



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 28, 2008

House File 2086 - Introduced

HOUSE FILE
BY GRANZOW

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

A BILL FOR

- 1 An Act establishing a new bicycle user fee and making an
- 2 appropriation.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 5856YH 82
- 5 dea/nh/8



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House File 2086 - Introduced continued

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1 1 Section 1. Section 465B.4, Code 2007, is amended by adding
1 2 the following new subsection:

1 3 NEW SUBSECTION. 4. Fees collected from the sale of new
1 4 bicycles under section 465B.5 for the purpose of bicycle trail
1 5 maintenance.

1 6 Sec. 2. NEW SECTION. 465B.5 NEW BICYCLE USER FEE.

1 7 1. A fee of five dollars is imposed on the sale of every
1 8 new bicycle, other than a device which is designed and
1 9 intended by the manufacturer for use by a child under twelve
1 10 years of age, sold in this state by a retailer. The fee shall
1 11 be paid to the retailer at the time of purchase of the
1 12 bicycle. The retailer shall remit monthly to the department
1 13 such fees collected during the previous month.

1 14 2. Fees collected under this section are appropriated to
1 15 the department to be used statewide for maintenance projects
1 16 on recreational trails designed for bicycle use.

1 17 3. For purposes of this section, the following definitions
1 18 apply:

1 19 a. "Bicycle" means the same as defined in section 321.1,
1 20 subsection 40.

1 21 b. "Department" means the state department of
1 22 transportation.

1 23 c. "Retailer" means a person who sells new bicycles
1 24 directly to consumers in this state.

1 25 4. The department shall adopt rules as necessary to
1 26 accomplish the purposes of this section.

1 27 EXPLANATION

1 28 This bill imposes a user fee of \$5 on new bicycles
1 29 purchased in this state. The fee is to be paid by the
1 30 purchaser to the retailer at the time of purchase. Retailers
1 31 are required to remit fees collected on a monthly basis to the
1 32 department of transportation. The fees are to be used for
1 33 bicycle trail maintenance projects statewide.

1 34 The bill exempts bicycles intended by the manufacturer for
1 35 use by children under 12 years of age from the user fee



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- 2 1 requirement.
- 2 2 LSB 5856YH 82
- 2 3 dea/nh/8



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House File 2087 - Introduced

HOUSE FILE
BY SCHICKEL

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

Passed Senate, Date _____
Vote: Ayes _____ Nays _____

A BILL FOR

- 1 An Act providing for a feasibility study of conducting floor
- 2 debate and other legislative business via the internet.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 5072HH 82
- 5 jp/rj/8



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1 1 Section 1. INTERNET LEGISLATIVE SESSION == FEASIBILITY
1 2 STUDY.
1 3 1. The legislative services agency, with the assistance of
1 4 the secretary of the senate, the chief clerk of the house of
1 5 representatives, and the department of administrative services
1 6 and other appropriate state agencies, shall complete a
1 7 feasibility study of holding a one-day legislative session
1 8 during the 2009 regular legislative session utilizing the
1 9 internet as the primary means for members of the general
1 10 assembly to participate in the session.
1 11 2. The options addressed in the feasibility study shall
1 12 include but are not limited to all of the following:
1 13 a. Legal requirements or impediments under the
1 14 Constitution of the State of Iowa or the Code of Iowa
1 15 regarding the general assembly's performance of its
1 16 constitutional lawmaking authority, including but not limited
1 17 to article III, sections 10 and 13 of the Constitution of the
1 18 State of Iowa and section 2.1 of the Code of Iowa.
1 19 b. Holding floor debate and voting on legislation in both
1 20 the senate and house of representatives via the internet.
1 21 c. Provision for the members of the general assembly to
1 22 participate via the internet from their home districts.
1 23 d. Providing real-time voice and image access to committee
1 24 and subcommittee meetings, debate, and voting.
1 25 e. Enabling public observation of testimony, public
1 26 hearings, and committee and floor deliberations via the
1 27 internet.
1 28 f. Providing a means for voice, recorded, and unrecorded
1 29 voting to be observed via the internet.
1 30 g. Identifying considerations to be addressed for the
1 31 session to conduct actual business or to be a demonstration.
1 32 h. Identifying actual and projected costs and cost savings
1 33 that may be realized if the internet would be used on a
1 34 permanent basis to conduct legislative business.
1 35 3. The legislative services agency shall report to the



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2 1 governor and general assembly on or before December 1, 2008,
2 2 outlining the findings of the feasibility study, including
2 3 identifying the advantages and disadvantages of the options
2 4 presented, potential costs and cost savings, and potential
2 5 issues to be addressed if internet access to legislative
2 6 deliberations would be provided on a permanent basis.

2 7 EXPLANATION

2 8 This bill provides for a feasibility study of the legality
2 9 and practicality of conducting a one-day session of floor
2 10 debate and other legislative business via the internet. The
2 11 study is required to be conducted by the legislative services
2 12 agency with the cooperation of the secretary of the senate,
2 13 chief clerk of the house of representatives, and the
2 14 department of administrative services.

2 15 Specific options to be addressed are identified, including
2 16 providing for the capacity on a permanent basis and addressing
2 17 legal requirements under the Iowa Constitution and Iowa law
2 18 involving voting and the physical meeting location, and the
2 19 agency is required to submit a report to the governor and
2 20 general assembly on or before December 1, 2008.

2 21 LSB 5072HH 82

2 22 jp/rj/8



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House File 2088 - Introduced

HOUSE FILE

BY LENSING, HUNTER, WATTS,
GREINER, PETTENGILL, WHITAKER,
MERTZ, WINCKLER, SANDS, TYMESON,
HEDDENS, WESSEL=KROESCHELL,
FOEGE, and LUKAN

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

Passed Senate, Date _____
Vote: Ayes _____ Nays _____

A BILL FOR

- 1 An Act identifying and prioritizing persons authorized to provide
- 2 instructions and approval regarding funeral arrangements.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 5390YH 82
- 5 jr/rj/8



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1 1 Section 1. NEW SECTION. 156.17 FUNERAL ARRANGEMENTS ==
1 2 AUTHORIZED PERSONS.
1 3 1. A funeral director licensed pursuant to this chapter or
1 4 operator of a cremation establishment licensed pursuant to
1 5 this chapter shall consult with and may reasonably rely upon
1 6 an authorized person when making funeral arrangements for a
1 7 decedent including but not limited to embalming, cremation,
1 8 funeral services, and the disposition of human remains. A
1 9 funeral director, operator of a cremation establishment, and
1 10 attorney in fact shall have the same protection from criminal
1 11 prosecution and civil liability, or professional disciplinary
1 12 action as provided for in section 144B.9.
1 13 2. For purposes of this section, "authorized person"
1 14 means, in the absence of a contrary court order, any available
1 15 member of the following classes of persons, in the order of
1 16 priority listed:
1 17 a. The attorney in fact designated in a decedent's durable
1 18 power of attorney for health care pursuant to chapter 144B.
1 19 b. The surviving spouse of the decedent if not legally
1 20 separated from the decedent.
1 21 c. The decedent's surviving adult children. If there is
1 22 more than one adult child, any adult child who can confirm in
1 23 writing the notification of all other adult children may serve
1 24 as the authorized person, unless the funeral director or
1 25 cremation establishment receives any objection from another
1 26 adult child. Alternatively, a majority of the surviving adult
1 27 children of the decedent whose whereabouts are reasonably
1 28 ascertainable may jointly serve as the authorized person.
1 29 d. The surviving parents of the decedent whose whereabouts
1 30 are reasonably ascertainable.
1 31 e. The decedent's surviving adult grandchildren. If there
1 32 is more than one adult grandchild, any adult grandchild who
1 33 can confirm in writing the notification of all other adult
1 34 grandchildren may serve as the authorized person, unless the
1 35 funeral director or cremation establishment receives any



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2 1 objection from another adult grandchild. Alternatively, a
2 2 majority of the surviving adult grandchildren of the decedent
2 3 whose whereabouts are reasonably ascertainable may jointly
2 4 serve as the authorized person.

2 5 f. An adult sibling of the decedent. If there is more
2 6 than one adult sibling, any adult sibling who can confirm in
2 7 writing the notification of all other adult siblings may serve
2 8 as the authorized person, unless the funeral director or
2 9 cremation establishment receives any objection from another
2 10 adult sibling. Alternatively, a majority of the surviving
2 11 adult siblings of the decedent whose whereabouts are
2 12 reasonably ascertainable may jointly serve as the authorized
2 13 person.

2 14 g. A surviving grandparent of the decedent. If there is
2 15 more than one grandparent, any grandparent who can confirm in
2 16 writing the notification of all other grandparents may serve
2 17 as the authorized person, unless the funeral director or
2 18 cremation establishment receives any objection from another
2 19 grandparent. Alternatively, a majority of the surviving
2 20 grandparents of the decedent whose whereabouts are reasonably
2 21 ascertainable may jointly serve as the authorized person.

2 22 h. Another adult person in the next degree of kinship in
2 23 the order named by law to inherit the estate of the decedent
2 24 under the rules of the inheritance for intestate succession.

2 25 i. The county medical examiner, if responsible for the
2 26 decedent's remains.

2 27 3. A funeral director may await court order before
2 28 finalizing the funeral arrangements if the funeral director is
2 29 aware of a dispute between the authorized person or persons
2 30 who would be in a priority position under the definition of
2 31 authorized person pursuant to this section and the executor
2 32 named in the decedent's will or a personal representative
2 33 appointed by a court, or is aware of a dispute among
2 34 authorized persons within the same priority classification.

2 35 EXPLANATION



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3 1 This bill provides a list of specified individuals who may
3 2 be regarded as authorized persons with whom a funeral director
3 3 or operator of a cremation establishment shall consult with in
3 4 making funeral arrangements. The authorized persons are
3 5 listed within the bill in priority order. First priority is
3 6 assigned to the attorney in fact specified by a decedent in a
3 7 durable power of attorney for health care, followed by a
3 8 spouse, children, other family members, individuals entitled
3 9 to inherit pursuant to the state's intestacy laws, and the
3 10 county medical examiner. This list grants priority to the
3 11 attorney in fact designated in a decedent's durable power of
3 12 attorney for health care pursuant to Code chapter 144B and
3 13 incorporates the current list of authorized persons listed in
3 14 645 IAC 100.1(156).
3 15 LSB 5390YH 82
3 16 jr/rj/8



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House File 2089 - Introduced

HOUSE FILE
BY WENDT

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

A BILL FOR

- 1 An Act relating to local property tax funding for community
- 2 colleges.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 5159YH 82
- 5 kh/rj/14



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House File 2089 - Introduced continued

PAG LIN

1 1 Section 1. Section 260C.17, Code 2007, is amended to read
1 2 as follows:

1 3 260C.17 PREPARATION AND APPROVAL OF BUDGET == ~~TAX~~
1 4 OPERATIONS LEVIES.

1 5 1. BUDGET APPROVAL. The board of directors of each merged
1 6 area shall prepare an annual budget designating the proposed
1 7 expenditures for operation of the community college. The
1 8 board shall further designate the amounts which are to be
1 9 raised by local taxation and the amounts which are to be
1 10 raised by other sources of revenue for the operation. The
1 11 budget of each merged area shall be submitted to the state
1 12 board no later than May 1 preceding the next fiscal year for
1 13 approval. The state board shall review the proposed budget
1 14 and shall, prior to June 1, either grant its approval or
1 15 return the budget without approval with the comments of the
1 16 state board attached to it. Any unapproved budget shall be
1 17 resubmitted to the state board for final approval.

1 18 2. BASE LEVEL. Upon approval of the budget by the state
1 19 board, the board of directors shall certify the amount to the
1 20 respective county auditors and the boards of supervisors
1 21 annually shall levy a tax of twenty and one-fourth cents per
1 22 thousand dollars of assessed value on taxable property in a
1 23 merged area for the operation of a community college.

1 24 3. OPTIONAL SUPPLEMENTAL AMOUNT. In its determination of
1 25 the amount to be raised by local taxation for operation of the
1 26 community college, the board of directors may annually certify
1 27 an amount for levy at a rate in excess of twenty and
1 28 one-fourth cents on taxable property in the merged area.
1 29 However, the sum of all local property taxation for a
1 30 community college and the revenue received by the community
1 31 college as general state financial aid shall not exceed an
1 32 amount equal to seventy-five percent of the community
1 33 college's budget for the next fiscal year.

