



Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
January 16, 2008

House File 2022 - Introduced

HOUSE FILE  
BY TJEPKES

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

**A BILL FOR**

- 1 An Act concerning the operation of motor vehicles on a highway
- 2 during a weather-related road closure and providing a penalty.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 5474YH 82
- 5 dea/nh/24



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House File 2022 - Introduced continued

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1 1 Section 1. NEW SECTION. 321.371A DRIVING IN VIOLATION OF  
1 2 WEATHER=RELATED ROAD CLOSURE == PENALTY.

1 3 1. A person shall not operate a motor vehicle on a portion  
1 4 of a street or highway that has been temporarily closed by a  
1 5 highway authority due to adverse weather conditions. For  
1 6 purposes of this section, a barricade, fence, or other  
1 7 enclosure erected at the point of entry to the portion of the  
1 8 street or highway so closed, accompanied by an official  
1 9 traffic control device indicating the closure, shall serve as  
1 10 notice to the public that travel on the closed portion of the  
1 11 street or highway is unsafe and unlawful.

1 12 2. This section does not apply to the following:

1 13 a. A person operating a motor vehicle or implement of  
1 14 husbandry for the exclusive purpose of caring for livestock.

1 15 b. A person operating an authorized emergency vehicle.

1 16 c. A person operating highway maintenance equipment on  
1 17 behalf of the highway authority.

1 18 3. An operator who violates this section commits a simple  
1 19 misdemeanor.

1 20 EXPLANATION

1 21 This bill provides that a person who operates a motor  
1 22 vehicle on a portion of a street or highway that is  
1 23 temporarily closed by the highway authority due to adverse  
1 24 weather conditions is guilty, upon conviction, of a simple  
1 25 misdemeanor. The bill specifies that the presence of a  
1 26 barricade, fence, or other enclosure, accompanied by an  
1 27 official traffic control device warning of the road closure,  
1 28 placed at the point of entry to a portion of the street or  
1 29 highway that is temporarily closed due to adverse weather  
1 30 conditions serves as notice to the public that travel is  
1 31 unsafe and unlawful.

1 32 The bill provides exceptions for highway maintenance  
1 33 equipment operators, persons operating authorized emergency  
1 34 vehicles, and persons operating motor vehicles or implements  
1 35 of husbandry for the purpose of caring for livestock.



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2 1 LSB 5474YH 82  
2 2 dea/nh/24



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January 16, 2008

House File 2023 - Introduced

HOUSE FILE

BY H. MILLER, MERTZ, FREVERT,  
and TJEPKES

Passed House, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved

Passed Senate, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_

A BILL FOR

- 1 An Act providing an appropriation to support all-terrain vehicle
- 2 recreation, and providing an effective date.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 5143HH 82
- 5 da/nh/5



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1 1 Section 1. APPROPRIATION TO THE SPECIAL ALL=TERRAIN
1 2 VEHICLE FUND. There is appropriated from the general fund of
1 3 the state to the department of natural resources for the
1 4 fiscal year beginning July 1, 2007, and ending June 30, 2008,
1 5 the following amount, or so much thereof as is necessary, to
1 6 be used for the purposes designated:
1 7 For deposit in the special all=terrain vehicle fund created
1 8 pursuant to section 321I.8 for purposes of supporting
1 9 all=terrain vehicle programs as provided in that section:
1 10 ..... \$ 775,000
1 11 Sec. 2. EFFECTIVE DATE. This Act, being deemed of
1 12 immediate importance, takes effect upon enactment.
1 13 EXPLANATION
1 14 This bill appropriates moneys from the general fund for
1 15 deposit into the special all=terrain vehicle fund to support
1 16 all=terrain vehicle programs in the state, including the
1 17 establishment, maintenance, and operation of all=terrain
1 18 vehicle riding areas. Moneys in the fund are used to award
1 19 grants, subgrants, contracts, and cost=sharing arrangements
1 20 with political subdivisions or private organizations. Moneys
1 21 in the fund do not revert to the general fund.
1 22 The bill takes effect upon enactment.
1 23 LSB 5143HH 82
1 24 da/nh/5



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House File 2024 - Introduced

HOUSE FILE  
BY LYKAM

Passed House, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved

Passed Senate, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_

**A BILL FOR**

- 1 An Act relating to continuation of group health insurance for
- 2 spouses of certain retired public employees and providing for
- 3 retroactive applicability.
- 4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 5 TLSB 5092YH 82
- 6 av/nh/8



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House File 2024 - Introduced continued

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1 1 Section 1. Section 509A.13, Code 2007, is amended to read  
1 2 as follows:

1 3 509A.13 CONTINUATION OF GROUP INSURANCE.

1 4 1. a. If a governing body, a county board of supervisors,  
1 5 or a city council has procured for its employees accident,  
1 6 health, or hospitalization insurance, or a medical service  
1 7 plan, or has contracted with a health maintenance organization  
1 8 authorized to do business in this state, the governing body,  
1 9 county board of supervisors, or city council shall allow its  
1 10 employees who retired before attaining sixty-five years of age  
1 11 to continue participation in the group plan or under the group  
1 12 contract at the employee's own expense until the employee  
1 13 attains sixty-five years of age.

1 14 b. This ~~section~~ subsection applies to employees who  
1 15 retired on or after January 1, 1981.

1 16 2. a. If an employee who retired before attaining  
1 17 sixty-five years of age continues to participate in the group  
1 18 plan or under the group contract until the employee attains  
1 19 sixty-five years of age as provided in subsection 1, the  
1 20 governing body, county board of supervisors, or city council  
1 21 may allow the spouse of that employee to elect to continue  
1 22 participation as a member in the group plan or under the group  
1 23 contract at the spouse's own expense until the spouse attains  
1 24 sixty-five years of age. A spouse who makes such an election  
1 25 shall pay the total premium for the group plan or contract and  
1 26 shall have the same rights to change programs or coverage as  
1 27 the retired employee.

1 28 b. This subsection applies to spouses of employees who  
1 29 retired on or after January 1, 2005.

1 30 EXPLANATION

1 31 This bill relates to the continuation of group health  
1 32 insurance benefits for spouses of certain retired public  
1 33 employees.

1 34 The bill provides that if a state, county, or city employee  
1 35 who retired before age 65 continues to participate in the



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2 1 group health plan or contract until that person reaches age  
2 2 65, the state, county, or city may allow the spouse of the  
2 3 retired employee to elect to continue to participate as a  
2 4 member of the group health plan or contract at the spouse's  
2 5 expense until the spouse also reaches age 65. The bill  
2 6 applies to spouses of employees who retired on or after  
2 7 January 1, 2005.  
2 8 LSB 5092YH 82  
2 9 av/nh/8



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**House File 2025 - Introduced**

HOUSE FILE  
BY SCHICKEL

Passed House, Date \_\_\_\_\_ Passed Senate, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays  
Approved

**A BILL FOR**

- 1 An Act limiting the sales tax imposed on the operation of bingo
- 2 games to the net receipts.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 5174HH 82
- 5 ec/rj/14



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House File 2025 - Introduced continued

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1 1 Section 1. Section 423.2, subsection 4, unnumbered  
1 2 paragraph 2, Code Supplement 2007, is amended to read as  
1 3 follows:  
1 4 The tax imposed under this subsection covers the total  
1 5 amount from the operation of games of skill, games of chance,  
1 6 ~~and raffles, and bingo games~~ as defined in chapter 99B, card  
1 7 game tournaments conducted under section 99B.7B, and musical  
1 8 devices, weighing machines, shooting galleries, billiard and  
1 9 pool tables, bowling alleys, pinball machines, slot-operated  
1 10 devices selling merchandise not subject to the general sales  
1 11 taxes, the total amount less amounts awarded as prizes from  
1 12 the operation of bingo games as defined in chapter 99B, and on  
1 13 the total amount from devices or systems where prizes are in  
1 14 any manner awarded to patrons and upon the receipts from fees  
1 15 charged for participation in any game or other form of  
1 16 amusement, and generally upon the sales price from any source  
1 17 of amusement operated for profit, not specified in this  
1 18 section, and upon the sales price from which tax is not  
1 19 collected for tickets or admission, but tax shall not be  
1 20 imposed upon any activity exempt from sales tax under section  
1 21 423.3, subsection 78. Every person receiving any sales price  
1 22 from the sources described in this section is subject to all  
1 23 provisions of this subchapter relating to retail sales tax and  
1 24 other provisions of this chapter as applicable.

1 25 EXPLANATION  
1 26 Under current law, the state sales and use tax is imposed  
1 27 on the gross amount derived from the operation of bingo games.  
1 28 This bill imposes the tax only on the gross amount less the  
1 29 amounts awarded as prizes.  
1 30 LSB 5174HH 82  
1 31 ec/rj/14



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House File 2026 - Introduced

HOUSE FILE

BY McCARTHY, WHITAKER, BUKTA, WHITEAD,  
 LYKAM, COHOON, D. TAYLOR, D. OLSON,  
 PALMER, ZIRKELBACH, T. TAYLOR,  
 WISE, JACOBY, GAYMAN, BAILEY,  
 SCHUELLER, WENDT, WENTHE, THOMAS,  
 KELLEY, T. OLSON, R. OLSON,  
 LENSING, WINCKLER, HUNTER, STAED,  
 QUIRK, KRESSIG, KUHN, OLDSOON,  
 DAVITT, SHOMSHOR, GASKILL, HEDDENS,  
 FREVERT, FORD, SWAIM, FOEGE,  
 MASCHER, BELL, REASONER, REICHERT,  
 MERTZ, and MURPHY

Passed House, Date \_\_\_\_\_  
 Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
           Approved

Passed Senate, Date \_\_\_\_\_  
 Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_

A BILL FOR

1 An Act relating to the employer=employee relationship by  
 2 providing for the employment classification of individuals and  
 3 proscribing the employment of unauthorized aliens, and  
 4 providing penalties and an applicability date.  
 5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
 6 TL5B 5654YH 82  
 7 ak/rj/5



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1 1 DIVISION I  
1 2 Section 1. NEW SECTION. 91F.1 DEFINITIONS.  
1 3 As used in this chapter:  
1 4 1. "Commissioner" means the labor commissioner appointed  
1 5 pursuant to section 91.2 or the labor commissioner's designee.  
1 6 2. "Employee" means a natural person who is employed in  
1 7 this state for wages paid on an hourly basis by an employer.  
1 8 3. "Employer" means a person, as defined in section 4.1,  
1 9 who in this state employs for wages, paid on an hourly basis,  
1 10 one or more natural persons. An employer does not include a  
1 11 client, patient, customer, or other person who obtains  
1 12 professional services from a licensed person who provides the  
1 13 services on a fee service basis or as an independent  
1 14 contractor, or the state, or an agency or governmental  
1 15 subdivision of the state.  
1 16 4. "Unauthorized alien" means a person who is not lawfully  
1 17 present in the United States.  
1 18 Sec. 2. NEW SECTION. 91F.2 UNAUTHORIZED ALIENS ==  
1 19 EMPLOYER PROHIBITION.  
1 20 An employer shall not knowingly employ as an employee an  
1 21 unauthorized alien. For purposes of this section, "knowingly  
1 22 employ as an employee an unauthorized alien" means an employer  
1 23 has actual knowledge that a person is an unauthorized alien  
1 24 and employs the person as an employee. An employer who  
1 25 obtains a verification of employment eligibility form required  
1 26 by the federal Immigration Reform and Control Act of 1986, 8  
1 27 U.S.C. } 1324a, shall not be considered in violation of this  
1 28 chapter.  
1 29 Sec. 3. NEW SECTION. 91F.3 PENALTIES.  
1 30 1. An employer who violates section 91F.2 is subject to a  
1 31 civil penalty of up to ten thousand dollars.  
1 32 2. A corporate officer of an employer who, by knowingly  
1 33 directing the repeated violation of section 91F.2,  
1 34 demonstrates a pattern of employing unauthorized aliens  
1 35 commits a serious misdemeanor.



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2 1 3. An employer who, through repeated violation of section  
2 2 91F.2, demonstrates a pattern of employing unauthorized aliens  
2 3 may be ordered to pay punitive damages.

2 4 Sec. 4. NEW SECTION. 91F.4 DUTIES AND AUTHORITY OF THE  
2 5 COMMISSIONER == ENFORCEMENT BY COUNTY ATTORNEY.

2 6 1. The commissioner shall adopt rules to implement and  
2 7 enforce this chapter.

2 8 2. In order to carry out the purposes of this chapter, the  
2 9 commissioner or the commissioner's representative, upon  
2 10 presenting appropriate credentials to an employer's owner,  
2 11 operator, or agent in charge, may:

2 12 a. Inspect employment records relating to the employees of  
2 13 the employer.

2 14 b. Interview an employer, owner, operator, agent, or  
2 15 employee, during working hours or at other reasonable times.

2 16 3. If the commissioner has reason to believe that an  
2 17 employer may be in violation of this chapter, the commissioner  
2 18 shall notify the appropriate county attorney, and provide the  
2 19 county attorney with any supporting information, for  
2 20 prosecution of the violation.

2 21 Sec. 5. NEW SECTION. 91F.5 PROHIBITIONS RELATING TO  
2 22 CERTAIN ACTIONS BY EMPLOYEES == PENALTY == CIVIL REMEDY.

2 23 1. An employer shall not discharge an employee or take or  
2 24 fail to take action regarding an employee's appointment or  
2 25 proposed appointment or promotion or proposed promotion, or  
2 26 regarding any advantage of an employee as a reprisal for a  
2 27 failure by that employee to inform the employer that the  
2 28 employee made a disclosure of information to any law  
2 29 enforcement agency if the employee reasonably believes the  
2 30 information evidences a violation of section 91F.2.

2 31 2. Subsection 1 does not apply if the disclosure of the  
2 32 information is prohibited by statute.

2 33 3. An employer who violates subsection 1 commits a serious  
2 34 misdemeanor.

2 35 4. Subsection 1 may be enforced through a civil action.



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3 1 a. An employer who violates subsection 1 is liable to an  
3 2 aggrieved employee for affirmative relief, including  
3 3 reinstatement, with or without back pay, or any other  
3 4 equitable relief the court deems appropriate, including  
3 5 attorney fees and costs.

3 6 b. If an employer commits, is committing, or proposes to  
3 7 commit an act in violation of subsection 1, an injunction may  
3 8 be granted through an action in district court to prohibit the  
3 9 person from continuing such acts. The action for injunctive  
3 10 relief may be brought by an aggrieved employee or the county  
3 11 attorney.

3 12 DIVISION II

3 13 Sec. 6. NEW SECTION. 91G.1 PURPOSE.

3 14 The purpose of this chapter is to address the practice of  
3 15 misclassifying employees as independent contractors.

3 16 Sec. 7. NEW SECTION. 91G.2 DEFINITIONS.

3 17 1. "Commissioner" means the labor commissioner appointed  
3 18 pursuant to section 91.2 or the labor commissioner's designee.

3 19 2. "Construction" means any constructing, altering,  
3 20 reconstructing, repairing, rehabilitating, refinishing,  
3 21 refurbishing, remodeling, remediating, renovating, custom  
3 22 fabricating, maintenance, landscaping, improving, wrecking,  
3 23 painting, decorating, demolishing, moving construction-related  
3 24 materials on the job site or to or from the job site, and  
3 25 adding to or subtracting from any building, structure, airport  
3 26 facility, highway, roadway, street, alley, bridge, sewer,  
3 27 drain, ditch, sewage disposal plant, water works, parking  
3 28 facility, railroad, excavation or other project, development,  
3 29 real property, or improvement, or to do any part thereof,  
3 30 whether or not the performance of the work described in this  
3 31 paragraph involves the addition to, or fabrication into, any  
3 32 structure, project, development, real property, or improvement  
3 33 described in this paragraph of any material or article  
3 34 merchandise.

3 35 3. "Contractor" means any person engaged in construction.



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4 1 "Contractor" includes general contractors, subcontractors, and  
4 2 lower-tiered contractors. "Contractors" does not include the  
4 3 state of Iowa or its officers, agencies, or political  
4 4 subdivisions or the federal government.

4 5 4. "Division" means the division of labor services.

4 6 5. "Interested party" means a person with an interest in  
4 7 compliance with this chapter.

4 8 6. "Performing services" means any constructing, altering,  
4 9 reconstructing, repairing, rehabilitating, refinishing,  
4 10 refurbishing, remodeling, remediating, renovating, custom  
4 11 fabricating, maintenance, landscaping, improving, wrecking,  
4 12 painting, decorating, demolishing, moving construction-related  
4 13 materials on the job site or to or from the job site, and  
4 14 adding to or subtracting from any building, structure, airport  
4 15 facility, highway, roadway, street, alley, bridge, sewer,  
4 16 drain, ditch, sewage disposal plant, water works, parking  
4 17 facility, railroad, excavation or other project, development,  
4 18 real property, or improvement, or to do any part thereof,  
4 19 whether or not the performance of the work described in this  
4 20 paragraph involves the addition to, or fabrication into, any  
4 21 structure, project, development, real property, or improvement  
4 22 described in this paragraph of any material or article of  
4 23 merchandise.

4 24 Sec. 8. NEW SECTION. 91G.3 STATUS OF INDIVIDUALS  
4 25 PERFORMING SERVICES.

4 26 An individual performing services for a contractor shall be  
4 27 classified an employee of the contractor unless the conditions  
4 28 of subsection 1 or 2 are met. Each individual classified as  
4 29 an employee under this section shall also be classified as an  
4 30 employee pursuant to chapters 85, 88, 91A, and 96.

4 31 1. The individual performing services is not an employee  
4 32 if all of the following conditions apply:

4 33 a. The individual performs services free from the control  
4 34 or direction of the contractor, both under the individual's  
4 35 contract of service and in practice.



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- 5 1       b. The individual performs services outside the usual  
5 2 course of services performed by the contractor.
- 5 3       c. The individual engages in an independently established  
5 4 trade, occupation, profession, or business.
- 5 5       2. The individual performing services is a sole proprietor  
5 6 or is a partner in a partnership and all of the following  
5 7 conditions apply:
- 5 8       a. The sole proprietor or partnership performs the  
5 9 services free from the direction or control over the means and  
5 10 manner of providing the services, subject only to the right of  
5 11 the contractor for whom the services are provided to specify  
5 12 the desired result.
- 5 13       b. The sole proprietor or partnership is not subject to  
5 14 cancellation or destruction upon severance of the relationship  
5 15 with the contractor.
- 5 16       c. The sole proprietor or partnership has a substantial  
5 17 investment of capital in the sole proprietorship or  
5 18 partnership beyond ordinary tools and equipment and a personal  
5 19 vehicle.
- 5 20       d. The sole proprietor or partnership owns the capital  
5 21 goods, gains the profits, and bears the losses of the sole  
5 22 proprietorship or partnership.
- 5 23       e. The sole proprietor or partnership makes its services  
5 24 available to the general public or the business community on a  
5 25 continuing basis.
- 5 26       f. The sole proprietor or partnership includes services  
5 27 rendered on a federal income tax schedule as an independent  
5 28 business or profession.
- 5 29       g. The sole proprietor or partnership performs services  
5 30 for the contractor under the sole proprietorship's or  
5 31 partnership's name.
- 5 32       h. The sole proprietor or partnership obtains and pays for  
5 33 any required licenses or permits to operate in the sole  
5 34 proprietorship's or partnership's name.
- 5 35       i. The sole proprietor or partnership furnishes the tools



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6 1 and equipment necessary to provide the services.  
6 2 j. The sole proprietor or partnership hires its own  
6 3 employees, if necessary, without contractor approval; pays the  
6 4 employees without reimbursement from the contractor; and  
6 5 reports the employees' income to the Internal Revenue Service.  
6 6 k. The sole proprietor or partnership is not presented by  
6 7 the contractor as an employee of the contractor to its  
6 8 customers.  
6 9 l. The sole proprietor or partnership retains the right to  
6 10 perform similar services for others on whatever basis and  
6 11 whenever the sole proprietor or partnership chooses.  
6 12 m. The sole proprietor or partnership is in compliance  
6 13 with the requirements of chapter 91C.  
6 14 Sec. 9. NEW SECTION. 91G.4 FAILURE TO PROPERLY CLASSIFY  
6 15 INDIVIDUALS PERFORMING SERVICES.  
6 16 If an individual who performs services for a contractor  
6 17 qualifies as an employee pursuant to section 91G.3, the  
6 18 contractor commits a violation of this chapter by not treating  
6 19 the individual as an employee pursuant to chapters 85, 88,  
6 20 91A, and 96.  
6 21 Sec. 10. NEW SECTION. 91G.5 NOTICE OF LAW.  
6 22 1. The commissioner shall prepare posters in both English  
6 23 and Spanish summarizing the requirements of this chapter. The  
6 24 English and Spanish versions of the poster shall be posted on  
6 25 the division's internet site and on bulletin boards in the  
6 26 division's office.  
6 27 2. The commissioner shall provide the posters without  
6 28 charge to contractors upon request.  
6 29 3. If one or more individuals not classified as employees  
6 30 under section 91G.3 performs services for a contractor, the  
6 31 contractor shall post the English and Spanish versions of the  
6 32 poster created by the commissioner. The posters shall be  
6 33 posted in a conspicuous location at the places where notices  
6 34 to employees are normally posted at each job site and office.  
6 35 Sec. 11. NEW SECTION. 91G.6 ENFORCEMENT.



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7 1     1. Any interested party may file a complaint with the  
7 2 commissioner alleging a violation of this chapter.  
7 3     2. The commissioner shall enforce the provisions of this  
7 4 chapter. The commissioner may conduct investigations in  
7 5 connection with the administration and enforcement of this  
7 6 chapter and may visit and inspect, at all reasonable times,  
7 7 any places covered by this chapter and may inspect, at all  
7 8 reasonable times, documents related to the determination of  
7 9 whether an individual is an employee under section 91G.3.  
7 10    3. The commissioner may compel by subpoena the attendance  
7 11 and testimony of witnesses and the production of books,  
7 12 payrolls, records, papers, and other evidence in an  
7 13 investigation and may administer oaths to witnesses.  
7 14    4. The commissioner shall adopt rules pursuant to and  
7 15 consistent with chapter 17A regarding investigations to  
7 16 determine whether an employer has violated any provisions of  
7 17 this chapter or any rules adopted pursuant to this chapter. A  
7 18 determination by the commissioner whether a violation has  
7 19 occurred shall be considered final agency action under chapter  
7 20 17A.  
7 21    5. Whenever the commissioner believes upon investigation  
7 22 that there has been a violation of any of the provisions of  
7 23 this chapter or any rules adopted pursuant to this chapter,  
7 24 the commissioner may do any of the following:  
7 25     a. Issue and cause to be served on any party an order to  
7 26 cease and desist from further violation of this chapter.  
7 27     b. Take affirmative or other action as deemed reasonable  
7 28 to eliminate the effect of the violation.  
7 29     c. Collect the amount of any wages, salary, employment  
7 30 benefits, or other compensation denied or lost to an  
7 31 individual.  
7 32     d. Assess any civil penalty allowed by this chapter.  
7 33     e. Make a referral to the appropriate county attorney.  
7 34    6. A contractor shall not be liable under this chapter for  
7 35 any subcontractor's failure to properly classify individuals



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8 1 performing services as employees, nor shall a subcontractor be  
8 2 liable for any lower-tier subcontractor's failure to properly  
8 3 classify individuals performing services as employees.

8 4 7. In any civil action to enforce the provisions of this  
8 5 chapter, the commissioner may be represented by an attorney  
8 6 employed by the division or, at the commissioner's request, by  
8 7 the attorney general.

8 8 8. Criminal violations of this chapter shall be prosecuted  
8 9 by the county attorney. The commissioner shall refer matters  
8 10 to the county attorney upon determining that a criminal  
8 11 violation may have occurred.

8 12 Sec. 12. NEW SECTION. 91G.7 PENALTIES.

8 13 1. A contractor that violates this chapter or any rule  
8 14 adopted pursuant to this chapter shall be subject to a civil  
8 15 penalty not to exceed one thousand five hundred dollars for  
8 16 each violation determined by the commissioner. A contractor  
8 17 shall be subject to a civil penalty not to exceed two thousand  
8 18 five hundred dollars for each repeat violation occurring  
8 19 within a five-year period as determined by the commissioner.

8 20 2. For purposes of this section, each violation of this  
8 21 chapter for each person and for each day the violation  
8 22 continues shall constitute a separate and distinct violation.  
8 23 In determining the amount of a penalty, the commissioner shall  
8 24 consider the appropriateness of the penalty to the contractor  
8 25 and the gravity of the violation.

8 26 3. When imposition of a penalty has become a final agency  
8 27 action, the penalty and other relief requested by the  
8 28 commissioner shall be recoverable in an action brought by the  
8 29 commissioner in district court.

8 30 4. If more than six months have passed since the  
8 31 imposition of the penalty became a final agency action and the  
8 32 commissioner has not filed an enforcement action in district  
8 33 court, an interested party may file suit to recover the  
8 34 penalty. The district court shall award the interested party  
8 35 thirty percent of the amount recovered and the remaining



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9 1 amount shall be submitted to the commissioner.

9 2 Sec. 13. NEW SECTION. 91G.8 DEBARMENTS.

9 3 For any second or subsequent violation determined by the  
9 4 commissioner to have occurred within five years of an earlier  
9 5 violation, the commissioner shall add the contractor's name to  
9 6 a list to be posted on the division's internet site. Upon  
9 7 such notice, the commissioner shall notify the violating  
9 8 contractor. A state contract shall not be awarded to a  
9 9 contractor appearing on the list until four years have elapsed  
9 10 from the date of the determination of the last violation.

9 11 Sec. 14. NEW SECTION. 91G.9 WILLFUL VIOLATIONS ==  
9 12 PENALTIES.

9 13 1. Whoever willfully violates any of the provisions of  
9 14 this chapter or any rule adopted pursuant to this chapter, or  
9 15 whoever obstructs the commissioner or any other person  
9 16 authorized to inspect places of employment under this chapter  
9 17 shall be liable for penalties up to double the amount set out  
9 18 in section 91G.7.

9 19 2. Whoever willfully violates any of the provisions of  
9 20 this chapter or any rule adopted pursuant to this chapter  
9 21 shall be liable to the employee for punitive damages in an  
9 22 amount equal to the penalties assessed in subsection 1.

9 23 3. A civil penalty, as described in section 91G.7, shall  
9 24 be imposed if a contractor's conduct is proven by a  
9 25 preponderance of the evidence to be willful. The penalty may  
9 26 be recovered in a civil action brought by the commissioner in  
9 27 any district court. The civil penalty is in addition to and  
9 28 not in lieu of any criminal penalty.

9 29 4. Whoever willfully violates any provision of this  
9 30 chapter or any rule adopted pursuant to this chapter commits a  
9 31 serious misdemeanor. Whoever commits a second or subsequent  
9 32 willful violation within a five-year period commits a class  
9 33 "D" felony.

9 34 Sec. 15. NEW SECTION. 91G.10 DISPOSITION OF PENALTIES.

9 35 Any penalties assessed and collected by the commissioner



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10 1 pursuant to this chapter shall be paid into the construction  
10 2 revolving fund pursuant to section 91C.4.

10 3 Sec. 16. NEW SECTION. 91G.11 RETALIATION.

10 4 1. It is a violation of this chapter for a contractor or  
10 5 contractor's agent to retaliate through discharge or in any  
10 6 other manner against any individual for exercising any rights  
10 7 granted under this chapter. Such retaliation shall subject a  
10 8 contractor or contractor's agent to civil penalties pursuant  
10 9 to this chapter and to a private cause of action.

10 10 2. It is a violation of this chapter for a contractor to  
10 11 retaliate against an individual who is doing any of the  
10 12 following:

10 13 a. Making a complaint to an employer or entity, coworker,  
10 14 or community organization, before a public hearing, or to a  
10 15 state or federal agency that rights guaranteed under this  
10 16 chapter have been violated.

10 17 b. Causing to be instituted any proceeding under or  
10 18 related to this chapter.

10 19 c. Testifying or otherwise cooperating in an investigation  
10 20 or proceeding under this chapter.

10 21 Sec. 17. NEW SECTION. 91G.12 PRIVATE RIGHT OF ACTION.

10 22 1. An individual aggrieved by a contractor's violation of  
10 23 this chapter or a rule adopted pursuant to this chapter may  
10 24 file suit in district court against the contractor, in the  
10 25 county where the alleged offense occurred, or where any person  
10 26 who is party to the action resides, without regard to  
10 27 exhaustion of any alternative administrative remedies provided  
10 28 in this chapter. Actions may be brought by one or more  
10 29 aggrieved individuals for and on behalf of themselves and  
10 30 other individuals similarly situated. An individual whose  
10 31 rights have been violated under this chapter by a contractor  
10 32 is entitled to collect the following:

10 33 a. The amount of any wages, salary, employment benefits,  
10 34 or other compensation denied or lost to the individual by  
10 35 reason of the violation, plus an equal amount in liquidated



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11 1 damages.

11 2 b. Compensatory damages and an amount up to five hundred  
11 3 dollars for each violation of this chapter or any rule adopted  
11 4 pursuant to this chapter.

11 5 c. In a case of unlawful retaliation, all legal or  
11 6 equitable relief as may be appropriate.

11 7 d. Interest, attorney fees, and costs.

11 8 2. The right of an aggrieved individual to bring an action  
11 9 under this section terminates upon the passing of three years  
11 10 from the final date of performing services for the contractor.  
11 11 The limitation-of-action period is tolled if a contractor  
11 12 deters or attempts to deter an individual's exercise of rights  
11 13 under this chapter and runs for another three years after such  
11 14 an act by the contractor.

11 15 Sec. 18. NEW SECTION. 91G.13 CONTEMPT.

11 16 If it appears that a person violated a valid order of the  
11 17 commissioner issued under this chapter, the commissioner may  
11 18 commence an action to obtain from the court an order  
11 19 commanding the person to obey the order of the commissioner or  
11 20 be adjudged guilty of contempt of court and punished  
11 21 accordingly.

11 22 Sec. 19. NEW SECTION. 91G.14 RULEMAKING.

11 23 The commissioner may adopt rules pursuant to chapter 17A to  
11 24 administer this chapter.

11 25 Sec. 20. NEW SECTION. 91G.15 WAIVERS == PENALTY.

11 26 1. Notwithstanding chapter 17A, waivers shall not be  
11 27 issued with respect to any rules adopted pursuant to this  
11 28 chapter.

11 29 2. It is a class "C" felony for a contractor to induce or  
11 30 attempt to induce any individual to waive any provision of  
11 31 this chapter.

11 32 Sec. 21. NEW SECTION. 91G.16 COOPERATION.

11 33 1. The commissioner, the division that administers  
11 34 unemployment insurance services, the division of workers'  
11 35 compensation, and the department of revenue shall cooperate



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12 1 under this chapter by sharing information concerning possible  
12 2 misclassification by a contractor of one or more of its  
12 3 employees as independent contractors.

12 4 2. Upon determining that a contractor misclassified one or  
12 5 more employees as independent contractors in violation of this  
12 6 chapter, the commissioner shall notify the division of  
12 7 unemployment insurance services, the division of workers'  
12 8 compensation, and the department of revenue which shall all  
12 9 investigate the contractor's compliance with applicable laws.

12 10 Sec. 22. NEW SECTION. 91G.17 INDEMNIFICATION.

12 11 An employee of the commissioner shall be indemnified for  
12 12 any damages and legal expenses incurred as a result of the  
12 13 good faith performance of the employee's official duties under  
12 14 this chapter, for any claim for civil damages not specifically  
12 15 covered by chapter 669.

12 16 Sec. 23. Section 85.61, subsection 11, paragraph b, Code  
12 17 Supplement 2007, is amended to read as follows:

12 18 b. "Worker" or "employee" includes an inmate as defined in  
12 19 section 85.59 and a person described in section 85.60.

12 20 Notwithstanding paragraph "g", "worker" or "employee" includes  
12 21 an individual who is classified as an employee pursuant to  
12 22 section 91G.3.

12 23 Sec. 24. Section 86.45, subsection 2, Code 2007, is  
12 24 amended by adding the following new paragraph:

12 25 NEW PARAGRAPH. j. To cooperate with the division of labor  
12 26 services, the division that administers unemployment insurance  
12 27 services, and the department of revenue pursuant to chapter  
12 28 91G by sharing information concerning possible  
12 29 misclassification of one or more employees as independent  
12 30 contractors.

12 31 Sec. 25. Section 88.3, subsection 4, Code 2007, is amended  
12 32 to read as follows:

12 33 4. "Employee" means an employee of an employer who is  
12 34 employed in a business of the employer. "Employee" also means  
12 35 an inmate as defined in section 85.59, when the inmate works



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13 1 in connection with the maintenance of the institution, in an  
13 2 industry maintained in the institution, or while otherwise on  
13 3 detail to perform services for pay. "Employee" also means a  
13 4 volunteer involved in responses to hazardous waste incidences.  
13 5 The employer of a volunteer is that entity which provides or  
13 6 which is required to provide workers' compensation coverage  
13 7 for the volunteer. "Employee" includes an individual who is  
13 8 classified as an employee pursuant to section 91G.3.

13 9 Sec. 26. Section 91.4, subsection 5, Code Supplement 2007,  
13 10 is amended to read as follows:

13 11 5. The director of the department of workforce  
13 12 development, in consultation with the labor commissioner,  
13 13 shall, at the time provided by law, make an annual report to  
13 14 the governor setting forth in appropriate form the business  
13 15 and expense of the division of labor services for the  
13 16 preceding year, the number of disputes or violations processed  
13 17 by the division and the disposition of the disputes or  
13 18 violations, and other matters pertaining to the division which  
13 19 are of public interest, together with recommendations for  
13 20 change or amendment of the laws in this chapter and chapters  
13 21 88, 88A, 88B, 89, 89A, 89B, 90A, 91A, 91C, 91D, 91E, 91G, 92,  
13 22 and 94A, and section 85.68, and the recommendations, if any,  
13 23 shall be transmitted by the governor to the first general  
13 24 assembly in session after the report is filed.

13 25 Sec. 27. Section 91A.2, subsection 3, unnumbered paragraph  
13 26 1, Code 2007, is amended to read as follows:

13 27 "Employee" means a natural person who is employed in this  
13 28 state for wages by an employer. Employee also includes a  
13 29 commission salesperson who takes orders or performs services  
13 30 on behalf of a principal and who is paid on the basis of  
13 31 commissions but does not include persons who purchase for  
13 32 their own account for resale. "Employee" includes an  
13 33 individual who is classified as an employee pursuant to  
13 34 section 91G.3. For the purposes of this chapter, the  
13 35 following persons engaged in agriculture are not employees:



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14 1 Sec. 28. Section 91C.4, Code 2007, is amended to read as  
14 2 follows:

14 3 91C.4 FEES.

