



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 04, 2008

House Amendment 8007

PAG LIN

1 1 Amend House File 2140 as follows:
1 2 #1. Page 1, by inserting before line 1 the
1 3 following:
1 4 <Section 1. Section 257.4, subsection 1, paragraph
1 5 a, Code 2007, is amended to read as follows:
1 6 a. (1) A school district shall cause an
1 7 additional property tax to be levied each year. ~~The~~
1 8 Subject to subparagraph (2), the rate of the
1 9 additional property tax levy in a school district
1 10 shall be determined by the department of management
1 11 and shall be calculated to raise the difference
1 12 between the combined district cost for the budget year
1 13 and the sum of the products of the regular program
1 14 foundation base per pupil times the weighted
1 15 enrollment in the district and the special education
1 16 support services foundation base per pupil times the
1 17 special education support services weighted enrollment
1 18 in the district.
1 19 (2) The department of management shall recalculate
1 20 the additional property tax levy determined under
1 21 subparagraph (1) by subtracting the amount of
1 22 additional state aid to be received by the school
1 23 district under paragraphs "b" and "c".
1 24 Sec. 2. Section 257.4, subsection 1, Code 2007, is
1 25 amended by adding the following new paragraph:
1 26 NEW PARAGRAPH. c. (1) For the budget year
1 27 beginning July 1, 2009, the department of education
1 28 shall pay additional state aid to each school district
1 29 equal to the amount of additional property tax revenue
1 30 to be generated for the budget year as computed under
1 31 paragraph "a" that is attributable to the allowable
1 32 growth for the budget year.
1 33 (2) For the budget year beginning July 1, 2010,
1 34 and subsequent budget years, the department of
1 35 education shall pay additional state aid to each
1 36 school district equal to the sum of the amount of
1 37 additional property tax revenue to be generated for
1 38 the budget year as computed under paragraph "a" that
1 39 is attributable to the allowable growth for the budget
1 40 year plus the amount of additional state aid paid to
1 41 the school district for the base year.>
1 42 #2. Page 1, by inserting after line 14 the
1 43 following:
1 44 <Sec. _____. Section 257.16, subsection 1, Code
1 45 Supplement 2007, is amended to read as follows:
1 46 1. There is appropriated each year from the
1 47 general fund of the state an amount necessary to pay
1 48 the foundation aid under this chapter, the preschool
1 49 foundation aid under chapter 256C, additional property
1 50 tax levy aid under section 257.4, subsection 1,



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House Amendment 8007 continued

2 1 paragraph "c", supplementary aid under section 257.4,
2 2 subsection 2, and adjusted additional property tax
2 3 levy aid under section 257.15, subsection 4.>
2 4 #3. Page 1, by striking line 17 and inserting the
2 5 following: <for the school budget years beginning on
2 6 or after July 1, 2009.>
2 7 #4. Title page, by striking line 3 and inserting
2 8 the following: <and redirecting state aid to
2 9 compensate for property tax increases, and including
2 10 an applicability date provision.>
2 11 #5. By renumbering as necessary.
2 12
2 13
2 14
2 15 PAULSEN of Linn
2 16 HF 2140.501 82
2 17 ak/rj/20099



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House Amendment 8007.

PAG LIN

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1 2 #1. Page 1, by inserting before line 1 the
1 3 following:
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1 5 a, Code 2007, is amended to read as follows:
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1 7 additional property tax to be levied each year. ~~The~~
1 8 Subject to subparagraph (2), the rate of the
1 9 additional property tax levy in a school district
1 10 shall be determined by the department of management
1 11 and shall be calculated to raise the difference
1 12 between the combined district cost for the budget year
1 13 and the sum of the products of the regular program
1 14 foundation base per pupil times the weighted
1 15 enrollment in the district and the special education
1 16 support services foundation base per pupil times the
1 17 special education support services weighted enrollment
1 18 in the district.
1 19 (2) The department of management shall recalculate
1 20 the additional property tax levy determined under
1 21 subparagraph (1) by subtracting the amount of
1 22 additional state aid to be received by the school
1 23 district under paragraphs "b" and "c".
1 24 Sec. 2. Section 257.4, subsection 1, Code 2007, is
1 25 amended by adding the following new paragraph:
1 26 NEW PARAGRAPH. c. (1) For the budget year
1 27 beginning July 1, 2009, the department of education
1 28 shall pay additional state aid to each school district
1 29 equal to the amount of additional property tax revenue
1 30 to be generated for the budget year as computed under
1 31 paragraph "a" that is attributable to the allowable
1 32 growth for the budget year.
1 33 (2) For the budget year beginning July 1, 2010,
1 34 and subsequent budget years, the department of
1 35 education shall pay additional state aid to each
1 36 school district equal to the sum of the amount of
1 37 additional property tax revenue to be generated for
1 38 the budget year as computed under paragraph "a" that
1 39 is attributable to the allowable growth for the budget
1 40 year plus the amount of additional state aid paid to
1 41 the school district for the base year.>
1 42 #2. Page 1, by inserting after line 14 the
1 43 following:
1 44 <Sec. _____. Section 257.16, subsection 1, Code
1 45 Supplement 2007, is amended to read as follows:
1 46 1. There is appropriated each year from the
1 47 general fund of the state an amount necessary to pay
1 48 the foundation aid under this chapter, the preschool
1 49 foundation aid under chapter 256C, additional property
1 50 tax levy aid under section 257.4, subsection 1,



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House Amendment 8007. continued

2 1 paragraph "c", supplementary aid under section 257.4,
2 2 subsection 2, and adjusted additional property tax
2 3 levy aid under section 257.15, subsection 4.>
2 4 #3. Page 1, by striking line 17 and inserting the
2 5 following: <for the school budget years beginning on
2 6 or after July 1, 2009.>
2 7 #4. Title page, by striking line 3 and inserting
2 8 the following: <and redirecting state aid to
2 9 compensate for property tax increases, and including
2 10 an applicability date provision.>
2 11 #5. By renumbering as necessary.
2 12
2 13
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2 15 PAULSEN of Linn
2 16 HF 2140.501 82
2 17 ak/rj/20099



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House Amendment 8008

PAG LIN

1 1 Amend Senate File 261, as passed by the Senate, as
1 2 follows:
1 3 #1. Page 1, by striking lines 25 and 26 and
1 4 inserting the following: <For the purposes of this
1 5 subsection, "transfer" means the transfer or
1 6 conveyance by sale, exchange, real estate contract, or
1 7 any other method by which real estate and improvements
1 8 are purchased, if the property includes at least one
1 9 but not more than four dwelling units. However,
1 10 "transfer" does not include any of the following:
1 11 (1) A transfer made pursuant to a court order,
1 12 including but not limited to a transfer under chapter
1 13 633 or 633A, the execution of a judgment, the
1 14 foreclosure of a real estate mortgage pursuant to
1 15 chapter 654, the forfeiture of a real estate contract
1 16 under chapter 656, a transfer by a trustee in
1 17 bankruptcy, a transfer by eminent domain, or a
1 18 transfer resulting from a decree for specific
1 19 performance.
1 20 (2) A transfer to a mortgagee by a mortgagor or
1 21 successor in interest who is in default, or a transfer
1 22 by a mortgagee who has acquired real property at a
1 23 sale conducted pursuant to chapter 654, a transfer
1 24 back to a mortgagor exercising a right of first
1 25 refusal pursuant to section 654.16A, a nonjudicial
1 26 voluntary foreclosure procedure under section 654.18
1 27 or chapter 655A, or a deed in lieu of foreclosure
1 28 under section 654.19.
1 29 (3) A transfer by a fiduciary in the course of the
1 30 administration of a decedent's estate, guardianship,
1 31 conservatorship, or trust.
1 32 (4) A transfer between joint tenants or tenants in
1 33 common.
1 34 (5) A transfer made to a spouse, or to a person in
1 35 the lineal line of consanguinity of a person making
1 36 the transfer.
1 37 (6) A transfer between spouses resulting from a
1 38 decree of dissolution of marriage, a decree of legal
1 39 separation, or a property settlement agreement which
1 40 is incidental to the decree, including a decree
1 41 ordered pursuant to chapter 598.>
1 42 #2. Page 1, line 31, by striking the words <one
1 43 year> and inserting the following: <three years>.
1 44 #3. By renumbering as necessary.
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1 48 HUSER of Polk
1 49 SF 261.701 82
1 50 tw/nh/20128



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House Amendment 8009

PAG LIN

1 1 Amend Senate File 261, as passed by the Senate, as
1 2 follows:
1 3 #1. Page 1, line 3, by inserting after the word
1 4 <building> the following: <, except a single=family
1 5 residence on a parcel consisting of three acres or
1 6 more,>.
1 7
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1 10 ALONS of Sioux
1 11
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1 14 BAUDLER of Adair
1 15
1 16
1 17
1 18 Olson of Clinton
1 19
1 20
1 21
1 22 DRAKE of Pottawattamie
1 23
1 24
1 25
1 26 SANDS of Louisa
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1 28
1 29
1 30 DE BOEF of Keokuk
1 31
1 32
1 33
1 34 WINDSCHITL of Harrison
1 35 SF 261.502 82
1 36 tw/nh/20098
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House Amendment 8010

PAG LIN

1 1 Amend Senate File 261, as passed by the Senate, as
1 2 follows:
1 3 #1. Page 1, by inserting before line 1 the
1 4 following:
1 5 <Section 1. NEW SECTION. 16.135 UNSEWERED
1 6 COMMUNITY REVOLVING LOAN PROGRAM == FUND.
1 7 1. The authority shall establish and administer an
1 8 unsewered community revolving loan program.
1 9 Assistance under the program shall consist of
1 10 no-interest loans with a term not to exceed forty
1 11 years and shall be used for purposes of installing
1 12 sewage disposal systems in a city without a sewage
1 13 disposal system or in an area where a cluster of homes
1 14 is located.
1 15 2. An unsewered community may apply for assistance
1 16 under the program. In awarding assistance, the
1 17 authority shall encourage the use of innovative,
1 18 cost-effective sewage disposal systems and
1 19 technologies. The authority shall adopt rules that
1 20 prioritize applications for disadvantaged unsewered
1 21 communities.
1 22 3. For purposes of this section, "an area where a
1 23 cluster of homes is located" means an area located in
1 24 a county which includes six or more homes but less
1 25 than five hundred homes.
1 26 4. An unsewered community revolving loan fund is
1 27 created in the state treasury under the control of the
1 28 authority and consisting of moneys appropriated by the
1 29 general assembly and any other moneys available to and
1 30 obtained or accepted by the authority for placement in
1 31 the fund.
1 32 5. Repayments of moneys loaned and recaptures of
1 33 loans shall be deposited in the fund.
1 34 6. Moneys in the fund shall be used to provide
1 35 assistance under the unsewered community revolving
1 36 loan program established in this section.
1 37 7. Moneys in the fund are not subject to section
1 38 8.33. Notwithstanding section 12C.7, interest or
1 39 earnings on moneys in the fund shall be credited to
1 40 the fund.>
1 41 #2. Title page, line 1, by inserting after the
1 42 word <Act> the following: <relating to sewage by
1 43 creating an unsewered community revolving loan program
1 44 and fund and by>.
1 45 #3. By renumbering as necessary.
1 46
1 47
1 48
1 49 SANDS of Louisa
1 50 SF 261.702 82



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House Amendment 8010 continued

2 1 tw/nh/10802



Iowa General Assembly
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House File 2147 - Introduced

HOUSE FILE
BY GASKILL

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

Passed Senate, Date _____
Vote: Ayes _____ Nays _____

A BILL FOR

- 1 An Act allowing counties to share a county assessor.
- 2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 3 TLSB 6193HH 82
- 4 md/sc/8



Iowa General Assembly
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House File 2147 - Introduced continued

PAG LIN

1 1 Section 1. Section 441.6, Code 2007, is amended to read as
1 2 follows:

1 3 441.6 APPOINTMENT OF ASSESSOR.

1 4 1. a. When a vacancy occurs in the office of city or
1 5 county assessor, the examining board shall, within seven days
1 6 of the occurrence of the vacancy, request the director of
1 7 revenue to forward a register containing the names of all
1 8 individuals eligible for appointment as assessor. The
1 9 examining board may, at its own expense, conduct a further
1 10 examination, either written or oral, of any person whose name
1 11 appears on the register, and shall make written report of the
1 12 examination and submit the report together with the names of
1 13 those individuals certified by the director of revenue to the
1 14 conference board within fifteen days after the receipt of the
1 15 register from the director of revenue.

1 16 b. Upon receipt of the report of the examining board, the
1 17 chairperson of the conference board shall by written notice
1 18 call a meeting of the conference board to appoint an assessor.
1 19 The meeting shall be held not later than seven days after the
1 20 receipt of the report of the examining board by the conference
1 21 board. At the meeting, the conference board shall appoint an
1 22 assessor from the register of eligible candidates. However,
1 23 if a special examination has not been conducted previously for
1 24 the same vacancy, the conference board may request the
1 25 director of revenue to hold a special examination pursuant to
1 26 section 441.7. The chairperson of the conference board shall
1 27 give written notice to the director of revenue of the
1 28 appointment and its effective date within ten days of the
1 29 decision of the board.

1 30 2. In lieu of subsection 1, a vacancy in the office of
1 31 assessor occurring during an unexpired term may be filled by
1 32 appointment of an assessor currently serving in another
1 33 assessing jurisdiction if the conference boards of both
1 34 assessing jurisdictions agree to jointly employ an assessor.
1 35 The appointment to fill the vacancy shall be for the length of



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House File 2147 - Introduced continued

2 1 the unexpired term. The chairperson of the conference board
2 2 of the assessing jurisdiction where the vacancy has occurred
2 3 shall give written notice to the director of revenue of the
2 4 agreement to jointly employ an assessor for the remainder of
2 5 the unexpired term within ten days of the date of the
2 6 appointment. If the conference boards jointly employing an
2 7 assessor under this subsection wish to continue joint
2 8 employment of an assessor beyond completion of the unexpired
2 9 term, they must do so pursuant to section 441.16A.

2 10 Sec. 2. Section 441.8, unnumbered paragraphs 9 and 10,
2 11 Code 2007, are amended to read as follows:
2 12 If the incumbent assessor is not reappointed as above
2 13 provided, then not less than sixty days before the expiration
2 14 of the term of said assessor, a new assessor shall be selected
2 15 as provided in section 441.6, subsection 1, or section
2 16 441.16A.

2 17 In the event of the removal, resignation, death, or removal
2 18 from the county of the said assessor, the conference board
2 19 shall proceed to fill the vacancy by appointing an assessor to
2 20 serve the unexpired term in the manner provided in section
2 21 441.6, subsection 1 or 2. Until the vacancy is filled, the
2 22 chief deputy shall act as assessor, and in the event there be
2 23 no deputy, in the case of counties the auditor shall act as
2 24 assessor and in the case of cities having an assessor the city
2 25 clerk shall act as assessor.

2 26 Sec. 3. NEW SECTION. 441.16A COUNTIES JOINING IN
2 27 EMPLOYMENT OF MULTICOUNTY ASSESSOR.

2 28 The conference boards of two or more adjacent counties may
2 29 enter into an agreement pursuant to chapter 28E to jointly
2 30 employ a county assessor for one or more terms of office.
2 31 Such agreement shall be written and entered in their
2 32 respective minutes and a copy of the agreement transmitted to
2 33 the conference board of each county that is a party to the
2 34 agreement and to the director of revenue. The duration of the
2 35 agreement shall not be for a period of less than six years



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House File 2147 - Introduced continued

3 1 beginning from the date the multicounty assessor is appointed
3 2 by joint action of the conference boards. The incumbent
3 3 assessor of each county that is a party to the agreement shall
3 4 be allowed to complete the current term of office and the
3 5 multicounty assessor shall be appointed for the succeeding
3 6 term.

3 7 The agreement shall provide that the conference board of
3 8 each county that is a party to the agreement shall meet
3 9 jointly on matters pertaining to appointment, retention, or
3 10 compensation of the assessor, or on other personnel matters
3 11 relating to the assessor. When meeting jointly, the co=
3 12 chairpersons of the conference boards shall be the chairperson
3 13 of each board of supervisors represented on each conference
3 14 board. When voting on matters at a joint meeting, section
3 15 441.2 applies except that no action shall be valid except by
3 16 the vote of not less than four out of the six units.

3 17 Sec. 4. Section 441.47, Code 2007, is amended to read as
3 18 follows:

3 19 441.47 ADJUSTED VALUATIONS.

3 20 1. The director of revenue on or about August 15, 1977,
3 21 and every two years thereafter shall order the equalization of
3 22 the levels of assessment of each class of property in the
3 23 several assessing jurisdictions by adding to or deducting from
3 24 the valuation of each class of property such percentage in
3 25 each case as may be necessary to bring the same to its taxable
3 26 value as fixed in this chapter and chapters 427 to 443. The
3 27 director shall adjust to actual value the valuation of any
3 28 class of property as set out in the abstract of assessment
3 29 when the valuation is at least five percent above or below
3 30 actual value as determined by the director.

3 31 2. For purposes of such value adjustments and before such
3 32 equalization the director shall adopt, in the manner
3 33 prescribed by chapter 17A, such rules as may be necessary to
3 34 determine the level of assessment for each class of property
3 35 in each county. The rules shall cover all of the following:



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House File 2148 - Introduced

HOUSE FILE
BY GASKILL

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

A BILL FOR

- 1 An Act modifying the voter registration deadline for primary
- 2 elections and providing an effective date.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 6062HH 82
- 5 sc/nh/14



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House File 2148 - Introduced continued

PAG LIN

1 1 Section 1. Section 48A.9, subsection 1, Code Supplement
1 2 2007, is amended to read as follows:
1 3 1. Registration closes at five p.m. eleven days before
1 4 each election except ~~primary and the general elections~~
1 5 ~~election~~. For ~~primary and the general elections~~ election,
1 6 registration closes at five p.m. ten days before the election.
1 7 An eligible elector may register during the time registration
1 8 is closed in the elector's precinct but the registration shall
1 9 not become effective until registration opens again in the
1 10 elector's precinct, except as otherwise provided in section
1 11 48A.7A.
1 12 Sec. 2. EFFECTIVE DATE. This Act, being deemed of
1 13 immediate importance, takes effect upon enactment.
1 14 EXPLANATION
1 15 Under current law, the deadline for registering to vote for
1 16 primary and general elections is 10 days before the election,
1 17 and for all other elections the deadline is 11 days before the
1 18 election. This bill changes the registration deadline to 11
1 19 days for registering to vote in the primary election.
1 20 The bill takes effect upon enactment.
1 21 LSB 6062HH 82
1 22 sc/nh/14.1



Iowa General Assembly
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House File 2149 - Introduced

HOUSE FILE
BY T. OLSON

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

A BILL FOR

- 1 An Act revising the schedule of basic needs for the family
- 2 investment program.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 5554HH 82
- 5 jp/nh/8



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House File 2149 - Introduced continued

PAG LIN

1 1 Section 1. SCHEDULE OF BASIC NEEDS. The department of
1 2 human services shall increase by ten percent the amounts in
1 3 the schedule of basic needs used to determine the cash
1 4 assistance grants provided to participants in the family
1 5 investment program. The resulting amounts shall be rounded to
1 6 the nearest whole dollar. The increase shall be implemented
1 7 commencing with the fiscal year beginning July 1, 2008.

1 8 EXPLANATION

1 9 This bill requires the department of human services to
1 10 increase by 10 percent the amounts in the schedule of basic
1 11 needs used to determine the cash assistance grants provided to
1 12 participants in the family investment program. The results of
1 13 the increase are required to be rounded to the nearest whole
1 14 dollar. The increase applies beginning with fiscal year
1 15 2008=2009.

1 16 LSB 5554HH 82

1 17 jp/nh/8



Iowa General Assembly
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House File 2150 - Introduced

HOUSE FILE

BY T. OLSON, TOMENGA, MAY, HORBACH,
 BAILEY, FOEGE, ZIRKELBACH,
 L. MILLER, RAYHONS, HEATON,
 GAYMAN, GASKILL, SWAIM, FREVERT,
 UPMEYER, ABDUL-SAMAD, QUIRK,
 SCHUELLER, PETERSEN, D. OLSON,
 and MERTZ

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

Passed Senate, Date _____
 Vote: Ayes _____ Nays _____

A BILL FOR

- 1 An Act increasing the amount of the state earned income tax
- 2 credit and including a retroactive applicability date
- 3 provision.
- 4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 5 TLSB 5780HH 82
- 6 mg/sc/5



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House File 2150 - Introduced continued

PAG LIN

1 1 Section 1. Section 422.12B, subsection 1, Code Supplement
1 2 2007, is amended to read as follows:
1 3 1. The taxes imposed under this division less the credits
1 4 allowed under section 422.12 shall be reduced by an earned
1 5 income credit equal to seven and one-half percent of the
1 6 federal earned income credit provided in section 32 of the
1 7 Internal Revenue Code. Any credit in excess of the tax
1 8 liability is refundable.

1 9 Sec. 2. RETROACTIVE APPLICABILITY DATE. This Act applies
1 10 retroactively to January 1, 2008, for tax years beginning on
1 11 or after that date.

1 12 EXPLANATION

1 13 This bill increases the state earned income tax credit from
1 14 7 percent to 7.5 percent of the federal earned income tax
1 15 credit.

1 16 The bill applies retroactively to January 1, 2008, for tax
1 17 years beginning on or after that date.

1 18 LSB 5780HH 82

1 19 mg/sc/5



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House File 2151 - Introduced

HOUSE FILE
BY COMMITTEE ON HUMAN RESOURCES

(SUCCESSOR TO HSB 515)

(COMPANION TO SF 2074 BY
COMMITTEE ON HUMAN RESOURCES)

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

Passed Senate, Date _____
Vote: Ayes _____ Nays _____

A BILL FOR

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



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House File 2151 - Introduced continued

PAG LIN

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

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

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

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

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

1 18 EXPLANATION

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

1 25 LSB 5173HV 82

1 26 jr/rj/5



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House File 2152 - Introduced

HOUSE FILE
BY COMMITTEE ON HUMAN RESOURCES

(SUCCESSOR TO HSB 516)

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

A BILL FOR

- 1 An Act relating to authorized access to certain dependent adult
- 2 abuse information.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 5351HV 82
- 5 rh/rj/8



Iowa General Assembly
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House File 2152 - Introduced continued

PAG LIN

1 1 Section 1. Section 235B.6, subsection 2, Code Supplement
1 2 2007, is amended by adding the following new paragraph:
1 3 NEW PARAGRAPH. f. To a person who submits written
1 4 authorization from an individual allowing the person access to
1 5 information on the determination only on whether or not the
1 6 individual who authorized the access is named in a founded
1 7 dependent adult abuse report as having abused a dependent
1 8 adult.

1 9 EXPLANATION

1 10 This bill provides that a person who submits written
1 11 authorization from an individual allowing the person access to
1 12 dependent adult abuse information on the determination only on
1 13 whether or not the individual who authorized the access is
1 14 named in a founded dependent adult abuse report as having
1 15 abused a dependent adult, shall have access to such dependent
1 16 adult abuse information.

1 17 LSB 5351HV 82

1 18 rh/rj/8



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House Joint Resolution 2002 - Introduced

HOUSE JOINT RESOLUTION
 BY WINDSCHITL, PAULSEN, VAN FOSSEN,
 and FORRISTALL

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

HOUSE JOINT RESOLUTION

1 A Joint Resolution proposing an amendment to the Constitution of
 2 the State of Iowa relating to the sessions of the General
 3 Assembly.
 4 BE IT RESOLVED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
 5 TLSB 5785YH 82
 6 ec/rj/14



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House Joint Resolution 2002 - Introduced continued

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1 1 Section 1. The following amendment to the Constitution of
1 2 the State of Iowa is proposed:

1 3 Section 2 of Article III of the Constitution of the State
1 4 of Iowa, as amended by amendment number 1 of the Amendments of
1 5 1968 and by amendment number 2 of the Amendments of 1974, is
1 6 repealed and the following adopted in lieu thereof:

1 7 BIENNIAL SESSIONS OF GENERAL ASSEMBLY == SPECIAL SESSIONS.

1 8 SEC. 2. The sessions of the General Assembly shall be
1 9 biennial, and shall commence on the second Monday in January
1 10 next ensuing the election of its members. Upon written
1 11 request to the presiding officer of each House of the General
1 12 Assembly by two-thirds of the members of each House, the
1 13 General Assembly shall convene in special session. The
1 14 Governor of the state may convene the General Assembly by
1 15 proclamation in the interim.

1 16 Sec. 2. REFERRAL AND PUBLICATION. The foregoing amendment
1 17 to the Constitution of the State of Iowa is referred to the
1 18 General Assembly to be chosen at the next general election for
1 19 members of the General Assembly, and the Secretary of State is
1 20 directed to cause the same to be published for three
1 21 consecutive months previous to the date of that election as
1 22 provided by law.

1 23 EXPLANATION

1 24 This joint resolution proposes an amendment to the
1 25 Constitution of the State of Iowa relating to sessions of the
1 26 General Assembly. The resolution provides for biennial
1 27 sessions of the General Assembly instead of annual sessions
1 28 which shall commence in the year following election of its
1 29 members.

1 30 The resolution, if adopted, would be referred to the next
1 31 General Assembly for adoption a second time before being
1 32 submitted to the electorate for ratification.

1 33 LSB 5785YH 82

1 34 ec/rj/14



Iowa General Assembly
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House Resolution 102 - Introduced

PAG LIN

H.R. _____ S.R. _____

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



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House Resolution 102 - Introduced continued

2 1 double the percentage accounted for in 1990; and
2 2 WHEREAS, Iowa's insurance workers are more
2 3 productive than the national norm and account for 1.6
2 4 percent of the nation's insurance jobs, yet generate
2 5 2.2 percent of the nation's gross domestic product;
2 6 NOW THEREFORE,
2 7 BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES,
2 8 That the House of Representatives designates the day
2 9 of February 5, 2008, as Iowa Insurance Day and invites
2 10 the citizens of Iowa to discover and honor the
2 11 important economic contributions made by the Iowa
2 12 insurance industry.
2 13 LSB 5953HH 82
2 14 av/rj/5.1



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House Study Bill 609

HOUSE FILE
BY (PROPOSED COMMITTEE ON
STATE GOVERNMENT BILL BY
CHAIRPERSON MASCHER)

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

Passed Senate, Date _____
Vote: Ayes _____ Nays _____

A BILL FOR

1 An Act requiring the licensing of abstractors within the
2 department of commerce, establishing fees, penalties, and
3 judicial remedies, and providing an effective date.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
5 TLSB 5912HC 82
6 jr/rj/5



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House Study Bill 609 continued

PAG LIN

1 1 Section 1. NEW SECTION. 545.1 DEFINITIONS.
1 2 As used in this chapter, unless the context otherwise
1 3 requires:
1 4 1. "Board" means the abstractor board of examiners created
1 5 pursuant to this chapter.
1 6 2. "Bureau" means the professional licensing and
1 7 regulation bureau of the banking division of the department of
1 8 commerce.
1 9 Sec. 2. NEW SECTION. 545.2 BOARD OF EXAMINERS.
1 10 1. An abstractor board of examiners is created within the
1 11 bureau. The board shall consist of five members appointed by
1 12 the governor, subject to confirmation by the senate. Three of
1 13 the members appointed shall be licensed under this chapter and
1 14 two shall represent the general public. Members of the board
1 15 shall serve three-year, staggered terms as designated by the
1 16 governor and appointments to the board are subject to the
1 17 requirements of sections 69.16, 69.16A, and 69.19. Vacancies
1 18 shall be filled by the governor for the duration of the
1 19 unexpired term. Members of the board are entitled to receive
1 20 a per diem as specified in section 7E.6 for each day spent in
1 21 performance of duties as members and shall be reimbursed for
1 22 all actual and necessary expenses incurred in the performance
1 23 of duties as members.
1 24 2. The abstractor board of examiners shall administer the
1 25 provisions of this chapter in accordance with rules adopted by
1 26 the board pursuant to chapter 17A.
1 27 Sec. 3. NEW SECTION. 545.3 LICENSURE, EXAMINATION, AND
1 28 FEES == SEAL == NAME == MAINTENANCE OF ABSTRACT TITLE PLANT.
1 29 1. A person, firm, partnership, association, or
1 30 corporation which makes, compiles, or completes and sells
1 31 abstracts of title to real estate or executes real property
1 32 title searches in this state shall obtain an abstractor
1 33 license issued in accordance with this chapter. The annual
1 34 fee for an abstractor license shall be fixed by the board by
1 35 rule. An abstractor who, on July 1, 2009, is a participant in



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House Study Bill 609 continued

2 1 the title guaranty program under section 16.91 shall be
2 2 eligible to receive a license without meeting the examination
2 3 requirements set forth in subsection 5. A licensee who
2 4 receives a license by virtue of being a participant under
2 5 section 16.91 is subject to continuing education requirements
2 6 established by the board.

