House Amendment 8065

PAG LIN

1 1 Amend the amendment, H=8055, to Senate File 348, as
1 2 passed by the Senate, as follows:
1 3 #1. Page 3, by inserting before line 4 the
1 4 following:
1 5 <Sec. ___. NEW SECTION. 99F.4E MORATORIUM FOR
1 6 ISSUANCE OF LICENSES FOR GAMBLING GAMES.
1 7 1. Commencing January 1, 2008, the commission
1 8 shall not issue a license to conduct gambling games on
1 9 an excursion gambling boat, gambling structure, or at
1 10 a pari=mutuel racetrack pursuant to this chapter.
1 11 2. This section does not affect the validity of a
1 12 license issued by the commission pursuant to this
1 13 chapter before January 1, 2008, or the authority of
1 14 the commission to suspend, revoke, transfer, or renew
1 15 a license issued before January 1, 2008, pursuant to
1 16 chapter 99D or this chapter.>
1 17 #2. Page 6, by inserting after line 22 the
1 18 following:
1 19 <___. The section of this Act enacting section
1 20 99F.4E, being deemed of immediate importance, takes
1 21 effect upon enactment and is retroactively applicable
1 22 to January 1, 2008, and is applicable on and after
1 23 that date.>
1 24 #3. By renumbering as necessary.
1 25
1 26
1 27
1 28 RAECKER of Polk
1 29 SF 348.712 82
1 30 ec/nh/20447
1 31
1 32
1 33
1 34
1 35
1 36
1 37
1 38
1 39
1 40
1 41
1 42
1 43
1 44
1 45
1 46
1 47
1 48
1 49
1 50

House Amendment 8066

PAG LIN

1 1 Amend House File 2500 as follows:
1 2 #1. Page 1, by inserting before line 1 the
1 3 following:
1 4 <Section 1. NEW SECTION. 719.1A INTERFERENCE
1 5 WITH OFFICIAL ACTS INVOLVING FAMILY MEMBERS OF A PEACE
1 6 OFFICER, EMERGENCY PERSONNEL, OR COUNTY ATTORNEY.
1 7 1. As used in this section "family member" means a
1 8 spouse, son, daughter, brother, sister, uncle, aunt,
1 9 first cousin, nephew, niece, father=in=law,
1 10 mother=in=law, son=in=law, daughter=in=law,
1 11 brother=in=law, sister=in=law, father, mother,
1 12 stepfather, stepmother, stepson, stepdaughter,
1 13 stepbrother, stepsister, half brother, or half sister
1 14 of a peace officer, emergency medical care provider
1 15 under chapter 147A, fire fighter, whether paid or
1 16 volunteer, or county attorney.
1 17 2. A person who harasses a family member in
1 18 violation of section 708.7, with the intent to
1 19 interfere with or improperly influence, or in
1 20 retaliation for, the official acts of a peace officer,
1 21 emergency medical care provider under chapter 147A,
1 22 fire fighter, whether paid or volunteer, or county
1 23 attorney, commits an aggravated misdemeanor.>
1 24 #2. Title page, line 1, by striking the word
1 25 <offense> and inserting the following: <offenses>.
1 26 #3. Title page, line 2, by inserting after the
1 27 word <acts> the following: <and interference with
1 28 official acts involving family members of a peace
1 29 officer, emergency personnel, or a county attorney>.
1 30 #4. By renumbering as necessary.
1 31
1 32
1 33
1 34 BAUDLER of Adair
1 35 HF 2500.701 82
1 36 jm/nh/20509
1 37
1 38
1 39
1 40
1 41
1 42
1 43
1 44
1 45
1 46
1 47
1 48
1 49
1 50

House Amendment 8067

PAG LIN

1 1 Amend House File 2400 as follows:
1 2 #1. Page 1, by inserting before line 1 the
1 3 following:
1 4 <DIVISION I
1 5 SURFACE WATER PROTECTION>.
1 6 #2. Page 8, by inserting before line 22 the
1 7 following:
1 8 <DIVISION II
1 9 EMINENT DOMAIN AND CONDEMNATION
1 10 Sec. ___. Section 6A.22, subsection 2, paragraph
1 11 c, subparagraph (1), Code 2007, is amended to read as
1 12 follows:
1 13 (1) If private property is to be condemned for
1 14 development or creation of a lake, only that number of
1 15 acres justified as reasonable and necessary for a
1 16 surface drinking water source, and not otherwise
1 17 acquired, may be condemned. ~~In addition~~ Prior to
1 18 making a determination that such lake development or
1 19 creation is reasonable and necessary, the acquiring
1 20 agency shall ~~conduct a review of~~ demonstrate by clear
1 21 and convincing evidence that no other prudent and
1 22 feasible ~~alternatives to~~ alternative for provision of
1 23 a drinking water source ~~prior to making a~~
1 24 ~~determination that such lake development or creation~~
1 25 ~~is reasonable and necessary~~ exists. Development or
1 26 creation of a lake as a surface drinking water source
1 27 includes all of the following:
1 28 (a) Construction of the dam, including sites for
1 29 suitable borrow material and the auxiliary spillway.
1 30 (b) The water supply pool.
1 31 (c) The sediment pool.
1 32 (d) The flood control pool.
1 33 (e) The floodwater retarding pool.
1 34 (f) The surrounding area upstream of the dam no
1 35 higher in elevation than the top of the dam's
1 36 elevation.
1 37 (g) The appropriate setback distance required by
1 38 state or federal laws and regulations to protect
1 39 drinking water supply.
1 40 For purposes of this subparagraph (1), "number of
1 41 acres justified as reasonable and necessary for a
1 42 surface drinking water source" means according to
1 43 guidelines of the United States natural resource
1 44 conservation service and according to analyses of
1 45 surface drinking water capacity needs conducted by one
1 46 or more registered professional engineers. However,
1 47 any guidelines or analyses related to future water
1 48 capacity needs or water capacity needs in time of
1 49 drought shall be based on the current rate of drinking
1 50 water usage in the area to be served by the surface

House Amendment 8067 continued

2 1 drinking water source.
2 2 In making determinations required under this
2 3 subparagraph (1), any reviews or analyses conducted by
2 4 an engineer shall be conducted by a registered
2 5 professional engineer selected by a committee of
2 6 private landowners affected by the proposed
2 7 condemnation action. The acquiring agency shall be
2 8 responsible for paying the fees and expenses of an
2 9 engineer whose services are retained pursuant to this
2 10 subparagraph (1).
2 11 Sec. ___. Section 6A.24, subsection 3, Code 2007,
2 12 is amended to read as follows:
2 13 3. For any action brought under this section, the
2 14 burden of proof shall be on the acquiring agency to
2 15 prove by ~~a preponderance of the~~ clear and convincing
2 16 evidence that the finding of public use, public
2 17 purpose, or public improvement meets the definition of
2 18 those terms. If a property owner or a contract
2 19 purchaser of record or a tenant occupying the property
2 20 under a recorded lease prevails in an action brought
2 21 under this section, the acquiring agency shall be
2 22 required to pay the costs, including reasonable
2 23 attorney fees, of the adverse party.
2 24 Sec. ___. Section 6B.54, subsection 10, Code 2007,
2 25 is amended by adding the following new paragraph:
2 26 NEW PARAGRAPH. c. Reasonable attorney fees and
2 27 reasonable costs, including expert witness fees and
2 28 fees relating to appraisal of the property, not to
2 29 exceed one hundred thousand dollars.
2 30 Sec. ___. Section 316.4, subsection 1, Code 2007,
2 31 is amended to read as follows:
2 32 1. If a program or project undertaken by a
2 33 displacing agency will result in the displacement of a
2 34 person, the displacing agency shall make a payment to
2 35 the displaced person, upon proper application as
2 36 approved by the displacing agency, for actual
2 37 reasonable and necessary expenses incurred in moving
2 38 the person, the person's family, business, farm
2 39 operation, or other personal property subject to rules
2 40 and limits established by the department. The payment
2 41 may also provide for actual direct losses of tangible
2 42 personal property, purchase of substitute personal
2 43 property, business reestablishment expenses, storage
2 44 expenses, and expenses incurred in searching for a
2 45 replacement business or farm. If relocation of a
2 46 business or farm operation is not economically
2 47 feasible, the displaced person may also apply for
2 48 payment of the loss of existing business relationships
2 49 because of the inability to relocate the business or
2 50 farm operation to a location similar in economic

House Amendment 8067 continued

3 1 advantage to the location from which the business or
3 2 farm operation was moved.
3 3 Sec. ___. Section 364.4, subsection 1, paragraph
3 4 a, unnumbered paragraph 1, Code 2007, is amended to
3 5 read as follows:
3 6 Acquire, hold, and dispose of property outside the
3 7 city in the same manner as within. However, the power
3 8 of a city to acquire property outside the city does
3 9 not include the power to acquire property outside the
3 10 city by eminent domain, except if viable alternatives
3 11 do not exist within the city and the acquisition of
3 12 the property is necessary for the following, subject
3 13 to the provisions of chapters 6A and 6B:
3 14 Sec. ___. Section 403.7, subsection 1, unnumbered
3 15 paragraph 1, Code 2007, is amended to read as follows:
3 16 A municipality shall have the right to acquire by
3 17 condemnation any interest in real property, including
3 18 a fee simple title thereto, which it may deem
3 19 necessary for or in connection with an urban renewal
3 20 project under this chapter, subject to the limitations
3 21 on eminent domain authority in ~~chapter~~ chapters 6A and
3 22 6B. However, a municipality shall not condemn
3 23 agricultural land included within an economic
3 24 development area for any use unless the owner of the
3 25 agricultural land consents to condemnation or unless
3 26 ~~the municipality determines that the land is necessary~~
3 27 ~~or useful~~ viable alternatives to the condemnation of
3 28 agricultural land do not exist and the acquisition of
3 29 the property is necessary for any of the following:
3 30 Sec. ___. EFFECTIVE DATE. This division of this
3 31 Act, being deemed of immediate importance, takes
3 32 effect upon enactment and applies to projects or
3 33 condemnation proceedings pending or commenced on or
3 34 after that date.>
3 35 #3. Title page, line 1, by inserting after the
3 36 word <quality> the following: <and lake development>.
3 37 #4. Title page, line 6, by inserting after the
3 38 word <program> the following: <and making changes
3 39 related to eminent domain authority and condemnation
3 40 procedures and providing an effective date>.
3 41 #5. By renumbering as necessary.
3 42
3 43
3 44
3 45 KAUFMANN of Cedar
3 46 HF 2400.701 82
3 47 sc/nh/11043

House Amendment 8068

PAG LIN

1 1 Amend House File 2400 as follows:
1 2 #1. Page 1, by inserting before line 1, the
1 3 following:
1 4 <DIVISION I
1 5 SURFACE WATER PROTECTION>
1 6 #2. Page 8, by inserting before line 22, the
1 7 following:
1 8 <DIVISION II
1 9 EMINENT DOMAIN AND CONDEMNATION
1 10 Sec. ___. Section 6A.22, subsection 2, paragraph
1 11 c, subparagraph (1), Code 2007, is amended to read as
1 12 follows:
1 13 (1) If private property is to be condemned for
1 14 development or creation of a lake, only that number of
1 15 acres justified as reasonable and necessary for a
1 16 surface drinking water source, and not otherwise
1 17 acquired, may be condemned. ~~In addition~~ Prior to
1 18 making a determination that such lake development or
1 19 creation is reasonable and necessary, the acquiring
1 20 agency shall ~~conduct a review of~~ demonstrate by clear
1 21 and convincing evidence that no other prudent and
1 22 feasible ~~alternatives to~~ alternative for provision of
1 23 a drinking water source ~~prior to making a~~
1 24 ~~determination that such lake development or creation~~
1 25 ~~is reasonable and necessary~~ exists. Development or
1 26 creation of a lake as a surface drinking water source
1 27 includes all of the following:
1 28 (a) Construction of the dam, including sites for
1 29 suitable borrow material and the auxiliary spillway.
1 30 (b) The water supply pool.
1 31 (c) The sediment pool.
1 32 (d) The flood control pool.
1 33 (e) The floodwater retarding pool.
1 34 (f) The surrounding area upstream of the dam no
1 35 higher in elevation than the top of the dam's
1 36 elevation.
1 37 (g) The appropriate setback distance required by
1 38 state or federal laws and regulations to protect
1 39 drinking water supply.
1 40 For purposes of this subparagraph (1), "number of
1 41 acres justified as reasonable and necessary for a
1 42 surface drinking water source" means according to
1 43 guidelines of the United States natural resource
1 44 conservation service and according to analyses of
1 45 ~~surface~~ drinking water capacity needs conducted by one
1 46 or more registered professional engineers using
1 47 standards alternative to the federal guidelines. Any
1 48 guidelines or analyses related to future drinking
1 49 water capacity needs shall be based on the current
1 50 rate of drinking water usage in the area to be served

House Amendment 8068 continued

2 1 by the surface drinking water source.
2 2 Guidelines relating to drinking water capacity
2 3 needs in time of drought shall not be used in any
2 4 analysis performed pursuant to this subparagraph (1).
2 5 An analysis performed pursuant to this subparagraph
2 6 (1) shall include information on groundwater resources
2 7 in the area and the potential for the use of such
2 8 resources to meet drinking water capacity needs.
2 9 A second review or analysis may be requested by any
2 10 landowner affected by the proposed condemnation
2 11 action, and the engineer shall be selected by a
2 12 committee of private landowners affected by the
2 13 proposed condemnation action. The acquiring agency
2 14 shall be responsible for paying the fees and expenses
2 15 of such an engineer.
2 16 A landowner affected by the proposed condemnation
2 17 action may request a public hearing regarding the
2 18 influence of a federal agency on the lake creation or
2 19 development project, on the proposed condemnation
2 20 actions related to the project, and on the use of
2 21 federal guidelines in analyzing drinking water
2 22 capacity needs. The hearing shall be conducted by a
2 23 person who is not involved with the lake creation or
2 24 development and the services of such person in
2 25 conducting the hearing shall be paid by the acquiring
2 26 agency.
2 27 Sec. ___. EFFECTIVE DATE. This division of this
2 28 Act, being deemed of immediate importance, takes
2 29 effect upon enactment and applies to projects or
2 30 condemnation proceedings pending or commenced on or
2 31 after that date.>
2 32 #3. Title page, line 1, by inserting after the
2 33 word <quality> the following: <and lake development>.
2 34 #4. Title page, line 6, by inserting after the
2 35 word <program> the following: <and making changes
2 36 related to eminent domain authority and condemnation
2 37 procedures and providing an effective date>.
2 38 #5. By renumbering as necessary.
2 39
2 40
2 41
2 42 TYMESON of Madison
2 43 HF 2400.201 82
2 44 sc/nh/11044

House Amendment 8069

PAG LIN

1 1 Amend House File 2522 as follows:
1 2 #1. By striking page 11, line 34, through page 12,
1 3 line 15.
1 4 #2. Page 20, line 30, by striking the word
1 5 <subsection> and inserting the following:
1 6 <subsections>.
1 7 #3. Page 49, line 10, by inserting before the word
1 8 <inserting> the following: <and>.
1 9 #4. Page 54, line 23, by striking the word <(c)>
1 10 and inserting the following: <(b)>.
1 11 #5. Page 100, line 23, by striking the word <to>
1 12 and inserting the following: <through>.
1 13 #6. By renumbering as necessary.
1 14
1 15
1 16
1 17 COMMITTEE ON JUDICIARY
1 18 SWAIM of Davis, Chairperson
1 19 HF 2522.501 82
1 20 lh/rj/5628
1 21
1 22
1 23
1 24
1 25
1 26
1 27
1 28
1 29
1 30
1 31
1 32
1 33
1 34
1 35
1 36
1 37
1 38
1 39
1 40
1 41
1 42
1 43
1 44
1 45
1 46
1 47
1 48
1 49
1 50

House Amendment 8070

PAG LIN

1 1 Amend House File 2521 as follows:
1 2 #1. By striking page 28, line 32, through page 29,
1 3 line 5.
1 4 #2. Page 30, line 21, by striking the words
1 5 <paragraphs "a" through "e"> and inserting the
1 6 following: <paragraph "a", subparagraphs (1) through
1 7 (5),>.
1 8 #3. Page 95, line 33, by striking the figure <3>
1 9 and inserting the following: <4>.
1 10
1 11
1 12
1 13 COMMITTEE ON JUDICIARY
1 14 SWAIM of Davis, Chairperson
1 15 HF 2521.701 82
1 16 lh/rj/5629
1 17
1 18
1 19
1 20
1 21
1 22
1 23
1 24
1 25
1 26
1 27
1 28
1 29
1 30
1 31
1 32
1 33
1 34
1 35
1 36
1 37
1 38
1 39
1 40
1 41
1 42
1 43
1 44
1 45
1 46
1 47
1 48
1 49
1 50

House File 2522 - Introduced

HOUSE FILE
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO HSB 708)

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

A BILL FOR

An Act relating to nonsubstantive Code corrections and including effective and retroactive applicability date provisions.
BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 5697HV 82
lh/rj/5

House File 2522 - Introduced continued

PAG LIN

1 1 DIVISION I
1 2 MISCELLANEOUS CORRECTIONS
1 3 Section 1. Section 2.28, Code 2007, is amended to read as
1 4 follows:
1 5 2.28 TELLERS.
1 6 1. After the time for the meeting of the joint convention
1 7 has been designated each house shall appoint three tellers,
1 8 and the six shall act as judges of the election.
1 9 2. Canvassing the votes for governor and lieutenant
1 10 governor shall be conducted substantially according to the
1 11 provisions of sections 2.25 ~~to 2.28~~ through 2.27 and this
1 12 section.
1 13 Sec. 2. Section 7K.1, subsection 2, paragraph i, Code
1 14 2007, is amended to read as follows:
1 15 i. Identify ways to reduce the achievement gap between
1 16 white and ~~non=white~~ nonwhite, non=Asian students.
1 17 Sec. 3. Section 12C.16, subsection 1, paragraph b, Code
1 18 Supplement 2007, is amended to read as follows:
1 19 b. (1) The credit union may deposit, maintain, pledge and
1 20 assign for the benefit of the public officer in the manner
1 21 provided in this chapter, securities approved by the public
1 22 officer, the market value of which is not less than one
1 23 hundred ten percent of the total deposits of public funds
1 24 placed by that public officer in the credit union. The
1 25 securities shall consist of any of the following:
1 26 ~~(1)~~ (a) Direct obligations of, or obligations that are
1 27 insured or fully guaranteed as to principal and interest by,
1 28 the United States of America or an agency or instrumentality
1 29 of the United States of America.
1 30 ~~(2)~~ (b) Public bonds or obligations of this state or a
1 31 political subdivision of this state.
1 32 ~~(3)~~ (c) Public bonds or obligations of another state or a
1 33 political subdivision of another state whose bonds are rated
1 34 within the two highest classifications of prime as established
1 35 by at least one of the standard rating services approved by

House File 2522 - Introduced continued

the superintendent of banking pursuant to chapter 17A.
~~(4)~~ (d) To the extent of the guarantee, loans, obligations, or nontransferable letters of credit upon which the payment of principal and interest is fully secured or guaranteed by the United States of America or an agency or instrumentality of the United States of America or the United States central credit union, a corporate central credit union organized under section 533.213, or a corporate credit union organized under 12 C.F.R. } 704, and the rating of any one of such credit unions remains within the two highest classifications of prime established by at least one of the standard rating services approved by the superintendent of banking by rule pursuant to chapter 17A. The treasurer of state shall adopt rules pursuant to chapter 17A to implement this section.
~~(5)~~ (e) First lien mortgages which are valued according to practices acceptable to the treasurer of state.
~~(6)~~ (f) Investments in an open=end management investment company registered with the federal securities and exchange commission under the federal Investment Company Act of 1940, 15 U.S.C. } ~~80(a)~~ 80a, which is operated in accordance with 17 C.F.R. } 270.2a=7.
(2) Direct obligations of, or obligations that are insured or fully guaranteed as to principal and interest by, the United States of America, which may be used to secure the deposit of public funds under subparagraph (1), subparagraph subdivision (a), include investments in an investment company or investment trust registered under the federal Investment Company Act of 1940, 15 U.S.C. } 80a, the portfolio of which is limited to the United States government obligations described in subparagraph (1), subparagraph subdivision (a), and to repurchase agreements fully collateralized by the United States government obligations described in subparagraph (1), subparagraph subdivision (a), if the investment company or investment trust takes delivery of the collateral either

House File 2522 - Introduced continued

3 1 directly or through an authorized custodian.
3 2 Sec. 4. Section 15.393, subsection 1, unnumbered paragraph
3 3 1, Code Supplement 2007, is amended to read as follows:
3 4 The department shall establish and administer a film,
3 5 television, and video project promotion program that provides
3 6 for the registration of projects to be shot on location in the
3 7 state. A project that is registered under the program is
3 8 entitled to the assistance provided in subsection 2. A fee
3 9 shall not be charged for registering. The department shall
3 10 not register a project unless the department determines that
3 11 all of the following criteria are met:
3 12 Sec. 5. Section 15.393, subsection 2, paragraph a,
3 13 subparagraph (2), Code Supplement 2007, is amended to read as
3 14 follows:
3 15 (2) A qualified expenditure by a taxpayer is a payment to
3 16 an Iowa resident or an Iowa=based business for the sale,
3 17 rental, or furnishing of tangible personal property or for
3 18 services directly related to the registered project including
3 19 but not limited to aircraft, vehicles, equipment, materials,
3 20 supplies, accounting, animals and animal care, artistic and
3 21 design services, graphics, construction, data and information
3 22 services, delivery and pickup services, ~~graphics,~~ labor and
3 23 personnel, lighting, makeup and hairdressing, film, music,
3 24 photography, sound, video and related services, printing,
3 25 research, site fees and rental, travel related to Iowa distant
3 26 locations, trash removal and cleanup, and wardrobe. For the
3 27 purposes of this subparagraph, "labor and personnel" does not
3 28 include the director, producers, or cast members other than
3 29 extras and stand=ins. The department of revenue, in
3 30 consultation with the department of economic development,
3 31 shall by rule establish a list of eligible expenditures.
3 32 Sec. 6. Section 16.181, subsection 1, paragraph b,
3 33 subparagraph (1), Code Supplement 2007, is amended to read as
3 34 follows:
3 35 (1) Any assets received by the authority from the former

House File 2522 - Introduced continued

4 1 Iowa housing corporation.
4 2 Sec. 7. Section 35.9, subsection 1, paragraph a, Code
4 3 2007, is amended to read as follows:
4 4 a. The department may expend not more than six hundred
4 5 dollars per year for any one child who has lived in the state
4 6 of Iowa for two years preceding application for state
4 7 educational assistance, and who is the child of a person who
4 8 died prior to September 11, 2001, during active federal
4 9 military service while serving in the armed forces or during
4 10 active federal military service in the Iowa national guard or
4 11 other military component of the United States, to defray the
4 12 expenses of tuition, matriculation, laboratory and similar
4 13 fees, books and supplies, board, lodging, and any other
4 14 reasonably necessary expense for the child or children
4 15 incident to attendance in this state at an educational or
4 16 training institution of college grade, or in a business or
4 17 vocational training school with standards approved by the
4 18 department ~~of veterans affairs~~.
4 19 Sec. 8. Section 42.4, subsection 8, paragraph b,
4 20 subparagraph (2), Code Supplement 2007, is amended to read as
4 21 follows:
4 22 (2) Each holdover senatorial district to which
4 23 subparagraph (1) is not applicable shall elect a senator in
4 24 the year ending in two for a two=year term commencing in
4 25 January of the year ending in three. However, if more than
4 26 one incumbent state senator is residing in a holdover
4 27 senatorial district on the first Wednesday in February of the
4 28 year ending in two, and, on or before the first Wednesday in
4 29 February of the year ending in two, all but one of the
4 30 incumbent senators resigns from office effective no later than
4 31 January of the year ending in three, the remaining incumbent
4 32 senator shall represent the district in the senate for the
4 33 general assembly commencing in January of the year ending in
4 34 three. A copy of ~~the~~ each resignation must be filed in the
4 35 office of the secretary of state no later than five p.m. on

House File 2522 - Introduced continued

5 1 the third Wednesday in February of the year ending in two.
5 2 Sec. 9. Section 85.61, unnumbered paragraph 1, Code
5 3 Supplement 2007, is amended to read as follows:
5 4 In this chapter and chapters 86 and 87, unless the context
5 5 otherwise requires, the following definitions of terms shall
5 6 prevail:
5 7 Sec. 10. Section 85.61, subsection 1, Code Supplement
5 8 2007, is amended to read as follows:
5 9 1. The word "court" wherever used in this chapter and
5 10 chapters 86 and 87, unless the context shows otherwise, shall
5 11 be taken to mean the district court.
5 12 Sec. 11. Section 87.2, Code 2007, is amended to read as
5 13 follows:
5 14 87.2 NOTICE OF FAILURE TO INSURE.
5 15 1. An employer who fails to insure the employer's
5 16 liability as required by this chapter shall keep posted a sign
5 17 of sufficient size and so placed as to be easily seen by the
5 18 employer's employees in the immediate vicinity where working,
5 19 which sign shall read as follows:
5 20 NOTICE TO EMPLOYEES
5 21 You are hereby notified that the undersigned employer has
5 22 failed to insure the employer's liability to pay compensation
5 23 as required by law, and that because of such failure the
5 24 employer is liable to the employer's employees in damages for
5 25 personal injuries sustained by the employer's employees.
5 26 (Signed) .....
5 27 2. An employer coming under the provisions of this chapter
5 28 and chapters 85, 85A, 85B, and 86 who fails to comply with
5 29 this section or to post and keep the above notice in the
5 30 manner and form required, shall be guilty of a simple
5 31 misdemeanor.
5 32 Sec. 12. Section 97D.4, subsection 1, Code 2007, is
5 33 amended to read as follows:
5 34 1. A public retirement systems committee is established.
5 35 a. The committee consists of five members of the senate

House File 2522 - Introduced continued

6 1 appointed by the majority leader of the senate in consultation
6 2 with the minority leader and five members of the house of
6 3 representatives appointed by the speaker of the house in
6 4 consultation with the minority leader. ~~The committee shall~~
~~6 5 elect a chairperson and vice chairperson. Meetings may be~~
~~6 6 called by the chairperson or a majority of the members.~~
6 7 b. Members shall be appointed prior to January 31 of the
6 8 first regular session of each general assembly and shall serve
6 9 for terms ending upon the convening of the following general
6 10 assembly or when their successors are appointed, whichever is
6 11 later. A vacancy shall be filled in the same manner as the
6 12 original appointment and shall be for the remainder of the
6 13 unexpired term of the vacancy.
6 14 c. The committee shall elect a chairperson and vice
6 15 chairperson. Meetings may be called by the chairperson or a
6 16 majority of the members.
6 17 Sec. 13. Section 97D.4, subsection 4, Code 2007, is
6 18 amended to read as follows:
6 19 4. The committee may ~~contract~~:
6 20 a. Contract for actuarial assistance deemed necessary, and
6 21 the costs of actuarial studies are payable from funds
6 22 appropriated in section 2.12, subject to the approval of the
6 23 legislative council. ~~The committee may administer~~
6 24 b. Administer oaths, issue subpoenas, and cite for
6 25 contempt with the approval of the general assembly when the
6 26 general assembly is in session and with the approval of the
6 27 legislative council when the general assembly is not in
6 28 session.
6 29 5. Administrative assistance shall be provided by the
6 30 legislative services agency.
6 31 Sec. 14. Section 99B.10B, subsection 3, paragraph b,
6 32 subparagraph (1), Code Supplement 2007, is amended to read as
6 33 follows:
6 34 (1) If a written request for a hearing is not received
6 35 within thirty days after the mailing or service of the notice,

House File 2522 - Introduced continued

the denial, suspension, or revocation of a ~~registrant~~ registration shall become effective pending a final determination by the department. The proposed action in the notice may be affirmed, modified, or set aside by the department in a written decision.

Sec. 15. Section 99F.12, subsection 2, Code Supplement 2007, is amended to read as follows:

2. The licensee shall furnish to the commission reports and information as the commission may require with respect to ~~its~~ the licensee's activities. The gross receipts and adjusted gross receipts from gambling shall be separately handled and accounted for from all other moneys received from operation of an excursion gambling boat or from operation of a racetrack enclosure or gambling structure licensed to conduct gambling games. The commission may designate a representative to board a licensed excursion gambling boat or to enter a racetrack enclosure or gambling structure licensed to conduct gambling games~~, who~~. The representative shall have full access to all places within the enclosure of the boat, the gambling structure, or the racetrack enclosure~~, who~~ and shall directly supervise the handling and accounting of all gross receipts and adjusted gross receipts from gambling~~, and who~~. The representative shall supervise and check the admissions. The compensation of a representative shall be fixed by the commission but shall be paid by the licensee.

Sec. 16. Section 99G.30A, subsection 2, paragraph b, Code 2007, is amended to read as follows:

b. All powers and requirements of the director to administer the state sales and use tax law are applicable to the administration of the monitor vending machine excise tax, including but not limited to the provisions of section 422.25, subsection 4, sections 422.30, 422.67, and 422.68, section 422.69, subsection 1, sections 422.70 ~~to~~ through 422.75, section 423.14, subsection 1 and subsection 2, paragraphs "b" through "e", and sections 423.15, 423.23, 423.24, 423.25,

House File 2522 - Introduced continued

8 1 423.31 ~~to~~ through 423.35, 423.37 ~~to~~ through 423.42, 423.46,
8 2 and 423.47.
8 3 Sec. 17. Section 100.18, subsection 3, Code 2007, is
8 4 amended to read as follows:
8 5 3. This section does not require the following:
8 6 a. The installation of smoke detectors in multiple=unit
8 7 residential buildings which, on July 1, 1981, are equipped
8 8 with heat detection devices or a sprinkler system with alarms
8 9 approved by the state fire marshal.
8 10 b. ~~This section does not require the~~ The installation of
8 11 smoke detectors in hotels, motels, and dormitories equipped
8 12 with an automatic smoke detection system approved by the state
8 13 fire marshal.
8 14 Sec. 18. Section 101B.4, subsection 1, paragraph b, Code
8 15 Supplement 2007, is amended to read as follows:
8 16 b. The department may adopt a subsequent ASTM
8 17 international standard test method for measuring the ignition
8 18 strength of cigarettes upon a finding that the subsequent
8 19 method does not result in a change in the percentage of
8 20 full=length burns exhibited by any tested cigarette when
8 21 compared to the percentage of full=length burns the same
8 22 cigarette would exhibit when tested in accordance with ASTM
8 23 international standard E2187=04 and the performance standard
8 24 in this section.
8 25 Sec. 19. Section 103.1, subsection 8, Code Supplement
8 26 2007, is amended to read as follows:
8 27 8. "Electrical contractor" means a person affiliated with
8 28 an electrical contracting firm or business who is licensed by
8 29 the board as either a class A or class B master electrician
8 30 and who is also registered with the state of Iowa as a
8 31 contractor pursuant to chapter 91C.
8 32 Sec. 20. Section 103.6, Code Supplement 2007, is amended
8 33 to read as follows:
8 34 103.6 POWERS AND DUTIES.
8 35 1. The board shall:

House File 2522 - Introduced continued

9 1 ~~1.~~ a. Adopt rules pursuant to chapter 17A and in doing so
9 2 shall be governed by the minimum standards set forth in the
9 3 most current publication of the national electrical code
9 4 issued and adopted by the national fire protection
9 5 association, and amendments to the code, which code and
9 6 amendments shall be filed in the offices of the secretary of
9 7 state and the board and shall be a public record. The board
9 8 shall adopt rules reflecting updates to the code and
9 9 amendments to the code. The board shall promulgate and adopt
9 10 rules establishing wiring standards that protect public safety
9 11 and health and property and that apply to all electrical
9 12 wiring which is installed subject to this chapter.
9 13 ~~2.~~ b. Revoke, suspend, or refuse to renew any license
9 14 granted pursuant to this chapter when the licensee:
9 15 ~~a.~~ (1) Fails or refuses to pay any examination, license,
9 16 or renewal fee required by law.
9 17 ~~b.~~ (2) Is an electrical contractor and fails or refuses
9 18 to provide and keep in force a public liability insurance
9 19 policy and surety bond as required by the board.
9 20 ~~c.~~ (3) Violates any political subdivision's inspection
9 21 ordinances.
9 22 ~~The board may, in its discretion, revoke, suspend, or~~
~~9 23 refuse to renew any license granted pursuant to this chapter~~
~~9 24 when the licensee violates any provision of the national~~
~~9 25 electrical code as adopted pursuant to subsection 1, this~~
~~9 26 chapter, or any rule adopted pursuant to this chapter.~~
9 27 ~~3.~~ c. Adopt rules for continuing education requirements
9 28 for each classification of licensure established pursuant to
9 29 this chapter, and adopt all rules, not inconsistent with the
9 30 law, necessary for the proper performance of the duties of the
9 31 board.
9 32 ~~4.~~ d. Provide for the amount and collection of fees for
9 33 inspection and other services.
9 34 2. The board may, in its discretion, revoke, suspend, or
9 35 refuse to renew any license granted pursuant to this chapter

House File 2522 - Introduced continued

10 1 when the licensee violates any provision of the national
10 2 electrical code as adopted pursuant to subsection 1, this
10 3 chapter, or any rule adopted pursuant to this chapter.
10 4 Sec. 21. Section 103.9, subsection 1, Code Supplement
10 5 2007, is amended to read as follows:
10 6 1. An applicant for an electrical contractor license shall
10 7 either be or employ a licensed class A or class B master
10 8 electrician, and be registered with the state of Iowa as a
10 9 contractor pursuant to chapter 91C.
10 10 Sec. 22. Section 103.22, subsections 1 and 3, Code
10 11 Supplement 2007, are amended to read as follows:
10 12 1. Apply to a person licensed as an engineer pursuant to
10 13 chapter 542B, registered as an architect pursuant to chapter
10 14 544A, licensed as a landscape architect pursuant to chapter
10 15 544B, or designated as lighting certified by the national
10 16 council on qualifications for the lighting professions who is
10 17 providing consultations and developing plans concerning
10 18 electrical installations and who is exclusively engaged in the
10 19 practice of the person's profession.
10 20 3. Require any person doing work for which a license would
10 21 otherwise be required under this chapter to hold a license
10 22 issued under this chapter if the person is the holder of a
10 23 valid license issued by any political subdivision, so long as
10 24 the person makes electrical installations only ~~in~~ within the
10 25 jurisdictional limits of such political subdivision and such
10 26 license issued by the political subdivision meets the
10 27 requirements of this chapter.
10 28 Sec. 23. Section 123A.2, subsection 9, Code Supplement
10 29 2007, is amended to read as follows:
10 30 9. "Good faith" means honesty in fact and the observance
10 31 of reasonable commercial standards of fair dealing in the
10 32 trade and defined and interpreted under section ~~554.2103~~
10 33 554.1201.
10 34 Sec. 24. Section 135N.5, subsection 1, Code Supplement
10 35 2007, is amended to read as follows:

House File 2522 - Introduced continued

11 1 1. The committee shall meet no less than four times per
11 2 year and is subject to chapters ~~20 and~~ 21 and 22 relating to
11 3 open meetings and public records.
11 4 Sec. 25. Section 141A.9, subsection 2, paragraph i, Code
11 5 Supplement 2007, is amended to read as follows:
11 6 i. Pursuant to section 915.43, to a convicted or alleged
11 7 sexual assault offender; the physician or other health care
11 8 provider who orders the test of a convicted or alleged
11 9 offender; the victim; the parent, guardian, or custodian of
11 10 the victim if the victim is a minor; the physician of the
11 11 victim if requested by the victim; the victim counselor or
11 12 person requested by the victim to provide counseling regarding
11 13 the HIV=related test and results; the victim's spouse; persons
11 14 with whom the victim has engaged in vaginal, anal, or oral
11 15 intercourse subsequent to the sexual assault; members of the
11 16 victim's family within the third degree of consanguinity; and
11 17 the county attorney who may use the results as evidence in the
11 18 prosecution of sexual assault under chapter 915, subchapter
11 19 IV, or prosecution of the offense of criminal transmission of
11 20 HIV under chapter 709C. For the purposes of this paragraph,
11 21 "victim" means victim as defined in section 915.40.
11 22 Sec. 26. Section 147.14, subsection 23, Code Supplement
11 23 2007, is amended to read as follows:
11 24 23. For nursing home administrators, a total of nine
11 25 members: Four licensed nursing home administrators, one of
11 26 whom is the administrator of a nonproprietary nursing home;
11 27 three licensed members of any profession concerned with the
11 28 care and treatment of chronically ill or elderly patients who
11 29 are not nursing home administrators or nursing home owners;
11 30 and two members of the general public who are not licensed
11 31 under this chapter ~~147~~, have no financial interest in any
11 32 nursing home, and who shall represent the general public. A
11 33 majority of the members of the board constitutes a quorum.
11 34 Sec. 27. Section 147.37, Code Supplement 2007, is amended
11 35 to read as follows:

House File 2522 - Introduced continued

147.37 IDENTITY OF CANDIDATE CONCEALED.
All examinations ~~in~~ on theory shall be in writing, and the identity of the person taking the ~~same~~ examination shall not be disclosed upon the examination papers in such a way as to enable the members of the board to know ~~by whom written~~ the candidate's identity until after the papers have been passed upon. In examinations ~~in~~ on practice the identity of the candidate shall also be concealed as far as possible.
Sec. 28. Section 148.3, subsection 1, unnumbered paragraph 1, Code Supplement 2007, is amended to read as follows:
Present a diploma issued by a medical college approved by the board, or present other evidence of equivalent medical education approved by the board. The board may accept, in lieu of a diploma from a medical college approved by ~~them~~ the board, all of the following:
Sec. 29. Section 159.20, Code 2007, is amended to read as follows:
159.20 POWERS OF DEPARTMENT.
1. The department shall perform duties designed to lead to more advantageous marketing of Iowa agricultural commodities. The department may do any of the following:
~~1.~~ a. Investigate the marketing of agricultural commodities.
~~2.~~ b. Promote the sale, distribution, and merchandising of agricultural commodities.
~~3.~~ c. Furnish information and assistance concerning agricultural commodities to the public.
~~4.~~ d. Cooperate with the college of agriculture and life sciences of the Iowa state university of science and technology in encouraging agricultural marketing education and research.
~~5.~~ e. Accumulate and diffuse information concerning the marketing of agricultural commodities in cooperation with persons, agencies, or the federal government.
~~6.~~ f. Investigate methods and practices related to the

House File 2522 - Introduced continued

13 1 processing, handling, grading, classifying, sorting, weighing,
13 2 packing, transportation, storage, inspection, or merchandising
13 3 of agricultural commodities within this state.
13 4 ~~7.~~ g. Ascertain sources of supply for Iowa agricultural
13 5 commodities. The department shall prepare and periodically
13 6 publish lists of names and addresses of producers and
13 7 consignors of agricultural commodities.
13 8 ~~8.~~ h. Perform inspection or grading of an agricultural
13 9 commodity if requested by a person engaged in the production,
13 10 marketing, or processing of the agricultural commodity.
13 11 However, the person must pay for the services as provided by
13 12 rules adopted by the department.
13 13 ~~9.~~ i. Cooperate with the Iowa department of economic
13 14 development to avoid duplication of efforts between the
13 15 department and the agricultural marketing program operated by
13 16 the Iowa department of economic development.
13 17 ~~10.~~ j. Assist the office of renewable fuels and
13 18 coproducts and the renewable fuels and coproducts advisory
13 19 committee in administering the provisions of chapter 159A.
13 20 2. As used in this subchapter, "agricultural commodity"
13 21 means any unprocessed agricultural product, including animals,
13 22 agricultural crops, and forestry products grown, raised,
13 23 produced, or fed in Iowa for sale in commercial channels.
13 24 "Commercial channels" means the processes of sale of an
13 25 agricultural commodity or unprocessed product from the
13 26 agricultural commodity to any person, public or private, who
13 27 resells the agricultural commodity for breeding, processing,
13 28 slaughter, or distribution.
13 29 Sec. 30. Section 175A.2, subsection 1, Code 2007, is
13 30 amended to read as follows:
13 31 1. A grape and wine development commission is established
13 32 within the department. The commission shall be composed of
13 33 the following persons:
13 34 a. The following persons, or their designees, who shall
13 35 serve as nonvoting, ex officio members:

House File 2522 - Introduced continued

14 1 (1) The secretary of agriculture.
14 2 (2) The dean of the college of agriculture and life
14 3 sciences of Iowa state university of science and technology.
14 4 (3) The director of the department of economic
14 5 development.
14 6 (4) The director of the department of natural resources.
14 7 b. The following persons appointed by the secretary of
14 8 agriculture, who shall serve as voting members:
14 9 (1) Two growers.
14 10 (2) Two winemakers.
14 11 (3) One retail seller.
14 12 c. The secretary of agriculture shall appoint the voting
14 13 members based on a list of nominations submitted by
14 14 organizations representing growers, winemakers, and retail
14 15 sellers as certified by the department according to
14 16 requirements of the department. Appointments of voting
14 17 members are subject to the requirements of sections 69.16 and
14 18 69.16A. In addition, the appointments shall be geographically
14 19 balanced. Unless the secretary of agriculture determines that
14 20 it is not feasible, at least one person appointed as a voting
14 21 member shall reside in each of the state's congressional
14 22 districts at the time of appointment. The secretary of
14 23 agriculture's appointees shall be confirmed by the senate,
14 24 pursuant to section 2.32.
14 25 Sec. 31. Section 178.3, subsection 2, Code 2007, is
14 26 amended to read as follows:
14 27 2. The dean of the college of agriculture and life
14 28 sciences of the Iowa state university of science and
14 29 technology.
14 30 Sec. 32. Section 181.3, subsection 1, paragraph d, Code
14 31 2007, is amended to read as follows:
14 32 d. The dean of the college of agriculture and life
14 33 sciences of Iowa state university of science and technology or
14 34 a designee, who shall serve as a voting ex officio member.
14 35 Sec. 33. Section 182.5, Code 2007, is amended to read as

House File 2522 - Introduced continued

15 1 follows:
15 2 182.5 COMPOSITION OF BOARD.
15 3 The Iowa sheep and wool promotion board established under
15 4 this chapter shall be composed of nine producers, one from
15 5 each district. The dean of the college of agriculture and
15 6 life sciences of Iowa state university of science and
15 7 technology or the dean's representative and the secretary or
15 8 the secretary's designee shall serve as ex officio nonvoting
15 9 members of the board. The board shall annually elect a
15 10 chairperson from its membership.
15 11 Sec. 34. Section 183A.2, Code 2007, is amended to read as
15 12 follows:
15 13 183A.2 IOWA PORK PRODUCERS COUNCIL.
15 14 The Iowa pork producers council is created. The council
15 15 consists of seven members, including two producers from each
15 16 of three districts of the state designated by the secretary,
15 17 and one producer from the state at large. The secretary shall
15 18 appoint these members. The Iowa pork producers association
15 19 may recommend the names of potential members, but the
15 20 secretary is not bound by the recommendations. The secretary,
15 21 the dean of the college of agriculture and life sciences of
15 22 Iowa state university of science and technology, and the state
15 23 veterinarian, or their designees, shall serve on the council
15 24 as nonvoting ex officio members.
15 25 Sec. 35. Section 185.3, subsection 2, paragraph b, Code
15 26 2007, is amended to read as follows:
15 27 b. The dean of the college of agriculture and life
15 28 sciences of Iowa state university of science and technology or
15 29 the dean's designee.
15 30 Sec. 36. Section 185C.10, subsection 2, Code 2007, is
15 31 amended to read as follows:
15 32 2. The dean of the college of agriculture and life
15 33 sciences of Iowa state university of science and technology or
15 34 the dean's designee.
15 35 Sec. 37. Section 214A.2B, Code Supplement 2007, is amended

House File 2522 - Introduced continued

16 1 to read as follows:
16 2 214A.2B LABORATORY FOR MOTOR FUEL AND BIOFUELS.
16 3 A laboratory for motor fuel and biofuels is established at
16 4 a merged area school which is engaged in biofuels testing on
16 5 July 1, 2007, and which testing includes but is not limited to
16 6 ~~B20~~ B=20 biodiesel testing for motor trucks and the ability of
16 7 biofuels to meet A.S.T.M. international standards. The
16 8 laboratory shall conduct testing of motor fuel sold in this
16 9 state and biofuel which is blended in motor fuel in this state
16 10 to ensure that the motor fuel or biofuels meet the
16 11 requirements in section 214A.2.
16 12 Sec. 38. Section 216.9, subsection 2, Code Supplement
16 13 2007, is amended to read as follows:
16 14 2. For the purpose of this section, "educational
16 15 institution" includes any preschool, elementary~~,~~ or secondary
16 16 school, ~~or~~ community college, area education agency, or
16 17 postsecondary college or university and their governing
16 18 boards. This section does not prohibit an educational
16 19 institution from maintaining separate toilet facilities,
16 20 locker rooms, or living facilities for the different sexes so
16 21 long as comparable facilities are provided. Nothing in this
16 22 section shall be construed as prohibiting any bona fide
16 23 religious institution from imposing qualifications based on
16 24 religion, sexual orientation, or gender identity when such
16 25 qualifications are related to a bona fide religious purpose or
16 26 any institution from admitting students of only one sex.
16 27 Sec. 39. Section 231D.5, Code Supplement 2007, is amended
16 28 to read as follows:
16 29 231D.5 DENIAL, SUSPENSION, OR REVOCATION.
16 30 1. The department may deny, suspend, or revoke
16 31 certification if the department finds that there has been a
16 32 substantial or repeated failure on the part of the adult day
16 33 services program to comply with this chapter or the rules or
16 34 minimum standards adopted pursuant to this chapter, or for any
16 35 of the following reasons:

House File 2522 - Introduced continued

17 1 a. Appropriation or conversion of the property of a
17 2 participant without the participant's written consent or the
17 3 written consent of the participant's legal representative.
17 4 b. Permitting, aiding, or abetting the commission of any
17 5 illegal act in the adult day services program.
17 6 c. Obtaining or attempting to obtain or retain
17 7 certification by fraudulent means, misrepresentation, or by
17 8 submitting false information.
17 9 d. Habitual intoxication or addiction to the use of drugs
17 10 by the applicant, owner, manager, or supervisor of the adult
17 11 day services program.
17 12 e. Securing the devise or bequest of the property of a
17 13 participant by undue influence.
17 14 f. Failure or neglect to maintain a required continuing
17 15 education and training program for all personnel employed in
17 16 the adult day services program.
17 17 g. Founded dependent adult abuse as defined in section
17 18 235B.2.
17 19 h. In the case of any officer, member of the board of
17 20 directors, trustee, or designated manager of the program or
17 21 any stockholder, partner, or individual who has greater than a
17 22 five percent equity interest in the program, having or having
17 23 had an ownership interest in an adult day services program,
17 24 assisted living program, elder group home, home health agency,
17 25 residential care facility, or licensed nursing facility in any
17 26 state which has been closed due to removal of program, agency,
17 27 or facility licensure or certification or involuntary
17 28 termination from participation in either the medical
17 29 assistance or Medicare programs, or having been found to have
17 30 failed to provide adequate protection or services for
17 31 participants to prevent abuse or neglect.
17 32 i. In the case of a certificate applicant or an existing
17 33 certified owner or operator who is an entity other than an
17 34 individual, the person is in a position of control or is an
17 35 officer of the entity and engages in any act or omission

House File 2522 - Introduced continued

18 1 proscribed by this chapter.
18 2 ~~j. For any other reason as provided by law or~~
~~18 3 administrative rule.~~
18 4 ~~2.~~ j. In the case of an application by an existing
18 5 certificate holder for a new or newly acquired adult day
18 6 services program, continuing or repeated failure of the
18 7 certificate holder to operate any previously certified adult
18 8 day services program in compliance with this chapter or of the
18 9 rules adopted pursuant to this chapter.
18 10 k. For any other reason as provided by law or
18 11 administrative rule.
18 12 ~~3.~~ 2. In the case of a certificate applicant or existing
18 13 certificate holder which is an entity other than an
18 14 individual, the department may deny, suspend, or revoke a
18 15 certificate if any individual who is in a position of control
18 16 or is an officer of the entity engages in any act or omission
18 17 proscribed by this section.
18 18 Sec. 40. Section 234.7, subsection 1, Code 2007, is
18 19 amended to read as follows:
18 20 1. The department of human services shall comply with the
18 21 ~~following requirement~~ provision associated with child foster
18 22 care licensees under chapter 237~~:~~
18 23 ~~The department shall include~~ that requires that a child's
18 24 foster parent be included in, and ~~provide~~ be provided timely
18 25 notice of, planning and review activities associated with the
18 26 child, including but not limited to permanency planning and
18 27 placement review meetings, which shall include discussion of
18 28 the child's rehabilitative treatment needs.
18 29 Sec. 41. Section 236.5, subsection 2, unnumbered paragraph
18 30 1, Code 2007, is amended to read as follows:
18 31 The court may grant a ~~protection~~ protective order or
18 32 approve a consent agreement which may contain but is not
18 33 limited to any of the following provisions:
18 34 Sec. 42. Section 236.5, subsection 2, unnumbered paragraph
18 35 2, Code 2007, is amended to read as follows:

House File 2522 - Introduced continued

An order for counseling, a ~~protection~~ protective order, or approved consent agreement shall be for a fixed period of time not to exceed one year. The court may amend or extend its order or a consent agreement at any time upon a petition filed by either party and after notice and hearing. The court may extend the order if the court, after hearing at which the defendant has the opportunity to be heard, finds that the defendant continues to pose a threat to the safety of the victim, persons residing with the victim, or members of the victim's immediate family. At the time of the extension, the parties need not meet the requirement in section 236.2, subsection 2, paragraph "d", that the parties lived together during the last year if the parties met the requirements of section 236.2, subsection 2, paragraph "d", at the time of the original order. The number of extensions that can be granted by the court is not limited.

Sec. 43. Section 249A.30A, Code Supplement 2007, is amended to read as follows:

249A.30A MEDICAL ASSISTANCE == PERSONAL NEEDS ALLOWANCE.

The personal needs allowance under the medical assistance program, which may be retained by a person who is a resident of a nursing facility, an intermediate care facility for persons with mental retardation, or an intermediate care facility for persons with mental illness, as defined in section 135C.1, or a person who is a resident of a psychiatric medical institution for children as defined in section 135H.1, shall be fifty dollars per month. A resident who has income of less than fifty dollars per month shall receive a supplement from the state in the amount necessary to receive a personal needs allowance of fifty dollars per month, if funding is specifically appropriated for this purpose.

Sec. 44. Section 256C.3, subsection 4, paragraph d, Code Supplement 2007, is amended to read as follows:

d. ~~Career~~ Professional development for school district preschool teachers shall be addressed in the school district's

House File 2522 - Introduced continued

20 1 ~~career~~ professional development plan implemented in accordance
20 2 with section 284.6.
20 3 Sec. 45. Section 257.11, subsection 6, paragraph c, Code
20 4 Supplement 2007, is amended to read as follows:
20 5 c. Supplementary weighting pursuant to this subsection
20 6 shall be available to an area education agency for a maximum
20 7 of five years during the period commencing with the budget
20 8 year beginning July 1, 2008. The minimum amount of additional
20 9 funding for which an area education agency shall be eligible
20 10 is fifty thousand dollars, and the maximum amount of
20 11 additional funding for which an area education agency shall be
20 12 eligible is two hundred thousand dollars. The department of
20 13 management shall annually set a weighting for each area
20 14 education agency to generate the approved operational sharing
20 15 expense using the area education agency's special education
20 16 cost per pupil amount and foundation level. Receipt of
20 17 supplementary weighting by an area education agency for more
20 18 than one year shall be contingent upon the annual submission
20 19 of information by the district to the department documenting
20 20 cost savings directly attributable to the shared operational
20 21 functions. Criteria for determining the number of years for
20 22 which supplementary weighting shall be received pursuant to
20 23 this subsection, subject to the five=year maximum, and the
20 24 amount generated by the supplementary weighting, and for
20 25 determining qualification of operational functions for
20 26 supplementary weighting shall be determined by the department
20 27 by rule, through consideration of long=term savings by the
20 28 area ~~educational~~ education agency or increased student
20 29 opportunities.
20 30 Sec. 46. Section 308.3, subsection 1, 4, and 5, Code 2007,
20 31 are amended to read as follows:
20 32 1. "Conservation area" means land in which the state
20 33 department of transportation or the department of natural
20 34 resources has acquired rights, other than that land necessary
20 35 for a ~~right of way~~ right=of=way.

House File 2522 - Introduced continued

21 1 4. ~~"Right of way"~~ "Right=of=way" means land area dedicated
21 2 to public use for a highway and its maintenance, and includes
21 3 land acquired in fee simple or by permanent easement for
21 4 highway purposes, but does not include temporary easements or
21 5 rights for supplementary highway appurtenances.
21 6 5. "A scenic and recreational highway" means a public
21 7 highway designated to allow enjoyment of aesthetic and scenic
21 8 views, points of historical, archaeological and scientific
21 9 interest, state parks and other recreational areas and
21 10 includes both the ~~right of way~~ right=of=way and conservation
21 11 area.
21 12 Sec. 47. Section 308.4, subsection 3, paragraph b, Code
21 13 2007, is amended to read as follows:
21 14 b. Accept and administer state, federal, and any other
21 15 public or private funds made available for the acquisition of
21 16 rights in land and for the planning and construction or
21 17 reconstruction of any segment of the great river road, and
21 18 state and federal funds for the maintenance of that part of
21 19 the great river road constituting the ~~right of way~~
21 20 right=of=way.
21 21 Sec. 48. Section 308.9, subsection 1, unnumbered paragraph
21 22 2, Code 2007, is amended to read as follows:
21 23 The state transportation commission shall give notice and
21 24 hold a public hearing on the matter in a convenient place in
21 25 the area to be affected by the proposed improvement of the
21 26 great river road. The state transportation commission shall
21 27 consider and evaluate the testimony presented at the public
21 28 hearing and shall make a study and prepare a map showing the
21 29 location of the proposed new or reconstructed segment of the
21 30 great river road and the approximate widths of ~~right of way~~
21 31 right=of=way needed. The map shall show the existing roadway
21 32 and the property lines and record owners of lands to be
21 33 needed. The approval of the map shall be recorded by
21 34 reference in the state transportation commission's minutes,
21 35 and a notice of the action and a copy of the map showing the

House File 2522 - Introduced continued

22 1 lands or interest in the lands needed in any county shall be
22 2 filed in the office of the county recorder of that county.
22 3 Notice of the action and of the filing shall be published once
22 4 in a newspaper of general circulation in the county, and
22 5 within sixty days following the filing, notice of the filing
22 6 shall be served by registered mail on the owners of record on
22 7 the date of filing. Using the same procedures for approval,
22 8 notice and publications, and notice to the affected record
22 9 owners, the state transportation commission may amend the map.
22 10 Sec. 49. Section 321.52, subsection 4, paragraph c, Code
22 11 Supplement 2007, is amended to read as follows:
22 12 c. A salvage theft examination shall be made by a peace
22 13 officer who has been specially certified and recertified when
22 14 required by the Iowa law enforcement academy to do salvage
22 15 theft examinations. The Iowa law enforcement academy shall
22 16 determine standards for training and certification, conduct
22 17 training, and may approve alternative training programs which
22 18 satisfy the academy's standards for training and
22 19 certification. The owner of the salvage vehicle shall make
22 20 the vehicle available for examination at a time and location
22 21 designated by the peace officer doing the examination. The
22 22 owner may obtain a permit to drive the vehicle to and from the
22 23 examination location by submitting a repair affidavit to the
22 24 agency performing the examination stating that the vehicle is
22 25 reasonably safe for operation and listing the repairs which
22 26 have been made to the vehicle. The owner must be present for
22 27 the examination and have available for inspection the salvage
22 28 title, bills of sale for all essential parts changed, and the
22 29 repair affidavit. The examination shall be for the purposes
22 30 of determining whether the vehicle or repair components have
22 31 been stolen. The examination is not a safety inspection and a
22 32 signed salvage theft examination certificate shall not be
22 33 construed by any court of law to be a certification that the
22 34 vehicle is safe to be operated. There shall be no cause of
22 35 action against the peace officer or the agency conducting the

House File 2522 - Introduced continued

23 1 examination or the county treasurer for failure to discover or
23 2 note safety defects. If the vehicle passes the theft
23 3 examination, the peace officer shall indicate that the vehicle
23 4 passed examination on the salvage theft examination
23 5 certificate. The permit and salvage theft examination
23 6 certificate shall be on controlled forms prescribed and
23 7 furnished by the department. The owner shall pay a fee of
23 8 thirty dollars upon completion of the examination. The agency
23 9 performing the examinations shall retain twenty dollars of the
23 10 fee and shall pay five dollars of the fee to the department
23 11 and five dollars of the fee to the treasurer of state for
23 12 deposit in the general fund of the state. Moneys deposited to
23 13 the general fund under this paragraph are subject to the
23 14 requirements of section 8.60 and shall be used by the Iowa law
23 15 enforcement academy to provide for the special training,
23 16 certification, and recertification of officers as required by
23 17 this subsection.
23 18 ~~The state department of transportation shall adopt rules in~~
~~23 19 accordance with chapter 17A to carry out this section.~~
23 20 Sec. 50. Section 321.52, Code Supplement 2007, is amended
23 21 by adding the following new subsection:
23 22 NEW SUBSECTION. 5. The state department of transportation
23 23 shall adopt rules in accordance with chapter 17A to carry out
23 24 this section.
23 25 Sec. 51. Section 321J.15, Code 2007, is amended to read as
23 26 follows:
23 27 321J.15 EVIDENCE IN ANY ACTION.
23 28 Upon the trial of a civil or criminal action or proceeding
23 29 arising out of acts alleged to have been committed by a person
23 30 while operating a motor vehicle in violation of section 321J.2
23 31 or 321J.2A, evidence of the alcohol concentration or the
23 32 presence of a controlled substance or other drugs in the
23 33 person's body ~~substances~~ at the time of the act alleged as
23 34 shown by a chemical analysis of the person's blood, breath, or
23 35 urine is admissible. If it is established at trial that an

House File 2522 - Introduced continued

24 1 analysis of a breath specimen was performed by a certified
24 2 operator using a device intended to determine alcohol
24 3 concentration and methods approved by the commissioner of
24 4 public safety, no further foundation is necessary for
24 5 introduction of the evidence.
24 6 Sec. 52. Section 403A.6, Code 2007, is amended to read as
24 7 follows:
24 8 403A.6 OPERATION OF HOUSING NOT FOR PROFIT.
24 9 It is hereby declared to be the policy of this state that
24 10 each municipality shall manage and operate its housing
24 11 projects in an efficient manner so as to enable it to fix the
24 12 rentals or payments for dwelling accommodations at low rates
24 13 consistent with its providing decent, safe and sanitary
24 14 dwelling accommodations for persons of low income, and that no
24 15 municipality shall construct or operate any housing project
24 16 for profit, or as a source of revenue to the municipality. To
24 17 this end the municipality shall fix the rentals or payments
24 18 for dwellings in its projects at no higher rates than it shall
24 19 find to be necessary in order to produce revenues which,
24 20 ~~(together~~ together with all other available moneys, revenues,
24 21 income and receipts in connection with or for such projects
24 22 from whatever sources derived, including federal financial
24 23 ~~assistance)~~ assistance, will be sufficient ~~(1)~~ to do all of
24 24 the following:
24 25 1. ~~to~~ To pay, as the same become due, the principal and
24 26 interest on the bonds issued pursuant to this chapter~~; (2)~~.
24 27 2. ~~to~~ To create and maintain such reserves as may be
24 28 required to assure the payment of principal and interest as it
24 29 becomes due on such bonds~~; (3)~~.
24 30 3. ~~to~~ To meet the cost of, and to provide for, maintaining
24 31 and operating the projects ~~(including~~, including necessary
24 32 reserves therefor and the cost of any insurance, and of
24 33 administrative ~~expenses); and (4)~~ expenses.
24 34 4. ~~to~~ To make such payments in lieu of taxes and, after
24 35 payment in full of all obligations for which federal annual

House File 2522 - Introduced continued

contributions are pledged, to make such repayments of federal and local contributions as it determines are consistent with the maintenance of the low=rent character of projects. Rentals or payments for dwellings shall be established and the projects administered, insofar as possible, so as to assure that any federal financial assistance required shall be strictly limited to amounts and periods necessary to maintain the low=rent character of the projects.

Sec. 53. Section 403A.7, Code 2007, is amended to read as follows:

403A.7 HOUSING RENTALS AND TENANT ADMISSIONS.

1. A municipality shall do the following:

~~1.~~ a. Rent or lease the dwelling accommodations in a housing project only to persons or families of low income and at rentals within their financial reach.

~~2.~~ b. Rent or lease to a tenant such dwelling accommodations consisting of the number of rooms which it deems necessary to provide safe and sanitary accommodations to the proposed occupants without overcrowding.

~~3.~~ c. (1) Fix income limits for occupancy and rents after taking into consideration the following:

~~a.~~ (a) The family size, composition, age, physical disabilities, and other factors which might affect the rent=paying ability of the person or family.

~~b.~~ (b) The economic factors which affect the financial stability and solvency of the project.

(2) However, such determination of eligibility shall be within the limits of the income limits hereinbefore set out.

2. Nothing contained in this section or ~~the preceding~~ section 403A.6 shall be construed as limiting the power of a municipality with respect to a housing project, to vest in an obligee the right, in the event of a default by the municipality, to take possession or cause the appointment of a receiver for the housing project, free from all the restrictions imposed by this section or ~~the preceding~~ section

House File 2522 - Introduced continued

26 1 403A.6.
26 2 Sec. 54. Section 423.4, subsection 8, paragraph d, Code
26 3 Supplement 2007, is amended to read as follows:
26 4 d. In determining the amount to be refunded, if the dates
26 5 of the utility billing or meter reading cycle for the sale or
26 6 furnishing of metered gas and electricity ~~is~~ are on or after
26 7 the first day of the first month through the last day of the
26 8 last month of the refund year, the full amount of tax charged
26 9 in the billings shall be refunded. In determining the amount
26 10 to be refunded, if the dates of the sale or furnishing of fuel
26 11 for purposes of commercial energy and the delivery of the fuel
26 12 ~~is~~ are on or after the first day of the first month through
26 13 the last day of the last month of the refund year, the full
26 14 amount of tax charged in the billings shall be refunded.
26 15 Sec. 55. Section 423B.6, subsection 2, paragraph b, Code
26 16 2007, is amended to read as follows:
26 17 b. The ordinance of a county board of supervisors imposing
26 18 a local sales and services tax shall adopt by reference the
26 19 applicable provisions of the appropriate sections of chapter
26 20 423. All powers and requirements of the director to
26 21 administer the state sales tax law and use tax law are
26 22 applicable to the administration of a local sales and services
26 23 tax law and the local excise tax, including but not limited to
26 24 the provisions of section 422.25, subsection 4, sections
26 25 422.30, 422.67, and 422.68, section 422.69, subsection 1,
26 26 sections 422.70 ~~to~~ through 422.75, section 423.14, subsection
26 27 1 and subsection 2, paragraphs "b" through "e", and sections
26 28 423.15, 423.23, 423.24, 423.25, 423.31 ~~to~~ through 423.35,
26 29 423.37 ~~to~~ through 423.42, 423.46, and 423.47. Local officials
26 30 shall confer with the director of revenue for assistance in
26 31 drafting the ordinance imposing a local sales and services
26 32 tax. A certified copy of the ordinance shall be filed with
26 33 the director as soon as possible after passage.
26 34 Sec. 56. Section 452A.53, Code 2007, is amended to read as
26 35 follows:

House File 2522 - Introduced continued

27 1 452A.53 PERMIT OR LICENSE.
27 2 1. The advance arrangements referred to in ~~the preceding~~
27 3 section 452A.52 shall include the procuring of a permanent
27 4 international fuel tax agreement permit or license or ~~single~~
~~27 5 trip~~ single=trip interstate permit.
27 6 2. Persons choosing not to make advance arrangements with
27 7 the state department of transportation by procuring a permit
27 8 or license are not relieved of their responsibility to
27 9 purchase motor fuel and special fuel commensurate with their
27 10 use of the state's highway system. When there is reasonable
27 11 cause to believe that there is evasion of the fuel tax on
27 12 commercial motor vehicles, the state department of
27 13 transportation may audit persons not holding a permit or
27 14 license. Audits shall be conducted pursuant to section
27 15 452A.55 and in accordance with international fuel tax
27 16 agreement guidelines. The state department of transportation
27 17 shall collect all taxes due and refund any overpayment.
27 18 3. A permanent international fuel tax agreement permit or
27 19 license may be obtained upon application to the state
27 20 department of transportation. A fee of ten dollars shall be
27 21 charged for each permit or license issued. The holder of a
27 22 permanent permit or license shall have the privilege of
27 23 bringing into this state in the fuel supply tanks of
27 24 commercial motor vehicles any amount of motor fuel or special
27 25 fuel to be used in the operation of the vehicles and for that
27 26 privilege shall pay Iowa motor fuel or special fuel taxes as
27 27 provided in section 452A.54.
27 28 4. A ~~single trip~~ single=trip interstate permit may be
27 29 obtained from the state department of transportation. A fee
27 30 of twenty dollars shall be charged for each individual ~~single~~
~~27 31 trip~~ single=trip interstate permit issued. A ~~single trip~~
27 32 single=trip interstate permit is subject to the following
27 33 provisions and limitations:
27 34 ~~1.~~ a. The permit shall be issued and be valid for
27 35 seventy=two consecutive hours, except in emergencies, or until

House File 2522 - Introduced continued

28 1 the time of leaving the state, whichever first occurs.
28 2 ~~2.~~ b. The permit shall cover only one commercial motor
28 3 vehicle and is not transferable.
28 4 ~~3.~~ c. ~~Single trip~~ Single=trip interstate fuel permits may
28 5 be made available from sources other than indicated in this
28 6 section at the discretion of the state department of
28 7 transportation.
28 8 5. Each vehicle operated into or through Iowa in
28 9 interstate operations using motor fuel or special fuel
28 10 acquired in any other state shall carry in or on the vehicle a
28 11 duplicate or evidence of the permit or license required in
28 12 this section. A fee not to exceed fifty cents shall be
28 13 charged for each duplicate or other evidence of a permit or
28 14 license issued.
28 15 Sec. 57. Section 453A.31, subsection 2, paragraph c, Code
28 16 Supplement 2007, is amended to read as follows:
28 17 c. A one thousand dollar penalty for a third or subsequent
28 18 violation within three years of the first violation.
28 19 Sec. 58. Section 453A.50, subsection 3, paragraph a,
28 20 subparagraph (3), Code Supplement 2007, is amended to read as
28 21 follows:
28 22 (3) A one thousand dollar penalty for a third or
28 23 subsequent violation within three years of the first
28 24 violation.
28 25 Sec. 59. Section 455B.109, subsection 1, Code 2007, is
28 26 amended to read as follows:
28 27 1. The commission shall establish, by rule, a schedule or
28 28 range of civil penalties which may be administratively
28 29 assessed. The schedule shall provide procedures and criteria
28 30 for the administrative assessment of penalties of not more
28 31 than ten thousand dollars for violations of this chapter or
28 32 rules, permits or orders adopted or issued under this chapter.
28 33 In adopting a schedule or range of penalties and in proposing
28 34 or assessing a penalty, the commission and director shall
28 35 consider among other relevant factors the following:

House File 2522 - Introduced continued

29 1 a. The costs saved or likely to be saved by noncompliance
29 2 by the violator.
29 3 b. The gravity of the violation.
29 4 c. The degree of culpability of the violator.
29 5 d. The maximum penalty authorized for that violation under
29 6 this chapter.
29 7 1A. Penalties may be administratively assessed only after
29 8 an opportunity for a contested case hearing which may be
29 9 combined with a hearing on the merits of the alleged
29 10 violation. Violations not fitting within the schedule, or
29 11 violations which the commission determines should be referred
29 12 to the attorney general for legal action shall not be governed
29 13 by the schedule established under ~~this~~ subsection 1.
29 14 Sec. 60. Section 455B.455, Code 2007, is amended to read
29 15 as follows:
29 16 455B.455 SURCHARGE IMPOSED.
29 17 A land burial surcharge tax of two percent is imposed on
29 18 the fee for land burial of a hazardous waste. The owner of
29 19 the land burial facility shall remit the tax collected to the
29 20 director of revenue after consultation with the director
29 21 according to rules that the director shall adopt. The
29 22 director shall forward a copy of the site license to the
29 23 director of revenue which shall be the appropriate license for
29 24 the collection of the land burial surcharge tax and shall be
29 25 subject to suspension or revocation if the site license holder
29 26 fails to collect or remit the tax collected under this
29 27 section. The provisions of section 422.25, subsection 4,
29 28 sections 422.30, 422.67, and 422.68, section 422.69,
29 29 subsection 1, sections 422.70 ~~to~~ through 422.75, section
29 30 423.14, subsection 1, and sections 423.23, 423.24, 423.25,
29 31 423.31, 423.33, 423.35, 423.37 ~~to~~ through 423.42, and 423.47,
29 32 consistent with the provisions of this part 6 of division IV,
29 33 shall apply with respect to the taxes authorized under this
29 34 part, in the same manner and with the same effect as if the
29 35 land burial surcharge tax were sales taxes within the meaning

House File 2522 - Introduced continued

of those statutes. Notwithstanding the provisions of this section, the director shall provide for only quarterly filing of returns as prescribed in section 423.31. Taxes collected by the director of revenue under this section shall be deposited in the general fund of the state.

Sec. 61. Section 459.102, subsection 18, Code 2007, is amended to read as follows:

18. "Covered" means organic or inorganic material placed upon an animal feeding operation structure used to store manure as provided by rules adopted by the department after receiving recommendations which shall be submitted to the department by the college of agriculture and life sciences at Iowa state university of science and technology.

Sec. 62. Section 469.9, subsection 2, Code Supplement 2007, is amended to read as follows:

2. The fund shall be used to further the goals of increasing the research, development, production, and use of biofuels and other sources of renewable energy, ~~improve~~ improving energy efficiency, and ~~reduce~~ reducing greenhouse gas emissions, and shall encourage, support, and provide for research, development, commercialization, and the implementation of energy technologies and practices. The technologies and practices should reduce this state's dependence on foreign sources of energy and fossil fuels. The research, development, commercialization, implementation, and distribution of such technologies and practices are intended to sustain the environment and develop business in this state as Iowans market these technologies and practices to the world.

Sec. 63. Section 469.9, subsection 4, paragraph b, subparagraph (2), Code Supplement 2007, is amended to read as follows:

(2) Utilization of crops and products grown or produced in this state that ~~maximize~~ maximizes the value of crops used as feedstock in biomanufacturing products and as coproducts.

House File 2522 - Introduced continued

31 1 Sec. 64. Section 469.10, subsections 3 and 4, Code
31 2 Supplement 2007, are amended to read as follows:
31 3 3. Of the moneys appropriated to the office and deposited
31 4 in the fund, there shall be allocated on an annual basis two
31 5 million five hundred thousand dollars to the department of
31 6 economic development for deposit into the workforce training
31 7 and economic development funds of the community colleges
31 8 created pursuant to section 260C.18A. Of the funds so
31 9 deposited into the workforce training and economic development
31 10 funds of the community colleges, two million five hundred
31 11 thousand dollars shall be used each year in the development
31 12 and expansion of energy industry areas and for the
31 13 department's north American ~~industrial~~ industry classification
31 14 system for targeted industry areas established pursuant to
31 15 section 260C.18A.
31 16 4. Notwithstanding section 8.33, amounts appropriated
31 17 pursuant to this section shall not revert but shall remain
31 18 available for the purposes designated for the following fiscal
31 19 year. Notwithstanding section 12C.7, subsection 2, interest
31 20 or earnings on moneys in the ~~funds~~ Iowa power fund shall be
31 21 credited to the fund.
31 22 Sec. 65. Section 477.5, Code 2007, is amended to read as
31 23 follows:
31 24 477.5 EQUAL FACILITIES == DELAY.
31 25 If the proprietor of any telegraph or telephone line within
31 26 the state, or the person having the control and management
31 27 thereof, refuses to furnish equal facilities to the public and
31 28 to all connecting lines for the transmission of communications
31 29 in accordance with the nature of the business which it
31 30 undertakes to carry on, or to transmit the same with fidelity
31 31 and without unreasonable delay, the law in relation to limited
31 32 partnerships, corporations, and to the taking of private
31 33 property for works of internal improvement, shall ~~not~~ no
31 34 longer apply to them, and property taken for the use thereof
31 35 without the consent of the owner may be recovered by the

House File 2522 - Introduced continued

32 1 owner.
32 2 Sec. 66. Section 479.29, subsection 2, Code Supplement
32 3 2007, is amended to read as follows:
32 4 2. The county board of supervisors shall cause an on=site
32 5 inspection for compliance with the standards adopted under
32 6 this section to be performed at any pipeline construction
32 7 project in the county. A ~~licensed~~ professional engineer
32 8 familiar with the standards adopted under this section and
32 9 licensed under chapter 542B shall be responsible for the
32 10 inspection. A county board of supervisors may contract for
32 11 the services of a licensed professional engineer for the
32 12 purposes of the inspection. The reasonable costs of the
32 13 inspection shall be borne by the pipeline company.
32 14 Sec. 67. Section 483A.24, subsections 3 and 4, Code
32 15 Supplement 2007, are amended to read as follows:
32 16 3. The director shall provide up to seventy=five
32 17 nonresident deer hunting licenses for allocation as requested
32 18 by a majority of a committee consisting of the majority leader
32 19 of the senate, speaker of the house of representatives, and
32 20 director of the department of economic development, or their
32 21 designees. The licenses provided pursuant to ~~the~~ this
32 22 subsection shall be in addition to the number of nonresident
32 23 licenses authorized pursuant to section 483A.8. The purpose
32 24 of the special nonresident licenses is to allow state
32 25 officials and local development groups to promote the state
32 26 and its natural resources to nonresident guests and
32 27 dignitaries. Photographs, videotapes, or any other form of
32 28 media resulting from the hunting visitation shall not be used
32 29 for political campaign purposes. The nonresident licenses
32 30 shall be issued without application upon payment of the
32 31 nonresident deer hunting license fee and the wildlife habitat
32 32 fee. The licenses are valid in all zones open to deer
32 33 hunting. The hunter safety and ethics education certificate
32 34 requirement pursuant to section 483A.27 is waived for a
32 35 nonresident issued a license pursuant to this subsection.

House File 2522 - Introduced continued

33 1 4. The director shall provide up to twenty=five
33 2 nonresident wild turkey hunting licenses for allocation as
33 3 requested by a majority of a committee consisting of the
33 4 majority leader of the senate, speaker of the house of
33 5 representatives, and director of the department of economic
33 6 development, or their designees. The licenses provided
33 7 pursuant to ~~the~~ this subsection shall be in addition to the
33 8 number of nonresident licenses authorized pursuant to section
33 9 483A.7. The purpose of the special nonresident licenses is to
33 10 allow state officials and local development groups to promote
33 11 the state and its natural resources to nonresident guests and
33 12 dignitaries. Photographs, videotapes, or any other form of
33 13 media resulting from the hunting visitation shall not be used
33 14 for political campaign purposes. The nonresident licenses
33 15 shall be issued without application upon payment of the
33 16 nonresident wild turkey hunting license fee and the wildlife
33 17 habitat fee. The licenses are valid in all zones open to wild
33 18 turkey hunting. The hunter safety and ethics education
33 19 certificate requirement pursuant to section 483A.27 is waived
33 20 for a nonresident issued a license pursuant to this
33 21 subsection.
33 22 Sec. 68. Section 512B.9, subsection 2, Code 2007, is
33 23 amended to read as follows:
33 24 2. a. A person may be indemnified and reimbursed by a
33 25 society for expenses reasonably incurred by, and liabilities
33 26 imposed upon, the person in connection with or arising out of
33 27 a proceeding, whether civil, criminal, administrative, or
33 28 investigative, or a threat of action in which the person is or
33 29 may be involved by reason of the person being a director,
33 30 officer, employee, or agent of the society or of any other
33 31 legal entity or position which the person served in any
33 32 capacity at the request of the society.
33 33 b. However, a person shall not be so indemnified or
33 34 reimbursed for either of the following:
33 35 ~~a.~~ (1) In relation to any matter to which the person is

House File 2522 - Introduced continued

34 1 finally adjudged to be or have been guilty of breach of a duty
34 2 as a director, officer, employee, or agent of the society.
34 3 ~~b.~~ (2) In relation to any matter which has been made the
34 4 subject of a compromise settlement.
34 5 c. However, if the person acted in good faith for a
34 6 purpose the person reasonably believed to be in or not opposed
34 7 to the best interests of the society and, in addition, in a
34 8 criminal proceeding, had no reasonable cause to believe that
34 9 the conduct was unlawful, ~~paragraphs "a" and~~ paragraph "b",
34 10 subparagraphs (1) and (2), do not apply. The determination
34 11 whether the conduct of the person met the standard required in
34 12 order to justify indemnification and reimbursement in relation
34 13 to any matter described in paragraph ~~"a" or~~ "b", subparagraph
34 14 (1) or (2), may only be made by the supreme governing body by
34 15 a majority vote of a quorum consisting of persons who were not
34 16 parties to the proceeding or by a court of competent
34 17 jurisdiction. The termination of a proceeding by judgment,
34 18 order, settlement, conviction, or upon a plea of no contest,
34 19 as to a person, does not in itself create a conclusive
34 20 presumption that the person met or did not meet the standard
34 21 of conduct required in order to justify indemnification and
34 22 reimbursement. The right of indemnification and reimbursement
34 23 is not exclusive of other rights to which a person may be
34 24 entitled as a matter of law and shall inure to the benefit of
34 25 the person's heirs, executors, and administrators.
34 26 Sec. 69. Section 554.2315, Code 2007, is amended to read
34 27 as follows:
34 28 554.2315 IMPLIED WARRANTY == FITNESS FOR PARTICULAR
34 29 PURPOSE.
34 30 Where the seller at the time of contracting has reason to
34 31 know any particular purpose for which the goods are required
34 32 and that the buyer is relying on the seller's skill or
34 33 judgment to select or furnish suitable goods, there is unless
34 34 excluded or modified under ~~the next~~ section 554.2316 an
34 35 implied warranty that the goods shall be fit for such purpose.

House File 2522 - Introduced continued

35 1 Sec. 70. Section 554.2502, subsection 1, Code 2007, is
35 2 amended to read as follows:
35 3 1. Subject to subsections 2 and 3 and even though the
35 4 goods have not been shipped a buyer who has paid a part or all
35 5 of the price of goods in which the buyer has a special
35 6 property under the provisions of ~~the immediately preceding~~
35 7 section 554.2501 may on making and keeping good a tender of
35 8 any unpaid portion of their price recover them from the seller
35 9 if:
35 10 a. in the case of goods bought for personal, family, or
35 11 household purposes, the seller repudiates or fails to deliver
35 12 as required by the contract; or
35 13 b. in all cases the seller becomes insolvent within ten
35 14 days after receipt of the first installment on their price.
35 15 Sec. 71. Section 554.2503, subsection 2, Code Supplement
35 16 2007, is amended to read as follows:
35 17 2. Where the case is within ~~the next~~ section 554.2504
35 18 respecting shipment tender requires that the seller comply
35 19 with its provisions.
35 20 Sec. 72. Section 554.2604, Code 2007, is amended to read
35 21 as follows:
35 22 554.2604 BUYER'S OPTIONS AS TO SALVAGE OF RIGHTFULLY
35 23 REJECTED GOODS.
35 24 Subject to the provisions of ~~the immediately preceding~~
35 25 section 554.2603 on perishables if the seller gives no
35 26 instructions within a reasonable time after notification of
35 27 rejection the buyer may store the rejected goods for the
35 28 seller's account or reship them to the seller or resell them
35 29 for the seller's account with reimbursement as provided in ~~the~~
~~35 30 preceding~~ section 554.2603. Such action is not acceptance or
35 31 conversion.
35 32 Sec. 73. Section 554.2615, unnumbered paragraph 1, Code
35 33 2007, is amended to read as follows:
35 34 Except so far as a seller may have assumed a greater
35 35 obligation and subject to ~~the preceding~~ section 554.2614 on

House File 2522 - Introduced continued

substituted performance:

Sec. 74. Section 554.2616, subsections 1 and 3, Code 2007, is amended to read as follows:

1. Where the buyer receives notification of a material or indefinite delay or an allocation justified under ~~the preceding~~ section 554.2615 the buyer may by written notification to the seller as to any delivery concerned, and where the prospective deficiency substantially impairs the value of the whole contract under the provisions of this Article relating to breach of installment contracts (section 554.2612), then also as to the whole,

a. terminate and thereby discharge any unexecuted portion of the contract; or

b. modify the contract by agreeing to take the buyer's available quota in substitution.

3. The provisions of this section may not be negated by agreement except insofar as the seller has assumed a greater obligation under ~~the preceding~~ section 554.2615.

Sec. 75. Section 554.2703, Code 2007, is amended to read as follows:

554.2703 SELLER'S REMEDIES IN GENERAL.

Where the buyer wrongfully rejects or revokes acceptance of goods or fails to make a payment due on or before delivery or repudiates with respect to a part or the whole, then with respect to any goods directly affected and, if the breach is of the whole contract (section 554.2612), then also with respect to the whole undelivered balance, the aggrieved seller may:

~~a.~~ 1. withhold delivery of such goods;

~~b.~~ 2. stop delivery by any bailee as hereafter provided (section 554.2705);

~~c.~~ 3. proceed under ~~the next~~ section 554.2704 respecting goods still unidentified to the contract;

~~d.~~ 4. resell and recover damages as hereafter provided (section 554.2706);

House File 2522 - Introduced continued

37 1 ~~e.~~ 5. recover damages for nonacceptance (section
37 2 554.2708) or in a proper case the price (section 554.2709);
37 3 ~~f.~~ 6. cancel.
37 4 Sec. 76. Section 554.2704, subsection 1, Code 2007, is
37 5 amended to read as follows:
37 6 1. An aggrieved seller under ~~the preceding~~ section
37 7 554.2703 may:
37 8 a. identify to the contract conforming goods not already
37 9 identified if at the time the seller learned of the breach
37 10 they are in the seller's possession or control;
37 11 b. treat as the subject of resale goods which have
37 12 demonstrably been intended for the particular contract even
37 13 though those goods are unfinished.
37 14 Sec. 77. Section 554.2709, subsections 1 and 3, Code 2007,
37 15 is amended to read as follows:
37 16 1. When the buyer fails to pay the price as it becomes due
37 17 the seller may recover, together with any incidental damages
37 18 under the next section, the price:
37 19 a. of goods accepted or of conforming goods lost or
37 20 damaged within a commercially reasonable time after risk of
37 21 their loss has passed to the buyer; and
37 22 b. of goods identified to the contract if the seller is
37 23 unable after reasonable effort to resell them at a reasonable
37 24 price or the circumstances reasonably indicate that such
37 25 effort will be unavailing.
37 26 3. After the buyer has wrongfully rejected or revoked
37 27 acceptance of the goods or has failed to make a payment due or
37 28 has repudiated (section 554.2610), a seller who is held not
37 29 entitled to the price under this section shall nevertheless be
37 30 awarded damages for nonacceptance under ~~the preceding~~ section
37 31 554.2708.
37 32 Sec. 78. Section 554.2711, subsections 1 and 2, Code 2007,
37 33 are amended to read as follows:
37 34 1. Where the seller fails to make delivery or repudiates
37 35 or the buyer rightfully rejects or justifiably revokes

House File 2522 - Introduced continued

38 1 acceptance then with respect to any goods involved, and with
38 2 respect to the whole if the breach goes to the whole contract
38 3 (section 554.2612), the buyer may cancel and whether or not
38 4 the buyer has done so may in addition to recovering so much of
38 5 the price as has been paid:
38 6 a. "cover" and have damages under ~~the next~~ section
38 7 554.2712 as to all the goods affected whether or not they have
38 8 been identified to the contract; or
38 9 b. recover damages for nondelivery as provided in this
38 10 Article (section 554.2713).
38 11 2. Where the seller fails to deliver or repudiates the
38 12 buyer may also:
38 13 a. if the goods have been identified recover them as
38 14 provided in this Article (section 554.2502); or
38 15 b. in a proper case obtain specific performance or replevy
38 16 the goods as provided in this Article (section 554.2716).
38 17 Sec. 79. Section 554.2712, subsection 1, Code 2007, is
38 18 amended to read as follows:
38 19 1. After a breach within ~~the preceding~~ section 554.2711
38 20 the buyer may "cover" by making in good faith and without
38 21 unreasonable delay any reasonable purchase of or contract to
38 22 purchase goods in substitution for those due from the seller.
38 23 Sec. 80. Section 554.2714, subsection 3, Code 2007, is
38 24 amended to read as follows:
38 25 3. In a proper case any incidental and consequential
38 26 damages under ~~the next~~ section 554.2715 may also be recovered.
38 27 Sec. 81. Section 554.2719, subsection 1, Code 2007, is
38 28 amended to read as follows:
38 29 1. Subject to the provisions of subsections 2 and 3 of
38 30 this section and of ~~the preceding~~ section 554.2718 on
38 31 liquidation and limitation of damages,
38 32 a. the agreement may provide for remedies in addition to
38 33 or in substitution for those provided in this Article and may
38 34 limit or alter the measure of damages recoverable under this
38 35 Article, as by limiting the buyer's remedies to return of the

House File 2522 - Introduced continued

39 1 goods and repayment of the price or to repair and replacement
39 2 of nonconforming goods or parts; and
39 3 b. resort to a remedy as provided is optional unless the
39 4 remedy is expressly agreed to be exclusive, in which case it
39 5 is the sole remedy.
39 6 Sec. 82. Section 554.7601A, subsection 2, Code Supplement
39 7 2007, is amended to read as follows:
39 8 2. If a warehouse receipt has been lost~~, stolen,~~ or
39 9 destroyed, the depositor may either remove the goods from the
39 10 warehouse facility or sell the goods to the warehouse after
39 11 executing a lost warehouse receipt release on a form
39 12 prescribed by the department of agriculture and land
39 13 stewardship. The form shall include an affidavit stating that
39 14 the warehouse receipt has been lost or destroyed, and the
39 15 depositor's undertaking to indemnify the warehouse for any
39 16 loss incurred as a result of the loss or destruction of the
39 17 warehouse receipt. The form shall be filed with the
39 18 department of agriculture and land stewardship.
39 19 Sec. 83. Section 554.13103, subsection 3, Code Supplement
39 20 2007, is amended to read as follows:
39 21 3. The following definitions in other Articles apply to
39 22 this Article:

39 23 "Account"	Section 554.9102, subsection 1,
39 24	paragraph "b"
39 25 "Between merchants"	Section 554.2104, subsection 3
39 26 "Buyer"	Section 554.2103, subsection 1,
39 27	paragraph "a"
39 28 "Chattel paper"	Section 554.9102, subsection 1,
39 29	paragraph "k"
39 30 "Consumer goods"	Section 554.9102, subsection 1,
39 31	paragraph "w"
39 32 "Document"	Section 554.9102, subsection 1,
39 33	paragraph "ad"
39 34 "Entrusting"	Section 554.2403, subsection 3
39 35 "General intangible"	Section 554.9102, subsection 1,

House File 2522 - Introduced continued

	paragraph "ap"
"Good faith"	Section ~~554.2103, subsection 1, paragraph "b"~~ 554.1201
"Instrument"	Section 554.9102, subsection 1, paragraph "au"
"Merchant"	Section 554.2104, subsection 1
"Mortgage"	Section 554.9102, subsection 1, paragraph "bc"
"Pursuant to commitment"	Section 554.9102, subsection 1, paragraph "bp"
"Receipt"	Section 554.2103, subsection 1, paragraph "c"
"Sale"	Section 554.2106, subsection 1
"Sale on approval"	Section 554.2326
"Sale or return"	Section 554.2326
"Seller"	Section 554.2103, subsection 1, paragraph "d"

Sec. 84. Section 554.13309, subsection 7, Code 2007, is amended to read as follows:

7. In cases not within ~~the preceding~~ subsections 1 through 6, priority between the interest of a lessor of fixtures, including the lessor's residual interest, and the conflicting interest of an encumbrancer or owner of the real estate who is not the lessee is determined by the priority rules governing conflicting interests in real estate.

Sec. 85. Section 614.1, subsection 5, Code Supplement 2007, is amended to read as follows:

5. WRITTEN CONTRACTS == JUDGMENTS OF COURTS NOT OF RECORD == RECOVERY OF REAL PROPERTY. Those founded on written contracts, or on judgments of any courts except those provided for in ~~the next~~ subsection 6, and those brought for the recovery of real property, within ten years.

Sec. 86. Section 633.113, Code 2007, is amended to read as follows:

633.113 COMMITMENT.

House File 2522 - Introduced continued

If, upon being served with an order of the court requiring appearance for interrogation, as provided in ~~the preceding sections hereof~~ section 633.112, any person fails to appear in accordance therewith, or if, having appeared, the person refuses to answer any question which the court thinks proper to be put to the person in the course of such examination, or if the person fails to comply with the order of the court requiring the delivery of the property to the fiduciary, the person may be committed to the jail of the county until the person does.

Sec. 87. Section 633.305, unnumbered paragraph 1, Code 2007, is amended to read as follows:

On admission of a will to probate without administration of the estate, the proponent shall cause to be published, in the manner prescribed in ~~the preceding~~ section 633.304, a notice of the admission of the will to probate. As soon as practicable following the admission of the will to probate, the proponent shall give notice of the admission of the will to probate by ordinary mail addressed to the surviving spouse, each heir of the decedent, and each devisee under the will admitted to probate whose identities are reasonably ascertainable, at such persons' last known addresses. The notice of the admission of the will to probate shall include a notice that any action to set aside the will must be brought within the later to occur of four months from the date of the second publication of the notice or one month from the date of mailing of this notice, or thereafter be barred.

Sec. 88. Section 633.426, Code 2007, is amended to read as follows:

633.426 ORDER OF PAYMENT OF DEBTS AND CHARGES.

Payment of debts and charges of the estate shall be made in the order provided in ~~the preceding~~ section 633.425, without preference of any claim over another of the same class. If the assets of the estate are insufficient to pay in full all of the claims of a class, then such claims shall be paid on a

House File 2522 - Introduced continued

42 1 pro rata basis, without preference between claims then due and
42 2 those of the same class not due.
42 3 Sec. 89. Section 633.700, unnumbered paragraph 1, Code
42 4 Supplement 2007, is amended to read as follows:
42 5 Unless specifically relieved from so doing~~,~~ by the
42 6 instrument creating the trust~~,~~ or by order of the court, the
42 7 trustee shall make a written report~~,~~ under oath~~,~~ to the court~~,~~
42 8 once each year~~,~~ within ninety days of the close of the
42 9 reporting period, and more often~~,~~ if required by the court.
42 10 Such report shall state:
42 11 Sec. 90. Section 718A.1, unnumbered paragraph 1, Code
42 12 Supplement 2007, is amended to read as follows:
42 13 As used in this ~~section~~ chapter:
42 14 Sec. 91. Section 729.1, Code 2007, is amended to read as
42 15 follows:
42 16 729.1 RELIGIOUS TEST.
42 17 Any violation of ~~section 4,~~ Article I, section 4, of the
42 18 Constitution of the State of Iowa is hereby declared to be a
42 19 simple misdemeanor unless a greater penalty is otherwise
42 20 provided by law.
42 21 Sec. 92. Section 820.14, Code 2007, is amended to read as
42 22 follows:
42 23 820.14 ARREST WITHOUT WARRANT.
42 24 The arrest of a person may be lawfully made also by any
42 25 peace officer or a private person, without a warrant upon
42 26 reasonable information that the accused stands charged in the
42 27 courts of a state with a crime punishable by death or
42 28 imprisonment for a term exceeding one year, but when so
42 29 arrested the accused must be taken before a judge or
42 30 magistrate with all practicable speed and complaint must be
42 31 made against the accused under oath setting forth the ground
42 32 for the arrest as in ~~the preceding~~ section 820.13; and
42 33 thereafter the accused's answer shall be heard as if the
42 34 accused had been arrested on a warrant.
42 35 Sec. 93. Section 820.15, Code 2007, is amended to read as

House File 2522 - Introduced continued

43 1 follows:
43 2 820.15 HOLDING TO AWAIT REQUISITION.
43 3 If from the examination before the judge or magistrate it
43 4 appears that the person held is the person charged with having
43 5 committed the crime alleged and, except in cases arising under
43 6 section 820.6, that the person has fled from justice, the
43 7 judge or magistrate must, by a warrant reciting the
43 8 accusation, commit the person to the county jail for such a
43 9 time not exceeding thirty days and specified in the warrant,
43 10 as will enable the arrest of the accused to be made under a
43 11 warrant of the governor on a requisition of the executive
43 12 authority of the state having jurisdiction of the offense,
43 13 unless the accused give bail as provided in ~~the next~~ section
43 14 820.16, or until the accused shall be legally discharged.
43 15 Sec. 94. Section 915.20A, subsection 1, paragraph d, Code
43 16 2007, is amended to read as follows:
43 17 d. "Victim counselor" means a person who is engaged in a
43 18 crime victim center, is certified as a counselor by the crime
43 19 victim center, and is under the control of a direct services
43 20 supervisor of a crime victim center, whose primary purpose is
43 21 the rendering of advice, counseling, and assistance to the
43 22 victims of crime. To qualify as a "victim counselor" under
43 23 this section, the person must also have completed at least
43 24 twenty hours of training provided by the center in which the
43 25 person is engaged, by the Iowa organization of victim
43 26 assistance, by the Iowa coalition against sexual ~~abuse~~
43 27 assault, or by the Iowa coalition against domestic violence,
43 28 which shall include but not be limited to, the dynamics of
43 29 victimization, substantive laws relating to violent crime,
43 30 sexual assault, and domestic violence, crisis intervention
43 31 techniques, communication skills, working with diverse
43 32 populations, an overview of the state criminal justice system,
43 33 information regarding pertinent hospital procedures, and
43 34 information regarding state and community resources for
43 35 victims of crime.

House File 2522 - Introduced continued

44 1 Sec. 95. 2007 Iowa Acts, chapter 182, section 3,
44 2 subsection 1, is amended to read as follows:
44 3 1. The Iowa propane education and research council is
44 4 established. Members of the council shall be appointed by the
44 5 governor from a list of nominees submitted by qualified
44 6 propane industry organizations within thirty days after the
44 7 effective date of this section of this Act and by December 15
44 8 of each year thereafter. The council shall consist of ten
44 9 voting members, nine of whom represent retail propane
44 10 marketers and one of whom shall be a public member. Qualified
44 11 propane industry organizations shall together nominate all
44 12 members of the council. A vacancy in the unfinished term of a
44 13 council member shall be filled for the remainder of the term
44 14 in the same manner as the original appointment was made.
44 15 Other than the public member, council members shall be
44 16 full=time employees or owners of a propane industry business
44 17 or representatives of an agricultural cooperative actively
44 18 engaged in the propane industry. An employee of a qualified
44 19 propane industry organization shall not serve as a member of
44 20 the council. An officer of the board of directors of a
44 21 qualified propane industry organization or propane industry
44 22 trade association shall not serve concurrently as a member of
44 23 the council. The fire marshal or a designee may serve as an
44 24 ex officio, nonvoting member of the council.
44 25 Sec. 96. 2007 Iowa Acts, chapter 197, section 33,
44 26 subsection 1, is amended to read as follows:
44 27 1. All new electrical installations for commercial or
44 28 industrial applications, including installations both inside
44 29 and outside of buildings, and for public use buildings and
44 30 facilities and any installation at the request of the property
44 31 owner.
44 32 Sec. 97. 2007 Iowa Acts, chapter 197, section 34,
44 33 subsection 2, is amended to read as follows:
44 34 2. State inspection shall not apply within the
44 35 jurisdiction of any political subdivision which, pursuant to

House File 2522 - Introduced continued

45 1 section 103.29, provides by resolution or ordinance standards
45 2 of electrical wiring and its installation that are not less
45 3 stringent than those prescribed by the board or by this
45 4 chapter and which further provides by resolution or ordinance
45 5 for the inspection of electrical installations within the
45 6 limits of such subdivision by a certified electrical
45 7 inspector. A copy of the certificate of each electrical
45 8 inspector shall be provided to the board by the political
45 9 subdivision issuing the certificate.
45 10 Sec. 98. Section 103.25, as enacted by 2007 Iowa Acts,
45 11 chapter 197, section 35, is amended to read as follows:
45 12 103.25 REQUEST FOR INSPECTION == FEES.
45 13 At or before commencement of any installation required to
45 14 be inspected by the board, the licensee or property owner
45 15 making such installation shall submit to the state fire
45 16 marshal's office a request for inspection. The board shall
45 17 prescribe the methods by which the request may be submitted,
45 18 which may include electronic submission or through a form
45 19 prescribed by the board that can be submitted either through
45 20 the mail or by a fax transmission. The board shall also
45 21 prescribe methods by which inspection fees can by paid, which
45 22 may include electronic methods of payment. If the board or
45 23 the state fire marshal's office becomes aware that a person
45 24 has failed to file a necessary request for inspection, the
45 25 board or the state fire marshal's office shall send a written
45 26 notification by certified mail that the request must ~~by~~ be
45 27 filed within fourteen days. Any person filing a late request
45 28 for inspection shall pay a delinquency fee in an amount to be
45 29 determined by the board. ~~Failure~~ A person who fails to file a
45 30 late request within fourteen days shall be subject to a civil
45 31 penalty to be determined by the board by rule.
45 32 Sec. 99. Section 103.26, as enacted by 2007 Iowa Acts,
45 33 chapter 197, section 36, is amended to read as follows:
45 34 103.26 CONDEMNATION == DISCONNECTION == OPPORTUNITY TO
45 35 CORRECT NONCOMPLIANCE.

House File 2522 - Introduced continued

46 1 If the inspector finds that any installation or portion of
46 2 an installation is not in compliance with accepted standards
46 3 of construction for health safety ~~to health~~ and property
46 4 safety, based upon minimum standards set forth in the local
46 5 electrical code or the national electrical code adopted by the
46 6 board pursuant to section 103.6, the inspector shall by
46 7 written order condemn the installation or noncomplying portion
46 8 or order service to such installation disconnected and shall
46 9 send a copy of such order to the board, the state fire
46 10 marshal, and the electrical utility supplying power involved.
46 11 If the installation or the noncomplying portion is such as to
46 12 seriously and proximately endanger human health or property,
46 13 the order of the inspector when approved by the inspector's
46 14 superior shall require immediate condemnation and
46 15 disconnection by the applicant. In all other cases, the order
46 16 of the inspector shall establish a reasonable period of time
46 17 for the installation to be brought into compliance with
46 18 accepted standards of construction for health safety ~~to health~~
46 19 and property safety prior to the effective date established in
46 20 such order for condemnation or disconnection.
46 21 Sec. 100. 2007 Iowa Acts, chapter 197, section 38,
46 22 subsection 2, is amended to read as follows:
46 23 2. If the electrical inspector determines that an
46 24 electrical installation subject to inspection by the board is
46 25 not in compliance with accepted standards of construction for
46 26 health safety ~~to health~~ and property safety, based upon
46 27 minimum standards adopted by the board pursuant to this
46 28 chapter, the inspector shall issue a correction order. A
46 29 correction order made pursuant to this section shall be served
46 30 personally or by United States mail only upon the licensee
46 31 making the installation. The correction order shall order the
46 32 licensee to make the installation comply with the standards,
46 33 noting specifically what changes are required. The order
46 34 shall specify a date, not more than seventeen calendar days
46 35 from the date of the order, when a new inspection shall be

House File 2522 - Introduced continued

47 1 made. When the installation is brought into compliance to the
47 2 satisfaction of the inspector, the inspector shall file with
47 3 the electrical utility supplying power a certificate stating
47 4 that the electrical inspector has approved energization.
47 5 Sec. 101. 2007 Iowa Acts, chapter 197, section 41,
47 6 subsection 4, is amended to read as follows:
47 7 4. Except when an inspection reveals that an installation
47 8 or portion of an installation is not in compliance with
47 9 accepted standards of construction for health safety ~~to health~~
47 10 and property safety, based upon minimum standards set forth in
47 11 the local electrical code or the national electrical code
47 12 adopted by the board pursuant to section 103.6, such that an
47 13 order of condemnation or disconnection is warranted pursuant
47 14 to section 103.26, an inspector shall not add to, modify, or
47 15 amend a construction plan as originally approved by the state
47 16 fire marshal in the course of conducting an inspection.
47 17 Sec. 102. 2007 Iowa Acts, chapter 197, section 42,
47 18 subsection 3, is amended to read as follows:
47 19 3. When an inspection is requested by ~~an~~ a property owner,
47 20 the minimum fee shall be thirty dollars plus five dollars per
47 21 branch circuit or feeder. The fee for fire and accident
47 22 inspections shall be computed at the rate of forty=seven
47 23 dollars per hour, and mileage and other expenses shall be
47 24 reimbursed as provided by the office of the state fire
47 25 marshal.
47 26 Sec. 103. 2007 Iowa Acts, chapter 197, section 43,
47 27 subsection 1, is amended to read as follows:
47 28 1. Any person aggrieved by a condemnation or disconnection
47 29 order issued by the state fire marshal's office may appeal
47 30 from the order by filing a written notice of appeal with the
47 31 board within ten days after the date the order was served upon
47 32 the property owner or within ten days after the order was
47 33 filed with the board, whichever is later.
47 34 Sec. 104. Section 104C.2, subsection 8, as enacted by 2007
47 35 Iowa Acts, chapter 198, section 2, is amended to read as

House File 2522 - Introduced continued

48 1 follows:
48 2 8. "Hydronic" means a heating or cooling system that
48 3 transfers heating or cooling by circulating fluid through a
48 4 closed system, including boilers, pressure vessels,
48 5 refrigerated equipment in connection with chilled water
48 6 systems, all steam piping, hot or chilled water piping
48 7 together with all control devices and accessories, installed
48 8 as part of, or in connection with, any comfort heating or
48 9 comfort cooling system or appliance using a liquid, water, or
48 10 steam as the heating or cooling media. "Hydronic" includes
48 11 all low=pressure and high=pressure systems.
48 12 Sec. 105. 2007 Iowa Acts, chapter 198, section 10,
48 13 subsection 3, is amended to read as follows:
48 14 3. The board may allow a two=year delay in implementing
48 15 the licensure requirements for contractors who employ ~~less~~
48 16 fewer than ten mechanical professionals.
48 17 Sec. 106. 2007 Iowa Acts, chapter 198, section 11,
48 18 subsection 1, is amended to read as follows:
48 19 1. Apply to a person licensed as an engineer pursuant to
48 20 chapter 542B, registered as an architect pursuant to chapter
48 21 544A, or licensed as a landscape architect pursuant to chapter
48 22 544B who provides consultations or develops plans or other
48 23 work concerning plumbing, HVAC, refrigeration, or hydronic
48 24 work and who is exclusively engaged in the practice of the
48 25 person's profession.
48 26 Sec. 107. 2007 Iowa Acts, chapter 198, section 18,
48 27 subsection 2, paragraph c, subparagraph (3), is amended to
48 28 read as follows:
48 29 (3) Provide evidence to the examining board that the
48 30 person has previously been a licensed journeyperson in the
48 31 applicable discipline or satisfies all requirements ~~required~~
~~48 32 to be licensed~~ for licensure as a journeyperson in the
48 33 applicable discipline.
48 34 Sec. 108. Sections 99A.1, 177A.16, 321.1, 321A.1, 321H.2,
48 35 322.2, 329.1, 428.28, 428.29, 433.12, 438.1, 438.2, 438.3,

House File 2522 - Introduced continued

49 1 453A.1, 455B.131, 476.44, 484B.4, 536.4, 536.5, 536.19,
49 2 536A.17, 543B.31, 589.8, 589.24, 624.27, 624.28, 727.2, and
49 3 730.2, Code 2007, are amended by striking the word
49 4 "copartnership" and inserting the word "partnership".
49 5 Sec. 109. Sections 322.4 and 322.7, Code Supplement 2007,
49 6 are amended by striking the word "copartnership" and inserting
49 7 the word "partnership".
49 8 Sec. 110. Sections 214A.2B, 258.16, 260C.40, and 282.7,
49 9 Code 2007, are amended by striking the words "merged area
49 10 school" and "merged area schools" inserting the words
49 11 "community college" and "community colleges".
49 12 DIVISION II
49 13 VOLUME I RENUMBERING
49 14 Sec. 111. Section 1.18, Code 2007, is amended to read as
49 15 follows:
49 16 1.18 IOWA ENGLISH LANGUAGE REAFFIRMATION.
49 17 1. The general assembly of the state of Iowa finds and
49 18 declares the following:
49 19 a. The state of Iowa is comprised of individuals from
49 20 different ethnic, cultural, and linguistic backgrounds. The
49 21 state of Iowa encourages the assimilation of Iowans into
49 22 Iowa's rich culture.
49 23 b. Throughout the history of Iowa and of the United
49 24 States, the common thread binding individuals of differing
49 25 backgrounds together has been the English language.
49 26 c. Among the powers reserved to each state is the power to
49 27 establish the English language as the official language of the
49 28 state, and otherwise to promote the English language within
49 29 the state, subject to the prohibitions enumerated in the
49 30 Constitution of the United States and in laws of the state.
49 31 2. In order to encourage every citizen of this state to
49 32 become more proficient in the English language, thereby
49 33 facilitating participation in the economic, political, and
49 34 cultural activities of this state and of the United States,
49 35 the English language is hereby declared to be the official

House File 2522 - Introduced continued

50 1 language of the state of Iowa.
50 2 3. Except as otherwise provided for in subsections ~~4~~ 5 and
50 3 ~~5~~ 6, the English language shall be the language of government
50 4 in Iowa. All official documents, regulations, orders,
50 5 transactions, proceedings, programs, meetings, publications,
50 6 or actions taken or issued, which are conducted or regulated
50 7 by, or on behalf of, or representing the state and all of its
50 8 political subdivisions shall be in the English language.
50 9 4. For the purposes of this section, "official action"
50 10 means any action taken by the government in Iowa or by an
50 11 authorized officer or agent of the government in Iowa that
50 12 does any of the following:
50 13 a. Binds the government.
50 14 b. Is required by law.
50 15 c. Is otherwise subject to scrutiny by either the press or
50 16 the public.
50 17 ~~4.~~ 5. This section shall not apply to:
50 18 a. The teaching of languages.
50 19 b. Requirements under the federal Individuals with
50 20 Disabilities Education Act.
50 21 c. Actions, documents, or policies necessary for trade,
50 22 tourism, or commerce.
50 23 d. Actions or documents that protect the public health and
50 24 safety.
50 25 e. Actions or documents that facilitate activities
50 26 pertaining to compiling any census of populations.
50 27 f. Actions or documents that protect the rights of victims
50 28 of crimes or criminal defendants.
50 29 g. Use of proper names, terms of art, or phrases from
50 30 languages other than English.
50 31 h. Any language usage required by or necessary to secure
50 32 the rights guaranteed by the Constitution and laws of the
50 33 United States of America or the Constitution of the State of
50 34 Iowa.
50 35 i. Any oral or written communications, examinations, or

House File 2522 - Introduced continued

51 1 publications produced or utilized by a driver's license
51 2 station, provided public safety is not jeopardized.
51 3 ~~5.~~ 6. Nothing in this section shall be construed to do
51 4 any of the following:
51 5 a. Prohibit an individual member of the general assembly
51 6 or officer of state government, while performing official
51 7 business, from communicating through any medium with another
51 8 person in a language other than English, if that member or
51 9 officer deems it necessary or desirable to do so.
51 10 b. Limit the preservation or use of Native American
51 11 languages, as defined in the federal Native American Languages
51 12 Act of 1992.
51 13 c. Disparage any language other than English or discourage
51 14 any person from learning or using a language other than
51 15 English.
51 16 Sec. 112. Section 2.10, subsection 4, Code 2007, is
51 17 amended to read as follows:
51 18 4. a. The director of the department of administrative
51 19 services shall pay the travel and expenses of the members of
51 20 the general assembly commencing with the first pay period
51 21 after the names of such persons are officially certified. The
51 22 salaries of the members of the general assembly shall be paid
51 23 pursuant to any of the following alternative methods:
51 24 ~~a.~~ (1) During each month of the year at the same time
51 25 state employees are paid.
51 26 ~~b.~~ (2) During each pay period during the first six months
51 27 of each calendar year.
51 28 ~~c.~~ (3) During the first six months of each calendar year
51 29 by allocating two=thirds of the annual salary to the pay
51 30 periods during those six months and one=third of the annual
51 31 salary to the pay periods during the second six months of a
51 32 calendar year.
51 33 b. Each member of the general assembly shall file with the
51 34 director of the department of administrative services a
51 35 statement as to the method the member selects for receiving

House File 2522 - Introduced continued

52 1 payment of salary. The presiding officers of the two houses
52 2 of the general assembly shall jointly certify to the director
52 3 of the department of administrative services the names of the
52 4 members, officers, and employees of their respective houses
52 5 and the salaries and mileage to which each is entitled.
52 6 Travel and expense allowances shall be paid upon the
52 7 submission of vouchers to the director of the department of
52 8 administrative services indicating a claim for the same.
52 9 Sec. 113. Section 2.15, Code 2007, is amended to read as
52 10 follows:
52 11 2.15 POWERS AND DUTIES OF STANDING COMMITTEES.
52 12 1. The powers and duties of standing committees shall
52 13 include, but shall not be limited to, the following:
52 14 ~~1.~~ a. Introducing legislative bills and resolutions.
52 15 ~~2.~~ b. Conducting investigations with the approval of
52 16 either or both houses during the session, or the legislative
52 17 council during the interim, with authority to call witnesses,
52 18 administer oaths, issue subpoenas, and cite for contempt.
52 19 ~~3.~~ c. Requiring reports and information from state
52 20 agencies as well as the full ~~co=operation~~ cooperation of their
52 21 personnel.
52 22 ~~4.~~ d. Selecting nonlegislative members when conducting
52 23 studies as provided in section 2.14.
52 24 ~~5.~~ e. Undertaking in=depth studies of governmental
52 25 matters within their assigned jurisdiction, not only for the
52 26 purpose of evaluating proposed legislation, but also for
52 27 studying existing laws and governmental operations and
52 28 functions to determine their usefulness and effectiveness, as
52 29 provided in section 2.14.
52 30 ~~6.~~ f. Reviewing the operations of state agencies and
52 31 departments.
52 32 ~~7.~~ g. Giving thorough consideration to, establishing
52 33 priorities for, and making recommendations on all bills
52 34 assigned to committees.
52 35 ~~8.~~ h. Preparing reports to be made available to members

House File 2522 - Introduced continued

53 1 of the general assembly containing the committee's findings,
53 2 recommendations, and proposed legislation.
53 3 2. A standing committee may call upon any department,
53 4 agency or office of the state, or any political subdivision of
53 5 the state, for information and assistance as needed in the
53 6 performance of its duties and the information and assistance
53 7 shall be furnished to the extent that they are within the
53 8 resources and authority of the department, agency, office or
53 9 political subdivision. This ~~paragraph~~ subsection does not
53 10 require the production or opening of any records which are
53 11 required by law to be kept private or confidential.
53 12 Sec. 114. Section 7K.1, subsection 3, Code 2007, is
53 13 amended to read as follows:
53 14 3. MEMBERSHIP.
53 15 a. The board of directors of the foundation shall consist
53 16 of fifteen members serving staggered three=year terms
53 17 beginning on May 1 of the year of appointment who shall be
53 18 appointed as follows:
53 19 ~~a.~~ (1) Five members shall be appointed by the governor as
53 20 follows:
53 21 ~~(1)~~ (a) A school district superintendent from a school
53 22 district with enrollment of one thousand one hundred
53 23 forty=nine or fewer pupils.
53 24 ~~(2)~~ (b) An individual representing an Iowa business
53 25 employing more than two hundred fifty employees.
53 26 ~~(3)~~ (c) A community college president.
53 27 ~~(4)~~ (d) An individual representing labor and workforce
53 28 interests.
53 29 ~~(5)~~ (e) An individual representing an Iowa agriculture
53 30 association.
53 31 ~~b.~~ (2) Five members shall be appointed by the speaker of
53 32 the house of representatives as follows:
53 33 ~~(1)~~ (a) An individual representing the area education
53 34 agencies.
53 35 ~~(2)~~ (b) The president of an accredited private

House File 2522 - Introduced continued

54 1 institution as defined in section 261.9.
54 2 ~~(3)~~ (c) An individual representing an Iowa business
54 3 employing more than fifty employees but not more than two
54 4 hundred fifty employees.
54 5 ~~(4)~~ (d) An individual representing urban economic
54 6 development interests.
54 7 ~~(5)~~ (e) An individual from an association representing
54 8 Iowa businesses.
54 9 ~~c.~~ (3) Five members shall be appointed by the president
54 10 of the senate as follows:
54 11 ~~(1)~~ (a) A school district superintendent from a school
54 12 district with an enrollment of more than one thousand one
54 13 hundred forty=nine pupils.
54 14 ~~(2)~~ (b) A president of an institution of higher education
54 15 under the control of the state board of regents.
54 16 ~~(3)~~ (c) An individual representing an Iowa business
54 17 employing fifty or fewer employees.
54 18 ~~(4)~~ (d) An individual representing rural economic
54 19 development interests.
54 20 ~~(5)~~ (e) An individual representing a business that
54 21 established itself in Iowa on or after July 1, 1999.
54 22 b. Members, except as provided in paragraph ~~"c"~~ "a",
54 23 subparagraph ~~(2)~~ (3), subparagraph subdivision (c), shall not
54 24 be employed by the state. One co=chairperson shall be
54 25 appointed by the speaker of the house of representatives and
54 26 one co=chairperson shall be appointed by the president of the
54 27 senate.
54 28 Sec. 115. Section 8A.204, subsection 1, paragraph a,
54 29 unnumbered paragraphs 1 and 2, Code Supplement 2007, are
54 30 amended to read as follows:
54 31 "Agency" means a participating agency as defined in section
54 32 8A.201. In addition, the following definitions shall also
54 33 apply:
54 34 ~~In addition, the following definitions shall also apply:~~
54 35 Sec. 116. Section 8A.502, subsection 14, Code 2007, is

House File 2522 - Introduced continued

55 1 amended to read as follows:
55 2 14. FEDERAL CASH MANAGEMENT AND IMPROVEMENT ACT
55 3 ADMINISTRATOR.
55 4 a. To serve as administrator for state actions relating to
55 5 the federal Cash Management and Improvement Act of 1990, Pub.
55 6 L. No. 101=453, as codified in 31 U.S.C. } 6503. The director
55 7 shall perform the following duties relating to the federal
55 8 law:
55 9 ~~a.~~ (1) Act as the designated representative of the state
55 10 in the negotiation and administration of contracts between the
55 11 state and federal government relating to the federal law.
55 12 ~~b.~~ (2) Modify the centralized statewide accounting system
55 13 and develop, or require to be developed by the appropriate
55 14 departments of state government, the reports and procedures
55 15 necessary to complete the managerial and financial reports
55 16 required to comply with the federal law.
55 17 b. There is annually appropriated from the general fund of
55 18 the state to the department an amount sufficient to pay
55 19 interest costs that may be due the federal government as a
55 20 result of implementation of the federal law. This paragraph
55 21 does not authorize the payment of interest from the general
55 22 fund of the state for any departmental revolving, trust, or
55 23 special fund where monthly interest earnings accrue to the
55 24 credit of the departmental revolving, trust, or special fund.
55 25 For any departmental revolving, trust, or special fund where
55 26 monthly interest is accrued to the credit of the fund, the
55 27 director may authorize a supplemental expenditure to pay
55 28 interest costs from the individual fund which are due the
55 29 federal government as a result of implementation of the
55 30 federal law.
55 31 Sec. 117. Section 9D.3, subsection 2, Code 2007, is
55 32 amended to read as follows:
55 33 2. a. The bond shall be payable to the state for the use
55 34 and benefit of either:
55 35 ~~a.~~ (1) A person who is injured by the fraud,

House File 2522 - Introduced continued

56 1 misrepresentation, or financial failure of the travel agency
56 2 or a travel agent employed by the travel agency.
56 3 ~~b.~~ (2) The state on behalf of a person or persons under
56 4 ~~paragraph "a"~~ subparagraph (1).
56 5 b. The bond shall be conditioned such that the registrant
56 6 will pay any judgment recovered by a person in a court of this
56 7 state in a suit for actual damages, including reasonable
56 8 attorney's fees, or for rescission, resulting from a cause of
56 9 action involving the sale or offer of sale of travel services.
56 10 The bond shall be open to successive claims, but the aggregate
56 11 amount of the claims paid shall not exceed the principal
56 12 amount of the bond.
56 13 Sec. 118. Section 9H.4, Code 2007, is amended to read as
56 14 follows:
56 15 9H.4 RESTRICTION ON INCREASE OF HOLDINGS == EXCEPTIONS ==
56 16 PENALTY.
56 17 1. A corporation, limited liability company, or trust,
56 18 other than a family farm corporation, authorized farm
56 19 corporation, family farm limited liability company, authorized
56 20 limited liability company, family trust, authorized trust,
56 21 revocable trust, or testamentary trust shall not, either
56 22 directly or indirectly, acquire or otherwise obtain or lease
56 23 any agricultural land in this state. However, the
56 24 restrictions provided in this section shall not apply to the
56 25 following:
56 26 ~~1.~~ a. A bona fide encumbrance taken for purposes of
56 27 security.
56 28 ~~2.~~ b. Agricultural land acquired for research or
56 29 experimental purposes. Agricultural land is used for research
56 30 or experimental purposes if any of the following apply:
56 31 ~~a.~~ (1) Research and experimental activities are
56 32 undertaken on the agricultural land and commercial sales of
56 33 products produced from farming the agricultural land do not
56 34 occur or are incidental to the research or experimental
56 35 purposes of the corporation or limited liability company.

House File 2522 - Introduced continued

57 1 Commercial sales are incidental to the research or
57 2 experimental purposes of the corporation or limited liability
57 3 company when such sales are less than twenty=five percent of
57 4 the gross sales of the primary product of the research.
57 5 ~~b.~~ (2) The agricultural land is used for the primary
57 6 purpose of testing, developing, or producing seeds or plants
57 7 for sale or resale to farmers as seed stock. Grain which is
57 8 not sold as seed stock is an incidental sale and must be less
57 9 than twenty=five percent of the gross sales of the primary
57 10 product of the research and experimental activities.
57 11 ~~c.~~ (3) (a) The agricultural land is used by a
57 12 corporation or limited liability company, including any trade
57 13 or business which is under common control, as provided in 26
57 14 U.S.C. } 414 for the primary purpose of testing, developing,
57 15 or producing animals for sale or resale to farmers as breeding
57 16 stock. However, after July 1, 1989, to qualify under this
57 17 ~~paragraph~~ subparagraph subdivision, the following conditions
57 18 must be satisfied:
57 19 ~~(1)~~ (i) The corporation or limited liability company must
57 20 not hold the agricultural land other than as a lessee. The
57 21 term of the lease must be for not more than twelve years. The
57 22 corporation or limited liability company shall not renew a
57 23 lease. The corporation or limited liability company shall not
57 24 enter into a lease under this ~~paragraph~~ subparagraph
57 25 subdivision part, if the corporation or limited liability
57 26 company has ever entered into another lease under this
57 27 ~~paragraph "c"~~ subparagraph (3), whether or not the lease is in
57 28 effect. However, this subparagraph does not apply to a
57 29 domestic corporation organized under chapter 504, Code 1989,
57 30 or current chapter 504.
57 31 ~~(2)~~ (ii) A term or condition of sale, including resale,
57 32 of breeding stock must not relate to the direct or indirect
57 33 control by the corporation or limited liability company of the
57 34 breeding stock or breeding stock progeny subsequent to the
57 35 sale.

House File 2522 - Introduced continued

58 1 ~~(3)~~ (iii) The number of acres of agricultural land held
58 2 by the corporation or limited liability company must not
58 3 exceed six hundred forty acres.
58 4 ~~(4)~~ (iv) The corporation or limited liability company
58 5 must deliver a copy of the lease to the secretary of state.
58 6 The secretary of state shall notify the lessee of receipt of
58 7 the copy of the lease. However, this subparagraph subdivision
58 8 does not apply to a domestic corporation organized under
58 9 chapter 504, Code 1989, or current chapter 504.
58 10 (b) Culls and test animals may be sold under this
58 11 ~~paragraph "c"~~ subparagraph (3). For a three=year period
58 12 beginning on the date that the corporation or limited
58 13 liability company acquires an interest in the agricultural
58 14 land, the gross sales for any year shall not be greater than
58 15 five hundred thousand dollars. After the three=year period
58 16 ends, the gross sales for any year shall not be greater than
58 17 twenty=five percent of the gross sales for that year of the
58 18 breeding stock, or five hundred thousand dollars, whichever is
58 19 less.
58 20 ~~3.~~ c. Agricultural land, including leasehold interests,
58 21 acquired by a nonprofit corporation organized under the
58 22 provisions of chapter 504, Code 1989, and current chapter 504
58 23 including land acquired and operated by or for a state
58 24 university for research, experimental, demonstration,
58 25 foundation seed increase or test purposes and land acquired
58 26 and operated by or for nonprofit corporations organized
58 27 specifically for research, experimental, demonstration,
58 28 foundation seed increase or test purposes in support of or in
58 29 conjunction with a state university.
58 30 ~~4.~~ d. Agricultural land acquired by a corporation or
58 31 limited liability company for immediate or potential use in
58 32 nonfarming purposes.
58 33 ~~5.~~ e. Agricultural land acquired by a corporation or
58 34 limited liability company by process of law in the collection
58 35 of debts, or pursuant to a contract for deed executed prior to

House File 2522 - Introduced continued

59 1 August 15, 1975, or by any procedure for the enforcement of a
59 2 lien or claim thereon, whether created by mortgage or
59 3 otherwise.
59 4 ~~6.~~ f. A municipal corporation.
59 5 ~~7.~~ g. Agricultural land which is acquired by a trust
59 6 company or bank in a fiduciary capacity or as trustee for a
59 7 family trust, authorized trust or testamentary trust or for
59 8 nonprofit corporations.
59 9 ~~8.~~ h. A corporation or its subsidiary organized under
59 10 chapter 490 or a limited liability company organized under
59 11 chapter 490A and to which section 312.8 is applicable.
59 12 ~~9.~~ i. Agricultural land held or leased by a corporation
59 13 on July 1, 1975, as long as the corporation holding or leasing
59 14 the land on this date continues to hold or lease such
59 15 agricultural land.
59 16 ~~10.~~ j. Agricultural land held or leased by a trust on
59 17 July 1, 1977, as long as the trust holding or leasing such
59 18 land on this date continues to hold or lease such agricultural
59 19 land.
59 20 ~~11.~~ k. Agricultural land acquired by a trust for
59 21 immediate use in nonfarming purposes.
59 22 2. A corporation, limited liability company, or trust,
59 23 other than a family farm corporation, authorized farm
59 24 corporation, family farm limited liability company, authorized
59 25 limited liability company, family trust, authorized trust,
59 26 revocable trust, or testamentary trust, violating this section
59 27 shall be assessed a civil penalty of not more than twenty=five
59 28 thousand dollars and shall divest itself of any land held in
59 29 violation of this section within one year after judgment. The
59 30 courts of this state may prevent and restrain violations of
59 31 this section through the issuance of an injunction. The
59 32 attorney general or a county attorney shall institute suits on
59 33 behalf of the state to prevent and restrain violations of this
59 34 section.
59 35 Sec. 119. Section 11.4, Code 2007, is amended to read as

House File 2522 - Introduced continued

60 1 follows:
60 2 11.4 REPORT OF AUDITS.
60 3 1. The auditor of state shall make or cause to be made and
60 4 filed and kept in the auditor's office written reports of all
60 5 audits and examinations, which reports shall set out in detail
60 6 the following:
60 7 ~~1.~~ a. The actual condition of such department found to
60 8 exist on every examination.
60 9 ~~2.~~ b. Whether, in the auditor's opinion,
60 10 ~~a.~~ (1) All funds have been expended for the purpose for
60 11 which appropriated.
60 12 ~~b.~~ (2) The department so audited and examined is
60 13 efficiently conducted, and if the maximum results for the
60 14 money expended are obtained.
60 15 ~~c.~~ (3) The work of the departments so audited or examined
60 16 needlessly conflicts with or duplicates the work done by any
60 17 other department.
60 18 ~~3.~~ c. All illegal or unbusinesslike practices.
60 19 ~~4.~~ d. Any recommendations for greater simplicity,
60 20 accuracy, efficiency, or economy in the operation of the
60 21 business of the several departments and institutions.
60 22 ~~5.~~ e. Comparisons of prices paid and terms obtained by
60 23 the various departments for goods and services of like
60 24 character and reasons for differences therein, if any.
60 25 ~~6.~~ f. Any other information which, in the auditor's
60 26 judgment, may be of value to the auditor.
60 27 2. All such reports shall be filed and kept in the
60 28 auditor's office.
60 29 3. The state auditor is hereby authorized to obtain,
60 30 maintain, and operate, under the auditor's exclusive control
60 31 such machinery as may be necessary to print confidential
60 32 reports and documents originating in the auditor's office.
60 33 Sec. 120. Section 11.6, subsection 1, paragraph a, Code
60 34 2007, is amended to read as follows:
60 35 a. (1) The financial condition and transactions of all

House File 2522 - Introduced continued

61 1 cities and city offices, counties, county hospitals organized
61 2 under chapters 347 and 347A, memorial hospitals organized
61 3 under chapter 37, entities organized under chapter 28E having
61 4 gross receipts in excess of one hundred thousand dollars in a
61 5 fiscal year, merged areas, area education agencies, and all
61 6 school offices in school districts, shall be examined at least
61 7 once each year, except that cities having a population of
61 8 seven hundred or more but less than two thousand shall be
61 9 examined at least once every four years, and cities having a
61 10 population of less than seven hundred may be examined as
61 11 otherwise provided in this section. The examination shall
61 12 cover the fiscal year next preceding the year in which the
61 13 audit is conducted. The examination of school offices shall
61 14 include an audit of all school funds, the certified annual
61 15 financial report, the certified enrollment as provided in
61 16 section 257.6, and the revenues and expenditures of any
61 17 nonprofit school organization established pursuant to section
61 18 279.62. Differences in certified enrollment shall be reported
61 19 to the department of management. The examination of a city
61 20 that owns or operates a municipal utility providing local
61 21 exchange services pursuant to chapter 476 shall include an
61 22 audit of the city's compliance with section 388.10. The
61 23 examination of a city that owns or operates a municipal
61 24 utility providing telecommunications services pursuant to
61 25 section 388.10 shall include an audit of the city's compliance
61 26 with section 388.10.
61 27 (2) Subject to the exceptions and requirements of
61 28 subsection 2 and subsection 4, paragraph ~~"c"~~ "a", subparagraph
61 29 (3), examinations shall be made as determined by the
61 30 governmental subdivision either by the auditor of state or by
61 31 certified public accountants, certified in the state of Iowa,
61 32 and they shall be paid from the proper public funds of the
61 33 governmental subdivision.
61 34 Sec. 121. Section 11.6, subsection 1, paragraph b,
61 35 subparagraph (2), Code 2007, is amended to read as follows:

House File 2522 - Introduced continued

62 1 (2) (a) As part of its audit, the governmental
62 2 subdivision is responsible for obtaining and providing to the
62 3 person performing the audit the audited financial statements
62 4 and related report on internal control structure of outside
62 5 persons, performing any of the following during the period
62 6 under audit for the governmental subdivision:
62 7 ~~(a)~~ (i) Investing public funds.
62 8 ~~(b)~~ (ii) Advising on the investment of public funds.
62 9 ~~(c)~~ (iii) Directing the deposit or investment of public
62 10 funds.
62 11 ~~(d)~~ (iv) Acting in a fiduciary capacity for the
62 12 governmental subdivision.
62 13 (b) The audit under this section shall not be certified
62 14 until all material information required by this subparagraph
62 15 is reviewed by the person performing the audit.
62 16 Sec. 122. Section 11.6, subsection 4, Code 2007, is
62 17 amended to read as follows:
62 18 4. a. In addition to the powers and duties under other
62 19 provisions of the Code, the auditor of state may at any time
62 20 cause to be made a complete or partial reaudit of the
62 21 financial condition and transactions of any city, county,
62 22 county hospital, memorial hospital, entity organized under
62 23 chapter 28E, merged area, area education agency, school
62 24 corporation, township, or other governmental subdivision, or
62 25 an office of any of these, if one of the following conditions
62 26 exists:
62 27 ~~a.~~ (1) The auditor of state has probable cause to believe
62 28 such action is necessary in the public interest because of a
62 29 material deficiency in an audit of the governmental
62 30 subdivision filed with the auditor of state or because of a
62 31 substantial failure of the audit to comply with the standards
62 32 and procedures established and published by the auditor of
62 33 state.
62 34 ~~b.~~ (2) The auditor of state receives from an elected
62 35 official or employee of the governmental subdivision a written

House File 2522 - Introduced continued

63 1 request for a complete or partial reaudit of the governmental
63 2 subdivision.
63 3 ~~c.~~ (3) The auditor of state receives a petition signed by
63 4 at least fifty eligible electors of the governmental
63 5 subdivision requesting a complete or partial reaudit of the
63 6 governmental subdivision. If the governmental subdivision has
63 7 not contracted with or employed a certified public accountant
63 8 to perform an audit of the fiscal year in which the petition
63 9 is received by the auditor of state, the auditor of state may
63 10 perform an audit required by subsection 1 or 3.
63 11 b. The state audit shall be paid from the proper public
63 12 funds available in the office of the auditor of state. In the
63 13 event the audited governmental subdivision recovers damages
63 14 from a person performing a previous audit due to negligent
63 15 performance of that audit or breach of the audit contract, the
63 16 auditor of state shall be entitled to reimbursement on an
63 17 equitable basis for funds expended from any recovery made by
63 18 the governmental subdivision.
63 19 c. An examination under this subsection shall include a
63 20 determination of whether investments by the governmental
63 21 subdivision are authorized by state law.
63 22 Sec. 123. Section 13.2, Code 2007, is amended to read as
63 23 follows:
63 24 13.2 DUTIES.
63 25 1. It shall be the duty of the attorney general, except as
63 26 otherwise provided by law to:
63 27 ~~1.~~ a. Prosecute and defend all causes in the appellate
63 28 courts in which the state is a party or interested.
63 29 ~~2.~~ b. Prosecute and defend in any other court or
63 30 tribunal, all actions and proceedings, civil or criminal, in
63 31 which the state may be a party or interested, when, in the
63 32 attorney general's judgment, the interest of the state
63 33 requires such action, or when requested to do so by the
63 34 governor, executive council, or general assembly.
63 35 ~~3.~~ c. Prosecute and defend all actions and proceedings

House File 2522 - Introduced continued

64 1 brought by or against any state officer in the officer's
64 2 official capacity.
64 3 ~~4.~~ d. Prosecute and defend all actions and proceedings
64 4 brought by or against any employee of a judicial district
64 5 department of correctional services in the performance of an
64 6 assessment of risk pursuant to chapter 692A.
64 7 ~~5.~~ e. Give an opinion in writing, when requested, upon
64 8 all questions of law submitted by the general assembly or by
64 9 either house thereof, or by any state officer, elective or
64 10 appointive. Questions submitted by state officers must be of a
64 11 public nature and relate to the duties of such officer.
64 12 ~~6.~~ f. Prepare drafts for contracts, forms, and other
64 13 writings which may be required for the use of the state.
64 14 ~~7.~~ g. Report to the governor, at the time provided by
64 15 law, the condition of the attorney general's office, opinions
64 16 rendered, and business transacted of public interest.
64 17 ~~8.~~ h. Supervise county attorneys in all matters
64 18 pertaining to the duties of their offices, and from time to
64 19 time to require of them reports as to the condition of public
64 20 business entrusted to their charge.
64 21 ~~9.~~ i. Promptly account, to the treasurer of state, for
64 22 all state funds received by the attorney general.
64 23 ~~10.~~ j. Keep in proper books a record of all official
64 24 opinions, and a register of all actions, prosecuted and
64 25 defended by the attorney general, and of all proceedings had
64 26 in relation thereto, which books shall be delivered to the
64 27 attorney general's successor.
64 28 ~~11.~~ k. Perform all other duties required by law.
64 29 ~~12.~~ l. Inform prosecuting attorneys and assistant
64 30 prosecuting attorneys to the state of all changes in law and
64 31 matters pertaining to their office and establish programs for
64 32 the continuing education of prosecuting attorneys and
64 33 assistant prosecuting attorneys. The attorney general may
64 34 accept funds, grants and gifts from any public or private
64 35 source which shall be used to defray the expenses incident to

House File 2522 - Introduced continued

65 1 implementing duties under this ~~subsection~~ paragraph.
65 2 ~~13.~~ m. Establish and administer, in cooperation with the
65 3 law schools of Drake university and the state university of
65 4 Iowa, a prosecutor intern program incorporating the essential
65 5 elements of the pilot program denominated "law student intern
65 6 program in prosecutors' office" funded by the Iowa crime
65 7 commission and participating counties. The attorney general
65 8 shall consult with an advisory committee including
65 9 representatives of each participating law school and the Iowa
65 10 county attorneys association, inc. concerning development,
65 11 administration, and critique of this program. The attorney
65 12 general shall report on the program's operation annually to
65 13 the general assembly and the supreme court.
65 14 ~~14.~~ n. Develop written procedures and policies to be
65 15 followed by prosecuting attorneys in the prosecution of
65 16 domestic abuse cases under chapters 236 and 708.
65 17 2. Executing the duties of this section shall not be
65 18 deemed a violation of section 68B.6.
65 19 Sec. 124. Section 15.313, subsection 1, Code 2007, is
65 20 amended to read as follows:
65 21 1. a. An Iowa strategic investment fund is created as a
65 22 revolving fund consisting of any money appropriated by the
65 23 general assembly for that purpose and any other moneys
65 24 available to and obtained or accepted by the department from
65 25 the federal government or private sources for placement in the
65 26 fund. The fund shall also include all of the following:
65 27 ~~a.~~ (1) All unencumbered and unobligated funds from the
65 28 special community economic betterment program fund created
65 29 under 1990 Iowa Acts, chapter 1262, section 1, subsection 18,
65 30 remaining on June 30, 1992, all repayments of loans or other
65 31 awards made under the community economic betterment account or
65 32 under the community economic betterment program during any
65 33 fiscal year beginning on or after July 1, 1985, and recaptures
65 34 of awards.
65 35 ~~b.~~ (2) All unencumbered and unobligated funds from the

House File 2522 - Introduced continued

66 1 targeted small business financial assistance program, the
66 2 financing rural economic development or successor loan
66 3 program, and the value=added agricultural products and
66 4 processes financial assistance fund remaining on June 30,
66 5 1992, and all repayments of loans or other awards or
66 6 recaptures of awards made under these programs.
66 7 b. Notwithstanding section 8.33, moneys in the strategic
66 8 investment fund at the end of each fiscal year shall not
66 9 revert to any other fund but shall remain in the strategic
66 10 investment fund for expenditure for subsequent fiscal years.
66 11 Sec. 125. Section 15.331A, Code 2007, is amended to read
66 12 as follows:
66 13 15.331A SALES AND USE TAX REFUND.
66 14 1. The eligible business shall be entitled to a refund of
66 15 the sales and use taxes paid under chapter 423 for gas,
66 16 electricity, water, or sewer utility services, goods, wares,
66 17 or merchandise, or on services rendered, furnished, or
66 18 performed to or for a contractor or subcontractor and used in
66 19 the fulfillment of a written contract relating to the
66 20 construction or equipping of a facility of the eligible
66 21 business. Taxes attributable to intangible property and
66 22 furniture and furnishings shall not be refunded. However, an
66 23 eligible business shall be entitled to a refund for taxes
66 24 attributable to racks, shelving, and conveyor equipment to be
66 25 used in a warehouse or distribution center subject to section
66 26 15.331C.
66 27 2. To receive the refund a claim shall be filed by the
66 28 eligible business with the department of revenue as follows:
66 29 ~~1.~~ a. The contractor or subcontractor shall state under
66 30 oath, on forms provided by the department, the amount of the
66 31 sales of goods, wares, or merchandise or services rendered,
66 32 furnished, or performed including water, sewer, gas, and
66 33 electric utility services upon which sales or use tax has been
66 34 paid prior to the project completion, and shall file the forms
66 35 with the eligible business before final settlement is made.

House File 2522 - Introduced continued

67 1 ~~2.~~ b. The eligible business shall, not more than one year
67 2 after project completion, make application to the department
67 3 for any refund of the amount of the sales and use taxes paid
67 4 pursuant to chapter 423 upon any goods, wares, or merchandise,
67 5 or services rendered, furnished, or performed, including
67 6 water, sewer, gas, and electric utility services. The
67 7 application shall be made in the manner and upon forms to be
67 8 provided by the department, and the department shall audit the
67 9 claim and, if approved, issue a warrant to the eligible
67 10 business in the amount of the sales or use tax which has been
67 11 paid to the state of Iowa under a contract. A claim filed by
67 12 the eligible business in accordance with this section shall
67 13 not be denied by reason of a limitation provision set forth in
67 14 chapter 421 or 423.
67 15 3. A contractor or subcontractor who willfully makes a
67 16 false report of tax paid under the provisions of this section
67 17 is guilty of a simple misdemeanor and in addition is liable
67 18 for the payment of the tax and any applicable penalty and
67 19 interest.
67 20 Sec. 126. Section 15A.1, subsection 1, Code 2007, is
67 21 amended to read as follows:
67 22 1. a. Economic development is a public purpose for which
67 23 the state, a city, or a county may provide grants, loans,
67 24 guarantees, tax incentives, and other financial assistance to
67 25 or for the benefit of private persons.
67 26 b. For purposes of this chapter, "economic development"
67 27 means private or joint public and private investment involving
67 28 the creation of new jobs and income or the retention of
67 29 existing jobs and income that would otherwise be lost.
67 30 Sec. 127. Section 15A.2, Code 2007, is amended to read as
67 31 follows:
67 32 15A.2 CONFLICTS OF INTEREST.
67 33 1. a. If a member of the governing body of a city or
67 34 county or an employee of a state, city, or county board,
67 35 agency, commission, or other governmental entity of the state,

House File 2522 - Introduced continued

68 1 city, or county has an interest, either direct or indirect, in
68 2 a private person for which grants, loans, guarantees, tax
68 3 incentives, or other financial assistance may be provided by
68 4 the governing board or governmental entity, the interest shall
68 5 be disclosed to that governing body or governmental entity in
68 6 writing. The member or employee having the interest shall not
68 7 participate in the decision=making process with regard to the
68 8 providing of such financial assistance to the private person.
68 9 b. Employment by a public body, its agencies, or
68 10 institutions or by any other person having such an interest
68 11 shall not be deemed an indicia of an interest by the employee
68 12 or of any ownership or control by the employee of interests of
68 13 the employee's employer.
68 14 c. The word "participate" or "participation" shall be
68 15 deemed not to include discussion or debate preliminary to a
68 16 vote of a local governing body or agency upon proposed
68 17 ordinances or resolutions relating to such a project or any
68 18 abstention from such a vote.
68 19 d. The designation of a bank or trust company as
68 20 depository, paying agent, or agent for investment of funds
68 21 shall not be deemed a matter of interest or personal interest.
68 22 e. Stock ownership in a corporation having such an
68 23 interest shall not be deemed an indicia of an interest or of
68 24 ownership or control by the person owning the stocks when less
68 25 than five percent of the outstanding stock of the corporation
68 26 is owned or controlled directly or indirectly by that person.
68 27 f. The phrase "decision=making process" shall not be
68 28 deemed to include resolutions advisory to the local governing
68 29 body or agency by any citizens group, board, body, or
68 30 commission designated to serve a purely advisory approving or
68 31 recommending function for economic development.
68 32 2. A violation of a provision of this section is
68 33 misconduct in office under section 721.2. However, a decision
68 34 of the governing board or governmental entity is not invalid
68 35 because of the participation of the member or employee in the

House File 2522 - Introduced continued

69 1 decision=making process or because of a vote cast by a member
69 2 or employee in violation of this section unless the
69 3 participation or vote was decisive in the awarding of the
69 4 financial assistance.
69 5 Sec. 128. Section 15A.9, subsection 8, paragraphs a, b,
69 6 and e, Code Supplement 2007, are amended to read as follows:
69 7 a. (1) The credit equals the sum of the following:
69 8 ~~(1)~~ (a) Thirteen percent of the excess of qualified
69 9 research expenses during the tax year over the base amount for
69 10 the tax year based upon the state's apportioned share of the
69 11 qualifying expenditures for increasing research activities.
69 12 ~~(2)~~ (b) Thirteen percent of the basic research payments
69 13 determined under section 41(e)(1)(A) of the Internal Revenue
69 14 Code during the tax year based upon the state's apportioned
69 15 share of the qualifying expenditures for increasing research
69 16 activities.
69 17 (2) The state's apportioned share of the qualifying
69 18 expenditures for increasing research activities is a percent
69 19 equal to the ratio of qualified research expenditures in this
69 20 state within the zone to total qualified research
69 21 expenditures.
69 22 b. In lieu of the credit amount computed in paragraph "a",
69 23 subparagraph (1), subparagraph subdivision (a), a business may
69 24 elect to compute the credit amount for qualified research
69 25 expenses incurred in this state within the zone in a manner
69 26 consistent with the alternative incremental credit described
69 27 in section 41(c)(4) of the Internal Revenue Code. The
69 28 taxpayer may make this election regardless of the method used
69 29 for the taxpayer's federal income tax. The election made
69 30 under this paragraph is for the tax year and the taxpayer may
69 31 use another or the same method for any subsequent year.
69 32 e. (1) For the purposes of this subsection, "base
69 33 amount", "basic research payment", and "qualified research
69 34 expense" mean the same as defined for the federal credit for
69 35 increasing research activities under section 41 of the

House File 2522 - Introduced continued

70 1 Internal Revenue Code, except that for the alternative
70 2 incremental credit such amounts are for research conducted
70 3 within this state within the zone.
70 4 (2) For purposes of this subsection, "Internal Revenue
70 5 Code" means the Internal Revenue Code in effect on January 1,
70 6 2007.
70 7 Sec. 129. Section 15F.204, subsection 8, paragraph b, Code
70 8 2007, is amended to read as follows:
70 9 b. There is appropriated from the franchise tax revenues
70 10 deposited in the general fund of the state to the community
70 11 attraction and tourism fund, the following amounts:
70 12 (1) For the fiscal year beginning July 1, 2005, and ending
70 13 June 30, 2006, the sum of seven million dollars.
70 14 (2) For the fiscal year beginning July 1, 2006, and ending
70 15 June 30, 2007, the sum of seven million dollars.
70 16 (3) For the fiscal year beginning July 1, 2007, and ending
70 17 June 30, 2008, the sum of seven million dollars.
70 18 (4) For the fiscal year beginning July 1, 2008, and ending
70 19 June 30, 2009, the sum of seven million dollars.
70 20 (5) For the fiscal year beginning July 1, 2009, and ending
70 21 June 30, 2010, the sum of seven million dollars.
70 22 9. Notwithstanding the allocation requirements in
70 23 subsection 5, the board may make a multiyear commitment to an
70 24 applicant of up to four million dollars in any one fiscal
70 25 year.
70 26 Sec. 130. Section 15G.203, subsection 7, Code Supplement
70 27 2007, is amended to read as follows:
70 28 7. a. An award of financial incentives to a participating
70 29 person shall be in the form of a grant.
70 30 b. In order to participate in the program an eligible
70 31 person must execute a cost=share agreement with the department
70 32 as approved by the infrastructure board in which the person
70 33 contributes a percentage of the total costs related to
70 34 improving the retail motor fuel site.
70 35 ~~a.~~ (1) Except as provided in ~~paragraph "b"~~ subparagraph

House File 2522 - Introduced continued

71 1 (2), a participating person may be awarded standard financial
71 2 incentives. The standard financial incentives awarded to the
71 3 participating person shall not exceed fifty percent of the
71 4 actual cost of making the improvement or thirty thousand
71 5 dollars, whichever is less. The infrastructure board may
71 6 approve multiple awards to make improvements to a retail motor
71 7 fuel site so long as the total amount of the awards does not
71 8 exceed the limitations provided in this ~~paragraph~~
71 9 subparagraph.
71 10 ~~b.~~ (2) In addition to any standard financial incentives
71 11 awarded to a participating person under ~~paragraph "a"~~
71 12 subparagraph (1), the participating person may be awarded
71 13 supplemental financial incentives to upgrade or replace a
71 14 dispenser which is part of gasoline storage and dispensing
71 15 infrastructure used to store and dispense E=85 gasoline as
71 16 provided in section 455G.31. The person is only eligible to
71 17 receive the supplemental financial incentives if the person
71 18 installed the dispenser not later than sixty days after the
71 19 date of the publication in the Iowa administrative bulletin of
71 20 the state fire marshal's order providing that a commercially
71 21 available dispenser is listed as compatible for use with E=85
71 22 gasoline by an independent testing laboratory as provided in
71 23 section 455G.31. The supplemental financial incentives
71 24 awarded to the participating person shall not exceed
71 25 seventy=five percent of the actual cost of making the
71 26 improvement or thirty thousand dollars, whichever is less.
71 27 Sec. 131. Section 15I.2, subsection 1, Code Supplement
71 28 2007, is amended to read as follows:
71 29 1. ~~a.~~ Any nonretail, nonservice business may claim a tax
71 30 credit equal to a percentage of the annual wages and benefits
71 31 paid for a qualified new job created by the location or
71 32 expansion of the business in the state.
71 33 a. (1) The tax credit shall be allowed against taxes
71 34 imposed under chapter 422, division II, III, or V, and chapter
71 35 432 and against the moneys and credits tax imposed in section

House File 2522 - Introduced continued

533.329. The percentage shall be equal to the amount provided in subsection 2.

(2) Any credit in excess of the tax liability shall be refunded. In lieu of claiming a refund, a taxpayer may elect to have the overpayment shown on the taxpayer's final, completed return credited to the tax liability for the following taxable year.

b. If the business is a partnership, S corporation, limited liability company, or estate or trust electing to have the income taxed directly to the individual, an individual may claim the tax credit allowed. The amount claimed by the individual shall be based upon the pro rata share of the individual's earnings of the partnership, S corporation, limited liability company, or estate or trust.