14 4 1. The labor commissioner shall prescribe the fee for  
14 5 registration, which fee shall not exceed ~~twenty-five~~ one  
14 6 hundred dollars every two years. ~~All fees collected shall be~~  
14 7 deposited in the general fund of the state.

14 8 2. A construction revolving fund is created within the  
14 9 state treasury under the control of the labor commissioner.  
14 10 The fund shall consist of moneys collected by the commissioner  
14 11 as fees and civil penalties pursuant to this chapter and  
14 12 chapter 91G. Moneys in the fund are appropriated and shall be  
14 13 used by the labor commissioner to pay the actual costs and  
14 14 expenses necessary to administer the provisions of this  
14 15 chapter and chapter 91G including but not limited to  
14 16 administration, investigation, and other expenses incurred.  
14 17 All salaries and expenses properly chargeable to the fund  
14 18 shall be paid from the fund. The labor commissioner shall  
14 19 hire as many investigators and other personnel as may be  
14 20 necessary to carry out the purposes of this chapter and  
14 21 chapter 91G. Section 8.33 does not apply to any moneys in the  
14 22 fund. Notwithstanding section 12C.7, subsection 2, interest  
14 23 or earnings on moneys deposited in the fund shall be credited  
14 24 to the fund.

14 25 Sec. 29. Section 91C.8, subsection 5, Code 2007, is  
14 26 amended to read as follows:

14 27 5. The administrative penalties which may be imposed under  
14 28 this section shall be not more than five hundred dollars in  
14 29 the case of a first violation and not more than five thousand  
14 30 dollars for each violation in the case of a second or  
14 31 subsequent violation. All administrative penalties collected  
14 32 pursuant to this chapter shall be deposited in the ~~general~~  
14 33 fund of the state construction revolving fund pursuant to  
14 34 section 91C.4.

14 35 Sec. 30. Section 96.11, Code Supplement 2007, is amended



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15 1 by adding the following new subsection:

15 2 NEW SUBSECTION. 17. INTERAGENCY COOPERATION. The  
15 3 director and the department shall cooperate with the division  
15 4 of labor services, the division of workers' compensation, and  
15 5 the department of revenue pursuant to chapter 91G by sharing  
15 6 information concerning possible misclassification of employees  
15 7 as independent contractors.

15 8 Sec. 31. Section 96.19, subsection 18, paragraph a,  
15 9 subparagraph (2), Code 2007, is amended to read as follows:

15 10 (2) Any individual who, under the usual common law rules  
15 11 applicable in determining the employer=employee relationship,  
15 12 has the status of an employee, and any individual who is  
15 13 classified as an employee pursuant to section 91G.3, or

15 14 Sec. 32. APPLICABILITY DATE. This division of this Act  
15 15 applies to services performed for contractors on or after  
15 16 January 1, 2009.

15 17 DIVISION III

15 18 Sec. 33. Section 84A.5, subsection 4, Code Supplement  
15 19 2007, is amended to read as follows:

15 20 4. The division of labor services is responsible for the  
15 21 administration of the laws of this state under chapters 88,  
15 22 88A, 88B, 89, 89A, 89B, 90A, 91, 91A, 91C, 91D, 91E, 91F, 91G,  
15 23 92, and 94A, and section 85.68. The executive head of the  
15 24 division is the labor commissioner, appointed pursuant to  
15 25 section 91.2.

15 26 Sec. 34. SEVERABILITY. The provisions of this Act are  
15 27 severable in the manner provided by section 4.12.

15 28 EXPLANATION

15 29 DIVISION I. This bill creates new Code chapter 91F  
15 30 prohibiting employers from employing unauthorized aliens. The  
15 31 bill defines "unauthorized aliens" as any person who is not  
15 32 lawfully present in the United States. An "employer" is any  
15 33 person who employs for wages, paid on an hourly basis, one or  
15 34 more natural persons. The bill prohibits employers from  
15 35 knowingly employing an unauthorized alien. An employer who



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16 1 obtains employment eligibility verification from the federal  
16 2 E-Verify system through the United States department of  
16 3 homeland security shall not be considered in violation of the  
16 4 bill. The bill provides that a violation can occur in cases  
16 5 in which an employer actually knows a person is an  
16 6 unauthorized alien. The bill provides that a violation of  
16 7 this chapter is subject to a civil penalty of \$10,000 and a  
16 8 corporate officer of an employer who, through knowingly  
16 9 directing the repeated violations of the chapter, demonstrates  
16 10 a pattern of employing unauthorized aliens, commits a serious  
16 11 misdemeanor, which is punishable by confinement for no more  
16 12 than one year and a fine of at least \$315 but not more than  
16 13 \$1,875. An employer who demonstrates a pattern of employing  
16 14 unauthorized aliens may be ordered to pay punitive damages.  
16 15 The bill further authorizes the labor commissioner within the  
16 16 department of workforce development to adopt rules to  
16 17 implement and enforce this new Code chapter and grants the  
16 18 commissioner the authority to investigate employer records and  
16 19 to interview employees. The bill provides that the  
16 20 commissioner shall forward any suspected violations of this  
16 21 chapter to the appropriate county attorney for prosecution.  
16 22 The bill further provides that an employer shall not  
16 23 discharge an employee from or take or fail to take action  
16 24 regarding an employee's appointment or proposed appointment,  
16 25 promotion or proposed promotion, or regarding any advantage of  
16 26 an employee as a reprisal for a failure by that employee to  
16 27 inform the employer that the employee made a disclosure of  
16 28 information to any law enforcement agency if the employee  
16 29 reasonably believes the information evidences a violation of  
16 30 Code section 91F.2. An employer who violates these provisions  
16 31 of this chapter commits a serious misdemeanor and is liable to  
16 32 an aggrieved employee for affirmative relief including  
16 33 reinstatement, with or without back pay, or any other  
16 34 equitable relief the court deems appropriate, including  
16 35 attorney fees and costs. In addition, an action for



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17 1 injunctive relief may be brought by an aggrieved employee or  
17 2 the county attorney. A serious misdemeanor is punishable by  
17 3 confinement for no more than one year or a fine of at least  
17 4 \$315 but not more than \$1,875.

17 5 DIVISION II. The bill also relates to the classification  
17 6 of individuals as employees or independent contractors. The  
17 7 bill gives the division of labor services the authority to  
17 8 administer new Code chapter 91G and requires that the division  
17 9 of labor services, the division of unemployment insurance  
17 10 services, and the department of revenue share information and  
17 11 work jointly with regards to possible violations of the bill.

17 12 The bill creates new Code chapter 91G, which is intended to  
17 13 address the misclassification of employees as independent  
17 14 contractors. The bill presumes that an individual performing  
17 15 services for a contractor is an employee of the contractor  
17 16 unless specific conditions exist or are applicable. The first  
17 17 set of conditions that can result in an individual not being  
17 18 considered an employee of a contractor are that the individual  
17 19 performs the services free from control and direction of the  
17 20 contractor; the individual performs the services outside the  
17 21 usual range of the contractor's services; and the individual  
17 22 who performs the services is in an independent trade, business  
17 23 or occupation.

17 24 The second way that an individual is not considered an  
17 25 employee of the contractor is if the individual is a sole  
17 26 proprietor or a partner in a partnership. In order to  
17 27 determine if a legitimate sole proprietorship or partnership  
17 28 exists, 13 conditions must apply. The conditions are that the  
17 29 sole proprietor or partnership performs services free from the  
17 30 direction or control of the contractor, both in the terms of  
17 31 the contract and in practice; is not subject to severance or  
17 32 destruction when the relationship with the contractor ends;  
17 33 has invested a significant amount of money or other capital in  
17 34 the business beyond ordinary tools and a personal vehicle;  
17 35 owns the capital goods, receives the profits, and risks the



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18 1 losses of the business; makes the business' services to the  
18 2 public or other contractors; lists the business on a federal  
18 3 income tax schedule; performs services under the business'  
18 4 name; obtains and pays for licenses or permits needed to  
18 5 operate the business; furnishes the tools and equipment  
18 6 necessary to run the business; hires employees, if necessary,  
18 7 without reimbursement from the contractor and reports  
18 8 employees' income to the Internal Revenue Service; is not  
18 9 presented by the contractor as an employee; retains the right  
18 10 to perform similar services to others; and is in compliance  
18 11 with the requirements of Code chapter 91C relating to  
18 12 contractor registration.

18 13       The bill provides that if an individual who performs  
18 14 services for a contractor qualifies as an employee under Code  
18 15 section 91G.3, it is a violation of Code chapter 91G if the  
18 16 individual is not also treated as an employee under Code  
18 17 chapters 85 (workers' compensation), 88 (occupational safety  
18 18 and health), 91A (wage payment collection), and 96  
18 19 (unemployment compensation).

18 20       The commissioner is required to create posters in both  
18 21 English and Spanish that summarize the requirements of Code  
18 22 chapter 91G. The poster must be posted on the division's  
18 23 internet site and on bulletin boards in the division's office.  
18 24 Contractors shall be provided both language versions of the  
18 25 poster without charge upon request. However, if a contractor  
18 26 is found to have violated Code section 91G.3, the contractor  
18 27 must post the posters in both languages in conspicuous places  
18 28 at all job sites and the office.

18 29       The bill provides for enforcement of the provision of Code  
18 30 chapter 91G. Any interested party may file a complaint with  
18 31 the commissioner alleging a violation of the chapter. The  
18 32 commissioner shall investigate complaints and conduct  
18 33 investigations, including visiting and inspecting job sites  
18 34 and offices and documents that are related to the provisions  
18 35 of Code chapter 91G. The commissioner is charged with



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19 1 establishing rules consistent with Code chapter 17A regarding  
19 2 such investigations. A determination by the commission about  
19 3 whether a violation has occurred is a final agency action. The  
19 4 commissioner may administer oaths and issue subpoenas to  
19 5 access witnesses and documents, payroll records, and other  
19 6 evidence in order to advance an investigation. When the  
19 7 commissioner believes there has been a violation, the  
19 8 commissioner may issue and serve an order to cease and desist  
19 9 any further violation of the Code chapter; take affirmative or  
19 10 other action as deemed reasonable to eliminate the effect of  
19 11 the violation; collect the moneys for any wages, salary,  
19 12 employment, benefits, or other compensation denied or lost to  
19 13 an individual; assess any civil penalty allowed by Code  
19 14 chapter 91G; or make an appropriate referral to a county  
19 15 attorney.

19 16 A contractor is not responsible for a subcontractor's  
19 17 failure to properly classify individuals who perform services  
19 18 for the subcontractor. A subcontractor is also not liable for  
19 19 any lower-tier subcontractor hired who misclassifies an  
19 20 individual. In a civil action, the commissioner may choose to  
19 21 be represented by a departmental attorney or the attorney  
19 22 general. The appropriate county attorney is responsible for  
19 23 prosecuting criminal violations of Code chapter 91G.

19 24 An initial violation of Code chapter 91G may result in a  
19 25 civil penalty of up to \$1,500, and up to \$2,500 for each  
19 26 subsequent violation within a five-year period. A separate  
19 27 violation occurs for each person and for each day the  
19 28 violation continues. After the penalty becomes a final agency  
19 29 action and six months have passed without the commissioner  
19 30 collecting the penalty amount, an interested party may file  
19 31 suit to collect the amount. The district court may award the  
19 32 interested party 30 percent of the award. The commissioner  
19 33 receives the remaining amount.

19 34 After a second violation within five years of a first  
19 35 violation, a contractor's name shall be posted on an internet



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20 1 list by the commissioner and no state contracts shall be  
20 2 awarded to the contractor until four years have passed from  
20 3 the date of the last violation.  
20 4     Anyone who willfully violates Code chapter 91G or who  
20 5 obstructs the commissioner in the course of investigation  
20 6 shall be liable for penalties up to twice the statutory  
20 7 amounts and shall be liable to the employee for punitive  
20 8 damages in an amount equal to the penalties assessed.  
20 9 Willfulness shall be determined by a preponderance of the  
20 10 evidence standard. Whoever willfully violates a provision of  
20 11 Code chapter 91G commits a serious misdemeanor, which is  
20 12 punishable by confinement for no more than one year and a fine  
20 13 of at least \$315 but not more than \$1,875. Whoever commits a  
20 14 second or subsequent willful violation of Code chapter 91G  
20 15 within a four-year period commits a class "D" felony, which is  
20 16 punishable by confinement for no more than five years and a  
20 17 fine of at least \$750 but not more than \$7,500.  
20 18     Any penalties assessed and collected by the commissioner  
20 19 under Code chapter 91G shall be paid into the construction  
20 20 revolving fund under Code section 91C.4.  
20 21     The bill makes it a violation of Code chapter 91G for a  
20 22 contractor or a contractor's agent to retaliate in any way  
20 23 against an individual for exercising rights guaranteed under  
20 24 Code chapter 91G. Retaliation subjects the contractor to  
20 25 civil penalties and a private cause of action. Specifically,  
20 26 a contractor cannot retaliate against an individual who makes  
20 27 a complaint; causes a proceeding under Code chapter 91G to be  
20 28 held; or testifies or cooperates in an investigation or  
20 29 proceeding under Code chapter 91G.  
20 30     An individual who is aggrieved by a Code chapter 91G  
20 31 violation may file suit in district court in the county where  
20 32 the alleged violation occurred or where any person who is  
20 33 party to the violation resides and may do so without  
20 34 exhausting any alternative administrative remedies in Code  
20 35 chapter 91G. Remedies may include the amount of wages,



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21 1 salary, employment benefits, or other compensation denied or  
21 2 lost, plus an equal amount in liquidated damages; compensatory  
21 3 damages and an amount up to \$500 for each violation of Code  
21 4 chapter 91G; all legal or equitable relief as deemed  
21 5 appropriate; and interest, attorney fees, and costs. The  
21 6 right to bring private action terminates after three years  
21 7 from the final date an individual performs services for a  
21 8 contractor. However, the limitation of action is suspended if  
21 9 a contractor attempts to prevent an individual from exercising  
21 10 rights guaranteed under Code chapter 91G.

21 11 The commissioner may commence a contempt action to receive  
21 12 an order from a court commanding a person to obey the order or  
21 13 be adjudged guilty of contempt of court if the commissioner  
21 14 believes the person has violated a valid order of the  
21 15 commissioner issued under Code chapter 91G. The commissioner  
21 16 may also adopt rules to administer Code chapter 91G. The  
21 17 general assembly finds that the adoption of rules for Code  
21 18 chapter 91G is deemed an emergency and is necessary for the  
21 19 public interest and welfare. No waiver of any of the rights  
21 20 provided under Code chapter 91G is allowed, and to attempt to  
21 21 induce anyone to waive any of the rights provided under Code  
21 22 chapter 91G is a class "C" felony, which is punishable by  
21 23 confinement for no more than 10 years and a fine of at least  
21 24 \$1,000 but not more than \$10,000.

21 25 The commissioner, the division of unemployment insurance,  
21 26 the division of workers' compensation, and the department of  
21 27 revenue shall all cooperate under Code chapter 91G by sharing  
21 28 information and the commissioner shall notify the other  
21 29 agencies when a suspected violation is reported.

21 30 All employees of the commissioner are indemnified for  
21 31 damages and legal expenses incurred as a result of the good  
21 32 faith performance of their job duties against any claims not  
21 33 covered by Code chapter 669, the Iowa tort claims Act.

21 34 The bill alters several Code sections in order to include  
21 35 the definition of "employee" under new Code section 91G.3 as



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22 1 part of the definitions of "employee" in other parts of the  
22 2 Code. The department of workforce development is required to  
22 3 submit an annual report about new Code chapter 91G, the  
22 4 classification of employees chapter, along with annual reports  
22 5 already required under other Code chapters.  
22 6       The contractor registration fee is increased to \$100 every  
22 7 two years from \$25 every two years. Rather than deposited in  
22 8 the general fund, the registration fees are deposited in a  
22 9 construction revolving fund within the state treasury under  
22 10 the control of the labor commissioner. The revolving fund  
22 11 consists of all moneys collected as fees and civil penalties  
22 12 pursuant to Code chapters 91C and 91G. The fund shall be used  
22 13 by the commissioner to pay for the costs to administer the  
22 14 provisions of Code chapters 91C and 91G, including salaries  
22 15 and other expenses.  
22 16       The provisions of new Code chapter 91G apply to contractors  
22 17 on January 1, 2009.  
22 18 LSB 5654YH 82  
22 19 ak/rj/5



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HOUSE FILE  
BY WISE

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

**A BILL FOR**

- 1 An Act providing for postretirement adjustments to benefits and
- 2 creditable service under the municipal fire and police
- 3 retirement system.
- 4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 5 TLSB 5608YH 82
- 6 ec/rj/8



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PAG LIN

1 1 Section 1. Section 411.6, subsection 12, paragraph d, Code  
1 2 2007, is amended to read as follows:

1 3 d. A retired member eligible for benefits under subsection  
1 4 ~~1 of this section~~ is not eligible for the readjustment of  
1 5 pensions provided in this subsection unless the member served  
1 6 twenty-two years and attained the age of fifty-five years  
1 7 prior to the member's termination of employment or the member  
1 8 served eighteen years and attained the age of sixty years  
1 9 prior to the member's termination of employment.

1 10 Sec. 2. NEW SECTION. 411.10 PURCHASE OF ELIGIBLE SERVICE  
1 11 CREDIT.

1 12 1. For purposes of this section:

1 13 a. "Eligible qualified service" means service as a member  
1 14 of the retirement system at any time if the member received a  
1 15 refund of the member's contributions pursuant to section  
1 16 411.23 for that period of membership service.

1 17 b. "Permissive service credit" means credit that will be  
1 18 recognized by the retirement system for purposes of  
1 19 calculating a member's benefit, for which the member did not  
1 20 previously receive service credit in the retirement system,  
1 21 and for which the member voluntarily contributes to the  
1 22 retirement system the amount required by the retirement  
1 23 system, not in excess of the amount necessary to fund the  
1 24 benefit attributable to such service.

1 25 2. An active member of the system may make contributions  
1 26 to the system to purchase up to the maximum amount of  
1 27 permissive service credit for eligible qualified service as  
1 28 determined by the system, pursuant to Internal Revenue Code  
1 29 section 415(n) and the requirements of this section. A member  
1 30 seeking to purchase permissive service credit pursuant to this  
1 31 section shall file a written application along with  
1 32 appropriate documentation with the system.

1 33 3. A member making contributions for a purchase of  
1 34 permissive service credit for eligible qualified service under  
1 35 this section shall make contributions in an amount equal to





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House File 2027 - Introduced continued

3 1 service purchase is defined as the cost necessary to fund an  
3 2 increased retirement allowance resulting from the purchase of  
3 3 the permissive service credit.  
3 4 The bill further provides that members of MFPRSI shall not  
3 5 have their contribution rates increased to pay for the new  
3 6 benefits provided by the bill.  
3 7 LSB 5608YH 82  
3 8 ec/rj/8



Iowa General Assembly  
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January 16, 2008

House File 2028 - Introduced

HOUSE FILE  
BY TYMESON

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

**A BILL FOR**

1 An Act allowing receiving school districts to send school  
2 vehicles into the district of residence to transport an  
3 open=enrolled pupil.  
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
5 TLSB 5193HH 82  
6 kh/nh/5



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House File 2028 - Introduced continued

PAG LIN

1 1 Section 1. Section 282.18, subsection 10, Code 2007, is  
1 2 amended to read as follows:  
1 3 10. Notwithstanding section 285.1 relating to  
1 4 transportation of nonresident pupils, the parent or guardian  
1 5 is responsible for transporting the pupil without  
1 6 reimbursement to and from a point on a regular school bus  
1 7 route of the receiving district. However, a receiving  
1 8 district may send school vehicles into the district of  
1 9 residence of the pupil using the open enrollment option under  
1 10 this section, for the purpose of transporting the pupil to and  
1 11 from school in the receiving district, if ~~the boards of both~~  
~~1 12 the sending and receiving districts agree to this arrangement~~  
1 13 the length of time added to the receiving district's bus route  
1 14 to transport the student does not cause the riding time for  
1 15 elementary students on the bus route to exceed one hour, or  
1 16 for high school pupils, seventy-five minutes, unless  
1 17 authorized by the parent or guardian of the child whose ride  
1 18 time exceeds the limit specified. If the pupil meets the  
1 19 economic eligibility requirements established by the  
1 20 department and state board of education, the sending district  
1 21 is responsible for providing transportation or paying the pro  
1 22 rata cost of the transportation to a parent or guardian for  
1 23 transporting the pupil to and from a point on a regular school  
1 24 bus route of a contiguous receiving district unless the cost  
1 25 of providing transportation or the pro rata cost of the  
1 26 transportation to a parent or guardian exceeds the average  
1 27 transportation cost per pupil transported for the previous  
1 28 school year in the district. If the cost exceeds the average  
1 29 transportation cost per pupil transported for the previous  
1 30 school year, the sending district shall only be responsible  
1 31 for that average per pupil amount. A sending district which  
1 32 provides transportation for a pupil to a contiguous receiving  
1 33 district under this subsection may withhold from the district  
1 34 cost per pupil amount, that is to be paid to the receiving  
1 35 district, an amount which represents the average or pro rata





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**House File 2029 - Introduced**

HOUSE FILE  
BY PETTENGILL

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

**A BILL FOR**

- 1 An Act relating to hunting by landowners on certain land owned by
- 2 them.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 5115HH 82
- 5 av/nh/5



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House File 2029 - Introduced continued

PAG LIN

1 1 Section 1. Section 483A.24, subsection 2, paragraph a,  
1 2 Code Supplement 2007, is amended to read as follows:

1 3 a. As used in this subsection:

1 4 (1) "Family member" means a ~~resident of Iowa~~ person who is  
1 5 the spouse or child of the owner or tenant and who resides  
1 6 with the owner or tenant.

1 7 (2) "Farm unit" means all parcels of land which are  
1 8 certified by the commission pursuant to rule as meeting all of  
1 9 the following requirements:

1 10 (a) Are in tracts of two or more contiguous acres.

1 11 (b) Are operated as a unit for agricultural purposes.

1 12 (c) Are under the lawful control of the owner or the  
1 13 tenant.

1 14 (3) "Owner" means an owner of a farm unit who ~~is a~~

~~1 15 resident of Iowa and who~~ is one of the following:

1 16 (a) Is the sole operator of the farm unit.

1 17 (b) Makes all of the farm operation decisions but  
1 18 contracts for custom farming or hires labor for all or part of  
1 19 the work on the farm unit.

1 20 (c) Participates annually in farm operation decisions or  
1 21 cropping practices on specific fields of the farm unit that  
1 22 are rented to a tenant.

1 23 (d) Raises specialty crops on the farm unit including, but  
1 24 not limited to, orchards, nurseries, or tree farms that do not  
1 25 always produce annual income but require annual operating  
1 26 decisions about maintenance or improvement.

1 27 (e) Has all or part of the farm unit enrolled in a  
1 28 long-term agricultural land retirement program of the federal  
1 29 government.

1 30 ~~(f) An "owner" does not mean a person who owns~~ Owns a farm  
1 31 unit and ~~who~~ employs a farm manager or third party to operate  
1 32 the farm unit, or ~~a person who~~ owns a farm unit and ~~who~~ rents  
1 33 the entire farm unit to a tenant who is responsible for all  
1 34 farm operations. ~~However, this paragraph does not apply to an~~  
~~1 35 owner who is a parent of the tenant and who resides in this~~



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~~House File 2029 — Introduced continued~~

~~2 1 state.~~

2 2 (4) "Tenant" means a person who is a resident of Iowa and  
2 3 who rents and actively farms a farm unit owned by another  
2 4 person. A member of the owner's family may be a tenant. A  
2 5 person who works on the farm for a wage and is not a family  
2 6 member does not qualify as a tenant.

2 7 EXPLANATION

2 8 This bill relates to hunting by a landowner or a family  
2 9 member of a landowner on certain land owned by the landowner.

2 10 Currently, a landowner of a farm unit who is a resident of  
2 11 Iowa or a family member of a landowner who is a resident of  
2 12 Iowa is eligible to hunt, fish, and trap on the farm unit  
2 13 without a license and is eligible to obtain special licenses  
2 14 to hunt deer and wild turkey on that farm unit.

2 15 The bill allows any landowner or family member of a  
2 16 landowner, even a nonresident, to hunt, fish, and trap, on the  
2 17 farm unit without a license and to obtain special deer and  
2 18 turkey hunting licenses for use only on the farm unit. The  
2 19 bill also changes the definition of "owner" of a farm unit to  
2 20 include a person who owns a farm unit and employs a farm  
2 21 manager or third party to operate the farm unit or rents the  
2 22 entire farm unit to a tenant who is responsible for all farm  
2 23 operations.

2 24 "Farm unit" means all parcels of land which are certified  
2 25 by the natural resource commission as being in tracts of two  
2 26 or more contiguous acres, are operated as a unit for  
2 27 agricultural purposes, and are under the lawful control of the  
2 28 owner or tenant.

2 29 LSB 5115HH 82

2 30 av/nh/5



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House File 2030 - Introduced

HOUSE FILE  
BY TYMESON

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

**A BILL FOR**

1 An Act relating to establishment of a grade review process for  
2 certain members of the armed forces enrolled at state  
3 postsecondary institutions.  
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
5 TLSB 5304YH 82  
6 kh/nh/8



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House File 2030 - Introduced continued

PAG LIN

1 1 Section 1. Section 260C.14, Code 2007, is amended by  
1 2 adding the following new subsection:  
1 3 NEW SUBSECTION. 22. Establish a course grade review  
1 4 process for students who are veterans, as defined in section  
1 5 35A.14, subsection 1, paragraph "a", to determine whether  
1 6 exceptional circumstances affecting such a student should  
1 7 result in the elimination of a failing grade from the  
1 8 student's transcript.

1 9 Sec. 2. Section 262.9, Code Supplement 2007, is amended by  
1 10 adding the following new subsection:

1 11 NEW SUBSECTION. 32. Direct the institutions of higher  
1 12 education under its control to establish a course grade review  
1 13 process for students who are veterans, as defined in section  
1 14 35A.14, subsection 1, paragraph "a", to determine whether  
1 15 exceptional circumstances affecting such a student should  
1 16 result in the elimination of a failing grade from the  
1 17 student's transcript.

1 18 EXPLANATION

1 19 This bill requires the regents universities and the board  
1 20 of directors of each community college to establish a course  
1 21 grade review process for students who are veterans to  
1 22 determine whether exceptional circumstances affecting such a  
1 23 student should result in the elimination of a failing grade  
1 24 from the student's transcript.

1 25 For purposes of the bill, "veteran" means a resident of  
1 26 this state who is or was a member of the national guard,  
1 27 reserve, or regular component of the armed forces of the  
1 28 United States who has served on active duty at any time after  
1 29 September 11, 2001, and, if discharged, was discharged under  
1 30 honorable conditions.

1 31 LSB 5304YH 82

1 32 kh/nh/8



Iowa General Assembly  
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**House File 2031 - Introduced**

HOUSE FILE  
BY RANTS

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

**A BILL FOR**

1 An Act relating to teacher training and practitioner preparation  
2 related to autism spectrum disorders and providing an  
3 appropriation.  
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
5 TL5B 5150YH 82  
6 kh/rj/5



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House File 2031 - Introduced continued

PAG LIN

1 1 Section 1. Section 256.16, subsection 1, paragraph c, Code  
1 2 2007, is amended to read as follows:

1 3 c. Include in the professional education program,  
1 4 ~~preparation that contributes and require successful completion~~  
1 5 ~~prior to graduation from the program, the following:~~

1 6 (1) Preparation in recognizing the characteristics and  
1 7 special cognitive needs relating to students with  
1 8 disabilities, students with autism spectrum disorders, and  
1 9 students who are gifted and talented, and in instructional  
1 10 strategies which contribute to the education of such students  
1 11 ~~with disabilities and students who are gifted and talented,~~  
1 12 ~~and preparation.~~

1 13 (2) Preparation in classroom management addressing  
1 14 high-risk behaviors including, but not limited to, behaviors  
1 15 related to substance abuse. Preparation required under this  
1 16 ~~paragraph must be successfully completed before graduation~~  
1 17 ~~from the practitioner preparation program.~~

1 18 Sec. 2. NEW SECTION. 256B.16 AUTISM ADVISORY COUNCIL.

1 19 1. An autism advisory council is established to advise the  
1 20 state board of education and the board of educational  
1 21 examiners concerning best practices which school districts and  
1 22 accredited nonpublic schools can utilize to better educate and  
1 23 assist students with autism spectrum disorders. The advisory  
1 24 council shall meet at least quarterly to make recommendations  
1 25 to make state programs and policies more effective in serving  
1 26 children with autism and their families. The advisory council  
1 27 shall do the following:

1 28 a. Develop, and revise as necessary, a policy on the most  
1 29 effective manner of informing schools about the status of  
1 30 education-related research and outreach services available to  
1 31 children with autism and their families. It is the intent of  
1 32 the general assembly that schools utilize the information to  
1 33 develop education-related programs and services for children  
1 34 with autism.

1 35 b. Create a statewide clearinghouse for information on the



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House File 2031 - Introduced continued

2 1 findings of education-related, research-based, recommended  
2 2 practices to support children with autism that can be  
2 3 disseminated to schools, parents, and other interested  
2 4 persons. These education-related practices shall include but  
2 5 are not limited to the early detection of, and development of  
2 6 coordinated services to, children with autism and the  
2 7 professional development of pertinent individuals providing  
2 8 such services.

2 9 c. Study the feasibility of and need for establishing a  
2 10 program that would provide technical assistance to schools on  
2 11 all of the following subjects:

2 12 (1) The identification and diagnosis of autism spectrum  
2 13 disorders.

2 14 (2) The development of research-based programs that best  
2 15 serve children with autism in order for them to succeed  
2 16 academically.

2 17 (3) The development of research-based professional  
2 18 development program standards for training teachers and  
2 19 administrators on the best practices for providing instruction  
2 20 to children with autism.

2 21 2. The advisory council shall consist of fifteen voting  
2 22 members appointed by the governor and confirmed by the senate.  
2 23 The membership shall include parents of children with autism,  
2 24 school district administrators, teachers, representatives of  
2 25 area education agencies, representatives of accredited  
2 26 nonpublic schools, autism research specialists, physicians who  
2 27 possess a background or expertise in a pertinent medical field  
2 28 such as psychiatry or behavioral science, and individuals with  
2 29 a recognized expertise in the best practices for providing  
2 30 instruction to children with autism. Voting members shall be  
2 31 appointed to three-year staggered terms, beginning and ending  
2 32 as provided in section 69.19. A member shall continue to  
2 33 serve until a successor is appointed and a vacancy shall be  
2 34 filled for the remainder of the unexpired term. In addition,  
2 35 four members shall be legislators, all serving as ex officio,



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3 1 nonvoting members, with one each appointed by the speaker of  
3 2 the house of representatives, the minority leader of the house  
3 3 of representatives, the majority leader of the senate, and the  
3 4 minority leader of the senate. The director of the department  
3 5 of education and the executive director of the board of  
3 6 educational examiners, or their designees, shall also be ex  
3 7 officio, nonvoting members, and shall serve as resource  
3 8 persons to the advisory council.

3 9 3. A chairperson, vice chairperson, and other officers  
3 10 deemed necessary by the advisory council shall be appointed by  
3 11 the membership of the council. Administrative support and  
3 12 staffing for the advisory council shall be provided by the  
3 13 department of education.

3 14 4. The recommendations developed by the advisory council  
3 15 shall not be construed or applied as state-imposed standards  
3 16 or binding on any individualized education program team,  
3 17 special education official, or child with autism. This  
3 18 section shall not be construed to prescribe or define an  
3 19 appropriate educational or habilitative program for a child  
3 20 with autism.

3 21 5. By January 15, annually, the advisory council shall  
3 22 prepare and submit to the governor, the general assembly, the  
3 23 department of education, and the board of educational  
3 24 examiners a report concerning the advisory council's  
3 25 activities, findings, and recommendations.

3 26 Sec. 3. DEPARTMENT OF EDUCATION == AUTISM TRAINING FOR  
3 27 TEACHERS. There is appropriated from the general fund of the  
3 28 state to the department of education for the fiscal year  
3 29 beginning July 1, 2008, and ending June 30, 2009, the  
3 30 following amount, or so much thereof as is necessary, to be  
3 31 used for the purposes designated:

3 32 For teacher training in recognizing the characteristics and  
3 33 special cognitive needs relating to autism spectrum disorders  
3 34 in order that teachers may modify instruction appropriately  
3 35 for students with autism:



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House File 2031 - Introduced continued

4 1 ..... \$ 200,000

4 2 EXPLANATION

4 3 This bill requires practitioner preparation programs to  
 4 4 provide preparation to prospective teachers in recognizing the  
 4 5 characteristics and special cognitive needs of students with  
 4 6 autism, creates an autism advisory council to advise the  
 4 7 department of education and the board of educational examiners  
 4 8 regarding best practices school districts and accredited  
 4 9 nonpublic schools can utilize to better educate and assist  
 4 10 students with autism, and appropriates \$200,000 for FY  
 4 11 2008=2009 to the department for teacher training in  
 4 12 recognizing the characteristics and special cognitive needs  
 4 13 relating to autism in order that teachers may modify  
 4 14 instruction appropriately for students with autism.

4 15 The bill requires the state board of education to adopt  
 4 16 rules requiring all higher education institutions providing  
 4 17 practitioner preparation to include the preparation related to  
 4 18 students with autism in their professional education programs  
 4 19 and requires that students successfully complete the  
 4 20 preparation prior to graduating from the programs.

4 21 The autism advisory council must meet at least quarterly to  
 4 22 make recommendations to make state programs and policies more  
 4 23 effective in serving children with autism and their families.  
 4 24 The advisory council is directed to develop a policy on the  
 4 25 most effective manner of informing schools about the status of  
 4 26 education-related research and outreach services available to  
 4 27 children with autism and their families, with the legislative  
 4 28 intent that schools utilize the information to develop  
 4 29 education-related programs and services for children with  
 4 30 autism; create a statewide clearinghouse for education-related  
 4 31 autism information; and study the feasibility and need for  
 4 32 establishing a program that would provide technical assistance  
 4 33 concerning autism, school instruction, and teacher training to  
 4 34 schools.

