



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 31, 2008**

House Amendment 8003

PAG LIN

1 1 Amend Senate File 2023, as passed by the Senate, as
 1 2 follows:
 1 3 #1. By striking everything after the enacting
 1 4 clause and inserting the following:
 1 5 <Section 1. UTILITY REPLACEMENT TAX TASK FORCE
 1 6 REVIEW. The utility replacement tax task force
 1 7 created pursuant to section 437A.15 shall review the
 1 8 methodology in current law for distribution of
 1 9 replacement generation tax revenues through the
 1 10 property tax relief fund to reduce property taxes in
 1 11 accordance with current law and the proposal for
 1 12 instead crediting such revenues to the risk pool and
 1 13 distributing the revenues for county funding of mental
 1 14 health, mental retardation, and developmental
 1 15 disabilities services. The tax task force shall
 1 16 complete its review and shall provide findings and
 1 17 recommendations to the governor and general assembly
 1 18 on or before February 15, 2008.
 1 19 Sec. 2. This Act, being deemed of immediate
 1 20 importance, takes effect upon enactment.>
 1 21 #2. Title page, line 1, by inserting after the
 1 22 words <relating to> the following: <a review of the
 1 23 methodologies for>.
 1 24
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 1 26
 1 27 WATTS of Dallas
 1 28 SF 2023.701 82
 1 29 jp/rj/20065
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Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 31, 2008

House Amendment 8004

PAG LIN

1 1 Amend Senate File 2023, as passed by the Senate, as
1 2 follows:
1 3 #1. By striking page 1, line 1, through page 3,
1 4 line 11, and inserting the following:
1 5 <Section 1. UTILITY REPLACEMENT GENERATION TAX
1 6 REVENUES == FY 2007=2008 AND FY 2008=2009.
1 7 Notwithstanding contrary provisions of sections
1 8 426B.2, 437A.8, and 437A.15, for the fiscal years
1 9 beginning July 1, 2007, and July 1, 2008, the
1 10 replacement generation tax revenues deposited in the
1 11 property tax relief fund pursuant to section 437A.8,
1 12 subsection 4, paragraph "d", and section 437A.15,
1 13 subsection 3, paragraph "f", shall be credited to the
1 14 risk pool in the property tax relief fund and shall be
1 15 distributed as provided in section 426B.5, subsection
1 16 2.>
1 17 #2. By renumbering as necessary.
1 18
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1 20
1 21 WATTS of Dallas
1 22 SF 2023.502 82
1 23 jp/rj/10545
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Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 31, 2008

House Amendment 8005

PAG LIN

1 1 Amend Senate File 261, as passed by the Senate, as
1 2 follows:
1 3 #1. Page 3, line 1, by striking the figure <2008>
1 4 and inserting the following: <2009>.
1 5
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1 8 COMMITTEE ON ENVIRONMENTAL PROTECTION
1 9 OLSON of Boone, CHAIRPERSON
1 10 SF 261.501 82
1 11 tw/nh/10243
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**Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 31, 2008**

House Amendment 8006

PAG LIN

1 1 Amend Senate File 2023, as passed by the Senate, as
 1 2 follows:
 1 3 #1. By striking everything after the enacting
 1 4 clause and inserting the following:
 1 5 <Section 1. RISK POOL APPROPRIATION. There is
 1 6 appropriated from the general fund of the state to the
 1 7 department of human services for the fiscal year
 1 8 beginning July 1, 2007, and ending June 30, 2008, the
 1 9 following amount, or so much thereof as is necessary,
 1 10 to be used for the purposes designated:
 1 11 To be credited to the risk pool of the property tax
 1 12 relief fund created in section 426B.5, for
 1 13 distribution in addition to other moneys available in
 1 14 the risk pool for the fiscal year beginning July 1,
 1 15 2007:
 1 16 \$ 3,200,000
 1 17 Sec. 2. EFFECTIVE DATE. This Act, being deemed of
 1 18 immediate importance, takes effect upon enactment.>
 1 19 #2. Title page, by striking lines 1 and 2 and
 1 20 inserting the following: <An Act making an
 1 21 appropriation to the risk pool of the property tax>.
 1 22 #3. By renumbering as necessary.
 1 23
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 1 25
 1 26 RAECKER of Polk
 1 27 SF 2023.703 82
 1 28 jp/rj/10543
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Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 31, 2008

House File 2111 - Introduced

HOUSE FILE
BY MURPHY

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

Passed Senate, Date _____
Vote: Ayes _____ Nays _____

A BILL FOR

- 1 An Act relating to mowing within the right-of-way of a primary
- 2 highway.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 5733YH 82
- 5 dea/nh/8



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 31, 2008**

House File 2111 - Introduced continued

PAG LIN

1 1 Section 1. Section 314.17, Code 2007, is amended to read
1 2 as follows:
1 3 314.17 MOWING ON INTERSTATES AND PRIMARY HIGHWAYS.
1 4 1. On or after January 1, 2003, the The department shall
1 5 not mow roadside vegetation on the rights-of-way or medians on
1 6 any primary or interstate highway. ~~Mowing shall be~~ Subject to
1 7 the restriction in subsection 2, mowing is permitted as

1 8 follows:
1 9 ~~1. a.~~ On rights-of-way which include drainage ditch areas.
1 10 ~~2. b.~~ On rights-of-way within three miles of the corporate
1 11 limits of a city.
1 12 ~~3. c.~~ To promote native species of vegetation or other
1 13 long-lived and adaptable vegetation.
1 14 ~~4. d.~~ For establishing control of damaging insect
1 15 populations, noxious weeds, and invader plant species.
1 16 ~~5. e.~~ For visibility and safety reasons.
1 17 2. Mowing under subsection 1, paragraph "a" or "b", is not
1 18 permitted within the right-of-way beyond a distance of two
1 19 hundred yards from an inhabited dwelling before July 10 each
1 20 year.

1 21 EXPLANATION
1 22 Under current law, property owners are permitted to mow
1 23 within the right-of-way of a primary highway in drainage ditch
1 24 areas, within three miles of city limits, to promote certain
1 25 vegetation, for purposes of insect and weed control, and for
1 26 visibility and safety reasons. The bill imposes a restriction
1 27 on mowing before July 10 within the right-of-way in drainage
1 28 ditch areas and within three miles of city limits. Until that
1 29 date each year, mowing in those areas is not permitted beyond
1 30 a distance of 200 feet from an inhabited dwelling.
1 31 LSB 5733YH 82
1 32 dea/nh/8



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 31, 2008

House File 2112

HOUSE FILE
BY D. TAYLOR and LUKAN

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

A BILL FOR

- 1 An Act relating to an appropriation to the department of natural
- 2 resources for dam restoration and lake maintenance.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 6157HH 82
- 5 rh/jp/14



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 31, 2008**

House File 2112 continued

PAG LIN

1 1 Section 1. APPROPRIATION == DEPARTMENT OF NATURAL
1 2 RESOURCES. There is appropriated from the rebuild Iowa
1 3 infrastructure fund to the department of natural resources for
1 4 the fiscal year beginning July 1, 2008, and ending June 30,
1 5 2009, the following amount, or so much thereof as is
1 6 necessary, to be used for the purpose designated:

1 7 For allocation for dam restoration and lake maintenance on
1 8 a lake with public access that has the support of a benefited
1 9 lake district located in a county with a population between
1 10 18,015 and 18,050 according to the 2005 population estimate
1 11 issued by the federal government:

1 12 \$ 100,000

1 13 Notwithstanding section 8.33, moneys appropriated in this
1 14 section that remain unencumbered or unobligated at the close
1 15 of the fiscal year shall not revert but shall remain available
1 16 for the purposes designated until the close of the fiscal year
1 17 that begins July 1, 2012, or until the project for which the
1 18 appropriation was made is completed, whichever is earlier.

EXPLANATION

1 19 This bill appropriates \$100,000 from the rebuild Iowa
1 20 infrastructure fund to the department of natural resources for
1 21 the fiscal year beginning July 1, 2008, and ending June 30,
1 22 2009, for allocation for dam restoration and lake maintenance
1 23 on a lake with public access that has the support of a
1 24 benefited lake district located in a county with a population
1 25 between 18,015 and 18,050.

1 26 Notwithstanding Code section 8.33, moneys appropriated in
1 27 this Code section that remain unencumbered or unobligated at
1 28 the close of the fiscal year shall not revert but shall remain
1 29 available for the purposes designated until the close of the
1 30 fiscal year that begins July 1, 2012, or until the project for
1 31 which the appropriation was made is completed, whichever is
1 32 earlier.

1 34 LSB 6157HH 82

1 35 rh/jp/14



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 31, 2008

House File 2113 - Introduced

HOUSE FILE
BY THOMAS

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

A BILL FOR

1 An Act requiring that motor vehicle passengers under eighteen
2 years of age be secured in a child restraint system or by a
3 seat belt and making a penalty applicable.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
5 TLSB 5876HH 82
6 dea/nh/14



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 31, 2008

House File 2113 - Introduced continued

PAG LIN

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



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 31, 2008

House File 2113 - Introduced continued

2 1 exemption.

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

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

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

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

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

2 19 EXPLANATION

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

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

2 30 LSB 5876HH 82

2 31 dea/nh/14



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 31, 2008

House File 2114 - Introduced

HOUSE FILE
BY MASCHER

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

Passed Senate, Date _____
Vote: Ayes _____ Nays _____

A BILL FOR

- 1 An Act relating to the senior living trust fund and providing
- 2 limitations on appropriation of moneys in the fund.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 5777HH 82
- 5 pf/sc/5



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 31, 2008

House File 2114 - 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 31, 2008

House File 2115 - Introduced

HOUSE FILE
BY MASCHER

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

A BILL FOR

- 1 An Act relating to reimbursement of the actual cost of services
- 2 provided under the medical assistance elderly waiver.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 5784HH 82
- 5 pf/nh/14



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 31, 2008

House File 2115 - Introduced continued

PAG LIN

1 1 Section 1. NEW SECTION. 249A.31A ELDERLY WAIVER ==
1 2 REIMBURSEMENT FOR ACTUAL COSTS.
1 3 Providers of individual case management services under the
1 4 medical assistance elderly waiver shall receive reimbursement
1 5 for one hundred percent of the actual cost of providing the
1 6 services.

1 7 EXPLANATION
1 8 This bill requires that providers of case management
1 9 services under the medical assistance elderly waiver receive
1 10 reimbursement in an amount which is 100 percent of the actual
1 11 cost of providing the case management services.
1 12 LSB 5784HH 82
1 13 pf/nh/14



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 31, 2008

House File 2116 - Introduced

HOUSE FILE
BY MASCHER

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

A BILL FOR

1 An Act relating to and providing for an appropriation to the
2 department of elder affairs for statewide expansion of the
3 elder abuse initiative program.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
5 TLSB 5781HH 82
6 rh/jp/14



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 31, 2008**

House File 2116 - Introduced continued

PAG LIN

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

1 7 For the purpose of statewide expansion of the elder abuse
 1 8 initiative program established pursuant to section 231.56A for
 1 9 the prevention, intervention, detection, and reporting of
 1 10 elder abuse, neglect, and exploitation to ensure the
 1 11 protection of citizens of Iowa who are 60 years of age or
 1 12 older:
 1 13 \$ 1,200,000

EXPLANATION

1 15 This bill appropriates \$1.2 million from the general fund
 1 16 of the state to the department of elder affairs for the fiscal
 1 17 year beginning July 1, 2008, and ending June 30, 2009, for
 1 18 statewide expansion of the elder abuse initiative program
 1 19 established pursuant to Code section 231.56A for the
 1 20 prevention, intervention, detection, and reporting of elder
 1 21 abuse, neglect, and exploitation of citizens of Iowa who are
 1 22 60 years of age or older.

1 23 LSB 5781HH 82

1 24 rh/jp/14



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 31, 2008

House File 2117 - Introduced

HOUSE FILE
BY MASCHER

(COMPANION TO LSB 5203SS
BY BOLKCOM)

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

A BILL FOR

1 An Act relating to the annual adjustment of the personal needs
2 allowance for residents of certain institutional health
3 facilities.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
5 TLSB 5203HH 82
6 pf/rj/8



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 31, 2008**

House File 2117 - Introduced continued

PAG LIN

1 1 Section 1. Section 249A.30A, Code Supplement 2007, is
 1 2 amended to read as follows:
 1 3 249A.30A MEDICAL ASSISTANCE == PERSONAL NEEDS ALLOWANCE ==
 1 4 COST OF LIVING INDEX.

1 5 The personal needs allowance under the medical assistance
 1 6 program, which may be retained by a resident of a nursing
 1 7 facility, an intermediate care facility for persons with
 1 8 mental retardation, or an intermediate care facility for
 1 9 persons with mental illness, as defined in section 135C.1, or
 1 10 who is a resident of a psychiatric medical institution for
 1 11 children as defined in section 135H.1, shall be fifty dollars
 1 12 per month. The personal needs allowance for such residents
 1 13 shall be increased annually, on January 1, in an amount by the
 1 14 same percentage as the most recent cost of living adjustment
 1 15 announced by the United States social security administration
 1 16 for the purpose of determining social security benefits. A
 1 17 resident who has income of less than ~~fifty dollars~~ the amount
 1 18 specified under this section per month shall receive a
 1 19 supplement from the state in the amount necessary to receive a
 1 20 personal needs allowance of ~~fifty dollars~~ the specified amount
 1 21 per month, if funding is specifically appropriated for this
 1 22 purpose.

EXPLANATION

1 23
 1 24 This bill provides for a cost of living increase, annually,
 1 25 on January 1, in the personal needs allowance under the
 1 26 medical assistance program which may be retained by a resident
 1 27 of a nursing facility, an intermediate care facility for
 1 28 persons with mental retardation, or an intermediate care
 1 29 facility for persons with mental illness, as defined in Code
 1 30 section 135C.1, or who is a resident of a psychiatric medical
 1 31 institution for children as defined in Code section 135H.1.
 1 32 The personal needs allowance, currently \$50, is to be
 1 33 increased by the same percentage as the most recent cost of
 1 34 living adjustment announced by the United States social
 1 35 security administration for the purpose of determining social



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 31, 2008**

House File 2117 - Introduced continued

2 1 security.
2 2 LSB 5203HH 82
2 3 pf/rj/8



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 31, 2008

House File 2118 - Introduced

HOUSE FILE
BY MASCHER

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

A BILL FOR

1 An Act relating to reimbursement for services provided under a
2 medical assistance home and community-based services waiver
3 for the elderly.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
5 TLSB 5788HH 82
6 pf/rj/8



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 31, 2008

House File 2118 - Introduced continued

PAG LIN

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

1 11 EXPLANATION
1 12 This bill provides that the reimbursement for providers of
1 13 services under a medical assistance home and community-based
1 14 services waiver for the elderly is to be recalculated annually
1 15 on July 1. The annual inflation factor applied is to be
1 16 determined based on the skilled nursing facility market basket
1 17 index utilized by the centers for Medicare and Medicaid
1 18 services of the United States department of health and human
1 19 services.
1 20 LSB 5788HH 82
1 21 pf/rj/8



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 31, 2008

House File 2119 - Introduced

HOUSE FILE
BY COMMITTEE ON PUBLIC SAFETY

(SUCCESSOR TO HF 663)

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

A BILL FOR

- 1 An Act relating to taking the fingerprints of a child by a
- 2 governmental unit.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 6424HV 82
- 5 jm/nh/14



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 31, 2008

House File 2119 - Introduced continued

PAG LIN

1 1 Section 1. Section 726.23, subsection 2, paragraph a, Code
1 2 2007, is amended to read as follows:

1 3 a. A parent or guardian has given written authorization
1 4 for the taking of the fingerprints for use in the future in
1 5 case the child becomes a runaway or a missing child. Only one
1 6 set of prints shall be taken and the completed fingerprint
1 7 cards and written authorizations shall be given to the parent
1 8 or guardian. The fingerprints, written authorizations for
1 9 fingerprinting, or notice of the fingerprints' existence shall
1 10 not be recorded, stored, or kept in any manner by a law
1 11 enforcement agency, except as provided in this subchapter or
1 12 except at the request of the parent or guardian if the child
1 13 becomes a runaway or a missing child. When the child is
1 14 located or the case is otherwise disposed of, the fingerprint
1 15 cards shall be returned to the parents or guardian.