2 7 2. The annual fee shall accompany the application for
2 8 licensure and shall be returned to the applicant if the
2 9 license is not issued, except as provided in subsection 5. A
2 10 license issued under this section expires on December 31 of
2 11 the year for which the license is issued. In the absence of
2 12 any condition or reason which might warrant the refusal of the
2 13 granting of a renewal license, the board shall issue a license
2 14 each year upon receipt of a written request of the applicant
2 15 together with the annual fee established by the board.

2 16 3. The board may issue an inactive license to a licensee
2 17 eligible for such inactive license as determined by the board.
2 18 The fee for an inactive license shall be the same as for an
2 19 active license.

2 20 4. A license shall not be issued to an applicant until the
2 21 applicant files with the board a bond or a policy of
2 22 insurance. Such insurance policy shall be a policy of errors
2 23 and omissions in an amount as determined by the board and
2 24 shall be issued by a company authorized to transact business
2 25 in this state.

2 26 5. a. A person, firm, partnership, association, or
2 27 corporation applying for an initial license under this section
2 28 may obtain the license by complying with the provisions of
2 29 this section and by passing an examination conducted by the
2 30 board. The board shall hold at least two examinations each
2 31 year, to be held at times and places to be fixed by the board.
2 32 The board shall give notice of an examination at least thirty
2 33 days before the time fixed for the commencement of the
2 34 examination by publication in the Iowa administrative
2 35 bulletin. The fee for the examination shall be fixed by the



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House Study Bill 609 continued

3 1 board by rule in an amount adequate to cover the cost of the
3 2 examination and shall be paid to the board at the time
3 3 application is made for such examination. In the case of a
3 4 firm, partnership, association, or corporation, the
3 5 examination need only be taken by those persons designated to
3 6 sign abstracts or real property searches on behalf of the
3 7 firm, partnership, association, or corporation. A licensed
3 8 firm, partnership, association, or corporation shall submit in
3 9 writing to the board a list of such designated persons as a
3 10 condition for license renewal, and shall deposit with the
3 11 board the signatures of all persons authorized to sign
3 12 abstracts or real property searches on behalf of the licensee.
3 13 b. If the applicant does not pass the examination, the
3 14 board shall deny the application for a license and retain the
3 15 examination fee.

3 16 6. The board shall establish continuing education
3 17 requirements as a condition for renewal of the license, as
3 18 provided in section 272C.2.

3 19 7. a. A licensee shall own or lease, and maintain and use
3 20 in the preparation of abstracts of title or the execution of
3 21 real property searches, an up-to-date abstract title plant
3 22 including tract indexes for real estate for each county in
3 23 which abstracts are prepared or real property searches are
3 24 executed by the licensee. The tract indexes shall contain a
3 25 reference to all instruments affecting the real estate that
3 26 are recorded in the office of the county recorder, and shall
3 27 contain records for at least the last forty years.

3 28 b. This subsection shall not apply to persons possessing a
3 29 waiver pursuant to section 16.91, subsection 5, on or prior to
3 30 July 1, 2009.

3 31 8. This section does not apply to persons who, without
3 32 compensation, prepare abstracts of title or execute real
3 33 property title searches, for their own personal benefit or for
3 34 the benefit of a member of the person's immediate family, on
3 35 real estate owned by or intending to be purchased by or for



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4 1 the person or a member of the person's immediate family.
4 2 9. This section does not apply to employees of banks,
4 3 credit unions, and other financial institutions which are
4 4 abstracting or preparing title searches that are not
4 5 subsequently sold to any other public or private entity and
4 6 that are done for the sole benefit of the institution when
4 7 making a particular junior or subordinate mortgage loan.
4 8 Sec. 4. NEW SECTION. 545.4 UNLAWFUL FOR COUNTY OFFICERS
4 9 TO PREVENT USE OF RECORDS == CIVIL ENFORCEMENT.
4 10 A county officer shall not prevent or prohibit any person
4 11 who has complied with the provisions of this chapter from a
4 12 proper use of the records of the office of the county officer.
4 13 Judicial action to enforce the right of access shall be taken
4 14 pursuant to section 22.10.
4 15 Sec. 5. NEW SECTION. 545.5 SUSPENSION OR REVOCATION OF
4 16 LICENSE == CIVIL PENALTY == NOTICE AND HEARING.
4 17 The board, after notice and hearing conducted in accordance
4 18 with chapter 17A, may suspend or revoke a license, or impose a
4 19 civil penalty of up to one thousand dollars, for a violation
4 20 of any provision of this chapter or the rules adopted pursuant
4 21 to this chapter, or upon the conviction of a licensee for
4 22 malicious destruction of public records, or for fraudulent
4 23 practices.
4 24 Sec. 6. NEW SECTION. 545.6 PROHIBITED ACTIVITIES ==
4 25 CIVIL ENFORCEMENT.
4 26 On and after July 1, 2009, a person shall not make,
4 27 compile, or complete or sell abstracts of title to real estate
4 28 or execute real property title searches in this state unless
4 29 the person is operated or managed on a full-time basis by or
4 30 employs on a full-time basis an individual licensed under this
4 31 chapter. A private party may bring an action against a person
4 32 who violates a provision of this chapter to recover, in
4 33 addition to actual damages, one hundred dollars in statutory
4 34 damages and reasonable attorney fees.
4 35 Sec. 7. Section 272C.1, subsection 6, Code Supplement



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House Study Bill 609 continued

5 1 2007, is amended by adding the following new paragraph:

5 2 NEW PARAGRAPH. ae. The abstractor board of examiners,
5 3 created pursuant to chapter 545.

5 4 Sec. 8. Section 272C.3, subsection 2, paragraph a, Code
5 5 Supplement 2007, is amended to read as follows:

5 6 a. Revoke a license, or suspend a license either until
5 7 further order of the board or for a specified period, upon any
5 8 of the grounds specified in section 147.55, 148.6, 148B.7,
5 9 152.10, 153.34, 154A.24, 169.13, 455B.219, 542.10, 542B.21,
5 10 543B.29, 544A.13, 544B.15, 545.5, or 602.3203 or chapter 151
5 11 or 155, as applicable, or upon any other grounds specifically
5 12 provided for in this chapter for revocation of the license of
5 13 a licensee subject to the jurisdiction of that board, or upon
5 14 failure of the licensee to comply with a decision of the board
5 15 imposing licensee discipline;

5 16 Sec. 9. Section 272C.4, subsection 6, Code Supplement
5 17 2007, is amended to read as follows:

5 18 6. Define by rule acts or omissions that are grounds for
5 19 revocation or suspension of a license under section 147.55,
5 20 148.6, 148B.7, 152.10, 153.34, 154A.24, 169.13, 455B.219,
5 21 542.10, 542B.21, 543B.29, 544A.13, 544B.15, 545.5, or 602.3203
5 22 or chapter 151 or 155, as applicable, and to define by rule
5 23 acts or omissions that constitute negligence, careless acts,
5 24 or omissions within the meaning of section 272C.3, subsection
5 25 2, paragraph "b", which licensees are required to report to
5 26 the board pursuant to section 272C.9, subsection 2;

5 27 Sec. 10. Section 272C.5, subsection 2, paragraph c, Code
5 28 Supplement 2007, is amended to read as follows:

5 29 c. Shall state whether the procedures are an alternative
5 30 to or an addition to the procedures stated in sections 147.58
5 31 through 147.71, 148.6 through 148.9, 152.10, 152.11, 153.33,
5 32 154A.23, 542.11, 542B.22, 543B.35, 543B.36, ~~and~~ 544B.16, and
5 33 545.5.

5 34 Sec. 11. Section 272C.6, subsection 6, unnumbered
5 35 paragraph 1, Code 2007, is amended to read as follows:



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6 1 A board created pursuant to chapter 147, 154A, 155, 169,
6 2 542, 542B, 543B, 543D, 544A, ~~or 544B~~, or 545 may charge a fee
6 3 not to exceed seventy-five dollars for conducting a
6 4 disciplinary hearing pursuant to this chapter which results in
6 5 disciplinary action taken against the licensee by the board,
6 6 and in addition to the fee, may recover from a licensee the
6 7 costs for the following procedures and associated personnel:

6 8 Sec. 12. INITIAL ABTRACTOR BOARD OF EXAMINERS ==
6 9 APPOINTMENTS. The initial members of the abstractor board of
6 10 examiners shall be appointed to the following terms:

6 11 1. Two members shall be appointed for a term of three
6 12 years.

6 13 2. Two members shall be appointed for a term of two years.

6 14 3. One member shall be appointed for a term of one year.

6 15 Sec. 13. EFFECTIVE DATE. This Act takes effect July 1,
6 16 2009.

6 17 EXPLANATION

6 18 This bill is a licensing practice Act creating the
6 19 abstractor board of examiners within the department of
6 20 commerce. The board is authorized to issue a license upon the
6 21 application of an individual, firm, partnership, association,
6 22 or corporation which engages in the business of preparing real
6 23 abstracts of title to real property or who conducts real
6 24 property title searches and payment of a license fee. An
6 25 individual who prepares abstracts of title to real property or
6 26 real property title searches is required to pass an
6 27 examination and pay an examination fee. The board is required
6 28 to adopt rules for the administration of the new provisions.
6 29 The abstractor board of examiners has authority to conduct
6 30 examinations of applicants, to establish bond and insurance
6 31 requirements, to establish continuing education requirements,
6 32 and to set fees for the examination and license. Access to
6 33 the records may be compelled by judicial action pursuant to
6 34 Code section 22.10. A private party may bring an action for
6 35 damages for violations of the new provisions.



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House Study Bill 609 continued

7 1 The bill takes effect July 1, 2009.
7 2 LSB 5912HC 82
7 3 jr/rj/5



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House Study Bill 610

HOUSE FILE
BY (PROPOSED COMMITTEE ON
STATE GOVERNMENT BILL BY
CHAIRPERSON MASCHER)

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

Passed Senate, Date _____
Vote: Ayes _____ Nays _____

A BILL FOR

- 1 An Act relating to the regulation of the practice of certified
- 2 public accounting.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 5152HC 82
- 5 jr/rj/8



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House Study Bill 610 continued

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1 1 Section 1. Section 542.3, subsection 1, Code 2007, is
1 2 amended by adding the following new paragraph:

1 3 NEW PARAGRAPH. d. Any engagement to be performed in
1 4 accordance with the standards of the public company accounting
1 5 oversight board.

1 6 Sec. 2. Section 542.3, Code 2007, is amended by adding the
1 7 following new subsections:

1 8 NEW SUBSECTION. 9A. "Home office" means the client's
1 9 office, as specified by the client, to which an audit or
1 10 attest service is directed.

1 11 NEW SUBSECTION. 20A. "Principal place of business" means
1 12 the office location designated by the certificate holder or
1 13 person who has practice privileges pursuant to section 542.19.

1 14 Sec. 3. Section 542.3, subsections 3, 4, 5, 10, and 13,
1 15 Code 2007, are amended to read as follows:

1 16 3. "Certificate" means a certificate as a certified public
1 17 accountant issued under section 542.6 ~~or 542.19~~, or a
1 18 certificate issued under corresponding prior law. As used in
1 19 section 542.13, "certificate" also means a certificate issued
1 20 by another state to a person with practice privileges pursuant
1 21 to section 542.19.

1 22 4. "Certified public accountant" means a person licensed
1 23 by the board who holds a certificate issued under this chapter
1 24 or corresponding prior law or a person who holds a certificate
1 25 or is licensed by another state who holds a certificate issued
1 26 by that state and who has practice privileges pursuant to
1 27 section 542.19.

1 28 5. "Certified public accounting firm" means a sole
1 29 proprietorship, a corporation, a partnership, a limited
1 30 liability company, or any other form of organization issued a
1 31 permit to practice as a firm of certified public accountants
1 32 under section 542.7. As used in section 542.13, "certified
1 33 public accounting firm" also means a firm of certified public
1 34 accountants with practice privileges pursuant to section
1 35 542.19.



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2 1 10. "License" means a certificate issued under section
2 2 542.6 or by another state if the holder has practice
2 3 privileges pursuant to section 542.19, a permit issued under
2 4 section 542.7, or a license issued under section 542.8; or a
2 5 certificate, permit, or license issued under corresponding
2 6 prior law.

2 7 13. "Licensee" means the holder of a license or a person
2 8 with practice privileges pursuant to section 542.19.

2 9 Sec. 4. Section 542.4, subsections 1 and 2, Code 2007, are
2 10 amended to read as follows:

2 11 1. An Iowa accountancy examining board is created within
2 12 the professional licensing and regulation bureau of the
2 13 banking division of the department of commerce to administer
2 14 and enforce this chapter. The board shall consist of eight
2 15 members, appointed by the governor and subject to senate
2 16 confirmation, all of whom shall be residents of this state.
2 17 Five of the eight members shall be holders of certificates
2 18 issued under section 542.6, one member shall be the holder of
2 19 a license issued under section 542.8, and two shall not be
2 20 certified public accountants or licensed public accountants
2 21 and shall represent the general public. At least three of the
2 22 holders of certificates issued under section 542.6 shall also
2 23 be qualified to supervise attest services as provided in
2 24 section 542.7. ~~A certified or licensed member of the board~~
~~2 25 shall be actively engaged in practice as a certified public~~
~~2 26 accountant or as a licensed public accountant and shall have~~
~~2 27 been so engaged for five years preceding appointment, the last~~
~~2 28 two of which shall have been in this state.~~ Professional
2 29 associations or societies composed of certified public
2 30 accountants or licensed public accountants may recommend the
2 31 names of potential board members to the governor. However,
2 32 the governor is not bound by the recommendations. A board
2 33 member is not required to be a member of any professional
2 34 association or society composed of certified public
2 35 accountants or licensed public accountants. The term of each



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House Study Bill 610 continued

3 1 member of the board shall be three years, as designated by the
3 2 governor, and appointments to the board are subject to the
3 3 requirements of sections 69.16, 69.16A, and 69.19. Members of
3 4 the board appointed and serving pursuant to chapter 542C, Code
3 5 2001, on July 1, 2002, shall serve out the terms for which
3 6 they were appointed. Vacancies occurring during a term shall
3 7 be filled by appointment by the governor for the unexpired
3 8 term. Upon the expiration of the member's term of office, a
3 9 member shall continue to serve until a successor shall have
3 10 been appointed and taken office. The public members of the
3 11 board shall be allowed to participate in administrative,
3 12 clerical, or ministerial functions incident to giving the
3 13 examinations, but shall not determine the content or determine
3 14 the correctness of the answers. The licensed public
3 15 accountant member shall not determine the content of the
3 16 certified public accountant examination or determine the
3 17 correctness of the answers. Any member of the board whose
3 18 certificate under section 542.6 or license under section 542.8
3 19 is revoked or suspended shall automatically cease to be a
3 20 member of the board, and the governor may, after a hearing,
3 21 remove any member of the board for neglect of duty or other
3 22 just cause. A person who has served three successive complete
3 23 terms shall not be eligible for reappointment, but appointment
3 24 to fill an unexpired term shall not be considered a complete
3 25 term for this purpose.

3 26 2. The board shall elect annually from among its members a
3 27 chairperson and such other officers as the board may determine
3 28 to be appropriate. The board shall meet at such times and
3 29 places as may be fixed by the board. A majority of the board
3 30 members in office shall constitute a quorum at any meeting.
3 31 The board shall maintain a registry of the names and addresses
3 32 of all ~~licensees and permittees under this chapter~~ holders of
3 33 a certificate, permit, or license issued pursuant to this
3 34 chapter or under corresponding prior law.

3 35 Sec. 5. Section 542.7, subsection 1, Code 2007, is amended



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4 1 by striking the subsection and inserting in lieu thereof the
4 2 following:

4 3 1. The board shall issue or renew a permit to practice as
4 4 a certified public accounting firm to an applicant that
4 5 demonstrates qualifications in accordance with this section.

4 6 a. The following firms must hold a permit to practice
4 7 issued pursuant to this section:

4 8 (1) A firm with an office in this state performing attest
4 9 services.

4 10 (2) A firm with an office in this state that uses the
4 11 title "CPA" or "CPA firm".

4 12 (3) A firm that does not have an office in this state but
4 13 performs the attest services described in section 542.3,
4 14 subsection 1, paragraph "a" or "c", for a client having its
4 15 home office in this state.

4 16 b. A firm which does not have an office in this state may
4 17 perform services described in section 542.3, subsection 1,
4 18 paragraph "b", or section 542.3, subsection 8, for a client
4 19 having its home office in this state and may use the title
4 20 "CPA" or "CPA firm" without a permit issued under this section
4 21 only if the firm meets all of the following requirements:

4 22 (1) The firm has the qualifications described in
4 23 subsections 3 and 8.

4 24 (2) The firm performs those services through an individual
4 25 with practice privileges pursuant to section 542.19.

4 26 c. A firm not subject to the requirements of paragraph
4 27 "a", subparagraph (3), or paragraph "b", may perform other
4 28 professional services while using the title "CPA" or "CPA
4 29 firm" in this state without a permit issued pursuant to this
4 30 section only if the firm meets all of the following
4 31 requirements:

4 32 (1) The firm performs those services through an individual
4 33 with practice privileges under section 542.19.

4 34 (2) The firm lawfully performs those services in this
4 35 state where such an individual with practice privileges has



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5 1 the individual's principal place of business.

5 2 Sec. 6. Section 542.7, subsection 3, Code 2007, is amended
5 3 to read as follows:

5 4 3. a. An applicant for initial issuance or renewal of a
5 5 permit to practice as a firm shall show that notwithstanding
5 6 any other provision of law, a simple majority of the ownership
5 7 of the firm, in terms of financial interests and voting rights
5 8 of all partners, officers, shareholders, members, and
5 9 managers, belongs to holders of a certificate issued by a
5 10 state, and that such partners, officers, shareholders,
5 11 members, and managers, who perform professional services in
5 12 this state or for clients in this state, hold a certificate
5 13 issued under section 542.6 or by another state with practice
5 14 privileges pursuant to section 542.19.

5 15 b. A certified public accounting firm may include a
5 16 nonlicensee owner, provided all of the following occur:

5 17 (1) Such firm designates a licensee who is responsible for
5 18 the proper registration of the firm, and identifies that
5 19 individual to the board.

5 20 (2) All nonlicensee owners are active participants in the
5 21 firm or an affiliated entity.

~~5 22 (3) All nonlicensee owners participate in a program of
5 23 learning designed to maintain professional competency in
5 24 compliance with rules adopted by the board which shall include
5 25 requiring compliance with requirements imposed by a regulatory
5 26 authority charged with regulation of a nonlicensee owner's
5 27 professional or occupational license which is relevant to the
5 28 firm's services.~~

~~5 29 (4) All nonlicensee owners comply with all applicable
5 30 rules of professional conduct adopted by the board, and their
5 31 own regulatory authority.~~

5 32 (5) (3) Such firm complies with other requirements as
5 33 established by the board by rule.

5 34 c. A licensee who is responsible for supervising attest or
5 35 compilation services and signs or authorizes someone to sign



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6 1 the accountant's report on the financial statements on behalf
6 2 of the firm shall meet the ~~experience or~~ competency
6 3 requirements set out in nationally recognized professional
6 4 standards for such services.

6 5 d. A licensee who signs or authorizes someone to sign the
6 6 accountant's report on the financial statements on behalf of
6 7 the firm shall meet the ~~experience or~~ competency requirements
6 8 established in paragraph "c".

6 9 Sec. 7. Section 542.7, subsection 4, Code 2007, is amended
6 10 to read as follows:

6 11 4. An applicant for initial issuance or renewal of a
6 12 permit to practice as a certified public accounting firm is
6 13 required to register each office of the firm within this state
6 14 with the board and to show that all attest and compilation
6 15 services rendered in this state are under the charge of a
6 16 person holding a valid certificate issued under section 542.6
6 17 or by another state with practice privileges pursuant to
6 18 section 542.19.

6 19 Sec. 8. Section 542.9, Code 2007, is amended to read as
6 20 follows:

6 21 542.9 APPOINTMENT OF SECRETARY OF STATE AS AGENT.

6 22 Application for a certificate under section 542.6, a
6 23 license under section 542.8, or a permit to practice under
6 24 section 542.7, ~~or a certificate under section 542.19~~ by a
6 25 person or a firm not a resident of this state constitutes
6 26 appointment of the secretary of state as the applicant's agent
6 27 upon whom process may be served in any action or proceeding
6 28 against the applicant arising out of a transaction or
6 29 operation connected with or incidental to services performed
6 30 by the applicant while a licensee within this state.

6 31 Sec. 9. Section 542.10, subsection 1, unnumbered paragraph
6 32 1, Code 2007, is amended to read as follows:

6 33 After notice and hearing pursuant to section 542.11, the
6 34 board may revoke, suspend for a period of time not to exceed
6 35 two years, or refuse to renew a license or practice



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7 1 privileges; reprimand, censure, or limit the scope of practice
7 2 of any licensee; impose an administrative penalty not to
7 3 exceed one thousand dollars per violation; or place any
7 4 licensee on probation; all with or without terms, conditions,
7 5 and in combinations of remedies, for any one or more of the
7 6 following reasons:

7 7 Sec. 10. Section 542.12, subsection 1, Code 2007, is
7 8 amended to read as follows:

7 9 1. In any case in which the board has suspended, revoked,
7 10 or restricted a license or practice privileges, refused to
7 11 renew a license, or accepted the voluntary surrender of a
7 12 license to conclude a pending disciplinary investigation or
7 13 action, the board may, upon written application, modify or
7 14 terminate the suspension, reissue the license, or modify or
7 15 remove the restriction, with or without terms and conditions.

7 16 Sec. 11. Section 542.13, subsections 7, 9, and 12, Code
7 17 2007, are amended to read as follows:

7 18 7. A person or firm not holding a certificate, permit, or
7 19 license issued under section 542.6, 542.7, 542.8, or by
7 20 another state with practice privileges pursuant to section

7 21 542.19 shall not assume or use the title "certified
7 22 accountant", "chartered accountant", "enrolled accountant",
7 23 "licensed accountant", "registered accountant", "accredited
7 24 accountant", or any other title or designation likely to be
7 25 confused with the title "certified public accountant" or
7 26 "licensed public accountant", or use any of the abbreviations
7 27 "CA", "LA", "RA", "AA", or similar abbreviation likely to be
7 28 confused with the abbreviation "CPA" or "LPA". The title
7 29 "enrolled agent" or "EA" may be used by individuals so
7 30 designated by the internal revenue service. Nothing in this
7 31 section shall restrict truthful advertising of a bona fide
7 32 credential or title which in context is not deceptive or
7 33 misleading to the public.

7 34 9. A person or firm not holding a certificate, permit, or
7 35 license issued under section 542.6, 542.7, 542.8, or by



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8 1 another state with practice privileges pursuant to section
8 2 542.19 shall not assume or use any title or designation that
8 3 includes the word "accountant", "auditor", or "accounting" in
8 4 connection with any other language that implies that such
8 5 person or firm holds such a certificate, permit, or license or
8 6 has special competence as an accountant or auditor. However,
8 7 this subsection does not prohibit an officer, partner, member,
8 8 manager, or employee of a firm or organization from affixing
8 9 that person's own signature to a statement in reference to the
8 10 financial affairs of such firm or organization with wording
8 11 which designates the position, title, or office that the
8 12 person holds, or prohibit any act of a public official or
8 13 employee in the performance of such person's duties. This
~~8 14 subsection does not otherwise prohibit the use of the title or~~
~~8 15 designation "accountant" by persons other than those holding a~~
~~8 16 certificate or license under this chapter.~~

8 17 12. A holder of a certificate issued under section 542.6
8 18 or by another state with practice privileges pursuant to
8 19 section 542.19 shall not perform attest services in a firm
8 20 that does not hold a permit issued under section 542.7.

8 21 Sec. 12. Section 542.19, Code 2007, is amended to read as
8 22 follows:

8 23 542.19 SUBSTANTIAL EQUIVALENCY.

8 24 1. An individual whose principal place of business is not
8 25 in this state shall be ~~granted a certificate to practice as a~~
~~8 26 certified public accountant in this state if the board~~
~~8 27 determines that presumed to have qualifications substantially~~
8 28 equivalent to this state's qualification requirements and
8 29 shall have all the privileges of certificate holders of this
8 30 state without the need to obtain a certificate pursuant to
8 31 section 542.5 if the individual holds in good standing a valid
8 32 certificate or license to practice as a certified public
8 33 accountant in the state in which the individual's principal
8 34 place of business is located, and that the individual
8 35 satisfies one of the following conditions:



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9 1 a. The other state's licensing or certification standards
9 2 are substantially equivalent to those required by this
9 3 chapter.

9 4 b. The ~~applicant's individual~~ individual's qualifications
9 5 are substantially equivalent to those required by section
9 6 542.5.

9 7 c. The ~~applicant~~ individual satisfies all of the
9 8 following:

9 9 (1) The ~~applicant~~ individual passed the examination
9 10 required for issuance of the ~~applicant's~~ individual's
9 11 certificate or license with grades that would have been
9 12 passing grades at the time in this state.

9 13 (2) The ~~applicant~~ individual has at least four years of
9 14 experience within the ten years immediately preceding the
9 15 application which occurred after passing the examination upon
9 16 which the ~~applicant's~~ individual's certificate or license was
9 17 based and which in the board's opinion is substantially
9 18 equivalent to that required by section 542.5, subsection 12;
~~9 19 and,~~

~~9 20 (3) If the applicant's certificate or license was issued
9 21 more than four years prior to the filing of the application in
9 22 this state, the applicant has fulfilled the continuing
9 23 professional education requirements described in section
9 24 542.6, subsection 3.~~

9 25 2. An individual who offers or renders professional
9 26 services, whether in person, by mail, telephone, or electronic
9 27 means, under this section shall be granted practice privileges
9 28 in this state, subject to the provisions of subsection 6, and
9 29 no notice or other submission shall be required of such
9 30 individual.

9 31 3. An individual exercising practice privileges pursuant
9 32 to this section shall only exercise those privileges through a
9 33 firm holding a permit issued under section 542.7 when
9 34 performing the following services for a client with its home
9 35 office in this state:



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10 1 a. A financial statement audit or other engagement
10 2 performed in accordance with statements on auditing standards.

10 3 b. An examination of prospective financial information
10 4 performed in accordance with statements on standards of
10 5 attestation engagements.

10 6 c. Any engagement performed in accordance with public
10 7 company accounting oversight board standards.

10 8 ~~2.~~ 4. An individual who holds in good standing a valid
10 9 certificate or license to practice as a certified public
10 10 accountant in another state and who desires to establish the
10 11 holder's principal place of business in this state shall
10 12 request the issuance of a certificate from the board prior to
10 13 establishing such principal place of business. The board
10 14 shall issue a certificate to an individual who satisfies one
10 15 or more of the conditions described in subsection 1.