4 35 The advisory council consists of 15 voting members



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5 1 appointed by the governor and confirmed by the senate, four  
5 2 nonvoting, ex officio members who are members of the general  
5 3 assembly, and the director of the department of education and  
5 4 the executive director of the board of educational examiners,  
5 5 or their designees, who also serve as ex officio, nonvoting  
5 6 members. Administrative support and staffing for the council  
5 7 will be provided by the department of education.  
5 8 By January 15, annually, the advisory council must prepare  
5 9 and submit to the governor, the general assembly, the  
5 10 department of education, and the board of educational  
5 11 examiners a report concerning its activities, findings, and  
5 12 recommendations.  
5 13 LSB 5150YH 82  
5 14 kh/rj/5



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House File 2032 - Introduced

HOUSE FILE

BY STRUYK, MAY, JACOBS, HORBACH,  
HEATON, DE BOEF, BOAL, UPMEYER,  
TYMESON, FORRISTALL, DRAKE,  
ALONS, and HUSER

Passed House, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved

Passed Senate, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_

A BILL FOR

- 1 An Act providing exceptions to the age of admission to
- 2 kindergarten.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 5057HH 82
- 5 kh/rj/5



Iowa General Assembly  
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House File 2032 - Introduced continued

PAG LIN

1 1 Section 1. Section 282.3, subsection 2, unnumbered  
1 2 paragraph 3, Code 2007, is amended to read as follows:  
1 3 ~~No~~ A child shall not be admitted to school work for the  
1 4 year immediately preceding the first grade unless the child is  
1 5 five years of age on or before ~~the fifteenth of~~ September 15  
1 6 of the current school year, except as provided in this  
1 7 section. A school district shall, at the request of the  
1 8 parent or guardian, enroll in kindergarten a child who is five  
1 9 years of age after September 15 of the current school year if  
1 10 the child was enrolled in kindergarten in another state. A  
1 11 school district may enroll a child in kindergarten who is five  
1 12 years of age after September 15 of the current school year and  
1 13 who has demonstrated the possession of sufficient ability to  
1 14 benefit from kindergarten work on the basis of tests or other  
1 15 means of evaluation recommended or approved by the department  
1 16 of education.

1 17 EXPLANATION

1 18 This bill allows exceptions to a provision that prohibits a  
1 19 child who is five years of age on or after September 15 from  
1 20 being admitted to kindergarten.

1 21 The bill requires a school district to enroll in  
1 22 kindergarten a child who is five years of age after September  
1 23 15 of the current school year if the child was enrolled in  
1 24 kindergarten in another state and if the child's parent or  
1 25 guardian requests that the child be enrolled.

1 26 The bill permits a school district to enroll a child in  
1 27 kindergarten who is five years of age after September 15 if  
1 28 the child demonstrates sufficient ability to benefit from  
1 29 kindergarten work using evaluations recommended or approved by  
1 30 the department of education.

1 31 LSB 5057HH 82

1 32 kh/rj/5



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House File 2033 - Introduced

HOUSE FILE  
BY ZIRKELBACH

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

**A BILL FOR**

- 1 An Act requiring insurance coverage benefits for veterans for
- 2 treatment of mental illness and substance abuse.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 5083HH 82
- 5 av/nh/5



Iowa General Assembly  
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House File 2033 - Introduced continued

PAG LIN

1 1 Section 1. NEW SECTION. 514C.23 MENTAL ILLNESS AND  
1 2 SUBSTANCE ABUSE TREATMENT COVERAGE FOR VETERANS.  
1 3 1. Notwithstanding the uniformity of treatment  
1 4 requirements of section 514C.6, a group policy or contract  
1 5 providing for third-party payment or prepayment of health or  
1 6 medical expenses issued by a carrier, as defined in section  
1 7 513B.2, or by an organized delivery system authorized under  
1 8 1993 Iowa Acts, chapter 158, shall provide coverage benefits  
1 9 to an insured who is a veteran for treatment of mental illness  
1 10 and substance abuse if either of the following is satisfied:  
1 11 a. The policy or contract is issued to an employer who on  
1 12 at least fifty percent of the employer's working days during  
1 13 the preceding calendar year employed more than fifty full-time  
1 14 equivalent employees. In determining the number of full-time  
1 15 equivalent employees of an employer, employers who are  
1 16 affiliated or who are able to file a consolidated tax return  
1 17 for purposes of state taxation shall be considered one  
1 18 employer.  
1 19 b. The policy or contract is issued to a small employer as  
1 20 defined in section 513B.2, and such policy or contract  
1 21 provides coverage benefits for the treatment of mental illness  
1 22 and substance abuse.  
1 23 2. Notwithstanding the uniformity of treatment  
1 24 requirements of section 514C.6, a plan established pursuant to  
1 25 chapter 509A for public employees shall provide coverage  
1 26 benefits to an insured who is a veteran for treatment of  
1 27 mental illness and substance abuse.  
1 28 3. For purposes of this section:  
1 29 a. "Mental illness" means mental disorders as defined by  
1 30 the commissioner by rule.  
1 31 b. "Substance abuse" means a pattern of pathological use  
1 32 of alcohol or a drug that causes impairment in social or  
1 33 occupational functioning, or that produces physiological  
1 34 dependency evidenced by physical tolerance or by physical  
1 35 symptoms when the alcohol or drug is withdrawn.



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2 1 c. "Veteran" means the same as defined in section 35.1.  
2 2 4. The commissioner, by rule, shall define "mental  
2 3 illness" consistent with definitions provided in the most  
2 4 recent edition of the American psychiatric association's  
2 5 diagnostic and statistical manual of mental disorders, as the  
2 6 definitions may be amended from time to time. The  
2 7 commissioner may adopt the definitions provided in such manual  
2 8 by reference.  
2 9 5. This section shall not apply to accident only,  
2 10 specified disease, short-term hospital or medical, hospital  
2 11 confinement indemnity, credit, dental, vision, Medicare  
2 12 supplement, long-term care, basic hospital and  
2 13 medical=surgical expense coverage as defined by the  
2 14 commissioner, disability income insurance coverage, coverage  
2 15 issued as a supplement to liability insurance, workers'  
2 16 compensation or similar insurance, or automobile medical  
2 17 payment insurance, or individual accident and sickness  
2 18 policies issued to individuals or to individual members of a  
2 19 member association.  
2 20 6. A carrier, organized delivery system, or plan  
2 21 established pursuant to chapter 509A may manage the benefits  
2 22 provided through common methods including but not limited to  
2 23 providing payment of benefits or providing care and treatment  
2 24 under a capitated payment system, prospective reimbursement  
2 25 rate system, utilization control system, incentive system for  
2 26 the use of least restrictive and least costly levels of care,  
2 27 a preferred provider contract limiting choice of specific  
2 28 providers, or any other system, method, or organization  
2 29 designed to assure services are medically necessary and  
2 30 clinically appropriate.  
2 31 7. a. A group policy or contract or plan covered under  
2 32 this section shall not impose an aggregate annual or lifetime  
2 33 limit on mental illness or substance abuse coverage benefits  
2 34 unless the policy or contract or plan imposes an aggregate  
2 35 annual or lifetime limit on substantially all medical and



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House File 2033 - Introduced continued

3 1 surgical coverage benefits.  
3 2 b. A group policy or contract or plan covered under this  
3 3 section that imposes an aggregate annual or lifetime limit on  
3 4 substantially all medical and surgical coverage benefits shall  
3 5 not impose an aggregate annual or lifetime limit on mental  
3 6 illness or substance abuse coverage benefits which is less  
3 7 than the aggregate annual or lifetime limit imposed on  
3 8 substantially all medical and surgical coverage benefits.  
3 9 8. A group policy or contract or plan covered under this  
3 10 section shall at a minimum allow for thirty inpatient days and  
3 11 fifty=two outpatient visits annually. The policy or contract  
3 12 or plan may also include deductibles, coinsurance, or  
3 13 copayments, provided the amounts and extent of such  
3 14 deductibles, coinsurance, or copayments applicable to other  
3 15 medical or surgical services coverage under the policy or  
3 16 contract or plan are the same. It is not a violation of this  
3 17 section if the policy or contract or plan excludes entirely  
3 18 from coverage benefits for the cost of providing the  
3 19 following:  
3 20 a. Care that is substantially custodial in nature.  
3 21 b. Services and supplies that are not medically necessary  
3 22 or clinically appropriate.  
3 23 c. Experimental treatments.  
3 24 9. This section applies to third=party payment provider  
3 25 policies or contracts and plans established pursuant to  
3 26 chapter 509A delivered, issued for delivery, continued, or  
3 27 renewed in this state on or after January 1, 2009.

3 28 EXPLANATION

3 29 This bill creates a new Code section 514C.23 and provides  
3 30 that a group policy or contract providing for third=party  
3 31 payment or prepayment of health or medical expenses issued by  
3 32 a carrier, as defined in Code section 513B.2, or by an  
3 33 organized delivery system authorized under 1993 Iowa Acts,  
3 34 chapter 158, shall provide coverage benefits to an insured who  
3 35 is a veteran for treatment of mental illness and substance



**Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
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House File 2033 - Introduced continued

4 1 abuse if the policy or contract is issued to an employer who  
4 2 on at least 50 percent of the employer's working days during  
4 3 the preceding calendar year employed more than 50 full-time  
4 4 equivalent employees; if the policy or contract is issued to a  
4 5 small employer as defined in Code section 513B.2, and such  
4 6 policy or contract provides coverage benefits for the  
4 7 treatment of mental illness; or if the plan is established  
4 8 pursuant to Code chapter 509A for public employees.

4 9 The bill defines "mental illness" as mental disorders as  
4 10 defined by the commissioner by rule. The commissioner is  
4 11 directed to establish the definition of mental illness  
4 12 consistent with definitions provided in the most recent  
4 13 edition of the American psychiatric association's diagnostic  
4 14 and statistical manual of mental disorders, as such  
4 15 definitions may be amended from time to time. The  
4 16 commissioner may adopt the definitions provided in such manual  
4 17 by reference.

4 18 "Substance abuse" is defined as a pattern of pathological  
4 19 use of alcohol or a drug that causes impairment in social or  
4 20 occupational functioning, or that produces physiological  
4 21 dependency evidenced by physical tolerance or by physical  
4 22 symptoms when the alcohol or drug is withdrawn.

4 23 For the purposes of the bill, "veteran" means the same as  
4 24 defined in Code section 35.1.

4 25 The bill provides that a carrier, organized delivery  
4 26 system, or plan established pursuant to Code chapter 509A may  
4 27 manage the benefits provided through common methods including  
4 28 but not limited to providing payment of benefits or providing  
4 29 care and treatment under a capitated payment system,  
4 30 prospective reimbursement rate system, utilization control  
4 31 system, incentive system for the use of least restrictive and  
4 32 least costly levels of care, a preferred provider contract  
4 33 limiting choice of specific providers, or any other system,  
4 34 method, or organization designed to assure services are  
4 35 medically necessary and clinically appropriate.



**Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
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House File 2033 - Introduced continued

5 1 The bill provides that the new Code section created applies  
5 2 to third-party payment provider contracts or policies and  
5 3 public employer plans delivered, issued for delivery,  
5 4 continued, or renewed in this state on or after January 1,  
5 5 2009.  
5 6 LSB 5083HH 82  
5 7 av/nh/5.1



Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
January 16, 2008

House File 2034 - Introduced

HOUSE FILE  
BY H. MILLER

Passed House, Date \_\_\_\_\_ Passed Senate, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays  
Approved

**A BILL FOR**

1 An Act allowing the state poet laureate to be reimbursed for  
2 expenses for the performance of official duties and making an  
3 appropriation.  
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
5 TLSB 5439HH 82  
6 kh/rj/8



**Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
January 16, 2008**

House File 2034 - Introduced continued

PAG LIN

1 1 Section 1. DEPARTMENT OF CULTURAL AFFAIRS == POET  
 1 2 LAUREATE. There is appropriated from the general fund of the  
 1 3 state to the department of cultural affairs for the fiscal  
 1 4 year beginning July 1, 2008, and ending June 30, 2009, the  
 1 5 following amount, or so much thereof as is necessary, to be  
 1 6 used for the purpose designated:  
 1 7 For the purpose of reimbursing the actual and necessary  
 1 8 expenses incurred by the state poet laureate as a result of  
 1 9 the performance of duties under section 303.89:  
 1 10 ..... \$ 5,000

1 11 Sec. 2. Section 303.89, subsection 2, Code 2007, is  
 1 12 amended to read as follows:

1 13 2. If more than one meeting is required, the state poet  
 1 14 laureate nominating committee shall meet at the call of the  
 1 15 chairperson or as determined by the nominating committee and  
 1 16 select a list of three nominees, along with biographical and  
 1 17 professional information and supporting representative  
 1 18 material, who are residents of Iowa and who, based on their  
 1 19 poetic accomplishments, deserve recognition as the state poet  
 1 20 laureate. The list of nominees shall be transmitted to the  
 1 21 governor. The governor may select the state poet laureate  
 1 22 from the list of nominees for a two-year term of office. The  
 1 23 state poet laureate is an honorary state office and the  
 1 24 incumbent is entitled to no compensation as a result of the  
 1 25 appointment, but may be reimbursed for actual and necessary  
 1 26 expenses incurred in the performance of official duties as  
 1 27 determined by the director of the department of cultural  
 1 28 affairs.

EXPLANATION

1 29  
 1 30 This bill allows the state poet laureate to be reimbursed  
 1 31 for actual and necessary expenses incurred in the performance  
 1 32 of official duties as determined by the director of the  
 1 33 department of cultural affairs, and appropriates \$5,000 from  
 1 34 the general fund of the state to the department for fiscal  
 1 35 year 2008=2009 to reimburse the state poet laureate's



**Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
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House File 2034 - Introduced continued

- 2 1 expenses.
- 2 2 LSB 5439HH 82
- 2 3 kh/rj/8



Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
January 16, 2008

**House File 2035 - Introduced**

HOUSE FILE  
BY ANDERSON

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

**A BILL FOR**

- 1 An Act relating to certain county distress criteria under the
- 2 enterprise zone program.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 5544HH 82
- 5 tw/rj/8



Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
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House File 2035 - Introduced continued

PAG LIN

1 1 Section 1. Section 15E.194, subsection 1, paragraph c,  
1 2 Code Supplement 2007, is amended to read as follows:

1 3 c. The county has experienced a percentage population loss  
1 4 that ranks among the top twenty-five counties in the state  
1 5 between 1995 and 2000.

1 6 (1) For purposes of this paragraph "c", prison population  
1 7 shall be excluded in the population loss calculations.

1 8 (2) If a county not otherwise qualified to participate in  
1 9 the enterprise zone program qualifies as a result of excluding  
1 10 the county's prison population, a business engaged in the  
1 11 production of ethanol or biodiesel in the county,  
1 12 notwithstanding its status as an eligible business under  
1 13 section 15E.193, shall not be eligible for assistance under  
1 14 section 15E.196.

1 15 EXPLANATION

1 16 This bill relates to certain county distress criteria under  
1 17 the enterprise zone program.

1 18 Currently, an enterprise zone may be designated by a county  
1 19 that meets two of four possible distress criteria. One of the  
1 20 criteria is that the county must have experienced a percentage  
1 21 population loss between 1995 and 2000 that ranks it among the  
1 22 top 25 counties in the state for population loss.

1 23 The bill qualifies the population loss criterion by  
1 24 providing that the county's prison population cannot be used  
1 25 in calculating the population.

1 26 The bill further provides that ethanol and biodiesel  
1 27 businesses in the county are not eligible for enterprise zone  
1 28 assistance in the form of tax credits, payments, or refunds if  
1 29 the county qualifies for the enterprise zone program only when  
1 30 its prison population is excluded from the calculation.

1 31 LSB 5544HH 82

1 32 tw/rj/8



Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
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**House File 2036 - Introduced**

HOUSE FILE  
BY TYMESON

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

**A BILL FOR**

- 1 An Act requiring a school district to return a portion of state
- 2 funding for each dropout in the district.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 5303YH 82
- 5 ak/sc/5



Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
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House File 2036 - Introduced continued

PAG LIN

1 1 Section 1. NEW SECTION. 257.41A DROPOUT PENALTIES.  
1 2 1. For each dropout in the previous school year, twenty  
1 3 percent of the state cost per pupil, as defined in section  
1 4 257.9, shall be refunded to the department of education for  
1 5 deposit in the state treasury by June 30 of the current fiscal  
1 6 year. The department of education in consultation with the  
1 7 department of management shall determine the amount to be  
1 8 refunded by each school district and shall notify each  
1 9 district by the last day of February of each year.  
1 10 2. For the purposes of this section, "dropout" means a  
1 11 resident pupil who has been enrolled in a public school in any  
1 12 of grades seven through twelve who withdrew from school for a  
1 13 reason other than to transfer to another school or school  
1 14 district.

1 15 EXPLANATION

1 16 This bill requires a school district to refund 20 percent  
1 17 of the amount paid by the state to the district as the state  
1 18 cost per pupil for each student that became a dropout in the  
1 19 previous school year. The bill defines "dropout". The funds  
1 20 shall be returned to the department of education by June 30 of  
1 21 the current fiscal year. The department of education and  
1 22 department of management shall determine the amount each  
1 23 school district shall owe and shall notify each district by  
1 24 the last day of February of each year.

1 25 LSB 5303YH 82

1 26 ak/sc/5



Iowa General Assembly  
 Daily Bills, Amendments & Study Bills  
 January 16, 2008

House File 2037 - Introduced

HOUSE FILE

BY KAUFMANN, TOMENGA, GRASSLEY,  
 TYMESON, BOAL, MAY, CLUTE,  
 WATTS, WORTHAN, CHAMBERS,  
 GRANZOW, DE BOEF, HUSEMAN,  
 UPMEYER, WIENCEK, RAECKER,  
 RAYHONS, ANDERSON, HOFFMAN,  
 GREINER, PETTENGILL, DRAKE,  
 FORRISTALL, HEATON, PAULSEN,  
 STRUYK, TJEPKES, SODERBERG,  
 SANDS, SCHICKEL, JACOBS,  
 L. MILLER, ALONS, DOLECHECK,  
 BAUDLER, RASMUSSEN,  
 VAN ENGELENHOVEN, ARNOLD,  
 HORBACH, VAN FOSSEN,  
 WINDSCHITL, and ROBERTS

Passed House, Date \_\_\_\_\_  
 Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
           Approved

Passed Senate, Date \_\_\_\_\_  
 Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_

**A BILL FOR**

- 1 An Act exempting active duty pay of members of the armed forces
- 2 military reserve and national guard and including a
- 3 retroactive applicability date provision.
- 4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 5 TLSB 523YH 82
- 6 mg/rj/24



Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
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House File 2037 - 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. 53. Subtract, to the extent included,  
1 4 active duty pay received by a member in the armed forces  
1 5 military reserve or Iowa national guard including pay received  
1 6 for training.

1 7 Sec. 2. RETROACTIVE APPLICABILITY DATE. This Act applies  
1 8 retroactively to January 1, 2008, for tax years beginning on  
1 9 or after that date.

1 10 EXPLANATION

1 11 This bill exempts active duty pay including pay received  
1 12 for training by members of the armed forces military reserve  
1 13 and Iowa national guard.

1 14 The bill applies retroactively to January 1, 2008, for tax  
1 15 years beginning on or after that date.

1 16 LSB 5523YH 82

1 17 mg/rj/24



Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
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House Study Bill 505

SENATE/HOUSE FILE  
BY (PROPOSED JUDICIAL  
BRANCH BILL)

Passed Senate, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved

Passed House, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_

**A BILL FOR**

- 1 An Act relating to the regulation and certification of shorthand
- 2 reporters and the appropriation of fees to offset costs.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 5476DP 82
- 5 jm/rj/8



Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
January 16, 2008

House Study Bill 505 continued

PAG LIN

1 1 Section 1. Section 602.3101, subsection 2, Code 2007, is  
1 2 amended by striking the subsection and inserting in lieu  
1 3 thereof the following:

1 4 2. The supreme court shall appoint an administrator to  
1 5 manage the functions of the board.

1 6 Sec. 2. Section 602.3106, subsection 2, Code 2007, is  
1 7 amended by striking the subsection and inserting in lieu  
1 8 thereof the following:

1 9 2. The fees collected shall be used to offset the expenses  
1 10 of the board, including the costs of administering the  
1 11 examination.

1 12 EXPLANATION

1 13 This bill relates to the regulation and certification of  
1 14 shorthand reporters and the appropriation of fees to offset  
1 15 costs.

1 16 The bill authorizes the supreme court to appoint the  
1 17 administrator for the board of examiners of shorthand  
1 18 reporters. Current law designates the state court  
1 19 administrator or a designee of the state court administrator  
1 20 to act as administrator to the board.

1 21 The bill provides that the fees collected for shorthand  
1 22 certification examinations shall be used to offset the  
1 23 expenses of the board of examiners of shorthand reporters,  
1 24 including the costs of administering the examination. Current  
1 25 law provides that the state court administrator collect and  
1 26 account for all the examination fees collected.

1 27 Under current law, the fees shall be based upon the annual  
1 28 cost of administering the examinations and upon the  
1 29 administrative costs of maintaining the board.

1 30 LSB 5476DP 82

1 31 jm/rj/8



Iowa General Assembly  
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House Study Bill 506

SENATE/HOUSE FILE  
BY (PROPOSED CITIZENS' AIDE/  
OMBUDSMAN BILL)

Passed Senate, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved

Passed House, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_

**A BILL FOR**

- 1 An Act relating to the Iowa civil rights Act by expanding the
- 2 public accommodations protections of the Act to include
- 3 correctional facilities.
- 4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 5 TL5B 5460DP 82
- 6 rh/nh/5



Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
January 16, 2008

House Study Bill 506 continued

PAG LIN

1 1 Section 1. Section 216.2, subsection 13, unnumbered  
1 2 paragraph 2, Code Supplement 2007, is amended to read as  
1 3 follows:  
1 4 "Public accommodation" includes each state and local  
1 5 government unit or tax-supported district of whatever kind,  
1 6 nature, or class that offers services, facilities, benefits,  
1 7 grants or goods to the public, gratuitously or otherwise.  
1 8 "Public accommodation" also includes each jail or other penal,  
1 9 correctional, or detention facility of the state or a  
1 10 political subdivision of the state and each community-based  
1 11 correctional program of a judicial district department of  
1 12 correctional services. This paragraph shall not be construed  
1 13 by negative implication or otherwise to restrict any part or  
1 14 portion of the preexisting definition of the term "public  
1 15 accommodation".

1 16

EXPLANATION

1 17 This bill amends the Iowa civil rights Act by expanding the  
1 18 definition of "public accommodation" to include jails and  
1 19 other penal, correctional, and detention facilities of the  
1 20 state and its political subdivisions. Community-based  
1 21 correctional programs are also included in the definition.

1 22 The Iowa civil rights commission has jurisdiction over  
1 23 unfair and discriminatory practices with respect to public  
1 24 accommodations.

1 25 LSB 5460DP 82

1 26 rh/nh/5



Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
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House Study Bill 507

SENATE/HOUSE FILE  
BY (PROPOSED CIVIL RIGHTS  
COMMISSION BILL)

Passed Senate, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved

Passed House, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_

**A BILL FOR**

- 1 An Act expanding the time period during which a complaint may be
- 2 filed with the Iowa civil rights commission.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 5324XD 82
- 5 rh/rj/8



Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
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House Study Bill 507 continued

PAG LIN

1 1 Section 1. Section 216.15, subsection 12, Code Supplement  
1 2 2007, is amended to read as follows:  
1 3 12. Except as provided in section 614.8, a claim under  
1 4 this chapter shall not be maintained unless a complaint is  
1 5 filed with the commission within ~~one~~ three hundred ~~eighty~~  
1 6 after the alleged discriminatory or unfair practice occurred.

1 7 EXPLANATION

1 8 This bill expands the time period during which a complaint  
1 9 may be filed with the Iowa civil rights commission from 180 to  
1 10 300 days after the alleged discriminatory or unfair practice  
1 11 occurred.

1 12 The Iowa civil rights commission enforces state and federal  
1 13 statutes that prohibit discrimination in employment, public  
1 14 accommodations, housing, education, and credit by  
1 15 investigating and litigating civil rights complaints.

1 16 LSB 5324XD 82

1 17 rh/rj/8



Iowa General Assembly  
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House Study Bill 508

SENATE/HOUSE FILE  
BY (PROPOSED JUDICIAL  
BRANCH BILL)

Passed Senate, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved

Passed House, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_

A BILL FOR

1 An Act relating to filing and docketing fees collected by the  
2 clerk of the district court for parking violations and tribal  
3 judgments, fees for examination and admission to practice law,  
4 appropriations from the jury and witness fee revolving fund,  
5 and providing an effective date.  
6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
7 TLSB 5469DP 82  
8 jm/rj/5



Iowa General Assembly  
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House Study Bill 508 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~~



Iowa General Assembly  
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~~House Study Bill 508 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



**Iowa General Assembly  
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House Study Bill 508 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 5469DP 82  
3 28 jm/rj/5



Iowa General Assembly  
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House Study Bill 509

SENATE/HOUSE FILE  
BY (PROPOSED ETHICS AND  
CAMPAIGN DISCLOSURE  
BOARD BILL)

Passed Senate, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved

Passed House, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_

A BILL FOR

- 1 An Act relating to campaign signs and contributions.
- 2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 3 TLSB 5458DP 82
- 4 jr/rj/24



Iowa General Assembly  
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House Study Bill 509 continued

PAG LIN

1 1 Section 1. Section 53.10, unnumbered paragraph 3, Code  
1 2 Supplement 2007, is amended to read as follows:  
1 3 During the hours when absentee ballots are available in the  
1 4 office of the commissioner, ~~the posting of political signs is~~  
~~1 5 prohibited within three hundred feet of the absentee voting~~  
~~1 6 site. No electioneering shall not~~ be allowed within the sight  
1 7 or hearing of voters at the absentee voting site.  
1 8 Sec. 2. Section 53.11, subsection 4, Code Supplement 2007,  
1 9 is amended to read as follows:  
1 10 4. During the hours when absentee ballots are available at  
1 11 a satellite absentee voting station, ~~the posting of political~~  
~~1 12 signs is prohibited within three hundred feet of the satellite~~  
~~1 13 absentee voting station. Electioneering electioneering~~ shall  
1 14 not be allowed within the sight or hearing of voters at the  
1 15 satellite absentee voting station.  
1 16 Sec. 3. Section 68A.404, subsection 1, Code 2007, is  
1 17 amended to read as follows:  
1 18 1. As used in this section, "independent expenditure"  
1 19 means one or more expenditures in excess of ~~seven hundred~~  
~~1 20 fifty~~ one hundred dollars in the aggregate for a communication  
1 21 that expressly advocates the nomination, election, or defeat  
1 22 of a clearly identified candidate or the passage or defeat of  
1 23 a ballot issue that is made without the prior approval or  
1 24 coordination with a candidate, candidate's committee, or a  
1 25 ballot issue committee.  
1 26 Sec. 4. Section 68A.404, subsection 3, paragraph a, Code  
1 27 2007, is amended to read as follows:  
1 28 a. An independent expenditure statement shall be filed  
1 29 within forty-eight hours of the making of an independent  
1 30 expenditure in excess of ~~seven hundred fifty~~ one hundred  
1 31 dollars in the aggregate.  
1 32 Sec. 5. Section 68A.406, Code Supplement 2007, is amended  
1 33 to read as follows:  
1 34 68A.406 CAMPAIGN SIGNS == YARD SIGNS.  
1 35 1. Campaign signs may be placed with the permission of the



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House Study Bill 509 continued

2 1 property owner or lessee on any of the following:

2 2 a. Residential property.

2 3 b. Agricultural land owned by individuals or by a family  
2 4 farm operation as defined in section 9H.1, subsections 8, 9,  
2 5 and 10.

2 6 c. Property leased for residential purposes including, but  
2 7 not limited to, apartments, condominiums, college housing  
2 8 facilities, and houses if placed only on leased property space  
2 9 that is actually occupied.

2 10 d. Vacant lots owned by a ~~private individual~~ person who is  
2 11 not a prohibited contributor under section 68A.503.

2 12 e. Property owned by an organization that is not a  
2 13 prohibited contributor under section 68A.503.

2 14 f. Property leased by a candidate, committee, or an  
2 15 organization established to advocate the nomination, election,  
2 16 or defeat of a candidate or the passage or defeat of a ballot  
2 17 issue that has not yet registered pursuant to section 68A.201,  
2 18 when the property is used as campaign headquarters or a  
2 19 campaign office and the placement of the sign is limited to  
2 20 the space that is actually leased.

2 21 2. a. Campaign signs shall not be placed on any of the  
2 22 following:

2 23 ~~a-~~ (1) Any property owned by the state or the governing  
2 24 body of a county, city, or other political subdivision of the  
2 25 state, including all property considered the public  
2 26 right-of-way. Upon a determination by the board that a sign  
2 27 has been improperly placed, the sign shall be removed by  
2 28 highway authorities as provided in section 318.5, or by county  
2 29 or city law enforcement authorities in a manner consistent  
2 30 with section 318.5.

2 31 ~~b-~~ (2) Property owned, leased, or occupied by a  
2 32 prohibited contributor under section 68A.503 unless the sign  
2 33 advocates the passage or defeat of a ballot issue or is  
2 34 exempted under subsection 1.

2 35 ~~c-~~ (3) On any property without the permission of the



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House Study Bill 509 continued

3 1 property owner or lessee.

3 2 ~~d.~~ (4) On election day either on the premises of any  
3 3 polling place or within three hundred feet of any outside door  
3 4 of any building affording access to any room where the polls  
3 5 are held, or of any outside door of any building affording  
3 6 access to any hallway, corridor, stairway, or other means of  
3 7 reaching the room where the polls are held.

3 8 ~~e.~~ (5) Within On the premises of or within three hundred  
3 9 feet of any outside door of any building affording access to  
3 10 an absentee voting site during the hours when absentee ballots  
3 11 are available in the office of the county commissioner of  
3 12 elections as provided in section 53.10.

3 13 ~~f.~~ (6) Within On the premises of or within three hundred  
3 14 feet of any outside door of any building affording access to a  
3 15 satellite absentee voting station during the hours when  
3 16 absentee ballots are available at the satellite absentee  
3 17 voting station as provided in section 53.11.

3 18 ~~b. Paragraphs "d", "e", and "f"~~ Paragraph "a",  
3 19 subparagraphs (4), (5), and (6) shall not apply to the posting  
3 20 of signs on private property not a polling place, except that  
3 21 the placement of a sign on a motor vehicle, trailer, or  
3 22 semitrailer, or any attachment to a motor vehicle, trailer, or  
3 23 semitrailer parked on public property within three hundred  
3 24 feet of any outside door of any building affording access to  
3 25 any room serving as a polling place, which sign is more than  
3 26 ninety square inches in size, is prohibited.

3 27 3. Campaign signs with dimensions of thirty-two square  
3 28 feet or less are exempt from the attribution statement  
3 29 requirement in section 68A.405. Campaign signs in excess of  
3 30 thirty-two square feet, or signs that are affixed to buildings  
3 31 or vehicles regardless of size except for bumper stickers, are  
3 32 required to include the attribution statement required by  
3 33 section 68A.405. The placement or erection of campaign signs  
3 34 shall be exempt from the requirements of chapter 480 relating  
3 35 to underground facilities information.



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4 1 Sec. 6. Section 68A.503, subsection 5, Code Supplement  
4 2 2007, is amended by striking the subsection and inserting in  
4 3 lieu thereof the following:

4 4 5. For purposes of this section:

4 5 a. "Committee" includes a statutory political committee  
4 6 organized under chapter 43 and a nonparty political  
4 7 organization organized under chapter 44.

4 8 b. "Corporation" includes a limited liability company or S  
4 9 corporation, but does not include a family farm operation as  
4 10 defined in section 9H.1, subsections 8, 9, and 10.

4 11 EXPLANATION

4 12 This bill moves current restrictions concerning campaign  
4 13 signs near absentee voting sites and satellite absentee voting  
4 14 stations from Code chapter 53 to Code chapter 68A, and  
4 15 specifies that the 300 foot restriction is measured from the  
4 16 outside door of the voting premises. Code chapter 53  
4 17 provisions continue to prohibit electioneering within the  
4 18 sight or hearing of voters.

4 19 The bill lowers the reporting threshold for independent  
4 20 expenditures from \$750 to \$100.

4 21 The bill adds a definition for the term "corporation" to  
4 22 include limited liability companies and S corporations as that  
4 23 term relates to limitations on political campaign  
4 24 contributions.

4 25 The bill specifies restrictions on yard signs, providing  
4 26 that signs may be placed on property leased for college  
4 27 housing facilities on leased property space that is actually  
4 28 occupied, and on vacant lots owned by a person who is not a  
4 29 prohibited contributor.

4 30 LSB 5458DP 82

4 31 jr/rj/24



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House Study Bill 510

SENATE/HOUSE FILE  
BY (PROPOSED DEPARTMENT OF  
PUBLIC SAFETY BILL)

Passed Senate, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved

Passed House, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_

A BILL FOR

- 1 An Act providing for changes in electrician licensure
- 2 requirements for specified licensure classifications, and
- 3 providing an effective date.
- 4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 5 TLSB 5366DP 82
- 6 rn/rj/8



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House Study Bill 510 continued

PAG LIN

1 1 Section 1. Section 103.10, subsection 3, paragraph a, Code  
1 2 Supplement 2007, is amended to read as follows:

1 3 a. An applicant who can provide proof acceptable to the  
1 4 board that the applicant has been working in the electrical  
1 5 business and involved in planning for, laying out,  
1 6 supervising, and installing electrical wiring, apparatus, or  
1 7 equipment for light, heat, and power ~~prior to 1990~~ since  
1 8 January 1, 1998, and for a total of at least sixteen thousand  
1 9 hours, of which at least eight thousand hours shall have been  
1 10 accumulated since January 1, 1998, may be granted a class B  
1 11 master electrician license without taking an examination. An  
1 12 applicant who is issued a class B master electrician license  
1 13 pursuant to this section shall not be authorized to plan, lay  
1 14 out, or supervise the installation of electrical wiring,  
1 15 apparatus, and equipment in a political subdivision which,  
1 16 prior to or after January 1, 2008, establishes licensing  
1 17 standards which preclude such work by class B master  
1 18 electricians in the political subdivision. The board shall  
1 19 adopt rules establishing procedures relating to the  
1 20 restriction of a class B master electrician license pursuant  
1 21 to this subsection.

