes imposed under chapter 422,
4 20 divisions II, III, and V, and chapter 432 for any tax year the
4 21 original transferor could have claimed the tax credit. Any
4 22 consideration received for the transfer of the tax credit
4 23 shall not be included as income under chapter 422, divisions
4 24 II, III, and V. Any consideration paid for the transfer of
4 25 the tax credit shall not be deducted from income under chapter
4 26 422, divisions II, III, and V.

4 27 6. a. A taxpayer claiming a tax credit pursuant to this
4 28 section cannot claim a tax credit pursuant to chapter 404A for
4 29 the same rehabilitation costs for the same project.

4 30 b. A taxpayer claiming a tax credit pursuant to chapter
4 31 404A cannot claim a tax credit pursuant to this section for
4 32 the same rehabilitation costs for the same project.

4 33 7. The department of cultural affairs shall establish by
4 34 rule the procedures for the application, review, selection,
4 35 and awarding of certifications of completion under this



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Senate File 191 - Introduced continued

5 1 section.

5 2 8. Tax credits under this section shall not be issued for
5 3 rehabilitation projects completed after June 30, 2012.

5 4 Sec. 2. RETROACTIVE APPLICABILITY DATE. This Act applies
5 5 retroactively to January 1, 2009, for tax years beginning on
5 6 or after that date.

5 7 EXPLANATION

5 8 This bill provides for a disaster recovery tax credit.

5 9 The tax credit is allowed against the individual and
5 10 corporate income taxes, the franchise tax, and the insurance
5 11 companies tax.

5 12 To be eligible for the credit, a taxpayer has to meet the
5 13 following requirements: (1) The rehabilitation project shall
5 14 be either a certified rehabilitation of a certified historic
5 15 structure, as designated by the United States secretary of the
5 16 interior, or the project shall be for the rehabilitation of a
5 17 nonhistoric, nonresidential building placed in service before
5 18 1936; (2) the rehabilitation project shall be for property
5 19 located in an area declared a disaster area in calendar year
5 20 2008; (3) the rehabilitation project shall be for property
5 21 damaged as a result of a natural disaster occurring in
5 22 calendar year 2008; and (4) the rehabilitation project shall
5 23 have begun on or before December 31, 2009.

5 24 The tax credit is refundable, or, at the taxpayer's
5 25 election, may be credited to the tax liability in the
5 26 following year.

5 27 The amount of the tax credit is 20 percent of certain
5 28 qualified rehabilitation costs of a certified historic
5 29 structure or 10 percent of certain qualified rehabilitation
5 30 costs of a nonhistoric, nonresidential building placed in
5 31 service before 1936.

5 32 In order to claim the tax credit, a taxpayer must receive
5 33 approval in the same manner as currently provided for under
5 34 the historic preservation and cultural entertainment district
5 35 tax credit in Code chapter 404A.



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Senate File 191 - Introduced continued

6 1 Upon completion of the project, a certification of
6 2 completion must be obtained from the state historic
6 3 preservation office of the department of cultural affairs. To
6 4 claim the credit, a taxpayer must attach a tax credit
6 5 certificate to the taxpayer's tax return.
6 6 Disaster recovery tax credit certificates are transferable
6 7 in most circumstances.
6 8 A taxpayer claiming a disaster recovery tax credit cannot
6 9 also claim a historic preservation and cultural entertainment
6 10 district tax credit pursuant to Code chapter 404A and vice
6 11 versa for the same costs for the same project.
6 12 Tax credits shall not be issued for projects completed
6 13 after June 30, 2012.
6 14 The bill applies retroactively to January 1, 2009, for tax
6 15 years beginning on or after that date.
6 16 LSB 1822SS 83
6 17 tw/mg:sc/8



Iowa General Assembly
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Senate File 192 - Introduced

SENATE FILE
BY BEALL

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

Passed House, Date _____
Vote: Ayes _____ Nays _____

A BILL FOR

- 1 An Act concerning the inclusion of gender and certain racial and
- 2 ethnic categories in reports issued by state agencies.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 1684SS 83
- 5 ec/nh/8



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Senate File 192 - Introduced continued

PAG LIN

1 1 Section 1. NEW SECTION. 19B.9 STATE AGENCY REPORTS ==
1 2 RACIAL AND ETHNIC CATEGORIES.
1 3 A state agency that issues a public report that concerns
1 4 the general population and includes information or data that
1 5 can be categorized by gender, race, or ethnicity shall ensure,
1 6 at a minimum, that categories representing gender, and
1 7 minority persons as described in section 15.102, subsection 7,
1 8 paragraph "b", subparagraph (3), or as described in the 1997
1 9 federal office of management and budget minimum standards for
1 10 maintaining, collecting, and presenting data on race and
1 11 ethnicity, are included in the report unless otherwise
1 12 provided by law.

1 13 Sec. 2. Section 35A.5, subsection 5, Code 2009, is amended
1 14 to read as follows:

1 15 5. Collect and maintain information concerning veterans
1 16 affairs. Data and information collected and made available
1 17 concerning veterans should, if practicable, include
1 18 information categorized by gender, race, or ethnicity
1 19 consistent with the requirements of section 19B.9.

1 20 EXPLANATION

1 21 This bill concerns reporting of gender, racial, and ethnic
1 22 categories in certain reports.

1 23 The bill requires state agencies that issue a public report
1 24 that includes information or data by gender and by racial and
1 25 ethnic categories to ensure that all the racial and ethnic
1 26 categories described in Code section 15.102, Black, Latino,
1 27 Asian or Pacific Islander, American Indian, and Alaskan native
1 28 American, or categories described in the 1997 federal Office
1 29 of Management and Budget standards for data on race and
1 30 ethnicity are included.

1 31 The bill also requires the department of veterans affairs
1 32 to include, if possible, information categorized by gender,
1 33 race, or ethnicity as provided by the bill concerning veterans
1 34 data and information collected and made available by the
1 35 department.



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Senate File 192 - Introduced continued

2 1 LSB 1684SS 83
2 2 ec/nh/8.2



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 18, 2009

Senate File 193 - Introduced

SENATE FILE

BY QUIRMBACH, DANIELSON, DOTZLER,
BOLKCOM, STEWART, BEALL,
SCHMITZ, HECKROTH, OLIVE,
APPEL, KIBBIE, BLACK, SODDERS,
SCHOENJAHN, and RIELLY

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

Passed House, Date _____
Vote: Ayes _____ Nays _____

A BILL FOR

- 1 An Act providing a sales tax exemption from the sale of new and
- 2 used textbooks for postsecondary educational institution
- 3 classes.
- 4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 5 TLSB 2106XS 83
- 6 ak/mg:sc/14



Iowa General Assembly
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Senate File 193 - Introduced continued

PAG LIN

1 1 Section 1. Section 423.3, Code 2009, is amended by adding
1 2 the following new subsection:

1 3 NEW SUBSECTION. 95. a. The sales price from the sale of
1 4 new and used textbooks for use in attending a postsecondary
1 5 educational institution.

1 6 b. For purposes of this subsection:

1 7 (1) "Postsecondary educational institution" means an
1 8 accredited higher education institution, as defined in section
1 9 261.92, an Iowa community college, a postsecondary educational
1 10 institution under the control of the state board of regents, a
1 11 school of cosmetology arts and sciences licensed under chapter
1 12 157, or a barber school licensed under chapter 158.

1 13 (2) "Textbooks" means books and other printed materials
1 14 used in attending a postsecondary educational institution in
1 15 this state.

1 16 c. Postsecondary educational institutions are required to
1 17 provide the titles of required and recommended textbooks for
1 18 all courses and the corresponding authors, publishers, and
1 19 international standard book numbers for such textbooks on the
1 20 postsecondary educational institution's internet website for
1 21 access to all booksellers and all students. The department of
1 22 education shall designate the format by which the textbook
1 23 information shall be provided.

1 24 d. In order to receive the sales tax exemption, a person
1 25 is required to show a current official identification card
1 26 from a postsecondary educational institution and either the
1 27 purchaser or the bookseller must show that the textbooks
1 28 intended to be purchased are on a list of textbooks provided
1 29 by a postsecondary educational institution under paragraph
1 30 "c".

1 31 EXPLANATION

1 32 This bill provides a sales tax exemption from the sale of
1 33 textbooks used in attending a public or private Iowa
1 34 postsecondary educational institution, including licensed
1 35 cosmetology and barber schools. "Textbooks" is defined as



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Senate File 193 - Introduced continued

2 1 books and other printed materials.
2 2 Postsecondary educational institutions are required to
2 3 provide the titles of textbooks for all courses and the
2 4 authors, publishers, and corresponding international standard
2 5 book numbers for the textbooks on the institution's internet
2 6 website in order for all booksellers and students to have
2 7 access to the information. The department of education is
2 8 required to provide the format in which the textbook
2 9 information must be provided.
2 10 In order to receive the sales tax exemption, a person must
2 11 show a current official identification card from a
2 12 postsecondary educational institution and either the purchaser
2 13 or the bookseller must show that the textbooks intended to be
2 14 purchased are on an institution's textbooks list.
2 15 LSB 2106XS 83
2 16 ak/mg:sc/14.2



Iowa General Assembly
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Senate File 194 - Introduced

SENATE FILE
BY COMMITTEE ON ECONOMIC
GROWTH

(SUCCESSOR TO SSB 1084)

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

Passed House, Date _____
Vote: Ayes _____ Nays _____

A BILL FOR

1 An Act relating to a sales tax exemption for the operation of
2 nonprofit private performing arts centers and allowing a sales
3 tax refund for construction of such centers.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
5 TLSB 1294SV 83
6 ak/sc/5



Iowa General Assembly
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Senate File 194 - Introduced continued

PAG LIN

1 1 Section 1. Section 423.3, subsection 22, Code 2009, is
1 2 amended to read as follows:
1 3 22. The sales price from sales of goods, wares, or
1 4 merchandise, or from services furnished, to a nonprofit
1 5 private art center or performing arts center to be used in the
1 6 operation of the art center or performing arts center.
1 7 Sec. 2. Section 423.4, subsection 1, Code 2009, is amended
1 8 by striking the subsection and inserting in lieu thereof the
1 9 following:
1 10 1. a. The following designated entities may make
1 11 application to the department for a refund of the sales or use
1 12 tax upon the sales price of all sales of goods, wares, or
1 13 merchandise, or from services furnished, to a contractor used
1 14 in the fulfillment of a written contract with the designated
1 15 entity:
1 16 (1) A private nonprofit educational institution in this
1 17 state.
1 18 (2) A nonprofit Iowa affiliate of a nonprofit
1 19 international organization whose primary activity is the
1 20 promotion of the construction, remodeling, or rehabilitation
1 21 of one=family or two=family dwellings for low=income families.
1 22 (3) A nonprofit private museum in this state.
1 23 (4) A nonprofit private performing arts center in this
1 24 state.
1 25 (5) A tax=certifying or tax=levying body or governmental
1 26 subdivision of the state, including the state board of
1 27 regents, the state department of human services, and the state
1 28 department of transportation.
1 29 (6) A municipally owned solid waste facility that sells
1 30 all or part of its processed waste as fuel to a municipally
1 31 owned public utility.
1 32 (7) All divisions, boards, commissions, agencies, or
1 33 instrumentalities of state, federal, county, or municipal
1 34 government that do not have earnings going to the benefit of
1 35 an equity investor or stockholder.



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Senate File 194 - Introduced continued

2 1 (8) The state of Iowa, any political subdivision of the
2 2 state, or a division, board, commission, agency, or
2 3 instrumentality of the state or a political subdivision.
2 4 b. In order to receive the refund, the goods, wares, or
2 5 merchandise, or services furnished to a contractor shall be
2 6 used in the fulfillment of a written contract with one of the
2 7 designated entities in paragraph "a" for property that becomes
2 8 an integral part of the project under contract and at the
2 9 completion of the project becomes one of the following:
2 10 (1) Public property.
2 11 (2) Devoted to educational uses.
2 12 (3) Part of a low-income one-family or two-family dwelling
2 13 in the state.
2 14 (4) A nonprofit private museum.
2 15 (5) A nonprofit performing arts center.
2 16 c. The refund does not apply to goods, wares, or
2 17 merchandise, or services furnished, which are used in the
2 18 following:
2 19 (1) The performance of any contract in connection with the
2 20 operation of any municipal utility engaged in selling gas,
2 21 electricity, or heat to the general public or in connection
2 22 with the operation of a municipal pay television system.
2 23 (2) The performance of a contract for a project under
2 24 chapter 419 as defined in that chapter other than goods,
2 25 wares, or merchandise used in the performance of a contract
2 26 for a project under chapter 419 for which a bond issue was
2 27 approved by a municipality prior to July 1, 1968, or for which
2 28 the goods, wares, or merchandise becomes an integral part of
2 29 the project under contract and at the completion of the
2 30 project becomes public property or is devoted to educational
2 31 uses.
2 32 d. Such contractor shall state under oath, on forms
2 33 provided by the department, the amount of such sales of goods,
2 34 wares, or merchandise, or services furnished, and used in the
2 35 performance of such contract, and upon which sales or use tax



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Senate File 194 - Introduced continued

3 1 has been paid, and shall file such forms with the appropriate
3 2 designated entity in paragraph "a" that has made any written
3 3 contract for performance by the contractor. The forms shall
3 4 be filed by the contractor with the designated entity in
3 5 paragraph "a" before final settlement is made.

3 6 e. A designated entity in paragraph "a" shall, not more
3 7 than one year after the final settlement has been made, make
3 8 application to the department for any refund of the amount of
3 9 the sales or use tax which shall have been paid upon any
3 10 goods, wares, or merchandise, or services furnished, the
3 11 application to be made in the manner and upon forms to be
3 12 provided by the department, and the department shall forthwith
3 13 audit the claim and, if approved, issue a warrant to the
3 14 applicable designated entity in paragraph "a" in the amount of
3 15 the sales or use tax which has been paid to the state of Iowa
3 16 under the contract.

3 17 f. Refunds authorized under this subsection shall accrue
3 18 interest at the rate in effect under section 421.7 from the
3 19 first day of the second calendar month following the date the
3 20 refund claim is received by the department.

3 21 g. Any contractor who willfully makes a false report of
3 22 tax paid under the provisions of this subsection is guilty of
3 23 a simple misdemeanor and in addition shall be liable for the
3 24 payment of the tax and any applicable penalty and interest.

3 25 EXPLANATION

3 26 This bill exempts from sales tax the sale of materials and
3 27 services provided that are used in the operation of a
3 28 nonprofit private performing arts center. The bill allows the
3 29 sales tax from construction materials and services used to
3 30 build a nonprofit private performing arts center to be
3 31 refunded upon application to the Iowa department of revenue.

3 32 LSB 1294SV 83

3 33 ak/sc/5



Iowa General Assembly
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Senate Joint Resolution 4 - Introduced

SENATE JOINT RESOLUTION
BY HAMERLINCK

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

SENATE JOINT RESOLUTION

1 A Joint Resolution proposing an amendment to the Constitution of
2 the State of Iowa restricting the expenditure of revenues
3 resulting from the state sales and use tax rate increase for
4 school infrastructure purposes.
5 BE IT RESOLVED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
6 TLSB 2346XS 83
7 mg/rj/5



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Senate Joint Resolution 4 - Introduced continued

PAG LIN

1 1 Section 1. The following amendment to the Constitution of
1 2 the State of Iowa is proposed:

1 3 Article VII of the Constitution of the State of Iowa is
1 4 amended by adopting the following new section:

1 5 SCHOOL INFRASTRUCTURE REVENUES. SEC. 10. All revenue
1 6 derived from the increase in the state sales or use tax rate,
1 7 which was increased for school infrastructure or school
1 8 property tax relief purposes, shall be used solely for
1 9 purposes of funding school district infrastructure needs or
1 10 for providing school district property tax relief as provided
1 11 in laws enacted by the general assembly.

1 12 Sec. 2. REFERRAL AND PUBLICATION. The foregoing proposed
1 13 amendment to the Constitution of the State of Iowa is referred
1 14 to the General Assembly to be chosen at the next general
1 15 election for members of the General Assembly and the Secretary
1 16 of State is directed to cause the proposed amendment to be
1 17 published for three consecutive months previous to the date of
1 18 the election as provided by law.

1 19 EXPLANATION

1 20 This joint resolution proposes an amendment to the
1 21 Constitution of the State of Iowa. The amendment provides
1 22 that the revenues derived from the increase in the state sales
1 23 and use tax rates which were increased for school
1 24 infrastructure or school property tax relief purposes shall
1 25 only be used for funding school district infrastructure needs
1 26 or for providing school district property tax relief as
1 27 provided in laws enacted by the general assembly.