1 34 4. TAXES COLLECTED. Taxes collected pursuant to the ~~levy~~
1 35 levies shall be paid by the respective county treasurers to



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2 1 the treasurer of the merged area as provided in section
2 2 331.552, subsection 29.
2 3 ~~It is the policy of this state that the property tax for~~
~~2 4 the operation of community colleges shall not in any event~~
~~2 5 exceed twenty and one-fourth cents per thousand dollars of~~
~~2 6 assessed value, and that the present and future costs of such~~
~~2 7 operation in excess of the funds raised by such levy shall be~~
~~2 8 the responsibility of the state and shall not be paid from~~
~~2 9 property tax.~~

2 10

EXPLANATION

2 11 This bill permits a community college to annually levy
2 12 additional local property tax dollars for its operation.
2 13 Current law limits property tax for the operation of community
2 14 colleges to not more than 20 and one-fourth cents per \$1,000
2 15 of assessed value, with the state responsible for the
2 16 remainder. The bill provides that the sum of all local
2 17 property tax for the community college and the general state
2 18 financial aid allocated by the general assembly shall not
2 19 exceed an amount equal to 75 percent of the budget submitted
2 20 by the board of directors of the community college.
2 21 LSB 5159YH 82
2 22 kh/rj/14



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House File 2090 - Introduced

HOUSE FILE

BY ALONS, DE BOEF, WINDSCHITL,
RAYHONS, LUKAN, WORTHAN,
S. OLSON, KRESSIG, TJEPKES,
BAUDLER, WATTS, SODERBERG,
FORRISTALL, SANDS, ROBERTS,
DOLECHECK, GREINER, HEATON,
CHAMBERS, HUSEMAN, and
RASMUSSEN

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

A BILL FOR

1 An Act allowing the issuance of special senior crossbow deer
2 hunting licenses to residents who are sixty=five years of age
3 or older.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
5 TLSB 5750HH 82
6 av/nh/14



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House File 2090 - Introduced continued

PAG LIN

1 1 Section 1. Section 483A.8B, unnumbered paragraph 1, Code
1 2 2007, is amended to read as follows:
1 3 A person who is a resident and who is ~~seventy~~ sixty-five
1 4 years of age or older may be issued one special senior
1 5 statewide antlerless deer only crossbow deer hunting license
1 6 to hunt deer during bow season as established by rule by the
1 7 commission. A person who obtains a license to hunt deer under
1 8 this section is not required to pay the wildlife habitat fee
1 9 but shall be otherwise qualified to hunt deer in this state
1 10 and shall have a resident hunting license.

1 11 EXPLANATION

1 12 This bill reduces the age at which a resident may be issued
1 13 a special senior statewide antlerless deer only crossbow deer
1 14 hunting license from 70 to 65 years of age or older.
1 15 LSB 5750HH 82
1 16 av/nh/14



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House File 2091 - Introduced

HOUSE FILE
BY TYMESON, LUKAN, and CHAMBERS

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

A BILL FOR

1 An Act relating to time lost for certain activities in order to
2 meet the minimum hours of school instruction for grades one
3 through twelve.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
5 TL5B 5130YH 82
6 kh/rj/8



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House File 2091 - Introduced continued

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1 1 Section 1. Section 256.7, subsection 19, Code Supplement
1 2 2007, is amended by adding the following new unnumbered
1 3 paragraph:
1 4 NEW UNNUMBERED PARAGRAPH. A school district or an
1 5 accredited nonpublic school that uses any time from the school
1 6 day for professional development for instructional staff or
1 7 weather-related purposes, or which excuses twenty-five percent
1 8 or more of the students enrolled in order that the students
1 9 may attend an athletic event or assembly, shall extend the
1 10 school calendar so that the time used for any such purpose is
1 11 made up later in the school year.

1 12 Sec. 2. STATE MANDATE FUNDING SPECIFIED. In accordance
1 13 with section 25B.2, subsection 3, the state cost of requiring
1 14 compliance with any state mandate included in this Act shall
1 15 be paid by a school district from state school foundation aid
1 16 received by the school district under section 257.16. This
1 17 specification of the payment of the state cost shall be deemed
1 18 to meet all the state funding-related requirements of section
1 19 25B.2, subsection 3, and no additional state funding shall be
1 20 necessary for the full implementation of this Act by and
1 21 enforcement of this Act against all affected school districts.

1 22 EXPLANATION

1 23 This bill requires the state board of education to provide,
1 24 in rules adopted to define the minimum hours of instructional
1 25 school time for grades one through 12, that school districts
1 26 and accredited nonpublic schools are required to extend their
1 27 school calendars to make up time lost in the school day
1 28 because of professional development for instructional staff or
1 29 weather-related purposes, or because 25 percent or more of the
1 30 students enrolled were excused to attend an athletic event or
1 31 assembly.

1 32 The bill may include a state mandate as defined in Code
1 33 section 25B.3. The bill requires that the state cost of any
1 34 state mandate included in the bill be paid by a school
1 35 district from state school foundation aid received by the



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2 1 school district under Code section 257.16. The specification
2 2 is deemed to constitute state compliance with any state
2 3 mandate funding-related requirements of Code section 25B.2.
2 4 The inclusion of this specification is intended to reinstate
2 5 the requirement of political subdivisions to comply with any
2 6 state mandates included in the bill.
2 7 LSB 5130YH 82
2 8 kh/rj/8



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House File 2092 - Introduced

HOUSE FILE

BY BAUDLER, WATTS, WINDSCHITL,
 PETTENGILL, HUSEMAN, TYMESON,
 TJEPKES, CHAMBERS, REICHERT,
 DE BOEF, DEYOE, KAUFMANN, WORTHAN,
 GAYMAN, GRASSLEY, DOLECHECK,
 RASMUSSEN, ALONS, S. OLSON, SANDS,
 HORBACH, FORRISTALL, VAN FOSSEN,
 MAY, HOFFMAN, HEATON, LUKAN,
 DRAKE, SODERBERG, SCHICKEL,
 GRANZOW, QUIRK, ARNOLD, D. TAYLOR,
 STRUYK, BOAL, WISE, BELL, MERTZ,
 WHITAKER, and RANTS

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

Passed Senate, Date _____
 Vote: Ayes _____ Nays _____

A BILL FOR

- 1 An Act relating to the issuance of permits to carry weapons.
- 2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 3 TL5B 5285YH 82
- 4 rh/rj/5



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1 1 Section 1. Section 724.7, Code 2007, is amended to read as
1 2 follows:

1 3 724.7 NONPROFESSIONAL PERMIT TO CARRY WEAPONS.

1 4 ~~Any~~ A person ~~who can reasonably justify going armed may~~
1 5 shall be issued a nonprofessional permit to carry weapons.

1 6 Such permits shall be on a form prescribed and published by
1 7 the commissioner of public safety, which shall be readily
1 8 distinguishable from the professional permit, and shall
1 9 identify the holder ~~thereof, and state the reason for the~~

~~1 10 issuance of the permit, and the limits of the authority~~
~~1 11 granted by such permit.~~ All permits so issued shall be for a
1 12 definite period as established by the issuing officer, but in
1 13 no event shall exceed a period of twelve months.

1 14 Sec. 2. Section 724.8, Code 2007, is amended to read as
1 15 follows:

1 16 724.8 PERSONS ELIGIBLE FOR PERMIT TO CARRY WEAPONS.

1 17 ~~No~~ A person shall not be issued a professional or
1 18 nonprofessional permit to carry weapons unless:

1 19 1. The person is eighteen years of age or older for a
1 20 professional permit or twenty-one years or older for a
1 21 nonprofessional permit.

1 22 2. The person has never been convicted of a felony.

1 23 3. The person is not addicted to the use of alcohol or any
1 24 controlled substance.

1 25 4. The person has no history of repeated acts of violence.

1 26 5. The issuing officer reasonably determines that the
1 27 applicant does not constitute a danger to any person.

1 28 6. The person has never been convicted of any crime
1 29 defined in chapter 708, except "assault" as defined in section
1 30 708.1 and "harassment" as defined in section 708.7.

1 31 Sec. 3. Section 724.9, Code 2007, is amended to read as
1 32 follows:

1 33 724.9 ~~FIREARM~~ FIREARMS TRAINING PROGRAM.

1 34 A training program to qualify persons in the safe use of
1 35 firearms shall be provided by the issuing officer of permits,



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2 1 as provided in section 724.11.

2 2 1. The commissioner of public safety shall establish
2 3 minimum standards for a training program designed to qualify
2 4 persons in the safe use of firearms and shall include a course
2 5 of instruction designed to qualify a person on a firing range.
2 6 The course of instruction shall be limited to a maximum of six
2 7 hours in length. The course of instruction shall include all
2 8 of the following:

2 9 a. Firearms safety in the classroom, at home, on the
2 10 firing range, and while carrying the firearm.

2 11 b. A physical demonstration performed by the applicant
2 12 that demonstrates the applicant's ability to safely load and
2 13 unload a revolver or a semiautomatic pistol and the
2 14 applicant's marksmanship.

2 15 c. The basic principles of marksmanship.

2 16 d. The law relating to firearms pursuant to this chapter.

2 17 e. The law relating to the justifiable use of force
2 18 pursuant to chapter 704.

2 19 f. A live fire shooting test administered to an applicant
2 20 pursuant to section 724.9A.

2 21 2. The commissioner of public safety shall approve the
2 22 training program, and the county sheriff or the commissioner
2 23 of public safety conducting the training program within their
2 24 respective jurisdictions may contract with a private
2 25 organization or use the services of other agencies, or may use
2 26 a combination of the two, to provide ~~such~~ a training program
2 27 that meets the standards specified in subsection 1. Any

2 28 person eligible to be issued a permit to carry weapons may
2 29 enroll in such course. A fee sufficient to cover the cost of
2 30 the program may be charged to each person attending.

2 31 Certificates of completion, on a form prescribed and published
2 32 by the commissioner of public safety, shall be issued by a
2 33 qualified firearms safety instructor subject to the

2 34 restrictions of section 724.9B to each person who successfully
2 35 completes the program. ~~No~~ A person shall not be issued either



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3 1 a professional or nonprofessional permit unless the person has
3 2 received a certificate of completion or is a certified peace
3 3 officer. ~~Ne~~ A peace officer or correctional officer, except a
3 4 certified peace officer, shall not go armed with a pistol or
3 5 revolver unless the officer has received a certificate of
3 6 completion, provided that this requirement shall not apply ~~to~~
~~3 7 persons who are employed in this state as peace officers on~~
~~3 8 January 1, 1978 until July 1, 1978, or to peace officers of~~
3 9 other jurisdictions exercising their legal duties within this
3 10 state.

3 11 Sec. 4. NEW SECTION. 724.9A LIVE FIRE SHOOTING TEST.

3 12 1. A live fire shooting test shall be administered in the
3 13 presence of a firearms safety instructor qualified under
3 14 section 724.9C to an applicant for a nonprofessional permit to
3 15 carry weapons. The live fire shooting test shall consist of
3 16 thirty rounds fired from a standing position or its equivalent
3 17 at a distance from a B=27 silhouette target or an FBI "Q"
3 18 target, ten rounds fired from a distance of five yards, ten
3 19 rounds fired from a distance of seven yards, and ten rounds
3 20 fired from a distance of ten yards. Two sets of five rounds
3 21 shall be fired consecutively at each designated distance and
3 22 each five-round string shall be fired within thirty seconds.
3 23 Twenty-one of the rounds fired must strike either the
3 24 eight-ring on the B=27 target or the smallest FBI "Q" target
3 25 to pass the live fire shooting test.

3 26 2. An applicant for a nonprofessional permit to carry
3 27 weapons may attempt to pass the live fire shooting test
3 28 administered pursuant to subsection 1 up to three times in one
3 29 day but must pass the shooting test within two weeks of
3 30 completing a firearms training program pursuant to section
3 31 724.9. An applicant who fails the live fire shooting test
3 32 within the requisite two-week period shall be required to
3 33 retake the firearms training program prior to again attempting
3 34 to pass the live fire shooting test.

