



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 29, 2008

House File 2095 - Introduced

HOUSE FILE
BY PETTENGILL, HORBACH,
FORRISTALL, LUKAN,
KAUFMANN, and UPMEYER

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

A BILL FOR

1 An Act exempting investment counseling services from state sales
2 tax.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
4 TLSB 5252YH 82
5 ak/sc/14



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 29, 2008

House File 2095 - Introduced continued

PAG LIN

1 1 Section 1. Section 423.2, subsection 6, unnumbered
1 2 paragraph 1, Code Supplement 2007, is amended to read as
1 3 follows:
1 4 The sales price of any of the following enumerated services
1 5 is subject to the tax imposed by subsection 5: alteration and
1 6 garment repair; armored car; vehicle repair; battery, tire,
1 7 and allied; ~~investment counseling~~; service charges of all
1 8 financial institutions, excluding service charges for
1 9 investment counseling; barber and beauty; boat repair; vehicle
1 10 wash and wax; campgrounds; carpentry; roof, shingle, and glass
1 11 repair; dance schools and dance studios; dating services; dry
1 12 cleaning, pressing, dyeing, and laundering; electrical and
1 13 electronic repair and installation; excavating and grading;
1 14 farm implement repair of all kinds; flying service; furniture,
1 15 rug, carpet, and upholstery repair and cleaning; fur storage
1 16 and repair; golf and country clubs and all commercial
1 17 recreation; gun and camera repair; house and building moving;
1 18 household appliance, television, and radio repair; janitorial
1 19 and building maintenance or cleaning; jewelry and watch
1 20 repair; lawn care, landscaping, and tree trimming and removal;
1 21 limousine service, including driver; machine operator; machine
1 22 repair of all kinds; motor repair; motorcycle, scooter, and
1 23 bicycle repair; oilers and lubricators; office and business
1 24 machine repair; painting, papering, and interior decorating;
1 25 parking facilities; pay television; pet grooming; pipe fitting
1 26 and plumbing; wood preparation; executive search agencies;
1 27 private employment agencies, excluding services for placing a
1 28 person in employment where the principal place of employment
1 29 of that person is to be located outside of the state;
1 30 reflexology; security and detective services; sewage services
1 31 for nonresidential commercial operations; sewing and
1 32 stitching; shoe repair and shoeshine; sign construction and
1 33 installation; storage of household goods, mini-storage, and
1 34 warehousing of raw agricultural products; swimming pool
1 35 cleaning and maintenance; tanning beds or salons; taxidermy



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 29, 2008**

House File 2095 - Introduced continued

2 1 services; telephone answering service; test laboratories,
2 2 including mobile testing laboratories and field testing by
2 3 testing laboratories, and excluding tests on humans or
2 4 animals; termite, bug, roach, and pest eradicators; tin and
2 5 sheet metal repair; transportation service consisting of the
2 6 rental of recreational vehicles or recreational boats, or the
2 7 rental of motor vehicles subject to registration which are
2 8 registered for a gross weight of thirteen tons or less for a
2 9 period of sixty days or less, or the rental of aircraft for a
2 10 period of sixty days or less; Turkish baths, massage, and
2 11 reducing salons, excluding services provided by massage
2 12 therapists licensed under chapter 152C; water conditioning and
2 13 softening; weighing; welding; well drilling; wrapping,
2 14 packing, and packaging of merchandise other than processed
2 15 meat, fish, fowl, and vegetables; wrecking service; wrecker
2 16 and towing.

2 17 EXPLANATION

2 18 This bill exempts the furnishing of investment counseling
2 19 services from state sales tax.

2 20 LSB 5252YH 82

2 21 ak/sc/14



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 29, 2008

House File 2096 - Introduced

HOUSE FILE
BY BOAL

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

A BILL FOR

1 An Act providing an exemption from the sales and use taxes of
2 paint and other refinish materials applied or affixed to motor
3 vehicles during their repair.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
5 TL5B 5513YH 82
6 mg/sc/8



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 29, 2008

House File 2096 - Introduced continued

PAG LIN

1 1 Section 1. Section 423.3, Code Supplement 2007, is amended
1 2 by adding the following new subsection:
1 3 NEW SUBSECTION. 40A. The sales price from the sale of
1 4 paint and other refinish materials to a retailer to be applied
1 5 to or affixed to a motor vehicle in providing vehicle repair
1 6 service, which service is subject to section 423.2, subsection
1 7 6, and for which the retailer separately identifies and
1 8 charges for such paint and each item of materials.

1 9 EXPLANATION

1 10 This bill provides for an exemption from the sales and use
1 11 taxes of paint and other refinish materials to a provider of
1 12 vehicle repair services that are to be applied to or affixed
1 13 to the vehicle if the price of the repair service is subject
1 14 to sales tax and the paint and each item of materials are
1 15 separately stated and charged for.

1 16 LSB 5513YH 82

1 17 mg/sc/8



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 29, 2008

House File 2097 - Introduced

HOUSE FILE
BY BOAL

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

Passed Senate, Date _____
Vote: Ayes _____ Nays _____

A BILL FOR

- 1 An Act relating to the charges for paint and other vehicle
- 2 refinish materials as retail sales under the sales and use
- 3 taxes.
- 4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 5 TL5B 5512YH 82
- 6 mg/sc/5



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 29, 2008

House File 2097 - Introduced continued

PAG LIN

1 1 Section 1. Section 423.1, subsection 45, Code Supplement
1 2 2007, is amended to read as follows:
1 3 45. "Retail sale" or "sale at retail" means any sale,
1 4 lease, or rental for any purpose other than resale, sublease,
1 5 or subrent. "Retail sale" includes the separately stated
1 6 charge made for automotive refinish repair paint and other
1 7 refinish materials that are permanently applied to or affixed
1 8 to a motor vehicle during its repair.

1 9 EXPLANATION

1 10 This bill amends the definition of "retail sale" to include
1 11 paint and materials that are applied to or affixed to a motor
1 12 vehicle during its repair if the charge for each of these
1 13 items is separately stated. This would result in the purchase
1 14 of these items by a motor vehicle repair shop exempt from the
1 15 sales tax because they are considered purchased for resale.
1 16 LSB 5512YH 82
1 17 mg/sc/5



Iowa General Assembly
 Daily Bills, Amendments & Study Bills
 January 29, 2008

House File 2098 - Introduced

HOUSE FILE
 BY COMMITTEE ON HUMAN RESOURCES
 (SUCCESSOR TO HF 2057)
 (COMPANION TO LSB 5553SV
 BY COMMITTEE ON HUMAN RESOURCES)

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

A BILL FOR

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



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 29, 2008

House File 2098 - Introduced continued

PAG LIN

1 1 Section 1. STATE PAYMENT TO ELIGIBLE COUNTIES.
1 2 Notwithstanding section 331.439, subsection 1, paragraphs "a"
1 3 and "b", a county that accurately reported the county's
1 4 expenditures for mental health, mental retardation, and
1 5 developmental disabilities services for the previous fiscal
1 6 year on the forms prescribed by the department of human
1 7 services, and the annual management plan review and the report
1 8 and review were received after December 1, 2007, and on or
1 9 before March 15, 2008, shall be eligible for state payment, as
1 10 defined in section 331.438, in accordance with section 331.439
1 11 and other law providing for the state payment in the fiscal
1 12 year beginning July 1, 2007.

1 13 Sec. 2. EFFECTIVE DATE. This Act, being deemed of
1 14 immediate importance, takes effect upon enactment and applies
1 15 retroactively to December 1, 2007.

1 16 EXPLANATION

1 17 This bill provides for county eligibility for state payment
1 18 of certain mental health, mental retardation, and
1 19 developmental disabilities services (MH/MR/DD) allowed growth
1 20 and property tax relief funding.

1 21 Under current law, in order to be eligible to receive the
1 22 funding, a county must accurately report the county's
1 23 expenditures for such services for the previous fiscal year on
1 24 the forms prescribed by the department of human services and
1 25 submit an annual review of the county's management plan for
1 26 such services, and both must be submitted by December 1. The
1 27 bill provides that a county is also eligible if the report was
1 28 received after December 1, 2007, and on or before March 15,
1 29 2008.

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

1 32 LSB 5553HV 82

1 33 jp/rj/14



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 29, 2008

House Study Bill 585

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 limiting the portion of the state ceiling that can be
- 2 allocated for a single project.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 5385XD 82
- 5 tw/nh/5



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 29, 2008

House Study Bill 585 continued

PAG LIN

1 1 Section 1. Section 7C.4A, subsection 5, Code 2007, is
1 2 amended to read as follows:
1 3 5. Eighteen percent of the state ceiling shall be
1 4 allocated to bonds issued by political subdivisions to finance
1 5 a qualified industry or industries for the manufacturing,
1 6 processing, or assembly of agricultural or manufactured
1 7 products even though the processed products may require
1 8 further treatment before delivery to the ultimate consumer.
1 9 No single project allocated a portion of the state ceiling
1 10 pursuant to this subsection shall be allocated state ceiling
1 11 in excess of ten million dollars in any calendar year.

1 12 Sec. 2. Section 7C.4A, subsection 7, paragraph a, Code
1 13 2007, is amended to read as follows:
1 14 a. The amount of the state ceiling which is not otherwise
1 15 allocated under subsections 1 through 5, and after June 30,
1 16 the amount of the state ceiling reserved under subsection 6
1 17 and not allocated, shall be allocated to all bonds requiring
1 18 an allocation under section 146 of the Internal Revenue Code
1 19 without priority for any type of bond over another, except as
1 20 otherwise provided in sections 7C.5 and 7C.11. No single
1 21 project allocated a portion of the state ceiling pursuant to
1 22 this subsection shall be allocated state ceiling in excess of
1 23 ten million dollars in any calendar year.

1 24 EXPLANATION

1 25 This bill relates to the state ceiling amount for bonds
1 26 issued by political subdivisions.
1 27 Currently, for bonds issued to finance certain qualified
1 28 industries, there is no limit on the amount of a bond that can
1 29 be allocated a portion of the state ceiling. This means that
1 30 the entire amount of the ceiling could be allocated to a
1 31 single large project.

1 32 The bill limits to \$10 million the amount from a single
1 33 project that can be allocated a portion of the state ceiling
1 34 in a calendar year.

1 35 LSB 5385XD 82



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 29, 2008**

House Study Bill 585 continued

2 1 tw/nh/5.1



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 29, 2008

House Study Bill 586

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

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

Passed House, Date _____
Vote: Ayes _____ Nays _____

A BILL FOR

1 An Act increasing the amount of investment tax credit for which
2 an eligible housing business may qualify if specified energy
3 efficiency standards are met, and including effective and
4 retroactive applicability date provisions.
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
6 TLSB 5506XD 82
7 rn/sc/5



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 29, 2008

House Study Bill 586 continued

PAG LIN

1 1 Section 1. Section 15E.193B, subsection 6, paragraph a,
1 2 Code 2007, is amended to read as follows:
1 3 a. An eligible housing business may claim a tax credit up
1 4 to a maximum of ten percent of the new investment which is
1 5 directly related to the building or rehabilitating of a
1 6 minimum of four single-family homes located in that part of a
1 7 city or county in which there is a designated enterprise zone
1 8 or one multiple dwelling unit building containing three or
1 9 more individual dwelling units located in that part of a city
1 10 or county in which there is a designated enterprise zone.
1 11 However, the following construction or rehabilitation projects
1 12 meeting or exceeding United States environmental protection
1 13 agency energy star or target finder rating performance
1 14 requirements may claim a tax credit up to a maximum of twelve
1 15 percent of the eligible new investment:
1 16 (1) Multifamily unit projects with three floors or less
1 17 above-grade that achieve the energy star label and a home
1 18 energy rating system index of eighty-five or higher.
1 19 (2) Single-family unit projects with three floors or less
1 20 above-grade that achieve the energy star label and a home
1 21 energy rating system index of eighty or higher.
1 22 (3) Projects that include both commercial space and
1 23 residential units and have more than three floors above-grade
1 24 that achieve an energy star target finder rating of
1 25 seventy-five or higher.
1 26 Information documenting achievement of these ratings shall
1 27 be provided by the eligible housing business and verified by
1 28 the department.
1 29 PARAGRAPH DIVIDED. The new investment that may be used to
1 30 compute the tax credit shall not exceed the new investment
1 31 used for the first one hundred forty thousand dollars of value
1 32 for each single-family home or for each unit of a multiple
1 33 dwelling unit building containing three or more units. The
1 34 tax credit may be used to reduce the tax liability imposed
1 35 under chapter 422, division II, III, or V, or chapter 432.



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 29, 2008

House Study Bill 586 continued

2 1 Any credit in excess of the tax liability for the tax year may
2 2 be credited to the tax liability for the following seven years
2 3 or until depleted, whichever occurs earlier. If the business
2 4 is a partnership, S corporation, limited liability company, or
2 5 estate or trust electing to have the income taxed directly to
2 6 the individual, an individual may claim the tax credit
2 7 allowed. The amount claimed by the individual shall be based
2 8 upon the pro rata share of the individual's earnings of the
2 9 partnership, S corporation, limited liability company, or
2 10 estate or trust except as allowed for under subsection 8 when
2 11 low-income housing tax credits authorized under section 42 of
2 12 the Internal Revenue Code are used to assist in the financing
2 13 of the housing development.

2 14 Sec. 2. EFFECTIVE AND RETROACTIVE APPLICABILITY DATES.
2 15 This Act, being deemed of immediate importance, takes effect
2 16 upon enactment and applies retroactively to tax years
2 17 beginning on or after January 1, 2008.

2 18 EXPLANATION

2 19 This bill provides for an increased tax credit for
2 20 enterprise zone housing projects which meet certain energy
2 21 efficiency standards. Currently, an eligible housing business
2 22 may claim a tax credit up to a maximum of 10 percent of the
2 23 business' new investment which is directly related to the
2 24 building or rehabilitating of a specified form of housing
2 25 located in a part of a city or county in which there is a
2 26 designated enterprise zone. The bill increases the tax credit
2 27 to 12 percent if a project meets specified environmental
2 28 protection agency energy star or target finder rating
2 29 performance requirements. The bill requires information
2 30 documenting achievement of the specified ratings to be
2 31 provided to the department of economic development by an
2 32 eligible housing business and verified by the department.

2 33 The bill takes effect upon enactment, and applies
2 34 retroactively to tax years beginning on or after January 1,
2 35 2008.



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 29, 2008**

House Study Bill 586 continued

3 1 LSB 5506XD 82
3 2 rn/sc/5.1



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 29, 2008

House Study Bill 587

HOUSE FILE
BY (PROPOSED COMMITTEE ON
LOCAL GOVERNMENT BILL BY
CHAIRPERSON GASKILL)

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

Passed Senate, Date _____
Vote: Ayes _____ Nays _____

A BILL FOR

1 An Act designating peace officer communication equipment and
2 other emergency services communication equipment as an
3 essential county purpose and as an essential corporate purpose
4 that authorizes the issuance of general obligation bonds and
5 providing an effective date.
6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
7 TLSB 5827HC 82
8 md/nh/8



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 29, 2008

House Study Bill 587 continued

PAG LIN

1 1 Section 1. Section 331.441, subsection 2, paragraph b,
1 2 Code Supplement 2007, is amended by adding the following new
1 3 subparagraph:
1 4 NEW SUBPARAGRAPH. (17) Peace officer communication
1 5 equipment and other emergency services communication equipment
1 6 and systems.

1 7 Sec. 2. Section 384.24, subsection 3, Code 2007, is
1 8 amended by adding the following new paragraph:

1 9 NEW PARAGRAPH. v. The acquisition of peace officer
1 10 communication equipment and other emergency services
1 11 communication equipment and systems.

1 12 Sec. 3. EFFECTIVE DATE. This Act, being deemed of
1 13 immediate importance, takes effect upon enactment.

1 14 EXPLANATION

1 15 This bill amends the definitions of "essential county
1 16 purpose" and "essential corporate purpose" to include peace
1 17 officer communication equipment and other emergency services
1 18 communication equipment and systems. A county board of
1 19 supervisors may approve the issuance of general obligation
1 20 bonds to carry out an essential county purpose without
1 21 approval by voters at an election. A city council may approve
1 22 the issuance of general obligation bonds to carry out an
1 23 essential corporate purpose without approval by voters at an
1 24 election.

1 25 The bill takes effect upon enactment.

1 26 LSB 5827HC 82

1 27 md/nh/8.1



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 29, 2008**

House Study Bill 588

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

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

Passed Senate, Date _____
Vote: Ayes _____ Nays _____

A BILL FOR

1 An Act authorizing a chief primary health clinician to file
2 certain periodic court reports on chronic substance abusers
3 and persons with mental illness who do not require full-time
4 placement in a treatment facility.
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
6 TLSB 5192HC 82
7 rh/nh/5



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 29, 2008

House Study Bill 588 continued

PAG LIN

1 1 Section 1. Section 125.2, Code 2007, is amended by adding
1 2 the following new subsections:

1 3 NEW SUBSECTION. 4A. "Chief primary health clinician"
1 4 means the licensed physician, licensed psychiatrist, or
1 5 psychiatric advanced registered nurse practitioner who has
1 6 been designated as the primary health clinician for a patient.

1 7 NEW SUBSECTION. 13A. "Licensed physician" means an
1 8 individual licensed under chapter 148, 150, or 150A to
1 9 practice medicine and surgery, osteopathy, or osteopathic
1 10 medicine and surgery.

1 11 NEW SUBSECTION. 13B. "Licensed psychiatrist" means an
1 12 individual licensed under chapter 148, 150, or 150A to
1 13 practice medicine and surgery with a specialty in the field of
1 14 psychiatry.

1 15 NEW SUBSECTION. 13C. "Psychiatric advanced registered
1 16 nurse practitioner" means an individual currently licensed as
1 17 a registered nurse under chapter 152 or 152E who holds a
1 18 national certification in psychiatric health care and who is
1 19 registered with the board of nursing as an advanced registered
1 20 nurse practitioner.

1 21 Sec. 2. Section 125.86, subsection 2, Code 2007, is
1 22 amended to read as follows:

1 23 2. No more than sixty days after entry of a court order
1 24 for treatment of a respondent under section 125.84, subsection
1 25 3, and thereafter at successive intervals not to exceed ninety
1 26 days for as long as involuntary treatment continues, the
1 27 administrator of the facility or the chief primary health
1 28 clinician shall report to the court which entered the order.

1 29 The report shall be submitted in the manner required by
1 30 section 125.84, shall state whether in the opinion of the
1 31 chief medical officer or the chief primary health clinician
1 32 the respondent's condition has improved, remains unchanged, or
1 33 has deteriorated, and shall indicate the further length of
1 34 time the respondent will require treatment by the facility.

1 35 If the respondent fails or refuses to submit to treatment as



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 29, 2008

House Study Bill 588 continued

2 1 ordered by the court, the administrator of the facility or the
2 2 chief primary health clinician shall at once notify the court,
2 3 which shall order the respondent committed for treatment as
2 4 provided by section 125.84, subsection 3, unless the court
2 5 finds that the failure or refusal was with good cause, and
2 6 that the respondent is willing to receive treatment as
2 7 provided in the court's order, or in a revised order if the
2 8 court sees fit to enter one. If the administrator of the
2 9 facility or the chief primary health clinician reports to the
2 10 court that the respondent requires full-time custody, care,
2 11 and treatment in a facility, and the respondent is willing to
2 12 be admitted voluntarily to the facility for these purposes,
2 13 the court may enter an order approving the placement upon
2 14 consultation with the administrator of the facility in which
2 15 the respondent is to be placed. If the respondent is
2 16 unwilling to be admitted voluntarily to the facility, the
2 17 procedure for determining involuntary commitment, as provided
2 18 in section 125.84, subsection 3, shall be followed.

2 19 Sec. 3. Section 229.1, Code 2007, is amended by adding the
2 20 following new subsections:

2 21 NEW SUBSECTION. 5A. "Chief primary health clinician"
2 22 means the licensed physician, licensed psychiatrist, or
2 23 psychiatric advanced registered nurse practitioner who has
2 24 been designated as the primary health clinician for a patient.

2 25 NEW SUBSECTION. 8A. "Licensed psychiatrist" means an
2 26 individual licensed under chapter 148, 150, or 150A to
2 27 practice medicine and surgery with a specialty in the field of
2 28 psychiatry.

2 29 NEW SUBSECTION. 11A. "Psychiatric advanced registered
2 30 nurse practitioner" means an individual currently licensed as
2 31 a registered nurse under chapter 152 or 152E who holds a
2 32 national certification in psychiatric health care and who is
2 33 registered with the board of nursing as an advanced registered
2 34 nurse practitioner.

2 35 Sec. 4. Section 229.15, subsection 2, Code 2007, is



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 29, 2008

House Study Bill 588 continued

3 1 amended to read as follows:

3 2 2. Not more than sixty days after the entry of a court
3 3 order for treatment of a patient pursuant to a report issued
3 4 under section 229.14, subsection 1, paragraph "c", and
3 5 thereafter at successive intervals as ordered by the court but
3 6 not to exceed ninety days so long as that court order remains
3 7 in effect, the medical director of the facility or the chief
3 8 primary health clinician treating the patient shall report to
3 9 the court which entered the order. The report shall state
3 10 whether the patient's condition has improved, remains
3 11 unchanged, or has deteriorated, and shall indicate if possible
3 12 the further length of time the patient will require treatment
3 13 by the facility. If at any time the patient without good
3 14 cause fails or refuses to submit to treatment as ordered by
3 15 the court, the medical director or the chief primary health
3 16 clinician shall at once so notify the court, which shall order
3 17 the patient hospitalized as provided by section 229.14,
3 18 subsection 2, paragraph "d", unless the court finds that the
3 19 failure or refusal was with good cause and that the patient is
3 20 willing to receive treatment as provided in the court's order,
3 21 or in a revised order if the court sees fit to enter one. If
3 22 at any time the medical director or the chief primary health
3 23 clinician reports to the court that in the director's or
3 24 clinician's opinion the patient requires full-time custody,
3 25 care and treatment in a hospital, and the patient is willing
3 26 to be admitted voluntarily to the hospital for these purposes,
3 27 the court may enter an order approving hospitalization for
3 28 appropriate treatment upon consultation with the chief medical
3 29 officer of the hospital in which the patient is to be
3 30 hospitalized. If the patient is unwilling to be admitted
3 31 voluntarily to the hospital, the procedure for determining
3 32 involuntary hospitalization, as set out in section 229.14,
3 33 subsection 2, paragraph "d", shall be followed.

3 34 EXPLANATION

3 35 This bill authorizes a chief primary health clinician to



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 29, 2008

House Study Bill 588 continued

4 1 file certain periodic court reports on chronic substance
4 2 abusers and persons with mental illness who do not require
4 3 full-time placement in a treatment facility.
4 4 The bill provides that no more than 60 days after entry of
4 5 a court order for treatment of a respondent who is either a
4 6 chronic substance abuser or who is mentally ill who does not
4 7 require full-time placement in a treatment facility and
4 8 thereafter at successive intervals not to exceed 90 days for
4 9 as long as the involuntary treatment continues, the chief
4 10 primary health clinician shall have the authority, along with
4 11 the administrator of the treatment facility or the chief
4 12 medical officer of the treatment facility, to report to the
4 13 court which entered the order and shall state whether in the
4 14 opinion of the chief primary health clinician the respondent's
4 15 condition has improved, remains unchanged, or has
4 16 deteriorated, and shall indicate the further length of time
4 17 the respondent will require treatment by the facility. If the
4 18 respondent fails or refuses to submit to treatment as ordered
4 19 by the court, the chief primary health clinician shall notify
4 20 the court, which shall order the respondent committed for
4 21 treatment unless the court finds that the failure or refusal
4 22 was with good cause, and that the respondent is willing to
4 23 receive treatment as provided in the court's order, or in a
4 24 revised order if the court sees fit to enter one. If the
4 25 chief primary health clinician reports to the court that the
4 26 respondent requires full-time custody, care, and treatment in
4 27 a facility, and the respondent is willing to be admitted
4 28 voluntarily to the facility for these purposes, the court may
4 29 enter an order approving the placement upon consultation with
4 30 the administrator of the facility in which the respondent is
4 31 to be placed.
4 32 The bill defines "chief primary health clinician" as the
4 33 licensed physician, licensed psychiatrist, or psychiatric
4 34 advanced registered nurse practitioner who has been designated
4 35 as the primary health clinician for a patient. "Licensed



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 29, 2008**

House Study Bill 588 continued

5 1 physician" is defined as an individual licensed under Code
5 2 chapter 148, 150, or 150A to practice medicine and surgery,
5 3 osteopathy, or osteopathic medicine and surgery, "licensed
5 4 psychiatrist" is defined as an individual licensed under Code
5 5 chapter 148, 150, or 150A to practice medicine and surgery
5 6 with a specialty in the field of psychiatry, and "psychiatric
5 7 advanced registered nurse practitioner" is defined as an
5 8 individual currently licensed as a registered nurse under Code
5 9 chapter 152 or 152E who holds a national certification in
5 10 psychiatric health care and who is registered with the board
5 11 of nursing as an advanced registered nurse practitioner.
5 12 LSB 5192HC 82
5 13 rh/nh/5.1



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 29, 2008

House Study Bill 589

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

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

Passed Senate, Date _____
Vote: Ayes _____ Nays _____

A BILL FOR

1 An Act requiring a minority impact statement as part of an
2 application for a grant from the department of public health,
3 human services, or human rights and providing effective and
4 applicability dates.
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
6 TLSB 5056HC 82
7 ak/nh/8



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 29, 2008

House Study Bill 589 continued

PAG LIN

1 1 Section 1. NEW SECTION. 8.11 GRANT APPLICATIONS ==
1 2 MINORITY IMPACT STATEMENTS.
1 3 1. Each application for a grant from the department of
1 4 public health, the department of human services, or the
1 5 department of human rights shall include a minority impact
1 6 statement that contains the following information:
1 7 a. Any disproportionate or unique impact of proposed
1 8 policies or programs on minority persons in this state.
1 9 b. A rationale for the existence of programs or policies
1 10 having an impact on minority persons in this state.
1 11 c. Evidence of consultation of representatives of minority
1 12 persons in cases where a policy or program has an identifiable
1 13 impact on minority persons in this state.
1 14 2. For the purposes of this section, the following
1 15 definitions shall apply:
1 16 a. "Disability" means the same as provided in section
1 17 15.102, subsection 5, paragraph "b", subparagraph (1).
1 18 b. "Minority persons" includes individuals who are women,
1 19 persons with a disability, Blacks, Latinos, Asians or Pacific
1 20 Islanders, American Indians, and Alaskan Native Americans.
1 21 3. The office of grants enterprise management shall create
1 22 and distribute the minority impact statement form to the
1 23 departments and ensure its inclusion with applications for
1 24 grants.
1 25 4. The departments of public health, human services, and
1 26 human rights shall give the minority impact statement from
1 27 each grant applicant the same weight as any other factors when
1 28 awarding grants.
1 29 5. The directives of this section shall be carried out to
1 30 the extent consistent with federal law.
1 31 Sec. 2. EFFECTIVE AND APPLICABILITY DATES. This Act takes
1 32 effect July 1, 2008, and shall apply to grants for which
1 33 applications are due beginning August 1, 2008.

