



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 23, 2008

House File 2053 - Introduced

HOUSE FILE
BY GREINER

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

A BILL FOR

1 An Act creating a special 4=H motor vehicle registration plate,
2 establishing fees, and providing for the crediting of the fees
3 to the Iowa state 4=H council.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
5 TLSB 5410YH 82
6 dea/nh/8



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 23, 2008

House File 2053 - Introduced continued

PAG LIN

1 1 Section 1. Section 321.34, Code Supplement 2007, is
1 2 amended by adding the following new subsection:
1 3 NEW SUBSECTION. 25. SPECIAL 4=H PLATES.
1 4 a. Upon application and payment of the proper fees, the
1 5 director may issue 4=H special registration plates to an owner
1 6 of a motor vehicle referred to in subsection 12.
1 7 b. The 4=H plates shall be designed by the department in
1 8 consultation with the Iowa state 4=H council.
1 9 c. The special fee for letter number designated 4=H plates
1 10 is thirty=five dollars. The fee for personalized 4=H plates
1 11 is twenty=five dollars, which shall be paid in addition to the
1 12 special 4=H fee of thirty=five dollars. The fees collected by
1 13 the director under this subsection shall be paid monthly to
1 14 the treasurer of state and credited to the road use tax fund.
1 15 Notwithstanding section 423.43, and prior to the crediting of
1 16 revenues to the road use tax fund under section 423.43,
1 17 subsection 1, paragraph "b", the treasurer of state shall
1 18 transfer monthly from those revenues to the department of
1 19 agriculture and land stewardship the amount of the special
1 20 fees collected in the previous month for the 4=H plates, for
1 21 distribution on a pro rata basis to 4=H organizations in the
1 22 counties from which the 4=H special registration plate fees
1 23 were collected. The department of agriculture and land
1 24 stewardship may accomplish distribution of the fees in
1 25 cooperation with the Iowa 4=H foundation.
1 26 d. Upon receipt of the special registration plates, the
1 27 applicant shall surrender the current registration plates to
1 28 the county treasurer. The county treasurer shall validate the
1 29 special registration plates in the same manner as regular
1 30 registration plates are validated under this section. The
1 31 annual special 4=H fee for letter number designated plates is
1 32 ten dollars, which shall be paid in addition to the regular
1 33 annual registration fee. The annual special fee for
1 34 personalized 4=H plates is five dollars, which shall be paid
1 35 in addition to the annual special 4=H fee and the regular



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 23, 2008**

House File 2053 - Introduced continued

2 1 annual registration fee. The annual special 4=H fee shall be
2 2 credited and transferred as provided under paragraph "c".

2 3 EXPLANATION

2 4 This bill establishes a special "4=H" motor vehicle
2 5 registration plate, which is to be designed by the department
2 6 of transportation in consultation with the Iowa state 4=H
2 7 council. The special fee for initial issuance of the 4=H
2 8 plate is \$35 for letter number designated plates. For
2 9 personalized plates, a fee of \$25 is required in addition to
2 10 the special 4=H plate fee. The special 4=H annual renewal fee
2 11 is \$10 in addition to the regular annual registration fee. A
2 12 \$5 fee applies for renewal of personalized plates in addition
2 13 to the special fee and the regular annual registration fee.

2 14 The \$35 issuance fee and the \$10 annual renewal fee for 4=H
2 15 plates shall be transferred to the department of agriculture
2 16 and land stewardship for distribution, in cooperation with the
2 17 Iowa 4=H foundation, on a pro rata basis to county 4=H
2 18 organizations in the counties from which the funds were
2 19 collected.

2 20 LSB 5410YH 82

2 21 dea/nh/8.1



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 23, 2008

House File 2054 - Introduced

HOUSE FILE
BY WISE

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

Passed Senate, Date _____
Vote: Ayes _____ Nays _____

A BILL FOR

- 1 An Act relating to the regulation of smoking in certain public
- 2 places, and making penalties applicable.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 5206YH 82
- 5 pf/nh/8



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 23, 2008

House File 2054 - Introduced continued

PAG LIN

1 1 Section 1. Section 142B.1, subsections 1 and 3, Code 2007,
1 2 are amended to read as follows:
1 3 1. "Bar" means ~~an a legal-age-restricted establishment or~~
~~1 4 portion of an establishment where one can purchase and consume~~
1 5 that is primarily devoted to the serving of alcoholic
1 6 beverages as defined in section 123.3, subsection 4, but
~~1 7 excluding any establishment or portion of the establishment~~
~~1 8 having table and seating facilities for serving of meals to~~
~~1 9 more than fifty people at one time and where, in consideration~~
~~1 10 of payment, meals are served at tables to the public to guests~~
1 11 on the premises and in which the serving of food is incidental
1 12 to the consumption of those beverages.
1 13 3. "Public place" means any enclosed indoor area used by
1 14 the general public or serving as a place of work ~~containing~~
~~1 15 two hundred fifty or more square feet of floor space,~~
1 16 including, but not limited to, all restaurants ~~with a seating~~
~~1 17 capacity greater than fifty,~~ all retail stores, lobbies and
1 18 malls, offices, including waiting rooms, and other commercial
1 19 establishments; public conveyances with departures, travel,
1 20 and destination entirely within this state; educational
1 21 facilities; hospitals, clinics, nursing homes, and other
1 22 health care and medical facilities; and auditoriums,
1 23 elevators, theaters, libraries, art museums, concert halls,
1 24 indoor arenas, and meeting rooms. "Public place" does not
1 25 include a retail store at which fifty percent or more of the
1 26 sales result from the sale of tobacco or tobacco products;
1 27 the portion of a retail store where tobacco or tobacco
1 28 products are sold; or a private, enclosed office occupied
1 29 exclusively by smokers even though the office may be visited
1 30 by nonsmokers, a. "Public place" also does not include a room
1 31 used primarily as the residence of students or other persons
1 32 at an educational facility, a sleeping room in a motel or
1 33 hotel, or each resident's room in a health care facility. The
1 34 , but the person in custody or control of the facility shall
1 35 provide a sufficient number of rooms in which smoking is not



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 23, 2008

House File 2054 - Introduced continued

2 1 permitted to accommodate all persons who desire such rooms.
2 2 "Public place" does not include a gambling structure or an
2 3 excursion gambling boat.

2 4 Sec. 2. Section 142B.2, subsections 3 and 4, Code 2007,
2 5 are amended to read as follows:

2 6 3. a. Where smoking areas are designated, existing
2 7 physical barriers and existing ventilation systems shall be
2 8 used to minimize the toxic effect of smoke in adjacent
2 9 nonsmoking areas. In the case of public places consisting of
2 10 a single room, the provisions of this law shall be considered
2 11 met if one side of the room is reserved and posted as a
2 12 no-smoking area. No public place ~~other than a bar~~ shall be
2 13 designated as a smoking area in its entirety. ~~If a bar has~~
~~2 14 within its premises a nonsmoking area, this designation shall~~
~~2 15 be posted on all entrances normally used by the public.~~

2 16 b. If the public place is subject to any state inspection
2 17 process or under contract with the state, the person
2 18 performing the inspection shall check for compliance with the
2 19 posting requirement.

2 20 c. A facility inspected by the department of inspections
2 21 and appeals shall be inspected by the department for
2 22 compliance with sections 142B.3 and 142B.4.

2 23 4. a. ~~Notwithstanding subsection 1 of this section,~~
2 24 ~~smoking is prohibited on elevators.~~

2 25 b. Notwithstanding subsection 1, and any other provision
2 26 to the contrary, beginning July 1, 2008, smoking is prohibited
2 27 in restaurants.

2 28 c. Notwithstanding subsections 1 and 3 and any other
2 29 provision to the contrary, a bar may be designated as a
2 30 smoking area in its entirety. If the bar has within its
2 31 premises a nonsmoking area, this designation shall be posted
2 32 on all entrances normally used by the public. However,
2 33 notwithstanding subsection 1, and any other provision to the
2 34 contrary, beginning July 1, 2009, smoking is prohibited in
2 35 bars.



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 23, 2008

House File 2054 - Introduced continued

3 1 Sec. 3. Section 142B.6, unnumbered paragraph 1, Code 2007,
3 2 is amended to read as follows:

3 3 A person who smokes in those areas or public places
3 4 prohibited in section 142B.2, or who violates section 142B.4,
3 5 shall pay a civil fine pursuant to section 805.8C, subsection
3 6 3, paragraph "a", for each violation.

3 7 EXPLANATION

3 8 This bill provides for the prohibition of smoking in all
3 9 restaurants beginning July 1, 2008, and in all bars beginning
3 10 July 1, 2009. The bill also provides that the definition of
3 11 public place, to which smoking restrictions apply, does not
3 12 include gambling structures or excursion gambling boats.
3 13 Existing penalties would be applicable to persons who smoke in
3 14 areas which are not designated smoking areas or in the public
3 15 places in which smoking is prohibited. For such violations,
3 16 the scheduled fine is \$25, and is a civil penalty, and the
3 17 criminal penalty surcharge is not added and court costs are
3 18 not imposed. If the civil penalty assessed for a violation is
3 19 not paid in a timely manner, a citation is issued for the
3 20 violation. However, a person under age 18 is not to be
3 21 detained in a secure facility for failure to pay the civil
3 22 penalty. The complainant is also not to be charged a filing
3 23 fee.

3 24 LSB 5206YH 82

3 25 pf/nh/8



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 23, 2008

House File 2055 - Introduced

HOUSE FILE
BY STAED

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

A BILL FOR

1 An Act requiring certification of the performance of an eye
2 examination, and submission of the results of such
3 examination, when a child is enrolled in kindergarten.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
5 TLSB 5776HH 82
6 ak/rj/24



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 23, 2008

House File 2055 - Introduced continued

PAG LIN

1 1 Section 1. NEW SECTION. 135.39D EYE EXAMINATIONS.
1 2 1. Prior to the age of six, the parent or guardian of the
1 3 child shall present to school program personnel or school
1 4 health personnel certification that the child has undergone an
1 5 eye examination by a licensed ophthalmologist or optometrist,
1 6 and the results of the examination.
1 7 2. Students enrolling in kindergarten shall be required to
1 8 undergo an eye examination, performed by a licensed
1 9 ophthalmologist or optometrist. The eye examination shall at
1 10 a minimum include measurement of visual acuity; ocular
1 11 alignment and motility; stereopsis; slit lamp; examination of
1 12 the anterior segment and pupils; refraction and fundus
1 13 components; and any other tests or observations that in the
1 14 professional judgment of the ophthalmologist or optometrist
1 15 are necessary. An ophthalmologist or optometrist conducting
1 16 an eye examination of a child shall provide written
1 17 certification and results of the examination to a parent or
1 18 guardian of the child. The report shall include but not be
1 19 limited to the following:
1 20 a. The date of the report.
1 21 b. The name, address, and date of birth of the child.
1 22 c. The name of the child's program or school.
1 23 d. A summary of significant findings, including diagnoses,
1 24 treatment plan, and whether a return visit is recommended, and
1 25 if so, when.
1 26 e. Recommended educational adjustments for the child, if
1 27 any, which may include preferential seating in the classroom,
1 28 eyeglasses for full-time or part-time use in school, and
1 29 additional recommendations.
1 30 3. A child shall not be prohibited from attending
1 31 kindergarten based upon the failure of a parent or guardian to
1 32 furnish a report of the child's eye examination to the school.
1 33 A parent or guardian who fails to furnish the required report
1 34 shall be notified in writing of the eye examination
1 35 requirements.



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 23, 2008**

House File 2055 - Introduced continued

2 1 4. The department, in coordination with the director of
2 2 the department of education, shall adopt rules regarding the
2 3 requirements of this section. The department shall submit a
2 4 report to the general assembly by January 1, annually,
2 5 regarding the results of the eye examinations. The first such
2 6 report, to be submitted by January 1, 2009, shall include an
2 7 assessment by the department of whether a source of financial
2 8 assistance to assist parents and guardians would increase
2 9 compliance with the required examinations.

2 10 EXPLANATION

2 11 This bill provides for certification by a parent or
2 12 guardian of the performance of an eye examination before a
2 13 child turns six years old.

2 14 The bill provides that by January 1 after the start of the
2 15 school year for a child enrolling in kindergarten, the child's
2 16 parent or guardian shall present to school health personnel
2 17 program personnel certification that the child has undergone
2 18 an eye examination by a licensed ophthalmologist or
2 19 optometrist, and the results of the examination.

2 20 The eye examination must consist of specified examination
2 21 components. The bill requires that an ophthalmologist or
2 22 optometrist provide a written certification and the results of
2 23 the examination to a parent or guardian of the child.

2 24 Included in the report, in addition to identifying
2 25 information, shall be a summary of significant findings,
2 26 including diagnoses, treatment plan, whether a return visit is
2 27 recommended, and any recommended educational adjustments for
2 28 the child.

2 29 The bill provides that a child shall not be prohibited from
2 30 attending school because of the failure of a parent or
2 31 guardian to furnish a report of a child's eye examination, and
2 32 that a parent or guardian who fails to furnish the required
2 33 report shall be notified in writing of the eye examination
2 34 requirements.

2 35 The bill provides that the department, in coordination with



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 23, 2008**

House File 2055 - Introduced continued

3 1 the director of the department of education, shall adopt rules
3 2 regarding the bill's provisions, and that the director of
3 3 public health shall submit a report to the general assembly by
3 4 January 1, annually, regarding the results of the eye
3 5 examinations. The first such report, to be submitted by
3 6 January 1, 2009, shall include an assessment by the department
3 7 of whether a source of financial assistance for parents and
3 8 guardians would increase compliance with the required eye
3 9 examinations.
3 10 LSB 5776HH 82
3 11 ak/rj/24



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 23, 2008

House File 2056 - Introduced

HOUSE FILE
BY HEATON

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

A BILL FOR

- 1 An Act relating to the subsidization of the personal needs
- 2 allowance for residents of certain facilities.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 5108YH 82
- 5 pf/rj/8



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 23, 2008

House File 2056 - Introduced continued

PAG LIN

1 1 Section 1. Section 249A.30A, Code Supplement 2007, is
1 2 amended to read as follows:
1 3 249A.30A MEDICAL ASSISTANCE == PERSONAL NEEDS ALLOWANCE.
1 4 The personal needs allowance under the medical assistance
1 5 program, which may be retained by a resident of a nursing
1 6 facility, an intermediate care facility for persons with
1 7 mental retardation, or an intermediate care facility for
1 8 persons with mental illness, as defined in section 135C.1, or
1 9 who is a resident of a psychiatric medical institution for
1 10 children as defined in section 135H.1, shall be fifty dollars
1 11 per month. A resident who has income of less than fifty
1 12 dollars per month shall receive a supplement from the state in
1 13 the amount necessary to receive a personal needs allowance of
1 14 fifty dollars per month, ~~if funding is specifically~~
~~1 15 appropriated for this purpose.~~

1 16 EXPLANATION

1 17 This bill eliminates statutory language that limits
1 18 subsidization of the monthly personal needs allowance under
1 19 the medical assistance program retained by residents of
1 20 nursing facilities, intermediate care facilities for persons
1 21 with mental retardation, intermediate care facilities for
1 22 persons with mental illness, and psychiatric medical
1 23 institutions for children to instances in which funding is
1 24 specifically appropriated for this purpose.

1 25 LSB 5108YH 82

1 26 pf/rj/8



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 23, 2008

House File 2057 - Introduced

HOUSE FILE
BY THOMAS

(COMPANION TO LSB 5553SS
BY SCHOENJAHN)

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

A BILL FOR

1 An Act providing for county eligibility for state payment of
2 certain mental health, mental retardation, and developmental
3 disabilities services funding and providing effective and
4 retroactive applicability dates.
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
6 TL5B 5553HH 82
7 jp/rj/14



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 23, 2008

House File 2057 - Introduced continued

PAG LIN

1 1 Section 1. STATE PAYMENT TO ELIGIBLE COUNTIES.
1 2 Notwithstanding section 331.439, subsection 1, paragraph "a",
1 3 a county that accurately reported the county's expenditures
1 4 for mental health, mental retardation, and developmental
1 5 disabilities services for the previous fiscal year on the
1 6 forms prescribed by the department of human services, and the
1 7 report was received after December 1, 2007, and on or before
1 8 March 15, 2008, shall be eligible for state payment, as
1 9 defined in section 331.438, in accordance with section 331.439
1 10 and other law providing for the state payment in the fiscal
1 11 year beginning July 1, 2007.

1 12 Sec. 2. EFFECTIVE DATE. This Act, being deemed of
1 13 immediate importance, takes effect upon enactment and applies
1 14 retroactively to December 1, 2007.

1 15 EXPLANATION

1 16 This bill provides for county eligibility for state payment
1 17 of certain mental health, mental retardation, and
1 18 developmental disabilities services (MH/MR/DD) allowed growth
1 19 and property tax relief funding.

1 20 The bill provides for county eligibility for state payment
1 21 of both MH/MR/DD property tax relief moneys and allowed growth
1 22 funding.

1 23 Under current law, in order to be eligible to receive the
1 24 funding, a county must accurately report the county's
1 25 expenditures for such services for the previous fiscal year on
1 26 the forms prescribed by the department of human services by
1 27 December 1. The bill provides that a county is also eligible
1 28 if the report was received after December 1, 2007, and on or
1 29 before March 15, 2008.

1 30 The bill takes effect upon enactment and is retroactively
1 31 applicable to December 1, 2007.

1 32 LSB 5553HH 82

1 33 jp/rj/14



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 23, 2008

House File 2058 - Introduced

HOUSE FILE
BY SMITH

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

A BILL FOR

- 1 An Act establishing a shaken baby syndrome prevention program in
- 2 the department of public health.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 5552HH 82
- 5 jp/nh/14



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 23, 2008

House File 2058 - Introduced continued

PAG LIN

1 1 Section 1. NEW SECTION. 135.119 SHAKEN BABY SYNDROME
1 2 PREVENTION PROGRAM.
1 3 1. For the purposes of this section:
1 4 a. "Birth center" and "birthing hospital" mean the same as
1 5 defined in section 135.131.
1 6 b. "Child care provider" means the same as a child care
1 7 facility, as defined in section 237A.1, that is providing
1 8 child care to a child who is newborn through age three.
1 9 c. "Family support program" means a program offering
1 10 instruction and support for families in which home visitation
1 11 is the primary service delivery mechanism.
1 12 d. "Parent" means the same as "custodian", "guardian", or
1 13 "parent", as defined in section 232.2, of a child who is
1 14 newborn through age three.
1 15 e. "Person responsible for the care of a child" means the
1 16 same as defined in section 232.68, except that it is limited
1 17 to persons responsible for the care of a child who is newborn
1 18 through age three.
1 19 f. "Shaken baby syndrome" means the collection of signs
1 20 and symptoms resulting from the vigorous shaking of a child
1 21 who is three years of age or younger. Shaken baby syndrome
1 22 may result in bleeding inside the child's head and may cause
1 23 one or more of the following conditions: irreversible brain
1 24 damage; blindness, retinal hemorrhage, or eye damage; cerebral
1 25 palsy; hearing loss; spinal cord injury, including paralysis;
1 26 seizures; learning disability; central nervous system injury;
1 27 closed head injury; rib fracture; subdural hematoma; or death.
1 28 Shaken baby syndrome also includes the symptoms included in
1 29 the diagnosis code for shaken infant syndrome utilized by Iowa
1 30 hospitals.
1 31 2. a. The department shall establish through contract a
1 32 statewide shaken baby syndrome prevention program to educate
1 33 parents and persons responsible for the care of a child about
1 34 the dangers to children three years of age or younger caused
1 35 by shaken baby syndrome and to provide alternate techniques



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 23, 2008

House File 2058 - Introduced continued

2 1 for venting anger and frustration. The program shall allow
2 2 for voluntary participation and shall make available
2 3 multimedia educational resources, written materials, and other
2 4 resources to parents and persons responsible for the care of a
2 5 child.

2 6 b. The department shall provide for the development of
2 7 multimedia resources, related written materials, participation
2 8 and evaluation materials, and other resources. The department
2 9 shall consult with experts with experience in child abuse
2 10 prevention, child health, and parent education in developing
2 11 the resources and materials.

2 12 c. The program resources and materials shall be
2 13 distributed to birth centers, birthing hospitals, family
2 14 support programs, and child care providers. The department
2 15 shall implement a collaborative approach for distribution with
2 16 child abuse prevention programs, child care resource and
2 17 referral programs, programs receiving funding through the
2 18 community empowerment initiative, public and private schools,
2 19 hospital and health care provider associations, local health
2 20 departments, and others who regularly work with parents and
2 21 persons targeted by the program and the birth centers,
2 22 birthing hospitals, and child care providers who provide
2 23 services to such parents and persons. The distribution
2 24 approach shall provide for distribution by a local health
2 25 department in those areas where another collaborative agency
2 26 is not available or unable to provide the distribution.

2 27 3. Each birth center, birthing hospital, child care
2 28 provider, family support program, and maternal and pediatric
2 29 health services provider in the state is requested to
2 30 encourage program participation by the parents of newborn
2 31 children and persons responsible for the care of a child who
2 32 is newborn by doing all of the following:

2 33 a. Informing the parents and persons concerning the
2 34 program.

2 35 b. Making the program resources and materials available to



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 23, 2008

House File 2058 - Introduced continued

3 1 the parents and persons.

3 2 4. Beginning in January 2009, the department shall
3 3 annually report in January to the governor and general
3 4 assembly providing evaluation information concerning program
3 5 participants and agencies collaborating with the program and
3 6 program results.

3 7 5. The department shall implement the program to the
3 8 extent of the amount appropriated or made available for the
3 9 program for a fiscal year.

3 10 EXPLANATION

3 11 This bill establishes a shaken baby syndrome prevention
3 12 program in the department of public health in new Code section
3 13 135.119.

3 14 Terms are defined in the bill, largely based on existing
3 15 Code definitions.

3 16 "Birth center" means the same as defined in Code section
3 17 135.131: a facility or institution, which is not an
3 18 ambulatory surgical center or a hospital or in a hospital, in
3 19 which births are planned to occur following a normal,
3 20 uncomplicated, low-risk pregnancy. "Birthing hospital" means
3 21 the same as defined in Code section 135.131: a licensed
3 22 private or public hospital that has a licensed obstetric unit
3 23 or is licensed to provide obstetric services. "Child care
3 24 provider" means the same as "child care facility", as defined
3 25 in Code section 237A.1: a licensed child care center,
3 26 preschool, or a registered child development home, that is
3 27 providing care to children who are newborn through age three.
3 28 "Family support program" means a program offering instruction
3 29 and support for families in which home visitation is the
3 30 primary service delivery mechanism.

3 31 "Parent" means the same as "parent", "guardian", or
3 32 "custodian", as defined in Code section 232.2, of a child who
3 33 is newborn through age three. Under Code section 232.2,
3 34 "custodian" means a stepparent or a relative within the fourth
3 35 degree of consanguinity to a child who has assumed



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 23, 2008**

House File 2058 - Introduced continued

4 1 responsibility for that child, a person who has accepted a
4 2 release of custody, or a person appointed by a court or
4 3 juvenile court having jurisdiction over a child; "guardian"
4 4 means a person who is not the parent of a child, but who has
4 5 been appointed by a court or juvenile court having
4 6 jurisdiction over the child, to have a permanent
4 7 self-sustaining relationship with the child and to make
4 8 important decisions which have a permanent effect on the life
4 9 and development of that child and to promote the general
4 10 welfare of that child; and "parent" means a biological or
4 11 adoptive mother or father of a child but does not include a
4 12 mother or father whose parental rights have been terminated.
4 13 "Person responsible for the care of a child" means the same
4 14 as defined in Code section 232.68, except that it is limited
4 15 to persons caring for a child who is newborn through age
4 16 three. Under Code section 232.68, the term means a parent,
4 17 guardian, or foster parent; a relative or any other person
4 18 with whom the child resides and who assumes care or
4 19 supervision of the child, without reference to the length of
4 20 time or continuity of such residence; an employee or agent of
4 21 any public or private facility providing care for a child,
4 22 including an institution, hospital, health care facility,
4 23 group home, mental health center, residential treatment
4 24 center, shelter care facility, detention center, or child care
4 25 facility; and any person providing care for a child, but with
4 26 whom the child does not reside, without reference to the
4 27 duration of the care.
4 28 "Shaken baby syndrome" means the collection of signs and
4 29 symptoms resulting from the vigorous shaking of a child who is
4 30 age three or younger that may result in bleeding inside the
4 31 head and may result in any of a number of conditions listed in
4 32 the bill.
4 33 The department is required to establish through contract a
4 34 statewide shaken baby syndrome prevention program directed to
4 35 parents and persons responsible for the care of a child, as



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 23, 2008**

House File 2058 - Introduced continued

5 1 these terms are defined in the bill.

5 2 The department is required to work with various experts in
5 3 developing multimedia resources and written materials for
5 4 distribution under the program to birth centers, birthing
5 5 hospitals, and child care providers, and family support
5 6 programs. The department is required to implement a
5 7 collaborative approach for the distribution with various
5 8 programs, health services providers, and agencies that work
5 9 with the target population. If an area does not have a
5 10 collaborative agency to perform the distribution, the
5 11 distribution is required to be performed by the local health
5 12 department.

5 13 Each birth center, birthing hospital, child care provider,
5 14 and family support programs, and maternal and pediatric health
5 15 services provider in the state is requested to encourage
5 16 program participation by the parents of newborn children and
5 17 persons responsible for the care of a child who is newborn by
5 18 informing parents and others about the program and making
5 19 materials available.

5 20 Beginning in January 2009, the department is required to
5 21 report annually to the governor and general assembly
5 22 concerning the program and program results.

5 23 LSB 5552HH 82

5 24 jp/nh/14



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 23, 2008

House File 2059 - Introduced

HOUSE FILE
BY BAILEY

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

Passed Senate, Date _____
Vote: Ayes _____ Nays _____

A BILL FOR

- 1 An Act relating to text messaging and the use of cellular
- 2 telephones by certain minor motor vehicle operators and making
- 3 penalties applicable.
- 4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 5 TL5B 5656HH 82
- 6 dea/nh/5



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 23, 2008

House File 2059 - Introduced continued

PAG LIN

1 1 Section 1. Section 321.180B, Code 2007, is amended by
1 2 adding the following new subsection:
1 3 NEW SUBSECTION. 2A. TEXT MESSAGING AND CELL PHONE USE
1 4 RESTRICTED. A person who has been issued an instruction
1 5 permit or an intermediate driver's license under this section
1 6 shall not read, write, or send a text message or operate or
1 7 utilize a handheld cellular telephone or other handheld device
1 8 used for remote two-way communication while operating a motor
1 9 vehicle on a highway. This subsection does not apply when the
1 10 motor vehicle is at a complete stop off the roadway or when a
1 11 handheld cellular telephone or other handheld communication
1 12 device is used to call 9-1-1 or to contact law enforcement
1 13 authorities or an emergency response agency in an emergency
1 14 situation.

1 15 Sec. 2. Section 321.194, subsection 1, Code 2007, is
1 16 amended by adding the following new paragraph:
1 17 NEW PARAGRAPH. c. A person who has been issued a driver's
1 18 license under this section shall not read, write, or send a
1 19 text message or operate or utilize a handheld cellular
1 20 telephone or other handheld device used for remote two-way
1 21 communication while operating a motor vehicle on a highway.
1 22 This paragraph does not apply when the motor vehicle is at a
1 23 complete stop off the roadway or when a handheld cellular
1 24 telephone or other handheld communication device is used to
1 25 call 9-1-1 or to contact law enforcement authorities or an
1 26 emergency response agency in an emergency situation.

1 27 EXPLANATION
1 28 This bill prohibits a motor vehicle operator with an
1 29 instruction permit or intermediate license issued under the
1 30 graduated driver licensing program or a special minor's
1 31 license issued for driving to and from school from reading,
1 32 writing, or sending a text message or using a handheld
1 33 cellular telephone or other handheld two-way communication
1 34 device while driving. Exceptions are allowed for the use of a
1 35 cell phone to make 911 calls and calls to law enforcement



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 23, 2008**

House File 2059 - Introduced continued

2 1 authorities or emergency response agencies in an emergency
2 2 situation. In addition, the bill does not prohibit text
2 3 messaging or using a handheld cell phone when the motor
2 4 vehicle is at a complete stop off the roadway.
2 5 A violation of graduated driver licensing provisions is a
2 6 simple misdemeanor, punishable by a scheduled fine of \$30. In
2 7 addition, a person 17 years of age must be violation-free for
2 8 12 months to qualify for a full driver's license.
2 9 A violation of special minor's license provisions is a
2 10 simple misdemeanor punishable by a scheduled fine of \$30. In
2 11 addition, a violation of the restrictions of the license can
2 12 result in suspension of the license.
2 13 LSB 5656HH 82
2 14 dea/nh/5



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 23, 2008

House File 2060 - Introduced

HOUSE FILE
BY STAED

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

Passed Senate, Date _____
Vote: Ayes _____ Nays _____

A BILL FOR

- 1 An Act concerning the use of certain motorboats on lake Macbride
- 2 and providing an effective date.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 5835YH 82
- 5 av/rj/24



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 23, 2008

House File 2060 - Introduced continued

PAG LIN

1 1 Section 1. Section 462A.31, subsection 1, paragraph b,
1 2 Code 2007, is amended to read as follows:
1 3 b. A motorboat equipped with any power unit mounted or
1 4 carried aboard the vessel may be operated at a no-wake speed
1 5 on all artificial lakes of more than one hundred acres in size
1 6 under the custody of the department. ~~However, on lake~~
~~1 7 Macbride, a motorboat with a power unit exceeding ten~~
~~1 8 horsepower may be operated only when permitted by rule and the~~
~~1 9 rule shall not authorize such use during the period beginning~~
~~1 10 on the Friday before Memorial Day and ending on Labor Day~~
~~1 11 inclusively.~~ This paragraph does not limit motorboat
1 12 horsepower on natural lakes under the custody of the
1 13 department or limit the department's authority to establish
1 14 special speed zoning regulations.
1 15 Sec. 2. EFFECTIVE DATE. This Act, being deemed of
1 16 immediate importance, takes effect upon enactment.
1 17 EXPLANATION
1 18 This bill removes the prohibition from the Code that
1 19 motorboats with power units exceeding 10 horsepower cannot be
1 20 operated on lake Macbride except by rule of the natural
1 21 resources department and never during the period from the
1 22 Friday before Memorial Day to Labor Day.
1 23 The bill allows motorboats to be operated on lake Macbride
1 24 at all times with unrestricted horsepower at a no-wake speed
1 25 unless the department establishes other special speed zoning
1 26 regulations.
1 27 The bill takes effect upon enactment.
1 28 LSB 5835YH 82
1 29 av/rj/24



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 23, 2008

House File 2061 - Introduced

HOUSE FILE

BY BAILEY, FOEGE, PETTENGILL,
MERTZ, SMITH, GAYMAN,
REICHERT, WENTHE, PALMER,
GRANZOW, UPMEYER, and L. MILLER

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

Passed Senate, Date _____
Vote: Ayes _____ Nays _____

A BILL FOR

- 1 An Act relating to a temporary permit to practice dentistry or
- 2 dental hygiene.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 5074HH 82
- 5 jr/rj/5



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 23, 2008

House File 2061 - Introduced continued

PAG LIN

1 1 Section 1. Section 153.19, subsection 2, Code 2007, is
1 2 amended to read as follows:
1 3 2. A temporary permit shall be issued for a period
1 4 determined by the board and may be renewed at the discretion
1 5 of the board. The fee for a temporary permit and the fee for
1 6 renewal shall be set by the board. The fees shall be based on
1 7 the administrative costs of issuing and renewing the permits.
1 8 If the board issues a temporary permit to a person providing
1 9 free dental or dental hygiene services on a volunteer basis,
1 10 the board shall not charge a fee for issuance of the permit.

1 11 EXPLANATION
1 12 Current law authorizes the board to issue temporary permits
1 13 to persons who do not hold an Iowa license but possess
1 14 qualifications which are substantially equivalent to Iowa
1 15 licensure standards. This bill waives any permit fee for a
1 16 person providing free dental or dental hygiene services on a
1 17 volunteer basis.
1 18 LSB 5074HH 82
1 19 jr/rj/5



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 23, 2008

House File 2062 - Introduced

HOUSE FILE
BY STAED

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

A BILL FOR

1 An Act restricting the presence of a registered sex offender on
2 the real property comprising a school or child care facility,
3 making an appropriation, and providing a penalty.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
5 TLSB 5722YH 82
6 jm/rj/5



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 23, 2008

House File 2062 - Introduced continued

PAG LIN

1 1 Section 1. NEW SECTION. 692A.3B PRESENCE ON THE REAL
1 2 PROPERTY COMPRISING A SCHOOL OR CHILD CARE FACILITY ==
1 3 RESTRICTION.
1 4 1. A person required to register under this chapter who
1 5 has been convicted of a criminal offense against a minor, or
1 6 an offense involving a minor that is an aggravated offense,
1 7 sexually violent offense, or other relevant offense, shall not
1 8 be knowingly present on the real property comprising a public
1 9 or nonpublic elementary or secondary school or child care
1 10 facility, unless subsection 2 applies or any of the following
1 11 apply:
1 12 a. The person is transporting a minor who is a child of
1 13 the person to or from the school or child care facility.
1 14 b. The person is attending a parent-teacher conference
1 15 regarding a minor who is a child of the person.
1 16 c. The person has been summoned to discuss the academic or
1 17 social progress of a minor who is a child of the person.
1 18 d. The person is voting at the school or child care
1 19 facility during the hours designated to vote.
1 20 2. If the person intends to be present for any other
1 21 reason not enumerated in subsection 1, the person shall first
1 22 notify the administrative offices of the public or nonpublic
1 23 elementary or secondary school or child care facility that the
1 24 person intends to be present on the real property comprising
1 25 the school or child care facility, and the person shall
1 26 receive written permission from the school or child care
1 27 facility prior to entering onto the real property comprising
1 28 the school or child care facility.
1 29 3. A person who commits a violation of this section
1 30 commits an aggravated misdemeanor.
1 31 Sec. 2. DEPARTMENT OF PUBLIC SAFETY. There is
1 32 appropriated from the general fund of the state to the
1 33 department of public safety for the fiscal year beginning July
1 34 1, 2008, and ending June 30, 2009, the following amount, or so
1 35 much thereof as is necessary, to be used for the purpose



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 23, 2008**

House File 2062 - Introduced continued

3 1 misdemeanor. An aggravated misdemeanor is punishable by
3 2 confinement for no more than two years and a fine of at least
3 3 \$625 but not more than \$6,250.
3 4 The bill makes an appropriation to the department of public
3 5 safety to establish a sex offender compliance grant program.
3 6 The moneys appropriated under the bill shall be used by local
3 7 law enforcement agencies to determine whether sex offenders
3 8 are complying with registration requirements, and residency
3 9 and other restrictions imposed under Code chapter 692A.
3 10 LSB 5722YH 82
3 11 jm/rj/5



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 23, 2008

House File 2063 - Introduced

HOUSE FILE
BY WESSEL=KROESCHELL

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

A BILL FOR

- 1 An Act relating to the time by which school districts may start
- 2 the instructional day for grades nine through twelve.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 5169HH 82
- 5 kh/sc/5



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 23, 2008

House File 2063 - Introduced continued

PAG LIN

1 1 Section 1. Section 279.10, Code 2007, is amended by adding
1 2 the following new subsection:

1 3 NEW SUBSECTION. 5. The board of directors of a school
1 4 district shall begin the instructional day for grades nine
1 5 through twelve no earlier than 8:30 a.m.

1 6 EXPLANATION

1 7 This bill prohibits school districts from beginning the
1 8 instructional day for grades nine through 12 prior to 8:30
1 9 a.m.

1 10 LSB 5169HH 82

1 11 kh/sc/5



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 23, 2008

House File 2064 - Introduced

HOUSE FILE
BY PETTENGILL

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

A BILL FOR

1 An Act requiring all payments for prepaid cemetery and funeral
2 merchandise, and funeral services to be placed in trust or
3 secured by a surety bond.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
5 TLSB 5753YH 82
6 av/nh/8



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 23, 2008

House File 2064 - Introduced continued

PAG LIN

1 1 Section 1. Section 523A.201, subsections 2 and 3, Code
1 2 Supplement 2007, are amended to read as follows:

1 3 2. If a seller agrees to furnish cemetery merchandise,
1 4 funeral merchandise, funeral services, or a combination
1 5 thereof and performance or delivery may be more than one
1 6 hundred twenty days following the initial payment on the
1 7 account, ~~a minimum of eighty percent of all payments made~~
1 8 under the purchase agreement shall be placed and remain in
1 9 trust until the person for whose benefit the funds were paid
1 10 dies.

1 11 3. If a purchase agreement for cemetery merchandise,
1 12 funeral merchandise, funeral services, or a combination
1 13 thereof provides that payments are to be made in installments,
1 14 the seller shall deposit ~~eighty percent of each payment~~ all
1 15 payments made under the purchase agreement in the trust fund
1 16 until the full amount required to be placed in trust has been
1 17 deposited. If the purchase agreement is financed with or sold
1 18 to a financial institution, the purchase agreement shall be
1 19 considered paid in full and the trust requirements shall be
1 20 satisfied within fifteen days after the seller receives funds
1 21 from the financial institution.

1 22 Sec. 2. Section 523A.201, subsection 5, Code Supplement
1 23 2007, is stricken.

1 24 Sec. 3. Section 523A.405, subsection 8, Code Supplement
1 25 2007, is amended to read as follows:

1 26 8. The amount of the surety bond shall equal ~~eighty~~
1 27 percent the amount of the payments received pursuant to
1 28 purchase agreements, or the applicable portion thereof, for
1 29 cemetery merchandise, funeral merchandise, funeral services,
1 30 or a combination thereof and the amount needed to adjust the
1 31 amount of the surety bond for inflation as set by the
1 32 commissioner based on the consumer price index. The seller
1 33 shall review the amount of the surety bond no less than
1 34 annually and shall increase the bond as necessary to reflect
1 35 additional payments. The amount needed to adjust for



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 23, 2008

House File 2064 - Introduced continued

2 1 inflation shall be added annually to the surety bond during
2 2 the first quarter of the establishment's fiscal year.
2 3 Sec. 4. Section 523A.601, subsection 6, paragraph a, Code
2 4 Supplement 2007, is amended to read as follows:

2 5 a. A purchase agreement that is funded by a trust shall
2 6 include a conspicuous statement in language substantially
2 7 similar to the following language:
2 8 "For your prearranged funeral agreement, we will deposit
2 9 ~~not less than eighty percent~~ all of your payments in trust at
2 10 (name of financial institution), (street address), (city),
2 11 (state) (zip code) within fifteen days following receipt of
2 12 the funds. For your protection, you have the right to contact
2 13 the financial institution directly to confirm that the deposit
2 14 of these funds occurred as required by law. If you are unable
2 15 to confirm the deposit of these funds in trust, you may
2 16 contact the Iowa insurance division for assistance by calling
2 17 the insurance division at (telephone number) or by mail at
2 18 (street address), (city), Iowa (zip code)."

2 19 Sec. 5. Section 523A.811, subsection 1, paragraph c, Code
2 20 Supplement 2007, is amended to read as follows:

2 21 c. The amount of funds currently held in trust for
2 22 cemetery merchandise, funeral merchandise, and funeral
2 23 services is less than ~~eighty percent~~ the total amount of all
2 24 payments made under the purchase agreements referred to in
2 25 section 523A.201.

2 26 EXPLANATION

2 27 This bill requires that all payments made pursuant to a
2 28 purchase agreement for cemetery merchandise, funeral
2 29 merchandise, funeral services, or a combination thereof, where
2 30 performance or delivery under the agreement may be more than
2 31 120 days following initial payment on the account, must be
2 32 placed in trust or secured by a surety bond in that amount.
2 33 Currently, only 80 percent of the amount of such payments is
2 34 required to be placed in trust or secured by a surety bond.
2 35 LSB 5753YH 82



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 23, 2008**

House File 2064 - Introduced continued

3 1 av/nh/8



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 23, 2008

House File 2065

HOUSE FILE
BY COMMITTEE ON VETERANS AFFAIRS

(SUCCESSOR TO HF 2001)

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

A BILL FOR

- 1 An Act relating to military leaves of absence and reemployment
- 2 and providing an effective date.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 5574HV 82
- 5 ec/nh/24



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 23, 2008

House File 2065 continued

PAG LIN

1 1 Section 1. Section 29A.8A, Code 2007, is amended to read
1 2 as follows:
1 3 29A.8A STATE MILITARY SERVICE.
1 4 If federal funding and authorization exist for this
1 5 purpose, the governor may order to state military service the
1 6 military forces of the Iowa army national guard or Iowa air
1 7 national guard as the governor may deem appropriate for the
1 8 purposes of homeland security, homeland defense, or other
1 9 duty. A state employee shall take either a full day's leave
1 10 in accordance with section 29A.28 or eight hours of
1 11 compensatory time on a day in which the state employee
1 12 receives a full day's pay from federal funds for national
1 13 guard duty.
1 14 Sec. 2. Section 29A.28, subsection 1, Code Supplement
1 15 2007, is amended to read as follows:
1 16 1. a. All officers and employees of the state, a
1 17 subdivision thereof, or a municipality, other than employees
1 18 employed temporarily for six months or less, who are members
1 19 of the national guard, organized reserves or any component
1 20 part of the military, naval, or air forces or nurse corps of
1 21 this state or nation, or who are or may be otherwise inducted
1 22 into the military service of this state or of the United
1 23 States, or who are members of the civil air patrol, shall,
1 24 when ordered by proper authority to state active duty, state
1 25 military service, or federal service, or when performing a
1 26 civil air patrol mission pursuant to section 29A.3A, be
1 27 entitled to a leave of absence from such civil employment for
1 28 the period of state active duty, state military service,
1 29 federal service, or civil air patrol duty without loss of
1 30 status or efficiency rating, and without loss of pay during
1 31 the first thirty days of such leave of absence.
1 32 b. Where state active duty, state military service,
1 33 federal service, or civil air patrol duty is for a period of
1 34 less than thirty days, a leave of absence under this section
1 35 shall only be required for those days that the civil employee



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 23, 2008

House File 2065 continued

2 1 would normally perform services for the state, subdivision of
2 2 the state, or a municipality. The provisions of this section
2 3 shall also apply to a leave of absence by a member of the
2 4 national disaster medical system of the United States when
2 5 activated for federal service with the system. If the workday
2 6 for a civil employee encompasses more than one calendar day,
2 7 the civil employee shall only be required to take a leave of
2 8 absence for one day for that workday if a leave of absence is
2 9 required under this paragraph.

2 10 Sec. 3. Section 29A.43, subsection 1, Code 2007, is
2 11 amended to read as follows:

2 12 1. A person shall not discriminate against any officer or
2 13 enlisted person of the national guard or organized reserves of
2 14 the armed forces of the United States or any member of the
2 15 civil air patrol because of that membership. An employer, or
2 16 agent of an employer, shall not discharge a person from
2 17 employment because of being an officer or enlisted person of
2 18 the military forces of the state or member of the civil air
2 19 patrol, or hinder or prevent the officer or enlisted person or
2 20 member of the civil air patrol from performing any military
2 21 service or civil air patrol duty the person is called upon to
2 22 perform by proper authority. A member of the national guard
2 23 or organized reserves of the armed forces of the United States
2 24 ordered to temporary duty, as defined in section 29A.1,
2 25 subsection 3, 11, or 12, or a member of the civil air patrol
2 26 performing duty pursuant to section 29A.3A, for any purpose is
2 27 entitled to a leave of absence during the period of the duty
2 28 or service, from the member's private employment, ~~other than~~
2 29 unless the employment is of a temporary nature, ~~and upon.~~
2 30 Upon completion of the duty or service the employer shall
2 31 restore the person to the position held prior to the leave of
2 32 absence, or employ the person in a ~~similar~~ position of like
2 33 seniority, status, and pay. However, the person shall give
2 34 evidence to the employer of satisfactory completion of the
2 35 ~~training or~~ duty or service, and that the person is still



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 23, 2008

House File 2065 continued

3 1 qualified to perform the duties of the position. The period
3 2 of absence shall be construed as an absence with leave, and
3 3 shall in no way affect the employee's rights to vacation, sick
3 4 leave, bonus, or other employment benefits relating to the
3 5 employee's particular employment. ~~A person violating a
3 6 provision of this section is guilty of a simple misdemeanor.~~

3 7 Sec. 4. Section 29A.43, Code 2007, is amended by adding
3 8 the following new subsection:

3 9 NEW SUBSECTION. 3. A person violating a provision of this
3 10 section is guilty of a simple misdemeanor. Violations of this
3 11 section shall be prosecuted by the attorney general or the
3 12 county attorney of the county in which the violation occurs.

3 13 Sec. 5. EFFECTIVE DATE. This Act, being deemed of
3 14 immediate importance, takes effect upon enactment.

3 15 EXPLANATION

3 16 This bill concerns leaves of absences from work for
3 17 purposes of military service.

3 18 Code section 29A.28, concerning leaves of absence for state
3 19 and local government employees, is amended to provide that a
3 20 government employee is only required to take a leave of
3 21 absence for one day for each workday the employee is required
3 22 to take a leave of absence even if the employee's typical
3 23 workday encompasses more than one calendar day.

3 24 Code section 29A.43, concerning leaves of absence for
3 25 employees generally, is amended to provide that a person
3 26 returning from military duty shall, if not restored to the
3 27 position held prior to the leave of absence, be restored to a
3 28 position of like seniority, status, and pay. Current law
3 29 provides that if the person is not restored to the same
3 30 position, the employer is required to restore the person to a
3 31 similar position. The bill also provides that violations of
3 32 Code section 29A.43 shall be prosecuted by the attorney
3 33 general or the county attorney of the county in which the
3 34 violation occurred.

3 35 The bill takes effect upon enactment.



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 23, 2008**

House File 2065 continued

4 1 LSB 5574HV 82
4 2 ec/nh/24



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 23, 2008

House Study Bill 547

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



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 23, 2008

House Study Bill 547 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



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 23, 2008

House Study Bill 548

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 real estate broker trust accounts.
- 2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 3 TLSB 5363XD 82
- 4 jr/rj/5



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 23, 2008

House Study Bill 548 continued

PAG LIN

1 1 Section 1. Section 543B.46, subsection 1, Code Supplement
1 2 2007, is amended to read as follows:
1 3 1. Each real estate broker shall maintain a common trust
1 4 account in a bank, a savings and loan association, savings
1 5 bank, or credit union for the deposit of all down payments,
1 6 earnest money deposits, or other trust funds received by the
1 7 broker or the broker's salespersons on behalf of the broker's
1 8 principal, except that a broker acting as a salesperson shall
1 9 deposit these funds in the common trust account of the broker
1 10 for whom the broker acts as salesperson. The account shall be
1 11 an interest-bearing account. The interest on the account
1 12 shall be transferred quarterly to the treasurer of state and
1 13 transferred to the ~~department of economic development Iowa~~
1 14 finance authority for deposit in the ~~local housing assistance~~
~~1 15 program trust fund~~ established in section ~~15.354~~ 16.181 unless
1 16 there is a written agreement between the buyer and seller to
1 17 the contrary. The broker shall not benefit from interest
1 18 received on funds of others in the broker's possession.

1 19 EXPLANATION

1 20 Each real estate broker is required to maintain an
1 21 interest-bearing trust account. Under current law, the
1 22 interest on the account is transferred to the department of
1 23 economic development for deposit in the local housing
1 24 assistance program fund. This bill transfers the interest to
1 25 the Iowa finance authority for deposit in the housing trust
1 26 fund established in Code section 16.181.

1 27 LSB 5363XD 82

1 28 jr/rj/5



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 23, 2008

House Study Bill 549

SENATE/HOUSE FILE
BY (PROPOSED DEPARTMENT OF
HUMAN RIGHTS/DIVISION OF
COMMUNITY ACTION AGENCIES
BILL)

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

Passed House, Date _____
Vote: Ayes _____ Nays _____

A BILL FOR

- 1 An Act providing for the establishment or approval of discounted
- 2 gas and electric utility rates applicable to low-income
- 3 residents.
- 4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 5 TLSB 5478DP 82
- 6 rn/nh/5



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 23, 2008

House Study Bill 549 continued

PAG LIN

1 1 Section 1. NEW SECTION. 476.8A LOW=INCOME RESIDENTIAL
1 2 CUSTOMERS == DISCOUNT RATE.
1 3 The board may establish or approve low=income residential
1 4 discount rates for gas and electric utility service furnished
1 5 to qualified low=income residents as determined pursuant to
1 6 section 476.20, subsection 2, to ensure the affordable,
1 7 reliable, and continuous furnishing of such services, lower
1 8 the percentage of income devoted to utility bills by
1 9 low=income households, increase customer payment rates, and
1 10 reduce costs associated with customer account collection
1 11 activities. The discount rates, if established, shall be
1 12 applicable to gas and electric service furnished by a public
1 13 utility subject to rate regulation and, at a utility's
1 14 discretion, to a public utility exempt from the board's rate
1 15 regulation authority. The disconnection restrictions
1 16 applicable to qualifying low=income residents pursuant to
1 17 section 476.20 shall continue to apply notwithstanding
1 18 imposition of discount rates established pursuant to this
1 19 section.

1 20 EXPLANATION

1 21 This bill authorizes the Iowa utilities board to establish
1 22 or approve discount rates for gas and electric utility service
1 23 applicable to low=income residents who qualify for
1 24 disconnection restriction provisions specified in Code section
1 25 476.20. The bill specifies that discount rates would be
1 26 established to ensure the affordable, reliable, and continuous
1 27 furnishing of utility services, lower the percentage of income
1 28 devoted to utility bills by low=income households, increase
1 29 customer payment rates, and reduce costs associated with
1 30 customer account collection activities by utilities. The
1 31 rates, if established, would apply to gas and electric
1 32 utilities subject to rate regulation under Code chapter 476,
1 33 and optionally to utilities not subject to the board's rate
1 34 regulation authority. The bill provides that disconnection
1 35 restrictions shall continue to apply to qualifying low=income



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 23, 2008**

House Study Bill 549 continued

- 2 1 residents notwithstanding application of a discount rate.
- 2 2 LSB 5478DP 82
- 2 3 rn/nh/5



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 23, 2008

House Study Bill 550

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



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 23, 2008

House Study Bill 550 continued

PAG LIN

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



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 23, 2008

House Study Bill 551

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 specifying a duty of agency applicable to licensed
- 2 mortgage brokers and making penalties applicable.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 5345DP 82
- 5 rn/nh/5



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 23, 2008

House Study Bill 551 continued

PAG LIN

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

1 35 EXPLANATION



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 23, 2008

House Study Bill 551 continued

2 1 This bill confers upon licensed mortgage brokers a duty of
2 2 agency.

2 3 The bill provides that a licensee acting in the capacity of
2 4 a mortgage broker pursuant to Code section 535B.1, subsection
2 5 5, shall be considered to have created an agency relationship
2 6 with a borrower in all cases. The bill specifies duties a
2 7 licensee shall perform pursuant to the agency relationship,
2 8 including acting in a borrower's best interest and in good
2 9 faith, not compromising a borrower's right or interest in
2 10 favor of another person or licensee, and not accepting,
2 11 giving, or charging any undisclosed compensation or realizing
2 12 any undisclosed remuneration that inures to the licensee's
2 13 benefit on an expenditure made for the borrower. Additional
2 14 duties include carrying out all lawful instructions provided
2 15 or issued by a borrower, disclosing all material facts of
2 16 which the licensee has knowledge which might reasonably affect
2 17 a borrower's rights, interests, or ability to receive the
2 18 intended benefit from the mortgage loan, but not facts which
2 19 are reasonably susceptible to the knowledge of a borrower,
2 20 using reasonable care in the performance of duties, and
2 21 accounting for all the borrower's money and property received
2 22 as agent.

2 23 The bill states that the duty of agency shall not be
2 24 construed to prohibit a licensee from contracting for or
2 25 collecting a fee for services rendered which was disclosed and
2 26 agreed to by the borrower in advance of the provision of the
2 27 services, and shall also not be construed to require a
2 28 licensee to obtain a loan for the borrower containing terms or
2 29 conditions not available to the licensee in the usual course
2 30 of business, or to obtain a loan for the borrower from a
2 31 mortgage lender with whom the licensee does not have a
2 32 business relationship.

2 33 A violation of the bill's provisions subjects a licensee to
2 34 the disciplinary provisions of Code chapter 535B, including
2 35 license suspension and revocation, and imposition of civil



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 23, 2008**

House Study Bill 551 continued

- 3 1 penalties in an amount not to exceed \$5,000 per violation.
- 3 2 LSB 5345DP 82
- 3 3 rn/nh/5.1



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 23, 2008

House Study Bill 552

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 providing for increases in dollar amount limitations
2 contained within specified provisions of the consumer credit
3 code, and providing for periodic adjustment of those amounts
4 pursuant to changes in the consumer price index.
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
6 TLSB 5343DP 82
7 rn/nh/5



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 23, 2008

House Study Bill 552 continued

PAG LIN

1 1 Section 1. Section 537.1301, subsection 13, paragraph a,
1 2 subparagraph (5), Code 2007, is amended to read as follows:
1 3 (5) With respect to a sale of goods or services, the
1 4 amount financed does not exceed ~~twenty-five~~ seventy-five
1 5 thousand dollars, adjusted periodically to reflect changes in
1 6 the consumer price index as provided in section 537.1304.