3 35 3. The provisions of this section shall be implemented



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4 1 uniformly throughout the state and shall constitute the
4 2 statewide standard for the course of instruction qualifying a
4 3 person to shoot on a firing range pursuant to section 724.9.
4 4 Sec. 5. NEW SECTION. 724.9B CERTIFICATE OF COMPLETION.
4 5 A qualified firearms safety instructor shall not issue a
4 6 certificate of completion to an applicant for a permit to
4 7 carry weapons who does any of the following:
4 8 1. Fails to demonstrate the requisite knowledge and
4 9 technique regarding the proper handling of a firearm.
4 10 2. Handles a firearm in a manner that, in the judgment of
4 11 the qualified firearms safety instructor, poses a danger to
4 12 the applicant or others.
4 13 3. Fails the live fire shooting test pursuant to the
4 14 requirements specified in section 724.9A.
4 15 Sec. 6. NEW SECTION. 724.9C QUALIFIED FIREARMS SAFETY
4 16 INSTRUCTOR.
4 17 A firearms safety instructor shall be considered to be a
4 18 qualified firearms safety instructor if the instructor has any
4 19 of the following qualifications:
4 20 1. Is a valid firearms safety instructor certified by the
4 21 national rifle association holding a rating as a personal
4 22 protection instructor or pistol marksmanship instructor.
4 23 2. Submits a photocopy of a certificate of completion of a
4 24 firearms safety instructor course offered by a local, state,
4 25 or federal governmental agency and approved by the department
4 26 of public safety.
4 27 3. Submits a photocopy of a certificate of completion of a
4 28 firearms safety instructor course approved by the department
4 29 of public safety.
4 30 4. Has successfully completed a firearms safety instructor
4 31 course given by or under the supervision of any state, county,
4 32 municipal, or federal enforcement agency.
4 33 5. Is a certified police officer firearms safety
4 34 instructor.
4 35 6. Is a certified law enforcement academy firearms safety



Iowa General Assembly
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House File 2092 - Introduced continued

5 1 instructor.

5 2 Sec. 7. Section 724.11, Code 2007, is amended to read as
5 3 follows:

5 4 724.11 ISSUANCE OF PERMIT TO CARRY WEAPONS.

5 5 1. Applications for permits to carry weapons shall be made
5 6 to the sheriff of the county in which the applicant resides.
5 7 Applications from persons who are nonresidents of the state,
5 8 or whose need to go armed arises out of employment by the
5 9 state, shall be made to the commissioner of public safety. In
5 10 either case, the issuance of the permit shall be by and at the
5 11 discretion of the sheriff or commissioner, who shall, before
5 12 issuing the permit, determine that the requirements of
5 13 sections 724.6 to 724.10 have been satisfied. However, the
5 14 training program requirements in section 724.9 ~~may~~ shall be
5 15 waived for renewal permits. If the sheriff or the
5 16 commissioner restricts or denies an application for a permit
5 17 under this section, the sheriff or commissioner shall provide
5 18 a written statement of the reasons for the restriction or the
5 19 denial to the applicant by certified mail within fifteen
5 20 working days of the filing of the application.

5 21 2. The issuing officer shall collect a fee of ten dollars,
5 22 except from a duly appointed peace officer or correctional
5 23 officer, for each permit issued. Renewal permits or duplicate
5 24 permits shall be issued for a fee of five dollars. The
5 25 issuing officer shall notify the commissioner of public safety
5 26 of the issuance of any permit at least monthly and forward to
5 27 the commissioner an amount equal to two dollars for each
5 28 permit issued and one dollar for each renewal or duplicate
5 29 permit issued. All such fees received by the commissioner
5 30 shall be paid to the treasurer of state and deposited in the
5 31 operating account of the department of public safety to offset
5 32 the cost of administering this chapter. Any unspent balance
5 33 as of June 30 of each year shall revert to the general fund as
5 34 provided by section 8.33.

5 35 Sec. 8. NEW SECTION. 724.11A RECIPROCITY.



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House File 2092 - Introduced continued

6 1 A person possessing a valid permit issued by another state
6 2 to carry a weapon shall be entitled to the privileges and
6 3 subject to the restrictions prescribed in this chapter
6 4 provided the state that issued the license has training
6 5 requirements that are equal to or greater than the training
6 6 requirements prescribed by this chapter. The department of
6 7 public safety shall determine which states qualify as
6 8 reciprocal states, shall maintain an up-to-date list of such
6 9 states, and shall post such information on the department's
6 10 internet site.

6 11 Sec. 9. NEW SECTION. 724.14 IMMUNITY.

6 12 The sheriff or the commissioner of public safety shall not
6 13 be liable for damages in any civil action arising from the
6 14 alleged wrongful issuance, renewal, or failure to revoke a
6 15 permit to carry weapons provided that the sheriff or the
6 16 commissioner acted in good faith and without malice in
6 17 carrying out the sheriff's or the commissioner's official
6 18 duties.

6 19 EXPLANATION

6 20 This bill relates to the issuance of weapons permits.

6 21 The bill provides that a person who is at least 21 and who
6 22 meets additional requirements specified in Code section 724.8
6 23 shall be issued a nonprofessional permit to carry weapons.
6 24 Current law provides that a person who is 18 who can
6 25 reasonably justify going armed and who meets the requisite
6 26 statutory requirements may be issued a nonprofessional permit
6 27 to carry weapons.

6 28 The bill amends current law relating to a firearms training
6 29 program. The bill requires the commissioner of public safety
6 30 to establish minimum firearms safety standards. The bill
6 31 specifies that the commissioner shall establish certain
6 32 training standards relating to the qualifications of persons
6 33 in the safe use of firearms. The bill further provides a
6 34 statewide standard designed to qualify an applicant for a
6 35 nonprofessional permit to carry weapons to shoot on a firing



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House File 2092 - Introduced continued

7 1 range.

7 2 The bill provides that a qualified firearms safety
7 3 instructor shall issue a certificate of completion to a person
7 4 who successfully completes the training program, including the
7 5 completion of the requirements relating to live fire
7 6 ammunition testing on a firing range. The bill specifically
7 7 provides that a person who does not follow the orders of the
7 8 qualified firearms safety instructor, handles a firearm in a
7 9 manner that poses a danger to the applicant or others, or who
7 10 fails to pass the live fire testing portion of the training
7 11 program shall not be issued a certificate of completion. An
7 12 applicant for a permit to carry weapons shall not be issued a
7 13 permit to carry weapons unless the applicant has received a
7 14 certificate of completion or is a certified peace officer.

7 15 The bill defines a qualified firearms safety instructor as
7 16 a person who meets any of the following qualifications:

7 17 1. Is a valid firearms safety instructor certified by the
7 18 national rifle association holding a rating as a personal
7 19 protection instructor or pistol marksmanship instructor.

7 20 2. Submits a photocopy of a certificate of completion of a
7 21 firearms safety instructor course offered by a local, state,
7 22 or federal governmental agency and approved by the department
7 23 of public safety.

7 24 3. Submits a photocopy of a certificate of completion of a
7 25 firearms safety instructor course approved by the department
7 26 of public safety.

7 27 4. Has successfully completed a firearms safety instructor
7 28 course given by or under the supervision of any state, county,
7 29 municipal, or federal enforcement agency.

7 30 5. Is a certified police officer firearms safety
7 31 instructor.

7 32 6. Is a certified law enforcement academy firearms safety
7 33 instructor.

7 34 The bill provides that if the sheriff or commissioner
7 35 restricts or denies an application for a concealed weapons



**Iowa General Assembly
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House File 2092 - Introduced continued

8 1 permit, the sheriff or commissioner shall provide a written
8 2 statement of the reasons for the restriction or denial. The
8 3 bill increases the portion of the fee the issuing officer
8 4 sends to the commissioner of public safety from \$2 to \$5 for
8 5 each permit issued and from \$1 to \$2 for each renewal or
8 6 duplicate permit issued.
8 7 The bill provides that a person possessing a valid
8 8 out-of-state permit to carry a weapon shall be entitled to the
8 9 privileges and subject to the restrictions prescribed provided
8 10 the state that issued the license has training requirements
8 11 that are equal to or greater than the training requirements
8 12 prescribed by Code chapter 724. The department of public
8 13 safety is required to determine which states qualify as
8 14 reciprocal states, maintain an up-to-date list of such states,
8 15 and post such information on the department's internet site.
8 16 The bill provides that the sheriff or the commissioner of
8 17 public safety shall not be liable for damages in any civil
8 18 action arising from the alleged wrongful issuance, renewal, or
8 19 failure to revoke a permit to carry weapons provided that the
8 20 sheriff or the commissioner acted in good faith and without
8 21 malice in carrying out the sheriff's or the commissioner's
8 22 official duties.
8 23 LSB 5285YH 82
8 24 rh/rj/5



Iowa General Assembly
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House File 2093 - Introduced

HOUSE FILE
BY BAUDLER

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

A BILL FOR

1 An Act providing an exemption for certain military personnel and
2 veterans from a requirement to complete a hunter safety and
3 ethics education course before obtaining a hunting license.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
5 TLSB 5847YH 82
6 rh/nh/14



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House File 2093 - Introduced continued

PAG LIN

1 1 Section 1. Section 483A.27, subsection 5, Code Supplement
1 2 2007, is amended to read as follows:

1 3 5. a. An officer of the department or a certified
1 4 instructor may issue a certificate to a person who has not
1 5 completed the hunter safety and ethics education course but
1 6 meets the criteria established by the commission.

1 7 b. An officer of the department shall issue a certificate
1 8 to a person who has not completed the hunter safety and ethics
1 9 education course if the person demonstrates to the officer,
1 10 pursuant to rules adopted by the commission under chapter 17A,
1 11 that the person meets either of the following criteria:

1 12 (1) The person is a member of the armed forces of the
1 13 United States who is serving on active duty and has passed a
1 14 weapons proficiency test.

1 15 (2) The person served in the armed forces of the United
1 16 States at any time, was discharged under honorable conditions,
1 17 and passed a weapons proficiency test.

1 18 EXPLANATION

1 19 This bill amends Code section 483A.27 to require an officer
1 20 of the department of natural resources to issue a certificate
1 21 of completion of the hunter safety and ethics education
1 22 course, which is required to obtain a hunting license, to a
1 23 person who demonstrates to the officer, as provided in rules
1 24 adopted under Code chapter 17A, either that the person is a
1 25 member of the armed forces of the United States on active duty
1 26 who has passed a weapons proficiency test, or that the person
1 27 formerly served in the armed forces, was discharged under
1 28 honorable conditions, and passed a weapons proficiency test.

1 29 LSB 5847YH 82

1 30 rh/nh/14



Iowa General Assembly
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House File 2094 - Introduced

HOUSE FILE
BY BAILEY and DAVITT

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

A BILL FOR

1 An Act relating to the reopening of a criminal sentence for a
2 defendant convicted of conspiracy to manufacture, deliver, or
3 possess with intent to deliver amphetamine or methamphetamine
4 to a minor.
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
6 TL5B 5718YH 82
7 jm/rj/24



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House File 2094 - Introduced continued

PAG LIN

1 1 Section 1. Section 901.5A, subsection 2, Code 2007, is
1 2 amended to read as follows:
1 3 2. Upon a finding by the court that the defendant
1 4 cooperated in the prosecution of other persons, the court may
1 5 reduce the maximum sentence imposed under the original
1 6 sentencing order to a term of not less than twenty years of
1 7 confinement.

1 8 EXPLANATION

1 9 This bill relates to the reopening of a criminal sentence
1 10 for a defendant convicted of conspiracy to manufacture,
1 11 deliver, or possess with intent to deliver amphetamine or
1 12 methamphetamine to a minor.

1 13 Under the bill, upon a finding by the court that the
1 14 defendant cooperated in the prosecution of others, the court
1 15 may reduce the 99-year term of confinement to a term of not
1 16 less than 20 years of confinement. Under current law the
1 17 court is not limited in the number of years the 99-year term
1 18 can be reduced upon a finding the defendant cooperated in the
1 19 prosecution of others.

