



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 06, 2008

House Amendment 8014

PAG LIN

1 1 Amend the amendment H=8012, to Senate File 261, as
1 2 passed by the Senate, as follows:
1 3 #1. Page 1, line 50, by striking the word <five>
1 4 and inserting the following: <three>.
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1 7
1 8 KRESSIG of Black Hawk
1 9 SF 261.203 82
1 10 tw/nh/20149
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Iowa General Assembly
 Daily Bills, Amendments & Study Bills
 February 06, 2008

House File 2158 - Introduced

HOUSE FILE

BY BAILEY, H. MILLER, ZIRKELBACH,
 JACOBY, D. TAYLOR, BUKTA, MERTZ,
 QUIRK, PETTENGILL, WHITEAD, STAED,
 REICHERT, MASCHER, KUHN, KRESSIG,
 FREVERT, T. OLSON, WENTHE, KELLEY,
 THOMAS, WINCKLER, WINDSCHITL,
 PETERSEN, KAUFMANN, WORTHAN,
 GAYMAN, and SCHUELLER

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

A BILL FOR

1 An Act concerning veterans, including expenditures from the
 2 veterans trust fund and authorization of lottery games for
 3 veterans.
 4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
 5 TLSB 5941YH 82
 6 ec/nh/5



Iowa General Assembly
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House File 2158 - Introduced continued

PAG LIN

1 1 Section 1. Section 35A.13, subsection 5, Code Supplement
1 2 2007, is amended to read as follows:
1 3 5. ~~The minimum balance of the trust fund required prior to~~
~~1 4 expenditure of moneys from the trust fund is fifty million~~
~~1 5 dollars. However, for the fiscal period beginning July 1,~~
~~1 6 2006, and ending June 30, 2009, the minimum balance of the~~
~~1 7 trust fund required prior to expenditure of moneys from the~~
~~1 8 trust fund is five million dollars. Once the minimum balance~~
~~1 9 is reached, the interest~~ Interest and earnings on the fund and
1 10 any moneys received under subsection 3, paragraph "a", are
1 11 appropriated to the commission to be used to achieve the
1 12 purposes of this section.

1 13 Sec. 2. NEW SECTION. 99G.9A LIMITED SERIES OF LOTTERY
1 14 GAMES PROVIDING AID FOR VETERANS.

1 15 The chief executive officer, in consultation with the
1 16 board, shall develop and conduct two additional instant
1 17 scratch and two additional pull tab lottery games annually to
1 18 provide moneys for the benefit of veterans and their spouses
1 19 and dependents. The moneys received from the sale of tickets
1 20 for each lottery game shall be deposited in a special account
1 21 in the lottery fund. Notwithstanding section 99G.39, after
1 22 payment of the prizes, the remaining moneys shall be
1 23 transferred to the veterans trust fund established pursuant to
1 24 section 35A.13. However, if the balance of the veterans trust
1 25 fund is fifty million dollars or more, the remaining moneys
1 26 shall be appropriated to the department of veterans affairs
1 27 for the purposes of the department.

1 28 EXPLANATION

1 29 This bill concerns the veterans trust fund and lottery
1 30 games for veterans.

1 31 Code section 35A.13, establishing the veterans trust fund,
1 32 is amended to eliminate the requirement that the fund reach a
1 33 certain minimum balance before expenditures from the fund can
1 34 be made. Currently, the minimum balance required until June
1 35 30, 2009, is \$5 million and the minimum balance required after



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House File 2158 - Introduced continued

2 1 that date is \$50 million.

2 2 The bill also provides that the chief executive officer of
2 3 the lottery authority shall develop and conduct two additional
2 4 instant scratch and two additional pull tab lottery games
2 5 annually for the benefit of veterans. Moneys received from
2 6 the games, less prizes, shall be deposited in the veterans
2 7 trust fund, currently controlled by the commission of veterans
2 8 affairs, for the benefit of veterans and their spouses and
2 9 dependents.

2 10 Once the balance in the veterans trust fund reaches \$50
2 11 million, the bill provides that proceeds from the games shall
2 12 be appropriated to the department of veterans affairs.

2 13 LSB 5941YH 82

2 14 ec/nh/5.1



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House File 2159 - Introduced

HOUSE FILE
BY WENDT

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

A BILL FOR

- 1 An Act limiting the authority of the director of the department
- 2 of human services in reviewing decisions in contested cases.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 6003HH 82
- 5 jr/nh/5



**Iowa General Assembly
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House File 2159 - Introduced continued

PAG LIN

1 1 Section 1. Section 217.6, Code 2007, is amended to read as
1 2 follows:

1 3 217.6 RULES AND REGULATIONS == ADMINISTRATIVE LAW JUDGE
1 4 DECISIONS.

1 5 1. The director ~~is hereby authorized to~~ may recommend to
1 6 the council for adoption such rules and regulations as are
1 7 necessary to carry into practice the programs of the various
1 8 divisions and to establish such divisions and to assign or
1 9 reassign duties, powers, and responsibilities within the
1 10 department, all with the approval of the council on human
1 11 services, within the department as the director deems
1 12 necessary and appropriate for the proper administration of the
1 13 duties, functions, and programs with which the department is
1 14 charged.

1 15 a. Any action taken, decision made, or administrative rule
1 16 adopted by any administrator of a division may be reviewed by
1 17 the director. The director, upon such review, may affirm,
1 18 modify, or reverse any such action, decision, or rule.

1 19 b. Notwithstanding the provisions of section 17A.15, the
1 20 director shall not have the authority to review a decision of
1 21 an administrative law judge. The decision of an
1 22 administrative law judge shall be considered final agency
1 23 action for purposes of judicial review.

1 24 2. The director shall organize the department of human
1 25 services into divisions to carry out in efficient manner the
1 26 intent of this ~~chapter.~~ chapter. The

1 27 ~~The~~ department of human services may be initially divided
1 28 into the following divisions of responsibility: the division
1 29 of child and family services, the division of mental health
1 30 and disability services, the division of administration, and
1 31 the division of planning, research, and statistics.

1 32 EXPLANATION

1 33 The Iowa administrative procedure Act, Code chapter 17A, in
1 34 part establishes a trial-type process for the adjudication of
1 35 specific controversies that arise within an administrative



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House File 2159 - Introduced continued

2 1 agency. Under that process an initial decision is issued by
2 2 an administrative law judge who has presided over the hearing.
2 3 That initial decision can be reviewed and reversed by the head
2 4 of the administrative agency.

2 5 This bill provides that the director of the department of
2 6 human services has no authority to review the decision of an
2 7 administrative law judge. The decision of the administrative
2 8 law judge is then final agency action which can be reviewed by
2 9 a district court.

2 10 LSB 6003HH 82

2 11 jr/nh/5



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House File 2160 - Introduced

HOUSE FILE
BY SANDS

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

Passed Senate, Date _____
Vote: Ayes _____ Nays _____

A BILL FOR

- 1 An Act prohibiting the purchase of flags by state agencies and
- 2 governmental subdivisions of the state if manufactured outside
- 3 the United States.
- 4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 5 TL5B 5451YH 82
- 6 rn/nh/5



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House File 2160 - Introduced continued

PAG LIN

1 1 Section 1. NEW SECTION. 8A.317 FLAG PURCHASES ==
1 2 RESTRICTION.
1 3 All flags purchased by or for a state agency or a
1 4 governmental subdivision on or after July 1, 2008, shall be
1 5 manufactured within the United States. For purposes of this
1 6 section, the offices, entities, and branches otherwise
1 7 excluded from the definition of "agency" or "state agency"
1 8 pursuant to section 8A.101, subsection 1, paragraphs "a"
1 9 through "d", shall be considered a state agency subject to the
1 10 purchase restriction.

1 11 EXPLANATION

1 12 This bill provides that all flags purchased by or for a
1 13 state agency or a governmental subdivision on or after July 1,
1 14 2008, shall be manufactured within the United States. A
1 15 "state agency" is defined in Code section 8A.101, subsection
1 16 1, to include a unit of state government, which is an
1 17 authority, board, commission, committee, council, department,
1 18 examining or licensing board, or independent agency as defined
1 19 in Code section 7E.4, including but not limited to each
1 20 principal central department enumerated in Code section 7E.5.
1 21 The bill specifically includes within the definition of "state
1 22 agency", and accordingly makes the restriction applicable to,
1 23 offices, entities, or branches otherwise excluded from that
1 24 definition pursuant to Code section 8A.101, subsection 1,
1 25 paragraphs "a" through "d". This adds to the definition the
1 26 otherwise excluded office of the governor, the office of an
1 27 elective constitutional or statutory officer, the general
1 28 assembly or any office or unit under its administrative
1 29 authority, the judicial branch, and a political subdivision of
1 30 the state or its offices or units.
1 31 LSB 5451YH 82
1 32 rn/nh/5



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House File 2161 - Introduced

HOUSE FILE
BY BAILEY

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

A BILL FOR

- 1 An Act relating to a postsecondary tuition waiver for veterans
- 2 attending community colleges or state universities and making
- 3 appropriations.
- 4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 5 TLSB 6140HH 82
- 6 kh/nh/5



Iowa General Assembly
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House File 2161 - Introduced continued

PAG LIN

1 1 Section 1. Section 260C.14, subsection 2, Code 2007, is
1 2 amended to read as follows:
1 3 2. Have authority to determine tuition rates for
1 4 instruction.
1 5 a. Tuition for residents of Iowa shall not exceed the
1 6 lowest tuition rate per semester, or the equivalent, charged
1 7 by an institution of higher education under the state board of
1 8 regents for a full-time resident student. However, except for
1 9 students enrolled under chapter 261C, if a local school
1 10 district pays tuition for a resident pupil of high school age,
1 11 the limitation on tuition for residents of Iowa shall not
1 12 apply, the amount of tuition shall be determined by the board
1 13 of directors of the community college with the consent of the
1 14 local school board, and the pupil shall not be included in the
1 15 full-time equivalent enrollment of the community college for
1 16 the purpose of computing general aid to the community college.
1 17 b. Tuition for nonresidents of Iowa shall not be less than
1 18 the marginal cost of instruction of a student attending the
1 19 college.
1 20 c. A lower tuition for nonresidents may be permitted under
1 21 a reciprocal tuition agreement between a merged area and an
1 22 educational institution in another state, if the agreement is
1 23 approved by the director.
1 24 d. (1) The board shall waive tuition charges for not more
1 25 than sixty semester credit hours of study, or the trimester or
1 26 quarter equivalent, for a student who is a veteran if the
1 27 veteran's benefits under the federal Montgomery GI bill have
1 28 expired. The limitation on credit hours shall be applied
1 29 cumulatively within the state postsecondary education system.
1 30 The waiver shall apply only for the amount of tuition charges
1 31 that exceeds the total amount of any state and federal
1 32 education benefits, grants, or scholarships received by the
1 33 veteran, including but not limited to the federal Pell grant.
1 34 Upon completing the initial twelve semester credit hours, or
1 35 the trimester or quarter equivalent, for which tuition charges



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House File 2161 - Introduced continued

2 1 were waived under this paragraph, the veteran shall have a
2 2 cumulative grade point average of two point five or higher on
2 3 a four-point grade scale in order to continue to be eligible
2 4 for the tuition waiver. This paragraph shall not be construed
2 5 to exempt the veteran from paying mandatory fees customarily
2 6 assessed by the community college.

2 7 (2) The department of veterans affairs shall verify that
2 8 the veteran meets the requirements of this lettered paragraph.

2 9 (3) For purposes of this lettered paragraph, "veteran"
2 10 means the same as defined in section 35.1.

2 11 (4) There is appropriated from the general fund of the
2 12 state to the board each fiscal year an amount necessary to pay
2 13 for the tuition waived by a community college pursuant to this
2 14 lettered paragraph.

2 15 e. The board may designate that a portion of the tuition
2 16 moneys collected from students be used for student aid
2 17 purposes.

2 18 Sec. 2. Section 262.9, subsection 18, Code Supplement
2 19 2007, is amended by adding the following new paragraph:

2 20 NEW PARAGRAPH. c. (1) Direct each institution of higher
2 21 education to waive tuition charges for not more than sixty
2 22 semester credit hours of undergraduate study, or the trimester
2 23 or quarter equivalent, for a student who is a veteran if the
2 24 veteran's benefits under the federal Montgomery GI bill have
2 25 expired. The limitation on credit hours shall be applied
2 26 cumulatively within the state postsecondary education system.
2 27 The waiver shall apply only for the amount of tuition charges
2 28 that exceeds the total amount of any state and federal
2 29 education benefits, grants, or scholarships received by the
2 30 veteran, including but not limited to the federal Pell grant.
2 31 Tuition shall be waived for the veteran until the veteran
2 32 reaches the limitation on credit hours or attains an
2 33 undergraduate degree, whichever occurs first. Upon completing
2 34 the initial twelve semester credit hours, or the trimester or
2 35 quarter equivalent, for which tuition charges were waived



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House File 2161 - Introduced continued

3 1 under this paragraph, the veteran shall have a cumulative
3 2 grade point average of two point five or higher on a
3 3 four=point grade scale in order to continue to be eligible for
3 4 the tuition waiver. This paragraph shall not be construed to
3 5 exempt the veteran from paying mandatory fees customarily
3 6 assessed by the institution.

3 7 (2) The department of veterans affairs shall verify that
3 8 the veteran meets the requirements of this lettered paragraph.

3 9 (3) For purposes of this lettered paragraph, "veteran"
3 10 means the same as defined in section 35.1.

3 11 (4) There is appropriated from the general fund of the
3 12 state to the board, for each fiscal year, an amount necessary
3 13 to pay for the tuition waived by an institution pursuant to
3 14 this lettered paragraph.

3 15 EXPLANATION

3 16 This bill requires community colleges and state
3 17 universities to waive tuition charges for not more than 60
3 18 semester credit hours of coursework, minus any state and
3 19 federal education benefits, grants, or scholarships received
3 20 by the veteran, including but not limited to the federal Pell
3 21 grant, if the veteran's federal Montgomery GI bill benefits
3 22 have expired. The bill makes a standing, unlimited
3 23 appropriation to the department of education and the state
3 24 board of regents to pay for the tuition waived by the
3 25 institutions.

3 26 Upon completing the initial 12 semester hours of credit,
3 27 for which tuition charges were waived, the veteran shall have
3 28 a cumulative grade point average of 2.5 or higher on a 4.0
3 29 grade scale in order to continue to be eligible for the
3 30 tuition waiver. The bill does not exempt the veteran from
3 31 paying mandatory fees customarily assessed by the community
3 32 college or regents university. Tuition shall be waived for
3 33 the veteran until the veteran reaches the limitation on credit
3 34 hours or achieves an undergraduate degree. The limitation on
3 35 credit hours and semesters of study shall be applied



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House File 2161 - Introduced continued

- 4 1 cumulatively within the state postsecondary education system.
- 4 2 LSB 6140HH 82
- 4 3 kh/nh/5



Iowa General Assembly
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House File 2162 - Introduced

HOUSE FILE
BY HORBACH

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

Passed Senate, Date _____
Vote: Ayes _____ Nays _____

A BILL FOR

1 An Act relating to swine by providing for their health and
2 movement, the taking of estray swine, the registration of game
3 swine, the imposition of fees, and providing for penalties and
4 an effective date.
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
6 TL5B 5757YH 82
7 da/rj/8



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House File 2162 - Introduced continued

PAG LIN

1 1 Section 1. Section 163.2, Code 2007, is amended by adding
1 2 the following new subsections:

1 3 NEW SUBSECTION. 3A. "Estray" means not to be in the
1 4 custody or control of a person.

1 5 NEW SUBSECTION. 3B. "Game swine" means the same as
1 6 defined in section 171.1.

1 7 Sec. 2. Section 163.30, subsection 5, unnumbered paragraph
1 8 1, Code 2007, is amended to read as follows:

1 9 All swine moved shall be accompanied by a certificate of
1 10 veterinary inspection issued by the state of origin and
1 11 prepared and signed by a veterinarian. The certificate shall
1 12 show the point of origin, the point of destination, individual
1 13 identification, immunization status, and, when required, any
1 14 movement permit number assigned to the shipment by the
1 15 department. The certificate of veterinary inspection shall
1 16 state whether the swine are game swine, and shall provide any
1 17 registration information as required by section 171.4. All
1 18 ~~such~~ movement of swine shall be completed within seventy-two
1 19 hours unless an extension of time for movement is granted by
1 20 the department.

1 21 Sec. 3. NEW SECTION. 163.32 ESTRAY SWINE IN ANOTHER
1 22 STATE.

1 23 A person who captures swine which is estray in another
1 24 state shall not move that swine into this state.

1 25 Sec. 4. NEW SECTION. 163.61A PENALTY AND DISCIPLINARY
1 26 ACTION FOR MOVING ESTRAY SWINE INTO STATE.

1 27 1. A person who violates section 163.32 is guilty of an
1 28 aggravated misdemeanor. A person is guilty of a separate
1 29 offense for each swine which is the subject of the violation.

1 30 2. Upon a person's conviction for violating section
1 31 163.32, the sentencing court may, as part of the judgment,
1 32 revoke or suspend a license issued pursuant to chapter 481A or
1 33 483A for a definite period of time.

1 34 Sec. 5. NEW SECTION. 171.1 DEFINITIONS.

1 35 As used in this chapter, unless the context otherwise



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House File 2162 - Introduced continued

2 1 requires:

2 2 1. "Custody or control" means to keep an animal in an
2 3 enclosed or confined location, in a manner that prevents the
2 4 release or escape of the animal from the location including
2 5 but not limited to keeping the animal for breeding, growing,
2 6 movement, or harvesting.

2 7 2. "Department" means the department of agriculture and
2 8 land stewardship.

2 9 3. "Game swine" means swine that are classified as part of
2 10 the species *sus scrofa linnaeus* which may be commonly known as
2 11 Russian boar or European boar of either sex.

2 12 4. "Swine" means an animal belonging to the order
2 13 artiodactyla, and classified as part of the family suidae.

2 14 Sec. 6. NEW SECTION. 171.2 RULES.

2 15 The department may adopt rules pursuant to chapter 17A as
2 16 necessary to administer this chapter.

2 17 Sec. 7. NEW SECTION. 171.3 IDENTIFICATION.

2 18 A person who has custody or control of game swine shall
2 19 identify the game swine as required by the department. Game
2 20 swine shall at least be identified with a numbered metal ear
2 21 tag affixed to the game swine or other method such as
2 22 installing an electronic device onto or beneath the hide of
2 23 the game swine as prescribed by the department. The game
2 24 swine must be identified within ten days following the
2 25 person's acquisition of the game swine, including acquisition
2 26 by transfer or birth.

2 27 Sec. 8. NEW SECTION. 171.4 GAME SWINE REGISTRATION
2 28 SYSTEM.

2 29 The department of agriculture and land stewardship shall
2 30 establish a game swine registration system, in cooperation
2 31 with the department of natural resources.

2 32 1. A person who has custody or control of a game swine
2 33 shall register the game swine within ten days following the
2 34 person's acquisition of the game swine, including acquisition
2 35 by transfer or birth.



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House File 2162 - Introduced continued

3 1 2. The person required to register game swine as provided
3 2 in this section shall provide information required by the
3 3 department which shall at least include all of the following:

3 4 a. The number, age, and description of the game swine,
3 5 including its identification number as provided in section
3 6 171.3.

3 7 b. The location where the person maintains custody or
3 8 control of the game swine.

3 9 c. The purpose of the person in maintaining custody or
3 10 control of the game swine.

3 11 d. Whether the person has been issued a hunting preserve
3 12 operator's license as required in chapter 484B.

3 13 3. The department shall to every extent feasible provide
3 14 for registration using the internet, including programming,
3 15 necessary to ensure the convenience, completeness, and
3 16 accuracy of the registrations.

3 17 Sec. 9. NEW SECTION. 171.5 GAME SWINE REGISTRATION FEE.

3 18 A person required to register game swine as provided in
3 19 section 171.4 shall remit a registration fee to the
3 20 department. The amount of the registration fee shall not
3 21 exceed five dollars per head of swine. The moneys collected
3 22 by the department under this section shall be retained as
3 23 repayment receipts by the department exclusively to offset the
3 24 costs of providing for registrations pursuant to section
3 25 171.4.

3 26 Sec. 10. NEW SECTION. 171.6 HEALTH REQUIREMENTS.

3 27 Game swine shall be free of an infectious or contagious
3 28 disease as defined in section 163.2. The department shall
3 29 regulate game swine as any other swine for purposes of
3 30 preventing, suppressing, and eradicating an infectious or
3 31 contagious disease afflicting swine within the state.

3 32 Sec. 11. NEW SECTION. 171.7 PENALTY.

3 33 A person who violates section 171.3 or 171.4 is subject to
3 34 a civil penalty of not more than one hundred dollars. Penalty
3 35 moneys shall be deposited into the general fund of the state.



Iowa General Assembly
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House File 2162 - Introduced continued

4 1 Sec. 12. Section 484B.1, Code 2007, is amended by adding
4 2 the following new subsection:

4 3 NEW SUBSECTION. 4A. "Game swine" means the same as
4 4 defined in section 171.1.

4 5 Sec. 13. NEW SECTION. 484B.12A HEALTH AND MOVEMENT
4 6 REQUIREMENTS == GAME SWINE.

4 7 1. All game swine which are purchased, propagated,
4 8 confined, released, or sold by a hunting preserve required to
4 9 be licensed under this chapter shall be free of diseases
4 10 considered significant for wildlife, poultry, or livestock.
4 11 The department of agriculture and land stewardship shall
4 12 provide for the regulation of game swine as any other swine
4 13 for purposes of preventing, suppressing, and eradicating an
4 14 infectious or contagious disease afflicting swine within the
4 15 state.

4 16 2. Game swine that are purchased, propagated, confined,
4 17 released, or sold by a hunting preserve shall only be moved in
4 18 accordance with rules adopted or orders issued by the
4 19 department of agriculture and land stewardship.

4 20 Sec. 14. Section 717F.1, subsection 1, Code Supplement
4 21 2007, is amended to read as follows:

4 22 1. "Agricultural animal" means an agricultural animal as
4 23 defined in section 717A.1 ~~other than swine which is a member~~
~~4 24 of the species sus scrofa linnaeus, including but not limited~~
~~4 25 to swine commonly known as Russian boar or European boar of~~
~~4 26 either sex.~~

4 27 Sec. 15. Section 717F.1, subsection 5, paragraph a,
4 28 subparagraph (11), Code Supplement 2007, is amended by
4 29 striking the subparagraph.

4 30 Sec. 16. Section 717F.7, subsection 13, Code Supplement
4 31 2007, is amended to read as follows:

4 32 13. A location operated by a person licensed to practice
4 33 veterinary medicine pursuant to chapter 169. ~~However, this~~
~~4 34 subsection shall not apply to a swine which is a member of the~~
~~4 35 species sus scrofa linnaeus, including but not limited to~~



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~~House File 2162 — Introduced continued~~

~~5 1 swine commonly known as Russian boar or European boar of
5 2 either sex.~~

5 3 Sec. 17. Section 717F.8, subsection 2, paragraph 1, Code
5 4 Supplement 2007, is amended by striking the paragraph.

5 5 Sec. 18. IDENTIFICATION AND REGISTRATION == COMPLIANCE
5 6 PERIOD. Notwithstanding sections 171.3 and 171.4, a person
5 7 required to identify game swine and register game swine shall
5 8 have until September 1, 2008, to comply with those sections.

5 9 Sec. 19. EFFECTIVE DATE. This Act, being deemed of
5 10 immediate importance, takes effect upon enactment.

5 11 EXPLANATION

5 12 GENERAL. This bill provides for the regulation of swine
5 13 including estray swine and game swine.

5 14 ESTRAY SWINE. The bill amends Code chapter 163 which in
5 15 part regulates the health of swine. The bill prohibits a
5 16 person who captures estray swine in another state from moving
5 17 the swine into this state. A person who violates the
5 18 provision is guilty of an aggravated misdemeanor. An
5 19 aggravated misdemeanor is punishable by confinement for not
5 20 more than two years and a fine of at least \$625 but not more
5 21 than \$6,250. Upon conviction, the sentencing court may also
5 22 revoke or suspend licenses associated with taking or managing
5 23 wildlife including fishing and hunting licenses.

5 24 GAME SWINE. The bill establishes a new Code chapter 171
5 25 which provides for the regulation of swine classified as game
5 26 swine (classified as part of the species *sus scrofa linnaeus*)
5 27 commonly referred to as a Russian boar or European boar. The
5 28 bill requires game swine to be identified (e.g., by an ear
5 29 tag) and establishes a game swine registration system
5 30 administered by the department of agriculture and land
5 31 stewardship. A person registering the game swine must remit a
5 32 registration fee to the department. The bill grants
5 33 jurisdiction to the department of agriculture and land
5 34 stewardship to regulate the movement and health of game swine,
5 35 including game swine which are part of a hunting preserve



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House File 2162 - Introduced continued

6 1 otherwise regulated by the department of natural resources. A
6 2 person who violates the movement and health requirements is
6 3 subject to a civil penalty of not more than \$100. Under
6 4 section 484B.14, a person who violates provisions regulating
6 5 hunting preserves is guilty of a simple misdemeanor. A simple
6 6 misdemeanor is punishable by confinement for no more than 30
6 7 days or a fine of at least \$65 but not more than \$625 or by
6 8 both.

6 9 WILD DANGEROUS ANIMALS. The bill amends provisions in Code
6 10 chapter 717F prohibiting a person from acquiring, and
6 11 restricting a person from owning or possessing, a dangerous
6 12 wild animal. The bill provides that a dangerous wild animal
6 13 no longer includes swine (e.g., Russian boars or European
6 14 boars).

6 15 EFFECTIVE DATE. The bill takes effect upon enactment.

6 16 LSB 5757YH 82

6 17 da/rj/8



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 06, 2008

House File 2163 - Introduced

HOUSE FILE
BY WHITAKER and REICHERT

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

A BILL FOR

1 An Act relating to classification of certain residential property
2 for purposes of property assessment and taxation and including
3 effective date and retroactive applicability date provisions.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
5 TLSB 5520HH 82
6 sc/nh/5



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House File 2163 - Introduced continued

PAG LIN

1 1 Section 1. Section 441.21, Code 2007, is amended by adding
1 2 the following new subsection:

1 3 NEW SUBSECTION. 11A. Beginning with valuations
1 4 established on or after January 1, 2008, as used in this
1 5 section, "residential property" shall include lands and
1 6 buildings used primarily for human habitation and containing
1 7 four or fewer separate living quarters, as well as structures
1 8 and improvements used primarily as a part of or in conjunction
1 9 with such lands and buildings. "Residential property" does
1 10 not include a hotel, motel, inn, or other building where rooms
1 11 are usually rented for less than one month, a nursing home, or
1 12 a rest home.

1 13 Sec. 2. EFFECTIVE AND RETROACTIVE APPLICABILITY DATES.
1 14 This Act, being deemed of immediate importance, takes effect
1 15 upon enactment and applies retroactively to January 1, 2008,
1 16 for assessment years beginning on or after that date.

1 17 EXPLANATION

1 18 This bill provides that, for purposes of property tax
1 19 assessment, residential property shall include lands and
1 20 buildings used primarily for human habitation and containing
1 21 four or fewer separate living quarters.

1 22 The bill takes effect upon enactment and applies
1 23 retroactively to January 1, 2008, for assessment years
1 24 beginning on or after that date.

1 25 LSB 5520HH 82

1 26 sc/nh/5.1



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House File 2164 - Introduced

HOUSE FILE
 BY COMMITTEE ON EDUCATION

(SUCCESSOR TO HSB 530)

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

A BILL FOR

- 1 An Act relating to voluntary diversity or court-ordered school
- 2 desegregation plans under the state's open enrollment law.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 5331HV 82
- 5 kh/rj/24



Iowa General Assembly
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House File 2164 - Introduced continued

PAG LIN

1 1 Section 1. Section 282.18, subsection 3, Code 2007, is
1 2 amended to read as follows:
1 3 3. ~~In all districts involved with voluntary or~~
~~1 4 court-ordered desegregation, minority and nonminority pupil~~
~~1 5 ratios shall be maintained according to the desegregation plan~~
~~1 6 or order.~~ The superintendent of a district subject to a
1 7 voluntary diversity or court-ordered desegregation plan, as
1 8 recognized by rule of the state board of education, may deny a
1 9 request for transfer under this section if the superintendent
1 10 finds that enrollment or release of a pupil will adversely
1 11 affect the district's implementation of the desegregation
1 12 order or diversity plan, unless the transfer is requested by a
1 13 pupil whose sibling is already participating in open
1 14 enrollment to another district, or unless the request for
1 15 transfer is submitted to the district in a timely manner as
1 16 required under subsection 2 prior to the adoption of a
1 17 desegregation plan by the district. If a transfer request
1 18 would facilitate a voluntary diversity or court-ordered
1 19 desegregation plan, the district shall give priority to
1 20 granting the request over other requests.
1 21 A parent or guardian, whose request has been denied because
1 22 of a desegregation order or diversity plan, may appeal the
1 23 decision of the superintendent to the board of the district in
1 24 which the request was denied. The board may either uphold or
1 25 overturn the superintendent's decision. A decision of the
1 26 board to uphold the denial of the request is subject to appeal
1 27 to the district court in the county in which the primary
1 28 business office of the district is located. ~~By July 1, 2004,~~
~~1 29 the~~ The state board of education shall adopt rules
1 30 establishing definitions, guidelines, and a review process for
1 31 school districts that adopt voluntary ~~desegregation~~ diversity
1 32 plans. The guidelines shall include criteria and standards
1 33 that school districts must follow when developing a voluntary
1 34 ~~desegregation~~ diversity plan. The department of education
1 35 shall provide technical assistance to a school district that



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House File 2164 - Introduced continued

2 1 is seeking to adopt a voluntary ~~desegregation~~ diversity plan.
2 2 A school district implementing a voluntary ~~desegregation~~
2 3 diversity plan prior to July 1, ~~2004~~ 2008, shall have until
2 4 July 1, ~~2006~~ 2009, to comply with guidelines adopted by the
2 5 state board pursuant to this section.

2 6 EXPLANATION

2 7 This bill eliminates a reference to minority and
2 8 nonminority pupil ratios maintained according to a voluntary
2 9 desegregation plan or order under the state's open enrollment
2 10 law. The bill requires that the state board of education
2 11 adopt administrative rules establishing definitions,
2 12 guidelines, and a review process for voluntary diversity
2 13 plans, and gives school districts implementing a plan prior to
2 14 July 1, 2008, until July 1, 2009, to comply with the new
2 15 guidelines adopted by the state board. The bill also requires
2 16 departmental rules to recognize court-ordered desegregation
2 17 plans.

2 18 The bill is drafted in response to the U.S. Supreme Court's
2 19 decision in Parents Involved in Community Schools v. Seattle
2 20 School District No. 1 et al., No. 05=908, (together with
2 21 Meredith, Custodial Parent and Next Friend of McDonald v.
2 22 Jefferson County Bd. of Ed et al., No. 05=915,) decided June
2 23 28, 2007. In its decision, the court stated that the court
2 24 has condemned as illegitimate a plan whose objective is
2 25 directed only to racial imbalance, without "any pedagogic
2 26 concept of the level of diversity needed to attain the
2 27 asserted educational benefits." The court reiterated that it
2 28 is permissible to "consider the school's racial makeup" as one
2 29 aspect in adopting "general policies to encourage a diverse
2 30 student body." The court offered a number of measures which
2 31 may be used to offer equal educational opportunity to all.

2 32 LSB 5331HV 82

2 33 kh/rj/24



Iowa General Assembly
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House File 2165 - Introduced

HOUSE FILE
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO HSB 544)

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

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 5667HV 82
- 5 da/nh/8



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 06, 2008

House File 2165 - Introduced 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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House File 2165 - Introduced 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 material 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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House File 2165 - Introduced continued

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 5667HV 82
3 22 da/nh/8



Iowa General Assembly
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 February 06, 2008

House File 2166 - Introduced

HOUSE FILE
 BY COMMITTEE ON HUMAN RESOURCES

(SUCCESSOR TO HSB 518)

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

A BILL FOR

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



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 06, 2008

House File 2166 - Introduced continued

PAG LIN

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



Iowa General Assembly
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House File 2166 - Introduced continued

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



Iowa General Assembly
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House File 2166 - Introduced continued

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

3 3 EXPLANATION

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

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

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

3 18 LSB 5359HV 82

3 19 jr/nh/14



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 06, 2008

House File 2167 - Introduced

HOUSE FILE
BY COMMITTEE ON HUMAN RESOURCES

(SUCCESSOR TO HSB 517)

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

A BILL FOR

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



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 06, 2008

House File 2167 - Introduced continued

PAG LIN

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

1 4 NEW SUBPARAGRAPH. (18) Oripavine.

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

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

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

1 11 NEW PARAGRAPH. n. Embutramide.

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

1 14 9. HALLUCINOGENIC SUBSTANCES.

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

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

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

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

1 32 EXPLANATION

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

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



Iowa General Assembly
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February 06, 2008

House File 2167 - Introduced continued

2 1 schedule II controlled substances.

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

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

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

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

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

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

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

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



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House File 2167 - Introduced continued

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



Iowa General Assembly
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House File 2168 - Introduced

HOUSE FILE

BY DANDEKAR, BERRY, SWAIM, BAILEY,
WENTHE, SMITH, GAYMAN, KELLEY,
QUIRK, KRESSIG, MERTZ, HEDDENS,
THOMAS, WENDT, SCHUELLER, and
HUSER

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

Passed Senate, Date _____
Vote: Ayes _____ Nays _____

A BILL FOR

- 1 An Act relating to the criminal offense of internet harassment
- 2 and bullying, and providing penalties.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 5563HH 82
- 5 jm/rj/5



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 06, 2008

House File 2168 - Introduced continued

PAG LIN

1 1 Section 1. NEW SECTION. 708.7A INTERNET HARASSMENT AND
1 2 BULLYING == SERIOUS INJURY OR DEATH.

1 3 A person who, with the intent to intimidate, annoy, alarm,
1 4 or bully another person, communicates with the other person
1 5 through the internet in a manner the person knows or
1 6 reasonably should know is likely to cause the other person
1 7 serious injury or death, commits a class "D" felony.

1 8 EXPLANATION

1 9 This bill relates to the criminal offense of internet
1 10 harassment and bullying. The bill provides that a person who,
1 11 with the intent to intimidate, annoy, alarm, or bully another
1 12 person, communicates with the other person through the
1 13 internet in a manner the person knows or reasonably should
1 14 know is likely to cause the other person serious injury or
1 15 death, commits a class "D" felony.

1 16 A class "D" felony is punishable by confinement for no more
1 17 than five years and a fine of at least \$750 but not more than
1 18 \$7,500.

1 19 LSB 5563HH 82

1 20 jm/rj/5.3



Iowa General Assembly
Daily Bills, Amendments & Study Bills
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House File 2169 - Introduced

HOUSE FILE
BY R. OLSON

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

Passed Senate, Date _____
Vote: Ayes _____ Nays _____

A BILL FOR

- 1 An Act relating to communications made by a person under arrest
- 2 or in custody.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 6386HH 82
- 5 jm/nh/8



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 06, 2008

House File 2169 - Introduced continued

PAG LIN

1 1 Section 1. Section 804.20, Code 2007, is amended to read
1 2 as follows:

1 3 804.20 COMMUNICATIONS BY ARRESTED PERSONS.

1 4 1. For purposes of this section, "member of the person's
1 5 family" includes a friend or acquaintance.

1 6 2. Any peace officer or other person having custody of any
1 7 person arrested or restrained of the person's liberty for any
1 8 reason whatever, shall permit that person, without unnecessary
1 9 delay after arrival at the place of detention, to call,
1 10 consult, and see a member of the person's family or an
1 11 attorney of the person's choice, or both. Such person shall
1 12 be permitted to make a reasonable number of telephone calls as
1 13 may be required to secure an attorney. If a call is made, it
1 14 shall be made in the presence of the person having custody of
1 15 the one arrested or restrained. If such person is
1 16 intoxicated, or a person under eighteen years of age, the call
1 17 may be made by the person having custody. An attorney shall
1 18 be permitted to see and consult confidentially with such
1 19 person alone and in private at the jail or other place of
1 20 custody without unreasonable delay.

1 21 3. A violation of this section shall constitute a simple
1 22 misdemeanor.

1 23 EXPLANATION

1 24 This bill relates to communications made by a person under
1 25 arrest or in custody.

1 26 The bill provides that a peace officer shall, after
1 27 arriving at the place of detention, permit a person under
1 28 arrest or in custody to call, consult, and see a member of the
1 29 person's family, including a friend or acquaintance, or an
1 30 attorney, or both. Current law provides that a peace officer
1 31 shall, after arriving at the place of detention, permit a
1 32 person under arrest or in custody to call, consult, and see a
1 33 member of the person's family or an attorney, or both.

1 34 LSB 6386HH 82

1 35 jm/nh/8



Iowa General Assembly
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House File 2170 - Introduced

HOUSE FILE
BY KRESSIG

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

A BILL FOR

- 1 An Act concerning permissible prizes for use of an electrical and
- 2 mechanical amusement device.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 6257YH 82
- 5 ec/nh/5



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 06, 2008**

House File 2170 - Introduced continued

PAG LIN

1 1 Section 1. Section 99B.10, subsection 1, paragraphs a and
 1 2 b, Code Supplement 2007, are amended to read as follows:
 1 3 a. A prize of merchandise, including a gift certificate or
 1 4 electronic gift card, exceeding five dollars in value shall
 1 5 not be awarded for use of the device. However, a mechanical
 1 6 or amusement device may be designed or adapted to award a
 1 7 prize or one or more free games or portions of games without
 1 8 payment of additional consideration by the participant.

1 9 b. A prize of cash exceeding five dollars shall not be
 1 10 awarded for use of the device.

1 11 Sec. 2. Section 99B.10, subsection 1, paragraph k, Code
 1 12 Supplement 2007, is amended by striking the paragraph.

1 13 Sec. 3. Section 99B.10, subsection 3, unnumbered paragraph
 1 14 1, Code Supplement 2007, is amended to read as follows:

1 15 A person who violates any provision of subsection 1,
 1 16 paragraph "a", "e", "g", "h", "i", "j", ~~"k"~~, or "m", shall be
 1 17 subject to the following:

EXPLANATION

1 19 This bill concerns permissible prizes from an electrical
 1 20 and mechanical amusement device.

1 21 The bill provides that a prize of merchandise can include a
 1 22 gift certificate or electronic gift card.

1 23 The bill also permits the awarding of a cash prize of \$5 or
 1 24 less. Current law prohibits the awarding of any cash prize.

1 25 The bill also eliminates the requirement that prizes
 1 26 awarded shall only be redeemed on the premises where the
 1 27 device is located and only for merchandise sold at the
 1 28 premises.

1 29 LSB 6257YH 82

1 30 ec/nh/5



Iowa General Assembly
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February 06, 2008

House File 2171 - Introduced

HOUSE FILE
BY REICHERT

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

A BILL FOR

- 1 An Act requiring public schools and specified nonpublic schools
- 2 to utilize environmentally sensitive cleaning and maintenance
- 3 products in school facilities.
- 4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 5 TL5B 5787HH 82
- 6 rn/nh/5



Iowa General Assembly
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House File 2171 - Introduced continued

PAG LIN

1 1 Section 1. NEW SECTION. 280.29 SCHOOL CLEANING AND
1 2 MAINTENANCE == GREEN CLEANING PRODUCTS.
1 3 1. FINDINGS AND INTENT. The general assembly finds that
1 4 children are vulnerable to and may be severely affected by
1 5 exposure to chemicals, hazardous waste, and other
1 6 environmental hazards. The federal environmental protection
1 7 agency estimates that human exposure to indoor air pollutants
1 8 can be two to five times, and up to one hundred times, higher
1 9 than outdoor levels. Children, teachers, janitors, and other
1 10 staff members spend a significant amount of time inside school
1 11 buildings and are continuously exposed to chemicals from
1 12 cleaners, waxes, deodorizers, and other maintenance products.
1 13 2. USE OF GREEN CLEANING PRODUCTS. By July 1, 2009, all
1 14 school districts in this state, and accredited nonpublic
1 15 schools with an enrollment of at least fifty pupils, shall
1 16 conform to a green cleaning policy requiring the exclusive
1 17 purchase and use of green cleaning products for purposes of
1 18 school building cleaning and maintenance. For purposes of
1 19 this section, "green cleaning products" means environmentally
1 20 sensitive and nontoxic cleaning and maintenance products and
1 21 supplies. A school district or accredited nonpublic school
1 22 may deplete its existing cleaning and maintenance supply
1 23 stocks and implement the new requirements in the procurement
1 24 cycle for the following school year. A school district or
1 25 accredited nonpublic school shall be exempt from the
1 26 requirements of this section if the district or school submits
1 27 written documentation to the department on an annual basis
1 28 that adoption of the policy would result in a significant
1 29 increase in annual cleaning and maintenance product and supply
1 30 costs.
1 31 3. POLICY GUIDELINES AND SPECIFICATIONS. The department,
1 32 in consultation with the department of public health, shall
1 33 establish by rule and update on an annual basis thereafter
1 34 guidelines and specifications for the use of green cleaning
1 35 products in school buildings, and shall maintain a list of



Iowa General Assembly
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House File 2171 - Introduced continued

2 1 approved products, together with estimated costs and supply
2 2 vendors. The department shall provide multiple avenues by
2 3 which cleaning products may be determined to be
2 4 environmentally sensitive and nontoxic, and the guidelines
2 5 developed shall include implementation practices and
2 6 inspection procedures. The completed guidelines shall be
2 7 posted and updated on the department's web site, and shall
2 8 additionally be distributed on an updated basis to each school
2 9 district, and accredited nonpublic school with an enrollment
2 10 of at least fifty pupils, in the state.

2 11 Sec. 2. STATE MANDATE FUNDING SPECIFIED. In accordance
2 12 with section 25B.2, subsection 3, the state cost of requiring
2 13 compliance with any state mandate included in this Act shall
2 14 be paid by a public school district from state school
2 15 foundation aid received by the school district under section
2 16 257.16. This specification of the payment of the state cost
2 17 shall be deemed to meet all of the state funding-related
2 18 requirements of section 25B.2, subsection 3, and no additional
2 19 state funding shall be necessary for the full implementation
2 20 of this Act by and enforcement of this Act against all
2 21 affected school districts.