1 22 Sec. 2. Section 103.12, subsection 3, paragraph a, Code  
1 23 Supplement 2007, is amended to read as follows:

1 24 a. An applicant who can provide proof acceptable to the  
1 25 board that the applicant has been employed as a journeyman  
1 26 electrician ~~since 1990~~ since January 1, 1998, and for a total of at  
1 27 least sixteen thousand hours, of which at least eight thousand  
1 28 hours shall have been accumulated since January 1, 1998, may  
1 29 be granted a class B journeyman electrician license without  
1 30 taking an examination. An applicant who is issued a class B  
1 31 journeyman electrician license pursuant to this section shall  
1 32 not be authorized to wire for or install electrical wiring,  
1 33 apparatus, and equipment in a political subdivision which,  
1 34 prior to or after January 1, 2008, establishes licensing  
1 35 standards which preclude such work by class B journeyman



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House Study Bill 510 continued

2 1 electricians in the political subdivision. The board shall  
2 2 adopt rules establishing procedures relating to the  
2 3 restriction of a class B journeyman electrician license  
2 4 pursuant to this subsection.

2 5 Sec. 3. EFFECTIVE DATE. This Act, being deemed of  
2 6 immediate importance, takes effect upon enactment.

2 7 EXPLANATION

2 8 This bill modifies requirements applicable for licensure as  
2 9 a Class B master electrician or a Class B journeyman  
2 10 electrician pursuant to Code chapter 103. Currently, an  
2 11 applicant who can provide proof that the applicant has been  
2 12 working in the electrical business and involved in planning  
2 13 for, laying out, supervising, and installing electrical  
2 14 wiring, apparatus, or equipment for light, heat, and power  
2 15 prior to 1990 may be granted a Class B master electrician  
2 16 license by the electrical examining board without taking an  
2 17 examination. The bill changes the condition for licensure  
2 18 without an examination to performing the applicable work  
2 19 activities since January 1, 1998, and for a total of at least  
2 20 16,000 hours, of which at least 8,000 hours shall have been  
2 21 accumulated since January 1, 1998. Similarly, an applicant  
2 22 who can provide proof that the applicant has been employed as  
2 23 a journeyman electrician may currently be granted licensure as  
2 24 a Class B journeyman electrician without taking an examination  
2 25 if so employed since 1990. The bill makes a corresponding  
2 26 change in the condition for licensure as a Class B journeyman  
2 27 electrician without an examination to employment since January  
2 28 1, 1998, and for a total of at least 16,000 hours, of which at  
2 29 least 8,000 hours shall have been accumulated since January 1,  
2 30 1998.

2 31 The bill takes effect upon enactment.

2 32 LSB 5366DP 82

2 33 rn/rj/8.1



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House Study Bill 511

SENATE/HOUSE FILE  
BY (PROPOSED DEPARTMENT OF  
INSPECTIONS AND APPEALS  
BILL)

Passed Senate, Date \_\_\_\_\_ Passed House, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved

A BILL FOR

- 1 An Act relating to the annual renewal fee for licensure of
- 2 hospitals.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 5490DP 82
- 5 jr/rj/5



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House Study Bill 511 continued

PAG LIN

1 1 Section 1. Section 135B.5, unnumbered paragraph 1, Code  
1 2 2007, is amended to read as follows:  
1 3 Upon receipt of an application for license and the license  
1 4 fee, the department shall issue a license if the applicant and  
1 5 hospital facilities comply with this chapter and the rules of  
1 6 the department. Each licensee shall receive annual reapproval  
1 7 upon payment of ~~ten~~ one hundred dollars and upon filing of an  
1 8 application form which is available from the department.  
1 9 Licenses shall be either general or restricted in form. Each  
1 10 license shall be issued only for the premises and persons or  
1 11 governmental units named in the application and is not  
1 12 transferable or assignable except with the written approval of  
1 13 the department. Licenses shall be posted in a conspicuous  
1 14 place on the licensed premises as prescribed by rule of the  
1 15 department.

1 16 EXPLANATION

1 17 Code chapter 135B provides for the establishment and  
1 18 enforcement of basic standards for the care and treatment of  
1 19 individuals in hospitals and for the construction,  
1 20 maintenance, and operation of such hospitals. Under this  
1 21 regulatory program all hospitals must be licensed by the  
1 22 department.

1 23 This bill would increase the annual renewal fee for  
1 24 hospital licensure from \$10 to \$100.

1 25 LSB 5490DP 82

1 26 jr/rj/5



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House Study Bill 512

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

Passed House, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved

Passed Senate, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_

A BILL FOR

- 1 An Act providing for advance notification of the need to renew a
- 2 driver's license.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 5399HC 82
- 5 dea/nh/5



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House Study Bill 512 continued

PAG LIN

1 1 Section 1. Section 321.196, subsection 1, Code 2007, is  
1 2 amended to read as follows:  
1 3 1. a. Except as otherwise provided, a driver's license,  
1 4 other than an instruction permit, chauffeur's instruction  
1 5 permit, or commercial driver's instruction permit issued under  
1 6 section 321.180, expires five years from the licensee's  
1 7 birthday anniversary occurring in the year of issuance if the  
1 8 licensee is between the ages of seventeen years eleven months  
1 9 and seventy years on the date of issuance of the license. If  
1 10 the licensee is under the age of seventeen years eleven months  
1 11 or age seventy or over, the license is effective for a period  
1 12 of two years from the licensee's birthday anniversary  
1 13 occurring in the year of issuance. A licensee whose license  
1 14 is restricted due to vision or other physical deficiencies may  
1 15 be required to renew the license every two years. If a  
1 16 licensee is a foreign national who is temporarily present in  
1 17 this state, the license shall be issued only for the length of  
1 18 time the foreign national is authorized to be present as  
1 19 determined by the department, not to exceed two years.  
1 20 b. On or about the first day of each month, the department  
1 21 shall notify a licensee whose driver's license is due to  
1 22 expire in the following month of the need to renew the license  
1 23 and the period for renewal. The notice shall be mailed to the  
1 24 most recent address of record provided by the licensee  
1 25 pursuant to section 321.182, or the notice may be sent  
1 26 electronically by prior arrangement with the licensee.  
1 27 Failure to receive a renewal notice shall not affect the  
1 28 expiration of a license or the requirements for renewal of an  
1 29 expired license.

1 30

EXPLANATION

1 31 This bill requires the state department of transportation  
1 32 to send a notice on or about the first day of each month to a  
1 33 person whose driver's license will expire in the following  
1 34 month. The notice shall be sent to the most recent address of  
1 35 record for the licensee, or may be sent electronically by



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2 1 prior arrangement with the licensee. The expiration of a  
2 2 license or the requirements for renewal are not affected by  
2 3 the failure of a licensee to receive the notice.  
2 4 LSB 5399HC 82  
2 5 dea/nh/5



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House Study Bill 513

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

Passed Senate, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved

Passed House, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_

**A BILL FOR**

- 1 An Act relating to requirements for operation of a motor vehicle
- 2 in merging traffic and providing a penalty.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 5481DP 82
- 5 dea/rj/14



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House Study Bill 513 continued

PAG LIN

1 1 Section 1. NEW SECTION. 321.319A DRIVERS REQUIRED TO  
1 2 MERGE.  
1 3 Notwithstanding section 321.319, where traffic lanes are  
1 4 provided for merging traffic, each driver of a vehicle on the  
1 5 converging roadways or lanes shall adjust the speed and  
1 6 lateral position of the vehicle as necessary to avoid a  
1 7 collision with any other vehicle and to facilitate safe entry  
1 8 of merging vehicles into the common lane. However, the driver  
1 9 of a vehicle traveling on any traffic lane, ramp, or  
1 10 converging roadway marked with a yield sign, stop sign, or  
1 11 other traffic control sign or signal shall obey such sign or  
1 12 signal.

1 13 A person convicted of a violation of this section is guilty  
1 14 of a simple misdemeanor punishable as a scheduled violation  
1 15 under section 805.8A, subsection 7, paragraph "b".

1 16 Sec. 2. Section 805.8A, subsection 7, paragraph b, Code  
1 17 2007, is amended to read as follows:

1 18 b. For violations under sections 321.298, 321.307,  
1 19 321.308, 321.313, 321.319, 321.319A, 321.320, 321.321,  
1 20 321.327, 321.329, and 321.333, the scheduled fine is  
1 21 thirty-five dollars.

1 22 EXPLANATION

1 23 This bill describes the actions motorists must take when  
1 24 driving in merging traffic. Drivers on traffic lanes, ramps,  
1 25 or converging roadways are required to obey yield or stop  
1 26 signs where provided. In the absence of such signage, each  
1 27 driver of a vehicle on converging roadways or lanes shall  
1 28 adjust the speed and lateral position of the vehicle as  
1 29 necessary to avoid collisions and to facilitate safe merging  
1 30 of vehicles. A violation is punishable by a scheduled fine of  
1 31 \$35.

1 32 LSB 5481DP 82

1 33 dea/rj/14



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Senate File 2013 - Introduced

SENATE FILE

BY BOLKCOM, CONNOLLY, DOTZLER,  
DVORSKY, QUIRMBACH, APPEL,  
McCOY, and KREIMAN

Passed Senate, Date \_\_\_\_\_

Passed House, Date \_\_\_\_\_

Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_

Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_

Approved

A BILL FOR

1 An Act creating additional penalties for certain traffic offenses  
2 which result in serious injury or death to vulnerable users of  
3 roadways.  
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
5 TL5B 5048SS 82  
6 md/rj/5



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Senate File 2013 - Introduced continued

PAG LIN

1 1 Section 1. Section 321.1, Code 2007, is amended by adding  
1 2 the following new subsection:

1 3 NEW SUBSECTION. 93A. "Vulnerable user" means a  
1 4 pedestrian, highway worker, person riding an animal, or person  
1 5 operating any of the following on a roadway, sidewalk,  
1 6 crosswalk, intersection, or shoulder of the highway:

1 7 a. A farm tractor or implement of husbandry without an  
1 8 enclosed shell.

1 9 b. A skateboard.

1 10 c. Roller skates.

1 11 d. In-line skates.

1 12 e. A scooter.

1 13 f. A bicycle.

1 14 Sec. 2. Section 321.277, Code 2007, is amended to read as  
1 15 follows:

1 16 321.277 RECKLESS DRIVING.

1 17 Any person who drives any vehicle in such manner as to  
1 18 indicate either a willful or a wanton disregard for the safety  
1 19 of persons or property is guilty of reckless driving.

1 20 Every person convicted of reckless driving shall be guilty  
1 21 of a simple misdemeanor. A person in violation of this  
1 22 section and involving the serious injury or death of a  
1 23 vulnerable user may also be subject to the penalties under  
1 24 section 321.482B.

1 25 Sec. 3. Section 321.277A, Code 2007, is amended to read as  
1 26 follows:

1 27 321.277A CARELESS DRIVING.

1 28 1. A person commits careless driving if the person  
1 29 intentionally operates a motor vehicle on a public road or  
1 30 highway in any one of the following ways:

1 31 ~~1.~~ a. Creates or causes unnecessary tire squealing,  
1 32 skidding, or sliding upon acceleration or stopping.

1 33 ~~2.~~ b. Simulates a temporary race.

1 34 ~~3.~~ c. Causes any wheel or wheels to unnecessarily lose  
1 35 contact with the ground.



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Senate File 2013 - Introduced continued

2 1 ~~4.~~ d. Causes the vehicle to unnecessarily turn abruptly  
2 2 or sway.  
2 3 2. A person in violation of this section and involving the  
2 4 serious injury or death of a vulnerable user may also be  
2 5 subject to the penalties under section 321.482B.  
2 6 Sec. 4. Section 321.278, unnumbered paragraph 1, Code  
2 7 2007, is amended to read as follows:  
2 8 ~~No~~ A person shall not engage in any motor vehicle speed  
2 9 contest or exhibition of speed on any street or highway of  
2 10 this state and ~~no~~ a person shall not aid or abet any motor  
2 11 vehicle speed contest or speed exhibition on any street or  
2 12 highway of this state, except that a passenger shall not be  
2 13 considered as aiding and abetting. Motor vehicle speed  
2 14 contest or exhibition of speed are defined as one or more  
2 15 persons competing in speed in excess of the applicable speed  
2 16 limit in vehicles on the public streets or highways. A person  
2 17 in violation of this section and involving the serious injury  
2 18 or death of a vulnerable user may also be subject to the  
2 19 penalties under section 321.482B.  
2 20 Sec. 5. Section 321.279, Code 2007, is amended by adding  
2 21 the following new subsection:  
2 22 NEW SUBSECTION. 4. A person in violation of this section  
2 23 and involving the serious injury or death of a vulnerable user  
2 24 may also be subject to the penalties under section 321.482B.  
2 25 Sec. 6. NEW SECTION. 321.482B VIOLATIONS RESULTING IN  
2 26 SERIOUS INJURY OR DEATH OF VULNERABLE USERS == ADDITIONAL  
2 27 PENALTIES.  
2 28 1. Notwithstanding section 321.482, a person who is  
2 29 convicted of operating a motor vehicle in violation of section  
2 30 321.277, 321.277A, subsection 1, section 321.278, or 321.279  
2 31 shall be subject to the penalties under subsection 2 in  
2 32 addition to any other penalty provided by law.  
2 33 2. If the court determines that the violation described in  
2 34 subsection 1 contributed to the serious injury, as defined in  
2 35 section 702.18, or death of a vulnerable user of a roadway,



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Senate File 2013 - Introduced continued

3 1 the court shall:

3 2 a. Impose a sentence that requires the person to do all of  
3 3 the following:

3 4 (1) Complete a traffic safety course approved by the  
3 5 department.

3 6 (2) Perform at least one hundred, but no more than two  
3 7 hundred hours of community service. The community service  
3 8 must include activities related to driver improvement or  
3 9 traffic safety.

3 10 b. Impose, but suspend on the condition that the person  
3 11 complete the requirements of subsection 1, all of the  
3 12 following:

3 13 (1) A fine of no more than twelve thousand five hundred  
3 14 dollars.

3 15 (2) A suspension of driving privileges for one year.

3 16 c. Set a hearing date at least one year but no more than  
3 17 fourteen months from the date of sentencing.

3 18 d. At the hearing described in paragraph "c", the court  
3 19 shall do one of the following:

3 20 (1) If the person has successfully completed the  
3 21 requirements described in paragraph "a", dismiss the penalties  
3 22 imposed under paragraph "b".

3 23 (2) If the person has not successfully completed the  
3 24 requirements described in paragraph "a", do one of the  
3 25 following:

3 26 (a) Grant the person an extension of time to complete the  
3 27 requirements based on good cause shown.

3 28 (b) Impose the penalties under paragraph "b".

3 29 3. The department shall make available to the public a  
3 30 list of approved traffic safety courses available to fulfill  
3 31 the requirements of subsection 2, paragraph "a", subparagraph  
3 32 (1).

3 33 Sec. 7. Section 805.8A, subsection 6, paragraph b, Code  
3 34 2007, is amended to read as follows:

3 35 b. For violations under section 321.275, subsections 1



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4 1 through 7, ~~sections~~ section 321.277A, subsection 1, sections  
4 2 321.315, 321.316, 321.318, 321.363, and 321.365, the scheduled  
4 3 fine is twenty-five dollars.

4 4 EXPLANATION

4 5 This bill creates additional penalties for persons  
4 6 convicted of reckless driving, careless driving, drag racing,  
4 7 or eluding law enforcement vehicles when the offense  
4 8 contributes to the serious injury or death of a vulnerable  
4 9 user. The bill defines "vulnerable user" as a pedestrian,  
4 10 highway worker, person riding an animal, or person operating a  
4 11 farm tractor or implement of husbandry without an enclosed  
4 12 shell, a skateboard, roller skates, in-line skates, a scooter,  
4 13 or a bicycle on a roadway, sidewalk, crosswalk, intersection,  
4 14 or shoulder of the highway.

4 15 If the court determines that a specified violation  
4 16 involving the serious injury or death of a vulnerable user has  
4 17 occurred, it shall impose a sentence that requires the person  
4 18 to complete a traffic safety course and perform between 100  
4 19 and 200 hours of community service. The community service  
4 20 must include activities related to driver improvement or  
4 21 traffic safety. The court shall also impose, but suspend, a  
4 22 sentence which includes a fine of up to \$12,500 and a  
4 23 suspension of driving privileges for one year.

4 24 At a court hearing one year but no more than 14 months  
4 25 after the date of sentencing, the court shall determine if the  
4 26 person has completed the traffic safety course and the  
4 27 required community service. If the person has successfully  
4 28 completed the traffic safety course and community service the  
4 29 court shall dismiss the suspended fine and license suspension.  
4 30 If the court determines that the requirements have not been  
4 31 met, it shall impose the fine and one-year license suspension,  
4 32 unless good cause for an extension of time to complete the  
4 33 requirements has been shown.

4 34 The bill also requires the department of transportation to  
4 35 create a list of approved traffic safety courses available to



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Senate File 2013 - Introduced continued

5 1 fulfill the requirements of new Code section 321.482B.  
5 2 LSB 5048SS 82  
5 3 md/rj/5



Iowa General Assembly  
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**Senate File 2014 - Introduced**

SENATE FILE  
BY SENG

(COMPANION TO LSB 5144HH  
BY LYKAM)

Passed Senate, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved

Passed House, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_

**A BILL FOR**

- 1 An Act relating to contest events where an animal is injured,
- 2 tormented, or killed, by providing a penalty for spectators.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 5144SS 82
- 5 da/nh/8



Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
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Senate File 2014 - Introduced continued

PAG LIN

1 1 Section 1. Section 717D.4, Code 2007, is amended to read  
1 2 as follows:

1 3 717D.4 ~~PENALTIES~~ PENALTY.

1 4 ~~1. Except as provided in subsection 2, a~~ A person who  
1 5 violates a provision of this chapter is guilty of a class "D"  
1 6 felony.

~~1 7 2. A person who violates section 717D.2 by acting as a  
1 8 spectator of a contest event conducted in this state is guilty  
1 9 of an aggravated misdemeanor.~~

1 10 EXPLANATION

1 11 This bill amends Code chapter 717D, which prohibits  
1 12 activities associated with a contest event, organized for  
1 13 entertainment or profit, where an animal is injured,  
1 14 tormented, or killed.

1 15 Code section 717D.2 prohibits a person from conducting an  
1 16 activity associated with a contest event, including owning or  
1 17 operating an establishment where a contest event occurs;  
1 18 promoting a contest event; possessing, transporting,  
1 19 transferring, or training an animal engaged in a contest  
1 20 event; or possessing a device used to enhance animal fighting.  
1 21 In addition, Code section 717D.2 prohibits a person from  
1 22 acting as a spectator of a contest event, regardless of  
1 23 whether the person paid admission to witness the contest  
1 24 event. Code section 717D.4 provides that a person who acts in  
1 25 violation of Code section 717D.2 is guilty of a class "D"  
1 26 felony. There is one exception, a person who acts as a  
1 27 spectator of a contest event is guilty of an aggravated  
1 28 misdemeanor. The bill makes a spectator also guilty of a  
1 29 class "D" felony.

1 30 An aggravated misdemeanor is punishable by confinement for  
1 31 no more than two years and a fine of at least \$500 but not  
1 32 more than \$5,000. A class "D" felony is punishable by  
1 33 confinement for no more than five years and a fine of at least  
1 34 \$750 but not more than \$7,500.

1 35 LSB 5144SS 82



**Iowa General Assembly  
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January 16, 2008**

Senate File 2014 - Introduced continued

2 1 da/nh/8



Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
January 16, 2008

**Senate File 2015 - Introduced**

SENATE FILE  
BY BEALL

Passed Senate, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved

Passed House, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_

**A BILL FOR**

- 1 An Act concerning the inclusion of certain racial and ethnic
- 2 categories in reports issued by a state agency.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 5281SS 82
- 5 ec/sc/5



Iowa General Assembly  
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Senate File 2015 - Introduced continued

PAG LIN

1 1 Section 1. NEW SECTION. 19B.19 STATE AGENCY REPORTS ==  
1 2 RACIAL AND ETHNIC CATEGORIES.  
1 3 A state agency that issues a public report that includes  
1 4 information or data that is categorized by race or ethnicity  
1 5 shall ensure that categories representing minority persons as  
1 6 described in section 15.102, subsection 5, are included unless  
1 7 otherwise provided by law.  
1 8 EXPLANATION  
1 9 This bill requires state agencies that issue a public  
1 10 report that includes information or data by racial and ethnic  
1 11 categories shall ensure that all the racial and ethnic  
1 12 categories described in Code section 15.102 == Black, Latino,  
1 13 Asian or Pacific Islander, American Indian, and Alaskan native  
1 14 American == are included.  
1 15 LSB 5281SS 82  
1 16 ec/sc/5



**Iowa General Assembly  
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**Senate File 2016 - Introduced**

SENATE FILE

BY BEALL, KIBBIE, COURTNEY,  
APPEL, FRAISE, DEARDEN,  
WOOD, OLIVE, QUIRMBACH,  
HOGG, SENG, HORN,  
WARNSTADT, DVORSKY,  
HECKROTH, SCHOENJAHN,  
DOTZLER, DANIELSON, SCHMITZ,  
RAGAN, STEWART, CONNOLLY,  
BOLKCOM, BLACK, and GRONSTAL

Passed Senate, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved

Passed House, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_

**A BILL FOR**

1 An Act relating to the duties of the commission on the status of  
2 Iowans of Asian and Pacific Islander heritage regarding  
3 interpreter qualifications.  
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
5 TL5B 5290SS 82  
6 jr/rj/24



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Senate File 2016 - Introduced continued

PAG LIN

1 1 Section 1. Section 216A.155, Code 2007, is amended by  
1 2 adding the following new subsection:  
1 3 NEW SUBSECTION. 14. Adopt rules, with stakeholder input,  
1 4 pursuant to chapter 17A, to develop a mechanism to ensure the  
1 5 qualifications of interpreters for Asian and Pacific Islander  
1 6 persons and maintain and provide a list of those deemed  
1 7 qualified to Iowa courts, administrative agencies, social  
1 8 service agencies, and health agencies, as requested.  
1 9 EXPLANATION  
1 10 This bill provides that the commission on the status of  
1 11 Iowans of Asian and Pacific Islander heritage of the  
1 12 department of human rights adopt rules pursuant to Code  
1 13 chapter 17A to develop a mechanism to ensure interpreter  
1 14 qualifications for the languages spoken by Asian and Pacific  
1 15 Islander persons. The bill also provides that the commission  
1 16 shall provide a list of qualified interpreters to a list of  
1 17 agencies and entities which include social service agencies  
1 18 and health agencies.  
1 19 The requirements in the bill are identical to those found  
1 20 in Code section 216A.15 relating to the qualifications of  
1 21 Spanish language interpreters.  
1 22 LSB 5290SS 82  
1 23 jr/rj/24



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**Senate Study Bill 3032**

SENATE/HOUSE FILE  
BY (PROPOSED DEPARTMENT OF  
VETERANS AFFAIRS BILL)

Passed Senate, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved

Passed House, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_

**A BILL FOR**

- 1 An Act concerning state educational assistance to children of
- 2 deceased veterans and providing an appropriation.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 5384XD 82
- 5 ec/rj/5



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Senate Study Bill 3032 continued

PAG LIN

1 1 Section 1. Section 35.9, subsection 2, Code 2007, is  
1 2 amended to read as follows:  
1 3 2. a. Upon application by a child ~~who has lived in the~~  
1 4 ~~state of Iowa for two years preceding application for state~~  
1 5 ~~educational assistance, and who is the child of a person who~~  
1 6 ~~died on or after September 11, 2001, during active federal~~  
1 7 ~~military service while serving in the armed forces or during~~  
1 8 ~~active federal military service in the Iowa national guard or~~  
1 9 ~~other military component of the United States, and who at the~~  
1 10 ~~time of entering into active military service had maintained~~  
1 11 ~~the person's residence in the state for a period of at least~~  
1 12 ~~six months immediately before entering into active military~~  
1 13 ~~service, the department shall provide state educational~~  
1 14 ~~assistance in the amount of five thousand five hundred dollars~~  
1 15 ~~per year or the amount of the child's established financial~~  
1 16 ~~need, whichever is less, to defray the expenses of tuition,~~  
1 17 ~~matriculation, laboratory and similar fees, books and~~  
1 18 ~~supplies, board, lodging, and any other reasonably necessary~~  
1 19 ~~expense for the child or children incident to attendance in~~  
1 20 ~~this state at a community college established under chapter~~  
1 21 ~~260C or at an institution of higher education governed by the~~  
1 22 ~~state board of regents any postsecondary educational~~  
1 23 ~~institution.~~  
1 24 b. A child eligible to receive state educational  
1 25 assistance under this subsection shall begin postsecondary  
1 26 education prior to reaching age twenty-six and shall not  
1 27 receive more than twenty-seven thousand five hundred dollars  
1 28 under this subsection during the child's lifetime. Payments  
1 29 for state educational assistance for a child under this  
1 30 subsection shall be made to the applicable postsecondary  
1 31 educational institution. The college student aid commission  
1 32 may, if requested, assist the department in administering this  
1 33 subsection.  
1 34 c. There is appropriated from the general fund of the  
1 35 state for each fiscal year the sum of twenty-seven thousand



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Senate Study Bill 3032 continued

2 1 five hundred dollars to the war orphans educational assistance  
2 2 fund created in section 35.8 for the purpose of providing  
2 3 educational assistance under this subsection.

2 4 EXPLANATION

2 5 This bill concerns state educational assistance provided to  
2 6 children of persons who died in active military service on or  
2 7 after September 11, 2001.

2 8 The bill eliminates the requirement that the child seeking  
2 9 assistance lived in this state for two years preceding the  
2 10 application for assistance but adds a requirement that the  
2 11 deceased veteran resided in the state for a period of at least  
2 12 six months immediately before entering into active military  
2 13 service.

2 14 The bill also provides that the state educational  
2 15 assistance can be used at any postsecondary institutions in  
2 16 the state and not just community colleges and board of regents  
2 17 institutions. In addition, the child seeking assistance must  
2 18 begin postsecondary education prior to reaching age 26 and  
2 19 payments of educational assistance shall be made to the  
2 20 institution, not the child.

2 21 The bill also appropriates \$27,500 to the war orphans  
2 22 educational assistance fund each fiscal year for the purpose  
2 23 of providing educational assistance for children of persons  
2 24 who died in active military service on or after September 11,  
2 25 2001.

2 26 LSB 5384XD 82

2 27 ec/rj/5



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Senate Study Bill 3033

SENATE/HOUSE FILE  
BY (PROPOSED DEPARTMENT OF  
VETERANS AFFAIRS BILL)

Passed Senate, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved

Passed House, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_

A BILL FOR

- 1 An Act relating to requirements and duties of members, directors,
- 2 and employees of county commissions of veteran affairs.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 5482DP 82
- 5 md/rj/8



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Senate Study Bill 3033 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 training to ~~executive commissioners, directors, and~~  
1 5 administrators of county commissions of veteran affairs  
1 6 pursuant to section 35B.6. The department may adopt rules in  
1 7 accordance with chapter 17A to provide for training of county  
1 8 veteran affairs ~~executive commissioners, directors, and~~  
1 9 administrators.

1 10 Sec. 2. Section 35B.6, Code 2007, is amended to read as  
1 11 follows:

1 12 35B.6 QUALIFICATION == TRAINING == OFFICES.

1 13 1. a. The members of the commission shall qualify by  
1 14 taking the usual oath of office, and give bond in the sum of  
1 15 five hundred dollars each, conditioned for the faithful  
1 16 discharge of their duties with sureties to be approved by the  
1 17 county auditor. The commission shall organize by the  
1 18 selection of one of their members as chairperson, and one as  
1 19 secretary. ~~The commission, subject to the approval of the~~  
~~1 20 board of supervisors, shall have power to employ an executive~~  
~~1 21 director and other necessary administrative or clerical~~  
~~1 22 assistants when needed, the compensation of such employees to~~  
~~1 23 be fixed by the board of supervisors, but no member of the~~  
~~1 24 commission shall be so employed.~~ The commission shall employ  
1 25 a director or administrator, and other necessary  
1 26 administrative or clerical assistants when needed. The  
1 27 compensation of the director, administrator, or other  
1 28 necessary administrative or clerical employees shall be set by  
1 29 the commission at a rate comparable to the rate set for other  
1 30 similar positions in the county. A commissioner shall not be  
1 31 employed as a director, administrator, or an administrative or  
1 32 clerical assistant. Commissioners shall complete a course of  
1 33 initial training provided by the department of veterans  
1 34 affairs pursuant to section 35A.5. The executive director  
1 35 must possess the same qualifications as provided in section



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2 1 35B.3 for commission members. However, this qualification  
2 2 requirement shall not apply to a person employed as an  
2 3 executive director prior to July 1, 1989.

2 4 b. The commission may employ an administrator in lieu of a  
2 5 director. Administrators shall not be required to meet all  
2 6 the qualifications provided in section 35B.3 for  
2 7 commissioners.

2 8 c. Upon the employment of ~~an executive~~ a director or  
2 9 administrator, the ~~executive~~ director or administrator shall  
2 10 complete a course of initial training provided by the  
2 11 department of veterans affairs pursuant to section 35A.5. ~~If~~  
~~2 12 an executive director is not appointed, a commissioner or a~~  
~~2 13 clerical assistant shall complete the course of training. The~~  
2 14 department shall issue the ~~executive~~ director, administrator,  
2 15 commissioner, or clerical assistant a certificate of training  
2 16 after completion of the initial training course. To maintain  
2 17 annual certification, the ~~executive~~ director, administrator,  
2 18 commissioner, or clerical assistant shall attend one  
2 19 department training course each year. Failure to maintain  
2 20 certification may be cause for removal from office. The  
2 21 expenses of training shall be paid from the appropriation  
2 22 authorized in section 35B.14.

2 23 d. The duties of the director, administrator, and clerical  
2 24 assistant shall include all of the following:

2 25 (1) Inform members of the armed forces, veterans, and  
2 26 their dependents of all federal, state, and local laws enacted  
2 27 for their benefit.

2 28 (2) Assist all residents of the state who served in the  
2 29 armed forces of the United States and their relatives,  
2 30 beneficiaries, and dependents in receiving from the United  
2 31 States and this state any and all compensation, pensions,  
2 32 hospitalization, insurance, educational, employment pay and  
2 33 gratuity, loan guarantees, or any other aid or benefit to  
2 34 which they may be entitled under any law.

2 35 e. The department of veterans affairs or county veterans



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Senate Study Bill 3033 continued

3 1 affairs offices shall not charge for any service provided to  
3 2 any individual.

3 3 2. Two or more boards of supervisors may agree, pursuant  
3 4 to chapter 28E, to share the services of ~~an executive a~~  
3 5 director or administrator. The agreement shall provide for  
3 6 the establishment of a commission of veteran affairs office in  
3 7 each of the counties participating in the agreement.

~~3 8 3. The commission with the approval of the board of~~  
~~3 9 supervisors shall appoint one of the deputies of the county~~  
~~3 10 auditor to serve as administrative assistant to the~~  
~~3 11 commission, to serve without additional compensation, unless~~  
~~3 12 for good reasons shown, this arrangement is not feasible.~~

~~3 13 4. In counties where a~~ The commission has established  
3 14 shall establish an office, the office which shall be open a  
3 15 minimum of four hours each workday. The hours that the office  
3 16 is open shall be posted in a prominent position outside the  
3 17 office. ~~In lieu of an office being open a minimum of four~~  
~~3 18 hours each workday, the names, home addresses, telephone~~  
~~3 19 numbers, and duties of commission members shall be posted.~~

3 20 Sec. 3. Sections 35B.17 and 35B.18, Code 2007, are  
3 21 repealed.

EXPLANATION

3 23 Current Code section 35B.6 allows county commissions of  
3 24 veteran affairs to employ an executive director and other  
3 25 necessary administrative or clerical assistants when needed.  
3 26 This bill requires county commissions of veteran affairs to  
3 27 employ a director or administrator, and other necessary  
3 28 administrative or clerical employees. The bill changes the  
3 29 term "executive director" to "director". Compensation for the  
3 30 director, or administrator, and other necessary employees  
3 31 shall be set by the commission at a rate comparable to the  
3 32 rate set for similar positions in the county. The bill  
3 33 prohibits commissioners from being employed as a director,  
3 34 administrator, or other commission employee.

3 35 The bill also requires commissioners to complete a course



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4 1 of initial training provided by the department of veterans  
4 2 affairs. The director, administrator, commissioners, and  
4 3 clerical assistants shall also attend one department training  
4 4 course per year to maintain their annual certification.

4 5 The bill describes the duties of the director,  
4 6 administrator, and clerical assistant. Those duties include  
4 7 informing members of the armed forces, veterans, and their  
4 8 dependents of all federal, state, and local laws enacted for  
4 9 their benefit, and assisting all residents of the state who  
4 10 served in the armed forces and their relatives, beneficiaries,  
4 11 and dependents in receiving any and all compensation or any  
4 12 other aid or benefit to which they may be entitled under any  
4 13 law.

4 14 The bill allows two or more county boards of supervisors to  
4 15 share the services of a director or administrator. The bill  
4 16 requires each commission to establish an office which must be  
4 17 open for at least four hours each workday. The bill prohibits  
4 18 charging any individual for any service provided by the  
4 19 department of veterans affairs or county veterans affairs  
4 20 offices.

4 21 The bill also removes the board of supervisors' duty to  
4 22 appropriate and pay to the owners or controllers of cemeteries  
4 23 within the state, funds to pay for the care and maintenance of  
4 24 lots on which any deceased service person is buried.