1 20 LSB 5718YH 82

1 21 jm/rj/24



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House Study Bill 583

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



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House Study Bill 583 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



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House Study Bill 584

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



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House Study Bill 584 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



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Senate File 2048 - Introduced

SENATE FILE
BY BEALL and APPEL

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

A BILL FOR

- 1 An Act concerning eligibility criteria for special gold star
- 2 motor vehicle registration plates.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 5839SS 82
- 5 dea/nh/8



Iowa General Assembly
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Senate File 2048 - Introduced continued

PAG LIN

1 1 Section 1. Section 321.34, subsection 24, Code Supplement
1 2 2007, is amended to read as follows:
1 3 24. GOLD STAR PLATES. An owner referred to in subsection
1 4 12 who is the surviving spouse, parent, child, or sibling of a
1 5 deceased member of the United States armed forces who died
1 6 while serving on active duty during a time of military
1 7 conflict or who died as a result of such service may order
1 8 special registration plates bearing a gold star emblem upon
1 9 written application to the department accompanied by
1 10 satisfactory supporting documentation as determined by the
1 11 department. The gold star emblem shall be designed by the
1 12 department in cooperation with the commission of veterans
1 13 affairs. The special plate fees collected by the director
1 14 under subsection 12, paragraph "a", from the issuance and
1 15 annual validation of letter=number designated and personalized
1 16 gold star plates shall be paid monthly to the treasurer of
1 17 state and credited to the road use tax fund. Notwithstanding
1 18 section 423.43, and prior to the crediting of revenues to the
1 19 road use tax fund under section 423.43, subsection 1,
1 20 paragraph "b", the treasurer of state shall transfer monthly
1 21 from those revenues to the veterans license fee fund created
1 22 in section 35A.11 the amount of the special fees collected in
1 23 the previous month for gold star plates.

1 24 EXPLANATION

1 25 This bill amends Code language describing persons who are
1 26 eligible to apply for special gold star motor vehicle
1 27 registration plates. Currently, those plates are available,
1 28 subject to applicable fees, to certain relatives of a deceased
1 29 member of the United States armed forces who died while
1 30 serving on active duty during a time of military conflict.
1 31 Under the bill, surviving relatives of a member of the armed
1 32 forces who died as a result of such military service are also
1 33 eligible for special gold star plates.

1 34 LSB 5839SS 82

1 35 dea/nh/8



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Senate File 2049 - Introduced

SENATE FILE
BY HOGG

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

Passed House, Date _____
Vote: Ayes _____ Nays _____

A BILL FOR

- 1 An Act relating to renewable energy production by establishing a
- 2 county biomass project siting program.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 5147XS 82
- 5 rn/rj/5



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Senate File 2049 - Introduced continued

PAG LIN

1 1 Section 1. NEW SECTION. 473.14 COUNTY BIOMASS PROJECT
1 2 SITING == PROGRAM ESTABLISHED == REQUIREMENTS.
1 3 1. The department shall oversee implementation of a county
1 4 biomass project siting program through which the county board
1 5 of supervisors in each county in this state shall identify and
1 6 approve a site within the county for location of a biomass
1 7 electrical production facility. For purposes of this section,
1 8 "biomass electrical production facility" means a facility
1 9 constructed for the generation of at least twenty=five
1 10 megawatts of electricity through the processing or utilization
1 11 of organic matter including but not limited to agricultural
1 12 energy crops, crop wastes and residues, wood wastes and
1 13 residues, and aquatic plants, but excluding municipal solid
1 14 waste.
1 15 2. Sites identified and approved may accommodate a biomass
1 16 electrical production facility equipped to generate amounts of
1 17 electricity in excess of the twenty=five=megawatt=minimum
1 18 capacity, shall encompass sufficient land mass for biomass
1 19 electrical production and disposition of materials, and shall
1 20 be positioned to facilitate biomass delivery and access to
1 21 electrical transmission lines. In selecting a site,
1 22 consideration shall be given to location near a biomass waste
1 23 processing facility that could be used in the production
1 24 process, and which could participate with the biomass
1 25 electrical production facility in the cogeneration of useful
1 26 heat.
1 27 3. The department shall establish by rule general
1 28 identification criteria applicable to county biomass project
1 29 siting, and shall coordinate with each county board of
1 30 supervisors regarding the selection and approval process.
1 31 Each county board of supervisors shall submit a report to the
1 32 department by January 1, 2010, regarding progress made toward
1 33 site identification and approval, with a goal of final
1 34 approval by each board and notification of approval to the
1 35 department by January 1, 2012, and shall by January 1, 2012,



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2 1 submit an assessment to the department regarding the
2 2 feasibility of establishing a biomass electrical production
2 3 facility on the site selected, the existence of biomass waste
2 4 processing facilities in the area, cogeneration possibilities,
2 5 and the existence of potential biomass electrical producers.

2 6 EXPLANATION

2 7 This bill provides for the establishment of a county
2 8 biomass project siting program, to be administered by the
2 9 department of natural resources, through which each county
2 10 board of supervisors shall identify and approve a site for the
2 11 location of a biomass electrical production facility. The
2 12 bill defines "biomass electrical production facility" as a
2 13 facility constructed for the generation of at least 25
2 14 megawatts of electricity through the processing or utilization
2 15 of organic matter including but not limited to agricultural
2 16 energy crops, crop wastes and residues, wood wastes and
2 17 residues, and aquatic plants, but excluding municipal solid
2 18 waste.

2 19 The bill provides that a site may accommodate a biomass
2 20 electrical production facility equipped to generate amounts of
2 21 electricity in excess of the 25 megawatt minimum capacity,
2 22 must be of sufficient land mass to allow for biomass
2 23 electrical production and material disposition, and be
2 24 positioned to facilitate biomass delivery and access to
2 25 electrical transmission lines. The bill further provides that
2 26 consideration should be given in site selection to location
2 27 near a biomass waste processing facility that could be used in
2 28 the production process, and which could participate with the
2 29 biomass electrical production facility in the cogeneration of
2 30 useful heat.

2 31 The bill directs the department to establish by rule
2 32 general siting identification criteria and to coordinate with
2 33 each county board of supervisors regarding the selection and
2 34 approval process. The county boards are directed to submit a
2 35 progress report to the department by January 1, 2010, with a



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Senate File 2049 - Introduced continued

3 1 goal of final approval by each board and notification of
3 2 approval to the department by January 1, 2012. The county
3 3 boards shall also submit to the department by January 1, 2012,
3 4 an assessment of the feasibility of establishing a biomass
3 5 electrical production facility on the site selected, the
3 6 existence of biomass waste processing facilities in the area,
3 7 cogeneration possibilities, and the existence of potential
3 8 biomass electrical producers.
3 9 LSB 5147XS 82
3 10 rn/rj/5.1



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Senate File 2050 - Introduced

SENATE FILE

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

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

Passed House, Date _____
 Vote: Ayes _____ Nays _____

A BILL FOR

- 1 An Act relating to reimbursements under medical assistance home
- 2 and community-based services waivers for the elderly.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TL5B 5996SS 82
- 5 pf/rj/8



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Senate File 2050 - Introduced continued

PAG LIN

1 1 Section 1. NEW SECTION. 249A.30B HOME AND COMMUNITY=
1 2 BASED SERVICES WAIVER == ELDERLY == REIMBURSEMENT.
1 3 The reimbursement payable to a provider of services under a
1 4 medical assistance program home and community-based services
1 5 waiver for the elderly shall be recalculated annually on July
1 6 1. The recalculation shall apply the annual inflation factor
1 7 based on the total skilled nursing facility market basket
1 8 index utilized by the centers for Medicare and Medicaid
1 9 services of the United States department of health and human
1 10 services.

1 11 EXPLANATION

1 12 This bill requires the reimbursement payable to providers
1 13 of services under a medical assistance home and
1 14 community-based services waiver for the elderly to be
1 15 recalculated annually on July 1. The recalculation is
1 16 required to apply the annual inflation factor based on the
1 17 skilled nursing facility market basket index utilized by the
1 18 centers for Medicare and Medicaid services of the United
1 19 States department of health and human services.

1 20 LSB 5996SS 82

1 21 pf/rj/8



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Senate File 2051 - Introduced

SENATE FILE
BY DANIELSON

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

A BILL FOR

1 An Act beginning the compulsory education attendance age at age
2 five, providing for related matters, and providing an
3 effective date.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
5 TLSB 5663SS 82
6 kh/nh/14



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Senate File 2051 - Introduced continued

PAG LIN

1 1 Section 1. Section 282.3, subsections 1 and 2, Code 2007,
1 2 are amended to read as follows:

1 3 1. The board may exclude from school children under the
1 4 age of ~~six~~ five years when in its judgment such children are
1 5 not sufficiently mature to be benefited by regular
1 6 instruction, or any child who is found to be physically or
1 7 mentally unable to attend school under section 299.5, or whose
1 8 presence in school has been found to be injurious to the
1 9 health of other pupils, or is inefficiently taught for the
1 10 scholastic year at a state institution. However, the board
1 11 shall provide special education programs and services under
1 12 chapters 256B, 257, and 273 for all children requiring special
1 13 education.

1 14 2. ~~The conditions of admission to public schools for work~~
~~1 15 in the year immediately preceding the first grade and in the~~
~~1 16 first grade shall be as follows:~~

1 17 A child under the age of ~~six~~ five years on ~~the fifteenth of~~
1 18 September 15 of the current school year shall not be admitted
1 19 to a public school unless the child participated in the prior
1 20 year in an approved preschool program implemented by the board
1 21 of directors of the school has adopted and put into effect
~~1 22 courses of study for the school year immediately preceding the~~
~~1 23 first grade, approved by the department of education, and has~~
~~1 24 employed a practitioner or practitioners for this work with~~
~~1 25 standards of training approved by the board of educational~~
~~1 26 examiners.~~

1 27 No child shall be admitted to school work for the year
~~1 28 immediately preceding the first grade unless the child is five~~
~~1 29 years of age on or before the fifteenth of September of the~~
~~1 30 current school year.~~

~~1 31 No child shall be admitted to the first grade unless the~~
~~1 32 child is six years of age on or before the fifteenth of~~
~~1 33 September of the current school year; except that a child~~
~~1 34 under six years of age who has been admitted to school work~~
~~1 35 for the year immediately preceding the first grade under~~



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~~2 1 conditions approved by the department of education, district
2 2 in accordance with chapter 256C or ~~who~~ the child has
2 3 demonstrated the possession of sufficient ability to profit by
2 4 ~~first-grade~~ kindergarten work on the basis of tests or other
2 5 means of evaluation recommended or approved by the department
2 6 of education, may be admitted to first grade at any time
2 7 before December 31.~~

2 8 Sec. 2. Section 299.1A, Code 2007, is amended to read as
2 9 follows:

2 10 299.1A COMPULSORY ATTENDANCE AGE.

2 11 ~~A~~ Except as provided in section 299.2, a child who has
2 12 reached the age of ~~six~~ five and is under sixteen years of age
2 13 by September 15 is of compulsory attendance age. However, if
2 14 a child enrolled in a school district or accredited nonpublic
2 15 school reaches the age of sixteen on or after September 15,
2 16 the child remains of compulsory age until the end of the
2 17 regular school calendar.

2 18 Sec. 3. STATE MANDATE FUNDING SPECIFIED. In accordance
2 19 with section 25B.2, subsection 3, the state cost of requiring
2 20 compliance with any state mandate included in this Act shall
2 21 be paid by a school district from state school foundation aid
2 22 received by the school district under section 257.16. This
2 23 specification of the payment of the state cost shall be deemed
2 24 to meet all the state funding-related requirements of section
2 25 25B.2, subsection 3, and no additional state funding shall be
2 26 necessary for the full implementation of this Act by and
2 27 enforcement of this Act against all affected school districts.

2 28 Sec. 4. EFFECTIVE DATE. This Act takes effect July 1,
2 29 2009.

2 30 EXPLANATION

2 31 This bill lowers the minimum compulsory school attendance
2 32 age from age six to age five.

2 33 The bill also lowers from age six to age five the age at
2 34 which a child may be excluded from admission by the board of
2 35 directors of a school district when in the board's judgment



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Senate File 2051 - Introduced continued

3 1 the child is not sufficiently mature, is found to be
3 2 physically or mentally unable to attend school, or whose
3 3 presence in school has been found to be injurious to the
3 4 health of other pupils.

3 5 The bill provides that a child under the age of five on
3 6 September 15 shall not be admitted to public school unless the
3 7 child participated in the prior year in an approved preschool
3 8 program or the child has demonstrated the possession of
3 9 sufficient ability to profit by kindergarten work on the basis
3 10 of tests or other means of evaluation recommended or approved
3 11 by the department of education.