10 16 ~~3.~~ 5. The board shall issue a certificate to a holder of a
10 17 substantially equivalent foreign designation, upon
10 18 satisfaction of all of the following:

10 19 a. The foreign authority which issued the designation
10 20 allows a person who holds a valid certificate issued by this
10 21 state to obtain such foreign authority's comparable
10 22 designation.

10 23 b. The foreign designation satisfies all of the following:

10 24 (1) The designation was issued by a foreign authority that
10 25 regulates the practice of public accountancy and the foreign
10 26 designation has not expired or been revoked or suspended.

10 27 (2) The designation entitles the holder to issue reports
10 28 on financial statements.

10 29 (3) The designation was issued upon the basis of
10 30 education, examination, and experience requirements
10 31 established by the foreign authority or by law.

10 32 c. The applicant satisfies all of the following:

10 33 (1) The designation was issued based on education and
10 34 examination standards substantially equivalent to those in
10 35 effect in this state at the time the foreign designation was



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11 1 granted.

11 2 (2) The applicant satisfies an experience requirement,
11 3 substantially equivalent to the requirement set out in section
11 4 542.5, subsection 12, in the jurisdiction which issued the
11 5 foreign designation or has completed four years of
11 6 professional experience in this state; or meets equivalent
11 7 requirements prescribed by the board by rule, within the ten
11 8 years immediately preceding the application.

11 9 (3) The applicant has passed qualifying examinations in
11 10 national standards and the laws, rules, and code of ethical
11 11 conduct in effect in this state.

11 12 (4) The applicant shall list in the application all
11 13 jurisdictions, foreign and domestic, in which the applicant
11 14 has applied for or holds a designation to practice public
11 15 accountancy. A holder of a certificate issued under this
11 16 section shall notify the board in writing, within thirty days
11 17 after its occurrence, of any issuance, denial, revocation, or
11 18 suspension of a designation or commencement of a disciplinary
11 19 or enforcement action by any jurisdiction.

11 20 ~~4. 6. An applicant under this section shall comply with~~
~~11 21 all applicable provisions of section 542.5, subsections 1~~
~~11 22 through 6, and section 542.6. An individual certificate~~
~~11 23 holder of another state and the firm which employs that~~
~~11 24 certificate holder shall, by exercising the privileges~~
~~11 25 afforded under this section, be deemed to have appointed the~~
~~11 26 secretary of state as the certificate holder's agent upon whom~~
~~11 27 process may be served in any action or proceeding against the~~
~~11 28 certificate holder or the certificate holder's employer~~
~~11 29 arising out of a transaction or operation connected with or~~
~~11 30 incidental to services performed within this state. In~~
~~11 31 addition the certificate holder and the certificate holder's~~
~~11 32 employer are further deemed to agree, as a condition of the~~
~~11 33 granting of these privileges, to all of the following:~~
11 34 a. To be subject to the personal and subject matter
11 35 jurisdiction and disciplinary authority of the board.



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12 1 b. To comply with this chapter and the board's rules.
12 2 c. To cease offering or rendering professional services in
12 3 this state if the certificate or license from the state of the
12 4 individual's principal place of business is no longer valid.
12 5 d. To the appointment of the state accountancy board which
12 6 issued the certificate as the agent upon whom process may be
12 7 served in any action or proceeding by the board against the
12 8 certificate holder.

12 9 ~~5. 7. The board shall adopt rules to ~~implement~~ administer~~
12 10 ~~this section which will expedite the application process to~~
12 11 ~~the extent reasonably possible.~~

EXPLANATION

12 13 This bill makes several revisions relating to the
12 14 certification and regulation of public accountants. The major
12 15 revision appears in the bill section amending Code section
12 16 542.19. It provides that an individual who holds, in good
12 17 standing, a valid certificate or license to practice as a
12 18 certified public accountant in another state is automatically
12 19 presumed to have qualifications substantially equivalent to
12 20 Iowa requirements and has all the privileges of Iowa
12 21 certificate holders of this state without the need to obtain
12 22 an Iowa certificate. This privilege extends to individuals
12 23 who provide professional services, whether in person, by mail,
12 24 telephone, or electronic means. Certain services are limited
12 25 to individuals employed by a firm holding an Iowa permit
12 26 issued under Code section 542.7. An individual providing
12 27 services in Iowa under this privilege is subject to the
12 28 jurisdiction of Iowa courts and the Iowa examining accountancy
12 29 board.

12 30 The bill also eliminates a requirement that certified or
12 31 licensed members of the accountancy board must be actively
12 32 engaged in the practice of a certified or licensed public
12 33 accountant for the preceding five years.

12 34 The bill also eliminates provisions requiring continuing
12 35 education for nonlicensee owners of a certified public



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13 1 accounting firm and requiring them to comply with applicable
13 2 rules of professional conduct.
13 3 The bill also eliminates certain experience requirements
13 4 relating to attest or compilation services and accountants
13 5 reports on the financial statements. The bill also eliminates
13 6 a current provision allowing an uncertified person or
13 7 unlicensed firm to use the term "accountant".
13 8 LSB 5152HC 82
13 9 jr/rj/8



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House Study Bill 611

HOUSE FILE
BY (PROPOSED COMMITTEE ON
STATE GOVERNMENT BILL BY
CHAIRPERSON MASCHER)

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

Passed Senate, Date _____
Vote: Ayes _____ Nays _____

A BILL FOR

- 1 An Act relating to the applicable percentage used in calculating
- 2 retirement benefits under the municipal fire and police
- 3 retirement system of Iowa.
- 4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 5 TLSB 5609HC 82
- 6 ec/sc/5



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

1 3 d. Upon retirement from service on or after July 1, 2000,
1 4 but before the July 1 following the date the system determines
1 5 that the increased percentage as provided in paragraph "dd"
1 6 can be implemented without an increase in the members'

1 7 contribution rate, a member shall receive a service retirement
1 8 allowance which shall consist of a pension which equals
1 9 sixty=six percent of the member's average final compensation.

1 10 Sec. 2. Section 411.6, subsection 2, Code 2007, is amended
1 11 by adding the following new paragraph:

1 12 NEW PARAGRAPH. dd. Upon retirement from service on or
1 13 after the July 1 following the date the system determines that
1 14 the increased percentage as provided in this paragraph can be
1 15 implemented without an increase in the members' contribution
1 16 rate, a member shall receive a service retirement allowance
1 17 which shall consist of a pension which equals seventy=four
1 18 percent of the member's average final compensation.

1 19 Sec. 3. Section 411.6, subsection 2, paragraph e,
1 20 unnumbered paragraph 1, Code 2007, is amended to read as
1 21 follows:

1 22 Commencing July 1, 1990, if the member has completed more
1 23 than twenty=two years of creditable service, the service
1 24 retirement allowance shall consist of a pension which equals
1 25 the amount provided in paragraph "b", "c", ~~or~~ "d", or "dd",
1 26 plus an additional percentage as set forth below:

1 27 Sec. 4. DEFERRED RETIREMENT OPTION PLAN == RECALCULATION
1 28 OF DROP BENEFIT.

1 29 1. Notwithstanding any provision of chapter 411 to the
1 30 contrary, an eligible member who has elected to participate in
1 31 the deferred retirement option plan as created in section
1 32 411.6C and who has not terminated their participation in the
1 33 plan as of the increased percentage implementation date shall
1 34 have the member's participant retirement amount recalculated
1 35 based upon the percentage provided in section 411.6,



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2 1 subsection 2, paragraph "dd". Commencing on the increased
2 2 percentage implementation date, the drop benefit deposited
2 3 into the participant account of the eligible member shall be
2 4 adjusted based upon the recalculated participant retirement
2 5 amount.

2 6 2. For purposes of this section, the "increased percentage
2 7 implementation date" means the July 1 following the date the
2 8 system determines that the recalculation of the drop benefit
2 9 as provided in this section and the increased percentage as
2 10 provided in section 411.6, subsection 2, paragraph "dd", can
2 11 be implemented without an increase in the members'
2 12 contribution rate.

2 13

EXPLANATION

2 14 This bill increases the percentage multiplier applied in
2 15 calculating a retirement benefit under the municipal fire and
2 16 police retirement system of Iowa (MFPRSI).

2 17 The bill increases from 66 percent to 74 percent the
2 18 percentage of a member's average final compensation applied in
2 19 calculating the member's retirement benefit if the member
2 20 terminates employment at age 55 with at least 22 years of
2 21 service. The bill provides that this increased percentage
2 22 will be implemented the July 1 following the determination by
2 23 MFPRSI that the increase can be implemented without an
2 24 increase in the members' contribution rate.

2 25 The bill also provides that the increased percentage shall
2 26 apply to members participating in the deferred retirement
2 27 option plan (DROP) created by Code section 411.6C. The bill
2 28 provides that a member who is still receiving a DROP benefit
2 29 prior to final termination from employment as of the date the
2 30 increased percentage provided by the bill is implemented shall
2 31 have the member's DROP benefit recalculated based upon that
2 32 increased percentage beginning on that date.

2 33 LSB 5609HC 82

2 34 ec/sc/5



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House Study Bill 612

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

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

Passed House, Date _____
Vote: Ayes _____ Nays _____

A BILL FOR

- 1 An Act relating to campaign finance procedures and requirements
- 2 and providing an effective date.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 5459DP 82
- 5 jr/rj/14



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1 1 Section 1. Section 68A.101, Code 2007, is amended to read
1 2 as follows:

1 3 68A.101 CITATION AND ADMINISTRATION.

1 4 This chapter may be cited as the "Campaign Disclosure ==
1 5 Income Tax Checkoff Act".

1 6 This chapter shall be administered by the Iowa ethics and
1 7 campaign disclosure board as provided in sections 68B.32,
1 8 68B.32A, 68B.32B, 68B.32C, and 68B.32D.

1 9 Sec. 2. Section 68A.201, subsection 5, Code Supplement
1 10 2007, is amended by striking the subsection.

1 11 Sec. 3. NEW SECTION. 68A.201A FILING BY OUT-OF-STATE AND
1 12 FEDERAL COMMITTEES.

1 13 1. When either a committee or organization not organized
1 14 as a committee under section 68A.201 makes a contribution to a
1 15 committee organized in Iowa, that committee or organization
1 16 shall disclose each contribution in excess of fifty dollars to
1 17 the board.

1 18 2. A committee or organization not organized as a
1 19 committee under section 68A.201 that is not registered and
1 20 filing full disclosure reports of all financial activities
1 21 with the federal election commission or another state's
1 22 disclosure commission shall register and file full disclosure
1 23 reports with the board pursuant to this chapter. The
1 24 committee or organization shall either appoint an eligible
1 25 Iowa elector as committee or organization treasurer, or shall
1 26 maintain all committee funds in an account in a financial
1 27 institution located in Iowa.

1 28 3. A committee that is currently filing a disclosure
1 29 report in another jurisdiction shall either file a statement
1 30 of organization under section 68A.201, subsections 1 and 2,
1 31 and file disclosure reports under section 68A.402, or shall
1 32 file one copy of a verified statement with the board within
1 33 fifteen days of the contribution being made.

1 34 4. The verified statement shall be on forms prescribed by
1 35 the board and shall attest that the committee is filing



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2 1 reports with the federal election commission or in a
2 2 jurisdiction with reporting requirements which are
2 3 substantially similar to those of this chapter, and that the
2 4 contribution is made from an account that does not accept
2 5 contributions that would be in violation of section 68A.503.
2 6 5. The verified statement shall include the complete name,
2 7 address, and telephone number of the contributing committee,
2 8 the state or federal jurisdiction under which it is registered
2 9 or operates, the identification of any parent entity or other
2 10 affiliates or sponsors, its purpose, the name and address of
2 11 an Iowa resident authorized to receive service of original
2 12 notice, the name and address of the receiving committee, the
2 13 amount of the cash or in-kind contribution, and the date the
2 14 contribution was made.

2 15 Sec. 4. Section 68A.303, subsection 6, Code 2007, is
2 16 amended to read as follows:

2 17 6. ~~An individual or a political committee~~ A person shall
2 18 not knowingly make transfers or contributions to a candidate
2 19 or candidate's committee for the purpose of transferring the
2 20 funds to another candidate or candidate's committee to avoid
2 21 the disclosure of the source of the funds pursuant to this
2 22 chapter. A candidate or candidate's committee shall not
2 23 knowingly accept transfers or contributions from ~~an individual~~
2 24 ~~or political committee~~ any person for the purpose of
2 25 transferring funds to another candidate or candidate's
2 26 committee as prohibited by this subsection. A candidate or
2 27 candidate's committee shall not accept transfers or
2 28 contributions which have been transferred to another candidate
2 29 or candidate's committee as prohibited by this subsection.
2 30 The board shall notify candidates of the prohibition of such
2 31 transfers and contributions under this subsection.

2 32 Sec. 5. Section 68A.402, subsection 1, Code Supplement
2 33 2007, is amended to read as follows:

2 34 1. FILING METHODS. Each committee shall file with the
2 35 board reports disclosing information required under this



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3 1 section on forms prescribed by rule. Reports shall be filed
3 2 on or before the required due dates by using any of the
3 3 following methods: mail bearing a United States postal
3 4 service postmark, hand-delivery, facsimile transmission,
3 5 electronic mail attachment, or electronic filing as prescribed
3 6 by rule. Any report that is required to be filed five days or
3 7 less prior to an election must be physically received by the
3 8 board to be considered timely filed. For purposes of this
3 9 section, "physically received" means the report is either
3 10 electronically filed using the board's electronic filing
3 11 system or is received by the board prior to 4:30 p.m. on the
3 12 report due date.

3 13 Sec. 6. Section 68A.402A, subsection 1, paragraph g, Code
3 14 2007, is amended to read as follows:

3 15 g. Disbursements made to a consultant, subvendor, or other
3 16 third party and disbursements made by the consultant,
3 17 subvendor, or other third party during the reporting period
3 18 disclosing the name and address of the recipient, amount,
3 19 purpose, and date. As used in this paragraph, "subvendor"
3 20 means a third party who makes an expenditure on behalf of a
3 21 candidate or a committee.

3 22 Sec. 7. Section 68A.404, subsection 2, paragraph a, Code
3 23 2007, is amended to read as follows:

3 24 a. The requirement to file an independent expenditure
3 25 statement under this section does not by itself mean that the
3 26 person filing the independent expenditure statement is
3 27 required to register and file reports under sections 68A.201,
3 28 68A.201A, and 68A.402.

3 29 Sec. 8. EFFECTIVE DATE. The section of this Act amending
3 30 section 68A.402, being deemed of immediate importance, takes
3 31 effect upon enactment.

3 32 EXPLANATION

3 33 This bill makes a number of technical changes to Iowa's
3 34 campaign disclosure law. The bill moves requirements dealing
3 35 with required filings by out-of-state and federal committees



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4 1 into its own Code section.

4 2 The bill amends current restrictions concerning transfer of
4 3 contributions between candidates or candidate committees.

4 4 Under current law, an individual or a political committee
4 5 cannot knowingly make or accept transfers or contributions to
4 6 a candidate or candidate's committee for the purpose of
4 7 transferring the funds to another candidate or candidate's
4 8 committee to avoid the disclosure of the source of the funds.

4 9 The bill substitutes the term "person" in lieu of the phrase
4 10 "individual or a political committee".

4 11 The bill also revises a provision relating to the physical
4 12 receipt of reports that must be filed five days before the
4 13 election; that change establishes that physical receipt of the
4 14 report is required for any reports required to be filed less
4 15 than five days before the election. This provision is made
4 16 effective upon enactment.

4 17 The bill expands disbursement reporting requirements
4 18 relating to consultants to include a subvendor or other third
4 19 party.

4 20 LSB 5459DP 82

4 21 jr/rj/14



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House Study Bill 614

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 involvement of the juvenile court and the
- 2 county attorney in certain child abuse cases.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 5664HC 82
- 5 jp/nh/8



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1 1 Section 1. Section 232.71B, subsections 13 and 14, Code
1 2 2007, are amended to read as follows:
1 3 13. COURT=ORDERED AND VOLUNTARY SERVICES. ~~The Unless the~~
1 4 juvenile court has determined the child to be a child in need
1 5 of assistance and entered orders, the department shall may
1 6 provide or arrange for and monitor voluntary services for
1 7 abused children and their families on a voluntary basis or
1 8 under. The department shall include as part of the written
1 9 assessment a detailed safety plan identifying the voluntary
1 10 services offered and provided to the child's family to prevent
1 11 further abuse. The juvenile court may enter a final or
1 12 intermediate order ~~of the juvenile court~~ as deemed necessary
1 13 by the court for the protection of the child.
1 14 14. COUNTY ATTORNEY == JUVENILE COURT. The department
1 15 shall provide the juvenile court and the county attorney with
1 16 a copy of the portion of the written assessment pertaining to
1 17 the child abuse report and the written safety plan described
1 18 in subsection 13. The juvenile court shall review the
1 19 assessment and written safety plan and make a written finding
1 20 as to whether the safety plan is appropriate for the
1 21 protection of the child absent formal court oversight. The
1 22 juvenile court and the county attorney shall notify the
1 23 department of any action taken concerning an assessment
1 24 provided by the department.
1 25 Sec. 2. Section 232.71C, subsection 1, Code 2007, is
1 26 amended to read as follows:
1 27 1. a. If, upon completion of an assessment performed
1 28 under section 232.71B, the department, the juvenile court, or
1 29 the juvenile court's designee determines that the best
1 30 interests of the child require juvenile court action, the
1 31 department, the juvenile court, or the juvenile court's
1 32 designee shall act appropriately to initiate the action.
1 33 b. If, upon completion of an assessment performed under
1 34 section 232.71B, the department has determined in accordance
1 35 with section 232.71D that the alleged child abuse meets the



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2 1 definition of child abuse and it is placed in the central
2 2 registry as a case of founded child abuse and the department
2 3 also finds that the child is at high risk of being abused
2 4 again, the department shall pursue the filing of a child in
2 5 need of assistance petition in accordance with section 232.87.

2 6 c. If at any time during the assessment process the
2 7 department, the juvenile court, or the juvenile court's
2 8 designee believes court action is necessary to safeguard a
2 9 child, the department, the juvenile court, or the juvenile
2 10 court's designee shall act appropriately to initiate the
2 11 action. The county attorney shall assist ~~the department~~ as
2 12 provided under section 232.90, subsection 2.

2 13 EXPLANATION

2 14 This bill relates to the involvement of the juvenile court
2 15 and the county attorney in certain child abuse cases.

2 16 Code section 232.71B, relating to the duties of the
2 17 department of human services upon receipt of a child abuse
2 18 report, is amended. Upon completion of the department's
2 19 assessment of the report, current law requires the department
2 20 to provide services for abused children and their families on
2 21 a voluntary basis. The bill requires the department to
2 22 document the voluntary services offered and provided to the
2 23 family to prevent further abuse in a detailed safety plan.
2 24 Current law requiring portions of the written assessment to be
2 25 provided to the county attorney and the juvenile court is
2 26 amended to also include the written safety plan. The juvenile
2 27 court is required to review the safety plan and enter a
2 28 written finding as to whether the safety plan is appropriate
2 29 for the protection of the child absent formal court oversight.

2 30 Code section 232.71C provides for court action following a
2 31 child abuse assessment. Current law requires the department
2 32 to initiate juvenile court action if during the assessment
2 33 process or upon completion of the process the department
2 34 determines the best interests of the child require the action.
2 35 The bill authorizes the juvenile court or the designee of the



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3 1 juvenile court to also make such a determination and initiate
3 2 action. In addition, if a case of child abuse is entered in
3 3 the central registry as a case of founded abuse and the
3 4 department also finds the child is at high risk of being
3 5 abused again, the department is required to pursue the filing
3 6 of a child in need of assistance petition.
3 7 LSB 5664HC 82
3 8 jp/nh/8



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House Study Bill 615

HOUSE FILE
 BY (PROPOSED COMMITTEE ON
 ENVIRONMENTAL PROTECTION
 BILL BY CHAIRPERSON OLSON)

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

A BILL FOR

1 An Act relating to water quality by establishing a water
 2 resources coordinating council, authorizing a marketing
 3 campaign, directing assistance to local communities for
 4 monitoring and measurement, and creating a regional assessment
 5 program, a community-based improvement program, and a
 6 wastewater and storm water infrastructure program.
 7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
 8 TLSB 5748HC 82
 9 tw/nh/14



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1 1 Section 1. NEW SECTION. 466B.1 SHORT TITLE.
1 2 This chapter shall be known and may be cited as the
1 3 "Surface Water Protection Act".
1 4 Sec. 2. NEW SECTION. 466B.2 DEFINITIONS.
1 5 For the purposes of this chapter, unless the context
1 6 otherwise requires:
1 7 1. "Council" means the water resources coordinating
1 8 council created in section 466B.3.
1 9 2. "Department" means the department of natural resources.
1 10 3. "Regional watershed" means a watershed of hydrologic
1 11 unit code scale 8.
1 12 4. "Subwatershed" means a watershed of hydrological unit
1 13 code scale 12 or smaller.
1 14 5. "Watershed" means a geographic area in which surface
1 15 water is drained by rivers, streams, or other bodies of water.
1 16 Sec. 3. NEW SECTION. 466B.3 WATER RESOURCES COORDINATING
1 17 COUNCIL.
1 18 1. COUNCIL ESTABLISHED. A water resources coordinating
1 19 council is established within the office of the governor.
1 20 2. PURPOSE. The purpose of the council shall be to
1 21 preserve and protect Iowa's water resources, and to coordinate
1 22 the management of those resources in a sustainable and
1 23 fiscally responsible manner. In the pursuit of this purpose,
1 24 the council shall use an integrated approach to water resource
1 25 management, recognizing that insufficiencies exist in current
1 26 approaches and practices, as well as in funding sources and
1 27 the utilization of funds. The integrated approach used by the
1 28 council shall attempt to overcome old categories, labels, and
1 29 obstacles with the primary goal of managing the state's water
1 30 resources comprehensively rather than compartmentally.
1 31 3. ACCOUNTABILITY. The success of the council's efforts
1 32 shall ultimately be measured by the following outcomes:
1 33 a. Whether the citizens of Iowa can more easily organize
1 34 local watershed projects.
1 35 b. Whether the citizens of Iowa can more easily access



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2 1 available funds and water quality program resources.
2 2 c. Whether the funds, programs, and regulatory efforts
2 3 coordinated by the council eventually result in a long-term
2 4 improvement to the quality of surface water in Iowa.
2 5 4. MEMBERSHIP. The council shall consist of the following
2 6 members:
2 7 a. The director of the department of natural resources or
2 8 the director's designee.
2 9 b. The director of the soil conservation division of the
2 10 department of agriculture and land stewardship or the
2 11 director's designee.
2 12 c. The secretary of agriculture or the secretary's
2 13 designee.
2 14 d. The director of the department of public health or the
2 15 director's designee.
2 16 e. The director of the homeland security and emergency
2 17 management division of the department of public defense or the
2 18 director's designee.
2 19 f. The dean of the college of agriculture at Iowa state
2 20 university or the dean's designee.
2 21 g. The dean of the college of public health at the
2 22 university of Iowa or the dean's designee.
2 23 h. The dean of the college of natural sciences at the
2 24 university of northern Iowa, or the dean's designee.
2 25 i. The director of the department of transportation or the
2 26 director's designee.
2 27 j. The director of the department of economic development
2 28 or the director's designee.
2 29 k. The director of the Iowa water center at Iowa state
2 30 university or the director's designee.
2 31 l. The governor, who shall be the chairperson, or the
2 32 governor's designee. As the chairperson, and in order to
2 33 further the coordination efforts of the council, the governor
2 34 may invite representatives from any other public agency,
2 35 private organization, business, citizen group, or nonprofit



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3 1 entity to give public input at council meetings provided the
3 2 entity has an interest in the coordinated management of land
3 3 resources, soil conservation, or water quality. The governor
3 4 shall also invite and solicit advice from the following:

3 5 (a) The director of the Iowa water science center of the
3 6 United States geological survey or the director's designee.

3 7 (b) The state conservationist from the Iowa office of the
3 8 United States department of agriculture's natural resources
3 9 conservation service or the state conservationist's designee.

3 10 (c) The executive director for Iowa from the United States
3 11 department of agriculture's farm services agency or the
3 12 executive director's designee.

3 13 (d) The state director for Iowa from the United States
3 14 department of agriculture's office of rural development or the
3 15 state director's designee.

3 16 (e) The director of region seven of the United States
3 17 environmental protection agency or the director's designee.

3 18 (f) The corps commander from the United States army corps
3 19 of engineers' Rock Island district or the commander's
3 20 designee.

3 21 5. MEETINGS AND QUORUM.

3 22 a. The council shall be convened by the office of the
3 23 governor at least quarterly.

3 24 b. A majority of the members fixed by statute shall
3 25 constitute a quorum, and any action taken by the council must
3 26 be adopted by a majority of the voting membership.

3 27 6. EXPENSES AND REIMBURSEMENT. The members of the council
3 28 are entitled to receive reimbursement for actual expenses
3 29 incurred while engaged in the performance of official duties.

3 30 7. DUTIES.

3 31 a. The council shall engage in the regular coordination of
3 32 water resource-related functions, including protection
3 33 strategies, planning, assessment, prioritization, review,
3 34 concurrence, advocacy, education, and oversight.

3 35 b. In coordinating water resource related functions, the



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- 4 1 council shall do all of the following:
- 4 2 (1) Consider the steps necessary to address the planning,
4 3 management, and implementation of water resource improvement.
- 4 4 (2) Identify ways to facilitate communication and
4 5 participation among all water resource stakeholders, including
4 6 owners of land in Iowa whether they are residents or not.
- 4 7 (3) Identify inefficiencies in current programs and
4 8 recommend ways to eliminate duplicative services.
- 4 9 (4) Improve the availability and management of water
4 10 resource information.
- 4 11 (5) Provide incentives for, and recognition of,
4 12 environmental excellence.
- 4 13 (6) Regularly assess and identify measurable improvements
4 14 in water quality.
- 4 15 (7) Oversee a complete, statewide watershed assessment,
4 16 prioritization, and planning process, including a short-term
4 17 interim program and a long-term comprehensive state water
4 18 quality and quantity plan updated every five years as provided
4 19 in sections 466B.5 and 466B.6.
- 4 20 (8) Develop a protocol which identifies high priority
4 21 watersheds, including local and community watersheds, and
4 22 which appropriately directs resources to those watersheds.
- 4 23 (9) Evaluate best available technologies on a regular
4 24 basis, so that investments of time and program resources can
4 25 be prioritized and directed to projects that will best and
4 26 most effectively improve water quality within regional and
4 27 community watersheds.
- 4 28 (10) Review voluntary, performance-based standards for
4 29 water resource management, land management, and soil
4 30 conservation.
- 4 31 (11) Develop a protocol for assigning multiagency teams to
4 32 watersheds and local subwatersheds and guide those teams in
4 33 the coordination of citizen and agency activities within those
4 34 watersheds.
- 4 35 (12) Engage in dialogue with, and pursue efforts to make



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5 1 cooperative agreements with, other states when a watershed
5 2 extends beyond borders of this state.
5 3 Sec. 4. NEW SECTION. 466B.4 LEGISLATIVE FINDINGS AND
5 4 MARKETING CAMPAIGN.
5 5 1. FINDINGS. The general assembly finds all of the
5 6 following:
5 7 a. Most Iowans desire to have improved water quality
5 8 throughout the state, but many Iowans do not understand the
5 9 problems with local water quality.
5 10 b. Most Iowans believe that the protection of fish and
5 11 wildlife benefits all Iowans.
5 12 c. The benefits of improving water quality could far
5 13 outweigh the costs of implementing mechanisms to improve it.
5 14 d. There is a disparity between rural and urban residents
5 15 with regard to beliefs about who is responsible for protecting
5 16 local watersheds.
5 17 e. Most Iowans look to some level of government for the
5 18 protection of water resources rather than to themselves and
5 19 their own actions. However, it is not possible or desirable
5 20 for state government to take complete control and
5 21 responsibility for water quality.
5 22 2. MARKETING CAMPAIGN. The water resources coordinating
5 23 council shall develop a marketing campaign to educate Iowans
5 24 about the need to take personal responsibility for the quality
5 25 of water in their local watersheds. The emphasis of the
5 26 campaign shall be that not only is everyone responsible for
5 27 clean water, but that everyone benefits from it as well. The
5 28 goals of the campaign shall be to convince Iowans to take
5 29 personal responsibility for clean water and to equip them with
5 30 the tools necessary to effect change through local water
5 31 quality improvement projects.
5 32 Sec. 5. NEW SECTION. 466B.5 REGIONAL WATERSHED
5 33 ASSESSMENT, PLANNING, AND PRIORITIZATION.
5 34 1. REGIONAL WATERSHED ASSESSMENT PROGRAM. The department
5 35 shall create a regional watershed assessment program. The



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6 1 program shall assess all the regional watersheds in the state.
6 2 a. The statewide assessment shall be conducted at the rate
6 3 of approximately one-fifth of the watersheds per year, and an
6 4 initial full assessment shall be completed within five years.
6 5 Thereafter, the department shall review and update the
6 6 assessments on a regular basis.