4 25 LSB 5482DP 82

4 26 md/rj/8



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**Senate Study Bill 3034**

SENATE/HOUSE FILE  
 BY (PROPOSED DEPARTMENT OF  
 VETERANS AFFAIRS BILL)

Passed Senate, Date \_\_\_\_\_  
 Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
           Approved

Passed House, Date \_\_\_\_\_  
 Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_

**A BILL FOR**

- 1 An Act concerning the issuance of certified copies of vital
- 2 statistics records for use by veterans.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 5348DP 82
- 5 ec/nh/8



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Senate Study Bill 3034 continued

PAG LIN

1 1 Section 1. NEW SECTION. 144.45B CERTIFIED COPIES ==  
1 2 VETERANS.  
1 3 The state registrar and the county registrar shall, upon  
1 4 written request, issue a certified copy of a birth, adoption,  
1 5 death, marriage, or dissolution or annulment of marriage  
1 6 certificate or record to a qualified applicant without charge  
1 7 if the qualified applicant certifies that the certified copy  
1 8 is for use in the presentation of claims to the United States  
1 9 veterans administration or in connection with any veterans  
1 10 organization or the department of veterans affairs. For  
1 11 purposes of this section, a "qualified applicant" means a  
1 12 veteran, as defined in section 35.1, the surviving spouse or  
1 13 next of kin of a veteran, a service officer of a veterans  
1 14 organization chartered by the Congress of the United States, a  
1 15 county commission of veterans affairs, or the department of  
1 16 veterans affairs.  
1 17 Sec. 2. Section 144.46, Code Supplement 2007, is amended  
1 18 by adding the following new subsection:  
1 19 NEW SUBSECTION. 3. Notwithstanding any provision of this  
1 20 section to the contrary, fees shall not be charged for  
1 21 issuance of a certified copy of a certificate or record  
1 22 pursuant to section 144.45B or 331.608.  
1 23 Sec. 3. IMPLEMENTATION OF ACT. Section 25B.2, subsection  
1 24 3, shall not apply to this Act.  
1 25 EXPLANATION  
1 26 This bill provides that the state registrar and county  
1 27 registrar shall issue a certified copy of a birth, adoption,  
1 28 death, marriage, or dissolution or annulment of marriage  
1 29 certificate or record without charge if the copy is for use in  
1 30 the presentation of claims to the United States veterans  
1 31 administration or in connection with any veterans organization  
1 32 or the department of veterans affairs. The bill provides that  
1 33 a veteran, surviving spouse or next of kin of a veteran, a  
1 34 service officer of a veterans organization, a county  
1 35 commission of veterans affairs, or the department of veterans



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Senate Study Bill 3034 continued

2 1 affairs is authorized to request the copy.  
2 2 The bill may include a state mandate as defined in Code  
2 3 section 25B.3. The bill makes inapplicable Code section  
2 4 25B.2, subsection 3, which would relieve a political  
2 5 subdivision from complying with a state mandate if funding for  
2 6 the cost of the state mandate is not provided or specified.  
2 7 Therefore, political subdivisions are required to comply with  
2 8 any state mandate included in the bill.  
2 9 LSB 5348DP 82  
2 10 ec/nh/8



Iowa General Assembly  
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**Senate Study Bill 3035**

SENATE/HOUSE FILE  
BY (PROPOSED DEPARTMENT OF  
VETERANS AFFAIRS BILL)

Passed Senate, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved

Passed House, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_

**A BILL FOR**

- 1 An Act relating to the regulation of veterans commemorative
- 2 property.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 5377DP 82
- 5 md/rj/8



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Senate Study Bill 3035 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 ~~e.~~ 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



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Senate Study Bill 3035 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



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Senate Study Bill 3035 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 5377DP 82

3 29 md/rj/8



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January 16, 2008

Senate Study Bill 3036

SENATE/HOUSE FILE  
BY (PROPOSED IOWA FINANCE  
AUTHORITY BILL)

Passed Senate, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved

Passed House, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_

A BILL FOR

- 1 An Act relating to coverage of closing protection letters in real
- 2 estate transactions and providing an effective date.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 5295XD 82
- 5 md/rj/8



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Senate Study Bill 3036 continued

PAG LIN

1 1 Section 1. Section 16.93, subsection 1, Code 2007, is  
1 2 amended to read as follows:  
1 3 1. The authority through the title guaranty division may  
1 4 issue a closing protection letter to a person to whom a  
1 5 proposed title guaranty is to be issued, upon the request of  
1 6 the person, if the division issues a commitment for title  
1 7 guaranty or title guaranty certificate. The closing  
1 8 protection letter shall conform to the terms of coverage and  
1 9 form of the instrument as approved by the division board and  
1 10 may indemnify a person to whom a proposed title guaranty is to  
1 11 be issued against loss of settlement funds due to only the  
1 12 following acts of the division's named participating attorney,  
1 13 ~~or~~ participating abstractor, or closer:  
1 14 a. Theft of settlement funds.  
1 15 b. Failure by the participating attorney, ~~or~~ participating  
1 16 abstractor, or closer to comply with written closing  
1 17 instructions of the person to whom a proposed title guaranty  
1 18 is to be issued relating to title certificate coverage when  
1 19 agreed to by the participating attorney, ~~or~~ participating  
1 20 abstractor, or closer.  
1 21 Sec. 2. EFFECTIVE DATE. This Act, being deemed of  
1 22 immediate importance, takes effect upon enactment.  
1 23 EXPLANATION  
1 24 Under the title guaranty program, the Iowa finance  
1 25 authority through the title guaranty division may issue a  
1 26 closing protection letter that conforms to the terms of  
1 27 coverage and form of the instrument and may indemnify a person  
1 28 to whom a proposed title guaranty is to be issued. A closing  
1 29 protection letter protects against loss of settlement funds  
1 30 due to the acts of the division's named participating attorney  
1 31 or participating abstractor. This bill adds "closer" to the  
1 32 list of participants whose acts may be covered by a closing  
1 33 protection letter in real estate transactions.  
1 34 The bill takes effect upon enactment.  
1 35 LSB 5295XD 82



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Senate Study Bill 3036 continued

2 1 md/rj/8



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**Senate Study Bill 3037**

SENATE/HOUSE FILE  
BY (PROPOSED IOWA FINANCE  
AUTHORITY BILL)

Passed Senate, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved

Passed House, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_

**A BILL FOR**

- 1 An Act relating to the recording of a certificate of release by
- 2 the Iowa finance authority.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 5293XD 82
- 5 md/rj/8



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Senate Study Bill 3037 continued

PAG LIN

1 1 Section 1. Section 16.92, subsection 5, paragraph c, Code  
1 2 Supplement 2007, is amended to read as follows:  
1 3 c. In addition to any other remedy provided by law, if the  
1 4 division through an act of negligence wrongfully or  
1 5 erroneously records a certificate of release under this  
1 6 section, the division is liable to the mortgagee and mortgage  
1 7 servicer for actual damages sustained due to the recording of  
1 8 the certificate of release.

1 9 EXPLANATION

1 10 Current Code section 16.92, subsection 5, paragraph "c",  
1 11 provides that the Iowa finance authority title guaranty  
1 12 division is liable to a mortgagee and mortgage servicer for  
1 13 actual damages sustained if a certificate of release is  
1 14 wrongfully or erroneously recorded. This bill modifies the  
1 15 standard for imposing liability on the title guaranty  
1 16 division. Liability will be imposed under the bill if the  
1 17 division through an act of negligence wrongfully or  
1 18 erroneously records a certificate of release.

1 19 LSB 5293XD 82

1 20 md/rj/8



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Senate Study Bill 3038

SENATE/HOUSE FILE  
BY (PROPOSED ATTORNEY  
GENERAL BILL)

Passed Senate, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved

Passed House, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_

A BILL FOR

1 An Act making specified revisions to the consumer credit code to  
2 conform to federal statutory updates and prohibit the transfer  
3 of ownership of a motor vehicle pursuant to a consumer rental  
4 purchase agreement.  
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
6 TLSB 5344DP 82  
7 rn/nh/5



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Senate Study Bill 3038 continued

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1 1 Section 1. Section 537.1302, Code 2007, is amended to read  
1 2 as follows:

1 3 537.1302 DEFINITION == TRUTH IN LENDING ACT.

1 4 As used in this chapter, "Truth in Lending Act" means Title  
1 5 1 of the Consumer Credit Protection Act, in subchapter 1 of 15  
1 6 U.S.C. ch. 41, as amended to and including January 1, ~~1998~~  
1 7 2008, and includes regulations issued pursuant to that Act  
1 8 prior to January 1, ~~1998~~ 2008.

1 9 Sec. 2. Section 537.3604, subsection 7, Code 2007, is  
1 10 amended to read as follows:

1 11 7. "Personal property" means any property that is not real  
1 12 property under the laws of this state when it is made  
1 13 available for a consumer rental purchase agreement. For the  
1 14 purposes of this part, "personal property" does not include a  
1 15 motor vehicle, a manufactured home, or a manufactured or  
1 16 mobile home as defined in section 321.1.

1 17 EXPLANATION

1 18 This bill modifies provisions of the consumer credit code  
1 19 contained in Code chapter 537. The bill updates references to  
1 20 the federal Truth in Lending Act to reflect amendments made  
1 21 and regulations issued prior to January 1, 2008. The bill  
1 22 also modifies the definition of personal property contained in  
1 23 a portion of the chapter relating to consumer rental purchase  
1 24 agreements to exclude from the definition property in the form  
1 25 of a motor vehicle, a manufactured home, or a manufactured or  
1 26 mobile home as defined in the referenced Code section.

1 27 LSB 5344DP 82

1 28 rn/nh/5



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Senate Study Bill 3039

SENATE/HOUSE FILE  
BY (PROPOSED IOWA FINANCE  
AUTHORITY BILL)

Passed Senate, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved

Passed House, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_

**A BILL FOR**

- 1 An Act requiring licensure of and regulating escrow agents and
- 2 escrow agencies, making an appropriation, and providing a
- 3 penalty.
- 4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 5 TL5B 5294XD 82
- 6 jr/rj/5



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Senate Study Bill 3039 continued

PAG LIN

1 1 Section 1. NEW SECTION. 545.1 DEFINITIONS.  
1 2 As used in this chapter, unless the context otherwise  
1 3 requires:  
1 4 1. "Administrator" means the superintendent of banking  
1 5 appointed pursuant to section 524.201.  
1 6 2. "Division" means the banking division of the department  
1 7 of commerce.  
1 8 3. "Escrow" means any transaction wherein one person, for  
1 9 the purpose of effecting the sale, transfer, encumbering or  
1 10 leasing of real or personal property to another person,  
1 11 delivers any written instrument, money, evidence of title to  
1 12 real or personal property, or other thing of value to a third  
1 13 person until the happening of a specified event or the  
1 14 performance of a prescribed condition, when it is then to be  
1 15 delivered by such third person to a grantee, grantor,  
1 16 promisee, promisor, obligee, obligor, bailee, bailor, or any  
1 17 agent or employee thereof. The term includes the collection  
1 18 of payments and the performance of related services by a third  
1 19 person in connection with a loan secured by a lien on real  
1 20 property.  
1 21 4. "Escrow agency" means any of the following:  
1 22 a. A person who employs one or more escrow agents.  
1 23 b. An escrow agent who administers escrows on the escrow  
1 24 agent's own behalf.  
1 25 5. "Escrow agent" means any person engaged in the business  
1 26 of administering escrows for compensation.  
1 27 Sec. 2. NEW SECTION. 545.2 UNLAWFUL TO ENGAGE IN ESCROW  
1 28 BUSINESS WITHOUT LICENSE.  
1 29 It is unlawful for any person, unless exempted under  
1 30 section 545.3, to engage in or carry on, or hold oneself out  
1 31 as engaging in or carrying on, the escrow business or act in  
1 32 the capacity of an escrow agent or escrow agency without first  
1 33 obtaining a license as an escrow agent or escrow agency.  
1 34 Sec. 3. NEW SECTION. 545.3 APPLICABILITY.  
1 35 The provisions of this chapter do not apply to:



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- 2 1 1. A person doing business under the laws of this state or  
2 2 the United States relating to banks, mutual savings banks,  
2 3 trust companies, savings and loan associations, common and  
2 4 consumer finance companies, or industrial loan companies.  
2 5 2. A licensed attorney admitted to practice in this state  
2 6 rendering services as an attorney at law who transacts  
2 7 closings through a lawyers trust account.  
2 8 3. A licensed attorney admitted to practice in this state  
2 9 actively engaged in conducting an escrow agency who transacts  
2 10 closings through a lawyers trust account.  
2 11 4. A firm or corporation that lends money on real or  
2 12 personal property and is subject to licensing, supervision, or  
2 13 auditing by an agency of the United States or of this state.  
2 14 5. A person doing any act under order of a court.  
2 15 Sec. 4. NEW SECTION. 545.4 APPLICATION REQUIREMENTS,  
2 16 ISSUANCE, AND RESTRICTION.  
2 17 1. A person who wishes to be licensed as an escrow agent  
2 18 or escrow agency must file a written application with the  
2 19 administrator.  
2 20 2. The application must include all information required  
2 21 to complete the application and meet all of the following  
2 22 requirements:  
2 23 a. Be verified by the person who wishes to be licensed.  
2 24 b. Be accompanied by the appropriate fee prescribed in  
2 25 section 545.11.  
2 26 c. State the location of the applicant's principal office  
2 27 and branch offices in this state and residence address.  
2 28 d. State the name under which the applicant will conduct  
2 29 business.  
2 30 e. List the names and residence and business addresses of  
2 31 all persons having an interest in the business as principals,  
2 32 partners, officers, trustees, or directors, specifying the  
2 33 capacity and title of each person.  
2 34 f. Indicate the general plan and character of the  
2 35 business.



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3 1 g. State the length of time the applicant has been engaged  
3 2 in the escrow business.

3 3 h. Contain a financial statement as specified in rule.

3 4 i. Provide such other information as the administrator  
3 5 determines necessary in rule.

3 6 j. If the license is for an escrow agency, the application  
3 7 must designate a natural person to receive service of process  
3 8 in this state for the escrow agency.

3 9 3. An escrow agent or escrow agency shall immediately  
3 10 notify the division of any material change in the information  
3 11 contained in the application.

3 12 4. A person shall not be licensed as an escrow agent or  
3 13 escrow agency or be a principal officer, director, or trustee  
3 14 of an escrow agency if the person is the holder of an active  
3 15 license issued pursuant to chapter 543B.

3 16 Sec. 5. NEW SECTION. 545.5 GROUNDS FOR REFUSAL TO ISSUE  
3 17 LICENSE.

3 18 1. The administrator may refuse to issue a license if any  
3 19 of the following apply:

3 20 a. In the case of an escrow agency, the applicant is  
3 21 insolvent.

3 22 b. In the case of an escrow agency, the applicant is in  
3 23 such a financial condition that the applicant cannot continue  
3 24 in business with safety to the applicant's customers.

3 25 c. Has been convicted of a felony relating to the practice  
3 26 of escrow agents or escrow agencies or a misdemeanor of which  
3 27 an essential element is fraud.

3 28 d. The applicant has been barred, removed, or prohibited  
3 29 from serving in any capacity in a financial institution by any  
3 30 state or federal regulatory agency including but not limited  
3 31 to the office of comptroller of the currency, the office of  
3 32 thrift supervision, the federal deposit insurance corporation,  
3 33 the board of governors of the federal reserve system, or the  
3 34 United States department of housing and urban development.

3 35 e. The applicant has been convicted of forgery,



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4 1 embezzlement, obtaining money under false pretenses, theft,  
4 2 extortion, conspiracy to defraud, or another similar offense,  
4 3 in a court of competent jurisdiction in this state or in any  
4 4 other state, territory, or district of the United States, or  
4 5 in any foreign jurisdiction. For the purposes of this  
4 6 paragraph, "conviction" includes a guilty plea, deferred  
4 7 judgment, deferred sentence, or other similar finding of guilt  
4 8 by a court of competent jurisdiction.

4 9 f. The applicant has had a professional license of any  
4 10 kind revoked in any state or jurisdiction. An agreement to  
4 11 surrender a license and not to operate in an occupation in  
4 12 which a professional license is required shall be considered a  
4 13 revocation for the purposes of this paragraph.

4 14 g. The applicant is under eighteen years of age.

4 15 h. The applicant has failed to pay child support and is  
4 16 identified in a certificate of noncompliance from the child  
4 17 support recovery unit of the department of human services  
4 18 according to the procedures in chapter 252J.

4 19 i. The applicant has failed to pay student loans and is  
4 20 identified in a certificate of noncompliance from the college  
4 21 student aid commission according to the procedures set forth  
4 22 in chapter 261.

4 23 j. The applicant has within ten years before the date of  
4 24 applying for the license, had suspended or revoked a license  
4 25 issued pursuant to this chapter or a comparable license issued  
4 26 by any other state, district, or territory of the United  
4 27 States or any foreign country.

4 28 k. The applicant has caused the administrator to find that  
4 29 the financial responsibility, character, and general fitness  
4 30 of the applicant and of the members thereof if the applicant  
4 31 is a partnership, association, or other organization and of  
4 32 the officers, directors, and principal employees if the  
4 33 applicant is a corporation, are such as to warrant belief that  
4 34 the business will not be operated honestly, soundly, and  
4 35 efficiently in the public interest consistent with the



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5 1 purposes of this chapter.

5 2 2. It is sufficient cause for the refusal to license a  
5 3 partnership, corporation, or any other association that any  
5 4 member of the partnership or any officer or director of the  
5 5 corporation or association has been convicted of any act or  
5 6 omission, as set out in this section, which would be cause for  
5 7 such action had the applicant or licensee been a natural  
5 8 person.

5 9 3. The administrator, upon a finding that a license should  
5 10 not be granted pursuant to this chapter, shall notify the  
5 11 applicant in writing of the denial and the reasons for the  
5 12 denial.

5 13 Sec. 6. NEW SECTION. 545.6 CONTENTS OF LICENSE ==  
5 14 ASSOCIATION WITH ONLY ONE ESCROW AGENCY.

5 15 1. The division shall issue to each licensee a license  
5 16 which contains all of the following:

5 17 a. The name and address of the licensee, and in the case  
5 18 of an escrow agent, the name of the escrow agency with whom  
5 19 the escrow agent will be associated.

5 20 b. The imprinted seal of the division.

5 21 c. Any additional matter prescribed by the division.

5 22 2. An escrow agent shall not associate with or be employed  
5 23 by more than one escrow agency at the same time.

5 24 Sec. 7. NEW SECTION. 545.7 DELIVERY AND POSSESSION OF  
5 25 LICENSE OF ESCROW AGENT == DISPLAY OF LICENSES.

5 26 1. The division shall deliver or mail the license of each  
5 27 escrow agent to the escrow agency with whom the licensee is  
5 28 associated and the escrow agency shall keep each license in  
5 29 its custody and control.

5 30 2. An escrow agency shall display conspicuously in the  
5 31 escrow agency's place of business the license of the escrow  
5 32 agency and of each escrow agent associated with the escrow  
5 33 agency. If an escrow agency maintains more than one place of  
5 34 business within the state, the division shall issue an  
5 35 additional license to each branch office so maintained, and



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6 1 each branch office shall display conspicuously the additional  
6 2 license.

6 3 Sec. 8. NEW SECTION. 545.8 SPECIFICATION OF PLACE OF  
6 4 BUSINESS == DESIGNATION IN LICENSE == EFFECT.

6 5 1. An escrow agency shall maintain a definite place of  
6 6 business within the state, which must be a room or rooms used  
6 7 for the transaction of escrows, and any allied businesses, and  
6 8 which must serve as the office for the transaction of business  
6 9 pursuant to the authority granted in the license.

6 10 2. An escrow agency shall specify its place of business in  
6 11 its application for a license and the license shall designate  
6 12 the escrow agency's place of business.

6 13 3. A license does not authorize the licensee to transact  
6 14 business from any office other than that designated in the  
6 15 license.

6 16 Sec. 9. NEW SECTION. 545.9 PROHIBITION ON ADMINISTERING  
6 17 ESCROWS IN SAME LOCATION AS OR IN CONJUNCTION WITH OTHER  
6 18 BUSINESSES == EXCEPTIONS.

6 19 1. Except as otherwise provided in subsection 2, a  
6 20 licensee shall not conduct the business of administering  
6 21 escrows for compensation within any office, suite, room, or  
6 22 place of business in which any other business is solicited or  
6 23 engaged in, or in association or conjunction with any other  
6 24 business, except a notary public, unless authority to do so is  
6 25 given by the administrator.

6 26 2. A licensee may conduct the business of administering  
6 27 escrows pursuant to this chapter in the same office or place  
6 28 of business as a mortgage banker or mortgage broker if all of  
6 29 the following apply:

6 30 a. The licensee and the mortgage banker or mortgage broker  
6 31 meet all of the following requirements:

- 6 32 (1) Operate as separate legal entities.
- 6 33 (2) Maintain separate accounts, books, and records.
- 6 34 (3) Are subsidiaries of the same parent corporation.
- 6 35 (4) Maintain separate licenses.



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7 1       b. The mortgage banker or mortgage broker is licensed by  
7 2 this state pursuant to chapter 535B and does not conduct any  
7 3 business as a mortgage banker or mortgage broker licensed  
7 4 pursuant to chapter 535B in the office or place of business.  
7 5       Sec. 10. NEW SECTION. 545.10 LICENSE NOT TRANSFERABLE.  
7 6       A license issued pursuant to this chapter does not give  
7 7 authority to perform any act specified in this chapter to any  
7 8 person other than the person to whom the license is issued, or  
7 9 from any place of business other than that specified in the  
7 10 license.  
7 11       Sec. 11. NEW SECTION. 545.11 EXPIRATION, RENEWAL, FEES,  
7 12 DEPOSIT OF MONEY RECEIVED.  
7 13       1. A license issued pursuant to this chapter expires on  
7 14 July 1 of each year if it is not renewed. A license may be  
7 15 renewed by filing an application for renewal, paying the  
7 16 annual fee for the succeeding year, and submitting all  
7 17 information required to complete the renewal.  
7 18       2. The fees for the issuance or renewal of a license for  
7 19 an escrow agency are the following:  
7 20       a. For filing an application for an initial license, five  
7 21 hundred dollars for the principal office and one hundred  
7 22 dollars for each branch office.  
7 23       b. If the license is approved for issuance, two hundred  
7 24 dollars for the principal office and one hundred dollars for  
7 25 each branch office. The fee must be paid before issuance of  
7 26 the license.  
7 27       c. For filing an application for renewal, two hundred  
7 28 dollars for the principal office and one hundred dollars for  
7 29 each branch office.  
7 30       3. The fees for the issuance or renewal of a license for  
7 31 an escrow agent are the following:  
7 32       a. For filing an application for an initial license or for  
7 33 the renewal of a license, one hundred dollars.  
7 34       b. If a license is approved for issuance or renewal,  
7 35 twenty-five dollars. The fee must be paid before the issuance



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8 1 or renewal of the license.

8 2 4. If a licensee fails to pay the fee or submit all  
8 3 required information for the annual renewal of the license  
8 4 before its expiration, the license may be renewed only upon  
8 5 the payment of a fee one and one-half times the amount  
8 6 otherwise required for renewal. A license may be renewed  
8 7 pursuant to this subsection only if all the fees are paid and  
8 8 all required information is submitted within one year after  
8 9 the date on which the license expired.

8 10 5. In addition to the other fees set forth in this  
8 11 section, each applicant or licensee shall pay the following:

8 12 a. For filing an application for a duplicate copy of any  
8 13 license, upon satisfactory showing of its loss, ten dollars.

8 14 b. For filing any change of information contained in the  
8 15 application, ten dollars.

8 16 c. For each change of association with an escrow agency,  
8 17 twenty-five dollars.

8 18 6. Except as otherwise provided in this chapter, all fees  
8 19 received pursuant to this chapter shall be deposited with the  
8 20 administrator.

8 21 Sec. 12. NEW SECTION. 545.12 ESCROW AGENCY SURETY BONDS  
8 22 == ESCROW AGENTS AS PRINCIPALS ON BOND.

8 23 1. Except as otherwise provided in section 545.13, as a  
8 24 condition of doing business in this state, an escrow agency  
8 25 shall deposit with the administrator and keep in full force  
8 26 and effect a corporate surety bond payable to the state of  
8 27 Iowa, in the amount set forth in subsection 4, which is  
8 28 executed by a corporate surety satisfactory to the  
8 29 administrator and which names as principals the escrow agency  
8 30 and all escrow agents employed by or associated with the  
8 31 escrow agency.

8 32 2. At the time of filing an application for a license as  
8 33 an escrow agent, the applicant shall file with the  
8 34 administrator proof that the applicant is named as a principal  
8 35 on the corporate surety bond deposited with the administrator



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9 1 by the escrow agency with whom the applicant is associated or  
9 2 employed.

9 3 3. Bonds filed with the administrator shall be on the form  
9 4 prescribed and furnished by the administrator.

9 5 4. a. An escrow agency shall deposit a corporate surety  
9 6 bond that complies with the provisions of this section or a  
9 7 substitute form of security that complies with the provisions  
9 8 of section 545.13 in a form acceptable to the administrator in  
9 9 the amount set out in paragraph "b" based upon the average  
9 10 monthly balance of the trust account or escrow account  
9 11 maintained by the escrow agency pursuant to section 545.32:

9 12 b. Average monthly balance	Bond or security required
9 13 (1) \$50,000 or less.....	\$ 20,000
9 14 (2) More than \$50,000 but not more than \$250,000....	\$ 50,000
9 15 (3) More than \$250,000 but not more than \$500,000...	\$100,000
9 16 (4) More than \$500,000 but not more than \$750,000...	\$150,000
9 17 (5) More than \$750,000 but not more than \$1,000,000.	\$200,000
9 18 (6) More than \$1,000,000.....	\$250,000

9 19 c. The administrator shall determine the appropriate  
9 20 amount of the surety bond or substitute form of security that  
9 21 must be deposited initially by the escrow agency based upon  
9 22 the expected average monthly balance of the trust account or  
9 23 escrow account maintained by the escrow agency pursuant to  
9 24 section 545.32. After the initial deposit, the administrator  
9 25 shall, on a semiannual basis, determine the appropriate amount  
9 26 of the surety bond or substitute form of security that must be  
9 27 deposited by the escrow agency based upon the average monthly  
9 28 balance of the trust account or escrow account maintained by  
9 29 the escrow agency pursuant to section 545.32.

9 30 Sec. 13. NEW SECTION. 545.13 SUBSTITUTE FORM OF SECURITY  
9 31 IN LIEU OF SURETY BOND.

9 32 1. As a substitute for the surety bond required by section  
9 33 545.12, an escrow agency may, in accordance with this section,  
9 34 deposit with any bank or trust company authorized to do  
9 35 business in this state, in a form approved by the



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10 1 administrator, any of the following:

10 2     a. An obligation of a bank, savings and loan association,  
10 3 or credit union licensed to do business in this state.

10 4     b. Bills, bonds, notes, debentures, or other obligations  
10 5 of the United States or any agency or instrumentality of that  
10 6 agency, or guaranteed by the United States.

10 7     c. Any obligation of this state or any city, county,  
10 8 township, school district, or other instrumentality of this  
10 9 state, or guaranteed by this state.

10 10     2. The obligations of a bank, savings and loan  
10 11 association, or credit union must be held to secure the same  
10 12 obligation as would the surety bond. With the approval of the  
10 13 administrator, the depositor may substitute other suitable  
10 14 obligations for those deposited which must be assigned to the  
10 15 state of Iowa and are negotiable only upon approval by the  
10 16 administrator.

10 17     3. Any interest or dividends earned on the deposit accrue  
10 18 to the account of the depositor.

10 19     4. The deposit must be in an amount at least equal to the  
10 20 required surety bond and must state that the amount cannot be  
10 21 withdrawn except by direct and sole order of the  
10 22 administrator. The value of any item deposited pursuant to  
10 23 this section must be based upon principal amount or market  
10 24 value, whichever is lower.

10 25     Sec. 14. NEW SECTION. 545.14 CANCELLATION OF BOND AND  
10 26 REVOCATION OF LICENSE.

10 27     1. The surety may cancel a bond upon giving sixty days'  
10 28 notice to the administrator. Upon receipt by the  
10 29 administrator of such a notice, the administrator immediately  
10 30 shall notify the licensee who is the principal on the bond of  
10 31 the effective date of cancellation of the bond, and that the  
10 32 license will be revoked unless the licensee furnishes an  
10 33 equivalent bond or a substitute form of security authorized by  
10 34 section 545.13 before the effective date of the cancellation.  
10 35 The notice must be sent to the licensee by certified mail to



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11 1 the licensee's last address of record filed in the office of  
11 2 the division.

11 3 2. If the licensee does not comply with the requirements  
11 4 set out in the notice from the administrator, the license  
11 5 shall be revoked on the date the bond is canceled.

11 6 Sec. 15. NEW SECTION. 545.15 ACTION ON BOND.

11 7 1. A person claiming against a bond may bring an action in  
11 8 a court of competent jurisdiction on the bond for damages to  
11 9 the extent covered by the bond. A person who brings an action  
11 10 on a bond shall notify the administrator in writing upon  
11 11 filing the action. An action shall not be commenced after the  
11 12 expiration of three years following the commission of the act  
11 13 on which the action is based.

11 14 2. Upon receiving a request from a person for whose  
11 15 benefit a bond is required, the administrator shall notify the  
11 16 person of all of the following:

11 17 a. That a bond is in effect and the amount of the bond.

11 18 b. If there is an action against the bond, the title,  
11 19 court, and case number of the action, and the amount sought by  
11 20 the plaintiff.

11 21 3. If a surety wishes to make payment without awaiting  
11 22 action by a court, the amount of the bond must be reduced to  
11 23 the extent of any payment made by the surety in good faith  
11 24 under the bond. Any payment must be based on written claims  
11 25 received by the surety before any action is taken by a court.

11 26 4. The surety may bring an action for interpleader against  
11 27 all claimants upon the bond. If the surety does so, the  
11 28 surety shall publish notice of the action at least once each  
11 29 week for two weeks in every issue of a newspaper of general  
11 30 circulation in the county where the escrow agent or escrow  
11 31 agency has its principal place of business. The surety may  
11 32 deduct its costs of the action, including attorney fees and  
11 33 publication costs, from its liability under the bond.

11 34 5. Claims against a bond have equal priority, and if the  
11 35 bond is insufficient to pay all claims in full, the claims



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12 1 must be paid on a pro rata basis. Partial payment of claims  
12 2 is not full payment, and any claimant may bring an action  
12 3 against the escrow agent or escrow agency for the unpaid  
12 4 balance.

12 5     Sec. 16. NEW SECTION. 545.16 ADMINISTRATOR DUTIES.

12 6     1. The administrator shall exercise general supervision  
12 7 and control over escrow agents and escrow agencies doing  
12 8 business in this state.

12 9     2. The administrator shall do all of the following:

12 10     a. Adopt rules pursuant to chapter 17A as necessary to  
12 11 administer this chapter.

12 12     b. Conduct or cause to be conducted each year an  
12 13 examination of each escrow agency licensed pursuant to this  
12 14 chapter.

12 15     c. Conduct such investigations as may be necessary to  
12 16 determine whether any person has violated any provision of  
12 17 this chapter.

12 18     d. Conduct such examinations, investigations, and  
12 19 hearings, in addition to those specifically provided for by  
12 20 law, as may be necessary and proper for the efficient  
12 21 administration of the laws of this state relating to escrow.

12 22     e. (1) Classify as confidential the financial statements  
12 23 of an escrow agency and those records and information obtained  
12 24 by the division which are any of the following:

12 25         (a) Obtained from a governmental agency upon the express  
12 26 condition that they remain confidential.

12 27         (b) Except as otherwise provided in section 545.22,  
12 28 consist of information compiled by the division in the  
12 29 investigation of possible violations of this chapter.

12 30     (2) This paragraph "e" does not limit examination by the  
12 31 legislative services agency or any other person pursuant to a  
12 32 court order.

12 33     3. An escrow agency may engage a certified public  
12 34 accountant to perform such an examination in lieu of the  
12 35 division. In such a case, the examination must be equivalent



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13 1 to the type of examination made by the division and the  
13 2 expense must be borne by the escrow agency being examined.  
13 3 4. The administrator shall determine whether an  
13 4 examination performed by an accountant pursuant to subsection  
13 5 3 is equivalent to an examination conducted by the division.  
13 6 The administrator may examine any area of the operation of an  
13 7 escrow agency if the administrator determines that the  
13 8 examination of that area is not equivalent to an examination  
13 9 conducted by the division.

13 10 Sec. 17. NEW SECTION. 545.17 ADMINISTRATOR POWERS ==  
13 11 SUBPOENAS, OATHS, AND EXAMINATION OF WITNESSES == PENALTY.

13 12 1. In the conduct of any examination, investigation, or  
13 13 hearing, the administrator may do any of the following:

13 14 a. Compel the attendance of any person by subpoena.

13 15 b. Administer oaths.

13 16 c. Examine any person under oath concerning the business  
13 17 and conduct of affairs of any person subject to this chapter,  
13 18 and in connection therewith require the production of any  
13 19 books, records, or papers relevant to the inquiry.

13 20 2. A person subpoenaed pursuant to this section who  
13 21 willfully refuses or willfully neglects to appear at the time  
13 22 and place named in the subpoena or to produce books, records,  
13 23 or papers required by the administrator, or who refuses to be  
13 24 sworn or answer as a witness, is guilty of a simple  
13 25 misdemeanor.

13 26 Sec. 18. NEW SECTION. 545.18 ESCROW AGENCY SUPERVISION  
13 27 AND EXAMINATION FEES == STANDARDS FOR ESCROW AGENTS'  
13 28 SUPERVISION.

13 29 1. The administrator shall establish in rule the fees to  
13 30 be paid by escrow agencies for the supervision and examination  
13 31 of escrow agencies by the administrator.

13 32 2. In establishing the fees, the administrator shall  
13 33 consider all of the following:

13 34 a. The complexity of the various examinations to which the  
13 35 fees apply.



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14 1       b. The skill required to conduct such examinations.  
14 2       c. The expenses associated with conducting such  
14 3 examinations and preparing reports.  
14 4       d. Any other factors the administrator deems relevant.  
14 5       3. The administrator shall adopt rules prescribing the  
14 6 standards for determining whether an escrow agency has  
14 7 maintained adequate supervision of an escrow agent pursuant to  
14 8 the provisions of this chapter.  
14 9       Sec. 19. NEW SECTION. 545.19 PAYMENT OF ASSESSMENT AND  
14 10 COOPERATION IN EXAMINATIONS.  
14 11       An escrow agency shall pay the assessment levied by the  
14 12 administrator and cooperate fully with the examinations  
14 13 performed pursuant to this chapter.  
14 14       Sec. 20. NEW SECTION. 545.20 RECORDS OF ESCROW  
14 15 TRANSACTIONS.  
14 16       1. An escrow agent or escrow agency shall maintain, for a  
14 17 period of not less than six years, complete and suitable  
14 18 records of all escrow transactions made by the escrow agent or  
14 19 escrow agency. A record of a transaction must be maintained  
14 20 in the county in which the property to which it relates is  
14 21 located if the escrow agent or escrow agency maintains a place  
14 22 of business in that county. If a place of business is not  
14 23 maintained in that county, the record must be maintained in  
14 24 the escrow agent's or escrow agency's principal place of  
14 25 business.  
14 26       2. An escrow agent or escrow agency shall, at the times  
14 27 required by the administrator, file in the office of the  
14 28 administrator a correct statement, in the form and containing  
14 29 the data the administrator may require, of the business of the  
14 30 escrow agent or escrow agency.  
14 31       Sec. 21. NEW SECTION. 545.21 RECORDS OF ADMINISTRATOR ==  
14 32 PUBLIC INSPECTION AND CONFIDENTIALITY.  
14 33       Except as otherwise provided by law, all papers, documents,  
14 34 reports, and other written instruments filed with the  
14 35 administrator pursuant to this chapter are open to public



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15 1 inspection, except that the administrator may withhold from  
15 2 public inspection for such time as the administrator considers  
15 3 necessary any information which in the administrator's  
15 4 judgment the public welfare or the welfare of any escrow agent  
15 5 or escrow agency requires to be so withheld, notwithstanding  
15 6 chapter 22.