3 12 The bill may include a state mandate as defined in Code
3 13 section 25B.3. The bill requires that the state cost of any
3 14 state mandate included in the bill be paid by a school
3 15 district from state school foundation aid received by the
3 16 school district under Code section 257.16. The specification
3 17 is deemed to constitute state compliance with any state
3 18 mandate funding-related requirements of Code section 25B.2.
3 19 The inclusion of this specification is intended to reinstate
3 20 the requirement of political subdivisions to comply with any
3 21 state mandates included in the bill.

3 22 The bill takes effect July 1, 2009.

3 23 LSB 5663SS 82

3 24 kh/nh/14.1



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Senate File 2052 - Introduced

SENATE FILE

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

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

Passed House, Date _____
 Vote: Ayes _____ Nays _____

A BILL FOR

1 An Act establishing standardized requirements for long-term care
 2 insurance policies advertised, marketed, offered, delivered,
 3 or issued for delivery in the state, and providing an
 4 applicability date.
 5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
 6 TL5B 5964SS 82
 7 av/rj/14



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Senate File 2052 - Introduced continued

PAG LIN

1 1 Section 1. Section 514G.7, subsection 1, Code 2007, is
1 2 amended to read as follows:

1 3 1. RULES.

1 4 a. The commissioner shall adopt rules establishing
1 5 standard provisions for terms and benefits required to be
1 6 included in a long-term care insurance policy advertised,
1 7 marketed, offered, delivered, or issued for delivery in this
1 8 state. The rules shall establish a standard format for such
1 9 long-term care insurance policies to facilitate ease of
1 10 comparison of the various policies by consumers.

1 11 b. The commissioner ~~may~~ shall adopt rules for full and
1 12 fair disclosure of the terms and benefits of a long-term care
1 13 insurance policy, including but not limited to rules setting
1 14 forth the manner, content, and required disclosures for the
1 15 sale of long-term care insurance policies, terms of
1 16 renewability, initial and subsequent conditions of
1 17 eligibility, nonduplication of coverage provisions, coverage
1 18 of dependents, preexisting conditions, termination of
1 19 insurance, probationary periods, limitations, exceptions,
1 20 reductions, elimination periods, requirements for replacement,
1 21 recurrent conditions, and definitions of terms.

1 22 Sec. 2. Section 514G.10, Code 2007, is amended to read as
1 23 follows:

1 24 514G.10 LONG-TERM CARE CONSUMER GUIDE.

1 25 An insurer offering a long-term care insurance policy to
1 26 any person shall provide to the applicant the current
1 27 long-term care insurance consumer guide prescribed by the
1 28 insurance division of the department of commerce. The
1 29 long-term care insurance guide prescribed by the insurance
1 30 division shall include a description of the standard terms and
1 31 benefits required to be included and the standard format
1 32 required to be used in such a long-term care insurance policy
1 33 in this state. The commissioner of insurance may by reference
1 34 adopt or permit the use of the long-term care insurance
1 35 consumer guide developed by the national association of



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Senate File 2052 - Introduced continued

2 1 insurance commissioners, the blue cross and blue shield
2 2 association, or the health insurance association of America,
2 3 if the consumer guide that is adopted or permitted to be used
2 4 by reference meets all the requirements of this section.

2 5 Delivery of the long-term care insurance consumer guide shall
2 6 be made if a policy is advertised, solicited, or issued as a
2 7 policy as defined in this chapter, or if it is subject to this
2 8 chapter, regardless of the label applied by the insurer.

2 9 Except in the case of direct response insurers, delivery of
2 10 the long-term care insurance consumer guide shall be made to
2 11 the applicant at the time of application, and acknowledgment
2 12 of receipt of the long-term care insurance consumer guide
2 13 shall be obtained by the insurer. A direct response insurer
2 14 shall deliver the long-term care insurance consumer guide to
2 15 the applicant at the time the policy is delivered. An
2 16 insurance company required to distribute the guide shall
2 17 reimburse the state for all costs associated with the guide.

2 18 Sec. 3. APPLICABILITY. This bill applies to long-term
2 19 care insurance policies advertised, marketed, offered,
2 20 delivered, or issued for delivery in this state on or after
2 21 July 1, 2008.

2 22 EXPLANATION

2 23 This bill establishes standardized requirements for
2 24 long-term care insurance policies advertised, marketed,
2 25 offered, delivered, or issued for delivery in the state.

2 26 The bill amends Code section 514G.7 to require the
2 27 commissioner of insurance to adopt rules establishing standard
2 28 provisions for terms and benefits that must be included in a
2 29 long-term care insurance policy advertised, marketed, offered,
2 30 delivered, or issued for delivery in this state. The
2 31 commissioner is also required to adopt rules that establish a
2 32 standard format for such policies to facilitate ease of
2 33 comparison of the various policies by consumers.

2 34 The bill amends Code section 514G.10 to require that the
2 35 long-term care insurance consumer guide prescribed by the



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Senate File 2052 - Introduced continued

3 1 insurance division of the department of commerce must include
3 2 a description of the standard terms and benefits, and format
3 3 that are required to be included or used in long-term care
3 4 insurance policies in Iowa. A provision allowing the
3 5 commissioner of insurance to by reference adopt or permit the
3 6 use of long-term care insurance consumer guides prepared by
3 7 other specified entities is amended to allow such adoption or
3 8 use by reference only if the consumer guide meets all the
3 9 requirements of the Code section.

3 10 The bill is applicable to long-term care insurance policies
3 11 advertised, marketed, offered, delivered, or issued for
3 12 delivery on or after July 1, 2008.

3 13 LSB 5964SS 82

3 14 av/rj/14



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Senate File 2053 - Introduced

SENATE FILE
BY DANIELSON

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

A BILL FOR

- 1 An Act concerning the scope of negotiations in public employment
- 2 collective bargaining.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 5884SS 82
- 5 ec/rj/14



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Senate File 2053 - Introduced continued

PAG LIN

1 1 Section 1. Section 20.9, unnumbered paragraph 1, Code
1 2 2007, is amended to read as follows:
1 3 The public employer and the employee organization shall
1 4 meet at reasonable times, including meetings reasonably in
1 5 advance of the public employer's budget-making process, to
1 6 negotiate in good faith with respect to wages, hours,
1 7 vacations, staffing levels due to vacation leave utilization,
1 8 insurance, holidays, leaves of absence, shift differentials,
1 9 overtime compensation, supplemental pay, seniority, transfer
1 10 procedures, job classifications, health and safety matters,
1 11 evaluation procedures, procedures for staff reduction,
1 12 in-service training and other matters mutually agreed upon.
1 13 Negotiations shall also include terms authorizing dues
1 14 checkoff for members of the employee organization and
1 15 grievance procedures for resolving any questions arising under
1 16 the agreement, which shall be embodied in a written agreement
1 17 and signed by the parties. If an agreement provides for dues
1 18 checkoff, a member's dues may be checked off only upon the
1 19 member's written request and the member may terminate the dues
1 20 checkoff at any time by giving thirty days' written notice.
1 21 Such obligation to negotiate in good faith does not compel
1 22 either party to agree to a proposal or make a concession.

1 23 EXPLANATION

1 24 This bill provides that staffing levels due to vacation
1 25 leave utilization is a mandatory subject of bargaining for
1 26 public employment subject to the requirements of Code chapter
1 27 20 governing collective bargaining.
1 28 LSB 5884SS 82
1 29 ec/rj/14



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Senate Resolution 102 - Introduced

PAG LIN

S.R. _____ H.R. _____

1 1 SENATE RESOLUTION NO.
1 2 BY GRONSTAL and WIECK
1 3 A Resolution designating February 5, 2008, as Iowa
1 4 Insurance Day.
1 5 WHEREAS, the Iowa insurance industry, through its
1 6 employees and agents, has contributed significantly to
1 7 the growth and strength of this state and our nation;
1 8 and
1 9 WHEREAS, Iowans benefit greatly from the financial
1 10 protections provided by the Iowa insurance industry
1 11 through the provision of mechanisms to insure the
1 12 health, life, property, liability, and retirement
1 13 income of Iowans; and
1 14 WHEREAS, 208 insurance companies are headquartered
1 15 in Iowa, including 63 property and casualty companies,
1 16 25 life insurance companies, eight health insurance
1 17 companies, and over 100 state and county mutual
1 18 insurance companies; and
1 19 WHEREAS, the Iowa insurance industry is directly or
1 20 indirectly linked to the provision of over 88,000
1 21 jobs; and
1 22 WHEREAS, incomes supported by the Iowa insurance
1 23 industry generate over \$309 million in major state and
1 24 local taxes; and
1 25 WHEREAS, the Iowa insurance industry accounts for
1 26 2.6 percent of the state's jobs yet generates 5.6
1 27 percent of the state's contribution to gross state
1 28 product; and
1 29 WHEREAS, the Iowa insurance industry accounts for
1 30 2.6 percent of the state's jobs, which is more than



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Senate Resolution 102 - Introduced continued

2 1 double the percentage accounted for in 1990; and
2 2 WHEREAS, Iowa's insurance workers are more
2 3 productive than the national norm and account for 1.6
2 4 percent of the nation's insurance jobs, yet generate
2 5 2.2 percent of the nation's gross domestic product;
2 6 NOW THEREFORE,
2 7 BE IT RESOLVED BY THE SENATE, That the Senate
2 8 designates the day of February 5, 2008, as Iowa
2 9 Insurance Day and invites the citizens of Iowa to
2 10 discover and honor the important economic
2 11 contributions made by the Iowa insurance industry.
2 12 LSB 5953SS 82
2 13 av/rj/5



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Senate Study Bill 3093

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

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

Passed House, Date _____
Vote: Ayes _____ Nays _____

A BILL FOR

- 1 An Act relating to whistleblower complaints received by the
- 2 citizens' aide.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 5510DP 82
- 5 ec/nh/5



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Senate Study Bill 3093 continued

PAG LIN

1 1 Section 1. Section 2C.11A, Code 2007, is amended to read
1 2 as follows:
1 3 2C.11A SUBJECTS FOR INVESTIGATIONS == DISCLOSURES OF
1 4 INFORMATION.
1 5 The office of citizens' aide ~~shall investigate~~ may receive
1 6 a complaint filed by an employee who is not a merit system
1 7 employee or an employee covered by a collective bargaining
1 8 agreement and who alleges that adverse employment action has
1 9 been taken against the employee in violation of section
1 10 70A.28, subsection 2. A complaint filed pursuant to this
1 11 section shall be made within thirty calendar days following
1 12 the effective date of the adverse employment action. The
1 13 citizens' aide shall review the complaint and make a
1 14 determination of whether to investigate the matter and shall
1 15 pursuant to the requirements of section 2C.12. The citizens'
1 16 aide shall, in an expeditious manner, either issue a written
1 17 notice to the employee indicating that the citizens' aide
1 18 declined to investigate the complaint and the reason for that
1 19 decision or investigate the complaint and issue a report with
1 20 findings relative to the complaint in an expeditious manner.
1 21 The report with findings shall be issued to the employee and
1 22 to the director or head of the employee's agency, or to the
1 23 governor if the agency director or head is the subject of the
1 24 investigation, and to the legislative oversight committee.
1 25 Sec. 2. Section 70A.28, subsection 6, Code Supplement
1 26 2007, is amended to read as follows:
1 27 6. Subsection 2 may also be enforced by an employee
1 28 through an administrative action pursuant to the requirements
1 29 of this subsection if the employee is not a merit system
1 30 employee or an employee covered by a collective bargaining
1 31 agreement. An employee eligible to pursue an administrative
1 32 action pursuant to this subsection who is discharged,
1 33 suspended, demoted, or otherwise receives a reduction in pay
1 34 and who believes the adverse employment action was taken as a
1 35 result of the employee's disclosure of information that was



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2 1 authorized pursuant to subsection 2, may file an appeal of the
2 2 adverse employment action with the public employment relations
2 3 board within thirty calendar days following the later of the
2 4 effective date of the action or the date a ~~finding~~ notice or
2 5 report with findings is issued to the employee by the office
2 6 of the citizens' aide pursuant to section 2C.11A. The report
2 7 with findings issued by the citizens' aide may be introduced
2 8 as evidence before the public employment relations board as to
2 9 the merits of the action but the citizens' aide or any member
2 10 of the citizens' aide staff shall not be compelled to testify
2 11 before the board with respect to the report. The employee has
2 12 the right to a hearing closed to the public, but may request a
2 13 public hearing. The hearing shall otherwise be conducted in
2 14 accordance with the rules of the public employment relations
2 15 board and the Iowa administrative procedure Act, chapter 17A.
2 16 If the public employment relations board finds that the action
2 17 taken in regard to the employee was in violation of subsection
2 18 2, the employee may be reinstated without loss of pay or
2 19 benefits for the elapsed period, or the public employment
2 20 relations board may provide other appropriate remedies.
2 21 Decisions by the public employment relations board constitute
2 22 final agency action.