1 28 The resolution, if adopted, will be referred to the next
1 29 general assembly. If the next general assembly adopts the
1 30 resolution, the amendment will be submitted to the voters for
1 31 ratification.

1 32 LSB 2346XS 83

1 33 mg/rj/5



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Senate Study Bill 1218

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 concerning the appointment of members to local boards,
- 2 commissions, committees, and councils.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 2238XC 83
- 5 ec/rj/24



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Senate Study Bill 1218 continued

PAG LIN

1 1 Section 1. NEW SECTION. 69.16D LOCAL APPOINTIVE BOARDS
1 2 == MEMBERSHIP SELECTION.
1 3 Opportunities to serve on all appointive boards,
1 4 commissions, committees, and councils of a political
1 5 subdivision of the state that are established by the Code
1 6 shall be open to all members of the community on the basis of
1 7 their qualifications and without bias or preference towards
1 8 gender, race, religion, national origin, disability, sexual
1 9 orientation, or any other demographic characteristic on which
1 10 it is forbidden to discriminate under the law of this state.
1 11 Political subdivisions shall utilize a fair and unbiased
1 12 method of selecting the best qualified applicants for such
1 13 appointments so that the appointments reflect a reasonable
1 14 balance between genders and demographic characteristics and
1 15 are broadly reflective of the populations of the communities
1 16 they serve. Political subdivisions shall consciously and
1 17 actively seek the participation of and solicit applications
1 18 for appointment from all groups of the community so that
1 19 appointments can be made on merit alone and without bias as to
1 20 gender or other demographic characteristics.
1 21 Sec. 2. NEW SECTION. 216A.61 GENDER BALANCE OF LOCAL
1 22 BOARDS == REPORTING REQUIREMENT.
1 23 The governing body of a county, city, or school board,
1 24 shall, during the first regularly scheduled meeting of the
1 25 body in 2010, and each third year thereafter, approve a
1 26 written report including the total number of members and the
1 27 number of women and men members as of January 1 of that year
1 28 for each appointive board, commission, committee, or council
1 29 of the applicable county, city, or school board that is
1 30 established by the Code. Each county, city, and school board
1 31 shall make copies of the report available during the meeting,
1 32 shall publish the report with the minutes of that meeting, and
1 33 shall file a copy of the report with the commission. The
1 34 commission shall compile the information reported by each
1 35 county, city, and school district, and make the compilation



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Senate Study Bill 1219

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

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

A BILL FOR

1 An Act relating to county recorders by making changes to fees
 2 charged by the county recorder, information required to be
 3 endorsed on certain recorded documents and instruments, and
 4 standards for indexes maintained by the county recorder.
 5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
 6 TLSB 1760SC 83
 7 md/sc/5



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Senate Study Bill 1219 continued

PAG LIN

1 1 Section 1. Section 10A.108, subsections 4 through 6, Code
1 2 2009, are amended to read as follows:

1 3 4. The county recorder of each county shall prepare and
1 4 maintain in the recorder's office an index of liens of debts
1 5 established based upon benefits or provider payments
1 6 inappropriately obtained from and owed the department of human
1 7 services, ~~which provides~~ containing the applicable entries
1 8 specified in sections 558.49 and 558.52, and providing

1 9 appropriate columns for all of the following data, under the
1 10 names of debtors, arranged alphabetically:

1 11 a. The name of the debtor.

1 12 b. "State of Iowa, Department of Human Services" as
1 13 claimant.

1 14 c. The time that the notice of the lien was ~~received~~ filed
1 15 for recording.

1 16 d. The date of notice.

1 17 e. The amount of the lien currently due.

1 18 f. The date of the assessment.

1 19 g. The date of satisfaction of the debt.

1 20 h. Any extension of the time period for application of the
1 21 lien and the date that the notice for extension was filed.

1 22 5. The recorder shall endorse on each notice of lien the
1 23 day and time ~~received~~ filed for recording and the document
1 24 reference number, and shall preserve the notice. The recorder
1 25 shall index the notice and shall record the lien in the manner
1 26 provided for recording real estate mortgages. The lien shall
1 27 be is effective from the time of the indexing.

1 28 6. The department shall pay, from moneys appropriated to
1 29 the department for this purpose, a recording ~~fee~~ fees as
1 30 provided in section 331.604, for the recording of the lien, or
1 31 for satisfaction of the lien.

1 32 Sec. 2. Section 96.14, subsection 3, paragraphs c through
1 33 e, Code 2009, are amended to read as follows:

1 34 c. The county recorder of each county shall prepare and
1 35 keep in the recorder's office an index ~~to show~~ containing the



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Senate Study Bill 1219 continued

2 1 applicable entries specified in sections 558.49 and 558.52 and
2 2 showing the following data, under the names of employers,
2 3 arranged alphabetically:
2 4 (1) The name of the employer.
2 5 (2) The name "State of Iowa" as claimant.
2 6 (3) Time notice of lien was ~~received~~ filed for recording.
2 7 (4) Date of notice.
2 8 (5) Amount of lien then due.
2 9 (6) When satisfied.
2 10 d. The recorder shall endorse on each notice of lien the
2 11 day, hour, and minute when ~~received~~ filed for recording and
2 12 the document reference number, and shall index the notice in
2 13 the index and shall record the lien in the manner provided for
2 14 recording real estate mortgages, and the. The lien shall be
2 15 is effective from the time of the indexing of the lien.
2 16 e. The department shall pay ~~a recording fee~~ fees as
2 17 provided in section 331.604, for the recording of the lien, or
2 18 for its satisfaction.
2 19 Sec. 3. Section 124C.4, subsection 3, Code 2009, is
2 20 amended to read as follows:
2 21 3. Each notice of lien shall be endorsed with the day,
2 22 hour, and minute when the notice was ~~received~~ filed for
2 23 recording and the document reference number, and the notice
2 24 shall be preserved, indexed, and recorded in the manner
2 25 provided for recording real estate mortgages. The lien shall
2 26 ~~be~~ is effective from the time of its indexing. The department
2 27 shall pay a recording fee fees as provided by section 331.604
2 28 for the recording of the lien or for its satisfaction.
2 29 Sec. 4. Section 331.602, subsections 8 and 37, Code 2009,
2 30 are amended to read as follows:
2 31 8. Endorse on each notice of an unemployment contribution
2 32 lien the day, hour, and minute that the lien is ~~received from~~
2 33 ~~the department of workforce development~~ filed for recording
2 34 and the document reference number, index the notice of lien,
2 35 and record the lien as provided in section 96.14, subsection



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3 1 3.

3 2 37. Carry out duties relating to the indexing of name
3 3 changes, and the recorder shall charge ~~a fee~~ fees for indexing
3 4 as provided in section 331.604.

3 5 Sec. 5. Section 331.603, subsection 4, Code 2009, is
3 6 amended to read as follows:

3 7 4. The recorder may, in lieu of maintaining separate index
3 8 books ~~as required by law~~, prepare and maintain a combined
3 9 index record or system which shall contain the same data and
3 10 information as required to be kept in the separate index
3 11 books.

3 12 Sec. 6. Section 331.604, Code 2009, is amended to read as
3 13 follows:

3 14 331.604 ~~GENERAL~~ RECORDING AND FILING ~~FEES~~ FEES.

3 15 1. Except as otherwise provided by state law, subsection ~~2~~
3 16 4, or section 331.605, the recorder shall collect a fee of
3 17 five dollars for each page or fraction of a page of an
3 18 instrument which is filed or recorded in the recorder's
3 19 office. If a page or fraction of a page contains more than
3 20 one transaction, the recorder shall collect the fee for each
3 21 transaction.

3 22 2. a. The recorder shall also collect a fee of one dollar
3 23 for each recorded transaction for which a fee is paid pursuant
3 24 to subsection 1 to be used exclusively for the purpose of
3 25 preserving and maintaining public records. The treasurer, on
3 26 behalf of the recorder, shall establish and maintain a county
3 27 recorder's records management fund into which all moneys
3 28 collected pursuant to this subsection shall be deposited.
3 29 Interest earned on moneys deposited in the fund shall be
3 30 credited to the county recorder's records management fund.
3 31 The recorder shall use the moneys deposited in the fund to
3 32 produce and maintain public records that meet archival
3 33 standards, and to enhance the technological storage,
3 34 retrieval, and transmission capabilities related to archival
3 35 quality records. The recorder may cooperate with other



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4 1 entities, boards, and agencies to establish methods of records
4 2 management, and participate in other joint ventures which
4 3 further the purposes of this subsection.
4 4 b. Fees collected pursuant to this subsection shall be
4 5 used to accomplish the following purposes:
4 6 (1) Preserve and maintain public records.
4 7 (2) Assist counties in reducing record preservation costs.
4 8 (3) Encourage and foster maximum access to public records
4 9 maintained by county recorders at locations throughout the
4 10 state.
4 11 (4) Establish plans for anticipated and possible future
4 12 needs, including the handling and preservation of vital
4 13 statistics.
4 14 3. a. The county recorder shall also collect a fee of one
4 15 dollar for each recorded transaction, regardless of the number
4 16 of pages, for which a fee is paid pursuant to subsection 1 to
4 17 be used for the purpose set forth in paragraph "c".
4 18 b. The county treasurer, on behalf of the recorder, shall
4 19 establish and maintain a county recorder's electronic
4 20 transaction fund into which all moneys collected pursuant to
4 21 paragraph "a" shall be deposited. Interest earned on moneys
4 22 deposited in this fund shall be computed based on the average
4 23 monthly balance in the fund and shall be credited to the
4 24 county recorder's electronic transaction fund.
4 25 c. The local government electronic transaction fund is
4 26 established in the office of the treasurer of state under the
4 27 control of the treasurer of state. Moneys deposited into the
4 28 fund are not subject to section 8.33. Notwithstanding section
4 29 12C.7, interest or earnings on moneys in the local government
4 30 electronic transaction fund shall be credited to the fund.
4 31 Moneys in the local government electronic transaction fund are
4 32 not subject to transfer, appropriation, or reversion to any
4 33 other fund, or any other use except as provided in this
4 34 paragraph "c". On a monthly basis, the county treasurer shall
4 35 pay each fee collected pursuant to paragraph "a" to the



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5 1 treasurer of state for deposit into the local government
5 2 electronic transaction fund. Moneys credited to the local
5 3 government electronic transaction fund are appropriated to the
5 4 treasurer of state to be used for the purpose of planning and
5 5 implementing electronic recording and electronic transactions
5 6 in each county and developing county and statewide internet
5 7 websites to provide electronic access to records and
5 8 information and to pay the ongoing costs of integrating and
5 9 maintaining the statewide internet website.

5 10 d. The recorder shall make available any information
5 11 required by the county auditor or auditor of state concerning
5 12 the fees collected under this subsection for the purposes of
5 13 determining the amount of fees collected and the uses for
5 14 which such fees are expended.

5 15 ~~2.~~ 4. A county shall not be required to pay a fee to the
5 16 recorder for filing or recording instruments. However, a
5 17 county treasurer is required to pay recording fees pursuant to
5 18 section 437A.11.

5 19 Sec. 7. Section 331.605B, subsection 1, Code 2009, is
5 20 amended to read as follows:

5 21 1. The recorder shall make available any information
5 22 required by the county or state auditor concerning the fees
5 23 collected under section ~~331.605A~~ 331.604, subsection 2, for
5 24 the purposes of determining the amount of fees collected and
5 25 the uses for which such fees are expended.

5 26 Sec. 8. Section 331.606B, subsection 2, paragraph b, Code
5 27 2009, is amended to read as follows:

5 28 b. ~~The~~ For any instrument of conveyance, the name of the
5 29 taxpayer and a complete mailing address for any document or
5 30 instrument of conveyance.

5 31 Sec. 9. Section 331.606B, subsection 6, Code 2009, is
5 32 amended to read as follows:

5 33 6. a. On and after July 1, 2005, a document or instrument
5 34 that does not conform to the format standards specified in
5 35 subsections 1 through 3 shall not be ~~recorded~~ accepted for



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Senate Study Bill 1219 continued

6 1 recording except upon payment of an additional recording fee
6 2 of ten dollars per document or instrument. The requirement
6 3 applies only to documents or instruments dated on or after
6 4 July 1, 2005, and does not apply to those documents or
6 5 instruments specifically exempted in subsection 4.
6 6 b. On and after July 1, 2009, a document or instrument
6 7 that does not conform to the format standards specified in
6 8 subsection 1, paragraphs "c" and "e", or subsection 2,
6 9 paragraph "b", shall not be accepted for recording. This
6 10 paragraph applies only to documents or instruments dated on or
6 11 after July 1, 2009, and does not apply to those documents or
6 12 instruments specifically exempted in subsection 4.

6 13 Sec. 10. Section 331.607, subsection 5, Code 2009, is
6 14 amended by striking the subsection and inserting in lieu
6 15 thereof the following:

6 16 5. An index for records of private drainage systems as
6 17 provided in section 468.623.

6 18 Sec. 11. Section 331.609, subsection 4, Code 2009, is
6 19 amended to read as follows:

6 20 4. The ~~fee~~ fees for filing or recording, and indexing each
6 21 notice of lien or certificate or notice affecting the lien
6 22 shall be as provided in section 331.604. The officer shall
6 23 bill the internal revenue service or any other appropriate
6 24 federal agency on a monthly basis for fees for documents filed
6 25 or recorded by it.

6 26 Sec. 12. Section 359A.10, Code 2009, is amended to read as
6 27 follows:

6 28 359A.10 ENTRY AND RECORD OF ORDERS.

6 29 Such orders, decisions, notices, and returns shall be
6 30 entered of record at length by the township clerk, and a copy
6 31 thereof certified by the township clerk to the county
6 32 recorder, who shall record the same in the recorder's office
6 33 in a book kept for that purpose, and index such record in the
6 34 name of each adjoining owner as grantor to the other. The
6 35 county recorder shall collect fees specified in section



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Senate Study Bill 1219 continued

7 1 331.604.

7 2 Sec. 13. Section 359A.12, Code 2009, is amended to read as
7 3 follows:

7 4 359A.12 DIVISION BY AGREEMENT == RECORD.

7 5 The several owners may, in writing, agree upon the portion
7 6 of partition fences between their lands which shall be erected
7 7 and maintained by each, which writing shall describe the lands
7 8 and the parts of the fences so assigned, be signed and
7 9 acknowledged by them, and filed and recorded in the office of
7 10 the recorder of deeds of the county or counties in which they
7 11 are situated. The county recorder shall collect fees
7 12 specified in section 331.604.

7 13 Sec. 14. Section 422.26, subsections 4 and 5, Code 2009,
7 14 are amended to read as follows:

7 15 4. The county recorder of each county shall keep in the
7 16 recorder's office an index ~~and record to show~~ containing the
7 17 applicable entries in sections 558.49 and 558.52 and showing
7 18 the following data, under the names of taxpayers, arranged
7 19 alphabetically:

- 7 20 a. The name of the taxpayer.
- 7 21 b. The name "State of Iowa" as claimant.
- 7 22 c. Time notice of lien was ~~received~~ filed for recording.
- 7 23 d. Date of notice.
- 7 24 e. Amount of lien then due.
- 7 25 f. Date of assessment.
- 7 26 g. When satisfied.

7 27 The recorder shall endorse on each notice of lien the day,
7 28 hour, and minute when ~~received and~~ filed for recording and the
7 29 document reference number, shall preserve the same, and shall
7 30 index the notice in the index and shall record the lien in the
7 31 manner provided for recording real estate mortgages, and the
7 32 lien shall be is effective from the time of the indexing
7 33 of the lien.

7 34 5. The department shall pay a recording ~~fee~~ fees as
7 35 provided in section 331.604, for the recording of the lien, or



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8 1 for its satisfaction.

8 2 Sec. 15. Section 424.11, unnumbered paragraphs 4 and 5,
8 3 Code 2009, are amended to read as follows:

8 4 The recorder shall endorse on each notice of lien the day,
8 5 hour, and minute when ~~received~~ filed for recording and the
8 6 document reference number, and shall preserve the notice, ~~and.~~

8 7 The recorder shall also immediately index the notice and
8 8 record the lien in the manner provided for recording real
8 9 estate mortgages, and the. The lien shall be is effective
8 10 from the time of its indexing.

8 11 The department shall pay ~~a~~ recording ~~fee~~ fees as provided
8 12 in section 331.604, for the recording of the lien, or for its
8 13 satisfaction.