1 16 Nothing in this paragraph "a" shall be construed to
1 17 prohibit a governmental unit from taking the fingerprints of a
1 18 child at the Iowa state fair or a county or district fair as
1 19 defined in section 174.1 as long as the governmental unit
1 20 complies with the requirements of this paragraph "a".

1 21 EXPLANATION

1 22 This bill relates to taking the fingerprints of a child by
1 23 a governmental unit.

1 24 The bill specifies the completed fingerprint cards and
1 25 written authorizations shall be given to the parent or
1 26 guardian and the existence of the fingerprints or written
1 27 authorizations shall not become a record of the governmental
1 28 unit, unless otherwise specified in Code section 726.23,
1 29 subsection 2, or upon the request of the parent or guardian.

1 30 The bill specifies a governmental unit shall not be
1 31 prohibited from taking the fingerprints of a child at the Iowa
1 32 state fair or a county or district fair as defined in Code
1 33 section 174.1 as long as the governmental unit complies with
1 34 the requirements of Code section 726.23, subsection 2,
1 35 paragraph "a", as amended by the bill.



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 31, 2008**

House File 2119 - Introduced continued

2 1 LSB 6424HV 82
2 2 jm/nh/14



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 31, 2008

House File 2120

HOUSE FILE

BY KELLEY, PETTENGILL, WHITAKER,
KRESSIG, WENTHE, ABDUL-SAMAD,
and BAILEY

Passed House, Date _____

Passed Senate, Date _____

Vote: Ayes _____ Nays _____

Vote: Ayes _____ Nays _____

Approved

A BILL FOR

- 1 An Act relating to the setting aside of a percentage of child
- 2 support payments to be invested and reserved for the child.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 5864HH 82
- 5 pf/nh/5



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 31, 2008

House File 2120 continued

PAG LIN

1 1 Section 1. Section 598.21B, subsection 1, Code Supplement
1 2 2007, is amended by adding the following new paragraph:
1 3 NEW PARAGRAPH. bb. The guidelines prescribed by the
1 4 supreme court shall provide that fifteen percent of the child
1 5 support amount which either party is ordered to pay is set
1 6 aside in a separate fund and invested in a well-balanced
1 7 financial portfolio to be reserved for the child until the
1 8 child reaches the age of eighteen if the child is enrolled in
1 9 an institution of higher education, to be used for education
1 10 expenses, or until the child reaches the age of twenty-five if
1 11 the child does not pursue higher education, unless the court
1 12 determines setting aside such amount is not in the best
1 13 interest of the child.

1 14 EXPLANATION

1 15 This bill directs that the child support guidelines are to
1 16 provide that 15 percent of child support paid by either parent
1 17 is to be set aside in a separate fund and invested in a
1 18 well-balanced financial portfolio to be reserved for the child
1 19 until the child reaches age 18 if the child is enrolled in an
1 20 institution of higher education or until the child reaches age
1 21 25 if the child does not pursue higher education, unless the
1 22 court determines setting aside such amount is not in the best
1 23 interest of the child.

1 24 LSB 5864HH 82

1 25 pf/nh/5.1



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 31, 2008

House File 2121 - Introduced

HOUSE FILE
BY WISE

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

A BILL FOR

- 1 An Act authorizing appeal of denials of dental insurance coverage
- 2 based on medical necessity.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 5808HT 82
- 5 av/nh/14



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 31, 2008

House File 2121 - Introduced continued

PAG LIN

1 1 Section 1. Section 514J.3, Code 2007, is amended to read
1 2 as follows:
1 3 514J.3 EXCLUSIONS.
1 4 This chapter does not apply to a hospital confinement
1 5 indemnity, credit, ~~dental~~, vision, long-term care, disability
1 6 income insurance coverage, coverage issued as a supplement to
1 7 liability insurance, workers' compensation or similar
1 8 insurance, or automobile medical payment insurance.
1 9 EXPLANATION
1 10 This bill amends Code section 514J.3 to allow appeal of a
1 11 denial of dental insurance coverage based on medical
1 12 necessity, pursuant to Code chapter 514J.
1 13 LSB 5808HT 82
1 14 av/nh/14



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 31, 2008

House File 2122 - Introduced

HOUSE FILE
BY QUIRK

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

A BILL FOR

1 An Act prohibiting insurers from requiring repair businesses to
2 buy parts and supplies from specified sellers and providing
3 penalties.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
5 TL5B 5107YH 82
6 av/sc/14



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 31, 2008

House File 2122 - Introduced continued

PAG LIN

1 1 Section 1. Section 507B.4, Code Supplement 2007, is
1 2 amended by adding the following new subsection:
1 3 NEW SUBSECTION. 9A. UNFAIR REPAIR PRACTICES. Requiring a
1 4 repair business that performs repairs, on behalf of an
1 5 insurer, to the property of an insured or beneficiary to buy
1 6 supplies and parts from a seller or list of sellers specified
1 7 by the insurer. An insured, beneficiary, or repair business
1 8 may submit a written, documented complaint to the commissioner
1 9 alleging a violation of this subsection.

1 10 EXPLANATION

1 11 This bill prohibits an insurer from requiring repair
1 12 businesses that perform repairs, on behalf of the insurer, to
1 13 the property of an insured or beneficiary to buy supplies and
1 14 parts from a seller or list of sellers specified by the
1 15 insurer.

1 16 The bill defines such practices of insurers or their agents
1 17 as prohibited unfair methods of competition and unfair or
1 18 deceptive acts or practices in the business of insurance. An
1 19 insured, beneficiary, or repair business may submit a written,
1 20 documented complaint to the commissioner of insurance alleging
1 21 a violation of the bill's provisions.

1 22 Pursuant to Code section 507B.7, a violation of the bill is
1 23 punishable by a civil penalty assessed by the commissioner of
1 24 insurance of not more than \$1,000 for each act or violation,
1 25 but not to exceed an aggregate of \$10,000, unless the person
1 26 knew or reasonably should have known the person was in
1 27 violation of the bill, in which case the penalty shall not
1 28 exceed \$5,000 for each act or violation, and not be more than
1 29 \$50,000 in the aggregate. A violation of the bill may also
1 30 result in the suspension or revocation of the violator's
1 31 license.

1 32 LSB 5107YH 82

1 33 av/sc/14



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 31, 2008

House File 2123 - Introduced

HOUSE FILE
BY STRUYK

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

Passed Senate, Date _____
Vote: Ayes _____ Nays _____

A BILL FOR

- 1 An Act relating to the distribution, possession, and reporting of
- 2 obscene material and making penalties applicable.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 5699YH 82
- 5 jm/rj/14



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 31, 2008

House File 2123 - Introduced continued

PAG LIN

1 1 Section 1. Section 728.1, subsection 3, Code 2007, is
1 2 amended to read as follows:

1 3 3. "Material" means any book, magazine, newspaper or other
1 4 printed or written material or any picture, drawing,
1 5 photograph, motion picture, or other pictorial representation
1 6 or any statue or other figure, or any recording, transcription
1 7 or mechanical, chemical or electrical reproduction, or any
1 8 live transmission, or any other articles, equipment, machines
1 9 or materials.

1 10 Sec. 2. Section 728.1, subsection 7, paragraphs e and g,
1 11 Code 2007, are amended to read as follows:

1 12 e. Sodomasochistic abuse of a minor for the purpose of
1 13 arousing or satisfying the sexual desires of a person who may
1 14 view a visual depiction of the abuse.

1 15 g. Nudity of a minor for the purpose of arousing or
1 16 satisfying the sexual desires of a person who may view a
1 17 visual depiction of the nude minor.

1 18 Sec. 3. Section 728.1, Code 2007, is amended by adding the
1 19 following new subsection:

1 20 NEW SUBSECTION. 11. "Visual depiction" means but is not
1 21 limited to any picture, drawing, cartoon, painting, slide,
1 22 photograph, digital or electronic image, book, magazine,
1 23 negative image, undeveloped film, motion picture, videotape,
1 24 digital or electronic recording, live transmission, sculpture,
1 25 or other pictorial or three-dimensional representation.

1 26 Sec. 4. Section 728.12, subsection 1, Code 2007, is
1 27 amended to read as follows:

1 28 1. It shall be unlawful to employ, use, persuade, induce,
1 29 entice, coerce, solicit, knowingly permit, or otherwise cause
1 30 or attempt to cause a minor to engage in a prohibited sexual
1 31 act or in the simulation of a prohibited sexual act. A person
1 32 must know, or have reason to know, or intend that the act or
1 33 simulated act may be photographed, filmed, or otherwise
1 34 preserved in a ~~negative, slide, book, magazine, computer,~~
~~1 35 computer disk, or other print or visual medium, or be~~



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 31, 2008

~~House File 2123 — Introduced continued~~

~~2 1 preserved in an electronic, magnetic, or optical storage~~
~~2 2 system, or in any other type of storage system visual~~
~~2 3 depiction. A person who commits a violation of this~~
2 4 subsection commits a class "C" felony. Notwithstanding
2 5 section 902.9, the court may assess a fine of not more than
2 6 fifty thousand dollars for each offense under this subsection
2 7 in addition to imposing any other authorized sentence.
2 8 Sec. 5. Section 728.12, subsection 3, unnumbered paragraph
2 9 1, Code 2007, is amended to read as follows:
2 10 It shall be unlawful to knowingly purchase or possess a
2 11 ~~negative, slide, book, magazine, computer, computer disk, or~~
~~2 12 other print or visual medium, or an electronic, magnetic, or~~
~~2 13 optical storage system, or any other type of storage system~~
~~2 14 which depicts a visual depiction of a minor engaging in a~~
2 15 prohibited sexual act or the simulation of a prohibited sexual
2 16 act. A person who commits a violation of this subsection
2 17 commits an aggravated misdemeanor for a first offense and a
2 18 class "D" felony for a second or subsequent offense. For
2 19 purposes of this subsection, an offense is considered a second
2 20 or subsequent offense if, prior to the person's having been
2 21 convicted under this subsection, any of the following apply:
2 22 Sec. 6. Section 728.14, subsection 1, Code 2007, is
2 23 amended to read as follows:
2 24 1. A commercial film and photographic print processor who
2 25 has knowledge of or observes, within the scope of the
2 26 processor's professional capacity or employment, a ~~film,~~
~~2 27 photograph, video tape, negative, or slide which depicts~~
2 28 visual depiction of a minor whom the processor knows or
2 29 reasonably should know to be under the age of eighteen,
2 30 engaged in a prohibited sexual act or in the simulation of a
2 31 prohibited sexual act, shall report the visual depiction to
2 32 the county attorney immediately or as soon as possible as
2 33 required in this section. The processor shall not report to
2 34 the county attorney visual depictions involving mere nudity of
2 35 the minor, but shall report visual depictions involving a



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 31, 2008

House File 2123 - Introduced continued

3 1 prohibited sexual act. This section shall not be construed to
3 2 require a processor to review all ~~films, photographs, video~~
~~3 3 tapes, negatives, or slides~~ visual depictions delivered to the
3 4 processor within the processor's professional capacity or
3 5 employment.

3 6 For purposes of this section, "prohibited sexual act" means
3 7 any of the following:

3 8 a. A sex act as defined in section 702.17.

3 9 b. An act of bestiality involving a minor.

3 10 c. Fondling or touching the pubes or genitals of a minor
3 11 for the purpose of arousing or satisfying the sexual desires
3 12 of a person who may view a visual depiction of the act.

3 13 d. Fondling or touching the pubes or genitals of a person
3 14 by a minor for the purpose of arousing or satisfying the
3 15 sexual desires of a person who may view a visual depiction of
3 16 the act.

3 17 e. Sadomasochistic abuse of a minor for the purpose of
3 18 arousing or satisfying the sexual desires of a person who may
3 19 view a visual depiction of the abuse.

3 20 f. Sadomasochistic abuse of a person by a minor for the
3 21 purpose of arousing or satisfying the sexual desires of a
3 22 person who may view a visual depiction of the abuse.

3 23 g. Nudity of a minor for the purpose of arousing or
3 24 satisfying the sexual desires of a person who may view a
3 25 visual depiction of the nude minor.

3 26 EXPLANATION

3 27 This bill relates to the possession or distribution of
3 28 obscene material.

3 29 The bill modifies the definition of "material" in Code
3 30 chapter 728 to include live transmissions.

3 31 Under the bill, the modification of the definition of the
3 32 term "material" results in changes to the elements of the
3 33 following criminal offenses: dissemination of obscene
3 34 material to minors (Code section 728.2), admitting minors to
3 35 premises where obscene material is exhibited (Code section



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 31, 2008**

House File 2123 - Introduced continued

4 1 728.3), rental or sale of hard-core pornography (Code section
4 2 728.4), sexual exploitation of a minor (Code section
4 3 728.12(2)), and telephone dissemination of obscene material
4 4 (Code section 728.15).

4 5 The bill changes the elements of the criminal offense of
4 6 sexual exploitation of a minor to prohibit purchasing or
4 7 possessing "visual depictions" of a minor engaged in a
4 8 prohibited or simulated sex act.

4 9 The bill defines the term "visual depiction" to include any
4 10 picture, drawing, cartoon, painting, slide, photograph,
4 11 digital or electronic image, book, magazine, negative image,
4 12 undeveloped film, motion picture, videotape, digital or
4 13 electronic recording, live transmission, sculpture, or other
4 14 pictorial or three-dimensional representation. The bill
4 15 strikes current references to a computer or other types of
4 16 storage systems that may preserve such prohibited images.

4 17 The changes to the criminal offense of sexual exploitation
4 18 of a minor are in response to State v. Muhlenbruch, 728 N.W.2d
4 19 212 (Iowa 2007).

4 20 The bill also substitutes "visual depiction" for storage
4 21 systems referenced in Code sections 728.12(1) and 728.14 to
4 22 conform with the sexual exploitation of a minor changes in
4 23 Code section 728.12(3) due to the Muhlenbruch case. In
4 24 addition, the bill adds the word "visual" in Code section
4 25 728.1(7) to also conform with the changes in the bill.

4 26 LSB 5699YH 82

4 27 jm/rj/14



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 31, 2008

House File 2124 - Introduced

HOUSE FILE
BY WINDSCHITL, VAN FOSSEN,
LUKAN, and BAUDLER

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

A BILL FOR

- 1 An Act relating to the taking of fingerprints upon an application
- 2 for a permit to carry a weapon.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 5782YH 82
- 5 jm/nh/5



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 31, 2008

House File 2124 - Introduced continued

PAG LIN

1 1 Section 1. Section 690.2, Code 2007, is amended to read as
1 2 follows:
1 3 690.2 FINGER AND PALM PRINTS == PHOTOGRAPHS == DUTY OF
1 4 SHERIFF AND CHIEF OF POLICE.
1 5 The sheriff of every county, and the chief of police of
1 6 each city regardless of the form of government thereof, shall
1 7 take the fingerprints of all unidentified dead bodies in their
1 8 respective jurisdictions and all persons who are taken into
1 9 custody for the commission of a serious misdemeanor,
1 10 aggravated misdemeanor, or felony and shall forward such
1 11 fingerprint records on such forms and in such manner as may be
1 12 prescribed by the commissioner of public safety, within two
1 13 working days after the fingerprint records are taken, to the
1 14 department of public safety and, if appropriate, to the
1 15 federal bureau of investigation. Fingerprints may be taken of
1 16 a person who has been arrested for a simple misdemeanor
1 17 subject to an enhanced penalty for conviction of a second or
1 18 subsequent offense. In addition to the fingerprints as herein
1 19 provided, any such officer may also take the photograph and
1 20 palm prints of any such person and forward them to the
1 21 department of public safety. If a defendant is convicted by a
1 22 court of this state of an offense which is a simple
1 23 misdemeanor subject to an enhanced penalty for conviction of a
1 24 second or subsequent offense, a serious misdemeanor, an
1 25 aggravated misdemeanor, or a felony, the court shall determine
1 26 whether such defendant has previously been fingerprinted in
1 27 connection with the criminal proceedings leading to the
1 28 conviction and, if not, shall order that the defendant be
1 29 fingerprinted and those prints submitted to the department of
1 30 public safety. The court shall also order that a juvenile
1 31 adjudicated delinquent for an offense which would be an
1 32 offense other than a simple misdemeanor if committed by an
1 33 adult, be fingerprinted and the prints submitted to the
1 34 department of public safety if the juvenile has not previously
1 35 been fingerprinted. The taking of fingerprints for a serious



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 31, 2008

House File 2124 - Introduced continued

2 1 misdemeanor offense under chapter 321 or 321A is not required
2 2 under this section. Fingerprints shall not be taken from an
2 3 applicant for a permit to carry a weapon pursuant to section
2 4 724.10.