Sec. 132. Section 16.28, subsection 2, Code 2007, is amended to read as follows:

2. a. The authority or any trustee appointed under the indenture under which the bonds are issued may, and upon written request of the holders of twenty=five percent in aggregate principal amount of the issue of bonds or notes then outstanding shall:

~~a.~~ (1) Enforce all rights of the bondholders or noteholders, including the right to require the authority to carry out its agreements with the holders and to perform its duties under this chapter.

~~b.~~ (2) Bring suit upon the bonds or notes.

~~c.~~ (3) By action require the authority to account as if it were the trustee of an express trust for the holders.

~~d.~~ (4) By action enjoin any acts or things which are unlawful or in violation of the rights of the holders.

~~e.~~ (5) Declare all the bonds or notes due and payable and if all defaults are made good then with the consent of the holders of twenty=five percent of the aggregate principal amount of the issue of bonds or notes then outstanding, annul the declaration and its consequences.

House File 2522 - Introduced continued

73 1 b. The bondholders or noteholders, to the extent provided
73 2 in the resolution by which the bonds or notes were issued or
73 3 in their agreement with the authority, may enforce any of the
73 4 remedies in ~~paragraphs~~ paragraph "a" ~~to "e"~~, subparagraphs (1)
73 5 to (5) or the remedies provided in those agreements for and on
73 6 their own behalf.
73 7 Sec. 133. Section 16.52, subsections 2 and 3, Code 2007,
73 8 are amended to read as follows:
73 9 2. The authority shall adopt rules and allocation
73 10 procedures which will ensure the maximum use of available tax
73 11 credits in order to encourage development of low=income
73 12 housing in the state. The authority shall consider the
73 13 following factors in the adoption and application of the
73 14 allocation rules:
73 15 a. Timeliness of the application.
73 16 b. Location of the proposed housing project.
73 17 c. Relative need in the proposed area for low=income
73 18 housing.
73 19 d. Availability of low=income housing in the proposed
73 20 area.
73 21 e. Economic feasibility of the proposed project.
73 22 f. Ability of the applicant to proceed to completion of
73 23 the project in the calendar year for which the credit is
73 24 sought.
73 25 3. a. The authority shall adopt rules specifying the
73 26 application procedure and the allowance of low=income housing
73 27 credits under the state housing credit ceiling.
73 28 ~~3.~~ b. The authority shall not allow more than ninety
73 29 percent of the low=income housing credits under the state
73 30 housing credit ceiling to projects other than qualified
73 31 low=income housing projects as defined in Internal Revenue
73 32 Code } 42(h)(5)(B).
73 33 Sec. 134. Section 16.91, subsection 5, Code Supplement
73 34 2007, is amended to read as follows:
73 35 5. The participation of abstractors and attorneys shall be

House File 2522 - Introduced continued

74 1 in accordance with rules established by the division and
74 2 adopted by the authority pursuant to chapter 17A.
74 3 a. (1) Each participant shall at all times maintain
74 4 liability coverage in amounts approved by the division. Upon
74 5 payment of a claim by the division, the division shall be
74 6 subrogated to the rights of the claimant against all persons
74 7 relating to the claim.
74 8 (2) Additionally, each participating abstractor is
74 9 required to own or lease, and maintain and use in the
74 10 preparation of abstracts, an up=to=date abstract title plant
74 11 including tract indices for real estate for each county in
74 12 which abstracts are prepared for real property titles
74 13 guaranteed by the division. The tract indices shall contain a
74 14 reference to all instruments affecting the real estate which
74 15 are recorded in the office of the county recorder, and shall
74 16 commence not less than forty years prior to the date the
74 17 abstractor commences participation in the title guaranty
74 18 program. However, a participating attorney providing abstract
74 19 services continuously from November 12, 1986, to the date of
74 20 application, either personally or through persons under the
74 21 attorney's supervision and control is exempt from the
74 22 requirements of this ~~paragraph~~ subparagraph.
74 23 b. The division may waive the requirements of this
74 24 subsection pursuant to an application of an attorney or
74 25 abstractor which shows that the requirements impose a hardship
74 26 to the attorney or abstractor and that the waiver clearly is
74 27 in the public interest or is absolutely necessary to ensure
74 28 availability of title guaranties throughout the state.
74 29 Sec. 135. Section 16.100, subsection 2, paragraph c, Code
74 30 2007, is amended to read as follows:
74 31 c. (1) A home ownership incentive program to help lower
74 32 income and very low income families achieve single family home
74 33 ownership. Funds provided under this program shall not be
74 34 restricted to first=time home buyers but shall be limited to
74 35 mortgages under fifty=five thousand dollars, except in those

House File 2522 - Introduced continued

75 1 areas of the state where the median price of homes exceeds the
75 2 state average. The assistance provided shall include at least
75 3 one of the following kinds of assistance:
75 4 ~~(1)~~ (a) Closing costs assistance.
75 5 ~~(2)~~ (b) Down payment assistance.
75 6 ~~(3)~~ (c) Home maintenance and repair assistance.
75 7 ~~(4)~~ (d) Loan processing assistance through a loan
75 8 endorser review contractor who acts on behalf of the authority
75 9 in assisting lenders in processing loans that will qualify for
75 10 government insurance or guarantee or for financing under the
75 11 authority's mortgage revenue bond program.
75 12 ~~(5)~~ (e) Mortgage insurance program.
75 13 (2) Five percent of the moneys expended under this program
75 14 shall be used to finance the purchase or acquisition, in
75 15 communities with a population of less than ten thousand, of
75 16 manufactured homes as defined in 42 U.S.C. } 5403. Moneys
75 17 available for this purpose which are unencumbered or
75 18 unobligated at the end of the fiscal year shall revert to the
75 19 housing improvement fund for reallocation for the next fiscal
75 20 year.
75 21 (3) Not more than fifty percent of the assistance provided
75 22 under this program shall be provided under ~~subparagraphs (4)~~
75 23 subparagraph (1), subparagraph subdivisions (d) and ~~(5)~~ (e).
75 24 So long as at least one of the kinds of assistance described
75 25 in ~~subparagraphs~~ subparagraph (1), subparagraph subdivisions
75 26 (a) through ~~(5)~~ (e) is provided, additional assistance not
75 27 described in ~~subparagraphs~~ subparagraph (1), subparagraph
75 28 subdivisions (a) through ~~(5)~~ (e) may also be provided.
75 29 Sec. 136. Section 16A.10, subsection 2, Code 2007, is
75 30 amended to read as follows:
75 31 2. a. The authority or any trustee appointed under the
75 32 indenture under which the obligations are issued may, and upon
75 33 written request of the holders of twenty=five percent in
75 34 aggregate principal amount of the issue of obligations then
75 35 outstanding shall:

House File 2522 - Introduced continued

76 1 ~~a.~~ (1) Enforce all rights of the holders of the
76 2 obligations, including the right to require the authority to
76 3 carry out its agreements with the holders and to perform its
76 4 duties under this chapter.
76 5 ~~b.~~ (2) Bring suit upon the obligations.
76 6 ~~c.~~ (3) By action require the authority to account as if
76 7 it were the trustee of an express trust for the holders.
76 8 ~~d.~~ (4) By action enjoin any acts or things which are
76 9 unlawful or in violation of the rights of the holders.
76 10 ~~e.~~ (5) Declare all the obligations due and payable and if
76 11 all defaults are made good then with the consent of the
76 12 holders of twenty=five percent of the aggregate principal
76 13 amount of the issue of obligations then outstanding, annul the
76 14 declaration and its consequences.
76 15 b. The holders of obligations, to the extent provided in
76 16 the resolution by which the obligations were issued or in
76 17 their agreement with the authority, may enforce any of the
76 18 remedies in ~~paragraphs~~ paragraph "a", subparagraphs (1) to ~~"e"~~
76 19 (5) or the remedies provided in those agreements for and on
76 20 their own behalf.
76 21 Sec. 137. Section 17A.1, subsection 2, Code 2007, is
76 22 amended to read as follows:
76 23 2. This chapter is intended to provide a minimum
76 24 procedural code for the operation of all state agencies when
76 25 they take action affecting the rights and duties of the
76 26 public. Nothing in this chapter is meant to discourage
76 27 agencies from adopting procedures providing greater
76 28 protections to the public or conferring additional rights upon
76 29 the public; and save for express provisions of this chapter to
76 30 the contrary, nothing in this chapter is meant to abrogate in
76 31 whole or in part any statute prescribing procedural duties for
76 32 an agency which are greater than or in addition to those
76 33 provided here. This chapter is meant to apply to all
76 34 rulemaking and contested case proceedings and all suits for
76 35 the judicial review of agency action that are not specifically

House File 2522 - Introduced continued

77 1 excluded from this chapter or some portion thereof by its
77 2 express terms or by the express terms of another chapter.
77 3 3. The purposes of this chapter are: To provide
77 4 legislative oversight of powers and duties delegated to
77 5 administrative agencies; to increase public accountability of
77 6 administrative agencies; to simplify government by assuring a
77 7 uniform minimum procedure to which all agencies will be held
77 8 in the conduct of their most important functions; to increase
77 9 public access to governmental information; to increase public
77 10 participation in the formulation of administrative rules; to
77 11 increase the fairness of agencies in their conduct of
77 12 contested case proceedings; and to simplify the process of
77 13 judicial review of agency action as well as increase its ease
77 14 and availability.
77 15 4. In accomplishing its objectives, the intention of this
77 16 chapter is to strike a fair balance between these purposes and
77 17 the need for efficient, economical and effective government
77 18 administration. The chapter is not meant to alter the
77 19 substantive rights of any person or agency. Its impact is
77 20 limited to procedural rights with the expectation that better
77 21 substantive results will be achieved in the everyday conduct
77 22 of state government by improving the process by which those
77 23 results are attained.
77 24 Sec. 138. Section 17A.7, subsection 2, Code 2007, is
77 25 amended to read as follows:
77 26 2. a. Any interested person, association, agency, or
77 27 political subdivision may submit a written request to the
77 28 administrative rules coordinator for an agency to conduct a
77 29 formal review of a specified rule of that agency to determine
77 30 whether the rule should be repealed or amended or a new rule
77 31 adopted instead. The administrative rules coordinator shall
77 32 determine whether the request is reasonable and does not place
77 33 an unreasonable burden upon the agency.
77 34 b. If the agency has not conducted such a review of the
77 35 specified rule within a period of five years prior to the

House File 2522 - Introduced continued

78 1 filing of the written request, and upon a determination by the
78 2 administrative rules coordinator that the request is
78 3 reasonable and does not place an unreasonable burden upon the
78 4 agency, the agency shall prepare within a reasonable time a
78 5 written report with respect to the rule summarizing the
78 6 agency's findings, its supporting reasons, and any proposed
78 7 course of action. The report must include, for the specified
78 8 rule, a concise statement of all of the following:
78 9 ~~a.~~ (1) The rule's effectiveness in achieving its
78 10 objectives, including a summary of any available data
78 11 supporting the conclusions reached.
78 12 ~~b.~~ (2) Written criticisms of the rule received during the
78 13 previous five years, including a summary of any petitions for
78 14 waiver of the rule tendered to the agency or granted by the
78 15 agency.
78 16 ~~c.~~ (3) Alternative solutions regarding the subject matter
78 17 of the criticisms and the reasons they were rejected or the
78 18 changes made in the rule in response to those criticisms and
78 19 the reasons for the changes.
78 20 c. A copy of the report shall be sent to the
78 21 administrative rules review committee and the administrative
78 22 rules coordinator and shall be made available for public
78 23 inspection.
78 24 Sec. 139. Section 23A.2, subsection 10, paragraph l,
78 25 subparagraph (2), subparagraph subdivision (c), Code 2007, is
78 26 amended to read as follows:
78 27 (c) A resident who cannot be placed in a community
78 28 placement plan with a community=based provider of services may
78 29 be placed by the state resource center in an on=campus or
78 30 off=campus vocational or employment training program.
78 31 (i) However, prior to placing a resident in an on=campus
78 32 vocational or employment training program, the state resource
78 33 center shall seek an off=campus vocational or employment
78 34 training program offered by a community=based provider who
78 35 serves the county in which the state resource center is based

House File 2522 - Introduced continued

79 1 or the counties contiguous to the county, provided that the
79 2 resident will not be required to travel for more than thirty
79 3 minutes one way to obtain services.
79 4 (ii) If off=campus services cannot be provided by a
79 5 community=based provider, the state resource center shall
79 6 offer the resident an on=campus vocational or employment
79 7 training program. The on=campus program shall be operated in
79 8 compliance with the federal Fair Labor Standards Act. At
79 9 least semiannually, the state resource center shall seek an
79 10 off=campus community=based vocational or employment training
79 11 option for each resident placed in an on=campus program.
79 12 (iii) The state resource center shall not place a resident
79 13 in an off=campus program in which the cost to the state
79 14 resource center would be in excess of the provider's actual
79 15 cost as determined by purchase of service rules or if the
79 16 service would not be reimbursed under the medical assistance
79 17 program.
79 18 Sec. 140. Section 24.48, Code 2007, is amended to read as
79 19 follows:
79 20 24.48 APPEAL TO STATE BOARD FOR SUSPENSION OF LIMITATIONS.
79 21 1. If the property tax valuations effective January 1,
79 22 1979 and January 1 of any subsequent year, are reduced or
79 23 there is an unusually low growth rate in the property tax base
79 24 of a political subdivision, the political subdivision may
79 25 appeal to the state appeal board to request suspension of the
79 26 statutory property tax levy limitations to continue to fund
79 27 the present services provided. A political subdivision may
79 28 also appeal to the state appeal board where the property tax
79 29 base of the political subdivision has been reduced or there is
79 30 an unusually low growth rate for any of the following reasons:
79 31 ~~1.~~ a. Any unusual increase in population as determined by
79 32 the preceding certified federal census.
79 33 ~~2.~~ b. Natural disasters or other emergencies.
79 34 ~~3.~~ c. Unusual problems relating to major new functions
79 35 required by state law.

House File 2522 - Introduced continued

80 1 ~~4.~~ d. Unusual staffing problems.
80 2 ~~5.~~ e. Unusual need for additional funds to permit
80 3 continuance of a program which provides substantial benefit to
80 4 its residents.
80 5 ~~6.~~ f. Unusual need for a new program which will provide
80 6 substantial benefit to residents, if the political subdivision
80 7 establishes the need and the amount of the necessary increased
80 8 cost.
80 9 2. The state appeal board may approve or modify the
80 10 request of the political subdivision for suspension of the
80 11 statutory property tax levy limitations.
80 12 3. Upon decision of the state appeal board, the department
80 13 of management shall make the necessary changes in the total
80 14 budget of the political subdivision and certify the total
80 15 budget to the governing body of the political subdivision and
80 16 the appropriate county auditors.
80 17 4. a. The city finance committee shall have officially
80 18 notified any city of its approval, modification or rejection
80 19 of the city's appeal of the decision of the director of the
80 20 department of management regarding a city's request for a
80 21 suspension of the statutory property tax levy limitation prior
80 22 to thirty=five days before March 15.
80 23 b. The state appeals board shall have officially notified
80 24 any county of its approval, modification or rejection of the
80 25 county's request for a suspension of the statutory property
80 26 tax levy limitation prior to thirty=five days before March 15.
80 27 5. a. For purposes of this section only, "political
80 28 subdivision" means a city, school district, or any other
80 29 special purpose district which certifies its budget to the
80 30 county auditor and derives funds from a property tax levied
80 31 against taxable property situated within the political
80 32 subdivision.
80 33 b. For the purpose of this section, when the political
80 34 subdivision is a city, the director of the department of
80 35 management, and the city finance committee on appeal of the

House File 2522 - Introduced continued

81 1 director's decision, shall be the state appeal board.
81 2 Sec. 141. Section 28A.18, subsections 1, 2, and 4, Code
81 3 2007, are amended to read as follows:
81 4 1. a. The bonds issued by the board pursuant to this
81 5 division shall be authorized by resolution of the board and
81 6 shall be either term or serial bonds, shall bear the date,
81 7 mature at the time, not exceeding forty years from their
81 8 respective dates, bear interest at the rate, not exceeding the
81 9 rate permitted under chapter 74A or the rate authorized by
81 10 another state within the greater metropolitan area, whichever
81 11 rate is lower, payable monthly or semiannually, be in the
81 12 denominations, be in the form, either coupon or fully
81 13 registered, shall carry the registration, exchangeability and
81 14 interchangeability privileges, be payable in the medium of
81 15 payment and at the place, within or without the state, be
81 16 subject to the terms of redemption and be entitled to the
81 17 priorities on the revenues, rates, fees, rentals, or other
81 18 charges or receipts of the authority as the resolution may
81 19 provide. The bonds shall be executed either by manual or
81 20 facsimile signature by the officers as the authority shall
81 21 determine, provided that the bonds shall bear at least one
81 22 signature which is manually executed on the bond, and the
81 23 coupons attached to the bonds shall bear the facsimile
81 24 signature of the officer as designated by the authority and
81 25 the bonds shall have the seal of the authority, affixed,
81 26 imprinted, reproduced, or lithographed on the bond, all as may
81 27 be prescribed in a resolution.
81 28 b. The bonds shall be sold at public sale or private sale
81 29 at the price as the authority shall determine to be in the
81 30 best interests of the authority provided that the bonds shall
81 31 not be sold at less than ninety=eight percent of the par value
81 32 of the bond, plus accrued interest and provided that the net
81 33 interest cost shall not exceed that permitted by applicable
81 34 state law. Pending the preparation of definitive bonds,
81 35 interim certificates or temporary bonds may be issued to the

House File 2522 - Introduced continued

82 1 purchaser of the bonds, and may contain the terms and
82 2 conditions as the board may determine.
82 3 2. a. The board, after the issuance of bonds, may borrow
82 4 moneys for the purposes for which the bonds are to be issued
82 5 in anticipation of the receipt of the proceeds of the sale of
82 6 the bonds and within the authorized maximum amount of the bond
82 7 issue. Any loan shall be paid within three years after the
82 8 date of the initial loan. Bond anticipation notes shall be
82 9 issued for all moneys so borrowed under this section, and the
82 10 notes may be renewed, but all the renewal notes shall mature
82 11 within the time above limited for the payment of the initial
82 12 loan. The notes shall be authorized by resolution of the
82 13 board and shall be in the denominations, shall bear interest
82 14 at the rate not exceeding the maximum rate permitted by the
82 15 resolution authorizing the issuance of the bonds, shall be in
82 16 the form and shall be executed in the manner, all as the
82 17 authority prescribes.
82 18 b. The notes shall be sold at public or private sale or,
82 19 if the notes are renewal notes, they may be exchanged for
82 20 notes outstanding on the terms as the board determines. The
82 21 board may retire any notes from the revenues derived from its
82 22 metropolitan facilities or from other moneys of the authority
82 23 which are lawfully available or from a combination of revenues
82 24 and other available moneys, in lieu of retiring them by means
82 25 of bond proceeds. However, before the retirement of the notes
82 26 by any means other than the issuance of bonds, the board shall
82 27 amend or repeal the resolution authorizing the issuance of the
82 28 bonds, in anticipation of the proceeds of the sale of the
82 29 notes, so as to reduce the authorized amount of the bond issue
82 30 by the amount of the notes so retired. The amendatory or
82 31 repealing resolution shall take effect upon its passage.
82 32 4. The board of the authority may enter into any deeds of
82 33 trust, mortgages, indentures, or other agreements, with any
82 34 bank or trust company or any other lender within or without
82 35 the state as security for the bonds, and may assign and pledge

House File 2522 - Introduced continued

83 1 all or any of the revenues, rates, fees, rentals, or other
83 2 charges or receipts of the authority. The deeds of trust,
83 3 mortgages, indentures, or other agreements may contain the
83 4 provisions as may be customary in the instruments, or, as the
83 5 board may authorize, including, but without limitation,
83 6 provisions as to:
83 7 a. The construction, improvement, operation, leasing,
83 8 maintenance, and repair of the metropolitan facilities and
83 9 duties of the board with reference to the facilities.
83 10 b. The application of funds and the safeguarding and
83 11 investment of funds on hand or on deposit.
83 12 c. The appointment of consulting engineers or architects
83 13 and approval by the holders of the bonds.
83 14 d. The rights and remedies of the trustee and the holders
83 15 of the bonds.
83 16 e. The terms and provisions of the bonds or the resolution
83 17 authorizing the issuance of the bonds.
83 18 5. Any of the bonds issued pursuant to this section are
83 19 negotiable instruments, and have all the qualities and
83 20 incidents of negotiable instruments and are exempt from state
83 21 taxation.
83 22 Sec. 142. Section 28E.17, subsection 3, Code 2007, is
83 23 amended to read as follows:
83 24 3. a. A city which is a party to a joint transit agency
83 25 may issue general corporate purpose bonds for the support of a
83 26 capital program for the joint agency in the following manner:
83 27 ~~a.~~ (1) The council shall give notice and conduct a
83 28 hearing on the proposal in the manner set forth in section
83 29 384.25. However, the notice must be published at least ten
83 30 days prior to the hearing, and if a petition valid under
83 31 section 362.4 is filed with the clerk of the city prior to the
83 32 hearing, asking that the question of issuing the bonds be
83 33 submitted to the registered voters of the city, the council
83 34 shall either by resolution declare the proposal abandoned or
83 35 shall direct the county commissioner of elections to call a

House File 2522 - Introduced continued

84 1 special election to vote upon the question of issuing the
84 2 bonds. Notice of the election and its conduct shall be in the
84 3 manner provided in section 384.26.
84 4 ~~b.~~ (2) If no petition is filed, or if a petition is filed
84 5 and the proposition of issuing bonds is approved at the
84 6 election, the council may proceed with the authorization and
84 7 issuance of the bonds.
84 8 b. An agreement may provide for full or partial payment
84 9 from transit revenues to the cities for meeting debt service
84 10 on such bonds.
84 11 c. This subsection shall be construed as granting
84 12 additional power without limiting the power already existing
84 13 in cities, and as providing an alternative independent method
84 14 for the carrying out of any project for the issuance and sale
84 15 of bonds for the financing of a city's share of a capital
84 16 expenditures project of a joint transit agency, and no further
84 17 proceedings with respect to the authorization of the bonds
84 18 shall be required.
84 19 Sec. 143. Section 28E.22, Code 2007, is amended to read as
84 20 follows:
84 21 28E.22 REFERENDUM FOR TAX.
84 22 1. The board of supervisors, or the city councils of a
84 23 district composed only of cities, may, and upon receipt of a
84 24 petition signed by eligible electors residing in the district
84 25 equal in number to at least five percent of the registered
84 26 voters in the district shall, submit a proposition to the
84 27 electorate residing in the district at any general election or
84 28 at a special election held throughout the district. The
84 29 proposition shall provide for the establishment of a public
84 30 safety fund and the levy of a tax on taxable property located
84 31 in the district at rates not exceeding the rates specified in
84 32 this section for the purpose of providing additional moneys
84 33 for the operation of the district.
84 34 2. The ballot for the election shall be prepared in
84 35 substantially the form for submitting special questions at

House File 2522 - Introduced continued

85 1 general elections and the form of the proposition shall be
85 2 substantially as follows:
85 3 ~~Shall~~ "Shall an annual levy, the amount of which will not
85 4 exceed a rate of one dollar and fifty cents per thousand
85 5 dollars of assessed value of the taxable property in the
85 6 unified law enforcement district be authorized for providing
85 7 additional moneys needed for unified law enforcement services
85 8 in the district?
85 9 Yes ___ No ___ "
85 10 3. If a majority of the registered voters in each city and
85 11 the unincorporated area of the county voting on the
85 12 proposition approve the proposition, the county board of
85 13 supervisors for unincorporated area and city councils for
85 14 cities are authorized to levy the tax as provided in section
85 15 28E.23.
85 16 4. Such moneys collected pursuant to the tax levy shall be
85 17 expended only for providing additional moneys needed for
85 18 unified law enforcement services in the district and shall be
85 19 in addition to the revenues raised in the county and cities in
85 20 the district from their general funds which are based upon an
85 21 average of revenues raised for law enforcement purposes by the
85 22 county or city for the three previous years. The amount of
85 23 revenues raised for law enforcement purposes by the county for
85 24 the three previous years shall be computed separately for the
85 25 unincorporated portion of the district and for each city in
85 26 the district.
85 27 Sec. 144. Section 29B.117, Code 2007, is amended to read
85 28 as follows:
85 29 29B.117 COURTS OF INQUIRY.
85 30 1. a. Courts of inquiry to investigate any matter may be
85 31 convened by the adjutant general, the governor, or by any
85 32 other person designated by the adjutant general or authorized
85 33 to convene a general court=martial for that purpose, whether
85 34 or not the persons involved have requested the inquiry.
85 35 b. A court of inquiry consists of three or more

House File 2522 - Introduced continued

86 1 commissioned officers. For each court of inquiry the
86 2 convening authority shall also appoint counsel for the court.
86 3 2. Any person subject to this code whose conduct is
86 4 subject to inquiry shall be designated as a party. Any person
86 5 subject to this code who has a direct interest in the subject
86 6 of inquiry has the right to be designated as a party upon
86 7 request to the court. Any person designated as a party shall
86 8 be given due notice and has the right to be present, to be
86 9 represented by counsel, to cross=examine witnesses, and to
86 10 introduce evidence.
86 11 3. a. Members of a court of inquiry may be challenged by
86 12 a party, but only for cause stated to the court.
86 13 b. The members, counsel, the reporter, and interpreters of
86 14 courts of inquiry shall take an oath or affirmation to
86 15 faithfully perform their duties.
86 16 c. Witnesses may be summoned to appear and testify and be
86 17 examined before courts of inquiry, as provided for
86 18 courts=martial.
86 19 d. Courts of inquiry shall make findings of fact but may
86 20 not express opinions or make recommendations unless required
86 21 to do so by the convening authority.
86 22 e. Each court of inquiry shall keep a record of its
86 23 proceedings, which shall be authenticated by the signatures of
86 24 the president and counsel for the court and forwarded to the
86 25 convening authority. If the record cannot be authenticated by
86 26 the president, it shall be signed by a member in lieu of the
86 27 president. If the record cannot be authenticated by the
86 28 counsel for the court, it shall be signed by a member in lieu
86 29 of the counsel.
86 30 Sec. 145. Section 34A.3, subsection 3, Code 2007, is
86 31 amended to read as follows:
86 32 3. CHAPTER 28E AGREEMENT == ALTERNATIVE TO JOINT E911
86 33 SERVICE BOARD.
86 34 a. A legal entity created pursuant to chapter 28E by a
86 35 county or counties, other political divisions, and public or

House File 2522 - Introduced continued

87 1 private agencies to jointly plan, implement, and operate a
87 2 countywide, or larger, enhanced 911 service system may be
87 3 substituted for the joint E911 service board required under
87 4 subsection 1. An alternative legal entity created pursuant to
87 5 chapter 28E as a substitute for a joint E911 service board, as
87 6 permitted by this subsection, may be created by either:
87 7 ~~An alternative legal entity created pursuant to chapter 28E~~
~~87 8 as a substitute for a joint E911 service board, as permitted~~
~~87 9 by this subsection, may be created by either:~~
87 10 ~~a.~~ (1) Agreement of the parties entitled to voting
87 11 membership on a joint E911 service board.
87 12 ~~b.~~ (2) Agreement of the members of a joint E911 service
87 13 board.
87 14 b. An alternative chapter 28E entity has all of the powers
87 15 of a joint E911 service board and any additional powers
87 16 granted by the agreement. As used in this chapter, "joint
87 17 E911 service board" includes an alternative chapter 28E entity
87 18 created for that purpose, except as specifically limited by
87 19 the chapter 28E agreement or unless clearly provided otherwise
87 20 in this chapter. A chapter 28E agreement related to E911
87 21 service shall permit the participation of a private safety
87 22 agency or other persons allowed to participate in a joint E911
87 23 service board, but the terms, scope, and conditions of
87 24 participation are subject to the chapter 28E agreement.
87 25 Sec. 146. Section 34A.6, subsections 1 and 2, Code 2007,
87 26 are amended to read as follows:
87 27 1. Before a joint E911 service board may request
87 28 imposition of the surcharge by the program manager, the board
87 29 shall submit the following question to voters, as provided in
87 30 subsection 2, in the proposed E911 service area, and the
87 31 question shall receive a favorable vote from a simple majority
87 32 of persons submitting valid ballots on the following question
87 33 within the proposed E911 service area:
87 34 ~~Shall~~ "Shall the following public YES
87 35 measure be adopted? NO

House File 2522 - Introduced continued

88 1 Enhanced 911 emergency telephone service shall be funded,
88 2 in whole or in part, by a monthly surcharge of (an amount
88 3 determined by the local joint E911 service board of up to one
88 4 dollar) on each telephone access line collected as part of
88 5 each telephone subscriber's monthly phone bill if provided
88 6 within (description of the proposed E911 service area)."
88 7 2. The referendum required as a condition of the surcharge
88 8 imposition in subsection 1 shall be conducted using the
88 9 following electoral mechanism:
88 10 a. At the request of the joint E911 service board a county
88 11 commissioner of elections shall include the question on the
88 12 next eligible general election ballot in each electoral
88 13 precinct to be served, in whole or in part, by the proposed
88 14 E911 service area, provided the request is timely submitted to
88 15 permit inclusion.
88 16 b. The question may be included in the next election in
88 17 which all of the voters in the proposed E911 service area will
88 18 be eligible to vote on the same day.
88 19 c. The county commissioner of elections shall report the
88 20 results to the joint E911 service board.
88 21 d. The joint E911 service board shall compile the results
88 22 if subscribers from more than one county are included within
88 23 the proposed service area. The joint E911 service board shall
88 24 announce whether a simple majority of the compiled votes
88 25 reported by the commissioner approved the referendum question.
88 26 Sec. 147. Section 47.6, subsection 1, Code 2007, is
88 27 amended to read as follows:
88 28 1. a. (1) The governing body of any political
88 29 subdivision which has authorized a special election to which
88 30 section 39.2 is applicable shall by written notice inform the
88 31 commissioner who will be responsible for conducting the
88 32 election of the proposed date of the special election.
88 33 (a) If a public measure will appear on the ballot at the
88 34 special election the governing body shall submit the complete
88 35 text of the public measure to the commissioner with the notice

House File 2522 - Introduced continued

89 1 of the proposed date of the special election.
89 2 (b) If the proposed date of the special election coincides
89 3 with the date of a regularly scheduled election or previously
89 4 scheduled special election, the notice shall be given no later
89 5 than five p.m. on the last day on which nomination papers may
89 6 be filed with the commissioner for the regularly scheduled
89 7 election or previously scheduled special election, but in no
89 8 case shall notice be less than thirty=two days before the
89 9 election. Otherwise, the notice shall be given at least
89 10 thirty=two days in advance of the date of the proposed special
89 11 election.
89 12 (2) Upon receiving the notice, the commissioner shall
89 13 promptly give written approval of the proposed date unless it
89 14 appears that the special election, if held on that date, would
89 15 conflict with a regular election or with another special
89 16 election previously scheduled for that date.
89 17 b. A public measure shall not be withdrawn from the ballot
89 18 at any election if the public measure was placed on the ballot
89 19 by a petition, or if the election is a special election called
89 20 specifically for the purpose of deciding one or more public
89 21 measures for a single political subdivision. However, a
89 22 public measure which was submitted to the county commissioner
89 23 of elections by the governing body of a political subdivision
89 24 may be withdrawn by the governing body which submitted the
89 25 public measure if the public measure was to be placed on the
89 26 ballot of a regularly scheduled election. The notice of
89 27 withdrawal must be made by resolution of the governing body
89 28 and must be filed with the commissioner no later than the last
89 29 day upon which a candidate may withdraw from the ballot.
89 30 Sec. 148. Section 47.8, subsections 1 and 3, Code 2007,
89 31 are amended to read as follows:
89 32 1. A state voter registration commission is established
89 33 which shall meet at least quarterly to make and review policy,
89 34 adopt rules, and establish procedures to be followed by the
89 35 registrar in discharging the duties of that office, and to

House File 2522 - Introduced continued

90 1 promote interagency cooperation and planning.
90 2 a. The commission shall consist of the state commissioner
90 3 of elections or the state commissioner's designee, the state
90 4 chairpersons of the two political parties whose candidates for
90 5 president of the United States or governor, as the case may
90 6 be, received the greatest and next greatest number of votes in
90 7 the most recent general election, or their respective
90 8 designees, and a county commissioner of registration appointed
90 9 by the president of the Iowa state association of county
90 10 auditors, or an employee of the commissioner.
90 11 b. The commission membership shall be balanced by
90 12 political party affiliation pursuant to section 69.16.
90 13 Members shall serve without additional salary or
90 14 reimbursement.
90 15 c. The state commissioner of elections, or the state
90 16 commissioner's designee, shall serve as chairperson of the
90 17 state voter registration commission.
90 18 3. a. The registrar shall provide staff services to the
90 19 commission and shall make available to it all information
90 20 relative to the activities of the registrar's office in
90 21 connection with voter registration policy which may be
90 22 requested by any commission member. The registrar shall also
90 23 provide to the commission at no charge statistical reports for
90 24 planning and analyzing voter registration services in the
90 25 state.
90 26 b. The commission may authorize the registrar to employ
90 27 such additional staff personnel as it deems necessary to
90 28 permit the duties of the registrar's office to be adequately
90 29 and promptly discharged. Such personnel shall be employed
90 30 pursuant to chapter 8A, subchapter IV.
90 31 Sec. 149. Section 48A.27, subsection 4, paragraph c, Code
90 32 2007, is amended to read as follows:
90 33 c. If the information provided by the vendor indicates
90 34 that a registered voter has moved to an address outside the
90 35 county, the commissioner shall make the registration record

House File 2522 - Introduced continued

91 1 inactive, and shall mail a notice to the registered voter at
91 2 both the former and new addresses.
91 3 (1) The notice shall be sent by forwardable mail, and
91 4 shall include a postage paid preaddressed return card on which
91 5 the registered voter may state the registered voter's current
91 6 address.
91 7 (2) The notice shall contain a statement in substantially
91 8 the following form:
91 9 PARAGRAPH DIVIDED. "Information received from the United
91 10 States postal service indicates that you are no longer a
91 11 resident of, and therefore not eligible to vote in (name of
91 12 county) County, Iowa. If this information is not correct, and
91 13 you still live in (name of county) County, please complete and
91 14 mail the attached postage paid card at least ten days before
91 15 the primary or general election and at least eleven days
91 16 before any other election at which you wish to vote. If the
91 17 information is correct and you have moved, please contact a
91 18 local official in your new area for assistance in registering
91 19 there. If you do not mail in the card, you may be required to
91 20 show identification before being allowed to vote in (name of
91 21 county) County. If you do not return the card, and you do not
91 22 vote in an election in (name of county) County, Iowa, on or
91 23 before (date of second general election following the date of
91 24 the notice) your name will be removed from the list of voters
91 25 in that county. To ensure you receive this notice, it is
91 26 being sent to both your most recent registration address and
91 27 to your new address as reported by the postal service."
91 28 Sec. 150. Section 48A.29, subsections 1 and 3, Code 2007,
91 29 are amended to read as follows:
91 30 1. If a confirmation notice and return card sent pursuant
91 31 to section 48A.28 is returned as undeliverable by the United
91 32 States postal service, the commissioner shall make the
91 33 registration record inactive and shall mail a notice to the
91 34 registered voter at the registered voter's most recent mailing
91 35 address, as shown by the registration records.

House File 2522 - Introduced continued

92 1 a. The notice shall be sent by forwardable mail, and shall
92 2 include a postage paid preaddressed return card on which the
92 3 registered voter may state the registered voter's current
92 4 address.
92 5 b. The notice shall contain a statement in substantially
92 6 the following form:
92 7 PARAGRAPH DIVIDED. "Information received from the United
92 8 States postal service indicates that you are no longer a
92 9 resident of (residence address) in (name of county) County,
92 10 Iowa. If this information is not correct, and you still live
92 11 in (name of county) County, please complete and mail the
92 12 attached postage paid card at least ten days before the
92 13 primary or general election and at least eleven days before
92 14 any other election at which you wish to vote. If the
92 15 information is correct, and you have moved, please contact a
92 16 local official in your new area for assistance in registering
92 17 there. If you do not mail in the card, you may be required to
92 18 show identification before being allowed to vote in (name of
92 19 county) County. If you do not return the card, and you do not
92 20 vote in some election in (name of county) County, Iowa, on or
92 21 before (date of second general election following the date of
92 22 the notice) your name will be removed from the list of voters
92 23 in that county."
92 24 3. When a detachable return card originally attached to a
92 25 confirmation notice is returned by anyone other than the
92 26 registered voter indicating that the registered voter is no
92 27 longer a resident of the registration address, the
92 28 commissioner shall make the registration record inactive, and
92 29 shall mail a notice to the registered voter at the registered
92 30 voter's most recent mailing address, as shown by the
92 31 registration records.
92 32 a. The notice shall be sent by forwardable mail, and shall
92 33 include a postage paid preaddressed return card on which the
92 34 registered voter may state the registered voter's current
92 35 address.

House File 2522 - Introduced continued

93 1 b. The notice shall contain a statement in substantially
93 2 the following form:
93 3 PARAGRAPH DIVIDED. "Information received by this office
93 4 indicates that you are no longer a resident of (residence
93 5 address) in (name of county) County, Iowa. If the information
93 6 is not correct, and you still live at that address, please
93 7 complete and mail the attached postage paid card at least ten
93 8 days before the primary or general election and at least
93 9 eleven days before any other election at which you wish to
93 10 vote. If the information is correct, and you have moved
93 11 within the county, you may update your registration by listing
93 12 your new address on the card and mailing it back. If you have
93 13 moved outside the county, please contact a local official in
93 14 your new area for assistance in registering there. If you do
93 15 not mail in the card, you may be required to show
93 16 identification before being allowed to vote in (name of
93 17 county) County. If you do not return the card, and you do not
93 18 vote in some election in (name of county) County, Iowa, on or
93 19 before (date of second general election following the date of
93 20 the notice) your name will be removed from the list of
93 21 registered voters in that county."
93 22 Sec. 151. Section 49.11, Code 2007, is amended to read as
93 23 follows:
93 24 49.11 NOTICE OF BOUNDARIES OF PRECINCTS == MERGER OR
93 25 DIVISION.
93 26 1. The board of supervisors or the temporary county
93 27 redistricting commission or city council shall number or name
93 28 the precincts established by the supervisors or council
93 29 pursuant to sections 49.3, 49.4, and 49.5. The boundaries of
93 30 the precincts shall be recorded in the records of the board of
93 31 supervisors, temporary county redistricting commission, or
93 32 city council, as the case may be.
93 33 2. The board of supervisors or city council shall publish
93 34 notice of changes in the county or city precinct boundaries in
93 35 a newspaper of general circulation published in the county or

House File 2522 - Introduced continued

94 1 city once each week for three consecutive weeks. The series
94 2 of publications shall be made after the changes in the
94 3 precincts have been approved by the state commissioner of
94 4 elections. The last of the three publications shall be made
94 5 no later than thirty days before the next general election. A
94 6 map showing the new boundaries may be used. No publication is
94 7 necessary if no changes were made.
94 8 3. The precincts established pursuant to section 49.7
94 9 shall not be changed except in the manner provided by law.
94 10 However, for any election other than the primary or general
94 11 election or any special election held under section 69.14, the
94 12 county commissioner of elections may:
94 13 ~~1.~~ a. Consolidate two or more precincts into one.
94 14 (1) However, the commissioner shall not do so if there is
94 15 filed with the commissioner at least twenty days before the
94 16 election a petition signed by twenty=five or more eligible
94 17 electors of any precinct requesting that it not be merged with
94 18 any other precinct. There shall be attached to the petition
94 19 the affidavit of an eligible elector of the precinct that the
94 20 signatures on the petition are genuine and that all of the
94 21 signers are to the best of the affiant's knowledge and belief
94 22 eligible electors of the precinct.
94 23 (2) If a special election is to be held in which only
94 24 those registered voters residing in a specified portion of any
94 25 established precinct are entitled to vote, that portion of the
94 26 precinct may be merged by the commissioner with one or more
94 27 other established precincts or portions of established
94 28 precincts for the special election, and the right to petition
94 29 against merger of a precinct shall not apply.
94 30 ~~2.~~ b. Divide any precinct permanently established under
94 31 this section which contains all or any parts of two or more
94 32 mutually exclusive political subdivisions, either or both of
94 33 which is independently electing one or more officers or voting
94 34 on one or more questions on the same date, into two or more
94 35 temporary precincts and designate a polling place for each.

House File 2522 - Introduced continued

95 1 ~~3.~~ c. Notwithstanding ~~the provisions of the first~~
~~95 2 unnumbered paragraph of this section~~ subsection 1 the
95 3 commissioner may consolidate precincts for any election
95 4 including a primary and general election under any of the
95 5 following circumstances:
95 6 ~~a.~~ (1) One of the precincts involved consists entirely of
95 7 dormitories that are closed at the time the election is held.
95 8 ~~b.~~ (2) The consolidated precincts, if established as a
95 9 permanent precinct, would meet all requirements of section
95 10 49.3, and a combined total of no more than three hundred fifty
95 11 voters voted in the consolidated precincts at the last
95 12 preceding similar election.
95 13 ~~c.~~ (3) The city council of a special charter city with a
95 14 population of three thousand five hundred or less which is
95 15 divided into council wards requests the commissioner to
95 16 consolidate two or more precincts for any election.
95 17 Sec. 152. Section 49.31, subsections 1 and 2, Code 2007,
95 18 are amended to read as follows:
95 19 1. a. All ballots shall be arranged with the names of
95 20 candidates for each office listed below the office title. For
95 21 partisan elections the name of the political party or
95 22 organization which nominated each candidate shall be listed
95 23 after or below each candidate's name.
95 24 b. The commissioner shall determine the order of political
95 25 parties and nonparty political organizations on the ballot.
95 26 The sequence shall be the same for each office on the ballot
95 27 and for each precinct in the county voting in the election.
95 28 2. a. The commissioner shall prepare a list of the
95 29 election precincts of the county, by arranging the various
95 30 townships and cities in the county in alphabetical order, and
95 31 the wards or precincts in each city or township in numerical
95 32 order under the name of such city or township.
95 33 b. The commissioner shall then arrange the surnames of
95 34 each political party's candidates for each office to which two
95 35 or more persons are to be elected at large alphabetically for

House File 2522 - Introduced continued

96 1 the respective offices for the first precinct on the list;
96 2 thereafter, for each political party and for each succeeding
96 3 precinct, the names appearing first for the respective offices
96 4 in the last preceding precinct shall be placed last, so that
96 5 the names that were second before the change shall be first
96 6 after the change. The commissioner may also rotate the names
96 7 of candidates of a political party in the reverse order of
96 8 that provided in this subsection or alternate the rotation so
96 9 that the candidates of different parties shall not be paired
96 10 as they proceed through the rotation. The procedure for
96 11 arrangement of names on ballots provided in this section shall
96 12 likewise be substantially followed in elections in political
96 13 subdivisions of less than a county.
96 14 c. On the general election ballot the names of candidates
96 15 for the nonpartisan offices listed in section 39.21 shall be
96 16 arranged by drawing lots for position. The commissioner shall
96 17 hold the drawing on the first business day following the
96 18 deadline for filing of nomination certificates or petitions
96 19 with the commissioner for the general election pursuant to
96 20 section 44.4. If a candidate withdraws, dies, or is removed
96 21 from the ballot after the ballot position of names has been
96 22 determined, such candidate's name shall be removed from the
96 23 ballot, and the order of the remaining names shall not be
96 24 changed.
96 25 Sec. 153. Section 49.37, subsection 1, Code 2007, is
96 26 amended to read as follows:
96 27 1. For general elections, and for other elections in which
96 28 more than one partisan office will be filled, the first
96 29 section of the ballot shall be for straight party voting.
96 30 a. Each political party or organization which has
96 31 nominated candidates for more than one office shall be listed.
96 32 Instructions to the voter for straight party or organization
96 33 voting shall be in substantially the following form:
96 34 PARAGRAPH DIVIDED. "To vote for all candidates from a
96 35 single party or organization, mark the voting target next to

House File 2522 - Introduced continued

97 1 the party or organization name. Not all parties or
97 2 organizations have nominated candidates for all offices.
97 3 Marking a straight party or organization vote does not include
97 4 votes for nonpartisan offices, judges, or questions."
97 5 b. Political parties and nonparty political organizations
97 6 which have nominated candidates for only one office shall be
97 7 listed below the other political organizations under the
97 8 following heading:
97 9 PARAGRAPH DIVIDED. "Other Political Organizations. The
97 10 following organizations have nominated candidates for only one
97 11 office:".
97 12 c. Offices shall be arranged in groups. Partisan offices,
97 13 nonpartisan offices, judges, and public measures shall be
97 14 separated by a distinct line appearing on the ballot.
97 15 Sec. 154. Section 49.77, subsections 1 and 3, Code
97 16 Supplement 2007, are amended to read as follows:
97 17 1. The board members of their respective precincts shall
97 18 have charge of the ballots and furnish them to the voters.
97 19 a. Any person desiring to vote shall sign a voter's
97 20 declaration provided by the officials, in substantially the
97 21 following form:
97 22 VOTER'S DECLARATION OF ELIGIBILITY
97 23 I do solemnly swear or affirm that I am a resident of the
97 24 .... precinct, ... ward or township, city of ....., county
97 25 of ....., Iowa.
97 26 I am a registered voter. I have not voted and will not
97 27 vote in any other precinct in said election.
97 28 I understand that any false statement in this declaration
97 29 is a criminal offense punishable as provided by law.
97 30 .....
97 31 Signature of Voter
97 32 .....
97 33 Address
97 34 .....
97 35 Telephone

House File 2522 - Introduced continued

98 1 Approved:
98 2 .....
98 3 Board Member
98 4 b. At the discretion of the commissioner, this declaration
98 5 may be printed on each page of the election register and the
98 6 voter shall sign the election register next to the voter's
98 7 printed name. The voter's signature in the election register
98 8 shall be considered the voter's signed declaration of
98 9 eligibility affidavit. The state commissioner of elections
98 10 shall prescribe by rule an alternate method for providing the
98 11 information in subsection 2 for those counties where the
98 12 declaration of eligibility is printed in the election
98 13 register. The state voter registration system shall be
98 14 designed to allow for the affidavit to be printed on each page
98 15 of the election register and to allow sufficient space for the
98 16 voter's signature.
98 17 3. a. A precinct election official shall require any
98 18 person whose name does not appear on the election register as
98 19 an active voter to show identification. Specific documents
98 20 which are acceptable forms of identification shall be
98 21 prescribed by the state commissioner.
98 22 b. A precinct election official may require of the voter
98 23 unknown to the official, identification upon which the voter's
98 24 signature or mark appears. If identification is established
98 25 to the satisfaction of the precinct election officials, the
98 26 person may then be allowed to vote.
98 27 Sec. 155. Section 50.48, subsections 1 through 4, Code
98 28 Supplement 2007, are amended to read as follows:
98 29 1. a. The county board of canvassers shall order a
98 30 recount of the votes cast for a particular office or
98 31 nomination in one or more specified election precincts in that
98 32 county if a written request therefor is made not later than
98 33 ~~five o'clock~~ 5:00 p.m. on the third day following the county
98 34 board's canvass of the election in question. The request
98 35 shall be filed with the commissioner of that county, or with

House File 2522 - Introduced continued

99 1 the commissioner responsible for conducting the election if
99 2 section 47.2, subsection 2 is applicable, and shall be signed
99 3 by either of the following:
99 4 ~~a.~~ (1) A candidate for that office or nomination whose
99 5 name was printed on the ballot of the precinct or precincts
99 6 where the recount is requested.
99 7 ~~b.~~ (2) Any other person who receives votes for that
99 8 particular office or nomination in the precinct or precincts
99 9 where the recount is requested and who is legally qualified to
99 10 seek and to hold the office in question.
99 11 b. Immediately upon receipt of a request for a recount,
99 12 the commissioner shall send a copy of the request to the
99 13 apparent winner by certified mail. The commissioner shall
99 14 also attempt to contact the apparent winner by telephone. If
99 15 the apparent winner cannot be reached within four days, the
99 16 chairperson of the political party or organization which
99 17 nominated the apparent winner shall be contacted and shall act
99 18 on behalf of the apparent winner, if necessary. For
99 19 candidates for state or federal offices, the chairperson of
99 20 the state party shall be contacted. For candidates for county
99 21 offices, the county chairperson of the party shall be
99 22 contacted.
99 23 2. a. The candidate requesting a recount under this
99 24 section shall post a bond, unless the abstracts prepared
99 25 pursuant to section 50.24, or section 43.49 in the case of a
99 26 primary election, indicate that the difference between the
99 27 total number of votes cast for the apparent winner and the
99 28 total number of votes cast for the candidate requesting the
99 29 recount is less than the greater of fifty votes or one percent
99 30 of the total number of votes cast for the office or nomination
99 31 in question. If a recount is requested for an office to which
99 32 more than one person was elected, the vote difference
99 33 calculations shall be made using the difference between the
99 34 number of votes received by the person requesting the recount
99 35 and the number of votes received by the apparent winner who

House File 2522 - Introduced continued

100 1 received the fewest votes. Where votes cast for that office
100 2 or nomination were canvassed in more than one county, the
100 3 abstracts prepared by the county boards in all of those
100 4 counties shall be totaled for purposes of this subsection. If
100 5 a bond is required, it shall be filed with the state
100 6 commissioner for recounts involving a state office, including
100 7 a seat in the general assembly, or a seat in the United States
100 8 Congress, and with the commissioner responsible for conducting
100 9 the election in all other cases, and shall be in the following
100 10 amount:
100 11 ~~a.~~ (1) For an office filled by the electors of the entire
100 12 state, one thousand dollars.
100 13 ~~b.~~ (2) For United States representative, five hundred
100 14 dollars.
100 15 ~~c.~~ (3) For senator in the general assembly, three hundred
100 16 dollars.
100 17 ~~d.~~ (4) For representative in the general assembly, one
100 18 hundred fifty dollars.
100 19 ~~e.~~ (5) For an office filled by the electors of an entire
100 20 county having a population of fifty thousand or more, two
100 21 hundred dollars.
100 22 ~~f.~~ (6) For any elective office to which ~~paragraphs "a" to~~
~~100 23 "e" of this subsection~~ subparagraphs (1) to (5) are not
100 24 applicable, one hundred dollars.
100 25 b. After all recount proceedings for a particular office
100 26 are completed and the official canvass of votes cast for that
100 27 office is corrected or completed pursuant to subsections 5 and
100 28 6, if necessary, any bond posted under this subsection shall
100 29 be returned to the candidate who requested the recount if the
100 30 apparent winner before the recount is not the winner as shown
100 31 by the corrected or completed canvass. In all other cases,
100 32 the bond shall be deposited in the general fund of the state
100 33 if filed with the state commissioner or in the election fund
100 34 of the county with whose commissioner it was filed.
100 35 3. a. The recount shall be conducted by a board which

House File 2522 - Introduced continued

101 1 shall consist of:
101 2 ~~a.~~ (1) A designee of the candidate requesting the
101 3 recount, who shall be named in the written request when it is
101 4 filed.
101 5 ~~b.~~ (2) A designee of the apparent winning candidate, who
101 6 shall be named by that candidate at or before the time the
101 7 board is required to convene.
101 8 ~~c.~~ (3) A person chosen jointly by the members designated
101 9 under ~~paragraphs "a" and "b" of this subsection~~ subparagraphs
101 10 (1) and (2).
101 11 b. The commissioner shall convene the persons designated
101 12 under ~~paragraphs~~ paragraph "a" ~~and "b" of this subsection~~,
101 13 subparagraphs (1) and (2), not later than ~~nine o'clock~~ 9:00
101 14 a.m. on the seventh day following the county board's canvass
101 15 of the election in question. If those two members cannot
101 16 agree on the third member by ~~eight o'clock~~ 8:00 a.m. on the
101 17 ninth day following the canvass, they shall immediately so
101 18 notify the chief judge of the judicial district in which the
101 19 canvass is occurring, who shall appoint the third member not
101 20 later than ~~five o'clock~~ 5:00 p.m. on the eleventh day
101 21 following the canvass.
101 22 4. a. When all members of the recount board have been
101 23 selected, the board shall undertake and complete the required
101 24 recount as expeditiously as reasonably possible. The
101 25 commissioner or the commissioner's designee shall supervise
101 26 the handling of ballots or voting machine documents to ensure
101 27 that the ballots and other documents are protected from
101 28 alteration or damage. The board shall open only the sealed
101 29 ballot containers from the precincts specified to be recounted
101 30 in the request or by the recount board. The board shall
101 31 recount only the ballots which were voted and counted for the
101 32 office in question, including any disputed ballots returned as
101 33 required in section 50.5. If an electronic tabulating system
101 34 was used to count the ballots, the recount board may request
101 35 the commissioner to retabulate the ballots using the

House File 2522 - Introduced continued

102 1 electronic tabulating system. The same program used for
102 2 tabulating the votes on election day shall be used at the
102 3 recount unless the program is believed or known to be flawed.
102 4 If a voting machine was used, the paper record required in
102 5 section 52.7, subsection 2, shall be the official record used
102 6 in the recount. However, if the commissioner believes or
102 7 knows that the paper records produced from a machine have been
102 8 compromised due to damage, mischief, malfunction, or other
102 9 cause, the printed ballot images produced from the internal
102 10 audit log for that machine shall be the official record used
102 11 in the recount.
102 12 b. Any member of the recount board may at any time during
102 13 the recount proceedings extend the recount of votes cast for
102 14 the office or nomination in question to any other precinct or
102 15 precincts in the same county, or from which the returns were
102 16 reported to the commissioner responsible for conducting the
102 17 election, without the necessity of posting additional bond.
102 18 c. The ballots or voting machine documents shall be
102 19 resealed by the recount board before adjournment and shall be
102 20 preserved as required by section 50.12. At the conclusion of
102 21 the recount, the recount board shall make and file with the
102 22 commissioner a written report of its findings, which shall be
102 23 signed by at least two members of the recount board. The
102 24 recount board shall complete the recount and file its report
102 25 not later than the eighteenth day following the county board's
102 26 canvass of the election in question.
102 27 Sec. 156. Section 50.49, Code 2007, is amended to read as
102 28 follows:
102 29 50.49 RECOUNTS FOR PUBLIC MEASURES.
102 30 1. A recount for any public measure shall be ordered by
102 31 the board of canvassers if a petition requesting a recount is
102 32 filed with the county commissioner not later than three days
102 33 after the completion of the canvass of votes for the election
102 34 at which the question appeared on the ballot. The petition
102 35 shall be signed by the greater of not less than ten eligible

House File 2522 - Introduced continued

103 1 electors or a number of eligible electors equaling one percent
103 2 of the total number of votes cast upon the public measure.
103 3 Each petitioner must be a person who was entitled to vote on
103 4 the public measure in question or would have been so entitled
103 5 if registered to vote.
103 6 2. The recount shall be conducted by a board which shall
103 7 consist of:
103 8 ~~1.~~ a. A designee named in the petition requesting the
103 9 recount.
103 10 ~~2.~~ b. A designee named by the commissioner at or before
103 11 the time the board is required to convene.
103 12 ~~3.~~ c. A person chosen jointly by the members designated
103 13 under ~~subsections 1 and 2~~ paragraphs "a" and "b".
103 14 3. The commissioner shall convene the persons designated
103 15 under ~~subsections 1 and~~ subsection 2, paragraphs "a" and "b",
103 16 not later than ~~nine~~ 9:00 a.m. on the seventh day following the
103 17 canvass of the election in question. If those two members
103 18 cannot agree on the third member by ~~eight~~ 8:00 a.m. on the
103 19 ninth day following the canvass, they shall immediately notify
103 20 the chief judge of the judicial district in which the canvass
103 21 is occurring, who shall appoint the third member not later
103 22 than ~~five~~ 5:00 p.m. on the eleventh day following the canvass.
103 23 4. The petitioners requesting the recount shall post a
103 24 bond as required by section 50.48, subsection 2. The amount
103 25 of the bond shall be one thousand dollars for a public measure
103 26 appearing on the ballot statewide or one hundred dollars for
103 27 any other public measure. If the difference between the
103 28 affirmative and negative votes cast on the public measure is
103 29 less than the greater of fifty votes or one percent of the
103 30 total number of votes cast for and against the question, a
103 31 bond is not required. If approval by sixty percent of the
103 32 votes cast is required for adoption of the public measure, no
103 33 bond is required if the difference between sixty percent of
103 34 the total votes cast for and against the question and the
103 35 number of votes cast for the losing side is less than the

House File 2522 - Introduced continued

104 1 greater of fifty votes or one percent of the total number of
104 2 votes cast.
104 3 5. The procedure for the recount shall follow the
104 4 provisions of section 50.48, subsections 4 through 7, as far
104 5 as possible.
104 6 Sec. 157. Section 52.9, subsections 2 and 3, Code
104 7 Supplement 2007, are amended to read as follows:
104 8 2. It shall be the duty of the commissioner or the
104 9 commissioner's duly authorized agents to examine and test the
104 10 voting machines to be used at any election, after the machines
104 11 have been prepared for the election and not less than twelve
104 12 hours before the opening of the polls on the morning of the
104 13 election. For any election to fill a partisan office, the
104 14 county chairperson of each political party referred to in
104 15 section 49.13 shall be notified in writing of the date, time,
104 16 and place the machines shall be examined and tested so that
104 17 they may be present, or have a representative present. For
104 18 every election, the commissioner shall publish notice of the
104 19 date, time, and place the examination and testing will be
104 20 conducted. The commissioner may include such notice in the
104 21 notice of the election published pursuant to section 49.53.
104 22 3. Those present for the examination and testing shall
104 23 sign a certificate which shall read substantially as follows:
104 24 The Undersigned Hereby Certify that, having duly qualified,
104 25 we were present and witnessed the testing and preparation of
104 26 the following voting machines; that we believe the same to be
104 27 in proper condition for use in the election of ..... (date);
104 28 that each registering counter of the machine is set at 000;
104 29 that the public counter is set at 000; that the seal numbers
104 30 and the protective counter numbers are as indicated below.
104 31 Signed:
104 32 .....
104 33 Republican (if applicable)
104 34 .....
104 35 Democrat (if applicable)

House File 2522 - Introduced continued

		.....
		.....
		Voting machine custodian
		Dated .....
Machine Number	Protective Counter Number	Seal Number
.....	.....	.....
.....	.....	.....
.....	.....	.....
.....	.....	.....

~~3.~~ 4. On those voting machines presently equipped with an after=election latch and on all machines placed in use after January 1, 1961, in this state, the after=election latch shall be fully used by the election officials.

Sec. 158. Section 52.37, subsection 1, Code Supplement 2007, is amended to read as follows:

1. a. If any ballot is found damaged or defective, so that it cannot be counted properly by the automatic tabulating equipment, a true duplicate shall be made by the resolution board team and substituted for the damaged or defective ballot, or, as an alternative, the valid votes on a defective ballot may be manually counted by the special precinct election board, whichever method is best suited to the system being used. All duplicate ballots shall be clearly labeled as such, and shall bear a serial number which shall also be recorded on the damaged or defective ballot.

b. The special precinct election board shall also tabulate any write=in votes which were cast. Write=in votes cast for a candidate whose name appears on the ballot for the same office shall be counted as a vote for the candidate indicated, if the vote is otherwise properly cast.

c. Ballots which are rejected by the tabulating equipment as blank because they have been marked with an unreadable marker shall be duplicated or tabulated as required by this

House File 2522 - Introduced continued

106 1 subsection for damaged or defective ballots. The commissioner
106 2 may instruct the special precinct election board to mark over
106 3 voters' unreadable marks using a marker compatible with the
106 4 tabulating equipment. The special precinct election board
106 5 shall take care to leave part of the original mark made by the
106 6 voter. If it is impossible to mark over the original marks
106 7 made by the voter without completely obliterating them, the
106 8 ballot shall be duplicated.
106 9 Sec. 159. Section 53.2, subsection 2, Code Supplement
106 10 2007, is amended to read as follows:
106 11 2. The state commissioner shall prescribe a form for
106 12 absentee ballot applications.
106 13 a. Absentee ballot applications may include instructions
106 14 to send the application directly to the county commissioner of
106 15 elections. However, no absentee ballot application shall be
106 16 preaddressed or printed with instructions to send the
106 17 applications to anyone other than the appropriate
106 18 commissioner.
106 19 b. No absentee ballot application shall be preaddressed or
106 20 printed with instructions to send the ballot to anyone other
106 21 than the voter.
106 22 Sec. 160. Section 64.24, Code 2007, is amended to read as
106 23 follows:
106 24 64.24 RECORDING.
106 25 1. a. The secretary of state, each county auditor,
106 26 district court clerk, and each auditor or clerk of a city
106 27 shall keep a book, to be known as the "Record of Official
106 28 Bonds", and all official bonds shall be recorded therein in
106 29 full as follows:
106 30 ~~1.~~ (1) In the record kept by the secretary of state, the
106 31 official bonds of all state officers, elective or appointive,
106 32 except the bonds of notaries public.
106 33 ~~2.~~ (2) In the record kept by the county auditor, the
106 34 official bonds of all county officers, elective or appointive,
106 35 and township clerks.

House File 2522 - Introduced continued

107 1 ~~3.~~ (3) In the record kept by the city auditor or clerk,
107 2 the official bonds of all city officers, elective or
107 3 appointive.
107 4 ~~4.~~ (4) In the record kept by the district court clerk,
107 5 the official bonds of judicial magistrates.
107 6 b. The records shall have an index which, under the title
107 7 of each office, shall show the name of each principal and the
107 8 date of the filing of the bond.
107 9 2. A bond when recorded shall be returned to the officer
107 10 charged with the custody thereof.
107 11 Sec. 161. Section 68A.402, subsection 2, paragraph b, Code
107 12 Supplement 2007, is amended to read as follows:
107 13 b. SUPPLEMENTARY REPORT == STATEWIDE AND GENERAL ASSEMBLY
107 14 ELECTIONS.
107 15 (1) A candidate's committee of a candidate for statewide
107 16 office or the general assembly shall file a supplementary
107 17 report in a year in which a primary, general, or special
107 18 election for that office is held. The supplementary reports
107 19 shall be filed if contributions are received after the close
107 20 of the period covered by the last report filed prior to that
107 21 primary, general, or special election if any of the following
107 22 applies:
107 23 ~~(1)~~ (a) The committee of a candidate for governor
107 24 receives ten thousand dollars or more.
107 25 ~~(2)~~ (b) The committee of a candidate for any other
107 26 statewide office receives five thousand dollars or more.
107 27 ~~(3)~~ (c) The committee of a candidate for the general
107 28 assembly receives one thousand dollars or more.
107 29 (2) The amount of any contribution causing a supplementary
107 30 report under this paragraph "b" shall include the estimated
107 31 fair market value of any in=kind contribution. The report
107 32 shall be filed by the Friday immediately preceding the
107 33 election and be current through the Tuesday immediately
107 34 preceding the election.
107 35 Sec. 162. Section 68A.406, subsection 2, Code Supplement

House File 2522 - Introduced continued

108 1 2007, is amended to read as follows:
108 2 2. a. Campaign signs shall not be placed on any of the
108 3 following:
108 4 ~~a.~~ (1) Any property owned by the state or the governing
108 5 body of a county, city, or other political subdivision of the
108 6 state, including all property considered the public
108 7 right=of=way. Upon a determination by the board that a sign
108 8 has been improperly placed, the sign shall be removed by
108 9 highway authorities as provided in section 318.5, or by county
108 10 or city law enforcement authorities in a manner consistent
108 11 with section 318.5.
108 12 ~~b.~~ (2) Property owned by a prohibited contributor under
108 13 section 68A.503 unless the sign advocates the passage or
108 14 defeat of a ballot issue or is exempted under subsection 1.
108 15 ~~c.~~ (3) On any property without the permission of the
108 16 property owner.
108 17 ~~d.~~ (4) On election day either on the premises of any
108 18 polling place or within three hundred feet of any outside door
108 19 of any building affording access to any room where the polls
108 20 are held, or of any outside door of any building affording
108 21 access to any hallway, corridor, stairway, or other means of
108 22 reaching the room where the polls are held.
108 23 ~~e.~~ (5) Within three hundred feet of an absentee voting
108 24 site during the hours when absentee ballots are available in
108 25 the office of the county commissioner of elections as provided
108 26 in section 53.10.
108 27 ~~f.~~ (6) Within three hundred feet of a satellite absentee
108 28 voting station during the hours when absentee ballots are
108 29 available at the satellite absentee voting station as provided
108 30 in section 53.11.
108 31 b. ~~Paragraphs "d", "e", and "f"~~ Paragraph "a",
108 32 subparagraphs (4), (5), and (6) shall not apply to the posting
108 33 of signs on private property not a polling place, except that
108 34 the placement of a sign on a motor vehicle, trailer, or
108 35 semitrailer, or any attachment to a motor vehicle, trailer, or

House File 2522 - Introduced continued

109 1 semitrailer parked on public property within three hundred
109 2 feet of a polling place, which sign is more than ninety square
109 3 inches in size, is prohibited.
109 4 Sec. 163. Section 69.8, subsection 5, Code 2007, is
109 5 amended to read as follows:
109 6 5. ELECTED TOWNSHIP OFFICES.
109 7 a. When a vacancy occurs in the office of township clerk
109 8 or township trustee, the vacancy shall be filled by
109 9 appointment by the trustees. All appointments to fill
109 10 vacancies in township offices shall be until a successor is
109 11 elected at the next general election and qualifies by taking
109 12 the oath of office. If the term of office in which the
109 13 vacancy exists will expire within seventy days after the next
109 14 general election, the person elected to the office for the
109 15 succeeding term shall qualify by taking the oath of office
109 16 within ten days after the election and shall serve for the
109 17 remainder of the unexpired term, as well as for the next
109 18 four=year term.
109 19 b. However, if the offices of two trustees are vacant the
109 20 county board of supervisors shall fill the vacancies by
109 21 appointment. If the offices of three trustees are vacant the
109 22 board may fill the vacancies by appointment, or the board may
109 23 adopt a resolution stating that the board will exercise all
109 24 powers and duties assigned by law to the trustees of the
109 25 township in which the vacancies exist until the vacancies are
109 26 filled at the next general election. If a township office
109 27 vacancy is not filled by the trustees within thirty days after
109 28 the vacancy occurs, the board of supervisors may appoint a
109 29 successor to fill the vacancy until the vacancy can be filled
109 30 at the next general election.
109 31 Sec. 164. Section 69.14A, subsections 1 and 2, Code 2007,
109 32 are amended to read as follows:
109 33 1. A vacancy on the board of supervisors shall be filled
109 34 by one of the following procedures:
109 35 a. By appointment by the committee of county officers

House File 2522 - Introduced continued

110 1 designated to fill the vacancy in section 69.8.
110 2 (1) The appointment shall be for the period until the next
110 3 pending election as defined in section 69.12, and shall be
110 4 made within forty days after the vacancy occurs. If the
110 5 committee of county officers designated to fill the vacancy
110 6 chooses to proceed under this paragraph, the committee shall
110 7 publish notice in the manner prescribed by section 331.305
110 8 stating that the committee intends to fill the vacancy by
110 9 appointment but that the electors of the district or county,
110 10 as the case may be, have the right to file a petition
110 11 requiring that the vacancy be filled by special election. The
110 12 committee may publish notice in advance if an elected official
110 13 submits a resignation to take effect at a future date. The
110 14 committee may make an appointment to fill the vacancy after
110 15 the notice is published or after the vacancy occurs, whichever
110 16 is later. A person appointed to an office under this
110 17 subsection shall have actually resided in the county which the
110 18 appointee represents sixty days prior to appointment.
110 19 (2) However, if within fourteen days after publication of
110 20 the notice or within fourteen days after the appointment is
110 21 made, a petition is filed with the county auditor requesting a
110 22 special election to fill the vacancy, the appointment is
110 23 temporary and a special election shall be called as provided
110 24 in paragraph "b". The petition shall meet the requirements of
110 25 section 331.306, except that in counties where supervisors are
110 26 elected under plan "three", the number of signatures
110 27 calculated according to the formula in section 331.306 shall
110 28 be divided by the number of supervisor districts in the
110 29 county.
110 30 b. By special election held to fill the office for the
110 31 remaining balance of the unexpired term.
110 32 (1) The committee of county officers designated to fill
110 33 the vacancy in section 69.8 may, on its own motion, or shall,
110 34 upon receipt of a petition as provided in paragraph "a", call
110 35 for a special election to fill the vacancy in lieu of

House File 2522 - Introduced continued

111 1 appointment. The committee shall order the special election
111 2 at the earliest practicable date, but giving at least
111 3 thirty=two days' notice of the election. A special election
111 4 called under this section shall be held on a Tuesday and shall
111 5 not be held on the same day as a school election within the
111 6 county.
111 7 (2) However, if a vacancy on the board of supervisors
111 8 occurs after the date of the primary election and more than
111 9 seventy=three days before the general election, a special
111 10 election to fill the vacancy shall not be called by the
111 11 committee or by petition. If the term of office in which the
111 12 vacancy exists will expire more than seventy days after the
111 13 general election, the office shall be listed on the ballot, as
111 14 "For Board of Supervisors, To Fill Vacancy". The person
111 15 elected at the general election shall assume office as soon as
111 16 a certificate of election is issued and the person has
111 17 qualified by taking the oath of office. The person shall
111 18 serve the balance of the unexpired term.
111 19 (3) If the term of office in which the vacancy exists will
111 20 expire within seventy days after the general election, the
111 21 person elected to the succeeding term shall also serve the
111 22 balance of the unexpired term. The person elected at the
111 23 general election shall assume office as soon as a certificate
111 24 of election is issued and the person has qualified by taking
111 25 the oath of office.
111 26 c. For a vacancy declared by the board pursuant to section
111 27 331.214, subsection 2, by special election held to fill the
111 28 office if the remaining balance of the unexpired term is two
111 29 and one=half years or more. The committee of county officers
111 30 designated to fill the vacancy in section 69.8 shall order the
111 31 special election at the earliest practicable date, but giving
111 32 at least thirty=two days' notice of the election. A special
111 33 election called under this section shall be held on a Tuesday
111 34 and shall not be held on the same day as a school election
111 35 within the county. The office shall be listed on the ballot,

House File 2522 - Introduced continued

as "For Board of Supervisors, To Fill Vacancy". The person elected at the special election shall serve the balance of the unexpired term.

2. A vacancy in any of the offices listed in section 39.17 shall be filled by one of the two following procedures:

a. By appointment by the board of supervisors.

(1) The appointment shall be for the period until the next pending election as defined in section 69.12, and shall be made within forty days after the vacancy occurs. If the board of supervisors chooses to proceed under this paragraph, the board shall publish notice in the manner prescribed by section 331.305 stating that the board intends to fill the vacancy by appointment but that the electors of the county have the right to file a petition requiring that the vacancy be filled by special election. The board may publish notice in advance if an elected official submits a resignation to take effect at a future date. The board may make an appointment to fill the vacancy after the notice is published or after the vacancy occurs, whichever is later. A person appointed to an office under this subsection, except for a county attorney, shall have actually resided in the county which the appointee represents sixty days prior to appointment. A person appointed to the office of county attorney shall be a resident of the county at the time of appointment.

(2) However, if within fourteen days after publication of the notice or within fourteen days after the appointment is made, a petition is filed with the county auditor requesting a special election to fill the vacancy, the appointment is temporary and a special election shall be called as provided in paragraph "b". The petition shall meet the requirements of section 331.306.

b. By special election held to fill the office for the remaining balance of the unexpired term.

(1) The board of supervisors may, on its own motion, or shall, upon receipt of a petition as provided in paragraph

House File 2522 - Introduced continued

113 1 "a", call for a special election to fill the vacancy in lieu
113 2 of appointment. The supervisors shall order the special
113 3 election at the earliest practicable date, but giving at least
113 4 thirty=two days' notice of the election. A special election
113 5 called under this section shall be held on a Tuesday and shall
113 6 not be held on the same day as a school election within the
113 7 county.
113 8 (2) If a vacancy in an elective county office occurs after
113 9 the date of the primary election and more than seventy=three
113 10 days before the general election, a special election to fill
113 11 the vacancy shall not be called by the board of supervisors or
113 12 by petition. If the term of office in which the vacancy
113 13 exists will expire more than seventy days after the general
113 14 election, the office shall be listed on the ballot with the
113 15 name of the office and the additional description, "To Fill
113 16 Vacancy". The person elected at the general election shall
113 17 assume office as soon as a certificate of election is issued
113 18 and the person has qualified by taking the oath of office.
113 19 The person shall serve the balance of the unexpired term.
113 20 (3) If the term of office in which the vacancy exists will
113 21 expire within seventy days after the general election, the
113 22 person elected to the succeeding term shall also serve the
113 23 balance of the unexpired term. The person elected at the
113 24 general election shall assume office as soon as a certificate
113 25 of election is issued and the person has qualified by taking
113 26 the oath of office.
113 27 Sec. 165. Section 73.2, subsection 1, Code 2007, is
113 28 amended to read as follows:
113 29 1. a. All requests hereafter made for bids and proposals
113 30 for materials, products, supplies, provisions, and other
113 31 needed articles to be purchased at public expense, shall be
113 32 made in general terms and by general specifications and not by
113 33 brand, trade name, or other individual mark.
113 34 b. All such requests and bids shall contain a paragraph in
113 35 easily legible print, reading as follows:

House File 2522 - Introduced continued

114 1 ~~By~~ "By virtue of statutory authority, a preference will be
114 2 given to products and provisions grown and coal produced
114 3 within the state of Iowa."
114 4 Sec. 166. Section 73.16, subsection 2, Code Supplement
114 5 2007, is amended to read as follows:
114 6 2. a. Prior to the commencement of a fiscal year, the
114 7 director of each agency or department of state government
114 8 having purchasing authority, in cooperation with the targeted
114 9 small business marketing and compliance manager of the
114 10 department of economic development, shall establish for that
114 11 fiscal year a procurement goal from certified targeted small
114 12 businesses identified pursuant to section 10A.104, subsection
114 13 8.
114 14 (1) The procurement goal shall include the procurement of
114 15 all goods and services, including construction, but not
114 16 including utility services.
114 17 (2) A procurement goal shall be stated in terms of a
114 18 dollar amount of certified purchases and shall be established
114 19 at a level that exceeds the procurement levels from certified
114 20 targeted small businesses during the previous fiscal year.
114 21 b. The director of an agency or department of state
114 22 government that has established a procurement goal as required
114 23 under this subsection shall provide a report within fifteen
114 24 business days following the end of each calendar quarter to
114 25 the targeted small business marketing and compliance manager
114 26 of the department of economic development, providing the total
114 27 dollar amount of certified purchases from certified targeted
114 28 small businesses during the previous calendar quarter. The
114 29 required report shall be made in a form approved by the
114 30 targeted small business marketing and compliance manager. The
114 31 first quarterly report shall be for the calendar quarter
114 32 ending September 30, 2007.
114 33 c. (1) The director of each department and agency of
114 34 state government shall cooperate with the director of the
114 35 department of inspections and appeals, the director of the

House File 2522 - Introduced continued

115 1 department of economic development, and the director of the
115 2 department of management and do all acts necessary to carry
115 3 out the provisions of this division.
115 4 (2) The director of each agency or department of state
115 5 government having purchasing authority shall issue electronic
115 6 bid notices for distribution to the targeted small business
115 7 web page located at the department of economic development if
115 8 the director releases a solicitation for bids for procurement
115 9 of equipment, supplies, or services. The notices shall be
115 10 provided to the targeted small business marketing manager
115 11 forty=eight hours prior to the issuance of all bid notices.
115 12 The notices shall contain a description of the subject of the
115 13 bid, a point of contact for the bid, and any subcontract goals
115 14 included in the bid.
115 15 (3) A community college, area education agency, or school
115 16 district shall establish a procurement goal from certified
115 17 targeted small businesses, identified pursuant to section
115 18 10A.104, subsection 8, of at least ten percent of the value of
115 19 anticipated procurements of goods and services including
115 20 construction, but not including utility services, each fiscal
115 21 year.
115 22 d. Of the total value of anticipated procurements of goods
115 23 and services under this subsection, an additional goal shall
115 24 be established to procure at least forty percent from
115 25 minority=owned businesses, and forty percent from female=owned
115 26 businesses.
115 27 Sec. 167. Section 74A.3, Code 2007, is amended to read as
115 28 follows:
115 29 74A.3 INTEREST RATES FOR PUBLIC OBLIGATIONS.
115 30 1. Except as otherwise provided by law, the rates of
115 31 interest on obligations issued by this state, or by a county,
115 32 school district, city, special improvement district, or any
115 33 other governmental body or agency are as follows:
115 34 ~~1.~~ a. General obligation bonds, warrants, or other
115 35 evidences of indebtedness which are payable from general

House File 2522 - Introduced continued

116 1 taxation or from the state's sinking fund for public deposits
116 2 may bear interest at a rate to be set by the issuing
116 3 governmental body or agency.
116 4 ~~2.~~ b. Revenue bonds, warrants, pledge orders or other
116 5 obligations, the principal and interest of which are to be
116 6 paid solely from the revenue derived from the operations of
116 7 the publicly owned enterprise or utility for which the bonds
116 8 or obligations are issued, may bear interest at a rate to be
116 9 set by the issuing governmental body or agency.
116 10 ~~3.~~ c. Special assessment bonds, certificates, warrants or
116 11 other obligations, the principal and interest of which are
116 12 payable from special assessments levied against benefited
116 13 property may bear interest at a rate to be set by the issuing
116 14 governmental body or agency.
116 15 2. The interest rates authorized by this section to be set
116 16 by the issuing governmental body or agency shall be set in
116 17 each instance by the governing body which, in accordance with
116 18 applicable provisions of law then in effect, authorizes the
116 19 issuance of the bonds, warrants, pledge orders, certificates,
116 20 obligations, or other evidences of indebtedness.
116 21 Sec. 168. Section 80.8, Code 2007, is amended to read as
116 22 follows:
116 23 80.8 EMPLOYEES AND PEACE OFFICERS == SALARIES AND
116 24 COMPENSATION.
116 25 1. The commissioner shall employ personnel as may be
116 26 required to properly discharge the duties of the department.
116 27 2. The commissioner may delegate to the peace officers of
116 28 the department such additional duties in the enforcement of
116 29 this chapter as the commissioner may deem proper and
116 30 incidental to the duties now imposed upon them by law.
116 31 3. a. The salaries of peace officers and employees of the
116 32 department and the expenses of the department shall be
116 33 provided for by a legislative appropriation. The compensation
116 34 of peace officers of the department shall be fixed according
116 35 to grades as to rank and length of service by the commissioner

House File 2522 - Introduced continued

117 1 with the approval of the department of administrative
117 2 services, unless covered by a collective bargaining agreement
117 3 that provides otherwise.
117 4 b. The peace officers shall be paid additional
117 5 compensation in accordance with the following formula: When
117 6 peace officers have served for a period of five years, their
117 7 compensation then being paid shall be increased by the sum of
117 8 twenty=five dollars per month beginning with the month
117 9 succeeding the foregoing described five=year period; when
117 10 peace officers have served for a period of ten years, their
117 11 compensation then being paid shall be increased by the sum of
117 12 twenty=five dollars per month beginning with the month
117 13 succeeding the foregoing described ten=year period, such sums
117 14 being in addition to the increase provided herein to be paid
117 15 after five years of service; when peace officers have served
117 16 for a period of fifteen years, their compensation then being
117 17 paid shall be increased by the sum of twenty=five dollars per
117 18 month beginning with the month succeeding the foregoing
117 19 described fifteen=year period, such sums being in addition to
117 20 the increases previously provided for herein; when peace
117 21 officers have served for a period of twenty years, their
117 22 compensation then being paid shall be increased by the sum of
117 23 twenty=five dollars per month beginning with the month
117 24 succeeding the foregoing described twenty=year period, such
117 25 sums being in addition to the increases previously provided
117 26 for herein.
117 27 c. While on active duty, each peace officer shall also
117 28 receive a flat daily sum as fixed by the commissioner for
117 29 meals unless the amount of the flat daily sum is covered by a
117 30 collective bargaining agreement that provides otherwise.
117 31 d. A collective bargaining agreement entered into between
117 32 the state and a state employee organization under chapter 20
117 33 made final after July 1, 1977, shall not include any pay
117 34 adjustment to longevity pay authorized under this section.
117 35 e. Peace officers of the department excluded from the

House File 2522 - Introduced continued

118 1 provisions of chapter 20 who are injured in the line of duty
118 2 shall receive paid time off in the same manner as provided to
118 3 peace officers of the department covered by a collective
118 4 bargaining agreement entered into between the state and the
118 5 employee organization representing such covered peace officers
118 6 under chapter 20.
118 7 Sec. 169. Section 80E.2, Code 2007, is amended to read as
118 8 follows:
118 9 80E.2 DRUG POLICY ADVISORY COUNCIL == MEMBERSHIP ==
118 10 DUTIES.
118 11 1. An Iowa drug policy advisory council is established
118 12 which shall consist of the following fifteen members:
118 13 a. The drug policy coordinator, who shall serve as
118 14 chairperson of the council.
118 15 b. The director of the department of corrections, or the
118 16 director's designee.
118 17 c. The director of the department of education, or the
118 18 director's designee.
118 19 d. The director of the Iowa department of public health,
118 20 or the director's designee.
118 21 e. The commissioner of public safety, or the
118 22 commissioner's designee.
118 23 f. The director of the department of human services, or
118 24 the director's designee.
118 25 g. The director of the division of criminal and juvenile
118 26 justice planning in the department of human rights, or the
118 27 division director's designee.
118 28 h. A prosecuting attorney.
118 29 i. A licensed substance abuse treatment specialist.
118 30 j. A certified substance abuse prevention specialist.
118 31 k. A substance abuse treatment program director.
118 32 l. A justice of the Iowa supreme court, or judge, as
118 33 designated by the chief justice of the supreme court.
118 34 m. A member representing the Iowa association of chiefs of
118 35 police and peace officers.

House File 2522 - Introduced continued

119 1 n. A member representing the Iowa state police
119 2 association.
119 3 o. A member representing the Iowa state sheriffs' and
119 4 deputies' association.
119 5 2. The prosecuting attorney, licensed substance abuse
119 6 treatment specialist, certified substance abuse prevention
119 7 specialist, substance abuse treatment program director, member
119 8 representing the Iowa association of chiefs of police and
119 9 peace officers, member representing the Iowa state police
119 10 association, and the member representing the Iowa state
119 11 sheriffs' and deputies' association shall be appointed by the
119 12 governor, subject to senate confirmation, for four=year terms
119 13 beginning and ending as provided in section 69.19. A vacancy
119 14 on the council shall be filled for the unexpired term in the
119 15 same manner as the original appointment was made.
119 16 ~~2.~~ 3. The council shall make policy recommendations to
119 17 the appropriate departments concerning the administration,
119 18 development, and coordination of programs related to substance
119 19 abuse education, prevention, treatment, and enforcement.
119 20 ~~3.~~ 4. The members of the council shall be reimbursed for
119 21 actual and necessary travel and related expenses incurred in
119 22 the discharge of official duties. Each member of the council
119 23 may also be eligible to receive compensation as provided in
119 24 section 7E.6.
119 25 ~~4.~~ 5. The council shall meet at least quarterly
119 26 throughout the year.
119 27 ~~5.~~ 6. A majority of the members of the council
119 28 constitutes a quorum, and a majority of the total membership
119 29 of the council is necessary to act in any matter within the
119 30 jurisdiction of the council.
119 31 Sec. 170. Section 84A.1, subsections 2 and 3, Code 2007,
119 32 are amended to read as follows:
119 33 2. The chief executive officer of the department of
119 34 workforce development is the director who shall be appointed
119 35 by the governor, subject to confirmation by the senate under

House File 2522 - Introduced continued

the confirmation procedures of section 2.32.
a. The director of the department of workforce development shall serve at the pleasure of the governor.
b. The governor shall set the salary of the director within the applicable salary range established by the general assembly.
c. The director shall be selected solely on the ability to administer the duties and functions granted to the director and the department and shall devote full time to the duties of the director.
d. If the office of director becomes vacant, the vacancy shall be filled in the same manner as the original appointment was made.
3. a. The director of the department of workforce development shall, subject to the requirements of section 84A.1B, prepare, administer, and control the budget of the department and its divisions and shall approve the employment of all personnel of the department and its divisions.
b. The director of the department of workforce development shall direct the administrative and compliance functions and control the docket of the division of workers' compensation.
~~3.~~ 4. The department of workforce development shall include the division of labor services, the division of workers' compensation, and other divisions as appropriate.
Sec. 171. Section 85.31, subsection 1, Code 2007, is amended to read as follows:
1. a. When death results from the injury, the employer shall pay the dependents who were wholly dependent on the earnings of the employee for support at the time of the injury, during their lifetime, compensation upon the basis of eighty percent per week of the employee's average weekly spendable earnings, commencing from the date of death as follows:
~~a.~~ (1) To the surviving spouse for life or until remarriage, provided that upon remarriage two years' benefits

House File 2522 - Introduced continued

121 1 shall be paid to the surviving spouse in a lump sum, if there
121 2 are no children entitled to benefits.
121 3 ~~b.~~ (2) To any child of the deceased until the child shall
121 4 reach the age of eighteen, provided that a child beyond
121 5 eighteen years of age shall receive benefits to the age of
121 6 twenty=five if actually dependent, and the fact that a child
121 7 is under twenty=five years of age and is enrolled as a
121 8 full=time student in any accredited educational institution
121 9 shall be a prima facie showing of actual dependency.
121 10 ~~c.~~ (3) To any child who was physically or mentally
121 11 incapacitated from earning at the time of the injury causing
121 12 death for the duration of the incapacity from earning.
121 13 ~~d.~~ (4) To all other dependents as defined in section
121 14 85.44 for the duration of the incapacity from earning.
121 15 b. The weekly benefit amount shall not exceed a weekly
121 16 benefit amount, rounded to the nearest dollar, equal to two
121 17 hundred percent of the statewide average weekly wage paid
121 18 employees as determined by the department of workforce
121 19 development under section 96.19, subsection 36, and in effect
121 20 at the time of the injury. The minimum weekly benefit amount
121 21 shall be equal to the weekly benefit amount of a person whose
121 22 gross weekly earnings are thirty=five percent of the statewide
121 23 average weekly wage. Such compensation shall be in addition
121 24 to the benefits provided by sections 85.27 and 85.28.
121 25 Sec. 172. Section 85.34, subsection 3, Code 2007, is
121 26 amended to read as follows:
121 27 3. PERMANENT TOTAL DISABILITY.
121 28 a. Compensation for an injury causing permanent total
121 29 disability shall be upon the basis of eighty percent per week
121 30 of the employee's average spendable weekly earnings, but not
121 31 more than a weekly benefit amount, rounded to the nearest
121 32 dollar, equal to two hundred percent of the statewide average
121 33 weekly wage paid employees as determined by the department of
121 34 workforce development under section 96.19, subsection 36, and
121 35 in effect at the time of the injury. The minimum weekly

House File 2522 - Introduced continued

122 1 benefit amount is equal to the weekly benefit amount of a
122 2 person whose gross weekly earnings are thirty=five percent of
122 3 the statewide average weekly wage. The weekly compensation is
122 4 payable during the period of the employee's disability.
122 5 b. Such compensation shall be in addition to the benefits
122 6 provided in sections 85.27 and 85.28. No compensation shall
122 7 be payable under this subsection for any injury for which
122 8 compensation is payable under subsection 2 of this section.
122 9 In the event compensation has been paid to any person under
122 10 any provision of this chapter, chapter 85A or chapter 85B for
122 11 the same injury producing a total permanent disability, any
122 12 such amounts so paid shall be deducted from the total amount
122 13 of compensation payable for such permanent total disability.
122 14 Sec. 173. Section 85.45, Code 2007, is amended to read as
122 15 follows:
122 16 85.45 COMMUTATION.
122 17 1. Future payments of compensation may be commuted to a
122 18 present worth lump sum payment on the following conditions:
122 19 ~~1.~~ a. When the period during which compensation is
122 20 payable can be definitely determined.
122 21 ~~2.~~ b. When it shall be shown to the satisfaction of the
122 22 workers' compensation commissioner that such commutation will
122 23 be for the best interest of the person or persons entitled to
122 24 the compensation, or that periodical payments as compared with
122 25 a lump sum payment will entail undue expense, hardship, or
122 26 inconvenience upon the employer liable therefor.
122 27 ~~3.~~ c. When the recipient of commuted benefits is a minor
122 28 employee, the workers' compensation commissioner may order
122 29 that such benefits be paid to a trustee as provided in section
122 30 85.49.
122 31 ~~4.~~ d. When a person seeking a commutation is a surviving
122 32 spouse, an employee with a permanent and total disability, or
122 33 a dependent who is entitled to benefits as provided in section
122 34 85.31, subsection 1, ~~paragraphs "c" and "d"~~ paragraph "a",
122 35 subparagraphs (3) and (4), the future payments which may be

House File 2522 - Introduced continued

123 1 commuted shall not exceed the number of weeks which shall be
123 2 indicated by probability tables designated by the workers'
123 3 compensation commissioner for death and remarriage, subject to
123 4 the provisions of chapter 17A.
123 5 2. Future payments of compensation shall not be commuted
123 6 to a present worth lump sum payment when the employee is an
123 7 inmate as set forth in section 85.59.
123 8 Sec. 174. Section 86.8, Code 2007, is amended to read as
123 9 follows:
123 10 86.8 DUTIES.
123 11 1. The commissioner shall:
123 12 ~~1.~~ a. Adopt and enforce rules necessary to implement this
123 13 chapter and chapters 85, 85A, 85B, and 87.
123 14 ~~2.~~ b. Prepare and distribute the necessary blanks
123 15 relating to computation, adjustment, and settlement of
123 16 compensation.
123 17 ~~3.~~ c. Prepare and publish statistical reports and
123 18 analyses regarding the cost, occurrence, and sources of
123 19 employment injuries.
123 20 ~~4.~~ d. Administer oaths and examine books and records of
123 21 parties subject to the workers' compensation laws.
123 22 ~~5.~~ e. Provide a seal for the authentication of orders and
123 23 records and for other purposes as required.
123 24 2. Subject to the approval of the director of the
123 25 department of workforce development, the commissioner may
123 26 enter into contracts with any state agency, with or without
123 27 reimbursement, for the purpose of obtaining the services,
123 28 facilities, and personnel of the agency and with the consent
123 29 of any state agency or political subdivision of the state,
123 30 accept and use the services, facilities, and personnel of the
123 31 agency or political subdivision, and employ experts and
123 32 consultants or organizations in order to expeditiously,
123 33 efficiently, and economically effectuate the purposes of this
123 34 chapter. The agreements under this ~~paragraph~~ subsection are
123 35 subject to approval by the executive council if approval is

House File 2522 - Introduced continued

124 1 required by law.
124 2 Sec. 175. Section 88.6, subsection 8, Code 2007, is
124 3 amended to read as follows:
124 4 8. CONFIDENTIALITY. Notwithstanding chapter 22, records
124 5 prepared or obtained by the commissioner relating to an
124 6 enforcement action conducted pursuant to this chapter shall be
124 7 kept confidential until the enforcement action is complete.
124 8 a. For purposes of this subsection, an enforcement action
124 9 is complete when any of the following occurs:
124 10 ~~a.~~ (1) An inspection file is closed without the issuance
124 11 of a citation.
124 12 ~~b.~~ (2) A citation or noncompliance notice resulting from
124 13 an inspection becomes a final order of the employment appeal
124 14 board and all applicable courts pursuant to sections 88.8 and
124 15 88.9, and abatement is verified.
124 16 ~~c.~~ (3) A determination and any subsequent action is final
124 17 in an occupational safety and health discrimination case.
124 18 b. A citation or noncompliance notice shall remain a
124 19 confidential record until received by the appropriate
124 20 employer.
124 21 c. This subsection shall not affect the discovery rights
124 22 of any party to a contested case.
124 23 Sec. 176. Section 88.9, subsections 1 and 3, Code 2007,
124 24 are amended to read as follows:
124 25 1. AGGRIEVED PERSONS.
124 26 a. Judicial review of any order of the appeal board issued
124 27 under section 88.8, subsection 3, may be sought in accordance
124 28 with the terms of the Iowa administrative procedure Act,
124 29 chapter 17A. Notwithstanding the terms of the Iowa
124 30 administrative procedure Act, chapter 17A, petitions for
124 31 judicial review may be filed in the district court of the
124 32 county in which the violation is alleged to have occurred or
124 33 where the employer has its principal office and may be filed
124 34 within sixty days following the issuance of such order. The
124 35 appeal board's copy of the testimony shall be available to all

House File 2522 - Introduced continued

125 1 parties for examination at all reasonable times, without cost,
125 2 and for the purpose of judicial review of the appeal board's
125 3 orders.
125 4 b. The commissioner may obtain judicial review or
125 5 enforcement of any final order or decision of the appeal board
125 6 by filing a petition in the district court of the county in
125 7 which the alleged violation occurred or in which the employer
125 8 has its principal office. The judicial review provisions of
125 9 chapter 17A shall govern such proceedings to the extent
125 10 applicable.
125 11 c. Notwithstanding section 10A.601, subsection 7, and
125 12 chapter 17A, the commissioner has the exclusive right to
125 13 represent the appeal board in any judicial review of an appeal
125 14 board decision under this chapter in which the commissioner
125 15 does not appeal the appeal board decision, except as provided
125 16 by section 88.17.
125 17 3. DISCRIMINATION AND DISCHARGE.
125 18 a. (1) A person shall not discharge or in any manner
125 19 discriminate against an employee because the employee has
125 20 filed a complaint or instituted or caused to be instituted a
125 21 proceeding under or related to this chapter or has testified
125 22 or is about to testify in any such proceeding or because of
125 23 the exercise by the employee on behalf of the employee or
125 24 others of a right afforded by this chapter.
125 25 (2) A person shall not discharge or in any manner
125 26 discriminate against an employee because the employee, who
125 27 with no reasonable alternative, refuses in good faith to
125 28 expose the employee's self to a dangerous condition of a
125 29 nature that a reasonable person, under the circumstances then
125 30 confronting the employee, would conclude that there is a real
125 31 danger of death or serious injury; provided the employee,
125 32 where possible, has first sought through resort to regular
125 33 statutory enforcement channels, unless there has been
125 34 insufficient time due to the urgency of the situation, or the
125 35 employee has sought and been unable to obtain from the person,

House File 2522 - Introduced continued

126 1 a correction of the dangerous condition.
126 2 b. (1) An employee who believes that the employee has
126 3 been discharged or otherwise discriminated against by a person
126 4 in violation of this subsection may, within thirty days after
126 5 the violation occurs, file a complaint with the commissioner
126 6 alleging discrimination.
126 7 (2) Upon receipt of the complaint, the commissioner shall
126 8 conduct an investigation as the commissioner deems
126 9 appropriate. If, upon investigation, the commissioner
126 10 determines that the provisions of this subsection have been
126 11 violated, the commissioner shall bring an action in the
126 12 appropriate district court against the person. In any such
126 13 action, the district court has jurisdiction to restrain
126 14 violations of this subsection and order all appropriate relief
126 15 including rehiring or reinstatement of the employee to the
126 16 employee's former position with back pay.
126 17 (3) Within ninety days of the receipt of a complaint filed
126 18 under this subsection, the commissioner shall notify the
126 19 complainant of the commissioner's determination under this
126 20 subsection.
126 21 Sec. 177. Section 96.3, subsection 7, Code 2007, is
126 22 amended to read as follows:
126 23 7. RECOVERY OF OVERPAYMENT OF BENEFITS.
126 24 a. If an individual receives benefits for which the
126 25 individual is subsequently determined to be ineligible, even
126 26 though the individual acts in good faith and is not otherwise
126 27 at fault, the benefits shall be recovered. The department in
126 28 its discretion may recover the overpayment of benefits either
126 29 by having a sum equal to the overpayment deducted from any
126 30 future benefits payable to the individual or by having the
126 31 individual pay to the department a sum equal to the
126 32 overpayment.
126 33 b. If the department determines that an overpayment has
126 34 been made, the charge for the overpayment against the
126 35 employer's account shall be removed and the account shall be

House File 2522 - Introduced continued

127 1 credited with an amount equal to the overpayment from the
127 2 unemployment compensation trust fund and this credit shall
127 3 include both contributory and reimbursable employers,
127 4 notwithstanding section 96.8, subsection 5.
127 5 Sec. 178. Section 96.4, subsections 4 and 6, Code 2007,
127 6 are amended to read as follows:
127 7 4. a. The individual has been paid wages for insured work
127 8 during the individual's base period in an amount at least one
127 9 and one=quarter times the wages paid to the individual during
127 10 that quarter of the individual's base period in which the
127 11 individual's wages were highest; provided that the individual
127 12 has been paid wages for insured work totaling at least three
127 13 and five=tenths percent of the statewide average annual wage
127 14 for insured work, computed for the preceding calendar year if
127 15 the individual's benefit year begins on or after the first
127 16 full week in July and computed for the second preceding
127 17 calendar year if the individual's benefit year begins before
127 18 the first full week in July, in that calendar quarter in the
127 19 individual's base period in which the individual's wages were
127 20 highest, and the individual has been paid wages for insured
127 21 work totaling at least one=half of the amount of wages
127 22 required under this subsection in the calendar quarter of the
127 23 base period in which the individual's wages were highest, in a
127 24 calendar quarter in the individual's base period other than
127 25 the calendar quarter in which the individual's wages were
127 26 highest. The calendar quarter wage requirements shall be
127 27 rounded to the nearest multiple of ten dollars.
127 28 b. If the individual has drawn benefits in any benefit
127 29 year, the individual must during or subsequent to that year,
127 30 work in and be paid wages for insured work totaling at least
127 31 two hundred fifty dollars, as a condition to receive benefits
127 32 in the next benefit year.
127 33 6. a. An otherwise eligible individual shall not be
127 34 denied benefits for any week because the individual is in
127 35 training with the approval of the director, nor shall the

House File 2522 - Introduced continued

128 1 individual be denied benefits with respect to any week in
128 2 which the individual is in training with the approval of the
128 3 director by reason of the application of the provision in
128 4 subsection 3 of this section relating to availability for
128 5 work, and an active search for work or the provision of
128 6 section 96.5, subsection 3, relating to failure to apply for
128 7 or a refusal to accept suitable work. However, an employer's
128 8 account shall not be charged with benefits so paid.
128 9 b. (1) An otherwise eligible individual shall not be
128 10 denied benefits for a week because the individual is in
128 11 training approved under 19 U.S.C. } 2296(a), as amended by
128 12 section 2506 of the federal Omnibus Budget Reconciliation Act
128 13 of 1981, because the individual leaves work which is not
128 14 suitable employment to enter the approved training, or because
128 15 of the application of subsection 3 of this section or section
128 16 96.5, subsection 3, or a federal unemployment insurance law
128 17 administered by the department relating to availability for
128 18 work, active search for work, or refusal to accept work.
128 19 (2) For purposes of this paragraph, "suitable employment"
128 20 means work of a substantially equal or higher skill level than
128 21 an individual's past adversely affected employment, as defined
128 22 in 19 U.S.C. } 2319(l), if weekly wages for the work are not
128 23 less than eighty percent of the individual's average weekly
128 24 wage.
128 25 Sec. 179. Section 96.6, subsection 3, Code 2007, is
128 26 amended to read as follows:
128 27 3. APPEALS.
128 28 a. Unless the appeal is withdrawn, an administrative law
128 29 judge, after affording the parties reasonable opportunity for
128 30 fair hearing, shall affirm or modify the findings of fact and
128 31 decision of the representative. The hearing shall be
128 32 conducted pursuant to the provisions of chapter 17A relating
128 33 to hearings for contested cases. Before the hearing is
128 34 scheduled, the parties shall be afforded the opportunity to
128 35 choose either a telephone hearing or an in=person hearing. A

House File 2522 - Introduced continued

129 1 request for an in=person hearing shall be approved unless the
129 2 in=person hearing would be impractical because of the distance
129 3 between the parties to the hearing. A telephone or in=person
129 4 hearing shall not be scheduled before the seventh calendar day
129 5 after the parties receive notice of the hearing. Reasonable
129 6 requests for the postponement of a hearing shall be granted.
129 7 The parties shall be duly notified of the administrative law
129 8 judge's decision, together with the administrative law judge's
129 9 reasons for the decision, which is the final decision of the
129 10 department, unless within fifteen days after the date of
129 11 notification or mailing of the decision, further appeal is
129 12 initiated pursuant to this section.
129 13 b. Appeals from the initial determination shall be heard
129 14 by an administrative law judge employed by the department. An
129 15 administrative law judge's decision may be appealed by any
129 16 party to the employment appeal board created in section
129 17 10A.601. The decision of the appeal board is final agency
129 18 action and an appeal of the decision shall be made directly to
129 19 the district court.
129 20 Sec. 180. Section 96.9, subsection 2, Code Supplement
129 21 2007, is amended to read as follows:
129 22 2. ACCOUNTS AND DEPOSITS.
129 23 a. The state treasurer shall be ex officio treasurer and
129 24 custodian of the fund and shall administer such fund in
129 25 accordance with the directions of the department. The
129 26 director of the department of administrative services shall
129 27 issue warrants upon the fund pursuant to the order of the
129 28 department and such warrants shall be paid from the fund by
129 29 the treasurer.
129 30 b. The treasurer shall maintain within the fund three
129 31 separate accounts:
129 32 ~~a.~~ (1) A clearing account.
129 33 ~~b.~~ (2) An unemployment trust fund account.
129 34 ~~c.~~ (3) A benefit account.
129 35 c. All moneys payable to the unemployment compensation

House File 2522 - Introduced continued

130 1 fund and all interest and penalties on delinquent
130 2 contributions and reports shall, upon receipt thereof by the
130 3 department, be forwarded to the treasurer who shall
130 4 immediately deposit them in the clearing account, but the
130 5 interest and penalties on delinquent contributions and reports
130 6 shall not be deemed to be a part of the fund. Refunds of
130 7 contributions payable pursuant to section 96.14 shall be paid
130 8 by the treasurer from the clearing account upon warrants
130 9 issued by the director of the department of administrative
130 10 services under the direction of the department. After
130 11 clearance thereof, all other moneys in the clearing account,
130 12 except interest and penalties on delinquent contributions and
130 13 reports, shall be immediately deposited with the secretary of
130 14 the treasury of the United States to the credit of the account
130 15 of this state in the unemployment trust fund, established and
130 16 maintained pursuant to section 904 of the Social Security Act
130 17 as amended, any provisions of law in this state relating to
130 18 the deposit, administration, release or disbursement of moneys
130 19 in the possession or custody of this state to the contrary
130 20 notwithstanding. Interest and penalties on delinquent
130 21 contributions and reports collected from employers shall be
130 22 transferred from the clearing account to the special
130 23 employment security contingency fund. The benefit account
130 24 shall consist of all moneys requisitioned from this state's
130 25 account in the unemployment trust fund for the payment of
130 26 benefits. Except as herein otherwise provided, moneys in the
130 27 clearing and benefit account may be deposited by the
130 28 treasurer, under the direction of the department, in any bank
130 29 or public depository in which general funds of the state may
130 30 be deposited, but no public deposit insurance charge or
130 31 premium shall be paid out of the fund. The treasurer shall
130 32 give a separate bond conditioned upon the faithful performance
130 33 of the treasurer's duties as custodian of the fund in an
130 34 amount fixed by the governor and in form and manner prescribed
130 35 by law. Premiums for said bond shall be paid from the

House File 2522 - Introduced continued

131 1 administration fund.
131 2 d. Interest paid upon the moneys deposited with the
131 3 secretary of the treasury of the United States shall be
131 4 credited to the unemployment compensation fund.
131 5 Sec. 181. Section 96.11, subsections 3 and 10, Code
131 6 Supplement 2007, are amended to read as follows:
131 7 3. PUBLICATIONS.
131 8 a. The director shall cause to be printed for distribution
131 9 to the public the text of this chapter, the department's
131 10 general rules, its annual reports to the governor, and any
131 11 other material the director deems relevant and suitable and
131 12 shall furnish the same to any person upon application
131 13 therefor.
131 14 b. The department shall prepare and distribute to the
131 15 public as labor force data, only that data adjusted according
131 16 to the current population survey and other nonlabor force
131 17 statistics which the department determines are of interest to
131 18 the public.
131 19 10. STATE=FEDERAL COOPERATION.
131 20 a. In the administration of this chapter, the department
131 21 shall cooperate with the United States department of labor to
131 22 the fullest extent consistent with the provisions of this
131 23 chapter, and shall take such action, through the adoption of
131 24 appropriate rules, regulations, administrative methods and
131 25 standards, as may be necessary to secure to this state and its
131 26 citizens all advantages available under the provisions of the
131 27 Social Security Act that relate to unemployment compensation,
131 28 the federal Unemployment Tax Act, the Wagner=Peyser Act, and
131 29 the Federal=State Extended Unemployment Compensation Act of
131 30 1970.
131 31 b. In the administration of the provisions of section
131 32 96.29 which are enacted to conform with the requirements of
131 33 the Federal=State Extended Unemployment Compensation Act of
131 34 1970, the department shall take such action as may be
131 35 necessary to insure that the provisions are so interpreted and

House File 2522 - Introduced continued

132 1 applied as to meet the requirements of such federal Act as
132 2 interpreted by the United States department of labor, and to
132 3 secure to this state the full reimbursement of the federal
132 4 share of extended benefits paid under this chapter that are
132 5 reimbursable under the federal Act.
132 6 c. The department shall make such reports, in such form
132 7 and containing such information as the United States
132 8 department of labor may from time to time require, and shall
132 9 comply with such provisions as the United States department of
132 10 labor may from time to time find necessary to assure the
132 11 correctness and verification of such reports; and shall comply
132 12 with the regulations prescribed by the United States
132 13 department of labor governing the expenditures of such sums as
132 14 may be allotted and paid to this state under Title III of the
132 15 Social Security Act for the purpose of assisting in
132 16 administration of this chapter.
132 17 d. The department may make its records relating to the
132 18 administration of this chapter available to the railroad
132 19 retirement board, and may furnish the railroad retirement
132 20 board such copies thereof as the railroad retirement board
132 21 deems necessary for its purposes. The department may afford
132 22 reasonable cooperation with every agency of the United States
132 23 charged with the administration of any unemployment insurance
132 24 law. The railroad retirement board or any other agency
132 25 requiring such services and reports from the department shall
132 26 pay the department such compensation therefor as the
132 27 department determines to be fair and reasonable.
132 28 Sec. 182. Section 96.14, subsection 3, Code Supplement
132 29 2007, is amended to read as follows:
132 30 3. LIEN OF CONTRIBUTIONS == COLLECTION.
132 31 a. Whenever any employer liable to pay contributions
132 32 refuses or neglects to pay the same, the amount, including any
132 33 interest, together with the costs that may accrue in addition
132 34 thereto, shall be a lien in favor of the state upon all
132 35 property and rights to property, whether real or personal,

House File 2522 - Introduced continued

133 1 belonging to said employer. An assessment of the unpaid
133 2 contributions, interest and penalty shall be applied as
133 3 provided in section 96.7, subsection 3, paragraphs "a" and
133 4 "b", and the lien shall attach as of the date the assessment
133 5 is mailed or personally served upon the employer and shall
133 6 continue for ten years, or until the liability for the amount
133 7 is satisfied, unless sooner released or otherwise discharged.
133 8 The lien may, within ten years from the date the lien
133 9 attaches, be extended for up to an additional ten years by
133 10 filing a notice during the ninth year with the appropriate
133 11 county official of any county. However, the department may
133 12 release any lien, when after diligent investigation and effort
133 13 it determines that the amount due is not collectible.
133 14 b. In order to preserve the aforesaid lien against
133 15 subsequent mortgagees, purchasers or judgment creditors, for
133 16 value and without notice of the lien, on any property situated
133 17 in a county, the department shall file with the recorder of
133 18 the county, in which said property is located, a notice of
133 19 said lien.
133 20 c. The county recorder of each county shall prepare and
133 21 keep in the recorder's office an index to show the following
133 22 data, under the names of employers, arranged alphabetically:
133 23 ~~a.~~ (1) The name of the employer.
133 24 ~~b.~~ (2) The name "State of Iowa" as claimant.
133 25 ~~c.~~ (3) Time notice of lien was received.
133 26 ~~d.~~ (4) Date of notice.
133 27 ~~e.~~ (5) Amount of lien then due.
133 28 ~~f.~~ (6) When satisfied.
133 29 d. The recorder shall endorse on each notice of lien the
133 30 day, hour, and minute when received and shall index the notice
133 31 in the index and shall record the lien in the manner provided
133 32 for recording real estate mortgages, and the lien shall be
133 33 effective from the time of the indexing of the lien.
133 34 e. The department shall pay a recording fee as provided in
133 35 section 331.604, for the recording of the lien, or for its

House File 2522 - Introduced continued

134 1 satisfaction.
134 2 f. Upon the payment of contributions as to which the
134 3 department has filed notice with a county recorder, the
134 4 department shall forthwith file with said recorder a
134 5 satisfaction of said contributions and the recorder shall
134 6 enter said satisfaction on the notice on file in the
134 7 recorder's office and indicate said fact on the index
134 8 aforesaid.
134 9 g. The department shall, substantially as provided in this
134 10 chapter and chapter 626, proceed to collect all contributions
134 11 as soon as practicable after they become delinquent, except
134 12 that no property of the employer is exempt from payment of the
134 13 contributions.
134 14 h. If, after due notice, any employer defaults in any
134 15 payment of contributions or interest thereon, the amount due
134 16 may be collected by civil action in the name of the department
134 17 and the employer adjudged in default shall pay the costs of
134 18 such action. Civil actions brought under this section to
134 19 collect contributions or interest thereon from an employer
134 20 shall be heard by the court at the earliest possible date and
134 21 shall be entitled to preference upon the calendar of the court
134 22 over all other civil actions except petitions for judicial
134 23 review under this chapter and cases arising under the workers'
134 24 compensation law of this state.
134 25 i. It is expressly provided that the foregoing remedies of
134 26 the state shall be cumulative and that no action taken by the
134 27 department shall be construed to be an election on the part of
134 28 the state or any of its officers to pursue any remedy
134 29 hereunder to the exclusion of any other remedy provided by
134 30 law.
134 31 j. The courts of this state shall recognize and enforce
134 32 liabilities for unemployment contributions, penalties,
134 33 interest, and benefit overpayments imposed by other states
134 34 which extend a like comity to this state. The department may
134 35 sue in the courts of any other jurisdiction which extends such

House File 2522 - Introduced continued

135 1 comity to collect unemployment contributions, penalties,
135 2 interest, and benefit overpayments due this state. The
135 3 officials of other states which, by statute or otherwise,
135 4 extend a like comity to this state may sue in the district
135 5 court to collect for such contributions, penalties, interest,
135 6 and benefit overpayments. In any such case the director, as
135 7 agent for and on behalf of any other state, may institute and
135 8 conduct such suit for such other state. Venue of such
135 9 proceedings shall be the same as for actions to collect
135 10 delinquent contributions, penalties, interest, and benefit
135 11 overpayments due under this chapter. A certificate by the
135 12 secretary of any such state attesting the authority of such
135 13 official to collect the contributions, penalties, interest,
135 14 and benefit overpayments, is conclusive evidence of such
135 15 authority. The requesting state shall pay the court costs.
135 16 k. If a political subdivision or a political subdivision
135 17 instrumentality becomes delinquent in the payment of
135 18 contributions, any payments owed as a government employer,
135 19 penalty, interest and costs for more than two calendar
135 20 quarters, the amount of such delinquency shall be deducted
135 21 from any further moneys due the employer by the state. Such
135 22 deduction shall be made by the director of the department of
135 23 administrative services upon certification of the amount due.
135 24 A copy of the certification will be mailed to the employer.
135 25 l. If an amount due from a governmental entity of this
135 26 state remains due and unpaid for a period of one hundred
135 27 twenty days after the due date, the director shall take action
135 28 as necessary to collect the amount and shall levy against any
135 29 funds due the governmental entity from the state treasurer,
135 30 director of the department of administrative services, or any
135 31 other official or agency of this state, or against an account
135 32 established by the entity in any bank. The official, agency,
135 33 or bank shall deduct the amount certified by the director from
135 34 any accounts or deposits or any funds due the delinquent
135 35 governmental entity without regard to any prior claim and

House File 2522 - Introduced continued

136 1 shall promptly forward the amount to the director for the
136 2 fund. However, the director shall notify the delinquent
136 3 entity of the director's intent to file a levy by certified
136 4 mail at least ten days prior to filing the levy on any funds
136 5 due the entity from any state official or agency.
136 6 Sec. 183. Section 96.16, subsection 5, Code 2007, is
136 7 amended to read as follows:
136 8 5. EXPERIENCE AND TAX RATE AVOIDANCE.
136 9 a. If a person knowingly violates or attempts to violate
136 10 section 96.7, subsection 2, paragraph "b", subparagraph (2) or
136 11 (3), with respect to a transfer of unemployment experience, or
136 12 if a person knowingly advises another person in a way that
136 13 results in a violation of such subparagraph, the person shall
136 14 be subject to the penalties established in this subsection.
136 15 If the person is an employer, the employer shall be assigned a
136 16 penalty rate of contribution of two percent of taxable wages
136 17 in addition to the regular contribution rate assigned for the
136 18 year during which such violation or attempted violation
136 19 occurred and for the two rate years immediately following. If
136 20 the person is not an employer, the person shall be subject to
136 21 a civil penalty of not more than five thousand dollars for
136 22 each violation which shall be deposited in the unemployment
136 23 trust fund, and shall be used for payment of unemployment
136 24 benefits. In addition to any other penalty imposed in this
136 25 subsection, violations described in this subsection shall also
136 26 constitute an aggravated misdemeanor.
136 27 b. For purposes of this subsection~~, "knowingly"~~:
136 28 (1) "Knowingly" means having actual knowledge of or acting
136 29 with deliberate ignorance of or reckless disregard for the
136 30 requirement or prohibition involved. ~~For purposes of this~~
~~136 31 subsection, "violates~~
136 32 (2) "Violates or attempts to violate" includes, but is not
136 33 limited to, the intent to evade, misrepresentation, and
136 34 willful nondisclosure.
136 35 Sec. 184. Section 96.19, subsection 18, paragraph a,

House File 2522 - Introduced continued

137 1 subparagraphs (3) and (7), Code 2007, are amended to read as
137 2 follows:
137 3 (3) (a) Any individual other than an individual who is an
137 4 employee under subparagraphs (1) or (2) who performs services
137 5 for remuneration for any person as an agent driver or
137 6 commission driver engaged in distributing meat products,
137 7 vegetable products, fruit products, bakery products, beverages
137 8 (other than milk), or laundry or dry cleaning services for the
137 9 individual's principal; as a traveling or city salesperson,
137 10 other than as an agent driver or commission driver, engaged
137 11 upon a full=time basis in the solicitation on behalf of, and
137 12 the transmission to, the individual's principal (except for
137 13 sideline sales activities on behalf of some other person) of
137 14 orders from wholesalers, retailers, contractors, or operators
137 15 of hotels, restaurants, or other similar establishments for
137 16 merchandise for resale or supplies for use in their business
137 17 operations.
137 18 (b) Provided, that for purposes of ~~paragraph "a",~~ this
137 19 subparagraph (3), the term "employment" shall include services
137 20 performed after December 31, 1971, only if:
137 21 ~~(a)~~ (i) The contract of service contemplates that
137 22 substantially all of the services are to be performed
137 23 personally by such individual;
137 24 ~~(b)~~ (ii) The individual does not have a substantial
137 25 investment in facilities used in connection with the
137 26 performance of the services (other than in facilities for
137 27 transportation); and
137 28 ~~(c)~~ (iii) The services are not in the nature of single
137 29 transaction that is not part of a continuing relationship with
137 30 the person for whom the services are performed.
137 31 (7) (a) A person in agricultural labor when such labor is
137 32 performed for an employing unit which during any calendar
137 33 quarter in the calendar year or the preceding calendar year
137 34 paid remuneration in cash of twenty thousand dollars or more
137 35 to individuals employed in agricultural labor excluding labor

House File 2522 - Introduced continued

138 1 performed before January 1, 1980, by an alien referred to in
138 2 this subparagraph; or on each of some twenty days during the
138 3 calendar year or the preceding calendar year, each day being
138 4 in a different calendar week, employed in agricultural labor
138 5 for some portion of the day ten or more individuals, excluding
138 6 labor performed before January 1, 1980, by an alien referred
138 7 to in this subparagraph; and such labor is not agricultural
138 8 labor performed before January 1, 1980, by an individual who
138 9 is an alien admitted to the United States to perform
138 10 agricultural labor pursuant to sections 214(c) and
138 11 101(a)(15)(H) of the Immigration and Nationality Act, 8 U.S.C.
138 12 } 1184(c), 1101(a)(15)(H) (1976). For purposes of this
138 13 subparagraph subdivision, "employed" shall not include
138 14 services performed by agricultural workers who are aliens
138 15 admitted to the United States to perform labor pursuant to
138 16 section 101(a)(15)(H)(ii)(a) of the Immigration and
138 17 Nationality Act and who are not covered under the Federal
138 18 Unemployment Tax Act.
138 19 (b) For purposes of this subparagraph, any individual who
138 20 is a member of a crew furnished by a crew leader to perform
138 21 agricultural labor for any other employing unit shall be
138 22 treated as an employee of such crew leader if such crew leader
138 23 holds a valid certificate of registration under the Farm Labor
138 24 Contractor Registration Act of 1963; or substantially all the
138 25 members of such crew operate or maintain tractors, mechanized
138 26 harvesting or cropdusting equipment, or any other mechanized
138 27 equipment, which is provided by such crew leader; and if such
138 28 individual is not otherwise in employment as defined in this
138 29 subsection.
138 30 (c) For purposes of this subparagraph (7), in the case of
138 31 any individual who is furnished by a crew leader to perform
138 32 agricultural labor for any other employing unit and who is not
138 33 treated as an employee of such crew leader as described above,
138 34 such other employing unit and not the crew leader shall be
138 35 treated as the employer of such individual; and such other

House File 2522 - Introduced continued

139 1 employing unit shall be treated as having paid cash
139 2 remuneration to such individual in an amount equal to the
139 3 amount of cash remuneration paid to such individual by the
139 4 crew leader either on the crew leader's behalf or on behalf of
139 5 such other employing unit for the agricultural labor performed
139 6 for such other employing unit.
139 7 (d) For purposes of this ~~subsection~~ subparagraph (7), the
139 8 term "crew leader" means an employing unit which furnishes
139 9 individuals to perform agricultural labor for any other
139 10 employing unit; pays, either on the crew leader's behalf or on
139 11 behalf of such other employing unit, the individuals so
139 12 furnished by the crew leader for the agricultural labor
139 13 performed by them; and has not entered into a written
139 14 agreement with such other employing unit under which such
139 15 individual is designated as an employee of such other
139 16 employing unit.
139 17 Sec. 185. Section 96.19, subsection 38, paragraph b, Code
139 18 2007, is amended to read as follows:
139 19 b. An individual shall be deemed partially unemployed in
139 20 any week in which~~, while~~ either of the following apply:
139 21 (1) While employed at the individual's then regular job,
139 22 the individual works less than the regular full=time week and
139 23 in which the individual earns less than the individual's
139 24 weekly benefit amount plus fifteen dollars.
139 25 (2) ~~An individual shall be deemed partially unemployed in~~
~~139 26 any week in which the~~ The individual, having been separated
139 27 from the individual's regular job, earns at odd jobs less than
139 28 the individual's weekly benefit amount plus fifteen dollars.
139 29 Sec. 186. Section 97A.8, subsection 3, Code 2007, is
139 30 amended to read as follows:
139 31 3. EXPENSE FUND.
139 32 a. The expense fund shall be the fund to which shall be
139 33 credited all money provided by the state of Iowa to pay the
139 34 administration expenses of the system and from which shall be
139 35 paid all the expenses necessary in connection with the

House File 2522 - Introduced continued

140 1 administration and operation of the system. Biennially the
140 2 board of trustees shall estimate the amount of money necessary
140 3 to be paid into the expense fund during the ensuing biennium
140 4 to provide for the expense of operation of the system.
140 5 Investment management expenses shall be charged to the
140 6 investment income of the system and there is appropriated from
140 7 the system an amount required for the investment management
140 8 expenses. The board of trustees shall report the investment
140 9 management expenses for the fiscal year as a percent of the
140 10 market value of the system.
140 11 b. For purposes of this subsection, investment management
140 12 expenses are limited to the following:
140 13 ~~a.~~ (1) Fees for investment advisors, consultants, and
140 14 investment management and benefit consultant firms hired by
140 15 the board of trustees in administering this chapter.
140 16 ~~b.~~ (2) Fees and costs for safekeeping fund assets.
140 17 ~~c.~~ (3) Costs for performance and compliance monitoring,
140 18 and accounting for fund investments.
140 19 ~~d.~~ (4) Any other costs necessary to prudently invest or
140 20 protect the assets of the fund.
140 21 Sec. 187. Section 97B.1A, subsection 8, paragraph a,
140 22 subparagraph (2), Code 2007, is amended to read as follows:
140 23 (2) Members of the general assembly of Iowa and temporary
140 24 employees of the general assembly of Iowa.
140 25 (a) A member of the general assembly covered under this
140 26 chapter may terminate membership under this chapter by
140 27 informing the system in writing of the member's intent to
140 28 terminate membership.
140 29 (b) Temporary employees of the general assembly covered
140 30 under this chapter may terminate membership by sending written
140 31 notification to the system of their separation from service.
140 32 Sec. 188. Section 97B.70, subsection 1, paragraph b, Code
140 33 2007, is amended to read as follows:
140 34 b. The interest dividend shall be determined within sixty
140 35 days after the end of each calendar year as follows:

House File 2522 - Introduced continued

141 1 (1) The dividend rate for a calendar year shall be the
141 2 excess of the average rate of interest earned for the year
141 3 over the statutory two percent rate plus twenty=five
141 4 hundredths of one percent.
141 5 (2) The average rate of interest earned and the interest
141 6 dividend rate in percent shall be calculated to the nearest
141 7 one hundredth, that is, to two decimal places.
141 8 (3) Interest and interest dividends calculated pursuant to
141 9 this subsection shall be compounded annually.
141 10 Sec. 189. Section 99B.1, subsection 13, Code Supplement
141 11 2007, is amended to read as follows:
141 12 13. a. "Eligible applicant" means an applicant who meets
141 13 all of the following requirements:
141 14 ~~a.~~ (1) The applicant's financial standing and good
141 15 reputation are within the standards established by the
141 16 department by rule under chapter 17A so as to satisfy the
141 17 director of the department that the applicant will comply with
141 18 this chapter and the rules applicable to operations under it.
141 19 ~~b.~~ (2) The applicant is a citizen of the United States
141 20 and a resident of this state, or a corporation licensed to do
141 21 business in this state, or a business that has an established
141 22 place of business in this state or that is doing business in
141 23 this state.
141 24 ~~c.~~ (3) The applicant has not been convicted of a felony.
141 25 However, if the applicant's conviction occurred more than five
141 26 years before the date of the application for a license, and if
141 27 the applicant's rights of citizenship have been restored by
141 28 the governor, the director of the department may determine
141 29 that the applicant is an eligible applicant.
141 30 b. If the applicant is an organization, then the
141 31 requirements of ~~paragraphs~~ paragraph "a", ~~"b", and "c"~~
141 32 subparagraphs (1) through (3), apply to ~~its~~ the officers,
141 33 directors, partners and controlling shareholders of the
141 34 organization.
141 35 Sec. 190. Section 99B.7, subsection 3, paragraphs b and c,

House File 2522 - Introduced continued

142 1 Code 2007, are amended to read as follows:
142 2 b. (1) A person or the agent of a person submitting
142 3 application to conduct games pursuant to this section as a
142 4 qualified organization shall certify that the receipts of all
142 5 games, less reasonable expenses, charges, fees, taxes, and
142 6 deductions allowed by this chapter, either will be distributed
142 7 as prizes to participants or will be dedicated and distributed
142 8 to educational, civic, public, charitable, patriotic or
142 9 religious uses in this state and that the amount dedicated and
142 10 distributed will equal at least seventy=five percent of the
142 11 net receipts.
142 12 (2) (a) "Educational, civic, public, charitable,
142 13 patriotic, or religious uses" means uses benefiting a society
142 14 for the prevention of cruelty to animals or animal rescue
142 15 league, or uses benefiting an indefinite number of persons
142 16 either by bringing them under the influence of education or
142 17 religion or relieving them from disease, suffering, or
142 18 constraint, or by erecting or maintaining public buildings or
142 19 works, or otherwise lessening the burden of government, or
142 20 uses benefiting any bona fide nationally chartered fraternal
142 21 or military veterans' corporation or organization which
142 22 operates in Iowa a clubroom, post, dining room, or dance hall,
142 23 but does not include the erection, acquisition, improvement,
142 24 maintenance, or repair of real, personal or mixed property
142 25 unless it is used for one or more of the uses stated.
142 26 (b) "Public uses" specifically includes dedication of net
142 27 receipts to political parties as defined in section 43.2.
142 28 (c) "Charitable uses" includes uses benefiting a definite
142 29 number of persons who are the victims of loss of home or
142 30 household possessions through explosion, fire, flood, or storm
142 31 when the loss is uncompensated by insurance, and uses
142 32 benefiting a definite number of persons suffering from a
142 33 seriously disabling disease or injury, causing severe loss of
142 34 income or incurring extraordinary medical expense when the
142 35 loss is uncompensated by insurance.

House File 2522 - Introduced continued

143 1 (3) Proceeds given to another charitable organization to
143 2 satisfy the seventy=five percent dedication requirement shall
143 3 not be used by the donee to pay any expenses in connection
143 4 with the conducting of bingo by the donor organization, or for
143 5 any cause, deed, or activity that would not constitute a valid
143 6 dedication under this section.
143 7 c. (1) A qualified organization shall distribute amounts
143 8 awarded as prizes on the day they are won. A qualified
143 9 organization shall dedicate and distribute the balance of the
143 10 net receipts received within a quarter and remaining after
143 11 deduction of reasonable expenses, charges, fees, taxes, and
143 12 deductions allowed by this chapter, before the quarterly
143 13 report required for that quarter under section 99B.2,
143 14 subsection 4, is due. The amount dedicated and distributed
143 15 must equal at least seventy=five percent of the net receipts.
143 16 A person desiring to hold the net receipts for a period longer
143 17 than permitted under this paragraph shall apply to the
143 18 department for special permission and upon good cause shown
143 19 the department may grant the request.
143 20 (2) If permission is granted to hold the net receipts, the
143 21 person shall, as a part of the quarterly report required by
143 22 section 99B.2, report the amount of money currently being held
143 23 and all expenditures of the funds. This report shall be filed
143 24 even if the person no longer holds a gambling license.
143 25 Sec. 191. Section 99D.25, subsection 10, Code Supplement
143 26 2007, is amended to read as follows:
143 27 10. Veterinarians must submit daily to the commission
143 28 veterinarian on a prescribed form a report of all medications
143 29 and other substances which the veterinarian prescribed,
143 30 administered, or dispensed for horses registered at a current
143 31 race meeting. A logbook detailing other professional services
143 32 performed while on the grounds of a racetrack shall be kept by
143 33 veterinarians and shall be made immediately available to the
143 34 commission veterinarian or the stewards upon request.
143 35 11. A person who violates this section is guilty of a

House File 2522 - Introduced continued

144 1 class "D" felony.
144 2 Sec. 192. Section 100.1, unnumbered paragraphs 1 and 2,
144 3 Code Supplement 2007, are amended to read as follows:
144 4 The chief officer of the division of state fire marshal in
144 5 the department of public safety shall be known as the state
144 6 fire marshal. The fire marshal's duties shall be as follows:
144 7 ~~The fire marshal's duties shall be as follows:~~
144 8 Sec. 193. Section 101.22, subsection 7, Code 2007, is
144 9 amended to read as follows:
144 10 7. It is unlawful to deposit petroleum in an aboveground
144 11 petroleum storage tank which has not been registered pursuant
144 12 to subsections 1 through 4.
144 13 8. The state fire marshal shall furnish the owner or
144 14 operator of an aboveground petroleum storage tank with a
144 15 registration tag for each aboveground petroleum storage tank
144 16 registered with the state fire marshal. The owner or operator
144 17 shall affix the tag to the fill pipe of each registered
144 18 aboveground petroleum storage tank. A person who conveys or
144 19 deposits petroleum shall inspect the aboveground petroleum
144 20 storage tank to determine the existence or absence of the
144 21 registration tag. If a registration tag is not affixed to the
144 22 aboveground petroleum storage tank fill pipe, the person
144 23 conveying or depositing the petroleum may deposit the
144 24 petroleum in the unregistered tank. However, the deposit is
144 25 allowed only in the single instance, that the person provides
144 26 the owner or operator with another notice as required by
144 27 subsection 5, and that the person provides the owner or
144 28 operator with an aboveground petroleum storage tank
144 29 registration form. It is the owner or operator's duty to
144 30 comply with registration requirements. A late registration
144 31 penalty of twenty=five dollars is imposed in addition to the
144 32 registration fee for a tank registered after the required
144 33 date.
144 34 DIVISION III
144 35 CONFORMING AMENDMENTS TO VOLUME I RENUMBERING

House File 2522 - Introduced continued

145 1 Sec. 194. Section 10B.7, unnumbered paragraph 1, Code
145 2 Supplement 2007, is amended to read as follows:
145 3 Lessees of agricultural land under section 9H.4, subsection
145 4 ~~2~~ 1, paragraph ~~"c"~~ "b", subparagraph (3), for research or
145 5 experimental purposes, shall file a biennial report with the
145 6 secretary of state on or before March 31 of each odd=numbered
145 7 year on forms adopted pursuant to chapter 17A and supplied by
145 8 the secretary of state. However, a lessee required to file a
145 9 biennial report pursuant to chapter 490, 490A, 496C, 497, 498,
145 10 499, 501, 501A, or 504 shall file the report required by this
145 11 section in the same year as required by that chapter. The
145 12 lessee may file the report required by this section together
145 13 with the biennial report required to be filed by one of the
145 14 other chapters referred to in this paragraph. The report
145 15 shall contain the following information for the reporting
145 16 period:
145 17 Sec. 195. Section 11.36, subsection 1, Code Supplement
145 18 2007, is amended to read as follows:
145 19 1. The auditor of state may, at the request of a
145 20 department, review, during normal business hours upon
145 21 reasonable notice of at least twenty=four hours, the audit
145 22 working papers prepared by a certified public accountant
145 23 covering the receipt and expenditure of state or federal funds
145 24 provided by the department to any other entity to determine if
145 25 the receipt and expenditure of those funds by the entity is
145 26 consistent with the laws, rules, regulations, and contractual
145 27 agreements governing those funds. Upon completion of the
145 28 review, the auditor of state shall report whether, in the
145 29 auditor of state's judgment, the auditor of state believes the
145 30 certified public accountant's working papers adequately
145 31 demonstrate that the laws, rules, regulations, and contractual
145 32 agreements governing the funds have been substantially
145 33 complied with. If the auditor of state does not believe the
145 34 certified public accountant's working papers adequately
145 35 demonstrate that the laws, rules, regulations, and contractual

House File 2522 - Introduced continued

agreements have been substantially complied with or believes a complete or partial reaudit is necessary based on the provisions of section 11.6, subsection 4, paragraph "a" ~~or "b"~~, subparagraph (1) or (2), the auditor of state shall notify the certified public accountant and the department of the actions the auditor of state believes are necessary to determine whether the entity is in substantial compliance with those laws, rules, regulations, and contractual agreements. The auditor of state may assist departments with actions to determine whether the entity is in substantial compliance. Departments requesting the review shall reimburse the auditor of state for the cost of the review and any subsequent assistance provided by the auditor of state.

Sec. 196. Section 49.13, subsection 1, Code Supplement 2007, is amended to read as follows:

1. The membership of each precinct election board shall be appointed by the commissioner, not less than fifteen days before each election held in the precinct, from the election board panel drawn up as provided in section 49.15. Precinct election officials shall be registered voters of the county, or other political subdivision within which precincts have been merged across county lines pursuant to section 49.11, subsection ~~1~~ 3, paragraph "a", in which they are appointed. Preference shall be given to appointment of residents of a precinct to serve as precinct election officials for that precinct, but the commissioner may appoint other residents of the county where necessary.

Sec. 197. Section 49.16, subsection 2, Code 2007, is amended to read as follows:

2. When all or portions of two or more precincts are merged for any election as permitted by section 49.11, subsection ~~1~~ 3, paragraph "a", the commissioner may appoint the election board for the merged precinct from the election board panels of any of the precincts so merged. When any permanent precinct is divided as permitted by section 49.11,

House File 2522 - Introduced continued

147 1 subsection ~~2~~ 3, paragraph "b", the commissioner shall so far
147 2 as possible appoint the election board for each of the
147 3 temporary precincts so created from the election board panel
147 4 of the permanent precinct.
147 5 Sec. 198. Section 87.11, subsection 4, Code Supplement
147 6 2007, is amended to read as follows:
147 7 4. Notwithstanding contrary provisions of section 85.45,
147 8 any future payment of medical expenses, weekly compensation
147 9 benefits, or other payments by the commissioner of insurance
147 10 from the security given under this section, pursuant to this
147 11 chapter or chapter 85, 85A, 85B, or 86, shall be deemed an
147 12 undue expense, hardship, or inconvenience upon the employer
147 13 for purposes of a full commutation pursuant to section 85.45,
147 14 subsection ~~2~~ 1, paragraph "b".
147 15 Sec. 199. Section 96.4, subsection 3, Code 2007, is
147 16 amended to read as follows:
147 17 3. The individual is able to work, is available for work,
147 18 and is earnestly and actively seeking work. This subsection
147 19 is waived if the individual is deemed partially unemployed,
147 20 while employed at the individual's regular job, as defined in
147 21 section 96.19, subsection 38, paragraph "b", ~~unnumbered~~
~~147 22 paragraph 1~~ subparagraph (1), or temporarily unemployed as
147 23 defined in section 96.19, subsection 38, paragraph "c". The
147 24 work search requirements of this subsection and the
147 25 disqualification requirement for failure to apply for, or to
147 26 accept suitable work of section 96.5, subsection 3 are waived
147 27 if the individual is not disqualified for benefits under
147 28 section 96.5, subsection 1, paragraph "h".
147 29 Sec. 200. Section 279.48, subsection 1, paragraph b, Code
147 30 2007, is amended to read as follows:
147 31 b. The note may bear interest at a rate to be determined
147 32 by the board of directors in the manner provided in section
147 33 74A.3, subsection 1, paragraph "a". Chapter 75 is not
147 34 applicable.
147 35 Sec. 201. Section 331.756, subsection 12, Code Supplement

House File 2522 - Introduced continued

148 1 2007, is amended to read as follows:
148 2 12. Submit reports as to the condition and operation of
148 3 the county attorney's office when required by the attorney
148 4 general as provided in section 13.2, subsection ~~8~~ 1, paragraph
148 5 "h".
148 6 Sec. 202. Section 515B.5, subsection 2, paragraph h, Code
148 7 2007, is amended to read as follows:
148 8 h. Request that all future payments of workers'
148 9 compensation weekly benefits, medical expenses, or other
148 10 payments under chapter 85, 85A, 85B, 86, or 87 be commuted to
148 11 a present lump sum and upon the payment of which, either to
148 12 the claimant or to a licensed insurer for purchase of an
148 13 annuity or other periodic payment plan for the benefit of the
148 14 claimant, the employer and the association shall be discharged
148 15 from all further liability for the workers' compensation
148 16 claim. Notwithstanding the provisions of section 85.45, any
148 17 future payment of medical expenses, weekly compensation
148 18 benefits, or other payment by the association under this
148 19 chapter pursuant to chapter 85, 85A, 85B, 86, or 87, is deemed
148 20 an undue expense, hardship, or inconvenience upon the employer
148 21 for purposes of a full commutation pursuant to section 85.45,
148 22 subsection ~~2~~ 1, paragraph "b", and the workers' compensation
148 23 commissioner shall fix the lump sum of the probable future
148 24 medical expenses and weekly compensation benefits capitalized
148 25 at their present value upon the basis of interest at the rate
148 26 provided in section 535.3 for court judgments and decrees.
148 27 DIVISION IV
148 28 Sec. 203. CODE EDITOR DIRECTIVE.
148 29 1. The Code editor is directed to renumber the following
148 30 Code sections in accordance with established Code section
148 31 hierarchy and correct internal references as necessary:
148 32 a. Sections 8.22, 15D.1, 28A.1, 28K.1, 29C.21, 29C.22,
148 33 152E.1, 221.1, 232.158, 232.171, 256.70, 261D.2, 272A.1,
148 34 272B.1, 307C.1, 321C.1, 321D.1, 457B.1, 473A.1, 505A.1,
148 35 692B.2, 818.1, 821.1, 907B.2, and 913.2, Code 2007.

House File 2522 - Introduced continued

149 1 b. Sections 152E.3 and 327K.1, Code Supplement 2007.
149 2 2. The Code editor is directed to number or renumber
149 3 provisions within the following Code sections to eliminate
149 4 unnumbered paragraphs and correct internal references as
149 5 necessary:
149 6 a. Sections 2.45, 2C.12, 6A.4, 6A.22, 6B.2, 6B.3, 6B.54,
149 7 6B.56, 7C.4A, 7D.1, 7D.6, 8A.502, 8A.504, 9C.8, 9E.6A, 9H.5,
149 8 10A.106, 12B.10C, 12C.6, 12D.1, 12D.8, 15.272, 15.329, 15.343,
149 9 15E.61, 15E.111, 15E.195, 15E.207, 16.105, 17A.6, 17A.9,
149 10 17A.17, 20.1, 20.22, 21.4, 25B.2, 28.4, 28A.10, 28B.1, 28E.23,
149 11 29B.15, 29B.28, 29B.31, 29B.40, 29B.47, 29B.50, 29B.51,
149 12 29B.53, 29B.55, 29B.63, 29B.65, 29B.91, 34A.2, 34A.8, 35C.1,
149 13 37.18, 39.2, 43.24, 43.49, 43.56, 43.67, 44.4, 47.2, 48A.19,
149 14 48A.28, 49.4, 49.47, 50.29, 50.30, 53.1, 53.3, 53.45, 68B.31,
149 15 70A.1, 70A.15, 70A.25, 80.37, 85.3, 85.35, 85A.11, 85B.8,
149 16 87.4, 89.2, 89A.8, 89B.17, 91B.1, 91C.3, 91C.7, 91E.2, 92.2,
149 17 92.6, 96.3, 96.7, 96.7A, 96.13, 96.19, 96.23, 96.29, 96.40,
149 18 97.51, 97A.6, 97A.6B, 97A.8, 97A.10, 97B.1A, 97B.8A, 97B.34A,
149 19 97B.42A, 97B.48A, 97B.49G, 97B.52, 97B.53B, 99B.2, 99B.7,
149 20 99D.13, 99F.4A, 100.39, 103A.7, 103A.9, and 103A.20, Code
149 21 2007.
149 22 b. Sections 8A.311, 8A.321, 8A.376, 8A.415, 11.2, 12C.23,
149 23 15.335, 15A.9, 15E.194, 15E.305, 22.7, 39.22, 45.1, 49.8,
149 24 52.25, 68A.402, 72.5, 80B.13, 80D.3, 96.5, 99D.5, and 103A.19,
149 25 Code Supplement 2007.
149 26 DIVISION V
149 27 EFFECTIVE DATES == APPLICABILITY
149 28 Sec. 204. EFFECTIVE DATES == APPLICABILITY.
149 29 1. The section of this Act, amending 2007 Iowa Acts,
149 30 chapter 182, section 3, being deemed of immediate importance,
149 31 takes effect upon enactment and applies retroactively to May
149 32 24, 2007.
149 33 2. The sections of this Act, amending 2007 Iowa Acts,
149 34 chapter 197, sections 33, 34, 35, 36, 38, 41, 42, and 43,
149 35 being deemed of immediate importance, take effect upon

House File 2522 - Introduced continued

150 1 enactment and apply effective January 1, 2009.
150 2 3. The section of this Act, amending section 104C.2,
150 3 subsection 8, as enacted by 2007 Iowa Acts, chapter 198,
150 4 section 2, takes effect July 1, 2008.
150 5 4. The sections of this Act, amending 2007 Iowa Acts,
150 6 chapter 198, sections 10, 11, and 18, take effect July 1,
150 7 2008.
150 8 EXPLANATION
150 9 This bill makes Code changes and corrections that are
150 10 considered to be nonsubstantive and noncontroversial, in
150 11 addition to style changes. Changes made include updating or
150 12 correcting various names of and references to public and
150 13 private entities and funds, correcting internal Code and
150 14 subject matter references, and making various grammatical
150 15 corrections. The Code sections in which the technical,
150 16 grammatical, and other nonsubstantive changes are made include
150 17 all of the following:
150 18 DIVISION I. Code section 2.28: Eliminates a section
150 19 self=reference in a reference to several Code sections by
150 20 substituting the words "this section" for a numerical
150 21 reference to the Code section and including the other
150 22 referenced sections in a through reference.
150 23 Code section 7K.1(2)(i): Corrects the spelling of the word
150 24 "nonwhite" by eliminating a hyphen.
150 25 Code section 12C.16: Renumbers and corrects a United
150 26 States Code citation to the federal Investment Company Act in
150 27 this provision relating to the deposit of public funds.
150 28 Code section 15.393(1) and (2)(a)(2): In a provision
150 29 providing for registration of projects for purposes of
150 30 receiving assistance pursuant to the film, television, and
150 31 video project promotion program, inserts "criteria" for
150 32 grammatical correctness and to agree with a provision
150 33 referring to other criteria. This bill also strikes a
150 34 redundant reference to "graphics" in a provision defining
150 35 "qualified expenditure" for purposes of receiving assistance

House File 2522 - Introduced continued

151 1 under the program.
151 2 Code section 16.181(1)(b)(1): Adds "former" to a reference
151 3 to the Iowa housing corporation in a provision establishing
151 4 the housing trust fund. Code sections 16.5A and 16.5B
151 5 providing for the Iowa housing corporation were repealed in
151 6 2007.
151 7 Code section 35.9: Deletes the words "of veterans affairs"
151 8 which appear after the word "department". The term
151 9 "department" is defined for purposes of Code chapter 35,
151 10 entitled "Veterans Affairs", as meaning the "Iowa department
151 11 of veterans affairs".
151 12 Code section 42.4(8)(b)(2): Specifies that a copy of each
151 13 resignation by an incumbent senator shall be filed with the
151 14 secretary of state if more than one incumbent senator in a
151 15 holdover senatorial district resigns in a provision relating
151 16 to redistricting plans.
151 17 Code section 85.61: Adds the word "chapter" after the word
151 18 "this" to clarify that the provisions of Code chapter 85 are
151 19 included within the list of Code chapters referenced.
151 20 Code section 87.2: Numbers the first and last unnumbered
151 21 paragraphs and adds the word "chapter" after the word "this"
151 22 to clarify that the provisions of Code chapter 87 are included
151 23 within the list of Code chapters referenced.
151 24 Code section 97D.4(1) and (4): Rearranges and designates
151 25 unnumbered paragraphs in subsection 1 that describe the
151 26 membership and meetings of the public retirement systems
151 27 committee and restructures language in subsection 4 describing
151 28 acts which may be performed by that committee.
151 29 Code section 99B.10B(3)(b)(1): Substitutes "registration"
151 30 for "registrant" in a provision relating to the denial,
151 31 suspension, or revocation of the registration for an
151 32 electrical or mechanical amusement device.
151 33 Code section 99F.12(2): Breaks a very long sentence into
151 34 smaller sentences in a provision describing regulation of
151 35 racetracks by the racing and gaming commission of the

House File 2522 - Introduced continued

152 1 department of inspections and appeals.
152 2 Code sections 99G.30A(2)(b), 423B.6(2)(b), and 455B.455:
152 3 Substitutes "through" for "to" in order to indicate inclusive
152 4 references to Code sections in Code chapters 422 and 423 for
152 5 purposes of referencing the provisions of those Code chapters
152 6 applicable to the administration of the monitor vending
152 7 machine excise tax, local sales and services taxes, and land
152 8 burial surcharge tax.
152 9 Code section 100.18: Renumbers this Code section relating
152 10 to the installation of smoke detectors and redesignates the
152 11 two unnumbered paragraphs of subsection 3 as lettered
152 12 paragraphs.
152 13 Code section 101B.4(1)(b): Corrects the name of the
152 14 American society of testing and materials international in
152 15 this provision relating to testing of cigarette ignition
152 16 strength.
152 17 Code sections 103.1(8) and 103.9(1): Adds a numeric
152 18 reference to Code chapter 91C, relating to construction
152 19 contractors, where there are references to being registered
152 20 with the state as a contractor to facilitate electronic
152 21 hypertext linkage to that Code chapter.
152 22 Code section 103.6: Renumbers and moves language in this
152 23 provision describing the powers and duties of the electrical
152 24 examining board.
152 25 Code section 103.22(1) and (3): Makes grammatical changes
152 26 for readability in provisions providing for the
152 27 inapplicability of the Code chapter relating to electricians
152 28 and electrical contractors.
152 29 Code sections 123A.2(9) and 554.13103(3): Substitutes a
152 30 reference to Code section 554.1201 for a reference to Code
152 31 section 554.2103 in definitions of good faith for purposes of
152 32 the beer brewers and wholesalers Code chapter and for purposes
152 33 of article 13 of the uniform commercial code, relating to
152 34 leases. The definition of good faith was stricken from Code
152 35 section 554.2103 in 2007.