1 34 EXPLANATION

1 35 This bill requires that all applications for grants from



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 29, 2008**

House Study Bill 589 continued

2 1 the departments of public health, human services, and human
2 2 rights include a minority impact statement to be submitted by
2 3 grant applicants. The minority impact statement shall include
2 4 three types of information: any disproportionate or unique
2 5 impact of the proposed policies or programs on the state's
2 6 minority persons; a rationale for the existence of the
2 7 programs or policies if they have an impact on minority
2 8 persons; and evidence that the applicant has consulted with
2 9 representatives of minority persons if there is such an impact
2 10 on minority persons.

2 11 For the purposes of the bill, "minority persons" are
2 12 identified as women, persons with disabilities, Blacks,
2 13 Latinos, Asians or Pacific Islanders, American Indians, and
2 14 Alaskan Native Americans. "Disability" means a physical or
2 15 mental impairment that substantially limits one or more of the
2 16 major life activities of the individual, a record of physical
2 17 or mental impairment that substantially limits one or more of
2 18 the major life activities of the individual, or being regarded
2 19 as an individual with a physical or mental impairment that
2 20 substantially limits one or more of the major life activities
2 21 of the individual.

2 22 The office of grants enterprise management is given the
2 23 authority to create and distribute a minority impact statement
2 24 form that the departments will use in the grant applications.
2 25 The departments are charged with giving the minority impact
2 26 statement the same weight as other factors used to award
2 27 grants. The directives of the bill are to be carried out to
2 28 the extent that they do not interfere with federal law.

2 29 The bill states that use of the minority impact statement
2 30 shall become applicable for grant applications that are due
2 31 beginning August 1, 2008.

2 32 LSB 5056HC 82

2 33 ak/nh/8



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 29, 2008

House Study Bill 590

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

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

Passed Senate, Date _____
Vote: Ayes _____ Nays _____

A BILL FOR

- 1 An Act requiring consideration of each parent's cost of living
- 2 and standard of living in determining child support.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 6005HC 82
- 5 pf/nh/24



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 29, 2008**

House Study Bill 590 continued

PAG LIN

1 1 Section 1. Section 598.21B, subsection 1, paragraph c,
1 2 Code Supplement 2007, is amended to read as follows:
1 3 c. It is the intent of the general assembly that, to the
1 4 extent possible within the requirements of federal law, the
1 5 court and the child support recovery unit consider the
1 6 individual facts of each judgment or case in the application
1 7 of the guidelines and determine the support obligation
1 8 accordingly. It is also the intent of the general assembly
1 9 that in the supreme court's review of the guidelines, the
1 10 supreme court shall do ~~both~~ all of the following:

1 11 (1) Emphasize the ability of a court to apply the
1 12 guidelines in a just and appropriate manner based upon the
1 13 individual facts of a judgment or case.

1 14 (2) In determining monthly child support payments,
1 15 consider other children for whom either parent is legally
1 16 responsible for support and other child support obligations
1 17 actually paid by either party pursuant to a court or
1 18 administrative order.

1 19 (3) In determining monthly child support payments,
1 20 consider the cost of living of each parent's household and
1 21 attempt to allow each parent to retain sufficient income to
1 22 maintain a reasonable standard of living. However, the
1 23 primary consideration shall be the best interest of the
1 24 children to whom the support obligation applies.

1 25 Sec. 2. Section 598.21B, subsection 2, paragraph b, Code
1 26 Supplement 2007, is amended by adding the following new
1 27 subparagraph:

1 28 NEW SUBPARAGRAPH. (4) For purposes of calculating a
1 29 support obligation under this section, consideration shall be
1 30 given to the cost of living of each parent's household and to
1 31 attempting to allow each parent to retain sufficient income to
1 32 maintain a reasonable standard of living. However, the
1 33 primary consideration shall be the best interest of the
1 34 children to whom the support obligation applies.

1 35 EXPLANATION



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 29, 2008**

House Study Bill 590 continued

2 1 This bill provides that in reviewing the child support with
2 2 regard to determining monthly child support and in calculating
2 3 the amount of support, consideration is to be given to the
2 4 cost of living of each parent's household and an attempt is to
2 5 be made to allow each parent to retain sufficient income to
2 6 maintain a reasonable standard of living. However, the
2 7 primary consideration is the best interest of the child to
2 8 whom the support obligation applies.
2 9 LSB 6005HC 82
2 10 pf/nh/24



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 29, 2008

House Study Bill 591

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

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

Passed House, Date _____
Vote: Ayes _____ Nays _____

A BILL FOR

- 1 An Act relating to bonds and notes providing for exemption from
- 2 state income tax.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 5350XD 82
- 5 tw/rj/14



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 29, 2008

House Study Bill 591 continued

PAG LIN

1 1 Section 1. Section 16.26, Code 2007, is amended by adding
1 2 the following new subsection:
1 3 NEW SUBSECTION. 10. All bonds or notes issued by the
1 4 authority in connection with its single-family and multifamily
1 5 programs are exempt from taxation by this state, and the
1 6 interest on the bonds or notes is exempt from state income
1 7 tax.

1 8 EXPLANATION
1 9 This bill exempts from Iowa income tax bonds and notes
1 10 issued by the Iowa finance authority in connection with its
1 11 single-family and multifamily programs.
1 12 LSB 5350XD 82
1 13 tw/rj/14



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 29, 2008

House Study Bill 592

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



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 29, 2008

House Study Bill 592 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



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 29, 2008

House Study Bill 592 continued

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



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 29, 2008**

House Study Bill 592 continued

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



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 29, 2008

House Study Bill 593

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



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 29, 2008

House Study Bill 593 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,



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 29, 2008

House Study Bill 593 continued

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



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 29, 2008

House Study Bill 593 continued

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 electrician, or a class B journeyman
3 34 electrician, and is employed by an electrical contractor, or
3 35 is working under the supervision of a class A master



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 29, 2008

House Study Bill 593 continued

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



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 29, 2008

House Study Bill 593 continued

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



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 29, 2008

House Study Bill 593 continued

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



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 29, 2008

House Study Bill 593 continued

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.~~



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 29, 2008

House Study Bill 593 continued

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,



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 29, 2008

House Study Bill 593 continued

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.



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 29, 2008

House Study Bill 593 continued

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.



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 29, 2008

House Study Bill 593 continued

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



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 29, 2008**

House Study Bill 593 continued

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



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 29, 2008

House Study Bill 593 continued

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



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 29, 2008**

House Study Bill 593 continued

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



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 29, 2008**

House Study Bill 593 continued

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



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 29, 2008

House Study Bill 594

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 creating the homeowners' consumer protection fund,
- 2 providing for the assessment of a surcharge, and making an
- 3 appropriation.
- 4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 5 TL5B 5263DP 82
- 6 rh/jp/8



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 29, 2008

House Study Bill 594 continued

PAG LIN

1 1 Section 1. NEW SECTION. 558.41A RECORDING MORTGAGE AND
1 2 DEED OF TRUST == SURCHARGE.

1 3 1. Except as provided in subsection 3, a surcharge of five
1 4 dollars shall be collected by the county recorder at the time
1 5 of recording a mortgage or deed of trust in addition to any
1 6 other fees required by law.

1 7 2. Moneys collected pursuant to this section shall be
1 8 transferred monthly to the treasurer of state for deposit in
1 9 the homeowners' consumer protection fund created in section
1 10 714.16D except that the county recorder may retain up to one
1 11 percent of the funds collected as necessary to administer
1 12 collection of the surcharge pursuant to this section.

1 13 3. The surcharge imposed pursuant to this section shall
1 14 not apply to an assignment or substitution of a previously
1 15 recorded mortgage or deed of trust.

1 16 Sec. 2. NEW SECTION. 714.16D HOMEOWNERS' CONSUMER
1 17 PROTECTION FUND == SURCHARGE.

1 18 1. A homeowners' consumer protection fund is created as a
1 19 separate fund in the state treasury to be administered by the
1 20 attorney general for purposes of the investigation and
1 21 prosecution of, and consumer education about, frauds relating
1 22 to mortgage lending.

1 23 2. The fund shall consist of moneys collected by the
1 24 county recorder from the surcharge imposed pursuant to section
1 25 558.41A, except to the extent that such moneys are permitted
1 26 to be used for administration of the fund as specified in
1 27 section 558.41A.

1 28 3. Notwithstanding section 8.33, moneys credited to the
1 29 fund from any source shall not revert to any other fund.
1 30 Notwithstanding section 12C.7, interest or earnings on the
1 31 moneys in the fund shall be credited to the fund. Moneys
1 32 available in the fund for a fiscal year are appropriated to
1 33 the department of justice to be used for the purposes of this
1 34 section.

1 35 EXPLANATION



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 29, 2008

House Study Bill 594 continued

2 1 This bill creates the homeowners' consumer protection fund,
2 2 provides for the assessment of a surcharge, and makes an
2 3 appropriation.

2 4 The bill provides that a surcharge of \$5 shall be collected
2 5 by the county recorder at the time of recording a mortgage or
2 6 deed of trust in addition to any other fees required by law.
2 7 Moneys collected shall be transferred monthly to the treasurer
2 8 of state for deposit in the homeowners' consumer protection
2 9 fund created in the bill except that the county recorder may
2 10 retain up to 1 percent of the funds collected as necessary to
2 11 administer collection of the surcharge. The surcharge shall
2 12 not apply to an assignment or substitution of a previously
2 13 recorded mortgage or deed of trust.

2 14 The bill creates the homeowners' consumer protection fund
2 15 as a separate fund in the state treasury to be administered by
2 16 the attorney general for purposes of the investigation and
2 17 prosecution of, and consumer education about, frauds relating
2 18 to mortgage lending. The fund shall consist of moneys
2 19 collected by the county recorder from the surcharge imposed
2 20 pursuant to the bill except to the extent that such moneys are
2 21 permitted to be used for administration of the fund.

2 22 Notwithstanding Code section 8.33, moneys credited to the
2 23 fund from any source shall not revert to any other fund.
2 24 Notwithstanding Code section 12C.7, interest or earnings on
2 25 the moneys in the fund shall be credited to the fund. Moneys
2 26 available in the fund for a fiscal year are appropriated to
2 27 the department of justice to be used for the purposes of the
2 28 fund.

2 29 LSB 5263DP 82

2 30 rh/jp/8.1



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 29, 2008

House Study Bill 595

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

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

Passed House, Date _____
Vote: Ayes _____ Nays _____

A BILL FOR

- 1 An Act making nonsubstantive corrections to certain provisions
- 2 relating to insurance and making repeals.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 5432XD 82
- 5 av/nh/24



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 29, 2008

House Study Bill 595 continued

PAG LIN

1 1 Section 1. Section 507B.4, subsection 2, paragraph c, Code
1 2 Supplement 2007, is amended to read as follows:
1 3 c. STATEMENT OF CAPITAL AND SURPLUS. In the case of a
1 4 foreign company transacting the business of casualty insurance
1 5 in the state, or an officer, producer, or representative of
1 6 such a company, issuing or publishing an advertisement, public
1 7 announcement, sign, circular, or card that purports to
1 8 disclose the company's financial standing and fails to
1 9 exhibit: the capital actually paid in cash, and the amount of
1 10 net surplus of assets over all the company's liabilities
1 11 actually held and available for the payment of losses by fire
1 12 and for the protection of holders of fire policies; and the
1 13 amount of net surplus of assets over all liabilities in the
1 14 United States actually available for the payment of losses by
1 15 fire and held in the United States for the protection of
1 16 holders of fire policies in the United States, including in
1 17 such liabilities the fund reserved for reinsurance of
1 18 outstanding risks. The amounts stated for capital and net
1 19 surplus shall correspond with the latest verified statement
1 20 made by the company or association to the commissioner of
1 21 insurance. ~~Such a company shall not write, place, or cause to~~
~~1 22 be written or placed, a policy or contract for insurance on~~
~~1 23 property situated or located in this state except through a~~
~~1 24 licensed producer authorized to do business in this state.~~
1 25 Sec. 2. Section 510.21, unnumbered paragraph 2, Code
1 26 Supplement 2007, is amended to read as follows:
1 27 An application for registration shall be accompanied by a
1 28 filing fee of one hundred dollars. After notice and hearing,
1 29 the commissioner may impose any or all of the sanctions set
1 30 out in section 507B.7, upon finding that either the
1 31 third-party administrator violated any of the requirements of
1 32 ~~section 515.145 and sections 510.1A 510.12 through 510.20 and~~
1 33 this section, or the third-party administrator is not
1 34 competent, trustworthy, financially responsible, or of good
1 35 personal and business reputation.



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 29, 2008

House Study Bill 595 continued

2 1 Sec. 3. Section 515.1, Code 2007, is amended to read as
2 2 follows:

2 3 515.1 APPLICABILITY.

2 4 Corporations formed for the purpose of insurance, other
2 5 than life insurance, shall be governed by the provisions of
2 6 chapter 490, chapter 491, or chapter 504, except as modified
2 7 by the provisions of this chapter. The provisions of this
2 8 chapter relative to insurance companies shall apply to all
2 9 such companies, partnerships, associations, or individuals,
2 10 whether incorporated or not.

2 11 Sec. 4. NEW SECTION. 515.11A TRANSFER OF STOCK.

2 12 Transfers of stock made by any stockholder or the
2 13 stockholder's legal representative shall be subject to the
2 14 provisions of chapters 491 and 492 relative to transfer of
2 15 shares, and to such restrictions as the directors shall
2 16 establish in their bylaws, except as hereinafter provided.

2 17 Sec. 5. Section 515.73, Code Supplement 2007, is amended
2 18 to read as follows:

2 19 515.73 ADDITIONAL STATEMENTS == IMPAIRED CAPITAL.

2 20 Such Any company desiring to transact the business of
2 21 insurance under this chapter shall also file with the
2 22 commissioner a certified copy of its charter or deed of
2 23 settlement, together with a statement under oath of the
2 24 president or vice president or other chief officer and the
2 25 secretary of the company for which they may act, stating the
2 26 name of the company, the place where located, the amount of
2 27 its capital, with a detailed statement of the facts and items
2 28 required from companies organized under the laws of this
2 29 state, and a copy of the last annual report, if any, made
2 30 under any law of the state by which such company was
2 31 incorporated; and no agent shall be allowed to transact
2 32 business for any company whose capital is impaired by
2 33 liabilities as specified in this chapter to the extent of
2 34 twenty percent thereof, while such deficiency shall continue.

2 35 Sec. 6. Section 515.120, Code Supplement 2007, is amended



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 29, 2008

House Study Bill 595 continued

3 1 to read as follows:

3 2 515.120 BUSINESS WITH NONADMITTED INSURERS.

3 3 This chapter does not prevent a licensed resident or
3 4 nonresident ~~agent~~ producer of this state, qualified to write
3 5 excess and surplus lines insurance, from procuring insurance
3 6 in certain nonadmitted insurers if such insurance is
3 7 restricted to the type and kind of insurance authorized by
3 8 this chapter, excluding insurance authorized under section
3 9 515.48, subsection 5, paragraph "a", and the ~~agent~~ producer
3 10 makes oath to the commissioner of insurance in the form
3 11 prescribed by the commissioner that the ~~agent~~ producer has
3 12 made diligent effort to place the insurance in authorized
3 13 insurers and has either exhausted the capacity of all
3 14 authorized insurers or has been unable to obtain the desired
3 15 insurance in insurers licensed to transact business in this
3 16 state. The procuring of a contract of insurance in a
3 17 nonadmitted insurer makes the insurer liable for, and the
3 18 ~~agent~~ producer shall pay, the taxes on the premiums as if the
3 19 insurer were duly authorized to transact business in the
3 20 state. A sworn report of all business transacted by ~~agents~~
3 21 producers of this state in nonadmitted insurers shall be made
3 22 to the commissioner of insurance on or before March 1 of each
3 23 year for the preceding calendar year, on the form required by
3 24 the commissioner of insurance. The report shall be
3 25 accompanied by a remittance to cover the taxes on the
3 26 premiums. ~~An agent~~ A producer who makes the oath, pays the
3 27 taxes on the premiums, and files the report has not written
3 28 such contracts of insurance unlawfully, and is not personally
3 29 liable for the contracts.

3 30 Sec. 7. Section 515.121, Code Supplement 2007, is amended
3 31 to read as follows:

3 32 515.121 ADMINISTRATIVE PENALTY.

3 33 1. An excess and surplus lines insurance ~~agent that~~
3 34 producer who fails to timely file the report required in
3 35 section 515.120 is in violation of this section and shall pay



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 29, 2008

House Study Bill 595 continued

4 1 an administrative penalty of five hundred dollars to the
4 2 treasurer of state for deposit in the general fund of the
4 3 state as provided in section 505.7.

4 4 2. The commissioner shall refuse to renew the license of
4 5 ~~an agent that~~ a producer who fails to comply with the
4 6 provisions of section 515.120 and this section and the ~~agent's~~
4 7 producer's right to transact new business in this state shall
4 8 immediately cease until the ~~agent~~ producer has so complied.

4 9 3. The commissioner may give notice to ~~an agent~~ a producer
4 10 that the ~~agent~~ producer has not timely filed the report
4 11 required under section 515.120 and is in violation of this
4 12 section. If the ~~agent~~ producer fails to file the required
4 13 report within ten days of the date of the notice, the ~~agent~~
4 14 producer shall pay an additional administrative penalty of one
4 15 hundred dollars for each day that the failure continues to the
4 16 treasurer of state for deposit in the general fund of the
4 17 state as provided in section 505.7.

4 18 Sec. 8. Section 515.122, subsection 1, Code Supplement
4 19 2007, is amended to read as follows:

4 20 1. An insurance producer shall not knowingly place
4 21 insurance, either directly or through an intermediary broker,
4 22 ~~in~~ with insurers who are insolvent or unsound financially; and
4 23 shall not place or renew insurance with nonadmitted insurers
4 24 found by the commissioner of insurance to have failed or
4 25 refused to furnish, in the manner provided in subsection 2,
4 26 information reasonably showing the ability or willingness of
4 27 the insurers to satisfy obligations undertaken with respect to
4 28 insurance issued by them.

4 29 Sec. 9. Section 515.125, Code Supplement 2007, is amended
4 30 to read as follows:

4 31 515.125 FORFEITURE OF POLICIES == NOTICE.

4 32 1. ~~A policy or contract of insurance, unless~~ Unless
4 33 otherwise provided in section 515.127 or 515.128, a policy or
4 34 contract of insurance provided for in this chapter shall not
4 35 be forfeited, suspended, or canceled except by notice to the



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 29, 2008

House Study Bill 595 continued

5 1 insured as provided in this chapter. A notice of cancellation
5 2 is not effective unless mailed or delivered by the insurer to
5 3 the named insured at least thirty days before the effective
5 4 date of cancellation, or, where cancellation is for nonpayment
5 5 of a premium, assessment, or installment provided for in the
5 6 policy, or in a note or contract for the payment thereof, at
5 7 least ten days prior to the date of cancellation. The notice
5 8 may be made in person, or by sending by mail a letter
5 9 addressed to the insured at the insured's address as given in
5 10 or upon the policy, anything in the policy, application, or a
5 11 separate agreement to the contrary notwithstanding.

5 12 2. An insurer shall not fail to renew a policy except by
5 13 notice to the insured as provided in this chapter. A notice
5 14 of intention not to renew is not effective unless mailed or
5 15 delivered by the insurer to the named insured at least thirty
5 16 days prior to the expiration date of the policy. A notice of
5 17 intention not to renew is not required if the insured is
5 18 transferred from an insurer to an affiliate for future
5 19 coverage as a result of a merger, acquisition, or company
5 20 restructuring and if the transfer results in the same or
5 21 broader coverage.

5 22 3. If the reason does not accompany the notice of
5 23 cancellation or nonrenewal, the insurer shall, upon receipt of
5 24 a timely request by the named insured, state in writing the
5 25 reason for cancellation or nonrenewal.

5 26 Sec. 10. Section 515.129, subsection 3, unnumbered
5 27 paragraph 1, Code Supplement 2007, is amended to read as
5 28 follows:

5 29 An umbrella or excess insurance policy which has been
5 30 renewed or which has been in effect for sixty or more days
5 31 shall not be canceled by the insurer, except as provided in
5 32 section 515.127, subsections 2 and 3, ~~except by~~ unless notice
5 33 has been mailed or delivered to the insured as required by
5 34 this section or unless at least one of the following
5 35 conditions occurs:



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 29, 2008

House Study Bill 595 continued

6 1 Sec. 11. Section 515.130, Code Supplement 2007, is amended
6 2 to read as follows:

6 3 515.130 SHORT RATES.

6 4 The commissioner of insurance shall prepare and promulgate
6 5 tables of the short rates provided for in ~~sections 515.125 and~~
~~6 6 515.126~~ section 515.132, for the various kinds and classes of
6 7 insurance governed by the provisions of this chapter, which,
6 8 when promulgated, shall be for the guidance of all companies
6 9 covered in this chapter and shall be the rate to be given in
6 10 any notice therein required. No company shall discriminate
6 11 unfairly between like assureds in the rate or rates so
6 12 provided.

6 13 Sec. 12. Section 515.138, Code Supplement 2007, is amended
6 14 to read as follows:

6 15 515.138 NOTICE OF LOSS OF PERSONAL PROPERTY BY HAIL.

6 16 In case of loss or damage to growing crops by hail, notice
6 17 of such loss or damage must be given to the company by the
6 18 insured by mailing a certified mail letter within ten days
6 19 from the time such loss or damage occurs.

6 20 Sec. 13. Section 515.141, subsection 1, Code Supplement
6 21 2007, is amended to read as follows:

6 22 1. The commissioner of insurance is authorized to issue a
6 23 subpoena for examination under oath, to any officer, agent, or
6 24 employee of any company suspected of violating any of the
6 25 provisions of section 515.140.

6 26 Sec. 14. Section 515.142, Code Supplement 2007, is amended
6 27 to read as follows:

6 28 515.142 TRANSFERS PENDING INVESTIGATION.

6 29 Any transfer of the stock of any company organized under
6 30 this chapter, made pending any investigation ~~above required~~,
6 31 shall not release the party making the transfer from any
6 32 liability for losses which may have accrued previous to such
6 33 transfer.

6 34 Sec. 15. Section 515.145, Code Supplement 2007, is amended
6 35 to read as follows:



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 29, 2008

House Study Bill 595 continued

7 1 515.145 REVOCATION OF AUTHORITY.

7 2 If upon any examination, ~~and that of~~ or upon information
7 3 obtained from any ~~other~~ witness produced ~~and~~ or examined, the
7 4 commissioner determines that a company has violated section
7 5 515.140, or if any officer, agent, or employee fails to appear
7 6 or submit to examination after receiving a subpoena, the
7 7 commissioner shall promptly issue an order revoking the
7 8 authority of the company to transact business within this
7 9 state, and the company shall not be permitted to do the
7 10 business of insurance in this state for one year.

7 11 Sec. 16. Section 515.146, Code Supplement 2007, is amended
7 12 to read as follows:

7 13 515.146 CERTIFICATE REFUSED == ADMINISTRATIVE PENALTY.

7 14 The commissioner of insurance shall withhold the
7 15 commissioner's certificate or permission of authority to do
7 16 business from a company neglecting or failing to comply with
7 17 this chapter. In addition, a company organized or authorized
7 18 under this chapter which fails to file the annual statement
7 19 referred to in section 515.63 in the time required shall pay
7 20 and forfeit an administrative penalty in an amount of five
7 21 hundred dollars to be collected in the name of the state for
7 22 deposit in the general fund of the state as provided in
7 23 section 505.7. The company's right to transact further new
7 24 business in this state shall immediately cease until the
7 25 company has fully complied with this chapter. The
7 26 commissioner may give notice to a company which has failed to
7 27 file within the time required that the company is in violation
7 28 of this section and, if the company fails to file the evidence
7 29 of investment and statement within ten days of the date of the
7 30 notice, the company shall forfeit and pay the additional sum
7 31 of one hundred dollars for each day the failure continues, to
7 32 be paid to the treasurer of state for deposit in the general
7 33 fund of the state as provided in section 505.7.

7 34 Sec. 17. Section 515.153, Code Supplement 2007, is amended
7 35 to read as follows:



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 29, 2008

House Study Bill 595 continued

8 1 515.153 INCRIMINATION.

8 2 The statements and declarations made or testimony given by
8 3 any ~~such~~ officer, agent, or employee in the investigation
8 4 before the commissioner of insurance, or upon the hearing on
8 5 the petition for judicial review, as provided in sections
8 6 515.141, 515.145, and 515.152, shall not be used against the
8 7 person making the same in any criminal prosecution against the
8 8 person.

8 9 Sec. 18. Sections 515.62 and 515.64, Code 2007, are
8 10 repealed.

8 11 Sec. 19. Section 515.107, Code Supplement 2007, is
8 12 repealed.

8 13 EXPLANATION

8 14 This bill makes nonsubstantive corrections to Code chapter
8 15 507B dealing with insurance trade practices and to Code
8 16 chapter 515 relating to insurance other than life insurance.

8 17 Code section 507B.4(2)(c) is amended to delete language
8 18 that does not relate to the topic of the paragraph and which
8 19 duplicates requirements already contained in Code chapter
8 20 522B, regulating insurance producers.

8 21 Code section 510.21 is amended to correct incorrect
8 22 internal references.

8 23 Code section 515.1 is amended to include the language
8 24 presently contained in Code section 515.107, and Code section
8 25 515.107 is repealed. The reorganization of Code chapter 515
8 26 in 2007 made the placement of this language more appropriate
8 27 at the beginning of the Code chapter.

8 28 New Code section 515.11A recodifies the language of Code
8 29 section 515.62 dealing with the transfer of stock in the area
8 30 of the Code chapter that relates to stock companies. The
8 31 reorganization of Code chapter 515 in 2007 made the placement
8 32 of this language more appropriate in a new location. Code
8 33 section 515.62 is repealed.

8 34 Code section 515.64 is repealed because the language
8 35 contains an archaic reference to an outdated business model.



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 29, 2008**

House Study Bill 595 continued

9 1 Code section 515.73 is amended to delete the words "such
9 2 company" which referred to language in a previous Code section
9 3 that was transferred when Code chapter 515 was reorganized in
9 4 2007 and now refers to "any company" transacting insurance
9 5 business under the Code chapter.

9 6 Code sections 515.120 and 515.121 are amended to change
9 7 references from insurance "agent" to "producer" to be
9 8 consistent with changes in terminology that were previously
9 9 made in Code chapter 522B and in other sections of the Code.

9 10 Code section 515.122(1) is amended by changing a word in
9 11 one clause so that the language is consistent with that in the
9 12 succeeding clause.

9 13 Code section 515.125 is amended to clarify the meaning of
9 14 the language in subsection 1 and to number a previously
9 15 unnumbered paragraph to make a new subsection 3.

9 16 Code section 515.129(3) is amended to make the language
9 17 easier to understand.

9 18 Code section 515.130 is amended to correct an internal
9 19 reference.

9 20 Code section 515.138 is amended by expanding the word
9 21 "loss" to "loss or damage" to make the language consistent
9 22 throughout the Code section.

9 23 Code section 515.141(1) is amended by adding a missing
9 24 preposition to make the language consistent with that
9 25 contained in subsection 2 of the Code section.

9 26 Code section 515.142 is amended by deleting the words
9 27 "above required" so that the Code section applies to the
9 28 entire Code chapter. The transfer of language within Code
9 29 chapter 515 in 2007 made this language inaccurate.