2 5 Sec. 2. Section 724.10, Code 2007, is amended to read as
2 6 follows:

2 7 724.10 APPLICATION FOR PERMIT TO CARRY WEAPONS == CRIMINAL
2 8 HISTORY CHECK REQUIRED.

2 9 A person shall not be issued a permit to carry weapons
2 10 unless the person has completed and signed an application on a
2 11 form to be prescribed and published by the commissioner of
2 12 public safety. The application shall state the full name,
2 13 driver's license or nonoperator's identification card number,
2 14 residence, and age of the applicant, and shall state whether
2 15 the applicant has ever been convicted of a felony, whether the
2 16 person is addicted to the use of alcohol or any controlled
2 17 substance, and whether the person has any history of mental
2 18 illness or repeated acts of violence. However, the
2 19 application shall not require and the sheriff shall not take
2 20 the fingerprints of the applicant. The applicant shall also

2 21 display an identification card that bears a distinguishing
2 22 number assigned to the cardholder, the full name, date of
2 23 birth, sex, residence address, and a brief description and
2 24 colored photograph of the cardholder. The sheriff shall
2 25 conduct immediately a criminal history check concerning each
2 26 applicant by obtaining criminal history data from the
2 27 department of public safety. A person who knowingly makes a
2 28 false statement of material fact on the application commits a
2 29 class "D" felony.

2 30 EXPLANATION

2 31 This bill relates to the taking of fingerprints upon an
2 32 application for a permit to carry a weapon.

2 33 The bill provides that the sheriff shall not take the
2 34 fingerprints of an applicant for a permit to carry a weapon.
2 35 Under the bill and in current law, the sheriff shall conduct



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 31, 2008**

House File 2124 - Introduced continued

- 3 1 an immediate criminal history check concerning each applicant.
- 3 2 LSB 5782YH 82
- 3 3 jm/nh/5



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 31, 2008

House File 2125 - Introduced

HOUSE FILE
BY QUIRK, TYMESON, KAUFMANN,
and BAILEY

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

Passed Senate, Date _____
Vote: Ayes _____ Nays _____

A BILL FOR

1 An Act concerning eligibility for receiving a Vietnam Conflict
2 veterans bonus for a certain period of active duty military
3 service, providing a penalty, and making an appropriation.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
5 TLSB 6085HH 82
6 ec/nh/5



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 31, 2008

House File 2125 - Introduced continued

PAG LIN

1 1 Section 1. NEW SECTION. 35A.8A VIETNAM CONFLICT VETERANS
1 2 BONUS == LIMITED RESIDENCY REQUIREMENT == APPROPRIATION.
1 3 1. a. A person who served on active duty for not less
1 4 than one hundred twenty days in the armed forces of the United
1 5 States at any time between July 1, 1958, and May 31, 1975,
1 6 both dates inclusive, and who was inducted into active duty
1 7 service from the state of Iowa and was honorably discharged or
1 8 separated from active duty service, or is still in active
1 9 service in an honorable status, or has been retired, or has
1 10 been furloughed to a reserve, or has been placed on inactive
1 11 status is entitled to receive from moneys appropriated for
1 12 that purpose the sum of seventeen dollars and fifty cents for
1 13 each month that the person was on active duty service in the
1 14 Vietnam service area, within the dates specified in this
1 15 paragraph, if the veteran earned either a Vietnam service
1 16 medal or an armed forces expeditionary medal=Vietnam or can
1 17 otherwise establish service in the Vietnam service area during
1 18 that period. Compensation under this paragraph shall not
1 19 exceed a total sum of five hundred dollars. Compensation for
1 20 a fraction of a month shall not be considered unless the
1 21 fraction is sixteen days or more, in which case the fraction
1 22 shall be computed as a full month.
1 23 b. A person otherwise qualified under paragraph "a" except
1 24 that the person did not earn either a Vietnam service medal or
1 25 an armed forces expeditionary medal=Vietnam and did not serve
1 26 in the Vietnam service area during the period between July 1,
1 27 1958, and May 31, 1975, both dates inclusive, is entitled to
1 28 receive from moneys appropriated for that purpose the sum of
1 29 twelve dollars and fifty cents for each month that the person
1 30 was on active duty service, within the dates specified in
1 31 paragraph "a". Compensation under this paragraph shall not
1 32 exceed a total sum of three hundred dollars. Compensation for
1 33 a fraction of a month shall not be considered unless the
1 34 fraction is sixteen days or more, in which case the fraction
1 35 shall be computed as a full month.



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 31, 2008**

House File 2125 - Introduced continued

2 1 2. A person otherwise eligible to receive compensation
2 2 pursuant to subsection 1 shall be entitled to compensation
2 3 pursuant to this section if all of the following requirements
2 4 are met:

2 5 a. The person has not received a bonus or compensation
2 6 similar to that provided in this section from this state or
2 7 another state.

2 8 b. The person was on active duty service after July 1,
2 9 1958, and the person did not refuse on conscientious,
2 10 political, religious, or other grounds, to be subject to
2 11 military discipline.

2 12 c. The person made application for a bonus or compensation
2 13 similar to that provided in this section from this state and
2 14 was denied compensation because the person did not meet
2 15 applicable residency requirements.

2 16 d. The person files an application for compensation under
2 17 this section in a manner determined by the department of
2 18 veterans affairs by July 1, 2010.

2 19 3. The surviving unremarried widow or widower, child or
2 20 children, mother, father, or person standing in loco parentis,
2 21 in the order named and none other, of any deceased person
2 22 shall be paid the compensation that the deceased person would
2 23 be entitled to pursuant to this section, if living. However,
2 24 if any person has died or shall die, or is disabled, from
2 25 service-connected causes incurred during the period and in the
2 26 area from which the person is entitled to receive compensation
2 27 pursuant to this section, the person or the first survivor as
2 28 designated by this subsection, and in the order named, shall
2 29 be paid five hundred dollars or three hundred dollars,
2 30 whichever maximum amount would have applied pursuant to
2 31 subsection 1, paragraph "a" or "b", regardless of the length
2 32 of service.

2 33 4. A person who knowingly makes a false statement relating
2 34 to a material fact in supporting an application under this
2 35 section is guilty of a serious misdemeanor. A person



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 31, 2008

House File 2125 - Introduced continued

3 1 convicted pursuant to this section shall forfeit all benefits
3 2 to which the person may have been entitled under this section.

3 3 5. All payments and allowances made under this section
3 4 shall be exempt from taxation, levy, and sale on execution.

3 5 6. The bonus compensation authorized under this section
3 6 shall be paid from moneys appropriated for that purpose.

3 7 There is appropriated annually from the general fund of the
3 8 state to the department of veterans affairs an amount
3 9 sufficient to pay compensation as provided under this section.

3 10 7. The executive director of the department of veterans
3 11 affairs shall provide for the administration of the bonus
3 12 authorized in this section. The department shall adopt rules,
3 13 pursuant to chapter 17A, as necessary to administer this
3 14 section including but not limited to application procedures,
3 15 investigation, approval or disapproval, and payment of claims.

3 16 8. This section is repealed June 30, 2011.

3 17 EXPLANATION

3 18 This bill creates a Vietnam Conflict veterans bonus for
3 19 certain persons who served on active duty in the United States
3 20 armed forces from July 1, 1958, through May 31, 1975, and who
3 21 have not received a bonus for that service from this or
3 22 another state. Eligible persons may receive \$17.50 for each
3 23 month that the person was on active duty in the Vietnam
3 24 service area, within the dates specified, not to exceed a
3 25 total sum of \$500. Persons who served on active duty during
3 26 the specified period but not in the Vietnam service area may
3 27 receive \$12.50 per month, not to exceed \$300. The bill
3 28 provides, however, that a person eligible to receive the bonus
3 29 must have been inducted into active duty from Iowa, had
3 30 previously applied for a bonus from this state and been denied
3 31 based upon residency requirements, and must make an
3 32 application for this bonus by July 1, 2010. The bonus
3 33 payments are exempt from taxation, levy, and execution. A
3 34 criminal penalty is provided for a submission of a fraudulent
3 35 application for the bonus. The bill provides a standing



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 31, 2008**

House File 2125 - Introduced continued

4 1 appropriation to the department of veterans affairs to pay
4 2 compensation as provided by this bill. The bill provides this
4 3 new Code section is repealed June 30, 2011.
4 4 LSB 6085HH 82
4 5 ec/nh/5



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 31, 2008

House File 2126 - Introduced

HOUSE FILE
BY QUIRK

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

A BILL FOR

- 1 An Act relating to the location of advertising devices within the
- 2 adjacent area of a primary highway.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 5414YH 82
- 5 dea/nh/14



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 31, 2008

House File 2126 - Introduced continued

PAG LIN

1 1 Section 1. Section 306C.10, subsection 19, Code 2007, is
1 2 amended to read as follows:
1 3 19. "Unzoned commercial or industrial area" means those
1 4 areas not zoned by state or local law, regulation, or
1 5 ordinance, which are occupied by one or more commercial or
1 6 industrial activities, and the land along the interstate
1 7 highways and primary highways for a distance of ~~seven hundred~~
~~1 8 fifty nine hundred~~ feet immediately adjacent to the
1 9 activities. All measurements shall be from the outer edge of
1 10 the regularly used buildings, parking lots, storage, or
1 11 processing areas of the activities and shall be parallel to
1 12 the edge of pavement of the highway. Measurements shall not
1 13 be from the property line of the activities unless that
1 14 property line coincides with the limits of the activities.
1 15 Unzoned commercial or industrial areas shall not include land
1 16 on the opposite side of the highway from the commercial or
1 17 industrial activities.

1 18 Sec. 2. Section 306C.13, subsection 3, Code 2007, is
1 19 amended to read as follows:

1 20 3. Advertising devices located within the adjacent area of
1 21 primary highways shall not be erected or maintained closer to
1 22 another advertising device facing in the same direction than
1 23 ~~three hundred~~ two hundred seventy-five feet if outside the
1 24 corporate limits of a municipality. No advertising device,
1 25 other than those excepted or permitted by subsections 4, 5, or
1 26 6 of this section, shall be located within the triangular area
1 27 formed by a line connecting two points each one hundred feet
1 28 back from the point where the street right-of-way lines of the
1 29 main-traveled way and the intersecting street meet, or would
1 30 meet, if extended.

1 31 EXPLANATION

1 32 This bill eases restrictions on the erection of outdoor
1 33 advertising devices within the adjacent area of a primary
1 34 highway. Current law permits the erection of advertising
1 35 devices within an unzoned commercial and industrial area,



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 31, 2008**

House File 2126 - Introduced continued

2 1 which is defined as an area not zoned by state or local law
2 2 that is occupied by one or more commercial or industrial
2 3 activities, and the land along the highway for a distance of
2 4 750 feet immediately adjacent to such activities. The bill
2 5 amends that definition to include the land along the highway
2 6 for a distance of 900 feet from a commercial or industrial
2 7 activity. The bill also decreases the minimum required
2 8 distance between advertising devices facing in the same
2 9 direction from 300 feet to 275 feet if located in an
2 10 unincorporated area.
2 11 LSB 5414YH 82
2 12 dea/nh/14



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 31, 2008

House File 2127 - Introduced

HOUSE FILE
BY SANDS and PAULSEN

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

A BILL FOR

1 An Act requiring the creation of a publicly available, single
2 state database providing detailed information on state budgets
3 and expenditures.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
5 TL5B 5188HH 82
6 jp/nh/24



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 31, 2008

House File 2127 - Introduced continued

PAG LIN

1 1 Section 1. NEW SECTION. 8.24 BUDGET AND EXPENDITURE
1 2 INFORMATION ON THE INTERNET.
1 3 1. For the purposes of this section, "state funding" means
1 4 the public and private funds that are subject to budgeting, or
1 5 are received, expended, or approved for expenditure for a
1 6 fiscal year, by state government. The department of
1 7 management shall publish on the internet a central database
1 8 that is electronically searchable by the public that accounts
1 9 for the budgeting and expenditure of each dollar of state
1 10 funding.
1 11 2. A link to the database shall be prominently displayed
1 12 on the home internet page maintained by the executive branch
1 13 and shall be integrated with the digital government provisions
1 14 supported by the department of administrative services in
1 15 accordance with section 8A.205.
1 16 3. The database shall contain as much information as
1 17 possible regarding state funding for at least the current and
1 18 succeeding fiscal years and specific expenditures of state
1 19 funding for at least the current and preceding fiscal years,
1 20 including but not limited to identifying information about
1 21 each state grantee or contractor who receives state funding in
1 22 the aggregate amount of seventy-five thousand dollars or more
1 23 in a fiscal year, and the amount, date, and purpose of each
1 24 grant and contract. However, the requirements of this
1 25 subsection shall not be implemented in a manner which would
1 26 cause the release of private, personal, or confidential
1 27 information.
1 28 4. The department shall make its best effort to present
1 29 the database information in a manner that is searchable and
1 30 intuitive to users, using graphical presentations as
1 31 appropriate. The presentation of the information shall
1 32 provide users with an easily accessible portal into the
1 33 budgeting and expenditure of state funding and the ability to
1 34 access the detail for any particular category of expenditure
1 35 to determine specifically how the money was used. Access to



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 31, 2008

House File 2127 - Introduced continued

2 1 the database and the information within the database shall be
2 2 unrestricted and provided to the public without charge. The
2 3 department shall periodically upgrade the database in order to
2 4 improve the ease of use of the database and to incorporate
2 5 technological advances. The database shall provide user
2 6 access to specific budget and expenditure information,
2 7 including but not limited to all of the following capacities:
2 8 a. Searching and aggregating state funding by any element
2 9 of the funding information.
2 10 b. Ascertaining through a single search the total amount
2 11 of state funding paid to a person by a particular agency or by
2 12 all state agencies.
2 13 c. Downloading any of the data yielded by a search of the
2 14 database.
2 15 5. The judicial branch, legislative branch, department of
2 16 administrative services, state board of regents, department of
2 17 transportation, and any other department with budget or
2 18 expenditure information shall cooperate with the department of
2 19 management and shall provide appropriate information to the
2 20 department as necessary to implement the provisions of this
2 21 section.

2 22 EXPLANATION

2 23 This bill requires the department of management to publish
2 24 on the internet a publicly available, single state database
2 25 providing detailed information on state funding that is
2 26 subject to state budgeting and expenditure.
2 27 The term "state funding" is defined to mean the public and
2 28 private funds that are subject to budgeting, or are received,
2 29 expended, or approved for expenditure by state government.
2 30 A link to the database is required to be prominently
2 31 displayed on the executive branch internet home page.
2 32 The database is required to contain as much information as
2 33 possible regarding state funding for at least the current and
2 34 succeeding fiscal years and specific expenditures of state
2 35 funding for at least the current and preceding fiscal years.