2 22 EXPLANATION

2 23 This bill requires school districts, and accredited
2 24 nonpublic schools with an enrollment of at least 50 pupils, to
2 25 purchase and utilize green cleaning products for purposes of
2 26 school building cleaning and maintenance beginning July 1,
2 27 2009. The bill defines "green cleaning products" as
2 28 environmentally sensitive and nontoxic cleaning and
2 29 maintenance products and supplies. The bill provides that a
2 30 school district or accredited nonpublic school may deplete its
2 31 existing cleaning and maintenance supply stocks and implement
2 32 the new requirements in the procurement cycle for the
2 33 following school year, and shall be exempt from compliance if
2 34 the district or school submits written documentation to the
2 35 department of education on an annual basis that adoption of



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February 06, 2008

House File 2171 - Introduced continued

3 1 the policy would result in a significant increase in annual
3 2 cleaning and maintenance product and supply costs.
3 3 The bill provides that the department, in consultation with
3 4 the department of public health, shall establish by rule and
3 5 annually update a policy of guidelines and specifications for
3 6 the use of green cleaning products in school buildings, and
3 7 shall maintain a list of approved products, estimated costs,
3 8 and supply vendors. The department is instructed to provide
3 9 multiple avenues by which cleaning products may be determined
3 10 to be environmentally sensitive and nontoxic, to include in
3 11 the guidelines implementation practices and inspection
3 12 procedures, and to post on the department's web site and
3 13 distribute to each school updated copies of the policy.
3 14 The bill may include a state mandate as defined in Code
3 15 section 25B.3. The bill requires, with respect to public
3 16 school districts, that the state cost of any state mandate
3 17 included in the bill be paid by a school district from state
3 18 school foundation aid received by the district under Code
3 19 section 257.16. This specification is deemed to constitute
3 20 state compliance with any state mandate funding-related
3 21 requirements of Code section 25B.2. The inclusion of this
3 22 specification is intended to reinstate the requirement of
3 23 political subdivisions to comply with any state mandates
3 24 included in the bill.
3 25 LSB 5787HH 82
3 26 rn/nh/5



Iowa General Assembly
 Daily Bills, Amendments & Study Bills
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House File 2172 - Introduced

HOUSE FILE

BY ABDUL-SAMAD, SWAIM, GAYMAN,
 LENSING, WESSEL-KROESCHELL,
 SMITH, FOEGE, WINCKLER, GASKILL,
 HUNTER, PETERSEN, H. MILLER,
 SCHUELLER, WENDT, REICHERT,
 FREVERT, BUKTA, BERRY, T. OLSON,
 WENTHE, WHITAKER, and FORD

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

Passed Senate, Date _____
 Vote: Ayes _____ Nays _____

A BILL FOR

- 1 An Act making an appropriation for the hepatitis integration
- 2 project.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 5099HH 82
- 5 pf/rj/8



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 06, 2008**

House File 2172 - Introduced continued

PAG LIN

1 1 Section 1. HEPATITIS INTEGRATION PROJECT == APPROPRIATION.
 1 2 There is appropriated from the general fund of the state to
 1 3 the department of public health for the fiscal year beginning
 1 4 July 1, 2008, and ending June 30, 2009, the following amount,
 1 5 or so much thereof as is necessary, to be used for the purpose
 1 6 designated:

1 7 For the HIV/AIDS/Hepatitis program, hepatitis integration
 1 8 project, to offer free testing for hepatitis C and
 1 9 vaccinations for hepatitis A and hepatitis B for persons at
 1 10 risk for these diseases:

1 11 \$ 400,000

1 12 EXPLANATION

1 13 This bill appropriates \$400,000 from the general fund of
 1 14 the state to the department of public health for FY 2008=2009
 1 15 for the hepatitis integration project to offer free testing
 1 16 for hepatitis C and vaccinations for hepatitis A and hepatitis
 1 17 B for persons at risk for HIV, AIDS, or hepatitis.

1 18 LSB 5099HH 82

1 19 pf/rj/8



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 06, 2008

House File 2173 - Introduced

HOUSE FILE
BY KRESSIG

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

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 6057HH 82
- 6 rh/nh/8



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 06, 2008

House File 2173 - Introduced 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 6057HH 82

1 17 rh/nh/8



Iowa General Assembly
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February 06, 2008

House File 2174 - Introduced

HOUSE FILE
BY HEDDENS

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

A BILL FOR

1 An Act imposing requirements on the driver of a motor vehicle
2 involved in a single-vehicle accident and making a penalty
3 applicable.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
5 TLSB 5585HH 82
6 dea/nh/5



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 06, 2008

House File 2174 - Introduced continued

PAG LIN

1 1 Section 1. NEW SECTION. 321.263A ACCIDENTS INVOLVING A
1 2 SINGLE VEHICLE.

1 3 1. Except as provided in subsection 2, the driver of a
1 4 vehicle involved in an accident in which no other vehicle is
1 5 involved and which results in injury to the driver or damage
1 6 to the vehicle shall remain with the vehicle at the scene of
1 7 the accident, except as necessary to seek essential aid or
1 8 report the accident to law enforcement authorities, to allow
1 9 an investigation of the accident by a peace officer in
1 10 accordance with section 321.266.

1 11 2. If the driver of a vehicle involved in an accident in
1 12 which no other vehicle is involved is uninjured and the
1 13 vehicle is capable of being safely and lawfully operated on
1 14 the highway, the driver may remove the vehicle from the scene
1 15 of the accident and report the accident to the department if
1 16 required pursuant to section 321.266.

1 17 Sec. 2. Section 321.484, subsection 2, Code Supplement
1 18 2007, is amended to read as follows:

1 19 2. If a peace officer as defined in section 801.4 has
1 20 reasonable cause to believe the driver of a motor vehicle has
1 21 violated section 321.261, 321.262, 321.263A, 321.264, 321.341,
1 22 321.342, 321.343, 321.344, or 321.372, the officer may request
1 23 any owner of the motor vehicle to supply information
1 24 identifying the driver. When requested, the owner of the
1 25 vehicle shall identify the driver to the best of the owner's
1 26 ability. However, the owner of the vehicle is not required to
1 27 supply identification information to the officer if the owner
1 28 believes the information is self-incriminating.

1 29 EXPLANATION

1 30 This bill requires that when a single-vehicle accident
1 31 occurs resulting in injury to the driver or damage to the
1 32 vehicle, the driver must remain with the vehicle at the scene
1 33 of the accident to allow an investigation of the accident by a
1 34 peace officer. An exception is allowed if the driver must
1 35 leave the vehicle to seek essential aid or report the accident



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House File 2174 - Introduced continued

2 1 to law enforcement authorities. Also, in the case of a minor
2 2 accident in which the driver is not injured and the vehicle is
2 3 capable of being safely and lawfully operated, the driver may
2 4 remove the vehicle from the scene of the accident and report
2 5 the accident to the department of transportation as required
2 6 by law. Current law requires the driver of a vehicle involved
2 7 in an accident resulting in injury to any person or total
2 8 property damage to an apparent extent of \$1,000 or more to
2 9 make a written report to the department within 72 hours of the
2 10 accident unless the accident is investigated by law
2 11 enforcement authorities.

2 12 The bill specifies that if a peace officer has reason to
2 13 believe that the driver of a motor vehicle left the scene of a
2 14 single-vehicle accident in violation of the new requirements,
2 15 the peace officer may request that the owner of a motor
2 16 vehicle supply information identifying the driver of a motor
2 17 vehicle. However, the owner is not required to supply
2 18 self-incriminating information.

2 19 Pursuant to the provisions of Code section 321.482, failure
2 20 to remain at the scene of a single-vehicle accident as
2 21 required in the bill is a simple misdemeanor, punishable by
2 22 confinement for no more than 30 days or a fine of at least \$65
2 23 but not more than \$625 or by both.

2 24 LSB 5585HH 82

2 25 dea/nh/5



Iowa General Assembly
Daily Bills, Amendments & Study Bills
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House File 2175 - Introduced

HOUSE FILE
BY R. OLSON

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

A BILL FOR

1 An Act establishing a county courthouse infrastructure and
2 security fund and program, changing the tax rate on adjusted
3 gross receipts from certain gambling structures, and providing
4 an appropriation to the fund from a portion of adjusted gross
5 receipts from gambling games on gambling structures.
6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
7 TLSB 5638YH 82
8 ec/nh/8



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 06, 2008

House File 2175 - Introduced continued

PAG LIN

1 1 Section 1. Section 99F.11, subsection 2, Code Supplement
1 2 2007, is amended to read as follows:

1 3 2. The tax rate imposed each fiscal year on any amount of
1 4 adjusted gross receipts over three million dollars shall be as
1 5 follows:

1 6 a. If the licensee is an excursion gambling boat ~~or~~
~~1 7 gambling structure~~, twenty=two percent.

1 8 b. If the licensee is a racetrack enclosure or gambling
1 9 structure conducting gambling games and another licensee that
1 10 is an excursion gambling boat ~~or gambling structure~~ is located
1 11 in the same county, then the following rate, as applicable:

1 12 (1) If the licensee of the racetrack enclosure has not
1 13 been issued a table games license during the fiscal year or if
1 14 the adjusted gross receipts from gambling games of the
1 15 racetrack enclosure or gambling structure licensee in the
1 16 prior fiscal year were less than one hundred million dollars,
1 17 twenty=two percent.

1 18 (2) If the licensee of the racetrack enclosure has been
1 19 issued a table games license during the fiscal year or prior
1 20 fiscal year and the adjusted gross receipts from gambling
1 21 games of the licensee in the prior fiscal year were one
1 22 hundred million dollars or more, twenty=two percent on
1 23 adjusted gross receipts received prior to the operational date
1 24 and twenty=four percent on adjusted gross receipts received on
1 25 or after the operational date. For purposes of this
1 26 subparagraph, the operational date is the date the commission
1 27 determines table games became operational at the racetrack
1 28 enclosure.

1 29 (3) If the adjusted gross receipts from gambling games of
1 30 a licensee of a gambling structure in the prior fiscal year
1 31 were one hundred million dollars or more, twenty=four percent.

1 32 c. If the licensee is a racetrack enclosure or gambling
1 33 structure conducting gambling games and no licensee that is an
1 34 excursion gambling boat ~~or gambling structure~~ is located in
1 35 the same county, twenty=four percent.



Iowa General Assembly
Daily Bills, Amendments & Study Bills
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House File 2175 - Introduced continued

2 1 Sec. 2. Section 99F.11, subsection 3, Code Supplement
2 2 2007, is amended by adding the following new paragraph:
2 3 NEW PARAGRAPH. ee. Two percent of the adjusted gross
2 4 receipts over three million dollars from gambling structures
2 5 with a tax rate of twenty-four percent shall be deposited in
2 6 the county courthouse infrastructure and security fund created
2 7 in section 602.1304A.
2 8 Sec. 3. NEW SECTION. 602.1304A COUNTY COURTHOUSE
2 9 INFRASTRUCTURE AND SECURITY PROGRAM AND FUND.
2 10 1. A county courthouse infrastructure and security fund is
2 11 created in the state treasury under the authority of the
2 12 supreme court to be used to fund a county courthouse
2 13 infrastructure and security program. The fund shall be
2 14 separate from the general fund of the state and the balance in
2 15 the fund shall not be considered part of the balance of the
2 16 general fund of the state. Notwithstanding section 8.33,
2 17 moneys in the fund that remain unencumbered or unobligated at
2 18 the close of the fiscal year shall not revert but shall remain
2 19 available for expenditure for the purposes designated until
2 20 the close of the succeeding fiscal year. Notwithstanding
2 21 section 12C.7, subsection 2, interest or earnings on moneys in
2 22 the fund shall be credited in the fund.
2 23 2. A county courthouse infrastructure and security program
2 24 is created to make grants to counties for the purpose of
2 25 providing and improving courthouse infrastructure and
2 26 security. The moneys may be used by the county for courthouse
2 27 infrastructure projects and the purchase of security equipment
2 28 and building enhancements that improve courthouse security.
2 29 The supreme court shall establish a commission to administer
2 30 the grant program including reviewing applications for grants
2 31 and awarding grants. The state court administrator shall
2 32 disburse the grants awarded by the commission. The commission
2 33 shall consist of members who have an interest in courthouse
2 34 infrastructure and security. Members shall be selected by the
2 35 supreme court and are to include but are not limited to: a



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House File 2175 - Introduced continued

3 1 county sheriff, a county attorney, an emergency management
3 2 coordinator, an attorney in private practice, a county
3 3 supervisor, a district judge, a district associate judge, a
3 4 magistrate, an employee of the state public defender, a clerk
3 5 of the district court, a chief judge, a court administrator,
3 6 and a person who has expertise or a professional interest in
3 7 security. In selecting the members of the commission the
3 8 supreme court shall consult with any professional organization
3 9 or agency that represents the respective members prior to
3 10 selecting a member. The supreme court shall prescribe rules
3 11 to implement this subsection.

EXPLANATION

3 13 This bill establishes a county courthouse infrastructure
3 14 and security program and fund and provides funding for the
3 15 program through an increase in the tax on certain gambling
3 16 structures.

3 17 Code section 99F.11 is amended to provide that the adjusted
3 18 gross receipts tax on gambling structures shall be the same as
3 19 for racetrack enclosures. The bill provides that the tax rate
3 20 on adjusted gross receipts over \$3 million for a licensed
3 21 gambling structure shall be 24 percent if no other gambling
3 22 boat is located in the same county or a gambling boat is
3 23 located in the same county and the adjusted gross receipts of
3 24 the gambling structure for the prior fiscal year are \$100
3 25 million or more. If an excursion gambling boat is located in
3 26 the same county as the gambling structure and adjusted gross
3 27 receipts of the gambling structure for the prior fiscal year
3 28 are less than \$100 million the tax rate is 22 percent.
3 29 Current law provides that the tax rate on gambling structures
3 30 is 22 percent.

3 31 The Code section is also amended to provide that 2 percent
3 32 of the adjusted gross receipts over \$3 million from gambling
3 33 structures with a tax rate of 24 percent shall be deposited in
3 34 the county courthouse infrastructure and security fund created
3 35 in the bill.



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
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House File 2175 - Introduced continued

4 1 The bill establishes a county courthouse infrastructure and
4 2 security fund and program within the supreme court. The bill
4 3 provides that grants from the program may be used by counties
4 4 for courthouse infrastructure projects and the purchase of
4 5 courthouse security equipment or building enhancements that
4 6 improve courthouse security. The bill also establishes a
4 7 commission to administer the grant program including reviewing
4 8 applications for grants and awarding such grants.
4 9 LSB 5638YH 82
4 10 ec/nh/8



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 06, 2008

House File 2176 - Introduced

HOUSE FILE
BY WENTHE

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

A BILL FOR

1 An Act relating to the incorporation of character education into
2 the curricula of students in grades one through nine, and
3 providing effective and applicability dates.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
5 TLSB 5736YH 82
6 ak/nh/24



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 06, 2008

House File 2176 - Introduced continued

PAG LIN

1 1 Section 1. Section 256.11, subsections 3 and 4, Code
1 2 Supplement 2007, are amended to read as follows:
1 3 3. The following areas shall be taught in grades one
1 4 through six: English=language arts, social studies,
1 5 mathematics, science, health, age=appropriate and
1 6 research=based human growth and development, physical
1 7 education, traffic safety, music, ~~and~~ visual art, and
1 8 age=appropriate character education, including lessons in
1 9 personal conduct. The health curriculum shall include the
1 10 characteristics of communicable diseases including acquired
1 11 immune deficiency syndrome. The state board as part of
1 12 accreditation standards shall adopt curriculum definitions for
1 13 implementing the elementary program.
1 14 4. The following shall be taught in grades seven and
1 15 eight: English=language arts; social studies; mathematics;
1 16 science; health; age=appropriate and research=based human
1 17 growth and development; family, consumer, career, and
1 18 technology education; physical education; music; ~~and~~ visual
1 19 art; and age=appropriate character education, including
1 20 lessons in personal conduct. The health curriculum shall
1 21 include age=appropriate and research=based information
1 22 regarding the characteristics of sexually transmitted
1 23 diseases, including HPV and the availability of a vaccine to
1 24 prevent HPV, and acquired immune deficiency syndrome. The
1 25 state board as part of accreditation standards shall adopt
1 26 curriculum definitions for implementing the program in grades
1 27 seven and eight. However, this subsection shall not apply to
1 28 the teaching of family, consumer, career, and technology
1 29 education in nonpublic schools. For purposes of this section,
1 30 "age=appropriate", "HPV", and "research=based" mean the same
1 31 as defined in section 279.50.
1 32 Sec. 2. Section 256.11, subsection 5, Code Supplement
1 33 2007, is amended by adding the following new paragraph:
1 34 NEW PARAGRAPH. k. One=half unit of character education,
1 35 including lessons in personal conduct, to be taught in the



Iowa General Assembly
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House File 2176 - Introduced continued

2 1 first year.

2 2 Sec. 3. STATE MANDATE FUNDING SPECIFIED. In accordance
2 3 with section 25B.2, subsection 3, the state cost of requiring
2 4 compliance with any state mandate included in this Act shall
2 5 be paid by a school district from state school foundation aid
2 6 received by the school district under section 257.16. This
2 7 specification of the payment of the state cost shall be deemed
2 8 to meet all the state funding-related requirements of section
2 9 25B.2, subsection 3, and no additional state funding shall be
2 10 necessary for the full implementation of this Act by and
2 11 enforcement of this Act against all affected school districts.

2 12 Sec. 4. EFFECTIVE AND APPLICABILITY DATES. This Act,
2 13 being deemed of immediate importance, takes effect upon
2 14 enactment and applies to school years beginning on or after
2 15 July 1, 2008.

2 16 EXPLANATION

2 17 This bill requires that character education, including
2 18 lessons in personal conduct, be taught to students in grades
2 19 one through nine in public and nonpublic schools in order for
2 20 the schools to be accredited by the department of education.
2 21 The character education must be age-appropriate for students
2 22 in grades one through eight. The bill requires that character
2 23 education become a required one-half credit course in ninth
2 24 grade.

2 25 The bill may include a state mandate as defined in Code
2 26 section 25B.3. The bill requires that the cost of any state
2 27 mandate included in the bill be paid by a school district from
2 28 state school foundation aid received by the school district
2 29 under Code section 257.16. The specification is deemed to
2 30 constitute state compliance with any state mandate
2 31 funding-related requirements of Code section 25B.2. The
2 32 inclusion of this specification is intended to reinstate the
2 33 requirement of political subdivisions to comply with any state
2 34 mandates in the bill. This Act becomes effective upon
2 35 enactment and applies to school years beginning on or after



**Iowa General Assembly
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House File 2176 - Introduced continued

- 3 1 July 1, 2008.
- 3 2 LSB 5736YH 82
- 3 3 ak/nh/24



Iowa General Assembly
 Daily Bills, Amendments & Study Bills
 February 06, 2008

House File 2177 - Introduced

HOUSE FILE
 BY COMMITTEE ON NATURAL
 RESOURCES

(SUCCESSOR TO HF 2048)

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

Passed Senate, Date _____
 Vote: Ayes _____ Nays _____

A BILL FOR

- 1 An Act relating to the placement of deer transportation tags on
- 2 antlered deer that have been taken pursuant to a deer hunting
- 3 license.
- 4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 5 TLSB 5561HV 82
- 6 av/nh/5



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 06, 2008

House File 2177 - Introduced continued

PAG LIN

1 1 Section 1. Section 483A.8, subsection 2, Code Supplement
1 2 2007, is amended to read as follows:
1 3 2. The deer hunting license shall be accompanied by a tag
1 4 designed to be used only once. When a deer is taken, the deer
1 5 shall be tagged and the tag shall be dated. For each antlered
1 6 deer taken, the tag shall be affixed to the deer's antlers.

1 7 EXPLANATION

1 8 This bill requires deer transportation tags to be affixed
1 9 to the antlers of an antlered deer that has been taken
1 10 pursuant to a deer hunting license. Currently, by rule, the
1 11 tag is only required to be attached to the deer carcass.
1 12 LSB 5561HV 82
1 13 av/nh/5



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 06, 2008

House File 2178 - Introduced

HOUSE FILE
BY FORD

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

A BILL FOR

1 An Act requiring standardized requirements for long-term care
2 insurance policies advertised, marketed, offered, delivered,
3 or issued for delivery in the state, and providing an
4 applicability date.
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
6 TL5B 6357HH 82
7 av/rj/14



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 06, 2008

House File 2178 - Introduced continued

PAG LIN

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

1 3 1. RULES.

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

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

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

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

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



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House File 2178 - Introduced continued

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

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

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

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

2 22 EXPLANATION

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

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

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



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

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

3 13 LSB 6357HH 82

3 14 av/rj/14



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House File 2179 - Introduced

HOUSE FILE
BY FORD

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

Passed Senate, Date _____
Vote: Ayes _____ Nays _____

A BILL FOR

- 1 An Act requiring school districts to observe a moment of silence
- 2 once during each instructional day.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 5670YH 82
- 5 kh/sc/8



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House File 2179 - Introduced continued

PAG LIN

1 1 Section 1. NEW SECTION. 279.67 OBSERVANCE == MOMENT OF
1 2 SILENCE.
1 3 The board of directors of each school district shall
1 4 establish the daily observance of a brief moment of silence in
1 5 each classroom operated by the school district. During the
1 6 daily observance of silence, each teacher responsible for a
1 7 classroom shall ensure that the moment is not conducted as a
1 8 religious exercise and that students remain seated and silent
1 9 and make no distracting display in order that each student
1 10 may, in the exercise of a student's individual choice,
1 11 meditate, pray, or engage in any other silent activity that
1 12 does not interfere with, distract, or impede other students in
1 13 their observance of silence.
1 14 EXPLANATION
1 15 This bill requires the daily observance of a brief moment
1 16 of silence in each public school classroom. The bill requires
1 17 teachers to ensure that the moment is not conducted as a
1 18 religious exercise and that students remain seated and silent
1 19 so that all students may exercise their individual choice to
1 20 meditate, pray, or engage in any other silent activity.
1 21 LSB 5670YH 82
1 22 kh/sc/8



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House File 2180 - Introduced

HOUSE FILE
BY CHAMBERS

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

A BILL FOR

- 1 An Act expanding the national guard educational assistance
- 2 program to provide assistance to students enrolled in graduate
- 3 school.
- 4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 5 TLSB 5199YH 82
- 6 kh/nh/5



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House File 2180 - Introduced continued

PAG LIN

1 1 Section 1. Section 261.86, subsection 1, unnumbered
 1 2 paragraph 1, Code 2007, is amended to read as follows:
 1 3 A national guard educational assistance program is
 1 4 established to be administered by the college student aid
 1 5 commission for members of the Iowa national guard who are
 1 6 enrolled as ~~undergraduate~~ students in a community college, an
 1 7 institution of higher learning under the state board of
 1 8 regents, or an accredited private institution. The college
 1 9 student aid commission shall adopt rules pursuant to chapter
 1 10 17A to administer this section. An individual is eligible for
 1 11 the national guard educational assistance program if the
 1 12 individual meets all of the following conditions:

1 13 Sec. 2. Section 261.86, subsection 1, paragraph d, Code
 1 14 2007, is amended to read as follows:

1 15 d. Is enrolled as ~~an undergraduate student~~ in a community
 1 16 college as defined in section 260C.2, an institution of higher
 1 17 learning under the control of the board of regents, or an
 1 18 accredited private institution as defined in section 261.9,
 1 19 and is maintaining satisfactory academic progress.

1 20 Sec. 3. Section 261.86, subsection 3, Code 2007, is
 1 21 amended to read as follows:

1 22 3. An eligible member of the national guard, attending an
 1 23 institution as provided in subsection 1, paragraph "d", as a
 1 24 full-time student, shall not receive educational assistance
 1 25 under this section for more than ~~eight~~ the following:

1 26 a. Eight semesters, or if attending as a part-time student
 1 27 for not more than sixteen semesters, of undergraduate study,
 1 28 or the trimester or quarter equivalent.

1 29 b. Four semesters, or if attending as a part-time student
 1 30 for not more than eight semesters, of graduate study or the
 1 31 trimester or quarter equivalent.

1 32 3A. A national guard member who has met the educational
 1 33 requirements for a ~~baccalaureate~~ master's degree is ineligible
 1 34 for educational assistance under this section.

1 35 EXPLANATION



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2 1 This bill expands the national guard educational assistance
2 2 program, which currently provides educational assistance to
2 3 members of the Iowa national guard who are enrolled as
2 4 undergraduate students in a community college, a regents
2 5 university, or an accredited private institution, to national
2 6 guard members enrolled as graduate students in regents
2 7 universities or accredited private institutions.

2 8 The bill caps assistance at four semesters for full-time
2 9 graduate students and eight semesters for part-time graduate
2 10 students.

2 11 Current law provides that the amount of educational
2 12 assistance paid cannot be less than 50 percent of the resident
2 13 tuition rate established for regents universities.

2 14 LSB 5199YH 82

2 15 kh/nh/5



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House File 2181 - Introduced

HOUSE FILE

BY T. TAYLOR, HEATON, ZIRKELBACH,
SMITH, TJEPKES, and BELL

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

Passed Senate, Date _____
Vote: Ayes _____ Nays _____

A BILL FOR

- 1 An Act requiring the department of corrections to test inmates
- 2 for certain staph infections.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 5905YH 82
- 5 jr/nh/5



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PAG LIN

1 1 Section 1. Section 904.108, subsection 1, Code 2007, is
1 2 amended by adding the following new paragraph:
1 3 NEW PARAGRAPH. p. Establish and maintain a program that
1 4 requires every institution listed in section 904.102 to
1 5 establish a methicillin-resistant staphylococcus aureus (MRSA)
1 6 surveillance and control program. The program shall require
1 7 the identification and, if necessary, isolation of
1 8 MRSA-colonized or MRSA-infected inmates in an appropriate
1 9 manner.

1 10 EXPLANATION
1 11 Methicillin-resistant staphylococcus aureus is a
1 12 drug-resistant type of staph bacteria. This bill requires
1 13 that the department of corrections establish a
1 14 methicillin-resistant staphylococcus aureus surveillance and
1 15 control program to identify and isolate inmates infected with
1 16 this disease.
1 17 LSB 5905YH 82
1 18 jr/nh/5



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House Study Bill 627

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 relating to the conduct of elections and voter
- 2 registration and including effective date, applicability date,
- 3 and transition provisions.
- 4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 5 TL5B 5403DP 82
- 6 sc/nh/8



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PAG LIN

1 1 DIVISION I
1 2 ELECTION OF SCHOOL CORPORATION BOARDS OF DIRECTORS
1 3 Section 1. Section 39.24, Code 2007, is amended to read as
1 4 follows:
1 5 39.24 SCHOOL OFFICERS.
1 6 Members of boards of directors of community and independent
1 7 school districts, and boards of directors of merged areas
1 8 shall be elected at the school election. Their terms of
1 9 office shall be ~~three~~ four years, except as otherwise provided
1 10 by section 260C.11 ~~or~~ , 260C.13, 275.23A, 275.37, or 275.37A.
1 11 Sec. 2. Section 260C.11, unnumbered paragraph 1, Code
1 12 2007, is amended to read as follows:
1 13 The governing board of a merged area is a board of
1 14 directors composed of one member elected from each director
1 15 district in the area by the electors of the respective
1 16 district. Members of the board shall be residents of the
1 17 district from which elected. Successors shall be chosen at
1 18 the ~~annual~~ regular school elections for members whose terms
1 19 expire. The term of a member of the board of directors is
1 20 ~~three~~ four years and commences at the organization meeting.
1 21 Vacancies on the board shall be filled at the next regular
1 22 meeting of the board by appointment by the remaining members
1 23 of the board. A member so chosen shall be a resident of the
1 24 district in which the vacancy occurred and shall serve until a
1 25 member is elected pursuant to section 69.12 to fill the
1 26 vacancy for the balance of the unexpired term. A vacancy is
1 27 defined in section 277.29. A member shall not serve on the
1 28 board of directors who is a member of a board of directors of
1 29 a local school district or a member of an area education
1 30 agency board.
1 31 Sec. 3. Section 260C.12, unnumbered paragraph 1, Code
1 32 2007, is amended to read as follows:
1 33 The board of directors of the merged area shall organize at
1 34 the first regular meeting in October ~~of each year~~ following
1 35 the regular school election. Organization of the board shall



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2 1 be effected by the election of a president and other officers
2 2 from the board membership as board members determine. The
2 3 board of directors shall appoint a secretary and a treasurer
2 4 who shall each give bond as prescribed in section 291.2 and
2 5 who shall each receive the salary determined by the board.
2 6 The secretary and treasurer shall perform duties under chapter
2 7 291 and additional duties the board of directors deems
2 8 necessary. However, the board may appoint one person to serve
2 9 as the secretary and treasurer. If one person serves as the
2 10 secretary and treasurer, only one bond is necessary for that
2 11 person. The frequency of meetings other than organizational
2 12 meetings shall be as determined by the board of directors but
2 13 the president or a majority of the members may call a special
2 14 meeting at any time.

2 15 Sec. 4. Section 260C.13, subsection 1, Code 2007, is
2 16 amended to read as follows:

2 17 1. The board of a merged area may change the number of
2 18 directors on the board and shall make corresponding changes in
2 19 the boundaries of director districts. Changes shall be
2 20 completed not later than June 1 ~~for the regular school~~
~~2 21 election to be held the next following September of the year~~
2 22 of the regular school election. As soon as possible after
2 23 adoption of the boundary changes, notice of changes in the
2 24 director district boundaries shall be submitted by the merged
2 25 area to the county commissioner of elections in all counties
2 26 included in whole or in part in the merged area.

2 27 Sec. 5. Section 260C.15, subsection 1, Code 2007, is
2 28 amended to read as follows:

2 29 1. Regular elections held ~~annually~~ by the merged area for
2 30 the election of members of the board of directors as required
2 31 by section 260C.11, for the renewal of the twenty and
2 32 one-fourth cents per thousand dollars of assessed valuation
2 33 levy authorized in section 260C.22, or for any other matter
2 34 authorized by law and designated for election by the board of
2 35 directors of the merged area, shall be held on the date of the



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3 1 school election as fixed by section 277.1. The election
3 2 notice shall be made a part of the local school election
3 3 notice published as provided in section 49.53 in each local
3 4 school district where voting is to occur in the merged area
3 5 election and the election shall be conducted by the county
3 6 commissioner of elections pursuant to chapters 39 ~~to~~ through
3 7 53 and section 277.20.
3 8 Sec. 6. Section 260C.22, subsection 1, paragraph a, Code
3 9 2007, is amended to read as follows:
3 10 a. In addition to the tax authorized under section
3 11 260C.17, the voters in ~~any a~~ merged area may at the ~~annual~~
3 12 regular school election vote a tax not exceeding twenty and
3 13 one-fourth cents per thousand dollars of assessed value in any
3 14 one year for a period not to exceed ten years for the purchase
3 15 of grounds, construction of buildings, payment of debts
3 16 contracted for the construction of buildings, purchase of
3 17 buildings and equipment for buildings, and the acquisition of
3 18 libraries, for the purpose of paying costs of utilities, and
3 19 for the purpose of maintaining, remodeling, improving, or
3 20 expanding the community college of the merged area. If the
3 21 tax levy is approved under this section, the costs of
3 22 utilities shall be paid from the proceeds of the levy. The
3 23 tax shall be collected by the county treasurers and remitted
3 24 to the treasurer of the merged area as provided in section
3 25 331.552, subsection 29. The proceeds of the tax shall be
3 26 deposited in a separate and distinct fund to be known as the
3 27 voted tax fund, to be paid out upon warrants drawn by the
3 28 president and secretary of the board of directors of the
3 29 merged area district for the payment of costs incurred in
3 30 providing the school facilities for which the tax was voted.
3 31 Sec. 7. Section 273.8, subsections 1 and 7, Code 2007, are
3 32 amended to read as follows:
3 33 1. BOARD OF DIRECTORS. The board of directors of an area
3 34 education agency shall consist of not less than five nor more
3 35 than nine members, each a resident of and elected in the



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4 1 manner provided in this section from a director district that
4 2 is approximately equal in population to the other director
4 3 districts in the area education agency. Each director shall
4 4 serve a ~~three-year~~ four-year term which commences at the
4 5 organization meeting.

4 6 7. BOUNDARY LINE CHANGES. To the extent possible the
4 7 board shall provide that changes in the boundary lines of
4 8 director districts of area education agencies shall not
4 9 lengthen or diminish the term of office of a director of an
4 10 area education agency board. Initial terms of office shall be
4 11 set by the board so that as nearly as possible the terms of
4 12 ~~one-third~~ one-half of the members expire ~~annually~~ biennially.

4 13 Sec. 8. Section 273.8, subsection 2, paragraphs a and b,
4 14 Code 2007, are amended to read as follows:

4 15 a. Notice of the election shall be published by the area
4 16 education agency administrator not later than July 15 of the
4 17 odd-numbered year in at least one newspaper of general
4 18 circulation in the director district. The cost of publication
4 19 shall be paid by the area education agency.

4 20 b. A candidate for election to the area education agency
4 21 board shall file a statement of candidacy with the area
4 22 education agency secretary not later than August 15 of the
4 23 odd-numbered year, on forms prescribed by the department of
4 24 education. The statement of candidacy shall include the
4 25 candidate's name, address, and school district. The list of
4 26 candidates shall be sent by the secretary of the area
4 27 education agency in ballot form by certified mail to the
4 28 presidents of the boards of directors of all school districts
4 29 within the director district not later than September 1. In
4 30 order for the ballot to be counted, the ballot must be
4 31 received in the secretary's office by the end of the normal
4 32 business day on September 30 or be clearly postmarked by an
4 33 officially authorized postal service not later than September
4 34 29 and received by the secretary not later than noon on the
4 35 first Monday following September 30.



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5 1 Sec. 9. Section 273.8, subsection 4, unnumbered paragraph
5 2 1, Code 2007, is amended to read as follows:

5 3 The board of directors of each area education agency shall
5 4 meet and organize at the first regular meeting in October ~~of~~
~~5 5 each year~~ following the regular school election at a suitable
5 6 place designated by the president. Directors whose terms
5 7 commence at the organization meeting shall qualify by taking
5 8 the oath of office required by section 277.28 at or before the
5 9 organization meeting.

5 10 Sec. 10. Section 274.7, Code 2007, is amended to read as
5 11 follows:

5 12 274.7 DIRECTORS.

5 13 The affairs of each school corporation shall be conducted
5 14 by a board of directors, the members of which in all community
5 15 or independent school districts shall be chosen for a term of
5 16 ~~three~~ four years.

5 17 Sec. 11. Section 275.1, subsections 2 and 5, Code 2007,
5 18 are amended to read as follows:

5 19 2. "Initial board" means the board of a newly reorganized
5 20 district that is selected pursuant to section 275.25 or 275.41
5 21 and functions until the organizational meeting following the
5 22 ~~fourth~~ third regular school election held after the effective
5 23 date of the reorganization.

5 24 5. "Regular board" means the board of a reorganized
5 25 district that begins to function at the organizational meeting
5 26 following the ~~fourth~~ third regular school election held after
5 27 the effective date of the school reorganization, and is
5 28 comprised of members who were elected to the current terms or
5 29 were appointed to replace members who were elected.

5 30 Sec. 12. Section 275.12, subsection 2, Code 2007, is
5 31 amended to read as follows:

5 32 2. The petition filed under subsection 1 shall also state
5 33 the name of the proposed school district and the number of
5 34 directors which may be either five or seven and the method of
5 35 election of the school directors of the proposed district.



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6 1 The method of election of the directors shall be one of the
6 2 following optional plans:
6 3 a. Election at large from the entire district by the
6 4 electors of the entire district.
6 5 b. Division of the entire school district into designated
6 6 geographical single director or multi=director subdistricts on
6 7 the basis of population for each director, to be known as
6 8 director districts, each of which ~~director districts~~ shall be
6 9 represented on the school board by one or more directors who
6 10 shall be residents of the director district but who shall be
6 11 elected by the vote of the electors of the entire school
6 12 district. The boundaries of the director districts and the
6 13 area and population included within each district shall be
6 14 such as justice, equity, and the interests of the people may
6 15 require. Changes in the boundaries of director districts
6 16 shall not be made during a period commencing sixty days prior
6 17 to the date of the ~~annual~~ regular school election. ~~Insofar As~~
6 18 ~~far as may be~~ practicable, the boundaries of the districts
6 19 shall follow established political or natural geographical
6 20 divisions.
6 21 c. Election of not more than one=half of the total number
6 22 of school directors at large from the entire district and the
6 23 remaining directors from and as residents of designated
6 24 single=member or multimember director districts into which the
6 25 entire school district shall be divided on the basis of
6 26 population for each director. In such case, all directors
6 27 shall be elected by the electors of the entire school
6 28 district. Changes in the boundaries of director districts
6 29 shall not be made during a period commencing sixty days prior
6 30 to the date of the ~~annual~~ regular school election.
6 31 d. Division of the entire school district into designated
6 32 geographical single director or multi=director subdistricts on
6 33 the basis of population for each director, to be known as
6 34 director districts, each of which ~~director districts~~ shall be
6 35 represented on the school board by one or more directors who



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7 1 shall be residents of the director district and who shall be
7 2 elected by the voters of the director district. Place of
7 3 voting in the director districts shall be designated by the
7 4 commissioner of elections. Changes in the boundaries of
7 5 director districts shall not be made during a period
7 6 commencing sixty days prior to the date of the ~~annual~~ regular
7 7 school election.

7 8 e. In districts having seven directors, election of three
7 9 directors at large by the electors of the entire district, ~~one~~
7 10 no more than two at each ~~annual~~ regular school election, and
7 11 election of the remaining directors as residents of and by the
7 12 electors of individual geographic subdistricts established on
7 13 the basis of population and identified as director districts,
7 14 no more than two at each regular school election. Boundaries
7 15 of the subdistricts shall follow precinct boundaries, ~~insofar~~
7 16 as far as practicable, and shall not be changed less than
7 17 sixty days prior to the ~~annual~~ regular school election.

7 18 Sec. 13. Section 275.25, subsection 3, Code 2007, is
7 19 amended to read as follows:

7 20 3. The directors who are elected and qualify to serve
7 21 shall serve until their successors are elected and qualify.
7 22 At the special election, the three newly elected ~~director~~
7 23 directors receiving the most votes shall be elected to serve
7 24 until the director's successor qualifies their successors
7 25 qualify after the ~~fourth~~ third regular school election date
7 26 occurring after the effective date of the reorganization; ~~and~~
7 27 the two newly elected directors receiving the next largest
7 28 number of votes shall be elected to serve until the directors'
7 29 successors qualify after the ~~third~~ second regular school
7 30 election date occurring after the effective date of the
7 31 reorganization; ~~and the two newly elected directors receiving~~
7 32 ~~the next largest number of votes shall be elected to serve~~
7 33 ~~until the directors' successors qualify after the second~~
7 34 ~~regular school election date occurring after the effective~~
7 35 ~~date of the reorganization.~~ However, in districts that



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8 1 include all or a part of a city of fifteen thousand or more
8 2 population and in districts in which the proposition to
8 3 establish a new corporation provides for the election of seven
8 4 directors, the ~~three newly elected directors receiving the~~
~~8 5 most votes shall be elected to serve until the directors'~~
~~8 6 successors qualify after the fourth regular school election~~
~~8 7 date occurring after the effective date of the reorganization~~
8 8 timelines specified in this subsection for the terms of office
8 9 apply to the four newly elected directors receiving the most
8 10 votes and then to the three newly elected directors receiving
8 11 the next largest number of votes.

8 12 Sec. 14. Section 275.37, Code 2007, is amended to read as
8 13 follows:

8 14 275.37 INCREASE IN NUMBER OF DIRECTORS.

8 15 At the next succeeding ~~annual~~ regular school election in a
8 16 district where the number of directors has been increased from
8 17 five to seven, and directors are elected at large, there shall
8 18 be elected a director to succeed each incumbent director whose
8 19 term is expiring in that year, and two additional directors.

8 20 Upon organizing as required by section 279.1, either one or
8 21 two of the newly elected ~~director~~ directors who received the
8 22 fewest votes in the election shall be assigned a term of
8 23 ~~either one year or two years if~~ as necessary in order that as
8 24 nearly as possible ~~one-third~~ one-half of the members of the
8 25 board shall be elected ~~each year~~ biennially. If some or all
8 26 directors are elected from director districts, the board shall
8 27 assign terms appropriate for the method of election used by
8 28 the district.

8 29 Sec. 15. Section 275.37A, Code 2007, is amended to read as
8 30 follows:

8 31 275.37A DECREASE IN NUMBER OF DIRECTORS.