1 7 Sec. 2. Section 537.1301, subsection 14, paragraph a,
1 8 subparagraph (4), Code 2007, is amended to read as follows:
1 9 (4) The amount payable under the lease does not exceed
1 10 ~~twenty-five~~ seventy-five thousand dollars, adjusted
1 11 periodically to reflect changes in the consumer price index as
1 12 provided in section 537.1304.

1 13 Sec. 3. Section 537.1301, subsection 15, paragraph a,
1 14 subparagraph (5), Code 2007, is amended to read as follows:
1 15 (5) The amount financed does not exceed ~~twenty-five~~
1 16 seventy-five thousand dollars, adjusted periodically to
1 17 reflect changes in the consumer price index as provided in
1 18 section 537.1304.

1 19 Sec. 4. NEW SECTION. 537.1304 DEFINED TERMS == CONSUMER
1 20 PRICE INDEX ADJUSTMENTS.

1 21 1. The designated dollar amounts specified in section
1 22 537.1301, subsections 13 through 15, in relation to consumer
1 23 credit sales, consumer leases, and consumer loans with regard
1 24 to amounts financed or leased, and in section 537.3604,
1 25 subsection 8, with regard to the amount payable under a
1 26 consumer rental purchase agreement, shall be subject to
1 27 periodic adjustment as provided in this section according to
1 28 and to the extent of changes in the consumer price index for
1 29 urban wage earners and clerical workers, United States city
1 30 average, all items, 1967=100, as published in the federal
1 31 register by the federal department of labor, bureau of labor
1 32 statistics, and hereafter referred to as the index. The index
1 33 for December of 1976 shall serve as the reference base index
1 34 for purposes of this section.

1 35 2. The designated dollar amounts shall change on the first



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 23, 2008

House Study Bill 552 continued

2 1 day of July in each even-numbered year if the percentage of
2 2 change, calculated to the nearest whole percentage point,
2 3 between the index at the end of the preceding year and the
2 4 reference base index is ten percent or more, but the portion
2 5 of the percentage change in the index in excess of a multiple
2 6 of ten percent shall be disregarded and the dollar amounts
2 7 shall change only in multiples of ten percent of the amounts
2 8 designated in the applicable sections.

2 9 3. If the index is revised, the percentage of change
2 10 pursuant to this section shall be calculated on the basis of
2 11 the revised index. If a revision of the index changes the
2 12 reference base index, a revised reference base index shall be
2 13 determined by multiplying the reference base index then
2 14 applicable by the rebasing factor furnished by the bureau of
2 15 labor statistics. If the index is superseded, the index
2 16 referred to in this section shall be the one represented by
2 17 the bureau of labor statistics as reflecting most accurately
2 18 changes in the purchasing power of the dollar for consumers.

2 19 4. The administrator, as defined in section 537.6103,
2 20 shall publish a notice in the Iowa administrative bulletin on
2 21 or before the thirtieth day of April of each year in which
2 22 dollar amounts are to change of the amount of the change as
2 23 required pursuant to subsection 2. Within thirty days after
2 24 the changes occur, the administrator shall publish changes in
2 25 the index required pursuant to subsection 3, including, if
2 26 applicable, the numerical equivalent of the reference base
2 27 index under a revised reference base index and the designation
2 28 or title of any index superseding the index.

2 29 Sec. 5. Section 537.3604, subsection 8, paragraph e, Code
2 30 2007, is amended to read as follows:

2 31 e. The amount payable under the consumer rental purchase
2 32 agreement does not exceed ~~twenty-five~~ seventy-five thousand
2 33 dollars, adjusted periodically to reflect changes in the
2 34 consumer price index as provided in section 537.1304.

2 35 EXPLANATION



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 23, 2008**

House Study Bill 552 continued

3 1 This bill provides for increases in dollar amount
3 2 limitations specified in certain sections of the consumer
3 3 credit code, and also provides for periodic adjustment of
3 4 those limitations pursuant to changes in the consumer price
3 5 index.

3 6 The increases relate to limitations contained in Code
3 7 sections concerning consumer credit sales, consumer leases,
3 8 and consumer loans with regard to amounts financed or leased,
3 9 and regarding the amount payable under a consumer rental
3 10 purchase agreement, with an increase in the limitations from
3 11 currently specified levels of \$25,000 to \$75,000.

3 12 The bill additionally provides that these dollar amounts
3 13 shall be subject to periodic adjustment according to and to
3 14 the extent of changes in the consumer price index for all
3 15 urban consumers, United States city average, as published in
3 16 the federal register by the federal department of labor,
3 17 bureau of labor statistics, pursuant to a formula specified in
3 18 the bill. The bill provides for published notice of the
3 19 changes.

3 20 LSB 5343DP 82

3 21 rn/nh/5



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 23, 2008

House Study Bill 553

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



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 23, 2008**

House Study Bill 553 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



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 23, 2008**

House Study Bill 553 continued

2 1 md/rj/8



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 23, 2008

House Study Bill 554

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



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 23, 2008

House Study Bill 554 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:



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 23, 2008

House Study Bill 554 continued

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.



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 23, 2008

House Study Bill 554 continued

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,



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 23, 2008

House Study Bill 554 continued

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



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 23, 2008

House Study Bill 554 continued

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



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 23, 2008

House Study Bill 554 continued

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.



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 23, 2008

House Study Bill 554 continued

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



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 23, 2008

House Study Bill 554 continued

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



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 23, 2008**

House Study Bill 554 continued

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



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 23, 2008

House Study Bill 554 continued

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



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 23, 2008**

House Study Bill 554 continued

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



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 23, 2008**

House Study Bill 554 continued

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



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 23, 2008

House Study Bill 554 continued

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.



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 23, 2008

House Study Bill 554 continued

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



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 23, 2008

House Study Bill 554 continued

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



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 23, 2008

House Study Bill 554 continued

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



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 23, 2008**

House Study Bill 554 continued

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.



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 23, 2008**

House Study Bill 554 continued

- 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.



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 23, 2008**

House Study Bill 554 continued

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



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 23, 2008

House Study Bill 554 continued

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.



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 23, 2008

House Study Bill 554 continued

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 ==



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 23, 2008

House Study Bill 554 continued

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



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 23, 2008**

House Study Bill 554 continued

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,



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 23, 2008

House Study Bill 554 continued

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.



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 23, 2008**

House Study Bill 554 continued

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



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 23, 2008**

House Study Bill 554 continued

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



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 23, 2008

House Study Bill 554 continued

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



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 23, 2008

House Study Bill 554 continued

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,



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 23, 2008

House Study Bill 554 continued

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



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 23, 2008

House Study Bill 554 continued

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:



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 23, 2008

House Study Bill 554 continued

- 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



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 23, 2008**

House Study Bill 554 continued

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



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 23, 2008

House Study Bill 554 continued

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.



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 23, 2008**

House Study Bill 554 continued

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



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 23, 2008

House Study Bill 555

SENATE/HOUSE FILE
BY (PROPOSED DEPARTMENT OF
COMMERCE/BANKING DIVISION
BILL)

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

Passed House, Date _____
Vote: Ayes _____ Nays _____

A BILL FOR

- 1 An Act making specified changes relating to professional
- 2 licensing and regulation under the purview of the banking
- 3 division of the department of commerce.
- 4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 5 TLSB 5292DP 82
- 6 rn/nh/5



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 23, 2008**

House Study Bill 555 continued

PAG LIN

1 1 Section 1. Section 103A.10, subsection 3, Code Supplement
1 2 2007, is amended to read as follows:

1 3 3. Provisions of the state building code relating to the
1 4 manufacture and installation of factory-built structures shall
1 5 apply throughout the state. A factory-built structure
1 6 approved by the commissioner shall be deemed to comply with
1 7 all building regulations applicable to its manufacture and
1 8 installation and shall be exempt from any other state or local
1 9 building regulations. Except with respect to manufactured
1 10 homes, as defined in section 103A.51, subsection 4, a
1 11 provision of this chapter relating to the manufacture or
1 12 installation of factory-built structures shall not alter or
1 13 supersede any provision of chapter 542B concerning the
1 14 practice of professional engineering or chapter 544A
1 15 concerning the practice of architecture.

1 16 Sec. 2. Section 542.4, subsection 5, Code 2007, is amended
1 17 to read as follows:

1 18 5. a. A member of the The board shall maintain the
1 19 confidentiality of information relating to the following:
1 20 a. Criminal history or prior misconduct of the applicant.
1 21 b. (1) Information relating to the The contents of the
1 22 examination.
1 23 e. (2) Information relating to the The examination
1 24 results other than final score except for information about
1 25 the results of the examination given to the person examined.
1 26 b. A member of the board who willfully communicates or
1 27 seeks to communicate such information in a manner which
1 28 violates confidentiality requirements, and any person who
1 29 willfully requests, obtains, or seeks to obtain such
1 30 information, is guilty of a simple misdemeanor.

1 31 Sec. 3. Section 542B.32, Code 2007, is amended to read as
1 32 follows:

1 33 542B.32 DISCLOSURE OF CONFIDENTIAL INFORMATION.
1 34 1. A member of the The board shall not disclose
1 35 information relating to the following:



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 23, 2008

House Study Bill 555 continued

2 1 ~~1. Criminal history or prior misconduct of the applicant.~~
2 2 ~~2. a. Information relating to the The contents of the~~
2 3 ~~examination.~~
2 4 ~~3. b. Information relating to the The examination results~~
2 5 ~~other than final score except for information about the~~
2 6 ~~results of an examination which is given to the person who~~
2 7 ~~took the examination.~~
2 8 2. A member of the board who willfully communicates or
2 9 seeks to communicate such information, and any person who
2 10 willfully requests, obtains, or seeks to obtain such
2 11 information, is guilty of a simple misdemeanor.
2 12 Sec. 4. Section 543B.52, Code 2007, is amended to read as
2 13 follows:
2 14 543B.52 DISCLOSURE OF CONFIDENTIAL INFORMATION.
2 15 1. ~~A member of the~~ The commission shall not disclose
2 16 information relating to the following:
2 17 ~~1. Criminal history or prior misconduct of the applicant.~~
2 18 ~~2. a. Information relating to the The contents of the~~
2 19 ~~examination.~~
2 20 ~~3. b. Information relating to the The examination results~~
2 21 ~~other than final score except for information about the~~
2 22 ~~results of an examination which is given to the person who~~
2 23 ~~took the examination.~~
2 24 2. A member of the commission who willfully communicates
2 25 or seeks to communicate such information, and any person who
2 26 willfully requests, obtains, or seeks to obtain such
2 27 information, is guilty of a simple misdemeanor.
2 28 Sec. 5. Section 543D.4, Code 2007, is amended by adding
2 29 the following new subsection:
2 30 NEW SUBSECTION. 10. The provisions of section 272C.2,
2 31 subsection 4, shall only apply to a certified real estate
2 32 appraiser or an associate real estate appraiser to the extent
2 33 consistent with the policies adopted by the appraisal
2 34 qualifications board of the appraisal foundation.
2 35 Sec. 6. Section 544A.8, unnumbered paragraph 4, Code 2007,



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 23, 2008

House Study Bill 555 continued

3 1 is amended to read as follows:

3 2 In lieu of examination, the board may grant registration by
3 3 reciprocity. A person applying to the board for registration
3 4 by reciprocity shall furnish satisfactory evidence that the
3 5 person ~~meets both of the following requirements:~~ holds
3 6 qualifications determined by the board to be substantially
3 7 equivalent to the requirements for initial registration in
3 8 accordance with section 546.10, subsection 8.

3 9 Sec. 7. Section 544A.8, subsections 1 and 2, Code 2007,
3 10 are amended by striking the subsections.

3 11 Sec. 8. Section 544A.9, Code 2007, is amended to read as
3 12 follows:

3 13 544A.9 REGISTRATION.

3 14 When the applicant has complied with the requirements as
3 15 set forth in section 544A.8, ~~to the satisfaction of at least~~
~~3 16 four members of the board,~~ and has paid the fees prescribed by
3 17 the board, the ~~secretary~~ executive officer shall enroll the
3 18 applicant's name and address in the roster of registered
3 19 architects and issue to the applicant a certificate of
3 20 registration, signed by the officers of the board, which
3 21 certificate shall entitle the applicant to practice as an
3 22 architect in the state of Iowa.

3 23 Sec. 9. Section 544A.13, unnumbered paragraph 3, Code
3 24 2007, is amended to read as follows:

3 25 Proceedings for the revocation of a certificate shall be
3 26 initiated by filing written charges against the accused with
3 27 the board. ~~Upon the filing of charges the board may request~~
~~3 28 the department of inspections and appeals to conduct an~~
~~3 29 investigation into the charges. The department of inspections~~
~~3 30 and appeals shall report its findings to the board, and a A~~
3 31 time and place for the hearing of the charges shall be fixed
3 32 by the board if the board determines that a hearing is
3 33 warranted. If personal service or service through counsel
3 34 cannot be effected, service may be by publication. At the
3 35 hearing, the accused has the right to be represented by



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 23, 2008

House Study Bill 555 continued

4 1 counsel, to introduce evidence, and to examine and
4 2 cross-examine witnesses. The board may subpoena witnesses,
4 3 administer oaths to witnesses, and employ counsel. ~~The board~~
4 4 ~~shall make a written report of its findings, which shall be~~
4 5 ~~filed with the secretary of state, and which is conclusive.~~

4 6 Sec. 10. Section 544A.15, subsection 1, Code 2007, is
4 7 amended to read as follows:

4 8 1. It is unlawful for a person to engage in or to offer to
4 9 engage in the practice of architecture in this state or use in
4 10 connection with the person's name the title "architect",
4 11 "registered architect", or "architectural designer", or to
4 12 imply that the person provides or offers to provide
4 13 professional architectural services, or to otherwise assume,
4 14 use, or advertise any title, word, figure, sign, card,
4 15 advertisement, or other symbol or description tending to
4 16 convey the impression that the person is an architect or is
4 17 engaged in the practice of architecture unless the person is
4 18 qualified by registration as provided in this chapter.
4 19 However, the board may by rule authorize a person to offer to
4 20 perform architectural services in this state prior to
4 21 registration in this state if the person is registered in good
4 22 standing to practice architecture in at least one other state
4 23 or jurisdiction, the person holds a certificate from a
4 24 national certification council recognized by the board, the
4 25 person makes such disclosures as the board may require by
4 26 rule, and the person becomes duly registered in this state
4 27 prior to otherwise practicing architecture in this state as
4 28 defined in section 544A.16, subsection 8.

4 29 Sec. 11. Section 544A.27, Code 2007, is amended to read as
4 30 follows:

4 31 544A.27 DISCLOSURE OF CONFIDENTIAL INFORMATION.

4 32 ~~1. A member of the~~ The board shall not disclose
4 33 information relating to the following:

4 34 ~~1. Criminal history or prior misconduct of the applicant.~~

4 35 ~~2. a. Information relating to the~~ The contents of the



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 23, 2008

House Study Bill 555 continued

5 1 examination.
5 2 ~~3. b. Information relating to the~~ The examination results
5 3 other than final score except for information about the
5 4 results of an examination which is given to the person who
5 5 took the examination.

5 6 2. A member of the board who willfully communicates or
5 7 seeks to communicate such information, and any person who
5 8 willfully requests, obtains, or seeks to obtain such
5 9 information, is guilty of a simple misdemeanor.

5 10 Sec. 12. Section 544A.21, Code 2007, is repealed.

5 11 EXPLANATION

5 12 This bill makes several modifications, additions, and
5 13 deletions to provisions relating to the regulation of
5 14 professions registered or licensed under the purview of the
5 15 professional licensing and regulation bureau of the banking
5 16 division of the department of commerce.

5 17 The bill clarifies that an exemption from state or local
5 18 building code regulations for factory-built structures other
5 19 than manufactured homes does not extend to services rendered
5 20 by engineers licensed pursuant to Code chapter 542B or
5 21 architects registered pursuant to Code chapter 544A.

5 22 The bill removes a requirement currently applicable to
5 23 several professional licensing boards that information
5 24 regarding an applicant's criminal history or prior misconduct
5 25 be regarded as confidential in nature and subject to criminal
5 26 penalty for disclosure. This requirement is removed with
5 27 respect to the professional licensing boards regulating public
5 28 accountants, professional engineers and land surveyors, real
5 29 estate brokers and salespersons, and registered architects.

5 30 The bill provides that continuing education provisions
5 31 generally applicable to professions subject to state
5 32 regulation contained in Code section 242C.2, subsection 4,
5 33 shall apply to certified real estate appraisers or associate
5 34 real estate appraisers only to the extent consistent with
5 35 specified national standards, and modifies provisions relating



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 23, 2008**

House Study Bill 555 continued

6 1 to granting registration by reciprocity for architects to
6 2 conform to existing authority to establish such requirements
6 3 by the board by rule.
6 4 The bill additionally removes outdated language and makes
6 5 purely technical changes relating to regulation of the
6 6 practice of architecture, provides that the architectural
6 7 examining board may by rule authorize a registered architect
6 8 in another state or jurisdiction to offer to perform services
6 9 prior to registration in this state provided registration is
6 10 obtained prior to the performance of such services, and
6 11 removes provisions requiring registration by architecture
6 12 business entities and governing the practice of architecture
6 13 by such business entities.
6 14 LSB 5292DP 82
6 15 rn/nh/5.1



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 23, 2008

House Study Bill 556

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

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

Passed House, Date _____
Vote: Ayes _____ Nays _____

A BILL FOR

- 1 An Act increasing license fees for the regulation of hotels, food
- 2 establishments, and food processing plants.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 5503DP 82
- 5 jr/nh/5



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 23, 2008

House Study Bill 556 continued

PAG LIN

1 1 Section 1. Section 137C.9, subsection 1, Code Supplement
1 2 2007, is amended to read as follows:
1 3 1. Either the department or the municipal corporation
1 4 shall collect the following annual license fees:
1 5 a. For a hotel containing fifteen guest rooms or less,
1 6 ~~twenty-seven~~ forty dollars.
1 7 b. For a hotel containing more than fifteen but less than
1 8 thirty-one guest rooms, ~~forty~~ sixty dollars ~~and fifty cents~~.
1 9 c. For a hotel containing more than thirty but less than
1 10 seventy-six guest rooms, ~~fifty-four~~ eighty dollars.
1 11 d. For a hotel containing more than seventy-five but less
1 12 than one hundred fifty guest rooms, ~~fifty-seven~~ one hundred
1 13 fifty dollars ~~and fifty cents~~.
1 14 e. For a hotel containing one hundred fifty or more guest
1 15 rooms, one hundred ~~one~~ fifty dollars ~~and twenty-five cents~~.
1 16 Sec. 2. Section 137D.2, subsection 1, Code Supplement
1 17 2007, is amended to read as follows:
1 18 1. A person shall not open or operate a home food
1 19 establishment until a license has been obtained from the
1 20 department of inspections and appeals. The department shall
1 21 collect a fee of ~~thirty-three~~ fifty dollars ~~and seventy-five~~
1 22 ~~cents~~ for a license. After collection, the fees shall be
1 23 deposited in the general fund of the state. A license shall
1 24 expire one year from date of issue. A license is renewable.
1 25 Sec. 3. Section 137F.3A, subsection 2, Code Supplement
1 26 2007, is amended to read as follows:
1 27 2. Notwithstanding chapter 137D, and sections 137C.9 and
1 28 137F.6, if the conditions described in this section are met,
1 29 fees imposed pursuant to that chapter and those sections shall
1 30 be retained by and are appropriated to the department of
1 31 inspections and appeals each fiscal year to provide for
1 32 salaries, support, maintenance, and miscellaneous purposes
1 33 associated with the additional inspections. ~~The appropriation~~
1 34 ~~made in this subsection is not applicable in a fiscal year for~~
1 35 ~~which the general assembly enacts an appropriation made for~~



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 23, 2008

~~House Study Bill 556 continued~~

~~2 1 the purposes described in this subsection.~~
2 2 Sec. 4. Section 137F.6, Code Supplement 2007, is amended
2 3 to read as follows:
2 4 137F.6 LICENSE FEES.
2 5 1. The regulatory authority shall collect the following
2 6 annual license fees:
2 7 a. For a mobile food unit or pushcart, ~~twenty-seven~~ one
2 8 hundred dollars.
2 9 b. For a temporary food establishment per fixed location,
2 10 ~~thirty-three~~ fifty dollars ~~and fifty cents.~~
2 11 c. For a vending machine, twenty dollars for the first
2 12 machine and five dollars for each additional machine.
2 13 d. For a food establishment which prepares or serves food
2 14 for individual portion service intended for consumption
2 15 on=the=premises, the annual license fee shall correspond to
2 16 the annual gross food and beverage sales of the food
2 17 establishment, as follows:
2 18 (1) Annual gross sales of under fifty thousand dollars,
2 19 ~~sixty-seven~~ one hundred dollars ~~and fifty cents.~~
2 20 (2) Annual gross sales of at least fifty thousand dollars
2 21 but less than one hundred thousand dollars, one hundred
2 22 ~~fourteen~~ seventy dollars ~~and fifty cents.~~
2 23 (3) Annual gross sales of at least one hundred thousand
2 24 dollars but less than two hundred fifty thousand dollars, ~~two~~
2 25 three hundred ~~thirty-six~~ fifty dollars ~~and twenty-five cents.~~
2 26 (4) Annual gross sales of two hundred fifty thousand
2 27 dollars but less than five hundred thousand dollars, ~~two~~ four
2 28 hundred ~~seventy-five~~ dollars.
2 29 (5) Annual gross sales of five hundred thousand dollars or
2 30 more, ~~three~~ four hundred ~~three~~ fifty dollars ~~and seventy-five~~
~~2 31 cents.~~
2 32 e. For a food establishment which sells food or food
2 33 products to consumer customers intended for preparation or
2 34 consumption off=the=premises, the annual license fee shall
2 35 correspond to the annual gross food and beverage sales of the



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 23, 2008

House Study Bill 556 continued

3 1 food establishment, as follows:

3 2 (1) Annual gross sales of under ten thousand dollars,
3 3 ~~forty sixty~~ dollars ~~and fifty cents~~.

3 4 (2) Annual gross sales of at least ten thousand dollars
3 5 but less than two hundred fifty thousand dollars, one hundred
3 6 ~~one fifty~~ dollars ~~and twenty-five cents~~.

3 7 (3) Annual gross sales of at least two hundred fifty
3 8 thousand dollars but less than five hundred thousand dollars,
3 9 ~~one two~~ hundred ~~fifty-five~~ ~~thirty~~ dollars ~~and twenty-five~~
~~3 10 cents~~.

3 11 (4) Annual gross sales of at least five hundred thousand
3 12 dollars but less than seven hundred fifty thousand dollars,
3 13 ~~two three~~ hundred ~~two~~ dollars ~~and fifty cents~~.

3 14 (5) Annual gross sales of seven hundred fifty thousand
3 15 dollars or more, ~~three~~ four hundred ~~three~~ fifty dollars ~~and~~
~~3 16 seventy-five cents~~.

3 17 f. For a food processing plant, the annual license fee
3 18 shall correspond to the annual gross food and beverage sales
3 19 of the food processing plant, as follows:

3 20 (1) Annual gross sales of under fifty thousand dollars,
3 21 ~~sixty-seven~~ one hundred dollars ~~and fifty cents~~.

3 22 (2) Annual gross sales of at least fifty thousand dollars
3 23 but less than two hundred fifty thousand dollars, ~~one two~~
3 24 hundred ~~thirty-five~~ dollars.

3 25 (3) Annual gross sales of at least two hundred fifty
3 26 thousand dollars but less than five hundred thousand dollars,
3 27 ~~two three~~ hundred ~~two~~ dollars ~~and fifty cents~~.

3 28 (4) Annual gross sales of five hundred thousand dollars or
3 29 more, ~~three~~ five hundred ~~thirty-seven~~ dollars ~~and fifty cents~~.

3 30 g. For a farmers market where potentially hazardous food
3 31 is sold or distributed, one seasonal license fee of one
3 32 hundred dollars for each vendor on a countywide basis.

3 33 h. ~~A food establishment covered by paragraphs "d" and "e"~~
~~3 34 shall be assessed license fees not to exceed seventy-five~~
~~3 35 percent of the total fees applicable under both paragraphs.~~



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 23, 2008

House Study Bill 556 continued

4 1 h. Upon transfer of ownership of an existing food
4 2 establishment or food processing plant subject to a license
4 3 fee under paragraph "d", "e", or "f", the new owner shall pay
4 4 the last license fee amount paid by the previous owner for the
4 5 first year of licensure. In subsequent years, the licensee
4 6 shall pay the fee specified for the licensee's annual gross
4 7 sales.

4 8 i. A new applicant subject to a license fee under
4 9 paragraph "d", "e", or "f" shall pay the license fee based on
4 10 projected gross sales under each of the applicable paragraphs
4 11 for the first year of licensure. In subsequent years, the
4 12 licensee shall pay the fee specified for the licensee's annual
4 13 gross sales.

4 14 j. For a food establishment or food processing plant that
4 15 is being remodeled or newly constructed and that is subject to
4 16 a license fee under paragraph "d", "e", or "f", the applicant
4 17 shall pay, in addition to any other fees assessed under this
4 18 chapter, a plan review fee of up to two hundred fifty dollars,
4 19 as determined by the regulatory authority.

4 20 k. For a food establishment or food processing plant that
4 21 is being remodeled and that is subject to a license fee under
4 22 paragraph "d", "e", or "f", the licensee shall pay, in
4 23 addition to any other fees assessed under this chapter, a plan
4 24 review fee of up to two hundred fifty dollars, as determined
4 25 by the regulatory authority.

4 26 l. If a routine inspection or a complaint investigation of
4 27 a food establishment or food processing plant subject to a
4 28 license fee under paragraph "d", "e", or "f" reveals the
4 29 presence of one or more critical violations and requires one
4 30 or more physical reinspections, a reinspection fee of fifty
4 31 dollars shall be assessed for each reinspection. Failure to
4 32 pay the reinspection fee shall subject a food establishment or
4 33 food processing plant to suspension or revocation of the food
4 34 establishment's or food processing plant's license pursuant to
4 35 section 137F.7 and to the penalty provisions of section



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 23, 2008

House Study Bill 556 continued

5 1 137F.17.

5 2 2. If an establishment licensed under subsection 1,
5 3 paragraph "d" or "e", has had a person in charge for the
5 4 entire previous twelve-month period who holds an active
5 5 certified food protection manager certificate from a program
5 6 approved by the conference on food protection and the
5 7 establishment has not been issued a critical violation during
5 8 the previous twelve-month period, the establishment's license
5 9 fee for the current renewal period shall be reduced by fifty
5 10 dollars.

5 11 3. All fees imposed pursuant to this chapter shall be
5 12 increased annually in an amount equal to the greater of five
5 13 dollars, or the consumer price index for all urban consumers
5 14 for the immediately preceding calendar year, as published in
5 15 the federal register by the United States department of
5 16 labor's bureau of labor statistics and rounded to the nearest
5 17 increment of five dollars.

5 18 ~~3.~~ 4. Fees collected by the department shall be deposited
5 19 in the general fund of the state. Fees collected by a
5 20 municipal corporation shall be retained by the municipal
5 21 corporation for regulation of food establishments and food
5 22 processing plants licensed under this chapter.

5 23 ~~4.~~ 5. Each vending machine licensed under this chapter
5 24 shall bear a readily visible identification tag or decal
5 25 provided by the licensee, containing the licensee's business
5 26 address and phone number, and a company license number
5 27 assigned by the regulatory authority.

5 28 EXPLANATION

5 29 This bill increases the fees for the inspection or
5 30 reinspection of hotels, food establishments, and food
5 31 processing plants. The bill also provides for an automatic
5 32 annual adjustment of those fees in an amount equal to the
5 33 greater of \$5, or the consumer price index for all urban
5 34 consumers for the immediately preceding calendar year. The
5 35 bill also sets out a process for the calculation of fees for a



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 23, 2008**

House Study Bill 556 continued

6 1 new food establishment or food processing plant or when a food
6 2 establishment or food processing plant changes ownership or is
6 3 remodeled.
6 4 LSB 5503DP 82
6 5 jr/nh/5



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 23, 2008**

House Study Bill 557

HOUSE FILE
BY (PROPOSED COMMITTEE ON
ECONOMIC GROWTH BILL BY
CHAIRPERSON THOMAS)

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

Passed Senate, Date _____
Vote: Ayes _____ Nays _____

A BILL FOR

- 1 An Act relating to certain department of economic development
- 2 programs including vision Iowa board membership, renewable
- 3 fuels marketing, film project tax credits, the promotion of
- 4 Iowa tourism experiences, the consolidation of reporting
- 5 requirements, and the administration of targeted industries
- 6 development.
- 7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 8 TLSB 5583HC 82
- 9 tw/rj/8



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 23, 2008

House Study Bill 557 continued

PAG LIN

1 1 DIVISION I
1 2 VISION IOWA BOARD MEMBERSHIP
1 3 Section 1. Section 15F.102, subsection 2, paragraph f,
1 4 Code 2007, is amended to read as follows:
1 5 f. The director of the department of economic development
1 6 or the director's designee.
1 7 DIVISION II
1 8 MARKETING OF RENEWABLE FUELS PROGRAMS
1 9 Sec. 2. Section 15G.205, subsection 3, Code 2007, is
1 10 amended to read as follows:
1 11 3. Moneys in the renewable fuel infrastructure fund are
1 12 appropriated to the department exclusively to support and
1 13 market the renewable fuel infrastructure programs as provided
1 14 in sections 15G.203 and 15G.204, and as allocated in financial
1 15 incentives by the renewable fuel infrastructure board ~~as~~
1 16 created in section 15G.202. Up to fifty thousand dollars
1 17 shall be allocated each fiscal year to the department to
1 18 support the administration and marketing of the programs.
1 19 Otherwise the moneys shall not be transferred, used,
1 20 obligated, appropriated, or otherwise encumbered except to
1 21 allocate as financial incentives under the programs.
1 22 DIVISION III
1 23 FILM PROJECT TAX CREDITS
1 24 Sec. 3. Section 15.393, subsection 2, paragraph b,
1 25 subparagraph (1), Code Supplement 2007, is amended to read as
1 26 follows:
1 27 (1) For tax years beginning on or after January 1, 2007,
1 28 an investment tax credit shall be allowed against the taxes
1 29 imposed in chapter 422, divisions II, III, and V, and in
1 30 chapter 432, and against the moneys and credits tax imposed in
1 31 section 533.329, for a portion of a taxpayer's investment in a
1 32 project registered under the program. The tax credit shall
1 33 equal twenty=five percent of the investment in the project,
1 34 except that the tax credit shall not exceed twenty=five
1 35 percent of the qualified expenditures on the project. An



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 23, 2008

House Study Bill 557 continued

2 1 individual may claim a tax credit under this paragraph of a
2 2 partnership, limited liability company, S corporation, estate,
2 3 or trust electing to have income taxed directly to the
2 4 individual. The amount claimed by the individual shall be
2 5 based upon the pro rata share of the individual's earnings
2 6 from the partnership, limited liability company, S
2 7 corporation, estate, or trust. Any tax credit in excess of
2 8 the taxpayer's liability for the tax year may be credited to
2 9 the tax liability for the following five years or until
2 10 depleted, whichever is earlier. A tax credit shall not be
2 11 carried back to a tax year prior to the tax year in which the
2 12 taxpayer claims the tax credit. A taxpayer shall not claim a
2 13 tax credit under this paragraph "b" for qualified expenditures
2 14 for which a tax credit is claimed under paragraph "a".

2 15 DIVISION IV

2 16 TOURISM PROGRAM PROMOTING IOWA EXPERIENCES

2 17 Sec. 4. Section 15.108, subsection 5, paragraph c, Code
2 18 Supplement 2007, is amended to read as follows:

2 19 c. Coordinate and develop with the ~~state~~ department of
2 20 transportation, the ~~state~~ department of natural resources, the
2 21 ~~state~~ department of cultural affairs, ~~and other state agencies~~
2 22 the generation Iowa commission, the vision Iowa board, other
2 23 state agencies, and local and regional entities public
2 24 interpretation, marketing, and education programs which that
2 25 encourage Iowans and out-of-state visitors to participate in
2 26 the ~~recreation~~ recreational and leisure opportunities
2 27 available in Iowa. The department shall establish and
2 28 administer a program that helps connect both Iowa residents
2 29 and residents of other states to new and existing Iowa
2 30 experiences as a means to enhance the economic, social, and
2 31 cultural well-being of the state. The program shall include a
2 32 broad range of new opportunities, both rural and urban,
2 33 including main street destinations, green space initiatives,
2 34 and artistic and cultural attractions.

2 35 DIVISION V



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 23, 2008

House Study Bill 557 continued

3 1 CONSOLIDATION OF REPORTING REQUIREMENTS
3 2 Sec. 5. Section 15.104, subsection 1, Code Supplement
3 3 2007, is amended by striking the subsection.
3 4 Sec. 6. Section 15.104, subsection 9, Code Supplement
3 5 2007, is amended by striking the subsection and inserting in
3 6 lieu thereof the following:
3 7 9. By January 31 of each year, submit a report to the
3 8 general assembly and the governor that covers its activities
3 9 during the preceding fiscal year. The report shall include
3 10 all of the following:
3 11 a. FINANCIAL ASSISTANCE PROGRAMS. Data on all assistance
3 12 provided to business finance projects under the community
3 13 economic betterment program established in section 15.317,
3 14 eligible businesses under the high quality job creation
3 15 program described in section 15.326, the value-added
3 16 agricultural products and processes financial assistance
3 17 program established in section 15E.111.
3 18 b. PROJECTS FUNDED THROUGH THE GROW IOWA VALUES FUND. For
3 19 each job creation or retention business finance project
3 20 receiving moneys from the grow Iowa values fund created in
3 21 section 15G.108, the following information:
3 22 (1) The net number of new jobs created as of the date of
3 23 the report. For the purposes of this subparagraph, "net
3 24 number of new jobs" is the number of new or retained jobs as
3 25 identified in the contract.
3 26 (2) The number of jobs created, as of the time of
3 27 reporting, that are at or above the qualifying wage threshold
3 28 for the project. For the purposes of this subparagraph,
3 29 "qualifying wage threshold" means the wage that meets the
3 30 required percentage of the average county or average regional
3 31 wage for the programs or funding sources involved with the
3 32 project.
3 33 (3) The number of retained jobs, as of the time of
3 34 reporting. For the purposes of this subparagraph, "retained
3 35 jobs" means the number of retained jobs as identified in the



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 23, 2008**

House Study Bill 557 continued

4 1 contract.

4 2 (4) The total amount expended by a business, as of the time
4 3 of reporting, toward the total project cost as identified in
4 4 the contract.

4 5 (5) The project's location.

4 6 (6) The amount, if any, of private and local matching
4 7 funds, as of the time of reporting.

4 8 (7) The amount spent on research and development
4 9 activities, as of the time of reporting.

4 10 c. INDUSTRIAL NEW JOBS TRAINING ACT. Data on all
4 11 assistance or benefits provided under the Iowa industrial new
4 12 jobs training Act established in chapter 260E.

4 13 d. WORKFORCE DEVELOPMENT FUND. The proposed allocation of
4 14 moneys from the workforce development fund to be made for the
4 15 next fiscal year for the programs and purposes contained in
4 16 section 15.343, subsection 2.

4 17 (1) The director shall submit a copy of the proposed
4 18 allocation to the chairpersons of the joint economic
4 19 development appropriations subcommittee of the general
4 20 assembly. Notwithstanding section 8.39, the proposed
4 21 allocation may provide for increased or decreased funding
4 22 levels if the demand for a program indicates that the need is
4 23 greater or lesser than the allocation for that program.

4 24 (2) The director shall submit a report each quarter to the
4 25 board. The report shall include the status of the funds and
4 26 may include the director's proposed revisions. The proposed
4 27 revisions may be approved by the board in January and April of
4 28 each year.

4 29 (3) The director shall also provide quarterly reports to
4 30 the legislative services agency on the status of the funds.

4 31 e. EMPLOYEE TRAINING AND RETRAINING GOALS AND OBJECTIVES.
4 32 Pursuant to section 15.108, subsection 6, the upcoming year's
4 33 goals and objectives, including both short-term and long-term
4 34 methods of improving program performance, creating employment
4 35 opportunities for residents, and enhancing the delivery of



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 23, 2008**

House Study Bill 557 continued

5 1 services.

5 2 f. ACCELERATED CAREER EDUCATION PROGRAMS. The data
5 3 related to the accelerated career education programs
5 4 established in chapter 260G and the activities of those
5 5 programs during the previous fiscal year.

5 6 g. COORDINATION WITH COMMUNITY COLLEGES AND STATE BOARD OF
5 7 REGENTS. Pursuant to section 15.108, subsection 3, paragraph
5 8 "a", subparagraph (1), an assessment of the degree to which
5 9 the department has coordinated with the community colleges and
5 10 the state board of regents institutions in the avoidance of
5 11 duplication of economic development efforts, including the
5 12 degree to which there are future coordination needs. The
5 13 state board of regents institutions and the community colleges
5 14 shall be given an opportunity to review and comment on this
5 15 portion of the department's annual report prior to its
5 16 printing or release.

5 17 h. ENDOW IOWA PROGRAM. In cooperation with the lead
5 18 philanthropic entity, as defined in section 15E.303, a summary
5 19 of the activities conducted under the endow Iowa grant program
5 20 created in section 15E.304. This portion of the annual report
5 21 shall include an itemized listing of endowment funds and the
5 22 amount of tax credits authorized by the department.

5 23 i. GROW IOWA VALUES FUND EXPENDITURES. Detailed financial
5 24 data that delineate expenditures made under each component of
5 25 the grow Iowa values fund created in section 15G.108.

5 26 j. RENEWABLE FUEL PROGRAMS. A detailed accounting of
5 27 expenditures in support of renewable fuel infrastructure
5 28 programs, as provided in sections 15G.203 and 15G.204. The
5 29 renewable fuel infrastructure board established in section
5 30 15G.202 shall approve that portion of the department's annual
5 31 report regarding projects supported from the grow Iowa values
5 32 fund created in section 15G.108. This paragraph is repealed
5 33 on July 1, 2012.

5 34 k. PILOT PROJECT CITIES == WITHHOLDING AGREEMENT, TAX
5 35 CREDITS. Data on the pilot project cities established



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 23, 2008

House Study Bill 557 continued

6 1 pursuant to section 403.19A, including all of the following:

6 2 (1) The amount each project received from each state
6 3 economic development and tax credit program.

6 4 (2) The number of new jobs created as a result of the
6 5 pilot program.

6 6 (3) The average wage of the jobs created as a result of
6 7 the pilot project.

6 8 (4) An evaluation of the investment made by the state of
6 9 Iowa in the pilot project cities program, including but not
6 10 limited to the items described in subparagraphs (1) through
6 11 (3).

6 12 Sec. 7. Section 15.108, subsection 3, paragraph a,
6 13 subparagraph (1), Code Supplement 2007, is amended to read as
6 14 follows:

6 15 (1) Provide the mechanisms to promote and facilitate the
6 16 coordination of management and technical assistance services
6 17 to Iowa businesses and industries and to communities by the
6 18 department, by the community colleges, and by the state board
6 19 of regents institutions, including the small business
6 20 development centers, the center for industrial research and
6 21 service, and extension activities. In order to achieve this
6 22 goal, the department may establish periodic meetings with
6 23 representatives from the community colleges and the state
6 24 board of regents institutions to develop this coordination.
6 25 The community colleges and the state board of regents
6 26 institutions shall cooperate with the department in seeking to
6 27 avoid duplication of economic development services through
6 28 greater coordinating efforts in the utilization of space,
6 29 personnel, and materials and in the development of referral
6 30 and outreach networks. ~~The department shall annually report~~
~~6 31 on the degree to which economic development activities have~~
~~6 32 been coordinated and the degree to which there are future~~
~~6 33 coordination needs, and the community colleges and the state~~
~~6 34 board of regents institutions shall be given an opportunity to~~
~~6 35 review and comment on this report prior to its printing or~~



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 23, 2008

~~House Study Bill 557 continued~~

~~7 1 release.~~ The department shall also establish a registry of
7 2 applications for federal funds related to management and
7 3 technical assistance programs.
7 4 Sec. 8. Section 15.108, subsection 4, paragraph a, Code
7 5 Supplement 2007, is amended by striking the paragraph.
7 6 Sec. 9. Section 15.108, subsection 6, paragraph b,
7 7 subparagraph (3), Code Supplement 2007, is amended by striking
7 8 the subparagraph.
7 9 Sec. 10. Section 15.343, subsection 1, Code 2007, is
7 10 amended to read as follows:
7 11 1. a. A workforce development fund is created as a
7 12 revolving fund in the state treasury under the control of the
7 13 department consisting of any moneys appropriated by the
7 14 general assembly for that purpose and any other moneys
7 15 available to and obtained or accepted by the department from
7 16 the federal government or private sources for placement in the
7 17 fund. The fund shall also include ~~all of the following:~~
~~7 18 a. Notwithstanding section 8.33, all unencumbered and~~
~~7 19 unobligated funds from 1994 Iowa Acts, chapter 1201, section~~
~~7 20 1, subsection 6, except paragraph "d"; section 3, subsections~~
~~7 21 1 and 3; and section 10, remaining on July 1, 1995, and all~~
~~7 22 unencumbered and unobligated funds in the Iowa conservation~~
~~7 23 corps escrow account established in section 84A.7 and the job~~
~~7 24 training fund established in section 260F.6.~~
~~7 25 b. Moneys moneys~~ appropriated to the fund from the
7 26 workforce development fund account established in section
7 27 15.342A.
7 28 b. Notwithstanding section 8.33, moneys in the workforce
7 29 development fund at the end of each fiscal year shall not
7 30 revert to any other fund but shall remain in the workforce
7 31 development fund for expenditure for subsequent fiscal years.
7 32 Sec. 11. Section 15.343, subsection 3, paragraph a, Code
7 33 2007, is amended by striking the paragraph.
7 34 Sec. 12. Section 15E.19, subsection 3, Code 2007, is
7 35 amended by striking the subsection.



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 23, 2008

House Study Bill 557 continued

8 1 Sec. 13. Section 15E.111, subsection 8, Code 2007, is
8 2 amended by striking the subsection.
8 3 Sec. 14. Section 260G.4C, Code 2007, is amended to read as
8 4 follows:
8 5 260G.4C FACILITATOR.
8 6 The department of economic development shall administer the
8 7 statewide allocations of program job credits to accelerated
8 8 career education programs. The department shall ~~collect data~~
~~8 9 related to the programs and prepare an annual report regarding~~
~~8 10 the activities of the programs during the previous fiscal~~
~~8 11 year. The report shall be submitted to the governor and the~~
~~8 12 general assembly by December 31 of each year~~ provide
8 13 information about the accelerated career education programs in
8 14 accordance with its annual reporting requirements in section
8 15 15.104, subsection 9.
8 16 Sec. 15. Section 403.19A, subsection 3, paragraph 1, Code
8 17 Supplement 2007, is amended to read as follows:
8 18 1. The department of economic development in consultation
8 19 with the department of revenue shall coordinate the pilot
8 20 project program with the pilot project cities under this
8 21 section. The department of economic development is authorized
8 22 to adopt, amend, and repeal rules to implement the pilot
8 23 project program under this section. ~~The department of~~
~~8 24 economic development shall prepare an annual report for the~~
~~8 25 governor, the general assembly, and the legislative services~~
~~8 26 agency on the pilot project program. The pilot project~~
~~8 27 program annual report shall include but not be limited to all~~
~~8 28 of the following:~~
8 29 (1) ~~The amount each project received from each state~~
8 30 ~~economic development and tax credit program.~~
8 31 (2) ~~The number of new jobs resulting from the pilot~~
8 32 ~~program.~~
8 33 (3) ~~The average wage resulting from the pilot project.~~
8 34 (4) ~~An evaluation of the investment made by the state of~~
8 35 ~~Iowa, including but not limited to the terms in subparagraphs~~



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 23, 2008**

~~House Study Bill 557 continued~~

~~9 1 (1) through (3).~~

9 2 Sec. 16. Sections 15.113, 15E.306, 15G.206, Code 2007, are
9 3 repealed.

9 4 DIVISION VI

9 5 ADMINISTRATION OF TARGETED INDUSTRIES DEVELOPMENT

9 6 Sec. 17. Section 15.411, subsection 2, unnumbered
9 7 paragraph 1, Code Supplement 2007, is amended to read as
9 8 follows:

9 9 The department shall, upon board approval, contract with a
~~9 10 provider through a request for proposals process service~~
9 11 providers on a case-by-case basis for services related to

9 12 statewide commercialization development in the targeted
9 13 industries. Services provided shall include all of the
9 14 following:

9 15 Sec. 18. Section 15.411, Code Supplement 2007, is amended
9 16 by adding the following new subsection:

9 17 NEW SUBSECTION. 10. In each fiscal year, the department
9 18 may expend all additional moneys that become available to the
9 19 department from sources such as loan repayments or recaptures
9 20 of awards from federal economic stimulus funds provided the
9 21 department spends those moneys for the implementation of the
9 22 recommendations included in the separate consultant reports on
9 23 bioscience, advanced manufacturing, information technology,
9 24 and entrepreneurship submitted to the department in calendar
9 25 years 2004, 2005, and 2006.

9 26 EXPLANATION

9 27 This bill makes a number of changes affecting the
9 28 administration of the department of economic development and
9 29 its programs.

9 30 The bill provides that the director of the department may
9 31 appoint a designee to serve on the vision Iowa board.

9 32 The bill allows the department to use funds from the
9 33 renewable fuel infrastructure fund to market its renewable
9 34 fuel programs.

9 35 The bill limits the tax credits available to investors in



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 23, 2008**

House Study Bill 557 continued

10 1 film projects to 25 percent of a project's qualified
10 2 expenditures in the state.
10 3 The bill directs the department, in coordination with other
10 4 state and local entities, to develop and market a new tourism
10 5 program to create new, and promote existing, recreational and
10 6 leisure opportunities in the state.
10 7 The bill strikes a number of the department's existing
10 8 reporting requirements, currently located in many different
10 9 sections of the Code, and reconstitutes them instead under
10 10 Code section 15.104(9). The bill also standardizes the
10 11 department's reporting requirements by providing for a single,
10 12 consolidated annual report to the governor and the general
10 13 assembly due by January 31 of each year. The departmental
10 14 reporting requirements affected by this bill include the
10 15 department's financial assistance programs (Code sections
10 16 15.317, 15.326, and 15E.111), its business finance projects
10 17 under the grow Iowa values fund (Code section 15G.108), its
10 18 job training and workforce development projects (Code chapters
10 19 260E and 260G, and Code sections 15.108 and 15.343), its endow
10 20 Iowa program (Code section 15E.304), its renewable fuel
10 21 infrastructure programs (Code sections 15G.203 and 15G.204),
10 22 and the pilot project cities program (Code section 403.19A).
10 23 The bill allows the department to contract with service
10 24 providers for commercialization development services on a
10 25 case-by-case basis, and it also authorizes the department to
10 26 spend the additional moneys it recaptures from loan payments
10 27 and federal economic stimulus funds provided it spends those
10 28 moneys on the implementation of consultant recommendations for
10 29 certain targeted industries.
10 30 LSB 5583HC 82
10 31 tw/rj/8



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 23, 2008

House Study Bill 558

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

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

Passed House, Date _____
Vote: Ayes _____ Nays _____

A BILL FOR

- 1 An Act concerning the licensure of motor vehicle drivers under
- 2 eighteen years of age and making a penalty applicable.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 5289XD 82
- 5 dea/nh/8



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 23, 2008

House Study Bill 558 continued

PAG LIN

1 1 Section 1. Section 321.180B, unnumbered paragraph 1, Code
1 2 2007, is amended to read as follows:

1 3 Persons under age eighteen shall not be issued a license or
1 4 permit to operate a motor vehicle except under the provisions
1 5 of this section. However, the department may issue restricted
1 6 licenses and ~~special driver's~~ minor's school licenses to
1 7 certain minors as provided in sections 321.178 and 321.194,
1 8 and driver's licenses restricted to motorized bicycles as
1 9 provided in section 321.189. A license or permit shall not be
1 10 issued under this section or section 321.178 or 321.194
1 11 without the consent of a parent or guardian. An additional
1 12 consent is required each time a license or permit is issued
1 13 under this section or section 321.178 or 321.194. The consent
1 14 must be signed by at least one parent or guardian on an
1 15 affidavit form provided by the department.

1 16 Sec. 2. Section 321.180B, subsection 2, Code 2007, is
1 17 amended to read as follows:

1 18 2. INTERMEDIATE LICENSE.

1 19 a. The department may issue an intermediate driver's
1 20 license to a person sixteen or seventeen years of age who
1 21 possesses an instruction permit issued under subsection 1 or a
1 22 comparable instruction permit issued by another state for a
1 23 minimum of six months immediately preceding application, and
1 24 who presents an affidavit signed by a parent or guardian on a
1 25 form to be provided by the department that the permittee has
1 26 accumulated a total of twenty hours of street or highway
1 27 driving of which two hours were conducted after sunset and
1 28 before sunrise and the street or highway driving was with the
1 29 permittee's parent, guardian, instructor, a person certified
1 30 by the department, or a person at least twenty-five years of
1 31 age who had written permission from a parent or guardian to
1 32 accompany the permittee, and whose driving privileges have not
1 33 been suspended, revoked, or barred under this chapter or
1 34 chapter 321J during, and who has been accident and violation
1 35 free continuously for, the six-month period immediately



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 23, 2008

House Study Bill 558 continued

2 1 preceding the application for an intermediate license. An
2 2 applicant for an intermediate license must meet the
2 3 requirements of section 321.186, including satisfactory
2 4 completion of driver education as required in section 321.178,
2 5 and payment of the required license fee before an intermediate
2 6 license will be issued.

2 7 b. A person issued an intermediate license ~~must~~ shall
2 8 limit the number of passengers in the motor vehicle when the
2 9 intermediate licensee is operating the motor vehicle to the
2 10 number of passenger safety belts. During the six-month period
2 11 immediately following the issuance of an intermediate license,
2 12 the person issued the intermediate license shall not transport
2 13 passengers in a motor vehicle unless accompanied by a person
2 14 issued a driver's license valid for the vehicle operated who
2 15 is the parent or guardian of the intermediate licensee.

2 16 c. Except as otherwise provided, a person issued an
2 17 intermediate license under this subsection who is operating a
2 18 motor vehicle between the hours of twelve-thirty a.m. and five
2 19 a.m. must be accompanied by a person issued a driver's license
2 20 valid for the vehicle operated who is the parent or guardian
2 21 of the ~~permittee~~ intermediate licensee, a member of the
2 22 ~~permittee's~~ licensee's immediate family if the family member
2 23 is at least twenty-one years of age, an approved driver
2 24 education instructor, a prospective driver education
2 25 instructor who is enrolled in a practitioner preparation
2 26 program with a safety education program approved by the state
2 27 board of education, or a person at least twenty-five years of
2 28 age if written permission is granted by the parent or
2 29 guardian, and who is actually occupying a seat beside the
2 30 driver. However, a licensee may operate a vehicle to and from
2 31 school-related extracurricular activities and work without an
2 32 accompanying driver between the hours of twelve-thirty a.m.
2 33 and five a.m. if such licensee possesses a waiver on a form
2 34 to be provided by the department. An accompanying driver is
2 35 not required between the hours of five a.m. and twelve-thirty



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 23, 2008

House Study Bill 558 continued

3 1 a.m.

3 2 Sec. 3. Section 321.194, subsection 1, Code 2007, is
3 3 amended to read as follows:

3 4 1. DRIVER'S LICENSE ISSUED FOR TRAVEL TO AND FROM SCHOOL.

3 5 Upon certification of a special need by the school board,
3 6 superintendent of the applicant's school, or principal, if
3 7 authorized by the superintendent, and upon presentation of an
3 8 affidavit signed by a parent or guardian on a form to be

3 9 provided by the department that the applicant has accumulated
3 10 a total of twenty hours of street or highway driving of which
3 11 two hours were conducted after sunset and before sunrise and

3 12 the street or highway driving was with the applicant's parent,
3 13 guardian, instructor, a person certified by the department, or

3 14 a person at least twenty-five years of age who had written
3 15 permission from a parent or guardian to accompany the

3 16 applicant, the department may issue a class C or M driver's
3 17 license to a person between the ages of fourteen and eighteen
3 18 years whose driving privileges have not been suspended,

3 19 revoked, or barred under this chapter or chapter 321J during,
3 20 and who has not been convicted of a moving traffic violation

3 21 or involved in a motor vehicle accident for, the six-month
3 22 period immediately preceding the application for the ~~special~~

3 23 minor's school license and who has successfully completed an
3 24 approved driver education course. However, the completion of

3 25 a course is not required if the applicant demonstrates to the
3 26 satisfaction of the department that completion of the course

3 27 would impose a hardship upon the applicant. The department
3 28 shall adopt rules defining the term "hardship" and establish

3 29 procedures for the demonstration and determination of when
3 30 completion of the course would impose a hardship upon an

3 31 applicant.