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 31, 2008**

House File 2127 - Introduced continued

3 1 If a state grantee or contractor receives an aggregate amount
3 2 of \$75,000 or more of state funding in a fiscal year, specific
3 3 information about the grant or contract is required to be
3 4 included in the database.

3 5 The department is required to make its best effort to
3 6 present the database information in a manner that is
3 7 searchable and intuitive to users and to provide certain
3 8 specified capabilities.

3 9 The other branches of government, the state board of
3 10 regents, the department of transportation, and other
3 11 departments with budget or expenditure information are
3 12 required to cooperate with the department of management.

3 13 LSB 5188HH 82

3 14 jp/nh/24



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 31, 2008

House File 2128 - Introduced

HOUSE FILE

BY TOMENGA, CLUTE, R. OLSON, MAY,
JACOBY, HOFFMAN, BUKTA, FOEGE,
ANDERSON, BAILEY, MASCHER, and
WIENCEK

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

Passed Senate, Date _____
Vote: Ayes _____ Nays _____

A BILL FOR

- 1 An Act establishing a state health insurance mandate commission.
- 2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 3 TLSB 5301HH 82
- 4 av/nh/8



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 31, 2008

House File 2128 - Introduced continued

PAG LIN

1 1 Section 1. NEW SECTION. 514C.23 STATE HEALTH INSURANCE
1 2 MANDATE COMMISSION.
1 3 1. DEFINITIONS. As used in this section, unless the
1 4 context otherwise requires:
1 5 a. "Carrier" means an entity subject to the insurance laws
1 6 and regulations of this state, or subject to the jurisdiction
1 7 of the commissioner, that contracts or offers to contract to
1 8 provide, deliver, arrange for, pay for, or reimburse any of
1 9 the costs of health care services, including an insurance
1 10 company offering sickness and accident plans, a health
1 11 maintenance organization, a nonprofit health service
1 12 corporation, an organized delivery system, or any other entity
1 13 that provides a plan of health insurance, health benefits, or
1 14 health services.
1 15 b. "Commissioner" means the Iowa commissioner of
1 16 insurance.
1 17 c. "Mandated health care benefit" means coverage that is
1 18 required or required to be offered under this chapter or other
1 19 state law in an individual or group hospital or health care
1 20 service contract if the law mandating coverage does any of the
1 21 following:
1 22 (1) Stipulates coverage for specific health care services,
1 23 benefits, technologies, or treatments.
1 24 (2) Places limitations or restrictions on deductibles,
1 25 coinsurance, copayments, or annual or lifetime maximum benefit
1 26 amounts.
1 27 (3) Designates a specific category of health care provider
1 28 from whom an insured is entitled to receive care.
1 29 (4) Requires coverage for all services that a health care
1 30 provider recommends that are consistent with "generally
1 31 accepted principles of professional medicine" or a similar
1 32 standard.
1 33 (5) Requires a specific level of payment or rate of
1 34 reimbursement.
1 35 d. "Small employer" means a person actively engaged in



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 31, 2008

House File 2128 - Introduced continued

2 1 business who, on at least fifty percent of the employer's
2 2 working days during the preceding year, employed not less than
2 3 two and not more than fifty full-time equivalent eligible
2 4 employees, as defined in section 513B.2.

2 5 2. EVALUATION BY COMMISSION.

2 6 a. When a bill is requested, the legislative services
2 7 agency shall make an initial determination of whether the bill
2 8 contains a requirement for a mandated health care benefit. If
2 9 a mandated health care benefit may be required as a result of
2 10 the bill, that fact shall be included in the explanation of
2 11 the bill.

2 12 b. A bill containing a notice that the bill contains a
2 13 requirement for a mandated health care benefit shall not be
2 14 voted out of a standing committee of the house of
2 15 representatives or the senate until the chairperson of the
2 16 committee has referred the bill to the commissioner for review
2 17 and evaluation by the state health insurance mandate
2 18 commission created in this section and a report has been
2 19 received from the commission by the speaker of the house of
2 20 representatives and the president of the senate.

2 21 c. Upon referral of such a bill to the commissioner, the
2 22 commissioner shall convene the state health insurance mandate
2 23 commission to conduct a review and evaluation of the bill.
2 24 The commission shall prepare a written report, with the
2 25 assistance of the commissioner, that sets forth the
2 26 commission's findings, evaluations, and recommendations. The
2 27 completed report shall be transmitted to the speaker of the
2 28 house of representatives and to the president of the senate
2 29 within ninety days from the date the commissioner receives
2 30 referral of the bill. The report shall include a financial
2 31 impact analysis performed by an actuary who is a member of the
2 32 American academy of actuaries and who certifies that the
2 33 analysis is consistent with accepted actuarial techniques.

2 34 d. The report shall include but is not limited to a review
2 35 and evaluation of all of the following, to the extent that the



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 31, 2008**

House File 2128 - Introduced continued

3 1 information is available:
3 2 (1) Public impact, including all of the following:
3 3 (a) The extent to which the mandated health care benefit
3 4 is generally utilized by a significant portion of the
3 5 population.
3 6 (b) The extent to which insurance coverage for the
3 7 mandated health care benefit is already generally available,
3 8 and if coverage is not generally available, the extent to
3 9 which the lack of coverage results in persons forgoing
3 10 necessary health care treatments or results in unreasonable
3 11 financial hardship to patients.
3 12 (c) The extent to which the mandated health care benefit
3 13 is covered by self-funded employers' groups.
3 14 (d) The level of public demand for the mandated health
3 15 care benefit.
3 16 (e) The level of public demand for insurance coverage of
3 17 the mandated health care benefit.
3 18 (f) The level of interest of collective bargaining agents
3 19 in negotiating privately for inclusion of the coverage in
3 20 group health insurance contracts.
3 21 (2) Medical impact, including all of the following:
3 22 (a) The extent to which the mandated health care benefit
3 23 is recognized by the medical community as being effective in
3 24 the treatment of patients.
3 25 (b) The extent to which the mandated health care benefit
3 26 is recognized by the medical community as being effective as
3 27 demonstrated by a review of scientific and peer-reviewed
3 28 literature.
3 29 (c) The extent to which the mandated health care benefit
3 30 is available and utilized by health care providers in the
3 31 state.
3 32 (d) The extent to which the mandated health care benefit
3 33 makes a positive contribution to the health status of the
3 34 population, including the ramifications of using alternatives
3 35 to or not providing the mandated health care benefit.



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 31, 2008

House File 2128 - Introduced continued

- 4 1 (e) The extent to which the mandated health care benefit
4 2 would diminish or eliminate access to currently available
4 3 health care services.
- 4 4 (3) Financial impact, including all of the following:
- 4 5 (a) The extent to which the mandated health care benefit
4 6 will increase or decrease the cost of health care benefits
4 7 over the next five years.
- 4 8 (b) The extent to which the mandated health care benefit
4 9 will increase the appropriate use of the health care benefit
4 10 over the next five years.
- 4 11 (c) The extent to which the mandated health care benefit
4 12 will be a substitute for a more expensive health care benefit
4 13 over the next five years.
- 4 14 (d) The impact of the mandated health care benefit on
4 15 small employers.
- 4 16 (e) The extent to which the costs resulting from lack of
4 17 coverage for the mandated health care benefit are currently
4 18 paid by or will be shifted to other payers, including both
4 19 public and private entities.
- 4 20 (f) The extent to which the mandated health care benefit
4 21 will increase or decrease the administrative expenses of
4 22 carriers and the premiums and administrative expenses of
4 23 policyholders.
- 4 24 (g) The impact of the mandated health care benefit on the
4 25 total cost of health care over the next five years.
- 4 26 3. COMMISSION == ESTABLISHMENT.
- 4 27 a. A state health insurance mandate commission is
4 28 established to review legislation that proposes to mandate
4 29 health care benefits in this state.
- 4 30 b. The commission shall consist of the following members:
- 4 31 (1) The commissioner or the commissioner's designee.
- 4 32 (2) The chairperson and the ranking member of the senate
4 33 commerce committee or designees of either, both of whom shall
4 34 be ex officio, nonvoting members of the commission.
- 4 35 (3) The chairperson and the ranking member of the house



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 31, 2008**

House File 2128 - Introduced continued

5 1 commerce committee or designees of either, both of whom shall
5 2 be ex officio, nonvoting members of the commission.

5 3 (4) Five members appointed by the governor, one of whom
5 4 shall be a representative of a small employer, one a
5 5 representative of a large employer, one a member of a
5 6 collective bargaining unit, one a person who has individual
5 7 health insurance coverage, and one representing the general
5 8 public.

5 9 (5) Four members appointed by the commissioner, one of
5 10 whom shall be an expert in the field of health insurance, one
5 11 an expert in medical research, one an expert in the field of
5 12 social sciences, and one an actuary.

5 13 c. Members of the commission who are appointed shall be
5 14 appointed for three-year terms and shall be balanced as to
5 15 political affiliation as provided in section 69.16. However,
5 16 a member shall serve until a successor has been appointed and
5 17 qualified. A vacancy on the commission shall be filled for
5 18 the unexpired portion of the regular term in the same manner
5 19 as regular appointments are made.

5 20 d. Members of the commission shall receive a per diem and
5 21 mileage, at the same rate that is paid to members of the
5 22 general assembly, when attending to the duties of the
5 23 commission.

5 24 e. The commission shall not conduct business until all
5 25 members of the commission have been appointed or selected and
5 26 qualify. A majority of the members of the commission shall
5 27 constitute a quorum. The commissioner or the commissioner's
5 28 designee shall serve as chairperson of the commission.

5 29 f. Staff and administrative support for the commission
5 30 shall be furnished by the insurance division.

5 31 g. The commission may do all of the following:

- 5 32 (1) Hold public hearings.
- 5 33 (2) Conduct research.
- 5 34 (3) Receive testimony from experts.
- 5 35 (4) Review, for purposes of comparison, the health



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 31, 2008

House File 2128 - Introduced continued

6 1 benefits mandated in other states and the jurisdiction and
6 2 effect of such mandates.

6 3 (5) Contract with experts to develop needed data
6 4 concerning a proposed mandate.

6 5 (6) Perform other actions necessary to accomplish the
6 6 commission's assigned tasks.

6 7 4. COMMISSION BUDGET.

6 8 a. The commissioner shall propose a budget for the first
6 9 year of operation of the state health insurance mandate
6 10 commission, subject to the approval of the state health
6 11 insurance mandate commission.

6 12 b. On or after July 1, 2009, and each July 1 thereafter,
6 13 the state health insurance mandate commission shall review the
6 14 costs of the commission's operation for the preceding year and
6 15 develop a budget for the commission's operation for the
6 16 current fiscal year.

6 17 5. RULES. The commissioner shall adopt rules deemed
6 18 necessary for the administration of this section in accordance
6 19 with chapter 17A.

6 20 EXPLANATION

6 21 This bill adds new Code section 514C.23 creating a state
6 22 health insurance mandate commission consisting of 14 specified
6 23 members and chaired by the commissioner of insurance or the
6 24 commissioner's designee.

6 25 The bill provides that when a bill is requested, the
6 26 legislative services agency shall make an initial
6 27 determination of whether the bill contains a requirement that
6 28 a mandated health care benefit be offered in all individual or
6 29 group hospital or health care service contracts in this state,
6 30 and if so, notice of that fact must be included in the
6 31 explanation of the bill.

6 32 The bill further provides that if such a notice is included
6 33 in the explanation of the bill, the bill shall not be voted
6 34 out of a standing committee of the house of representatives or
6 35 the senate until the chairperson of the committee has referred



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 31, 2008**

House File 2128 - Introduced continued

7 1 the bill to the commissioner of insurance for findings,
7 2 evaluations, and recommendations by the state health insurance
7 3 mandate commission. The bill provides that upon receiving
7 4 such a referral, the insurance commissioner shall convene the
7 5 commission, and after completing its review and evaluation the
7 6 commission shall prepare and transmit a written report to the
7 7 speaker of the house of representatives and to the president
7 8 of the senate setting forth the commission's findings,
7 9 including an evaluation of the public, medical, and financial
7 10 impacts, to the extent that the information is available, of
7 11 the proposed mandated health care benefit within 90 days from
7 12 the date the commissioner receives referral of the bill. The
7 13 report must include a financial impact analysis performed by
7 14 an actuary who is a member of the American academy of
7 15 actuaries and who certifies that the analysis is consistent
7 16 with accepted actuarial techniques.

7 17 The bill provides for the organization of the state health
7 18 insurance mandate commission, including three-year terms for
7 19 appointed members, balance in political affiliation,
7 20 vacancies, compensation for a per diem and mileage, quorums,
7 21 and staff and administrative support from the insurance
7 22 division. The bill specifies that the commission may hold
7 23 public hearings, receive testimony from experts, compare
7 24 health benefits mandated in other states, contract with
7 25 experts to develop needed data, and perform other actions
7 26 necessary to accomplish the commission's assigned tasks.

7 27 The bill also provides that the commissioner of insurance
7 28 shall propose a budget for the first year of operation of the
7 29 new commission subject to approval by the commission. The
7 30 bill provides that on or after July 1, 2009, and each July 1
7 31 thereafter, the commission shall review the costs of the
7 32 preceding year and develop a budget for the commission's
7 33 operation for the current fiscal year.

7 34 The bill allows the commissioner of insurance to adopt
7 35 rules deemed necessary for the administration of the new Code



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 31, 2008**

House File 2128 - Introduced continued

- 8 1 section in accordance with Code chapter 17A.
- 8 2 LSB 5301HH 82
- 8 3 av/nh/8.3



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 31, 2008

House File 2129 - Introduced

HOUSE FILE
BY TYMESON

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

A BILL FOR

- 1 An Act directing the department of education to conduct a study
- 2 of high school exit examinations.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 5302YH 82
- 5 kh/rj/8



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 31, 2008**

House File 2129 - Introduced continued

PAG LIN

1 1 Section 1. DEPARTMENT OF EDUCATION == HIGH SCHOOL EXIT
1 2 EXAMINATION STUDY. The department of education shall conduct
1 3 a study of high school exit examinations which could be
1 4 utilized in whole or in part statewide in Iowa. In conducting
1 5 the study, the department shall review and compare the high
1 6 school exit examinations used statewide by any other state and
1 7 shall assess the costs and benefits of each examination, as
1 8 well as any scientific research evaluating statewide high
1 9 school exit examinations. The department shall seek input
1 10 from education stakeholders while conducting the study. The
1 11 department shall submit its findings and recommendations in a
1 12 report to the general assembly by January 9, 2009.

1 13 EXPLANATION

1 14 This bill directs the department of education to conduct a
1 15 study of high school exit examinations which could be utilized
1 16 in whole or in part statewide in Iowa. In conducting the
1 17 study, the department shall review and compare the high school
1 18 exit examinations used statewide by any other state; assess
1 19 the costs and benefits of each examination, as well as any
1 20 scientific research evaluating statewide high school exit
1 21 examinations; and seek input from education stakeholders. The
1 22 department must submit its findings and recommendations in a
1 23 report to the general assembly by January 9, 2009.