8 32 1. A change from seven to five directors shall be effected
8 33 in a district at the first regular school election after
8 34 authorization by the voters in the following manner:

8 35 a. If at the first election in the district there are



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9 1 ~~three~~ four terms expiring, ~~one director~~ three directors shall
9 2 be elected. At the second election in that district, if ~~two~~
9 3 three terms are expiring, two directors shall be elected. ~~At~~
~~9 4 the third election in that district, if there are two terms~~
~~9 5 expiring, two directors shall be elected.~~
9 6 b. If at the first election there are ~~two~~ three terms
9 7 expiring, ~~no~~ two directors shall be elected. At the second
9 8 election in that district, if ~~two~~ four terms are expiring, ~~two~~
9 9 three directors shall be elected. ~~At the third election in~~
~~9 10 that district, if there are three terms expiring, three~~
~~9 11 directors shall be elected, two for three years and one for~~
~~9 12 one year. The newly elected director who received the fewest~~
~~9 13 votes in the election shall be assigned a term of one year.~~
~~9 14 c. If at the first election there are two terms expiring,~~
~~9 15 no directors shall be elected. At the second election in that~~
~~9 16 district, if three terms are expiring, three directors shall~~
~~9 17 be elected, two for three years and one for two years. The~~
~~9 18 newly elected director who received the fewest votes in the~~
~~9 19 election shall be assigned a term of two years. At the third~~
~~9 20 election in that district, if there are two terms expiring,~~
~~9 21 two directors shall be elected.~~
9 22 2. If some or all of the directors are elected from
9 23 director districts, the board shall devise a plan to reduce
9 24 the number of members so that as nearly as possible ~~one-third~~
9 25 one-half of the members of the board shall be elected ~~each~~
~~9 26 year biennially~~ and so that each district will be continuously
9 27 represented.
9 28 Sec. 16. Section 275.38, Code 2007, is amended to read as
9 29 follows:
9 30 275.38 IMPLEMENTING CHANGED METHOD OF ELECTION.
9 31 If change in the method of election of school directors is
9 32 approved at a regular or special school election, the
9 33 directors who were serving unexpired terms or were elected
9 34 concurrently with approval of the change of method shall serve
9 35 out the terms for which they were elected. If the plan



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10 1 adopted is that described in section 275.12, subsection 2,
10 2 paragraph "~~b, "c, "d, or e,~~" "b, "c", "d", or "e"," the
10 3 board shall at the earliest practicable time designate the
10 4 districts from which residents are to be elected as school
10 5 directors at each of the next ~~three~~ two succeeding ~~annual~~
10 6 regular school elections, arranging so far as possible for
10 7 elections of directors as residents of the respective
10 8 districts to coincide with the expiration of terms of
10 9 incumbent members residing in those districts. If an increase
10 10 in the size of the board from five to seven members is
10 11 approved concurrently with the change in method of election of
10 12 directors, the board shall make the necessary adjustment in
10 13 the manner prescribed in section 275.37, as well as providing
10 14 for implementation of the districting plan under this section.

10 15 Sec. 17. Section 275.41, subsection 3, Code 2007, is
10 16 amended to read as follows:

10 17 3. Prior to the effective date of the reorganization, the
10 18 initial board shall approve a plan that commences at the
10 19 ~~second~~ first regular school election held after the effective
10 20 date of the merger and is completed at the ~~fourth~~ third
10 21 regular school election held after the effective date of the
10 22 merger, to replace the initial board with the regular board.
10 23 If the petition specifies a number of directors on the regular
10 24 board to be different from the number of directors on the
10 25 initial board, the plan shall provide that the number
10 26 specified in the petition for the regular board is in place by
10 27 the time the regular board is formed. The plan shall provide
10 28 that as nearly as possible ~~one-third~~ one-half of the members
10 29 of the board shall be elected ~~each year~~ biennially, and if a
10 30 special election was held to elect a member to create an odd
10 31 number of members on the board, the term of that member shall
10 32 end at the organizational meeting following the ~~fourth~~ third
10 33 regular school election held after the effective date.

10 34 Sec. 18. Section 277.1, Code 2007, is amended to read as
10 35 follows:



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11 1 277.1 REGULAR ELECTION.

11 2 The regular election shall be held ~~annually~~ biennially on
11 3 the second Tuesday in September of each odd-numbered year in
11 4 each school district for the election of officers of the
11 5 district and merged area and for the purpose of submitting to
11 6 the voters any matter authorized by law.

11 7 Sec. 19. Section 277.25, Code 2007, is amended to read as
11 8 follows:

11 9 277.25 DIRECTORS IN NEW DISTRICTS.

11 10 At the first election in newly organized districts the
11 11 directors shall be elected as follows:

11 12 1. In districts having three directors, ~~one director~~ two
11 13 directors shall be elected for ~~one year, one for~~ two years,
11 14 and one for ~~three~~ four years.

11 15 2. In districts having five directors, ~~two~~ three shall be
11 16 elected for ~~one year, two for~~ two years, and ~~one~~ two for ~~three~~
11 17 four years.

11 18 3. In districts having seven directors, ~~two~~ four shall be
11 19 elected for ~~one year, two for~~ two years, and three for ~~three~~
11 20 four years.

11 21 Sec. 20. Section 278.2, unnumbered paragraph 2, Code 2007,
11 22 is amended to read as follows:

11 23 Petitions filed under this section shall be filed with the
11 24 secretary of the school board at least seventy-five days
11 25 before the date of the ~~annual~~ regular school election, if the
11 26 question is to be included on the ballot at that election.
11 27 The petition shall include the signatures of the petitioners,
11 28 a statement of their place of residence, and the date on which
11 29 they signed the petition.

11 30 Sec. 21. EFFECTIVE DATE, APPLICABILITY, AND TRANSITION.

11 31 This division of this Act, being deemed of immediate
11 32 importance, takes effect upon enactment, for purposes of the
11 33 transition from election of directors of community and
11 34 independent school districts, merged areas, and area education
11 35 agencies annually for terms of three years each to the



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12 1 staggered election of such directors biennially for terms of
12 2 four years each. This Act shall be applied so that the first
12 3 election at which directors, due to the expiration of
12 4 predecessor director terms, shall be elected to serve regular
12 5 four-year terms is the regular school election held in
12 6 September 2009 or the director district conventions held in
12 7 September 2009.

12 8 The board of directors of each affected school district and
12 9 each merged area and area education agency shall review the
12 10 expiration dates of the terms of office of its directors and
12 11 shall adopt by resolution a plan for shortening or lengthening
12 12 terms of members for the annual school election or director
12 13 district convention held in September 2007 and September 2008
12 14 so that all members whose terms expire at the regular school
12 15 election or director district convention held in September
12 16 2009 will be elected to four-year terms with the remaining
12 17 members of the board having their terms expire at the regular
12 18 school election or director district convention held in
12 19 September 2011. The board shall submit a copy of the
12 20 resolution adopting its plan to the office of the state
12 21 commissioner of elections no later than August 1, 2008. In
12 22 developing the plan, the board of directors shall take into
12 23 consideration the terms for which the members were elected and
12 24 the number of votes the members received in relation to the
12 25 number of votes other candidates received at the applicable
12 26 election or director district convention.

DIVISION II

VOTING CENTERS FOR CERTAIN ELECTIONS

12 29 Sec. 22. Section 49.9, Code 2007, is amended to read as
12 30 follows:

12 31 49.9 PROPER PLACE OF VOTING.

12 32 ~~No~~ Except as provided in section 49.11, subsection 1A, a
12 33 person shall not vote in any precinct but that of the person's
12 34 residence.

12 35 Sec. 23. Section 49.11, Code 2007, is amended by adding



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13 1 the following new subsection:

13 2 NEW SUBSECTION. 1A. a. Establish voting centers for the
13 3 regular city election, regular school election, and special
13 4 elections. Any registered voter who is eligible to vote in
13 5 the regular city election may vote at any voting center in the
13 6 city. Any registered voter who is eligible to vote at the
13 7 regular school election may vote at any voting center in the
13 8 school district. Any registered voter who is eligible to vote
13 9 in a special election may vote at any voting center
13 10 established for that special election. For purposes of
13 11 section 48A.7A, a voting center shall be considered the
13 12 polling place for the precinct in which a person resides.

13 13 b. The county commissioner of elections shall designate
13 14 the location of each voting center to be used in the election.

13 15 c. A voting center designated under this subsection is
13 16 subject to the requirements of section 49.21 relating to
13 17 accessibility to persons who are elderly and persons with
13 18 disabilities and relating to the posting of signs. The
13 19 location of each voting center shall be published by the
13 20 county commissioner of elections in the same manner as the
13 21 location of polling places is required to be published.

13 22 DIVISION III

13 23 DATES OF SPECIAL ELECTIONS

13 24 Sec. 24. Section 39.2, Code 2007, is amended by adding the
13 25 following new subsection:

13 26 NEW SUBSECTION. 4. Unless otherwise provided by law,
13 27 special elections on public measures are limited to the
13 28 following dates:

13 29 a. For a county, on the day of the general election, on
13 30 the day of the regular city election, on the date of a special
13 31 election held to fill a vacancy in the same county, or on the
13 32 second Tuesday in March of each year.

13 33 b. For a city, on the day of the general election, on the
13 34 day of the regular city election, on the date of a special
13 35 election held to fill a vacancy in the same city, or on the



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14 1 second Tuesday in March of each year.
14 2 c. For a school district or merged area, on the day of the
14 3 regular school election or on the second Tuesday in February
14 4 of each year.
14 5 Sec. 25. Section 47.6, subsection 1, unnumbered paragraph
14 6 1, Code 2007, is amended to read as follows:
14 7 The governing body of ~~any~~ a political subdivision which has
14 8 authorized a special election to which section 39.2 ~~is,~~
14 9 subsections 1, 2, and 3, are applicable shall by written
14 10 notice inform the commissioner who will be responsible for
14 11 conducting the election of the proposed date of the special
14 12 election. If a public measure will appear on the ballot at
14 13 the special election the governing body shall submit the
14 14 complete text of the public measure to the commissioner with
14 15 the notice of the proposed date of the special election.
14 16 Sec. 26. Section 47.6, Code 2007, is amended by adding the
14 17 following new subsection:
14 18 NEW SUBSECTION. 3. a. A city council or a county board
14 19 of supervisors that has authorized a public measure to be
14 20 submitted to the voters at a special election held pursuant to
14 21 section 39.2, subsection 4, shall file the full text of the
14 22 public measure with the commissioner no later than five p.m.
14 23 on the forty=sixth day before the election.
14 24 b. If there are vacancies in county offices to be filled
14 25 at the special election, candidates shall file their
14 26 nomination papers with the commissioner not later than five
14 27 p.m. on the forty=sixth day before the election.
14 28 c. If there are vacancies in city offices to be filled at
14 29 the special election, candidates shall file their nomination
14 30 papers with the city clerk not later than five p.m. on the
14 31 forty=seventh day before the election. The city clerk shall
14 32 deliver the nomination papers to the commissioner not later
14 33 than five p.m. on the forty=sixth day before the election.
14 34 Candidates for city offices in cities in which a primary
14 35 election may be necessary shall file their nomination papers



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15 1 with the city clerk not later than five p.m. on the
15 2 fifty=fourth day before the election. The city clerk shall
15 3 deliver the nomination papers to the commissioner not later
15 4 than five p.m. on the fifty=third day before the election.
15 5 Sec. 27. Section 69.12, subsection 1, paragraph a, Code
15 6 2007, is amended to read as follows:
15 7 a. A vacancy shall be filled at the next pending election
15 8 if it occurs:
15 9 (1) Seventy=four or more days before the election, if it
15 10 is a general election.
15 11 (2) Fifty=two or more days before the election, if it is a
15 12 regularly scheduled or special city election. However, for
15 13 those cities which may be required to hold a primary election,
15 14 the vacancy shall be filled at the next pending election if it
15 15 occurs seventy=three or more days before a regularly scheduled
15 16 city election or fifty-nine or more days before a special city
15 17 election.
15 18 (3) Forty=five or more days before the election, if it is
15 19 a regularly scheduled school election.
15 20 (4) ~~Forty~~ Sixty or more days before the election, if it is
15 21 a special election.
15 22 Sec. 28. Section 69.12, subsection 1, paragraph b,
15 23 subparagraph (2), Code 2007, is amended to read as follows:
15 24 (2) The candidate filing deadline specified in section
15 25 376.4 for ~~a regularly scheduled~~ the regular city election or
15 26 the filing deadline specified in section 372.13, subsection 2,
15 27 for a special city election.
15 28 Sec. 29. Section 75.1, unnumbered paragraph 3, Code 2007,
15 29 is amended to read as follows:
15 30 When a proposition to authorize an issuance of bonds has
15 31 been submitted to the electors under this section and the
15 32 proposal fails to gain approval by the required percentage of
15 33 votes, such proposal, or any proposal which incorporates any
15 34 portion of the defeated proposal, shall not be submitted to
15 35 the electors for a period of six months from the date of such



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16 1 regular or special election and may only be submitted on a
16 2 date specified in section 39.2, subsection 4, paragraph "a",
16 3 "b", or "c", as applicable.

16 4 Sec. 30. Section 99F.7, subsection 11, paragraphs a and c,
16 5 Code Supplement 2007, are amended to read as follows:

16 6 a. A license to conduct gambling games on an excursion
16 7 gambling boat in a county shall be issued only if the county
16 8 electorate approves the conduct of the gambling games as
16 9 provided in this subsection. The board of supervisors, upon
16 10 receipt of a valid petition meeting the requirements of
16 11 section 331.306, shall direct the commissioner of elections to
16 12 submit to the registered voters of the county a proposition to
16 13 approve or disapprove the conduct of gambling games on an
16 14 excursion gambling boat in the county. The proposition shall
16 15 be submitted ~~at a general election or at a special~~ an election
16 16 ~~called for that purpose held on a date specified in section~~
16 17 39.2, subsection 4, paragraph "a". To be submitted at a
16 18 general election, the petition must be received by the board
16 19 of supervisors at least five working days before the last day
16 20 for candidates for county offices to file nomination papers
16 21 for the general election pursuant to section 44.4. If a
16 22 majority of the county voters voting on the proposition favor
16 23 the conduct of gambling games, the commission may issue one or
16 24 more licenses as provided in this chapter. If a majority of
16 25 the county voters voting on the proposition do not favor the
16 26 conduct of gambling games, a license to conduct gambling games
16 27 in the county shall not be issued.

16 28 c. If a licensee of a pari-mutuel racetrack who held a
16 29 valid license issued under chapter 99D as of January 1, 1994,
16 30 requests a license to operate gambling games as provided in
16 31 this chapter, the board of supervisors of a county in which
16 32 the licensee of a pari-mutuel racetrack requests a license to
16 33 operate gambling games shall submit to the county electorate a
16 34 proposition to approve or disapprove the operation of gambling
16 35 games at pari-mutuel racetracks at ~~a special~~ an election ~~at~~



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~~17 1 the earliest practicable time held on a date specified in~~
17 2 section 39.2, subsection 4, paragraph "a". If the operation
17 3 of gambling games at the pari-mutuel racetrack is not approved
17 4 by a majority of the county electorate voting on the
17 5 proposition at the election, the commission shall not issue a
17 6 license to operate gambling games at the racetrack.

17 7 Sec. 31. Section 145A.7, Code 2007, is amended to read as
17 8 follows:

17 9 145A.7 SPECIAL ELECTION.

17 10 When a protesting petition is received, the officials
17 11 receiving the petition shall call a special election of all
17 12 registered voters of that political subdivision ~~for the~~
~~17 13 purpose~~ upon the question of approving or rejecting the order
17 14 setting out the proposed merger plan. The election shall be
17 15 held on a date specified in section 39.2, subsection 4,
17 16 paragraph "a" or "b", as applicable. The vote will be taken
17 17 by ballot in the form provided by sections 49.43 to 49.47, and
17 18 the election shall be initiated and held as provided in
17 19 chapter 49. A majority vote of those registered voters voting
17 20 at ~~said~~ the special election shall be sufficient to approve
17 21 the order and thus include the political subdivision within
17 22 the merged area.

17 23 Sec. 32. Section 257.18, subsection 1, Code 2007, is
17 24 amended to read as follows:

17 25 1. An instructional support program that provides
17 26 additional funding for school districts is established. A
17 27 board of directors that wishes to consider participating in
17 28 the instructional support program shall hold a public hearing
17 29 on the question of participation. The board shall set forth
17 30 its proposal, including the method that will be used to fund
17 31 the program, in a resolution and shall publish the notice of
17 32 the time and place of a public hearing on the resolution.
17 33 Notice of the time and place of the public hearing shall be
17 34 published not less than ten nor more than twenty days before
17 35 the public hearing in a newspaper which is a newspaper of



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18 1 general circulation in the school district. At the hearing,
18 2 or no later than thirty days after the date of the hearing,
18 3 the board shall take action to adopt a resolution to
18 4 participate in the instructional support program for a period
18 5 not exceeding five years or to direct the county commissioner
18 6 of elections to submit the question of participation in the
18 7 program for a period not exceeding ten years to the registered
18 8 voters of the school district at ~~the next regular school~~
~~18 9 election or at a special~~ an election held on a date specified
18 10 in section 39.2, subsection 4, paragraph "c". If the board
18 11 submits the question at an election and a majority of those
18 12 voting on the question favors participation in the program,
18 13 the board shall adopt a resolution to participate and certify
18 14 the results of the election to the department of management.
18 15 Sec. 33. Section 257.18, subsection 2, unnumbered
18 16 paragraph 1, Code 2007, is amended to read as follows:
18 17 If the board does not provide for an election and adopts a
18 18 resolution to participate in the instructional support
18 19 program, the district shall participate in the instructional
18 20 support program unless within twenty-eight days following the
18 21 action of the board, the secretary of the board receives a
18 22 petition containing the required number of signatures, asking
18 23 that ~~an election be called~~ the question to approve or
18 24 disapprove the action of the board in adopting the
18 25 instructional support program be submitted to the voters of
18 26 the school district. The petition must be signed by eligible
18 27 electors equal in number to not less than one hundred or
18 28 thirty percent of the number of voters at the last preceding
18 29 regular school election, whichever is greater. The board
18 30 shall either rescind its action or direct the county
18 31 commissioner of elections to submit the question to the
18 32 registered voters of the school district at ~~the next following~~
~~18 33 regular school election or a special~~ an election held on a
18 34 date specified in section 39.2, subsection 4, paragraph "c".
18 35 If a majority of those voting on the question at the election



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19 1 favors disapproval of the action of the board, the district
19 2 shall not participate in the instructional support program.
19 3 If a majority of those voting on the question favors approval
19 4 of the action, the board shall certify the results of the
19 5 election to the department of management and the district
19 6 shall participate in the program.

19 7 Sec. 34. Section 257.29, unnumbered paragraph 1, Code
19 8 2007, is amended to read as follows:

19 9 An educational improvement program is established to
19 10 provide additional funding for school districts in which the
19 11 regular program district cost per pupil for a budget year is
19 12 one hundred ten percent of the regular program state cost per
19 13 pupil for the budget year and which have approved the use of
19 14 the instructional support program established in section
19 15 257.18. A board of directors that wishes to consider
19 16 participating in the educational improvement program shall
19 17 hold a hearing on the question of participation and the
19 18 maximum percent of the regular program district cost of the
19 19 district that will be used. The hearing shall be held in the
19 20 manner provided in section 257.18 for the instructional
19 21 support program. Following the hearing, the board may direct
19 22 the county commissioner of elections to submit the question to
19 23 the registered voters of the school district at ~~the next~~
~~19 24 following regular school election or a special an election~~
19 25 held not later than the following February 1 on a date
19 26 specified in section 39.2, subsection 4, paragraph "c". If a
19 27 majority of those voting on the question favors participation
19 28 in the program, the board shall adopt a resolution to
19 29 participate and shall certify the results of the election to
19 30 the department of management and the district shall
19 31 participate in the program. If a majority of those voting on
19 32 the question does not favor participation, the district shall
19 33 not participate in the program.

19 34 Sec. 35. Section 257.29, unnumbered paragraph 5, Code
19 35 2007, is amended to read as follows:



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20 1 Once approved at an election, the authority of the board to
20 2 use the educational improvement program shall continue until
20 3 the board votes to rescind the educational improvement program
20 4 or the voters of the school district by majority vote order
20 5 the discontinuance of the program. The board shall ~~call~~
20 6 submit at an election ~~to vote on~~ held on a date specified in
20 7 section 39.2, subsection 4, paragraph "c", the proposition
20 8 whether to discontinue the program upon the receipt of a
20 9 petition signed by not less than one hundred eligible electors
20 10 or thirty percent of the number of electors voting at the last
20 11 preceding school election, whichever is greater.

20 12 Sec. 36. Section 260C.28, subsection 3, Code 2007, is
20 13 amended to read as follows:

20 14 3. If the board of directors wishes to certify for a levy
20 15 under subsection 2, the board shall direct the county
20 16 commissioner of elections to ~~call an election to~~ submit the
20 17 question of such authorization for the board at ~~a regular or~~
20 18 ~~special~~ an election held on a date specified in section 39.2,
20 19 subsection 4, paragraph "c". If a majority of those voting on
20 20 the question at the election favors authorization of the board
20 21 to make such a levy, the board may certify for a levy as
20 22 provided under subsection 2 during each of the ten years
20 23 following the election. If a majority of those voting on the
20 24 question at the election does not favor authorization of the
20 25 board to make a levy under subsection 2, the board ~~shall not~~
20 26 may submit the question to the voters again ~~until three~~
20 27 ~~hundred fifty-five days have elapsed from the~~ at an election
20 28 held on a date specified in section 39.2, subsection 4,
20 29 paragraph "c".

20 30 Sec. 37. Section 260C.39, unnumbered paragraph 1, Code
20 31 2007, is amended to read as follows:

20 32 Any merged area may combine with any adjacent merged area
20 33 after a favorable vote by the electors of each of the areas
20 34 involved. If the boards of directors of two or more merged
20 35 areas agree to a combination, the question shall be submitted



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21 1 to the electors of each area at a ~~special~~ an election ~~to be~~
21 2 held on a date specified in section 39.2, subsection 4,
21 3 paragraph "c" and held on the same day in each area. The
~~21 4 special election shall not be held within thirty days of any~~
~~21 5 general election.~~ Prior to the ~~special~~ election, the board of
21 6 each merged area shall notify the county commissioner of
21 7 elections of the county in which the greatest proportion of
21 8 the merged area's taxable base is located who shall publish
21 9 notice of the election according to section 49.53. The two
21 10 respective county commissioners of elections shall conduct the
21 11 election pursuant to the provisions of chapters 39 to 53. The
21 12 votes cast in the election shall be canvassed by the county
21 13 board of supervisors and the county ~~commissioners~~ commissioner
21 14 of elections who conducted the election of each county in the
21 15 merged areas shall certify the results to the board of
21 16 directors of each merged area.

21 17 Sec. 38. Section 275.18, unnumbered paragraph 1, Code
21 18 2007, is amended to read as follows:

21 19 When the boundaries of the territory to be included in a
21 20 proposed school corporation and the number and method of the
21 21 election of the school directors of the proposed school
21 22 corporation have been determined as provided in this chapter,
21 23 the area education agency administrator with whom the petition
21 24 is filed shall give written notice of the ~~proposed date of the~~
21 25 election to the county commissioner of elections of the county
21 26 in the proposed school corporation which has the greatest
21 27 taxable base. ~~The proposed date shall be as soon as possible~~
~~21 28 pursuant to section 39.2, subsections 1 and 2, and section~~
~~21 29 47.6, subsections 1 and 2, but not later than November 30 of~~
21 30 question shall be submitted to the voters at an election held
21 31 on a date specified in section 39.2, subsection 4, paragraph
21 32 "c" in the calendar year prior to the calendar year in which
21 33 the reorganization will take effect.

21 34 Sec. 39. Section 275.23A, subsection 2, Code 2007, is
21 35 amended to read as follows:



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22 1 2. Following each federal decennial census the school
22 2 board shall determine whether the existing director district
22 3 boundaries meet the standards in subsection 1 according to the
22 4 most recent federal decennial census. In addition to the
22 5 authority granted to voters to change the number of directors
22 6 or method of election as provided in sections 275.35, 275.36,
22 7 and 278.1, the board of directors of a school district may,
22 8 following a federal decennial census, by resolution and in
22 9 accordance with this section, authorize a change in the method
22 10 of election as set forth in section 275.12, subsection 2, or a
22 11 change to either five or seven directors after the board
22 12 conducts a hearing on the resolution. If the board proposes
22 13 to change the number of directors from seven to five
22 14 directors, the resolution shall include a plan for reducing
22 15 the number of directors. If the board proposes to increase
22 16 the number of directors to seven directors, two directors
22 17 shall be added according to the procedure described in section
22 18 277.23, subsection 2. If necessary, the board of directors
22 19 shall redraw the director district boundaries. The director
22 20 district boundaries shall be described in the resolution
22 21 adopted by the school board. The resolution shall be adopted
22 22 no earlier than November 15 of the year immediately following
22 23 the year in which the federal decennial census is taken nor
22 24 later than May 15 of the second year immediately following the
22 25 year in which the federal decennial census is taken. A copy
22 26 of the plan shall be filed with the area education agency
22 27 administrator of the area education agency in which the
22 28 school's electors reside. If the board does not provide for
22 29 an election as provided in sections 275.35, 275.36, and 278.1
22 30 and adopts a resolution to change the number of directors or
22 31 method of election in accordance with this subsection, the
22 32 district shall change the number of directors or method of
22 33 election as provided unless, within twenty-eight days
22 34 following the action of the board, the secretary of the board
22 35 receives a petition containing the required number of



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23 1 signatures, asking that an election be called to approve or
23 2 disapprove the action of the board in adopting the resolution.
23 3 The petition must be signed by eligible electors equal in
23 4 number to not less than one hundred or thirty percent of the
23 5 number of voters at the last preceding regular school
23 6 election, whichever is greater. The board shall either
23 7 rescind its action or direct the county commissioner of
23 8 elections to submit the question to the registered voters of
23 9 the school district at ~~the next following regular school~~
~~23 10 election or a special~~ an election held on a date specified in
23 11 section 39.2, subsection 4, paragraph "c". If a majority of
23 12 those voting on the question at the election favors
23 13 disapproval of the action of the board, the district shall not
23 14 change the number of directors or method of election. If a
23 15 majority of those voting on the question does not favor
23 16 disapproval of the action, the board shall certify the results
23 17 of the election to the department of management and the
23 18 district shall change the number of directors or method of
23 19 election as provided in this subsection. At the expiration of
23 20 the twenty-eight-day period, if no petition is filed, the
23 21 board shall certify its action to the department of management
23 22 and the district shall change the number of directors or
23 23 method of election as provided in this subsection.
23 24 Sec. 40. Section 275.24, Code 2007, is amended to read as
23 25 follows:
23 26 275.24 EFFECTIVE DATE OF CHANGE.
23 27 When a school district is enlarged, reorganized, or changes
23 28 its boundary pursuant to sections 275.12 to 275.22, the change
23 29 shall take effect on July 1 following the date of the
23 30 reorganization election held pursuant to section 275.18 ~~if the~~
~~23 31 election was held by the prior November 30. Otherwise the~~
~~23 32 change shall take effect on July 1 one year later.~~
23 33 Sec. 41. Section 275.35, unnumbered paragraph 1, Code
23 34 2007, is amended to read as follows:
23 35 ~~Any existing or hereafter created or enlarged~~ A school



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24 1 district may change the number of directors to either five or
24 2 seven and may also change its method of election of school
24 3 directors to any method authorized by section 275.12 by
24 4 submission of a proposal, stating the proposed new method of
24 5 election, by the school board of such district to the electors
24 6 at ~~any regular or special school~~ an election held on a date
24 7 specified in section 39.2, subsection 4, paragraph "c". The
24 8 school board shall notify the county commissioner of elections
24 9 who shall publish notice of the election in the manner
24 10 provided in section 49.53. The election shall be conducted
24 11 pursuant to chapters 39 to 53 by the county commissioner of
24 12 elections. Such proposal shall be adopted if it is approved
24 13 by a majority of the votes cast on the proposition.

24 14 Sec. 42. Section 275.36, unnumbered paragraph 1, Code
24 15 2007, is amended to read as follows:

24 16 If a petition for a change in the number of directors or in
24 17 the method of election of school directors is filed with the
24 18 school board of a school district pursuant to the requirements
24 19 of section 278.2, the school board shall submit such
24 20 proposition to the voters at ~~the regular school~~ an election or
~~24 21 a special election held not later than February 1 held on a~~
24 22 date specified in section 39.2, subsection 4, paragraph "c".

24 23 The petition shall be accompanied by an affidavit as required
24 24 by section 275.13. If a proposition for a change in the
24 25 number of directors or in the method of election of school
24 26 directors submitted to the voters under this section is
24 27 rejected, it shall not be resubmitted to the voters of the
24 28 district in substantially the same form within the next three
24 29 years; if it is approved, no other proposal may be submitted
24 30 to the voters of the district under this section within the
24 31 next six years.

24 32 Sec. 43. Section 275.38, Code 2007, is amended to read as
24 33 follows:

24 34 275.38 IMPLEMENTING CHANGED METHOD OF ELECTION.

24 35 If change in the method of election of school directors is



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25 1 approved at ~~a regular or special school~~ an election, the
25 2 directors who were serving unexpired terms or were elected
25 3 concurrently with approval of the change of method shall serve
25 4 out the terms for which they were elected. If the plan
25 5 adopted is that described in section 275.12, subsection 2,
25 6 paragraph ~~"b," "c," "d," or "e,"~~ "b", "c", "d", or "e", the
25 7 board shall at the earliest practicable time designate the
25 8 districts from which residents are to be elected as school
25 9 directors at each of the next three succeeding annual school
25 10 elections, arranging so far as possible for elections of
25 11 directors as residents of the respective districts to coincide
25 12 with the expiration of terms of incumbent members residing in
25 13 those districts. If an increase in the size of the board from
25 14 five to seven members is approved concurrently with the change
25 15 in method of election of directors, the board shall make the
25 16 necessary adjustment in the manner prescribed in section
25 17 275.37, as well as providing for implementation of the
25 18 districting plan under this section.

25 19 Sec. 44. Section 275.55, unnumbered paragraphs 1 and 2,
25 20 Code 2007, are amended to read as follows:

25 21 ~~The~~ After the final hearing on the dissolution proposal,
25 22 the board of the school district shall call a special election
~~25 23 to be held not later than forty days following the date of the~~
~~25 24 final hearing on the dissolution proposal~~ submit the
25 25 proposition to the voters at an election held on a date
25 26 specified in section 39.2, subsection 4, paragraph "c". ~~The~~
~~25 27 special election may be held at the same time as the regular~~
~~25 28 school election.~~ The proposition submitted to the voters
25 29 residing in the school district ~~at the special election~~ shall
25 30 describe each separate area to be attached to a contiguous
25 31 school district and shall name the school district to which it
25 32 will be attached. In addition to the description, a map may
25 33 be included in the summary of the question on the ballot.
25 34 The board shall give written notice of the proposed date of
25 35 the election to the county commissioner of elections. ~~The~~



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~~26 1 proposed date shall be pursuant to section 39.2, subsections 1
26 2 and 2 and section 47.6, subsections 1 and 2. The county
26 3 commissioner of elections shall give notice of the election by
26 4 one publication in the same newspaper in which the previous
26 5 notice was published about the hearing, which publication
26 6 shall not be less than four nor more than twenty days prior to
26 7 the election.~~

26 8 Sec. 45. Section 277.2, Code 2007, is amended by striking
26 9 the section and inserting in lieu thereof the following:

26 10 277.2 ELECTIONS ON PUBLIC MEASURES.

26 11 Unless otherwise stated, the date of an election on a
26 12 public measure authorized to be held by a school district is
26 13 limited to the dates specified in section 39.2, subsection 4,
26 14 paragraph "c".

26 15 Sec. 46. Section 278.1, unnumbered paragraph 2, Code 2007,
26 16 is amended to read as follows:

26 17 The board may, with approval of sixty percent of the
26 18 voters, ~~voting in a regular or special~~ an election in the
26 19 school district, make extended time contracts not to exceed
26 20 twenty years in duration for rental of buildings to supplement
26 21 existing schoolhouse facilities; and where it is deemed
26 22 advisable for buildings to be constructed or placed on real
26 23 estate owned by the school district, these contracts may
26 24 include lease-purchase option agreements, the amounts to be
26 25 paid out of the physical plant and equipment levy fund. The
26 26 election shall be held on a date specified in section 39.2,
26 27 subsection 4, paragraph "c".

26 28 Sec. 47. Section 279.39, Code 2007, is amended to read as
26 29 follows:

26 30 279.39 SCHOOL BUILDINGS.

26 31 The board of any school corporation shall establish
26 32 attendance centers and provide suitable buildings for each
26 33 school in the district and may at the regular or a special
26 34 meeting ~~call a special election~~ resolve to submit to the
26 35 registered voters of the district at an election held on a



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27 1 date specified in section 39.2, subsection 4, paragraph "c",
27 2 the question of voting a tax or authorizing the board to issue
27 3 bonds, or both.

27 4 Sec. 48. Section 297.11, Code 2007, is amended to read as
27 5 follows:

27 6 297.11 USE FORBIDDEN.

27 7 If ~~at any time~~ the voters of such district at a regular
27 8 election forbid such use of any such schoolhouse or grounds,
27 9 the board shall not ~~thereafter~~ permit such use until the ~~said~~
27 10 action of such voters ~~shall have been~~ is rescinded by the
27 11 voters at a regular an election, or at a special election
~~27 12 called for that purpose held on a date specified in section~~
27 13 39.2, subsection 4, paragraph "c".

27 14 Sec. 49. Section 298.9, Code 2007, is amended to read as
27 15 follows:

27 16 298.9 SPECIAL LEVIES.

27 17 If the voter=approved physical plant and equipment levy,
27 18 consisting solely of a physical plant and equipment property
27 19 tax levy, is voted at a special approved by the voters at the
27 20 regular school election and certified to the board of
27 21 supervisors after the regular levy is made, the board shall at
27 22 its next regular meeting levy the tax and cause it to be
27 23 entered upon the tax list to be collected as other school
27 24 taxes. If the certification is filed prior to May 1, the
27 25 annual levy shall begin with the tax levy of the year of
27 26 filing. If the certification is filed after May 1 in a year,
27 27 the levy shall begin with the levy of the fiscal year
27 28 succeeding the year of the filing of the certification.

27 29 Sec. 50. Section 298.18, unnumbered paragraphs 4 and 6,
27 30 Code 2007, are amended to read as follows:

27 31 The amount estimated and certified to apply on principal
27 32 and interest for any one year may exceed two dollars and
27 33 seventy cents per thousand dollars of assessed value by the
27 34 amount approved by the voters of the school corporation, but
27 35 not exceeding four dollars and five cents per thousand of the



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28 1 assessed value of the taxable property within any school
28 2 corporation, provided that the registered voters of such
28 3 school corporation have first approved such increased amount
28 4 at a special election, which may be held at the same time as
~~28 5 the regular school an election held on a date specified in~~
28 6 section 39.2, subsection 4, paragraph "c". The proposition
28 7 submitted to the voters at such ~~special~~ election shall be in
28 8 substantially the following form:
28 9 Notice of the election shall be given by the county
28 10 commissioner of elections according to section 49.53. ~~The~~
~~28 11 election shall be held on a date not less than four nor more~~
~~28 12 than twenty days after the last publication of the notice. At~~
~~28 13 such election the ballot used for the submission of said~~
~~28 14 proposition shall be in substantially the form for submitting~~
~~28 15 special questions at general elections.~~ The county
28 16 commissioner of elections shall conduct the election pursuant
28 17 to the provisions of chapters 39 to 53 and certify the results
28 18 to the board of directors. ~~Such~~ The proposition shall not be
28 19 deemed carried or adopted unless the vote in favor of such
28 20 proposition is equal to at least sixty percent of the total
28 21 vote cast for and against ~~said~~ the proposition at ~~said~~ the
28 22 election. Whenever such a proposition has been approved by
28 23 the voters of a school corporation as hereinbefore provided,
28 24 no further approval of the voters of such school corporation
28 25 shall be required as a result of any subsequent change in the
28 26 boundaries of such school corporation.
28 27 Sec. 51. Section 298.18A, subsection 2, Code 2007, is
28 28 amended to read as follows:
28 29 2. The adjustment shall not result in a total amount
28 30 levied in excess of the two dollar and seventy cent per
28 31 thousand dollars of assessed valuation limit provided in
28 32 section 298.18. An adjustment in excess of the two dollar and
28 33 seventy cent per thousand dollars of assessed valuation limit
28 34 shall be subject to the ~~special~~ election provisions for
28 35 increases of up to four dollars and five cents per thousand



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29 1 dollars of assessed valuation provisions of section 298.18.

29 2 Sec. 52. Section 298.21, unnumbered paragraph 1, Code
29 3 2007, is amended to read as follows:

29 4 The board of directors of any school corporation when
29 5 authorized by the voters at ~~the regular an election or at a~~
~~29 6 special election called for that purpose~~ held on a date
29 7 specified in section 39.2, subsection 4, paragraph "c", may
29 8 issue the negotiable, interest-bearing school bonds of ~~said~~
29 9 the corporation for borrowing money for any or all of the
29 10 following purposes:

29 11 Sec. 53. Section 300.2, unnumbered paragraph 1, Code 2007,
29 12 is amended to read as follows:

29 13 The board of directors of a school district may, and upon
29 14 receipt of a petition signed by eligible electors equal in
29 15 number to at least twenty-five percent of the number of voters
29 16 at the last preceding school election, shall, direct the
29 17 county commissioner of elections to submit to the registered
29 18 voters of the school district the question of whether to levy
29 19 a tax of not to exceed thirteen and one-half cents per
29 20 thousand dollars of assessed valuation for public educational
29 21 and recreational activities authorized under this chapter. ~~¶f~~
~~29 22 at the time of filing the petition, it is more than three~~
~~29 23 months until the next regular school election, the board of~~
~~29 24 directors shall submit the question at a special election~~
~~29 25 within sixty days. Otherwise, the~~ The question shall be
29 26 submitted at the next regular school an election held on a
29 27 date specified in section 39.2, subsection 4, paragraph "c".

29 28 Sec. 54. Section 330.17, unnumbered paragraph 1, Code
29 29 2007, is amended to read as follows:

29 30 The council of any city or county which owns or acquires an
29 31 airport may, and upon the council's receipt of a valid
29 32 petition as provided in section 362.4, or receipt of a
29 33 petition by the board of supervisors as provided in section
29 34 331.306 shall, ~~at a regular city election or a general~~
~~29 35 election if one is to be held within seventy-four days from~~



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~~30 1 the filing of the petition, or otherwise at a special an~~
30 2 election called for that purpose held on a date specified in
30 3 section 39.2, subsection 4, paragraph "a" or "b", as
30 4 applicable, submit to the voters the question as to whether
30 5 the management and control of the airport shall be placed in
30 6 an airport commission. If a majority of the voters favors
30 7 placing the management and control of the airport in an
30 8 airport commission, the commission shall be established as
30 9 provided in this chapter.

30 10 Sec. 55. NEW SECTION. 331.309 ELECTIONS ON PUBLIC
30 11 MEASURES.

30 12 Unless otherwise stated, the dates of elections on public
30 13 measures authorized in this chapter are limited to those
30 14 specified for counties in section 39.2.

30 15 Sec. 56. Section 346.27, subsection 10, unnumbered
30 16 paragraph 1, Code 2007, is amended to read as follows:

30 17 After the incorporation of an authority, and before the
30 18 sale of any issue of revenue bonds, except refunding bonds,
30 19 the authority shall ~~call an election to decide~~ submit to the
30 20 voters the question of whether the authority shall issue and
30 21 sell revenue bonds. The ballot shall state the amount of the
30 22 bonds and the purposes for which the authority is
30 23 incorporated. All registered voters of the county shall be
30 24 entitled to vote on the question. The question may be
30 25 submitted at a ~~general election or at a special an~~ election
30 26 held on a date specified in section 39.2, subsection 4,
30 27 paragraph "a" or "b", as applicable. An affirmative vote of a
30 28 majority of the votes cast on the question is required to
30 29 authorize the issuance and sale of revenue bonds.

30 30 Sec. 57. Section 347.13, subsection 12, unnumbered
30 31 paragraph 1, Code 2007, is amended to read as follows:

30 32 Submit to the voters at ~~any regular or special an~~ election
30 33 held on a date specified in section 39.2, subsection 4,
30 34 paragraph "a", a proposition to sell or lease any sites and
30 35 buildings, excepting those described in subsection 11 ~~hereof~~,



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31 1 and upon such proposition being carried by a majority of the
31 2 total number of votes cast at such election, may proceed to
31 3 sell such property at either public or private sale, and apply
31 4 the proceeds only for:

31 5 Sec. 58. Section 347.14, subsection 15, unnumbered
31 6 paragraph 1, Code 2007, is amended to read as follows:

31 7 Submit to the voters at ~~a regular or special~~ an election
31 8 held on a date specified in section 39.2, subsection 4,
31 9 paragraph "a", a proposition to sell or lease a county public

31 10 hospital for use as a private hospital or as a merged area
31 11 hospital under chapter 145A or to sell or lease a county
31 12 hospital in conjunction with the establishment of a merged
31 13 area hospital. The authorization of the board of hospital
31 14 trustees submitting the proposition may, but is not required
31 15 to, contain conditions which provide for maintaining hospital
31 16 care within the county, for the retention of county public
31 17 hospital employees and staff, and for the continuation of the
31 18 board of trustees for the purpose of carrying out provisions
31 19 of contracts. The property listed in section 347.13,
31 20 subsection 11, may be included in the proposition, but the
31 21 proceeds from the property shall be used for the purposes
31 22 listed in section 347.13, subsection 12, or for the purpose of
31 23 providing health care for residents of the county. Proceeds
31 24 from the sale or lease of the county hospital or other assets
31 25 of the board of trustees shall not be used for the prepayment
31 26 of health care services for residents of the county with the
31 27 purchaser or lessee of the county hospital or to underwrite
31 28 the sale or lease of the county hospital. The proposition
31 29 submitted to the voters of the county shall not be set forth
31 30 at length, but it shall be in substantially the following
31 31 form:

31 32 Sec. 59. Section 347.23, unnumbered paragraph 1, Code
31 33 2007, is amended to read as follows:

31 34 Any hospital organized and existing as a city hospital may
31 35 become a county hospital organized and managed as provided for



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32 1 in this chapter, upon a proposition for such purpose being
32 2 submitted to and approved by a majority of the electors of
32 3 both the city in which such hospital is located and of the
32 4 county under whose management it is proposed that such
32 5 hospital be placed, ~~at any general or special election called~~
~~32 6 for such purpose.~~ The proposition shall be placed upon the
32 7 ballot by the board of supervisors when requested by a
32 8 petition signed by eligible electors of the county equal in
32 9 number to five percent of the votes cast for president of the
32 10 United States or governor, as the case may be, at the last
32 11 general election. The proposition ~~may~~ shall be submitted at
32 12 ~~the next general election or at a special an election called~~
~~32 13 for that purpose~~ held on a date specified in section 39.2,
32 14 subsection 4, paragraph "a". Upon the approval of the
32 15 proposition the hospital, its assets and liabilities, will
32 16 become the property of the county and this chapter will govern
32 17 its future management. The question shall be submitted in
32 18 substantially the following form: "Shall the municipal
32 19 hospital of, Iowa, be transferred to and become the
32 20 property of, and be managed by the county of, Iowa?"
32 21 Sec. 60. Section 347.23A, subsection 1, Code 2007, is
32 22 amended to read as follows:
32 23 1. A hospital established as a memorial hospital under
32 24 chapter 37 or a county hospital supported by revenue bonds and
32 25 organized under chapter 347A may become, in accordance with
32 26 the provisions of this section, a county hospital organized
32 27 and managed as provided for in this chapter. If the hospital
32 28 is established by a city as a memorial hospital, the city must
32 29 be located in the county which will own and manage the
32 30 hospital. A proposition for the change must be submitted to
32 31 and approved by a majority of the electors of the county which
32 32 will own and manage the hospital as provided for in this
32 33 chapter. In addition, if the hospital is a memorial hospital
32 34 organized by a city under chapter 37, the proposition must
32 35 also be approved by a majority of the electors of that city.