15 7       Sec. 22. NEW SECTION. 545.22 RECORDS OF ADMINISTRATOR ==  
15 8 RECORDS DEEMED CONFIDENTIAL == DISCIPLINARY ORDERS DEEMED OPEN  
15 9 TO PUBLIC INSPECTION.

15 10       1. All documents and other information filed in connection  
15 11 with a complaint with the administrator and all documents and  
15 12 other information compiled as a result of the investigation  
15 13 conducted to determine whether to initiate disciplinary action  
15 14 are confidential, except as otherwise provided,  
15 15 notwithstanding chapter 22.

15 16       2. A complaint or other pleading filed by the  
15 17 administrator is open to public inspection.

15 18       3. The administrator may provide the information from  
15 19 examination reports and correspondence to the attorney  
15 20 general, or other law enforcement agency for purposes of  
15 21 enforcing this chapter, section 714.16, or any other state or  
15 22 federal criminal or regulatory law.

15 23       4. The administrator may release the reports and  
15 24 correspondence in the course of an enforcement proceeding or a  
15 25 hearing held by the administrator.

15 26       5. An order that imposes discipline and the findings of  
15 27 fact and conclusions of law supporting that order is open to  
15 28 public inspection.

15 29       Sec. 23. NEW SECTION. 545.23 CHANGE IN OWNERSHIP OF  
15 30 VOTING STOCK OR OTHER OWNERSHIP INTEREST OF ESCROW AGENCY.

15 31       1. An escrow agency shall immediately notify the  
15 32 administrator of any change in the ownership of five percent  
15 33 or more of its outstanding voting stock, or ownership of five  
15 34 percent of other ownership interest.

15 35       2. An application for licensure must be submitted to the



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16 1 administrator, pursuant to section 545.4, by a person who  
16 2 acquires any of the following described voting stock:  
16 3     a. At least twenty-five percent of the outstanding voting  
16 4 stock of an escrow agency.  
16 5     b. Any outstanding voting stock of an escrow agency if the  
16 6 acquisition will result in a change in the control of the  
16 7 escrow agency.  
16 8     3. Except as otherwise provided in subsection 5, the  
16 9 administrator shall conduct an investigation to determine  
16 10 whether the applicant has the experience, character, financial  
16 11 condition, business reputation, and general fitness to command  
16 12 the confidence of the public and to warrant the belief that  
16 13 the business conducted will protect and safeguard the public.  
16 14 If the administrator denies the application, the administrator  
16 15 may forbid the applicant from participating in the business of  
16 16 the escrow agency.  
16 17     4. The escrow agency with which the applicant is  
16 18 affiliated shall pay a portion of the cost of the  
16 19 investigation as the administrator requires. All money  
16 20 received by the administrator pursuant to this subsection  
16 21 shall be deposited in the fund for mortgage lending created by  
16 22 section 545.24.  
16 23     5. An escrow agency may submit a written request to the  
16 24 administrator to waive an investigation otherwise required  
16 25 pursuant to subsection 3. The administrator may grant a  
16 26 waiver if the applicant has undergone a similar investigation  
16 27 by a state or federal agency in connection with the licensing  
16 28 of the applicant or the applicant's employment with a  
16 29 financial institution.  
16 30     Sec. 24. NEW SECTION. 545.24 FUND FOR MORTGAGE LENDING  
16 31 == USE AND ADMINISTRATION.  
16 32     1. A fund for mortgage lending is created in the office of  
16 33 the treasurer of state under the control of the administrator.  
16 34     2. Except as otherwise provided by law, any money  
16 35 collected by the administrator or division pursuant to law



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17 1 shall be deposited in the fund for mortgage lending, is  
17 2 appropriated, and shall only be used to do any of the  
17 3 following:

17 4 a. Carry out the programs and laws administered by the  
17 5 administrator and the division.

17 6 b. Pay the expenses related to the operations of the  
17 7 administrator and the division.

17 8 3. Notwithstanding section 8.33, moneys in the fund for  
17 9 mortgage lending at the end of each fiscal year shall not  
17 10 revert to any other fund but shall remain in the fund for  
17 11 expenditure for subsequent fiscal years.

17 12 4. The administrator shall administer the fund for  
17 13 mortgage lending. Any interest or income earned on the money  
17 14 in the fund shall be credited to the fund after deducting any  
17 15 applicable charges. Any claims against the fund shall be paid  
17 16 as other claims against the state are paid.

17 17 Sec. 25. NEW SECTION. 545.25 GROUNDS FOR DISCIPLINARY  
17 18 ACTION.

17 19 1. The administrator may take disciplinary action, or  
17 20 other actions within the powers of the administrator, against  
17 21 an escrow agency or escrow agent if the administrator finds  
17 22 any of the following:

17 23 a. The licensee has violated a provision of this chapter  
17 24 or a rule adopted pursuant to this chapter or any other state  
17 25 or federal law applicable to the conduct of its business or  
17 26 has aided or abetted another to do so.

17 27 b. A fact or condition exists which, if it had existed at  
17 28 the time of the original application for the license, would  
17 29 have warranted the administrator to refuse originally to issue  
17 30 the license.

17 31 c. The licensee is found upon investigation to be  
17 32 insolvent, in which case the license shall be revoked  
17 33 immediately.

17 34 d. The licensee has violated an order of the  
17 35 administrator.



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- 18 1 e. If an escrow agency is insolvent.
- 18 2 f. If an escrow agency is in such a financial condition
- 18 3 that the escrow agency cannot continue in business with safety
- 18 4 to escrow agency customers.
- 18 5 g. The licensee has committed fraud in connection with any
- 18 6 transaction governed by this chapter.
- 18 7 h. The licensee has intentionally or knowingly made any
- 18 8 misrepresentation or false statement to, or concealed any
- 18 9 essential or material fact from, any principal or designated
- 18 10 agent of a principal in the course of the escrow business.
- 18 11 i. The licensee has intentionally or knowingly made or
- 18 12 caused to be made to the administrator any false
- 18 13 representation of a material fact or has suppressed or
- 18 14 withheld from the administrator any information which the
- 18 15 applicant or licensee possesses.
- 18 16 j. The licensee has failed without reasonable cause to
- 18 17 furnish to the parties of an escrow their respective
- 18 18 statements of a settlement within a reasonable time after the
- 18 19 close of escrow.
- 18 20 k. The licensee has failed without reasonable cause to
- 18 21 deliver, within a reasonable time after the close of escrow,
- 18 22 to the respective parties of an escrow transaction any money,
- 18 23 documents, or other properties held in escrow in violation of
- 18 24 the provisions of the escrow instructions.
- 18 25 l. The licensee has refused to permit an examination by
- 18 26 the administrator of the licensee's books and affairs or has
- 18 27 refused or failed, within a reasonable time, to furnish any
- 18 28 information or make any report that may be required by the
- 18 29 administrator pursuant to this chapter.
- 18 30 m. The licensee has been convicted of a felony relating to
- 18 31 the practice of escrow agents or escrow agencies or a
- 18 32 misdemeanor of which an essential element is fraud.
- 18 33 n. In the case of an escrow agency, has failed to maintain
- 18 34 complete and accurate records of all transactions within the
- 18 35 last six years.



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19 1     o. The licensee has commingled the money of others with  
19 2 the licensee's own or converted the money of others to the  
19 3 licensee's own use.

19 4     p. The licensee has failed, before the close of escrow, to  
19 5 obtain written escrow instructions concerning any essential or  
19 6 material fact or intentionally failed to follow the written  
19 7 instructions which have been agreed upon by the parties and  
19 8 accepted by the holder of the escrow.

19 9     q. The licensee has failed to disclose in writing that the  
19 10 licensee is acting in the dual capacity of escrow agent or  
19 11 escrow agency and undisclosed principal in any transaction.

19 12     r. The licensee has been barred, removed, or prohibited  
19 13 from serving in any capacity in a financial institution by any  
19 14 state or federal regulatory agency including but not limited  
19 15 to the office of comptroller of the currency, the office of  
19 16 thrift supervision, the federal deposit insurance corporation,  
19 17 the board of governors of the federal reserve system, or the  
19 18 United States department of housing and urban development.

19 19     s. The licensee has been convicted of forgery,  
19 20 embezzlement, obtaining money under false pretenses, theft,  
19 21 extortion, conspiracy to defraud, or another similar offense,  
19 22 in a court of competent jurisdiction in this state or in any  
19 23 other state, territory, or district of the United States, or  
19 24 in any foreign jurisdiction. For the purposes of this  
19 25 paragraph, "conviction" includes a guilty plea, deferred  
19 26 judgment, deferred sentence, or other similar finding of guilt  
19 27 by a court of competent jurisdiction.

19 28     t. The licensee has had a professional license of any kind  
19 29 revoked in any state or jurisdiction. An agreement to  
19 30 surrender a license and not to operate in an occupation in  
19 31 which a professional license is required shall be considered a  
19 32 revocation for the purposes of this paragraph.

19 33     u. The licensee has failed to pay child support and is  
19 34 identified in a certificate of noncompliance from the child  
19 35 support recovery unit of the department of human services



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20 1 according to the procedures in chapter 252J.  
20 2 v. The licensee has failed to pay student loans and is  
20 3 identified in a certificate of noncompliance from the college  
20 4 student aid commission according to the procedures set forth  
20 5 in chapter 261.  
20 6 w. An escrow agency has done any of the following:  
20 7 (1) Failed to maintain adequate supervision of an escrow  
20 8 agent.  
20 9 (2) Instructed an escrow agent to commit an act which  
20 10 would be cause for the revocation of the escrow agent's  
20 11 license and the escrow agent committed the act. An escrow  
20 12 agent is not subject to disciplinary action for committing  
20 13 such an act under instruction by the escrow agency.  
20 14 x. The licensee has caused the administrator to find that  
20 15 the financial responsibility, character, and general fitness  
20 16 of the applicant and of the members thereof if the applicant  
20 17 is a partnership, association, or other organization, and of  
20 18 the officers, directors, and principal employees if the  
20 19 applicant is a corporation, are such as to warrant belief that  
20 20 the business is not being operated honestly, soundly, and  
20 21 efficiently in the public interest consistent with the  
20 22 purposes of this chapter.  
20 23 2. It is sufficient cause for the imposition of a penalty  
20 24 or the refusal, suspension, or revocation of the license of a  
20 25 partnership, corporation, or any other association that any  
20 26 member of the partnership or any officer or director of the  
20 27 corporation or association has been guilty of any act or  
20 28 omission which would be cause for such action had the  
20 29 applicant or licensee been a natural person.  
20 30 Sec. 26. NEW SECTION. 545.26 DISCIPLINARY ACTIONS.  
20 31 1. The administrator may impose one or more of the  
20 32 following disciplinary actions against a licensee:  
20 33 a. Revoke a license.  
20 34 b. Suspend a license until further order of the  
20 35 administrator or for a specified period of time.



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21 1 c. Impose a period of probation under specified  
21 2 conditions.  
21 3 d. Impose civil penalties in an amount not to exceed five  
21 4 thousand dollars for each violation.  
21 5 e. Issue a citation and warning respecting licensee  
21 6 behavior.  
21 7 2. The administrator may order an emergency suspension of  
21 8 a licensee's license pursuant to section 17A.18A. A written  
21 9 order containing the facts or conduct which warrants the  
21 10 emergency action shall be timely sent to the licensee by  
21 11 restricted certified mail. Upon issuance of the suspension  
21 12 order, the licensee shall be notified of the right to an  
21 13 evidentiary hearing. A suspension proceeding shall be  
21 14 promptly instituted.  
21 15 3. A licensee may surrender a license by delivering to the  
21 16 administrator written notice of surrender, but a surrender  
21 17 does not affect the licensee's civil or criminal liability for  
21 18 acts committed before the surrender.  
21 19 4. A revocation, suspension, or surrender of a license  
21 20 does not impair or affect the obligation of a preexisting  
21 21 lawful contract between the licensee and any person.  
21 22 5. Except as provided in this section, a license shall not  
21 23 be revoked or suspended except after notice and an opportunity  
21 24 for an evidentiary hearing in accordance with chapter 17A. If  
21 25 such an application is not made within twenty days after the  
21 26 entry of the order, the administrator shall enter a final  
21 27 order.  
21 28 Sec. 27. NEW SECTION. 545.27 NOTICE OF SUSPENSION,  
21 29 PENALTY, OR REVOCATION OF LICENSE.  
21 30 Notice of the entry of an order of suspension or revocation  
21 31 or of the imposition of a penalty or denial of a license to an  
21 32 escrow agent or escrow agency shall be given in writing,  
21 33 served personally, or sent by certified mail to the last known  
21 34 address of the escrow agent or escrow agency affected.  
21 35 Sec. 28. NEW SECTION. 545.28 CEASE AND DESIST POWERS ==



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22 1 INJUNCTIVE RELIEF == SUBPOENAS.

22 2 1. For the purposes of this section, "administrator" means  
22 3 either the administrator or the person or agency charged with  
22 4 enforcing this chapter, or parts thereof, against the person  
22 5 under investigation.

22 6 2. The administrator has the following cease and desist  
22 7 powers:

22 8 a. If the administrator has reason to believe that an  
22 9 escrow agent or escrow agency is conducting business in an  
22 10 unsafe and injurious manner or in violation of this chapter or  
22 11 if it appears that a person is engaging in the escrow business  
22 12 without being licensed pursuant to this chapter, after notice  
22 13 and hearing, the administrator may order a person to cease and  
22 14 desist from violating any provision of this chapter or rules  
22 15 adopted pursuant to this chapter.

22 16 b. The administrator, upon such hearing, may administer  
22 17 oaths, examine and cross-examine witnesses, receive evidence,  
22 18 and may subpoena witnesses, compel their attendance, and  
22 19 require the production of all records or other documents which  
22 20 the administrator deems relevant to the inquiry. In case of a  
22 21 refusal of a person to comply with a subpoena issued under  
22 22 this section or to testify with respect to any matter relevant  
22 23 to the proceeding, on application of the administrator, the  
22 24 district court of Polk county may issue an order requiring the  
22 25 person to comply with the subpoena and to testify. A failure  
22 26 to obey an order of the court to comply with the subpoena may  
22 27 be punished by the court as a civil contempt. A cease and  
22 28 desist hearing need not observe any formal rules of pleading  
22 29 or evidence.

22 30 c. If after the hearing, the administrator finds that the  
22 31 person charged has violated this chapter or rules adopted  
22 32 pursuant to this chapter, the administrator shall issue  
22 33 written findings, a copy of which shall be served upon the  
22 34 person charged with the violation, along with an order  
22 35 requiring the person to cease and desist from engaging in the



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23 1 violation.

23 2 d. A person aggrieved by a cease and desist order of the  
23 3 administrator may obtain judicial review of the order and the  
23 4 administrator may obtain an order of the Polk county district  
23 5 court for the enforcement of the cease and desist order.

23 6 e. A proceeding for review must be initiated within thirty  
23 7 days after the aggrieved person receives the cease and desist  
23 8 order. If a proceeding is not initiated, the administrator  
23 9 may obtain a decree of the Polk county district court for  
23 10 enforcement of the cease and desist order.

23 11 f. A person who violates a cease and desist order of the  
23 12 administrator may, after notice and hearing, and upon further  
23 13 order of the administrator, be subject to a penalty of not  
23 14 more than five thousand dollars for each act or violation of  
23 15 the cease and desist order.

23 16 3. The administrator may request the attorney general to  
23 17 enforce the provisions of this chapter. A civil enforcement  
23 18 action by the attorney general may be filed in equity in  
23 19 either the county in which the violation occurred or Polk  
23 20 county. A civil enforcement action by the attorney general  
23 21 may seek any or all of the following:

23 22 a. Temporary and permanent injunctive relief.

23 23 b. Restitution for a mortgagor aggrieved by a violation of  
23 24 this chapter.

23 25 c. Costs for the investigation and prosecution of the  
23 26 enforcement action including attorney fees.

23 27 4. This chapter does not limit the power of the attorney  
23 28 general to determine that any other practice is unlawful under  
23 29 section 714.16, and to file an action under that section.

23 30 Sec. 29. NEW SECTION. 545.29 PROCEDURES FOLLOWING  
23 31 DECISION ON APPEAL.

23 32 1. If the order of the administrator is reversed, the  
23 33 court shall specifically direct the administrator as to the  
23 34 administrator's further action in the matter including the  
23 35 making and entering of any order and any conditions,



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24 1 limitations, or restrictions to be contained in the order.  
24 2 The administrator may revoke or alter the order for any proper  
24 3 cause which is discovered after the order is issued.  
24 4 2. If an order of the administrator is affirmed, the  
24 5 appellant is not barred after one year from filing a new  
24 6 application if the application is not otherwise barred or  
24 7 limited.  
24 8 3. The appeal does not suspend the operation of the order  
24 9 appealed from during the pendency of the appeal except upon  
24 10 proper order of the court.  
24 11 Sec. 30. NEW SECTION. 545.30 POWERS OF ADMINISTRATOR  
24 12 WHEN AGENCY'S AFFAIRS IN UNSAFE CONDITION.  
24 13 1. If the administrator ascertains that the assets or  
24 14 capital of any escrow agency are impaired or that an escrow  
24 15 agency's affairs are in an unsafe condition, the administrator  
24 16 may immediately take possession of all the property, business,  
24 17 and assets of the escrow agency which are located in this  
24 18 state and retain possession of them pending further  
24 19 proceedings provided for in this chapter.  
24 20 2. If the board of directors or any officer or person in  
24 21 charge of the offices of such an escrow agency refuses to  
24 22 permit the administrator to take possession of the property,  
24 23 the administrator shall communicate that fact to the attorney  
24 24 general. Thereupon the attorney general shall immediately  
24 25 institute such proceedings as may be necessary to place the  
24 26 administrator in immediate possession of the property of the  
24 27 escrow agency. The administrator shall make or cause to be  
24 28 made an inventory of the assets and known liabilities of the  
24 29 escrow agency.  
24 30 3. The administrator shall file one copy of the inventory  
24 31 in the administrator's office and one copy in the office of  
24 32 the clerk of the district court of the county in which the  
24 33 principal office of the escrow agency is located and shall  
24 34 mail one copy to each stockholder, partner, officer, or  
24 35 associate of the agency at the person's last known address.



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25 1 4. The clerk of the district court with which the copy of  
25 2 the inventory is filed shall docket the inventory as any other  
25 3 case or proceeding pending in the court and shall give the  
25 4 inventory a docket number.

25 5 Sec. 31. NEW SECTION. 545.31 RECEIVERSHIP.

25 6 1. The officers, directors, partners, associates, or  
25 7 stockholders of the escrow agency may, within sixty days after  
25 8 the date the administrator takes possession of the property,  
25 9 business, and assets, make good any deficit which may exist or  
25 10 remedy the unsafe condition of its affairs.

25 11 2. At the expiration of such time, if the deficiency in  
25 12 assets or capital has not been made good or the unsafe  
25 13 condition remedied, the administrator may apply to the court  
25 14 to be appointed receiver and proceed to liquidate the assets  
25 15 of the escrow agency which are located in this state in the  
25 16 same manner as provided by law for liquidation of a private  
25 17 corporation in receivership.

25 18 3. Another person shall not be appointed receiver by any  
25 19 court without first giving the administrator ample notice of  
25 20 the application.

25 21 4. The inventory made by the administrator and all claims  
25 22 filed by creditors are open at all reasonable times for  
25 23 inspection and any action taken by the receiver upon any of  
25 24 the claims is subject to the approval of the court before  
25 25 which the cause is pending.

25 26 5. The expenses of the receiver and the compensation of  
25 27 counsel, as well as all expenditures required in the  
25 28 liquidation proceedings, must be fixed by the administrator  
25 29 subject to the approval of the court, and, upon certification  
25 30 of the administrator, must be paid out of the money that the  
25 31 receiver possesses in that capacity.

25 32 Sec. 32. NEW SECTION. 545.32 TRUST ACCOUNTS.

25 33 1. All money deposited in escrow to be delivered upon the  
25 34 close of the escrow or upon any other contingency must be  
25 35 deposited in a financial institution that is insured by the



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26 1 federal deposit insurance corporation or national credit union  
26 2 share insurance fund unless another financial institution has  
26 3 been designated in writing in the instructions for the escrow.  
26 4       2. The money when deposited must be designated as "trust  
26 5 funds" or "escrow accounts" or under some other appropriate  
26 6 name indicating that the money is not the money of the escrow  
26 7 agent or escrow agency.  
26 8       3. The account must be an interest-bearing account. The  
26 9 interest on the account shall be transferred quarterly to the  
26 10 treasurer of state and transferred to the Iowa finance  
26 11 authority for deposit in the housing assistance fund created  
26 12 pursuant to section 16.40 unless there is a written agreement  
26 13 between the buyer and seller to the contrary.  
26 14       The escrow agent or escrow agency shall not benefit from  
26 15 interest received on funds of others in the possession of the  
26 16 escrow agent or escrow agency.  
26 17       4. Each escrow agency or escrow agent shall notify the  
26 18 administrator of the name of each financial institution in  
26 19 which a trust account is maintained and also the name of the  
26 20 account on forms acceptable to the administrator.  
26 21       5. Each escrow agency or escrow agent shall authorize the  
26 22 administrator or its designee to examine each trust account  
26 23 and shall obtain the certification of the financial  
26 24 institution attesting to each trust account and consenting to  
26 25 the examination and audit of each trust account by a duly  
26 26 authorized representative of the administrator. The  
26 27 certification and consent shall be furnished on forms  
26 28 specified by the administrator.  
26 29       6. Each escrow agency or escrow agent shall only deposit  
26 30 trust funds or escrow funds in the common trust account and  
26 31 shall not commingle the escrow agency's or escrow agent's  
26 32 personal funds or other funds in the trust account with the  
26 33 exception that an escrow agency or escrow agent may deposit  
26 34 and keep a sum not to exceed five hundred dollars in the trust  
26 35 account from the escrow agency's or escrow agent's personal



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27 1 funds, which sum shall be specifically identified and  
27 2 deposited to cover bank service charges relating to the trust  
27 3 account.

27 4 7. An escrow agency or escrow agent may maintain more than  
27 5 one trust account provided the administrator is advised of the  
27 6 account as specified in subsections 4 and 5.

27 7 8. The administrator shall verify on a test basis a random  
27 8 sampling of the escrow agencies or escrow agents for their  
27 9 trust account compliance. The administrator may upon  
27 10 reasonable cause, or as a part of or after an investigation,  
27 11 request or order a special report.

27 12 9. The examination of a trust account shall be conducted  
27 13 by the administrator or the administrator's authorized  
27 14 representative.

27 15 10. The administrator shall adopt rules pursuant to  
27 16 chapter 17A to administer this section.

27 17 Sec. 33. NEW SECTION. 545.33 LIMITATIONS ON EXECUTION OR  
27 18 ATTACHMENT OF ESCROW MONEY == COMMINGLING PROHIBITED.

27 19 1. Money deposited in escrow is not subject to execution  
27 20 or attachment on any claim against the escrow agent or escrow  
27 21 agency.

27 22 2. An escrow agent or escrow agency shall not knowingly  
27 23 keep or cause to be kept any money in any bank, credit union,  
27 24 or other financial institution under any name designating the  
27 25 money as belonging to a client of an escrow agent or escrow  
27 26 agency, unless the money was actually entrusted to the escrow  
27 27 agent or escrow agency by the client for deposit in escrow.

27 28 Sec. 34. NEW SECTION. 545.34 DUTY TO RECORD LICENSE  
27 29 INFORMATION.

27 30 1. If an escrow for the sale of real property is  
27 31 established, the holder of the escrow shall, on the date of  
27 32 establishment of the escrow, record in writing the number and  
27 33 the date of expiration of one of the following:

27 34 a. License issued pursuant to chapter 535B.

27 35 b. License issued under chapter 543B of any real estate



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28 1 broker, broker associate, or salesperson who will be paid  
28 2 compensation from money held in the escrow for performing the  
28 3 services of a real estate broker, broker associate, or  
28 4 salesperson in the transaction that is the subject of the  
28 5 escrow. The holder of the escrow is not required to verify  
28 6 independently the validity of the number of the license.  
28 7 2. If an escrow for the sale of real property is  
28 8 established and the real property is or will be secured by a  
28 9 mortgage or deed of trust, the holder of the escrow shall, on  
28 10 the date of establishment of the escrow, record in writing the  
28 11 number and the date of expiration of the license issued  
28 12 pursuant to chapter 535B of any mortgage broker or mortgage  
28 13 banker associated with the mortgage or deed of trust. The  
28 14 holder of the escrow is not required to verify independently  
28 15 the validity of the number of the license.  
28 16 Sec. 35. NEW SECTION. 545.35 DUTY TO EXECUTE DOCUMENTS  
28 17 TO RELEASE ESCROW MONEY == DAMAGES == ATTORNEY FEES.  
28 18 1. Except as otherwise provided in subsection 2 or in the  
28 19 escrow agreement between the parties and the holder of the  
28 20 escrow, upon the close of an escrow for the sale of real  
28 21 property or on the date the escrow is scheduled to close if it  
28 22 has not closed, each party shall execute the documents  
28 23 necessary to release the money deposited in the escrow.  
28 24 2. A party may refuse to execute a document necessary to  
28 25 release the money deposited in the escrow only if a good faith  
28 26 dispute exists concerning that money.  
28 27 3. If a party refuses to execute a document necessary to  
28 28 release the money deposited in the escrow within thirty days  
28 29 after the holder of the escrow makes a written request for the  
28 30 execution, the party injured by the failure of the other party  
28 31 to execute the document may collect from that party all of the  
28 32 following:  
28 33 a. Actual damages of not less than one hundred dollars and  
28 34 not more than one percent of the purchase price of the real  
28 35 property for which the money was deposited in the escrow,



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29 1 whichever is greater.

29 2 b. The money deposited in the escrow which was not held to  
29 3 resolve a good faith dispute concerning the sale of the  
29 4 property.

29 5 c. Reasonable attorney fees.

29 6 Sec. 36. NEW SECTION. 545.36 ACTION TO RECOVER ESCROW  
29 7 MONEY == DISCHARGE FROM RESPONSIBILITY == INTERPLEADER.

29 8 1. If an action is filed to recover money deposited in an  
29 9 escrow established for the sale of real property, the holder  
29 10 of the escrow may deposit the money, less any fees or charges  
29 11 owed to the holder of the escrow, with the court in which the  
29 12 action is filed.

29 13 2. A holder of an escrow who complies with the provisions  
29 14 of subsection 1 is discharged from further responsibility for  
29 15 the money which the holder deposits with the court.

29 16 3. This section does not limit the right of the holder of  
29 17 the escrow to bring an action for interpleader pursuant to  
29 18 Iowa rule of civil procedure 1.251 to determine the rightful  
29 19 claimant of the money deposited in the escrow.

29 20 Sec. 37. NEW SECTION. 545.37 ATTORNEY GENERAL TO  
29 21 REPRESENT DIVISION.

29 22 The attorney general shall act as the attorney for the  
29 23 division in all actions and proceedings brought against or by  
29 24 the division pursuant to any of the provisions of this  
29 25 chapter.

29 26 Sec. 38. NEW SECTION. 545.38 TERMINATION OF EMPLOYMENT  
29 27 OF ESCROW AGENT == PROHIBITED ACTIONS.

29 28 1. Whenever an escrow agent terminates, for any reason,  
29 29 employment with the escrow agency with whom the escrow agent  
29 30 was associated, the escrow agency shall do all of the  
29 31 following:

29 32 a. Immediately deliver or send by certified mail to the  
29 33 division the escrow agent's license, together with a written  
29 34 statement of the circumstances surrounding the termination.

29 35 b. At the time of delivering or mailing the license to the



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30 1 division, address a communication to the last known residence  
30 2 address of the escrow agent, advising the escrow agent that  
30 3 the license has been delivered or mailed to the division. A  
30 4 copy of the communication must accompany the license when  
30 5 delivered or mailed to the division.

30 6 2. An escrow agent shall not perform either directly or  
30 7 indirectly any act for which a license is required pursuant to  
30 8 this chapter as follows:

30 9 a. On or after the date the division receives the license  
30 10 from the escrow agency until the escrow agent's license is  
30 11 transferred or reissued or until a new license is issued to  
30 12 another agency.

30 13 b. Without being associated with or employed by a licensed  
30 14 escrow agency.

30 15 Sec. 39. NEW SECTION. 545.39 PROOF OF LICENSURE REQUIRED  
30 16 IN ACTION FOR COLLECTION OF COMPENSATION.

30 17 A person engaged in the business or acting in the capacity  
30 18 of an escrow agent or escrow agency within this state shall  
30 19 not bring or maintain any action in any court of this state  
30 20 for the collection of compensation for the performance of any  
30 21 act pursuant to this chapter without alleging and proving that  
30 22 the person was a licensed escrow agent or escrow agency at the  
30 23 time the alleged cause of action arose.

30 24 Sec. 40. NEW SECTION. 545.40 STATUTORY AND COMMON LAW  
30 25 RIGHTS UNAFFECTED.

30 26 The provisions of this chapter do not limit any statutory  
30 27 or common law right of any person to bring an action in any  
30 28 court for any act involved in the transaction of the escrow  
30 29 business or the right of the state to punish any person for  
30 30 any violation of any law.

30 31 Sec. 41. NEW SECTION. 545.41 TRANSACTIONS BY FOREIGN  
30 32 CORPORATIONS.

30 33 It is unlawful for a foreign corporation to transact any  
30 34 escrow business in this state unless the foreign corporation  
30 35 meets all of the following requirements:



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31 1 1. Qualifies under chapter 490.

31 2 2. Complies with the provisions of this chapter unless  
31 3 exempted by section 545.3.

31 4 Sec. 42. NEW SECTION. 545.42 EMPLOYEE OF DIVISION  
31 5 PROHIBITED FROM INTEREST IN ESCROW AGENCY.

31 6 A person shall not have a pecuniary interest in or act as  
31 7 an escrow agent for any escrow agency while the person is an  
31 8 employee of the division.

31 9 Sec. 43. NEW SECTION. 545.43 CHARGE FOR STATEMENT OF  
31 10 INTEREST PAYMENTS PROHIBITED.

31 11 An escrow agent or escrow agency shall not charge a fee for  
31 12 any statement or tax return regarding payment of interest  
31 13 which federal law requires the escrow agent or escrow agency  
31 14 to furnish and file.

31 15 Sec. 44. NEW SECTION. 545.44 PENALTIES FOR VIOLATIONS.

31 16 1. A person who violates section 545.2, 545.32, or 545.41  
31 17 is guilty of a serious misdemeanor.

31 18 2. A person who violates any other provision of this  
31 19 chapter is guilty of a simple misdemeanor.

31 20 EXPLANATION

31 21 This bill provides for licensure, regulation, and  
31 22 discipline of escrow agents and escrow agencies with the  
31 23 superintendent of banking acting as the administrator of this  
31 24 regulatory program. The bill also regulates the handling of  
31 25 trust accounts and creates a special fund to finance the  
31 26 regulatory activities of the administrator. The bill does not  
31 27 apply to:

31 28 1. A person doing business relating to banks, mutual  
31 29 savings banks, trust companies, savings and loan associations,  
31 30 common and consumer finance companies, or industrial loan  
31 31 companies.

31 32 2. A licensed Iowa attorney at law acting as an attorney  
31 33 or conducting an escrow agency which transacts closings  
31 34 through a lawyers trust account.

31 35 3. A firm or corporation which lends money on real or



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32 1 personal property and is subject to licensing, supervision, or  
32 2 auditing by an agency of the United States or of this state.

32 3 4. A person acting under order of a court.

32 4 The term "escrow" means any transaction where one person,  
32 5 in order to complete the sale, transfer, encumbering, or  
32 6 leasing of real or personal property to another person,  
32 7 delivers money, or other thing of value to a third person to  
32 8 hold until a specified event or the performance of a  
32 9 prescribed condition, at which time the third person delivers  
32 10 the money or thing of value to a grantee, grantor, promisee,  
32 11 promisor, obligee, obligor, bailee, bailor, or any agent or  
32 12 employee of any of the latter.

32 13 Both an escrow agency and individual escrow agents must be  
32 14 licensed. No person can be engaged in the escrow business or  
32 15 act in the capacity of an escrow agent or escrow agency  
32 16 without first obtaining a license as an escrow agent or escrow  
32 17 agency.

32 18 The transaction of escrow business must be conducted on the  
32 19 premises identified in the escrow agency license. The  
32 20 administrator must annually examine each escrow agency and has  
32 21 broad investigative and subpoena powers to determine any  
32 22 violation of the licensing provisions.

32 23 Each escrow agency must deposit with the administrator a  
32 24 corporate surety bond payable to the state of Iowa. The bill  
32 25 establishes a sliding scale to determine the amount of this  
32 26 bond. The bill establishes a judicial process for persons  
32 27 claiming against a bond for damages.

32 28 The bill has a number of confidentiality requirements.  
32 29 Notwithstanding Code chapter 22, the administrator may  
32 30 withhold from public inspection any information which the  
32 31 administrator believes the public welfare or the welfare of  
32 32 any escrow agent or escrow agency requires to be withheld.  
32 33 More specifically, the financial statements of an escrow  
32 34 agency are confidential along with records and information  
32 35 obtained from a governmental agency under an express



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33 1 confidentiality requirement. Also, a complaint filed by the  
33 2 administrator against an escrow agency or an escrow agent is  
33 3 open to public inspection, but all documents and other  
33 4 information filed with a complaint to the administrator and  
33 5 all documents and other information compiled as a result of  
33 6 the investigation conducted to determine whether to initiate  
33 7 disciplinary action are confidential. An order that imposes  
33 8 discipline and the findings of fact and conclusions of law  
33 9 supporting that order is open to public inspection.

33 10 The bill creates a "fund for mortgage lending" account in  
33 11 the office of the treasurer of state under the control of the  
33 12 administrator. The fund consists of a variety of licensing  
33 13 and inspection fees imposed in the bill and any other funds  
33 14 collected by the administrator and will be used to carry out  
33 15 the programs and laws administered by the administrator and  
33 16 pay the expenses related to the operations of the  
33 17 administrator. Moneys in the fund for mortgage lending at the  
33 18 end of each fiscal year do not revert.