2 23 EXPLANATION

2 24 This bill relates to whistleblower complaints submitted to
2 25 the office of citizens' aide. The bill provides that the
2 26 citizens' aide may decline to investigate a whistleblower
2 27 complaint in the same manner as the citizens' aide may decline
2 28 to investigate other complaints filed with the office. The
2 29 bill requires the citizens' aide to issue a written notice to
2 30 the employee if the office declines to investigate a
2 31 whistleblower complaint, with the reason for that
2 32 determination. The bill further provides that if the
2 33 citizens' aide investigates and issues a report with findings,
2 34 the report with findings shall be provided to the
2 35 complainant=employee, the director or head of the employee's



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3 1 agency, or to the governor if the agency director or head is
3 2 the subject of the investigation, and to the legislative
3 3 oversight committee. The bill further provides that the
3 4 citizens' aide or any staff member of the citizens' aide shall
3 5 not be compelled to testify about any report with findings it
3 6 issues relative to a whistleblower complaint before the public
3 7 employment relations board.
3 8 LSB 5510DP 82
3 9 ec/nh/5.1



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Senate Study Bill 3094

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

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

Passed House, Date _____
Vote: Ayes _____ Nays _____

A BILL FOR

1 An Act modifying provisions relating to statewide licensure and
2 certification of electricians and alarm system contractors and
3 installers, and providing an effective date.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
5 TLSB 5364DP 82
6 rn/nh/14



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Senate Study Bill 3094 continued

PAG LIN

1 1 Section 1. Section 100C.1, subsection 1, Code Supplement
1 2 2007, is amended to read as follows:
1 3 1. "Alarm system" means a system or portion of a
1 4 combination system that consists of components and circuits
1 5 arranged to monitor and annunciate the status of a fire alarm,
1 6 security alarm, or ~~medical alarm~~ nurse call or supervisory
1 7 signal=initiating devices and to initiate the appropriate
1 8 response to those signals.
1 9 Sec. 2. Section 100C.1, subsection 13, paragraph b, Code
1 10 Supplement 2007, is amended to read as follows:
1 11 b. An owner, partner, officer, or manager employed
1 12 full-time by an alarm system contractor who is certified by
1 13 the national institute for certification in engineering
1 14 technologies in fire alarm systems or security systems at a
1 15 level established by the fire marshal by rule or who meets any
1 16 other criteria established by rule under this chapter. The
1 17 rules may provide for separate endorsements for fire alarm
1 18 systems, security alarm systems, and ~~medical alarm~~ nurse call
1 19 systems and may require separate qualifications for each.
1 20 Sec. 3. Section 100C.2, subsection 4, paragraph b, Code
1 21 Supplement 2007, is amended to read as follows:
1 22 b. An employee or subcontractor of a certified alarm
1 23 system contractor who is an alarm system installer, and who is
1 24 not licensed pursuant to chapter 103 shall obtain and maintain
1 25 certification as an alarm system installer and shall meet and
1 26 maintain qualifications established by the state fire marshal
1 27 by rule.
1 28 Sec. 4. Section 100C.10, subsection 2, paragraph d, Code
1 29 Supplement 2007, is amended to read as follows:
1 30 d. Three alarm system contractors, certified pursuant to
1 31 this chapter, at least one of whom shall have experience with
1 32 fire alarm systems, at least one of whom shall have experience
1 33 with security alarm systems, and at least one of whom shall
1 34 have experience with ~~medical alarm~~ nurse call systems.
1 35 Sec. 5. Section 103.1, subsection 7, Code Supplement 2007,



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2 1 is amended by striking the subsection.

2 2 Sec. 6. Section 103.1, subsection 8, Code Supplement 2007,
2 3 is amended to read as follows:

2 4 8. "Electrical contractor" means a person affiliated with
2 5 an electrical contracting firm or business who is, or who
2 6 employs a person who is, licensed by the board as either a
2 7 class A or class B master electrician and who is also
2 8 registered with the state of Iowa as a contractor.

2 9 Sec. 7. Section 103.1, subsection 13, Code Supplement
2 10 2007, is amended by striking the subsection.

2 11 Sec. 8. Section 103.2, subsection 2, paragraphs b and d,
2 12 Code Supplement 2007, are amended to read as follows:

2 13 b. Two members shall be master electricians or electrical
2 14 contractors, one of whom is a contractor signed to a
2 15 collective bargaining agreement or a master electrician
2 16 covered under a collective bargaining agreement and one of
2 17 whom is a ~~nonunion~~ contractor not signed to a collective
2 18 bargaining agreement or a master electrician who is not a
2 19 member of a union.

2 20 d. Two members, one a union member covered under a
2 21 collective bargaining agreement and one ~~a nonunion member~~, who
2 22 is not a member of a union, each of whom shall not be a member
2 23 of any of the aforementioned groups described in paragraphs
2 24 "a" through "c", and shall represent the general public.

2 25 Sec. 9. Section 103.6, subsection 1, Code Supplement 2007,
2 26 is amended to read as follows:

2 27 1. Adopt rules pursuant to chapter 17A and in doing so
2 28 shall be governed by the minimum standards set forth in the
2 29 most current publication of the national electrical code
2 30 issued and adopted by the national fire protection
2 31 association, and amendments to the code, which code and
2 32 amendments shall be filed in the offices of the ~~secretary of~~
2 33 state law library and the board and shall be a public record.
2 34 The board shall adopt rules reflecting updates to the code and
2 35 amendments to the code. The board shall promulgate and adopt



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3 1 rules establishing wiring standards that protect public safety
3 2 and health and property and that apply to all electrical
3 3 wiring which is installed subject to this chapter.

3 4 Sec. 10. Section 103.8, Code Supplement 2007, is amended
3 5 to read as follows:

3 6 103.8 ACTIVITIES WHERE LICENSE REQUIRED == EXCEPTIONS.

3 7 1. No person, except a person licensed as an electrical
3 8 contractor, shall engage in the business of providing new
3 9 electrical installations or any other electrical services
3 10 regulated under this chapter.

3 11 2. Except as provided in sections 103.13 and 103.14, no
3 12 person shall, for another, plan, lay out, or supervise the
3 13 installation of wiring, apparatus, or equipment for electrical
3 14 light, heat, power, and other purposes unless the person is
3 15 licensed by the board as an electrical contractor, a class A
3 16 master electrician, or a class B master electrician.

3 17 Sec. 11. Section 103.10, Code Supplement 2007, is amended
3 18 by adding the following new subsection:

3 19 NEW SUBSECTION. 5. The board may reject an application
3 20 for licensure under this section from an applicant who would
3 21 be subject to suspension, revocation, or reprimand pursuant to
3 22 section 103.35.

3 23 Sec. 12. Section 103.11, Code Supplement 2007, is amended
3 24 to read as follows:

3 25 103.11 WIRING OR INSTALLING == SUPERVISING APPRENTICES ==
3 26 LICENSE REQUIRED == QUALIFICATIONS.

3 27 Except as provided in section 103.13, no person shall, for
3 28 another, wire for or install electrical wiring, apparatus, or
3 29 equipment, or supervise an apprentice electrician or
3 30 unclassified person, unless the person is licensed by the
3 31 board as an electrical contractor, a class A master
3 32 electrician, or a class B master electrician, or is licensed
3 33 as a class A journeyman electrician₇ or a class B journeyman
3 34 electrician₇ and is employed by an electrical contractor₇ or
3 35 is working under the supervision of a class A master



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4 1 electrician, ~~or~~ or a class B master electrician.

4 2 Sec. 13. Section 103.12, subsection 1, Code Supplement
4 3 2007, is amended to read as follows:

4 4 1. An applicant for a class A journeyman electrician
4 5 license shall have successfully completed an apprenticeship
4 6 training program registered by the bureau of apprenticeship
4 7 and training of the United States department of labor in
4 8 accordance with the standards established by that department
4 9 or shall have received training or experience for a period of
4 10 time and under conditions as established by the board by rule.

~~4 11 An applicant may petition the board to receive a waiver of
4 12 this requirement. The board shall determine a level of
4 13 on-the-job experience as an unclassified person sufficient to
4 14 qualify for a waiver.~~

4 15 Sec. 14. Section 103.12, subsection 2, Code Supplement
4 16 2007, is amended by striking the subsection and inserting in
4 17 lieu thereof the following:

4 18 2. In addition, an applicant shall meet examination
4 19 criteria based upon the most recent national electrical code
4 20 adopted pursuant to section 103.6 and upon electrical theory,
4 21 as determined by the board.

4 22 Sec. 15. Section 103.12, Code Supplement 2007, is amended
4 23 by adding the following new subsection:

4 24 NEW SUBSECTION. 5. The board may reject an application
4 25 for licensure under this section from an applicant who would
4 26 be subject to suspension, revocation, or reprimand pursuant to
4 27 section 103.35.

4 28 Sec. 16. Section 103.13, Code Supplement 2007, is amended
4 29 to read as follows:

4 30 103.13 SPECIAL ELECTRICIAN LICENSE == QUALIFICATIONS.

4 31 The board shall by rule provide for the issuance of special
4 32 electrician licenses authorizing the licensee to engage in a
4 33 limited class or classes of electrical work, which class or
4 34 classes shall be specified on the license. Each licensee
4 35 shall have experience, acceptable to the board, in each such



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5 1 limited class of work for which the person is licensed. The
5 2 board may reject an application for licensure under this
5 3 section from an applicant who would be subject to suspension,
5 4 revocation, or reprimand pursuant to section 103.35.
5 5 Sec. 17. Section 103.15, Code Supplement 2007, is amended
5 6 to read as follows:
5 7 103.15 APPRENTICE ELECTRICIAN == UNCLASSIFIED PERSON.
5 8 1. A person shall be licensed by the board and pay a
5 9 licensing fee to work as an apprentice electrician while
5 10 participating in an apprenticeship training program registered
5 11 by the bureau of apprenticeship and training of the United
5 12 States department of labor in accordance with the standards
5 13 established by that department. An apprenticeship shall be
5 14 limited to six years from the date of licensure, unless
5 15 extended by the board upon a finding that a hardship existed
5 16 which prevented completion of the apprenticeship program.
5 17 Such licensure shall entitle the licensee to act as an
5 18 apprentice to an electrical contractor, a class A master
5 19 electrician, a class B master electrician, a class A
5 20 journeyman electrician, or a class B journeyman electrician as
5 21 provided in subsection 3.
5 22 2. a. A person shall be licensed as an unclassified
5 23 person by the board to perform electrical work if the work is
5 24 performed under the personal supervision of a person actually
5 25 licensed to perform such work and the licensed and
5 26 unclassified persons are employed by the same employer. ~~After~~
~~5 27 one hundred continuous days of employment as a nonlicensed~~
~~5 28 unclassified person, the unclassified person must receive a~~
~~5 29 license from the board. A person shall not be employed~~
5 30 continuously for more than one hundred days as an unclassified
5 31 person without having obtained a current license from the
5 32 board. For the purposes of this subsection, "one hundred
5 33 continuous days of employment" includes any days not worked
5 34 due to illness, holidays, weekend days, and other absences
5 35 that do not constitute separation from or termination of



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6 1 employment. Any period of employment as a nonlicensed
6 2 unclassified person shall not be credited to any applicable
6 3 experiential requirement of an apprenticeship training program
6 4 registered by the bureau of apprenticeship and training of the
6 5 United States department of labor.

6 6 b. Licensed persons shall not permit unclassified persons
6 7 to perform electrical work except under the personal
6 8 supervision of a person actually licensed to perform such
6 9 work. Unclassified persons shall not supervise the
6 10 performance of electrical work or make assignments of
6 11 electrical work to unclassified persons. ~~Electrical~~
~~6 12 contractors~~ Any person employing unclassified persons
6 13 performing electrical work shall maintain records establishing
6 14 compliance with this section, which shall designate all
6 15 unclassified persons performing electrical work.