1 24 LSB 5302YH 82

1 25 kh/rj/8



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 31, 2008

House File 2130 - Introduced

HOUSE FILE
BY ZIRKELBACH

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

A BILL FOR

1 An Act making an appropriation to the department of natural
2 resources for a river water trail.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
4 TLSB 5866HH 82
5 rh/jp/14



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 31, 2008**

House File 2130 - Introduced continued

PAG LIN

1 1 Section 1. APPROPRIATION == DEPARTMENT OF NATURAL
 1 2 RESOURCES. There is appropriated from the rebuild Iowa
 1 3 infrastructure fund to the department of natural resources for
 1 4 the fiscal year beginning July 1, 2008, and ending June 30,
 1 5 2009, the following amount, or so much thereof as is
 1 6 necessary, to be used for the purposes designated:
 1 7 For infrastructure improvements for a river water trail
 1 8 located in a county with a population between 20,000 and
 1 9 20,250:
 1 10 \$ 100,000
 1 11 Notwithstanding section 8.33, moneys appropriated in this
 1 12 section that remain unencumbered or unobligated at the close
 1 13 of the fiscal year shall not revert but shall remain available
 1 14 for the purposes designated until the close of the fiscal year
 1 15 that begins July 1, 2012, or until the project for which the
 1 16 appropriation was made is completed, whichever is earlier.
 1 17 EXPLANATION
 1 18 This bill appropriates \$100,000 from the rebuild Iowa
 1 19 infrastructure fund to the department of natural resources for
 1 20 the fiscal year beginning July 1, 2008, and ending June 30,
 1 21 2009, for infrastructure improvements for a river water trail
 1 22 located in a county with a population between 20,000 and
 1 23 20,250.
 1 24 Notwithstanding section 8.33, moneys appropriated in this
 1 25 section that remain unencumbered or unobligated at the close
 1 26 of the fiscal year shall not revert but shall remain available
 1 27 for the purposes designated until the close of the fiscal year
 1 28 that begins July 1, 2012, or until the project for which the
 1 29 appropriation was made is completed, whichever is earlier.
 1 30 LSB 5866HH 82
 1 31 rh/jp/14



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 31, 2008

House File 2131 - Introduced

HOUSE FILE
BY RAECKER and MURPHY

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

A BILL FOR

1 An Act relating to participation in varsity interscholastic
2 athletic contests and athletic competitions by students
3 participating in open enrollment.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
5 TLSB 5756YH 82
6 kh/nh/14



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 31, 2008

House File 2131 - Introduced continued

PAG LIN

1 1 Section 1. Section 282.18, subsection 13, Code 2007, is
1 2 amended to read as follows:
1 3 13. A pupil who participates in open enrollment for
1 4 purposes of attending a grade in grades nine through twelve in
1 5 a school district other than the district of residence is
1 6 ineligible to participate in varsity interscholastic athletic
1 7 contests and athletic competitions ~~during the pupil's first~~
~~1 8 ninety school days of enrollment in the district for the same~~
1 9 period as established pursuant to section 256.46 by the state
1 10 board of education for children who meet the conditions
1 11 specified in section 256.46, except that the pupil may
1 12 participate immediately in a varsity interscholastic sport if
1 13 the pupil is entering grade nine for the first time and did
1 14 not participate in an interscholastic athletic competition for
1 15 another school or school district during the summer
1 16 immediately following eighth grade, if the district of
1 17 residence and the other school district jointly participate in
1 18 the sport, if the sport in which the pupil wishes to
1 19 participate is not offered in the district of residence, if
1 20 the pupil chooses to use open enrollment to attend school in
1 21 another school district upon a contemporaneous change in
1 22 parental residence, if the pupil chooses to use open
1 23 enrollment to attend school in another school district because
1 24 the district in which the student previously attended school
1 25 was dissolved and merged with one or more contiguous school
1 26 districts under section 256.11, subsection 12, if the pupil
1 27 participates in open enrollment because the pupil's district
1 28 of residence has entered into a whole grade sharing agreement
1 29 with another district for the pupil's grade, or if the parent
1 30 or guardian of the pupil participating in open enrollment is
1 31 an active member of the armed forces and resides in permanent
1 32 housing on government property provided by a branch of the
1 33 armed services. A pupil who has paid tuition and attended
1 34 school, or has attended school pursuant to a mutual agreement
1 35 between the two districts, in a district other than the



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 31, 2008**

House File 2131 - Introduced continued

2 1 pupil's district of residence for at least one school year is
2 2 also eligible to participate immediately in interscholastic
2 3 athletic contests and athletic competitions under this
2 4 section, but only as a member of a team from the district that
2 5 pupil had attended. For purposes of this subsection, "school
2 6 days of enrollment" does not include enrollment in summer
2 7 school. For purposes of this subsection, "varsity" means the
2 8 same as defined in section 256.46.

2 9 EXPLANATION

2 10 This bill changes provisions relating to participation in
2 11 varsity interscholastic athletic contests and athletic
2 12 competitions by students participating in open enrollment.
2 13 The bill replaces language which makes the pupil ineligible to
2 14 participate for the first 90 school days of enrollment in the
2 15 new district, with language that makes the period of
2 16 ineligibility the same as that adopted by rule, pursuant to
2 17 Code section 256.46, by the state board of education for
2 18 children who do not meet the residence requirements for
2 19 participation in extracurricular interscholastic contests or
2 20 competitions. The bill also adds a "contemporaneous change in
2 21 parental residence" to the list of conditions under which
2 22 pupils may immediately participate in varsity athletics.
2 23 LSB 5756YH 82
2 24 kh/nh/14



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 31, 2008**

House Joint Resolution 2001 - Introduced

HOUSE JOINT RESOLUTION

BY TYMESON, CLUTE, DEYOE, GRANZOW,
ALONS, SODERBERG, PETTENGILL,
HUSEMAN, RAYHONS, BOAL, MAY,
DE BOEF, KAUFMANN, LUKAN,
CHAMBERS, TJEPKES, D. TAYLOR,
WIENCEK, and BAUDLER

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

Passed Senate, Date _____
Vote: Ayes _____ Nays _____

HOUSE JOINT RESOLUTION

1 A Joint Resolution proposing an amendment to the Constitution of
2 the State of Iowa restricting the expenditure of public or
3 private funds appropriated, allocated, or received by the
4 state to provide assistance to veterans.
5 BE IT RESOLVED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
6 TL5B 6227HH 82
7 ec/rj/5



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 31, 2008

House Joint Resolution 2001 - Introduced continued

PAG LIN

1 1 Section 1. Article VII of the Constitution of the State of
1 2 Iowa is amended by adding the following new section:
1 3 VETERAN ASSISTANCE FUNDS. SEC. 10. All state funds
1 4 appropriated, and federal or private funds received by the
1 5 state, to provide assistance to veterans shall be used
1 6 exclusively for the performance and administration of
1 7 activities related to those purposes.

1 8 Sec. 2. REFERRAL AND PUBLICATION. The foregoing amendment
1 9 to the Constitution of the State of Iowa is referred to the
1 10 General Assembly to be chosen at the next general election for
1 11 members of the General Assembly, and the Secretary of State is
1 12 directed to cause the same to be published for three
1 13 consecutive months previous to the date of that election as
1 14 provided by law.

1 15 EXPLANATION

1 16 This joint resolution proposes an amendment to the
1 17 Constitution of the State of Iowa relating funds appropriated
1 18 to provide assistance to veterans. The resolution provides
1 19 that public or private funds appropriated to provide
1 20 assistance to veterans shall be used exclusively for that
1 21 purpose.

1 22 The resolution, if adopted, would be referred to the next
1 23 general assembly for adoption a second time before being
1 24 submitted to the electorate for ratification.

1 25 LSB 6227HH 82

1 26 ec/rj/5



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 31, 2008

House Study Bill 607

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

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

Passed House, Date _____
Vote: Ayes _____ Nays _____

A BILL FOR

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



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 31, 2008

House Study Bill 607 continued

PAG LIN

1 1 Section 1. Section 101A.1, subsection 3, Code 2007, is
1 2 amended to read as follows:
1 3 3. "Explosive" ~~or "explosives"~~ means any chemical
1 4 compound, mixture or device, the primary or common purpose of
1 5 which is to function by explosion, ~~i.e.,~~ with substantially
1 6 instantaneous release of gas and heat, unless such compound,
1 7 mixture, or device is otherwise specifically classified by the
1 8 United States department of transportation. The term
1 9 ~~"explosives"~~ "explosive" includes all ~~material materials~~ which
1 10 ~~is~~ are classified as a class A, ~~class B, and class C~~
~~1 11 explosives 1, division 1.1, 1.2, 1.3, or 1.4 explosive by the~~
1 12 United States department of transportation, under 49 C.F.R. }
1 13 173.50, and all materials classified as explosive materials
1 14 under 18 U.S.C. } 841, and includes, but is not limited to,
1 15 dynamite, black powder, pellet powders, initiating explosives,
1 16 blasting caps, electric blasting caps, safety fuse, fuse
1 17 lighters, fuse igniters, squibs, cordeau detonative fuse,
1 18 instantaneous fuse, igniter cord, igniters, smokeless
1 19 propellant, cartridges for propellant-actuated power devices,
1 20 ~~and~~ cartridges for industrial guns, and overpressure devices,
1 21 ~~but shall~~ does not include "fireworks" as defined in section
1 22 727.2 ~~nor or~~ ammunition or small arms primers manufactured for
1 23 use in shotguns, rifles, and pistols. Commercial explosives
1 24 are those explosives which are intended to be used in
1 25 commercial or industrial operations.

1 26 Sec. 2. Section 101A.1, Code 2007, is amended by adding
1 27 the following new subsection:

1 28 NEW SUBSECTION. 7A. "Overpressure device" means any
1 29 device constructed of a container or improvised container
1 30 which is filled with a mixture of chemicals or sublimating
1 31 materials or gases that generate an expanding gas, which is
1 32 designed or constructed to cause the container to break,
1 33 fracture, or rupture in a violent manner capable of causing
1 34 death, serious injury, or property damage.

1 35 Sec. 3. Section 712.6, Code 2007, is amended to read as



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 31, 2008

House Study Bill 607 continued

2 1 follows:

2 2 712.6 EXPLOSIVE OR INCENDIARY MATERIALS OR DEVICES.

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

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

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

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

2 19 EXPLANATION

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

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

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

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



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 31, 2008**

House Study Bill 607 continued

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

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

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

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

3 24 LSB 5379DP 82

3 25 jm/nh/8.2



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 31, 2008

House Study Bill 608

HOUSE FILE
BY (PROPOSED COMMITTEE ON
JUDICIARY BILL BY
CHAIRPERSON SWAIM)

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

Passed Senate, Date _____
Vote: Ayes _____ Nays _____

A BILL FOR

- 1 An Act relating to the disposal of dead animal carcasses in a
- 2 water of this state, and providing penalties.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 5796YC 82
- 5 da/nh/5



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 31, 2008

House Study Bill 608 continued

PAG LIN

1 1 Section 1. Section 167.18, Code 2007, is amended to read
1 2 as follows:

1 3 167.18 DUTY TO DISPOSE OF DEAD BODIES.

1 4 A person who has been caring for or who owns an animal that
1 5 has died shall ~~not allow the carcass to lie about the person's~~
~~1 6 premises. The carcass shall be disposed of~~ dispose of the
1 7 animal's carcass within twenty-four hours after the animal's
1 8 death. The person shall dispose of the carcass by cooking,
1 9 burying, or burning it, as provided in this chapter, or by
1 10 disposing of it, within the allowed time, to a person licensed
1 11 to dispose of it. If the carcass is disposed of in a water of
1 12 the state, as defined in section 455B.171, the department
1 13 shall cooperate with the department of natural resources in
1 14 investigating the incident, enforcing this section, and
1 15 remediating the damage.

1 16 Sec. 2. Section 167.19, Code 2007, is amended to read as
1 17 follows:

1 18 167.19 ~~PENALTY~~ PENALTIES.

1 19 1. a. A Except as provided in paragraph "b", a person who
1 20 violates this chapter or a rule adopted by the department
1 21 pursuant to this chapter is guilty of a simple misdemeanor.
1 22 The person may be subject to a civil penalty of not less than
1 23 one hundred dollars and not more than one thousand dollars for
1 24 each violation. However, the state shall be precluded from
1 25 bringing a criminal action against the person under this
1 26 subsection, if the department has initiated a civil
1 27 enforcement proceeding against the person.

1 28 b. A person who violates section 167.18 by disposing of an
1 29 animal carcass into a water of the state as defined in section
1 30 455B.171 is guilty of a serious misdemeanor. The person is
1 31 also subject to a civil penalty of not less than one thousand
1 32 dollars and not more than five thousand dollars for each
1 33 carcass that the person disposes of in a water of the state.
1 34 A person who disposes of one or more parts of an animal
1 35 carcass or offal from that animal on the same occasion is



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 31, 2008

House Study Bill 608 continued

2 1 guilty of a single violation.

2 2 2. Moneys collected in civil penalties under this section
2 3 shall be deposited into the general fund of the state.

2 4 Sec. 3. NEW SECTION. 167.19A RESTITUTION.

2 5 A person who is guilty of or civilly liable for disposing
2 6 of an animal carcass into a water of the state as provided in
2 7 section 167.19 shall pay restitution to the following:

2 8 1. The department of agriculture and land stewardship or
2 9 the department of natural resources for costs associated with
2 10 properly disposing of the animal carcass by that department.
2 11 The moneys received by the department shall be treated as
2 12 repayment receipts as provided in section 8.2.

2 13 2. The department of natural resources for injury caused
2 14 to a wild animal or the department's administrative expenses.
2 15 The moneys shall be deposited in the state fish and game
2 16 protection fund created in section 456A.17 as provided in
2 17 section 481A.151.

2 18 3. The department of natural resources for performing
2 19 testing of the quality of the waters of the state where the
2 20 animal carcass was disposed. The moneys shall be deposited
2 21 into the watershed improvement fund created in section 466A.2.

2 22 EXPLANATION

2 23 This bill amends provisions in Code chapter 167 which
2 24 prohibit a person from disposing of an animal other than by
2 25 cooking, burying, burning, or providing it to a person
2 26 licensed under the Code chapter for rendering. The bill
2 27 provides that the department of agriculture and land
2 28 stewardship, which is responsible for administering the Code
2 29 chapter, must cooperate with the department of natural
2 30 resources when a violation of the disposal requirements
2 31 involves placing an animal carcass in a water of the state
2 32 (see Code section 167.19 and 21 IAC 61.32). A water of the
2 33 state includes a stream, lake, pond, marsh, watercourse,
2 34 waterway, well, spring, reservoir, aquifer, irrigation system,
2 35 or drainage system.



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 31, 2008**

House Study Bill 608 continued

3 1 The bill provides an enhanced penalty for the illegal
3 2 disposal, from a simple misdemeanor to a serious misdemeanor,
3 3 and increases the civil penalty from a range between \$100 and
3 4 \$1,000 to a range between \$1,000 and \$5,000. Unlike the
3 5 general penalty provision, a person may be subject to both a
3 6 criminal and civil penalty.

3 7 In addition to the penalty provisions, a person who
3 8 illegally deposits an animal carcass into a water of the state
3 9 must pay restitution to the state, including to the agency
3 10 which provides for its proper disposal, to the department of
3 11 natural resources under its restitution statute for water
3 12 pollution (Code section 481A.151), and to the department of
3 13 natural resources for performing water quality testing.

3 14 A simple misdemeanor is punishable by confinement for no
3 15 more than 30 days or a fine of at least \$65 but not more than
3 16 \$625 or by both. A serious misdemeanor is punishable by
3 17 confinement for no more than one year and a fine of at least
3 18 \$315 but not more than \$1,875.

3 19 LSB 5796YC 82

3 20 da/nh/5



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 31, 2008

Senate File 2087

SENATE FILE

BY HOGG, HATCH, BEALL, APPEL,
SENG, OLIVE, DEARDEN, FRAISE,
QUIRMBACH, COURTNEY, KIBBIE,
BLACK, BOLKCOM, DVORSKY,
KREIMAN, and SCHMITZ

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

Passed House, Date _____
Vote: Ayes _____ Nays _____

A BILL FOR

- 1 An Act relating to 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 5867SS 82
- 6 rn/nh/5



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 31, 2008

Senate File 2087 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 31, 2008**

Senate File 2087 continued

2 1 residents notwithstanding application of a discount rate.
2 2 LSB 5867SS 82
2 3 rn/nh/5



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 31, 2008

Senate File 2088 - Introduced

SENATE FILE
BY JOHNSON

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

A BILL FOR

- 1 An Act providing for motor fuel pumps which dispense renewable
- 2 fuel.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 5728SS 82
- 5 da/nh/5



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 31, 2008

Senate File 2088 - Introduced continued

PAG LIN

1 1 Section 1. Section 15G.201, subsection 1, Code 2007, is
1 2 amended to read as follows:

1 3 1. "Biodiesel", "biodiesel blended fuel", "E=85 gasoline",
1 4 "gasoline", "motor fuel", "~~motor fuel pump~~", "retail dealer",
1 5 and "retail motor fuel site" mean the same as defined in
1 6 section 214A.1.