6 7 b. Each regional watershed assessment shall provide a
6 8 summary of the overall condition of the watershed. The
6 9 information provided in the summary may include land use
6 10 patterns, soil types, slopes, management practices, stream
6 11 conditions, and both point and nonpoint source impairments.

6 12 c. In conducting a regional watershed assessment, the
6 13 department shall provide opportunities for local data
6 14 collection and input into the assessment process.

6 15 2. PLANNING AND PRIORITIZATION. In conducting the
6 16 regional watershed assessment program, the department shall
6 17 provide hydrological and geological information sufficient for
6 18 the water resources coordinating council to prioritize
6 19 watersheds statewide and for the various communities in those
6 20 watersheds to plan remedial efforts in their local communities
6 21 and subwatersheds.

6 22 3. REPORT TO COUNCIL. Upon completion of the statewide
6 23 assessment, and upon updating the assessments, the department
6 24 shall report the results of the assessment to the council.

6 25 Sec. 6. NEW SECTION. 466B.6 COMMUNITY=BASED WATERSHED
6 26 IMPROVEMENT PLANS.

6 27 1. FACILITATION OF COMMUNITY=BASED WATERSHED PLANS. After
6 28 the department's completion of the initial regional watershed
6 29 assessment, and after the council's prioritization of the
6 30 regional watersheds, the department, in conjunction with the
6 31 department of agriculture and land stewardship, shall
6 32 facilitate the development and implementation of local,
6 33 community-based subwatershed improvement plans.

6 34 2. ASSESSMENT, PLANNING, PRIORITIZATION, AND
6 35 IMPLEMENTATION. In facilitating the development of



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7 1 community-based subwatershed improvement plans, the
7 2 department, in conjunction with the department of agriculture
7 3 and land stewardship, shall do all of the following:
7 4 a. Based on the results of the regional watershed
7 5 assessment program, identify critical subwatersheds within
7 6 priority regional watersheds and recruit communities, citizen
7 7 groups, local governmental entities, or other stakeholders to
7 8 engage in the assessment, planning, prioritization, and
7 9 implementation of a local community-based subwatershed
7 10 improvement plan. The department may create a group of
7 11 initial local community-based subwatershed improvement plans
7 12 that can be implemented as pilot projects, in order to develop
7 13 an effective process that can be replicated across the state.
7 14 b. Accept and evaluate applications for proposed local
7 15 community-based subwatershed improvement plans and prioritize
7 16 them. In evaluating an applicant's proposed plan, the
7 17 following shall be considered:
7 18 (1) The stated objectives of the plan.
7 19 (2) The thoroughness of the assessment of a local
7 20 subwatershed's physical, social, and financial resources.
7 21 (3) Whether an adequate analysis of alternatives has been
7 22 presented.
7 23 (4) Whether the plan includes an evaluation process that
7 24 will measure results and outcomes.
7 25 (5) Whether the subwatershed is located within a priority
7 26 regional watershed.
7 27 (6) Any other relevant factors.
7 28 c. Award moneys and direct other necessary resources to
7 29 successful applicants according to an appropriate
7 30 prioritization in order to assist in the implementation of
7 31 local community-based subwatershed improvement plans.
7 32 Sec. 7. NEW SECTION. 466B.7 COMMUNITY=BASED WATERSHED
7 33 MONITORING.
7 34 1. MONITORING ASSISTANCE. After completion of the
7 35 statewide regional watershed assessment and prioritization,



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8 1 and at the same time as the implementation of local
8 2 community-based watershed improvement plans, the department
8 3 shall assist communities with the monitoring and measurement
8 4 of local subwatersheds. The monitoring and measurement shall
8 5 be designed for the particular needs of individual
8 6 communities.

8 7 2. DATA COLLECTION AND USE. Local communities in which
8 8 the department conducts subwatershed monitoring shall use the
8 9 information to support subwatershed planning activities, do
8 10 local data collection, and identify priority areas needing
8 11 additional resources. Local communities shall also collect
8 12 data over time and use the data to evaluate the impacts of
8 13 their management efforts.

8 14 Sec. 8. NEW SECTION. 466B.8 WASTEWATER AND STORM WATER
8 15 INFRASTRUCTURE PROGRAM.

8 16 1. A wastewater and storm water infrastructure program is
8 17 created within the department to assess and prioritize
8 18 communities within a watershed presenting the greatest level
8 19 of risk to the health of residents. This prioritization shall
8 20 include both sewerred and unsewerred communities.

8 21 2. In administering the program, the department shall
8 22 award funds to communities based on its prioritization of the
8 23 health risks facing those communities.

8 24 Sec. 9. NEW SECTION. 466B.9 RULEMAKING AUTHORITY.

8 25 The department shall have the power and authority
8 26 reasonably necessary to carry out the duties imposed upon it
8 27 in this chapter. This includes rulemaking authority to carry
8 28 out the regional assessments, assist in the implementation of
8 29 community-based watershed improvement plans, coordinate the
8 30 development of community-based watershed monitoring, and
8 31 administer the wastewater and storm water infrastructure
8 32 program.

8 33 EXPLANATION

8 34 This bill relates to the protection of surface water and to
8 35 improvements in water quality.



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9 1 The bill creates a water resources coordinating council
9 2 within the governor's office and specifies as members certain
9 3 state agency directors with authority over water-related
9 4 programs as well as experts in water quality from the regents
9 5 institutions. The governor is directed to solicit advice from
9 6 several directors of federal programs involved with water
9 7 resources. The council is charged with coordinating
9 8 governmental efforts to improve water quality in an efficient
9 9 and fiscally responsible manner.

9 10 The bill also charges the council to conduct a marketing
9 11 campaign to educate Iowans about water quality and about their
9 12 responsibility for improving it. The focus of the campaign is
9 13 to make sure that Iowans know that clean water is everyone's
9 14 responsibility, and that everyone benefits.

9 15 The bill also directs the department of natural resources
9 16 to engage in a program of statewide watershed assessment. The
9 17 department must divide the state into larger, regional
9 18 watersheds and engage in water quality assessment of those
9 19 regions. The department must complete this assessment within
9 20 five years, and based on the results of the assessment, the
9 21 council must prioritize the regions so that resources can be
9 22 directed in the most appropriate and efficient manner.

9 23 The bill also creates a program for improving water quality
9 24 at a smaller, local watershed level. The department is
9 25 directed to work with the department of agriculture and land
9 26 stewardship in awarding funds to local communities, evaluating
9 27 proposed local community-based watershed improvement plans,
9 28 and recruiting local stakeholders to take the initiative in
9 29 water quality improvement. Local stakeholders may include
9 30 many diverse groups, such as community groups, soil and water
9 31 conservation districts, and drainage districts. The approval
9 32 of local water quality improvement plans and the allocation of
9 33 funds to local communities must be in conformance with the
9 34 regional watershed prioritization and are contingent upon the
9 35 completion of the department's statewide regional assessment.



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10 1 The bill also directs the department to assist local
10 2 communities with water quality monitoring. This monitoring is
10 3 not contingent upon the statewide regional assessment and is
10 4 intended to help local communities in the community-based
10 5 improvement efforts by providing data to assist in proper
10 6 planning efforts and the allocation of resources.

10 7 The bill also creates a wastewater and storm water
10 8 treatment infrastructure program and directs the department to
10 9 award grant funds to local communities by prioritizing them
10 10 according to the greatest risk to the health of residents.

10 11 Finally, the bill gives the department rulemaking authority
10 12 to carry out the duties imposed on it by the provisions of the
10 13 bill.

10 14 LSB 5748HC 82

10 15 tw/nh/14.1



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Senate File 2091 - Introduced

SENATE FILE

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

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

Passed House, Date _____
Vote: Ayes _____ Nays _____

A BILL FOR

- 1 An Act relating to the issuance or redemption of gift
- 2 certificates, establishing restrictions on fees and charges,
- 3 prohibiting expiration dates, and making penalties applicable.
- 4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 5 TLSB 5597XS 82
- 6 rn/nh/5



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Senate File 2091 - Introduced continued

PAG LIN

1 1 Section 1. Section 537.1301, subsection 22, Code 2007, is
1 2 amended by striking the subsection and inserting in lieu
1 3 thereof the following:
1 4 22. "Gift certificate" means a writing, instrument,
1 5 record, or other tangible medium of expression generally
1 6 purchased by a buyer for use by a person other than the buyer,
1 7 or for use by the buyer at a later date, for the purchase of
1 8 goods, property, services, or other consideration sold or
1 9 provided by the seller or issuer and includes but is not
1 10 limited to all of the following:
1 11 a. An electronic card with a stored or banked dollar
1 12 value.
1 13 b. A merchandise credit.
1 14 c. A certificate or card exchangeable for the full face
1 15 value of a future purchase or delivery of goods, property,
1 16 services, or any other consideration.
1 17 d. Any other medium that evidences a grant of
1 18 consideration in exchange for the right to redeem the
1 19 certificate for goods, property, services, credit, or money of
1 20 at least an equal value as that of the certificate.
1 21 Sec. 2. NEW SECTION. 537.3312 GIFT CERTIFICATES == FEES
1 22 == EXPIRATION DATES == VIOLATIONS.
1 23 1. A gift certificate shall be redeemable for its full
1 24 value. A seller, issuer, or holder of a gift certificate may
1 25 not do any of the following:
1 26 a. Assess, charge, or deduct a fee or other charge from or
1 27 with respect to a gift certificate.
1 28 b. Sell or issue a gift certificate that includes, bears,
1 29 or is otherwise subject to an expiration date.
1 30 c. Impose any other term or condition on a gift
1 31 certificate that would limit the ability of the owner to
1 32 redeem the gift certificate for its full value.
1 33 2. A violation of this section is an unlawful practice
1 34 under section 714.16, and is additionally subject to the
1 35 penalty provisions of section 537.5201.



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Senate File 2091 - Introduced continued

2 1 Sec. 3. Section 556.1, Code Supplement 2007, is amended by
2 2 adding the following new subsection:

2 3 NEW SUBSECTION. 4A. "Gift certificate" means a writing,
2 4 instrument, record, or other tangible medium of expression
2 5 generally purchased by a buyer for use by a person other than
2 6 the buyer, or for use by the buyer at a later date, for the
2 7 purchase of goods, property, services, or other consideration
2 8 sold or provided by the seller or issuer and includes but is
2 9 not limited to all of the following:

2 10 a. An electronic card with a stored or banked dollar
2 11 value.

2 12 b. A merchandise credit.

2 13 c. A certificate or card exchangeable for the full face
2 14 value of a future purchase or delivery of goods, property,
2 15 services, or any other consideration.

2 16 d. Any other medium that evidences a grant of
2 17 consideration in exchange for the right to redeem the
2 18 certificate for goods, property, services, credit, or money of
2 19 at least an equal value as that of the certificate.

2 20 Sec. 4. Section 556.9, subsection 2, Code 2007, is amended
2 21 by striking the subsection.

2 22 EXPLANATION

2 23 This bill relates to the issuance of gift certificates.
2 24 The bill provides a definition of gift certificate, which
2 25 includes a writing or instrument usable for the purchase of
2 26 goods, property, or services sold or provided by the seller or
2 27 issuer of the gift certificate. The bill provides that a gift
2 28 certificate shall be redeemable for its full value and
2 29 prohibits a seller, issuer, or holder of a gift certificate
2 30 from assessing any fee or charge against the value of the
2 31 certificate or selling or issuing a certificate with an
2 32 expiration date. Further, the bill prohibits a seller,
2 33 issuer, or holder from imposing any other term or condition
2 34 that limits the ability of the owner to redeem the gift
2 35 certificate for its full value. The bill prescribes that an



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Senate File 2091 - Introduced continued

3 1 issuer in violation of these provisions shall be subject to
3 2 the consumer fraud provisions of Code section 714.16, and
3 3 shall additionally be subject to a civil action under Code
3 4 section 537.5201 in which actual damages may be recovered and
3 5 a penalty assessed in an amount not less than \$100 nor more
3 6 than \$1,000 per violation.

3 7 The bill repeals a provision in Code chapter 556, dealing
3 8 with unclaimed property, which currently permits the deduction
3 9 from the face value of a gift certificate of a charge imposed
3 10 due to the failure of the owner of the certificate to present
3 11 it in a timely manner, provided that a valid and enforceable
3 12 written contract exists between the issuer and the owner of
3 13 the gift certificate and the issuer regularly imposes such
3 14 charges and does not regularly reverse or otherwise cancel
3 15 them.

3 16 LSB 5597XS 82
3 17 rn/nh/5.1



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Senate File 2092 - Introduced

SENATE FILE
BY COMMITTEE ON HUMAN RESOURCES

(SUCCESSOR TO SSB 3014)

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

Passed House, Date _____
Vote: Ayes _____ Nays _____

A BILL FOR

- 1 An Act relating to authorized access to certain dependent adult
- 2 abuse information.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 5351SV 82
- 5 rh/rj/8



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Senate File 2092 - Introduced continued

PAG LIN

1 1 Section 1. Section 235B.6, subsection 2, Code Supplement
1 2 2007, is amended by adding the following new paragraph:
1 3 NEW PARAGRAPH. f. To a person who submits written
1 4 authorization from an individual allowing the person access to
1 5 information on the determination only on whether or not the
1 6 individual who authorized the access is named in a founded
1 7 dependent adult abuse report as having abused a dependent
1 8 adult.

1 9 EXPLANATION

1 10 This bill provides that a person who submits written
1 11 authorization from an individual allowing the person access to
1 12 dependent adult abuse information on the determination only on
1 13 whether or not the individual who authorized the access is
1 14 named in a founded dependent adult abuse report as having
1 15 abused a dependent adult, shall have access to such dependent
1 16 adult abuse information.

1 17 LSB 5351SV 82

1 18 rh/rj/8



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Senate File 2093 - Introduced

SENATE FILE
BY RAGAN

(COMPANION TO LSB 5703HH BY SMITH)

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

Passed House, Date _____
Vote: Ayes _____ Nays _____

A BILL FOR

- 1 An Act concerning appropriations from the alcoholic beverages
- 2 division to the department of public health for substance
- 3 abuse and treatment programs.
- 4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 5 TLSB 5703XS 82
- 6 ec/nh/8



Iowa General Assembly
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Senate File 2093 - Introduced continued

PAG LIN

1 1 Section 1. Section 123.53, subsection 3, Code Supplement
1 2 2007, is amended to read as follows:
1 3 3. The treasurer of state shall transfer ~~into a special~~
1 4 ~~revenue account in the general fund of the state from the beer~~
1 5 ~~and liquor control fund on a monthly basis, a sum of money at~~
1 6 ~~least equal to seven twenty-five and one-half percent of the~~
1 7 ~~gross amount of sales made by the division from the beer and~~
1 8 ~~liquor control fund on a monthly basis all revenues received~~
1 9 ~~by the division and deposited in the fund to the Iowa~~
1 10 ~~department of public health, but not less than nine~~
1 11 ~~twenty-five million dollars annually. Of the The amounts~~
1 12 ~~transferred, two million dollars, plus an additional amount~~
1 13 ~~determined by the general assembly, shall be are appropriated~~
1 14 ~~to the Iowa department of public health for use by the staff~~
1 15 ~~who administer the comprehensive substance abuse program under~~
1 16 ~~chapter 125 to be used for substance abuse treatment and~~
1 17 ~~prevention programs. Any amounts received in excess of the~~
1 18 ~~amounts appropriated to the Iowa department of public health~~
1 19 ~~for use by the staff who administer the comprehensive~~
1 20 ~~substance abuse program under chapter 125 shall be considered~~
1 21 ~~part of the general fund balance Notwithstanding section 8.33,~~
1 22 ~~moneys appropriated to the department of public health in this~~
1 23 ~~subsection that remain unencumbered or unobligated at the~~
1 24 ~~close of the fiscal year shall not revert but shall remain~~
1 25 ~~available for expenditure for the purposes designated until~~
1 26 ~~the close of the succeeding fiscal year.~~

1 27 EXPLANATION

1 28 This bill concerns moneys appropriated to the Iowa
1 29 department of public health from the beer and liquor control
1 30 fund for substance abuse and treatment and prevention
1 31 programs.

1 32 The bill provides that 25.5 percent of revenue received by
1 33 the alcoholic beverages division shall be transferred to the
1 34 Iowa department of public health on a monthly basis for
1 35 substance abuse treatment programs. The bill provides that



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Senate File 2093 - Introduced continued

2 1 the minimum amount transferred to the department in a fiscal
2 2 year is \$25 million. The bill provides that moneys
2 3 transferred to the department shall not revert at the close of
2 4 a fiscal year but shall remain available during the succeeding
2 5 fiscal year. Current law provides for the transfer of 7
2 6 percent of gross sales made by the division to a special
2 7 general fund account from which \$2 million, plus such
2 8 additional amount as determined by the general assembly, is
2 9 appropriated to the Iowa department of public health for
2 10 substance abuse and treatment programs.
2 11 LSB 5703XS 82
2 12 ec/nh/8



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Senate File 2094 - Introduced

SENATE FILE
BY KETTERING

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

A BILL FOR

- 1 An Act relating to transportation provided to children attending
- 2 a preschool program administered by a community empowerment
- 3 area.
- 4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 5 TLSB 5164XS 82
- 6 jp/nh/5



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Senate File 2094 - Introduced continued

PAG LIN

1 1 Section 1. Section 28.5, Code 2007, is amended by adding
1 2 the following new subsection:
1 3 NEW SUBSECTION. 4. If children attending a preschool
1 4 program administered by a community empowerment area are
1 5 regularly transported in order to attend the program in a
1 6 vehicle provided by a school district in which the preschool
1 7 is located, the vehicle may transport the children within
1 8 other school districts without receiving the approval of the
1 9 other school districts. The authorization provided by this
1 10 subsection is limited to transportation provided within
1 11 contiguous school districts to locations that are not more
1 12 than three linear miles from the boundary of the school
1 13 district providing the vehicle. The authorization is
1 14 applicable whether or not the transporting vehicle is a marked
1 15 school bus.

1 16 EXPLANATION

1 17 This bill relates to transportation provided to children
1 18 attending a preschool program administered by a community
1 19 empowerment area.
1 20 Code section 28.5, outlining general provisions for
1 21 community empowerment areas, is amended with a new subsection.
1 22 If children attending a preschool program administered by a
1 23 community empowerment area are regularly transported in order
1 24 to attend the program in a vehicle provided by a school
1 25 district in which the preschool is located, the vehicle may
1 26 transport the children within other school districts without
1 27 receiving the approval of the other school districts. The
1 28 authorization to transport without approval of the other
1 29 districts is limited to transportation provided within
1 30 contiguous school districts to locations that are not more
1 31 than three linear miles from the boundary of the school
1 32 district providing the vehicle. The authorization is
1 33 applicable whether or not the transporting vehicle is a marked
1 34 school bus.
1 35 LSB 5164XS 82



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Senate File 2094 - Introduced continued

2 1 jp/nh/5.1



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Senate File 2095 - Introduced

SENATE FILE
BY BOLKCOM

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

Passed House, Date _____
Vote: Ayes _____ Nays _____

A BILL FOR

1 An Act relating to domestic abuse protective orders and animals
2 owned or held by a petitioner, respondent, or minor child of
3 the petitioner or respondent in domestic abuse cases.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
5 TLSB 5137XS 82
6 rh/nh/5



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Senate File 2095 - Introduced continued

PAG LIN

1 1 Section 1. Section 236.3, subsection 6, Code 2007, is
1 2 amended to read as follows:
1 3 6. Name and age of each child under eighteen whose welfare
1 4 may be affected by the controversy. The petition may also
1 5 state any animal owned, possessed, leased, kept, or held by
1 6 the petitioner, respondent, or minor child of the petitioner
1 7 or respondent whose welfare may be affected by the
1 8 controversy.

1 9 Sec. 2. Section 236.4, subsection 2, Code 2007, is amended
1 10 to read as follows:

1 11 2. a. The court may enter any temporary order it deems
1 12 necessary to protect the plaintiff from domestic abuse prior
1 13 to the hearing, upon good cause shown in an ex parte
1 14 proceeding. Present danger of domestic abuse to the plaintiff
1 15 constitutes good cause for purposes of this subsection.

1 16 b. The court may include in the temporary order issued
1 17 pursuant to this subsection a grant to the petitioner of the
1 18 exclusive care, possession, or control of any animal owned,
1 19 possessed, leased, kept, or held by the petitioner,
1 20 respondent, or minor child of the petitioner or respondent.
1 21 The court may order the respondent to stay away from the
1 22 animal and forbid the respondent from taking, transferring,
1 23 encumbering, concealing, molesting, attacking, striking,
1 24 threatening, harming, or otherwise disposing of the animal.

1 25 Sec. 3. Section 236.5, subsection 2, Code 2007, is amended
1 26 by adding the following new paragraph:

1 27 NEW PARAGRAPH. f. The court may include in an order
1 28 issued pursuant to this section a grant to the petitioner of
1 29 the exclusive care, possession, or control of any animal
1 30 owned, possessed, leased, kept, or held by the petitioner,
1 31 respondent, or minor child of the petitioner or respondent.
1 32 The court may order the respondent to stay away from the
1 33 animal and forbid the respondent from taking, transferring,
1 34 encumbering, concealing, molesting, attacking, striking,
1 35 threatening, harming, or otherwise disposing of the animal.



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Senate File 2095 - Introduced continued

2 1 EXPLANATION
2 2 This bill relates to domestic abuse protective orders and
2 3 animals owned or held by a petitioner, respondent, or minor
2 4 child of the petitioner or respondent in domestic abuse cases.
2 5 The bill provides that a person who files a petition for
2 6 relief from domestic abuse pursuant to Code section 236.3 may
2 7 include any animal owned, possessed, leased, kept, or held by
2 8 the petitioner, respondent, or minor child of the petitioner
2 9 or respondent whose welfare may be affected by domestic abuse.
2 10 The bill further provides the court may include in both
2 11 temporary and permanent orders issued a grant to the
2 12 petitioner of the exclusive care, possession, or control of
2 13 any animal owned, possessed, leased, kept, or held by either
2 14 the petitioner, respondent, or minor child of the petitioner
2 15 or respondent. The court may order the respondent to stay
2 16 away from the animal and forbid the respondent from taking,
2 17 transferring, encumbering, concealing, molesting, attacking,
2 18 striking, threatening, harming, or otherwise disposing of the
2 19 animal.
2 20 LSB 5137XS 82
2 21 rh/nh/5



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Senate Study Bill 3116

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

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

Passed House, Date _____
Vote: Ayes _____ Nays _____

A BILL FOR

- 1 An Act relating to protection of personal information and notice
- 2 procedures following a breach of security.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 5495DP 82
- 5 md/rj/5



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Senate Study Bill 3116 continued

PAG LIN

1 1 Section 1. NEW SECTION. 23.1 SHORT TITLE.
1 2 This chapter shall be known and may be cited as the
1 3 "Personal Information Protection Act".
1 4 Sec. 2. NEW SECTION. 23.2 DEFINITIONS.
1 5 1. "Breach of security" means any of the following:
1 6 a. The unauthorized access to or acquisition of personal
1 7 information.
1 8 b. The unauthorized access to or acquisition of any
1 9 electronic device containing personal information that
1 10 compromises the security, confidentiality, or integrity of
1 11 such personal information.
1 12 c. The unauthorized disclosure of personal information
1 13 subsequent to a good faith, authorized access to or
1 14 acquisition of personal information.
1 15 2. "Government body" means government body as defined in
1 16 section 22.1.
1 17 3. "Personal information" means an individual's first name
1 18 or first initial and last name in combination with any one or
1 19 more of the following data elements that relate to the
1 20 individual if neither the name nor the data elements are
1 21 encrypted, redacted, or otherwise altered by any method or
1 22 technology in such a manner that the name or data elements are
1 23 unreadable:
1 24 a. Social security number.
1 25 b. Driver's license number or other unique identification
1 26 number created or collected by a government body.
1 27 c. Financial account number, credit card number, or debit
1 28 card number in combination with any required security code,
1 29 access code, or password that would permit access to an
1 30 individual's financial account.
1 31 d. Unique electronic identifier or routing code, in
1 32 combination with any required security code, access code, or
1 33 password.
1 34 e. Unique biometric data, such as a fingerprint, voice
1 35 print or recording, retina or iris image, or other unique



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Senate Study Bill 3116 continued

2 1 physical representation or digital representation of the
2 2 biometric data.
2 3 4. "Public records" means the same as defined in section
2 4 22.1.
2 5 Sec. 3. NEW SECTION. 23.3 PROTECTION OF PERSONAL
2 6 INFORMATION == DESTRUCTION OF PUBLIC RECORDS.
2 7 A government body shall do all of the following:
2 8 1. Take all reasonable steps to destroy or arrange for the
2 9 destruction of public records within its custody or control
2 10 containing personal information that is no longer required to
2 11 be retained by the government body by shredding, erasing, or
2 12 otherwise modifying the personal information in the public
2 13 records to make it unreadable or undecipherable through any
2 14 means.
2 15 2. If the government body is a lawful custodian of
2 16 personal information pursuant to chapter 22, the government
2 17 body shall implement and maintain reasonable security
2 18 procedures and practices appropriate to the nature of the
2 19 information to protect the personal information from
2 20 unauthorized access, destruction, use, modification, or
2 21 disclosure.
2 22 Sec. 4. NEW SECTION. 23.4 BREACH OF SECURITY == NOTICE.
2 23 1. A government body that collects, maintains, or
2 24 processes a public record containing personal information
2 25 shall disclose any breach of security to each affected
2 26 individual upon discovery or notification of the breach of
2 27 security. Notice shall be made in the most expedient time and
2 28 manner possible and without unreasonable delay, consistent
2 29 with any measures necessary to determine the scope of the
2 30 breach of security and with the legitimate needs of law
2 31 enforcement as provided in subsection 2.
2 32 2. If requested by a law enforcement agency, the
2 33 government body shall delay giving notice if notice may impede
2 34 a criminal investigation or endanger state or national
2 35 security. The request by a law enforcement agency shall be in



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Senate Study Bill 3116 continued

3 1 writing or documented in writing by the government body. The
3 2 written request shall include the name of the law enforcement
3 3 officer making the request and the name of the law enforcement
3 4 agency conducting the investigation or responsible for state
3 5 or national security. After the law enforcement agency
3 6 notifies the government body that notice of the breach of
3 7 security will no longer impede the investigation or endanger
3 8 state or national security, the government body shall give
3 9 notice to the affected individuals without unreasonable delay.
3 10 3. Notice provided by a government body shall be clear and
3 11 conspicuous and shall include all of the following:
3 12 a. A description of the incident causing the breach of
3 13 security.
3 14 b. The type of personal information compromised by the
3 15 breach of security.
3 16 c. A description of any remedial action taken by the
3 17 government body.
3 18 d. Contact information for an individual within the
3 19 government body with whom the individual may communicate in
3 20 order to receive further information and assistance.
3 21 e. A statement advising the affected individual to
3 22 thoroughly and continually review financial account
3 23 information and credit reports.
3 24 4. Notice shall be provided by at least one of the
3 25 following:
3 26 a. Written notice to the affected individual's last
3 27 address of record.
3 28 b. Electronic mail notice, if the affected individual has
3 29 agreed to receive communications electronically and the notice
3 30 complies with chapter 554D.
3 31 c. Telephonic notice, if the communication is made
3 32 directly with the affected individual.
3 33 d. Substitute notice, if the government body determines
3 34 that the cost of providing notice to the affected individual
3 35 under paragraphs "a" through "c" exceeds one hundred thousand



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4 1 dollars, the total cost of providing notice to all affected
4 2 individuals exceeds two hundred fifty thousand dollars, or the
4 3 government body does not have sufficient contact information
4 4 needed to provide notice under paragraphs "a" through "c".
4 5 Substitute notice shall consist of any of the following:
4 6 (1) Electronic mail notice.
4 7 (2) Conspicuous notice posted on the government body's
4 8 internet site.
4 9 (3) Notification through local or statewide media.
4 10 5. Notwithstanding the requirements of this section, a
4 11 government body that has approved its own notification
4 12 procedures for a breach of security involving personal
4 13 information, which are otherwise consistent with the
4 14 requirements of this chapter, shall be deemed to be in
4 15 compliance with this section if the government body notifies
4 16 the affected individuals of the breach of security in
4 17 accordance with its own procedures.