3 32 a. The driver's license entitles the holder, while having
3 33 the license in immediate possession, to operate a motor

3 34 vehicle other than a commercial motor vehicle or as a

3 35 chauffeur:



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 23, 2008

House Study Bill 558 continued

4 1 (1) ~~During~~ For the purpose of attending duly scheduled
4 2 courses of instruction and extracurricular activities within
4 3 the school district, during the hours of 6 a.m. to 10 p.m.,
4 4 over the most direct and accessible route ~~between~~ as follows:
4 5 (a) Between the licensee's residence and schools of
4 6 ~~enrollment or the closest school bus stop or public~~
4 7 ~~transportation service, and between schools of enrollment, for~~
4 8 ~~the purpose of attending duly scheduled courses of instruction~~
4 9 ~~and extracurricular activities within the school district and~~
4 10 locations of extracurricular activities.
4 11 (b) Between schools of enrollment.
4 12 (2) At any time when the licensee is accompanied in
4 13 accordance with section 321.180B, subsection 1.
4 14 b. A person issued a minor's school license shall not
4 15 transport passengers in a motor vehicle unless accompanied by
4 16 a person issued a driver's license valid for the vehicle
4 17 operated who is the parent or guardian of the person issued
4 18 the minor's school license.
4 19 ~~b.~~ c. Each application shall be accompanied by a statement
4 20 from the school board, superintendent, or principal, if
4 21 authorized by the superintendent, of the applicant's school.
4 22 The statement shall be upon a form provided by the department.
4 23 The school board, superintendent, or principal, if authorized
4 24 by the superintendent, shall certify that a need exists for
4 25 the license and that the board, superintendent, or principal
4 26 authorized by the superintendent is not responsible for
4 27 actions of the applicant which pertain to the use of the
4 28 driver's license. Upon receipt of a statement of necessity,
4 29 the department shall issue the driver's license. The fact
4 30 that the applicant resides at a distance less than one mile
4 31 from the applicant's school of enrollment is prima facie
4 32 evidence of the nonexistence of necessity for the issuance of
4 33 a license. The school board shall develop and adopt a policy
4 34 establishing the criteria that shall be used by a school
4 35 district administrator to approve or deny certification that a



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 23, 2008

House Study Bill 558 continued

5 1 need exists for a license. The student may appeal to the
5 2 school board the decision of a school district administrator
5 3 to deny certification. The decision of the school board is
5 4 final. The driver's license shall not be issued for purposes
5 5 of attending a public school in a school district other than
5 6 either of the following:

5 7 (1) The district of residence of the parent or guardian of
5 8 the student.

5 9 (2) A district which is contiguous to the district of
5 10 residence of the parent or guardian of the student, if the
5 11 student is enrolled in the public school which is not the
5 12 school district of residence because of open enrollment under
5 13 section 282.18 or as a result of an election by the student's
5 14 district of residence to enter into one or more sharing
5 15 agreements pursuant to the procedures in chapter 282.

5 16 EXPLANATION

5 17 This bill addresses several issues concerning motor vehicle
5 18 operators under 18 years of age.

5 19 The bill restricts the transportation of passengers in
5 20 motor vehicles driven by certain young drivers. Under the
5 21 bill, a person who has been issued an intermediate driver's
5 22 license may not transport passengers in a motor vehicle during
5 23 the first six months of licensure, unless accompanied by a
5 24 licensed driver who is a parent or guardian of the licensee.
5 25 In addition, the bill prohibits a person who has been issued a
5 26 minor's school license from transporting passengers unless
5 27 accompanied by a licensed driver who is a parent or guardian
5 28 of the licensee.

5 29 The bill imposes a new requirement to be met by an
5 30 applicant for a minor's school license (formerly referred to
5 31 as a special minor's license) which allows a person between 14
5 32 and 18 years of age, who demonstrates a special need, to drive
5 33 only for school-related purposes. The applicant must present
5 34 an affidavit signed by a parent or guardian that the applicant
5 35 has accumulated 20 hours of street or highway driving,



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 23, 2008**

House Study Bill 558 continued

6 1 including two hours conducted between sunset and sunrise,
6 2 while accompanied by the applicant's parent, guardian,
6 3 instructor, a person certified by the department, or a person
6 4 at least 25 years of age who had written permission from a
6 5 parent or guardian. This is the same affidavit required of an
6 6 applicant for an intermediate driver's license. The bill also
6 7 makes technical changes to clarify that the license is valid
6 8 for travel between schools of enrollment and locations of
6 9 extracurricular activities within a school district.

6 10 Pursuant to current law, a violation of the new provisions
6 11 relating to intermediate driver's licenses or minor's school
6 12 licenses would be punishable as a scheduled violation, subject
6 13 to a fine of \$30.

6 14 LSB 5289XD 82

6 15 dea/nh/8



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 23, 2008

House Study Bill 559

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 providing increased penalties for speeding violations
- 2 committed by a motor vehicle operator in a road work zone.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 5483XD 82
- 5 dea/nh/8



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 23, 2008

House Study Bill 559 continued

PAG LIN

1 1 Section 1. Section 321.253, Code 2007, is amended to read
1 2 as follows:

1 3 321.253 DEPARTMENT TO ERECT SIGNS.

1 4 1. The department shall place and maintain such
1 5 traffic-control devices, conforming to its manual and
1 6 specifications, upon all primary highways as it ~~shall deem~~
1 7 deems necessary to indicate and to carry out the provisions of
1 8 this chapter or to regulate, warn, or guide traffic. Whenever
1 9 practical, ~~said~~ the devices or signs shall be purchased from
1 10 the director of the Iowa department of corrections.

1 11 2. The department shall post signs informing motorists of
1 12 the penalties for speeding in a road work zone and that the
1 13 scheduled fine for committing a any other moving traffic
1 14 violation in a road work zone is doubled.

1 15 Sec. 2. Section 805.8A, subsection 14, paragraph i, Code
1 16 2007, is amended to read as follows:

1 17 i. ROAD WORK ZONE VIOLATIONS. The scheduled fine for any
1 18 moving traffic violation under chapter 321, as provided in
1 19 this section, shall be doubled if the violation occurs within
1 20 any road work zone, as defined in section 321.1. However,
1 21 notwithstanding subsection 5, the scheduled fine for violating
1 22 the speed limit in a road work zone is as follows:

1 23 (1) One hundred fifty dollars for speed not more than ten
1 24 miles per hour over the posted speed limit.

1 25 (2) Three hundred dollars for speed greater than ten but
1 26 not more than twenty miles per hour over the posted speed
1 27 limit.

1 28 (3) Five hundred dollars for speed greater than twenty but
1 29 not more than twenty-five miles per hour over the posted speed
1 30 limit.

1 31 (4) One thousand dollars for speed greater than
1 32 twenty-five miles per hour over the posted speed limit.

1 33 EXPLANATION

1 34 This bill increases penalties for speeding violations
1 35 committed by a motor vehicle operator in a road work zone.



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 23, 2008**

House Study Bill 559 continued

2 1 Pursuant to the bill, the scheduled fine for speeds up to and
2 2 including 10 miles per hour over the limit is \$150; for speeds
2 3 from 11 through 20 miles per hour over the limit, \$300; for
2 4 speeds from 21 through 25 miles per hour over the limit, \$500;
2 5 and for speeds 26 miles per hour or more over the limit,
2 6 \$1,000. Pursuant to current law, scheduled fines for moving
2 7 traffic violations committed in a road work zone are doubled.
2 8 Under the bill, doubled fines will continue to apply for
2 9 moving violations other than speeding violations. The bill
2 10 requires the department of transportation to post signs
2 11 informing motorists of the increased speeding fines.
2 12 LSB 5483XD 82
2 13 dea/nh/8.1



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 23, 2008

House Study Bill 560

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 regulation of commercial motor vehicle
- 2 operators by the state department of transportation and
- 3 providing penalties.
- 4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 5 TL5B 5462DP 82
- 6 dea/nh/8



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 23, 2008

House Study Bill 560 continued

PAG LIN

1 1 Section 1. Section 321.1, subsection 11, Code 2007, is
1 2 amended by adding the following new paragraph:

1 3 NEW PARAGRAPH. f. "Employer" means any person, including
1 4 the United States, a state, the District of Columbia, or a
1 5 political subdivision of a state, who owns or leases a
1 6 commercial motor vehicle or assigns an employee to operate
1 7 such a vehicle.

1 8 Sec. 2. Section 321.1, subsection 11, paragraphs f, g, and
1 9 h, Code 2007, are amended to read as follows:

1 10 ~~f.~~ g. "Foreign jurisdiction" means a jurisdiction outside
1 11 the fifty United States, the District of Columbia, and Canada.

1 12 ~~g.~~ h. "Nonresident commercial driver's license" means a
1 13 commercial driver's license issued to a person who is not a
1 14 resident of the United States or Canada.

1 15 ~~h.~~ i. "Tank vehicle" means a commercial motor vehicle that
1 16 is designed to transport any liquid or gaseous materials

1 17 within a tank ~~having a rated capacity of one thousand one or~~
~~1 18 more gallons~~ that is either permanently or temporarily

1 19 attached to the vehicle or chassis. For purposes of this
1 20 paragraph, "tank" does not include a portable tank with a

1 21 rated capacity of less than one thousand gallons or a
1 22 permanent tank with a rated capacity of one hundred nineteen
1 23 gallons or less.

1 24 Sec. 3. Section 321.1, subsection 15, Code 2007, is
1 25 amended to read as follows:

1 26 15. "Conviction" means a final conviction, a final
1 27 administrative ruling or determination, or an unvacated
1 28 forfeiture of bail or collateral deposited to secure a
1 29 person's appearance in court.

1 30 Sec. 4. Section 321.1, subsection 42, paragraph a, Code
1 31 2007, is amended to read as follows:

1 32 a. "Motor vehicle" means a vehicle which is
1 33 self-propelled, ~~but not including vehicles known as trackless~~

~~1 34 trolleys which are propelled by electric power obtained from~~
~~1 35 overhead trolley wires and are not operated upon rails.~~



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 23, 2008

House Study Bill 560 continued

2 1 Sec. 5. Section 321.208, subsection 1, paragraph d, Code
2 2 2007, is amended to read as follows:

2 3 d. Operating a commercial motor vehicle involved in a
2 4 fatal accident and being convicted of a ~~moving traffic~~
~~2 5 violation that contributed to the fatality, or manslaughter or~~
2 6 vehicular homicide.

2 7 Sec. 6. Section 321.208, subsection 6, Code 2007, is
2 8 amended to read as follows:

2 9 6. A person is disqualified from operating a commercial
2 10 motor vehicle if the person receives convictions for
2 11 committing within any three-year period two or more of the
2 12 following offenses while operating a commercial motor vehicle
2 13 or while operating a noncommercial motor vehicle and holding a
2 14 commercial driver's license if the convictions result in the
2 15 revocation, cancellation, or suspension of the person's
2 16 commercial driver's license or noncommercial motor vehicle
2 17 driving privileges:

2 18 a. Operating a commercial motor vehicle upon a highway
2 19 when not issued a commercial driver's license.

2 20 b. Operating a commercial motor vehicle upon a highway
2 21 when not issued the proper class of commercial driver's
2 22 license or endorsements for the specific vehicle group being
2 23 operated or for the passengers or type of cargo being
2 24 transported.

2 25 c. Operating a commercial motor vehicle upon a highway
2 26 without immediate possession of a driver's license valid for
2 27 the vehicle operated.

2 28 d. Speeding fifteen miles per hour or more over the legal
2 29 speed limit.

2 30 e. Reckless driving.

2 31 f. Any violation of the traffic laws, except a parking
2 32 violation or a vehicle weight violation, which arises in
2 33 connection with a fatal traffic accident.

2 34 g. Following another motor vehicle too closely.

2 35 h. Improper lane changes in violation of section 321.306.



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 23, 2008

House Study Bill 560 continued

3 1 Sec. 7. Section 321.208, subsection 7, Code 2007, is
3 2 amended by striking the subsection.

3 3 Sec. 8. Section 321.208, subsection 8, Code 2007, is
3 4 amended to read as follows:

3 5 8. The period of disqualification under ~~subsections~~
3 6 subsection 6 and 7 shall be sixty days for two offenses within
3 7 any three-year period and one hundred twenty days for three
3 8 offenses within any three-year period. Multiple periods of
3 9 disqualification shall be consecutive.

3 10 Sec. 9. Section 321.208, subsection 10, paragraph a, Code
3 11 2007, is amended to read as follows:

3 12 a. For ~~ninety days~~ no less than one hundred eighty days
3 13 and no more than one year upon conviction for the first
3 14 violation of an out-of-service order; for ~~one year~~, no less
3 15 than two and not more than five years upon conviction for a
3 16 second violation of an out-of-service order in separate
3 17 incidents within a ten-year period; and for not less than
3 18 three and not more than five years upon conviction for a third
3 19 or subsequent violation of an out-of-service order in separate
3 20 incidents within a ten-year period.

3 21 Sec. 10. Section 321.208A, Code 2007, is amended to read
3 22 as follows:

3 23 321.208A OPERATION IN VIOLATION OF OUT-OF-SERVICE ORDER ==
3 24 ~~PENALTY~~ PENALTIES.

3 25 1. A person required to hold a commercial driver's license
3 26 to operate a commercial motor vehicle shall not operate a
3 27 commercial motor vehicle on the highways of this state in
3 28 violation of an out-of-service order issued by a peace officer
3 29 for a violation of the out-of-service rules adopted by the
3 30 department. A driver who violates an out-of-service order
3 31 shall be subject to a fine of not less than two thousand five
3 32 hundred dollars upon conviction for the first violation of an
3 33 out-of-service order and not less than five thousand dollars
3 34 for a second or subsequent violation of an out-of-service
3 35 order in separate incidents within a ten-year period.



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 23, 2008

House Study Bill 560 continued

4 1 2. An employer shall not knowingly allow, require, permit,
4 2 or authorize an employee to drive a commercial motor vehicle
4 3 in violation of such an out-of-service order. A person who
4 4 violates this section shall be subject to a scheduled fine of
4 5 one hundred dollars under section 805.8A, subsection 13,
4 6 paragraph "c". An employer who violates this subsection shall
4 7 be subject to a fine of not less than two thousand seven
4 8 hundred fifty dollars and not more than twenty-five thousand
4 9 dollars.

4 10 Sec. 11. NEW SECTION. 321.343A EMPLOYER VIOLATIONS ==
4 11 PENALTY.

4 12 An employer shall not knowingly allow, require, permit, or
4 13 authorize a driver to operate a commercial motor vehicle in
4 14 violation of section 321.341 or 321.343 or any other federal
4 15 or local law or regulation pertaining to railroad grade
4 16 crossings. An employer who violates this section shall be
4 17 subject to a fine of not more than ten thousand dollars.

4 18 Sec. 12. Section 321.344A, subsection 2, Code 2007, is
4 19 amended to read as follows:

4 20 2. A peace officer may initiate an investigation not more
4 21 than seven calendar days after receiving a report of a
4 22 violation pursuant to this section. The peace officer may
4 23 request that the owner of the vehicle supply information
4 24 identifying the driver of the vehicle in accordance with
4 25 section 321.484, or in the case of a commercial motor vehicle,
4 26 the peace officer may request that the employer of the driver
4 27 provide information identifying the driver of the vehicle.

4 28 a. If from the investigation, the peace officer is able to
4 29 identify the driver of the vehicle and has reasonable cause to
4 30 believe a violation has occurred, the peace officer shall
4 31 prepare a uniform traffic citation for the violation and shall
4 32 serve it personally or by certified mail on the driver of the
4 33 vehicle.

4 34 b. If, from the investigation, the peace officer has
4 35 reasonable cause to believe that a violation occurred but is



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 23, 2008

House Study Bill 560 continued

5 1 unable to identify the driver, the peace officer shall serve a
5 2 uniform traffic citation for the violation on the owner of the
5 3 motor vehicle or, in the case of a commercial motor vehicle,
5 4 on the employer of the driver. Notwithstanding section
5 5 321.484, in a proceeding where the peace officer who conducted
5 6 the investigation was not able to identify the driver of the
5 7 motor vehicle, proof that the motor vehicle described in the
5 8 uniform traffic citation was used to commit the violation of
5 9 section 321.341, 321.342, 321.343, or 321.344, together with
5 10 proof that the defendant named in the citation was the owner
5 11 of the motor vehicle or, in the case of a commercial motor
5 12 vehicle, the employer of the driver, at the time the violation
5 13 occurred, constitutes a permissible inference that the owner
5 14 or employer was the ~~driver~~ person who committed the violation.

5 15 c. For purposes of this subsection, "owner" means a person
5 16 who holds the legal title to a motor vehicle; however, if the
5 17 motor vehicle is the subject of a security agreement with a
5 18 right of possession in the debtor, the debtor shall be deemed
5 19 the owner for purposes of this subsection, or if the motor
5 20 vehicle is leased as defined in section 321.493, the lessee
5 21 shall be deemed the owner for purposes of this subsection.

5 22 Sec. 13. Section 805.8A, subsection 13, paragraph c, Code
5 23 2007, is amended to read as follows:

5 24 c. For violations under sections ~~321.208A~~, 321.364,
5 25 321.450, 321.460, and 452A.52, the scheduled fine is one
5 26 hundred dollars.

5 27 EXPLANATION

5 28 This bill contains provisions relating to commercial motor
5 29 vehicle regulation by the department of transportation that
5 30 conform Iowa law more closely to federal law.

5 31 For purposes of administering and enforcing commercial
5 32 driver's license provisions, the bill defines the term
5 33 "employer" to mean any person who owns or leases a commercial
5 34 motor vehicle or assigns employees to operate such a vehicle,
5 35 and the bill amends the definition of "tank vehicle" to



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 23, 2008**

House Study Bill 560 continued

6 1 exclude portable tanks with a rated capacity of less than
6 2 1,000 gallons and permanent tanks with a rated capacity of 119
6 3 gallons or less. The definition of "conviction", which
6 4 applies for purposes of motor vehicle regulation generally, is
6 5 amended to include a final administrative ruling or
6 6 determination, and the definition of "motor vehicle" is
6 7 amended to eliminate an obsolete reference to trackless
6 8 trolleys.

6 9 The bill combines language relating to disqualification
6 10 from operating a commercial motor vehicle if the person
6 11 receives convictions within a three-year period for two or
6 12 more offenses committed while operating either a commercial
6 13 motor vehicle or a noncommercial motor vehicle and holding a
6 14 commercial motor driver's license. The new language provides
6 15 that multiple periods of disqualification shall be applied
6 16 consecutively.

6 17 The bill imposes civil penalties in place of a \$100
6 18 scheduled fine for violations of commercial motor vehicle
6 19 out-of-service orders. A driver who violates an
6 20 out-of-service order is subject to a fine of not less than
6 21 \$2,500 upon conviction for a first violation and not less than
6 22 \$5,000 upon conviction for a second or subsequent violation
6 23 within a 10-year period. An employer who knowingly allows,
6 24 requires, permits, or authorizes an employee to drive a
6 25 commercial motor vehicle in violation of an out-of-service
6 26 order is subject to a fine of not less than \$2,750 and not
6 27 more than \$25,000.

6 28 The bill provides that employers shall not knowingly allow,
6 29 require, permit, or authorize a commercial motor vehicle
6 30 operator to violate provisions relating to railroad-highway
6 31 grade crossings. The penalty imposed on employers for a
6 32 violation is a fine of not more than \$10,000.

6 33 The bill amends an existing provision relating to
6 34 violations committed by drivers for failure to stop at
6 35 railroad crossings. Under current law, if a peace officer is



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 23, 2008**

House Study Bill 560 continued

7 1 unable to identify the driver of such a vehicle, a citation
7 2 may be issued to the owner of the vehicle. The bill expands
7 3 that provision to allow the citation to be issued to the
7 4 employer of the driver if the motor vehicle involved is a
7 5 commercial motor vehicle.
7 6 LSB 5462DP 82
7 7 dea/nh/8.1



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 23, 2008

House Study Bill 561

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

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

Passed House, Date _____
Vote: Ayes _____ Nays _____

A BILL FOR

- 1 An Act relating to the use of child restraint systems or seat
- 2 belts by motor vehicle passengers under eighteen years of age
- 3 and making a penalty applicable.
- 4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 5 TLSB 5380DP 82
- 6 dea/nh/14



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 23, 2008

House Study Bill 561 continued

PAG LIN

1 1 Section 1. Section 321.445, subsection 2, Code 2007, is
1 2 amended to read as follows:
1 3 2. a. The driver and front seat occupants of a type of
1 4 motor vehicle that is subject to registration in Iowa, except
1 5 a motorcycle or a motorized bicycle, shall each wear a
1 6 properly adjusted and fastened safety belt or safety harness
1 7 any time the vehicle is in forward motion on a street or
1 8 highway in this state except that a child under ~~eleven~~
1 9 eighteen years of age shall be secured as required under
1 10 section 321.446.
1 11 b. This subsection does not apply to:
1 12 ~~a.~~ (1) The driver or front seat occupants of a motor
1 13 vehicle which is not required to be equipped with safety belts
1 14 or safety harnesses.
1 15 ~~b.~~ (2) The driver and front seat occupants of a motor
1 16 vehicle who are actively engaged in work which requires them
1 17 to alight from and reenter the vehicle at frequent intervals,
1 18 providing the vehicle does not exceed twenty-five miles per
1 19 hour between stops.
1 20 ~~c.~~ (3) The driver of a motor vehicle while performing
1 21 duties as a rural letter carrier for the United States postal
1 22 service. This exemption applies only between the first
1 23 delivery point after leaving the post office and the last
1 24 delivery point before returning to the post office.
1 25 ~~d.~~ (4) Passengers on a bus.
1 26 ~~e.~~ (5) A person possessing a written certification from a
1 27 health care provider licensed under chapter 148, 150, 150A, or
1 28 151 on a form provided by the department that the person is
1 29 unable to wear a safety belt or safety harness due to physical
1 30 or medical reasons. The certification shall specify the time
1 31 period for which the exemption applies. The time period shall
1 32 not exceed twelve months, at which time a new certification
1 33 may be issued unless the certifying health care provider is
1 34 from a United States military facility, in which case the
1 35 certificate may specify a longer period of time or a permanent



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 23, 2008

House Study Bill 561 continued

2 1 exemption.

2 2 ~~f.~~ (6) Front seat occupants of an authorized emergency
2 3 vehicle while they are being transported in an emergency.

2 4 However, this exemption does not apply to the driver of the
2 5 authorized emergency vehicle.

2 6 c. The department, in cooperation with the department of
2 7 public safety and the department of education, shall establish
2 8 educational programs to foster compliance with the safety belt
2 9 and safety harness usage requirements of this subsection.

2 10 Sec. 2. Section 321.446, subsection 2, Code 2007, is
2 11 amended to read as follows:

2 12 2. A child at least six years of age but under ~~eleven~~
2 13 eighteen years of age who is being transported in a motor
2 14 vehicle subject to registration, except a school bus or
2 15 motorcycle, shall be secured during transit by a child
2 16 restraint system that is used in accordance with the
2 17 manufacturer's instructions or by a safety belt or safety
2 18 harness of a type approved under section 321.445.

2 19 EXPLANATION

2 20 This bill requires that all persons under 18 years of age
2 21 who are being transported in a motor vehicle, other than a
2 22 school bus or motorcycle, be secured by an approved child
2 23 restraint system or a seat belt regardless of seating
2 24 position.

2 25 Pursuant to existing law, a motor vehicle operator who
2 26 violates child restraint requirements commits a simple
2 27 misdemeanor subject to a scheduled fine of \$25. However, such
2 28 offenses are not considered for purposes of determining a
2 29 habitual offender of motor vehicle laws.

2 30 LSB 5380DP 82

2 31 dea/nh/14



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 23, 2008

House Study Bill 562

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

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

Passed House, Date _____
Vote: Ayes _____ Nays _____

A BILL FOR

- 1 An Act relating to requirements of the department of human
- 2 services involving electronic benefits transfer.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 5372DP 82
- 5 jp/rj/14



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 23, 2008**

House Study Bill 562 continued

PAG LIN

1 1 Section 1. Section 234.12A, subsection 1, Code 2007, is
1 2 amended to read as follows:

1 3 1. The department of human services shall maintain an
1 4 electronic benefits transfer program utilizing electronic
1 5 funds transfer systems. The program shall at a minimum
1 6 provide ~~for all of the following:~~

1 7 a. ~~A that a~~ retailer shall not be required to make cash
1 8 disbursements or to provide, purchase, or upgrade electronic
1 9 funds transfer system equipment as a condition of
1 10 participation in the program.

~~1 11 b. A retailer providing electronic funds transfer system
1 12 equipment for transactions pursuant to the program shall be
1 13 reimbursed seven cents for each approved transaction pursuant
1 14 to the program utilizing the retailer's equipment.~~

~~1 15 c. A retailer that provides electronic funds transfer
1 16 system equipment for transactions pursuant to the program and
1 17 who makes cash disbursements pursuant to the program utilizing
1 18 the retailer's equipment shall be paid a fee of seven cents by
1 19 the department for each cash disbursement transaction by the
1 20 retailer.~~

EXPLANATION

1 21 This bill relates to requirements of the department of
1 22 human services involving electronic benefits transfer.

1 23 Code section 234.12A, relating to the electronic benefits
1 24 transfer (EBT) program, is amended to eliminate the
1 25 requirement for payment of transfer fees to retailers. The
1 26 EBT program is utilized primarily for distributing federal
1 27 food assistance benefits.

1 28 LSB 5372DP 82

1 29 jp/rj/14



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 23, 2008

House Study Bill 563

HOUSE FILE
BY (PROPOSED COMMITTEE ON
EDUCATION BILL BY
CHAIRPERSON WENDT)

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

Passed Senate, Date _____
Vote: Ayes _____ Nays _____

A BILL FOR

1 An Act providing for the establishment of the state percent of
2 growth for purposes of the state school foundation program,
3 and providing an applicability date.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
5 TLSB 5764HC 82
6 ak/rj/5



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 23, 2008

House Study Bill 563 continued

PAG LIN

1 1 Section 1. Section 257.8, subsection 1, Code Supplement
1 2 2007, is amended to read as follows:

1 3 1. STATE PERCENT OF GROWTH. ~~The state percent of growth~~
~~1 4 for the budget year beginning July 1, 2007, is four percent.~~
1 5 The state percent of growth for the budget year beginning July
1 6 1, 2008, is four percent. The state percent of growth for the
1 7 budget year beginning July 1, 2009, is four percent. The
1 8 state percent of growth for each subsequent budget year shall
1 9 be established by statute which shall be enacted within thirty
1 10 days of the submission in the year preceding the base year of
1 11 the governor's budget under section 8.21. The establishment
1 12 of the state percent of growth for a budget year shall be the
1 13 only subject matter of the bill which enacts the state percent
1 14 of growth for a budget year.

1 15 Sec. 2. APPLICABILITY. This Act is applicable for
1 16 computing state aid under the state school foundation program
1 17 for the school budget year beginning July 1, 2009.

1 18 EXPLANATION

1 19 This bill establishes a state percent of growth of 4
1 20 percent for purposes of the state school foundation program
1 21 for the school budget year beginning July 1, 2009. The bill
1 22 is applicable for state aid computation under the school
1 23 foundation program for the school budget year beginning July
1 24 1, 2009.

1 25 LSB 5764HC 82

1 26 ak/rj/5



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 23, 2008

House Study Bill 564

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

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

Passed Senate, Date _____
Vote: Ayes _____ Nays _____

A BILL FOR

1 An Act requiring insurance coverage benefits for treatment of
2 mental illness and substance abuse and providing an effective
3 date.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
5 TLSB 5751HC 82
6 av/nh/8



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 23, 2008

House Study Bill 564 continued

PAG LIN

1 1 Section 1. Section 135H.3, Code 2007, is amended by adding
1 2 the following new unnumbered paragraph:

1 3 NEW UNNUMBERED PARAGRAPH. A child who requires treatment
1 4 for a mental illness or for substance abuse as defined in
1 5 section 514C.23, and meets the medical assistance program
1 6 criteria for admission to a psychiatric medical institution
1 7 for children shall be deemed to meet the acuity criteria for
1 8 inpatient benefits under a group policy, contract, or plan
1 9 providing for third-party payment or prepayment of health,
1 10 medical, and surgical coverage benefits issued by a carrier,
1 11 as defined in section 513B.2, or by an organized delivery
1 12 system authorized under 1993 Iowa Acts, ch. 158, that is
1 13 subject to section 514C.23.

1 14 Sec. 2. NEW SECTION. 514C.23 MENTAL ILLNESS AND
1 15 SUBSTANCE ABUSE TREATMENT COVERAGE.

1 16 1. Notwithstanding the uniformity of treatment
1 17 requirements of section 514C.6, a group policy or contract
1 18 providing for third-party payment or prepayment of health or
1 19 medical expenses issued by a carrier, as defined in section
1 20 513B.2, or by an organized delivery system authorized under
1 21 1993 Iowa Acts, chapter 158, shall provide coverage benefits
1 22 for treatment of mental illness and substance abuse if either
1 23 of the following is satisfied:

1 24 a. The policy or contract is issued to an employer who on
1 25 at least fifty percent of the employer's working days during
1 26 the preceding calendar year employed more than fifty full-time
1 27 equivalent employees. In determining the number of full-time
1 28 equivalent employees of an employer, employers who are
1 29 affiliated or who are able to file a consolidated tax return
1 30 for purposes of state taxation shall be considered one
1 31 employer.

1 32 b. The policy or contract is issued to a small employer as
1 33 defined in section 513B.2, and such policy or contract
1 34 provides coverage benefits for the treatment of mental illness
1 35 and substance abuse.



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 23, 2008

House Study Bill 564 continued

2 1 2. Notwithstanding the uniformity of treatment
2 2 requirements of section 514C.6, a plan established pursuant to
2 3 chapter 509A for public employees shall provide coverage
2 4 benefits for treatment of mental illness and substance abuse.
2 5 3. For purposes of this section:
2 6 a. "Mental illness" means mental disorders as defined by
2 7 the commissioner by rule.
2 8 b. "Substance abuse" means a pattern of pathological use
2 9 of alcohol or a drug that causes impairment in social or
2 10 occupational functioning, or that produces physiological
2 11 dependency evidenced by physical tolerance or by physical
2 12 symptoms when the alcohol or drug is withdrawn.
2 13 4. The commissioner, by rule, shall define "mental
2 14 illness" consistent with definitions provided in the most
2 15 recent edition of the American psychiatric association's
2 16 diagnostic and statistical manual of mental disorders, as the
2 17 definitions may be amended from time to time. The
2 18 commissioner may adopt the definitions provided in such manual
2 19 by reference.
2 20 5. This section shall not apply to accident only,
2 21 specified disease, short-term hospital or medical, hospital
2 22 confinement indemnity, credit, dental, vision, Medicare
2 23 supplement, long-term care, basic hospital and
2 24 medical-surgical expense coverage as defined by the
2 25 commissioner, disability income insurance coverage, coverage
2 26 issued as a supplement to liability insurance, workers'
2 27 compensation or similar insurance, or automobile medical
2 28 payment insurance, or individual accident and sickness
2 29 policies issued to individuals or to individual members of a
2 30 member association.
2 31 6. A carrier, organized delivery system, or plan
2 32 established pursuant to chapter 509A may manage the benefits
2 33 provided through common methods including but not limited to
2 34 providing payment of benefits or providing care and treatment
2 35 under a capitated payment system, prospective reimbursement



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 23, 2008

House Study Bill 564 continued

3 1 rate system, utilization control system, incentive system for
3 2 the use of least restrictive and least costly levels of care,
3 3 a preferred provider contract limiting choice of specific
3 4 providers, or any other system, method, or organization
3 5 designed to assure services are medically necessary and
3 6 clinically appropriate.

3 7 7. a. A group policy or contract or plan covered under
3 8 this section shall not impose an aggregate annual or lifetime
3 9 limit on mental illness or substance abuse coverage benefits
3 10 unless the policy or contract or plan imposes an aggregate
3 11 annual or lifetime limit on substantially all medical and
3 12 surgical coverage benefits.

3 13 b. A group policy or contract or plan covered under this
3 14 section that imposes an aggregate annual or lifetime limit on
3 15 substantially all medical and surgical coverage benefits shall
3 16 not impose an aggregate annual or lifetime limit on mental
3 17 illness or substance abuse coverage benefits which is less
3 18 than the aggregate annual or lifetime limit imposed on
3 19 substantially all medical and surgical coverage benefits.

3 20 8. A group policy or contract or plan covered under this
3 21 section shall at a minimum allow for thirty inpatient days and
3 22 fifty-two outpatient visits annually. The policy or contract
3 23 or plan may also include deductibles, coinsurance, or
3 24 copayments, provided the amounts and extent of such
3 25 deductibles, coinsurance, or copayments applicable to other
3 26 medical or surgical services coverage under the policy or
3 27 contract or plan are the same. It is not a violation of this
3 28 section if the policy or contract or plan excludes entirely
3 29 from coverage benefits for the cost of providing the
3 30 following:

3 31 a. Care that is substantially custodial in nature.

3 32 b. Services and supplies that are not medically necessary
3 33 or clinically appropriate.

3 34 c. Experimental treatments.

3 35 9. This section applies to third-party payment provider



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 23, 2008

House Study Bill 564 continued

4 1 policies or contracts and plans established pursuant to
4 2 chapter 509A delivered, issued for delivery, continued, or
4 3 renewed in this state on or after January 1, 2009.

4 4 Sec. 3. Section 514C.22, Code 2007, is repealed.

4 5 Sec. 4. EFFECTIVE DATE. The section of this bill
4 6 repealing section 514C.22 takes effect January 1, 2009.

4 7 EXPLANATION

4 8 This bill amends Code section 135H.3 to provide that a
4 9 child who requires treatment for mental illness or substance
4 10 abuse as provided in new Code section 514C.23, and meets the
4 11 medical assistance program criteria for admission to a
4 12 psychiatric medical institution for children is deemed to meet
4 13 the acuity criteria for specified third-party payment of
4 14 inpatient benefits.

4 15 The bill creates a new Code section 514C.23 and provides
4 16 that a group policy or contract providing for third-party
4 17 payment or prepayment of health or medical expenses issued by
4 18 a carrier, as defined in Code section 513B.2, or by an
4 19 organized delivery system authorized under 1993 Iowa Acts,
4 20 chapter 158, shall provide coverage benefits for treatment of
4 21 mental illness and substance abuse if the policy or contract
4 22 is issued to an employer who on at least 50 percent of the
4 23 employer's working days during the preceding calendar year
4 24 employed more than 50 full-time equivalent employees; if the
4 25 policy or contract is issued to a small employer as defined in
4 26 Code section 513B.2, and such policy or contract provides
4 27 coverage benefits for the treatment of mental illness; or if
4 28 the plan is established pursuant to Code chapter 509A for
4 29 public employees.

4 30 The bill defines "mental illness" as mental disorders as
4 31 defined by the commissioner by rule. The commissioner is
4 32 directed to establish the definition of mental illness
4 33 consistent with definitions provided in the most recent
4 34 edition of the American psychiatric association's diagnostic
4 35 and statistical manual of mental disorders, as such



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 23, 2008**

House Study Bill 564 continued

5 1 definitions may be amended from time to time. The
5 2 commissioner may adopt the definitions provided in such manual
5 3 by reference.

5 4 "Substance abuse" is defined as a pattern of pathological
5 5 use of alcohol or a drug that causes impairment in social or
5 6 occupational functioning, or that produces physiological
5 7 dependency evidenced by physical tolerance or by physical
5 8 symptoms when the alcohol or drug is withdrawn.

5 9 The bill provides that a carrier, organized delivery
5 10 system, or plan established pursuant to Code chapter 509A may
5 11 manage the benefits provided through common methods including
5 12 but not limited to providing payment of benefits or providing
5 13 care and treatment under a capitated payment system,
5 14 prospective reimbursement rate system, utilization control
5 15 system, incentive system for the use of least restrictive and
5 16 least costly levels of care, a preferred provider contract
5 17 limiting choice of specific providers, or any other system,
5 18 method, or organization designed to assure services are
5 19 medically necessary and clinically appropriate.

5 20 The bill provides that the new Code section created applies
5 21 to third-party payment provider contracts or policies and
5 22 public employer plans delivered, issued for delivery,
5 23 continued, or renewed in this state on or after January 1,
5 24 2009.

5 25 The bill repeals Code section 514C.22 concerning coverage
5 26 for biologically based mental illness, effective January 1,
5 27 2009.

5 28 LSB 5751HC 82
5 29 av/nh/8



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 23, 2008

House Study Bill 565

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

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

Passed Senate, Date _____
Vote: Ayes _____ Nays _____

A BILL FOR

- 1 An Act relating to state and local regulation of smoking and
- 2 making penalties applicable.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 5813HC 82
- 5 pf/nh/5



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 23, 2008

House Study Bill 565 continued

PAG LIN

1 1 Section 1. Section 142B.1, Code 2007, is amended by adding
1 2 the following new subsections:

1 3 NEW SUBSECTION. 1A. "Child care facility" means child
1 4 care facility as defined in section 237A.1.

1 5 NEW SUBSECTION. 1B. "Child care home" means child care
1 6 home as defined in section 237A.1.

1 7 NEW SUBSECTION. 1C. "Health care provider location" means
1 8 an office or institution providing care or treatment of
1 9 disease whether physical, mental, or emotional, or other
1 10 medical, physiological, or psychological conditions, including
1 11 but not limited to a hospital as defined in section 135B.1, a
1 12 health care facility as defined in section 135C.1, an elder
1 13 group home as defined in section 231B.1, an assisted living
1 14 program as defined in section 231C.2, an adult day services
1 15 program as defined in section 231D.1, clinics, laboratories,
1 16 and the locations of professionals regulated pursuant to Title
1 17 IV, subtitle III, and includes all enclosed areas of the
1 18 location including waiting rooms, hallways, other common
1 19 areas, private rooms, semiprivate rooms, and wards within the
1 20 location.

1 21 Sec. 2. Section 142B.1, subsection 3, Code 2007, is
1 22 amended to read as follows:

1 23 3. "Public place" means any enclosed indoor area used by
1 24 the general public or serving as a place of work containing
1 25 two hundred fifty or more square feet of floor space,
1 26 including, but not limited to, all restaurants with a seating
1 27 capacity greater than fifty, all retail stores, lobbies and
1 28 malls, offices, including waiting rooms, and other commercial
1 29 establishments; public conveyances with departures, travel,
1 30 and destination entirely within this state; educational
1 31 facilities; ~~hospitals, clinics, nursing homes, and other~~
1 32 ~~health care and medical facilities~~ health care provider
1 33 locations; and auditoriums, elevators, theaters, libraries,
1 34 art museums, concert halls, indoor arenas, and meeting rooms.

1 35 "Public place" does not include a retail store at which fifty



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 23, 2008

House Study Bill 565 continued

2 1 percent or more of the sales result from the sale of tobacco
2 2 or tobacco products, the portion of a retail store where
2 3 tobacco or tobacco products are sold, a private, enclosed
2 4 office occupied exclusively by smokers even though the office
2 5 may be visited by nonsmokers, a room used primarily as the
2 6 residence of students or other persons at an educational
2 7 facility, a sleeping room in a motel or hotel, or each
2 8 resident's room in a health care facility. The person in
2 9 custody or control of the facility shall provide a sufficient
2 10 number of rooms in which smoking is not permitted to
2 11 accommodate all persons who desire such rooms. "Public place"
2 12 does not include a private residence unless used as a child
2 13 care facility, child care home, or a health care provider
2 14 location.

2 15 Sec. 3. Section 142B.2, Code 2007, is amended by adding
2 16 the following new subsection:

2 17 NEW SUBSECTION. 5. Notwithstanding subsection 1 of this
2 18 section, smoking is prohibited in public places that are child
2 19 care facilities or child care homes in accordance with section
2 20 237A.3B.

2 21 Sec. 4. Section 142B.6, unnumbered paragraph 3, Code 2007,
2 22 is amended by striking the unnumbered paragraph.

2 23 Sec. 5. NEW SECTION. 142B.6A LOCAL REGULATION OF
2 24 SMOKING.

2 25 1. A city or county may provide for the enforcement, by
2 26 ordinance, of standards or requirements for public places or
2 27 public meetings that are higher or more stringent than those
2 28 imposed under this chapter.

2 29 2. An ordinance adopted under subsection 1 may
2 30 specifically include the following:

2 31 a. An ordinance that eliminates or limits the exemptions
2 32 specified in section 142B.2, subsection 1.

2 33 b. An ordinance that prohibits the designation of smoking
2 34 areas notwithstanding section 142B.2, subsection 2.

2 35 c. An ordinance that eliminates or limits the exemption in



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 23, 2008

House Study Bill 565 continued

3 1 section 142B.2, subsection 3, relating to a public place
3 2 consisting of a single room or a bar.
3 3 d. An ordinance that provides higher or more stringent
3 4 standards or requirements relating to the posting of signs as
3 5 provided in section 142B.4.

3 6 e. An ordinance that provides higher or more stringent
3 7 civil penalties than those provided in section 142B.6.

3 8 Sec. 6. Section 237A.3A, subsection 5, Code 2007, is
3 9 amended by striking the subsection.

3 10 Sec. 7. NEW SECTION. 237A.3B SMOKING PROHIBITED.

3 11 Smoking, as defined in section 142B.1, shall not be
3 12 permitted in a child care facility or child care home.

3 13 EXPLANATION

3 14 This bill relates to state and local regulation of smoking.

3 15 The bill provides that a "public place" does not include a
3 16 private residence unless used as a child care facility, child
3 17 care home, or a health care provider location. The bill
3 18 prohibits smoking in a child care facility or child care home,
3 19 eliminating a provision prohibiting smoking in a child
3 20 development home during hours of operation in areas used by
3 21 the children.

3 22 A person who smokes in those areas in which smoking is
3 23 prohibited or who does not post signs in the appropriate areas
3 24 is subject to payment of a scheduled fine which is a civil
3 25 penalty of \$25 for each violation.

3 26 The bill also provides that a city or county may adopt an
3 27 ordinance to provide for the enforcement of standards or
3 28 requirements that are higher or more stringent for public
3 29 places or public meetings than those imposed under Code
3 30 chapter 142B (smoking prohibitions).

3 31 The bill provides that an ordinance may specifically
3 32 include provisions relating to: elimination or limitation of
3 33 the exemptions relating to designation of a smoking area or
3 34 the application of designation of a smoking area to an entire
3 35 room or hall that is used for a private social function, or to



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 23, 2008**

House Study Bill 565 continued

4 1 factories, warehouses, or similar places of work not usually
4 2 frequented by the general public; prohibition of the
4 3 designation of a smoking area; elimination or limitation of
4 4 the provisions allowing for exemptions for a single room or a
4 5 bar; posting of signs; and civil penalties.
4 6 The bill also eliminates the provision relating to
4 7 enforcement of the smoking prohibitions Code chapter in an
4 8 equitable and uniform manner throughout the state.
4 9 LSB 5813HC 82
4 10 pf/nh/5



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 23, 2008

House Study Bill 566

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

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

Passed Senate, Date _____
Vote: Ayes _____ Nays _____

A BILL FOR

1 An Act to require insurers offering certain individual or group
2 health insurance contracts, policies, or plans to provide
3 coverage for vaccinations for human papilloma virus.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
5 TLSB 5812HC 82
6 av/rj/24



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 23, 2008

House Study Bill 566 continued

PAG LIN

1 1 Section 1. NEW SECTION. 514C.23 HUMAN PAPILLOMA VIRUS
1 2 VACCINATIONS == COVERAGE.
1 3 1. Notwithstanding the uniformity of treatment
1 4 requirements of section 514C.6, a contract, policy, or plan
1 5 providing for third-party payment or prepayment of health or
1 6 medical expenses that provides coverage benefits for any
1 7 vaccination or immunization shall provide coverage benefits
1 8 for a vaccination for human papilloma virus, including but not
1 9 limited to the following classes of third-party payment
1 10 provider contracts, policies, or plans delivered, issued for
1 11 delivery, continued, or renewed in this state on or after
1 12 January 1, 2009:
1 13 a. Individual or group accident and sickness insurance
1 14 providing coverage on an expense-incurred basis.
1 15 b. An individual or group hospital or medical service
1 16 contract issued pursuant to chapter 509, 514, or 514A.
1 17 c. An individual or group health maintenance organization
1 18 contract regulated under chapter 514B.
1 19 d. An individual or group Medicare supplemental policy,
1 20 unless coverage pursuant to such policy is preempted by
1 21 federal law.
1 22 e. A plan established pursuant to chapter 509A for public
1 23 employees.
1 24 2. This section shall not apply to accident only,
1 25 specified disease, short-term hospital or medical, hospital
1 26 confinement indemnity, credit, dental, vision, long-term care,
1 27 basic hospital and medical=surgical expense coverage as
1 28 defined by the commissioner, disability income insurance
1 29 coverage, coverage issued as a supplement to liability
1 30 insurance, workers' compensation or similar insurance, or
1 31 automobile medical payment insurance.
1 32 3. As used in this section, "human papilloma virus" means
1 33 the human papilloma virus as defined by the centers for
1 34 disease control and prevention of the United States department
1 35 of health and human services.



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 23, 2008**

House Study Bill 566 continued

2 1 4. The commissioner of insurance shall adopt rules
2 2 pursuant to chapter 17A as necessary to administer this
2 3 section.

2 4 EXPLANATION

2 5 This bill requires insurers offering certain individual or
2 6 group health insurance contracts, policies, or plans in the
2 7 state to provide coverage for vaccinations for human papilloma
2 8 virus.

2 9 The provisions of the bill are applicable to third-party
2 10 payment provider contracts, policies, or plans delivered,
2 11 issued for delivery, continued, or renewed in this state on or
2 12 after January 1, 2009.

2 13 The commissioner of insurance is required to adopt rules
2 14 under Code chapter 17A to administer the provisions of the
2 15 bill.

2 16 New Code section 514C.23 requires specified individual and
2 17 group health insurance contracts, policies, or plans that
2 18 provide coverage of any vaccinations or immunizations to
2 19 provide coverage of a vaccination for human papilloma virus.

2 20 The bill defines "human papilloma virus" to mean the human
2 21 papilloma virus as defined by the centers for disease control
2 22 and prevention of the United States department of health and
2 23 human services.

2 24 LSB 5812HC 82

2 25 av/rj/24



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 23, 2008

House Study Bill 567

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

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

Passed Senate, Date _____
Vote: Ayes _____ Nays _____

A BILL FOR

- 1 An Act relating to using, delivering, or possessing intoxicating
- 2 compounds, and providing penalties.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 5575HC 82
- 5 jm/nh/8



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 23, 2008

House Study Bill 567 continued

PAG LIN

1 1 Section 1. NEW SECTION. 126.24 INTOXICATING COMPOUNDS ==
1 2 PROHIBITION.

1 3 1. For the purposes of this section, "intoxication" means
1 4 intoxication, stupefaction, depression, giddiness, paralysis,
1 5 irrational behavior, or in any manner changing, distorting, or
1 6 disturbing the auditory, visual, or mental processes.

1 7 2. A person shall not ingest, breathe, inhale, or drink
1 8 any compound, liquid, or chemical containing toluol, hexane,
1 9 trichloroethylene, acetone, toluene, ethyl acetate, methyl
1 10 ethyl ketone, trichloroethane, isopropanol, methyl isobutyl
1 11 ketone, methyl cellosolve acetate, cyclohexanone, the
1 12 alkaloids atropine, hyoscyamine, or scopolamine, or any other
1 13 substance for the purpose of inducing intoxication.

1 14 3. A person shall not knowingly deliver, or possess with
1 15 intent to deliver, to a minor any compound, liquid, or
1 16 chemical containing toluol, hexane, trichloroethylene,
1 17 acetone, toluene, ethyl acetate, methyl ethyl ketone,
1 18 trichloroethane, isopropanol, methyl isobutyl ketone, methyl
1 19 cellosolve acetate, cyclohexanone, or any other substance
1 20 which will induce intoxication when the person knows or has
1 21 reason to know that the compound, liquid, or chemical is
1 22 intended to be used to induce intoxication. This subsection
1 23 does not apply if a minor has provided written permission to
1 24 purchase or obtain the compound, liquid, or chemical from the
1 25 parent or guardian of the minor.

1 26 4. A person shall not knowingly deliver, or possess with
1 27 intent to deliver, any compound, liquid, or chemical
1 28 containing the alkaloids atropine, hyoscyamine, or scopolamine
1 29 when the person knows or has reason to know that the compound,
1 30 liquid, or chemical is intended to be used to induce
1 31 intoxication.

1 32 5. A person who violates this section commits an
1 33 aggravated misdemeanor.

1 34 EXPLANATION

1 35 This bill relates to delivering or using intoxicating



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 23, 2008

House Study Bill 567 continued

2 1 compounds.

2 2 The bill provides that a person shall not ingest, breathe,
2 3 inhale, or drink certain compounds, liquids, or chemicals for
2 4 the purpose of inducing intoxication.

2 5 Under the bill, a person shall also not knowingly deliver
2 6 or possess with intent to deliver certain compounds, liquids,
2 7 or chemicals to a minor if the person knows or has reason to
2 8 know that the compound, liquid, or chemical is intended to be
2 9 used to induce intoxication. This prohibition does not apply
2 10 to new Code section 126.24(3) under the bill, if a minor has
2 11 provided written permission to purchase or obtain the
2 12 compound, liquid, or chemical from the parent or guardian of
2 13 the minor.

2 14 The bill defines "intoxication" to mean intoxication,
2 15 stupefaction, depression, giddiness, paralysis or irrational
2 16 behavior, or in any manner changing, distorting, or disturbing
2 17 the auditory, visual, or mental processes.

2 18 A person who violates the bill commits an aggravated
2 19 misdemeanor. An aggravated misdemeanor is punishable by
2 20 confinement for no more than two years and a fine of at least
2 21 \$625 but not more than \$6,250.

2 22 LSB 5575HC 82

2 23 jm/nh/8



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 23, 2008

House Study Bill 568

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

Passed House, Date _____

Passed Senate, Date _____

Vote: Ayes _____ Nays _____

Vote: Ayes _____ Nays _____

Approved

A BILL FOR

- 1 An Act requiring the departments of public health and human
- 2 services to collect data and develop a protocol to address the
- 3 relationship between substance misuse, abuse, or dependency by
- 4 a child's parent, guardian, or custodian and child abuse.
- 5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 6 TL5B 5091HC 82
- 7 jp/nh/5



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 23, 2008

House Study Bill 568 continued

PAG LIN

1 1 Section 1. SUBSTANCE ABUSE AND CHILD ABUSE.

1 2 1. The departments of public health and human services
1 3 shall conduct a study involving the collection of information
1 4 regarding the relationship between substance misuse, abuse, or
1 5 dependency by a child's parent, guardian, or custodian and
1 6 child abuse. The purpose of the study is to identify
1 7 effective means of reducing the incidence and impact of child
1 8 abuse, including denial of critical care and interventions
1 9 with families by the child welfare system, that is wholly or
1 10 partially caused by substance misuse, abuse, or dependency by
1 11 the child's parent, guardian, or custodian.

1 12 2. The data, activity, and information addressed by the
1 13 study shall include but is not limited to all of the
1 14 following:

1 15 a. The departments shall develop data identifying the
1 16 prevalence of the presence of children in the household among
1 17 adults receiving substance use disorder evaluations. The
1 18 initial data collected shall cover at least three months of
1 19 the fiscal year beginning July 1, 2008.

1 20 b. The department of human services shall include in the
1 21 written assessment made for a child abuse report a
1 22 determination as to whether or not substance misuse, abuse, or
1 23 dependency by the child's parent, guardian, or custodian was a
1 24 factor in the report and finding of abuse. The department
1 25 shall provide nonidentifying information concerning the
1 26 prevalence of the determinations in child abuse assessments.
1 27 The initial data collected shall cover at least three months
1 28 of the fiscal year beginning July 1, 2008.

1 29 c. The departments shall develop and implement a protocol
1 30 to jointly address those child abuse cases that are wholly or
1 31 partially caused by substance misuse, abuse, or dependency by
1 32 the child's parent, guardian, or custodian. The protocol
1 33 shall initially be implemented by the departments on or before
1 34 July 1, 2009.

1 35 3. The departments shall make an initial report to the



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 23, 2008**

House Study Bill 568 continued

2 1 governor and the standing committees on human resources of the
2 2 senate and house of representatives concerning the initial
2 3 data collected, preliminary recommendations, and status of the
2 4 protocol development pursuant to this section on or before
2 5 February 15, 2009, and shall make a report covering the
2 6 initial data for a twelve-month period on or before February
2 7 15, 2010.

2 8 EXPLANATION

2 9 This bill requires the departments of public health (DPH)
2 10 and human services (DHS) to perform a study, collect data, and
2 11 develop a protocol to address the relationship between
2 12 substance misuse, abuse, or dependency by a child's parent,
2 13 guardian, or custodian and child abuse.

2 14 The DPH and DHS are required to develop data identifying
2 15 the prevalence of the presence of children in the household
2 16 among adults receiving substance use disorder evaluations; DHS
2 17 is required to include in the written assessment made for a
2 18 child abuse report a determination as to whether or not
2 19 substance misuse, abuse, or dependency by the child's parent,
2 20 guardian, or custodian was a factor in the report and finding
2 21 of abuse; and DPH and DHS are required to develop and
2 22 implement a protocol to jointly address those child abuse
2 23 cases that are wholly or partially caused by substance misuse,
2 24 abuse, or dependency by the child's parent, guardian, or
2 25 custodian.