9 30 Code sections 515.145 and 515.146 are amended to make the
9 31 language more understandable.

9 32 Code section 515.153 is amended to make the provision
9 33 applicable to the whole Code chapter. The transfer of
9 34 sections within Code chapter 515 in 2007 made the language
9 35 inaccurate in referring to language which no longer precedes



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 29, 2008**

House Study Bill 595 continued

10 1 it.
10 2 LSB 5432XD 82
10 3 av/nh/24



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 29, 2008

Senate File 2054 - Introduced

SENATE FILE
BY COMMITTEE ON HUMAN RESOURCES

(SUCCESSOR TO SF 2029)

(COMPANION TO LSB 5553HV
BY COMMITTEE ON HUMAN RESOURCES)

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

Passed House, Date _____
Vote: Ayes _____ Nays _____

A BILL FOR

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



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 29, 2008

Senate File 2054 - Introduced continued

PAG LIN

1 1 Section 1. STATE PAYMENT TO ELIGIBLE COUNTIES.
1 2 Notwithstanding section 331.439, subsection 1, paragraphs "a"
1 3 and "b", a county that accurately reported the county's
1 4 expenditures for mental health, mental retardation, and
1 5 developmental disabilities services for the previous fiscal
1 6 year on the forms prescribed by the department of human
1 7 services, and the annual management plan review and the report
1 8 and review were received after December 1, 2007, and on or
1 9 before March 15, 2008, shall be eligible for state payment, as
1 10 defined in section 331.438, in accordance with section 331.439
1 11 and other law providing for the state payment in the fiscal
1 12 year beginning July 1, 2007.

1 13 Sec. 2. EFFECTIVE DATE. This Act, being deemed of
1 14 immediate importance, takes effect upon enactment and applies
1 15 retroactively to December 1, 2007.

1 16 EXPLANATION

1 17 This bill provides for county eligibility for state payment
1 18 of certain mental health, mental retardation, and
1 19 developmental disabilities services (MH/MR/DD) allowed growth
1 20 and property tax relief funding.

1 21 Under current law, in order to be eligible to receive the
1 22 funding, a county must accurately report the county's
1 23 expenditures for such services for the previous fiscal year on
1 24 the forms prescribed by the department of human services and
1 25 submit an annual review of the county's management plan for
1 26 such services, and both must be submitted by December 1. The
1 27 bill provides that a county is also eligible if the report was
1 28 received after December 1, 2007, and on or before March 15,
1 29 2008.

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

1 32 LSB 5553SV 82

1 33 jp/rj/14



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 29, 2008

Senate File 2055 - Introduced

SENATE FILE
BY BEALL and RAGAN

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

A BILL FOR

1 An Act authorizing a chief primary health clinician to file
2 certain periodic court reports on chronic substance abusers
3 and persons with mental illness who do not require full-time
4 placement in a treatment facility.
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
6 TL5B 5192XS 82
7 rh/nh/5



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 29, 2008

Senate File 2055 - Introduced continued

PAG LIN

1 1 Section 1. Section 125.2, Code 2007, is amended by adding
1 2 the following new subsections:

1 3 NEW SUBSECTION. 4A. "Chief primary health clinician"
1 4 means the licensed physician, licensed psychiatrist, or
1 5 psychiatric advanced registered nurse practitioner who has
1 6 been designated as the primary health clinician for a patient.

1 7 NEW SUBSECTION. 13A. "Licensed physician" means an
1 8 individual licensed under chapter 148, 150, or 150A to
1 9 practice medicine and surgery, osteopathy, or osteopathic
1 10 medicine and surgery.

1 11 NEW SUBSECTION. 13B. "Licensed psychiatrist" means an
1 12 individual licensed under chapter 148, 150, or 150A to
1 13 practice medicine and surgery with a specialty in the field of
1 14 psychiatry.

1 15 NEW SUBSECTION. 13C. "Psychiatric advanced registered
1 16 nurse practitioner" means an individual currently licensed as
1 17 a registered nurse under chapter 152 or 152E who holds a
1 18 national certification in psychiatric health care and who is
1 19 registered with the board of nursing as an advanced registered
1 20 nurse practitioner.

1 21 Sec. 2. Section 125.86, subsection 2, Code 2007, is
1 22 amended to read as follows:

1 23 2. No more than sixty days after entry of a court order
1 24 for treatment of a respondent under section 125.84, subsection
1 25 3, and thereafter at successive intervals not to exceed ninety
1 26 days for as long as involuntary treatment continues, the
1 27 administrator of the facility or the chief primary health
1 28 clinician shall report to the court which entered the order.

1 29 The report shall be submitted in the manner required by
1 30 section 125.84, shall state whether in the opinion of the
1 31 chief medical officer or the chief primary health clinician
1 32 the respondent's condition has improved, remains unchanged, or
1 33 has deteriorated, and shall indicate the further length of
1 34 time the respondent will require treatment by the facility.

1 35 If the respondent fails or refuses to submit to treatment as



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 29, 2008

Senate File 2055 - Introduced continued

2 1 ordered by the court, the administrator of the facility or the
2 2 chief primary health clinician shall at once notify the court,
2 3 which shall order the respondent committed for treatment as
2 4 provided by section 125.84, subsection 3, unless the court
2 5 finds that the failure or refusal was with good cause, and
2 6 that the respondent is willing to receive treatment as
2 7 provided in the court's order, or in a revised order if the
2 8 court sees fit to enter one. If the administrator of the
2 9 facility or the chief primary health clinician reports to the
2 10 court that the respondent requires full-time custody, care,
2 11 and treatment in a facility, and the respondent is willing to
2 12 be admitted voluntarily to the facility for these purposes,
2 13 the court may enter an order approving the placement upon
2 14 consultation with the administrator of the facility in which
2 15 the respondent is to be placed. If the respondent is
2 16 unwilling to be admitted voluntarily to the facility, the
2 17 procedure for determining involuntary commitment, as provided
2 18 in section 125.84, subsection 3, shall be followed.

2 19 Sec. 3. Section 229.1, Code 2007, is amended by adding the
2 20 following new subsections:

2 21 NEW SUBSECTION. 5A. "Chief primary health clinician"
2 22 means the licensed physician, licensed psychiatrist, or
2 23 psychiatric advanced registered nurse practitioner who has
2 24 been designated as the primary health clinician for a patient.

2 25 NEW SUBSECTION. 8A. "Licensed psychiatrist" means an
2 26 individual licensed under chapter 148, 150, or 150A to
2 27 practice medicine and surgery with a specialty in the field of
2 28 psychiatry.

2 29 NEW SUBSECTION. 11A. "Psychiatric advanced registered
2 30 nurse practitioner" means an individual currently licensed as
2 31 a registered nurse under chapter 152 or 152E who holds a
2 32 national certification in psychiatric health care and who is
2 33 registered with the board of nursing as an advanced registered
2 34 nurse practitioner.

2 35 Sec. 4. Section 229.15, subsection 2, Code 2007, is



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 29, 2008

Senate File 2055 - Introduced continued

3 1 amended to read as follows:

3 2 2. Not more than sixty days after the entry of a court
3 3 order for treatment of a patient pursuant to a report issued
3 4 under section 229.14, subsection 1, paragraph "c", and
3 5 thereafter at successive intervals as ordered by the court but
3 6 not to exceed ninety days so long as that court order remains
3 7 in effect, the medical director of the facility or the chief
3 8 primary health clinician treating the patient shall report to
3 9 the court which entered the order. The report shall state
3 10 whether the patient's condition has improved, remains
3 11 unchanged, or has deteriorated, and shall indicate if possible
3 12 the further length of time the patient will require treatment
3 13 by the facility. If at any time the patient without good
3 14 cause fails or refuses to submit to treatment as ordered by
3 15 the court, the medical director or the chief primary health
3 16 clinician shall at once so notify the court, which shall order
3 17 the patient hospitalized as provided by section 229.14,
3 18 subsection 2, paragraph "d", unless the court finds that the
3 19 failure or refusal was with good cause and that the patient is
3 20 willing to receive treatment as provided in the court's order,
3 21 or in a revised order if the court sees fit to enter one. If
3 22 at any time the medical director or the chief primary health
3 23 clinician reports to the court that in the director's or
3 24 clinician's opinion the patient requires full-time custody,
3 25 care and treatment in a hospital, and the patient is willing
3 26 to be admitted voluntarily to the hospital for these purposes,
3 27 the court may enter an order approving hospitalization for
3 28 appropriate treatment upon consultation with the chief medical
3 29 officer of the hospital in which the patient is to be
3 30 hospitalized. If the patient is unwilling to be admitted
3 31 voluntarily to the hospital, the procedure for determining
3 32 involuntary hospitalization, as set out in section 229.14,
3 33 subsection 2, paragraph "d", shall be followed.

3 34 EXPLANATION

3 35 This bill authorizes a chief primary health clinician to



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 29, 2008**

Senate File 2055 - Introduced continued

4 1 file certain periodic court reports on chronic substance
4 2 abusers and persons with mental illness who do not require
4 3 full-time placement in a treatment facility.
4 4 The bill provides that no more than 60 days after entry of
4 5 a court order for treatment of a respondent who is either a
4 6 chronic substance abuser or who is mentally ill who does not
4 7 require full-time placement in a treatment facility and
4 8 thereafter at successive intervals not to exceed 90 days for
4 9 as long as the involuntary treatment continues, the chief
4 10 primary health clinician shall have the authority, along with
4 11 the administrator of the treatment facility or the chief
4 12 medical officer of the treatment facility, to report to the
4 13 court which entered the order and shall state whether in the
4 14 opinion of the chief primary health clinician the respondent's
4 15 condition has improved, remains unchanged, or has
4 16 deteriorated, and shall indicate the further length of time
4 17 the respondent will require treatment by the facility. If the
4 18 respondent fails or refuses to submit to treatment as ordered
4 19 by the court, the chief primary health clinician shall notify
4 20 the court, which shall order the respondent committed for
4 21 treatment unless the court finds that the failure or refusal
4 22 was with good cause, and that the respondent is willing to
4 23 receive treatment as provided in the court's order, or in a
4 24 revised order if the court sees fit to enter one. If the
4 25 chief primary health clinician reports to the court that the
4 26 respondent requires full-time custody, care, and treatment in
4 27 a facility, and the respondent is willing to be admitted
4 28 voluntarily to the facility for these purposes, the court may
4 29 enter an order approving the placement upon consultation with
4 30 the administrator of the facility in which the respondent is
4 31 to be placed.
4 32 The bill defines "chief primary health clinician" as the
4 33 licensed physician, licensed psychiatrist, or psychiatric
4 34 advanced registered nurse practitioner who has been designated
4 35 as the primary health clinician for a patient. "Licensed



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 29, 2008**

Senate File 2055 - Introduced continued

5 1 physician" is defined as an individual licensed under Code
5 2 chapter 148, 150, or 150A to practice medicine and surgery,
5 3 osteopathy, or osteopathic medicine and surgery, "licensed
5 4 psychiatrist" is defined as an individual licensed under Code
5 5 chapter 148, 150, or 150A to practice medicine and surgery
5 6 with a specialty in the field of psychiatry, and "psychiatric
5 7 advanced registered nurse practitioner" is defined as an
5 8 individual currently licensed as a registered nurse under Code
5 9 chapter 152 or 152E who holds a national certification in
5 10 psychiatric health care and who is registered with the board
5 11 of nursing as an advanced registered nurse practitioner.
5 12 LSB 5192XS 82
5 13 rh/nh/5.1



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 29, 2008

Senate File 2056 - Introduced

SENATE FILE
BY APPEL

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

A BILL FOR

- 1 An Act relating to ongoing absentee voter status for general
- 2 elections.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 5914SS 82
- 5 sc/nh/14



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 29, 2008

Senate File 2056 - Introduced continued

PAG LIN

1 1 Section 1. NEW SECTION. 53.4 ONGOING ABSENTEE VOTER.
1 2 A registered voter applying for an absentee ballot under
1 3 section 53.2 may request to receive an absentee ballot for
1 4 each subsequent general election in which that person is
1 5 eligible to vote, and qualifies under section 53.1. The state
1 6 commissioner shall provide on the prescribed form a check box
1 7 for this purpose. For each subsequent general election, the
1 8 county commissioner of elections shall automatically mail an
1 9 absentee ballot to the requesting voter, or automatically
1 10 deliver an absentee ballot to a confined person pursuant to
1 11 section 53.22. A voter's status as an ongoing absentee voter
1 12 shall be terminated upon the request of the voter, by the
1 13 county commissioner if the voter fails to qualify under
1 14 section 53.1, or if the voter fails to vote in a subsequent
1 15 general election.

1 16 EXPLANATION

1 17 This bill allows an absentee voter to receive absentee
1 18 ballots for all subsequent general elections without having to
1 19 reapply before each election. A person's status as an ongoing
1 20 absentee voter can be terminated by that person, by the county
1 21 commissioner of elections if the person fails to qualify as an
1 22 absentee voter, or if the voter fails to vote in a subsequent
1 23 general election.

1 24 LSB 5914SS 82

1 25 sc/nh/14



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 29, 2008

Senate File 2057 - 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 the residency of a district judge nominee.
- 2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 3 TLSB 5298XS 82
- 4 jm/rj/8



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 29, 2008

Senate File 2057 - Introduced continued

PAG LIN

1 1 Section 1. Section 46.14, subsection 1, Code 2007, is
1 2 amended to read as follows:
1 3 1. Each judicial nominating commission shall carefully
1 4 consider the individuals available for judge, and within sixty
1 5 days after receiving notice of a vacancy shall certify to the
1 6 governor and the chief justice the proper number of nominees,
1 7 in alphabetical order. Such nominees shall be chosen by the
1 8 affirmative vote of a majority of the full statutory number of
1 9 commissioners upon the basis of their qualifications and
1 10 without regard to political affiliation. Nominees shall be
1 11 members of the bar of Iowa, shall be residents of the state ~~or~~
~~1 12 district of the court to which they are nominated,~~ and shall
1 13 be of such age that they will be able to serve an initial and
1 14 one regular term of office to which they are nominated before
1 15 reaching the age of seventy-two years. Nominees for district
1 16 judge shall file a certified application form, to be provided
1 17 by the supreme court, with the chairperson of the district
1 18 judicial nominating commission. Absence of a commissioner or
1 19 vacancy upon the commission shall not invalidate a nomination.
1 20 The chairperson of the commission shall promptly certify the
1 21 names of the nominees, in alphabetical order, to the governor
1 22 and the chief justice.

1 23 EXPLANATION

1 24 This bill relates to the residency of a district judge
1 25 nominee. The bill eliminates the requirement that a nominee
1 26 for a district judgeship be a resident of the judicial
1 27 election district prior to nomination for appointment by the
1 28 district judicial nominating commission.
1 29 Under the bill and in current law, the nominee must become
1 30 a resident of the judicial election district upon appointment
1 31 by the governor in order to serve as a district judge pursuant
1 32 to Code section 602.6201, subsection 2.
1 33 LSB 5298XS 82
1 34 jm/rj/8



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 29, 2008

Senate File 2058 - Introduced

SENATE FILE
BY HATCH

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

Passed House, Date _____
Vote: Ayes _____ Nays _____

A BILL FOR

- 1 An Act providing unemployment compensation benefits to
- 2 individuals who leave employment to care for a family member
- 3 who is mentally or physically disabled.
- 4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 5 TLSB 5661SS 82
- 6 ak/rj/5



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 29, 2008

Senate File 2058 - Introduced continued

PAG LIN

1 1 Section 1. Section 96.5, subsection 1, paragraph c, Code
1 2 Supplement 2007, is amended to read as follows:
1 3 c. The individual left employment for the necessary and
1 4 sole purpose of taking care of a member of the individual's
1 5 immediate family who was then injured or ill, ~~and if after~~
~~1 6 said member of the family sufficiently recovered, the~~
~~1 7 individual immediately returned to and offered the~~
~~1 8 individual's services to the individual's employer, provided,~~
~~1 9 however, that during such period the individual did not accept~~
~~1 10 any other employment or physically or mentally disabled, and~~
1 11 whom a licensed physician certified as needing care for the
1 12 performance of daily living activities.

1 13 EXPLANATION

1 14 This bill allows an individual who leaves a job in order to
1 15 care for an immediate family member who is ill or injured or
1 16 who is mentally or physically disabled to qualify for
1 17 unemployment compensation if a licensed physician certifies
1 18 that the family member needed assistance for the performance
1 19 of daily living activities.

1 20 The bill strikes requirements that the individual returned
1 21 to the individual's employer and offered the individual's
1 22 services immediately after the family member may have
1 23 sufficiently recovered and did not accept any other employment
1 24 during this time.

1 25 LSB 5661SS 82

1 26 ak/rj/5



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 29, 2008

Senate File 2059 - Introduced

SENATE FILE
BY COMMITTEE ON STATE
GOVERNMENT

(SUCCESSOR TO SSB 3030)

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

Passed House, Date _____
Vote: Ayes _____ Nays _____

A BILL FOR

- 1 An Act relating to the administration of the department of
- 2 cultural affairs.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 5309SV 82
- 5 ak/nh/24



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 29, 2008

Senate File 2059 - Introduced continued

PAG LIN

1 1 Section 1. Section 303.2, subsection 3, paragraph b, Code
1 2 2007, is amended by striking the paragraph.

1 3 Sec. 2. Section 303.9A, subsection 1, Code 2007, is
1 4 amended to read as follows:

1 5 1. An Iowa heritage fund is created in the state treasury
1 6 to be administered by the state historical society ~~board of~~
~~1 7 trustees~~. The fund shall consist of all moneys allocated to
1 8 the fund by the treasurer of state.

1 9 Sec. 3. Sections 304A.21, 304A.22, 304A.23, 304A.24,
1 10 304A.25, 304A.26, 304A.27, 304A.28, 304A.29, and 304A.30, Code
1 11 2007, are repealed.

1 12 EXPLANATION

1 13 This bill makes the state historical society of Iowa
1 14 responsible for administering the Iowa heritage fund. The
1 15 bill also removes division III from Code chapter 304A. The
1 16 division contains an indemnification program for special
1 17 exhibit items lost or damaged while on loan to nonprofit
1 18 organizations or governmental entities in Iowa.

1 19 LSB 5309SV 82

1 20 ak/nh/24



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 29, 2008

Senate File 2060 - Introduced

SENATE FILE
BY COMMITTEE ON HUMAN
RESOURCES

(SUCCESSOR TO SSB 3053)

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

A BILL FOR

- 1 An Act relating to the practice of pharmacy, including provisions
- 2 governing tech=check=tech programs and specifying applicable
- 3 penalty provisions.
- 4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 5 TLSB 5359SV 82
- 6 jr/nh/14



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 29, 2008

Senate File 2060 - Introduced continued

PAG LIN

1 1 Section 1. Section 147.107, subsection 2, paragraph a,
1 2 Code Supplement 2007, is amended to read as follows:
1 3 a. A pharmacist, physician, dentist, or podiatric
1 4 physician who dispenses prescription drugs, including but not
1 5 limited to controlled substances, for human use, may delegate
1 6 nonjudgmental dispensing functions to staff assistants only
1 7 when verification of the accuracy and completeness of the
1 8 ~~prescription dispensing~~ is determined by the pharmacist or
1 9 practitioner in the pharmacist's or practitioner's physical
1 10 presence. However, the physical presence requirement does not
1 11 apply when a pharmacist or practitioner is utilizing an
1 12 automated dispensing system or when a pharmacist is utilizing
1 13 a tech=check=tech program, as defined in section 155A.3. When
1 14 using an automated dispensing system the pharmacist or
1 15 practitioner shall utilize an internal quality control
1 16 assurance plan that ensures accuracy for dispensing. When
1 17 using a tech=check=tech program the pharmacist shall utilize
1 18 an internal quality control assurance plan, in accordance with
1 19 rules adopted by the board of pharmacy that ensures accuracy
1 20 for dispensing. Verification of automated dispensing and
1 21 tech=check=tech accuracy and completeness remains the
1 22 responsibility of the pharmacist or practitioner and shall be
1 23 determined in accordance with rules adopted by the board of
1 24 pharmacy, the board of medicine, the dental board, and the
1 25 board of podiatry for their respective licensees.
1 26 Sec. 2. Section 155A.3, Code Supplement 2007, is amended
1 27 by adding the following new subsection:
1 28 NEW SUBSECTION. 39A. "Tech=check=tech program" means a
1 29 program formally established by a pharmacist in charge of a
1 30 pharmacy who has determined that one or more registered
1 31 pharmacy technicians are qualified to safely check the work of
1 32 other registered pharmacy technicians and thereby provide
1 33 final verification for drugs which are dispensed for
1 34 subsequent administration to patients in an institutional
1 35 setting.



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 29, 2008

Senate File 2060 - Introduced continued

2 1 Sec. 3. Section 155A.6A, subsection 4, Code Supplement
2 2 2007, is amended to read as follows:
2 3 4. The board shall adopt rules in accordance with chapter
2 4 17A on matters pertaining to pharmacy technician registration,
2 5 application, forms, renewals, fees, termination of
2 6 registration, tech=check=tech programs, national
2 7 certification, training, and any other relevant matters.
2 8 Sec. 4. Section 155A.24, subsection 1, paragraph a, Code
2 9 Supplement 2007, is amended to read as follows:
2 10 a. If the prescription drug is a controlled substance, the
2 11 person shall be punished pursuant to section 124.401,
2 12 subsection 1, and other provisions of chapter 124, division
2 13 IV.
2 14 Sec. 5. Section 155A.33, Code 2007, is amended to read as
2 15 follows:
2 16 155A.33 DELEGATION OF TECHNICAL FUNCTIONS ~~== AUTOMATED~~
2 17 ~~DISPENSING SYSTEMS.~~
2 18 A pharmacist may delegate technical dispensing functions to
2 19 pharmacy technicians, but only if the pharmacist is physically
2 20 present to verify the accuracy and completeness of the
2 21 patient's prescription prior to the delivery of the
2 22 prescription to the patient or the patient's representative.
2 23 However, the physical presence requirement does not apply when
2 24 a pharmacist is utilizing an automated dispensing system or a
2 25 tech=check=tech program. When using an automated dispensing
2 26 system or a tech=check=tech program, the pharmacist shall
2 27 utilize an internal quality control assurance plan that
2 28 ensures accuracy for dispensing. Verification of automated
2 29 dispensing and tech=check=tech accuracy and completeness
2 30 remains the responsibility of the pharmacist and shall be
2 31 determined in accordance with rules adopted by the board.
2 32 Sec. 6. Section 155A.34, Code 2007, is amended to read as
2 33 follows:
2 34 155A.34 TRANSFER OF PRESCRIPTIONS.
2 35 A pharmacist or a pharmacist=intern may transfer a valid



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 29, 2008

Senate File 2060 - Introduced continued

3 1 prescription order to another pharmacist or a
3 2 pharmacist=intern pursuant to rules adopted by the board.

3 3 EXPLANATION

3 4 This bill relates to the practice of pharmacy by defining a
3 5 tech=check=tech program, directing the board of pharmacy to
3 6 adopt rules relating to tech=check=tech programs, and
3 7 authorizing pharmacists to implement tech=check=tech programs
3 8 pursuant to those rules. A pharmacist is responsible for the
3 9 accuracy and completeness of dispensing activities completed
3 10 as part of a tech=check=tech program.

3 11 The bill amends the penalty provisions in Code chapter 155A
3 12 relating to controlled substances by specifying the applicable
3 13 penalty provisions of the Iowa controlled substances Act, Code
3 14 chapter 124.

3 15 The bill also authorizes a pharmacist=intern to transfer
3 16 and to receive the transfer of a prescription order from a
3 17 pharmacist or a pharmacist=intern.

3 18 LSB 5359SV 82

3 19 jr/nh/14



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 29, 2008

Senate File 2061 - Introduced

SENATE FILE
BY COMMITTEE ON HUMAN
RESOURCES

(SUCCESSOR TO SSB 3054)

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

Passed House, Date _____
Vote: Ayes _____ Nays _____

A BILL FOR

- 1 An Act relating to controlled substance schedules and the
- 2 reporting requirements to the board of pharmacy and making
- 3 penalties applicable.
- 4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 5 TLSB 5349SV 82
- 6 jm/nh/14



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 29, 2008**

Senate File 2061 - Introduced continued

PAG LIN

1 1 Section 1. Section 124.206, subsection 2, paragraph a,
1 2 Code Supplement 2007, is amended by adding the following new
1 3 subparagraph:

1 4 NEW SUBPARAGRAPH. (18) Oripavine.

1 5 Sec. 2. Section 124.206, subsection 4, Code Supplement
1 6 2007, is amended by adding the following new paragraph:

1 7 NEW PARAGRAPH. e. Lisdexamfetamine, its salts, isomers,
1 8 and salts of its isomers.

1 9 Sec. 3. Section 124.208, subsection 3, Code Supplement
1 10 2007, is amended by adding the following new paragraph:

1 11 NEW PARAGRAPH. n. Embutramide.

1 12 Sec. 4. Section 124.208, subsection 9, Code Supplement
1 13 2007, is amended to read as follows:

1 14 9. HALLUCINOGENIC SUBSTANCES.

1 15 a. Dronabinol (~~synthetic~~) in sesame oil and encapsulated
1 16 in a soft gelatin capsule in a drug product approved for
1 17 marketing by the United States food and drug administration
1 18 approved product.

1 19 b. Any drug product in tablet or capsule form containing
1 20 natural dronabinol (derived from the cannabis plant) or
1 21 synthetic dronabinol (produced from synthetic materials) for
1 22 which an abbreviated new drug application (ANDA) has been
1 23 approved by the United States food and drug administration
1 24 under section 505(j) of the Federal Food, Drug, and Cosmetic
1 25 Act and which references as its listed drug the drug product
1 26 identified in paragraph "a".

1 27 c. Some other names for dronabinol: (6aR=trans)=6a, 7, 8,
1 28 10a=tetrahydro=6, 6, 9=trimethyl=3=pentyl=6H=dibenzo [b,d]
1 29 pyran=1=ol, or (=)=delta=9=(trans)=tetrahydrocannabinol.

1 30 Sec. 5. Section 124B.2, subsection 1, paragraphs j and l,
1 31 Code 2007, are amended by striking the paragraphs.

1 32 EXPLANATION

1 33 This bill relates to controlled substance schedules and the
1 34 requirements for reporting to the board of pharmacy.

1 35 The bill adds the substance "oripavine" to the list of



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 29, 2008**

Senate File 2061 - Introduced continued

2 1 schedule II controlled substances.

2 2 The bill also adds the substance "lisdexamfetamine", its
2 3 salts, isomers, and salts of its isomers to the list of
2 4 stimulants classified as schedule II controlled substances.

2 5 A schedule II controlled substance is a substance
2 6 appropriate for medical use but has a high potential for
2 7 abuse.

2 8 The bill adds the substance "embutramide" to the list of
2 9 depressants classified as schedule III controlled substances.

2 10 The bill makes any drug product in a tablet or capsule form
2 11 containing natural or synthetic "dronabinol" (derived from the
2 12 cannabis plant) a schedule III controlled substance. Current
2 13 law makes any product in capsule form containing synthetic
2 14 dronabinol approved by the F.D.A. a schedule III controlled
2 15 substance.