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33 1 The proposition ~~may~~ shall be submitted to the electors at ~~any~~
~~33 2 general or special~~ an election called by the county board of
33 3 supervisors ~~for this purpose~~ and held on a date specified in
33 4 section 39.2, subsection 4, paragraph "a".

33 5 Sec. 61. NEW SECTION. 362.11 ELECTIONS ON PUBLIC
33 6 MEASURES.

33 7 Unless otherwise stated, the dates of elections on public
33 8 measures authorized in the city code are limited to those
33 9 specified for cities in section 39.2.

33 10 Sec. 62. Section 368.19, unnumbered paragraph 1, Code
33 11 2007, is amended to read as follows:

33 12 The committee shall approve or disapprove the petition or
33 13 plan as amended, within ninety days of the final hearing, and
33 14 shall file its decision for record and promptly notify the
33 15 parties to the proceeding of its decision. If a petition or
33 16 plan is approved, the board shall ~~set a date not less than~~
~~33 17 thirty days nor more than ninety days after approval for a~~
~~33 18 special~~ submit the proposal at an election on the proposal
33 19 held on a date specified in section 39.2, subsection 4,
33 20 paragraph "a" or "b", whichever is applicable, and the county
33 21 commissioner of elections shall conduct the election. In a
33 22 case of incorporation or discontinuance, registered voters of
33 23 the territory or city may vote, and the proposal is authorized
33 24 if a majority of those voting approves it. In a case of
33 25 annexation or severance, registered voters of the territory
33 26 and of the city may vote, and the proposal is authorized if a
33 27 majority of the total number of persons voting approves it.
33 28 In a case of consolidation, registered voters of each city to
33 29 be consolidated may vote, and the proposal is authorized only
33 30 if it receives a favorable majority vote in each city. The
33 31 county commissioner of elections shall publish notice of the
33 32 election as provided in section 49.53 and shall conduct the
33 33 election in the same manner as other special ~~city~~ elections.

33 34 Sec. 63. Section 372.2, subsection 2, unnumbered paragraph
33 35 1, Code 2007, is amended to read as follows:



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34 1 Within fifteen days after receiving a valid petition, the
34 2 council shall publish notice of the date that a special ~~city~~
34 3 election will be held to determine whether the city shall
34 4 change to a different form of government. The election date
34 5 shall be ~~not more than sixty days after the publication as~~
34 6 specified in section 39.2, subsection 4, paragraph "b". ~~If~~
34 7 the next election date specified in that paragraph is more
34 8 than sixty days after the publication, the council shall
34 9 publish another notice fifteen days before the election. The
34 10 notice shall include a statement that the filing of a petition
34 11 for appointment of a home rule charter commission will delay
34 12 the election until after the home rule charter commission has
34 13 filed a proposed charter. Petition requirements and filing
34 14 deadlines shall also be included in the notice.

34 15 Sec. 64. Section 372.3, Code 2007, is amended to read as
34 16 follows:

34 17 372.3 HOME RULE CHARTER.

34 18 If a petition for appointment of a home rule charter
34 19 commission is filed with the city clerk not more than ten days
34 20 after the council has published the first notice announcing
34 21 the date of the special election on adoption of another form
34 22 of government, the special election shall not be held until
34 23 the charter proposed by the home rule charter commission is
34 24 filed. Both forms must be published as provided in section
34 25 372.9 and submitted to the voters at the special election.

34 26 Sec. 65. Section 372.9, subsection 3, Code 2007, is
34 27 amended to read as follows:

34 28 3. The proposed home rule charter must be submitted at a
34 29 special ~~city~~ election on a date ~~selected by the mayor and~~
34 30 ~~council~~ specified in section 39.2, subsection 4, paragraph
34 31 "b", and in accordance with section 47.6. However, the date
34 32 of the election last publication must be not less than thirty
34 33 nor more than sixty days after before the last publication of
34 34 ~~the proposed home rule charter election.~~

34 35 Sec. 66. Section 372.13, subsection 11, unnumbered



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35 1 paragraph 1, Code Supplement 2007, is amended to read as
35 2 follows:

35 3 Council members shall be elected according to the council
35 4 representation plans under sections 372.4 and 372.5. However,
35 5 the council representation plan may be changed, by petition
35 6 and election, to one of those described in this subsection.
35 7 Upon receipt of a valid petition, as defined in section 362.4,
35 8 requesting a change to a council representation plan, the
35 9 council shall submit the question at a special ~~city~~ election
35 10 ~~to be held within sixty days~~. If a majority of the persons
35 11 voting at the special election approves the changed plan, it
35 12 becomes effective at the beginning of the term following the
35 13 next regular city election. If a majority does not approve
35 14 the changed plan, the council shall not submit another
35 15 proposal to change a plan to the voters within the next two
35 16 years.

35 17 Sec. 67. Section 376.2, unnumbered paragraph 2, Code 2007,
35 18 is amended to read as follows:

35 19 Except as otherwise provided by state law or the city
35 20 charter, terms for elective offices are two years. However,
35 21 the term of an elective office may be changed to two or four
35 22 years by petition and election. Upon receipt of a valid
35 23 petition as defined in section 362.4, requesting that the term
35 24 of an elective office be changed, the council shall submit the
35 25 question at a special ~~city~~ election ~~to be held within sixty~~
~~35 26 days after the petition is received. The special election~~
~~35 27 shall be held more than ninety days before the regular city~~
~~35 28 election if the change shall go into effect at the next~~
~~35 29 regular city election~~. If a majority of the persons voting at
35 30 the special election approves the changed term, it becomes
35 31 effective at the beginning of the term following the next
35 32 regular city election. If a majority does not approve the
35 33 changed term, the council shall not submit the same proposal
35 34 to the voters within the next four years.

35 35 Sec. 68. Section 423B.1, subsection 5, Code Supplement



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36 1 2007, is amended to read as follows:

36 2 5. The county commissioner of elections shall submit the
36 3 question of imposition of a local option tax at ~~a state~~
~~36 4 general election or at a special an election held at any time~~
~~36 5 other than the time of a city regular election on a date~~
36 6 specified in section 39.2, subsection 4, paragraph "a". The
36 7 election shall not be held sooner than sixty days after
36 8 publication of notice of the ballot proposition. The ballot
36 9 proposition shall specify the type and rate of tax and in the
36 10 case of a vehicle tax the classes that will be exempt and in
36 11 the case of a local sales and services tax the date it will be
36 12 imposed which date shall not be earlier than ninety days
36 13 following the election. The ballot proposition shall also
36 14 specify the approximate amount of local option tax revenues
36 15 that will be used for property tax relief and shall contain a
36 16 statement as to the specific purpose or purposes for which the
36 17 revenues shall otherwise be expended. If the county board of
36 18 supervisors decides under subsection 6 to specify a date on
36 19 which the local option sales and services tax shall
36 20 automatically be repealed, the date of the repeal shall also
36 21 be specified on the ballot. The rate of the vehicle tax shall
36 22 be in increments of one dollar per vehicle as set by the
36 23 petition seeking to impose the tax. The rate of a local sales
36 24 and services tax shall not be more than one percent as set by
36 25 the governing body. The state commissioner of elections shall
36 26 establish by rule the form for the ballot proposition which
36 27 form shall be uniform throughout the state.

36 28 Sec. 69. Section 423E.2, subsection 2, paragraph a, Code
36 29 Supplement 2007, is amended to read as follows:

36 30 a. Upon receipt by a county board of supervisors of a
36 31 petition requesting imposition of a local sales and services
36 32 tax for infrastructure purposes, signed by eligible electors
36 33 of the whole county equal in number to five percent of the
36 34 persons in the whole county who voted at the last preceding
36 35 state general election, the board shall within thirty days



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37 1 direct the county commissioner of elections to submit the
37 2 question of imposition of the tax to the registered voters of
37 3 the whole county at an election held on a date specified in
37 4 section 39.2, subsection 4, paragraph "a".

37 5 Sec. 70. Section 423E.2, subsection 3, Code Supplement
37 6 2007, is amended to read as follows:

37 7 3. The county commissioner of elections shall submit the
37 8 question of imposition of a local sales and services tax for
37 9 school infrastructure purposes ~~at a state general election or~~
~~37 10 at a special an election held at any time other than the time~~
~~37 11 of a city regular election on a date specified in section~~
37 12 39.2, subsection 4, paragraph "a". The election shall not be
37 13 held sooner than sixty days after publication of notice of the
37 14 ballot proposition. The ballot proposition shall specify the
37 15 rate of tax, the date the tax will be imposed and repealed,
37 16 and shall contain a statement as to the specific purpose or
37 17 purposes for which the revenues shall be expended. The
37 18 content of the ballot proposition shall be substantially
37 19 similar to the petition of the board of supervisors or motions
37 20 of a school district or school districts requesting the
37 21 election as provided in subsection 2, as applicable, including
37 22 the rate of tax, imposition and repeal ~~date dates~~, and the
37 23 specific purpose or purposes for which the revenues will be
37 24 expended. The dates for the imposition and repeal of the tax
37 25 shall be as provided in subsection 1. The rate of tax shall
37 26 not be more than one percent. The state commissioner of
37 27 elections shall establish by rule the form for the ballot
37 28 proposition which form shall be uniform throughout the state.

37 29 Sec. 71. APPLICABILITY DATE. This division of this Act
37 30 applies to elections held on or after January 1, 2009.

37 31 DIVISION IV
37 32 VOTER REGISTRATION

37 33 Sec. 72. NEW SECTION. 44.18 AFFILIATION ON VOTER
37 34 REGISTRATION FORM.

37 35 1. A nonparty political organization that nominated a



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38 1 candidate whose name appeared on the general election ballot
38 2 for a federal office, for governor, or for any other statewide
38 3 elective office in any of the preceding ten years may request
38 4 registration of voters showing their affiliation with the
38 5 nonparty political organization pursuant to this section.

38 6 2. The organization shall file the following documents
38 7 with the state registrar of voters on or before December 1 of
38 8 an even-numbered year:

38 9 a. A petition in the form prescribed by the registrar and
38 10 signed by no fewer than eight hundred fifty eligible electors
38 11 residing in at least five counties in the state. The petition
38 12 shall include the official name of the organization; the
38 13 organization's name as the organization requests it to appear
38 14 on the voter registration form if different from the
38 15 organization's official name; and the name, address, and
38 16 telephone number of the contact person for the organization.
38 17 Each person who signs the petition shall include the person's
38 18 signature, printed name, residence address with house number,
38 19 street name, city, and county, and the date the person signed
38 20 the petition.

38 21 b. A copy of the nonparty political organization's
38 22 articles of incorporation, bylaws, constitution, or other
38 23 document relating to establishment of the organization. Such
38 24 copy shall be certified as a true copy of the original by the
38 25 custodian of the original document.

38 26 c. An application form prescribed by the state registrar
38 27 of voters. The form shall include all of the following:

38 28 (1) The official name of the nonparty political
38 29 organization.

38 30 (2) The name, address, and telephone number of the contact
38 31 person for the organization who is responsible for the
38 32 application.

38 33 (3) The signature of the chief executive officer of the
38 34 organization approving the application.

38 35 (4) The organization's name as the organization requests



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39 1 it to appear on the voter registration form if different from
39 2 the organization's official name.

39 3 3. The nonparty political organization's name and its name
39 4 as listed on the voter registration form shall conform to the
39 5 requirements of section 43.121. The registrar shall not
39 6 invalidate the application solely because the registrar finds
39 7 the official name of the organization or the name to be
39 8 included on the voter registration form to be unacceptable.
39 9 If the registrar finds the name to be unacceptable, the
39 10 registrar shall contact the organization and provide
39 11 assistance in identifying an appropriate official name for the
39 12 organization and for identifying the organization on the voter
39 13 registration form. A determination by the registrar that the
39 14 official name or voter registration form name requested is
39 15 acceptable for use within the voter registration system is
39 16 final.

39 17 4. The registrar and the voter registration commission may
39 18 require biennial filings to update contact information.

39 19 5. Beginning in January 2011, and each odd-numbered year
39 20 thereafter, the registrar and the voter registration
39 21 commission may review the number of voters registered as
39 22 affiliated with a nonparty political organization. If the
39 23 number of registrants, including both active and inactive
39 24 voters, is fewer than 150, the commission shall declare the
39 25 organization to be dormant for purposes of voter registration
39 26 and may revise the voter registration form and instructions
39 27 and electronic voter registration system to remove the
39 28 organization from the list of nonparty political organizations
39 29 with which a voter may register as affiliated. However, a
39 30 change shall not be made to the record of political
39 31 affiliation of individual registrants unless the registrant
39 32 requests the change.

39 33 6. If a political party, as defined in section 43.2, fails
39 34 to receive a sufficient number of votes in a general election
39 35 to retain status as a political party and the former political



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40 1 party organizes as a nonparty political organization, the
40 2 organization may request registration of voters showing their
40 3 affiliation with the organization. A change shall not be made
40 4 to the record of political party affiliation of individual
40 5 registrants unless the registrant requests the change.

40 6 Sec. 73. Section 48A.7A, subsection 1, paragraph b,
40 7 subparagraph (2), unnumbered paragraph 1, Code Supplement
40 8 2007, is amended to read as follows:

40 9 If the photographic identification presented does not
40 10 contain the person's current address in the precinct, the
40 11 person shall also present one of the following documents that
40 12 shows the person's name and current address in the precinct:

40 13 Sec. 74. Section 48A.7A, subsection 3, Code Supplement
40 14 2007, is amended to read as follows:

40 15 3. At any time before election day, and after the deadline
40 16 for registration in section 48A.9, a person who appears in
40 17 person at the commissioner's office or at a satellite absentee
40 18 voting station ~~after the deadline for registration in section~~
~~40 19 48A.9, or whose ballot is delivered to a health care facility~~
40 20 pursuant to section 53.22 may register to vote and vote an
40 21 absentee ballot by following the procedure in this section for
40 22 registering to vote on election day. A person who wishes to
40 23 vote in person at the polling place on election day and who
40 24 has not registered to vote before the deadline for registering
40 25 in section 48A.9, is required to register to vote at the
40 26 polling place on election day following the procedure in this
40 27 section. However, the person may complete the voter
40 28 registration application at the commissioner's office and,
40 29 after the commissioner has reviewed the completed application,
40 30 may present the application to the appropriate precinct
40 31 election official along with proof of identity and residency.

40 32 Sec. 75. Section 48A.7A, subsection 4, paragraph b, Code
40 33 Supplement 2007, is amended to read as follows:

40 34 b. The form of the written oath required of a person
40 35 attesting to the identity and residency of the registrant



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41 1 shall read as follows:
 41 2 I, (name of registered voter), do solemnly swear or
 41 3 affirm all of the following:
 41 4 I am a preregistered voter in this precinct or I registered
 41 5 to vote in this precinct today, and a registered voter did not
 41 6 sign an oath on my behalf. I have not signed an oath
 41 7 attesting to the identity and residence of any other person in
 41 8 this election.
 41 9 I am a resident of the ... precinct, ... ward or township,
 41 10 city of, county of, Iowa.
 41 11 I reside at (street address) in (city or
 41 12 township).
 41 13 I personally know (name of registrant), and I
 41 14 personally know that (name of registrant) is a resident
 41 15 of the ... precinct, ward or township, city of,
 41 16 county of, Iowa.
 41 17 I understand that any false statement in this oath is a
 41 18 class "D" felony punishable by no more than five years in
 41 19 confinement and a fine of at least seven hundred fifty dollars
 41 20 but not more than seven thousand five hundred dollars.
 41 21
 41 22 Signature of Registered Voter
 41 23 Subscribed and sworn before me on (date).
 41 24
 41 25 Signature of Precinct Election Official
 41 26 Sec. 76. Section 48A.11, subsection 1, paragraph i, Code
 41 27 Supplement 2007, is amended to read as follows:
 41 28 i. Political party ~~registration~~ affiliation as defined in
 41 29 section 43.2 or nonparty political organization affiliation if
 41 30 approved for inclusion on the form pursuant to section 44.18.
 41 31 Sec. 77. Section 48A.11, subsection 1, paragraph k, Code
 41 32 Supplement 2007, is amended by striking the paragraph.
 41 33 Sec. 78. Section 48A.12, unnumbered paragraph 1, Code
 41 34 2007, is amended to read as follows:
 41 35 The mail voter registration form prescribed by the federal



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42 1 election assistance commission shall be accepted for voter
42 2 registration in Iowa if all required information is provided,
42 3 if it is signed by the registrant, and if the form is timely
42 4 received.

42 5 Sec. 79. Section 48A.26, subsection 4, Code 2007, is
42 6 amended to read as follows:

42 7 4. If the registrant applied by mail to register to vote
42 8 and did not answer either "yes" or "no" to the question in
42 9 section 48A.11, subsection 3, paragraph "a", the application
42 10 shall be processed, ~~but the registration shall be designated~~
~~42 11 as valid only for elections that do not include candidates for~~
~~42 12 federal offices on the ballot. The acknowledgment shall~~
~~42 13 advise the applicant that the status of the registration is~~
~~42 14 local and the reason for the registration being assigned local~~
~~42 15 status. The commissioner shall enclose a new registration by~~
~~42 16 mail form for the applicant to use. If the original~~
~~42 17 application is received during the twelve days before the~~
~~42 18 close of registration for an election that includes candidates~~
~~42 19 for federal offices on the ballot, the commissioner shall~~
~~42 20 provide the registrant with an opportunity to complete the~~
~~42 21 form before the close of registration. If the application is~~
42 22 complete and proper in all other respects and information on
42 23 the application is verified, as required by section 48A.25A,
42 24 the applicant shall be registered to vote and sent an
42 25 acknowledgment.

42 26 Sec. 80. Section 48A.27, subsection 2, paragraph b, Code
42 27 2007, is amended to read as follows:

42 28 b. If a registered voter submits a change of name,
42 29 telephone number, or address is submitted under this
42 30 subsection, the commissioner shall not change the political
42 31 party or nonparty political organization affiliation in the
42 32 elector's registered voter's prior registration other than
42 33 that indicated by the elector registered voter.

42 34 Sec. 81. Section 48A.37, subsection 2, Code Supplement
42 35 2007, is amended to read as follows:



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43 1 2. Electronic records shall include a status code
43 2 designating whether the records are active, inactive, ~~local,~~
~~43 3 or pending, or canceled.~~ Inactive records are records of
43 4 registered voters to whom notices have been sent pursuant to
43 5 section 48A.28, subsection 3, and who have not returned the
43 6 card or otherwise responded to the notice, and those records
43 7 have been designated inactive pursuant to section 48A.29.
43 8 Inactive records are also records of registered voters to whom
43 9 notices have been sent pursuant to section 48A.26A and who
43 10 have not responded to the notice. ~~Local records are records~~
~~43 11 of applicants who did not answer either "yes" or "no" to the~~
~~43 12 question in section 48A.11, subsection 3, paragraph "a".~~
43 13 Pending records are records of applicants whose applications
43 14 have not been verified pursuant to section 48A.25A. Canceled
43 15 records are records that have been canceled pursuant to
43 16 section 48A.30. All other records are active records. An
43 17 inactive record shall be made active when the registered voter
43 18 votes at an election, registers again, or reports a change of
43 19 name, address, telephone number, or political party or
43 20 organization affiliation. A pending record shall be made
43 21 active upon verification. ~~A local record shall be valid for~~
~~43 22 any election for which no candidates for federal office appear~~
~~43 23 on the ballot. A registrant with only a local record shall~~
~~43 24 not vote in a federal election unless the registrant submits a~~
~~43 25 new voter registration application before election day~~
~~43 26 indicating that the applicant is a citizen of the United~~
~~43 27 States.~~
43 28 Sec. 82. Section 49.74, Code 2007, is amended to read as
43 29 follows:
43 30 49.74 REGISTERED VOTERS ENTITLED TO VOTE AFTER CLOSING
43 31 TIME.
43 32 Every ~~registered~~ voter who is on the premises of the
43 33 voter's precinct polling place at the time the polling place
43 34 is to be closed for any election shall be permitted to vote in
43 35 that election. Wherever possible, when there are persons on



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44 1 the premises of a polling place awaiting an opportunity to
44 2 claim their vote at the time the polling place is to be
44 3 closed, the election board shall cause those persons to move
44 4 inside the structure in which the polling place is located and
44 5 shall then shut the doors of the structure and shall not admit
44 6 any additional persons to the polling place for the purpose of
44 7 voting. If it is not feasible to cause persons on the
44 8 premises of a polling place awaiting an opportunity to claim
44 9 their vote at the time the polling place is to be closed to
44 10 move inside the structure in which the polling place is
44 11 located, the election board shall cause those persons to be
44 12 designated in some reasonable manner and shall not receive
44 13 votes after that time from any persons except those ~~registered~~
44 14 voters so designated.

44 15 DIVISION V

44 16 CHALLENGES AND PROVISIONAL VOTING

44 17 Sec. 83. Section 39A.3, subsection 1, paragraph a, Code
44 18 2007, is amended by adding the following new subparagraph:
44 19 NEW SUBPARAGRAPH. (4) Files a challenge containing false
44 20 information under section 48A.14 or 49.79.

44 21 Sec. 84. Section 39A.5, subsection 1, paragraph b,
44 22 subparagraph (3), Code Supplement 2007, is amended by striking
44 23 the subparagraph.

44 24 Sec. 85. Section 48A.14, subsections 3 and 4, Code 2007,
44 25 are amended to read as follows:

44 26 3. A challenge shall contain a statement signed by the
44 27 challenger in substantially the following form: "I am a
44 28 registered voter in (name of county) County, Iowa. I swear or
44 29 affirm that information contained on this challenge is true.
44 30 I understand that knowingly filing a challenge containing
44 31 false information is an aggravated misdemeanor."

44 32 4. A challenge may be filed at any time. A challenge
44 33 filed less than seventy days before a regularly scheduled
44 34 election shall not be processed until after the pending
44 35 election unless the challenge is filed within twenty days of



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45 1 the commissioner's receipt of the challenged registrant's
45 2 registration form or notice of change to an existing
45 3 registration. A challenge filed against a person registering
45 4 to vote pursuant to section 48A.7A is considered a challenge
45 5 to a person offering to vote and must be filed under section
45 6 49.79.

45 7 Sec. 86. Section 49.79, subsection 2, paragraph c, Code
45 8 Supplement 2007, is amended to read as follows:

45 9 c. The challenged person is not a resident at the address
45 10 where the person is registered. However, a person who is
45 11 reporting a change of address at the polls on election day
45 12 pursuant to section 48A.27, subsection 2, paragraph "a",
45 13 subparagraph (3), or who is registering to vote pursuant to
45 14 section 48A.7A, shall not be challenged for this reason.

45 15 Sec. 87. Section 49.79, Code Supplement 2007, is amended
45 16 by adding the following new subsections:

45 17 NEW SUBSECTION. 3. a. The state commissioner of
45 18 elections shall prescribe a form to be used for challenging a
45 19 prospective voter at the polls. The form shall include a
45 20 space for the challenger to provide the challenger's printed
45 21 name, signature, address, and telephone number. The form
45 22 shall also contain the following statement signed by the
45 23 challenger: "I am a registered voter in (name of county)
45 24 County, Iowa. I swear or affirm that information contained in
45 25 this challenge is true. I understand that knowingly filing a
45 26 challenge containing false information is an aggravated
45 27 misdemeanor."

45 28 b. The special precinct board shall reject a challenge
45 29 that lacks the name, address, telephone number, and signature
45 30 of the challenger.

45 31 NEW SUBSECTION. 4. A separate written challenge shall be
45 32 made against each prospective voter challenged.

45 33 NEW SUBSECTION. 5. A challenger may withdraw a challenge
45 34 at the polling place on election day or at any time before the
45 35 meeting of the special precinct counting board by notifying



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46 1 the commissioner in writing of the withdrawal.

46 2 Sec. 88. Section 49.81, Code 2007, is amended to read as
46 3 follows:

46 4 49.81 PROCEDURE FOR ~~CHALLENGED~~ VOTER TO CAST PROVISIONAL
46 5 BALLOT.

46 6 1. A prospective voter who is prohibited under section
46 7 48A.8, subsection 4, section 49.77, subsection 4, or section
46 8 49.80 from voting except under this section shall be notified
46 9 by the appropriate precinct election official that the voter
46 10 may cast a provisional ballot. If a booth meeting the
46 11 requirement of section 49.25 is not available at that polling
46 12 place, the precinct election officials shall make alternative
46 13 arrangements to insure the ~~challenged~~ voter the opportunity to
46 14 vote in secret. ~~The marked ballot, folded~~ voter shall mark
46 15 the ballot, fold it or insert it in a secrecy envelope as
46 16 required by section 49.84, ~~shall be delivered to a precinct~~
~~46 17 election official who shall and~~ immediately seal it in an
46 18 envelope of the type prescribed by subsection 4. The voter
46 19 shall deliver the sealed envelope to a precinct election
46 20 official who shall be deposited deposit it in an envelope
46 21 marked "provisional ballots" ~~and~~. The ballot shall be
46 22 considered as having been cast in the special precinct
46 23 established by section 53.20 for purposes of the postelection
46 24 canvass.

46 25 2. Each person who casts a provisional ballot under this
46 26 section shall receive a printed statement in ~~substantially the~~
~~46 27 following form:~~

46 28 ~~Your qualifications as a registered voter have been~~
~~46 29 challenged for the following reasons:~~

46 30 I.....

46 31 II.....

46 32 III.....

46 33 ~~You must show identification before your ballot can be~~
~~46 34 counted. Please bring or mail a copy of a current and valid~~
~~46 35 photo identification card to the county commissioner's office~~



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~~47 1 or bring or mail a copy of one of the following current~~
~~47 2 documents that show your name and address:~~
 47 3 ~~a. Utility bill.~~
 47 4 ~~b. Bank statement.~~
 47 5 ~~c. Paycheck.~~
 47 6 ~~d. Government check.~~
 47 7 ~~e. Other government document.~~
 47 8 ~~Your right to vote will be reviewed by the special precinct~~
~~47 9 counting board on You have the right and~~
~~47 10 are encouraged to make a written statement and submit~~
~~47 11 additional written evidence to this board supporting your~~
~~47 12 qualifications as a registered voter. This written statement~~
~~47 13 and evidence may be given to an election official of this~~
~~47 14 precinct on election day or mailed or delivered to the county~~
~~47 15 commissioner of elections, but must be received before . . .~~
~~47 16 . . . a.m./p.m. on at~~
~~47 17 . . . If your ballot is not counted you will receive, by~~
~~47 18 mail, notification of this fact and the reason that the ballot~~
~~47 19 was not counted a form prescribed by the state commissioner by~~
~~47 20 rule adopted in accordance with chapter 17A. The statement~~
~~47 21 shall contain, at a minimum, the following information:~~
 47 22 a. The reason the person is casting a provisional ballot.
 47 23 b. If the person is casting a provisional ballot because
 47 24 the person failed to provide a required form of
 47 25 identification, a list of the types of acceptable
 47 26 identification and notification that the person must show
 47 27 identification before the ballot can be counted.
 47 28 c. If the person is casting a provisional ballot because
 47 29 the person's qualifications as a registered voter have been
 47 30 challenged, the allegations contained in the written
 47 31 challenge, a description of the challenge process, and the
 47 32 person's right to address the challenge.
 47 33 d. A statement that if the person's ballot is not counted,
 47 34 the person will receive, by mail, notification of this fact
 47 35 and the reason the ballot was not counted.



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48 1 e. Other information deemed necessary by the state
48 2 commissioner.

48 3 3. Any eligible elector may present written statements or
48 4 documents, supporting or opposing the counting of any
48 5 provisional ballot, to the precinct election officials on
48 6 election day, until the hour for closing the polls. Any
48 7 statements or documents so presented shall be delivered to the
48 8 commissioner when the election supplies are returned.

48 9 4. The individual envelopes used for each provisional
48 10 ballot cast pursuant to subsection 1 shall have space for the
48 11 voter's name, date of birth, and address and shall have
48 12 printed on them the following:

48 13 I am a United States citizen, at least eighteen years of
48 14 age. I believe I am a registered voter of this county and I
48 15 am eligible to vote in this election. I registered to vote in
48 16 county on or about at My name at that
48 17 time was I have not moved to a different county since
48 18 that time. I am a United States citizen, at least eighteen
48 19 years of age.

48 20
48 21 (signature of voter) (date)

48 22 The following information is to be provided by the precinct
48 23 election official:

48 24 Reason for challenge casting provisional ballot:

48 25
48 26

48 27 Did not present required identification form.

48 28
48 29 (signature of precinct
48 30 election official)

48 31 The precinct election official shall attach a completed
48 32 voter registration form from each provisional voter unless the
48 33 person's registration status is listed in the election
48 34 register as active or pending. If a voter is casting a
48 35 provisional ballot because the voter's qualifications as a



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49 1 registered voter have been challenged, the precinct election
49 2 official shall attach the signed challenge to the provisional
49 3 ballot envelope.

49 4 DIVISION VI

49 5 GENERAL CHANGES TO ELECTIONS PROVISIONS

49 6 Sec. 89. Section 39A.2, subsection 1, paragraph c, Code
49 7 Supplement 2007, is amended to read as follows:

49 8 c. DURESS. Intimidates, threatens, or coerces, or
49 9 attempts to intimidate, threaten, or coerce, a person to do or
49 10 to refrain from doing any of the following:

49 11 (1) To register to vote, to vote, or to attempt to
49 12 register to vote.

49 13 (2) To urge or aid a person to register to vote, to vote,
49 14 or to attempt to register to vote.

49 15 (2A) To sign a petition nominating a candidate for public
49 16 office or a petition requesting an election for which a
49 17 petition may legally be submitted.

49 18 (3) To exercise a right under chapters 39 through 53.

49 19 Sec. 90. Section 39A.2, subsection 1, Code Supplement
49 20 2007, is amended by adding the following new paragraph:

49 21 NEW PARAGRAPH. f. VOTING EQUIPMENT TAMPERING.

49 22 Intentionally altering or damaging any computer software or
49 23 any physical part of a voting machine, automatic tabulating
49 24 equipment, or any other part of a voting system.

49 25 Sec. 91. Section 39A.4, subsection 1, paragraph c, Code
49 26 Supplement 2007, is amended by adding the following new
49 27 subparagraph:

49 28 NEW SUBPARAGRAPH. (13) Making a false statement on an
49 29 affidavit of candidacy.

49 30 Sec. 92. Section 49.20, Code 2007, is amended to read as
49 31 follows:

49 32 49.20 COMPENSATION OF MEMBERS.

49 33 The members of election boards shall be deemed temporary
49 34 state employees who are compensated by the county in which
49 35 they serve, and shall receive compensation at a rate



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50 1 established by the board of supervisors, which shall be not
50 2 less than ~~three dollars and fifty cents per hour~~ the minimum
50 3 wage established in section 91D.1, subsection 1, paragraph
50 4 "b", while engaged in the discharge of their duties and shall
50 5 be reimbursed for actual and necessary travel expense at a
50 6 rate determined by the board of supervisors, except that
50 7 persons who have advised the commissioner prior to their
50 8 appointment to the election board that they are willing to
50 9 serve without pay at elections conducted for any school
50 10 district or a city of three thousand five hundred or less
50 11 population, shall receive no compensation for service at those
50 12 elections. Compensation shall be paid to members of election
50 13 boards only after the vote has been canvassed and it has been
50 14 determined in the course of the canvass that the election
50 15 record certificate has been properly executed by the election
50 16 board.

50 17 Sec. 93. Section 49.21, Code 2007, is amended to read as
50 18 follows:

50 19 49.21 POLLING PLACES == ACCESSIBILITY == SIGNS.

50 20 1. It is the responsibility of the commissioner to
50 21 designate a polling place for each precinct in the county.
50 22 Each polling place designated shall be accessible to persons
50 23 with disabilities. However, if the commissioner is unable to
50 24 provide an accessible polling place for a precinct, the
50 25 commissioner shall apply for a temporary waiver of the
50 26 accessibility requirement. The state commissioner shall adopt
50 27 rules in accordance with chapter 17A prescribing standards for
50 28 determining whether a polling place is accessible and the
50 29 process for applying for a temporary waiver of accessibility.

50 30 2. a. Upon the application of the commissioner, the
50 31 authority which has control of any buildings or grounds
50 32 supported by taxation under the laws of this state shall make
50 33 available the necessary space therein for the purpose of
50 34 holding elections, without charge for the use thereof.

50 35 b. Except as otherwise provided by law, the polling place



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51 1 in each precinct in the state shall be located in a central
51 2 location if a building is available. However, first
51 3 consideration shall be given to the use of public buildings
51 4 supported by taxation.

~~51 5 In the selection of polling places, preference shall also
51 6 be given to the use of buildings accessible to persons who are
51 7 elderly and persons with disabilities.~~

51 8 3. a. On the day of an election, the commissioner shall
51 9 post a sign stating "vote here" at the entrance to each
51 10 driveway leading to the building where a polling place is
51 11 located. The sign must be visible from the street or highway
51 12 fronting the driveway, but shall not encroach upon the
51 13 right-of-way of such street or highway.

51 14 b. The commissioner shall post a sign at the entrance to
51 15 the polling place indicating the election precinct number or
51 16 name, and displaying a street map showing the boundaries of
51 17 the precinct.

51 18 Sec. 94. Section 49.25, subsection 1, Code Supplement
51 19 2007, is amended to read as follows:

51 20 1. In any county or portion of a county for which voting
51 21 machines have been acquired under section 52.2 the
51 22 commissioner shall determine pursuant to section 49.26, in
51 23 advance of each election conducted for a city of three
51 24 thousand five hundred or less population, or any school
51 25 district, and individually for each precinct, whether voting
51 26 in that election shall be by machine or by paper ballot. In
51 27 counties in which conventional paper ballots are not used, the
51 28 commissioner shall furnish voting equipment for use by voters
51 29 with disabilities.

51 30 Sec. 95. Section 49.68, Code 2007, is amended to read as
51 31 follows:

51 32 49.68 STATE COMMISSIONER TO FURNISH INSTRUCTIONS.

51 33 1. The state commissioner with the approval of the
51 34 attorney general shall prepare, and from time to time revise,
51 35 written instructions to the voters relative to ~~voting~~ the



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52 1 rights of voters, and shall furnish each commissioner with
52 2 copies of the instructions. Such instructions shall cover the
52 3 following matters:

52 4 a. The procedure for registering to vote after the
52 5 registration deadline has passed.

52 6 b. Instructions for voters who are required by law to show
52 7 identification before voting.

52 8 c. General information on voting rights under applicable
52 9 federal and state laws, including the following:

52 10 (1) Information on the right of an individual to cast a
52 11 provisional ballot and the procedure for casting a provisional
52 12 ballot.

52 13 (2) Federal and state laws regarding prohibitions on acts
52 14 of fraud, misrepresentation, coercion, or duress.

52 15 d. Instructions on how to contact the appropriate
52 16 officials if a voter believes the voter's rights have been
52 17 violated.

52 18 2. The state commissioner shall prepare instructions
52 19 relative to voting for each voting system in use in the state
52 20 and shall furnish the county commissioner with copies of the
52 21 instructions. Such instructions shall cover the following
52 22 matters:

52 23 ~~1.~~ a. The manner of obtaining ballots.

52 24 ~~2.~~ b. The manner of marking ballots.

52 25 ~~3.~~ c. That unmarked or improperly marked ballots will not
52 26 be counted.

52 27 ~~4.~~ d. The method of gaining assistance in marking ballots.

52 28 ~~5.~~ e. That any erasures or identification marks, or
52 29 otherwise spoiling or defacing a ballot, will render it
52 30 invalid.

52 31 ~~6.~~ f. Not to vote a spoiled or defaced ballot.

52 32 ~~7.~~ g. How to obtain a new ballot in place of a spoiled or
52 33 defaced one.

52 34 ~~8.~~ h. Any other matters thought necessary.

52 35 Sec. 96. Section 49.70, Code 2007, is amended to read as



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53 1 follows:

53 2 49.70 PRECINCT ELECTION OFFICIALS FURNISHED INSTRUCTIONS.

53 3 The commissioner shall cause copies of ~~the foregoing~~ each
53 4 set of instructions to be printed in large, clear type, under

53 5 the heading of "Rights of Voters" and "Instructions for

53 6 Voters" Voting", as applicable, and shall furnish the precinct

53 7 election officials with a sufficient number of ~~such~~ each set

53 8 of instructions as will enable them to comply with section

53 9 49.71.

53 10 Sec. 97. Section 49.71, Code Supplement 2007, is amended

53 11 to read as follows:

53 12 49.71 POSTING INSTRUCTION CARDS AND SAMPLE BALLOTS.

53 13 The precinct election officials, before the opening of the

53 14 polls, shall cause ~~the~~ each set of instructions for voters

53 15 required pursuant to section 49.70 to be securely posted as

53 16 follows:

53 17 1. ~~One~~ At least one copy of the instructions for voting

53 18 prescribed in section 49.68, subsection 2, in each voting

53 19 booth.

53 20 2. ~~Not less than four copies,~~ At least one copy of the

53 21 instructions for voting prescribed in section 49.68,

53 22 subsection 2, with an equal number of sample ballots, in and

53 23 about the polling place.

53 24 3. At least one copy of the instructions relating to

53 25 rights of voters, as prescribed in section 49.68, subsection

53 26 1, in and about the polling place.

53 27 Sec. 98. Section 49.73, subsection 1, unnumbered paragraph

53 28 1, Code Supplement 2007, is amended to read as follows:

53 29 At all elections, except as otherwise permitted by this

53 30 section, the polls shall be opened at seven ~~o'clock a.m., or~~

~~53 31 as soon thereafter as vacancies on the precinct election board~~

~~53 32 have been filled.~~ On the basis of voter turnout for recent

53 33 similar elections and factors considered likely to so affect

53 34 voter turnout for the forthcoming election as to justify

53 35 shortened voting hours for that election, the commissioner may



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54 1 direct that the polls be opened at twelve o'clock noon for:

54 2 Sec. 99. Section 49.77, subsection 2, Code Supplement
54 3 2007, is amended to read as follows:

54 4 2. ~~One of the precinct election officials shall announce~~
~~54 5 the voter's name aloud for the benefit of any persons present~~
~~54 6 pursuant to section 49.104, subsection 2, 3, or 5. If the~~
54 7 declaration of eligibility is not printed on each page of the
54 8 election register, any of those persons present pursuant to
54 9 section 49.104, subsection 2, 3, or 5, may upon request view
54 10 the signed declarations of eligibility and may review the
54 11 signed declarations on file so long as the person does not
54 12 interfere with the functions of the precinct election
54 13 officials. If the declaration of eligibility is printed on
54 14 the election register, voters shall also sign a voter roster
54 15 which the precinct election official shall make available for
~~54 16 viewing a listing of those voters who have signed declarations~~
~~54 17 of eligibility.~~ Any of those persons present pursuant to
54 18 section 49.104, subsection 2, 3, or 5, may upon request view
54 19 the listing roster of those voters who have signed
54 20 declarations of eligibility, so long as the person does not
54 21 interfere with the functions of the precinct election
54 22 officials.

54 23 Sec. 100. Section 49.88, Code 2007, is amended to read as
54 24 follows:

54 25 49.88 LIMITATION ON PERSONS IN BOOTH AND TIME FOR VOTING.

54 26 1. No more than one person shall be allowed to occupy any
54 27 voting booth at any time. ~~No person shall occupy such booth~~
~~54 28 for more than three minutes to cast a vote. Nothing in this~~
~~54 29 section shall prohibit assistance to voters under section~~
~~54 30 49.90.~~ The use of cameras, cellular telephones, pagers, or
54 31 other electronic communications devices in the voting booth is
54 32 prohibited.

54 33 2. a. Nothing in this section shall prohibit assistance
54 34 to voters under section 49.90.

54 35 b. This section does not prohibit a voter from taking



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55 1 minor children into the voting booth with the voter.
55 2 Sec. 101. Section 49.104, Code 2007, is amended by adding
55 3 the following new subsection:

55 4 NEW SUBSECTION. 8. Reporters, photographers, and other
55 5 staff representing the news media. However, representatives
55 6 of the news media, while present at or in the immediate
55 7 vicinity of the polling places, shall not do any of the
55 8 following:

55 9 a. Take a photograph or otherwise create an image of a
55 10 voter without the voter's permission.

55 11 b. Take a photograph or otherwise create an image of a
55 12 voter's ballot.

55 13 c. Interview a voter.

55 14 d. Interfere with the election process in any way.

55 15 Sec. 102. Section 50.9, Code 2007, is amended to read as
55 16 follows:

55 17 50.9 RETURN OF BALLOTS NOT VOTED.

55 18 Ballots not voted, or spoiled by voters while attempting to
55 19 vote, shall be returned by the precinct election officials to
55 20 the commissioner, and a receipt taken for the ballots. The
55 21 spoiled ballots shall be preserved for twenty-two months
55 22 following elections for federal offices and for six months
55 23 following elections for all other offices. The commissioner
55 24 shall record the number of ballots sent to the polling places
55 25 but not voted. The ballots not voted shall be destroyed after
55 26 the end of the period for contesting the election. However,
55 27 if a contest is requested, the ballots not voted shall be
55 28 preserved until the election contest is concluded.

55 29 Sec. 103. NEW SECTION. 50.15A UNOFFICIAL RESULTS OF
55 30 VOTING == GENERAL ELECTION ONLY.