House File 2522 - Introduced continued

153 1 Code section 135N.5(1): Corrects an incorrect reference to
153 2 Code chapter 20 in a provision stating that the hemophilia
153 3 advisory committee is subject to the Code chapter regulating
153 4 public records. Code chapter 22 regulates public records.
153 5 Code section 141A.9(2)(i): Inserts "if requested by the
153 6 victim" in a provision directing HIV=related test results to
153 7 be made available for release, pursuant to Code section
153 8 915.43, to the physician of a victim to agree with the
153 9 provision in Code section 915.43.
153 10 Code section 147.14(23): Eliminates a Code chapter
153 11 self=reference by substituting the words "this chapter" for
153 12 the numeric reference to the Code chapter.
153 13 Code section 147.37: Updates language relating to the
153 14 testing of certain candidates for licensure as health care
153 15 professionals.
153 16 Code section 148.3(1): Substitutes "the board" for "them"
153 17 in a reference to the board of medicine.
153 18 Code sections 159.20, 175A.2, 178.3, 181.3, 182.5, 183A.2,
153 19 185.3, 185C.10, and 459.102: Updates references to the name
153 20 of the college of agriculture and life sciences at Iowa state
153 21 university of science and technology.
153 22 Code section 214A.2B: Corrects a reference to an American
153 23 society for testing and materials international standard for
153 24 biodiesel testing that is to be conducted in a merged area
153 25 school laboratory.
153 26 Code section 216.9(2): Adds the noun "school" to agree
153 27 with the adjectives elementary and secondary in a list of
153 28 educational institutions subject to certain prohibitions on
153 29 unfair or discriminatory practices.
153 30 Code section 231D.5: Redesignates a subsection as a
153 31 lettered paragraph and moves another lettered paragraph to the
153 32 end of the series of paragraphs in this provision relating to
153 33 denial, suspension, or revocation of certification of adult
153 34 day services programs.
153 35 Code section 234.7(1): Combines two paragraphs that

House File 2522 - Introduced continued

154 describe a requirement that the department of human services include a child's foster parent in department planning and review activities associated with the child.

Code section 236.5(2): Changes the term "protection order" to "protective order" in these provisions relating to court orders in domestic abuse cases to conform to the actual name given these types of orders elsewhere in this Code chapter and Code chapter 664A.

Code section 249A.30A: Clarifies the intent of a provision relating to persons who may receive the personal needs allowance under the medical assistance program by completing fragmented portions of a sentence.

Code section 256C.3(4)(d): Substitutes "professional development" and "professional development plan" for "career development" and "career development plan" to agree with changes made to Code section 284.6, referenced therein, in 2007.

Code section 257.11(6)(c): Substitutes "education" for "educational" for correct usage of the term "area education agency".

Code sections 308.3(1, 4, and 5), 308.4(3)(b), and 308.9(1): Adds hyphens in a definition of the term "right=of=way" in Code section 308.3 and makes conforming changes elsewhere in the same provision and elsewhere in the Code chapter.

Code section 321.52(4)(c) and NEW (5): Moves language applicable to the entire Code section, which directs the state department of transportation to adopt rules to implement provisions relating to out=of=state sales and junked, dismantled, wrecked, or salvage vehicles, to its own subsection.

Code section 321J.15: Strikes an incorrect placement of the word "substances" in a provision allowing the admission of evidence of the alcohol concentration or the presence of a controlled substance or other drugs in a person's body in an

House File 2522 - Introduced continued

155 1 operating while intoxicated proceeding.
155 2 Code section 403A.6: Updates the style and conforms the
155 3 numbering in this provision to conform to existing Code
155 4 hierarchy.
155 5 Code sections 403A.7, 452A.53, 554.2315, 554.2502,
155 6 554.2503, 554.2604, 554.2615, 554.2616, 554.2703, 554.2704,
155 7 554.2709, 554.2711, 554.2712, 554.2714, 554.2719, 554.13309,
155 8 633.113, 633.305, 633.426, 820.14, and 820.15: Substitutes,
155 9 for the words "the preceding", "the preceding sections
155 10 hereof", or "the next", the appropriate numeric references
155 11 that bear that relationship to the enumerated Code sections
155 12 and updates the style of many of those Code sections to
155 13 conform to current Code section style.
155 14 Code section 423.4(8)(d): Substitutes "are" for "is" to
155 15 agree with the plural "dates" in a provision relating to the
155 16 eligibility of an information technology facility to receive a
155 17 refund of the sales or use tax upon the sales price of all
155 18 sales of fuel used in creating heat, power, and steam for
155 19 processing or generating electrical current, or from the sale
155 20 of electricity consumed by computers, machinery, or other
155 21 equipment for operation of the technology facility.
155 22 Code sections 453A.31(2)(c) and 453A.50(3)(a)(3): Adds the
155 23 word "one" before the words "thousand dollar penalty" so that
155 24 the phrase will read "one thousand dollar penalty".
155 25 Code section 455B.109(1): Numbers an unnumbered paragraph
155 26 that describes the time frame for imposition of penalties as a
155 27 separate subsection. The unnumbered paragraph currently
155 28 appears at the end of a subsection that lists the factors to
155 29 be considered by the environmental protection commission when
155 30 penalties are imposed.
155 31 Code section 469.9(2) and (4)(b)(2): Makes grammatical
155 32 changes to agree with language used in identifying the goals
155 33 of and eligibility criteria for the Iowa power fund.
155 34 Code section 469.10(3) and (4): Substitutes "industry" for
155 35 "industrial" to cite the correct name for the north American

House File 2522 - Introduced continued

industry classification system in a provision making appropriations to the Iowa power fund. In addition, the bill substitutes "Iowa power fund" for "funds" to accurately indicate that interest or earnings on moneys in the power fund, rather than interest or earnings on moneys in the workforce training and economic development funds of the community colleges referred to elsewhere in the Code section, shall be credited to the power fund.

Code section 477.5: Makes a grammatical correction in a phrase so that it reads "shall no longer" rather than "shall not longer".

Code section 479.29(2): Deletes the redundant word "licensed" in a reference to "licensed professional engineer . . . licensed under chapter 542B".

Code section 483A.24(3) and (4): Changes "the subsection" to "this subsection" in two internal references.

Code section 512B.9(2): Renumbers and corrects internal references in language relating to reimbursement of expenses and liabilities incurred by an officer or member of the governing body or any subordinate entity of a fraternal benefit society due to a proceeding against that person by reason of that person's status as an officer or member of that governing body or subordinate entity.

Code section 554.7601A(2): Strikes the word "stolen" in a provision relating to removal or sale of goods in a warehouse if the warehouse receipt is lost or destroyed, to agree with the rest of the subsection.

Code section 614.1(5): Substitutes "subsection 6" for "the next subsection" for internal reference purposes.

Code section 633.700, unn. par. 1: Makes punctuation changes for readability in a provision requiring an intermediate report from a probate trustee.

Code section 718A.1, unn. par. 1: Substitutes "chapter" for "section" to provide that the definitions in the Code section apply to the entire Code chapter, relating to the

House File 2522 - Introduced continued

157 1 desecration of a flag or other insignia.
157 2 Code section 729.1: Reorders a reference to Article I,
157 3 section 4, of the Iowa Constitution to facilitate electronic
157 4 hypertext linkage to that constitutional provision.
157 5 Code section 915.20A(1): Corrects the name of the Iowa
157 6 coalition against sexual assault in a provision relating to
157 7 victim counselor privilege.
157 8 2007 Iowa Acts, chapter 182, section 3(1): Changes,
157 9 retroactive to May 24, 2007, a reference to the "effective
157 10 date of this Act" in an Acts provision enacting Code section
157 11 101B.3, by referring to the "section of this Act" because that
157 12 section of that Act had an effective date of May 24, 2007,
157 13 which was different from the rest of that 2007 Iowa Acts
157 14 chapter.
157 15 2007 Iowa Acts, chapter 197, sections 33(1), 35, 42(3), and
157 16 43(1): Changes, effective January 1, 2009, references to
157 17 "owner" to "property owner" in provisions relating to
157 18 inspections of electrical installations which take effect
157 19 January 1, 2009, to agree with terms used in similar
157 20 provisions. The bill also makes grammatical changes in
157 21 section 35 for readability.
157 22 2007 Iowa Acts, chapter 197, section 34(2): Inserts,
157 23 effective January 1, 2009, the word "stringent" in a provision
157 24 relating to the electrical wiring standards of a political
157 25 subdivision for grammatical correctness and to agree with
157 26 another similar provision in section 39 of that chapter.
157 27 2007 Iowa Acts, chapter 197, sections 36, 38(2), and 41(4):
157 28 Changes the phrase "standards of construction for safety to
157 29 health and property" to read "standards of construction for
157 30 health safety and property safety" for readability and
157 31 grammatical correctness. The changes to sections 36, 38, and
157 32 41 are effective January 1, 2009.
157 33 2007 Iowa Acts, chapter 198, section 2: Amends, effective
157 34 July 1, 2008, a definition of the term "hydronic" that is
157 35 contained in Code section 104C.2, subsection 8, as enacted in

House File 2522 - Introduced continued

158 1 this 2007 Iowa Act, by adding a comma between the words
158 2 "liquid" and "water" to clarify a series.
158 3 2007 Iowa Acts, chapter 198, sections 10(3), 11(1), and
158 4 18(2)(c)(3): Makes grammatical changes effective July 1,
158 5 2008, in provisions relating to the licensing and regulation
158 6 of plumbers and mechanical professionals which take effect
158 7 July 1, 2008.
158 8 Code sections 99A.1, 177A.16, 321.1, 321A.1, 321H.2, 322.2,
158 9 329.1, 428.28, 428.29, 433.12, 438.1, 438.2, 438.3, 453A.1,
158 10 476.44, 484B.4, 536.4, 536.5, 536.19, 536A.17, 543B.31, 589.8,
158 11 589.24, 624.27, 624.28, 727.2, and 730.2: Substitutes, for
158 12 the word "copartnership", the word "partnership" in these
158 13 provisions. The term "copartnership" and "partnership" are
158 14 equivalent terms, but "partnership" is more commonly known and
158 15 used.
158 16 Code sections 214A.2B, 258.16, 260C.40, and 282.7:
158 17 Substitutes the term "community college" for the archaic term
158 18 "merged area school". Merged area school used to refer to
158 19 community colleges and vocational=technical schools. The
158 20 technical schools were merged into and became community
158 21 colleges in 1990 as a result of the enactment of 1990 Iowa
158 22 Acts, ch. 1253.
158 23 DIVISION II. The Code sections in this division are
158 24 amended by numbering and renumbering the provisions within
158 25 volume I, and scattered provisions in volumes II through VI,
158 26 and by changing textual references as necessary. The purposes
158 27 of the numbering and renumbering are to conform certain
158 28 provisions to existing Code section hierarchy, to eliminate
158 29 "unanchored" unnumbered paragraphs within the Code sections,
158 30 to facilitate Code section readability, and to facilitate
158 31 citation to those Code provisions.
158 32 DIVISION III. The Code sections in this division are
158 33 amended by correcting internal references to provisions which
158 34 are numbered or renumbered in division II of the bill.
158 35 DIVISION IV. The Code editor is directed to number and

House File 2522 - Introduced continued

159 1 renumber these Code sections within the Code that are listed
159 2 in this division of the bill and correct internal references
159 3 to those Code sections which will need to be changed due to
159 4 the renumbering. The first directive includes the budget
159 5 language that is established for the office of the governor
159 6 and all of the interstate compacts and agreements that are
159 7 contained in the Code. The second directive provides for the
159 8 renumbering of Code sections that are within volume I of the
159 9 Code.
159 10 LSB 5697HV 82
159 11 lh/rj/5

House File 2523 - Introduced

HOUSE FILE
BY COMMITTEE ON NATURAL
RESOURCES

(SUCCESSOR TO HF 2052)

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

A BILL FOR

An Act relating to deer depredation management, providing for a deer study advisory committee, and providing an effective date.

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

TLSB 5320HV 82
av/nh/5

House File 2523 - Introduced continued

PAG LIN

1 1 Section 1. Section 481A.10A, Code 2007, is amended to read
1 2 as follows:
1 3 481A.10A FARMER ADVISORY COMMITTEE.
1 4 The director shall establish a farmer advisory committee
1 5 for the purpose of providing information to the department
1 6 regarding crop and tree damage caused by deer, wild turkey,
1 7 and other predators. Members of the committee shall include a
1 8 representative designated by each of the following
1 9 organizations: the Iowa corn growers association, the Iowa
1 10 farm bureau federation, the Iowa farmers union, the Iowa state
1 11 horticulture society, the Iowa Christmas tree growers
1 12 association, the department of agriculture and land
1 13 stewardship, and the Iowa state university agricultural
1 14 extension service. The committee shall meet with a
1 15 representative of the department of natural resources on a
1 16 semiannual basis. The committee shall serve without
1 17 compensation or reimbursement for expenses.
1 18 Sec. 2. Section 481C.2, Code 2007, is amended to read as
1 19 follows:
1 20 481C.2 DUTIES.
1 21 1. The director of the department of natural resources
1 22 shall enter into a memorandum of agreement with the United
1 23 States department of agriculture, animal damage control
1 24 division. The wild animal depredation unit shall serve and
1 25 act as the liaison to the department for the producers in the
1 26 state who suffer crop ~~and~~, horticultural product, tree, or
1 27 nursery damage due to wild animals.
1 28 2. The department shall issue depredation permits to any
1 29 landowner who incurs crop ~~and~~, horticultural product, tree, or
1 30 nursery damage of one thousand dollars or more due to wild
1 31 animals.
1 32 3. The criteria for issuing depredation licenses and
1 33 permits shall be established in administrative rules in
1 34 consultation with the farmer advisory committee created in
1 35 section 481A.10A. The administrative rules adopted pursuant

House File 2523 - Introduced continued

2 1 to this section shall not require a producer to erect or
2 2 maintain fencing at a cost exceeding one thousand dollars as a
2 3 requisite for receiving a depredation license or permit or for
2 4 participation in a depredation plan.
2 5 Sec. 3. NEW SECTION. 481C.2A DEER DEPREDATION MANAGEMENT
2 6 PROGRAM == LICENSES AND PERMITS.
2 7 1. Deer depredation licenses shall be available for
2 8 issuance as follows:
2 9 a. Deer depredation licenses shall be available for
2 10 issuance to resident hunters.
2 11 b. Depredation licenses issued pursuant to this subsection
2 12 shall be valid to harvest antlerless deer only. Depredation
2 13 licenses that are issued to a landowner and family members as
2 14 defined in section 483A.24 shall be in addition to the number
2 15 of free licenses that are available for issuance to such
2 16 persons under section 483A.24. A landowner or a family member
2 17 may obtain one free depredation license for each deer hunting
2 18 season that is established by the commission. Deer may be
2 19 harvested with a rifle pursuant to a depredation license in
2 20 any area and in any season where the commission authorizes the
2 21 use of rifles.
2 22 c. Licenses issued pursuant to this subsection may be
2 23 issued at any time to a resident hunter who has permission to
2 24 hunt on the land for which the license is valid pursuant to
2 25 this subsection.
2 26 d. A producer who enters into a depredation agreement with
2 27 the department of natural resources shall be issued a set of
2 28 authorization numbers. Each authorization number authorizes a
2 29 resident hunter to obtain a depredation license that is valid
2 30 only for taking antlerless deer on the land designated in the
2 31 producer's depredation plan. A producer may transfer an
2 32 authorization number issued to that producer to a resident
2 33 hunter who has permission to hunt on the land for which the
2 34 authorization number is valid. An authorization number shall
2 35 be valid to obtain a depredation license in any season. The

House File 2523 - Introduced continued

3 1 provisions of this paragraph shall be implemented by August
3 2 15, 2008. A transferee who receives an authorization number
3 3 pursuant to this paragraph "d" shall be otherwise qualified to
3 4 hunt deer in this state, have a hunting license, pay the
3 5 wildlife habitat fee, and pay the one dollar fee for the
3 6 purpose of the deer herd population management program.
3 7 2. Deer shooting permits shall be available for issuance
3 8 as follows:
3 9 a. Deer shooting permits shall be available for issuance
3 10 to landowners who incur crop, horticultural product, tree, or
3 11 nursery damage as provided in section 481C.2 and shall be
3 12 available for issuance for use on areas where public safety
3 13 may be an issue.
3 14 b. Deer shooting permits issued pursuant to this
3 15 subsection shall be valid and may be used outside of
3 16 established deer hunting seasons.
3 17 3. Notwithstanding section 481C.2, subsection 3, a
3 18 producer shall not be required to erect or maintain fencing as
3 19 a requisite for receiving a deer depredation permit or for
3 20 participation in a deer depredation plan pursuant to this
3 21 section.
3 22 4. A person who harvests a deer with a deer depredation
3 23 license or a deer shooting permit issued pursuant to this
3 24 section shall utilize the deer harvest reporting system set
3 25 forth in section 483A.8A and shall not be subject to different
3 26 disposal or reporting requirements than are applicable to the
3 27 harvest of deer pursuant to other deer hunting licenses except
3 28 that any antlers on a deer taken pursuant to a shooting permit
3 29 shall be delivered to the local conservation officer for
3 30 disposal.
3 31 5. The department shall administer and enforce the
3 32 administrative rules concerning deer depredation, including
3 33 issuance of deer depredation licenses and deer shooting
3 34 permits, that are established by the commission.
3 35 6. The department shall make educational materials that

House File 2523 - Introduced continued

4 1 explain the deer depredation management program available to
4 2 the general public, and available specifically to farmers and
4 3 farm and commodity organizations, in both electronic and
4 4 brochure formats by June 30, 2008.
4 5 7. The department shall conduct outreach programs for
4 6 farmers and farm and commodity organizations that explain the
4 7 deer depredation management program. The department shall
4 8 develop, by rule, a master hunter program and maintain a list
4 9 of master hunters who are available to assist producers in the
4 10 deer depredation management program by increasing the harvest
4 11 of anterless deer on the producer's property.
4 12 Sec. 4. DEER STUDY ADVISORY COMMITTEE. A deer study
4 13 advisory committee is established for the purpose of studying
4 14 the best way to maintain a sustainable, socially acceptable
4 15 deer population in the state while maximizing and balancing
4 16 the economic value of deer hunting to Iowa's economy with the
4 17 needs of the agricultural industry and public safety concerns.
4 18 1. The advisory committee shall be composed of the
4 19 following members:
4 20 a. One representative from each of the following
4 21 organizations or entities, to be appointed by the governor:
4 22 (1) Iowa association of county conservation boards.
4 23 (2) Iowa farm bureau federation.
4 24 (3) Iowa farmers union.
4 25 (4) Iowa conservation alliance.
4 26 (5) Iowa bow hunters association.
4 27 (6) Whitetails unlimited.
4 28 (7) Iowa hospitality association.
4 29 (8) Iowa restaurant association.
4 30 (9) Iowa meat processors association.
4 31 (10) Iowa league of cities.
4 32 (11) The department of transportation.
4 33 (12) Iowa woodland owners association.
4 34 (13) Federation of Iowa insurers.
4 35 (14) Iowa realtors association.

House File 2523 - Introduced continued

5 1 (15) Iowa chapter of the sierra club.
5 2 (16) Iowa environmental council.
5 3 b. The director of the department of natural resources or
5 4 a designee.
5 5 c. The secretary of agriculture or a designee.
5 6 d. The director of the department of economic development
5 7 or a designee.
5 8 e. Two members of the senate, one of whom is appointed by
5 9 the majority leader of the senate and one of whom is appointed
5 10 by the minority leader of the senate.
5 11 f. Two members of the house of representatives, one of
5 12 whom is appointed by the speaker of the house of
5 13 representatives and one of whom is appointed by the minority
5 14 leader of the house of representatives.
5 15 2. The director of the department of natural resources or
5 16 the director's designee shall serve as the chairperson of the
5 17 advisory committee.
5 18 3. Legislative members of the committee are eligible for
5 19 per diem and reimbursement of actual expenses as provided in
5 20 section 2.10.
5 21 4. The committee shall review, analyze, and make
5 22 recommendations on issues relating to the state's deer
5 23 population including but not limited to the following:
5 24 a. The current status of Iowa's deer population, harvest,
5 25 and population management programs.
5 26 b. The economic impact and value of Iowa's deer
5 27 population.
5 28 c. The cost of damage to crops caused by deer.
5 29 d. The number and cost of motor vehicle accidents caused
5 30 by deer.
5 31 e. A review of the deer management challenges and programs
5 32 of other midwestern states.
5 33 f. An assessment of public opinion concerning the number
5 34 of deer, and the impact and value of Iowa's deer population.
5 35 5. The advisory committee shall complete its deliberations

House File 2523 - Introduced continued

6 1 in December 2008 and submit a final report to the governor and
6 2 the general assembly summarizing the committee's activities,
6 3 analyzing the issues studied, and including any other
6 4 information or recommendations that the committee deems
6 5 relevant and necessary by January 10, 2009.
6 6 Sec. 5. Section 483A.24C, Code 2007, is repealed.
6 7 Sec. 6. EFFECTIVE DATE. This Act, being deemed of
6 8 immediate importance, takes effect upon enactment.
6 9 EXPLANATION
6 10 This bill relates to the deer depredation management
6 11 program and provides for a deer study advisory committee.
6 12 The bill specifies that the farmer advisory committee that
6 13 provides information to the department of natural resources
6 14 (DNR) regarding crop and tree damage caused by deer, wild
6 15 turkey, and other predators must include representatives of
6 16 specified organizations.
6 17 The bill expands the scope of the wild animal depredation
6 18 unit of the DNR to include horticultural product and tree
6 19 damage as well as crop and nursery damage. The bill
6 20 establishes the deer depredation management program and
6 21 requires the DNR to issue deer depredation licenses and
6 22 shooting permits.
6 23 Deer depredation licenses are available for issuance to
6 24 resident hunters to shoot antlerless deer on the land
6 25 designated in the producer's depredation plan during any
6 26 established deer hunting season. Such licenses are in
6 27 addition to free licenses that are available to landowners and
6 28 family members under Code section 483A.24. A producer who
6 29 enters into a depredation agreement with the DNR will be
6 30 issued a set of authorization numbers. Each number authorizes
6 31 a resident hunter to obtain one depredation license. A
6 32 producer may transfer such an authorization number to any
6 33 resident hunter who is otherwise qualified to hunt, has a
6 34 hunting license, and has paid the wildlife habitat fee and the
6 35 deer herd population management program fee. This program

House File 2523 - Introduced continued

must be implemented by August 15, 2008.

The bill also requires the DNR to issue deer shooting permits to landowners who incur crop, horticultural product, tree, or nursery damage or for use on areas where public safety may be an issue. Deer shooting permits are valid for use outside of established deer hunting seasons to harvest antlerless or any sex deer.

Deer harvested pursuant to deer depredation licenses or deer shooting permits must be reported using the harvest reporting system set forth in Code section 483A.8A and shall not be subject to different disposal or reporting requirements than are applicable to the harvest of deer pursuant to other deer hunting licenses except that antlers on a deer taken with a shooting permit must be delivered to the local conservation officer for disposal.

The DNR is required to make educational materials available explaining the deer depredation management program to the general public and specifically to farmers and farm and commodity organizations, in both electronic and brochure formats by June 30, 2008. The DNR is required to conduct outreach programs for farmers and farm and commodity organizations to explain the depredation program. The DNR is also required to develop a master hunter program and maintain a list of master hunters who are available to assist producers in the deer depredation management program by increasing the harvest of antlerless deer on the producer's property.

The bill establishes a deer study advisory committee to study the best way to maintain a sustainable, socially acceptable deer population in the state while maximizing and balancing the economic value of deer hunting to Iowa's economy with the needs of the agricultural industry and public safety concerns. The bill specifies that the committee shall be composed of representatives from specified organizations and entities, the director of the DNR or a designee, the secretary of agriculture or a designee, and six legislators. The

House File 2523 - Introduced continued

8 1 committee is required to complete its deliberations in
8 2 December 2008 and submit a final report to the governor and
8 3 the general assembly summarizing the committee's activities,
8 4 analyzing the issues studied, and include any other
8 5 information or recommendations by January 10, 2009.
8 6 The bill is effective upon enactment.
8 7 LSB 5320HV 82
8 8 av/nh/5

House File 2524 - Introduced

HOUSE FILE
BY COMMITTEE ON VETERANS
AFFAIRS

(SUCCESSOR TO HF 2261)

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

A BILL FOR

An Act relating to veterans affairs by modifying training requirements, requiring executive directors and administrators to provide minimum hours of service in each county, specifying executive director, administrator, and employee duties, creating a county commission of veteran affairs training program, creating a county commissions of veteran affairs fund, providing an appropriation, and providing an effective date.

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

TLSB 5259HV 82
md/sc/5

House File 2524 - Introduced continued

PAG LIN

1 1 Section 1. Section 35A.5, subsection 9, Code Supplement
1 2 2007, is amended to read as follows:
1 3 9. After consultation with the commission, provide
1 4 certification training to executive directors and
1 5 administrators of county commissions of veteran affairs
1 6 pursuant to section 35B.6. Training provided under this
1 7 subsection shall include accreditation by the national
1 8 association of county veteran service officers. Training
1 9 provided by the department shall be certified by the national
1 10 association of county veteran service officers and, in
1 11 addition, shall ensure that each executive director and
1 12 administrator is proficient in the use of electronic mail,
1 13 general computer use, and use of the internet to access
1 14 information regarding facilities, benefits, and services
1 15 available to veterans and their families. The department may
1 16 adopt rules in accordance with chapter 17A to provide for
1 17 training of county veteran affairs executive directors and
1 18 administrators.
1 19 Sec. 2. NEW SECTION. 35A.16 COUNTY COMMISSIONS OF
1 20 VETERAN AFFAIRS FUND == APPROPRIATION.
1 21 1. a. A county commissions of veteran affairs fund is
1 22 created within the state treasury under the control of the
1 23 department. The fund shall consist of appropriations made to
1 24 the fund and any other moneys available to and obtained or
1 25 accepted by the department from the federal government or
1 26 private sources for deposit in the fund.
1 27 b. There is appropriated from the general fund of the
1 28 state to the department, for the fiscal year beginning July 1,
1 29 2009, and for each subsequent fiscal year, the sum of one
1 30 million dollars to be credited to the county commissions of
1 31 veteran affairs fund.
1 32 2. Notwithstanding section 12C.7, interest or earnings on
1 33 moneys in the county commissions of veteran affairs fund shall
1 34 be credited to the county commissions of veteran affairs fund.
1 35 Notwithstanding section 8.33, moneys remaining in the county

House File 2524 - Introduced continued

2 1 commissions of veteran affairs fund at the end of a fiscal
2 2 year shall not revert to the general fund of the state.
2 3 3. If sufficient moneys are available, the department
2 4 shall annually allocate ten thousand dollars to each county
2 5 commission of veteran affairs, or to each county sharing the
2 6 services of an executive director or administrator pursuant to
2 7 chapter 28E, to be used for the employment of an executive
2 8 director or administrator pursuant to section 35B.6.
2 9 4. A county commission of veteran affairs training program
2 10 account shall be established within the county commissions of
2 11 veteran affairs fund. Any moneys remaining in the fund after
2 12 the allocations under subsection 3 shall be credited to the
2 13 account and used by the department to fund the county
2 14 commission of veteran affairs training program under section
2 15 35A.17.
2 16 Sec. 3. NEW SECTION. 35A.17 COUNTY COMMISSION OF VETERAN
2 17 AFFAIRS TRAINING PROGRAM.
2 18 1. A county commission of veteran affairs training program
2 19 is created under the control of the department for the purpose
2 20 of providing training, certification, and accreditation
2 21 opportunities for county commissions of veteran affairs
2 22 executive directors, administrators, and employees.
2 23 2. The department may receive and accept donations,
2 24 grants, gifts, and contributions from any public or private
2 25 source for the purpose of providing training opportunities
2 26 under this section. All funds received by the department
2 27 shall be deposited in the county commission of veteran affairs
2 28 training program account established in section 35A.16,
2 29 subsection 4.
2 30 3. a. The department shall use funds deposited in the
2 31 county commission of veteran affairs training program account
2 32 to organize statewide or regional training conferences and
2 33 provide training, certification, and accreditation
2 34 opportunities for county commissions of veteran affairs
2 35 executive directors, administrators, and employees, consistent

House File 2524 - Introduced continued

3 1 with the requirements of section 35A.5, subsection 9.
3 2 b. During the fiscal year beginning July 1, 2009, the
3 3 department shall use account funds to arrange for an
3 4 accreditation course by the national association of county
3 5 veteran service officers to take place within the state.
3 6 c. The department may use account funds to hire an agency,
3 7 organization, or other entity to provide training or
3 8 educational programming, reimburse county executive directors,
3 9 administrators, and employees for transportation costs related
3 10 to a conference or program, or both.
3 11 4. The department shall adopt rules, pursuant to chapter
3 12 17A, deemed necessary for the administration of the county
3 13 commission of veteran affairs training program.
3 14 Sec. 4. Section 35B.6, subsection 1, Code 2007, is amended
3 15 to read as follows:
3 16 1. a. The members of the commission shall qualify by
3 17 taking the usual oath of office, and give bond in the sum of
3 18 five hundred dollars each, conditioned for the faithful
3 19 discharge of their duties with sureties to be approved by the
3 20 county auditor. The commission shall organize by the
3 21 selection of one of their members as chairperson, and one as
3 22 secretary. The commission, subject to the approval of the
3 23 board of supervisors, shall ~~have power to~~ employ an executive
3 24 director or administrator and shall have the power to employ
3 25 other necessary employees when needed, including
3 26 administrative or clerical assistants ~~when needed, the~~. The
3 27 compensation of such employees ~~to~~ shall be fixed by the board
3 28 of supervisors, but no member of the commission shall be so
3 29 employed. The executive director must possess the same
3 30 qualifications as provided in section 35B.3 for commission
3 31 members. However, this qualification requirement shall not
3 32 apply to a person employed as an executive director prior to
3 33 July 1, 1989.
3 34 b. The commission may employ an administrator in lieu of
3 35 an executive director. Administrators shall not be required

House File 2524 - Introduced continued

4 1 to meet all the qualifications provided in section 35B.3 for
4 2 commissioners. An administrator may hold another position
4 3 within the county or other government entity while serving as
4 4 an administrator only if such position does not adversely
4 5 affect the administrator's duties under this chapter.
4 6 ~~b.~~ c. Upon the employment of an executive director or
4 7 administrator, the executive director or administrator shall
4 8 complete a course of ~~initial~~ certification training provided
4 9 by the department of veterans affairs pursuant to section
4 10 35A.5. If an executive director or administrator fails to
4 11 obtain certification within one year of being employed, the
4 12 executive director or administrator shall be removed from
4 13 office. ~~If an executive director is not appointed, a~~ A
4 14 commissioner or ~~a clerical assistant shall~~ other commission
4 15 employee may also complete the course of certification
4 16 training. The department shall issue the executive director,
4 17 administrator, commissioner, or ~~clerical assistant~~ employee a
4 18 certificate of training after completion of the ~~initial~~
4 19 certification training course. To maintain ~~annual~~
4 20 certification, the executive director, administrator,
4 21 commissioner, or ~~clerical assistant~~ employee shall ~~attend one~~
~~4 22 department training course each year~~ satisfy the continuing
4 23 education requirements established by the national association
4 24 of county veteran service officers. Failure of an executive
4 25 director or administrator to maintain certification ~~may~~ shall
4 26 be cause for removal from office. The expenses of training
4 27 the executive director or administrator shall be paid from the
4 28 appropriation authorized in section 35B.14.
4 29 c. The duties of the executive director, administrator,
4 30 and employees shall include all of the following:
4 31 (1) Inform members of the armed forces, veterans, and
4 32 their dependents of all federal, state, and local laws enacted
4 33 for their benefit.
4 34 (2) Assist all residents of the state who served in the
4 35 armed forces of the United States and their relatives,

House File 2524 - Introduced continued

5 1 beneficiaries, and dependents in receiving from the United
5 2 States and this state any and all compensation, pensions,
5 3 hospitalization, insurance, education, employment pay and
5 4 gratuities, loan guarantees, or any other aid or benefit to
5 5 which they may be entitled under any law.
5 6 d. The department of veterans affairs or county veteran
5 7 affairs offices shall not charge for any service provided to
5 8 any individual.
5 9 Sec. 5. Section 35B.6, subsection 2, Code 2007, is amended
5 10 to read as follows:
5 11 2. Two or more boards of supervisors may agree, pursuant
5 12 to chapter 28E, to share the services of an executive director
5 13 or administrator. The agreement shall provide for the
5 14 establishment of a commission of veteran affairs office in
5 15 each of the counties participating in the agreement.
5 16 Sec. 6. Section 35B.6, subsection 4, Code 2007, is amended
5 17 by striking the subsection and inserting in lieu thereof the
5 18 following:
5 19 4. a. Each county commission of veteran affairs shall
5 20 maintain an office in a building owned, operated, or leased by
5 21 the county.
5 22 b. An executive director or administrator employed
5 23 pursuant to subsection 1 shall provide veterans services for
5 24 the following minimum number of hours each week:
5 25 (1) For a county with a population of thirty thousand or
5 26 less, no fewer than twenty hours per week.
5 27 (2) For a county with a population of more than thirty
5 28 thousand and less than sixty thousand, no fewer than thirty
5 29 hours per week.
5 30 (3) For a county with a population of sixty thousand or
5 31 more, no fewer than forty hours per week.
5 32 c. Counties sharing the services of an executive director
5 33 or administrator shall consider the aggregate population of
5 34 such counties when determining the number of hours of service
5 35 required under paragraph "b". The number of hours shall be

House File 2524 - Introduced continued

6 1 allocated between the counties in the proportion that the
6 2 population of each county bears to the aggregate population.
6 3 d. The hours that the office established under paragraph
6 4 "a", is open shall be posted in a prominent position outside
6 5 the office.
6 6 Sec. 7. Section 35B.14, Code 2007, is amended to read as
6 7 follows:
6 8 35B.14 COUNTY APPROPRIATION.
6 9 1. The board of supervisors of each county may appropriate
6 10 moneys for training an executive director or administrator as
6 11 provided for in section 35B.6, the food, clothing, shelter,
6 12 utilities, medical benefits, and funeral expenses of indigent
6 13 veterans, as defined in section 35.1, and their indigent
6 14 spouses, surviving spouses, and minor children not over
6 15 eighteen years of age, having a legal residence in the county.
6 16 2. The appropriation shall be expended by the joint action
6 17 and control of the board of supervisors and the county
6 18 commission of veteran affairs.
6 19 Sec. 8. STATE MANDATE FUNDING SPECIFIED. In accordance
6 20 with section 25B.2, subsection 3, the state cost of requiring
6 21 compliance with any state mandate included in this Act shall
6 22 be moneys appropriated in this Act and shall be deemed to meet
6 23 all the state funding=related requirements of section 25B.2,
6 24 subsection 3, and no specific state funding shall be necessary
6 25 for the full implementation of this Act by and enforcement of
6 26 this Act against all affected political subdivisions.
6 27 Sec. 9. EFFECTIVE DATE. This Act takes effect on July 1,
6 28 2009.
6 29 EXPLANATION
6 30 This bill requires each county commission of veteran
6 31 affairs to maintain an office in the county and to employ an
6 32 executive director. The bill allows a county commission of
6 33 veteran affairs to employ an administrator in lieu of an
6 34 executive director. The bill also requires each executive
6 35 director or administrator to meet minimum hours of service

House File 2524 - Introduced continued

each week. The bill provides different levels of service hours that are dependent on county population. The bill also provides that required service hours be allocated by population for counties sharing an executive director or administrator. The bill specifies the duties of an executive director or an administrator, including assisting veterans and their families in accessing available veterans benefits.

The bill requires the training provided to executive directors and administrators by the department of veterans affairs to be certified by the national association of county veteran service officers and that it ensures that each trainee is proficient in electronic mail use, general computer use, and use of the internet to access information on veterans benefits, services, and facilities. The bill also requires training provided to executive directors and administrators to include accreditation by the national association of county veteran service officers. If an executive director or administrator fails to acquire or fails to maintain certification by the department, the executive director or administrator shall be removed from office.

The bill creates a county commissions of veteran affairs fund under the control of the department of veterans affairs. Beginning July 1, 2009, and for each subsequent fiscal year, $1 million is appropriated from the general fund to the county commissions of veteran affairs fund. The bill provides that if sufficient moneys are available in the fund, the veterans affairs commission shall allocate $10,000 to each county to be used for the employment of an executive director or administrator.

The bill further provides that any moneys remaining in the fund after allocation to the counties shall be deposited in an account for use in the county commission of veteran affairs training program established under new Code section 35A.17. The training program requires the department of veterans affairs to provide training, certification, and accreditation

House File 2524 - Introduced continued

8 1 programs for county commissions of veteran affairs executive
8 2 directors, administrators, and employees, including
8 3 accreditation sessions by the national association of county
8 4 veteran service officers.
8 5 The bill may include a state mandate as defined in Code
8 6 section 25B.3. The bill includes a specification of the
8 7 amount of the state cost of any state mandate included in the
8 8 bill. The specification is deemed to constitute state
8 9 compliance with any state mandate funding=related requirements
8 10 of Code section 25B.2. The inclusion of this specification is
8 11 intended to reinstate the requirement of political
8 12 subdivisions to comply with any state mandates included in the
8 13 bill.
8 14 The bill takes effect on July 1, 2009.
8 15 LSB 5259HV 82
8 16 md/sc/5

House File 2525 - Introduced

HOUSE FILE
BY COMMITTEE ON ENVIRONMENTAL
PROTECTION

(SUCCESSOR TO HF 2273)

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

A BILL FOR

An Act relating to the disposal and recycling of waste oil filters.
BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 5535HV 82
tw/nh/5

House File 2525 - Introduced continued

PAG LIN

1 1 Section 1. Section 455D.13, Code 2007, is amended to read
1 2 as follows:
1 3 455D.13 LAND DISPOSAL OF WASTE OIL AND WASTE OIL FILTERS
1 4 PROHIBITED == COLLECTION AND RECYCLING.
1 5 1. A sanitary landfill shall not accept waste oil for
1 6 final disposal ~~beginning July 1, 1990~~.
1 7 2. A person offering for sale or selling oil or oil
1 8 filters at retail in the state shall do the following:
1 9 a. Accept at the point of sale, waste oil and waste oil
1 10 filters from customers, or post notice of locations where a
1 11 customer may dispose of waste oil and waste oil filters.
1 12 b. Post written notice that it is unlawful to dispose of
1 13 waste oil in a sanitary landfill.
1 14 Sec. 2. Section 455D.13, Code 2007, is amended by adding
1 15 the following new subsection:
1 16 NEW SUBSECTION. 3. A business that generates used oil
1 17 filters or collects used oil filters from a person shall not
1 18 dispose of the waste oil filters in a sanitary landfill and
1 19 shall source=separate and recycle the oil filters.
1 20 EXPLANATION
1 21 This bill relates to the disposal and recycling of waste
1 22 oil filters.
1 23 The bill prohibits businesses from disposing of waste oil
1 24 filters in a sanitary landfill.
1 25 The bill requires generators and collectors of waste oil
1 26 filters to source=separate and recycle the filters.
1 27 LSB 5535HV 82
1 28 tw/nh/5

House File 2526 - Introduced

HOUSE FILE
BY COMMITTEE ON EDUCATION

(SUCCESSOR TO HF 2083)

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

A BILL FOR

An Act relating to the disposition of school property.
BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 5240HV 82
ak/nh/5

House File 2526 - Introduced continued

PAG LIN

1 1 Section 1. Section 278.1, subsection 2, Code 2007, is
1 2 amended to read as follows:
1 3 2. ~~Direct~~ Except when prohibited by section 297.25, direct
1 4 the sale, lease, or other disposition of any schoolhouse or
1 5 school site or other property belonging to the corporation,
1 6 and the application to be made of the proceeds thereof~~,~~
~~1 7 provided, however, that~~. However, nothing ~~herein~~ in this
1 8 section shall be construed to prevent the ~~sale~~ independent
1 9 action by the board of directors of the corporation to sell,
1 10 lease, exchange, gift, ~~or~~ grant ~~and acceptance~~, or otherwise
1 11 dispose of any interest in real or other property ~~by the board~~
~~1 12 of directors without an election~~ of the corporation to the
1 13 extent authorized in section 297.22. For the purposes of this
1 14 subsection, "dispose" or "disposition" includes the exchange,
1 15 transfer, demolition, or destruction of any real or other
1 16 property of the corporation.
1 17 Sec. 2. Section 297.22, subsection 1, Code 2007, is
1 18 amended to read as follows:
1 19 1. a. The board of directors of a school district may
1 20 sell, lease, or dispose of, in whole or in part, a
1 21 schoolhouse, school site, or other property belonging to the
1 22 district. If the real property contains less than two acres,
1 23 is located outside of a city, is not adjacent to a city, and
1 24 was previously used as a schoolhouse site, the procedure
1 25 contained in sections 297.15 through 297.20 shall be followed
1 26 in lieu of this section.
1 27 b. Proceeds from the sale or disposition of real property
1 28 shall be placed in the physical plant and equipment levy fund.
1 29 Proceeds from the sale or disposition of property other than
1 30 real property shall be placed in the general fund. Proceeds
1 31 from the lease of real or other property shall be placed in
1 32 the general fund.
1 33 c. Before the board of directors may sell, lease for a
1 34 period in excess of one year, or dispose of any property
1 35 belonging to the school, the board shall hold a public hearing

House File 2526 - Introduced continued

on the proposal. The board shall set forth its proposal in a resolution and shall publish notice of the time and the place of the public hearing on the resolution. The notice shall also describe the property. A locally known address for real property may be substituted for a legal description of real property contained in the resolution. Notice of the time and place of the public hearing shall be published at least once not less than ten days but not more than twenty days prior to the date of the hearing in a newspaper of general circulation in the district. After the public hearing, the board may make a final determination on the proposal contained in the resolution.

d. However, property having a value of not more than five thousand dollars, other than real property, may be disposed of by any procedure which is adopted by the board and each sale shall be published by at least one insertion each week for two consecutive weeks in a newspaper having general circulation in the district.

e. For the purposes of this subsection, "dispose" or "disposition" includes the exchange, transfer, demolition, or destruction of any real or personal property of the school district.

Sec. 3. Section 297.25, Code 2007, is amended to read as follows:

297.25 RULE OF CONSTRUCTION.

Section 297.22 shall be construed as independent of the power vested in the electors by section 278.1, and as additional to such power. If a board of directors has exercised its independent power under section 297.22 regarding the disposition of real or personal property of the school district and has by resolution approved such action, the electors may not subsequently proceed to exercise their power under section 278.1 for a purpose directly contrary to an action previously approved by the board of directors in accordance with section 297.22. Such prohibition on electors

House File 2526 - Introduced continued

3 1 exercising their power in regard to an action by the board
3 2 shall expire at the end of the same calendar year that the
3 3 board approved an action unless the action itself includes a
3 4 specific time frame.
3 5 EXPLANATION
3 6 This bill relates to the disposition of school property.
3 7 The bill specifies that the board of directors of a school
3 8 district may take independent action to dispose of any
3 9 interest in real or other property of the school corporation.
3 10 The bill states that, for the purposes of the bill, "dispose"
3 11 or "disposition" includes the exchange, transfer, demolition,
3 12 or destruction of any real or personal property of the school
3 13 district. The bill prohibits voters from exercising their
3 14 power to direct the disposition of school district property
3 15 for any purpose directly contrary to an action previously
3 16 approved by the board of directors under Code section 297.22
3 17 regarding real or personal property of the school district.
3 18 Such prohibition on electors exercising their power in regard
3 19 to an action by the board shall expire at the end of the same
3 20 calendar year that the board approved an action unless the
3 21 action itself includes a specific time frame.
3 22 LSB 5240HV 82
3 23 ak/nh/5

House File 2527 - Introduced

HOUSE FILE
BY COMMITTEE ON PUBLIC SAFETY

(SUCCESSOR TO HF 762)
(SUCCESSOR TO HF 694)

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

A BILL FOR

An Act relating to criminal offenses against minors including sexual abuse and indecent exposure by electronic transmission of an image, and providing penalties.
BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 6573HZ 82
jm/nh/8

House File 2527 - Introduced continued

PAG LIN

1 1 Section 1. Section 229A.2, subsection 10, paragraph a,
1 2 Code Supplement 2007, is amended to read as follows:
1 3 a. A violation of any provision of chapter 709, except
1 4 section 709.9A or section 709.18, subsection 2 or 3.
1 5 Sec. 2. Section 692A.1, subsection 5, Code 2007, is
1 6 amended by adding the following new paragraph:
1 7 NEW PARAGRAPH. o. Indecent exposure by electronic
1 8 transmission of an image in violation of section 709.9A.
1 9 Sec. 3. Section 692A.1, subsection 5, paragraph o, Code
1 10 2007, is amended to read as follows:
1 11 ~~o.~~ p. An indictable offense committed in another
1 12 jurisdiction which would constitute an indictable offense
1 13 under paragraphs "a" through ~~"n"~~ "o".
1 14 Sec. 4. Section 709.3, subsection 2, Code 2007, is amended
1 15 to read as follows:
1 16 2. The other person is under the age of ~~twelve~~ thirteen.
1 17 Sec. 5. Section 709.4, subsection 2, paragraph b, Code
1 18 2007, is amended to read as follows:
1 19 b. The other person is ~~twelve or~~ thirteen years of age.
1 20 Sec. 6. NEW SECTION. 709.9A INDECENT EXPOSURE BY
1 21 ELECTRONIC TRANSMISSION OF AN IMAGE.
1 22 1. A person who electronically transmits an image of the
1 23 person's exposed genitals or pubes, or electronically
1 24 transmits an image of the person committing a sex act, commits
1 25 an aggravated misdemeanor if all of the following apply:
1 26 a. The image is intended to be viewed by a child or a
1 27 person believed to be a child.
1 28 b. The person intends to arouse or satisfy the sexual
1 29 desires of either party.
1 30 2. A person who electronically transmits an image of the
1 31 person's exposed genitals or pubes, or electronically
1 32 transmits an image of the person committing a sex act, commits
1 33 a serious misdemeanor if all of the following apply:
1 34 a. The image is intended to be viewed by another person.
1 35 b. The person intends to arouse or satisfy the sexual

House File 2527 - Introduced continued

2 1 desires of either party.
2 2 c. The person knows or reasonably should know that the
2 3 image is offensive to the viewer.
2 4 Sec. 7. Section 907.3, subsection 1, Code 2007, is amended
2 5 by adding the following new paragraph:
2 6 NEW PARAGRAPH. m. The offense is a violation of section
2 7 709.9A, subsection 1.
2 8 Sec. 8. Section 907.3, subsection 2, Code 2007, is amended
2 9 by adding the following new paragraph:
2 10 NEW PARAGRAPH. g. The offense is a violation of section
2 11 709.9A, subsection 1.
2 12 EXPLANATION
2 13 This bill relates to criminal offenses against minors
2 14 including sexual abuse and indecent exposure by electronic
2 15 transmission of an image.
2 16 Under the bill, a person who commits a sex act with a
2 17 person under 13 years of age commits sexual abuse in the
2 18 second degree. Current law provides that a person who commits
2 19 a sex act with a person under 12 years of age commits sexual
2 20 abuse in the second degree. A person who commits sexual abuse
2 21 in the second degree commits a class "B" felony.
2 22 Under the bill, a person who commits a consensual sex act
2 23 with a person 13 years of age commits sexual abuse in the
2 24 third degree. Current law provides that a person who commits
2 25 a sex act with a person 12 or 13 years of age commits sexual
2 26 abuse in the third degree.
2 27 Under the bill and in current law, a person who commits a
2 28 sex act with a person 14 or 15 years of age commits sexual
2 29 abuse in the third degree if any of the following apply: the
2 30 person is a member of the same household as the other person;
2 31 the person is related to the other person by blood or affinity
2 32 to the fourth degree; the person is in a position of authority
2 33 over the other person and uses that authority to coerce the
2 34 other person to submit; or the person is four or more years
2 35 older than the other person. A person who commits sexual

House File 2527 - Introduced continued

3 1 abuse in the third degree commits a class "C" felony.
3 2 Under the bill and in current law a consensual sex act with
3 3 a person 16 years of age or older is not punishable as a
3 4 criminal act.
3 5 The bill creates a criminal offense of indecent exposure by
3 6 electronic transmission of an image in Code chapter 709.
3 7 Under the bill, a person commits indecent exposure by
3 8 electronic transmission of an image punishable as an
3 9 aggravated misdemeanor if the person electronically transmits
3 10 an image of the person committing a sex act, and if the image
3 11 is intended to be viewed by a child or a person believed to be
3 12 a child and the person intends to arouse the sexual desires of
3 13 either party.
3 14 Under the bill, a person commits indecent exposure by
3 15 electronic transmission of an image punishable as a serious
3 16 misdemeanor if the person electronically transmits an image of
3 17 the person committing a sex act, and if all of the following
3 18 apply: the image is intended to be viewed by another person,
3 19 the person intends to arouse the sexual desires of either
3 20 party, and the person knows or reasonably knows that the image
3 21 is offensive to the viewer.
3 22 A criminal offense in Code chapter 709 classified as an
3 23 aggravated misdemeanor or serious misdemeanor is subject to
3 24 the special sentence provisions of Code section 903B.2. The
3 25 special sentence of a person convicted of indecent exposure by
3 26 electronic transmission of an image under the bill commences
3 27 upon completion of the sentence for the underlying criminal
3 28 offense of indecent exposure by electronic transmission of an
3 29 image. The special sentence, under the bill, places the
3 30 person on parole status for a period of 10 years.
3 31 In addition, an offense in Code chapter 709 may also be
3 32 used as evidence in prosecutions for similar offenses pursuant
3 33 to Code section 701.11(3), and is considered a "sexually
3 34 predatory offense" for prosecutions under Code chapter 901A.
3 35 Victims under 18 years of age of an offense under Code chapter

House File 2527 - Introduced continued

4 1 709 are also eligible for victim services pursuant to Code
4 2 sections 915.35 through 915.37, and may apply for compensation
4 3 through the crime victim compensation program without filing a
4 4 police report pursuant to Code section 915.84.
4 5 The bill prohibits a person from receiving a deferred
4 6 judgment, or a suspended or deferred sentence, if the person
4 7 is convicted of indecent exposure by electronic transmission
4 8 of an image and the viewer is under 14 years of age.
4 9 A serious misdemeanor is punishable by confinement for no
4 10 more than one year and a fine of at least $315 but not more
4 11 than $1,875. An aggravated misdemeanor is punishable by
4 12 confinement for no more than two years and a fine of at least
4 13 $625 but not more than $6,250. A class "C" felony is
4 14 punishable by confinement for no more than 10 years and a fine
4 15 of at least $1,000 but not more than $10,000. A class "B"
4 16 felony is punishable by confinement for no more than 25 years.
4 17 LSB 6573HZ 82
4 18 jm/nh/8

House File 2528 - Introduced

HOUSE FILE
BY COMMITTEE ON STATE GOVERNMENT

(SUCCESSOR TO HSB 612)

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

A BILL FOR

An Act relating to campaign finance procedures and requirements and providing an effective date.
BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 5459HV 82
jr/rj/14

House File 2528 - Introduced continued

PAG LIN

1 1 Section 1. Section 68A.101, Code 2007, is amended to read
1 2 as follows:
1 3 68A.101 CITATION AND ADMINISTRATION.
1 4 This chapter may be cited as the "Campaign Disclosure ==
1 5 Income Tax Checkoff Act".
1 6 This chapter shall be administered by the Iowa ethics and
1 7 campaign disclosure board as provided in sections 68B.32,
1 8 68B.32A, 68B.32B, 68B.32C, and 68B.32D.
1 9 Sec. 2. Section 68A.201, subsection 5, Code Supplement
1 10 2007, is amended by striking the subsection.
1 11 Sec. 3. NEW SECTION. 68A.201A FILING BY OUT=OF=STATE AND
1 12 FEDERAL COMMITTEES.
1 13 1. When either a committee or organization not organized
1 14 as a committee under section 68A.201 makes a contribution to a
1 15 committee organized in Iowa, that committee or organization
1 16 shall disclose each contribution in excess of fifty dollars to
1 17 the board.
1 18 2. A committee or organization not organized as a
1 19 committee under section 68A.201 that is not registered and
1 20 filing full disclosure reports of all financial activities
1 21 with the federal election commission or another state's
1 22 disclosure commission shall register and file full disclosure
1 23 reports with the board pursuant to this chapter. The
1 24 committee or organization shall either appoint an eligible
1 25 Iowa elector as committee or organization treasurer, or shall
1 26 maintain all committee funds in an account in a financial
1 27 institution located in Iowa.
1 28 3. A committee that is currently filing a disclosure
1 29 report in another jurisdiction shall either file a statement
1 30 of organization under section 68A.201, subsections 1 and 2,
1 31 and file disclosure reports under section 68A.402, or shall
1 32 file one copy of a verified statement with the board within
1 33 fifteen days of the contribution being made.
1 34 4. The verified statement shall be on forms prescribed by
1 35 the board and shall attest that the committee is filing

House File 2528 - Introduced continued

2 1 reports with the federal election commission or in a
2 2 jurisdiction with reporting requirements which are
2 3 substantially similar to those of this chapter, and that the
2 4 contribution is made from an account that does not accept
2 5 contributions that would be in violation of section 68A.503.
2 6 5. The verified statement shall include the complete name,
2 7 address, and telephone number of the contributing committee,
2 8 the state or federal jurisdiction under which it is registered
2 9 or operates, the identification of any parent entity or other
2 10 affiliates or sponsors, its purpose, the name and address of
2 11 an Iowa resident authorized to receive service of original
2 12 notice, the name and address of the receiving committee, the
2 13 amount of the cash or in=kind contribution, and the date the
2 14 contribution was made.
2 15 Sec. 4. Section 68A.303, subsection 6, Code 2007, is
2 16 amended to read as follows:
2 17 6. ~~An individual or a political committee~~ A person shall
2 18 not knowingly make transfers or contributions to a candidate
2 19 or candidate's committee for the purpose of transferring the
2 20 funds to another candidate or candidate's committee to avoid
2 21 the disclosure of the source of the funds pursuant to this
2 22 chapter. A candidate or candidate's committee shall not
2 23 knowingly accept transfers or contributions from ~~an individual~~
~~2 24 or political committee~~ any person for the purpose of
2 25 transferring funds to another candidate or candidate's
2 26 committee as prohibited by this subsection. A candidate or
2 27 candidate's committee shall not accept transfers or
2 28 contributions which have been transferred to another candidate
2 29 or candidate's committee as prohibited by this subsection.
2 30 The board shall notify candidates of the prohibition of such
2 31 transfers and contributions under this subsection.
2 32 Sec. 5. Section 68A.402, subsection 1, Code Supplement
2 33 2007, is amended to read as follows:
2 34 1. FILING METHODS. Each committee shall file with the
2 35 board reports disclosing information required under this

House File 2528 - Introduced continued

3 1 section on forms prescribed by rule. Reports shall be filed
3 2 on or before the required due dates by using any of the
3 3 following methods: mail bearing a United States postal
3 4 service postmark, hand=delivery, facsimile transmission,
3 5 electronic mail attachment, or electronic filing as prescribed
3 6 by rule. Any report that is required to be filed five days or
3 7 less prior to an election must be physically received by the
3 8 board to be considered timely filed. For purposes of this
3 9 section, "physically received" means the report is either
3 10 electronically filed using the board's electronic filing
3 11 system or is received by the board prior to 4:30 p.m. on the
3 12 report due date.
3 13 Sec. 6. Section 68A.402A, subsection 1, paragraph g, Code
3 14 2007, is amended by striking the paragraph and inserting the
3 15 following:
3 16 g. Disbursements made to a third party and disbursements
3 17 made by the third party during the reporting period disclosing
3 18 the name and address of the recipient, amount, purpose, and
3 19 date.
3 20 Sec. 7. Section 68A.404, subsection 2, paragraph a, Code
3 21 2007, is amended to read as follows:
3 22 a. The requirement to file an independent expenditure
3 23 statement under this section does not by itself mean that the
3 24 person filing the independent expenditure statement is
3 25 required to register and file reports under sections 68A.201,
3 26 68A.201A, and 68A.402.
3 27 Sec. 8. EFFECTIVE DATE. The section of this Act amending
3 28 section 68A.402, being deemed of immediate importance, takes
3 29 effect upon enactment.
3 30 EXPLANATION
3 31 This bill makes a number of technical changes to Iowa's
3 32 campaign disclosure law. The bill moves requirements dealing
3 33 with required filings by out=of=state and federal committees
3 34 into its own Code section.
3 35 The bill amends current restrictions concerning transfer of

House File 2528 - Introduced continued

contributions between candidates or candidate committees. Under current law, an individual or a political committee cannot knowingly make or accept transfers or contributions to a candidate or candidate's committee for the purpose of transferring the funds to another candidate or candidate's committee to avoid the disclosure of the source of the funds. The bill substitutes the term "person" in lieu of the phrase "individual or a political committee".

The bill also revises a provision relating to the physical receipt of reports that must be filed five days before the election; that change establishes that physical receipt of the report is required for any reports required to be filed less than five days before the election. This provision is made effective upon enactment.

The bill expands disbursement reporting requirements to include any third party.

LSB 5459HV 82
jr/rj/14

House File 2529 - Introduced

HOUSE FILE
BY COMMITTEE ON VETERANS AFFAIRS

(SUCCESSOR TO HF 133)

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

A BILL FOR

An Act exempting from the individual income tax federal retirement pay received for military service and including a retroactive applicability date provision.

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

TLSB 6579HV 82
mg/sc/14

House File 2529 - Introduced continued

PAG LIN

1 1 Section 1. Section 422.7, Code Supplement 2007, is amended
1 2 by adding the following new subsection:
1 3 NEW SUBSECTION. 31A. a. Subject to paragraph "b", for a
1 4 taxpayer forty years of age or older, subtract, to the extent
1 5 included, retirement pay received from the federal government
1 6 for military service performed in the armed forces, armed
1 7 forces military reserve, or national guard.
1 8 b. The amount subtracted pursuant to paragraph "a" is
1 9 limited to the following:
1 10 (1) Five thousand dollars for the first tax year the
1 11 taxpayer claims the exclusion under this subsection.
1 12 (2) Ten thousand dollars for the second tax year the
1 13 taxpayer claims the exclusion under this subsection.
1 14 (3) Fifteen thousand dollars for the third tax year the
1 15 taxpayer claims the exclusion under this subsection.
1 16 (4) Twenty thousand dollars for the fourth tax year and
1 17 subsequent tax years the taxpayer claims the exclusion under
1 18 this subsection.
1 19 c. The exclusion of retirement benefits under this
1 20 subsection is in addition to any exclusion provided under
1 21 subsection 31.
1 22 Sec. 2. RETROACTIVE APPLICABILITY DATE. This Act applies
1 23 retroactively to January 1, 2008, for tax years beginning on
1 24 or after that date.
1 25 EXPLANATION
1 26 This bill provides for the exclusion of $20,000 of
1 27 retirement benefits from federal military service in the armed
1 28 forces, military reserve, or national guard, phased in over
1 29 four years. A taxpayer must be at least 40 years of age
1 30 before claiming the exclusion.
1 31 The bill applies retroactively to January 1, 2008, for tax
1 32 years beginning on or after that date.
1 33 LSB 6579HV 82
1 34 mg/sc/14

House File 2530 - Introduced

HOUSE FILE
BY COMMITTEE ON EDUCATION

(SUCCESSOR TO HF 2399)

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

A BILL FOR

An Act establishing committees to formulate plans for a state research and development prekindergarten through grade twelve school and providing an effective date.
BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 6198HV 82
ak/sc/14

House File 2530 - Introduced continued

PAG LIN

1 1 Section 1. STATE OF IOWA RESEARCH, DEVELOPMENT,
1 2 DEMONSTRATION, AND DISSEMINATION SCHOOL == COMMITTEES
1 3 ESTABLISHED.
1 4 1. a. The director of the department of education and the
1 5 president of the university of northern Iowa shall jointly
1 6 establish a finance and funding committee and an
1 7 implementation committee to develop detailed plans for
1 8 expansion of the Price laboratory school at the university of
1 9 northern Iowa as the state of Iowa research, development,
1 10 demonstration, and dissemination school. The committees shall
1 11 file a joint report with the general assembly, the governor,
1 12 the board of regents, and the state board of education by
1 13 January 15, 2009. The committees shall collaborate to ensure
1 14 that their recommendations in the joint report are compatible.
1 15 b. The committees shall use the findings and
1 16 recommendations of the research and development
1 17 prekindergarten through grade twelve school feasibility study
1 18 committee created in 2007 Iowa Acts, chapter 215, section 128,
1 19 as the basis of each committee's plan.
1 20 2. Members of the finance and funding committee shall
1 21 include individuals from the university of northern Iowa, the
1 22 department of education, and educators with expertise in
1 23 school finance. The committee shall develop a plan for
1 24 sustained operational and capital funding both through the
1 25 identification of new funding sources and through the
1 26 restructuring of existing funding sources for the school. The
1 27 committee shall evaluate the condition of the current Price
1 28 laboratory school facility and determine whether renovation,
1 29 including new construction, is recommended, and, in
1 30 particular, renovation or new construction that would result
1 31 in the Price laboratory school serving as a demonstration site
1 32 in energy efficiency and energy efficient design.
1 33 3. Members of the implementation committee shall include
1 34 Price laboratory school faculty, university of northern Iowa
1 35 faculty, and department of education staff. The committee

House File 2530 - Introduced continued

2 1 shall develop a detailed transition plan for expanding the
2 2 Price laboratory school as a state of Iowa research,
2 3 development, demonstration, and dissemination school and shall
2 4 develop a detailed governance structure that outlines the
2 5 specific roles and responsibilities of the university of
2 6 northern Iowa, the department of education, and the other
2 7 individuals, boards, committees, and groups involved with the
2 8 school. The committee shall focus on making recommendations
2 9 regarding governance structure that result in creating the
2 10 type of environment that must exist for a research,
2 11 development, demonstration, and dissemination school to be
2 12 effective, including the methods by which research will be
2 13 translated into practice in all accredited public and
2 14 nonpublic prekindergarten through grade twelve schools.
2 15 Sec. 2. EFFECTIVE DATE. This Act, being deemed of
2 16 immediate importance, takes effect upon enactment.
2 17 EXPLANATION
2 18 This bill directs the establishment of two committees to
2 19 further develop a state of Iowa research, development,
2 20 demonstration, and dissemination (RDDD) school. A task force
2 21 commissioned by 2007 Iowa Acts, chapter 215, section 128,
2 22 examined the feasibility of creating a research and
2 23 development prekindergarten through grade 12 school. The task
2 24 force's recommendations included the formation of two new
2 25 committees to examine the finance and funding and the
2 26 implementation of the RDDD school at the Price laboratory
2 27 school located at the university of northern Iowa.
2 28 The bill directs the director of the department of
2 29 education and the president of the university of northern Iowa
2 30 to jointly establish a finance and funding committee and an
2 31 implementation committee to develop detailed plans for the
2 32 RDDD school. A joint report is due to the general assembly,
2 33 the governor, the board of regents, and the state board of
2 34 education, by January 15, 2009. The committees shall
2 35 collaborate to ensure that their recommendations are

House File 2530 - Introduced continued

3 1 compatible. The committees are to use the findings and
3 2 recommendations of the task force as the basis of each
3 3 committee's plan.
3 4 The finance and funding committee members are to include
3 5 individuals from the university of northern Iowa, the
3 6 department of education, and educators with expertise in
3 7 school finance. The committee shall develop a plan for
3 8 ongoing operational and capital funding both through the
3 9 identification of new funding sources and through the
3 10 restructuring of existing funding sources for the school. The
3 11 committee shall evaluate the condition of the Price laboratory
3 12 school including considering whether new construction would
3 13 allow the school to serve as a demonstration site for energy
3 14 efficiency and design.
3 15 The implementation committee members shall include Price
3 16 laboratory school faculty, university of northern Iowa
3 17 faculty, and department of education staff. The committee
3 18 shall develop a detailed transition plan for expanding the
3 19 Price laboratory school as an RDDD school and a detailed
3 20 governance structure that outlines the specific roles and
3 21 responsibilities of the university of northern Iowa, the
3 22 department of education, and the other individuals, boards,
3 23 committees, and groups involved with the new school.
3 24 The bill takes effect upon enactment.
3 25 LSB 6198HV 82
3 26 ak/sc/14

House File 2531 - Introduced

HOUSE FILE
BY COMMITTEE ON ECONOMIC GROWTH

(SUCCESSOR TO HSB 622)

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

A BILL FOR

An Act relating to programs administered by the commission on volunteer service by establishing Iowa summer youth corps and green corps programs, creating the Iowa summer youth corps account and making appropriations from the account, excluding certain payments provided to an AmeriCorps volunteer from state income tax, and providing a retroactive applicability provision.
BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 5497HV 82
jp/nh/24

House File 2531 - Introduced continued

PAG LIN

1 1 Section 1. NEW SECTION. 15H.5 IOWA SUMMER YOUTH CORPS.
1 2 1. For the purposes of this section, "service=learning"
1 3 means a teaching and learning strategy that integrates
1 4 meaningful community service with instruction and reflection
1 5 to enrich the learning experience, teach civic responsibility,
1 6 and strengthen communities.
1 7 2. The Iowa summer youth corps program is established to
1 8 provide meaningful summer enrichment programming to Iowa
1 9 youth. The program shall be administered by the Iowa
1 10 commission on volunteer service using a competitive grant
1 11 process to implement projects in accordance with program
1 12 requirements. The commission shall adopt administrative rules
1 13 for the program, including but not limited to incentives,
1 14 grant criteria, and grantee selection processes. A percentage
1 15 of the grants shall be designated by the commission to address
1 16 the needs of city enterprise zones that meet the distress
1 17 criteria outlined in section 15E.194.
1 18 3. The program shall provide grants for projects that
1 19 utilize a service=learning approach during the summer months
1 20 to enhance student achievement and summer learning retention,
1 21 teach meaningful job skills to Iowa youth, engage Iowa youth
1 22 in their communities, provide positive youth development
1 23 experiences, and address the needs of youth from families with
1 24 low income. The service=learning approach shall be integrated
1 25 into the program using science, technology, engineering,
1 26 mathematics, social studies, civic literacy, or other
1 27 appropriate curricula identified by the department of
1 28 education.
1 29 4. The program shall involve the youth participating in
1 30 the program in service=learning activities with one or more of
1 31 the following focuses:
1 32 a. Energy conservation in the youth's community, including
1 33 conducting educational outreach on energy conservation and
1 34 working to improve energy efficiency in low=income housing and
1 35 public spaces.

House File 2531 - Introduced continued

2 1 b. Emergency and disaster preparedness.
2 2 c. Improving access to and obtaining the benefits from
2 3 providing computers and other emerging technologies in public
2 4 settings, including in low=income or rural communities, senior
2 5 centers and communities, schools, libraries, and other public
2 6 settings.
2 7 d. Mentoring of middle school youth while involving all
2 8 participants in service=learning to address unmet human,
2 9 educational, environmental, public safety, or emergency
2 10 disaster preparedness needs in the participants' community.
2 11 e. Establishing or implementing summer of service projects
2 12 during the summer months. Budgeting for a summer of service
2 13 project shall include the cost of recruitment, training, and
2 14 placement of service=learning coordinators. A summer of
2 15 service project shall comply with all of the following
2 16 requirements:
2 17 (1) Youth participating in a project will be enrolled in
2 18 grades six through twelve in the school year which begins
2 19 immediately following the end of a project.
2 20 (2) The focus of each project shall be community=based
2 21 service=learning activities that address unmet human,
2 22 educational, environmental, emergency and disaster
2 23 preparedness, and public service needs. Environmental needs
2 24 addressed may include energy conservation, water quality, and
2 25 land stewardship.
2 26 (3) The activities for each project shall be intensive,
2 27 structured, supervised, and designed to produce identifiable
2 28 improvements to the community. The activities may include the
2 29 extension of school year service=learning programs into the
2 30 summer months.
2 31 5. a. Funding for the Iowa summer youth corps program
2 32 shall be paid from appropriations and other funds credited to
2 33 the Iowa summer youth corps account for purposes of the
2 34 program, which account shall be created within the department
2 35 of economic development under the authority of the commission.

House File 2531 - Introduced continued

3 1 Moneys available in the account for a fiscal year are
3 2 appropriated to the commission to be used for the program.
3 3 b. The commission shall manage the program in a manner to
3 4 maximize the leveraging of federal, local, and private funding
3 5 opportunities that increase or amplify program impact and
3 6 service=learning opportunities. The commission shall also
3 7 encourage collaboration with, and utilization of, other
3 8 national, local, and nonprofit programs engaged in community
3 9 service or addressing the needs of youth from families with
3 10 low income.
3 11 c. The commission shall give priority consideration to
3 12 approving those projects that target communities that have
3 13 disproportionately high rates of juvenile crime or low rates
3 14 of high school graduation or that have been designated as city
3 15 enterprise zones that meet the distress criteria outlined in
3 16 section 15E.194.
3 17 d. The commission shall include progress information
3 18 concerning implementation of the program in the quarterly
3 19 reports made to the governor and general assembly in
3 20 accordance with section 15H.2.
3 21 6. a. Notwithstanding any contrary provision of chapter
3 22 8A, subchapter IV, or chapter 96, a person participating in
3 23 the Iowa summer youth corps program shall be exempt from merit
3 24 system requirements and shall not be eligible to receive
3 25 unemployment compensation benefits.
3 26 b. If a stipend is provided to a youth participating in
3 27 the program, the youth shall be age fourteen through eighteen.
3 28 c. A youth participating in a summer of service project
3 29 that either has an education award or no compensation shall
3 30 comply with the grade level requirements specified for summer
3 31 of service project participation.
3 32 d. A project that uses funding for an AmeriCorps young
3 33 adult component within the project design shall limit
3 34 participation in the component to young adults who are age
3 35 eighteen through twenty=five at the time of enrollment in the

House File 2531 - Introduced continued

4 1 project.
4 2 Sec. 2. NEW SECTION. 15H.6 IOWA GREEN CORPS PROGRAM.
4 3 1. The Iowa commission on volunteer service, in
4 4 collaboration with the department of natural resources, the
4 5 department of workforce development, and the utilities board
4 6 of the department of commerce shall establish an Iowa green
4 7 corps program. The commission shall work with the
4 8 collaborating agencies and nonprofit agencies in developing a
4 9 strategy for attracting additional financial resources for the
4 10 program from other sources which may include but are not
4 11 limited to private utilities, local municipalities, and
4 12 federal funding sources.
4 13 2. The program shall utilize AmeriCorps or Iowa summer
4 14 youth corps program volunteers to provide capacity building
4 15 activities, training, and implementation of major
4 16 transformative projects in communities. The project selection
4 17 shall emphasize energy efficiency, historic preservation,
4 18 neighborhood development, and storm water reduction and
4 19 management.
4 20 3. The capacity building activities shall be targeted in
4 21 communities that are already working with existing community
4 22 improvement programs, including but not limited to the Iowa
4 23 great places program established under section 303.3C and the
4 24 green streets program administered by the department of
4 25 economic development.
4 26 Sec. 3. Section 422.7, Code Supplement 2007, is amended by
4 27 adding the following new subsection:
4 28 NEW SUBSECTION. 23. Subtract, to the extent included, the
4 29 amount of AmeriCorps living allowance payments and federal
4 30 Segal education award payments.
4 31 Sec. 4. RETROACTIVE APPLICABILITY. The provision of this
4 32 Act amending section 422.7 is retroactively applicable to
4 33 January 1, 2008, and is applicable on and after that date.
4 34 EXPLANATION
4 35 This bill relates to youth employment programs administered

House File 2531 - Introduced continued

5 1 by the commission on volunteer service by establishing the
5 2 Iowa summer youth corps and green corps programs, creating the
5 3 Iowa summer youth corps account and making appropriations from
5 4 the account, excluding certain payments provided to an
5 5 AmeriCorps volunteer from state income tax, and providing a
5 6 retroactive applicability provision.
5 7 New Code section 15H.5 establishes the Iowa summer youth
5 8 corps program under the authority of the commission to provide
5 9 meaningful summer enrichment programming to Iowa youth,
5 10 requires the program to be implemented by issuing competitive
5 11 grants for projects, requires the commission to designate a
5 12 percentage of the grants to address the needs of city
5 13 enterprise zones that meet the distress criteria under Code
5 14 section 15E.194, defines the term "service=learning", requires
5 15 the participating youth to be engaged with various specified
5 16 service=learning activities, outlines requirements for "summer
5 17 of service" projects for youth who will be entering grades six
5 18 through 12, creates an Iowa summer youth corps account, and
5 19 appropriates any funding available in the account to the
5 20 commission for the program.
5 21 A participant in the youth corps program is exempt from
5 22 state merit system requirements and is not eligible to receive
5 23 unemployment compensation benefits. If a stipend is provided,
5 24 the participant must be age 14 through 18. If a project uses
5 25 funding for an AmeriCorps young adult component, participation
5 26 in the component is limited to young adults who are age 18
5 27 through 25 at the time of enrollment.
5 28 New Code section 15H.6 directs the commission on volunteer
5 29 service, in collaboration with the departments of natural
5 30 resources and workforce development, and the utilities board,
5 31 to establish an Iowa green corps program. The program is
5 32 required to use AmeriCorps or Iowa summer youth corps program
5 33 volunteers to provide capacity building activities, training,
5 34 and implementation of major transformative projects in
5 35 communities. The project selection shall emphasize energy

House File 2531 - Introduced continued

efficiency, historic preservation, neighborhood development, and storm water reduction and management. The capacity building activities are required to be targeted to communities that are already working with existing community improvement programs.

Code section 422.7 is amended to exclude from state individual income tax the amount of AmeriCorps living allowance payments and federal Segal education award payments. This provision applies retroactively to January 1, 2008, for tax years beginning on or after that date.

LSB 5497HV 82
jp/nh/24

House File 2532 - Introduced

HOUSE FILE
BY COMMITTEE ON STATE GOVERNMENT

(SUCCESSOR TO HSB 719)

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

A BILL FOR

An Act concerning the duties and responsibilities of the auditor of state.
BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 5454HV 82
ec/sc/14

House File 2532 - Introduced continued

PAG LIN

1 1 Section 1. Section 11.1, Code 2007, 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 11.2, subsection 1, Code Supplement 2007,
1 29 is amended to read as follows:
1 30 1. The auditor of state shall annually, and more often if
1 31 deemed necessary, ~~make a full settlement between~~ audit the
1 32 state and all state officers and departments ~~and all persons~~
1 33 receiving or expending state funds, ~~and shall annually make a~~
~~1 34 complete audit of the books and accounts of every department~~
~~1 35 of the state.~~

House File 2532 - Introduced continued

2 1 ~~Provided,~~ except that the accounts, records, and documents
2 2 of the treasurer of state shall be audited daily.
2 3 ~~Provided further, that a preliminary audit of the~~
~~2 4 educational institutions and the state fair board shall be~~
~~2 5 made periodically, at least quarterly, to check the monthly~~
~~2 6 reports submitted to the director of the department of~~
~~2 7 administrative services as required by section 8A.502,~~
~~2 8 subsection 9, and that a final audit of such state agencies~~
~~2 9 shall be made at the close of each fiscal year.~~
2 10 Sec. 3. Section 11.2, Code Supplement 2007, is amended by
2 11 adding the following new subsection:
2 12 NEW SUBSECTION. 1A. Departments shall immediately notify
2 13 the auditor of state regarding any suspected embezzlement,
2 14 theft, or other significant financial irregularities.
2 15 Sec. 4. Section 11.2, subsection 2, unnumbered paragraphs
2 16 2, 3, and 4, Code Supplement 2007, are amended to read as
2 17 follows:
2 18 The state board of regents shall make available to the
2 19 auditor of state and treasurer of state the most recent annual
2 20 report of any investment entity or investment professional
2 21 employed by ~~an~~ a regents institution ~~governed by the board~~.
2 22 All contracts or agreements with an investment entity or
2 23 investment professional employed by ~~an~~ a regents institution
2 24 ~~governed by the state board of regents~~ shall require the
2 25 investment entity or investment professional employed by ~~an~~ a
2 26 regents institution ~~governed by the state board of regents~~ to
2 27 notify in writing the state board of regents within thirty
2 28 days of receipt of all communication from an independent
2 29 auditor or the auditor of state or any regulatory authority of
2 30 the existence of a material weakness in internal control
2 31 ~~structure~~, or regulatory orders or sanctions against the
2 32 investment entity or investment professional, with regard to
2 33 the type of services being performed under the contracts or
2 34 agreements. This provision shall not be limited or avoided by
2 35 another contractual provision.

House File 2532 - Introduced continued

The audit under this section shall not be certified until the most recent annual reports of any investment entity or investment professional employed by ~~an~~ a regents institution ~~governed by the state board of regents~~ are reviewed by the auditor of state.

Sec. 5. Section 11.4, Code 2007, is amended to read as follows:

11.4 REPORT OF AUDITS.

1. The auditor of state shall make or cause to be made and filed and kept in the auditor's office written reports of all audits and examinations, which reports shall ~~set out in detail~~ include, if applicable, the following:

~~1.~~ a. The ~~actual~~ financial condition of ~~such~~ the state or department ~~found to exist on every examination~~.

~~2.~~ b. Whether, in the auditor's opinion~~,~~:

~~a.~~ (1) All funds have been expended for the purpose for which appropriated.

~~b.~~ (2) The department so audited ~~and~~ or examined is efficiently conducted, and if the maximum results for the money expended are obtained.

~~c.~~ (3) The work of the departments so audited or examined needlessly conflicts with or duplicates the work done by any other department.

~~3.~~ c. All illegal or unbusinesslike practices.

~~4.~~ d. Any recommendations for greater simplicity, accuracy, efficiency, or economy in the operation of the business of the several departments and institutions.

~~5. Comparisons of prices paid and terms obtained by the various departments for goods and services of like character and reasons for differences therein, if any.~~

~~6.~~ e. Any other information which, in the auditor's judgment, may be of value ~~to the auditor~~.

~~All such reports shall be filed and kept in the auditor's office.~~

2. The state auditor is hereby authorized to obtain,

House File 2532 - Introduced continued

maintain, and operate, under the auditor's exclusive control, such machinery as may be necessary to print confidential reports and documents originating in the auditor's office.

Sec. 6. Section 11.5A, Code 2007, is amended to read as follows:

11.5A AUDIT COSTS.

When requested by the auditor of state, the department of management shall transfer from any unappropriated funds in the state treasury an amount not exceeding the expenses and prorated salary costs already paid to perform ~~examinations~~ audits of state ~~executive~~ departments and agencies, ~~and~~ the offices of the judicial branch, and federal financial assistance~~,~~ as defined in ~~Pub. L. No. 98-502~~ the federal Single Audit Act, 31 U.S.C. } 7501, et seq., received by all other departments, as listed in section 11.5B, for which payments by agencies have not been made. Upon payment by the departments, the auditor of state shall credit the payments to the state treasury.

Sec. 7. Section 11.5B, unnumbered paragraph 1, Code 2007, is amended to read as follows:

The auditor of state shall be reimbursed by a department or agency for performing audits or examinations of the following state departments or agencies, or funds received by a department or agency:

Sec. 8. Section 11.5B, subsection 13, Code 2007, is amended to read as follows:

13. Federal financial assistance, as defined in ~~Pub. L. No. 98-502~~ the federal Single Audit Act, 31 U.S.C. } 7501, et seq., received by all other departments.

Sec. 9. Section 11.5B, Code 2007, is amended by adding the following new subsection:

NEW SUBSECTION. 15. Office of energy independence.

Sec. 10. Section 11.6, subsection 1, paragraph a, Code 2007, is amended to read as follows:

a. ~~The~~ Except for entities organized under chapter 28E

House File 2532 - Introduced continued

5 1 having gross receipts of one hundred thousand dollars or less
5 2 in a fiscal year, the financial condition and transactions of
5 3 all ~~cities and city offices, counties, county hospitals~~
5 4 ~~organized under chapters 347 and 347A, memorial hospitals~~
5 5 ~~organized under chapter 37, entities organized under chapter~~
5 6 ~~28E having gross receipts in excess of one hundred thousand~~
5 7 ~~dollars in a fiscal year, merged areas, area education~~
5 8 ~~agencies, and all school offices in school districts,~~
5 9 governmental subdivisions shall be ~~examined~~ audited at least
5 10 once each year~~, except that~~. However, cities having a
5 11 population of ~~seven hundred or more but less than two thousand~~
5 12 ~~shall be examined at least once every four years, and cities~~
5 13 ~~having a population of~~ less than ~~seven~~ one thousand five
5 14 hundred may be examined as otherwise provided in this section.
5 15 ~~The examination shall cover the fiscal year next preceding the~~
5 16 ~~year in which the audit is conducted.~~ The ~~examination~~ audit
5 17 of school ~~offices~~ districts shall include an audit of all
5 18 school funds, the certified annual financial report, the
5 19 certified enrollment as provided in section 257.6, and the
5 20 revenues and expenditures of any nonprofit school organization
5 21 established pursuant to section 279.62. Differences in
5 22 certified enrollment shall be reported to the department of
5 23 management. The ~~examination~~ audit of a city that owns or
5 24 operates a municipal utility providing local exchange services
5 25 pursuant to chapter 476 shall include ~~an audit~~ performing
5 26 tests of the city's compliance with section 388.10. The
5 27 ~~examination~~ audit of a city that owns or operates a municipal
5 28 utility providing telecommunications services pursuant to
5 29 section 388.10 shall include ~~an audit~~ performing tests of the
5 30 city's compliance with section 388.10.
5 31 Subject to the exceptions and requirements of subsection 2
5 32 and subsection 4, paragraph ~~"c"~~ "a", subparagraph (3),
5 33 ~~examinations~~ audits shall be made as determined by the
5 34 governmental subdivision either by the auditor of state or by
5 35 certified public accountants, certified in the state of Iowa,

House File 2532 - Introduced continued

and they shall be paid from the proper public funds of the governmental subdivision.

Sec. 11. Section 11.6, subsection 1, Code 2007, is amended by adding the following new paragraph after paragraph a:

NEW PARAGRAPH. aa. The financial condition and transactions of community mental health centers organized under chapter 230A, substance abuse programs organized under chapter 125, and community action agencies organized under chapter 216A, shall be audited at least once each year.

Sec. 12. Section 11.6, subsection 1, paragraph b, Code 2007, is amended to read as follows:

b. (1) In conjunction with the audit of the governmental subdivision required under this section, the ~~person performing the audit~~ auditor shall also perform tests for compliance with the investment policy of ~~a reasonable number of investment transactions in relation to the total investments and quantity of transactions in the period audited~~ the governmental subdivision. The results of the compliance testing shall be reported in accordance with generally accepted auditing standards. The ~~person performing the audit~~ auditor may also make recommendations for changes to investment policy or practices. The governmental subdivision is responsible for the remedy of reported noncompliance with its policy or practices.

(2) As part of its audit, the governmental subdivision is responsible for obtaining and providing to the ~~person performing the audit~~ auditor the audited financial statements and related report on internal control ~~structure~~ of outside persons~~,~~ performing any of the following during the period under audit for the governmental subdivision:

(a) Investing public funds.

(b) Advising on the investment of public funds.

(c) Directing the deposit or investment of public funds.

(d) Acting in a fiduciary capacity for the governmental subdivision.

House File 2532 - Introduced continued

7 1 The audit under this section shall not be certified until
7 2 all material information required by this subparagraph is
7 3 reviewed by the ~~person performing the audit~~ auditor.
7 4 (3) The review by the ~~person performing the audit~~ auditor
7 5 of the most recent annual report to shareholders of an
7 6 open=end management investment company or an unincorporated
7 7 investment company or investment trust registered with the
7 8 federal securities and exchange commission under the federal
7 9 Investment Company Act of 1940, 15 U.S.C. } 80(a), pursuant to
7 10 17 C.F.R. } 270.30d=1 or the review, by the ~~person performing~~
~~7 11 the audit~~ auditor, of the most recent annual report to
7 12 shareholders, call reports, or the findings pursuant to a
7 13 regular examination under state or federal law, to the extent
7 14 the findings are not confidential, of a bank, savings and loan
7 15 association, or credit union shall satisfy the review
7 16 requirements of this paragraph.
7 17 (4) All contracts or agreements with outside persons
7 18 performing any of the functions listed in subparagraph (2)
7 19 shall require the outside person to notify in writing the
7 20 governmental subdivision within thirty days of receipt of all
7 21 communication from the ~~person performing the audit~~ auditor or
7 22 any regulatory authority of the existence of a material
7 23 weakness in internal control ~~structure~~, or regulatory orders
7 24 or sanctions against the outside person, with regard to the
7 25 type of services being performed under the contracts or
7 26 agreements. This provision shall not be limited or avoided by
7 27 another contractual provision.
7 28 (5) As used in this subsection, "outside person" excludes
7 29 a bank, savings and loan association, or credit union when
7 30 acting as an approved depository pursuant to chapter 12C.
7 31 (6) A joint investment trust organized pursuant to chapter
7 32 28E shall file the audit reports required by this chapter with
7 33 the administrator of the securities and regulated industries
7 34 bureau of the insurance division of the department of commerce
7 35 within ten days of receipt from the auditor. The auditor of a

House File 2532 - Introduced continued

8 1 joint investment trust shall provide written notice to the
8 2 administrator of the time of delivery of the reports to the
8 3 joint investment trust.
8 4 (7) If during the course of an audit of a joint investment
8 5 trust organized pursuant to chapter 28E, the auditor
8 6 determines the existence of a material weakness in the
8 7 internal control ~~structure~~ or a material violation of the
8 8 internal control ~~structure~~, the auditor shall report the
8 9 determination to the joint investment trust which shall notify
8 10 the administrator in writing within twenty=four hours, and
8 11 provide a copy of the notification to the auditor. The
8 12 auditor shall provide, within twenty=four hours of the receipt
8 13 of the copy of the notice, written acknowledgment of the
8 14 receipt to the administrator. If the joint investment trust
8 15 does not make the notification within twenty=four hours, or
8 16 the auditor does not receive a copy of the notification within
8 17 twenty=four hours, the auditor shall immediately notify the
8 18 administrator in writing of the material weakness in the
8 19 internal control ~~structure~~ or the material violation of the
8 20 internal control ~~structure~~.
8 21 Sec. 13. Section 11.6, subsection 2, Code 2007, is amended
8 22 to read as follows:
8 23 2. ~~a.~~ A ~~city, community college, school district, area~~
~~8 24 education agency, entity organized under chapter 28E, county,~~
~~8 25 county hospital or memorial hospital~~ governmental subdivision,
8 26 community mental health center, substance abuse program, or
8 27 community action agency, desiring to contract with or employ
8 28 certified public accountants shall utilize procedures which
8 29 include a written request for proposals.
8 30 ~~b. The governing body of a city, community college, school~~
~~8 31 district, area education agency, entity organized under~~
~~8 32 chapter 28E, county, county hospital, or memorial hospital~~
~~8 33 utilizing the auditor of state instead of a certified public~~
~~8 34 accountant to perform an audit shall notify the auditor of~~
~~8 35 state by June 1 of the year to be audited. If the governing~~

~~House File 2532 - Introduced continued~~

~~9 1 body fails to notify the auditor of state of the decision to~~
~~9 2 use the auditor of state, the auditor of state may perform the~~
~~9 3 audit required in subsection 1 only if provisions are not made~~
~~9 4 by the governing body to contract for the audit.~~
9 5 Sec. 14. Section 11.6, subsection 3, Code 2007, is amended
9 6 to read as follows:
9 7 3. a. A township or city for which ~~examinations~~ audits
9 8 are not required under subsection 1 may contract with or
9 9 employ the auditor of state or certified public accountants
9 10 for an audit or examination of its financial transactions and
9 11 condition of its funds. ~~A financial examination is mandatory~~
9 12 Payment for the audit or examination shall be made from the
9 13 proper public funds of the township or city.
9 14 b. The auditor of state shall conduct an audit or
9 15 examination on application by one hundred or more ~~taxpayers~~
9 16 eligible electors residing in the township or city, as
9 17 applicable, or if ~~there are~~ the population of the township or
9 18 city is fewer than five hundred ~~taxpayers in the township or~~
~~9 19 city~~, then by fifteen percent of ~~the taxpayers~~ registered
9 20 voters in the township or city, as applicable. The auditor of
9 21 state may conduct an audit or examination of a township or
9 22 city on application by an employee or elected official of such
9 23 township or city. A copy of the application shall be filed
9 24 with the auditor of state. Payment for the audit or
9 25 examination shall be made from the proper public funds of the
9 26 township or city.
9 27 Sec. 15. Section 11.6, subsection 4, Code 2007, is amended
9 28 to read as follows:
9 29 4. a. In addition to the powers and duties under other
9 30 provisions of the Code, the auditor of state may at any time
9 31 cause to be made a complete or partial reaudit of the
9 32 financial condition and transactions of any ~~city, county,~~
~~9 33 county hospital, memorial hospital, entity organized under~~
~~9 34 chapter 28E, merged area, area education agency, school~~
~~9 35 corporation, township, or other~~ governmental subdivision, or

House File 2532 - Introduced continued

an office of any ~~of these~~ governmental subdivision, if ~~one~~ any of the following conditions exists:

~~a.~~ (1) The auditor of state has probable cause to believe such action is necessary in the public interest because of a material deficiency in an audit of the governmental subdivision filed with the auditor of state or because of a substantial failure of the audit to comply with the standards and procedures established and published by the auditor of state.

~~b.~~ (2) The auditor of state receives from an elected official or employee of the governmental subdivision a written request for a complete or partial reaudit of the governmental subdivision.

~~c.~~ (3) The auditor of state receives a petition signed by at least ~~fifty~~ one hundred eligible electors of the governmental subdivision requesting a complete or partial reaudit of the governmental subdivision. If the governmental subdivision has not contracted with or employed a certified public accountant to perform an audit of the fiscal year in which the petition is received by the auditor of state, the auditor of state may perform an audit required by subsection 1 or 3.

b. The ~~state audit~~ reaudit shall be paid from the proper public funds available in the office of the auditor of state. In the event the audited governmental subdivision recovers damages from a person performing a previous audit due to negligent performance of that audit or breach of the audit contract, the auditor of state shall be entitled to reimbursement on an equitable basis for funds expended from any recovery made by the governmental subdivision.

~~An examination under this subsection shall include a determination of whether investments by the governmental subdivision are authorized by state law.~~

Sec. 16. Section 11.6, subsection 7, Code 2007, is amended to read as follows:

House File 2532 - Introduced continued

11 1 7. The auditor of state shall make guidelines available to
11 2 the public setting forth accounting and auditing standards and
11 3 procedures and audit and legal compliance programs to be
11 4 applied in the audit or examination of the governmental
11 5 subdivisions of the state, which shall require a review of ~~the~~
11 6 internal control ~~structure~~ and specify testing ~~of transactions~~
11 7 for compliance. The guidelines shall include a requirement
11 8 that the certified public accountant and governmental
11 9 subdivision immediately notify the auditor of state regarding
11 10 any suspected embezzlement ~~or~~, theft, or other significant
11 11 financial irregularities. The auditor of state shall also
11 12 provide standard reporting formats for use in reporting the
11 13 results of an ~~examination~~ audit of a governmental subdivision.
11 14 Sec. 17. Section 11.6, subsection 9, Code 2007, is amended
11 15 to read as follows:
11 16 9. ~~The~~ Accounts of the Iowa state association of counties
11 17 ~~shall keep accounts as required by the auditor of state.~~
11 18 ~~These accounts~~, the Iowa league of cities, and the Iowa
11 19 association of school boards shall be audited annually by
11 20 either the auditor of state or a certified public accountant
11 21 certified in the state of Iowa. The audit shall state all
11 22 moneys expended for expenses incurred by and salaries paid to
11 23 legislative representatives and lobbyists of the association
11 24 audited.
11 25 Sec. 18. Section 11.6, subsection 10, Code 2007, is
11 26 amended to read as follows:
11 27 10. a. The auditor of state shall adopt rules in
11 28 accordance with chapter 17A to establish and collect a filing
11 29 fee for the filing of each report of ~~examination~~ audit
11 30 conducted pursuant to subsections 1 through 3. The funds
11 31 collected shall be maintained in a segregated account for use
11 32 by the office of the auditor of state in performing ~~audits~~
11 33 ~~conducted~~ its duties pursuant to ~~subsection 4 and for work~~
11 34 ~~paper reviews conducted pursuant to subsection 5~~ this section.
11 35 Any funds collected by the auditor pursuant to subsection 4

House File 2532 - Introduced continued

12 1 shall be deposited in this account. Notwithstanding section
12 2 8.33, the funds in this account shall not revert at the end of
12 3 any fiscal year.
12 4 b. The auditor of state shall adopt rules in accordance
12 5 with chapter 17A to establish and collect a report fee with
12 6 the submission of each annual financial report filed by a city
12 7 with the office of auditor of state pursuant to section 384.22
12 8 when such city is not required to submit a filing fee pursuant
12 9 to paragraph "a" of this subsection. The funds collected
12 10 shall be maintained in a segregated account for use by the
12 11 office of the auditor of state for administrative and related
12 12 costs associated with the analysis of annual financial reports
12 13 and for examinations performed when a governmental subdivision
12 14 demonstrates to the auditor of state that the subdivision
12 15 lacks the funds to pay for such examinations performed by the
12 16 auditor of state. Notwithstanding section 8.33, the funds in
12 17 this account shall not revert at the end of any fiscal year.
12 18 Sec. 19. Section 11.6, Code 2007, is amended by adding the
12 19 following new subsection:
12 20 NEW SUBSECTION. 11. Each governmental subdivision shall
12 21 keep its records and accounts in such form and by such methods
12 22 as to be able to exhibit in its reports the matters required
12 23 by the auditor of state, unless a form or method is otherwise
12 24 specifically prescribed by law. Each governmental subdivision
12 25 shall keep its records and accounts in current condition.
12 26 Sec. 20. Section 11.11, Code 2007, is amended by striking
12 27 the section and inserting in lieu thereof the following:
12 28 11.11 SCOPE OF AUDITS.
12 29 The written report of the audit of a governmental
12 30 subdivision shall include the auditor's opinion about whether
12 31 a governmental subdivision's financial statements are
12 32 presented fairly in all material respects in conformity with
12 33 generally accepted accounting principles or with an other
12 34 comprehensive basis of accounting. As a part of conducting an
12 35 audit of a governmental subdivision, an evaluation of internal

House File 2532 - Introduced continued

13 1 control and tests for compliance with laws and regulations
13 2 shall be performed.
13 3 Sec. 21. Section 11.14, Code 2007, is amended to read as
13 4 follows:
13 5 11.14 REPORTS == PUBLIC INSPECTION.
13 6 1. A written report of ~~such examination~~ an audit or
13 7 examination shall be ~~made in triplicate signed and verified by~~
~~13 8 the officers making the examination; one copy to be~~ provided
13 9 to the governmental subdivision and filed with the auditor of
13 10 state~~, one copy with the officer under investigation, and one~~
~~13 11 copy to the county auditor who shall transmit same to the~~
~~13 12 board of supervisors if a county office is under~~
~~13 13 investigation, or with the president of the school board if a~~
~~13 14 school is under investigation, or with the mayor and the~~
~~13 15 council if a city office is under examination~~. All reports
13 16 shall be open to public inspection, including copies on file
13 17 in the office of the state auditor, and refusal on the part of
13 18 any public official to permit such inspection when such
13 19 reports have been filed with the state auditor shall
13 20 constitute a simple misdemeanor.
13 21 2. In addition to ~~the foregoing~~ subsection 1, notice that
13 22 the report has been filed shall be forwarded immediately to
13 23 each newspaper, radio station, or television station located
13 24 in the ~~county, municipality or school district~~ governmental
13 25 subdivision which is under investigation or audit~~; except~~
~~13 26 that~~. However, if there is no newspaper, radio station, or
13 27 television station located ~~therein~~ in the governmental
13 28 subdivision, such notice shall be sent to the official
13 29 newspapers of the county.
13 30 Sec. 22. Section 11.19, Code 2007, is amended to read as
13 31 follows:
13 32 11.19 AUDITOR'S POWERS AND DUTIES.
13 33 Where an audit or examination is made under contract with,
13 34 or employment of, certified ~~or registered~~ public accountants,
13 35 the auditor shall, in all matters pertaining to an authorized

House File 2532 - Introduced continued

14 1 audit or examination, have all of the powers and be vested
14 2 with all the authority of state auditors employed by the
14 3 auditor of state, and the cost ~~and expense~~ of the audit or
14 4 examination shall be paid by the ~~city, school district, or~~
~~14 5 township~~ governmental subdivision procuring the audit or
14 6 examination. ~~An itemized sworn~~ A detailed statement of the
14 7 ~~per diem and expense~~ cost of the ~~auditor~~ audit or examination
14 8 shall be filed with the ~~clerk of the city, township, or school~~
~~14 9 district, before payment thereof~~ governmental subdivision.
14 10 Upon completion of such audit or examination, a ~~signed~~ copy
14 11 ~~thereof~~ of the report and a detailed, itemized statement of
14 12 cost, including hours spent performing the audit or
14 13 examination, shall be filed ~~by the accountant employed~~ with
14 14 the auditor of state in a manner specified by the auditor of
14 15 state.
14 16 ~~All reports shall be open to public inspection, including~~
~~14 17 copies on file in the office of the state auditor, and refusal~~
~~14 18 on the part of any public official to permit such inspection~~
~~14 19 when such reports have been filed with the state auditor,~~
~~14 20 shall constitute a simple misdemeanor.~~
14 21 ~~In addition to the foregoing, notice that the report has~~
~~14 22 been filed shall be forwarded immediately to each newspaper,~~
~~14 23 radio station or television station located in the city,~~
~~14 24 school district or township which is under investigation or~~
~~14 25 audit; except that if there is no newspaper, radio station or~~
~~14 26 television station located therein, the notice shall be sent~~
~~14 27 to the official newspapers of the county.~~
14 28 Failure to file the report and the statement of cost with
14 29 the auditor of state within thirty days after receiving
14 30 notification of not receiving the ~~audit~~ report and the
14 31 statement of cost shall bar the accountant from making any
14 32 governmental subdivision audits or examinations under section
14 33 11.6 for the following fiscal year.
14 34 Sec. 23. Section 11.20, Code 2007, is amended to read as
14 35 follows:

House File 2532 - Introduced continued

11.20 BILLS == AUDIT AND PAYMENT.

If the audit or examination is made by the auditor of state under this chapter, each auditor shall file with the auditor of state an itemized, certified and sworn voucher of time and expense ~~for the time~~ that the auditor is actually engaged in the audit or examination. The salaries shall be included in a two=week payroll period. Upon approval of the auditor of state, the director of the department of administrative services may issue warrants for the payment of the vouchers and salary payments~~, including a prorated amount for vacation and sick leave,~~ from any unappropriated funds in the state treasury. Repayment to the state shall be made as provided by section 11.21.

Sec. 24. Section 11.21, Code 2007, is amended to read as follows:

11.21 REPAYMENT == OBJECTIONS.

Upon payment by the state of the salary and expenses, the auditor of state shall file with the warrant=issuing officer of the ~~county, municipality or school,~~ governmental subdivision whose offices were audited or examined~~,~~ a sworn statement consisting of the itemized expenses paid and prorated salary costs paid under section 11.20. Upon ~~audit and~~ approval by the ~~board of supervisors, council or school board, the warrant=issuing officer shall draw a warrant for the amount on the county, or on the general fund of the municipality or school in favor of the auditor of state, which warrant shall be placed to the credit of the general fund of the state~~ governing body of the governmental subdivision, payment shall be made from the proper public funds of the governmental subdivision. In the event of the disapproval by the governing body of the governmental subdivision of any items ~~of said~~ included on the statement ~~by the county, municipality, or school authorities~~, written objections shall be filed with the auditor of state within thirty days from the filing ~~thereof~~ of the sworn statement with the warrant=issuing

House File 2532 - Introduced continued

16 1 officer of the governmental subdivision. Disapproved items of
16 2 the statement shall be paid the auditor of state upon
16 3 receiving final decisions emanating from public hearing
16 4 established by the auditor of state.
16 5 Whenever the ~~county board of supervisors, the school board,~~
~~16 6 or the council shall file~~ governing body of the governmental
16 7 subdivision files written objections on the question of
16 8 compensation and expenses with the auditor of state, the
16 9 auditor or the auditor's representative shall hold a public
16 10 hearing in the ~~municipality~~ governmental subdivision where the
16 11 audit or examination was made and shall give the complaining
16 12 board notice of the time and place of hearing. After such
16 13 hearing the auditor shall have the power to reduce the
16 14 compensation and expenses of the auditor whose bills have been
16 15 questioned. ~~Any auditor who shall be found guilty of~~
~~16 16 falsifying an expense voucher or engagement report shall be~~
~~16 17 immediately discharged by the auditor of state and shall not~~
~~16 18 be eligible for re=employment. Such auditor must thereupon~~
~~16 19 reimburse the auditor of state for all such compensation and~~
~~16 20 expenses so found to have been overpaid and in the event of~~
~~16 21 failure to do so, the auditor of state may collect the same~~
~~16 22 amount from the auditor's surety by suit, if necessary.~~
16 23 Sec. 25. Section 11.28, Code 2007, is amended to read as
16 24 follows:
16 25 11.28 INDIVIDUAL AUDIT OR EXAMINATION REPORTS ~~== COPIES~~.
16 26 ~~1. The individual audit~~ Audit or examination reports shall
16 27 include applicable exhibits ~~and~~, schedules ~~to report data~~
~~16 28 similar to that required by section 11.4~~, findings, and
16 29 recommendations. The format of the reports shall ~~as nearly as~~
~~16 30 possible correspond and be prepared similar in form to the~~
~~16 31 audit reports rendered by certified public accountants~~ comply
16 32 with applicable professional standards. ~~The reports shall~~
~~16 33 include information as to the assets and liabilities of the~~
~~16 34 various departments and institutions audited as of the~~
~~16 35 beginning and close of the fiscal year audited, the receipts~~

~~House File 2532 - Introduced continued~~

~~17 1 and expenditures of cash, the disposition of materials and~~
~~17 2 other properties, and the net income and net operating cost.~~
~~17 3 The~~ Where applicable, the reports shall also set forth the
17 4 average cost per year for the inmates, members, clients,
17 5 patients, and students served ~~in the various classifications~~
~~17 6 of expenses~~. The reports shall make ~~comparisons of the~~
~~17 7 average costs and classifications, and shall give such other~~
~~17 8 information, suggestions, and~~ recommendations as may be deemed
17 9 of advantage and to the best interests of the taxpayers of the
17 10 state.
17 11 ~~2. The daily audit report of the state treasury shall be~~
~~17 12 submitted to the director of the department of administrative~~
~~17 13 services and the director of the department of management.~~
~~17 14 Copies of all individual audit reports of all state~~
~~17 15 departments and establishments shall be transmitted to the~~
~~17 16 directors' offices after the completion of each audit, and~~
~~17 17 copies of all local government audits shall, until otherwise~~
~~17 18 provided, be also supplied to the directors' offices. Copies~~
~~17 19 of the local government audit reports shall also be supplied~~
~~17 20 to the officers of the counties, schools, and cities, as~~
~~17 21 provided by law. Summaries of the findings, recommendations,~~
~~17 22 and comparisons, together with any other information deemed~~
~~17 23 essential, shall be printed and distributed to members of the~~
~~17 24 general assembly.~~
17 25 Sec. 26. Section 11.32, Code 2007, is amended to read as
17 26 follows:
17 27 11.32 CERTIFIED ACCOUNTANTS EMPLOYED.
17 28 Nothing in this chapter ~~will~~ shall prohibit the auditor of
17 29 state, with the prior written permission of the state
17 30 executive council, from employing certified public accountants
17 31 ~~or registered public accountants~~ for specific assignments.
17 32 ~~Under the provision of this section, the~~ The auditor of state
17 33 may employ such accountants for any assignment now expressly
17 34 reserved to the auditor of state. Payments, after approval by
17 35 the executive council, will be made to the accountants so

House File 2532 - Introduced continued

employed from funds from which the auditor of state would have been paid had the auditor of state performed the assignment, or if no such specific funds are indicated, then payment will be made from the funds of the executive council.

Sec. 27. Section 11.36, subsection 1, Code Supplement 2007, is amended to read as follows:

1. The auditor of state may, at the request of a department, review, during normal business hours upon reasonable notice of at least twenty=four hours, the audit working papers prepared by a certified public accountant covering the receipt and expenditure of state or federal funds provided by the department to any other entity to determine if the receipt and expenditure of those funds by the entity is consistent with the laws, rules, regulations, and contractual agreements governing those funds. Upon completion of the review, the auditor of state shall report whether, in the auditor of state's judgment, the auditor of state believes the certified public accountant's working papers adequately demonstrate that the laws, rules, regulations, and contractual agreements governing the funds have been substantially complied with. If the auditor of state does not believe the certified public accountant's working papers adequately demonstrate that the laws, rules, regulations, and contractual agreements have been substantially complied with or believes a complete or partial reaudit is necessary based on the provisions of section 11.6, subsection 4, paragraph "a", subparagraph (1) or ~~"b"~~ subparagraph (2), the auditor of state shall notify the certified public accountant and the department of the actions the auditor of state believes are necessary to determine whether the entity is in substantial compliance with those laws, rules, regulations, and contractual agreements. The auditor of state may assist departments with actions to determine whether the entity is in substantial compliance. Departments requesting the review shall reimburse the auditor of state for the cost of the

House File 2532 - Introduced continued

19 1 review and any subsequent assistance provided by the auditor
19 2 of state.
19 3 Sec. 28. Section 11.36, Code Supplement 2007, is amended
19 4 by adding the following new subsection:
19 5 NEW SUBSECTION. 4. When, in the auditor of state's
19 6 judgment, the auditor of state finds sufficient information is
19 7 available to demonstrate a governmental subdivision may not
19 8 have substantially complied with the laws, rules, regulations,
19 9 and contractual agreements governing public funds, the auditor
19 10 of state shall establish actions to be taken to determine
19 11 whether substantial compliance with those laws, rules,
19 12 regulations, and contractual agreements has been achieved by
19 13 the governmental subdivision receiving public funds. Payment
19 14 for the examination shall be made from the proper public funds
19 15 of the governmental subdivision.
19 16 Sec. 29. Section 11.41, Code 2007, is amended by adding
19 17 the following new subsection:
19 18 NEW SUBSECTION. 1A. Auditors shall have the right while
19 19 conducting audits or examinations to have full access to all
19 20 papers, books, records, and documents of any officers or
19 21 employees and shall have the right, in the presence of the
19 22 custodian or the custodian's designee, to have full access to
19 23 the cash drawers and cash in the official custody of the
19 24 officer or employee and, during business hours, to examine the
19 25 public accounts of the department or governmental subdivision
19 26 in any depository which has public funds in its custody
19 27 pursuant to the law.
19 28 Sec. 30. Section 11.41, subsection 2, Code 2007, is
19 29 amended to read as follows:
19 30 2. If the information, records, instrumentalities, and
19 31 properties sought by the auditor of state are required by law
19 32 to be kept confidential, the auditor of state shall have
19 33 access to the information, records, instrumentalities, and
19 34 properties, but shall maintain the confidentiality of all such
19 35 information and is subject to the same penalties as the lawful

House File 2532 - Introduced continued

20 1 custodian of the information for dissemination of the
20 2 information. ~~However, the~~ The auditor of state shall ~~not~~ also
20 3 have access to the income tax returns of individuals for the
20 4 sole purpose of completing the annual audit of the state of
20 5 Iowa.
20 6 Sec. 31. NEW SECTION. 11.42 DISCLOSURES PROHIBITED.
20 7 1. Notwithstanding chapter 22, information received during
20 8 the course of any audit or examination, including allegations
20 9 of misconduct or noncompliance, and the identity of the
20 10 individual or petitioners requesting an audit, reaudit, or
20 11 examination under section 11.6 or the identity of any other
20 12 individual or group of individuals providing information which
20 13 leads to an audit or examination, and all audit or examination
20 14 work papers shall be maintained as confidential.
20 15 2. Information maintained as confidential as provided by
20 16 this section may be disclosed for any of the following
20 17 reasons:
20 18 a. As necessary to complete the audit or examination.
20 19 b. As necessary to explain a decision by the auditor not
20 20 to conduct an audit or reaudit.
20 21 c. To the extent the auditor is required by law to report
20 22 the same or to testify in court.
20 23 3. Upon completion of an audit or examination, a report
20 24 shall be prepared as required by section 11.28 and all
20 25 information included in the report shall be public
20 26 information.
20 27 4. Any violation of this section shall be grounds for
20 28 termination of employment with the auditor of state.
20 29 Sec. 32. NEW SECTION. 11.51 SUBPOENAS.
20 30 The auditor of state shall, in all matters pertaining to an
20 31 authorized audit or examination, have power to issue subpoenas
20 32 of all kinds, administer oaths and examine witnesses, either
20 33 orally or in writing, and the expense attending the same,
20 34 including the expense of taking oral examinations, shall be
20 35 paid as other expenses of the auditor.

House File 2532 - Introduced continued

21 1 Sec. 33. NEW SECTION. 11.52 REFUSAL TO TESTIFY.
21 2 In case any witness duly subpoenaed refuses to attend, or
21 3 refuses to produce documents, books, and papers, or attends
21 4 and refuses to make oath or affirmation, or, being sworn or
21 5 affirmed, refuses to testify, the auditor of state or the
21 6 auditor's designee may apply to the district court, or any
21 7 judge of said district having jurisdiction thereof, for the
21 8 enforcement of attendance and answers to questions as provided
21 9 by law in the matter of taking depositions.
21 10 Sec. 34. NEW SECTION. 11.53 REPORT FILED WITH COUNTY
21 11 ATTORNEY.
21 12 If an audit or examination discloses any irregularity in
21 13 the collection or disbursement of public funds, in the
21 14 abatement of taxes, or other findings the auditor believes
21 15 represent significant noncompliance, a copy of the report
21 16 shall be filed with the county attorney, and it shall be the
21 17 county attorney's duty to cooperate with the state auditor,
21 18 and, in proper cases, with the attorney general, to secure the
21 19 correction of the irregularity.
21 20 Sec. 35. NEW SECTION. 11.54 DUTY OF ATTORNEY GENERAL.
21 21 In the event an audit or examination discloses any grounds
21 22 which would be grounds for removal from office, a copy of the
21 23 report shall be provided and filed by the auditor of state in
21 24 the office of the attorney general of the state, who shall
21 25 thereupon take such action as, in the attorney general's
21 26 judgment, the facts and circumstances warrant.
21 27 Sec. 36. NEW SECTION. 11.55 STATE AUDITORS.
21 28 1. The auditor of state shall appoint such number of state
21 29 auditors as may be necessary to make audits and examinations
21 30 as required in this chapter. The auditors shall be of
21 31 recognized skill and integrity and familiar with the system of
21 32 accounting used in departments or governmental subdivisions
21 33 and with the laws relating to the affairs of departments or
21 34 governmental subdivisions. Such auditors shall be subject at
21 35 all times to the direction of the auditor of state.

House File 2532 - Introduced continued

22 1 2. The auditor of state shall appoint such additional
22 2 assistants to the auditors as may be necessary, who shall be
22 3 subject to discharge at any time by the auditor of state.
22 4 3. Any auditor or assistant who is found guilty of
22 5 falsifying a time and expense voucher or engagement report
22 6 shall be immediately discharged by the auditor of state and
22 7 shall not be eligible for reemployment. Such auditor or
22 8 assistant must thereupon reimburse the auditor of state for
22 9 all such compensation and expenses so found to have been
22 10 overpaid and in the event of failure to do so, the auditor of
22 11 state may collect the same amount from the auditor's surety by
22 12 suit, if necessary.
22 13 Sec. 37. Section 123.58, Code 2007, is amended to read as
22 14 follows:
22 15 123.58 AUDITING.
22 16 All provisions of sections 11.6, ~~11.7, 11.10,~~ 11.11, 11.14,
22 17 11.21, 11.41, and ~~11.23~~ 11.55, relating to auditing of
22 18 financial records of governmental subdivisions which are not
22 19 inconsistent with this chapter are applicable to the division
22 20 and its offices, warehouses, and depots.
22 21 Sec. 38. Section 279.38, unnumbered paragraph 1, Code
22 22 2007, is amended to read as follows:
22 23 Boards of directors of school corporations may pay, out of
22 24 funds available to them, reasonable annual dues to the Iowa
22 25 association of school boards. The financial condition and
22 26 transactions of the Iowa association of school boards shall be
22 27 audited ~~in the same manner as school corporations~~ as provided
22 28 in section 11.6. In addition, annually the Iowa association
22 29 of school boards shall publish a listing of the school
22 30 districts and the annual dues paid by each and shall publish
22 31 an accounting of all moneys expended for expenses incurred by
22 32 and salaries paid to legislative representatives and lobbyists
22 33 of the association.
22 34 Sec. 39. Section 331.756, subsection 11, Code Supplement
22 35 2007, is amended to read as follows:

House File 2532 - Introduced continued

23 1 11. Cooperate with the auditor of state to secure
23 2 correction of a financial irregularity as provided in section
23 3 ~~11.15~~ 11.53.
23 4 Sec. 40. Section 364.5, unnumbered paragraph 2, Code 2007,
23 5 is amended to read as follows:
23 6 The financial condition and the transactions of the Iowa
23 7 league of cities shall be audited ~~in the same manner as cities~~
23 8 as provided in section 11.6.
23 9 Sec. 41. Section 422.20, subsection 3, unnumbered
23 10 paragraph 1, Code 2007, is amended to read as follows:
23 11 Unless otherwise expressly permitted by section 8A.504,
23 12 section 11.41, subsection 2, section 421.17, subsections 22,
23 13 23, and 26, sections 252B.9, 421.19, 421.28, 422.72, and
23 14 452A.63, and this section, a tax return, return information,
23 15 or investigative or audit information shall not be divulged to
23 16 any person or entity, other than the taxpayer, the department,
23 17 or internal revenue service for use in a matter unrelated to
23 18 tax administration.
23 19 Sec. 42. Section 422.72, subsection 3, unnumbered
23 20 paragraph 1, Code 2007, is amended to read as follows:
23 21 Unless otherwise expressly permitted by section 8A.504,
23 22 section 11.41, subsection 2, section 421.17, subsections 22,
23 23 23, and 26, sections 252B.9, 421.19, 421.28, 422.20, and
23 24 452A.63, and this section, a tax return, return information,
23 25 or investigative or audit information shall not be divulged to
23 26 any person or entity, other than the taxpayer, the department,
23 27 or internal revenue service for use in a matter unrelated to
23 28 tax administration.
23 29 Sec. 43. Sections 11.7 through 11.10, 11.12, 11.13, 11.15,
23 30 11.16, 11.17, 11.23, 11.25, and 11.27, Code 2007, are
23 31 repealed.
23 32 EXPLANATION
23 33 This bill makes changes relating to the duties and
23 34 responsibilities of the auditor of state.
23 35 Code section 11.1 is amended to define examination as a

House File 2532 - Introduced continued

24 1 procedure less in scope than an audit but which is directed at
24 2 reviewing financial activities and compliance with legal
24 3 requirements. Governmental subdivision is also defined to
24 4 mean cities, administrative agencies of cities, city
24 5 hospitals, counties, county hospitals, memorial hospitals,
24 6 chapter 28E entities, community colleges, area education
24 7 agencies, and school districts.
24 8 Code section 11.2, concerning annual settlements and
24 9 audits, is amended to eliminate language referring to
24 10 settlement between state officers and persons receiving or
24 11 expending state funds, but the requirement to make an annual
24 12 audit remains. The Code section is also amended to eliminate
24 13 the requirement to make a quarterly preliminary audit of the
24 14 educational institutions of the state and the state fair
24 15 board. The section is also amended to provide that
24 16 departments notify the auditor regarding any suspected
24 17 embezzlement, theft, or other financial irregularities.
24 18 Code section 11.4, concerning reports of audits, is amended
24 19 to eliminate the requirement that the written reports contain
24 20 comparisons of prices paid and terms obtained by the various
24 21 departments for goods and services and the reasons, if any, if
24 22 they differ.
24 23 Code section 11.5B, concerning repayment of audit expenses
24 24 by state departments and agencies, is amended to add the
24 25 office of energy independence to the list of billable
24 26 departments and agencies.
24 27 Code section 11.6, concerning the auditing and examination
24 28 of governmental subdivisions, is amended.
24 29 Code section 11.6(1), concerning what governmental
24 30 subdivisions are subject to audit and how frequently, is
24 31 amended. The bill adds community mental health centers,
24 32 community action agencies, and community colleges to the list
24 33 of entities requiring an annual audit. The bill also amends
24 34 language concerning the auditing of cities by eliminating the
24 35 requirement that cities with a population between 700 and

House File 2532 - Introduced continued

25 1 2,000 shall have an audit at least once in four years. The
25 2 bill provides that cities with a population of less than 1,500
25 3 shall be audited upon application of taxpayers, employees, or
25 4 elected officials of the city and provides that cities with a
25 5 population of between 1,500 and 2,000 are now subject to the
25 6 annual audit requirement applicable to other governmental
25 7 subdivisions.
25 8 Code section 11.6(2), concerning the employment of
25 9 certified public accountants by a governmental subdivision, is
25 10 amended to provide that a written request for proposals
25 11 process be used to employ such accountants.
25 12 Code section 11.6(3), concerning requests for an audit of a
25 13 township or city, is amended. The bill modifies how the
25 14 public can request an audit. The bill provides that an audit
25 15 can be requested by application of 100 or more eligible
25 16 electors, rather than taxpayers, of the township or city if
25 17 the population of the township or city is 500 or more people.
25 18 If less than 500 people, then the bill provides that 15
25 19 percent of registered voters can make application for an
25 20 audit.
25 21 Code section 11.6(7), concerning notification of suspected
25 22 theft or embezzlement, is amended to provide that governmental
25 23 subdivisions are also required to provide this notice and to
25 24 provide that the certified public accountant performing the
25 25 audit and the governmental subdivision also notify the auditor
25 26 of state if other significant financial irregularities are
25 27 suspected.
25 28 Code section 11.6(9) is amended to include the Iowa league
25 29 of cities and the Iowa association of school boards as
25 30 entities to be audited on an annual basis. Current law
25 31 provides for an audit of these entities under Code sections
25 32 364.5 and 279.38 and those sections are amended to reflect
25 33 placement of this requirement to audit in Code section 11.6.
25 34 Code section 11.6(10), which currently provides for
25 35 collection of a filing fee for audit reports, is amended by

House File 2532 - Introduced continued

26 1 establishing a report fee for the filing and review of cities'
26 2 annual financial reports for cities not required to pay the
26 3 filing fee for an annual audit. The level of the fee
26 4 collected would be established by rule and would be deposited
26 5 in a fund for use by the auditor for administrative and
26 6 related costs associated with analysis of annual financial
26 7 reports.
26 8 Code section 11.6 is also amended by adding a new
26 9 subsection that provides that governmental subdivisions keep
26 10 records current and in a format to exhibit in the reports the
26 11 matters required by the auditor of state.
26 12 Code section 11.7, concerning appointment of state
26 13 auditors, is repealed, but the substance of the Code section
26 14 is transferred to new Code section 11.55.
26 15 Code section 11.8, concerning assistants to state auditors,
26 16 is repealed, but the substance of the Code section is
26 17 transferred to new Code section 11.55.
26 18 Code section 11.9, concerning certain local government
26 19 auditors' salaries and expenses, is repealed.
26 20 Code section 11.10, concerning examinations, is repealed,
26 21 but the substance of the Code section is transferred to Code
26 22 section 11.41, subsection 1A.
26 23 Code section 11.11, concerning scope of audits, is amended
26 24 to provide that the audit include an opinion about whether a
26 25 governmental subdivision's financial statements are in
26 26 conformity with generally accepted accounting principles or
26 27 with an other comprehensive basis of accounting.
26 28 Code section 11.12, concerning subpoenas, is repealed, but
26 29 the substance of the Code section is transferred to new Code
26 30 section 11.51.
26 31 Code section 11.13, concerning refusal to testify, is
26 32 repealed, but the substance of the Code section is transferred
26 33 to new Code section 11.52.
26 34 Code section 11.14, concerning reports and public
26 35 inspection, is amended to provide that written audit or

House File 2532 - Introduced continued

27 1 examination reports shall be provided to the governmental
27 2 subdivision and filed with the auditor of state. Current
27 3 requirements to produce reports in triplicate and to deliver
27 4 copies to certain designated individuals is eliminated.
27 5 Code section 11.15, concerning reports filed with the
27 6 county attorney, is repealed, but the substance of the Code
27 7 section is transferred to new Code section 11.53.
27 8 Code section 11.16, concerning the duty of the attorney
27 9 general, is repealed, but the substance of the Code section is
27 10 transferred to new Code section 11.54.
27 11 Code section 11.17, concerning prohibited disclosures, is
27 12 repealed, but the substance of the Code section is transferred
27 13 to new Code section 11.42.
27 14 Code section 11.19, concerning the auditor's powers and
27 15 duties, is amended to eliminate the requirement that reports
27 16 be open to public inspection and eliminates the criminal
27 17 penalty for failing to permit inspection of reports that have
27 18 been filed with the auditor of state. Provisions concerning
27 19 the forwarding of notice that a report has been filed to the
27 20 local media are also stricken from this Code section. Code
27 21 section 11.14 still provides that the report is available for
27 22 public inspection.
27 23 Code section 11.20, concerning salary payments to auditors,
27 24 is amended by striking the provision allowing for a prorated
27 25 amount for vacation and sick leave.
27 26 Code section 11.21, concerning repayment of auditors, is
27 27 amended to provide that the provisions of this Code section
27 28 apply to governmental subdivisions. The provision of this
27 29 Code section providing for the discharge of auditors who shall
27 30 be found guilty of falsifying an expense voucher is stricken
27 31 from this Code section, but the substance of this provision is
27 32 transferred to new Code section 11.55.
27 33 Code section 11.23, providing that each school officer
27 34 install and use a system of uniform blanks and forms, is
27 35 repealed.

House File 2532 - Introduced continued

28 1 Code sections 11.25 and 11.27, concerning the requirement
28 2 of the auditor to submit a biennial report to the governor and
28 3 to make individual audit reports, are repealed.
28 4 Code section 11.28, concerning individual audit reports, is
28 5 amended by striking requirements relative to the submission of
28 6 the daily audit report and required copies of certain audit
28 7 reports.
28 8 Code section 11.36, concerning the review by the auditor of
28 9 entities receiving public moneys, is amended. The Code
28 10 section is amended to provide that the auditor has the
28 11 authority to investigate a governmental subdivision if the
28 12 auditor of state gains information of noncompliance that is
28 13 sufficient to warrant an investigation. If an examination is
28 14 warranted, the governmental subdivision is required to pay for
28 15 it.
28 16 Code section 11.41, concerning access to information, is
28 17 amended to give the auditor of state access to individual tax
28 18 returns solely for the purpose of completing the annual audit
28 19 of the state of Iowa. Corresponding amendments are made to
28 20 Code sections 422.20 and 422.72.
28 21 LSB 5454HV 82
28 22 ec/sc/14.2

House File 2533 - Introduced

HOUSE FILE
BY COMMITTEE ON EDUCATION

(SUCCESSOR TO HSB 577)

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

A BILL FOR

An Act relating to the statewide preschool program for four=year=old children and funding associated with the program and including effective and applicability date provisions.
BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 5315HV 82
jp/nh/8

House File 2533 - Introduced continued

PAG LIN

1 1 Section 1. Section 256C.3, subsection 1, Code Supplement
1 2 2007, is amended to read as follows:
1 3 1. ELIGIBLE CHILDREN. A child who is a resident of Iowa
1 4 and is four years of age ~~by~~ on or before September 15 of a
1 5 school year shall be eligible to enroll in the preschool
1 6 program under this chapter. If space and funding are
1 7 available, a school district approved to participate in the
1 8 preschool program may enroll a younger or older child in the
1 9 preschool program; however, the child shall not be counted for
1 10 state funding purposes.
1 11 Sec. 2. Section 256C.4, subsection 1, Code Supplement
1 12 2007, is amended by adding the following new paragraph:
1 13 NEW PARAGRAPH. f. The receipt of funding by a school
1 14 district for the purposes of this chapter, the need for
1 15 additional funding for the purposes of this chapter, or the
1 16 enrollment count of eligible students under this chapter,
1 17 shall not be considered to be unusual circumstances, create an
1 18 unusual need for additional funds, or qualify under any other
1 19 circumstances that may be used by the school budget review
1 20 committee to grant supplemental aid to or establish modified
1 21 allowable growth for a school district under section 257.31.
1 22 Sec. 3. Section 256C.5, subsection 2, paragraph b, Code
1 23 Supplement 2007, is amended to read as follows:
1 24 b. For budget years subsequent to the initial school year
1 25 for which a school district approved to participate in the
1 26 preschool program receives that initial approval and
1 27 implements the preschool program, the funding for the
1 28 preschool foundation aid payable to that school district shall
1 29 be paid from the appropriation made in section 257.16.
1 30 Continuation of a school district's participation in the
1 31 preschool program for a second or subsequent budget year is
1 32 subject to the approval of the department based upon the
1 33 school district's compliance with accountability provisions
1 34 and the department's on=site review of the school district's
1 35 implementation of the preschool program.

House File 2533 - Introduced continued

2 1 Sec. 4. Section 256C.6, subsection 1, Code Supplement
2 2 2007, is amended to read as follows:
2 3 1. PHASE=IN. For the initial fiscal year in which a
2 4 school district participates in the preschool program pursuant
2 5 to an appropriation provided in subsection 2, the department
2 6 shall apply a modified set of the requirements of the
2 7 provisions of this chapter relating to preschool program
2 8 implementation, preschool enrollment reporting, and
2 9 distribution of funding as necessary to begin the distribution
2 10 in that fiscal year and additional program implementation in
2 11 the next fiscal year. ~~For each month after September 1, in~~
~~2 12 the initial fiscal year that a school district approved to~~
~~2 13 participate in the preschool program begins programming, the~~
~~2 14 department shall reduce the preschool foundation aid payable~~
~~2 15 to the school district by one=tenth of the amount that would~~
~~2 16 otherwise have been payable to the school district for the~~
~~2 17 full school year.~~
2 18 Sec. 5. Section 256C.6, subsection 2, Code Supplement
2 19 2007, is amended by adding the following new unnumbered
2 20 paragraph:
2 21 NEW UNNUMBERED PARAGRAPH. Notwithstanding section 8.33,
2 22 moneys appropriated in this subsection that remain
2 23 unencumbered or unobligated at the close of the fiscal year
2 24 shall not revert but shall remain available for expenditure
2 25 for the purposes designated until the close of the succeeding
2 26 fiscal year.
2 27 Sec. 6. Section 257.6, subsection 1, paragraph a, Code
2 28 Supplement 2007, is amended by adding the following new
2 29 subparagraph:
2 30 NEW SUBPARAGRAPH. (7) Unless counted under another
2 31 subparagraph, resident children who are five years of age or
2 32 older by September 15 and attending a school district's local
2 33 preschool program for four=year=old children approved by the
2 34 department under chapter 256C.
2 35 Sec. 7. 2007 Iowa Acts, chapter 214, section 6, subsection

House File 2533 - Introduced continued

3 1 13, is amended by adding the following new unnumbered
3 2 paragraph:
3 3 NEW UNNUMBERED PARAGRAPH. Notwithstanding section 8.33,
3 4 moneys appropriated in this subsection that remain
3 5 unencumbered or unobligated at the close of the fiscal year
3 6 shall not revert but shall remain available for expenditure
3 7 for the purposes designated until the close of the succeeding
3 8 fiscal year.
3 9 Sec. 8. APPLICABILITY. The section of this Act amending
3 10 section 257.6 applies retroactively to September 15, 2007, to
3 11 children who were five years of age or older by that date and
3 12 attending a school district's local preschool program for
3 13 four=year=old children approved by the department under
3 14 chapter 256C. If such children were not included in the
3 15 enrollment certified by the school district under section
3 16 257.6 by October 15, 2007, the school district may amend the
3 17 certified enrollment to include such children.
3 18 Sec. 9. EFFECTIVE DATE. This Act, being deemed of
3 19 immediate importance, takes effect upon enactment.
3 20 EXPLANATION
3 21 This bill relates to the statewide preschool program for
3 22 four=year=old children and funding associated with the
3 23 program.
3 24 Code section 256C.3, relating to the program requirements,
3 25 is amended to specify that a child must be age four on or
3 26 before September 15 of a school year to enroll in the program.
3 27 Code section 256C.4, relating to the general funding
3 28 provisions for the program, is amended to provide that the
3 29 receipt of funding for purposes of the program, the need for
3 30 funding for the program, or the enrollment count of eligible
3 31 students cannot be used to grant supplemental aid to or
3 32 establish modified allowable growth for a school district.
3 33 Code section 256C.5, relating to the funding formula for
3 34 the preschool program, is amended. Current law provides that
3 35 the funding for the initial year of participation is paid from

House File 2533 - Introduced continued

4 1 a standing limited appropriation and in subsequent years the
4 2 funding is paid from the standing appropriation for state aid
4 3 to schools. The bill provides that continuation of a school
4 4 district's participation for a second or subsequent year is
4 5 subject to the approval of the department of education.
4 6 Code section 256C.6, relating to phase=in of the program,
4 7 is amended to strike authority for monthly proration of
4 8 preschool foundation aid for school districts that are
4 9 approved to participate in the program, for each month after
4 10 September 1 that the programming begins. The bill includes
4 11 nonreversion provisions to allow carry forward of unexpended
4 12 amounts from the appropriations made for initial year
4 13 participation in the program by school districts for fiscal
4 14 year 2007=2008 in 2007 Iowa Acts, ch. 214, and for fiscal
4 15 years 2008=2009, 2009=2010, and 2010=2011 in Code section
4 16 256C.6.
4 17 Code section 257.6, relating to school enrollment counts
4 18 used for purposes of the school aid formula, is amended to
4 19 include in the enrollment count the children residing in a
4 20 school district who are five years of age by September 15 and
4 21 attending a school district's local preschool program for
4 22 four=year=old children. The children cannot be counted under
4 23 any other provision of the enrollment count law. The bill
4 24 includes an applicability provision so that a school district
4 25 may amend its certified enrollment to include the children who
4 26 were five years of age by September 15, 2007, and attending a
4 27 school district local program.
4 28 The bill takes effect upon enactment.
4 29 LSB 5315HV 82
4 30 jp/nh/8

House File 2534 - Introduced

HOUSE FILE
BY COMMITTEE ON ECONOMIC GROWTH

(SUCCESSOR TO HF 2296)

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

A BILL FOR

An Act relating to the recruitment of minorities in certain businesses receiving incentives under the high quality job creation Act.
BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 6341HV 82
tw/nh/8

House File 2534 - Introduced continued

PAG LIN

1 1 Section 1. Section 15.330, Code 2007, is amended by adding
1 2 the following new subsection:
1 3 NEW SUBSECTION. 5. That the eligible business shall make
1 4 a good faith effort to recruit minority persons, as defined in
1 5 section 15.102, subsection 5, for a portion of the new jobs
1 6 created under the agreement.
1 7 EXPLANATION
1 8 This bill relates to the high quality job creation Act.
1 9 The bill requires eligible businesses receiving incentives to
1 10 create quality jobs under the Act to make a good faith effort
1 11 to recruit minorities.
1 12 LSB 6341HV 82
1 13 tw/nh/8

House File 2535 - Introduced

HOUSE FILE
BY COMMITTEE ON HUMAN
RESOURCES

(SUCCESSOR TO HSB 692)

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

A BILL FOR

An Act relating to child care by revising requirements for child care homes and child development homes, restricting the presence of certain registered sex offenders on the premises of child care providers, and providing penalties, an appropriation, and an effective date.

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

TLSB 5970HV 82
jp/nh/5

House File 2535 - Introduced continued

PAG LIN

1 1 DIVISION I
1 2 FISCAL YEAR 2008=2009 REQUIREMENTS
1 3 Section 1. NEW SECTION. 237A.3B CHILD CARE HOMES AND
1 4 CHILD DEVELOPMENT HOMES == REQUIREMENTS.
1 5 1. Each child care home or child development home provider
1 6 shall conspicuously post signage in the home providing all of
1 7 the following:
1 8 a. Identification of the provider as an unregistered child
1 9 care home or a registered child development home.
1 10 b. Information expressly stating that the provider is
1 11 prohibited from inflicting corporal punishment on a child
1 12 receiving child care and listing the prohibited forms of
1 13 corporal punishment identified in section 237A.18. The
1 14 information shall also explain how to file a complaint with
1 15 the department if the provider is alleged to have inflicted
1 16 corporal punishment on a child other than a child for whom the
1 17 provider is the child's parent, guardian, or custodian.
1 18 2. This section does not apply to a person who is only
1 19 providing care to one or more children for whom the person is
1 20 the parent, grandparent, guardian, or custodian.
1 21 Sec. 2. Section 237A.5, subsection 2, paragraph a,
1 22 subparagraph (3), Code 2007, is amended by adding the
1 23 following new subparagraph subdivision:
1 24 NEW SUBPARAGRAPH SUBDIVISION. (f) The person has been
1 25 determined, through an investigation by the department of a
1 26 complaint, a child abuse assessment, or the existence of a
1 27 criminal record, to have inflicted corporal punishment as
1 28 described in section 237A.18 on an individual receiving child
1 29 care from the person.
1 30 Sec. 3. NEW SECTION. 237A.18 CORPORAL PUNISHMENT.
1 31 1. For the purposes of this section, "corporal punishment"
1 32 includes but is not limited to spanking, slapping, shaking,
1 33 punishment which is humiliating or frightening, using
1 34 restraints, or enclosing a child in a locked area.
1 35 2. A person who operates, is employed by, or resides in a

House File 2535 - Introduced continued

2 1 child care home, child development home, or child care center
2 2 shall not inflict corporal punishment on an individual
2 3 receiving care from the child care home, child development
2 4 home, or child care center. This section does not apply to
2 5 corporal punishment inflicted on an individual by a person who
2 6 is the individual's parent, guardian, or custodian.
2 7 3. A person who has inflicted corporal punishment on an
2 8 individual receiving care from the child care home, child
2 9 development home, or child care center in violation of this
2 10 section, as determined through an investigation by the
2 11 department of a complaint, a child abuse assessment, or
2 12 existence of a criminal record, may be subject to prohibition
2 13 of involvement with child care in accordance with section
2 14 237A.5.
2 15 Sec. 4. NEW SECTION. 692A.3B PRESENCE ON THE REAL
2 16 PROPERTY COMPRISING A CHILD CARE FACILITY OR CHILD CARE HOME
2 17 == RESTRICTION.
2 18 1. As used in this section, "child care provider" includes
2 19 a "child care center", "child care home", "child development
2 20 home", and "preschool" as those terms are defined in section
2 21 237A.1, and a "child care program" as defined in section
2 22 279.49 and authorized in section 280.3A.
2 23 2. A person required to register under this chapter who
2 24 has been convicted of a criminal offense against a minor, or
2 25 an offense involving a minor that is an aggravated offense,
2 26 sexually violent offense, or other relevant offense, shall not
2 27 be knowingly present on the real property comprising a child
2 28 care provider, except under one of the following
2 29 circumstances:
2 30 a. The person is transporting a minor who is a child of
2 31 the person to or from the child care provider.
2 32 b. The person is responding to a health or behavioral
2 33 emergency regarding a minor who is the child of the person.
2 34 c. The person has been summoned to discuss the
2 35 developmental activity or social progress of a minor who is a

House File 2535 - Introduced continued

3 1 child of the person.
3 2 d. The person is voting in the building in which the child
3 3 care provider is located during the hours designated to vote.
3 4 3. The child care provider's owner or administrator shall
3 5 provide notice to the parents, guardians, or custodians of the
3 6 children receiving child care from the child care provider
3 7 about the presence of a person on the real property comprising
3 8 the child care provider, as authorized in accordance with
3 9 subsection 2.
3 10 4. A person required to register under this chapter who
3 11 commits a violation of this section commits an aggravated
3 12 misdemeanor.
3 13 Sec. 5. CHILD CARE WORKGROUP. There is appropriated from
3 14 the general fund of the state to the department of human
3 15 services for the fiscal year beginning July 1, 2008, and
3 16 ending June 30, 2009, the following amount, or so much thereof
3 17 as is necessary, to be used for the purpose designated:
3 18 For costs associated with the child care workgroup
3 19 established pursuant to this section:
3 20 ..... $ 100,000
3 21 1. a. The state child care advisory council established
3 22 pursuant to section 237A.21 shall serve as a workgroup to
3 23 address implementation of the provisions of this Act and the
3 24 issues identified in this section.
3 25 b. The workgroup shall submit a report with findings and
3 26 recommendations to the governor and the general assembly on or
3 27 before December 15, 2008, to address possible implementation
3 28 of a mandatory system of registration or licensure for
3 29 home=based child care providers or a voluntary licensure
3 30 system and the other issues addressed by the workgroup in
3 31 accordance with this section.
3 32 c. The workgroup shall address the implementation issues
3 33 associated with a change in child care regulation to mandatory
3 34 registration as described in paragraph "b". The issues
3 35 considered shall include but are not limited to planning for

House File 2535 - Introduced continued

4 1 the phase=in of and costs for additional inspection visits of
4 2 child development homes, increased expenses for state child
4 3 care assistance program slots, revising state child care
4 4 assistance program reimbursement methodologies to reward
4 5 quality, and other implementation issues.
4 6 2. a. The workgroup shall cooperate with early childhood
4 7 stakeholders and the private sector in addressing the many
4 8 publicly supported programs and services directed to early
4 9 childhood and issues involved with redirecting the programs
4 10 and services to be part of a cohesive child care system.
4 11 b. The issues addressed shall include professional
4 12 development of workers, improving the workforce, ensuring
4 13 articulation between programs, meeting the needs of both
4 14 children and parents, enhancing community engagement to
4 15 support early childhood, and other efforts to address early
4 16 childhood needs with a coordinated system.
4 17 3. In addition, the workgroup shall explore other issues,
4 18 including but not limited to all of the following:
4 19 a. Using the internet to provide information to child care
4 20 providers, capacity for providers to register with the
4 21 department of human services via the internet, and training
4 22 information.
4 23 b. Creating a database of all child care providers.
4 24 c. Streamlining and coordinating inspections of home=based
4 25 child care providers.
4 26 d. Providing health care insurance for providers and their
4 27 workers.
4 28 e. Educating the public on the advantages of using a
4 29 registered child care provider.
4 30 f. Developing possible sanctions for violations at child
4 31 care facilities other than closing the facilities.
4 32 g. Requiring a state and federal fingerprint=based
4 33 criminal history record check for all licensed and registered
4 34 child care providers as well as unregistered child care home
4 35 providers as provided in division II of this Act.

House File 2535 - Introduced continued

5 1 Recommendations made for purposes of this paragraph shall
5 2 include but are not limited to options for the phasing in of
5 3 required fingerprint=based checks and addressing the frequency
5 4 with which such checks should be required.
5 5 h. Providing additional opportunities and resources for
5 6 child care providers and instructing the Iowa state university
5 7 of science and technology cooperative extension service in
5 8 agriculture and home economics, child care resource and
5 9 referral agencies, and community colleges to expand continuing
5 10 education opportunities offered at times the providers are not
5 11 providing care.
5 12 i. Implementing an electronic benefit transfer program to
5 13 pay for state child care assistance.
5 14 DIVISION II
5 15 FISCAL YEAR 2009=2010 REQUIREMENTS
5 16 Sec. 6. Section 237A.3, subsection 2, Code 2007, is
5 17 amended to read as follows:
5 18 2. a. A person shall not provide child care as a child
5 19 care home provider unless the person and any person who
5 20 resides or will reside in the child care home have been
5 21 subject to a fingerprint=based national criminal history
5 22 record check in accordance with section 237A.5.
5 23 b. If a person or program does not comply with paragraph
5 24 "a" or has been prohibited by the department from involvement
5 25 with child care, the person or program shall not provide child
5 26 care as a child care home provider and is subject to penalty
5 27 under section 237A.19 or injunction under section 237A.20 for
5 28 doing so.
5 29 Sec. 7. Section 237A.5, subsection 2, paragraph a,
5 30 subparagraph (1), subparagraph subdivision (e), Code 2007, is
5 31 amended to read as follows:
5 32 (e) The person will provide or is providing child care as
5 33 a child care home provider or will reside or resides in a
5 34 child care home that is not registered under this chapter ~~but~~
~~5 35 that receives public funding for providing child care~~.

House File 2535 - Introduced continued

6 1 Sec. 8. Section 237A.5, subsection 2, paragraphs b and c,
6 2 Code 2007, are amended to read as follows:
6 3 b. If an individual person subject to a record check is
6 4 being considered for employment by a child care facility or
6 5 child care home, ~~in lieu of~~ prior to requesting a
6 6 fingerprint=based record check to be conducted by the
6 7 department under paragraph "c", the child care facility or
6 8 child care home may access the single contact repository
6 9 established pursuant to section 135C.33 as necessary to
6 10 conduct a criminal and child abuse record check of the
6 11 individual in this state. A copy of the results of the record
6 12 check conducted through the single contact repository shall
6 13 also be provided to the department. If the record check
6 14 indicates the individual is a person subject to an evaluation,
6 15 the child care facility or child care home may request that
6 16 the department perform an evaluation as provided in this
6 17 subsection. Otherwise, the individual shall not be employed
6 18 by the child care facility or child care home. The cost of
6 19 accessing the single contact repository is the responsibility
6 20 of the child care facility or home.
6 21 c. (1) ~~Unless a record check has already been conducted~~
6 22 ~~in accordance with paragraph "b",~~ For a person subject to a
6 23 record check, in addition to any record check conducted
6 24 pursuant to paragraph "b" and the record checks conducted
6 25 under subparagraph (2), the person's fingerprints shall be
6 26 provided to the department of public safety for submission
6 27 through the state criminal history repository to the United
6 28 States department of justice, federal bureau of investigation
6 29 for a national criminal history record check. For a child
6 30 care home that is not registered under this chapter, the cost
6 31 of the national criminal history record check for a person who
6 32 will provide or is providing child care or will reside or
6 33 resides in that child care home shall be paid by the person.
6 34 Otherwise, the cost of the national criminal history record
6 35 check and any other record checks conducted under this

House File 2535 - Introduced continued

7 1 lettered paragraph is the responsibility of the department.
7 2 (2) In addition to the national criminal history record
7 3 check, the department shall conduct a criminal and child abuse
7 4 record check in this state for a person who is subject to a
7 5 record check and may conduct ~~such~~ a child abuse record check
7 6 in other states. In addition, the department may conduct a
7 7 dependent adult abuse, sex offender registry, or other public
7 8 or civil offense record check in this state or in other states
7 9 for a person who is subject to a record check. If record
7 10 checks of a person who is subject to a record check have been
7 11 conducted through the single contact repository as described
7 12 in paragraph "b", the department may forego the record checks
7 13 addressed by this subparagraph.
7 14 (3) If a record check performed pursuant to this lettered
7 15 paragraph identifies an individual as a person subject to an
7 16 evaluation, an evaluation shall be performed to determine
7 17 whether prohibition of the person's involvement with child
7 18 care is warranted. The evaluation shall be performed in
7 19 accordance with procedures adopted for this purpose by the
7 20 department.
7 21 (4) Prior to performing an evaluation, the department
7 22 shall notify the affected person, licensee, registrant, or
7 23 child care home applying for or receiving public funding for
7 24 providing child care, that an evaluation will be conducted to
7 25 determine whether prohibition of the person's involvement with
7 26 child care is warranted.
7 27 Sec. 9. EFFECTIVE DATE. This division of this Act takes
7 28 effect July 1, 2009.
7 29 DIVISION III
7 30 IMPLEMENTATION
7 31 Sec. 10. IMPLEMENTATION OF ACT. Section 25B.2, subsection
7 32 3, shall not apply to this Act.
7 33 EXPLANATION
7 34 This bill relates to child care by revising requirements
7 35 for child care homes and child development homes, restricting

House File 2535 - Introduced continued

8 1 the presence of certain registered sex offenders on the
8 2 premises of child care providers, requiring fingerprint=based
8 3 criminal history record checks, and providing penalties and an
8 4 appropriation. The bill is organized into divisions.
8 5 FISCAL YEAR 2008=2009 REQUIREMENTS. This division relates
8 6 to requirements to be implemented during FY 2008=2009.
8 7 Code section 237A.5, relating to records checks and other
8 8 provisions involved with prohibiting certain persons from
8 9 involvement with child care, is amended to include inflicting
8 10 of corporal punishment as described in the bill's new Code
8 11 section 237A.18 in the list of transgressions that must be
8 12 evaluated by the department of human services to determine if
8 13 the transgression warrants prohibition of the person's
8 14 involvement with child care.
8 15 New Code section 237A.18 defines the term "corporal
8 16 punishment", prohibits any person providing child care or
8 17 living where child care is provided from inflicting corporal
8 18 punishment on children receiving care, and states that such a
8 19 person who inflicts corporal punishment may be prohibited from
8 20 involvement with child care. The provision does not apply to
8 21 corporal punishment inflicted on an individual by the person
8 22 who is the individual's parent, grandparent, guardian, or
8 23 custodian.
8 24 For purposes of new Code section 692A.3B, the term "child
8 25 care provider" is defined using terms from Code chapter 237A
8 26 to include a "child care center" (a facility providing child
8 27 care or preschool services for seven or more children, except
8 28 when the facility is registered as a child development home),
8 29 "preschool" (a licensed center or registered child development
8 30 home providing programs to children ages three through five
8 31 for up to three hours per day), "child development home" (a
8 32 registered home that may provide child care to six or more
8 33 children at any one time), or "child care home" (a home in
8 34 which child care is provided to five or fewer children at any
8 35 one time that is not registered). These terms are defined in

House File 2535 - Introduced continued

9 1 Code section 237A.1. In addition, "child care provider"
9 2 includes child care operated by or contracted for by a school
9 3 board or the authorities in charge of an accredited nonpublic
9 4 school, provided the child care meets standards adopted by the
9 5 state board of education.
9 6 New Code section 692A.3B provides that a registered sex
9 7 offender who has been convicted of a criminal offense against
9 8 a minor, or an offense involving a minor that is an aggravated
9 9 offense, sexually violent offense, or other relevant offense,
9 10 shall not be present on the real property comprising a child
9 11 care provider. However, the following exceptions are
9 12 provided: a sex offender may be present on child care
9 13 provider property if the sex offender is transporting the
9 14 offender's child to or from the child care provider, the
9 15 offender is responding to a health or behavioral emergency
9 16 regarding the offender's child, the sex offender is summoned
9 17 to discuss the developmental activity or social progress of
9 18 the offender's child, or the sex offender is voting in an
9 19 election during the designated hours to vote.
9 20 The child care provider owner or administrator is required
9 21 to provide notice to the parents, guardians, or custodians of
9 22 the children receiving child care about the presence of a sex
9 23 offender on the child care provider's premises.
9 24 A sex offender who violates new Code section 692A.3B
9 25 commits an aggravated misdemeanor. An aggravated misdemeanor
9 26 is punishable by confinement for no more than two years and a
9 27 fine of at least $625 but not more than $6,250.
9 28 An appropriation is provided to the department of human
9 29 services for a child care workgroup. The state child care
9 30 advisory council is designated to serve as the workgroup. The
9 31 workgroup is required to address possible implementation of a
9 32 mandatory system of registration or licensure for home=based
9 33 child care providers or a voluntary licensure system and
9 34 numerous other child care issues. The workgroup is required
9 35 to report to the governor and general assembly on or before

House File 2535 - Introduced continued

10 1 December 15, 2008.
10 2 FISCAL YEAR 2009=2010 REQUIREMENTS. This division relates
10 3 to requirements to be implemented during FY 2009=2010.
10 4 Code section 237A.3, relating to requirements for
10 5 unregistered child care homes, is amended to prohibit a child
10 6 care home from operating unless the provider and anyone
10 7 residing with the provider has been subject to a
10 8 fingerprint=based national criminal history record check as
10 9 required by the bill. Violation of this requirement is a
10 10 simple misdemeanor under Code section 237A.19 and each day may
10 11 be a separate offense. A simple misdemeanor is punishable by
10 12 confinement for no more than 30 days or a fine of at least $65
10 13 but not more than $625 or by both. In addition, the provider
10 14 may be restrained by temporary or permanent injunction under
10 15 Code section 237A.19.
10 16 Code section 237A.5, relating to criminal history and child
10 17 abuse record check requirements for child care providers, is
10 18 amended to apply the record check requirements to all
10 19 unregistered child care homes. Current law applies the
10 20 requirement only to child care homes that receive public
10 21 funding. In addition, a fingerprint=based national criminal
10 22 history record check is required for all registered,
10 23 unregistered, and licensed child care providers. The cost of
10 24 the fingerprint=based record check is the responsibility of
10 25 the department of human services except for unregistered child
10 26 care homes which are required to pay the cost for the provider
10 27 and those who are residing or will reside with the
10 28 unregistered provider.
10 29 This division takes effect July 1, 2009.
10 30 IMPLEMENTATION. This division addresses the state mandate
10 31 law. The bill may include a state mandate as defined in Code
10 32 section 25B.3. The bill makes inapplicable Code section
10 33 25B.2, subsection 3, which would relieve a political
10 34 subdivision from complying with a state mandate if funding for
10 35 the cost of the state mandate is not provided or specified.