2 16 A schedule III controlled substance is a substance
2 17 appropriate for medical use but has a lower potential for
2 18 abuse than substances classified as schedule II controlled
2 19 substances.

2 20 The bill also strikes references to pseudoephedrine and
2 21 phenylpropanolamine as precursor substances which require
2 22 reporting to the board of pharmacy under Code chapter 124B.
2 23 Under the bill and in current law, pseudoephedrine and
2 24 phenylpropanolamine are regulated as schedule V controlled
2 25 substances pursuant to Code section 124.212.

2 26 The scheduling amendments in the bill conform with
2 27 scheduling actions of the federal Drug Enforcement Agency
2 28 (DEA).

2 29 The bill makes it a class "C" felony pursuant to Code
2 30 section 124.401, subsection 1, paragraph "c", subparagraph
2 31 (8), for any unauthorized person to manufacture, deliver, or
2 32 possess with the intent to manufacture or deliver, oripavine,
2 33 lisdexamfetamine, or embutramide, including its counterfeit or
2 34 simulated form, or to act with, enter into a common scheme or
2 35 design with, or conspire with one or more persons to



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 29, 2008

Senate File 2061 - Introduced continued

3 1 manufacture, deliver, or possess with the intent to
3 2 manufacture or deliver oripavine, lisdexamfetamine, or
3 3 embutramide.
3 4 The bill also makes it a serious misdemeanor pursuant to
3 5 Code section 124.401, subsection 5, for any unauthorized
3 6 person to possess oripavine, lisdexamfetamine, or embutramide.
3 7 A class "C" felony is punishable by confinement for no more
3 8 than 10 years and a fine of at least \$1,000 but not more than
3 9 \$50,000 pursuant to Code section 124.401(1)(c). A serious
3 10 misdemeanor is punishable by confinement for no more than one
3 11 year and a fine of at least \$315 but not more than \$1,875.
3 12 LSB 5349SV 82
3 13 jm/nh/14



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 29, 2008

Senate File 2062 - Introduced

SENATE FILE
BY LUNDBY

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

Passed House, Date _____
Vote: Ayes _____ Nays _____

A BILL FOR

- 1 An Act concerning persons voluntarily excluded from gambling
- 2 facilities.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 5759SS 82
- 5 ec/nh/5



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 29, 2008**

Senate File 2062 - Introduced continued

PAG LIN

1 1 Section 1. Section 99D.7, Code 2007, is amended by adding
1 2 the following new subsection:

1 3 NEW SUBSECTION. 22A. To establish a process by which a
1 4 person who has been voluntarily excluded for life from a
1 5 racetrack enclosure and all other licensed facilities under
1 6 this chapter and chapter 99F may apply to the commission to
1 7 revoke that exclusion for good cause shown.

1 8 Sec. 2. Section 99F.4, Code Supplement 2007, is amended by
1 9 adding the following new subsection:

1 10 NEW SUBSECTION. 22A. To establish a process by which a
1 11 person who has been voluntarily excluded for life from an
1 12 excursion gambling boat and all other licensed facilities
1 13 under this chapter and chapter 99D may apply to the commission
1 14 to revoke that exclusion for good cause shown.

1 15 EXPLANATION

1 16 This bill requires the racing and gaming commission to
1 17 establish a process by which a person who has been voluntarily
1 18 excluded for life from a gambling facility licensed under Code
1 19 chapter 99D or Code chapter 99F may apply to the commission to
1 20 revoke that exclusion for good cause shown.

1 21 LSB 5759SS 82

1 22 ec/nh/5



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 29, 2008

Senate File 2063 - Introduced

SENATE FILE
BY HOUSER

(COMPANION TO HF 2035 BY
ANDERSON)

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

A BILL FOR

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



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 29, 2008**

Senate File 2063 - Introduced continued

PAG LIN

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

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

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

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

1 15 EXPLANATION

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

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

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

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

1 31 LSB 5544SS 82

1 32 tw/rj/8



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 29, 2008

Senate File 2064 - Introduced

SENATE FILE
BY KETTERING

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

A BILL FOR

1 An Act relating to a tax credit for certain teacher expenses
2 under the individual income tax and including a retroactive
3 applicability date provision.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
5 TLSB 5990SS 82
6 mg/sc/8



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 29, 2008

Senate File 2064 - Introduced continued

PAG LIN

1 1 Section 1. NEW SECTION. 422.11V TEACHER EXPENSE CREDIT.
1 2 The taxes imposed under this division, less the credits
1 3 allowed under section 422.12, shall be reduced by a teacher
1 4 expense credit equal to the first two hundred fifty dollars of
1 5 the cost incurred to purchase supplies by the taxpayer to
1 6 assist the taxpayer in teaching at an elementary or secondary
1 7 school situated in Iowa, which school is accredited under
1 8 section 256.11. To qualify for the credit, the costs must be
1 9 nonreimbursable from any source. If the cost incurred has
1 10 been deducted in computing federal adjusted gross income, the
1 11 amount of such deduction shall be added in determining net
1 12 income under section 422.7. Any credit in excess of the tax
1 13 liability is nonrefundable.

1 14 As used in this section, "supplies" includes but is not
1 15 limited to paper supplies, bulletin boards, books, maps,
1 16 charts, computer software but not hardware, and other items
1 17 directly used by the taxpayer as a teacher. The cost incurred
1 18 to purchase supplies for which a tax credit may be received
1 19 under this section shall not be used by a school district to
1 20 supplement its costs of instructional materials.

1 21 Sec. 2. RETROACTIVE APPLICABILITY. This Act applies
1 22 retroactively to January 1, 2008, for tax years beginning on
1 23 or after that date.

1 24 EXPLANATION

1 25 This bill provides an income tax credit of up to \$250 for
1 26 teachers that incur expenses for supplies directly used by
1 27 them in teaching at accredited elementary or secondary schools
1 28 in Iowa. To qualify, the expenses must be nonreimbursable
1 29 from any source. If the expenses were deducted in computing
1 30 federal adjusted gross income, the deduction shall be added in
1 31 determining Iowa net income. These supplies include paper
1 32 supplies, bulletin boards, books, maps, charts, computer
1 33 software but not hardware, and other similar items directly
1 34 used by the taxpayer as a teacher. The cost incurred to
1 35 purchase supplies for which a tax credit may be received under



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 29, 2008**

Senate File 2064 - Introduced continued

2 1 this section shall not be used by a school district to
2 2 supplement its costs of instructional materials.
2 3 The bill applies retroactively to January 1, 2008, for tax
2 4 years beginning on or after that date.
2 5 LSB 5990SS 82
2 6 mg/sc/8



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 29, 2008

Senate File 2065 - Introduced

SENATE FILE
BY DANIELSON

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

Passed House, Date _____
Vote: Ayes _____ Nays _____

A BILL FOR

- 1 An Act relating to the industrial technology requirement under
- 2 the state's high school educational standards.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 5881SS 82
- 5 kh/rj/5



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 29, 2008

Senate File 2065 - Introduced continued

PAG LIN

1 1 Section 1. Section 256.11, subsection 5, paragraph h, Code
1 2 Supplement 2007, is amended to read as follows:

1 3 h. (1) A minimum of three sequential units in at least
1 4 four of the following six vocational service areas:
1 5 agriculture, business or office occupations, health
1 6 occupations, family and consumer sciences or home economics
1 7 occupations, industrial technology or trade and industrial
1 8 education, and marketing education. Instruction shall be
1 9 competency-based, articulated with postsecondary programs of
1 10 study, and include field, laboratory, or on-the-job training.
1 11 Each sequential unit shall include instruction in a minimum
1 12 set of competencies established by the department of education
1 13 that relate to the following: new and emerging technologies;
1 14 job-seeking, job-adaptability, and other employment,
1 15 self-employment and entrepreneurial skills that reflect
1 16 current industry standards and labor-market needs; and
1 17 reinforcement of basic academic skills. The instructional
1 18 programs shall also comply with the provisions of chapter 258
1 19 relating to vocational education. However, this paragraph
1 20 does not apply to the teaching of vocational education in
1 21 nonpublic schools.

1 22 (2) The department of education shall permit school
1 23 districts, in meeting the requirements of this section, to use
1 24 vocational core courses in more than one vocational service
1 25 area and to use multi-occupational courses to complete a
1 26 sequence in more than one vocational service area.

1 27 (3) A unit of industrial technology or trade and
1 28 industrial education with sufficient science or mathematics
1 29 coursework and activities meets one of the unit requirements
1 30 specified in paragraph "a", "d", or "e" for science or
1 31 mathematics, as applicable.

1 32 EXPLANATION

1 33 This bill provides that a unit of industrial technology or
1 34 trade and industrial education with sufficient mathematics or
1 35 science coursework and activities meets one of the unit



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 29, 2008**

Senate File 2065 - Introduced continued

2 1 requirements specified for the education program which every
2 2 school district and accredited nonpublic school must offer.
2 3 LSB 5881SS 82
2 4 kh/rj/5.1



Iowa General Assembly
 Daily Bills, Amendments & Study Bills
 January 29, 2008

Senate File 2066 - Introduced

SENATE FILE

BY BEALL, WOOD, MULDER, HECKROTH,
 SCHOENJAHN, APPEL, BOETTGER,
 QUIRMBACH, SCHMITZ, DOTZLER,
 DANIELSON, DVORSKY, HANCOCK,
 HATCH, GRONSTAL, KIBBIE,
 FRAISE, STEWART, RAGAN, McCOY,
 and BOLKCOM

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

Passed House, Date _____
 Vote: Ayes _____ Nays _____

A BILL FOR

1 An Act relating to the description of shared operational
 2 functions for which school districts receive supplementary
 3 weighting and including effective and applicability date
 4 provisions.
 5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
 6 TL5B 5596SS 82
 7 ak/sc/5



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 29, 2008

Senate File 2066 - Introduced continued

PAG LIN

1 1 Section 1. Section 257.11, subsection 6, paragraph a, Code
1 2 Supplement 2007, is amended to read as follows:
1 3 a. In order to provide additional funding to increase
1 4 student opportunities and redirect more resources to student
1 5 programming for school districts that share operational
1 6 functions, a supplementary weighting of two hundredths per
1 7 pupil shall be assigned to pupils enrolled in a district that
1 8 shares with a political subdivision one or more operational
1 9 functions in the areas of superintendent management, business
1 10 management, human resources, transportation, curriculum
1 11 management, or operation and maintenance for at least twenty
1 12 percent of the school year. The additional weighting shall be
1 13 assigned for each discrete operational function shared. For
1 14 the purposes of this section, "political subdivision" means a
1 15 city, township, county, school corporation, merged area, area
1 16 education agency, institution governed by the state board of
1 17 regents, or any other governmental subdivision.

1 18 Sec. 2. EFFECTIVE AND APPLICABILITY DATES. This Act,
1 19 being deemed of immediate importance, takes effect upon
1 20 enactment and applies to school budget years beginning on or
1 21 after July 1, 2008.

1 22 EXPLANATION

1 23 This bill adds curriculum management to the list of
1 24 operational functions that school districts may receive
1 25 supplementary weighting incentives for when they share these
1 26 operational functions with a political subdivision. The Act
1 27 takes effect upon enactment and applies to school budget years
1 28 beginning on or after July 1, 2008.

1 29 LSB 5596SS 82

1 30 ak/sc/5



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 29, 2008

Senate File 2067 - Introduced

SENATE FILE

BY BEALL, HECKROTH, SENG,
OLIVE, HATCH, DEARDEN, APPEL,
COURTNEY, KIBBIE, BLACK,
FRAISE, McCOY, CONNOLLY,
STEWART, RAGAN, and SCHMITZ

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

Passed House, Date _____
Vote: Ayes _____ Nays _____

A BILL FOR

1 An Act relating to a postsecondary tuition and mandatory fee
2 waiver for veterans attending community colleges or state
3 universities.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
5 TLSB 5704XS 82
6 kh/nh/14



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 29, 2008

Senate File 2067 - Introduced continued

PAG LIN

1 1 Section 1. Section 260C.14, subsection 2, Code 2007, is
1 2 amended to read as follows:

1 3 2. Have authority to determine tuition rates for
1 4 instruction.

1 5 a. Tuition for residents of Iowa shall not exceed the
1 6 lowest tuition rate per semester, or the equivalent, charged
1 7 by an institution of higher education under the state board of
1 8 regents for a full-time resident student. However, except for
1 9 students enrolled under chapter 261C, if a local school
1 10 district pays tuition for a resident pupil of high school age,
1 11 the limitation on tuition for residents of Iowa shall not
1 12 apply, the amount of tuition shall be determined by the board
1 13 of directors of the community college with the consent of the
1 14 local school board, and the pupil shall not be included in the
1 15 full-time equivalent enrollment of the community college for
1 16 the purpose of computing general aid to the community college.

1 17 b. Tuition for nonresidents of Iowa shall not be less than
1 18 the marginal cost of instruction of a student attending the
1 19 college.

1 20 c. A lower tuition for nonresidents may be permitted under
1 21 a reciprocal tuition agreement between a merged area and an
1 22 educational institution in another state, if the agreement is
1 23 approved by the director.

1 24 d. (1) The board shall waive tuition and mandatory fee
1 25 charges for a student who is a veteran if the student
1 26 registers for an open class and the class does not reach its
1 27 maximum enrollment capacity prior to the class enrollment
1 28 deadline. If the class is underenrolled and would be canceled
1 29 if the student was not enrolled, the community college may
1 30 cancel the class. The waiver shall apply only for the amount
1 31 of tuition and mandatory fee charges that exceeds the total
1 32 amount of any state and federal education benefits, grants, or
1 33 scholarships received by the veteran, including but not
1 34 limited to the federal Pell grant and the federal Montgomery
1 35 GI bill.



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 29, 2008**

Senate File 2067 - Introduced continued

3 1 universities to waive tuition and mandatory fee charges for a
3 2 student who is a veteran if the student registers for an open
3 3 class and the class does not reach its maximum enrollment
3 4 capacity prior to the class enrollment deadline. If the class
3 5 is underenrolled and would be canceled if the student was not
3 6 enrolled, the institution may cancel the class.

3 7 The waiver shall apply only for the amount of tuition and
3 8 mandatory fee charges that exceeds the total amount of any
3 9 state and federal education benefits, grants, or scholarships
3 10 received by the veteran, including but not limited to the
3 11 federal Pell grant and the federal Montgomery GI bill.

3 12 The bill defines "veteran" to mean a resident who is or was
3 13 a member of the national guard, reserve, or regular component
3 14 of the armed forces of the United States who has served on
3 15 active duty at any time after September 11, 2001, and, if
3 16 discharged, was discharged under honorable conditions. The
3 17 department of veterans affairs is directed to verify that the
3 18 veteran meets these requirements.

3 19 LSB 5704XS 82

3 20 kh/nh/14



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 29, 2008

Senate File 2068 - Introduced

SENATE FILE
BY CONNOLLY

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

Passed House, Date _____
Vote: Ayes _____ Nays _____

A BILL FOR

- 1 An Act providing for an exemption from the state sales tax of the
- 2 sale of daily or season ski lift passes.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 5246XS 82
- 5 mg/rj/8



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 29, 2008

Senate File 2068 - Introduced continued

PAG LIN

1 1 Section 1. Section 423.3, Code Supplement 2007, is amended
1 2 by adding the following new subsection:
1 3 NEW SUBSECTION. 93. The sales price from the sale of a
1 4 daily or season ski lift pass.
1 5 EXPLANATION
1 6 This bill exempts from the state sales tax the sale of a
1 7 daily or season ski lift ticket.
1 8 LSB 5246XS 82
1 9 mg/rj/8



Iowa General Assembly
 Daily Bills, Amendments & Study Bills
 January 29, 2008

Senate File 2069 - Introduced

SENATE FILE

BY BEALL, DANIELSON, DOTZLER,
 HECKROTH, DVORSKY, WARNSTADT,
 HORN, SENG, HATCH, DEARDEN,
 QUIIRMBACH, APPEL, COURTNEY,
 KIBBIE, FRAISE, BLACK, McCOY,
 CONNOLLY, STEWART, RAGAN,
 and SCHMITZ

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

Passed House, Date _____
 Vote: Ayes _____ Nays _____

A BILL FOR

- 1 An Act imposing a criminal penalty for violating the maximum rate
- 2 of interest provisions of the national guard civil relief law.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TL5B 5702XS 82
- 5 ec/nh/24



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 29, 2008

Senate File 2069 - Introduced continued

PAG LIN

1 1 Section 1. Section 29A.99, Code 2007, is amended by adding
1 2 the following new subsection:

1 3 NEW SUBSECTION. 5. A person who knowingly violates this
1 4 section commits a simple misdemeanor.

1 5 EXPLANATION

1 6 This bill provides that a person who knowingly violates the
1 7 provisions of Code section 29A.99, the Iowa national guard
1 8 civil relief law concerning maximum rate of interest, commits
1 9 a simple misdemeanor. Code section 29A.99 provides that an
1 10 obligation of a member of the military forces of the state
1 11 performing military service bearing interest at a rate in
1 12 excess of 6 percent shall have that interest rate reduced to 6
1 13 percent during the service member's period of military
1 14 service.

1 15 LSB 5702XS 82

1 16 ec/nh/24



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 29, 2008

Senate File 2070 - Introduced

SENATE FILE
BY HOGG

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

A BILL FOR

1 An Act relating to renewable energy production by establishing an
2 electricity renewable energy standard, and making specified
3 tax credits applicable.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
5 TLSB 5148XS 82
6 rn/rj/5



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 29, 2008

Senate File 2070 - Introduced continued

PAG LIN

1 1 Section 1. Section 476.44, subsection 2, Code 2007, is
1 2 amended to read as follows:
1 3 2. ~~An electric utility subject to this division, except a~~
1 4 ~~utility that elects rate regulation pursuant to section~~
1 5 ~~476.1A, shall not be required to own or purchase, at any one~~
1 6 ~~time, more than its share of one hundred five megawatts of~~
1 7 ~~power from alternative energy production facilities or small~~
1 8 ~~hydro facilities at the rates established pursuant to section~~
1 9 ~~476.43. The board shall allocate the one hundred five~~
1 10 ~~megawatts based upon each utility's percentage of the total~~
1 11 ~~Iowa retail peak demand, for the year beginning January 1,~~
1 12 ~~1990, of all utilities subject to this section. If a utility~~
1 13 ~~undergoes reorganization as defined in section 476.76, the~~
1 14 ~~board shall combine the allocated purchases of power for each~~
1 15 ~~utility involved in the reorganization.~~
1 16 Notwithstanding the one hundred five megawatt maximum, the
1 17 board may increase the amount of power that a utility is
1 18 required to own or purchase at the rates established pursuant
1 19 to section 476.43 if the board finds that a utility, including
1 20 a reorganized utility, exceeds its 1990 Iowa retail peak
1 21 demand by twenty percent and the additional power the utility
1 22 is required to purchase will encourage the development of
1 23 alternate energy production facilities and small hydro
1 24 facilities. The increase shall not exceed the utility's
1 25 increase in peak demand multiplied by the ratio of the
1 26 utility's share of the one hundred five megawatt maximum to
1 27 its 1990 Iowa retail peak demand.
1 28 a. An electric utility shall produce or purchase at least
1 29 the following percentages of its total annual Iowa retail
1 30 electric sales from alternate energy production facilities or
1 31 small hydro facilities:
1 32 (1) By December 31, 2014, fourteen percent.
1 33 (2) By December 31, 2020, twenty percent.
1 34 (3) By December 31, 2025, twenty-five percent.
1 35 b. Amounts produced or purchased in excess of the required



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 29, 2008

Senate File 2070 - Introduced continued

2 1 percentages in paragraph "a" may be sold or exchanged between
2 2 electric utilities for purposes of satisfying the
2 3 requirements, subject to procedures as determined by the board
2 4 by rule.

2 5 c. Of the total amounts of electricity to be produced or
2 6 purchased from alternate energy production facilities or small
2 7 hydro facilities required by paragraph "a", designated amounts
2 8 of electricity shall be derived from specified alternative and
2 9 renewable energy sources, as follows:

2 10 (1) Three hundred fifty megawatts shall be produced or
2 11 purchased from community-owned renewable energy projects,
2 12 pursuant to definition and criteria to be determined by the
2 13 board by rule, by 2014. The amount required to be produced or
2 14 purchased from community-owned renewable energy projects shall
2 15 increase to five hundred megawatts by 2020, and to six hundred
2 16 twenty-five megawatts by 2025, and be maintained each year
2 17 thereafter.

2 18 (2) Eighty megawatts shall be produced or purchased from a
2 19 sustainable, closed-loop biomass conversion facility, as
2 20 defined in section 476C.1, by 2014, and maintained each year
2 21 thereafter.

2 22 (3) Twenty megawatts shall be produced or purchased from a
2 23 methane gas recovery facility, as defined in section 476C.1,
2 24 by 2014, and maintained each year thereafter.

2 25 (4) Five megawatts shall be produced or purchased from a
2 26 solar energy conversion facility, as defined in section
2 27 476C.1, by 2014, and maintained each year thereafter. An
2 28 electric utility which maintains a solar energy utilization
2 29 project with which the electric utility is involved on July 1,
2 30 2008, may allocate megawatts derived therefrom in satisfying
2 31 this requirement.

2 32 d. Projects originated or utilized for the purpose of
2 33 meeting the requirements of paragraph "c", subparagraphs (2)
2 34 through (4), shall be eligible for the renewable energy tax
2 35 credit pursuant to chapter 476C, and the maximum capacity



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 29, 2008

Senate File 2070 - Introduced continued

3 1 restrictions of section 476C.3, subsection 4, shall not be
3 2 applicable to a facility determined to be eligible pursuant to
3 3 that section and supplying electricity produced or purchased
3 4 by a utility in satisfaction of the alternative and renewable
3 5 energy percentage purchase requirements of this section.

3 6 Sec. 2. Section 476C.3, subsection 4, Code 2007, is
3 7 amended to read as follows:

3 8 4. a. The maximum amount of nameplate generating capacity
3 9 of all wind energy conversion facilities the board may find
3 10 eligible under this chapter shall not exceed one hundred
3 11 eighty megawatts of nameplate generating capacity. The
3 12 maximum amount of energy production capacity equivalent of all
3 13 other facilities the board may find eligible under this
3 14 chapter shall not exceed a combined output of twenty megawatts
3 15 of nameplate generating capacity and one hundred sixty-seven
3 16 billion British thermal units of heat for a commercial
3 17 purpose. Of the maximum amount of energy production capacity
3 18 equivalent of all other facilities found eligible under this
3 19 chapter, fifty-five billion British thermal units of heat for
3 20 a commercial purpose shall be reserved for an eligible
3 21 facility that is a refuse conversion facility for processed,
3 22 engineered fuel from a multicounty solid waste management
3 23 planning area. The maximum amount of energy production
3 24 capacity the board may find eligible for a single refuse
3 25 conversion facility is fifty-five billion British thermal
3 26 units of heat for a commercial purpose.

3 27 b. The maximum amount of energy production capacity
3 28 limitations specified in paragraph "a" shall not be applicable
3 29 to an eligible facility supplying electricity produced or
3 30 purchased in satisfaction of the alternative and renewable
3 31 energy percentage purchase requirements contained in section
3 32 476.44, subsection 2.

3 33 EXPLANATION

3 34 This bill relates to alternative and renewable energy
3 35 production.



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 29, 2008**

Senate File 2070 - Introduced continued

4 1 The bill requires electric utilities to produce or purchase
4 2 increasing percentages of their total annual Iowa retail
4 3 electric sales from alternative energy production facilities
4 4 or small hydro facilities, as defined in Code section 476.42,
4 5 by specified dates, and provides that amounts produced or
4 6 purchased in excess of the percentage requirements may be sold
4 7 or exchanged between utilities pursuant to procedures
4 8 determined by the Iowa utilities board by rule.

4 9 The bill provides that out of the production or purchase
4 10 requirements, designated amounts of electricity shall be
4 11 derived from specified sources of alternative and renewable
4 12 energy sources. Specifically, 350 megawatts are required to
4 13 be produced or purchased from community-owned renewable energy
4 14 projects, pursuant to a definition of such projects and
4 15 criteria relating to them as determined by the board by rule,
4 16 by 2014, and increased to 500 megawatts by 2020 and 625
4 17 megawatts by 2025 and maintained each year thereafter.
4 18 Additionally, 80 megawatts must be produced or purchased from
4 19 a sustainable, closed-loop biomass conversion facility by 2014
4 20 and maintained each year thereafter; 20 megawatts must be
4 21 produced or purchased from a methane gas recovery facility by
4 22 2014 and maintained each year thereafter; and 5 megawatts must
4 23 be produced or purchased from a solar energy conversion
4 24 facility and maintained each year thereafter. The bill
4 25 references Code section 476C relating to alternative and
4 26 renewable energy tax credits regarding a definition of biomass
4 27 conversion facility, methane gas recovery facility, and solar
4 28 energy conversion facility, and provides with reference to
4 29 solar energy that utilities which maintain current solar
4 30 energy utilization projects may allocate megawatts derived
4 31 from them in satisfying the 5 megawatt requirement.