4 18 EXPLANATION

4 19 This bill requires a government body that collects,
4 20 maintains, or processes a public record containing personal
4 21 information to disclose any breach of security to an affected
4 22 individual upon discovery or notification of the breach. The
4 23 bill defines "personal information" as an individual's first
4 24 name or first initial and last name in combination with one or
4 25 more data elements from a specified list, if neither the name
4 26 nor the data elements are encrypted, redacted, or otherwise
4 27 altered in such a manner that the name or data elements are
4 28 unreadable.

4 29 Disclosure by a government body shall be in the form of
4 30 notice and shall be made in the most expedient time and manner
4 31 possible. Notice shall also be consistent with any measures
4 32 necessary to determine the scope of the breach and with the
4 33 legitimate needs of law enforcement. If requested by a law
4 34 enforcement agency, the government body shall delay giving
4 35 notice if doing so would impede a criminal investigation or



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5 1 endanger state or national security. The request by a law
5 2 enforcement agency shall be in writing or documented in
5 3 writing by the government body.
5 4 Notice to an affected individual shall be clear and
5 5 conspicuous, and shall include a description of the incident
5 6 causing the breach, the type of personal information
5 7 compromised by the breach, a description of any remedial
5 8 action taken by the government body, contact information where
5 9 the affected individual may call for further information and
5 10 assistance, and a statement advising the affected individual
5 11 to thoroughly and continually review financial account
5 12 information and credit reports.
5 13 The bill provides three methods by which notice may be
5 14 given. The three methods are written notice to the affected
5 15 individual's last address of record, electronic mail notice if
5 16 the affected individual has agreed to receive communications
5 17 electronically, and telephonic notice if the communication is
5 18 directly with the affected individual. The bill also allows
5 19 for substitute notice if the government body determines that
5 20 the cost of providing notice to the affected individual
5 21 exceeds \$100,000, the total cost of providing notice to all
5 22 affected individuals exceeds \$250,000, or the government body
5 23 does not have sufficient contact information needed to provide
5 24 notice. Substitute notice consists of electronic mail notice,
5 25 conspicuous notice posted on the government body's internet
5 26 site, or notification through local or statewide media.
5 27 The bill requires a government body to take all reasonable
5 28 steps to destroy public records containing personal
5 29 information that are no longer required to be retained by the
5 30 government body and implement reasonable security procedures
5 31 to protect personal information from unauthorized access,
5 32 destruction, use, modification, or disclosure.
5 33 The bill permits a government body to approve and implement
5 34 its own notification procedures for a breach of security
5 35 involving personal information, so long as those procedures



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6 1 are consistent with the requirements of new Code chapter 23.
6 2 LSB 5495DP 82
6 3 md/rj/5.1



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Senate Study Bill 3117

SENATE FILE
BY (PROPOSED COMMITTEE ON
STATE GOVERNMENT BILL BY
BY CHAIRPERSON CONNOLLY)

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

Passed House, Date _____
Vote: Ayes _____ Nays _____

A BILL FOR

- 1 An Act relating to the regulation of the practice of certified
- 2 public accounting.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 5152SC 82
- 5 jr/rj/8



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1 1 Section 1. Section 542.3, subsection 1, Code 2007, is
1 2 amended by adding the following new paragraph:

1 3 NEW PARAGRAPH. d. Any engagement to be performed in
1 4 accordance with the standards of the public company accounting
1 5 oversight board.

1 6 Sec. 2. Section 542.3, Code 2007, is amended by adding the
1 7 following new subsections:

1 8 NEW SUBSECTION. 9A. "Home office" means the client's
1 9 office, as specified by the client, to which an audit or
1 10 attest service is directed.

1 11 NEW SUBSECTION. 20A. "Principal place of business" means
1 12 the office location designated by the certificate holder or
1 13 person who has practice privileges pursuant to section 542.19.

1 14 Sec. 3. Section 542.3, subsections 3, 4, 5, 10, and 13,
1 15 Code 2007, are amended to read as follows:

1 16 3. "Certificate" means a certificate as a certified public
1 17 accountant issued under section 542.6 ~~or 542.19~~, or a
1 18 certificate issued under corresponding prior law. As used in
1 19 section 542.13, "certificate" also means a certificate issued
1 20 by another state to a person with practice privileges pursuant
1 21 to section 542.19.

1 22 4. "Certified public accountant" means a person licensed
1 23 by the board who holds a certificate issued under this chapter
1 24 or corresponding prior law or a person who holds a certificate
1 25 or is licensed by another state who holds a certificate issued
1 26 by that state and who has practice privileges pursuant to
1 27 section 542.19.

1 28 5. "Certified public accounting firm" means a sole
1 29 proprietorship, a corporation, a partnership, a limited
1 30 liability company, or any other form of organization issued a
1 31 permit to practice as a firm of certified public accountants
1 32 under section 542.7. As used in section 542.13, "certified
1 33 public accounting firm" also means a firm of certified public
1 34 accountants with practice privileges pursuant to section
1 35 542.19.



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2 1 10. "License" means a certificate issued under section
2 2 542.6 or by another state if the holder has practice
2 3 privileges pursuant to section 542.19, a permit issued under
2 4 section 542.7, or a license issued under section 542.8; or a
2 5 certificate, permit, or license issued under corresponding
2 6 prior law.

2 7 13. "Licensee" means the holder of a license or a person
2 8 with practice privileges pursuant to section 542.19.

2 9 Sec. 4. Section 542.4, subsections 1 and 2, Code 2007, are
2 10 amended to read as follows:

2 11 1. An Iowa accountancy examining board is created within
2 12 the professional licensing and regulation bureau of the
2 13 banking division of the department of commerce to administer
2 14 and enforce this chapter. The board shall consist of eight
2 15 members, appointed by the governor and subject to senate
2 16 confirmation, all of whom shall be residents of this state.
2 17 Five of the eight members shall be holders of certificates
2 18 issued under section 542.6, one member shall be the holder of
2 19 a license issued under section 542.8, and two shall not be
2 20 certified public accountants or licensed public accountants
2 21 and shall represent the general public. At least three of the
2 22 holders of certificates issued under section 542.6 shall also
2 23 be qualified to supervise attest services as provided in
2 24 section 542.7. ~~A certified or licensed member of the board~~
~~2 25 shall be actively engaged in practice as a certified public~~
~~2 26 accountant or as a licensed public accountant and shall have~~
~~2 27 been so engaged for five years preceding appointment, the last~~
~~2 28 two of which shall have been in this state.~~ Professional
2 29 associations or societies composed of certified public
2 30 accountants or licensed public accountants may recommend the
2 31 names of potential board members to the governor. However,
2 32 the governor is not bound by the recommendations. A board
2 33 member is not required to be a member of any professional
2 34 association or society composed of certified public
2 35 accountants or licensed public accountants. The term of each



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3 1 member of the board shall be three years, as designated by the
3 2 governor, and appointments to the board are subject to the
3 3 requirements of sections 69.16, 69.16A, and 69.19. Members of
3 4 the board appointed and serving pursuant to chapter 542C, Code
3 5 2001, on July 1, 2002, shall serve out the terms for which
3 6 they were appointed. Vacancies occurring during a term shall
3 7 be filled by appointment by the governor for the unexpired
3 8 term. Upon the expiration of the member's term of office, a
3 9 member shall continue to serve until a successor shall have
3 10 been appointed and taken office. The public members of the
3 11 board shall be allowed to participate in administrative,
3 12 clerical, or ministerial functions incident to giving the
3 13 examinations, but shall not determine the content or determine
3 14 the correctness of the answers. The licensed public
3 15 accountant member shall not determine the content of the
3 16 certified public accountant examination or determine the
3 17 correctness of the answers. Any member of the board whose
3 18 certificate under section 542.6 or license under section 542.8
3 19 is revoked or suspended shall automatically cease to be a
3 20 member of the board, and the governor may, after a hearing,
3 21 remove any member of the board for neglect of duty or other
3 22 just cause. A person who has served three successive complete
3 23 terms shall not be eligible for reappointment, but appointment
3 24 to fill an unexpired term shall not be considered a complete
3 25 term for this purpose.

3 26 2. The board shall elect annually from among its members a
3 27 chairperson and such other officers as the board may determine
3 28 to be appropriate. The board shall meet at such times and
3 29 places as may be fixed by the board. A majority of the board
3 30 members in office shall constitute a quorum at any meeting.
3 31 The board shall maintain a registry of the names and addresses
3 32 of all ~~licensees and permittees under this chapter~~ holders of
3 33 a certificate, permit, or license issued pursuant to this
3 34 chapter or under corresponding prior law.

3 35 Sec. 5. Section 542.7, subsection 1, Code 2007, is amended



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4 1 by striking the subsection and inserting in lieu thereof the
4 2 following:

4 3 1. The board shall issue or renew a permit to practice as
4 4 a certified public accounting firm to an applicant that
4 5 demonstrates qualifications in accordance with this section.

4 6 a. The following firms must hold a permit to practice
4 7 issued pursuant to this section:

4 8 (1) A firm with an office in this state performing attest
4 9 services.

4 10 (2) A firm with an office in this state that uses the
4 11 title "CPA" or "CPA firm".

4 12 (3) A firm that does not have an office in this state but
4 13 performs the attest services described in section 542.3,
4 14 subsection 1, paragraph "a" or "c" for a client having its
4 15 home office in this state.

4 16 b. A firm which does not have an office in this state may
4 17 perform services described in section 542.3, subsection 1,
4 18 paragraph "b", or section 542.3, subsection 8, for a client
4 19 having its home office in this state and may use the title
4 20 "CPA" or "CPA firm" without a permit issued under this section
4 21 only if the firm meets all of the following requirements:

4 22 (1) The firm has the qualifications described in
4 23 subsections 3 and 8.

4 24 (2) The firm performs those services through an individual
4 25 with practice privileges pursuant to section 542.19.

4 26 c. A firm not subject to the requirements of paragraph
4 27 "a", subparagraph (3), or paragraph "b", may perform other
4 28 professional services while using the title "CPA" or "CPA
4 29 firm" in this state without a permit issued pursuant to this
4 30 section only if the firm meets all of the following
4 31 requirements:

4 32 (1) The firm performs those services through an individual
4 33 with practice privileges under section 542.19.

4 34 (2) The firm lawfully performs those services in this
4 35 state where such an individual with practice privileges has



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Senate Study Bill 3117 continued

5 1 the individual's principal place of business.

5 2 Sec. 6. Section 542.7, subsection 3, Code 2007, is amended
5 3 to read as follows:

5 4 3. a. An applicant for initial issuance or renewal of a
5 5 permit to practice as a firm shall show that notwithstanding
5 6 any other provision of law, a simple majority of the ownership
5 7 of the firm, in terms of financial interests and voting rights
5 8 of all partners, officers, shareholders, members, and
5 9 managers, belongs to holders of a certificate issued by a
5 10 state, and that such partners, officers, shareholders,
5 11 members, and managers, who perform professional services in
5 12 this state or for clients in this state, hold a certificate
5 13 issued under section 542.6 or by another state with practice
5 14 privileges pursuant to section 542.19.

5 15 b. A certified public accounting firm may include a
5 16 nonlicensee owner, provided all of the following occur:

5 17 (1) Such firm designates a licensee who is responsible for
5 18 the proper registration of the firm, and identifies that
5 19 individual to the board.

5 20 (2) All nonlicensee owners are active participants in the
5 21 firm or an affiliated entity.

~~5 22 (3) All nonlicensee owners participate in a program of
5 23 learning designed to maintain professional competency in
5 24 compliance with rules adopted by the board which shall include
5 25 requiring compliance with requirements imposed by a regulatory
5 26 authority charged with regulation of a nonlicensee owner's
5 27 professional or occupational license which is relevant to the
5 28 firm's services.~~

~~5 29 (4) All nonlicensee owners comply with all applicable
5 30 rules of professional conduct adopted by the board, and their
5 31 own regulatory authority.~~

5 32 (5) (3) Such firm complies with other requirements as
5 33 established by the board by rule.

5 34 c. A licensee who is responsible for supervising attest or
5 35 compilation services and signs or authorizes someone to sign



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Senate Study Bill 3117 continued

6 1 the accountant's report on the financial statements on behalf
6 2 of the firm shall meet the ~~experience or~~ competency
6 3 requirements set out in nationally recognized professional
6 4 standards for such services.

6 5 d. A licensee who signs or authorizes someone to sign the
6 6 accountant's report on the financial statements on behalf of
6 7 the firm shall meet the ~~experience or~~ competency requirements
6 8 established in paragraph "c".

6 9 Sec. 7. Section 542.7, subsection 4, Code 2007, is amended
6 10 to read as follows:

6 11 4. An applicant for initial issuance or renewal of a
6 12 permit to practice as a certified public accounting firm is
6 13 required to register each office of the firm within this state
6 14 with the board and to show that all attest and compilation
6 15 services rendered in this state are under the charge of a
6 16 person holding a valid certificate issued under section 542.6
6 17 or by another state with practice privileges pursuant to
6 18 section 542.19.

6 19 Sec. 8. Section 542.9, Code 2007, is amended to read as
6 20 follows:

6 21 542.9 APPOINTMENT OF SECRETARY OF STATE AS AGENT.

6 22 Application for a certificate under section 542.6, a
6 23 license under section 542.8, or a permit to practice under
6 24 section 542.7, ~~or a certificate under section 542.19~~ by a
6 25 person or a firm not a resident of this state constitutes
6 26 appointment of the secretary of state as the applicant's agent
6 27 upon whom process may be served in any action or proceeding
6 28 against the applicant arising out of a transaction or
6 29 operation connected with or incidental to services performed
6 30 by the applicant while a licensee within this state.

6 31 Sec. 9. Section 542.10, subsection 1, unnumbered paragraph
6 32 1, Code 2007, is amended to read as follows:

6 33 After notice and hearing pursuant to section 542.11, the
6 34 board may revoke, suspend for a period of time not to exceed
6 35 two years, or refuse to renew a license or practice



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7 1 privileges; reprimand, censure, or limit the scope of practice
7 2 of any licensee; impose an administrative penalty not to
7 3 exceed one thousand dollars per violation; or place any
7 4 licensee on probation; all with or without terms, conditions,
7 5 and in combinations of remedies, for any one or more of the
7 6 following reasons:

7 7 Sec. 10. Section 542.12, subsection 1, Code 2007, is
7 8 amended to read as follows:

7 9 1. In any case in which the board has suspended, revoked,
7 10 or restricted a license or practice privileges, refused to
7 11 renew a license, or accepted the voluntary surrender of a
7 12 license to conclude a pending disciplinary investigation or
7 13 action, the board may, upon written application, modify or
7 14 terminate the suspension, reissue the license, or modify or
7 15 remove the restriction, with or without terms and conditions.

7 16 Sec. 11. Section 542.13, subsections 7, 9, and 12, Code
7 17 2007, are amended to read as follows:

7 18 7. A person or firm not holding a certificate, permit, or
7 19 license issued under section 542.6, 542.7, 542.8, or by
7 20 another state with practice privileges pursuant to section

7 21 542.19 shall not assume or use the title "certified
7 22 accountant", "chartered accountant", "enrolled accountant",
7 23 "licensed accountant", "registered accountant", "accredited
7 24 accountant", or any other title or designation likely to be
7 25 confused with the title "certified public accountant" or
7 26 "licensed public accountant", or use any of the abbreviations
7 27 "CA", "LA", "RA", "AA", or similar abbreviation likely to be
7 28 confused with the abbreviation "CPA" or "LPA". The title
7 29 "enrolled agent" or "EA" may be used by individuals so
7 30 designated by the internal revenue service. Nothing in this
7 31 section shall restrict truthful advertising of a bona fide
7 32 credential or title which in context is not deceptive or
7 33 misleading to the public.

7 34 9. A person or firm not holding a certificate, permit, or
7 35 license issued under section 542.6, 542.7, 542.8, or by



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8 1 another state with practice privileges pursuant to section
8 2 542.19 shall not assume or use any title or designation that
8 3 includes the word "accountant", "auditor", or "accounting" in
8 4 connection with any other language that implies that such
8 5 person or firm holds such a certificate, permit, or license or
8 6 has special competence as an accountant or auditor. However,
8 7 this subsection does not prohibit an officer, partner, member,
8 8 manager, or employee of a firm or organization from affixing
8 9 that person's own signature to a statement in reference to the
8 10 financial affairs of such firm or organization with wording
8 11 which designates the position, title, or office that the
8 12 person holds, or prohibit any act of a public official or
8 13 employee in the performance of such person's duties. This
~~8 14 subsection does not otherwise prohibit the use of the title or~~
~~8 15 designation "accountant" by persons other than those holding a~~
~~8 16 certificate or license under this chapter.~~

8 17 12. A holder of a certificate issued under section 542.6
8 18 or by another state with practice privileges pursuant to
8 19 section 542.19 shall not perform attest services in a firm
8 20 that does not hold a permit issued under section 542.7.

8 21 Sec. 12. Section 542.19, Code 2007, is amended to read as
8 22 follows:

8 23 542.19 SUBSTANTIAL EQUIVALENCY.

8 24 1. An individual whose principal place of business is not
8 25 in this state shall be ~~granted a certificate to practice as a~~
~~8 26 certified public accountant in this state if the board~~
~~8 27 determines that~~ presumed to have qualifications substantially
8 28 equivalent to this state's qualification requirements and
8 29 shall have all the privileges of certificate holders of this
8 30 state without the need to obtain a certificate pursuant to
8 31 section 542.5 if the individual holds in good standing a valid
8 32 certificate or license to practice as a certified public
8 33 accountant in the state in which the individual's principal
8 34 place of business is located, and that the individual
8 35 satisfies one of the following conditions:



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9 1 a. The other state's licensing or certification standards
9 2 are substantially equivalent to those required by this
9 3 chapter.

9 4 b. The ~~applicant's individual~~ individual's qualifications
9 5 are substantially equivalent to those required by section
9 6 542.5.

9 7 c. The ~~applicant~~ individual satisfies all of the
9 8 following:

9 9 (1) The ~~applicant~~ individual passed the examination
9 10 required for issuance of the ~~applicant's~~ individual's
9 11 certificate or license with grades that would have been
9 12 passing grades at the time in this state+.

9 13 (2) The ~~applicant~~ individual has at least four years of
9 14 experience within the ten years immediately preceding the
9 15 application which occurred after passing the examination upon
9 16 which the ~~applicant's~~ individual's certificate or license was
9 17 based and which in the board's opinion is substantially
9 18 equivalent to that required by section 542.5, subsection 12+
~~9 19 and,.~~

~~9 20 (3) If the applicant's certificate or license was issued
9 21 more than four years prior to the filing of the application in
9 22 this state, the applicant has fulfilled the continuing
9 23 professional education requirements described in section
9 24 542.6, subsection 3.~~

9 25 2. An individual who offers or renders professional
9 26 services, whether in person, by mail, telephone, or electronic
9 27 means, under this section shall be granted practice privileges
9 28 in this state, subject to the provisions of subsection 6, and
9 29 no notice or other submission shall be required of such
9 30 individual.

9 31 3. An individual exercising practice privileges pursuant
9 32 to this section shall only exercise those privileges through a
9 33 firm holding a permit issued under section 542.7 when
9 34 performing the following services for a client with its home
9 35 office in this state:



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10 1 a. A financial statement audit or other engagement
10 2 performed in accordance with statements on auditing standards.

10 3 b. An examination of prospective financial information
10 4 performed in accordance with statements on standards of
10 5 attestation engagements.

10 6 c. Any engagement performed in accordance with public
10 7 company accounting oversight board standards.

10 8 ~~2.~~ 4. An individual who holds in good standing a valid
10 9 certificate or license to practice as a certified public
10 10 accountant in another state and who desires to establish the
10 11 holder's principal place of business in this state shall
10 12 request the issuance of a certificate from the board prior to
10 13 establishing such principal place of business. The board
10 14 shall issue a certificate to an individual who satisfies one
10 15 or more of the conditions described in subsection 1.

10 16 ~~3.~~ 5. The board shall issue a certificate to a holder of a
10 17 substantially equivalent foreign designation, upon
10 18 satisfaction of all of the following:

10 19 a. The foreign authority which issued the designation
10 20 allows a person who holds a valid certificate issued by this
10 21 state to obtain such foreign authority's comparable
10 22 designation.

10 23 b. The foreign designation satisfies all of the following:

10 24 (1) The designation was issued by a foreign authority that
10 25 regulates the practice of public accountancy and the foreign
10 26 designation has not expired or been revoked or suspended.

10 27 (2) The designation entitles the holder to issue reports
10 28 on financial statements.

10 29 (3) The designation was issued upon the basis of
10 30 education, examination, and experience requirements
10 31 established by the foreign authority or by law.

10 32 c. The applicant satisfies all of the following:

10 33 (1) The designation was issued based on education and
10 34 examination standards substantially equivalent to those in
10 35 effect in this state at the time the foreign designation was



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11 1 granted.

11 2 (2) The applicant satisfies an experience requirement,
11 3 substantially equivalent to the requirement set out in section
11 4 542.5, subsection 12, in the jurisdiction which issued the
11 5 foreign designation or has completed four years of
11 6 professional experience in this state; or meets equivalent
11 7 requirements prescribed by the board by rule, within the ten
11 8 years immediately preceding the application.

11 9 (3) The applicant has passed qualifying examinations in
11 10 national standards and the laws, rules, and code of ethical
11 11 conduct in effect in this state.

11 12 (4) The applicant shall list in the application all
11 13 jurisdictions, foreign and domestic, in which the applicant
11 14 has applied for or holds a designation to practice public
11 15 accountancy. A holder of a certificate issued under this
11 16 section shall notify the board in writing, within thirty days
11 17 after its occurrence, of any issuance, denial, revocation, or
11 18 suspension of a designation or commencement of a disciplinary
11 19 or enforcement action by any jurisdiction.

11 20 ~~4. 6. An applicant under this section shall comply with~~
~~11 21 all applicable provisions of section 542.5, subsections 1~~
~~11 22 through 6, and section 542.6. An individual certificate~~
~~11 23 holder of another state and the firm which employs that~~
~~11 24 certificate holder shall, by exercising the privileges~~
~~11 25 afforded under this section, be deemed to have appointed the~~
~~11 26 secretary of state as the certificate holder's agent upon whom~~
~~11 27 process may be served in any action or proceeding against the~~
~~11 28 certificate holder or the certificate holder's employer~~
~~11 29 arising out of a transaction or operation connected with or~~
~~11 30 incidental to services performed within this state. In~~
~~11 31 addition the certificate holder and the certificate holder's~~
~~11 32 employer are further deemed to agree, as a condition of the~~
~~11 33 granting of these privileges, to all of the following:~~
11 34 a. To be subject to the personal and subject matter
11 35 jurisdiction and disciplinary authority of the board.



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12 1 b. To comply with this chapter and the board's rules.
12 2 c. To cease offering or rendering professional services in
12 3 this state if the certificate or license from the state of the
12 4 individual's principal place of business is no longer valid.
12 5 d. To the appointment of the state accountancy board which
12 6 issued the certificate as the agent upon whom process may be
12 7 served in any action or proceeding by the board against the
12 8 certificate holder.

12 9 ~~5. 7. The board shall adopt rules to implement administer~~
12 10 ~~this section which will expedite the application process to~~
12 11 ~~the extent reasonably possible.~~

EXPLANATION

12 13 This bill makes several revisions relating to the
12 14 certification and regulation of public accountants. The major
12 15 revision appears in the bill section amending Code section
12 16 542.19. It provides that an individual who holds, in good
12 17 standing, a valid certificate or license to practice as a
12 18 certified public accountant in another state is automatically
12 19 presumed to have qualifications substantially equivalent to
12 20 Iowa requirements and has all the privileges of Iowa
12 21 certificate holders of this state without the need to obtain
12 22 an Iowa certificate. This privilege extends to individuals
12 23 who provide professional services, whether in person, by mail,
12 24 telephone, or electronic means. Certain services are limited
12 25 to individuals employed by a firm holding an Iowa permit
12 26 issued under Code section 542.7. An individual providing
12 27 services in Iowa under this privilege is subject to the
12 28 jurisdiction of Iowa courts and the Iowa examining accountancy
12 29 board.

12 30 The bill also eliminates a requirement that certified or
12 31 licensed members of the accountancy board must be actively
12 32 engaged in the practice of a certified or licensed public
12 33 accountant for the preceding five years.

12 34 The bill also eliminates provisions requiring continuing
12 35 education for nonlicensee owners of a certified public



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13 1 accounting firm and requiring them to comply with applicable
13 2 rules of professional conduct.
13 3 The bill also eliminates certain experience requirements
13 4 relating to attest or compilation services and accountants
13 5 reports on the financial statements. The bill also eliminates
13 6 a current provision allowing an uncertified person or
13 7 unlicensed firm to use the term "accountant".
13 8 LSB 5152SC 82
13 9 jr/rj/8



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SENATE/HOUSE FILE
BY (PROPOSED SECRETARY OF
STATE BILL)

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

Passed House, Date _____
Vote: Ayes _____ Nays _____

A BILL FOR

- 1 An Act making technical and corrective changes to the law
- 2 relating to elections and voter registration and making a
- 3 penalty applicable.
- 4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 5 TLSB 5418DP 82
- 6 sc/nh/5



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PAG LIN

1 1 Section 1. Section 2.27, Code Supplement 2007, is amended
1 2 to read as follows:

1 3 2.27 CANVASS OF VOTES FOR GOVERNOR.

1 4 The general assembly shall meet in joint session on the
1 5 same day the assembly first convenes in January of 1979 and
1 6 every four years thereafter as soon as both houses have been
1 7 organized, and canvass the votes cast for governor and
1 8 lieutenant governor and determine the election. When the
1 9 canvass is completed, the oath of office shall be administered
1 10 to the persons ~~or person~~ so declared elected. Upon being
1 11 inaugurated the governor shall deliver to the joint assembly
1 12 any message the governor may deem expedient.