House File 2535 - Introduced continued

11 1 Therefore, political subdivisions are required to comply with
11 2 any state mandate included in the bill.
11 3 LSB 5970HV 82
11 4 jp/nh/5

House File 2536 - Introduced

HOUSE FILE
BY PAULSEN, KAUFMANN, and STAED

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

A BILL FOR

An Act relating to an adjustment in state foundation aid for certain school districts required to repay property taxes and providing an effective date.
BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 6289YH 82
sc/nh/5

House File 2536 - Introduced continued

PAG LIN

1 1 Section 1. Section 257.12, subsection 1, Code 2007, is
1 2 amended to read as follows:
1 3 1. If a school district is required to repay property
1 4 taxes paid for school taxes levied on commercial or industrial
1 5 property ~~originally assessed at five million dollars or more~~
1 6 because the assessment was subsequently reduced by ~~the~~ final
1 7 action of the local board of review, property assessment
1 8 appeal board, or judicial action ~~and the amount of the~~
~~1 9 reduction in the assessment equals at least one hundred~~
~~1 10 thousand dollars or two percent of the assessed value of all~~
~~1 11 taxable property in the district prior to the reduction,~~
~~1 12 whichever is less~~, the school district is eligible for an
1 13 adjustment in state foundation aid. To receive the adjustment
1 14 in state foundation aid, the school district shall apply to
1 15 the department of management prior to the beginning of the
1 16 budget year following the budget year in which the repayment
1 17 of the property taxes occurred. The department of management
1 18 shall determine the amount of adjustment in state foundation
1 19 aid pursuant to subsection 2.
1 20 Sec. 2. EFFECTIVE DATE. This Act, being deemed of
1 21 immediate importance, takes effect upon enactment.
1 22 EXPLANATION
1 23 Current law provides that a school district is eligible for
1 24 an adjustment in state foundation aid if the school district
1 25 is required to repay property taxes on an assessment in excess
1 26 of $5 million if the assessment was subsequently reduced on
1 27 appeal to the property assessment appeal board or the district
1 28 court, and the amount of the reduction equals at least
1 29 $100,000 or 2 percent of the property valuation in the school
1 30 district.
1 31 This bill provides that a school district shall be eligible
1 32 for an adjustment in state foundation aid for repayment of
1 33 taxes on a reduction in valuation of any assessment on
1 34 commercial or industrial property, regardless of its original
1 35 assessment and regardless of the amount of the reduction.

House File 2536 - Introduced continued

```
  2  1    The bill takes effect upon enactment.
  2  2 LSB 6289YH 82
  2  3 sc/nh/5
```

House File 2537 - Introduced

HOUSE FILE
BY COMMITTEE ON ENVIRONMENTAL
PROTECTION

(SUCCESSOR TO HSB 734)

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

A BILL FOR

An Act relating to the control of beverage containers by expanding the types of beverage containers covered and increasing the reimbursement amount paid to dealers.
BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 5713HV 82
tw/rj/14

House File 2537 - Introduced continued

PAG LIN

1 1 Section 1. Section 455C.1, subsections 1 and 2, Code 2007,
1 2 are amended by striking the subsections and inserting in lieu
1 3 thereof the following:
1 4 1. "Beverage" means a liquid intended for human
1 5 consumption and packaged in a beverage container for sale to
1 6 consumers. "Beverage" shall not include the following:
1 7 a. A liquid typically ingested in very small quantities
1 8 and consumed for medicinal purposes only.
1 9 b. A liquid designed to be consumed only as a nutritional
1 10 supplement.
1 11 c. A product intended to be consumed, or packaged and sold
1 12 to consumers or institutions, in a frozen state.
1 13 d. A powdered drink mix.
1 14 e. A soup or broth, including seafood, meat, or vegetable
1 15 broth.
1 16 f. Farm=produced apple cider which has not been heated,
1 17 pasteurized, or otherwise processed.
1 18 g. A liquid which is any of the following:
1 19 (1) A syrup.
1 20 (2) A concentrate.
1 21 (3) Typically added as a minor flavoring ingredient in
1 22 food or drink, such as extracts, cooking additives, sauces, or
1 23 condiments.
1 24 h. Milk or other primarily dairy=based drinks.
1 25 2. "Beverage container" means a glass, plastic, or metal
1 26 container, sealed by the manufacturer, containing a beverage
1 27 of at least five and one=half fluid ounces or one hundred
1 28 sixty=two milliliters but not more than sixty=eight fluid
1 29 ounces or two liters in size.
1 30 Sec. 2. Section 455C.2, subsection 2, Code 2007, is
1 31 amended to read as follows:
1 32 2. In addition to the refund value provided in subsection
1 33 1 of this section, a dealer, or person operating a redemption
1 34 center who redeems empty beverage containers or a dealer agent
1 35 shall be reimbursed by the distributor required to accept the

House File 2537 - Introduced continued

2 1 empty beverage containers an amount which is ~~one cent~~ two
2 2 cents per container. A dealer, dealer agent, or person
2 3 operating a redemption center may compact empty metal beverage
2 4 containers with the approval of the distributor required to
2 5 accept the containers.
2 6 EXPLANATION
2 7 This bill relates to the control of beverage containers.
2 8 The bill increases the types of containers which require a
2 9 refund value to include beverage containers such as bottled
2 10 water and juice drinks.
2 11 The bill also increases the reimbursement amount, commonly
2 12 referred to as the handling fee, paid by distributors to
2 13 dealers from 1 cent per beverage container to 2 cents per
2 14 beverage container.
2 15 LSB 5713HV 82
2 16 tw/rj/14

House File 2538 - Introduced

HOUSE FILE
BY COMMITTEE ON ECONOMIC GROWTH

(SUCCESSOR TO HSB 586)

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

A BILL FOR

An Act increasing the amount of investment tax credit for which an eligible housing business may qualify if specified energy efficiency standards are met, and including effective and retroactive applicability date provisions.

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

TLSB 5506HV 82
rn/sc/5

House File 2538 - Introduced continued

PAG LIN

1 1 Section 1. Section 15E.193B, subsection 6, paragraph a,
1 2 Code 2007, is amended to read as follows:
1 3 a. An eligible housing business may claim a tax credit up
1 4 to a maximum of ten percent of the new investment which is
1 5 directly related to the building or rehabilitating of a
1 6 minimum of four single=family homes located in that part of a
1 7 city or county in which there is a designated enterprise zone
1 8 or one multiple dwelling unit building containing three or
1 9 more individual dwelling units located in that part of a city
1 10 or county in which there is a designated enterprise zone.
1 11 However, the following construction or rehabilitation projects
1 12 meeting or exceeding the energy star or target finder rating
1 13 performance requirements established pursuant to a joint
1 14 program sponsored by the United States environmental
1 15 protection agency and the United States department of energy
1 16 may claim a tax credit up to a maximum of twelve percent of
1 17 the eligible new investment:
1 18 (1) Multifamily unit projects with three floors or less
1 19 above=grade that achieve the energy star label and a home
1 20 energy rating system index of eighty or better.
1 21 (2) Single=family unit projects with three floors or less
1 22 above=grade that achieve the energy star label and a home
1 23 energy rating system index of eighty or better.
1 24 (3) Projects that include both commercial space and
1 25 residential units and have more than three floors above=grade
1 26 that achieve an energy star target finder rating of
1 27 seventy=five or better.
1 28 Information documenting achievement of these ratings shall
1 29 be provided by the eligible housing business and verified by
1 30 the department.
1 31 PARAGRAPH DIVIDED. The new investment that may be used to
1 32 compute the tax credit shall not exceed the new investment
1 33 used for the first one hundred forty thousand dollars of value
1 34 for each single=family home or for each unit of a multiple
1 35 dwelling unit building containing three or more units. The

House File 2538 - Introduced continued

2 1 tax credit may be used to reduce the tax liability imposed
2 2 under chapter 422, division II, III, or V, or chapter 432.
2 3 Any credit in excess of the tax liability for the tax year may
2 4 be credited to the tax liability for the following seven years
2 5 or until depleted, whichever occurs earlier. If the business
2 6 is a partnership, S corporation, limited liability company, or
2 7 estate or trust electing to have the income taxed directly to
2 8 the individual, an individual may claim the tax credit
2 9 allowed. The amount claimed by the individual shall be based
2 10 upon the pro rata share of the individual's earnings of the
2 11 partnership, S corporation, limited liability company, or
2 12 estate or trust except as allowed for under subsection 8 when
2 13 low=income housing tax credits authorized under section 42 of
2 14 the Internal Revenue Code are used to assist in the financing
2 15 of the housing development.
2 16 Sec. 2. EFFECTIVE AND RETROACTIVE APPLICABILITY DATES.
2 17 This Act, being deemed of immediate importance, takes effect
2 18 upon enactment and applies retroactively to tax years
2 19 beginning on or after January 1, 2008.
2 20 EXPLANATION
2 21 This bill provides for an increased tax credit for
2 22 enterprise zone housing projects which meet certain energy
2 23 efficiency standards. Currently, an eligible housing business
2 24 may claim a tax credit up to a maximum of 10 percent of the
2 25 business' new investment which is directly related to the
2 26 building or rehabilitating of a specified form of housing
2 27 located in a part of a city or county in which there is a
2 28 designated enterprise zone. The bill increases the tax credit
2 29 to 12 percent if a project meets or exceeds specified energy
2 30 star or target finder rating performance requirements
2 31 established pursuant to a joint program sponsored by the
2 32 United States environmental protection agency and the United
2 33 States department of energy. The bill requires information
2 34 documenting achievement of the specified ratings to be
2 35 provided to the department of economic development by an

House File 2538 - Introduced continued

3 1 eligible housing business and verified by the department.
3 2 The bill takes effect upon enactment, and applies
3 3 retroactively to tax years beginning on or after January 1,
3 4 2008.
3 5 LSB 5506HV 82
3 6 rn/sc/5

House File 2539 - Introduced

HOUSE FILE
BY COMMITTEE ON HUMAN
RESOURCES

(SUCCESSOR TO HSB 757)

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

A BILL FOR

An Act relating to health care reform including health care coverage intended for children and adults, health information technology, end=of=life care decision making, preexisting conditions and dependent children coverage, medical homes, prevention and chronic care management, a buy=in provision for certain individuals under the medical assistance program, disease prevention and wellness initiatives, and including an applicability provision.

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

TLSB 6541HV 82
av:pf/rj/14

House File 2539 - Introduced continued

PAG LIN

1 1 DIVISION I
1 2 HEALTH CARE COVERAGE INTENT
1 3 Section 1. DECLARATION OF INTENT.
1 4 1. It is the intent of the general assembly, as funding
1 5 becomes available, to progress toward achievement of the goal
1 6 that all Iowans have health care coverage which meets certain
1 7 standards of quality and affordability with the initial
1 8 priority being that all children have such health care
1 9 coverage by December 31, 2010.
1 10 2. It is the intent of the general assembly that if
1 11 sufficient funding is available, and if federal
1 12 reauthorization of the state children's health insurance
1 13 program provides sufficient federal allocations to the state
1 14 and authorization to cover such children as an option under
1 15 the state children's health insurance program, the department
1 16 of human services shall expand coverage under the state
1 17 children's health insurance program to cover children with
1 18 family incomes up to three hundred percent of the federal
1 19 poverty level, with appropriate cost sharing established for
1 20 families with incomes above two hundred percent of the federal
1 21 poverty level.
1 22 3. It is the intent of the general assembly that the
1 23 department of human services, in consultation with state and
1 24 national experts, develop an operational plan to provide
1 25 health care coverage for all children in the state by building
1 26 upon the current state children's health insurance program.
1 27 The operational plan shall be completed by January 1, 2010.
1 28 4. It is the intent of the general assembly that the
1 29 department of human services, in consultation with state and
1 30 national experts, develop an operational plan to provide
1 31 health care coverage to all adults. The operational plan
1 32 shall be completed by January 1, 2013.
1 33 5. It is the intent of the general assembly to promote
1 34 continued dialogue between the Iowa comprehensive health
1 35 insurance association and other interested parties to address

House File 2539 - Introduced continued

the issues of preexisting conditions and the affordability of health care coverage.

DIVISION II
IOWA HEALTH INFORMATION TECHNOLOGY SYSTEM
DIVISION XXI
IOWA HEALTH INFORMATION TECHNOLOGY SYSTEM

Sec. 2. NEW SECTION. 135.154 DEFINITIONS.

As used in this division, unless the context otherwise requires:

1. "Board" means the state board of health created pursuant to section 136.1.

2. "Department" means the department of public health.

3. "Health care professional" means a person who is licensed, certified, or otherwise authorized or permitted by the law of this state to administer health care in the ordinary course of business or in the practice of a profession.

4. "Health information technology" means the application of information processing, involving both computer hardware and software, that deals with the storage, retrieval, sharing, and use of health care information, data, and knowledge for communication, decision making, quality, safety, and efficiency of clinical practice, and may include but is not limited to:

a. An electronic health record that electronically compiles and maintains health information that may be derived from multiple sources about the health status of an individual and may include a core subset of each care delivery organization's electronic medical record such as a continuity of care record or a continuity of care document, computerized physician order entry, electronic prescribing, or clinical decision support.

b. A personal health record through which an individual and any other person authorized by the individual can maintain and manage the individual's health information.

House File 2539 - Introduced continued

3 1 c. An electronic medical record that is used by health
3 2 care professionals to electronically document, monitor, and
3 3 manage health care delivery within a care delivery
3 4 organization, is the legal record of the patient's encounter
3 5 with the care delivery organization, and is owned by the care
3 6 delivery organization.
3 7 d. A computerized provider order entry function that
3 8 permits the electronic ordering of diagnostic and treatment
3 9 services, including prescription drugs.
3 10 e. A decision support function to assist physicians and
3 11 other health care providers in making clinical decisions by
3 12 providing electronic alerts and reminders to improve
3 13 compliance with best practices, promote regular screenings and
3 14 other preventive practices, and facilitate diagnoses and
3 15 treatments.
3 16 f. Tools to allow for the collection, analysis, and
3 17 reporting of information or data on adverse events, the
3 18 quality and efficiency of care, patient satisfaction, and
3 19 other health care=related performance measures.
3 20 5. "Interoperability" means the ability of two or more
3 21 systems or components to exchange information or data in an
3 22 accurate, effective, secure, and consistent manner and to use
3 23 the information or data that has been exchanged and includes
3 24 but is not limited to:
3 25 a. The capacity to connect to a network for the purpose of
3 26 exchanging information or data with other users.
3 27 b. The ability of a connected, authenticated user to
3 28 demonstrate appropriate permissions to participate in the
3 29 instant transaction over the network.
3 30 c. The capacity of a connected, authenticated user to
3 31 access, transmit, receive, and exchange usable information
3 32 with other users.
3 33 6. "Recognized interoperability standard" means
3 34 interoperability standards recognized by the office of the
3 35 national coordinator for health information technology of the

House File 2539 - Introduced continued

4 1 United States department of health and human services.
4 2 Sec. 3. NEW SECTION. 135.155 IOWA ELECTRONIC HEALTH ==
4 3 PRINCIPLES == GOALS.
4 4 1. Health information technology is rapidly evolving so
4 5 that it can contribute to the goals of improving access to and
4 6 quality of health care, enhancing efficiency, and reducing
4 7 costs.
4 8 2. To be effective, the health information technology
4 9 system shall comply with all of the following principles:
4 10 a. Be patient=centered and market=driven.
4 11 b. Be based on approved standards developed with input
4 12 from all stakeholders.
4 13 c. Protect the privacy of consumers and the security and
4 14 confidentiality of all health information.
4 15 d. Promote interoperability.
4 16 e. Ensure the accuracy, completeness, and uniformity of
4 17 data.
4 18 3. Widespread adoption of health information technology is
4 19 critical to a successful health information technology system
4 20 and is best achieved when all of the following occur:
4 21 a. The market provides a variety of certified products
4 22 from which to choose in order to best fit the needs of the
4 23 user.
4 24 b. The system provides incentives for health care
4 25 professionals to utilize the health information technology and
4 26 provides rewards for any improvement in quality and efficiency
4 27 resulting from such utilization.
4 28 c. The system provides protocols to address critical
4 29 problems.
4 30 d. The system is financed by all who benefit from the
4 31 improved quality, efficiency, savings, and other benefits that
4 32 result from use of health information technology.
4 33 Sec. 4. NEW SECTION. 135.156 ELECTRONIC HEALTH
4 34 INFORMATION == DEPARTMENT DUTIES == ADVISORY COUNCIL.
4 35 1. a. The department shall direct a public and private

House File 2539 - Introduced continued

5 1 collaborative effort to promote the adoption and use of health
5 2 information technology in this state in order to improve
5 3 health care quality, increase patient safety, reduce health
5 4 care costs, enhance public health, and empower individuals and
5 5 health care professionals with comprehensive, real=time
5 6 medical information to provide continuity of care and make the
5 7 best health care decisions. The department shall provide
5 8 oversight for the development, implementation, and
5 9 coordination of an interoperable electronic health records
5 10 system, telehealth expansion efforts, the health information
5 11 technology infrastructure, and other health information
5 12 technology initiatives in this state. The department shall be
5 13 guided by the principles and goals specified in section
5 14 135.155.
5 15 b. All health information technology efforts shall
5 16 endeavor to represent the interests and meet the needs of
5 17 consumers and the health care sector, protect the privacy of
5 18 individuals and the confidentiality of individuals'
5 19 information, promote physician best practices, and make
5 20 information easily accessible to the appropriate parties. The
5 21 system developed shall be consumer=driven, flexible, and
5 22 expandable.
5 23 2. The department shall do all of the following:
5 24 a. Establish a technical advisory group which shall
5 25 consist of the representatives of entities involved in the
5 26 electronic health records system task force established
5 27 pursuant to section 217.41A, Code 2007, a licensed practicing
5 28 physician, a consumer, and any other members the department
5 29 determines necessary to assist in the department's duties at
5 30 various stages of development of the electronic health
5 31 information system. Executive branch agencies shall also be
5 32 included as necessary to assist in the duties of the
5 33 department. Public members of the technical advisory group
5 34 shall receive reimbursement for actual expenses incurred while
5 35 serving in their official capacity only if they are not

House File 2539 - Introduced continued

6 1 eligible for reimbursement by the organization that they
6 2 represent. Any legislative members shall be paid the per diem
6 3 and expenses specified in section 2.10.
6 4 b. Adopt a statewide health information technology plan by
6 5 January 1, 2009. In developing the plan, the department shall
6 6 seek the input of providers, payers, and consumers. Standards
6 7 and policies developed for the plan shall promote and be
6 8 consistent with national standards developed by the office of
6 9 the national coordinator for health information technology of
6 10 the United States department of health and human services and
6 11 shall address or provide for all of the following:
6 12 (1) The effective, efficient, statewide use of electronic
6 13 health information in patient care, health care policymaking,
6 14 clinical research, health care financing, and continuous
6 15 quality improvement. The department shall adopt requirements
6 16 for interoperable electronic health records in this state
6 17 including a recognized interoperability standard.
6 18 (2) Education of the public and health care sector about
6 19 the value of health information technology in improving
6 20 patient care, and methods to promote increased support and
6 21 collaboration of state and local public health agencies,
6 22 health care professionals, and consumers in health information
6 23 technology initiatives.
6 24 (3) Standards for the exchange of health care information.
6 25 (4) Policies relating to the protection of privacy of
6 26 patients and the security and confidentiality of patient
6 27 information.
6 28 (5) Policies relating to information ownership.
6 29 (6) Policies relating to governance of the various facets
6 30 of the health information technology system.
6 31 (7) A single patient identifier or alternative mechanism
6 32 to share secure patient information. If no alternative
6 33 mechanism is acceptable to the department, all health care
6 34 professionals shall utilize the mechanism selected by the
6 35 department by January 1, 2010.

House File 2539 - Introduced continued

7 1 (8) A standard continuity of care record and other issues
7 2 related to the content of electronic transmissions. All
7 3 health care professionals shall utilize the standard
7 4 continuity of care record by January 1, 2010.
7 5 (9) Requirements for electronic prescribing.
7 6 (10) Economic incentives and support to facilitate
7 7 participation in an interoperable system by health care
7 8 professionals.
7 9 c. Identify existing and potential health information
7 10 technology efforts in this state, regionally, and nationally,
7 11 and integrate existing efforts to avoid incompatibility
7 12 between efforts and avoid duplication.
7 13 d. Coordinate public and private efforts to provide the
7 14 network backbone infrastructure for the health information
7 15 technology system. In coordinating these efforts, the
7 16 department shall do all of the following:
7 17 (1) Adopt policies to effectuate the logical cost
7 18 effective usage of and access to the state=owned network, and
7 19 support of telecommunication carrier products, where
7 20 applicable.
7 21 (2) Consult with the Iowa communications network, private
7 22 fiberoptic networks, and any other communications entity to
7 23 seek collaboration, avoid duplication, and leverage
7 24 opportunities in developing a backbone network.
7 25 (3) Establish protocols to ensure compliance with any
7 26 applicable federal standards.
7 27 (4) Determine costs for accessing the network at a level
7 28 that provides sufficient funding for the network.
7 29 e. Promote the use of telemedicine.
7 30 (1) Examine existing barriers to the use of telemedicine
7 31 and make recommendations for eliminating these barriers.
7 32 (2) Examine the most efficient and effective systems of
7 33 technology for use and make recommendations based on the
7 34 findings.
7 35 f. Address the workforce needs generated by increased use

House File 2539 - Introduced continued

8 1 of health information technology.
8 2 g. Adopt rules in accordance with chapter 17A to implement
8 3 all aspects of the statewide plan and the network.
8 4 h. Coordinate, monitor, and evaluate the adoption, use,
8 5 interoperability, and efficiencies of the various facets of
8 6 health information technology in this state.
8 7 i. Seek and apply for any federal or private funding to
8 8 assist in the implementation and support of the health
8 9 information technology system and make recommendations for
8 10 funding mechanisms for the ongoing development and maintenance
8 11 costs of the health information technology system.
8 12 j. Identify state laws and rules that present barriers to
8 13 the development of the health information technology system
8 14 and recommend any changes to the governor and the general
8 15 assembly.
8 16 3. Recommendations and other activities resulting from the
8 17 duties authorized for the department under this section shall
8 18 require approval by the board prior to any subsequent action
8 19 or implementation.
8 20 Sec. 5. Section 136.3, Code 2007, is amended by adding the
8 21 following new subsection:
8 22 NEW SUBSECTION. 11. Perform those duties authorized
8 23 pursuant to section 135.156.
8 24 Sec. 6. Section 217.41A, Code 2007, is repealed.
8 25 DIVISION III
8 26 END=OF=LIFE CARE DECISION MAKING
8 27 Sec. 7. NEW SECTION. 231.62 END=OF=LIFE CARE DECISION
8 28 MAKING.
8 29 1. The department shall consult with the Iowa medical
8 30 society, the Iowa end=of=life coalition, the Iowa hospice
8 31 organization, the university of Iowa palliative care program,
8 32 and other health care professionals whose scope of practice
8 33 includes end=of=life care to develop educational and
8 34 patient=centered information on end=of=life care for
8 35 terminally ill patients and health care professionals.

House File 2539 - Introduced continued

9 1 2. For the purposes of this section, "end=of=life care"
9 2 means care provided to meet the physical, psychological,
9 3 social, spiritual, and practical needs of terminally ill
9 4 patients and their caregivers.
9 5 DIVISION IV
9 6 HEALTH CARE COVERAGE
9 7 Sec. 8. Section 509.3, Code 2007, is amended by adding the
9 8 following new subsection:
9 9 NEW SUBSECTION. 8. A provision that the insurer will
9 10 permit continuation of existing coverage for an unmarried
9 11 dependent child of an insured or enrollee who so elects, at
9 12 least through the age of twenty=five years old or so long as
9 13 the dependent child maintains full=time status as a student in
9 14 an accredited institution of postsecondary education,
9 15 whichever occurs last, at a premium established in accordance
9 16 with the insurer's rating practices.
9 17 Sec. 9. Section 513C.7, subsection 2, paragraph a, Code
9 18 2007, is amended to read as follows:
9 19 ~~a.~~ The individual basic or standard health benefit plan
9 20 shall not deny, exclude, or limit benefits for a covered
9 21 individual for losses incurred more than twelve months
9 22 following the effective date of the individual's coverage due
9 23 to a preexisting condition. A preexisting condition shall not
9 24 be defined more restrictively than any of the following:
9 25 ~~(1)~~ a. A condition that would cause an ordinarily prudent
9 26 person to seek medical advice, diagnosis, care, or treatment
9 27 during the twelve months immediately preceding the effective
9 28 date of coverage.
9 29 ~~(2)~~ b. A condition for which medical advice, diagnosis,
9 30 care, or treatment was recommended or received during the
9 31 twelve months immediately preceding the effective date of
9 32 coverage.
9 33 ~~(3)~~ c. A pregnancy existing on the effective date of
9 34 coverage.
9 35 Sec. 10. Section 513C.7, subsection 2, paragraph b, Code

House File 2539 - Introduced continued

10 1 2007, is amended by striking the paragraph.
10 2 Sec. 11. NEW SECTION. 514A.3B ADDITIONAL REQUIREMENTS.
10 3 1. An insurer which accepts an individual for coverage
10 4 under an individual policy or contract of accident and health
10 5 insurance shall waive any time period applicable to a
10 6 preexisting condition exclusion or limitation period
10 7 requirement of the policy or contract with respect to
10 8 particular services in an individual health benefit plan for
10 9 the period of time the individual was previously covered by
10 10 qualifying previous coverage as defined in section 513C.3 that
10 11 provided benefits with respect to such services, provided that
10 12 the qualifying previous coverage was continuous to a date not
10 13 more than sixty=three days prior to the effective date of the
10 14 new policy or contract. For purposes of this section, periods
10 15 of coverage under medical assistance provided pursuant to
10 16 chapter 249A or 514I, or Medicare coverage provided pursuant
10 17 to Title XVIII of the federal Social Security Act shall not be
10 18 counted with respect to the sixty=three=day requirement.
10 19 2. An insurer issuing an individual policy or contract of
10 20 accident and health insurance which provides coverage for
10 21 dependent children of the insured shall permit continuation of
10 22 coverage for an unmarried dependent child of an insured or
10 23 enrollee who so elects, at least through the age of
10 24 twenty=five years old or so long as the dependent child
10 25 maintains full=time status as a student in an accredited
10 26 institution of postsecondary education, whichever occurs last,
10 27 at a premium established in accordance with the insurer's
10 28 rating practices.
10 29 Sec. 12. APPLICABILITY. This division of this Act applies
10 30 to policies or contracts of accident and health insurance
10 31 delivered or issued for delivery or continued or renewed in
10 32 this state on or after July 1, 2008.
10 33 DIVISION V
10 34 MEDICAL HOME
10 35 DIVISION XXII

House File 2539 - Introduced continued

11 1 MEDICAL HOME
11 2 Sec. 13. NEW SECTION. 135.157 DEFINITIONS.
11 3 As used in this chapter, unless the context otherwise
11 4 requires:
11 5 1. "Board" means the state board of health created
11 6 pursuant to section 136.1.
11 7 2. "Department" means the department of public health.
11 8 3. "Health care professional" means a person who is
11 9 licensed, certified, or otherwise authorized or permitted by
11 10 the law of this state to administer health care in the
11 11 ordinary course of business or in the practice of a
11 12 profession.
11 13 4. "Medical home" means a team approach to providing
11 14 health care that originates in a primary care setting; fosters
11 15 a partnership among the patient, the personal provider, and
11 16 other health care professionals, and where appropriate, the
11 17 patient's family; utilizes the partnership to access all
11 18 medical and nonmedical health=related services needed by the
11 19 patient and the patient's family to achieve maximum health
11 20 potential; maintains a centralized, comprehensive record of
11 21 all health=related services to promote continuity of care; and
11 22 has all of the characteristics specified in section 135.158.
11 23 5. "National committee for quality assurance" means the
11 24 nationally recognized, independent nonprofit organization that
11 25 measures the quality and performance of health care and health
11 26 care plans in the United States; provides accreditation,
11 27 certification, and recognition programs for health care plans
11 28 and programs; and is recognized in Iowa as an accrediting
11 29 organization for commercial and Medicaid=managed care
11 30 organizations.
11 31 6. "Personal provider" means the patient's first point of
11 32 contact in the health care system with a primary care provider
11 33 who identifies the patient's health needs, and, working with a
11 34 team of health care professionals, provides for and
11 35 coordinates appropriate care to address the health needs

House File 2539 - Introduced continued

12 1 identified.
12 2 7. "Primary care" means health care which emphasizes
12 3 providing for a patient's general health needs and utilizes
12 4 collaboration with other health care professionals and
12 5 consultation or referral as appropriate to meet the needs
12 6 identified.
12 7 8. "Primary care provider" means any of the following who
12 8 provide primary care:
12 9 a. A physician who is a family or general practitioner, a
12 10 pediatrician, an internist, an obstetrician, or a
12 11 gynecologist.
12 12 b. An advanced registered nurse practitioner.
12 13 c. A physician assistant.
12 14 Sec. 14. NEW SECTION. 135.158 MEDICAL HOME PURPOSES ==
12 15 CHARACTERISTICS.
12 16 1. The purposes of a medical home are the following:
12 17 a. To reduce disparities in health care access, delivery,
12 18 and health care outcomes.
12 19 b. To improve quality of health care and lower health care
12 20 costs, thereby creating savings to allow more Iowans to have
12 21 health care coverage and to provide for the sustainability of
12 22 the health care system.
12 23 c. To provide a tangible method to document if each Iowan
12 24 has access to health care.
12 25 2. A medical home has all of the following
12 26 characteristics:
12 27 a. A personal provider. Each patient has an ongoing
12 28 relationship with a personal provider trained to provide first
12 29 contact and continuous and comprehensive care.
12 30 b. A provider=directed medical practice. The personal
12 31 provider leads a team of individuals at the practice level who
12 32 collectively take responsibility for the ongoing health care
12 33 of patients.
12 34 c. Whole person orientation. The personal provider is
12 35 responsible for providing for all of a patient's health care

House File 2539 - Introduced continued

13 1 needs or taking responsibility for appropriately arranging
13 2 health care by other qualified health care professionals.
13 3 This responsibility includes health care at all stages of life
13 4 including provision of acute care, chronic care, preventive
13 5 services, and end=of=life care.
13 6 d. Coordination and integration of care. Care is
13 7 coordinated and integrated across all elements of the complex
13 8 health care system and the patient's community. Care is
13 9 facilitated by registries, information technology, health
13 10 information exchanges, and other means to assure that patients
13 11 receive the indicated care when and where they need and want
13 12 the care in a culturally and linguistically appropriate
13 13 manner.
13 14 e. Quality and safety. The following are quality and
13 15 safety components of the medical home:
13 16 (1) Provider=directed medical practices advocate for their
13 17 patients to support the attainment of optimal,
13 18 patient=centered outcomes that are defined by a care planning
13 19 process driven by a compassionate, robust partnership between
13 20 providers, the patient, and the patient's family.
13 21 (2) Evidence=based medicine and clinical decision=support
13 22 tools guide decision making.
13 23 (3) Providers in the medical practice accept
13 24 accountability for continuous quality improvement through
13 25 voluntary engagement in performance measurement and
13 26 improvement.
13 27 (4) Patients actively participate in decision making and
13 28 feedback is sought to ensure that the patients' expectations
13 29 are being met.
13 30 (5) Information technology is utilized appropriately to
13 31 support optimal patient care, performance measurement, patient
13 32 education, and enhanced communication.
13 33 (6) Practices participate in a voluntary recognition
13 34 process conducted by an appropriate nongovernmental entity to
13 35 demonstrate that the practice has the capabilities to provide

House File 2539 - Introduced continued

14 1 patient=centered services consistent with the medical home
14 2 model.
14 3 (7) Patients and families participate in quality
14 4 improvement activities at the practice level.
14 5 f. Enhanced access to health care. Enhanced access to
14 6 health care is available through systems such as open
14 7 scheduling, expanded hours, and new options for communication
14 8 between the patient, the patient's personal provider, and
14 9 practice staff.
14 10 g. Payment. The payment system appropriately recognizes
14 11 the added value provided to patients who have a
14 12 patient=centered medical home. The payment structure
14 13 framework of the medical home provides all of the following:
14 14 (1) Reflects the value of provider and nonprovider staff
14 15 and patient=centered care management work that is in addition
14 16 to the face=to=face visit.
14 17 (2) Pays for services associated with coordination of
14 18 health care both within a given practice and between
14 19 consultants, ancillary providers, and community resources.
14 20 (3) Supports adoption and use of health information
14 21 technology for quality improvement.
14 22 (4) Supports provision of enhanced communication access
14 23 such as secure electronic mail and telephone consultation.
14 24 (5) Recognizes the value of physician work associated with
14 25 remote monitoring of clinical data using technology.
14 26 (6) Allows for separate fee=for=service payments for
14 27 face=to=face visits. Payments for health care management
14 28 services that are in addition to the face=to=face visit do not
14 29 result in a reduction in the payments for face=to=face visits.
14 30 (7) Recognizes case mix differences in the patient
14 31 population being treated within the practice.
14 32 (8) Allows providers to share in savings from reduced
14 33 hospitalizations associated with provider=guided health care
14 34 management in the office setting.
14 35 (9) Allows for additional payments for achieving

House File 2539 - Introduced continued

15 1 measurable and continuous quality improvements.
15 2 Sec. 15. NEW SECTION. 135.159 MEDICAL HOME SYSTEM ==
15 3 ADVISORY COUNCIL == DEVELOPMENT AND IMPLEMENTATION.
15 4 1. The department shall administer the medical home
15 5 system. The department shall adopt rules pursuant to chapter
15 6 17A necessary to administer the medical home system.
15 7 2. a. The department shall establish an advisory council
15 8 which shall include but is not limited to all of the following
15 9 members, selected by their respective organizations, and any
15 10 other members the department determines necessary to assist in
15 11 the department's duties at various stages of development of
15 12 the medical home system:
15 13 (1) The director of human services, or the director's
15 14 designee.
15 15 (2) The commissioner of insurance, or the commissioner's
15 16 designee.
15 17 (3) A representative of health insurers.
15 18 (4) A representative of the Iowa dental association.
15 19 (5) A representative of the Iowa nurses association.
15 20 (6) A physician licensed pursuant to chapter 148 and a
15 21 physician licensed pursuant to chapter 150 who are family
15 22 physicians and members of the Iowa academy of family
15 23 physicians.
15 24 (7) A health care consumer.
15 25 (8) A representative of the Iowa collaborative safety net
15 26 provider network established pursuant to section 135.153.
15 27 (9) A representative of the governor's developmental
15 28 disabilities council.
15 29 (10) A representative of the Iowa chapter of the American
15 30 academy of pediatrics.
15 31 (11) A representative of the child and family policy
15 32 center.
15 33 (12) A representative of the Iowa pharmacy association.
15 34 (13) A representative of the Iowa chiropractic society.
15 35 b. Public members of the advisory council shall receive

House File 2539 - Introduced continued

16 1 reimbursement for actual expenses incurred while serving in
16 2 their official capacity only if they are not eligible for
16 3 reimbursement by the organization that they represent.
16 4 3. The department shall develop a plan for implementation
16 5 of a statewide medical home system. The initial phase shall
16 6 focus on providing a medical home for children, beginning with
16 7 those children who are recipients of the medical assistance
16 8 program. The second phase shall focus on providing a medical
16 9 home to the expansion population under the IowaCare program
16 10 and to adult recipients of medical assistance. The third
16 11 phase shall focus on providing a medical home to other adults.
16 12 The department, in collaboration with parents, schools,
16 13 communities, health plans, and providers, shall endeavor to
16 14 increase healthy outcomes for children and adults by linking
16 15 the children and adults with a medical home, identifying
16 16 health improvement goals for children and adults, and linking
16 17 reimbursement strategies to increasing healthy outcomes for
16 18 children and adults. The plan shall provide that the medical
16 19 home system shall do all of the following:
16 20 a. Coordinate and provide access to evidence=based health
16 21 care services, emphasizing convenient, comprehensive primary
16 22 care and including preventive, screening, and well=child
16 23 health services.
16 24 b. Provide access to appropriate specialty care and
16 25 inpatient services.
16 26 c. Provide quality=driven and cost=effective health care.
16 27 d. Provide access to pharmacist=delivered medication
16 28 reconciliation and medication therapy management services,
16 29 where appropriate.
16 30 e. Promote strong and effective medical management
16 31 including but not limited to planning treatment strategies,
16 32 monitoring health outcomes and resource use, sharing
16 33 information, and organizing care to avoid duplication of
16 34 service.
16 35 f. Emphasize patient and provider accountability.

House File 2539 - Introduced continued

17 1 g. Prioritize local access to the continuum of health care
17 2 services in the most appropriate setting.
17 3 h. Establish a baseline for medical home goals and
17 4 establish performance measures that indicate a child or adult
17 5 has an established and effective medical home. For children,
17 6 these goals and performance measures may include but are not
17 7 limited to childhood immunizations rates, well=child care
17 8 utilization rates, care management for children with chronic
17 9 illnesses, emergency room utilization, and oral health service
17 10 utilization.
17 11 i. For children, coordinate with and integrate guidelines,
17 12 data, and information from existing newborn and child health
17 13 programs and entities, including but not limited to the
17 14 healthy opportunities to experience, success=healthy families
17 15 Iowa program, the community empowerment program, the center
17 16 for congenital and inherited disorders screening and health
17 17 care programs, standards of care for pediatric health
17 18 guidelines, the office of multicultural health established in
17 19 section 135.12, the oral health bureau established in section
17 20 135.15, and other similar programs and services.
17 21 4. The department shall develop an organizational
17 22 structure for the medical home system in this state. The
17 23 organizational structure plan shall integrate existing
17 24 resources, provide a strategy to coordinate health care
17 25 services, provide for monitoring and data collection on
17 26 medical homes, provide for training and education to health
17 27 care professionals and families, and provide for transition of
17 28 children to the adult medical care system. The organizational
17 29 structure may be based on collaborative teams of stakeholders
17 30 throughout the state such as local public health agencies, the
17 31 collaborative safety net provider network established in
17 32 section 135.153, or a combination of statewide organizations.
17 33 Care coordination may be provided through regional offices or
17 34 through individual provider practices. The organizational
17 35 structure may also include the use of telemedicine resources,

House File 2539 - Introduced continued

18 1 and may provide for partnering with pediatric and family
18 2 practice residency programs to improve access to preventive
18 3 care for children. The organizational structure shall also
18 4 address the need to organize and provide health care to
18 5 increase accessibility for patients including using venues
18 6 more accessible to patients and having hours of operation that
18 7 are conducive to the population served.
18 8 5. The department shall adopt standards and a process to
18 9 certify medical homes based on the national committee for
18 10 quality assurance standards. The certification process and
18 11 standards shall provide mechanisms to monitor performance and
18 12 to evaluate, promote, and improve the quality of health of and
18 13 health care delivered to patients through a medical home. The
18 14 mechanism shall require participating providers to monitor
18 15 clinical progress and performance in meeting applicable
18 16 standards and to provide information in a form and manner
18 17 specified by the department. The evaluation mechanism shall
18 18 be developed with input from consumers, providers, and payers.
18 19 At a minimum the evaluation shall determine any increased
18 20 quality in health care provided and any decrease in cost
18 21 resulting from the medical home system compared with other
18 22 health care delivery systems. The standards and process shall
18 23 also include a mechanism for other ancillary service providers
18 24 to become affiliated with a certified medical home.
18 25 6. The department shall adopt education and training
18 26 standards for health care professionals participating in the
18 27 medical home system.
18 28 7. The department shall provide for system simplification
18 29 through the use of universal referral forms, internet=based
18 30 tools for providers, and a central medical home internet site
18 31 for providers.
18 32 8. The department shall recommend a reimbursement
18 33 methodology and incentives for participation in the medical
18 34 home system to ensure that providers enter and remain
18 35 participating in the system. In developing the

House File 2539 - Introduced continued

19 1 recommendations for incentives, the department shall consider,
19 2 at a minimum, providing incentives to promote wellness,
19 3 prevention, chronic care management, immunizations, health
19 4 care management, and the use of electronic health records. In
19 5 developing the recommendations for the reimbursement system,
19 6 the department shall analyze, at a minimum, the feasibility of
19 7 all of the following:
19 8 a. Reimbursement under the medical assistance program to
19 9 promote wellness and prevention, provide care coordination,
19 10 and provide chronic care management.
19 11 b. Increasing reimbursement to Medicare levels for certain
19 12 wellness and prevention services, chronic care management, and
19 13 immunizations.
19 14 c. Providing reimbursement for primary care services by
19 15 addressing the disparities between reimbursement for specialty
19 16 services and primary care services.
19 17 d. Increased funding for efforts to transform medical
19 18 practices into certified medical homes, including emphasizing
19 19 the implementation of the use of electronic health records.
19 20 e. Targeted reimbursement to providers linked to health
19 21 care quality improvement measures established by the
19 22 department.
19 23 f. Reimbursement for specified ancillary support services
19 24 such as transportation for medical appointments and other such
19 25 services.
19 26 g. Providing reimbursement for medication reconciliation
19 27 and medication therapy management service, where appropriate.
19 28 9. The department shall coordinate the requirements and
19 29 activities of the medical home system with the requirements
19 30 and activities of the dental home for children as described in
19 31 section 249J.14, subsection 7, and shall recommend financial
19 32 incentives for dentists and nondental providers to promote
19 33 oral health care coordination through preventive dental
19 34 intervention, early identification of oral disease risk,
19 35 health care coordination and data tracking, treatment, chronic

House File 2539 - Introduced continued

20 1 care management, education and training, parental guidance,
20 2 and oral health promotions for children.
20 3 10. The department shall integrate the recommendations and
20 4 policies developed by the prevention and chronic care
20 5 management advisory council into the medical home system.
20 6 11. Implementation phases.
20 7 a. Initial implementation shall require participation in
20 8 the medical home system of children who are recipients of the
20 9 medical assistance program. The department shall work with
20 10 the department of human services and shall recommend to the
20 11 general assembly a reimbursement methodology to compensate
20 12 providers participating under the medical assistance program
20 13 for participation in the medical home system.
20 14 b. The department shall work with the department of human
20 15 services to expand the medical home system to adult recipients
20 16 of medical assistance and the expansion population under the
20 17 IowaCare program. The department shall work with the centers
20 18 for Medicare and Medicaid services of the United States
20 19 department of health and human services to allow Medicare
20 20 recipients to utilize the medical home system.
20 21 c. The department shall work with the department of
20 22 administrative services to allow state employees to utilize
20 23 the medical home system.
20 24 d. The department shall work with insurers and
20 25 self=insured companies, if requested, to make the medical home
20 26 system available to individuals with private health care
20 27 coverage.
20 28 12. The department shall provide oversight for all
20 29 certified medical homes. The department shall review the
20 30 progress of the medical home system and recommend improvements
20 31 to the system, as necessary.
20 32 13. The department shall annually evaluate the medical
20 33 home system and make recommendations to the governor and the
20 34 general assembly regarding improvements to and continuation of
20 35 the system.

House File 2539 - Introduced continued

21 1 14. Recommendations and other activities resulting from
21 2 the duties authorized for the department under this section
21 3 shall require approval by the board prior to any subsequent
21 4 action or implementation.
21 5 Sec. 16. Section 136.3, Code 2007, is amended by adding
21 6 the following new subsection:
21 7 NEW SUBSECTION. 12. Perform those duties authorized
21 8 pursuant to section 135.159.
21 9 Sec. 17. Section 249J.14, subsection 7, Code 2007, is
21 10 amended to read as follows:
21 11 7. DENTAL HOME FOR CHILDREN. By ~~July 1, 2008~~ December 31,
21 12 2010, every recipient of medical assistance who is a child
21 13 twelve years of age or younger shall have a designated dental
21 14 home and shall be provided with the dental screenings, ~~and~~
21 15 preventive ~~care identified in the oral health standards~~
21 16 services, diagnostic services, treatment services, and
21 17 emergency services as defined under the early and periodic
21 18 screening, diagnostic, and treatment program.
21 19 DIVISION VI
21 20 PREVENTION AND CHRONIC CARE MANAGEMENT
21 21 DIVISION XXIII
21 22 PREVENTION AND CHRONIC CARE MANAGEMENT
21 23 Sec. 18. NEW SECTION. 135.160 DEFINITIONS.
21 24 For the purpose of this division, unless the context
21 25 otherwise requires:
21 26 1. "Board" means the state board of health created
21 27 pursuant to section 136.1.
21 28 2. "Chronic care" means health care services provided by a
21 29 health care professional for an established clinical condition
21 30 that is expected to last a year or more and that requires
21 31 ongoing clinical management attempting to restore the
21 32 individual to highest function, minimize the negative effects
21 33 of the chronic condition, and prevent complications related to
21 34 the chronic condition.
21 35 3. "Chronic care information system" means approved

House File 2539 - Introduced continued

22 1 information technology to enhance the development and
22 2 communication of information to be used in providing chronic
22 3 care, including clinical, social, and economic outcomes of
22 4 chronic care.
22 5 4. "Chronic care management" means a system of coordinated
22 6 health care interventions and communications for individuals
22 7 with chronic conditions, including significant patient
22 8 self=care efforts, systemic supports for the health care
22 9 professional and patient relationship, and a chronic care plan
22 10 emphasizing prevention of complications utilizing
22 11 evidence=based practice guidelines, patient empowerment
22 12 strategies, and evaluation of clinical, humanistic, and
22 13 economic outcomes on an ongoing basis with the goal of
22 14 improving overall health.
22 15 5. "Chronic care plan" means a plan of care between an
22 16 individual and the individual's principal health care
22 17 professional that emphasizes prevention of complications
22 18 through patient empowerment including but not limited to
22 19 providing incentives to engage the patient in the patient's
22 20 own care and in clinical, social, or other interventions
22 21 designed to minimize the negative effects of the chronic
22 22 condition.
22 23 6. "Chronic care resources" means health care
22 24 professionals, advocacy groups, health departments, schools of
22 25 public health and medicine, health plans, and others with
22 26 expertise in public health, health care delivery, health care
22 27 financing, and health care research.
22 28 7. "Chronic condition" means an established clinical
22 29 condition that is expected to last a year or more and that
22 30 requires ongoing clinical management.
22 31 8. "Department" means the department of public health.
22 32 9. "Director" means the director of public health.
22 33 10. "Eligible individual" means a resident of this state
22 34 who has been diagnosed with a chronic condition or is at an
22 35 elevated risk for a chronic condition and who is a recipient

House File 2539 - Introduced continued

23 1 of medical assistance, is a member of the expansion population
23 2 pursuant to chapter 249J, or is an inmate of a correctional
23 3 institution in this state.
23 4 11. "Health care professional" means health care
23 5 professional as defined in section 135.157.
23 6 12. "Health risk assessment" means screening by a health
23 7 care professional for the purpose of assessing an individual's
23 8 health, including tests or physical examinations and a survey
23 9 or other tool used to gather information about an individual's
23 10 health, medical history, and health risk factors during a
23 11 health screening.
23 12 13. "State initiative for prevention and chronic care
23 13 management" or "state initiative" means the state's plan for
23 14 developing a chronic care organizational structure for
23 15 prevention and chronic care management, including coordinating
23 16 the efforts of health care professionals and chronic care
23 17 resources to promote the health of residents and the
23 18 prevention and management of chronic conditions, developing
23 19 and implementing arrangements for delivering prevention
23 20 services and chronic care management, developing significant
23 21 patient self=care efforts, providing systemic support for the
23 22 health care professional=patient relationship and options for
23 23 channeling chronic care resources and support to health care
23 24 professionals, providing for community development and
23 25 outreach and education efforts, and coordinating information
23 26 technology initiatives with the chronic care information
23 27 system.
23 28 Sec. 19. NEW SECTION. 135.161 PREVENTION AND CHRONIC
23 29 CARE MANAGEMENT INITIATIVE == ADVISORY COUNCIL.
23 30 1. The director, in collaboration with the prevention and
23 31 chronic care management advisory council, shall develop a
23 32 state initiative for prevention and chronic care management.
23 33 2. The director may accept grants and donations and shall
23 34 apply for any federal, state, or private grants available to
23 35 fund the initiative. Any grants or donations received shall

House File 2539 - Introduced continued

24 1 be placed in a separate fund in the state treasury and used
24 2 exclusively for the initiative or as federal law directs.
24 3 3. a. The director shall establish and convene an
24 4 advisory council to provide technical assistance to the
24 5 director in developing a state initiative that integrates
24 6 evidence=based prevention and chronic care management
24 7 strategies into the public and private health care systems,
24 8 including the medical home system. Public members of the
24 9 advisory council shall receive their actual and necessary
24 10 expenses incurred in the performance of their duties and may
24 11 be eligible to receive compensation as provided in section
24 12 7E.6.
24 13 b. The advisory council shall elicit input from a variety
24 14 of health care professionals, health care professional
24 15 organizations, community and nonprofit groups, insurers,
24 16 consumers, businesses, school districts, and state and local
24 17 governments in developing the advisory council's
24 18 recommendations.
24 19 c. The advisory council shall submit initial
24 20 recommendations to the director for the state initiative for
24 21 prevention and chronic care management no later than July 1,
24 22 2009. The recommendations shall address all of the following:
24 23 (1) The recommended organizational structure for
24 24 integrating prevention and chronic care management into the
24 25 private and public health care systems. The organizational
24 26 structure recommended shall align with the organizational
24 27 structure established for the medical home system developed
24 28 pursuant to division XXII. The advisory council shall also
24 29 review existing prevention and chronic care management
24 30 strategies used in the health insurance market and in private
24 31 and public programs and recommend ways to expand the use of
24 32 such strategies throughout the health insurance market and in
24 33 the private and public health care systems.
24 34 (2) A process for identifying leading health care
24 35 professionals and existing prevention and chronic care

House File 2539 - Introduced continued

25 1 management programs in the state, and coordinating care among
25 2 these health care professionals and programs.
25 3 (3) A prioritization of the chronic conditions for which
25 4 prevention and chronic care management services should be
25 5 provided, taking into consideration the prevalence of specific
25 6 chronic conditions and the factors that may lead to the
25 7 development of chronic conditions; the fiscal impact to state
25 8 health care programs of providing care for the chronic
25 9 conditions of eligible individuals; the availability of
25 10 workable, evidence=based approaches to chronic care for the
25 11 chronic condition; and public input into the selection
25 12 process. The advisory council shall initially develop
25 13 consensus guidelines to address the two chronic conditions
25 14 identified as having the highest priority and shall also
25 15 specify a timeline for inclusion of additional specific
25 16 chronic conditions in the initiative.
25 17 (4) A method to involve health care professionals in
25 18 identifying eligible patients for prevention and chronic care
25 19 management services, which includes but is not limited to the
25 20 use of a health risk assessment.
25 21 (5) The methods for increasing communication between
25 22 health care professionals and patients, including patient
25 23 education, patient self=management, and patient follow=up
25 24 plans.
25 25 (6) The educational, wellness, and clinical management
25 26 protocols and tools to be used by health care professionals,
25 27 including management guideline materials for health care
25 28 delivery.
25 29 (7) The use and development of process and outcome
25 30 measures and benchmarks, aligned to the greatest extent
25 31 possible with existing measures and benchmarks such as the
25 32 best in class estimates utilized in the national healthcare
25 33 quality report of the agency for health care research and
25 34 quality of the United States department of health and human
25 35 services, to provide performance feedback for health care

House File 2539 - Introduced continued

26 1 professionals and information on the quality of health care,
26 2 including patient satisfaction and health status outcomes.
26 3 (8) Payment methodologies to align reimbursements and
26 4 create financial incentives and rewards for health care
26 5 professionals to utilize prevention services, establish
26 6 management systems for chronic conditions, improve health
26 7 outcomes, and improve the quality of health care, including
26 8 case management fees, payment for technical support and data
26 9 entry associated with patient registries, and the cost of
26 10 staff coordination within a medical practice.
26 11 (9) Methods to involve public and private groups, health
26 12 care professionals, insurers, third=party administrators,
26 13 associations, community and consumer groups, and other
26 14 entities to facilitate and sustain the initiative.
26 15 (10) Alignment of any chronic care information system or
26 16 other information technology needs with other health care
26 17 information technology initiatives.
26 18 (11) Involvement of appropriate health resources and
26 19 public health and outcomes researchers to develop and
26 20 implement a sound basis for collecting data and evaluating the
26 21 clinical, social, and economic impact of the initiative,
26 22 including a determination of the impact on expenditures and
26 23 prevalence and control of chronic conditions.
26 24 (12) Elements of a marketing campaign that provides for
26 25 public outreach and consumer education in promoting prevention
26 26 and chronic care management strategies among health care
26 27 professionals, health insurers, and the public.
26 28 (13) A method to periodically determine the percentage of
26 29 health care professionals who are participating, the success
26 30 of the empowerment=of=patients approach, and any results of
26 31 health outcomes of the patients participating.
26 32 (14) A means of collaborating with the health professional
26 33 licensing boards pursuant to chapter 147 to review prevention
26 34 and chronic care management education provided to licensees,
26 35 as appropriate, and recommendations regarding education

House File 2539 - Introduced continued

27 1 resources and curricula for integration into existing and new
27 2 education and training programs.
27 3 4. Following submission of initial recommendations to the
27 4 director for the state initiative for prevention and chronic
27 5 care management by the advisory council, the director shall
27 6 submit the state initiative to the board for approval.
27 7 Subject to approval of the state initiative by the board, the
27 8 department shall initially implement the state initiative
27 9 among the population of eligible individuals. Following
27 10 initial implementation, the director shall work with the
27 11 department of human services, insurers, health care
27 12 professional organizations, and consumers in implementing the
27 13 initiative beyond the population of eligible individuals as an
27 14 integral part of the health care delivery system in the state.
27 15 The advisory council shall continue to review and make
27 16 recommendations to the director regarding improvements to the
27 17 initiative. Any recommendations are subject to approval by
27 18 the board.
27 19 5. The director of the department of human services shall
27 20 obtain any federal waivers or state plan amendments necessary
27 21 to implement the prevention and chronic care management
27 22 initiative within the medical assistance and IowaCare
27 23 populations.
27 24 Sec. 20. NEW SECTION. 135.162 CLINICIANS ADVISORY PANEL.
27 25 1. The director shall convene a clinicians advisory panel
27 26 to advise and recommend to the department clinically
27 27 appropriate, evidence=based best practices regarding the
27 28 implementation of the medical home as defined in section
27 29 135.157 and the prevention and chronic care management
27 30 initiative pursuant to section 135.161. The director shall
27 31 act as chairperson of the advisory panel.
27 32 2. The clinicians advisory panel shall consist of nine
27 33 members representing licensed medical health care providers
27 34 selected by their respective professional organizations.
27 35 Terms of members shall begin and end as provided in section

House File 2539 - Introduced continued

28 1 69.19. Any vacancy shall be filled in the same manner as
28 2 regular appointments are made for the unexpired portion of the
28 3 regular term. Members shall serve terms of three years. A
28 4 member is eligible for reappointment for three successive
28 5 terms.
28 6 3. The clinicians advisory panel shall meet on a quarterly
28 7 basis to receive updates from the director regarding strategic
28 8 planning and implementation progress on the medical home and
28 9 the prevention and chronic care management initiative and
28 10 shall provide clinical consultation to the department
28 11 regarding the medical home and the initiative.
28 12 DIVISION VII
28 13 FAMILY OPPORTUNITY ACT
28 14 Sec. 21. 2007 Iowa Acts, chapter 218, section 126,
28 15 subsection 1, is amended to read as follows:
28 16 1. a. The provision in this division of this Act relating
28 17 to eligibility for certain persons with disabilities under the
28 18 medical assistance program shall ~~only~~ be implemented ~~if~~ when
28 19 the department of human services determines that sufficient
28 20 funding is available ~~in appropriations made in this Act, in~~
~~28 21 combination with federal allocations to the state, for the~~
~~28 22 state children's health insurance program, in excess of the~~
~~28 23 amount needed to cover the current and projected enrollment~~
~~28 24 under the state children's health insurance program. If such~~
~~28 25 a determination is made, the department of human services~~
~~28 26 shall transfer funding from the appropriations made in this~~
~~28 27 Act for the state children's health insurance program, not~~
~~28 28 otherwise required for that program, to the appropriations~~
~~28 29 made in this Act for medical assistance, as necessary, to~~
~~28 30 implement such provision of this division of this Act.~~
28 31 b. The department shall notify the general assembly and
28 32 the Code editor when the contingency in paragraph "a" occurs.
28 33 DIVISION VIII
28 34 MEDICAL ASSISTANCE QUALITY IMPROVEMENT
28 35 Sec. 22. NEW SECTION. 249A.36 MEDICAL ASSISTANCE QUALITY

House File 2539 - Introduced continued

29 1 IMPROVEMENT COUNCIL.
29 2 1. A medical assistance quality improvement council is
29 3 established. The council shall evaluate the clinical outcomes
29 4 and satisfaction of consumers and providers with the medical
29 5 assistance program. The council shall coordinate efforts with
29 6 the costs and quality performance evaluation completed
29 7 pursuant to section 249J.16.
29 8 2. a. The council shall consist of seven voting members
29 9 appointed by the majority leader of the senate, the minority
29 10 leader of the senate, the speaker of the house, and the
29 11 minority leader of the house of representatives. At least one
29 12 member of the council shall be a consumer and at least one
29 13 member shall be a medical assistance program provider. An
29 14 individual who is employed by a private or nonprofit
29 15 organization that receives one million dollars or more in
29 16 compensation or reimbursement from the department, annually,
29 17 is not eligible for appointment to the council. The members
29 18 shall serve terms of three years beginning and ending as
29 19 provided in section 69.19, and appointments shall comply with
29 20 sections 69.16 and 69.16A. Members shall receive
29 21 reimbursement for actual expenses incurred while serving in
29 22 their official capacity and may also be eligible to receive
29 23 compensation as provided in section 7E.6. Vacancies shall be
29 24 filled by the original appointing authority and in the manner
29 25 of the original appointment. A person appointed to fill a
29 26 vacancy shall serve only for the unexpired portion of the
29 27 term.
29 28 b. The members shall select a chairperson, annually, from
29 29 among the membership. The council shall meet at least
29 30 quarterly and at the call of the chairperson. A majority of
29 31 the members of the council constitutes a quorum. Any action
29 32 taken by the council must be adopted by the affirmative vote
29 33 of a majority of its voting membership.
29 34 c. The department shall provide administrative support and
29 35 necessary supplies and equipment for the council.

House File 2539 - Introduced continued

30 1 3. The council shall consult with and advise the Iowa
30 2 Medicaid enterprise in establishing a quality assessment and
30 3 improvement process.
30 4 a. The process shall be consistent with the health plan
30 5 employer data and information set developed by the national
30 6 committee for quality assurance and with the consumer
30 7 assessment of health care providers and systems developed by
30 8 the agency for health care research and quality of the United
30 9 States department of health and human services. The council
30 10 shall also coordinate efforts with the Iowa healthcare
30 11 collaborative to create consistent quality measures.
30 12 b. The process may utilize as a basis the medical
30 13 assistance and state children's health insurance quality
30 14 improvement efforts of the centers for Medicare and Medicaid
30 15 services of the United States department of health and human
30 16 services.
30 17 c. The process shall include assessment and evaluation of
30 18 both managed care and fee=for=service programs, and shall be
30 19 applicable to services provided to adults and children.
30 20 d. The initial process shall be developed and implemented
30 21 by December 31, 2008, with the initial report of results to be
30 22 made available to the public by June 30, 2009. Following the
30 23 initial report, the council shall submit a report of results
30 24 to the governor and the general assembly, annually, in
30 25 January.
30 26 DIVISION IX
30 27 HEALTHY COMMUNITIES == GOVERNOR'S COUNCIL
30 28 ON PHYSICAL FITNESS AND NUTRITION
30 29 Sec. 23. Section 135.27, Code 2007, is amended by striking
30 30 the section and inserting in lieu thereof the following:
30 31 135.27 IOWA HEALTHY COMMUNITIES INITIATIVE == GRANT
30 32 PROGRAM.
30 33 1. PROGRAM GOALS. The department shall establish a grant
30 34 program to energize local communities to transform the
30 35 existing culture into a culture that promotes healthy

House File 2539 - Introduced continued

31 1 lifestyles and leads collectively, community by community, to
31 2 a healthier state. The grant program shall expand an existing
31 3 healthy communities initiative to assist local boards of
31 4 health, in collaboration with existing community resources, to
31 5 build community capacity in addressing the prevention of
31 6 chronic disease that results from risk factors including being
31 7 overweight and obesity.
31 8 2. DISTRIBUTION OF GRANTS. The department shall
31 9 distribute the grants on a competitive basis and shall support
31 10 the grantee communities in planning and developing wellness
31 11 strategies and establishing methodologies to sustain the
31 12 strategies. Grant criteria shall be consistent with the
31 13 existing statewide initiative between the department and the
31 14 department's partners that promotes increased opportunities
31 15 for physical activity and healthy eating for Iowans of all
31 16 ages, or its successor, and the statewide comprehensive plan
31 17 developed by the existing statewide initiative to increase
31 18 physical activity, improve nutrition, and promote healthy
31 19 behaviors. Grantees shall demonstrate an ability to maximize
31 20 local, state, and federal resources effectively and
31 21 efficiently.
31 22 3. DEPARTMENTAL SUPPORT. The department shall provide
31 23 support to grantees including capacity=building strategies,
31 24 technical assistance, consultation, and ongoing evaluation.
31 25 4. ELIGIBILITY. Local boards of health representing a
31 26 coalition of health care providers and community and private
31 27 organizations are eligible to submit applications.
31 28 Sec. 24. NEW SECTION. 135.27A GOVERNOR'S COUNCIL ON
31 29 PHYSICAL FITNESS AND NUTRITION.
31 30 1. A governor's council on physical fitness and nutrition
31 31 is established consisting of twelve members appointed by the
31 32 governor who have expertise in physical activity, physical
31 33 fitness, nutrition, and promoting healthy behaviors. At least
31 34 one member shall be a representative of elementary and
31 35 secondary physical education professionals, at least one

House File 2539 - Introduced continued

32 1 member shall be a health care professional, at least one
32 2 member shall be a registered dietician, at least one member
32 3 shall be recommended by the department of elder affairs, and
32 4 at least one member shall be an active nutrition or fitness
32 5 professional. In addition, at least one member shall be a
32 6 member of a racial or ethnic minority. The governor shall
32 7 select a chairperson for the council. Members shall serve
32 8 terms of three years beginning and ending as provided in
32 9 section 69.19. Appointments are subject to sections 69.16 and
32 10 69.16A. Members are entitled to receive reimbursement for
32 11 actual expenses incurred while engaged in the performance of
32 12 official duties. A member of the council may also be eligible
32 13 to receive compensation as provided in section 7E.6.
32 14 2. The council shall assist in developing a strategy for
32 15 implementation of the statewide comprehensive plan developed
32 16 by the existing statewide initiative to increase physical
32 17 activity, improve physical fitness, improve nutrition, and
32 18 promote healthy behaviors. The strategy shall include
32 19 specific components relating to specific populations and
32 20 settings including early childhood, educational, local
32 21 community, worksite wellness, health care, and older Iowans.
32 22 The initial draft of the implementation plan shall be
32 23 submitted to the governor and the general assembly by December
32 24 1, 2008.
32 25 3. The council shall assist the department in establishing
32 26 and promoting a best practices internet site. The internet
32 27 site shall provide examples of wellness best practices for
32 28 individuals, communities, workplaces, and schools and shall
32 29 include successful examples of both evidence=based and
32 30 nonscientific programs as a resource.
32 31 4. The council shall provide oversight for the governor's
32 32 physical fitness challenge. The governor's physical fitness
32 33 challenge shall be administered by the department and shall
32 34 provide for the establishment of partnerships with communities
32 35 or school districts to offer the physical fitness challenge

House File 2539 - Introduced continued

33 1 curriculum to elementary and secondary school students. The
33 2 council shall develop the curriculum, including benchmarks and
33 3 rewards, for advancing the school wellness policy through the
33 4 challenge.
33 5 EXPLANATION
33 6 This bill relates to health care reform including health
33 7 care coverage intended for children and adults, health
33 8 information technology, end=of=life care decision making,
33 9 preexisting conditions and dependent care coverage, medical
33 10 homes, prevention and chronic care management, a buy=in
33 11 provision for certain individuals under the medical assistance
33 12 program, and disease prevention and wellness initiatives.
33 13 Division I of the bill provides the intent of the general
33 14 assembly that all Iowans have health care coverage, as funding
33 15 becomes available, and that the initial priority is that all
33 16 children have health care coverage by December 31, 2010; that
33 17 if the federal reauthorization of the state children's health
33 18 insurance program provides sufficient allocations and
33 19 authorization, the department of human services may expand
33 20 coverage of children to cover children with family incomes up
33 21 to 300 percent of the federal poverty level; that the
33 22 department of human services, in consultation with state and
33 23 national experts, develop an operational plan to provide
33 24 health care coverage for all children in the state by building
33 25 on the state children's health insurance program and that the
33 26 operational plan be completed by January 1, 2010; that the
33 27 department of human services, in consultation with state and
33 28 national experts develop an operational plan to provide health
33 29 care coverage to all adults and that the operational plan be
33 30 completed by January 1, 2013; and to promote continued
33 31 dialogue between the Iowa comprehensive health insurance
33 32 association and other interested parties to address the issues
33 33 of preexisting conditions and the affordability of health care
33 34 coverage.
33 35 Division II of the bill provides definitions, principles,

House File 2539 - Introduced continued

34 1 and goals for the Iowa health information technology system.
34 2 The bill directs the department of public health to establish
34 3 a technical advisory group to assist the department in its
34 4 duties to establish a public and private collaborative effort
34 5 to promote the use of health information technology; to adopt
34 6 a statewide health information technology plan by January 1,
34 7 2009; to identify existing efforts and integrate these efforts
34 8 to avoid incompatibility and duplication; to coordinate public
34 9 and private efforts to provide the network backbone; to
34 10 promote the use of telemedicine; to address the workforce
34 11 needs generated by increased use of health information
34 12 technology; to adopt necessary rules; to coordinate, monitor,
34 13 and evaluate the adoption, use, interoperability, and
34 14 efficiencies of the various facets of health information
34 15 technology in the state; to seek and apply for federal or
34 16 private funding to assist in implementing the system; and to
34 17 identify state laws and rules that present barriers to the
34 18 development of the health information technology system in the
34 19 state.
34 20 Division II requires that by January 1, 2010, all health
34 21 care professionals utilize the single patient identifier or
34 22 alternative mechanism and continuity of care record specified
34 23 by the department.
34 24 Division III directs the department of elder affairs to
34 25 consult with the Iowa medical society, the Iowa end=of=life
34 26 coalition, the Iowa hospice organization, the university of
34 27 Iowa palliative care program, and other health care
34 28 professionals whose scope of practice includes end=of=life
34 29 care to develop educational and patient=centered information
34 30 on end=of=life care for terminally ill patients and health
34 31 care professionals. The division also defines "end=of=life
34 32 care".
34 33 Division IV of the bill amends Code section 509.3 to
34 34 require a group policy of accident or health insurance to
34 35 permit continuation of existing coverage for an unmarried

House File 2539 - Introduced continued

35 1 dependent child of an insured or enrollee who so elects, until
35 2 the dependent is 25 years old or for as long as the dependent
35 3 is a full=time college student, whichever occurs last, at a
35 4 premium established in accordance with the insurer's rating
35 5 practices.
35 6 Division IV amends Code section 513C.7(2)(b) by striking
35 7 the paragraph, whose content is now included in new Code
35 8 section 514A.3B.
35 9 Division IV creates new Code section 514A.3B which requires
35 10 an insurer which accepts an individual for coverage under an
35 11 individual policy or contract of accident and health insurance
35 12 to waive any time period applicable to a preexisting condition
35 13 exclusion or limitation period of the policy or contract with
35 14 respect to particular services in an individual health benefit
35 15 plan for the period of time the individual was previously
35 16 covered by qualifying previous coverage that was continuous to
35 17 a date not more than 63 days prior to the effective date of
35 18 the new policy or contract.
35 19 New Code section 514A.3B also requires an individual policy
35 20 or contract of accident and sickness insurance to permit
35 21 continuation of existing coverage for an unmarried dependent
35 22 child of an insured or enrollee who so elects, until the
35 23 dependent is 25 years old or for as long as the dependent is a
35 24 full=time college student, whichever occurs last, at a premium
35 25 established in accordance with the insurer's rating practices.
35 26 Division IV applies to policies or contracts of accident
35 27 and health insurance delivered or issued for delivery or
35 28 continued or renewed in this state on or after July 1, 2008.
35 29 Division V of the bill relates to medical homes. The
35 30 division provides definitions, including the definition of a
35 31 medical home which is a team approach to providing health care
35 32 that originates in a primary care setting, and provides for
35 33 continuity in and coordination of care. The division
35 34 specifies the characteristics of a medical home, and directs
35 35 the department of public health to administer the medical home

House File 2539 - Introduced continued

36 1 provisions, with the assistance of an advisory council
36 2 established by the department. The department is directed to
36 3 develop a plan for implementation of a statewide medical home
36 4 system. Implementation is to take place in phases, beginning
36 5 with children who are recipients of medical assistance
36 6 (Medicaid). The second phase would provide a medical home to
36 7 adults under the IowaCare program and adult recipients of
36 8 Medicaid. The third phase would provide for a medical home
36 9 for other adults. The division also directs the department to
36 10 develop an organizational structure for the medical home
36 11 system, to adopt standards and a process to certify medical
36 12 homes based on national standards, to adopt education and
36 13 training standards for health care professionals participating
36 14 in the medical home system, to provide for system
36 15 simplification, to recommend a reimbursement methodology and
36 16 incentives for participation in the medical home system, to
36 17 coordinate efforts with the dental home for children, and to
36 18 integrate the recommendations of the prevention and chronic
36 19 care management advisory council into the medical home system.
36 20 In addition to the phased=in implementation, the division
36 21 also directs the department to work with the department of
36 22 administrative services to allow state employees to utilize
36 23 the medical home system, to work with the centers for Medicare
36 24 and Medicaid services of the United States department of
36 25 health and human services to allow Medicare recipients to
36 26 utilize the medical home system and to work with insurers and
36 27 self=insured companies to allow those with private insurance
36 28 to access the medical home system. The department is directed
36 29 to provide oversight for the medical home system and to
36 30 evaluate and make recommendations regarding improvements to
36 31 and continuation of the medical home system. Any
36 32 recommendations and activities resulting from the duties
36 33 specified in the division are subject to approval by the board
36 34 of health.
36 35 Division VI establishes a prevention and chronic care

House File 2539 - Introduced continued

37 1 management initiative. The division directs the director of
37 2 public health to establish a prevention and chronic care
37 3 management advisory council and to work in collaboration to
37 4 develop the state initiative. The advisory council is to
37 5 submit the initial recommendations for the initiative to the
37 6 director by July 1, 2009. The division specifies that the
37 7 recommendations are to address various elements for prevention
37 8 and chronic care management. The division directs that
37 9 following submission of the initial recommendations, the
37 10 director shall submit the state initiative to the state board
37 11 of health for approval. Subject to approval, the department
37 12 of public health is then directed to initially implement the
37 13 state initiative among a defined population with subsequent
37 14 implementation beyond the defined population. The division
37 15 also establishes a clinicians advisory panel to advise and
37 16 recommend to the department of public health clinically
37 17 appropriate, evidence=based best practices regarding the
37 18 implementation of the medical home and the prevention and
37 19 chronic care management initiative.
37 20 Division VII provides that provisions enacted in 2007 Iowa
37 21 Acts, regarding eligibility for certain persons with
37 22 disabilities under the medical assistance program, shall be
37 23 implemented when the department of human services determines
37 24 that sufficient funding is available. The department is to
37 25 notify the general assembly and the Code editor when this
37 26 determination is made.
37 27 Division VIII establishes a medical assistance quality
37 28 improvement council to evaluate the clinical outcomes and
37 29 satisfaction of consumers and providers with the medical
37 30 assistance program. The council is to develop and implement a
37 31 quality assessment and improvement process by December 31,
37 32 2008, with the initial results to be made public by June 30,
37 33 2009.
37 34 Division IX establishes the Iowa healthy communities
37 35 initiative and grant program to promote healthy lifestyles and

House File 2539 - Introduced continued

38 1 a healthier state. Grants are to be distributed on a
38 2 competitive basis to support communities in planning and
38 3 developing wellness strategies and establishing methodologies
38 4 to sustain the strategies. Local boards of health
38 5 representing a coalition of health care providers and
38 6 community and private organizations are eligible to submit
38 7 grant applications. The division also establishes the
38 8 governor's council on physical fitness and nutrition to assist
38 9 in developing a strategy for implementation of the statewide
38 10 comprehensive plan to increase physical activity, improve
38 11 physical fitness, improve nutrition, and promote healthy
38 12 behaviors. The initial draft of the implementation plan is to
38 13 be submitted to the governor and the general assembly by
38 14 December 1, 2008. The council is also to assist the
38 15 department of public health in establishing and promoting a
38 16 best practices internet site and to provide oversight for the
38 17 governor's physical fitness challenge.
38 18 LSB 6541HV 82
38 19 av:pf/rj/14

House Resolution 115 - Introduced

PAG LIN

H.R. _____ S.R. _____

1 1 HOUSE RESOLUTION NO.
1 2 BY McCARTHY
1 3 A Resolution to congratulate J. Barry Griswell and the
1 4 Principal Financial Group for being named one of
1 5 the "Top 25 Best Places To Work" by Fortune
1 6 Magazine.
1 7 WHEREAS, in 1879 Edward Temple helped form the
1 8 Bankers Life Association, providing life insurance
1 9 protection for bankers and their employees; and
1 10 WHEREAS, the Bankers Life Association prospered
1 11 through innovation == it was the first life insurance
1 12 company to use direct mail advertising, it purchased a
1 13 radio station and began radio advertising, and in 1940
1 14 it opened a landmark home office building, the first
1 15 in Des Moines to be completely air=conditioned; and
1 16 WHEREAS, today, over a century later, the Bankers
1 17 Life Association is now the Principal Financial Group,
1 18 Iowa's only Fortune 500 company and a leading global
1 19 financial company offering businesses, individuals,
1 20 and institutional clients financial products and
1 21 services; and
1 22 WHEREAS, the Principal Financial Group is one of
1 23 Iowa's greatest employers, with about 8,000 employees
1 24 in Des Moines and 560 in Mason City; and
1 25 WHEREAS, Fortune Magazine has ranked the Principal
1 26 Financial Group 21st in its annual list of the "Top 25
1 27 Best Places to Work", citing 100 percent income
1 28 retirement benefits for most employees, a new child
1 29 care center, and the ability to buy time off; NOW
1 30 THEREFORE,

House Resolution 115 - Introduced continued

2 1 BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES,
2 2 That the House of Representatives congratulates the
2 3 Principal Financial Group and its President and Chief
2 4 Executive Officer J. Barry Griswell on being named one
2 5 of the "Top 25 Best Places to Work" by Fortune
2 6 Magazine.
2 7 LSB 6418HH 82
2 8 jr/nh/5

House Resolution 116 - Introduced

PAG LIN

H.R. _____ S.R. _____

1 1 HOUSE RESOLUTION NO.
1 2 BY PALMER
1 3 A Resolution urging the United States Postal
1 4 Service to issue commemorative postage stamps
1 5 honoring four great Iowa conservationists: J. N.
1 6 "Ding" Darling, Aldo Leopold, John F. Lacey, and
1 7 William Temple Hornaday.
1 8 WHEREAS, Jay Norwood "Ding" Darling was a renowned
1 9 Iowa editorial cartoonist who advocated conservation
1 10 of our nation's natural resources; and
1 11 WHEREAS, "Ding" Darling was the father of the
1 12 federal Duck Stamp Program, founder of the National
1 13 Wildlife Federation, creator of the Cooperative Fish
1 14 and Wildlife Research Unit Program, and laid the
1 15 groundwork for the system of today's National Wildlife
1 16 Refuges; and
1 17 WHEREAS, Iowa native Aldo Leopold's professional
1 18 life encompassed forestry, ecology, and writing; and
1 19 WHEREAS, Mr. Leopold is widely considered the
1 20 father of wildlife ecology and was a renowned
1 21 scientist and scholar, exceptional teacher,
1 22 philosopher, and gifted writer; and
1 23 WHEREAS, a lifelong advocate for the preservation
1 24 of wildlife and wilderness areas, Mr. Leopold became a
1 25 founder of The Wilderness Society and wrote "A Sand
1 26 County Almanac"; and
1 27 WHEREAS, in the late 19th century, John F. Lacey
1 28 practiced law in Oskaloosa, Iowa, and was first
1 29 elected to Congress in 1888; and
1 30 WHEREAS, as the chairman of the Committee on Public

House Resolution 116 - Introduced continued

2 1 Lands, Mr. Lacey was the first strong congressional
2 2 voice for conservation, leading in the passage of
2 3 legislation that still protects wilderness areas,
2 4 wildlife, and migratory birds; and
2 5 WHEREAS, William Temple Hornaday grew up in Iowa
2 6 and studied botany, zoology, paleontology, scientific
2 7 stock breeding, and forestry at what is now known as
2 8 Iowa State University; and
2 9 WHEREAS, a naturalist, hunter, and conservationist,
2 10 William Temple Hornaday had a varied career, including
2 11 chief taxidermist at the National Museum from 1882 to
2 12 1890, director at various times of both the
2 13 Smithsonian Institution's first zoo and the New York
2 14 Zoological Park, and president of the American Bison
2 15 Society, making Hornaday one of the best=known
2 16 naturalists of his time; and
2 17 WHEREAS, during a distinguished and varied career
2 18 Mr. Hornaday wrote over 30 books designed to help
2 19 animals from the now extinct passenger pigeons to
2 20 buffalo; and
2 21 WHEREAS, it is fitting and proper that the
2 22 contributions and sacrifices of these Iowa
2 23 environmental and ecological visionaries be recognized
2 24 and honored; NOW THEREFORE,
2 25 BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES,
2 26 That the House of Representatives urges the United
2 27 States Postal Service to issue a commemorative postage
2 28 stamp honoring the work and memory of J. N. "Ding"
2 29 Darling, Aldo Leopold, John F. Lacey, and William
2 30 Temple Hornaday; and

House Resolution 116 - Introduced continued

3 1 BE IT FURTHER RESOLVED, That upon adoption, a copy
3 2 of this Resolution be sent to the United States
3 3 Postmaster General and to the Citizens' Stamp Advisory
3 4 Committee.
3 5 LSB 5841HH 82
3 6 jr/nh/5.1

Iowa General Assembly
Daily Bills, Amendments & Study Bills
March 06, 2008

House Study Bill 2535

HOUSE FILE
BY COMMITTEE ON HUMAN
RESOURCES

(SUCCESSOR TO HSB 692)

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

A BILL FOR

An Act relating to child care by revising requirements for child care homes and child development homes, restricting the presence of certain registered sex offenders on the premises of child care providers, and providing penalties, an appropriation, and an effective date.
BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 5970HV 82
jp/nh/5

House Study Bill 2535 continued

PAG LIN

1 1 DIVISION I
1 2 FISCAL YEAR 2008=2009 REQUIREMENTS
1 3 Section 1. NEW SECTION. 237A.3B CHILD CARE HOMES AND
1 4 CHILD DEVELOPMENT HOMES == REQUIREMENTS.
1 5 1. Each child care home or child development home provider
1 6 shall conspicuously post signage in the home providing all of
1 7 the following:
1 8 a. Identification of the provider as an unregistered child
1 9 care home or a registered child development home.
1 10 b. Information expressly stating that the provider is
1 11 prohibited from inflicting corporal punishment on a child
1 12 receiving child care and listing the prohibited forms of
1 13 corporal punishment identified in section 237A.18. The
1 14 information shall also explain how to file a complaint with
1 15 the department if the provider is alleged to have inflicted
1 16 corporal punishment on a child other than a child for whom the
1 17 provider is the child's parent, guardian, or custodian.
1 18 2. This section does not apply to a person who is only
1 19 providing care to one or more children for whom the person is
1 20 the parent, grandparent, guardian, or custodian.
1 21 Sec. 2. Section 237A.5, subsection 2, paragraph a,
1 22 subparagraph (3), Code 2007, is amended by adding the
1 23 following new subparagraph subdivision:
1 24 NEW SUBPARAGRAPH SUBDIVISION. (f) The person has been
1 25 determined, through an investigation by the department of a
1 26 complaint, a child abuse assessment, or the existence of a
1 27 criminal record, to have inflicted corporal punishment as
1 28 described in section 237A.18 on an individual receiving child
1 29 care from the person.
1 30 Sec. 3. NEW SECTION. 237A.18 CORPORAL PUNISHMENT.
1 31 1. For the purposes of this section, "corporal punishment"
1 32 includes but is not limited to spanking, slapping, shaking,
1 33 punishment which is humiliating or frightening, using
1 34 restraints, or enclosing a child in a locked area.
1 35 2. A person who operates, is employed by, or resides in a

House Study Bill 2535 continued

2 1 child care home, child development home, or child care center
2 2 shall not inflict corporal punishment on an individual
2 3 receiving care from the child care home, child development
2 4 home, or child care center. This section does not apply to
2 5 corporal punishment inflicted on an individual by a person who
2 6 is the individual's parent, guardian, or custodian.
2 7 3. A person who has inflicted corporal punishment on an
2 8 individual receiving care from the child care home, child
2 9 development home, or child care center in violation of this
2 10 section, as determined through an investigation by the
2 11 department of a complaint, a child abuse assessment, or
2 12 existence of a criminal record, may be subject to prohibition
2 13 of involvement with child care in accordance with section
2 14 237A.5.
2 15 Sec. 4. NEW SECTION. 692A.3B PRESENCE ON THE REAL
2 16 PROPERTY COMPRISING A CHILD CARE FACILITY OR CHILD CARE HOME
2 17 == RESTRICTION.
2 18 1. As used in this section, "child care provider" includes
2 19 a "child care center", "child care home", "child development
2 20 home", and "preschool" as those terms are defined in section
2 21 237A.1, and a "child care program" as defined in section
2 22 279.49 and authorized in section 280.3A.
2 23 2. A person required to register under this chapter who
2 24 has been convicted of a criminal offense against a minor, or
2 25 an offense involving a minor that is an aggravated offense,
2 26 sexually violent offense, or other relevant offense, shall not
2 27 be knowingly present on the real property comprising a child
2 28 care provider, except under one of the following
2 29 circumstances:
2 30 a. The person is transporting a minor who is a child of
2 31 the person to or from the child care provider.
2 32 b. The person is responding to a health or behavioral
2 33 emergency regarding a minor who is the child of the person.
2 34 c. The person has been summoned to discuss the
2 35 developmental activity or social progress of a minor who is a

House Study Bill 2535 continued

3 1 child of the person.
3 2 d. The person is voting in the building in which the child
3 3 care provider is located during the hours designated to vote.
3 4 3. The child care provider's owner or administrator shall
3 5 provide notice to the parents, guardians, or custodians of the
3 6 children receiving child care from the child care provider
3 7 about the presence of a person on the real property comprising
3 8 the child care provider, as authorized in accordance with
3 9 subsection 2.
3 10 4. A person required to register under this chapter who
3 11 commits a violation of this section commits an aggravated
3 12 misdemeanor.
3 13 Sec. 5. CHILD CARE WORKGROUP. There is appropriated from
3 14 the general fund of the state to the department of human
3 15 services for the fiscal year beginning July 1, 2008, and
3 16 ending June 30, 2009, the following amount, or so much thereof
3 17 as is necessary, to be used for the purpose designated:
3 18 For costs associated with the child care workgroup
3 19 established pursuant to this section:
3 20 ..... $ 100,000
3 21 1. a. The state child care advisory council established
3 22 pursuant to section 237A.21 shall serve as a workgroup to
3 23 address implementation of the provisions of this Act and the
3 24 issues identified in this section.
3 25 b. The workgroup shall submit a report with findings and
3 26 recommendations to the governor and the general assembly on or
3 27 before December 15, 2008, to address possible implementation
3 28 of a mandatory system of registration or licensure for
3 29 home=based child care providers or a voluntary licensure
3 30 system and the other issues addressed by the workgroup in
3 31 accordance with this section.
3 32 c. The workgroup shall address the implementation issues
3 33 associated with a change in child care regulation to mandatory
3 34 registration as described in paragraph "b". The issues
3 35 considered shall include but are not limited to planning for

House Study Bill 2535 continued

4 1 the phase=in of and costs for additional inspection visits of
4 2 child development homes, increased expenses for state child
4 3 care assistance program slots, revising state child care
4 4 assistance program reimbursement methodologies to reward
4 5 quality, and other implementation issues.
4 6 2. a. The workgroup shall cooperate with early childhood
4 7 stakeholders and the private sector in addressing the many
4 8 publicly supported programs and services directed to early
4 9 childhood and issues involved with redirecting the programs
4 10 and services to be part of a cohesive child care system.
4 11 b. The issues addressed shall include professional
4 12 development of workers, improving the workforce, ensuring
4 13 articulation between programs, meeting the needs of both
4 14 children and parents, enhancing community engagement to
4 15 support early childhood, and other efforts to address early
4 16 childhood needs with a coordinated system.
4 17 3. In addition, the workgroup shall explore other issues,
4 18 including but not limited to all of the following:
4 19 a. Using the internet to provide information to child care
4 20 providers, capacity for providers to register with the
4 21 department of human services via the internet, and training
4 22 information.
4 23 b. Creating a database of all child care providers.
4 24 c. Streamlining and coordinating inspections of home=based
4 25 child care providers.
4 26 d. Providing health care insurance for providers and their
4 27 workers.
4 28 e. Educating the public on the advantages of using a
4 29 registered child care provider.
4 30 f. Developing possible sanctions for violations at child
4 31 care facilities other than closing the facilities.
4 32 g. Requiring a state and federal fingerprint=based
4 33 criminal history record check for all licensed and registered
4 34 child care providers as well as unregistered child care home
4 35 providers as provided in division II of this Act.

House Study Bill 2535 continued

5 1 Recommendations made for purposes of this paragraph shall
5 2 include but are not limited to options for the phasing in of
5 3 required fingerprint=based checks and addressing the frequency
5 4 with which such checks should be required.
5 5 h. Providing additional opportunities and resources for
5 6 child care providers and instructing the Iowa state university
5 7 of science and technology cooperative extension service in
5 8 agriculture and home economics, child care resource and
5 9 referral agencies, and community colleges to expand continuing
5 10 education opportunities offered at times the providers are not
5 11 providing care.
5 12 i. Implementing an electronic benefit transfer program to
5 13 pay for state child care assistance.
5 14 DIVISION II
5 15 FISCAL YEAR 2009=2010 REQUIREMENTS
5 16 Sec. 6. Section 237A.3, subsection 2, Code 2007, is
5 17 amended to read as follows:
5 18 2. a. A person shall not provide child care as a child
5 19 care home provider unless the person and any person who
5 20 resides or will reside in the child care home have been
5 21 subject to a fingerprint=based national criminal history
5 22 record check in accordance with section 237A.5.
5 23 b. If a person or program does not comply with paragraph
5 24 "a" or has been prohibited by the department from involvement
5 25 with child care, the person or program shall not provide child
5 26 care as a child care home provider and is subject to penalty
5 27 under section 237A.19 or injunction under section 237A.20 for
5 28 doing so.
5 29 Sec. 7. Section 237A.5, subsection 2, paragraph a,
5 30 subparagraph (1), subparagraph subdivision (e), Code 2007, is
5 31 amended to read as follows:
5 32 (e) The person will provide or is providing child care as
5 33 a child care home provider or will reside or resides in a
5 34 child care home that is not registered under this chapter ~~but~~
~~5 35 that receives public funding for providing child care~~.

House Study Bill 2535 continued

6 1 Sec. 8. Section 237A.5, subsection 2, paragraphs b and c,
6 2 Code 2007, are amended to read as follows:
6 3 b. If an individual person subject to a record check is
6 4 being considered for employment by a child care facility or
6 5 child care home, ~~in lieu of~~ prior to requesting a
6 6 fingerprint=based record check to be conducted by the
6 7 department under paragraph "c", the child care facility or
6 8 child care home may access the single contact repository
6 9 established pursuant to section 135C.33 as necessary to
6 10 conduct a criminal and child abuse record check of the
6 11 individual in this state. A copy of the results of the record
6 12 check conducted through the single contact repository shall
6 13 also be provided to the department. If the record check
6 14 indicates the individual is a person subject to an evaluation,
6 15 the child care facility or child care home may request that
6 16 the department perform an evaluation as provided in this
6 17 subsection. Otherwise, the individual shall not be employed
6 18 by the child care facility or child care home. The cost of
6 19 accessing the single contact repository is the responsibility
6 20 of the child care facility or home.
6 21 c. (1) ~~Unless a record check has already been conducted~~
6 22 ~~in accordance with paragraph "b",~~ For a person subject to a
6 23 record check, in addition to any record check conducted
6 24 pursuant to paragraph "b" and the record checks conducted
6 25 under subparagraph (2), the person's fingerprints shall be
6 26 provided to the department of public safety for submission
6 27 through the state criminal history repository to the United
6 28 States department of justice, federal bureau of investigation
6 29 for a national criminal history record check. For a child
6 30 care home that is not registered under this chapter, the cost
6 31 of the national criminal history record check for a person who
6 32 will provide or is providing child care or will reside or
6 33 resides in that child care home shall be paid by the person.
6 34 Otherwise, the cost of the national criminal history record
6 35 check and any other record checks conducted under this

House Study Bill 2535 continued

7 1 lettered paragraph is the responsibility of the department.
7 2 (2) In addition to the national criminal history record
7 3 check, the department shall conduct a criminal and child abuse
7 4 record check in this state for a person who is subject to a
7 5 record check and may conduct ~~such~~ a child abuse record check
7 6 in other states. In addition, the department may conduct a
7 7 dependent adult abuse, sex offender registry, or other public
7 8 or civil offense record check in this state or in other states
7 9 for a person who is subject to a record check. If record
7 10 checks of a person who is subject to a record check have been
7 11 conducted through the single contact repository as described
7 12 in paragraph "b", the department may forego the record checks
7 13 addressed by this subparagraph.
7 14 (3) If a record check performed pursuant to this lettered
7 15 paragraph identifies an individual as a person subject to an
7 16 evaluation, an evaluation shall be performed to determine
7 17 whether prohibition of the person's involvement with child
7 18 care is warranted. The evaluation shall be performed in
7 19 accordance with procedures adopted for this purpose by the
7 20 department.
7 21 (4) Prior to performing an evaluation, the department
7 22 shall notify the affected person, licensee, registrant, or
7 23 child care home applying for or receiving public funding for
7 24 providing child care, that an evaluation will be conducted to
7 25 determine whether prohibition of the person's involvement with
7 26 child care is warranted.
7 27 Sec. 9. EFFECTIVE DATE. This division of this Act takes
7 28 effect July 1, 2009.
7 29 DIVISION III
7 30 IMPLEMENTATION
7 31 Sec. 10. IMPLEMENTATION OF ACT. Section 25B.2, subsection
7 32 3, shall not apply to this Act.
7 33 EXPLANATION
7 34 This bill relates to child care by revising requirements
7 35 for child care homes and child development homes, restricting

House Study Bill 2535 continued

8 1 the presence of certain registered sex offenders on the
8 2 premises of child care providers, requiring fingerprint=based
8 3 criminal history record checks, and providing penalties and an
8 4 appropriation. The bill is organized into divisions.
8 5 FISCAL YEAR 2008=2009 REQUIREMENTS. This division relates
8 6 to requirements to be implemented during FY 2008=2009.
8 7 Code section 237A.5, relating to records checks and other
8 8 provisions involved with prohibiting certain persons from
8 9 involvement with child care, is amended to include inflicting
8 10 of corporal punishment as described in the bill's new Code
8 11 section 237A.18 in the list of transgressions that must be
8 12 evaluated by the department of human services to determine if
8 13 the transgression warrants prohibition of the person's
8 14 involvement with child care.
8 15 New Code section 237A.18 defines the term "corporal
8 16 punishment", prohibits any person providing child care or
8 17 living where child care is provided from inflicting corporal
8 18 punishment on children receiving care, and states that such a
8 19 person who inflicts corporal punishment may be prohibited from
8 20 involvement with child care. The provision does not apply to
8 21 corporal punishment inflicted on an individual by the person
8 22 who is the individual's parent, grandparent, guardian, or
8 23 custodian.
8 24 For purposes of new Code section 692A.3B, the term "child
8 25 care provider" is defined using terms from Code chapter 237A
8 26 to include a "child care center" (a facility providing child
8 27 care or preschool services for seven or more children, except
8 28 when the facility is registered as a child development home),
8 29 "preschool" (a licensed center or registered child development
8 30 home providing programs to children ages three through five
8 31 for up to three hours per day), "child development home" (a
8 32 registered home that may provide child care to six or more
8 33 children at any one time), or "child care home" (a home in
8 34 which child care is provided to five or fewer children at any
8 35 one time that is not registered). These terms are defined in

House Study Bill 2535 continued

9 1 Code section 237A.1. In addition, "child care provider"
9 2 includes child care operated by or contracted for by a school
9 3 board or the authorities in charge of an accredited nonpublic
9 4 school, provided the child care meets standards adopted by the
9 5 state board of education.
9 6 New Code section 692A.3B provides that a registered sex
9 7 offender who has been convicted of a criminal offense against
9 8 a minor, or an offense involving a minor that is an aggravated
9 9 offense, sexually violent offense, or other relevant offense,
9 10 shall not be present on the real property comprising a child
9 11 care provider. However, the following exceptions are
9 12 provided: a sex offender may be present on child care
9 13 provider property if the sex offender is transporting the
9 14 offender's child to or from the child care provider, the
9 15 offender is responding to a health or behavioral emergency
9 16 regarding the offender's child, the sex offender is summoned
9 17 to discuss the developmental activity or social progress of
9 18 the offender's child, or the sex offender is voting in an
9 19 election during the designated hours to vote.
9 20 The child care provider owner or administrator is required
9 21 to provide notice to the parents, guardians, or custodians of
9 22 the children receiving child care about the presence of a sex
9 23 offender on the child care provider's premises.
9 24 A sex offender who violates new Code section 692A.3B
9 25 commits an aggravated misdemeanor. An aggravated misdemeanor
9 26 is punishable by confinement for no more than two years and a
9 27 fine of at least $625 but not more than $6,250.
9 28 An appropriation is provided to the department of human
9 29 services for a child care workgroup. The state child care
9 30 advisory council is designated to serve as the workgroup. The
9 31 workgroup is required to address possible implementation of a
9 32 mandatory system of registration or licensure for home=based
9 33 child care providers or a voluntary licensure system and
9 34 numerous other child care issues. The workgroup is required
9 35 to report to the governor and general assembly on or before

House Study Bill 2535 continued

10 1 December 15, 2008.
10 2 FISCAL YEAR 2009=2010 REQUIREMENTS. This division relates
10 3 to requirements to be implemented during FY 2009=2010.
10 4 Code section 237A.3, relating to requirements for
10 5 unregistered child care homes, is amended to prohibit a child
10 6 care home from operating unless the provider and anyone
10 7 residing with the provider has been subject to a
10 8 fingerprint=based national criminal history record check as
10 9 required by the bill. Violation of this requirement is a
10 10 simple misdemeanor under Code section 237A.19 and each day may
10 11 be a separate offense. A simple misdemeanor is punishable by
10 12 confinement for no more than 30 days or a fine of at least $65
10 13 but not more than $625 or by both. In addition, the provider
10 14 may be restrained by temporary or permanent injunction under
10 15 Code section 237A.19.
10 16 Code section 237A.5, relating to criminal history and child
10 17 abuse record check requirements for child care providers, is
10 18 amended to apply the record check requirements to all
10 19 unregistered child care homes. Current law applies the
10 20 requirement only to child care homes that receive public
10 21 funding. In addition, a fingerprint=based national criminal
10 22 history record check is required for all registered,
10 23 unregistered, and licensed child care providers. The cost of
10 24 the fingerprint=based record check is the responsibility of
10 25 the department of human services except for unregistered child
10 26 care homes which are required to pay the cost for the provider
10 27 and those who are residing or will reside with the
10 28 unregistered provider.
10 29 This division takes effect July 1, 2009.
10 30 IMPLEMENTATION. This division addresses the state mandate
10 31 law. The bill may include a state mandate as defined in Code
10 32 section 25B.3. The bill makes inapplicable Code section
10 33 25B.2, subsection 3, which would relieve a political
10 34 subdivision from complying with a state mandate if funding for
10 35 the cost of the state mandate is not provided or specified.

House Study Bill 2535 continued

11 1 Therefore, political subdivisions are required to comply with
11 2 any state mandate included in the bill.
11 3 LSB 5970HV 82
11 4 jp/nh/5

House Study Bill 778

HOUSE FILE
BY (PROPOSED COMMITTEE ON
PUBLIC SAFETY BILL BY
CHAIRPERSON LYKAM)

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

A BILL FOR

An Act concerning penalties for sale of alcohol to minors by alcohol beverage licensees and permittees and providing for an alcohol compliance employee training program.

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

TLSB 6568HC 82
ec/rj/14

House Study Bill 778 continued

PAG LIN

1 1 Section 1. Section 123.50, subsection 3, paragraph b, Code
1 2 Supplement 2007, is amended to read as follows:
1 3 b. A second violation within two years shall subject the
1 4 licensee or permittee to either a thirty=day suspension ~~and~~ or
1 5 a civil penalty in the amount of one thousand five hundred
1 6 dollars. The licensee or permittee may select the penalty to
1 7 be applied under this paragraph.
1 8 Sec. 2. Section 123.50, subsection 3, paragraph c, Code
1 9 Supplement 2007, is amended to read as follows:
1 10 c. A third violation within three years shall subject the
1 11 licensee or permittee to a ~~sixty=day~~ thirty=day suspension and
1 12 a civil penalty in the amount of one thousand five hundred
1 13 dollars.
1 14 Sec. 3. Section 123.50, subsection 3, Code Supplement
1 15 2007, is amended by adding the following new paragraph:
1 16 NEW PARAGRAPH. cc. A fourth violation within three years
1 17 shall subject the licensee or permittee to a sixty=day
1 18 suspension and a civil penalty in the amount of one thousand
1 19 five hundred dollars.
1 20 Sec. 4. Section 123.50, subsection 3, paragraph d, Code
1 21 Supplement 2007, is amended to read as follows:
1 22 d. A ~~fourth~~ fifth violation within ~~three~~ four years shall
1 23 result in revocation of the license or permit.
1 24 Sec. 5. Section 123.50, Code Supplement 2007, is amended
1 25 by adding the following new subsection:
1 26 NEW SUBSECTION. 5. If an employee of a licensee or
1 27 permittee violates section 123.49, subsection 2, paragraph
1 28 "h", the licensee or permittee shall not be assessed a penalty
1 29 under subsection 3, and the violation shall be deemed not to
1 30 be a violation of section 123.49, subsection 2, paragraph "h",
1 31 for the purpose of determining the number of violations for
1 32 which a penalty may be assessed pursuant to subsection 3, if
1 33 the employee holds a valid certificate of completion of the
1 34 alcohol compliance employee training program pursuant to
1 35 section 123.50A at the time of the violation. A licensee or

House Study Bill 778 continued

2 1 permittee may assert only once in a four=year period the bar
2 2 under this subsection against assessment of a penalty pursuant
2 3 to subsection 3, for a violation of subsection 123.49,
2 4 subsection 2, paragraph "h", that takes place at the same
2 5 place of business location.
2 6 Sec. 6. NEW SECTION. 123.50A ALCOHOL COMPLIANCE EMPLOYEE
2 7 TRAINING PROGRAM.
2 8 1. The division shall develop an alcohol compliance
2 9 employee training program not to exceed two hours in length
2 10 for employees and prospective employees of licensees and
2 11 permittees, to inform the employees about state and federal
2 12 liquor laws and regulations regarding the sale of alcoholic
2 13 liquor, wine, or beer to persons under legal age, and
2 14 compliance with and the importance of laws regarding the sale
2 15 of alcoholic liquor, wine, or beer to persons under legal age.
2 16 2. The alcohol compliance employee training program shall
2 17 be made available to employees and prospective employees of
2 18 licensees and permittees at no cost to the employee, the
2 19 prospective employee, or the licensee or permittee, and in a
2 20 manner which is as convenient and accessible to the extent
2 21 practicable throughout the state so as to encourage
2 22 attendance. Contingent upon the availability of specified
2 23 funds for provision of the program, the division shall
2 24 schedule the program on at least a monthly basis and the
2 25 program shall be available at a location in at least a
2 26 majority of counties.
2 27 3. Upon completion of the alcohol compliance employee
2 28 training program, an employee or prospective employee shall
2 29 receive a certificate of completion, which shall be valid for
2 30 a period of two years, unless the employee or prospective
2 31 employee is convicted of a violation of section 123.49,
2 32 subsection 2, paragraph "h", in which case the certificate
2 33 shall be void.
2 34 4. The division shall also offer periodic continuing
2 35 employee training and recertification for employees who have

House Study Bill 778 continued

3 1 completed initial training and received an initial certificate
3 2 of completion as part of the alcohol compliance employee
3 3 training program.
3 4 EXPLANATION
3 5 This bill concerns penalties applicable to liquor control
3 6 licensees and beer and wine permittees for sales of alcohol to
3 7 minors. The bill also establishes an alcohol compliance
3 8 employee training program.
3 9 The bill modifies the civil penalties applicable to liquor
3 10 control licensees and beer and wine permittees for underage
3 11 sales of alcohol.
3 12 The bill provides that for a second violation within two
3 13 years, the licensee or permittee is subject to either a 30=day
3 14 suspension or a civil penalty in the amount of $1,500 and
3 15 provides that the licensee or permittee may select the penalty
3 16 to be applied. Current law provides that the penalty is both
3 17 a 30=day suspension and a fine.
3 18 As to a third violation within three years, the bill
3 19 modifies current law by providing that the licensee or
3 20 permittee is subject to a 30=day suspension instead of the
3 21 current 60=day suspension.
3 22 As to a fourth violation within three years, the bill
3 23 provides that the licensee or permittee is subject to a 60=day
3 24 suspension and a civil penalty in the amount of $1,500.
3 25 Current law provides for revocation of the license or permit.
3 26 However, the bill does provide for revocation of the license
3 27 or permit for a fifth violation within four years.
3 28 The bill also provides that the civil penalties applicable
3 29 to a licensee or permittee for underage sales of alcohol shall
3 30 not apply if the employee of the licensee or permittee who
3 31 sold alcohol to the underage person has a certificate of
3 32 completion from the alcohol compliance employee training
3 33 program established by the bill. A licensee or permittee
3 34 shall only be able to assert this bar to imposition of a
3 35 penalty once in a four=year period.

House Study Bill 778 continued

4 1 The bill requires the alcohol beverages division to
4 2 establish an alcohol compliance employee training program.
4 3 The program shall be of no more than two hours in length and
4 4 shall inform employees about state and federal laws relative
4 5 to sale of alcohol to underage persons. The bill provides
4 6 that the program shall be conducted at no cost and shall be
4 7 held in a manner that is accessible to persons throughout the
4 8 state. The bill provides that a certificate of completion,
4 9 valid for two years, shall be issued to a person who completes
4 10 the program. The bill also provides that the division
4 11 establish programs for recertifying employees and providing
4 12 continuing employee training.
4 13 LSB 6568HC 82
4 14 ec/rj/14

Senate Amendment 5046

PAG LIN

```
     1  1    Amend Senate File 2131 as follows:
     1  2 #1.  Page 3, by striking lines 12 through 14 and
     1  3 inserting the following:
     1  4    <___.  Members shall not receive compensation.>
     1  5 #2.  Page 4, by striking line 17 and inserting the
     1  6 following:  <available to>.
     1  7 #3.  By striking page 4, line 28, through page 5,
     1  8 line 4.
     1  9 #4.  Title page, by striking line 3 and inserting
     1 10 the following:  <promotional fund.>
     1 11 #5.  By renumbering as necessary.
     1 12
     1 13
     1 14
     1 15 COMMITTEE ON APPROPRIATIONS
     1 16 ROBERT E. DVORSKY, Chairperson
     1 17 SF 2131.702 82
     1 18 da/nh/11152
   1 19
   1 20
   1 21
   1 22
   1 23
   1 24
   1 25
   1 26
   1 27
   1 28
   1 29
   1 30
   1 31
   1 32
   1 33
   1 34
   1 35
   1 36
   1 37
   1 38
   1 39
   1 40
   1 41
   1 42
   1 43
   1 44
   1 45
   1 46
   1 47
   1 48
   1 49
   1 50
```

Senate File 2319 - Introduced

SENATE FILE
BY COMMITTEE ON HUMAN RESOURCES

(SUCCESSOR TO SSB 3225)

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

A BILL FOR

An Act relating to disease prevention and wellness including the Iowa healthy communities initiative and the governor's council on physical fitness and nutrition.

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

TLSB 5740SV 82
pf/rj/8

Senate File 2319 - Introduced continued

PAG LIN

1 1 Section 1. Section 135.27, Code 2007, is amended by
1 2 striking the section and inserting in lieu thereof the
1 3 following:
1 4 135.27 IOWA HEALTHY COMMUNITIES INITIATIVE == GRANT
1 5 PROGRAM.
1 6 1. PROGRAM GOALS. The department shall establish a grant
1 7 program to energize local communities to transform the
1 8 existing culture into a culture that promotes healthy
1 9 lifestyles and leads collectively, community by community, to
1 10 a healthier state. The grant program shall expand an existing
1 11 healthy communities initiative to assist local boards of
1 12 health, in collaboration with existing community resources, to
1 13 build community capacity in addressing the prevention of
1 14 chronic disease that results from risk factors including being
1 15 overweight and obesity.
1 16 2. DISTRIBUTION OF GRANTS. The department shall
1 17 distribute the grants on a competitive basis and shall support
1 18 the grantee communities in planning and developing wellness
1 19 strategies and establishing methodologies to sustain the
1 20 strategies. Grant criteria shall be consistent with the
1 21 existing statewide initiative between the department and the
1 22 department's partners that promotes increased opportunities
1 23 for physical activity and healthy eating for Iowans of all
1 24 ages, or its successor, and the statewide comprehensive plan
1 25 developed by the existing statewide initiative to increase
1 26 physical activity, improve nutrition, and promote healthy
1 27 behaviors. Grantees shall demonstrate an ability to maximize
1 28 local, state, and federal resources effectively and
1 29 efficiently.
1 30 3. DEPARTMENTAL SUPPORT. The department shall provide
1 31 support to grantees including capacity=building strategies,
1 32 technical assistance, consultation, and ongoing evaluation.
1 33 4. ELIGIBILITY. Local boards of health representing a
1 34 coalition of health care providers and community and private
1 35 organizations are eligible to submit applications.

Senate File 2319 - Introduced continued

2 1 Sec. 2. NEW SECTION. 135.27A GOVERNOR'S COUNCIL ON
2 2 PHYSICAL FITNESS AND NUTRITION.
2 3 1. A governor's council on physical fitness and nutrition
2 4 is established consisting of twelve members appointed by the
2 5 governor who have expertise in physical activity, nutrition,
2 6 and promoting healthy behaviors. At least one member shall be
2 7 a representative of elementary and secondary education
2 8 professionals, at least one member shall be a health care
2 9 professional, and at least one member shall be an active
2 10 nutrition or fitness professional. The governor shall select
2 11 a chairperson for the council. Members shall serve terms of
2 12 three years beginning and ending as provided in section 69.19.
2 13 Appointments are subject to sections 69.16 and 69.16A.
2 14 Members are entitled to receive reimbursement for actual
2 15 expenses incurred while engaged in the performance of official
2 16 duties. A member of the council may also be eligible to
2 17 receive compensation as provided in section 7E.6.
2 18 2. The council shall assist in developing a strategy for
2 19 implementation of the statewide comprehensive plan developed
2 20 by the existing statewide initiative to increase physical
2 21 activity, improve nutrition, and promote healthy behaviors.
2 22 The strategy shall include specific components relating to
2 23 specific populations and settings including early childhood,
2 24 educational, local community, worksite wellness, health care,
2 25 and older Iowans. The initial draft of the implementation
2 26 plan shall be submitted to the governor and the general
2 27 assembly by December 1, 2008.
2 28 3. The council shall assist the department in establishing
2 29 and promoting a best practices internet site. The internet
2 30 site shall provide examples of wellness best practices for
2 31 individuals, communities, workplaces, and schools and shall
2 32 include successful examples of both evidence=based and
2 33 nonscientific programs as a resource.
2 34 4. The council shall provide oversight for the governor's
2 35 physical fitness challenge. The governor's physical fitness

Senate File 2319 - Introduced continued

3 1 challenge shall be administered by the department and shall
3 2 provide for the establishment of partnerships with communities
3 3 or school districts to offer the physical fitness challenge
3 4 curriculum to elementary and secondary school students. The
3 5 council shall develop the curriculum, including benchmarks and
3 6 rewards, for advancing the school wellness policy through the
3 7 challenge.
3 8 EXPLANATION
3 9 This bill relates to the Iowa healthy communities
3 10 initiative grant program and the governor's council on
3 11 physical fitness and nutrition.
3 12 The bill directs the department of public health to
3 13 establish an Iowa healthy communities initiative grant program
3 14 to assist local communities in transforming the existing
3 15 culture into a culture that promotes healthy lifestyles and
3 16 leads collectively, community by community, to a healthier
3 17 state. The bill provides that the grant program is to allow
3 18 for expansion of an existing healthy communities initiative to
3 19 help local boards of health in collaboration with existing
3 20 community resources to build community capacity in addressing
3 21 the prevention of chronic disease that results from risk
3 22 factors including being overweight and obesity.
3 23 The bill requires the department to distribute grants on a
3 24 competitive basis to support the project communities in
3 25 planning and developing wellness strategies and establishing
3 26 methodologies to sustain the strategies. Grant criteria must
3 27 be consistent with an existing statewide initiative between
3 28 the department and the department's partners that promotes
3 29 increased opportunities for physical activity and healthy
3 30 eating for Iowans of all ages, or its successor, and the
3 31 statewide comprehensive plan developed by the existing
3 32 statewide initiative to increase physical activity, improve
3 33 nutrition, and promote healthy behaviors. Grantees are
3 34 required to demonstrate an ability to maximize local, state,
3 35 and federal resources effectively and efficiently. The bill

Senate File 2319 - Introduced continued

4 1 directs the department to provide support to grantees
4 2 including capacity=building strategies, technical assistance,
4 3 consultation, and ongoing evaluation. Under the bill, local
4 4 boards of health representing a coalition of health care
4 5 providers, and community and private organizations are
4 6 eligible to submit applications.
4 7 The bill establishes the governor's council on physical
4 8 fitness, specifies the membership of the council, and provides
4 9 the administrative specifications for the council. The
4 10 council is directed to assist the department in developing a
4 11 strategy for implementation of the statewide comprehensive
4 12 plan developed by the existing statewide initiative to
4 13 increase physical activity, improve nutrition, and promote
4 14 healthy behaviors. The initial draft of the implementation
4 15 plan is to be submitted to the governor and the general
4 16 assembly by December 1, 2008. The bill also directs the
4 17 council to assist the department in establishing and promoting
4 18 a best practices internet site and to provide oversight for
4 19 the governor's physical fitness challenge.
4 20 LSB 5740SV 82
4 21 pf/rj/8

Senate File 2320 - Introduced

SENATE FILE
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO SSB 3241)

(COMPANION TO LSB 5697HV
BY COMMITTEE ON JUDICIARY)

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

A BILL FOR

1 An Act relating to nonsubstantive Code corrections and including
2 effective and retroactive applicability date provisions.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
4 TLSB 5697SV 82
5 lh/rj/5

Senate File 2320 - Introduced continued

PAG LIN

1 1 DIVISION I
1 2 MISCELLANEOUS CORRECTIONS
1 3 Section 1. Section 2.28, Code 2007, is amended to read as
1 4 follows:
1 5 2.28 TELLERS.
1 6 1. After the time for the meeting of the joint convention
1 7 has been designated each house shall appoint three tellers,
1 8 and the six shall act as judges of the election.
1 9 2. Canvassing the votes for governor and lieutenant
1 10 governor shall be conducted substantially according to the
1 11 provisions of sections 2.25 ~~to 2.28~~ through 2.27 and this
1 12 section.
1 13 Sec. 2. Section 7K.1, subsection 2, paragraph i, Code
1 14 2007, is amended to read as follows:
1 15 i. Identify ways to reduce the achievement gap between
1 16 white and ~~non=white~~ nonwhite, non=Asian students.
1 17 Sec. 3. Section 12C.16, subsection 1, paragraph b, Code
1 18 Supplement 2007, is amended to read as follows:
1 19 b. (1) The credit union may deposit, maintain, pledge and
1 20 assign for the benefit of the public officer in the manner
1 21 provided in this chapter, securities approved by the public
1 22 officer, the market value of which is not less than one
1 23 hundred ten percent of the total deposits of public funds
1 24 placed by that public officer in the credit union. The
1 25 securities shall consist of any of the following:
1 26 ~~(1)~~ (a) Direct obligations of, or obligations that are
1 27 insured or fully guaranteed as to principal and interest by,
1 28 the United States of America or an agency or instrumentality
1 29 of the United States of America.
1 30 ~~(2)~~ (b) Public bonds or obligations of this state or a
1 31 political subdivision of this state.
1 32 ~~(3)~~ (c) Public bonds or obligations of another state or a
1 33 political subdivision of another state whose bonds are rated
1 34 within the two highest classifications of prime as established
1 35 by at least one of the standard rating services approved by

Senate File 2320 - Introduced continued

2 1 the superintendent of banking pursuant to chapter 17A.
2 2 ~~(4)~~ (d) To the extent of the guarantee, loans,
2 3 obligations, or nontransferable letters of credit upon which
2 4 the payment of principal and interest is fully secured or
2 5 guaranteed by the United States of America or an agency or
2 6 instrumentality of the United States of America or the United
2 7 States central credit union, a corporate central credit union
2 8 organized under section 533.213, or a corporate credit union
2 9 organized under 12 C.F.R. } 704, and the rating of any one of
2 10 such credit unions remains within the two highest
2 11 classifications of prime established by at least one of the
2 12 standard rating services approved by the superintendent of
2 13 banking by rule pursuant to chapter 17A. The treasurer of
2 14 state shall adopt rules pursuant to chapter 17A to implement
2 15 this section.
2 16 ~~(5)~~ (e) First lien mortgages which are valued according
2 17 to practices acceptable to the treasurer of state.
2 18 ~~(6)~~ (f) Investments in an open=end management investment
2 19 company registered with the federal securities and exchange
2 20 commission under the federal Investment Company Act of 1940,
2 21 15 U.S.C. } ~~80(a)~~ 80a, which is operated in accordance with 17
2 22 C.F.R. } 270.2a=7.
2 23 (2) Direct obligations of, or obligations that are insured
2 24 or fully guaranteed as to principal and interest by, the
2 25 United States of America, which may be used to secure the
2 26 deposit of public funds under subparagraph (1), subparagraph
2 27 subdivision (a), include investments in an investment company
2 28 or investment trust registered under the federal Investment
2 29 Company Act of 1940, 15 U.S.C. } 80a, the portfolio of which
2 30 is limited to the United States government obligations
2 31 described in subparagraph (1), subparagraph subdivision (a),
2 32 and to repurchase agreements fully collateralized by the
2 33 United States government obligations described in subparagraph
2 34 (1), subparagraph subdivision (a), if the investment company
2 35 or investment trust takes delivery of the collateral either

Senate File 2320 - Introduced continued

3 1 directly or through an authorized custodian.
3 2 Sec. 4. Section 15.393, subsection 1, unnumbered paragraph
3 3 1, Code Supplement 2007, is amended to read as follows:
3 4 The department shall establish and administer a film,
3 5 television, and video project promotion program that provides
3 6 for the registration of projects to be shot on location in the
3 7 state. A project that is registered under the program is
3 8 entitled to the assistance provided in subsection 2. A fee
3 9 shall not be charged for registering. The department shall
3 10 not register a project unless the department determines that
3 11 all of the following criteria are met:
3 12 Sec. 5. Section 15.393, subsection 2, paragraph a,
3 13 subparagraph (2), Code Supplement 2007, is amended to read as
3 14 follows:
3 15 (2) A qualified expenditure by a taxpayer is a payment to
3 16 an Iowa resident or an Iowa=based business for the sale,
3 17 rental, or furnishing of tangible personal property or for
3 18 services directly related to the registered project including
3 19 but not limited to aircraft, vehicles, equipment, materials,
3 20 supplies, accounting, animals and animal care, artistic and
3 21 design services, graphics, construction, data and information
3 22 services, delivery and pickup services, ~~graphics,~~ labor and
3 23 personnel, lighting, makeup and hairdressing, film, music,
3 24 photography, sound, video and related services, printing,
3 25 research, site fees and rental, travel related to Iowa distant
3 26 locations, trash removal and cleanup, and wardrobe. For the
3 27 purposes of this subparagraph, "labor and personnel" does not
3 28 include the director, producers, or cast members other than
3 29 extras and stand=ins. The department of revenue, in
3 30 consultation with the department of economic development,
3 31 shall by rule establish a list of eligible expenditures.
3 32 Sec. 6. Section 16.181, subsection 1, paragraph b,
3 33 subparagraph (1), Code Supplement 2007, is amended to read as
3 34 follows:
3 35 (1) Any assets received by the authority from the former

Senate File 2320 - Introduced continued

4 1 Iowa housing corporation.
4 2 Sec. 7. Section 35.9, subsection 1, paragraph a, Code
4 3 2007, is amended to read as follows:
4 4 a. The department may expend not more than six hundred
4 5 dollars per year for any one child who has lived in the state
4 6 of Iowa for two years preceding application for state
4 7 educational assistance, and who is the child of a person who
4 8 died prior to September 11, 2001, during active federal
4 9 military service while serving in the armed forces or during
4 10 active federal military service in the Iowa national guard or
4 11 other military component of the United States, to defray the
4 12 expenses of tuition, matriculation, laboratory and similar
4 13 fees, books and supplies, board, lodging, and any other
4 14 reasonably necessary expense for the child or children
4 15 incident to attendance in this state at an educational or
4 16 training institution of college grade, or in a business or
4 17 vocational training school with standards approved by the
4 18 department ~~of veterans affairs~~.
4 19 Sec. 8. Section 42.4, subsection 8, paragraph b,
4 20 subparagraph (2), Code Supplement 2007, is amended to read as
4 21 follows:
4 22 (2) Each holdover senatorial district to which
4 23 subparagraph (1) is not applicable shall elect a senator in
4 24 the year ending in two for a two=year term commencing in
4 25 January of the year ending in three. However, if more than
4 26 one incumbent state senator is residing in a holdover
4 27 senatorial district on the first Wednesday in February of the
4 28 year ending in two, and, on or before the first Wednesday in
4 29 February of the year ending in two, all but one of the
4 30 incumbent senators resigns from office effective no later than
4 31 January of the year ending in three, the remaining incumbent
4 32 senator shall represent the district in the senate for the
4 33 general assembly commencing in January of the year ending in
4 34 three. A copy of ~~the~~ each resignation must be filed in the
4 35 office of the secretary of state no later than five p.m. on

Senate File 2320 - Introduced continued

5 1 the third Wednesday in February of the year ending in two.
5 2 Sec. 9. Section 85.61, unnumbered paragraph 1, Code
5 3 Supplement 2007, is amended to read as follows:
5 4 In this chapter and chapters 86 and 87, unless the context
5 5 otherwise requires, the following definitions of terms shall
5 6 prevail:
5 7 Sec. 10. Section 85.61, subsection 1, Code Supplement
5 8 2007, is amended to read as follows:
5 9 1. The word "court" wherever used in this chapter and
5 10 chapters 86 and 87, unless the context shows otherwise, shall
5 11 be taken to mean the district court.
5 12 Sec. 11. Section 87.2, Code 2007, is amended to read as
5 13 follows:
5 14 87.2 NOTICE OF FAILURE TO INSURE.
5 15 1. An employer who fails to insure the employer's
5 16 liability as required by this chapter shall keep posted a sign
5 17 of sufficient size and so placed as to be easily seen by the
5 18 employer's employees in the immediate vicinity where working,
5 19 which sign shall read as follows:
5 20 NOTICE TO EMPLOYEES
5 21 You are hereby notified that the undersigned employer has
5 22 failed to insure the employer's liability to pay compensation
5 23 as required by law, and that because of such failure the
5 24 employer is liable to the employer's employees in damages for
5 25 personal injuries sustained by the employer's employees.
5 26 (Signed) .....
5 27 2. An employer coming under the provisions of this chapter
5 28 and chapters 85, 85A, 85B, and 86 who fails to comply with
5 29 this section or to post and keep the above notice in the
5 30 manner and form required, shall be guilty of a simple
5 31 misdemeanor.
5 32 Sec. 12. Section 97D.4, subsection 1, Code 2007, is
5 33 amended to read as follows:
5 34 1. A public retirement systems committee is established.
5 35 a. The committee consists of five members of the senate

Senate File 2320 - Introduced continued

6 1 appointed by the majority leader of the senate in consultation
6 2 with the minority leader and five members of the house of
6 3 representatives appointed by the speaker of the house in
6 4 consultation with the minority leader. ~~The committee shall~~
~~6 5 elect a chairperson and vice chairperson. Meetings may be~~
~~6 6 called by the chairperson or a majority of the members.~~
6 7 b. Members shall be appointed prior to January 31 of the
6 8 first regular session of each general assembly and shall serve
6 9 for terms ending upon the convening of the following general
6 10 assembly or when their successors are appointed, whichever is
6 11 later. A vacancy shall be filled in the same manner as the
6 12 original appointment and shall be for the remainder of the
6 13 unexpired term of the vacancy.
6 14 c. The committee shall elect a chairperson and vice
6 15 chairperson. Meetings may be called by the chairperson or a
6 16 majority of the members.
6 17 Sec. 13. Section 97D.4, subsection 4, Code 2007, is
6 18 amended to read as follows:
6 19 4. The committee may ~~contract~~:
6 20 a. Contract for actuarial assistance deemed necessary, and
6 21 the costs of actuarial studies are payable from funds
6 22 appropriated in section 2.12, subject to the approval of the
6 23 legislative council. ~~The committee may administer~~
6 24 b. Administer oaths, issue subpoenas, and cite for
6 25 contempt with the approval of the general assembly when the
6 26 general assembly is in session and with the approval of the
6 27 legislative council when the general assembly is not in
6 28 session.
6 29 5. Administrative assistance shall be provided by the
6 30 legislative services agency.
6 31 Sec. 14. Section 99B.10B, subsection 3, paragraph b,
6 32 subparagraph (1), Code Supplement 2007, is amended to read as
6 33 follows:
6 34 (1) If a written request for a hearing is not received
6 35 within thirty days after the mailing or service of the notice,

Senate File 2320 - Introduced continued

the denial, suspension, or revocation of a ~~registrant~~ registration shall become effective pending a final determination by the department. The proposed action in the notice may be affirmed, modified, or set aside by the department in a written decision.

Sec. 15. Section 99F.12, subsection 2, Code Supplement 2007, is amended to read as follows:

2. The licensee shall furnish to the commission reports and information as the commission may require with respect to ~~its~~ the licensee's activities. The gross receipts and adjusted gross receipts from gambling shall be separately handled and accounted for from all other moneys received from operation of an excursion gambling boat or from operation of a racetrack enclosure or gambling structure licensed to conduct gambling games. The commission may designate a representative to board a licensed excursion gambling boat or to enter a racetrack enclosure or gambling structure licensed to conduct gambling games~~, who~~. The representative shall have full access to all places within the enclosure of the boat, the gambling structure, or the racetrack enclosure~~, who~~ and shall directly supervise the handling and accounting of all gross receipts and adjusted gross receipts from gambling~~, and who~~. The representative shall supervise and check the admissions. The compensation of a representative shall be fixed by the commission but shall be paid by the licensee.

Sec. 16. Section 99G.30A, subsection 2, paragraph b, Code 2007, is amended to read as follows:

b. All powers and requirements of the director to administer the state sales and use tax law are applicable to the administration of the monitor vending machine excise tax, including but not limited to the provisions of section 422.25, subsection 4, sections 422.30, 422.67, and 422.68, section 422.69, subsection 1, sections 422.70 ~~to~~ through 422.75, section 423.14, subsection 1 and subsection 2, paragraphs "b" through "e", and sections 423.15, 423.23, 423.24, 423.25,

Senate File 2320 - Introduced continued

8 1 423.31 ~~to~~ through 423.35, 423.37 ~~to~~ through 423.42, 423.46,
8 2 and 423.47.
8 3 Sec. 17. Section 100.18, subsection 3, Code 2007, is
8 4 amended to read as follows:
8 5 3. This section does not require the following:
8 6 a. The installation of smoke detectors in multiple=unit
8 7 residential buildings which, on July 1, 1981, are equipped
8 8 with heat detection devices or a sprinkler system with alarms
8 9 approved by the state fire marshal.
8 10 b. ~~This section does not require the~~ The installation of
8 11 smoke detectors in hotels, motels, and dormitories equipped
8 12 with an automatic smoke detection system approved by the state
8 13 fire marshal.
8 14 Sec. 18. Section 101B.4, subsection 1, paragraph b, Code
8 15 Supplement 2007, is amended to read as follows:
8 16 b. The department may adopt a subsequent ASTM
8 17 international standard test method for measuring the ignition
8 18 strength of cigarettes upon a finding that the subsequent
8 19 method does not result in a change in the percentage of
8 20 full=length burns exhibited by any tested cigarette when
8 21 compared to the percentage of full=length burns the same
8 22 cigarette would exhibit when tested in accordance with ASTM
8 23 international standard E2187=04 and the performance standard
8 24 in this section.
8 25 Sec. 19. Section 103.1, subsection 8, Code Supplement
8 26 2007, is amended to read as follows:
8 27 8. "Electrical contractor" means a person affiliated with
8 28 an electrical contracting firm or business who is licensed by
8 29 the board as either a class A or class B master electrician
8 30 and who is also registered with the state of Iowa as a
8 31 contractor pursuant to chapter 91C.
8 32 Sec. 20. Section 103.6, Code Supplement 2007, is amended
8 33 to read as follows:
8 34 103.6 POWERS AND DUTIES.
8 35 1. The board shall:

Senate File 2320 - Introduced continued

9 1 ~~1.~~ a. Adopt rules pursuant to chapter 17A and in doing so
9 2 shall be governed by the minimum standards set forth in the
9 3 most current publication of the national electrical code
9 4 issued and adopted by the national fire protection
9 5 association, and amendments to the code, which code and
9 6 amendments shall be filed in the offices of the secretary of
9 7 state and the board and shall be a public record. The board
9 8 shall adopt rules reflecting updates to the code and
9 9 amendments to the code. The board shall promulgate and adopt
9 10 rules establishing wiring standards that protect public safety
9 11 and health and property and that apply to all electrical
9 12 wiring which is installed subject to this chapter.
9 13 ~~2.~~ b. Revoke, suspend, or refuse to renew any license
9 14 granted pursuant to this chapter when the licensee:
9 15 ~~a.~~ (1) Fails or refuses to pay any examination, license,
9 16 or renewal fee required by law.
9 17 ~~b.~~ (2) Is an electrical contractor and fails or refuses
9 18 to provide and keep in force a public liability insurance
9 19 policy and surety bond as required by the board.
9 20 ~~c.~~ (3) Violates any political subdivision's inspection
9 21 ordinances.
9 22 ~~The board may, in its discretion, revoke, suspend, or~~
~~9 23 refuse to renew any license granted pursuant to this chapter~~
~~9 24 when the licensee violates any provision of the national~~
~~9 25 electrical code as adopted pursuant to subsection 1, this~~
~~9 26 chapter, or any rule adopted pursuant to this chapter.~~
9 27 ~~3.~~ c. Adopt rules for continuing education requirements
9 28 for each classification of licensure established pursuant to
9 29 this chapter, and adopt all rules, not inconsistent with the
9 30 law, necessary for the proper performance of the duties of the
9 31 board.
9 32 ~~4.~~ d. Provide for the amount and collection of fees for
9 33 inspection and other services.
9 34 2. The board may, in its discretion, revoke, suspend, or
9 35 refuse to renew any license granted pursuant to this chapter

Senate File 2320 - Introduced continued

10 1 when the licensee violates any provision of the national
10 2 electrical code as adopted pursuant to subsection 1, this
10 3 chapter, or any rule adopted pursuant to this chapter.
10 4 Sec. 21. Section 103.9, subsection 1, Code Supplement
10 5 2007, is amended to read as follows:
10 6 1. An applicant for an electrical contractor license shall
10 7 either be or employ a licensed class A or class B master
10 8 electrician, and be registered with the state of Iowa as a
10 9 contractor pursuant to chapter 91C.
10 10 Sec. 22. Section 103.22, subsections 1 and 3, Code
10 11 Supplement 2007, are amended to read as follows:
10 12 1. Apply to a person licensed as an engineer pursuant to
10 13 chapter 542B, registered as an architect pursuant to chapter
10 14 544A, licensed as a landscape architect pursuant to chapter
10 15 544B, or designated as lighting certified by the national
10 16 council on qualifications for the lighting professions who is
10 17 providing consultations and developing plans concerning
10 18 electrical installations and who is exclusively engaged in the
10 19 practice of the person's profession.
10 20 3. Require any person doing work for which a license would
10 21 otherwise be required under this chapter to hold a license
10 22 issued under this chapter if the person is the holder of a
10 23 valid license issued by any political subdivision, so long as
10 24 the person makes electrical installations only ~~in~~ within the
10 25 jurisdictional limits of such political subdivision and such
10 26 license issued by the political subdivision meets the
10 27 requirements of this chapter.
10 28 Sec. 23. Section 123A.2, subsection 9, Code Supplement
10 29 2007, is amended to read as follows:
10 30 9. "Good faith" means honesty in fact and the observance
10 31 of reasonable commercial standards of fair dealing in the
10 32 trade and defined and interpreted under section ~~554.2103~~
10 33 554.1201.
10 34 Sec. 24. Section 135N.5, subsection 1, Code Supplement
10 35 2007, is amended to read as follows:

Senate File 2320 - Introduced continued

11 1 1. The committee shall meet no less than four times per
11 2 year and is subject to chapters ~~20 and~~ 21 and 22 relating to
11 3 open meetings and public records.
11 4 Sec. 25. Section 141A.9, subsection 2, paragraph i, Code
11 5 Supplement 2007, is amended to read as follows:
11 6 i. Pursuant to section 915.43, to a convicted or alleged
11 7 sexual assault offender; the physician or other health care
11 8 provider who orders the test of a convicted or alleged
11 9 offender; the victim; the parent, guardian, or custodian of
11 10 the victim if the victim is a minor; the physician of the
11 11 victim if requested by the victim; the victim counselor or
11 12 person requested by the victim to provide counseling regarding
11 13 the HIV=related test and results; the victim's spouse; persons
11 14 with whom the victim has engaged in vaginal, anal, or oral
11 15 intercourse subsequent to the sexual assault; members of the
11 16 victim's family within the third degree of consanguinity; and
11 17 the county attorney who may use the results as evidence in the
11 18 prosecution of sexual assault under chapter 915, subchapter
11 19 IV, or prosecution of the offense of criminal transmission of
11 20 HIV under chapter 709C. For the purposes of this paragraph,
11 21 "victim" means victim as defined in section 915.40.
11 22 Sec. 26. Section 147.14, subsection 23, Code Supplement
11 23 2007, is amended to read as follows:
11 24 23. For nursing home administrators, a total of nine
11 25 members: Four licensed nursing home administrators, one of
11 26 whom is the administrator of a nonproprietary nursing home;
11 27 three licensed members of any profession concerned with the
11 28 care and treatment of chronically ill or elderly patients who
11 29 are not nursing home administrators or nursing home owners;
11 30 and two members of the general public who are not licensed
11 31 under this chapter ~~147~~, have no financial interest in any
11 32 nursing home, and who shall represent the general public. A
11 33 majority of the members of the board constitutes a quorum.
11 34 Sec. 27. Section 147.37, Code Supplement 2007, is amended
11 35 to read as follows:

Senate File 2320 - Introduced continued

147.37 IDENTITY OF CANDIDATE CONCEALED.

All examinations ~~in~~ on theory shall be in writing, and the identity of the person taking the ~~same~~ examination shall not be disclosed upon the examination papers in such a way as to enable the members of the board to know ~~by whom written~~ the candidate's identity until after the papers have been passed upon. In examinations ~~in~~ on practice the identity of the candidate shall also be concealed as far as possible.

Sec. 28. Section 148.3, subsection 1, unnumbered paragraph 1, Code Supplement 2007, is amended to read as follows:

Present a diploma issued by a medical college approved by the board, or present other evidence of equivalent medical education approved by the board. The board may accept, in lieu of a diploma from a medical college approved by ~~them~~ the board, all of the following:

Sec. 29. Section 159.20, Code 2007, is amended to read as follows:

159.20 POWERS OF DEPARTMENT.

1. The department shall perform duties designed to lead to more advantageous marketing of Iowa agricultural commodities. The department may do any of the following:

~~1.~~ a. Investigate the marketing of agricultural commodities.

~~2.~~ b. Promote the sale, distribution, and merchandising of agricultural commodities.

~~3.~~ c. Furnish information and assistance concerning agricultural commodities to the public.

~~4.~~ d. Cooperate with the college of agriculture and life sciences of the Iowa state university of science and technology in encouraging agricultural marketing education and research.

~~5.~~ e. Accumulate and diffuse information concerning the marketing of agricultural commodities in cooperation with persons, agencies, or the federal government.

~~6.~~ f. Investigate methods and practices related to the

Senate File 2320 - Introduced continued

13 1 processing, handling, grading, classifying, sorting, weighing,
13 2 packing, transportation, storage, inspection, or merchandising
13 3 of agricultural commodities within this state.
13 4 ~~7.~~ g. Ascertain sources of supply for Iowa agricultural
13 5 commodities. The department shall prepare and periodically
13 6 publish lists of names and addresses of producers and
13 7 consignors of agricultural commodities.
13 8 ~~8.~~ h. Perform inspection or grading of an agricultural
13 9 commodity if requested by a person engaged in the production,
13 10 marketing, or processing of the agricultural commodity.
13 11 However, the person must pay for the services as provided by
13 12 rules adopted by the department.
13 13 ~~9.~~ i. Cooperate with the Iowa department of economic
13 14 development to avoid duplication of efforts between the
13 15 department and the agricultural marketing program operated by
13 16 the Iowa department of economic development.
13 17 ~~10.~~ j. Assist the office of renewable fuels and
13 18 coproducts and the renewable fuels and coproducts advisory
13 19 committee in administering the provisions of chapter 159A.
13 20 2. As used in this subchapter, "agricultural commodity"
13 21 means any unprocessed agricultural product, including animals,
13 22 agricultural crops, and forestry products grown, raised,
13 23 produced, or fed in Iowa for sale in commercial channels.
13 24 "Commercial channels" means the processes of sale of an
13 25 agricultural commodity or unprocessed product from the
13 26 agricultural commodity to any person, public or private, who
13 27 resells the agricultural commodity for breeding, processing,
13 28 slaughter, or distribution.
13 29 Sec. 30. Section 175A.2, subsection 1, Code 2007, is
13 30 amended to read as follows:
13 31 1. A grape and wine development commission is established
13 32 within the department. The commission shall be composed of
13 33 the following persons:
13 34 a. The following persons, or their designees, who shall
13 35 serve as nonvoting, ex officio members:

Senate File 2320 - Introduced continued

14 1 (1) The secretary of agriculture.
14 2 (2) The dean of the college of agriculture and life
14 3 sciences of Iowa state university of science and technology.
14 4 (3) The director of the department of economic
14 5 development.
14 6 (4) The director of the department of natural resources.
14 7 b. The following persons appointed by the secretary of
14 8 agriculture, who shall serve as voting members:
14 9 (1) Two growers.
14 10 (2) Two winemakers.
14 11 (3) One retail seller.
14 12 c. The secretary of agriculture shall appoint the voting
14 13 members based on a list of nominations submitted by
14 14 organizations representing growers, winemakers, and retail
14 15 sellers as certified by the department according to
14 16 requirements of the department. Appointments of voting
14 17 members are subject to the requirements of sections 69.16 and
14 18 69.16A. In addition, the appointments shall be geographically
14 19 balanced. Unless the secretary of agriculture determines that
14 20 it is not feasible, at least one person appointed as a voting
14 21 member shall reside in each of the state's congressional
14 22 districts at the time of appointment. The secretary of
14 23 agriculture's appointees shall be confirmed by the senate,
14 24 pursuant to section 2.32.
14 25 Sec. 31. Section 178.3, subsection 2, Code 2007, is
14 26 amended to read as follows:
14 27 2. The dean of the college of agriculture and life
14 28 sciences of the Iowa state university of science and
14 29 technology.
14 30 Sec. 32. Section 181.3, subsection 1, paragraph d, Code
14 31 2007, is amended to read as follows:
14 32 d. The dean of the college of agriculture and life
14 33 sciences of Iowa state university of science and technology or
14 34 a designee, who shall serve as a voting ex officio member.
14 35 Sec. 33. Section 182.5, Code 2007, is amended to read as

Senate File 2320 - Introduced continued

15 1 follows:
15 2 182.5 COMPOSITION OF BOARD.
15 3 The Iowa sheep and wool promotion board established under
15 4 this chapter shall be composed of nine producers, one from
15 5 each district. The dean of the college of agriculture and
15 6 life sciences of Iowa state university of science and
15 7 technology or the dean's representative and the secretary or
15 8 the secretary's designee shall serve as ex officio nonvoting
15 9 members of the board. The board shall annually elect a
15 10 chairperson from its membership.
15 11 Sec. 34. Section 183A.2, Code 2007, is amended to read as
15 12 follows:
15 13 183A.2 IOWA PORK PRODUCERS COUNCIL.
15 14 The Iowa pork producers council is created. The council
15 15 consists of seven members, including two producers from each
15 16 of three districts of the state designated by the secretary,
15 17 and one producer from the state at large. The secretary shall
15 18 appoint these members. The Iowa pork producers association
15 19 may recommend the names of potential members, but the
15 20 secretary is not bound by the recommendations. The secretary,
15 21 the dean of the college of agriculture and life sciences of
15 22 Iowa state university of science and technology, and the state
15 23 veterinarian, or their designees, shall serve on the council
15 24 as nonvoting ex officio members.
15 25 Sec. 35. Section 185.3, subsection 2, paragraph b, Code
15 26 2007, is amended to read as follows:
15 27 b. The dean of the college of agriculture and life
15 28 sciences of Iowa state university of science and technology or
15 29 the dean's designee.
15 30 Sec. 36. Section 185C.10, subsection 2, Code 2007, is
15 31 amended to read as follows:
15 32 2. The dean of the college of agriculture and life
15 33 sciences of Iowa state university of science and technology or
15 34 the dean's designee.
15 35 Sec. 37. Section 214A.2B, Code Supplement 2007, is amended

Senate File 2320 - Introduced continued

16 1 to read as follows:
16 2 214A.2B LABORATORY FOR MOTOR FUEL AND BIOFUELS.
16 3 A laboratory for motor fuel and biofuels is established at
16 4 a merged area school which is engaged in biofuels testing on
16 5 July 1, 2007, and which testing includes but is not limited to
16 6 ~~B20~~ B=20 biodiesel testing for motor trucks and the ability of
16 7 biofuels to meet A.S.T.M. international standards. The
16 8 laboratory shall conduct testing of motor fuel sold in this
16 9 state and biofuel which is blended in motor fuel in this state
16 10 to ensure that the motor fuel or biofuels meet the
16 11 requirements in section 214A.2.
16 12 Sec. 38. Section 216.9, subsection 2, Code Supplement
16 13 2007, is amended to read as follows:
16 14 2. For the purpose of this section, "educational
16 15 institution" includes any preschool, elementary~~,~~ or secondary
16 16 school, ~~or~~ community college, area education agency, or
16 17 postsecondary college or university and their governing
16 18 boards. This section does not prohibit an educational
16 19 institution from maintaining separate toilet facilities,
16 20 locker rooms, or living facilities for the different sexes so
16 21 long as comparable facilities are provided. Nothing in this
16 22 section shall be construed as prohibiting any bona fide
16 23 religious institution from imposing qualifications based on
16 24 religion, sexual orientation, or gender identity when such
16 25 qualifications are related to a bona fide religious purpose or
16 26 any institution from admitting students of only one sex.
16 27 Sec. 39. Section 231D.5, Code Supplement 2007, is amended
16 28 to read as follows:
16 29 231D.5 DENIAL, SUSPENSION, OR REVOCATION.
16 30 1. The department may deny, suspend, or revoke
16 31 certification if the department finds that there has been a
16 32 substantial or repeated failure on the part of the adult day
16 33 services program to comply with this chapter or the rules or
16 34 minimum standards adopted pursuant to this chapter, or for any
16 35 of the following reasons:

Senate File 2320 - Introduced continued

17 1 a. Appropriation or conversion of the property of a
17 2 participant without the participant's written consent or the
17 3 written consent of the participant's legal representative.
17 4 b. Permitting, aiding, or abetting the commission of any
17 5 illegal act in the adult day services program.
17 6 c. Obtaining or attempting to obtain or retain
17 7 certification by fraudulent means, misrepresentation, or by
17 8 submitting false information.
17 9 d. Habitual intoxication or addiction to the use of drugs
17 10 by the applicant, owner, manager, or supervisor of the adult
17 11 day services program.
17 12 e. Securing the devise or bequest of the property of a
17 13 participant by undue influence.
17 14 f. Failure or neglect to maintain a required continuing
17 15 education and training program for all personnel employed in
17 16 the adult day services program.
17 17 g. Founded dependent adult abuse as defined in section
17 18 235B.2.
17 19 h. In the case of any officer, member of the board of
17 20 directors, trustee, or designated manager of the program or
17 21 any stockholder, partner, or individual who has greater than a
17 22 five percent equity interest in the program, having or having
17 23 had an ownership interest in an adult day services program,
17 24 assisted living program, elder group home, home health agency,
17 25 residential care facility, or licensed nursing facility in any
17 26 state which has been closed due to removal of program, agency,
17 27 or facility licensure or certification or involuntary
17 28 termination from participation in either the medical
17 29 assistance or Medicare programs, or having been found to have
17 30 failed to provide adequate protection or services for
17 31 participants to prevent abuse or neglect.
17 32 i. In the case of a certificate applicant or an existing
17 33 certified owner or operator who is an entity other than an
17 34 individual, the person is in a position of control or is an
17 35 officer of the entity and engages in any act or omission

Senate File 2320 - Introduced continued

18 1 proscribed by this chapter.
18 2 ~~j. For any other reason as provided by law or~~
~~18 3 administrative rule.~~
18 4 ~~2.~~ j. In the case of an application by an existing
18 5 certificate holder for a new or newly acquired adult day
18 6 services program, continuing or repeated failure of the
18 7 certificate holder to operate any previously certified adult
18 8 day services program in compliance with this chapter or of the
18 9 rules adopted pursuant to this chapter.
18 10 k. For any other reason as provided by law or
18 11 administrative rule.
18 12 ~~3.~~ 2. In the case of a certificate applicant or existing
18 13 certificate holder which is an entity other than an
18 14 individual, the department may deny, suspend, or revoke a
18 15 certificate if any individual who is in a position of control
18 16 or is an officer of the entity engages in any act or omission
18 17 proscribed by this section.
18 18 Sec. 40. Section 234.7, subsection 1, Code 2007, is
18 19 amended to read as follows:
18 20 1. The department of human services shall comply with the
18 21 ~~following requirement~~ provision associated with child foster
18 22 care licensees under chapter 237~~:~~
18 23 ~~The department shall include~~ that requires that a child's
18 24 foster parent be included in, and ~~provide~~ be provided timely
18 25 notice of, planning and review activities associated with the
18 26 child, including but not limited to permanency planning and
18 27 placement review meetings, which shall include discussion of
18 28 the child's rehabilitative treatment needs.
18 29 Sec. 41. Section 236.5, subsection 2, unnumbered paragraph
18 30 1, Code 2007, is amended to read as follows:
18 31 The court may grant a ~~protection~~ protective order or
18 32 approve a consent agreement which may contain but is not
18 33 limited to any of the following provisions:
18 34 Sec. 42. Section 236.5, subsection 2, unnumbered paragraph
18 35 2, Code 2007, is amended to read as follows:

Senate File 2320 - Introduced continued

An order for counseling, a ~~protection~~ protective order, or approved consent agreement shall be for a fixed period of time not to exceed one year. The court may amend or extend its order or a consent agreement at any time upon a petition filed by either party and after notice and hearing. The court may extend the order if the court, after hearing at which the defendant has the opportunity to be heard, finds that the defendant continues to pose a threat to the safety of the victim, persons residing with the victim, or members of the victim's immediate family. At the time of the extension, the parties need not meet the requirement in section 236.2, subsection 2, paragraph "d", that the parties lived together during the last year if the parties met the requirements of section 236.2, subsection 2, paragraph "d", at the time of the original order. The number of extensions that can be granted by the court is not limited.