55 31 1. In order to provide the public with an early source of
55 32 election results before the official canvass of votes, the
55 33 state commissioner of elections, in cooperation with the
55 34 commissioners of elections, shall conduct an unofficial
55 35 canvass of election results following the closing of the polls



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56 1 on the day of a general election. The unofficial canvass
56 2 shall report election results for national offices, statewide
56 3 offices, the office of state representative, the office of
56 4 state senator, and other offices or public measures at the
56 5 discretion of the state commissioner of elections.

56 6 2. After the polls close on election day, the commissioner
56 7 of elections shall periodically provide election results to
56 8 the state commissioner of elections as the precincts in the
56 9 county report election results to the commissioner pursuant to
56 10 section 50.11. If the commissioner determines that all
56 11 precincts will not report election results before the office
56 12 is closed, the commissioner shall report the most complete
56 13 results available prior to leaving the office at the time the
56 14 office is closed as provided in section 50.11. The
56 15 commissioner shall specify the number of precincts included in
56 16 the report to the state commissioner of elections.

56 17 The state commissioner of elections shall tabulate
56 18 unofficial election results as the results are received from
56 19 the commissioners of elections and shall periodically make the
56 20 reports of the results available to the public.

56 21 3. Before the day of the general election, the state
56 22 commissioner of elections shall provide a form and
56 23 instructions for reporting unofficial election results
56 24 pursuant to this section.

56 25 Sec. 104. Section 50.49, unnumbered paragraph 4, Code
56 26 2007, is amended to read as follows:

56 27 The petitioners requesting the recount shall post a bond as
56 28 required by section 50.48, subsection 2. The amount of the
56 29 bond shall be one thousand dollars for a public measure
56 30 appearing on the ballot statewide or one hundred dollars for
56 31 any other public measure. If the difference between the
56 32 affirmative and negative votes cast on the public measure is
56 33 less than the greater of fifty votes or one percent of the
56 34 total number of votes cast for and against the question, a
56 35 bond is not required. If approval by sixty percent of the



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57 1 votes cast is required for adoption of the public measure, no
57 2 bond is required if the difference between sixty percent of
57 3 the total votes cast for and against the question and the
57 4 number of affirmative votes cast ~~for the losing side~~ is less
57 5 than the greater of fifty votes or one percent of the total
57 6 number of votes cast.

57 7 Sec. 105. Section 53.23, subsection 3, paragraph b, Code
57 8 Supplement 2007, is amended to read as follows:

57 9 b. If the board finds any ballot not enclosed in a secrecy
57 10 envelope and the ballot is folded in such a way that any of
57 11 the votes cast on the ballot are visible, the two special
57 12 precinct election officials, one from each of the two
57 13 political parties referred to in section 49.13, subsection 2,
57 14 shall place the ballot in a secrecy envelope. No one shall
57 15 examine the ballot. ~~Each of the special precinct election~~
~~57 16 officials shall sign the secrecy envelope.~~

57 17 Sec. 106. Section 423A.4, subsection 4, Code Supplement
57 18 2007, is amended to read as follows:

57 19 4. a. A city or county shall impose or repeal a hotel and
57 20 motel tax or increase or reduce the tax rate only after an
57 21 election at which a majority of those voting on the question
57 22 favors imposition, repeal, or change in rate. However, a
57 23 hotel and motel tax shall not be repealed or reduced in rate
57 24 if obligations are outstanding which are payable as provided
57 25 in section 423A.7, unless funds sufficient to pay the
57 26 principal, interest, and premium, if any, on the outstanding
57 27 obligations at and prior to maturity have been properly set
57 28 aside and pledged for that purpose. ~~The election shall be~~
~~57 29 held at the time of the regular city election or the county's~~
~~57 30 general election or at the time of a special election.~~

57 31 b. If the tax applies only within the corporate boundaries
57 32 of a city, only the registered voters of the city shall be
57 33 permitted to vote. The election shall be held at the time of
57 34 the regular city election or at a special election called for
57 35 that purpose. If the tax applies only in the unincorporated



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58 1 areas of a county, only the registered voters of the
58 2 unincorporated areas of the county shall be permitted to vote.
58 3 The election shall be held at the time of the general election
58 4 or at a special election called for that purpose.

58 5 DIVISION VII

58 6 LOCAL REDISTRICTING

58 7 Sec. 107. Section 68B.32A, Code Supplement 2007, is
58 8 amended by adding the following new subsection:

58 9 NEW SUBSECTION. 15. Establish an expedited procedure for
58 10 reviewing complaints forwarded by the state commissioner of
58 11 elections to the board for a determination as to whether a
58 12 supervisor district plan adopted pursuant to section 331.210A
58 13 was drawn for improper political reasons as described in
58 14 section 42.4, subsection 5. The expedited procedure shall be
58 15 substantially similar to the process used for other complaints
58 16 filed with the board except that the provisions of section
58 17 68B.32D shall not apply.

58 18 Sec. 108. Section 331.210A, subsection 2, paragraph e,
58 19 Code 2007, is amended to read as follows:

58 20 e. The plan approved by the board of supervisors shall be
58 21 submitted to the state commissioner of elections for approval.

58 22 If the state commissioner or the ethics and campaign
58 23 disclosure board finds that the plan does not meet the
58 24 standards of section 42.4, the state commissioner shall reject
58 25 the plan, and the board of supervisors shall direct the
58 26 commission to prepare and adopt an acceptable plan.

58 27 For purposes of determining whether the standards of
58 28 section 42.4 have been met, an eligible elector may file a
58 29 complaint with the state commissioner of elections within
58 30 fourteen days after a plan is approved by the board of
58 31 supervisors of the county in which the eligible elector
58 32 resides, on a form prescribed by the commissioner, alleging
58 33 that the plan was drawn for improper political reasons as
58 34 described in section 42.4, subsection 5. If a complaint is
58 35 filed with the state commissioner of elections, the state



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59 1 commissioner shall forward the complaint to the ethics and
59 2 campaign disclosure board established in section 68B.32 for
59 3 resolution.

59 4 If, after the initial proposed supervisor district plan or
59 5 precinct plan has been submitted to the state commissioner for
59 6 approval, it is necessary for the temporary county
59 7 redistricting commission to make subsequent attempts at
59 8 adopting an acceptable plan, the subsequent plans do not
59 9 require public hearings.

59 10 EXPLANATION

59 11 This bill makes various changes to the Code relating to the
59 12 conduct of elections, voting, and voter registration.

59 13 Division I of the bill provides for the election of the
59 14 directors of local school districts and merged areas in
59 15 September in odd-numbered years. Area education agencies are
59 16 required by law to hold their director district conventions
59 17 within two weeks of the regular school election. Area
59 18 education agency board directors are elected at those
59 19 conventions. In order to accomplish these purposes, the
59 20 division changes the terms of all of these directors from
59 21 three to four years and provides for a transition period.

59 22 Division II of the bill allows a county commissioner of
59 23 elections to establish voting centers for regular city
59 24 elections, regular school elections, and special elections and
59 25 provides that a registered voter at any of these elections may
59 26 vote at a voting center.

59 27 Division III of the bill makes changes relating to the
59 28 dates that certain local government special elections on
59 29 public measures can be held.

59 30 The division provides that special elections of a county
59 31 shall be held on the day of the general election, on the day
59 32 of the regular city election, on the date of a special
59 33 election held to fill a vacancy in the same county, or on the
59 34 second Tuesday in March of each year. Special elections of a
59 35 city shall be held on the day of the general election, on the



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60 1 day of the regular city election, on the date of a special
60 2 election held to fill a vacancy in the same city, or on the
60 3 second Tuesday in March of each year. Special elections of a
60 4 school district or merged area shall be held on the day of the
60 5 regular school election or on the second Tuesday in February
60 6 of each year.

60 7 The division amends Code section 47.6 to conform filing
60 8 deadlines to the special election dates, including filing
60 9 deadlines for vacancies in city or county offices. The
60 10 division amends Code section 69.12 to change certain time
60 11 periods in determining the next pending election at which a
60 12 vacancy in office may be filled.

60 13 The division applies to elections held on or after January
60 14 1, 2009.

60 15 Division IV makes changes relating to voter registration.

60 16 The division creates new Code section 44.18 to provide a
60 17 procedure by which a nonparty political organization may be
60 18 listed on a voter registration form. The division applies to
60 19 a nonparty political organization that nominated a candidate
60 20 whose name appeared on the general election ballot for a
60 21 federal office, for governor, or for any other statewide
60 22 elective office in any of the preceding 10 years. To request
60 23 that it be listed on the voter registration form, a nonparty
60 24 political organization must file a petition with the state
60 25 registrar of voters containing the signatures of no fewer than
60 26 850 eligible electors residing in at least five counties in
60 27 the state, along with specified documents relating to
60 28 establishment of the organization. Beginning in January 2011,
60 29 and each odd-numbered year thereafter, the state registrar of
60 30 voters and the voter registration commission shall review the
60 31 number of voters registered as affiliated with a nonparty
60 32 political organization. If the number of voters affiliated
60 33 falls below 150, the commission shall declare the organization
60 34 to be dormant and shall remove its name from the voter
60 35 registration form. Corresponding amendments are made to Code



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61 1 sections 48A.11 and 48A.27.

61 2 The division makes corrective changes to Code sections
61 3 48A.7A and 49.74 relating to registering to vote and voting
61 4 after the statutory deadline for registration has passed.

61 5 Code section 48A.11 is amended to strike the requirement
61 6 that the voter registration form include space for a rural
61 7 resident to provide township and section number and other
61 8 information describing where the person resides.

61 9 Code section 48A.12, relating to federal mail voter
61 10 registration forms, is amended to refer to the election
61 11 assistance commission created by the Help America Vote Act,
61 12 rather than to the federal election commission.

61 13 Code section 48A.26 is amended to provide that the
61 14 application of a registrant who did not answer the question on
61 15 the voter registration application relating to citizenship
61 16 shall be processed, and if the application is complete in all
61 17 other respects and information on the application is verified,
61 18 the applicant shall be registered to vote and sent an
61 19 acknowledgment. Current law provides that until a new
61 20 application is completed, the registration shall be entered as
61 21 a local registration, and the registrant may only vote in
61 22 elections that do not have a federal office on the ballot.

61 23 Code section 48A.37, relating to status codes used on
61 24 electronic registration records, is amended to delete the
61 25 reference to local registrations. The Code section is also
61 26 amended to add canceled registrations to the types of
61 27 registration status.

61 28 Division V of the bill makes changes relating to challenges
61 29 to a person's qualifications when registering to vote and when
61 30 voting.

61 31 Code sections 39A.3 and 39A.5 are amended to specify that
61 32 filing a challenge containing false information is an
61 33 aggravated misdemeanor.

61 34 Code section 48A.14 is amended to provide that a challenge
61 35 filed against a person who is registering to vote and voting



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62 1 after the statutory deadline is considered a challenge to a
62 2 person offering to vote rather than a challenge of a voter
62 3 registration. Challenges to voter registrations are required
62 4 to be filed by a certain time to be considered for the next
62 5 pending election.

62 6 Code section 49.79 is amended to prescribe a form to be
62 7 used for challenging a prospective voter at the polls and
62 8 provides that a challenge that lacks the name, address,
62 9 telephone number, and signature of the challenger shall be
62 10 rejected. The Code section is also amended to conform its
62 11 provisions with those in Code section 48A.14, relating to
62 12 challenges of voter registrations.

62 13 Code section 49.81, relating to the procedure for a voter
62 14 to cast a provisional ballot, is rewritten to require the
62 15 state commissioner of elections to adopt, by rule, a statement
62 16 to be given to a person casting a provisional ballot. The
62 17 statement is to give the reason the voter is casting a
62 18 provisional ballot and other information about related
62 19 procedures. The Code section is also amended to require that
62 20 a signed challenge to a prospective voter be attached to that
62 21 voter's provisional ballot envelope.

62 22 Division VI of the bill makes general changes to election
62 23 law provisions.

62 24 Code section 39A.2 is amended to make it a class "D" felony
62 25 to intimidate, threaten, or coerce a person to sign or refrain
62 26 from signing a petition nominating a candidate for public
62 27 office or a petition requesting an election that is authorized
62 28 by law to be petitioned for. Code section 39A.2 is also
62 29 amended to make it a class "D" felony to tamper with voting
62 30 equipment.

62 31 Code section 39A.4 is amended to make it a serious
62 32 misdemeanor to make a false statement on an affidavit of
62 33 candidacy.

62 34 Code section 49.20 is amended to provide that members of
62 35 election boards shall be compensated at the rate of the



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63 1 federal or state minimum wage, whichever is higher.
63 2 Code section 49.21 is amended to require that each polling
63 3 place designated be accessible to persons with disabilities
63 4 and removes the requirement that preference be given to
63 5 buildings that are accessible to the elderly. The Code
63 6 section is also amended to allow the county commissioner of
63 7 elections to receive a temporary waiver of the accessibility
63 8 requirement.
63 9 Code section 49.25 is amended to require the county
63 10 commissioner of elections to furnish voting equipment for use
63 11 by voters with disabilities in counties in which conventional
63 12 paper ballots are not used.
63 13 Code section 49.68 is amended to provide that two separate
63 14 sets of instructions shall be prepared for voters. The first
63 15 set shall cover matters relating to the rights of voters and
63 16 the second set shall contain instructions relative to voting.
63 17 Corresponding amendments are made to Code sections 49.70 and
63 18 49.71.
63 19 Code section 49.73 is amended to strike the provision that
63 20 states that the polls shall open as soon after 7 a.m. as
63 21 vacancies on the precinct election board have been filled.
63 22 Code section 49.77 is amended to strike the requirement
63 23 that the precinct election official announce a voter's name
63 24 aloud for the benefit of any observers at the polling place.
63 25 The Code section is also amended to specify that if the
63 26 declaration of eligibility is printed on the election
63 27 register, voters must also sign a voter roster which is to be
63 28 made available to observers at the polling place.
63 29 Code section 49.88 is amended to remove the requirement
63 30 that a voter take no more than three minutes to cast a vote.
63 31 The Code section is also amended to prohibit the use of
63 32 cameras, cellular telephones, pagers, and other electronic
63 33 communications devices in the voting booth.
63 34 Code section 49.104, relating to persons permitted at the
63 35 polling place, is amended to add reporters, photographers, and



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64 1 other staff representing the news media, with certain
64 2 prohibitions pertaining to conduct by such persons.
64 3 Code section 50.9 is amended to provide that the number of
64 4 ballots not voted at an election shall be recorded by the
64 5 county commissioner of elections and retained until after the
64 6 end of the period for contesting an election or, if an
64 7 election contest is requested, until the election contest is
64 8 concluded.
64 9 New Code section 50.15A authorizes the state commissioner
64 10 of elections to report unofficial election results after the
64 11 closing of the polls on the day of a general election. This
64 12 codifies current administrative rules.
64 13 Code section 50.49, relating to a request for a recount of
64 14 the vote on a public measure, changes the equation for
64 15 determining whether a bond is required to be paid.
64 16 Code section 53.23 is amended to strike the requirement
64 17 that each special precinct election official sign the secrecy
64 18 envelope when the officials place an absentee ballot into a
64 19 secrecy envelope.
64 20 Code section 423A.4 is amended to clarify what voters are
64 21 eligible to vote at an election to impose, repeal, or change
64 22 the percentage rate of a hotel and motel tax. The division
64 23 provides that if the tax is imposed only within a city, the
64 24 registered voters of the city shall be permitted to vote. If
64 25 the tax applies only in the unincorporated areas of a county,
64 26 only the registered voters of the unincorporated areas shall
64 27 be permitted to vote.
64 28 Division VII provides that the ethics and campaign
64 29 disclosure board shall establish an expedited procedure for
64 30 reviewing a county supervisor redistricting plan to determine
64 31 if the plan was drawn for improper political reasons in
64 32 violation of Code section 42.4, subsection 5. The procedure
64 33 shall be substantially similar to the process used for other
64 34 complaints considered by the board. The division provides
64 35 that an eligible elector in the county for which the plan was



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65 1 adopted has 14 days following adoption of the plan to file a
65 2 complaint with the state commissioner of elections alleging a
65 3 violation. The division provides that the state commissioner
65 4 shall forward the complaint to the ethics board and if the
65 5 board does find a violation, the state commissioner is
65 6 required to reject the plan.
65 7 LSB 5403DP 82
65 8 sc/nh/8.1



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House Study Bill 629

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

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

Passed House, Date _____
Vote: Ayes _____ Nays _____

A BILL FOR

- 1 An Act relating to health-related activities and regulation by
- 2 the department of public health.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 5466DP 82
- 5 jp/nh/24



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1 1 DIVISION I
 1 2 GENERAL PROVISIONS
 1 3 Section 1. Section 135.11, subsection 6, Code Supplement
 1 4 2007, is amended by striking the subsection.
 1 5 Sec. 2. Section 135.11, subsection 13, Code Supplement
 1 6 2007, is amended to read as follows:
 1 7 13. Establish and maintain ~~such~~ divisions in the
~~1 8 department as are necessary for the proper enforcement of the~~
 1 9 laws administered by it, ~~including a division of contagious~~
~~1 10 and infectious diseases, a division of venereal diseases, a~~
~~1 11 division of housing, a division of sanitary engineering, and a~~
~~1 12 division of vital statistics, but the various services of the~~
~~1 13 department shall be so consolidated as to eliminate~~
~~1 14 unnecessary personnel and make possible the carrying on of the~~
~~1 15 functions of the department under the most economical methods~~
 1 16 the department.
 1 17 Sec. 3. Section 135.22B, subsection 6, paragraph b, Code
 1 18 Supplement 2007, is amended to read as follows:
 1 19 b. The individual has a ~~diagnosed~~ diagnosis of brain
 1 20 injury as defined in section 135.22 that meets the diagnosis
 1 21 eligibility criteria for the brain injury services waiver.
 1 22 Sec. 4. Section 135.37, Code 2007, is amended by adding
 1 23 the following new subsection:
 1 24 NEW SUBSECTION. 6. As necessary to avoid duplication and
 1 25 promote coordination of public health inspection and
 1 26 enforcement activities, the department may enter into
 1 27 agreements with local boards of health to provide for
 1 28 inspection and enforcement of tattooing establishments in
 1 29 accordance with the rules and criteria implemented under this
 1 30 section.
 1 31 Sec. 5. Section 135I.2, Code 2007, is amended to read as
 1 32 follows:
 1 33 135I.2 APPLICABILITY.
 1 34 This chapter applies to all swimming pools and spas owned
 1 35 or operated by local or state government, or commercial



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2 1 interests or private entities including, but not limited to,
2 2 facilities operated by cities, counties, public or private
2 3 school corporations, hotels, motels, camps, apartments,
2 4 condominiums, and health or country clubs. This chapter does
2 5 not apply to facilities intended for single family use or to a
2 6 swimming pool or spa operated by a homeowners' association
2 7 representing seventy-two or fewer dwelling units if the
2 8 association's bylaws, which also apply to a rental agreement
2 9 relative to any of the dwelling units, include an exemption
2 10 from the requirements of this chapter, provide for inspection
2 11 of the swimming pool or spa by an entity other than the
2 12 department or local board of health, and assume any liability
2 13 associated with operation of the swimming pool or spa. This
2 14 chapter does not apply to a swimming pool or spa used
2 15 exclusively for therapy under the direct supervision of
2 16 qualified medical personnel. To avoid duplication and promote
2 17 coordination of inspection activities, the department may
2 18 enter into written agreements ~~pursuant to chapter 28E~~ with a
2 19 local board of health to provide for inspection and
2 20 enforcement in accordance with this chapter.

2 21 Sec. 6. Section 136C.15, subsection 2, paragraph a, Code
2 22 2007, is amended to read as follows:

2 23 a. The radiation machine meets the criteria for ~~the~~
~~2 24 American college of radiology~~ a mammography accreditation
2 25 program approved by the United States food and drug
2 26 administration. The department shall make copies of those
2 27 criteria available to the public and may by rule adopt
2 28 modified criteria. The department may accept an evaluation
2 29 report issued by ~~the American college of radiology~~ such an
2 30 approved accreditation program as evidence that a radiation
2 31 machine meets those criteria. If at any time the department
2 32 determines that it will not accept any evaluation reports
2 33 issued by ~~the American college of radiology~~ such an approved
2 34 accreditation program as evidence that a radiation machine
2 35 meets those criteria, the department shall promptly notify



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3 1 each person who has registered a radiation machine under this
3 2 paragraph.

3 3 Sec. 7. Section 136C.15, subsections 4, 5, 6, and 10, Code
3 4 2007, are amended to read as follows:

3 5 4. To obtain authorization from the department to use a
3 6 radiation machine for mammography, the person who owns or
3 7 leases the radiation machine or an authorized agent of the
3 8 person shall apply to the department for mammography
3 9 authorization on an application form provided by the
3 10 department and shall provide all of the information required
3 11 by the department as specified on the application form. A
3 12 person who owns or leases more than one radiation machine used
3 13 for mammography shall obtain authorization for each radiation
3 14 machine. The department shall process and respond to an
3 15 application within thirty days after the date of receipt of
3 16 the application. Upon determining to grant mammography
3 17 authorization for a radiation machine, the department shall
3 18 issue a certificate of registration specifying the mammography
3 19 authorization ~~for each authorized radiation machine~~. A
3 20 mammography authorization is effective for three years.

3 21 5. ~~No later than sixty days after initial mammography~~
~~3 22 authorization of a radiation machine under this section, the~~
~~3 23 department shall inspect the radiation machine. After that~~
~~3 24 initial inspection, the~~ The department shall annually inspect
3 25 the each authorized radiation machine and may inspect the
3 26 radiation machine more frequently. The department shall make
3 27 reasonable efforts to coordinate the inspections under this
3 28 section with the department's other inspections of the
3 29 facility in which the radiation machine is located.

3 30 6. After each satisfactory inspection by the department,
3 31 the department shall issue a ~~certificate of radiation machine~~
3 32 written proof of inspection or a similar document identifying
3 33 the facility and radiation machine inspected and providing a
3 34 record of the date the radiation machine was inspected. ~~The~~
~~3 35 facility shall post the certificate or other document near the~~



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~~House Study Bill 629 continued~~

~~4 1 inspected radiation machine.~~

4 2 10. If the department withdraws the mammography
4 3 authorization of a radiation machine, the radiation machine
4 4 shall not be used for mammography. An application for
4 5 reinstatement of a mammography authorization shall be filed
4 6 and processed in the same manner as an application for
4 7 mammography authorization under subsection 4, except that the
4 8 department shall not issue a reinstated certificate of
4 9 ~~mammography~~ registration specifying the mammography
4 10 authorization until the department inspects the radiation
4 11 machine and determines that it meets the standards set forth
4 12 in subsection 2. The department shall conduct an inspection
4 13 required under this subsection no later than sixty days after
4 14 receiving a proper application for reinstatement of a
4 15 mammography authorization.

4 16 Sec. 8. Section 136D.3, Code 2007, is amended to read as
4 17 follows:

4 18 136D.3 APPLICATION OF CHAPTER.

4 19 1. This chapter does not apply to a phototherapy device
4 20 used by or under the supervision of a licensed physician
4 21 trained in the use of phototherapy devices. A tanning device
4 22 used by a tanning facility must comply with all applicable
4 23 federal laws and regulations.

4 24 2. This chapter shall not supersede or duplicate the
4 25 authority and programs of any other agency of the state or the
4 26 United States. To avoid duplication and promote coordination
4 27 of radiation protection activities, the department may enter
4 28 into written agreements pursuant to chapter 28E with other
4 29 state or federal agencies, with local boards of public health,
4 30 or with private organizations or individuals, to administer
4 31 this chapter.

4 32 Sec. 9. Section 139A.35, Code 2007, is amended to read as
4 33 follows:

4 34 139A.35 MINORS.

4 35 A minor ~~who seeks diagnosis or treatment for a sexually~~



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~~5 1 transmitted disease or infection shall have the legal capacity~~
~~5 2 to act and give consent to provision of medical care ~~and~~~~
~~5 3 service for the or services to the minor for the prevention,~~
~~5 4 diagnosis, or treatment of a sexually transmitted disease or~~
~~5 5 infection by a hospital, clinic, or health care provider.~~

~~5 6 Such medical ~~diagnosis and treatment~~ care or services shall be~~
~~5 7 provided by or under the supervision of a physician licensed~~
~~5 8 to practice medicine and surgery, osteopathy, or osteopathic~~
~~5 9 medicine and surgery, a physician assistant, or an advanced~~
~~5 10 registered nurse practitioner. Consent shall not be subject~~
~~5 11 to later disaffirmance by reason of such minority. The~~
~~5 12 consent of another person, including but not limited to the~~
~~5 13 consent of a spouse, parent, custodian, or guardian, shall not~~
~~5 14 be necessary.~~

5 15 Sec. 10. Section 144.28, subsection 1, Code Supplement
5 16 2007, is amended to read as follows:

5 17 1. a. ~~The~~ For the purposes of this section, "nonnatural
~~5 18 cause of death" means the death is a direct or indirect result~~
~~5 19 of physical, chemical, thermal, or electrical trauma, or drug~~
~~5 20 or alcohol intoxication or other poisoning.~~

5 21 b. Unless there is a nonnatural cause of death, the
~~5 22 medical certification shall be completed and signed by the~~
~~5 23 physician in charge of the patient's care for the illness or~~
~~5 24 condition which resulted in death within seventy-two hours~~
~~5 25 after receipt of the death certificate from the funeral~~
~~5 26 director or individual who initially assumes custody of the~~
~~5 27 body, except when inquiry is required by.~~

5 28 c. If there is a nonnatural cause of death, the county or
~~5 29 state medical examiner shall be notified and shall conduct an~~
~~5 30 inquiry.~~

5 31 d. If the decedent was an infant or child and the cause of
~~5 32 death is not known, a medical examiner's inquiry shall be~~
~~5 33 conducted and an autopsy performed as necessary to exclude a~~
~~5 34 nonnatural cause of death.~~

5 35 e. If upon inquiry into ~~the~~ a death, the county or state



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6 1 medical examiner determines that a preexisting natural disease
6 2 or condition was the likely cause of death and that the death
6 3 does not affect the public interest as described in section
6 4 331.802, subsection 3, the ~~county~~ medical examiner may elect
6 5 to defer to the physician in charge of the patient's
6 6 preexisting condition the certification of the cause of death.
6 7 f. When an inquiry is required by the county or state
6 8 medical examiner, the medical examiner shall investigate the
6 9 cause and manner of death and shall complete and sign the
6 10 medical certification within seventy-two hours after
6 11 determination of the cause and manner of death.

6 12 DIVISION II

6 13 ANIMALS FOR SCIENTIFIC RESEARCH CHAPTER REPEAL

6 14 Sec. 11. Section 135.1, unnumbered paragraph 1, Code 2007,
6 15 is amended to read as follows:

6 16 For the purposes of chapter 155 and Title IV, subtitle 2,
6 17 excluding chapters 142B, ~~145B~~, and 146, unless otherwise
6 18 defined:

6 19 Sec. 12. Section 135.11, subsection 14, Code Supplement
6 20 2007, is amended to read as follows:

6 21 14. Establish, publish, and enforce rules not inconsistent
6 22 with law for the enforcement of the provisions of chapters 125
6 23 and 155, and Title IV, subtitle 2, excluding chapters 142B,
6 24 ~~145B~~, and 146 and for the enforcement of the various laws, the
6 25 administration and supervision of which are imposed upon the
6 26 department.

6 27 Sec. 13. Section 162.20, subsection 5, paragraph c, Code
6 28 2007, is amended to read as follows:

6 29 c. The transfer of a dog or cat to ~~an institution as~~
6 30 ~~defined in section 145B.1~~, a research facility as defined in
6 31 section 162.2, or a person licensed by the United States
6 32 department of agriculture as a class B dealer pursuant to 9
6 33 C.F.R. subchapter A, part 2. However, a class B dealer who
6 34 receives an unsterilized dog or cat from a pound or animal
6 35 shelter shall either sterilize the dog or cat or transfer the



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House Study Bill 629 continued

7 1 unsterilized dog or cat to ~~an institution or a~~ research
7 2 facility provided in this paragraph. The class B dealer shall
7 3 not transfer a dog to ~~an institution or a~~ research facility,
7 4 if the dog is a greyhound registered with the national
7 5 greyhound association and the dog raced at a track associated
7 6 with pari-mutuel racing, unless the class B dealer receives
7 7 written approval of the transfer from a person who owned an
7 8 interest in the dog while the dog was racing.

7 9 Sec. 14. Section 717.1A, subsection 7, Code 2007, is
7 10 amended to read as follows:

7 11 7. ~~An institution, as defined in section 145B.1, or a A~~
7 12 research facility, as defined in section 162.2, provided that
7 13 the ~~institution or~~ research facility performs functions within
7 14 the scope of accepted practices and disciplines associated
7 15 with the ~~institution or~~ research facility.

7 16 Sec. 15. Section 717.2, subsection 3, Code 2007, is
7 17 amended to read as follows:

7 18 3. This section does not apply to ~~an institution, as~~
~~7 19 defined in section 145B.1, or a~~ research facility, as defined
7 20 in section 162.2, provided that the ~~institution or~~ research
7 21 facility performs functions within the scope of accepted
7 22 practices and disciplines associated with the ~~institution or~~
7 23 research facility.

7 24 Sec. 16. Section 717A.1, subsection 4, paragraph b, Code
7 25 2007, is amended to read as follows:

7 26 b. A location where an animal is maintained for
7 27 educational or scientific purposes, including ~~an institution~~
~~7 28 as defined in section 145B.1,~~ a research facility as defined
7 29 in section 162.2, an exhibition, or a vehicle used to
7 30 transport the animal.

7 31 Sec. 17. Section 717B.2, subsection 11, Code 2007, is
7 32 amended to read as follows:

7 33 11. ~~An institution, as defined in section 145B.1, or a A~~
7 34 research facility, as defined in section 162.2, provided that
7 35 the ~~institution or~~ research facility performs functions within



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8 1 the scope of accepted practices and disciplines associated
8 2 with the ~~institution or~~ research facility.

8 3 Sec. 18. Section 717B.3, subsection 2, Code 2007, is
8 4 amended to read as follows:

8 5 2. This section does not apply to ~~an institution, as~~
~~8 6 defined in section 145B.1, or~~ a research facility, as defined
8 7 in section 162.2, provided that the ~~institution or~~ research
8 8 facility performs functions within the scope of accepted
8 9 practices and disciplines associated with the ~~institution or~~
8 10 research facility.

8 11 Sec. 19. Section 717B.3A, subsection 2, paragraph k, Code
8 12 2007, is amended to read as follows:

8 13 k. ~~An institution, as defined in section 145B.1, or a A~~
8 14 research facility, as defined in section 162.2, provided that
8 15 the ~~institution or~~ research facility performs functions within
8 16 the scope of accepted practices and disciplines associated
8 17 with the ~~institution or~~ research facility.

8 18 Sec. 20. Section 717D.3, subsection 2, paragraph k, Code
8 19 2007, is amended to read as follows:

8 20 k. ~~An institution, as defined in section 145B.1, or a A~~
8 21 research facility, as defined in section 162.2, provided that
8 22 the ~~institution or~~ research facility performs functions within
8 23 the scope of accepted practices and disciplines associated
8 24 with the ~~institution or~~ research facility.

8 25 Sec. 21. Chapter 145B, Code 2007, is repealed.

8 26 DIVISION III
8 27 COUNCIL ON CHEMICALLY EXPOSED INFANTS AND
8 28 CHILDREN CHAPTER REPEAL

8 29 Sec. 22. Chapter 235C, Code 2007, is repealed.

8 30 EXPLANATION

8 31 This bill relates to health-related activities and
8 32 regulation by the department of public health. The bill is
8 33 organized into divisions.

8 34 GENERAL PROVISIONS. This division amends various Code
8 35 provisions involving the activities and regulatory authority



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9 1 of the department.

9 2 Code section 135.11, relating to the duties of the
9 3 department, is amended to remove the responsibility for
9 4 exercising general supervision over the administration of the
9 5 housing law and giving aid to local authorities in the
9 6 enforcement of the law. In addition, the department is
9 7 generally directed to maintain divisions necessary to enforce
9 8 the laws administered by the department in place of a list of
9 9 specific divisions, including contagious and infectious
9 10 diseases, venereal diseases, housing, sanitary engineering,
9 11 and vital statistics.

9 12 Code section 135.22B, relating to the brain injury services
9 13 program administered by the department, is amended to provide
9 14 that the brain injury diagnosis used for the cost=share
9 15 component of the program is the same as that used for the
9 16 Medicaid home and community=based services waiver for persons
9 17 with brain injury.

9 18 Code section 135.37, relating to inspection and enforcement
9 19 activities by the department involving tattooing
9 20 establishments, is amended to authorize the department to
9 21 enter into agreements with local boards of public health for
9 22 inspection and enforcement activities involving such
9 23 establishments.

9 24 Code section 136C.15, relating to accreditation of
9 25 radiation machines used for mammography, is amended to change
9 26 the approval authority for the accreditation program to the
9 27 United States food and drug administration, allow a general
9 28 registration for mammography authorization to be issued
9 29 instead of one for each machine, replace the required
9 30 inspection of a radiation machine within 60 days of the
9 31 initial authorization with an annual inspection requirement,
9 32 and replace a certificate of radiation machine inspection with
9 33 a written proof of inspection and eliminate the required
9 34 posting of the written proof.

9 35 Code section 135I.2, relating to swimming pools and spas



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10 1 that are subject to regulation by the department, is amended
10 2 to allow the department to use written agreements with local
10 3 boards of public health to provide inspection and enforcement
10 4 instead of Code chapter 28E agreements.

10 5 Code section 136D.3, relating to the applicability of Code
10 6 chapter 136D, the tanning facility regulation Act, is amended
10 7 to allow the department to use written agreements to provide
10 8 for inspection and enforcement instead of Code chapter 28E
10 9 agreements and to include local boards of public health as
10 10 entities that may agree to provide inspection and enforcement
10 11 under the Act.

10 12 Code section 139A.35, relating to the authority of a minor
10 13 to give consent for provision of medical care or services for
10 14 a sexually transmitted disease or infection, is amended to
10 15 allow the consent for prevention, diagnosis, or treatment.
10 16 Current law limits the consent authority of a minor to
10 17 diagnosis and treatment.

10 18 Code section 144.28, relating to the medical certification
10 19 of death, is amended to require an inquiry by the county or
10 20 state medical examiner when there is a "nonnatural cause of
10 21 death". This term is defined by the bill to mean the death is
10 22 the direct or indirect result of physical, chemical,
10 23 electrical, or thermal trauma, or drug or alcohol intoxication
10 24 or other poisoning. Unless there is a nonnatural cause of
10 25 death, the requirement in current law applies which requires
10 26 the physician in charge to sign the medical certification
10 27 within 72 hours of receiving the death certificate. If there
10 28 is a nonnatural death, the bill requires notification of the
10 29 county or state medical examiner who is required to conduct an
10 30 inquiry. If the decedent was an infant or child and there is
10 31 not a known cause of death, a medical examiner's inquiry is
10 32 required and an autopsy as necessary to exclude a nonnatural
10 33 cause of death. When there is an inquiry, the medical
10 34 examiner is required by the bill to determine the manner of
10 35 death in addition to determining the cause of death as is



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11 1 required under current law.
11 2 ANIMALS FOR SCIENTIFIC RESEARCH CHAPTER REPEAL. This
11 3 division repeals Code chapter 145B, relating to the
11 4 department's authority to regulate the use of dogs and other
11 5 animals for scientific research and other provisions
11 6 regulating such use. Various other Code sections are amended
11 7 to reflect the repeal.
11 8 COUNCIL ON CHEMICALLY EXPOSED INFANTS AND CHILDREN. This
11 9 division repeals Code chapter 235C which establishes the
11 10 council on chemically exposed infants and children as a
11 11 subcommittee of the committee on maternal and child health of
11 12 the community health division of the department. The
11 13 council's duties include data collection, enhancing prevention
11 14 and education, increasing identification of such infants and
11 15 children, improving treatment services, expanding care and
11 16 placement options, and awarding grants.
11 17 LSB 5466DP 82
11 18 jp/nh/24.2



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House Study Bill 630

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

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

A BILL FOR

- 1 An Act providing for implementation of an emergency mental health
- 2 crisis services system.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 5362DP 82
- 5 jp/rj/24



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House Study Bill 630 continued

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1 1 Section 1. NEW SECTION. 225C.19 EMERGENCY MENTAL HEALTH
1 2 CRISIS SERVICES SYSTEM.
1 3 1. For the purposes of this section:
1 4 a. "Emergency mental health crisis services provider"
1 5 means a provider accredited or approved by the department to
1 6 provide emergency mental health crisis services.
1 7 b. "Emergency mental health crisis services system" or
1 8 "services system" means a coordinated array of crisis services
1 9 for providing a response to assist an individual adult or
1 10 child who is experiencing a mental health crisis or who is in
1 11 a situation that is reasonably likely to cause the individual
1 12 to have a mental health crisis unless assistance is provided.
1 13 2. a. The division shall implement an emergency mental
1 14 health crisis services system in accordance with this section.
1 15 b. The purpose of the services system is to provide a
1 16 statewide array of time-limited intervention services to
1 17 reduce escalation of crisis situations, relieve the immediate
1 18 distress of individuals experiencing a crisis situation,
1 19 reduce the risk of individuals in a crisis situation doing
1 20 harm to themselves or others, and promote timely access to
1 21 appropriate services for those who require ongoing mental
1 22 health services.
1 23 c. The services system shall be available twenty-four
1 24 hours per day, seven days per week to any individual who is
1 25 determined by self or others to be in a crisis situation,
1 26 regardless of whether the individual has been diagnosed with a
1 27 mental illness or a co-occurring mental illness and substance
1 28 abuse disorder, and shall address all ages, income levels, and
1 29 health coverage statuses.
1 30 d. The goals of an intervention offered by a provider
1 31 under the services system shall include but are not limited to
1 32 symptom reduction, stabilization of the individual receiving
1 33 the intervention, and restoration of the individual to a
1 34 previous level of functioning.
1 35 e. The elements of the services system shall be specified



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House Study Bill 630 continued

2 1 in administrative rules adopted by the commission.

2 2 3. The services system elements shall include but are not
2 3 limited to all of the following:

2 4 a. Standards for accrediting or approving emergency mental
2 5 health crisis services providers. Such providers may include
2 6 but are not limited to a community mental health center, a
2 7 provider approved in a waiver adopted by the commission to
2 8 provide services to a county in lieu of a community mental
2 9 health center, a unit of the department or other state agency,
2 10 a county, or any other public or private provider who meets
2 11 the accreditation or approval standards for an emergency
2 12 mental health crisis services provider.

2 13 b. Identification by the division of geographic regions,
2 14 service areas, or other means of distributing and organizing
2 15 the emergency mental health crisis services system to ensure
2 16 statewide availability of the services.

2 17 c. Coordination of emergency mental health crisis services
2 18 with other mental health, substance abuse, and co-occurring
2 19 mental illness and substance abuse services available through
2 20 the state and counties to serve both children and adults.

2 21 d. Identification of basic services to be provided through
2 22 each accredited or approved emergency mental health crisis
2 23 services provider which may include but are not limited to
2 24 face-to-face crisis intervention, stabilization, support,
2 25 counseling, preadmission screening for individuals who may
2 26 require psychiatric hospitalization, transportation, and
2 27 follow-up services.

2 28 e. Identification of operational requirements for
2 29 emergency mental health crisis services provider accreditation
2 30 or approval which may include providing a telephone hotline,
2 31 mobile crisis staff, collaboration protocols, follow-up with
2 32 community services, information systems, and competency-based
2 33 training.

2 34 4. The division shall initially implement the program
2 35 through a competitive block grant process. The implementation



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3 1 shall be limited to the extent of the appropriations provided
3 2 for the program.
3 3 Sec. 2. EMERGENCY RULES. The mental health, mental
3 4 retardation, developmental disabilities, and brain injury
3 5 commission may adopt administrative rules under section 17A.4,
3 6 subsection 2, and section 17A.5, subsection 2, paragraph "b",
3 7 to implement the provisions of this Act and the rules shall
3 8 become effective immediately upon filing or on a later
3 9 effective date specified in the rules, unless the effective
3 10 date is delayed by the administrative rules review committee.
3 11 Any rules adopted in accordance with this section shall not
3 12 take effect before the rules are reviewed by the
3 13 administrative rules review committee. The delay authority
3 14 provided to the administrative rules review committee under
3 15 section 17A.4, subsection 6, and section 17A.8, subsection 9,
3 16 shall be applicable to a delay imposed under this section,
3 17 notwithstanding a provision in those sections making them
3 18 inapplicable to section 17A.5, subsection 2, paragraph "b".
3 19 Any rules adopted in accordance with the provisions of this
3 20 section shall also be published as a notice of intended action
3 21 as provided in section 17A.4.

3 22 EXPLANATION

3 23 This bill provides for establishment of an emergency mental
3 24 health crisis services system through the division of mental
3 25 health and disability services of the department of human
3 26 services. The purpose of the system is to provide a statewide
3 27 array of time-limited services to reduce escalation of mental
3 28 health crisis situations, relieve the immediate distress of
3 29 individuals experiencing a crisis situation, reduce the risk
3 30 of individuals in a crisis situation doing harm to themselves
3 31 or others, and promote timely access to appropriate services
3 32 for those who require ongoing mental health services.
3 33 The system's general requirements are outlined in new Code
3 34 section 225C.19, including definitions, purpose, statewide
3 35 availability, goals, required elements, and initial



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4 1 implementation through competitive block grants. The mental
4 2 health, mental retardation, developmental disabilities, and
4 3 brain injury commission is authorized to adopt administrative
4 4 rules for the system using emergency provisions that forgo
4 5 public comment periods but maintain a final review by the
4 6 administrative rules review committee prior to adoption of the
4 7 rules.
4 8 LSB 5362DP 82
4 9 jp/rj/24.1



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House Study Bill 631

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

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

Passed House, Date _____
Vote: Ayes _____ Nays _____

A BILL FOR

- 1 An Act requiring record checks of certain persons employed in a
- 2 hospital facility that is licensed as a health care facility.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 5375DP 82
- 5 jp/nh/5



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House Study Bill 631 continued

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1 1 Section 1. Section 135C.33, subsection 5, Code 2007, is
1 2 amended by adding the following new paragraph:
1 3 NEW PARAGRAPH. f. An employee whose primary job
1 4 responsibilities are within a hospital facility that is
1 5 licensed under this chapter.