8 14 Sec. 16. Section 428A.4, unnumbered paragraph 2, Code
8 15 2009, is amended to read as follows:

8 16 The county recorder shall refuse to record any deed,
8 17 instrument, or writing by which any real property in this
8 18 state shall be granted, assigned, transferred, or otherwise
8 19 conveyed, except those transfers exempt from tax under section
8 20 428A.2, subsections 2 ~~to~~ through 5, ~~and~~ 7 ~~to~~ through 13, and
8 21 16 through 21, or under section 428A.2, subsection 6, except
8 22 in the case of a federal agency or instrumentality, until the
8 23 declaration of value has been submitted to the county
8 24 recorder. A declaration of value shall not be required with a
8 25 deed given in fulfillment of a recorded real estate contract
8 26 provided the deed has a notation that it is given in
8 27 fulfillment of a contract.

8 28 Sec. 17. Section 428A.5, Code 2009, is amended to read as
8 29 follows:

8 30 428A.5 DOCUMENTATION OF PAYMENT.

8 31 The amount of tax imposed by this chapter shall be paid to
8 32 the county recorder in the county where the real property is
8 33 located and the amount received ~~and the initials of the county~~
8 34 ~~recorder~~ shall appear on the face of the document or
8 35 instrument. The method of documentation of a transfer tax



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9 1 shall be approved by the department of revenue.

9 2 Sec. 18. Section 437A.11, unnumbered paragraph 2, Code
9 3 2009, is amended to read as follows:

9 4 The county recorder of each county shall ~~prepare and keep~~
9 5 ~~in the recorder's office an index~~ each lien showing the
9 6 applicable entries specified in sections 558.49 and 558.52 and
9 7 ~~record to show~~ showing, under the names of taxpayers arranged
9 8 alphabetically, all of the following:

9 9 Sec. 19. Section 437A.11, subsection 3, Code 2009, is
9 10 amended to read as follows:

9 11 3. Time the notice of lien was ~~received~~ filed for
9 12 recording.

9 13 Sec. 20. Section 437A.11, unnumbered paragraphs 3 through
9 14 5, Code 2009, are amended to read as follows:

9 15 The recorder shall endorse on each notice of lien the day,
9 16 hour, and minute when ~~received and preserve such notice, and~~
9 17 filed for recording and the document reference number, shall
9 18 preserve such notice, shall index the notice in the index, and
9 19 shall promptly record the lien in the manner provided for
9 20 recording real estate mortgages. The lien is effective from
9 21 the time of the indexing of the lien.

9 22 The county treasurer or chief financial officer of the city
9 23 shall pay a recording ~~fee~~ fees as provided in section 331.604,
9 24 for the recording of the lien, or for its satisfaction.

9 25 Upon the payment of the replacement tax as to which a
9 26 county treasurer or chief financial officer of a city has
9 27 filed notice with a county recorder, the county treasurer or
9 28 chief financial officer of the city shall promptly file with
9 29 the recorder a satisfaction of the replacement tax. The
9 30 recorder shall ~~enter the satisfaction on the record the notice~~
9 31 ~~on file in the recorder's office and indicate that fact on the~~
9 32 ~~index of satisfaction showing the applicable entries specified~~
9 33 in sections 558.49 and 558.52.

9 34 Sec. 21. Section 437A.22, unnumbered paragraph 3, Code
9 35 2009, is amended to read as follows:



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10 1 The county recorder of each county shall ~~prepare and keep~~
~~10 2 in the recorder's office an index~~ each lien showing the
10 3 applicable entries specified in sections 558.49 and 558.52 and
10 4 record to show showing, under the names of taxpayers arranged
10 5 alphabetically, all of the following:
10 6 Sec. 22. Section 437A.22, subsection 3, Code 2009, is
10 7 amended to read as follows:
10 8 3. Time the notice of lien was ~~received~~ filed for
10 9 recording.
10 10 Sec. 23. Section 437A.22, unnumbered paragraphs 4 and 5,
10 11 Code 2009, are amended to read as follows:
10 12 The recorder shall endorse on each notice of lien the day,
10 13 hour, and minute when ~~received and~~ filed for recording and the
10 14 document reference, shall preserve such notice, and shall
10 15 promptly record the lien in the manner provided for recording
10 16 real estate mortgages. The lien is effective from the time of
10 17 the indexing of the lien.
10 18 The director, from moneys appropriated to the department of
10 19 revenue for this purpose, shall pay a recording ~~fee~~ fees as
10 20 provided in section 331.604 for the recording of the lien, or
10 21 for its satisfaction.
10 22 Sec. 24. Section 468.623, Code 2009, is amended to read as
10 23 follows:
10 24 468.623 PRIVATE DRAINAGE SYSTEM == RECORD.
10 25 1. Any person who has provided a system of drainage on
10 26 land owned by the person may have the same made a matter of
10 27 record in the office of the county recorder of the county in
10 28 which the drainage system is located, provided any drainage
10 29 system constructed after July 1, 1969, shall be made a matter
10 30 of record, ~~as is hereinafter provided.~~ The record shall
10 31 contain the applicable entries specified in sections 558.49
10 32 and 558.52.
10 33 2. Records under subsection 1 may be used to give the
10 34 owner's name, description of tracts of land drained, stating
10 35 the time when the drainage system was established, the kind,



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11 1 quality, and brand of tile used, the name and place of the
11 2 manufacturing plant, the name of contractors who laid the
11 3 tile, the name of the engineer in charge of the survey and
11 4 installation, the cost of tile, delivery, installation, and
11 5 engineering expense, depths, grades, outlets, connections,
11 6 contracts for agreements with adjoining landowners as to
11 7 connections, and any other matters or information that may be
11 8 considered of value, and such information may be furnished by
11 9 the landowner or the engineer having charge of the
11 10 installation and certified to under oath.

11 11 Sec. 25. Section 468.626, Code 2009, is amended to read as
11 12 follows:

11 13 468.626 ORIGINAL PLAT FILED.

11 14 In lieu of making the record as herein provided any
11 15 landowner may file with the county recorder the original plat
11 16 used in the establishment of ~~said~~ the drainage system, or a
11 17 copy ~~thereof~~ of the plat, which shall be certified by the
11 18 engineer having made the same. If practicable, a plat filed
11 19 under this section shall be made a matter of record and shall
11 20 contain the applicable entries specified in sections 558.49
11 21 and 558.52.

11 22 Sec. 26. Section 468.628, Code 2009, is amended to read as
11 23 follows:

11 24 468.628 FEES FOR ~~RECORD AND COPIES~~ RECORDING.

11 25 ~~The county~~ When information is filed with the county
11 26 recorder pursuant to section 468.623 or 468.626, the recorder
11 27 shall be entitled to collect recording fees for the filing and
11 28 information heretofore provided for, and for the making of
11 29 copies of such records the same as is provided for other work
11 30 of a similar nature in the amounts specified in section
11 31 331.604.

11 32 Sec. 27. Section 499A.1, unnumbered paragraph 1, Code
11 33 2009, is amended to read as follows:

11 34 Any two or more persons of full age, a majority of whom are
11 35 citizens of the state, may organize themselves for the



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12 1 following or similar purposes: Ownership of residential,
12 2 business property on a cooperative basis. A corporation is a
12 3 person within the meaning of this chapter. The organizers
12 4 shall adopt, and sign and acknowledge the articles of
12 5 incorporation, stating the name by which the cooperative shall
12 6 be known, the location of its principal place of business, its
12 7 business or objects, the number of directors to conduct the
12 8 cooperative's business or objects, the names of the directors
12 9 for the first year, the time of the cooperative's annual
12 10 meeting, the time of the annual meeting of its directors, and
12 11 the manner in which the articles may be amended. The articles
12 12 of incorporation shall be filed with the secretary of state
12 13 who shall, if the secretary approves the articles, endorse the
12 14 secretary of state's approval on the articles, record the
12 15 articles, and forward the articles to the county recorder of
12 16 the county where the principal place of business is to be
12 17 located, and there the articles shall be recorded, and upon
12 18 recording be returned to the cooperative. The articles shall
12 19 not be filed by the secretary of state until a filing fee of
12 20 five dollars together with a recording fee of fifty cents per
12 21 page is paid, and upon the payment of the fees and the
12 22 approval of the articles by the secretary of state, the
12 23 secretary shall issue to the cooperative a certificate of
12 24 incorporation as a cooperative not for pecuniary profit. The
12 25 county recorder shall collect recording fees pursuant to
12 26 section 331.604 for articles forwarded for recording under
12 27 this section.

12 28 Sec. 28. Section 499B.3, unnumbered paragraph 1, Code
12 29 2009, is amended to read as follows:

12 30 When the sole owner or all of the owners, or the sole
12 31 lessee or all of the lessees of a lease desire to submit a
12 32 parcel of real property upon which a building is located or to
12 33 be constructed to the horizontal property regime established
12 34 by this chapter, a declaration to that effect shall be
12 35 executed and acknowledged by the sole owner or lessee or all



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13 1 of such owners or lessees and shall be recorded in the office
13 2 of the county recorder of the county in which such property
13 3 lies. The county recorder shall collect recording fees
13 4 pursuant to section 331.604.

13 5 Sec. 29. Section 499B.5, subsection 1, Code 2009, is
13 6 amended to read as follows:

13 7 1. Description of land as provided in section 499B.4,
13 8 including the ~~book, page~~ document reference number and date of
13 9 recording of the declaration.

13 10 Sec. 30. Section 501.105, subsection 6, Code 2009, is
13 11 amended to read as follows:

13 12 6. The secretary of state shall forward for recording a
13 13 copy of each original, amended, and restated articles,
13 14 articles of merger, articles of consolidation, and articles of
13 15 dissolution to the recorder of the county in which the
13 16 cooperative has its principal place of business, or in the
13 17 case of a merger or consolidation, to the recorders of each of
13 18 the counties in which the merging or consolidating
13 19 cooperatives have their principal offices. The county
13 20 recorder shall collect recording fees pursuant to section
13 21 331.604 for documents forwarded for recording under this
13 22 subsection.

13 23 Sec. 31. Section 547.3, Code 2009, is amended to read as
13 24 follows:

13 25 547.3 FEE FOR RECORDING.

13 26 The county recorder shall ~~charge and receive a fee collect~~
13 27 fees in the amount specified in section 331.604 for each
13 28 verified statement recorded under this chapter. The recorder
13 29 may return the original instrument to the sender or dispose of
13 30 the instrument if the sender does not wish to have the
13 31 instrument returned. An instrument filed in the recorder's
13 32 office before July 1, 1990, may be returned to the sender or
13 33 disposed of if the sender does not wish to have the instrument
13 34 returned and if there is an official copy of the instrument in
13 35 the recorder's office.



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14 1 Sec. 32. Section 557.24, Code 2009, is amended to read as
14 2 follows:

14 3 557.24 FEE.

14 4 A person having the name of the person's farm recorded as
14 5 provided in section 557.22 shall first pay to the county
14 6 recorder ~~a fee in the amount~~ the fees specified in section
14 7 331.604, which ~~fee~~ shall be paid to the county treasurer as
14 8 other fees are paid to the county treasurer by the recorder.

14 9 Sec. 33. Section 557.26, Code 2009, is amended to read as
14 10 follows:

14 11 557.26 CANCELLATION == FEE.

14 12 If the owner of a registered farm desires to cancel the
14 13 registered name of the farm, the owner shall acknowledge
14 14 cancellation of the name by execution of an instrument in
14 15 writing referring to the farm name, and shall record the
14 16 instrument. For the latter service the county recorder shall
14 17 ~~charge a fee in~~ collect the amount fees specified in section
14 18 331.604, which shall be paid to the county treasurer as other
14 19 fees are paid to the county treasurer by the recorder.

14 20 Sec. 34. Section 558.55, Code 2009, is amended to read as
14 21 follows:

14 22 558.55 FILING AND INDEXING == CONSTRUCTIVE NOTICE.

14 23 The recorder must endorse upon every instrument properly
14 24 filed for ~~record~~ recording in the recorder's office, the day,
14 25 hour, and minute ~~of the filing~~ when filed for recording and
14 26 the document reference number, and enter in the index the
14 27 entries required to be entered pursuant to sections 558.49 and
14 28 558.52, ~~and the filing~~. The recording and indexing shall
14 29 constitute constructive notice to all persons of the rights of
14 30 the grantees conferred by the instruments.

14 31 Sec. 35. Section 558.66, unnumbered paragraph 1, Code
14 32 2009, is amended to read as follows:

14 33 Upon receipt of a certificate issued by the clerk of the
14 34 district court or clerk of the supreme court indicating that
14 35 the title to real estate has been finally established in any



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15 1 named person by judgment or decree or by will or by affidavit
15 2 of or on behalf of a surviving spouse that has been recorded
15 3 by the recorder, the auditor shall enter the information in
15 4 the certificate upon the transfer books, upon payment of a fee
15 5 in the amount specified in section 331.507, subsection 2,
15 6 paragraph "a". In the case of the affidavit filed with the
15 7 recorder, the fee set forth in section 331.507, subsection 2,
15 8 paragraph "a", and the ~~fee fees~~ set forth in section 331.604,
15 9 shall be collected by the recorder and paid to the treasurer
15 10 as provided in section 331.902, subsection 3.

15 11 Sec. 36. Section 598.21, subsection 2, Code 2009, is
15 12 amended to read as follows:

15 13 2. DUTIES OF COUNTY RECORDER. The county recorder shall
15 14 record each quitclaim deed or change of title and shall
15 15 collect the ~~fee fees~~ specified in section 331.507, subsection
15 16 2, paragraph "a", and the fee specified in section 331.604
~~15 17 subsection 1.~~

15 18 Sec. 37. Section 633.481, Code 2009, is amended to read as
15 19 follows:

15 20 633.481 CERTIFICATE TO COUNTY RECORDER FOR TAX PURPOSES
15 21 WITHOUT ADMINISTRATION.

15 22 When an inventory or report is filed under section 450.22,
15 23 without administration of the estate of the decedent, the heir
15 24 or heir's attorney shall prepare and deliver to the county
15 25 recorder of the county in which the real estate is situated a
15 26 certificate pertaining to each parcel of real estate described
15 27 in the inventory or report. Any fees for certificates or
15 28 recording fees required by this section or section 633.480
15 29 shall be assessed as costs of administration. The ~~fee fees~~
15 30 for recording and indexing the instrument shall be as provided
15 31 in section 331.604. The county recorder shall deliver the
15 32 certificates to the county auditor as provided in section
15 33 558.58.

15 34 Sec. 38. Section 674.14, Code 2009, is amended to read as
15 35 follows:



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16 1 674.14 INDEXING IN REAL PROPERTY RECORD.

16 2 The county recorder and county auditor of each county in
16 3 which the petitioner owns real property shall ~~charge~~ collect
16 4 fees in the amounts specified in sections 331.604 and 331.507,
16 5 subsection 2, paragraph "b", for indexing a change of name for
16 6 each parcel of real estate.

16 7 Sec. 39. Sections 331.605A, 331.605C, 468.624, and
16 8 468.625, Code 2009, are repealed.

16 9 EXPLANATION

16 10 This bill makes changes relating to the office of county
16 11 recorder.

16 12 The bill makes changes relating to certain documents filed
16 13 with the county recorder and specifies that the county
16 14 recorder must endorse upon each document or instrument, in
16 15 addition to other information, the document reference number.

16 16 The bill incorporates the document management fee in Code
16 17 section 331.605A and the electronic transaction fee in Code
16 18 section 331.605C into the other existing recording and filing
16 19 fee provisions under Code section 331.604.

16 20 The bill requires certain indexes under the control of the
16 21 county recorder to include applicable entries required to be
16 22 made for conveyances of property. The bill repeals Code
16 23 sections 468.624 and 468.625 pertaining to private drainage
16 24 system plat books and record books and directs those records
16 25 to be maintained in accordance with the index requirements of
16 26 other indexes maintained by the county recorder.

16 27 The bill allows a county recorder to refuse to record a
16 28 document or instrument that does not conform to the format
16 29 standards pertaining to legibility, signatures, and the
16 30 printing of names on the document or instrument.

16 31 The bill exempts certain documents relating to conveying
16 32 property from the county recorder's duty to refuse to record
16 33 such documents until a declaration of value has been
16 34 submitted.

16 35 The bill provides that a county recorder shall collect



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17 1 recording fees for recording a declaration of a horizontal
17 2 property regime and shall collect recording fees upon the
17 3 recording of certain articles of incorporation.
17 4 The bill allows a county recorder to collect recording fees
17 5 for orders, decisions, and notices made by a fence viewer and
17 6 written agreements between adjoining landowners.
17 7 LSB 1760SC 83
17 8 md/sc/5.2



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Senate Study Bill 1220

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

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

A BILL FOR

- 1 An Act relating to disaster recovery by providing for historic
- 2 preservation tax credits.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 1726XL 83
- 5 tw/mg:sc/5



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1 1 Section 1. Section 404A.4, subsection 4, Code 2009, is
1 2 amended to read as follows:
1 3 4. a. The total amount of tax credits that may be
1 4 approved for a fiscal year under this chapter shall not exceed
1 5 ten million dollars in the fiscal year beginning July 1, 2007,
1 6 fifteen million dollars in the fiscal year beginning July 1,
1 7 2008, ~~and twenty forty~~ million dollars in the each fiscal year
1 8 for the fiscal period beginning July 1, 2009, and ending June
1 9 30, 2013, and twenty million dollars each fiscal year

1 10 thereafter.