Sec. 43. Section 249A.30A, Code Supplement 2007, is amended to read as follows:

249A.30A MEDICAL ASSISTANCE == PERSONAL NEEDS ALLOWANCE.

The personal needs allowance under the medical assistance program, which may be retained by a person who is a resident of a nursing facility, an intermediate care facility for persons with mental retardation, or an intermediate care facility for persons with mental illness, as defined in section 135C.1, or a person who is a resident of a psychiatric medical institution for children as defined in section 135H.1, shall be fifty dollars per month. A resident who has income of less than fifty dollars per month shall receive a supplement from the state in the amount necessary to receive a personal needs allowance of fifty dollars per month, if funding is specifically appropriated for this purpose.

Sec. 44. Section 256C.3, subsection 4, paragraph d, Code Supplement 2007, is amended to read as follows:

d. ~~Career~~ Professional development for school district preschool teachers shall be addressed in the school district's

Senate File 2320 - Introduced continued

20 1 ~~career~~ professional development plan implemented in accordance
20 2 with section 284.6.
20 3 Sec. 45. Section 257.11, subsection 6, paragraph c, Code
20 4 Supplement 2007, is amended to read as follows:
20 5 c. Supplementary weighting pursuant to this subsection
20 6 shall be available to an area education agency for a maximum
20 7 of five years during the period commencing with the budget
20 8 year beginning July 1, 2008. The minimum amount of additional
20 9 funding for which an area education agency shall be eligible
20 10 is fifty thousand dollars, and the maximum amount of
20 11 additional funding for which an area education agency shall be
20 12 eligible is two hundred thousand dollars. The department of
20 13 management shall annually set a weighting for each area
20 14 education agency to generate the approved operational sharing
20 15 expense using the area education agency's special education
20 16 cost per pupil amount and foundation level. Receipt of
20 17 supplementary weighting by an area education agency for more
20 18 than one year shall be contingent upon the annual submission
20 19 of information by the district to the department documenting
20 20 cost savings directly attributable to the shared operational
20 21 functions. Criteria for determining the number of years for
20 22 which supplementary weighting shall be received pursuant to
20 23 this subsection, subject to the five=year maximum, and the
20 24 amount generated by the supplementary weighting, and for
20 25 determining qualification of operational functions for
20 26 supplementary weighting shall be determined by the department
20 27 by rule, through consideration of long=term savings by the
20 28 area ~~educational~~ education agency or increased student
20 29 opportunities.
20 30 Sec. 46. Section 308.3, subsection 1, 4, and 5, Code 2007,
20 31 are amended to read as follows:
20 32 1. "Conservation area" means land in which the state
20 33 department of transportation or the department of natural
20 34 resources has acquired rights, other than that land necessary
20 35 for a ~~right of way~~ right=of=way.

Senate File 2320 - Introduced continued

21 1 4. ~~"Right of way"~~ "Right=of=way" means land area dedicated
21 2 to public use for a highway and its maintenance, and includes
21 3 land acquired in fee simple or by permanent easement for
21 4 highway purposes, but does not include temporary easements or
21 5 rights for supplementary highway appurtenances.
21 6 5. "A scenic and recreational highway" means a public
21 7 highway designated to allow enjoyment of aesthetic and scenic
21 8 views, points of historical, archaeological and scientific
21 9 interest, state parks and other recreational areas and
21 10 includes both the ~~right of way~~ right=of=way and conservation
21 11 area.
21 12 Sec. 47. Section 308.4, subsection 3, paragraph b, Code
21 13 2007, is amended to read as follows:
21 14 b. Accept and administer state, federal, and any other
21 15 public or private funds made available for the acquisition of
21 16 rights in land and for the planning and construction or
21 17 reconstruction of any segment of the great river road, and
21 18 state and federal funds for the maintenance of that part of
21 19 the great river road constituting the ~~right of way~~
21 20 right=of=way.
21 21 Sec. 48. Section 308.9, subsection 1, unnumbered paragraph
21 22 2, Code 2007, is amended to read as follows:
21 23 The state transportation commission shall give notice and
21 24 hold a public hearing on the matter in a convenient place in
21 25 the area to be affected by the proposed improvement of the
21 26 great river road. The state transportation commission shall
21 27 consider and evaluate the testimony presented at the public
21 28 hearing and shall make a study and prepare a map showing the
21 29 location of the proposed new or reconstructed segment of the
21 30 great river road and the approximate widths of ~~right of way~~
21 31 right=of=way needed. The map shall show the existing roadway
21 32 and the property lines and record owners of lands to be
21 33 needed. The approval of the map shall be recorded by
21 34 reference in the state transportation commission's minutes,
21 35 and a notice of the action and a copy of the map showing the

Senate File 2320 - Introduced continued

22 1 lands or interest in the lands needed in any county shall be
22 2 filed in the office of the county recorder of that county.
22 3 Notice of the action and of the filing shall be published once
22 4 in a newspaper of general circulation in the county, and
22 5 within sixty days following the filing, notice of the filing
22 6 shall be served by registered mail on the owners of record on
22 7 the date of filing. Using the same procedures for approval,
22 8 notice and publications, and notice to the affected record
22 9 owners, the state transportation commission may amend the map.
22 10 Sec. 49. Section 321.52, subsection 4, paragraph c, Code
22 11 Supplement 2007, is amended to read as follows:
22 12 c. A salvage theft examination shall be made by a peace
22 13 officer who has been specially certified and recertified when
22 14 required by the Iowa law enforcement academy to do salvage
22 15 theft examinations. The Iowa law enforcement academy shall
22 16 determine standards for training and certification, conduct
22 17 training, and may approve alternative training programs which
22 18 satisfy the academy's standards for training and
22 19 certification. The owner of the salvage vehicle shall make
22 20 the vehicle available for examination at a time and location
22 21 designated by the peace officer doing the examination. The
22 22 owner may obtain a permit to drive the vehicle to and from the
22 23 examination location by submitting a repair affidavit to the
22 24 agency performing the examination stating that the vehicle is
22 25 reasonably safe for operation and listing the repairs which
22 26 have been made to the vehicle. The owner must be present for
22 27 the examination and have available for inspection the salvage
22 28 title, bills of sale for all essential parts changed, and the
22 29 repair affidavit. The examination shall be for the purposes
22 30 of determining whether the vehicle or repair components have
22 31 been stolen. The examination is not a safety inspection and a
22 32 signed salvage theft examination certificate shall not be
22 33 construed by any court of law to be a certification that the
22 34 vehicle is safe to be operated. There shall be no cause of
22 35 action against the peace officer or the agency conducting the

Senate File 2320 - Introduced continued

23 1 examination or the county treasurer for failure to discover or
23 2 note safety defects. If the vehicle passes the theft
23 3 examination, the peace officer shall indicate that the vehicle
23 4 passed examination on the salvage theft examination
23 5 certificate. The permit and salvage theft examination
23 6 certificate shall be on controlled forms prescribed and
23 7 furnished by the department. The owner shall pay a fee of
23 8 thirty dollars upon completion of the examination. The agency
23 9 performing the examinations shall retain twenty dollars of the
23 10 fee and shall pay five dollars of the fee to the department
23 11 and five dollars of the fee to the treasurer of state for
23 12 deposit in the general fund of the state. Moneys deposited to
23 13 the general fund under this paragraph are subject to the
23 14 requirements of section 8.60 and shall be used by the Iowa law
23 15 enforcement academy to provide for the special training,
23 16 certification, and recertification of officers as required by
23 17 this subsection.
23 18 ~~The state department of transportation shall adopt rules in~~
~~23 19 accordance with chapter 17A to carry out this section.~~
23 20 Sec. 50. Section 321.52, Code Supplement 2007, is amended
23 21 by adding the following new subsection:
23 22 NEW SUBSECTION. 5. The state department of transportation
23 23 shall adopt rules in accordance with chapter 17A to carry out
23 24 this section.
23 25 Sec. 51. Section 321J.15, Code 2007, is amended to read as
23 26 follows:
23 27 321J.15 EVIDENCE IN ANY ACTION.
23 28 Upon the trial of a civil or criminal action or proceeding
23 29 arising out of acts alleged to have been committed by a person
23 30 while operating a motor vehicle in violation of section 321J.2
23 31 or 321J.2A, evidence of the alcohol concentration or the
23 32 presence of a controlled substance or other drugs in the
23 33 person's body ~~substances~~ at the time of the act alleged as
23 34 shown by a chemical analysis of the person's blood, breath, or
23 35 urine is admissible. If it is established at trial that an

Senate File 2320 - Introduced continued

24 1 analysis of a breath specimen was performed by a certified
24 2 operator using a device intended to determine alcohol
24 3 concentration and methods approved by the commissioner of
24 4 public safety, no further foundation is necessary for
24 5 introduction of the evidence.
24 6 Sec. 52. Section 403A.6, Code 2007, is amended to read as
24 7 follows:
24 8 403A.6 OPERATION OF HOUSING NOT FOR PROFIT.
24 9 It is hereby declared to be the policy of this state that
24 10 each municipality shall manage and operate its housing
24 11 projects in an efficient manner so as to enable it to fix the
24 12 rentals or payments for dwelling accommodations at low rates
24 13 consistent with its providing decent, safe and sanitary
24 14 dwelling accommodations for persons of low income, and that no
24 15 municipality shall construct or operate any housing project
24 16 for profit, or as a source of revenue to the municipality. To
24 17 this end the municipality shall fix the rentals or payments
24 18 for dwellings in its projects at no higher rates than it shall
24 19 find to be necessary in order to produce revenues which,
24 20 ~~(together~~ together with all other available moneys, revenues,
24 21 income and receipts in connection with or for such projects
24 22 from whatever sources derived, including federal financial
24 23 ~~assistance)~~ assistance, will be sufficient ~~(1)~~ to do all of
24 24 the following:
24 25 1. ~~to~~ To pay, as the same become due, the principal and
24 26 interest on the bonds issued pursuant to this chapter~~; (2)~~.
24 27 2. ~~to~~ To create and maintain such reserves as may be
24 28 required to assure the payment of principal and interest as it
24 29 becomes due on such bonds~~; (3)~~.
24 30 3. ~~to~~ To meet the cost of, and to provide for, maintaining
24 31 and operating the projects ~~(including~~, including necessary
24 32 reserves therefor and the cost of any insurance, and of
24 33 administrative ~~expenses); and (4)~~ expenses.
24 34 4. ~~to~~ To make such payments in lieu of taxes and, after
24 35 payment in full of all obligations for which federal annual

Senate File 2320 - Introduced continued

25 1 contributions are pledged, to make such repayments of federal
25 2 and local contributions as it determines are consistent with
25 3 the maintenance of the low=rent character of projects.
25 4 Rentals or payments for dwellings shall be established and the
25 5 projects administered, insofar as possible, so as to assure
25 6 that any federal financial assistance required shall be
25 7 strictly limited to amounts and periods necessary to maintain
25 8 the low=rent character of the projects.
25 9 Sec. 53. Section 403A.7, Code 2007, is amended to read as
25 10 follows:
25 11 403A.7 HOUSING RENTALS AND TENANT ADMISSIONS.
25 12 1. A municipality shall do the following:
25 13 ~~1.~~ a. Rent or lease the dwelling accommodations in a
25 14 housing project only to persons or families of low income and
25 15 at rentals within their financial reach.
25 16 ~~2.~~ b. Rent or lease to a tenant such dwelling
25 17 accommodations consisting of the number of rooms which it
25 18 deems necessary to provide safe and sanitary accommodations to
25 19 the proposed occupants without overcrowding.
25 20 ~~3.~~ c. (1) Fix income limits for occupancy and rents
25 21 after taking into consideration the following:
25 22 ~~a.~~ (a) The family size, composition, age, physical
25 23 disabilities, and other factors which might affect the
25 24 rent=paying ability of the person or family.
25 25 ~~b.~~ (b) The economic factors which affect the financial
25 26 stability and solvency of the project.
25 27 (2) However, such determination of eligibility shall be
25 28 within the limits of the income limits hereinbefore set out.
25 29 2. Nothing contained in this section or ~~the preceding~~
25 30 section 403A.6 shall be construed as limiting the power of a
25 31 municipality with respect to a housing project, to vest in an
25 32 obligee the right, in the event of a default by the
25 33 municipality, to take possession or cause the appointment of a
25 34 receiver for the housing project, free from all the
25 35 restrictions imposed by this section or ~~the preceding~~ section

Senate File 2320 - Introduced continued

26 1 403A.6.
26 2 Sec. 54. Section 423.4, subsection 8, paragraph d, Code
26 3 Supplement 2007, is amended to read as follows:
26 4 d. In determining the amount to be refunded, if the dates
26 5 of the utility billing or meter reading cycle for the sale or
26 6 furnishing of metered gas and electricity ~~is~~ are on or after
26 7 the first day of the first month through the last day of the
26 8 last month of the refund year, the full amount of tax charged
26 9 in the billings shall be refunded. In determining the amount
26 10 to be refunded, if the dates of the sale or furnishing of fuel
26 11 for purposes of commercial energy and the delivery of the fuel
26 12 ~~is~~ are on or after the first day of the first month through
26 13 the last day of the last month of the refund year, the full
26 14 amount of tax charged in the billings shall be refunded.
26 15 Sec. 55. Section 423B.6, subsection 2, paragraph b, Code
26 16 2007, is amended to read as follows:
26 17 b. The ordinance of a county board of supervisors imposing
26 18 a local sales and services tax shall adopt by reference the
26 19 applicable provisions of the appropriate sections of chapter
26 20 423. All powers and requirements of the director to
26 21 administer the state sales tax law and use tax law are
26 22 applicable to the administration of a local sales and services
26 23 tax law and the local excise tax, including but not limited to
26 24 the provisions of section 422.25, subsection 4, sections
26 25 422.30, 422.67, and 422.68, section 422.69, subsection 1,
26 26 sections 422.70 ~~to~~ through 422.75, section 423.14, subsection
26 27 1 and subsection 2, paragraphs "b" through "e", and sections
26 28 423.15, 423.23, 423.24, 423.25, 423.31 ~~to~~ through 423.35,
26 29 423.37 ~~to~~ through 423.42, 423.46, and 423.47. Local officials
26 30 shall confer with the director of revenue for assistance in
26 31 drafting the ordinance imposing a local sales and services
26 32 tax. A certified copy of the ordinance shall be filed with
26 33 the director as soon as possible after passage.
26 34 Sec. 56. Section 452A.53, Code 2007, is amended to read as
26 35 follows:

Senate File 2320 - Introduced continued

27 1 452A.53 PERMIT OR LICENSE.
27 2 1. The advance arrangements referred to in ~~the preceding~~
27 3 section 452A.52 shall include the procuring of a permanent
27 4 international fuel tax agreement permit or license or ~~single~~
~~27 5 trip~~ single=trip interstate permit.
27 6 2. Persons choosing not to make advance arrangements with
27 7 the state department of transportation by procuring a permit
27 8 or license are not relieved of their responsibility to
27 9 purchase motor fuel and special fuel commensurate with their
27 10 use of the state's highway system. When there is reasonable
27 11 cause to believe that there is evasion of the fuel tax on
27 12 commercial motor vehicles, the state department of
27 13 transportation may audit persons not holding a permit or
27 14 license. Audits shall be conducted pursuant to section
27 15 452A.55 and in accordance with international fuel tax
27 16 agreement guidelines. The state department of transportation
27 17 shall collect all taxes due and refund any overpayment.
27 18 3. A permanent international fuel tax agreement permit or
27 19 license may be obtained upon application to the state
27 20 department of transportation. A fee of ten dollars shall be
27 21 charged for each permit or license issued. The holder of a
27 22 permanent permit or license shall have the privilege of
27 23 bringing into this state in the fuel supply tanks of
27 24 commercial motor vehicles any amount of motor fuel or special
27 25 fuel to be used in the operation of the vehicles and for that
27 26 privilege shall pay Iowa motor fuel or special fuel taxes as
27 27 provided in section 452A.54.
27 28 4. A ~~single trip~~ single=trip interstate permit may be
27 29 obtained from the state department of transportation. A fee
27 30 of twenty dollars shall be charged for each individual ~~single~~
~~27 31 trip~~ single=trip interstate permit issued. A ~~single trip~~
27 32 single=trip interstate permit is subject to the following
27 33 provisions and limitations:
27 34 ~~1.~~ a. The permit shall be issued and be valid for
27 35 seventy=two consecutive hours, except in emergencies, or until

Senate File 2320 - Introduced continued

28 1 the time of leaving the state, whichever first occurs.
28 2 ~~2.~~ b. The permit shall cover only one commercial motor
28 3 vehicle and is not transferable.
28 4 ~~3.~~ c. ~~Single trip~~ Single=trip interstate fuel permits may
28 5 be made available from sources other than indicated in this
28 6 section at the discretion of the state department of
28 7 transportation.
28 8 5. Each vehicle operated into or through Iowa in
28 9 interstate operations using motor fuel or special fuel
28 10 acquired in any other state shall carry in or on the vehicle a
28 11 duplicate or evidence of the permit or license required in
28 12 this section. A fee not to exceed fifty cents shall be
28 13 charged for each duplicate or other evidence of a permit or
28 14 license issued.
28 15 Sec. 57. Section 453A.31, subsection 2, paragraph c, Code
28 16 Supplement 2007, is amended to read as follows:
28 17 c. A one thousand dollar penalty for a third or subsequent
28 18 violation within three years of the first violation.
28 19 Sec. 58. Section 453A.50, subsection 3, paragraph a,
28 20 subparagraph (3), Code Supplement 2007, is amended to read as
28 21 follows:
28 22 (3) A one thousand dollar penalty for a third or
28 23 subsequent violation within three years of the first
28 24 violation.
28 25 Sec. 59. Section 455B.109, subsection 1, Code 2007, is
28 26 amended to read as follows:
28 27 1. The commission shall establish, by rule, a schedule or
28 28 range of civil penalties which may be administratively
28 29 assessed. The schedule shall provide procedures and criteria
28 30 for the administrative assessment of penalties of not more
28 31 than ten thousand dollars for violations of this chapter or
28 32 rules, permits or orders adopted or issued under this chapter.
28 33 In adopting a schedule or range of penalties and in proposing
28 34 or assessing a penalty, the commission and director shall
28 35 consider among other relevant factors the following:

Senate File 2320 - Introduced continued

29 1 a. The costs saved or likely to be saved by noncompliance
29 2 by the violator.
29 3 b. The gravity of the violation.
29 4 c. The degree of culpability of the violator.
29 5 d. The maximum penalty authorized for that violation under
29 6 this chapter.
29 7 1A. Penalties may be administratively assessed only after
29 8 an opportunity for a contested case hearing which may be
29 9 combined with a hearing on the merits of the alleged
29 10 violation. Violations not fitting within the schedule, or
29 11 violations which the commission determines should be referred
29 12 to the attorney general for legal action shall not be governed
29 13 by the schedule established under ~~this~~ subsection 1.
29 14 Sec. 60. Section 455B.455, Code 2007, is amended to read
29 15 as follows:
29 16 455B.455 SURCHARGE IMPOSED.
29 17 A land burial surcharge tax of two percent is imposed on
29 18 the fee for land burial of a hazardous waste. The owner of
29 19 the land burial facility shall remit the tax collected to the
29 20 director of revenue after consultation with the director
29 21 according to rules that the director shall adopt. The
29 22 director shall forward a copy of the site license to the
29 23 director of revenue which shall be the appropriate license for
29 24 the collection of the land burial surcharge tax and shall be
29 25 subject to suspension or revocation if the site license holder
29 26 fails to collect or remit the tax collected under this
29 27 section. The provisions of section 422.25, subsection 4,
29 28 sections 422.30, 422.67, and 422.68, section 422.69,
29 29 subsection 1, sections 422.70 ~~to~~ through 422.75, section
29 30 423.14, subsection 1, and sections 423.23, 423.24, 423.25,
29 31 423.31, 423.33, 423.35, 423.37 ~~to~~ through 423.42, and 423.47,
29 32 consistent with the provisions of this part 6 of division IV,
29 33 shall apply with respect to the taxes authorized under this
29 34 part, in the same manner and with the same effect as if the
29 35 land burial surcharge tax were sales taxes within the meaning

Senate File 2320 - Introduced continued

of those statutes. Notwithstanding the provisions of this section, the director shall provide for only quarterly filing of returns as prescribed in section 423.31. Taxes collected by the director of revenue under this section shall be deposited in the general fund of the state.

Sec. 61. Section 459.102, subsection 18, Code 2007, is amended to read as follows:

18. "Covered" means organic or inorganic material placed upon an animal feeding operation structure used to store manure as provided by rules adopted by the department after receiving recommendations which shall be submitted to the department by the college of agriculture and life sciences at Iowa state university of science and technology.

Sec. 62. Section 469.9, subsection 2, Code Supplement 2007, is amended to read as follows:

2. The fund shall be used to further the goals of increasing the research, development, production, and use of biofuels and other sources of renewable energy, ~~improve~~ improving energy efficiency, and ~~reduce~~ reducing greenhouse gas emissions, and shall encourage, support, and provide for research, development, commercialization, and the implementation of energy technologies and practices. The technologies and practices should reduce this state's dependence on foreign sources of energy and fossil fuels. The research, development, commercialization, implementation, and distribution of such technologies and practices are intended to sustain the environment and develop business in this state as Iowans market these technologies and practices to the world.

Sec. 63. Section 469.9, subsection 4, paragraph b, subparagraph (2), Code Supplement 2007, is amended to read as follows:

(2) Utilization of crops and products grown or produced in this state that ~~maximize~~ maximizes the value of crops used as feedstock in biomanufacturing products and as coproducts.

Senate File 2320 - Introduced continued

31 1 Sec. 64. Section 469.10, subsections 3 and 4, Code
31 2 Supplement 2007, are amended to read as follows:
31 3 3. Of the moneys appropriated to the office and deposited
31 4 in the fund, there shall be allocated on an annual basis two
31 5 million five hundred thousand dollars to the department of
31 6 economic development for deposit into the workforce training
31 7 and economic development funds of the community colleges
31 8 created pursuant to section 260C.18A. Of the funds so
31 9 deposited into the workforce training and economic development
31 10 funds of the community colleges, two million five hundred
31 11 thousand dollars shall be used each year in the development
31 12 and expansion of energy industry areas and for the
31 13 department's north American ~~industrial~~ industry classification
31 14 system for targeted industry areas established pursuant to
31 15 section 260C.18A.
31 16 4. Notwithstanding section 8.33, amounts appropriated
31 17 pursuant to this section shall not revert but shall remain
31 18 available for the purposes designated for the following fiscal
31 19 year. Notwithstanding section 12C.7, subsection 2, interest
31 20 or earnings on moneys in the ~~funds~~ Iowa power fund shall be
31 21 credited to the fund.
31 22 Sec. 65. Section 477.5, Code 2007, is amended to read as
31 23 follows:
31 24 477.5 EQUAL FACILITIES == DELAY.
31 25 If the proprietor of any telegraph or telephone line within
31 26 the state, or the person having the control and management
31 27 thereof, refuses to furnish equal facilities to the public and
31 28 to all connecting lines for the transmission of communications
31 29 in accordance with the nature of the business which it
31 30 undertakes to carry on, or to transmit the same with fidelity
31 31 and without unreasonable delay, the law in relation to limited
31 32 partnerships, corporations, and to the taking of private
31 33 property for works of internal improvement, shall ~~not~~ no
31 34 longer apply to them, and property taken for the use thereof
31 35 without the consent of the owner may be recovered by the

Senate File 2320 - Introduced continued

owner.

Sec. 66. Section 479.29, subsection 2, Code Supplement 2007, is amended to read as follows:

2. The county board of supervisors shall cause an on=site inspection for compliance with the standards adopted under this section to be performed at any pipeline construction project in the county. A ~~licensed~~ professional engineer familiar with the standards adopted under this section and licensed under chapter 542B shall be responsible for the inspection. A county board of supervisors may contract for the services of a licensed professional engineer for the purposes of the inspection. The reasonable costs of the inspection shall be borne by the pipeline company.

Sec. 67. Section 483A.24, subsections 3 and 4, Code Supplement 2007, are amended to read as follows:

3. The director shall provide up to seventy=five nonresident deer hunting licenses for allocation as requested by a majority of a committee consisting of the majority leader of the senate, speaker of the house of representatives, and director of the department of economic development, or their designees. The licenses provided pursuant to ~~the~~ this subsection shall be in addition to the number of nonresident licenses authorized pursuant to section 483A.8. The purpose of the special nonresident licenses is to allow state officials and local development groups to promote the state and its natural resources to nonresident guests and dignitaries. Photographs, videotapes, or any other form of media resulting from the hunting visitation shall not be used for political campaign purposes. The nonresident licenses shall be issued without application upon payment of the nonresident deer hunting license fee and the wildlife habitat fee. The licenses are valid in all zones open to deer hunting. The hunter safety and ethics education certificate requirement pursuant to section 483A.27 is waived for a nonresident issued a license pursuant to this subsection.

Senate File 2320 - Introduced continued

33 1 4. The director shall provide up to twenty=five
33 2 nonresident wild turkey hunting licenses for allocation as
33 3 requested by a majority of a committee consisting of the
33 4 majority leader of the senate, speaker of the house of
33 5 representatives, and director of the department of economic
33 6 development, or their designees. The licenses provided
33 7 pursuant to ~~the~~ this subsection shall be in addition to the
33 8 number of nonresident licenses authorized pursuant to section
33 9 483A.7. The purpose of the special nonresident licenses is to
33 10 allow state officials and local development groups to promote
33 11 the state and its natural resources to nonresident guests and
33 12 dignitaries. Photographs, videotapes, or any other form of
33 13 media resulting from the hunting visitation shall not be used
33 14 for political campaign purposes. The nonresident licenses
33 15 shall be issued without application upon payment of the
33 16 nonresident wild turkey hunting license fee and the wildlife
33 17 habitat fee. The licenses are valid in all zones open to wild
33 18 turkey hunting. The hunter safety and ethics education
33 19 certificate requirement pursuant to section 483A.27 is waived
33 20 for a nonresident issued a license pursuant to this
33 21 subsection.
33 22 Sec. 68. Section 512B.9, subsection 2, Code 2007, is
33 23 amended to read as follows:
33 24 2. a. A person may be indemnified and reimbursed by a
33 25 society for expenses reasonably incurred by, and liabilities
33 26 imposed upon, the person in connection with or arising out of
33 27 a proceeding, whether civil, criminal, administrative, or
33 28 investigative, or a threat of action in which the person is or
33 29 may be involved by reason of the person being a director,
33 30 officer, employee, or agent of the society or of any other
33 31 legal entity or position which the person served in any
33 32 capacity at the request of the society.
33 33 b. However, a person shall not be so indemnified or
33 34 reimbursed for either of the following:
33 35 ~~a.~~ (1) In relation to any matter to which the person is

Senate File 2320 - Introduced continued

34 1 finally adjudged to be or have been guilty of breach of a duty
34 2 as a director, officer, employee, or agent of the society.
34 3 ~~b.~~ (2) In relation to any matter which has been made the
34 4 subject of a compromise settlement.
34 5 c. However, if the person acted in good faith for a
34 6 purpose the person reasonably believed to be in or not opposed
34 7 to the best interests of the society and, in addition, in a
34 8 criminal proceeding, had no reasonable cause to believe that
34 9 the conduct was unlawful, ~~paragraphs "a" and~~ paragraph "b",
34 10 subparagraphs (1) and (2), do not apply. The determination
34 11 whether the conduct of the person met the standard required in
34 12 order to justify indemnification and reimbursement in relation
34 13 to any matter described in paragraph ~~"a" or~~ "b", subparagraph
34 14 (1) or (2), may only be made by the supreme governing body by
34 15 a majority vote of a quorum consisting of persons who were not
34 16 parties to the proceeding or by a court of competent
34 17 jurisdiction. The termination of a proceeding by judgment,
34 18 order, settlement, conviction, or upon a plea of no contest,
34 19 as to a person, does not in itself create a conclusive
34 20 presumption that the person met or did not meet the standard
34 21 of conduct required in order to justify indemnification and
34 22 reimbursement. The right of indemnification and reimbursement
34 23 is not exclusive of other rights to which a person may be
34 24 entitled as a matter of law and shall inure to the benefit of
34 25 the person's heirs, executors, and administrators.
34 26 Sec. 69. Section 554.2315, Code 2007, is amended to read
34 27 as follows:
34 28 554.2315 IMPLIED WARRANTY == FITNESS FOR PARTICULAR
34 29 PURPOSE.
34 30 Where the seller at the time of contracting has reason to
34 31 know any particular purpose for which the goods are required
34 32 and that the buyer is relying on the seller's skill or
34 33 judgment to select or furnish suitable goods, there is unless
34 34 excluded or modified under ~~the next~~ section 554.2316 an
34 35 implied warranty that the goods shall be fit for such purpose.

Senate File 2320 - Introduced continued

35 1 Sec. 70. Section 554.2502, subsection 1, Code 2007, is
35 2 amended to read as follows:
35 3 1. Subject to subsections 2 and 3 and even though the
35 4 goods have not been shipped a buyer who has paid a part or all
35 5 of the price of goods in which the buyer has a special
35 6 property under the provisions of ~~the immediately preceding~~
35 7 section 554.2501 may on making and keeping good a tender of
35 8 any unpaid portion of their price recover them from the seller
35 9 if:
35 10 a. in the case of goods bought for personal, family, or
35 11 household purposes, the seller repudiates or fails to deliver
35 12 as required by the contract; or
35 13 b. in all cases the seller becomes insolvent within ten
35 14 days after receipt of the first installment on their price.
35 15 Sec. 71. Section 554.2503, subsection 2, Code Supplement
35 16 2007, is amended to read as follows:
35 17 2. Where the case is within ~~the next~~ section 554.2504
35 18 respecting shipment tender requires that the seller comply
35 19 with its provisions.
35 20 Sec. 72. Section 554.2604, Code 2007, is amended to read
35 21 as follows:
35 22 554.2604 BUYER'S OPTIONS AS TO SALVAGE OF RIGHTFULLY
35 23 REJECTED GOODS.
35 24 Subject to the provisions of ~~the immediately preceding~~
35 25 section 554.2603 on perishables if the seller gives no
35 26 instructions within a reasonable time after notification of
35 27 rejection the buyer may store the rejected goods for the
35 28 seller's account or reship them to the seller or resell them
35 29 for the seller's account with reimbursement as provided in ~~the~~
~~35 30 preceding~~ section 554.2603. Such action is not acceptance or
35 31 conversion.
35 32 Sec. 73. Section 554.2615, unnumbered paragraph 1, Code
35 33 2007, is amended to read as follows:
35 34 Except so far as a seller may have assumed a greater
35 35 obligation and subject to ~~the preceding~~ section 554.2614 on

Senate File 2320 - Introduced continued

substituted performance:

Sec. 74. Section 554.2616, subsections 1 and 3, Code 2007, is amended to read as follows:

1. Where the buyer receives notification of a material or indefinite delay or an allocation justified under ~~the preceding~~ section 554.2615 the buyer may by written notification to the seller as to any delivery concerned, and where the prospective deficiency substantially impairs the value of the whole contract under the provisions of this Article relating to breach of installment contracts (section 554.2612), then also as to the whole,

a. terminate and thereby discharge any unexecuted portion of the contract; or

b. modify the contract by agreeing to take the buyer's available quota in substitution.

3. The provisions of this section may not be negated by agreement except insofar as the seller has assumed a greater obligation under ~~the preceding~~ section 554.2615.

Sec. 75. Section 554.2703, Code 2007, is amended to read as follows:

554.2703 SELLER'S REMEDIES IN GENERAL.

Where the buyer wrongfully rejects or revokes acceptance of goods or fails to make a payment due on or before delivery or repudiates with respect to a part or the whole, then with respect to any goods directly affected and, if the breach is of the whole contract (section 554.2612), then also with respect to the whole undelivered balance, the aggrieved seller may:

~~a.~~ 1. withhold delivery of such goods;

~~b.~~ 2. stop delivery by any bailee as hereafter provided (section 554.2705);

~~c.~~ 3. proceed under ~~the next~~ section 554.2704 respecting goods still unidentified to the contract;

~~d.~~ 4. resell and recover damages as hereafter provided (section 554.2706);

Senate File 2320 - Introduced continued

37 1 ~~e.~~ 5. recover damages for nonacceptance (section
37 2 554.2708) or in a proper case the price (section 554.2709);
37 3 ~~f.~~ 6. cancel.
37 4 Sec. 76. Section 554.2704, subsection 1, Code 2007, is
37 5 amended to read as follows:
37 6 1. An aggrieved seller under ~~the preceding~~ section
37 7 554.2703 may:
37 8 a. identify to the contract conforming goods not already
37 9 identified if at the time the seller learned of the breach
37 10 they are in the seller's possession or control;
37 11 b. treat as the subject of resale goods which have
37 12 demonstrably been intended for the particular contract even
37 13 though those goods are unfinished.
37 14 Sec. 77. Section 554.2709, subsections 1 and 3, Code 2007,
37 15 is amended to read as follows:
37 16 1. When the buyer fails to pay the price as it becomes due
37 17 the seller may recover, together with any incidental damages
37 18 under the next section, the price:
37 19 a. of goods accepted or of conforming goods lost or
37 20 damaged within a commercially reasonable time after risk of
37 21 their loss has passed to the buyer; and
37 22 b. of goods identified to the contract if the seller is
37 23 unable after reasonable effort to resell them at a reasonable
37 24 price or the circumstances reasonably indicate that such
37 25 effort will be unavailing.
37 26 3. After the buyer has wrongfully rejected or revoked
37 27 acceptance of the goods or has failed to make a payment due or
37 28 has repudiated (section 554.2610), a seller who is held not
37 29 entitled to the price under this section shall nevertheless be
37 30 awarded damages for nonacceptance under ~~the preceding~~ section
37 31 554.2708.
37 32 Sec. 78. Section 554.2711, subsections 1 and 2, Code 2007,
37 33 are amended to read as follows:
37 34 1. Where the seller fails to make delivery or repudiates
37 35 or the buyer rightfully rejects or justifiably revokes

Senate File 2320 - Introduced continued

38 1 acceptance then with respect to any goods involved, and with
38 2 respect to the whole if the breach goes to the whole contract
38 3 (section 554.2612), the buyer may cancel and whether or not
38 4 the buyer has done so may in addition to recovering so much of
38 5 the price as has been paid:
38 6 a. "cover" and have damages under ~~the next~~ section
38 7 554.2712 as to all the goods affected whether or not they have
38 8 been identified to the contract; or
38 9 b. recover damages for nondelivery as provided in this
38 10 Article (section 554.2713).
38 11 2. Where the seller fails to deliver or repudiates the
38 12 buyer may also:
38 13 a. if the goods have been identified recover them as
38 14 provided in this Article (section 554.2502); or
38 15 b. in a proper case obtain specific performance or replevy
38 16 the goods as provided in this Article (section 554.2716).
38 17 Sec. 79. Section 554.2712, subsection 1, Code 2007, is
38 18 amended to read as follows:
38 19 1. After a breach within ~~the preceding~~ section 554.2711
38 20 the buyer may "cover" by making in good faith and without
38 21 unreasonable delay any reasonable purchase of or contract to
38 22 purchase goods in substitution for those due from the seller.
38 23 Sec. 80. Section 554.2714, subsection 3, Code 2007, is
38 24 amended to read as follows:
38 25 3. In a proper case any incidental and consequential
38 26 damages under ~~the next~~ section 554.2715 may also be recovered.
38 27 Sec. 81. Section 554.2719, subsection 1, Code 2007, is
38 28 amended to read as follows:
38 29 1. Subject to the provisions of subsections 2 and 3 of
38 30 this section and of ~~the preceding~~ section 554.2718 on
38 31 liquidation and limitation of damages,
38 32 a. the agreement may provide for remedies in addition to
38 33 or in substitution for those provided in this Article and may
38 34 limit or alter the measure of damages recoverable under this
38 35 Article, as by limiting the buyer's remedies to return of the

Senate File 2320 - Introduced continued

39 1 goods and repayment of the price or to repair and replacement
39 2 of nonconforming goods or parts; and
39 3 b. resort to a remedy as provided is optional unless the
39 4 remedy is expressly agreed to be exclusive, in which case it
39 5 is the sole remedy.
39 6 Sec. 82. Section 554.7601A, subsection 2, Code Supplement
39 7 2007, is amended to read as follows:
39 8 2. If a warehouse receipt has been lost~~, stolen,~~ or
39 9 destroyed, the depositor may either remove the goods from the
39 10 warehouse facility or sell the goods to the warehouse after
39 11 executing a lost warehouse receipt release on a form
39 12 prescribed by the department of agriculture and land
39 13 stewardship. The form shall include an affidavit stating that
39 14 the warehouse receipt has been lost or destroyed, and the
39 15 depositor's undertaking to indemnify the warehouse for any
39 16 loss incurred as a result of the loss or destruction of the
39 17 warehouse receipt. The form shall be filed with the
39 18 department of agriculture and land stewardship.
39 19 Sec. 83. Section 554.13103, subsection 3, Code Supplement
39 20 2007, is amended to read as follows:
39 21 3. The following definitions in other Articles apply to
39 22 this Article:

39 23 "Account"	Section 554.9102, subsection 1,
39 24	paragraph "b"
39 25 "Between merchants"	Section 554.2104, subsection 3
39 26 "Buyer"	Section 554.2103, subsection 1,
39 27	paragraph "a"
39 28 "Chattel paper"	Section 554.9102, subsection 1,
39 29	paragraph "k"
39 30 "Consumer goods"	Section 554.9102, subsection 1,
39 31	paragraph "w"
39 32 "Document"	Section 554.9102, subsection 1,
39 33	paragraph "ad"
39 34 "Entrusting"	Section 554.2403, subsection 3
39 35 "General intangible"	Section 554.9102, subsection 1,

Senate File 2320 - Introduced continued

	paragraph "ap"
"Good faith"	Section ~~554.2103, subsection 1, paragraph "b"~~ 554.1201
"Instrument"	Section 554.9102, subsection 1, paragraph "au"
"Merchant"	Section 554.2104, subsection 1
"Mortgage"	Section 554.9102, subsection 1, paragraph "bc"
"Pursuant to commitment"	Section 554.9102, subsection 1, paragraph "bp"
"Receipt"	Section 554.2103, subsection 1, paragraph "c"
"Sale"	Section 554.2106, subsection 1
"Sale on approval"	Section 554.2326
"Sale or return"	Section 554.2326
"Seller"	Section 554.2103, subsection 1, paragraph "d"

Sec. 84. Section 554.13309, subsection 7, Code 2007, is amended to read as follows:

7. In cases not within ~~the preceding~~ subsections 1 through 6, priority between the interest of a lessor of fixtures, including the lessor's residual interest, and the conflicting interest of an encumbrancer or owner of the real estate who is not the lessee is determined by the priority rules governing conflicting interests in real estate.

Sec. 85. Section 614.1, subsection 5, Code Supplement 2007, is amended to read as follows:

5. WRITTEN CONTRACTS == JUDGMENTS OF COURTS NOT OF RECORD == RECOVERY OF REAL PROPERTY. Those founded on written contracts, or on judgments of any courts except those provided for in ~~the next~~ subsection 6, and those brought for the recovery of real property, within ten years.

Sec. 86. Section 633.113, Code 2007, is amended to read as follows:

633.113 COMMITMENT.

Senate File 2320 - Introduced continued

If, upon being served with an order of the court requiring appearance for interrogation, as provided in ~~the preceding sections hereof~~ section 633.112, any person fails to appear in accordance therewith, or if, having appeared, the person refuses to answer any question which the court thinks proper to be put to the person in the course of such examination, or if the person fails to comply with the order of the court requiring the delivery of the property to the fiduciary, the person may be committed to the jail of the county until the person does.

Sec. 87. Section 633.305, unnumbered paragraph 1, Code 2007, is amended to read as follows:

On admission of a will to probate without administration of the estate, the proponent shall cause to be published, in the manner prescribed in ~~the preceding~~ section 633.304, a notice of the admission of the will to probate. As soon as practicable following the admission of the will to probate, the proponent shall give notice of the admission of the will to probate by ordinary mail addressed to the surviving spouse, each heir of the decedent, and each devisee under the will admitted to probate whose identities are reasonably ascertainable, at such persons' last known addresses. The notice of the admission of the will to probate shall include a notice that any action to set aside the will must be brought within the later to occur of four months from the date of the second publication of the notice or one month from the date of mailing of this notice, or thereafter be barred.

Sec. 88. Section 633.426, Code 2007, is amended to read as follows:

633.426 ORDER OF PAYMENT OF DEBTS AND CHARGES.

Payment of debts and charges of the estate shall be made in the order provided in ~~the preceding~~ section 633.425, without preference of any claim over another of the same class. If the assets of the estate are insufficient to pay in full all of the claims of a class, then such claims shall be paid on a

Senate File 2320 - Introduced continued

42 1 pro rata basis, without preference between claims then due and
42 2 those of the same class not due.
42 3 Sec. 89. Section 633.700, unnumbered paragraph 1, Code
42 4 Supplement 2007, is amended to read as follows:
42 5 Unless specifically relieved from so doing~~,~~ by the
42 6 instrument creating the trust~~,~~ or by order of the court, the
42 7 trustee shall make a written report~~,~~ under oath~~,~~ to the court~~,~~
42 8 once each year~~,~~ within ninety days of the close of the
42 9 reporting period, and more often~~,~~ if required by the court.
42 10 Such report shall state:
42 11 Sec. 90. Section 718A.1, unnumbered paragraph 1, Code
42 12 Supplement 2007, is amended to read as follows:
42 13 As used in this ~~section~~ chapter:
42 14 Sec. 91. Section 729.1, Code 2007, is amended to read as
42 15 follows:
42 16 729.1 RELIGIOUS TEST.
42 17 Any violation of ~~section 4,~~ Article I, section 4, of the
42 18 Constitution of the State of Iowa is hereby declared to be a
42 19 simple misdemeanor unless a greater penalty is otherwise
42 20 provided by law.
42 21 Sec. 92. Section 820.14, Code 2007, is amended to read as
42 22 follows:
42 23 820.14 ARREST WITHOUT WARRANT.
42 24 The arrest of a person may be lawfully made also by any
42 25 peace officer or a private person, without a warrant upon
42 26 reasonable information that the accused stands charged in the
42 27 courts of a state with a crime punishable by death or
42 28 imprisonment for a term exceeding one year, but when so
42 29 arrested the accused must be taken before a judge or
42 30 magistrate with all practicable speed and complaint must be
42 31 made against the accused under oath setting forth the ground
42 32 for the arrest as in ~~the preceding~~ section 820.13; and
42 33 thereafter the accused's answer shall be heard as if the
42 34 accused had been arrested on a warrant.
42 35 Sec. 93. Section 820.15, Code 2007, is amended to read as

Senate File 2320 - Introduced continued

43 1 follows:
43 2 820.15 HOLDING TO AWAIT REQUISITION.
43 3 If from the examination before the judge or magistrate it
43 4 appears that the person held is the person charged with having
43 5 committed the crime alleged and, except in cases arising under
43 6 section 820.6, that the person has fled from justice, the
43 7 judge or magistrate must, by a warrant reciting the
43 8 accusation, commit the person to the county jail for such a
43 9 time not exceeding thirty days and specified in the warrant,
43 10 as will enable the arrest of the accused to be made under a
43 11 warrant of the governor on a requisition of the executive
43 12 authority of the state having jurisdiction of the offense,
43 13 unless the accused give bail as provided in ~~the next~~ section
43 14 820.16, or until the accused shall be legally discharged.
43 15 Sec. 94. Section 915.20A, subsection 1, paragraph d, Code
43 16 2007, is amended to read as follows:
43 17 d. "Victim counselor" means a person who is engaged in a
43 18 crime victim center, is certified as a counselor by the crime
43 19 victim center, and is under the control of a direct services
43 20 supervisor of a crime victim center, whose primary purpose is
43 21 the rendering of advice, counseling, and assistance to the
43 22 victims of crime. To qualify as a "victim counselor" under
43 23 this section, the person must also have completed at least
43 24 twenty hours of training provided by the center in which the
43 25 person is engaged, by the Iowa organization of victim
43 26 assistance, by the Iowa coalition against sexual ~~abuse~~
43 27 assault, or by the Iowa coalition against domestic violence,
43 28 which shall include but not be limited to, the dynamics of
43 29 victimization, substantive laws relating to violent crime,
43 30 sexual assault, and domestic violence, crisis intervention
43 31 techniques, communication skills, working with diverse
43 32 populations, an overview of the state criminal justice system,
43 33 information regarding pertinent hospital procedures, and
43 34 information regarding state and community resources for
43 35 victims of crime.

Senate File 2320 - Introduced continued

44 1 Sec. 95. 2007 Iowa Acts, chapter 182, section 3,
44 2 subsection 1, is amended to read as follows:
44 3 1. The Iowa propane education and research council is
44 4 established. Members of the council shall be appointed by the
44 5 governor from a list of nominees submitted by qualified
44 6 propane industry organizations within thirty days after the
44 7 effective date of this section of this Act and by December 15
44 8 of each year thereafter. The council shall consist of ten
44 9 voting members, nine of whom represent retail propane
44 10 marketers and one of whom shall be a public member. Qualified
44 11 propane industry organizations shall together nominate all
44 12 members of the council. A vacancy in the unfinished term of a
44 13 council member shall be filled for the remainder of the term
44 14 in the same manner as the original appointment was made.
44 15 Other than the public member, council members shall be
44 16 full=time employees or owners of a propane industry business
44 17 or representatives of an agricultural cooperative actively
44 18 engaged in the propane industry. An employee of a qualified
44 19 propane industry organization shall not serve as a member of
44 20 the council. An officer of the board of directors of a
44 21 qualified propane industry organization or propane industry
44 22 trade association shall not serve concurrently as a member of
44 23 the council. The fire marshal or a designee may serve as an
44 24 ex officio, nonvoting member of the council.
44 25 Sec. 96. 2007 Iowa Acts, chapter 197, section 33,
44 26 subsection 1, is amended to read as follows:
44 27 1. All new electrical installations for commercial or
44 28 industrial applications, including installations both inside
44 29 and outside of buildings, and for public use buildings and
44 30 facilities and any installation at the request of the property
44 31 owner.
44 32 Sec. 97. 2007 Iowa Acts, chapter 197, section 34,
44 33 subsection 2, is amended to read as follows:
44 34 2. State inspection shall not apply within the
44 35 jurisdiction of any political subdivision which, pursuant to

Senate File 2320 - Introduced continued

45 1 section 103.29, provides by resolution or ordinance standards
45 2 of electrical wiring and its installation that are not less
45 3 stringent than those prescribed by the board or by this
45 4 chapter and which further provides by resolution or ordinance
45 5 for the inspection of electrical installations within the
45 6 limits of such subdivision by a certified electrical
45 7 inspector. A copy of the certificate of each electrical
45 8 inspector shall be provided to the board by the political
45 9 subdivision issuing the certificate.
45 10 Sec. 98. Section 103.25, as enacted by 2007 Iowa Acts,
45 11 chapter 197, section 35, is amended to read as follows:
45 12 103.25 REQUEST FOR INSPECTION == FEES.
45 13 At or before commencement of any installation required to
45 14 be inspected by the board, the licensee or property owner
45 15 making such installation shall submit to the state fire
45 16 marshal's office a request for inspection. The board shall
45 17 prescribe the methods by which the request may be submitted,
45 18 which may include electronic submission or through a form
45 19 prescribed by the board that can be submitted either through
45 20 the mail or by a fax transmission. The board shall also
45 21 prescribe methods by which inspection fees can by paid, which
45 22 may include electronic methods of payment. If the board or
45 23 the state fire marshal's office becomes aware that a person
45 24 has failed to file a necessary request for inspection, the
45 25 board or the state fire marshal's office shall send a written
45 26 notification by certified mail that the request must ~~by~~ be
45 27 filed within fourteen days. Any person filing a late request
45 28 for inspection shall pay a delinquency fee in an amount to be
45 29 determined by the board. ~~Failure~~ A person who fails to file a
45 30 late request within fourteen days shall be subject to a civil
45 31 penalty to be determined by the board by rule.
45 32 Sec. 99. Section 103.26, as enacted by 2007 Iowa Acts,
45 33 chapter 197, section 36, is amended to read as follows:
45 34 103.26 CONDEMNATION == DISCONNECTION == OPPORTUNITY TO
45 35 CORRECT NONCOMPLIANCE.

Senate File 2320 - Introduced continued

46 1 If the inspector finds that any installation or portion of
46 2 an installation is not in compliance with accepted standards
46 3 of construction for health safety ~~to health~~ and property
46 4 safety, based upon minimum standards set forth in the local
46 5 electrical code or the national electrical code adopted by the
46 6 board pursuant to section 103.6, the inspector shall by
46 7 written order condemn the installation or noncomplying portion
46 8 or order service to such installation disconnected and shall
46 9 send a copy of such order to the board, the state fire
46 10 marshal, and the electrical utility supplying power involved.
46 11 If the installation or the noncomplying portion is such as to
46 12 seriously and proximately endanger human health or property,
46 13 the order of the inspector when approved by the inspector's
46 14 superior shall require immediate condemnation and
46 15 disconnection by the applicant. In all other cases, the order
46 16 of the inspector shall establish a reasonable period of time
46 17 for the installation to be brought into compliance with
46 18 accepted standards of construction for health safety ~~to health~~
46 19 and property safety prior to the effective date established in
46 20 such order for condemnation or disconnection.
46 21 Sec. 100. 2007 Iowa Acts, chapter 197, section 38,
46 22 subsection 2, is amended to read as follows:
46 23 2. If the electrical inspector determines that an
46 24 electrical installation subject to inspection by the board is
46 25 not in compliance with accepted standards of construction for
46 26 health safety ~~to health~~ and property safety, based upon
46 27 minimum standards adopted by the board pursuant to this
46 28 chapter, the inspector shall issue a correction order. A
46 29 correction order made pursuant to this section shall be served
46 30 personally or by United States mail only upon the licensee
46 31 making the installation. The correction order shall order the
46 32 licensee to make the installation comply with the standards,
46 33 noting specifically what changes are required. The order
46 34 shall specify a date, not more than seventeen calendar days
46 35 from the date of the order, when a new inspection shall be

Senate File 2320 - Introduced continued

47 1 made. When the installation is brought into compliance to the
47 2 satisfaction of the inspector, the inspector shall file with
47 3 the electrical utility supplying power a certificate stating
47 4 that the electrical inspector has approved energization.
47 5 Sec. 101. 2007 Iowa Acts, chapter 197, section 41,
47 6 subsection 4, is amended to read as follows:
47 7 4. Except when an inspection reveals that an installation
47 8 or portion of an installation is not in compliance with
47 9 accepted standards of construction for health safety ~~to health~~
47 10 and property safety, based upon minimum standards set forth in
47 11 the local electrical code or the national electrical code
47 12 adopted by the board pursuant to section 103.6, such that an
47 13 order of condemnation or disconnection is warranted pursuant
47 14 to section 103.26, an inspector shall not add to, modify, or
47 15 amend a construction plan as originally approved by the state
47 16 fire marshal in the course of conducting an inspection.
47 17 Sec. 102. 2007 Iowa Acts, chapter 197, section 42,
47 18 subsection 3, is amended to read as follows:
47 19 3. When an inspection is requested by ~~an~~ a property owner,
47 20 the minimum fee shall be thirty dollars plus five dollars per
47 21 branch circuit or feeder. The fee for fire and accident
47 22 inspections shall be computed at the rate of forty=seven
47 23 dollars per hour, and mileage and other expenses shall be
47 24 reimbursed as provided by the office of the state fire
47 25 marshal.
47 26 Sec. 103. 2007 Iowa Acts, chapter 197, section 43,
47 27 subsection 1, is amended to read as follows:
47 28 1. Any person aggrieved by a condemnation or disconnection
47 29 order issued by the state fire marshal's office may appeal
47 30 from the order by filing a written notice of appeal with the
47 31 board within ten days after the date the order was served upon
47 32 the property owner or within ten days after the order was
47 33 filed with the board, whichever is later.
47 34 Sec. 104. Section 104C.2, subsection 8, as enacted by 2007
47 35 Iowa Acts, chapter 198, section 2, is amended to read as

Senate File 2320 - Introduced continued

48 1 follows:
48 2 8. "Hydronic" means a heating or cooling system that
48 3 transfers heating or cooling by circulating fluid through a
48 4 closed system, including boilers, pressure vessels,
48 5 refrigerated equipment in connection with chilled water
48 6 systems, all steam piping, hot or chilled water piping
48 7 together with all control devices and accessories, installed
48 8 as part of, or in connection with, any comfort heating or
48 9 comfort cooling system or appliance using a liquid, water, or
48 10 steam as the heating or cooling media. "Hydronic" includes
48 11 all low=pressure and high=pressure systems.
48 12 Sec. 105. 2007 Iowa Acts, chapter 198, section 10,
48 13 subsection 3, is amended to read as follows:
48 14 3. The board may allow a two=year delay in implementing
48 15 the licensure requirements for contractors who employ ~~less~~
48 16 fewer than ten mechanical professionals.
48 17 Sec. 106. 2007 Iowa Acts, chapter 198, section 11,
48 18 subsection 1, is amended to read as follows:
48 19 1. Apply to a person licensed as an engineer pursuant to
48 20 chapter 542B, registered as an architect pursuant to chapter
48 21 544A, or licensed as a landscape architect pursuant to chapter
48 22 544B who provides consultations or develops plans or other
48 23 work concerning plumbing, HVAC, refrigeration, or hydronic
48 24 work and who is exclusively engaged in the practice of the
48 25 person's profession.
48 26 Sec. 107. 2007 Iowa Acts, chapter 198, section 18,
48 27 subsection 2, paragraph c, subparagraph (3), is amended to
48 28 read as follows:
48 29 (3) Provide evidence to the examining board that the
48 30 person has previously been a licensed journeyperson in the
48 31 applicable discipline or satisfies all requirements ~~required~~
~~48 32 to be licensed~~ for licensure as a journeyperson in the
48 33 applicable discipline.
48 34 Sec. 108. Sections 99A.1, 177A.16, 321.1, 321A.1, 321H.2,
48 35 322.2, 329.1, 428.28, 428.29, 433.12, 438.1, 438.2, 438.3,

Senate File 2320 - Introduced continued

49 1 453A.1, 455B.131, 476.44, 484B.4, 536.4, 536.5, 536.19,
49 2 536A.17, 543B.31, 589.8, 589.24, 624.27, 624.28, 727.2, and
49 3 730.2, Code 2007, are amended by striking the word
49 4 "copartnership" and inserting the word "partnership".
49 5 Sec. 109. Sections 322.4 and 322.7, Code Supplement 2007,
49 6 are amended by striking the word "copartnership" and inserting
49 7 the word "partnership".
49 8 Sec. 110. Sections 214A.2B, 258.16, 260C.40, and 282.7,
49 9 Code 2007, are amended by striking the words "merged area
49 10 school" and "merged area schools" inserting the words
49 11 "community college" and "community colleges".
49 12 DIVISION II
49 13 VOLUME I RENUMBERING
49 14 Sec. 111. Section 1.18, Code 2007, is amended to read as
49 15 follows:
49 16 1.18 IOWA ENGLISH LANGUAGE REAFFIRMATION.
49 17 1. The general assembly of the state of Iowa finds and
49 18 declares the following:
49 19 a. The state of Iowa is comprised of individuals from
49 20 different ethnic, cultural, and linguistic backgrounds. The
49 21 state of Iowa encourages the assimilation of Iowans into
49 22 Iowa's rich culture.
49 23 b. Throughout the history of Iowa and of the United
49 24 States, the common thread binding individuals of differing
49 25 backgrounds together has been the English language.
49 26 c. Among the powers reserved to each state is the power to
49 27 establish the English language as the official language of the
49 28 state, and otherwise to promote the English language within
49 29 the state, subject to the prohibitions enumerated in the
49 30 Constitution of the United States and in laws of the state.
49 31 2. In order to encourage every citizen of this state to
49 32 become more proficient in the English language, thereby
49 33 facilitating participation in the economic, political, and
49 34 cultural activities of this state and of the United States,
49 35 the English language is hereby declared to be the official

Senate File 2320 - Introduced continued

50 1 language of the state of Iowa.
50 2 3. Except as otherwise provided for in subsections ~~4~~ 5 and
50 3 ~~5~~ 6, the English language shall be the language of government
50 4 in Iowa. All official documents, regulations, orders,
50 5 transactions, proceedings, programs, meetings, publications,
50 6 or actions taken or issued, which are conducted or regulated
50 7 by, or on behalf of, or representing the state and all of its
50 8 political subdivisions shall be in the English language.
50 9 4. For the purposes of this section, "official action"
50 10 means any action taken by the government in Iowa or by an
50 11 authorized officer or agent of the government in Iowa that
50 12 does any of the following:
50 13 a. Binds the government.
50 14 b. Is required by law.
50 15 c. Is otherwise subject to scrutiny by either the press or
50 16 the public.
50 17 ~~4.~~ 5. This section shall not apply to:
50 18 a. The teaching of languages.
50 19 b. Requirements under the federal Individuals with
50 20 Disabilities Education Act.
50 21 c. Actions, documents, or policies necessary for trade,
50 22 tourism, or commerce.
50 23 d. Actions or documents that protect the public health and
50 24 safety.
50 25 e. Actions or documents that facilitate activities
50 26 pertaining to compiling any census of populations.
50 27 f. Actions or documents that protect the rights of victims
50 28 of crimes or criminal defendants.
50 29 g. Use of proper names, terms of art, or phrases from
50 30 languages other than English.
50 31 h. Any language usage required by or necessary to secure
50 32 the rights guaranteed by the Constitution and laws of the
50 33 United States of America or the Constitution of the State of
50 34 Iowa.
50 35 i. Any oral or written communications, examinations, or

Senate File 2320 - Introduced continued

51 1 publications produced or utilized by a driver's license
51 2 station, provided public safety is not jeopardized.
51 3 ~~5.~~ 6. Nothing in this section shall be construed to do
51 4 any of the following:
51 5 a. Prohibit an individual member of the general assembly
51 6 or officer of state government, while performing official
51 7 business, from communicating through any medium with another
51 8 person in a language other than English, if that member or
51 9 officer deems it necessary or desirable to do so.
51 10 b. Limit the preservation or use of Native American
51 11 languages, as defined in the federal Native American Languages
51 12 Act of 1992.
51 13 c. Disparage any language other than English or discourage
51 14 any person from learning or using a language other than
51 15 English.
51 16 Sec. 112. Section 2.10, subsection 4, Code 2007, is
51 17 amended to read as follows:
51 18 4. a. The director of the department of administrative
51 19 services shall pay the travel and expenses of the members of
51 20 the general assembly commencing with the first pay period
51 21 after the names of such persons are officially certified. The
51 22 salaries of the members of the general assembly shall be paid
51 23 pursuant to any of the following alternative methods:
51 24 ~~a.~~ (1) During each month of the year at the same time
51 25 state employees are paid.
51 26 ~~b.~~ (2) During each pay period during the first six months
51 27 of each calendar year.
51 28 ~~c.~~ (3) During the first six months of each calendar year
51 29 by allocating two=thirds of the annual salary to the pay
51 30 periods during those six months and one=third of the annual
51 31 salary to the pay periods during the second six months of a
51 32 calendar year.
51 33 b. Each member of the general assembly shall file with the
51 34 director of the department of administrative services a
51 35 statement as to the method the member selects for receiving

Senate File 2320 - Introduced continued

52 1 payment of salary. The presiding officers of the two houses
52 2 of the general assembly shall jointly certify to the director
52 3 of the department of administrative services the names of the
52 4 members, officers, and employees of their respective houses
52 5 and the salaries and mileage to which each is entitled.
52 6 Travel and expense allowances shall be paid upon the
52 7 submission of vouchers to the director of the department of
52 8 administrative services indicating a claim for the same.
52 9 Sec. 113. Section 2.15, Code 2007, is amended to read as
52 10 follows:
52 11 2.15 POWERS AND DUTIES OF STANDING COMMITTEES.
52 12 1. The powers and duties of standing committees shall
52 13 include, but shall not be limited to, the following:
52 14 ~~1.~~ a. Introducing legislative bills and resolutions.
52 15 ~~2.~~ b. Conducting investigations with the approval of
52 16 either or both houses during the session, or the legislative
52 17 council during the interim, with authority to call witnesses,
52 18 administer oaths, issue subpoenas, and cite for contempt.
52 19 ~~3.~~ c. Requiring reports and information from state
52 20 agencies as well as the full ~~co=operation~~ cooperation of their
52 21 personnel.
52 22 ~~4.~~ d. Selecting nonlegislative members when conducting
52 23 studies as provided in section 2.14.
52 24 ~~5.~~ e. Undertaking in=depth studies of governmental
52 25 matters within their assigned jurisdiction, not only for the
52 26 purpose of evaluating proposed legislation, but also for
52 27 studying existing laws and governmental operations and
52 28 functions to determine their usefulness and effectiveness, as
52 29 provided in section 2.14.
52 30 ~~6.~~ f. Reviewing the operations of state agencies and
52 31 departments.
52 32 ~~7.~~ g. Giving thorough consideration to, establishing
52 33 priorities for, and making recommendations on all bills
52 34 assigned to committees.
52 35 ~~8.~~ h. Preparing reports to be made available to members

Senate File 2320 - Introduced continued

53 1 of the general assembly containing the committee's findings,
53 2 recommendations, and proposed legislation.
53 3 2. A standing committee may call upon any department,
53 4 agency or office of the state, or any political subdivision of
53 5 the state, for information and assistance as needed in the
53 6 performance of its duties and the information and assistance
53 7 shall be furnished to the extent that they are within the
53 8 resources and authority of the department, agency, office or
53 9 political subdivision. This ~~paragraph~~ subsection does not
53 10 require the production or opening of any records which are
53 11 required by law to be kept private or confidential.
53 12 Sec. 114. Section 7K.1, subsection 3, Code 2007, is
53 13 amended to read as follows:
53 14 3. MEMBERSHIP.
53 15 a. The board of directors of the foundation shall consist
53 16 of fifteen members serving staggered three=year terms
53 17 beginning on May 1 of the year of appointment who shall be
53 18 appointed as follows:
53 19 ~~a.~~ (1) Five members shall be appointed by the governor as
53 20 follows:
53 21 ~~(1)~~ (a) A school district superintendent from a school
53 22 district with enrollment of one thousand one hundred
53 23 forty=nine or fewer pupils.
53 24 ~~(2)~~ (b) An individual representing an Iowa business
53 25 employing more than two hundred fifty employees.
53 26 ~~(3)~~ (c) A community college president.
53 27 ~~(4)~~ (d) An individual representing labor and workforce
53 28 interests.
53 29 ~~(5)~~ (e) An individual representing an Iowa agriculture
53 30 association.
53 31 ~~b.~~ (2) Five members shall be appointed by the speaker of
53 32 the house of representatives as follows:
53 33 ~~(1)~~ (a) An individual representing the area education
53 34 agencies.
53 35 ~~(2)~~ (b) The president of an accredited private

Senate File 2320 - Introduced continued

54 1 institution as defined in section 261.9.
54 2 ~~(3)~~ (c) An individual representing an Iowa business
54 3 employing more than fifty employees but not more than two
54 4 hundred fifty employees.
54 5 ~~(4)~~ (d) An individual representing urban economic
54 6 development interests.
54 7 ~~(5)~~ (e) An individual from an association representing
54 8 Iowa businesses.
54 9 ~~c.~~ (3) Five members shall be appointed by the president
54 10 of the senate as follows:
54 11 ~~(1)~~ (a) A school district superintendent from a school
54 12 district with an enrollment of more than one thousand one
54 13 hundred forty=nine pupils.
54 14 ~~(2)~~ (b) A president of an institution of higher education
54 15 under the control of the state board of regents.
54 16 ~~(3)~~ (c) An individual representing an Iowa business
54 17 employing fifty or fewer employees.
54 18 ~~(4)~~ (d) An individual representing rural economic
54 19 development interests.
54 20 ~~(5)~~ (e) An individual representing a business that
54 21 established itself in Iowa on or after July 1, 1999.
54 22 b. Members, except as provided in paragraph ~~"c"~~ "a",
54 23 subparagraph ~~(2)~~ (3), subparagraph subdivision (c), shall not
54 24 be employed by the state. One co=chairperson shall be
54 25 appointed by the speaker of the house of representatives and
54 26 one co=chairperson shall be appointed by the president of the
54 27 senate.
54 28 Sec. 115. Section 8A.204, subsection 1, paragraph a,
54 29 unnumbered paragraphs 1 and 2, Code Supplement 2007, are
54 30 amended to read as follows:
54 31 "Agency" means a participating agency as defined in section
54 32 8A.201. In addition, the following definitions shall also
54 33 apply:
54 34 ~~In addition, the following definitions shall also apply:~~
54 35 Sec. 116. Section 8A.502, subsection 14, Code 2007, is

Senate File 2320 - Introduced continued

55 1 amended to read as follows:
55 2 14. FEDERAL CASH MANAGEMENT AND IMPROVEMENT ACT
55 3 ADMINISTRATOR.
55 4 a. To serve as administrator for state actions relating to
55 5 the federal Cash Management and Improvement Act of 1990, Pub.
55 6 L. No. 101=453, as codified in 31 U.S.C. } 6503. The director
55 7 shall perform the following duties relating to the federal
55 8 law:
55 9 ~~a.~~ (1) Act as the designated representative of the state
55 10 in the negotiation and administration of contracts between the
55 11 state and federal government relating to the federal law.
55 12 ~~b.~~ (2) Modify the centralized statewide accounting system
55 13 and develop, or require to be developed by the appropriate
55 14 departments of state government, the reports and procedures
55 15 necessary to complete the managerial and financial reports
55 16 required to comply with the federal law.
55 17 b. There is annually appropriated from the general fund of
55 18 the state to the department an amount sufficient to pay
55 19 interest costs that may be due the federal government as a
55 20 result of implementation of the federal law. This paragraph
55 21 does not authorize the payment of interest from the general
55 22 fund of the state for any departmental revolving, trust, or
55 23 special fund where monthly interest earnings accrue to the
55 24 credit of the departmental revolving, trust, or special fund.
55 25 For any departmental revolving, trust, or special fund where
55 26 monthly interest is accrued to the credit of the fund, the
55 27 director may authorize a supplemental expenditure to pay
55 28 interest costs from the individual fund which are due the
55 29 federal government as a result of implementation of the
55 30 federal law.
55 31 Sec. 117. Section 9D.3, subsection 2, Code 2007, is
55 32 amended to read as follows:
55 33 2. a. The bond shall be payable to the state for the use
55 34 and benefit of either:
55 35 ~~a.~~ (1) A person who is injured by the fraud,

Senate File 2320 - Introduced continued

56 1 misrepresentation, or financial failure of the travel agency
56 2 or a travel agent employed by the travel agency.
56 3 ~~b.~~ (2) The state on behalf of a person or persons under
56 4 ~~paragraph "a"~~ subparagraph (1).
56 5 b. The bond shall be conditioned such that the registrant
56 6 will pay any judgment recovered by a person in a court of this
56 7 state in a suit for actual damages, including reasonable
56 8 attorney's fees, or for rescission, resulting from a cause of
56 9 action involving the sale or offer of sale of travel services.
56 10 The bond shall be open to successive claims, but the aggregate
56 11 amount of the claims paid shall not exceed the principal
56 12 amount of the bond.
56 13 Sec. 118. Section 9H.4, Code 2007, is amended to read as
56 14 follows:
56 15 9H.4 RESTRICTION ON INCREASE OF HOLDINGS == EXCEPTIONS ==
56 16 PENALTY.
56 17 1. A corporation, limited liability company, or trust,
56 18 other than a family farm corporation, authorized farm
56 19 corporation, family farm limited liability company, authorized
56 20 limited liability company, family trust, authorized trust,
56 21 revocable trust, or testamentary trust shall not, either
56 22 directly or indirectly, acquire or otherwise obtain or lease
56 23 any agricultural land in this state. However, the
56 24 restrictions provided in this section shall not apply to the
56 25 following:
56 26 ~~1.~~ a. A bona fide encumbrance taken for purposes of
56 27 security.
56 28 ~~2.~~ b. Agricultural land acquired for research or
56 29 experimental purposes. Agricultural land is used for research
56 30 or experimental purposes if any of the following apply:
56 31 ~~a.~~ (1) Research and experimental activities are
56 32 undertaken on the agricultural land and commercial sales of
56 33 products produced from farming the agricultural land do not
56 34 occur or are incidental to the research or experimental
56 35 purposes of the corporation or limited liability company.

Senate File 2320 - Introduced continued

57 1 Commercial sales are incidental to the research or
57 2 experimental purposes of the corporation or limited liability
57 3 company when such sales are less than twenty=five percent of
57 4 the gross sales of the primary product of the research.
57 5 ~~b.~~ (2) The agricultural land is used for the primary
57 6 purpose of testing, developing, or producing seeds or plants
57 7 for sale or resale to farmers as seed stock. Grain which is
57 8 not sold as seed stock is an incidental sale and must be less
57 9 than twenty=five percent of the gross sales of the primary
57 10 product of the research and experimental activities.
57 11 ~~c.~~ (3) (a) The agricultural land is used by a
57 12 corporation or limited liability company, including any trade
57 13 or business which is under common control, as provided in 26
57 14 U.S.C. } 414 for the primary purpose of testing, developing,
57 15 or producing animals for sale or resale to farmers as breeding
57 16 stock. However, after July 1, 1989, to qualify under this
57 17 ~~paragraph~~ subparagraph subdivision, the following conditions
57 18 must be satisfied:
57 19 ~~(1)~~ (i) The corporation or limited liability company must
57 20 not hold the agricultural land other than as a lessee. The
57 21 term of the lease must be for not more than twelve years. The
57 22 corporation or limited liability company shall not renew a
57 23 lease. The corporation or limited liability company shall not
57 24 enter into a lease under this ~~paragraph~~ subparagraph
57 25 subdivision part, if the corporation or limited liability
57 26 company has ever entered into another lease under this
57 27 ~~paragraph "c"~~ subparagraph (3), whether or not the lease is in
57 28 effect. However, this subparagraph does not apply to a
57 29 domestic corporation organized under chapter 504, Code 1989,
57 30 or current chapter 504.
57 31 ~~(2)~~ (ii) A term or condition of sale, including resale,
57 32 of breeding stock must not relate to the direct or indirect
57 33 control by the corporation or limited liability company of the
57 34 breeding stock or breeding stock progeny subsequent to the
57 35 sale.

Senate File 2320 - Introduced continued

58 1 ~~(3)~~ (iii) The number of acres of agricultural land held
58 2 by the corporation or limited liability company must not
58 3 exceed six hundred forty acres.
58 4 ~~(4)~~ (iv) The corporation or limited liability company
58 5 must deliver a copy of the lease to the secretary of state.
58 6 The secretary of state shall notify the lessee of receipt of
58 7 the copy of the lease. However, this subparagraph subdivision
58 8 does not apply to a domestic corporation organized under
58 9 chapter 504, Code 1989, or current chapter 504.
58 10 (b) Culls and test animals may be sold under this
58 11 ~~paragraph "c"~~ subparagraph (3). For a three=year period
58 12 beginning on the date that the corporation or limited
58 13 liability company acquires an interest in the agricultural
58 14 land, the gross sales for any year shall not be greater than
58 15 five hundred thousand dollars. After the three=year period
58 16 ends, the gross sales for any year shall not be greater than
58 17 twenty=five percent of the gross sales for that year of the
58 18 breeding stock, or five hundred thousand dollars, whichever is
58 19 less.
58 20 ~~3.~~ c. Agricultural land, including leasehold interests,
58 21 acquired by a nonprofit corporation organized under the
58 22 provisions of chapter 504, Code 1989, and current chapter 504
58 23 including land acquired and operated by or for a state
58 24 university for research, experimental, demonstration,
58 25 foundation seed increase or test purposes and land acquired
58 26 and operated by or for nonprofit corporations organized
58 27 specifically for research, experimental, demonstration,
58 28 foundation seed increase or test purposes in support of or in
58 29 conjunction with a state university.
58 30 ~~4.~~ d. Agricultural land acquired by a corporation or
58 31 limited liability company for immediate or potential use in
58 32 nonfarming purposes.
58 33 ~~5.~~ e. Agricultural land acquired by a corporation or
58 34 limited liability company by process of law in the collection
58 35 of debts, or pursuant to a contract for deed executed prior to

Senate File 2320 - Introduced continued

59 1 August 15, 1975, or by any procedure for the enforcement of a
59 2 lien or claim thereon, whether created by mortgage or
59 3 otherwise.
59 4 ~~6.~~ f. A municipal corporation.
59 5 ~~7.~~ g. Agricultural land which is acquired by a trust
59 6 company or bank in a fiduciary capacity or as trustee for a
59 7 family trust, authorized trust or testamentary trust or for
59 8 nonprofit corporations.
59 9 ~~8.~~ h. A corporation or its subsidiary organized under
59 10 chapter 490 or a limited liability company organized under
59 11 chapter 490A and to which section 312.8 is applicable.
59 12 ~~9.~~ i. Agricultural land held or leased by a corporation
59 13 on July 1, 1975, as long as the corporation holding or leasing
59 14 the land on this date continues to hold or lease such
59 15 agricultural land.
59 16 ~~10.~~ j. Agricultural land held or leased by a trust on
59 17 July 1, 1977, as long as the trust holding or leasing such
59 18 land on this date continues to hold or lease such agricultural
59 19 land.
59 20 ~~11.~~ k. Agricultural land acquired by a trust for
59 21 immediate use in nonfarming purposes.
59 22 2. A corporation, limited liability company, or trust,
59 23 other than a family farm corporation, authorized farm
59 24 corporation, family farm limited liability company, authorized
59 25 limited liability company, family trust, authorized trust,
59 26 revocable trust, or testamentary trust, violating this section
59 27 shall be assessed a civil penalty of not more than twenty=five
59 28 thousand dollars and shall divest itself of any land held in
59 29 violation of this section within one year after judgment. The
59 30 courts of this state may prevent and restrain violations of
59 31 this section through the issuance of an injunction. The
59 32 attorney general or a county attorney shall institute suits on
59 33 behalf of the state to prevent and restrain violations of this
59 34 section.
59 35 Sec. 119. Section 11.4, Code 2007, is amended to read as

Senate File 2320 - Introduced continued

60 1 follows:
60 2 11.4 REPORT OF AUDITS.
60 3 1. The auditor of state shall make or cause to be made and
60 4 filed and kept in the auditor's office written reports of all
60 5 audits and examinations, which reports shall set out in detail
60 6 the following:
60 7 ~~1.~~ a. The actual condition of such department found to
60 8 exist on every examination.
60 9 ~~2.~~ b. Whether, in the auditor's opinion,
60 10 ~~a.~~ (1) All funds have been expended for the purpose for
60 11 which appropriated.
60 12 ~~b.~~ (2) The department so audited and examined is
60 13 efficiently conducted, and if the maximum results for the
60 14 money expended are obtained.
60 15 ~~c.~~ (3) The work of the departments so audited or examined
60 16 needlessly conflicts with or duplicates the work done by any
60 17 other department.
60 18 ~~3.~~ c. All illegal or unbusinesslike practices.
60 19 ~~4.~~ d. Any recommendations for greater simplicity,
60 20 accuracy, efficiency, or economy in the operation of the
60 21 business of the several departments and institutions.
60 22 ~~5.~~ e. Comparisons of prices paid and terms obtained by
60 23 the various departments for goods and services of like
60 24 character and reasons for differences therein, if any.
60 25 ~~6.~~ f. Any other information which, in the auditor's
60 26 judgment, may be of value to the auditor.
60 27 2. All such reports shall be filed and kept in the
60 28 auditor's office.
60 29 3. The state auditor is hereby authorized to obtain,
60 30 maintain, and operate, under the auditor's exclusive control
60 31 such machinery as may be necessary to print confidential
60 32 reports and documents originating in the auditor's office.
60 33 Sec. 120. Section 11.6, subsection 1, paragraph a, Code
60 34 2007, is amended to read as follows:
60 35 a. (1) The financial condition and transactions of all

Senate File 2320 - Introduced continued

61 1 cities and city offices, counties, county hospitals organized
61 2 under chapters 347 and 347A, memorial hospitals organized
61 3 under chapter 37, entities organized under chapter 28E having
61 4 gross receipts in excess of one hundred thousand dollars in a
61 5 fiscal year, merged areas, area education agencies, and all
61 6 school offices in school districts, shall be examined at least
61 7 once each year, except that cities having a population of
61 8 seven hundred or more but less than two thousand shall be
61 9 examined at least once every four years, and cities having a
61 10 population of less than seven hundred may be examined as
61 11 otherwise provided in this section. The examination shall
61 12 cover the fiscal year next preceding the year in which the
61 13 audit is conducted. The examination of school offices shall
61 14 include an audit of all school funds, the certified annual
61 15 financial report, the certified enrollment as provided in
61 16 section 257.6, and the revenues and expenditures of any
61 17 nonprofit school organization established pursuant to section
61 18 279.62. Differences in certified enrollment shall be reported
61 19 to the department of management. The examination of a city
61 20 that owns or operates a municipal utility providing local
61 21 exchange services pursuant to chapter 476 shall include an
61 22 audit of the city's compliance with section 388.10. The
61 23 examination of a city that owns or operates a municipal
61 24 utility providing telecommunications services pursuant to
61 25 section 388.10 shall include an audit of the city's compliance
61 26 with section 388.10.
61 27 (2) Subject to the exceptions and requirements of
61 28 subsection 2 and subsection 4, paragraph ~~"c"~~ "a", subparagraph
61 29 (3), examinations shall be made as determined by the
61 30 governmental subdivision either by the auditor of state or by
61 31 certified public accountants, certified in the state of Iowa,
61 32 and they shall be paid from the proper public funds of the
61 33 governmental subdivision.
61 34 Sec. 121. Section 11.6, subsection 1, paragraph b,
61 35 subparagraph (2), Code 2007, is amended to read as follows:

Senate File 2320 - Introduced continued

62 1 (2) (a) As part of its audit, the governmental
62 2 subdivision is responsible for obtaining and providing to the
62 3 person performing the audit the audited financial statements
62 4 and related report on internal control structure of outside
62 5 persons, performing any of the following during the period
62 6 under audit for the governmental subdivision:
62 7 ~~(a)~~ (i) Investing public funds.
62 8 ~~(b)~~ (ii) Advising on the investment of public funds.
62 9 ~~(c)~~ (iii) Directing the deposit or investment of public
62 10 funds.
62 11 ~~(d)~~ (iv) Acting in a fiduciary capacity for the
62 12 governmental subdivision.
62 13 (b) The audit under this section shall not be certified
62 14 until all material information required by this subparagraph
62 15 is reviewed by the person performing the audit.
62 16 Sec. 122. Section 11.6, subsection 4, Code 2007, is
62 17 amended to read as follows:
62 18 4. a. In addition to the powers and duties under other
62 19 provisions of the Code, the auditor of state may at any time
62 20 cause to be made a complete or partial reaudit of the
62 21 financial condition and transactions of any city, county,
62 22 county hospital, memorial hospital, entity organized under
62 23 chapter 28E, merged area, area education agency, school
62 24 corporation, township, or other governmental subdivision, or
62 25 an office of any of these, if one of the following conditions
62 26 exists:
62 27 ~~a.~~ (1) The auditor of state has probable cause to believe
62 28 such action is necessary in the public interest because of a
62 29 material deficiency in an audit of the governmental
62 30 subdivision filed with the auditor of state or because of a
62 31 substantial failure of the audit to comply with the standards
62 32 and procedures established and published by the auditor of
62 33 state.
62 34 ~~b.~~ (2) The auditor of state receives from an elected
62 35 official or employee of the governmental subdivision a written

Senate File 2320 - Introduced continued

63 1 request for a complete or partial reaudit of the governmental
63 2 subdivision.
63 3 ~~c.~~ (3) The auditor of state receives a petition signed by
63 4 at least fifty eligible electors of the governmental
63 5 subdivision requesting a complete or partial reaudit of the
63 6 governmental subdivision. If the governmental subdivision has
63 7 not contracted with or employed a certified public accountant
63 8 to perform an audit of the fiscal year in which the petition
63 9 is received by the auditor of state, the auditor of state may
63 10 perform an audit required by subsection 1 or 3.
63 11 b. The state audit shall be paid from the proper public
63 12 funds available in the office of the auditor of state. In the
63 13 event the audited governmental subdivision recovers damages
63 14 from a person performing a previous audit due to negligent
63 15 performance of that audit or breach of the audit contract, the
63 16 auditor of state shall be entitled to reimbursement on an
63 17 equitable basis for funds expended from any recovery made by
63 18 the governmental subdivision.
63 19 c. An examination under this subsection shall include a
63 20 determination of whether investments by the governmental
63 21 subdivision are authorized by state law.
63 22 Sec. 123. Section 13.2, Code 2007, is amended to read as
63 23 follows:
63 24 13.2 DUTIES.
63 25 1. It shall be the duty of the attorney general, except as
63 26 otherwise provided by law to:
63 27 ~~1.~~ a. Prosecute and defend all causes in the appellate
63 28 courts in which the state is a party or interested.
63 29 ~~2.~~ b. Prosecute and defend in any other court or
63 30 tribunal, all actions and proceedings, civil or criminal, in
63 31 which the state may be a party or interested, when, in the
63 32 attorney general's judgment, the interest of the state
63 33 requires such action, or when requested to do so by the
63 34 governor, executive council, or general assembly.
63 35 ~~3.~~ c. Prosecute and defend all actions and proceedings

Senate File 2320 - Introduced continued

64 1 brought by or against any state officer in the officer's
64 2 official capacity.
64 3 ~~4.~~ d. Prosecute and defend all actions and proceedings
64 4 brought by or against any employee of a judicial district
64 5 department of correctional services in the performance of an
64 6 assessment of risk pursuant to chapter 692A.
64 7 ~~5.~~ e. Give an opinion in writing, when requested, upon
64 8 all questions of law submitted by the general assembly or by
64 9 either house thereof, or by any state officer, elective or
64 10 appointive. Questions submitted by state officers must be of a
64 11 public nature and relate to the duties of such officer.
64 12 ~~6.~~ f. Prepare drafts for contracts, forms, and other
64 13 writings which may be required for the use of the state.
64 14 ~~7.~~ g. Report to the governor, at the time provided by
64 15 law, the condition of the attorney general's office, opinions
64 16 rendered, and business transacted of public interest.
64 17 ~~8.~~ h. Supervise county attorneys in all matters
64 18 pertaining to the duties of their offices, and from time to
64 19 time to require of them reports as to the condition of public
64 20 business entrusted to their charge.
64 21 ~~9.~~ i. Promptly account, to the treasurer of state, for
64 22 all state funds received by the attorney general.
64 23 ~~10.~~ j. Keep in proper books a record of all official
64 24 opinions, and a register of all actions, prosecuted and
64 25 defended by the attorney general, and of all proceedings had
64 26 in relation thereto, which books shall be delivered to the
64 27 attorney general's successor.
64 28 ~~11.~~ k. Perform all other duties required by law.
64 29 ~~12.~~ l. Inform prosecuting attorneys and assistant
64 30 prosecuting attorneys to the state of all changes in law and
64 31 matters pertaining to their office and establish programs for
64 32 the continuing education of prosecuting attorneys and
64 33 assistant prosecuting attorneys. The attorney general may
64 34 accept funds, grants and gifts from any public or private
64 35 source which shall be used to defray the expenses incident to

Senate File 2320 - Introduced continued

65 1 implementing duties under this ~~subsection~~ paragraph.
65 2 ~~13.~~ m. Establish and administer, in cooperation with the
65 3 law schools of Drake university and the state university of
65 4 Iowa, a prosecutor intern program incorporating the essential
65 5 elements of the pilot program denominated "law student intern
65 6 program in prosecutors' office" funded by the Iowa crime
65 7 commission and participating counties. The attorney general
65 8 shall consult with an advisory committee including
65 9 representatives of each participating law school and the Iowa
65 10 county attorneys association, inc. concerning development,
65 11 administration, and critique of this program. The attorney
65 12 general shall report on the program's operation annually to
65 13 the general assembly and the supreme court.
65 14 ~~14.~~ n. Develop written procedures and policies to be
65 15 followed by prosecuting attorneys in the prosecution of
65 16 domestic abuse cases under chapters 236 and 708.
65 17 2. Executing the duties of this section shall not be
65 18 deemed a violation of section 68B.6.
65 19 Sec. 124. Section 15.313, subsection 1, Code 2007, is
65 20 amended to read as follows:
65 21 1. a. An Iowa strategic investment fund is created as a
65 22 revolving fund consisting of any money appropriated by the
65 23 general assembly for that purpose and any other moneys
65 24 available to and obtained or accepted by the department from
65 25 the federal government or private sources for placement in the
65 26 fund. The fund shall also include all of the following:
65 27 ~~a.~~ (1) All unencumbered and unobligated funds from the
65 28 special community economic betterment program fund created
65 29 under 1990 Iowa Acts, chapter 1262, section 1, subsection 18,
65 30 remaining on June 30, 1992, all repayments of loans or other
65 31 awards made under the community economic betterment account or
65 32 under the community economic betterment program during any
65 33 fiscal year beginning on or after July 1, 1985, and recaptures
65 34 of awards.
65 35 ~~b.~~ (2) All unencumbered and unobligated funds from the

Senate File 2320 - Introduced continued

66 1 targeted small business financial assistance program, the
66 2 financing rural economic development or successor loan
66 3 program, and the value=added agricultural products and
66 4 processes financial assistance fund remaining on June 30,
66 5 1992, and all repayments of loans or other awards or
66 6 recaptures of awards made under these programs.
66 7 b. Notwithstanding section 8.33, moneys in the strategic
66 8 investment fund at the end of each fiscal year shall not
66 9 revert to any other fund but shall remain in the strategic
66 10 investment fund for expenditure for subsequent fiscal years.
66 11 Sec. 125. Section 15.331A, Code 2007, is amended to read
66 12 as follows:
66 13 15.331A SALES AND USE TAX REFUND.
66 14 1. The eligible business shall be entitled to a refund of
66 15 the sales and use taxes paid under chapter 423 for gas,
66 16 electricity, water, or sewer utility services, goods, wares,
66 17 or merchandise, or on services rendered, furnished, or
66 18 performed to or for a contractor or subcontractor and used in
66 19 the fulfillment of a written contract relating to the
66 20 construction or equipping of a facility of the eligible
66 21 business. Taxes attributable to intangible property and
66 22 furniture and furnishings shall not be refunded. However, an
66 23 eligible business shall be entitled to a refund for taxes
66 24 attributable to racks, shelving, and conveyor equipment to be
66 25 used in a warehouse or distribution center subject to section
66 26 15.331C.
66 27 2. To receive the refund a claim shall be filed by the
66 28 eligible business with the department of revenue as follows:
66 29 ~~1.~~ a. The contractor or subcontractor shall state under
66 30 oath, on forms provided by the department, the amount of the
66 31 sales of goods, wares, or merchandise or services rendered,
66 32 furnished, or performed including water, sewer, gas, and
66 33 electric utility services upon which sales or use tax has been
66 34 paid prior to the project completion, and shall file the forms
66 35 with the eligible business before final settlement is made.

Senate File 2320 - Introduced continued

67 1 ~~2.~~ b. The eligible business shall, not more than one year
67 2 after project completion, make application to the department
67 3 for any refund of the amount of the sales and use taxes paid
67 4 pursuant to chapter 423 upon any goods, wares, or merchandise,
67 5 or services rendered, furnished, or performed, including
67 6 water, sewer, gas, and electric utility services. The
67 7 application shall be made in the manner and upon forms to be
67 8 provided by the department, and the department shall audit the
67 9 claim and, if approved, issue a warrant to the eligible
67 10 business in the amount of the sales or use tax which has been
67 11 paid to the state of Iowa under a contract. A claim filed by
67 12 the eligible business in accordance with this section shall
67 13 not be denied by reason of a limitation provision set forth in
67 14 chapter 421 or 423.
67 15 3. A contractor or subcontractor who willfully makes a
67 16 false report of tax paid under the provisions of this section
67 17 is guilty of a simple misdemeanor and in addition is liable
67 18 for the payment of the tax and any applicable penalty and
67 19 interest.
67 20 Sec. 126. Section 15A.1, subsection 1, Code 2007, is
67 21 amended to read as follows:
67 22 1. a. Economic development is a public purpose for which
67 23 the state, a city, or a county may provide grants, loans,
67 24 guarantees, tax incentives, and other financial assistance to
67 25 or for the benefit of private persons.
67 26 b. For purposes of this chapter, "economic development"
67 27 means private or joint public and private investment involving
67 28 the creation of new jobs and income or the retention of
67 29 existing jobs and income that would otherwise be lost.
67 30 Sec. 127. Section 15A.2, Code 2007, is amended to read as
67 31 follows:
67 32 15A.2 CONFLICTS OF INTEREST.
67 33 1. a. If a member of the governing body of a city or
67 34 county or an employee of a state, city, or county board,
67 35 agency, commission, or other governmental entity of the state,

Senate File 2320 - Introduced continued

68 1 city, or county has an interest, either direct or indirect, in
68 2 a private person for which grants, loans, guarantees, tax
68 3 incentives, or other financial assistance may be provided by
68 4 the governing board or governmental entity, the interest shall
68 5 be disclosed to that governing body or governmental entity in
68 6 writing. The member or employee having the interest shall not
68 7 participate in the decision=making process with regard to the
68 8 providing of such financial assistance to the private person.
68 9 b. Employment by a public body, its agencies, or
68 10 institutions or by any other person having such an interest
68 11 shall not be deemed an indicia of an interest by the employee
68 12 or of any ownership or control by the employee of interests of
68 13 the employee's employer.
68 14 c. The word "participate" or "participation" shall be
68 15 deemed not to include discussion or debate preliminary to a
68 16 vote of a local governing body or agency upon proposed
68 17 ordinances or resolutions relating to such a project or any
68 18 abstention from such a vote.
68 19 d. The designation of a bank or trust company as
68 20 depository, paying agent, or agent for investment of funds
68 21 shall not be deemed a matter of interest or personal interest.
68 22 e. Stock ownership in a corporation having such an
68 23 interest shall not be deemed an indicia of an interest or of
68 24 ownership or control by the person owning the stocks when less
68 25 than five percent of the outstanding stock of the corporation
68 26 is owned or controlled directly or indirectly by that person.
68 27 f. The phrase "decision=making process" shall not be
68 28 deemed to include resolutions advisory to the local governing
68 29 body or agency by any citizens group, board, body, or
68 30 commission designated to serve a purely advisory approving or
68 31 recommending function for economic development.
68 32 2. A violation of a provision of this section is
68 33 misconduct in office under section 721.2. However, a decision
68 34 of the governing board or governmental entity is not invalid
68 35 because of the participation of the member or employee in the

Senate File 2320 - Introduced continued

69 1 decision=making process or because of a vote cast by a member
69 2 or employee in violation of this section unless the
69 3 participation or vote was decisive in the awarding of the
69 4 financial assistance.
69 5 Sec. 128. Section 15A.9, subsection 8, paragraphs a, b,
69 6 and e, Code Supplement 2007, are amended to read as follows:
69 7 a. (1) The credit equals the sum of the following:
69 8 ~~(1)~~ (a) Thirteen percent of the excess of qualified
69 9 research expenses during the tax year over the base amount for
69 10 the tax year based upon the state's apportioned share of the
69 11 qualifying expenditures for increasing research activities.
69 12 ~~(2)~~ (b) Thirteen percent of the basic research payments
69 13 determined under section 41(e)(1)(A) of the Internal Revenue
69 14 Code during the tax year based upon the state's apportioned
69 15 share of the qualifying expenditures for increasing research
69 16 activities.
69 17 (2) The state's apportioned share of the qualifying
69 18 expenditures for increasing research activities is a percent
69 19 equal to the ratio of qualified research expenditures in this
69 20 state within the zone to total qualified research
69 21 expenditures.
69 22 b. In lieu of the credit amount computed in paragraph "a",
69 23 subparagraph (1), subparagraph subdivision (a), a business may
69 24 elect to compute the credit amount for qualified research
69 25 expenses incurred in this state within the zone in a manner
69 26 consistent with the alternative incremental credit described
69 27 in section 41(c)(4) of the Internal Revenue Code. The
69 28 taxpayer may make this election regardless of the method used
69 29 for the taxpayer's federal income tax. The election made
69 30 under this paragraph is for the tax year and the taxpayer may
69 31 use another or the same method for any subsequent year.
69 32 e. (1) For the purposes of this subsection, "base
69 33 amount", "basic research payment", and "qualified research
69 34 expense" mean the same as defined for the federal credit for
69 35 increasing research activities under section 41 of the

Senate File 2320 - Introduced continued

70 1 Internal Revenue Code, except that for the alternative
70 2 incremental credit such amounts are for research conducted
70 3 within this state within the zone.
70 4 (2) For purposes of this subsection, "Internal Revenue
70 5 Code" means the Internal Revenue Code in effect on January 1,
70 6 2007.
70 7 Sec. 129. Section 15F.204, subsection 8, paragraph b, Code
70 8 2007, is amended to read as follows:
70 9 b. There is appropriated from the franchise tax revenues
70 10 deposited in the general fund of the state to the community
70 11 attraction and tourism fund, the following amounts:
70 12 (1) For the fiscal year beginning July 1, 2005, and ending
70 13 June 30, 2006, the sum of seven million dollars.
70 14 (2) For the fiscal year beginning July 1, 2006, and ending
70 15 June 30, 2007, the sum of seven million dollars.
70 16 (3) For the fiscal year beginning July 1, 2007, and ending
70 17 June 30, 2008, the sum of seven million dollars.
70 18 (4) For the fiscal year beginning July 1, 2008, and ending
70 19 June 30, 2009, the sum of seven million dollars.
70 20 (5) For the fiscal year beginning July 1, 2009, and ending
70 21 June 30, 2010, the sum of seven million dollars.
70 22 9. Notwithstanding the allocation requirements in
70 23 subsection 5, the board may make a multiyear commitment to an
70 24 applicant of up to four million dollars in any one fiscal
70 25 year.
70 26 Sec. 130. Section 15G.203, subsection 7, Code Supplement
70 27 2007, is amended to read as follows:
70 28 7. a. An award of financial incentives to a participating
70 29 person shall be in the form of a grant.
70 30 b. In order to participate in the program an eligible
70 31 person must execute a cost=share agreement with the department
70 32 as approved by the infrastructure board in which the person
70 33 contributes a percentage of the total costs related to
70 34 improving the retail motor fuel site.
70 35 ~~a.~~ (1) Except as provided in ~~paragraph "b"~~ subparagraph

Senate File 2320 - Introduced continued

71 1 (2), a participating person may be awarded standard financial
71 2 incentives. The standard financial incentives awarded to the
71 3 participating person shall not exceed fifty percent of the
71 4 actual cost of making the improvement or thirty thousand
71 5 dollars, whichever is less. The infrastructure board may
71 6 approve multiple awards to make improvements to a retail motor
71 7 fuel site so long as the total amount of the awards does not
71 8 exceed the limitations provided in this ~~paragraph~~
71 9 subparagraph.
71 10 ~~b.~~ (2) In addition to any standard financial incentives
71 11 awarded to a participating person under ~~paragraph "a"~~
71 12 subparagraph (1), the participating person may be awarded
71 13 supplemental financial incentives to upgrade or replace a
71 14 dispenser which is part of gasoline storage and dispensing
71 15 infrastructure used to store and dispense E=85 gasoline as
71 16 provided in section 455G.31. The person is only eligible to
71 17 receive the supplemental financial incentives if the person
71 18 installed the dispenser not later than sixty days after the
71 19 date of the publication in the Iowa administrative bulletin of
71 20 the state fire marshal's order providing that a commercially
71 21 available dispenser is listed as compatible for use with E=85
71 22 gasoline by an independent testing laboratory as provided in
71 23 section 455G.31. The supplemental financial incentives
71 24 awarded to the participating person shall not exceed
71 25 seventy=five percent of the actual cost of making the
71 26 improvement or thirty thousand dollars, whichever is less.
71 27 Sec. 131. Section 15I.2, subsection 1, Code Supplement
71 28 2007, is amended to read as follows:
71 29 1. ~~a.~~ Any nonretail, nonservice business may claim a tax
71 30 credit equal to a percentage of the annual wages and benefits
71 31 paid for a qualified new job created by the location or
71 32 expansion of the business in the state.
71 33 a. (1) The tax credit shall be allowed against taxes
71 34 imposed under chapter 422, division II, III, or V, and chapter
71 35 432 and against the moneys and credits tax imposed in section

Senate File 2320 - Introduced continued

533.329. The percentage shall be equal to the amount provided in subsection 2.

(2) Any credit in excess of the tax liability shall be refunded. In lieu of claiming a refund, a taxpayer may elect to have the overpayment shown on the taxpayer's final, completed return credited to the tax liability for the following taxable year.

b. If the business is a partnership, S corporation, limited liability company, or estate or trust electing to have the income taxed directly to the individual, an individual may claim the tax credit allowed. The amount claimed by the individual shall be based upon the pro rata share of the individual's earnings of the partnership, S corporation, limited liability company, or estate or trust.

Sec. 132. Section 16.28, subsection 2, Code 2007, is amended to read as follows:

2. a. The authority or any trustee appointed under the indenture under which the bonds are issued may, and upon written request of the holders of twenty=five percent in aggregate principal amount of the issue of bonds or notes then outstanding shall:

~~a.~~ (1) Enforce all rights of the bondholders or noteholders, including the right to require the authority to carry out its agreements with the holders and to perform its duties under this chapter.

~~b.~~ (2) Bring suit upon the bonds or notes.

~~c.~~ (3) By action require the authority to account as if it were the trustee of an express trust for the holders.

~~d.~~ (4) By action enjoin any acts or things which are unlawful or in violation of the rights of the holders.

~~e.~~ (5) Declare all the bonds or notes due and payable and if all defaults are made good then with the consent of the holders of twenty=five percent of the aggregate principal amount of the issue of bonds or notes then outstanding, annul the declaration and its consequences.

Senate File 2320 - Introduced continued

73 1 b. The bondholders or noteholders, to the extent provided
73 2 in the resolution by which the bonds or notes were issued or
73 3 in their agreement with the authority, may enforce any of the
73 4 remedies in ~~paragraphs~~ paragraph "a" ~~to "e"~~, subparagraphs (1)
73 5 to (5) or the remedies provided in those agreements for and on
73 6 their own behalf.
73 7 Sec. 133. Section 16.52, subsections 2 and 3, Code 2007,
73 8 are amended to read as follows:
73 9 2. The authority shall adopt rules and allocation
73 10 procedures which will ensure the maximum use of available tax
73 11 credits in order to encourage development of low=income
73 12 housing in the state. The authority shall consider the
73 13 following factors in the adoption and application of the
73 14 allocation rules:
73 15 a. Timeliness of the application.
73 16 b. Location of the proposed housing project.
73 17 c. Relative need in the proposed area for low=income
73 18 housing.
73 19 d. Availability of low=income housing in the proposed
73 20 area.
73 21 e. Economic feasibility of the proposed project.
73 22 f. Ability of the applicant to proceed to completion of
73 23 the project in the calendar year for which the credit is
73 24 sought.
73 25 3. a. The authority shall adopt rules specifying the
73 26 application procedure and the allowance of low=income housing
73 27 credits under the state housing credit ceiling.
73 28 ~~3.~~ b. The authority shall not allow more than ninety
73 29 percent of the low=income housing credits under the state
73 30 housing credit ceiling to projects other than qualified
73 31 low=income housing projects as defined in Internal Revenue
73 32 Code } 42(h)(5)(B).
73 33 Sec. 134. Section 16.91, subsection 5, Code Supplement
73 34 2007, is amended to read as follows:
73 35 5. The participation of abstractors and attorneys shall be

Senate File 2320 - Introduced continued

74 1 in accordance with rules established by the division and
74 2 adopted by the authority pursuant to chapter 17A.
74 3 a. (1) Each participant shall at all times maintain
74 4 liability coverage in amounts approved by the division. Upon
74 5 payment of a claim by the division, the division shall be
74 6 subrogated to the rights of the claimant against all persons
74 7 relating to the claim.
74 8 (2) Additionally, each participating abstractor is
74 9 required to own or lease, and maintain and use in the
74 10 preparation of abstracts, an up=to=date abstract title plant
74 11 including tract indices for real estate for each county in
74 12 which abstracts are prepared for real property titles
74 13 guaranteed by the division. The tract indices shall contain a
74 14 reference to all instruments affecting the real estate which
74 15 are recorded in the office of the county recorder, and shall
74 16 commence not less than forty years prior to the date the
74 17 abstractor commences participation in the title guaranty
74 18 program. However, a participating attorney providing abstract
74 19 services continuously from November 12, 1986, to the date of
74 20 application, either personally or through persons under the
74 21 attorney's supervision and control is exempt from the
74 22 requirements of this ~~paragraph~~ subparagraph.
74 23 b. The division may waive the requirements of this
74 24 subsection pursuant to an application of an attorney or
74 25 abstractor which shows that the requirements impose a hardship
74 26 to the attorney or abstractor and that the waiver clearly is
74 27 in the public interest or is absolutely necessary to ensure
74 28 availability of title guaranties throughout the state.
74 29 Sec. 135. Section 16.100, subsection 2, paragraph c, Code
74 30 2007, is amended to read as follows:
74 31 c. (1) A home ownership incentive program to help lower
74 32 income and very low income families achieve single family home
74 33 ownership. Funds provided under this program shall not be
74 34 restricted to first=time home buyers but shall be limited to
74 35 mortgages under fifty=five thousand dollars, except in those

Senate File 2320 - Introduced continued

75 1 areas of the state where the median price of homes exceeds the
75 2 state average. The assistance provided shall include at least
75 3 one of the following kinds of assistance:
75 4 ~~(1)~~ (a) Closing costs assistance.
75 5 ~~(2)~~ (b) Down payment assistance.
75 6 ~~(3)~~ (c) Home maintenance and repair assistance.
75 7 ~~(4)~~ (d) Loan processing assistance through a loan
75 8 endorser review contractor who acts on behalf of the authority
75 9 in assisting lenders in processing loans that will qualify for
75 10 government insurance or guarantee or for financing under the
75 11 authority's mortgage revenue bond program.
75 12 ~~(5)~~ (e) Mortgage insurance program.
75 13 (2) Five percent of the moneys expended under this program
75 14 shall be used to finance the purchase or acquisition, in
75 15 communities with a population of less than ten thousand, of
75 16 manufactured homes as defined in 42 U.S.C. } 5403. Moneys
75 17 available for this purpose which are unencumbered or
75 18 unobligated at the end of the fiscal year shall revert to the
75 19 housing improvement fund for reallocation for the next fiscal
75 20 year.
75 21 (3) Not more than fifty percent of the assistance provided
75 22 under this program shall be provided under ~~subparagraphs (4)~~
75 23 subparagraph (1), subparagraph subdivisions (d) and ~~(5)~~ (e).
75 24 So long as at least one of the kinds of assistance described
75 25 in ~~subparagraphs~~ subparagraph (1), subparagraph subdivisions
75 26 (a) through ~~(5)~~ (e) is provided, additional assistance not
75 27 described in ~~subparagraphs~~ subparagraph (1), subparagraph
75 28 subdivisions (a) through ~~(5)~~ (e) may also be provided.
75 29 Sec. 136. Section 16A.10, subsection 2, Code 2007, is
75 30 amended to read as follows:
75 31 2. a. The authority or any trustee appointed under the
75 32 indenture under which the obligations are issued may, and upon
75 33 written request of the holders of twenty=five percent in
75 34 aggregate principal amount of the issue of obligations then
75 35 outstanding shall:

Senate File 2320 - Introduced continued

76 1 ~~a.~~ (1) Enforce all rights of the holders of the
76 2 obligations, including the right to require the authority to
76 3 carry out its agreements with the holders and to perform its
76 4 duties under this chapter.
76 5 ~~b.~~ (2) Bring suit upon the obligations.
76 6 ~~c.~~ (3) By action require the authority to account as if
76 7 it were the trustee of an express trust for the holders.
76 8 ~~d.~~ (4) By action enjoin any acts or things which are
76 9 unlawful or in violation of the rights of the holders.
76 10 ~~e.~~ (5) Declare all the obligations due and payable and if
76 11 all defaults are made good then with the consent of the
76 12 holders of twenty=five percent of the aggregate principal
76 13 amount of the issue of obligations then outstanding, annul the
76 14 declaration and its consequences.
76 15 b. The holders of obligations, to the extent provided in
76 16 the resolution by which the obligations were issued or in
76 17 their agreement with the authority, may enforce any of the
76 18 remedies in ~~paragraphs~~ paragraph "a", subparagraphs (1) to ~~"e"~~
76 19 (5) or the remedies provided in those agreements for and on
76 20 their own behalf.
76 21 Sec. 137. Section 17A.1, subsection 2, Code 2007, is
76 22 amended to read as follows:
76 23 2. This chapter is intended to provide a minimum
76 24 procedural code for the operation of all state agencies when
76 25 they take action affecting the rights and duties of the
76 26 public. Nothing in this chapter is meant to discourage
76 27 agencies from adopting procedures providing greater
76 28 protections to the public or conferring additional rights upon
76 29 the public; and save for express provisions of this chapter to
76 30 the contrary, nothing in this chapter is meant to abrogate in
76 31 whole or in part any statute prescribing procedural duties for
76 32 an agency which are greater than or in addition to those
76 33 provided here. This chapter is meant to apply to all
76 34 rulemaking and contested case proceedings and all suits for
76 35 the judicial review of agency action that are not specifically

Senate File 2320 - Introduced continued

77 1 excluded from this chapter or some portion thereof by its
77 2 express terms or by the express terms of another chapter.
77 3 3. The purposes of this chapter are: To provide
77 4 legislative oversight of powers and duties delegated to
77 5 administrative agencies; to increase public accountability of
77 6 administrative agencies; to simplify government by assuring a
77 7 uniform minimum procedure to which all agencies will be held
77 8 in the conduct of their most important functions; to increase
77 9 public access to governmental information; to increase public
77 10 participation in the formulation of administrative rules; to
77 11 increase the fairness of agencies in their conduct of
77 12 contested case proceedings; and to simplify the process of
77 13 judicial review of agency action as well as increase its ease
77 14 and availability.
77 15 4. In accomplishing its objectives, the intention of this
77 16 chapter is to strike a fair balance between these purposes and
77 17 the need for efficient, economical and effective government
77 18 administration. The chapter is not meant to alter the
77 19 substantive rights of any person or agency. Its impact is
77 20 limited to procedural rights with the expectation that better
77 21 substantive results will be achieved in the everyday conduct
77 22 of state government by improving the process by which those
77 23 results are attained.
77 24 Sec. 138. Section 17A.7, subsection 2, Code 2007, is
77 25 amended to read as follows:
77 26 2. a. Any interested person, association, agency, or
77 27 political subdivision may submit a written request to the
77 28 administrative rules coordinator for an agency to conduct a
77 29 formal review of a specified rule of that agency to determine
77 30 whether the rule should be repealed or amended or a new rule
77 31 adopted instead. The administrative rules coordinator shall
77 32 determine whether the request is reasonable and does not place
77 33 an unreasonable burden upon the agency.
77 34 b. If the agency has not conducted such a review of the
77 35 specified rule within a period of five years prior to the

Senate File 2320 - Introduced continued

filing of the written request, and upon a determination by the administrative rules coordinator that the request is reasonable and does not place an unreasonable burden upon the agency, the agency shall prepare within a reasonable time a written report with respect to the rule summarizing the agency's findings, its supporting reasons, and any proposed course of action. The report must include, for the specified rule, a concise statement of all of the following:

~~a.~~ (1) The rule's effectiveness in achieving its objectives, including a summary of any available data supporting the conclusions reached.

~~b.~~ (2) Written criticisms of the rule received during the previous five years, including a summary of any petitions for waiver of the rule tendered to the agency or granted by the agency.

~~c.~~ (3) Alternative solutions regarding the subject matter of the criticisms and the reasons they were rejected or the changes made in the rule in response to those criticisms and the reasons for the changes.

c. A copy of the report shall be sent to the administrative rules review committee and the administrative rules coordinator and shall be made available for public inspection.

Sec. 139. Section 23A.2, subsection 10, paragraph l, subparagraph (2), subparagraph subdivision (c), Code 2007, is amended to read as follows:

(c) A resident who cannot be placed in a community placement plan with a community=based provider of services may be placed by the state resource center in an on=campus or off=campus vocational or employment training program.

(i) However, prior to placing a resident in an on=campus vocational or employment training program, the state resource center shall seek an off=campus vocational or employment training program offered by a community=based provider who serves the county in which the state resource center is based

Senate File 2320 - Introduced continued

79 1 or the counties contiguous to the county, provided that the
79 2 resident will not be required to travel for more than thirty
79 3 minutes one way to obtain services.
79 4 (ii) If off=campus services cannot be provided by a
79 5 community=based provider, the state resource center shall
79 6 offer the resident an on=campus vocational or employment
79 7 training program. The on=campus program shall be operated in
79 8 compliance with the federal Fair Labor Standards Act. At
79 9 least semiannually, the state resource center shall seek an
79 10 off=campus community=based vocational or employment training
79 11 option for each resident placed in an on=campus program.
79 12 (iii) The state resource center shall not place a resident
79 13 in an off=campus program in which the cost to the state
79 14 resource center would be in excess of the provider's actual
79 15 cost as determined by purchase of service rules or if the
79 16 service would not be reimbursed under the medical assistance
79 17 program.
79 18 Sec. 140. Section 24.48, Code 2007, is amended to read as
79 19 follows:
79 20 24.48 APPEAL TO STATE BOARD FOR SUSPENSION OF LIMITATIONS.
79 21 1. If the property tax valuations effective January 1,
79 22 1979 and January 1 of any subsequent year, are reduced or
79 23 there is an unusually low growth rate in the property tax base
79 24 of a political subdivision, the political subdivision may
79 25 appeal to the state appeal board to request suspension of the
79 26 statutory property tax levy limitations to continue to fund
79 27 the present services provided. A political subdivision may
79 28 also appeal to the state appeal board where the property tax
79 29 base of the political subdivision has been reduced or there is
79 30 an unusually low growth rate for any of the following reasons:
79 31 ~~1.~~ a. Any unusual increase in population as determined by
79 32 the preceding certified federal census.
79 33 ~~2.~~ b. Natural disasters or other emergencies.
79 34 ~~3.~~ c. Unusual problems relating to major new functions
79 35 required by state law.

Senate File 2320 - Introduced continued

80 1 ~~4.~~ d. Unusual staffing problems.
80 2 ~~5.~~ e. Unusual need for additional funds to permit
80 3 continuance of a program which provides substantial benefit to
80 4 its residents.
80 5 ~~6.~~ f. Unusual need for a new program which will provide
80 6 substantial benefit to residents, if the political subdivision
80 7 establishes the need and the amount of the necessary increased
80 8 cost.
80 9 2. The state appeal board may approve or modify the
80 10 request of the political subdivision for suspension of the
80 11 statutory property tax levy limitations.
80 12 3. Upon decision of the state appeal board, the department
80 13 of management shall make the necessary changes in the total
80 14 budget of the political subdivision and certify the total
80 15 budget to the governing body of the political subdivision and
80 16 the appropriate county auditors.
80 17 4. a. The city finance committee shall have officially
80 18 notified any city of its approval, modification or rejection
80 19 of the city's appeal of the decision of the director of the
80 20 department of management regarding a city's request for a
80 21 suspension of the statutory property tax levy limitation prior
80 22 to thirty=five days before March 15.
80 23 b. The state appeals board shall have officially notified
80 24 any county of its approval, modification or rejection of the
80 25 county's request for a suspension of the statutory property
80 26 tax levy limitation prior to thirty=five days before March 15.
80 27 5. a. For purposes of this section only, "political
80 28 subdivision" means a city, school district, or any other
80 29 special purpose district which certifies its budget to the
80 30 county auditor and derives funds from a property tax levied
80 31 against taxable property situated within the political
80 32 subdivision.
80 33 b. For the purpose of this section, when the political
80 34 subdivision is a city, the director of the department of
80 35 management, and the city finance committee on appeal of the

Senate File 2320 - Introduced continued

81 1 director's decision, shall be the state appeal board.
81 2 Sec. 141. Section 28A.18, subsections 1, 2, and 4, Code
81 3 2007, are amended to read as follows:
81 4 1. a. The bonds issued by the board pursuant to this
81 5 division shall be authorized by resolution of the board and
81 6 shall be either term or serial bonds, shall bear the date,
81 7 mature at the time, not exceeding forty years from their
81 8 respective dates, bear interest at the rate, not exceeding the
81 9 rate permitted under chapter 74A or the rate authorized by
81 10 another state within the greater metropolitan area, whichever
81 11 rate is lower, payable monthly or semiannually, be in the
81 12 denominations, be in the form, either coupon or fully
81 13 registered, shall carry the registration, exchangeability and
81 14 interchangeability privileges, be payable in the medium of
81 15 payment and at the place, within or without the state, be
81 16 subject to the terms of redemption and be entitled to the
81 17 priorities on the revenues, rates, fees, rentals, or other
81 18 charges or receipts of the authority as the resolution may
81 19 provide. The bonds shall be executed either by manual or
81 20 facsimile signature by the officers as the authority shall
81 21 determine, provided that the bonds shall bear at least one
81 22 signature which is manually executed on the bond, and the
81 23 coupons attached to the bonds shall bear the facsimile
81 24 signature of the officer as designated by the authority and
81 25 the bonds shall have the seal of the authority, affixed,
81 26 imprinted, reproduced, or lithographed on the bond, all as may
81 27 be prescribed in a resolution.
81 28 b. The bonds shall be sold at public sale or private sale
81 29 at the price as the authority shall determine to be in the
81 30 best interests of the authority provided that the bonds shall
81 31 not be sold at less than ninety=eight percent of the par value
81 32 of the bond, plus accrued interest and provided that the net
81 33 interest cost shall not exceed that permitted by applicable
81 34 state law. Pending the preparation of definitive bonds,
81 35 interim certificates or temporary bonds may be issued to the

Senate File 2320 - Introduced continued

82 1 purchaser of the bonds, and may contain the terms and
82 2 conditions as the board may determine.
82 3 2. a. The board, after the issuance of bonds, may borrow
82 4 moneys for the purposes for which the bonds are to be issued
82 5 in anticipation of the receipt of the proceeds of the sale of
82 6 the bonds and within the authorized maximum amount of the bond
82 7 issue. Any loan shall be paid within three years after the
82 8 date of the initial loan. Bond anticipation notes shall be
82 9 issued for all moneys so borrowed under this section, and the
82 10 notes may be renewed, but all the renewal notes shall mature
82 11 within the time above limited for the payment of the initial
82 12 loan. The notes shall be authorized by resolution of the
82 13 board and shall be in the denominations, shall bear interest
82 14 at the rate not exceeding the maximum rate permitted by the
82 15 resolution authorizing the issuance of the bonds, shall be in
82 16 the form and shall be executed in the manner, all as the
82 17 authority prescribes.
82 18 b. The notes shall be sold at public or private sale or,
82 19 if the notes are renewal notes, they may be exchanged for
82 20 notes outstanding on the terms as the board determines. The
82 21 board may retire any notes from the revenues derived from its
82 22 metropolitan facilities or from other moneys of the authority
82 23 which are lawfully available or from a combination of revenues
82 24 and other available moneys, in lieu of retiring them by means
82 25 of bond proceeds. However, before the retirement of the notes
82 26 by any means other than the issuance of bonds, the board shall
82 27 amend or repeal the resolution authorizing the issuance of the
82 28 bonds, in anticipation of the proceeds of the sale of the
82 29 notes, so as to reduce the authorized amount of the bond issue
82 30 by the amount of the notes so retired. The amendatory or
82 31 repealing resolution shall take effect upon its passage.
82 32 4. The board of the authority may enter into any deeds of
82 33 trust, mortgages, indentures, or other agreements, with any
82 34 bank or trust company or any other lender within or without
82 35 the state as security for the bonds, and may assign and pledge

Senate File 2320 - Introduced continued

83 1 all or any of the revenues, rates, fees, rentals, or other
83 2 charges or receipts of the authority. The deeds of trust,
83 3 mortgages, indentures, or other agreements may contain the
83 4 provisions as may be customary in the instruments, or, as the
83 5 board may authorize, including, but without limitation,
83 6 provisions as to:
83 7 a. The construction, improvement, operation, leasing,
83 8 maintenance, and repair of the metropolitan facilities and
83 9 duties of the board with reference to the facilities.
83 10 b. The application of funds and the safeguarding and
83 11 investment of funds on hand or on deposit.
83 12 c. The appointment of consulting engineers or architects
83 13 and approval by the holders of the bonds.
83 14 d. The rights and remedies of the trustee and the holders
83 15 of the bonds.
83 16 e. The terms and provisions of the bonds or the resolution
83 17 authorizing the issuance of the bonds.
83 18 5. Any of the bonds issued pursuant to this section are
83 19 negotiable instruments, and have all the qualities and
83 20 incidents of negotiable instruments and are exempt from state
83 21 taxation.
83 22 Sec. 142. Section 28E.17, subsection 3, Code 2007, is
83 23 amended to read as follows:
83 24 3. a. A city which is a party to a joint transit agency
83 25 may issue general corporate purpose bonds for the support of a
83 26 capital program for the joint agency in the following manner:
83 27 ~~a.~~ (1) The council shall give notice and conduct a
83 28 hearing on the proposal in the manner set forth in section
83 29 384.25. However, the notice must be published at least ten
83 30 days prior to the hearing, and if a petition valid under
83 31 section 362.4 is filed with the clerk of the city prior to the
83 32 hearing, asking that the question of issuing the bonds be
83 33 submitted to the registered voters of the city, the council
83 34 shall either by resolution declare the proposal abandoned or
83 35 shall direct the county commissioner of elections to call a

Senate File 2320 - Introduced continued

84 1 special election to vote upon the question of issuing the
84 2 bonds. Notice of the election and its conduct shall be in the
84 3 manner provided in section 384.26.
84 4 ~~b.~~ (2) If no petition is filed, or if a petition is filed
84 5 and the proposition of issuing bonds is approved at the
84 6 election, the council may proceed with the authorization and
84 7 issuance of the bonds.
84 8 b. An agreement may provide for full or partial payment
84 9 from transit revenues to the cities for meeting debt service
84 10 on such bonds.
84 11 c. This subsection shall be construed as granting
84 12 additional power without limiting the power already existing
84 13 in cities, and as providing an alternative independent method
84 14 for the carrying out of any project for the issuance and sale
84 15 of bonds for the financing of a city's share of a capital
84 16 expenditures project of a joint transit agency, and no further
84 17 proceedings with respect to the authorization of the bonds
84 18 shall be required.
84 19 Sec. 143. Section 28E.22, Code 2007, is amended to read as
84 20 follows:
84 21 28E.22 REFERENDUM FOR TAX.
84 22 1. The board of supervisors, or the city councils of a
84 23 district composed only of cities, may, and upon receipt of a
84 24 petition signed by eligible electors residing in the district
84 25 equal in number to at least five percent of the registered
84 26 voters in the district shall, submit a proposition to the
84 27 electorate residing in the district at any general election or
84 28 at a special election held throughout the district. The
84 29 proposition shall provide for the establishment of a public
84 30 safety fund and the levy of a tax on taxable property located
84 31 in the district at rates not exceeding the rates specified in
84 32 this section for the purpose of providing additional moneys
84 33 for the operation of the district.
84 34 2. The ballot for the election shall be prepared in
84 35 substantially the form for submitting special questions at

Senate File 2320 - Introduced continued

85 1 general elections and the form of the proposition shall be
85 2 substantially as follows:
85 3 ~~Shall~~ "Shall an annual levy, the amount of which will not
85 4 exceed a rate of one dollar and fifty cents per thousand
85 5 dollars of assessed value of the taxable property in the
85 6 unified law enforcement district be authorized for providing
85 7 additional moneys needed for unified law enforcement services
85 8 in the district?
85 9 Yes ___ No ___ "
85 10 3. If a majority of the registered voters in each city and
85 11 the unincorporated area of the county voting on the
85 12 proposition approve the proposition, the county board of
85 13 supervisors for unincorporated area and city councils for
85 14 cities are authorized to levy the tax as provided in section
85 15 28E.23.
85 16 4. Such moneys collected pursuant to the tax levy shall be
85 17 expended only for providing additional moneys needed for
85 18 unified law enforcement services in the district and shall be
85 19 in addition to the revenues raised in the county and cities in
85 20 the district from their general funds which are based upon an
85 21 average of revenues raised for law enforcement purposes by the
85 22 county or city for the three previous years. The amount of
85 23 revenues raised for law enforcement purposes by the county for
85 24 the three previous years shall be computed separately for the
85 25 unincorporated portion of the district and for each city in
85 26 the district.
85 27 Sec. 144. Section 29B.117, Code 2007, is amended to read
85 28 as follows:
85 29 29B.117 COURTS OF INQUIRY.
85 30 1. a. Courts of inquiry to investigate any matter may be
85 31 convened by the adjutant general, the governor, or by any
85 32 other person designated by the adjutant general or authorized
85 33 to convene a general court=martial for that purpose, whether
85 34 or not the persons involved have requested the inquiry.
85 35 b. A court of inquiry consists of three or more

Senate File 2320 - Introduced continued

86 1 commissioned officers. For each court of inquiry the
86 2 convening authority shall also appoint counsel for the court.
86 3 2. Any person subject to this code whose conduct is
86 4 subject to inquiry shall be designated as a party. Any person
86 5 subject to this code who has a direct interest in the subject
86 6 of inquiry has the right to be designated as a party upon
86 7 request to the court. Any person designated as a party shall
86 8 be given due notice and has the right to be present, to be
86 9 represented by counsel, to cross=examine witnesses, and to
86 10 introduce evidence.
86 11 3. a. Members of a court of inquiry may be challenged by
86 12 a party, but only for cause stated to the court.
86 13 b. The members, counsel, the reporter, and interpreters of
86 14 courts of inquiry shall take an oath or affirmation to
86 15 faithfully perform their duties.
86 16 c. Witnesses may be summoned to appear and testify and be
86 17 examined before courts of inquiry, as provided for
86 18 courts=martial.
86 19 d. Courts of inquiry shall make findings of fact but may
86 20 not express opinions or make recommendations unless required
86 21 to do so by the convening authority.
86 22 e. Each court of inquiry shall keep a record of its
86 23 proceedings, which shall be authenticated by the signatures of
86 24 the president and counsel for the court and forwarded to the
86 25 convening authority. If the record cannot be authenticated by
86 26 the president, it shall be signed by a member in lieu of the
86 27 president. If the record cannot be authenticated by the
86 28 counsel for the court, it shall be signed by a member in lieu
86 29 of the counsel.
86 30 Sec. 145. Section 34A.3, subsection 3, Code 2007, is
86 31 amended to read as follows:
86 32 3. CHAPTER 28E AGREEMENT == ALTERNATIVE TO JOINT E911
86 33 SERVICE BOARD.
86 34 a. A legal entity created pursuant to chapter 28E by a
86 35 county or counties, other political divisions, and public or

Senate File 2320 - Introduced continued

87 1 private agencies to jointly plan, implement, and operate a
87 2 countywide, or larger, enhanced 911 service system may be
87 3 substituted for the joint E911 service board required under
87 4 subsection 1. An alternative legal entity created pursuant to
87 5 chapter 28E as a substitute for a joint E911 service board, as
87 6 permitted by this subsection, may be created by either:
87 7 ~~An alternative legal entity created pursuant to chapter 28E~~
87 8 ~~as a substitute for a joint E911 service board, as permitted~~
87 9 ~~by this subsection, may be created by either:~~
87 10 ~~a.~~ (1) Agreement of the parties entitled to voting
87 11 membership on a joint E911 service board.
87 12 ~~b.~~ (2) Agreement of the members of a joint E911 service
87 13 board.
87 14 b. An alternative chapter 28E entity has all of the powers
87 15 of a joint E911 service board and any additional powers
87 16 granted by the agreement. As used in this chapter, "joint
87 17 E911 service board" includes an alternative chapter 28E entity
87 18 created for that purpose, except as specifically limited by
87 19 the chapter 28E agreement or unless clearly provided otherwise
87 20 in this chapter. A chapter 28E agreement related to E911
87 21 service shall permit the participation of a private safety
87 22 agency or other persons allowed to participate in a joint E911
87 23 service board, but the terms, scope, and conditions of
87 24 participation are subject to the chapter 28E agreement.
87 25 Sec. 146. Section 34A.6, subsections 1 and 2, Code 2007,
87 26 are amended to read as follows:
87 27 1. Before a joint E911 service board may request
87 28 imposition of the surcharge by the program manager, the board
87 29 shall submit the following question to voters, as provided in
87 30 subsection 2, in the proposed E911 service area, and the
87 31 question shall receive a favorable vote from a simple majority
87 32 of persons submitting valid ballots on the following question
87 33 within the proposed E911 service area:
87 34 ~~Shall~~ "Shall the following public YES
87 35 measure be adopted? NO

Senate File 2320 - Introduced continued

88 1 Enhanced 911 emergency telephone service shall be funded,
88 2 in whole or in part, by a monthly surcharge of (an amount
88 3 determined by the local joint E911 service board of up to one
88 4 dollar) on each telephone access line collected as part of
88 5 each telephone subscriber's monthly phone bill if provided
88 6 within (description of the proposed E911 service area)."
88 7 2. The referendum required as a condition of the surcharge
88 8 imposition in subsection 1 shall be conducted using the
88 9 following electoral mechanism:
88 10 a. At the request of the joint E911 service board a county
88 11 commissioner of elections shall include the question on the
88 12 next eligible general election ballot in each electoral
88 13 precinct to be served, in whole or in part, by the proposed
88 14 E911 service area, provided the request is timely submitted to
88 15 permit inclusion.
88 16 b. The question may be included in the next election in
88 17 which all of the voters in the proposed E911 service area will
88 18 be eligible to vote on the same day.
88 19 c. The county commissioner of elections shall report the
88 20 results to the joint E911 service board.
88 21 d. The joint E911 service board shall compile the results
88 22 if subscribers from more than one county are included within
88 23 the proposed service area. The joint E911 service board shall
88 24 announce whether a simple majority of the compiled votes
88 25 reported by the commissioner approved the referendum question.
88 26 Sec. 147. Section 47.6, subsection 1, Code 2007, is
88 27 amended to read as follows:
88 28 1. a. (1) The governing body of any political
88 29 subdivision which has authorized a special election to which
88 30 section 39.2 is applicable shall by written notice inform the
88 31 commissioner who will be responsible for conducting the
88 32 election of the proposed date of the special election.
88 33 (a) If a public measure will appear on the ballot at the
88 34 special election the governing body shall submit the complete
88 35 text of the public measure to the commissioner with the notice

Senate File 2320 - Introduced continued

89 1 of the proposed date of the special election.
89 2 (b) If the proposed date of the special election coincides
89 3 with the date of a regularly scheduled election or previously
89 4 scheduled special election, the notice shall be given no later
89 5 than five p.m. on the last day on which nomination papers may
89 6 be filed with the commissioner for the regularly scheduled
89 7 election or previously scheduled special election, but in no
89 8 case shall notice be less than thirty=two days before the
89 9 election. Otherwise, the notice shall be given at least
89 10 thirty=two days in advance of the date of the proposed special
89 11 election.
89 12 (2) Upon receiving the notice, the commissioner shall
89 13 promptly give written approval of the proposed date unless it
89 14 appears that the special election, if held on that date, would
89 15 conflict with a regular election or with another special
89 16 election previously scheduled for that date.
89 17 b. A public measure shall not be withdrawn from the ballot
89 18 at any election if the public measure was placed on the ballot
89 19 by a petition, or if the election is a special election called
89 20 specifically for the purpose of deciding one or more public
89 21 measures for a single political subdivision. However, a
89 22 public measure which was submitted to the county commissioner
89 23 of elections by the governing body of a political subdivision
89 24 may be withdrawn by the governing body which submitted the
89 25 public measure if the public measure was to be placed on the
89 26 ballot of a regularly scheduled election. The notice of
89 27 withdrawal must be made by resolution of the governing body
89 28 and must be filed with the commissioner no later than the last
89 29 day upon which a candidate may withdraw from the ballot.
89 30 Sec. 148. Section 47.8, subsections 1 and 3, Code 2007,
89 31 are amended to read as follows:
89 32 1. A state voter registration commission is established
89 33 which shall meet at least quarterly to make and review policy,
89 34 adopt rules, and establish procedures to be followed by the
89 35 registrar in discharging the duties of that office, and to

Senate File 2320 - Introduced continued

90 1 promote interagency cooperation and planning.
90 2 a. The commission shall consist of the state commissioner
90 3 of elections or the state commissioner's designee, the state
90 4 chairpersons of the two political parties whose candidates for
90 5 president of the United States or governor, as the case may
90 6 be, received the greatest and next greatest number of votes in
90 7 the most recent general election, or their respective
90 8 designees, and a county commissioner of registration appointed
90 9 by the president of the Iowa state association of county
90 10 auditors, or an employee of the commissioner.
90 11 b. The commission membership shall be balanced by
90 12 political party affiliation pursuant to section 69.16.
90 13 Members shall serve without additional salary or
90 14 reimbursement.
90 15 c. The state commissioner of elections, or the state
90 16 commissioner's designee, shall serve as chairperson of the
90 17 state voter registration commission.
90 18 3. a. The registrar shall provide staff services to the
90 19 commission and shall make available to it all information
90 20 relative to the activities of the registrar's office in
90 21 connection with voter registration policy which may be
90 22 requested by any commission member. The registrar shall also
90 23 provide to the commission at no charge statistical reports for
90 24 planning and analyzing voter registration services in the
90 25 state.
90 26 b. The commission may authorize the registrar to employ
90 27 such additional staff personnel as it deems necessary to
90 28 permit the duties of the registrar's office to be adequately
90 29 and promptly discharged. Such personnel shall be employed
90 30 pursuant to chapter 8A, subchapter IV.
90 31 Sec. 149. Section 48A.27, subsection 4, paragraph c, Code
90 32 2007, is amended to read as follows:
90 33 c. If the information provided by the vendor indicates
90 34 that a registered voter has moved to an address outside the
90 35 county, the commissioner shall make the registration record

Senate File 2320 - Introduced continued

91 1 inactive, and shall mail a notice to the registered voter at
91 2 both the former and new addresses.
91 3 (1) The notice shall be sent by forwardable mail, and
91 4 shall include a postage paid preaddressed return card on which
91 5 the registered voter may state the registered voter's current
91 6 address.
91 7 (2) The notice shall contain a statement in substantially
91 8 the following form:
91 9 PARAGRAPH DIVIDED. "Information received from the United
91 10 States postal service indicates that you are no longer a
91 11 resident of, and therefore not eligible to vote in (name of
91 12 county) County, Iowa. If this information is not correct, and
91 13 you still live in (name of county) County, please complete and
91 14 mail the attached postage paid card at least ten days before
91 15 the primary or general election and at least eleven days
91 16 before any other election at which you wish to vote. If the
91 17 information is correct and you have moved, please contact a
91 18 local official in your new area for assistance in registering
91 19 there. If you do not mail in the card, you may be required to
91 20 show identification before being allowed to vote in (name of
91 21 county) County. If you do not return the card, and you do not
91 22 vote in an election in (name of county) County, Iowa, on or
91 23 before (date of second general election following the date of
91 24 the notice) your name will be removed from the list of voters
91 25 in that county. To ensure you receive this notice, it is
91 26 being sent to both your most recent registration address and
91 27 to your new address as reported by the postal service."
91 28 Sec. 150. Section 48A.29, subsections 1 and 3, Code 2007,
91 29 are amended to read as follows:
91 30 1. If a confirmation notice and return card sent pursuant
91 31 to section 48A.28 is returned as undeliverable by the United
91 32 States postal service, the commissioner shall make the
91 33 registration record inactive and shall mail a notice to the
91 34 registered voter at the registered voter's most recent mailing
91 35 address, as shown by the registration records.

Senate File 2320 - Introduced continued

92 1 a. The notice shall be sent by forwardable mail, and shall
92 2 include a postage paid preaddressed return card on which the
92 3 registered voter may state the registered voter's current
92 4 address.
92 5 b. The notice shall contain a statement in substantially
92 6 the following form:
92 7 PARAGRAPH DIVIDED. "Information received from the United
92 8 States postal service indicates that you are no longer a
92 9 resident of (residence address) in (name of county) County,
92 10 Iowa. If this information is not correct, and you still live
92 11 in (name of county) County, please complete and mail the
92 12 attached postage paid card at least ten days before the
92 13 primary or general election and at least eleven days before
92 14 any other election at which you wish to vote. If the
92 15 information is correct, and you have moved, please contact a
92 16 local official in your new area for assistance in registering
92 17 there. If you do not mail in the card, you may be required to
92 18 show identification before being allowed to vote in (name of
92 19 county) County. If you do not return the card, and you do not
92 20 vote in some election in (name of county) County, Iowa, on or
92 21 before (date of second general election following the date of
92 22 the notice) your name will be removed from the list of voters
92 23 in that county."
92 24 3. When a detachable return card originally attached to a
92 25 confirmation notice is returned by anyone other than the
92 26 registered voter indicating that the registered voter is no
92 27 longer a resident of the registration address, the
92 28 commissioner shall make the registration record inactive, and
92 29 shall mail a notice to the registered voter at the registered
92 30 voter's most recent mailing address, as shown by the
92 31 registration records.
92 32 a. The notice shall be sent by forwardable mail, and shall
92 33 include a postage paid preaddressed return card on which the
92 34 registered voter may state the registered voter's current
92 35 address.

Senate File 2320 - Introduced continued

93 1 b. The notice shall contain a statement in substantially
93 2 the following form:
93 3 PARAGRAPH DIVIDED. "Information received by this office
93 4 indicates that you are no longer a resident of (residence
93 5 address) in (name of county) County, Iowa. If the information
93 6 is not correct, and you still live at that address, please
93 7 complete and mail the attached postage paid card at least ten
93 8 days before the primary or general election and at least
93 9 eleven days before any other election at which you wish to
93 10 vote. If the information is correct, and you have moved
93 11 within the county, you may update your registration by listing
93 12 your new address on the card and mailing it back. If you have
93 13 moved outside the county, please contact a local official in
93 14 your new area for assistance in registering there. If you do
93 15 not mail in the card, you may be required to show
93 16 identification before being allowed to vote in (name of
93 17 county) County. If you do not return the card, and you do not
93 18 vote in some election in (name of county) County, Iowa, on or
93 19 before (date of second general election following the date of
93 20 the notice) your name will be removed from the list of
93 21 registered voters in that county."
93 22 Sec. 151. Section 49.11, Code 2007, is amended to read as
93 23 follows:
93 24 49.11 NOTICE OF BOUNDARIES OF PRECINCTS == MERGER OR
93 25 DIVISION.
93 26 1. The board of supervisors or the temporary county
93 27 redistricting commission or city council shall number or name
93 28 the precincts established by the supervisors or council
93 29 pursuant to sections 49.3, 49.4, and 49.5. The boundaries of
93 30 the precincts shall be recorded in the records of the board of
93 31 supervisors, temporary county redistricting commission, or
93 32 city council, as the case may be.
93 33 2. The board of supervisors or city council shall publish
93 34 notice of changes in the county or city precinct boundaries in
93 35 a newspaper of general circulation published in the county or

Senate File 2320 - Introduced continued

94 1 city once each week for three consecutive weeks. The series
94 2 of publications shall be made after the changes in the
94 3 precincts have been approved by the state commissioner of
94 4 elections. The last of the three publications shall be made
94 5 no later than thirty days before the next general election. A
94 6 map showing the new boundaries may be used. No publication is
94 7 necessary if no changes were made.
94 8 3. The precincts established pursuant to section 49.7
94 9 shall not be changed except in the manner provided by law.
94 10 However, for any election other than the primary or general
94 11 election or any special election held under section 69.14, the
94 12 county commissioner of elections may:
94 13 ~~1.~~ a. Consolidate two or more precincts into one.
94 14 (1) However, the commissioner shall not do so if there is
94 15 filed with the commissioner at least twenty days before the
94 16 election a petition signed by twenty=five or more eligible
94 17 electors of any precinct requesting that it not be merged with
94 18 any other precinct. There shall be attached to the petition
94 19 the affidavit of an eligible elector of the precinct that the
94 20 signatures on the petition are genuine and that all of the
94 21 signers are to the best of the affiant's knowledge and belief
94 22 eligible electors of the precinct.
94 23 (2) If a special election is to be held in which only
94 24 those registered voters residing in a specified portion of any
94 25 established precinct are entitled to vote, that portion of the
94 26 precinct may be merged by the commissioner with one or more
94 27 other established precincts or portions of established
94 28 precincts for the special election, and the right to petition
94 29 against merger of a precinct shall not apply.
94 30 ~~2.~~ b. Divide any precinct permanently established under
94 31 this section which contains all or any parts of two or more
94 32 mutually exclusive political subdivisions, either or both of
94 33 which is independently electing one or more officers or voting
94 34 on one or more questions on the same date, into two or more
94 35 temporary precincts and designate a polling place for each.