1 6 EXPLANATION

1 7 This bill relates to required record checks of certain
1 8 persons employed in a hospital facility that is licensed as a
1 9 health care facility under Code chapter 135C. Under Code
1 10 chapter 135C, the following are defined as a "health care
1 11 facility": a residential care facility, a nursing facility,
1 12 an intermediate care facility for persons with mental illness,
1 13 and an intermediate care facility for persons with mental
1 14 retardation. Hospitals are separately licensed under Code
1 15 chapter 135B.

1 16 The bill amends Code section 135C.33 to provide that a
1 17 prospective employee whose primary job responsibilities are
1 18 within a hospital facility that is licensed under the health
1 19 care facilities Code chapter is subject to the criminal record
1 20 checks through the department of public safety and dependent
1 21 record checks through the department of human services that
1 22 are required by Code section 135C.33. The existing law also
1 23 provides that if it is determined that a criminal or abuse
1 24 record exists, if requested by the facility, the department of
1 25 human services performs an evaluation to determine if

1 26 prohibition of the person's employment is warranted.

1 27 LSB 5375DP 82

1 28 jp/nh/5



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House Study Bill 632

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

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

Passed House, Date _____
Vote: Ayes _____ Nays _____

A BILL FOR

- 1 An Act revising family investment program requirements for
- 2 limited benefit plans.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 5371DP 82
- 5 jp/nh/5



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House Study Bill 632 continued

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1 1 Section 1. Section 239B.9, subsection 1, paragraph b,
1 2 subparagraph (2), Code 2007, is amended to read as follows:
1 3 (2) A limited benefit plan subsequent to a first limited
1 4 benefit plan chosen by the same individual participant shall
1 5 provide for a ~~six-month~~ specified period of ineligibility of
1 6 six months or less beginning with the effective date of the
1 7 limited benefit plan and continuing indefinitely following the
1 8 ~~six-month~~ specified period until the individual participant
1 9 completes significant contact with or action in regard to the
1 10 JOBS program. The department shall adopt rules defining the
1 11 circumstances for which a particular period of ineligibility
1 12 will be specified.

1 13 Sec. 2. Section 239B.9, subsection 4, paragraph b, Code
1 14 2007, is amended to read as follows:
1 15 b. A participant who chooses a subsequent limited benefit
1 16 plan may reconsider that choice at any time following the
1 17 ~~required~~ period of ineligibility specified in accordance with
1 18 subsection 1.

1 19

EXPLANATION

1 20 This bill revises the family investment program (FIP) and
1 21 promoting independence and self-sufficiency through employment
1 22 job opportunities and basic skills (PROMISE JOBS) program
1 23 requirements for limited benefit plans. The PROMISE JOBS
1 24 program is the work and training component of FIP.

1 25 Under current law, Code section 239B.9 outlines the
1 26 requirements for a limited benefit plan that is applied if a
1 27 FIP participant chooses not to sign a family investment
1 28 agreement or fulfill the terms of the agreement. A limited
1 29 benefit plan is defined to mean a period of time in which a
1 30 FIP participant or a member of a participant family is either
1 31 eligible for reduced cash assistance only or ineligible for
1 32 any assistance under FIP. Current law provides that a first
1 33 limited benefit plan continues indefinitely until the
1 34 participant completes significant contact with or action
1 35 regarding the PROMISE JOBS program. Current law also provides



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2 1 that a subsequent limited benefit plan applies for at least
2 2 six months and then continues until the participant completes
2 3 significant contact with or action regarding the PROMISE JOBS
2 4 program.
2 5 The bill removes the minimum six-month ineligibility period
2 6 currently required for subsequent limited benefit plans.
2 7 Instead, the bill provides the ineligibility period applies
2 8 for six months or less as specified according to circumstances
2 9 to be outlined in administrative rules adopted by the
2 10 department.
2 11 LSB 5371DP 82
2 12 jp/nh/5



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House Study Bill 633

HOUSE FILE
BY (PROPOSED COMMITTEE ON
WAYS AND MEANS BILL BY
CHAIRPERSON SHOMSHOR)

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

A BILL FOR

1 An Act providing a sales tax exemption for purchases made by a
2 nonprofit blood bank licensed by the federal food and drug
3 administration.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
5 TLSB 5749HC 82
6 ak/sc/8



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1 1 Section 1. Section 423.3, subsection 26, Code Supplement
1 2 2007, is amended to read as follows:
1 3 26. The sales price of tangible personal property sold, or
1 4 of services furnished, to a statewide nonprofit organ
1 5 procurement organization, as defined in section 142C.2, or a
1 6 nonprofit blood bank, as defined in section 141A.1, that is
1 7 licensed by the federal food and drug administration.

1 8 EXPLANATION
1 9 This bill creates a sales tax exemption on the sales price
1 10 of goods sold to or services provided to a nonprofit blood
1 11 bank that is licensed by the federal food and drug
1 12 administration.
1 13 LSB 5749HC 82
1 14 ak/sc/8



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House Study Bill 634

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

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

Passed House, Date _____
Vote: Ayes _____ Nays _____

A BILL FOR

1 An Act relating to the regulatory duties of the banking division
2 of the department of commerce regarding banking, debt
3 management, delayed deposit services, mortgage banking, and
4 industrial loan companies, and providing penalties.
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
6 TLSB 5291DP 82
7 rn/nh/5



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1 1 Section 1. Section 524.107, subsection 2, Code 2007, is
1 2 amended to read as follows:

1 3 2. A person doing business in this state shall not use the
1 4 words "bank" or "trust" or use any derivative, plural, or
1 5 compound of the words "bank", "banking", "bankers", or "trust"
1 6 in any manner which would tend to create the impression that
1 7 the person is authorized to engage in the business of banking
1 8 or to act in a fiduciary capacity, except a state bank
1 9 authorized to do so by this chapter, a national bank to the
1 10 extent permitted by the laws of the United States, a bank
1 11 holding company as defined in section 524.1801, a savings and
1 12 loan holding company as defined in 12 U.S.C. } 1467a, a state
1 13 association pursuant to section 534.507, or a federal
1 14 association to the extent permitted by the laws of the United
1 15 States, or, insofar as the word "trust" is concerned, an
1 16 individual permissibly serving as a fiduciary in this state,
1 17 pursuant to section 633.63, or, insofar as the words "trust"
1 18 and "bank" are concerned, a nonresident corporate fiduciary
1 19 permissibly serving as a fiduciary in this state pursuant to
1 20 section 633.64.

1 21 Sec. 2. Section 524.203, Code 2007, is amended by striking
1 22 the section and inserting in lieu thereof the following:

1 23 524.203 SUPERINTENDENT == VACANCY.

1 24 If the office of the superintendent of banking is vacant,
1 25 the chief of the bank bureau of the banking division shall be
1 26 the acting superintendent until the governor appoints a new
1 27 superintendent or acting superintendent. If the chief of the
1 28 bank bureau is unable to serve, the chief of the finance
1 29 bureau of the banking division shall be the acting
1 30 superintendent until the governor appoints a new
1 31 superintendent or acting superintendent. If both the chief of
1 32 the bank bureau and the chief of the finance bureau are unable
1 33 to serve, the chief of the professional licensing and
1 34 regulation bureau of the banking division shall be the acting
1 35 superintendent until the governor appoints a new



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2 1 superintendent or acting superintendent.

2 2 Sec. 3. Section 524.211, subsection 1, Code Supplement
2 3 2007, is amended to read as follows:

2 4 1. The superintendent, general counsel, examiners, and
2 5 other employees assigned to the bank bureau of the banking
2 6 division are prohibited from obtaining a loan of money or
2 7 property from a state-chartered bank, a state savings and loan
2 8 association, or any person or entity affiliated with a
2 9 state-chartered bank or a state savings and loan association,
2 10 unless they do not personally participate in the examination,
2 11 oversight, or official review concerning the regulation of the
2 12 bank or savings and loan association.

2 13 Sec. 4. Section 524.212, Code Supplement 2007, is amended
2 14 to read as follows:

2 15 524.212 PROHIBITION AGAINST DISCLOSURE OF REGULATORY
2 16 INFORMATION.

2 17 1. The superintendent, members of the state banking
2 18 council, general counsel, examiners, or other employees of the
2 19 banking division shall not disclose, in any manner, to any
2 20 person other than the person examined and those regulatory
2 21 agencies referred to in section 524.217, subsection 2, any
2 22 information relating specifically to the supervision and
2 23 regulation of any state bank, persons subject to the
2 24 provisions of chapter 533A, 533C, 536, or 536A, any affiliate
2 25 of any state bank, or an affiliate of a person subject to the
2 26 provisions of chapter 533A, 533C, 536, or 536A, except when
2 27 ordered to do so by a court of competent jurisdiction and then
2 28 only in those instances referred to in section 524.215,
2 29 subsection 2, paragraphs "a", "b", "c", and "e".

2 30 2. The superintendent may receive documents, materials, or
2 31 other information, including otherwise confidential and
2 32 privileged documents, materials, or other information, from
2 33 other local, state, federal, and international regulatory
2 34 agencies, the conference of state bank supervisors and its
2 35 affiliates or subsidiaries, the American association of



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3 1 mortgage regulators and its affiliates or subsidiaries, and
3 2 the national association of consumer credit administrators and
3 3 its affiliates or subsidiaries, and shall maintain as
3 4 confidential and privileged any such document, material, or
3 5 other information received with notice or the understanding
3 6 that it is confidential or privileged under the laws of the
3 7 jurisdiction that is the source of the document, material, or
3 8 other information.

3 9 Sec. 5. Section 524.216, subsection 2, paragraph c, Code
3 10 Supplement 2007, is amended to read as follows:

3 11 c. A statement of the receipts and disbursements of funds
3 12 of the superintendent during the ~~calendar~~ fiscal year ending
3 13 on the preceding ~~December 31~~ June 30 and of the funds on hand
3 14 on such ~~December 31~~ June 30.

3 15 Sec. 6. NEW SECTION. 524.229 EMERGENCY POWERS OF
3 16 SUPERINTENDENT.

3 17 Whenever the superintendent determines that an emergency
3 18 affecting one or more state-chartered banks or bank offices
3 19 exists, or is impending, in this state or in any part or parts
3 20 of this state, the superintendent may temporarily suspend
3 21 applicable rules or statutes to the extent necessary to allow
3 22 the affected bank or banks to respond to the emergency.

3 23 Sec. 7. Section 524.312, subsection 2, Code 2007, is
3 24 amended to read as follows:

3 25 2. A state bank may, with the prior written approval of
3 26 the superintendent, change the location of its principal place
3 27 of business to a new location within the state. ~~A change of~~
~~3 28 location shall be limited to another location in the same~~
~~3 29 municipal corporation, to a location in a municipal~~
~~3 30 corporation in the same county, or to a location in a~~
~~3 31 municipal corporation in a county that is contiguous to or~~
~~3 32 touching or cornering on the county in which the state bank is~~
~~3 33 located. If a state bank has its principal place of business~~
~~3 34 in an unincorporated area, the superintendent may authorize a~~
~~3 35 change of location of its principal place of business to a new~~



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~~4 1 location within the same unincorporated area as well as to any
4 2 location referred to in this subsection.~~

4 3 Sec. 8. Section 524.1607, Code 2007, is amended to read as
4 4 follows:

4 5 524.1607 FALSE STATEMENT FOR CREDIT.

4 6 1. For the purposes of this section, unless the context
4 7 otherwise requires:

4 8 a. "Financial institution" means a financial institution
4 9 as defined in 18 U.S.C. } 20.

4 10 b. "Mortgage banker" means a person who makes or
4 11 originates mortgage loans on real property located in this
4 12 state.

4 13 c. "Mortgage broker" means a person who arranges or
4 14 negotiates, or attempts to arrange or negotiate, mortgage
4 15 loans on real property located in this state.

4 16 2. Any person who knowingly makes or causes to be made,
4 17 directly or indirectly, any false statement in writing, or who
4 18 procures, knowing that a false statement in writing has been
4 19 made concerning the financial condition or means or ability to
4 20 pay of such person, or any other person in which such person
4 21 is interested or for whom such person is acting, with the
4 22 intent that such statement shall be relied upon by a ~~bank~~
4 23 financial institution, a mortgage banker, a mortgage broker,
4 24 or any other entity licensed by the banking division for the
4 25 purpose of procuring the delivery of property, the payment of
4 26 cash or the receipt of credit in any form, for the benefit of
4 27 such person or of any other person in which such person is
4 28 interested or for whom such person is acting, shall be guilty
4 29 of a fraudulent practice.

4 30 Sec. 9. Section 533A.2, subsections 1 and 2, Code
4 31 Supplement 2007, are amended to read as follows:

4 32 1. A person shall not engage in the business of debt
4 33 management in this state without a license as provided for in
4 34 this chapter unless exempt under subsection 2. A person
4 35 engages in the business of debt management in this state if



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5 1 the person solicits, on behalf of the person or another
5 2 person, to provide, or enters into a contract with one or more
5 3 debtors to provide debt management to a debtor who resides in
5 4 this state.

5 5 2. The following persons, including employees of such
5 6 persons, shall not be required to be licensed ~~when engaged in~~
~~5 7 the regular course of their respective businesses and~~
~~5 8 professions or to otherwise comply with the provisions of this~~
5 9 chapter:

5 10 a. ~~Attorneys at law~~ A licensed attorney admitted to
5 11 practice in this state acting solely as an incident to the
5 12 practice of law.

5 13 b. Banks, savings and loan associations, credit unions,
5 14 mortgage bankers and mortgage brokers licensed or registered
5 15 under chapter 535B, insurance companies and similar
5 16 fiduciaries, regulated loan companies licensed under chapter
5 17 536, and industrial loan companies licensed under chapter
5 18 536A, authorized and admitted to transact business in this
5 19 state and performing credit and financial adjusting in the
5 20 regular course of their principal business, or while
5 21 performing an escrow function.

5 22 c. Abstract companies, while performing an escrow
5 23 function.

5 24 d. Employees of licensees under this chapter, while
5 25 performing services for the employee's licensed employer.

5 26 e. Judicial officers or others acting under court orders.

5 27 f. Nonprofit religious, fraternal, or cooperative
5 28 organizations offering to debtors gratuitous debt-management
5 29 service.

5 30 g. Those persons whose principal business is the
5 31 origination of first mortgage loans on real estate for their
5 32 own portfolios or for sale to institutional investors.

5 33 Sec. 10. Section 533A.7, Code 2007, is amended by striking
5 34 the section and inserting in lieu thereof the following:

5 35 533A.7 DISCIPLINARY ACTION.



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- 6 1 1. The superintendent may, after notice and hearing
6 2 pursuant to chapter 17A, take disciplinary action against a
6 3 licensee if the superintendent finds any of the following:
6 4 a. The licensee, or an owner, partner, member,
6 5 shareholder, officer, director, or manager of the licensee,
6 6 has been convicted of a felony or of an indictable misdemeanor
6 7 for financial gain.
6 8 b. The licensee, or an owner, partner, member,
6 9 shareholder, officer, director, or manager of the licensee,
6 10 has violated any of the provisions of this chapter or any
6 11 other state or federal law, rule, or regulation applicable to
6 12 the conduct of its business.
6 13 c. The licensee, or an owner, partner, member,
6 14 shareholder, officer, director, or manager of the licensee,
6 15 has engaged in fraud or deceit in procuring the issuance of a
6 16 license or renewal under this chapter.
6 17 d. The licensee, or an owner, partner, member,
6 18 shareholder, officer, director, or manager of the licensee,
6 19 has engaged in unfair conduct.
6 20 e. The licensee is insolvent, or has filed for bankruptcy,
6 21 receivership, or assignment for the benefit of creditors.
6 22 f. The licensee fails to post the bond required by the
6 23 provisions of this chapter or the superintendent receives
6 24 notice that the required bond has been canceled.
6 25 2. The superintendent may impose one or more of the
6 26 following disciplinary actions against a licensee:
6 27 a. Revoke a license.
6 28 b. Suspend a license until further order of the
6 29 superintendent for a specified period of time.
6 30 c. Impose a period of probation under specified
6 31 conditions.
6 32 d. Impose civil penalties in an amount not to exceed five
6 33 thousand dollars for each violation.
6 34 e. Issue a citation and warning respecting licensee
6 35 behavior.



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7 1 f. Order the licensee to pay restitution.
7 2 3. The superintendent may order an emergency suspension of
7 3 a licensee's license pursuant to section 17A.18A. A written
7 4 order containing the facts or conduct which warrants the
7 5 emergency action shall be timely sent to the licensee by
7 6 restricted certified mail. Upon issuance of the suspension
7 7 order, the licensee must also be notified of the right to an
7 8 evidentiary hearing. A suspension proceeding shall be
7 9 promptly instituted and determined.
7 10 4. Except as provided in this section, a license shall not
7 11 be revoked or suspended except after notice and a hearing
7 12 thereon in accordance with chapter 17A.
7 13 5. A licensee may surrender a license by delivering to the
7 14 superintendent written notice of surrender, but a surrender
7 15 does not affect the licensee's civil or criminal liability for
7 16 acts committed before the surrender.
7 17 6. A revocation, suspension, or surrender of a license
7 18 does not impair or affect the obligation of a preexisting
7 19 lawful contract between the licensee and any person, including
7 20 a debtor.
7 21 Sec. 11. NEW SECTION. 533A.16 DEBT SETTLEMENT SERVICES
7 22 PROHIBITED == PENALTY.
7 23 1. For the purposes of this section, "debt settlement
7 24 services" means serving as an intermediary between a debtor
7 25 and one or more creditors of the debtor for a fee for the
7 26 purpose of obtaining concessions from the creditors where the
7 27 plan or strategy offered to the debtor advises a debtor to
7 28 stop making payments to creditors or is otherwise structured
7 29 in a way that encourages the debtor to stop making payments to
7 30 creditors.
7 31 2. A person shall not engage in debt settlement services
7 32 on behalf of a debtor residing in this state. A person
7 33 engages in debt settlement services on behalf of a debtor
7 34 residing in this state if the person solicits, on behalf of
7 35 the person or another person, to provide, or enters into a



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8 1 contract with one or more debtors to provide, debt settlement
8 2 services to a debtor who resides in this state. Any person or
8 3 any owner, partner, member, officer, director, employee,
8 4 agent, or representative thereof who engages in debt
8 5 settlement services on behalf of a debtor residing in this
8 6 state shall be guilty of a serious misdemeanor.

8 7 Sec. 12. NEW SECTION. 533A.17 VIOLATIONS == INJUNCTIONS
8 8 == CIVIL PENALTIES.

8 9 1. If the superintendent believes that a person has
8 10 engaged in, or is about to engage in, an act or practice that
8 11 constitutes or will constitute a violation of this chapter,
8 12 the superintendent may apply to the district court for an
8 13 order enjoining such act or practice. Upon a showing by the
8 14 superintendent that such person has engaged, or is about to
8 15 engage, in any such act or practice, the district court shall
8 16 grant an injunction.

8 17 2. The superintendent may investigate or initiate
8 18 complaints against persons who are not licensed under this
8 19 chapter to determine whether the person is violating this
8 20 chapter.

8 21 3. In addition to or as an alternative to applying to the
8 22 district court for an injunction, the superintendent may issue
8 23 an order to a person who is not licensed under this chapter to
8 24 require compliance with this chapter, may impose a civil
8 25 penalty against such person for any violation of this chapter
8 26 in an amount up to five thousand dollars for each violation,
8 27 and may order the person to pay restitution.

8 28 4. Before issuing an order under this section, the
8 29 superintendent shall provide the person written notice and the
8 30 opportunity to request a hearing. The hearing must be
8 31 requested within thirty days after receipt of the notice and
8 32 shall be conducted in the same manner as provided for in
8 33 disciplinary proceedings involving a licensee under this
8 34 chapter.

8 35 5. A person aggrieved by the imposition of a civil penalty



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9 1 under this section may seek judicial review pursuant to
9 2 section 17A.19.
9 3 6. An action to enforce an order under this section may be
9 4 joined with an action for an injunction.
9 5 Sec. 13. Section 533D.3, subsection 1, Code 2007, is
9 6 amended to read as follows:
9 7 1. A person shall not operate a delayed deposit services
9 8 business in this state unless the person is physically located
9 9 in this state and licensed by the superintendent as provided
9 10 in this chapter.
9 11 Sec. 14. Section 533D.12, Code 2007, is amended by
9 12 striking the section and inserting in lieu thereof the
9 13 following:
9 14 533D.12 DISCIPLINARY ACTION.
9 15 1. The superintendent may, after notice and hearing
9 16 pursuant to chapter 17A, take disciplinary action against a
9 17 licensee if the superintendent finds any of the following:
9 18 a. The licensee or any of its officers, directors,
9 19 shareholders, partners, or members has violated this chapter,
9 20 any rule adopted by the superintendent, or any other state or
9 21 federal law applicable to the conduct of its business.
9 22 b. The licensee has failed to pay a license fee required
9 23 under this chapter or to maintain in effect the bond or bonds
9 24 required under this chapter.
9 25 c. A fact or condition existing which, if it had existed
9 26 at the time of the original application for the license, would
9 27 have resulted in the denial of issuance of a license.
9 28 d. The licensee has abandoned its place of business for a
9 29 period of sixty days or more.
9 30 e. The licensee fails to pay an administrative penalty or
9 31 the cost of investigation as ordered by the superintendent.
9 32 f. The licensee has violated an order of the
9 33 superintendent.
9 34 2. The superintendent may impose one or more of the
9 35 following disciplinary actions against a licensee:



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- 10 1 a. Revoke a license.
10 2 b. Suspend a license until further order of the
10 3 superintendent or for a specified period of time.
10 4 c. Impose a period of probation under specified
10 5 conditions.
10 6 d. Impose civil penalties in an amount not to exceed five
10 7 thousand dollars for each violation.
10 8 e. Issue a citation and warning respecting licensee
10 9 behavior.
10 10 f. Order the licensee to pay restitution.
- 10 11 3. The superintendent may order an emergency suspension of
10 12 a licensee's license pursuant to section 17A.18A. A written
10 13 order containing the facts or conduct which warrants the
10 14 emergency action shall be timely sent to the licensee by
10 15 restricted certified mail. Upon issuance of the suspension
10 16 order, the licensee must also be notified of the right to an
10 17 evidentiary hearing. A suspension proceeding shall be
10 18 promptly instituted and determined.
- 10 19 4. Except as provided in this section, a license shall not
10 20 be revoked or suspended except after notice and a hearing
10 21 thereon in accordance with chapter 17A.
- 10 22 5. A licensee may surrender a license by delivering to the
10 23 superintendent written notice of surrender, but a surrender
10 24 does not affect the licensee's civil or criminal liability for
10 25 acts committed before the surrender.
- 10 26 6. A revocation, suspension, or surrender of a license
10 27 does not impair or affect the obligation of a preexisting
10 28 lawful contract between the licensee and any person, including
10 29 a debtor.
- 10 30 Sec. 15. Section 535.8, subsection 1, Code 2007, is
10 31 amended by striking the subsection and inserting in lieu
10 32 thereof the following:
- 10 33 1. DEFINITIONS. For purposes of this section, unless the
10 34 context otherwise requires:
- 10 35 a. "Collect" means the collection of any fees or costs



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11 1 payable directly or indirectly by the borrower and imposed
11 2 directly or indirectly by the lender as an incident to or a
11 3 condition of making or closing the loan.
11 4 b. "Lender" means a person who makes or originates a loan;
11 5 a person who is identified as a lender on the loan documents;
11 6 a person who arranges, negotiates, or brokers a loan; and a
11 7 person who provides any goods or services as an incident to or
11 8 as a condition required for the making or closing of the loan.
11 9 c. "Loan" means a loan of money which is wholly or in part
11 10 to be used for the purpose of purchasing real property which
11 11 is a single-family or a two-family dwelling occupied or to be
11 12 occupied by the borrower. A loan includes the refinancing of
11 13 a contract or sale, and the refinancing of a prior loan,
11 14 whether or not the borrower also was the borrower under the
11 15 prior loan, and the assumption of a prior loan.
11 16 Sec. 16. Section 535B.2, Code 2007, is amended to read as
11 17 follows:
11 18 535B.2 EXEMPTIONS.
11 19 This chapter, except for sections 535B.3, 535B.11, 535B.12,
11 20 and 535B.13, does not apply to any of the following:
11 21 1. A bank, bank holding company, savings bank, savings and
11 22 loan association, or credit union organized under the laws of
11 23 this state, another state, or the United States, or a wholly
11 24 owned operating subsidiary ~~or affiliate~~ of such a bank, ~~bank~~
~~11 25 holding company~~, savings bank, savings and loan association,
11 26 or credit union.
11 27 2. A loan company licensed under chapter 536 or 536A.
11 28 3. An insurance company or a subsidiary or affiliate of an
11 29 insurance company organized under the laws of this state,
11 30 another state, or the United States, and subject to regulation
11 31 by the commissioner of insurance.
11 32 4. Mortgage lenders or mortgage bankers maintaining an
11 33 office in this state whose principal business in this state is
11 34 conducted with or through mortgage lenders or mortgage bankers
11 35 otherwise exempt under this section and which maintain a place



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12 1 of business in this state.

12 2 ~~5. An insurance producer licensed under chapter 522B.~~

12 3 ~~6.~~ 5. An individual who is employed by a person otherwise
12 4 exempt under this section, or who is under an exclusive
12 5 contract with a person otherwise exempt under this section to
12 6 the extent that the individual is acting within the scope of
12 7 the individual's employment or exclusive contract with the
12 8 exempt person and is acting within the scope of the exempt
12 9 person's charter, license, authority, approval, or
12 10 certificate.

12 11 ~~7.~~ 6. A real estate broker licensed under chapter 543B
12 12 while engaged in practice as a real estate broker.

12 13 ~~8.~~ 7. A nonprofit organization qualifying for tax-exempt
12 14 status under the Internal Revenue Code as defined in section
12 15 422.3 which offers housing services to low and moderate income
12 16 families.

12 17 Sec. 17. Section 535B.3, subsections 1 and 3, Code 2007,
12 18 are amended to read as follows:

12 19 1. A person exempt under section 535B.2, subsection 4 or ~~8~~
12 20 7, shall register with the administrator.

12 21 3. The registrant, except a nonprofit organization exempt
12 22 under section 535B.2, subsection ~~8~~ 7, shall pay an annual
12 23 registration fee of one hundred dollars.

12 24 Sec. 18. Section 535B.4, subsections 6 and 7, Code
12 25 Supplement 2007, are amended to read as follows:

12 26 6. Licenses granted under this chapter expire on the next
12 27 ~~June 30~~ December 31 after their issuance.

12 28 7. Applications for renewals of licenses and individual
12 29 registrations under this chapter must be filed with the
12 30 administrator before ~~June 1~~ December 1 of the year of
12 31 expiration on forms prescribed by the administrator. A
12 32 renewal application must be accompanied by a fee of two
12 33 hundred dollars for a license to transact business solely as a
12 34 mortgage broker, and four hundred dollars for a license to
12 35 transact business as a mortgage banker. The fee to renew an



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13 1 individual registration shall be the fee determined pursuant
13 2 to section 535B.4A. The administrator may assess a late fee
13 3 of ten dollars per day for applications or registrations
13 4 accepted for processing after ~~June~~ December 1.

13 5 Sec. 19. Section 535B.4, Code Supplement 2007, is amended
13 6 by adding the following new subsection:

13 7 NEW SUBSECTION. 9. In addition to the application and
13 8 renewal fees provided for in subsections 4 and 7, the
13 9 administrator may assess application and renewal fees for each
13 10 branch location of the licensee, sponsor fees, and change of
13 11 sponsor fees.

13 12 Sec. 20. Section 535B.4A, Code 2007, is amended to read as
13 13 follows:

13 14 535B.4A INDIVIDUAL REGISTRATION REQUIREMENTS == FEES.

13 15 1. A natural person who is a mortgage banker or mortgage
13 16 broker and who is employed by, under contract with, or is an
13 17 agent of a licensee under section 535B.4 shall apply for an
13 18 individual registration with the administrator and shall
13 19 register annually with the administrator. The administrator
13 20 shall collect registration fees necessary to cover the costs
13 21 associated with the annual registrations ~~made pursuant to this~~
13 22 ~~section, including but not limited to sponsor fees and change~~
13 23 of sponsor fees.

13 24 2. Beginning January 1, 2009, each applicant for an
13 25 individual registration must meet the education and training
13 26 requirements adopted by the administrator by rule. The
13 27 education and training requirements may include a post-high
13 28 school education requirement or a requirement that the
13 29 applicant have successfully completed accredited courses
13 30 covering specified subject matters. The administrator may
13 31 incorporate any education and training criteria recommended by
13 32 federal law, or by other financial regulators, self-regulatory
13 33 organizations, or financial industry organizations.

13 34 3. Beginning January 1, 2009, each applicant for an
13 35 individual registration must have passed an examination



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14 1 prescribed by the administrator within two years immediately
14 2 prior to making the application to the administrator. An
14 3 applicant who fails the examination once shall be allowed to
14 4 take the examination up to two additional times, provided at
14 5 least one month has elapsed since the applicant last took the
14 6 examination. An applicant shall pay any fees associated with
14 7 the examination.

14 8 ~~2.~~ 4. An individual registrant who ~~registers~~ applies for
14 9 an individual registration pursuant to this section ~~for the~~
14 10 ~~first time~~ shall submit to a national criminal history check
14 11 through the federal bureau of investigation prior to being
14 12 registered. The administrator may submit the registrant's
14 13 fingerprints to the federal bureau of investigation by the
14 14 department of public safety through the state criminal history
14 15 repository for the purpose of a national criminal history
14 16 check. The results of a criminal history check conducted
14 17 pursuant to this subsection shall not be considered a public
14 18 record under chapter 22. The administrator shall collect fees
14 19 necessary to cover the costs associated with criminal history
14 20 checks conducted pursuant to this section.

14 21 ~~3.~~ 5. A person shall not be eligible for licensing
14 22 pursuant to section 535B.4 unless all individual registrants
14 23 employed by, under contract with, or who are agents of the
14 24 person have successfully completed the registration and
14 25 criminal background check required by this section.

14 26 ~~4.~~ 6. The registration of an individual registrant
14 27 pursuant to this section is not assignable.

14 28 ~~5.~~ 7. The registration of an individual registrant
14 29 pursuant to this section expires on ~~June 30~~ December 31
14 30 following the date of registration.

14 31 ~~6.~~ 8. An individual registrant who fails to comply with
14 32 the requirements of section 535B.9A shall not be ~~registered~~
14 33 renewed or the registration of the individual registrant may
14 34 be suspended or revoked by the administrator.

14 35 Sec. 21. Section 535B.7, subsection 2, Code 2007, is



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15 1 amended by adding the following new paragraph:

15 2 NEW PARAGRAPH. f. Order the licensee or individual
15 3 registrant to pay restitution.

15 4 Sec. 22. Section 535B.8, Code 2007, is amended to read as
15 5 follows:

15 6 535B.8 OPERATING WITHOUT A LICENSE OR REGISTRATION.

15 7 A person, who without first obtaining a license or
15 8 individual registration under this chapter, engages in the
15 9 business or occupation of, or advertises or holds the person
15 10 out as, or claims to be, or temporarily acts as, a mortgage
15 11 banker or mortgage broker in this state is guilty of a class
15 12 "D" felony and may be prosecuted by the attorney general or a
15 13 county attorney.

15 14 Sec. 23. Section 535B.9, subsection 1, Code 2007, is
15 15 amended to read as follows:

15 16 1. An applicant for a license shall file with the
15 17 administrator a bond furnished by a surety company authorized
15 18 to do business in this state, together with evidence of
15 19 whether the applicant is seeking to transact business as a
15 20 mortgage broker or as a mortgage banker. The bond shall be in
15 21 the amount of fifty thousand dollars for a mortgage broker and
15 22 one hundred thousand dollars for a mortgage banker. The bond
15 23 shall be continuous in nature until canceled by the surety
15 24 with not less than thirty days' notice in writing to the
15 25 mortgage broker or mortgage banker and to the administrator
15 26 indicating the surety's intention to cancel the bond on a
15 27 specific date. The bond shall be for the use of the state and
15 28 any persons who may have causes of action against the
15 29 applicant. The bond shall be conditioned upon the applicant's
15 30 faithfully conforming to and abiding by this chapter and any
15 31 rules adopted under this chapter and shall require that the
15 32 surety pay to the state and to any persons all moneys that
15 33 become due or owing to the state and to the persons from the
15 34 applicant by virtue of this chapter.

15 35 Sec. 24. Section 535B.10, subsection 2, Code 2007, is



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16 1 amended to read as follows:

16 2 2. For the purposes of discovering violations of this
16 3 chapter or any related rules or for securing information
16 4 lawfully required under this chapter, the administrator may at
16 5 any time and as often as the administrator deems necessary,
16 6 but in no event less frequently than once during each two-year
16 7 period, investigate the business and examine the books,
16 8 accounts, records, and files used by a licensee or individual
16 9 registrant.

16 10 Sec. 25. Section 535B.10, subsection 6, paragraph b, Code
16 11 2007, is amended to read as follows:

16 12 b. The administrator may furnish information relating to
16 13 the supervision of licensees and registrants to the federal
16 14 agencies or federally related entities listed in subsection 3,
16 15 the federal deposit insurance corporation, the federal reserve
16 16 system, the office of the comptroller of the currency, the
16 17 office of thrift supervision, the national credit union
16 18 administration, the federal home loan bank, ~~and~~ a financial
16 19 institution regulatory ~~authorities~~ authority of any other
16 20 states state, a professional licensing authority of this state
16 21 or any other state, or a law enforcement agency, or to any
16 22 official or supervising examiner of such regulatory
16 23 authorities.

16 24 Sec. 26. Section 536.3, Code 2007, is amended to read as
16 25 follows:

16 26 536.3 BOND.

16 27 The applicant shall also at the same time file with the
16 28 superintendent a bond to be approved by the superintendent in
16 29 which the applicant shall be the obligor, with one or more
16 30 sureties, in the sum of ~~one~~ twenty-five thousand dollars. The
16 31 said bond shall run to the state for the use of the state and
16 32 of any person or persons who may have a cause of action
16 33 against the obligor of said bond under the provisions of this
16 34 chapter. Such bond shall be conditioned that said obligor
16 35 will faithfully conform to and abide by the provisions of this



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17 1 chapter and of all rules and regulations lawfully made by the
17 2 superintendent hereunder, and will pay to the state and to any
17 3 such person or persons any and all moneys that may become due
17 4 or owing to the state or to such person or persons from said
17 5 obligor under and by virtue of the provisions of this chapter.

17 6 Sec. 27. Section 536.6, unnumbered paragraph 1, Code 2007,
17 7 is amended to read as follows:

17 8 If the superintendent shall find at any time that the bond
17 9 is insecure or exhausted or otherwise of doubtful validity or
17 10 collectibility, an additional bond to be approved by the
17 11 superintendent, with one or more sureties and of the character
17 12 specified in section 536.3, in the sum of not more than ~~one~~
17 13 twenty-five thousand dollars, shall be filed by the licensee
17 14 within ten days after written demand upon the licensee by the
17 15 superintendent.

17 16 Sec. 28. Section 536.9, Code 2007, is amended by striking
17 17 the section and inserting in lieu thereof the following:

17 18 536.9 DISCIPLINARY ACTION.

17 19 1. The superintendent may, after notice and hearing
17 20 pursuant to chapter 17A, take disciplinary action against a
17 21 licensee if the superintendent finds any of the following:

17 22 a. The licensee has violated a provision of this chapter
17 23 or a rule adopted under this chapter or any other state or
17 24 federal law, rule, or regulation applicable to the conduct of
17 25 its business.

17 26 b. A fact or condition exists which would have warranted
17 27 the superintendent to refuse to originally issue the license.

17 28 c. The licensee has failed to pay the annual license fee
17 29 or to maintain in effect the bond or bonds required under the
17 30 provisions of this chapter.

17 31 d. The licensee is insolvent.

17 32 e. The licensee has violated an order of the
17 33 superintendent.

17 34 2. The superintendent may impose one or more of the
17 35 following disciplinary actions against a licensee:



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18 1 a. Revoke a license.
18 2 b. Suspend a license until further order of the
18 3 superintendent or for a specified period of time.
18 4 c. Impose a period of probation under specified
18 5 conditions.
18 6 d. Impose civil penalties in an amount not to exceed five
18 7 thousand dollars for each violation.
18 8 e. Issue a citation and warning respecting licensee
18 9 behavior.
18 10 f. Order the licensee to pay restitution.
18 11 3. The superintendent may order an emergency suspension of
18 12 a licensee's license pursuant to section 17A.18A. A written
18 13 order containing the facts or conduct which warrants the
18 14 emergency action shall be timely sent to the licensee by
18 15 restricted certified mail. Upon issuance of the suspension
18 16 order, the licensee must also be notified of the right to an
18 17 evidentiary hearing. A suspension proceeding shall be
18 18 promptly instituted and determined.
18 19 4. Except as provided in this section, a license shall not
18 20 be revoked or suspended except after notice and a hearing
18 21 thereon in accordance with chapter 17A.
18 22 5. A licensee may surrender a license by delivering to the
18 23 superintendent written notice of surrender, but a surrender
18 24 does not affect the licensee's civil or criminal liability for
18 25 acts committed before the surrender.
18 26 6. A revocation, suspension, or surrender of a license
18 27 does not impair or affect the obligation of a preexisting
18 28 lawful contract between the licensee and any person, including
18 29 a borrower.
18 30 Sec. 29. Section 536.11, unnumbered paragraph 2, Code
18 31 2007, is amended to read as follows:
18 32 Each licensee shall annually on or before the fifteenth day
18 33 of ~~March~~ April file a report with the superintendent giving
18 34 such relevant information as the superintendent reasonably may
18 35 require concerning the business and operations during the



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19 1 preceding calendar year of the licensed places of business
19 2 conducted by such licensee within the state. Such report
19 3 shall be made under oath and shall be in the form prescribed
19 4 by the superintendent who shall make and publish annually an
19 5 analysis and recapitulation of such reports.

19 6 Sec. 30. Section 536.12, Code 2007, is amended to read as
19 7 follows:

19 8 536.12 RESTRICTIONS ON PRACTICES.

19 9 1. No licensee shall conduct the business of making loans
19 10 under the provisions of this chapter within any office, room,
19 11 suite or place of business in which any other business is
19 12 solicited or engaged in, or in association or conjunction
19 13 therewith, except as may be authorized in writing by the
19 14 superintendent upon the superintendent's finding that the
19 15 character of such other business is such that the granting of
19 16 such authority would not facilitate evasions of this chapter
19 17 or of the rules lawfully made by the superintendent hereunder.

19 18 2. No licensee shall make any loan provided for by this
19 19 chapter under any other name or at any other place of business
19 20 than that named in the license.

19 21 3. No licensee shall take any instrument in which blanks
19 22 are left to be filled in after execution.

19 23 4. No licensee shall agree to obtain or arrange a
19 24 residential mortgage for a potential borrower from a third
19 25 person, unless the licensee also has a mortgage broker license
19 26 and complies with all of the provisions of chapter 535B.

19 27 Sec. 31. Section 536.16, unnumbered paragraph 1, Code
19 28 2007, is amended to read as follows:

19 29 Notwithstanding other provisions of this chapter to the
19 30 contrary, a person who neither has an office physically
19 31 located in this state nor engages in face-to-face solicitation
19 32 in this state, if authorized by another state to make loans in
19 33 that state at a rate of finance charge in excess of the rate
19 34 provided in chapter 535, shall not be subject to ~~the following~~
~~19 35 provisions of this chapter.~~ section 536.10 to the extent it



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20 1 requires the superintendent to make an examination of the
20 2 affairs, place of business, and records of the person on a
20 3 periodic basis.

20 4 Sec. 32. Section 536.16, subsections 1 through 4, Code
20 5 2007, are amended by striking the subsections.

20 6 Sec. 33. NEW SECTION. 536A.7A BONDS.

20 7 1. An applicant for a license shall file with the
20 8 superintendent a bond furnished by a surety company authorized
20 9 to do business in this state. The bond shall be in the amount
20 10 of twenty-five thousand dollars. The bond shall be continuous
20 11 in nature until canceled by the surety with not less than
20 12 thirty days notice in writing to the applicant and to the
20 13 superintendent indicating the surety's intention to cancel the
20 14 bond on a specific date. The bond shall be for the use of the
20 15 state and any persons who may have causes of action against
20 16 the applicant. The bond shall be conditioned upon the
20 17 applicant's faithfully conforming to and abiding by this
20 18 chapter and any rules adopted under this chapter and shall
20 19 require that the surety pay to the state and to any persons
20 20 all moneys that become due or owing to the state and to the
20 21 persons from the applicant by virtue of this chapter.

20 22 2. In lieu of filing a bond, the applicant may pledge an
20 23 alternative form of collateral acceptable to the
20 24 superintendent, if the alternative collateral provides
20 25 protection to the state and any aggrieved person that is
20 26 equivalent to that provided by a bond.

20 27 Sec. 34. Section 536A.14, unnumbered paragraph 1, Code
20 28 2007, is amended to read as follows:

20 29 Each licensee shall annually on or before the fifteenth day
20 30 of ~~March~~ April file with the superintendent a report in
20 31 writing showing the results of the operation of its industrial
20 32 loan business for the previous calendar year, which reports
20 33 shall contain:

20 34 Sec. 35. Section 536A.18, Code 2007, is amended by
20 35 striking the section and inserting in lieu thereof the



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21 1 following:

21 2 536A.18 DISCIPLINARY ACTION.

21 3 1. The superintendent may, after notice and hearing
21 4 pursuant to chapter 17A, take disciplinary action against a
21 5 licensee if the superintendent finds any of the following:

21 6 a. That the licensee has failed to pay the annual license
21 7 fee required by this chapter or to maintain in effect the bond
21 8 or bonds required under this chapter.

21 9 b. That the licensee has violated any of the provisions of
21 10 this chapter or a rule adopted under this chapter or any other
21 11 state or federal law, rule, or regulation applicable to the
21 12 conduct of its business.

21 13 c. That the licensee has refused to submit to the
21 14 examination required by this chapter.