1 11 b. Of the first twenty million dollars in tax credits
1 12 approved for a fiscal year under this chapter, ten percent of
1 13 the dollar amount of tax credits shall be allocated for
1 14 purposes of new projects with qualified costs of five hundred
1 15 thousand dollars or less, and forty percent of the dollar
1 16 amount of tax credits shall be allocated for purposes of new
1 17 projects located in cultural and entertainment districts
1 18 certified pursuant to section 303.3B or identified in Iowa
1 19 great places agreements developed pursuant to section 303.3C.
1 20 Any of the tax credits allocated for projects located in
1 21 certified cultural and entertainment districts or identified
1 22 in Iowa great places agreements and for projects with a cost
1 23 of five hundred thousand dollars or less that are not reserved
1 24 during a fiscal year shall be applied to reserved tax credits
1 25 issued in accordance with section 404A.3 in order of original
1 26 reservation.

1 27 c. Of the remaining amount of tax credits approved for
1 28 each fiscal year of the fiscal period beginning July 1, 2009,
1 29 and ending June 30, 2013, after applying paragraph "b", one
1 30 hundred percent of the dollar amount of tax credits shall be
1 31 allocated for purposes of projects that are undertaken in
1 32 response to natural disasters occurring in calendar year 2008.
1 33 Projects approved for a tax credit pursuant to this paragraph
1 34 shall be located in an area declared a disaster area in
1 35 calendar year 2008 by the governor or by a federal official,



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2 1 shall have sustained damage as a result of a natural disaster
2 2 occurring in calendar year 2008, and shall either have been
2 3 approved by the federal emergency management agency for
2 4 assistance or have executed loan documents for a disaster loan
2 5 from an eligible lender.

2 6 (1) For purposes of this paragraph, "eligible lender"
2 7 means an entity that provides disaster recovery loans to
2 8 businesses. "Eligible lender" includes but is not limited to
2 9 the United States small business administration, a financial
2 10 institution, an economic development organization, a rural
2 11 electric or telephone cooperative that has established a
2 12 revolving loan fund or an intermediary relending program with
2 13 either the federal economic development administration or the
2 14 United States department of agriculture.

2 15 (2) This paragraph "c" is repealed on June 30, 2013.

2 16 d. The department of cultural affairs shall establish by
2 17 rule the procedures for the application, review, selection,
2 18 and awarding of certifications of completion. The departments
2 19 of cultural affairs and revenue shall each adopt rules to
2 20 jointly administer this subsection and shall provide by rule
2 21 for the method to be used to determine for which fiscal year
2 22 the tax credits are available. With the exception of tax
2 23 credits issued pursuant to contracts entered into prior to
2 24 July 1, 2007, tax credits shall not be reserved for more than
2 25 three years.

2 26 EXPLANATION

2 27 This bill relates to disaster recovery by providing for
2 28 historic preservation tax credits.

2 29 The bill authorizes an additional \$20 million in historic
2 30 preservation and cultural and entertainment district tax
2 31 credits each fiscal year for the fiscal period beginning July
2 32 1, 2009, and ending June 30, 2013. The additional tax credits
2 33 are authorized for projects that would otherwise meet the
2 34 requirements for a tax credit and which also meet all of the
2 35 following requirements: (1) the rehabilitation project must



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3 1 be located in an area declared a disaster area by the governor
3 2 or by a federal official and must have sustained damage as a
3 3 result of a natural disaster occurring in 2008; (2) the
3 4 taxpayer applying for the tax credit must either have been
3 5 approved by the federal emergency management agency for
3 6 assistance or have executed loan documents for a disaster loan
3 7 from an entity that provides disaster recovery loans to
3 8 businesses. The additional credit amounts are not available
3 9 after June 30, 2013, and the provision governing their
3 10 issuance is repealed on that date.
3 11 LSB 1726XL 83
3 12 tw/mg:sc/5.2



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Senate Study Bill 1221

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 creating a disaster aid local government assistance grant
- 2 program and fund.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 1720XL 83
- 5 tm/rj/5



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Senate Study Bill 1221 continued

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1 1 Section 1. NEW SECTION. 29C.20B DISASTER AID LOCAL
1 2 GOVERNMENT ASSISTANCE GRANT PROGRAM AND FUND.
1 3 1. A disaster aid local government assistance grant fund
1 4 is created in the state treasury under the control of the
1 5 executive council. Moneys in the fund may be expended
1 6 following a governor's proclamation of a disaster emergency.
1 7 From moneys in the grant fund, the executive council may award
1 8 financial assistance in the form of grants to meet
1 9 disaster-related expenses of governmental subdivisions
1 10 adversely affected by a disaster where the effect of the
1 11 disaster or action on the governmental subdivision is the
1 12 immediate financial inability to meet the continuing
1 13 requirements of local government. The aggregate total of
1 14 grants awarded during a fiscal year shall not be more than
1 15 three million five hundred thousand dollars. However, within
1 16 the same fiscal year, additional moneys may be authorized by
1 17 the executive council pursuant to section 29C.20, subsection
1 18 1, paragraph "a", subparagraph (6), or as otherwise provided
1 19 by law to meet additional needs of governmental subdivisions
1 20 receiving grants under this section. Grants awarded under
1 21 this section shall be administered by the homeland security
1 22 and emergency management division of the department of public
1 23 defense.
1 24 2. The amount of a grant shall be made at the discretion
1 25 of the executive council and, if made, shall not exceed
1 26 seventy-five percent of the documented disaster-related
1 27 expenses incurred by a governmental subdivision. An applicant
1 28 for a grant shall sign an affidavit agreeing to refund any
1 29 part of the grant that is duplicated by any other assistance,
1 30 such as but not limited to insurance or assistance from the
1 31 federal emergency management agency.
1 32 3. The homeland security and emergency management division
1 33 shall adopt rules pursuant to chapter 17A to create the Iowa
1 34 disaster aid local government assistance grant program for
1 35 purposes of awarding and administering grants from the



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2 1 disaster aid local government assistance grant fund. The
2 2 rules shall specify the eligibility of applicants and projects
2 3 eligible for funding. The rules shall be based on the public
2 4 assistance program created within the federal Robert T.
2 5 Stafford Disaster Relief and Emergency Assistance Act, Pub. L.
2 6 No. 93=288, as amended.

2 7 4. The executive council shall authorize moneys in the
2 8 disaster aid local government assistance grant fund to be used
2 9 to reimburse the homeland security and emergency management
2 10 division for actual expenses associated with the
2 11 administration of the grants.

2 12 5. The homeland security and emergency management division
2 13 shall submit an annual report, by January 1 of each year, to
2 14 the legislative fiscal committee and the legislative
2 15 government oversight committee concerning the activities of
2 16 the grant program in the previous fiscal year.

2 17 EXPLANATION

2 18 This bill creates a disaster aid local government
2 19 assistance grant fund in the state treasury for use by the
2 20 executive council. The bill provides that from moneys in the
2 21 grant fund, the executive council may award financial
2 22 assistance in the form of grants to meet disaster-related
2 23 expenses of governmental subdivisions adversely affected by a
2 24 disaster where the effect of the disaster or action on the
2 25 governmental subdivision is the immediate financial inability
2 26 to meet the continuing requirements of local government. The
2 27 aggregate total of grants awarded from the disaster aid local
2 28 government assistance grant fund during a fiscal year shall
2 29 not be more than \$3.5 million. The bill provides that, within
2 30 the same fiscal year, additional moneys may be authorized by
2 31 the executive council from other funds to meet additional
2 32 needs of governmental subdivisions receiving financial
2 33 assistance from the disaster aid local government assistance
2 34 grant fund. The bill requires the homeland security and
2 35 emergency management division of the department of public



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3 1 defense to administer awarded grants. The bill provides that
3 2 the amount of the grant shall be at the discretion of the
3 3 executive council and, if made, shall not exceed 75 percent of
3 4 the documented disaster-related expenses incurred by the
3 5 governmental subdivision. The bill requires the homeland
3 6 security and emergency management division to adopt
3 7 administrative rules specifying the eligibility of applicants
3 8 and projects eligible for funding. The bill requires the
3 9 executive council to authorize moneys in the disaster aid
3 10 local government assistance grant fund to be used to reimburse
3 11 the homeland security and emergency management division for
3 12 actual expenses associated with the administration of the
3 13 grants. The bill includes annual reporting requirements.
3 14 LSB 1720XL 83
3 15 tm/rj/5.3



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Senate Study Bill 1222

SENATE FILE
BY (PROPOSED COMMITTEE ON
STATE GOVERNMENT BILL BY
CHAIRPERSON APPEL)

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

Passed House, Date _____
Vote: Ayes _____ Nays _____

A BILL FOR

- 1 An Act concerning audits conducted by a licensee conducting
- 2 pari-mutuel wagering and providing an effective date.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 2348SC 83
- 5 ec/nh/14



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 18, 2009

Senate Study Bill 1222 continued

PAG LIN

1 1 Section 1. Section 99D.20, Code 2009, is amended to read
1 2 as follows:

1 3 99D.20 AUDIT OF LICENSEE OPERATIONS.

1 4 Within ninety days after the end of each ~~race meeting~~
1 5 calendar year, the licensee shall transmit to the commission
1 6 an audit of the financial transactions and condition of the
1 7 licensee's operations conducted under this chapter.
1 8 Additionally, within ninety days after the end of the
1 9 licensee's fiscal year, the licensee shall transmit to the
1 10 commission an audit of the licensee's total racing and gaming
1 11 operations, including an itemization of all expenses and
1 12 subsidies. All audits shall be conducted by certified public
1 13 accountants registered in the state of Iowa under chapter 542
1 14 who are selected by the board of supervisors of the county in
1 15 which the licensee operates.

1 16 Sec. 2. EFFECTIVE DATE. This Act, being deemed of
1 17 immediate importance, takes effect upon enactment.

1 18 EXPLANATION

1 19 This bill provides that a licensee to conduct pari-mutuel
1 20 wagering shall transmit to the racing and gaming commission an
1 21 audit of the financial transactions and condition of the
1 22 licensee's operations 90 days after the end of each calendar
1 23 year instead of 90 days after the end of each race meeting.

1 24 The bill takes effect upon enactment.

1 25 LSB 2348SC 83

1 26 ec/nh/14



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February 18, 2009

Senate Study Bill 1223

SENATE/HOUSE FILE
BY (PROPOSED AUDITOR OF
STATE BILL)

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

Passed House, Date _____
Vote: Ayes _____ Nays _____

A BILL FOR

- 1 An Act concerning audit and review functions of the auditor of
- 2 state relative to governmental subdivisions.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 1243XD 83
- 5 ec/sc/14



Iowa General Assembly
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February 18, 2009

Senate Study Bill 1223 continued

PAG LIN

1 1 Section 1. Section 11.1, Code 2009, is amended to read as
1 2 follows:
1 3 11.1 DEFINITIONS.
1 4 1. For purposes of this chapter, unless the context
1 5 otherwise requires:
1 6 a. ~~The term "department" shall be construed to mean~~
1 7 "Department" means any authority charged by law with official
1 8 responsibility for the expenditure of public money of the
1 9 state and any agency receiving money from the general revenues
1 10 of the state.
1 11 b. "Examination" means procedures that are less in scope
1 12 than an audit but which are directed toward reviewing
1 13 financial activities and compliance with legal requirements.
1 14 c. "Governmental subdivision" means cities and
1 15 administrative agencies established by cities, hospitals or
1 16 health care facilities established by a city, counties, county
1 17 hospitals organized under chapters 347 and 347A, memorial
1 18 hospitals organized under chapter 37, entities organized under
1 19 chapter 28E, community colleges, area education agencies, and
1 20 school districts.
1 21 d. "Regents institutions" means the institutions governed
1 22 by the board of regents under section 262.7.
1 23 2. As used in this chapter, unless the context otherwise
1 24 requires, "book", "list", "record", or "schedule" kept by a
1 25 county auditor, assessor, treasurer, recorder, sheriff, or
1 26 other county officer means the county system as defined in
1 27 section 445.1.
1 28 Sec. 2. Section 11.6, subsection 1, paragraph a,
1 29 subparagraph (1), Code 2009, is amended to read as follows:
1 30 (1) ~~The~~ Except for entities organized under chapter 28E
1 31 having budgeted gross receipts of one hundred thousand dollars
1 32 or less in a fiscal year, the financial condition and
1 33 transactions of all cities and city offices, counties, county
1 34 hospitals organized under chapters 347 and 347A, memorial
1 35 hospitals organized under chapter 37, entities organized under



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~~Senate Study Bill 1223 continued~~

~~2 1 chapter 28E having gross receipts in excess of one hundred
2 2 thousand dollars in a fiscal year, merged areas, area
2 3 education agencies, and all school offices in school
2 4 districts, governmental subdivisions shall be examined audited
2 5 at least once each year, except that cities. Cities having a
2 6 population of seven hundred or more but less than two thousand
2 7 shall be examined at least once every four years, and cities
2 8 budgeted gross receipts of one hundred thousand dollars but
2 9 less than two million dollars in a fiscal year shall be
2 10 examined at least once each year pursuant to procedures
2 11 established by the office of auditor of state and the report
2 12 of the examination shall be filed with the office of the
2 13 auditor of state and the examined city. However, cities
2 14 having a population of less than seven hundred budgeted gross
2 15 receipts of less than one hundred thousand dollars in a fiscal
2 16 year may be examined as otherwise provided in this section.
2 17 The examination shall cover the fiscal year next preceding the
2 18 year in which the audit is conducted. The examination audit
2 19 of school offices districts shall include an audit of all
2 20 school funds including categorical funding provided by the
2 21 state, the certified annual financial report, the certified
2 22 enrollment as provided in section 257.6, supplementary
2 23 weighting as provided in section 257.11, and the revenues and
2 24 expenditures of any nonprofit school organization established
2 25 pursuant to section 279.62. Differences in certified
2 26 enrollment shall be reported to the department of management.
2 27 The examination audit of school offices districts shall
2 28 include at a minimum a determination that the laws of the
2 29 state are being followed, that categorical funding is not used
2 30 to supplant other funding except as otherwise provided, that
2 31 supplementary weighting is pursuant to an eligible sharing
2 32 condition, and that postsecondary courses provided in
2 33 accordance with section 257.11 and chapter 261E supplement,
2 34 rather than supplant, school district courses. The
2 35 examination audit of a city that owns or operates a municipal~~



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Senate Study Bill 1223 continued

3 1 utility providing local exchange services pursuant to chapter
3 2 476 shall include ~~an audit~~ performing tests of the city's
3 3 compliance with section 388.10. The ~~examination~~ audit of a
3 4 city that owns or operates a municipal utility providing
3 5 telecommunications services pursuant to section 388.10 shall
3 6 include ~~an audit~~ performing tests of the city's compliance
3 7 with section 388.10.

3 8 Sec. 3. Section 11.36, Code 2009, is amended by adding the
3 9 following new subsection:

3 10 NEW SUBSECTION. 4. When, in the auditor of state's
3 11 judgment, the auditor of state finds sufficient information is
3 12 available to demonstrate a governmental subdivision may not
3 13 have substantially complied with the laws, rules, regulations,
3 14 and contractual agreements governing public funds, the auditor
3 15 of state shall establish actions to be taken to determine
3 16 whether substantial compliance with those laws, rules,
3 17 regulations, and contractual agreements has been achieved by
3 18 the governmental subdivision receiving public funds. Payment
3 19 for the examination shall be made from the proper public funds
3 20 of the governmental subdivision.

3 21 EXPLANATION

3 22 This bill makes changes relating to the duties and
3 23 responsibilities of the auditor of state relative to
3 24 governmental subdivisions.

3 25 Code section 11.1 is amended to define examination as a
3 26 procedure less in scope than an audit but which is directed at
3 27 reviewing financial activities and compliance with legal
3 28 requirements. Governmental subdivision is also defined to
3 29 mean cities, administrative agencies of cities, city
3 30 hospitals, counties, county hospitals, memorial hospitals,
3 31 chapter 28E entities, community colleges, area education
3 32 agencies, and school districts.