1 7 Sec. 2. Section 15G.201, Code 2007, is amended by adding
1 8 the following new subsection:

1 9 NEW SUBSECTION. 4A. "Motor fuel pump" and "motor fuel
1 10 blender pump" or "blender pump" mean the same as defined in
1 11 section 214.1.

1 12 Sec. 3. Section 15G.203, subsection 1, Code Supplement
1 13 2007, is amended to read as follows:

1 14 1. a. The purpose of the program is to improve retail
1 15 motor fuel sites by installing, replacing, or converting motor
1 16 fuel storage ~~and~~, blending, or dispensing infrastructure. The
1 17 infrastructure must be designed and shall be used exclusively
1 18 to ~~store~~ do any of the following:

1 19 (1) Store and dispense renewable fuel which is E=85
1 20 gasoline, biodiesel, or biodiesel blended fuel.

1 21 (2) Blend and dispense renewable fuel from a motor fuel
1 22 blender pump.

1 23 b. The improvement must occur on the premises of retail
1 24 motor fuel sites operated by retail dealers.

1 25 Sec. 4. Section 15G.203, subsection 4, paragraph b,
1 26 subparagraphs (3) and (4), Code Supplement 2007, are amended
1 27 to read as follows:

1 28 (3) A statement describing how the retail motor fuel site
1 29 is to be improved, the total estimated cost of the planned
1 30 improvement, and the date when the infrastructure will be
1 31 first used to ~~store and~~ dispense the renewable fuel.

1 32 (4) A statement certifying that the infrastructure shall
1 33 not be used to store or dispense motor fuel ~~other than E=85~~
1 34 ~~gasoline, biodiesel, or biodiesel blended fuel in violation of~~
1 35 this section, unless granted a waiver by the infrastructure



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 31, 2008

Senate File 2088 - Introduced continued

2 1 board pursuant to this section.

2 2 Sec. 5. Section 15G.203, subsection 8, unnumbered
2 3 paragraph 1, Code Supplement 2007, is amended to read as
2 4 follows:

2 5 A person shall not use financial incentives to install,
2 6 replace, or convert infrastructure, unless the infrastructure
2 7 is used to store, blend, or dispense renewable fuel. A
2 8 participating person shall not use the infrastructure to store
2 9 and dispense motor fuel other than the type of renewable fuel
2 10 approved by the board in the cost=share agreement, unless one
2 11 of the following applies:

2 12 Sec. 6. Section 15G.203, subsection 8, paragraph a, Code
2 13 Supplement 2007, is amended to read as follows:

2 14 a. The participating person is granted a waiver by the
2 15 infrastructure board. The participating person shall store,
2 16 blend, or dispense the motor fuel according to the terms and
2 17 conditions of the waiver.

2 18 Sec. 7. Section 214.1, Code 2007, is amended to read as
2 19 follows:

2 20 214.1 DEFINITIONS.

2 21 For the purpose of As used in this chapter, unless the
2 22 context otherwise requires:

2 23 1. "Biofuel", "biodiesel", "ethanol", "motor fuel",
2 24 "retail dealer", "retail motor fuel site", and "wholesale
2 25 dealer" mean the same as defined in section 214A.1.

2 26 2. "Commercial weighing and measuring device" or "device"
2 27 means the same as defined in section 215.26.

2 28 ~~2. "Motor fuel" means the same as defined in section~~
2 29 ~~214A.1.~~

2 30 3. "Motor fuel blender pump" or "blender pump" means a
2 31 motor fuel pump that allows a retail customer of motor fuel to
2 32 select a volume percentage of biofuel in motor fuel to be
2 33 dispensed from the motor fuel pump at a retail motor fuel
2 34 site.

2 35 4. "Motor fuel pump" means a pump, meter, or similar



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 31, 2008

Senate File 2088 - Introduced continued

3 1 commercial weighing and measuring device used to measure and
3 2 dispense motor fuel on a retail basis.

3 3 4. ~~"Retail dealer" means the same as defined in section~~
~~3 4 214A.1.~~

3 5 5. ~~"Wholesale dealer" means the same as defined in section~~
~~3 6 214A.1.~~

3 7 Sec. 8. Section 214.9, Code 2007, is amended to read as
3 8 follows:

3 9 214.9 ~~SELF-SERVICE~~ REGULATION OF MOTOR FUEL PUMPS.

3 10 1. ~~Self-service~~ A self-service motor fuel ~~pumps~~ pump at a
3 11 retail motor vehicle fuel ~~stations~~ site may be equipped with
3 12 an automatic latch=open ~~devices~~ device on the fuel dispensing
3 13 hose nozzle only if the nozzle valve is the automatic closing
3 14 type.

3 15 2. The department shall ensure that a motor fuel blender
3 16 pump accurately distributes the volume percent of biofuel
3 17 selected by the consumer at the price offered by the retail
3 18 dealer.

3 19 Sec. 9. Section 214A.1, subsection 14, Code 2007, is
3 20 amended to read as follows:

3 21 14. "Motor fuel pump" ~~means~~ and "motor fuel blender pump"
3 22 or "blender pump" means the same as defined in section 214.1.

3 23 Sec. 10. Section 214A.3, subsection 2, paragraph b, Code
3 24 2007, is amended to read as follows:

3 25 b. (1) Ethanol blended gasoline sold by a dealer shall be
3 26 designated E=xx where "xx" is the volume percent of ethanol in
3 27 the ethanol blended gasoline. However, a person advertising
3 28 E=10 gasoline may only designate it as ethanol blended
3 29 gasoline. The motor fuel blender pump must accurately inform
3 30 the customer of the volume percent of ethanol being dispensed
3 31 at the blender pump. A person shall not knowingly falsely
3 32 advertise ethanol blended gasoline by using an inaccurate
3 33 designation in violation of this subparagraph.

3 34 (2) Biodiesel blended fuel shall be designated B=xx where
3 35 "xx" is the volume percent of biodiesel in the biodiesel



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 31, 2008

Senate File 2088 - Introduced continued

4 1 blended fuel. The motor fuel blender pump must accurately
4 2 inform the customer of the volume percent of biodiesel being
4 3 dispensed at the blender pump. A person shall not knowingly
4 4 falsely advertise biodiesel blended fuel by using an
4 5 inaccurate designation in violation of this subparagraph.

4 6 EXPLANATION

4 7 This bill provides for a new type of motor fuel pump
4 8 referred to as a motor fuel blender pump (blender pump) which
4 9 allows a retail customer to select the percent of biofuel,
4 10 either ethanol (ethyl alcohol) which is blended into gasoline,
4 11 or biodiesel (derived from vegetable oils or animal fats)
4 12 which is blended into diesel fuel.

4 13 The bill expands the renewable fuel infrastructure program
4 14 to provide cost share financing to support the installation of
4 15 or conversion of blender pumps and related infrastructure at
4 16 service stations (referred to as retail motor fuel sites).
4 17 Financing is awarded by a renewable fuel infrastructure board
4 18 established within the department of economic development.

4 19 The bill authorizes the department of agriculture and land
4 20 stewardship to regulate blender pumps and requires a retail
4 21 dealer to accurately inform the customer of the volume percent
4 22 of biofuel being dispensed at the blender pump.

4 23 LSB 5728SS 82

4 24 da/nh/5



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 31, 2008

Senate File 2089 - Introduced

SENATE FILE
BY COMMITTEE ON LOCAL
GOVERNMENT

(SUCCESSOR TO SSB 3086)

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

Passed House, Date _____
Vote: Ayes _____ Nays _____

A BILL FOR

- 1 An Act relating to applications for absentee ballots.
- 2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 3 TLSB 5810SV 82
- 4 sc/nh/5



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 31, 2008

Senate File 2089 - Introduced continued

PAG LIN

1 1 Section 1. Section 53.2, subsection 2, Code Supplement
1 2 2007, is amended to read as follows:
1 3 2. a. The state commissioner shall prescribe a form for
1 4 absentee ballot applications. However, if a registered voter
1 5 submits an application that includes all of the information
1 6 required in this section, the prescribed form is not required.
1 7 b. Absentee ballot applications may include instructions
1 8 to send the application directly to the county commissioner of
1 9 elections. However, no absentee ballot application shall be
1 10 preaddressed or printed with instructions to send the
1 11 applications to anyone other than the appropriate
1 12 commissioner.
1 13 c. No absentee ballot application shall be preaddressed or
1 14 printed with instructions to send the ballot to anyone other
1 15 than the voter.

1 16 EXPLANATION
1 17 This bill provides that a registered voter may submit an
1 18 application for an absentee ballot on something other than the
1 19 application form prescribed by the state commissioner of
1 20 elections if the application submitted contains all of the
1 21 information required by law.
1 22 LSB 5810SV 82
1 23 sc/nh/5



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 31, 2008

Senate File 2090 - Introduced

SENATE FILE
BY COMMITTEE ON LOCAL
GOVERNMENT

(SUCCESSOR TO SF 2007)

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

Passed House, Date _____
Vote: Ayes _____ Nays _____

A BILL FOR

- 1 An Act providing for an exception to the maximum age for chiefs
- 2 of police and providing an effective date.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 5195SV 82
- 5 ec/rj/5



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 31, 2008

Senate File 2090 - Introduced continued

PAG LIN

1 1 Section 1. Section 362.10, Code 2007, is amended to read
1 2 as follows:
1 3 362.10 POLICE OFFICERS AND FIRE FIGHTERS.
1 4 The maximum age for a police officer, marshal, or fire
1 5 fighter employed for police duty or the duty of fighting fires
1 6 is sixty-five years of age. This section shall not apply to
1 7 volunteer fire fighters or chiefs of police of cities not
1 8 subject to the requirements of chapter 400.

1 9 Sec. 2. EFFECTIVE DATE. This Act, being deemed of
1 10 immediate importance, takes effect upon enactment.

1 11 EXPLANATION

1 12 This bill provides that the maximum age limit of 65 for
1 13 employment of city police officers, marshals, or fire fighters
1 14 does not apply to chiefs of police of cities not subject to
1 15 Code chapter 400, the city civil service law.

1 16 The bill takes effect upon enactment.

1 17 LSB 5195SV 82

1 18 ec/rj/5



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 31, 2008**

Senate Study Bill 3111

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

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

Passed House, Date _____
Vote: Ayes _____ Nays _____

A BILL FOR

1 An Act relating to child support recovery including assignment of
2 support to the state relative to receipt of family investment
3 program benefits, garnishment of money held by the state for a
4 person who owes delinquent child support, the reporting of
5 delinquent child support obligors to consumer reporting
6 agencies, access to cellular telephone numbers for the purpose
7 of the computer match program by the child support recovery
8 unit, collection of support from certain obligors, the
9 information included in a notice regarding the administrative
10 levy of an account, and medical support of a child, and
11 providing effective and retroactive applicability dates.
12 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
13 TL5B 5132DP 82
14 pf/nh/5



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 31, 2008

Senate Study Bill 3111 continued

PAG LIN

1 1 DIVISION I
1 2 ASSIGNMENT OF CHILD SUPPORT == FAMILY INVESTMENT
1 3 PROGRAM RECIPIENTS
1 4 Section 1. Section 239B.6, subsections 1 and 2, Code 2007,
1 5 are amended to read as follows:
1 6 1. An assignment of support rights to the department is
1 7 created by either of the following:
1 8 a. An applicant and other persons covered by an
1 9 application are deemed to have assigned to the department at
1 10 the time of application all rights to periodic support
1 11 payments that accrue during the period the family receives
1 12 assistance to the extent of the amount of assistance received
1 13 by the applicant and by other persons covered by the
1 14 application.
1 15 b. A determination that a child or another person covered
1 16 by an application is eligible for assistance under this
1 17 chapter creates an assignment by operation of law to the
1 18 department of all rights to periodic support payments that
1 19 accrue during the period the family receives assistance not to
1 20 exceed the amount of assistance received by the child and
1 21 other persons covered by the application.
1 22 2. An assignment takes effect upon determination that an
1 23 applicant or another person covered by an application is
1 24 eligible for assistance under this chapter, applies to both
1 25 current and ~~accrued~~ accruing support obligations, and
1 26 terminates when an applicant or another person covered by an
1 27 application ceases to receive assistance under this chapter,
1 28 except with respect to the amount of unpaid support
1 29 obligations ~~accrued under~~ during the assignment. If an
1 30 applicant or another person covered by an application ceases
1 31 to receive assistance under this chapter and the applicant or
1 32 other person covered by the application receives a periodic
1 33 support payment, subject to limitations under federal law and
1 34 subject to subsection 2A, the department is entitled only to
1 35 that amount of the periodic support payment above the current



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 31, 2008

Senate Study Bill 3111 continued

2 1 periodic support obligation.

2 2 Sec. 2. Section 239B.6, Code 2007, is amended by adding
2 3 the following new subsection:

2 4 NEW SUBSECTION. 2A. Any rights to support payments
2 5 assigned to the department on or before September 30, 2009,
2 6 shall remain assigned to the department.

2 7 Sec. 3. Section 252A.13, Code 2007, is amended to read as
2 8 follows:

2 9 252A.13 RECIPIENTS OF PUBLIC ASSISTANCE == ASSIGNMENT OF
2 10 SUPPORT PAYMENTS.

2 11 1. If public assistance is provided by the department of
2 12 human services to or on behalf of a dependent child or a
2 13 dependent child's caretaker, there is an assignment by
2 14 operation of law to the department of any and all rights in,
2 15 title to, and interest in any support obligation, payment, and
2 16 arrearages owed to or on behalf of the child or caretaker not
2 17 to exceed the amount of public assistance paid for or on
2 18 behalf of the child or caretaker as follows:

2 19 a. For family investment program assistance, section
2 20 239B.6 shall apply.

2 21 b. For foster care services, section 234.39 shall apply.

2 22 c. For medical assistance, section 252E.11 shall apply.

2 23 2. The department shall immediately notify the clerk of
2 24 court by mail when such child or caretaker has been determined
2 25 to be eligible for public assistance. Upon notification by
2 26 the department, the clerk of court shall make a notation of
2 27 the automatic assignment in the judgment docket and lien
2 28 index. The notation constitutes constructive notice of the
2 29 assignment. If the applicant for public assistance, for whom
2 30 public assistance is approved and provided on or after July 1,
2 31 1997, is a person other than a parent of the child, the
2 32 department shall send notice of the assignment by regular mail
2 33 to the last known addresses of the obligee and obligor. The
2 34 clerk of court shall forward support payments received
2 35 pursuant to section 252A.6, to which the department is



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 31, 2008

Senate Study Bill 3111 continued

3 1 entitled, to the department, unless the court has ordered the
3 2 payments made directly to the department under that section.
3 3 The department may secure support payments in default through
3 4 other proceedings.

3 5 3. The clerk shall furnish the department with copies of
3 6 all orders or decrees awarding and temporary domestic abuse
3 7 orders addressing support when the parties are receiving
3 8 public assistance or services are otherwise provided by the
3 9 child support recovery unit. Unless otherwise specified in
3 10 the order, an equal and proportionate share of any child
3 11 support awarded is presumed to be payable on behalf of each
3 12 child, subject to the order or judgment, for purposes of an
3 13 assignment under this section.