4 32 The bill provides that biomass, methane, or solar projects
4 33 which are originated or utilized to meet the percentage and
4 34 megawatt requirements shall be eligible for the renewable
4 35 energy tax credits pursuant to Code chapter 476C without



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 29, 2008**

Senate File 2070 - Introduced continued

5 1 application of statutory maximum capacity restrictions.
5 2 LSB 5148XS 82
5 3 rn/rj/5.1



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 29, 2008

Senate File 2071 - Introduced

SENATE FILE

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

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 specifying an
- 2 electricity renewable energy standard.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 6035SS 82
- 5 rn/rj/5



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 29, 2008

Senate File 2071 - Introduced continued

PAG LIN

1 1 Section 1. Section 476.44, subsection 2, Code 2007, is
1 2 amended to read as follows:
1 3 2. ~~An electric utility subject to this division, except a~~
~~1 4 utility that elects rate regulation pursuant to section~~
~~1 5 476.1A, shall not be required to own or purchase, at any one~~
~~1 6 time, more than its share of one hundred five megawatts of~~
~~1 7 power from alternative energy production facilities or small~~
~~1 8 hydro facilities at the rates established pursuant to section~~
~~1 9 476.43. The board shall allocate the one hundred five~~
~~1 10 megawatts based upon each utility's percentage of the total~~
~~1 11 Iowa retail peak demand, for the year beginning January 1,~~
~~1 12 1990, of all utilities subject to this section. If a utility~~
~~1 13 undergoes reorganization as defined in section 476.76, the~~
~~1 14 board shall combine the allocated purchases of power for each~~
~~1 15 utility involved in the reorganization.~~
1 16 Notwithstanding the one hundred five megawatt maximum, the
~~1 17 board may increase the amount of power that a utility is~~
~~1 18 required to own or purchase at the rates established pursuant~~
~~1 19 to section 476.43 if the board finds that a utility, including~~
~~1 20 a reorganized utility, exceeds its 1990 Iowa retail peak~~
~~1 21 demand by twenty percent and the additional power the utility~~
~~1 22 is required to purchase will encourage the development of~~
~~1 23 alternate energy production facilities and small hydro~~
~~1 24 facilities. The increase shall not exceed the utility's~~
~~1 25 increase in peak demand multiplied by the ratio of the~~
~~1 26 utility's share of the one hundred five megawatt maximum to~~
~~1 27 its 1990 Iowa retail peak demand. An electric utility shall~~
1 28 produce or purchase at least the following percentages of its
1 29 total annual Iowa retail electric sales from alternate energy
1 30 production facilities or small hydro facilities:
1 31 a. By December 31, 2014, fourteen percent.
1 32 b. By December 31, 2020, twenty percent.
1 33 c. By December 31, 2025, twenty-five percent.
1 34 EXPLANATION
1 35 This bill relates to alternative and renewable energy



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 29, 2008**

Senate File 2071 - Introduced continued

2 1 production. The bill requires electric utilities to produce
2 2 or purchase increasing percentages of their total annual Iowa
2 3 retail electric sales from alternative energy production
2 4 facilities or small hydro facilities, as defined in Code
2 5 section 476.42, by specified dates.
2 6 LSB 6035SS 82
2 7 rn/rj/5



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 29, 2008

Senate File 2072 - Introduced

SENATE FILE

BY WARNSTADT, BEALL, HANCOCK,
HECKROTH, RAGAN, OLIVE,
SCHOENJAHN, STEWART, HOGG,
APPEL, COURTNEY, DOTZLER,
MULDER, SEYMOUR, QUIRMBACH,
and GASKILL

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

Passed House, Date _____
Vote: Ayes _____ Nays _____

A BILL FOR

- 1 An Act relating to modification of a child custody order during
- 2 the time a parent is serving active military duty.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 5079XS 82
- 5 pf/rj/5



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 29, 2008

Senate File 2072 - Introduced continued

PAG LIN

1 1 Section 1. NEW SECTION. 598.41C MODIFICATION OF CHILD
1 2 CUSTODY == ACTIVE MILITARY DUTY.
1 3 If an application for modification of a decree or a
1 4 petition for modification of an order regarding child custody
1 5 is filed during the time a parent is serving active duty in
1 6 the military service of this state or of the United States,
1 7 the court may only enter an order temporarily modifying the
1 8 existing child custody order if there is clear and convincing
1 9 evidence that the modification is in the best interest of the
1 10 child. Upon the parent's completion of active duty, the court
1 11 shall reinstate the custody order that was in effect
1 12 immediately preceding the period of active duty. If an
1 13 application for modification of a decree or a petition for
1 14 modification of an order is filed after a parent completes
1 15 active duty, the parent's absence due to active duty does not
1 16 constitute a substantive change in circumstances, and the
1 17 court shall not consider a parent's absence due to that active
1 18 duty in making a determination regarding the best interest of
1 19 the child.

1 20 EXPLANATION

1 21 This bill relates to modification of a child custody order
1 22 under circumstances in which a parent is serving active duty
1 23 in the military service of the state or of the United States.
1 24 The bill provides that if an application for modification of a
1 25 decree or a petition for modification of an order regarding
1 26 child custody is filed during the time a parent is serving
1 27 active duty in the military service of this state or of the
1 28 United States, the court may only enter an order temporarily
1 29 modifying the existing child custody order if there is clear
1 30 and convincing evidence that the modification is in the best
1 31 interest of the child. Once the parent returns from active
1 32 duty, the court is directed to reinstate the custody order
1 33 that was in effect immediately preceding the period of active
1 34 duty. Additionally, if an application for modification of
1 35 child custody is filed after a parent returns from active



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 29, 2008**

Senate File 2072 - Introduced continued

2 1 duty, the bill provides that the parent's absence due to the
2 2 active duty does not constitute a substantive change in
2 3 circumstances and the court shall not consider a parent's
2 4 absence due to that active duty in the determination of the
2 5 best interest of the child.
2 6 LSB 5079XS 82
2 7 pf/rj/5



Iowa General Assembly
 Daily Bills, Amendments & Study Bills
 January 29, 2008

Senate File 2073 - Introduced

SENATE FILE

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

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

Passed House, Date _____
 Vote: Ayes _____ Nays _____

A BILL FOR

1 An Act relating to the senior living trust fund and providing for
 2 appropriation of moneys in the fund.
 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
 4 TLSB 5994SS 82
 5 pf/sc/5



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 29, 2008

Senate File 2073 - Introduced continued

PAG LIN

1 1 Section 1. Section 249H.2, subsection 1, paragraph f, Code
1 2 2007, is amended to read as follows:

1 3 f. ~~Grants are necessary to cover the expenditures related~~
1 4 ~~to the development of alternative health care services.~~

1 5 Development of these long-term care alternatives will improve
1 6 access to and delivery of long-term care services to
1 7 underserved individuals or in underserved areas, which will in
1 8 turn contain or reduce the cost and improve the quality of
1 9 health care services.

1 10 Sec. 2. Section 249H.3, subsection 3, Code 2007, is
1 11 amended by striking the subsection.

1 12 Sec. 3. Section 249H.5, subsection 1, Code 2007, is
1 13 amended to read as follows:

1 14 1. Moneys deposited in the senior living trust fund
1 15 created in section 249H.4 shall be used only as provided in
1 16 appropriations from the trust fund to the department of human
1 17 services and the department of elder affairs, and for
1 18 purposes, ~~including the awarding of grants,~~ as specified in
1 19 this chapter.

1 20 Sec. 4. Section 249H.5, subsection 2, Code 2007, is
1 21 amended by striking the subsection and inserting in lieu
1 22 thereof the following:

1 23 2. Moneys in the trust fund are allocated, subject to
1 24 their appropriation by the general assembly, as follows:

1 25 a. To the department of elder affairs, an amount
1 26 necessary, annually, for expenses incurred in implementation
1 27 and administration of the long-term care alternatives programs
1 28 and for delivery of long-term care services to seniors with
1 29 low or moderate incomes.

1 30 b. To the department of human services, an amount
1 31 necessary, annually, for expenses incurred in administration
1 32 of and service delivery through medical assistance home and
1 33 community-based services waivers and the PACE program.

1 34 Sec. 5. Section 249H.5, subsection 3, Code 2007, is
1 35 amended to read as follows:



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 29, 2008

Senate File 2073 - Introduced continued

2 1 3. a. Any funds remaining after disbursement of moneys
2 2 under subsection 2 shall be invested with the interest earned
2 3 to be available in subsequent fiscal years for the purposes
2 4 provided in subsection 2, ~~paragraph "b", and subsection 2,~~
~~2 5 paragraph "c", subparagraphs (1) and (2).~~
2 6 b. Moneys in the fund shall not be appropriated for
2 7 purposes other than those specified in subsection 2, and shall
2 8 not be appropriated in amounts that reduce the fund balance
2 9 below two hundred million dollars.

2 10 EXPLANATION

2 11 This bill provides for the use of moneys in the senior
2 12 living trust fund. The bill limits the purposes for which the
2 13 moneys in the fund may be appropriated to the implementation
2 14 and administration of the long-term care alternatives
2 15 programs, the delivery of long-term care services to seniors
2 16 with low or moderate incomes, and the administration and
2 17 delivery of services through medical assistance home and
2 18 community-based services waivers and the program of
2 19 all-inclusive care for the elderly program.

2 20 The bill also provides that moneys in the fund are not to
2 21 be appropriated for purposes other than those specified and
2 22 not in amounts that reduce the fund balance below \$200
2 23 million.

2 24 LSB 5994SS 82

2 25 pf/sc/5



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 29, 2008

Senate File 2074 - Introduced

SENATE FILE
BY COMMITTEE ON HUMAN
RESOURCES

(SUCCESSOR TO SSB 3051)

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

Passed House, Date _____
Vote: Ayes _____ Nays _____

A BILL FOR

- 1 An Act relating to the advanced practice registered nurse
- 2 licensure compact and providing an effective date.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 5173SV 82
- 5 jr/rj/5



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 29, 2008

Senate File 2074 - Introduced continued

PAG LIN

1 1 Section 1. Section 147.2, unnumbered paragraph 2, Code
1 2 Supplement 2007, is amended to read as follows:
1 3 For purposes of this section, a person who is licensed in
1 4 another state and recognized for licensure in this state
1 5 pursuant to the nurse licensure compact contained in section
1 6 152E.1 or pursuant to the advanced practice registered nurse
1 7 compact contained in section 152E.3 shall be considered to
1 8 have obtained a license to practice nursing ~~from the~~
~~1 9 department.~~

1 10 Sec. 2. 2005 Iowa Acts, chapter 53, section 11, is
1 11 repealed.

1 12 Sec. 3. 2006 Iowa Acts, chapter 1010, section 176, is
1 13 repealed.

1 14 Sec. 4. 2006 Iowa Acts, chapter 1030, section 88, is
1 15 repealed.

1 16 Sec. 5. EFFECTIVE DATE. This Act, being deemed of
1 17 immediate importance, takes effect upon enactment.

1 18 EXPLANATION

1 19 This bill repeals the July 1, 2008, sunset of the advanced
1 20 practice registered nurse compact. That compact allows
1 21 advanced practice registered nurses to hold a license in the
1 22 state of residency and practice in other compact states
1 23 subject to each state's practice law and regulation. The bill
1 24 takes effect upon enactment.

1 25 LSB 5173SV 82

1 26 jr/rj/5



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 29, 2008

Senate Study Bill 3097

SENATE FILE
BY (PROPOSED COMMITTEE ON
EDUCATION BILL BY
CHAIRPERSON SCHOENJAHN)

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

Passed House, Date _____
Vote: Ayes _____ Nays _____

A BILL FOR

1 An Act concerning state and local measures for preparing a
2 student for a career or for postsecondary education, including
3 a statewide core curriculum for school districts and
4 accredited nonpublic schools and a state-designated career
5 information and decision-making system.
6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
7 TLSB 6127XC 82
8 kh/nh/5



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 29, 2008

Senate Study Bill 3097 continued

PAG LIN

1 1 Section 1. Section 256.7, subsections 26 and 28, Code
1 2 Supplement 2007, are amended to read as follows:
1 3 26. Adopt rules that establish a ~~voluntary model~~ core
1 4 curriculum and requiring, beginning with the students in the
1 5 2010==2011 school year graduating class, high school
1 6 graduation requirements for all students in school districts
1 7 and accredited nonpublic schools that include at a minimum
1 8 satisfactory completion of four years of English and language
1 9 arts, three years of mathematics, three years of science, and
1 10 three years of social studies. The ~~voluntary model~~ core
1 11 curriculum adopted shall address the core content standards in
1 12 subsection 28 and the skills and knowledge students need to be
1 13 successful in the twenty=first century. The ~~voluntary model~~
1 14 core curriculum shall include social studies and twenty=first
1 15 century learning skills which include but are not limited to
1 16 civic literacy, health literacy, technology literacy,
1 17 financial literacy, and employability skills; and shall
1 18 address the curricular needs of students in kindergarten
1 19 through grade twelve in those areas. School districts and
1 20 accredited nonpublic schools shall adopt the core curriculum
1 21 developed for grades nine through twelve pursuant to this
1 22 section prior to the school year beginning July 1, 2010. The
1 23 state board shall adopt rules establishing a core curriculum
1 24 for kindergarten through grade eight, and school districts and
1 25 accredited nonpublic schools shall adopt the core curriculum
1 26 established by the state board prior to the 2014=2015 school
1 27 year. The state board shall continue the inclusive process
1 28 begun during the initial development of a ~~voluntary model~~ core
1 29 curriculum for grades nine through twelve including
1 30 stakeholder involvement, including but not limited to
1 31 representatives from the private sector and the business
1 32 community, and alignment of the ~~voluntary model~~ core
1 33 curriculum to other recognized sets of national and
1 34 international standards. The state board shall also recommend
1 35 quality assessments to school districts and accredited



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 29, 2008

Senate Study Bill 3097 continued

2 1 nonpublic schools to measure the ~~voluntary model~~ core
2 2 curriculum.
2 3 28. Adopt a set of core content standards applicable to
2 4 all students in kindergarten through grade twelve in every
2 5 school district and accredited nonpublic school. For purposes
2 6 of this subsection, "core content standards" includes reading,
2 7 mathematics, and science. The core content standards shall be
2 8 identical to the core content standards included in Iowa's
2 9 approved 2006 standards and assessment system under Title I of
2 10 the federal Elementary and Secondary Education Act of 1965, 20
2 11 U.S.C. } 6301 et seq., as amended by the federal No Child Left
2 12 Behind Act of 2001, Pub. L. No. 107=110. School districts and
2 13 accredited nonpublic schools shall include, at a minimum, the
2 14 core content standards adopted pursuant to this subsection in
2 15 any set of locally developed content standards. ~~School~~
~~2 16 districts and accredited nonpublic schools are strongly~~
~~2 17 encouraged to include the voluntary model core curriculum or~~
~~2 18 set higher expectations in local standards.~~ As changes in
2 19 federal law or regulation occur, the state board is authorized
2 20 to amend the core content standards as appropriate.
2 21 Sec. 2. Section 279.61, Code Supplement 2007, is amended
2 22 to read as follows:
2 23 279.61 STUDENT PLAN FOR PROGRESS TOWARD UNIVERSITY
2 24 ADMISSIONS == REPORT.
2 25 1. For the school year beginning July 1, ~~2007~~ 2008, and
2 26 each succeeding school year, the board of directors of each
2 27 school district shall cooperate with each student enrolled in
2 28 grade eight to develop for the student a core curriculum plan
2 29 to guide the student toward the goal of successfully
2 30 completing, at a minimum, the ~~voluntary model~~ core curriculum
2 31 developed by the state board of education pursuant to section
2 32 256.7, subsection 26, by the time the student graduates from
2 33 high school. The plan shall include career options and shall
2 34 identify the coursework needed in grades nine through twelve
2 35 to support the student's postsecondary education and career



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 29, 2008

Senate Study Bill 3097 continued

3 1 options. Additionally, the plan shall include a timeline for
3 2 each student to successfully complete, prior to graduation,
3 3 all components of the state-designated career information and
3 4 decision-making system administered by the department in
3 5 accordance with section 118 of the federal Carl D. Perkins
3 6 Career and Technical Education Improvement Act of 2006, Pub.
3 7 L. No. 109=270. The student's parent or guardian shall sign
3 8 the core curriculum plan developed with the student and the
3 9 signed plan shall be included in the student's cumulative
3 10 records.

3 11 2. For the school year beginning July 1, ~~2007~~ 2008, and
3 12 each succeeding school year, the board of directors of each
3 13 school district shall report annually to each student enrolled
3 14 in grades nine through twelve in the school district, and, if
3 15 the student is under the age of eighteen, to each student's
3 16 parent or guardian, the student's progress toward meeting the
3 17 goal of successfully completing the core curriculum and high
3 18 school graduation requirements adopted by the state board of
3 19 education pursuant to section 256.7, subsection 26.

3 20 Sec. 3. DEPARTMENT OF EDUCATION == CORE CURRICULUM STUDY.
3 21 The department of education shall conduct a study of the
3 22 measures necessary for the successful adoption by the state's
3 23 school districts and accredited nonpublic schools of core
3 24 curriculums and core content standards established by rule
3 25 pursuant to section 256.7, subsections 26 and 28. The
3 26 department shall submit its findings and recommendations,
3 27 including recommendations for statutory and administrative
3 28 rule changes necessary, to the general assembly by November
3 29 14, 2008.

3 30 Sec. 4. STATE MANDATE FUNDING SPECIFIED. In accordance
3 31 with section 25B.2, subsection 3, the state cost of requiring
3 32 compliance with any state mandate included in this Act shall
3 33 be paid by a school district from state school foundation aid
3 34 received by the school district under section 257.16. This
3 35 specification of the payment of the state cost shall be deemed



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 29, 2008**

Senate Study Bill 3097 continued

4 1 to meet all of the state funding-related requirements of
4 2 section 25B.2, subsection 3, and no additional state funding
4 3 shall be necessary for the full implementation of this Act by
4 4 and enforcement of this Act against all affected school
4 5 districts.

4 6 EXPLANATION

4 7 This bill requires the state board of education to adopt
4 8 rules establishing a core curriculum which school districts
4 9 and accredited nonpublic schools must adopt before the start
4 10 of the 2010=2011 school year for grades nine through 12 and
4 11 before the start of the 2014=2015 school year for kindergarten
4 12 through grade eight. The bill also requires a timeline for
4 13 successful completion of core curriculum plans for students
4 14 and provides for a core curriculum study by the department of
4 15 education.

4 16 The bill requires that the individual core curriculum plans
4 17 school districts must develop to guide each student toward the
4 18 goal of successfully completing the core curriculum by the
4 19 time the student graduates must include a timeline for the
4 20 successful completion of all components of the
4 21 state-designated career information and decision-making system
4 22 the state maintains under a federal Carl D. Perkins Career and
4 23 Technical Education Improvement Act of 2006 grant.

4 24 The department is directed to conduct a study of the
4 25 measures necessary for the successful adoption by the state's
4 26 school districts and accredited nonpublic schools of core
4 27 curriculums and core content standards established by the
4 28 state board. The department must submit its findings and
4 29 recommendations to the general assembly by November 14, 2008.

4 30 The bill eliminates references to a voluntary model core
4 31 curriculum.

4 32 The bill may include a state mandate as defined in Code
4 33 section 25B.3. The bill requires that the state cost of any
4 34 state mandate included in the bill be paid by a school
4 35 district from state school foundation aid received by the



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 29, 2008**

Senate Study Bill 3097 continued

5 1 school district under Code section 257.16. The specification
5 2 is deemed to constitute state compliance with any state
5 3 mandate funding-related requirements of Code section 25B.2.
5 4 The inclusion of this specification is intended to reinstate
5 5 the requirement of political subdivisions to comply with any
5 6 state mandates included in the bill.
5 7 LSB 6127XC 82
5 8 kh/nh/5



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 29, 2008

Senate Study Bill 3098

SENATE FILE
BY (PROPOSED COMMITTEE ON
HUMAN RESOURCES BILL BY
CHAIRPERSON RAGAN)

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

Passed House, Date _____
Vote: Ayes _____ Nays _____

A BILL FOR

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



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 29, 2008

Senate Study Bill 3098 continued

PAG LIN

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



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 29, 2008

Senate Study Bill 3098 continued

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

2 10 EXPLANATION

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

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

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

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

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

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



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 29, 2008**

Senate Study Bill 3098 continued

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

3 10 LSB 5776SC 82

3 11 ak/rj/24



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 29, 2008

Senate Study Bill 3099

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

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

A BILL FOR

1 An Act relating to and making transportation and other
2 infrastructure-related appropriations to the department of
3 transportation, including allocation and use of moneys from
4 the general fund of the state, the road use tax fund, and the
5 primary road fund.
6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
7 TLSB 5011XG 82
8 dea/mg/8



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 29, 2008**

Senate Study Bill 3099 continued

PAG LIN

1 1 Section 1. GENERAL FUND. There is appropriated from the
 1 2 general fund of the state to the department of transportation
 1 3 for the fiscal year beginning July 1, 2008, and ending June
 1 4 30, 2009, the following amount, or so much thereof as is
 1 5 necessary, to be used for the purpose designated:
 1 6 For deposit into the railroad revolving loan and grant fund
 1 7 created in section 327H.20A:
 1 8 \$ 2,000,000
 1 9 The moneys appropriated in this section shall be used to
 1 10 generate at least \$10,000,000 in vertical infrastructure
 1 11 capital investments.
 1 12 Sec. 2. ROAD USE TAX FUND. There is appropriated from the
 1 13 road use tax fund to the department of transportation for the
 1 14 fiscal year beginning July 1, 2008, and ending June 30, 2009,
 1 15 the following amounts, or so much thereof as is necessary, to
 1 16 be used for the purposes designated:
 1 17 1. For the payment of costs associated with the production
 1 18 of driver's licenses, as defined in section 321.1, subsection
 1 19 20A:
 1 20 \$ 3,047,000
 1 21 Notwithstanding section 8.33, unencumbered or unobligated
 1 22 funds remaining on June 30, 2009, from the appropriation made
 1 23 in this subsection shall not revert but shall remain available
 1 24 for subsequent fiscal years for the purposes specified in this
 1 25 subsection.
 1 26 2. For salaries, support, maintenance, and miscellaneous
 1 27 purposes:
 1 28 a. Operations:
 1 29 \$ 6,411,178
 1 30 b. Planning:
 1 31 \$ 490,945
 1 32 c. Motor vehicles:
 1 33 \$ 34,443,525
 1 34 3. For payments to the department of administrative
 1 35 services for utility services:



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 29, 2008**

Senate Study Bill 3099 continued

2	1	.....	\$	183,000
2	2	4. Unemployment compensation:		
2	3	.....	\$	17,000
2	4	5. For payments to the department of administrative		
2	5	services for paying workers' compensation claims under chapter		
2	6	85 on behalf of employees of the department of transportation:		
2	7	.....	\$	117,000
2	8	6. For payment to the general fund of the state for		
2	9	indirect cost recoveries:		
2	10	.....	\$	102,000
2	11	7. For reimbursement to the auditor of state for audit		
2	12	expenses as provided in section 11.5B:		
2	13	.....	\$	64,082
2	14	8. For automation, telecommunications, and related costs		
2	15	associated with the county issuance of driver's licenses and		
2	16	vehicle registrations and titles:		
2	17	.....	\$	1,442,000
2	18	9. For transfer to the department of public safety for		
2	19	operating a system providing toll-free telephone road and		
2	20	weather conditions information:		
2	21	.....	\$	100,000
2	22	10. For costs associated with the participation in the		
2	23	Mississippi river parkway commission:		
2	24	.....	\$	61,000
2	25	11. For membership in North America's supercorridor		
2	26	coalition:		
2	27	.....	\$	50,000
2	28	12. For development of an overdimension permitting system:		
2	29	.....	\$	1,000,000
2	30	Notwithstanding section 8.33, moneys appropriated in this		
2	31	subsection that remain unencumbered or unobligated at the		
2	32	close of the fiscal year shall not revert but shall remain		
2	33	available for expenditure for the purposes designated until		
2	34	the close of the fiscal year that begins July 1, 2010.		
2	35	13. For motor vehicle division field facility maintenance		



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 29, 2008**

Senate Study Bill 3099 continued

3 1 projects at various locations:
3 2 \$ 200,000
3 3 Notwithstanding section 8.33, moneys appropriated in this
3 4 subsection that remain unencumbered or unobligated at the
3 5 close of the fiscal year shall not revert but shall remain
3 6 available for expenditure for the purposes designated until
3 7 the close of the fiscal year that begins July 1, 2011.
3 8 Sec. 3. PRIMARY ROAD FUND. There is appropriated from the
3 9 primary road fund to the department of transportation for the
3 10 fiscal year beginning July 1, 2008, and ending June 30, 2009,
3 11 the following amounts, or so much thereof as is necessary, to
3 12 be used for the purposes designated:
3 13 1. For salaries, support, maintenance, and miscellaneous
3 14 purposes:
3 15 a. Operations:
3 16 \$ 39,386,314
3 17 b. Planning:
3 18 \$ 9,320,862
3 19 c. Highways:
3 20 \$217,651,984
3 21 d. Motor vehicles:
3 22 \$ 1,435,497
3 23 2. For payments to the department of administrative
3 24 services for utility services:
3 25 \$ 1,121,000
3 26 3. Unemployment compensation:
3 27 \$ 328,000
3 28 4. For payments to the department of administrative
3 29 services for paying workers' compensation claims under chapter
3 30 85 on behalf of the employees of the department of
3 31 transportation:
3 32 \$ 2,814,000
3 33 5. For disposal of hazardous wastes from field locations
3 34 and the central complex:
3 35 \$ 800,000



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 29, 2008**

Senate Study Bill 3099 continued

4 1 6. For payment to the general fund of the state for
4 2 indirect cost recoveries:
4 3 \$ 748,000
4 4 7. For reimbursement to the auditor of state for audit
4 5 expenses as provided in section 11.5B:
4 6 \$ 395,218
4 7 8. For costs associated with producing transportation
4 8 maps:
4 9 \$ 242,000
4 10 9. For inventory and equipment replacement:
4 11 \$ 2,250,000
4 12 10. For utility improvements at various locations:
4 13 \$ 400,000
4 14 11. For roofing projects at various locations:
4 15 \$ 200,000
4 16 12. For heating, cooling, and exhaust system improvements
4 17 at various locations:
4 18 \$ 100,000
4 19 13. For deferred maintenance projects at field facilities
4 20 throughout the state:
4 21 \$ 351,500
4 22 14. For construction of a new Waukon garage:
4 23 \$ 2,500,000
4 24 15. For federal Americans With Disabilities Act
4 25 improvements at various locations:
4 26 \$ 100,000
4 27 16. For elevator upgrades at the Ames complex:
4 28 \$ 100,000
4 29 17. For maintenance garage improvements at various
4 30 locations:
4 31 \$ 1,000,000
4 32 Notwithstanding section 8.33, moneys appropriated in
4 33 subsections 10 through 17 that remain unencumbered or
4 34 unobligated at the close of the fiscal year shall not revert
4 35 but shall remain available for expenditure for the purposes



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 29, 2008

Senate Study Bill 3099 continued

5 1 designated until the close of the fiscal year that begins July
5 2 1, 2011.

5 3 EXPLANATION

5 4 This bill makes and limits appropriations for FY 2008=2009
5 5 from the state general fund, the road use tax fund, and the
5 6 primary road fund to the department of transportation.

5 7 The appropriation from the general fund is for deposit in
5 8 the railroad revolving loan and grant fund to be used to
5 9 generate vertical infrastructure capital investments.

5 10 Appropriations from the road use tax fund include
5 11 appropriations for driver's license production costs,
5 12 salaries, operations, planning, motor vehicles, utility
5 13 services provided by the department of administrative
5 14 services, unemployment and workers' compensation, indirect
5 15 cost recoveries, audits, county issuance of driver's licenses
5 16 and vehicle registration and titling, a system providing
5 17 toll-free telephone road and weather reports, participation in
5 18 the Mississippi river parkway commission, membership in North
5 19 America's supercorridor coalition (NASCO), development of an
5 20 overdimension permitting system, and motor vehicle division
5 21 field facility maintenance projects.

5 22 Appropriations from the primary road fund include
5 23 appropriations for salaries, operations, planning, highways,
5 24 motor vehicles, utility services provided by the department of
5 25 administrative services, unemployment and workers'
5 26 compensation, hazardous waste disposal, indirect cost
5 27 recoveries, audits, production of transportation maps,
5 28 inventory and equipment replacement, utility projects, roofing
5 29 projects, heating and cooling improvements, deferred
5 30 maintenance at field facilities, replacement of the Waukon
5 31 garage, various Americans With Disabilities Act improvements,
5 32 elevator upgrades at the Ames complex, and maintenance garage
5 33 improvements.