6 16 3. Apprentice electricians and unclassified persons shall
6 17 do no electrical wiring except under the direct personal
6 18 on=the=job supervision and control and in the immediate
6 19 presence of a licensee ~~pursuant to this chapter~~ as specified
6 20 in section 103.11. Such supervision shall include both
6 21 on=the=job training and related classroom training as approved
6 22 by the board. The licensee may employ or supervise apprentice
6 23 electricians and unclassified persons at a ratio not to exceed
6 24 three apprentice electricians and unclassified persons to one
6 25 licensee, except that such ratio and the other requirements of
6 26 this section shall not apply to apprenticeship classroom
6 27 training.

6 28 4. For purposes of this section, "the direct personal
6 29 on=the=job supervision and control and in the immediate
6 30 presence of a licensee" shall mean the licensee and the
6 31 apprentice electrician or unclassified person shall be working
6 32 at the same project location but shall not require that the
6 33 licensee and apprentice electrician or unclassified person be
6 34 within sight of one another at all times.

6 35 5. An apprentice electrician shall not install, alter, or



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7 1 repair electrical equipment except as provided in this
7 2 section, and the licensee employing or supervising an
7 3 apprentice electrician shall not authorize or permit such
7 4 actions by the apprentice electrician.

7 5 6. The board may reject an application for licensure under
7 6 this section from an applicant who would be subject to
7 7 suspension, revocation, or reprimand pursuant to section
7 8 103.35.

7 9 Sec. 18. Section 103.16, subsection 1, Code Supplement
7 10 2007, is amended to read as follows:

7 11 1. Examinations for licensure shall be ~~given~~ offered as
7 12 often as deemed necessary by the board, but no less than one
7 13 time per ~~month~~ quarter. The scope of the examinations and the
7 14 methods of procedure shall be prescribed by the board. The
7 15 examinations given by the board shall be the Experior
7 16 assessment examination, or a successor examination approved by
7 17 the board, or an examination prepared by a third-party testing
7 18 service which is substantially equivalent to the Experior
7 19 assessment examination, or a successor examination approved by
7 20 the board.

7 21 Sec. 19. Section 103.19, subsection 1, Code Supplement
7 22 2007, is amended to read as follows:

7 23 1. Licenses issued pursuant to this chapter shall expire
7 24 every three years, with the exception of licenses for
7 25 apprentice electricians and unclassified persons, which shall
7 26 expire on an annual basis. All license applications shall
7 27 include the applicant's social security number, which shall be
7 28 maintained as a confidential record and shall be redacted
7 29 prior to public release of an application or other record
7 30 containing such social security number. The board shall
7 31 establish the fees to be payable for ~~examination and~~ license
7 32 issuance and renewal in amounts not to exceed the following:

7 33 a. ~~For examinations:~~

7 34 (1) ~~Class A master electrician, one hundred twenty-five~~
7 35 ~~dollars.~~



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8 1 ~~(2) Class A journeyman electrician, sixty dollars.~~
8 2 ~~b.~~ a. For each year of the three-year license period for
8 3 issuance and renewal:
8 4 (1) Electrical contractor, one hundred twenty-five
8 5 dollars.
8 6 (2) Class A master electrician, class B master
8 7 electrician, one hundred twenty-five dollars.
8 8 (3) Class A journeyman electrician, class B journeyman
8 9 electrician, or special electrician, twenty-five dollars.
8 10 ~~e.~~ b. For apprentice electricians or unclassified
8 11 persons, twenty dollars.
8 12 Sec. 20. Section 103.22, subsections 6 and 10, Code
8 13 Supplement 2007, are amended to read as follows:
8 14 6. Prohibit an owner of property from performing work on
8 15 the owner's principal residence, if such residence is an
8 16 existing dwelling rather than new construction and is not an
8 17 apartment that is attached to any other apartment or building,
8 18 as those terms are defined in section 499B.2, and is not
8 19 larger than a single-family dwelling, or farm property,
8 20 excluding commercial or industrial installations or
8 21 installations in public use buildings or facilities, or
8 22 require such owner to be licensed under this chapter. In
8 23 order to qualify for inapplicability pursuant to this
8 24 subsection, a residence shall qualify for the homestead tax
8 25 exemption.
8 26 10. Apply to a person performing alarm system
8 27 installations pursuant to section 103.14 or to a person
8 28 engaged in the design, installation, erection, repair,
8 29 maintenance, or alteration of class two or class three remote
8 30 control, signaling, or power-limited circuits, optical fiber
8 31 cables or other cabling, or communications circuits, including
8 32 raceways, as defined in the national electrical code for
8 33 voice, video, audio, and data signals in commercial or
8 34 residential premises.
8 35 Sec. 21. 2007 Iowa Acts, chapter 197, section 33,



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9 1 subsection 2, is amended to read as follows:

9 2 2. All new electrical installations for residential
9 3 applications in excess of single-family residential
9 4 applications, including an apartment that is attached to any
9 5 other apartment or building, as those terms are defined in
9 6 section 499B.2.

9 7 Sec. 22. Section 103.24, as enacted by 2007 Iowa Acts,
9 8 chapter 197, section 34, is amended to read as follows:

9 9 103.24 STATE INSPECTION == INAPPLICABILITY IN CERTAIN
9 10 POLITICAL SUBDIVISIONS == ELECTRICAL INSPECTORS == CERTIFICATE
9 11 OF QUALIFICATION.

~~9 12 1. No person other than the holder of an electrical
9 13 inspector's certificate of qualification shall be appointed to
9 14 act as an electrical inspector and to enforce this chapter as
9 15 an electrical inspector and to enforce this chapter or any
9 16 applicable resolution or ordinance within the inspector's
9 17 jurisdiction. The board shall establish by rule standards for
9 18 the certification and decertification of state electrical
9 19 inspectors appointed by the state or a political subdivision
9 20 to enforce this chapter or any applicable resolution or
9 21 ordinance within the inspector's jurisdiction, and for
9 22 certified electrical inspector continuing education
9 23 requirements.~~

~~9 24 a. On and after January 1, 2009, a person appointed to act
9 25 as an electrical inspector for the state shall obtain an
9 26 inspector's certificate of qualification within one year of
9 27 such appointment and shall maintain the certificate thereafter
9 28 for the duration of the inspector's service as an electrical
9 29 inspector.~~

~~9 30 b. On and after January 1, 2014, a person appointed to act
9 31 as an electrical inspector for a political subdivision shall
9 32 obtain an inspector's certificate of qualification within one
9 33 year of such appointment and shall maintain the certificate
9 34 thereafter for the duration of the inspector's service as an
9 35 electrical inspector.~~



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10 1 2. State inspection shall not apply within the
10 2 jurisdiction of any political subdivision which, pursuant to
10 3 section 103.29, provides by resolution or ordinance standards
10 4 of electrical wiring and its installation that are not less
10 5 than those prescribed by the board or by this chapter and
10 6 which further provides by resolution or ordinance for the
10 7 inspection of electrical installations within the limits of
10 8 such subdivision by a certified electrical inspector. A copy
10 9 of the certificate of each electrical inspector shall be
10 10 provided to the board by the political subdivision issuing the
10 11 certificate.

10 12 3. State inspection shall not apply to routine
10 13 maintenance.

10 14 Sec. 23. Section 103.25, as enacted by 2007 Iowa Acts,
10 15 chapter 197, section 35, is amended to read as follows:

10 16 103.25 REQUEST FOR INSPECTION == FEES.

10 17 At or before commencement of any installation required to
10 18 be inspected by the board, the licensee or owner making such
10 19 installation shall submit to the state fire marshal's office a
10 20 request for inspection. The board shall prescribe the methods
10 21 by which the request may be submitted, which may include
10 22 electronic submission or through a form prescribed by the
10 23 board that can be submitted either through the mail or by a
10 24 fax transmission. The board shall also prescribe methods by
10 25 which inspection fees can be paid, which may include
10 26 electronic methods of payment. If the board or the state fire
10 27 marshal's office becomes aware that a person has failed to
10 28 file a necessary request for inspection, the board ~~or the~~
~~10 29 state fire marshal's office~~ shall send a written notification
10 30 by certified mail that the request must be filed within
10 31 fourteen days. Any person filing a late request for
10 32 inspection shall pay a delinquency fee in an amount to be
10 33 determined by the board. Failure to file a late request
10 34 within fourteen days shall be subject to a civil penalty to be
10 35 determined by the board by rule.



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11 1 Sec. 24. Section 103.26, as enacted by 2007 Iowa Acts,
11 2 chapter 197, section 36, is amended to read as follows:

11 3 103.26 CONDEMNATION == DISCONNECTION == OPPORTUNITY TO
11 4 CORRECT NONCOMPLIANCE.

11 5 If the inspector finds that any installation or portion of
11 6 an installation is not in compliance with accepted standards
11 7 of construction for safety to health and property, based upon
11 8 minimum standards set forth in the local electrical code or
11 9 the national electrical code adopted by the board pursuant to
11 10 section 103.6, the inspector shall by written order condemn
11 11 the installation or noncomplying portion or order service to
11 12 such installation disconnected and shall send a copy of such
11 13 order to the board, the state fire marshal, and the electrical
11 14 utility supplying power involved. If the installation or the
11 15 noncomplying portion is such as to seriously and proximately
11 16 endanger human health or property, the order of the inspector
11 17 when approved by the inspector's ~~superior~~ supervisor shall
11 18 require immediate condemnation and disconnection by the
11 19 applicant. In all other cases, the order of the inspector
11 20 shall establish a reasonable period of time for the
11 21 installation to be brought into compliance with accepted
11 22 standards of construction for safety to health and property
11 23 prior to the effective date established in such order for
11 24 condemnation or disconnection.

11 25 Sec. 25. 2007 Iowa Acts, chapter 197, section 39,
11 26 subsection 1, is amended to read as follows:

11 27 1. A political subdivision performing electrical
11 28 inspections prior to December 31, 2007, shall continue to
11 29 perform such inspections. After December 31, ~~2012~~ 2013, a
11 30 political subdivision may choose to discontinue performing its
11 31 own inspections and permit the board to have jurisdiction over
11 32 inspections in the political subdivision. If a political
11 33 subdivision seeks to discontinue its own inspections prior to
11 34 December 31, ~~2012~~ 2013, the political subdivision shall
11 35 petition the board. ~~If~~ On or after January 1, 2014, if a



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12 1 unanimous vote of the board finds that a political
12 2 subdivision's inspections are inadequate by reason of
12 3 misfeasance, malfeasance, or nonfeasance, the board may
12 4 suspend or revoke the political subdivision's authority to
12 5 perform its own inspections, subject to appeal according to
12 6 the procedure set forth in section 103.35 and judicial review
12 7 pursuant to section 17A.19. A political subdivision not
12 8 performing electrical inspections prior to December 31, 2007,
12 9 may make provision for inspection of electrical installations
12 10 within its jurisdiction, in which case it shall keep on file
12 11 with the board copies of its current inspection ordinances or
12 12 resolutions and electrical codes.

12 13 Sec. 26. 2007 Iowa Acts, chapter 197, section 41,
12 14 subsection 4, is amended to read as follows:

12 15 4. Except when an inspection reveals that an installation
12 16 or portion of an installation is not in compliance with
12 17 accepted standards of construction for safety to health and
12 18 property, based upon minimum standards set forth in the local
12 19 electrical code or the national electrical code adopted by the
12 20 board pursuant to section 103.6, such that an order of
12 21 condemnation or disconnection is warranted pursuant to section
12 22 103.26, an inspector shall not add to, modify, or amend a
12 23 construction plan as originally approved by the state fire
12 24 marshal or the state building code commissioner in the course
12 25 of conducting an inspection.

12 26 Sec. 27. Section 103.35, as enacted by 2007 Iowa Acts,
12 27 chapter 197, section 44, is amended to read as follows:

12 28 103.35 APPEAL PROCEDURES.

12 29 1. Upon receipt of a notice of appeal filed pursuant to
12 30 section 103.34, the chairperson or executive secretary of the
12 31 board may designate a hearing officer from among the board
12 32 members to hear the appeal or may set the matter for hearing
12 33 before the full board at its next regular meeting. A majority
12 34 of the board shall make the decision.