33 19 The bill sets out extensive regulation for trust accounts,  
33 20 where the escrow funds are kept. All escrow funds must be  
33 21 interest bearing trust account and insured with the federal  
33 22 deposit insurance corporation. The escrow agent or escrow  
33 23 agency cannot retain the interest received on escrow funds and  
33 24 cannot commingle any personal funds with trust funds. That  
33 25 interest must be transferred to the housing assistance fund  
33 26 established in Code section 16.40. The trust accounts will be  
33 27 examined by the administrator. The bill establishes  
33 28 procedures for the release money in escrow, handling disputes,  
33 29 and for the recovery of damages for failure to execute.

33 30 The bill sets out a detailed list of grounds for  
33 31 disciplinary action against either an escrow agency or escrow  
33 32 agent. The administrator may impose a variety of sanctions  
33 33 including:

- 33 34 1. The revocation or suspension of a license.
- 33 35 2. The imposition of probation.



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34 1       3. The imposition of civil penalties in an amount not to  
34 2 exceed \$5,000 for each violation.  
34 3       4. The issuance of a citation and warning.  
34 4       Any disciplinary action must provide for an opportunity for  
34 5 a due process hearing; however, the administrator may order an  
34 6 emergency suspension of a licensee's license pursuant to Code  
34 7 section 17A.18A.  
34 8       The bill contains criminal penalties. A violation of new  
34 9 Code sections 545.2, 545.32, or 545.41 is a serious  
34 10 misdemeanor, while violation of any other provision is a  
34 11 simple misdemeanor.  
34 12 LSB 5294XD 82  
34 13 jr/rj/5.1



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**Senate Study Bill 3040**

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

Passed Senate, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved

Passed House, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_

**A BILL FOR**

- 1 An Act incorporating intervention program funding into the state
- 2 foundation aid formula and including effective and
- 3 applicability date provisions.
- 4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 5 TLSB 5600XD 82
- 6 ak/sc/14



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PAG LIN

1 1 Section 1. Section 256D.1, subsection 1, unnumbered  
1 2 paragraph 1, Code 2007, is amended to read as follows:  
1 3 An Iowa early intervention ~~block grant~~ program is  
1 4 established within the department of education. The program's  
1 5 goals for kindergarten through grade three are to provide the  
1 6 resources needed to reduce class sizes in basic skills  
1 7 instruction to the state goal of seventeen students for every  
1 8 one teacher; provide direction and resources for early  
1 9 intervention efforts by school districts to achieve a higher  
1 10 level of student success in the basic skills, especially  
1 11 reading skills; and increase communication and accountability  
1 12 regarding student performance. The Iowa early intervention  
1 13 ~~block grant~~ program shall consist of the following:

1 14 Sec. 2. Section 256D.1, subsection 1, paragraph b,  
1 15 subparagraph (1), Code 2007, is amended to read as follows:

1 16 (1) A school district shall at a minimum biannually inform  
1 17 parents of their individual child's performance on the  
1 18 diagnostic assessments in kindergarten through grade three.  
1 19 If intervention is appropriate, the school district shall  
1 20 inform the parents of the actions the school district intends  
1 21 to take to improve the child's reading skills and provide the  
1 22 parents with strategies to enable the parents to improve their  
1 23 child's skills. ~~If the diagnostic assessments administered in~~  
~~1 24 accordance with this subsection indicate that a child is~~  
~~1 25 reading below grade level, the school district shall submit a~~  
~~1 26 report of the assessment results to the parent, which the~~  
~~1 27 parent shall sign and return to the school district. If the~~  
~~1 28 parent does not sign or return the report, the school district~~  
~~1 29 shall note in the student's record the inaction on the part of~~  
~~1 30 the parent.~~ The board of directors of each school district  
1 31 shall adopt a policy indicating the methods the school  
1 32 district will use to inform parents of their individual  
1 33 child's performance.

1 34 Sec. 3. Section 256D.1, subsection 2, Code 2007, is  
1 35 amended to read as follows:



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2 1 2. A school district shall integrate its specific early  
2 2 intervention ~~block grant~~ program goals and activities into the  
2 3 comprehensive school improvement plan required under section  
2 4 256.7, subsection 21, paragraph "a".

2 5 Sec. 4. Section 256D.2, Code 2007, is amended to read as  
2 6 follows:

2 7 256D.2 PROGRAM EXPENDITURES.

2 8 A school district shall expend funds received pursuant to  
2 9 section ~~256D.4~~ 257.11, subsection 10, at the kindergarten  
2 10 through grade three levels to reduce class sizes to the state  
2 11 goal of seventeen students for every one teacher and to  
2 12 achieve a higher level of student success in the basic skills,  
2 13 especially reading. In order to support these efforts, school  
2 14 districts may expend funds received pursuant to section ~~256D.4~~  
2 15 257.11, subsection 10, at the kindergarten through grade three  
2 16 level on programs, instructional support, and materials that  
2 17 include, but are not limited to, the following: additional  
2 18 licensed instructional staff; additional support for students,  
2 19 such as before and after school programs, tutoring, and  
2 20 intensive summer programs; the acquisition and administration  
2 21 of diagnostic reading assessments; the implementation of  
2 22 research-based instructional intervention programs for  
2 23 students needing additional support; the implementation of  
2 24 all-day, everyday kindergarten programs; and the provision of  
2 25 classroom teachers with intensive training programs to improve  
2 26 reading instruction and professional development in best  
2 27 practices, including but not limited to training programs  
2 28 related to instruction to increase students' phonemic  
2 29 awareness, reading abilities, and comprehension skills.

2 30 Sec. 5. Section 256D.3, subsection 3, Code 2007, is  
2 31 amended to read as follows:

2 32 3. Beginning January 15, 2006, the department shall submit  
2 33 an annual report to the chairpersons and ranking members of  
2 34 the senate and house education committees that includes the  
2 35 statewide average school district class size in basic skills



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3 1 instruction in kindergarten through grade three, by grade  
3 2 level and by district size, and describes school district  
3 3 progress toward achieving early intervention ~~block grant~~  
3 4 program goals and the ways in which school districts are using  
3 5 ~~moneys~~ funds received pursuant to ~~this chapter~~ section 257.11,  
3 6 subsection 10, and expended as provided in section 256D.2.

3 7 The report shall include district-by-district information  
3 8 showing the allocation received for early intervention ~~block~~  
~~3 9 grant~~ program purposes, the total number of students enrolled  
3 10 in grade four in each district, and the number of students in  
3 11 each district who are not proficient in reading in grade four  
3 12 for the most recent reporting period, as well as for each  
3 13 reporting period starting with the school year beginning July  
3 14 1, 2001.

3 15 Sec. 6. Section 257.11, Code Supplement 2007, is amended  
3 16 by adding the following new subsection:

3 17 NEW SUBSECTION. 10. CLASS SIZE REDUCTION AND EARLY  
3 18 INTERVENTION. In order to provide additional funding to  
3 19 school districts to reduce class sizes in basic skills  
3 20 instruction to the state goal of seventeen students for every  
3 21 one teacher; provide direction and resources for early  
3 22 intervention efforts by school districts to achieve a higher  
3 23 level of student success in the basic skills, especially  
3 24 reading skills; and increase communication and accountability  
3 25 regarding student performance, a supplementary weighting plan  
3 26 for class size reduction and early intervention is adopted. A  
3 27 supplementary weighting of four thousand six hundred  
3 28 ninety-five ten-thousandths per pupil shall be assigned to the  
3 29 number of pupils in a school district enrolled in grades one  
3 30 through three who are eligible for free or reduced price meals  
3 31 under the federal National School Lunch Act and the federal  
3 32 Child Nutritional Act of 1966, 42 U.S.C. }} 1751=1785, as  
3 33 reported by the school district on the basic educational data  
3 34 survey for the base year; and a supplementary weighting of two  
3 35 thousand five hundred sixty-eight ten-thousandths per pupil



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4 1 shall be assigned to pupils included in the budget enrollment  
4 2 in grades kindergarten through three of the school district.  
4 3 Amounts received as supplementary weighting for class size  
4 4 reduction and early intervention shall be expended as provided  
4 5 in section 256D.2.

4 6 Sec. 7. Section 256D.4, Code 2007, is repealed.

4 7 Sec. 8. Sections 256D.5 and 256D.9, Code Supplement 2007,  
4 8 are repealed.

4 9 Sec. 9. EFFECTIVE AND APPLICABILITY DATES. This Act,  
4 10 being deemed of immediate importance, takes effect upon  
4 11 enactment and applies to school budget years beginning on or  
4 12 after July 1, 2008.

4 13 EXPLANATION

4 14 This bill incorporates funding of the early intervention  
4 15 program in Code chapter 256D into the state foundation aid  
4 16 formula through a supplemental weighting formula created in  
4 17 Code section 257.11, subsection 10.

4 18 The bill makes changes to Code chapter 256D to reflect the  
4 19 altered source of funding. The bill repeals obsolete Code  
4 20 sections dealing with appropriations, fund allocations, and a  
4 21 repeal date.

4 22 The bill provides a supplementary weighting plan to provide  
4 23 school districts with funding for the early intervention  
4 24 program. A weighting of .04695 is assigned for each pupil in  
4 25 a district enrolled in grades one through three who is  
4 26 eligible for free or reduced price meals under the federal  
4 27 National School Lunch Act and the federal Child Nutritional  
4 28 Act of 1966, and a supplementary weighting of .02568 per pupil  
4 29 is assigned for pupils included in the budget enrollment in  
4 30 grades kindergarten through three. These amounts are to be  
4 31 used by a school district for reducing class sizes and  
4 32 achieving a higher level of student success in basic skills,  
4 33 especially reading, for grades kindergarten through three.  
4 34 The Act takes effect upon enactment and applies to school  
4 35 budget years beginning on or after July 1, 2008.



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Senate Study Bill 3040 continued

5 1 LSB 5600XD 82  
5 2 ak/sc/14



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January 16, 2008

Senate Study Bill 3041

SENATE FILE  
BY (PROPOSED COMMITTEE ON  
AGRICULTURE BILL BY  
CHAIRPERSON FRAISE)

Passed Senate, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved

Passed House, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_

A BILL FOR

- 1 An Act relating to the Iowa crop improvement association.
- 2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 3 TL5B 5617SC 82
- 4 da/nh/5



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Senate Study Bill 3041 continued

PAG LIN

1 1 Section 1. Section 177.1, Code 2007, is amended to read as  
1 2 follows:

1 3 177.1 RECOGNITION OF ORGANIZATION.

1 4 The organization ~~now~~ existing in and incorporated under the  
1 5 laws of this state and known as the Iowa crop improvement  
1 6 association, shall be entitled to the benefits of this chapter  
1 7 ~~by filing each year with the department of agriculture and~~  
~~1 8 land stewardship verified proofs of its organization and of~~  
~~1 9 the names of its president, vice president, secretary, and~~  
~~1 10 treasurer, and that five hundred persons are bona fide members~~  
~~1 11 of the association, together with such other information as~~  
~~1 12 the department of agriculture and land stewardship may~~  
~~1 13 require.~~

1 14 Sec. 2. NEW SECTION. 177.1A DEFINITIONS.

1 15 As used in this chapter, unless the context otherwise  
1 16 requires, "association" means the Iowa crop improvement  
1 17 association recognized in section 177.1.

1 18 Sec. 3. Section 177.2, Code 2007, is amended by striking  
1 19 the section and inserting in lieu thereof the following:

1 20 177.2 POWERS AND PURPOSES == RULEMAKING.

1 21 1. The Iowa crop improvement association shall have all  
1 22 powers necessary to carry out the following purposes:

1 23 a. Provide mechanisms for conducting domestic and  
1 24 international seed and planting stock certification and seed  
1 25 and planting stock quality assurance.

1 26 b. Provide educational and leadership opportunities to  
1 27 influence public policy regarding crop improvement.

1 28 c. Conduct, in cooperation with Iowa state university  
1 29 college of agriculture, testing and disseminating information  
1 30 regarding the adaptation and performance of crop cultivars.

1 31 d. Coordinate all Iowa crop improvement association  
1 32 activities in a manner that is consistent with environmentally  
1 33 sound agricultural practices.

1 34 e. Provide a mechanism for commodity identity  
1 35 preservation.



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2 1 f. Be the official seed certifying agent for the state.

2 2 g. Engage in such other activities that are reasonably  
2 3 connected to the purposes of this section.

2 4 2. The Iowa crop improvement association shall adopt rules  
2 5 necessary to carry out this chapter as provided in chapter  
2 6 17A.

2 7 Sec. 4. Section 177.3, Code 2007, is amended to read as  
2 8 follows:

2 9 177.3 BOARD OF DIRECTORS.

2 10 The Iowa crop improvement association shall be governed by  
2 11 a board of directors.

2 12 1. The association's articles of incorporation or bylaws  
2 13 shall provide for all of the following:

2 14 a. The organization of the board, its procedures for  
2 15 meeting and voting, and the election of its board members and  
2 16 officers.

2 17 b. The business of the association, which shall be  
2 18 transacted by a as provided in this chapter.

2 19 2. The board of directors which shall consist shall  
2 20 include all of the following members:

2 21 1. a. The secretary of agriculture or the secretary's  
2 22 designee.

2 23 b. The following persons representing the college of  
2 24 agriculture at Iowa state university:

2 25 (1) The director of the agricultural experiment station of  
2 26 the Iowa state university of science and technology.

2 27 2. (2) The head of farm crops in the Iowa agricultural  
2 28 experiment station chair of the agronomy department.

2 29 3. (3) The secretary of agriculture or the secretary's  
2 30 designee director of the seed science center.

2 31 4. c. Six Seven persons who shall be elected from its  
2 32 membership by the association's voting shareholders from among  
2 33 its voting shareholders.

2 34 Sec. 5. Section 177.4, Code 2007, is amended to read as  
2 35 follows:



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3 1       177.4 EMPLOYEES.  
 3 2       The ~~directors~~ Iowa crop improvement association may employ  
 3 3 one or more competent persons ~~who shall devote their entire~~  
~~3 4 time, while employed by the association, to carrying~~ carry out  
 3 5 the provisions of this chapter as directed by the  
 3 6 association's board of directors. ~~Such persons~~ The board may  
 3 7 employ an executive director. A person employed by the board  
 3 8 shall receive such compensation as the directors may fix and  
~~3 9 their~~ and necessary expenses incurred while engaged in such  
~~3 10 work~~ the business of the association as provided by its board  
 3 11 of directors.

3 12       Sec. 6. Section 177.5, Code 2007, is amended to read as  
 3 13 follows:

3 14       177.5 EXPENSES OF OFFICERS.  
 3 15       ~~The officers~~ A member of the board of directors or officer  
 3 16 of the Iowa crop improvement association other than the  
 3 17 executive director appointed pursuant to section 177.4 shall  
 3 18 serve without compensation, but shall. However, a member of  
 3 19 the board of directors or officer may receive their necessary  
 3 20 expenses while engaged in the business of the association  
 3 21 pursuant to section 7E.6, as determined by the board.

EXPLANATION

3 23       This bill amends Code chapter 177, which provides for the  
 3 24 Iowa crop improvement association, by amending each Code  
 3 25 section relating to the association's recognition, its duties  
 3 26 and objectives, and its management by a board of directors and  
 3 27 employees. The bill does all of the following:

3 28       Provides that the association, which is required to be  
 3 29 incorporated by the secretary of state, is no longer required  
 3 30 to file proof of the organization's existence with the  
 3 31 department of agriculture and land stewardship.

3 32       Defines "association" to mean the Iowa crop improvement  
 3 33 association for purposes of the Code chapter.

3 34       Rewrites the powers and purposes of the association, which  
 3 35 include: (1) providing quality assurance for seed and



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4 1 planting stock including by certification, (2) influencing  
4 2 public policy regarding issues affecting crop improvement, (3)  
4 3 promoting the adaptation and performance of crop cultivars,  
4 4 (4) practicing environmentally sound agricultural practices,  
4 5 (5) providing for commodity identity preservation, and (6)  
4 6 acting as the state's agency responsible for seed  
4 7 certification. The bill provides the association with  
4 8 rulemaking authority.

4 9 Amends provisions providing for the members of the  
4 10 association's board of directors by increasing the membership  
4 11 from nine to 11 members, eliminating the head of farm crops at  
4 12 the Iowa agricultural experiment station at Iowa state  
4 13 university, and adding two persons from Iowa state  
4 14 university's college of agriculture (the chair of the agronomy  
4 15 department of the college of agriculture and the director of  
4 16 the seed science center), and increasing by one the number of  
4 17 persons representing the association's shareholders. Persons  
4 18 remaining on the board include the secretary of agriculture,  
4 19 the director of Iowa state university's agricultural  
4 20 experiment station, and six persons representing the  
4 21 association's shareholders.

4 22 Amends provisions which provide for the employment of staff  
4 23 by providing for the employment of part-time personnel, and  
4 24 expressly allows the board to employ an executive director.  
4 25 The bill also eliminates a provision which requires that board  
4 26 members must be reimbursed for expenses. Under the bill, such  
4 27 payments are made according to Code section 7E.6 as determined  
4 28 by the board.

4 29 LSB 5617SC 82

4 30 da/nh/5



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Senate Study Bill 3042

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

Passed Senate, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved

Passed House, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_

A BILL FOR

1 An Act relating to contractor registration through the division  
2 of labor services of the department of workforce development  
3 and the appropriation of fees for the use of the division.  
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
5 TLSB 5436DP 82  
6 ak/rj/8



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PAG LIN

1 1 Section 1. Section 91C.4, Code 2007, is amended to read as  
 1 2 follows:  
 1 3 91C.4 FEES.  
 1 4 The labor commissioner shall prescribe the fee for  
 1 5 registration, which fee shall not exceed ~~twenty-five~~ fifty  
 1 6 dollars every two years. All fees collected shall be  
 1 7 deposited in the ~~general fund of the state~~ contractor  
 1 8 registration fund created in section 91C.9.

1 9 Sec. 2. NEW SECTION. 91C.9 CONTRACTOR REGISTRATION FUND.  
 1 10 A contractor registration fund is created as a revolving  
 1 11 fund within the state treasury under the control of the labor  
 1 12 commissioner. The fund shall consist of all fees collected by  
 1 13 the commissioner pursuant to this chapter. The moneys in the  
 1 14 fund are appropriated to the division of labor services of the  
 1 15 department of workforce development and shall be used by the  
 1 16 commissioner to pay the actual costs and expenses necessary to  
 1 17 operate the contractor registration program and perform the  
 1 18 duties of the commissioner as described in this chapter.  
 1 19 Salaries and expenses properly chargeable to the fund shall be  
 1 20 paid from the fund. Section 8.33 does not apply to any moneys  
 1 21 in the fund. Notwithstanding section 12C.7, subsection 2,  
 1 22 interest or earnings on moneys deposited in the fund shall be  
 1 23 credited to the fund.

EXPLANATION

1 24 This bill increases the contractor registration fee to not  
 1 25 more than \$50 every two years from \$25 every two years.  
 1 26 A revolving fund is created for the contractor registration  
 1 27 program for the division of labor services of the department  
 1 28 of workforce development. Fees collected pursuant to Code  
 1 29 chapter 91C are required to be deposited in the revolving fund  
 1 30 and are appropriated to pay for the costs and expenses related  
 1 31 to the operation of the contractor registration program.  
 1 32  
 1 33 LSB 5436DP 82  
 1 34 ak/rj/8.1



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Senate Study Bill 3043

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

Passed Senate, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved

Passed House, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_

A BILL FOR

- 1 An Act relating to inclined or vertical wheelchair lifts
- 2 regulated by the elevator safety board.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 5467DP 82
- 5 ak/nh/5



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Senate Study Bill 3043 continued

PAG LIN

1 1 Section 1. Section 89A.1, subsection 10, Code Supplement  
1 2 2007, is amended to read as follows:  
1 3 10. "Inclined or vertical wheelchair lift" means a lift  
1 4 ~~used as part of an accessible route in or at a public building~~  
1 5 to transport a wheelchair as specified in the American society  
1 6 ~~of mechanical engineers safety codes for elevators and~~  
~~1 7 escalators, A17.1 standard for platform lifts and stairway~~  
1 8 chairlifts, A18.1.

1 9 Sec. 2. Section 89A.9, subsection 2, Code Supplement 2007,  
1 10 is amended to read as follows:

1 11 2. The operating permit shall indicate the type of  
1 12 equipment for which it is issued, and in the case of elevators  
1 13 shall state whether passenger or freight, and also shall state  
1 14 the contract load and speed for each conveyance. The permit  
1 15 shall be posted conspicuously in the car of an elevator, or on  
1 16 or near a dumbwaiter, escalator, moving walk, or inclined or  
1 17 vertical wheelchair lift.

1 18 EXPLANATION

1 19 This bill updates the definition of "inclined or vertical  
1 20 wheelchair lift" to reflect the current American society of  
1 21 mechanical engineers safety standards. The bill also  
1 22 specifies that operating permits need to be posted near  
1 23 inclined or vertical wheelchair lifts.

1 24 LSB 5467DP 82

1 25 ak/nh/5



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Senate Study Bill 3044

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

Passed Senate, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved

Passed House, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_

A BILL FOR

- 1 An Act relating to unemployment insurance benefits and compliance
- 2 with federal law and including effective date and
- 3 applicability provisions.
- 4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 5 TLSB 5473XD 82
- 6 ak/rj/14



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PAG LIN

1 1 Section 1. Section 96.3, subsection 5, Code 2007, is  
1 2 amended to read as follows:  
1 3 5. a. DURATION OF BENEFITS. The maximum total amount of  
1 4 benefits payable to an eligible individual during a benefit  
1 5 year shall not exceed the total of the wage credits accrued to  
1 6 the individual's account during the individual's base period,  
1 7 or twenty=six times the individual's weekly benefit amount,  
1 8 whichever is the lesser. The director shall maintain a  
1 9 separate account for each individual who earns wages in  
1 10 insured work. The director shall compute wage credits for  
1 11 each individual by crediting the individual's account with  
1 12 one=third of the wages for insured work paid to the individual  
1 13 during the individual's base period. However, the director  
1 14 shall recompute wage credits for an individual who is laid off  
1 15 due to the individual's employer going out of business at the  
1 16 factory, establishment, or other premises at which the  
1 17 individual was last employed, by crediting the individual's  
1 18 account with one=half, instead of one=third, of the wages for  
1 19 insured work paid to the individual during the individual's  
1 20 base period. Benefits paid to an eligible individual shall be  
1 21 charged against the base period wage credits in the  
1 22 individual's account which have not been previously charged,  
1 23 in the inverse chronological order as the wages on which the  
1 24 wage credits are based were paid. However if the state "off  
1 25 indicator" is in effect and if the individual is laid off due  
1 26 to the individual's employer going out of business at the  
1 27 factory, establishment, or other premises at which the  
1 28 individual was last employed, the maximum benefits payable  
1 29 shall be extended to thirty=nine times the individual's weekly  
1 30 benefit amount, but not to exceed the total of the wage  
1 31 credits accrued to the individual's account.  
1 32 b. TRAINING EXTENSION BENEFITS. An individual who has  
1 33 been separated from a declining occupation or who has been  
1 34 involuntarily separated from employment as a result of a  
1 35 permanent reduction of operations at the last place of



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2 1 employment and who is in training with the approval of the  
2 2 director at the time regular benefits are exhausted may be  
2 3 eligible for training extension benefits. A declining  
2 4 occupation is one in which there is a lack of sufficient  
2 5 current demand in the individual's labor market area for the  
2 6 occupational skills for which the individual is fitted by  
2 7 training and experience or current physical or mental capacity  
2 8 and the lack of employment opportunities is expected to  
2 9 continue for an extended period of time, or the individual's  
2 10 occupation is one for which there is a seasonal variation in  
2 11 demand in the labor market and the individual has no other  
2 12 skill for which there is current demand. The training  
2 13 extension benefit amount shall be twenty-six times the  
2 14 individual's weekly benefit amount and the weekly benefit  
2 15 amount shall be equal to the individual's weekly benefit  
2 16 amount for the claim in which benefits were exhausted while in  
2 17 training. An individual who is receiving training extension  
2 18 benefits shall not be denied benefits due to application of  
2 19 section 96.4, subsection 3, or section 96.5, subsection 3.  
2 20 However, an employer's account shall not be charged with  
2 21 benefits so paid. Relief of charges under this paragraph "b"  
2 22 applies to both contributory and reimbursable employers,  
2 23 notwithstanding section 96.8, subsection 5. In order for the  
2 24 individual to be eligible for training extension benefits all  
2 25 of the following criteria must be met:  
2 26 (1) The training is for a high-demand or high-technology  
2 27 occupation, including fields of life sciences, advanced  
2 28 manufacturing, biotechnology, alternative fuels, insurance,  
2 29 and environmental technology. "High-demand occupation" means  
2 30 an occupation in a labor market area in which the department  
2 31 determines work opportunities are available and there is a  
2 32 lack of qualified applicants.  
2 33 (2) The individual must file any unemployment insurance  
2 34 claim to which the individual becomes entitled under state or  
2 35 federal law, and must draw any unemployment insurance benefits



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3 1 on that claim until the claim has expired or has been  
3 2 exhausted, in order to maintain the individual's eligibility  
3 3 under this paragraph "b". The state benefits paid shall be  
3 4 deducted from the total of the training extension benefit  
3 5 amount. Training extension benefits end upon completion of  
3 6 the training even though a portion of the training extension  
3 7 benefit amount may remain.

3 8 (3) To the extent permitted by federal law, benefits  
3 9 payable under any federal unemployment compensation law shall  
3 10 be included as benefits payable under this paragraph "b".

3 11 (4) The individual must be enrolled, participating in the  
3 12 training, and making satisfactory progress to complete the  
3 13 training.

3 14 (5) The individual is considered to be in training during  
3 15 regularly scheduled vacation or recess periods of three weeks  
3 16 or less but not during a summer vacation period or school  
3 17 break which is longer than three weeks. If the individual  
3 18 immediately returns to training after the summer vacation or  
3 19 break period of longer than three weeks, the individual may  
3 20 reopen the training extension benefit claim. Otherwise, the  
3 21 individual must be continuously in training in order to be  
3 22 eligible for training extension benefits.

3 23 (6) The beginning date of the training extension benefits  
3 24 is more than three years after the beginning date of any  
3 25 training extension benefits last received by the individual  
3 26 under this paragraph "b".

3 27 Sec. 2. Section 96.4, subsection 4, Code 2007, is amended  
3 28 to read as follows:

3 29 4. a. The individual has been paid wages for insured work  
3 30 during the individual's base period in an amount at least one  
3 31 and one-quarter times the wages paid to the individual during  
3 32 that quarter of the individual's base period in which the  
3 33 individual's wages were highest; provided that the individual  
3 34 has been paid wages for insured work totaling at least three  
3 35 and five-tenths percent of the statewide average annual wage



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4 1 for insured work, computed for the preceding calendar year if  
4 2 the individual's benefit year begins on or after the first  
4 3 full week in July and computed for the second preceding  
4 4 calendar year if the individual's benefit year begins before  
4 5 the first full week in July, in that calendar quarter in the  
4 6 individual's base period in which the individual's wages were  
4 7 highest, and the individual has been paid wages for insured  
4 8 work totaling at least one-half of the amount of wages  
4 9 required under this ~~subsection~~ paragraph in the calendar  
4 10 quarter of the base period in which the individual's wages  
4 11 were highest, in a calendar quarter in the individual's base  
4 12 period other than the calendar quarter in which the  
4 13 individual's wages were highest. The calendar quarter wage  
4 14 requirements shall be rounded to the nearest multiple of ten  
4 15 dollars.

4 16 b. For an individual who does not have sufficient wages in  
4 17 the base period, as defined in section 96.19, to otherwise  
4 18 qualify for benefits pursuant to this subsection, the  
4 19 individual's base period shall be the last four completed  
4 20 calendar quarters immediately preceding the first day of the  
4 21 individual's benefit year if such period qualifies the  
4 22 individual for benefits under this subsection.

4 23 (1) Wages that fall within the alternative base period  
4 24 established under this paragraph "b" are not available for  
4 25 qualifying benefits in any subsequent benefit year.

4 26 (2) Employers shall be charged in the manner provided in  
4 27 this chapter for benefits paid based upon quarters used in the  
4 28 alternative base period.

4 29 c. If the individual has drawn benefits in any benefit  
4 30 year, the individual must during or subsequent to that year,  
4 31 work in and be paid wages for insured work totaling at least  
4 32 two hundred fifty dollars, as a condition to receive benefits  
4 33 in the next benefit year.

4 34 Sec. 3. Section 96.5, subsection 1, Code Supplement 2007,  
4 35 is amended by adding the following new paragraph:



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5 1 NEW PARAGRAPH. b. The individual left employment to  
5 2 accompany a spouse due to a change in location of the spouse's  
5 3 employment to a place from which it is impractical for the  
5 4 individual to commute.

5 5 Sec. 4. Section 96.5, subsection 1, paragraph c, Code  
5 6 Supplement 2007, is amended to read as follows:

5 7 c. ~~The individual left employment for the necessary and~~  
~~5 8 sole purpose of taking care of a member of the individual's~~  
~~5 9 immediate family who was then injured or ill, and if after~~  
~~5 10 said member of the family sufficiently recovered, the~~  
~~5 11 individual immediately returned to and offered the~~  
~~5 12 individual's services to the individual's employer, provided,~~  
~~5 13 however, that during such period the individual did not accept~~  
~~5 14 any other employment. The individual left employment as a~~  
5 15 result of the illness, injury, or disability of a member of  
5 16 the individual's immediate family.

5 17 Sec. 5. Section 96.5, subsection 1, Code Supplement 2007,  
5 18 is amended by adding the following new paragraph:

5 19 NEW PARAGRAPH. k. The individual left employment due to  
5 20 domestic abuse, as defined in section 236.2, or stalking, as  
5 21 described in section 708.11, perpetrated against the  
5 22 individual, and the individual reasonably believed such act  
5 23 was necessary to protect the safety of the individual or the  
5 24 individual's family. Benefits related to wage credits earned  
5 25 with the employer that the individual has left shall be  
5 26 charged to the unemployment compensation fund. This paragraph  
5 27 applies to both contributory and reimbursable employers,  
5 28 notwithstanding section 96.8, subsection 5. All evidence of  
5 29 domestic abuse or stalking experienced by an individual,  
5 30 including the individual's statement and any corroborating  
5 31 evidence, shall not be disclosed by the department, except to  
5 32 the parties in a contested benefit case proceeding and to the  
5 33 employment appeal board or courts in an appeal or unless  
5 34 consent for disclosure is granted in writing by the  
5 35 individual. Evidence of domestic abuse or stalking may



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6 1 include but is not limited to any of the following:

6 2 (1) A statement or report from a law enforcement agency or  
6 3 professional, medical professional, mental health  
6 4 professional, or domestic violence shelter or professional.

6 5 (2) Witness statements regarding an incident that causes  
6 6 the individual to believe the individual's life or safety or  
6 7 the life or safety of a member of the individual's family is  
6 8 in danger.

6 9 Sec. 6. Section 96.23, subsection 2, Code 2007, is amended  
6 10 to read as follows:

6 11 2. The individual did not receive wages from insured work  
6 12 for two calendar quarters and did not receive wages from  
6 13 insured work for another calendar quarter equal to or greater  
6 14 than the amount required for a calendar quarter, other than  
6 15 the calendar quarter in which the individual's wages were  
6 16 highest, under section 96.4, subsection 4, paragraph "a".

6 17 Sec. 7. FUTURE APPROPRIATION OF FEDERAL FUNDS. Any funds  
6 18 received by this state from the federal government pursuant to  
6 19 section 903 of the federal Social Security Act as a result of  
6 20 the enactment of this Act shall be appropriated by the general  
6 21 assembly to the department of workforce development to be used  
6 22 for the payment of unemployment insurance benefits or for the  
6 23 administration of the Iowa employment security law, chapter  
6 24 96, and public employment offices.

6 25 Sec. 8. EFFECTIVE AND APPLICABILITY DATES. The section of  
6 26 this Act amending section 96.3 applies to any week of  
6 27 unemployment benefits beginning on or after July 1, 2008. The  
6 28 sections of this Act amending sections 96.4 and 96.5 take  
6 29 effect June 29, 2008, and apply to any claim with an effective  
6 30 date on or after June 29, 2008.

6 31 EXPLANATION

6 32 This bill relates to unemployment insurance benefits and  
6 33 brings Iowa into compliance with federal law in order to  
6 34 receive additional federal funds.

6 35 The bill establishes a benefits extension for individuals



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7 1 enrolled in a training program. The individual must be  
7 2 separated from a declining occupation or have been  
7 3 involuntarily separated as a result of a permanent reduction  
7 4 of operations at the last place of employment. Regular  
7 5 benefits must be exhausted and the individual must be in a  
7 6 training program that is in a high=demand or a high=technology  
7 7 occupation which is targeted for growth and approved by the  
7 8 department of workforce development. The training extension  
7 9 provides a maximum of 26 additional weeks of benefits from  
7 10 which is deducted any federal extended benefits or succeeding  
7 11 year state regular benefits.

7 12 An alternate method of calculating the base period, to  
7 13 determine the monetary attachment=to=the=workforce eligibility  
7 14 of individuals for unemployment benefits, is also included for  
7 15 cases where the current method of calculation makes an  
7 16 individual ineligible for unemployment benefits. The bill  
7 17 moves the base period closer, by one quarter, to the benefit  
7 18 claim filing date so that the base period would consist of the  
7 19 first four calendar quarters immediately preceding the  
7 20 calendar quarter in which the claim for unemployment benefits  
7 21 is filed if doing so would qualify the individual for  
7 22 benefits.

7 23 The bill provides for benefits to an individual who leaves  
7 24 a job to accompany a spouse due to a change of location of the  
7 25 spouse's employment to a place where commuting for the  
7 26 individual is not practical. The bill provides for benefits  
7 27 to an individual who leaves a job as a result of the illness,  
7 28 injury, or disability of a member of the individual's  
7 29 immediate family.

7 30 The bill allows an individual to collect unemployment  
7 31 benefits due to domestic violence or stalking under certain  
7 32 circumstances and allows the employer to be relieved of  
7 33 charges of unemployment benefits paid due to the domestic  
7 34 violence or stalking. The bill requires the department to  
7 35 keep the record confidential to protect the safety of the



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8 1 individual.

8 2 The bill also directs any possible future federal funds as  
8 3 a result of the bill to be appropriated to the department for  
8 4 the payment of unemployment insurance benefits or for the  
8 5 administration of the Iowa employment security law under Code  
8 6 chapter 96 and public employment offices.

8 7 The effective and applicability date of the bill section  
8 8 amending Code section 96.3 begins on or after July 1, 2008.  
8 9 Sections of the bill amending Code sections 96.4 and 96.5  
8 10 become effective and applicable to any claim effectively filed  
8 11 on or after June 29, 2008.