5 34 LSB 5011XG 82

5 35 dea/mg/8.3



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 29, 2008

Senate Study Bill 3100

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

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

Passed House, Date _____
Vote: Ayes _____ Nays _____

A BILL FOR

1 An Act appropriating federal funds made available from federal
2 block grants and other federal grants, allocating portions of
3 federal block grants, and providing procedures if federal
4 funds are more or less than anticipated or if federal block
5 grants are more or less than anticipated.
6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
7 TLSB 5257XG 82
8 jp/mg/8



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 29, 2008**

Senate Study Bill 3100 continued

PAG LIN

1 1 Section 1. SUBSTANCE ABUSE APPROPRIATION.
 1 2 1. There is appropriated from the fund created by section
 1 3 8.41 to the department of public health for the federal fiscal
 1 4 year beginning October 1, 2008, and ending September 30, 2009,
 1 5 the following amount:
 1 6 \$ 13,474,900
 1 7 a. Funds appropriated in this subsection are the
 1 8 anticipated funds to be received from the federal government
 1 9 for the designated federal fiscal year under 42 U.S.C., ch.
 1 10 6A, subc. XVII, part B, subpart ii, which provides for the
 1 11 substance abuse prevention and treatment block grant. The
 1 12 department shall expend the funds appropriated in this
 1 13 subsection as provided in the federal law making the funds
 1 14 available and in conformance with chapter 17A.
 1 15 b. Of the funds appropriated in this subsection, an amount
 1 16 not exceeding 5 percent shall be used by the department for
 1 17 administrative expenses.
 1 18 c. The department shall expend no less than an amount
 1 19 equal to the amount expended for treatment services in the
 1 20 state fiscal year beginning July 1, 2007, for pregnant women
 1 21 and women with dependent children.
 1 22 d. Of the funds appropriated in this subsection, an amount
 1 23 not exceeding \$24,585 shall be used for audits.
 1 24 2. At least 20 percent of the funds remaining from the
 1 25 appropriation made in subsection 1 shall be allocated for
 1 26 prevention programs.
 1 27 3. In implementing the federal substance abuse prevention
 1 28 and treatment block grant under 42 U.S.C., ch. 6A, subc. XVII,
 1 29 and any other applicable provisions of the federal Public
 1 30 Health Service Act under 42 U.S.C., ch. 6A, the department
 1 31 shall apply the provisions of Pub. L. No. 106-310, } 3305, as
 1 32 codified in 42 U.S.C. } 300x-65, relating to services under
 1 33 such federal law being provided by religious and other
 1 34 nongovernmental organizations.
 1 35 Sec. 2. COMMUNITY MENTAL HEALTH SERVICES APPROPRIATION.



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 29, 2008

Senate Study Bill 3100 continued

2 1 1. a. There is appropriated from the fund created by
2 2 section 8.41 to the department of human services for the
2 3 federal fiscal year beginning October 1, 2008, and ending
2 4 September 30, 2009, the following amount:
2 5 \$ 3,631,173
2 6 b. Funds appropriated in this subsection are the
2 7 anticipated funds to be received from the federal government
2 8 for the designated federal fiscal year under 42 U.S.C., ch.
2 9 6A, subc. XVII, part B, subpart i, which provides for the
2 10 community mental health services block grant. The department
2 11 shall expend the funds appropriated in this subsection as
2 12 provided in the federal law making the funds available and in
2 13 conformance with chapter 17A.
2 14 c. The department shall allocate not less than 95 percent
2 15 of the amount of the block grant to eligible community mental
2 16 health services providers for carrying out the plan submitted
2 17 to and approved by the federal substance abuse and mental
2 18 health services administration for the fiscal year involved.
2 19 d. Of the amount allocated to eligible services providers
2 20 under paragraph "c", 70 percent shall be distributed to the
2 21 state's accredited community mental health centers established
2 22 or designated by counties in accordance with law or
2 23 administrative rule. If a county has not established or
2 24 designated a community mental health center and has received a
2 25 waiver from the mental health, mental retardation,
2 26 developmental disabilities, and brain injury commission, the
2 27 mental health services provider designated by that county is
2 28 eligible to receive funding distributed pursuant to this
2 29 paragraph in lieu of a community mental health center. The
2 30 funding distributed shall be used by recipients of the funding
2 31 for the purpose of developing and providing evidence-based
2 32 practices and emergency services to adults with a serious
2 33 mental illness and children with a serious emotional
2 34 disturbance. The distribution amounts shall be announced at
2 35 the beginning of the federal fiscal year and distributed on a



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 29, 2008**

Senate Study Bill 3100 continued

3 1 quarterly basis according to the formulas used in previous
3 2 fiscal years. Recipients shall submit quarterly reports
3 3 containing data consistent with the performance measures
3 4 approved by the federal substance abuse and mental health
3 5 services administration.

3 6 2. An amount not exceeding 5 percent of the funds
3 7 appropriated in subsection 1 shall be used by the department
3 8 of human services for administrative expenses. From the funds
3 9 set aside by this subsection for administrative expenses, the
3 10 department shall pay to the auditor of state an amount
3 11 sufficient to pay the cost of auditing the use and
3 12 administration of the state's portion of the funds
3 13 appropriated in subsection 1. The auditor of state shall bill
3 14 the department for the costs of the audits.

3 15 Sec. 3. MATERNAL AND CHILD HEALTH SERVICES APPROPRIATIONS.

3 16 1. There is appropriated from the fund created by section
3 17 8.41 to the department of public health for the federal fiscal
3 18 year beginning October 1, 2008, and ending September 30, 2009,
3 19 the following amount:

3 20 \$ 6,579,555

3 21 a. The funds appropriated in this subsection are the funds
3 22 anticipated to be received from the federal government for the
3 23 designated federal fiscal year under 42 U.S.C., ch. 7, subc.
3 24 V, which provides for the maternal and child health services
3 25 block grant. The department shall expend the funds
3 26 appropriated in this subsection as provided in the federal law
3 27 making the funds available and in conformance with chapter
3 28 17A.

3 29 b. Funds appropriated in this subsection shall not be used
3 30 by the university of Iowa hospitals and clinics for indirect
3 31 costs.

3 32 2. An amount not exceeding 10 percent of the funds
3 33 appropriated in subsection 1 shall be used by the department
3 34 of public health for administrative expenses.

3 35 3. The departments of public health, human services, and



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 29, 2008**

Senate Study Bill 3100 continued

4 1 education and the university of Iowa's mobile and regional
4 2 child health specialty clinics shall continue to pursue to the
4 3 maximum extent feasible the coordination and integration of
4 4 services to women and children.

4 5 4. a. Sixty=three percent of the remaining funds
4 6 appropriated in subsection 1 shall be allocated to supplement
4 7 appropriations for maternal and child health programs within
4 8 the department of public health. Of these funds, \$300,291
4 9 shall be set aside for the statewide perinatal care program.

4 10 b. Thirty=seven percent of the remaining funds
4 11 appropriated in subsection 1 shall be allocated to the
4 12 university of Iowa hospitals and clinics under the control of
4 13 the state board of regents for mobile and regional child
4 14 health specialty clinics. The university of Iowa hospitals
4 15 and clinics shall not receive an allocation for indirect costs
4 16 from the funds for this program. Priority shall be given to
4 17 establishment and maintenance of a statewide system of mobile
4 18 and regional child health specialty clinics.

4 19 5. The department of public health shall administer the
4 20 statewide maternal and child health program and the disabled
4 21 children's program by conducting mobile and regional child
4 22 health specialty clinics and conducting other activities to
4 23 improve the health of low=income women and children and to
4 24 promote the welfare of children with actual or potential
4 25 handicapping conditions and chronic illnesses in accordance
4 26 with the requirements of Title V of the federal Social
4 27 Security Act.

4 28 Sec. 4. PREVENTIVE HEALTH AND HEALTH SERVICES
4 29 APPROPRIATIONS.

4 30 1. There is appropriated from the fund created by section
4 31 8.41 to the department of public health for the federal fiscal
4 32 year beginning October 1, 2008, and ending September 30, 2009,
4 33 the following amount:

4 34 \$ 1,084,524

4 35 Funds appropriated in this subsection are the funds



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 29, 2008**

Senate Study Bill 3100 continued

5 1 anticipated to be received from the federal government for the
5 2 designated federal fiscal year under 42 U.S.C., ch. 6A, subc.
5 3 XVII, part A, which provides for the preventive health and
5 4 health services block grant. The department shall expend the
5 5 funds appropriated in this subsection as provided in the
5 6 federal law making the funds available and in conformance with
5 7 chapter 17A.

5 8 2. Of the funds appropriated in subsection 1, an amount
5 9 not more than 10 percent shall be used by the department for
5 10 administrative expenses.

5 11 3. Of the funds appropriated in subsection 1, the specific
5 12 amount of funds stipulated by the notice of the block grant
5 13 award shall be allocated for services to victims of sex
5 14 offenses and for rape prevention education.

5 15 4. After deducting the funds allocated in subsections 2
5 16 and 3, the remaining funds appropriated in subsection 1 may be
5 17 used by the department for healthy people 2010/healthy Iowans
5 18 2010 program objectives, preventive health advisory committee,
5 19 and risk reduction services, including nutrition programs,
5 20 health incentive programs, chronic disease services, emergency
5 21 medical services, monitoring of the fluoridation program and
5 22 start-up fluoridation grants, and acquired immune deficiency
5 23 syndrome services. The moneys specified in this subsection
5 24 shall not be used by the university of Iowa hospitals and
5 25 clinics or by the state hygienic laboratory for the funding of
5 26 indirect costs.

5 27 Sec. 5. STOP VIOLENCE AGAINST WOMEN GRANT PROGRAM
5 28 APPROPRIATION.

5 29 1. There is appropriated from the fund created by section
5 30 8.41 to the department of justice for the federal fiscal year
5 31 beginning October 1, 2008, and ending September 30, 2009, the
5 32 following amount:

5 33 \$ 1,312,647

5 34 Funds appropriated in this subsection are the anticipated
5 35 funds to be received from the federal government for the



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 29, 2008**

Senate Study Bill 3100 continued

6 1 designated fiscal year under 42 U.S.C., ch. 46, } 3796gg=1,
 6 2 which provides for grants to combat violent crimes against
 6 3 women. The department of justice shall expend the funds
 6 4 appropriated in this subsection as provided in the federal law
 6 5 making the funds available and in conformance with chapter
 6 6 17A.

6 7 2. An amount not exceeding 10 percent of the funds
 6 8 appropriated in subsection 1 shall be used by the department
 6 9 of justice for administrative expenses. From the funds set
 6 10 aside by this subsection for administrative expenses, the
 6 11 department shall pay to the auditor of state an amount
 6 12 sufficient to pay the cost of auditing the use and
 6 13 administration of the state's portion of the funds
 6 14 appropriated in subsection 1.

6 15 Sec. 6. RESIDENTIAL SUBSTANCE ABUSE TREATMENT FOR STATE
 6 16 PRISONERS FORMULA GRANT PROGRAM. There is appropriated from
 6 17 the fund created by section 8.41 to the office of the governor
 6 18 for the drug policy coordinator for the federal fiscal year
 6 19 beginning October 1, 2008, and ending September 30, 2009, the
 6 20 following amount:

6 21 \$ 74,993

6 22 Funds appropriated in this section are the funds
 6 23 anticipated to be received from the federal government for the
 6 24 designated fiscal year under 42 U.S.C., ch. 46, subc. XII=G,
 6 25 which provides grants for substance abuse treatment programs
 6 26 in state and local correctional facilities. The drug policy
 6 27 coordinator shall expend the funds appropriated in this
 6 28 section as provided in federal law making the funds available
 6 29 and in conformance with chapter 17A.

6 30 Sec. 7. EDWARD BYRNE JUSTICE ASSISTANCE GRANT PROGRAM
 6 31 APPROPRIATION.

6 32 1. There is appropriated from the fund created by section
 6 33 8.41 to the office of the governor for the drug policy
 6 34 coordinator for the federal fiscal year beginning October 1,
 6 35 2008, and ending September 30, 2009, the following amount:



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 29, 2008**

Senate Study Bill 3100 continued

7 1 \$ 880,209
 7 2 Funds appropriated in this subsection are the anticipated
 7 3 funds to be received from the federal government for the
 7 4 designated fiscal year under 42 U.S.C., ch. 46, subc. V, which
 7 5 provides for the Edward Byrne memorial justice assistance
 7 6 grant program. The drug policy coordinator shall expend the
 7 7 funds appropriated in this subsection as provided in the
 7 8 federal law making the funds available and in conformance with
 7 9 chapter 17A.
 7 10 2. An amount not exceeding 10 percent of the funds
 7 11 appropriated in subsection 1 shall be used by the drug policy
 7 12 coordinator for administrative expenses. From the funds set
 7 13 aside by this subsection for administrative expenses, the drug
 7 14 policy coordinator shall pay to the auditor of state an amount
 7 15 sufficient to pay the cost of auditing the use and
 7 16 administration of the state's portion of the funds
 7 17 appropriated in subsection 1.
 7 18 Sec. 8. COMMUNITY SERVICES APPROPRIATIONS.
 7 19 1. a. There is appropriated from the fund created by
 7 20 section 8.41 to the division of community action agencies of
 7 21 the department of human rights for the federal fiscal year
 7 22 beginning October 1, 2008, and ending September 30, 2009, the
 7 23 following amount:
 7 24 \$ 7,040,675
 7 25 Funds appropriated in this subsection are the funds
 7 26 anticipated to be received from the federal government for the
 7 27 designated federal fiscal year under 42 U.S.C., ch. 106, which
 7 28 provides for the community services block grant. The division
 7 29 of community action agencies of the department of human rights
 7 30 shall expend the funds appropriated in this subsection as
 7 31 provided in the federal law making the funds available and in
 7 32 conformance with chapter 17A.
 7 33 b. The administrator of the division of community action
 7 34 agencies of the department of human rights shall allocate not
 7 35 less than 96 percent of the amount of the block grant to



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 29, 2008**

Senate Study Bill 3100 continued

8 1 eligible community action agencies for programs benefiting
 8 2 low-income persons. Each eligible agency shall receive a
 8 3 minimum allocation of not less than \$100,000. The minimum
 8 4 allocation shall be achieved by redistributing increased funds
 8 5 from agencies experiencing a greater share of available funds.
 8 6 The funds shall be distributed on the basis of the poverty=
 8 7 level population in the area represented by the community
 8 8 action areas compared to the size of the poverty=level
 8 9 population in the state.

8 10 2. An amount not exceeding 4 percent of the funds
 8 11 appropriated in subsection 1 shall be used by the division of
 8 12 community action agencies of the department of human rights
 8 13 for administrative expenses. From the funds set aside by this
 8 14 subsection for administrative expenses, the division of
 8 15 community action agencies of the department of human rights
 8 16 shall pay to the auditor of state an amount sufficient to pay
 8 17 the cost of auditing the use and administration of the state's
 8 18 portion of the funds appropriated in subsection 1. The
 8 19 auditor of state shall bill the division of community action
 8 20 agencies for the costs of the audits.

8 21 Sec. 9. COMMUNITY DEVELOPMENT APPROPRIATIONS.

8 22 1. There is appropriated from the fund created by section
 8 23 8.41 to the department of economic development for the federal
 8 24 fiscal year beginning October 1, 2008, and ending September
 8 25 30, 2009, the following amount:

8 26 \$ 25,642,000

8 27 Funds appropriated in this subsection are the funds
 8 28 anticipated to be received from the federal government for the
 8 29 designated federal fiscal year under 42 U.S.C., ch. 69, which
 8 30 provides for community development block grants. The
 8 31 department of economic development shall expend the funds
 8 32 appropriated in this subsection as provided in the federal law
 8 33 making the funds available and in conformance with chapter
 8 34 17A.

8 35 2. An amount not exceeding \$1,125,680 for the federal



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 29, 2008**

Senate Study Bill 3100 continued

9 1 fiscal year beginning October 1, 2008, shall be used by the
 9 2 department of economic development for administrative expenses
 9 3 for the community development block grant. The total amount
 9 4 used for administrative expenses includes \$612,840 for the
 9 5 federal fiscal year beginning October 1, 2008, of funds
 9 6 appropriated in subsection 1 and a matching contribution from
 9 7 the state equal to \$512,840 from the appropriation of state
 9 8 funds for the community development block grant and state
 9 9 appropriations for related activities of the department of
 9 10 economic development. From the funds set aside for
 9 11 administrative expenses by this subsection, the department of
 9 12 economic development shall pay to the auditor of state an
 9 13 amount sufficient to pay the cost of auditing the use and
 9 14 administration of the state's portion of the funds
 9 15 appropriated in subsection 1. The auditor of state shall bill
 9 16 the department for the costs of the audit.

9 17 Sec. 10. LOW-INCOME HOME ENERGY ASSISTANCE APPROPRIATIONS.

9 18 1. There is appropriated from the fund created by section
 9 19 8.41 to the division of community action agencies of the
 9 20 department of human rights for the federal fiscal year
 9 21 beginning October 1, 2008, and ending September 30, 2009, the
 9 22 following amount:

9 23 \$ 36,343,186

9 24 The funds appropriated in this subsection are the funds
 9 25 anticipated to be received from the federal government for the
 9 26 designated federal fiscal year under 42 U.S.C., ch. 94, subc.
 9 27 II, which provides for the low-income home energy assistance
 9 28 block grants. The division of community action agencies of
 9 29 the department of human rights shall expend the funds
 9 30 appropriated in this subsection as provided in the federal law
 9 31 making the funds available and in conformance with chapter
 9 32 17A.

9 33 2. Up to 15 percent of the amount appropriated in this
 9 34 section that is actually received shall be used for
 9 35 residential weatherization or other related home repairs for



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 29, 2008**

Senate Study Bill 3100 continued

10 1 low-income households. Of this allocation amount, not more
 10 2 than 10 percent may be used for administrative expenses.
 10 3 3. After subtracting the allocation in subsection 2, up to
 10 4 10 percent of the remainder is allocated for administrative
 10 5 expenses of the low-income home energy assistance program of
 10 6 which \$377,000 is allocated for administrative expenses of the
 10 7 division. The costs of auditing the use and administration of
 10 8 the portion of the appropriation in this section that is
 10 9 retained by the state shall be paid from the amount allocated
 10 10 in this subsection to the division. The auditor of state
 10 11 shall bill the division for the audit costs.

10 12 4. The remainder of the appropriation in this section
 10 13 following the allocations made in subsections 2 and 3, shall
 10 14 be used to help eligible households as defined in 42 U.S.C.,
 10 15 ch. 94, subc. II, to meet home energy costs.

10 16 5. Not more than 10 percent of the amount appropriated in
 10 17 this section that is actually received may be carried forward
 10 18 for use in the succeeding federal fiscal year.

10 19 6. Expenditures for assessment and resolution of energy
 10 20 problems shall be limited to 5 percent of the amount
 10 21 appropriated in this section that is actually received.

10 22 Sec. 11. SOCIAL SERVICES APPROPRIATIONS.

10 23 1. There is appropriated from the fund created by section
 10 24 8.41 to the department of human services for the federal
 10 25 fiscal year beginning October 1, 2008, and ending September
 10 26 30, 2009, the following amount:

10 27 \$ 16,832,721

10 28 Funds appropriated in this subsection are the funds
 10 29 anticipated to be received from the federal government for the
 10 30 designated federal fiscal year under 42 U.S.C., ch. 7, subc.
 10 31 XX, which provides for the social services block grant. The
 10 32 department of human services shall expend the funds
 10 33 appropriated in this subsection as provided in the federal law
 10 34 making the funds available and in conformance with chapter
 10 35 17A.



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 29, 2008**

Senate Study Bill 3100 continued

11 1 2. Not more than \$1,074,798 of the funds appropriated in
11 2 subsection 1 shall be used by the department of human services
11 3 for general administration. From the funds set aside in this
11 4 subsection for general administration, the department of human
11 5 services shall pay to the auditor of state an amount
11 6 sufficient to pay the cost of auditing the use and
11 7 administration of the state's portion of the funds
11 8 appropriated in subsection 1.

11 9 3. In addition to the allocation for general
11 10 administration in subsection 2, the remaining funds
11 11 appropriated in subsection 1 shall be allocated in the
11 12 following amounts to supplement appropriations for the federal
11 13 fiscal year beginning October 1, 2008, for the following
11 14 programs within the department of human services:

- 11 15 a. Field operations:
11 16 \$ 6,428,488
- 11 17 b. Child and family services:
11 18 \$ 963,200
- 11 19 c. Local administrative costs and other local services:
11 20 \$ 681,759
- 11 21 d. Volunteers:
11 22 \$ 74,640
- 11 23 e. MH/MR/DD/BI community services (local purchase):
11 24 \$ 7,609,836

11 25 Sec. 12. SOCIAL SERVICES BLOCK GRANT PLAN. The department
11 26 of human services during each state fiscal year shall develop
11 27 a plan for the use of federal social services block grant
11 28 funds for the subsequent state fiscal year.

11 29 The proposed plan shall include all programs and services
11 30 at the state level which the department proposes to fund with
11 31 federal social services block grant funds, and shall identify
11 32 state and other funds which the department proposes to use to
11 33 fund the state programs and services.

11 34 The proposed plan shall also include all local programs and
11 35 services which are eligible to be funded with federal social



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 29, 2008**

Senate Study Bill 3100 continued

12 1 services block grant funds, the total amount of federal social
12 2 services block grant funds available for the local programs
12 3 and services, and the manner of distribution of the federal
12 4 social services block grant funds to the counties. The
12 5 proposed plan shall identify state and local funds which will
12 6 be used to fund the local programs and services.

12 7 The proposed plan shall be submitted with the department's
12 8 budget requests to the governor and the general assembly.

12 9 Sec. 13. PROJECTS FOR ASSISTANCE IN TRANSITION FROM
12 10 HOMELESSNESS.

12 11 1. Upon receipt of the minimum formula grant from the
12 12 federal alcohol, drug abuse, and mental health administration
12 13 to provide mental health services for the homeless, for the
12 14 federal fiscal year beginning October 1, 2008, and ending
12 15 September 30, 2009, the department of human services shall
12 16 assure that a project which receives funds under the formula
12 17 grant from either the federal or local match share of 25
12 18 percent in order to provide outreach services to persons who
12 19 have chronic mental illness and are homeless or who are
12 20 subject to a significant probability of becoming homeless
12 21 shall do all of the following:

12 22 a. Provide community mental health services, diagnostic
12 23 services, crisis intervention services, and habilitation and
12 24 rehabilitation services.

12 25 b. Refer clients to medical facilities for necessary
12 26 hospital services, and to entities that provide primary health
12 27 services and substance abuse services.

12 28 c. Provide appropriate training to persons who provide
12 29 services to persons targeted by the grant.

12 30 d. Provide case management to homeless persons.

12 31 e. Provide supportive and supervisory services to certain
12 32 homeless persons living in residential settings which are not
12 33 otherwise supported.

12 34 2. Projects may expend funds for housing services
12 35 including minor renovation, expansion and repair of housing,



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 29, 2008**

Senate Study Bill 3100 continued

13 1 security deposits, planning of housing, technical assistance
13 2 in applying for housing, improving the coordination of housing
13 3 services, the costs associated with matching eligible homeless
13 4 individuals with appropriate housing, and one-time rental
13 5 payments to prevent eviction.

13 6 Sec. 14. CHILD CARE AND DEVELOPMENT APPROPRIATION. There
13 7 is appropriated from the fund created by section 8.41 to the
13 8 department of human services for the federal fiscal year
13 9 beginning October 1, 2008, and ending September 30, 2009, the
13 10 following amount:

13 11 \$ 41,212,320

13 12 Funds appropriated in this section are the funds
13 13 anticipated to be received from the federal government under
13 14 42 U.S.C., ch. 105, subc. II=B, which provides for the child
13 15 care and development block grant. The department shall expend
13 16 the funds appropriated in this section as provided in the
13 17 federal law making the funds available and in conformance with
13 18 chapter 17A.

13 19 Moneys appropriated in this section that remain
13 20 unencumbered or unobligated at the close of the fiscal year
13 21 shall revert to be available for appropriation for purposes of
13 22 the child care and development block grant in the succeeding
13 23 fiscal year.

13 24 Sec. 15. PROCEDURE FOR REDUCED FEDERAL FUNDS.

13 25 1. If the funds received from the federal government for
13 26 the block grants specified in this Act are less than the
13 27 amounts appropriated, the funds actually received shall be
13 28 prorated by the governor for the various programs, other than
13 29 for the services to victims of sex offenses and for rape
13 30 prevention education under section 4, subsection 3, of this
13 31 Act, for which each block grant is available according to the
13 32 percentages that each program is to receive as specified in
13 33 this Act. However, if the governor determines that the funds
13 34 allocated by the percentages will not be sufficient to effect
13 35 the purposes of a particular program, or if the appropriation



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 29, 2008**

Senate Study Bill 3100 continued

14 1 is not allocated by percentage, the governor may allocate the
14 2 funds in a manner which will effect to the greatest extent
14 3 possible the purposes of the various programs for which the
14 4 block grants are available.

14 5 2. Before the governor implements the actions provided for
14 6 in subsection 1, the following procedures shall be taken:

14 7 a. The chairpersons and ranking members of the senate and
14 8 house standing committees on appropriations, the appropriate
14 9 chairpersons and ranking members of subcommittees of those
14 10 committees, and the director of the legislative services
14 11 agency shall be notified of the proposed action.

14 12 b. The notice shall include the proposed allocations, and
14 13 information on the reasons why particular percentages or
14 14 amounts of funds are allocated to the individual programs, the
14 15 departments and programs affected, and other information
14 16 deemed useful. Chairpersons and ranking members notified
14 17 shall be allowed at least two weeks to review and comment on
14 18 the proposed action before the action is taken.

14 19 Sec. 16. PROCEDURE FOR INCREASED FEDERAL FUNDS.

14 20 1. If funds received from the federal government in the
14 21 form of block grants exceed the amounts appropriated in
14 22 sections 1, 2, 3, 4, 7, 9, and 11 of this Act, the excess
14 23 shall be prorated to the appropriate programs according to the
14 24 percentages specified in those sections, except additional
14 25 funds shall not be prorated for administrative expenses.

14 26 2. If actual funds received from the federal government
14 27 from block grants exceed the amount appropriated in section 10
14 28 of this Act for the low-income home energy assistance program,
14 29 not more than 15 percent of the excess may be allocated to the
14 30 low-income residential weatherization program and not more
14 31 than 5 percent of the excess may be used for administrative
14 32 costs.

14 33 3. If funds received from the federal government from
14 34 community services block grants exceed the amount appropriated
14 35 in section 8 of this Act, 100 percent of the excess is



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 29, 2008**

Senate Study Bill 3100 continued

15 1 allocated to the community services block grant program.
15 2 Sec. 17. PROCEDURE FOR EXPENDITURE OF ADDITIONAL FEDERAL
15 3 FUNDS. If other federal grants, receipts, and funds and other
15 4 nonstate grants, receipts, and funds become available or are
15 5 awarded which are not available or awarded during the period
15 6 in which the general assembly is in session, but which require
15 7 expenditure by the applicable department or agency prior to
15 8 March 15 of the fiscal year beginning July 1, 2008, and ending
15 9 June 30, 2009, these grants, receipts, and funds are
15 10 appropriated to the extent necessary, provided that the fiscal
15 11 committee of the legislative council is notified within thirty
15 12 days of receipt of the grants, receipts, or funds and the
15 13 fiscal committee of the legislative council has an opportunity
15 14 to comment on the expenditure of the grants, receipts, or
15 15 funds.
15 16 Sec. 18. DEPARTMENT OF ADMINISTRATIVE SERVICES. Federal
15 17 grants, receipts, and funds and other nonstate grants,
15 18 receipts, and funds, available in whole or in part of the
15 19 fiscal year beginning July 1, 2008, and ending June 30, 2009,
15 20 are appropriated to the department of administrative services
15 21 for the purposes set forth in the grants, receipts, or
15 22 conditions accompanying the receipt of the funds, unless
15 23 otherwise provided by law.
15 24 Sec. 19. DEPARTMENT OF AGRICULTURE AND LAND STEWARDSHIP.
15 25 Federal grants, receipts, and funds and other nonstate grants,
15 26 receipts, and funds, available in whole or in part for the
15 27 fiscal year beginning July 1, 2008, and ending June 30, 2009,
15 28 are appropriated to the department of agriculture and land
15 29 stewardship for the purposes set forth in the grants,
15 30 receipts, or conditions accompanying the receipt of the funds,
15 31 unless otherwise provided by law.
15 32 Sec. 20. OFFICE OF AUDITOR OF STATE. Federal grants,
15 33 receipts, and funds and other nonstate grants, receipts, and
15 34 funds, available in whole or in part for the fiscal year
15 35 beginning July 1, 2008, and ending June 30, 2009, are



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 29, 2008**

Senate Study Bill 3100 continued

16 1 appropriated to the office of auditor of state for the
16 2 purposes set forth in the grants, receipts, or conditions
16 3 accompanying the receipt of the funds, unless otherwise
16 4 provided by law.