2 26 The bill includes dates for reporting to the governor and
2 27 committees on human resources of the senate and house of
2 28 representatives.

2 29 LSB 5091HC 82

2 30 jp/nh/5



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 23, 2008

House Study Bill 569

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

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

Passed House, Date _____
Vote: Ayes _____ Nays _____

A BILL FOR

1 An Act relating to cultural affairs by providing for the
2 preservation of electronic records, establishing regional
3 cultural committees, and creating a civil war sesquicentennial
4 advisory committee.
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
6 TL5B 5308DP 82
7 tw/rj/8



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 23, 2008

House Study Bill 569 continued

PAG LIN

1 1 DIVISION I
1 2 ONLINE RESEARCH CENTER
1 3 Section 1. Section 303.2, subsection 2, Code 2007, is
1 4 amended by adding the following new paragraph:
1 5 NEW PARAGRAPH. 1. Establish, maintain, and administer a
1 6 digital collection of historical manuscripts, documents,
1 7 records, reports, images, and artifacts and make the
1 8 collection available to the public through an online research
1 9 center.
1 10 DIVISION II
1 11 CULTURE, HISTORY, ARTS, AND TOURISM PROGRAM
1 12 Sec. 2. NEW SECTION. 303.3E CULTURE, HISTORY, ARTS, AND
1 13 TOURISM PROGRAM.
1 14 1. The department of cultural affairs shall establish and
1 15 administer a statewide program facilitating the promotion of
1 16 culture, history, arts, and tourism in Iowa. The program's
1 17 purpose shall be to encourage cooperation and collaboration
1 18 among the various state and local organizations working in
1 19 these areas to improve Iowa's quality of life.
1 20 2. The department shall implement the program by working
1 21 with the local organizations to establish committees in
1 22 various regions of the state. Each committee shall:
1 23 a. Include representatives from local organizations
1 24 dedicated to promoting culture, history, arts, and tourism
1 25 within the regions.
1 26 b. Gather and disseminate information on the cultural,
1 27 historical, arts, and tourism opportunities in the regions.
1 28 c. Enhance communication among the local organizations in
1 29 each region.
1 30 d. Assist the staff members of local organizations in
1 31 obtaining technical and professional training.
1 32 3. The department shall assist local organizations in the
1 33 delivery of technical services, professional training, and
1 34 programming opportunities by working with these committees.
1 35 DIVISION III



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 23, 2008**

House Study Bill 569 continued

2 1 CIVIL WAR SESQUICENTENNIAL ADVISORY COMMITTEE
2 2 Sec. 3. NEW SECTION. 303.19 AMERICAN CIVIL WAR
2 3 SESQUICENTENNIAL ADVISORY COMMITTEE.
2 4 1. ESTABLISHMENT AND PURPOSE. A civil war
2 5 sesquicentennial advisory committee is established within the
2 6 historical division of the department of cultural affairs for
2 7 the purpose of advising and assisting the division in its
2 8 efforts to commemorate the sesquicentennial of Iowa's
2 9 involvement in the American civil war.
2 10 2. MEMBERSHIP AND QUALIFICATIONS. The committee shall
2 11 consist of twenty members appointed by the administrator of
2 12 the historical division. Each member shall be from an
2 13 academic institution, a museum, or a civic organization or
2 14 otherwise be someone with an interest in the preservation of
2 15 Iowa's civil war heritage.
2 16 3. EXPENSES AND REIMBURSEMENT. The members of the
2 17 committee are not entitled to receive per diem compensation
2 18 but are entitled to receive reimbursement for actual expenses
2 19 incurred while engaged in the performance of official duties.
2 20 4. DUTIES AND AUTHORITY. The committee shall, for the
2 21 period beginning in 2010 and ending in 2016, advise and assist
2 22 the historical division as it plans, coordinates, and
2 23 implements activities and programs relating to the
2 24 commemoration of the sesquicentennial of Iowa's involvement in
2 25 the American civil war.
2 26 a. The activities and programs of the division may include
2 27 but are not limited to creating interpretive and educational
2 28 materials such as exhibitions, literature and films, planning
2 29 and promoting special events, designing logos and advertising
2 30 campaigns, and producing commemorative items and memorabilia.
2 31 The division shall have the authority to sell or offer for
2 32 sale any of the materials, or other goods or services produced
2 33 pursuant to this section, notwithstanding section 23A.2.
2 34 b. The division may hold copyrights or trademarks in the
2 35 materials created during the commemoration, including but not



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 23, 2008

House Study Bill 569 continued

3 1 limited to the interpretive materials and memorabilia it
3 2 designs and produces. In addition, the division, at its
3 3 discretion, may license the rights to the materials. For the
3 4 purposes of this section, section 22.2 shall not be
3 5 interpreted to prevent the division's exclusive ability to
3 6 license the use, reproduction, or dissemination of the
3 7 materials produced for the commemoration.

3 8 c. The division may adopt, in consultation with the
3 9 committee and pursuant to chapter 17A, any rules necessary for
3 10 the licensing of materials created during the commemoration.

3 11 5. DISSOLUTION. The committee shall complete its duties
3 12 no later than June 30, 2017, but may complete its duties and
3 13 dissolve itself prior to that date.

3 14 6. REPEAL. This section is repealed June 30, 2017.

3 15 DIVISION IV

3 16 ELECTRONIC RECORDS ARCHIVE

3 17 Sec. 4. Section 305.9, subsection 1, Code 2007, is amended
3 18 by adding the following new paragraph:

3 19 NEW PARAGRAPH. m. Establish, maintain, and administer an
3 20 archive of records created and maintained in electronic format
3 21 in order to preserve and provide public access to state
3 22 government records identified as having permanent historical
3 23 value by the commission.

3 24 EXPLANATION

3 25 This bill relates to the duties of the department of
3 26 cultural affairs.

3 27 The bill requires the historical division of the department
3 28 to create a digital collection of records for research
3 29 purposes and to make the collection available to the public.

3 30 The bill requires the department to establish a statewide
3 31 culture, history, arts, and tourism program, and to implement
3 32 the program by creating regional committees for the
3 33 coordination of cultural efforts.

3 34 The bill establishes a civil war advisory committee to help
3 35 the historical division of the department of cultural affairs



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 23, 2008

House Study Bill 569 continued

4 1 plan a sesquicentennial commemoration of Iowa's role in the
4 2 American civil war. The bill authorizes the division and the
4 3 committee to plan the commemoration and the division to
4 4 produce materials and memorabilia for licensed use or sale.
4 5 The bill requires the department to establish and maintain
4 6 an archive of records created electronically and having
4 7 historical value, and to make the archive available to the
4 8 public.
4 9 The bill may authorize a department of state government to
4 10 offer products or services in competition with private
4 11 enterprise as prohibited by Code section 23A.2. However, the
4 12 bill specifically authorizes the offering of goods and
4 13 services to the public in connection with the commemoration of
4 14 Iowa's role in the American civil war.
4 15 LSB 5308DP 82
4 16 tw/rj/8.1



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 23, 2008

House Study Bill 570

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 directing interest on moneys in the title guaranty fund to
- 2 the housing trust fund.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 5388XD 82
- 5 tw/nh/8



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 23, 2008

House Study Bill 570 continued

PAG LIN

1 1 Section 1. Section 16.91, subsection 1, Code Supplement
1 2 2007, is amended to read as follows:
1 3 1. The authority through the title guaranty division shall
1 4 initiate and operate a program in which the division shall
1 5 offer guaranties of real property titles in this state. The
1 6 terms, conditions and form of the guaranty contract shall be
1 7 forms approved by the division board. The division shall fix
1 8 a charge for the guaranty in an amount sufficient to permit
1 9 the program to operate on a self=sustaining basis, including
1 10 payment of administrative costs and the maintenance of an
1 11 adequate reserve against claims under the title guaranty
1 12 program. A title guaranty fund is created in the office of
1 13 the treasurer of state. Funds collected under this program
1 14 shall be placed in the title guaranty fund and are available
1 15 to pay all claims, necessary reserves and all administrative
1 16 costs of the title guaranty program. Moneys in the fund shall
1 17 not revert to the general fund and interest on the moneys in
1 18 the fund shall be transferred to the ~~department of economic~~
1 19 ~~development~~ authority for deposit in the ~~local~~ housing
1 20 ~~assistance program~~ trust fund established in section ~~15.354~~
1 21 16.181 and shall not accrue to the general fund. If the
1 22 authority board in consultation with the division board
1 23 determines that there are surplus funds in the title guaranty
1 24 fund after providing for adequate reserves and operating
1 25 expenses of the division, the surplus funds shall be
1 26 transferred to the housing assistance fund created pursuant to
1 27 section 16.40.

1 28

EXPLANATION

1 29 This bill relates to moneys in the title guaranty fund.
1 30 Currently, interest accrued on moneys in the fund is directed
1 31 to the Iowa department of economic development for deposit in
1 32 the local housing assistance program fund. The bill directs
1 33 these moneys to the Iowa finance authority for deposit in the
1 34 housing trust fund.

1 35 LSB 5388XD 82



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 23, 2008**

House Study Bill 570 continued

2 1 tw/nh/8



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 23, 2008

House Study Bill 571

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

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

Passed House, Date _____
Vote: Ayes _____ Nays _____

A BILL FOR

- 1 An Act updating the Code references to the Internal Revenue Code
- 2 and including effective date and retroactive applicability
- 3 date provisions.
- 4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 5 TLSB 5496DP 82
- 6 sc/rj/5



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 23, 2008

House Study Bill 571 continued

PAG LIN

1 1 Section 1. Section 15.335, subsection 4, unnumbered
1 2 paragraph 2, Code Supplement 2007, is amended to read as
1 3 follows:
1 4 For purposes of this section, "Internal Revenue Code" means
1 5 the Internal Revenue Code in effect on January 1, ~~2007~~ 2008.
1 6 Sec. 2. Section 15A.9, subsection 8, paragraph e,
1 7 unnumbered paragraph 2, Code Supplement 2007, is amended to
1 8 read as follows:
1 9 For purposes of this subsection, "Internal Revenue Code"
1 10 means the Internal Revenue Code in effect on January 1, ~~2007~~
1 11 2008.
1 12 Sec. 3. Section 422.3, subsection 5, Code Supplement 2007,
1 13 is amended to read as follows:
1 14 5. "Internal Revenue Code" means the Internal Revenue Code
1 15 of 1954, prior to the date of its redesignation as the
1 16 Internal Revenue Code of 1986 by the Tax Reform Act of 1986,
1 17 or means the Internal Revenue Code of 1986 as amended to and
1 18 including January 1, ~~2007~~ 2008.
1 19 Sec. 4. Section 422.10, subsection 3, unnumbered paragraph
1 20 2, Code Supplement 2007, is amended to read as follows:
1 21 For purposes of this section, "Internal Revenue Code" means
1 22 the Internal Revenue Code in effect on January 1, ~~2007~~ 2008.
1 23 Sec. 5. Section 422.32, subsection 7, Code Supplement
1 24 2007, is amended to read as follows:
1 25 7. "Internal Revenue Code" means the Internal Revenue Code
1 26 of 1954, prior to the date of its redesignation as the
1 27 Internal Revenue Code of 1986 by the Tax Reform Act of 1986,
1 28 or means the Internal Revenue Code of 1986 as amended to and
1 29 including January 1, ~~2007~~ 2008.
1 30 Sec. 6. Section 422.33, subsection 5, paragraph d,
1 31 unnumbered paragraph 2, Code Supplement 2007, is amended to
1 32 read as follows:
1 33 For purposes of this subsection, "Internal Revenue Code"
1 34 means the Internal Revenue Code in effect on January 1, ~~2007~~
1 35 2008.



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 23, 2008

House Study Bill 572

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

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

Passed House, Date _____
Vote: Ayes _____ Nays _____

A BILL FOR

- 1 An Act for increasing the penalties that may be imposed by
- 2 courts=martial under the Iowa code of military justice.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 5491DP 82
- 5 ec/nh/14



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 23, 2008

House Study Bill 572 continued

PAG LIN

1 1 Section 1. Section 29B.17, subsections 1 and 2, Code 2007,
1 2 are amended to read as follows:

1 3 1. A fine of not more than ~~two hundred~~ five thousand
1 4 dollars;

1 5 2. Forfeiture of not more than twenty days' pay and
1 6 allowances ~~not to exceed one thousand dollars~~;

1 7 Sec. 2. Section 29B.18, subsection 1, paragraph a,
1 8 subparagraphs (1) and (2), Code Supplement 2007, are amended
1 9 to read as follows:

1 10 (1) A fine not exceeding ~~one~~ two thousand five hundred
1 11 dollars.

1 12 (2) Forfeiture of not more than twenty days' pay and
1 13 allowances ~~not exceeding one thousand dollars~~.

1 14 Sec. 3. Section 29B.18, subsection 2, paragraph c,
1 15 subparagraph (1), Code Supplement 2007, is amended to read as
1 16 follows:

1 17 (1) A fine of not more than ~~fifty~~ one thousand dollars for
1 18 a single offense.

1 19 EXPLANATION

1 20 This bill increases the maximum fines and forfeitures that
1 21 may be adjudged by general, special, and summary
1 22 courts=martial under the Iowa code of military justice.

1 23 The bill increases the maximum possible fine from \$200 to
1 24 \$5,000 under a general courts=martial, from \$100 to \$2,500
1 25 under a special courts=martial, and from \$50 to \$1,000 under a
1 26 summary courts=martial. The bill also increases the maximum
1 27 forfeiture of pay and allowances under a general or special
1 28 courts=martial from \$1,000 to an amount equal to 20 days of
1 29 pay and allowances.

1 30 LSB 5491DP 82

1 31 ec/nh/14



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 23, 2008

House Study Bill 573

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

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

Passed House, Date _____
Vote: Ayes _____ Nays _____

A BILL FOR

1 An Act making a supplemental appropriation of federal temporary
2 assistance to needy families block grant funding to the
3 department of human services for certain child care costs and
4 providing an effective date.
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
6 TL5B 5373DP 82
7 jp/nh/8



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 23, 2008

House Study Bill 573 continued

PAG LIN

1 1 Section 1. 2007 Iowa Acts, chapter 218, section 7, is
1 2 amended by adding the following new subsection:
1 3 NEW SUBSECTION. 1A. For child care costs of working
1 4 families receiving family investment program assistance, in
1 5 addition to the amount appropriated for state child care
1 6 assistance in subsection 7:
1 7 \$ 6,500,000
1 8 To the extent assistance under the family investment
1 9 program would not be reduced by such utilization, the
1 10 department may utilize a portion of the appropriation made in
1 11 subsection 1 for the child care costs of working families
1 12 receiving family investment program assistance. The amount
1 13 appropriated in this subsection is reduced by an amount equal
1 14 to the portion of the appropriation made in subsection 1
1 15 utilized for such child care costs. The department shall
1 16 report by the close of the fiscal year beginning July 1, 2007,
1 17 to the department of management and legislative services
1 18 agency concerning the utilization of the appropriation made in
1 19 subsection 1 for such child care costs.
1 20 Sec. 2. EFFECTIVE DATE. This Act, being deemed of
1 21 immediate importance, takes effect upon enactment.
1 22 EXPLANATION
1 23 This bill makes a FY 2007=2008 supplemental appropriation
1 24 of federal temporary assistance to needy families block grant
1 25 funding to the department of human services to be used for the
1 26 child care costs of working families receiving assistance
1 27 under the family investment program (FIP).
1 28 The supplemental appropriation authorizes the department to
1 29 utilize a portion of the appropriation made for purposes of
1 30 providing FIP assistance in 2007 Iowa Acts, chapter 218,
1 31 section 7, subsection 1, for the child care costs of working
1 32 families receiving FIP assistance, to the extent the
1 33 assistance would not be reduced by such utilization. The
1 34 supplemental appropriation made in the bill is reduced by an
1 35 amount equal to the portion of subsection 1 that is utilized



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 23, 2008**

House Study Bill 573 continued

2 1 to provide such child care assistance. The department of
2 2 human services is required to report to the department of
2 3 management and the legislative services agency concerning such
2 4 utilization.
2 5 The bill takes effect upon enactment.
2 6 LSB 5373DP 82
2 7 jp/nh/8



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 23, 2008

House Study Bill 574

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

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

Passed House, Date _____
Vote: Ayes _____ Nays _____

A BILL FOR

- 1 An Act relating to providing legal representation to an eligible
- 2 indigent person and the appointment of a guardian ad litem.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 5472DP 82
- 5 jm/rj/5



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 23, 2008

House Study Bill 574 continued

PAG LIN

1 1 Section 1. Section 13B.4, subsection 2, Code Supplement
1 2 2007, is amended to read as follows:

1 3 2. The state public defender shall file a notice with the
1 4 clerk of the district court in each county served by a public
1 5 defender designating which public defender office shall
1 6 receive notice of appointment of cases. The state public
1 7 defender may also designate a nonprofit organization which has
1 8 a contract with the state public defender to provide legal
1 9 services to eligible indigent persons ~~prior to July 1, 2004.~~

~~1 10 Except as otherwise provided, in.~~ In each county in which the
1 11 state public defender files a designation, the state public
1 12 defender's designee shall be appointed by the court to
1 13 represent all eligible ~~indigents~~ persons or to serve as
1 14 guardian ad litem for eligible children in juvenile court in
1 15 ~~all of the~~ cases and proceedings specified in the designation.
1 16 The appointment shall not be made if the state public defender
1 17 notifies the court that the state public defender ~~defender's~~
1 18 designee will not provide legal representation services in
1 19 certain cases as identified in the designation by the state
1 20 public defender.

1 21 Sec. 2. Section 13B.9, subsection 1, paragraph c, Code
1 22 2007, is amended by striking the paragraph and inserting in
1 23 lieu thereof the following:

1 24 c. Serve as guardian ad litem for each child in all cases
1 25 in which the local public defender office is the state public
1 26 defender's designee. The local public defender shall be
1 27 responsible for determining who shall perform the duties of
1 28 the guardian ad litem as defined in section 232.2 and shall be
1 29 responsible for assuring the court that the duties of the
1 30 guardian ad litem have been fulfilled.

1 31 Sec. 3. Section 814.11, subsection 2, Code 2007, is
1 32 amended to read as follows:

1 33 2. If the appeal involves an indictable offense or denial
1 34 of postconviction relief, the appointment shall be made to the
1 35 state appellate defender unless the state appellate defender



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 23, 2008

House Study Bill 574 continued

2 1 ~~is unable to handle~~ withdraws from the case due to a conflict
2 2 of interest or because of a temporary overload of cases.

2 3 Sec. 4. Section 814.11, Code 2007, is amended by adding
2 4 the following new subsection:

2 5 NEW SUBSECTION. 2A. In a juvenile proceeding the trial
2 6 attorney representing the juvenile shall be responsible for
2 7 filing any petition on appeal.

2 8 Sec. 5. Section 814.11, subsections 3 and 4, Code 2007,
2 9 are amended to read as follows:

2 10 3. If the appeal is other than an indictable offense or
2 11 denial of postconviction relief, including juvenile cases in
2 12 which a full brief is required or ordered, or if the state
2 13 appellate defender is unable to handle the case, the court
2 14 shall appoint an attorney who has a contract with the state
2 15 public defender to handle such an appeal.

2 16 4. If the court determines that no contract attorney is
2 17 available to handle the appeal, the court may appoint a
2 18 noncontract attorney, if the state public defender consents to
2 19 the appointment of the noncontract attorney. The order of
2 20 appointment shall include a specific finding that no contract
2 21 attorney ~~was~~ is available and the state public defender
2 22 consents to the appointment.

2 23 Sec. 6. Section 815.10A, subsection 2, Code 2007, is
2 24 amended to read as follows:

2 25 2. Claims for compensation and reimbursement submitted by
2 26 an attorney appointed after June 30, 2004, are not considered
2 27 timely unless the claim is submitted to the state public
2 28 defender within forty-five days of ~~the~~ a withdrawal order,
2 29 sentencing, acquittal, or dismissal ~~of~~, whichever is earliest,
2 30 in a criminal case or the withdrawal order, final ruling, or
2 31 dismissal ~~of~~, whichever is earliest, in any other type of
2 32 case.

2 33 Sec. 7. Section 815.11, Code Supplement 2007, is amended
2 34 to read as follows:

2 35 815.11 APPROPRIATIONS FOR INDIGENT DEFENSE == FUND



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 23, 2008

House Study Bill 574 continued

3 1 CREATED.

3 2 Costs incurred for legal representation by a

3 3 court-appointed attorney under chapter 229A, 665, 822, or 908,

3 4 or section 232.141, subsection 3, paragraph "d", or section

3 5 598.23A, 600A.6B, 814.9, 814.10, 814.11, 815.4, 815.7, or

3 6 815.10 on behalf of an indigent shall be paid from moneys

3 7 appropriated by the general assembly to the office of the

3 8 state public defender in the department of inspections and

3 9 appeals and deposited in an account to be known as the

3 10 indigent defense fund. Costs incurred by a court-appointed

3 11 attorney representing an indigent defendant in a contempt

3 12 ~~action, or representing an indigent juvenile in a juvenile~~

3 13 ~~court proceeding under chapter 600,~~ are also payable from the

3 14 fund. However, costs incurred in any administrative

3 15 proceeding or in any other proceeding under this chapter or

3 16 chapter 598, 600, 600A, 633, 633A, 814, or 915 or other

3 17 provisions of the Code or administrative rules are not payable

3 18 from the fund.

3 19

EXPLANATION

3 20 This bill relates to providing legal representation to an

3 21 eligible indigent person and to the appointment of a guardian

3 22 ad litem.

3 23 The bill authorizes the state public defender to contract

3 24 with additional nonprofit organizations to provide legal

3 25 services to eligible indigent persons.

3 26 The bill strikes provisions requiring the local public

3 27 defender to make an annual report to the state public

3 28 defender. The bill also requires the local public defender to

3 29 serve as guardian ad litem for each child in all cases in

3 30 which the local public defender office is the state public

3 31 defender's designee. The bill also provides that the local

3 32 public defender shall be responsible for determining who shall

3 33 serve as the guardian ad litem and shall be responsible for

3 34 assuring the court that the duties of the guardian ad litem

3 35 have been fulfilled.



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 23, 2008**

House Study Bill 574 continued

4 1 The bill provides that the state appellate defender shall
4 2 be appointed to represent an indigent person on appeal unless
4 3 the state appellate defender withdraws from the case.

4 4 The bill makes the trial attorney representing a juvenile
4 5 in juvenile court responsible for filing any petition on
4 6 appeal.

4 7 In appeals from juvenile court where a full brief is
4 8 required or ordered, the bill requires the court to appoint an
4 9 attorney who has a contract with the state public defender if
4 10 the state appellate defender is unable to handle the case.

4 11 If the court determines that no contract attorney is
4 12 available to handle an appeal, the court may appoint a
4 13 noncontract attorney to handle the appeal, if the state public
4 14 defender consents to the appointment.

4 15 Under the bill, a claim for compensation and reimbursement
4 16 for representation of an indigent person in a case is not
4 17 timely unless the claim is filed within 45 days of the
4 18 withdrawal order, sentencing, acquittal, or dismissal,
4 19 whichever is earliest, in a criminal case, or the withdrawal
4 20 order, final ruling, or dismissal, whichever is earliest, in
4 21 any other type of case.

4 22 The bill strikes the provision from Code section 815.11
4 23 which permits payments from the indigent defense fund to an
4 24 attorney representing a juvenile in an adoption proceeding
4 25 pursuant to Code chapter 600.

4 26 LSB 5472DP 82

4 27 jm/rj/5.1



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 23, 2008

House Study Bill 575

HOUSE FILE
BY (PROPOSED COMMITTEE ON
VETERANS AFFAIRS BILL BY
CHAIRPERSON ZIRKELBACH)

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

A BILL FOR

- 1 An Act establishing a veterans assistance grant fund and
- 2 providing an appropriation.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 5117HC 82
- 5 ec/rj/24



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 23, 2008

House Study Bill 575 continued

PAG LIN

1 1 Section 1. NEW SECTION. 35A.16 VETERANS ASSISTANCE GRANT
1 2 FUND.
1 3 1. For the purposes of this section, "veteran" means the
1 4 same as defined in section 35.1 or a resident of this state
1 5 who served in the armed forces of the United States, completed
1 6 a minimum aggregate of ninety days of active federal service,
1 7 and was discharged under honorable conditions.
1 8 2. A veterans assistance grant fund is created in the
1 9 state treasury under the control of the department.
1 10 3. The grant fund shall consist of all of the following:
1 11 a. Moneys in the form of a devise, gift, bequest,
1 12 donation, federal or other grant, reimbursement, repayment,
1 13 judgment, transfer, payment, or appropriation from any source
1 14 intended to be used for the purposes of the grant fund.
1 15 b. Interest attributable to investment of moneys in the
1 16 fund. Notwithstanding section 12C.7, subsection 2, interest
1 17 or earnings on moneys in the grant fund shall be credited to
1 18 the grant fund.
1 19 4. Moneys credited to the grant fund shall not be
1 20 transferred, used, obligated, appropriated, or otherwise
1 21 encumbered, except as provided in this section. Moneys in the
1 22 grant fund may be used for cash flow purposes during a fiscal
1 23 year provided that any moneys so allocated are returned to the
1 24 grant fund by the end of that fiscal year.
1 25 5. Moneys in the grant fund may be expended by the
1 26 department for any of the following purposes:
1 27 a. Hardship grants to veterans.
1 28 b. Reimbursement of expenses incurred by county
1 29 commissions of veteran affairs for burial expenses of veterans
1 30 or programs providing assistance to indigent veterans.
1 31 c. Community projects for veterans by a qualified
1 32 organization representing veterans, as defined by section
1 33 99B.7B.
1 34 6. The department shall adopt rules governing the
1 35 distribution of grants under this section.



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 23, 2008

House Study Bill 575 continued

2 1 Sec. 2. Section 99G.39, subsection 1, Code 2007, is
2 2 amended by adding the following new paragraph:
2 3 NEW PARAGRAPH. c. Two million dollars each fiscal year
2 4 shall be deposited in the veterans assistance grant fund
2 5 created in section 35A.16.

2 6 EXPLANATION

2 7 This bill creates a veterans assistance grant fund. Moneys
2 8 in the fund may be expended by the department of veterans
2 9 affairs for hardship grants to veterans, reimbursement of
2 10 expenses incurred by county commissions of veteran affairs for
2 11 burial expenses of veterans or programs providing assistance
2 12 to indigent veterans, and community projects for veterans by
2 13 qualified veterans organizations. Interest and earnings on
2 14 moneys in the fund shall remain in the fund.

2 15 The bill also provides that \$2 million each fiscal year
2 16 shall be deposited in the grant fund from lottery authority
2 17 revenues.

2 18 LSB 5117HC 82

2 19 ec/rj/24



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 23, 2008

Senate File 2031 - Introduced

SENATE FILE

BY BOLKCOM, HATCH, BEALL,
BLACK, KIBBIE, APPEL,
COURTNEY, FRAISE, DEARDEN,
WOOD, OLIVE, QUIIRMBACH,
HOGG, SENG, HORN, HECKROTH,
DANIELSON, SCHOENJAHN,
DOTZLER, SCHMITZ, RAGAN,
STEWART, CONNOLLY, McCOY,
and KREIMAN

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

Passed House, Date _____
Vote: Ayes _____ Nays _____

A BILL FOR

1 An Act making an appropriation for case management under the
2 Medicaid elderly waiver.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
4 TL5B 5211SS 82
5 pf/rj/14



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 23, 2008**

Senate File 2031 - Introduced continued

PAG LIN

1 1 Section 1. CASE MANAGEMENT == MEDICAID ELDERLY WAIVER ==
 1 2 APPROPRIATION. There is appropriated from the general fund of
 1 3 the state to the department of elder 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 case management services provided under the medical
 1 8 assistance elderly waiver:
 1 9 \$ 3,000,000

1 10 The department of elder affairs shall transfer the funds
 1 11 appropriated in this section to the department of human
 1 12 services in equal amounts on a quarterly basis to reimburse
 1 13 the department of human services for case management services
 1 14 provided under the medical assistance elderly waiver.

EXPLANATION

1 16 This bill appropriates \$3 million from the general fund of
 1 17 the state to the department of elder affairs for FY 2008=2009
 1 18 for case management services provided under the medical
 1 19 assistance elderly waiver. The bill directs the department of
 1 20 elder affairs to transfer the funds appropriated in equal
 1 21 amounts on a quarterly basis to reimburse the department of
 1 22 human services for these case management services. The
 1 23 Medicaid home and community-based services elderly waiver
 1 24 provides service funding and individualized supports to
 1 25 maintain eligible consumers in their own homes or communities,
 1 26 who would otherwise require care in a medical institution.
 1 27 Services include but are not limited to adult day care, home
 1 28 delivery needs, home health aid, and transportation.

1 29 LSB 5211SS 82
 1 30 pf/rj/14



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 23, 2008

Senate File 2032 - Introduced

SENATE FILE

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

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

Passed House, Date _____
Vote: Ayes _____ Nays _____

A BILL FOR

1 An Act providing for and making an appropriation to the
2 department of elder affairs for statewide expansion of the
3 elder abuse initiative program.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
5 TL5B 5202SS 82
6 rh/jp/14



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 23, 2008**

Senate File 2032 - Introduced continued

PAG LIN

1 1 Section 1. APPROPRIATION == DEPARTMENT OF ELDER AFFAIRS ==
 1 2 ELDER ABUSE INITIATIVE PROGRAM. There is appropriated from
 1 3 the general fund of the state to the department of elder
 1 4 affairs for the fiscal year beginning July 1, 2008, and ending
 1 5 June 30, 2009, the following amount, or so much thereof as is
 1 6 necessary, to be used for the purpose designated:

1 7 For the purpose of statewide expansion of the elder abuse
 1 8 initiative program established pursuant to section 231.56A for
 1 9 the prevention, intervention, detection, and reporting of
 1 10 elder abuse, neglect, and exploitation to ensure the
 1 11 protection of citizens of Iowa who are 60 years of age or
 1 12 older:
 1 13 \$ 1,400,000

EXPLANATION

1 15 This bill appropriates \$1.4 million from the general fund
 1 16 of the state to the department of elder affairs for the fiscal
 1 17 year beginning July 1, 2008, and ending June 30, 2009, for
 1 18 statewide expansion of the elder abuse initiative program
 1 19 established pursuant to Code section 231.56A for the
 1 20 prevention, intervention, detection, and reporting of elder
 1 21 abuse, neglect, and exploitation of citizens of Iowa who are
 1 22 60 years of age or older.

1 23 LSB 5202SS 82

1 24 rh/jp/14



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 23, 2008

Senate File 2033 - Introduced

SENATE FILE
BY ZIEMAN

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

Passed House, Date _____
Vote: Ayes _____ Nays _____

A BILL FOR

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



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 23, 2008

Senate File 2033 - Introduced continued

PAG LIN

1 1 Section 1. Section 278.1, subsection 2, Code 2007, is
1 2 amended to read as follows:

1 3 2. ~~Direct~~ Except when prohibited by section 297.25, direct
1 4 the sale, lease, or other disposition of any schoolhouse or
1 5 school site or other property belonging to the corporation,
1 6 and the application to be made of the proceeds thereof,
~~1 7 provided, however, that. However, nothing herein in this~~
1 8 section shall be construed to prevent the sale independent
1 9 action by the board of directors of the corporation to sell,
1 10 lease, exchange, gift, or grant and acceptance, or otherwise
1 11 dispose of any interest in real or other property by the board
~~1 12 of directors without an election of the corporation to the~~
1 13 extent authorized in section 297.22. For the purposes of this
1 14 subsection, "dispose" or "disposition" includes the exchange,
1 15 transfer, demolition, or destruction of any real or other
1 16 property of the corporation.

1 17 Sec. 2. Section 297.22, subsection 1, Code 2007, is
1 18 amended to read as follows:

1 19 1. a. The board of directors of a school district may
1 20 sell, lease, or dispose of, in whole or in part, a
1 21 schoolhouse, school site, or other property belonging to the
1 22 district. If the real property contains less than two acres,
1 23 is located outside of a city, is not adjacent to a city, and
1 24 was previously used as a schoolhouse site, the procedure
1 25 contained in sections 297.15 through 297.20 shall be followed
1 26 in lieu of this section.
1 27 b. Proceeds from the sale or disposition of real property
1 28 shall be placed in the physical plant and equipment levy fund.
1 29 Proceeds from the sale or disposition of property other than
1 30 real property shall be placed in the general fund. Proceeds
1 31 from the lease of real or other property shall be placed in
1 32 the general fund.
1 33 c. Before the board of directors may sell, lease for a
1 34 period in excess of one year, or dispose of any property
1 35 belonging to the school, the board shall hold a public hearing



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 23, 2008

Senate File 2033 - Introduced continued

2 1 on the proposal. The board shall set forth its proposal in a
2 2 resolution and shall publish notice of the time and the place
2 3 of the public hearing on the resolution. The notice shall
2 4 also describe the property. A locally known address for real
2 5 property may be substituted for a legal description of real
2 6 property contained in the resolution. Notice of the time and
2 7 place of the public hearing shall be published at least once
2 8 not less than ten days but not more than twenty days prior to
2 9 the date of the hearing in a newspaper of general circulation
2 10 in the district. After the public hearing, the board may make
2 11 a final determination on the proposal contained in the
2 12 resolution.

2 13 d. However, property having a value of not more than five
2 14 thousand dollars, other than real property, may be disposed of
2 15 by any procedure which is adopted by the board and each sale
2 16 shall be published by at least one insertion each week for two
2 17 consecutive weeks in a newspaper having general circulation in
2 18 the district.

2 19 e. For the purposes of this subsection, "dispose" or
2 20 "disposition" includes the exchange, transfer, demolition, or
2 21 destruction of any real or personal property of the school
2 22 district.

2 23 Sec. 3. Section 297.25, Code 2007, is amended to read as
2 24 follows:

2 25 297.25 RULE OF CONSTRUCTION.

2 26 Section 297.22 shall be construed as independent of the
2 27 power vested in the electors by section 278.1, and as
2 28 additional to such power. If a board of directors has
2 29 exercised its independent power under section 297.22 regarding
2 30 the disposition of real or personal property of the school
2 31 district and has by resolution approved such action, the
2 32 electors may not subsequently proceed to exercise their power
2 33 under section 278.1 for a purpose directly contrary to an
2 34 action previously approved by the board of directors in
2 35 accordance with section 297.22. Such prohibition on electors



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 23, 2008

Senate File 2033 - Introduced continued

3 1 exercising their power in regard to an action by the board
3 2 shall expire at the end of the same calendar year that the
3 3 board approved an action unless the action itself includes a
3 4 specific time frame.

3 5 EXPLANATION

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

3 22 LSB 5240XS 82

3 23 ak/nh/5



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 23, 2008

Senate File 2034 - Introduced

SENATE FILE
BY RAGAN, HOGG, SEYMOUR,
and BEALL

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

Passed House, Date _____
Vote: Ayes _____ Nays _____

A BILL FOR

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



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 23, 2008

Senate File 2034 - Introduced continued

PAG LIN

1 1 Section 1. NEW SECTION. 249J.24A NONPARTICIPATING
1 2 PROVIDER EXPANSION POPULATION PROVIDER NETWORK == TRANSFER
1 3 PROCEDURE == COMPENSATION FUND.
1 4 1. The department shall establish a procedure to transfer
1 5 an expansion population member who seeks medical care or
1 6 treatment from a nonparticipating provider in the expansion
1 7 population provider network to a participating provider in the
1 8 expansion population provider network, if medically possible.
1 9 If transfer is not medically possible or if the participating
1 10 provider refuses to accept the transfer of the expansion
1 11 population member, the nonparticipating provider shall be
1 12 compensated through the nonparticipating provider expansion
1 13 population provider network compensation fund in accordance
1 14 with subsection 2.
1 15 2. a. A nonparticipating provider expansion population
1 16 provider network compensation fund is created in the state
1 17 treasury under the authority of the department. Moneys
1 18 designated for deposit in the fund that are received from
1 19 sources including but not limited to appropriations from the
1 20 general fund of the state, grants, and contributions shall be
1 21 deposited in the fund.
1 22 b. Moneys in the fund shall be separate from the general
1 23 fund of the state and shall not be considered part of the
1 24 general fund of the state. The moneys deposited in the fund
1 25 are not subject to section 8.33 and shall not be transferred,
1 26 used, obligated, appropriated, or otherwise encumbered, except
1 27 to provide for the purposes specified in this section.
1 28 Notwithstanding section 12C.7, subsection 2, interest or
1 29 earnings on moneys deposited in the fund shall be credited to
1 30 the fund.
1 31 c. Moneys deposited in the fund shall be used only to
1 32 compensate health care providers who are not participants in
1 33 the expansion population provider network pursuant to section
1 34 249J.7, who provide services to expansion population members,
1 35 if no other third party is liable for reimbursement for the



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 23, 2008

Senate File 2034 - Introduced continued

2 1 services provided.
2 2 d. In order to be compensated through the fund, a health
2 3 care provider shall submit a claim to the department for
2 4 compensation and reimbursement of expenses incurred in
2 5 providing services to an expansion population member. The
2 6 department shall adopt rules relating to the format of and the
2 7 information to be included in the claims submitted. A claim
2 8 shall be submitted to the department within forty-five days of
2 9 provision of the service.

2 10 EXPLANATION

2 11 This bill directs the department of human services to
2 12 establish a procedure to transfer an IowaCare member who seeks
2 13 medical care or treatment from a provider who is not
2 14 participating in the IowaCare provider network to an IowaCare
2 15 provider, if medically possible. If transfer is not medically
2 16 possible or if the participating provider refuses to accept
2 17 the transfer of the expansion population member, the
2 18 nonparticipating provider shall be compensated through the
2 19 fund established for such compensation under the bill.

2 20 The bill creates a fund to be used to compensate health
2 21 care providers who are not included in the IowaCare provider
2 22 network and who provide services to expansion population
2 23 members that are not reimbursable by any other third party.
2 24 Moneys to be deposited in the fund are moneys received from
2 25 sources including but not limited to appropriations from the
2 26 general fund of the state, grants, and contributions.

2 27 The bill requires that in order to be compensated through
2 28 the fund, a health care provider must submit claims to the
2 29 department of human services. The bill directs the department
2 30 to adopt rules relating to the format of and the information
2 31 to be included in the claims submitted. A claim shall be
2 32 submitted to the department within 45 days of provision of the
2 33 service.

2 34 LSB 5801SS 82
2 35 pf/nh/14



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 23, 2008

Senate File 2035 - Introduced

SENATE FILE
BY COMMITTEE ON STATE
GOVERNMENT

(SUCCESSOR TO SSB 3031)

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 5458SV 82
- 4 jr/rj/24



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 23, 2008

Senate File 2035 - Introduced 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



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 23, 2008

Senate File 2035 - Introduced 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



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 23, 2008

Senate File 2035 - Introduced 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.



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 23, 2008

Senate File 2035 - Introduced continued

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 5458SV 82

4 31 jr/rj/24



Iowa General Assembly
 Daily Bills, Amendments & Study Bills
 January 23, 2008

Senate File 2036 - Introduced

SENATE FILE
 BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO SSB 3019)

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

Passed House, Date _____
 Vote: Ayes _____ Nays _____

A BILL FOR

1 An Act relating to the division of criminal and juvenile justice
 2 planning of the department of human rights by making changes
 3 to the membership of the council, permitting access to the
 4 records of the department of workforce development, and
 5 modifying the sex offender treatment and supervision task
 6 force.
 7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
 8 TL5B 5175SV 82
 9 jm/rj/8



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 23, 2008

Senate File 2036 - Introduced continued

PAG LIN

1 1 Section 1. Section 216A.132, subsection 1, unnumbered
1 2 paragraph 1, Code Supplement 2007, is amended to read as
1 3 follows:
1 4 A criminal and juvenile justice planning advisory council
1 5 is established consisting of ~~twenty-two~~ twenty-three members.
1 6 Sec. 2. Section 216A.132, subsection 1, paragraph b, Code
1 7 Supplement 2007, is amended to read as follows:
1 8 b. The departments of human services, corrections, and
1 9 public safety, the division on the status of
1 10 African-Americans, the Iowa department of public health, the
1 11 chairperson of the board of parole, the attorney general, the
1 12 state public defender, the governor's office of drug control
1 13 policy, and the chief justice of the supreme court shall each
1 14 designate a person to serve on the council. The person
1 15 appointed by the Iowa department of public health shall be
1 16 from the departmental staff who administer the comprehensive
1 17 substance abuse program under chapter 125.
1 18 Sec. 3. Section 216A.136, unnumbered paragraph 1, Code
1 19 2007, is amended to read as follows:
1 20 The division shall maintain an Iowa statistical analysis
1 21 center for the purpose of coordinating with data resource
1 22 agencies to provide data and analytical information to
1 23 federal, state, and local governments, and assist agencies in
1 24 the use of criminal and juvenile justice data.
1 25 Notwithstanding any other provision of state law, unless
1 26 prohibited by federal law or regulation, the division shall be
1 27 granted access, for purposes of research and evaluation, to
1 28 criminal history records, official juvenile court records,
1 29 juvenile court social records, and any other data collected or
1 30 under control of the board of parole, department of
1 31 corrections, department of workforce development, district
1 32 departments of correctional services, department of human
1 33 services, judicial branch, and department of public safety.
1 34 However, intelligence data and peace officer investigative
1 35 reports maintained by the department of public safety shall



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 23, 2008

Senate File 2036 - Introduced continued

2 1 not be considered data for the purposes of this section. Any
2 2 record, data, or information obtained by the division under
2 3 this section and the division itself is subject to the federal
2 4 and state confidentiality laws and regulations which are
2 5 applicable to the original record, data, or information
2 6 obtained by the division and to the original custodian of the
2 7 record, data, or information. The access shall include but is
2 8 not limited to all of the following:

2 9 Sec. 4. Section 216A.136, Code 2007, is amended by adding
2 10 the following new subsection:

2 11 NEW SUBSECTION. 13. Employment records maintained under
2 12 section 96.11.

2 13 Sec. 5. NEW SECTION. 216A.139 SEX OFFENDER RESEARCH
2 14 COUNCIL.

2 15 1. The division shall establish and maintain a council to
2 16 study and make recommendations for treating and supervising
2 17 adult and juvenile sex offenders in institutions,
2 18 community-based programs, and in the community.

2 19 2. Members of the council shall include members of the
2 20 general assembly selected by the legislative council and one
2 21 representative of each of the following:

- 2 22 a. The department of corrections.
- 2 23 b. The department of human services.
- 2 24 c. The department of public safety.
- 2 25 d. The state public defender.
- 2 26 e. The department of public health.
- 2 27 f. The juvenile court appointed by the judicial branch.
- 2 28 g. A judicial district department of correctional
2 29 services.
- 2 30 h. The board of parole.
- 2 31 i. The department of justice.
- 2 32 j. The Iowa county attorneys association.
- 2 33 k. The American civil liberties union of Iowa.
- 2 34 l. The Iowa state sheriffs' and deputies' association.
- 2 35 m. The Iowa coalition against sexual assault.



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 23, 2008

Senate File 2036 - Introduced continued

- 3 1 3. The council shall study the following:
3 2 a. The effectiveness of electronically monitoring sex
3 3 offenders.
3 4 b. The cost and effectiveness of special sentences
3 5 pursuant to chapter 903B.
3 6 c. Risk assessment models created for sex offenders.
3 7 d. Determining the best treatment programs available for
3 8 sex offenders and the efforts of Iowa and other states to
3 9 implement treatment programs.
3 10 e. The efforts of Iowa and other states to prevent sex
3 11 abuse related crimes including child sex abuse.
3 12 f. Any other issues the council deems necessary, including
3 13 but not limited to computer and internet sex-related crimes,
3 14 sex offender case management, best practices for sex offender
3 15 supervision, the sex offender registry, and the effectiveness
3 16 of safety zones.
3 17 4. The council shall submit a report, beginning January
3 18 15, 2009, and every year thereafter by January 15, to the
3 19 governor and general assembly regarding actions taken, issues
3 20 studied, and council recommendations.
3 21 5. Members of the council shall receive actual and
3 22 necessary expenses incurred while attending any meeting of the
3 23 council and may also be eligible to receive compensation as
3 24 provided in section 7E.6. All expense moneys paid to the
3 25 nonlegislative members shall be paid from funds appropriated
3 26 to the division. Legislative members shall receive
3 27 compensation as provided in sections 2.10 and 2.12.
3 28 6. Vacancies shall be filled by the original appointing
3 29 authority in the manner of the original appointments.
3 30 Sec. 6. 2005 Iowa Acts, chapter 158, section 52, is
3 31 repealed.

3 32 EXPLANATION

3 33 This bill relates to the division of criminal and juvenile
3 34 justice and planning of the department of human rights by
3 35 making changes to the membership of the council, permitting



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 23, 2008

Senate File 2036 - Introduced continued

4 1 access to the records of the department of workforce
4 2 development, and modifying the sex offender treatment and
4 3 supervision task force.
4 4 Under the bill, the governor's office of drug control is
4 5 granted authority to appoint a representative to serve on the
4 6 criminal and juvenile justice planning advisory council.
4 7 If not prohibited by any other state or federal law, the
4 8 bill gives the division of criminal and juvenile justice
4 9 planning access to the department of workforce development
4 10 records for the purpose of research and evaluation.
4 11 The bill repeals the sex offender treatment and supervision
4 12 task force established by the division of criminal and
4 13 juvenile justice planning pursuant to H.F. 619 during the 2005
4 14 legislative session, and establishes a new permanent sex
4 15 offender research council within the division. The new
4 16 council shall study the cost and effectiveness of special
4 17 sentences established under Code chapter 903B, risk assessment
4 18 models created for sex offenders, determining the best
4 19 treatment options for sex offenders, and the efforts by other
4 20 states to prevent sexual abuse, and other issues.
4 21 The bill provides that members of the council shall be
4 22 reimbursed for their actual and necessary expenses while
4 23 attending meetings of the council, and that expense moneys
4 24 shall be paid from the funds appropriated to the division of
4 25 criminal and juvenile justice planning. Legislative members
4 26 on the council shall receive payment as provided in Code
4 27 sections 2.10 and 2.12.
4 28 LSB 5175SV 82
4 29 jm/rj/8



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 23, 2008

Senate File 2037 - Introduced

SENATE FILE

BY BOLKCOM, KREIMAN, DANIELSON,
DOTZLER, DVORSKY, HORN,
HANCOCK, DEARDEN, QUIRMBACH,
APPEL, COURTNEY, GRONSTAL,
KIBBIE, and HATCH

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

Passed House, Date _____
Vote: Ayes _____ Nays _____

A BILL FOR

- 1 An Act relating to disclosures of information by health care
- 2 workers and providing penalties.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 5767XS 82
- 5 ec/nh/5



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 23, 2008

Senate File 2037 - Introduced continued

PAG LIN

1 1 Section 1. NEW SECTION. 147.105 PATIENT PROTECTION ==
1 2 HEALTH CARE WORKERS == REPORT OF ADVERSE EVENTS.
1 3 1. DEFINITIONS. As used in this section, unless the
1 4 context otherwise requires:
1 5 a. "Direct care worker" means a trained and supervised
1 6 individual who provides services, care, and emotional support
1 7 to patients and health care recipients.
1 8 b. "Established guidelines for certified individuals and
1 9 direct care workers" includes written protocols and procedures
1 10 as defined by the department for direct care workers,
1 11 emergency medical care providers as defined in chapter 147A,
1 12 and substance abuse counselors as certified by the Iowa board
1 13 of certification.
1 14 c. "Health care worker" means any individual employed by
1 15 or under contract with a hospital, health care provider, or
1 16 health care agency to provide health care services.
1 17 d. "Professional standards of care" means authoritative
1 18 statements that describe a level of care or performance common
1 19 to the profession by which the quality of professional
1 20 practice can be judged and which reflect the values and
1 21 priorities of the profession.
1 22 2. A health care worker, who reasonably believes a
1 23 particular practice the health care worker has observed
1 24 occurring at the health care worker's place of employment,
1 25 based on the health care worker's professional standards of
1 26 care, professional code of ethics, or established guidelines
1 27 for certified individuals and direct care workers, is a
1 28 material violation of health and safety laws or a breach of
1 29 public safety that may lead to harm to patients, consumers, or
1 30 citizens, may report the information relating to the violation
1 31 or breach within fourteen days of its occurrence to the health
1 32 care worker's supervisor, employer, or member of management or
1 33 administration, in order that investigation can be undertaken
1 34 and corrective action be initiated. The health care worker
1 35 shall be protected against reprisals or retaliatory or



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 23, 2008**

Senate File 2037 - Introduced continued

2 1 punitive action by the individual or institution receiving
2 2 such a report.
2 3 3. If after fourteen days following report of a material
2 4 violation or breach pursuant to subsection 2, the health care
2 5 worker continues to see the particular practice occurring in
2 6 the workplace giving rise to the report, the health care
2 7 worker may disclose information to the appropriate licensing
2 8 board, the department, the department of inspections and
2 9 appeals, the department of human services, the Iowa healthcare
2 10 collaborative, the division of insurance in the department of
2 11 commerce, a member or employee of the general assembly, the
2 12 attorney general, a state=mandated health information
2 13 collection agency, any other public official or law
2 14 enforcement agency, federal government agency or program, the
2 15 governing board of the health care worker's employer or
2 16 institution, or the health care worker's professional
2 17 association, and shall be protected against reprisals or
2 18 retaliatory or punitive actions by the individual or employing
2 19 health care entity if disclosure of the information is not
2 20 otherwise prohibited by statute and if the information meets
2 21 any of the following requirements:
2 22 a. Constitutes state=mandated health data required to be
2 23 submitted to state agencies.
2 24 b. Informs state agencies or entities of violations of
2 25 state health, safety, occupational health, licensure, or
2 26 insurance laws.
2 27 c. Is reasonably believed by the health care worker to be
2 28 a material violation of health and safety laws or a breach of
2 29 public safety that may lead to a significant probability of
2 30 harm to patients or health care recipients, based upon the
2 31 health care worker's professional standards of care,
2 32 professional code of ethics, or established guidelines for
2 33 certified individuals and direct care workers.
2 34 A health care worker making a disclosure which violates any
2 35 provision of the federal Health Insurance Portability and



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 23, 2008**

Senate File 2037 - Introduced continued

3 1 Accountability Act, Pub. L. No. 104=191, shall not be entitled
3 2 to protection pursuant to this section nor entitled to civil
3 3 remedies which might otherwise be available pursuant to
3 4 subsection 6 or 7.

3 5 4. A health care worker disclosing in good faith the
3 6 information described in subsection 2 or 3 shall be presumed
3 7 to have established a prima facie case showing a violation of
3 8 subsection 2 or 3 by the health care worker's employer if the
3 9 individual or institution employing the health care worker
3 10 knows or has reason to know of the disclosure, and if
3 11 subsequent to and as a result of the disclosure, one or more
3 12 of the following actions were initiated by the employer:

3 13 a. Discharge of the health care worker from employment.

3 14 b. Failure by the employer to take action regarding a
3 15 health care worker's appointment to, promotion or proposed
3 16 promotion to, or receipt of any advantage or benefit in the
3 17 health care worker's position of employment.

3 18 c. Any adverse change to the health care worker's terms or
3 19 conditions of employment or any administrative, civil, or
3 20 criminal action or other effort that diminished the
3 21 professional competence, reputation, stature, or marketability
3 22 of the health care worker.

3 23 An employer shall have the burden of proof regarding any
3 24 attempt to show that actions taken pursuant to this subsection
3 25 were for a legitimate business purpose or were required by law
3 26 or administrative rule, which if proven is a complete defense.

3 27 5. If an individual or institution employing a health care
3 28 worker is determined to have violated state health, safety, or
3 29 occupational health and health licensure laws or regulations,
3 30 or professional standards of care, professional code of
3 31 ethics, or established guidelines for certified individuals
3 32 and direct care workers, after a disclosure pursuant to
3 33 subsection 2 or 3 results in an action as described in
3 34 subsection 4, such a determination shall create a presumption
3 35 of retaliation or reprisal against the health care worker in



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 23, 2008

Senate File 2037 - Introduced continued

4 1 violation of this section. Disclosure of a reasonable belief
4 2 that violations of health and safety laws or breaches of
4 3 public safety have occurred that have caused or have a
4 4 potential to cause harm to patients and health care recipients
4 5 shall immediately trigger the protection afforded by this
4 6 section.

4 7 6. A person who violates this section is subject to a
4 8 civil action as follows:

4 9 a. A person who violates this section is liable to an
4 10 aggrieved health care worker for affirmative relief.

4 11 b. A person or entity who prevails in a civil action based
4 12 on this section is entitled to equitable relief the court
4 13 deems appropriate, including attorney fees and costs and
4 14 punitive or exemplary damages.

4 15 c. When a person commits, is committing, or proposes to
4 16 commit an act in violation of this section, an injunction may
4 17 be granted through an action in district court to prohibit the
4 18 person from continuing such acts. The action for injunctive
4 19 relief may be brought by an aggrieved health care worker or by
4 20 the county attorney.

4 21 d. A civil action brought pursuant to this subsection
4 22 shall be filed within six months from the date of the alleged
4 23 violation.

4 24 7. a. In addition to any other penalties applicable to a
4 25 person who violates this section, an individual, institution,
4 26 or organization employing a person who violates this section
4 27 shall be subject to a civil penalty in the amount of one
4 28 thousand dollars per violation.