3 33 Code section 11.6(1), concerning what governmental
3 34 subdivisions are subject to audit or examination is amended.
3 35 The bill amends language concerning the auditing of cities by



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Senate Study Bill 1223 continued

4 1 eliminating the requirement that cities with a population
4 2 between 700 and 2,000 shall have an audit at least once in
4 3 four years. The bill provides that cities with budgeted gross
4 4 receipts of at least \$100,000, but less than \$2 million, shall
4 5 be examined at least once each year pursuant to procedures
4 6 established by the auditor and a report of the examination
4 7 shall be filed with the auditor and the examined city. The
4 8 bill provides that cities with budgeted gross receipts of less
4 9 than \$100,000 may be examined.

4 10 Code section 11.36, concerning the review by the auditor of
4 11 entities receiving public moneys, is amended. The Code
4 12 section is amended to provide that the auditor has the
4 13 authority to investigate a governmental subdivision if the
4 14 auditor of state gains information of noncompliance that is
4 15 sufficient to warrant an investigation. If an examination is
4 16 warranted, the governmental subdivision is required to pay for
4 17 the examination.

4 18 LSB 1243XD 83

4 19 ec/sc/14



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Senate Study Bill 1224

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

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

Passed House, Date _____
Vote: Ayes _____ Nays _____

A BILL FOR

- 1 An Act relating to bidding requirements for public improvement
- 2 projects completed by certain state entities.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 1305XD 83
- 5 ec/rj/8



Iowa General Assembly
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Senate Study Bill 1224 continued

PAG LIN

1 1 Section 1. Section 26.14A, subsection 2, Code 2009, is
1 2 amended to read as follows:
1 3 2. ~~If~~ Except as provided in subsection 3, if the total
1 4 estimated cost of the public improvement does not warrant
1 5 either competitive quotations under section 26.14 or
1 6 competitive bidding under section 26.3, the governmental
1 7 entity may nevertheless proceed with competitive quotations or
1 8 competitive bidding for the public improvement.

1 9 Sec. 2. Section 26.14A, Code 2009, is amended by adding
1 10 the following new subsection:

1 11 NEW SUBSECTION. 3. The state, excluding the state board
1 12 of regents and the state department of transportation, shall
1 13 proceed with competitive quotations or competitive bidding for
1 14 a public improvement even if the total estimated cost of the
1 15 public improvement does not warrant either competitive
1 16 quotations under section 26.14 or competitive bidding under
1 17 section 26.3.

1 18 EXPLANATION

1 19 This bill provides that the state, excluding the state
1 20 board of regents and the state department of transportation,
1 21 shall use either competitive quotations or competitive bidding
1 22 for all public improvements of any cost.

1 23 Public improvement is defined in Code chapter 26 to mean a
1 24 building or construction work which is constructed and paid
1 25 for by a governmental entity.

1 26 LSB 1305XD 83

1 27 ec/rj/8



Iowa General Assembly
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Senate Study Bill 1225

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

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

Passed House, Date _____
Vote: Ayes _____ Nays _____

A BILL FOR

- 1 An Act concerning the authority of the department of
- 2 administrative services relative to existing leases on real
- 3 property acquired by the department.
- 4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 5 TLSB 1418DP 83
- 6 ec/nh/5



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Senate Study Bill 1225 continued

PAG LIN

1 1 Section 1. Section 8A.321, subsection 9, Code 2009, is
1 2 amended to read as follows:

1 3 9. a. With the approval of the executive council pursuant
1 4 to section 7D.29 or pursuant to other authority granted by
1 5 law, acquire real property to be held by the department in the
1 6 name of the state as follows:

1 7 ~~a.~~ (1) By purchase, lease, option, gift, grant, bequest,
1 8 devise, or otherwise.

1 9 ~~b.~~ (2) By exchange of real property belonging to the
1 10 state for property belonging to another person.

1 11 b. If real property acquired by the department in the name
1 12 of the state is subject to a lease in effect at the time of
1 13 acquisition, the director may honor and maintain the existing
1 14 lease subject to the following requirements:

1 15 (1) The lease shall not be renewed beyond the term of the
1 16 existing lease including any renewal periods under the lease
1 17 that are solely at the discretion of the lessee.

1 18 (2) The lease shall not be renewed by the department as
1 19 the lessor if the lessor has discretion to not renew under the
1 20 existing lease.

1 21 (3) The lease shall not be maintained for a period in
1 22 excess of ten years from the date of acquisition of the real
1 23 property, including any renewal periods, without the approval
1 24 of the executive council.

1 25 (4) The lease shall not be maintained if the lessee at the
1 26 time of the acquisition ceases to occupy the leased property.

1 27 EXPLANATION

1 28 This bill authorizes the department of administrative
1 29 services to maintain an existing lease related to real
1 30 property acquired by the department on behalf of the state.
1 31 The bill establishes certain limitations on this authority,
1 32 including that the lease is not to be renewed beyond the term
1 33 of the existing lease and any renewal periods that are solely
1 34 at the discretion of the lessee; the lease is not to be
1 35 renewed by the department as the lessor if the lessor has



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Senate Study Bill 1225 continued

2 1 discretion to not renew under the existing lease; the lease is
2 2 not to be maintained for a period in excess of 10 years from
2 3 the date of acquisition without the approval of the executive
2 4 council; and the lease is not to be maintained if the lessee
2 5 at the time of the acquisition ceases to occupy the leased
2 6 property.
2 7 LSB 1418DP 83
2 8 ec/nh/5



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Senate Study Bill 1226

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

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

Passed House, Date _____
Vote: Ayes _____ Nays _____

A BILL FOR

- 1 An Act relating to the disposition of proceeds from the sale of
- 2 state personal property.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 1454DP 83
- 5 ec/rj/14



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Senate Study Bill 1226 continued

PAG LIN

1 1 Section 1. Section 8A.324, subsection 1, paragraph a, Code
1 2 2009, is amended to read as follows:
1 3 a. The director may dispose of unfit or unnecessary
1 4 personal property by sale. Proceeds from the sale of personal
1 5 property less any expense of the sale shall be deposited in
~~1 6 the general fund of the state with the state agency in control~~
1 7 of the property sold and shall be considered repayment
1 8 receipts as defined in section 8.2.

1 9 EXPLANATION

1 10 This bill requires the proceeds from the sale of state
1 11 agency personal property to be deposited with the state agency
1 12 controlling the property to be sold, less any expenses
1 13 associated with the sale. The bill further provides that
1 14 proceeds deposited with the state agency shall be considered
1 15 repayment receipts.

1 16 LSB 1454DP 83

1 17 ec/rj/14



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Senate Study Bill 1227

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

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

Passed House, Date _____
Vote: Ayes _____ Nays _____

A BILL FOR

- 1 An Act relating to and making appropriations to the judicial
- 2 branch.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 1015XG 83
- 5 jm/tm/8



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Senate Study Bill 1227 continued

PAG LIN

1 1 Section 1. JUDICIAL BRANCH.
1 2 1. There is appropriated from the general fund of the
1 3 state to the judicial branch for the fiscal year beginning
1 4 July 1, 2009, and ending June 30, 2010, the following amount,
1 5 or so much thereof as is necessary, to be used for the
1 6 purposes designated:
1 7 For salaries of supreme court justices, appellate court
1 8 judges, district court judges, district associate judges,
1 9 associate juvenile judges, associate probate judges, including
1 10 the state's required contribution to the judicial retirement
1 11 fund; salaries of judicial magistrates and staff, state court
1 12 administrators, clerks of the supreme court, district court
1 13 administrators, clerks of the district court, juvenile court
1 14 officers, board of law examiners and board of examiners of
1 15 shorthand reporters and judicial qualifications commission;
1 16 receipt and disbursement of child support payments;
1 17 reimbursement of the auditor of state for expenses incurred in
1 18 completing audits of the offices of the clerks of the district
1 19 court during the fiscal year beginning July 1, 2009; and
1 20 maintenance, equipment, and miscellaneous purposes:
1 21 \$163,527,936
1 22 2. The judicial branch, except for purposes of internal
1 23 processing, shall use the current state budget system, the
1 24 state payroll system, and the Iowa finance and accounting
1 25 system in administration of programs and payments for
1 26 services, and shall not duplicate the state payroll,
1 27 accounting, and budgeting systems.
1 28 3. The judicial branch shall submit monthly financial
1 29 statements to the legislative services agency and the
1 30 department of management containing all appropriated accounts
1 31 in the same manner as provided in the monthly financial status
1 32 reports and personal services usage reports of the department
1 33 of administrative services. The monthly financial statements
1 34 shall include a comparison of the dollars and percentage spent
1 35 of budgeted versus actual revenues and expenditures on a



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Senate Study Bill 1227 continued

2 1 cumulative basis for full-time equivalent positions and
2 2 dollars.

2 3 4. The judicial branch shall focus efforts upon the
2 4 collection of delinquent fines, penalties, court costs, fees,
2 5 surcharges, or similar amounts.

2 6 5. It is the intent of the general assembly that the
2 7 offices of the clerks of the district court operate in all 99
2 8 counties and be accessible to the public as much as is
2 9 reasonably possible in order to address the relative needs of
2 10 the citizens of each county.

2 11 6. The judicial branch shall continue studying the best
2 12 practices and efficiencies of each judicial district. In
2 13 identifying the most efficient judicial districts and the
2 14 districts using best practices, the judicial branch shall
2 15 consider the average cost to the judicial branch for
2 16 processing each classification of criminal offense or civil
2 17 action and the overall number of cases filed. In addition,
2 18 and as part of the best practices and efficiencies study, the
2 19 judicial branch shall study the number of judicial officers
2 20 needed throughout the state to manage current caseloads and
2 21 anticipated caseloads in the future, and shall make
2 22 recommendations, if any, as to changes in judgeship and
2 23 magistrate apportionment formulas in sections 602.6201,
2 24 602.6301, and 602.6401. The judicial branch shall file a
2 25 report regarding the study made, recommendations presented,
2 26 and actions taken pursuant to this subsection with the
2 27 co-chairpersons and ranking members of the joint
2 28 appropriations subcommittee on the justice system and to the
2 29 legislative services agency by January 1, 2010.

2 30 7. In addition to the requirements for transfers under
2 31 section 8.39, the judicial branch shall not change the
2 32 appropriations from the amounts appropriated to the judicial
2 33 branch in this Act, unless notice of the revisions is given
2 34 prior to their effective date to the legislative services
2 35 agency. The notice shall include information on the branch's



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Senate Study Bill 1227 continued

3 1 rationale for making the changes and details concerning the
3 2 workload and performance measures upon which the changes are
3 3 based.
3 4 8. The judicial branch shall submit a semiannual update to
3 5 the legislative services agency specifying the amounts of
3 6 fines, surcharges, and court costs collected using the Iowa
3 7 court information system since the last report. The judicial
3 8 branch shall continue to facilitate the sharing of vital
3 9 sentencing and other information with other state departments
3 10 and governmental agencies involved in the criminal justice
3 11 system through the Iowa court information system.
3 12 9. The judicial branch shall provide a report to the
3 13 general assembly by January 1, 2010, concerning the amounts
3 14 received and expended from the enhanced court collections fund
3 15 created in section 602.1304 and the court technology and
3 16 modernization fund created in section 602.8108, subsection 7,
3 17 during the fiscal year beginning July 1, 2008, and ending June
3 18 30, 2009, and the plans for expenditures from each fund during
3 19 the fiscal year beginning July 1, 2009, and ending June 30,
3 20 2010. A copy of the report shall be provided to the
3 21 legislative services agency.
3 22 10. The judicial branch is encouraged to purchase products
3 23 from Iowa state industries, as defined in section 904.802,
3 24 when purchases are required and the products are available
3 25 from Iowa state industries. The judicial branch shall obtain
3 26 bids from Iowa state industries for purchases of office
3 27 furniture during the fiscal year beginning July 1, 2009,
3 28 exceeding \$5,000.
3 29 Sec. 2. POSTING OF REPORTS IN ELECTRONIC FORMAT ==
3 30 LEGISLATIVE SERVICES AGENCY. All reports or copies of reports
3 31 required to be provided by the judicial branch for fiscal year
3 32 2009=2010 to the legislative services agency shall be provided
3 33 in an electronic format. The legislative services agency
3 34 shall post the reports on its internet website and shall
3 35 notify by electronic means all the members of the joint



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Senate Study Bill 1227 continued

4 1 appropriations subcommittee on the justice system when a
4 2 report is posted. Upon request, copies of the reports may be
4 3 mailed to members of the joint appropriations subcommittee on
4 4 the justice system.

4 5 EXPLANATION

4 6 This bill makes appropriations from the general fund of the
4 7 state for FY 2009-2010 to the judicial branch. Under the
4 8 bill, the state's required contribution to the judicial
4 9 retirement fund is combined with the appropriation for
4 10 salaries, maintenance, equipment, and other miscellaneous
4 11 purposes.

4 12 The bill encourages the judicial branch to purchase
4 13 products produced by Iowa state industries.

4 14 The bill requires the judicial branch to submit all reports
4 15 or copies of reports to the legislative services agency in an
4 16 electronic format.

4 17 LSB 1015XG 83

4 18 jm/tm/8.1



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February 18, 2009

Senate Study Bill 1228

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

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

Passed House, Date _____
Vote: Ayes _____ Nays _____

A BILL FOR

1 An Act relating to and making transportation and other
2 infrastructure-related appropriations to the department of
3 transportation, including allocation and use of moneys from
4 the road use tax fund and the primary road fund.
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
6 TL5B 1016XG 83
7 dea/tm:jp/8



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Senate Study Bill 1228 continued

PAG LIN

1 1 Section 1. ROAD USE TAX FUND. There is appropriated from
 1 2 the road use tax fund created in section 312.1 to the
 1 3 department of transportation for the fiscal year beginning
 1 4 July 1, 2009, and ending June 30, 2010, the following amounts,
 1 5 or so much thereof as is necessary, to be used for the
 1 6 purposes designated:

1 7 1. For the payment of costs associated with the production
 1 8 of driver's licenses, as defined in section 321.1, subsection
 1 9 20A:

1 10	\$ 4,195,000
------------	--------------

1 11 Notwithstanding section 8.33, moneys appropriated in this
 1 12 subsection that remain unencumbered or unobligated at the
 1 13 close of the fiscal year shall not revert but shall remain
 1 14 available for subsequent fiscal years for the purposes
 1 15 specified in this subsection.

1 16 2. For salaries, support, maintenance, and miscellaneous
 1 17 purposes:

1 18 a. Operations:	
1 19	\$ 6,657,336
1 20 b. Planning:	
1 21	\$ 506,515
1 22 c. Motor vehicles:	
1 23	\$ 36,752,012

1 24 3. For payments to the department of administrative
 1 25 services for utility services:

1 26	\$ 225,000
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1 27 4. Unemployment compensation:

1 28	\$ 7,000
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1 29 5. For payments to the department of administrative
 1 30 services for paying workers' compensation claims under chapter
 1 31 85 on behalf of employees of the department of transportation:

1 32	\$ 142,000
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1 33 6. For payment to the general fund of the state for
 1 34 indirect cost recoveries:

1 35	\$ 78,000
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Senate Study Bill 1228 continued

2 1 7. For reimbursement to the auditor of state for audit
 2 2 expenses as provided in section 11.5B:
 2 3 \$ 67,319
 2 4 8. For automation, telecommunications, and related costs
 2 5 associated with the county issuance of driver's licenses and
 2 6 vehicle registrations and titles:
 2 7 \$ 1,394,000
 2 8 9. For transfer to the department of public safety for
 2 9 operating a system providing toll-free telephone road and
 2 10 weather conditions information:
 2 11 \$ 100,000
 2 12 10. For costs associated with the participation in the
 2 13 Mississippi river parkway commission:
 2 14 \$ 40,000
 2 15 11. For membership in North America's supercorridor
 2 16 coalition:
 2 17 \$ 50,000
 2 18 12. For motor vehicle division field facility maintenance
 2 19 projects at various locations:
 2 20 \$ 200,000
 2 21 Notwithstanding section 8.33, moneys appropriated in this
 2 22 subsection that remain unencumbered or unobligated at the
 2 23 close of the fiscal year shall not revert but shall remain
 2 24 available for expenditure for the purposes designated until
 2 25 the close of the fiscal year that begins July 1, 2012.
 2 26 Sec. 2. PRIMARY ROAD FUND. There is appropriated from the
 2 27 primary road fund created in section 313.3 to the department
 2 28 of transportation for the fiscal year beginning July 1, 2009,
 2 29 and ending June 30, 2010, the following amounts, or so much
 2 30 thereof as is necessary, to be used for the purposes
 2 31 designated:
 2 32 1. For salaries, support, maintenance, miscellaneous
 2 33 purposes:
 2 34 a. Operations:
 2 35 \$ 40,890,860



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3	1	b. Planning:	
3	2	\$ 9,611,696
3	3	c. Highways:	
3	4	\$236,263,176
3	5	d. Motor vehicles:	
3	6	\$ 1,555,005
3	7	2. For payments to the department of administrative	
3	8	services for utility services:	
3	9	.....	\$ 1,382,000
3	10	3. Unemployment compensation:	
3	11	.....	\$ 138,000
3	12	4. For payments to the department of administrative	
3	13	services for paying workers' compensation claims under chapter	
3	14	85 on behalf of the employees of the department of	
3	15	transportation:	
3	16	.....	\$ 3,406,000
3	17	5. For disposal of hazardous wastes from field locations	
3	18	and the central complex:	
3	19	.....	\$ 800,000
3	20	6. For payment to the general fund of the state for	
3	21	indirect cost recoveries:	
3	22	.....	\$ 572,000
3	23	7. For reimbursement to the auditor of state for audit	
3	24	expenses as provided in section 11.5B:	
3	25	.....	\$ 415,181
3	26	8. For costs associated with producing transportation	
3	27	maps:	
3	28	.....	\$ 242,000
3	29	9. For inventory and equipment replacement:	
3	30	.....	\$ 2,250,000
3	31	10. For utility improvements at various locations:	
3	32	.....	\$ 400,000
3	33	11. For roofing projects at various locations:	
3	34	\$ 200,000
3	35	12. For heating, cooling, and exhaust system improvements	



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Senate Study Bill 1228 continued

4 1 at various locations:
 4 2 \$ 100,000
 4 3 13. For deferred maintenance projects at field facilities
 4 4 throughout the state:
 4 5 \$ 1,000,000
 4 6 14. For construction of a new Rockwell City garage:
 4 7 \$ 3,000,000
 4 8 15. For federal Americans With Disabilities Act
 4 9 improvements at various locations:
 4 10 \$ 120,000
 4 11 16. For elevator upgrades at the Ames complex:
 4 12 \$ 100,000
 4 13 Notwithstanding section 8.33, moneys appropriated in
 4 14 subsections 10 through 16 that remain unencumbered or
 4 15 unobligated at the close of the fiscal year shall not revert
 4 16 but shall remain available for expenditure for the purposes
 4 17 designated until the close of the fiscal year that begins July
 4 18 1, 2012.