16 5 Sec. 21. DEPARTMENT FOR THE BLIND. Federal grants,
16 6 receipts, and funds and other nonstate grants, receipts, and
16 7 funds, available in whole or in part for the fiscal year
16 8 beginning July 1, 2008, and ending June 30, 2009, are
16 9 appropriated to the department for the blind for the purposes
16 10 set forth in the grants, receipts, or conditions accompanying
16 11 the receipt of the funds, unless otherwise provided by law.

16 12 Sec. 22. IOWA STATE CIVIL RIGHTS COMMISSION. Federal
16 13 grants, receipts, and funds and other nonstate grants,
16 14 receipts, and funds, available in whole or in part for the
16 15 fiscal year beginning July 1, 2008, and ending June 30, 2009,
16 16 are appropriated to the Iowa state civil rights commission for
16 17 the purposes set forth in the grants, receipts, or conditions
16 18 accompanying the receipt of the funds, unless otherwise
16 19 provided by law.

16 20 Sec. 23. COLLEGE STUDENT AID COMMISSION. Federal grants,
16 21 receipts, and funds and other nonstate grants, receipts, and
16 22 funds, available in whole or in part for the fiscal year
16 23 beginning July 1, 2008, and ending June 30, 2009, are
16 24 appropriated to the college student aid commission for the
16 25 purposes set forth in the grants, receipts, or conditions
16 26 accompanying the receipt of the funds, unless otherwise
16 27 provided by law.

16 28 Sec. 24. DEPARTMENT OF COMMERCE. Federal grants,
16 29 receipts, and funds and other nonstate grants, receipts, and
16 30 funds, available in whole or in part for the fiscal year
16 31 beginning July 1, 2008, and ending June 30, 2009, are
16 32 appropriated to the department of commerce for the purposes
16 33 set forth in the grants, receipts, or conditions accompanying
16 34 the receipt of the funds, unless otherwise provided by law.

16 35 Sec. 25. DEPARTMENT OF CORRECTIONS. Federal grants,



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 29, 2008**

Senate Study Bill 3100 continued

17 1 receipts, and funds and other nonstate grants, receipts, and
17 2 funds, available in whole or in part for the fiscal year
17 3 beginning July 1, 2008, and ending June 30, 2009, are
17 4 appropriated to the department of corrections for the purposes
17 5 set forth in the grants, receipts, or conditions accompanying
17 6 the receipt of the funds, unless otherwise provided by law.

17 7 Sec. 26. DEPARTMENT OF CULTURAL AFFAIRS. Federal grants,
17 8 receipts, and funds and other nonstate grants, receipts, and
17 9 funds, available in whole or in part for the fiscal year
17 10 beginning July 1, 2008, and ending June 30, 2009, are
17 11 appropriated to the department of cultural affairs for the
17 12 purposes set forth in the grants, receipts, or conditions
17 13 accompanying the receipt of the funds, unless otherwise
17 14 provided by law.

17 15 Sec. 27. DEPARTMENT OF ECONOMIC DEVELOPMENT. Federal
17 16 grants, receipts, and funds and other nonstate grants,
17 17 receipts, and funds, available in whole or in part for the
17 18 fiscal year beginning July 1, 2008, and ending June 30, 2009,
17 19 are appropriated to the department of economic development for
17 20 the purposes set forth in the grants, receipts, or conditions
17 21 accompanying the receipt of the funds, unless otherwise
17 22 provided by law.

17 23 Sec. 28. DEPARTMENT OF EDUCATION. Federal grants,
17 24 receipts, and funds and other nonstate grants, receipts, and
17 25 funds, available in whole or in part for the fiscal year
17 26 beginning July 1, 2008, and ending June 30, 2009, are
17 27 appropriated to the department of education for the purposes
17 28 set forth in the grants, receipts, or conditions accompanying
17 29 the receipt of the funds, unless otherwise provided by law.

17 30 Sec. 29. DEPARTMENT OF ELDER AFFAIRS. Federal grants,
17 31 receipts, and funds and other nonstate grants, receipts, and
17 32 funds, available in whole or in part for the fiscal year
17 33 beginning July 1, 2008, and ending June 30, 2009, are
17 34 appropriated to the department of elder affairs for the
17 35 purposes set forth in the grants, receipts, or conditions



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 29, 2008

Senate Study Bill 3100 continued

18 1 accompanying the receipt of the funds, unless otherwise
18 2 provided by law.

18 3 Sec. 30. OFFICE OF ENERGY INDEPENDENCE. Federal grants,
18 4 receipts, and funds and other nonstate grants, receipts, and
18 5 funds, available in whole or in part for the fiscal year
18 6 beginning July 1, 2008, and ending June 30, 2009, are
18 7 appropriated to the office of energy independence for the
18 8 purposes set forth in the grants, receipts, or conditions
18 9 accompanying the receipt of the funds, unless otherwise
18 10 provided by law.

18 11 Sec. 31. IOWA ETHICS AND CAMPAIGN DISCLOSURE BOARD.
18 12 Federal grants, receipts, and funds and other nonstate grants,
18 13 receipts, and funds, available in whole or in part for the
18 14 fiscal year beginning July 1, 2008, and ending June 30, 2009,
18 15 are appropriated to the Iowa ethics and campaign disclosure
18 16 board for the purposes set forth in the grants, receipts, or
18 17 conditions accompanying the receipt of the funds, unless
18 18 otherwise provided by law.

18 19 Sec. 32. IOWA FINANCE AUTHORITY. Federal grants,
18 20 receipts, and funds and other nonstate grants, receipts, and
18 21 funds, available in whole or in part for the fiscal year
18 22 beginning July 1, 2008, and ending June 30, 2009, are
18 23 appropriated to the Iowa finance authority for the purposes
18 24 set forth in the grants, receipts, or conditions accompanying
18 25 the receipt of the funds, unless otherwise provided by law.

18 26 Sec. 33. OFFICES OF THE GOVERNOR AND LIEUTENANT GOVERNOR.
18 27 Federal grants, receipts, and funds and other nonstate grants,
18 28 receipts, and funds, available in whole or in part for the
18 29 fiscal year beginning July 1, 2008, and ending June 30, 2009,
18 30 are appropriated to the offices of the governor and lieutenant
18 31 governor for the purposes set forth in the grants, receipts,
18 32 or conditions accompanying the receipt of the funds, unless
18 33 otherwise provided by law.

18 34 Sec. 34. GOVERNOR'S OFFICE OF DRUG CONTROL POLICY.
18 35 Federal grants, receipts, and funds and other nonstate grants,



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 29, 2008**

Senate Study Bill 3100 continued

19 1 receipts, and funds, available in whole or in part for the
19 2 fiscal year beginning July 1, 2008, and ending June 30, 2009,
19 3 are appropriated to the governor's office of drug control
19 4 policy for the purposes set forth in the grants, receipts, or
19 5 conditions accompanying the receipt of the funds, unless
19 6 otherwise provided by law.

19 7 Sec. 35. DEPARTMENT OF HUMAN RIGHTS. Federal grants,
19 8 receipts, and funds and other nonstate grants, receipts, and
19 9 funds, available in whole or in part for the fiscal year
19 10 beginning July 1, 2008, and ending June 30, 2009, are
19 11 appropriated to the department of human rights for the
19 12 purposes set forth in the grants, receipts, or conditions
19 13 accompanying the receipt of the funds, unless otherwise
19 14 provided by law.

19 15 Sec. 36. DEPARTMENT OF HUMAN SERVICES. Federal grants,
19 16 receipts, and funds and other nonstate grants, receipts, and
19 17 funds, available in whole or in part for the fiscal year
19 18 beginning July 1, 2008, and ending June 30, 2009, are
19 19 appropriated to the department of human services, for the
19 20 purposes set forth in the grants, receipts, or conditions
19 21 accompanying the receipt of the funds, unless otherwise
19 22 provided by law.

19 23 Sec. 37. DEPARTMENT OF INSPECTIONS AND APPEALS. Federal
19 24 grants, receipts, and funds and other nonstate grants,
19 25 receipts, and funds, available in whole or in part for the
19 26 fiscal year beginning July 1, 2008, and ending June 30, 2009,
19 27 are appropriated to the department of inspections and appeals
19 28 for the purposes set forth in the grants, receipts, or
19 29 conditions accompanying the receipt of the funds, unless
19 30 otherwise provided by law.

19 31 Sec. 38. JUDICIAL BRANCH. Federal grants, receipts, and
19 32 funds and other nonstate grants, receipts, and funds,
19 33 available in whole or in part for the fiscal year beginning
19 34 July 1, 2008, and ending June 30, 2009, are appropriated to
19 35 the judicial branch for the purposes set forth in the grants,



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 29, 2008**

Senate Study Bill 3100 continued

20 1 receipts, or conditions accompanying the receipt of the funds,
20 2 unless otherwise provided by law.

20 3 Sec. 39. DEPARTMENT OF JUSTICE. Federal grants, receipts,
20 4 and funds and other nonstate grants, receipts, and funds,
20 5 available in whole or in part for the fiscal year beginning
20 6 July 1, 2008, and ending June 30, 2009, are appropriated to
20 7 the department of justice for the purposes set forth in the
20 8 grants, receipts, or conditions accompanying the receipt of
20 9 the funds, unless otherwise provided by law.

20 10 Sec. 40. IOWA LAW ENFORCEMENT ACADEMY. Federal grants,
20 11 receipts, and funds and other nonstate grants, receipts, and
20 12 funds, available in whole or in part for the fiscal year
20 13 beginning July 1, 2008, and ending June 30, 2009, are
20 14 appropriated to the Iowa law enforcement academy for the
20 15 purposes set forth in the grants, receipts, or conditions
20 16 accompanying the receipt of the funds, unless otherwise
20 17 provided by law.

20 18 Sec. 41. DEPARTMENT OF MANAGEMENT. Federal grants,
20 19 receipts, and funds and other nonstate grants, receipts, and
20 20 funds, available in whole or in part for the fiscal year
20 21 beginning July 1, 2008, and ending June 30, 2009, are
20 22 appropriated to the department of management for the purposes
20 23 set forth in the grants, receipts, or conditions accompanying
20 24 the receipt of the funds, unless otherwise provided by law.

20 25 Sec. 42. DEPARTMENT OF NATURAL RESOURCES. Federal grants,
20 26 receipts, and funds and other nonstate grants, receipts, and
20 27 funds, available in whole or in part for the fiscal year
20 28 beginning July 1, 2008, and ending June 30, 2009, are
20 29 appropriated to the department of natural resources for the
20 30 purposes set forth in the grants, receipts, or conditions
20 31 accompanying the receipt of the funds, unless otherwise
20 32 provided by law.

20 33 Sec. 43. BOARD OF PAROLE. Federal grants, receipts, and
20 34 funds and other nonstate grants, receipts, and funds,
20 35 available in whole or in part for the fiscal year beginning



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 29, 2008**

Senate Study Bill 3100 continued

21 1 July 1, 2008, and ending June 30, 2009, are appropriated to
21 2 the board of parole for the purposes set forth in the grants,
21 3 receipts, or conditions accompanying the receipt of the funds,
21 4 unless otherwise provided by law.

21 5 Sec. 44. DEPARTMENT OF PUBLIC DEFENSE. Federal grants,
21 6 receipts, and funds and other nonstate grants, receipts, and
21 7 funds, available in whole or in part for the fiscal year
21 8 beginning July 1, 2008, and ending June 30, 2009, are
21 9 appropriated to the department of public defense for the
21 10 purposes set forth in the grants, receipts, or conditions
21 11 accompanying the receipt of the funds, unless otherwise
21 12 provided by law.

21 13 Sec. 45. PUBLIC EMPLOYMENT RELATIONS BOARD. Federal
21 14 grants, receipts, and funds and other nonstate grants,
21 15 receipts, and funds, available in whole or in part for the
21 16 fiscal year beginning July 1, 2008, and ending June 30, 2009,
21 17 are appropriated to the public employment relations board for
21 18 the purposes set forth in the grants, receipts, or conditions
21 19 accompanying the receipt of the funds, unless otherwise
21 20 provided by law.

21 21 Sec. 46. DEPARTMENT OF PUBLIC HEALTH. Federal grants,
21 22 receipts, and funds and other nonstate grants, receipts, and
21 23 funds, available in whole or in part for the fiscal year
21 24 beginning July 1, 2008, and ending June 30, 2009, are
21 25 appropriated to the department of public health for the
21 26 purposes set forth in the grants, receipts, or conditions
21 27 accompanying the receipt of the funds, unless otherwise
21 28 provided by law.

21 29 Sec. 47. DEPARTMENT OF PUBLIC SAFETY. Federal grants,
21 30 receipts, and funds and other nonstate grants, receipts, and
21 31 funds, available in whole or in part for the fiscal year
21 32 beginning July 1, 2008, and ending June 30, 2009, are
21 33 appropriated to the department of public safety, for the
21 34 purposes set forth in the grants, receipts, or conditions
21 35 accompanying the receipt of the funds, unless otherwise



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 29, 2008**

Senate Study Bill 3100 continued

22 1 provided by law.

22 2 Sec. 48. STATE BOARD OF REGENTS. Federal grants,
22 3 receipts, and funds and other nonstate grants, receipts, and
22 4 funds, available in whole or in part for the fiscal year
22 5 beginning July 1, 2008, and ending June 30, 2009, are
22 6 appropriated to the state board of regents for the purposes
22 7 set forth in the grants, receipts, or conditions accompanying
22 8 the receipt of the funds, unless otherwise provided by law.

22 9 Sec. 49. DEPARTMENT OF REVENUE. Federal grants, receipts,
22 10 and funds and other nonstate grants, receipts, and funds,
22 11 available in whole or in part for the fiscal year beginning
22 12 July 1, 2008, and ending June 30, 2009, are appropriated to
22 13 the department of revenue for the purposes set forth in the
22 14 grants, receipts, or conditions accompanying the receipt of
22 15 the funds, unless otherwise provided by law.

22 16 Sec. 50. OFFICE OF SECRETARY OF STATE. Federal grants,
22 17 receipts, and funds and other nonstate grants, receipts, and
22 18 funds, available in whole or in part for the fiscal year
22 19 beginning July 1, 2008, and ending June 30, 2009, are
22 20 appropriated to the office of secretary of state for the
22 21 purposes set forth in the grants, receipts, or conditions
22 22 accompanying the receipt of the funds, unless otherwise
22 23 provided by law.

22 24 Sec. 51. IOWA STATE FAIR AUTHORITY. Federal grants,
22 25 receipts, and funds and other nonstate grants, receipts, and
22 26 funds, available in whole or in part for the fiscal year
22 27 beginning July 1, 2008, and ending June 30, 2009, are
22 28 appropriated to the Iowa state fair authority for the purposes
22 29 set forth in the grants, receipts, or conditions accompanying
22 30 the receipt of the funds, unless otherwise provided by law.

22 31 Sec. 52. OFFICE OF STATE=FEDERAL RELATIONS. Federal
22 32 grants, receipts, and funds and other nonstate grants,
22 33 receipts, and funds, available in whole or in part for the
22 34 fiscal year beginning July 1, 2008, and ending June 30, 2009,
22 35 are appropriated to the office of state=federal relations for



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 29, 2008**

Senate Study Bill 3100 continued

23 1 the purposes set forth in the grants, receipts, or conditions
23 2 accompanying the receipt of the funds, unless otherwise
23 3 provided by law.

23 4 Sec. 53. IOWA TELECOMMUNICATIONS AND TECHNOLOGY
23 5 COMMISSION. Federal grants, receipts, and funds and other
23 6 nonstate grants, receipts, and funds, available in whole or in
23 7 part for the fiscal year beginning July 1, 2008, and ending
23 8 June 30, 2009, are appropriated to the Iowa telecommunications
23 9 and technology commission for the purposes set forth in the
23 10 grants, receipts, or conditions accompanying the receipt of
23 11 the funds, unless otherwise provided by law.

23 12 Sec. 54. OFFICE OF TREASURER OF STATE. Federal grants,
23 13 receipts, and funds and other nonstate grants, receipts, and
23 14 funds, available in whole or in part for the fiscal year
23 15 beginning July 1, 2008, and ending June 30, 2009, are
23 16 appropriated to the office of treasurer of state for the
23 17 purposes set forth in the grants, receipts, or conditions
23 18 accompanying the receipt of the funds, unless otherwise
23 19 provided by law.

23 20 Sec. 55. DEPARTMENT OF TRANSPORTATION. Federal grants,
23 21 receipts, and funds and other nonstate grants, receipts, and
23 22 funds, available in whole or in part for the fiscal year
23 23 beginning July 1, 2008, and ending June 30, 2009, are
23 24 appropriated to the department of transportation for the
23 25 purposes set forth in the grants, receipts, or conditions
23 26 accompanying the receipt of the funds, unless otherwise
23 27 provided by law.

23 28 Sec. 56. DEPARTMENT OF VETERANS AFFAIRS. Federal grants,
23 29 receipts, and funds and other nonstate grants, receipts, and
23 30 funds, available in whole or in part for the fiscal year
23 31 beginning July 1, 2008, and ending June 30, 2009, are
23 32 appropriated to the department of veterans affairs for the
23 33 purposes set forth in the grants, receipts, or conditions
23 34 accompanying the receipt of the funds, unless otherwise
23 35 provided by law.



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 29, 2008

Senate Study Bill 3101

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

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

Passed House, Date _____
Vote: Ayes _____ Nays _____

A BILL FOR

1 An Act providing for the establishment of a commission on the
2 status of Native Americans within the department of human
3 rights.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
5 TLSB 5717XL 82
6 ec/nh/5



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 29, 2008

Senate Study Bill 3101 continued

PAG LIN

1 1 Section 1. Section 216A.1, Code 2007, is amended by adding
1 2 the following new subsection:

1 3 NEW SUBSECTION. 9. Division on the status of Native
1 4 Americans.

1 5 Sec. 2. NEW SECTION. 216A.161 DEFINITIONS.

1 6 For purposes of this subchapter, unless the context
1 7 otherwise requires:

1 8 1. "Administrator" means the administrator of the division
1 9 on the status of Native Americans.

1 10 2. "Commission" means the commission on the status of
1 11 Native Americans.

1 12 3. "Division" means the division on the status of Native
1 13 Americans of the department of human rights.

1 14 Sec. 3. NEW SECTION. 216A.162 ESTABLISHMENT.

1 15 1. A commission on the status of Native Americans is
1 16 established consisting of eleven voting members appointed by
1 17 the governor, subject to confirmation by the senate. The
1 18 members of the commission shall appoint one of the members to
1 19 serve as chairperson of the commission.

1 20 2. The members of the commission shall be as follows:

1 21 a. Seven public members appointed in compliance with
1 22 sections 69.16 and 69.16A who shall be appointed with
1 23 consideration given to the geographic residence of the member
1 24 and the population density of Native Americans within the
1 25 vicinity of the geographic residence of a member. Of the
1 26 seven public members appointed, at least one shall be a Native
1 27 American who is an enrolled tribal member living on a tribal
1 28 settlement or reservation in Iowa and whose tribal government
1 29 is located in Iowa.

1 30 b. Four members representing each of the following tribal
1 31 governments which hold land in Iowa:

1 32 (1) Sac and Fox tribe of the Mississippi in Iowa.

1 33 (2) Omaha tribe of Nebraska.

1 34 (3) Winnebago tribe of Nebraska.

1 35 (4) Ponca tribe of Nebraska.



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 29, 2008

Senate Study Bill 3101 continued

2 1 Sec. 4. NEW SECTION. 216A.163 TERM OF OFFICE.
2 2 Five of the members appointed to the initial commission
2 3 shall be designated by the governor to serve two-year terms,
2 4 and six shall be designated by the governor to serve four-year
2 5 terms. Succeeding appointments shall be for a term of four
2 6 years. Vacancies in the membership shall be filled for the
2 7 remainder of the term of the original appointment.
2 8 Sec. 5. NEW SECTION. 216A.164 MEETINGS OF THE
2 9 COMMISSION.
2 10 The commission shall meet at least four times each year,
2 11 and shall hold special meetings on the call of the
2 12 chairperson. The commission shall adopt rules pursuant to
2 13 chapter 17A as it deems necessary for the conduct of its
2 14 business. The members of the commission shall be reimbursed
2 15 for actual expenses while engaged in their official duties. A
2 16 member may also be eligible to receive compensation as
2 17 provided in section 7E.6.
2 18 Sec. 6. NEW SECTION. 216A.165 DUTIES.
2 19 The commission shall have all powers necessary to carry out
2 20 the functions and duties specified in this subchapter and
2 21 shall do all of the following:
2 22 1. Advise the governor and the general assembly on issues
2 23 confronting Native American persons in this state.
2 24 2. Advise the governor and the general assembly of
2 25 administrative and legislative changes necessary to ensure
2 26 Native American persons access to benefits and services
2 27 provided to people in this state.
2 28 3. Recommend to the governor and the general assembly any
2 29 revisions in the state's affirmative action program and other
2 30 steps necessary to eliminate underutilization of Native
2 31 American persons in the state's workforce.
2 32 4. Recommend legislation to the governor and the general
2 33 assembly designed to improve the economic and social condition
2 34 of Native American persons in this state.
2 35 5. Serve as a conduit to state government for



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 29, 2008

Senate Study Bill 3101 continued

3 1 organizations of and tribes consisting of Native American
3 2 persons in this state.

3 3 6. Serve as a referral agency to assist Native American
3 4 persons in securing access to state agencies and programs.

3 5 7. Serve as a liaison with federal, state, and local
3 6 governmental units, and private organizations on matters
3 7 relating to Native American persons in this state.

3 8 8. Perform or contract for the performance of studies
3 9 designed to suggest solutions to the problems of Native
3 10 American persons in the areas of education, employment, human
3 11 rights, health, housing, social welfare, and other related
3 12 areas.

3 13 9. Implement programs designed to solve the problems of
3 14 Native American persons when authorized by law.

3 15 10. Publicize the accomplishments of Native American
3 16 persons and their contributions to this state.

3 17 11. Work with other state, tribal, and federal agencies
3 18 and organizations to develop small business opportunities and
3 19 promote economic development for Native American persons.

3 20 Sec. 7. NEW SECTION. 216A.166 REVIEW OF GRANT
3 21 APPLICATIONS AND BUDGET REQUESTS.

3 22 Before the submission of an application, a state department
3 23 or agency shall consult with the commission concerning an
3 24 application for federal funding that will have its primary
3 25 effect on Native American persons. The commission shall
3 26 advise the governor, the director of the department of human
3 27 rights, and the director of revenue concerning any state
3 28 agency budget request that will have its primary effect on
3 29 Native American persons.

3 30 Sec. 8. NEW SECTION. 216A.167 ADDITIONAL DUTIES AND
3 31 AUTHORITY == LIMITATIONS.

3 32 1. The commission shall have responsibility for the budget
3 33 of the commission and the division and shall submit the budget
3 34 to the director of the department of human rights as provided
3 35 in section 216A.2, subsection 2.



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 29, 2008**

Senate Study Bill 3101 continued

4 1 2. The commission may do any of the following:
4 2 a. Enter into contracts, within the limit of funds made
4 3 available, with individuals, organizations, and institutions
4 4 for services.
4 5 b. Accept gifts, grants, devises, or bequests of real or
4 6 personal property from the federal government or any other
4 7 source for the use and purposes of the commission.
4 8 3. The commission shall not have the authority to
4 9 implement or administer the duties of the state of Iowa under
4 10 the federal Indian Gaming Regulatory Act and shall not have
4 11 any authority to negotiate, administer, or enforce any
4 12 agreement or compact entered into between the state of Iowa
4 13 and Indian tribes located in the state pursuant to section
4 14 10A.104.
4 15 Sec. 9. NEW SECTION. 216A.168 ADMINISTRATOR.
4 16 The commission shall designate the duties and obligations
4 17 of the position of administrator. The administrator shall
4 18 carry out programs and policies as determined by the
4 19 commission. The administrator may employ other persons
4 20 necessary to carry out the programs of the division.
4 21 Sec. 10. NEW SECTION. 216A.169 STATE AGENCY ASSISTANCE.
4 22 On the request of the commission, state departments and
4 23 agencies may supply the commission with advisory staff
4 24 services on matters relating to the jurisdiction of the
4 25 commission. The commission shall cooperate and coordinate its
4 26 activities with other state agencies to the highest possible
4 27 degree.
4 28 Sec. 11. NEW SECTION. 216A.170 ANNUAL REPORT.
4 29 Not later than February 1 of each year, the commission
4 30 shall file a report in an electronic format with the governor
4 31 and the general assembly of its activities for the previous
4 32 calendar year. With the report, the commission may submit any
4 33 recommendations pertaining to its activities and shall submit
4 34 recommendations for legislative consideration and other action
4 35 it deems necessary.



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 29, 2008

Senate Study Bill 3101 continued

5 1 Sec. 12. COMMISSION ON THE STATUS OF NATIVE AMERICANS ==
5 2 TRANSITION PROVISIONS.

5 3 1. The initial members of the commission established
5 4 pursuant to this Act shall be appointed by September 1, 2008.

5 5 2. Notwithstanding any provision of this Act to the
5 6 contrary, an administrator of the division on the status of
5 7 Native Americans and employees of the division shall not be
5 8 appointed or hired prior to July 1, 2009.

5 9 3. Prior to June 1, 2009, the commission shall submit a
5 10 report to the director of human rights. The report shall
5 11 include a job description for the administrator of the
5 12 division, goals for division operations, and performance
5 13 measures to measure achievement of division goals.

5 14 EXPLANATION

5 15 This bill establishes a division on the status of Native
5 16 Americans within the department of human rights. The
5 17 commission on the status of Native Americans is also created.

5 18 The commission consists of 11 members, appointed by the
5 19 governor and subject to senate confirmation. Of the members,
5 20 seven shall be public members and at least one of the seven
5 21 shall be a Native American who is an enrolled tribal member
5 22 living on a tribal settlement or reservation in Iowa and whose
5 23 tribal government is located in Iowa. The other four members
5 24 shall be from each of the following tribal governments that
5 25 hold land in Iowa: the Sac and Fox tribe of the Mississippi in
5 26 Iowa, the Omaha tribe of Nebraska, the Winnebago tribe of
5 27 Nebraska, and the Ponca tribe of Nebraska.

5 28 Duties of the commission are specified.