1 13 Sec. 2. Section 43.4, unnumbered paragraph 4, Code 2007,
1 14 is amended to read as follows:

1 15 Within fourteen days after the date of the caucus the
1 16 county central committee shall certify to the county
1 17 commissioner the names of those elected as party committee
1 18 members and delegates to the county convention. The
1 19 commissioner shall retain caucus records for two years. In
1 20 addition, within fourteen days after the date of the caucus,
1 21 the chairperson of the county central committee shall deliver
1 22 to the county commissioner all completed voter registration
1 23 forms received at the caucus.

1 24 Sec. 3. Section 43.5, Code 2007, is amended to read as
1 25 follows:

1 26 43.5 APPLICABLE STATUTES.

1 27 The provisions of chapters 39, 39A, 47, 48A, 49, 50, 51,
1 28 52, 53, 57, 58, 59, 61, 62, 68A, and 722 shall apply, so far
1 29 as applicable, to all primary elections, except as hereinafter
1 30 provided.

1 31 Sec. 4. NEW SECTION. 43.31 FORM OF OFFICIAL BALLOT ==
1 32 IMPLEMENTATION BY RULE.

1 33 The state commissioner shall adopt rules in accordance with
1 34 chapter 17A to implement sections 43.27 through 43.30, section
1 35 43.36, sections 49.30 through 49.41, section 49.57, and any



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2 1 other provision of the law prescribing the form of the
2 2 official ballot.

2 3 Sec. 5. Section 43.77, subsection 4, Code 2007, is amended
2 4 to read as follows:

2 5 4. A vacancy has occurred in the office of senator in the
2 6 Congress of the United States, ~~lieutenant governor~~, secretary
2 7 of state, auditor of state, treasurer of state, secretary of
2 8 agriculture, or attorney general, under the circumstances
2 9 described in section 69.13, less than eighty-nine days before
2 10 the primary election and not less than eighty-nine days before
2 11 the general election.

2 12 Sec. 6. Section 44.5, Code 2007, is amended to read as
2 13 follows:

2 14 44.5 NOTICE OF OBJECTIONS.

2 15 When objections are filed notice shall ~~forthwith~~
2 16 immediately be given to the affected candidate ~~affected~~
~~2 17 thereby~~. The notice shall be addressed to the candidate's
2 18 place of residence as given in the certificate of nomination,
2 19 stating that objections have been made to ~~said~~ the
2 20 certificate, also stating. The notice shall include the time
2 21 and place ~~such~~ of the hearing at which the objections will be
2 22 considered. The hearing shall be held not later than one week
2 23 after the objection is filed.

2 24 Sec. 7. Section 45.1, subsection 2, Code Supplement 2007,
2 25 is amended to read as follows:

2 26 2. Nominations for candidates for a representative in the
2 27 United States house of representatives may be made by
2 28 nomination petitions signed by not less than the number of
2 29 eligible electors equal to the number of signatures required
2 30 in subsection 1 divided by the number of congressional
2 31 districts. Signers of the petition shall be residents of the
2 32 congressional district.

2 33 Sec. 8. Section 48A.2, subsection 5, Code Supplement 2007,
2 34 is amended to read as follows:

2 35 5. "Voter registration form" means ~~an application~~ the form



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3 1 prescribed by the voter registration commission that shall be
3 2 completed by any person applying to register to vote and which
3 3 must be completed by any person registering to vote may be
3 4 used to make changes in an existing voter registration record.

3 5 Sec. 9. Section 48A.25A, subsection 1, Code Supplement
3 6 2007, is amended to read as follows:

3 7 1. Upon receipt of an application for voter registration
3 8 ~~by mail~~, the state registrar of voters shall compare the Iowa
3 9 driver's license number, the Iowa nonoperator's identification
3 10 card number, or the last four numerals of the social security
3 11 number provided by the registrant with the records of the
3 12 state department of transportation. To be verified, the voter
3 13 registration record shall contain the same name, date of
3 14 birth, and Iowa driver's license number or Iowa nonoperator's
3 15 identification card number or whole or partial social security
3 16 number as the records of the state department of
3 17 transportation. If the information cannot be verified, the
3 18 application shall be rejected and the registrant shall be
3 19 notified of the reason for the rejection. If the information
3 20 can be verified, a record shall be made of the verification
3 21 and the application shall be accepted.

3 22 Sec. 10. Section 48A.37, subsection 1, Code Supplement
3 23 2007, is amended to read as follows:

3 24 1. Voter registration records shall be maintained in an
3 25 electronic medium. A history of local election participation
3 26 shall be maintained as part of the electronic record for at
3 27 least two general, primary, school, and city elections.
3 28 Absentee voting shall be recorded for the previous two general
3 29 and primary elections. Any person who cast a ballot that was
3 30 accepted for counting shall be recorded as having voted,
3 31 including ballots cast at the polls on election day, absentee
3 32 ballots, and provisional ballots. A person whose ballot was
3 33 not accepted for counting shall not be recorded as having
3 34 voted. After each election, the county commissioner shall
3 35 update telephone numbers provided by registered voters



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4 1 pursuant to section 49.77.

4 2 Sec. 11. Section 49.25, subsection 3, Code Supplement
4 3 2007, is amended to read as follows:

4 4 3. The commissioner shall furnish to each precinct where
4 5 voting is to be by paper ballot or optical scan ballot, rather
4 6 than by voting machine, the necessary ballot boxes, suitably
4 7 equipped with seals or locks and keys, and voting booths. The
4 8 voting booths shall be approved by the board of examiners for
4 9 ~~voting machines and optical scan voting~~ systems and shall
4 10 provide for voting in secrecy. At least one voting booth in
4 11 each precinct shall be accessible to persons with
4 12 disabilities. If the lighting in the polling place is
4 13 inadequate, the voting booths used in that precinct shall
4 14 include lights. Ballot boxes shall be locked or sealed before
4 15 the polls open and shall remain locked or sealed until the
4 16 polls are closed, except as provided in section 51.7 or to
4 17 provide necessary service to a malfunctioning portable ~~vote~~
4 18 ~~tallying tabulating~~ device. If a ballot box is opened prior
4 19 to the closing of the polls, two precinct election officials
4 20 not of the same party shall be present and observe the ballot
4 21 box being opened.

4 22 Sec. 12. Section 49.37, Code 2007, is amended by adding
4 23 the following new subsection:

4 24 NEW SUBSECTION. 2A. The commissioner shall arrange
4 25 federal and state offices on the ballot in the following
4 26 order:

- 4 27 a. President of the United States.
- 4 28 b. United States senator.
- 4 29 c. United States representative.
- 4 30 d. Governor.
- 4 31 e. Other elective state officers in the order in which
4 32 they appear in section 39.9.
- 4 33 f. District officers in the order in which they appear in
4 34 sections 39.15 and 39.16.

4 35 Sec. 13. Section 49.53, subsection 1, Code Supplement



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5 1 2007, is amended to read as follows:

5 2 1. The commissioner shall not less than four nor more than
5 3 twenty days before the day of each election, except those for
5 4 which different publication requirements are prescribed by
5 5 law, publish notice of the election. The notice shall contain
5 6 a facsimile of the portion of the ballot containing the first
5 7 rotation as prescribed by section 49.31, subsection 2, and
5 8 shall show the names of all candidates or nominees and the
5 9 office each seeks, and all public questions, to be voted upon
5 10 at the election. The sample ballot published as a part of the
5 11 notice may at the discretion of the commissioner be reduced in
5 12 size relative to the actual ballot but such reduction shall
5 13 not cause upper case letters appearing in candidates' names or
5 14 in summaries of public measures on the published sample ballot
5 15 to be less than ninety percent of the size of such upper case
5 16 letters appearing on the actual ballot. The notice shall also
5 17 state the date of the election, the hours the polls will be
5 18 open, the location of each polling place at which voting is to
5 19 occur in the election, ~~the location of the polling places~~
~~5 20 designated as early ballot pick-up sites,~~ and the names of the
5 21 precincts voting at each polling place, but the statement need
5 22 not set forth any fact which is apparent from the portion of
5 23 the ballot appearing as a part of the same notice. The notice
5 24 shall include the full text of all public measures to be voted
5 25 upon at the election.

5 26 Sec. 14. Section 49.57, subsection 6, Code Supplement
5 27 2007, is amended to read as follows:

5 28 6. A portion of the ballot, which can be shown to the
5 29 precinct officials without revealing any of the marks made by
5 30 the voter, shall include the words "Official ballot" in upper
5 31 case letters printed in bold type, the unique identification
5 32 number or name assigned by the commissioner to the ballot
5 33 style, the date of the election, and a facsimile of the
5 34 signature of the commissioner who has caused the ballot to be
5 35 printed pursuant to section 49.51.



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6 1 Sec. 15. Section 49.57, Code Supplement 2007, is amended
6 2 by adding the following new subsection:

6 3 NEW SUBSECTION. 8. The following headings shall be
6 4 printed on the ballot, if applicable, in bold type:

- 6 5 a. "Voting mark".
- 6 6 b. "Optional write-in".
- 6 7 c. "Partisan Offices".
- 6 8 d. "Straight Party Voting".
- 6 9 e. "Other Political Organizations".
- 6 10 f. "Federal Offices".
- 6 11 g. "State Offices".
- 6 12 h. Each office title.

6 13 Sec. 16. NEW SECTION. 49.57A FORM OF OFFICIAL BALLOT ==
6 14 IMPLEMENTATION BY RULE.

6 15 The state commissioner shall adopt rules in accordance with
6 16 chapter 17A to implement sections 49.30 through 49.41, section
6 17 49.57, and any other provision of the law prescribing the form
6 18 of the official ballot.

6 19 Sec. 17. Section 49.77, subsection 3, unnumbered paragraph
6 20 2, Code Supplement 2007, is amended to read as follows:

6 21 A precinct election official may require of the voter
6 22 unknown to the official, identification ~~upon which the voter's~~
~~signature or mark appears~~ in the form prescribed by the state
6 24 commissioner. If identification is established to the

6 25 satisfaction of the precinct election officials, the person
6 26 may then be allowed to vote.

6 27 Sec. 18. Section 49.77, subsection 4, paragraph c, Code
6 28 Supplement 2007, is amended to read as follows:

6 29 c. A person who has ~~been sent~~ requested an absentee ballot
6 30 by mail ~~but for any reason has not received it~~ shall be
6 31 permitted to cast a ballot in person pursuant to section 53.19
6 32 and in the manner prescribed by section 49.81.

6 33 Sec. 19. Section 49.81, subsection 1, Code 2007, is
6 34 amended to read as follows:

6 35 1. A prospective voter who is prohibited under section



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7 1 48A.8, subsection 4, section 49.77, subsection 4, or section
7 2 49.80 from voting except under this section shall be notified
7 3 by the appropriate precinct election official that the voter
7 4 may cast a provisional ballot. If a booth meeting the
7 5 requirement of section 49.25 is not available at that polling
7 6 place, the precinct election officials shall make alternative
7 7 arrangements to insure the challenged voter the opportunity to
7 8 vote in secret. ~~The marked ballot, folded voter shall mark~~
7 9 the ballot, fold it or enclose it in a secrecy folder as
7 10 required by section 49.84, shall be delivered to a precinct
~~7 11 election official who shall and immediately seal it in an~~
7 12 envelope of the type prescribed by subsection 4. The voter
7 13 shall deliver the sealed envelope to a precinct election
7 14 official who shall be deposited deposit it in an envelope
7 15 marked "provisional ballots" ~~and~~. The ballot shall be
7 16 considered as having been cast in the special precinct
7 17 established by section 53.20 for purposes of the postelection
7 18 canvass.

7 19 Sec. 20. Section 49.84, Code 2007, is amended to read as
7 20 follows:

7 21 49.84 MARKING AND RETURN OF BALLOT.

7 22 1. a. After receiving the ballot, the voter shall
7 23 immediately go alone to one of the voting booths, and without
7 24 delay mark the ballot. All voters shall vote in booths. No
7 25 special lines shall be used to separate voters who state that
7 26 they wish to vote only a portion of the ballot.

7 27 b. Before leaving the voting booth, the voter shall fold
7 28 the ballot or enclose it in a secrecy folder to conceal the
7 29 marks on the ballot. The voter shall deliver the ballot to
7 30 one of the precinct election officials. No identifying mark
7 31 or symbol shall be endorsed on the back of the voter's ballot.
7 32 If the precinct has a portable ~~vote tallying~~ tabulating system
7 33 which will not permit more than one ballot to be inserted at a
7 34 time, the voter may insert the ballot into the tabulating
7 35 device; otherwise, the election official shall place the



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8 1 ballot in the ballot box.

8 2 2. This section does not prohibit a voter from taking
8 3 minor children into the voting booth with the voter.

8 4 Sec. 21. Section 52.7, subsection 1, unnumbered paragraph
8 5 1, Code Supplement 2007, is amended to read as follows:

8 6 A voting machine approved by the state board of examiners
8 7 for voting ~~machines and optical scan voting~~ systems shall be
8 8 so constructed as to do all of the following:

8 9 Sec. 22. Section 52.10, Code 2007, is amended to read as
8 10 follows:

8 11 52.10 VOTING MACHINE BALLOTS == FORM.

8 12 All ballots on voting machines shall ~~be printed in black~~
~~8 13 ink on clear, white material, of such size as will fit the~~
~~8 14 ballot frame, and in as plain, clear type as the space will~~
~~8 15 reasonably permit. The party name for each political party~~
~~8 16 represented on the machine shall be prefixed to the list of~~
~~8 17 candidates of such party. The order of the list of candidates~~
~~8 18 of the several parties or organizations shall be arranged as~~
~~8 19 provided display the offices, candidates, and questions in the~~
8 20 format described in sections 49.30 ~~to 49.42A~~, except that the
~~8 21 lists may be arranged in horizontal rows or vertical columns~~
~~8 22 to meet the physical requirements of the voting machine used~~
8 23 through 49.41 and section 49.57.

8 24 Sec. 23. Section 52.25, unnumbered paragraph 2, Code
8 25 Supplement 2007, is amended to read as follows:

8 26 The entire convention question, amendment, or public
8 27 measure shall be printed and displayed prominently in at least
8 28 four places within the voting precinct, and inside each voting
8 29 booth, the printing to be in conformity with the provisions of
8 30 chapter 49. The question, amendment, or measure, and
8 31 summaries thereof, shall be printed on the ~~special paper~~
8 32 ~~ballots or on the inserts used in the voting machines.~~ In no
8 33 case shall the font size be less than ten point type. The
8 34 public measure shall be summarized by the commissioner, except
8 35 that:



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9 1 Sec. 24. Section 52.41, Code 2007, is amended to read as
9 2 follows:

9 3 52.41 ELECTRONIC TRANSMISSION OF ELECTION RESULTS.

9 4 With the advice of the board of examiners for voting
9 5 ~~machines and electronic voting~~ systems, the state commissioner
9 6 shall adopt by rule standards for the examination and testing
9 7 of devices for the electronic transmission of election
9 8 results. All voting systems which contain devices for the
9 9 electronic transmission of election results submitted to the
9 10 examiners for examination and testing after July 1, 2003,
9 11 shall comply with these standards.

9 12 Sec. 25. Section 53.18, subsection 2, Code Supplement
9 13 2007, is amended to read as follows:

9 14 2. If the commissioner receives the return carrier
9 15 envelope containing the completed absentee ballot by five p.m.
9 16 on the Saturday before the election for general and primary
9 17 elections and by five p.m. on the Friday before the election
9 18 for all other elections, the commissioner shall open the
9 19 envelope to review the affidavit for any deficiencies. If the
9 20 affidavit contains a deficiency that would cause the ballot to
9 21 be rejected, the commissioner shall, within twenty-four hours
9 22 of the time the envelope was received, notify the voter of
9 23 that fact and that the voter may correct the deficiency in
9 24 person at the office of the commissioner by five p.m. on the
9 25 day before the election or by applying for and voting a
9 26 replacement ballot in the manner and within the time period
9 27 provided in subsection 3 or by appearing at the voter's
9 28 precinct polling place on election day and casting a ballot in
9 29 accordance with section 49.81.

9 30 Sec. 26. Section 53.40, subsection 1, paragraph c, Code
9 31 Supplement 2007, is amended to read as follows:

9 32 c. A request shall show the residence (including street
9 33 address, if any) of the voter, and the age of the voter, ~~and~~
9 34 ~~length of residence in the city or township, county and state,~~
9 35 and shall designate the address to which the ballot is to be



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10 1 sent, and in the case of the primary election, the party
10 2 affiliation of such voter. Such request shall be made to the
10 3 commissioner of the county of the voter's residence, provided
10 4 that if the request is made by the voter to any elective
10 5 state, city or county official, the said official shall
10 6 forward it to the commissioner of the county of the voter's
10 7 residence, and such request so forwarded shall have the same
10 8 force and effect as if made direct to the commissioner by the
10 9 voter.

10 10 Sec. 27. Section 69.8, subsection 2, Code 2007, is amended
10 11 to read as follows:

10 12 2. STATE OFFICES. In all state offices, judges of courts
10 13 of record, officers, trustees, inspectors, and members of all
10 14 boards or commissions, and all persons filling any position of
10 15 trust or profit in the state, by the governor, except when
10 16 some other method is specially provided. An appointment by
10 17 the governor to fill a vacancy in the office of lieutenant
10 18 governor shall be for the balance of the unexpired term. An
10 19 appointment made under this subsection to a state office
10 20 subject to section 69.13 shall be for the period until the
10 21 vacancy is filled by election pursuant to law.

10 22 Sec. 28. Section 275.18, unnumbered paragraph 3, Code
10 23 2007, is amended to read as follows:

10 24 The area education agency administrator shall furnish to
10 25 the commissioner a map of the proposed reorganized area which
10 26 must be approved by the commissioner as suitable for posting.
10 27 The map shall be displayed prominently in at least four places
10 28 within the voting precinct, and inside each voting booth, ~~or~~
~~10 29 on the left-hand side inside the curtain of each voting~~
~~10 30 machine.~~

10 31 Sec. 29. Section 275.55, unnumbered paragraph 1, Code
10 32 2007, is amended to read as follows:

10 33 The board of the school district shall call a special
10 34 election to be held not later than ~~forty~~ sixty days following
10 35 the date of the final hearing on the dissolution proposal.



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11 1 The special election may be held at the same time as the
11 2 regular school election. The proposition submitted to the
11 3 voters residing in the school district at the special election
11 4 shall describe each separate area to be attached to a
11 5 contiguous school district and shall name the school district
11 6 to which it will be attached. In addition to the description,
11 7 a map may be included in the summary of the question on the
11 8 ballot.

11 9 Sec. 30. Section 277.2, Code 2007, is amended to read as
11 10 follows:

11 11 277.2 SPECIAL ELECTION.

11 12 The board of directors in a school corporation may call a
11 13 special election at which the voters shall have the powers
11 14 exercised at the regular election with reference to the sale
11 15 of school property and the application to be made of the
11 16 proceeds, the authorization ~~of seven~~ to change the number of
11 17 members on the board of directors to either five or seven, the
11 18 authorization to establish or change the boundaries of
~~11 19 director districts change the method of electing directors,~~
11 20 the authorization to establish an instructional support
11 21 program, the authorization to establish an educational
11 22 improvement program, and the authorization of a voter-approved
11 23 physical plant and equipment levy or indebtedness, as provided
11 24 by law.

11 25 Sec. 31. Section 294.8, Code 2007, is amended to read as
11 26 follows:

11 27 294.8 PENSION SYSTEM.

11 28 Any school district located in whole or in part within a
11 29 city having a population of twenty-five thousand one hundred
11 30 or more may establish a pension and annuity retirement system
11 31 for the public school teachers of such district ~~provided said~~
~~11 32 system.~~ However, in cities having a population less than
11 33 seventy-five thousand, establishment of the system shall be
11 34 ratified by a vote of the people at a ~~general~~ regular school
11 35 election.



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12 1 Sec. 32. Section 301.24, Code 2007, is amended to read as
12 2 follows:

12 3 301.24 PETITION == ELECTION.

12 4 Whenever a petition signed by one hundred eligible electors
12 5 residing in the school district or a number of eligible
12 6 electors residing in the school district equal to at least ten
12 7 percent of the number of voters in the last preceding regular
12 8 school election, whichever is greater, is filed with the
12 9 secretary ~~thirty~~ sixty days or more before the regular school
12 10 election, asking that the question of providing free textbooks
12 11 for the use of pupils in the school district's attendance
12 12 centers be submitted to the voters at the next regular school
12 13 election, the secretary shall cause notice of such proposition
12 14 to be given in the notice of such election.

12 15 Sec. 33. Section 331.201, subsection 3, Code 2007, is
12 16 amended to read as follows:

12 17 3. The office of supervisor is an elective office except
12 18 that if a vacancy occurs on the board, a successor ~~shall~~ may
12 19 be appointed to the unexpired term as provided in ~~chapter 69~~
12 20 section 69.14A.

12 21 Sec. 34. Section 372.13, subsection 2, paragraph b,
12 22 unnumbered paragraph 1, Code Supplement 2007, is amended to
12 23 read as follows:

12 24 By a special election held to fill the office for the
12 25 remaining balance of the unexpired term. If the council opts
12 26 for a special election or a valid petition is filed under
12 27 paragraph "a", the special election may be held concurrently
12 28 with any pending election as provided by section 69.12 if by
12 29 so doing the vacancy will be filled not more than ninety days
12 30 after it occurs. Otherwise, a special election to fill the
12 31 office shall be called by the council at the earliest
12 32 practicable date. The council shall give the county
12 33 commissioner at least thirty-two days' written notice of the
12 34 date chosen for the special election. The council of a city
12 35 where a primary election may be required shall give the county



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13 1 commissioner at least sixty days' written notice of the date
13 2 chosen for the special election. A special election held
13 3 under this subsection is subject to sections 376.4 through
13 4 376.11, but the dates for actions in relation to the special
13 5 election shall be calculated with regard to the date for which
13 6 the special election is called. However, a nomination
13 7 petition must be filed not less than twenty=five days before
13 8 the date of the special election and, where a primary election
13 9 may be required, a nomination petition must be filed not less
13 10 than ~~fifty=two~~ fifty=three days before the date of the special
13 11 election.

13 12 Sec. 35. Section 373.6, subsection 1, Code 2007, is
13 13 amended to read as follows:

13 14 1. If a proposed charter for consolidation is received not
13 15 later than ~~sixty~~ seventy=eight days before the next general
13 16 election, the council of the participating city with the
13 17 largest population shall, not later than sixty=nine days
13 18 before the general election, direct the county commissioner of
13 19 elections to submit to the registered voters of the
13 20 participating cities at the next general election the question
13 21 of whether the proposed charter shall be adopted. A summary
13 22 of the proposed charter shall be published in a newspaper of
13 23 general circulation in each city participating in the charter
13 24 commission process at least ten but not more than twenty days
13 25 before the date of the election. The proposed charter shall
13 26 be effective in regard to a city only if a majority of the
13 27 electors of the city voting approves the proposed charter.

13 28 Sec. 36. Section 376.4, Code 2007, is amended to read as
13 29 follows:

13 30 376.4 CANDIDACY.

13 31 1. a. An eligible elector of a city may become a
13 32 candidate for an elective city office by filing with the city
13 33 clerk a valid petition requesting that the elector's name be
13 34 placed on the ballot for that office. The petition must be
13 35 filed not more than seventy=one days and not less than



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14 1 forty-seven days before the date of the election, and must be
14 2 signed by eligible electors equal in number to at least two
14 3 percent of those who voted to fill the same office at the last
14 4 regular city election, but not less than ten persons.
14 5 However, for those cities which may be required to hold a
14 6 primary election, the petition must be filed not more than
14 7 eighty-five days and not less than sixty-eight days before the
14 8 date of the regular city election. ~~A person may sign~~
~~14 9 nomination petitions for more than one candidate for the same~~
~~14 10 office, and the signature is not invalid solely because the~~
~~14 11 person signed nomination petitions for one or more other~~
~~14 12 candidates for the office.~~ Nomination petitions shall be
14 13 filed not later than five o'clock p.m. on the last day for
14 14 filing.

14 15 b. The petitioners for an individual seeking election from
14 16 a ward must be residents of the ward at the time of signing
14 17 the petition. An individual is not eligible for election from
14 18 a ward unless the individual is a resident of the ward at the
14 19 time the individual files the petition and at the time of
14 20 election.

14 21 2. a. The petition must include space for the signature
14 22 signatures of the petitioners, a statement of their place of
14 23 residence, and the date on which they signed the petition. A
14 24 person may sign nomination petitions for more than one
14 25 candidate for the same office, and the signature is not
14 26 invalid solely because the person signed nomination petitions
14 27 for one or more other candidates for the office.

14 28 b. The petition must include the affidavit of the
14 29 individual for whom it is filed, stating the individual's
14 30 name, the individual's residence, that the individual is a
14 31 candidate and eligible for the office, and that if elected the
14 32 individual will qualify for the office. The affidavit shall
14 33 also state that the candidate is aware that the candidate is
14 34 disqualified from holding office if the candidate has been
14 35 convicted of a felony or other infamous crime and the



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15 1 candidate's rights have not been restored by the governor or
15 2 by the president of the United States.

15 3 3. If the city clerk is not readily available during
15 4 normal office hours, the city clerk shall designate other
15 5 employees or officials of the city who are ordinarily
15 6 available to accept nomination papers under this section. On
15 7 the final date for filing nomination papers the office of the
15 8 city clerk shall remain open until five p.m.

15 9 4. The city clerk shall review each petition and affidavit
15 10 of candidacy for completeness following the standards in
15 11 section 45.5 and shall accept the petition for filing if on
15 12 its face it appears to have the requisite number of signatures
15 13 and if it is timely filed. The city clerk shall note upon
15 14 each petition and affidavit accepted for filing the date and
15 15 time that they were filed. The clerk shall return any
15 16 rejected nomination papers to the person on whose behalf the
15 17 nomination papers were filed.

15 18 5. Nomination papers filed with the city clerk shall be
15 19 available for public inspection. The city clerk shall deliver
15 20 all nomination ~~petitions~~ papers together with the text of any
15 21 public measure being submitted by the city council to the
15 22 electorate to the county commissioner of elections not later
15 23 than five ~~o'clock~~ p.m. on the day following the last day on
15 24 which nomination petitions can be filed.

15 25 6. Any person on whose behalf nomination petitions have
15 26 been filed under this section may withdraw as a candidate by
15 27 filing a signed statement to that effect as prescribed in
15 28 section 44.9. Objections to the legal sufficiency of
15 29 petitions shall be filed in accordance with the provisions of
15 30 sections 44.4, 44.5, and 44.8.

15 31 Sec. 37. Sections 43.26, 49.35, 49.42A, and 52.18, Code
15 32 2007, are repealed.

15 33 EXPLANATION

15 34 This bill makes technical and corrective changes to the law
15 35 relating to elections and voter registration.



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16 1 Code sections 2.27, 43.77, and 69.8 are amended to reflect
16 2 the 1988 amendment to the Constitution of the State of Iowa
16 3 requiring that the governor and lieutenant governor be elected
16 4 jointly and to specify that a vacancy in the office of
16 5 lieutenant governor is to be filled by appointment by the
16 6 governor and the appointment is for the balance of the
16 7 unexpired term.

16 8 Code section 43.4 is amended to require that the county
16 9 commissioner of elections retain caucus records for two years.
16 10 The Code section is further amended to require the chairperson
16 11 of the county central committee, within 14 days after the date
16 12 of the precinct caucus, to deliver to the county commissioner
16 13 all completed voter registration forms received at the caucus.
16 14 Current law provides that it is election misconduct in the
16 15 third degree, a serious misdemeanor, if a party committee
16 16 member neglects to perform a statutory duty relating to a
16 17 precinct caucus. A serious misdemeanor is punishable by
16 18 confinement for no more than one year and a fine of at least
16 19 \$315 but not more than \$1,875.