Senate File 2320 - Introduced continued

95 1 ~~3.~~ c. Notwithstanding ~~the provisions of the first~~
~~95 2 unnumbered paragraph of this section~~ subsection 1 the
95 3 commissioner may consolidate precincts for any election
95 4 including a primary and general election under any of the
95 5 following circumstances:
95 6 ~~a.~~ (1) One of the precincts involved consists entirely of
95 7 dormitories that are closed at the time the election is held.
95 8 ~~b.~~ (2) The consolidated precincts, if established as a
95 9 permanent precinct, would meet all requirements of section
95 10 49.3, and a combined total of no more than three hundred fifty
95 11 voters voted in the consolidated precincts at the last
95 12 preceding similar election.
95 13 ~~c.~~ (3) The city council of a special charter city with a
95 14 population of three thousand five hundred or less which is
95 15 divided into council wards requests the commissioner to
95 16 consolidate two or more precincts for any election.
95 17 Sec. 152. Section 49.31, subsections 1 and 2, Code 2007,
95 18 are amended to read as follows:
95 19 1. a. All ballots shall be arranged with the names of
95 20 candidates for each office listed below the office title. For
95 21 partisan elections the name of the political party or
95 22 organization which nominated each candidate shall be listed
95 23 after or below each candidate's name.
95 24 b. The commissioner shall determine the order of political
95 25 parties and nonparty political organizations on the ballot.
95 26 The sequence shall be the same for each office on the ballot
95 27 and for each precinct in the county voting in the election.
95 28 2. a. The commissioner shall prepare a list of the
95 29 election precincts of the county, by arranging the various
95 30 townships and cities in the county in alphabetical order, and
95 31 the wards or precincts in each city or township in numerical
95 32 order under the name of such city or township.
95 33 b. The commissioner shall then arrange the surnames of
95 34 each political party's candidates for each office to which two
95 35 or more persons are to be elected at large alphabetically for

Senate File 2320 - Introduced continued

96 1 the respective offices for the first precinct on the list;
96 2 thereafter, for each political party and for each succeeding
96 3 precinct, the names appearing first for the respective offices
96 4 in the last preceding precinct shall be placed last, so that
96 5 the names that were second before the change shall be first
96 6 after the change. The commissioner may also rotate the names
96 7 of candidates of a political party in the reverse order of
96 8 that provided in this subsection or alternate the rotation so
96 9 that the candidates of different parties shall not be paired
96 10 as they proceed through the rotation. The procedure for
96 11 arrangement of names on ballots provided in this section shall
96 12 likewise be substantially followed in elections in political
96 13 subdivisions of less than a county.
96 14 c. On the general election ballot the names of candidates
96 15 for the nonpartisan offices listed in section 39.21 shall be
96 16 arranged by drawing lots for position. The commissioner shall
96 17 hold the drawing on the first business day following the
96 18 deadline for filing of nomination certificates or petitions
96 19 with the commissioner for the general election pursuant to
96 20 section 44.4. If a candidate withdraws, dies, or is removed
96 21 from the ballot after the ballot position of names has been
96 22 determined, such candidate's name shall be removed from the
96 23 ballot, and the order of the remaining names shall not be
96 24 changed.
96 25 Sec. 153. Section 49.37, subsection 1, Code 2007, is
96 26 amended to read as follows:
96 27 1. For general elections, and for other elections in which
96 28 more than one partisan office will be filled, the first
96 29 section of the ballot shall be for straight party voting.
96 30 a. Each political party or organization which has
96 31 nominated candidates for more than one office shall be listed.
96 32 Instructions to the voter for straight party or organization
96 33 voting shall be in substantially the following form:
96 34 PARAGRAPH DIVIDED. "To vote for all candidates from a
96 35 single party or organization, mark the voting target next to

Senate File 2320 - Introduced continued

97 1 the party or organization name. Not all parties or
97 2 organizations have nominated candidates for all offices.
97 3 Marking a straight party or organization vote does not include
97 4 votes for nonpartisan offices, judges, or questions."
97 5 b. Political parties and nonparty political organizations
97 6 which have nominated candidates for only one office shall be
97 7 listed below the other political organizations under the
97 8 following heading:
97 9 PARAGRAPH DIVIDED. "Other Political Organizations. The
97 10 following organizations have nominated candidates for only one
97 11 office:".
97 12 c. Offices shall be arranged in groups. Partisan offices,
97 13 nonpartisan offices, judges, and public measures shall be
97 14 separated by a distinct line appearing on the ballot.
97 15 Sec. 154. Section 49.77, subsections 1 and 3, Code
97 16 Supplement 2007, are amended to read as follows:
97 17 1. The board members of their respective precincts shall
97 18 have charge of the ballots and furnish them to the voters.
97 19 a. Any person desiring to vote shall sign a voter's
97 20 declaration provided by the officials, in substantially the
97 21 following form:
97 22 VOTER'S DECLARATION OF ELIGIBILITY
97 23 I do solemnly swear or affirm that I am a resident of the
97 24 .... precinct, ... ward or township, city of ....., county
97 25 of ....., Iowa.
97 26 I am a registered voter. I have not voted and will not
97 27 vote in any other precinct in said election.
97 28 I understand that any false statement in this declaration
97 29 is a criminal offense punishable as provided by law.
97 30 .....
97 31 Signature of Voter
97 32 .....
97 33 Address
97 34 .....
97 35 Telephone

Senate File 2320 - Introduced continued

98 1 Approved:
98 2 .....
98 3 Board Member
98 4 b. At the discretion of the commissioner, this declaration
98 5 may be printed on each page of the election register and the
98 6 voter shall sign the election register next to the voter's
98 7 printed name. The voter's signature in the election register
98 8 shall be considered the voter's signed declaration of
98 9 eligibility affidavit. The state commissioner of elections
98 10 shall prescribe by rule an alternate method for providing the
98 11 information in subsection 2 for those counties where the
98 12 declaration of eligibility is printed in the election
98 13 register. The state voter registration system shall be
98 14 designed to allow for the affidavit to be printed on each page
98 15 of the election register and to allow sufficient space for the
98 16 voter's signature.
98 17 3. a. A precinct election official shall require any
98 18 person whose name does not appear on the election register as
98 19 an active voter to show identification. Specific documents
98 20 which are acceptable forms of identification shall be
98 21 prescribed by the state commissioner.
98 22 b. A precinct election official may require of the voter
98 23 unknown to the official, identification upon which the voter's
98 24 signature or mark appears. If identification is established
98 25 to the satisfaction of the precinct election officials, the
98 26 person may then be allowed to vote.
98 27 Sec. 155. Section 50.48, subsections 1 through 4, Code
98 28 Supplement 2007, are amended to read as follows:
98 29 1. a. The county board of canvassers shall order a
98 30 recount of the votes cast for a particular office or
98 31 nomination in one or more specified election precincts in that
98 32 county if a written request therefor is made not later than
98 33 ~~five o'clock~~ 5:00 p.m. on the third day following the county
98 34 board's canvass of the election in question. The request
98 35 shall be filed with the commissioner of that county, or with

Senate File 2320 - Introduced continued

99 1 the commissioner responsible for conducting the election if
99 2 section 47.2, subsection 2 is applicable, and shall be signed
99 3 by either of the following:
99 4 ~~a.~~ (1) A candidate for that office or nomination whose
99 5 name was printed on the ballot of the precinct or precincts
99 6 where the recount is requested.
99 7 ~~b.~~ (2) Any other person who receives votes for that
99 8 particular office or nomination in the precinct or precincts
99 9 where the recount is requested and who is legally qualified to
99 10 seek and to hold the office in question.
99 11 b. Immediately upon receipt of a request for a recount,
99 12 the commissioner shall send a copy of the request to the
99 13 apparent winner by certified mail. The commissioner shall
99 14 also attempt to contact the apparent winner by telephone. If
99 15 the apparent winner cannot be reached within four days, the
99 16 chairperson of the political party or organization which
99 17 nominated the apparent winner shall be contacted and shall act
99 18 on behalf of the apparent winner, if necessary. For
99 19 candidates for state or federal offices, the chairperson of
99 20 the state party shall be contacted. For candidates for county
99 21 offices, the county chairperson of the party shall be
99 22 contacted.
99 23 2. a. The candidate requesting a recount under this
99 24 section shall post a bond, unless the abstracts prepared
99 25 pursuant to section 50.24, or section 43.49 in the case of a
99 26 primary election, indicate that the difference between the
99 27 total number of votes cast for the apparent winner and the
99 28 total number of votes cast for the candidate requesting the
99 29 recount is less than the greater of fifty votes or one percent
99 30 of the total number of votes cast for the office or nomination
99 31 in question. If a recount is requested for an office to which
99 32 more than one person was elected, the vote difference
99 33 calculations shall be made using the difference between the
99 34 number of votes received by the person requesting the recount
99 35 and the number of votes received by the apparent winner who

Senate File 2320 - Introduced continued

100 1 received the fewest votes. Where votes cast for that office
100 2 or nomination were canvassed in more than one county, the
100 3 abstracts prepared by the county boards in all of those
100 4 counties shall be totaled for purposes of this subsection. If
100 5 a bond is required, it shall be filed with the state
100 6 commissioner for recounts involving a state office, including
100 7 a seat in the general assembly, or a seat in the United States
100 8 Congress, and with the commissioner responsible for conducting
100 9 the election in all other cases, and shall be in the following
100 10 amount:
100 11 ~~a.~~ (1) For an office filled by the electors of the entire
100 12 state, one thousand dollars.
100 13 ~~b.~~ (2) For United States representative, five hundred
100 14 dollars.
100 15 ~~c.~~ (3) For senator in the general assembly, three hundred
100 16 dollars.
100 17 ~~d.~~ (4) For representative in the general assembly, one
100 18 hundred fifty dollars.
100 19 ~~e.~~ (5) For an office filled by the electors of an entire
100 20 county having a population of fifty thousand or more, two
100 21 hundred dollars.
100 22 ~~f.~~ (6) For any elective office to which ~~paragraphs "a" to~~
~~100 23 "e" of this subsection~~ subparagraphs (1) to (5) are not
100 24 applicable, one hundred dollars.
100 25 b. After all recount proceedings for a particular office
100 26 are completed and the official canvass of votes cast for that
100 27 office is corrected or completed pursuant to subsections 5 and
100 28 6, if necessary, any bond posted under this subsection shall
100 29 be returned to the candidate who requested the recount if the
100 30 apparent winner before the recount is not the winner as shown
100 31 by the corrected or completed canvass. In all other cases,
100 32 the bond shall be deposited in the general fund of the state
100 33 if filed with the state commissioner or in the election fund
100 34 of the county with whose commissioner it was filed.
100 35 3. a. The recount shall be conducted by a board which

Senate File 2320 - Introduced continued

101 1 shall consist of:
101 2 ~~a.~~ (1) A designee of the candidate requesting the
101 3 recount, who shall be named in the written request when it is
101 4 filed.
101 5 ~~b.~~ (2) A designee of the apparent winning candidate, who
101 6 shall be named by that candidate at or before the time the
101 7 board is required to convene.
101 8 ~~c.~~ (3) A person chosen jointly by the members designated
101 9 under ~~paragraphs "a" and "b" of this subsection~~ subparagraphs
101 10 (1) and (2).
101 11 b. The commissioner shall convene the persons designated
101 12 under ~~paragraphs~~ paragraph "a" ~~and "b" of this subsection~~,
101 13 subparagraphs (1) and (2), not later than ~~nine o'clock~~ 9:00
101 14 a.m. on the seventh day following the county board's canvass
101 15 of the election in question. If those two members cannot
101 16 agree on the third member by ~~eight o'clock~~ 8:00 a.m. on the
101 17 ninth day following the canvass, they shall immediately so
101 18 notify the chief judge of the judicial district in which the
101 19 canvass is occurring, who shall appoint the third member not
101 20 later than ~~five o'clock~~ 5:00 p.m. on the eleventh day
101 21 following the canvass.
101 22 4. a. When all members of the recount board have been
101 23 selected, the board shall undertake and complete the required
101 24 recount as expeditiously as reasonably possible. The
101 25 commissioner or the commissioner's designee shall supervise
101 26 the handling of ballots or voting machine documents to ensure
101 27 that the ballots and other documents are protected from
101 28 alteration or damage. The board shall open only the sealed
101 29 ballot containers from the precincts specified to be recounted
101 30 in the request or by the recount board. The board shall
101 31 recount only the ballots which were voted and counted for the
101 32 office in question, including any disputed ballots returned as
101 33 required in section 50.5. If an electronic tabulating system
101 34 was used to count the ballots, the recount board may request
101 35 the commissioner to retabulate the ballots using the

Senate File 2320 - Introduced continued

102 1 electronic tabulating system. The same program used for
102 2 tabulating the votes on election day shall be used at the
102 3 recount unless the program is believed or known to be flawed.
102 4 If a voting machine was used, the paper record required in
102 5 section 52.7, subsection 2, shall be the official record used
102 6 in the recount. However, if the commissioner believes or
102 7 knows that the paper records produced from a machine have been
102 8 compromised due to damage, mischief, malfunction, or other
102 9 cause, the printed ballot images produced from the internal
102 10 audit log for that machine shall be the official record used
102 11 in the recount.
102 12 b. Any member of the recount board may at any time during
102 13 the recount proceedings extend the recount of votes cast for
102 14 the office or nomination in question to any other precinct or
102 15 precincts in the same county, or from which the returns were
102 16 reported to the commissioner responsible for conducting the
102 17 election, without the necessity of posting additional bond.
102 18 c. The ballots or voting machine documents shall be
102 19 resealed by the recount board before adjournment and shall be
102 20 preserved as required by section 50.12. At the conclusion of
102 21 the recount, the recount board shall make and file with the
102 22 commissioner a written report of its findings, which shall be
102 23 signed by at least two members of the recount board. The
102 24 recount board shall complete the recount and file its report
102 25 not later than the eighteenth day following the county board's
102 26 canvass of the election in question.
102 27 Sec. 156. Section 50.49, Code 2007, is amended to read as
102 28 follows:
102 29 50.49 RECOUNTS FOR PUBLIC MEASURES.
102 30 1. A recount for any public measure shall be ordered by
102 31 the board of canvassers if a petition requesting a recount is
102 32 filed with the county commissioner not later than three days
102 33 after the completion of the canvass of votes for the election
102 34 at which the question appeared on the ballot. The petition
102 35 shall be signed by the greater of not less than ten eligible

Senate File 2320 - Introduced continued

103 1 electors or a number of eligible electors equaling one percent
103 2 of the total number of votes cast upon the public measure.
103 3 Each petitioner must be a person who was entitled to vote on
103 4 the public measure in question or would have been so entitled
103 5 if registered to vote.
103 6 2. The recount shall be conducted by a board which shall
103 7 consist of:
103 8 ~~1.~~ a. A designee named in the petition requesting the
103 9 recount.
103 10 ~~2.~~ b. A designee named by the commissioner at or before
103 11 the time the board is required to convene.
103 12 ~~3.~~ c. A person chosen jointly by the members designated
103 13 under ~~subsections 1 and 2~~ paragraphs "a" and "b".
103 14 3. The commissioner shall convene the persons designated
103 15 under ~~subsections 1 and~~ subsection 2, paragraphs "a" and "b",
103 16 not later than ~~nine~~ 9:00 a.m. on the seventh day following the
103 17 canvass of the election in question. If those two members
103 18 cannot agree on the third member by ~~eight~~ 8:00 a.m. on the
103 19 ninth day following the canvass, they shall immediately notify
103 20 the chief judge of the judicial district in which the canvass
103 21 is occurring, who shall appoint the third member not later
103 22 than ~~five~~ 5:00 p.m. on the eleventh day following the canvass.
103 23 4. The petitioners requesting the recount shall post a
103 24 bond as required by section 50.48, subsection 2. The amount
103 25 of the bond shall be one thousand dollars for a public measure
103 26 appearing on the ballot statewide or one hundred dollars for
103 27 any other public measure. If the difference between the
103 28 affirmative and negative votes cast on the public measure is
103 29 less than the greater of fifty votes or one percent of the
103 30 total number of votes cast for and against the question, a
103 31 bond is not required. If approval by sixty percent of the
103 32 votes cast is required for adoption of the public measure, no
103 33 bond is required if the difference between sixty percent of
103 34 the total votes cast for and against the question and the
103 35 number of votes cast for the losing side is less than the

Senate File 2320 - Introduced continued

104 1 greater of fifty votes or one percent of the total number of
104 2 votes cast.
104 3 5. The procedure for the recount shall follow the
104 4 provisions of section 50.48, subsections 4 through 7, as far
104 5 as possible.
104 6 Sec. 157. Section 52.9, subsections 2 and 3, Code
104 7 Supplement 2007, are amended to read as follows:
104 8 2. It shall be the duty of the commissioner or the
104 9 commissioner's duly authorized agents to examine and test the
104 10 voting machines to be used at any election, after the machines
104 11 have been prepared for the election and not less than twelve
104 12 hours before the opening of the polls on the morning of the
104 13 election. For any election to fill a partisan office, the
104 14 county chairperson of each political party referred to in
104 15 section 49.13 shall be notified in writing of the date, time,
104 16 and place the machines shall be examined and tested so that
104 17 they may be present, or have a representative present. For
104 18 every election, the commissioner shall publish notice of the
104 19 date, time, and place the examination and testing will be
104 20 conducted. The commissioner may include such notice in the
104 21 notice of the election published pursuant to section 49.53.
104 22 3. Those present for the examination and testing shall
104 23 sign a certificate which shall read substantially as follows:
104 24 The Undersigned Hereby Certify that, having duly qualified,
104 25 we were present and witnessed the testing and preparation of
104 26 the following voting machines; that we believe the same to be
104 27 in proper condition for use in the election of ..... (date);
104 28 that each registering counter of the machine is set at 000;
104 29 that the public counter is set at 000; that the seal numbers
104 30 and the protective counter numbers are as indicated below.
104 31 Signed:
104 32 .....
104 33 Republican (if applicable)
104 34 .....
104 35 Democrat (if applicable)

Senate File 2320 - Introduced continued

105 1 .....
105 2 .....
105 3 Voting machine custodian
105 4 Dated .....

Machine Number	Protective Counter Number	Seal Number
.....	.....	.....
.....	.....	.....
.....	.....	.....
.....	.....	.....

105 12 ~~3.~~ 4. On those voting machines presently equipped with an
105 13 after=election latch and on all machines placed in use after
105 14 January 1, 1961, in this state, the after=election latch shall
105 15 be fully used by the election officials.
105 16 Sec. 158. Section 52.37, subsection 1, Code Supplement
105 17 2007, is amended to read as follows:
105 18 1. a. If any ballot is found damaged or defective, so
105 19 that it cannot be counted properly by the automatic tabulating
105 20 equipment, a true duplicate shall be made by the resolution
105 21 board team and substituted for the damaged or defective
105 22 ballot, or, as an alternative, the valid votes on a defective
105 23 ballot may be manually counted by the special precinct
105 24 election board, whichever method is best suited to the system
105 25 being used. All duplicate ballots shall be clearly labeled as
105 26 such, and shall bear a serial number which shall also be
105 27 recorded on the damaged or defective ballot.
105 28 b. The special precinct election board shall also tabulate
105 29 any write=in votes which were cast. Write=in votes cast for a
105 30 candidate whose name appears on the ballot for the same office
105 31 shall be counted as a vote for the candidate indicated, if the
105 32 vote is otherwise properly cast.
105 33 c. Ballots which are rejected by the tabulating equipment
105 34 as blank because they have been marked with an unreadable
105 35 marker shall be duplicated or tabulated as required by this

Senate File 2320 - Introduced continued

106 1 subsection for damaged or defective ballots. The commissioner
106 2 may instruct the special precinct election board to mark over
106 3 voters' unreadable marks using a marker compatible with the
106 4 tabulating equipment. The special precinct election board
106 5 shall take care to leave part of the original mark made by the
106 6 voter. If it is impossible to mark over the original marks
106 7 made by the voter without completely obliterating them, the
106 8 ballot shall be duplicated.
106 9 Sec. 159. Section 53.2, subsection 2, Code Supplement
106 10 2007, is amended to read as follows:
106 11 2. The state commissioner shall prescribe a form for
106 12 absentee ballot applications.
106 13 a. Absentee ballot applications may include instructions
106 14 to send the application directly to the county commissioner of
106 15 elections. However, no absentee ballot application shall be
106 16 preaddressed or printed with instructions to send the
106 17 applications to anyone other than the appropriate
106 18 commissioner.
106 19 b. No absentee ballot application shall be preaddressed or
106 20 printed with instructions to send the ballot to anyone other
106 21 than the voter.
106 22 Sec. 160. Section 64.24, Code 2007, is amended to read as
106 23 follows:
106 24 64.24 RECORDING.
106 25 1. a. The secretary of state, each county auditor,
106 26 district court clerk, and each auditor or clerk of a city
106 27 shall keep a book, to be known as the "Record of Official
106 28 Bonds", and all official bonds shall be recorded therein in
106 29 full as follows:
106 30 ~~1.~~ (1) In the record kept by the secretary of state, the
106 31 official bonds of all state officers, elective or appointive,
106 32 except the bonds of notaries public.
106 33 ~~2.~~ (2) In the record kept by the county auditor, the
106 34 official bonds of all county officers, elective or appointive,
106 35 and township clerks.

Senate File 2320 - Introduced continued

107 1 ~~3.~~ (3) In the record kept by the city auditor or clerk,
107 2 the official bonds of all city officers, elective or
107 3 appointive.
107 4 ~~4.~~ (4) In the record kept by the district court clerk,
107 5 the official bonds of judicial magistrates.
107 6 b. The records shall have an index which, under the title
107 7 of each office, shall show the name of each principal and the
107 8 date of the filing of the bond.
107 9 2. A bond when recorded shall be returned to the officer
107 10 charged with the custody thereof.
107 11 Sec. 161. Section 68A.402, subsection 2, paragraph b, Code
107 12 Supplement 2007, is amended to read as follows:
107 13 b. SUPPLEMENTARY REPORT == STATEWIDE AND GENERAL ASSEMBLY
107 14 ELECTIONS.
107 15 (1) A candidate's committee of a candidate for statewide
107 16 office or the general assembly shall file a supplementary
107 17 report in a year in which a primary, general, or special
107 18 election for that office is held. The supplementary reports
107 19 shall be filed if contributions are received after the close
107 20 of the period covered by the last report filed prior to that
107 21 primary, general, or special election if any of the following
107 22 applies:
107 23 ~~(1)~~ (a) The committee of a candidate for governor
107 24 receives ten thousand dollars or more.
107 25 ~~(2)~~ (b) The committee of a candidate for any other
107 26 statewide office receives five thousand dollars or more.
107 27 ~~(3)~~ (c) The committee of a candidate for the general
107 28 assembly receives one thousand dollars or more.
107 29 (2) The amount of any contribution causing a supplementary
107 30 report under this paragraph "b" shall include the estimated
107 31 fair market value of any in=kind contribution. The report
107 32 shall be filed by the Friday immediately preceding the
107 33 election and be current through the Tuesday immediately
107 34 preceding the election.
107 35 Sec. 162. Section 68A.406, subsection 2, Code Supplement

Senate File 2320 - Introduced continued

2007, is amended to read as follows:
2. a. Campaign signs shall not be placed on any of the following:
~~a.~~ (1) Any property owned by the state or the governing body of a county, city, or other political subdivision of the state, including all property considered the public right=of=way. Upon a determination by the board that a sign has been improperly placed, the sign shall be removed by highway authorities as provided in section 318.5, or by county or city law enforcement authorities in a manner consistent with section 318.5.
~~b.~~ (2) Property owned by a prohibited contributor under section 68A.503 unless the sign advocates the passage or defeat of a ballot issue or is exempted under subsection 1.
~~c.~~ (3) On any property without the permission of the property owner.
~~d.~~ (4) On election day either on the premises of any polling place or within three hundred feet of any outside door of any building affording access to any room where the polls are held, or of any outside door of any building affording access to any hallway, corridor, stairway, or other means of reaching the room where the polls are held.
~~e.~~ (5) Within three hundred feet of an absentee voting site during the hours when absentee ballots are available in the office of the county commissioner of elections as provided in section 53.10.
~~f.~~ (6) Within three hundred feet of a satellite absentee voting station during the hours when absentee ballots are available at the satellite absentee voting station as provided in section 53.11.
b. ~~Paragraphs "d", "e", and "f"~~ Paragraph "a", subparagraphs (4), (5), and (6) shall not apply to the posting of signs on private property not a polling place, except that the placement of a sign on a motor vehicle, trailer, or semitrailer, or any attachment to a motor vehicle, trailer, or

Senate File 2320 - Introduced continued

109 1 semitrailer parked on public property within three hundred
109 2 feet of a polling place, which sign is more than ninety square
109 3 inches in size, is prohibited.
109 4 Sec. 163. Section 69.8, subsection 5, Code 2007, is
109 5 amended to read as follows:
109 6 5. ELECTED TOWNSHIP OFFICES.
109 7 a. When a vacancy occurs in the office of township clerk
109 8 or township trustee, the vacancy shall be filled by
109 9 appointment by the trustees. All appointments to fill
109 10 vacancies in township offices shall be until a successor is
109 11 elected at the next general election and qualifies by taking
109 12 the oath of office. If the term of office in which the
109 13 vacancy exists will expire within seventy days after the next
109 14 general election, the person elected to the office for the
109 15 succeeding term shall qualify by taking the oath of office
109 16 within ten days after the election and shall serve for the
109 17 remainder of the unexpired term, as well as for the next
109 18 four=year term.
109 19 b. However, if the offices of two trustees are vacant the
109 20 county board of supervisors shall fill the vacancies by
109 21 appointment. If the offices of three trustees are vacant the
109 22 board may fill the vacancies by appointment, or the board may
109 23 adopt a resolution stating that the board will exercise all
109 24 powers and duties assigned by law to the trustees of the
109 25 township in which the vacancies exist until the vacancies are
109 26 filled at the next general election. If a township office
109 27 vacancy is not filled by the trustees within thirty days after
109 28 the vacancy occurs, the board of supervisors may appoint a
109 29 successor to fill the vacancy until the vacancy can be filled
109 30 at the next general election.
109 31 Sec. 164. Section 69.14A, subsections 1 and 2, Code 2007,
109 32 are amended to read as follows:
109 33 1. A vacancy on the board of supervisors shall be filled
109 34 by one of the following procedures:
109 35 a. By appointment by the committee of county officers

Senate File 2320 - Introduced continued

110 1 designated to fill the vacancy in section 69.8.
110 2 (1) The appointment shall be for the period until the next
110 3 pending election as defined in section 69.12, and shall be
110 4 made within forty days after the vacancy occurs. If the
110 5 committee of county officers designated to fill the vacancy
110 6 chooses to proceed under this paragraph, the committee shall
110 7 publish notice in the manner prescribed by section 331.305
110 8 stating that the committee intends to fill the vacancy by
110 9 appointment but that the electors of the district or county,
110 10 as the case may be, have the right to file a petition
110 11 requiring that the vacancy be filled by special election. The
110 12 committee may publish notice in advance if an elected official
110 13 submits a resignation to take effect at a future date. The
110 14 committee may make an appointment to fill the vacancy after
110 15 the notice is published or after the vacancy occurs, whichever
110 16 is later. A person appointed to an office under this
110 17 subsection shall have actually resided in the county which the
110 18 appointee represents sixty days prior to appointment.
110 19 (2) However, if within fourteen days after publication of
110 20 the notice or within fourteen days after the appointment is
110 21 made, a petition is filed with the county auditor requesting a
110 22 special election to fill the vacancy, the appointment is
110 23 temporary and a special election shall be called as provided
110 24 in paragraph "b". The petition shall meet the requirements of
110 25 section 331.306, except that in counties where supervisors are
110 26 elected under plan "three", the number of signatures
110 27 calculated according to the formula in section 331.306 shall
110 28 be divided by the number of supervisor districts in the
110 29 county.
110 30 b. By special election held to fill the office for the
110 31 remaining balance of the unexpired term.
110 32 (1) The committee of county officers designated to fill
110 33 the vacancy in section 69.8 may, on its own motion, or shall,
110 34 upon receipt of a petition as provided in paragraph "a", call
110 35 for a special election to fill the vacancy in lieu of

Senate File 2320 - Introduced continued

111 1 appointment. The committee shall order the special election
111 2 at the earliest practicable date, but giving at least
111 3 thirty=two days' notice of the election. A special election
111 4 called under this section shall be held on a Tuesday and shall
111 5 not be held on the same day as a school election within the
111 6 county.
111 7 (2) However, if a vacancy on the board of supervisors
111 8 occurs after the date of the primary election and more than
111 9 seventy=three days before the general election, a special
111 10 election to fill the vacancy shall not be called by the
111 11 committee or by petition. If the term of office in which the
111 12 vacancy exists will expire more than seventy days after the
111 13 general election, the office shall be listed on the ballot, as
111 14 "For Board of Supervisors, To Fill Vacancy". The person
111 15 elected at the general election shall assume office as soon as
111 16 a certificate of election is issued and the person has
111 17 qualified by taking the oath of office. The person shall
111 18 serve the balance of the unexpired term.
111 19 (3) If the term of office in which the vacancy exists will
111 20 expire within seventy days after the general election, the
111 21 person elected to the succeeding term shall also serve the
111 22 balance of the unexpired term. The person elected at the
111 23 general election shall assume office as soon as a certificate
111 24 of election is issued and the person has qualified by taking
111 25 the oath of office.
111 26 c. For a vacancy declared by the board pursuant to section
111 27 331.214, subsection 2, by special election held to fill the
111 28 office if the remaining balance of the unexpired term is two
111 29 and one=half years or more. The committee of county officers
111 30 designated to fill the vacancy in section 69.8 shall order the
111 31 special election at the earliest practicable date, but giving
111 32 at least thirty=two days' notice of the election. A special
111 33 election called under this section shall be held on a Tuesday
111 34 and shall not be held on the same day as a school election
111 35 within the county. The office shall be listed on the ballot,

Senate File 2320 - Introduced continued

as "For Board of Supervisors, To Fill Vacancy". The person elected at the special election shall serve the balance of the unexpired term.

2. A vacancy in any of the offices listed in section 39.17 shall be filled by one of the two following procedures:

a. By appointment by the board of supervisors.

(1) The appointment shall be for the period until the next pending election as defined in section 69.12, and shall be made within forty days after the vacancy occurs. If the board of supervisors chooses to proceed under this paragraph, the board shall publish notice in the manner prescribed by section 331.305 stating that the board intends to fill the vacancy by appointment but that the electors of the county have the right to file a petition requiring that the vacancy be filled by special election. The board may publish notice in advance if an elected official submits a resignation to take effect at a future date. The board may make an appointment to fill the vacancy after the notice is published or after the vacancy occurs, whichever is later. A person appointed to an office under this subsection, except for a county attorney, shall have actually resided in the county which the appointee represents sixty days prior to appointment. A person appointed to the office of county attorney shall be a resident of the county at the time of appointment.

(2) However, if within fourteen days after publication of the notice or within fourteen days after the appointment is made, a petition is filed with the county auditor requesting a special election to fill the vacancy, the appointment is temporary and a special election shall be called as provided in paragraph "b". The petition shall meet the requirements of section 331.306.

b. By special election held to fill the office for the remaining balance of the unexpired term.

(1) The board of supervisors may, on its own motion, or shall, upon receipt of a petition as provided in paragraph

Senate File 2320 - Introduced continued

113 1 "a", call for a special election to fill the vacancy in lieu
113 2 of appointment. The supervisors shall order the special
113 3 election at the earliest practicable date, but giving at least
113 4 thirty=two days' notice of the election. A special election
113 5 called under this section shall be held on a Tuesday and shall
113 6 not be held on the same day as a school election within the
113 7 county.
113 8 (2) If a vacancy in an elective county office occurs after
113 9 the date of the primary election and more than seventy=three
113 10 days before the general election, a special election to fill
113 11 the vacancy shall not be called by the board of supervisors or
113 12 by petition. If the term of office in which the vacancy
113 13 exists will expire more than seventy days after the general
113 14 election, the office shall be listed on the ballot with the
113 15 name of the office and the additional description, "To Fill
113 16 Vacancy". The person elected at the general election shall
113 17 assume office as soon as a certificate of election is issued
113 18 and the person has qualified by taking the oath of office.
113 19 The person shall serve the balance of the unexpired term.
113 20 (3) If the term of office in which the vacancy exists will
113 21 expire within seventy days after the general election, the
113 22 person elected to the succeeding term shall also serve the
113 23 balance of the unexpired term. The person elected at the
113 24 general election shall assume office as soon as a certificate
113 25 of election is issued and the person has qualified by taking
113 26 the oath of office.
113 27 Sec. 165. Section 73.2, subsection 1, Code 2007, is
113 28 amended to read as follows:
113 29 1. a. All requests hereafter made for bids and proposals
113 30 for materials, products, supplies, provisions, and other
113 31 needed articles to be purchased at public expense, shall be
113 32 made in general terms and by general specifications and not by
113 33 brand, trade name, or other individual mark.
113 34 b. All such requests and bids shall contain a paragraph in
113 35 easily legible print, reading as follows:

Senate File 2320 - Introduced continued

114 1 ~~By~~ "By virtue of statutory authority, a preference will be
114 2 given to products and provisions grown and coal produced
114 3 within the state of Iowa."
114 4 Sec. 166. Section 73.16, subsection 2, Code Supplement
114 5 2007, is amended to read as follows:
114 6 2. a. Prior to the commencement of a fiscal year, the
114 7 director of each agency or department of state government
114 8 having purchasing authority, in cooperation with the targeted
114 9 small business marketing and compliance manager of the
114 10 department of economic development, shall establish for that
114 11 fiscal year a procurement goal from certified targeted small
114 12 businesses identified pursuant to section 10A.104, subsection
114 13 8.
114 14 (1) The procurement goal shall include the procurement of
114 15 all goods and services, including construction, but not
114 16 including utility services.
114 17 (2) A procurement goal shall be stated in terms of a
114 18 dollar amount of certified purchases and shall be established
114 19 at a level that exceeds the procurement levels from certified
114 20 targeted small businesses during the previous fiscal year.
114 21 b. The director of an agency or department of state
114 22 government that has established a procurement goal as required
114 23 under this subsection shall provide a report within fifteen
114 24 business days following the end of each calendar quarter to
114 25 the targeted small business marketing and compliance manager
114 26 of the department of economic development, providing the total
114 27 dollar amount of certified purchases from certified targeted
114 28 small businesses during the previous calendar quarter. The
114 29 required report shall be made in a form approved by the
114 30 targeted small business marketing and compliance manager. The
114 31 first quarterly report shall be for the calendar quarter
114 32 ending September 30, 2007.
114 33 c. (1) The director of each department and agency of
114 34 state government shall cooperate with the director of the
114 35 department of inspections and appeals, the director of the

Senate File 2320 - Introduced continued

115 1 department of economic development, and the director of the
115 2 department of management and do all acts necessary to carry
115 3 out the provisions of this division.
115 4 (2) The director of each agency or department of state
115 5 government having purchasing authority shall issue electronic
115 6 bid notices for distribution to the targeted small business
115 7 web page located at the department of economic development if
115 8 the director releases a solicitation for bids for procurement
115 9 of equipment, supplies, or services. The notices shall be
115 10 provided to the targeted small business marketing manager
115 11 forty=eight hours prior to the issuance of all bid notices.
115 12 The notices shall contain a description of the subject of the
115 13 bid, a point of contact for the bid, and any subcontract goals
115 14 included in the bid.
115 15 (3) A community college, area education agency, or school
115 16 district shall establish a procurement goal from certified
115 17 targeted small businesses, identified pursuant to section
115 18 10A.104, subsection 8, of at least ten percent of the value of
115 19 anticipated procurements of goods and services including
115 20 construction, but not including utility services, each fiscal
115 21 year.
115 22 d. Of the total value of anticipated procurements of goods
115 23 and services under this subsection, an additional goal shall
115 24 be established to procure at least forty percent from
115 25 minority=owned businesses, and forty percent from female=owned
115 26 businesses.
115 27 Sec. 167. Section 74A.3, Code 2007, is amended to read as
115 28 follows:
115 29 74A.3 INTEREST RATES FOR PUBLIC OBLIGATIONS.
115 30 1. Except as otherwise provided by law, the rates of
115 31 interest on obligations issued by this state, or by a county,
115 32 school district, city, special improvement district, or any
115 33 other governmental body or agency are as follows:
115 34 ~~1.~~ a. General obligation bonds, warrants, or other
115 35 evidences of indebtedness which are payable from general

Senate File 2320 - Introduced continued

116 1 taxation or from the state's sinking fund for public deposits
116 2 may bear interest at a rate to be set by the issuing
116 3 governmental body or agency.
116 4 ~~2.~~ b. Revenue bonds, warrants, pledge orders or other
116 5 obligations, the principal and interest of which are to be
116 6 paid solely from the revenue derived from the operations of
116 7 the publicly owned enterprise or utility for which the bonds
116 8 or obligations are issued, may bear interest at a rate to be
116 9 set by the issuing governmental body or agency.
116 10 ~~3.~~ c. Special assessment bonds, certificates, warrants or
116 11 other obligations, the principal and interest of which are
116 12 payable from special assessments levied against benefited
116 13 property may bear interest at a rate to be set by the issuing
116 14 governmental body or agency.
116 15 2. The interest rates authorized by this section to be set
116 16 by the issuing governmental body or agency shall be set in
116 17 each instance by the governing body which, in accordance with
116 18 applicable provisions of law then in effect, authorizes the
116 19 issuance of the bonds, warrants, pledge orders, certificates,
116 20 obligations, or other evidences of indebtedness.
116 21 Sec. 168. Section 80.8, Code 2007, is amended to read as
116 22 follows:
116 23 80.8 EMPLOYEES AND PEACE OFFICERS == SALARIES AND
116 24 COMPENSATION.
116 25 1. The commissioner shall employ personnel as may be
116 26 required to properly discharge the duties of the department.
116 27 2. The commissioner may delegate to the peace officers of
116 28 the department such additional duties in the enforcement of
116 29 this chapter as the commissioner may deem proper and
116 30 incidental to the duties now imposed upon them by law.
116 31 3. a. The salaries of peace officers and employees of the
116 32 department and the expenses of the department shall be
116 33 provided for by a legislative appropriation. The compensation
116 34 of peace officers of the department shall be fixed according
116 35 to grades as to rank and length of service by the commissioner

Senate File 2320 - Introduced continued

117 1 with the approval of the department of administrative
117 2 services, unless covered by a collective bargaining agreement
117 3 that provides otherwise.
117 4 b. The peace officers shall be paid additional
117 5 compensation in accordance with the following formula: When
117 6 peace officers have served for a period of five years, their
117 7 compensation then being paid shall be increased by the sum of
117 8 twenty=five dollars per month beginning with the month
117 9 succeeding the foregoing described five=year period; when
117 10 peace officers have served for a period of ten years, their
117 11 compensation then being paid shall be increased by the sum of
117 12 twenty=five dollars per month beginning with the month
117 13 succeeding the foregoing described ten=year period, such sums
117 14 being in addition to the increase provided herein to be paid
117 15 after five years of service; when peace officers have served
117 16 for a period of fifteen years, their compensation then being
117 17 paid shall be increased by the sum of twenty=five dollars per
117 18 month beginning with the month succeeding the foregoing
117 19 described fifteen=year period, such sums being in addition to
117 20 the increases previously provided for herein; when peace
117 21 officers have served for a period of twenty years, their
117 22 compensation then being paid shall be increased by the sum of
117 23 twenty=five dollars per month beginning with the month
117 24 succeeding the foregoing described twenty=year period, such
117 25 sums being in addition to the increases previously provided
117 26 for herein.
117 27 c. While on active duty, each peace officer shall also
117 28 receive a flat daily sum as fixed by the commissioner for
117 29 meals unless the amount of the flat daily sum is covered by a
117 30 collective bargaining agreement that provides otherwise.
117 31 d. A collective bargaining agreement entered into between
117 32 the state and a state employee organization under chapter 20
117 33 made final after July 1, 1977, shall not include any pay
117 34 adjustment to longevity pay authorized under this section.
117 35 e. Peace officers of the department excluded from the

Senate File 2320 - Introduced continued

118 1 provisions of chapter 20 who are injured in the line of duty
118 2 shall receive paid time off in the same manner as provided to
118 3 peace officers of the department covered by a collective
118 4 bargaining agreement entered into between the state and the
118 5 employee organization representing such covered peace officers
118 6 under chapter 20.
118 7 Sec. 169. Section 80E.2, Code 2007, is amended to read as
118 8 follows:
118 9 80E.2 DRUG POLICY ADVISORY COUNCIL == MEMBERSHIP ==
118 10 DUTIES.
118 11 1. An Iowa drug policy advisory council is established
118 12 which shall consist of the following fifteen members:
118 13 a. The drug policy coordinator, who shall serve as
118 14 chairperson of the council.
118 15 b. The director of the department of corrections, or the
118 16 director's designee.
118 17 c. The director of the department of education, or the
118 18 director's designee.
118 19 d. The director of the Iowa department of public health,
118 20 or the director's designee.
118 21 e. The commissioner of public safety, or the
118 22 commissioner's designee.
118 23 f. The director of the department of human services, or
118 24 the director's designee.
118 25 g. The director of the division of criminal and juvenile
118 26 justice planning in the department of human rights, or the
118 27 division director's designee.
118 28 h. A prosecuting attorney.
118 29 i. A licensed substance abuse treatment specialist.
118 30 j. A certified substance abuse prevention specialist.
118 31 k. A substance abuse treatment program director.
118 32 l. A justice of the Iowa supreme court, or judge, as
118 33 designated by the chief justice of the supreme court.
118 34 m. A member representing the Iowa association of chiefs of
118 35 police and peace officers.

Senate File 2320 - Introduced continued

119 1 n. A member representing the Iowa state police
119 2 association.
119 3 o. A member representing the Iowa state sheriffs' and
119 4 deputies' association.
119 5 2. The prosecuting attorney, licensed substance abuse
119 6 treatment specialist, certified substance abuse prevention
119 7 specialist, substance abuse treatment program director, member
119 8 representing the Iowa association of chiefs of police and
119 9 peace officers, member representing the Iowa state police
119 10 association, and the member representing the Iowa state
119 11 sheriffs' and deputies' association shall be appointed by the
119 12 governor, subject to senate confirmation, for four=year terms
119 13 beginning and ending as provided in section 69.19. A vacancy
119 14 on the council shall be filled for the unexpired term in the
119 15 same manner as the original appointment was made.
119 16 ~~2.~~ 3. The council shall make policy recommendations to
119 17 the appropriate departments concerning the administration,
119 18 development, and coordination of programs related to substance
119 19 abuse education, prevention, treatment, and enforcement.
119 20 ~~3.~~ 4. The members of the council shall be reimbursed for
119 21 actual and necessary travel and related expenses incurred in
119 22 the discharge of official duties. Each member of the council
119 23 may also be eligible to receive compensation as provided in
119 24 section 7E.6.
119 25 ~~4.~~ 5. The council shall meet at least quarterly
119 26 throughout the year.
119 27 ~~5.~~ 6. A majority of the members of the council
119 28 constitutes a quorum, and a majority of the total membership
119 29 of the council is necessary to act in any matter within the
119 30 jurisdiction of the council.
119 31 Sec. 170. Section 84A.1, subsections 2 and 3, Code 2007,
119 32 are amended to read as follows:
119 33 2. The chief executive officer of the department of
119 34 workforce development is the director who shall be appointed
119 35 by the governor, subject to confirmation by the senate under

Senate File 2320 - Introduced continued

the confirmation procedures of section 2.32.
a. The director of the department of workforce development shall serve at the pleasure of the governor.
b. The governor shall set the salary of the director within the applicable salary range established by the general assembly.
c. The director shall be selected solely on the ability to administer the duties and functions granted to the director and the department and shall devote full time to the duties of the director.
d. If the office of director becomes vacant, the vacancy shall be filled in the same manner as the original appointment was made.
3. a. The director of the department of workforce development shall, subject to the requirements of section 84A.1B, prepare, administer, and control the budget of the department and its divisions and shall approve the employment of all personnel of the department and its divisions.
b. The director of the department of workforce development shall direct the administrative and compliance functions and control the docket of the division of workers' compensation.
~~3.~~ 4. The department of workforce development shall include the division of labor services, the division of workers' compensation, and other divisions as appropriate.
Sec. 171. Section 85.31, subsection 1, Code 2007, is amended to read as follows:
1. a. When death results from the injury, the employer shall pay the dependents who were wholly dependent on the earnings of the employee for support at the time of the injury, during their lifetime, compensation upon the basis of eighty percent per week of the employee's average weekly spendable earnings, commencing from the date of death as follows:
~~a.~~ (1) To the surviving spouse for life or until remarriage, provided that upon remarriage two years' benefits

Senate File 2320 - Introduced continued

121 1 shall be paid to the surviving spouse in a lump sum, if there
121 2 are no children entitled to benefits.
121 3 ~~b.~~ (2) To any child of the deceased until the child shall
121 4 reach the age of eighteen, provided that a child beyond
121 5 eighteen years of age shall receive benefits to the age of
121 6 twenty=five if actually dependent, and the fact that a child
121 7 is under twenty=five years of age and is enrolled as a
121 8 full=time student in any accredited educational institution
121 9 shall be a prima facie showing of actual dependency.
121 10 ~~c.~~ (3) To any child who was physically or mentally
121 11 incapacitated from earning at the time of the injury causing
121 12 death for the duration of the incapacity from earning.
121 13 ~~d.~~ (4) To all other dependents as defined in section
121 14 85.44 for the duration of the incapacity from earning.
121 15 b. The weekly benefit amount shall not exceed a weekly
121 16 benefit amount, rounded to the nearest dollar, equal to two
121 17 hundred percent of the statewide average weekly wage paid
121 18 employees as determined by the department of workforce
121 19 development under section 96.19, subsection 36, and in effect
121 20 at the time of the injury. The minimum weekly benefit amount
121 21 shall be equal to the weekly benefit amount of a person whose
121 22 gross weekly earnings are thirty=five percent of the statewide
121 23 average weekly wage. Such compensation shall be in addition
121 24 to the benefits provided by sections 85.27 and 85.28.
121 25 Sec. 172. Section 85.34, subsection 3, Code 2007, is
121 26 amended to read as follows:
121 27 3. PERMANENT TOTAL DISABILITY.
121 28 a. Compensation for an injury causing permanent total
121 29 disability shall be upon the basis of eighty percent per week
121 30 of the employee's average spendable weekly earnings, but not
121 31 more than a weekly benefit amount, rounded to the nearest
121 32 dollar, equal to two hundred percent of the statewide average
121 33 weekly wage paid employees as determined by the department of
121 34 workforce development under section 96.19, subsection 36, and
121 35 in effect at the time of the injury. The minimum weekly

Senate File 2320 - Introduced continued

122 1 benefit amount is equal to the weekly benefit amount of a
122 2 person whose gross weekly earnings are thirty=five percent of
122 3 the statewide average weekly wage. The weekly compensation is
122 4 payable during the period of the employee's disability.
122 5 b. Such compensation shall be in addition to the benefits
122 6 provided in sections 85.27 and 85.28. No compensation shall
122 7 be payable under this subsection for any injury for which
122 8 compensation is payable under subsection 2 of this section.
122 9 In the event compensation has been paid to any person under
122 10 any provision of this chapter, chapter 85A or chapter 85B for
122 11 the same injury producing a total permanent disability, any
122 12 such amounts so paid shall be deducted from the total amount
122 13 of compensation payable for such permanent total disability.
122 14 Sec. 173. Section 85.45, Code 2007, is amended to read as
122 15 follows:
122 16 85.45 COMMUTATION.
122 17 1. Future payments of compensation may be commuted to a
122 18 present worth lump sum payment on the following conditions:
122 19 ~~1.~~ a. When the period during which compensation is
122 20 payable can be definitely determined.
122 21 ~~2.~~ b. When it shall be shown to the satisfaction of the
122 22 workers' compensation commissioner that such commutation will
122 23 be for the best interest of the person or persons entitled to
122 24 the compensation, or that periodical payments as compared with
122 25 a lump sum payment will entail undue expense, hardship, or
122 26 inconvenience upon the employer liable therefor.
122 27 ~~3.~~ c. When the recipient of commuted benefits is a minor
122 28 employee, the workers' compensation commissioner may order
122 29 that such benefits be paid to a trustee as provided in section
122 30 85.49.
122 31 ~~4.~~ d. When a person seeking a commutation is a surviving
122 32 spouse, an employee with a permanent and total disability, or
122 33 a dependent who is entitled to benefits as provided in section
122 34 85.31, subsection 1, ~~paragraphs "c" and "d"~~ paragraph "a",
122 35 subparagraphs (3) and (4), the future payments which may be

Senate File 2320 - Introduced continued

123 1 commuted shall not exceed the number of weeks which shall be
123 2 indicated by probability tables designated by the workers'
123 3 compensation commissioner for death and remarriage, subject to
123 4 the provisions of chapter 17A.
123 5 2. Future payments of compensation shall not be commuted
123 6 to a present worth lump sum payment when the employee is an
123 7 inmate as set forth in section 85.59.
123 8 Sec. 174. Section 86.8, Code 2007, is amended to read as
123 9 follows:
123 10 86.8 DUTIES.
123 11 1. The commissioner shall:
123 12 ~~1.~~ a. Adopt and enforce rules necessary to implement this
123 13 chapter and chapters 85, 85A, 85B, and 87.
123 14 ~~2.~~ b. Prepare and distribute the necessary blanks
123 15 relating to computation, adjustment, and settlement of
123 16 compensation.
123 17 ~~3.~~ c. Prepare and publish statistical reports and
123 18 analyses regarding the cost, occurrence, and sources of
123 19 employment injuries.
123 20 ~~4.~~ d. Administer oaths and examine books and records of
123 21 parties subject to the workers' compensation laws.
123 22 ~~5.~~ e. Provide a seal for the authentication of orders and
123 23 records and for other purposes as required.
123 24 2. Subject to the approval of the director of the
123 25 department of workforce development, the commissioner may
123 26 enter into contracts with any state agency, with or without
123 27 reimbursement, for the purpose of obtaining the services,
123 28 facilities, and personnel of the agency and with the consent
123 29 of any state agency or political subdivision of the state,
123 30 accept and use the services, facilities, and personnel of the
123 31 agency or political subdivision, and employ experts and
123 32 consultants or organizations in order to expeditiously,
123 33 efficiently, and economically effectuate the purposes of this
123 34 chapter. The agreements under this ~~paragraph~~ subsection are
123 35 subject to approval by the executive council if approval is

Senate File 2320 - Introduced continued

124 1 required by law.
124 2 Sec. 175. Section 88.6, subsection 8, Code 2007, is
124 3 amended to read as follows:
124 4 8. CONFIDENTIALITY. Notwithstanding chapter 22, records
124 5 prepared or obtained by the commissioner relating to an
124 6 enforcement action conducted pursuant to this chapter shall be
124 7 kept confidential until the enforcement action is complete.
124 8 a. For purposes of this subsection, an enforcement action
124 9 is complete when any of the following occurs:
124 10 ~~a.~~ (1) An inspection file is closed without the issuance
124 11 of a citation.
124 12 ~~b.~~ (2) A citation or noncompliance notice resulting from
124 13 an inspection becomes a final order of the employment appeal
124 14 board and all applicable courts pursuant to sections 88.8 and
124 15 88.9, and abatement is verified.
124 16 ~~c.~~ (3) A determination and any subsequent action is final
124 17 in an occupational safety and health discrimination case.
124 18 b. A citation or noncompliance notice shall remain a
124 19 confidential record until received by the appropriate
124 20 employer.
124 21 c. This subsection shall not affect the discovery rights
124 22 of any party to a contested case.
124 23 Sec. 176. Section 88.9, subsections 1 and 3, Code 2007,
124 24 are amended to read as follows:
124 25 1. AGGRIEVED PERSONS.
124 26 a. Judicial review of any order of the appeal board issued
124 27 under section 88.8, subsection 3, may be sought in accordance
124 28 with the terms of the Iowa administrative procedure Act,
124 29 chapter 17A. Notwithstanding the terms of the Iowa
124 30 administrative procedure Act, chapter 17A, petitions for
124 31 judicial review may be filed in the district court of the
124 32 county in which the violation is alleged to have occurred or
124 33 where the employer has its principal office and may be filed
124 34 within sixty days following the issuance of such order. The
124 35 appeal board's copy of the testimony shall be available to all

Senate File 2320 - Introduced continued

125 1 parties for examination at all reasonable times, without cost,
125 2 and for the purpose of judicial review of the appeal board's
125 3 orders.
125 4 b. The commissioner may obtain judicial review or
125 5 enforcement of any final order or decision of the appeal board
125 6 by filing a petition in the district court of the county in
125 7 which the alleged violation occurred or in which the employer
125 8 has its principal office. The judicial review provisions of
125 9 chapter 17A shall govern such proceedings to the extent
125 10 applicable.
125 11 c. Notwithstanding section 10A.601, subsection 7, and
125 12 chapter 17A, the commissioner has the exclusive right to
125 13 represent the appeal board in any judicial review of an appeal
125 14 board decision under this chapter in which the commissioner
125 15 does not appeal the appeal board decision, except as provided
125 16 by section 88.17.
125 17 3. DISCRIMINATION AND DISCHARGE.
125 18 a. (1) A person shall not discharge or in any manner
125 19 discriminate against an employee because the employee has
125 20 filed a complaint or instituted or caused to be instituted a
125 21 proceeding under or related to this chapter or has testified
125 22 or is about to testify in any such proceeding or because of
125 23 the exercise by the employee on behalf of the employee or
125 24 others of a right afforded by this chapter.
125 25 (2) A person shall not discharge or in any manner
125 26 discriminate against an employee because the employee, who
125 27 with no reasonable alternative, refuses in good faith to
125 28 expose the employee's self to a dangerous condition of a
125 29 nature that a reasonable person, under the circumstances then
125 30 confronting the employee, would conclude that there is a real
125 31 danger of death or serious injury; provided the employee,
125 32 where possible, has first sought through resort to regular
125 33 statutory enforcement channels, unless there has been
125 34 insufficient time due to the urgency of the situation, or the
125 35 employee has sought and been unable to obtain from the person,

Senate File 2320 - Introduced continued

126 1 a correction of the dangerous condition.
126 2 b. (1) An employee who believes that the employee has
126 3 been discharged or otherwise discriminated against by a person
126 4 in violation of this subsection may, within thirty days after
126 5 the violation occurs, file a complaint with the commissioner
126 6 alleging discrimination.
126 7 (2) Upon receipt of the complaint, the commissioner shall
126 8 conduct an investigation as the commissioner deems
126 9 appropriate. If, upon investigation, the commissioner
126 10 determines that the provisions of this subsection have been
126 11 violated, the commissioner shall bring an action in the
126 12 appropriate district court against the person. In any such
126 13 action, the district court has jurisdiction to restrain
126 14 violations of this subsection and order all appropriate relief
126 15 including rehiring or reinstatement of the employee to the
126 16 employee's former position with back pay.
126 17 (3) Within ninety days of the receipt of a complaint filed
126 18 under this subsection, the commissioner shall notify the
126 19 complainant of the commissioner's determination under this
126 20 subsection.
126 21 Sec. 177. Section 96.3, subsection 7, Code 2007, is
126 22 amended to read as follows:
126 23 7. RECOVERY OF OVERPAYMENT OF BENEFITS.
126 24 a. If an individual receives benefits for which the
126 25 individual is subsequently determined to be ineligible, even
126 26 though the individual acts in good faith and is not otherwise
126 27 at fault, the benefits shall be recovered. The department in
126 28 its discretion may recover the overpayment of benefits either
126 29 by having a sum equal to the overpayment deducted from any
126 30 future benefits payable to the individual or by having the
126 31 individual pay to the department a sum equal to the
126 32 overpayment.
126 33 b. If the department determines that an overpayment has
126 34 been made, the charge for the overpayment against the
126 35 employer's account shall be removed and the account shall be

Senate File 2320 - Introduced continued

127 1 credited with an amount equal to the overpayment from the
127 2 unemployment compensation trust fund and this credit shall
127 3 include both contributory and reimbursable employers,
127 4 notwithstanding section 96.8, subsection 5.
127 5 Sec. 178. Section 96.4, subsections 4 and 6, Code 2007,
127 6 are amended to read as follows:
127 7 4. a. The individual has been paid wages for insured work
127 8 during the individual's base period in an amount at least one
127 9 and one=quarter times the wages paid to the individual during
127 10 that quarter of the individual's base period in which the
127 11 individual's wages were highest; provided that the individual
127 12 has been paid wages for insured work totaling at least three
127 13 and five=tenths percent of the statewide average annual wage
127 14 for insured work, computed for the preceding calendar year if
127 15 the individual's benefit year begins on or after the first
127 16 full week in July and computed for the second preceding
127 17 calendar year if the individual's benefit year begins before
127 18 the first full week in July, in that calendar quarter in the
127 19 individual's base period in which the individual's wages were
127 20 highest, and the individual has been paid wages for insured
127 21 work totaling at least one=half of the amount of wages
127 22 required under this subsection in the calendar quarter of the
127 23 base period in which the individual's wages were highest, in a
127 24 calendar quarter in the individual's base period other than
127 25 the calendar quarter in which the individual's wages were
127 26 highest. The calendar quarter wage requirements shall be
127 27 rounded to the nearest multiple of ten dollars.
127 28 b. If the individual has drawn benefits in any benefit
127 29 year, the individual must during or subsequent to that year,
127 30 work in and be paid wages for insured work totaling at least
127 31 two hundred fifty dollars, as a condition to receive benefits
127 32 in the next benefit year.
127 33 6. a. An otherwise eligible individual shall not be
127 34 denied benefits for any week because the individual is in
127 35 training with the approval of the director, nor shall the

Senate File 2320 - Introduced continued

128 1 individual be denied benefits with respect to any week in
128 2 which the individual is in training with the approval of the
128 3 director by reason of the application of the provision in
128 4 subsection 3 of this section relating to availability for
128 5 work, and an active search for work or the provision of
128 6 section 96.5, subsection 3, relating to failure to apply for
128 7 or a refusal to accept suitable work. However, an employer's
128 8 account shall not be charged with benefits so paid.
128 9 b. (1) An otherwise eligible individual shall not be
128 10 denied benefits for a week because the individual is in
128 11 training approved under 19 U.S.C. } 2296(a), as amended by
128 12 section 2506 of the federal Omnibus Budget Reconciliation Act
128 13 of 1981, because the individual leaves work which is not
128 14 suitable employment to enter the approved training, or because
128 15 of the application of subsection 3 of this section or section
128 16 96.5, subsection 3, or a federal unemployment insurance law
128 17 administered by the department relating to availability for
128 18 work, active search for work, or refusal to accept work.
128 19 (2) For purposes of this paragraph, "suitable employment"
128 20 means work of a substantially equal or higher skill level than
128 21 an individual's past adversely affected employment, as defined
128 22 in 19 U.S.C. } 2319(l), if weekly wages for the work are not
128 23 less than eighty percent of the individual's average weekly
128 24 wage.
128 25 Sec. 179. Section 96.6, subsection 3, Code 2007, is
128 26 amended to read as follows:
128 27 3. APPEALS.
128 28 a. Unless the appeal is withdrawn, an administrative law
128 29 judge, after affording the parties reasonable opportunity for
128 30 fair hearing, shall affirm or modify the findings of fact and
128 31 decision of the representative. The hearing shall be
128 32 conducted pursuant to the provisions of chapter 17A relating
128 33 to hearings for contested cases. Before the hearing is
128 34 scheduled, the parties shall be afforded the opportunity to
128 35 choose either a telephone hearing or an in=person hearing. A

Senate File 2320 - Introduced continued

129 1 request for an in=person hearing shall be approved unless the
129 2 in=person hearing would be impractical because of the distance
129 3 between the parties to the hearing. A telephone or in=person
129 4 hearing shall not be scheduled before the seventh calendar day
129 5 after the parties receive notice of the hearing. Reasonable
129 6 requests for the postponement of a hearing shall be granted.
129 7 The parties shall be duly notified of the administrative law
129 8 judge's decision, together with the administrative law judge's
129 9 reasons for the decision, which is the final decision of the
129 10 department, unless within fifteen days after the date of
129 11 notification or mailing of the decision, further appeal is
129 12 initiated pursuant to this section.
129 13 b. Appeals from the initial determination shall be heard
129 14 by an administrative law judge employed by the department. An
129 15 administrative law judge's decision may be appealed by any
129 16 party to the employment appeal board created in section
129 17 10A.601. The decision of the appeal board is final agency
129 18 action and an appeal of the decision shall be made directly to
129 19 the district court.
129 20 Sec. 180. Section 96.9, subsection 2, Code Supplement
129 21 2007, is amended to read as follows:
129 22 2. ACCOUNTS AND DEPOSITS.
129 23 a. The state treasurer shall be ex officio treasurer and
129 24 custodian of the fund and shall administer such fund in
129 25 accordance with the directions of the department. The
129 26 director of the department of administrative services shall
129 27 issue warrants upon the fund pursuant to the order of the
129 28 department and such warrants shall be paid from the fund by
129 29 the treasurer.
129 30 b. The treasurer shall maintain within the fund three
129 31 separate accounts:
129 32 ~~a.~~ (1) A clearing account.
129 33 ~~b.~~ (2) An unemployment trust fund account.
129 34 ~~c.~~ (3) A benefit account.
129 35 c. All moneys payable to the unemployment compensation

Senate File 2320 - Introduced continued

130 1 fund and all interest and penalties on delinquent
130 2 contributions and reports shall, upon receipt thereof by the
130 3 department, be forwarded to the treasurer who shall
130 4 immediately deposit them in the clearing account, but the
130 5 interest and penalties on delinquent contributions and reports
130 6 shall not be deemed to be a part of the fund. Refunds of
130 7 contributions payable pursuant to section 96.14 shall be paid
130 8 by the treasurer from the clearing account upon warrants
130 9 issued by the director of the department of administrative
130 10 services under the direction of the department. After
130 11 clearance thereof, all other moneys in the clearing account,
130 12 except interest and penalties on delinquent contributions and
130 13 reports, shall be immediately deposited with the secretary of
130 14 the treasury of the United States to the credit of the account
130 15 of this state in the unemployment trust fund, established and
130 16 maintained pursuant to section 904 of the Social Security Act
130 17 as amended, any provisions of law in this state relating to
130 18 the deposit, administration, release or disbursement of moneys
130 19 in the possession or custody of this state to the contrary
130 20 notwithstanding. Interest and penalties on delinquent
130 21 contributions and reports collected from employers shall be
130 22 transferred from the clearing account to the special
130 23 employment security contingency fund. The benefit account
130 24 shall consist of all moneys requisitioned from this state's
130 25 account in the unemployment trust fund for the payment of
130 26 benefits. Except as herein otherwise provided, moneys in the
130 27 clearing and benefit account may be deposited by the
130 28 treasurer, under the direction of the department, in any bank
130 29 or public depository in which general funds of the state may
130 30 be deposited, but no public deposit insurance charge or
130 31 premium shall be paid out of the fund. The treasurer shall
130 32 give a separate bond conditioned upon the faithful performance
130 33 of the treasurer's duties as custodian of the fund in an
130 34 amount fixed by the governor and in form and manner prescribed
130 35 by law. Premiums for said bond shall be paid from the

Senate File 2320 - Introduced continued

131 1 administration fund.
131 2 d. Interest paid upon the moneys deposited with the
131 3 secretary of the treasury of the United States shall be
131 4 credited to the unemployment compensation fund.
131 5 Sec. 181. Section 96.11, subsections 3 and 10, Code
131 6 Supplement 2007, are amended to read as follows:
131 7 3. PUBLICATIONS.
131 8 a. The director shall cause to be printed for distribution
131 9 to the public the text of this chapter, the department's
131 10 general rules, its annual reports to the governor, and any
131 11 other material the director deems relevant and suitable and
131 12 shall furnish the same to any person upon application
131 13 therefor.
131 14 b. The department shall prepare and distribute to the
131 15 public as labor force data, only that data adjusted according
131 16 to the current population survey and other nonlabor force
131 17 statistics which the department determines are of interest to
131 18 the public.
131 19 10. STATE=FEDERAL COOPERATION.
131 20 a. In the administration of this chapter, the department
131 21 shall cooperate with the United States department of labor to
131 22 the fullest extent consistent with the provisions of this
131 23 chapter, and shall take such action, through the adoption of
131 24 appropriate rules, regulations, administrative methods and
131 25 standards, as may be necessary to secure to this state and its
131 26 citizens all advantages available under the provisions of the
131 27 Social Security Act that relate to unemployment compensation,
131 28 the federal Unemployment Tax Act, the Wagner=Peyser Act, and
131 29 the Federal=State Extended Unemployment Compensation Act of
131 30 1970.
131 31 b. In the administration of the provisions of section
131 32 96.29 which are enacted to conform with the requirements of
131 33 the Federal=State Extended Unemployment Compensation Act of
131 34 1970, the department shall take such action as may be
131 35 necessary to insure that the provisions are so interpreted and

Senate File 2320 - Introduced continued

132 1 applied as to meet the requirements of such federal Act as
132 2 interpreted by the United States department of labor, and to
132 3 secure to this state the full reimbursement of the federal
132 4 share of extended benefits paid under this chapter that are
132 5 reimbursable under the federal Act.
132 6 c. The department shall make such reports, in such form
132 7 and containing such information as the United States
132 8 department of labor may from time to time require, and shall
132 9 comply with such provisions as the United States department of
132 10 labor may from time to time find necessary to assure the
132 11 correctness and verification of such reports; and shall comply
132 12 with the regulations prescribed by the United States
132 13 department of labor governing the expenditures of such sums as
132 14 may be allotted and paid to this state under Title III of the
132 15 Social Security Act for the purpose of assisting in
132 16 administration of this chapter.
132 17 d. The department may make its records relating to the
132 18 administration of this chapter available to the railroad
132 19 retirement board, and may furnish the railroad retirement
132 20 board such copies thereof as the railroad retirement board
132 21 deems necessary for its purposes. The department may afford
132 22 reasonable cooperation with every agency of the United States
132 23 charged with the administration of any unemployment insurance
132 24 law. The railroad retirement board or any other agency
132 25 requiring such services and reports from the department shall
132 26 pay the department such compensation therefor as the
132 27 department determines to be fair and reasonable.
132 28 Sec. 182. Section 96.14, subsection 3, Code Supplement
132 29 2007, is amended to read as follows:
132 30 3. LIEN OF CONTRIBUTIONS == COLLECTION.
132 31 a. Whenever any employer liable to pay contributions
132 32 refuses or neglects to pay the same, the amount, including any
132 33 interest, together with the costs that may accrue in addition
132 34 thereto, shall be a lien in favor of the state upon all
132 35 property and rights to property, whether real or personal,

Senate File 2320 - Introduced continued

133 1 belonging to said employer. An assessment of the unpaid
133 2 contributions, interest and penalty shall be applied as
133 3 provided in section 96.7, subsection 3, paragraphs "a" and
133 4 "b", and the lien shall attach as of the date the assessment
133 5 is mailed or personally served upon the employer and shall
133 6 continue for ten years, or until the liability for the amount
133 7 is satisfied, unless sooner released or otherwise discharged.
133 8 The lien may, within ten years from the date the lien
133 9 attaches, be extended for up to an additional ten years by
133 10 filing a notice during the ninth year with the appropriate
133 11 county official of any county. However, the department may
133 12 release any lien, when after diligent investigation and effort
133 13 it determines that the amount due is not collectible.
133 14 b. In order to preserve the aforesaid lien against
133 15 subsequent mortgagees, purchasers or judgment creditors, for
133 16 value and without notice of the lien, on any property situated
133 17 in a county, the department shall file with the recorder of
133 18 the county, in which said property is located, a notice of
133 19 said lien.
133 20 c. The county recorder of each county shall prepare and
133 21 keep in the recorder's office an index to show the following
133 22 data, under the names of employers, arranged alphabetically:
133 23 ~~a.~~ (1) The name of the employer.
133 24 ~~b.~~ (2) The name "State of Iowa" as claimant.
133 25 ~~c.~~ (3) Time notice of lien was received.
133 26 ~~d.~~ (4) Date of notice.
133 27 ~~e.~~ (5) Amount of lien then due.
133 28 ~~f.~~ (6) When satisfied.
133 29 d. The recorder shall endorse on each notice of lien the
133 30 day, hour, and minute when received and shall index the notice
133 31 in the index and shall record the lien in the manner provided
133 32 for recording real estate mortgages, and the lien shall be
133 33 effective from the time of the indexing of the lien.
133 34 e. The department shall pay a recording fee as provided in
133 35 section 331.604, for the recording of the lien, or for its

Senate File 2320 - Introduced continued

satisfaction.

f. Upon the payment of contributions as to which the department has filed notice with a county recorder, the department shall forthwith file with said recorder a satisfaction of said contributions and the recorder shall enter said satisfaction on the notice on file in the recorder's office and indicate said fact on the index aforesaid.

g. The department shall, substantially as provided in this chapter and chapter 626, proceed to collect all contributions as soon as practicable after they become delinquent, except that no property of the employer is exempt from payment of the contributions.

h. If, after due notice, any employer defaults in any payment of contributions or interest thereon, the amount due may be collected by civil action in the name of the department and the employer adjudged in default shall pay the costs of such action. Civil actions brought under this section to collect contributions or interest thereon from an employer shall be heard by the court at the earliest possible date and shall be entitled to preference upon the calendar of the court over all other civil actions except petitions for judicial review under this chapter and cases arising under the workers' compensation law of this state.

i. It is expressly provided that the foregoing remedies of the state shall be cumulative and that no action taken by the department shall be construed to be an election on the part of the state or any of its officers to pursue any remedy hereunder to the exclusion of any other remedy provided by law.

j. The courts of this state shall recognize and enforce liabilities for unemployment contributions, penalties, interest, and benefit overpayments imposed by other states which extend a like comity to this state. The department may sue in the courts of any other jurisdiction which extends such

Senate File 2320 - Introduced continued

135 1 comity to collect unemployment contributions, penalties,
135 2 interest, and benefit overpayments due this state. The
135 3 officials of other states which, by statute or otherwise,
135 4 extend a like comity to this state may sue in the district
135 5 court to collect for such contributions, penalties, interest,
135 6 and benefit overpayments. In any such case the director, as
135 7 agent for and on behalf of any other state, may institute and
135 8 conduct such suit for such other state. Venue of such
135 9 proceedings shall be the same as for actions to collect
135 10 delinquent contributions, penalties, interest, and benefit
135 11 overpayments due under this chapter. A certificate by the
135 12 secretary of any such state attesting the authority of such
135 13 official to collect the contributions, penalties, interest,
135 14 and benefit overpayments, is conclusive evidence of such
135 15 authority. The requesting state shall pay the court costs.
135 16 k. If a political subdivision or a political subdivision
135 17 instrumentality becomes delinquent in the payment of
135 18 contributions, any payments owed as a government employer,
135 19 penalty, interest and costs for more than two calendar
135 20 quarters, the amount of such delinquency shall be deducted
135 21 from any further moneys due the employer by the state. Such
135 22 deduction shall be made by the director of the department of
135 23 administrative services upon certification of the amount due.
135 24 A copy of the certification will be mailed to the employer.
135 25 l. If an amount due from a governmental entity of this
135 26 state remains due and unpaid for a period of one hundred
135 27 twenty days after the due date, the director shall take action
135 28 as necessary to collect the amount and shall levy against any
135 29 funds due the governmental entity from the state treasurer,
135 30 director of the department of administrative services, or any
135 31 other official or agency of this state, or against an account
135 32 established by the entity in any bank. The official, agency,
135 33 or bank shall deduct the amount certified by the director from
135 34 any accounts or deposits or any funds due the delinquent
135 35 governmental entity without regard to any prior claim and

Senate File 2320 - Introduced continued

136 1 shall promptly forward the amount to the director for the
136 2 fund. However, the director shall notify the delinquent
136 3 entity of the director's intent to file a levy by certified
136 4 mail at least ten days prior to filing the levy on any funds
136 5 due the entity from any state official or agency.
136 6 Sec. 183. Section 96.16, subsection 5, Code 2007, is
136 7 amended to read as follows:
136 8 5. EXPERIENCE AND TAX RATE AVOIDANCE.
136 9 a. If a person knowingly violates or attempts to violate
136 10 section 96.7, subsection 2, paragraph "b", subparagraph (2) or
136 11 (3), with respect to a transfer of unemployment experience, or
136 12 if a person knowingly advises another person in a way that
136 13 results in a violation of such subparagraph, the person shall
136 14 be subject to the penalties established in this subsection.
136 15 If the person is an employer, the employer shall be assigned a
136 16 penalty rate of contribution of two percent of taxable wages
136 17 in addition to the regular contribution rate assigned for the
136 18 year during which such violation or attempted violation
136 19 occurred and for the two rate years immediately following. If
136 20 the person is not an employer, the person shall be subject to
136 21 a civil penalty of not more than five thousand dollars for
136 22 each violation which shall be deposited in the unemployment
136 23 trust fund, and shall be used for payment of unemployment
136 24 benefits. In addition to any other penalty imposed in this
136 25 subsection, violations described in this subsection shall also
136 26 constitute an aggravated misdemeanor.
136 27 b. For purposes of this subsection~~, "knowingly"~~:
136 28 (1) "Knowingly" means having actual knowledge of or acting
136 29 with deliberate ignorance of or reckless disregard for the
136 30 requirement or prohibition involved. ~~For purposes of this~~
~~136 31 subsection, "violates~~
136 32 (2) "Violates or attempts to violate" includes, but is not
136 33 limited to, the intent to evade, misrepresentation, and
136 34 willful nondisclosure.
136 35 Sec. 184. Section 96.19, subsection 18, paragraph a,

Senate File 2320 - Introduced continued

137 1 subparagraphs (3) and (7), Code 2007, are amended to read as
137 2 follows:
137 3 (3) (a) Any individual other than an individual who is an
137 4 employee under subparagraphs (1) or (2) who performs services
137 5 for remuneration for any person as an agent driver or
137 6 commission driver engaged in distributing meat products,
137 7 vegetable products, fruit products, bakery products, beverages
137 8 (other than milk), or laundry or dry cleaning services for the
137 9 individual's principal; as a traveling or city salesperson,
137 10 other than as an agent driver or commission driver, engaged
137 11 upon a full=time basis in the solicitation on behalf of, and
137 12 the transmission to, the individual's principal (except for
137 13 sideline sales activities on behalf of some other person) of
137 14 orders from wholesalers, retailers, contractors, or operators
137 15 of hotels, restaurants, or other similar establishments for
137 16 merchandise for resale or supplies for use in their business
137 17 operations.
137 18 (b) Provided, that for purposes of ~~paragraph "a",~~ this
137 19 subparagraph (3), the term "employment" shall include services
137 20 performed after December 31, 1971, only if:
137 21 ~~(a)~~ (i) The contract of service contemplates that
137 22 substantially all of the services are to be performed
137 23 personally by such individual;
137 24 ~~(b)~~ (ii) The individual does not have a substantial
137 25 investment in facilities used in connection with the
137 26 performance of the services (other than in facilities for
137 27 transportation); and
137 28 ~~(c)~~ (iii) The services are not in the nature of single
137 29 transaction that is not part of a continuing relationship with
137 30 the person for whom the services are performed.
137 31 (7) (a) A person in agricultural labor when such labor is
137 32 performed for an employing unit which during any calendar
137 33 quarter in the calendar year or the preceding calendar year
137 34 paid remuneration in cash of twenty thousand dollars or more
137 35 to individuals employed in agricultural labor excluding labor

Senate File 2320 - Introduced continued

138 1 performed before January 1, 1980, by an alien referred to in
138 2 this subparagraph; or on each of some twenty days during the
138 3 calendar year or the preceding calendar year, each day being
138 4 in a different calendar week, employed in agricultural labor
138 5 for some portion of the day ten or more individuals, excluding
138 6 labor performed before January 1, 1980, by an alien referred
138 7 to in this subparagraph; and such labor is not agricultural
138 8 labor performed before January 1, 1980, by an individual who
138 9 is an alien admitted to the United States to perform
138 10 agricultural labor pursuant to sections 214(c) and
138 11 101(a)(15)(H) of the Immigration and Nationality Act, 8 U.S.C.
138 12 } 1184(c), 1101(a)(15)(H) (1976). For purposes of this
138 13 subparagraph subdivision, "employed" shall not include
138 14 services performed by agricultural workers who are aliens
138 15 admitted to the United States to perform labor pursuant to
138 16 section 101(a)(15)(H)(ii)(a) of the Immigration and
138 17 Nationality Act and who are not covered under the Federal
138 18 Unemployment Tax Act.
138 19 (b) For purposes of this subparagraph, any individual who
138 20 is a member of a crew furnished by a crew leader to perform
138 21 agricultural labor for any other employing unit shall be
138 22 treated as an employee of such crew leader if such crew leader
138 23 holds a valid certificate of registration under the Farm Labor
138 24 Contractor Registration Act of 1963; or substantially all the
138 25 members of such crew operate or maintain tractors, mechanized
138 26 harvesting or cropdusting equipment, or any other mechanized
138 27 equipment, which is provided by such crew leader; and if such
138 28 individual is not otherwise in employment as defined in this
138 29 subsection.
138 30 (c) For purposes of this subparagraph (7), in the case of
138 31 any individual who is furnished by a crew leader to perform
138 32 agricultural labor for any other employing unit and who is not
138 33 treated as an employee of such crew leader as described above,
138 34 such other employing unit and not the crew leader shall be
138 35 treated as the employer of such individual; and such other

Senate File 2320 - Introduced continued

139 1 employing unit shall be treated as having paid cash
139 2 remuneration to such individual in an amount equal to the
139 3 amount of cash remuneration paid to such individual by the
139 4 crew leader either on the crew leader's behalf or on behalf of
139 5 such other employing unit for the agricultural labor performed
139 6 for such other employing unit.
139 7 (d) For purposes of this ~~subsection~~ subparagraph (7), the
139 8 term "crew leader" means an employing unit which furnishes
139 9 individuals to perform agricultural labor for any other
139 10 employing unit; pays, either on the crew leader's behalf or on
139 11 behalf of such other employing unit, the individuals so
139 12 furnished by the crew leader for the agricultural labor
139 13 performed by them; and has not entered into a written
139 14 agreement with such other employing unit under which such
139 15 individual is designated as an employee of such other
139 16 employing unit.
139 17 Sec. 185. Section 96.19, subsection 38, paragraph b, Code
139 18 2007, is amended to read as follows:
139 19 b. An individual shall be deemed partially unemployed in
139 20 any week in which~~, while~~ either of the following apply:
139 21 (1) While employed at the individual's then regular job,
139 22 the individual works less than the regular full=time week and
139 23 in which the individual earns less than the individual's
139 24 weekly benefit amount plus fifteen dollars.
139 25 (2) ~~An individual shall be deemed partially unemployed in~~
~~139 26 any week in which the~~ The individual, having been separated
139 27 from the individual's regular job, earns at odd jobs less than
139 28 the individual's weekly benefit amount plus fifteen dollars.
139 29 Sec. 186. Section 97A.8, subsection 3, Code 2007, is
139 30 amended to read as follows:
139 31 3. EXPENSE FUND.
139 32 a. The expense fund shall be the fund to which shall be
139 33 credited all money provided by the state of Iowa to pay the
139 34 administration expenses of the system and from which shall be
139 35 paid all the expenses necessary in connection with the

Senate File 2320 - Introduced continued

140 1 administration and operation of the system. Biennially the
140 2 board of trustees shall estimate the amount of money necessary
140 3 to be paid into the expense fund during the ensuing biennium
140 4 to provide for the expense of operation of the system.
140 5 Investment management expenses shall be charged to the
140 6 investment income of the system and there is appropriated from
140 7 the system an amount required for the investment management
140 8 expenses. The board of trustees shall report the investment
140 9 management expenses for the fiscal year as a percent of the
140 10 market value of the system.
140 11 b. For purposes of this subsection, investment management
140 12 expenses are limited to the following:
140 13 ~~a.~~ (1) Fees for investment advisors, consultants, and
140 14 investment management and benefit consultant firms hired by
140 15 the board of trustees in administering this chapter.
140 16 ~~b.~~ (2) Fees and costs for safekeeping fund assets.
140 17 ~~c.~~ (3) Costs for performance and compliance monitoring,
140 18 and accounting for fund investments.
140 19 ~~d.~~ (4) Any other costs necessary to prudently invest or
140 20 protect the assets of the fund.
140 21 Sec. 187. Section 97B.1A, subsection 8, paragraph a,
140 22 subparagraph (2), Code 2007, is amended to read as follows:
140 23 (2) Members of the general assembly of Iowa and temporary
140 24 employees of the general assembly of Iowa.
140 25 (a) A member of the general assembly covered under this
140 26 chapter may terminate membership under this chapter by
140 27 informing the system in writing of the member's intent to
140 28 terminate membership.
140 29 (b) Temporary employees of the general assembly covered
140 30 under this chapter may terminate membership by sending written
140 31 notification to the system of their separation from service.
140 32 Sec. 188. Section 97B.70, subsection 1, paragraph b, Code
140 33 2007, is amended to read as follows:
140 34 b. The interest dividend shall be determined within sixty
140 35 days after the end of each calendar year as follows:

Senate File 2320 - Introduced continued

141 1 (1) The dividend rate for a calendar year shall be the
141 2 excess of the average rate of interest earned for the year
141 3 over the statutory two percent rate plus twenty=five
141 4 hundredths of one percent.
141 5 (2) The average rate of interest earned and the interest
141 6 dividend rate in percent shall be calculated to the nearest
141 7 one hundredth, that is, to two decimal places.
141 8 (3) Interest and interest dividends calculated pursuant to
141 9 this subsection shall be compounded annually.
141 10 Sec. 189. Section 99B.1, subsection 13, Code Supplement
141 11 2007, is amended to read as follows:
141 12 13. a. "Eligible applicant" means an applicant who meets
141 13 all of the following requirements:
141 14 ~~a.~~ (1) The applicant's financial standing and good
141 15 reputation are within the standards established by the
141 16 department by rule under chapter 17A so as to satisfy the
141 17 director of the department that the applicant will comply with
141 18 this chapter and the rules applicable to operations under it.
141 19 ~~b.~~ (2) The applicant is a citizen of the United States
141 20 and a resident of this state, or a corporation licensed to do
141 21 business in this state, or a business that has an established
141 22 place of business in this state or that is doing business in
141 23 this state.
141 24 ~~c.~~ (3) The applicant has not been convicted of a felony.
141 25 However, if the applicant's conviction occurred more than five
141 26 years before the date of the application for a license, and if
141 27 the applicant's rights of citizenship have been restored by
141 28 the governor, the director of the department may determine
141 29 that the applicant is an eligible applicant.
141 30 b. If the applicant is an organization, then the
141 31 requirements of ~~paragraphs~~ paragraph "a", ~~"b", and "c"~~
141 32 subparagraphs (1) through (3), apply to ~~its~~ the officers,
141 33 directors, partners and controlling shareholders of the
141 34 organization.
141 35 Sec. 190. Section 99B.7, subsection 3, paragraphs b and c,

Senate File 2320 - Introduced continued

142 1 Code 2007, are amended to read as follows:
142 2 b. (1) A person or the agent of a person submitting
142 3 application to conduct games pursuant to this section as a
142 4 qualified organization shall certify that the receipts of all
142 5 games, less reasonable expenses, charges, fees, taxes, and
142 6 deductions allowed by this chapter, either will be distributed
142 7 as prizes to participants or will be dedicated and distributed
142 8 to educational, civic, public, charitable, patriotic or
142 9 religious uses in this state and that the amount dedicated and
142 10 distributed will equal at least seventy=five percent of the
142 11 net receipts.
142 12 (2) (a) "Educational, civic, public, charitable,
142 13 patriotic, or religious uses" means uses benefiting a society
142 14 for the prevention of cruelty to animals or animal rescue
142 15 league, or uses benefiting an indefinite number of persons
142 16 either by bringing them under the influence of education or
142 17 religion or relieving them from disease, suffering, or
142 18 constraint, or by erecting or maintaining public buildings or
142 19 works, or otherwise lessening the burden of government, or
142 20 uses benefiting any bona fide nationally chartered fraternal
142 21 or military veterans' corporation or organization which
142 22 operates in Iowa a clubroom, post, dining room, or dance hall,
142 23 but does not include the erection, acquisition, improvement,
142 24 maintenance, or repair of real, personal or mixed property
142 25 unless it is used for one or more of the uses stated.
142 26 (b) "Public uses" specifically includes dedication of net
142 27 receipts to political parties as defined in section 43.2.
142 28 (c) "Charitable uses" includes uses benefiting a definite
142 29 number of persons who are the victims of loss of home or
142 30 household possessions through explosion, fire, flood, or storm
142 31 when the loss is uncompensated by insurance, and uses
142 32 benefiting a definite number of persons suffering from a
142 33 seriously disabling disease or injury, causing severe loss of
142 34 income or incurring extraordinary medical expense when the
142 35 loss is uncompensated by insurance.

Senate File 2320 - Introduced continued

143 1 (3) Proceeds given to another charitable organization to
143 2 satisfy the seventy=five percent dedication requirement shall
143 3 not be used by the donee to pay any expenses in connection
143 4 with the conducting of bingo by the donor organization, or for
143 5 any cause, deed, or activity that would not constitute a valid
143 6 dedication under this section.
143 7 c. (1) A qualified organization shall distribute amounts
143 8 awarded as prizes on the day they are won. A qualified
143 9 organization shall dedicate and distribute the balance of the
143 10 net receipts received within a quarter and remaining after
143 11 deduction of reasonable expenses, charges, fees, taxes, and
143 12 deductions allowed by this chapter, before the quarterly
143 13 report required for that quarter under section 99B.2,
143 14 subsection 4, is due. The amount dedicated and distributed
143 15 must equal at least seventy=five percent of the net receipts.
143 16 A person desiring to hold the net receipts for a period longer
143 17 than permitted under this paragraph shall apply to the
143 18 department for special permission and upon good cause shown
143 19 the department may grant the request.
143 20 (2) If permission is granted to hold the net receipts, the
143 21 person shall, as a part of the quarterly report required by
143 22 section 99B.2, report the amount of money currently being held
143 23 and all expenditures of the funds. This report shall be filed
143 24 even if the person no longer holds a gambling license.
143 25 Sec. 191. Section 99D.25, subsection 10, Code Supplement
143 26 2007, is amended to read as follows:
143 27 10. Veterinarians must submit daily to the commission
143 28 veterinarian on a prescribed form a report of all medications
143 29 and other substances which the veterinarian prescribed,
143 30 administered, or dispensed for horses registered at a current
143 31 race meeting. A logbook detailing other professional services
143 32 performed while on the grounds of a racetrack shall be kept by
143 33 veterinarians and shall be made immediately available to the
143 34 commission veterinarian or the stewards upon request.
143 35 11. A person who violates this section is guilty of a

Senate File 2320 - Introduced continued

144 1 class "D" felony.
144 2 Sec. 192. Section 100.1, unnumbered paragraphs 1 and 2,
144 3 Code Supplement 2007, are amended to read as follows:
144 4 The chief officer of the division of state fire marshal in
144 5 the department of public safety shall be known as the state
144 6 fire marshal. The fire marshal's duties shall be as follows:
144 7 ~~The fire marshal's duties shall be as follows:~~
144 8 Sec. 193. Section 101.22, subsection 7, Code 2007, is
144 9 amended to read as follows:
144 10 7. It is unlawful to deposit petroleum in an aboveground
144 11 petroleum storage tank which has not been registered pursuant
144 12 to subsections 1 through 4.
144 13 8. The state fire marshal shall furnish the owner or
144 14 operator of an aboveground petroleum storage tank with a
144 15 registration tag for each aboveground petroleum storage tank
144 16 registered with the state fire marshal. The owner or operator
144 17 shall affix the tag to the fill pipe of each registered
144 18 aboveground petroleum storage tank. A person who conveys or
144 19 deposits petroleum shall inspect the aboveground petroleum
144 20 storage tank to determine the existence or absence of the
144 21 registration tag. If a registration tag is not affixed to the
144 22 aboveground petroleum storage tank fill pipe, the person
144 23 conveying or depositing the petroleum may deposit the
144 24 petroleum in the unregistered tank. However, the deposit is
144 25 allowed only in the single instance, that the person provides
144 26 the owner or operator with another notice as required by
144 27 subsection 5, and that the person provides the owner or
144 28 operator with an aboveground petroleum storage tank
144 29 registration form. It is the owner or operator's duty to
144 30 comply with registration requirements. A late registration
144 31 penalty of twenty=five dollars is imposed in addition to the
144 32 registration fee for a tank registered after the required
144 33 date.
144 34 DIVISION III
144 35 CONFORMING AMENDMENTS TO VOLUME I RENUMBERING

Senate File 2320 - Introduced continued

145 1 Sec. 194. Section 10B.7, unnumbered paragraph 1, Code
145 2 Supplement 2007, is amended to read as follows:
145 3 Lessees of agricultural land under section 9H.4, subsection
145 4 ~~2~~ 1, paragraph ~~"c"~~ "b", subparagraph (3), for research or
145 5 experimental purposes, shall file a biennial report with the
145 6 secretary of state on or before March 31 of each odd=numbered
145 7 year on forms adopted pursuant to chapter 17A and supplied by
145 8 the secretary of state. However, a lessee required to file a
145 9 biennial report pursuant to chapter 490, 490A, 496C, 497, 498,
145 10 499, 501, 501A, or 504 shall file the report required by this
145 11 section in the same year as required by that chapter. The
145 12 lessee may file the report required by this section together
145 13 with the biennial report required to be filed by one of the
145 14 other chapters referred to in this paragraph. The report
145 15 shall contain the following information for the reporting
145 16 period:
145 17 Sec. 195. Section 11.36, subsection 1, Code Supplement
145 18 2007, is amended to read as follows:
145 19 1. The auditor of state may, at the request of a
145 20 department, review, during normal business hours upon
145 21 reasonable notice of at least twenty=four hours, the audit
145 22 working papers prepared by a certified public accountant
145 23 covering the receipt and expenditure of state or federal funds
145 24 provided by the department to any other entity to determine if
145 25 the receipt and expenditure of those funds by the entity is
145 26 consistent with the laws, rules, regulations, and contractual
145 27 agreements governing those funds. Upon completion of the
145 28 review, the auditor of state shall report whether, in the
145 29 auditor of state's judgment, the auditor of state believes the
145 30 certified public accountant's working papers adequately
145 31 demonstrate that the laws, rules, regulations, and contractual
145 32 agreements governing the funds have been substantially
145 33 complied with. If the auditor of state does not believe the
145 34 certified public accountant's working papers adequately
145 35 demonstrate that the laws, rules, regulations, and contractual

Senate File 2320 - Introduced continued

146 1 agreements have been substantially complied with or believes a
146 2 complete or partial reaudit is necessary based on the
146 3 provisions of section 11.6, subsection 4, paragraph "a" ~~or~~
~~146 4 "b"~~, subparagraph (1) or (2), the auditor of state shall
146 5 notify the certified public accountant and the department of
146 6 the actions the auditor of state believes are necessary to
146 7 determine whether the entity is in substantial compliance with
146 8 those laws, rules, regulations, and contractual agreements.
146 9 The auditor of state may assist departments with actions to
146 10 determine whether the entity is in substantial compliance.
146 11 Departments requesting the review shall reimburse the auditor
146 12 of state for the cost of the review and any subsequent
146 13 assistance provided by the auditor of state.
146 14 Sec. 196. Section 49.13, subsection 1, Code Supplement
146 15 2007, is amended to read as follows:
146 16 1. The membership of each precinct election board shall be
146 17 appointed by the commissioner, not less than fifteen days
146 18 before each election held in the precinct, from the election
146 19 board panel drawn up as provided in section 49.15. Precinct
146 20 election officials shall be registered voters of the county,
146 21 or other political subdivision within which precincts have
146 22 been merged across county lines pursuant to section 49.11,
146 23 subsection ~~1~~ 3, paragraph "a", in which they are appointed.
146 24 Preference shall be given to appointment of residents of a
146 25 precinct to serve as precinct election officials for that
146 26 precinct, but the commissioner may appoint other residents of
146 27 the county where necessary.
146 28 Sec. 197. Section 49.16, subsection 2, Code 2007, is
146 29 amended to read as follows:
146 30 2. When all or portions of two or more precincts are
146 31 merged for any election as permitted by section 49.11,
146 32 subsection ~~1~~ 3, paragraph "a", the commissioner may appoint
146 33 the election board for the merged precinct from the election
146 34 board panels of any of the precincts so merged. When any
146 35 permanent precinct is divided as permitted by section 49.11,

Senate File 2320 - Introduced continued

147 1 subsection ~~2~~ 3, paragraph "b", the commissioner shall so far
147 2 as possible appoint the election board for each of the
147 3 temporary precincts so created from the election board panel
147 4 of the permanent precinct.
147 5 Sec. 198. Section 87.11, subsection 4, Code Supplement
147 6 2007, is amended to read as follows:
147 7 4. Notwithstanding contrary provisions of section 85.45,
147 8 any future payment of medical expenses, weekly compensation
147 9 benefits, or other payments by the commissioner of insurance
147 10 from the security given under this section, pursuant to this
147 11 chapter or chapter 85, 85A, 85B, or 86, shall be deemed an
147 12 undue expense, hardship, or inconvenience upon the employer
147 13 for purposes of a full commutation pursuant to section 85.45,
147 14 subsection ~~2~~ 1, paragraph "b".
147 15 Sec. 199. Section 96.4, subsection 3, Code 2007, is
147 16 amended to read as follows:
147 17 3. The individual is able to work, is available for work,
147 18 and is earnestly and actively seeking work. This subsection
147 19 is waived if the individual is deemed partially unemployed,
147 20 while employed at the individual's regular job, as defined in
147 21 section 96.19, subsection 38, paragraph "b", ~~unnumbered~~
~~147 22 paragraph 1~~ subparagraph (1), or temporarily unemployed as
147 23 defined in section 96.19, subsection 38, paragraph "c". The
147 24 work search requirements of this subsection and the
147 25 disqualification requirement for failure to apply for, or to
147 26 accept suitable work of section 96.5, subsection 3 are waived
147 27 if the individual is not disqualified for benefits under
147 28 section 96.5, subsection 1, paragraph "h".
147 29 Sec. 200. Section 279.48, subsection 1, paragraph b, Code
147 30 2007, is amended to read as follows:
147 31 b. The note may bear interest at a rate to be determined
147 32 by the board of directors in the manner provided in section
147 33 74A.3, subsection 1, paragraph "a". Chapter 75 is not
147 34 applicable.
147 35 Sec. 201. Section 331.756, subsection 12, Code Supplement

Senate File 2320 - Introduced continued

148 1 2007, is amended to read as follows:
148 2 12. Submit reports as to the condition and operation of
148 3 the county attorney's office when required by the attorney
148 4 general as provided in section 13.2, subsection ~~8~~ 1, paragraph
148 5 "h".
148 6 Sec. 202. Section 515B.5, subsection 2, paragraph h, Code
148 7 2007, is amended to read as follows:
148 8 h. Request that all future payments of workers'
148 9 compensation weekly benefits, medical expenses, or other
148 10 payments under chapter 85, 85A, 85B, 86, or 87 be commuted to
148 11 a present lump sum and upon the payment of which, either to
148 12 the claimant or to a licensed insurer for purchase of an
148 13 annuity or other periodic payment plan for the benefit of the
148 14 claimant, the employer and the association shall be discharged
148 15 from all further liability for the workers' compensation
148 16 claim. Notwithstanding the provisions of section 85.45, any
148 17 future payment of medical expenses, weekly compensation
148 18 benefits, or other payment by the association under this
148 19 chapter pursuant to chapter 85, 85A, 85B, 86, or 87, is deemed
148 20 an undue expense, hardship, or inconvenience upon the employer
148 21 for purposes of a full commutation pursuant to section 85.45,
148 22 subsection ~~2~~ 1, paragraph "b", and the workers' compensation
148 23 commissioner shall fix the lump sum of the probable future
148 24 medical expenses and weekly compensation benefits capitalized
148 25 at their present value upon the basis of interest at the rate
148 26 provided in section 535.3 for court judgments and decrees.
148 27 DIVISION IV
148 28 Sec. 203. CODE EDITOR DIRECTIVE.
148 29 1. The Code editor is directed to renumber the following
148 30 Code sections in accordance with established Code section
148 31 hierarchy and correct internal references as necessary:
148 32 a. Sections 8.22, 15D.1, 28A.1, 28K.1, 29C.21, 29C.22,
148 33 152E.1, 221.1, 232.158, 232.171, 256.70, 261D.2, 272A.1,
148 34 272B.1, 307C.1, 321C.1, 321D.1, 457B.1, 473A.1, 505A.1,
148 35 692B.2, 818.1, 821.1, 907B.2, and 913.2, Code 2007.

Senate File 2320 - Introduced continued

149 1 b. Sections 152E.3 and 327K.1, Code Supplement 2007.
149 2 2. The Code editor is directed to number or renumber
149 3 provisions within the following Code sections to eliminate
149 4 unnumbered paragraphs and correct internal references as
149 5 necessary:
149 6 a. Sections 2.45, 2C.12, 6A.4, 6A.22, 6B.2, 6B.3, 6B.54,
149 7 6B.56, 7C.4A, 7D.1, 7D.6, 8A.502, 8A.504, 9C.8, 9E.6A, 9H.5,
149 8 10A.106, 12B.10C, 12C.6, 12D.1, 12D.8, 15.272, 15.329, 15.343,
149 9 15E.61, 15E.111, 15E.195, 15E.207, 16.105, 17A.6, 17A.9,
149 10 17A.17, 20.1, 20.22, 21.4, 25B.2, 28.4, 28A.10, 28B.1, 28E.23,
149 11 29B.15, 29B.28, 29B.31, 29B.40, 29B.47, 29B.50, 29B.51,
149 12 29B.53, 29B.55, 29B.63, 29B.65, 29B.91, 34A.2, 34A.8, 35C.1,
149 13 37.18, 39.2, 43.24, 43.49, 43.56, 43.67, 44.4, 47.2, 48A.19,
149 14 48A.28, 49.4, 49.47, 50.29, 50.30, 53.1, 53.3, 53.45, 68B.31,
149 15 70A.1, 70A.15, 70A.25, 80.37, 85.3, 85.35, 85A.11, 85B.8,
149 16 87.4, 89.2, 89A.8, 89B.17, 91B.1, 91C.3, 91C.7, 91E.2, 92.2,
149 17 92.6, 96.3, 96.7, 96.7A, 96.13, 96.19, 96.23, 96.29, 96.40,
149 18 97.51, 97A.6, 97A.6B, 97A.8, 97A.10, 97B.1A, 97B.8A, 97B.34A,
149 19 97B.42A, 97B.48A, 97B.49G, 97B.52, 97B.53B, 99B.2, 99B.7,
149 20 99D.13, 99F.4A, 100.39, 103A.7, 103A.9, and 103A.20, Code
149 21 2007.
149 22 b. Sections 8A.311, 8A.321, 8A.376, 8A.415, 11.2, 12C.23,
149 23 15.335, 15A.9, 15E.194, 15E.305, 22.7, 39.22, 45.1, 49.8,
149 24 52.25, 68A.402, 72.5, 80B.13, 80D.3, 96.5, 99D.5, and 103A.19,
149 25 Code Supplement 2007.
149 26 DIVISION V
149 27 EFFECTIVE DATES == APPLICABILITY
149 28 Sec. 204. EFFECTIVE DATES == APPLICABILITY.
149 29 1. The section of this Act, amending 2007 Iowa Acts,
149 30 chapter 182, section 3, being deemed of immediate importance,
149 31 takes effect upon enactment and applies retroactively to May
149 32 24, 2007.
149 33 2. The sections of this Act, amending 2007 Iowa Acts,
149 34 chapter 197, sections 33, 34, 35, 36, 38, 41, 42, and 43,
149 35 being deemed of immediate importance, take effect upon

Senate File 2320 - Introduced continued

150 1 enactment and apply effective January 1, 2009.
150 2 3. The section of this Act, amending section 104C.2,
150 3 subsection 8, as enacted by 2007 Iowa Acts, chapter 198,
150 4 section 2, takes effect July 1, 2008.
150 5 4. The sections of this Act, amending 2007 Iowa Acts,
150 6 chapter 198, sections 10, 11, and 18, take effect July 1,
150 7 2008.
150 8 EXPLANATION
150 9 This bill makes Code changes and corrections that are
150 10 considered to be nonsubstantive and noncontroversial, in
150 11 addition to style changes. Changes made include updating or
150 12 correcting various names of and references to public and
150 13 private entities and funds, correcting internal Code and
150 14 subject matter references, and making various grammatical
150 15 corrections. The Code sections in which the technical,
150 16 grammatical, and other nonsubstantive changes are made include
150 17 all of the following:
150 18 DIVISION I. Code section 2.28: Eliminates a section
150 19 self=reference in a reference to several Code sections by
150 20 substituting the words "this section" for a numerical
150 21 reference to the Code section and including the other
150 22 referenced sections in a through reference.
150 23 Code section 7K.1(2)(i): Corrects the spelling of the word
150 24 "nonwhite" by eliminating a hyphen.
150 25 Code section 12C.16: Renumbers and corrects a United
150 26 States Code citation to the federal Investment Company Act in
150 27 this provision relating to the deposit of public funds.
150 28 Code section 15.393(1) and (2)(a)(2): In a provision
150 29 providing for registration of projects for purposes of
150 30 receiving assistance pursuant to the film, television, and
150 31 video project promotion program, inserts "criteria" for
150 32 grammatical correctness and to agree with a provision
150 33 referring to other criteria. This bill also strikes a
150 34 redundant reference to "graphics" in a provision defining
150 35 "qualified expenditure" for purposes of receiving assistance

Senate File 2320 - Introduced continued

151 1 under the program.
151 2 Code section 16.181(1)(b)(1): Adds "former" to a reference
151 3 to the Iowa housing corporation in a provision establishing
151 4 the housing trust fund. Code sections 16.5A and 16.5B
151 5 providing for the Iowa housing corporation were repealed in
151 6 2007.
151 7 Code section 35.9: Deletes the words "of veterans affairs"
151 8 which appear after the word "department". The term
151 9 "department" is defined for purposes of Code chapter 35,
151 10 entitled "Veterans Affairs", as meaning the "Iowa department
151 11 of veterans affairs".
151 12 Code section 42.4(8)(b)(2): Specifies that a copy of each
151 13 resignation by an incumbent senator shall be filed with the
151 14 secretary of state if more than one incumbent senator in a
151 15 holdover senatorial district resigns in a provision relating
151 16 to redistricting plans.
151 17 Code section 85.61: Adds the word "chapter" after the word
151 18 "this" to clarify that the provisions of Code chapter 85 are
151 19 included within the list of Code chapters referenced.
151 20 Code section 87.2: Numbers the first and last unnumbered
151 21 paragraphs and adds the word "chapter" after the word "this"
151 22 to clarify that the provisions of Code chapter 87 are included
151 23 within the list of Code chapters referenced.
151 24 Code section 97D.4(1) and (4): Rearranges and designates
151 25 unnumbered paragraphs in subsection 1 that describe the
151 26 membership and meetings of the public retirement systems
151 27 committee and restructures language in subsection 4 describing
151 28 acts which may be performed by that committee.
151 29 Code section 99B.10B(3)(b)(1): Substitutes "registration"
151 30 for "registrant" in a provision relating to the denial,
151 31 suspension, or revocation of the registration for an
151 32 electrical or mechanical amusement device.
151 33 Code section 99F.12(2): Breaks a very long sentence into
151 34 smaller sentences in a provision describing regulation of
151 35 racetracks by the racing and gaming commission of the

Senate File 2320 - Introduced continued

department of inspections and appeals.

Code sections 99G.30A(2)(b), 423B.6(2)(b), and 455B.455: Substitutes "through" for "to" in order to indicate inclusive references to Code sections in Code chapters 422 and 423 for purposes of referencing the provisions of those Code chapters applicable to the administration of the monitor vending machine excise tax, local sales and services taxes, and land burial surcharge tax.

Code section 100.18: Renumbers this Code section relating to the installation of smoke detectors and redesignates the two unnumbered paragraphs of subsection 3 as lettered paragraphs.

Code section 101B.4(1)(b): Corrects the name of the American society of testing and materials international in this provision relating to testing of cigarette ignition strength.

Code sections 103.1(8) and 103.9(1): Adds a numeric reference to Code chapter 91C, relating to construction contractors, where there are references to being registered with the state as a contractor to facilitate electronic hypertext linkage to that Code chapter.

Code section 103.6: Renumbers and moves language in this provision describing the powers and duties of the electrical examining board.

Code section 103.22(1) and (3): Makes grammatical changes for readability in provisions providing for the inapplicability of the Code chapter relating to electricians and electrical contractors.

Code sections 123A.2(9) and 554.13103(3): Substitutes a reference to Code section 554.1201 for a reference to Code section 554.2103 in definitions of good faith for purposes of the beer brewers and wholesalers Code chapter and for purposes of article 13 of the uniform commercial code, relating to leases. The definition of good faith was stricken from Code section 554.2103 in 2007.

Senate File 2320 - Introduced continued

153 1 Code section 135N.5(1): Corrects an incorrect reference to
153 2 Code chapter 20 in a provision stating that the hemophilia
153 3 advisory committee is subject to the Code chapter regulating
153 4 public records. Code chapter 22 regulates public records.
153 5 Code section 141A.9(2)(i): Inserts "if requested by the
153 6 victim" in a provision directing HIV=related test results to
153 7 be made available for release, pursuant to Code section
153 8 915.43, to the physician of a victim to agree with the
153 9 provision in Code section 915.43.
153 10 Code section 147.14(23): Eliminates a Code chapter
153 11 self=reference by substituting the words "this chapter" for
153 12 the numeric reference to the Code chapter.
153 13 Code section 147.37: Updates language relating to the
153 14 testing of certain candidates for licensure as health care
153 15 professionals.
153 16 Code section 148.3(1): Substitutes "the board" for "them"
153 17 in a reference to the board of medicine.
153 18 Code sections 159.20, 175A.2, 178.3, 181.3, 182.5, 183A.2,
153 19 185.3, 185C.10, and 459.102: Updates references to the name
153 20 of the college of agriculture and life sciences at Iowa state
153 21 university of science and technology.
153 22 Code section 214A.2B: Corrects a reference to an American
153 23 society for testing and materials international standard for
153 24 biodiesel testing that is to be conducted in a merged area
153 25 school laboratory.
153 26 Code section 216.9(2): Adds the noun "school" to agree
153 27 with the adjectives elementary and secondary in a list of
153 28 educational institutions subject to certain prohibitions on
153 29 unfair or discriminatory practices.
153 30 Code section 231D.5: Redesignates a subsection as a
153 31 lettered paragraph and moves another lettered paragraph to the
153 32 end of the series of paragraphs in this provision relating to
153 33 denial, suspension, or revocation of certification of adult
153 34 day services programs.
153 35 Code section 234.7(1): Combines two paragraphs that

Senate File 2320 - Introduced continued

154 1 describe a requirement that the department of human services
154 2 include a child's foster parent in department planning and
154 3 review activities associated with the child.
154 4 Code section 236.5(2): Changes the term "protection order"
154 5 to "protective order" in these provisions relating to court
154 6 orders in domestic abuse cases to conform to the actual name
154 7 given these types of orders elsewhere in this Code chapter and
154 8 Code chapter 664A.
154 9 Code section 249A.30A: Clarifies the intent of a provision
154 10 relating to persons who may receive the personal needs
154 11 allowance under the medical assistance program by completing
154 12 fragmented portions of a sentence.
154 13 Code section 256C.3(4)(d): Substitutes "professional
154 14 development" and "professional development plan" for "career
154 15 development" and "career development plan" to agree with
154 16 changes made to Code section 284.6, referenced therein, in
154 17 2007.
154 18 Code section 257.11(6)(c): Substitutes "education" for
154 19 "educational" for correct usage of the term "area education
154 20 agency".
154 21 Code sections 308.3(1, 4, and 5), 308.4(3)(b), and
154 22 308.9(1): Adds hyphens in a definition of the term
154 23 "right=of=way" in Code section 308.3 and makes conforming
154 24 changes elsewhere in the same provision and elsewhere in the
154 25 Code chapter.
154 26 Code section 321.52(4)(c) and NEW (5): Moves language
154 27 applicable to the entire Code section, which directs the state
154 28 department of transportation to adopt rules to implement
154 29 provisions relating to out=of=state sales and junked,
154 30 dismantled, wrecked, or salvage vehicles, to its own
154 31 subsection.
154 32 Code section 321J.15: Strikes an incorrect placement of
154 33 the word "substances" in a provision allowing the admission of
154 34 evidence of the alcohol concentration or the presence of a
154 35 controlled substance or other drugs in a person's body in an

Senate File 2320 - Introduced continued

155 1 operating while intoxicated proceeding.
155 2 Code section 403A.6: Updates the style and conforms the
155 3 numbering in this provision to conform to existing Code
155 4 hierarchy.
155 5 Code sections 403A.7, 452A.53, 554.2315, 554.2502,
155 6 554.2503, 554.2604, 554.2615, 554.2616, 554.2703, 554.2704,
155 7 554.2709, 554.2711, 554.2712, 554.2714, 554.2719, 554.13309,
155 8 633.113, 633.305, 633.426, 820.14, and 820.15: Substitutes,
155 9 for the words "the preceding", "the preceding sections
155 10 hereof", or "the next", the appropriate numeric references
155 11 that bear that relationship to the enumerated Code sections
155 12 and updates the style of many of those Code sections to
155 13 conform to current Code section style.
155 14 Code section 423.4(8)(d): Substitutes "are" for "is" to
155 15 agree with the plural "dates" in a provision relating to the
155 16 eligibility of an information technology facility to receive a
155 17 refund of the sales or use tax upon the sales price of all
155 18 sales of fuel used in creating heat, power, and steam for
155 19 processing or generating electrical current, or from the sale
155 20 of electricity consumed by computers, machinery, or other
155 21 equipment for operation of the technology facility.
155 22 Code sections 453A.31(2)(c) and 453A.50(3)(a)(3): Adds the
155 23 word "one" before the words "thousand dollar penalty" so that
155 24 the phrase will read "one thousand dollar penalty".
155 25 Code section 455B.109(1): Numbers an unnumbered paragraph
155 26 that describes the time frame for imposition of penalties as a
155 27 separate subsection. The unnumbered paragraph currently
155 28 appears at the end of a subsection that lists the factors to
155 29 be considered by the environmental protection commission when
155 30 penalties are imposed.
155 31 Code section 469.9(2) and (4)(b)(2): Makes grammatical
155 32 changes to agree with language used in identifying the goals
155 33 of and eligibility criteria for the Iowa power fund.
155 34 Code section 469.10(3) and (4): Substitutes "industry" for
155 35 "industrial" to cite the correct name for the north American

Senate File 2320 - Introduced continued

156 1 industry classification system in a provision making
156 2 appropriations to the Iowa power fund. In addition, the bill
156 3 substitutes "Iowa power fund" for "funds" to accurately
156 4 indicate that interest or earnings on moneys in the power
156 5 fund, rather than interest or earnings on moneys in the
156 6 workforce training and economic development funds of the
156 7 community colleges referred to elsewhere in the Code section,
156 8 shall be credited to the power fund.
156 9 Code section 477.5: Makes a grammatical correction in a
156 10 phrase so that it reads "shall no longer" rather than "shall
156 11 not longer".
156 12 Code section 479.29(2): Deletes the redundant word
156 13 "licensed" in a reference to "licensed professional engineer .
156 14 . . licensed under chapter 542B".
156 15 Code section 483A.24(3) and (4): Changes "the subsection"
156 16 to "this subsection" in two internal references.
156 17 Code section 512B.9(2): Renumbers and corrects internal
156 18 references in language relating to reimbursement of expenses
156 19 and liabilities incurred by an officer or member of the
156 20 governing body or any subordinate entity of a fraternal
156 21 benefit society due to a proceeding against that person by
156 22 reason of that person's status as an officer or member of that
156 23 governing body or subordinate entity.
156 24 Code section 554.7601A(2): Strikes the word "stolen" in a
156 25 provision relating to removal or sale of goods in a warehouse
156 26 if the warehouse receipt is lost or destroyed, to agree with
156 27 the rest of the subsection.
156 28 Code section 614.1(5): Substitutes "subsection 6" for "the
156 29 next subsection" for internal reference purposes.
156 30 Code section 633.700, unn. par. 1: Makes punctuation
156 31 changes for readability in a provision requiring an
156 32 intermediate report from a probate trustee.
156 33 Code section 718A.1, unn. par. 1: Substitutes "chapter"
156 34 for "section" to provide that the definitions in the Code
156 35 section apply to the entire Code chapter, relating to the

Senate File 2320 - Introduced continued

desecration of a flag or other insignia.

Code section 729.1: Reorders a reference to Article I, section 4, of the Iowa Constitution to facilitate electronic hypertext linkage to that constitutional provision.

Code section 915.20A(1): Corrects the name of the Iowa coalition against sexual assault in a provision relating to victim counselor privilege.

2007 Iowa Acts, chapter 182, section 3(1): Changes, retroactive to May 24, 2007, a reference to the "effective date of this Act" in an Acts provision enacting Code section 101B.3, by referring to the "section of this Act" because that section of that Act had an effective date of May 24, 2007, which was different from the rest of that 2007 Iowa Acts chapter.

2007 Iowa Acts, chapter 197, sections 33(1), 35, 42(3), and 43(1): Changes, effective January 1, 2009, references to "owner" to "property owner" in provisions relating to inspections of electrical installations which take effect January 1, 2009, to agree with terms used in similar provisions. The bill also makes grammatical changes in section 35 for readability.

2007 Iowa Acts, chapter 197, section 34(2): Inserts, effective January 1, 2009, the word "stringent" in a provision relating to the electrical wiring standards of a political subdivision for grammatical correctness and to agree with another similar provision in section 39 of that chapter.

2007 Iowa Acts, chapter 197, sections 36, 38(2), and 41(4): Changes the phrase "standards of construction for safety to health and property" to read "standards of construction for health safety and property safety" for readability and grammatical correctness. The changes to sections 36, 38, and 41 are effective January 1, 2009.

2007 Iowa Acts, chapter 198, section 2: Amends, effective July 1, 2008, a definition of the term "hydronic" that is contained in Code section 104C.2, subsection 8, as enacted in

Senate File 2320 - Introduced continued

158 1 this 2007 Iowa Act, by adding a comma between the words
158 2 "liquid" and "water" to clarify a series.
158 3 2007 Iowa Acts, chapter 198, sections 10(3), 11(1), and
158 4 18(2)(c)(3): Makes grammatical changes effective July 1,
158 5 2008, in provisions relating to the licensing and regulation
158 6 of plumbers and mechanical professionals which take effect
158 7 July 1, 2008.
158 8 Code sections 99A.1, 177A.16, 321.1, 321A.1, 321H.2, 322.2,
158 9 329.1, 428.28, 428.29, 433.12, 438.1, 438.2, 438.3, 453A.1,
158 10 476.44, 484B.4, 536.4, 536.5, 536.19, 536A.17, 543B.31, 589.8,
158 11 589.24, 624.27, 624.28, 727.2, and 730.2: Substitutes, for
158 12 the word "copartnership", the word "partnership" in these
158 13 provisions. The term "copartnership" and "partnership" are
158 14 equivalent terms, but "partnership" is more commonly known and
158 15 used.
158 16 Code sections 214A.2B, 258.16, 260C.40, and 282.7:
158 17 Substitutes the term "community college" for the archaic term
158 18 "merged area school". Merged area school used to refer to
158 19 community colleges and vocational=technical schools. The
158 20 technical schools were merged into and became community
158 21 colleges in 1990 as a result of the enactment of 1990 Iowa
158 22 Acts, ch. 1253.
158 23 DIVISION II. The Code sections in this division are
158 24 amended by numbering and renumbering the provisions within
158 25 volume I, and scattered provisions in volumes II through VI,
158 26 and by changing textual references as necessary. The purposes
158 27 of the numbering and renumbering are to conform certain
158 28 provisions to existing Code section hierarchy, to eliminate
158 29 "unanchored" unnumbered paragraphs within the Code sections,
158 30 to facilitate Code section readability, and to facilitate
158 31 citation to those Code provisions.
158 32 DIVISION III. The Code sections in this division are
158 33 amended by correcting internal references to provisions which
158 34 are numbered or renumbered in division II of the bill.
158 35 DIVISION IV. The Code editor is directed to number and

Senate File 2320 - Introduced continued

159 1 renumber these Code sections within the Code that are listed
159 2 in this division of the bill and correct internal references
159 3 to those Code sections which will need to be changed due to
159 4 the renumbering. The first directive includes the budget
159 5 language that is established for the office of the governor
159 6 and all of the interstate compacts and agreements that are
159 7 contained in the Code. The second directive provides for the
159 8 renumbering of Code sections that are within volume I of the
159 9 Code.
159 10 LSB 5697SV 82
159 11 lh/rj/5

Senate File 2321 - Introduced

SENATE FILE
BY COMMITTEE ON NATURAL
RESOURCES AND ENVIRONMENT

(SUCCESSOR TO SF 2225)

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

A BILL FOR

1 An Act relating to the recycling of mercury=containing lamps by
2 providing for a study.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
4 TLSB 6116SV 82
5 tw/nh/8

Senate File 2321 - Introduced continued

PAG LIN

1 1 Section 1. MERCURY=CONTAINING LAMPS RECYCLING PROGRAM
1 2 STUDY.
1 3 1. The department of natural resources shall conduct a
1 4 study on and make recommendations for the implementation and
1 5 financing of a convenient and effective mercury=containing
1 6 lamp recycling program. The department shall submit a report
1 7 containing the recommendations to the general assembly by
1 8 January 1, 2009.
1 9 2. The department shall consult with stakeholders
1 10 including persons who represent retailers of
1 11 mercury=containing lamps, waste haulers, mercury=containing
1 12 lamp recyclers, mercury=containing lamp manufacturers, cities,
1 13 counties, environmental organizations, public interest
1 14 organizations, and other interested parties that have a role
1 15 or interest in the recycling of mercury=containing lamps.
1 16 3. In conducting the study, the department shall assess
1 17 potential methods for establishing and financing a convenient
1 18 and effective statewide recycling program for
1 19 mercury=containing lamps. The assessment includes but is not
1 20 limited to all of the following:
1 21 a. The recycling challenges unique to rural and urban
1 22 areas.
1 23 b. The involvement of mercury=containing lamp
1 24 manufacturers.
1 25 c. The various methods of financing recycling programs for
1 26 mercury=containing lamps.
1 27 d. The various methods to encourage the return of
1 28 mercury=containing lamps for recycling.
1 29 e. The impact of different recycling approaches on local
1 30 governments, nonprofit organizations, waste haulers, and other
1 31 stakeholders.
1 32 f. The existing recycling infrastructure that could be
1 33 used for mercury=containing lamp recycling.
1 34 g. Information obtained from existing mercury=containing
1 35 lamp recycling programs.

Senate File 2321 - Introduced continued

2 1 4. The department shall also describe in the report what
2 2 improvements could be achieved through voluntary efforts by
2 3 stakeholders and what efforts would require legislation or the
2 4 adoption of rules to implement a statewide recycling program
2 5 for mercury=containing lamps.
2 6 EXPLANATION
2 7 This bill relates to a program for the recycling of
2 8 mercury=containing lamps.
2 9 The bill requires the department of natural resources to
2 10 conduct a study and make a report by January 1, 2009, on the
2 11 implementation and financing of such a program. In conducting
2 12 the study, the department must consult with stakeholders and
2 13 assess potential methods for establishing a convenient and
2 14 effective statewide recycling program. The assessment is to
2 15 include a number of relevant factors. The department must
2 16 also describe what progress can be made through voluntary
2 17 recycling efforts.
2 18 LSB 6116SV 82
2 19 tw/nh/8

Senate File 2322 - Introduced

SENATE FILE
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO SSB 3240)

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

A BILL FOR

1 An Act establishing second deputy sheriff positions in certain
2 counties.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
4 TLSB 6520SV 82
5 jm/nh/8

Senate File 2322 - Introduced continued

PAG LIN

1 1 Section 1. Section 341A.7, Code 2007, is amended to read
1 2 as follows:
1 3 341A.7 CLASSIFICATIONS.
1 4 1. The classified civil service positions covered by this
1 5 chapter include persons actually serving as deputy sheriffs
1 6 who are salaried pursuant to section 331.904, subsection 2,
1 7 but do not include a chief deputy sheriff, two second deputy
1 8 sheriffs in counties with a population of more than one
1 9 hundred thousand, three second deputy sheriffs in counties
1 10 with a population of more than one hundred fifty thousand, and
1 11 four second deputy sheriffs in counties with a population of
1 12 more than two hundred thousand. However, a chief deputy
1 13 sheriff or second deputy sheriff who becomes a candidate for a
1 14 partisan elective office for remuneration is subject to
1 15 section 341A.18. A deputy sheriff serving with permanent rank
1 16 under this chapter may be designated chief deputy sheriff or
1 17 second deputy sheriff and retain that rank during the period
1 18 of service as chief deputy sheriff or second deputy sheriff
1 19 and shall, upon termination of the duties as chief deputy
1 20 sheriff or second deputy sheriff, revert to the permanent
1 21 rank.
1 22 2. If the positions of two second deputy sheriffs of a
1 23 county were exempt from classified civil service coverage
1 24 under this chapter based on the 1980 decennial census, the two
1 25 second deputy positions shall remain exempt from classified
1 26 civil service coverage under this chapter.
1 27 Sec. 2. IMPLEMENTATION OF ACT. Section 25B.2, subsection
1 28 3, shall not apply to this Act.
1 29 EXPLANATION
1 30 This bill relates to the classifications of second deputy
1 31 sheriffs in certain counties.
1 32 The bill establishes three deputy sheriffs positions
1 33 classified as second deputy sheriffs in counties with a
1 34 population of more than 150,000 but not more than 200,000.
1 35 Under the bill and in current law, second deputy sheriff

Senate File 2322 - Introduced continued

2 1 positions are exempt from classified civil service coverage in
2 2 Code chapter 341A.
2 3 Currently, counties with a population of more than 100,000
2 4 but not more than 200,000 have two sheriff positions
2 5 classified as second deputy sheriffs.
2 6 The bill may include a state mandate as defined in Code
2 7 section 25B.3. The bill makes inapplicable Code section
2 8 25B.2, subsection 3, which would relieve a political
2 9 subdivision from complying with a state mandate if funding for
2 10 the cost of the state mandate is not provided or specified.
2 11 Therefore, political subdivisions are required to comply with
2 12 any state mandate included in the bill.
2 13 LSB 6520SV 82
2 14 jm/nh/8

Senate File 2323 - Introduced

SENATE FILE
BY COMMITTEE ON TRANSPORTATION

(SUCCESSOR TO SF 2171)

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

A BILL FOR

1 An Act concerning the transportation of railroad workers by
2 companies organized for that purpose and providing penalties.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
4 TLSB 5659SV 82
5 dea/nh/5

Senate File 2323 - Introduced continued

PAG LIN

1 1 Section 1. Section 321.449, subsection 4, Code 2007, is
1 2 amended to read as follows:
1 3 4. Notwithstanding other provisions of this section, rules
1 4 adopted under this section for drivers of commercial vehicles
1 5 shall not apply to a driver of a commercial vehicle who is
1 6 engaged exclusively in intrastate commerce, when the
1 7 commercial vehicle's gross vehicle weight rating is twenty=six
1 8 thousand pounds or less, unless the vehicle is used to
1 9 transport hazardous materials requiring a placard or if the
1 10 vehicle is designed to transport more than fifteen passengers,
1 11 including the driver. For the purpose of complying with the
1 12 hours of service recordkeeping requirements under 49 C.F.R. }
1 13 395.1(e)(5), a driver's report of daily beginning and ending
1 14 on=duty time submitted to the motor carrier at the end of each
1 15 workweek shall be considered acceptable motor carrier time
1 16 records. In addition, rules adopted under this section shall
1 17 not apply to a driver operating intrastate for a farm
1 18 operation as defined in section 352.2, or for an agricultural
1 19 interest when the commercial vehicle is operated between the
1 20 farm as defined in section 352.2 and another farm, between the
1 21 farm and a market for farm products, or between the farm and
1 22 an agribusiness location. A driver or a driver=salesperson
1 23 for a private carrier, who is not for hire and who is engaged
1 24 exclusively in intrastate commerce, may drive twelve hours, be
1 25 on duty sixteen hours in a twenty=four=hour period and be on
1 26 duty seventy hours in seven consecutive days or eighty hours
1 27 in eight consecutive days. For=hire drivers who are engaged
1 28 exclusively in intrastate commerce and who operate trucks and
1 29 truck tractors exclusively for the movement of construction
1 30 materials and equipment to and from construction projects may
1 31 also drive twelve hours, be on duty sixteen hours in a
1 32 twenty=four=hour period, and be on duty seventy hours in seven
1 33 consecutive days or eighty hours in eight consecutive days. A
1 34 "driver=salesperson" means as defined in 49 C.F.R. } 395.2, as
1 35 adopted by the department by rule. <u>A driver of a vehicle</u>

Senate File 2323 - Introduced continued

2 1 operated for hire and designed to transport seven or more
2 2 persons but not more than fifteen persons, including the
2 3 driver, shall not be on duty more than twelve hours, including
2 4 no more than ten hours of driving time, in a twenty=four=hour
2 5 period and shall not drive for any period of time following
2 6 less than eight hours off duty when operating intrastate.
2 7 Sec. 2. NEW SECTION. 327F.0A DEFINITIONS.
2 8 As used in this chapter, unless the context otherwise
2 9 requires:
2 10 1. "Administrator" means the department's administrator
2 11 for rail and water, or the administrator's designee.
2 12 2. "Department" means the department of transportation.
2 13 3. "Director" means the director of transportation.
2 14 4. "Place of employment" means that location where one or
2 15 more workers are actually performing the labor for which they
2 16 are employed.
2 17 5. "Worker" means an individual employed for any period of
2 18 time to perform work for which the individual is compensated,
2 19 whether full=time or part=time.
2 20 Sec. 3. Section 327F.39, subsection 1, Code 2007, is
2 21 amended to read as follows:
2 22 1. DEFINITIONS. As used in this section, unless the
2 23 context otherwise requires:
2 24 ~~a. "Department" means the state department of~~
2 25 ~~transportation.~~
2 26 ~~b. "Director" means the director of transportation.~~
2 27 ~~c. "Administrator" means the department's administrator~~
2 28 ~~for rail and water, or the administrator's designee.~~
2 29 ~~d.~~ a. "Motor vehicle" means a vehicle which is
2 30 self=propelled and designed primarily for highway use, and
2 31 which may or may not be equipped with retractably flanged
2 32 wheels for operation on railroad tracks.
2 33 ~~e.~~ b. "Owner" means a person having the lawful use or
2 34 control of a motor vehicle as holder of the legal title of the
2 35 motor vehicle or under contract or lease or otherwise.

Senate File 2323 - Introduced continued

3 1 ~~f. "Place of employment" means that location where one or~~
~~3 2 more workers are actually performing the labor incident to~~
~~3 3 their employment.~~
3 4 ~~g. "Worker" means an individual employed for any period in~~
~~3 5 work for which the individual is compensated, whether~~
~~3 6 full=time or part=time.~~
3 7 Sec. 4. NEW SECTION. 327F.40 RAILROAD WORKER
3 8 TRANSPORTATION COMPANIES.
3 9 The following provisions apply to the transportation of
3 10 railroad workers by a railroad worker transportation company.
3 11 1. DEFINITIONS. For purposes of this section, the
3 12 following definitions apply:
3 13 a. "Employee" means a person employed for wages by a
3 14 railroad worker transportation company. An independent
3 15 contractor is not an employee.
3 16 b. "Railroad worker transportation company" or "company"
3 17 means a person, other than a railway corporation, organized
3 18 for the purpose of or engaged in the business of transporting,
3 19 for hire, railroad workers to or from their places of
3 20 employment or in the course of their employment in motor
3 21 vehicles designed to carry fifteen or fewer passengers.
3 22 2. APPLICABILITY. This section applies to a company
3 23 transporting railroad workers intrastate that derives seventy
3 24 percent or more of its revenue from transportation of railroad
3 25 workers intrastate, interstate, or both.
3 26 3. DRIVER QUALIFICATIONS. A railroad worker
3 27 transportation company shall not permit a motor vehicle to be
3 28 operated for the purpose of transporting railroad workers by
3 29 any person who is not an employee of the company. A railway
3 30 corporation that contracts for the transportation of its
3 31 workers by a railroad worker transportation company shall
3 32 require the company to establish and adhere to preemployment
3 33 assessment standards for applicants for employment which
3 34 shall, at a minimum, require an applicant to disclose any
3 35 conviction for a criminal offense and the nature of the

Senate File 2323 - Introduced continued

4 1 offense.
4 2 4. FINANCIAL LIABILITY COVERAGE. For purposes of section
4 3 321.20B, a railroad worker transportation company shall
4 4 register and maintain financial liability coverage for each
4 5 motor vehicle used for the transportation of railroad workers,
4 6 except that such coverage shall be in limits of not less than
4 7 two hundred thousand dollars because of bodily injury to or
4 8 death of one person in any one accident and, subject to the
4 9 limit for one person, three million dollars because of bodily
4 10 injury to or death of two or more persons in any one accident,
4 11 and fifteen thousand dollars because of injury to or
4 12 destruction of property of others in any one accident.
4 13 5. VEHICLE SAFETY AND CONDITION. A vehicle used by a
4 14 company for the transportation of railroad workers shall be in
4 15 compliance with the requirements of section 327F.39 applicable
4 16 to vehicles provided by a railway corporation. If a company
4 17 employs, for the transportation of railroad workers, a motor
4 18 vehicle that was previously titled on a salvage certificate of
4 19 title, the company shall obtain a periodic safety inspection
4 20 of the vehicle at intervals of not more than sixty days.
4 21 6. LIABILITY. Notwithstanding any other provision of law,
4 22 a contract between a railway corporation and a company for the
4 23 transportation of railroad workers does not relieve the
4 24 railway corporation or the company from liability for damages
4 25 resulting from an accident which occurs while the railroad
4 26 workers are being transported in a motor vehicle operated by
4 27 an employee of the company.
4 28 7. PENALTIES. A railroad worker transportation company or
4 29 a railway corporation found to be in violation of this section
4 30 or a rule adopted pursuant to this section shall be subject to
4 31 a schedule "one" penalty in addition to any other penalties
4 32 that may apply.
4 33 8. RULES. The department shall adopt rules as necessary
4 34 for the administration of this section.
4 35 EXPLANATION

Senate File 2323 - Introduced continued

5 1 This bill imposes certain requirements on companies that
5 2 are hired by railway corporations to transport railroad
5 3 workers to and from work locations or in the course of their
5 4 employment.
5 5 The bill imposes hours=of=service requirements on the
5 6 driver of any vehicle operated for hire and designed to
5 7 transport seven or more persons, but not more than 15 persons.
5 8 The bill limits such a driver to 12 hours of on=duty time,
5 9 including up to 10 hours of driving time, in a 24=hour period,
5 10 with at least eight hours off duty between driving times. A
5 11 violation of hours=of=service requirements is punishable by a
5 12 scheduled fine of $25.
5 13 The bill defines "railroad worker transportation company"
5 14 to mean a company organized for the purpose of or engaged in
5 15 the business of transporting, for hire, railroad workers to or
5 16 from their places of employment or in the course of their
5 17 employment in motor vehicles designed to carry 15 or fewer
5 18 passengers. The provisions of the bill apply to any company
5 19 that derives 70 percent or more of its revenue from the
5 20 transportation of railroad workers, whether intrastate,
5 21 interstate, or both. However, the provisions of the bill
5 22 apply only to the transportation of workers within Iowa.
5 23 The bill requires that drivers used by a company for the
5 24 transportation of railroad workers must be employees of the
5 25 company. Railway corporations are responsible for requiring
5 26 companies under contract for the transportation of workers to
5 27 establish and adhere to preemployment assessment standards for
5 28 applicants for employment. Such applicants shall be required
5 29 to disclose any conviction for a criminal offense and the
5 30 nature of the offense.
5 31 The bill requires railroad worker transportation companies
5 32 to register and maintain financial liability coverage for each
5 33 of its motor vehicles used to transport workers in the amounts
5 34 of not less than $200,000 for bodily injury or death of any
5 35 one person in any one accident and, subject to the limit for

Senate File 2323 - Introduced continued

any one person, $3 million for bodily injury to or death of two or more persons in any one accident, plus $15,000 for injury to or destruction of property.

The bill requires that vehicles used by a railroad worker transportation company meet the requirements for safety and condition of the vehicle currently applicable to vehicles provided by a railway corporation for the transportation of workers. In addition, the bill specifies that if a company uses a vehicle previously titled as a salvage vehicle, the company shall obtain periodic safety inspections for the vehicle at intervals of not less than 60 days.

The bill provides that a contract between a railway corporation and a railroad worker transportation company does not relieve either party from liability for damages resulting from an accident which occurs while an employee of the company is driving a vehicle transporting railroad workers.

Pursuant to current law, the driver of a vehicle operated for hire and designed to carry seven or more but not more than 15 persons is subject to penalties under federal and state motor carrier safety rules. The provisions of the bill applicable to railway corporations and railroad worker transportation companies are punishable by a schedule "one" penalty, in addition to any other penalties that might apply. A schedule "one" penalty is a fine of $100 per violation.

LSB 5659SV 82
dea/nh/5

Senate File 2324 - Introduced

SENATE FILE
BY COMMITTEE ON HUMAN
RESOURCES

(SUCCESSOR TO SF 2034)

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

A BILL FOR

1 An Act relating to transfer procedures for and compensation of
2 health care providers not participating in IowaCare.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
4 TLSB 5801SV 82
5 pf/nh/14

Senate File 2324 - Introduced continued

PAG LIN

1 1 Section 1. NEW SECTION. 249J.24A NONPARTICIPATING
1 2 PROVIDER EXPANSION POPULATION PROVIDER NETWORK == TRANSFER
1 3 PROCEDURE == COMPENSATION FUND.
1 4 1. The department shall establish a procedure to transfer
1 5 an expansion population member who seeks medical care or
1 6 treatment for a covered service from a nonparticipating
1 7 provider in the expansion population provider network to a
1 8 participating provider in the expansion population provider
1 9 network, if medically possible. If transfer is not medically
1 10 possible or if the participating provider refuses to accept
1 11 the transfer of the expansion population member, the
1 12 nonparticipating provider shall be compensated for the covered
1 13 service provided through the nonparticipating provider
1 14 expansion population provider network compensation fund in
1 15 accordance with subsection 2.
1 16 2. a. A nonparticipating provider expansion population
1 17 provider network compensation fund is created in the state
1 18 treasury under the authority of the department. Moneys
1 19 designated for deposit in the fund that are received from
1 20 sources including but not limited to appropriations from the
1 21 general fund of the state, grants, and contributions shall be
1 22 deposited in the fund.
1 23 b. Moneys in the fund shall be separate from the general
1 24 fund of the state and shall not be considered part of the
1 25 general fund of the state. The moneys deposited in the fund
1 26 are not subject to section 8.33 and shall not be transferred,
1 27 used, obligated, appropriated, or otherwise encumbered, except
1 28 to provide for the purposes specified in this section.
1 29 Notwithstanding section 12C.7, subsection 2, interest or
1 30 earnings on moneys deposited in the fund shall be credited to
1 31 the fund.
1 32 c. Moneys deposited in the fund shall be used only to
1 33 compensate nonparticipating providers in the expansion
1 34 population provider network pursuant to section 249J.7, who
1 35 provide covered services to expansion population members, if

Senate File 2324 - Introduced continued

2 1 no other third party is liable for reimbursement for the
2 2 services provided.
2 3 d. In order to be compensated through the fund, a health
2 4 care provider shall submit a claim to the department for
2 5 compensation and reimbursement of expenses incurred in
2 6 providing covered services to an expansion population member.
2 7 The department shall adopt rules relating to the format of and
2 8 the information to be included in the claims submitted. A
2 9 claim shall be submitted to the department within forty=five
2 10 days of provision of the covered service.
2 11 e. The department shall attempt to maximize receipt of
2 12 federal matching funds under the medical assistance program
2 13 for covered services provided under this section.
2 14 3. For the purposes of this section, "nonparticipating
2 15 provider" means a hospital licensed pursuant to chapter 135B
2 16 that is not a member of the expansion population provider
2 17 network as specified in section 249J.7.
2 18 EXPLANATION
2 19 This bill directs the department of human services to
2 20 establish a procedure to transfer an IowaCare member who seeks
2 21 medical care or treatment for a covered service from a
2 22 provider who is not participating in the IowaCare provider
2 23 network to an IowaCare provider, if medically possible. If
2 24 transfer is not medically possible or if the participating
2 25 provider refuses to accept the transfer of the expansion
2 26 population member, the nonparticipating provider shall be
2 27 compensated through the fund established for such compensation
2 28 under the bill.
2 29 The bill creates a fund to be used to compensate health
2 30 care providers who are not included in the IowaCare provider
2 31 network and who provide covered services to expansion
2 32 population members that are not reimbursable by any other
2 33 third party. Moneys to be deposited in the fund are moneys
2 34 received from sources including but not limited to
2 35 appropriations from the general fund of the state, grants, and

Senate File 2324 - Introduced continued

3 1 contributions.
3 2 The bill requires that in order to be compensated through
3 3 the fund, a health care provider must submit claims to the
3 4 department of human services. The bill directs the department
3 5 to adopt rules relating to the format of and the information
3 6 to be included in the claims submitted. A claim shall be
3 7 submitted to the department within 45 days of provision of the
3 8 service. The bill directs the department to attempt to
3 9 maximize receipt of federal matching funds under the medical
3 10 assistance program for covered services provided under the
3 11 bill. The bill also defines "nonparticipating provider" for
3 12 the purposes of the bill.
3 13 LSB 5801SV 82
3 14 pf/nh/14

Senate File 2325 - Introduced

SENATE FILE
BY COMMITTEE ON ECONOMIC GROWTH

(SUCCESSOR TO SSB 3199)

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

A BILL FOR

An Act relating to the grow Iowa values fund by allocating moneys for the physical infrastructure assistance program and changing certain job and wage requirements, and providing an effective date.

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

TLSB 5878SV 82
tw/rj/24

Senate File 2325 - Introduced continued

PAG LIN

1 1 Section 1. Section 15E.175, subsection 1, Code 2007, is
1 2 amended by striking the subsection and inserting in lieu
1 3 thereof the following:
1 4 1. The department shall establish a physical
1 5 infrastructure financial assistance program to provide
1 6 financial assistance for business or community physical
1 7 infrastructure development or redevelopment projects.
1 8 Physical infrastructure development or redevelopment projects
1 9 include but are not limited to infrastructure projects
1 10 involving any mode of transportation; public works and
1 11 utilities such as sewer, water, power, or telecommunications;
1 12 physical improvements which mitigate, prevent, or eliminate
1 13 environmental contaminants; and any other project deemed
1 14 appropriate by the department.
1 15 a. Physical infrastructure projects that create the
1 16 necessary infrastructure for economic success throughout Iowa,
1 17 that provide the foundation for the creation of quality,
1 18 high=wage jobs, and that involve substantial capital
1 19 investment may be eligible for financial assistance under the
1 20 program if within three years of the completion of the
1 21 project, the project meets certain performance measurements
1 22 established by the department. If, at the end of the
1 23 three=year period, the project has not met the performance
1 24 measurements established by the department, the department may
1 25 seek to reclaim any funds granted through the program. At the
1 26 department's discretion, a project may be granted an
1 27 additional year of time to meet the performance measurements
1 28 of this subsection.
1 29 b. The department shall adopt rules governing the awarding
1 30 and use of funds pursuant to this section.
1 31 Sec. 2. Section 15G.111, subsection 1, paragraph a, Code
1 32 Supplement 2007, is amended to read as follows:
1 33 a. For the fiscal period beginning July 1, ~~2005~~ 2007, and
1 34 ending June 30, 2015, there is appropriated each fiscal year
1 35 from the grow Iowa values fund created in section 15G.108, the

Senate File 2325 - Introduced continued

following amounts for the purposes designated:
~~(1) For the fiscal year beginning July 1, 2005, and ending June 30, 2006, to the department of economic development thirty=five million dollars for programs administered by the department of economic development.~~
~~(2) For each fiscal year of the fiscal period beginning July 1, 2006, and ending June 30, 2007, to the department of economic development thirty=three million dollars for programs administered by the department of economic development.~~
~~(3)~~ (1) For each fiscal year of the fiscal period beginning July 1, 2007, and ending June 30, 2009, to the department of economic development thirty million dollars for the following programs administered by the department ~~of economic development.~~:
(a) The targeted small business financial assistance program established pursuant to section 15.247.
(b) The community economic betterment program established pursuant to section 15.317.
(c) The entrepreneurial venture assistance program established pursuant to section 15.339.
(d) The value=added agricultural products and processes financial assistance program established pursuant to section 15E.111.
(e) The physical infrastructure financial assistance program established pursuant to section 15E.175.
(f) The loan and credit guarantee program established pursuant to section 15E.224.
~~(4)~~ (2) For each fiscal year of the fiscal period beginning July 1, 2009, and ending June 30, 2015, to the department of economic development thirty=two million dollars for the following programs administered by the department ~~of economic development.~~:
(a) The targeted small business financial assistance program established pursuant to section 15.247.
(b) The community economic betterment program established

Senate File 2325 - Introduced continued

3 1 pursuant to section 15.317.
3 2 (c) The entrepreneurial venture assistance program
3 3 established pursuant to section 15.339.
3 4 (d) The value=added agricultural products and processes
3 5 financial assistance program established pursuant to section
3 6 15E.111.
3 7 (e) The physical infrastructure financial assistance
3 8 program established pursuant to section 15E.175.
3 9 (f) The loan and credit guarantee program established
3 10 pursuant to section 15E.224.
3 11 Sec. 3. Section 15G.111, Code 2007, is amended by adding
3 12 the following new subsection:
3 13 NEW SUBSECTION. 8A. For the fiscal period beginning July
3 14 1, 2009, and ending June 30, 2015, from the moneys
3 15 appropriated each fiscal year from the grow Iowa values fund
3 16 created in section 15G.108, to the department for program
3 17 administration pursuant to subsection 1, paragraph "a", the
3 18 department may allocate up to five million dollars to projects
3 19 qualifying for assistance under the physical infrastructure
3 20 financial assistance program established pursuant to section
3 21 15E.175 which, notwithstanding section 15G.112, shall not be
3 22 subject to job or wage requirements. The department may
3 23 allocate moneys from the grow Iowa values fund above five
3 24 million dollars each year to projects qualifying for
3 25 assistance under the physical infrastructure financial
3 26 assistance program but such projects shall be subject to the
3 27 job and wage requirements of section 15G.112.
3 28 Sec. 4. Section 15G.112, subsections 1 and 3, Code 2007,
3 29 are amended to read as follows:
3 30 1. In order to be eligible to receive financial assistance
3 31 from the department from the moneys appropriated in section
3 32 15G.111, subsection 1, paragraph "a", from the grow Iowa
3 33 values fund to the department for programs administered by the
3 34 department, the average annual wage, including benefits, of
3 35 new jobs created must be equal to or greater than one hundred

Senate File 2325 - Introduced continued

4 1 thirty percent of the average county wage. For purposes of
4 2 this section, "average county wage" and "benefits" mean the
4 3 same as defined in section 15I.1.
4 4 3. In awarding moneys appropriated to the department
4 5 pursuant to section 15G.111, subsection 1, paragraph "a", from
4 6 the grow Iowa values fund for programs administered by the
4 7 department, the department shall give special consideration to
4 8 projects that include significant physical infrastructure
4 9 components designed to increase property tax revenues to local
4 10 governments.
4 11 Sec. 5. EFFECTIVE DATE. This Act, being deemed of
4 12 immediate importance, takes effect upon enactment.
4 13 EXPLANATION
4 14 This bill relates to moneys appropriated from the grow Iowa
4 15 values fund.
4 16 Currently, $50 million is appropriated each year to the
4 17 grow Iowa values fund, and of those moneys, $30 million is
4 18 appropriated to the department of economic development to fund
4 19 certain programs. Programs funded in this way are subject to
4 20 job and wage creation requirements.
4 21 The bill allows the department to allocate at least $5
4 22 million to the physical infrastructure assistance program and
4 23 exempts projects funded by this program from the job and wage
4 24 requirements as long as the project is an infrastructure
4 25 project that meets certain performance measurements set by the
4 26 department of economic development.
4 27 Finally, the bill makes certain conforming amendments to
4 28 the grow Iowa values fund and the physical infrastructure
4 29 assistance program to specify program requirements.
4 30 The bill takes effect upon enactment.
4 31 LSB 5878SV 82
4 32 tw/rj/24

Senate File 2326 - Introduced

SENATE FILE
BY COMMITTEE ON COMMERCE

(SUCCESSOR TO SSB 3108)

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

A BILL FOR

An Act barring insurers from requiring repair businesses to buy parts and supplies from specified sellers and providing penalties.
BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 5857SV 82
av/sc/14

Senate File 2326 - Introduced continued

PAG LIN

1 1 Section 1. Section 507B.4, Code Supplement 2007, is
1 2 amended by adding the following new subsection:
1 3 NEW SUBSECTION. 9A. UNFAIR REPAIR PRACTICES. Requiring a
1 4 repair business that performs repairs, on behalf of an
1 5 insurer, to the property of an insured or beneficiary to buy
1 6 supplies and parts from a seller or list of sellers specified
1 7 by the insurer. An insured, beneficiary, or repair business
1 8 may submit a written, documented complaint to the commissioner
1 9 alleging a violation of this subsection.
1 10 EXPLANATION
1 11 This bill prohibits an insurer from requiring repair
1 12 businesses that perform repairs, on behalf of the insurer, to
1 13 the property of an insured or beneficiary to buy supplies and
1 14 parts from a seller or list of sellers specified by the
1 15 insurer.
1 16 The bill defines such practices of insurers or their agents
1 17 as prohibited unfair methods of competition and unfair or
1 18 deceptive acts or practices in the business of insurance. An
1 19 insured, beneficiary, or repair business may submit a written,
1 20 documented complaint to the commissioner of insurance alleging
1 21 a violation of the bill's provisions.
1 22 Pursuant to Code section 507B.7, a violation of the bill is
1 23 punishable by a civil penalty assessed by the commissioner of
1 24 insurance of not more than $1,000 for each act or violation,
1 25 but not to exceed an aggregate of $10,000, unless the person
1 26 knew or reasonably should have known the person was in
1 27 violation of the bill, in which case the penalty shall not
1 28 exceed $5,000 for each act or violation, and not be more than
1 29 $50,000 in the aggregate. A violation of the bill may also
1 30 result in the suspension or revocation of the violator's
1 31 license.
1 32 LSB 5857SV 82
1 33 av/sc/14

Senate File 2327 - Introduced

SENATE FILE
BY COMMITTEE ON ECONOMIC GROWTH

(SUCCESSOR TO SSB 3224)

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

A BILL FOR

An Act relating to economic development by creating a sustainable community development initiative.
BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 5708SV 82
tw/rj/5

Senate File 2327 - Introduced continued

PAG LIN

1 1 Section 1. Section 15.109, Code 2007, is amended to read
1 2 as follows:
1 3 15.109 ADDITIONAL DUTIES.
1 4 1. The department of economic development shall coordinate
1 5 the development of state and local government programs in
1 6 order to promote efficient and economic use of federal, state,
1 7 local, and private resources. ~~The department shall:~~
1 8 ~~1.~~ 2. ~~Provide~~ The department shall provide technical and
1 9 financial assistance to local and regional government
1 10 organizations in Iowa, analyze intergovernmental relations in
1 11 Iowa, and recommend policies to state agencies, local
1 12 governments, the governor, and the general assembly.
1 13 ~~2.~~ 3. ~~Apply~~ The department shall apply for, receive,
1 14 administer, and use federal or other funds available for
1 15 achieving the purposes of this chapter. For purposes of this
1 16 subsection, the term "federal funds" includes federal tax
1 17 credits, grants, or other economic benefits allocated or
1 18 provided by the United States government to encourage
1 19 investment in low=income or other specified areas or to
1 20 otherwise promote economic development.
1 21 a. The department may enter into an agreement pursuant to
1 22 chapter 28E, or any other agreement, with a person, including
1 23 for=profit and nonprofit legal entities, in order to directly
1 24 or indirectly apply for, receive, administer, and use federal
1 25 funds.
1 26 b. As part of such agreements and in furtherance of this
1 27 public purpose and in addition to powers and duties conferred
1 28 under other provisions of law, the department may, including
1 29 for or on behalf of for=profit or nonprofit legal entities,
1 30 appoint, remove, and replace board members and advisors;
1 31 provide oversight; make its personnel and resources available
1 32 to perform administrative, management, and compliance
1 33 functions; coordinate investments; and engage in other acts as
1 34 reasonable and necessary to encourage investment in low=income
1 35 or other areas or to promote economic development.