5 29 The bill also provides that initial appointment of members
5 30 to the commission shall be by September 1, 2008, and that
5 31 division employees and a division administrator shall not be
5 32 hired or appointed prior to July 1, 2009. By June 1, 2009,
5 33 the commission shall submit a report to include a job
5 34 description for the administrator and goals, and applicable
5 35 performance measures, for the division.



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 29, 2008**

Senate Study Bill 3101 continued

6 1 LSB 5717XL 82
6 2 ec/nh/5.1



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 29, 2008

Senate Study Bill 3102

SENATE FILE
BY (PROPOSED COMMITTEE ON
COMMERCE BILL BY
CHAIRPERSON WARNSTADT)

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

A BILL FOR

1 An Act requiring insurers offering certain individual or group
2 health insurance contracts, policies, or plans to provide
3 coverage for vaccinations for human papilloma virus.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
5 TL5B 5658XC 82
6 av/rj/24



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 29, 2008

Senate Study Bill 3102 continued

PAG LIN

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



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 29, 2008

Senate Study Bill 3103

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

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

Passed House, Date _____
Vote: Ayes _____ Nays _____

A BILL FOR

- 1 An Act making nonsubstantive corrections to certain provisions
- 2 relating to insurance and making repeals.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 5432XD 82
- 5 av/nh/24



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 29, 2008

Senate Study Bill 3103 continued

PAG LIN

1 1 Section 1. Section 507B.4, subsection 2, paragraph c, Code
1 2 Supplement 2007, is amended to read as follows:
1 3 c. STATEMENT OF CAPITAL AND SURPLUS. In the case of a
1 4 foreign company transacting the business of casualty insurance
1 5 in the state, or an officer, producer, or representative of
1 6 such a company, issuing or publishing an advertisement, public
1 7 announcement, sign, circular, or card that purports to
1 8 disclose the company's financial standing and fails to
1 9 exhibit: the capital actually paid in cash, and the amount of
1 10 net surplus of assets over all the company's liabilities
1 11 actually held and available for the payment of losses by fire
1 12 and for the protection of holders of fire policies; and the
1 13 amount of net surplus of assets over all liabilities in the
1 14 United States actually available for the payment of losses by
1 15 fire and held in the United States for the protection of
1 16 holders of fire policies in the United States, including in
1 17 such liabilities the fund reserved for reinsurance of
1 18 outstanding risks. The amounts stated for capital and net
1 19 surplus shall correspond with the latest verified statement
1 20 made by the company or association to the commissioner of
1 21 insurance. ~~Such a company shall not write, place, or cause to~~
~~1 22 be written or placed, a policy or contract for insurance on~~
~~1 23 property situated or located in this state except through a~~
~~1 24 licensed producer authorized to do business in this state.~~
1 25 Sec. 2. Section 510.21, unnumbered paragraph 2, Code
1 26 Supplement 2007, is amended to read as follows:
1 27 An application for registration shall be accompanied by a
1 28 filing fee of one hundred dollars. After notice and hearing,
1 29 the commissioner may impose any or all of the sanctions set
1 30 out in section 507B.7, upon finding that either the
1 31 third-party administrator violated any of the requirements of
1 32 ~~section 515.145 and sections 510.1A 510.12 through 510.20 and~~
1 33 this section, or the third-party administrator is not
1 34 competent, trustworthy, financially responsible, or of good
1 35 personal and business reputation.



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 29, 2008

Senate Study Bill 3103 continued

2 1 Sec. 3. Section 515.1, Code 2007, is amended to read as
2 2 follows:

2 3 515.1 APPLICABILITY.

2 4 Corporations formed for the purpose of insurance, other
2 5 than life insurance, shall be governed by the provisions of
2 6 chapter 490, chapter 491, or chapter 504, except as modified
2 7 by the provisions of this chapter. The provisions of this
2 8 chapter relative to insurance companies shall apply to all
2 9 such companies, partnerships, associations, or individuals,
2 10 whether incorporated or not.

2 11 Sec. 4. NEW SECTION. 515.11A TRANSFER OF STOCK.

2 12 Transfers of stock made by any stockholder or the
2 13 stockholder's legal representative shall be subject to the
2 14 provisions of chapters 491 and 492 relative to transfer of
2 15 shares, and to such restrictions as the directors shall
2 16 establish in their bylaws, except as hereinafter provided.

2 17 Sec. 5. Section 515.73, Code Supplement 2007, is amended
2 18 to read as follows:

2 19 515.73 ADDITIONAL STATEMENTS == IMPAIRED CAPITAL.

2 20 Such Any company desiring to transact the business of
2 21 insurance under this chapter shall also file with the
2 22 commissioner a certified copy of its charter or deed of
2 23 settlement, together with a statement under oath of the
2 24 president or vice president or other chief officer and the
2 25 secretary of the company for which they may act, stating the
2 26 name of the company, the place where located, the amount of
2 27 its capital, with a detailed statement of the facts and items
2 28 required from companies organized under the laws of this
2 29 state, and a copy of the last annual report, if any, made
2 30 under any law of the state by which such company was
2 31 incorporated; and no agent shall be allowed to transact
2 32 business for any company whose capital is impaired by
2 33 liabilities as specified in this chapter to the extent of
2 34 twenty percent thereof, while such deficiency shall continue.

2 35 Sec. 6. Section 515.120, Code Supplement 2007, is amended



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 29, 2008

Senate Study Bill 3103 continued

3 1 to read as follows:

3 2 515.120 BUSINESS WITH NONADMITTED INSURERS.

3 3 This chapter does not prevent a licensed resident or
3 4 nonresident ~~agent~~ producer of this state, qualified to write
3 5 excess and surplus lines insurance, from procuring insurance
3 6 in certain nonadmitted insurers if such insurance is
3 7 restricted to the type and kind of insurance authorized by
3 8 this chapter, excluding insurance authorized under section
3 9 515.48, subsection 5, paragraph "a", and the ~~agent~~ producer
3 10 makes oath to the commissioner of insurance in the form
3 11 prescribed by the commissioner that the ~~agent~~ producer has
3 12 made diligent effort to place the insurance in authorized
3 13 insurers and has either exhausted the capacity of all
3 14 authorized insurers or has been unable to obtain the desired
3 15 insurance in insurers licensed to transact business in this
3 16 state. The procuring of a contract of insurance in a
3 17 nonadmitted insurer makes the insurer liable for, and the
3 18 ~~agent~~ producer shall pay, the taxes on the premiums as if the
3 19 insurer were duly authorized to transact business in the
3 20 state. A sworn report of all business transacted by ~~agents~~
3 21 producers of this state in nonadmitted insurers shall be made
3 22 to the commissioner of insurance on or before March 1 of each
3 23 year for the preceding calendar year, on the form required by
3 24 the commissioner of insurance. The report shall be
3 25 accompanied by a remittance to cover the taxes on the
3 26 premiums. ~~An agent~~ A producer who makes the oath, pays the
3 27 taxes on the premiums, and files the report has not written
3 28 such contracts of insurance unlawfully, and is not personally
3 29 liable for the contracts.

3 30 Sec. 7. Section 515.121, Code Supplement 2007, is amended
3 31 to read as follows:

3 32 515.121 ADMINISTRATIVE PENALTY.

3 33 1. An excess and surplus lines insurance ~~agent that~~
3 34 producer who fails to timely file the report required in
3 35 section 515.120 is in violation of this section and shall pay



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 29, 2008

Senate Study Bill 3103 continued

4 1 an administrative penalty of five hundred dollars to the
4 2 treasurer of state for deposit in the general fund of the
4 3 state as provided in section 505.7.

4 4 2. The commissioner shall refuse to renew the license of
4 5 ~~an agent that~~ a producer who fails to comply with the
4 6 provisions of section 515.120 and this section and the ~~agent's~~
4 7 producer's right to transact new business in this state shall
4 8 immediately cease until the ~~agent~~ producer has so complied.

4 9 3. The commissioner may give notice to ~~an agent~~ a producer
4 10 that the ~~agent~~ producer has not timely filed the report
4 11 required under section 515.120 and is in violation of this
4 12 section. If the ~~agent~~ producer fails to file the required
4 13 report within ten days of the date of the notice, the ~~agent~~
4 14 producer shall pay an additional administrative penalty of one
4 15 hundred dollars for each day that the failure continues to the
4 16 treasurer of state for deposit in the general fund of the
4 17 state as provided in section 505.7.

4 18 Sec. 8. Section 515.122, subsection 1, Code Supplement
4 19 2007, is amended to read as follows:

4 20 1. An insurance producer shall not knowingly place
4 21 insurance, either directly or through an intermediary broker,
4 22 ~~in~~ with insurers who are insolvent or unsound financially; and
4 23 shall not place or renew insurance with nonadmitted insurers
4 24 found by the commissioner of insurance to have failed or
4 25 refused to furnish, in the manner provided in subsection 2,
4 26 information reasonably showing the ability or willingness of
4 27 the insurers to satisfy obligations undertaken with respect to
4 28 insurance issued by them.

4 29 Sec. 9. Section 515.125, Code Supplement 2007, is amended
4 30 to read as follows:

4 31 515.125 FORFEITURE OF POLICIES == NOTICE.

4 32 1. ~~A policy or contract of insurance, unless~~ Unless
4 33 otherwise provided in section 515.127 or 515.128, a policy or
4 34 contract of insurance provided for in this chapter shall not
4 35 be forfeited, suspended, or canceled except by notice to the



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 29, 2008

Senate Study Bill 3103 continued

5 1 insured as provided in this chapter. A notice of cancellation
5 2 is not effective unless mailed or delivered by the insurer to
5 3 the named insured at least thirty days before the effective
5 4 date of cancellation, or, where cancellation is for nonpayment
5 5 of a premium, assessment, or installment provided for in the
5 6 policy, or in a note or contract for the payment thereof, at
5 7 least ten days prior to the date of cancellation. The notice
5 8 may be made in person, or by sending by mail a letter
5 9 addressed to the insured at the insured's address as given in
5 10 or upon the policy, anything in the policy, application, or a
5 11 separate agreement to the contrary notwithstanding.

5 12 2. An insurer shall not fail to renew a policy except by
5 13 notice to the insured as provided in this chapter. A notice
5 14 of intention not to renew is not effective unless mailed or
5 15 delivered by the insurer to the named insured at least thirty
5 16 days prior to the expiration date of the policy. A notice of
5 17 intention not to renew is not required if the insured is
5 18 transferred from an insurer to an affiliate for future
5 19 coverage as a result of a merger, acquisition, or company
5 20 restructuring and if the transfer results in the same or
5 21 broader coverage.

5 22 3. If the reason does not accompany the notice of
5 23 cancellation or nonrenewal, the insurer shall, upon receipt of
5 24 a timely request by the named insured, state in writing the
5 25 reason for cancellation or nonrenewal.

5 26 Sec. 10. Section 515.129, subsection 3, unnumbered
5 27 paragraph 1, Code Supplement 2007, is amended to read as
5 28 follows:

5 29 An umbrella or excess insurance policy which has been
5 30 renewed or which has been in effect for sixty or more days
5 31 shall not be canceled by the insurer, except as provided in
5 32 section 515.127, subsections 2 and 3, ~~except by~~ unless notice
5 33 has been mailed or delivered to the insured as required by
5 34 this section or unless at least one of the following
5 35 conditions occurs:



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 29, 2008

Senate Study Bill 3103 continued

6 1 Sec. 11. Section 515.130, Code Supplement 2007, is amended
6 2 to read as follows:

6 3 515.130 SHORT RATES.

6 4 The commissioner of insurance shall prepare and promulgate
6 5 tables of the short rates provided for in ~~sections 515.125 and~~
~~6 6 515.126~~ section 515.132, for the various kinds and classes of
6 7 insurance governed by the provisions of this chapter, which,
6 8 when promulgated, shall be for the guidance of all companies
6 9 covered in this chapter and shall be the rate to be given in
6 10 any notice therein required. No company shall discriminate
6 11 unfairly between like assureds in the rate or rates so
6 12 provided.

6 13 Sec. 12. Section 515.138, Code Supplement 2007, is amended
6 14 to read as follows:

6 15 515.138 NOTICE OF LOSS OF PERSONAL PROPERTY BY HAIL.

6 16 In case of loss or damage to growing crops by hail, notice
6 17 of such loss or damage must be given to the company by the
6 18 insured by mailing a certified mail letter within ten days
6 19 from the time such loss or damage occurs.

6 20 Sec. 13. Section 515.141, subsection 1, Code Supplement
6 21 2007, is amended to read as follows:

6 22 1. The commissioner of insurance is authorized to issue a
6 23 subpoena for examination under oath, to any officer, agent, or
6 24 employee of any company suspected of violating any of the
6 25 provisions of section 515.140.

6 26 Sec. 14. Section 515.142, Code Supplement 2007, is amended
6 27 to read as follows:

6 28 515.142 TRANSFERS PENDING INVESTIGATION.

6 29 Any transfer of the stock of any company organized under
6 30 this chapter, made pending any investigation ~~above required~~,
6 31 shall not release the party making the transfer from any
6 32 liability for losses which may have accrued previous to such
6 33 transfer.

6 34 Sec. 15. Section 515.145, Code Supplement 2007, is amended
6 35 to read as follows:



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 29, 2008

Senate Study Bill 3103 continued

7 1 515.145 REVOCATION OF AUTHORITY.

7 2 If upon any examination, ~~and that of~~ or upon information
7 3 obtained from any ~~other~~ witness produced ~~and~~ or examined, the
7 4 commissioner determines that a company has violated section
7 5 515.140, or if any officer, agent, or employee fails to appear
7 6 or submit to examination after receiving a subpoena, the
7 7 commissioner shall promptly issue an order revoking the
7 8 authority of the company to transact business within this
7 9 state, and the company shall not be permitted to do the
7 10 business of insurance in this state for one year.

7 11 Sec. 16. Section 515.146, Code Supplement 2007, is amended
7 12 to read as follows:

7 13 515.146 CERTIFICATE REFUSED == ADMINISTRATIVE PENALTY.

7 14 The commissioner of insurance shall withhold the
7 15 commissioner's certificate or permission of authority to do
7 16 business from a company neglecting or failing to comply with
7 17 this chapter. In addition, a company organized or authorized
7 18 under this chapter which fails to file the annual statement
7 19 referred to in section 515.63 in the time required shall pay
7 20 and forfeit an administrative penalty in an amount of five
7 21 hundred dollars to be collected in the name of the state for
7 22 deposit in the general fund of the state as provided in
7 23 section 505.7. The company's right to transact further new
7 24 business in this state shall immediately cease until the
7 25 company has fully complied with this chapter. The
7 26 commissioner may give notice to a company which has failed to
7 27 file within the time required that the company is in violation
7 28 of this section and, if the company fails to file the evidence
7 29 of investment and statement within ten days of the date of the
7 30 notice, the company shall forfeit and pay the additional sum
7 31 of one hundred dollars for each day the failure continues, to
7 32 be paid to the treasurer of state for deposit in the general
7 33 fund of the state as provided in section 505.7.

7 34 Sec. 17. Section 515.153, Code Supplement 2007, is amended
7 35 to read as follows:



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 29, 2008

Senate Study Bill 3103 continued

8 1 515.153 INCRIMINATION.

8 2 The statements and declarations made or testimony given by
8 3 any ~~such~~ officer, agent, or employee in the investigation
8 4 before the commissioner of insurance, or upon the hearing on
8 5 the petition for judicial review, as provided in sections
8 6 515.141, 515.145, and 515.152, shall not be used against the
8 7 person making the same in any criminal prosecution against the
8 8 person.

8 9 Sec. 18. Sections 515.62 and 515.64, Code 2007, are
8 10 repealed.

8 11 Sec. 19. Section 515.107, Code Supplement 2007, is
8 12 repealed.

8 13 EXPLANATION

8 14 This bill makes nonsubstantive corrections to Code chapter
8 15 507B dealing with insurance trade practices and to Code
8 16 chapter 515 relating to insurance other than life insurance.

8 17 Code section 507B.4(2)(c) is amended to delete language
8 18 that does not relate to the topic of the paragraph and which
8 19 duplicates requirements already contained in Code chapter
8 20 522B, regulating insurance producers.

8 21 Code section 510.21 is amended to correct incorrect
8 22 internal references.

8 23 Code section 515.1 is amended to include the language
8 24 presently contained in Code section 515.107, and Code section
8 25 515.107 is repealed. The reorganization of Code chapter 515
8 26 in 2007 made the placement of this language more appropriate
8 27 at the beginning of the Code chapter.

8 28 New Code section 515.11A recodifies the language of Code
8 29 section 515.62 dealing with the transfer of stock in the area
8 30 of the Code chapter that relates to stock companies. The
8 31 reorganization of Code chapter 515 in 2007 made the placement
8 32 of this language more appropriate in a new location. Code
8 33 section 515.62 is repealed.

8 34 Code section 515.64 is repealed because the language
8 35 contains an archaic reference to an outdated business model.



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 29, 2008

Senate Study Bill 3103 continued

9 1 Code section 515.73 is amended to delete the words "such
9 2 company" which referred to language in a previous Code section
9 3 that was transferred when Code chapter 515 was reorganized in
9 4 2007 and now refers to "any company" transacting insurance
9 5 business under the Code chapter.

9 6 Code sections 515.120 and 515.121 are amended to change
9 7 references from insurance "agent" to "producer" to be
9 8 consistent with changes in terminology that were previously
9 9 made in Code chapter 522B and in other sections of the Code.

9 10 Code section 515.122(1) is amended by changing a word in
9 11 one clause so that the language is consistent with that in the
9 12 succeeding clause.

9 13 Code section 515.125 is amended to clarify the meaning of
9 14 the language in subsection 1 and to number a previously
9 15 unnumbered paragraph to make a new subsection 3.

9 16 Code section 515.129(3) is amended to make the language
9 17 easier to understand.

9 18 Code section 515.130 is amended to correct an internal
9 19 reference.

9 20 Code section 515.138 is amended by expanding the word
9 21 "loss" to "loss or damage" to make the language consistent
9 22 throughout the Code section.

9 23 Code section 515.141(1) is amended by adding a missing
9 24 preposition to make the language consistent with that
9 25 contained in subsection 2 of the Code section.

9 26 Code section 515.142 is amended by deleting the words
9 27 "above required" so that the Code section applies to the
9 28 entire Code chapter. The transfer of language within Code
9 29 chapter 515 in 2007 made this language inaccurate.

9 30 Code sections 515.145 and 515.146 are amended to make the
9 31 language more understandable.

9 32 Code section 515.153 is amended to make the provision
9 33 applicable to the whole Code chapter. The transfer of
9 34 sections within Code chapter 515 in 2007 made the language
9 35 inaccurate in referring to language which no longer precedes



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 29, 2008**

Senate Study Bill 3103 continued

10 1 it.
10 2 LSB 5432XD 82
10 3 av/nh/24



Iowa General Assembly
 Daily Bills, Amendments & Study Bills
 January 29, 2008

Senate Study Bill 3104

SENATE/HOUSE FILE
 BY (PROPOSED ATTORNEY
 GENERAL BILL)

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

Passed House, Date _____
 Vote: Ayes _____ Nays _____

A BILL FOR

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



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 29, 2008

Senate Study Bill 3104 continued

PAG LIN

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

1 35 EXPLANATION



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 29, 2008**

Senate Study Bill 3104 continued

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

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

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

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



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 29, 2008**

Senate Study Bill 3104 continued

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



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 29, 2008

Senate Study Bill 3105

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

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

Passed House, Date _____
Vote: Ayes _____ Nays _____

A BILL FOR

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



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 29, 2008

Senate Study Bill 3105 continued

PAG LIN

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

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

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

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

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

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



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 29, 2008

Senate Study Bill 3105 continued

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



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 29, 2008

Senate Study Bill 3105 continued

3 1 is amended to read as follows:

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

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

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

3 13 544A.9 REGISTRATION.

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

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

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



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 29, 2008

Senate Study Bill 3105 continued

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

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

4 8 1. It is unlawful for a person to engage in or to offer to
4 9 engage in the practice of architecture in this state or use in
4 10 connection with the person's name the title "architect",
4 11 "registered architect", or "architectural designer", or to
4 12 imply that the person provides or offers to provide
4 13 professional architectural services, or to otherwise assume,
4 14 use, or advertise any title, word, figure, sign, card,
4 15 advertisement, or other symbol or description tending to
4 16 convey the impression that the person is an architect or is
4 17 engaged in the practice of architecture unless the person is
4 18 qualified by registration as provided in this chapter.

4 19 However, the board may by rule authorize a person to offer to
4 20 perform architectural services in this state prior to
4 21 registration in this state if the person is registered in good
4 22 standing to practice architecture in at least one other state
4 23 or jurisdiction, the person holds a certificate from a
4 24 national certification council recognized by the board, the
4 25 person makes such disclosures as the board may require by
4 26 rule, and the person becomes duly registered in this state
4 27 prior to otherwise practicing architecture in this state as
4 28 defined in section 544A.16, subsection 8.

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

4 31 544A.27 DISCLOSURE OF CONFIDENTIAL INFORMATION.

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

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

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



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 29, 2008

Senate Study Bill 3105 continued

5 1 examination.

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

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

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

5 11 EXPLANATION

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

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

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

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



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 29, 2008**

Senate Study Bill 3105 continued

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



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 29, 2008

Senate Study Bill 3106

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

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

A BILL FOR

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



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 29, 2008

Senate Study Bill 3106 continued

PAG LIN

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

1 20 EXPLANATION

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



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 29, 2008**

Senate Study Bill 3106 continued

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



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 29, 2008

Senate Study Bill 3107

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 creating the homeowners' consumer protection fund,
- 2 providing for the assessment of a surcharge, and making an
- 3 appropriation.
- 4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 5 TLSB 5263DP 82
- 6 rh/jp/8



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 29, 2008

Senate Study Bill 3107 continued

PAG LIN

1 1 Section 1. NEW SECTION. 558.41A RECORDING MORTGAGE AND
1 2 DEED OF TRUST == SURCHARGE.

1 3 1. Except as provided in subsection 3, a surcharge of five
1 4 dollars shall be collected by the county recorder at the time
1 5 of recording a mortgage or deed of trust in addition to any
1 6 other fees required by law.

1 7 2. Moneys collected pursuant to this section shall be
1 8 transferred monthly to the treasurer of state for deposit in
1 9 the homeowners' consumer protection fund created in section
1 10 714.16D except that the county recorder may retain up to one
1 11 percent of the funds collected as necessary to administer
1 12 collection of the surcharge pursuant to this section.

1 13 3. The surcharge imposed pursuant to this section shall
1 14 not apply to an assignment or substitution of a previously
1 15 recorded mortgage or deed of trust.

1 16 Sec. 2. NEW SECTION. 714.16D HOMEOWNERS' CONSUMER
1 17 PROTECTION FUND == SURCHARGE.

1 18 1. A homeowners' consumer protection fund is created as a
1 19 separate fund in the state treasury to be administered by the
1 20 attorney general for purposes of the investigation and
1 21 prosecution of, and consumer education about, frauds relating
1 22 to mortgage lending.

1 23 2. The fund shall consist of moneys collected by the
1 24 county recorder from the surcharge imposed pursuant to section
1 25 558.41A, except to the extent that such moneys are permitted
1 26 to be used for administration of the fund as specified in
1 27 section 558.41A.

1 28 3. Notwithstanding section 8.33, moneys credited to the
1 29 fund from any source shall not revert to any other fund.
1 30 Notwithstanding section 12C.7, interest or earnings on the
1 31 moneys in the fund shall be credited to the fund. Moneys
1 32 available in the fund for a fiscal year are appropriated to
1 33 the department of justice to be used for the purposes of this
1 34 section.

1 35 EXPLANATION



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 29, 2008

Senate Study Bill 3107 continued

2 1 This bill creates the homeowners' consumer protection fund,
2 2 provides for the assessment of a surcharge, and makes an
2 3 appropriation.

2 4 The bill provides that a surcharge of \$5 shall be collected
2 5 by the county recorder at the time of recording a mortgage or
2 6 deed of trust in addition to any other fees required by law.
2 7 Moneys collected shall be transferred monthly to the treasurer
2 8 of state for deposit in the homeowners' consumer protection
2 9 fund created in the bill except that the county recorder may
2 10 retain up to 1 percent of the funds collected as necessary to
2 11 administer collection of the surcharge. The surcharge shall
2 12 not apply to an assignment or substitution of a previously
2 13 recorded mortgage or deed of trust.

2 14 The bill creates the homeowners' consumer protection fund
2 15 as a separate fund in the state treasury to be administered by
2 16 the attorney general for purposes of the investigation and
2 17 prosecution of, and consumer education about, frauds relating
2 18 to mortgage lending. The fund shall consist of moneys
2 19 collected by the county recorder from the surcharge imposed
2 20 pursuant to the bill except to the extent that such moneys are
2 21 permitted to be used for administration of the fund.

2 22 Notwithstanding Code section 8.33, moneys credited to the
2 23 fund from any source shall not revert to any other fund.
2 24 Notwithstanding Code section 12C.7, interest or earnings on
2 25 the moneys in the fund shall be credited to the fund. Moneys
2 26 available in the fund for a fiscal year are appropriated to
2 27 the department of justice to be used for the purposes of the
2 28 fund.

2 29 LSB 5263DP 82

2 30 rh/jp/8.1



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 29, 2008

Senate Study Bill 3108

SENATE FILE
BY (PROPOSED COMMITTEE ON
COMMERCE BILL BY
CHAIRPERSON WARNSTADT)

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

Passed House, Date _____
Vote: Ayes _____ Nays _____

A BILL FOR

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



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 29, 2008

Senate Study Bill 3108 continued

PAG LIN

1 1 Section 1. Section 507B.4, Code Supplement 2007, is
1 2 amended by adding the following new subsection:
1 3 NEW SUBSECTION. 9A. UNFAIR REPAIR PRACTICES. Requiring a
1 4 repair business that performs repairs, on behalf of an
1 5 insurer, to the property of an insured or beneficiary to buy
1 6 supplies and parts from a seller or list of sellers specified
1 7 by the insurer. An insured, beneficiary, or repair business
1 8 may submit a written, documented complaint to the commissioner
1 9 alleging a violation of this subsection.

1 10 EXPLANATION

1 11 This bill prohibits an insurer from requiring repair
1 12 businesses that perform repairs, on behalf of the insurer, to
1 13 the property of an insured or beneficiary to buy supplies and
1 14 parts from a seller or list of sellers specified by the
1 15 insurer.

1 16 The bill defines such practices of insurers or their agents
1 17 as prohibited unfair methods of competition and unfair or
1 18 deceptive acts or practices in the business of insurance. An
1 19 insured, beneficiary, or repair business may submit a written,
1 20 documented complaint to the commissioner of insurance alleging
1 21 a violation of the bill's provisions.

1 22 Pursuant to Code section 507B.7, a violation of the bill is
1 23 punishable by a civil penalty assessed by the commissioner of
1 24 insurance of not more than \$1,000 for each act or violation,
1 25 but not to exceed an aggregate of \$10,000, unless the person
1 26 knew or reasonably should have known the person was in
1 27 violation of the bill, in which case the penalty shall not
1 28 exceed \$5,000 for each act or violation, and not be more than
1 29 \$50,000 in the aggregate. A violation of the bill may also
1 30 result in the suspension or revocation of the violator's
1 31 license.

1 32 LSB 5857XC 82

1 33 av/sc/14