4 29 b. A health care worker found to bring a frivolous,
4 30 malicious, or nuisance cause of action against a health care
4 31 employer under this section shall be subject to a civil
4 32 penalty in the amount of one thousand dollars per violation
4 33 and up to four thousand dollars of reasonable attorney fees.

4 34 EXPLANATION

4 35 This bill creates new Code section 147.105 to provide



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 23, 2008**

Senate File 2037 - Introduced continued

5 1 protection for health care workers against retaliation or
5 2 reprisals resulting from the disclosure of certain
5 3 information.
5 4 The new Code section provides that a health care worker who
5 5 discloses information to a state or federal board, department,
5 6 or agency, including the attorney general and law enforcement
5 7 personnel, as described in the bill, after 14 days have
5 8 transpired following a report to the employer and opportunity
5 9 to take corrective action has transpired on the part of the
5 10 individual or institution which employs the health care worker
5 11 and which is the subject of the disclosure, shall be protected
5 12 against reprisals or retaliatory or punitive actions by the
5 13 employer if disclosure of the information is not otherwise
5 14 prohibited by statute. The bill provides that for this
5 15 provision to apply, the information disclosed must constitute
5 16 state-mandated health data required to be submitted to a state
5 17 agency, or inform a state agency or entity of a violation of
5 18 state health, safety, occupational health, licensure, and
5 19 insurance laws, or is reasonably believed by the health care
5 20 worker to be a violation of health and safety laws or a breach
5 21 of public safety that may lead to harm to patients or health
5 22 care recipients, based upon the health care worker's
5 23 professional standards of care, professional code of ethics,
5 24 or established guidelines for health care workers. The bill
5 25 provides that this provision shall not be applicable to a
5 26 disclosure which constitutes a violation of the federal Health
5 27 Insurance Portability and Accountability Act.
5 28 The new Code section provides that a health care worker
5 29 disclosing in good faith this information shall be presumed to
5 30 have established a prima facie case if the employer knows or
5 31 has reason to know of the disclosure, and if following and as
5 32 a result of the disclosure the health care worker was
5 33 discharged from employment, or there was a failure by the
5 34 employer to take action regarding a health care worker's
5 35 appointment or promotion, or any adverse change to the health



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 23, 2008**

Senate File 2037 - Introduced continued

6 1 care worker's terms or conditions of employment as well as any
6 2 administrative, civil, or criminal action or other effort that
6 3 diminishes the professional competence, reputation, stature,
6 4 or marketability of the health care worker. The bill provides
6 5 that the employer shall have the burden of proof regarding any
6 6 attempt to show that these actions were undertaken for a
6 7 legitimate business purpose.

6 8 The new Code section provides that if an employer is
6 9 determined to have violated state health, safety, or
6 10 occupational health or health licensure laws or regulations,
6 11 or professional standards of care or a professional code of
6 12 ethics, or certain guidelines, after a disclosure by a health
6 13 care worker resulting in an action taken against the worker as
6 14 described in the bill, this creates a presumption of
6 15 retaliation or reprisal. The bill provides that violations of
6 16 health and safety laws or breaches of public safety that have
6 17 caused or have a potential to cause harm to patients and
6 18 health care recipients immediately trigger protection.

6 19 The new Code section provides that violations may be
6 20 grounds for a civil action. The bill provides that in such an
6 21 action, an employer may be liable to an aggrieved health care
6 22 worker for affirmative relief, and other equitable relief the
6 23 court deems appropriate, including attorney fees and costs and
6 24 punitive or exemplary damages. The bill also provides for
6 25 injunctive relief. The bill provides that in addition to
6 26 other penalties, an individual, institution, or organization
6 27 employing a person found to be in violation of the bill's
6 28 provisions shall be subject to a civil penalty in the amount
6 29 of \$1,000 per violation. In addition, the bill provides that
6 30 a health care worker found to have brought a frivolous claim
6 31 under this new Code section is subject to a civil penalty of
6 32 up to \$1,000 per violation and up to \$4,000 of reasonable
6 33 attorney fees.

6 34 LSB 5767XS 82

6 35 ec/nh/5



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 23, 2008

Senate File 2038 - Introduced

SENATE FILE

BY RIELLY, RAGAN, BEALL,
DANIELSON, OLIVE, STEWART,
DOTZLER, and HATCH

Passed Senate, Date _____

Passed House, Date _____

Vote: Ayes _____ Nays _____

Vote: Ayes _____ Nays _____

Approved

A BILL FOR

- 1 An Act increasing the total aggregate amount of tax credits
- 2 available for business investment and contributions to seed
- 3 capital funds.
- 4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 5 TLSB 5786SS 82
- 6 tw/rj/8



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 23, 2008

Senate File 2038 - Introduced continued

PAG LIN

1 1 Section 1. Section 15E.43, subsection 4, Code Supplement
1 2 2007, is amended to read as follows:
1 3 4. The aggregate amount of tax credits issued pursuant to
1 4 this division shall not exceed a total of ~~ten~~ thirteen million
1 5 dollars. The total amount of tax credits issued during the
1 6 fiscal year beginning July 1, 2002, shall not exceed three
1 7 million dollars. The total amount of tax credits issued
1 8 during the fiscal year beginning July 1, 2003, shall not
1 9 exceed three million dollars. The total amount of tax credits
1 10 issued during the fiscal year beginning July 1, 2004, shall
1 11 not exceed four million dollars. The total amount of tax
1 12 credits issued during the fiscal year beginning July 1, 2008,
1 13 shall not exceed three million dollars. Any amount of the
1 14 maximum aggregate limit of tax credits that have not been
1 15 issued by June 30, ~~2005~~ 2009, may be issued in any subsequent
1 16 fiscal year. Not more than three million dollars of tax
1 17 credits may be issued in any one subsequent fiscal year.

1 18 EXPLANATION

1 19 This bill increases the current limitation on the total
1 20 aggregate amount of investment tax credits for seed capital
1 21 and business investments from \$10 million to \$13 million and
1 22 provides that any unclaimed credits may be used in subsequent
1 23 fiscal years.
1 24 LSB 5786SS 82
1 25 tw/rj/8



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 23, 2008

Senate File 2039 - Introduced

SENATE FILE
BY ANGELO

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

A BILL FOR

- 1 An Act relating to the sale of certain seized rifles and shotguns
- 2 by county law enforcement agencies at a public auction.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 5088XS 82
- 5 rh/nh/5



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 23, 2008

Senate File 2039 - Introduced continued

PAG LIN

1 1 Section 1. Section 809.21, Code 2007, is amended to read
1 2 as follows:
1 3 809.21 SALE OF CERTAIN AMMUNITION AND FIREARMS.
1 4 1. Ammunition Except as provided in subsection 2,
1 5 ammunition and firearms which are not illegal and which are
1 6 not offensive weapons as defined by section 724.1 may be sold
1 7 by the department of public safety at public auction. The
1 8 department of public safety may sell at public auction
1 9 forfeited legal weapons received from the director of the
1 10 department of natural resources, except that rifles and
~~1 11 shotguns shall be retained by the department of natural~~
~~1 12 resources for disposal according to its rules.~~
1 13 2. Rifles and shotguns which are not illegal and which are
1 14 not offensive weapons as defined by section 724.1 may be sold
1 15 by the county law enforcement agency seizing such rifles or
1 16 shotguns at public auction.
1 17 3. The sale of ammunition or firearms pursuant to this
1 18 section shall be made only to federally licensed firearms
1 19 dealers or to persons who have a permit to purchase the
1 20 firearms. Persons who have not obtained a permit may bid on
1 21 firearms at the public auction. However, persons who bid
1 22 without a permit must post a fifty percent of purchase price
1 23 deposit with the commissioner of public safety, or the county
1 24 law enforcement agency, as applicable, on any winning bid. No
1 25 transfer of firearms may be made to a person bidding without a
1 26 permit until such time as the person has obtained a permit.
1 27 If the person is unable to produce a permit within two weeks
1 28 from the date of the auction, the person shall forfeit the
1 29 fifty percent deposit to the department of public safety, or
1 30 the county law enforcement agency, as applicable.
1 31 4. a. All proceeds of a public auction held pursuant to
1 32 this section subsection 1, less department expenses reasonably
1 33 incurred, shall be deposited in the general fund of the state.
1 34 The department of public safety shall be reimbursed from the
1 35 proceeds for the reasonable expenses incurred in selling the



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 23, 2008

Senate File 2039 - Introduced continued

2 1 property at the auction.
2 2 b. All proceeds of a public auction held pursuant to
2 3 subsection 2, less expenses reasonably incurred, shall be
2 4 retained by the appropriate county treasurer for deposit in
2 5 the general fund of the county.

2 6 EXPLANATION

2 7 This bill relates to the sale of certain seized rifles and
2 8 shotguns by county law enforcement agencies at a public
2 9 auction.

2 10 The bill provides that rifles and shotguns which are not
2 11 illegal and which are not offensive weapons as defined by Code
2 12 section 724.1 may be sold by the county law enforcement agency
2 13 seizing such rifles or shotguns. All proceeds of such a
2 14 public auction shall be retained by the appropriate county
2 15 treasurer for deposit in the general fund of the county.

2 16 LSB 5088XS 82

2 17 rh/nh/5



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 23, 2008

Senate File 2040 - Introduced

SENATE FILE
BY NOBLE

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

A BILL FOR

1 An Act relating to a property assessment adjustment for certain
2 elderly persons, providing a penalty, and including
3 retroactive applicability date provisions.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
5 TLSB 5163XS 82
6 sc/rj/5



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 23, 2008

Senate File 2040 - Introduced continued

PAG LIN

1 1 Section 1. NEW SECTION. 424A.1 HOMESTEAD ASSESSED VALUE
1 2 ADJUSTMENT == PURPOSE.
1 3 Persons who own their homesteads and who meet the
1 4 qualifications provided in this chapter are eligible for an
1 5 adjustment in the assessed value of their homesteads, as
1 6 provided in this chapter, to prevent an increase in such
1 7 values.
1 8 Sec. 2. NEW SECTION. 424A.2 DEFINITIONS.
1 9 As used in this chapter, unless the context otherwise
1 10 requires:
1 11 1. "Assessed value" means the actual value prior to any
1 12 adjustment pursuant to section 441.21, subsection 4.
1 13 2. "Base assessment year" means the assessment year
1 14 beginning in the base year.
1 15 3. "Base year" means the calendar year last ending before
1 16 the claim is filed.
1 17 4. "Claimant" means a person filing a claim for adjustment
1 18 under this chapter who has attained the age of sixty-five
1 19 years on or before December 31 of the base year and is
1 20 domiciled in this state at the time the claim is filed or at
1 21 the time of the person's death in the case of a claim filed by
1 22 the executor or administrator of the claimant's estate.
1 23 5. "Homestead" means the dwelling owned and actually used
1 24 as a home by the claimant during any part of the fiscal year
1 25 beginning July 1 of the base year, and so much of the land
1 26 surrounding it including one or more contiguous lots or tracts
1 27 of land, as is reasonably necessary for use of the dwelling as
1 28 a home, and may consist of a part of a multidwelling or
1 29 multipurpose building and a part of the land upon which it is
1 30 built. It does not include personal property except that a
1 31 manufactured or mobile home may be a homestead. Any dwelling
1 32 or a part of a multidwelling or multipurpose building which is
1 33 exempt from taxation does not qualify as a homestead under
1 34 this chapter. A homestead must be located in this state.
1 35 When a person is confined in a nursing home, extended-care



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 23, 2008

Senate File 2040 - Introduced continued

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

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

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

2 10 Sec. 3. NEW SECTION. 424A.3 RIGHT TO FILE A CLAIM.

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

2 18 Sec. 4. NEW SECTION. 424A.4 CLAIM FOR ADJUSTMENT.

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

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

2 34 Sec. 5. NEW SECTION. 424A.5 QUALIFICATION AND ADJUSTMENT

2 35 == MAXIMUM TAX DOLLARS LEVIED.



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 23, 2008

Senate File 2040 - Introduced continued

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

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

3 15 Sec. 6. NEW SECTION. 424A.6 ADMINISTRATION.

3 16 The director of revenue shall make available suitable forms
3 17 for claiming an assessed value adjustment with instructions
3 18 for claimants. Each assessor and county treasurer shall make
3 19 available the forms and instructions. The claim shall be in a
3 20 form as the director may prescribe.

3 21 Sec. 7. NEW SECTION. 424A.7 PROOF OF CLAIM.

3 22 Every claimant shall give the department of revenue, in
3 23 support of the claim, reasonable proof of:

- 3 24 1. Age.
- 3 25 2. Changes of homestead.
- 3 26 3. Household membership.
- 3 27 4. Household income.
- 3 28 5. Size and nature of the property claimed as the
3 29 homestead.

3 30 The director of revenue may require any additional proof
3 31 necessary to support a claim.

3 32 Sec. 8. NEW SECTION. 424A.8 AUDIT == DENIAL.

3 33 If on the audit of a claim for adjustment under this
3 34 chapter, the director of revenue determines the claim is not
3 35 allowable, the director shall notify the claimant of the



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 23, 2008**

Senate File 2040 - Introduced continued

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

4 10 Sec. 9. NEW SECTION. 424A.9 WAIVER OF CONFIDENTIALITY.

4 11 A claimant shall expressly waive any right to
4 12 confidentiality relating to all income tax information
4 13 obtainable through the department of revenue, including all
4 14 information covered by sections 422.20 and 422.72. This
4 15 waiver shall apply to information available to the county
4 16 assessor who shall hold the information confidential except
4 17 that it may be used as evidence to disallow the assessed value
4 18 adjustment.

4 19 The department of revenue may release information
4 20 pertaining to a person's eligibility or claim for or receipt
4 21 of the assessed value adjustment to an employee of the
4 22 department of inspections and appeals in the employee's
4 23 official conduct of an audit or investigation.

4 24 Sec. 10. NEW SECTION. 424A.10 FALSE CLAIM == PENALTY.

4 25 A person who makes a false affidavit for the purpose of
4 26 obtaining an adjustment in assessed value provided for in this
4 27 chapter or who knowingly receives the adjustment without being
4 28 legally entitled to it or makes claim for the adjustment in
4 29 more than one county in the state without being legally
4 30 entitled to it is guilty of a fraudulent practice. The claim
4 31 for adjustment shall be disallowed in full and property tax
4 32 shall be levied on the disallowed adjustment at the rate that
4 33 would have been levied but for the adjustment. The director
4 34 of revenue shall send a notice of disallowance of the claim.

4 35 Sec. 11. NEW SECTION. 424A.11 STATUTES APPLICABLE.



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 23, 2008

Senate File 2040 - Introduced continued

5 1 To the extent not otherwise contrary, the provisions of
5 2 sections 425.30, 425.31, 425.32, and 425.37 apply to this
5 3 chapter.

5 4 Sec. 12. STATE FUNDING OF TAX CREDITS AND EXEMPTIONS ==
5 5 INAPPLICABILITY. The provisions in section 25B.7, relating to
5 6 the obligation of the state to reimburse local jurisdictions
5 7 for property tax credits and exemptions, do not apply to
5 8 chapter 424A, as enacted in this Act.

5 9 Sec. 13. APPLICABILITY DATES. This Act applies
5 10 retroactively to January 1, 2008, for assessment years
5 11 beginning on or after that date and to the filing of claims on
5 12 or after January 1, 2009, for adjustments of assessed values.

5 13 EXPLANATION

5 14 This bill provides for an adjustment (freeze) in the
5 15 assessed value of a homestead if the owner is a person who is
5 16 65 or older and whose household income is \$25,000 or less. If
5 17 those qualifications are met, the assessed value of the
5 18 homestead upon which property taxes are levied in a fiscal
5 19 year is the same assessed value as for the previous fiscal
5 20 year. Assessed value is that value prior to any rollback
5 21 being applied.

5 22 The bill provides that the provision in Code section 25B.7
5 23 that requires the state to fund reimbursement for property tax
5 24 credits and exemptions does not apply to the adjustment in
5 25 value provided for in the bill.

5 26 The bill applies retroactively to January 1, 2008, for
5 27 assessment years beginning on or after that date and applies
5 28 to claims filed on or after January 1, 2009, for the
5 29 adjustments.

5 30 LSB 5163XS 82

5 31 sc/rj/5



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 23, 2008

Senate File 2041 - Introduced

SENATE FILE
BY HECKROTH

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

A BILL FOR

1 An Act appropriating moneys to partially reimburse commissioners
2 of soil and water conservation districts for administrative
3 expenses.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
5 TLSB 5863SS 82
6 da/nh/5



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 23, 2008**

Senate File 2041 - Introduced continued

PAG LIN

1 1 Section 1. APPROPRIATION == SOIL AND WATER CONSERVATION
 1 2 DISTRICTS. There is appropriated from the general fund of the
 1 3 state to the department of agriculture and land stewardship
 1 4 for the fiscal year beginning July 1, 2008, and ending June
 1 5 30, 2009, the following amount, or so much thereof as is
 1 6 necessary, to be used for the purposes designated:
 1 7 For purposes of providing a partial reimbursement to
 1 8 commissioners of soil and water conservation districts for
 1 9 administrative expenses incurred when performing their duties,
 1 10 including but not limited to travel expenses, technical
 1 11 training, and professional dues:
 1 12 \$ 325,000
 1 13 EXPLANATION
 1 14 This bill appropriates \$325,000 from the general fund of
 1 15 the state to the department of agriculture and land
 1 16 stewardship for FY 2008=2009 in order to partially reimburse
 1 17 commissioners of soil and water conservation districts for
 1 18 their administrative expenses.
 1 19 There are 100 soil and water conservation districts in the
 1 20 state.
 1 21 LSB 5863SS 82
 1 22 da/nh/5.1



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 23, 2008

Senate File 2042 - Introduced

SENATE FILE
BY HECKROTH

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

A BILL FOR

- 1 An Act requiring the use of headlights when a motor vehicle's
- 2 windshield wipers are in use and making a penalty applicable.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 5892SS 82
- 5 dea/nh/14



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 23, 2008**

Senate File 2042 - Introduced continued

PAG LIN

1 1 Section 1. Section 321.384, Code 2007, is amended to read
 1 2 as follows:
 1 3 321.384 WHEN LIGHTED LAMPS REQUIRED.
 1 4 1. ~~Every~~ A motor vehicle operated upon a highway within
 1 5 ~~the state, shall display lighted head lamps as provided in~~
 1 6 ~~section 321.415 at any time from sunset to sunrise, at any~~
 1 7 ~~time the motor vehicle's windshield wipers are in continuous~~
 1 8 ~~operation, and at such other times when conditions such as~~
 1 9 ~~fog, snow, sleet, or rain provide insufficient lighting to~~
 1 10 ~~render clearly discernible persons and vehicles on the highway~~
 1 11 ~~at a distance of five hundred feet ahead, shall display~~
 1 12 ~~lighted head lamps as provided in section 321.415, subject to~~
 1 13 ~~exceptions under this chapter with respect to parked vehicles~~
 1 14 ~~as hereinafter stated.~~

1 15 2. ~~Whenever~~ A requirement is hereinafter declared as to
 1 16 regarding the distance from which certain lamps and devices
 1 17 shall render objects visible or within which such lamps or
 1 18 devices shall be visible, ~~said provisions~~ shall apply during
 1 19 the times stated in subsection 1 ~~of this section upon~~ on a
 1 20 straight, level, unlighted highway under normal atmospheric
 1 21 conditions unless a different time or condition is expressly
 1 22 stated.

EXPLANATION

1 23
 1 24 This bill amends Code section 321.384 by requiring a motor
 1 25 vehicle to display lighted head lamps at any time when the
 1 26 vehicle's wipers are in continuous operation. Due to current
 1 27 Code references to Code section 321.384, the bill also
 1 28 requires, where applicable, the use of certain lights on other
 1 29 types of vehicles while the vehicle's wipers are in operation.
 1 30 A violation of these provisions is a simple misdemeanor
 1 31 punishable by a scheduled fine of \$20 under Code section
 1 32 805.8A.
 1 33 LSB 5892SS 82
 1 34 dea/nh/14



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 23, 2008

Senate File 2043 - Introduced

SENATE FILE
BY HANCOCK

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

A BILL FOR

- 1 An Act relating to consuming and possessing alcohol, and
- 2 providing penalties.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 5046XS 82
- 5 jm/nh/8



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 23, 2008

Senate File 2043 - Introduced continued

PAG LIN

1 1 Section 1. NEW SECTION. 123.47A REFUSAL TO SUBMIT TO
1 2 TEST == NOTIFICATION == CIVIL FINE.
1 3 1. A peace officer who has reasonable grounds to believe a
1 4 person under legal age has violated section 123.47 may request
1 5 that the person under legal age provide a sample of the
1 6 person's breath for a preliminary screening test using a
1 7 device approved by the commissioner of public safety.
1 8 2. If the person under legal age is eighteen years of age
1 9 or older and refuses the request, the person shall be issued a
1 10 citation and is subject to a civil penalty pursuant to section
1 11 805.8C, subsection 7, paragraph "b".
1 12 3. If the person under legal age is under eighteen years
1 13 of age and refuses the request, the person shall be issued a
1 14 citation and is subject to a civil penalty pursuant to section
1 15 805.8C, subsection 7, paragraph "c".
1 16 4. A person under legal age who is under eighteen years of
1 17 age shall not be referred to juvenile court based solely upon
1 18 the refusal of the request.
1 19 5. A peace officer issuing a citation to a person under
1 20 the age of eighteen for refusing a request shall notify the
1 21 person's custodial parent or legal guardian of the refusal,
1 22 unless the officer has reasonable grounds to believe that such
1 23 notification is not in the best interests of the person or
1 24 will endanger that person.
1 25 6. The results of the preliminary screening test or
1 26 refusal to submit to such a test shall be admissible in any
1 27 proceeding under this section or section 123.47.
1 28 7. A person who has been requested to submit to a
1 29 preliminary screening test under this section shall be advised
1 30 by a peace officer of the following:
1 31 a. The test results or a refusal to submit to such a test
1 32 may be used as evidence in any civil, criminal, or juvenile
1 33 proceeding.
1 34 b. Refusal of a test may also result in the assessment of
1 35 a civil penalty.



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 23, 2008

Senate File 2043 - Introduced continued

2 1 Sec. 2. Section 321J.2B, Code 2007, is amended by adding
2 2 the following new subsection:
2 3 NEW SUBSECTION. 3. The peace officer shall also make a
2 4 reasonable effort to identify any person under the age of
2 5 eighteen who is a passenger in a motor vehicle operated by a
2 6 person who violates section 321J.2 or 321J.2A, and shall make
2 7 a reasonable attempt to notify the passenger's custodial
2 8 parent or legal guardian of the operator's violation, unless
2 9 the officer has reasonable grounds to believe that
2 10 notification is not in the best interests of the passenger or
2 11 will endanger the passenger.

2 12 Sec. 3. Section 321J.5, subsection 2, Code 2007, is
2 13 amended to read as follows:

2 14 2. The results of this preliminary screening test may be
2 15 used for the purpose of deciding whether an arrest should be
2 16 made or whether to request a chemical test authorized in this
2 17 chapter, but shall not be used in any ~~court action~~ proceeding
2 18 under this chapter except to prove that a chemical test was
2 19 properly requested of a person pursuant to this chapter.

2 20 Sec. 4. Section 321J.5, Code 2007, is amended by adding
2 21 the following new subsection:

2 22 NEW SUBSECTION. 3. This section shall not be construed to
2 23 prohibit or limit the use of the results of a preliminary
2 24 screening test or the refusal of such test in any proceeding
2 25 conducted pursuant to section 123.46, 123.47, 123.47A, or
2 26 123.49.

2 27 Sec. 5. Section 462A.14A, subsection 2, paragraph b, Code
2 28 Supplement 2007, is amended to read as follows:

2 29 b. The results of this preliminary screening test may be
2 30 used for the purpose of deciding whether an arrest should be
2 31 made or whether to request a chemical test authorized in this
2 32 chapter, but shall not be used in any ~~court action~~ proceeding
2 33 under this chapter except to prove that a chemical test was
2 34 properly requested of a person pursuant to this section. This
2 35 paragraph shall not be construed to prohibit or limit the use



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 23, 2008

Senate File 2043 - Introduced continued

3 1 of the results of a preliminary screening test in any
3 2 proceeding conducted pursuant to section 123.46, 123.47,
3 3 123.47A, or 123.49.
3 4 Sec. 6. Section 602.8105, Code Supplement 2007, is amended
3 5 by adding the following new subsection:
3 6 NEW SUBSECTION. 5. The clerk of the district court shall
3 7 collect a civil penalty assessed against a person for refusing
3 8 a preliminary screening test under section 123.47A. Any
3 9 moneys collected from the civil penalty shall be remitted to
3 10 the general fund of the jurisdiction that brought the
3 11 enforcement action.
3 12 Sec. 7. Section 805.8C, subsection 7, Code Supplement
3 13 2007, is amended to read as follows:
3 14 7. ALCOHOLIC BEVERAGE VIOLATIONS BY PERSONS UNDER LEGAL
3 15 AGE.
3 16 a. For first offense violations of section 123.47,
3 17 subsection 3, the scheduled fine is two hundred dollars.
3 18 b. For violations of section 123.47A, subsection 2, a
3 19 civil penalty of one hundred dollars shall be imposed, the
3 20 criminal penalty surcharge under section 911.1 shall not be
3 21 added to the penalty, and the court costs pursuant to section
3 22 805.9, subsection 6, shall not be imposed. If the civil
3 23 penalty assessed for a violation of section 123.47A,
3 24 subsection 2, is not paid in a timely manner, a citation shall
3 25 be issued for the violation in the manner provided in section
3 26 804.1. The complainant shall not be charged a filing fee.
3 27 c. For violations of section 123.47A, subsection 3, a
3 28 civil penalty of fifty dollars shall be imposed, the criminal
3 29 penalty surcharge under section 911.1 shall not be added to
3 30 the penalty, and the court costs pursuant to section 805.9,
3 31 subsection 6, shall not be imposed. If the civil penalty
3 32 assessed for a violation of section 123.47A, subsection 3, is
3 33 not paid in a timely manner, a citation shall be issued for
3 34 the violation in the manner provided in section 804.1.
3 35 However, a person under age eighteen shall not be detained in



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 23, 2008

Senate File 2043 - Introduced continued

4 1 a secure facility for failure to pay the civil penalty. The
4 2 complainant shall not be charged a filing fee.

4 3 EXPLANATION

4 4 This bill relates to the consumption and possession of
4 5 alcohol, and provides penalties.

4 6 The bill provides that a peace officer who has reasonable
4 7 grounds to believe a person under legal age has possessed
4 8 alcohol may request the person under legal age to submit a
4 9 sample of the person's breath for a preliminary screening test
4 10 to determine if the person possessed alcohol in violation of
4 11 Code section 123.47. The bill provides that the results of
4 12 the preliminary screening test or the refusal to submit to
4 13 such a test shall also be admissible in any civil, criminal,
4 14 or juvenile proceeding relating to the possession of alcohol.
4 15 However, a refusal to submit to such a test shall not be the
4 16 sole reason for referring a case to juvenile court.

4 17 Under the bill, if a person under legal age is 18 years of
4 18 age or older and refuses the request to submit a sample of the
4 19 person's breath, the person shall be issued a civil citation
4 20 with a fine of \$100. If the person under legal age is under
4 21 18 years of age and refuses the request to submit a sample of
4 22 the person's breath, the person shall be issued a civil
4 23 citation with a fine of \$50. An arrest warrant may be issued
4 24 in the same manner as under Code section 804.1 for a person 18
4 25 years of age or older and who fails to pay the civil fine
4 26 assessed under the bill.

4 27 The clerk of the district court shall collect any civil
4 28 penalty assessed pursuant to the bill and shall distribute the
4 29 moneys to the general fund of the jurisdiction that brought
4 30 the enforcement action.

4 31 The bill requires the peace officer issuing a civil
4 32 citation to a person under the age of 18 to notify the
4 33 person's custodial parent or legal guardian of the refusal,
4 34 unless the notification will endanger the person or is not in
4 35 the person's best interests.



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 23, 2008**

Senate File 2043 - Introduced continued

5 1 The bill also provides that the results of the preliminary
5 2 screening test or the refusal of such a test is admissible in
5 3 any proceeding pursuant to Code sections 123.46 (consumption
5 4 or intoxication in public places), 123.47 (persons under legal
5 5 age), and 123.49 (miscellaneous prohibitions).
5 6 The bill also requires a peace officer to notify the
5 7 custodial parent or legal guardian of any person under the age
5 8 of 18 who is a passenger in a motor vehicle where an operator
5 9 under the legal age commits a violation of Code section 321J.2
5 10 (operating while intoxicated) or Code section 321J.2A (under
5 11 legal age operating .02), unless the notification will
5 12 endanger the person or it is not in the person's best
5 13 interests. Current law provides that a peace officer shall
5 14 notify the custodial parent or legal guardian of a person
5 15 under the age of 18 who violates Code section 321J.2 or
5 16 321J.2A, unless the notification will endanger the person or
5 17 it is not in the person's best interests.
5 18 LSB 5046XS 82
5 19 jm/nh/8.1



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 23, 2008

Senate File 2044 - Introduced

SENATE FILE
BY PUTNEY

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

Passed House, Date _____
Vote: Ayes _____ Nays _____

A BILL FOR

- 1 An Act relating to the calculation of registration fees for
- 2 certain motor trucks and providing effective and applicability
- 3 dates.
- 4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 5 TLSB 5821XS 82
- 6 dea/nh/5



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 23, 2008

Senate File 2044 - Introduced continued

PAG LIN

1 1 Section 1. Section 321.109, subsection 1, paragraph a,
1 2 Code 2007, is amended to read as follows:
1 3 a. The annual fee for all motor vehicles including
1 4 vehicles designated by manufacturers as station wagons, ~~and~~
1 5 1993 and subsequent model years for multipurpose vehicles, and
1 6 2010 and subsequent model year motor trucks with an unladen
1 7 weight of seven thousand five hundred pounds or less, except
1 8 motor trucks registered under section 321.122, special trucks,
1 9 motor homes, ambulances, hearses, motorcycles, motorized
1 10 bicycles, and 1992 and older model years for multipurpose
1 11 vehicles, shall be equal to one percent of the value as fixed
1 12 by the department plus forty cents for each one hundred pounds
1 13 or fraction thereof of weight of vehicle, as fixed by the
1 14 department. The weight of a motor vehicle, fixed by the
1 15 department for registration purposes, shall include the weight
1 16 of a battery, heater, bumpers, spare tire, and wheel.
1 17 Provided, however, that for any new vehicle purchased in this
1 18 state by a nonresident for removal to the nonresident's state
1 19 of residence the purchaser may make application to the county
1 20 treasurer in the county of purchase for a transit plate for
1 21 which a fee of ten dollars shall be paid. And provided,
1 22 however, that for any used vehicle held by a registered dealer
1 23 and not currently registered in this state, or for any vehicle
1 24 held by an individual and currently registered in this state,
1 25 when purchased in this state by a nonresident for removal to
1 26 the nonresident's state of residence, the purchaser may make
1 27 application to the county treasurer in the county of purchase
1 28 for a transit plate for which a fee of three dollars shall be
1 29 paid. The county treasurer shall issue a nontransferable
1 30 certificate of registration for which no refund shall be
1 31 allowed; and the transit plates shall be void thirty days
1 32 after issuance. Such purchaser may apply for a certificate of
1 33 title by surrendering the manufacturer's or importer's
1 34 certificate or certificate of title, duly assigned as provided
1 35 in this chapter. In this event, the treasurer in the county



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 23, 2008

Senate File 2044 - Introduced continued

2 1 of purchase shall, when satisfied with the genuineness and
2 2 regularity of the application, and upon payment of a fee of
2 3 ten dollars, issue a certificate of title in the name and
2 4 address of the nonresident purchaser delivering the title to
2 5 the owner. If there is a security interest noted on the
2 6 title, the county treasurer shall mail to the secured party an
2 7 acknowledgment of the notation of the security interest. The
2 8 county treasurer shall not release a security interest that
2 9 has been noted on a title issued to a nonresident purchaser as
2 10 provided in this paragraph. The application requirements of
2 11 section 321.20 apply to a title issued as provided in this
2 12 subsection, except that a natural person who applies for a
2 13 certificate of title shall provide either the person's social
2 14 security number, passport number, or driver's license number,
2 15 whether the license was issued by this state, another state,
2 16 or another country. The provisions of this subsection
2 17 relating to multipurpose vehicles are effective January 1,
2 18 1993, for all 1993 and subsequent model years. The annual
2 19 registration fee for multipurpose vehicles that are 1992 model
2 20 years and older shall be in accordance with section 321.124.

2 21 Sec. 2. Section 321.122, subsection 1, unnumbered
2 22 paragraph 1, Code 2007, is amended to read as follows:

2 23 The annual registration fee for truck tractors, road
2 24 tractors, and motor trucks, except 2010 and subsequent model
2 25 year motor trucks with an unladen weight of seven thousand
2 26 five hundred pounds or less and motor trucks registered as
2 27 special trucks, shall be based on the combined gross weight of
2 28 the vehicle or combination of vehicles. All such trucks,
2 29 truck tractors, or road tractors registered under this section
2 30 shall be registered for a gross weight equal to or in excess
2 31 of the unladen weight of the vehicle or combination of
2 32 vehicles. The annual registration ~~fee~~ fees for such vehicles
2 33 or combination of vehicles, except special trucks, ~~shall be~~
2 34 are as follows:

2 35 Sec. 3. Section 321.123, subsection 2, Code 2007, is



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 23, 2008

Senate File 2044 - Introduced continued

3 1 amended by adding the following new paragraph:

3 2 NEW PARAGRAPH. c. This subsection does not apply to motor
3 3 trucks registered under section 321.109.

3 4 Sec. 4. EFFECTIVE AND APPLICABILITY DATES. This Act takes
3 5 effect January 1, 2009, and applies to registrations of 2010
3 6 and subsequent model year motor trucks with an unladen weight
3 7 of seven thousand five hundred pounds or less.

3 8 EXPLANATION

3 9 This bill revises the method for calculating annual
3 10 registration fees for motor trucks with an unladen weight of
3 11 7,500 pounds or less. Currently, most such trucks are
3 12 registered based on combined gross weight for an annual fee of
3 13 \$65, which is reduced to \$55 when the vehicle is more than 10
3 14 model years old, \$45 when the vehicle is more than 13 model
3 15 years old, and \$35 when the vehicle is more than 15 model
3 16 years old.

3 17 The bill requires that 2010 and subsequent model year motor
3 18 trucks with an unladen weight of 7,500 pounds or less be
3 19 registered under the weight and value system that applies to
3 20 most passenger vehicles. Currently under that system,
3 21 registration fees are equal to 1 percent of the value of the
3 22 vehicle plus 40 cents for each 100 pounds of weight of the
3 23 vehicle. Registration fees based on weight and value are
3 24 automatically reduced according to the age of the vehicle
3 25 beginning when the vehicle is more than five model years old.

3 26 The bill takes effect January 1, 2009, and applies to
3 27 registrations of 2010 and subsequent model year motor trucks.
3 28 The bill does not alter the current flat fee schedule, which
3 29 will continue to apply to 2009 and previous model year trucks.

3 30 LSB 5821XS 82

3 31 dea/nh/5



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 23, 2008

Senate File 2045 - Introduced

SENATE FILE
BY PUTNEY

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

Passed House, Date _____
Vote: Ayes _____ Nays _____

A BILL FOR

- 1 An Act relating to early school starts and providing effective
- 2 dates.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 5820XS 82
- 5 kh/rj/5



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 23, 2008

Senate File 2045 - Introduced continued

PAG LIN

1 1 Section 1. Section 257.17, Code 2007, is amended to read
1 2 as follows:
1 3 257.17 AID REDUCTION FOR EARLY SCHOOL STARTS.
1 4 State aid payments made pursuant to section 257.16 for a
1 5 fiscal year shall be reduced by one one-hundred-eightieth for
1 6 each day of that fiscal year for which the school district
1 7 begins school before the earliest starting date specified in
1 8 section 279.10, subsection 1. However, this section does not
1 9 apply to a school district that has received approval for a
1 10 pilot program for an innovative school year from the director
~~1 11 of the department of education under section 279.10,~~
1 12 ~~subsection 4, to commence classes for regularly established~~
~~1 13 elementary and secondary schools in advance of the starting~~
~~1 14 date established in section 279.10, subsection 1 3.~~
1 15 Sec. 2. Section 279.10, subsection 1, Code 2007, is
1 16 amended to read as follows:
1 17 1. The school year shall begin on the first day of July
1 18 and each regularly established elementary and secondary school
1 19 shall begin no sooner than a day during the calendar week in
~~1 20 which the first day of September falls August 25 but no later~~
1 21 than the first Monday in December unless the school district
1 22 has received approval from the department of education for a
1 23 pilot program in accordance with subsection 3. However, if
~~1 24 the first day of September falls on a Sunday, school may begin~~
~~1 25 on a day during the calendar week which immediately precedes~~
~~1 26 the first day of September.~~ School shall continue for at
1 27 least one hundred eighty days, except as provided in
1 28 subsection 3, and may be maintained during the entire calendar
1 29 year. However, if the board of directors of a district
1 30 extends the school calendar because inclement weather caused
1 31 the district to temporarily close school during the regular
1 32 school calendar, the district may excuse a graduating senior
1 33 who has met district or school requirements for graduation
1 34 from attendance during the extended school calendar. A school
1 35 corporation may begin employment of personnel for in-service



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 23, 2008

Senate File 2045 - Introduced continued

2 1 training and development purposes before the date to begin
2 2 elementary and secondary school.

2 3 Sec. 3. Section 279.10, subsection 2, Code 2007, is
2 4 amended to read as follows:

2 5 2. The board of directors shall hold a public hearing on
2 6 any ~~proposal~~ request made pursuant to subsection 3 prior to
2 7 submitting it to the department of education for approval.

2 8 Sec. 4. Section 279.10, subsection 4, Code 2007, is
2 9 amended by striking the subsection.

2 10 Sec. 5. EFFECTIVE DATES. The section of this Act that
2 11 amends section 279.10, subsection 2, takes effect upon
2 12 enactment and the remainder of this Act takes effect July 1,
2 13 2009, and is applicable for school years beginning on or after
2 14 that date.

2 15 EXPLANATION

2 16 This bill changes, effective for the school year beginning
2 17 July 1, 2009, the earliest school start date to August 25 and
2 18 eliminates the authority of the director of the department of
2 19 education to grant a request made by a board of directors of a
2 20 school district to commence classes prior to the earliest
2 21 starting date allowed, which currently is no sooner than a day
2 22 during the calendar week in which the first day of September
2 23 falls or, if the first day of September falls on a Sunday, a
2 24 day during the prior week.

2 25 The bill makes a conforming change to eliminate an
2 26 exemption from aid reduction for early school starts, unless
2 27 the exemption is for a school district approved to implement
2 28 an innovative school year. Without the waiver, the school
2 29 district's state aid payments are reduced by 1/180 for each
2 30 day of that fiscal year for which the school district begins
2 31 school before the earliest starting date allowed. The bill
2 32 includes a technical correction.

2 33 LSB 5820XS 82

2 34 kh/rj/5



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 23, 2008

Senate Study Bill 3068

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 relating to the statewide preschool program for
- 2 four-year-old children and funding associated with the program
- 3 and providing an effective date.
- 4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 5 TL5B 5315XD 82
- 6 jp/nh/8



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 23, 2008

Senate Study Bill 3068 continued

PAG LIN

1 1 Section 1. Section 256C.3, subsection 1, Code Supplement
1 2 2007, is amended to read as follows:
1 3 1. ELIGIBLE CHILDREN. A child who is a resident of Iowa
1 4 and is four years of age ~~by~~ on or before September 15 of a
1 5 school year shall be eligible to enroll in the preschool
1 6 program under this chapter. If space and funding are
1 7 available, a school district approved to participate in the
1 8 preschool program may enroll a younger or older child in the
1 9 preschool program; however, the child shall not be counted for
1 10 state funding purposes.
1 11 Sec. 2. Section 256C.3, subsection 4, paragraph b, Code
1 12 Supplement 2007, is amended to read as follows:
1 13 b. Subject to implementation of ~~chapter 28E~~ written
1 14 agreements between a school district and community-based
1 15 providers of services to four-year-old children, a
1 16 four-year-old child who is enrolled in a child care center or
1 17 child development home licensed or registered under chapter
1 18 237A, or in an existing public or private preschool program,
1 19 shall be eligible for services provided by the school
1 20 district's local preschool program.
1 21 Sec. 3. Section 256C.4, subsection 1, Code Supplement
1 22 2007, is amended by adding the following new paragraph:
1 23 NEW PARAGRAPH. f. The receipt of funding by a school
1 24 district for the purposes of this chapter, the need for
1 25 additional funding for the purposes of this chapter, or the
1 26 enrollment count of eligible students under this chapter,
1 27 shall not be considered to be unusual circumstances, create an
1 28 unusual need for additional funds, or qualify under any other
1 29 circumstances that may be used by the school budget review
1 30 committee to grant supplemental aid to or establish modified
1 31 allowable growth for a school district under section 257.31.
1 32 Sec. 4. Section 256C.6, subsection 1, Code Supplement
1 33 2007, is amended to read as follows:
1 34 1. PHASE=IN. For the initial fiscal year in which a
1 35 school district participates in the preschool program pursuant



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 23, 2008

Senate Study Bill 3068 continued

2 1 to an appropriation provided in subsection 2, the department
2 2 shall apply a modified set of the requirements of the
2 3 provisions of this chapter relating to preschool program
2 4 implementation, preschool enrollment reporting, and
2 5 distribution of funding as necessary to begin the distribution
2 6 in that fiscal year and additional program implementation in
2 7 the next fiscal year. ~~For each month after September 1, in~~
~~2 8 the initial fiscal year that a school district approved to~~
~~2 9 participate in the preschool program begins programming, the~~
~~2 10 department shall reduce the preschool foundation aid payable~~
~~2 11 to the school district by one-tenth of the amount that would~~
~~2 12 otherwise have been payable to the school district for the~~
~~2 13 full school year.~~

2 14 Sec. 5. Section 284.13, subsection 1, paragraph g,
2 15 subparagraph (2), Code Supplement 2007, is amended to read as
2 16 follows:

2 17 (2) For the fiscal year beginning July 1, 2007, and ending
2 18 June 30, 2008, the sum of one million dollars. From the
2 19 amount allocated under this subparagraph, an amount up to ten
2 20 thousand dollars shall be used for purposes of the
2 21 pay-for-performance commission's expenses, an amount up to one
2 22 hundred thousand dollars shall be used by the department for
2 23 oversight and administration of the planning pilots as
2 24 provided in sections 284.14 and 284.14A, and ~~an amount up to~~
~~2 25 two hundred thousand dollars shall be used for the employment~~
~~2 26 of an external evaluator seven hundred fifteen thousand shall~~
2 27 be used for implementation of a statewide early childhood
2 28 professional development system through the area education
2 29 agencies that is designed to support the statewide preschool
2 30 program for four-year-old children under chapter 256C and to
2 31 the extent possible, other early childhood programs.

2 32 Sec. 6. EFFECTIVE DATE. This Act, being deemed of
2 33 immediate importance, takes effect upon enactment.

2 34 EXPLANATION

2 35 This bill relates to the statewide preschool program for



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 23, 2008**

Senate Study Bill 3068 continued

3 1 four-year-old children and funding associated with the
3 2 program.
3 3 Code section 256C.3, relating to the program requirements,
3 4 is amended to specify that a child must be age four or
3 5 before September 15 of a school year to enroll in the program.
3 6 In addition, the school district requirements for the program
3 7 involving community-based providers are amended to require
3 8 written agreements between the district and the providers
3 9 instead of a Code chapter 28E agreement.
3 10 Code section 256C.4, relating to the general funding
3 11 provisions for the program, is amended to provide that the
3 12 receipt of funding for purposes of the program, the need for
3 13 funding for the program, or the enrollment count of eligible
3 14 students cannot be used to grant supplemental aid to or
3 15 establish modified allowable growth for a school district.
3 16 Code section 256C.6, relating to phase-in of the program,
3 17 is amended to strike authority for monthly proration of
3 18 preschool foundation aid for school districts that are
3 19 approved to participate in the program, for each month after
3 20 September 1 that the programming begins.
3 21 Code section 284.11, relating to allocations of moneys
3 22 appropriated for the student achievement and teacher quality
3 23 program, is amended to reallocate and increase a fiscal year
3 24 2007=2008 amount designated for purposes of the
3 25 pay-for-performance program to an early childhood professional
3 26 development system.
3 27 The bill takes effect upon enactment.
3 28 LSB 5315XD 82
3 29 jp/nh/8



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 23, 2008

Senate Study Bill 3069

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 relating to the elimination of the educational excellence
2 phase II program and providing for the equivalent of the
3 education excellence phase II funding to be transferred into
4 the state school foundation aid formula and providing an
5 appropriation and effective and applicability dates.
6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
7 TLSB 5318XD 82
8 ak/sc/5



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 23, 2008

Senate Study Bill 3069 continued

PAG LIN

1 1 Section 1. Section 257.1, subsection 2, unnumbered
1 2 paragraph 2, Code 2007, is amended to read as follows:
1 3 For the budget year commencing July 1, ~~1999~~ 2008, ~~and for~~
~~1 4 each succeeding budget year~~ the regular program foundation
1 5 base per pupil is eighty-seven and five-tenths percent of the
1 6 regular program state cost per pupil plus the amount computed
1 7 in section 257.8, subsection 3A. For the budget year
1 8 commencing July 1, 2009, and for each succeeding budget year,
1 9 the regular program foundation base per pupil is eighty-seven
1 10 and five-tenths percent of the regular program state cost per
1 11 pupil. For the budget year commencing July 1, 1991, and for
1 12 each succeeding budget year the special education support
1 13 services foundation base is seventy-nine percent of the
1 14 special education support services state cost per pupil. The
1 15 combined foundation base is the sum of the regular program
1 16 foundation base and the special education support services
1 17 foundation base.
1 18 Sec. 2. Section 257.8, Code Supplement 2007, is amended by
1 19 adding the following new subsection:
1 20 NEW SUBSECTION. 3A. ALTERNATE ALLOWABLE GROWTH ==
1 21 EDUCATIONAL EXCELLENCE PROGRAM. Notwithstanding the
1 22 calculation in subsection 2, the department of management
1 23 shall calculate the regular program allowable growth for the
1 24 budget year beginning July 1, 2008, by multiplying the state
1 25 percent of growth for the budget year by the regular program
1 26 state cost per pupil for the base year, and adding seventy
1 27 dollars to the resulting product.
1 28 Sec. 3. Section 257.14, subsection 3, paragraphs e, f, g,
1 29 h, and i, Code 2007, are amended to read as follows:
1 30 e. (1) For the budget year commencing July 1, 2008, the
1 31 greater of the difference between the regular program district
1 32 cost for the budget year and one hundred one percent of the
1 33 regular program district cost for the base year, or fifty
1 34 percent of the amount by which the budget guarantee as
1 35 calculated for the budget year beginning July 1, 2003, exceeds



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 23, 2008

Senate Study Bill 3069 continued

2 1 the adjusted guarantee amount. For purposes of this
2 2 paragraph, the "adjusted guarantee amount" means the amount
2 3 which would be applicable for the budget year beginning July
2 4 1, 2008, if the budget guarantee were determined for that
2 5 budget year as calculated for the budget year beginning July
2 6 1, 2003.

2 7 (2) For the purposes of the adjusted guarantee amount
2 8 calculation in this paragraph, the regular program district
2 9 cost calculated for the budget year beginning July 1, 2003,
2 10 shall be increased by an amount equal to seventy dollars
2 11 multiplied by the district's budget enrollment for the budget
2 12 year beginning July 1, 2008.

2 13 (3) For the purposes of the one hundred one percent
2 14 calculated in this paragraph, the regular program district
2 15 cost per pupil for the budget year beginning July 1, 2008,
2 16 shall be reduced by seventy dollars.

2 17 f. For the budget year commencing July 1, 2009, the
2 18 greater of the difference between the regular program district
2 19 cost for the budget year and one hundred one percent of the
2 20 regular program district cost for the base year, or forty
2 21 percent of the amount by which the budget guarantee as
2 22 calculated for the budget year beginning July 1, 2003, exceeds
2 23 the adjusted guarantee amount. For purposes of this
2 24 paragraph, the "adjusted guarantee amount" means the amount
2 25 which would be applicable for the budget year beginning July
2 26 1, 2009, if the budget guarantee were determined for that
2 27 budget year as calculated for the budget year beginning July
2 28 1, 2003. For the purposes of the adjusted guarantee amount
2 29 calculation in this paragraph, the regular program district
2 30 cost calculated for the budget year beginning July 1, 2003,
2 31 shall be increased by an amount equal to seventy dollars
2 32 multiplied by the district's budget enrollment for the budget
2 33 year beginning July 1, 2009.

2 34 g. For the budget year commencing July 1, 2010, the
2 35 greater of the difference between the regular program district



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 23, 2008

Senate Study Bill 3069 continued

3 1 cost for the budget year and one hundred one percent of the
3 2 regular program district cost for the base year, or thirty
3 3 percent of the amount by which the budget guarantee as
3 4 calculated for the budget year beginning July 1, 2003, exceeds
3 5 the adjusted guarantee amount. For purposes of this
3 6 paragraph, the "adjusted guarantee amount" means the amount
3 7 which would be applicable for the budget year beginning July
3 8 1, 2010, if the budget guarantee were determined for that
3 9 budget year as calculated for the budget year beginning July
3 10 1, 2003. For the purposes of the adjusted guarantee amount
3 11 calculation in this paragraph, the regular program district
3 12 cost calculated for the budget year beginning July 1, 2003,
3 13 shall be increased by an amount equal to seventy dollars
3 14 multiplied by the district's budget enrollment for the budget
3 15 year beginning July 1, 2010.

3 16 h. For the budget year commencing July 1, 2011, the
3 17 greater of the difference between the regular program district
3 18 cost for the budget year and one hundred one percent of the
3 19 regular program district cost for the base year, or twenty
3 20 percent of the amount by which the budget guarantee as
3 21 calculated for the budget year beginning July 1, 2003, exceeds
3 22 the adjusted guarantee amount. For purposes of this
3 23 paragraph, the "adjusted guarantee amount" means the amount
3 24 which would be applicable for the budget year beginning July
3 25 1, 2011, if the budget guarantee were determined for that
3 26 budget year as calculated for the budget year beginning July
3 27 1, 2003. For the purposes of the adjusted guarantee amount
3 28 calculation in this paragraph, the regular program district
3 29 cost calculated for the budget year beginning July 1, 2003,
3 30 shall be increased by an amount equal to seventy dollars
3 31 multiplied by the district's budget enrollment for the budget
3 32 year beginning July 1, 2011.

3 33 i. For the budget year commencing July 1, 2012, the
3 34 greater of the difference between the regular program district
3 35 cost for the budget year and one hundred one percent of the



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 23, 2008

Senate Study Bill 3069 continued

4 1 regular program district cost for the base year, or ten
4 2 percent of the amount by which the budget guarantee as
4 3 calculated for the budget year beginning July 1, 2003, exceeds
4 4 the adjusted guarantee amount. For purposes of this
4 5 paragraph, the "adjusted guarantee amount" means the amount
4 6 which would be applicable for the budget year beginning July
4 7 1, 2012, if the budget guarantee were determined for that
4 8 budget year as calculated for the budget year beginning July
4 9 1, 2003. For the purposes of the adjusted guarantee amount
4 10 calculation in this paragraph, the regular program district
4 11 cost calculated for the budget year beginning July 1, 2003,
4 12 shall be increased by an amount equal to seventy dollars
4 13 multiplied by the district's budget enrollment for the budget
4 14 year beginning July 1, 2012.

4 15 Sec. 4. Section 294A.1, Code 2007, is amended to read as
4 16 follows:

4 17 294A.1 EDUCATIONAL EXCELLENCE PROGRAM.

4 18 The purpose of this chapter is to promote excellence in
4 19 education. In order to maintain and advance the educational
4 20 excellence in the state of Iowa, this chapter establishes the
4 21 Iowa educational excellence program. The program shall
4 22 ~~consist of two major phases addressing~~ address the following:
4 23 recruitment of quality teachers.

4 24 1. ~~Phase I == The recruitment of quality teachers.~~

4 25 2. ~~Phase II == The retention of quality teachers.~~

4 26 Sec. 5. Section 294A.22, Code 2007, is amended to read as
4 27 follows:

4 28 294A.22 PAYMENTS.

4 29 Payments for ~~each phase of~~ the educational excellence
4 30 program shall be made by the department of administrative
4 31 services on a monthly basis commencing on October 15 and
4 32 ending on June 15 of each fiscal year, taking into
4 33 consideration the relative budget and cash position of the
4 34 state resources. The payments shall be separate from state
4 35 aid payments made pursuant to sections 257.16 and 257.35. The



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 23, 2008

Senate Study Bill 3069 continued

5 1 payments made under this section to a school district or area
5 2 education agency may be combined and a separate accounting of
5 3 the amount paid for each program shall be included.

5 4 Any payments made to school districts or area education
5 5 agencies under this chapter are miscellaneous income for
5 6 purposes of chapter 257.

5 7 Payments made to a teacher by a school district or area
5 8 education agency under this chapter are wages for the purposes
5 9 of chapter 91A.