EXPLANATION

4 20 This bill makes and limits appropriations for FY 2009=2010
 4 21 from the road use tax fund and the primary road fund to the
 4 22 department of transportation.
 4 23 Appropriations from the road use tax fund include
 4 24 appropriations for driver's license production costs,
 4 25 salaries, operations, planning, motor vehicles, utility
 4 26 services provided by the department of administrative
 4 27 services, unemployment and workers' compensation, indirect
 4 28 cost recoveries, audits, county issuance of driver's licenses
 4 29 and vehicle registration and titling, a system providing
 4 30 toll-free telephone road and weather reports, participation in
 4 31 the Mississippi river parkway commission, membership in North
 4 32 America's supercorridor coalition, and motor vehicle division
 4 33 field facility maintenance projects.
 4 34 Appropriations from the primary road fund include
 4 35 appropriations for salaries, operations, planning, highways,



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5 1 motor vehicles, utility services provided by the department of
5 2 administrative services, unemployment and workers'
5 3 compensation, hazardous waste disposal, indirect cost
5 4 recoveries, audits, production of transportation maps,
5 5 inventory and equipment replacement, utility projects, roofing
5 6 projects, heating and cooling improvements, deferred
5 7 maintenance at field facilities, replacement of the Rockwell
5 8 City garage, various federal Americans With Disabilities Act
5 9 improvements, and elevator upgrades at the Ames complex.
5 10 LSB 1016XG 83
5 11 dea/tm:jp/8.1



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Senate Study Bill 1229

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

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

A BILL FOR

- 1 An Act providing for the implementation of an essential records
- 2 project and making an appropriation.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 2351XL 83
- 5 tw/mg:sc/5



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Senate Study Bill 1229 continued

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1 1 Section 1. STATE ARCHIVES AND RECORDS. There is
 1 2 appropriated from the general fund of the state to the
 1 3 department of cultural affairs for the fiscal year beginning
 1 4 July 1, 2009, and ending June 30, 2010, the following amount,
 1 5 or so much thereof as is necessary, to be used for the
 1 6 purposes designated:
 1 7 For implementing the intergovernmental preparedness for
 1 8 essential records project of the council of state archivists,
 1 9 including salaries, support, maintenance, miscellaneous
 1 10 purposes, and for not more than the following full-time
 1 11 equivalent positions:
 1 12 \$ 75,000
 1 13 FTEs 1.00
 1 14 EXPLANATION
 1 15 This bill provides for the implementation of an essential
 1 16 records project.
 1 17 The bill appropriates \$75,000 to the department of cultural
 1 18 affairs and authorizes 1.00 FTE for purposes of implementing
 1 19 the intergovernmental preparedness for essential records
 1 20 project of the council of state archivists.
 1 21 LSB 2351XL 83
 1 22 tw/mg:sc/5



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Senate Study Bill 1230

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

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

Passed House, Date _____
Vote: Ayes _____ Nays _____

A BILL FOR

- 1 An Act appropriating federal funds made available from federal
- 2 block grants and other federal grants, allocating portions of
- 3 federal block grants, and providing procedures if federal
- 4 funds are more or less than anticipated or if federal block
- 5 grants are more or less than anticipated.
- 6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 7 TLSB 1018XG 83
- 8 jp/tm/8



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Senate Study Bill 1230 continued

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1 1 Section 1. SUBSTANCE ABUSE APPROPRIATION.
 1 2 1. There is appropriated from the fund created by section
 1 3 8.41 to the department of public health for the federal fiscal
 1 4 year beginning October 1, 2009, and ending September 30, 2010,
 1 5 the following amount:
 1 6 \$ 13,477,961
 1 7 a. Funds appropriated in this subsection are the
 1 8 anticipated funds to be received from the federal government
 1 9 for the designated federal fiscal year under 42 U.S.C., ch.
 1 10 6A, subc. XVII, part B, subpart ii, which provides for the
 1 11 substance abuse prevention and treatment block grant. The
 1 12 department shall expend the funds appropriated in this
 1 13 subsection as provided in the federal law making the funds
 1 14 available and in conformance with chapter 17A.
 1 15 b. Of the funds appropriated in this subsection, an amount
 1 16 not exceeding 5 percent shall be used by the department for
 1 17 administrative expenses.
 1 18 c. The department shall expend no less than an amount
 1 19 equal to the amount expended for treatment services in the
 1 20 state fiscal year beginning July 1, 2008, for pregnant women
 1 21 and women with dependent children.
 1 22 d. Of the funds appropriated in this subsection, an amount
 1 23 not exceeding \$24,585 shall be used for audits.
 1 24 2. At least 20 percent of the funds remaining from the
 1 25 appropriation made in subsection 1 shall be allocated for
 1 26 prevention programs.
 1 27 3. In implementing the federal substance abuse prevention
 1 28 and treatment block grant under 42 U.S.C., ch. 6A, subc. XVII,
 1 29 and any other applicable provisions of the federal Public
 1 30 Health Service Act under 42 U.S.C., ch. 6A, the department
 1 31 shall apply the provisions of Pub. L. No. 106=310, } 3305, as
 1 32 codified in 42 U.S.C. } 300x=65, relating to services under
 1 33 such federal law being provided by religious and other
 1 34 nongovernmental organizations.
 1 35 Sec. 2. COMMUNITY MENTAL HEALTH SERVICES APPROPRIATION.



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2 1 1. a. There is appropriated from the fund created by
2 2 section 8.41 to the department of human services for the
2 3 federal fiscal year beginning October 1, 2009, and ending
2 4 September 30, 2010, the following amount:
2 5 \$ 3,500,167
2 6 b. Funds appropriated in this subsection are the
2 7 anticipated funds to be received from the federal government
2 8 for the designated federal fiscal year under 42 U.S.C., ch.
2 9 6A, subc. XVII, part B, subpart i, which provides for the
2 10 community mental health services block grant. The department
2 11 shall expend the funds appropriated in this subsection as
2 12 provided in the federal law making the funds available and in
2 13 conformance with chapter 17A.
2 14 c. The department shall allocate not less than 95 percent
2 15 of the amount of the block grant to eligible community mental
2 16 health services providers for carrying out the plan submitted
2 17 to and approved by the federal substance abuse and mental
2 18 health services administration for the fiscal year involved.
2 19 d. Of the amount allocated to eligible services providers
2 20 under paragraph "c", 70 percent shall be distributed to the
2 21 state's accredited community mental health centers established
2 22 or designated by counties in accordance with law or
2 23 administrative rule. If a county has not established or
2 24 designated a community mental health center and has received a
2 25 waiver from the mental health, mental retardation,
2 26 developmental disabilities, and brain injury commission, the
2 27 mental health services provider designated by that county is
2 28 eligible to receive funding distributed pursuant to this
2 29 paragraph in lieu of a community mental health center. The
2 30 funding distributed shall be used by recipients of the funding
2 31 for the purpose of developing and providing evidence-based
2 32 practices and emergency services to adults with a serious
2 33 mental illness and children with a serious emotional
2 34 disturbance. The distribution amounts shall be announced at
2 35 the beginning of the federal fiscal year and distributed on a



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3 1 quarterly basis according to the formulas used in previous
3 2 fiscal years. Recipients shall submit quarterly reports
3 3 containing data consistent with the performance measures
3 4 approved by the federal substance abuse and mental health
3 5 services administration.

3 6 2. An amount not exceeding 5 percent of the funds
3 7 appropriated in subsection 1 shall be used by the department
3 8 of human services for administrative expenses. From the funds
3 9 set aside by this subsection for administrative expenses, the
3 10 department shall pay to the auditor of state an amount
3 11 sufficient to pay the cost of auditing the use and
3 12 administration of the state's portion of the funds
3 13 appropriated in subsection 1. The auditor of state shall bill
3 14 the department for the costs of the audits.

3 15 Sec. 3. MATERNAL AND CHILD HEALTH SERVICES APPROPRIATIONS.

3 16 1. There is appropriated from the fund created by section
3 17 8.41 to the department of public health for the federal fiscal
3 18 year beginning October 1, 2009, and ending September 30, 2010,
3 19 the following amount:

3 20 \$ 6,512,104

3 21 a. The funds appropriated in this subsection are the funds
3 22 anticipated to be received from the federal government for the
3 23 designated federal fiscal year under 42 U.S.C., ch. 7, subc.
3 24 V, which provides for the maternal and child health services
3 25 block grant. The department shall expend the funds
3 26 appropriated in this subsection as provided in the federal law
3 27 making the funds available and in conformance with chapter
3 28 17A.

3 29 b. Funds appropriated in this subsection shall not be used
3 30 by the university of Iowa hospitals and clinics for indirect
3 31 costs.

3 32 2. An amount not exceeding 10 percent of the funds
3 33 appropriated in subsection 1 shall be used by the department
3 34 of public health for administrative expenses.

3 35 3. The departments of public health, human services, and



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4 1 education and the university of Iowa's mobile and regional
4 2 child health specialty clinics shall continue to pursue to the
4 3 maximum extent feasible the coordination and integration of
4 4 services to women and children.

4 5 4. a. Sixty=three percent of the remaining funds
4 6 appropriated in subsection 1 shall be allocated to supplement
4 7 appropriations for maternal and child health programs within
4 8 the department of public health. Of these funds, \$300,291
4 9 shall be set aside for the statewide perinatal care program.

4 10 b. Thirty=seven percent of the remaining funds
4 11 appropriated in subsection 1 shall be allocated to the
4 12 university of Iowa hospitals and clinics under the control of
4 13 the state board of regents for mobile and regional child
4 14 health specialty clinics. The university of Iowa hospitals
4 15 and clinics shall not receive an allocation for indirect costs
4 16 from the funds for this program. Priority shall be given to
4 17 establishment and maintenance of a statewide system of mobile
4 18 and regional child health specialty clinics.

4 19 5. The department of public health shall administer the
4 20 statewide maternal and child health program and the disabled
4 21 children's program by conducting mobile and regional child
4 22 health specialty clinics and conducting other activities to
4 23 improve the health of low=income women and children and to
4 24 promote the welfare of children with actual or potential
4 25 handicapping conditions and chronic illnesses in accordance
4 26 with the requirements of Title V of the federal Social
4 27 Security Act.

4 28 Sec. 4. PREVENTIVE HEALTH AND HEALTH SERVICES
4 29 APPROPRIATIONS.

4 30 1. There is appropriated from the fund created by section
4 31 8.41 to the department of public health for the federal fiscal
4 32 year beginning October 1, 2009, and ending September 30, 2010,
4 33 the following amount:

4 34 \$ 1,064,859

4 35 Funds appropriated in this subsection are the funds



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5 1 anticipated to be received from the federal government for the
5 2 designated federal fiscal year under 42 U.S.C., ch. 6A, subc.
5 3 XVII, part A, which provides for the preventive health and
5 4 health services block grant. The department shall expend the
5 5 funds appropriated in this subsection as provided in the
5 6 federal law making the funds available and in conformance with
5 7 chapter 17A.

5 8 2. Of the funds appropriated in subsection 1, an amount
5 9 not more than 10 percent shall be used by the department for
5 10 administrative expenses.

5 11 3. Of the funds appropriated in subsection 1, the specific
5 12 amount of funds stipulated by the notice of the block grant
5 13 award shall be allocated for services to victims of sex
5 14 offenses and for rape prevention education.

5 15 4. After deducting the funds allocated in subsections 2
5 16 and 3, the remaining funds appropriated in subsection 1 may be
5 17 used by the department for healthy people 2010/healthy Iowans
5 18 2010 program objectives, preventive health advisory committee,
5 19 and risk reduction services, including nutrition programs,
5 20 health incentive programs, chronic disease services, emergency
5 21 medical services, monitoring of the fluoridation program and
5 22 start-up fluoridation grants, and acquired immune deficiency
5 23 syndrome services. The moneys specified in this subsection
5 24 shall not be used by the university of Iowa hospitals and
5 25 clinics or by the state hygienic laboratory for the funding of
5 26 indirect costs.

5 27 Sec. 5. STOP VIOLENCE AGAINST WOMEN GRANT PROGRAM
5 28 APPROPRIATION.

5 29 1. There is appropriated from the fund created by section
5 30 8.41 to the department of justice for the federal fiscal year
5 31 beginning October 1, 2009, and ending September 30, 2010, the
5 32 following amount:

5 33 \$ 1,393,190

5 34 Funds appropriated in this subsection are the anticipated
5 35 funds to be received from the federal government for the



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6 1 designated fiscal year under 42 U.S.C., ch. 46, } 3796gg=1,
 6 2 which provides for grants to combat violent crimes against
 6 3 women. The department of justice shall expend the funds
 6 4 appropriated in this subsection as provided in the federal law
 6 5 making the funds available and in conformance with chapter
 6 6 17A.

6 7 2. An amount not exceeding 10 percent of the funds
 6 8 appropriated in subsection 1 shall be used by the department
 6 9 of justice for administrative expenses. From the funds set
 6 10 aside by this subsection for administrative expenses, the
 6 11 department shall pay to the auditor of state an amount
 6 12 sufficient to pay the cost of auditing the use and
 6 13 administration of the state's portion of the funds
 6 14 appropriated in subsection 1.

6 15 Sec. 6. RESIDENTIAL SUBSTANCE ABUSE TREATMENT FOR STATE
 6 16 PRISONERS FORMULA GRANT PROGRAM. There is appropriated from
 6 17 the fund created by section 8.41 to the governor's office of
 6 18 drug control policy for the federal fiscal year beginning
 6 19 October 1, 2009, and ending September 30, 2010, the following
 6 20 amount:

6 21 \$ 77,360

6 22 Funds appropriated in this section are the funds
 6 23 anticipated to be received from the federal government for the
 6 24 designated fiscal year under 42 U.S.C., ch. 46, subc. XII=G,
 6 25 which provides grants for substance abuse treatment programs
 6 26 in state and local correctional facilities. The drug policy
 6 27 coordinator shall expend the funds appropriated in this
 6 28 section as provided in federal law making the funds available
 6 29 and in conformance with chapter 17A.

6 30 Sec. 7. EDWARD BYRNE JUSTICE ASSISTANCE GRANT PROGRAM
 6 31 APPROPRIATION.

6 32 1. There is appropriated from the fund created by section
 6 33 8.41 to the governor's office of drug control policy for the
 6 34 federal fiscal year beginning October 1, 2009, and ending
 6 35 September 30, 2010, the following amount:



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7 1 \$ 1,052,157
 7 2 Funds appropriated in this subsection are the anticipated
 7 3 funds to be received from the federal government for the
 7 4 designated fiscal year under 42 U.S.C., ch. 46, subc. V, which
 7 5 provides for the Edward Byrne memorial justice assistance
 7 6 grant program. The drug policy coordinator shall expend the
 7 7 funds appropriated in this subsection as provided in the
 7 8 federal law making the funds available and in conformance with
 7 9 chapter 17A.