Senate File 2327 - Introduced continued

2 1 c. The department, including department officials and
2 2 employees in their official and personal capacities, are
2 3 immune from liability for all acts or omissions under this
2 4 subsection.
2 5 ~~3.~~ 4. At the time the department approves assistance for
2 6 an applicant, the department shall provide the person with
2 7 information regarding the nature and source of other technical
2 8 assistance available in the state to assist the applicant on
2 9 design and management matters concerning energy efficiency and
2 10 waste reduction. The department shall review the extent to
2 11 which recommendations made to grantees are in fact implemented
2 12 by the grantees.
2 13 5. The department shall establish a sustainable community
2 14 development initiative. The purpose of the initiative is to
2 15 improve the sustainability of Iowa communities by promoting
2 16 environmental justice, ensuring long=term economic growth, and
2 17 fostering environmentally conscious growth and development.
2 18 "Sustainable community development" includes but is not
2 19 limited to encouraging development that improves or modifies
2 20 existing infrastructure before developing new infrastructure
2 21 such as upgrading or repairing roads, electrical conduits, and
2 22 sewers; reclaiming and redeveloping brownfield sites;
2 23 promoting renewable energy sources such as small scale wind
2 24 and solar; encouraging recycling and waste reduction;
2 25 repairing unused or underused urban property; revitalizing
2 26 blighted areas; maximizing existing transportation resources;
2 27 and encouraging mass transit. In establishing the initiative,
2 28 the department shall:
2 29 a. Create a plan to ensure that all of the department's
2 30 current community growth and development programs, efforts,
2 31 and initiatives incorporate an environmentally conscious
2 32 approach and policies that promote sustainability.
2 33 b. Cooperate with local governments in the promotion of
2 34 sustainable growth and development by providing information,
2 35 technical assistance, and financial incentives to communities

Senate File 2327 - Introduced continued

3 1 pursuing sustainable growth.
3 2 c. Cooperate with other agencies, departments, and
3 3 divisions within state government, including but not limited
3 4 to the department of natural resources, the office of energy
3 5 independence, the department of cultural affairs, and the
3 6 department of transportation in order to develop a more
3 7 comprehensive approach to sustainable development statewide.
3 8 d. Develop an internet site with information and resources
3 9 educating the public about and promoting sustainable
3 10 development.
3 11 e. Plan and host conferences to bring together sustainable
3 12 development stakeholders and members of communities.
3 13 f. Provide technical and financial assistance for pilot
3 14 projects promoting environmentally sensitive development and
3 15 sustainable communities.
3 16 Sec. 2. Section 15G.111, subsection 1, Code Supplement
3 17 2007, is amended by adding the following new paragraph:
3 18 NEW PARAGRAPH. dd. The department may use up to five
3 19 hundred thousand dollars of the moneys appropriated under this
3 20 subsection for the administration of the sustainable community
3 21 development initiative established pursuant to section 15.109,
3 22 subsection 5.
3 23 EXPLANATION
3 24 This bill relates to the development of sustainable
3 25 communities.
3 26 The bill directs the department of economic development to
3 27 establish a sustainable community development initiative. As
3 28 part of this initiative, the department is required to ensure
3 29 that all of its current programs promote sustainability, to
3 30 cooperate with local governments, to cooperate with other
3 31 state government entities, to develop an internet site
3 32 promoting sustainability, and to provide technical and
3 33 financial assistance to pilot project communities promoting
3 34 sustainable development.
3 35 The bill authorizes the department to expend annually up to

Senate File 2327 - Introduced continued

4 1 $500,000 from the grow Iowa values fund to fund the
4 2 initiative.
4 3 LSB 5708SV 82
4 4 tw/rj/5

Senate File 2328 - Introduced

SENATE FILE
BY COMMITTEE ON NATURAL
RESOURCES AND ENVIRONMENT

(SUCCESSOR TO SSB 3176)

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

A BILL FOR

1 An Act relating to the deer depredation management program,
2 establishing a deer study advisory committee, and providing an
3 effective date.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
5 TLSB 5779SV 82
6 av/nh/14

Senate File 2328 - Introduced continued

PAG LIN

1 1 Section 1. Section 481A.10A, Code 2007, is amended to read
1 2 as follows:
1 3 481A.10A FARMER ADVISORY COMMITTEE.
1 4 The director shall establish a farmer advisory committee
1 5 for the purpose of providing information to the department
1 6 regarding crop and tree damage caused by deer, wild turkey,
1 7 and other predators. Members of the committee shall include a
1 8 representative designated by each of the following
1 9 organizations: the Iowa corn growers association, the Iowa
1 10 farm bureau federation, the Iowa farmers union, the Iowa state
1 11 horticulture society, the Iowa Christmas tree growers
1 12 association, the department of agriculture and land
1 13 stewardship, and the Iowa state university agricultural
1 14 extension service. The committee shall meet with a
1 15 representative of the department of natural resources on a
1 16 semiannual basis. The committee shall serve without
1 17 compensation or reimbursement for expenses.
1 18 Sec. 2. Section 481C.2, Code 2007, is amended to read as
1 19 follows:
1 20 481C.2 DUTIES.
1 21 1. The director of the department of natural resources
1 22 shall enter into a memorandum of agreement with the United
1 23 States department of agriculture, animal damage control
1 24 division. The wild animal depredation unit shall serve and
1 25 act as the liaison to the department for the producers in the
1 26 state who suffer crop ~~and~~, horticultural product, tree, or
1 27 nursery damage due to wild animals.
1 28 2. The department shall issue depredation permits to any
1 29 landowner who incurs crop ~~and~~, horticultural product, tree, or
1 30 nursery damage of one thousand dollars or more due to wild
1 31 animals.
1 32 3. The criteria for issuing depredation licenses and
1 33 permits shall be established in administrative rules in
1 34 consultation with the farmer advisory committee created in
1 35 section 481A.10A. The administrative rules adopted pursuant

Senate File 2328 - Introduced continued

2 1 to this section shall not require a producer to erect or
2 2 maintain fencing at a cost exceeding one thousand dollars as a
2 3 requisite for receiving a depredation license or permit or for
2 4 participation in a depredation plan.
2 5 Sec. 3. NEW SECTION. 481C.2A DEER DEPREDATION MANAGEMENT
2 6 PROGRAM == LICENSES AND PERMITS.
2 7 1. Deer depredation licenses shall be available for
2 8 issuance as follows:
2 9 a. Deer depredation licenses shall be available for
2 10 issuance to resident hunters.
2 11 b. Depredation licenses issued pursuant to this subsection
2 12 shall be valid to harvest antlerless deer only. Depredation
2 13 licenses that are issued to a landowner and family members as
2 14 defined in section 483A.24 shall be in addition to the number
2 15 of free licenses that are available for issuance to such
2 16 persons under section 483A.24. A landowner or a family member
2 17 may obtain one free depredation license for each deer hunting
2 18 season that is established by the commission. Deer may be
2 19 harvested with a rifle pursuant to a depredation license in
2 20 any area and in any season where the commission authorizes the
2 21 use of rifles.
2 22 c. Licenses issued pursuant to this subsection may be
2 23 issued at any time to a resident hunter who has permission to
2 24 hunt on the land for which the license is valid pursuant to
2 25 this subsection.
2 26 d. A producer who enters into a depredation agreement with
2 27 the department of natural resources shall be issued a set of
2 28 authorization numbers. Each authorization number authorizes a
2 29 resident hunter to obtain a depredation license that is valid
2 30 only for taking antlerless deer on the land designated in the
2 31 producer's depredation plan. A producer may transfer an
2 32 authorization number issued to that producer to a resident
2 33 hunter who has permission to hunt on the land for which the
2 34 authorization number is valid. An authorization number shall
2 35 be valid to obtain a depredation license in any season. The

Senate File 2328 - Introduced continued

3 1 provisions of this paragraph shall be implemented by August
3 2 15, 2008. A transferee who receives an authorization number
3 3 pursuant to this paragraph "d" shall be otherwise qualified to
3 4 hunt deer in this state, have a hunting license, pay the
3 5 wildlife habitat fee, and pay the one dollar fee for the
3 6 purpose of the deer herd population management program.
3 7 2. Deer shooting permits shall be available for issuance
3 8 as follows:
3 9 a. Deer shooting permits shall be available for issuance
3 10 to landowners who incur crop, horticultural product, tree, or
3 11 nursery damage as provided in section 481C.2 and shall be
3 12 available for issuance for use on areas where public safety
3 13 may be an issue.
3 14 b. Deer shooting permits issued pursuant to this
3 15 subsection shall be valid and may be used outside of
3 16 established deer hunting seasons.
3 17 3. Notwithstanding section 481C.2, subsection 3, a
3 18 producer shall not be required to erect or maintain fencing as
3 19 a requisite for receiving a deer depredation permit or for
3 20 participation in a deer depredation plan pursuant to this
3 21 section.
3 22 4. A person who harvests a deer with a deer depredation
3 23 license or a deer shooting permit issued pursuant to this
3 24 section shall utilize the deer harvest reporting system set
3 25 forth in section 483A.8A and shall not be subject to different
3 26 disposal or reporting requirements than are applicable to the
3 27 harvest of deer pursuant to other deer hunting licenses except
3 28 that any antlers on a deer taken pursuant to a shooting permit
3 29 shall be delivered to the local conservation officer for
3 30 disposal.
3 31 5. The department shall administer and enforce the
3 32 administrative rules concerning deer depredation, including
3 33 issuance of deer depredation licenses and deer shooting
3 34 permits, that are established by the commission.
3 35 6. The department shall make educational materials that

Senate File 2328 - Introduced continued

4 1 explain the deer depredation management program available to
4 2 the general public, and available specifically to farmers and
4 3 farm and commodity organizations, in both electronic and
4 4 brochure formats by June 30, 2008.
4 5 7. The department shall conduct outreach programs for
4 6 farmers and farm and commodity organizations that explain the
4 7 deer depredation management program. The department shall
4 8 develop, by rule, a master hunter program and maintain a list
4 9 of master hunters who are available to assist producers in the
4 10 deer depredation management program by increasing the harvest
4 11 of anterless deer on the producer's property.
4 12 Sec. 4. DEER STUDY ADVISORY COMMITTEE. A deer study
4 13 advisory committee is established for the purpose of studying
4 14 the best way to maintain a sustainable, socially acceptable
4 15 deer population in the state while maximizing and balancing
4 16 the economic value of deer hunting to Iowa's economy with the
4 17 needs of the agricultural industry and public safety concerns.
4 18 1. The advisory committee shall be composed of the
4 19 following members:
4 20 a. One representative from each of the following
4 21 organizations or entities, to be appointed by the governor:
4 22 (1) Iowa association of county conservation boards.
4 23 (2) Iowa farm bureau federation.
4 24 (3) Iowa farmers union.
4 25 (4) Iowa conservation alliance.
4 26 (5) Iowa bow hunters association.
4 27 (6) Whitetails unlimited.
4 28 (7) Iowa hospitality association.
4 29 (8) Iowa restaurant association.
4 30 (9) Iowa meat processors association.
4 31 (10) Iowa league of cities.
4 32 (11) The department of transportation.
4 33 (12) Iowa woodland owners association.
4 34 (13) Federation of Iowa insurers.
4 35 (14) Iowa realtors association.

Senate File 2328 - Introduced continued

5 1 (15) Iowa chapter of the sierra club.
5 2 (16) Iowa environmental council.
5 3 b. The director of the department of natural resources or
5 4 a designee.
5 5 c. The secretary of agriculture or a designee.
5 6 d. The director of the department of economic development
5 7 or a designee.
5 8 e. Two members of the senate, one of whom is appointed by
5 9 the majority leader of the senate and one of whom is appointed
5 10 by the minority leader of the senate.
5 11 f. Two members of the house of representatives, one of
5 12 whom is appointed by the speaker of the house of
5 13 representatives and one of whom is appointed by the minority
5 14 leader of the house of representatives.
5 15 2. The director of the department of natural resources or
5 16 the director's designee shall serve as the chairperson of the
5 17 advisory committee.
5 18 3. Legislative members of the committee are eligible for
5 19 per diem and reimbursement of actual expenses as provided in
5 20 section 2.10.
5 21 4. The committee shall review, analyze, and make
5 22 recommendations on issues relating to the state's deer
5 23 population including but not limited to the following:
5 24 a. The current status of Iowa's deer population, harvest,
5 25 and population management programs.
5 26 b. The economic impact and value of Iowa's deer
5 27 population.
5 28 c. The cost of damage to crops caused by deer.
5 29 d. The number and cost of motor vehicle accidents caused
5 30 by deer.
5 31 e. A review of the deer management challenges and programs
5 32 of other midwestern states.
5 33 f. An assessment of public opinion concerning the number
5 34 of deer, and the impact and value of Iowa's deer population.
5 35 5. The advisory committee shall complete its deliberations

Senate File 2328 - Introduced continued

6 1 in December 2008 and submit a final report to the governor and
6 2 the general assembly summarizing the committee's activities,
6 3 analyzing the issues studied, and including any other
6 4 information or recommendations that the committee deems
6 5 relevant and necessary by January 10, 2009.
6 6 Sec. 5. Section 483A.24C, Code 2007, is repealed.
6 7 Sec. 6. EFFECTIVE DATE. This Act, being deemed of
6 8 immediate importance, takes effect upon enactment.
6 9 EXPLANATION
6 10 This bill relates to the deer depredation management
6 11 program and provides for a deer study advisory committee.
6 12 The bill specifies that the farmer advisory committee that
6 13 provides information to the department of natural resources
6 14 (DNR) regarding crop and tree damage caused by deer, wild
6 15 turkey, and other predators must include representatives of
6 16 specified organizations.
6 17 The bill expands the scope of the wild animal depredation
6 18 unit of the DNR to include horticultural product and tree
6 19 damage as well as crop and nursery damage. The bill
6 20 establishes the deer depredation management program and
6 21 requires the DNR to issue deer depredation licenses and
6 22 shooting permits.
6 23 Deer depredation licenses are available for issuance to
6 24 resident hunters to shoot antlerless deer on the land
6 25 designated in the producer's depredation plan during any
6 26 established deer hunting season. Such licenses are in
6 27 addition to free licenses that are available to landowners and
6 28 family members under Code section 483A.24. A producer who
6 29 enters into a depredation agreement with the DNR will be
6 30 issued a set of authorization numbers. Each number authorizes
6 31 a resident hunter to obtain one depredation license. A
6 32 producer may transfer such an authorization number to any
6 33 resident hunter who is otherwise qualified to hunt, has a
6 34 hunting license, and has paid the wildlife habitat fee and the
6 35 deer herd population management program fee. This program

Senate File 2328 - Introduced continued

7 1 must be implemented by August 15, 2008.
7 2 The bill also requires the DNR to issue deer shooting
7 3 permits to landowners who incur crop, horticultural product,
7 4 tree, or nursery damage or for use on areas where public
7 5 safety may be an issue. Deer shooting permits are valid for
7 6 use outside of established deer hunting seasons to harvest
7 7 antlerless or any sex deer.
7 8 Deer harvested pursuant to deer depredation licenses or
7 9 deer shooting permits must be reported using the harvest
7 10 reporting system set forth in Code section 483A.8A and shall
7 11 not be subject to different disposal or reporting requirements
7 12 than are applicable to the harvest of deer pursuant to other
7 13 deer hunting licenses except that antlers on a deer taken with
7 14 a shooting permit must be delivered to the local conservation
7 15 officer for disposal.
7 16 The DNR is required to make educational materials available
7 17 explaining the deer depredation management program to the
7 18 general public and specifically to farmers and farm and
7 19 commodity organizations, in both electronic and brochure
7 20 formats by June 30, 2008. The DNR is required to conduct
7 21 outreach programs for farmers and farm and commodity
7 22 organizations to explain the depredation program. The DNR is
7 23 also required to develop a master hunter program and maintain
7 24 a list of master hunters who are available to assist producers
7 25 in the deer depredation management program by increasing the
7 26 harvest of antlerless deer on the producer's property.
7 27 The bill establishes a deer study advisory committee to
7 28 study the best way to maintain a sustainable, socially
7 29 acceptable deer population in the state while maximizing and
7 30 balancing the economic value of deer hunting to Iowa's economy
7 31 with the needs of the agricultural industry and public safety
7 32 concerns. The bill specifies that the committee shall be
7 33 composed of representatives from specified organizations and
7 34 entities, the director of the DNR or a designee, the secretary
7 35 of agriculture or a designee, and six legislators. The

Senate File 2328 - Introduced continued

8 1 committee is required to complete its deliberations in
8 2 December 2008 and submit a final report to the governor and
8 3 the general assembly summarizing the committee's activities,
8 4 analyzing the issues studied, and include any other
8 5 information or recommendations by January 10, 2009.
8 6 The bill is effective upon enactment.
8 7 LSB 5779SV 82
8 8 av/nh/14

Senate File 2329 - Introduced

SENATE FILE
BY COMMITTEE ON EDUCATION

(SUCCESSOR TO SSB 3187)

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

A BILL FOR

An Act providing that funding of teacher compensation, professional development, early intervention, and educational excellence phase II be implemented through the school aid formula on a per pupil basis.

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

TLSB 5938SV 82
ak/sc/14

Senate File 2329 - Introduced continued

PAG LIN

1 1 Section 1. Section 257.1, subsection 2, unnumbered
1 2 paragraph 2, Code 2007, is amended to read as follows:
1 3 For the budget year commencing July 1, 1999, and for each
1 4 succeeding budget year the regular program foundation base per
1 5 pupil is eighty=seven and five=tenths percent of the regular
1 6 program state cost per pupil. For the budget year commencing
1 7 July 1, 1991, and for each succeeding budget year the special
1 8 education support services foundation base is seventy=nine
1 9 percent of the special education support services state cost
1 10 per pupil. The combined foundation base is the sum of the
1 11 regular program foundation base, ~~and~~ the special education
1 12 support services foundation base, the total teacher salary
1 13 supplement district cost, the total professional development
1 14 supplement district cost, the total early intervention
1 15 supplement district cost, the total area education agency
1 16 teacher salary supplement district cost, and the total area
1 17 education agency professional development supplement district
1 18 cost.
1 19 Sec. 2. Section 257.1, subsection 3, Code 2007, is amended
1 20 to read as follows:
1 21 3. COMPUTATIONS ROUNDED. In making computations and
1 22 payments under this chapter, except in the case of
1 23 computations relating to funding of special education support
1 24 services, media services, and educational services provided
1 25 through the area education agencies, and the teacher salary
1 26 supplement, the professional development supplement, and the
1 27 early intervention supplement, the department of management
1 28 shall round amounts to the nearest whole dollar.
1 29 Sec. 3. Section 257.4, subsection 1, paragraph a, Code
1 30 2007, is amended to read as follows:
1 31 a. A school district shall cause an additional property
1 32 tax to be levied each year. The rate of the additional
1 33 property tax levy in a school district shall be determined by
1 34 the department of management and shall be calculated to raise
1 35 the difference between the combined district cost for the

Senate File 2329 - Introduced continued

2 1 budget year and the sum of ~~the products~~ the following:
2 2 (1) The product of the regular program foundation base per
2 3 pupil times the weighted enrollment in the district. ~~and the~~
2 4 (2) The product of special education support services
2 5 foundation base per pupil times the special education support
2 6 services weighted enrollment in the district.
2 7 (3) The total teacher salary supplement district cost.
2 8 (4) The total professional development supplement district
2 9 cost.
2 10 (5) The total early intervention supplement district cost.
2 11 (6) The total area education agency teacher salary
2 12 supplement district cost.
2 13 (7) The total area education agency professional
2 14 development supplement district cost.
2 15 Sec. 4. Section 257.8, Code Supplement 2007, is amended by
2 16 adding the following new subsection:
2 17 NEW SUBSECTION. 1A. CATEGORICAL STATE PERCENT OF GROWTH.
2 18 The categorical state percent of growth for each budget year
2 19 shall be established by statute which shall be enacted within
2 20 thirty days of the submission in the year preceding the base
2 21 year of the governor's budget under section 8.21. The
2 22 establishment of the categorical state percent of growth for a
2 23 budget year shall be the only subject matter of the bill which
2 24 enacts the categorical state percent of growth for a budget
2 25 year. The categorical state percent of growth may include
2 26 state percents of growth for the teacher salary supplement,
2 27 the professional development supplement, and the early
2 28 intervention supplement.
2 29 Sec. 5. Section 257.9, Code 2007, is amended by adding the
2 30 following new subsections:
2 31 NEW SUBSECTION. 6. TEACHER SALARY SUPPLEMENT STATE COST
2 32 PER PUPIL. For the budget year beginning July 1, 2009, for
2 33 the teacher salary supplement state cost per pupil, the
2 34 department of management shall add together the teacher
2 35 compensation allocation made to each district for the fiscal

Senate File 2329 - Introduced continued

3 1 year beginning July 1, 2008, pursuant to section 284.13,
3 2 subsection 1, paragraph "h", and the phase II allocation made
3 3 to each district for the fiscal year beginning July 1, 2008,
3 4 pursuant to section 294A.9, and divide that sum by the
3 5 statewide total budget enrollment for the fiscal year
3 6 beginning July 1, 2009. The teacher salary supplement state
3 7 cost per pupil for the budget year beginning July 1, 2010, and
3 8 succeeding budget years, shall be the amount calculated by the
3 9 department of management under this subsection for the base
3 10 year plus an allowable growth amount that is equal to the
3 11 teacher salary supplement categorical state percent of growth,
3 12 pursuant to section 257.8, subsection 1A, for the budget year,
3 13 multiplied by the amount calculated by the department of
3 14 management under this subsection for the base year.
3 15 NEW SUBSECTION. 7. PROFESSIONAL DEVELOPMENT SUPPLEMENT
3 16 STATE COST PER PUPIL. For the budget year beginning July 1,
3 17 2009, for the professional development supplement state cost
3 18 per pupil, the department of management shall add together the
3 19 professional development allocation made to each district for
3 20 the fiscal year beginning July 1, 2008, pursuant to section
3 21 284.13, subsection 1, paragraph "d", and divide that sum by
3 22 the statewide total budget enrollment for the fiscal year
3 23 beginning July 1, 2009. The professional development
3 24 supplement state cost per pupil for the budget year beginning
3 25 July 1, 2010, and succeeding budget years, shall be the amount
3 26 calculated by the department of management under this
3 27 subsection for the base year plus an allowable growth amount
3 28 that is equal to the professional development supplement
3 29 categorical state percent of growth, pursuant to section
3 30 257.8, subsection 1A, for the budget year, multiplied by the
3 31 amount calculated by the department of management under this
3 32 subsection for the base year.
3 33 NEW SUBSECTION. 8. EARLY INTERVENTION SUPPLEMENT STATE
3 34 COST PER PUPIL. For the budget year beginning July 1, 2009,
3 35 for the early intervention supplement state cost per pupil,

Senate File 2329 - Introduced continued

4 1 the department of management shall add together the early
4 2 intervention allocation made to each district for the fiscal
4 3 year beginning July 1, 2008, pursuant to section 256D.4, and
4 4 divide that sum by the statewide total budget enrollment for
4 5 the fiscal year beginning July 1, 2009. The early
4 6 intervention supplement state cost per pupil for the budget
4 7 year beginning July 1, 2010, and succeeding budget years,
4 8 shall be the amount calculated by the department of management
4 9 under this subsection for the base year plus an allowable
4 10 growth amount that is equal to the early intervention
4 11 supplement categorical state percent of growth, pursuant to
4 12 section 257.8, subsection 1A, for the budget year, multiplied
4 13 by the amount calculated by the department of management under
4 14 this subsection for the base year.
4 15 NEW SUBSECTION. 9. AREA EDUCATION AGENCY TEACHER SALARY
4 16 SUPPLEMENT STATE COST PER PUPIL. For the budget year
4 17 beginning July 1, 2009, for the area education agency teacher
4 18 salary supplement state cost per pupil, the department of
4 19 management shall add together the teacher compensation
4 20 allocation made to each area education agency for the fiscal
4 21 year beginning July 1, 2008, pursuant to section 284.13,
4 22 subsection 1, paragraph "i", and the phase II allocation made
4 23 to each area education agency for the fiscal year beginning
4 24 July 1, 2008, pursuant to section 294A.9, and divide that sum
4 25 by the statewide special education support services weighted
4 26 enrollment for the fiscal year beginning July 1, 2009. The
4 27 area education agency teacher salary supplement state cost per
4 28 pupil for the budget year beginning July 1, 2010, and
4 29 succeeding budget years, shall be the amount calculated by the
4 30 department of management under this subsection for the base
4 31 year plus an allowable growth amount that is equal to the
4 32 teacher salary supplement categorical state percent of growth,
4 33 pursuant to section 257.8, subsection 1A, for the budget year,
4 34 multiplied by the amount calculated by the department of
4 35 management under this subsection for the base year.

Senate File 2329 - Introduced continued

5 1 NEW SUBSECTION. 10. AREA EDUCATION AGENCY PROFESSIONAL
5 2 DEVELOPMENT SUPPLEMENT STATE COST PER PUPIL. For the budget
5 3 year beginning July 1, 2009, for the area education agency
5 4 professional development supplement state cost per pupil, the
5 5 department of management shall add together the professional
5 6 development allocation made to each area education agency for
5 7 the fiscal year beginning July 1, 2008, pursuant to section
5 8 284.13, subsection 1, paragraph "d", and divide that sum by
5 9 the statewide special education support services weighted
5 10 enrollment for the fiscal year beginning July 1, 2009. The
5 11 area education agency professional development supplement
5 12 state cost per pupil for the budget year beginning July 1,
5 13 2010, and succeeding budget years, shall be the amount
5 14 calculated by the department of management under this
5 15 subsection for the base year plus an allowable growth amount
5 16 that is equal to the professional development supplement
5 17 categorical state percent of growth, pursuant to section
5 18 257.8, subsection 1A, for the budget year, multiplied by the
5 19 amount calculated by the department of management under this
5 20 subsection for the base year.
5 21 Sec. 6. Section 257.10, subsection 8, unnumbered paragraph
5 22 1, Code 2007, is amended to read as follows:
5 23 Combined district cost is the sum of the regular program
5 24 district cost per pupil multiplied by the weighted enrollment,
5 25 ~~and~~ the special education support services district cost, the
5 26 total teacher salary supplement district cost, the total
5 27 professional development supplement district cost, and the
5 28 total early intervention supplement district cost, plus the
5 29 sum of the additional district cost allocated to the district
5 30 to fund media services and educational services provided
5 31 through the area education agency, the area education agency
5 32 total teacher salary supplement district cost and the area
5 33 education agency total professional development supplement
5 34 district cost.
5 35 Sec. 7. Section 257.10, Code 2007, is amended by adding

Senate File 2329 - Introduced continued

6 1 the following new subsections:
6 2 NEW SUBSECTION. 9. TEACHER SALARY SUPPLEMENT COST PER
6 3 PUPIL AND DISTRICT COST.
6 4 a. For the budget year beginning July 1, 2009, the
6 5 department of management shall add together the teacher
6 6 compensation allocation made to each district for the fiscal
6 7 year beginning July 1, 2008, pursuant to section 284.13,
6 8 subsection 1, paragraph "h", and the phase II allocation made
6 9 to each district for the fiscal year beginning July 1, 2008,
6 10 pursuant to section 294A.9, and divide that sum by the
6 11 district's budget enrollment in the fiscal year beginning July
6 12 1, 2009, to determine the teacher salary supplement district
6 13 cost per pupil. For the budget year beginning July 1, 2010,
6 14 and succeeding budget years, the teacher salary supplement
6 15 district cost per pupil for each school district for a budget
6 16 year is the teacher salary supplement program district cost
6 17 per pupil for the base year plus the teacher salary supplement
6 18 state allowable growth amount for the budget year.
6 19 b. For the budget year beginning July 1, 2010, and
6 20 succeeding budget years, if the department of management
6 21 determines that the unadjusted teacher salary supplement
6 22 district cost of a school district for a budget year is less
6 23 than one hundred one percent of the unadjusted teacher salary
6 24 supplement district cost for the base year for the school
6 25 district, the school district shall receive a budget
6 26 adjustment for that budget year equal to the difference.
6 27 c. (1) The unadjusted teacher salary supplement district
6 28 cost is the teacher salary supplement district cost per pupil
6 29 for each school district for a budget year multiplied by the
6 30 budget enrollment for that school district.
6 31 (2) The total teacher salary supplement district cost is
6 32 the sum of the unadjusted teacher salary supplement district
6 33 cost plus the budget adjustment for that budget year.
6 34 d. The use of the funds calculated under this subsection
6 35 shall comply with the requirements of chapters 284 and 294A

Senate File 2329 - Introduced continued

7 1 and shall be distributed to teachers pursuant to section
7 2 284.7.
7 3 NEW SUBSECTION. 10. PROFESSIONAL DEVELOPMENT SUPPLEMENT
7 4 COST PER PUPIL AND DISTRICT COST.
7 5 a. For the budget year beginning July 1, 2009, the
7 6 department of management shall divide the professional
7 7 development allocation made to each district for the fiscal
7 8 year beginning July 1, 2008, pursuant to section 284.13, by
7 9 the district's budget enrollment in the fiscal year beginning
7 10 July 1, 2009, to determine the professional development
7 11 supplement cost per pupil. For the budget year beginning July
7 12 1, 2010, and succeeding budget years, the professional
7 13 development supplement district cost per pupil for each school
7 14 district for a budget year is the professional development
7 15 supplement district cost per pupil for the base year plus the
7 16 professional development supplement state allowable growth
7 17 amount for the budget year.
7 18 b. For the budget year beginning July 1, 2010, and
7 19 succeeding budget years, if the department of management
7 20 determines that the unadjusted professional development
7 21 supplement district cost of a school district for a budget
7 22 year is less than one hundred one percent of the unadjusted
7 23 professional development supplement district cost for the base
7 24 year for the school district, the school district shall
7 25 receive a budget adjustment for that budget year equal to the
7 26 difference.
7 27 c. (1) The unadjusted professional development supplement
7 28 district cost is the professional development supplement
7 29 district cost per pupil for each school district for a budget
7 30 year multiplied by the budget enrollment for that school
7 31 district.
7 32 (2) The total professional development supplement district
7 33 cost is the sum of the unadjusted professional development
7 34 supplement district cost plus the budget adjustment for that
7 35 budget year.

Senate File 2329 - Introduced continued

8 1 d. The use of the funds calculated under this subsection
8 2 shall comply with the requirements of chapter 284.
8 3 NEW SUBSECTION. 11. EARLY INTERVENTION SUPPLEMENT COST
8 4 PER PUPIL AND DISTRICT COST.
8 5 a. For the budget year beginning July 1, 2009, the
8 6 department of management shall divide the early intervention
8 7 allocation made to each district for the fiscal year beginning
8 8 July 1, 2008, pursuant to section 256D.4, by the district's
8 9 budget enrollment in the fiscal year beginning July 1, 2009,
8 10 to determine the early intervention supplement cost per pupil.
8 11 For the budget year beginning July 1, 2010, and succeeding
8 12 budget years, the early intervention supplement district cost
8 13 per pupil for each school district for a budget year is the
8 14 early intervention supplement district cost per pupil for the
8 15 base year plus the early development supplement state
8 16 allowable growth amount for the budget year.
8 17 b. For the budget year beginning July 1, 2010, and
8 18 succeeding budget years, if the department of management
8 19 determines that the unadjusted early intervention supplement
8 20 district cost of a school district for a budget year is less
8 21 than one hundred one percent of the unadjusted early
8 22 intervention supplement district cost for the base year for
8 23 the school district, the school district shall receive a
8 24 budget adjustment for that budget year equal to the
8 25 difference.
8 26 c. (1) The unadjusted early intervention supplement
8 27 district cost is the early intervention supplement district
8 28 cost per pupil for each school district for a budget year
8 29 multiplied by the budget enrollment for that school district.
8 30 (2) The total early intervention supplement district cost
8 31 is the sum of the unadjusted early intervention supplement
8 32 district cost plus the budget adjustment for that budget year.
8 33 d. The use of the funds calculated under this subsection
8 34 shall comply with the requirements of chapter 256D.
8 35 Sec. 8. Section 257.35, subsection 1, Code Supplement

Senate File 2329 - Introduced continued

9 1 2007, is amended to read as follows:
9 2 1. The department of management shall deduct the amounts
9 3 calculated for special education support services, media
9 4 services, area education agency teacher salary supplement
9 5 district cost, area education agency professional development
9 6 supplement district cost, and educational services for each
9 7 school district from the state aid due to the district
9 8 pursuant to this chapter and shall pay the amounts to the
9 9 respective area education agencies on a monthly basis from
9 10 September 15 through June 15 during each school year. The
9 11 department of management shall notify each school district of
9 12 the amount of state aid deducted for these purposes and the
9 13 balance of state aid shall be paid to the district. If a
9 14 district does not qualify for state aid under this chapter in
9 15 an amount sufficient to cover its amount due to the area
9 16 education agency as calculated by the department of
9 17 management, the school district shall pay the deficiency to
9 18 the area education agency from other moneys received by the
9 19 district, on a quarterly basis during each school year.
9 20 Sec. 9. NEW SECTION. 257.37A AREA EDUCATION AGENCY
9 21 SALARY SUPPLEMENT FUNDING.
9 22 1. AREA EDUCATION AGENCY TEACHER SALARY SUPPLEMENT COST
9 23 PER PUPIL AND DISTRICT COST.
9 24 a. For the budget year beginning July 1, 2009, the
9 25 department of management shall add together the teacher
9 26 compensation allocation made to each area education agency for
9 27 the fiscal year beginning July 1, 2008, pursuant to section
9 28 284.13, subsection 1, paragraph "i", and the phase II
9 29 allocation made to each area education agency for the fiscal
9 30 year beginning July 1, 2008, pursuant to section 294A.9, and
9 31 divide that sum by the special education support services
9 32 weighted enrollment in the fiscal year beginning July 1, 2009,
9 33 to determine the area education agency teacher salary
9 34 supplement cost per pupil. For the budget year beginning July
9 35 1, 2010, and succeeding budget years, the area education

Senate File 2329 - Introduced continued

10 1 agency teacher salary supplement district cost per pupil for
10 2 each area education agency for a budget year is the area
10 3 education agency teacher salary supplement district cost per
10 4 pupil for the base year plus the area education agency teacher
10 5 salary supplement state allowable growth amount for the budget
10 6 year.
10 7 b. For the budget year beginning July 1, 2010, and
10 8 succeeding budget years, if the department of management
10 9 determines that the unadjusted area education agency teacher
10 10 salary supplement district cost of an area education agency
10 11 for a budget year is less than one hundred one percent of the
10 12 unadjusted area education agency teacher salary supplement
10 13 district cost for the base year for the area education agency,
10 14 the area education agency shall receive a budget adjustment
10 15 for that budget year equal to the difference.
10 16 c. (1) The unadjusted area education agency teacher
10 17 salary supplement district cost is the area education agency
10 18 teacher salary supplement district cost per pupil for each
10 19 area education agency for a budget year multiplied by the
10 20 special education support services weighted enrollment for
10 21 that area education agency.
10 22 (2) The total area education agency teacher salary
10 23 supplement district cost is the sum of the unadjusted area
10 24 education agency teacher salary supplement district cost plus
10 25 the budget adjustment for that budget year.
10 26 d. The use of the funds calculated under this subsection
10 27 shall comply with requirements of chapters 284 and 294A and
10 28 shall be distributed to teachers pursuant to section 284.7.
10 29 2. AREA EDUCATION AGENCY PROFESSIONAL DEVELOPMENT
10 30 SUPPLEMENT COST PER PUPIL AND DISTRICT COST.
10 31 a. For the budget year beginning July 1, 2009, the
10 32 department of management shall divide the area education
10 33 agency professional development supplement made to each area
10 34 education agency for the fiscal year beginning July 1, 2008,
10 35 pursuant to section 284.13, by the special education support

Senate File 2329 - Introduced continued

11 1 services weighted enrollment in the fiscal year beginning July
11 2 1, 2009, to determine the professional development supplement
11 3 cost per pupil. For the budget year beginning July 1, 2010,
11 4 and succeeding budget years, the area education agency
11 5 professional development supplement district cost per pupil
11 6 for each area education agency for a budget year is the area
11 7 education agency professional development supplement district
11 8 cost per pupil for the base year plus the area education
11 9 agency professional development supplement state allowable
11 10 growth amount for the budget year.
11 11 b. For the budget year beginning July 1, 2010, and
11 12 succeeding budget years, if the department of management
11 13 determines that the unadjusted area education agency
11 14 professional development supplement district cost of an area
11 15 education agency for a budget year is less than one hundred
11 16 one percent of the unadjusted area education agency
11 17 professional development supplement district cost for the base
11 18 year for the area education agency, the area education agency
11 19 shall receive a budget adjustment for that budget year equal
11 20 to the difference.
11 21 c. (1) The unadjusted area education agency professional
11 22 development supplement district cost is the area education
11 23 agency professional development supplement district cost per
11 24 pupil for each area education agency for a budget year
11 25 multiplied by the special education support services weighted
11 26 enrollment for that area education agency.
11 27 (2) The total area education agency professional
11 28 development supplement district cost is the sum of the
11 29 unadjusted area education agency professional development
11 30 supplement district cost plus the budget adjustment for that
11 31 budget year.
11 32 d. The use of the funds calculated under this subsection
11 33 shall comply with requirements of chapter 284.
11 34 Sec. 10. NEW SECTION. 257.51 CATEGORICAL STATE
11 35 APPROPRIATIONS.

Senate File 2329 - Introduced continued

12 1 For the budget year beginning July 1, 2009, and succeeding
12 2 budget years, if the general assembly makes an appropriation
12 3 pursuant to section 284.13, subsection 1, paragraph "h" or
12 4 "i", or for the phase II allocation pursuant to section
12 5 294A.9, or for professional development pursuant to section
12 6 284.13, subsection 1, paragraph "d", or for early intervention
12 7 pursuant to section 256D.4, the department of management shall
12 8 recalculate the formulas in section 257.9, subsections 6
12 9 through 10; section 257.10, subsections 9, 10, and 11; and
12 10 section 257.37A.
12 11 EXPLANATION
12 12 This bill provides that beginning in fiscal year 2010, the
12 13 funding for teacher compensation, professional development,
12 14 early intervention, and educational excellence phase II shall
12 15 be implemented on a per pupil basis through the school aid
12 16 formula.
12 17 Code section 257.1 is amended to add the teacher salary
12 18 supplement, the professional development supplement, and the
12 19 early intervention supplement to the funding sources whose
12 20 amounts should not be rounded to the nearest whole dollar when
12 21 computations are done.
12 22 The bill amends Code section 257.4 to require that the
12 23 district cost for total teacher salary supplement, total
12 24 professional development salary supplement, early intervention
12 25 supplement, area education agency (AEA) total teacher salary
12 26 supplement, and AEA total professional development supplement
12 27 be funded entirely through state aid.
12 28 The bill creates Code section 257.8, subsection 1A, in
12 29 order to establish a categorical state percent of growth. The
12 30 categorical state percent of growth must be set each year by
12 31 the general assembly within 30 days of the submission in the
12 32 year preceding the base year of the governor's budget. The
12 33 percent of growth will be the only subject of the bill;
12 34 however, the bill may include state percents of growth for the
12 35 teacher salary supplement, the professional development

Senate File 2329 - Introduced continued

13 1 supplement, and the early intervention supplement.
13 2 Code section 257.9 is amended to add five new subsections.
13 3 Each subsection establishes a state cost per pupil beginning
13 4 with the school budget year beginning July 1, 2009, for the
13 5 following: the teacher salary supplement, the professional
13 6 development supplement, the early intervention supplement, the
13 7 AEA teacher salary supplement, and the AEA professional
13 8 development supplement.
13 9 Code section 257.10 is amended to provide that the district
13 10 cost of the total teacher salary supplement, the total
13 11 professional development supplement, the early intervention
13 12 supplement, the AEA total teacher salary supplement, and the
13 13 AEA total professional development supplement shall each be
13 14 added to a school district's combined district cost.
13 15 The bill adds three new subsections to Code section 257.10.
13 16 New subsection 9 establishes the teacher salary supplement
13 17 cost per pupil and district cost beginning with the school
13 18 budget year beginning July 1, 2009, and is based on
13 19 allocations made to school districts for the school budget
13 20 year beginning July 1, 2008, for student achievement and
13 21 teacher quality teacher compensation and educational
13 22 excellence phase II. The subsection also provides that,
13 23 beginning with the school budget year beginning July 1, 2010,
13 24 the per pupil cost will increase by the statewide allowable
13 25 growth amount enacted for each budget year. The subsection
13 26 provides for a budget adjustment that would guarantee each
13 27 district 101 percent of the previous year's teacher salary
13 28 supplement district cost, not including the previous year's
13 29 budget adjustment. The bill requires that funds received from
13 30 the teacher salary supplement be used in compliance with
13 31 requirements specified in Code chapter 284, relating to
13 32 teacher performance, compensation, and career development, and
13 33 Code chapter 294A, relating to the education excellence
13 34 program.
13 35 New subsection 10 establishes the professional development

Senate File 2329 - Introduced continued

14 1 supplement cost per pupil and district cost beginning with the
14 2 school budget year beginning July 1, 2009, and is based on
14 3 allocations made to school districts for the school budget
14 4 year beginning July 1, 2008, for student achievement and
14 5 teacher quality professional development. The subsection also
14 6 provides that, beginning with the school budget year beginning
14 7 July 1, 2010, the per pupil cost will increase by the
14 8 statewide allowable growth amount enacted for that budget
14 9 year. The subsection provides for a budget adjustment that
14 10 would guarantee each district 101 percent of the previous
14 11 year's professional development supplement district cost, not
14 12 including the previous year's budget adjustment. The bill
14 13 requires that the funds received from the professional
14 14 development supplement be used in compliance with the
14 15 requirements specified in Code chapter 284.
14 16 New subsection 11 establishes the early intervention
14 17 supplement cost per pupil and district cost beginning with the
14 18 school budget year beginning July 1, 2009, and is based on
14 19 allocations made to school districts for the school budget
14 20 year beginning July 1, 2008, for early intervention and class
14 21 size reduction. The subsection also provides that, beginning
14 22 with the school budget year beginning July 1, 2010, the per
14 23 pupil cost will increase by the statewide allowable growth
14 24 amount enacted for that budget year. The subsection provides
14 25 for a budget adjustment that would guarantee each district 101
14 26 percent of the previous year's early intervention supplement
14 27 district cost, not including the previous year's budget
14 28 adjustment. The bill requires that the funds received from
14 29 the early intervention supplement be used in compliance with
14 30 the requirements specified in Code chapter 256D, relating to
14 31 the Iowa early intervention block grant program.
14 32 Code section 257.35 is amended to provide that funding for
14 33 the AEA teacher salary supplement and the AEA professional
14 34 development supplement flow through the school districts to
14 35 the appropriate AEA.

Senate File 2329 - Introduced continued

15 1 The bill creates new Code section 257.37A in order to
15 2 establish the AEA funding for teacher salary supplement and
15 3 professional development supplement for cost per pupil and
15 4 district cost.
15 5 New Code section 257.37A provides that the AEA teacher
15 6 salary supplement cost per pupil and district cost is
15 7 established beginning with the school budget year beginning
15 8 July 1, 2009, and is based on allocations made to AEAs for the
15 9 school budget year beginning July 1, 2008, for student
15 10 achievement and teacher quality teacher compensation. The
15 11 Code section also provides that, beginning with the school
15 12 budget year beginning July 1, 2010, the per pupil cost will
15 13 increase by the statewide allowable growth amount enacted for
15 14 that budget year. The Code section provides for a budget
15 15 adjustment that would guarantee each AEA 101 percent of the
15 16 previous year's teacher salary supplement district cost, not
15 17 including the previous year's budget adjustment. The bill
15 18 requires that the funds received from the teacher salary
15 19 supplement be used in compliance with the requirements
15 20 specified in Code chapter 284.
15 21 New Code section 257.37A also establishes AEA professional
15 22 development supplement cost per pupil and district cost
15 23 beginning with the school budget year beginning July 1, 2009,
15 24 and is based on allocations made to AEAs for the school budget
15 25 year beginning July 1, 2008, for student achievement and
15 26 teacher quality professional development. The Code section
15 27 also provides that, beginning with the school budget year
15 28 beginning July 1, 2010, the per pupil cost will increase by
15 29 the statewide allowable growth amount enacted for that budget
15 30 year. The Code section provides for a budget adjustment that
15 31 would guarantee each district 101 percent of the previous
15 32 year's professional development supplement district cost, not
15 33 including the previous year's budget adjustment. The bill
15 34 requires that the funds received from the professional
15 35 development supplement be used in compliance with the

Senate File 2329 - Introduced continued

16 1 requirements specified in Code chapter 284.
16 2 The bill creates new Code section 257.51, which requires
16 3 that, beginning with the school budget year beginning July 1,
16 4 2009, any state appropriations made to school districts or
16 5 AEAs for teacher salaries through the student achievement and
16 6 teacher quality program, the educational excellence phase II
16 7 program, the professional development through the student
16 8 achievement and teacher quality program, or the early
16 9 intervention and class size reduction program will be added on
16 10 a per pupil basis through the school aid formula.
16 11 LSB 5938SV 82
16 12 ak/sc/14

Senate File 2330 - Introduced

SENATE FILE
BY COMMITTEE ON LOCAL GOVERNMENT

(SUCCESSOR TO SF 2256)

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

A BILL FOR

An Act relating to the authority of a public agency to spend property tax revenues under a contract or agreement with another public agency.

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

TLSB 6151SV 82
md/sc/14

Senate File 2330 - Introduced continued

PAG LIN

1 1 Section 1. Section 28E.4, Code 2007, is amended to read as
1 2 follows:
1 3 28E.4 AGREEMENT WITH OTHER AGENCIES.
1 4 Any public agency of this state may enter into an agreement
1 5 with one or more public or private agencies for joint or
1 6 cooperative action pursuant to the provisions of this chapter,
1 7 including the creation of a separate entity to carry out the
1 8 purpose of the agreement. Appropriate action by ordinance,
1 9 resolution or otherwise pursuant to law of the governing
1 10 bodies involved shall be necessary before any such agreement
1 11 may enter into force. Nothing in this chapter shall be
1 12 construed to limit a public agency's authority to appropriate
1 13 or expend property tax revenues to carry out a duty specified
1 14 in an agreement with another public agency.
1 15 Sec. 2. Section 28E.12, Code 2007, is amended to read as
1 16 follows:
1 17 28E.12 CONTRACT WITH OTHER AGENCIES.
1 18 Any one or more public agencies may contract with any one
1 19 or more other public agencies to perform any governmental
1 20 service, activity, or undertaking which any of the public
1 21 agencies entering into the contract is authorized by law to
1 22 perform, provided that such contract shall be authorized by
1 23 the governing body of each party to the contract. Such
1 24 contract shall set forth fully the purposes, powers, rights,
1 25 objectives, and responsibilities of the contracting parties.
1 26 Nothing in this chapter shall be construed to limit a public
1 27 agency's authority to appropriate or expend property tax
1 28 revenues to carry out a duty specified in a contract with
1 29 another public agency to provide a governmental service.
1 30 EXPLANATION
1 31 This bill amends Code section 28E.4, relating to agreements
1 32 between public agencies and other public or private agencies
1 33 to provide a governmental service, and Code section 28E.12,
1 34 relating to contracts between public agencies to provide a
1 35 governmental service, by specifying that the provisions of

Senate File 2330 - Introduced continued

2 1 Code chapter 28E shall not be construed to limit a public
2 2 agency's authority to appropriate or expend property tax
2 3 revenues to carry out a duty specified in an agreement or
2 4 contract with another public agency to provide a governmental
2 5 service.
2 6 LSB 6151SV 82
2 7 md/sc/14

Senate File 2331 - Introduced

SENATE FILE
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO SSB 3016)

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

A BILL FOR

An Act relating to filing and docketing fees collected by the clerk of the district court for parking violations and tribal judgments, fees for examination and admission to practice law, appropriations from the jury and witness fee revolving fund, and providing an effective date.

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

TLSB 5469SV 82
jm/rj/5

Senate File 2331 - Introduced continued

PAG LIN

1 1 Section 1. Section 602.1302, subsection 3, Code 2007, is
1 2 amended to read as follows:
1 3 3. A revolving fund is created in the state treasury for
1 4 the payment of jury and witness fees, mileage, costs related
1 5 to providing information to, supporting, and summoning jurors
1 6 by the judicial branch, and attorney fees paid by the state
1 7 public defender for counsel appointed pursuant to section
1 8 600A.6A. The judicial branch shall deposit any reimbursements
1 9 to the state for the payment of jury and witness fees and
1 10 mileage in the revolving fund. In each calendar quarter the
1 11 judicial branch shall reimburse the state public defender for
1 12 attorney fees paid pursuant to section 600A.6B.
1 13 Notwithstanding section 8.33, unencumbered and unobligated
1 14 receipts in the revolving fund at the end of a fiscal year do
1 15 not revert to the general fund of the state. The judicial
1 16 branch shall on or before February 1 file a financial
1 17 accounting of the moneys in the revolving fund with the
1 18 legislative services agency. The accounting shall include an
1 19 estimate of disbursements from the revolving fund for the
1 20 remainder of the fiscal year and for the next fiscal year.
1 21 Sec. 2. Section 602.8105, subsection 1, Code Supplement
1 22 2007, is amended by adding the following new paragraph:
1 23 NEW PARAGRAPH. aa. For filing a tribal judgment, one
1 24 hundred dollars.
1 25 Sec. 3. Section 602.8106, subsection 1, paragraph c, Code
1 26 Supplement 2007, is amended to read as follows:
1 27 c. For filing and docketing a complaint or information or
1 28 uniform citation and complaint for parking violations under
1 29 sections 321.236, 321.239, 321.358, 321.360, and 321.361,
1 30 ~~eight~~ twenty=five dollars, effective January 1, ~~2004~~ 2009.
1 31 ~~The court costs in cases of parking meter and overtime parking~~
~~1 32 violations which are denied, and charged and collected~~
~~1 33 pursuant to section 321.236, subsection 1, or pursuant to a~~
~~1 34 uniform citation and complaint, are eight dollars per~~
~~1 35 information or complaint or per uniform citation and complaint~~

~~Senate File 2331 - Introduced continued~~

~~2 1 effective January 1, 1991.~~
2 2 Sec. 4. Section 602.10108, Code 2007, is amended to read
2 3 as follows:
2 4 602.10108 FEES.
2 5 1. The ~~board~~ supreme court shall set the fees for
2 6 examination and for admission. The fees for examination shall
2 7 be based upon the annual cost of administering the
2 8 examinations. The fees for admission shall be based upon the
2 9 costs of conducting an investigation of the applicant and the
2 10 administrative costs of sustaining the board~~, which shall~~
~~2 11 include but shall not be limited to:~~
2 12 ~~1. Expenses and travel for board members and temporary~~
~~2 13 examiners~~.
2 14 ~~2. Office facilities, supplies, and equipment.~~
2 15 ~~3. Clerical assistance.~~
2 16 2. Fees shall be collected by ~~the board and transmitted to~~
~~2 17 the treasurer of state who shall deposit the fees in the~~
~~2 18 general fund of the state~~ the board and used to offset the
2 19 costs of administering this article.
2 20 Sec. 5. Section 626D.3, Code Supplement 2007, is amended
2 21 by adding the following new subsection:
2 22 NEW SUBSECTION. 3A. For filing a tribal judgment, the
2 23 clerk of the district court shall collect the fee set out in
2 24 section 602.8105, subsection 1.
2 25 Sec. 6. EFFECTIVE DATE. The sections of this Act amending
2 26 sections 602.8105 and 626D.3 take effect January 1, 2009.
2 27 EXPLANATION
2 28 This bill relates to filing and docketing fees collected by
2 29 the clerk of the district court, assessing fees for
2 30 examination and admission to practice law, and the
2 31 distribution of funds for juror service.
2 32 The bill establishes a fee to be collected by the clerk of
2 33 the district court, effective January 1, 2009, in the amount
2 34 of $100 for the filing of a tribal judgment. The distribution
2 35 of court fees collected by the clerk of the district court is

Senate File 2331 - Introduced continued

3 1 controlled by Code section 602.8108.
3 2 The bill permits the distribution of funds from the jury
3 3 and witness fee revolving fund created in Code section
3 4 602.1302 for costs related to providing information to and
3 5 supporting potential jurors called for service. Under current
3 6 law the distribution of funds to jurors is limited to juror
3 7 fees, mileage, and costs related to summoning potential
3 8 jurors.
3 9 The bill increases the filing and docketing fee, effective
3 10 January 1, 2009, from $8 to $25 for a complaint, information,
3 11 or uniform citation and complaint for parking violations under
3 12 Code sections 321.236 (violations of local ordinances),
3 13 321.239 (violations of county ordinances), 321.358 (unlawful
3 14 parking in certain places), 321.360 (parking near theaters or
3 15 hotels), and 321.361 (additional parking regulations).
3 16 The bill also eliminates the assessment of court costs in
3 17 the amount of $8 if a person challenges a parking violation
3 18 under Code section 321.236.
3 19 The bill transfers the authority to set fees for
3 20 examination and admission to practice law in Iowa from the
3 21 board of law examiners to the supreme court. The bill also
3 22 directs the fees collected for examination and admission be
3 23 used to offset the costs of administering the examination and
3 24 admission process to practice law. Current law requires the
3 25 examination and admission fees to be deposited into the
3 26 general fund of the state.
3 27 LSB 5469SV 82
3 28 jm/rj/5

Senate File 2331. - Introduced

PAG LIN

Senate File 2332 - Introduced

SENATE FILE
BY COMMITTEE ON LABOR AND
BUSINESS RELATIONS

(SUCCESSOR TO SSB 3260)

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

A BILL FOR

An Act requiring employers to provide notice of plant closings and layoffs, and providing remedies and penalties.
BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 5488SV 82
ak/rj/5

Senate File 2332 - Introduced continued

PAG LIN

1 1 Section 1. NEW SECTION. 86C.1 TITLE.
1 2 This chapter shall be known as the "Iowa Worker Adjustment
1 3 and Retraining Notification Act".
1 4 Sec. 2. NEW SECTION. 86C.2 DEFINITIONS.
1 5 For the purposes of this chapter:
1 6 1. "Aggrieved employee" means an employee who has worked
1 7 for the employer ordering the plant closing or mass layoff and
1 8 who, as a result of the failure by the employer to comply with
1 9 section 86C.3, did not receive timely notice either directly
1 10 or through the employee's representative.
1 11 2. "Department" means the department of workforce
1 12 development.
1 13 3. "Employee" means a worker who may reasonably expect to
1 14 experience an employment loss as a consequence of a proposed
1 15 plant closing or mass layoff by an employer.
1 16 4. "Employer" means a person who employs twenty=five or
1 17 more employees, excluding part=time employees.
1 18 5. "Employment loss" means an employment termination,
1 19 other than a discharge for cause, voluntary separation, or
1 20 retirement; a layoff exceeding six months; or a reduction in
1 21 hours of more than fifty percent of work of individual
1 22 employees during each month of a six=month period.
1 23 6. "Mass layoff" means a reduction in employment force
1 24 that is not the result of a plant closing and results in an
1 25 employment loss at a single site of employment during any
1 26 thirty=day period of twenty=five or more employees, other than
1 27 part=time employees.
1 28 7. "Part=time employee" means an employee who is employed
1 29 for an average of fewer than twenty hours per week or an
1 30 employee, including a full=time employee, who has been
1 31 employed for fewer than six of the twelve months preceding the
1 32 date on which notice is required.
1 33 8. "Plant closing" means the permanent or temporary
1 34 shutdown of a single site of employment of one or more
1 35 facilities or operating units that will result in an

Senate File 2332 - Introduced continued

2 1 employment loss for twenty=five or more employees, other than
2 2 part=time employees.
2 3 9. "Representative" means an exclusive representative of
2 4 employees within the meaning of section 9(a) of the federal
2 5 National Labor Relations Act, 29 U.S.C. } 151 et seq., and the
2 6 federal Railway Labor Act, 45 U.S.C. } 151 et seq.
2 7 10. "Single site of employment" refers to a single
2 8 location or a group of contiguous locations, such as a group
2 9 of structures that form a campus or business park or separate
2 10 facilities across the street from each other.
2 11 Sec. 3. NEW SECTION. 86C.3 NOTICE == REQUIREMENTS.
2 12 1. a. An employer who plans a plant closing or a mass
2 13 layoff shall not order such action until the end of a
2 14 sixty=day period which begins after the employer serves
2 15 written notice of such action to the affected employees or
2 16 their representatives and to the department.
2 17 b. An employer who has previously announced and carried
2 18 out a short=term mass layoff of six months or less which is
2 19 extended beyond six months due to business circumstances not
2 20 reasonably foreseeable at the time of the initial mass layoff
2 21 is required to give notice when it becomes reasonably
2 22 foreseeable that the extension is required. A mass layoff
2 23 extending beyond six months from the date the mass layoff
2 24 commenced for any other reason shall be treated as an
2 25 employment loss from the date of commencement of the mass
2 26 layoff.
2 27 c. In the case of the sale of part or all of a business,
2 28 the seller is responsible for providing notice of any plant
2 29 closing or mass layoff which will take place up to and on the
2 30 effective date of the sale. The buyer is responsible for
2 31 providing notice of any plant closing or mass layoff that will
2 32 take place thereafter.
2 33 2. a. Notice from the employer to the affected employees
2 34 or their representatives and to the department shall be in
2 35 written form and shall contain the following:

Senate File 2332 - Introduced continued

3 1 (1) The name and address of the employment site where the
3 2 plant closing or mass layoff will occur, and the name and
3 3 telephone number of a company official to contact for further
3 4 information.
3 5 (2) A statement as to whether the planned action is
3 6 expected to be permanent or temporary and, if the entire plant
3 7 is to be closed, a statement to that effect.
3 8 (3) The expected date of the first employment loss and the
3 9 anticipated schedule for employment losses.
3 10 (4) The job titles of positions to be affected and the
3 11 names of the employees currently holding the affected jobs.
3 12 b. The notice may include additional information useful to
3 13 the employees, such as information about available dislocated
3 14 worker assistance, and, if the planned action is expected to
3 15 be temporary, the estimated duration, if known.
3 16 3. Any reasonable method of delivery to the affected
3 17 employees or their representatives, and the department which
3 18 is designed to ensure receipt of notice of at least sixty days
3 19 before the planned action is acceptable. In the case of
3 20 notification directly to affected employees, insertion of
3 21 notice into pay envelopes is a viable option.
3 22 Sec. 4. NEW SECTION. 86C.4 NOTICE == EXEMPTIONS, SPECIAL
3 23 CIRCUMSTANCES.
3 24 1. ROLLING LAYOFFS.
3 25 a. When affected employees will not be terminated on the
3 26 same date, the date of the first individual employment loss
3 27 within the sixty=day notice period triggers the notice
3 28 requirement. An employee's last day of employment is
3 29 considered the date of that employee's layoff. The first and
3 30 subsequent groups of terminated employees are entitled to a
3 31 full sixty days' notice.
3 32 b. An employer shall give notice if the number of
3 33 employment losses of two or more actions in any ninety=day
3 34 period triggers the notice requirements in section 86C.3 for a
3 35 plant closing or a mass layoff. An employer is not required

Senate File 2332 - Introduced continued

4 1 to give notice if the number of employment losses from one
4 2 action in a thirty=day period does not meet the requirements
4 3 of section 86C.3. All employment losses in any ninety=day
4 4 period shall be aggregated to trigger the notice requirement
4 5 unless the employer demonstrates to the department that the
4 6 employment losses during the ninety=day period are the result
4 7 of separate and distinct actions and causes.
4 8 2. EXTENDED NOTICE. Additional notice is required if the
4 9 date or schedule of dates of a planned plant closing or mass
4 10 layoff is extended beyond the date or the ending date of any
4 11 period announced in the original notice.
4 12 a. If the postponement is for less than sixty days, the
4 13 additional notice shall be given as soon as possible to the
4 14 affected employees or their representatives and the department
4 15 and shall include reference to the earlier notice, the date to
4 16 which the planned action is postponed, and the reasons for the
4 17 postponement. The notice shall be given in a manner which
4 18 will provide the information to all affected employees.
4 19 b. If the postponement is for more than sixty days, the
4 20 additional notice shall be treated as new notice subject to
4 21 the provisions of section 86C.3.
4 22 3. FALTERING COMPANY. An exception to the sixty=day
4 23 notice applies to plant closings but not to mass layoffs if
4 24 the requirements of this subsection are met and the exception
4 25 shall be narrowly construed.
4 26 a. An employer must have been actively seeking capital or
4 27 business at the time that the sixty=day notice would have been
4 28 required by seeking financing or refinancing through the
4 29 arrangement of loans or the issuance of stocks, bonds, or
4 30 other methods of internally generated financing, or by seeking
4 31 additional money, credit, or business through any other
4 32 commercially reasonable method. The employer must identify
4 33 specific actions taken to obtain capital or business.
4 34 b. The employer must, at the time notice is actually
4 35 given, provide a statement of explanation for reducing the

Senate File 2332 - Introduced continued

5 1 notice period in addition to the other notice requirements in
5 2 section 86C.3.
5 3 c. There must have been a realistic opportunity to obtain
5 4 the financing or business sought.
5 5 d. The financing or business sought must have been
5 6 sufficient, if obtained, to have enabled the employer to avoid
5 7 or postpone the shutdown. The employer must be able to
5 8 objectively demonstrate that the amount of capital or the
5 9 volume of new business sought would have enabled the company
5 10 to keep the facility, operating unit, or site open for a
5 11 reasonable period of time.
5 12 e. The employer reasonably and in good faith must have
5 13 believed that giving the required notice would have precluded
5 14 the employer from obtaining the needed capital or business.
5 15 The employer must be able to objectively demonstrate that the
5 16 employer reasonably thought that a potential customer or
5 17 source of financing would have been unwilling to provide the
5 18 new business or capital if notice had been given. This
5 19 condition may be satisfied if the employer can show that the
5 20 financing or business source would not choose to do business
5 21 with a troubled company or with a company whose workforce
5 22 would be looking for other jobs.
5 23 4. UNFORESEEABLE BUSINESS CIRCUMSTANCE. An exception to
5 24 the sixty=day notice applies to plant closings and to mass
5 25 layoffs if the requirements of this subsection are met.
5 26 a. Business circumstances occurred that were not
5 27 reasonably foreseeable at the time that the sixty=day notice
5 28 would have been required.
5 29 b. The employer must, at the time notice is actually
5 30 given, provide a statement of explanation for reducing the
5 31 notice period in addition to the other notice requirements in
5 32 section 86C.3.
5 33 c. An important indicator of a reasonably unforeseeable
5 34 business circumstance is that the circumstance is caused by
5 35 some sudden, dramatic, and unexpected action or condition

Senate File 2332 - Introduced continued

6 1 outside the employer's control.
6 2 d. The employer must exercise commercially reasonable
6 3 business judgment as would a similarly situated employer in
6 4 predicting the demands of the employer's particular market.
6 5 The employer is not required to accurately predict general
6 6 economic conditions that also may affect demand for products
6 7 or services.
6 8 5. NATURAL DISASTER. An exception to the sixty=day notice
6 9 applies to plant closings and to mass layoffs if the
6 10 requirements of this subsection are met.
6 11 a. A natural disaster occurred at the time notice would
6 12 have been required.
6 13 b. The employer must, at the time notice is actually
6 14 given, provide a statement of explanation for reducing the
6 15 notice period in addition to the other requirements to notice
6 16 in section 86C.3.
6 17 c. Floods, earthquakes, droughts, storms, tornadoes, and
6 18 similar effects of nature are natural disasters under this
6 19 subsection.
6 20 d. An employer must be able to demonstrate that the plant
6 21 closing or mass layoff is a direct result of the natural
6 22 disaster.
6 23 e. If a plant closing or mass layoff occurs as an indirect
6 24 result of a natural disaster, this exception does not apply
6 25 but the exception in subsection 3 may be applicable.
6 26 Sec. 5. NEW SECTION. 86C.5 ENFORCEMENT AND PENALTIES.
6 27 1. The department shall adopt rules pursuant to and
6 28 consistent with chapter 17A regarding investigations to
6 29 determine whether an employer has violated any provisions of
6 30 this chapter. A determination by the department that a
6 31 violation has occurred shall be considered final agency action
6 32 under chapter 17A.
6 33 2. a. An aggrieved employee or a representative of an
6 34 aggrieved employee, seeking to enforce liability pursuant to a
6 35 violation of this chapter may sue either for an aggrieved

Senate File 2332 - Introduced continued

7 1 employee or aggrieved employees similarly situated, or both,
7 2 in any district court for the county in which the violation is
7 3 alleged to have occurred or in which the employer transacts
7 4 business.
7 5 b. If an employer who has violated this chapter proves to
7 6 the satisfaction of the court that the act or omission that
7 7 violated this chapter was pursuant to section 86C.4,
7 8 subsection 3, 4, or 5, or that the employer had reasonable
7 9 grounds for believing that the act or omission was not a
7 10 violation of this chapter, the court may, in its discretion,
7 11 reduce the amount of the liability or penalty provided for in
7 12 this section.
7 13 c. In any such suit, the court in its discretion, may
7 14 allow the prevailing party reasonable attorney fees as part of
7 15 the costs.
7 16 3. a. An employer who orders a plant closing or mass
7 17 layoff in violation of section 86C.3 shall be liable to each
7 18 aggrieved employee who suffers an employment loss as a result
7 19 of such closing or layoff for each of the following damages:
7 20 (1) Back pay for each day of the violation at a rate of
7 21 compensation not less than the higher of the average regular
7 22 rate received by the aggrieved employee during the last three
7 23 years of the employee's employment or the final regular rate
7 24 of compensation received by the employee.
7 25 (2) Benefits under an employee benefit plan, as described
7 26 under an employee benefit plan as defined in the federal
7 27 Employee Retirement Income Security Act, 29 U.S.C. } 1001 et
7 28 seq., including the cost of medical expenses incurred during
7 29 the employment loss which would have been covered under an
7 30 employment benefit plan if the employment loss had not
7 31 occurred.
7 32 b. Liability shall be calculated for the period of the
7 33 violation, up to a maximum of sixty days, but in no event for
7 34 more than one=half the number of days the employee was
7 35 employed by the employer.

Senate File 2332 - Introduced continued

8 1 4. a. The amount for which the employer is liable under
8 2 subsection 3 shall be reduced by the following criteria:
8 3 (1) Any wages paid by the employer to the employee for the
8 4 period of the violation.
8 5 (2) Any voluntary and unconditional payment by the
8 6 employer to the employee that is not required by any legal
8 7 obligation.
8 8 (3) Any payment by the employer to a third party or
8 9 trustee, such as premiums for health benefits or payments to a
8 10 defined contribution pension plan, on behalf of and
8 11 attributable to the employee for the period of the violation.
8 12 b. Any liability incurred under this subsection with
8 13 respect to a defined benefit pension plan may be reduced by
8 14 crediting the employee with service for all purposes under
8 15 such a plan for the period of the violation.
8 16 5. An employer who violates the provisions of section
8 17 86C.3 with respect to the department shall be subject to a
8 18 civil penalty of not more than five hundred dollars for each
8 19 day of the violation, except that such penalty shall not apply
8 20 if the employer pays to each aggrieved employee the amount for
8 21 which the employer is liable to that employee within three
8 22 weeks from the date the employer ordered the plant closing or
8 23 mass layoff.
8 24 6. The remedies provided for in this section shall be the
8 25 exclusive remedies for any violation of this chapter. Under
8 26 this chapter, a court shall not have authority to enjoin a
8 27 plant closing or mass layoff.
8 28 EXPLANATION
8 29 This bill creates the Iowa worker adjustment and retraining
8 30 notification Act.
8 31 The bill requires employers to notify employees and the
8 32 department of workforce development of plant closings that
8 33 result in the layoff of 25 or more full=time employees and
8 34 mass layoffs that are reductions in the workforce of at least
8 35 25 employees in a 30=day period.

Senate File 2332 - Introduced continued

9 1 An employer is required to give notice to employees who
9 2 will be affected by a plant closing or mass layoff and the
9 3 department in writing 60 days before ordering such actions.
9 4 An employer who announces a short=term mass layoff of less
9 5 than six months but which is extended more than six months,
9 6 must also give proper written notice when it becomes
9 7 reasonably foreseeable that the mass layoff will be extended
9 8 beyond six months.
9 9 If a business is sold as a whole or in part, the seller is
9 10 responsible for providing written notice of any plant closings
9 11 or mass layoffs which will take place up to and on the date of
9 12 sale. The buyer is responsible for proper notification of
9 13 such actions thereafter.
9 14 The requirements for proper notice include the name and
9 15 address of the employment site where the plant closing or mass
9 16 layoff will occur; the name and telephone number of a company
9 17 official to contact for further information; a statement about
9 18 whether the planned action is expected to be permanent or
9 19 temporary; the expected date of the first separation and the
9 20 anticipated schedule for making separations; and the job
9 21 titles of positions to be affected and the names of the
9 22 employees currently holding the affected jobs. Notice may
9 23 also include additional information about available dislocated
9 24 worker assistance and, if the planned action is temporary, the
9 25 estimated duration of the planned action.
9 26 Any reasonable method of delivery to affected employees or
9 27 their representatives and the department that will ensure
9 28 receipt of the notice at least 60 days before the planned
9 29 action is allowed.
9 30 If an employer will not be laying off all employees on the
9 31 same date, the date of the first employee to be laid off
9 32 triggers the 60=day notice requirement. An employer shall
9 33 give notice if the number of employment losses of two or more
9 34 actions in any 90=day period triggers the notice requirements
9 35 in Code section 86C.3 for a plant closing or a mass layoff.

Senate File 2332 - Introduced continued

10 1 All employment losses in any 90=day period count together
10 2 toward the notice requirement levels unless the employer
10 3 demonstrates to the department that the employment losses
10 4 during the 90=day period are the result of separate and
10 5 distinct actions and causes.
10 6 Additional notice is required when the date or dates of a
10 7 plant closing or mass layoffs are extended beyond the end date
10 8 of any period announced in the original notice. If the
10 9 postponement is for less than 60 days, additional notice must
10 10 be given to the affected employees and the department as soon
10 11 as possible and must include the new date of the proposed
10 12 action and the reasons for the postponement. If the
10 13 postponement is for more than 60 days, the additional notice
10 14 must be treated as a new notice, subject to the provisions of
10 15 Code section 86C.3.
10 16 An employer with a faltering company may be exempted from
10 17 the 60=day notice requirement for a plant closing but not a
10 18 mass layoff, but is still required to provide proper notice,
10 19 if the employer was actively seeking capital or business at
10 20 the time the 60=day notice was required. The employer must,
10 21 at the time notice is actually given, provide an explanation
10 22 for reducing the notice period. The employer must show that
10 23 the capital or business sought would have been sufficient if
10 24 obtained to have enabled the employer to avoid or postpone the
10 25 shutdown of the plant. The employer must also demonstrate
10 26 that the employer reasonably and in good faith believed that
10 27 giving notice would have prevented the employer from obtaining
10 28 the capital or business.
10 29 An employer that experiences unforeseeable business
10 30 circumstances may be exempted from the 60=day notice
10 31 requirement, but is still required to provide proper notice,
10 32 for a plant closing or a mass layoff. The employer, at the
10 33 time notice is actually given, must provide an explanation for
10 34 reducing the notice period. An unforeseeable business
10 35 circumstance is caused by a sudden, dramatic, and unexpected

Senate File 2332 - Introduced continued

11 1 action or condition outside the employer's control.
11 2 An employer that experiences a natural disaster may be
11 3 exempted from the 60=day notice requirement, but is still
11 4 required to provide proper notice, for a plant closing or a
11 5 mass layoff. The employer, at the time notice is actually
11 6 given, must provide an explanation for reducing the notice
11 7 period. Natural disasters include floods, earthquakes,
11 8 droughts, storms, tornadoes, and similar effects of nature.
11 9 An employer must demonstrate that the plant closing or mass
11 10 layoff is a direct result of a natural disaster. If the plant
11 11 closing or mass layoff occurs as an indirect result of a
11 12 natural disaster, this exemption does not apply, but the
11 13 unforeseeable business circumstance exemption may apply.
11 14 The department shall establish rules consistent with Code
11 15 chapter 17A relating to investigations to determine whether an
11 16 employer has violated Code section 86C.3. A determination
11 17 about whether a violation has occurred by the department is a
11 18 final agency action. An aggrieved employee or a
11 19 representative of employees may sue to enforce liability
11 20 pursuant to a violation of Code section 86C.3 in any district
11 21 court for the county where the violation is alleged to have
11 22 occurred or in which the employer has business. An employer's
11 23 liability may be reduced at the court's discretion if the
11 24 employer proves that the violation was pursuant to an
11 25 exemption under Code section 86C.4 or due to reasonable
11 26 grounds for not believing Code section 86C.3 applied.
11 27 An employer in violation of Code section 86C.3 may be
11 28 liable to each aggrieved employee who suffers an employment
11 29 loss for back pay for each day of the violation and benefits
11 30 due under an employee benefit plan. Liability is calculated
11 31 for each day of the violation, up to 60 days but not more than
11 32 half of the days the employee was employed. The employer's
11 33 liability may be reduced if the employer pays wages to an
11 34 employee for the period of the violation; if the employer
11 35 makes any voluntary and unconditional payment to an employee;

Senate File 2332 - Introduced continued

12 1 or if the employer makes a payment to a third party or trustee
12 2 for health benefits or a pension plan.
12 3 An employer who violates Code section 86C.3 with respect to
12 4 the department is subject to a civil penalty of not more than
12 5 $500 for each day of the violation, unless the employer pays
12 6 to the employees any amount the employer is liable to the
12 7 employees within three weeks from the date the shutdown or
12 8 layoff was ordered. The remedies of Code section 86C.5 are
12 9 the only remedies for Code chapter 86C. A court shall have no
12 10 authority to enjoin a plant closing or mass layoff.
12 11 LSB 5488SV 82
12 12 ak/rj/5

Senate File 2333 - Introduced

SENATE FILE
BY COMMITTEE ON VETERANS AFFAIRS

(SUCCESSOR TO SSB 3035)

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

A BILL FOR

An Act relating to the regulation of veterans commemorative property.
BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 5377SV 82
md/rj/8

Senate File 2333 - Introduced continued

PAG LIN

1 1 Section 1. Section 37A.1, Code 2007, is amended to read as
1 2 follows:
1 3 37A.1 VETERANS COMMEMORATIVE PROPERTY == PENALTY.
1 4 1. For purposes of this chapter, unless the context
1 5 otherwise requires:
1 6 ~~a. "Cemetery" means as defined in section 523I.102, but~~
~~1 7 includes pioneer cemeteries. "Cemetery" does not include~~
~~1 8 religious cemeteries as defined in section 523I.102 that~~
~~1 9 commenced business prior to July 1, 2005.~~
1 10 ~~b.~~ a. "Department" means the Iowa department of veterans
1 11 affairs.
1 12 ~~c.~~ b. "Veteran" means a deceased person who served in the
1 13 armed forces of the United States during a war in which the
1 14 United States was engaged or served full=time in active duty
1 15 in a force of an organized state militia, excluding service in
1 16 the national guard when in an inactive status.
1 17 ~~d.~~ c. "Veterans commemorative property" means any
1 18 memorial as defined in section 523I.102, including a
1 19 headstone, plaque, statue, urn, decoration, flag holder,
1 20 badge, shield, item of memorabilia, or other embellishment,
1 21 that ~~meets all of the following criteria:~~
1 22 ~~(1) Is over seventy=five years old.~~
~~1 23 (2) Identifies~~ identifies or commemorates any veteran or
1 24 group of veterans, including any veterans organization or any
1 25 military unit, company, battalion, or division.
1 26 ~~(3) Has been placed in a cemetery.~~
1 27 ~~e.~~ d. "Veterans organization" means the grand army of the
1 28 republic, sons of union veterans of the civil war, sons of
1 29 confederate veterans, veterans of foreign wars, disabled
1 30 American veterans, united Spanish war veterans, the Jewish war
1 31 veterans of the United States, inc., the Catholic war
1 32 veterans, inc., American legion, American veterans of World
1 33 War II, Italian American war veterans of the United States,
1 34 inc., or other corporation or association of veterans.
1 35 2. A person who owns or controls ~~a cemetery~~ property where

Senate File 2333 - Introduced continued

2 1 any veterans commemorative property has been placed shall not
2 2 sell, trade, or transfer any part of such veterans
2 3 commemorative property unless the department authorizes the
2 4 person to do so. The department may authorize the sale,
2 5 trade, or transfer based upon the following criteria:
2 6 a. The veterans commemorative property is at reasonable
2 7 risk of physically deteriorating so that it will become
2 8 unrecognizable as identifying or commemorating the veteran or
2 9 group of veterans originally identified or commemorated.
2 10 b. The veterans commemorative property is proposed to be
2 11 sold, traded, or transferred to a suitable person that will
2 12 preserve the current condition of the veterans commemorative
2 13 property and place it in a suitable place that will
2 14 commemorate the veteran or group of veterans.
2 15 c. The person needs to sell, trade, or transfer the
2 16 veterans commemorative property to ensure that sufficient
2 17 funds are available to suitably maintain the cemetery where
2 18 the veterans commemorative property is placed, and the
2 19 specific lot, plot, grave, burial place, niche, crypt, or
2 20 other place of interment of such veteran or group of veterans.
2 21 d. The veterans commemorative property that is to be sold,
2 22 traded, or transferred will be replaced at its original site
2 23 by a fitting replacement commemorative property, monument, or
2 24 marker that appropriately identifies and commemorates the
2 25 veteran or group of veterans.
2 26 e. If the person reasonably believes that the veterans
2 27 commemorative property to be sold, traded, or transferred was
2 28 donated by a veterans organization, the veterans organization
2 29 consents to the sale, trade, or transfer of the veterans
2 30 commemorative property.
2 31 f. If the person is not the owner of the veterans
2 32 commemorative property that is to be sold, traded, or
2 33 transferred, the person is authorized by the owner of such
2 34 veterans commemorative property, or by operation of law other
2 35 than this section, to sell, trade, or transfer the veterans

Senate File 2333 - Introduced continued

3 1 commemorative property and to retain and use the proceeds of
3 2 the sale, trade, or transfer.
3 3 3. A person who engages in the sale, trade, or transfer of
3 4 veterans commemorative property without the authorization of
3 5 the department pursuant to this section is guilty of a simple
3 6 misdemeanor.
3 7 4. The department may adopt rules in accordance with
3 8 chapter 17A to administer this chapter.
3 9 EXPLANATION
3 10 Under current Code section 37A.1, subsection 2, a person
3 11 who owns or controls a cemetery where any veterans
3 12 commemorative property has been placed shall not sell, trade,
3 13 or transfer such veterans commemorative property unless the
3 14 state department of veterans affairs authorizes the person to
3 15 do so. The department may authorize the sale, trade, or
3 16 transfer of the veterans commemorative property under specific
3 17 circumstances outlined in Code section 37A.1, subsection 2,
3 18 paragraphs "a" through "f".
3 19 This bill amends the definition of "veterans commemorative
3 20 property" by deleting the requirements that the property be
3 21 over 75 years old and that the property has been placed in a
3 22 cemetery. The bill therefore expands the prohibition on the
3 23 sale of veterans commemorative property to all owners or
3 24 controllers of property where veterans commemorative property
3 25 of any age is placed and allows the department to regulate any
3 26 such transactions. The bill also deletes the definition of
3 27 "cemetery".
3 28 LSB 5377SV 82
3 29 md/rj/8

Senate File 2334 - Introduced

SENATE FILE
BY COMMITTEE ON HUMAN
RESOURCES

(SUCCESSOR TO SSB 3196)

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

A BILL FOR

An Act relating to recovery from third parties liable for health care coverage provided to recipients of medical assistance, and providing an effective date.
BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 5468SV 82
pf/nh/8

Senate File 2334 - Introduced continued

PAG LIN

1 1 Section 1. Section 249A.2, Code 2007, is amended by adding
1 2 the following new subsection:
1 3 NEW SUBSECTION. 4A. "Entity" includes but is not limited
1 4 to a carrier as defined in section 514C.13, health insurer,
1 5 health maintenance organization as defined in section 514B.1,
1 6 nonprofit health service corporation as specified in chapter
1 7 514, self=insured plan, group health plan, service benefit
1 8 plan, managed care organization, pharmacy benefits manager as
1 9 defined in section 510B.1, preferred provider organization,
1 10 professional association or society, trust, pool, union,
1 11 fraternal benefit society, third=party administrator, and any
1 12 other party that is, by law, contract, or agreement, legally
1 13 responsible for payment of a claim for a health care item or
1 14 service.
1 15 Sec. 2. Section 249A.6, Code 2007, is amended to read as
1 16 follows:
1 17 249A.6 ASSIGNMENT == LIEN.
1 18 1. a. As a condition of eligibility for medical
1 19 assistance, a recipient who has the legal capacity to execute
1 20 an assignment shall do all of the following:
1 21 (1) Assign to the department any rights to payment of
1 22 medical care and services from any third party.
1 23 (2) Cooperate with the department in obtaining payments
1 24 described in subparagraph (1).
1 25 (3) Cooperate with the department in identifying and
1 26 providing information to assist the department in pursuing any
1 27 third party who may be liable to pay for medical care and
1 28 services available under the medical assistance program.
1 29 b. Any amount collected by the department through an
1 30 assignment shall be retained by the department as
1 31 reimbursement for medical assistance payments.
1 32 c. An assignment under this subsection is in addition to
1 33 an assignment of medical support payments under any other law,
1 34 including section 252E.11.
1 35 2. When payment is made by the department for medical care

Senate File 2334 - Introduced continued

2 1 or expenses through the medical assistance program on behalf
2 2 of a recipient, the department shall have a lien, to the
2 3 extent of those payments, upon all monetary claims which the
2 4 recipient may have against third parties. A lien under this
2 5 section is not effective unless the department files a notice
2 6 of lien with the clerk of the district court in the county
2 7 where the recipient resides and with the recipient's attorney
2 8 when the recipient's eligibility for medical assistance is
2 9 established. The notice of lien shall be filed before the
2 10 third party has concluded a final settlement with the
2 11 recipient, the recipient's attorney, or other representative.
2 12 The third party shall obtain a written determination from the
2 13 department concerning the amount of the lien before a
2 14 settlement is deemed final for purposes of this section. A
2 15 compromise, including but not limited to a settlement, waiver
2 16 or release, of a claim under this section does not defeat the
2 17 department's lien except pursuant to the written agreement of
2 18 the director or the director's designee. A settlement, award,
2 19 or judgment structured in any manner not to include medical
2 20 expenses or an action brought by a recipient or on behalf of a
2 21 recipient which fails to state a claim for recovery of medical
2 22 expenses does not defeat the department's lien if there is any
2 23 recovery on the recipient's claim.
2 24 ~~2.~~ 3. The department shall be given notice of monetary
2 25 claims against third parties as follows:
2 26 a. Applicants for medical assistance shall notify the
2 27 department of any possible claims against third parties upon
2 28 submitting the application. Recipients of medical assistance
2 29 shall notify the department of any possible claims when those
2 30 claims arise.
2 31 b. A person who provides health care services to a person
2 32 receiving assistance through the medical assistance program
2 33 shall notify the department whenever the person has reason to
2 34 believe that third parties may be liable for payment of the
2 35 costs of those health care services.

Senate File 2334 - Introduced continued

3 1 c. An attorney representing an applicant for or recipient
3 2 of assistance on a claim upon which the department has a lien
3 3 under this section shall notify the department of the claim of
3 4 which the attorney has actual knowledge, prior to filing a
3 5 claim, commencing an action, or negotiating a settlement
3 6 offer. Actual knowledge under this section shall include the
3 7 notice to the attorney pursuant to subsection ~~1~~ 2.
3 8 The mailing and deposit in a United States post office or
3 9 public mailing box of the notice, addressed to the department
3 10 at its state or district office location, is adequate legal
3 11 notice of the claim.
3 12 ~~3.~~ 4. The department's lien is valid and binding on an
3 13 attorney, insurer, or other third party only upon notice by
3 14 the department or unless the attorney, insurer, or third party
3 15 has actual notice that the recipient is receiving medical
3 16 assistance from the department and only to the extent to which
3 17 the attorney, insurer, or third party has not made payment to
3 18 the recipient or an assignee of the recipient prior to the
3 19 notice. Payment of benefits by an insurer or third party
3 20 pursuant to the rights of the lienholder in this section
3 21 discharges the attorney, insurer, or third party from
3 22 liability to the recipient or the recipient's assignee to the
3 23 extent of the payment to the department.
3 24 ~~4.~~ 5. If a recipient of assistance through the medical
3 25 assistance program incurs the obligation to pay attorney fees
3 26 and court costs for the purpose of enforcing a monetary claim
3 27 upon which the department has a lien under this section, upon
3 28 the receipt of the judgment or settlement of the total claim,
3 29 of which the lien for medical assistance payments is a part,
3 30 the court costs and reasonable attorney fees shall first be
3 31 deducted from this total judgment or settlement. One=third of
3 32 the remaining balance shall then be deducted and paid to the
3 33 recipient. From the remaining balance, the lien of the
3 34 department shall be paid. Any amount remaining shall be paid
3 35 to the recipient. An attorney acting on behalf of a recipient

Senate File 2334 - Introduced continued

4 1 of medical assistance for the purpose of enforcing a claim
4 2 upon which the department has a lien shall not collect from
4 3 the recipient any amount as attorney fees which is in excess
4 4 of the amount which the attorney customarily would collect on
4 5 claims not subject to this section.
4 6 ~~5.~~ 6. For purposes of this section the term "third party"
4 7 includes an attorney, individual, institution, corporation, or
4 8 public or private agency which is or may be liable to pay part
4 9 or all of the medical costs incurred as a result of injury,
4 10 disease, or disability by or on behalf of an applicant for or
4 11 recipient of assistance under the medical assistance program.
4 12 ~~6.~~ 7. The department may enforce its lien by a civil
4 13 action against any liable third party.
4 14 Sec. 3. NEW SECTION. 249A.36 HEALTH CARE INFORMATION
4 15 SHARING.
4 16 1. An entity shall provide on a monthly basis to the
4 17 department, in a format determined by the department,
4 18 information necessary to enable the department or entity to
4 19 determine whether a health care coverage recipient of the
4 20 entity is also a recipient of medical assistance. If the
4 21 department determines that a health care coverage recipient of
4 22 an entity is also a recipient of medical assistance, the
4 23 department shall request any additional information or payment
4 24 from the entity as described in subsection 2.
4 25 2. If the department determines that a health care
4 26 coverage recipient of the entity is also a medical assistance
4 27 recipient, the entity shall do all of the following, as
4 28 applicable, by no later than one hundred eighty days after the
4 29 department's request made pursuant to subsection 1:
4 30 a. Pay the department for, or assign to the department any
4 31 right of recovery owed to the entity for, a covered health
4 32 claim for which medical assistance payment has been made.
4 33 b. Pay the claim submitted by the health care coverage
4 34 recipient in lieu of a medical assistance payment of the
4 35 claim.

Senate File 2334 - Introduced continued

5 1 c. Respond to any inquiry by the department concerning a
5 2 claim for payment for any health care item or service that is
5 3 submitted no later than three years after the date the health
5 4 care item or service was provided.
5 5 3. An entity shall not deny a payment to the department
5 6 for any claim submitted by the department on any procedural
5 7 basis, including the date of submission of the claim, the type
5 8 or format of the claim form, or a failure to present proper
5 9 documentation at the time the health care item or service that
5 10 is the basis of the claim was provided, if both of the
5 11 following apply:
5 12 a. The claim is submitted to the entity within three years
5 13 of the date that the health care item or service that is the
5 14 subject of the claim was provided.
5 15 b. Any action by the state to enforce its rights under
5 16 this section is commenced within six years of the date that
5 17 the claim was submitted by the state.
5 18 4. If the department determines that a health care
5 19 coverage recipient of an entity is also a medical assistance
5 20 recipient, both of the following provisions shall apply:
5 21 a. The department may use information received under
5 22 subsection 1 to update the medical assistance database
5 23 maintained by the department.
5 24 b. The department shall share with that entity only such
5 25 information necessary for claims adjudication activities or to
5 26 recover erroneous medical assistance payments made.
5 27 5. The department may adopt rules pursuant to chapter 17A
5 28 as necessary to implement this section. Rules governing the
5 29 exchange of information under this section shall be consistent
5 30 with all laws, regulations, and rules relating to the
5 31 confidentiality or privacy of personal information or medical
5 32 records, including but not limited to the federal Health
5 33 Insurance Portability and Accountability Act of 1996, Pub. L.
5 34 No. 104=191, and regulations promulgated in accordance with
5 35 that Act, and published in 45 C.F.R. pts. 160 to 164.

Senate File 2334 - Introduced continued

6 1 Sec. 4. Section 488.201, subsection 1, Code 2007, is
6 2 amended by adding the following new paragraph:
6 3 NEW PARAGRAPH. dd. An agreement to cooperate with the
6 4 department of human services in complying with section
6 5 249A.36.
6 6 Sec. 5. Section 488.210, subsection 1, Code 2007, is
6 7 amended by adding the following new paragraph:
6 8 NEW PARAGRAPH. e. (1) The street and mailing address of
6 9 any entity, as defined in section 249A.2, legally responsible
6 10 for payment of a claim for a health care item or service
6 11 provided to a health care coverage recipient of the limited
6 12 partnership or foreign limited partnership.
6 13 (2) A statement agreeing to cooperate with the department
6 14 of human services in complying with section 249A.36.
6 15 (3) The secretary of state shall provide the information
6 16 submitted under this lettered paragraph to the department of
6 17 human services in the format determined by the department of
6 18 human services to enable the department of human services to
6 19 determine whether a health care coverage recipient of the
6 20 limited partnership or foreign limited partnership is also a
6 21 medical assistance recipient pursuant to section 249A.36.
6 22 Sec. 6. Section 490.202, subsection 1, Code Supplement
6 23 2007, is amended by adding the following new paragraph:
6 24 NEW PARAGRAPH. e. A statement agreeing to cooperate with
6 25 the department of human services in complying with section
6 26 249A.36.
6 27 Sec. 7. Section 490.1622, subsection 1, Code 2007, is
6 28 amended by adding the following new paragraph:
6 29 NEW PARAGRAPH. e. (1) The street and mailing address of
6 30 any entity, as defined in section 249A.2, legally responsible
6 31 for payment of a claim for a health care item or service
6 32 provided to a health care coverage recipient of the domestic
6 33 corporation or foreign corporation.
6 34 (2) A statement agreeing to cooperate with the department
6 35 of human services in complying with section 249A.36.

Senate File 2334 - Introduced continued

7 1 (3) The secretary of state shall provide the information
7 2 submitted under this lettered paragraph to the department of
7 3 human services in the format determined by the department of
7 4 human services to enable the department of human services to
7 5 determine whether a health care coverage recipient of the
7 6 domestic corporation or foreign corporation is also a medical
7 7 assistance recipient pursuant to section 249A.36.
7 8 Sec. 8. Section 490A.131, subsection 1, Code 2007, is
7 9 amended by adding the following new paragraph:
7 10 NEW PARAGRAPH. e. (1) The street and mailing address of
7 11 any entity, as defined in section 249A.2, legally responsible
7 12 for payment of a claim for a health care item or service
7 13 provided to a health care coverage recipient of the limited
7 14 liability company or foreign limited liability company.
7 15 (2) A statement agreeing to cooperate with the department
7 16 of human services in complying with section 249A.36.
7 17 (3) The secretary of state shall provide the information
7 18 submitted in this lettered paragraph to the department of
7 19 human services in the format determined by the department of
7 20 human services to enable the department of human services to
7 21 determine whether a health care coverage recipient of the
7 22 limited liability company or foreign limited liability company
7 23 is also a medical assistance recipient pursuant to section
7 24 249A.36.
7 25 Sec. 9. Section 490A.303, subsection 1, Code 2007, is
7 26 amended by adding the following new paragraph:
7 27 NEW PARAGRAPH. e. A statement agreeing to cooperate with
7 28 the department of human services in complying with section
7 29 249A.36.
7 30 Sec. 10. Section 496C.21, Code 2007, is amended by adding
7 31 the following new subsection:
7 32 NEW SUBSECTION. 5. a. The street and mailing address of
7 33 any entity, as defined in section 249A.2, legally responsible
7 34 for payment of a claim for a health care item or service
7 35 provided to a health care coverage recipient of the domestic

Senate File 2334 - Introduced continued

8 1 professional corporation or foreign professional corporation.
8 2 b. A statement agreeing to cooperate with the department
8 3 of human services in complying with section 249A.36.
8 4 c. The secretary of state shall provide the information
8 5 submitted in this lettered paragraph to the department of
8 6 human services in the format determined by the department of
8 7 human services to enable the department of human services to
8 8 determine whether a health care coverage recipient of the
8 9 professional corporation or foreign professional corporation
8 10 is also a medical assistance recipient pursuant to section
8 11 249A.36.
8 12 Sec. 11. Section 497.22, Code 2007, is amended to read as
8 13 follows:
8 14 497.22 BIENNIAL REPORT == PENALTY.
8 15 1. Section 504.1613 applies to a cooperative association
8 16 organized under this chapter in the same manner as that
8 17 section applies to a corporation organized under chapter 504.
8 18 In addition to the information required to be set forth in the
8 19 biennial report under section 504.1613, the cooperative
8 20 association shall also set forth the total amount of business
8 21 transacted, number of members, total expense of operation,
8 22 total amount of indebtedness, and total profits or losses for
8 23 each calendar or fiscal year of the two=year period which
8 24 ended immediately preceding the first day of January of the
8 25 year in which the report is filed.
8 26 2. a. The cooperative association shall also include in
8 27 the biennial report all of the following:
8 28 (1) The street and mailing address of any entity, as
8 29 defined in section 249A.2, legally responsible for payment of
8 30 a claim for a health care item or service provided to a health
8 31 care coverage recipient of the cooperative association.
8 32 (2) A statement agreeing to cooperate with the department
8 33 of human services in complying with section 249A.36.
8 34 b. The secretary of state shall provide the information
8 35 submitted under this subsection to the department of human

Senate File 2334 - Introduced continued

9 1 services in the format determined by the department of human
9 2 services to enable the department of human services to
9 3 determine whether a health care coverage recipient of the
9 4 cooperative association is also a medical assistance recipient
9 5 pursuant to section 249A.36.
9 6 3. A cooperative association which fails to comply with
9 7 this section before April 1 of the year in which the report is
9 8 due is subject to a penalty of ten dollars.
9 9 Sec. 12. Section 498.24, Code 2007, is amended to read as
9 10 follows:
9 11 498.24 BIENNIAL REPORT == PENALTY.
9 12 1. Section 504.1613 applies to a cooperative association
9 13 organized under this chapter in the same manner as that
9 14 section applies to a corporation organized under chapter 504.
9 15 In addition to the information required to be set forth in the
9 16 biennial report under section 504.1613, the cooperative
9 17 association shall also set forth the total amount of business
9 18 transacted, number of members, total expense of operation,
9 19 total amount of indebtedness, and total profits or losses for
9 20 each calendar or fiscal year of the two=year period which
9 21 ended immediately preceding the first day of January of the
9 22 year in which the report is filed.
9 23 2. a. The nonprofit cooperative association shall also
9 24 include in the biennial report all of the following:
9 25 (1) The street and mailing address of any entity, as
9 26 defined in section 249A.2, legally responsible for payment of
9 27 a claim for a health care item or service provided to a health
9 28 care coverage recipient of the nonprofit cooperative
9 29 association.
9 30 (2) A statement agreeing to cooperate with the department
9 31 of human services in complying with section 249A.36.
9 32 b. The secretary of state shall provide the information
9 33 submitted under this subsection to the department of human
9 34 services in the format determined by the department of human
9 35 services to enable the department of human services to

Senate File 2334 - Introduced continued

10 1 determine whether a health care coverage recipient of the
10 2 nonprofit cooperative association is also a medical assistance
10 3 recipient pursuant to section 249A.36.
10 4 3. A cooperative association which fails to comply with
10 5 this section before April 1 of the year in which the report is
10 6 due is subject to a penalty of ten dollars.
10 7 Sec. 13. Section 499.40, Code 2007, is amended by adding
10 8 the following new subsection:
10 9 NEW SUBSECTION. 9. A statement agreeing to cooperate with
10 10 the department of human services in complying with section
10 11 249A.36.
10 12 Sec. 14. Section 499.49, Code 2007, is amended to read as
10 13 follows:
10 14 499.49 BIENNIAL REPORT.
10 15 1. Section 504.1613 applies to a cooperative organized
10 16 under this chapter in the same manner as that section applies
10 17 to a corporation organized under chapter 504. In addition to
10 18 the information required to be set forth in the biennial
10 19 report under section 504.1613, the cooperative shall also set
10 20 forth the number of members of the cooperative, the percentage
10 21 of the cooperative's business done with or for its own members
10 22 during each of the fiscal or calendar years of the preceding
10 23 two=year period, the percentage of the cooperative's business
10 24 done with or for each class of nonmembers specified in section
10 25 499.3, and any other information deemed necessary by the
10 26 secretary of state to advise the secretary whether the
10 27 cooperative is actually functioning as a cooperative.
10 28 2. a. The cooperative association shall also include in
10 29 the biennial report all of the following:
10 30 (1) The street and mailing address of any entity, as
10 31 defined in section 249A.2, legally responsible for payment of
10 32 a claim for a health care item or service provided to a health
10 33 care coverage recipient of the cooperative association.
10 34 (2) A statement agreeing to cooperate with the department
10 35 of human services in complying with section 249A.36.

Senate File 2334 - Introduced continued

11 1 b. The secretary of state shall provide the information
11 2 submitted under this subsection to the department of human
11 3 services in the format determined by the department of human
11 4 services to enable the department of human services to
11 5 determine whether a health care coverage recipient of the
11 6 cooperative association is also a medical assistance recipient
11 7 pursuant to section 249A.36.
11 8 Sec. 15. Section 501.202, subsection 2, Code 2007, is
11 9 amended by adding the following new paragraph:
11 10 NEW PARAGRAPH. g. A statement agreeing to cooperate with
11 11 the department of human services in complying with section
11 12 249A.36.
11 13 Sec. 16. Section 501.713, subsection 1, Code 2007, is
11 14 amended by adding the following new paragraph:
11 15 NEW PARAGRAPH. e. (1) The street and mailing address of
11 16 any entity, as defined in section 249A.2, legally responsible
11 17 for payment of a claim for a health care item or service
11 18 provided to a health care coverage recipient of the closed
11 19 cooperative.
11 20 (2) A statement agreeing to cooperate with the department
11 21 of human services in complying with section 249A.36.
11 22 (3) The secretary of state shall provide the information
11 23 submitted under this lettered paragraph to the department of
11 24 human services in the format determined by the department of
11 25 human services to enable the department of human services to
11 26 determine whether a health care coverage recipient of the
11 27 closed cooperative is also a medical assistance recipient
11 28 pursuant to section 249A.36.
11 29 Sec. 17. Section 501A.231, subsection 1, Code 2007, is
11 30 amended by adding the following new paragraph:
11 31 NEW PARAGRAPH. e. (1) The street and mailing address of
11 32 any entity, as defined in section 249A.2, legally responsible
11 33 for payment of a claim for a health care item or service
11 34 provided to a health care coverage recipient of the
11 35 cooperative.

Senate File 2334 - Introduced continued

12 1 (2) A statement agreeing to cooperate with the department
12 2 of human services in complying with section 249A.36.
12 3 (3) The secretary of state shall provide the information
12 4 submitted under this lettered paragraph to the department of
12 5 human services in the format determined by the department of
12 6 human services to enable the department of human services to
12 7 determine whether a health care coverage recipient of the
12 8 cooperative is also a medical assistance recipient pursuant to
12 9 section 249A.36.
12 10 Sec. 18. Section 501A.503, subsection 1, paragraph a, Code
12 11 2007, is amended by adding the following new subparagraph:
12 12 NEW SUBPARAGRAPH. (6) A statement agreeing to cooperate
12 13 with the department of human services in complying with
12 14 section 249A.36.
12 15 Sec. 19. Section 504.202, subsection 1, Code 2007, is
12 16 amended by adding the following new paragraph:
12 17 NEW PARAGRAPH. f. A statement agreeing to cooperate with
12 18 the department of human services in complying with section
12 19 249A.36.
12 20 Sec. 20. Section 504.1613, subsection 1, Code 2007, is
12 21 amended by adding the following new paragraph:
12 22 NEW PARAGRAPH. f. (1) The street and mailing address of
12 23 any entity, as defined in section 249A.2, legally responsible
12 24 for payment of a claim for a health care item or service
12 25 provided to a health care coverage recipient of the domestic
12 26 nonprofit corporation or foreign nonprofit corporation.
12 27 (2) A statement agreeing to cooperate with the department
12 28 of human services in complying with section 249A.36.
12 29 (3) The secretary of state shall provide the information
12 30 submitted under this lettered paragraph to the department of
12 31 human services in the format determined by the department of
12 32 human services to enable the department of human services to
12 33 determine whether a health care coverage recipient of the
12 34 domestic nonprofit corporation or foreign nonprofit
12 35 corporation is also a medical assistance recipient pursuant to

Senate File 2334 - Introduced continued

13 1 section 249A.36.
13 2 Sec. 21. Section 505.25, Code 2007, is amended to read as
13 3 follows:
13 4 505.25 INFORMATION PROVIDED TO MEDICAL ASSISTANCE PROGRAM,
13 5 HAWK=I PROGRAM, AND CHILD SUPPORT RECOVERY UNIT.
13 6 1. A carrier, as defined in section 514C.13, shall enter
13 7 into a health insurance data match program with the department
13 8 of human services for the sole purpose of comparing the names
13 9 of the carrier's insureds with the names of recipients of the
13 10 medical assistance program under chapter 249A, individuals
13 11 under the purview of the child support recovery unit pursuant
13 12 to chapter 252B, or enrollees of the hawk=i program under
13 13 chapter 514I.
13 14 2. An entity as defined in section 249A.2 shall enter into
13 15 a health insurance data match program with the department of
13 16 human services requiring the entity to provide on a monthly
13 17 basis to the department, in the format determined by the
13 18 department, information necessary to enable the department to
13 19 determine whether a health care coverage recipient of the
13 20 entity is also a recipient of medical assistance under chapter
13 21 249A.
13 22 3. The division of insurance of the department of commerce
13 23 shall make information available to the department of human
13 24 services for the purpose of identifying carriers and entities
13 25 subject to the health insurance data match program.
13 26 Sec. 22. EFFECTIVE DATE. This Act takes effect March 1,
13 27 2008.
13 28 EXPLANATION
13 29 This bill provides for the sharing of information between
13 30 entities that have health care coverage information and the
13 31 Iowa Medicaid Enterprise (IME) to determine if a medical
13 32 assistance recipient has third=party coverage through an
13 33 entity that would be responsible for the costs of health care
13 34 services and items which would be provided through the medical
13 35 assistance program.

Senate File 2334 - Introduced continued

14 1 The bill defines "entity" for the purpose of identifying
14 2 these third=party payors, provides for the establishment of
14 3 cooperative agreements and information sharing between the
14 4 entities and the IME to enable the IME to determine if a
14 5 health care coverage recipient of the entity is also a medical
14 6 assistance recipient, and provides a process for payment of
14 7 claims by the entities if the health care coverage recipient
14 8 is also a recipient of medical assistance. The bill requires
14 9 business entities, as a requirement of doing business in the
14 10 state, to agree to cooperate with the department of human
14 11 services in sharing information with IME for the purposes of
14 12 this bill.
14 13 The bill requires that, as a condition of eligibility for
14 14 medical assistance, a recipient who has the legal capacity to
14 15 execute an assignment shall assign to the department of human
14 16 services any rights to payments of medical care and services
14 17 from any third party, cooperate with the department in
14 18 obtaining payment, and cooperate with the department in
14 19 identifying and providing information to assist the department
14 20 in pursuing any third party who may be liable to pay for
14 21 medical care and services available under the medical
14 22 assistance program.
14 23 LSB 5468SV 82
14 24 pf/nh/8.1

Senate File 2335 - Introduced

SENATE FILE
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO SSB 3272)

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

A BILL FOR

1 An Act relating to the rights of a victim of an alleged sexual
2 assault and notification of these rights by a peace officer.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
4 TLSB 6530SV 82
5 jm/nh/14

Senate File 2335 - Introduced continued

PAG LIN

1 1 Section 1. Section 709.22, Code 2007, is amended to read
1 2 as follows:
1 3 709.22 PREVENTION OF FURTHER SEXUAL ASSAULT ==
1 4 NOTIFICATION OF RIGHTS.
1 5 1. If a peace officer has reason to believe that a sexual
1 6 assault as defined in section 915.40 has occurred, the officer
1 7 shall use all reasonable means to prevent further violence
1 8 including but not limited to the following:
1 9 ~~1.~~ a. If requested, remaining on the scene of the alleged
1 10 sexual assault as long as there is a danger to the victim's
1 11 physical safety without the presence of a peace officer,
1 12 including but not limited to staying in the dwelling unit or
1 13 residence when it is the scene of the alleged sexual assault,
1 14 or if unable to remain on the scene, assisting the victim in
1 15 leaving the ~~residence~~ scene.
1 16 ~~2.~~ b. Assisting a victim in obtaining medical treatment
1 17 necessitated by the sexual assault, including providing
1 18 assistance to the victim in obtaining transportation to the
1 19 emergency room of the nearest hospital.
1 20 ~~3.~~ c. Providing a victim with immediate and adequate
1 21 notice of the victim's rights. The notice shall consist of
1 22 handing the victim a copy of the following statement written
1 23 in English and Spanish, asking the victim to read the
1 24 statement, and asking whether the victim understands the
1 25 rights:
1 26 (1) "You have the right to ask the court for help with any
1 27 of the following on a temporary basis:
1 28 ~~a.~~ (a) Keeping your attacker away from you, your home,
1 29 and your place of work.
1 30 ~~b.~~ (b) The right to stay at your home without
1 31 interference from your attacker.
1 32 ~~c.~~ (c) The right to seek a no=contact order under section
1 33 664A.3 or 915.22, if your attacker is arrested for sexual
1 34 assault.
1 35 (2) You have the right to register as a victim with the

Senate File 2335 - Introduced continued

2 1 county attorney under section 915.12.
2 2 (3) You have the right to file a complaint for threats,
2 3 assaults, or other related crimes.
2 4 (4) You have the right to seek restitution against your
2 5 attacker for harm to you or your property.
2 6 (5) You have the right to apply for victim compensation.
2 7 (6) You have the right to contact the county attorney or
2 8 local law enforcement to determine the status of your case.
2 9 (7) If you are in need of medical treatment, you have the
2 10 right to request that the officer present assist you in
2 11 obtaining transportation to the nearest hospital or otherwise
2 12 assist you.
2 13 (8) You have the right to a sexual assault examination
2 14 performed at state expense.
2 15 (9) You have the right to request the presence of a victim
2 16 counselor, as defined in section 915.20A, at any proceeding
2 17 related to an assault including a medical examination.
2 18 (10) If you believe that police protection is needed for
2 19 your physical safety, you have the right to request that the
2 20 officer present remain at the scene until you and other
2 21 affected parties can leave or until safety is otherwise
2 22 ensured."
2 23 d. The notice shall also contain the telephone numbers of
2 24 shelters, support groups, and crisis lines operating in the
2 25 area.
2 26 ~~4.~~ 2. A peace officer is not civilly or criminally liable
2 27 for actions taken in good faith pursuant to this section.
2 28 EXPLANATION
2 29 This bill relates to the rights of a victim of an alleged
2 30 sexual assault and notification of the rights by a peace
2 31 officer.
2 32 The bill specifies a peace officer shall remain at the
2 33 scene of the alleged sexual assault as long as a threat to the
2 34 physical safety of the victim remains or, if unable to remain
2 35 at the scene, the peace officer shall assist the victim in

Senate File 2335 - Introduced continued

3 1 leaving the scene of the alleged sexual assault.
3 2 The bill also provides that a victim of an alleged sexual
3 3 assault shall have the right to request the presence of a
3 4 victim counselor as defined in Code section 915.20A, at any
3 5 proceeding related to an assault including a medical
3 6 examination.
3 7 LSB 6530SV 82
3 8 jm/nh/14

Senate File 2336 - Introduced

SENATE FILE
BY COMMITTEE ON TRANSPORTATION

(SUCCESSOR TO SSB 3085)

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

A BILL FOR

An Act concerning the licensure of motor vehicle drivers under eighteen years of age and making a penalty applicable.
BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 5289SV 82
dea/nh/8

Senate File 2336 - Introduced continued

PAG LIN

1 1 Section 1. Section 321.180B, unnumbered paragraph 1, Code
1 2 2007, is amended to read as follows:
1 3 Persons under age eighteen shall not be issued a license or
1 4 permit to operate a motor vehicle except under the provisions
1 5 of this section. However, the department may issue restricted
1 6 licenses and ~~special driver's~~ minor's school licenses to
1 7 certain minors as provided in sections 321.178 and 321.194,
1 8 and driver's licenses restricted to motorized bicycles as
1 9 provided in section 321.189. A license or permit shall not be
1 10 issued under this section or section 321.178 or 321.194
1 11 without the consent of a parent or guardian. An additional
1 12 consent is required each time a license or permit is issued
1 13 under this section or section 321.178 or 321.194. The consent
1 14 must be signed by at least one parent or guardian on an
1 15 affidavit form provided by the department.
1 16 Sec. 2. Section 321.180B, subsection 2, Code 2007, is
1 17 amended to read as follows:
1 18 2. INTERMEDIATE LICENSE.
1 19 a. The department may issue an intermediate driver's
1 20 license to a person sixteen or seventeen years of age who
1 21 possesses an instruction permit issued under subsection 1 or a
1 22 comparable instruction permit issued by another state for a
1 23 minimum of six months immediately preceding application, and
1 24 who presents an affidavit signed by a parent or guardian on a
1 25 form to be provided by the department that the permittee has
1 26 accumulated a total of twenty hours of street or highway
1 27 driving of which two hours were conducted after sunset and
1 28 before sunrise and the street or highway driving was with the
1 29 permittee's parent, guardian, instructor, a person certified
1 30 by the department, or a person at least twenty=five years of
1 31 age who had written permission from a parent or guardian to
1 32 accompany the permittee, and whose driving privileges have not
1 33 been suspended, revoked, or barred under this chapter or
1 34 chapter 321J during, and who has been accident and violation
1 35 free continuously for, the six=month period immediately

Senate File 2336 - Introduced continued

2 1 preceding the application for an intermediate license. An
2 2 applicant for an intermediate license must meet the
2 3 requirements of section 321.186, including satisfactory
2 4 completion of driver education as required in section 321.178,
2 5 and payment of the required license fee before an intermediate
2 6 license will be issued.
2 7 b. A person issued an intermediate license ~~must~~ shall
2 8 limit the number of passengers in the motor vehicle when the
2 9 intermediate licensee is operating the motor vehicle to the
2 10 number of passenger safety belts. During the six=month period
2 11 immediately following the issuance of an intermediate license,
2 12 the person issued the intermediate license shall not transport
2 13 passengers in a motor vehicle, other than passengers whose
2 14 primary residence is the intermediate licensee's household,
2 15 unless accompanied by a person issued a driver's license valid
2 16 for the vehicle operated who is the parent or guardian of the
2 17 intermediate licensee.
2 18 c. Except as otherwise provided, a person issued an
2 19 intermediate license under this subsection who is operating a
2 20 motor vehicle between the hours of twelve=thirty a.m. and five
2 21 a.m. must be accompanied by a person issued a driver's license
2 22 valid for the vehicle operated who is the parent or guardian
2 23 of the ~~permittee~~ intermediate licensee, a member of the
2 24 ~~permittee's~~ licensee's immediate family if the family member
2 25 is at least twenty=one years of age, an approved driver
2 26 education instructor, a prospective driver education
2 27 instructor who is enrolled in a practitioner preparation
2 28 program with a safety education program approved by the state
2 29 board of education, or a person at least twenty=five years of
2 30 age if written permission is granted by the parent or
2 31 guardian, and who is actually occupying a seat beside the
2 32 driver. However, a licensee may operate a vehicle to and from
2 33 school=related extracurricular activities and work without an
2 34 accompanying driver between the hours of twelve=thirty a.m.
2 35 and five a.m. if such licensee possesses a waiver on a form to

Senate File 2336 - Introduced continued

be provided by the department. An accompanying driver is not required between the hours of five a.m. and twelve=thirty a.m.

Sec. 3. Section 321.194, subsection 1, Code 2007, is amended to read as follows:

1. DRIVER'S LICENSE ISSUED FOR TRAVEL TO AND FROM SCHOOL. Upon certification of a special need by the school board, superintendent of the applicant's school, or principal, if authorized by the superintendent, and upon presentation of an affidavit signed by a parent or guardian on a form to be provided by the department that the applicant has accumulated a total of twenty hours of street or highway driving of which two hours were conducted after sunset and before sunrise and the street or highway driving was with the applicant's parent, guardian, instructor, a person certified by the department, or a person at least twenty=five years of age who had written permission from a parent or guardian to accompany the applicant, the department may issue a class C or M driver's license to a person between the ages of fourteen and eighteen years whose driving privileges have not been suspended, revoked, or barred under this chapter or chapter 321J during, and who has not been convicted of a moving traffic violation or involved in a motor vehicle accident for, the six=month period immediately preceding the application for the ~~special~~ minor's school license and who has successfully completed an approved driver education course. However, the completion of a course is not required if the applicant demonstrates to the satisfaction of the department that completion of the course would impose a hardship upon the applicant. The department shall adopt rules defining the term "hardship" and establish procedures for the demonstration and determination of when completion of the course would impose a hardship upon an applicant.

a. The driver's license entitles the holder, while having the license in immediate possession, to operate a motor vehicle other than a commercial motor vehicle or as a

Senate File 2336 - Introduced continued

4 1 chauffeur:
4 2 (1) ~~During~~ For the purpose of attending duly scheduled
4 3 courses of instruction and extracurricular activities within
4 4 the school district, during the hours of 6 a.m. to 10 p.m.,
4 5 over the most direct and accessible route ~~between~~ as follows:
4 6 (a) Between the licensee's residence and ~~schools of~~
4 7 ~~enrollment or~~ the closest school bus stop or public
4 8 transportation service, ~~and between~~ schools of enrollment, ~~for~~
4 9 ~~the purpose of attending duly scheduled courses of instruction~~
4 10 ~~and extracurricular activities within the school district~~ and
4 11 locations of extracurricular activities.
4 12 (b) Between schools of enrollment.
4 13 (2) At any time when the licensee is accompanied in
4 14 accordance with section 321.180B, subsection 1.
4 15 b. A person issued a minor's school license shall not
4 16 transport passengers in a motor vehicle, other than passengers
4 17 whose primary residence is the minor's school licensee's
4 18 household, unless accompanied by a person issued a driver's
4 19 license valid for the vehicle operated who is the parent or
4 20 guardian of the person issued the minor's school license.
4 21 ~~b.~~ c. Each application shall be accompanied by a statement
4 22 from the school board, superintendent, or principal, if
4 23 authorized by the superintendent, of the applicant's school.
4 24 The statement shall be upon a form provided by the department.
4 25 The school board, superintendent, or principal, if authorized
4 26 by the superintendent, shall certify that a need exists for
4 27 the license and that the board, superintendent, or principal
4 28 authorized by the superintendent is not responsible for
4 29 actions of the applicant which pertain to the use of the
4 30 driver's license. Upon receipt of a statement of necessity,
4 31 the department shall issue the driver's license. The fact
4 32 that the applicant resides at a distance less than one mile
4 33 from the applicant's school of enrollment is prima facie
4 34 evidence of the nonexistence of necessity for the issuance of
4 35 a license. The school board shall develop and adopt a policy

Senate File 2336 - Introduced continued

5 1 establishing the criteria that shall be used by a school
5 2 district administrator to approve or deny certification that a
5 3 need exists for a license. The student may appeal to the
5 4 school board the decision of a school district administrator
5 5 to deny certification. The decision of the school board is
5 6 final. The driver's license shall not be issued for purposes
5 7 of attending a public school in a school district other than
5 8 either of the following:
5 9 (1) The district of residence of the parent or guardian of
5 10 the student.
5 11 (2) A district which is contiguous to the district of
5 12 residence of the parent or guardian of the student, if the
5 13 student is enrolled in the public school which is not the
5 14 school district of residence because of open enrollment under
5 15 section 282.18 or as a result of an election by the student's
5 16 district of residence to enter into one or more sharing
5 17 agreements pursuant to the procedures in chapter 282.
5 18 EXPLANATION
5 19 This bill addresses several issues concerning motor vehicle
5 20 operators under 18 years of age.
5 21 The bill restricts the transportation of passengers in
5 22 motor vehicles driven by certain young drivers. Under the
5 23 bill, a person who has been issued an intermediate driver's
5 24 license may not transport passengers who are not members of
5 25 the driver's household in a motor vehicle during the first six
5 26 months of licensure, unless accompanied by a licensed driver
5 27 who is a parent or guardian of the licensee. In addition, the
5 28 bill prohibits a person who has been issued a minor's school
5 29 license from transporting passengers who are not members of
5 30 the driver's household unless accompanied by a licensed driver
5 31 who is a parent or guardian of the licensee.
5 32 The bill imposes a new requirement to be met by an
5 33 applicant for a minor's school license (formerly referred to
5 34 as a special minor's license) which allows a person between 14
5 35 and 18 years of age, who demonstrates a special need, to drive

Senate File 2336 - Introduced continued

6 1 only for school=related purposes. The applicant must present
6 2 an affidavit signed by a parent or guardian that the applicant
6 3 has accumulated 20 hours of street or highway driving,
6 4 including two hours conducted between sunset and sunrise,
6 5 while accompanied by the applicant's parent, guardian,
6 6 instructor, a person certified by the department, or a person
6 7 at least 25 years of age who had written permission from a
6 8 parent or guardian. This is the same affidavit required of an
6 9 applicant for an intermediate driver's license. The bill also
6 10 makes technical changes to clarify that the license is valid
6 11 for travel between schools of enrollment and locations of
6 12 extracurricular activities within a school district.
6 13 Pursuant to current law, a violation of the new provisions
6 14 relating to intermediate driver's licenses or minor's school
6 15 licenses would be punishable as a scheduled violation, subject
6 16 to a fine of $30.
6 17 LSB 5289SV 82
6 18 dea/nh/8

Senate File 2337 - Introduced

SENATE FILE
BY COMMITTEE ON COMMERCE

(SUCCESSOR TO SF 2191)

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

A BILL FOR

An Act relating to the purchase of liability insurance by the association of Iowa fairs.
BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 5730SV 82
av/rj/5

Senate File 2337 - Introduced continued

PAG LIN

1 1 Section 1. NEW SECTION. 174.8A LIABILITY INSURANCE.
1 2 The association of Iowa fairs shall have, as one of its
1 3 purposes, the power to purchase liability insurance as a
1 4 purchasing group pursuant to section 515E.8 on behalf of
1 5 eligible fairs which are members of the association.
1 6 EXPLANATION
1 7 This bill provides that the association of Iowa fairs shall
1 8 have, as one of its purposes, the power to purchase liability
1 9 insurance as a purchasing group pursuant to Code section
1 10 515E.8 on behalf of eligible fairs which are members of the
1 11 association.
1 12 LSB 5730SV 82
1 13 av/rj/5

Senate File 2338 - Introduced

SENATE FILE
BY COMMITTEE ON HUMAN
RESOURCES

(SUCCESSOR TO SSB 3182)

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

A BILL FOR

An Act relating to the regulation of health=related professions.
BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 5430SV 82
jr/nh/5

Senate File 2338 - Introduced continued

PAG LIN

1 1 DIVISION I
1 2 PROFESSIONAL LICENSURE == HEALTH=RELATED PROFESSIONS
1 3 Section 1. Section 147.1, Code Supplement 2007, is amended
1 4 to read as follows:
1 5 147.1 DEFINITIONS.
1 6 ~~1. As used in this chapter, unless the context otherwise~~
~~1 7 requires, "book", "list", "record", or "schedule" kept by a~~
~~1 8 county auditor, assessor, treasurer, recorder, sheriff, or~~
~~1 9 other county officer means the county system as defined in~~
~~1 10 section 445.1.~~
1 11 ~~2.~~ For the purpose of this and the following chapters of
1 12 this subtitle:
1 13 ~~a.~~ 1. "Board" ~~shall mean~~ means one of the boards
1 14 enumerated in section 147.13 or any other board established in
1 15 this subtitle ~~which is~~ whose members are appointed by the
1 16 governor to license applicants and impose licensee discipline
1 17 as authorized by law.
1 18 ~~b.~~ 2. "Department" ~~shall mean~~ means the ~~Iowa~~ department
1 19 of public health.
1 20 ~~c.~~ 3. "Licensed" or "certified", when applied to a
1 21 physician and surgeon, podiatric physician, ~~osteopath,~~
1 22 osteopathic physician and surgeon, physician assistant,
1 23 psychologist ~~or associate psychologist~~, chiropractor, nurse,
1 24 dentist, dental hygienist, dental assistant, optometrist,
1 25 speech pathologist, audiologist, pharmacist, physical
1 26 therapist, physical therapist assistant, occupational
1 27 therapist, occupational therapy assistant, respiratory care
1 28 practitioner, practitioner of cosmetology arts and sciences,
1 29 practitioner of barbering, funeral director, dietitian,
1 30 marital and family therapist, mental health counselor, social
1 31 worker, massage therapist, athletic trainer, acupuncturist,
1 32 nursing home administrator, hearing aid dispenser, or sign
1 33 language interpreter or transliterator means a person licensed
1 34 under this subtitle.
1 35 ~~d.~~ 4. "Peer review" means evaluation of professional

Senate File 2338 - Introduced continued

2 1 services rendered by a person licensed to practice a
2 2 profession.
2 3 ~~e.~~ 5. "Peer review committee" means one or more persons
2 4 acting in a peer review capacity who also serve as an officer,
2 5 director, trustee, agent, or member of any of the following:
2 6 ~~(1)~~ a. A state or local professional society of a
2 7 profession for which there is peer review.
2 8 ~~(2)~~ b. Any organization approved to conduct peer review
2 9 by a society as designated in paragraph "a" of this
2 10 subsection.
2 11 ~~(3)~~ c. The medical staff of any licensed hospital.
2 12 ~~(4)~~ d. A board enumerated in section 147.13 or any other
2 13 board established in this subtitle which is appointed by the
2 14 governor to license applicants and impose licensee discipline
2 15 as authorized by law.
2 16 ~~(5)~~ e. The board of trustees of a licensed hospital when
2 17 performing a function relating to the reporting required by
2 18 section 147.135, subsection 3.
2 19 ~~(6)~~ f. A health care entity, including but not limited to
2 20 a group medical practice, that provides health care services
2 21 and follows a formal peer review process for the purpose of
2 22 furthering quality health care.
2 23 ~~f.~~ 6. "Profession" means medicine and surgery, podiatry,
2 24 ~~osteopathy,~~ osteopathic medicine and surgery, practice as a
2 25 physician assistant, psychology, chiropractic, nursing,
2 26 dentistry, dental hygiene, dental assisting, optometry, speech
2 27 pathology, audiology, pharmacy, physical therapy, physical
2 28 therapist assisting, occupational therapy, occupational
2 29 therapy assisting, respiratory care, cosmetology arts and
2 30 sciences, barbering, mortuary science, marital and family
2 31 therapy, mental health counseling, social work, dietetics,
2 32 massage therapy, athletic training, acupuncture, nursing home
2 33 administration, hearing aid dispensing, or sign language
2 34 interpreting or transliterating.
2 35 Sec. 2. Section 147.2, Code Supplement 2007, is amended to

Senate File 2338 - Introduced continued

3 1 read as follows:
3 2 147.2 LICENSE REQUIRED.
3 3 1. A person shall not engage in the practice of medicine
3 4 and surgery, podiatry, ~~osteopathy,~~ osteopathic medicine and
3 5 surgery, psychology, chiropractic, physical therapy, physical
3 6 therapist assisting, nursing, dentistry, dental hygiene,
3 7 dental assisting, optometry, speech pathology, audiology,
3 8 occupational therapy, occupational therapy assisting,
3 9 respiratory care, pharmacy, cosmetology arts and sciences,
3 10 barbering, social work, dietetics, marital and family therapy
3 11 or mental health counseling, massage therapy, mortuary
3 12 science, athletic training, acupuncture, nursing home
3 13 administration, hearing aid dispensing, or sign language
3 14 interpreting or transliterating, or shall not practice as a
3 15 physician assistant ~~as defined in the following chapters of~~
3 16 ~~this subtitle,~~ unless the person has obtained ~~from the~~
3 17 ~~department~~ a license for that purpose from the board for the
3 18 profession.
3 19 2. For purposes of this section, a person who is licensed
3 20 in another state and recognized for licensure in this state
3 21 pursuant to the nurse licensure compact contained in section
3 22 152E.1 or pursuant to the advanced practice registered nurse
3 23 compact contained in section 152E.3 shall be considered to
3 24 have obtained a license to practice nursing ~~from the~~
3 25 ~~department~~.
3 26 Sec. 3. Section 147.3, Code 2007, is amended to read as
3 27 follows:
3 28 147.3 QUALIFICATIONS.
3 29 An applicant for a license to practice a profession under
3 30 this subtitle is not ineligible because of age, citizenship,
3 31 sex, race, religion, marital status, or national origin,
3 32 although the application form may require citizenship
3 33 information. A board may consider the past ~~felony~~ criminal
3 34 record of an applicant only if the ~~felony~~ conviction relates
3 35 ~~directly~~ to the practice of the profession for which the

Senate File 2338 - Introduced continued

4 1 applicant requests to be licensed. ~~Character references may~~
~~4 2 be required, but shall not be obtained from licensed members~~
~~4 3 of the profession.~~
4 4 Sec. 4. Section 147.4, Code 2007, is amended to read as
4 5 follows:
4 6 147.4 GROUNDS FOR REFUSING.
4 7 ~~The department~~ A board may refuse to grant a license to
4 8 practice a profession to any person otherwise qualified upon
4 9 any of the grounds for which a license may be revoked or
4 10 suspended.
4 11 Sec. 5. Section 147.5, Code Supplement 2007, is amended to
4 12 read as follows:
4 13 147.5 LICENSE REQUIRED ~~== EXCEPTION~~.
4 14 1. Every license to practice a profession shall be in the
4 15 form of a certificate under the seal ~~of the department, signed~~
~~4 16 by the director of public health~~ of the board. Such license
4 17 shall be issued in the name of the ~~licensing~~ board ~~which~~
~~4 18 conducts examinations for that particular profession~~.
4 19 2. This section shall not apply to a person who is
4 20 licensed in another state and recognized for licensure in this
4 21 state pursuant to the nurse licensure compact contained in
4 22 section 152E.1 or pursuant to the advanced practice registered
4 23 nurse compact contained in section 152E.3.
4 24 Sec. 6. Section 147.7, Code 2007, is amended to read as
4 25 follows:
4 26 147.7 DISPLAY OF LICENSE.
4 27 ~~Every person licensed under this subtitle to practice a~~
~~4 28 profession shall keep the license publicly displayed in the~~
~~4 29 primary place in which the person practices.~~
4 30 1. A board may require every person licensed by the board
4 31 to display the license and evidence of current renewal
4 32 publicly in a manner prescribed by the board.
4 33 2. This section shall not apply to a person who is
4 34 licensed in another state and recognized for licensure in this
4 35 state pursuant to the nurse licensure compact contained in

Senate File 2338 - Introduced continued

5 1 section 152E.1 or pursuant to the advanced practice registered
5 2 nurse compact contained in section 152E.3. A person licensed
5 3 in another state and recognized for licensure in this state
5 4 pursuant to either compact shall, however, maintain a copy of
5 5 a license issued by the person's home state available for
5 6 inspection when engaged in the practice of nursing in this
5 7 state.
5 8 Sec. 7. Section 147.8, Code 2007, is amended to read as
5 9 follows:
5 10 147.8 RECORD OF LICENSES.
5 11 ~~The~~ A board shall keep the following information available
5 12 for public inspection for each person licensed by the board:
5 13 name, ~~location, number of years of practice of the person to~~
5 14 ~~whom a license is issued to practice a profession~~ address of
5 15 record, the number of the ~~certificate~~ license, and the date of
5 16 ~~registration thereof shall be kept and made available in a~~
5 17 ~~manner which is open to public inspection~~ issuance of the
5 18 license.
5 19 Sec. 8. Section 147.9, Code 2007, is amended by striking
5 20 the section and inserting in lieu thereof the following:
5 21 147.9 CHANGE OF ADDRESS.
5 22 Every person licensed pursuant to this chapter shall notify
5 23 the board which issued the license of a change in the person's
5 24 address of record within a time period established by board
5 25 rule.
5 26 Sec. 9. Section 147.10, Code 2007, is amended to read as
5 27 follows:
5 28 147.10 RENEWAL.
5 29 1. Every license to practice a profession shall expire in
5 30 multiyear intervals and be renewed as determined by the board
5 31 upon application by the licensee~~, without examination~~. Each
5 32 board shall establish rules for license renewal and
5 33 concomitant fees. Application for renewal shall be made ~~in~~
5 34 ~~writing to the department~~ to the board accompanied by the
5 35 required fee at least thirty days prior to the expiration of

Senate File 2338 - Introduced continued

6 1 such license. ~~Every renewal shall be displayed in connection~~
~~6 2 with the original license. The department shall notify each~~
~~6 3 licensee prior to the expiration of a license. Failure to~~
~~6 4 renew the license within a reasonable time after the~~
~~6 5 expiration shall not invalidate the license, but a reasonable~~
~~6 6 penalty may be assessed by the board.~~
6 7 2. Each board may by rule establish a grace period
6 8 following expiration of a license in which the license is not
6 9 invalidated. Each board may assess a reasonable penalty for
6 10 renewal of a license during the grace period. Failure of a
6 11 licensee to renew a license within the grace period shall
6 12 cause the license to become inactive or lapsed. A licensee
6 13 whose license is inactive or lapsed shall not engage in the
6 14 practice of the profession until the license is reactivated or
6 15 reinstated.
6 16 Sec. 10. Section 147.11, Code Supplement 2007, is amended
6 17 by striking the section and inserting in lieu thereof the
6 18 following:
6 19 147.11 REACTIVATION AND REINSTATEMENT.
6 20 1. A licensee who allows the license to become inactive or
6 21 lapsed by failing to renew the license, as provided in section
6 22 147.10, may be reactivated upon payment of a reactivation fee
6 23 and compliance with other terms established by board rule.
6 24 2. A licensee whose license has been revoked, suspended,
6 25 or voluntarily surrendered must apply for and receive
6 26 reinstatement of the license in accordance with board rule and
6 27 must apply for and be granted reactivation of the license in
6 28 accordance with board rule prior to practicing the profession.
6 29 Sec. 11. Section 147.12, Code Supplement 2007, is amended
6 30 to read as follows:
6 31 147.12 HEALTH PROFESSION BOARDS.
6 32 1. ~~For the purpose of giving examinations to applicants~~
~~6 33 for licenses to practice the professions for which licenses~~
~~6 34 are required by this subtitle, the~~ The governor shall appoint,
6 35 subject to confirmation by the senate, a board for each of the

Senate File 2338 - Introduced continued

7 1 professions. The board members shall not be required to be
7 2 members of professional societies or associations composed of
7 3 members of their professions.
7 4 2. If a person who has been appointed by the governor to
7 5 serve on a board has ever been disciplined in a contested case
7 6 by the board to which the person has been appointed, all board
7 7 ~~complaints and~~ statements of charges, settlement agreements,
7 8 findings of fact, and orders pertaining to the disciplinary
7 9 action shall be made available to the senate committee to
7 10 which the appointment is referred at the committee's request
7 11 before the full senate votes on the person's appointment.
7 12 Sec. 12. Section 147.13, subsections 6, 15, 16, 18, 19,
7 13 20, 21, 22, and 23, Code Supplement 2007, are amended to read
7 14 as follows:
7 15 6. For physical ~~therapists~~ therapy and occupational
7 16 ~~therapists~~ therapy, the board of physical and occupational
7 17 therapy.
7 18 15. For social ~~workers~~ work, the board of social work.
7 19 16. For marital and family ~~therapists~~ therapy and mental
7 20 health ~~counselors~~ counseling, the board of behavioral science.
7 21 18. For respiratory care ~~therapists~~ therapy, the board of
7 22 respiratory care.
7 23 19. For massage ~~therapists~~ therapy, the board of massage
7 24 therapy.
7 25 20. For athletic ~~trainers~~ training, the board of athletic
7 26 training.
7 27 21. For ~~interpreters~~ interpreting, the board of sign
7 28 language interpreters and transliterators.
7 29 22. For hearing ~~aids~~ aid dispensing, the board of hearing
7 30 aid dispensers.
7 31 23. For nursing home ~~administrators~~ administration, the
7 32 board of nursing home administrators.
7 33 Sec. 13. Section 147.14, Code Supplement 2007, is amended
7 34 to read as follows:
7 35 147.14 QUORUM == COMPOSITION OF BOARDS.

Senate File 2338 - Introduced continued

8 1 1. The board members shall consist of the following:
8 2 ~~1.~~ a. For barbering, three members licensed to practice
8 3 barbering, and two members who are not licensed to practice
8 4 barbering and who shall represent the general public. ~~A~~
~~8 5 quorum shall consist of a majority of the members of the~~
~~8 6 board.~~
8 7 ~~2.~~ b. For medicine, five members licensed to practice
8 8 medicine and surgery, two members licensed to practice
8 9 osteopathic medicine and surgery, and three members not
8 10 licensed to practice either medicine and surgery or
8 11 osteopathic medicine and surgery, and who shall represent the
8 12 general public. ~~A majority of members of the board~~
~~8 13 constitutes a quorum.~~
8 14 ~~3.~~ c. For nursing, four registered nurses, two of whom
8 15 shall be actively engaged in practice, two of whom shall be
8 16 nurse educators from nursing education programs; of these, one
8 17 in higher education and one in area community and
8 18 vocational=technical registered nurse education; one licensed
8 19 practical nurse actively engaged in practice; and two members
8 20 not registered nurses or licensed practical nurses and who
8 21 shall represent the general public. The representatives of
8 22 the general public shall not be members of health care
8 23 delivery systems. ~~A majority of the members of the board~~
~~8 24 constitutes a quorum.~~
8 25 ~~4.~~ d. For dentistry, five members licensed to practice
8 26 dentistry, two members licensed to practice dental hygiene,
8 27 and two members not licensed to practice dentistry or dental
8 28 hygiene and who shall represent the general public. ~~A~~
~~8 29 majority of the members of the board shall constitute a~~
~~8 30 quorum.~~ No member of the dental faculty of the school of
8 31 dentistry at the state university of Iowa shall be eligible to
8 32 be appointed. Persons appointed to the board as dental
8 33 hygienist members shall not be employed by or receive any form
8 34 of remuneration from a dental or dental hygiene educational
8 35 institution. The two dental hygienist board members and one

Senate File 2338 - Introduced continued

9 1 dentist board member shall constitute a dental hygiene
9 2 committee of the board as provided in section 153.33A.
9 3 ~~5.~~ e. For pharmacy, five members licensed to practice
9 4 pharmacy and two members who are not licensed to practice
9 5 pharmacy and who shall represent the general public. ~~A~~
~~9 6 majority of the members of the board shall constitute a~~
~~9 7 quorum.~~
9 8 ~~6.~~ f. For optometry, five members licensed to practice
9 9 optometry and two members who are not licensed to practice
9 10 optometry and who shall represent the general public. ~~A~~
~~9 11 majority of the members of the board shall constitute a~~
~~9 12 quorum.~~
9 13 ~~7.~~ g. For psychology, five members who are licensed to
9 14 practice psychology and two members not licensed to practice
9 15 psychology and who shall represent the general public. Of the
9 16 five members who are licensed to practice psychology, one
9 17 member shall be primarily engaged in graduate teaching in
9 18 psychology or primarily engaged in research psychology, ~~two~~
9 19 three members shall be persons who render services in
9 20 psychology, and one member shall represent areas of applied
9 21 psychology and may be affiliated with training institutions
9 22 and shall devote a major part of the member's time to
9 23 rendering service in psychology~~, and one member shall be~~
~~9 24 primarily engaged in research psychology~~. ~~A majority of the~~
~~9 25 members of the board constitutes a quorum.~~
9 26 ~~8.~~ h. For chiropractic, five members licensed to practice
9 27 chiropractic and two members who are not licensed to practice
9 28 chiropractic and who shall represent the general public. ~~A~~
~~9 29 majority of the members of the board shall constitute a~~
~~9 30 quorum.~~
9 31 ~~9.~~ i. For speech pathology and audiology, five members
9 32 licensed to practice speech pathology or audiology at least
9 33 two of which shall be licensed to practice speech pathology
9 34 and at least two of which shall be licensed to practice
9 35 audiology, and two members who are not licensed to practice

Senate File 2338 - Introduced continued

10 1 speech pathology or audiology and who shall represent the
10 2 general public. ~~A majority of the members of the board shall~~
~~10 3 constitute a quorum.~~
10 4 ~~10.~~ j. For physical therapy and occupational therapy,
10 5 three members licensed to practice physical therapy, two
10 6 members licensed to practice occupational therapy, and two
10 7 members who are not licensed to practice physical therapy or
10 8 occupational therapy and who shall represent the general
10 9 public. ~~A quorum shall consist of a majority of the members~~
~~10 10 of the board.~~
10 11 ~~11.~~ k. For dietetics, one licensed dietitian representing
10 12 the approved or accredited dietetic education programs, one
10 13 licensed dietitian representing clinical dietetics ~~in~~
~~10 14 hospitals~~, one licensed dietitian representing community
10 15 nutrition services and two members who are not licensed
10 16 dietitians and who shall represent the general public. ~~A~~
~~10 17 majority of the members of the board constitutes a quorum.~~
10 18 ~~12.~~ l. For the board of physician assistants, five
10 19 members licensed to practice as physician assistants, at least
10 20 two of whom practice in counties with a population of less
10 21 than fifty thousand, one member licensed to practice medicine
10 22 and surgery who supervises a physician assistant, one member
10 23 licensed to practice osteopathic medicine and surgery who
10 24 supervises a physician assistant, and two members who are not
10 25 licensed to practice either medicine and surgery or
10 26 osteopathic medicine and surgery or licensed as a physician
10 27 assistant and who shall represent the general public. At
10 28 least one of the physician members shall be in practice in a
10 29 county with a population of less than fifty thousand. ~~A~~
~~10 30 majority of members of the board constitutes a quorum.~~
10 31 ~~13.~~ m. For behavioral science, three members licensed to
10 32 practice marital and family therapy, ~~one of whom shall be~~
~~10 33 employed in graduate teaching, training, or research in~~
~~10 34 marital and family therapy and two of whom shall be practicing~~
~~10 35 marital and family therapists;~~ all of whom shall be practicing

Senate File 2338 - Introduced continued

11 1 marital and family therapists; three members licensed to
11 2 practice mental health counseling, one of whom shall be
11 3 employed in graduate teaching, training, or research in mental
11 4 health counseling and two of whom shall be practicing mental
11 5 health counselors; and three members who are not licensed to
11 6 practice marital and family therapy or mental health
11 7 counseling and who shall represent the general public. ~~A~~
~~11 8 majority of the members of the board constitutes a quorum.~~
11 9 ~~14.~~ n. For cosmetology arts and sciences, a total of
11 10 seven members, three who are licensed cosmetologists, one who
11 11 is a licensed electrologist, esthetician, or nail
11 12 technologist, one who is a licensed instructor of cosmetology
11 13 arts and sciences at a public or private school and who does
11 14 not own a school of cosmetology arts and sciences, and two who
11 15 are not licensed in a practice of cosmetology arts and
11 16 sciences and who shall represent the general public.
11 17 ~~15.~~ o. For respiratory care, one licensed physician with
11 18 training in respiratory care, three respiratory care
11 19 practitioners who have practiced respiratory care for a
11 20 minimum of six years immediately preceding their appointment
11 21 to the board and who are recommended by the society for
11 22 respiratory care, and one member not licensed to practice
11 23 medicine or respiratory care who shall represent the general
11 24 public. ~~A majority of members of the board constitutes a~~
~~11 25 quorum.~~
11 26 ~~16.~~ p. For mortuary science, four members licensed to
11 27 practice mortuary science, one member owning, operating, or
11 28 employed by a crematory, and two members not licensed to
11 29 practice mortuary science and not a crematory owner, operator,
11 30 or employee who shall represent the general public. ~~A~~
~~11 31 majority of the members of the board constitutes a quorum.~~
11 32 ~~17.~~ q. For massage therapists, four members licensed to
11 33 practice massage therapy and three members who are not
11 34 licensed to practice massage therapy and who shall represent
11 35 the general public. ~~A majority of the members of the board~~

~~Senate File 2338 - Introduced continued~~

~~12 1 constitutes a quorum.~~
12 2 ~~18.~~ r. For athletic trainers, three members licensed to
12 3 practice athletic training, three members licensed to practice
12 4 medicine and surgery, and one member not licensed to practice
12 5 athletic training or medicine and surgery and who shall
12 6 represent the general public. ~~A majority of the members of~~
~~12 7 the board constitutes a quorum.~~
12 8 ~~19.~~ s. For podiatry, five members licensed to practice
12 9 podiatry and two members who are not licensed to practice
12 10 podiatry and who shall represent the general public. ~~A~~
~~12 11 majority of the members of the board shall constitute a~~
~~12 12 quorum.~~
12 13 ~~20.~~ t. For social work, a total of seven members, five
12 14 who are licensed to practice social work, with at least one
12 15 from each of three levels of licensure described in section
12 16 154C.3, subsection 1, ~~two employed by a licensee under chapter~~
~~12 17 237~~ and one employed in the area of children's social work,
12 18 and two who are not licensed social workers and who shall
12 19 represent the general public.
12 20 ~~21.~~ u. For sign language interpreting and
12 21 transliterating, four members licensed to practice
12 22 interpreting and transliterating, three of whom shall be
12 23 practicing interpreters and transliterators at the time of
12 24 appointment to the board and at least one of whom is employed
12 25 in an educational setting; and three members who are consumers
12 26 of interpreting or transliterating services as defined in
12 27 section 154E.1, each of whom shall be deaf. ~~A majority of~~
~~12 28 members of the board constitutes a quorum.~~
12 29 ~~22.~~ v. For hearing aid dispensers, three licensed hearing
12 30 aid dispensers and two members who are not licensed hearing
12 31 aid dispensers who shall represent the general public. ~~A~~
~~12 32 majority of the members of the board constitutes a quorum.~~ No
12 33 more than two members of the board shall be employees of, or
12 34 dispensers principally for, the same hearing aid manufacturer.
12 35 ~~23.~~ w. For nursing home administrators, a total of nine

Senate File 2338 - Introduced continued

13 1 members~~: Four~~, four who are licensed nursing home
13 2 administrators, one of whom is the administrator of a
13 3 nonproprietary nursing home; three licensed members of any
13 4 profession concerned with the care and treatment of
13 5 chronically ill or elderly patients who are not nursing home
13 6 administrators or nursing home owners; and two members of the
13 7 general public who are not licensed under this chapter ~~147~~,
13 8 have no financial interest in any nursing home, and who shall
13 9 represent the general public. ~~A majority of the members of~~
~~13 10 the board constitutes a quorum.~~
13 11 2. A majority of the members of a board constitutes a
13 12 quorum.
13 13 Sec. 14. Section 147.19, Code Supplement 2007, is amended
13 14 to read as follows:
13 15 147.19 TERMS OF OFFICE.
13 16 The board members shall serve three=year terms, which shall
13 17 commence and end as provided by section 69.19. Any vacancy in
13 18 the membership of a board shall be filled by appointment of
13 19 the governor subject to senate confirmation. A member shall
13 20 serve no more than ~~three terms or~~ nine years in total on the
13 21 same board.
13 22 Sec. 15. Section 147.21, Code 2007, is amended to read as
13 23 follows:
13 24 147.21 EXAMINATION INFORMATION.
13 25 1. The public members of ~~the~~ a board shall be allowed to
13 26 participate in administrative, clerical, or ministerial
13 27 functions incident to giving the examination, but shall not
13 28 determine the content of the examination or determine the
13 29 correctness of the answers.
13 30 2. A member of the board shall not disclose information
13 31 relating to any of the following:
13 32 ~~1. Criminal history or prior misconduct of the applicant.~~
13 33 ~~2.~~ a. ~~Information relating to the~~ The contents of the
13 34 examination.
13 35 ~~3.~~ b. ~~Information relating to the~~ The examination results

Senate File 2338 - Introduced continued

14 1 other than final score except for information about the
14 2 results of an examination which is given to the person who
14 3 took the examination.
14 4 3. A member of the board who willfully communicates or
14 5 seeks to communicate such information, and any person who
14 6 willfully requests, obtains, or seeks to obtain such
14 7 information, is guilty of a simple misdemeanor.
14 8 Sec. 16. Section 147.22, Code Supplement 2007, is amended
14 9 to read as follows:
14 10 147.22 OFFICERS.
14 11 Each board shall ~~organize~~ annually ~~and shall~~ select a
14 12 chairperson and a ~~secretary~~ vice chairperson from its own
14 13 membership.
14 14 Sec. 17. Section 147.24, Code Supplement 2007, is amended
14 15 by striking the section and inserting in lieu thereof the
14 16 following:
14 17 147.24 COMPENSATION.
14 18 Members of a board shall receive actual expenses for their
14 19 duties as a member of the board. Each member of each board
14 20 shall also be eligible to receive compensation as provided in
14 21 section 7E.6, within the limits of funds available.
14 22 Sec. 18. Section 147.25, Code Supplement 2007, is amended
14 23 by striking the section and inserting in lieu thereof the
14 24 following:
14 25 147.25 SYSTEM OF HEALTH PERSONNEL STATISTICS == FEE.
14 26 1. A board may establish a system to collect, maintain,
14 27 and disseminate health personnel statistical data regarding
14 28 board licensees, including but not limited to number of
14 29 licensees, employment status, location of practice or place of
14 30 employment, areas of professional specialization and ages of
14 31 licensees, and other pertinent information bearing on the
14 32 availability of trained and licensed personnel to provide
14 33 services in this state.
14 34 2. In addition to any other fee provided by law, a fee may
14 35 be set by the respective boards for each license and renewal

Senate File 2338 - Introduced continued

15 1 of a license to practice a profession, which fee shall be
15 2 based on the annual cost of collecting information for use by
15 3 the board in the administration of the system of health
15 4 personnel statistics established by this section. The fee
15 5 shall be retained by the respective board in the manner in
15 6 which license and renewal fees are retained in section 147.82.
15 7 Sec. 19. Section 147.28, Code Supplement 2007, is amended
15 8 to read as follows:
15 9 147.28 NATIONAL ORGANIZATION.
15 10 Each board may maintain a membership in the national
15 11 organization of the regulatory boards of its profession to be
15 12 paid from board funds ~~appropriated to the board~~.
15 13 Sec. 20. Section 147.33, Code Supplement 2007, is amended
15 14 by striking the section and inserting in lieu thereof the
15 15 following:
15 16 147.33 PROFESSIONAL SCHOOLS.
15 17 A dean of a college or university which provides
15 18 instruction or training in a profession shall supply
15 19 information or data related to the college or university upon
15 20 request of a board.
15 21 Sec. 21. Section 147.34, Code Supplement 2007, is amended
15 22 to read as follows:
15 23 147.34 EXAMINATIONS.
15 24 ~~Examinations for each profession licensed under this~~
~~15 25 subtitle shall be conducted at least one time per year at such~~
~~15 26 time as the department may fix in cooperation with each board.~~
~~15 27 Examinations may be given at the state university of Iowa at~~
~~15 28 the close of each school year for professions regulated by~~
~~15 29 this subtitle and examinations may be given at other schools~~
~~15 30 located in the state at which any of the professions regulated~~
~~15 31 by this subtitle are taught. At least one session of each~~
~~15 32 board shall be held annually at the seat of government and the~~
~~15 33 locations of other sessions shall be determined by the board,~~
~~15 34 unless otherwise ordered by the department.~~
15 35 1. Each board shall by rule prescribe the examination or

Senate File 2338 - Introduced continued

16 1 examinations required for licensure for the profession and the
16 2 manner in which an applicant shall complete the examination
16 3 process. A board may develop and administer the examination,
16 4 may designate a national, uniform, or other examination as the
16 5 prescribed examination, or may contract for such services.
16 6 Dentists shall pass an examination approved by a majority of
16 7 the dentist members of the dental board.
16 8 2. When a board administers an examination, the board
16 9 shall provide adequate public notice of the time and place of
16 10 the examination to allow candidates to comply with the
16 11 provisions of this subtitle. Administration of examinations,
16 12 including location, frequency, and reexamination, may be
16 13 determined by the board.
16 14 3. Applicants who fail ~~to pass~~ the examination once shall
16 15 be allowed to take the examination at the next ~~scheduled~~
16 16 authorized time. Thereafter, applicants shall be allowed to
16 17 take the examination at the discretion of the board.
16 18 ~~Examinations may be given by a board which are prepared and~~
~~16 19 scored by persons outside the state, and boards may contract~~
~~16 20 for such services. A board may make an agreement with boards~~
~~16 21 in other states for administering a uniform examination.~~ An
16 22 applicant who has failed an examination may request in writing
16 23 information from the board concerning the examination grade
16 24 and subject areas or questions which the applicant failed to
16 25 answer correctly, except that if the board ~~administers~~
16 26 prescribes a national or uniform~~, standardized~~ examination,
16 27 the board shall only be required to provide the examination
16 28 grade and such other information concerning the applicant's
16 29 examination results which are available to the board.
16 30 Sec. 22. Section 147.36, Code Supplement 2007, is amended
16 31 to read as follows:
16 32 147.36 RULES.
16 33 Each board ~~shall~~ may establish rules for any of the
16 34 following:
16 35 1. The qualifications required for applicants seeking to

Senate File 2338 - Introduced continued

17 1 take examinations.
17 2 2. The denial of applicants seeking to take examinations.
17 3 3. The conducting of examinations.
17 4 4. The grading of examinations and passing upon the
17 5 technical qualifications of applicants, as shown by such
17 6 examinations.
17 7 5. The minimum scores required for passing standardized
17 8 examinations.
17 9 Sec. 23. Section 147.37, Code Supplement 2007, is amended
17 10 to read as follows:
17 11 147.37 IDENTITY OF CANDIDATE CONCEALED.
17 12 ~~All examinations in theory shall be in writing, and the~~
~~17 13 identity of the person taking the same shall not be disclosed~~
~~17 14 upon the examination papers in such a way as to enable the~~
~~17 15 members of the board to know by whom written until after the~~
~~17 16 papers have been passed upon. In examinations~~ The identity of
17 17 the person taking an examination shall not be disclosed during
17 18 the examination process and in practice the identity of the
17 19 candidate shall ~~also~~ be concealed ~~as far as~~ to the extent
17 20 possible.
17 21 Sec. 24. Section 147.44, Code Supplement 2007, is amended
17 22 by striking the section and inserting in lieu thereof the
17 23 following:
17 24 147.44 AGREEMENTS.
17 25 A board may enter into a reciprocal agreement with a
17 26 licensing authority of another state for the purpose of
17 27 recognizing licenses issued by the other state, provided that
17 28 such licensing authority imposes licensure requirements
17 29 substantially equivalent to those imposed in this state. The
17 30 board may establish by rule the conditions for the recognition
17 31 of such licenses and the process for licensing such
17 32 individuals to practice in this state.
17 33 Sec. 25. Section 147.48, Code Supplement 2007, is amended
17 34 to read as follows:
17 35 147.48 TERMINATION OF AGREEMENTS.