12 35 2. Upon receiving the notice of appeal filed pursuant to



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13 1 section 103.34, the board shall notify all persons served with
13 2 the order appealed from. Such persons may join in the hearing
13 3 and give testimony in their own behalf. The board shall set
13 4 the hearing date on a date not more than fourteen days after
13 5 receipt of the notice of appeal unless otherwise agreed by the
13 6 interested parties and the board.

13 7 Sec. 28. EFFECTIVE DATE. This Act, being deemed of
13 8 immediate importance, takes effect upon enactment.

13 9 EXPLANATION

13 10 This bill makes several changes with regard to electrician
13 11 and alarm system contractor and installer licensure and
13 12 certification legislation passed during the 2007 legislative
13 13 session.

13 14 In connection with Code chapter 100C, relating to
13 15 certification of fire extinguishing system contractors, alarm
13 16 system contractors, and alarm system installers, the bill
13 17 changes references to "medical alarm" systems to "nurse call"
13 18 systems, and adds a certification requirement applicable to a
13 19 subcontractor of a certified alarm system contractor who is an
13 20 alarm system installer and not licensed as an electrician
13 21 pursuant to Code chapter 103.

13 22 Concerning Code chapter 103, relating to licensure of
13 23 electricians and electrical contractors, the bill deletes the
13 24 definitions of "commercial installations" and "residential
13 25 installations" in the definitions section of the Code chapter.
13 26 The bill also modifies the definition of "electrical
13 27 contractor" to include a person who may not be licensed as a
13 28 class A or class B master electrician but employs a person so
13 29 licensed.

13 30 The bill changes a reference to nonunion contractors
13 31 represented on the electrical examining board to contractors
13 32 not signed to a collective bargaining agreement, and a
13 33 reference to the offices of the secretary of state to the
13 34 state law library regarding a requirement that the board file
13 35 the most current publication of the national electrical code



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14 1 and amendments thereto. The bill additionally provides that
14 2 no person other than a licensed electrical contractor shall
14 3 engage in the business of providing new electrical
14 4 installations or any other electrical services regulated under
14 5 the Code chapter.

14 6 Regarding qualification for licensure under various
14 7 licensing categories, the bill adds a provision that the board
14 8 may reject an application for licensure from an applicant who
14 9 would be subject to suspension, revocation, or reprimand
14 10 pursuant to board disciplinary authority. The bill provides
14 11 that a person may be qualified to wire for or install
14 12 electrical wiring, apparatus, or equipment, or supervise an
14 13 apprentice electrician or unclassified person if working under
14 14 the supervision of a class A or class B master electrician.
14 15 The bill also removes the ability of an applicant for a class
14 16 A or class B journeyman electrician license to petition for a
14 17 waiver of apprenticeship training requirements, providing in
14 18 the alternative that in lieu of an apprenticeship the
14 19 applicant shall have received training or experience for a
14 20 period of time and under conditions established by the board.
14 21 Also, the requirement of achieving a specified score on an
14 22 examination prescribed by the board is removed.

14 23 The bill modifies provisions relating to licensure as an
14 24 unclassified person after a period of 100 continuous days of
14 25 employment, clarifying what constitutes "continuous" and
14 26 adding that employment as a nonlicensed unclassified person
14 27 will not be credited toward any applicable apprenticeship
14 28 experiential requirement. The bill also specifies that
14 29 records regarding employment of unclassified persons must be
14 30 maintained by any employer.

14 31 Further, the bill changes the frequency with which
14 32 licensure examinations must be offered by the board from
14 33 monthly to quarterly, provides for the confidentiality of
14 34 social security numbers provided on applications, deletes fees
14 35 for licensure examinations, and establishes a license and



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15 1 renewal fee for unclassified persons of \$20.
15 2 Concerning an exemption from licensure for electrical work
15 3 performed on an owner's principal residence, the bill provides
15 4 that the exemption does not apply to an apartment that is
15 5 attached to any other apartment or building as defined in Code
15 6 section 499B.2. The bill also provides for the obtaining of
15 7 electrical inspector's certificates by persons appointed to
15 8 act as electrical inspectors for the state or a political
15 9 subdivision by specified dates, deletes a provision that
15 10 notice of failure to request an inspection can be sent by the
15 11 state fire marshal's office in addition to the board, and
15 12 changes the date after which a political subdivision can
15 13 choose to discontinue performing its own inspections from
15 14 December 31, 2012, to December 31, 2013. The bill also adds
15 15 the state building code commissioner as originally approving a
15 16 construction plan with regard to circumstances under which an
15 17 inspector may add to, modify, or amend such a plan.
15 18 The bill takes effect upon enactment.
15 19 LSB 5364DP 82
15 20 rn/nh/14



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Senate Study Bill 3095

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 adjudications of persons with mental illness
- 2 and providing an effective date.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 5234DP 82
- 5 rh/rj/5



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1 1 Section 1. Section 229.24, subsection 1, Code 2007, is
1 2 amended to read as follows:
1 3 1. ~~All~~ Except as otherwise provided in this section, all
1 4 papers and records pertaining to any involuntary
1 5 hospitalization or application for involuntary hospitalization
1 6 of any person under this chapter, whether part of the
1 7 permanent record of the court or of a file in the department
1 8 of human services, are subject to inspection only upon an
1 9 order of the court for good cause shown. Nothing in this
1 10 section shall prohibit a hospital from complying with the
1 11 requirements of this chapter and of chapter 230 relative to
1 12 financial responsibility for the cost of care and treatment
1 13 provided a patient in that hospital, nor from properly billing
1 14 any responsible relative or third-party payer for such care
1 15 and treatment.

1 16 Sec. 2. Section 229.24, Code 2007, is amended by adding
1 17 the following new paragraph:

1 18 NEW SUBSECTION. 4. The clerk of the district court shall
1 19 provide to the department of public safety notice of all
1 20 adjudications of persons by reason of serious mental
1 21 impairment under this chapter. This notice shall only be used
1 22 by the department to submit information to the national
1 23 instant criminal background system maintained by the federal
1 24 bureau of investigation and shall otherwise remain
1 25 confidential.

1 26 Sec. 3. EFFECTIVE DATE. This Act takes effect January 1,
1 27 2009.

1 28 EXPLANATION

1 29 This bill relates to adjudications of persons with mental
1 30 illness and provides a delayed effective date.

1 31 The bill requires the clerk of the district court to
1 32 provide to the department of public safety notice of all
1 33 adjudications of persons by reason of serious mental
1 34 impairment under Code chapter 229. This notice shall only be
1 35 used by the department to submit information to the national



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2 1 instant criminal background system maintained by the federal
2 2 bureau of investigation.
2 3 The bill takes effect January 1, 2009.
2 4 LSB 5234DP 82
2 5 rh/rj/5.1



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

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

Passed House, Date _____
Vote: Ayes _____ Nays _____

A BILL FOR

- 1 An Act relating to the regulation of explosives, and the
- 2 possession of an incendiary or explosive device or material,
- 3 and providing penalties.
- 4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 5 TL5B 5379DP 82
- 6 jm/nh/8



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1 1 Section 1. Section 101A.1, subsection 3, Code 2007, is
 1 2 amended to read as follows:
 1 3 3. "Explosive" ~~or "explosives"~~ means any chemical
 1 4 compound, mixture or device, the primary or common purpose of
 1 5 which is to function by explosion, ~~i.e.,~~ with substantially
 1 6 instantaneous release of gas and heat, unless such compound,
 1 7 mixture, or device is otherwise specifically classified by the
 1 8 United States department of transportation. The term
 1 9 ~~"explosives"~~ "explosive" includes all ~~material materials~~ which
 1 10 ~~is~~ are classified as a class A, ~~class B, and class C~~
 1 11 ~~explosives 1, division 1.1, 1.2, 1.3, or 1.4 explosive by the~~
 1 12 United States department of transportation, under 49 C.F.R. }
 1 13 173.50, and all materials classified as explosive materials
 1 14 under 18 U.S.C. } 841, and includes, but is not limited to,
 1 15 dynamite, black powder, pellet powders, initiating explosives,
 1 16 blasting caps, electric blasting caps, safety fuse, fuse
 1 17 lighters, fuse igniters, squibs, cordeau detonative fuse,
 1 18 instantaneous fuse, igniter cord, igniters, smokeless
 1 19 propellant, cartridges for propellant-actuated power devices,
 1 20 ~~and~~ cartridges for industrial guns, and overpressure devices,
 1 21 ~~but shall~~ does not include "fireworks" as defined in section
 1 22 727.2 ~~nor or~~ ammunition or small arms primers manufactured for
 1 23 use in shotguns, rifles, and pistols. Commercial explosives
 1 24 are those explosives which are intended to be used in
 1 25 commercial or industrial operations.
 1 26 Sec. 2. Section 101A.1, Code 2007, is amended by adding
 1 27 the following new subsection:
 1 28 NEW SUBSECTION. 7A. "Overpressure device" means any
 1 29 device constructed of a container or improvised container
 1 30 which is filled with a mixture of chemicals or sublimating
 1 31 materials or gases that generate an expanding gas, which is
 1 32 designed or constructed to cause the container to break,
 1 33 fracture, or rupture in a violent manner capable of causing
 1 34 death, serious injury, or property damage.
 1 35 Sec. 3. Section 712.6, Code 2007, is amended to read as



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2 1 follows:

2 2 712.6 EXPLOSIVE OR INCENDIARY MATERIALS OR DEVICES.

2 3 1. ~~Any~~ A person who ~~shall possess~~ possesses any incendiary
2 4 or explosive device or material with the intent to use such
2 5 device or material to commit ~~any~~ a public offense shall be
2 6 guilty of a class "C" felony.

2 7 2. a. A person who possesses any incendiary or explosive
2 8 device or material shall be guilty of an aggravated
2 9 misdemeanor.

2 10 b. This subsection does not apply to a person holding a
2 11 valid commercial license or user's permit issued pursuant to
2 12 chapter 101A, provided that the person is acting within the
2 13 scope of authority granted by the license or permit.

2 14 ~~2.~~ 3. ~~Any~~ A person who, with the intent to intimidate,
2 15 annoy, or alarm another person, ~~who~~ places a simulated
2 16 explosive or simulated incendiary device in or near an
2 17 occupied structure as defined in section 702.12, is guilty of
2 18 a serious misdemeanor.

EXPLANATION

2 20 This bill relates to regulation of explosives and the
2 21 possession of an incendiary or explosive device or material.

2 22 The bill modifies the definition of "explosive" to include
2 23 materials which are classified as a class 1, division 1.1,
2 24 1.2, 1.3, or 1.4 explosive by the United States department of
2 25 transportation, under 49 C.F.R. } 173.50, and all materials
2 26 classified as explosives under 18 U.S.C } 841. The bill
2 27 strikes references to materials classified as class A, B, and
2 28 C explosives.

2 29 Under federal law explosives are divided into six divisions
2 30 with divisions 1.1 through 1.4 being the most dangerous
2 31 explosive materials.

2 32 The bill also adds an "overpressure device" to the
2 33 definition of "explosive" in Code section 101A.1. An
2 34 "overpressure device" means any device constructed of a
2 35 container or improvised container, which is filled with a



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3 1 mixture of chemicals or sublimating materials or gases that
3 2 generate an expanding gas, which is designed or constructed to
3 3 cause the container to break, fracture, or rupture in a
3 4 violent manner capable of causing death, serious injury, or
3 5 property damage.

3 6 The changes to the definition of "explosive" affect the
3 7 fire marshal's regulation of explosives under Code chapter
3 8 101A.

3 9 The bill also makes it an aggravated misdemeanor to possess
3 10 any incendiary or explosive device or material unless the
3 11 person possesses a valid license or user's permit pursuant to
3 12 Code chapter 101A and the person is acting within the scope of
3 13 authority granted by the license or permit. An aggravated
3 14 misdemeanor is punishable by confinement for no more than two
3 15 years and a fine of at least \$625 but not more than \$6,250.

3 16 Under current law a person commits a class "C" felony if
3 17 the person possesses an incendiary or explosive device or
3 18 material with the intent to use such device or material to
3 19 commit a public offense. In addition, under current law a
3 20 person commits a serious misdemeanor if a person, with the
3 21 intent to intimidate or annoy another person, places a
3 22 simulated explosive or simulated incendiary explosive device
3 23 in or near an occupied structure.

3 24 LSB 5379DP 82

3 25 jm/nh/8.2