7 10 2. An amount not exceeding 10 percent of the funds
 7 11 appropriated in subsection 1 shall be used by the drug policy
 7 12 coordinator for administrative expenses. From the funds set
 7 13 aside by this subsection for administrative expenses, the drug
 7 14 policy coordinator shall pay to the auditor of state an amount
 7 15 sufficient to pay the cost of auditing the use and
 7 16 administration of the state's portion of the funds
 7 17 appropriated in subsection 1.

7 18 Sec. 8. COMMUNITY SERVICES APPROPRIATIONS.

7 19 1. a. There is appropriated from the fund created by
 7 20 section 8.41 to the division of community action agencies of
 7 21 the department of human rights for the federal fiscal year
 7 22 beginning October 1, 2009, and ending September 30, 2010, the
 7 23 following amount:

7 24 \$ 7,037,445
 7 25 Funds appropriated in this subsection are the funds
 7 26 anticipated to be received from the federal government for the
 7 27 designated federal fiscal year under 42 U.S.C., ch. 106, which
 7 28 provides for the community services block grant. The division
 7 29 of community action agencies of the department of human rights
 7 30 shall expend the funds appropriated in this subsection as
 7 31 provided in the federal law making the funds available and in
 7 32 conformance with chapter 17A.

7 33 b. The administrator of the division of community action
 7 34 agencies of the department of human rights shall allocate not
 7 35 less than 96 percent of the amount of the block grant to



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8 1 eligible community action agencies for programs benefiting
 8 2 low-income persons. Each eligible agency shall receive a
 8 3 minimum allocation of not less than \$100,000. The minimum
 8 4 allocation shall be achieved by redistributing increased funds
 8 5 from agencies experiencing a greater share of available funds.
 8 6 The funds shall be distributed on the basis of the poverty=
 8 7 level population in the area represented by the community
 8 8 action areas compared to the size of the poverty=level
 8 9 population in the state.

8 10 2. An amount not exceeding 4 percent of the funds
 8 11 appropriated in subsection 1 shall be used by the division of
 8 12 community action agencies of the department of human rights
 8 13 for administrative expenses. From the funds set aside by this
 8 14 subsection for administrative expenses, the division of
 8 15 community action agencies of the department of human rights
 8 16 shall pay to the auditor of state an amount sufficient to pay
 8 17 the cost of auditing the use and administration of the state's
 8 18 portion of the funds appropriated in subsection 1. The
 8 19 auditor of state shall bill the division of community action
 8 20 agencies for the costs of the audits.

8 21 Sec. 9. COMMUNITY DEVELOPMENT APPROPRIATIONS.

8 22 1. There is appropriated from the fund created by section
 8 23 8.41 to the department of economic development for the federal
 8 24 fiscal year beginning October 1, 2009, and ending September
 8 25 30, 2010, the following amount:

8 26 \$ 25,700,000

8 27 Funds appropriated in this subsection are the funds
 8 28 anticipated to be received from the federal government for the
 8 29 designated federal fiscal year under 42 U.S.C., ch. 69, which
 8 30 provides for community development block grants. The
 8 31 department of economic development shall expend the funds
 8 32 appropriated in this subsection as provided in the federal law
 8 33 making the funds available and in conformance with chapter
 8 34 17A.

8 35 2. An amount not exceeding \$1,128,000 for the federal



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9 1 fiscal year beginning October 1, 2009, shall be used by the
 9 2 department of economic development for administrative expenses
 9 3 for the community development block grant. The total amount
 9 4 used for administrative expenses includes \$614,000 for the
 9 5 federal fiscal year beginning October 1, 2009, of funds
 9 6 appropriated in subsection 1 and a matching contribution from
 9 7 the state equal to \$514,000 from the appropriation of state
 9 8 funds for the community development block grant and state
 9 9 appropriations for related activities of the department of
 9 10 economic development. From the funds set aside for
 9 11 administrative expenses by this subsection, the department of
 9 12 economic development shall pay to the auditor of state an
 9 13 amount sufficient to pay the cost of auditing the use and
 9 14 administration of the state's portion of the funds
 9 15 appropriated in subsection 1. The auditor of state shall bill
 9 16 the department for the costs of the audit.

9 17 Sec. 10. LOW=INCOME HOME ENERGY ASSISTANCE APPROPRIATIONS.

9 18 1. There is appropriated from the fund created by section
 9 19 8.41 to the division of community action agencies of the
 9 20 department of human rights for the federal fiscal year
 9 21 beginning October 1, 2009, and ending September 30, 2010, the
 9 22 following amount:

9 23 \$ 67,802,538

9 24 The funds appropriated in this subsection are the funds
 9 25 anticipated to be received from the federal government for the
 9 26 designated federal fiscal year under 42 U.S.C., ch. 94, subc.
 9 27 II, which provides for the low-income home energy assistance
 9 28 block grants. The division of community action agencies of
 9 29 the department of human rights shall expend the funds
 9 30 appropriated in this subsection as provided in the federal law
 9 31 making the funds available and in conformance with chapter
 9 32 17A.

9 33 2. Up to 15 percent of the amount appropriated in this
 9 34 section that is actually received shall be used for
 9 35 residential weatherization or other related home repairs for



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10 1 low-income households. Of this allocation amount, not more
 10 2 than 10 percent may be used for administrative expenses.
 10 3 3. After subtracting the allocation in subsection 2, up to
 10 4 10 percent of the remainder is allocated for administrative
 10 5 expenses of the low-income home energy assistance program of
 10 6 which \$377,000 is allocated for administrative expenses of the
 10 7 division. The costs of auditing the use and administration of
 10 8 the portion of the appropriation in this section that is
 10 9 retained by the state shall be paid from the amount allocated
 10 10 in this subsection to the division. The auditor of state
 10 11 shall bill the division for the audit costs.

10 12 4. The remainder of the appropriation in this section
 10 13 following the allocations made in subsections 2 and 3, shall
 10 14 be used to help eligible households as defined in 42 U.S.C.,
 10 15 ch. 94, subc. II, to meet home energy costs.

10 16 5. Not more than 10 percent of the amount appropriated in
 10 17 this section that is actually received may be carried forward
 10 18 for use in the succeeding federal fiscal year.

10 19 6. Expenditures for assessment and resolution of energy
 10 20 problems shall be limited to 5 percent of the amount
 10 21 appropriated in this section that is actually received.

10 22 Sec. 11. SOCIAL SERVICES APPROPRIATIONS.

10 23 1. There is appropriated from the fund created by section
 10 24 8.41 to the department of human services for the federal
 10 25 fiscal year beginning October 1, 2009, and ending September
 10 26 30, 2010, the following amount:

10 27 \$ 16,680,041

10 28 Funds appropriated in this subsection are the funds
 10 29 anticipated to be received from the federal government for the
 10 30 designated federal fiscal year under 42 U.S.C., ch. 7, subc.
 10 31 XX, which provides for the social services block grant. The
 10 32 department of human services shall expend the funds
 10 33 appropriated in this subsection as provided in the federal law
 10 34 making the funds available and in conformance with chapter
 10 35 17A.



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11 1 2. Not more than \$1,065,049 of the funds appropriated in
11 2 subsection 1 shall be used by the department of human services
11 3 for general administration. From the funds set aside in this
11 4 subsection for general administration, the department of human
11 5 services shall pay to the auditor of state an amount
11 6 sufficient to pay the cost of auditing the use and
11 7 administration of the state's portion of the funds
11 8 appropriated in subsection 1.

11 9 3. In addition to the allocation for general
11 10 administration in subsection 2, the remaining funds
11 11 appropriated in subsection 1 shall be allocated in the
11 12 following amounts to supplement appropriations for the federal
11 13 fiscal year beginning October 1, 2009, for the following
11 14 programs within the department of human services:

- 11 15 a. Field operations:
11 16 \$ 6,370,179
- 11 17 b. Child and family services:
11 18 \$ 951,463
- 11 19 c. Local administrative costs and other local services:
11 20 \$ 675,575
- 11 21 d. Volunteers:
11 22 \$ 73,963
- 11 23 e. MH/MR/DD/BI community services (local purchase):
11 24 \$ 7,540,812

11 25 Sec. 12. SOCIAL SERVICES BLOCK GRANT PLAN. The department
11 26 of human services during each state fiscal year shall develop
11 27 a plan for the use of federal social services block grant
11 28 funds for the subsequent state fiscal year.

11 29 The proposed plan shall include all programs and services
11 30 at the state level which the department proposes to fund with
11 31 federal social services block grant funds, and shall identify
11 32 state and other funds which the department proposes to use to
11 33 fund the state programs and services.

11 34 The proposed plan shall also include all local programs and
11 35 services which are eligible to be funded with federal social



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12 1 services block grant funds, the total amount of federal social
12 2 services block grant funds available for the local programs
12 3 and services, and the manner of distribution of the federal
12 4 social services block grant funds to the counties. The
12 5 proposed plan shall identify state and local funds which will
12 6 be used to fund the local programs and services.

12 7 The proposed plan shall be submitted with the department's
12 8 budget requests to the governor and the general assembly.

12 9 Sec. 13. PROJECTS FOR ASSISTANCE IN TRANSITION FROM
12 10 HOMELESSNESS.

12 11 1. Upon receipt of the minimum formula grant from the
12 12 federal alcohol, drug abuse, and mental health administration
12 13 to provide mental health services for the homeless, for the
12 14 federal fiscal year beginning October 1, 2009, and ending
12 15 September 30, 2010, the department of human services shall
12 16 assure that a project which receives funds under the formula
12 17 grant from either the federal or local match share of 25
12 18 percent in order to provide outreach services to persons who
12 19 have chronic mental illness and are homeless or who are
12 20 subject to a significant probability of becoming homeless
12 21 shall do all of the following:

12 22 a. Provide community mental health services, diagnostic
12 23 services, crisis intervention services, and habilitation and
12 24 rehabilitation services.

12 25 b. Refer clients to medical facilities for necessary
12 26 hospital services, and to entities that provide primary health
12 27 services and substance abuse services.

12 28 c. Provide appropriate training to persons who provide
12 29 services to persons targeted by the grant.

12 30 d. Provide case management to homeless persons.

12 31 e. Provide supportive and supervisory services to certain
12 32 homeless persons living in residential settings which are not
12 33 otherwise supported.

12 34 2. Projects may expend funds for housing services
12 35 including minor renovation, expansion and repair of housing,



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13 1 security deposits, planning of housing, technical assistance
13 2 in applying for housing, improving the coordination of housing
13 3 services, the costs associated with matching eligible homeless
13 4 individuals with appropriate housing, and one-time rental
13 5 payments to prevent eviction.

13 6 Sec. 14. CHILD CARE AND DEVELOPMENT APPROPRIATION. There
13 7 is appropriated from the fund created by section 8.41 to the
13 8 department of human services for the federal fiscal year
13 9 beginning October 1, 2009, and ending September 30, 2010, the
13 10 following amount:

13 11 \$ 43,311,572

13 12 Funds appropriated in this section are the funds
13 13 anticipated to be received from the federal government under
13 14 42 U.S.C., ch. 105, subc. II=B, which provides for the child
13 15 care and development block grant. The department shall expend
13 16 the funds appropriated in this section as provided in the
13 17 federal law making the funds available and in conformance with
13 18 chapter 17A.

13 19 Moneys appropriated in this section that remain
13 20 unencumbered or unobligated at the close of the fiscal year
13 21 shall revert to be available for appropriation for purposes of
13 22 the child care and development block grant in the succeeding
13 23 fiscal year.

13 24 Sec. 15. PROCEDURE FOR REDUCED FEDERAL FUNDS.

13 25 1. If the funds received from the federal government for
13 26 the block grants specified in this Act are less than the
13 27 amounts appropriated, the funds actually received shall be
13 28 prorated by the governor for the various programs, other than
13 29 for the services to victims of sex offenses and for rape
13 30 prevention education under section 4, subsection 3, of this
13 31 Act, for which each block grant is available according to the
13 32 percentages that each program is to receive as specified in
13 33 this Act. However, if the governor determines that the funds
13 34 allocated by the percentages will not be sufficient to
13 35 accomplish the purposes of a particular program, or if the



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14 1 appropriation is not allocated by percentage, the governor may
14 2 allocate the funds in a manner which will accomplish to the
14 3 greatest extent possible the purposes of the various programs
14 4 for which the block grants are available.

14 5 2. Before the governor implements the actions provided for
14 6 in subsection 1, the following procedures shall be taken:

14 7 a. The chairpersons and ranking members of the senate and
14 8 house standing committees on appropriations, the appropriate
14 9 chairpersons and ranking members of subcommittees of those
14 10 committees, and the director of the legislative services
14 11 agency shall be notified of the proposed action.

14 12 b. The notice shall include the proposed allocations, and
14 13 information on the reasons why particular percentages or
14 14 amounts of funds are allocated to the individual programs, the
14 15 departments and programs affected, and other information
14 16 deemed useful. Chairpersons and ranking members notified
14 17 shall be allowed at least two weeks to review and comment on
14 18 the proposed action before the action is taken.

14 19 Sec. 16. PROCEDURE FOR INCREASED FEDERAL FUNDS.

14 20 1. If funds received from the federal government in the
14 21 form of block grants exceed the amounts appropriated in
14 22 sections 1, 2, 3, 4, 7, 9, and 11 of this Act, the excess
14 23 shall be prorated to the appropriate programs according to the
14 24 percentages specified in those sections, except additional
14 25 funds shall not be prorated for administrative expenses.

14 26 2. If actual funds received from the federal government
14 27 from block grants exceed the amount appropriated in section 10
14 28 of this Act for the low-income home energy assistance program,
14 29 not more than 15 percent of the excess may be allocated to the
14 30 low-income residential weatherization program and not more
14 31 than 5 percent of the excess may be used for administrative
14 32 costs.

14 33 3. If funds received from the federal government from
14 34 community services block grants exceed the amount appropriated
14 35 in section 8 of this Act, 100 percent of the excess is



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15 1 allocated to the community services block grant program.
15 2 Sec. 17. PROCEDURE FOR EXPENDITURE OF ADDITIONAL FEDERAL
15 3 FUNDS. If other federal grants, receipts, and funds and other
15 4 nonstate grants, receipts, and funds become available or are
15 5 awarded which are not available or awarded during the period
15 6 in which the general assembly is in session, but which require
15 7 expenditure by the applicable department or agency prior to
15 8 March 15 of the fiscal year beginning July 1, 2009, and ending
15 9 June 30, 2010, these grants, receipts, and funds are
15 10 appropriated to the extent necessary, provided that the fiscal
15 11 committee of the legislative council is notified within thirty
15 12 days of receipt of the grants, receipts, or funds and the
15 13 fiscal committee of the legislative council has an opportunity
15 14 to comment on the expenditure of the grants, receipts, or
15 15 funds.
15 16 Sec. 18. DEPARTMENT OF ADMINISTRATIVE SERVICES. Federal
15 17 grants, receipts, and funds and other nonstate grants,
15 18 receipts, and funds, available in whole or in part of the
15 19 fiscal year beginning July 1, 2009, and ending June 30, 2010,
15 20 are appropriated to the department of administrative services
15 21 for the purposes set forth in the grants, receipts, or
15 22 conditions accompanying the receipt of the funds, unless
15 23 otherwise provided by law.
15 24 Sec. 19. DEPARTMENT OF AGRICULTURE AND LAND STEWARDSHIP.
15 25 Federal grants, receipts, and funds and other nonstate grants,
15 26 receipts, and funds, available in whole or in part for the
15 27 fiscal year beginning July 1, 2009, and ending June 30, 2010,
15 28 are appropriated to the department of agriculture and land
15 29 stewardship for the purposes set forth in the grants,
15 30 receipts, or conditions accompanying the receipt of the funds,
15 31 unless otherwise provided by law.
15 32 Sec. 20. OFFICE OF AUDITOR OF STATE. Federal grants,
15 33 receipts, and funds and other nonstate grants, receipts, and
15 34 funds, available in whole or in part for the fiscal year
15 35 beginning July 1, 2009, and ending June 30, 2010, are



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16 1 appropriated to the office of auditor of state for the
16 2 purposes set forth in the grants, receipts, or conditions
16 3 accompanying the receipt of the funds, unless otherwise
16 4 provided by law.