16 20 Code section 43.5 is amended to add Code chapter 39A,
16 21 relating to election misconduct, to the list of Code chapters
16 22 applicable to primary elections.

16 23 Code sections 43.26 and 49.42A, which illustrate the format
16 24 of the official primary and general election ballots, are
16 25 repealed. Code sections 49.37 and 49.57 are amended to
16 26 specify requirements relating to ballot format and the method
16 27 and style of printing ballots, and new Code sections 43.31 and
16 28 49.57A are enacted to require the state commissioner of
16 29 elections to adopt administrative rules implementing ballot
16 30 format and printing requirements.

16 31 Code section 44.5 is amended to provide that a hearing on
16 32 an objection to a nomination shall be held not later than one
16 33 week after the objection is filed.

16 34 Code section 45.1 is amended to specify the same residency
16 35 requirements of signers of nomination petitions for



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17 1 congressional candidates as are required for nomination
17 2 petitions for all other elective offices.
17 3 Code section 48A.2 is amended to change the definition of
17 4 "voter registration form" to specify that the form may be used
17 5 to make changes in an existing registration in addition to
17 6 being an application to register to vote.
17 7 Code section 48A.25A is amended to comply with the federal
17 8 Help America Vote Act requirement that identification numbers
17 9 on all voter registration applications be verified and not
17 10 just those received by mail.
17 11 Code section 48A.37 is amended to provide that for purposes
17 12 of the history of local election participation that is
17 13 recorded as part of the voter registration records maintained
17 14 by the county commissioner, a person shall be recorded as
17 15 having voted if a person cast a ballot for an election and the
17 16 ballot was counted.
17 17 Code sections 49.25, 52.7, and 52.41 are amended to change
17 18 the name of the board of examiners for voting machines and
17 19 optical scan voting systems to the board of examiners for
17 20 voting systems to conform to the change in terminology that
17 21 was enacted in 2007. Code sections 49.25 and 49.84 are
17 22 amended to change the term "vote tallying" to "tabulating" to
17 23 be consistent with other uses of that term in the Code.
17 24 Code section 49.53 is amended to strike a reference to
17 25 early ballot pick-up sites. With the repeal in 2007 of
17 26 authorization to establish counting centers, early ballot
17 27 pickup is no longer necessary.
17 28 Code section 49.77 is amended to require the same type of
17 29 identification to be shown by a voter when the voter's name is
17 30 not on the election register as an active voter or when the
17 31 voter is unknown to an election official. The Code section is
17 32 also amended to generally refer to when a person who has
17 33 requested an absentee ballot may cast a provisional ballot.
17 34 Code section 49.81 is amended to clarify the process of
17 35 voting a provisional ballot.



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18 1 Code sections 52.10, 52.25, and 275.18 are amended, and
18 2 Code sections 49.35 and 52.18 are repealed, to eliminate
18 3 references to lever voting machines, which are no longer used
18 4 in Iowa. Code section 52.25 is also amended to refer to
18 5 ballots generally rather than to special paper ballots.
18 6 Code section 53.18 is amended to allow an absentee voter to
18 7 correct a deficiency on an affidavit by applying for and
18 8 voting a replacement absentee ballot in addition to correcting
18 9 the deficiency in person at the commissioner's office. The
18 10 section is also amended to specify that if the voter has not
18 11 corrected the deficiency in person or by voting a replacement
18 12 absentee ballot, the voter may cast a provisional ballot at
18 13 the polls.
18 14 Code section 53.40, relating to an absentee ballot request
18 15 from a person in the armed forces, is amended to strike the
18 16 requirement that the request include information on the length
18 17 of residency in the city or township, county, and state
18 18 because the federal application form does not include a space
18 19 for that information.
18 20 Code section 275.55 is amended to provide that a special
18 21 election on a proposal for dissolution of a school district
18 22 shall be held no later than 60 days following the public
18 23 hearing on the proposal. Currently, the election is required
18 24 to be held no later than 40 days following the public hearing.
18 25 Code section 277.2, regarding school district special
18 26 election propositions, is amended to add those propositions
18 27 that are authorized elsewhere in the Code and to specify that
18 28 one of the authorizations is to change the method of electing
18 29 school district boards of directors.
18 30 Code section 294.8 is amended to provide that certain
18 31 elections held on school pension systems shall be held at the
18 32 regular school election rather than the general election.
18 33 Code section 301.24 changes the deadline for submitting a
18 34 petition requesting that the proposition to distribute free
18 35 textbooks in a school district be placed on the regular school



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19 1 election ballot. The current deadline of 30 days before the
19 2 election is changed to 60 days before the election.
19 3 Code section 331.201, relating to a vacancy in the office
19 4 of county supervisor, is amended to specifically refer to Code
19 5 section 69.14A, rather than generally to Code chapter 69.
19 6 Code section 372.13, relating to special elections to fill
19 7 a city council vacancy, is amended to change the filing
19 8 deadline for nomination petitions in cities with a primary
19 9 election from 52 days before the election to 53 days before
19 10 the election in order to avoid the deadline falling on a
19 11 Saturday.
19 12 Code section 373.6, relating to metropolitan consolidation
19 13 charters, is amended to change the filing deadline for
19 14 submission of the charter at a general election to no later
19 15 than 69 days before the election, which is the same as the
19 16 filing deadline for offices to be filled at the general
19 17 election.
19 18 Code section 376.4 is amended to clarify the process of
19 19 city clerks accepting and reviewing candidate nomination
19 20 papers filed for city office.
19 21 LSB 5418DP 82
19 22 sc/nh/5.1



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Senate Study Bill 3119

SENATE FILE
BY (PROPOSED COMMITTEE ON
JUDICIARY BILL BY
CHAIRPERSON KREIMAN)

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

Passed House, Date _____
Vote: Ayes _____ Nays _____

A BILL FOR

- 1 An Act increasing the minimum amount of insurance required as
- 2 proof of financial responsibility and providing effective and
- 3 applicability dates.
- 4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 5 TLSB 6017SC 82
- 6 av/nh/5



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Senate Study Bill 3119 continued

PAG LIN

1 1 Section 1. Section 321A.1, subsection 11, Code 2007, is
1 2 amended to read as follows:
1 3 11. PROOF OF FINANCIAL RESPONSIBILITY. Proof of ability
1 4 to respond in damages for liability, on account of accidents
1 5 occurring subsequent to the effective date of the proof,
1 6 arising out of the ownership, maintenance, or use of a motor
1 7 vehicle, in amounts as follows: With respect to accidents
1 8 occurring on or after January 1, 1981, and prior to January 1,
~~1 9 1983, the amount of fifteen thousand dollars because of bodily~~
~~1 10 injury to or death of one person in any one accident, and,~~
~~1 11 subject to the limit for one person, the amount of thirty~~
~~1 12 thousand dollars because of bodily injury to or death of two~~
~~1 13 or more persons in any one accident, and the amount of ten~~
~~1 14 thousand dollars because of injury to or destruction of~~
~~1 15 property of others in any one accident; and with respect to~~
~~1 16 accidents occurring on or after January 1, 1983~~ 2009, the
1 17 amount of ~~twenty~~ fifty thousand dollars because of bodily
1 18 injury to or death of one person in any one accident, and,
1 19 subject to the limit for one person, the amount of ~~forty~~ one
1 20 hundred thousand dollars because of bodily injury to or death
1 21 of two or more persons in any one accident, and the amount of
1 22 ~~fifteen~~ fifty thousand dollars because of injury to or
1 23 destruction of property of others in any one accident.
1 24 Sec. 2. Section 321A.5, subsection 3, Code 2007, is
1 25 amended to read as follows:
1 26 3. a. (1) A policy or bond is not effective under this
1 27 section unless issued by an insurance company or surety
1 28 company authorized to do business in this state, ~~except that.~~
1 29 However, if the motor vehicle was not registered in this
1 30 state, or was a motor vehicle ~~which~~ that was registered
1 31 elsewhere than in this state ~~at~~ on the effective date of the
1 32 policy or bond, or the most recent renewal thereof, the policy
1 33 or bond is not effective under this section unless the
1 34 insurance company or surety company if not authorized to do
1 35 business in this state executes a power of attorney



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2 1 authorizing the department to accept service on its behalf of
2 2 notice or process in any action upon the policy or bond
2 3 arising out of the accident. ~~However, with respect to~~
~~2 4 accidents occurring on or after January 1, 1981, and before~~
~~2 5 January 1, 1983, every such policy or bond is subject, if the~~
~~2 6 accident has resulted in bodily injury or death, to a limit,~~
~~2 7 exclusive of interest and costs, of not less than fifteen~~
~~2 8 thousand dollars because of bodily injury to or death of one~~
~~2 9 person in any one accident and, subject to the limit for one~~
~~2 10 person, to a limit of not less than thirty thousand dollars~~
~~2 11 because of bodily injury to or death of two or more persons in~~
~~2 12 any one accident, and, if the accident has resulted in injury~~
~~2 13 to or destruction of property, to a limit of not less than ten~~
~~2 14 thousand dollars because of injury to or destruction of~~
~~2 15 property of others in any one accident; and with~~
2 16 (2) With respect to accidents occurring on or after
2 17 January 1, 1983 2009, every such policy or bond is subject, if
2 18 to the following limits:
2 19 (a) If the accident has resulted in bodily injury or
2 20 death, to a limit, exclusive of interest and costs, of not
2 21 less than ~~twenty~~ fifty thousand dollars because of bodily
2 22 injury to or death of one person in any one accident and,
2 23 subject to the limit for one person, to a limit of not less
2 24 than ~~forty~~ one hundred thousand dollars because of bodily
2 25 injury to or death of two or more persons in any one accident,
~~2 26 and, if.~~
2 27 (b) If the accident has resulted in injury to or
2 28 destruction of property, to a limit of not less than ~~fifteen~~
2 29 fifty thousand dollars because of injury to or destruction of
2 30 property of others in any one accident.
2 31 b. Upon receipt of a report of a motor vehicle accident
2 32 and information that an automobile liability policy or surety
2 33 bond meeting the requirements of this chapter was in effect at
2 34 the time of this accident covering liability for damages
2 35 resulting from such accident, the department shall forward by



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3 1 regular mail to the insurance carrier or surety carrier which
3 2 issued such policy or bond a copy of such information
3 3 concerning insurance or bond coverage, and it shall be
3 4 presumed that such policy or bond was in effect and provided
3 5 coverage to both the operator and the owner of the motor
3 6 vehicle involved in such accident unless the insurance carrier
3 7 or surety carrier shall notify the department otherwise within
3 8 fifteen days from the mailing of such information to such
3 9 carrier; provided, however, that in the event the department
3 10 shall later ascertain that erroneous information had been
3 11 given the department in respect to the insurance or bond
3 12 coverage of the operator or owner of a motor vehicle involved
3 13 in such accident, the department shall take such action as the
3 14 department is otherwise authorized to do under this chapter
3 15 within sixty days after the receipt by the department of
3 16 correct information with respect to such coverage.

3 17 Sec. 3. Section 321A.15, Code 2007, is amended to read as
3 18 follows:

3 19 321A.15 PAYMENTS SUFFICIENT TO SATISFY REQUIREMENTS.

3 20 1. ~~a. Judgments referred to in this chapter and rendered~~
~~3 21 upon claims arising from accidents occurring on or after~~
~~3 22 January 1, 1981, and before January 1, 1983, shall, for the~~
~~3 23 purpose of this chapter only, be deemed satisfied when the~~
~~3 24 following occur:~~

3 25 (1) ~~When fifteen thousand dollars has been credited upon~~
~~3 26 any judgment or judgments rendered in excess of that amount~~
~~3 27 because of bodily injury to or death of one person as the~~
~~3 28 result of any one accident.~~

3 29 (2) ~~When, subject to the limit of fifteen thousand dollars~~
~~3 30 because of bodily injury to or death of one person, the sum of~~
~~3 31 thirty thousand dollars has been credited upon any judgment or~~
~~3 32 judgments rendered in excess of that amount because of bodily~~
~~3 33 injury to or death of two or more persons as the result of any~~
~~3 34 one accident.~~

3 35 (3) ~~When ten thousand dollars has been credited upon any~~



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~~4 1 judgment or judgments rendered in excess of that amount
4 2 because of injury to or destruction of property of others as a
4 3 result of any one accident.~~

4 4 ~~b.~~ 1. Judgments referred to in this chapter and rendered
4 5 upon claims arising from accidents occurring on or after
4 6 January 1, ~~1983~~ 2009, shall, for the purpose of this chapter
4 7 only, be deemed satisfied when the following occur:

4 8 ~~(1)~~ a. When ~~twenty~~ fifty thousand dollars has been
4 9 credited upon any judgment or judgments rendered in excess of
4 10 that amount because of bodily injury to or death of one person
4 11 as the result of any one accident.

4 12 ~~(2)~~ b. When, subject to the limit of ~~twenty~~ fifty
4 13 thousand dollars because of bodily injury to or death of one
4 14 person, the sum of ~~forty~~ one hundred thousand dollars has been
4 15 credited upon any judgment or judgments rendered in excess of
4 16 that amount because of bodily injury to or death of two or
4 17 more persons as the result of any one accident.

4 18 ~~(3)~~ c. When ~~fifteen~~ fifty thousand dollars has been
4 19 credited upon any judgment or judgments rendered in excess of
4 20 that amount because of injury to or destruction of property of
4 21 others as a result of any one accident.

4 22 2. Provided, however Notwithstanding the provisions of
4 23 subsection 1, payments made in settlements of any claims
4 24 because of bodily injury, death, or property damage arising
4 25 from a motor vehicle accident shall be credited in reduction
4 26 of the amounts provided for in this section.

4 27 Sec. 4. Section 321A.21, subsection 2, Code 2007, is
4 28 amended to read as follows:

4 29 2. Such owner's policy of liability insurance shall do
4 30 both of the following:

4 31 a. Shall designate Designate by explicit description or by
4 32 appropriate reference all motor vehicles with respect to which
4 33 coverage is thereby to be granted; ~~and.~~

4 34 b. Shall insure Insure the person named in the policy and
4 35 any other person, as insured, using the motor vehicles with



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Senate Study Bill 3119 continued

5 1 the express or implied permission of the named insured,
5 2 against loss from the liability imposed by law for damages
5 3 arising out of the ownership, maintenance, or use of the motor
5 4 vehicles within the United States of America or the Dominion
5 5 of Canada, subject to limits exclusive of interest and costs,
5 6 with respect to each such motor vehicle, as follows: With
5 7 respect to all accidents which occur on or after January 1,
5 8 ~~1981, and before January 1, 1983, fifteen thousand dollars~~
~~5 9 because of bodily injury to or death of one person in any one~~
~~5 10 accident and, subject to said limit for one person, thirty~~
~~5 11 thousand dollars because of bodily injury to or death of two~~
~~5 12 or more persons in any one accident, and ten thousand dollars~~
~~5 13 because of injury to or destruction of property of others in~~
~~5 14 any one accident; and with respect to all accidents which~~
~~5 15 occur on or after January 1, 1983~~ 2009, ~~twenty~~ twenty ~~thousand~~
5 16 dollars because of bodily injury to or death of one person in
5 17 any one accident and, subject to said limit for one person,
5 18 ~~forty~~ one hundred thousand dollars because of bodily injury to
5 19 or death of two or more persons in any one accident, and
5 20 ~~fifteen~~ fifty thousand dollars because of injury to or
5 21 destruction of property of others in any one accident.

5 22 Sec. 5. Section 321A.25, subsection 1, Code 2007, is
5 23 amended to read as follows:

5 24 1. Proof of financial responsibility may be evidenced by
5 25 the statement of the treasurer of state that the person named
5 26 in the statement has filed with the treasurer of state
5 27 ~~fifty-five~~ one hundred fifty thousand dollars in the form of
5 28 an endorsed certificate of deposit made payable jointly to the
5 29 person and the treasurer of state. The certificate of deposit
5 30 shall be obtained from an Iowa financial institution in the
5 31 amount of ~~fifty-five~~ one hundred fifty thousand dollars plus
5 32 any early withdrawal penalty fee. The treasurer of state
5 33 shall promptly notify the director of transportation of the
5 34 name and address of the person to whom the statement has been
5 35 issued. Upon receipt of the notification, the director of



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Senate Study Bill 3119 continued

6 1 transportation shall issue to the person a security insurance
6 2 card for each motor vehicle registered in this state by the
6 3 person. The security insurance card shall state the name and
6 4 address of the person and the registration number of the motor
6 5 vehicle for which the card is issued. The treasurer of state
6 6 shall not accept a certificate of deposit and issue a
6 7 statement for it and the department shall not accept the
6 8 statement unless accompanied by evidence that there are no
6 9 unsatisfied judgments of any character against the person in
6 10 the county where the person resides.

6 11 Sec. 6. EFFECTIVE AND APPLICABILITY DATES. This Act takes
6 12 effect January 1, 2009. However, with respect to accidents
6 13 occurring on or after January 1, 1981, but prior to January 1,
6 14 2009, the amounts with respect to proof of financial
6 15 responsibility as provided in chapter 321A, Code 2007, shall
6 16 continue to apply.

6 17 EXPLANATION

6 18 This bill increases the minimum amount of insurance a
6 19 driver is required to carry under Code chapter 321A as proof
6 20 of financial responsibility.

6 21 Code chapter 321A provides for alternate methods of giving
6 22 proof of financial responsibility: a certificate of insurance
6 23 as provided in Code section 321A.19 or 321A.20, a bond as
6 24 provided in Code section 321A.24, a certificate of deposit as
6 25 provided in Code section 321A.25, and self-insurance under the
6 26 provisions of Code section 321A.34. The bill also increases
6 27 the statutory requirements for a bond in Code section 321A.5
6 28 and for a certificate of deposit in Code section 321A.25.

6 29 The bill takes effect on January 1, 2009. However, with
6 30 respect to accidents occurring on or after January 1, 1981,
6 31 but prior to January 1, 2009, the amounts necessary for proof
6 32 of financial responsibility are as provided in Code chapter
6 33 321A, Code 2007.

6 34 LSB 6017SC 82

6 35 av/nh/5.1



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Senate Study Bill 3120

SENATE FILE
BY (PROPOSED COMMITTEE ON
JUDICIARY BILL BY
CHAIRPERSON KREIMAN)

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

Passed House, Date _____
Vote: Ayes _____ Nays _____

A BILL FOR

- 1 An Act relating to business corporations, by providing for
- 2 distributions and business opportunities.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 5667SC 82
- 5 da/nh/8



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Senate Study Bill 3120 continued

PAG LIN

1 1 Section 1. Section 490.640, subsection 7, Code 2007, is
1 2 amended to read as follows:

1 3 7. Indebtedness of a corporation, including indebtedness
1 4 issued as a distribution, is not considered a liability for
1 5 purposes of determinations under subsection 1 if its terms
1 6 provide that payment of principal and interest are made only
1 7 if and to the extent that payment of a distribution to
1 8 shareholders could then be made under this section. If the
1 9 indebtedness is issued as a distribution, each payment of
1 10 principal or interest is treated as a distribution, the effect
1 11 of which is measured on the date the payment is actually made.

1 12 8. This section shall not apply to distributions in
1 13 liquidation under division XIV.

1 14 Sec. 2. Section 490.831, subsection 1, paragraph a, Code
1 15 2007, is amended to read as follows:

1 16 a. That any of the following apply:

1 17 (1) A provision in the articles of incorporation
1 18 authorized by section 490.202, subsection 2, paragraph "d", or
1 19 the protection afforded by section 490.832 if interposed as a
1 20 bar to the proceeding by the director, does not preclude
1 21 liability.

1 22 (2) The protection afforded by section 490.870 precludes
1 23 liability.

1 24 Sec. 3. NEW SECTION. 490.870 BUSINESS OPPORTUNITIES.

1 25 1. A director's taking advantage, directly or indirectly,
1 26 of a business opportunity may not be the subject of equitable
1 27 relief, or give rise to an award of damages or other sanctions
1 28 against the director, in a proceeding by or in the right of
1 29 the corporation on the ground that such opportunity should
1 30 have first been offered to the corporation, if before becoming
1 31 legally obligated respecting the opportunity the director
1 32 brings it to the attention of the corporation and any of the
1 33 following apply:

1 34 a. Action by qualified directors disclaiming the
1 35 corporation's interest in the opportunity is taken in



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Senate Study Bill 3120 continued

2 1 compliance with the procedures set forth in section 490.832,
2 2 as if the decision being made concerned a director's
2 3 conflicting interest transaction.
2 4 b. Shareholders' action disclaiming the corporation's
2 5 interest in the opportunity is taken in compliance with the
2 6 procedure set forth in section 490.832, as if the decision
2 7 being made concerned a director's conflicting interest
2 8 transaction; except that, rather than making the disclosure as
2 9 required in section 490.832, in each case the director shall
2 10 have made prior disclosure to those acting on behalf of the
2 11 corporation of all materials facts concerning the business
2 12 opportunity that are then known to the director.
2 13 2. In any proceeding seeking equitable relief or other
2 14 remedy based upon an alleged improper taking advantage of a
2 15 business opportunity by a director, the fact that the director
2 16 did not employ the procedure described in subsection 1 before
2 17 taking advantage of the opportunity shall not create an
2 18 inference that the opportunity should have been first
2 19 presented to the corporation or alter the burden of proof
2 20 otherwise applicable to establish that the director breached a
2 21 duty to the corporation in the circumstances.

2 22 EXPLANATION

2 23 This bill amends the "Iowa Business Corporation Act" which
2 24 governs for-profit corporations and is based on the model Act
2 25 promulgated by the American bar association. The bill's
2 26 provisions reflect the language of the model Act.
2 27 DISTRIBUTIONS INVOLVING INDEBTEDNESS. The bill amends Code
2 28 section 490.640, to provide that indebtedness need not be
2 29 accounted for as a liability when determining whether a
2 30 corporation may provide for a distribution. Otherwise, Code
2 31 section 490.640(3) could restrict a distribution because it
2 32 requires as a prerequisite to distribution that the
2 33 corporation must be able to pay its debts as they become due
2 34 in the usual course of business and the corporation's total
2 35 assets must be more than its total liabilities.



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3 1 BUSINESS OPPORTUNITY == SAFE HARBOR. The bill creates new
3 2 Code section 490.870, based on the model Act's Code section
3 3 8.70, which applies to the director of a corporation's board
3 4 of directors. A director may profit from a transaction (a
3 5 business opportunity) at the expense of the corporation which
3 6 may also profit from the transaction. The common law doctrine
3 7 of corporate opportunity recognizes the director's fiduciary
3 8 duty to the corporation, and provides that the director must
3 9 be prepared to sacrifice a profit by offering the corporation
3 10 the first chance to engage in the transaction. The bill
3 11 provides the director with a so-called "safe harbor" from
3 12 liability for taking advantage of the business opportunity if
3 13 the director discloses it to the board (or a committee of the
3 14 board) or to the shareholders in the same manner as if the
3 15 director were disclosing a conflict of interest under Code
3 16 section 490.832. The bill departs from the model Act in one
3 17 respect. Code section 490.870 substitutes references to
3 18 conflict of interest provisions in Code section 490.832 in
3 19 lieu of other conflict of interest provisions in the model
3 20 Act, which Iowa has not enacted.
3 21 LSB 5667SC 82
3 22 da/nh/8



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Senate Study Bill 3121

SENATE FILE
BY (PROPOSED COMMITTEE ON
JUDICIARY BILL BY
CHAIRPERSON KREIMAN)

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

Passed House, Date _____
Vote: Ayes _____ Nays _____

A BILL FOR

- 1 An Act relating to the commission of a criminal offense
- 2 classified as murder in the first degree, and providing a
- 3 penalty.
- 4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 5 TLSB 5973SC 82
- 6 jm/nh/5



Iowa General Assembly
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Senate Study Bill 3121 continued

PAG LIN

1 1 Section 1. Section 707.2, Code 2007, is amended by adding
1 2 the following new subsection:
1 3 NEW SUBSECTION. 7. The person kills another person while
1 4 committing an act which is intended to cause serious injury to
1 5 that person.

1 6 EXPLANATION

1 7 This bill relates to the commission of a criminal offense
1 8 classified as murder in the first degree.

1 9 The bill provides that a person who kills another person
1 10 while committing an act which is intended to cause serious
1 11 injury to that person, is guilty of murder in the first
1 12 degree. Murder in the first degree is classified as a class
1 13 "A" felony.

1 14 A class "A" felony is punishable by confinement for life
1 15 without possibility of parole.

1 16 LSB 5973SC 82

1 17 jm/nh/5



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Senate Study Bill 3122

SENATE FILE
BY (PROPOSED COMMITTEE ON
JUDICIARY BILL BY
CHAIRPERSON KREIMAN)

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

Passed House, Date _____
Vote: Ayes _____ Nays _____

A BILL FOR

1 An Act relating to juvenile court by striking provisions setting
2 aside an order adjudicating a child delinquent who is mentally
3 retarded or mentally ill, modifying aggravated circumstance
4 determinations in child in need of assistance proceedings, and
5 modifying circumstances for termination of parental rights.
6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
7 TL5B 5975SC 82
8 jm/nh/5



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Senate Study Bill 3122 continued

PAG LIN

1 1 Section 1. Section 232.51, Code 2007, is amended to read
1 2 as follows:

1 3 232.51 DISPOSITION OF CHILD WITH MENTAL ILLNESS OR MENTAL
1 4 RETARDATION.

1 5 If the evidence received at an adjudicatory or a
1 6 dispositional hearing indicates that the child is mentally
1 7 ill, the court may direct the juvenile court officer or the
1 8 department to initiate proceedings or to assist the child's
1 9 parent or guardian to initiate civil commitment proceedings in
1 10 the juvenile court. These proceedings in the juvenile court
1 11 shall adhere to the requirements of chapter 229. If the
1 12 evidence received at an adjudicatory or a dispositional
1 13 hearing indicates that the child is mentally retarded, the
1 14 court may direct the juvenile court officer or the department
1 15 to initiate proceedings or to assist the child's parent or
1 16 guardian to initiate civil commitment proceedings in the
1 17 juvenile court. These proceedings shall adhere to the
1 18 requirements of chapter 222. ~~If the child is committed as a~~
~~1 19 child with mental illness or mental retardation, any order~~
~~1 20 adjudicating the child to have committed a delinquent act~~
~~1 21 shall be set aside and the petition shall be dismissed.~~

1 22 Sec. 2. Section 232.102, subsection 12, paragraph c, Code
1 23 Supplement 2007, is amended to read as follows:

1 24 c. The parent's parental rights have been terminated under
1 25 section 232.116 or terminated by an order of a court of
1 26 competent jurisdiction in another state with respect to
1 27 another child who is a member of the same family, and there is
1 28 clear and convincing evidence to show that the offer or
1 29 receipt of services would not be likely within a reasonable
1 30 period of time to correct the conditions which led to the
1 31 child's removal.

1 32 Sec. 3. Section 232.116, subsection 1, paragraph g,
1 33 subparagraph (2), Code Supplement 2007, is amended to read as
1 34 follows:

1 35 (2) The court has terminated parental rights pursuant to



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Senate Study Bill 3122 continued

2 1 section 232.117 with respect to another child who is a member
2 2 of the same family or a court of competent jurisdiction in
2 3 another state has entered an order terminating parental rights
2 4 with respect to another child who is a member of the same
2 5 family.