~~5 10 If funds appropriated are insufficient to pay phase II
5 11 allocations in full, the department of administrative services
5 12 shall prorate payments to school districts and area education
5 13 agencies.~~

5 14 Sec. 6. Section 294A.25, subsections 1, 2, and 3, Code
5 15 2007, are amended to read as follows:

5 16 1. For the fiscal year beginning July 1, ~~2003~~ 2008, and
5 17 for each succeeding year, there is appropriated from the
5 18 general fund of the state to the department of education the
5 19 amount of ~~fifty-six million eight hundred ninety-one thousand~~
~~5 20 three hundred thirty-six~~ sixteen million five hundred eleven
5 21 thousand eight hundred twenty-seven dollars to be used to
5 22 improve teacher salaries. The moneys shall be distributed as
5 23 provided in this section.

5 24 2. The amount of one hundred fifteen thousand five hundred
5 25 dollars to be paid to the department of human services for
5 26 distribution to its licensed classroom teachers at
5 27 institutions under the control of the department of human
5 28 services for payments of minimum nonadministrative salary
~~5 29 supplements~~ for phase ~~II~~ I based upon the average student
5 30 yearly enrollment at each institution as determined by the
5 31 department of human services.

5 32 3. The amount of ninety-four thousand six hundred dollars
5 33 to be paid to the state board of regents for distribution to
5 34 licensed classroom teachers at the Iowa braille and sight
5 35 saving school and the Iowa school for the deaf for payments of



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 23, 2008

Senate Study Bill 3069 continued

6 1 minimum nonadministrative salary supplements for phase I ~~and~~
~~6 2 payments for phase II~~ based upon the average yearly enrollment
6 3 at each school as determined by the state board of regents.

6 4 Sec. 7. Section 294A.25, subsection 5, Code 2007, is
6 5 amended by striking the subsection and inserting in lieu
6 6 thereof the following:

6 7 5. The amount of two million two hundred forty-four
6 8 thousand four hundred ninety-two dollars to be paid to the
6 9 department for distribution to area education agency teachers
6 10 as defined in section 284.2, subsection 11, for
6 11 nonadministrative salary supplements based upon the average
6 12 student certified enrollment in the region.

6 13 Sec. 8. Section 294A.25, subsection 6, Code 2007, is
6 14 amended to read as follows:

6 15 6. Except as otherwise provided in this section, for the
6 16 fiscal year beginning July 1, ~~2003~~ 2008, and succeeding fiscal
6 17 years, the remainder of moneys appropriated in subsection 1 to
6 18 the department of education shall be deposited in the
6 19 educational excellence fund to be allocated in an amount to
6 20 meet the requirements of this chapter for phase I ~~and phase~~
~~6 21 II.~~

6 22 Sec. 9. Sections 294A.8 through 294A.10, Code 2007, are
6 23 repealed.

6 24 Sec. 10. EFFECTIVE AND APPLICABILITY DATES. This Act,
6 25 being deemed of immediate importance, takes effect upon
6 26 enactment and applies to school budget years beginning on or
6 27 after July 1, 2008.

6 28 EXPLANATION

6 29 This bill transfers the equivalent of the phase II funding
6 30 of the educational excellence program into the state school
6 31 foundation aid formula and eliminates phase II of the program.

6 32 The bill adjusts the school aid formula to add \$70 per
6 33 pupil of phase II dollars to the regular program state cost
6 34 per pupil beginning with the budget year beginning July 1,
6 35 2008. The bill makes adjustments to the budget guarantee



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 23, 2008**

Senate Study Bill 3069 continued

7 1 calculations in order to take into account the increase in the
7 2 regular program state cost per pupil due to the addition of
7 3 the \$70.

7 4 The bill amends Code section 294A.25 to appropriate
7 5 \$16,511,827 for phase I programs and to improve teacher
7 6 salaries, including nonadministrative salary supplements. The
7 7 remainder of these funds not specifically allocated in Code
7 8 section 294A.25 are deposited in the educational excellence
7 9 fund to be used to meet the general requirements of phase I
7 10 funding.

7 11 The bill takes effect upon enactment and applies to school
7 12 budget years beginning on or after July 1, 2008.

7 13 LSB 5318XD 82

7 14 ak/sc/5



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 23, 2008

Senate Study Bill 3070

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 transferring administration of the entrepreneurs with
- 2 disabilities program to the department of education.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 5322XD 82
- 5 ec/rj/8



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 23, 2008

Senate Study Bill 3070 continued

PAG LIN

1 1 Section 1. Section 259.4, Code 2007, is amended by adding
1 2 the following new subsection:

1 3 NEW SUBSECTION. 9. Administer the entrepreneurs with
1 4 disabilities program.

1 5 Sec. 2. ENTREPRENEURS WITH DISABILITIES PROGRAM ==
1 6 TRANSFER OF ADMINISTRATION. The Iowa finance authority shall
1 7 transfer the administrative duties of the entrepreneurs with
1 8 disabilities program to the division of vocational
1 9 rehabilitation services of the department of education. The
1 10 department of education shall adopt rules pursuant to chapter
1 11 17A for purposes of administering the program. Any contract
1 12 entered into under the program by the Iowa finance authority
1 13 remains valid. The transfer of administrative duties to the
1 14 division of vocational rehabilitation services shall not
1 15 constitute grounds for rescision or modification of a contract
1 16 under the program entered into with the authority.

1 17 EXPLANATION

1 18 This bill transfers administration of the entrepreneurs
1 19 with disabilities program from the Iowa finance authority to
1 20 the division of vocational rehabilitation services of the
1 21 department of education.

1 22 The purpose of the entrepreneurs with disabilities program
1 23 is to provide technical assistance, business development
1 24 grants, and financial assistance grants to qualified Iowans
1 25 with disabilities.

1 26 LSB 5322XD 82

1 27 ec/rj/8



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 23, 2008

Senate Study Bill 3071

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 relating to the duties and operations of the state board
- 2 of education, the department of education, and local school
- 3 boards.
- 4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 5 TLSB 5310XD 82
- 6 kh/nh/5



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 23, 2008

Senate Study Bill 3071 continued

PAG LIN

1 1 Section 1. Section 19B.11, subsection 1, Code 2007, is
1 2 amended to read as follows:
1 3 1. It is the policy of this state to provide equal
1 4 opportunity in school district, area education agency, and
1 5 community college employment to all persons. An individual
1 6 shall not be denied equal access to school district, area
1 7 education agency, or community college employment
1 8 opportunities because of political party affiliation, race,
1 9 creed, color, religion, national origin, sex, sexual
1 10 orientation, gender identity, age, ~~or~~ physical or mental
1 11 disability, or marital status. It also is the policy of this
1 12 state to apply affirmative action measures to correct
1 13 deficiencies in school district, area education agency, and
1 14 community college employment systems where those remedies are
1 15 appropriate. This policy shall be construed broadly to
1 16 effectuate its purposes.

1 17 Sec. 2. Section 22.7, subsection 1, Code Supplement 2007,
1 18 is amended to read as follows:

1 19 1. Personal information in records regarding a student,
1 20 prospective student, or former student maintained, created,
1 21 collected or assembled by or for a school corporation or
1 22 educational institution maintaining such records. This
1 23 subsection shall not be construed to prohibit a postsecondary
1 24 education institution from disclosing to a parent or guardian
1 25 information regarding a violation of a federal, state, or
1 26 local law, or institutional rule or policy governing the use
1 27 or possession of alcohol or a controlled substance if the
1 28 child is under the age of twenty-one years and the institution
1 29 determines that the student committed a disciplinary violation
1 30 with respect to the use or possession of alcohol or a
1 31 controlled substance regardless of whether that information is
1 32 contained in the student's education records. This subsection
1 33 shall not be construed to prohibit a school corporation or
1 34 educational institution from transferring student records
1 35 electronically to the department of education, an accredited



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 23, 2008

Senate Study Bill 3071 continued

2 1 nonpublic school, an attendance center, a school district, or
2 2 an accredited postsecondary institution in accordance with
2 3 section 256.9, subsection 52.

2 4 Sec. 3. Section 73.1, unnumbered paragraph 1, Code 2007,
2 5 is amended to read as follows:

2 6 Every commission, board, committee, officer, or other
2 7 governing body of the state, or of any county, township,
2 8 school district, or city, and every person acting as
2 9 contracting or purchasing agent for any such commission,
2 10 board, committee, officer, or other governing body shall use
2 11 only those products and provisions grown and coal produced
2 12 within the state of Iowa, when they are found in marketable
2 13 quantities in the state and are of a quality reasonably suited
2 14 to the purpose intended, and can be secured without additional
2 15 cost over foreign products or products of other states. This
2 16 section shall apply to horticultural products grown in this
2 17 state even if the products are not in the stage of processing
2 18 that the agency usually purchases the product. However, this
2 19 section does not apply to a school district purchasing food
2 20 while the school district is participating in ~~the~~ a federal
2 21 school lunch or breakfast program.

2 22 Sec. 4. Section 256.5A, Code 2007, is amended to read as
2 23 follows:

2 24 256.5A NONVOTING MEMBER.

2 25 1. The governor shall appoint the one nonvoting student
2 26 member of the state board for a term of ~~one year~~ two years
2 27 beginning and ending as provided in section 69.19. The
2 28 nonvoting student member shall be appointed from a list of
2 29 names submitted by the state board of education. Students
2 30 enrolled in ~~either~~ grade ten ~~or eleven~~ in a public school may
2 31 apply to the state board to serve as a nonvoting student
2 32 member.

2 33 2. The department shall develop an application process
2 34 that requires the consent of the student's parent or guardian
2 35 if the student is a minor, initial application approval by the



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 23, 2008

Senate Study Bill 3071 continued

3 1 school district in which the student applicant is enrolled,
3 2 and submission of approved applications by a school district
3 3 to the department.

3 4 3. The nonvoting student member's school district of
3 5 enrollment shall notify the student's parents if the student's
3 6 grade point average falls during the period in which the
3 7 student is a member of the state board.

3 8 4. The state board shall adopt rules under chapter 17A
3 9 specifying criteria for the selection of applicants whose
3 10 names shall be submitted to the governor. Criteria shall
3 11 include, but are not limited to, academic excellence,
3 12 participation in extracurricular and community activities, and
3 13 interest in serving on the board. Rules adopted by the state
3 14 board shall also require, if the student is a minor,
3 15 supervision of the student by the student's parent or guardian
3 16 while the student is engaged in authorized state board
3 17 business at a location other than the community in which the
3 18 student resides, unless the student's parent or guardian
3 19 submits to the state board a signed release indicating the
3 20 parent or guardian has determined that supervision of the
3 21 student by the parent or guardian is unnecessary.

3 22 5. The nonvoting student member appointment is not subject
3 23 to section 69.16 or 69.16A.

3 24 6. The nonvoting student member shall have been enrolled
3 25 in a public school in Iowa for at least one year prior to the
3 26 member's appointment. ~~A nonvoting student member who will not~~
~~3 27 graduate from high school prior to the end of a second term~~
~~3 28 may apply to the state board for submission of candidacy to~~
~~3 29 the governor for a second one-year term.~~

3 30 7. A nonvoting student member shall be paid a per diem as
3 31 provided in section 7E.6 and the student and the student's
3 32 parent or guardian shall be reimbursed for actual and
3 33 necessary expenses incurred in the performance of the
3 34 student's duties as a nonvoting member of the state board.

3 35 8. A vacancy in the membership of the nonvoting student



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 23, 2008

Senate Study Bill 3071 continued

4 1 member shall not be filled until the expiration of the term.

4 2 Sec. 5. Section 256.10, subsection 2, Code 2007, is
4 3 amended to read as follows:

4 4 2. Appointments to the professional staff of the
4 5 department shall be without reference to political party
4 6 affiliation, ~~religious affiliation~~ race, creed, color,
4 7 religion, national origin, sex, sexual orientation, gender
4 8 identity, age, physical or mental disability, or marital
4 9 status, but shall be based solely upon fitness, ability, and
4 10 proper qualifications for the particular position. The
4 11 professional staff shall serve at the discretion of the
4 12 director. A member of the professional staff shall not be
4 13 dismissed for cause without appropriate due process procedures
4 14 including a hearing an opportunity to meet with the director.

4 15 Sec. 6. Section 256.11, subsection 9B, Code Supplement
4 16 2007, is amended to read as follows:

4 17 9B. Beginning July 1, 2007, each school district shall
4 18 have a school nurse to provide health services to its
4 19 students. Each school district shall work toward the goal of
4 20 having one school nurse for every seven hundred fifty students
4 21 enrolled in the school district. ~~For purposes of this~~
4 22 ~~subsection, "school nurse" means a person who holds an~~
4 23 ~~endorsement or a statement of professional recognition for~~
4 24 ~~school nurses issued by the board of educational examiners~~
4 25 ~~under chapter 272~~ The scope of practice of a school nurse
4 26 shall be as established by rule by the board of nursing.

4 27 Sec. 7. Section 256.30, Code 2007, is amended to read as
4 28 follows:

4 29 256.30 EDUCATIONAL EXPENSES FOR AMERICAN INDIANS.

4 30 1. The department of education shall provide moneys to pay
4 31 the expense of educating American Indian children residing in
4 32 the Sac and Fox Indian settlement on land held in trust by the
4 33 secretary of the interior of the United States in excess of
4 34 federal moneys paid to the tribal council for educating the
4 35 American Indian children when moneys are appropriated for that



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 23, 2008

Senate Study Bill 3071 continued

5 1 purpose. ~~The tribal council shall administer the moneys~~
5 2 ~~distributed to it by the department and shall submit an annual~~
5 3 ~~report and other reports as required by the department to the~~
5 4 ~~department on the expenditure of the moneys.~~

5 5 2. The tribal council shall administer moneys distributed
5 6 to it by the department of education as provided in subsection

5 7 1. The tribal council shall first use the moneys distributed
5 8 ~~to it by the department of education~~ for the purposes of this
5 9 section to pay the additional costs of salaries for licensed
5 10 instructional staff for educational attainment and full-time
5 11 equivalent years of experience to equal the salaries listed on
5 12 the proposed salary schedule for the school at the Sac and Fox
5 13 Indian settlement for that school year, but the salary for a
5 14 licensed instructional staff member employed on a full-time
5 15 basis shall not be less than eighteen thousand dollars.

5 16 3. The department of management shall approve allotments
5 17 of moneys appropriated in for purposes of this section when
5 18 ~~the department of education certifies to the department of~~
5 19 ~~management that the requirements of this section have been~~
5 20 ~~met.~~

5 21 Sec. 8. Section 256B.2, subsection 1, Code 2007, is
5 22 amended to read as follows:

5 23 1. "Children requiring special education" means persons
5 24 under twenty-one years of age, including children under five
5 25 years of age, who have a disability in obtaining an education
5 26 because of a head injury, autism, behavioral disorder, or
5 27 physical, mental, communication, or learning disability, as
5 28 defined by the rules of the department of education. If a
5 29 child requiring special education reaches the age of
5 30 twenty-one during an academic year, the child may elect to
5 31 receive special education services until the end of the
5 32 academic year.

5 33 Sec. 9. Section 256B.6, Code 2007, is amended to read as
5 34 follows:

5 35 256B.6 PARENT'S OR GUARDIAN'S DUTIES == REVIEW.



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 23, 2008

Senate Study Bill 3071 continued

6 1 1. When the school district or area education agency has
6 2 provided special education services and programs as provided
6 3 herein for any child requiring special education, either by
6 4 admission to a special class or by supportive services, it
6 5 shall be the duty of the parent or guardian to enroll ~~said~~ the
6 6 child for instruction in such special classes or supportive
6 7 services as may be established, except in the event a doctor's
6 8 certificate is filed with the secretary of the school district
6 9 showing that it is inadvisable for medical reasons for the
6 10 child requiring special education to receive the special
6 11 education provided; all the provisions and conditions of
6 12 chapter 299 ~~and amendments thereto~~ shall be applicable to this
6 13 section, and any violations shall be punishable as provided in
6 14 ~~said~~ chapter 299.

6 15 2. A child, or the parent or guardian of the child, or the
6 16 school district in which the child resides, may obtain a
6 17 review of an action or omission of state or local authorities
6 18 pursuant to the procedures established by the state board of
6 19 education on the ground that the child has been or is about to
6 20 be:

6 21 ~~1.~~ a. Denied entry or continuance in a program of special
6 22 education appropriate to the child's condition and needs.

6 23 ~~2.~~ b. Placed in a special education program which is
6 24 inappropriate to the child's condition and needs.

6 25 ~~3.~~ c. Denied educational services because no suitable
6 26 program of education or related services is maintained.

6 27 ~~4.~~ d. Provided with special education which is
6 28 insufficient in quantity to satisfy the requirements of law.

6 29 ~~5.~~ e. Assigned to a program of special education when the
6 30 child does not have a disability.

6 31 3. When a child requiring special education attains the
6 32 age of majority or is incarcerated in an adult or juvenile,
6 33 state or local, correctional institution, all rights accorded
6 34 to the parent or guardian under this chapter transfer to the
6 35 child except as provided in this subsection. Any notice



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 23, 2008

Senate Study Bill 3071 continued

7 1 required by this chapter shall be provided to both the child
7 2 who has reached the age of majority or is incarcerated in an
7 3 adult or juvenile, state or local, correctional institution,
7 4 and the parent or guardian. If rights under this chapter have
7 5 transferred to a child and the child has been determined to be
7 6 incompetent by a court or determined unable to provide
7 7 informed educational consent by a court or other competent
7 8 authority, then rights under this chapter shall be exercised
7 9 by the person who has been appointed to represent the
7 10 educational interest of the child.

7 11 4. Notwithstanding section 17A.11, the state board of
7 12 education shall adopt rules for the appointment of an
7 13 impartial administrative law judge for special education
7 14 appeals. The rules shall comply with federal statutes and
7 15 regulations.

7 16 Sec. 10. Section 256B.8, unnumbered paragraph 2, Code
7 17 2007, is amended to read as follows:

7 18 An area education agency director of special education may
7 19 request approval from the department of education to continue
7 20 the special education program of a person beyond the ~~person's~~
~~7 21 twenty-first birthday~~ period specified in section 256B.2,
7 22 subsection 1, if the person had an accident or prolonged
7 23 illness that resulted in delays in the initiation of or
7 24 interruptions in that person's special education program.
7 25 Approval may be granted by the department to continue the
7 26 special education program of that person for up to three years
7 27 or until the person's twenty-fourth birthday.

7 28 Sec. 11. Section 256F.4, subsection 2, paragraph a, Code
7 29 2007, is amended to read as follows:

7 30 a. Meet all applicable federal, state, and local health
7 31 and safety requirements and laws prohibiting discrimination on
7 32 the basis of political party affiliation, race, creed, color,
7 33 age, marital status, sex, sexual orientation, gender identity,
7 34 national origin, religion, ~~ancestry,~~ or physical or mental
7 35 disability. A charter school shall be subject to any



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 23, 2008

Senate Study Bill 3071 continued

8 1 court-ordered desegregation plan in effect for the school
8 2 district at the time the school's charter application is
8 3 approved.

8 4 Sec. 12. Section 257.6, subsection 1, paragraph a,
8 5 subparagraph (3), Code Supplement 2007, is amended to read as
8 6 follows:

8 7 (3) Shared-time and part-time pupils of school age
8 8 enrolled in public schools within the district, irrespective
8 9 of the districts in which the pupils reside, in the proportion
8 10 that the time for which they are enrolled or receive
8 11 instruction for the school year is to the time that full-time
8 12 pupils carrying a normal course schedule, at the same grade
8 13 level, in the same school district, for the same school year,
8 14 are enrolled and receive instruction. Tuition charges to the
8 15 parent or guardian of a shared-time or part-time nonresident
8 16 pupil shall be reduced by the amount of any increased state
8 17 aid received by the district by the counting of the pupil.
8 18 This subparagraph applies to pupils from accredited nonpublic
8 19 schools accessing classes or services on the accredited
8 20 nonpublic school premises or the school district site, but
8 21 excludes accredited nonpublic pupils receiving classes or
8 22 services funded by federal grants or allocations.

8 23 Sec. 13. Section 257.11, subsection 5, paragraph a, Code
8 24 Supplement 2007, is amended to read as follows:

8 25 a. For the school budget year beginning July 1, 2002,
8 26 through the school budget year beginning July 1, ~~2007~~ 2008, in
8 27 order to provide additional funds for school districts in
8 28 which a regional academy is located, a supplementary weighting
8 29 plan for determining enrollment is adopted.

8 30 Sec. 14. Section 257.11, subsection 8, Code Supplement
8 31 2007, is amended to read as follows:

8 32 8. PUPILS INELIGIBLE. A pupil eligible for the weighting
8 33 plan provided in section 256B.9 is not eligible for
8 34 supplementary weighting pursuant to this section unless it is
8 35 determined that the course generating the supplemental



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 23, 2008

Senate Study Bill 3071 continued

9 1 weighting has no relationship to the pupil's disability. A
9 2 pupil attending an alternative program or an at-risk pupils'
9 3 program, including alternative high school programs, is not
9 4 eligible for supplementary weighting under subsection 2.

9 5 Sec. 15. Section 257.13, subsection 2, Code 2007, is
9 6 amended to read as follows:

9 7 2. The board of directors of a school district that wishes
9 8 to receive an on-time funding budget adjustment shall adopt a
9 9 resolution to receive the adjustment and notify the school
9 10 budget review committee by November ~~4~~ 15, annually. The
9 11 school budget review committee shall establish a modified
9 12 allowable growth in an amount determined pursuant to
9 13 subsection 1.

9 14 Sec. 16. Section 257.37, subsection 4, Code 2007, is
9 15 amended to read as follows:

9 16 4. "Enrollment served" means the basic enrollment plus the
9 17 number of nonpublic school pupils served with media services
9 18 or educational services, as applicable, except that if a
9 19 nonpublic school pupil or a pupil attending another district
9 20 under a whole grade sharing agreement or open enrollment
9 21 receives services through an area other than the area of the
9 22 pupil's residence, the pupil shall be deemed to be served by
9 23 the area of the pupil's residence, which shall by contractual
9 24 arrangement reimburse the area through which the pupil
9 25 actually receives services. Each school district shall
9 26 include in the enrollment report submitted pursuant to section
9 27 257.6, subsection 1, the number of nonpublic school pupils
9 28 within each school district for media and educational services
9 29 served by the area. However, the school district shall not
9 30 include in the enrollment report nonpublic school pupils
9 31 receiving classes or services funded by federal grants or
9 32 allocations.

9 33 Sec. 17. Section 260C.35, unnumbered paragraph 2, Code
9 34 2007, is amended to read as follows:

9 35 With the approval of the director ~~of the department of~~



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 23, 2008

~~Senate Study Bill 3071 continued~~

~~10 1 education~~, the board of directors of a merged area at any one
10 2 time may sell any land in a single tract in excess of one
10 3 hundred sixty acres owned by the merged area, and an election
10 4 is not necessary in connection with the sale. The proceeds of
10 5 the sale may be used for any of the purposes stated in section
10 6 260C.22. This paragraph is in addition to any authority under
10 7 other provisions of law.

10 8 Sec. 18. Section 261C.4, Code 2007, is amended to read as
10 9 follows:

10 10 261C.4 AUTHORIZATION.

10 11 An eligible pupil may make application to an eligible
10 12 institution to allow the eligible pupil to enroll for academic
10 13 or vocational=technical credit in a nonsectarian course
10 14 offered at that eligible institution. A comparable course, as
10 15 defined in rules made by the board of directors of the public
10 16 school district, must not be offered by the school district or
10 17 accredited nonpublic school which the pupil attends. If an
10 18 eligible institution accepts an eligible pupil for enrollment
10 19 under this section, the institution shall send written notice
10 20 to the pupil, and the pupil's school district or accredited
10 21 nonpublic school or the school for the deaf or the Iowa
10 22 braille and sight saving school, ~~and the department of~~
~~10 23 education~~. The notice shall list the course, the clock hours
10 24 the pupil will be attending the course, and the number of
10 25 hours of postsecondary academic or vocational=technical credit
10 26 that the eligible pupil will receive from the eligible
10 27 institution upon successful completion of the course.

10 28 Sec. 19. Section 272.15, subsection 2, Code Supplement
10 29 2007, is amended to read as follows:

10 30 2. If, in the course of performing official duties, an
10 31 employee of the department becomes aware of any alleged
10 32 misconduct by an individual licensed under this chapter, the
10 33 employee ~~shall~~ may report the alleged misconduct to the board
10 34 of educational examiners under rules adopted pursuant to
10 35 subsection 1.



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 23, 2008

Senate Study Bill 3071 continued

11 1 Sec. 20. Section 273.3, subsection 12, Code 2007, is
11 2 amended to read as follows:
11 3 12. Prepare an annual budget estimating income and
11 4 expenditures for programs and services as provided in sections
11 5 273.1 to 273.9 and chapter 256B within the limits of funds
11 6 provided under section 256B.9 and chapter 257. The board
11 7 shall give notice of a public hearing on the proposed budget
11 8 by publication in an official county newspaper in each county
11 9 in the territory of the area education agency in which the
11 10 principal place of business of a school district that is a
11 11 part of the area education agency is located. The notice
11 12 shall specify the date, which shall be not later than March 1
11 13 of each year, the time, and the location of the public
11 14 hearing. The proposed budget as approved by the board shall
11 15 then be submitted to the state board of education, on forms
11 16 provided by the department, no later than March 15 preceding
11 17 the next fiscal year for approval. The state board shall
11 18 review the proposed budget of each area education agency and
11 19 shall before ~~April~~ May 1, either grant approval or return the
11 20 budget without approval with comments of the state board
11 21 included. An unapproved budget shall be resubmitted to the
11 22 state board for final approval not later than ~~April~~ May 15.
11 23 For the fiscal year beginning July 1, 1999, and each
11 24 succeeding fiscal year, the state board shall give final
11 25 approval only to budgets submitted by area education agencies
11 26 accredited by the state board or that have been given
11 27 conditional accreditation by the state board.
11 28 Sec. 21. Section 273.13, Code 2007, is amended to read as
11 29 follows:
11 30 273.13 ADMINISTRATIVE EXPENDITURES.
11 31 ~~During the budget year beginning July 1, 1989, and the~~
~~11 32 three succeeding budget years, the board of directors of an~~
~~11 33 area education agency in which the administrative expenditures~~
~~11 34 as a percent of the area education agency's operating fund for~~
~~11 35 a base year exceed five percent shall reduce its~~



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 23, 2008

~~Senate Study Bill 3071 continued~~

~~12 1 administrative expenditures to five percent of the area
12 2 education agency's operating fund. During each of the four
12 3 years, the board of directors shall reduce administrative
12 4 expenditures by twenty-five percent of the reduction in
12 5 administrative expenditure required by this section.
12 6 Thereafter, the An area education agency's administrative
12 7 expenditures shall not exceed five percent of the operating
12 8 general fund. Annually, the board of directors of an area
12 9 education agency shall certify to the department of education
12 10 the amounts of the area education agency's expenditures and
12 11 its operating general fund. For the purposes of this section,
12 12 "base year" and "budget year" mean the same as defined in
12 13 section 442.6, Code 1989, and section 257.2, and
12 14 "administrative expenditures" means expenditures for executive
12 15 administration.
12 16 Sec. 22. Section 275.31, unnumbered paragraph 1, Code
12 17 2007, is amended to read as follows:
12 18 If necessary to equalize the division and distribution, the
12 19 board or boards may provide for the levy of additional taxes,
12 20 which shall be sufficient to satisfy the mandatory levy
12 21 required in section 76.2 or other liabilities of the
12 22 districts, upon the property of a corporation or part of a
12 23 corporation and for the distribution of the tax revenues so as
12 24 to effect equalization. When the board or boards are
12 25 considering the equalization levy, the division and
12 26 distribution shall not impair the security for outstanding
12 27 obligations of each affected corporation. Any owner of bonds
12 28 of an affected corporation may bring suit in equity for
12 29 adjustment of the division and distribution in compliance with
12 30 this section. If the property tax levy for the amount
12 31 estimated and certified to apply on principal and interest on
12 32 lawful bonded indebtedness for a newly formed community school
12 33 district is greater than the property tax levy for the amount
12 34 estimated and certified to apply on principal and interest in
12 35 the year preceding the reorganization or dissolution for a~~



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 23, 2008

~~Senate Study Bill 3071 continued~~

~~13 1 school district that is a party to the reorganization or
13 2 dissolution, that had a certified enrollment of less than six
13 3 hundred for the year prior to the reorganization or
13 4 dissolution, and that approved the reorganization or
13 5 dissolution prior to July 1, 1989, the board of the newly
13 6 formed district shall inform the department of management.
13 7 The department of management shall pay debt service aid to the
13 8 newly formed district in an amount that reduces the rate of
13 9 the property tax levy for lawful bonded indebtedness in the
13 10 portion of the newly formed district where the new rate is
13 11 higher, to the rate that was levied in that portion of the
13 12 district during the year preceding the reorganization or
13 13 dissolution.~~

13 14 Sec. 23. Section 275.31, unnumbered paragraphs 2 and 3,
13 15 Code 2007, are amended by striking the unnumbered paragraphs.

13 16 Sec. 24. Section 275.53, Code 2007, is amended to read as
13 17 follows:

13 18 275.53 DISSOLUTION PROPOSAL.

13 19 1. The commission shall send a copy of its dissolution
13 20 proposal or shall inform the board that it cannot agree upon a
13 21 dissolution proposal not later than one year following the
13 22 date of the organizational meeting of the commission. The
13 23 commission shall also send a copy of the dissolution proposal
13 24 ~~by registered mail~~ to the boards of directors of all school
13 25 districts to which area of the affected school district will
13 26 be attached. If the board of a district to which area of the
13 27 affected school district will be attached objects to the
13 28 attachment, within ten days following receipt of the
13 29 dissolution proposal the board shall send its objections in
13 30 writing to the commission using any method specified in
13 31 subsection 2. The commission may consider the objections and
13 32 may modify the dissolution proposal. If the dissolution
13 33 proposal is modified, the commission shall notify ~~by~~
~~13 34 registered mail~~ the boards of directors of all school
13 35 districts to which area of the affected school district will



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 23, 2008

Senate Study Bill 3071 continued

14 1 be attached.

14 2 2. The copy of the dissolution proposal, as well as any

14 3 modification, shall be sent to the boards by any of the

14 4 following methods:

14 5 a. Mail bearing a United States postal service postmark.

14 6 b. Hand delivery.

14 7 c. Facsimile transmission.

14 8 d. Electronic delivery.

14 9 3. If the commission cannot agree upon a dissolution

14 10 proposal prior to the expiration of its term, the board may

14 11 appoint a new commission.

14 12 Sec. 25. Section 275.54, Code 2007, is amended to read as

14 13 follows:

14 14 275.54 HEARING.

14 15 1. Within ten days following the filing of the dissolution

14 16 proposal with the board, the board shall fix a date for a

14 17 hearing on the proposal which shall not be more than sixty

14 18 days after the dissolution petition was filed with the board.

14 19 The board shall publish notice of the date, time, and location

14 20 of the hearing at least ten days prior to the date of the

14 21 hearing by one publication in a newspaper in general

14 22 circulation in the district. The notice shall include the

14 23 content of the dissolution proposal. A person residing or

14 24 owning land in the school district may present evidence and

14 25 arguments at the hearing. The president of the board shall

14 26 preside at the hearing. The board shall review testimony from

14 27 the hearing and shall adopt or amend and adopt the dissolution

14 28 proposal.

14 29 2. The board shall notify ~~by registered mail~~ the boards of

14 30 directors of all school districts to which area of the

14 31 affected school district will be attached and the director of

14 32 the department of education of the contents of the dissolution

14 33 proposal adopted by the board. The notification may be made

14 34 by any of the following methods:

14 35 a. Mail bearing a United States postal service postmark.



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 23, 2008

Senate Study Bill 3071 continued

15 1 b. Hand delivery.
15 2 c. Facsimile transmission.
15 3 d. Electronic delivery.
15 4 3. If the board of a district to which area of the
15 5 affected school district will be attached objects to the
15 6 attachment, that portion of the dissolution proposal will not
15 7 be included in the proposal voted upon under section 275.55
15 8 and the director of the department of education shall attach
15 9 the area to a contiguous school district.
15 10 4. If the board of a district to which area of the
15 11 affected school district will be attached objects to the
15 12 division of assets and liabilities contained in the
15 13 dissolution proposal, ~~section 275.30 applies for the division~~
15 14 ~~of assets and liabilities to that district~~ the matter shall be
15 15 decided by a panel of disinterested arbitrators. The panel
15 16 shall consist of one arbitrator selected by the objecting
15 17 district or districts, one selected by the districts in favor
15 18 of the provisions of the dissolution proposal, and one
15 19 selected by the dissolving district. If the number of
15 20 arbitrators selected is even, a disinterested arbitrator shall
15 21 be selected by the administrator of the area education agency
15 22 to which the dissolving district belongs. The decision of the
15 23 arbitrators shall be made in writing and filed with the
15 24 secretary of the new corporation, and a party to the
15 25 proceedings may appeal the decision to the district court by
15 26 serving notice on the secretary of the new corporation within
15 27 twenty days after the decision is filed. The appeal shall be
15 28 tried in equity and a decree entered determining the entire
15 29 matter, including the levy, collection, and distribution of
15 30 any necessary taxes.
15 31 5. If a dissolution proposal adopted by a board contains
15 32 provisions that ninety-five percent or more of the taxable
15 33 valuation of the dissolving district would be assumed and
15 34 attached to a single school district, the dissolving school
15 35 district shall cease further proceedings to dissolve and shall



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 23, 2008

Senate Study Bill 3071 continued

16 1 comply with reorganization procedures specified in this
16 2 chapter.
16 3 Sec. 26. Section 275.55, unnumbered paragraph 1, Code
16 4 2007, is amended to read as follows:
16 5 The board of the school district shall call a special
16 6 election to be held not later than ~~forty~~ sixty days following
16 7 the date of the final hearing on the dissolution proposal.
16 8 The special election may be held at the same time as the
16 9 regular school election. The proposition submitted to the
16 10 voters residing in the school district at the special election
16 11 shall describe each separate area to be attached to a
16 12 contiguous school district and shall name the school district
16 13 to which it will be attached. In addition to the description,
16 14 a map may be included in the summary of the question on the
16 15 ballot.
16 16 Sec. 27. Section 279.30, Code 2007, is amended to read as
16 17 follows:
16 18 279.30 EXCEPTIONS.
16 19 Each payment must be made payable to the person entitled to
16 20 receive the money or direct deposited to an account at a
16 21 financial institution, as defined in section 527.2, specified
16 22 by the person entitled to receive the money. The board of
16 23 directors of a school district or an area education agency may
16 24 by resolution authorize the secretary, upon approval of the
16 25 superintendent or designee, or administrator, in the case of
16 26 an area education agency, to issue payments when the board of
16 27 directors is not in session in payment of reasonable and
16 28 necessary expenses, but only upon verified bills filed with
16 29 the secretary or administrator, and for the payment of
16 30 salaries pursuant to the terms of a written contract. Each
16 31 payment must be made payable only to the person performing the
16 32 service or presenting the verified bill, and must state the
16 33 purpose for which the payment is issued. All bills and
16 34 salaries for which payments are issued prior to audit and
16 35 allowance by the board must be passed upon by the board of



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 23, 2008

Senate Study Bill 3071 continued

17 1 directors at the next meeting and be entered in the regular
17 2 minutes of the secretary.

17 3 Sec. 28. Section 279.42, Code 2007, is amended to read as
17 4 follows:

17 5 279.42 GIFTS TO SCHOOLS.

17 6 The board of directors of a school district ~~which that~~
17 7 receives funds through ~~gifts~~ a gift, devise, or bequest, and
~~17 8 bequests or bequest shall deposit these the funds in a trust~~
17 9 ~~and agency or permanent fund and shall use them the funds in~~
17 10 accordance with the terms of the gift, devise, or bequest.

17 11 Sec. 29. Section 279.45, Code 2007, is amended to read as
17 12 follows:

17 13 279.45 ADMINISTRATIVE EXPENDITURES.

17 14 ~~For the budget year beginning July 1, 1989, and each of the~~
~~17 15 following three budget years, the board of directors of a~~
~~17 16 school district in which the administrative expenditures as a~~
~~17 17 percent of the school district's operating fund for a base~~
~~17 18 year exceed five percent, shall reduce its administrative~~
~~17 19 expenditures so that they are one-half percent less as a~~
~~17 20 percent of the school district's operating fund than they were~~
~~17 21 for the base year. However, a A school district is not~~
~~17 22 required to reduce its district's administrative expenditures~~
17 23 below shall not exceed five percent of its operating general
17 24 fund. Thereafter, a A school district shall not increase the
17 25 percent of its administrative expenditures compared to its
17 26 operating general fund. Annually, the board of directors
17 27 shall certify to the department of education the amounts of
17 28 the school district's administrative expenditures and its
17 29 operating general fund. For the purposes of this section,
17 30 "base year" and "budget year" mean the same as defined in
~~17 31 section 442.6, Code 1989, and section 257.2, and~~
17 32 "administrative expenditures" means expenditures for executive
17 33 administration.

17 34 Sec. 30. Section 280.3, unnumbered paragraph 1, Code 2007,
17 35 is amended to read as follows:



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 23, 2008

Senate Study Bill 3071 continued

18 1 The board of directors of each public school district and
18 2 the authorities in charge of each nonpublic school shall
18 3 prescribe the minimum educational program and an attendance
18 4 policy which shall require each child to attend school for at
18 5 least one hundred forty-eight days, to be met by attendance
18 6 for at least thirty-seven days each school quarter, for the
18 7 schools under their jurisdictions. The minimum educational
18 8 program shall be the curriculum set forth in section 256.11,
18 9 except as otherwise provided by law. The board of directors
18 10 of a public school district shall not allow discrimination in
18 11 any educational program on the basis of race, color, creed,
18 12 age, religion, national origin, physical or mental disability,
18 13 sex, sexual orientation, gender identity, or marital status ~~or~~
~~18 14 place of national origin.~~

18 15 Sec. 31. Section 282.1, unnumbered paragraph 1, Code 2007,
18 16 is amended to read as follows:

18 17 Persons between five and twenty-one years of age are of
18 18 school age. Nonresident children shall be charged the maximum
18 19 tuition rate as determined in section 282.24, subsection 1,
18 20 with the exception that those residing temporarily in a school
18 21 corporation may attend school in the corporation upon terms
18 22 prescribed by the board, ~~and boards.~~ A school district
18 23 discontinuing grades under section 282.7, subsection 1 or
18 24 subsections 1 and 3, shall be charged tuition as provided in
18 25 section 282.24, subsection 2 1.

18 26 Sec. 32. Section 282.18, subsection 4, Code 2007, is
18 27 amended by adding the following new paragraph:

18 28 NEW PARAGRAPH. bb. If a transfer is requested after March
18 29 1 of the preceding school year on behalf of a pupil whose
18 30 sibling is already participating in open enrollment to the
18 31 receiving district, the receiving district shall take action
18 32 to approve the request.

18 33 Sec. 33. Section 282.18, subsection 5, Code 2007, is
18 34 amended to read as follows:

18 35 5. Open enrollment applications filed after March 1 of the



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 23, 2008

Senate Study Bill 3071 continued

19 1 preceding school year that do not qualify for ~~good cause~~
19 2 approval as provided in subsection 4 shall be subject to the
19 3 approval of the board of the resident district and the board
19 4 of the receiving district. The parent or guardian shall send
19 5 notification to the district of residence and the receiving
19 6 district that the parent or guardian seeks to enroll the
19 7 parent's or guardian's child in the receiving district. A
19 8 decision of either board to deny an application filed under
19 9 this subsection involving repeated acts of harassment of the
19 10 student or serious health condition of the student that the
19 11 resident district cannot adequately address is subject to
19 12 appeal under section 290.1. The state board shall exercise
19 13 broad discretion to achieve just and equitable results that
19 14 are in the best interest of the affected child or children.
19 15 Sec. 34. Section 282.31, subsection 1, paragraph a, Code
19 16 Supplement 2007, is amended to read as follows:
19 17 a. A child who lives in a facility pursuant to section
19 18 282.30, subsection 1, paragraph "a", and who is not enrolled
19 19 in the educational program of the district of residence of the
19 20 child, shall receive appropriate educational services. The
19 21 area education agency shall submit a proposed program and
19 22 budget to the department of education by ~~January~~ February 1
19 23 for the next succeeding school year. The department of
19 24 education shall review and approve or modify the program and
19 25 proposed budget and shall notify the department of
19 26 administrative services and the area education agency of its
19 27 action by ~~February~~ April 1. The department of administrative
19 28 services shall pay the approved budget amount for an area
19 29 education agency in monthly installments beginning September
19 30 15 and ending June 15 of the next succeeding school year. The
19 31 installments shall be as nearly equal as possible as
19 32 determined by the department of management, taking into
19 33 consideration the relative budget and cash position of the
19 34 state's resources. The department of administrative services
19 35 shall transfer the approved budget amount for an area



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 23, 2008

Senate Study Bill 3071 continued

20 1 education agency from the moneys appropriated under section
20 2 257.16 and make the payment to the area education agency. The
20 3 area education agency shall submit an accounting for the
20 4 actual cost of the program to the department of education by
20 5 ~~August 1~~ September 15 of the following school year. The
20 6 department shall review and approve or modify all expenditures
20 7 incurred in compliance with the guidelines pursuant to section
20 8 256.7, subsection 10, and shall notify the department of
20 9 administrative services of the approved accounting amount.
20 10 The approved accounting amount shall be compared with any
20 11 amounts paid by the department of administrative services to
20 12 the area education agency and any differences added to or
20 13 subtracted from the October payment made under this paragraph
20 14 for the next school year. Any amount paid by the department
20 15 of administrative services shall be deducted monthly from the
20 16 state foundation aid paid under section 257.16 to all school
20 17 districts in the state during the subsequent fiscal year. The
20 18 portion of the total amount of the approved budget that shall
20 19 be deducted from the state aid of a school district shall be
20 20 the same as the ratio that the budget enrollment for the
20 21 budget year of the school district bears to the total budget
20 22 enrollment in the state for that budget year in which the
20 23 deduction is made.

20 24 Sec. 35. Section 285.9, Code 2007, is amended by adding
20 25 the following new subsection:

20 26 NEW SUBSECTION. 5. Review all transportation disputes
20 27 between districts. If the affected districts are located in
20 28 more than one area education agency, the area education agency
20 29 in which the larger of the districts is located shall be the
20 30 reviewing agency. In resolving disputes between districts,
20 31 the reviewing agency board shall, after receiving all facts,
20 32 make such alterations or changes as necessary to make the
20 33 arrangements, designations, and contracts conform to the legal
20 34 and established requirements and shall notify each affected
20 35 local school board of such action. An affected district may



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 23, 2008

Senate Study Bill 3071 continued

21 1 appeal the decision of the agency board to the director of the
21 2 department of education by following the timelines and
21 3 procedures in section 285.12.

21 4 Sec. 36. Section 291.1, Code 2007, is amended to read as
21 5 follows:

21 6 291.1 PRESIDENT == DUTIES.

21 7 The president of the board of directors shall preside at
21 8 all of its meetings, sign all contracts made by the board, and
21 9 appear ~~in~~ on behalf of the corporation in all actions brought
21 10 by or against it, unless individually a party, in which case
21 11 this duty shall be performed by the secretary. The president
21 12 or the president's designee shall sign, using an original or
21 13 facsimile signature, all school district ~~warrants~~ payments
21 14 drawn and authorize electronic funds transfers as provided by
21 15 law. The board of directors, by resolution, may designate an
21 16 individual, who shall not be the secretary, to sign ~~warrants~~
21 17 payments or authorize electronic funds transfers on behalf of
21 18 the president.

21 19 Sec. 37. Section 291.6, subsection 3, Code 2007, is
21 20 amended by striking the subsection and inserting in lieu
21 21 thereof the following:

21 22 3. ACCOUNTING RECORDS. Keep an accurate accounting record
21 23 of each payment or electronic funds transfer from each fund
21 24 which shall be provided monthly to the board of directors.
21 25 The secretary of the creditor district shall prepare and
21 26 deliver to debtor districts an itemized statement of tuition
21 27 fees charged in accordance with sections 275.55A and 282.11,
21 28 and section 282.24, subsection 1.

21 29 Sec. 38. Section 291.6, subsection 4, Code 2007, is
21 30 amended to read as follows:

21 31 4. CLAIMS. Keep an accurate ~~account~~ accounting of all
21 32 expenses incurred by the corporation, and present the same to
21 33 the board for audit and payment.

21 34 Sec. 39. Section 291.7, Code 2007, is amended to read as
21 35 follows:



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 23, 2008

Senate Study Bill 3071 continued

22 1 291.7 MONTHLY RECEIPTS, DISBURSEMENTS, AND BALANCES.

22 2 The secretary of each district shall file monthly with the
22 3 board of directors a complete statement of all receipts and
22 4 disbursements from ~~the various funds~~ each individual fund
22 5 during the preceding month, and also the balance remaining on
22 6 hand in ~~the various funds~~ each individual fund at the close of
22 7 the period covered by the statement, which monthly statements
22 8 shall be open to public inspection.

22 9 Sec. 40. Section 291.8, Code 2007, is amended by striking
22 10 the section and inserting in lieu thereof the following:

22 11 291.8 PAYMENTS.

22 12 The secretary shall make each authorized payment,
22 13 countersign using an original or facsimile signature, and
22 14 maintain accounting records of the payments or electronic
22 15 funds transfers, showing the number, date, payee, originating
22 16 fund, the purpose, and the amount; and shall provide to the
22 17 board at each regular annual meeting a copy of the accounting
22 18 records maintained by the secretary.

22 19 Sec. 41. Section 291.12, Code 2007, is amended to read as
22 20 follows:

22 21 291.12 DUTIES OF TREASURER == ~~PAYMENT OF WARRANTS~~
22 22 PAYMENTS.

22 23 The treasurer shall receive all moneys belonging to the
22 24 corporation, pay the same out only upon the order of the
22 25 president countersigned by the secretary, ~~keeping and shall~~
22 26 keep an accurate ~~account~~ accounting record of all receipts and
22 27 expenditures in a book provided for that purpose. The
22 28 treasurer shall register all ~~orders drawn~~ payments and
22 29 electronic funds transfers made and reported to the treasurer
22 30 by the secretary, showing the number, date, to whom drawn, the
22 31 fund ~~upon~~ from which drawn each payment and transfer was made,
22 32 the purpose and amount.

22 33 Sec. 42. Section 291.14, Code 2007, is amended to read as
22 34 follows:

22 35 291.14 FINANCIAL STATEMENT.



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 23, 2008

Senate Study Bill 3071 continued

23 1 The treasurer shall render a statement of the finances of
23 2 the corporation whenever required by the board, and the
23 3 treasurer's ~~books~~ accounting records shall always be open for
23 4 inspection.

23 5 Sec. 43. Section 298A.13, Code 2007, is amended to read as
23 6 follows:

23 7 298A.13 TRUST, PERMANENT, OR AGENCY FUNDS.

23 8 Trust, permanent, or agency funds shall be established by
23 9 any school corporation to account for gifts it receives to be
23 10 used for a particular purpose or to account for money and
23 11 property received and administered by the district as trustee
23 12 or custodian or in the capacity of an agent. Boards may
23 13 establish trust ~~and~~, permanent, or agency funds as necessary.

23 14 Sec. 44. Section 299.1, unnumbered paragraph 2, Code 2007,
23 15 is amended to read as follows:

23 16 The board of directors of a public school district or the
23 17 governing body of an accredited nonpublic school may, by
23 18 resolution, require attendance for the entire time when the
23 19 schools are in session in any school year and adopt a policy
23 20 or rules relating to the reasons considered to be valid or
23 21 acceptable excuses for absence from school.

23 22 Sec. 45. Section 299A.11, Code 2007, is amended to read as
23 23 follows:

23 24 299A.11 STUDENT RECORDS CONFIDENTIAL.

23 25 Notwithstanding any provision of law or rule to the
23 26 contrary, personal information in records regarding a child
23 27 receiving competent private instruction pursuant to this
23 28 chapter, which are maintained, created, collected, or
23 29 assembled by or for a state agency, shall be kept confidential
23 30 in the same manner as personal information in student records
23 31 maintained, created, collected, or assembled by or for a
23 32 school corporation or educational institution in accordance
23 33 with section 22.7, subsection 1. For purposes of this
23 34 section, "personal information in records regarding a child
23 35 receiving competent private instruction" shall include the



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 23, 2008

Senate Study Bill 3071 continued

24 1 child's name and home address, as well as all other
24 2 information that personally identifies the child.
24 3 Sec. 46. Section 301.28, Code 2007, is amended to read as
24 4 follows:
24 5 301.28 OFFICERS AND TEACHERS AS AGENTS FOR BOOKS AND
24 6 SUPPLIES == PENALTY.
24 7 ~~It shall be unlawful for any~~ A school director, officer,
24 8 area education director, or teacher ~~to~~ shall not act as an
24 9 agent for ~~any~~ school textbooks or school supplies in any
24 10 transaction with a director, officer, or other staff member of
24 11 the school district or a director, officer, or other staff
24 12 member of the area education agency in which the school
24 13 district is located during such term of office or employment,
24 14 and any school director, officer, area education director, or
24 15 teacher, who ~~shall act~~ acts as an agent or dealer in school
24 16 textbooks or school supplies, within the school district or
24 17 area education agency in which the school district is located
24 18 during the term of such office or employment, in violation of
24 19 this section shall be deemed guilty of a serious misdemeanor.
24 20 Sec. 47. Section 321.1, subsection 69, unnumbered
24 21 paragraph 1, Code 2007, is amended to read as follows:
24 22 "School bus" means every vehicle operated for the
24 23 transportation of children to or from school or school
24 24 activities, except vehicles which are:
24 25 Sec. 48. Section 321.1, subsection 69, paragraph d, Code
24 26 2007, is amended to read as follows:
24 27 d. Designed to carry not more than nine persons as
24 28 passengers, either school owned or privately owned, which are
24 29 ~~used to transport pupils to activity events in which the~~
24 30 ~~pupils are participants or used to transport pupils to their~~
24 31 ~~homes in case of illness or other emergency situations. The~~
24 32 ~~vehicles operated under the provisions of this paragraph shall~~
24 33 ~~be operated by employees of the school district who are~~
24 34 ~~specifically approved by the local superintendent of schools~~
24 35 ~~for the assignment.~~



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 23, 2008

Senate Study Bill 3071 continued

25 1 Sec. 49. Section 321.373, subsection 1, Code 2007, is
25 2 amended to read as follows:

25 3 1. Every school bus ~~except private passenger vehicles used~~
~~25 4 as school buses~~ as defined in section 321.1, subsection 69,
25 5 shall be constructed and equipped to meet safety standards
25 6 prescribed in rules adopted by the state board of education.
25 7 Such rules shall conform to safety standards set forth in
25 8 federal laws and regulations and shall conform, insofar as
25 9 practicable, to the minimum standards for school buses
25 10 recommended by the national conference on school
25 11 transportation administered by the national commission on
25 12 safety education and published by the national education
25 13 association.

25 14 Sec. 50. Section 321.376, Code 2007, is amended by adding
25 15 the following new subsection:

25 16 NEW SUBSECTION. 3. The provisions of this section
25 17 relating to a certificate of qualification and approved course
25 18 of instruction shall not apply to a person driving a vehicle
25 19 designed to carry not more than nine persons as passengers,
25 20 either school-owned or privately owned, used to transport
25 21 pupils to activity events.

25 22 Sec. 51. Section 321J.3, subsection 1, paragraph c, Code
25 23 2007, is amended to read as follows:

25 24 c. The court may prescribe the length of time for the
25 25 evaluation and treatment or it may request that the community
25 26 college or other approved provider conducting the course for
25 27 drinking drivers which the person is ordered to attend or the
25 28 treatment program to which the person is committed immediately
25 29 report to the court when the person has received maximum
25 30 benefit from the course for drinking drivers or treatment
25 31 program or has recovered from the person's addiction,
25 32 dependency, or tendency to chronically abuse alcohol or drugs.

25 33 Sec. 52. Section 321J.17, subsection 2, unnumbered
25 34 paragraph 2, Code 2007, is amended to read as follows:

25 35 The court or department may request that the community



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 23, 2008

Senate Study Bill 3071 continued

26 1 college or substance abuse treatment providers licensed under
26 2 chapter 125 or other approved provider conducting the course
26 3 for drinking drivers that the person is ordered to attend,
26 4 immediately report to the court or department that the person
26 5 has successfully completed the course for drinking drivers.
26 6 The court or department may request that the treatment program
26 7 which the person attends periodically report on the
26 8 defendant's attendance and participation in the program, as
26 9 well as the status of treatment or rehabilitation.

26 10 Sec. 53. Section 321J.22, subsection 1, Code 2007, is
26 11 amended by adding the following new paragraphs:

26 12 NEW PARAGRAPH. 0a. "Approved provider" means a provider
26 13 of a course offered out of state for drinking drivers which
26 14 has been approved by the department of education.

26 15 NEW PARAGRAPH. cc. The department of education may
26 16 approve a provider of a course offered out of state for
26 17 drinking drivers upon proof to the department's satisfaction
26 18 that the course is comparable to those offered by community
26 19 colleges and substance abuse treatment programs licensed under
26 20 chapter 125. The department shall comply with the
26 21 requirements of subsection 5 regarding such approved
26 22 providers.