Senate File 2338 - Introduced continued

18 1 If the requirements for a license in any state with which
18 2 this state has a reciprocal agreement are changed by any law
18 3 or rule of the authorities in that state so that such
18 4 requirements are no longer substantially ~~as high as~~ equivalent
18 5 to those existing in this state, the agreement shall be deemed
18 6 terminated and licenses issued in that state shall not be
18 7 recognized as a basis of granting a license in this state
18 8 until a new agreement has been negotiated. ~~The fact of such~~
~~18 9 change shall be determined by the appropriate board and~~
~~18 10 certified to the department for its guidance in enforcing the~~
~~18 11 provisions of this section.~~
18 12 Sec. 26. Section 147.49, Code Supplement 2007, is amended
18 13 to read as follows:
18 14 147.49 LICENSE OF ANOTHER STATE.
18 15 ~~The department~~ A board shall, upon presentation of a
18 16 license to practice a profession issued by the duly
18 17 constituted authority of another state with which this state
18 18 has established reciprocal relations, and subject to the rules
18 19 of the board for such profession, license the applicant to
18 20 practice in this state, unless under the rules of the board a
18 21 practical or jurisprudence examination is required. ~~The~~
~~18 22 department may, upon the recommendation of the~~ The board of
18 23 medicine~~,~~ may accept in lieu of the examination prescribed in
18 24 section 148.3 ~~or section 150A.3~~ a license to practice medicine
18 25 and surgery or osteopathic medicine and surgery, issued by the
18 26 duly constituted authority of another state, territory, or
18 27 foreign country. Endorsement may be accepted ~~by the~~
~~18 28 department~~ in lieu of further written examination without
18 29 regard to the existence or nonexistence of a reciprocal
18 30 agreement, but shall not be in lieu of the standards and
18 31 qualifications prescribed by section 148.3 ~~or section 150A.3~~.
18 32 Sec. 27. Section 147.53, Code Supplement 2007, is amended
18 33 to read as follows:
18 34 147.53 POWER TO ADOPT RULES.
18 35 ~~The department and each~~ Each board entering into a

Senate File 2338 - Introduced continued

19 1 reciprocal agreement shall adopt necessary rules, not
19 2 inconsistent with law, for carrying out the reciprocal
19 3 relations with other states which are authorized by this
19 4 chapter.
19 5 Sec. 28. Section 147.55, Code 2007, is amended to read as
19 6 follows:
19 7 147.55 GROUNDS.
19 8 A license to practice a profession shall be revoked, ~~or~~
19 9 suspended, or otherwise disciplined when the licensee is
19 10 guilty of any of the following acts or offenses:
19 11 1. Fraud in procuring a license.
19 12 2. Professional ~~incompetency~~ incompetence.
19 13 3. Knowingly making misleading, deceptive, untrue, or
19 14 fraudulent representations in the practice of a profession or
19 15 engaging in unethical conduct or practice harmful or
19 16 detrimental to the public. Proof of actual injury need not be
19 17 established.
19 18 4. Habitual intoxication or addiction to the use of drugs.
19 19 5. Conviction of a ~~felony~~ crime related to the profession
19 20 or occupation of the licensee or the conviction of any ~~felony~~
19 21 crime that would affect the licensee's ability to practice
19 22 within a profession. A copy of the record of conviction or
19 23 plea of guilty shall be conclusive evidence.
19 24 6. Fraud in representations as to skill or ability.
19 25 7. Use of untruthful or improbable statements in
19 26 advertisements.
19 27 8. Willful or repeated violations of the provisions of
19 28 this ~~Act~~ chapter, chapter 272C, or a board's enabling statute.
19 29 9. Other acts or offenses as specified by board rule.
19 30 Sec. 29. Section 147.57, Code 2007, is amended to read as
19 31 follows:
19 32 147.57 DENTAL HYGIENIST AND DENTIST.
19 33 The practice of dentistry by a dental hygienist shall also
19 34 be grounds for ~~the revocation~~ discipline of the dental
19 35 ~~hygienist's license~~ hygienist, and the permitting of such

Senate File 2338 - Introduced continued

20 1 practice by the dentist under whose supervision ~~said~~ the
20 2 dental hygienist is operating shall be grounds for ~~revoking~~
~~20 3 the license~~ disciplining of ~~said~~ the dentist.
20 4 Sec. 30. Section 147.73, Code 2007, is amended to read as
20 5 follows:
20 6 147.73 TITLES USED BY HOLDER OF DEGREE.
20 7 Nothing in section 147.72 shall be construed:
20 8 1. As authorizing any person licensed to practice a
20 9 profession under this subtitle to use or assume any degree or
20 10 abbreviation of the ~~same~~ degree unless such degree has been
20 11 conferred upon ~~said~~ the person by an institution of learning
20 12 accredited by the appropriate board ~~herein created, together~~
~~20 13 with the director of public health~~, or by some recognized
20 14 state or national accredited agency.
20 15 2. As prohibiting any holder of a degree conferred by an
20 16 institution of learning accredited by the appropriate board
20 17 ~~herein~~ created in this chapter, ~~together with the director of~~
~~20 18 public health,~~ or by some recognized state or national
20 19 accrediting agency, from using the title which such degree
20 20 authorizes the holder to use, but the holder shall not use
20 21 such degree or abbreviation in any manner which might mislead
20 22 the public as to the holder's qualifications to treat human
20 23 ailments.
20 24 Sec. 31. Section 147.74, Code Supplement 2007, is amended
20 25 to read as follows:
20 26 147.74 PROFESSIONAL TITLES OR ABBREVIATIONS == FALSE USE
20 27 PROHIBITED.
20 28 1. Any person who falsely claims by the use of any
20 29 professional title or abbreviation, either in writing, cards,
20 30 signs, circulars, ~~or~~ advertisements, the internet, or other
20 31 written or electronic means, to be a practitioner of a ~~system~~
~~20 32 of the healing arts~~ profession other than the one under which
20 33 the person holds a license or who fails to use the ~~following~~
20 34 designations provided in this section shall be guilty of a
20 35 simple misdemeanor.

Senate File 2338 - Introduced continued

21 1 2. A physician or surgeon may use the prefix "Dr." or
21 2 "Doctor", and shall add after the person's name the letters,
21 3 "M. D."
21 4 3. An ~~osteopath or~~ osteopathic physician and surgeon may
21 5 use the prefix "Dr." or "Doctor", and shall add after the
21 6 person's name the letters, "D. O.", or the words ~~"osteopath"~~
~~21 7 or~~ "osteopathic physician and surgeon".
21 8 4. A chiropractor may use the prefix "Dr." or "Doctor",
21 9 but shall add after the person's name the letters, "D. C." or
21 10 the word, "chiropractor".
21 11 5. A dentist may use the prefix "Doctor", but shall add
21 12 after the person's name the letters "D. D. S.", or "D. M. D.",
21 13 or the word "dentist" or "dental surgeon". A dental hygienist
21 14 may use the words "registered dental hygienist" or the letters
21 15 "R. D. H." after the person's name. A dental assistant may
21 16 use the words "registered dental assistant" or the letters "R.
21 17 D. A." after the person's name.
21 18 6. A podiatric physician may use the prefix "Dr." or
21 19 "Doctor", but shall add after the person's name the letters
21 20 "D.P.M." or the words "podiatric physician".
21 21 7. A graduate of a school accredited by the board of
21 22 optometry may use the prefix "Dr." or "Doctor", but shall add
21 23 after the person's name the letters "O. D."
21 24 8. A physical therapist registered or licensed under
21 25 chapter 148A may use the words "physical therapist" after the
21 26 person's name or signify the same by the use of the letters
21 27 "P. T." after the person's name. A physical therapist with an
21 28 earned doctoral degree from an accredited school, college, or
21 29 university may use the suffix designating the degree, or the
21 30 prefix "Doctor" or "Dr." and add after the person's name the
21 31 words "physical therapist". An occupational therapist
21 32 registered or licensed under chapter 148B may use the words
21 33 "occupational therapist" after the person's name or signify
21 34 the same by the use of the letters "O. T." after the person's
21 35 name. An occupational therapist with an earned doctoral

Senate File 2338 - Introduced continued

22 1 degree from an accredited school, college, or university may
22 2 use the suffix designating the degree, or the prefix "Doctor"
22 3 or "Dr." and add after the person's name the words
22 4 "occupational therapist".
22 5 9. A physical therapist assistant licensed under chapter
22 6 148A may use the words "physical therapist assistant" after
22 7 the person's name or signify the same by use of the letters
22 8 "P. T. A." after the person's name. An occupational therapy
22 9 assistant licensed under chapter 148B may use the words
22 10 "occupational therapy assistant" after the person's name or
22 11 signify the same by use of the letters "O. T. A." after the
22 12 person's name.
22 13 10. A psychologist who possesses a doctoral degree ~~and who~~
~~22 14 claims to be a certified practicing psychologist~~ may use the
22 15 prefix "Dr." or "Doctor" but shall add after the person's name
22 16 the word "psychologist".
22 17 11. A speech pathologist with an earned doctoral degree in
22 18 speech pathology obtained beyond a bachelor's degree from an
22 19 accredited school, college, or university, may use the suffix
22 20 designating the degree, or the prefix "Doctor" or "Dr." and
22 21 add after the person's name the words "speech pathologist".
22 22 An audiologist with an earned doctoral degree in audiology
22 23 obtained beyond a bachelor's degree from an accredited school,
22 24 college, or university, may use the suffix designating the
22 25 degree, or the prefix "Doctor" or "Dr." and add after the
22 26 person's name the word "audiologist".
22 27 12. A bachelor social worker licensed under chapter 154C
22 28 may use the words "licensed bachelor social worker" or the
22 29 letters "L. B. S. W." after the person's name. A master
22 30 social worker licensed under chapter 154C may use the words
22 31 "licensed master social worker" or the letters "L. M. S. W."
22 32 after the person's name. An independent social worker
22 33 licensed under chapter 154C may use the words "licensed
22 34 independent social worker", or the letters "L. I. S. W." after
22 35 the person's name.

Senate File 2338 - Introduced continued

23 1 13. A marital and family therapist licensed under chapter
23 2 154D and this chapter may use the words "licensed marital and
23 3 family therapist" after the person's name or signify the same
23 4 by the use of the letters "L. M. F. T." after the person's
23 5 name. A marital and family therapist licensed under chapter
23 6 154D and this chapter who possesses a doctoral degree may use
23 7 the prefix "Doctor" or "Dr." in conjunction with the person's
23 8 name, but shall add after the person's name the words
23 9 "licensed marital and family therapist".
23 10 14. A mental health counselor licensed under chapter 154D
23 11 and this chapter may use the words "licensed mental health
23 12 counselor" after the person's name. A mental health counselor
23 13 licensed under chapter 154D and this chapter who possesses a
23 14 doctoral degree may use the prefix "Doctor" or "Dr." in
23 15 conjunction with the person's name, but shall add after the
23 16 person's name the words "licensed mental health counselor".
23 17 15. A pharmacist who possesses a doctoral degree
23 18 recognized by the ~~American council of pharmaceutical education~~
23 19 accreditation council for pharmacy education from a college of
23 20 pharmacy approved by the board of pharmacy or a doctor of
23 21 philosophy degree in an area related to pharmacy may use the
23 22 prefix "Doctor" or "Dr." but shall add after the person's name
23 23 the word "pharmacist" or "Pharm. D."
23 24 16. A physician assistant licensed under chapter 148C may
23 25 use the words "physician assistant" after the person's name or
23 26 signify the same by the use of the letters "P. A." after the
23 27 person's name.
23 28 17. A massage therapist licensed under chapter 152C may
23 29 use the words "licensed massage therapist" or the initials "L.
23 30 M. T." after the person's name.
23 31 18. An acupuncturist licensed under chapter 148E may use
23 32 the words "licensed acupuncturist" or the abbreviation "L.
23 33 Ac." after the person's name.
23 34 19. A respiratory care practitioner licensed under chapter
23 35 152B and this chapter may use the title "respiratory care

Senate File 2338 - Introduced continued

24 1 practitioner" or the letters "R. C. P." after the person's
24 2 name.
24 3 20. An athletic trainer licensed under chapter 152D and
24 4 this chapter may use the words "licensed athletic trainer" or
24 5 the letters "LAT" after the person's name.
24 6 21. A registered nurse licensed under chapter 152 may use
24 7 the words "registered nurse" or the letters "R. N." after the
24 8 person's name. A licensed practical nurse licensed under
24 9 chapter 152 may use the words "licensed practical nurse" or
24 10 the letters "L. P. N." after the person's name.
24 11 22. A sign language interpreter or transliterator licensed
24 12 under chapter 154E and this chapter may use the title
24 13 "licensed sign language interpreter" or the letters "L. I."
24 14 after the person's name.
24 15 23. No other practitioner licensed to practice a
24 16 profession under any of the provisions of this subtitle shall
24 17 be entitled to use the prefix "Dr." or "Doctor" unless the
24 18 licensed practitioner possesses an earned doctoral degree.
24 19 Such a practitioner shall reference the degree held after the
24 20 person's name.
24 21 Sec. 32. Section 147.76, Code Supplement 2007, is amended
24 22 to read as follows:
24 23 147.76 RULES.
24 24 The boards for the various professions shall adopt all
24 25 necessary and proper rules to administer and interpret this
24 26 chapter and chapters ~~147A~~ 148 through 158, except chapter
24 27 148D.
24 28 Sec. 33. Section 147.80, Code Supplement 2007, is amended
24 29 by striking the section and inserting in lieu thereof the
24 30 following:
24 31 147.80 ESTABLISHMENT OF FEES == ADMINISTRATIVE COSTS.
24 32 1. Each board may by rule establish fees for the following
24 33 based on the costs of sustaining the board and the actual
24 34 costs of the service:
24 35 a. Examinations.

Senate File 2338 - Introduced continued

25 1 b. Licensure, certification, or registration.
25 2 c. Renewal of licensure, certification, or registration.
25 3 d. Renewal of licensure, certification, or registration
25 4 during the grace period.
25 5 e. Reinstatement or reactivation of licensure,
25 6 certification, or registration.
25 7 f. Issuance of a certified statement that a licensee is
25 8 licensed in this state.
25 9 g. Issuance of a duplicate license, which shall be so
25 10 designated on its face. A board may require satisfactory
25 11 proof the original license issued by the board has been lost
25 12 or destroyed.
25 13 h. Issuance of a renewal card.
25 14 i. Verification of licensure.
25 15 j. Returned checks.
25 16 k. Inspections.
25 17 2. Each board shall annually prepare estimates of
25 18 projected revenues to be generated by the fees received by the
25 19 board as well as a projection of the fairly apportioned
25 20 administrative costs and rental expenses attributable to the
25 21 board. Each board shall annually review and adjust its
25 22 schedule of fees to cover projected expenses.
25 23 3. The board of medicine, the board of pharmacy, the
25 24 dental board, and the board of nursing shall retain individual
25 25 executive officers, but shall make every effort to share
25 26 administrative, clerical, and investigative staff to the
25 27 greatest extent possible.
25 28 Sec. 34. Section 147.82, Code Supplement 2007, is amended
25 29 to read as follows:
25 30 147.82 ~~FEES~~ FEE RETENTION.
25 31 All fees collected by a board listed in section ~~147.80~~
25 32 147.13 or by the department for the bureau of professional
25 33 licensure, and fees collected pursuant to sections 124.301 and
25 34 147.80 and chapter 155A by the board of pharmacy, shall be
25 35 retained by each board or by the department for the bureau of

Senate File 2338 - Introduced continued

26 1 professional licensure. The moneys retained by a board shall
26 2 be used for any of the board's duties, including but not
26 3 limited to the addition of full=time equivalent positions for
26 4 program services and investigations. Revenues retained by a
26 5 board pursuant to this section shall be considered repayment
26 6 receipts as defined in section 8.2. Notwithstanding section
26 7 8.33, moneys retained by a board pursuant to this section are
26 8 not subject to reversion to the general fund of the state.
26 9 Sec. 35. Section 147.84, Code 2007, is amended to read as
26 10 follows:
26 11 147.84 FORGERIES.
26 12 Any person who ~~shall file~~ files or ~~attempt~~ attempts to file
26 13 with ~~the department~~ a board any false or forged diploma, ~~or~~
26 14 certificate or affidavit of identification or qualification,
26 15 or other document shall be guilty of a fraudulent practice.
26 16 Sec. 36. Section 147.85, Code 2007, is amended to read as
26 17 follows:
26 18 147.85 FRAUD.
26 19 Any person who ~~shall present~~ presents to ~~the department~~ a
26 20 board a diploma or certificate of which the person is not the
26 21 rightful owner, for the purpose of procuring a license, or who
26 22 ~~shall~~ falsely ~~personate~~ personates anyone to whom a license
26 23 has been issued by ~~said department~~ the board shall be guilty
26 24 of a serious misdemeanor.
26 25 Sec. 37. Section 147.87, Code Supplement 2007, is amended
26 26 to read as follows:
26 27 147.87 ENFORCEMENT.
26 28 ~~The department~~ A board shall enforce the provisions of this
26 29 ~~and the following chapters of this subtitle~~ chapter and its
26 30 enabling statute and for that purpose may request the
26 31 department of inspections and appeals to make necessary
26 32 investigations. Every licensee and member of a board shall
26 33 furnish the ~~department~~ board or the department of inspections
26 34 and appeals such evidence as the member or licensee may have
26 35 relative to any alleged violation which is being investigated.

Senate File 2338 - Introduced continued

27 1 Sec. 38. Section 147.88, Code Supplement 2007, is amended
27 2 to read as follows:
27 3 147.88 INSPECTIONS AND INVESTIGATIONS.
27 4 The department of inspections and appeals may perform
27 5 inspections and investigations as required by this subtitle,
27 6 except inspections and investigations for the board of
27 7 medicine, board of pharmacy, board of nursing, and the dental
27 8 board. The department of inspections and appeals shall employ
27 9 personnel related to the inspection and investigative
27 10 functions.
27 11 Sec. 39. Section 147.89, Code Supplement 2007, is amended
27 12 to read as follows:
27 13 147.89 REPORT OF VIOLATORS.
27 14 Every licensee and member of a board shall report~~, also, to~~
~~27 15 the department~~ to its respective board the name of ~~every~~ any
27 16 person, without ~~a~~ the required license~~, that the member or~~
~~27 17 licensee has reason to believe is engaged in:~~
27 18 ~~1. Practicing any profession for which a license is~~
~~27 19 required.~~
27 20 ~~2. Operating as an itinerant practitioner of such~~
~~27 21 profession~~ if the licensee or member of the board has reason
27 22 to believe the person is practicing the profession without a
27 23 license.
27 24 Sec. 40. Section 147.91, Code Supplement 2007, is amended
27 25 by striking the section and inserting in lieu thereof the
27 26 following:
27 27 147.91 PUBLICATIONS.
27 28 Each board shall provide access to the laws and rules
27 29 regulating the board to the public upon request and shall make
27 30 this information available through the internet.
27 31 Sec. 41. Section 147.92, Code 2007, is amended to read as
27 32 follows:
27 33 147.92 ATTORNEY GENERAL.
27 34 Upon request of ~~the department~~ a board the attorney general
27 35 shall institute in the name of the state the proper

Senate File 2338 - Introduced continued

28 1 proceedings against any person charged by the ~~department~~ board
28 2 with violating any provision of this or the following chapters
28 3 of this subtitle.
28 4 Sec. 42. Section 147.93, Code 2007, is amended to read as
28 5 follows:
28 6 147.93 PRIMA FACIE EVIDENCE.
28 7 The opening of an office or place of business for the
28 8 practice of any profession for which a license is required by
28 9 this subtitle, the announcing to the public in any way the
28 10 intention to practice any such profession, the use of any
28 11 professional degree or designation, or of any sign, card,
28 12 circular, device, internet web site, or advertisement, as a
28 13 practitioner of any such profession, or as a person skilled in
28 14 the same, shall be prima facie evidence of engaging in the
28 15 practice of such profession.
28 16 Sec. 43. Section 147.107, subsections 2 and 3, Code
28 17 Supplement 2007, are amended to read as follows:
28 18 2. a. A pharmacist, physician, dentist, or podiatric
28 19 physician who dispenses prescription drugs, including but not
28 20 limited to controlled substances, for human use, may delegate
28 21 nonjudgmental dispensing functions to staff assistants only
28 22 when verification of the accuracy and completeness of the
28 23 ~~prescription~~ dispensing is determined by the pharmacist or
28 24 practitioner in the pharmacist's or practitioner's physical
28 25 presence. However, the physical presence requirement does not
28 26 apply when a pharmacist or practitioner is utilizing an
28 27 automated dispensing system. When using an automated
28 28 dispensing system the pharmacist or practitioner shall utilize
28 29 an internal quality control assurance plan that ensures
28 30 accuracy for dispensing. Verification of automated dispensing
28 31 accuracy and completeness remains the responsibility of the
28 32 pharmacist or practitioner and shall be determined in
28 33 accordance with rules adopted by the board of pharmacy, the
28 34 board of medicine, the dental board, and the board of podiatry
28 35 for their respective licensees.

Senate File 2338 - Introduced continued

29 1 b. A dentist, physician, or podiatric physician who
29 2 dispenses prescription drugs, other than drug samples,
29 3 pursuant to this subsection, shall ~~register~~ report the fact
29 4 that they dispense prescription drugs with the practitioner's
29 5 respective board at least biennially.
29 6 c. A physician, dentist, or podiatric physician who
29 7 dispenses prescription drugs, other than drug samples,
29 8 pursuant to this subsection, shall offer to provide the
29 9 patient with a written prescription that may be dispensed from
29 10 a pharmacy of the patient's choice or offer to transmit the
29 11 prescription orally, electronically, or by facsimile in
29 12 accordance with section 155A.27 to a pharmacy of the patient's
29 13 choice.
29 14 3. A ~~physician's~~ physician assistant or registered nurse
29 15 may supply when pharmacist services are not reasonably
29 16 available or when it is in the best interests of the patient,
29 17 on the direct order of the supervising physician, a quantity
29 18 of properly packaged and labeled prescription drugs,
29 19 controlled substances, or contraceptive devices necessary to
29 20 complete a course of therapy. However, a remote clinic,
29 21 staffed by a physician's assistant or registered nurse, where
29 22 pharmacy services are not reasonably available, shall secure
29 23 the regular advice and consultation of a pharmacist regarding
29 24 the distribution, storage, and appropriate use of such drugs,
29 25 substances, and devices.
29 26 Sec. 44. Section 148.1, Code 2007, is amended to read as
29 27 follows:
29 28 148.1 PERSONS ENGAGED IN PRACTICE.
29 29 For the purpose of this subtitle the following classes of
29 30 persons shall be deemed to be engaged in the practice of
29 31 medicine and surgery or osteopathic medicine and surgery:
29 32 1. Persons who publicly profess to be physicians ~~or~~ and
29 33 surgeons, osteopathic physicians and surgeons, or who publicly
29 34 profess to assume the duties incident to the practice of
29 35 medicine ~~or~~ and surgery or osteopathic medicine and surgery.

Senate File 2338 - Introduced continued

2. Persons who prescribe, or prescribe and furnish, medicine for human ailments or treat the same by surgery.

3. Persons who act as representatives of any person in doing any of the things mentioned in this section.

Sec. 45. Section 148.2, Code Supplement 2007, is amended to read as follows:

148.2 PERSONS NOT ~~REQUIRED TO QUALIFY~~ ENGAGED IN PRACTICE.

Section 148.1 shall not be construed to include the following classes of persons:

1. Persons who advertise or sell patent or proprietary medicines.

2. Persons who advertise, sell, or prescribe natural mineral waters flowing from wells or springs.

3. Students of medicine ~~or~~ and surgery or osteopathic medicine and surgery who have completed at least two years' study in a medical school or a college of osteopathic medicine and surgery, approved by the board, and who prescribe medicine under the supervision of a licensed physician and surgeon or licensed osteopathic physician and surgeon, or who render gratuitous service to persons in case of emergency.

4. Licensed podiatric physicians, ~~osteopaths, osteopathic physicians and surgeons,~~ chiropractors, physical therapists, nurses, dentists, optometrists, and pharmacists who are exclusively engaged in the practice of their respective professions.

5. Physicians and surgeons or osteopathic physicians and surgeons of the United States army, navy, air force, marines, public health service, or other uniformed service when acting in the line of duty in this state, and holding a current, active permanent license in good standing in another state, district, or territory of the United States, or physicians and surgeons or osteopathic physicians and surgeons licensed in another state, when incidentally called into this state in consultation with a physician and surgeon or osteopathic physician and surgeon licensed in this state.

Senate File 2338 - Introduced continued

31 1 ~~6. A graduate of a medical school who is continuing~~
~~31 2 training and performing the duties of an intern, or who is~~
~~31 3 engaged in postgraduate training deemed the equivalent of an~~
~~31 4 internship in a hospital approved for training by the board.~~
31 5 Sec. 46. Section 148.2A, Code Supplement 2007, is amended
31 6 to read as follows:
31 7 148.2A BOARD OF MEDICINE.
31 8 1. As used in this chapter, "board" means the board of
31 9 medicine established in chapter 147.
31 10 2. Notwithstanding sections 17A.11, 69.16, 69.16A, 147.12,
31 11 147.14, and 147.19, the board may have a pool of up to ten
31 12 alternate members, including members licensed to practice
31 13 under this chapter and members not licensed to practice under
31 14 this chapter, to substitute for board members who are
31 15 disqualified or become unavailable for any other reason for
31 16 contested case hearings.
31 17 a. The board may recommend, subject to approval by the
31 18 governor, up to ten people to serve in a pool of alternate
31 19 members.
31 20 b. A person serves in the pool of alternate members at the
31 21 discretion of the board; however, the length of time an
31 22 alternate member may serve in the pool shall not exceed nine
31 23 years. A person who serves as an alternate member may later
31 24 be appointed to the board and may serve nine years, in
31 25 accordance with sections 147.12 and 147.19. A former board
31 26 member may serve in the pool of alternate members.
31 27 c. An alternate member licensed under this chapter shall
31 28 hold an active license and shall have been actively engaged in
31 29 the practice of medicine and surgery or osteopathic medicine
31 30 and surgery in the preceding three years, with the two most
31 31 recent years of practice being in Iowa.
31 32 d. When a sufficient number of board members are
31 33 unavailable to hear a contested case, the board may request
31 34 alternate members to serve.
31 35 e. Notwithstanding section 17A.11, section 147.14,

Senate File 2338 - Introduced continued

32 1 subsection 2, and section 272C.6, subsection 5:
32 2 (1) An alternate member is deemed a member of the board
32 3 only for the hearing panel for which the alternate member
32 4 serves.
32 5 (2) A hearing panel containing alternate members must
32 6 include at least six people.
32 7 (3) The majority of a hearing panel containing alternate
32 8 members shall be members of the board.
32 9 (4) The majority of a hearing panel containing alternate
32 10 members shall be members licensed to practice under this
32 11 chapter.
32 12 (5) A decision of a hearing panel containing alternate
32 13 members is considered a final decision of the board.
32 14 f. An alternate member shall not receive compensation in
32 15 excess of that authorized by law for a board member.
32 16 Sec. 47. NEW SECTION. 148.2B EXECUTIVE DIRECTOR.
32 17 The salary of the executive director of the board shall be
32 18 established by the governor with approval of the executive
32 19 council pursuant to section 8A.413, subsection 2, under the
32 20 pay plan for exempt positions in the executive branch of
32 21 government.
32 22 Sec. 48. Section 148.3, Code Supplement 2007, is amended
32 23 to read as follows:
32 24 148.3 ~~REQUIREMENTS FOR~~ LICENSE TO PRACTICE.
32 25 1. An applicant for a license to practice medicine and
32 26 surgery or osteopathic medicine and surgery shall present to
32 27 the board all of the following:
32 28 ~~1.~~ a. ~~Present a~~ A diploma issued by a medical college or
32 29 college of osteopathic medicine and surgery approved by the
32 30 board, or present other evidence of equivalent medical
32 31 education approved by the board. The board may accept, in
32 32 lieu of a diploma from a medical college approved by ~~them~~ the
32 33 board, all of the following:
32 34 ~~a.~~ (1) A diploma issued by a medical college or college
32 35 of osteopathic medicine and surgery which has been neither

Senate File 2338 - Introduced continued

33 1 approved nor disapproved by the board.
33 2 ~~b.~~ (2) A valid standard certificate issued by the
33 3 educational commission for foreign medical graduates or
33 4 similar accrediting agency.
33 5 ~~2.~~ b. ~~Pass~~ Evidence of having passed an examination
33 6 prescribed by the board which shall include subjects which
33 7 determine the applicant's qualifications to practice medicine
33 8 and surgery or osteopathic medicine and surgery and which
33 9 shall be given according to the methods deemed by the board to
33 10 be the most appropriate and practicable. However, ~~the~~
~~33 11 federation licensing examination~~ one or more examinations as
33 12 prescribed by the board or any other national standardized
33 13 examination which the board approves may be administered to
33 14 any or all applicants in lieu of or in conjunction with other
33 15 examinations which the board prescribes. The board may
33 16 establish necessary achievement levels on all examinations for
33 17 a passing grade and adopt rules relating to examinations.
33 18 ~~3.~~ c. ~~Present to the board satisfactory~~ Satisfactory
33 19 evidence that the applicant has successfully completed one
33 20 year of postgraduate internship or resident training in a
33 21 hospital approved for such training by the board. ~~Beginning~~
~~33 22 July 1, 2006, an~~ An applicant who holds a valid certificate
33 23 issued by the educational commission for foreign medical
33 24 graduates shall submit satisfactory evidence of successful
33 25 completion of two years of such training.
33 26 2. An application for a license shall be made to the board
33 27 of medicine. All license and renewal fees shall be paid to
33 28 and collected by the board and transmitted to the board.
33 29 3. The board shall give priority to the processing of
33 30 applications for licensure submitted by physicians and
33 31 surgeons and osteopathic physicians and surgeons whose
33 32 practice will primarily involve provision of service to
33 33 underserved populations, including but not limited to
33 34 minorities or low=income persons, or who live in rural areas.
33 35 4. The issuance of reciprocal agreements pursuant to

Senate File 2338 - Introduced continued

34 1 section 147.44 is not required and is subject to the
34 2 discretion of the board.
34 3 Sec. 49. Section 148.5, Code Supplement 2007, is amended
34 4 to read as follows:
34 5 148.5 RESIDENT PHYSICIAN LICENSE.
34 6 A physician, who is a graduate of a medical school or
34 7 college of osteopathic medicine and surgery and is serving as
34 8 a resident physician who is not otherwise licensed to practice
34 9 medicine and surgery or osteopathic medicine and surgery in
34 10 this state, shall be required to obtain from the board a
34 11 license to practice as a resident physician. The license
34 12 shall be designated "Resident Physician License" and shall
34 13 authorize the licensee to serve as a resident physician only,
34 14 under the supervision of a licensed practitioner of medicine
34 15 and surgery or osteopathic medicine and surgery, in an
34 16 institution approved for such training by the board. A
34 17 license shall be valid for a duration as determined by the
34 18 board. The fee for each license shall be set by the board to
34 19 cover the administrative costs of issuing the license. The
34 20 board shall determine in each instance those eligible for a
34 21 license, whether or not examinations shall be given, and the
34 22 type of examinations. Requirements of the law pertaining to
34 23 regular permanent licensure shall not be mandatory for a
34 24 resident physician license except as specifically designated
34 25 by the board. The granting of a resident physician license
34 26 does not in any way indicate that the person licensed is
34 27 necessarily eligible for regular permanent licensure, or that
34 28 the board in any way is obligated to license the individual.
34 29 Sec. 50. Section 148.6, Code Supplement 2007, is amended
34 30 to read as follows:
34 31 148.6 ~~REVOCATION~~ LICENSEE DISCIPLINE == CRIMINAL PENALTY.
34 32 1. The board, after due notice and hearing in accordance
34 33 with chapter 17A, may issue an order to discipline a licensee
34 34 for any of the grounds set forth in section 147.55, chapter
34 35 272C, or this subsection. Notwithstanding section 272C.3,

Senate File 2338 - Introduced continued

35 1 licensee discipline may include a civil penalty not to exceed
35 2 ten thousand dollars.
35 3 2. Pursuant to this section, the board may discipline a
35 4 licensee who is guilty of any of the following acts or
35 5 offenses:
35 6 a. Knowingly making misleading, deceptive, untrue or
35 7 fraudulent representation in the practice of the physician's
35 8 profession.
35 9 b. Being convicted of a felony in the courts of this state
35 10 or another state, territory, or country. Conviction as used
35 11 in this paragraph shall include a conviction of an offense
35 12 which if committed in this state would be deemed a felony
35 13 without regard to its designation elsewhere, or a criminal
35 14 proceeding in which a finding or verdict of guilt is made or
35 15 returned, but the adjudication of guilt is either withheld or
35 16 not entered. A certified copy of the final order or judgment
35 17 of conviction or plea of guilty in this state or in another
35 18 state shall be conclusive evidence.
35 19 c. Violating a statute or law of this state, another
35 20 state, or the United States, without regard to its designation
35 21 as either felony or misdemeanor, which statute or law relates
35 22 to the practice of medicine.
35 23 d. Having the license to practice medicine and surgery~~,~~ or
35 24 osteopathic medicine and surgery~~, or osteopathy~~ revoked or
35 25 suspended, or having other disciplinary action taken by a
35 26 licensing authority of another state, territory, or country.
35 27 A certified copy of the record or order of suspension,
35 28 revocation, or disciplinary action is prima facie evidence.
35 29 e. Knowingly aiding, assisting, procuring, or advising a
35 30 person to unlawfully practice medicine and surgery~~,~~ or
35 31 osteopathic medicine and surgery~~, or osteopathy~~.
35 32 f. Being adjudged mentally incompetent by a court of
35 33 competent jurisdiction. Such adjudication shall automatically
35 34 suspend a license for the duration of the license unless the
35 35 board orders otherwise.

Senate File 2338 - Introduced continued

36 1 g. Being guilty of a willful or repeated departure from,
36 2 or the failure to conform to, the minimal standard of
36 3 acceptable and prevailing practice of medicine and surgery~~,~~ or
36 4 osteopathic medicine and surgery~~, or osteopathy~~ in which
36 5 proceeding actual injury to a patient need not be established;
36 6 or the committing by a physician of an act contrary to
36 7 honesty, justice, or good morals, whether the same is
36 8 committed in the course of the physician's practice or
36 9 otherwise, and whether committed within or without this state.
36 10 h. Inability to practice medicine and surgery~~,~~ or
36 11 osteopathic medicine and surgery~~, or osteopathy~~ with
36 12 reasonable skill and safety by reason of illness, drunkenness,
36 13 excessive use of drugs, narcotics, chemicals, or other type of
36 14 material or as a result of a mental or physical condition.
36 15 The board may, upon probable cause, compel a physician to
36 16 submit to a mental or physical examination by designated
36 17 physicians or to submit to alcohol or drug screening within a
36 18 time specified by the board.
36 19 A person licensed to practice medicine and surgery~~,~~ or
36 20 osteopathic medicine and surgery~~, or osteopathy~~ who makes
36 21 application for the renewal of a license, as required by
36 22 section 147.10, gives consent to submit to a mental or
36 23 physical examination as provided by this lettered paragraph
36 24 when directed in writing by the board. All objections shall
36 25 be waived as to the admissibility of the examining physicians'
36 26 testimony or examination reports on the grounds that they
36 27 constitute privileged communication. The medical testimony or
36 28 examination reports shall not be used against a physician in
36 29 another proceeding and shall be confidential, except for other
36 30 actions filed against a physician to revoke or suspend a
36 31 license. ~~Failure of a physician to submit to an examination~~
~~36 32 or to submit to alcohol or drug screening shall constitute~~
~~36 33 admission to the allegations made against the physician and~~
~~36 34 the finding of fact and decision of the board may be entered~~
~~36 35 without the taking of testimony or presentation of evidence.~~

~~Senate File 2338 - Introduced continued~~

~~37 1 At reasonable intervals, a physician shall be afforded an~~
~~37 2 opportunity to demonstrate that the physician can resume the~~
~~37 3 competent practice of medicine with reasonable skill and~~
~~37 4 safety to patients.~~
37 5 i. Willful or repeated violation of lawful rule or
37 6 regulation adopted by the board or violating a lawful order of
37 7 the board, previously entered by the board in a disciplinary
37 8 or licensure hearing, or violating the terms and provisions of
37 9 a consent agreement or informal settlement between a licensee
37 10 and the board.
37 11 3. A person violating the provisions of section 147.2,
37 12 147.84, or 147.85, shall upon conviction be guilty of a class
37 13 "D" felony.
37 14 Sec. 51. Section 148.7, Code Supplement 2007, is amended
37 15 to read as follows:
37 16 148.7 PROCEDURE FOR ~~SUSPENSION OR REVOCATION~~ LICENSEE
37 17 DISCIPLINE.
37 18 A proceeding for the revocation or suspension of a license
37 19 to practice medicine and surgery~~,~~ or osteopathic medicine and
37 20 surgery~~, or osteopathy~~ or to discipline a person licensed to
37 21 practice medicine and surgery~~,~~ or osteopathic medicine and
37 22 surgery~~, or osteopathy~~ shall be substantially in accord with
37 23 the following procedure:
37 24 1. The board may, upon its own motion or upon ~~verified~~
37 25 receipt of a complaint in writing, ~~and shall, if such~~
~~37 26 complaint is filed by the director of public health, issue an~~
~~37 27 order fixing the time and place for hearing~~ order an
37 28 investigation. The board may, upon its own motion, order a
37 29 hearing. A written notice of the time and place of the
37 30 hearing together with a statement of the charges shall be
37 31 served upon the licensee at least ten days before the hearing
37 32 in the manner required for the service of notice of the
37 33 commencement of an ordinary action or by restricted certified
37 34 mail.
37 35 2. ~~If the licensee has left the state, the notice and~~

~~Senate File 2338 - Introduced continued~~

~~38 1 statement of the charges shall be so served at least twenty~~
~~38 2 days before the date of the hearing, wherever the licensee may~~
~~38 3 be found.~~ If the whereabouts of the licensee is unknown,
38 4 service may be had by publication as provided in the rules of
38 5 civil procedure upon filing the affidavit required by the
38 6 rules. In case the licensee fails to appear, either in person
38 7 or by counsel at the time and place designated in the notice,
38 8 the board shall proceed with the hearing as ~~hereinafter~~
38 9 provided in this section.
38 10 3. a. The hearing shall be before a member or members
38 11 designated by the board or before an administrative law judge
38 12 appointed by the board according to the requirements of
38 13 section 17A.11, subsection 1. The presiding board member or
38 14 administrative law judge may issue subpoenas, administer
38 15 oaths, and take or cause depositions to be taken in connection
38 16 with the hearing. The presiding board member or
38 17 administrative law judge shall issue subpoenas at the request
38 18 and on behalf of the licensee. ~~The hearing shall be open to~~
~~38 19 the public.~~
38 20 b. The administrative law judge shall be an attorney
38 21 vested with full authority of the board to schedule and
38 22 conduct hearings. The administrative law judge shall prepare
38 23 and file with the board the administrative law judge's
38 24 findings of fact and conclusions of law, together with a
38 25 complete written transcript of all testimony and evidence
38 26 introduced at the hearing and all exhibits, pleas, motions,
38 27 objections, and rulings of the administrative law judge.
38 28 4. Disciplinary hearings held pursuant to section 272C.6,
38 29 subsection 1, shall be heard by the board, or by a panel of
38 30 not less than six members, at least three of whom are board
38 31 members, and the remaining appointed pursuant to section
38 32 148.2A, with no more than three of the six being public
38 33 members. Notwithstanding chapters 17A and 21, a disciplinary
38 34 hearing shall be open to the public at the discretion of the
38 35 licensee.

Senate File 2338 - Introduced continued

39 1 ~~4.~~ 5. A ~~stenographic~~ record of the proceedings shall be
39 2 kept. The licensee shall have the opportunity to appear
39 3 personally and by an attorney, with the right to produce
39 4 evidence ~~in~~ on the licensee's own behalf, to examine and
39 5 cross=examine witnesses, and to examine documentary evidence
39 6 produced against the licensee.
39 7 ~~5.~~ 6. If a person refuses to obey a subpoena issued by
39 8 the presiding member or administrative law judge or to answer
39 9 a proper question during the hearing, the presiding member or
39 10 administrative law judge may invoke the aid of a court of
39 11 competent jurisdiction or judge of this court in requiring the
39 12 attendance and testimony of the person and the production of
39 13 papers. A failure to obey the order of the court may be
39 14 punished by the court as a civil contempt may be punished.
39 15 ~~6.~~ 7. Unless the hearing is before the entire board, a
39 16 transcript of the proceeding, together with exhibits
39 17 presented, shall be considered by the entire board at the
39 18 earliest practicable time. The licensee and the licensee's
39 19 attorney shall have the opportunity to appear personally to
39 20 present the licensee's position and arguments to the board.
39 21 The board shall determine the charge or charges upon the
39 22 merits on the basis of the evidence in the record before it.
39 23 ~~7.~~ 8. If a majority of the members of the board vote in
39 24 favor of finding the licensee guilty of an act or offense
39 25 specified in section 147.55 or 148.6, the board shall prepare
39 26 written findings of fact and its decision imposing one or more
39 27 of the following disciplinary measures:
39 28 a. Suspend the licensee's license to practice the
39 29 profession for a period to be determined by the board.
39 30 b. Revoke the licensee's license to practice the
39 31 profession.
39 32 c. Suspend imposition of judgment and penalty or impose
39 33 the judgment and penalty, but suspend enforcement and place
39 34 the physician on probation. The probation ordered may be
39 35 vacated upon noncompliance. The board may restore and reissue

Senate File 2338 - Introduced continued

40 1 a license to practice medicine and surgery~~,~~ or osteopathic
40 2 medicine and surgery, ~~or osteopathy,~~ but may impose a
40 3 disciplinary or corrective measure which the board might
40 4 originally have imposed. A copy of the board's order,
40 5 findings of fact, and decision, shall be served on the
40 6 licensee in the manner of service of an original notice or by
40 7 certified mail return receipt requested.
40 8 ~~8.~~ 9. Judicial review of the board's action may be sought
40 9 in accordance with the terms of the Iowa administrative
40 10 procedure Act, chapter 17A.
40 11 ~~9.~~ 10. The board's order revoking or suspending a license
40 12 to practice medicine and surgery~~,~~ or osteopathic medicine and
40 13 surgery~~, or osteopathy~~ or to discipline a licensee shall
40 14 remain in force and effect until the appeal is finally
40 15 determined and disposed of upon its merit.
40 16 Sec. 52. Section 148.9, Code Supplement 2007, is amended
40 17 to read as follows:
40 18 148.9 REINSTATEMENT.
40 19 Any person whose license has been suspended~~, revoked, or~~
~~40 20 placed on probation~~ may apply to the board for reinstatement
40 21 at any time and the board may hold ~~hearings~~ a hearing on any
40 22 such petition and may order reinstatement and impose terms and
40 23 conditions thereof and issue a certificate of reinstatement ~~to~~
~~40 24 the director of public health who shall thereupon issue a~~
~~40 25 license as directed by the board~~.
40 26 Sec. 53. Section 148.10, Code Supplement 2007, is amended
40 27 to read as follows:
40 28 148.10 TEMPORARY ~~CERTIFICATE~~ LICENSE.
40 29 1. The board may, in its discretion, issue a temporary
40 30 ~~certificate~~ license authorizing the licensee to practice
40 31 medicine and surgery or osteopathic medicine and surgery in a
40 32 specific location or locations and for a specified period of
40 33 time if, in the opinion of the board, a need exists and the
40 34 person possesses the qualifications prescribed by the board
40 35 for the license, which shall be substantially equivalent to

Senate File 2338 - Introduced continued

those required for licensure under this chapter ~~or chapter 150A, as the case may be~~. The board shall determine in each instance those eligible for ~~this~~ the license, whether or not examinations shall be given, and the type of examinations. No requirements of the law pertaining to regular permanent licensure are mandatory for ~~this~~ the temporary license except as specifically designated by the board. The granting of a temporary license does not in any way indicate that the person so licensed is necessarily eligible for regular licensure or that the board in any way is obligated to so license the person.

2. The temporary ~~certificate~~ license shall be issued for a period not to exceed one year and may be renewed, but a person shall not practice medicine and surgery or osteopathic medicine and surgery in excess of three years while holding a temporary ~~certificate~~ license. The fee for ~~this~~ the license and the fee for renewal of ~~this~~ the license shall be set by the board. The fees shall be based on the administrative costs of issuing and renewing the licenses.

Sec. 54. Section 148.11, Code Supplement 2007, is amended to read as follows:

148.11 SPECIAL LICENSE TO PRACTICE MEDICINE AND SURGERY OR OSTEOPATHIC MEDICINE AND SURGERY.

1. Whenever the need exists, the board may issue a special license. The special license shall authorize the licensee to practice medicine and surgery or osteopathic medicine and surgery under the policies and standards applicable to the health care services of a medical or osteopathic medical school academic staff member or as otherwise specified in the special license.

2. A person applying for a special license shall:

a. Be a physician in a professional specialty.

b. Present a diploma issued by a medical or osteopathic medical college.

c. Present evidence of an unrestricted license to practice

Senate File 2338 - Introduced continued

42 1 medicine and surgery or osteopathic medicine and surgery which
42 2 has been issued by a foreign state or territory or an alien
42 3 country.
42 4 d. Present a letter of recommendation from the dean of a
42 5 medical or osteopathic medical school in this state indicating
42 6 that the applicant has been invited to serve on the academic
42 7 staff of the medical or osteopathic medical school.
42 8 e. Present letters of recommendation from universities,
42 9 other educational institutions, or research facilities that
42 10 indicate the noteworthy professional attainment by the
42 11 applicant.
42 12 f. Present biographical background information concerning
42 13 the applicant's education and qualifications.
42 14 3. The board shall establish a fee for initial issuance
42 15 and renewal of a special license ~~shall be established in an~~
~~42 16 amount sufficient to cover the costs of issuing the special~~
~~42 17 license. If the special license is extended beyond one year,~~
~~42 18 an annual renewal fee shall be established in an amount~~
~~42 19 sufficient to cover the costs of renewing the special license~~.
42 20 The board shall establish rules for granting and renewing a
42 21 special license consistent with those for permanent licenses.
42 22 ~~4. Notwithstanding the provisions of chapter 17A, the~~
~~42 23 board may cancel a special license at any time without~~
~~42 24 hearing. However, when such license is proposed to be~~
~~42 25 canceled, the board shall promptly notify the licensee by~~
~~42 26 certified mail sent to the last known address of the licensee.~~
~~42 27 Thirty days after the service of such notice, the special~~
~~42 28 license shall be canceled.~~
42 29 ~~5.~~ 4. A special license issued under this section shall
42 30 automatically expire upon the special licensee discontinuing
42 31 service on the academic staff of a medical or osteopathic
42 32 medical school in this state. An expired special license
42 33 shall not be renewed. However, a former special licensee may
42 34 reapply for a special license.
42 35 Sec. 55. Section 148.12, Code Supplement 2007, is amended

Senate File 2338 - Introduced continued

43 1 to read as follows:
43 2 148.12 VOLUNTARY AGREEMENTS.
43 3 The board, after due notice and hearing, may issue an order
43 4 to revoke, suspend, or restrict a license to practice medicine
43 5 and surgery~~,~~ or osteopathic medicine and surgery, ~~or~~
~~43 6 osteopathy,~~ or to issue a restricted license on application if
43 7 the board determines that a physician licensed to practice
43 8 medicine and surgery~~,~~ or osteopathic medicine and surgery, ~~or~~
~~43 9 osteopathy,~~ or an applicant for licensure has entered into a
43 10 voluntary agreement to restrict the practice of medicine and
43 11 surgery~~,~~ or osteopathic medicine and surgery~~, or osteopathy~~ in
43 12 another state, district, territory, country, or an agency of
43 13 the federal government. A certified copy of the voluntary
43 14 agreement shall be considered prima facie evidence.
43 15 Sec. 56. NEW SECTION. 148.14 BOARD OF MEDICINE
43 16 INVESTIGATORS.
43 17 The board of medicine may appoint investigators, who shall
43 18 not be members of the board, and whose compensation shall be
43 19 determined pursuant to chapter 8A, subchapter IV.
43 20 Investigators appointed by the board have the powers and
43 21 status of peace officers when enforcing this chapter and
43 22 chapter 272C.
43 23 Sec. 57. NEW SECTION. 148C.13 INVESTIGATORS FOR
43 24 PHYSICIAN ASSISTANTS.
43 25 1. The board may appoint investigators, who shall not be
43 26 members of the board, to administer and aid in the enforcement
43 27 of the provisions of law relating to physician assistants.
43 28 The amount of compensation for the investigators shall be
43 29 determined pursuant to chapter 8A, subchapter IV.
43 30 2. Investigators authorized by the board have the powers
43 31 and status of peace officers when enforcing this chapter and
43 32 chapters 147 and 272C.
43 33 Sec. 58. Section 151.2, subsection 1, Code Supplement
43 34 2007, is amended to read as follows:
43 35 1. Licensed physicians and surgeons, licensed ~~osteopaths,~~

~~Senate File 2338 - Introduced continued~~

~~44 1 and licensed osteopaths and surgeons,~~ osteopathic physicians
44 2 and surgeons, and physical therapists who are exclusively
44 3 engaged in the practice of their respective professions.
44 4 Sec. 59. Section 151.3, Code Supplement 2007, is amended
44 5 to read as follows:
44 6 151.3 LICENSE.
44 7 Every applicant for a license to practice chiropractic
44 8 shall do all of the following:
44 9 1. Present satisfactory evidence that the applicant
44 10 possesses a preliminary education equal to the requirements
44 11 for graduation from an accredited high school or other
44 12 secondary school.
44 13 2. Present a diploma issued by a college of chiropractic
44 14 approved by the board.
44 15 3. Pass an examination prescribed by the board ~~in the~~
~~44 16 subjects of anatomy, physiology, nutrition and dietetics,~~
~~44 17 symptomatology and diagnosis, hygiene and sanitation,~~
~~44 18 chemistry, histology, pathology, and principles and practice~~
~~44 19 of chiropractic, including a clinical demonstration of~~
~~44 20 vertebral palpation, nerve tracing, and adjusting~~.
44 21 Sec. 60. Section 151.4, Code Supplement 2007, is amended
44 22 to read as follows:
44 23 151.4 APPROVED COLLEGE.
44 24 1. A college of chiropractic shall not be approved by the
44 25 board as a college of recognized standing unless the college~~:~~
44 26 ~~a. Requires~~ requires for graduation or for the receipt of
44 27 any chiropractic degree the completion of a course of study
44 28 covering a period of four academic years ~~totaling not less~~
~~44 29 than four thousand sixty=minute hours in actual resident~~
~~44 30 attendance~~.
44 31 ~~b. Gives an adequate course of study in the subjects~~
~~44 32 enumerated in subsection 3 of section 151.3 and including~~
~~44 33 practical clinical instruction.~~
44 34 ~~c. Publishes in a regularly issued catalogue the~~
~~44 35 requirements for graduation and degrees as herein specified.~~

Senate File 2338 - Introduced continued

2. An approved college of chiropractic may include but is not limited to offerings of courses of study in procedures for withdrawing a patient's blood, performing or utilizing laboratory tests, and performing physical examinations for diagnostic purposes. A chiropractor, employed by an approved college of chiropractic and who has been trained to withdraw blood may withdraw blood and instruct, and supervise a student in the withdrawing of blood.

Sec. 61. Section 151.5, Code 2007, is amended to read as follows:

151.5 OPERATIVE SURGERY == DRUGS.

A license to practice chiropractic shall not authorize the licensee to practice operative surgery~~, osteopathy, nor~~ or administer or prescribe ~~any drug or medicine included in materia medica~~ prescription drugs or controlled substances which can only be prescribed by persons authorized by law.

Sec. 62. Section 151.8, subsection 1, Code Supplement 2007, is amended to read as follows:

1. A chiropractor shall not use in the chiropractor's practice the procedures otherwise authorized by law unless the chiropractor has received training in their use by a college of chiropractic offering courses of instructions approved by the board or by curriculum taught on a postgraduate level approved by the board.

Sec. 63. Section 151.9, subsection 8, Code 2007, is amended to read as follows:

8. Willful or repeated violations of the provisions of this ~~Act~~ chapter or chapter 272C.

Sec. 64. Section 151.12, Code Supplement 2007, is amended to read as follows:

151.12 TEMPORARY CERTIFICATE.

1. The board may, in its discretion, issue a temporary certificate for one year authorizing the certificate holder to practice chiropractic if, in the opinion of the board, a need exists and the person possesses the qualifications prescribed

Senate File 2338 - Introduced continued

46 1 by the board for the certificate, which shall be substantially
46 2 equivalent to those required for licensure under this chapter.
46 3 ~~The board shall determine in each instance those eligible for~~
~~46 4 this certificate, whether or not examinations shall be given,~~
~~46 5 the type of examinations, and the duration of the certificate.~~
46 6 No requirements of the law pertaining to regular permanent
46 7 licensure are mandatory for ~~this~~ the temporary certificate
46 8 except as specifically designated by the board. The granting
46 9 of a temporary certificate does not in any way indicate that
46 10 the person is eligible for regular licensure or that the board
46 11 is obligated to issue the person a regular license.
46 12 2. ~~The temporary certificate shall be issued for one year~~
~~46 13 and at the discretion of the board may be renewed, but a~~
~~46 14 person shall not practice chiropractic in excess of three~~
~~46 15 years while holding a temporary certificate. The fee for this~~
~~46 16 certificate shall be set by the board, and if extended beyond~~
~~46 17 one year, a renewal fee per year shall be set by the board.~~
46 18 The fee for the temporary certificate shall be based on the
46 19 administrative costs of issuing the certificates.
46 20 Sec. 65. Section 154D.1, Code Supplement 2007, is amended
46 21 by adding the following new subsections:
46 22 NEW SUBSECTION. 7. "Temporary license" means a license to
46 23 practice marital and family therapy or mental health
46 24 counseling under direct supervision of a qualified supervisor
46 25 as determined by the board by rule to fulfill the postgraduate
46 26 supervised clinical experience requirement in accordance with
46 27 this chapter.
46 28 NEW SUBSECTION. 8. "Temporary licensed marital and family
46 29 therapist" means a person licensed to practice marital and
46 30 family therapy under supervision in accordance with section
46 31 154D.7.
46 32 NEW SUBSECTION. 9. "Temporary licensed mental health
46 33 counselor" means a person licensed to practice mental health
46 34 counseling under supervision in accordance with section
46 35 154D.7.

Senate File 2338 - Introduced continued

Sec. 66. Section 154D.2, Code 2007, is amended to read as follows:

154D.2 LICENSURE == MARITAL AND FAMILY THERAPY == MENTAL HEALTH COUNSELING.

~~1.~~ An applicant for a license to practice marital and family therapy or mental health counseling shall be granted a license by the board when the applicant satisfies all of the following requirements:

~~a.~~ 1. Possesses a master's degree in marital and family therapy or mental health counseling, as applicable, consisting of at least ~~forty=five credit~~ sixty semester hours, or its equivalent, from a nationally accredited institution or from a program approved by the board.

~~b.~~ 2. Has at least two years of supervised clinical experience or its equivalent as approved by the board. Standards for supervision, including the required qualifications for supervisors, shall be determined by the board by rule.

~~c.~~ 3. Passes an examination ~~administered~~ approved by the board.

~~d. Has not failed the examination required in paragraph "c" within six months of the date of the current application.~~

~~2. An applicant for a license to practice mental health counseling shall be granted a license by the board when the applicant satisfies all of the following requirements:~~

~~a. Possesses a master's degree in counseling consisting of at least forty=five credit hours, or its equivalent, from a nationally accredited institution or from a program approved by the board.~~

~~b. Has at least two years of supervised clinical experience or its equivalent in assessing mental health needs and problems and in providing appropriate mental health services as approved by the board. Standards for supervision, including the required qualifications for supervisors, shall be determined by the board by rule.~~

Senate File 2338 - Introduced continued

48 1 ~~c. Passes an examination administered by the board.~~
48 2 Sec. 67. Section 154D.3, Code 2007, is amended to read as
48 3 follows:
48 4 154D.3 BOARD ORGANIZATION AND AUTHORITY.
48 5 1. In addition to duties and responsibilities provided in
48 6 chapters 147 and 272C, the board shall adopt rules relating
48 7 to:
48 8 a. Standards required for licensees engaging in the
48 9 professions covered by this chapter.
48 10 b. Standards for professional conduct of persons licensed
48 11 under this chapter.
48 12 c. The administration of this chapter.
48 13 d. The status of active and inactive licensure, and
48 14 guidelines for reentry of inactive licensees.
48 15 e. Educational activities which fulfill continuing
48 16 education requirements for license renewals.
48 17 ~~2. A separate subcommittee is established within the board~~
~~48 18 for each of the professions under the board's jurisdiction.~~
~~48 19 The chairperson of the board shall appoint to the subcommittee~~
~~48 20 for each profession those members of the board who represent~~
~~48 21 that profession. The chairperson shall appoint two of the~~
~~48 22 public members of the board to serve on a subcommittee. Each~~
~~48 23 subcommittee shall, by majority vote, rule on all license~~
~~48 24 applications within the subcommittee's assigned profession,~~
~~48 25 approve and administer the grading of the examination given to~~
~~48 26 applicants for licenses to practice that profession, and~~
~~48 27 otherwise coordinate the board's administration of all matters~~
~~48 28 pertinent to regulation of the practice of the profession.~~
48 29 ~~3.~~ 2. The board may establish subcommittees. A decision
48 30 or recommendation of a subcommittee shall not become effective
48 31 without approval of the board. The board may initiate action
48 32 relating to either of the professions within its jurisdiction.
48 33 ~~4. Members attending meetings of the board's subcommittees~~
~~48 34 shall be reimbursed on the same basis as members attending~~
~~48 35 board meetings up to a maximum of six subcommittee meetings~~

~~Senate File 2338 - Introduced continued~~

~~49 1 per calendar year.~~
49 2 Sec. 68. Section 154D.4, subsection 2, paragraph b, Code
49 3 2007, is amended to read as follows:
49 4 b. A person who practices marital and family therapy or
49 5 mental health counseling under the supervision of a person
49 6 licensed under this chapter as part of a clinical experience
49 7 as described in section 154D.2, subsection ~~1, paragraph "b",~~
~~49 8 or section 154D.2, subsection 2, paragraph "b"~~ 2.
49 9 Sec. 69. Section 154D.5, Code 2007, is amended to read as
49 10 follows:
49 11 154D.5 SEXUAL CONDUCT WITH CLIENT.
49 12 1. The license of a marital and family therapist or a
49 13 mental health counselor shall be revoked if the board finds
49 14 that the licensee engaged in sexual activity ~~or genital~~
~~49 15 contact~~ with a client ~~while acting or purporting to act within~~
~~49 16 the licensee's scope of practice, whether or not the client~~
~~49 17 consented to the sexual activity or genital contact~~ as
49 18 determined by board rule.
49 19 2. The revocation shall be in addition to any other
49 20 penalties provided by law.
49 21 Sec. 70. NEW SECTION. 154D.7 TEMPORARY LICENSE ==
49 22 MARITAL AND FAMILY THERAPY == MENTAL HEALTH COUNSELING ==
49 23 FEES.
49 24 Any person who has fulfilled all of the requirements for
49 25 licensure under this chapter, except for having completed the
49 26 postgraduate supervised clinical experience requirement as
49 27 determined by the board by rule, may apply to the board for a
49 28 temporary license. The license shall be designated "temporary
49 29 license in marital and family therapy" or "temporary license
49 30 in mental health counseling" and shall authorize the licensee
49 31 to practice marital and family therapy or mental health
49 32 counseling under the supervision of a qualified supervisor as
49 33 determined by the board by rule. The license shall be valid
49 34 for three years and may be renewed at the discretion of the
49 35 board. The fee for a temporary license shall be set by the

Senate File 2338 - Introduced continued

50 1 board to cover the administrative costs of issuing the
50 2 license, and if renewed, a renewal fee as set by the board
50 3 shall be required.
50 4 Sec. 71. NEW SECTION. 154F.1 DEFINITIONS.
50 5 As used in this chapter, unless the context otherwise
50 6 requires:
50 7 1. "Audiologist" means a person who engages in the
50 8 practice of audiology.
50 9 2. "Board" means the board of speech pathology and
50 10 audiology established pursuant to section 147.14, subsection
50 11 9.
50 12 3. The "practice of audiology" means the application of
50 13 principles, methods, and procedures for measurement, testing,
50 14 evaluation, prediction, consultation, counseling, instruction,
50 15 habilitation, rehabilitation, or remediation related to
50 16 hearing and disorders of hearing and associated communication
50 17 disorders for the purpose of nonmedically evaluating,
50 18 identifying, preventing, ameliorating, modifying, or
50 19 remediating such disorders and conditions in individuals or
50 20 groups of individuals, including the determination and use of
50 21 appropriate amplification.
50 22 4. The "practice of speech pathology" means the
50 23 application of principles, methods, and procedures for the
50 24 measurement, testing, evaluation, prediction, consultation,
50 25 counseling, instruction, habilitation, rehabilitation, or
50 26 remediation related to the development and disorders of
50 27 speech, fluency, voice, or language for the purposes of
50 28 nonmedically evaluating, preventing, ameliorating, modifying,
50 29 or remediating such disorders and conditions in individuals or
50 30 groups of individuals.
50 31 5. "Speech pathologist" means a person who engages in the
50 32 practice of speech pathology.
50 33 Sec. 72. NEW SECTION. 154F.2 APPLICABILITY.
50 34 1. Nothing contained in this chapter shall be construed to
50 35 apply to:

Senate File 2338 - Introduced continued

51 1 a. Licensed physicians and surgeons, licensed osteopathic
51 2 physicians and surgeons, licensed physician assistants and
51 3 registered nurses acting under the supervision of a physician,
51 4 persons conducting hearing tests under the direct supervision
51 5 of a licensed physician and surgeon, licensed osteopathic
51 6 physician and surgeon, or students of medicine or surgery or
51 7 osteopathic medicine and surgery pursuing a course of study in
51 8 a medical school or college of osteopathic medicine and
51 9 surgery approved by the board of medicine while performing
51 10 functions incidental to their course of study.
51 11 b. Hearing aid fitting, the dispensing or sale of hearing
51 12 aids, and the providing of hearing aid service and maintenance
51 13 by a hearing aid dispenser or holder of a temporary permit as
51 14 defined and licensed under chapter 154A.
51 15 c. Students enrolled in an accredited college or
51 16 university pursuing a course of study leading to a degree in
51 17 speech pathology or audiology while receiving clinical
51 18 training as a part of the course of study and acting under the
51 19 supervision of a licensed speech pathologist or audiologist
51 20 provided they use the title "trainee" or similar title clearly
51 21 indicating training status.
51 22 d. Nonprofessional aides who perform their services under
51 23 the supervision of a speech pathologist or audiologist as
51 24 appropriate and who meet such qualifications as may be
51 25 established by the board for aides if they use the title
51 26 "aide", "assistant", "technician", or other similar title
51 27 clearly indicating their status.
51 28 e. Audiometric tests administered pursuant to the United
51 29 States Occupational Safety and Health Act of 1970 or chapter
51 30 88, and in accordance with regulations issued thereunder, by
51 31 employees of a person engaged in business, including the state
51 32 of Iowa, its various departments, agencies, and political
51 33 subdivisions, solely to employees of such employer, while
51 34 acting within the scope of their employment.
51 35 f. Persons certified by the department of education as

Senate File 2338 - Introduced continued

52 1 speech clinicians or hearing clinicians and employed by a
52 2 school district or area education agency while acting within
52 3 the scope of their employment.
52 4 2. A person exempted from the provisions of this chapter
52 5 by this section shall not use the title "speech pathologist"
52 6 or "audiologist" or any title or device indicating or
52 7 representing in any manner that the person is a speech
52 8 pathologist or is an audiologist; provided, a hearing aid
52 9 dispenser licensed under chapter 154A may use the title
52 10 "certified hearing aid audiologist" when granted by the
52 11 national hearing aid society; and provided, persons who meet
52 12 the requirements of section 154F.3, subsection 1, who are
52 13 certified by the department of education as speech clinicians
52 14 may use the title "speech pathologist" and persons who meet
52 15 the requirements of section 154F.3, subsection 2, who are
52 16 certified by the department of education as hearing clinicians
52 17 may use the title "audiologist", while acting within the scope
52 18 of their employment.
52 19 Sec. 73. NEW SECTION. 154F.3 REQUIREMENTS FOR LICENSE.
52 20 Each applicant for a license as a speech pathologist or
52 21 audiologist shall meet all of the following requirements:
52 22 1. For a license as a speech pathologist:
52 23 a. Possess a master's degree from an accredited school,
52 24 college, or university with a major in speech pathology.
52 25 b. Show evidence of completion of not less than four
52 26 hundred hours of supervised clinical training in speech
52 27 pathology as a student in an accredited school, college, or
52 28 university.
52 29 c. Show evidence of completion of not less than nine
52 30 months clinical experience under the supervision of a licensed
52 31 speech pathologist following the receipt of the master's
52 32 degree.
52 33 2. For a license as an audiologist:
52 34 a. Possess a master's degree from an accredited school,
52 35 college, or university with a major in audiology.

Senate File 2338 - Introduced continued

53 1 b. Show evidence of completion of not less than four
53 2 hundred hours of supervised clinical training in audiology as
53 3 a student in an accredited school, college, or university.
53 4 c. Show evidence of completion of not less than nine
53 5 months clinical experience under the supervision of a licensed
53 6 audiologist following the receipt of the master's degree.
53 7 d. In lieu of paragraphs "a" through "c", hold a doctoral
53 8 degree in audiology from an accredited school, college, or
53 9 university which incorporates the academic coursework and the
53 10 minimum hours of supervised training required by rules adopted
53 11 by the board.
53 12 3. Pass an examination as determined by the board in rule.
53 13 Sec. 74. NEW SECTION. 154F.4 WAIVER OF EXAMINATION
53 14 REQUIREMENT.
53 15 The examinations required in section 154F.3, subsection 3,
53 16 may be waived by the board for holders by examination of
53 17 licenses or certificates from states whose requirements are
53 18 substantially equivalent to those of this chapter.
53 19 Sec. 75. NEW SECTION. 154F.5 TEMPORARY CLINICAL LICENSE
53 20 == FEE.
53 21 Any person who has fulfilled all of the requirements for
53 22 licensure under this chapter, except for having completed the
53 23 nine months clinical experience requirement as provided in
53 24 section 154F.3, subsection 1 or 2, may apply to the board for
53 25 a temporary clinical license. The license shall be designated
53 26 "temporary clinical license in speech pathology" or "temporary
53 27 clinical license in audiology" and shall authorize the
53 28 licensee to practice speech pathology or audiology under the
53 29 supervision of a licensed speech pathologist or licensed
53 30 audiologist, as appropriate. The license shall be valid for
53 31 one year and may be renewed at the discretion of the board.
53 32 The fee for a temporary clinical license shall be set by the
53 33 board to cover the administrative costs of issuing the
53 34 license, and if renewed, a renewal fee as set by the board
53 35 shall be required. A temporary clinical license shall be

Senate File 2338 - Introduced continued

54 1 issued only upon evidence satisfactory to the board that the
54 2 applicant will be supervised by a person licensed as a speech
54 3 pathologist or audiologist, as appropriate.
54 4 Sec. 76. NEW SECTION. 154F.6 TEMPORARY PERMIT.
54 5 The board may, at its discretion, issue a temporary permit
54 6 to a nonresident authorizing the permittee to practice speech
54 7 pathology or audiology in this state for a period not to
54 8 exceed three months whenever, in the opinion of the board, a
54 9 need exists and the permittee, in the opinion of the board,
54 10 possesses the necessary qualifications which shall be
54 11 substantially equivalent to those required for licensure by
54 12 this chapter.
54 13 Sec. 77. Section 155A.26, Code Supplement 2007, is amended
54 14 to read as follows:
54 15 155A.26 ENFORCEMENT == AGENTS AS PEACE OFFICERS.
54 16 The board, its officers, agents, inspectors, and
54 17 representatives, and all peace officers within the state, and
54 18 all county attorneys shall enforce all provisions of this
54 19 chapter, except those specifically delegated, and shall
54 20 cooperate with all agencies charged with the enforcement of
54 21 the laws of the United States, of this state, and of all other
54 22 states relating to prescription drugs. Officers, agents,
54 23 inspectors, and representatives of the board shall have the
54 24 powers and status of peace officers when enforcing the
54 25 provisions of this chapter and chapters 124, 126, and 205.
54 26 Officers, agents, inspectors, and representatives of the board
54 27 of pharmacy may:
54 28 1. Administer oaths, acknowledge signatures, and take
54 29 testimony.
54 30 2. Make audits of the supply and inventory of controlled
54 31 substances and prescription drugs in the possession of any and
54 32 all individuals or institutions authorized to have possession
54 33 of any controlled substances or prescription drugs.
54 34 3. Conduct routine and unannounced inspections of
54 35 pharmacies, drug wholesalers, and the offices or business

Senate File 2338 - Introduced continued

55 1 locations of all individuals and institutions authorized to
55 2 have possession of prescription drugs including controlled
55 3 substances or prescription devices.
55 4 4. Conduct inspections and investigations related to the
55 5 practice of pharmacy and the distribution of prescription
55 6 drugs and devices in this state.
55 7 5. Seize controlled or counterfeit substances or articles
55 8 used in the manufacture or sale of controlled or counterfeit
55 9 substances which they have reasonable grounds to believe are
55 10 held in violation of law.
55 11 6. Seize prescription medications which they believe are
55 12 held in violation of law.
55 13 7. Perform other duties as specifically authorized or
55 14 mandated by law or rule.
55 15 Sec. 78. Sections 147.29, 147.30, 147.43, 147.51, 147.52,
55 16 147.54, 147.58 through 147.71, 147.75, 147.90, 147.104, and
55 17 147.153 through 147.156, Code 2007, are repealed.
55 18 Sec. 79. Sections 147.18, 147.26, 147.35, 147.39, 147.40
55 19 through 147.42, 147.45 through 147.47, 147.50, 147.94 through
55 20 147.96, 147.98 through 147.100, 147.102, 147.103, 147.103A,
55 21 147.151, 147.152, 148.4, 152C.8, and 154D.6, Code Supplement
55 22 2007, are repealed.
55 23 Sec. 80. Chapters 150 and 150A, Code and Code Supplement
55 24 2007, are repealed.
55 25 DIVISION II
55 26 COORDINATING AMENDMENTS
55 27 Sec. 81. Section 85B.9, subsection 2, Code 2007, is
55 28 amended to read as follows:
55 29 2. Audiometric examinations shall be administered by
55 30 persons who are certified by the council for accreditation in
55 31 occupational hearing conservation or by persons licensed as
55 32 audiologists under chapter ~~147~~ 154F, or as physicians or
55 33 osteopathic physicians and surgeons under chapter 148, ~~as~~
~~55 34 osteopathic physicians under chapter 150, or as osteopathic~~
~~55 35 physicians and surgeons under chapter 150A,~~ provided the

Senate File 2338 - Introduced continued

licensed persons are trained in audiometry.

Sec. 82. Section 124.555, subsection 1, Code Supplement 2007, is amended to read as follows:

1. The council shall consist of eight members appointed by the governor. The members shall include three licensed pharmacists, four physicians licensed under chapter 148, ~~150, or 150A,~~ and one licensed prescribing practitioner who is not a physician. The governor shall solicit recommendations for council members from Iowa health professional licensing boards, associations, and societies. The license of each member appointed to and serving on the advisory council shall be current and in good standing with the professional's licensing board.

Sec. 83. Section 135.11, subsection 15, Code Supplement 2007, is amended to read as follows:

15. Establish standards for, issue permits for, and exercise control over the distribution of venereal disease prophylactics distributed by methods not under the direct supervision of a physician licensed under chapter 148, ~~150, or 150A,~~ or a pharmacist licensed under chapter 147. Any person selling, offering for sale, or giving away any venereal disease prophylactics in violation of the standards established by the department shall be fined not exceeding five hundred dollars, and the department shall revoke their permit.

Sec. 84. Section 135.24, subsection 2, paragraph d, Code Supplement 2007, is amended to read as follows:

d. Identification of the services to be provided under the program. The services provided may include, but shall not be limited to, obstetrical and gynecological medical services, psychiatric services provided by a physician licensed under chapter 148, ~~150, or 150A,~~ dental services provided under chapter 153, or other services provided under chapter 147A, 148A, 148B, 148C, 149, 151, 152, 152B, 152E, 154, 154B, 154C, 154D, 154F, or 155A.

Senate File 2338 - Introduced continued

Sec. 85. Section 135.24, subsection 6, paragraph d, Code Supplement 2007, is amended to read as follows:

d. "Health care provider" means a physician licensed under chapter 148, ~~150, or 150A,~~ a chiropractor licensed under chapter 151, a physical therapist licensed pursuant to chapter 148A, an occupational therapist licensed pursuant to chapter 148B, a podiatrist licensed pursuant to chapter 149, a physician assistant licensed and practicing under a supervising physician pursuant to chapter 148C, a licensed practical nurse, a registered nurse, or an advanced registered nurse practitioner licensed pursuant to chapter 152 or 152E, a respiratory therapist licensed pursuant to chapter 152B, a dentist, dental hygienist, or dental assistant registered or licensed to practice under chapter 153, an optometrist licensed pursuant to chapter 154, a psychologist licensed pursuant to chapter 154B, a social worker licensed pursuant to chapter 154C, a mental health counselor or a marital and family therapist licensed pursuant to chapter 154D, a pharmacist licensed pursuant to chapter 155A, or an emergency medical care provider certified pursuant to chapter 147A.

Sec. 86. Section 135.61, subsection 10, Code 2007, is amended to read as follows:

10. "Health care provider" means a person licensed or certified under chapter 147, 148, 148A, 148C, 149, ~~150, 150A,~~ 151, 152, 153, 154, 154B, 154F, or 155A to provide in this state professional health care service to an individual during that individual's medical care, treatment or confinement.

Sec. 87. Section 135.105D, subsection 1, paragraph c, Code Supplement 2007, is amended to read as follows:

c. "Health care provider" means a physician who is licensed under chapter 148, ~~150, or 150A,~~ or a person who is licensed as a physician assistant under chapter 148C or as an advanced registered nurse practitioner.

Sec. 88. Section 135B.7, unnumbered paragraph 2, Code 2007, is amended to read as follows:

Senate File 2338 - Introduced continued

The rules shall state that a hospital shall not deny clinical privileges to physicians and surgeons, podiatric physicians, ~~osteopaths,~~ osteopathic physicians and surgeons, dentists, certified health service providers in psychology, physician assistants, or advanced registered nurse practitioners licensed under chapter 148, 148C, 149, ~~150, 150A,~~ 152, or 153, or section 154B.7, solely by reason of the license held by the practitioner or solely by reason of the school or institution in which the practitioner received medical schooling or postgraduate training if the medical schooling or postgraduate training was accredited by an organization recognized by the council on postsecondary accreditation or an accrediting group recognized by the United States department of education. A hospital may establish procedures for interaction between a patient and a practitioner. The rules shall not prohibit a hospital from limiting, restricting, or revoking clinical privileges of a practitioner for violation of hospital rules, regulations, or procedures established under this paragraph, when applied in good faith and in a nondiscriminatory manner. This paragraph shall not require a hospital to expand the hospital's current scope of service delivery solely to offer the services of a class of providers not currently providing services at the hospital. This section shall not be construed to require a hospital to establish rules which are inconsistent with the scope of practice established for licensure of practitioners to whom this paragraph applies. This section shall not be construed to authorize the denial of clinical privileges to a practitioner or class of practitioners solely because a hospital has as employees of the hospital identically licensed practitioners providing the same or similar services.

Sec. 89. Section 135C.40, subsection 3, Code 2007, is amended to read as follows:

3. No health care facility shall be cited for any violation caused by any practitioner licensed pursuant to

Senate File 2338 - Introduced continued

59 1 chapter 148, ~~150 or 150A~~ if that practitioner is not the
59 2 licensee of and is not otherwise financially interested in the
59 3 facility, and the licensee or the facility presents evidence
59 4 that reasonable care and diligence have been exercised in
59 5 notifying the practitioner of the practitioner's duty to the
59 6 patients in the facility.
59 7 Sec. 90. Section 135H.1, subsection 7, Code 2007, is
59 8 amended to read as follows:
59 9 7. "Physician" means a person licensed under chapter 148
59 10 ~~or 150A~~.
59 11 Sec. 91. Section 135J.1, subsection 6, paragraph a, Code
59 12 2007, is amended to read as follows:
59 13 a. A licensed physician pursuant to chapter 148~~, 150, or~~
~~59 14 150A~~.
59 15 Sec. 92. Section 141A.1, subsection 8, Code Supplement
59 16 2007, is amended to read as follows:
59 17 8. "Health care provider" means a person licensed to
59 18 practice medicine and surgery, osteopathic medicine and
59 19 surgery, ~~osteopathy,~~ chiropractic, podiatry, nursing,
59 20 dentistry, or optometry, or as a physician assistant, dental
59 21 hygienist, or acupuncturist.
59 22 Sec. 93. Section 142C.7, Code Supplement 2007, is amended
59 23 to read as follows:
59 24 142C.7 CONFIDENTIAL INFORMATION.
59 25 A hospital, licensed or certified health care professional
59 26 pursuant to chapter 148, 148C, ~~150A,~~ or 152, or medical
59 27 examiner may release patient information to a procurement
59 28 organization as part of a referral or retrospective review of
59 29 the patient as a potential donor. Any information regarding a
59 30 patient, including the patient's identity, however,
59 31 constitutes confidential medical information and under any
59 32 other circumstances is prohibited from disclosure without the
59 33 written consent of the patient or the patient's legal
59 34 representative.
59 35 Sec. 94. Section 144.29A, subsection 7, Code 2007, is

Senate File 2338 - Introduced continued

amended to read as follows:

7. For the purposes of this section, "health care provider" means an individual licensed under chapter 148, 148C, 148D, ~~150, 150A,~~ or 152, or any individual who provides medical services under the authorization of the licensee.

Sec. 95. Section 147.106, subsection 8, paragraph b, Code 2007, is amended to read as follows:

b. "Physician" means any person licensed to practice medicine and surgery~~,~~ or osteopathic medicine and surgery~~, or osteopathy~~ in this state or in another state.

Sec. 96. Section 147.108, subsections 1 and 2, Code Supplement 2007, are amended to read as follows:

1. A person shall not dispense or adapt contact lenses without first receiving authorization to do so by a written, electronic, or facsimile prescription, except when authorized orally under subsection 2, from a person licensed under chapter 148~~, 150, 150A,~~ or 154. The board of optometry shall adopt rules relating to electronic or facsimile transmission of a prescription under this section.

2. After contact lenses have been adequately adapted and the patient released from initial follow=up care by a person licensed under chapter 148~~, 150, 150A,~~ or 154, the patient may request a copy, at no cost, of the contact lens prescription from that licensed person. A person licensed under chapter 148~~, 150, 150A,~~ or 154 shall not withhold a contact lens prescription after the requirements of this section have been met. The prescription, at the option of the prescriber, may be given orally only to a person who is actively practicing and licensed under chapter 148, ~~150, 150A,~~ 154, or 155A. The contact lens prescription shall contain an expiration date, at the discretion of the prescriber, but not to exceed eighteen months. The contact lens prescription shall contain the necessary requirements of the ophthalmic lens, and the prescription validation requirements as defined by rules adopted pursuant to this section. The prescription may

Senate File 2338 - Introduced continued

61 1 contain adapting and material guidelines and may also contain
61 2 specific instructions for use by the patient. For the purpose
61 3 of this section, "ophthalmic lens" means one which has been
61 4 fabricated to fill the requirements of a particular contact
61 5 lens prescription.
61 6 Sec. 97. Section 147.109, subsections 1, 2, and 3, Code
61 7 Supplement 2007, are amended to read as follows:
61 8 1. A person shall not dispense or adapt an ophthalmic
61 9 spectacle lens or lenses without first receiving authorization
61 10 to do so by a written, electronic, or facsimile prescription
61 11 from a person licensed under chapter 148~~, 150, 150A,~~ or 154.
61 12 For the purpose of this section, "ophthalmic spectacle lens"
61 13 means one which has been fabricated to fill the requirements
61 14 of a particular spectacle lens prescription. The board of
61 15 optometry shall adopt rules relating to electronic or
61 16 facsimile transmission of a prescription under this section.
61 17 2. Upon completion of an eye examination, a person
61 18 licensed under chapter 148~~, 150, 150A,~~ or 154 shall furnish
61 19 the patient a copy of their ophthalmic spectacle lens
61 20 prescription at no cost. The ophthalmic spectacle lens
61 21 prescription shall contain an expiration date. The ophthalmic
61 22 spectacle lens prescription shall contain the requirements of
61 23 the ophthalmic spectacle lens and the prescription validation
61 24 requirements as defined by rules adopted pursuant to this
61 25 section. The prescription, at the option of the prescriber,
61 26 may contain adapting and material guidelines and may also
61 27 contain specific instructions for use by the patient.
61 28 3. Upon request of a patient, a person licensed under
61 29 chapter 148~~, 150, 150A,~~ or 154 shall provide the prescription
61 30 of the patient, if the prescription has not expired, at no
61 31 cost to another person licensed under chapter 148~~, 150, 150A,~~
61 32 or 154. The person licensed under chapter 148~~, 150, 150A,~~ or
61 33 154 shall accept the prescription and shall not require the
61 34 patient to undergo an eye examination unless, due to
61 35 observation or patient history, the licensee has reason to

Senate File 2338 - Introduced continued

62 1 require an examination.
62 2 Sec. 98. Section 147.139, Code 2007, is amended to read as
62 3 follows:
62 4 147.139 EXPERT WITNESS STANDARDS.
62 5 If the standard of care given by a physician and surgeon or
62 6 an osteopathic physician and surgeon licensed pursuant to
62 7 chapter 148~~, or osteopathic physician and surgeon licensed~~
62 8 ~~pursuant to chapter 150A~~, or a dentist licensed pursuant to
62 9 chapter 153, is at issue, the court shall only allow a person
62 10 to qualify as an expert witness and to testify on the issue of
62 11 the appropriate standard of care if the person's medical or
62 12 dental qualifications relate directly to the medical problem
62 13 or problems at issue and the type of treatment administered in
62 14 the case.
62 15 Sec. 99. Section 147A.1, subsection 9, Code 2007, is
62 16 amended to read as follows:
62 17 9. "Physician" means an individual licensed under chapter
62 18 148~~, 150, or 150A~~.
62 19 Sec. 100. Section 148A.3, subsections 1 and 4, Code 2007,
62 20 are amended to read as follows:
62 21 1. Licensed physicians and surgeons, ~~osteopaths,~~
62 22 osteopathic physicians and surgeons, podiatric physicians,
62 23 chiropractors, nurses, dentists, cosmetologists, and barbers,
62 24 who are engaged in the practice of their respective
62 25 professions.
62 26 4. Nonprofessional workers not held out as physical
62 27 therapists who are employed in hospitals, clinics, offices or
62 28 health care facilities as defined in section 135C.1 working
62 29 under the supervision and direction of a physical therapist or
62 30 physician licensed pursuant to chapter 148~~, 150 or 150A~~.
62 31 Sec. 101. Section 152.1, subsection 3, Code Supplement
62 32 2007, is amended to read as follows:
62 33 3. "Physician" means a person licensed in this state to
62 34 practice medicine and surgery, ~~osteopathy~~ osteopathic medicine
62 35 and surgery, ~~or osteopathy,~~ or a person licensed in this state

Senate File 2338 - Introduced continued

to practice dentistry or podiatry when acting within the scope of the license. A physician licensed to practice medicine and surgery, or osteopathic medicine and surgery~~, or osteopathy~~ in a state bordering this state shall be considered a physician for purposes of this chapter unless previously determined to be ineligible for such consideration by the board of medicine.

Sec. 102. Section 152.1, subsection 5, paragraph a, Code Supplement 2007, is amended to read as follows:

a. The practice of medicine and surgery and the practice of osteopathic medicine and surgery, as defined in chapter 148, ~~the osteopathic practice, as defined in chapter 150, the practice of osteopathic medicine and surgery, as defined in chapter 150A,~~ or the practice of pharmacy as defined in chapter 155A, except practices which are recognized by the medical and nursing professions and approved by the board as proper to be performed by a registered nurse.

Sec. 103. Section 152.8, unnumbered paragraph 1, Code 2007, is amended to read as follows:

Notwithstanding the provisions of sections 147.44 through ~~147.54~~ 147.50, and 147.53, the following shall apply regarding applicants for nurse licensure possessing a license from another state:

Sec. 104. Section 152.10, subsection 1, Code 2007, is amended to read as follows:

1. Notwithstanding sections 147.87 to 147.89 ~~and in addition to the provisions of sections 147.58 to 147.71~~, the board may restrict, suspend, or revoke a license to practice nursing or place the licensee on probation. The board may also prescribe by rule conditions of license reinstatement. The board shall prescribe rules of procedure by which to restrict, suspend, or revoke a license. These procedures shall conform to the provisions of chapter 17A.

Sec. 105. Section 152.12, Code 2007, is amended to read as follows:

152.12 EXAMINATION INFORMATION.

Senate File 2338 - Introduced continued

Notwithstanding section 147.21, ~~subsection 3,~~ individual pass or fail examination results made available from the authorized national testing agency may be disclosed to the appropriate licensing authority in another state, the District of Columbia, or a territory or county, and the board=approved education program, for purposes of verifying accuracy of national data and determining program approval.

Sec. 106. Section 154.1, subsections 3 and 4, Code Supplement 2007, are amended to read as follows:

3. Diagnostically certified licensed optometrists may employ cycloplegics, mydriatics, and topical anesthetics as diagnostic agents topically applied to determine the condition of the human eye for proper optometric practice or referral for treatment to a person licensed under chapter 148~~, 150, or 150A~~. A diagnostically certified licensed optometrist is an optometrist who is licensed to practice optometry in this state and who is certified by the board to use diagnostic agents.

4. Therapeutically certified optometrists may employ all diagnostic and therapeutic pharmaceutical agents for the purpose of diagnosis and treatment of conditions of the human eye and adnexa pursuant to this subsection, excluding the use of injections other than to counteract an anaphylactic reaction, and notwithstanding section 147.107, may without charge supply any of the above pharmaceuticals to commence a course of therapy. Therapeutically certified optometrists may prescribe oral steroids for a period not to exceed fourteen days without consultation with a physician. Therapeutically certified optometrists shall not prescribe oral Imuran or oral Methotrexate. Therapeutically certified optometrists may be authorized, where reasonable and appropriate, by rule of the board, to employ new diagnostic and therapeutic pharmaceutical agents approved by the United States food and drug administration on or after July 1, 2002, for the diagnosis and treatment of the human eye and adnexa. The board shall not be

Senate File 2338 - Introduced continued

65 1 required to adopt rules relating to topical pharmaceutical
65 2 agents, oral antimicrobial agents, oral antihistamines, oral
65 3 antiglaucoma agents, and oral analgesic agents. Superficial
65 4 foreign bodies may be removed from the human eye and adnexa.
65 5 The therapeutic efforts of a therapeutically certified
65 6 optometrist are intended for the purpose of examination,
65 7 diagnosis, and treatment of visual defects, abnormal
65 8 conditions, and diseases of the human eye and adnexa, for
65 9 proper optometric practice or referral for consultation or
65 10 treatment to persons licensed under chapter 148~~, 150, or 150A~~.
65 11 A therapeutically certified optometrist is an optometrist who
65 12 is licensed to practice optometry in this state and who is
65 13 certified by the board to use the agents and procedures
65 14 authorized pursuant to this subsection.
65 15 Sec. 107. Section 154.10, Code Supplement 2007, is amended
65 16 to read as follows:
65 17 154.10 STANDARD OF CARE.
65 18 1. A diagnostically certified licensed optometrist
65 19 employing diagnostic pharmaceutical agents as authorized by
65 20 section 154.1 shall be held to the same standard of care in
65 21 the use of such agents and in diagnosis as is common to
65 22 persons licensed under chapter 148~~, 150, or 150A~~ in this
65 23 state.
65 24 2. A therapeutically certified optometrist employing
65 25 pharmaceutical agents as authorized by section 154.1 shall be
65 26 held to the same standard of care in the use of such agents
65 27 and in diagnosis and treatment as is common to persons
65 28 licensed under chapter 148~~, 150, or 150A~~ in this state.
65 29 Sec. 108. Section 154B.2, Code 2007, is amended to read as
65 30 follows:
65 31 154B.2 PRACTICE NOT AUTHORIZED.
65 32 This chapter shall not authorize the practice of medicine
65 33 and surgery or the practice of osteopathic medicine and
65 34 surgery by any person not licensed pursuant to chapter 148~~,~~
~~65 35 the practice of osteopathy by any person not licensed pursuant~~

~~Senate File 2338 - Introduced continued~~

~~66 1 to chapter 150, or the practice of osteopathic medicine and~~
~~66 2 surgery by any person not licensed pursuant to chapter 150A~~.
66 3 Sec. 109. Section 155.11, Code 2007, is amended to read as
66 4 follows:
66 5 155.11 RECIPROCITY WITH OTHER STATES.
66 6 The board may issue a nursing home administrator's license,
66 7 without examination, to any person who holds a current license
66 8 as a nursing home administrator from another jurisdiction if
66 9 reciprocal agreements are entered into with another
66 10 jurisdiction under sections ~~147.45 through 147.54~~ 147.44,
66 11 147.48, 147.49, and 147.53.
66 12 Sec. 110. Section 156.9, subsection 1, Code Supplement
66 13 2007, is amended to read as follows:
66 14 1. Notwithstanding section 147.87 ~~and in addition to the~~
~~66 15 provisions of sections 147.58 through 147.71~~, the board may
66 16 restrict, suspend, or revoke a license to practice mortuary
66 17 science or place a licensee on probation. The board shall
66 18 adopt rules of procedure pursuant to chapter 17A by which to
66 19 restrict, suspend, or revoke a license. The board may also
66 20 adopt rules pursuant to chapter 17A relating to conditions of
66 21 license reinstatement.
66 22 Sec. 111. Section 157.13, subsection 1, paragraph b, Code
66 23 2007, is amended to read as follows:
66 24 b. Notwithstanding section 157.12, when the licensee is
66 25 employed by a physician and provides cosmetology services at
66 26 the place of practice of a physician and is under the
66 27 supervision of a physician licensed to practice pursuant to
66 28 chapter 148~~, 150, or 150A~~.
66 29 Sec. 112. Section 229.1, subsection 8, Code 2007, is
66 30 amended to read as follows:
66 31 8. "Licensed physician" means an individual licensed under
66 32 the provisions of chapter 148~~, 150, or 150A~~ to practice
66 33 medicine and surgery~~, osteopathy,~~ or osteopathic medicine and
66 34 surgery.
66 35 Sec. 113. Section 232.68, subsection 3, paragraph c, Code

Senate File 2338 - Introduced continued

2007, is amended to read as follows:

c. "Physical examination" means direct physical viewing, touching, and medically necessary manipulation of any area of the child's body by a physician licensed under chapter 148 ~~or 150A~~.

Sec. 114. Section 232.68, subsection 5, Code 2007, is amended to read as follows:

5. "Health practitioner" includes a licensed physician and surgeon, ~~osteopath,~~ osteopathic physician and surgeon, dentist, optometrist, podiatric physician, or chiropractor; a resident or intern in any of such professions; a licensed dental hygienist, a registered nurse or licensed practical nurse; a physician assistant; and an emergency medical care provider certified under section 147A.6.

Sec. 115. Section 232.68, subsection 6, paragraph a, Code 2007, is amended to read as follows:

a. Holds at least a master's degree in a mental health field, including, but not limited to, psychology, counseling, nursing, or social work; or is licensed to practice medicine pursuant to chapter 148~~, 150, or 150A~~.

Sec. 116. Section 272C.5, subsection 2, paragraph c, Code Supplement 2007, is amended to read as follows:

c. Shall state whether the procedures are an alternative to or an addition to the procedures stated in sections ~~147.58 through 147.71,~~ 148.6 through 148.9, 152.10, 152.11, 153.33, 154A.23, 542.11, 542B.22, 543B.35, 543B.36, and 544B.16.

Sec. 117. Section 280.16, subsection 1, paragraph b, Code 2007, is amended to read as follows:

b. "Physician" means a person licensed under chapter 148, ~~150, or 150A,~~ or a physician's assistant, advanced registered nurse practitioner, or other person licensed or registered to distribute or dispense a prescription drug or device in the course of professional practice in this state in accordance with section 147.107, or a person licensed by another state in a health field in which, under Iowa law, licensees in this

Senate File 2338 - Introduced continued

68 1 state may legally prescribe drugs.
68 2 Sec. 118. Section 321.34, subsection 14, Code Supplement
68 3 2007, is amended to read as follows:
68 4 14. PERSONS WITH DISABILITIES SPECIAL PLATES. An owner
68 5 referred to in subsection 12 or an owner of a trailer used to
68 6 transport a wheelchair who is a person with a disability, or
68 7 who is the parent or guardian of a child who resides with the
68 8 parent or guardian owner and who is a person with a
68 9 disability, as defined in section 321L.1, may, upon written
68 10 application to the department, order special registration
68 11 plates with a persons with disabilities processed emblem
68 12 designed by the department bearing the international symbol of
68 13 accessibility. The special registration plates with a persons
68 14 with disabilities processed emblem shall only be issued if the
68 15 application is accompanied with a statement from a physician
68 16 licensed under chapter 148~~,~~ or 149, ~~150, or 150A,~~ a physician
68 17 assistant licensed under chapter 148C, an advanced registered
68 18 nurse practitioner licensed under chapter 152, or a
68 19 chiropractor licensed under chapter 151, written on the
68 20 physician's, physician assistant's, nurse practitioner's, or
68 21 chiropractor's stationery, stating the nature of the
68 22 applicant's or the applicant's child's disability and such
68 23 additional information as required by rules adopted by the
68 24 department, including proof of residency of a child who is a
68 25 person with a disability. If the application is approved by
68 26 the department, the special registration plates with a persons
68 27 with disabilities processed emblem shall be issued to the
68 28 applicant. There shall be no fee in addition to the regular
68 29 annual registration fee for the special registration plates
68 30 with a persons with disabilities processed emblem. The
68 31 authorization for special registration plates with a persons
68 32 with disabilities processed emblem shall not be renewed
68 33 without the applicant furnishing evidence to the department
68 34 that the owner of the vehicle or the owner's child is still a
68 35 person with a disability as defined in section 321L.1. An

Senate File 2338 - Introduced continued

69 1 owner who has a child who is a person with a disability shall
69 2 provide satisfactory evidence to the department that the child
69 3 with a disability continues to reside with the owner. The
69 4 registration plates with a persons with disabilities processed
69 5 emblem shall be surrendered in exchange for regular
69 6 registration plates as provided in subsection 12 when the
69 7 owner of the vehicle or the owner's child no longer qualifies
69 8 as a person with a disability as defined in section 321L.1 or
69 9 when the owner's child who is a person with a disability no
69 10 longer resides with the owner.
69 11 Sec. 119. Section 321.186, Code 2007, is amended to read
69 12 as follows:
69 13 321.186 EXAMINATION OF NEW OR INCOMPETENT OPERATORS.
69 14 1. The department may examine every new applicant for a
69 15 driver's license or any person holding a valid driver's
69 16 license when the department has reason to believe that the
69 17 person may be physically or mentally incompetent to operate a
69 18 motor vehicle, or whose driving record appears to the
69 19 department to justify the examination. The department shall
69 20 make every effort to accommodate a functionally illiterate
69 21 applicant when the applicant is taking a knowledge test. The
69 22 department shall make every effort to have an examiner conduct
69 23 the commercial driver's license driving skills tests at other
69 24 locations in this state where skills may be adequately tested
69 25 when requested by a person representing ten or more drivers
69 26 requiring driving skills testing.
69 27 2. The department shall make every effort to accommodate a
69 28 commercial driver's license applicant's need to arrange an
69 29 appointment for a driving skills test at an established test
69 30 site other than where the applicant passed the required
69 31 knowledge test. The department shall report to the governor
69 32 and the general assembly on any problems, extraordinary costs
69 33 and recommendations regarding the appointment scheduling
69 34 process.
69 35 3. The examination shall include a screening of the

Senate File 2338 - Introduced continued

70 1 applicant's eyesight, a test of the applicant's ability to
70 2 read and understand highway signs regulating, warning, and
70 3 directing traffic, a test of the applicant's knowledge of the
70 4 traffic laws of this state, an actual demonstration of ability
70 5 to exercise ordinary and reasonable control in the operation
70 6 of a motor vehicle and other physical and mental examinations
70 7 as the department finds necessary to determine the applicant's
70 8 fitness to operate a motor vehicle safely upon the highways.
70 9 However, an applicant for a new driver's license other than a
70 10 commercial driver's license need not pass a vision test
70 11 administered by the department if the applicant files with the
70 12 department a vision report in accordance with section 321.186A
70 13 which shows that the applicant's visual acuity level meets or
70 14 exceeds those required by the department.
70 15 4. A physician licensed under chapter 148, ~~150, or 150A,~~
70 16 or an optometrist licensed under chapter 154, may report to
70 17 the department the identity of a person who has been diagnosed
70 18 as having a physical or mental condition which would render
70 19 the person physically or mentally incompetent to operate a
70 20 motor vehicle in a safe manner. The physician or optometrist
70 21 shall make reasonable efforts to notify the person who is the
70 22 subject of the report, in writing. The written notification
70 23 shall state the nature of the disclosure and the reason for
70 24 the disclosure. A physician or optometrist making a report
70 25 under this section shall be immune from any liability, civil
70 26 or criminal, which might otherwise be incurred or imposed as a
70 27 result of the report. A physician or optometrist has no duty
70 28 to make a report or to warn third parties with regard to any
70 29 knowledge concerning a person's mental or physical competency
70 30 to operate a motor vehicle in a safe manner. Any report
70 31 received by the department from a physician or optometrist
70 32 under this section shall be kept confidential. Information
70 33 regulated by chapter 141A shall be subject to the
70 34 confidentiality provisions and remedies of that chapter.
70 35 Sec. 120. Section 321.186A, subsection 4, Code 2007, is

Senate File 2338 - Introduced continued

71 1 amended to read as follows:
71 2 4. As used in this section, a "licensed vision specialist"
71 3 means a physician licensed under chapter 148, ~~150, or 150A,~~ or
71 4 an optometrist licensed under chapter 154.
71 5 Sec. 121. Section 321.375, subsection 1, paragraph d, Code
71 6 2007, is amended to read as follows:
71 7 d. Possess a current certificate of qualification for
71 8 operation of a commercial motor vehicle issued by a physician
71 9 licensed pursuant to chapter 148 ~~or 150A~~, physician's
71 10 assistant, advanced registered nurse practitioner, or
71 11 chiropractor or any other person identified by federal and
71 12 state law as authorized to perform physical examinations.
71 13 Sec. 122. Section 321.445, subsection 2, paragraph e, Code
71 14 2007, is amended to read as follows:
71 15 e. A person possessing a written certification from a
71 16 health care provider licensed under chapter 148~~, 150, 150A,~~ or
71 17 151 on a form provided by the department that the person is
71 18 unable to wear a safety belt or safety harness due to physical
71 19 or medical reasons. The certification shall specify the time
71 20 period for which the exemption applies. The time period shall
71 21 not exceed twelve months, at which time a new certification
71 22 may be issued unless the certifying health care provider is
71 23 from a United States military facility, in which case the
71 24 certificate may specify a longer period of time or a permanent
71 25 exemption.
71 26 Sec. 123. Section 321.446, subsection 3, Code 2007, is
71 27 amended to read as follows:
71 28 3. This section does not apply to peace officers acting on
71 29 official duty. This section also does not apply to the
71 30 transportation of children in 1965 model year or older
71 31 vehicles, authorized emergency vehicles, buses, or motor
71 32 homes, except when a child is transported in a motor home's
71 33 passenger seat situated directly to the driver's right. This
71 34 section does not apply to the transportation of a child who
71 35 has been certified by a physician licensed under chapter 148~~,~~

~~Senate File 2338 - Introduced continued~~

~~72 1 150, or 150A~~ as having a medical, physical, or mental
72 2 condition that prevents or makes inadvisable securing the
72 3 child in a child restraint system, safety belt, or safety
72 4 harness.
72 5 Sec. 124. Section 321L.2, subsection 1, paragraph a,
72 6 unnumbered paragraph 1, Code 2007, is amended to read as
72 7 follows:
72 8 A resident of the state with a disability desiring a
72 9 persons with disabilities parking permit shall apply to the
72 10 department upon an application form furnished by the
72 11 department providing the applicant's full legal name, address,
72 12 date of birth, and social security number or Iowa driver's
72 13 license number or Iowa nonoperator's identification card
72 14 number, and shall also provide a statement from a physician
72 15 licensed under chapter 148~~,~~ or 149, ~~150, or 150A,~~ a physician
72 16 assistant licensed under chapter 148C, an advanced registered
72 17 nurse practitioner licensed under chapter 152, or a
72 18 chiropractor licensed under chapter 151, or a physician,
72 19 physician assistant, nurse practitioner, or chiropractor
72 20 licensed to practice in a contiguous state, written on the
72 21 physician's, physician assistant's, nurse practitioner's, or
72 22 chiropractor's stationery, stating the nature of the
72 23 applicant's disability and such additional information as
72 24 required by rules adopted by the department under section
72 25 321L.8. If the person is applying for a temporary persons
72 26 with disabilities parking permit, the physician's, physician
72 27 assistant's, nurse practitioner's, or chiropractor's statement
72 28 shall state the period of time during which the person is
72 29 expected to be disabled and the period of time for which the
72 30 permit should be issued, not to exceed six months.
72 31 Sec. 125. Section 509.3, subsections 5 and 6, Code 2007,
72 32 are amended to read as follows:
72 33 5. A provision shall be made available to policyholders,
72 34 under group policies covering vision care services or
72 35 procedures, for payment of necessary medical or surgical care

Senate File 2338 - Introduced continued

73 1 and treatment provided by an optometrist licensed under
73 2 chapter 154 if the care and treatment are provided within the
73 3 scope of the optometrist's license and if the policy would pay
73 4 for the care and treatment if the care and treatment were
73 5 provided by a person engaged in the practice of medicine or
73 6 surgery or osteopathic medicine and surgery as licensed under
73 7 chapter 148 ~~or 150A~~. The policy shall provide that the
73 8 policyholder may reject the coverage or provision if the
73 9 coverage or provision for services which may be provided by an
73 10 optometrist is rejected for all providers of similar vision
73 11 care services as licensed under chapter 148~~, 150A,~~ or 154.
73 12 This subsection applies to group policies delivered or issued
73 13 for delivery after July 1, 1983, and to existing group
73 14 policies on their next anniversary or renewal date, or upon
73 15 expiration of the applicable collective bargaining contract,
73 16 if any, whichever is later. This subsection does not apply to
73 17 blanket, short=term travel, accident=only, limited or
73 18 specified disease, or individual or group conversion policies,
73 19 or policies designed only for issuance to persons for coverage
73 20 under Title XVIII of the Social Security Act, or any other
73 21 similar coverage under a state or federal government plan.
73 22 6. A provision shall be made available to policyholders
73 23 under group policies covering diagnosis and treatment of human
73 24 ailments for payment or reimbursement for necessary diagnosis
73 25 or treatment provided by a chiropractor licensed under chapter
73 26 151, if the diagnosis or treatment is provided within the
73 27 scope of the chiropractor's license and if the policy would
73 28 pay or reimburse for the diagnosis or treatment by a person
73 29 licensed under chapter 148~~, 150, or 150A~~ of the human ailment,
73 30 irrespective of and disregarding variances in terminology
73 31 employed by the various licensed professions in describing the
73 32 human ailment or its diagnosis or its treatment. The policy
73 33 shall provide that the policyholder may reject the coverage or
73 34 provision if the coverage or provision for diagnosis or
73 35 treatment of a human ailment by a chiropractor is rejected for

Senate File 2338 - Introduced continued

74 1 all providers of diagnosis or treatment for similar human
74 2 ailments licensed under chapter 148~~, 150, 150A,~~ or 151. A
74 3 policy of group health insurance may limit or make optional
74 4 the payment or reimbursement for lawful diagnostic or
74 5 treatment service by all licensees under chapters 148~~, 150,~~
~~74 6 150A,~~ and 151 on any rational basis which is not solely
74 7 related to the license under or the practices authorized by
74 8 chapter 151 or is not dependent upon a method of
74 9 classification, categorization, or description based directly
74 10 or indirectly upon differences in terminology used by
74 11 different licensees in describing human ailments or their
74 12 diagnosis or treatment. This subsection applies to group
74 13 policies delivered or issued for delivery after July 1, 1986,
74 14 and to existing group policies on their next anniversary or
74 15 renewal date, or upon expiration of the applicable collective
74 16 bargaining contract, if any, whichever is later. This
74 17 subsection does not apply to blanket, short=term travel,
74 18 accident=only, limited or specified disease, or individual or
74 19 group conversion policies, or policies under Title XVIII of
74 20 the Social Security Act, or any other similar coverage under a
74 21 state or federal government plan.
74 22 Sec. 126. Section 514.7, unnumbered paragraphs 2 and 3,
74 23 Code 2007, are amended to read as follows:
74 24 A provision shall be available in approved contracts with
74 25 hospital and medical service corporate subscribers under group
74 26 subscriber contracts or plans covering vision care services or
74 27 procedures, for payment of necessary medical or surgical care
74 28 and treatment provided by an optometrist licensed under
74 29 chapter 154, if the care and treatment are provided within the
74 30 scope of the optometrist's license and if the subscriber
74 31 contract would pay for the care and treatment if it were
74 32 provided by a person engaged in the practice of medicine or
74 33 surgery as licensed under chapter 148 ~~or 150A~~. The subscriber
74 34 contract shall also provide that the subscriber may reject the
74 35 coverage or provision if the coverage or provision for

Senate File 2338 - Introduced continued

75 1 services which may be provided by an optometrist is rejected
75 2 for all providers of similar vision care services as licensed
75 3 under chapter 148~~, 150A,~~ or 154. This paragraph applies to
75 4 group subscriber contracts delivered after July 1, 1983, and
75 5 to group subscriber contracts on their anniversary or renewal
75 6 date, or upon the expiration of the applicable collective
75 7 bargaining contract, if any, whichever is the later. This
75 8 paragraph does not apply to contracts designed only for
75 9 issuance to subscribers eligible for coverage under Title
75 10 XVIII of the Social Security Act, or any other similar
75 11 coverage under a state or federal government plan.
75 12 A provision shall be made available in approved contracts
75 13 with hospital and medical subscribers under group subscriber
75 14 contracts or plans covering diagnosis and treatment of human
75 15 ailments, for payment or reimbursement for necessary diagnosis
75 16 or treatment provided by a chiropractor licensed under chapter
75 17 151 if the diagnosis or treatment is provided within the scope
75 18 of the chiropractor's license and if the subscriber contract
75 19 would pay or reimburse for the diagnosis or treatment of the
75 20 human ailments, irrespective of and disregarding variances in
75 21 terminology employed by the various licensed professions in
75 22 describing the human ailments or their diagnosis or treatment,
75 23 if it were provided by a person licensed under chapter 148~~,~~
75 24 ~~150, or 150A~~. The subscriber contract shall also provide that
75 25 the subscriber may reject the coverage or provision if the
75 26 coverage or provision for diagnosis or treatment of a human
75 27 ailment by a chiropractor is rejected for all providers of
75 28 diagnosis or treatment for similar human ailments licensed
75 29 under chapter 148~~, 150, 150A,~~ or 151. A group subscriber
75 30 contract may limit or make optional the payment or
75 31 reimbursement for lawful diagnostic or treatment service by
75 32 all licensees under chapters 148~~, 150, 150A,~~ and 151 on any
75 33 rational basis which is not solely related to the license
75 34 under or the practices authorized by chapter 151 or is not
75 35 dependent upon a method of classification, categorization, or

Senate File 2338 - Introduced continued

76 1 description based upon differences in terminology used by
76 2 different licensees in describing human ailments or their
76 3 diagnosis or treatment. This paragraph applies to group
76 4 subscriber contracts delivered after July 1, 1986, and to
76 5 group subscriber contracts on their anniversary or renewal
76 6 date, or upon the expiration of the applicable collective
76 7 bargaining contract, if any, whichever is the later. This
76 8 paragraph does not apply to contracts designed only for
76 9 issuance to subscribers eligible for coverage under Title
76 10 XVIII of the Social Security Act, or any other similar
76 11 coverage under a state or federal government plan.
76 12 Sec. 127. Section 514.17, Code 2007, is amended to read as
76 13 follows:
76 14 514.17 PHYSICIANS AND SURGEONS, PODIATRIC PHYSICIANS, OR
76 15 DENTISTS == NUMBER REQUIRED.
76 16 No nonprofit medical service corporation shall be permitted
76 17 to operate until it shall have entered into contracts with at
76 18 least one hundred fifty physicians and surgeons licensed to
76 19 practice medicine and surgery pursuant to chapter 148, or one
76 20 hundred fifty dentists licensed to practice dentistry pursuant
76 21 to chapter 153, or at least one hundred fifty osteopathic
76 22 physicians and surgeons licensed to practice ~~osteopathy or~~
~~76 23 osteopathy~~ osteopathic medicine and surgery pursuant to
76 24 chapter ~~150~~ 148, or at least twenty=five podiatric physicians
76 25 licensed to practice podiatry pursuant to chapter 149, who
76 26 agree to furnish medical and surgical, podiatric, or dental
76 27 service and be governed by the bylaws of the corporation.
76 28 Sec. 128. Section 514B.1, subsection 5, paragraphs b and
76 29 c, Code 2007, are amended to read as follows:
76 30 b. The health care services available to enrollees under
76 31 prepaid group plans covering vision care services or
76 32 procedures, shall include a provision for payment of necessary
76 33 medical or surgical care and treatment provided by an
76 34 optometrist licensed under chapter 154, if performed within
76 35 the scope of the optometrist's license, and the plan would pay

Senate File 2338 - Introduced continued

77 1 for the care and treatment when the care and treatment were
77 2 provided by a person engaged in the practice of medicine or
77 3 surgery as licensed under chapter 148 ~~or 150A~~. The plan shall
77 4 provide that the plan enrollees may reject the coverage for
77 5 services which may be provided by an optometrist if the
77 6 coverage is rejected for all providers of similar vision care
77 7 services as licensed under chapter 148~~, 150A,~~ or 154. This
77 8 paragraph applies to services provided under plans made after
77 9 July 1, 1983, and to existing group plans on their next
77 10 anniversary or renewal date, or upon the expiration of the
77 11 applicable collective bargaining contract, if any, whichever
77 12 is the later. This paragraph does not apply to enrollees
77 13 eligible for coverage under Title XVIII of the Social Security
77 14 Act or any other similar coverage under a state or federal
77 15 government plan.
77 16 c. The health care services available to enrollees under
77 17 prepaid group plans covering diagnosis and treatment of human
77 18 ailments, shall include a provision for payment of necessary
77 19 diagnosis or treatment provided by a chiropractor licensed
77 20 under chapter 151 if the diagnosis or treatment is provided
77 21 within the scope of the chiropractor's license and if the plan
77 22 would pay or reimburse for the diagnosis or treatment of human
77 23 ailment, irrespective of and disregarding variances in
77 24 terminology employed by the various licensed professions in
77 25 describing the human ailment or its diagnosis or its
77 26 treatment, if it were provided by a person licensed under
77 27 chapter 148~~, 150, or 150A~~. The plan shall also provide that
77 28 the plan enrollees may reject the coverage for diagnosis or
77 29 treatment of a human ailment by a chiropractor if the coverage
77 30 is rejected for all providers of diagnosis or treatment for
77 31 similar human ailments licensed under chapter 148~~, 150, 150A,~~
77 32 or 151. A prepaid group plan of health care services may
77 33 limit or make optional the payment or reimbursement for lawful
77 34 diagnostic or treatment service by all licensees under
77 35 chapters 148~~, 150, 150A,~~ and 151 on any rational basis which

Senate File 2338 - Introduced continued

78 1 is not solely related to the license under or the practices
78 2 authorized by chapter 151 or is not dependent upon a method of
78 3 classification, categorization, or description based upon
78 4 differences in terminology used by different licensees in
78 5 describing human ailments or their diagnosis or treatment.
78 6 This paragraph applies to services provided under plans made
78 7 after July 1, 1986, and to existing group plans on their next
78 8 anniversary or renewal date, or upon the expiration of the
78 9 applicable collective bargaining contract, if any, whichever
78 10 is the later. This paragraph does not apply to enrollees
78 11 eligible for coverage under Title XVIII of the Social Security
78 12 Act, or any other similar coverage under a state or federal
78 13 government plan.
78 14 Sec. 129. Section 514C.3, Code 2007, is amended to read as
78 15 follows:
78 16 514C.3 DENTIST'S SERVICES UNDER ACCIDENT AND SICKNESS
78 17 INSURANCE POLICIES.
78 18 A policy of accident and sickness insurance issued in this
78 19 state which provides payment or reimbursement for any service
78 20 which is within the lawful scope of practice of a licensed
78 21 dentist shall provide benefits for the service whether the
78 22 service is performed by a licensed physician or a licensed
78 23 dentist. As used in this section, "licensed physician"
78 24 includes persons licensed under chapter 148, ~~150, or 150A~~ and
78 25 "policy of accident and sickness insurance" includes
78 26 individual policies or contracts issued pursuant to chapter
78 27 514, 514A, or 514B, and group policies as defined in section
78 28 509B.1, subsection 3.
78 29 Sec. 130. Section 514C.11, Code 2007, is amended to read
78 30 as follows:
78 31 514C.11 SERVICES PROVIDED BY LICENSED PHYSICIAN ASSISTANTS
78 32 AND LICENSED ADVANCED REGISTERED NURSE PRACTITIONERS.
78 33 Notwithstanding section 514C.6, a policy or contract
78 34 providing for third=party payment or prepayment of health or
78 35 medical expenses shall include a provision for the payment of

Senate File 2338 - Introduced continued

79 1 necessary medical or surgical care and treatment provided by a
79 2 physician assistant licensed pursuant to chapter 148C, or
79 3 provided by an advanced registered nurse practitioner licensed
79 4 pursuant to chapter 152 and performed within the scope of the
79 5 license of the licensed physician assistant or the licensed
79 6 advanced registered nurse practitioner if the policy or
79 7 contract would pay for the care and treatment if the care and
79 8 treatment were provided by a person engaged in the practice of
79 9 medicine and surgery or osteopathic medicine and surgery under
79 10 chapter 148 ~~or 150A~~. The policy or contract shall provide
79 11 that policyholders and subscribers under the policy or
79 12 contract may reject the coverage for services which may be
79 13 provided by a licensed physician assistant or licensed
79 14 advanced registered nurse practitioner if the coverage is
79 15 rejected for all providers of similar services. A policy or
79 16 contract subject to this section shall not impose a practice
79 17 or supervision restriction which is inconsistent with or more
79 18 restrictive than the restriction already imposed by law. This
79 19 section applies to services provided under a policy or
79 20 contract delivered, issued for delivery, continued, or renewed
79 21 in this state on or after July 1, 1996, and to an existing
79 22 policy or contract, on the policy's or contract's anniversary
79 23 or renewal date, or upon the expiration of the applicable
79 24 collective bargaining contract, if any, whichever is later.
79 25 This section does not apply to policyholders or subscribers
79 26 eligible for coverage under Title XVIII of the federal Social
79 27 Security Act or any similar coverage under a state or federal
79 28 government plan. For the purposes of this section,
79 29 third=party payment or prepayment includes an individual or
79 30 group policy of accident or health insurance or individual or
79 31 group hospital or health care service contract issued pursuant
79 32 to chapter 509, 514, or 514A, an individual or group health
79 33 maintenance organization contract issued and regulated under
79 34 chapter 514B, an organized delivery system contract regulated
79 35 under rules adopted by the director of public health, or a

Senate File 2338 - Introduced continued

80 1 preferred provider organization contract regulated pursuant to
80 2 chapter 514F. Nothing in this section shall be interpreted to
80 3 require an individual or group health maintenance
80 4 organization, an organized delivery system, or a preferred
80 5 provider organization or arrangement to provide payment or
80 6 prepayment for services provided by a licensed physician
80 7 assistant or licensed advanced registered nurse practitioner
80 8 unless the physician assistant's supervising physician, the
80 9 physician=physician assistant team, the advanced registered
80 10 nurse practitioner, or the advanced registered nurse
80 11 practitioner's collaborating physician has entered into a
80 12 contract or other agreement to provide services with the
80 13 individual or group health maintenance organization, the
80 14 organized delivery system, or the preferred provider
80 15 organization or arrangement.
80 16 Sec. 131. Section 514C.13, subsection 1, paragraph c, Code
80 17 2007, is amended to read as follows:
80 18 c. "Health care provider" means a hospital licensed
80 19 pursuant to chapter 135B, a person licensed under chapter 148,
80 20 148C, 149, ~~150, 150A,~~ 151, or 154, or a person licensed as an
80 21 advanced registered nurse practitioner under chapter 152.
80 22 Sec. 132. Section 514C.17, subsections 1 and 2, Code 2007,
80 23 are amended to read as follows:
80 24 1. Except as provided under subsection 2 or 3, if a
80 25 carrier, as defined in section 513B.2, an organized delivery
80 26 system authorized under 1993 Iowa Acts, ch. 158, or a plan
80 27 established pursuant to chapter 509A for public employees,
80 28 terminates its contract with a participating health care
80 29 provider, a covered individual who is undergoing a specified
80 30 course of treatment for a terminal illness or a related
80 31 condition, with the recommendation of the covered individual's
80 32 treating physician licensed under chapter 148~~, 150, or 150A,~~
80 33 may continue to receive coverage for treatment received from
80 34 the covered individual's physician for the terminal illness or
80 35 a related condition, for a period of up to ninety days.

Senate File 2338 - Introduced continued

81 1 Payment for covered benefits and benefit levels shall be
81 2 according to the terms and conditions of the contract.
81 3 2. A covered person who makes a change in health plans
81 4 involuntarily may request that the new health plan cover
81 5 services of the covered person's treating physician licensed
81 6 under chapter 148~~, 150, or 150A,~~ who is not a participating
81 7 health care provider under the new health plan, if the covered
81 8 person is undergoing a specified course of treatment for a
81 9 terminal illness or a related condition. Continuation of such
81 10 coverage shall continue for up to ninety days. Payment for
81 11 covered benefits and benefit levels shall be according to the
81 12 terms and conditions of the contract.
81 13 Sec. 133. Section 514C.18, subsection 1, unnumbered
81 14 paragraph 1, Code 2007, is amended to read as follows:
81 15 Notwithstanding the uniformity of treatment requirements of
81 16 section 514C.6, a policy or contract providing for third=party
81 17 payment or prepayment of health or medical expenses shall
81 18 provide coverage benefits for the cost associated with
81 19 equipment, supplies, and self=management training and
81 20 education for the treatment of all types of diabetes mellitus
81 21 when prescribed by a physician licensed under chapter 148~~,~~
~~81 22 150, or 150A~~. Coverage benefits shall include coverage for
81 23 the cost associated with all of the following:
81 24 Sec. 134. Section 514C.20, subsection 1, paragraphs a and
81 25 b, Code 2007, are amended to read as follows:
81 26 a. A child under five years of age upon a determination by
81 27 a licensed dentist and the child's treating physician licensed
81 28 pursuant to chapter 148, ~~150, or 150A,~~ that such child
81 29 requires necessary dental treatment in a hospital or
81 30 ambulatory surgical center due to a dental condition or a
81 31 developmental disability for which patient management in the
81 32 dental office has proved to be ineffective.
81 33 b. Any individual upon a determination by a licensed
81 34 dentist and the individual's treating physician licensed
81 35 pursuant to chapter 148, ~~150, or 150A,~~ that such individual

Senate File 2338 - Introduced continued

82 1 has one or more medical conditions that would create
82 2 significant or undue medical risk for the individual in the
82 3 course of delivery of any necessary dental treatment or
82 4 surgery if not rendered in a hospital or ambulatory surgical
82 5 center.
82 6 Sec. 135. Section 514F.1, Code Supplement 2007, is amended
82 7 to read as follows:
82 8 514F.1 UTILIZATION AND COST CONTROL REVIEW COMMITTEES.
82 9 The licensing boards under chapters 148, 149, ~~150, 150A,~~
82 10 151, and 152 shall establish utilization and cost control
82 11 review committees of licensees under the respective chapters,
82 12 selected from licensees who have practiced in Iowa for at
82 13 least the previous five years, or shall accredit and designate
82 14 other utilization and cost control organizations as
82 15 utilization and cost control committees under this section,
82 16 for the purposes of utilization review of the appropriateness
82 17 of levels of treatment and of giving opinions as to the
82 18 reasonableness of charges for diagnostic or treatment services
82 19 of licensees. Persons governed by the various chapters of
82 20 Title XIII, subtitle 1, of the Code and self=insurers for
82 21 health care benefits to employees may utilize the services of
82 22 the utilization and cost control review committees upon the
82 23 payment of a reasonable fee for the services, to be determined
82 24 by the respective boards. The respective boards under
82 25 chapters 148, 149, ~~150, 150A,~~ 151, and 152 shall adopt rules
82 26 necessary and proper for the administration of this section
82 27 pursuant to chapter 17A. It is the intent of this general
82 28 assembly that conduct of the utilization and cost control
82 29 review committees authorized under this section shall be
82 30 exempt from challenge under federal or state antitrust laws or
82 31 other similar laws in regulation of trade or commerce.
82 32 Sec. 136. Section 602.8102, subsection 33, Code Supplement
82 33 2007, is amended to read as follows:
82 34 33. Furnish to the Iowa department of public health a
82 35 certified copy of a judgment ~~suspending or revoking~~ relating

Senate File 2338 - Introduced continued

83 1 to the suspension or revocation of a professional license ~~as~~
~~83 2 provided in section 147.66~~.
83 3 Sec. 137. Section 702.8, Code 2007, is amended to read as
83 4 follows:
83 5 702.8 DEATH.
83 6 "Death" means the condition determined by the following
83 7 standard: A person will be considered dead if in the
83 8 announced opinion of a physician licensed pursuant to chapter
83 9 148, ~~150, or 150A,~~ a physician assistant licensed pursuant to
83 10 chapter 148C, or a registered nurse or a licensed practical
83 11 nurse licensed pursuant to chapter 152, based on ordinary
83 12 standards of medical practice, that person has experienced an
83 13 irreversible cessation of spontaneous respiratory and
83 14 circulatory functions. In the event that artificial means of
83 15 support preclude a determination that these functions have
83 16 ceased, a person will be considered dead if in the announced
83 17 opinion of two physicians, based on ordinary standards of
83 18 medical practice, that person has experienced an irreversible
83 19 cessation of spontaneous brain functions. Death will have
83 20 occurred at the time when the relevant functions ceased.
83 21 Sec. 138. Section 702.17, Code 2007, is amended to read as
83 22 follows:
83 23 702.17 SEX ACT.
83 24 The term "sex act" or "sexual activity" means any sexual
83 25 contact between two or more persons by: penetration of the
83 26 penis into the vagina or anus; contact between the mouth and
83 27 genitalia or by contact between the genitalia of one person
83 28 and the genitalia or anus of another person; contact between
83 29 the finger or hand of one person and the genitalia or anus of
83 30 another person, except in the course of examination or
83 31 treatment by a person licensed pursuant to chapter 148, 148C,
83 32 ~~150, 150A,~~ 151, or 152; or by use of artificial sexual organs
83 33 or substitutes therefor in contact with the genitalia or anus.
83 34 Sec. 139. Section 707C.4, subsection 4, Code Supplement
83 35 2007, is amended to read as follows:

Senate File 2338 - Introduced continued

84 1 4. A person who violates this section and who is licensed
84 2 pursuant to chapter 148~~, 150, or 150A~~ is subject to revocation
84 3 of the person's license.
84 4 Sec. 140. Section 708.3A, subsection 5, paragraph d, Code
84 5 2007, is amended to read as follows:
84 6 d. "Health care provider" means an emergency medical care
84 7 provider as defined in chapter 147A or a person licensed or
84 8 registered under chapter 148, 148C, 148D, ~~150, 150A,~~ or 152
84 9 who is providing or who is attempting to provide emergency
84 10 medical services, as defined in section 147A.1, or who is
84 11 providing or who is attempting to provide health services as
84 12 defined in section 135.61 in a hospital. A person who commits
84 13 an assault under this section against a health care provider
84 14 in a hospital, or at the scene or during out=of=hospital
84 15 patient transportation in an ambulance, is presumed to know
84 16 that the person against whom the assault is committed is a
84 17 health care provider.
84 18 Sec. 141. DIRECTIVE TO CODE EDITOR. The Code editor is
84 19 directed to delete any other references to "osteopathy" or
84 20 "osteopath" in the Code.
84 21 EXPLANATION
84 22 DIVISION I. This bill makes many technical and substantive
84 23 changes to Iowa law relating to the licensing of
84 24 health=related professions.
84 25 Code chapter 147 establishes a general paradigm for the
84 26 operation of the health=related licensing boards. The bill
84 27 significantly amends that Code chapter to update language and
84 28 correct terms and references. Many of these changes involve
84 29 adding the names of recently created boards to the appropriate
84 30 Code sections and devolving the administrative
84 31 responsibilities for licensing from the department to the
84 32 various boards.
84 33 The bill contains amendments to Code section 147.3 allowing
84 34 licensing boards to consider any criminal conviction of an
84 35 applicant. Current law allows boards to consider only felony

Senate File 2338 - Introduced continued

85 1 convictions.
85 2 The bill contains amendments to Code section 147.14, making
85 3 several changes to required membership on several boards.
85 4 The bill amends Code section 147.21 to allow licensing
85 5 boards to disclose the criminal history or prior misconduct of
85 6 the applicant. That information is currently confidential.
85 7 Code section 147.25 currently provides for a system of
85 8 health personnel statistics within the department. The bill
85 9 devolves this responsibility to each of the individual boards.
85 10 Currently that system is detailed in the statute. The bill
85 11 eliminates most of the statutory detail.
85 12 The bill amends Code sections 147.34 through 147.43
85 13 relating to the administration of licensure examinations.
85 14 These revisions mandate that each board adopts rules detailing
85 15 the examination process and eliminates most statutory detail
85 16 relating to examinations.
85 17 The bill contains amendments to Code sections relating to
85 18 reciprocity in licensing with other states; much statutory
85 19 detail is eliminated, giving the boards rulemaking power in
85 20 Code section 147.53 to resolve this process.
85 21 The bill repeals most of the disciplinary procedures set
85 22 out in Code sections 147.55 through 147.71. The 1978
85 23 enactment of Code chapter 272C rendered these provisions
85 24 redundant.
85 25 The bill moves the regulation of speech pathologists and
85 26 audiologists from Code chapter 147 to its own Code chapter
85 27 154F.
85 28 The bill amends Code chapter 148 by combining the licensing
85 29 of physicians and surgeons and osteopathic physicians and
85 30 surgeons into a single licensing chapter. The bill makes
85 31 corresponding Code changes.
85 32 In Code section 148.2A a pool of alternate members for the
85 33 board of medicine is created. When conducting disciplinary
85 34 hearings, board members sit as a judicial panel; at times some
85 35 members are necessarily absent or must recuse themselves from

Senate File 2338 - Introduced continued

86 1 deliberations in a particular case. This board pool would be
86 2 able to provide temporary alternative board members to
86 3 substitute in specific disciplinary hearings.
86 4 An amendment to Code section 148.7 rescinds existing
86 5 language that provides that a disciplinary hearing is open to
86 6 the public. Code section 272C.6 was enacted subsequent to
86 7 Code section 148.7 and allows a disciplinary hearing to be
86 8 open to the public at the discretion of the licensee. A
86 9 revision to Code section 148.9 eliminates current language
86 10 that allows for the reinstatement of an individual whose
86 11 license has been revoked or placed on probation.
86 12 The bill amends Code chapter 151, relating to the practice
86 13 of chiropractic, by eliminating specific requirements relating
86 14 to the prescribed course of study. The revision also limits
86 15 temporary certificates to a single year; current law allows
86 16 three years.
86 17 The bill contains a number of technical amendments to Code
86 18 chapter 154D, relating to the licensing of marital and family
86 19 therapists and mental health counselors. Education
86 20 requirements are increased, from a master's degree with 45
86 21 credit hours to 60 credit hours, and temporary licenses are
86 22 authorized. The requirements for marital and family therapy
86 23 licensing and for mental health licensing are combined.
86 24 The bill amends Code section 155A.26, relating to the board
86 25 of pharmacy. Under this revision officers, agents,
86 26 inspectors, and representatives of the board have the status
86 27 of peace officers when enforcing Code chapters 124, 126, 155A,
86 28 and 205. The amendment details the board's powers these
86 29 officers, agents, inspectors, and representatives have in
86 30 conducting investigations.
86 31 DIVISION II. The bill contains correlating amendments that
86 32 mainly eliminate references to Code chapters 150 and 150A.
86 33 The bill also eliminates references to the term "osteopathy"
86 34 and directs the Code editor to delete any remaining references
86 35 in the Code.

Senate File 2338 - Introduced continued

```
 87  1 LSB 5430SV 82
 87  2 jr/nh/5
```

Senate File 2339 - Introduced

SENATE FILE
BY COMMITTEE ON LOCAL
GOVERNMENT

(SUCCESSOR TO SF 2247)

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

A BILL FOR

An Act relating to abandoned vehicles found near bodies of water by providing for civil penalties.
BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 6101SV 82
tw/nh/8

Senate File 2339 - Introduced continued

PAG LIN

1 1 Section 1. NEW SECTION. 556B.2 ABANDONED VEHICLES NEAR
1 2 BODIES OF WATER.
1 3 1. If an abandoned vehicle for which the owner can be
1 4 identified is removed pursuant to section 556B.1 and the
1 5 vehicle was found within one hundred feet of a river, stream,
1 6 or creek, the owner of the vehicle shall be assessed, in
1 7 addition to the costs described in section 556B.1, a civil
1 8 penalty in the amount of two thousand dollars or the cost of
1 9 removing the vehicle, whichever is less. For purposes of this
1 10 section, "abandoned vehicle" has the same meaning as in
1 11 section 321.89, subsection 1.
1 12 2. One=half of the revenues received from civil penalties
1 13 assessed pursuant to this section shall be deposited in the
1 14 keep Iowa beautiful fund established pursuant to section
1 15 314.28, and one=half of the revenues shall be paid to the
1 16 county treasurer for deposit in the county's general fund.
1 17 EXPLANATION
1 18 This bill relates to abandoned vehicles found near bodies
1 19 of water.
1 20 The bill provides for civil penalties of up to $2,000 or
1 21 the cost of removal, whichever is less, when a vehicle is
1 22 found within 100 feet of a river, stream, or creek and the
1 23 owner can be determined.
1 24 The bill provides that one=half of the revenues from the
1 25 penalties shall be deposited in the keep Iowa beautiful fund
1 26 and the other half shall be deposited in a county's general
1 27 fund. Moneys in the keep Iowa beautiful fund are to be used
1 28 to educate and encourage Iowans to take greater responsibility
1 29 for improving their community environment and enhancing the
1 30 beauty of the state through litter prevention, improving waste
1 31 management and recycling efforts, and beautification projects.
1 32 LSB 6101SV 82
1 33 tw/nh/8

Senate File 2340 - Introduced

SENATE FILE
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO SF 2285)

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

A BILL FOR

An Act requiring certain identity documents to be provided to children subject to a court order for out=of=home placement.
BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 6089SV 82
jp/nh/5

Senate File 2340 - Introduced continued

PAG LIN

1 1 Section 1. Section 232.2, subsection 4, paragraph f, Code
1 2 Supplement 2007, is amended by adding the following new
1 3 subparagraph:
1 4 NEW SUBPARAGRAPH. (3) Provision for the department or a
1 5 designee of the department on or before the date the child
1 6 reaches age eighteen to provide to the child a certified copy
1 7 of the child's birth certificate and to facilitate securing a
1 8 federal social security card. The fee for the certified copy
1 9 that is otherwise chargeable under section 144.13A, 144.46, or
1 10 331.605 shall be waived by the state or county registrar.
1 11 EXPLANATION
1 12 This bill relates to children who are subject to a court
1 13 order for out=of=home placement by requiring on or before the
1 14 date such a child reaches age 18 a certified copy of the
1 15 child's birth certificate to be provided and facilitate
1 16 assistance to be provided in securing a federal social
1 17 security card.
1 18 The requirement is applied to the department of human
1 19 services or the department's designee and is inserted in the
1 20 specifications for a case permanency plan required under Code
1 21 section 232.2, the definitions section of the juvenile justice
1 22 code.
1 23 The bill also requires the state or county registrar to
1 24 waive the fee for the certified copy of the birth certificate
1 25 that would otherwise be charged by the state or county under
1 26 Code section 144.13A, 144.46, or 331.605.
1 27 LSB 6089SV 82
1 28 jp/nh/5

Senate File 2341 - Introduced

SENATE FILE
BY COMMITTEE ON HUMAN
RESOURCES

(SUCCESSOR TO SSB 3203)

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

A BILL FOR

An Act relating to Alzheimer's disease and similar forms of irreversible dementia.

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

TLSB 5984SV 82
jp/nh/14

Senate File 2341 - Introduced continued

PAG LIN

1 1 Section 1. NEW SECTION. 135.154 ALZHEIMER'S DISEASE
1 2 SERVICE NEEDS.
1 3 1. The department shall regularly analyze Iowa's
1 4 population by county and age to determine the existing service
1 5 utilization and future service needs of persons with
1 6 Alzheimer's disease and similar forms of irreversible
1 7 dementia. The analysis shall also address the availability of
1 8 existing caregiver services for such needs and the appropriate
1 9 service level for the future.
1 10 2. The department shall modify its community needs
1 11 assessment activities to include questions to identify and
1 12 quantify the numbers of persons with Alzheimer's disease and
1 13 similar forms of irreversible dementia at the community level.
1 14 3. The department shall collect data on the numbers of
1 15 persons demonstrating combative behavior related to
1 16 Alzheimer's disease and similar forms of irreversible
1 17 dementia. The department shall also collect data on the
1 18 number of physicians and geropsychiatric units available in
1 19 the state to provide treatment and services to such persons.
1 20 Health care facilities that serve such persons shall provide
1 21 information to the department for the purposes of the data
1 22 collection required by this subsection.
1 23 4. The department's implementation of the requirements of
1 24 this section shall be limited to the extent of the funding
1 25 appropriated or otherwise made available for the requirements.
1 26 Sec. 2. NEW SECTION. 231.62 ALZHEIMER'S DISEASE SERVICES
1 27 AND TRAINING.
1 28 1. The department shall regularly review trends and
1 29 initiatives to address the long=term living needs of Iowans to
1 30 determine how the needs of persons with Alzheimer's disease
1 31 and similar forms of irreversible dementia can be
1 32 appropriately met.
1 33 2. The department shall act within the funding available
1 34 to the department to expand and improve training and education
1 35 of persons who regularly deal with persons with Alzheimer's

Senate File 2341 - Introduced continued

2 1 disease and similar forms of irreversible dementia. Such
2 2 persons shall include but are not limited to law enforcement
2 3 personnel, long=term care resident's advocates, state
2 4 employees with responsibilities for oversight or monitoring of
2 5 agencies providing long=term care services, and workers and
2 6 managers in services providing direct care to such persons,
2 7 such as nursing facilities and other long=term care settings,
2 8 assisted living programs, elder group homes, residential care
2 9 facilities, adult day facilities, and home health care
2 10 services. The actions shall include but are not limited to
2 11 adopting rules.
2 12 3. The department shall adopt rules in consultation with
2 13 the direct care worker task force established pursuant to 2005
2 14 Iowa Acts, chapter 88, and in coordination with the
2 15 recommendations made by the task force, to implement all of
2 16 the following training and education provisions:
2 17 a. Standards for initial hours of training for direct care
2 18 staff, which shall require at least eight hours of classroom
2 19 instruction and at least eight hours of supervised interactive
2 20 experiences.
2 21 b. Standards for continuing and in=service education for
2 22 direct care staff, which shall require at least eight hours
2 23 annually.
2 24 c. Standards which provide for assessing the competency of
2 25 those who have received training.
2 26 d. A standard curriculum model for the training and
2 27 education. The curriculum model shall include but is not
2 28 limited to the diagnosis process; progression of the disease;
2 29 skills for communicating with persons with the disease, family
2 30 members and friends, and caregivers; daily life skills;
2 31 caregiver stress; the importance of building relationships and
2 32 understanding personal histories; expected challenging
2 33 behaviors; nonpharmacologic interventions; and medication
2 34 management.
2 35 e. A certification process which shall be implemented for

Senate File 2341 - Introduced continued

3 1 the trainers and educators who use the standard curriculum
3 2 model.
3 3 4. The department shall conduct a statewide campaign to
3 4 educate health care providers regarding tools and techniques
3 5 for early detection of Alzheimer's disease and similar forms
3 6 of irreversible dementia so that patients and their families
3 7 will better understand the progression of such disease.
3 8 5. Within the funding available, the department shall
3 9 provide funding for public awareness efforts and educational
3 10 efforts for agencies providing long=term care services, direct
3 11 care workers, caregivers, and state employees with
3 12 responsibilities for providing oversight or monitoring of
3 13 agencies providing long=term care services. The department
3 14 shall work with local Alzheimer's disease association chapters
3 15 and other stakeholders in providing the funding.
3 16 Sec. 3. IMPLEMENTATION. The department of elder affairs
3 17 shall implement on or before July 1, 2010, the initial
3 18 provisions for expanding and improving training and education
3 19 of those who regularly deal with persons with Alzheimer's
3 20 disease and similar forms of irreversible dementia and for
3 21 providing funding for public awareness efforts and educational
3 22 efforts in accordance with section 231.62, as enacted by this
3 23 Act.
3 24 EXPLANATION
3 25 This bill relates to Alzheimer's disease and similar forms
3 26 of irreversible dementia.
3 27 New Code section 135.154 requires the department of public
3 28 health to determine the existing service utilization and
3 29 future service needs of persons with Alzheimer's disease and
3 30 similar forms of irreversible dementia. The analysis is also
3 31 required to address the availability of existing caregiver
3 32 services for such needs and the appropriate service level for
3 33 the future. The department is required to modify its
3 34 community needs assessment activities to include questions to
3 35 identify and quantify the numbers of such persons. The

Senate File 2341 - Introduced continued

4 1 department is also required to collect data regarding the
4 2 numbers of such persons exhibiting combative behavior and the
4 3 numbers of treatment providers. Health care facilities are
4 4 required to provide information for the data collection. The
4 5 department's implementation is limited to the extent of the
4 6 funding available.
4 7 New Code section 231.62 directs the department of elder
4 8 affairs to perform various actions regarding the needs of such
4 9 persons, including regularly reviewing trends and initiatives,
4 10 expanding and improving the training and education of those
4 11 who address the needs of such persons and caregivers, and
4 12 providing funding for building public awareness. The
4 13 department is directed to adopt rules concerning a list of
4 14 education and training requirements. The department is
4 15 required to consult with the direct care worker task force
4 16 created in 2005 Iowa Acts in adopting the rules and in
4 17 coordination with the task force's recommendations. An
4 18 implementation section requires the department to initially
4 19 implement the training and public awareness provisions on or
4 20 before July 1, 2010.
4 21 LSB 5984SV 82
4 22 jp/nh/14

Senate Study Bill 3275

SENATE FILE
BY (PROPOSED COMMITTEE ON
WAYS AND MEANS BILL BY
CHAIRPERSON BOLKCOM)

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

A BILL FOR

An Act relating to providing information to certain persons about the availability of volunteer income tax assistance programs and the federal and state earned income tax credits.
BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 6067SC 82
mg/sc/5

Senate Study Bill 3275 continued

PAG LIN

1 1 Section 1. NEW SECTION. 217.47 DISTRIBUTION OF EARNED
1 2 INCOME TAX CREDIT INFORMATION.
1 3 1. The department shall ensure that educational materials
1 4 relating to the federal and state earned income tax credits
1 5 are provided in accordance with this section to each person
1 6 receiving assistance or benefits under:
1 7 a. The hawk=i program under chapter 514I.
1 8 b. The family investment program under chapter 239B.
1 9 c. The medical assistance Act under chapter 249A.
1 10 d. The food programs defined in section 234.1.
1 11 e. Any other appropriate programs administered by, or
1 12 under the oversight, of the department of human services.
1 13 2. The department shall, by mail or through the internet,
1 14 provide a person described in subsection 1 with access to:
1 15 a. Internal revenue service publications relating to the
1 16 federal earned income tax credit.
1 17 b. Department of revenue publications relating to the
1 18 state earned income tax credit.
1 19 c. Information prepared by tax preparers who provide free
1 20 federal or state income tax preparation services to low=income
1 21 and other eligible persons and who are located in close
1 22 geographic proximity to the person.
1 23 3. In January of each year, the department or a
1 24 representative of the department shall mail to each person
1 25 described in subsection 1 information about the federal and
1 26 state earned income tax credit that provides the person with
1 27 referrals to the resources described in subsection 2.
1 28 Sec. 2. Section 252B.5, Code Supplement 2007, is amended
1 29 by adding the following new subsection:
1 30 NEW SUBSECTION. 4A. a. In order to maximize the amount
1 31 of any tax refund to which an obligor may be entitled and
1 32 which may be applied to child support and medical support
1 33 obligations, cooperate with any volunteer income tax
1 34 assistance programs in the state in informing obligors of the
1 35 availability of the programs.

Senate Study Bill 3275 continued

2 1 b. The child support recovery unit shall publicize the
2 2 services of the volunteer income tax assistance programs by
2 3 distributing printed materials regarding the programs.
2 4 EXPLANATION
2 5 This bill relates to income tax assistance to be provided
2 6 by the department of human services.
2 7 The bill directs the department to provide to certain
2 8 individuals materials and publications related to the federal
2 9 and state earned income tax credits. These individuals are
2 10 those in the child health (hawk=i) program, the family
2 11 assistance program, the medical assistance programs, the food
2 12 stamp program, and other appropriate programs administered or
2 13 overseen by the department. The publications or materials
2 14 provided would be those from the internal revenue service, the
2 15 department of revenue, and tax preparers that provide services
2 16 to low=income and other eligible persons.
2 17 The bill also requires the child support recovery unit to
2 18 assist obligors of child support and medical support
2 19 obligations to maximize their tax refunds by publicizing the
2 20 services of volunteer income tax assistance programs and by
2 21 distributing materials regarding the programs.
2 22 LSB 6067SC 82
2 23 mg/sc/5