16 5 Sec. 21. DEPARTMENT FOR THE BLIND. Federal grants,
16 6 receipts, and funds and other nonstate grants, receipts, and
16 7 funds, available in whole or in part for the fiscal year
16 8 beginning July 1, 2009, and ending June 30, 2010, are
16 9 appropriated to the department for the blind for the purposes
16 10 set forth in the grants, receipts, or conditions accompanying
16 11 the receipt of the funds, unless otherwise provided by law.

16 12 Sec. 22. IOWA STATE CIVIL RIGHTS COMMISSION. Federal
16 13 grants, receipts, and funds and other nonstate grants,
16 14 receipts, and funds, available in whole or in part for the
16 15 fiscal year beginning July 1, 2009, and ending June 30, 2010,
16 16 are appropriated to the Iowa state civil rights commission for
16 17 the purposes set forth in the grants, receipts, or conditions
16 18 accompanying the receipt of the funds, unless otherwise
16 19 provided by law.

16 20 Sec. 23. COLLEGE STUDENT AID COMMISSION. Federal grants,
16 21 receipts, and funds and other nonstate grants, receipts, and
16 22 funds, available in whole or in part for the fiscal year
16 23 beginning July 1, 2009, and ending June 30, 2010, are
16 24 appropriated to the college student aid commission for the
16 25 purposes set forth in the grants, receipts, or conditions
16 26 accompanying the receipt of the funds, unless otherwise
16 27 provided by law.

16 28 Sec. 24. DEPARTMENT OF COMMERCE. Federal grants,
16 29 receipts, and funds and other nonstate grants, receipts, and
16 30 funds, available in whole or in part for the fiscal year
16 31 beginning July 1, 2009, and ending June 30, 2010, are
16 32 appropriated to the department of commerce for the purposes
16 33 set forth in the grants, receipts, or conditions accompanying
16 34 the receipt of the funds, unless otherwise provided by law.

16 35 Sec. 25. DEPARTMENT OF CORRECTIONS. Federal grants,



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17 1 receipts, and funds and other nonstate grants, receipts, and
17 2 funds, available in whole or in part for the fiscal year
17 3 beginning July 1, 2009, and ending June 30, 2010, are
17 4 appropriated to the department of corrections for the purposes
17 5 set forth in the grants, receipts, or conditions accompanying
17 6 the receipt of the funds, unless otherwise provided by law.

17 7 Sec. 26. DEPARTMENT OF CULTURAL AFFAIRS. Federal grants,
17 8 receipts, and funds and other nonstate grants, receipts, and
17 9 funds, available in whole or in part for the fiscal year
17 10 beginning July 1, 2009, and ending June 30, 2010, are
17 11 appropriated to the department of cultural affairs for the
17 12 purposes set forth in the grants, receipts, or conditions
17 13 accompanying the receipt of the funds, unless otherwise
17 14 provided by law.

17 15 Sec. 27. DEPARTMENT OF ECONOMIC DEVELOPMENT. Federal
17 16 grants, receipts, and funds and other nonstate grants,
17 17 receipts, and funds, available in whole or in part for the
17 18 fiscal year beginning July 1, 2009, and ending June 30, 2010,
17 19 are appropriated to the department of economic development for
17 20 the purposes set forth in the grants, receipts, or conditions
17 21 accompanying the receipt of the funds, unless otherwise
17 22 provided by law.

17 23 Sec. 28. DEPARTMENT OF EDUCATION. Federal grants,
17 24 receipts, and funds and other nonstate grants, receipts, and
17 25 funds, available in whole or in part for the fiscal year
17 26 beginning July 1, 2009, and ending June 30, 2010, are
17 27 appropriated to the department of education for the purposes
17 28 set forth in the grants, receipts, or conditions accompanying
17 29 the receipt of the funds, unless otherwise provided by law.

17 30 Sec. 29. DEPARTMENT OF ELDER AFFAIRS. Federal grants,
17 31 receipts, and funds and other nonstate grants, receipts, and
17 32 funds, available in whole or in part for the fiscal year
17 33 beginning July 1, 2009, and ending June 30, 2010, are
17 34 appropriated to the department of elder affairs for the
17 35 purposes set forth in the grants, receipts, or conditions



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18 1 accompanying the receipt of the funds, unless otherwise
18 2 provided by law.

18 3 Sec. 30. OFFICE OF ENERGY INDEPENDENCE. Federal grants,
18 4 receipts, and funds and other nonstate grants, receipts, and
18 5 funds, available in whole or in part for the fiscal year
18 6 beginning July 1, 2009, and ending June 30, 2010, are
18 7 appropriated to the office of energy independence for the
18 8 purposes set forth in the grants, receipts, or conditions
18 9 accompanying the receipt of the funds, unless otherwise
18 10 provided by law.

18 11 Sec. 31. IOWA ETHICS AND CAMPAIGN DISCLOSURE BOARD.
18 12 Federal grants, receipts, and funds and other nonstate grants,
18 13 receipts, and funds, available in whole or in part for the
18 14 fiscal year beginning July 1, 2009, and ending June 30, 2010,
18 15 are appropriated to the Iowa ethics and campaign disclosure
18 16 board for the purposes set forth in the grants, receipts, or
18 17 conditions accompanying the receipt of the funds, unless
18 18 otherwise provided by law.

18 19 Sec. 32. IOWA FINANCE AUTHORITY. Federal grants,
18 20 receipts, and funds and other nonstate grants, receipts, and
18 21 funds, available in whole or in part for the fiscal year
18 22 beginning July 1, 2009, and ending June 30, 2010, are
18 23 appropriated to the Iowa finance authority for the purposes
18 24 set forth in the grants, receipts, or conditions accompanying
18 25 the receipt of the funds, unless otherwise provided by law.

18 26 Sec. 33. OFFICES OF THE GOVERNOR AND LIEUTENANT GOVERNOR.
18 27 Federal grants, receipts, and funds and other nonstate grants,
18 28 receipts, and funds, available in whole or in part for the
18 29 fiscal year beginning July 1, 2009, and ending June 30, 2010,
18 30 are appropriated to the offices of the governor and lieutenant
18 31 governor for the purposes set forth in the grants, receipts,
18 32 or conditions accompanying the receipt of the funds, unless
18 33 otherwise provided by law.

18 34 Sec. 34. GOVERNOR'S OFFICE OF DRUG CONTROL POLICY.
18 35 Federal grants, receipts, and funds and other nonstate grants,



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19 1 receipts, and funds, available in whole or in part for the
19 2 fiscal year beginning July 1, 2009, and ending June 30, 2010,
19 3 are appropriated to the governor's office of drug control
19 4 policy for the purposes set forth in the grants, receipts, or
19 5 conditions accompanying the receipt of the funds, unless
19 6 otherwise provided by law.

19 7 Sec. 35. DEPARTMENT OF HUMAN RIGHTS. Federal grants,
19 8 receipts, and funds and other nonstate grants, receipts, and
19 9 funds, available in whole or in part for the fiscal year
19 10 beginning July 1, 2009, and ending June 30, 2010, are
19 11 appropriated to the department of human rights for the
19 12 purposes set forth in the grants, receipts, or conditions
19 13 accompanying the receipt of the funds, unless otherwise
19 14 provided by law.

19 15 Sec. 36. DEPARTMENT OF HUMAN SERVICES. Federal grants,
19 16 receipts, and funds and other nonstate grants, receipts, and
19 17 funds, available in whole or in part for the fiscal year
19 18 beginning July 1, 2009, and ending June 30, 2010, are
19 19 appropriated to the department of human services, for the
19 20 purposes set forth in the grants, receipts, or conditions
19 21 accompanying the receipt of the funds, unless otherwise
19 22 provided by law.

19 23 Sec. 37. DEPARTMENT OF INSPECTIONS AND APPEALS. Federal
19 24 grants, receipts, and funds and other nonstate grants,
19 25 receipts, and funds, available in whole or in part for the
19 26 fiscal year beginning July 1, 2009, and ending June 30, 2010,
19 27 are appropriated to the department of inspections and appeals
19 28 for the purposes set forth in the grants, receipts, or
19 29 conditions accompanying the receipt of the funds, unless
19 30 otherwise provided by law.

19 31 Sec. 38. JUDICIAL BRANCH. Federal grants, receipts, and
19 32 funds and other nonstate grants, receipts, and funds,
19 33 available in whole or in part for the fiscal year beginning
19 34 July 1, 2009, and ending June 30, 2010, are appropriated to
19 35 the judicial branch for the purposes set forth in the grants,



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20 1 receipts, or conditions accompanying the receipt of the funds,
20 2 unless otherwise provided by law.

20 3 Sec. 39. DEPARTMENT OF JUSTICE. Federal grants, receipts,
20 4 and funds and other nonstate grants, receipts, and funds,
20 5 available in whole or in part for the fiscal year beginning
20 6 July 1, 2009, and ending June 30, 2010, are appropriated to
20 7 the department of justice for the purposes set forth in the
20 8 grants, receipts, or conditions accompanying the receipt of
20 9 the funds, unless otherwise provided by law.

20 10 Sec. 40. IOWA LAW ENFORCEMENT ACADEMY. Federal grants,
20 11 receipts, and funds and other nonstate grants, receipts, and
20 12 funds, available in whole or in part for the fiscal year
20 13 beginning July 1, 2009, and ending June 30, 2010, are
20 14 appropriated to the Iowa law enforcement academy for the
20 15 purposes set forth in the grants, receipts, or conditions
20 16 accompanying the receipt of the funds, unless otherwise
20 17 provided by law.

20 18 Sec. 41. DEPARTMENT OF MANAGEMENT. Federal grants,
20 19 receipts, and funds and other nonstate grants, receipts, and
20 20 funds, available in whole or in part for the fiscal year
20 21 beginning July 1, 2009, and ending June 30, 2010, are
20 22 appropriated to the department of management for the purposes
20 23 set forth in the grants, receipts, or conditions accompanying
20 24 the receipt of the funds, unless otherwise provided by law.

20 25 Sec. 42. DEPARTMENT OF NATURAL RESOURCES. Federal grants,
20 26 receipts, and funds and other nonstate grants, receipts, and
20 27 funds, available in whole or in part for the fiscal year
20 28 beginning July 1, 2009, and ending June 30, 2010, are
20 29 appropriated to the department of natural resources for the
20 30 purposes set forth in the grants, receipts, or conditions
20 31 accompanying the receipt of the funds, unless otherwise
20 32 provided by law.

20 33 Sec. 43. BOARD OF PAROLE. Federal grants, receipts, and
20 34 funds and other nonstate grants, receipts, and funds,
20 35 available in whole or in part for the fiscal year beginning



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21 1 July 1, 2009, and ending June 30, 2010, are appropriated to
21 2 the board of parole for the purposes set forth in the grants,
21 3 receipts, or conditions accompanying the receipt of the funds,
21 4 unless otherwise provided by law.

21 5 Sec. 44. DEPARTMENT OF PUBLIC DEFENSE. Federal grants,
21 6 receipts, and funds and other nonstate grants, receipts, and
21 7 funds, available in whole or in part for the fiscal year
21 8 beginning July 1, 2009, and ending June 30, 2010, are
21 9 appropriated to the department of public defense for the
21 10 purposes set forth in the grants, receipts, or conditions
21 11 accompanying the receipt of the funds, unless otherwise
21 12 provided by law.

21 13 Sec. 45. PUBLIC EMPLOYMENT RELATIONS BOARD. Federal
21 14 grants, receipts, and funds and other nonstate grants,
21 15 receipts, and funds, available in whole or in part for the
21 16 fiscal year beginning July 1, 2009, and ending June 30, 2010,
21 17 are appropriated to the public employment relations board for
21 18 the purposes set forth in the grants, receipts, or conditions
21 19 accompanying the receipt of the funds, unless otherwise
21 20 provided by law.

21 21 Sec. 46. DEPARTMENT OF PUBLIC HEALTH. Federal grants,
21 22 receipts, and funds and other nonstate grants, receipts, and
21 23 funds, available in whole or in part for the fiscal year
21 24 beginning July 1, 2009, and ending June 30, 2010, are
21 25 appropriated to the department of public health for the
21 26 purposes set forth in the grants, receipts, or conditions
21 27 accompanying the receipt of the funds, unless otherwise
21 28 provided by law.

21 29 Sec. 47. DEPARTMENT OF PUBLIC SAFETY. Federal grants,
21 30 receipts, and funds and other nonstate grants, receipts, and
21 31 funds, available in whole or in part for the fiscal year
21 32 beginning July 1, 2009, and ending June 30, 2010, are
21 33 appropriated to the department of public safety, for the
21 34 purposes set forth in the grants, receipts, or conditions
21 35 accompanying the receipt of the funds, unless otherwise



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22 1 provided by law.

22 2 Sec. 48. STATE BOARD OF REGENTS. Federal grants,
22 3 receipts, and funds and other nonstate grants, receipts, and
22 4 funds, available in whole or in part for the fiscal year
22 5 beginning July 1, 2009, and ending June 30, 2010, are
22 6 appropriated to the state board of regents for the purposes
22 7 set forth in the grants, receipts, or conditions accompanying
22 8 the receipt of the funds, unless otherwise provided by law.

22 9 Sec. 49. DEPARTMENT OF REVENUE. Federal grants, receipts,
22 10 and funds and other nonstate grants, receipts, and funds,
22 11 available in whole or in part for the fiscal year beginning
22 12 July 1, 2009, and ending June 30, 2010, are appropriated to
22 13 the department of revenue for the purposes set forth in the
22 14 grants, receipts, or conditions accompanying the receipt of
22 15 the funds, unless otherwise provided by law.

22 16 Sec. 50. OFFICE OF SECRETARY OF STATE. Federal grants,
22 17 receipts, and funds and other nonstate grants, receipts, and
22 18 funds, available in whole or in part for the fiscal year
22 19 beginning July 1, 2009, and ending June 30, 2010, are
22 20 appropriated to the office of secretary of state for the
22 21 purposes set forth in the grants, receipts, or conditions
22 22 accompanying the receipt of the funds, unless otherwise
22 23 provided by law.

22 24 Sec. 51. IOWA STATE FAIR AUTHORITY. Federal grants,
22 25 receipts, and funds and other nonstate grants, receipts, and
22 26 funds, available in whole or in part for the fiscal year
22 27 beginning July 1, 2009, and ending June 30, 2010, are
22 28 appropriated to the Iowa state fair authority for the purposes
22 29 set forth in the grants, receipts, or conditions accompanying
22 30 the receipt of the funds, unless otherwise provided by law.

22 31 Sec. 52. OFFICE FOR STATE=FEDERAL RELATIONS. Federal
22 32 grants, receipts, and funds and other nonstate grants,
22 33 receipts, and funds, available in whole or in part for the
22 34 fiscal year beginning July 1, 2009, and ending June 30, 2010,
22 35 are appropriated to the office for state=federal relations for



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23 1 the purposes set forth in the grants, receipts, or conditions
23 2 accompanying the receipt of the funds, unless otherwise
23 3 provided by law.

23 4 Sec. 53. IOWA TELECOMMUNICATIONS AND TECHNOLOGY
23 5 COMMISSION. Federal grants, receipts, and funds and other
23 6 nonstate grants, receipts, and funds, available in whole or in
23 7 part for the fiscal year beginning July 1, 2009, and ending
23 8 June 30, 2010, are appropriated to the Iowa telecommunications
23 9 and technology commission for the purposes set forth in the
23 10 grants, receipts, or conditions accompanying the receipt of
23 11 the funds, unless otherwise provided by law.

23 12 Sec. 54. OFFICE OF TREASURER OF STATE. Federal grants,
23 13 receipts, and funds and other nonstate grants, receipts, and
23 14 funds, available in whole or in part for the fiscal year
23 15 beginning July 1, 2009, and ending June 30, 2010, are
23 16 appropriated to the office of treasurer of state for the
23 17 purposes set forth in the grants, receipts, or conditions
23 18 accompanying the receipt of the funds, unless otherwise
23 19 provided by law.

23 20 Sec. 55. DEPARTMENT OF TRANSPORTATION. Federal grants,
23 21 receipts, and funds and other nonstate grants, receipts, and
23 22 funds, available in whole or in part for the fiscal year
23 23 beginning July 1, 2009, and ending June 30, 2010, are
23 24 appropriated to the department of transportation for the
23 25 purposes set forth in the grants, receipts, or conditions
23 26 accompanying the receipt of the funds, unless otherwise
23 27 provided by law.

23 28 Sec. 56. DEPARTMENT OF VETERANS AFFAIRS. Federal grants,
23 29 receipts, and funds and other nonstate grants, receipts, and
23 30 funds, available in whole or in part for the fiscal year
23 31 beginning July 1, 2009, and ending June 30, 2010, are
23 32 appropriated to the department of veterans affairs for the
23 33 purposes set forth in the grants, receipts, or conditions
23 34 accompanying the receipt of the funds, unless otherwise
23 35 provided by law.