26 23 Sec. 54. Section 331.756, subsection 7, Code Supplement
26 24 2007, is amended to read as follows:

26 25 7. Give advice or a written opinion, without compensation,
26 26 to the board and other county officers and to ~~school and~~
26 27 township officers, when requested by an officer, upon any
26 28 matters in which the state, county, ~~school,~~ or township is
26 29 interested, or relating to the duty of the officer in any
26 30 matters in which the state, county, ~~school,~~ or township may
26 31 have an interest, but the county attorney shall not appear
26 32 before the board at a hearing in which the state or county is
26 33 not interested.

26 34 Sec. 55. Section 473.20, subsection 2, unnumbered
26 35 paragraph 2, Code 2007, is amended to read as follows:



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 23, 2008

Senate Study Bill 3071 continued

27 1 School districts and community colleges may enter into
27 2 financing arrangements with the department or its duly
27 3 authorized agents or representatives obligating the school
27 4 district or community college to make payments on the loans
27 5 beyond the current budget year of the school district or
27 6 community college, but in no event longer than ten years.
27 7 Chapter 75 shall not be applicable. School districts shall
27 8 repay the loans from moneys in either their general fund or
27 9 debt service fund. Community colleges shall repay the loans
27 10 from their general fund. Other entities receiving loans under
27 11 this section shall repay the loans from any moneys available
27 12 to them.

27 13 Sec. 56. Sections 256.20, 256.23, 297.2, and 297.3, Code
27 14 2007, are repealed.

27 15 EXPLANATION

27 16 This bill makes changes to Code provisions as follows:

27 17 CONFIDENTIAL RECORDS. Code section 22.7, subsection 1, is
27 18 amended to establish that the provision does not prohibit a
27 19 school corporation or educational institution from

27 20 transferring student records electronically to other school
27 21 corporations or educational institutions in accordance with
27 22 the department of education's comprehensive management
27 23 information system and uniform coding and reporting system.

27 24 Code section 299A.11 is amended to provide that "personal
27 25 information in records regarding a child receiving competent
27 26 private instruction" includes the child's name and home
27 27 address, and any other information that personally identifies
27 28 the child.

27 29 PREFERENCES. Code section 73.1 is amended to include
27 30 school districts participating in a federal school breakfast
27 31 program within an exemption from a provision that requires
27 32 governing bodies in the state to use only those products and
27 33 provisions grown and coal produced within the state of Iowa
27 34 when they are found in marketable quantities, are of a
27 35 suitable quality, and are no more costly than products from



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 23, 2008

Senate Study Bill 3071 continued

28 1 other states and countries. Currently, school districts
28 2 participating in the federal school lunch program are exempt.
28 3 STUDENT STATE BOARD OF EDUCATION MEMBER. Code section
28 4 256.5A is amended to increase the term of the nonvoting
28 5 student member of the state board of education from one year
28 6 to two years, and provides that the student must be enrolled
28 7 in grade 10 when applying for the appointment. Currently, a
28 8 student may be enrolled in grade 10 or 11 at the time the
28 9 student applies.

28 10 DEPARTMENTAL EMPLOYMENT OF PROFESSIONAL STAFF. Code
28 11 section 256.10, subsection 2, is amended by striking a
28 12 provision that prohibits the dismissal of a member of the
28 13 professional staff for cause without appropriate due process
28 14 procedures, but adds that the person must not be dismissed
28 15 without an opportunity to meet with the director of education.
28 16 The bill also adds that appointments to the professional staff
28 17 must be made without reference to sexual orientation or gender
28 18 identity.

28 19 SCHOOL NURSE DEFINITION AND SCOPE OF RESPONSIBILITIES.
28 20 Code section 256.11 is amended to replace language defining
28 21 "school nurse" with language providing that the scope of
28 22 practice of a school nurse shall be as established by the
28 23 board of nursing.

28 24 AMERICAN INDIAN EDUCATION EXPENSES. Code section 256.30
28 25 provides for the distribution and administration of moneys in
28 26 excess of federal moneys to pay the expense of educating
28 27 American Indian children residing in the Sac and Fox Indian
28 28 settlement. The bill eliminates language that requires the
28 29 tribal council to submit an annual report to the department of
28 30 education accounting for expenditure of the moneys and
28 31 requires the department of education to certify compliance
28 32 before the department of management can approve allotment of
28 33 the moneys.

28 34 SPECIAL EDUCATION RIGHTS AND DUTIES. Code section 256B.2
28 35 is amended to add to the definition of "children requiring



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 23, 2008

Senate Study Bill 3071 continued

29 1 special education" a provision allowing such a child who
29 2 reaches age 21 during an academic year to elect to continue to
29 3 receive special education services until the academic year
29 4 ends. A conforming change is made to Code section 256B.8.
29 5 Code section 256B.6 is amended to provide that when a child
29 6 requiring special education attains the age of majority or is
29 7 incarcerated in a correctional institution, the rights of the
29 8 child's parent or guardian transfers to the child, and any
29 9 notice to that child's parent or guardian must also be
29 10 provided to the child. If the child is determined to be
29 11 incompetent, these rights shall be exercised by the person
29 12 appointed to represent the educational interest of the child.
29 13 DISCRIMINATION PROHIBITIONS. Code sections 19B.11,
29 14 relating to equal opportunity and affirmative action; 256F.4,
29 15 relating to charter schools; 256.10, relating to employment of
29 16 professional staff by the department of education; and 280.3,
29 17 relating to the duties of school boards, are amended to expand
29 18 the list of prohibited discrimination practices to include
29 19 discrimination on the basis of sexual orientation and gender
29 20 identity and to standardize the lists.
29 21 ACCREDITED NONPUBLIC SCHOOL PUPIL ENROLLMENT. Code section
29 22 257.6 is amended to specify that accredited nonpublic school
29 23 pupils receiving classes or services funded by federal grants
29 24 or allocations shall not be counted in a school district's
29 25 enrollment as shared-time or part-time pupils. The bill makes
29 26 a conforming change to Code section 257.37, subsection 4.
29 27 SUPPLEMENTARY WEIGHTING. Code section 257.11 is amended to
29 28 extend funding for another year, to FY 2008=2009, for
29 29 supplementary weighting for regional academies, and to provide
29 30 that a pupil who is eligible for special education weighting
29 31 is not also eligible for supplementary weighting unless the
29 32 course generating the supplementary weighting has no
29 33 relationship to the pupil's disability.
29 34 ON-TIME BUDGET ADJUSTMENT. Code section 257.13 is amended
29 35 to extend to November 15 the annual date by which the board of



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 23, 2008**

Senate Study Bill 3071 continued

30 1 directors of a school district that wishes to receive an
30 2 on-time funding budget adjustment must adopt a resolution to
30 3 receive the adjustment and notify the school budget review
30 4 committee. The current date is November 1.
30 5 LIMITATION ON LAND. The bill amends Code section 260C.35
30 6 to specify that the board of directors of a community college
30 7 may, at any one time and with the approval of the director of
30 8 the department of education, sell any land in a single tract
30 9 in excess of 160 acres without an election.
30 10 POSTSECONDARY ENROLLMENT OPTIONS REPORT. Code section
30 11 261C.4 is amended to eliminate a requirement that an eligible
30 12 postsecondary institution send written notice to the
30 13 department of education when the institution accepts an
30 14 eligible pupil for enrollment under the postsecondary
30 15 enrollment options Act.
30 16 ALLEGED MISCONDUCT REPORT TO THE BOARD OF EDUCATIONAL
30 17 EXAMINERS. Code section 272.15 is amended to allow, rather
30 18 than require, an employee of the department of education to
30 19 report alleged misconduct to the board of educational
30 20 examiners when the employee, in the course of performing
30 21 official duties, becomes aware of any alleged misconduct by an
30 22 individual licensed by the board.
30 23 AREA EDUCATION AGENCY BUDGET DEADLINES. Code section 273.3
30 24 is amended to extend the dates by which area education agency
30 25 proposed budgets must be reviewed, approved, or returned by
30 26 the state board and resubmitted to the state board if not
30 27 approved.
30 28 ADMINISTRATIVE EXPENSES. Code sections 273.13 and 279.45
30 29 are amended by striking obsolete language, including replacing
30 30 the word "operating" with the word "general" to refer to the
30 31 fund an area education agency (AEA) or school district can use
30 32 for administrative expenditures.
30 33 REORGANIZATION OF SCHOOL DISTRICTS. Code section 275.31 is
30 34 amended by striking obsolete language which allows any owner
30 35 of bonds of an affected school corporation, reorganized or



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 23, 2008

Senate Study Bill 3071 continued

31 1 dissolved prior to 1989, to bring suit in equity for
31 2 adjustment of the division and distribution in the case of a
31 3 reorganized district. The language also provided for the
31 4 payment of debt service by the department of management to the
31 5 newly formed district in an amount that reduces the rate of
31 6 the property tax levy for lawful bonded indebtedness in the
31 7 portion of the newly formed district where the new rate is
31 8 higher, to the rate that was levied in that portion of the
31 9 district during the year preceding the reorganization or
31 10 dissolution.

31 11 Code sections 275.53 and 275.54 are amended to replace a
31 12 requirement that notification of a dissolution proposal be
31 13 sent by registered mail with a number of options for making
31 14 the required notification. The bill also amends Code section
31 15 275.54 to establish an arbitration process for use when a
31 16 board of a district to which area of the affected school
31 17 district will be attached objects to the division of assets
31 18 and liabilities contained in the dissolution proposal. Under
31 19 the process, the objecting district selects a disinterested
31 20 arbitrator, the district in favor of the dissolution proposal
31 21 selects a disinterested arbitrator, and the administrator of
31 22 the AEA to which the dissolving district belongs selects a
31 23 disinterested arbitrator.

31 24 Code section 275.55 is amended to extend the amount of time
31 25 a school board has to call a special election on a dissolution
31 26 proposal from 40 to 60 days.

31 27 SCHOOL AND AEA BOARD PAYMENTS AND WARRANTS. Code section
31 28 279.30 is amended to allow the board of directors of a school
31 29 district or of an AEA to direct deposit a payment at a
31 30 financial institution specified by the person entitled to the
31 31 money. Code section 291.1; Code section 291.6, subsections 3
31 32 and 4; and Code sections 291.7, 291.8, 291.12, and 291.14 are
31 33 amended to replace references to "books", "registers", and
31 34 "warrants" with references to payments, electronic funds
31 35 transfers, and "accounting records" and to make related



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 23, 2008**

Senate Study Bill 3071 continued

32 1 changes.

32 2 SCHOOL FUNDS FOR GIFTS. Code sections 279.42 and 298A.13
32 3 are amended to give school districts the option of
32 4 establishing a permanent fund for gifts received and to allow
32 5 school districts to deposit funds received from gifts,
32 6 devises, and bequests into a trust or permanent fund; and to
32 7 strike the word "agency" from Code section 279.42 as agency
32 8 funds are not used for deposit of gifts.

32 9 CODE CORRECTION. The bill makes corrections to Code
32 10 section 282.1 to change a reference, and to Code section
32 11 299.1, to refer to the board of directors of a public school
32 12 district.

32 13 OPEN ENROLLMENT BY SIBLING. Code section 282.18,
32 14 subsection 4, is amended to require that a receiving district
32 15 approve a transfer request submitted after March 1 of the
32 16 preceding school year if the sibling of the pupil for whom the
32 17 request is made is already participating in open enrollment to
32 18 the receiving district. The bill makes a conforming change to
32 19 Code section 282.18, subsection 5.

32 20 AEA FUNDING FOR SPECIAL PROGRAM DEADLINES. Code section
32 21 282.31 is amended to change the date by which an AEA must
32 22 submit a proposed special program and budget to the department
32 23 of education for children living in shelter care or juvenile
32 24 detention homes, the date by which the department must take
32 25 action, and the date by which the AEA must submit actual
32 26 costs.

32 27 AEA TRANSPORTATION DISPUTE RESOLUTION. The bill adds a new
32 28 provision to Code section 285.9 to assign the duty of
32 29 reviewing and resolving all transportation disputes between
32 30 districts to the AEA boards.

32 31 OFFICERS AND TEACHERS AS AGENTS FOR BOOKS AND SUPPLIES.
32 32 Code section 301.28 is amended to prohibit a school director,
32 33 officer, area education director, or teacher from acting as an
32 34 agent for school textbooks or school supplies in any
32 35 transaction with a director, officer, or staff member of the



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 23, 2008**

Senate Study Bill 3071 continued

33 1 school district or the AEA in which the school district is
33 2 located. Currently, such persons are prohibited from acting
33 3 as an agent for any school textbooks or school supplies,
33 4 rather than as an agent for school textbooks or school
33 5 supplies in any transaction with the school district or AEA.
33 6 SCHOOL BUS DEFINITION. Code section 321.1, subsection 69,
33 7 is amended to strike from an exemption to the definition of
33 8 "school bus", language that includes a vehicle operated for
33 9 the transportation of children to or from school activities.
33 10 Currently, the definition is limited to transportation of
33 11 children to or from school. The bill makes a conforming
33 12 amendment to Code section 321.373 to provide that every school
33 13 bus, including those used to transport students to school
33 14 activities, must be constructed and equipped to meet specified
33 15 safety standards. However, the bill amends Code section
33 16 321.376 to provide that certificate of qualification and
33 17 approved course of instruction requirements do not apply to
33 18 persons driving pupils to activities in nine-passenger
33 19 vehicles.
33 20 APPROVED COURSES FOR DRINKING DRIVERS. Code sections
33 21 321J.3 and 321J.17 are amended to expand the providers of
33 22 drinking driver courses supervised and approved by the
33 23 department of education to include "other approved providers",
33 24 which the bill defines in Code section 321J.22, as providers
33 25 of courses offered out of state. The out-of-state providers
33 26 must prove to the department's satisfaction that the course is
33 27 comparable to those offered by community colleges and
33 28 substance abuse treatment programs. The bill establishes that
33 29 other approved providers may be requested to meet the same
33 30 reporting requirements as the community colleges and substance
33 31 abuse treatment programs.
33 32 DUTIES OF THE COUNTY ATTORNEY. The bill amends Code
33 33 section 331.756, subsection 7, which specifies the duties of
33 34 county attorneys, to eliminate a requirement that county
33 35 attorneys give advice or a written opinion, without



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 23, 2008

Senate Study Bill 3071 continued

34 1 compensation, to school officers upon request.
34 2 ENERGY LOAN FUND LIMITATION. Code section 473.20 is
34 3 amended to set a limit of 10 years on energy loan fund
34 4 financing arrangements a school or community college may enter
34 5 into with the department of natural resources or its duly
34 6 authorized agents or representatives.
34 7 CODE SECTIONS REPEALED. The bill repeals the following:
34 8 1. Code section 256.20, which permits school districts to
34 9 request approval from the state board of education for a pilot
34 10 project for a year around three=semester school year.
34 11 2. Code section 256.23, which establishes a recruitment
34 12 and advancement program to provide for the allocation of
34 13 grants to school corporations for pilot projects that
34 14 encourage the advancement of women and minorities to
34 15 administrative positions.
34 16 3. Code section 297.2, which permits school districts to
34 17 take and hold so much real estate as may be required for the
34 18 location or construction of schoolhouses, up to a limit of 10
34 19 acres.
34 20 4. Code section 297.3, which permits any school district,
34 21 including a city or village, to take and hold an area equal to
34 22 two blocks for a schoolhouse site, up to a limit of 30 acres,
34 23 for a school playground, stadium, or field house, or other
34 24 purposes.
34 25 LSB 5310XD 82
34 26 kh/nh/5.1



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 23, 2008

Senate Study Bill 3072

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 allowing the director of the department of education to
2 withhold certain state funding from school districts, area
3 education agencies, and community colleges when required
4 report submissions are late.
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
6 TLSB 5335XD 82
7 ak/sc/5



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 23, 2008

Senate Study Bill 3072 continued

PAG LIN

1 1 Section 1. Section 256.9, subsection 18, Code Supplement
1 2 2007, is amended to read as follows:
1 3 18. a. Prepare forms and procedures as necessary to be
1 4 used by area education agency boards, district boards, school
1 5 officials, principals, teachers, and other employees, and to
1 6 insure uniformity, accuracy, and efficiency in keeping records,
1 7 in both pupil and cost accounting, the execution of contracts,
1 8 and the submission of reports, ~~and notify.~~
1 9 b. (1) Notify the area education agency board, district
1 10 board, or school authorities when a report has not been filed
1 11 in the manner or on the dates prescribed by law or by rule
1 12 that the school will not be accredited until the report has
1 13 been properly filed.
1 14 (2) The director may withhold from a school district the
1 15 payment of state foundation aid under section 257.16,
1 16 subsection 2, if the school district has not filed a data or
1 17 information report with the department on the date prescribed
1 18 by law or by rule. The director may withhold up to ten
1 19 percent of the monthly payment if the submission is thirty
1 20 days late and may withhold up to twenty-five percent of
1 21 subsequent monthly payments until the report is filed. The
1 22 director shall notify the school district and the school
1 23 district board president of the intent to withhold state
1 24 foundation aid at least fifteen days prior to such action.
1 25 After the department has verified a school district has
1 26 submitted the required report, all withheld amounts shall be
1 27 distributed within sixty days and shall be included with a
1 28 regularly scheduled monthly payment.
1 29 Sec. 2. Section 260C.5, subsection 5, Code 2007, is
1 30 amended to read as follows:
1 31 5. a. Administer, allocate, and disburse federal or state
1 32 funds available to pay a portion of the operating costs of
1 33 community colleges.
1 34 b. The director may withhold from a community college the
1 35 payment of general state financial aid under section 260C.18C,



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 23, 2008

Senate Study Bill 3072 continued

2 1 if the community college has not filed a data or information
2 2 report on the date prescribed by law or by rule. The director
2 3 may withhold up to ten percent of a monthly payment if the
2 4 submission is thirty days late and may withhold up to
2 5 twenty-five percent of subsequent monthly payments until the
2 6 report is filed. The director shall notify the community
2 7 college and the merged area board president of the intent to
2 8 withhold general state financial aid at least fifteen days
2 9 prior to such action. After the department has verified a
2 10 community college has submitted the required report, all
2 11 withheld amounts shall be distributed within sixty days and
2 12 shall be included with a regularly scheduled monthly payment.

2 13 Sec. 3. NEW SECTION. 273.14 REPORT DEADLINES ==
2 14 PENALTIES.

2 15 The director of the department of education may order a
2 16 school district to withhold from an area education agency
2 17 funds due under section 256B.9 or 273.9 if the area education
2 18 agency has not filed a data or information report on the date
2 19 prescribed by law or by rule. The director may order up to
2 20 ten percent of a monthly payment be withheld if the submission
2 21 is thirty days late and up to twenty-five percent of
2 22 subsequent monthly payments until the report is filed. The
2 23 director shall notify the president of the area education
2 24 agency board and the president of the school district board of
2 25 the order to withhold funds at least fifteen days prior to the
2 26 district taking such action. After the department has
2 27 verified an area education agency has submitted the required
2 28 report, all withheld amounts shall be distributed within sixty
2 29 days and may be included with a regularly scheduled monthly
2 30 payment.

2 31 EXPLANATION

2 32 This bill allows the director of the department of
2 33 education to enforce compliance with reporting and submission
2 34 deadlines from school districts, area education agencies
2 35 (AEAs), and community colleges. The bill allows the



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 23, 2008

Senate Study Bill 3072 continued

3 1 department to withhold a part of state aid payments in an
3 2 effort to incentivize compliance with reporting requirements.
3 3 The bill also allows the department to order a school district
3 4 to withhold payments from AEAs to incentivize compliance. The
3 5 bill provides that a submission that is 30 days late would
3 6 allow the department, or a school district in the case of an
3 7 AEA, to withhold 10 percent of the monthly state aid amount
3 8 due the school district, community college, or AEA. If a
3 9 submission is 60 days late, the bill allows the department, or
3 10 school district, to withhold 25 percent of subsequent monthly
3 11 state aid amounts. The bill provides that once an entity
3 12 submits the required report, the withheld funds will be
3 13 distributed within 60 days and included with a regularly
3 14 scheduled monthly payment.
3 15 LSB 5335XD 82
3 16 ak/sc/5



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 23, 2008

Senate Study Bill 3073

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 tax penalties.
- 2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 3 TLSB 5470DP 82
- 4 ak/rj/8



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 23, 2008

Senate Study Bill 3073 continued

PAG LIN

1 1 Section 1. Section 96.14, subsection 2, paragraph d, Code
1 2 Supplement 2007, is amended to read as follows:
1 3 d. A penalty shall not be less than ~~ten dollars for the~~
~~1 4 first delinquent report or the first insufficient report not~~
~~1 5 made sufficient within thirty days after a request to do so.~~
~~1 6 The penalty shall not be less than twenty-five dollars for the~~
~~1 7 second delinquent or insufficient report, and not less than~~
1 8 fifty dollars for each delinquent or insufficient report
1 9 thereafter, until four consecutive calendar quarters of
~~1 10 reports are timely and sufficiently filed. Interest,~~
1 11 penalties, and cost shall be collected by the department in
1 12 the same manner as provided by this chapter for contributions.
1 13 Sec. 2. Section 96.14, subsection 2, Code Supplement 2007,
1 14 is amended by adding the following new paragraph:
1 15 NEW PARAGRAPH. ee. If any tendered payment of any amount
1 16 due in the form a check, draft, or money order is not honored
1 17 when presented to a financial institution, any costs assessed
1 18 to the department by the financial institution and a fee of
1 19 thirty dollars shall be assessed to the employer.
1 20 Sec. 3. Section 96.14, Code Supplement 2007, is amended by
1 21 adding the following new subsection:
1 22 NEW SUBSECTION. 17. EMPLOYER SUBPOENA COST AND PENALTY.
1 23 An employer who is served with a subpoena pursuant to section
1 24 96.11, subsection 7, for the investigation of an employer
1 25 liability issue, to complete audits, to secure reports, or to
1 26 assess contributions shall pay all costs associated with the
1 27 subpoena, including service fees and court costs. The
1 28 department shall penalize an employer in the amount of two
1 29 hundred fifty dollars if that employer refused to honor a
1 30 subpoena or negligently failed to honor a subpoena. The cost
1 31 of the subpoena and any penalty shall be collected in the
1 32 manner provided in section 96.14, subsection 3.
1 33 EXPLANATION
1 34 This bill relates to the unemployment insurance tax law and
1 35 creates a \$50 penalty for each delinquent or insufficient wage



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 23, 2008**

Senate Study Bill 3073 continued

2 1 report from an employer. The bill mandates a \$30 fee and
2 2 costs to be paid by an employer who tenders a faulty
2 3 unemployment contribution payment to the department of
2 4 workforce development.
2 5 An employer who is served with a subpoena pursuant to Code
2 6 section 96.11, subsection 7, relating to administration of the
2 7 unemployment insurance law, is responsible for paying all
2 8 service fee and court costs associated with the subpoena.
2 9 Refusal or negligent failure to honor the subpoena shall
2 10 result in a penalty of \$250 by the department.
2 11 LSB 5470DP 82
2 12 ak/rj/8.1



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 23, 2008

Senate Study Bill 3074

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 late settlement fees in contested cases for
2 workers' compensation benefits and appropriating such fees to
3 the division of workers' compensation within the department of
4 workforce development.
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
6 TLSB 5489DP 82
7 av/rj/5



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 23, 2008

Senate Study Bill 3074 continued

PAG LIN

1 1 Section 1. Section 86.27, Code 2007, is amended to read as
1 2 follows:

1 3 86.27 SETTLEMENT OF CONTROVERSY == LATE SETTLEMENT FEE.

1 4 1. Notwithstanding the terms of the Iowa administrative
1 5 procedure Act, chapter 17A, ~~no~~ a party to a contested case
1 6 under any provision of the "Workers' Compensation Act" ~~may~~
1 7 shall not settle a controversy without the approval of the
1 8 workers' compensation commissioner.

1 9 2. If the parties to a contested case notify the division
1 10 of workers' compensation of a settlement less than three
1 11 business days before the scheduled primary hearing date for
1 12 the case, a late settlement fee of five hundred dollars shall
1 13 be assessed as hearing costs. If a case that has been
1 14 assigned a backup hearing position is moved to a primary
1 15 hearing position less than three days before hearing, the
1 16 parties to that case shall not be subject to a late settlement
1 17 fee if that case settles less than three days before hearing.
1 18 The late settlement fee is payable to the division of workers'
1 19 compensation. Fees so collected are appropriated to the
1 20 division for administrative expenses. Section 8.33 does not
1 21 apply to the moneys.

1 22 EXPLANATION

1 23 This bill provides that if a contested case for workers'
1 24 compensation benefits is settled less than three business days
1 25 before the scheduled primary hearing date for the case, a late
1 26 settlement fee of \$500 shall be assessed as hearing costs.
1 27 The fee is not applicable to late settlement of a case that
1 28 was assigned to a backup hearing position and is moved to a
1 29 primary hearing position.

1 30 Late settlement fees are collected by the division of
1 31 workers' compensation and are appropriated to the division for
1 32 administrative expenses. The moneys collected are not subject
1 33 to reversion to the general fund at the end of the fiscal
1 34 year.

1 35 LSB 5489DP 82



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 23, 2008**

Senate Study Bill 3074 continued

2 1 av/rj/5



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 23, 2008

Senate Study Bill 3075

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 judicial branch including judicial review
2 of state agency decisions, contested and uncontested parking
3 violations, filing civil citations of municipal infractions
4 with the clerk, appointments to the clerk of the district
5 court, records kept by the clerk, and service of original
6 notice in a small claims action.
7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
8 TLSB 5449DP 82
9 jm/rj/8



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 23, 2008

Senate Study Bill 3075 continued

PAG LIN

1 1 Section 1. Section 17A.19, subsection 7, Code 2007, is
1 2 amended to read as follows:

1 3 7. In proceedings for judicial review of agency action a
1 4 court may hear and consider ~~such~~ evidence as it deems
1 5 appropriate. The evidence shall be made part of the district
1 6 court record.

1 7 a. In proceedings for judicial review of agency action not
1 8 involving a contested case, the evidence shall include a
1 9 certified copy of the decision of the agency, a transcript of
1 10 any reported agency hearing that is relevant to the agency
1 11 action, and relevant documents or evidence considered by the
1 12 agency in taking the action under review or any other relevant
1 13 documents submitted by a party for consideration by the court.

1 14 b. In proceedings for judicial review of agency action in
1 15 a contested case, however, a court shall not itself hear any
1 16 further evidence with respect to those issues of fact whose
1 17 determination was entrusted by Constitution or statute to the
1 18 agency in that contested case proceeding. Before the date set
1 19 for hearing a petition for judicial review of agency action in
1 20 a contested case, application may be made to the court for
1 21 leave to present evidence in addition to that found in the
1 22 record of the case. If it is shown to the satisfaction of the
1 23 court that the additional evidence is material and that there
1 24 were good reasons for failure to present it in the contested
1 25 case proceeding before the agency, the court may order that
1 26 the additional evidence be taken before the agency upon
1 27 conditions determined by the court. The agency may modify its
1 28 findings and decision in the case by reason of the additional
1 29 evidence and shall file that evidence and any modifications,
1 30 new findings, or decisions with the reviewing court and mail
1 31 copies of the new findings or decisions to all parties.

1 32 Sec. 2. Section 321.236, subsection 1, unnumbered
1 33 paragraph 2, Code Supplement 2007, is amended to read as
1 34 follows:

1 35 Parking meter, snow route, and overtime parking violations



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 23, 2008

Senate Study Bill 3075 continued

2 1 which are ~~denied~~ contested shall be charged and proceed before
2 2 a court the same as other traffic violations. Filing fees and
2 3 court costs shall be assessed as provided in section 602.8106,
2 4 subsection 1 and section 805.6, subsection 1, paragraph "a"
2 5 for parking violation cases. ~~Parking violations which are~~
~~2 6 admitted:~~

2 7 Sec. 3. Section 321.236, subsection 1, paragraphs a and b,
2 8 Code Supplement 2007, are amended to read as follows:

2 9 a. ~~May~~ Parking violations which are uncontested shall be
2 10 charged and collected upon a simple notice of a fine payable
2 11 to the city clerk, if authorized by ordinance. The fine for
2 12 each violation charged under a simple notice of a fine shall
2 13 be established by ordinance. The fine may be increased by
2 14 five dollars if the parking violation is not paid within
2 15 thirty days of the date upon which the violation occurred, ~~if~~
~~2 16 authorized by ordinance.~~ Violations of section 321L.4,
2 17 subsection 2, ~~may~~ shall be charged and collected upon a simple
2 18 notice of a one hundred dollar fine payable to the city clerk,
~~2 19 if authorized by ordinance.~~ ~~No costs~~ Costs or other charges
2 20 shall not be assessed. All fines collected by a city pursuant
2 21 to this paragraph shall be retained by the city and all fines
2 22 collected by a county pursuant to this paragraph shall be
2 23 retained by the county, except as provided by an agreement
2 24 between a city and a county treasurer for the collection of
2 25 fines pursuant to section 331.553, subsection 8.

2 26 b. ~~Notwithstanding any such ordinance, may be prosecuted~~
~~2 27 under the provisions of sections 805.7 to 805.13 or as any~~
~~2 28 other traffic violation.~~

2 29 Sec. 4. Section 364.22, subsection 4, unnumbered paragraph
2 30 1, Code 2007, is amended to read as follows:

2 31 An officer authorized by a city to enforce a city code or
2 32 regulation may issue a civil citation to a person who commits
2 33 a municipal infraction. ~~The~~ A copy of the citation may be
2 34 served by personal service as provided in rule of civil
2 35 procedure 1.305, by certified mail addressed to the defendant



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 23, 2008

Senate Study Bill 3075 continued

3 1 at the defendant's last known mailing address, return receipt
3 2 requested, or by publication in the manner as provided in rule
3 3 of civil procedure 1.310 and subject to the conditions of rule
3 4 of civil procedure 1.311. A copy of the citation shall be
3 5 retained by the issuing officer, and ~~one copy~~ the original
3 6 citation shall be sent to the clerk of the district court.
3 7 The citation shall serve as notification that a civil offense
3 8 has been committed and shall contain the following
3 9 information:
3 10 Sec. 5. Section 523I.602, subsection 4, Code 2007, is
3 11 amended to read as follows:
3 12 4. RECEIPT == ~~CEMETERY~~ RECORD. Every such trustee shall
3 13 execute and deliver to the donor a receipt showing the amount
3 14 of money or other property received, and the use to be made of
3 15 the net proceeds from the same, duly attested by the clerk of
3 16 the court granting letters of trusteeship, ~~and a copy thereof,~~
~~3 17 signed by the trustee and so attested, shall be filed with and~~
~~3 18 recorded by the clerk in a book to be known as the cemetery~~
~~3 19 record, in which shall be recorded all reports and other~~
~~3 20 papers, including orders made by the court relative to~~
~~3 21 cemetery matters~~ and the trustee shall keep a signed and
3 22 attested copy of the receipt.
3 23 Sec. 6. Section 602.1215, subsection 1, Code 2007, is
3 24 amended to read as follows:
3 25 1. Subject to the provisions of section 602.1209,
3 26 subsection 3, the ~~district judges of each~~ chief judge of the
3 27 judicial election district shall by majority vote appoint
3 28 appoint persons to serve as clerks of the district court
3 29 within the judicial election district. The ~~district judges of~~
~~3 30 a judicial election district~~ chief judge may appoint a person
3 31 to serve as clerk of the district court for more than one but
3 32 not more than four contiguous counties in the same judicial
3 33 district. A person does not qualify for appointment to the
3 34 office of clerk of the district court unless the person is at
3 35 the time of application a resident of the state. A clerk of



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 23, 2008

Senate Study Bill 3075 continued

4 1 the district court may be removed from office for cause by a
4 2 ~~majority vote of the district judges~~ the chief judge of the
4 3 judicial ~~election~~ district. ~~Before~~ Prior to removal, the
4 4 clerk of the district court shall be notified of the cause for
4 5 removal.

4 6 Sec. 7. Section 602.8104, subsection 2, paragraph h, Code
4 7 2007, is amended by striking the paragraph.

4 8 Sec. 8. Section 602.8104, subsection 2, Code 2007, is
4 9 amended by adding the following new paragraph:

4 10 NEW PARAGRAPH. k. A record book of certificates of
4 11 deposit, not in the clerk's name, which are being held by the
4 12 clerk on behalf of a conservatorship, trust, or an estate
4 13 pursuant to a court order as provided in section 636.37.

4 14 Sec. 9. Section 602.8106, subsection 1, paragraph c, Code
4 15 Supplement 2007, is amended to read as follows:

4 16 c. For filing and docketing a complaint or information or
4 17 uniform citation and complaint for parking violations under
4 18 sections 321.236, 321.239, 321.358, 321.360, and 321.361,
4 19 eight dollars, effective January 1, 2004. The court costs in
4 20 cases of parking meter and overtime parking violations which
4 21 are ~~denied~~ contested, and charged and collected pursuant to
4 22 section 321.236, subsection 1, or pursuant to a uniform
4 23 citation and complaint, are eight dollars per information or
4 24 complaint or per uniform citation and complaint effective
4 25 January 1, 1991.

4 26 Sec. 10. Section 631.4, subsection 1, paragraph a, Code
4 27 2007, is amended to read as follows:

4 28 a. If the defendant is a resident of this state, or if the
4 29 defendant is a nonresident of this state and is subject to the
4 30 jurisdiction of the court under rule of civil procedure 1.306,
4 31 the plaintiff may elect service under this paragraph, and upon
4 32 receipt of the prescribed costs the clerk shall mail to the
4 33 defendant by certified mail, restricted delivery, return
4 34 receipt to the clerk requested, a copy of the original notice
4 35 together with a conforming copy of an answer form. However,



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 23, 2008

Senate Study Bill 3075 continued

5 1 if the defendant is a corporation, partnership, or
5 2 association, the clerk shall mail to the defendant by
5 3 certified mail, return receipt to the clerk requested, a copy
5 4 of the original notice with a conforming copy of an answer
5 5 form. The defendant is required to appear within twenty days
5 6 following the date service is made.

5 7 Sec. 11. Section 636.37, Code 2007, is amended to read as
5 8 follows:

5 9 636.37 DUTY OF CLERK.

5 10 1. The clerk of the district court with whom any deposit
5 11 of funds, moneys, or securities shall be made, as provided by
5 12 any law or an order of court, shall enter in a book, to be
5 13 provided and kept for that purpose, the amount of such
5 14 deposit, the character thereof, the date of its deposit, from
5 15 whom received, from what source derived, to whom due or to
5 16 become due, if known.

5 17 2. A separate book shall be maintained for all
5 18 certificates of deposit not in the name of the clerk of the
5 19 district court that are being held by the clerk on behalf of a
5 20 conservatorship, trust, or estate. The book shall list the
5 21 relevant details of the transaction, including but not limited
5 22 to the name of the conservator, trustee, or executor, and
5 23 cross references to the court orders opening and closing the
5 24 conservatorship, trust, or estate.

5 25 Sec. 12. Section 805.8A, subsection 1, paragraph a, Code
5 26 2007, is amended to read as follows:

5 27 a. For parking violations under sections 321.236, 321.239,
5 28 321.358, 321.360, and 321.361, the scheduled fine is five
5 29 dollars, except if the local authority has established the
5 30 fine by ordinance pursuant to section 321.236, subsection 1.
5 31 The scheduled fine for a parking violation pursuant to section
5 32 321.236 increases by five dollars, as if authorized by
5 33 ordinance pursuant to section 321.236, subsection 1, and if
5 34 the parking violation is not paid within thirty days of the
5 35 date upon which the violation occurred. For purposes of



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 23, 2008

Senate Study Bill 3075 continued

6 1 calculating the unsecured appearance bond required under
6 2 section 805.6, the scheduled fine shall be five dollars, or if
6 3 the amount of the fine is greater than five dollars, the
6 4 unsecured appearance bond shall be the amount of the fine
6 5 established by the local authority ~~pursuant to section~~
~~6 6 321.236, subsection 1.~~ However, violations charged by a city
6 7 or county upon simple notice of a fine instead of a uniform
6 8 citation and complaint ~~as permitted~~ required by section
6 9 321.236, subsection 1, paragraph "a", are not scheduled
6 10 violations, and this section shall not apply to any offense
6 11 charged in that manner. For a parking violation under section
6 12 321.362 or 461A.38, the scheduled fine is ten dollars.

6 13 EXPLANATION

6 14 This bill relates to the judicial branch including judicial
6 15 review of state agency decisions, contested and uncontested
6 16 parking violations, filing civil citations of municipal
6 17 infractions, appointments of clerks of the district court,
6 18 records kept by the clerks, and service of original notice in
6 19 a small claims action.

6 20 The bill provides that in proceedings for judicial review
6 21 of state agency action which does not involve a contested
6 22 case, the evidence shall include a certified copy of the
6 23 decision of the agency, a transcript of any reported agency
6 24 hearing that is relevant to the agency action, relevant
6 25 documents or evidence considered by the agency in taking the
6 26 action under review, or any other relevant documents submitted
6 27 by a party.

6 28 The bill removes the clerk of the district court from
6 29 collecting uncontested parking violation fines of a city or
6 30 county.

6 31 Under the bill, when a violation of a municipal infraction
6 32 occurs and a civil penalty is assessed, a copy of the citation
6 33 shall be served on the defendant, and the original citation
6 34 shall be sent to the clerk of the district court. Current law
6 35 provides that a copy of the citation be sent to the clerk of



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 23, 2008**

Senate Study Bill 3075 continued

7 1 the district court.

7 2 The bill strikes the requirement that the clerk of the
7 3 district court keep a cemetery record book related to Code
7 4 section 523I.602.

7 5 The bill changes the method by which the clerk of the
7 6 district court is appointed. The bill permits the chief judge
7 7 of each judicial district to appoint the clerk of the district
7 8 court and remove the clerk for cause. The clerk under current
7 9 law is appointed by a majority vote of all the district judges
7 10 in the judicial election district, and removed by majority
7 11 vote.

7 12 The bill provides that the clerk of the district court
7 13 shall keep a record book of certificates of deposit that have
7 14 not been issued in the name of the clerk but are being held by
7 15 the clerk on behalf of a conservatorship, trust, or an estate.
7 16 The bill also provides that the record book shall list the
7 17 relevant details of the transaction, including but not limited
7 18 to the name of the conservator, trustee, or executor, and
7 19 cross references to the court orders opening and closing the
7 20 conservatorship, trust, or estate. Current law provides the
7 21 clerk to provide a detailed accounting of all funds deposited
7 22 with the clerk pursuant to Code section 636.37.

7 23 The bill provides that if the defendant in a small claims
7 24 action is a corporation, partnership, or association, the
7 25 clerk, to obtain service, shall mail to the defendant a copy
7 26 of the original notice, with a conforming copy of the answer
7 27 form, by certified mail, return receipt to the clerk
7 28 requested.

7 29 LSB 5449DP 82

7 30 jm/rj/8



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 23, 2008

Senate Study Bill 3076

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 providing legal representation to an eligible
- 2 indigent person and the appointment of a guardian ad litem.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 5472DP 82
- 5 jm/rj/5



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 23, 2008

Senate Study Bill 3076 continued

PAG LIN

1 1 Section 1. Section 13B.4, subsection 2, Code Supplement
1 2 2007, is amended to read as follows:
1 3 2. The state public defender shall file a notice with the
1 4 clerk of the district court in each county served by a public
1 5 defender designating which public defender office shall
1 6 receive notice of appointment of cases. The state public
1 7 defender may also designate a nonprofit organization which has
1 8 a contract with the state public defender to provide legal
1 9 services to eligible indigent persons ~~prior to July 1, 2004.~~
~~1 10 Except as otherwise provided, in.~~ In each county in which the
1 11 state public defender files a designation, the state public
1 12 defender's designee shall be appointed by the court to
1 13 represent all eligible ~~indigents~~ persons or to serve as
1 14 guardian ad litem for eligible children in juvenile court in
1 15 all of the cases and proceedings specified in the designation.
1 16 The appointment shall not be made if the state public defender
1 17 notifies the court that the state public defender ~~defender's~~
1 18 designee will not provide legal representation services in
1 19 certain cases as identified in the designation by the state
1 20 public defender.
1 21 Sec. 2. Section 13B.9, subsection 1, paragraph c, Code
1 22 2007, is amended by striking the paragraph and inserting in
1 23 lieu thereof the following:
1 24 c. Serve as guardian ad litem for each child in all cases
1 25 in which the local public defender office is the state public
1 26 defender's designee. The local public defender shall be
1 27 responsible for determining who shall perform the duties of
1 28 the guardian ad litem as defined in section 232.2 and shall be
1 29 responsible for assuring the court that the duties of the
1 30 guardian ad litem have been fulfilled.
1 31 Sec. 3. Section 814.11, subsection 2, Code 2007, is
1 32 amended to read as follows:
1 33 2. If the appeal involves an indictable offense or denial
1 34 of postconviction relief, the appointment shall be made to the
1 35 state appellate defender unless the state appellate defender



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 23, 2008

Senate Study Bill 3076 continued

2 1 ~~is unable to handle~~ withdraws from the case due to a conflict
2 2 of interest or because of a temporary overload of cases.

2 3 Sec. 4. Section 814.11, Code 2007, is amended by adding
2 4 the following new subsection:

2 5 NEW SUBSECTION. 2A. In a juvenile proceeding the trial
2 6 attorney representing the juvenile shall be responsible for
2 7 filing any petition on appeal.

2 8 Sec. 5. Section 814.11, subsections 3 and 4, Code 2007,
2 9 are amended to read as follows:

2 10 3. If the appeal is other than an indictable offense or
2 11 denial of postconviction relief, including juvenile cases in
2 12 which a full brief is required or ordered, or if the state
2 13 appellate defender is unable to handle the case, the court
2 14 shall appoint an attorney who has a contract with the state
2 15 public defender to handle such an appeal.

2 16 4. If the court determines that no contract attorney is
2 17 available to handle the appeal, the court may appoint a
2 18 noncontract attorney, if the state public defender consents to
2 19 the appointment of the noncontract attorney. The order of
2 20 appointment shall include a specific finding that no contract
2 21 attorney ~~was~~ is available and the state public defender
2 22 consents to the appointment.

2 23 Sec. 6. Section 815.10A, subsection 2, Code 2007, is
2 24 amended to read as follows:

2 25 2. Claims for compensation and reimbursement submitted by
2 26 an attorney appointed after June 30, 2004, are not considered
2 27 timely unless the claim is submitted to the state public
2 28 defender within forty-five days of ~~the~~ a withdrawal order,
2 29 sentencing, acquittal, or dismissal ~~of~~, whichever is earliest,
2 30 in a criminal case or the withdrawal order, final ruling, or
2 31 dismissal ~~of~~, whichever is earliest, in any other type of
2 32 case.

2 33 Sec. 7. Section 815.11, Code Supplement 2007, is amended
2 34 to read as follows:

2 35 815.11 APPROPRIATIONS FOR INDIGENT DEFENSE == FUND



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 23, 2008

Senate Study Bill 3076 continued

3 1 CREATED.

3 2 Costs incurred for legal representation by a

3 3 court-appointed attorney under chapter 229A, 665, 822, or 908,

3 4 or section 232.141, subsection 3, paragraph "d", or section

3 5 598.23A, 600A.6B, 814.9, 814.10, 814.11, 815.4, 815.7, or

3 6 815.10 on behalf of an indigent shall be paid from moneys

3 7 appropriated by the general assembly to the office of the

3 8 state public defender in the department of inspections and

3 9 appeals and deposited in an account to be known as the

3 10 indigent defense fund. Costs incurred by a court-appointed

3 11 attorney representing an indigent defendant in a contempt

3 12 ~~action, or representing an indigent juvenile in a juvenile~~

3 13 ~~court proceeding under chapter 600,~~ are also payable from the

3 14 fund. However, costs incurred in any administrative

3 15 proceeding or in any other proceeding under this chapter or

3 16 chapter 598, 600, 600A, 633, 633A, 814, or 915 or other

3 17 provisions of the Code or administrative rules are not payable

3 18 from the fund.

3 19

EXPLANATION

3 20 This bill relates to providing legal representation to an

3 21 eligible indigent person and to the appointment of a guardian

3 22 ad litem.

3 23 The bill authorizes the state public defender to contract

3 24 with additional nonprofit organizations to provide legal

3 25 services to eligible indigent persons.

3 26 The bill strikes provisions requiring the local public

3 27 defender to make an annual report to the state public

3 28 defender. The bill also requires the local public defender to

3 29 serve as guardian ad litem for each child in all cases in

3 30 which the local public defender office is the state public

3 31 defender's designee. The bill also provides that the local

3 32 public defender shall be responsible for determining who shall

3 33 serve as the guardian ad litem and shall be responsible for

3 34 assuring the court that the duties of the guardian ad litem

3 35 have been fulfilled.



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 23, 2008**

Senate Study Bill 3076 continued

4 1 The bill provides that the state appellate defender shall
4 2 be appointed to represent an indigent person on appeal unless
4 3 the state appellate defender withdraws from the case.

4 4 The bill makes the trial attorney representing a juvenile
4 5 in juvenile court responsible for filing any petition on
4 6 appeal.

4 7 In appeals from juvenile court where a full brief is
4 8 required or ordered, the bill requires the court to appoint an
4 9 attorney who has a contract with the state public defender if
4 10 the state appellate defender is unable to handle the case.

4 11 If the court determines that no contract attorney is
4 12 available to handle an appeal, the court may appoint a
4 13 noncontract attorney to handle the appeal, if the state public
4 14 defender consents to the appointment.

4 15 Under the bill, a claim for compensation and reimbursement
4 16 for representation of an indigent person in a case is not
4 17 timely unless the claim is filed within 45 days of the
4 18 withdrawal order, sentencing, acquittal, or dismissal,
4 19 whichever is earliest, in a criminal case, or the withdrawal
4 20 order, final ruling, or dismissal, whichever is earliest, in
4 21 any other type of case.

4 22 The bill strikes the provision from Code section 815.11
4 23 which permits payments from the indigent defense fund to an
4 24 attorney representing a juvenile in an adoption proceeding
4 25 pursuant to Code chapter 600.

4 26 LSB 5472DP 82

4 27 jm/rj/5.1



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 23, 2008

Senate Study Bill 3077

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

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

Passed House, Date _____
Vote: Ayes _____ Nays _____

A BILL FOR

- 1 An Act relating to escape from custody by a person detained or
- 2 committed as a sexually violent predator, and providing a
- 3 penalty.
- 4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 5 TL5B 5356DP 82
- 6 jm/nh/5



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 23, 2008

Senate Study Bill 3077 continued

PAG LIN

1 1 Section 1. Section 229A.5B, subsection 2, Code 2007, is
1 2 amended to read as follows:

1 3 2. A person who violates subsection 1 commits a ~~simple~~
~~1 4 misdemeanor or may be subject to punishment for contempt class~~
1 5 "D" felony.

1 6 EXPLANATION

1 7 This bill relates to escape from custody by a person
1 8 detained or committed as a sexually violent predator.

1 9 The bill increases the penalty from a simple misdemeanor to
1 10 a class "D" felony if a person detained or committed as a
1 11 sexually violent predator escapes from custody.

1 12 The bill also strikes a provision subjecting a person to
1 13 contempt if the person detained or committed as a sexually
1 14 violent predator escapes from custody.

1 15 Under the bill and in current law a person escapes from
1 16 custody as provided in Code section 229A.5B, subsection 1.

1 17 A simple misdemeanor is punishable by confinement for no
1 18 more than 30 days or a fine of at least \$65 but not more than
1 19 \$625 or by both. A class "D" felony is punishable by
1 20 confinement for no more than five years and a fine of at least
1 21 \$750 but not more than \$7,500.

1 22 LSB 5356DP 82

1 23 jm/nh/5



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 23, 2008

Senate Study Bill 3078

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 relating to the possession, distribution, and reporting of
- 2 obscene material and making penalties applicable.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 5236DP 82
- 5 jm/rj/14



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 23, 2008

Senate Study Bill 3078 continued

PAG LIN

1 1 Section 1. Section 728.1, subsection 3, Code 2007, is
1 2 amended to read as follows:

1 3 3. "Material" means any book, magazine, newspaper or other
1 4 printed or written material or any picture, drawing,
1 5 photograph, motion picture, or other pictorial representation
1 6 or any statue or other figure, or any recording, transcription
1 7 or mechanical, chemical or electrical reproduction, or any
1 8 live transmission, or any other articles, equipment, machines
1 9 or materials.

1 10 Sec. 2. Section 728.1, subsection 7, paragraphs e and g,
1 11 Code 2007, are amended to read as follows:

1 12 e. Sodomasochistic abuse of a minor for the purpose of
1 13 arousing or satisfying the sexual desires of a person who may
1 14 view a visual depiction of the abuse.

1 15 g. Nudity of a minor for the purpose of arousing or
1 16 satisfying the sexual desires of a person who may view a
1 17 visual depiction of the nude minor.

1 18 Sec. 3. Section 728.1, Code 2007, is amended by adding the
1 19 following new subsection:

1 20 NEW SUBSECTION. 11. "Visual depiction" means but is not
1 21 limited to any picture, drawing, cartoon, painting, slide,
1 22 photograph, digital or electronic image, book, magazine,
1 23 negative image, undeveloped film, motion picture, videotape,
1 24 digital or electronic recording, live transmission, sculpture,
1 25 or other pictorial or three-dimensional representation.

1 26 Sec. 4. Section 728.12, subsection 1, Code 2007, is
1 27 amended to read as follows:

1 28 1. It shall be unlawful to employ, use, persuade, induce,
1 29 entice, coerce, solicit, knowingly permit, or otherwise cause
1 30 or attempt to cause a minor to engage in a prohibited sexual
1 31 act or in the simulation of a prohibited sexual act. A person
1 32 must know, or have reason to know, or intend that the act or
1 33 simulated act may be photographed, filmed, or otherwise
1 34 preserved in a ~~negative, slide, book, magazine, computer,~~
~~1 35 computer disk, or other print or visual medium, or be~~



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 23, 2008

~~Senate Study Bill 3078 continued~~

~~2 1 preserved in an electronic, magnetic, or optical storage~~
~~2 2 system, or in any other type of storage system visual~~
~~2 3 depiction. A person who commits a violation of this~~
2 4 subsection commits a class "C" felony. Notwithstanding
2 5 section 902.9, the court may assess a fine of not more than
2 6 fifty thousand dollars for each offense under this subsection
2 7 in addition to imposing any other authorized sentence.
2 8 Sec. 5. Section 728.12, subsection 3, unnumbered paragraph
2 9 1, Code 2007, is amended to read as follows:
2 10 It shall be unlawful to knowingly purchase or possess a
2 11 ~~negative, slide, book, magazine, computer, computer disk, or~~
~~2 12 other print or visual medium, or an electronic, magnetic, or~~
~~2 13 optical storage system, or any other type of storage system~~
~~2 14 which depicts a visual depiction of a minor engaging in a~~
2 15 prohibited sexual act or the simulation of a prohibited sexual
2 16 act. A person who commits a violation of this subsection
2 17 commits an aggravated misdemeanor for a first offense and a
2 18 class "D" felony for a second or subsequent offense. For
2 19 purposes of this subsection, an offense is considered a second
2 20 or subsequent offense if, prior to the person's having been
2 21 convicted under this subsection, any of the following apply:
2 22 Sec. 6. Section 728.14, subsection 1, Code 2007, is
2 23 amended to read as follows:
2 24 1. A commercial film and photographic print processor who
2 25 has knowledge of or observes, within the scope of the
2 26 processor's professional capacity or employment, a ~~film,~~
~~2 27 photograph, video tape, negative, or slide which depicts~~
2 28 visual depiction of a minor whom the processor knows or
2 29 reasonably should know to be under the age of eighteen,
2 30 engaged in a prohibited sexual act or in the simulation of a
2 31 prohibited sexual act, shall report the visual depiction to
2 32 the county attorney immediately or as soon as possible as
2 33 required in this section. The processor shall not report to
2 34 the county attorney visual depictions involving mere nudity of
2 35 the minor, but shall report visual depictions involving a



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 23, 2008

Senate Study Bill 3078 continued

3 1 prohibited sexual act. This section shall not be construed to
3 2 require a processor to review all ~~films, photographs, video~~
~~3 3 tapes, negatives, or slides~~ visual depictions delivered to the
3 4 processor within the processor's professional capacity or
3 5 employment.

3 6 For purposes of this section, "prohibited sexual act" means
3 7 any of the following:

3 8 a. A sex act as defined in section 702.17.

3 9 b. An act of bestiality involving a minor.

3 10 c. Fondling or touching the pubes or genitals of a minor
3 11 for the purpose of arousing or satisfying the sexual desires
3 12 of a person who may view a visual depiction of the act.

3 13 d. Fondling or touching the pubes or genitals of a person
3 14 by a minor for the purpose of arousing or satisfying the
3 15 sexual desires of a person who may view a visual depiction of
3 16 the act.

3 17 e. Sadomasochistic abuse of a minor for the purpose of
3 18 arousing or satisfying the sexual desires of a person who may
3 19 view a visual depiction of the abuse.

3 20 f. Sadomasochistic abuse of a person by a minor for the
3 21 purpose of arousing or satisfying the sexual desires of a
3 22 person who may view a visual depiction of the abuse.