8 12 LSB 5473XD 82

8 13 ak/rj/14



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**Senate Study Bill 3045**

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

Passed Senate, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved

Passed House, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_

**A BILL FOR**

- 1 An Act relating to employers' participation in unemployment
- 2 insurance adjudications.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 5448DP 82
- 5 ak/nh/5



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Senate Study Bill 3045 continued

PAG LIN

1 1 Section 1. Section 96.3, subsection 7, Code 2007, is  
1 2 amended to read as follows:

1 3 7. RECOVERY OF OVERPAYMENT OF BENEFITS.

1 4 a. If an individual receives benefits for which the  
1 5 individual is subsequently determined to be ineligible, even  
1 6 though the individual acts in good faith and is not otherwise  
1 7 at fault, the benefits shall be recovered. The department in  
1 8 its discretion may recover the overpayment of benefits either  
1 9 by having a sum equal to the overpayment deducted from any  
1 10 future benefits payable to the individual or by having the  
1 11 individual pay to the department a sum equal to the  
1 12 overpayment.

1 13 b. If the department determines that an overpayment has  
1 14 been made, the charge for the overpayment against the  
1 15 employer's account shall be removed and the account shall be  
1 16 credited with an amount equal to the overpayment from the  
1 17 unemployment compensation trust fund and this credit shall  
1 18 include both contributory and reimbursable employers,  
1 19 notwithstanding section 96.8, subsection 5. However, benefits  
1 20 shall not be recovered from an individual if the employer did  
1 21 not participate in the initial determination to award benefits  
1 22 pursuant to section 96.6, subsection 2, and an overpayment  
1 23 occurred because of a subsequent reversal on appeal regarding  
1 24 the issue of the individual's separation from employment.

1 25 EXPLANATION

1 26 This bill provides that employers who do not participate in  
1 27 the initial fact-finding determination of eligibility for  
1 28 unemployment insurance benefits but who prevail upon appeal  
1 29 will not recover charges for benefits paid to claimants prior  
1 30 to the decision denying benefits.

1 31 LSB 5448DP 82

1 32 ak/nh/5



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Senate Study Bill 3046

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

Passed Senate, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved

Passed House, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_

A BILL FOR

- 1 An Act relating to amusement ride safety inspections conducted by
- 2 special inspectors authorized by the division of labor
- 3 services in the department of workforce development.
- 4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 5 TLSB 5437DP 82
- 6 ak/nh/8



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Senate Study Bill 3046 continued

PAG LIN

1 1 Section 1. Section 88A.4, subsection 4, Code 2007, is  
1 2 amended by striking the subsection.  
1 3 EXPLANATION  
1 4 Current law provides for inspection of amusement rides by  
1 5 inspectors employed by the labor commissioner. As an  
1 6 alternative to such inspections, current law authorizes  
1 7 private amusement ride inspectors to be sponsored by amusement  
1 8 ride operators and to perform inspections for such operators.  
1 9 This bill strikes this authorization for private inspectors.  
1 10 LSB 5437DP 82  
1 11 ak/nh/8.1



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Senate Study Bill 3047

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

Passed Senate, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved

Passed House, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_

A BILL FOR

- 1 An Act relating to circumstances for employees' right of recourse
- 2 when an employer is late paying wages.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 5438DP 82
- 5 ak/nh/8



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Senate Study Bill 3047 continued

PAG LIN

1 1 Section 1. Section 91A.3, subsection 3, paragraph b, Code  
1 2 Supplement 2007, is amended to read as follows:  
1 3 b. If the employer fails to ~~send~~ pay an employee's wages  
1 4 ~~for direct deposit~~ on or by the regular payday in accordance  
1 5 with this subsection, the employer is liable for the amount of  
1 6 any overdraft charge if the overdraft is created on the  
1 7 employee's account because of the employer's failure to ~~send~~  
1 8 pay the wages on or by the regular payday. The overdraft  
1 9 charges may be the basis for a claim under section 91A.10 and  
1 10 for damages under section 91A.8.

1 11 EXPLANATION

1 12 This bill expands the circumstances under which an  
1 13 employee's overdraft charges that were caused by an employer's  
1 14 failure to pay wages timely would be the basis for a wage  
1 15 claim under Code chapter 91A to all failures to timely pay  
1 16 wages rather than only failures to send wages for direct  
1 17 deposit.

1 18 LSB 5438DP 82

1 19 ak/nh/8



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Senate Study Bill 3048

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

Passed Senate, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved

Passed House, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_

A BILL FOR

- 1 An Act relating to the boiler and pressure vessel safety and
- 2 elevator safety revolving funds under the control of the labor
- 3 commissioner.
- 4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 5 TLSB 5435DP 82
- 6 ak/nh/8



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Senate Study Bill 3048 continued

PAG LIN

1 1 Section 1. Section 89.8, subsection 2, Code 2007, is  
1 2 amended by striking the subsection.

1 3 Sec. 2. Section 89A.19, subsection 2, Code 2007, is  
1 4 amended by striking the subsection.

1 5 EXPLANATION

1 6 This bill strikes provisions in Code sections 89.8 and  
1 7 89A.19 that terminate the boiler and pressure vessel safety  
1 8 revolving fund and elevator safety revolving fund,  
1 9 respectively, on July 1, 2012.

1 10 LSB 5435DP 82

1 11 ak/nh/8



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**Senate Study Bill 3049**

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

Passed Senate, Date \_\_\_\_\_ Passed House, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays  
Approved

**A BILL FOR**

- 1 An Act relating to workers' compensation benefit payments for
- 2 burial expenses.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 5507DP 82
- 5 av/rj/5



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Senate Study Bill 3049 continued

PAG LIN

1 1 Section 1. Section 85.28, Code 2007, is amended to read as  
1 2 follows:

1 3 85.28 BURIAL EXPENSE.

1 4 When death ensues from the injury, the employer shall pay  
1 5 the reasonable expenses of burial of such employee, not to  
1 6 exceed ~~seven thousand five hundred dollars~~ twelve times the  
1 7 statewide average weekly wage paid employees as determined by  
1 8 the department of workforce development under section 96.19,  
1 9 subsection 36, and in effect at the time of death, which shall  
1 10 be in addition to other compensation or any other benefit  
1 11 provided for in this chapter.

1 12 EXPLANATION

1 13 This bill provides a computation for determining workers'  
1 14 compensation benefit payments for burial expenses, changing  
1 15 from a flat \$7,500 to 12 times the statewide average weekly  
1 16 wage rate as determined by the department of workforce  
1 17 development.

1 18 LSB 5507DP 82

1 19 av/rj/5



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Senate Study Bill 3050

SENATE/HOUSE FILE  
BY (PROPOSED PUBLIC EMPLOYMENT  
RELATIONS BOARD BILL)

Passed Senate, Date \_\_\_\_\_ Passed House, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved

A BILL FOR

- 1 An Act concerning public employee collective bargaining.
- 2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 3 TLSB 5461XD 82
- 4 ec/rj/24



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PAG LIN

1 1 Section 1. Section 20.1, subsection 7, Code 2007, is  
1 2 amended to read as follows:

1 3 7. ~~Assisting the attorney general in the preparation of~~  
1 4 Preparing legal briefs and ~~the presentation of~~ presenting oral  
1 5 arguments in the district court, the court of appeals, and the  
1 6 supreme court in cases affecting the board.

1 7 Sec. 2. Section 20.3, subsection 4, Code 2007, is amended  
1 8 to read as follows:

1 9 4. "Employee organization" means an organization of any  
1 10 kind in which public employees participate and which exists  
1 11 for the primary purpose of representing ~~public~~ employees in  
1 12 their employment relations.

1 13 Sec. 3. Section 20.5, subsection 5, Code Supplement 2007,  
1 14 is amended to read as follows:

1 15 5. Members of the board and ~~other~~ employees of the board  
1 16 shall be allowed their actual and necessary expenses incurred  
1 17 in the performance of their duties. All expenses and salaries  
1 18 shall be paid from appropriations for such purposes and the  
1 19 board shall be subject to the budget requirements of chapter  
1 20 8.

1 21 Sec. 4. Section 20.6, subsection 3, Code 2007, is amended  
1 22 to read as follows:

1 23 3. Establish minimum qualifications for arbitrators, fact=  
1 24 finders, and mediators, establish procedures for appointing,  
1 25 maintaining, and removing from a list persons representative  
1 26 of the public to be available to serve as arbitrators, fact=  
1 27 finders, and mediators, and establish compensation rates for  
1 28 arbitrators, fact=finders, and mediators.

1 29 Sec. 5. Section 20.10, subsection 2, paragraph f, Code  
1 30 2007, is amended to read as follows:

1 31 f. Deny the rights accompanying certification ~~or exclusive~~  
1 32 ~~recognition~~ granted in this chapter.

1 33 Sec. 6. Section 20.10, subsection 3, paragraph b, Code  
1 34 2007, is amended to read as follows:

1 35 b. Interfere, restrain, or coerce a public employer with



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2 1 respect to rights granted in this chapter or with respect to  
2 2 selecting a representative for the purposes of negotiating  
2 3 collectively ~~on~~ or the adjustment of grievances.

2 4 Sec. 7. Section 20.10, subsection 3, paragraph f, Code  
2 5 2007, is amended to read as follows:

2 6 f. Violate the provisions of sections 732.1 to 732.3,  
2 7 which are hereby made applicable to public employers, public  
2 8 employees, and ~~public~~ employee organizations.

2 9 Sec. 8. Section 20.10, subsection 4, Code 2007, is amended  
2 10 to read as follows:

2 11 4. The expressing of any views, argument or opinion, or  
2 12 the dissemination thereof, whether orally or in written,  
2 13 printed, graphic, or visual form, shall not constitute or be  
2 14 evidence of any ~~unfair labor~~ prohibited practice under any of  
2 15 the provisions of this chapter, if such expression contains no  
2 16 threat of reprisal or force or promise of benefit.

2 17 Sec. 9. Section 20.11, subsections 1, 2, and 3, Code 2007,  
2 18 are amended to read as follows:

2 19 1. Proceedings against a party alleging a violation of  
2 20 section 20.10~~7~~, shall be commenced by filing a complaint with  
2 21 the board within ninety days of the alleged violation, causing  
2 22 a copy of the complaint to be served upon the accused party ~~in~~  
~~2 23 the manner of an original notice as provided in this chapter.~~

2 24 The accused party shall have ten days within which to file a  
2 25 written answer to the complaint. However, the board may  
2 26 conduct a preliminary investigation of the alleged violation,  
2 27 and if the board determines that the complaint has no basis in  
2 28 fact, the board may dismiss the complaint. The board shall  
2 29 promptly thereafter set a time and place for hearing in the  
2 30 county where the alleged violation occurred, provided,  
2 31 however, that the presiding officer may conduct the hearing  
2 32 through the use of technology from a remote location. The  
2 33 parties shall be permitted to be represented by counsel,  
2 34 summon witnesses, and request the board to subpoena witnesses  
2 35 on the requester's behalf. Compliance with the technical



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3 1 rules of pleading and evidence shall not be required.

3 2 2. The board may designate one of its members, an  
3 3 administrative law judge, or any other qualified person  
3 4 employed by the board to ~~conduct~~ serve as the presiding  
3 5 officer at the hearing. The ~~administrative law judge~~

3 6 presiding officer has the powers as may be exercised by the  
3 7 board for conducting the hearing and shall follow the  
3 8 procedures adopted by the board for conducting the hearing.

3 9 The proposed decision of the ~~administrative law judge~~  
3 10 presiding officer may be appealed to the board ~~and the board~~

~~3 11 may hear the case de novo or upon the record as submitted~~  
~~3 12 before the administrative law judge, utilizing procedures~~  
~~3 13 governing appeals to the district court in this section so far~~  
~~3 14 as applicable, or reviewed on motion of the board, in~~  
3 15 accordance with the provisions of chapter 17A.

3 16 3. The board shall appoint a certified shorthand reporter  
3 17 to report the proceedings and the board shall fix the  
3 18 reasonable amount of compensation for such service, and for  
3 19 any transcript requested by the board, which ~~amount~~ amounts  
3 20 shall be taxed as other costs.

3 21 Sec. 10. Section 20.13, subsections 2 and 3, Code 2007,  
3 22 are amended to read as follows:

3 23 2. Within thirty days of receipt of a petition ~~or notice~~  
~~3 24 to all interested parties if on its own initiative,~~ the board  
3 25 shall conduct a public hearing, receive written or oral  
3 26 testimony, and promptly thereafter file an order defining the  
3 27 appropriate bargaining unit. In defining the unit, the board  
3 28 shall take into consideration, along with other relevant  
3 29 factors, the principles of efficient administration of  
3 30 government, the existence of a community of interest among  
3 31 public employees, the history and extent of public employee  
3 32 organization, geographical location, and the recommendations  
3 33 of the parties involved.

3 34 3. Appeals from such order shall be governed by ~~appeal~~  
~~3 35 provisions provided in section 20.11~~ the provisions of chapter



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4 1 17A.

4 2 Sec. 11. Section 20.14, subsection 2, paragraph a, Code  
4 3 2007, is amended to read as follows:

4 4 a. The employee organization has submitted a request to a  
4 5 public employer to bargain collectively ~~with~~ on behalf of a  
4 6 designated group of public employees.

4 7 Sec. 12. Section 20.14, subsection 6, Code 2007, is  
4 8 amended by striking the subsection.

4 9 Sec. 13. Section 20.15, subsections 1, 2, and 6, Code  
4 10 2007, are amended to read as follows:

4 11 1. Upon the filing of a petition for certification of an  
4 12 employee organization, the board shall submit a question to  
4 13 the public employees at an election in ~~an~~ the appropriate  
4 14 bargaining unit. The question on the ballot shall permit the  
4 15 public employees to vote for no bargaining representation or  
4 16 for any employee organization which has petitioned for  
4 17 certification or which has presented proof satisfactory to the  
4 18 board of support of ten percent or more of the public  
4 19 employees in the appropriate unit.

4 20 2. If a majority of the votes cast on the question is for  
4 21 no bargaining representation, the public employees in the  
4 22 bargaining unit shall not be represented by an employee  
4 23 organization. If a majority of the votes cast on the question  
4 24 is for a listed employee organization, then ~~the~~ that employee  
4 25 organization shall represent the public employees in ~~an~~  
4 26 ~~appropriate~~ the bargaining unit.

4 27 6. A petition for certification as an exclusive bargaining  
4 28 representative, or a petition for decertification of a  
4 29 certified bargaining representative, shall not be considered  
4 30 by the board for a period of one year from the date of the  
4 31 certification or noncertification of an employee organization  
4 32 as an exclusive bargaining representative ~~or~~. The board shall  
4 33 also not consider a petition for decertification of an  
4 34 exclusive bargaining representative during the duration of a  
4 35 collective bargaining agreement which, for purposes of this



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5 1 section, shall be deemed not to exceed two years. A  
5 2 collective bargaining agreement with the state, its boards,  
5 3 commissions, departments, and agencies shall be for two years  
5 4 and the provisions of a collective bargaining agreement ~~except~~  
~~5 5 agreements agreed to or tentatively agreed to prior to July 1,~~  
~~5 6 1977, or arbitrators' arbitrator's~~ award affecting state  
5 7 employees shall not provide for renegotiations which would  
5 8 require the refinancing of salary and fringe benefits for the  
5 9 second year of the term of the agreement, except as provided  
5 10 in section 20.17, subsection 6, and the effective date of any  
5 11 such agreement shall be July 1 of odd-numbered years, provided  
5 12 that if an exclusive bargaining representative is certified on  
5 13 a date which will prevent the negotiation of a collective  
5 14 bargaining agreement prior to July 1 of odd-numbered years for  
5 15 a period of two years, the certified collective bargaining  
5 16 representative may negotiate a one-year contract with ~~a the~~  
5 17 public employer which shall be effective from July 1 of the  
5 18 even-numbered year to July 1 of the succeeding odd-numbered  
5 19 year when new contracts shall become effective. However, if a  
5 20 petition for decertification is filed during the duration of a  
5 21 collective bargaining agreement, the board shall award an  
5 22 election under this section not more than one hundred eighty  
5 23 days nor less than one hundred fifty days prior to the  
5 24 expiration of the collective bargaining agreement. If an  
5 25 employee organization is decertified, the board may receive  
5 26 petitions under section 20.14, provided that no such petition  
5 27 and no election conducted pursuant to such petition within one  
5 28 year from decertification shall include as a party the  
5 29 decertified employee organization.

5 30 Sec. 14. Section 20.17, subsection 3, Code 2007, is  
5 31 amended to read as follows:

5 32 3. Negotiating sessions, strategy meetings of public  
5 33 employers ~~or employee organizations~~, mediation, and the  
5 34 deliberative process of arbitrators shall be exempt from the  
5 35 provisions of chapter 21. However, the employee organization



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6 1 shall present its initial bargaining position to the public  
6 2 employer at the first bargaining session. The public employer  
6 3 shall present its initial bargaining position to the employee  
6 4 organization at the second bargaining session, which shall be  
6 5 held no later than two weeks following the first bargaining  
6 6 session. Both sessions shall be open to the public and  
6 7 subject to the provisions of chapter 21. Parties who by  
6 8 agreement are utilizing a cooperative alternative bargaining  
6 9 process may exchange their respective initial interest  
6 10 statements in lieu of initial bargaining positions at these  
6 11 open sessions. Hearings conducted by arbitrators shall be  
6 12 open to the public.

6 13 Sec. 15. Section 20.17, subsection 6, Code 2007, is  
6 14 amended to read as follows:

6 15 6. ~~No~~ A collective bargaining agreement or ~~arbitrators'~~  
6 16 ~~decision~~ arbitrator's award shall not be valid or enforceable  
6 17 if its implementation would be inconsistent with any statutory  
6 18 limitation on the public employer's funds, spending or budget,  
6 19 or would substantially impair or limit the performance of any  
6 20 statutory duty by the public employer. A collective  
6 21 bargaining agreement or ~~arbitrators'~~ arbitrator's award may  
6 22 provide for benefits conditional upon specified funds to be  
6 23 obtained by the public employer, but the agreement shall  
6 24 provide either for automatic reduction of such conditional  
6 25 benefits or for additional bargaining if the funds are not  
6 26 obtained or if a lesser amount is obtained.

6 27 Sec. 16. Section 20.17, subsection 10, Code 2007, is  
6 28 amended to read as follows:

6 29 10. The negotiation of a proposed collective bargaining  
6 30 agreement by representatives of a state public employer and a  
6 31 state employee organization shall be complete not later than  
6 32 March 15 of the year when the agreement is to become  
6 33 effective. The board shall provide, by rule, a date on which  
6 34 any impasse item must be submitted to binding arbitration and  
6 35 for such other procedures as deemed necessary to provide for



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7 1 the completion of negotiations of proposed state collective  
7 2 bargaining agreements not later than March 15. The date  
7 3 selected for the mandatory submission of impasse items to  
7 4 binding arbitration shall be sufficiently in advance of March  
7 5 15 to ~~insure~~ ensure that the ~~arbitrators' decision~~  
7 6 arbitrator's award can be reasonably made before March 15.

7 7 Sec. 17. Section 20.17, subsection 11, Code 2007, is  
7 8 amended to read as follows:

7 9 11. a. In the absence of an impasse agreement negotiated  
7 10 pursuant to section 20.19 which provides for a different  
7 11 completion date, public employees represented by a certified  
7 12 employee organization who are teachers licensed under chapter  
7 13 272 and who are employed by a public employer which is a  
7 14 school district or area education agency shall complete the  
7 15 negotiation of a proposed collective bargaining agreement not  
7 16 later than May 31 of the year when the agreement is to become  
7 17 effective. The board shall provide, by rule, a date on which  
7 18 impasse items in such cases must be submitted to binding  
7 19 arbitration and for such other procedures as deemed necessary  
7 20 to provide for the completion of negotiations of proposed  
7 21 collective bargaining agreements not later than May 31. The  
7 22 date selected for the mandatory submission of impasse items to  
7 23 binding arbitration in such cases shall be sufficiently in  
7 24 advance of May 31 to ensure that the ~~arbitrators' decision~~  
7 25 arbitrator's award can be reasonably made ~~before~~ by May 31.

7 26 b. ~~If the public employer is a community college, the~~  
~~following apply:~~

7 28 ~~(1) The negotiation of a proposed collective bargaining~~  
~~agreement shall be complete not later than May 31 of the year~~  
~~when the agreement is to become effective, absent the~~  
~~existence~~ In the absence of an impasse agreement negotiated  
7 32 pursuant to section 20.19 which provides for a different  
7 33 completion date, public employees represented by a certified  
7 34 employee organization who are employed by a public employer  
7 35 which is a community college shall complete the negotiation of



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8 1 a proposed collective bargaining agreement not later than May  
8 2 31 of the year when the agreement is to become effective. The  
8 3 board shall ~~adopt rules providing for~~ provide, by rule, a date  
8 4 on which impasse items in such cases must be submitted to  
8 5 binding arbitration and for such other procedures as deemed  
8 6 necessary to provide for the completion of negotiations of  
8 7 proposed collective bargaining agreements not later than May  
8 8 31. The date selected for the mandatory submission of impasse  
8 9 items to binding arbitration in such cases shall be  
8 10 sufficiently in advance of May 31 to ensure that the  
8 11 ~~arbitrators' decision~~ arbitrator's award can be reasonably  
8 12 made by May 31.

8 13 ~~(2) Notwithstanding the provisions of subparagraph (1),~~  
~~8 14 the May 31 deadline may be waived by mutual agreement of the~~  
~~8 15 parties to the collective bargaining agreement negotiations.~~

8 16 Sec. 18. Section 20.18, unnumbered paragraph 1, Code 2007,  
8 17 is amended to read as follows:

8 18 An agreement with an employee organization which is the  
8 19 exclusive representative of public employees in an appropriate  
8 20 unit may provide procedures for the consideration of public  
8 21 employee and employee organization grievances ~~and of disputes~~  
8 22 over the interpretation and application of agreements.  
8 23 Negotiated procedures may provide for binding arbitration of  
8 24 public employee and employee organization grievances ~~and of~~  
~~8 25 disputes~~ over the interpretation and application of existing  
8 26 agreements. An arbitrator's decision on a grievance may not  
8 27 change or amend the terms, conditions or applications of the  
8 28 collective bargaining agreement. Such procedures shall  
8 29 provide for the invoking of arbitration only with the approval  
8 30 of the employee organization, and in the case of an employee  
8 31 grievance, only with the approval of the public employee. The  
8 32 costs of arbitration shall be shared equally by the parties.

8 33 Sec. 19. Section 20.19, Code 2007, is amended by adding  
8 34 the following new unnumbered paragraph:

8 35 NEW UNNUMBERED PARAGRAPH. Parties who by agreement are



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9 1 utilizing a cooperative alternative bargaining process shall,  
9 2 at the outset of such process, agree upon a method and  
9 3 schedule for the completion of impasse procedures should they  
9 4 fail to reach a collective bargaining agreement through the  
9 5 use of such alternative process.  
9 6 Sec. 20. Section 20.21, unnumbered paragraphs 1 and 2,  
9 7 Code 2007, are amended to read as follows:  
9 8 If the impasse persists ten days after the mediator has  
9 9 been appointed, the board shall appoint a fact-finder  
9 10 representative of the public, from a list of qualified persons  
9 11 maintained by the board. The fact-finder shall conduct a  
9 12 hearing, may administer oaths, and may ~~request the board to~~  
9 13 issue subpoenas to compel the attendance of witnesses and the  
9 14 production of records. The fact-finder may petition the  
9 15 district court at the seat of government or of the county in  
9 16 which the hearing is held to enforce the subpoena. The fact=  
9 17 finder shall make written findings of facts and  
9 18 recommendations for resolution of ~~the dispute~~ each impasse  
9 19 item and, not later than fifteen days from the ~~day of~~  
9 20 ~~appointment~~ date of the hearing, shall serve such findings and  
9 21 recommendations on the public employer and the certified  
9 22 employee organization.  
9 23 The Upon receipt of the fact-finder's findings and  
9 24 recommendations, the public employer and the certified  
9 25 employee organization shall immediately accept the fact=  
9 26 finder's ~~recommendation~~ recommendations in their entirety or  
9 27 shall within five days submit the fact-finder's  
9 28 recommendations to the governing body of the public employer  
9 29 and members of the certified employee organization for such  
9 30 acceptance or rejection. If the dispute is not resolved by  
9 31 both parties' acceptance of the fact-finder's recommendations,  
9 32 the parties may continue to negotiate and resolve any disputed  
9 33 impasse items. If the dispute continues ten days after the  
9 34 ~~report is submitted~~ fact-finder's findings and recommendations  
9 35 are served, the ~~report~~ findings and recommendations shall be



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10 1 made available to the public by the board.  
10 2     Sec. 21. Section 20.22, subsections 1, 2, and 3, Code  
10 3 2007, are amended to read as follows:  
10 4     1. If an impasse persists after the fact=finder's findings  
10 5 of fact and recommendations are made available to the public  
10 6 by the ~~fact=finder~~ board, the parties may continue to  
10 7 negotiate or, the board shall have the power, upon request of  
10 8 either party, to arrange for arbitration, which shall be  
10 9 binding. The request for arbitration shall be in writing and  
10 10 a copy of the request shall be served upon the other party.  
10 11     2. Each party shall ~~submit to the board~~ serve its final  
10 12 offer on each of the impasse items upon the other party within  
10 13 four days of the board's receipt of the request a final offer  
~~10 14 on the impasse items with proof of service of a copy upon the~~  
~~10 15 other party for arbitration. Each party shall also submit a~~  
~~10 16 copy of a draft of the proposed collective bargaining~~  
~~10 17 agreement to the extent to which agreement has been reached~~  
~~10 18 and the name of its selected arbitrator. The parties may~~  
10 19 continue to negotiate all offers until an agreement is reached  
10 20 or ~~a decision~~ an award is rendered by the ~~panel of arbitrators~~  
10 21 arbitrator.  
10 22     As an alternative procedure, the two parties may agree to  
~~10 23 submit the dispute to a single arbitrator. If the parties~~  
~~10 24 cannot agree on the arbitrator within four days, the selection~~  
~~10 25 shall be made pursuant to subsection 5. The full costs of~~  
10 26 arbitration under this ~~provision~~ section shall be shared  
10 27 equally by the parties to the dispute.  
10 28     3. The submission of the impasse items to the ~~arbitrators~~  
10 29 arbitrator shall be limited to those issues that had been  
10 30 considered by the fact=finder and upon which the parties have  
10 31 not reached agreement. With respect to each such item, the  
10 32 ~~arbitration board~~ arbitrator's award shall be restricted to  
10 33 the final offers on each impasse item submitted by the parties  
10 34 to the ~~arbitration board~~ arbitrator or to the recommendation  
10 35 of the fact=finder on each impasse item.



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11 1 Sec. 22. Section 20.22, subsection 4, Code 2007, is  
11 2 amended by striking the subsection and inserting in lieu  
11 3 thereof the following:

11 4 4. Upon the filing of the request for arbitration, a list  
11 5 of five arbitrators shall be served upon the parties by the  
11 6 board. Within five days of service of the list, the parties  
11 7 shall determine by lot which party shall remove the first name  
11 8 from the list and the parties shall then alternately remove  
11 9 names from the list until the name of one person remains, who  
11 10 shall become the arbitrator. The parties shall immediately  
11 11 notify the board of their selection and the board shall notify  
11 12 the arbitrator. After consultation with the parties, the  
11 13 arbitrator shall set a time and place for an arbitration  
11 14 hearing.

11 15 Sec. 23. Section 20.22, subsections 5 and 6, Code 2007,  
11 16 are amended by striking the subsections.

11 17 Sec. 24. Section 20.22, subsections 7 and 8, Code 2007,  
11 18 are amended to read as follows:

11 19 7. The ~~panel of arbitrators~~ arbitrator shall at no time  
11 20 engage in an effort to mediate or otherwise settle the dispute  
11 21 in any manner other than that prescribed in this section.

11 22 8. From the time of ~~appointment~~ the board notifies the  
11 23 arbitrator of the selection of the arbitrator until such time  
11 24 as the ~~panel of arbitrators~~ makes its final determination  
11 25 arbitrator's selection on each impasse item is made, there  
11 26 shall be no discussion concerning recommendations for  
11 27 settlement of the dispute by the ~~members of the panel of~~  
11 28 ~~arbitrators~~ arbitrator with parties other than those who are  
11 29 direct parties to the dispute. The ~~panel of arbitrators~~ may  
11 30 conduct formal or informal hearings to discuss offers  
11 31 submitted by both parties.

11 32 Sec. 25. Section 20.22, subsection 9, unnumbered paragraph  
11 33 1, Code 2007, is amended to read as follows:

11 34 The ~~panel of arbitrators~~ arbitrator shall consider, in  
11 35 addition to any other relevant factors, the following factors:



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12 1 Sec. 26. Section 20.22, subsections 10, 11, 12, and 13,  
12 2 Code 2007, are amended to read as follows:

12 3 10. The ~~chairperson of the panel of arbitrators~~ arbitrator  
12 4 may ~~hold hearings and~~ administer oaths, examine witnesses and  
12 5 documents, take testimony and receive evidence, and issue  
12 6 subpoenas to compel the attendance of witnesses and the  
12 7 production of records, ~~and delegate such powers to other~~  
~~12 8 members of the panel of arbitrators.~~ The ~~chairperson of the~~  
~~12 9 panel of arbitrators~~ arbitrator may petition the district  
12 10 court at the seat of government or of the county in which ~~any~~  
12 11 the hearing is held to enforce the order of the ~~chairperson~~  
12 12 arbitrator compelling the attendance of witnesses and the  
12 13 production of records.

12 14 11. A ~~majority of the panel of arbitrators~~ The arbitrator  
12 15 shall select within fifteen days after ~~its first meeting~~ the  
12 16 hearing the most reasonable offer, in ~~its~~ the arbitrator's  
12 17 judgment, of the final offers on each impasse item submitted  
12 18 by the parties, or the recommendations of the fact-finder on  
12 19 each impasse item.

12 20 12. The selections by the ~~panel of arbitrators~~ arbitrator  
12 21 and items agreed upon by the public employer and the employee  
12 22 organization, shall be deemed to be the collective bargaining  
12 23 agreement between the parties.

12 24 13. The determination of the ~~panel of arbitrators~~ shall be  
~~12 25 by majority vote and~~ arbitrator shall be final and binding  
12 26 subject to the provisions of section 20.17, subsection 6. The  
12 27 ~~panel of arbitrators~~ arbitrator shall give written explanation  
12 28 for ~~its selection~~ the arbitrator's selections and inform the  
12 29 parties of ~~its~~ the decision.

12 30 Sec. 27. Section 20.24, Code 2007, is amended to read as  
12 31 follows:

12 32 20.24 NOTICE AND SERVICE.

12 33 Any notice required under the provisions of this chapter  
12 34 shall be in writing, but service thereof shall be sufficient  
12 35 if mailed by restricted certified mail, return receipt



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13 1 requested, addressed to the last known address of the ~~parties~~  
13 2 intended recipient, unless otherwise provided in this chapter.  
13 3 Refusal of restricted certified mail by any party shall be  
13 4 considered service. ~~Prescribed~~ Unless otherwise provided in  
13 5 this chapter, prescribed time periods shall commence from the  
13 6 date of the receipt of the notice. Any party may at any time  
13 7 execute and deliver an acceptance of service in lieu of mailed  
13 8 notice.

13 9 Sec. 28. Section 20.30, Code 2007, is repealed.

13 10 EXPLANATION

13 11 This bill makes changes to Code chapter 20 governing public  
13 12 employee collective bargaining.

13 13 Code section 20.1, subsection 7, is amended to provide that  
13 14 one of the powers and duties of the public employment  
13 15 relations board (PERB) is to represent the board in court.

13 16 Code section 20.6 is amended to provide that PERB shall  
13 17 establish the qualifications and procedures for appointing  
13 18 fact-finders in the same manner as for arbitrators and  
13 19 mediators.

13 20 Code section 20.10, subsection 4, is amended to  
13 21 specifically provide that oral expression of views without  
13 22 threat of reprisal or force shall not constitute or be  
13 23 evidence of a prohibited practice.

13 24 Code section 20.11 is amended to allow a presiding officer  
13 25 in a prohibited practice hearing to hear the case through the  
13 26 use of technology from a location other than the county where  
13 27 the alleged violation occurred. The bill also allows PERB to  
13 28 designate one of its members or any other qualified person to  
13 29 preside at a prohibited practice hearing.

13 30 The bill amends Code sections 20.11, 20.13, and 20.14 to  
13 31 provide that Code chapter 17A, the Iowa administrative  
13 32 procedure Act, governs hearing and appeal proceedings  
13 33 described in those sections.

13 34 Code section 20.15, concerning certification elections for  
13 35 exclusive bargaining representation, is amended to require



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14 1 that the current time limits for filing a petition for  
14 2 certification of an exclusive bargaining representative also  
14 3 apply to petitions for decertification of a certified  
14 4 bargaining representative.  
14 5 Code section 20.17, subsection 3, concerning bargaining  
14 6 procedures, is amended to provide that parties utilizing a  
14 7 cooperative alternative bargaining process may exchange their  
14 8 initial interest statements in lieu of an initial bargaining  
14 9 position during bargaining.  
14 10 Code section 20.17, subsection 11, concerning the deadlines  
14 11 for community college employee bargaining, is amended to match  
14 12 the provisions of the subsection applicable to other  
14 13 educational bargaining units.  
14 14 Code section 20.18, concerning grievance procedures, is  
14 15 amended to provide that an agreement with an employee  
14 16 organization may include procedures for the consideration of  
14 17 employee organization grievances in addition to public  
14 18 employee grievances.  
14 19 Code section 20.19, concerning impasse procedures, is  
14 20 amended to require that parties using a cooperative  
14 21 alternative bargaining process establish impasse procedures at  
14 22 the outset of the process.  
14 23 Code section 20.21, concerning fact-finding procedures, is  
14 24 amended to require that the fact-finder make recommendations  
14 25 on each impasse item between the parties and that the parties  
14 26 accept or reject the fact-finder's recommendations in their  
14 27 entirety.  
14 28 Code section 20.22, concerning binding arbitration, is  
14 29 amended to provide that arbitration will be conducted by a  
14 30 single arbitrator and not a panel of arbitrators. The bill  
14 31 also provides for the method of selecting the arbitrator. The  
14 32 bill provides that PERB will submit a list of five arbitrators  
14 33 to the parties upon the filing of a request for arbitration  
14 34 and then each party, in an order determined by lot, shall  
14 35 alternatively remove names from the list until one name



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- 15 1 remains.
- 15 2 LSB 5461XD 82
- 15 3 ec/rj/24.1