21 15 d. That the licensee has neglected or refused for a period
21 16 of more than thirty days to pay a final judgment rendered
21 17 against it in the courts of this state.

21 18 e. That the licensee has become insolvent.

21 19 f. A fact or condition exists which would have warranted
21 20 the superintendent to refuse to originally issue the license.

21 21 g. The licensee has violated an order of the
21 22 superintendent.

21 23 2. The superintendent may impose one or more of the
21 24 following disciplinary actions against a licensee:

21 25 a. Revoke a license.

21 26 b. Suspend a license until further order of the
21 27 superintendent or for a specified period of time.

21 28 c. Impose a period of probation under specified
21 29 conditions.

21 30 d. Impose civil penalties in an amount not to exceed five
21 31 thousand dollars for each violation.

21 32 e. Issue a citation and warning respecting licensee
21 33 behavior.

21 34 f. Order the licensee to pay restitution.

21 35 3. The superintendent may order an emergency suspension of



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22 1 a licensee's license pursuant to section 17A.18A. A written
22 2 order containing the facts or conduct which warrants the
22 3 emergency action shall be timely sent to the licensee by
22 4 restricted certified mail. Upon issuance of the suspension
22 5 order, the licensee must also be notified of the right to an
22 6 evidentiary hearing. A suspension proceeding shall be
22 7 promptly instituted and determined.

22 8 4. Except as provided in this section, a license shall not
22 9 be revoked or suspended except after notice and a hearing
22 10 thereon in accordance with chapter 17A.

22 11 5. A licensee may surrender a license by delivering to the
22 12 superintendent written notice of surrender, but a surrender
22 13 does not affect the licensee's civil or criminal liability for
22 14 acts committed before the surrender.

22 15 6. A suspension, revocation, relinquishment, or expiration
22 16 of a license shall not invalidate, impair, or affect the
22 17 legality of obligations of any preexisting contracts, or
22 18 prevent the enforcement or collection thereof.

22 19 7. Judicial review of the actions of the superintendent
22 20 may be sought in accordance with the terms of the Iowa
22 21 administrative procedure Act, chapter 17A.

22 22 Sec. 36. Section 536A.23, subsection 1, Code 2007, is
22 23 amended by adding the following new paragraph:

22 24 NEW PARAGRAPH. e. Obtain or arrange a residential
22 25 mortgage loan for a potential borrower from a third person,
22 26 unless the industrial loan company also has a mortgage broker
22 27 license and complies with all provisions of chapter 535B.

22 28 Sec. 37. Section 558.70, subsection 4, Code Supplement
22 29 2007, is amended to read as follows:

22 30 4. This section applies to a contract seller who entered
22 31 into four or more residential real estate contracts in the
22 32 three hundred sixty-five days previous to the contract seller
22 33 signing the contract disclosure statement. For purposes of
22 34 this subsection, two or more entities sharing a common owner
22 35 or manager are considered a single contract seller. This



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23 1 section does not apply to a person or organization listed in
23 2 section 535B.2, subsections 1 through 7 6.

23 3 EXPLANATION

23 4 This bill makes a number of changes to Code provisions
23 5 under the purview of the banking division of the department of
23 6 commerce.

23 7 With regard to Code chapter 524, dealing with bank
23 8 regulation, the bill adds bank holding companies and savings
23 9 and loan holding companies to the list of entities authorized
23 10 to use the word "bank" in the name or title of their business
23 11 organization, designates successor acting superintendents in
23 12 the event the office of the superintendent of banking is
23 13 vacant, and allows the superintendent regulatory flexibility
23 14 in the event of a determination of a disaster impacting a
23 15 bank's operation. The bill restricts application of a
23 16 prohibition against obtaining a loan or property from banks
23 17 applicable to specified banking officials and employees, to
23 18 banks or savings and loan associations the official or
23 19 employee is personally involved in examining or reviewing, and
23 20 provides that information received by the superintendent of
23 21 banking regarded as confidential by other regulatory agencies
23 22 and entities will maintain that confidential status when in
23 23 the custody of the banking division. The bill also changes
23 24 from a calendar to fiscal year basis information contained in
23 25 the superintendent's annual report, eliminates outdated
23 26 geographic restrictions on a bank's ability to change its
23 27 principal place of business, and makes it a fraudulent
23 28 practice to provide false information for credit to any type
23 29 of financial institution, as defined in the bill, as well as
23 30 mortgage bankers and mortgage brokers.

23 31 Regarding Code chapter 533A, dealing with debt management,
23 32 the bill changes a reference to "attorneys at law" to refer to
23 33 a licensed attorney admitted to practice in Iowa acting solely
23 34 as an incident to the attorney's legal practice in a section
23 35 relating to exemptions from the Code chapter, and adds to an



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24 1 exemption relating to employees of licensees that they are
24 2 exempt from licensing while performing services for their
24 3 employer. The bill adds to the definition of engaging in the
24 4 business of debt management solicitation either by a person on
24 5 their own behalf or on behalf of another person, and prohibits
24 6 engaging in debt settlement services whereby a person accepts
24 7 a fee from a debtor in obtaining concessions as an
24 8 intermediary with creditors and subsequently advises the
24 9 debtor to discontinue making creditor payments, and imposes a
24 10 civil penalty of up to \$5,000 for each violation. Further,
24 11 the bill provides an expanded array of disciplinary actions
24 12 and uniform processes available to the superintendent in the
24 13 event of specified licensee criminal and civil violations,
24 14 unfair conduct, insolvency, failure to post required bond, or
24 15 violations of an order of the superintendent, and specifies
24 16 injunctive relief and civil penalties in an amount up to
24 17 \$5,000 for violations of the Code chapter.

24 18 In connection with Code chapter 533D, relating to delayed
24 19 deposit services, the bill provides that delayed deposit
24 20 companies must be physically located in this state in order to
24 21 operate a delayed deposit service in the state, and provides
24 22 an expanded array of disciplinary actions and uniform
24 23 processes available in the event of licensee misconduct
24 24 similar in nature to the actions available with respect to
24 25 licensees under Code chapter 533A pursuant to the bill,
24 26 including the civil penalty of up to \$5,000.

24 27 Concerning Code chapter 535, relating to regulation of
24 28 matters pertaining to money and interest, the bill expands a
24 29 definition of "lender", to which requirements relating to
24 30 costs and fees on residential real estate loan costs and
24 31 disclosures regarding discount points apply, to include loan
24 32 originators, brokers, and persons providing any goods or
24 33 services as an incident to or condition required for the
24 34 making or closing of a loan.

24 35 The bill additionally modifies Code chapter 535B, dealing



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25 1 with mortgage bankers and brokers. The bill deletes a
25 2 reference to an "affiliate" of a bank, bank holding company,
25 3 savings bank, savings and loan association, or credit union
25 4 and an insurance producer, as qualifying for an exemption from
25 5 applicability of much of the chapter and modifies the
25 6 exemption for real estate brokers, changes licensing and
25 7 individual registration expiration periods and renewal
25 8 deadlines to December 31 and December 1, respectively, and
25 9 provides for additional fees in the form of application and
25 10 renewal fees for branch locations, sponsor fees, and change of
25 11 sponsor fees. Further, the bill authorizes establishment of
25 12 education and testing requirements as a prerequisite to
25 13 registration, authorizes payment of restitution by licensees
25 14 as part of a disciplinary case, clarifies that acting as a
25 15 mortgage banker or broker as an employee or contractor of a
25 16 licensee without obtaining individual registration is a class
25 17 "D" felony, and increases the size of the bond mortgage banker
25 18 licensees must pay from \$50,000 to \$100,000. The bill also
25 19 mandates auditing of licensees or registrants under the Code
25 20 chapter at least once every two years, and expands the
25 21 entities to which information relating to licensee and
25 22 registrant supervision may be furnished to include
25 23 professional licensing authorities in this state, other
25 24 states, and law enforcement agencies.

25 25 Regarding Code chapter 536, relating to regulated loans,
25 26 the bill increases the size of the bond paid by licensees from
25 27 \$1,000 to \$25,000, and extends, similar to other provisions of
25 28 the bill, an expanded array of disciplinary actions and
25 29 uniform processes available in the event of specified licensee
25 30 misconduct. The bill changes the date licensees under the
25 31 Code chapter must submit their annual reports from March 15 to
25 32 April 15, provides that a licensee may not broker loans
25 33 without a mortgage broker license, and deletes several
25 34 exemptions previously applicable to nonresident licensees who
25 35 are not physically located in this state nor engaged in



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26 1 face-to-face solicitation.
26 2 The bill additionally contains changes applicable to Code
26 3 chapter 536A, concerning industrial loans. The bill changes
26 4 the date for annual report submission from March 15 to April
26 5 15, and again imposes an expanded array of disciplinary
26 6 actions and uniform processes applicable to licensee
26 7 misconduct, including the civil penalty provision of up to
26 8 \$5,000. The bill provides that a licensee under the Code
26 9 chapter may not broker loans without a mortgage broker
26 10 license, and provides that licensees must post a bond in the
26 11 amount of \$25,000, or in the alternative pledge a form of
26 12 collateral providing a comparable degree of protection.
26 13 LSB 5291DP 82
26 14 rn/nh/5.2



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House Study Bill 635

HOUSE FILE
BY (PROPOSED COMMITTEE ON
PUBLIC SAFETY BILL BY
CHAIRPERSON LYKAM)

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

Passed Senate, 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 5978HC 82
- 6 jr/nh/8



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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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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 5978HC 82
2 5 jr/nh/8



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House Study Bill 637

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

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

A BILL FOR

1 An Act relating to criminal and abuse records of prospective and
2 current employees of licensed hospitals and health care
3 facilities and certain health-related programs and services
4 and providing penalties.
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
6 TLSB 5455DP 82
7 jp/nh/8



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House Study Bill 637 continued

PAG LIN

1 1 Section 1. Section 135B.34, Code 2007, is amended by
1 2 striking the section and inserting in lieu thereof the
1 3 following:
1 4 135B.34 HOSPITAL EMPLOYEES == CRIMINAL HISTORY AND ABUSE
1 5 RECORD CHECKS == PENALTY.
1 6 1. Prior to employment of a person in a hospital, the
1 7 hospital shall request that the department of public safety
1 8 perform a criminal history check and the department of human
1 9 services perform child and dependent adult abuse record checks
1 10 of the person in this state. A hospital shall inform all
1 11 persons prior to employment regarding the performance of the
1 12 records checks and shall obtain, from the persons, a signed
1 13 acknowledgment of the receipt of the information. A hospital
1 14 shall include the following inquiry in an application for
1 15 employment: "Do you have a record of founded child or
1 16 dependent adult abuse or have you ever been convicted of a
1 17 crime, in this state or any other state?"
1 18 2. a. If it is determined through a criminal or abuse
1 19 registry record check or a person's own admission that, during
1 20 the preceding five-year period, the person was convicted of a
1 21 felony crime under a law of any state or had a record of
1 22 founded child or dependent adult abuse entered in the abuse
1 23 registry, the person shall not be employed in the hospital.
1 24 b. For applicants, the five-year period referenced in this
1 25 subsection ends on the date of the employment application.
1 26 For persons currently employed at the time the person is
1 27 convicted of a crime or a record of child or dependent adult
1 28 abuse is entered in the abuse registry, the five-year period
1 29 is not applicable.
1 30 c. If the person was convicted of a crime other than a
1 31 felony, convicted of a felony crime prior to the preceding
1 32 five-year period, or had a record of founded child or
1 33 dependent adult abuse entered in the abuse registry prior to
1 34 the preceding five-year period, the department of human
1 35 services shall, upon the hospital's request, perform an



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2 1 evaluation to determine whether the crime or founded child or
2 2 dependent adult abuse warrants prohibition of employment in
2 3 the hospital. The evaluation shall be performed in accordance
2 4 with procedures adopted for this purpose by the department of
2 5 human services. If the person was convicted of a simple
2 6 misdemeanor crime prior to the preceding five-year period, in
2 7 lieu of the evaluation performed by the department of human
2 8 services, the hospital may apply the same criteria used for
2 9 the department of human services evaluation in determining
2 10 whether the hospital will employ or continue employing the
2 11 person.

2 12 d. (1) If a person owns or operates more than one
2 13 hospital, and an employee of one of such hospitals is
2 14 transferred to another such hospital without a lapse in
2 15 employment, the hospital is not required to request additional
2 16 criminal and child and dependent adult abuse records checks of
2 17 that employee.

2 18 (2) If the ownership of a hospital is transferred, at the
2 19 time of transfer the records checks required by this section
2 20 shall be performed for each employee for whom there is no
2 21 documentation that such records checks have been performed.
2 22 The hospital may continue to employ such employee pending the
2 23 performance of the records checks and any related evaluation.

2 24 3. In an evaluation, the department of human services
2 25 shall consider the nature and seriousness of the crime or
2 26 founded child or dependent adult abuse in relation to the
2 27 position sought or held, the time elapsed since the commission
2 28 of the crime or founded child or dependent adult abuse, the
2 29 circumstances under which the crime or founded child or
2 30 dependent adult abuse was committed, the degree of
2 31 rehabilitation, the likelihood that the person will commit the
2 32 crime or founded child or dependent adult abuse again, and the
2 33 number of crimes or founded child or dependent adult abuses
2 34 committed by the person involved. If the department of human
2 35 services performs an evaluation for the purposes of this



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3 1 section, the department of human services has final authority
3 2 in determining whether prohibition of the person's employment
3 3 is warranted.

3 4 4. a. Except as provided in paragraph "b" and subsection
3 5 2, a person who has committed a crime or has a record of
3 6 founded child or dependent adult abuse shall not be employed
3 7 in a hospital licensed under this chapter unless an evaluation
3 8 has been performed by the department of human services.

3 9 b. A person with a criminal or abuse record who is
3 10 employed by a hospital licensed under this chapter and is
3 11 hired by another licensee without a lapse in employment shall
3 12 be subject to the criminal history and abuse record checks
3 13 required pursuant to subsection 1. If an evaluation was
3 14 previously performed by the department of human services
3 15 concerning the person's criminal or abuse record and it was
3 16 determined that the record did not warrant prohibition of the
3 17 person's employment and the latest record checks do not
3 18 indicate a crime was committed or founded abuse record was
3 19 entered subsequent to that evaluation, the person may commence
3 20 employment with the other licensee while the department of
3 21 human services' evaluation of the latest record checks is
3 22 pending. Otherwise, the requirements of paragraph "a" remain
3 23 applicable to the person's employment.

3 24 5. a. If a person employed by a hospital that is subject
3 25 to this section is convicted of a crime or has a record of
3 26 founded child or dependent adult abuse entered in the abuse
3 27 registry after the person's employment application date, the
3 28 person shall inform the hospital of such information within
3 29 forty-eight hours of the criminal conviction or entry of the
3 30 record of founded child or dependent adult abuse. The
3 31 hospital shall act to verify the information within
3 32 forty-eight hours of notification. If the information is
3 33 verified, the requirements of subsections 2, 3, and 4
3 34 regarding employability and evaluations shall be applied by
3 35 the hospital to determine whether or not the person's



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4 1 employment is continued. A person who is required by this
4 2 subsection to inform the person's employer of a conviction or
4 3 entry of an abuse record and fails to do so within the
4 4 required period commits a serious misdemeanor.

4 5 b. If a hospital receives credible information that a
4 6 person employed by the hospital has been convicted of a crime
4 7 or a record of founded child or dependent adult abuse has been
4 8 entered in the abuse registry after employment from a person
4 9 other than the employee and the employee has not informed the
4 10 hospital of such information within the period required under
4 11 paragraph "a", the hospital shall act to verify the credible
4 12 information within forty=eight hours of receipt of the
4 13 credible information. If the information is verified, the
4 14 requirements of subsections 2, 3, and 4 regarding
4 15 employability and evaluations shall be applied by the hospital
4 16 to determine whether or not the person's employment is
4 17 continued.

4 18 c. The hospital shall notify the county attorney for the
4 19 county where the hospital is located of any violation or
4 20 failure by an employee to notify the hospital of a criminal
4 21 conviction or entry of an abuse record within the period
4 22 required under paragraph "a".

4 23 6. A hospital licensed in this state may access the single
4 24 contact repository established by the department pursuant to
4 25 section 135C.33 as necessary for the hospital to perform
4 26 record checks of persons employed or being considered for
4 27 employment by the hospital.

4 28 Sec. 2. Section 135C.33, Code 2007, is amended to read as
4 29 follows:

4 30 135C.33 EMPLOYEES == CHILD OR DEPENDENT ADULT ABUSE
4 31 INFORMATION AND CRIMINAL RECORDS RECORD CHECKS == EVALUATIONS
4 32 == APPLICATION TO OTHER PROVIDERS == PENALTY.

4 33 1. ~~Beginning July 1, 1997, prior~~ Prior to employment of a
4 34 person in a facility, the facility shall request that the
4 35 department of public safety perform a criminal history check



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5 1 and the department of human services perform a child and
5 2 dependent adult abuse record check checks of the person in
5 3 this state. ~~In addition, the facility may request that the~~
~~5 4 department of human services perform a child abuse record~~
~~5 5 check in this state. Beginning July 1, 1997, a A facility~~
5 6 shall inform all persons prior to employment regarding the
5 7 performance of the records checks and shall obtain, from the
5 8 persons, a signed acknowledgment of the receipt of the
5 9 information. ~~Additionally, a A facility shall include the~~
5 10 following inquiry in an application for employment: "Do you
5 11 have a record of founded child or dependent adult abuse or
5 12 have you ever been convicted of a crime, in this state or any
5 13 other state?"

5 14 2. a. If it is determined through a criminal or abuse
5 15 registry record check or a person's own admission that, during
5 16 the preceding five-year period, the person has been was
5 17 convicted of a felony crime under a law of any state or has
5 18 had a record of founded child or dependent adult abuse entered
5 19 in the abuse registry, the department of human services shall,
~~5 20 upon the facility's request, perform an evaluation to~~
~~5 21 determine whether the crime or founded child or dependent~~
~~5 22 adult abuse warrants prohibition of employment person shall~~
5 23 not be employed in the facility.

5 24 b. For applicants, the five-year period referenced in this
5 25 subsection ends on the date of the employment application.
5 26 For persons currently employed at the time the person is
5 27 convicted of a crime or a record of child or dependent abuse
5 28 is entered in the abuse registry, the five-year period is not
5 29 applicable.

5 30 c. If the person was convicted of a crime other than a
5 31 felony, convicted of a felony crime prior to the preceding
5 32 five-year period, or had a record of founded child or
5 33 dependent adult abuse entered prior to the preceding five-year
5 34 period, the department of human services shall, upon the
5 35 facility's request, perform an evaluation to determine whether



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6 1 the crime or founded child or dependent adult abuse warrants
6 2 prohibition of employment in the facility. The evaluation
6 3 shall be performed in accordance with procedures adopted for
6 4 this purpose by the department of human services. If the
6 5 person was convicted of a simple misdemeanor crime prior to
6 6 the preceding five-year period, in lieu of the evaluation
6 7 performed by the department of human services, the facility
6 8 may apply the same criteria used for the department of human
6 9 services evaluation in determining whether the facility will
6 10 employ or continue employing the person.

6 11 d. (1) If a person owns or operates more than one
6 12 facility, and an employee of one of such facilities is
6 13 transferred to another such facility without a lapse in
6 14 employment, the facility is not required to request additional
6 15 criminal and child and dependent adult abuse record checks of
6 16 that employee.

6 17 (2) If the ownership of a facility is transferred, at the
6 18 time of transfer the records checks required by this section
6 19 shall be performed for each employee for whom there is no
6 20 documentation that such records checks have been performed.
6 21 The facility may continue to employ such employee pending the
6 22 performance of the records checks and any related evaluation.

~~6 23 2. If the department of public safety determines that a~~
~~6 24 person has committed a crime and is to be employed in a~~
~~6 25 facility licensed under this chapter, the department of public~~
~~6 26 safety shall notify the licensee that an evaluation, if~~
~~6 27 requested by the facility, will be conducted by the department~~
~~6 28 of human services to determine whether prohibition of the~~
~~6 29 person's employment is warranted. If a department of human~~
~~6 30 services child or dependent adult abuse record check shows~~
~~6 31 that the person has a record of founded child or dependent~~
~~6 32 adult abuse, the department of human services shall inform the~~
~~6 33 licensee that an evaluation, if requested by the facility,~~
~~6 34 will be conducted to determine whether prohibition of the~~
~~6 35 person's employment is warranted.~~



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7 1 3. In an evaluation, the department of human services
7 2 shall consider the nature and seriousness of the crime or
7 3 founded child or dependent adult abuse in relation to the
7 4 position sought or held, the time elapsed since the commission
7 5 of the crime or founded child or dependent adult abuse, the
7 6 circumstances under which the crime or founded child or
7 7 dependent adult abuse was committed, the degree of
7 8 rehabilitation, the likelihood that the person will commit the
7 9 crime or founded child or dependent adult abuse again, and the
7 10 number of crimes or founded child or dependent adult abuses
7 11 committed by the person involved. ~~The~~ If the department of
7 12 human services performs an evaluation for the purposes of this
7 13 section, the department of human services has final authority
7 14 in determining whether prohibition of the person's employment
7 15 is warranted.

7 16 4. a. Except as provided in paragraph "b" and subsection
7 17 2, a person who has committed a crime or has a record of
7 18 founded child or dependent adult abuse shall not be employed
7 19 in a facility licensed under this chapter unless an evaluation
7 20 has been performed by the department of human services. ~~If~~
~~the department of human services determines from the~~
~~evaluation that the person has committed a crime or has a~~
~~record of founded child or dependent adult abuse which~~
~~warrants prohibition of employment, the person shall not be~~
~~employed in a facility licensed under this chapter.~~

7 26 b. A person with a criminal or abuse record who is
7 27 employed by a facility licensed under this chapter and is
7 28 hired by another licensee without a lapse in employment shall
7 29 be subject to the criminal history and abuse record checks
7 30 required pursuant to subsection 1. If an evaluation was
7 31 previously performed by the department of human services
7 32 concerning the person's criminal or abuse record and it was
7 33 determined that the record did not warrant prohibition of the
7 34 person's employment and the latest record checks do not
7 35 indicate a crime was committed or founded abuse record was



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8 1 entered subsequent to that evaluation, the person may commence
8 2 employment with the other licensee while the department of
8 3 human services' evaluation of the latest record checks is
8 4 pending. Otherwise, the requirements of paragraph "a" remain
8 5 applicable to the person's employment.

8 6 5. ~~a. Beginning July 1, 1998, this~~ This section shall
8 7 also apply to prospective employees of all of the following,
8 8 if the provider is regulated by the state or receives any
8 9 state or federal funding:

8 10 ~~a.~~ (1) An employee of a homemaker, home=health aide,
8 11 home=care aide, adult day services, or other provider of
8 12 in-home services if the employee provides direct services to
8 13 consumers.

8 14 ~~b.~~ (2) An employee of a hospice, if the employee provides
8 15 direct services to consumers.

8 16 ~~c.~~ (3) An employee who provides direct services to
8 17 consumers under a federal home and community=based services
8 18 waiver.

8 19 ~~d.~~ (4) An employee of an elder group home certified under
8 20 chapter 231B, if the employee provides direct services to
8 21 consumers.

8 22 ~~e.~~ (5) An employee of an assisted living program
8 23 certified under chapter 231C, if the employee provides direct
8 24 services to consumers.

8 25 b. In substantial conformance with the provisions of this
8 26 section, prior to the employment of such an employee, the
8 27 provider shall request the performance of the criminal and
8 28 child and dependent adult abuse record checks ~~and may request~~
~~8 29 the performance of the child abuse record checks.~~ The
8 30 provider shall inform the prospective employee and obtain the
8 31 prospective employee's signed acknowledgment. The department
8 32 of human services shall perform the evaluation of any criminal
8 33 record or founded child or dependent adult abuse record and
8 34 shall make the determination of whether a prospective employee
8 35 of a provider shall not be employed by the provider.



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9 1 6. a. The department of inspections and appeals, in
9 2 conjunction with other departments and agencies of state
9 3 government involved with criminal history and abuse registry
9 4 information, shall establish a single contact repository for
9 5 facilities and other providers to have electronic access to
9 6 data to perform background checks for purposes of employment,
9 7 as required of the facilities and other providers under this
9 8 section.

9 9 b. The department may access the single contact repository
9 10 for any of the following purposes:

9 11 (1) To verify data transferred from the department's nurse
9 12 aide registry to the repository.

9 13 (2) To conduct record checks of applicants for employment
9 14 with the department.

9 15 7. a. If a person employed by a facility, service, or
9 16 program employer that is subject to this section is convicted
9 17 of a crime or has a record of founded child or dependent adult
9 18 abuse entered in the abuse registry after the person's
9 19 employment application date, the person shall inform the
9 20 employer of such information within forty-eight hours of the
9 21 criminal conviction or entry of the record of founded child or
9 22 dependent adult abuse. The employer shall act to verify the
9 23 information within forty-eight hours of notification. If the
9 24 information is verified, the requirements of subsections 2, 3,
9 25 and 4 regarding employability and evaluations shall be applied
9 26 by the employer to determine whether or not the person's
9 27 employment is continued. A person who is required by this
9 28 subsection to inform the person's employer of a conviction or
9 29 entry of an abuse record and fails to do so within the
9 30 required period commits a serious misdemeanor.

9 31 b. If a facility, service, or program employer receives
9 32 credible information that a person employed by the employer
9 33 has been convicted of a crime or a record of founded child or
9 34 dependent adult abuse has been entered in the abuse registry
9 35 after employment from a person other than the employee and the



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10 1 employee has not informed the employer of such information
10 2 within the period required under paragraph "a", the employer
10 3 shall act to verify the credible information within
10 4 forty-eight hours of receipt of the credible information. If
10 5 the information is verified, the requirements of subsections
10 6 2, 3, and 4 regarding employability and evaluations shall be
10 7 applied to determine whether or not the person's employment is
10 8 continued.

10 9 c. The employer shall notify the county attorney for the
10 10 county where the employer is located of any violation or
10 11 failure by an employee to notify the employer of a criminal
10 12 conviction or entry of an abuse record within the period
10 13 required under paragraph "a".

10 14 EXPLANATION

10 15 This bill relates to criminal and abuse records of
10 16 prospective and current employees of licensed hospitals and
10 17 health care facilities and certain health-related programs and
10 18 services and provides penalties.

10 19 Under current law, Code section 135B.34 authorizes
10 20 hospitals licensed in this state to access the single contact
10 21 repository established by the department of inspections and
10 22 appeals in order for the hospital to perform record checks of
10 23 persons employed by or being considered for employment by the
10 24 hospital. The bill retains this authorization and requires
10 25 criminal history and child and dependent adult abuse record
10 26 checks to be made in Iowa. Under current law, performing the
10 27 checks and prohibition of employment are optional for
10 28 hospitals but required for facilities, services, and programs
10 29 under Code section 135C.33.

10 30 The bill amends Code section 135C.33, relating to required
10 31 criminal history and child and dependent adult abuse record
10 32 checks relating to employment by licensed health care
10 33 facilities (a residential care facility, a nursing facility,
10 34 an intermediate care facility for persons with mental illness,
10 35 or an intermediate care facility for persons with mental



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11 1 retardation) and various other listed programs providing
11 2 health-related services or programs that are accredited by the
11 3 state or paid for with public funds.

11 4 The bill applies the same requirements for hospitals under
11 5 Code section 135B.34 and for the health care facilities and
11 6 other services and programs that are subject to Code section
11 7 135C.33. This explanation describes the requirements
11 8 applicable under both Code sections, noting where changes are
11 9 made to current law.

11 10 In addition to criminal history and dependent adult abuse
11 11 record checks, child abuse record checks are required by the
11 12 bill. Under current law, child abuse record checks are
11 13 optional under Code section 135C.33.

11 14 The bill provides a new contingent requirement in the event
11 15 the ownership of a licensee is transferred. The records
11 16 checks are required at the time of the ownership transfer for
11 17 any employee for whom there is no documentation that the
11 18 records checks have been performed. The employee may continue
11 19 to be employed pending the performance of the records checks
11 20 and any related evaluation.

11 21 Current law in Code section 135C.33 allows an evaluation to
11 22 be performed by the department of human services for any crime
11 23 or type of abuse to determine whether prohibition of a
11 24 person's employment is warranted. The bill prohibits
11 25 employment of any person with a felony criminal conviction or
11 26 record of founded child or dependent adult abuse entered in
11 27 the abuse registry during the period within five years prior
11 28 to the date of the employment application. For felony crime
11 29 convictions and founded abuse records entered before the five=
11 30 year period and crimes other than a felony, the department of
11 31 human services (DHS) can be requested to perform an evaluation
11 32 by the employer. For misdemeanor criminal convictions that
11 33 were prior to the five-year period, the employer may perform
11 34 the evaluation using DHS criteria and determine whether or not
11 35 to employ the person.



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12 1 Once a person is employed, if after the employment
12 2 application date the employee is convicted of a crime or a
12 3 founded abuse record is entered, the employee is required to
12 4 inform the employer within 48 hours. The employer is required
12 5 to verify the information, and if verified, the bill's
12 6 employment prohibitions and evaluation requirements are
12 7 applicable. An employee who fails to inform the employer
12 8 within the required 48-hour period commits a serious
12 9 misdemeanor. A serious misdemeanor is punishable by
12 10 confinement for no more than one year and a fine of at least
12 11 \$315 but not more than \$1,875.

12 12 If the employer is provided credible information by someone
12 13 other than the employee that the employee has committed a
12 14 crime or has a record of founded abuse and the employee had
12 15 not informed the employer within the 48-hour period, the
12 16 employer must verify the information within 48 hours of being
12 17 informed. If verified, the bill's employment prohibitions and
12 18 evaluation requirements are applicable. The employer is
12 19 required to notify the county attorney concerning an employee
12 20 who fails to notify an employer within the 48-hour period.

12 21 LSB 5455DP 82

12 22 jp/nh/8.1



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House Study Bill 638

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

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

Passed House, Date _____
Vote: Ayes _____ Nays _____

A BILL FOR

- 1 An Act relating to services associated with the family investment
- 2 program by moving the family development and self-sufficiency
- 3 council and grant program to the department of human rights
- 4 and revising confidentiality provisions involving the
- 5 programs.
- 6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 7 TLSB 5486DP 82
- 8 jp/nh/8



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1 1 Section 1. NEW SECTION. 216A.107 FAMILY DEVELOPMENT AND
1 2 SELF-SUFFICIENCY == COUNCIL AND GRANT PROGRAM.
1 3 1. A family development and self-sufficiency council is
1 4 established within the department of human rights. The
1 5 council shall consist of the following persons:
1 6 a. The director of the department of human services or the
1 7 director's designee.
1 8 b. The director of the department of public health or the
1 9 director's designee.
1 10 c. The administrator of the division of community action
1 11 agencies of the department of human rights or the
1 12 administrator's designee.
1 13 d. The director of the school of social work at the
1 14 university of Iowa or the director's designee.
1 15 e. The dean of the college of human sciences at Iowa state
1 16 university or the dean's designee.
1 17 f. Two recipients or former recipients of the family
1 18 investment program, selected by the other members of the
1 19 council.
1 20 g. The head of the department of design, textiles,
1 21 gerontology, and family studies at the university of northern
1 22 Iowa or that person's designee.
1 23 h. The director of the department of education or the
1 24 director's designee.
1 25 i. The director of the department of workforce development
1 26 or the director's designee.
1 27 j. Two persons representing the business community,
1 28 selected by the other members of the council.
1 29 k. Two members from each chamber of the general assembly
1 30 serving as ex officio, nonvoting members. The two members of
1 31 the senate shall be appointed one each by the majority leader
1 32 and the minority leader of the senate. The two members of the
1 33 house of representatives shall be appointed one each by the
1 34 speaker and the minority leader of the house of
1 35 representatives.



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2 1 2. Unless otherwise provided by law, terms of members,
2 2 election of officers, and other procedural matters shall be as
2 3 determined by the council.

2 4 3. The family development and self-sufficiency council
2 5 shall do all of the following:

2 6 a. Identify the factors and conditions that place Iowa
2 7 families at risk of dependency upon the family investment
2 8 program. The council shall seek to use relevant research
2 9 findings and national and Iowa-specific data on the family
2 10 investment program.

2 11 b. Identify the factors and conditions that place Iowa
2 12 families at risk of family instability. The council shall
2 13 seek to use relevant research findings and national and
2 14 Iowa-specific data on family stability issues.

2 15 c. Subject to the availability of funds for this purpose,
2 16 award grants to public or private organizations for provision
2 17 of family development services to families at risk of
2 18 dependency on the family investment program or of family
2 19 instability. Not more than five percent of any funds
2 20 appropriated by the general assembly for the purposes of this
2 21 lettered paragraph may be used for staffing and administration
2 22 of the grants. Grant proposals for the family development and
2 23 self-sufficiency grant program shall include the following
2 24 elements:

2 25 (1) Designation of families to be served that meet one or
2 26 more criteria for being at risk of dependency on the family
2 27 investment program or of family instability, and agreement to
2 28 serve clients that are referred by the department of human
2 29 services from the family investment program which meet the
2 30 criteria. The criteria may include but are not limited to
2 31 factors such as educational level, work history, family
2 32 structure, age of the youngest child in the family, previous
2 33 length of stay on the family investment program, and
2 34 participation in the family investment program or the foster
2 35 care program while the head of a household was a child. Grant



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3 1 proposals shall also establish the number of families to be
3 2 served under the grant.
3 3 (2) Designation of the services to be provided for the
3 4 families served, including assistance regarding job-seeking
3 5 skills, family budgeting, nutrition, self-esteem,
3 6 methamphetamine education, health and hygiene, child rearing,
3 7 child education preparation, and goal setting. Grant
3 8 proposals shall indicate the support groups and support
3 9 systems to be developed for the families served during the
3 10 transition between the need for assistance and
3 11 self-sufficiency.
3 12 (3) Designation of the manner in which other needs of the
3 13 families will be provided for, including but not limited to
3 14 child care assistance, transportation, substance abuse
3 15 treatment, support group counseling, food, clothing, and
3 16 housing.
3 17 (4) Designation of the process for training of the staff
3 18 which provides services, and the appropriateness of the
3 19 training for the purposes of meeting family development and
3 20 self-sufficiency goals of the families being served.
3 21 (5) Designation of the support available within the
3 22 community for the program and for meeting subsequent needs of
3 23 the clients, and the manner in which community resources will
3 24 be made available to the families being served.
3 25 (6) Designation of the manner in which the program will be
3 26 subject to audit and to evaluation.
3 27 (7) Designation of agreement provisions for tracking and
3 28 reporting performance measures developed pursuant to paragraph
3 29 "d".
3 30 d. Develop appropriate performance measures for the grant
3 31 program to demonstrate how the program helps families achieve
3 32 self-sufficiency.
3 33 e. Seek to enlist research support from the Iowa research
3 34 community in meeting the duties outlined in paragraphs "a"
3 35 through "d".



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4 1 f. Seek additional support for the funding of grants under
4 2 the program, including but not limited to funds available
4 3 through the federal government in serving families at risk of
4 4 long-term welfare dependency, and private foundation grants.

4 5 g. Make recommendations to the governor and the general
4 6 assembly on the effectiveness of programs in Iowa and
4 7 throughout the country that provide family development
4 8 services that lead to self-sufficiency for families at risk of
4 9 welfare dependency.

4 10 4. a. The division shall administer the family
4 11 development and self-sufficiency grant program. The
4 12 department of human services shall disclose to the division
4 13 confidential information pertaining to individuals receiving
4 14 services under the grant program, as authorized under section
4 15 217.30. The division and the department of human services
4 16 shall share information and data necessary for tracking
4 17 performance measures of the family development and
4 18 self-sufficiency grant program, for referring families
4 19 participating in the promoting independence and
4 20 self-sufficiency through employment job opportunities and
4 21 basic skills (PROMISE JOBS) program under section 239B.17 and
4 22 related activities and programs to the grant program, and for
4 23 meeting federal reporting requirements. The shared
4 24 information shall include but is not limited to all of the
4 25 following:

4 26 (1) Family enrollments and exits to and from each of the
4 27 programs.

4 28 (2) Monthly reports of individual participant activity in
4 29 PROMISE JOBS components that are countable work activities
4 30 according to federal guidelines applicable to those
4 31 components.

4 32 (3) Aggregate grant program participant activity in all
4 33 PROMISE JOBS program components.

4 34 (4) Work participation rates for grant program
4 35 participants who were active family investment program



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5 1 participants.

5 2 (5) The average hourly wage of grant program participants
5 3 who left the family investment program.

5 4 (6) The percentage of grant program participants who
5 5 exited from the grant program at or after the time family
5 6 investment program participation ended and did not reenroll in
5 7 the family investment program for at least one year.

5 8 b. The division shall develop a memorandum of agreement
5 9 with the department of human services to coordinate referrals
5 10 and delivery of services to participants in the family
5 11 investment program under chapter 239B and the grant program
5 12 and other shared clients and shall provide the department of
5 13 human services with information necessary for compliance with
5 14 federal temporary assistance for needy families block grant
5 15 state plan and reporting requirements, including but not
5 16 limited to financial and data reports.

5 17 c. To the extent that the family development and
5 18 self-sufficiency grant program is funded by the federal
5 19 temporary assistance for needy families block grant and by the
5 20 state maintenance of efforts funds appropriated in connection
5 21 with the block grant, the division shall comply with all
5 22 federal requirements for the block grant. The division is
5 23 responsible for payment of any federal penalty imposed that is
5 24 attributable to the grant program and shall receive any
5 25 federal bonus payment attributable to the grant program.

5 26 d. The division shall ensure that expenditures of moneys
5 27 appropriated to the department of human services from the
5 28 general fund of the state for the family development and
5 29 self-sufficiency grant program are eligible to be considered
5 30 as state maintenance of effort expenditures under federal
5 31 temporary assistance for needy families block grant
5 32 requirements.

5 33 e. The commission shall consider the recommendations of
5 34 the council in adopting rules pertaining to the grant program.

5 35 f. The division shall submit to the governor and general



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6 1 assembly on or before November 30 following the end of each
6 2 state fiscal year, a report detailing performance measure and
6 3 outcome data evaluating the family development and
6 4 self=sufficiency grant program for the fiscal year that just
6 5 ended.

6 6 Sec. 2. Section 217.30, subsection 4, paragraph d, Code
6 7 2007, is amended to read as follows:

6 8 d. The If approved by the director of human services or
6 9 the director's designee pursuant to a written request, the
6 10 department ~~may~~ shall disclose information described in
6 11 subsection 1 to other state agencies or to any other person
6 12 who is not subject to the provisions of chapter 17A and is
6 13 providing services to recipients under chapter 239B who are
6 14 participating in the promoting independence and
6 15 self=sufficiency through employment job opportunities and
6 16 basic skills program, if necessary for the recipients to
6 17 receive the services.

6 18 Sec. 3. Section 232.69, subsection 1, paragraph b,
6 19 subparagraph (5), Code Supplement 2007, is amended to read as
6 20 follows:

6 21 (5) An employee or operator of a licensed child care
6 22 center, registered child development home, head start program,
6 23 family development and self=sufficiency grant program under
6 24 section ~~217.12~~ 216A.107, or healthy opportunities for parents
6 25 to experience success=healthy families Iowa program under
6 26 section 135.106.

6 27 Sec. 4. Section 239B.8, subsection 2, paragraph e, Code
6 28 Supplement 2007, is amended to read as follows:

6 29 e. FAMILY DEVELOPMENT. Participation in a family
6 30 development and self=sufficiency grant program under section
6 31 ~~217.12~~ 216A.107 or other family development program.

6 32 Sec. 5. Section 239B.8, subsection 6, Code Supplement
6 33 2007, is amended to read as follows:

6 34 6. CONFIDENTIAL INFORMATION DISCLOSURE. The If approved
6 35 by the director of human services or the director's designee



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7 1 pursuant to a written request, the department ~~may~~ shall
7 2 disclose confidential information described in section 217.30,
7 3 subsection 1, to other state agencies or to any other entity
7 4 which is not subject to the provisions of chapter 17A and is
7 5 providing services to a participant family who is subject to a
7 6 family investment agreement, if necessary in order for the
7 7 participant family to receive the services. The department
7 8 shall adopt rules establishing standards for disclosure of
7 9 confidential information if disclosure is necessary in order
7 10 for a participant to receive services.

7 11 Sec. 6. Section 217.11, Code 2007, and section 217.12,
7 12 Code Supplement 2007, are repealed.

7 13 Sec. 7. CONTINUATION OF COUNCIL AND GRANT PROGRAM.

7 14 1. The membership of the family development and
7 15 self=sufficiency council established pursuant to section
7 16 217.11, Code 2007, as of June 30, 2008, shall continue on and
7 17 after that date until revised by the council in accordance
7 18 with section 216A.107, as enacted by this Act.

7 19 2. The family development and self=sufficiency grants
7 20 issued pursuant to sections 217.11 and 217.12 and 441 IAC ch.
7 21 165, in effect as of June 30, 2008, shall continue as provided
7 22 by the terms of the grants.

7 23 3. The division of community action agencies shall
7 24 administer the family development and self=sufficiency grant
7 25 program in accordance with the administrative rules pertaining
7 26 to the grant program in 441 IAC ch. 165, in place of the
7 27 department of human services until replacement administrative
7 28 rules are adopted. The commission on community action
7 29 agencies may adopt emergency rules under section 17A.4,
7 30 subsection 2, and section 17A.5, subsection 2, paragraph "b",
7 31 to implement the provisions of this Act and the rules shall be
7 32 effective immediately upon filing unless a later date is
7 33 specified in the rules. Any rules adopted in accordance with
7 34 this subsection shall also be published as a notice of
7 35 intended action as provided in section 17A.4.