3 23 g. Nudity of a minor for the purpose of arousing or
3 24 satisfying the sexual desires of a person who may view a
3 25 visual depiction of the nude minor.

3 26 EXPLANATION

3 27 This bill relates to the possession or distribution of
3 28 obscene material.

3 29 The bill modifies the definition of "material" in Code
3 30 chapter 728 to include live transmissions.

3 31 Under the bill, the modification of the definition of the
3 32 term "material" results in changes to the elements of the
3 33 following criminal offenses: dissemination of obscene
3 34 material to minors (Code section 728.2), admitting minors to
3 35 premises where obscene material is exhibited (Code section



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 23, 2008

Senate Study Bill 3078 continued

4 1 728.3), rental or sale of hard-core pornography (Code section
4 2 728.4), sexual exploitation of a minor (Code section
4 3 728.12(2)), and telephone dissemination of obscene material
4 4 (Code section 728.15).

4 5 The bill changes the elements of the criminal offense of
4 6 sexual exploitation of a minor to prohibit purchasing or
4 7 possessing "visual depictions" of a minor engaged in a
4 8 prohibited or simulated sex act.

4 9 The bill defines the term "visual depiction" to include any
4 10 picture, drawing, cartoon, painting, slide, photograph,
4 11 digital or electronic image, book, magazine, negative image,
4 12 undeveloped film, motion picture, videotape, digital or
4 13 electronic recording, live transmission, sculpture, or other
4 14 pictorial or three-dimensional representation. The bill
4 15 strikes current references to a computer or other types of
4 16 storage systems that may preserve such prohibited images.

4 17 The changes to the criminal offense of sexual exploitation
4 18 of a minor are in response to State v. Muhlenbruch, 728 N.W.2d
4 19 212 (Iowa 2007).

4 20 The bill also substitutes "visual depiction" for storage
4 21 systems referenced in Code sections 728.12(1) and 728.14 to
4 22 conform with the sexual exploitation of a minor changes in
4 23 Code section 728.12(3) due to the Muhlenbruch case. In
4 24 addition, the bill adds the word "visual" in Code section
4 25 728.1(7) to also conform with the changes in the bill.

4 26 LSB 5236DP 82

4 27 jm/rj/14



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 23, 2008

Senate Study Bill 3079

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 deferred judgment records in a criminal
- 2 proceeding.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 5471DP 82
- 5 jm/rj/8



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 23, 2008

Senate Study Bill 3079 continued

PAG LIN

1 1 Section 1. Section 907.9, subsection 4, Code 2007, is
1 2 amended to read as follows:
1 3 4. At the expiration of the period of probation and if the
1 4 fees imposed under sections 815.9 and 905.14 have been paid or
1 5 on condition that unpaid supervision fees be paid, the court
1 6 shall order the discharge of the person from probation, and
1 7 the court shall forward to the governor a recommendation for
1 8 or against restoration of citizenship rights to that person.
1 9 A person who has been discharged from probation shall no
1 10 longer be held to answer for the person's offense. Upon
1 11 discharge from probation, if judgment has been deferred under
1 12 section 907.3, the court's criminal record with reference to
1 13 the deferred judgment shall be expunged. However, the record
1 14 shall not be expunged until the person has paid the
1 15 restitution, civil penalties, court costs, fines, fees, or
1 16 other financial obligations ordered by the court or assessed
1 17 by the clerk of the district court in the case that includes
1 18 the deferred judgment. The record maintained by the state
1 19 court administrator as required by section 907.4 shall not be
1 20 expunged. The court's record shall not be expunged in any
1 21 other circumstances unless authorized by law.

1 22 EXPLANATION

1 23 This bill relates to deferred judgment records in a
1 24 criminal proceeding.
1 25 Under the bill, a person who receives a deferred judgment
1 26 shall not have the person's criminal record in the case
1 27 expunged until the person has paid the restitution, civil
1 28 penalties, court costs, fines, fees, or other financial
1 29 obligations in the deferred judgment case.
1 30 Under current law, a person who receives a deferred
1 31 judgment and who is discharged from probation shall have the
1 32 criminal record in the deferred judgment case expunged.
1 33 Under current law, a permanent record of a deferred
1 34 judgment is maintained pursuant to Code section 907.4, even if
1 35 the record is expunged, in order to determine if a defendant



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 23, 2008**

Senate Study Bill 3079 continued

- 2 1 has received a previous deferred judgment.
- 2 2 LSB 5471DP 82
- 2 3 jm/rj/8



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 23, 2008

Senate Study Bill 3080

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 confidentiality of court records and
- 2 information.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 5492DP 82
- 5 rh/rj/14



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 23, 2008

Senate Study Bill 3080 continued

PAG LIN

1 1 Section 1. Section 602.6111, subsection 3, Code 2007, is
1 2 amended by striking the subsection and inserting in lieu
1 3 thereof the following:
1 4 3. The supreme court may prescribe rules requiring
1 5 confidentiality of certain court records and information
1 6 maintained by the court. The rules prescribed pursuant to
1 7 this subsection may specify the manner and format in which
1 8 such confidential information is to be provided to a clerk of
1 9 court, authorize the degree and nature of the disclosure of
1 10 such confidential information to specified classes of persons,
1 11 and indicate the manner and format in which such confidential
1 12 information is stored and disclosed to appropriate persons by
1 13 the clerk of court. Rules prescribed by the supreme court
1 14 pursuant to this subsection shall prevail over any other
1 15 conflicting state laws and administrative rules.

1 16 EXPLANATION

1 17 This bill relates to the confidentiality of court records
1 18 and information.
1 19 The bill provides that the supreme court may prescribe
1 20 rules requiring confidentiality of certain court records and
1 21 information maintained by the court. The rules may specify
1 22 the manner and format in which such confidential information
1 23 is to be provided to a clerk of court, authorize the degree
1 24 and nature of the disclosure of such confidential information
1 25 to specified classes of persons, and indicate the manner and
1 26 format in which such confidential information is stored and
1 27 disclosed to appropriate persons by the clerk of court. Rules
1 28 prescribed by the supreme court pursuant to the bill shall
1 29 prevail over any other conflicting state laws and
1 30 administrative rules.
1 31 LSB 5492DP 82
1 32 rh/rj/14



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 23, 2008

Senate Study Bill 3081

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 bonds and notes providing for exemption from
- 2 state income tax.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 5350XD 82
- 5 tw/rj/14



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 23, 2008

Senate Study Bill 3081 continued

PAG LIN

1 1 Section 1. Section 16.26, Code 2007, is amended by adding
1 2 the following new subsection:
1 3 NEW SUBSECTION. 10. All bonds or notes issued by the
1 4 authority in connection with its single-family and multifamily
1 5 programs are exempt from taxation by this state, and the
1 6 interest on the bonds or notes is exempt from state income
1 7 tax.

1 8 EXPLANATION
1 9 This bill exempts from Iowa income tax bonds and notes
1 10 issued by the Iowa finance authority in connection with its
1 11 single-family and multifamily programs.
1 12 LSB 5350XD 82
1 13 tw/rj/14



Iowa General Assembly
 Daily Bills, Amendments & Study Bills
 January 23, 2008

Senate Study Bill 3082

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 technical matters concerning the regulation of
- 2 motor vehicles by the department of transportation and
- 3 providing an effective date.
- 4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 5 TLSB 5477DP 82
- 6 dea/nh/24



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 23, 2008

Senate Study Bill 3082 continued

PAG LIN

1 1 Section 1. Section 321.1, subsection 6B, Code 2007, is
1 2 amended to read as follows:
1 3 6B. "Bona fide residence" or "bona fide address" means the
1 4 current street or highway address of an individual's
1 5 residence. The bona fide residence of a person with more than
1 6 one dwelling is the dwelling for which the person claims a
1 7 homestead tax credit under chapter 425, if applicable. The
1 8 bona fide residence of a homeless person is a primary
1 9 nighttime residence meeting one of the criteria listed in
1 10 section 48A.2, subsection 2.

1 11 Sec. 2. Section 321.10, unnumbered paragraph 1, Code 2007,
1 12 is amended to read as follows:

1 13 The director and officers of the department designated by
1 14 the director are authorized to prepare under the seal of the
1 15 department and provide upon request a certified copy of any
1 16 record of the department, charging a fee of fifty cents for
1 17 each document so authenticated, and every such certified copy
1 18 shall be admissible in any proceeding in any court in like
1 19 manner as the original and shall be considered to be true and
1 20 accurate unless shown otherwise by an objecting party. The
1 21 seal of the department may be applied electronically on
1 22 certified copies of records.

1 23 Sec. 3. Section 321.30, subsection 1, Code Supplement
1 24 2007, is amended by adding the following new paragraph:

1 25 NEW PARAGRAPH. m. If the applicant is under eighteen
1 26 years of age, unless the applicant has an Iowa driver's
1 27 license or the application is being made by more than one
1 28 applicant and one of the applicants is at least eighteen years
1 29 of age.

1 30 Sec. 4. Section 321.30, subsection 3, Code Supplement
1 31 2007, is amended to read as follows:

1 32 3. The department or the county treasurer shall refuse
1 33 registration of a vehicle ~~on the following grounds:~~

1 34 ~~a. If the applicant is under the age of eighteen years,~~
1 35 ~~unless the applicant has an Iowa driver's license or the~~



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 23, 2008

~~Senate Study Bill 3082 continued~~

~~2 1 application is being made by more than one applicant and one
2 2 of the applicants is at least eighteen years of age.~~

2 3 ~~b.~~ if the applicant for registration of the vehicle has
2 4 failed to pay the required registration fees of any vehicle
2 5 owned or previously owned when the registration fee was
2 6 required to be paid by the applicant, and for which vehicle
2 7 the registration was suspended or revoked under section
2 8 321.101, subsection 1, paragraph "d", or section 321.101A,
2 9 until the fees are paid together with any accrued penalties.

2 10 Sec. 5. Section 321.34, subsection 16, unnumbered
2 11 paragraph 1, Code Supplement 2007, is amended to read as
2 12 follows:

2 13 An owner referred to in subsection 12 who is a member of
2 14 the national guard, as defined in chapter 29A, may, upon
2 15 written application to the department, order special
2 16 registration plates with a national guard processed emblem
2 17 with the emblem designed by the department in cooperation with
2 18 the adjutant general which emblem signifies that the applicant
2 19 is a member of the national guard. The application shall be
2 20 approved by the department in consultation with the adjutant
2 21 general. The special plate fees collected by the director
2 22 under subsection 12, ~~paragraph~~ paragraphs "a" and "c", from
2 23 the issuance and annual validation of letter-number designated
2 24 and personalized national guard plates shall be paid monthly
2 25 to the treasurer of state and credited to the road use tax
2 26 fund. Notwithstanding section 423.43, and prior to the
2 27 crediting of revenues to the road use tax fund under section
2 28 423.43, subsection 1, paragraph "b", the treasurer of state
2 29 shall transfer monthly from those revenues to the veterans
2 30 license fee fund created in section 35A.11 the amount of the
2 31 special fees collected under subsection 12, paragraph "a", in
2 32 the previous month for national guard plates. Special
2 33 registration plates with a national guard processed emblem
2 34 shall be surrendered, as provided in subsection 12, in
2 35 exchange for regular registration plates upon termination of



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 23, 2008

Senate Study Bill 3082 continued

3 1 the owner's membership in the active national guard.
3 2 Sec. 6. Section 321.34, subsection 17, unnumbered
3 3 paragraph 1, Code Supplement 2007, is amended to read as
3 4 follows:
3 5 An owner referred to in subsection 12 who was at Pearl
3 6 Harbor, Hawaii, as a member of the armed services of the
3 7 United States on December 7, 1941, may, upon written
3 8 application to the department, order special registration
3 9 plates with a Pearl Harbor processed emblem. The emblem shall
3 10 be designed by the department in consultation with service
3 11 organizations. The application is subject to approval by the
3 12 department. The special plate fees collected by the director
3 13 under subsection 12, ~~paragraph~~ paragraphs "a" and "c", from
3 14 the issuance and annual validation of letter-number designated
3 15 and personalized Pearl Harbor plates shall be paid monthly to
3 16 the treasurer of state and credited to the road use tax fund.
3 17 Notwithstanding section 423.43, and prior to the crediting of
3 18 revenues to the road use tax fund under section 423.43,
3 19 subsection 1, paragraph "b", the treasurer of state shall
3 20 transfer monthly from those revenues to the veterans license
3 21 fee fund created in section 35A.11 the amount of the special
3 22 fees collected under subsection 12, paragraph "a", in the
3 23 previous month for Pearl Harbor plates.
3 24 Sec. 7. Section 321.34, subsection 18, unnumbered
3 25 paragraph 1, Code Supplement 2007, is amended to read as
3 26 follows:
3 27 An owner referred to in subsection 12 who was awarded a
3 28 purple heart medal by the United States government for wounds
3 29 received in military or naval combat against an armed enemy of
3 30 the United States may, upon written application to the
3 31 department and presentation of satisfactory proof of the award
3 32 of the purple heart medal, order special registration plates
3 33 with a purple heart processed emblem. The design of the
3 34 emblem shall include a representation of a purple heart medal
3 35 and ribbon. The application is subject to approval by the



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 23, 2008

Senate Study Bill 3082 continued

4 1 department in consultation with the adjutant general. The
4 2 special plate fees collected by the director under subsection
4 3 12, ~~paragraph~~ paragraphs "a" and "c", from the issuance and
4 4 annual validation of letter=number designated and personalized
4 5 purple heart plates shall be paid monthly to the treasurer of
4 6 state and credited to the road use tax fund. Notwithstanding
4 7 section 423.43, and prior to the crediting of revenues to the
4 8 road use tax fund under section 423.43, subsection 1,
4 9 paragraph "b", the treasurer of state shall transfer monthly
4 10 from those revenues to the veterans license fee fund created
4 11 in section 35A.11 the amount of the special fees collected
4 12 under subsection 12, paragraph "a", in the previous month for
4 13 purple heart plates.

4 14 Sec. 8. Section 321.34, subsection 19, unnumbered
4 15 paragraph 1, Code Supplement 2007, is amended to read as
4 16 follows:

4 17 An owner referred to in subsection 12 who is a retired
4 18 member of the United States armed forces may, upon written
4 19 application to the department and upon presentation of
4 20 satisfactory proof of membership, order special registration
4 21 plates with a United States armed forces retired processed
4 22 emblem. The emblem shall be designed by the department in
4 23 consultation with service organizations. The application is
4 24 subject to approval by the department. For purposes of this
4 25 subsection, a person is considered to be retired if the person
4 26 is recognized by the United States armed forces as retired
4 27 from the United States armed forces. The special plate fees
4 28 collected by the director under subsection 12, ~~paragraph~~
4 29 paragraphs "a" and "c", from the issuance and annual
4 30 validation of letter=number designated and personalized armed
4 31 forces retired plates shall be paid monthly to the treasurer
4 32 of state and credited to the road use tax fund.
4 33 Notwithstanding section 423.43, and prior to the crediting of
4 34 revenues to the road use tax fund under section 423.43,
4 35 subsection 1, paragraph "b", the treasurer of state shall



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 23, 2008

Senate Study Bill 3082 continued

5 1 transfer monthly from those revenues to the veterans license
5 2 fee fund created in section 35A.11 the amount of the special
5 3 fees collected under subsection 12, paragraph "a", in the
5 4 previous month for armed forces retired plates.

5 5 Sec. 9. Section 321.34, subsection 20, unnumbered
5 6 paragraph 1, Code Supplement 2007, is amended to read as
5 7 follows:

5 8 An owner referred to in subsection 12 who was awarded a
5 9 silver or a bronze star by the United States government, may,
5 10 upon written application to the department and presentation of
5 11 satisfactory proof of the award of the silver or bronze star,
5 12 order special registration plates with a silver or bronze star
5 13 processed emblem. The emblem shall be designed by the
5 14 department in consultation with the adjutant general. The
5 15 special plate fees collected by the director under subsection
5 16 12, ~~paragraph~~ paragraphs "a" and "c", from the issuance and
5 17 annual validation of letter=number designated and personalized
5 18 silver star and bronze star plates shall be paid monthly to
5 19 the treasurer of state and credited to the road use tax fund.
5 20 Notwithstanding section 423.43, and prior to the crediting of
5 21 revenues to the road use tax fund under section 423.43,
5 22 subsection 1, paragraph "b", the treasurer of state shall
5 23 transfer monthly from those revenues to the veterans license
5 24 fee fund created in section 35A.11 the amount of the special
5 25 fees collected under subsection 12, paragraph "a", in the
5 26 previous month for silver star and bronze star plates.

5 27 Sec. 10. Section 321.34, subsection 20A, unnumbered
5 28 paragraph 1, Code Supplement 2007, is amended to read as
5 29 follows:

5 30 An owner referred to in subsection 12 who was awarded a
5 31 distinguished service cross, a navy cross, or an air force
5 32 cross by the United States government may, upon written
5 33 application to the department and presentation of satisfactory
5 34 proof of the award, order special registration plates with a
5 35 distinguished service cross, navy cross, or air force cross



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 23, 2008

Senate Study Bill 3082 continued

6 1 processed emblem. The emblem shall be designed by the
6 2 department in consultation with the adjutant general. The
6 3 special plate fees collected by the director under subsection
6 4 12, ~~paragraph~~ paragraphs "a" and "c", from the issuance and
6 5 annual validation of letter=number designated and personalized
6 6 distinguished service cross, navy cross, and air force cross
6 7 plates shall be paid monthly to the treasurer of state and
6 8 credited to the road use tax fund. Notwithstanding section
6 9 423.43, and prior to the crediting of revenues to the road use
6 10 tax fund under section 423.43, subsection 1, paragraph "b",
6 11 the treasurer of state shall transfer monthly from those
6 12 revenues to the veterans license fee fund created in section
6 13 35A.11 the amount of the special fees collected under
6 14 subsection 12, paragraph "a", in the previous month for
6 15 distinguished service cross, navy cross, and air force cross
6 16 plates.

6 17 Sec. 11. Section 321.34, subsection 20B, unnumbered
6 18 paragraph 1, Code Supplement 2007, is amended to read as
6 19 follows:

6 20 An owner referred to in subsection 12 who was awarded a
6 21 soldier's medal, a navy and marine corps medal, or an airman's
6 22 medal by the United States government may, upon written
6 23 application to the department and presentation of satisfactory
6 24 proof of the award, order special registration plates with a
6 25 soldier's medal, navy and marine corps medal, or airman's
6 26 medal processed emblem. The emblem shall be designed by the
6 27 department in consultation with the adjutant general. The
6 28 special plate fees collected by the director under subsection
6 29 12, ~~paragraph~~ paragraphs "a" and "c", from the issuance and
6 30 annual validation of letter=number designated and personalized
6 31 soldier's medal, navy and marine corps medal, and airman's
6 32 medal plates shall be paid monthly to the treasurer of state
6 33 and credited to the road use tax fund. Notwithstanding
6 34 section 423.43, and prior to the crediting of revenues to the
6 35 road use tax fund under section 423.43, subsection 1,



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 23, 2008

Senate Study Bill 3082 continued

7 1 paragraph "b", the treasurer of state shall transfer monthly
7 2 from those revenues to the veterans license fee fund created
7 3 in section 35A.11 the amount of the special fees collected
7 4 under subsection 12, paragraph "a", in the previous month for
7 5 soldier's medal, navy and marine corps medal, and airman's
7 6 medal plates.

7 7 Sec. 12. Section 321.34, subsection 24, Code Supplement
7 8 2007, is amended to read as follows:

7 9 24. GOLD STAR PLATES. An owner referred to in subsection
7 10 12 who is the surviving spouse, parent, child, or sibling of a
7 11 deceased member of the United States armed forces who died
7 12 while serving on active duty during a time of military
7 13 conflict may order special registration plates bearing a gold
7 14 star emblem upon written application to the department
7 15 accompanied by satisfactory supporting documentation as
7 16 determined by the department. The gold star emblem shall be
7 17 designed by the department in cooperation with the commission
7 18 of veterans affairs. The special plate fees collected by the
7 19 director under subsection 12, ~~paragraph~~ paragraphs "a" and
7 20 "c", from the issuance and annual validation of letter-number
7 21 designated and personalized gold star plates shall be paid
7 22 monthly to the treasurer of state and credited to the road use
7 23 tax fund. Notwithstanding section 423.43, and prior to the
7 24 crediting of revenues to the road use tax fund under section
7 25 423.43, subsection 1, paragraph "b", the treasurer of state
7 26 shall transfer monthly from those revenues to the veterans
7 27 license fee fund created in section 35A.11 the amount of the
7 28 special fees collected under subsection 12, paragraph "a", in
7 29 the previous month for gold star plates.

7 30 Sec. 13. Section 321.52, subsection 4, paragraph c, Code
7 31 Supplement 2007, is amended to read as follows:

7 32 c. A salvage theft examination shall be made by a peace
7 33 officer who has been specially certified and recertified when
7 34 required by the Iowa law enforcement academy to do salvage
7 35 theft examinations. The Iowa law enforcement academy shall



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 23, 2008**

Senate Study Bill 3082 continued

8 1 determine standards for training and certification, conduct
8 2 training, and may approve alternative training programs which
8 3 satisfy the academy's standards for training and
8 4 certification. The owner of the salvage vehicle shall make
8 5 the vehicle available for examination at a time and location
8 6 designated by the peace officer doing the examination. The
8 7 owner may obtain a permit to drive the vehicle to and from the
8 8 examination location by submitting a repair affidavit to the
8 9 agency performing the examination stating that the vehicle is
8 10 reasonably safe for operation and listing the repairs which
8 11 have been made to the vehicle. The owner must be present for
8 12 the examination and have available for inspection the salvage
8 13 title, bills of sale for all essential parts changed, if
8 14 applicable, and the repair affidavit. The examination shall
8 15 be for the purposes of determining whether the vehicle or
8 16 repair components have been stolen. The examination is not a
8 17 safety inspection and a signed salvage theft examination
8 18 certificate shall not be construed by any court of law to be a
8 19 certification that the vehicle is safe to be operated. There
8 20 shall be no cause of action against the peace officer or the
8 21 agency conducting the examination or the county treasurer for
8 22 failure to discover or note safety defects. If the vehicle
8 23 passes the theft examination, the peace officer shall indicate
8 24 that the vehicle passed examination on the salvage theft
8 25 examination certificate. The permit and salvage theft
8 26 examination certificate shall be on controlled forms
8 27 prescribed and furnished by the department. The owner shall
8 28 pay a fee of thirty dollars upon completion of the
8 29 examination. The agency performing the examinations shall
8 30 retain twenty dollars of the fee and shall pay five dollars of
8 31 the fee to the department and five dollars of the fee to the
8 32 treasurer of state for deposit in the general fund of the
8 33 state. Moneys deposited to the general fund under this
8 34 paragraph are subject to the requirements of section 8.60 and
8 35 shall be used by the Iowa law enforcement academy to provide



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 23, 2008

Senate Study Bill 3082 continued

9 1 for the special training, certification, and recertification
9 2 of officers as required by this subsection.
9 3 ~~The state department of transportation shall adopt rules in~~
~~9 4 accordance with chapter 17A to carry out this section.~~
9 5 Sec. 14. Section 321.52, Code Supplement 2007, is amended
9 6 by adding the following new subsection:
9 7 NEW SUBSECTION. 5. The department shall adopt rules in
9 8 accordance with chapter 17A to carry out this section.
9 9 Sec. 15. Section 321.90, subsection 2, paragraphs d and e,
9 10 Code 2007, are amended to read as follows:
9 11 d. If the abandoned motor vehicle is not reclaimed in
9 12 accordance with section 321.89, subsection 3, or no lienholder
9 13 objects to the disposal in the case of an owner=applicant, the
9 14 police authority shall give the applicant a certificate of
9 15 authority allowing the applicant to obtain a junking
9 16 certificate for the motor vehicle. The applicant shall make
9 17 application for a junking certificate to the county treasurer
9 18 within ~~fifteen~~ thirty days of purchase and surrender the
9 19 certificate of authority in lieu of the certificate of title.
9 20 The demolisher shall accept the junking certificate in lieu of
9 21 the certificate of title to the motor vehicle.
9 22 e. Notwithstanding any other provisions of this section
9 23 and sections 321.89 and 321.91, any person, firm, corporation,
9 24 or unit of government upon whose property or in whose
9 25 possession is found any abandoned motor vehicle, or any person
9 26 being the owner of a motor vehicle whose title certificate is
9 27 faulty, lost, or destroyed, may dispose of such motor vehicle
9 28 to a demolisher for junk without a title and without the
9 29 notification procedures of section 321.89, subsection 3, if
9 30 the motor vehicle lacks an engine or two or more wheels or
9 31 other structural part which renders the vehicle totally
9 32 inoperable. The police authority shall give the applicant a
9 33 certificate of authority. The owner shall apply to the county
9 34 treasurer for a junking certificate within ~~fifteen~~ thirty days
9 35 of purchase and shall surrender the certificate of authority



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 23, 2008

Senate Study Bill 3082 continued

10 1 in lieu of the certificate of title.

10 2 Sec. 16. Section 321.105, unnumbered paragraph 5, Code
10 3 2007, is amended to read as follows:

10 4 Seriously disabled veterans who have been provided with an
10 5 automobile or other vehicle by the United States government
10 6 under the provisions of sections 1901 to 1903, Title 38 of the
10 7 United States Code, 38 U.S.C. } 1901 et seq. (1970), shall be
10 8 exempt from payment of ~~any automobile~~ the registration fee
10 9 provided in this chapter for that vehicle, and shall be
10 10 provided, without fee, with a one set of regular registration
10 11 plate plates or one set of any type of special registration
10 12 plates associated with service in the United States armed
10 13 forces for which the disabled veteran qualifies under section
10 14 321.34. The disabled veteran, to be able to claim the above
10 15 benefit, must be a resident of the state of Iowa. The In lieu
10 16 of the set of regular or special military registration plates
10 17 available without fee, the disabled veteran may obtain a
10 18 special or personalized plate a set of nonmilitary special
10 19 registration plates or personalized plates issued under
10 20 section 321.34 by paying the difference between the fee for a
10 21 regular registration plate and the fee for the special or
10 22 personalized registration plate additional fees associated
10 23 with those plates.

10 24 Sec. 17. Section 321.173, Code 2007, is amended to read as
10 25 follows:

10 26 321.173 WHEN FEES RETURNABLE.

10 27 1. Whenever any application to the department is
10 28 accompanied by ~~any~~ a vehicle registration fee as required by
10 29 law and ~~such~~ the application is refused or rejected ~~said~~, the
10 30 fee shall be returned to ~~said~~ the applicant.

10 31 2. Whenever the department through error collects any
10 32 vehicle registration fee not required to be paid hereunder
10 33 under this chapter, the same fee shall be refunded, from the
10 34 refund account, to the person paying the same fee upon
10 35 application therefor made within ~~six months~~ one year after the



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 23, 2008

Senate Study Bill 3082 continued

11 1 date of such payment.

11 2 Sec. 18. Section 321.196, subsection 2, Code 2007, is
11 3 amended to read as follows:

11 4 2. Except as required in section 321.188, and except for a
11 5 motorcycle instruction permit issued in accordance with
11 6 section 321.180 or 321.180B, a driver's license is renewable
11 7 without a driving test, written examination, or penalty within
11 8 a period of ~~sixty days after its expiration date and without a~~
~~11 9 driving test within a period of one year after its expiration~~
11 10 date. A person shall not be considered to be driving with an
11 11 invalid license during a period of sixty days following the
11 12 license expiration date. However, for a license renewed
11 13 within the sixty-day period, the date of issuance shall be
11 14 considered to be the previous birthday anniversary on which it
11 15 expired.

11 16 Sec. 19. Section 321.210B, subsections 7 and 14, Code
11 17 Supplement 2007, are amended to read as follows:

11 18 7. a. ~~The A~~ civil penalty, ~~if~~ assessed pursuant to
11 19 section 321.218A, 321A.32A, or 321J.17 shall be added to the
11 20 amount owing under the installment agreement.

11 21 b. The clerk of the district court shall transmit to the
11 22 department, from the first moneys collected, an amount equal
11 23 to the amount of any civil penalty assessed pursuant to
11 24 section 321.218A or 321A.32A and added to the installment
11 25 agreement. The department shall transmit the money received
11 26 from the clerk of the district court pursuant to this
11 27 ~~subsection paragraph~~ to the treasurer of state for deposit in
11 28 the juvenile detention home fund created in section 232.142.

11 29 c. The clerk of the district court shall transmit to the
11 30 department, from the first moneys collected, an amount equal
11 31 to the amount of any civil penalty assessed pursuant to
11 32 section 321J.17 and added to the installment agreement. The
11 33 department shall transmit the money received from the clerk of
11 34 the district court pursuant to this paragraph to the treasurer
11 35 of state who shall deposit one-half of the money in the



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 23, 2008

Senate Study Bill 3082 continued

12 1 separate fund established in section 915.94 and one-half of
12 2 the money in the general fund of the state.
12 3 14. Except for ~~the~~ a civil penalty ~~if~~ assessed and
12 4 collected pursuant to subsection 7, any amount collected under
12 5 the installment agreement shall be distributed as provided in
12 6 section 602.8107, subsection 4.
12 7 Sec. 20. Section 321A.32A, Code Supplement 2007, is
12 8 amended to read as follows:
12 9 321A.32A CIVIL PENALTY == DISPOSITION == REINSTATEMENT.
12 10 When the department suspends, revokes, or bars a person's
12 11 driver's license or nonresident operating privilege under this
12 12 chapter, the department shall assess the person a civil
12 13 penalty of two hundred dollars. However, for persons age
12 14 nineteen or under, the civil penalty assessed shall be fifty
12 15 dollars. The money collected by the department under this
12 16 section shall be transmitted to the treasurer of state who
12 17 shall deposit the money in the juvenile detention home fund
12 18 created in section 232.142. A Except as provided in section
12 19 321.210B, a temporary restricted license shall not be issued
12 20 or a driver's license or nonresident operating privilege
12 21 reinstated until the civil penalty has been paid. A person
12 22 assessed a penalty under this section may remit the civil
12 23 penalty along with a processing fee of five dollars to a
12 24 county treasurer authorized to issue driver's licenses under
12 25 chapter 321M, or the civil penalty may be paid directly to the
12 26 department.
12 27 Sec. 21. Section 321J.17, subsection 1, Code 2007, is
12 28 amended to read as follows:
12 29 1. If the department revokes a person's driver's license
12 30 or nonresident operating privilege under this chapter, the
12 31 department shall assess the person a civil penalty of two
12 32 hundred dollars. The money collected by the department under
12 33 this section shall be transmitted to the treasurer of state
12 34 who shall deposit one-half of the money in the separate fund
12 35 established in section 915.94 and one-half of the money in the



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 23, 2008

Senate Study Bill 3082 continued

13 1 general fund of the state. A temporary restricted license
13 2 shall not be issued unless an ignition interlock device has
13 3 been installed pursuant to section 321J.4 ~~and the civil~~
~~13 4 penalty has been paid.~~ A driver's license or nonresident
13 5 operating privilege shall not be reinstated unless proof of
13 6 deinstallation of an ignition interlock device installed
13 7 pursuant to section 321J.4 has been submitted to the
13 8 department ~~and~~. Except as provided in section 321.210B, a
13 9 temporary restricted license shall not be issued or a driver's
13 10 license or nonresident operating privilege reinstated until
13 11 the civil penalty has been paid. A person assessed a penalty
13 12 under this section may remit the civil penalty along with a
13 13 processing fee of five dollars to a county treasurer
13 14 authorized to issue driver's licenses under chapter 321M, or
13 15 the civil penalty may be paid directly to the department.

13 16 Sec. 22. Section 321M.9, subsection 1, Code Supplement
13 17 2007, is amended to read as follows:

13 18 1. FEES TO COUNTIES. Notwithstanding any other provision
13 19 in the Code to the contrary, the county treasurer of a county
13 20 authorized to issue driver's licenses under this chapter shall
13 21 retain for deposit in the county general fund seven dollars of
13 22 fees received for each issuance or renewal of driver's
13 23 licenses and nonoperator's identification cards, but shall not
13 24 retain any moneys for the issuance of any persons with
13 25 disabilities identification devices. The five dollar
13 26 processing fee charged by a county treasurer for collection of
13 27 a civil penalty under section 321.218A, ~~or~~ 321A.32A, or
13 28 321J.17 shall be retained for deposit in the county general
13 29 fund. The county treasurer shall remit the balance of fees
13 30 and all civil penalties to the department.

13 31 Sec. 23. Section 322.29, subsection 6, Code Supplement
13 32 2007, is amended to read as follows:

13 33 6. Notwithstanding section 322.3, subsection 1, a person
13 34 licensed as a wholesaler under subsection 4 may be licensed as
13 35 a used motor vehicle dealer ~~solely for the purpose of dealing~~



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 23, 2008

~~Senate Study Bill 3082 continued~~

~~14 1 in used motor vehicles of the same make and model the person
14 2 is licensed to wholesale.~~

14 3 Sec. 24. Section 331.552, subsection 4, Code 2007, is
14 4 amended to read as follows:

14 5 4. Keep the official county seal provided by the county.
14 6 The official seal shall be an impression seal on the face of
14 7 which shall appear the name of the county, the word "county"
14 8 which may be abbreviated, the word "treasurer" which may be
14 9 abbreviated, and the word "Iowa". ~~The impression of the seal
14 10 shall be placed on each motor vehicle certificate of title
14 11 signed by the treasurer.~~

14 12 Sec. 25. Section 331.557A, subsection 4, Code Supplement
14 13 2007, is amended to read as follows:

14 14 4. Accept payment of civil penalties pursuant to sections
14 15 321.218A, and 321A.32A, and 321J.17 and remit the penalties to
14 16 the state department of transportation.

14 17 Sec. 26. CODIFICATION. The Code editor is requested to
14 18 transfer section 321.173 pertaining to the return of vehicle
14 19 registration fees, as amended in this Act, to section 321.129
14 20 or another suitable location to improve readability.

14 21 Sec. 27. EFFECTIVE DATE. The sections of this Act that
14 22 amend sections 321.210B, 321A.32A, 321J.17, 321M.9 and
14 23 331.557A, being deemed of immediate importance, take effect
14 24 upon enactment.

14 25 EXPLANATION

14 26 This bill contains provisions relating to the regulation of
14 27 motor vehicles by the department of transportation.

14 28 The bill amends the definition of "bona fide residence" in
14 29 Code section 321.1 to specify that if a person has more than
14 30 one dwelling and claims a homestead tax credit for one of the
14 31 dwellings, the bona fide residence is the dwelling for which
14 32 the person claims the tax credit.

14 33 The bill amends Code section 321.10 to provide that the
14 34 seal of the department may be applied electronically to
14 35 certified copies of records prepared by the department.



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 23, 2008**

Senate Study Bill 3082 continued

15 1 The bill amends Code section 321.30 to require the
15 2 department to refuse to issue a vehicle certificate of title
15 3 to an applicant who is under age 18, unless the application is
15 4 made jointly with another applicant who is at least 18 years
15 5 of age. Currently, the department may issue a certificate of
15 6 title but must refuse to issue a vehicle registration in such
15 7 circumstances.

15 8 The bill amends Code section 321.34 to correctly identify
15 9 the revenue that is credited to the veterans license fee fund
15 10 from the sale of special registration plates associated with
15 11 military service.

15 12 A provision in Code section 321.52 is amended to clarify
15 13 that the owner of a vehicle subject to a salvage theft
15 14 examination is required to present bills of sale for all
15 15 essential parts changed only if applicable. The bill also
15 16 makes a technical amendment to the section to provide for
15 17 proper placement of the language relating to the department's
15 18 duty to adopt rules.

15 19 The bill amends Code section 321.90 to increase the time
15 20 limitation from 15 days to 30 days for a person with a
15 21 certificate of authority to apply to the county treasurer for
15 22 a junking certificate.

15 23 The bill amends a provision in Code section 321.105 to
15 24 clarify that a seriously disabled veteran who is entitled to
15 25 register a motor vehicle without fee may substitute, without
15 26 payment of an additional fee, a set of special registration
15 27 plates associated with military service for which the veteran
15 28 qualifies. The disabled veteran may also substitute a set of
15 29 any of the special nonmilitary plates or personalized plates
15 30 upon payment of the special fees associated with those plates.

15 31 The bill amends Code section 321.173 to increase from six
15 32 months to one year the time allowed to apply for a refund of
15 33 any vehicle registration fee collected by the department in
15 34 error. The bill makes technical revisions to clarify that the
15 35 section is intended to apply only to vehicle registration



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 23, 2008**

Senate Study Bill 3082 continued

16 1 fees. In addition, the Code editor is requested to transfer
16 2 the Code section to another location to improve its
16 3 readability.

16 4 Code section 321.196 is amended to expand the 60-day grace
16 5 period currently allowed for renewal of an expired driver's
16 6 license without taking a written examination and paying a
16 7 penalty. The grace period is extended to one year, which
16 8 coincides with the grace period for renewal of an expired
16 9 license without taking a driving test.

16 10 The bill makes corrective amendments to several provisions
16 11 relating to the collection of civil penalties for
16 12 reinstatement of a driver's license. The amendment to Code
16 13 section 321.210B directs that civil penalties assessed in
16 14 connection with revocations for operating while intoxicated
16 15 and collected pursuant to an installment agreement shall be
16 16 deposited one-half in the victim compensation fund and
16 17 one-half in the general fund of the state. Code sections
16 18 321J.17, 321M.9, and 331.557A are amended to reflect that
16 19 county treasurers are authorized to collect civil penalties
16 20 required for reinstatement of a driver's license revoked for
16 21 operating while intoxicated and to charge a \$5 processing fee
16 22 to the licensee. Code section 321A.32A, relating to driver's
16 23 license sanctions under the motor vehicle financial
16 24 responsibility law, is amended to reference the collection of
16 25 civil penalties pursuant to installment agreements. All of
16 26 these provisions take effect upon enactment of the bill.

16 27 Code section 322.29 is amended to allow a person who
16 28 rebuilds new completed motor vehicles into ambulances, rescue
16 29 vehicles, fire vehicles, or towing or recovery vehicles to be
16 30 licensed as a used motor vehicle dealer for the purpose of
16 31 selling used vehicles of any make and model.

16 32 The amendment to Code section 331.552 eliminates an
16 33 obsolete provision requiring a county's official seal to be
16 34 impressed on each certificate of title issued by the county
16 35 treasurer.



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 23, 2008**

Senate Study Bill 3082 continued

17 1 LSB 5477DP 82
17 2 dea/nh/24



Iowa General Assembly
 Daily Bills, Amendments & Study Bills
 January 23, 2008

Senate Study Bill 3083

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 providing increased penalties for speeding violations
- 2 committed by a motor vehicle operator in a road work zone.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 5483XD 82
- 5 dea/nh/8



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 23, 2008**

Senate Study Bill 3083 continued

PAG LIN

1 1 Section 1. Section 321.253, Code 2007, is amended to read
1 2 as follows:

1 3 321.253 DEPARTMENT TO ERECT SIGNS.

1 4 1. The department shall place and maintain such
1 5 traffic-control devices, conforming to its manual and
1 6 specifications, upon all primary highways as it ~~shall deem~~
1 7 deems necessary to indicate and to carry out the provisions of
1 8 this chapter or to regulate, warn, or guide traffic. Whenever
1 9 practical, ~~said~~ the devices or signs shall be purchased from
1 10 the director of the Iowa department of corrections.

1 11 2. The department shall post signs informing motorists of
1 12 the penalties for speeding in a road work zone and that the
1 13 scheduled fine for committing a any other moving traffic
1 14 violation in a road work zone is doubled.

1 15 Sec. 2. Section 805.8A, subsection 14, paragraph i, Code
1 16 2007, is amended to read as follows:

1 17 i. ROAD WORK ZONE VIOLATIONS. The scheduled fine for any
1 18 moving traffic violation under chapter 321, as provided in
1 19 this section, shall be doubled if the violation occurs within
1 20 any road work zone, as defined in section 321.1. However,
1 21 notwithstanding subsection 5, the scheduled fine for violating
1 22 the speed limit in a road work zone is as follows:

1 23 (1) One hundred fifty dollars for speed not more than ten
1 24 miles per hour over the posted speed limit.

1 25 (2) Three hundred dollars for speed greater than ten but
1 26 not more than twenty miles per hour over the posted speed
1 27 limit.

1 28 (3) Five hundred dollars for speed greater than twenty but
1 29 not more than twenty-five miles per hour over the posted speed
1 30 limit.

1 31 (4) One thousand dollars for speed greater than
1 32 twenty-five miles per hour over the posted speed limit.

1 33 EXPLANATION

1 34 This bill increases penalties for speeding violations
1 35 committed by a motor vehicle operator in a road work zone.



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 23, 2008**

Senate Study Bill 3083 continued

2 1 Pursuant to the bill, the scheduled fine for speeds up to and
2 2 including 10 miles per hour over the limit is \$150; for speeds
2 3 from 11 through 20 miles per hour over the limit, \$300; for
2 4 speeds from 21 through 25 miles per hour over the limit, \$500;
2 5 and for speeds 26 miles per hour or more over the limit,
2 6 \$1,000. Pursuant to current law, scheduled fines for moving
2 7 traffic violations committed in a road work zone are doubled.
2 8 Under the bill, doubled fines will continue to apply for
2 9 moving violations other than speeding violations. The bill
2 10 requires the department of transportation to post signs
2 11 informing motorists of the increased speeding fines.
2 12 LSB 5483XD 82
2 13 dea/nh/8.1



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 23, 2008

Senate Study Bill 3084

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



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 23, 2008

Senate Study Bill 3084 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



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 23, 2008

Senate Study Bill 3085

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

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

Passed House, Date _____
Vote: Ayes _____ Nays _____

A BILL FOR

- 1 An Act concerning the licensure of motor vehicle drivers under
- 2 eighteen years of age and making a penalty applicable.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 5289XD 82
- 5 dea/nh/8



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 23, 2008

Senate Study Bill 3085 continued

PAG LIN

1 1 Section 1. Section 321.180B, unnumbered paragraph 1, Code
1 2 2007, is amended to read as follows:

1 3 Persons under age eighteen shall not be issued a license or
1 4 permit to operate a motor vehicle except under the provisions
1 5 of this section. However, the department may issue restricted
1 6 licenses and ~~special driver's~~ minor's school licenses to
1 7 certain minors as provided in sections 321.178 and 321.194,
1 8 and driver's licenses restricted to motorized bicycles as
1 9 provided in section 321.189. A license or permit shall not be
1 10 issued under this section or section 321.178 or 321.194
1 11 without the consent of a parent or guardian. An additional
1 12 consent is required each time a license or permit is issued
1 13 under this section or section 321.178 or 321.194. The consent
1 14 must be signed by at least one parent or guardian on an
1 15 affidavit form provided by the department.

1 16 Sec. 2. Section 321.180B, subsection 2, Code 2007, is
1 17 amended to read as follows:

1 18 2. INTERMEDIATE LICENSE.

1 19 a. The department may issue an intermediate driver's
1 20 license to a person sixteen or seventeen years of age who
1 21 possesses an instruction permit issued under subsection 1 or a
1 22 comparable instruction permit issued by another state for a
1 23 minimum of six months immediately preceding application, and
1 24 who presents an affidavit signed by a parent or guardian on a
1 25 form to be provided by the department that the permittee has
1 26 accumulated a total of twenty hours of street or highway
1 27 driving of which two hours were conducted after sunset and
1 28 before sunrise and the street or highway driving was with the
1 29 permittee's parent, guardian, instructor, a person certified
1 30 by the department, or a person at least twenty-five years of
1 31 age who had written permission from a parent or guardian to
1 32 accompany the permittee, and whose driving privileges have not
1 33 been suspended, revoked, or barred under this chapter or
1 34 chapter 321J during, and who has been accident and violation
1 35 free continuously for, the six-month period immediately



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 23, 2008

Senate Study Bill 3085 continued

2 1 preceding the application for an intermediate license. An
2 2 applicant for an intermediate license must meet the
2 3 requirements of section 321.186, including satisfactory
2 4 completion of driver education as required in section 321.178,
2 5 and payment of the required license fee before an intermediate
2 6 license will be issued.

2 7 b. A person issued an intermediate license ~~must~~ shall
2 8 limit the number of passengers in the motor vehicle when the
2 9 intermediate licensee is operating the motor vehicle to the
2 10 number of passenger safety belts. During the six-month period
2 11 immediately following the issuance of an intermediate license,
2 12 the person issued the intermediate license shall not transport
2 13 passengers in a motor vehicle unless accompanied by a person
2 14 issued a driver's license valid for the vehicle operated who
2 15 is the parent or guardian of the intermediate licensee.

2 16 c. Except as otherwise provided, a person issued an
2 17 intermediate license under this subsection who is operating a
2 18 motor vehicle between the hours of twelve-thirty a.m. and five
2 19 a.m. must be accompanied by a person issued a driver's license
2 20 valid for the vehicle operated who is the parent or guardian
2 21 of the ~~permittee~~ intermediate licensee, a member of the
2 22 ~~permittee's~~ licensee's immediate family if the family member
2 23 is at least twenty-one years of age, an approved driver
2 24 education instructor, a prospective driver education
2 25 instructor who is enrolled in a practitioner preparation
2 26 program with a safety education program approved by the state
2 27 board of education, or a person at least twenty-five years of
2 28 age if written permission is granted by the parent or
2 29 guardian, and who is actually occupying a seat beside the
2 30 driver. However, a licensee may operate a vehicle to and from
2 31 school-related extracurricular activities and work without an
2 32 accompanying driver between the hours of twelve-thirty a.m.
2 33 and five a.m. if such licensee possesses a waiver on a form
2 34 to be provided by the department. An accompanying driver is
2 35 not required between the hours of five a.m. and twelve-thirty



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 23, 2008

Senate Study Bill 3085 continued

3 1 a.m.

3 2 Sec. 3. Section 321.194, subsection 1, Code 2007, is
3 3 amended to read as follows:

3 4 1. DRIVER'S LICENSE ISSUED FOR TRAVEL TO AND FROM SCHOOL.

3 5 Upon certification of a special need by the school board,
3 6 superintendent of the applicant's school, or principal, if
3 7 authorized by the superintendent, and upon presentation of an
3 8 affidavit signed by a parent or guardian on a form to be

3 9 provided by the department that the applicant has accumulated
3 10 a total of twenty hours of street or highway driving of which
3 11 two hours were conducted after sunset and before sunrise and

3 12 the street or highway driving was with the applicant's parent,
3 13 guardian, instructor, a person certified by the department, or

3 14 a person at least twenty-five years of age who had written
3 15 permission from a parent or guardian to accompany the

3 16 applicant, the department may issue a class C or M driver's
3 17 license to a person between the ages of fourteen and eighteen
3 18 years whose driving privileges have not been suspended,

3 19 revoked, or barred under this chapter or chapter 321J during,
3 20 and who has not been convicted of a moving traffic violation

3 21 or involved in a motor vehicle accident for, the six-month
3 22 period immediately preceding the application for the ~~special~~

3 23 minor's school license and who has successfully completed an
3 24 approved driver education course. However, the completion of

3 25 a course is not required if the applicant demonstrates to the
3 26 satisfaction of the department that completion of the course

3 27 would impose a hardship upon the applicant. The department
3 28 shall adopt rules defining the term "hardship" and establish

3 29 procedures for the demonstration and determination of when
3 30 completion of the course would impose a hardship upon an

3 31 applicant.

3 32 a. The driver's license entitles the holder, while having
3 33 the license in immediate possession, to operate a motor

3 34 vehicle other than a commercial motor vehicle or as a

3 35 chauffeur:



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 23, 2008

Senate Study Bill 3085 continued

4 1 (1) ~~During~~ For the purpose of attending duly scheduled
4 2 courses of instruction and extracurricular activities within
4 3 the school district, during the hours of 6 a.m. to 10 p.m.,
4 4 over the most direct and accessible route ~~between~~ as follows:
4 5 (a) Between the licensee's residence and schools of
4 6 ~~enrollment or the closest school bus stop or public~~
4 7 ~~transportation service, and between schools of enrollment, for~~
4 8 ~~the purpose of attending duly scheduled courses of instruction~~
4 9 ~~and extracurricular activities within the school district and~~
4 10 locations of extracurricular activities.
4 11 (b) Between schools of enrollment.
4 12 (2) At any time when the licensee is accompanied in
4 13 accordance with section 321.180B, subsection 1.
4 14 b. A person issued a minor's school license shall not
4 15 transport passengers in a motor vehicle unless accompanied by
4 16 a person issued a driver's license valid for the vehicle
4 17 operated who is the parent or guardian of the person issued
4 18 the minor's school license.
4 19 ~~b.~~ c. Each application shall be accompanied by a statement
4 20 from the school board, superintendent, or principal, if
4 21 authorized by the superintendent, of the applicant's school.
4 22 The statement shall be upon a form provided by the department.
4 23 The school board, superintendent, or principal, if authorized
4 24 by the superintendent, shall certify that a need exists for
4 25 the license and that the board, superintendent, or principal
4 26 authorized by the superintendent is not responsible for
4 27 actions of the applicant which pertain to the use of the
4 28 driver's license. Upon receipt of a statement of necessity,
4 29 the department shall issue the driver's license. The fact
4 30 that the applicant resides at a distance less than one mile
4 31 from the applicant's school of enrollment is prima facie
4 32 evidence of the nonexistence of necessity for the issuance of
4 33 a license. The school board shall develop and adopt a policy
4 34 establishing the criteria that shall be used by a school
4 35 district administrator to approve or deny certification that a



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 23, 2008**

Senate Study Bill 3085 continued

5 1 need exists for a license. The student may appeal to the
5 2 school board the decision of a school district administrator
5 3 to deny certification. The decision of the school board is
5 4 final. The driver's license shall not be issued for purposes
5 5 of attending a public school in a school district other than
5 6 either of the following:

5 7 (1) The district of residence of the parent or guardian of
5 8 the student.

5 9 (2) A district which is contiguous to the district of
5 10 residence of the parent or guardian of the student, if the
5 11 student is enrolled in the public school which is not the
5 12 school district of residence because of open enrollment under
5 13 section 282.18 or as a result of an election by the student's
5 14 district of residence to enter into one or more sharing
5 15 agreements pursuant to the procedures in chapter 282.

5 16 EXPLANATION

5 17 This bill addresses several issues concerning motor vehicle
5 18 operators under 18 years of age.

5 19 The bill restricts the transportation of passengers in
5 20 motor vehicles driven by certain young drivers. Under the
5 21 bill, a person who has been issued an intermediate driver's
5 22 license may not transport passengers in a motor vehicle during
5 23 the first six months of licensure, unless accompanied by a
5 24 licensed driver who is a parent or guardian of the licensee.
5 25 In addition, the bill prohibits a person who has been issued a
5 26 minor's school license from transporting passengers unless
5 27 accompanied by a licensed driver who is a parent or guardian
5 28 of the licensee.

5 29 The bill imposes a new requirement to be met by an
5 30 applicant for a minor's school license (formerly referred to
5 31 as a special minor's license) which allows a person between 14
5 32 and 18 years of age, who demonstrates a special need, to drive
5 33 only for school-related purposes. The applicant must present
5 34 an affidavit signed by a parent or guardian that the applicant
5 35 has accumulated 20 hours of street or highway driving,



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 23, 2008

Senate Study Bill 3085 continued

6 1 including two hours conducted between sunset and sunrise,
6 2 while accompanied by the applicant's parent, guardian,
6 3 instructor, a person certified by the department, or a person
6 4 at least 25 years of age who had written permission from a
6 5 parent or guardian. This is the same affidavit required of an
6 6 applicant for an intermediate driver's license. The bill also
6 7 makes technical changes to clarify that the license is valid
6 8 for travel between schools of enrollment and locations of
6 9 extracurricular activities within a school district.

6 10 Pursuant to current law, a violation of the new provisions
6 11 relating to intermediate driver's licenses or minor's school
6 12 licenses would be punishable as a scheduled violation, subject
6 13 to a fine of \$30.

6 14 LSB 5289XD 82

6 15 dea/nh/8



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 23, 2008

Senate Study Bill 3086

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

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

Passed House, Date _____
Vote: Ayes _____ Nays _____

A BILL FOR

- 1 An Act relating to applications for absentee ballots.
- 2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 3 TLSB 5810SC 82
- 4 sc/nh/5



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 23, 2008

Senate Study Bill 3086 continued

PAG LIN

1 1 Section 1. Section 53.2, subsection 2, Code Supplement
1 2 2007, is amended to read as follows:
1 3 2. a. The state commissioner shall prescribe a form for
1 4 absentee ballot applications. However, if a registered voter
1 5 submits an application that includes all of the information
1 6 required in this section, the prescribed form is not required.
1 7 b. Absentee ballot applications may include instructions
1 8 to send the application directly to the county commissioner of
1 9 elections. However, no absentee ballot application shall be
1 10 preaddressed or printed with instructions to send the
1 11 applications to anyone other than the appropriate
1 12 commissioner.
1 13 c. No absentee ballot application shall be preaddressed or
1 14 printed with instructions to send the ballot to anyone other
1 15 than the voter.

1 16 EXPLANATION

1 17 This bill provides that a registered voter may submit an
1 18 application for an absentee ballot on something other than the
1 19 application form prescribed by the state commissioner of
1 20 elections if the application submitted contains all of the
1 21 information required by law.
1 22 LSB 5810SC 82
1 23 sc/nh/5