3 14 Sec. 4. Section 252C.2, subsection 1, Code 2007, is
3 15 amended to read as follows:

3 16 1. If public assistance is provided by the department to
3 17 or on behalf of a dependent child or a dependent child's
3 18 caretaker, there is an assignment by operation of law to the
3 19 department of any and all right in, title to, and interest in
3 20 any support obligation, payment, and arrearages owed to or for
3 21 the child or caretaker up to the amount of public assistance
3 22 paid for or on behalf of the child or caretaker. Unless
3 23 otherwise specified in the order, an equal and proportionate
3 24 share of any child support awarded is presumed to be payable
3 25 on behalf of each child subject to the order or judgment for
3 26 purposes of an assignment under this section. For family
3 27 investment program assistance, section 239B.6 shall apply.

3 28 Sec. 5. Section 598.34, Code 2007, is amended to read as
3 29 follows:

3 30 598.34 RECIPIENTS OF PUBLIC ASSISTANCE == ASSIGNMENT OF
3 31 SUPPORT PAYMENTS.

3 32 1. If public assistance is provided by the department of
3 33 human services to or on behalf of a dependent child or a
3 34 dependent child's caretaker, there is an assignment by
3 35 operation of law to the department of any and all rights in,



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 31, 2008

Senate Study Bill 3111 continued

4 1 title to, and interest in any support obligation, payment, and
4 2 arrearages owed to or for the child or caretaker not to exceed
4 3 the amount of public assistance paid for or on behalf of the
4 4 child or caretaker as follows:

4 5 a. For family investment program assistance, section
4 6 239B.6 shall apply.

4 7 b. For foster care services, section 234.39 shall apply.

4 8 c. For medical assistance, section 252E.11 shall apply.

4 9 2. The department shall immediately notify the clerk of
4 10 court by mail when such a child or caretaker has been
4 11 determined to be eligible for public assistance. Upon
4 12 notification by the department, the clerk of court shall make
4 13 a notation of the automatic assignment in the judgment docket
4 14 and lien index. The notation constitutes constructive notice
4 15 of the assignment. For public assistance approved and
4 16 provided on or after July 1, 1997, if the applicant for public
4 17 assistance is a person other than a parent of the child, the
4 18 department shall send a notice by regular mail to the last
4 19 known addresses of the obligee and obligor. The clerk of
4 20 court shall forward support payments received pursuant to
4 21 section 598.22, to which the department is entitled, to the
4 22 department, which may secure support payments in default
4 23 through other proceedings.

4 24 3. The clerk shall furnish the department with copies of
4 25 all orders or decrees and temporary or domestic abuse orders
4 26 addressing support when the parties are receiving public
4 27 assistance or services are otherwise provided by the child
4 28 support recovery unit pursuant to chapter 252B. Unless
4 29 otherwise specified in the order, an equal and proportionate
4 30 share of any child support awarded shall be presumed to be
4 31 payable on behalf of each child subject to the order or
4 32 judgment for purposes of an assignment under this section.

4 33 Sec. 6. Section 600B.38, Code 2007, is amended to read as
4 34 follows:

4 35 600B.38 RECIPIENTS OF PUBLIC ASSISTANCE == ASSIGNMENT OF



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 31, 2008

Senate Study Bill 3111 continued

5 1 SUPPORT PAYMENTS.

5 2 1. If public assistance is provided by the department of
5 3 human services to or on behalf of a dependent child or a
5 4 dependent child's caretaker, there is an assignment by
5 5 operation of law to the department of any and all rights in,
5 6 title to, and interest in any support obligation, payment, and
5 7 arrearages owed to or on behalf of the child or caretaker, not
5 8 to exceed the amount of public assistance paid for or on
5 9 behalf of the child or caretaker as follows:

5 10 a. For family investment program assistance, section
5 11 239B.6 shall apply.

5 12 b. For foster care services, section 234.39 shall apply.

5 13 c. For medical assistance, section 252E.11 shall apply.

5 14 2. The department shall immediately notify the clerk of
5 15 court by mail when such a child or caretaker has been
5 16 determined to be eligible for public assistance. Upon
5 17 notification by the department, the clerk of court shall make
5 18 a notation of the automatic assignment in the judgment docket
5 19 and lien index. The notation constitutes constructive notice
5 20 of the assignment. For public assistance approved and
5 21 provided on or after July 1, 1997, if the applicant for public
5 22 assistance is a person other than a parent of the child, the
5 23 department shall send notice by regular mail to the last known
5 24 addresses of the obligee and obligor. The clerk of court
5 25 shall forward support payments received pursuant to section
5 26 600B.25, to which the department is entitled, to the
5 27 department, which may secure support payments in default
5 28 through other proceedings.

5 29 3. The clerk shall furnish the department with copies of
5 30 all orders or decrees and temporary or domestic abuse orders
5 31 addressing support when the parties are receiving public
5 32 assistance or services are otherwise provided by the child
5 33 support recovery unit. Unless otherwise specified in the
5 34 order, an equal and proportionate share of any child support
5 35 awarded shall be presumed to be payable on behalf of each



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 31, 2008

Senate Study Bill 3111 continued

6 1 child subject to the order or judgment for purposes of an
6 2 assignment under this section.

6 3 Sec. 7. EFFECTIVE DATE. This division of this Act takes
6 4 effect October 1, 2009.

6 5 DIVISION II

6 6 GARNISHMENT == MONEYS HELD BY STATE == DELINQUENT

6 7 SUPPORT OBLIGORS

6 8 Sec. 8. Section 642.2, subsection 4, Code 2007, is amended
6 9 to read as follows:

6 10 4. Notwithstanding subsections 2, 3, and 6, and 7 any
6 11 moneys owed to the child support obligor by the state and
6 12 payments owed to the child support obligor through the Iowa
6 13 public employees' retirement system are subject to
6 14 garnishment, attachment, execution, or assignment by the child
6 15 support recovery unit if the child support recovery unit is
6 16 providing enforcement services pursuant to chapter 252B.

6 17 DIVISION III

6 18 CONSUMER REPORTING AGENCIES == REQUIREMENTS FOR
6 19 RECEIPT AND USE OF DELINQUENT SUPPORT INFORMATION

6 20 Sec. 9. Section 252B.9, subsection 3, Code 2007, is
6 21 amended by adding the following new paragraph:

6 22 NEW PARAGRAPH. j. The unit may provide information
6 23 regarding delinquent obligors as provided in 42 U.S.C. }
6 24 666(a)(7) to a consumer reporting agency if all the following
6 25 apply:

6 26 (1) The agency provides the unit with satisfactory
6 27 evidence that it is a consumer reporting agency as defined in
6 28 15 U.S.C. } 1681a(f) and meets all the following requirements:

6 29 (a) Compiles and maintains files on consumers on a
6 30 nationwide basis as provided in 15 U.S.C. } 1681a(p).

6 31 (b) Participates jointly with other nationwide consumer
6 32 reporting agencies in providing annual free credit reports to
6 33 consumers upon request through a centralized source as
6 34 required by the federal trade commission in 16 C.F.R. } 610.2.

6 35 (2) The agency has entered into an agreement with the unit



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 31, 2008

Senate Study Bill 3111 continued

7 1 regarding receipt and use of the information.

7 2 DIVISION IV

7 3 CELLULAR TELEPHONE NUMBERS == AVAILABLE

7 4 TO CHILD SUPPORT RECOVERY UNIT

7 5 Sec. 10. Section 252B.9, subsection 1, paragraph d,
7 6 subparagraph (2), Code 2007, is amended to read as follows:

7 7 (2) Certain records held by public utilities, cable or
7 8 other television companies, cellular telephone companies, and
7 9 internet service providers with respect to individuals who owe
7 10 or are owed support, or against or with respect to whom a
7 11 support obligation is sought, consisting of the names and
7 12 addresses of such individuals and the names and addresses of
7 13 the employers of such individuals, as appearing in customer
7 14 records, and including the cellular telephone numbers of such
7 15 individuals appearing in the customer records of cellular

7 16 telephone companies. If the records are maintained in
7 17 automated databases, the unit shall be provided with automated
7 18 access.

7 19 DIVISION V

7 20 SPECIFIED INCOME PROVIDERS == ESTABLISHMENT

7 21 OF ACCOUNTS FOR SUPPORT PAYMENTS

7 22 Sec. 11. NEW SECTION. 252B.28 ORDER FOR ESTABLISHMENT OF
7 23 ACCOUNT.

7 24 1. This section shall apply to any income provider listed
7 25 in subsection 2 if, at the time notice is served, support
7 26 payments as defined in section 252D.16 are delinquent in an
7 27 amount equal to the payment for one month.

7 28 2. This section shall apply to any of the following income
7 29 providers:

7 30 a. A self-employed obligor. As used in this section,
7 31 "self-employed" means earning at least a portion of the
7 32 individual's livelihood directly from the individual's own
7 33 business, trade, or profession rather than as a specified
7 34 salary or wages from an employer.

7 35 b. A partnership, limited liability company, corporation,



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 31, 2008**

Senate Study Bill 3111 continued

8 1 or other association or business entity from which an obligor
8 2 receives compensation in the form of wages, salary,
8 3 commissions, bonuses, or other income, if the obligor is a
8 4 partner, member, owner, or officer of the entity.

8 5 c. A partnership, limited liability company, corporation,
8 6 or other association or business entity from which a person
8 7 specified in paragraph "b" receives compensation in the form
8 8 of wages, salary, commissions, bonuses, or other income. As
8 9 used in this section, "person" means the same as defined in
8 10 section 4.1.

8 11 3. Upon motion filed by the child support recovery unit
8 12 and notice, the district court may order an income provider
8 13 specified under subsection 2 to establish a bank or other
8 14 financial institution account for the sole purpose of
8 15 obtaining support payments owed by the obligor. Notice shall
8 16 be served on the obligor or other income provider by regular
8 17 mail and proof of service completed according to rule of civil
8 18 procedure 1.442. If a hearing is not requested within ten
8 19 days of service of the notice, the court may enter an order
8 20 under this subsection. The order shall specify the amount of
8 21 the compensation that is to be deposited into such account and
8 22 the frequency with which such deposits are to be made, whether
8 23 weekly, biweekly, semimonthly, or monthly. Within ten days of
8 24 the issuance of the order under this subsection, the income
8 25 provider shall provide the unit with written authorization for
8 26 the unit to receive from such account, by automatic
8 27 withdrawal, the amount ordered to be deposited into such
8 28 account. The court may provide a method for timely increase
8 29 or decrease of the amounts to be deposited or withdrawn and
8 30 shall specify the duration of the order. The order shall be
8 31 subject to modification due to a change in the amount of the
8 32 support order or a delinquency, or if the unit will no longer
8 33 be providing services under this chapter.

8 34 4. Failure to establish the account or to deposit the
8 35 required amount into the account or to authorize automatic



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 31, 2008

Senate Study Bill 3111 continued

9 1 withdrawal of the required amount by the unit is failure to
9 2 comply with an order entered under subsection 3, which shall
9 3 be punishable as contempt.

9 4 5. This section shall be construed to furnish an
9 5 additional remedy and shall in no way affect or impair any
9 6 other remedy, civil or criminal, provided in any other statute
9 7 and available to the unit in relation to the same subject
9 8 matter, and shall not relieve an income provider of a duty
9 9 under any other chapter.

9 10 DIVISION VI

9 11 OBLIGOR SOCIAL SECURITY NUMBER == NOTICE FORM

9 12 Sec. 12. Section 252I.6, subsection 2, paragraph a, Code
9 13 2007, is amended to read as follows:

9 14 a. The name ~~and social security number~~ of the obligor.

9 15 DIVISION VII

9 16 MEDICAL SUPPORT

9 17 Sec. 13. Section 252E.1A, subsection 2, paragraph a,
9 18 subparagraphs (1) and (2), as enacted by 2007 Iowa Acts,
9 19 chapter 218, section 164, are amended to read as follows:

9 20 (1) The premium cost for a child to the parent ordered to
9 21 provide the plan does not exceed five percent of that parent's
9 22 gross income or the child support guidelines established
9 23 pursuant to section 598.21B specifically provide an

9 24 alternative income-based numeric standard for determining the
9 25 reasonable cost of the premium, in which case the reasonable
9 26 cost of the premium as determined by the standard specified by
9 27 the child support guidelines shall apply.

9 28 (2) The premium cost for a child exceeds ~~five percent of~~
~~9 29 the gross income of the parent ordered to provide the plan the~~
9 30 amount specified in subparagraph (1) and that parent consents
9 31 or does not object to entry of that order.

9 32 Sec. 14. Section 252E.1A, subsection 3, as enacted by 2007
9 33 Iowa Acts, chapter 218, section 164, is amended to read as
9 34 follows:

9 35 3. If a health benefit plan is not available at the time



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 31, 2008

Senate Study Bill 3111 continued

10 1 of the entry of the order, the court shall order a reasonable
10 2 monetary amount in lieu of a health benefit plan, which amount
10 3 shall be stated in the order. For purposes of this
10 4 subsection, a reasonable amount means five percent of the
10 5 gross income of the parent ordered to provide the monetary
10 6 amount for medical support or if the child support guidelines
10 7 established pursuant to section 598.21B specifically provide
10 8 an alternative income-based numeric standard for determining
10 9 the reasonable amount, a reasonable amount means the amount as
10 10 determined by the standard specified by the child support
10 11 guidelines. This subsection shall not apply in any of the
10 12 following circumstances:
10 13 a. If the parent's monthly support obligation established
10 14 pursuant to the child support guidelines prescribed by the
10 15 supreme court pursuant to section 598.21B is the minimum
10 16 obligation amount. If this paragraph applies, the court shall
10 17 order the parent to provide a health benefit plan when a plan
10 18 becomes available for which there is no premium cost for a
10 19 child to the parent.
10 20 b. If subsection 7, paragraph "d", "e", or "f" applies.
10 21 Sec. 15. Section 252E.1A, subsection 6, as enacted by 2007
10 22 Iowa Acts, chapter 218, section 164, is amended to read as
10 23 follows:
10 24 6. An order, decree, or judgment entered before ~~March 1,~~
10 25 ~~2008~~ July 1, 2009, that provides for the support of a child
10 26 may be modified in accordance with this section.
10 27 Sec. 16. Section 252E.1A, subsection 7, as enacted by 2007
10 28 Iowa Acts, chapter 218, section 164, is amended by adding the
10 29 following new paragraph:
10 30 NEW PARAGRAPH. f. If a health benefit plan is not
10 31 available, and the noncustodial parent is receiving assistance
10 32 or is residing with any child receiving assistance as provided
10 33 in section 252E.2A, subsection 1, paragraph "c", subparagraph
10 34 (3) or (4), the unit shall seek an order that the noncustodial
10 35 parent shall provide a health benefit plan when a plan becomes



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 31, 2008

Senate Study Bill 3111 continued

11 1 available for which there is no premium cost for a child to
11 2 the parent.

11 3 Sec. 17. Section 252E.2A, subsection 1, paragraph b, as
11 4 enacted by 2007 Iowa Acts, chapter 218, section 165, is
11 5 amended to read as follows:

11 6 b. The unit is notified that the conditions of paragraph
11 7 "c" are met and ~~there is a pending action to establish or~~
~~11 8 modify support initiated by the unit, or the parent ordered to~~
11 9 provide medical support submits a written statement to the
11 10 unit that the requirements of paragraph "c" are met.

11 11 Sec. 18. Section 252E.2A, subsection 1, paragraph c,
11 12 unnumbered paragraph 1, as enacted by 2007 Iowa Acts, chapter
11 13 218, section 165, is amended to read as follows:

11 14 The parent ordered to provide medical support ~~or the parent~~
~~11 15 from whom the unit is seeking to establish or modify medical~~
~~11 16 support~~ meets at least one of the following conditions:

11 17 Sec. 19. Section 252E.2A, subsection 5, as enacted by 2007
11 18 Iowa Acts, chapter 218, section 165, is amended to read as
11 19 follows:

11 20 5. An order, decree, or judgment entered or pending on or
11 21 before ~~March 1, 2008~~ July 1, 2009, that provides for the
11 22 support of a child may be satisfied as provided in this
11 23 section.