2 6 EXPLANATION

2 7 This bill relates to juvenile court by striking provisions
2 8 setting aside an order relating to the adjudication of a child
2 9 with mental illness or mental retardation, modifying
2 10 aggravated circumstance determinations in child in need of
2 11 assistance proceedings, and modifying circumstances for
2 12 termination of parental rights.

2 13 If a child is adjudicated delinquent, the bill strikes a
2 14 provision permitting the adjudication to be set aside if the
2 15 child is committed as a child with mental illness or mental
2 16 retardation.

2 17 Under the bill, in child in need of assistance proceedings,
2 18 if the juvenile court finds that the parent's parental rights
2 19 have been terminated by an order of a court of competent
2 20 jurisdiction in another state with respect to another child
2 21 who is a member of the same family, the court may waive the
2 22 requirement that reasonable efforts be made to preserve the
2 23 family. Current law provides that if the court finds the
2 24 parent's parental rights have been terminated under Iowa law
2 25 with respect to another child who is a member of the same
2 26 family, the court may waive the requirement that reasonable
2 27 efforts be made to preserve the family.

2 28 Currently, in termination of parental rights proceedings,
2 29 the juvenile court may terminate the parental rights of a
2 30 parent if certain circumstances exist, including that the
2 31 parent's parental rights have been terminated under Iowa law.
2 32 The bill provides that such termination could have occurred
2 33 pursuant to an order of a court of competent jurisdiction in
2 34 another state with respect to another child who is a member of
2 35 the same family.



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Senate Study Bill 3122 continued

3 1 LSB 5975SC 82
3 2 jm/nh/5



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Senate Study Bill 3123

SENATE FILE
BY (PROPOSED COMMITTEE ON
JUDICIARY BILL BY
CHAIRPERSON KREIMAN)

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

Passed House, Date _____
Vote: Ayes _____ Nays _____

A BILL FOR

- 1 An Act relating to the mandatory reporting to law enforcement
- 2 officials of medical treatment for certain injuries and making
- 3 a penalty applicable.
- 4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 5 TLSB 5978SC 82
- 6 jr/nh/8



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Senate Study Bill 3123 continued

PAG LIN

1 1 Section 1. Section 147.111, Code 2007, is amended to read
1 2 as follows:
1 3 147.111 REPORT OF TREATMENT OF WOUNDS AND OTHER INJURIES.
1 4 Any person licensed under the provisions of this subtitle
1 5 or certified under the provisions of chapter 147A who shall
1 6 administer any treatment to any person suffering a gunshot or
1 7 stab wound or other serious injury, as defined in section
1 8 702.18, which appears to have been received in connection with
1 9 the commission of a criminal offense, including homicide or
1 10 serious injury by motor vehicle as described in section
1 11 707.6A, or to whom an application is made for treatment of any
1 12 nature because of any such gunshot or stab wound or other
1 13 serious injury, as defined in section 702.18, shall at once
1 14 but not later than twelve hours thereafter, report that fact
1 15 to the law enforcement agency within whose jurisdiction the
1 16 treatment was administered or an application ~~therefor~~ for
1 17 treatment was made, or if ascertainable, to the law
1 18 enforcement agency in whose jurisdiction the gunshot or stab
1 19 wound or other serious injury occurred, stating the name of
1 20 such person, the person's residence if ascertainable, and
1 21 giving a brief description of the gunshot or stab wound or
1 22 other serious injury. Any provision of law or rule of
1 23 evidence relative to confidential communications is suspended
1 24 insofar as the provisions of this section are concerned.

1 25 EXPLANATION

1 26 Code section 147.111 requires any person holding a license
1 27 in a health-related profession to report any treatment given
1 28 for a gunshot wound, stab wound, or other serious injury which
1 29 appears to have been received in connection with the
1 30 commission of a criminal offense. The required report is to
1 31 be made, within 12 hours of the treatment, to local law
1 32 enforcement.

1 33 This bill extends this requirement to emergency medical
1 34 care providers and expands reportable incidents to include
1 35 homicide or serious injury by motor vehicle.



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Senate Study Bill 3123 continued

2 1 Failure to provide the required report is a simple
2 2 misdemeanor, punishable by a fine of at least \$65 but not more
2 3 than \$625, confinement up to 30 days, or both.
2 4 LSB 5978SC 82
2 5 jr/nh/8



Iowa General Assembly
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Senate Study Bill 3124

SENATE FILE
BY (PROPOSED COMMITTEE ON
JUDICIARY BILL BY
CHAIRPERSON KREIMAN)

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

Passed House, Date _____
Vote: Ayes _____ Nays _____

A BILL FOR

- 1 An Act relating to reporting requirements for traffic accidents
- 2 involving the operation of motor vehicles by reserve peace
- 3 officers.
- 4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 5 TLSB 6057XC 82
- 6 rh/nh/8



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Senate Study Bill 3124 continued

PAG LIN

1 1 Section 1. Section 321.267A, subsection 4, Code 2007, is
1 2 amended to read as follows:
1 3 4. For the purposes of this section, "certified law
1 4 enforcement officer" means a law enforcement officer who is
1 5 certified through the Iowa law enforcement academy as provided
1 6 in section 80B.13, subsection 3, ~~or~~ section 80B.17, or section
1 7 80D.3, subsection 4.

1 8 EXPLANATION
1 9 This bill provides that a traffic accident involving the
1 10 operation of a motor vehicle by a reserve peace officer shall
1 11 be reported to the state department of transportation by the
1 12 reserve peace officer's employer. The reserve peace officer's
1 13 employer shall certify to the department whether or not the
1 14 accident occurred in the line of duty while operating an
1 15 official government vehicle.
1 16 LSB 6057XC 82
1 17 rh/nh/8



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Senate Study Bill 3125

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

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

Passed House, Date _____
Vote: Ayes _____ Nays _____

A BILL FOR

- 1 An Act requiring contractor review of energy efficiency
- 2 alternatives prior to issuance of a building permit, license,
- 3 or certificate.
- 4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 5 TLSB 5998SC 82
- 6 rn/nh/8



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Senate Study Bill 3125 continued

PAG LIN

1 1 Section 1. Section 103A.19, Code Supplement 2007, is
1 2 amended by adding the following new subsection:
1 3 NEW SUBSECTION. 4. An application for a building permit,
1 4 license, or certificate for single-family or two-family
1 5 residential construction or renovation shall be accompanied by
1 6 a statement, signed by the prospective owner or owners, that a
1 7 review of energy efficiency design alternatives has been
1 8 conducted by the contractor for the construction or renovation
1 9 with the owners. If no prospective owner is associated with a
1 10 construction project at the point an application has been
1 11 submitted, the application shall be accompanied by a statement
1 12 signed by the contractor reviewing energy efficiency design
1 13 features incorporated into the building specifications, in
1 14 conformance with the requirements of section 103A.8A.

1 15 EXPLANATION

1 16 This bill requires an application for a building permit,
1 17 license, or certificate for single-family or two-family
1 18 residential construction or renovation to be accompanied by a
1 19 statement signed by the prospective owner of the residence
1 20 that a review of energy efficiency design alternatives has
1 21 been conducted with them by the contractor for the
1 22 construction or renovation. The bill provides that if an
1 23 owner is not associated with a project at the point the
1 24 application is submitted, the application shall be accompanied
1 25 by a statement signed by the contractor reviewing energy
1 26 efficiency design features incorporated into the building
1 27 specifications.

1 28 LSB 5998SC 82

1 29 rn/nh/8



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Senate Study Bill 3126

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

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

Passed House, Date _____
Vote: Ayes _____ Nays _____

A BILL FOR

1 An Act relating to the policy administration of the tax and
2 related laws by the department of revenue, including
3 administration of income and sales and use taxes, and
4 including effective and retroactive applicability date
5 provisions.
6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
7 TLSB 5475XD 82
8 mg/sc/5



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Senate Study Bill 3126 continued

PAG LIN

1 1 DIVISION I
1 2 TAX ADMINISTRATION
1 3 Section 1. Section 99B.10B, subsection 2, Code Supplement
1 4 2007, is amended to read as follows:
1 5 2. a. The department shall revoke a registration issued
1 6 pursuant to section 99B.10 or 99B.10A, for a period of ten
1 7 years if a person commits an offense of awarding a cash prize
1 8 in violation of section 99B.10, subsection 1, paragraph "b",
1 9 pursuant to rules adopted by the department. A person whose
1 10 registration is revoked under this subsection who is a person
1 11 for which a class "A", class "B", class "C", special class
1 12 "C", or class "D" liquor control license has been issued
1 13 pursuant to chapter 123 shall have the person's liquor control
1 14 license suspended for a period of fourteen days in the same
1 15 manner as provided in section 123.50, subsection 3, paragraph
1 16 "a". A person whose registration is revoked under this
1 17 subsection who is a person for which only a class "B" or class
1 18 "C" beer permit has been issued pursuant to chapter 123 shall
1 19 have the person's class "B" or class "C" beer permit suspended
1 20 ~~and that person's sales tax permit suspended~~ for a period of
1 21 fourteen days in the same manner as provided in section
1 22 123.50, subsection 3, paragraph "a".
1 23 b. If a person owning or employed by an establishment
1 24 having a class "A", class "B", class "C", special class "C",
1 25 or class "D" liquor control license issued pursuant to chapter
1 26 123 commits an offense of awarding a cash prize in violation
1 27 of section 99B.10, subsection 1, paragraph "b", pursuant to
1 28 rules adopted by the department, the liquor control license of
1 29 the establishment shall be suspended for a period of fourteen
1 30 days in the same manner as provided in section 123.50,
1 31 subsection 3, paragraph "a". If a person owning or employed
1 32 by an establishment having a class "B" or class "C" beer
1 33 permit issued pursuant to chapter 123 awards a cash prize in
1 34 violation of section 99B.10, subsection 1, paragraph "b",
1 35 pursuant to rules adopted by the department, the beer permit



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Senate Study Bill 3126 continued

2 1 of the establishment ~~and the establishment's sales tax permit~~
2 2 shall be suspended for a period of fourteen days in the same
2 3 manner as provided in section 123.50, subsection 3, paragraph
2 4 "a".

2 5 Sec. 2. Section 99B.14, subsection 1, Code 2007, is
2 6 amended to read as follows:

2 7 1. The department may deny, suspend, or revoke a license
2 8 if the department finds that an applicant, licensee, or an
2 9 agent of the licensee violated or permitted a violation of a
2 10 provision of this chapter or a departmental rule adopted
2 11 pursuant to chapter 17A, or for any other cause for which the
2 12 director of the department would be or would have been
2 13 justified in refusing to issue a license, or upon the
2 14 conviction of a person of a violation of this chapter or a
2 15 rule adopted under this chapter which occurred on the licensed
2 16 premises. However, the denial, suspension, or revocation of
2 17 one type of gambling license does not require, but may result
2 18 in, the denial, suspension, or revocation of a different type
2 19 of gambling license held by the same licensee. In addition, a
2 20 person whose license is revoked under this section who is a
2 21 person for which a class "A", class "B", class "C", or class
2 22 "D" liquor control license has been issued pursuant to chapter
2 23 123 shall have the person's liquor control license suspended
2 24 for a period of fourteen days in the same manner as provided
2 25 in section 123.50, subsection 3, paragraph "a". In addition,
2 26 a person whose license is revoked under this section who is a
2 27 person for which only a class "B" or class "C" beer permit has
2 28 been issued pursuant to chapter 123 shall have the person's
2 29 class "B" or class "C" beer permit suspended ~~and that person's~~
~~2 30 sales tax permit suspended~~ for a period of fourteen days in
2 31 the same manner as provided in section 123.50, subsection 3,
2 32 paragraph "a".

2 33 Sec. 3. Section 421.17, Code 2007, is amended by adding
2 34 the following new subsection:

2 35 NEW SUBSECTION. 30. If a natural disaster is declared by



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3 1 the governor in any area of the state, the director may extend
3 2 for a period of up to one year the due date for the filing of
3 3 any tax return and may suspend any associated penalty or
3 4 interest that would accrue during that period of time for any
3 5 affected taxpayer whose principal residence or business is
3 6 located in the covered area if the director determines it
3 7 necessary for the efficient administration of the tax laws of
3 8 this state.

3 9 Sec. 4. Section 421.17A, subsection 4, paragraph a, Code
3 10 Supplement 2007, is amended by adding the following new
3 11 unnumbered paragraph:

3 12 NEW UNNUMBERED PARAGRAPH. The facility and financial
3 13 institutions doing business in Iowa shall enter into
3 14 agreements to develop and operate a data match system and
3 15 shall use automated data exchanges to the maximum extent
3 16 feasible. The data match system shall allow a means by which
3 17 each financial institution shall provide to the facility for
3 18 each calendar quarter the name, record address, social
3 19 security number or other taxpayer identification number, and
3 20 other identifying information for each obligor who maintains
3 21 an account at the institution as identified by the facility by
3 22 name and social security number or other taxpayer
3 23 identification number. The facility shall work with
3 24 representatives of financial institutions to develop a system
3 25 to assist financial institutions in complying with the
3 26 provisions of this chapter.

3 27 Sec. 5. Section 421.60, subsection 8, Code 2007, is
3 28 amended to read as follows:

3 29 8. REFUND OF UNTIMELY ASSESSED TAXES. Notwithstanding any
3 30 other refund statute, if it appears that an amount of tax,
3 31 penalty, or interest has been paid to the department after the
3 32 expiration of the statute of limitations for the department to
3 33 determine and assess or collect the amount of such tax due,
3 34 then the amount paid shall be credited against another tax
3 35 liability of the taxpayer which is outstanding, if the statute



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4 1 of limitations for assessment or collection of that other tax
4 2 has not expired or the amount paid shall be refunded to the
4 3 person or, with the person's approval, credited to tax to
4 4 become due. An application for refund or credit under this
4 5 subsection must be filed within one year of payment. This
4 6 subsection shall not be construed to prohibit the department
4 7 from offsetting the refund claim against any tax due, if the
4 8 statute of limitations for that other tax has not expired.
4 9 However, any tax, penalty, or interest due for which a notice
4 10 of assessment was not issued by the department but which was
4 11 voluntarily paid by a taxpayer after the expiration of the
4 12 statute of limitations for assessment shall not be refunded.

4 13 DIVISION II

4 14 INCOME TAX

4 15 Sec. 6. Section 15E.305, subsection 1, Code Supplement
4 16 2007, is amended to read as follows:

4 17 1. For tax years beginning on or after January 1, 2003, a
4 18 tax credit shall be allowed against the taxes imposed in
4 19 chapter 422, divisions II, III, and V, and in chapter 432, and
4 20 against the moneys and credits tax imposed in section 533.329
4 21 equal to twenty percent of a taxpayer's endowment gift to an
4 22 endow Iowa qualified community foundation. An individual may
4 23 claim a tax credit under this section of a partnership,
4 24 limited liability company, S corporation, estate, or trust
4 25 electing to have income taxed directly to the individual. The
4 26 amount claimed by the individual shall be based upon the pro
4 27 rata share of the individual's earnings from the partnership,
4 28 limited liability company, S corporation, estate, or trust. A
4 29 tax credit shall be allowed only for an endowment gift made to
4 30 an endow Iowa qualified community foundation for a permanent
4 31 endowment fund established to benefit a charitable cause in
4 32 this state. The amount of the gift for which the tax credit
4 33 is claimed shall not be deductible in determining taxable
4 34 income for state tax purposes. Any tax credit in excess of
4 35 the taxpayer's tax liability for the tax year may be credited



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5 1 to the tax liability for the following five years or until
5 2 depleted, whichever occurs first. A tax credit shall not be
5 3 carried back to a tax year prior to the tax year in which the
5 4 taxpayer claims the tax credit.

5 5 Sec. 7. Section 422.24A, Code 2007, is repealed.

5 6 Sec. 8. EFFECTIVE AND RETROACTIVE APPLICABILITY DATES.

5 7 1. The section of this division of this Act amending
5 8 section 15E.305 takes effect January 1, 2009, and applies to
5 9 tax years beginning on or after that date.

5 10 2. The section of this division of this Act repealing
5 11 section 422.24A applies retroactively to January 1, 2008, for
5 12 tax years beginning on or after that date.

5 13 EXPLANATION

5 14 DIVISION I == TAX ADMINISTRATION. Code sections 99B.10B
5 15 and 99B.14 are amended to remove the authorization of the
5 16 department of inspections and appeals to suspend a person's
5 17 sales tax permit for a violation of Code chapter 99B, relating
5 18 to games of skill or chance and raffles.

5 19 Code section 421.17 is amended by adding new subsection 30
5 20 to permit the director to extend the period of time for filing
5 21 tax returns and to suspend any penalty or interest associated
5 22 with those returns for taxpayers residing in an area declared
5 23 as a disaster area by the governor.

5 24 Code section 421.17A is amended to require financial
5 25 institutions and the centralized debt collection facility of
5 26 the department to enter into agreements to develop and operate
5 27 data match systems which are to use automated data exchanges
5 28 to the maximum extent feasible. The centralized debt
5 29 collection facility has authority to levy against the accounts
5 30 of individuals and businesses that have outstanding
5 31 liabilities with the department.

5 32 Code section 421.60, subsection 8, is amended to provide
5 33 that any tax, penalty, or interest due which was voluntarily
5 34 paid by a taxpayer after the expiration of the statute of
5 35 limitations for assessment, and a notice of assessment was not



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6 1 issued by the department, shall not be refunded.
6 2 DIVISION II == INCOME TAX. Code section 15E.305 is amended
6 3 to state that taxpayers who receive the endow Iowa tax credit
6 4 for an endowment gift to a qualified community foundation
6 5 cannot also claim a deduction for state tax purposes for this
6 6 same endowment gift. This provision takes effect January 1,
6 7 2009, for tax years beginning on or after that date.
6 8 Code section 422.24A is repealed. This section provides
6 9 for a start-up business tax deferral whereby taxable income
6 10 for the first three years that an eligible business is in
6 11 operation can be deferred. Since this provision was enacted
6 12 in 2002, no businesses have applied for this deferral. This
6 13 provision applies retroactively to January 1, 2008, for tax
6 14 years beginning on or after that date.
6 15 LSB 5475XD 82
6 16 mg/sc/5.1



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

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

Passed House, Date _____
Vote: Ayes _____ Nays _____

A BILL FOR

1 An Act relating to policies for the administration of highways
2 and the regulation of motor vehicles by the department of
3 transportation, including matters concerning the bid threshold
4 for emergency highway repairs, the fee for replacement of
5 special dealer registration plates, disqualification from
6 operating a commercial motor vehicle, an exemption from the
7 civil penalty imposed for certain driver's license sanctions,
8 and permits and fees for the movement of certain overweight
9 vehicles used for alternative energy purposes, and providing
10 an effective date.

11 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
12 TL5B 5450DP 82
13 dea/nh/8



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PAG LIN

1 1 Section 1. Section 313.10, subsection 3, Code 2007, is
1 2 amended to read as follows:

1 3 3. The necessary work can be done for less than ~~five~~
1 4 ~~hundred thousand~~ one million dollars.

1 5 Sec. 2. Section 321.42, subsection 1, Code 2007, is
1 6 amended to read as follows:

1 7 1. If a registration card, plate, or pair of plates is
1 8 lost or becomes illegible, the owner shall immediately apply
1 9 for replacement. The fee for a replacement registration card
1 10 ~~shall be~~ is three dollars. The fee for a replacement plate or
1 11 pair of plates ~~shall be~~ other than a replacement of a special
1 12 plate issued pursuant to section 321.60 is five dollars. The
1 13 fee for replacement of a special plate issued pursuant to
1 14 section 321.60 is forty dollars. When the owner has furnished
1 15 information required by the department and paid the proper
1 16 fee, a duplicate, substitute, or new registration card, plate,
1 17 or pair of plates may be issued. The county treasurer or the
1 18 department may waive the fee for a replacement plate if the
1 19 plate is lost during a documented accident.

1 20 Sec. 3. Section 321.208, Code 2007, is amended by adding
1 21 the following new subsection:

1 22 NEW SUBSECTION. 2A. A person is disqualified from
1 23 operating a commercial motor vehicle for one year if the
1 24 person fails a test administered to determine whether the
1 25 person was operating while intoxicated in any state or foreign
1 26 jurisdiction and the person was operating a commercial motor
1 27 vehicle or a noncommercial motor vehicle and holding a
1 28 commercial driver's license. For purposes of this subsection,
1 29 "fails a test" means the test result showed that the person
1 30 had an alcohol concentration, as defined in section 321J.1, of
1 31 .08 or more.

1 32 Sec. 4. Section 321.208, subsections 3 and 4, Code 2007,
1 33 are amended to read as follows:

1 34 3. A person is disqualified from operating a commercial
1 35 motor vehicle for three years if an act or offense described



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2 1 in subsection 1, 2, or 2A occurred while the person was
2 2 operating a commercial motor vehicle transporting hazardous
2 3 material of a type or quantity requiring vehicle placarding.
2 4 4. A person is disqualified from operating a commercial
2 5 motor vehicle for life if convicted or found to have committed
2 6 two or more of the acts or offenses described in subsection 1,
2 7 2, or 2A arising out of two or more separate incidents.
2 8 However, a disqualification for life is subject to a reduction
2 9 to a ten-year disqualification as provided in 49 C.F.R. }
2 10 383.51 as adopted by rule by the department.
2 11 Sec. 5. Section 321A.32A, Code Supplement 2007, is amended
2 12 to read as follows:
2 13 321A.32A CIVIL PENALTY == DISPOSITION == REINSTATEMENT.
2 14 When the department suspends, revokes, or bars a person's
2 15 driver's license or nonresident operating privilege under this
2 16 chapter, the department shall assess the person a civil
2 17 penalty of two hundred dollars. However, for persons age
2 18 nineteen or under, the civil penalty assessed shall be fifty
2 19 dollars. The money collected by the department under this
2 20 section shall be transmitted to the treasurer of state who
2 21 shall deposit the money in the juvenile detention home fund
2 22 created in section 232.142. A Except as provided in section
2 23 321.210B, a temporary restricted license shall not be issued
2 24 or a driver's license or nonresident operating privilege
2 25 reinstated until the civil penalty has been paid. A person
2 26 assessed a penalty under this section may remit the civil
2 27 penalty along with a processing fee of five dollars to a
2 28 county treasurer authorized to issue driver's licenses under
2 29 chapter 321M, or the civil penalty may be paid directly to the
2 30 department. This section does not apply to a suspension or
2 31 revocation imposed by the department under section 321A.17 due
2 32 to failure to refile proof of financial responsibility as
2 33 required under that section.
2 34 Sec. 6. Section 321E.8, Code 2007, is amended by adding
2 35 the following new subsection:



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3 1 NEW SUBSECTION. 3. Notwithstanding any other provision of
3 2 law to the contrary, cranes exceeding the maximum gross weight
3 3 on any axle as prescribed in section 321.463 and used in the
3 4 construction of alternative energy facilities may be moved
3 5 with approval from the permit issuing authority.

3 6 Sec. 7. Section 321E.9, subsection 3, Code 2007, is
3 7 amended to read as follows:

3 8 3. Cranes~~7~~ exceeding the maximum gross weight on any axle
3 9 as prescribed in section 321.463~~7~~ but not exceeding
3 10 twenty=four thousand pounds~~7~~ may be moved in accordance with
3 11 rules adopted pursuant to chapter 17A. Notwithstanding any
3 12 other provision of law to the contrary, cranes exceeding the
3 13 maximum gross weight on any axle as prescribed in section
3 14 321.463 and used in the construction of alternative energy
3 15 facilities may be moved with approval from the permit issuing
3 16 authority.

3 17 Sec. 8. NEW SECTION. 321E.9B SPECIAL ALTERNATIVE ENERGY
3 18 MULTITRIP PERMIT.

3 19 Subject to the discretion and judgment provided for in
3 20 section 321E.1, a multitrip permit shall be issued for
3 21 operation of vehicles in accordance with the following
3 22 provisions:

3 23 1. Vehicles with an indivisible load having an overall
3 24 length not to exceed two hundred twenty=five feet, an overall
3 25 width not to exceed sixteen feet, a height not to exceed
3 26 sixteen feet, and a total gross weight not to exceed two
3 27 hundred fifty=six thousand pounds may be moved on highways
3 28 specified by the permitting authority to an alternative energy
3 29 construction site or staging area for alternative energy
3 30 transportation, provided the gross weight on any one axle
3 31 shall not exceed twenty thousand pounds.

3 32 2. The special alternative energy multitrip permit shall
3 33 not exceed twelve months in duration.

3 34 3. The permitting authority shall have discretion to
3 35 include restrictions and require special considerations, such



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4 1 as responsibility for protection or repair of the roadway and
4 2 bridges, prior to issuance of the permit.
4 3 Sec. 9. Section 321E.14, unnumbered paragraph 1, Code
4 4 2007, is amended to read as follows:
4 5 The department or local authorities issuing permits shall
4 6 charge a fee of twenty-five dollars for an annual permit
4 7 issued under section 321E.8, subsection 1, a fee of three
4 8 hundred dollars for an annual permit issued under section
4 9 321E.8, subsection 2, a fee of two hundred dollars for a
4 10 ~~multi-trip~~ multitrip permit issued under section 321E.9A, a
4 11 fee of six hundred dollars for a special alternative energy
4 12 multitrip permit issued under section 321E.9B, and a fee of
4 13 ten dollars for a single-trip permit, and shall determine
4 14 charges for special permits issued pursuant to section 321E.29
4 15 by rules adopted pursuant to chapter 17A. Fees for the
4 16 movement of buildings, parts of buildings, or unusual vehicles
4 17 or loads may be increased to cover the costs of inspections by
4 18 the issuing authority. A fee not to exceed two hundred fifty
4 19 dollars per day or a prorated fraction of that fee per person
4 20 and car for escort service may be charged when requested or
4 21 when required under this chapter. Proration of escort fees
4 22 between state and local authorities when more than one
4 23 governmental authority provides or is required to provide
4 24 escort for a movement during the period of a day shall be
4 25 determined by rule under section 321E.15. The department and
4 26 local authorities may charge a permit applicant for the cost
4 27 of trimming trees and removal and replacement of natural
4 28 obstructions or official signs and signals or other public or
4 29 private property required to be removed during the movement of
4 30 a vehicle and load. In addition to the fees provided in this
4 31 section, the annual fee for a permit for special mobile
4 32 equipment, as defined in section 321.1, subsection 75,
4 33 operated pursuant to section 321E.7, subsection 3, with a
4 34 combined gross weight up to and including eighty thousand
4 35 pounds shall be twenty-five dollars and for a combined gross



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6 1 hazardous materials. Multiple occurrences of such offenses
6 2 may lead to disqualification for life.
6 3 The bill creates an exception to the civil penalty that is
6 4 assessed for reinstatement of a person's driving privileges
6 5 following a period of suspension or revocation. The exception
6 6 applies to a person who is required to maintain proof of
6 7 financial responsibility as a condition for licensure and
6 8 whose license is suspended or revoked for failure to refile
6 9 proof of financial responsibility. This provision takes
6 10 effect upon enactment of the bill.
6 11 The bill authorizes the department and local authorities to
6 12 issue annual and single-trip highway permits for the movement
6 13 of cranes exceeding the maximum gross weight limit on any axle
6 14 and used in the construction of alternative energy facilities,
6 15 regardless of the weight of the crane. Under current law, a
6 16 24,000 pound per axle weight limit applies for any crane moved
6 17 under a permit. In addition, the bill authorizes the issuance
6 18 of special multitrip permits, valid for 12 months or less and
6 19 subject to a fee of \$600, for the movement of certain oversize
6 20 and overweight vehicles to an alternative energy construction
6 21 site or staging area. The permitting authority may impose
6 22 restrictions and special considerations when issuing a special
6 23 alternative energy multitrip permit. These provisions
6 24 relating to permits for the movement of vehicles take effect
6 25 upon enactment of the bill.
6 26 LSB 5450DP 82
6 27 dea/nh/8.1