11 24 Sec. 20. 2007 Iowa Acts, chapter 218, section 187, is
11 25 amended to read as follows:

11 26 SEC. 187. EFFECTIVE DATE. This division of this Act takes
11 27 effect ~~March 1, 2008~~ July 1, 2009.

11 28 Sec. 21. CHILD SUPPORT RECOVERY == MEDICAL SUPPORT.
11 29 Notwithstanding chapter 252C, 252F, or 252H, or any other
11 30 applicable chapter, either parent may be ordered to provide
11 31 medical support in accordance with the federal Deficit
11 32 Reduction Act of 2005, Pub. L. No. 109=171.

11 33 Sec. 22. EFFECTIVE DATE == RETROACTIVE APPLICABILITY.
11 34 This division of this Act, being deemed of immediate
11 35 importance, takes effect upon enactment and is retroactively



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 31, 2008**

Senate Study Bill 3111 continued

12 1 applicable to March 1, 2008.

12 2 EXPLANATION

12 3 Division I of this bill relates to the assignment of
12 4 support payments to the department under the family investment
12 5 program. The federal Deficit Reduction Act of 2005 provides
12 6 that families who begin receiving family investment program
12 7 benefits on or after October 1, 2009, are only subject to
12 8 assignment to the state of child support that becomes due
12 9 during the period they are receiving FIP benefits. The bill
12 10 makes corresponding changes relating to such assignment and
12 11 retains the provision that the amount of the assigned child
12 12 support cannot exceed the amount of FIP benefits paid to the
12 13 family. The bill also provides that any rights to support
12 14 payments assigned to the department on or before September 30,
12 15 2009, shall remain assigned to the department. The division
12 16 takes effect October 1, 2009.

12 17 Division II of the bill provides that if the state is
12 18 holding money for a person who owes delinquent child support,
12 19 whether or not the person is a state employee, the money may
12 20 be garnished to pay the child support.

12 21 Division III of the bill provides for the provision of
12 22 information regarding delinquent child support obligors as
12 23 required by federal law to consumer reporting agencies and
12 24 specifies the requirements that a consumer reporting agency
12 25 must meet regarding the receipt and use of the information.

12 26 Division IV of the bill provides that in addition to name
12 27 and address information already provided to the child support
12 28 recovery unit by public utilities, cable or other television
12 29 companies, and cellular telephone companies with respect to
12 30 individuals who owe or are owed support, or against or with
12 31 respect to whom a support obligation is sought, the cellular
12 32 telephone numbers of such individuals appearing in the
12 33 customer records of cellular telephone companies shall also be
12 34 available to the child support recovery unit for purposes of
12 35 the computer match program.



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 31, 2008**

Senate Study Bill 3111 continued

13 1 Division V of the bill authorizes the district court to
13 2 order certain income providers to establish a bank or other
13 3 financial institution account for the sole purpose of
13 4 obtaining child support payments if at the time notice is
13 5 served, support payments from an obligor are delinquent in an
13 6 amount equal to the payment for one month. Division V of the
13 7 bill defines the income providers as self-employed obligors; a
13 8 partnership, limited liability company, corporation, or other
13 9 association or business entity from which an obligor receives
13 10 compensation in the form of wages, salary, commissions,
13 11 bonuses, or other income, if the obligor is a partner, member,
13 12 owner, or officer of the entity; and a partnership, limited
13 13 liability company, corporation, or other association or
13 14 business entity from which a person receives compensation in
13 15 the form of wages, salary, commissions, bonuses, or other
13 16 income. Division V of the bill provides the process for the
13 17 unit to file a motion and provide notice to an income provider
13 18 to establish the account for the sole purpose of obtaining
13 19 support payments. If a hearing is not requested, the court
13 20 may enter an order specifying the amount of the compensation
13 21 that is to be deposited into the account and the frequency
13 22 with which the deposits are to be made. Within 10 days of the
13 23 issuance of the order, the income provider is required to
13 24 provide the unit with written authorization for the unit to
13 25 receive from such account, by automatic withdrawal, the amount
13 26 ordered to be deposited into the account. The order is
13 27 subject to modification due to a change in the amount of the
13 28 support order or a delinquency, or if the unit will no longer
13 29 be providing services. Failure to comply with the order is
13 30 punishable as contempt. Division V of the bill provides that
13 31 the provisions of the bill are to be construed to furnish an
13 32 additional remedy and shall in no way affect or impair any
13 33 other remedy, civil or criminal, provided in any other statute
13 34 and available to the unit in relation to the same subject
13 35 matter, and shall not relieve an income provider of a duty



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 31, 2008**

Senate Study Bill 3111 continued

14 1 under any other Code chapter.

14 2 Division VI of the bill eliminates the requirement for the
14 3 child support recovery unit to include the obligor's social
14 4 security number on the notice form regarding the
14 5 administrative levy of an account of the parent who owes
14 6 delinquent child support.

14 7 Division VII of the bill delays, until July 1, 2009,
14 8 changes enacted in Iowa law, based upon the federal Deficit
14 9 Reduction Act of 2005 regarding medical support, which would
14 10 have taken effect March 1, 2008. Division VII of the bill
14 11 also makes changes in these medical support provisions to
14 12 allow for the determination of the amount of the reasonable
14 13 cost a parent is to pay for medical support to be either an
14 14 amount which is 5 percent of a parent's gross income, or, if
14 15 the child support guidelines specify an income-based standard
14 16 for determining the reasonable amount, the amount determined
14 17 by the guidelines. Division VII of the bill also allows the
14 18 court an alternative means of ordering medical support for a
14 19 parent with low income. Division VII of the bill amends
14 20 current law to eliminate references to pending actions to
14 21 provide that the new provisions relating to medical support
14 22 orders only apply if there is an existing order. Division VII
14 23 of the bill provides that, notwithstanding any existing law to
14 24 the contrary, either parent may be ordered to provide medical
14 25 support in accordance with the federal Deficit Reduction Act
14 26 of 2005.

14 27 LSB 5132DP 82

14 28 pf/nh/5.1



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 31, 2008

Senate Study Bill 3112

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

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

Passed House, Date _____
Vote: Ayes _____ Nays _____

A BILL FOR

- 1 An Act expanding eligibility for the preparation for adult living
- 2 program administered by the department of human services.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 5374DP 82
- 5 jp/nh/5



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 31, 2008

Senate Study Bill 3112 continued

PAG LIN

1 1 Section 1. Section 234.46, subsection 1, Code 2007, is
1 2 amended to read as follows:

1 3 1. For the purposes of this section, "young adult" means a
1 4 person who is described by all of the following conditions:

1 5 a. The person is a resident of this state.

1 6 b. The person is age eighteen, nineteen, or twenty.

1 7 c. The person is described by one or more of the following
1 8 circumstances:

1 9 (1) At the time the person became age eighteen, the person
1 10 received foster care services that were paid for by the state
1 11 under section 234.35 and the person is no longer receiving
1 12 such services.

1 13 (2) At age sixteen or older, the person was adopted and at
1 14 the time of adoption the person was receiving foster care
1 15 services that were paid for by the state under section 234.35.

1 16 (3) At age sixteen or older, the court transferred custody
1 17 and guardianship of the person to a guardianship that the
1 18 department of human services agreed to support under the
1 19 subsidized guardianship program in accordance with the rules
1 20 adopted for the program, and the person remained in the
1 21 guardianship until the time the person became age eighteen.

1 22 d. The person enters into and participates in an
1 23 individual self-sufficiency plan that complements the person's
1 24 own efforts for achieving self-sufficiency and the plan
1 25 provides for one or more of the following:

1 26 (1) The person attends an accredited school full-time
1 27 pursuing a course of study leading to a high school diploma.

1 28 (2) The person attends an instructional program leading to
1 29 a high school equivalency diploma.

1 30 (3) The person is enrolled in or pursuing enrollment in a
1 31 postsecondary education or training program or work training.

1 32 (4) The person is employed or seeking employment.

1 33 EXPLANATION

1 34 This bill expands eligibility for the preparation for adult
1 35 living program administered by the department of human



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 31, 2008**

Senate Study Bill 3112 continued

2 1 services for certain young adults who received foster care
2 2 services as a child.
2 3 Current law in Code section 234.46 restricts program
2 4 eligibility to persons who at the time of becoming age 18 were
2 5 receiving foster care services paid for by the state and who
2 6 are no longer receiving such services.
2 7 The bill provides two additional eligibility conditions as
2 8 alternatives to the single condition in current law. One is
2 9 for persons who were adopted at age 16 or older and were
2 10 receiving foster care services paid for by the state at the
2 11 time of adoption. The other is for persons who at age 16 or
2 12 older the court transferred custody and guardianship of the
2 13 person to a guardianship that the department agreed to support
2 14 through the department's subsidized guardianship program and
2 15 the person remained in that guardianship until age 18.
2 16 LSB 5374DP 82
2 17 jp/nh/5



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 31, 2008

Senate Study Bill 3113

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 requiring a preliminary investigation to be conducted by
2 the county medical examiner in the event of the death of a
3 resident of certain state facilities administered by the
4 department of human services.
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
6 TLSB 5423DP 82
7 jp/nh/5



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 31, 2008

Senate Study Bill 3113 continued

PAG LIN

1 1 Section 1. NEW SECTION. 218.64 INVESTIGATION OF DEATH.

1 2 1. For the purposes of this section, unless the context
1 3 otherwise requires, "institution" and "resident" mean the same
1 4 as defined in section 218.13.

1 5 2. Upon the death of a resident of an institution, the
1 6 county medical examiner shall conduct a preliminary
1 7 investigation of the death as provided in section 331.802.

1 8 Sec. 2. Section 222.12, Code 2007, is amended to read as
1 9 follows:

1 10 222.12 DEATHS INVESTIGATED.

1 11 1. In the event of a sudden or mysterious death Upon the death
1 12 of a patient of a resource center or ~~the special unit or any~~
1 13 ~~private institution for persons with mental retardation, an, a~~
1 14 preliminary investigation of the death shall be held conducted
1 15 as required by section 218.64 by the county medical examiner
1 16 as provided in section 331.802. Such a preliminary
1 17 investigation shall also be conducted in the event of a sudden
1 18 or mysterious death of a patient in a private institution for
1 19 persons with mental retardation. The superintendent of a
1 20 ~~resource center or a special unit or~~ chief administrative
1 21 officer of any private institution may request an
1 22 investigation of the death of any patient by the county
1 23 medical examiner.

1 24 2. Notice of the death of the patient, and the cause
1 25 ~~thereof of death~~, shall be sent to the county board of
1 26 supervisors and to the judge of the court ~~having that~~ had
1 27 jurisdiction over a committed patient. The fact of death with
1 28 the time, place, and alleged cause shall be entered upon the
1 29 docket of the court.

1 30 3. The parent, guardian, or other person responsible for
1 31 the admission of a patient to ~~such institutions~~ a private
1 32 institution for persons with mental retardation may also
1 33 request an such a preliminary investigation by the county
1 34 medical examiner in the event of the death of the patient that
1 35 is not sudden or mysterious. The person or persons making the



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 31, 2008**

Senate Study Bill 3113 continued

2 1 request ~~shall be~~ are liable for the expense of such
 2 2 preliminary investigation and payment therefor for the expense
 2 3 may be required in advance. ~~The expense of a county medical~~
~~2 4 examiner's investigation when requested by the superintendent~~
~~2 5 of a state resource center or a special unit shall be paid~~
~~2 6 from support funds of that institution.~~

2 7 Sec. 3. Section 226.34, Code 2007, is amended to read as
 2 8 follows:

2 9 226.34 INVESTIGATION OF DEATH == NOTICE.

2 10 1. ~~An~~ Upon the death of a patient, the county medical
~~2 11 examiner shall conduct a preliminary investigation by the~~
~~2 12 county medical examiner shall be held in those cases where a~~
~~2 13 death shall occur suddenly and without apparent cause, or a~~
~~2 14 patient die and the patient's relatives so request, but in the~~
~~2 15 latter case the relatives making the request shall be liable~~
~~2 16 for the expense of the same, and payment therefor may be~~
~~2 17 required in advance as required by section 218.64, in~~
 2 18 accordance with section 331.802.

2 19 2. ~~When~~ If a patient in ~~any~~ a mental health institute
 2 20 ~~shall die~~ dies from any cause, the superintendent of ~~said the~~
 2 21 institute shall within three days of the date of death, send
 2 22 by certified mail a written notice of death to all of the
 2 23 following:

- 2 24 1. a. The decedent's nearest relative.
- 2 25 2. b. The clerk of the district court of the county from
- 2 26 which the patient was committed, ~~and.~~
- 2 27 3. c. The sheriff of the county from which the patient
- 2 28 was committed.

2 29 Sec. 4. Section 331.802, subsection 3, Code 2007, is
 2 30 amended by adding the following new paragraph:

2 31 NEW PARAGRAPH. k. Death of a person committed or admitted
 2 32 to a state mental health institute, a state resource center,
 2 33 the state training school, or the Iowa juvenile home.

2 34 EXPLANATION

2 35 This bill requires a preliminary investigation to be



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 31, 2008**

Senate Study Bill 3113 continued

3 1 conducted by the county medical examiner in the event of the
3 2 death of a person committed or admitted to certain state
3 3 facilities administered by the department of human services
3 4 (DHS). The facilities affected are the four state mental
3 5 health institutes, the two state resource centers, the state
3 6 training school in Eldora, and the Iowa juvenile home in
3 7 Toledo.

3 8 The requirements of a preliminary investigation are
3 9 outlined in current law in Code section 331.802 for any death
3 10 affecting the public interest and include a determination as
3 11 to whether the public interest in the death requires an
3 12 autopsy or other special investigation.

3 13 New Code section 218.64 applies the preliminary
3 14 investigation requirement in the event of the death of a
3 15 resident in Code chapter 218, which provides overall
3 16 requirements for these facilities. Existing definitions in
3 17 Code section 218.13 of the terms "institutions" (the affected
3 18 facilities) and "resident" (a person committed or admitted to
3 19 one of the facilities) are adopted by reference.

3 20 Existing law in Code section 222.12, relating to
3 21 investigation of deaths at a state resource center, special
3 22 unit, or a private institution for persons with mental
3 23 retardation, and Code section 226.34, relating to
3 24 investigation of the death of a patient in a state mental
3 25 health institute, are amended to provide the preliminary
3 26 investigation requirement for any death and reorganize the
3 27 sections.

3 28 However, under current law, Code section 222.12, an
3 29 investigation is required for a sudden or mysterious death in
3 30 a private institution for persons with mental retardation.
3 31 This requirement is maintained by the bill along with the
3 32 existing authorization for the parent, guardian, or other
3 33 person responsible for a patient's admission to the private
3 34 institution to request the preliminary investigation to be
3 35 conducted for a death that is not sudden or mysterious.



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 31, 2008**

Senate Study Bill 3113 continued

4 1 Code section 331.802 is amended to include the requirement
4 2 for preliminary investigation of a death of a resident of a
4 3 DHS institution in the list of deaths affecting the public
4 4 interest for which such a preliminary investigation is
4 5 required.
4 6 LSB 5423DP 82
4 7 jp/nh/5



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 31, 2008

Senate Study Bill 3114

SENATE FILE
BY (PROPOSED COMMITTEE ON
LOCAL GOVERNMENT BILL BY
CHAIRPERSON QUIRMBACH)

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

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 5827SC 82
8 md/nh/8



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 31, 2008

Senate Study Bill 3114 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 5827SC 82

1 27 md/nh/8.1



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 31, 2008

Senate Study Bill 3115

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 31, 2008

Senate Study Bill 3115 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 31, 2008**

Senate Study Bill 3115 continued

2 1 tw/nh/5.1