Iowa General Assembly
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House Study Bill 638 continued

8 1 EXPLANATION
8 2 This bill relates to services associated with the family
8 3 investment program (FIP) by moving the responsibility for and
8 4 Code provisions relating to the family development and
8 5 self-sufficiency (FADSS) council and grant program from the
8 6 department of human services (DHS) to the community action
8 7 agencies division of the department of human rights and
8 8 revising confidentiality requirements involving FADSS and FIP.
8 9 The council is established in current law in Code section
8 10 217.11. The bill moves the council to new Code section
8 11 216A.107. The membership is the same as in current law with
8 12 the following exceptions: the membership slot for the DHS
8 13 child and family services division administrator is replaced
8 14 with a slot for the director of the school of social work at
8 15 the university of Iowa, the slot for the public policy center
8 16 at the university of Iowa is eliminated, the names of a
8 17 college within Iowa state university and a department within
8 18 the university of northern Iowa are corrected, and two slots
8 19 each are added for members of the senate and the house of
8 20 representatives. The council is authorized to determine
8 21 procedural matters.
8 22 Currently, the duties of the council are in Code section
8 23 217.12. These duties are also moved by the bill to Code
8 24 section 216A.107. The duties are the same with the following
8 25 changes: the council is no longer required to identify
8 26 factors and conditions regarding families at risk for foster
8 27 care placement and is required to focus on FIP dependency and
8 28 family instability in place of long-term welfare dependency.
8 29 The responsibility to evaluate various programs and services
8 30 associated with the family investment program is eliminated.
8 31 The grant proposals are no longer required to designate staff
8 32 recruitment.
8 33 The division is directed to administer the grant program.
8 34 The division and DHS are authorized to disclose information
8 35 and share data in accordance with Code section 217.30, which



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February 06, 2008

House Study Bill 638 continued

9 1 outlines how DHS handles confidential information concerning
9 2 DHS clients. The division and DHS are required to develop a
9 3 memorandum of understanding to coordinate referrals and share
9 4 information concerning shared clients. The division is
9 5 required to comply with federal block grant requirements
9 6 concerning the federal and state funding for the grant program
9 7 and the division is responsible for any federal penalty
9 8 imposed and will receive any bonus attributable to the grant
9 9 program. The division is required to ensure that state funds
9 10 for the grant program are expended in a manner to qualify as
9 11 state maintenance of effort funding for the federal block
9 12 grant. The commission on community action agencies is
9 13 required to consider the recommendations of the council in
9 14 adopting rules for the grant program. An annual report to the
9 15 governor and general assembly is required concerning the grant
9 16 program outcomes.

9 17 The bill includes a section providing for continuation of
9 18 the council membership as it existed on June 30, 2008, of the
9 19 grants in effect as of June 30, 2008, and of the
9 20 administrative rules adopted by the department of human
9 21 services until replacement rules are adopted. The commission
9 22 on community action agencies is authorized to adopt rules
9 23 using emergency procedures.

9 24 Code sections 217.11 and 217.12, housing the family
9 25 development and self-sufficiency grant program under the
9 26 purview of DHS, are repealed. Code references to the grant
9 27 program and its employees are amended to reflect the repeal
9 28 and change of responsibility to the division in Code section
9 29 232.69, relating to mandatory child abuse reporting, and Code
9 30 section 239B.8, relating to activities authorized under a
9 31 family investment agreement.

9 32 Code section 217.30, relating to confidentiality of records
9 33 on individuals receiving services from the department of human
9 34 services, is amended pertaining to disclosure to other state
9 35 agencies and nongovernmental agencies of information regarding



**Iowa General Assembly
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February 06, 2008**

House Study Bill 638 continued

10 1 FIP recipients who are participating in the promoting
10 2 independence and self-sufficiency through employment job
10 3 opportunities and basic skills (PROMISE JOBS) program.
10 4 Current law authorizes the disclosure and, together with
10 5 related authority in Code section 239B.8, provides for
10 6 adoption of rules for such disclosure. The bill amends both
10 7 sections to require the disclosure, provided it is requested
10 8 in writing and is approved by the director of human services
10 9 or the director's designee.
10 10 LSB 5486DP 82
10 11 jp/nh/8.1



Iowa General Assembly
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House Study Bill 640

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

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

Passed House, Date _____
Vote: Ayes _____ Nays _____

A BILL FOR

- 1 An Act relating to alarm system installer or contractor
- 2 certification and electrician licensure provisions, and
- 3 providing an effective date.
- 4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 5 TL5B 5354DP 82
- 6 rn/nh/5



Iowa General Assembly
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February 06, 2008

House Study Bill 640 continued

PAG LIN

1 1 Section 1. Section 100C.3, Code Supplement 2007, is
1 2 amended by adding the following new subsection:
1 3 NEW SUBSECTION. 1A. An applicant for certification as an
1 4 alarm system contractor or an alarm system installer shall be
1 5 subject to a national criminal history check through the
1 6 federal bureau of investigation. The applicant shall provide
1 7 fingerprints to the department of public safety for submission
1 8 through the state criminal history repository to the federal
1 9 bureau of investigation. Fees for the national criminal
1 10 history check shall be paid by the applicant or the
1 11 applicant's employer. The results of a criminal history check
1 12 conducted pursuant to this subsection shall not be considered
1 13 a public record under chapter 22.

1 14 Sec. 2. Section 103.22, subsections 2 and 3, Code
1 15 Supplement 2007, are amended to read as follows:

1 16 2. Require employees of municipal ~~corporations~~ utilities,
1 17 electric membership or cooperative associations, ~~public~~
~~1 18 utility corporations~~ investor-owned utilities, rural water
1 19 associations or districts, railroads, telecommunications
1 20 companies, franchised cable television operators, or
1 21 commercial or industrial companies performing manufacturing,
1 22 installation, and repair work for such employer to hold
1 23 licenses while acting within the scope of their employment.
1 24 3. Require any person doing work for which a license would
1 25 otherwise be required under this chapter to hold a license
1 26 issued under this chapter if the person is the holder of a
1 27 valid license issued by any political subdivision, so long as
1 28 the person makes electrical installations only in the
1 29 jurisdictional limits of such political subdivision and such
1 30 license issued by the political subdivision ~~meets the~~
~~1 31 requirements~~ is based upon requirements that are substantially
1 32 equivalent to the licensing requirements of this chapter.

1 33 Sec. 3. 2007 Iowa Acts, chapter 197, section 40, is
1 34 amended to read as follows:

1 35 SEC. 40. NEW SECTION. 103.30 INSPECTIONS NOT REQUIRED.



Iowa General Assembly
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February 06, 2008

House Study Bill 640 continued

2 1 Nothing in this chapter shall be construed to require the
2 2 work of employees of municipal ~~corporations~~ utilities,
2 3 railroads, electric membership or cooperative associations,
2 4 ~~public utility corporations~~ investor-owned utilities, rural
2 5 water associations or districts, or telecommunications systems
2 6 to be inspected while acting within the scope of their
2 7 employment.

2 8 Sec. 4. EFFECTIVE DATE. Sections 1 and 2 of this Act,
2 9 being deemed of immediate importance, take effect upon
2 10 enactment.

2 11 EXPLANATION

2 12 This bill relates to requirements pertaining to applicants
2 13 for alarm system contractor and installer certification, and
2 14 to specified exceptions to electrician licensure provisions.

2 15 The bill provides that applicants for certification as an
2 16 alarm system contractor or alarm system installer must provide
2 17 fingerprints to the department of public safety for submission
2 18 through the state criminal history repository to the federal
2 19 bureau of investigation for the purposes of conducting a
2 20 national criminal history check. The bill states that fees
2 21 for the history check shall be paid by the applicant or the
2 22 applicant's employer, and that the results of the check shall
2 23 not be considered a public record under Code chapter 22.

2 24 The bill also changes references to municipal corporations
2 25 in portions of Code chapter 103 providing exceptions from
2 26 electrician licensure requirements. The bill changes an
2 27 exception for municipal corporation employees acting within
2 28 the scope of their employment to refer to municipal utility
2 29 employees, and makes a corresponding clarification changing a
2 30 public utility corporations to investor-owned utilities. The
2 31 result of these changes is to clarify that employees of
2 32 investor-owned utilities, municipal utilities, and electric
2 33 membership or cooperative associations acting within the scope
2 34 of their employment are all exempt. References are changed in
2 35 current statutory law, and also in electrician licensure



**Iowa General Assembly
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House Study Bill 640 continued

3 1 provisions not taking effect until January 1, 2009.
3 2 Additionally, the bill modifies an exception from
3 3 electrician licensure for persons holding a valid license
3 4 issued by a political subdivision and doing work only within
3 5 that political subdivision's jurisdictional limits.
3 6 Currently, the exception is available if the political
3 7 subdivision issues a license which meets the requirements of
3 8 Code chapter 103. The bill modifies this provision such that
3 9 the license issued by a political subdivision shall be based
3 10 upon requirements substantially equivalent to the licensing
3 11 requirements of the Code chapter.
3 12 Sections of the bill amending provisions currently in
3 13 effect take effect upon enactment.
3 14 LSB 5354DP 82
3 15 rn/nh/5



Iowa General Assembly
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Senate Amendment 5001

PAG LIN

1 1 Amend Senate File 572, as passed by the Senate, as
1 2 follows:
1 3 #1. Page 1, line 1, by inserting after the word
1 4 <Code> the following: <Supplement>.
1 5 #2. Page 1, line 5, by striking the words and
1 6 figures <sections 422.12 and 422.12B> and inserting
1 7 the following: <section 422.12>.
1 8 #3. Page 1, line 9, by striking the word and
1 9 figure <23, Code> and inserting the following: <22,
1 10 Code Supplement>.
1 11 #4. Page 1, line 11, by striking the figure <23.>
1 12 and inserting the following: <22.>
1 13 #5. Page 1, line 15, by inserting after the word
1 14 <Code> the following: <Supplement>.
1 15 SF 572.H
1 16 mg/jg/25
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Iowa General Assembly
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Senate File 2104 - 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 text messaging while operating a motor vehicle
- 2 and providing a penalty.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 6205SS 82
- 5 dea/nh/5



Iowa General Assembly
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Senate File 2104 - Introduced continued

PAG LIN

1 1 Section 1. NEW SECTION. 321.363A TEXT MESSAGING
1 2 PROHIBITED.
1 3 A person shall not use a wireless communication device to
1 4 read, write, or send a text message while operating a motor
1 5 vehicle on a highway. This section does not apply when the
1 6 motor vehicle is at a complete stop off the roadway. A person
1 7 who violates this section commits a simple misdemeanor,
1 8 punishable as a scheduled violation under section 805.8A,
1 9 subsection 6, paragraph "e".
1 10 Sec. 2. Section 805.8A, subsection 6, Code 2007, is
1 11 amended by adding the following new paragraph:
1 12 NEW PARAGRAPH. e. For a violation under section 321.363A,
1 13 the scheduled fine is one hundred dollars.
1 14 EXPLANATION
1 15 This bill prohibits a motor vehicle operator from reading,
1 16 writing, or sending a text message while operating a motor
1 17 vehicle on a highway. However, if the motor vehicle is at a
1 18 complete stop off the roadway, text messaging is permissible.
1 19 A violation is punishable by a scheduled fine of \$100.
1 20 LSB 6205SS 82
1 21 dea/nh/5



Iowa General Assembly
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Senate File 2105 - Introduced

SENATE FILE
BY APPEL

(COMPANION TO LSB 6191HH
BY GASKILL)

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

Passed House, Date _____
Vote: Ayes _____ Nays _____

A BILL FOR

- 1 An Act relating to certain local hotel and motel tax elections.
- 2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 3 TLSB 6191SS 82
- 4 sc/nh/8



Iowa General Assembly
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February 06, 2008

Senate File 2105 - Introduced continued

PAG LIN

1 1 Section 1. Section 423A.4, subsection 4, Code Supplement
1 2 2007, is amended to read as follows:
1 3 4. a. A city or county shall impose or repeal a hotel and
1 4 motel tax or increase or reduce the tax rate only after an
1 5 election at which a majority of those voting on the question
1 6 favors imposition, repeal, or change in rate. However, a
1 7 hotel and motel tax shall not be repealed or reduced in rate
1 8 if obligations are outstanding which are payable as provided
1 9 in section 423A.7, unless funds sufficient to pay the
1 10 principal, interest, and premium, if any, on the outstanding
1 11 obligations at and prior to maturity have been properly set
1 12 aside and pledged for that purpose. ~~The election shall be~~
~~1 13 held at the time of the regular city election or the county's~~
~~1 14 general election or at the time of a special election.~~
1 15 b. If the tax applies only within the corporate boundaries
1 16 of a city, only the registered voters of the city shall be
1 17 permitted to vote. The election shall be held at the time of
1 18 the regular city election or at a special election called for
1 19 that purpose. If the tax applies only in the unincorporated
1 20 areas of a county, only the registered voters of the
1 21 unincorporated areas of the county shall be permitted to vote.
1 22 The election shall be held at the time of the general election
1 23 or at a special election called for that purpose.

1 24 EXPLANATION

1 25 This bill specifies what voters are eligible to vote at an
1 26 election to impose, repeal, or change the percentage rate of a
1 27 hotel and motel tax. The bill provides that if the tax is
1 28 imposed only within a city, the registered voters of the city
1 29 shall be permitted to vote, and if the tax applies only in the
1 30 unincorporated areas of a county, only the registered voters
1 31 of the unincorporated areas shall be permitted to vote.

1 32 LSB 6191SS 82

1 33 sc/nh/8



Iowa General Assembly
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Senate File 2106 - Introduced

SENATE FILE

BY ZAUN, MCKINLEY, BOETTGER,
HARTSUCH, MULDER, MCKIBBEN,
and HAHN

Passed Senate, Date _____

Passed House, Date _____

Vote: Ayes _____ Nays _____

Vote: Ayes _____ Nays _____

Approved

A BILL FOR

- 1 An Act imposing a moratorium on the issuance of licenses for
- 2 gambling games and providing effective date and retroactive
- 3 applicability provisions.
- 4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 5 TLSB 5991XS 82
- 6 ec/nh/5



Iowa General Assembly
Daily Bills, Amendments & Study Bills
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Senate File 2106 - Introduced continued

PAG LIN

1 1 Section 1. NEW SECTION. 99F.4E MORATORIUM FOR ISSUANCE
1 2 OF LICENSES FOR GAMBLING GAMES.
1 3 1. Commencing January 1, 2008, the commission shall not
1 4 issue a license to conduct gambling games on an excursion
1 5 gambling boat, gambling structure, or at a pari-mutuel
1 6 racetrack pursuant to this chapter.
1 7 2. This section does not affect the validity of a license
1 8 issued by the commission pursuant to this chapter before
1 9 January 1, 2008, or the authority of the commission to
1 10 suspend, revoke, transfer, or renew a license issued before
1 11 January 1, 2008, pursuant to chapter 99D or this chapter.
1 12 Sec. 2. EFFECTIVE DATE == RETROACTIVE APPLICABILITY. This
1 13 Act, being deemed of immediate importance, takes effect upon
1 14 enactment and is retroactively applicable to January 1, 2008,
1 15 and is applicable on and after that date.
1 16 EXPLANATION
1 17 This bill establishes a moratorium preventing the racing
1 18 and gaming commission from issuing a new license to conduct
1 19 gambling games on an excursion gambling boat, gambling
1 20 structure, or at a pari-mutuel racetrack on and after January
1 21 1, 2008. The bill takes effect upon enactment and is
1 22 retroactively applicable to January 1, 2008.
1 23 LSB 5991XS 82
1 24 ec/nh/5



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 06, 2008

Senate File 2107 - Introduced

SENATE FILE

BY ZAUN, MCKINLEY, PUTNEY,
GASKILL, WIECK, ZIEMAN,
BOETTGER, HARTSUCH, WARD,
MULDER, JOHNSON, HAHN,
KETTERING, MCKIBBEN, and
NOBLE

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

Passed House, Date _____
Vote: Ayes _____ Nays _____

A BILL FOR

1 An Act requiring public libraries that receive state funding to
2 adopt a policy restricting the content of video materials
3 borrowed by children under seventeen years of age.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
5 TLSB 6079XS 82
6 kh/nh/14



Iowa General Assembly
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Senate File 2107 - Introduced continued

PAG LIN

1 1 Section 1. Section 256.51, subsection 1, Code 2007, is
1 2 amended by adding the following new paragraph:
1 3 NEW PARAGRAPH. k. Require a public library that receives
1 4 state funds to adopt a policy to restrict the content of video
1 5 materials a child under seventeen years of age may borrow from
1 6 the library to those video cassettes or digital video discs
1 7 (DVDs) that receive a G, PG, or PG=13 rating under the motion
1 8 picture association of America's rating system.

1 9 EXPLANATION

1 10 This bill requires the division of libraries and
1 11 information services within the department of education to
1 12 require a public library that receives state funds to adopt a
1 13 policy restricting the content of video materials a child
1 14 under 17 years of age may borrow from the library.

1 15 LSB 6079XS 82

1 16 kh/nh/14



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 06, 2008

Senate File 2108 - Introduced

SENATE FILE
BY BLACK

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

Passed House, Date _____
Vote: Ayes _____ Nays _____

A BILL FOR

- 1 An Act relating to the designation of a Gift to Iowa's Future
- 2 Recognition Day.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 5453XS 82
- 5 jr/rj/8



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 06, 2008

Senate File 2108 - Introduced continued

PAG LIN

1 1 Section 1. NEW SECTION. 1C.15 GIFT TO IOWA'S FUTURE
1 2 RECOGNITION DAY.
1 3 The governor of this state is hereby authorized and
1 4 requested to issue annually a proclamation designating the
1 5 first Monday in April as Gift to Iowa's Future Recognition Day
1 6 to recognize, celebrate, and honor those public-spirited
1 7 individuals who have donated land to benefit Iowa's parks,
1 8 open spaces, and public recreation areas and for other public
1 9 uses. The department of natural resources shall maintain a
1 10 registry to record the names of and suitably honor all persons
1 11 who have donated land for public use as described in this
1 12 section.

1 13 EXPLANATION

1 14 This bill authorizes the governor to proclaim the first
1 15 Monday in April as Gift to Iowa's Future Recognition Day to
1 16 honor individuals who have donated land to benefit Iowa's
1 17 parks, open spaces, and public recreation areas and for other
1 18 public uses. The department of natural resources is required
1 19 to maintain a registry to record the names of all persons who
1 20 have donated land for these public uses.

1 21 LSB 5453XS 82

1 22 jr/rj/8



Iowa General Assembly
 Daily Bills, Amendments & Study Bills
 February 06, 2008

Senate File 2109 - Introduced

SENATE FILE
 BY COMMITTEE ON COMMERCE

(SUCCESSOR TO SSB 3038)

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

Passed House, Date _____
 Vote: Ayes _____ Nays _____

A BILL FOR

1 An Act making specified revisions to the consumer credit code to
 2 conform to federal statutory updates and prohibit the transfer
 3 of ownership of a motor vehicle pursuant to a consumer rental
 4 purchase agreement.
 5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
 6 TLSB 5344SV 82
 7 rn/nh/5



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 06, 2008

Senate File 2109 - Introduced continued

PAG LIN

1 1 Section 1. Section 537.1302, Code 2007, is amended to read
1 2 as follows:
1 3 537.1302 DEFINITION == TRUTH IN LENDING ACT.
1 4 As used in this chapter, "Truth in Lending Act" means Title
1 5 1 of the Consumer Credit Protection Act, in subchapter 1 of 15
1 6 U.S.C. ch. 41, as amended to and including January 1, ~~1998~~
1 7 2008, and includes regulations issued pursuant to that Act
1 8 prior to January 1, ~~1998~~ 2008.

1 9 Sec. 2. Section 537.3604, subsection 7, Code 2007, is
1 10 amended to read as follows:

1 11 7. "Personal property" means any property that is not real
1 12 property under the laws of this state when it is made
1 13 available for a consumer rental purchase agreement. For the
1 14 purposes of this part, "personal property" does not include a
1 15 motor vehicle, a manufactured home, or a manufactured or
1 16 mobile home as defined in section 321.1.

1 17 EXPLANATION

1 18 This bill modifies provisions of the consumer credit code
1 19 contained in Code chapter 537. The bill updates references to
1 20 the federal Truth in Lending Act to reflect amendments made
1 21 and regulations issued prior to January 1, 2008. The bill
1 22 also modifies the definition of personal property contained in
1 23 a portion of the chapter relating to consumer rental purchase
1 24 agreements to exclude from the definition property in the form
1 25 of a motor vehicle, a manufactured home, or a manufactured or
1 26 mobile home as defined in the referenced Code section.

1 27 LSB 5344SV 82

1 28 rn/nh/5



Iowa General Assembly
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 February 06, 2008

Senate File 2110 - Introduced

SENATE FILE
 BY COMMITTEE ON HUMAN RESOURCES

(SUCCESSOR TO SF 2050)

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

A BILL FOR

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



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 06, 2008

Senate File 2110 - Introduced continued

PAG LIN

1 1 Section 1. NEW SECTION. 249A.30B HOME AND COMMUNITY=
1 2 BASED SERVICES WAIVER == ELDERLY == REIMBURSEMENT.
1 3 Beginning July 1, 2010, and annually on July 1 thereafter,
1 4 the reimbursement payable to a provider of services under a
1 5 medical assistance program home and community-based services
1 6 waiver for the elderly shall be recalculated. The
1 7 recalculation shall apply the annual inflation factor based on
1 8 the total skilled nursing facility market basket index
1 9 utilized by the centers for Medicare and Medicaid services of
1 10 the United States department of health and human services.

1 11 EXPLANATION

1 12 This bill requires that beginning July 1, 2010, and
1 13 annually each July 1 thereafter, the reimbursement payable to
1 14 providers of services under a medical assistance home and
1 15 community-based services waiver for the elderly be
1 16 recalculated. The recalculation is required to apply the
1 17 annual inflation factor based on the skilled nursing facility
1 18 market basket index utilized by the centers for Medicare and
1 19 Medicaid services of the United States department of health
1 20 and human services.

1 21 LSB 5996SV 82

1 22 pf/rj/8



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 06, 2008

Senate File 2111 - Introduced

SENATE FILE
BY COMMITTEE ON EDUCATION

(SUCCESSOR TO SSB 3009)

Passed Senate, Date _____

Passed House, Date _____

Vote: Ayes _____ Nays _____

Vote: Ayes _____ Nays _____

Approved

A BILL FOR

- 1 An Act relating to requirements for blood lead testing and dental
- 2 screening of children.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 5328SV 82
- 5 kh/nh/5



Iowa General Assembly
Daily Bills, Amendments & Study Bills
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Senate File 2111 - Introduced continued

PAG LIN

1 1 Section 1. Section 135.17, subsection 2, as enacted by
1 2 2007 Iowa Acts, chapter 146, section 1, is amended to read as
1 3 follows:
1 4 2. Each public and nonpublic school shall give notice of
1 5 the dental screening requirement to parents and guardians of
1 6 students enrolled or to be enrolled in the school ~~at least~~
~~1 7 ninety days before the start of the school year~~ by the start
1 8 of the school calendar in the manner prescribed by the
1 9 department.
1 10 Sec. 2. Section 135.17, subsection 3, as enacted by 2007
1 11 Iowa Acts, chapter 146, section 1, is amended by striking the
1 12 subsection.
1 13 Sec. 3. Section 135.17, subsection 4, as enacted by 2007
1 14 Iowa Acts, chapter 146, section 1, is amended to read as
1 15 follows:
1 16 4. ~~Each~~ By June 30 annually, each local board shall
1 17 furnish the department, ~~within sixty days after the start of~~
~~1 18 the school year,~~ with evidence that each person enrolled in
1 19 any public or nonpublic school within the local board's
1 20 jurisdiction has met the dental screening requirement in this
1 21 section.
1 22 Sec. 4. Section 135.105D, subsection 2, paragraphs b and
1 23 c, Code Supplement 2007, are amended to read as follows:
1 24 b. A child of compulsory attendance age may be
1 25 ~~provisionally~~ enrolled in an elementary school if the child's
1 26 parent or guardian consents to have the child receive a blood
1 27 lead test as rapidly as is feasible ~~but not later than sixty~~
~~1 28 days after the school calendar commences. The department~~
~~1 29 shall adopt rules relating to the provisional enrollment of~~
~~1 30 children to an elementary school in accordance with this~~
~~1 31 paragraph.~~
1 32 c. The board of directors of each school district and the
1 33 authorities in charge of each nonpublic school shall give
1 34 notice of the blood lead test requirement to parents and
1 35 guardians of students enrolled or to be enrolled in the school



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Senate File 2111 - Introduced continued

2 1 ~~at least ninety days before~~ by the start of the school year
2 2 calendar in the manner prescribed by the department.

2 3 Sec. 5. Section 135.105D, subsection 3, Code Supplement
2 4 2007, is amended to read as follows:

2 5 3. The board of directors of each school district and the
2 6 authorities in charge of each nonpublic school shall furnish
2 7 the department, in the format specified by the department,
2 8 within sixty days after the first official day start of the
2 9 school calendar, evidence that each child a list of the
2 10 children enrolled in any elementary school has either been
~~2 11 tested as required in subsection 2 or received a waiver under~~
~~2 12 subsection 4 kindergarten.~~ The department shall notify the
2 13 school districts and nonpublic schools of the children who
2 14 have not met the blood lead testing requirements set forth in
2 15 this section and shall work with the school districts,
2 16 nonpublic schools, and the local childhood lead poisoning
2 17 prevention programs to assure that these children are tested
2 18 as required by this section.

2 19 EXPLANATION

2 20 This bill relates to the school enrollment and notice
2 21 requirements for blood lead testing and dental screening of a
2 22 child who is enrolled in or enrolling in a school district or
2 23 accredited nonpublic school.

2 24 The bill strikes from the new Code section regulating
2 25 dental screening of children, which takes effect July 1, 2008,
2 26 a provision addressing the provisional enrollment in school of
2 27 persons in the process of obtaining a dental screening. The
2 28 provision, enacted pursuant to 2007 Iowa Acts, chapter 146,
2 29 section 1, provided that a person could be enrolled in a
2 30 school district or accredited nonpublic school if the person
2 31 is in the process of obtaining a dental screening.

2 32 The bill permits a child to be enrolled in school, rather
2 33 than provisionally enrolled, if the child's parent or guardian
2 34 consents to have the child receive a blood lead test as
2 35 rapidly as is feasible. Currently, the Code requires that as



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Senate File 2111 - Introduced continued

3 1 a condition of the provisional enrollment, a parent or
3 2 guardian must consent to have the child receive the test not
3 3 later than 60 days after the school calendar commences.
3 4 The bill requires school districts and schools by the start
3 5 of the school calendar to give notice of the blood lead
3 6 testing and dental screening requirements to parents and
3 7 guardians of children who are or are to be enrolled in school.
3 8 Currently, notice is required at least 90 days prior to the
3 9 start of the school year.
3 10 The bill replaces the deadline by which school districts
3 11 and schools must provide evidence to the department of public
3 12 health that each child enrolled in elementary school had a
3 13 blood lead test or received a waiver on religious grounds, as
3 14 well as the deadline by which local boards of health must
3 15 furnish the department with evidence that each person enrolled
3 16 in a school within the board's jurisdiction has met the dental
3 17 screening requirement. Under the bill, school districts and
3 18 schools must provide the department, within 60 days after the
3 19 school calendar start date, with a list of the children
3 20 enrolled in kindergarten. The department of public health is
3 21 directed to notify the school districts and schools of the
3 22 children who have not met the blood lead testing requirements
3 23 and must work with the districts, schools, and local childhood
3 24 lead poisoning prevention programs to assure that these
3 25 children are tested. The bill requires the local boards of
3 26 health to furnish the department with evidence, by June 30
3 27 annually, that each student enrolled in a school within the
3 28 local board's jurisdiction has met the dental screening
3 29 requirements.
3 30 LSB 5328SV 82
3 31 kh/nh/5



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Senate File 2112 - Introduced

SENATE FILE
BY HECKROTH

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

A BILL FOR

1 An Act authorizing utilization of moneys in the Iowa finance
2 authority's housing assistance fund to provide mortgage
3 guarantees for veterans under specified circumstances.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
5 TL5B 6088SS 82
6 rn/nh/5



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Senate File 2112 - Introduced continued

PAG LIN

1 1 Section 1. Section 16.40, subsection 4, paragraph a, Code
1 2 Supplement 2007, is amended by adding the following new
1 3 subparagraph:
1 4 NEW SUBPARAGRAPH. (5) Loan guarantee programs for
1 5 veterans qualifying for down payment assistance pursuant to
1 6 subparagraph (2). A loan guarantee pursuant to this
1 7 subparagraph shall be limited to a five-year duration, and
1 8 shall be subject to such terms and conditions as the authority
1 9 may establish by rule.

1 10 EXPLANATION
1 11 This bill authorizes utilization of moneys from the housing
1 12 assistance fund administered by the Iowa finance authority for
1 13 provision of a loan guarantee program for veterans. The bill
1 14 specifies that such a guarantee shall be limited to five years
1 15 in duration, and shall be subject to terms and conditions
1 16 established by the authority by rule.
1 17 LSB 6088SS 82
1 18 rn/nh/5



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Senate File 2113 - Introduced

SENATE FILE
BY RIELLY

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

Passed House, Date _____
Vote: Ayes _____ Nays _____

A BILL FOR

- 1 An Act requiring the department of administrative services to
- 2 provide state job information to veterans.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 6208XS 82
- 5 ec/nh/8



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Senate File 2113 - Introduced continued

PAG LIN

1 1 Section 1. Section 8A.402, subsection 2, Code 2007, is
1 2 amended by adding the following new paragraph:
1 3 NEW PARAGRAPH. f. Develop, in consultation with the
1 4 department of veterans affairs, programs to inform members of
1 5 the national guard or organized reserves of the armed forces
1 6 of the United States returning to Iowa following active
1 7 federal service about job opportunities in state government.

1 8 EXPLANATION

1 9 This bill requires the department of administrative
1 10 services, as part of its duties relative to human resources of
1 11 state government, to develop programs to inform members of the
1 12 guard or reserves returning to Iowa from active federal
1 13 service about state job opportunities. The bill provides that
1 14 the department shall consult with the department of veterans
1 15 affairs in developing these programs.

1 16 LSB 6208XS 82

1 17 ec/nh/8



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Senate File 2114 - Introduced

SENATE FILE
BY RIELLY

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

Passed House, Date _____
Vote: Ayes _____ Nays _____

A BILL FOR

- 1 An Act relating to equipment used in egg production operations by
- 2 providing an exemption from sales tax.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 5412SS 82
- 5 da/sc/8



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Senate File 2114 - Introduced continued

PAG LIN

1 1 Section 1. Section 423.3, Code Supplement 2007, is amended
1 2 by adding the following new subsection:
1 3 NEW SUBSECTION. 93. The sales price from the sale of
1 4 fluorescent or incandescent light bulbs that are used in
1 5 poultry operations housing layer-type chickens to produce
1 6 eggs.

1 7 EXPLANATION

1 8 This bill amends Code section 423.3 which exempts a number
1 9 of items from the tax imposed upon the sales price of sales of
1 10 tangible personal property sold at retail in this state to
1 11 consumers. The bill exempts the sales price from the sale of
1 12 fluorescent or incandescent light bulbs that are used in
1 13 poultry operations housing layer-type chickens to produce
1 14 eggs.

1 15 LSB 5412SS 82

1 16 da/sc/8



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Senate File 2115 - Introduced

SENATE FILE
BY RIELLY

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

Passed House, Date _____
Vote: Ayes _____ Nays _____

A BILL FOR

- 1 An Act requiring disclosure of small employer group health
- 2 benefit claims and premium information.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 6158SS 82
- 5 av/nh/8



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Senate File 2115 - Introduced continued

PAG LIN

1 1 Section 1. Section 509.19, subsection 1, paragraph a, Code
1 2 2007, is amended to read as follows:
1 3 a. A person issuing a policy or contract providing group
1 4 health benefit coverages to a group of ~~fifty-one~~ two or more
1 5 eligible employees as defined in chapter 513B shall provide to
1 6 the policyholder, contract holder, or sponsor of the group
1 7 health benefit plan, upon request, annually, but not more than
1 8 three months prior to the policy renewal date, the total
1 9 amount of actual claims identified as paid or incurred and
1 10 paid, and the total amount of premiums by line of coverage.
1 11 If premiums are not billed for each line of coverage, it is
1 12 not necessary to artificially separate premiums for each line
1 13 of coverage and will be acceptable to supply total premiums
1 14 for the period.

1 15 EXPLANATION

1 16 This bill expands a requirement that an issuer of group
1 17 health benefit coverages disclose information concerning
1 18 claims and premiums so that small employer groups of two to 50
1 19 employees are entitled to receive such information.
1 20 LSB 6158SS 82
1 21 av/nh/8



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Senate File 2116 - Introduced

SENATE FILE
BY COMMITTEE ON COMMERCE

(SUCCESSOR TO SSB 3037)

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

Passed House, Date _____
Vote: Ayes _____ Nays _____

A BILL FOR

- 1 An Act relating to the recording of a certificate of release by
- 2 the Iowa finance authority.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 5293SV 82
- 5 md/rj/8



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Senate File 2116 - Introduced continued

PAG LIN

1 1 Section 1. Section 16.92, subsection 5, paragraph c, Code
1 2 Supplement 2007, is amended to read as follows:
1 3 c. In addition to any other remedy provided by law, if the
1 4 division through an act of negligence wrongfully or
1 5 erroneously records a certificate of release under this
1 6 section, the division is liable to the mortgagee and mortgage
1 7 servicer for actual damages sustained due to the recording of
1 8 the certificate of release.

1 9 EXPLANATION

1 10 Current Code section 16.92, subsection 5, paragraph "c",
1 11 provides that the Iowa finance authority title guaranty
1 12 division is liable to a mortgagee and mortgage servicer for
1 13 actual damages sustained if a certificate of release is
1 14 wrongfully or erroneously recorded. This bill modifies the
1 15 standard for imposing liability on the title guaranty
1 16 division. Liability will be imposed under the bill if the
1 17 division through an act of negligence wrongfully or
1 18 erroneously records a certificate of release.

1 19 LSB 5293SV 82

1 20 md/rj/8



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Senate File 2117 - Introduced

SENATE FILE
BY COMMITTEE ON COMMERCE

(SUCCESSOR TO SSB 3036)

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

Passed House, Date _____
Vote: Ayes _____ Nays _____

A BILL FOR

- 1 An Act relating to coverage of closing protection letters in real
- 2 estate transactions and providing an effective date.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 5295SV 82
- 5 md/rj/8



Iowa General Assembly
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Senate File 2117 - Introduced continued

PAG LIN

1 1 Section 1. Section 16.93, subsection 1, Code 2007, is
1 2 amended to read as follows:
1 3 1. The authority through the title guaranty division may
1 4 issue a closing protection letter to a person to whom a
1 5 proposed title guaranty is to be issued, upon the request of
1 6 the person, if the division issues a commitment for title
1 7 guaranty or title guaranty certificate. The closing
1 8 protection letter shall conform to the terms of coverage and
1 9 form of the instrument as approved by the division board and
1 10 may indemnify a person to whom a proposed title guaranty is to
1 11 be issued against loss of settlement funds due to only the
1 12 following acts of the division's named participating attorney,
1 13 ~~or~~ participating abstractor, or closer:
1 14 a. Theft of settlement funds.
1 15 b. Failure by the participating attorney, ~~or~~ participating
1 16 abstractor, or closer to comply with written closing
1 17 instructions of the person to whom a proposed title guaranty
1 18 is to be issued relating to title certificate coverage when
1 19 agreed to by the participating attorney, ~~or~~ participating
1 20 abstractor, or closer.
1 21 Sec. 2. EFFECTIVE DATE. This Act, being deemed of
1 22 immediate importance, takes effect upon enactment.
1 23 EXPLANATION
1 24 Under the title guaranty program, the Iowa finance
1 25 authority through the title guaranty division may issue a
1 26 closing protection letter that conforms to the terms of
1 27 coverage and form of the instrument and may indemnify a person
1 28 to whom a proposed title guaranty is to be issued. A closing
1 29 protection letter protects against loss of settlement funds
1 30 due to the acts of the division's named participating attorney
1 31 or participating abstractor. This bill adds "closer" to the
1 32 list of participants whose acts may be covered by a closing
1 33 protection letter in real estate transactions.
1 34 The bill takes effect upon enactment.
1 35 LSB 5295SV 82



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Senate File 2117 - Introduced continued

2 1 md/rj/8



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Senate File 2118 - Introduced

SENATE FILE
BY COMMITTEE ON EDUCATION

(SUCCESSOR TO SSB 3143)

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

A BILL FOR

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



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Senate File 2118 - Introduced continued

PAG LIN

1 1 Section 1. Section 257.8, subsection 1, Code Supplement
1 2 2007, is amended to read as follows:
1 3 1. STATE PERCENT OF GROWTH. ~~The state percent of growth~~
~~1 4 for the budget year beginning July 1, 2007, is four percent.~~
1 5 The state percent of growth for the budget year beginning July
1 6 1, 2008, is four percent. The state percent of growth for the
1 7 budget year beginning July 1, 2009, is four percent. The
1 8 state percent of growth for each subsequent budget year shall
1 9 be established by statute which shall be enacted within thirty
1 10 days of the submission in the year preceding the base year of
1 11 the governor's budget under section 8.21. The establishment
1 12 of the state percent of growth for a budget year shall be the
1 13 only subject matter of the bill which enacts the state percent
1 14 of growth for a budget year.
1 15 Sec. 2. APPLICABILITY. This Act is applicable for
1 16 computing state aid under the state school foundation program
1 17 for the school budget year beginning July 1, 2009.
1 18 EXPLANATION
1 19 This bill establishes a state percent of growth of 4
1 20 percent for purposes of the state school foundation program
1 21 for the school budget year beginning July 1, 2009. The bill
1 22 is applicable for state aid computation under the school
1 23 foundation program for the school budget year beginning July
1 24 1, 2009.
1 25 LSB 5764SV 82
1 26 ak/rj/5



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Senate Study Bill 3143

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

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

A BILL FOR

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



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Senate Study Bill 3143 continued

PAG LIN

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

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

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

1 18 EXPLANATION

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

1 25 LSB 5764XC 82

1 26 ak/rj/5



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Senate Study Bill 3144

SENATE FILE
BY (PROPOSED COMMITTEE ON
VETERANS AFFAIRS BILL
BY CHAIRPERSON BEALL)

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

A BILL FOR

- 1 An Act concerning permissible expenditures from the veterans
- 2 trust fund.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 6226SC 82
- 5 ec/rj/8



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Senate Study Bill 3144 continued

PAG LIN

1 1 Section 1. Section 35A.13, subsection 7, Code Supplement
1 2 2007, is amended by adding the following new paragraph:
1 3 NEW PARAGRAPH. i. Matching funds to veterans
1 4 organizations to provide for accredited veteran service
1 5 officers.

1 6 EXPLANATION

1 7 This bill provides that moneys in the veterans trust fund
1 8 may be expended for matching funds to veterans organizations
1 9 to provide for accredited veteran service officers. Veteran
1 10 service officers, among other things, advise and assist
1 11 veterans and their beneficiaries in presenting claims for
1 12 veterans benefits and services.

1 13 LSB 6226SC 82

1 14 ec/rj/8



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Senate Study Bill 3145

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

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

Passed House, Date _____
Vote: Ayes _____ Nays _____

A BILL FOR

1 An Act relating to the regulatory duties of the banking division
2 of the department of commerce regarding banking, debt
3 management, delayed deposit services, mortgage banking, and
4 industrial loan companies, and providing penalties.
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
6 TLSB 5291DP 82
7 rn/nh/5



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Senate Study Bill 3145 continued

PAG LIN

1 1 Section 1. Section 524.107, subsection 2, Code 2007, is
1 2 amended to read as follows:

1 3 2. A person doing business in this state shall not use the
1 4 words "bank" or "trust" or use any derivative, plural, or
1 5 compound of the words "bank", "banking", "bankers", or "trust"
1 6 in any manner which would tend to create the impression that
1 7 the person is authorized to engage in the business of banking
1 8 or to act in a fiduciary capacity, except a state bank
1 9 authorized to do so by this chapter, a national bank to the
1 10 extent permitted by the laws of the United States, a bank
1 11 holding company as defined in section 524.1801, a savings and
1 12 loan holding company as defined in 12 U.S.C. } 1467a, a state
1 13 association pursuant to section 534.507, or a federal
1 14 association to the extent permitted by the laws of the United
1 15 States, or, insofar as the word "trust" is concerned, an
1 16 individual permissibly serving as a fiduciary in this state,
1 17 pursuant to section 633.63, or, insofar as the words "trust"
1 18 and "bank" are concerned, a nonresident corporate fiduciary
1 19 permissibly serving as a fiduciary in this state pursuant to
1 20 section 633.64.

1 21 Sec. 2. Section 524.203, Code 2007, is amended by striking
1 22 the section and inserting in lieu thereof the following:

1 23 524.203 SUPERINTENDENT == VACANCY.

1 24 If the office of the superintendent of banking is vacant,
1 25 the chief of the bank bureau of the banking division shall be
1 26 the acting superintendent until the governor appoints a new
1 27 superintendent or acting superintendent. If the chief of the
1 28 bank bureau is unable to serve, the chief of the finance
1 29 bureau of the banking division shall be the acting
1 30 superintendent until the governor appoints a new
1 31 superintendent or acting superintendent. If both the chief of
1 32 the bank bureau and the chief of the finance bureau are unable
1 33 to serve, the chief of the professional licensing and
1 34 regulation bureau of the banking division shall be the acting
1 35 superintendent until the governor appoints a new



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Senate Study Bill 3145 continued

2 1 superintendent or acting superintendent.

2 2 Sec. 3. Section 524.211, subsection 1, Code Supplement
2 3 2007, is amended to read as follows:

2 4 1. The superintendent, general counsel, examiners, and
2 5 other employees assigned to the bank bureau of the banking
2 6 division are prohibited from obtaining a loan of money or
2 7 property from a state-chartered bank, a state savings and loan
2 8 association, or any person or entity affiliated with a
2 9 state-chartered bank or a state savings and loan association,
2 10 unless they do not personally participate in the examination,
2 11 oversight, or official review concerning the regulation of the
2 12 bank or savings and loan association.

2 13 Sec. 4. Section 524.212, Code Supplement 2007, is amended
2 14 to read as follows:

2 15 524.212 PROHIBITION AGAINST DISCLOSURE OF REGULATORY
2 16 INFORMATION.

2 17 1. The superintendent, members of the state banking
2 18 council, general counsel, examiners, or other employees of the
2 19 banking division shall not disclose, in any manner, to any
2 20 person other than the person examined and those regulatory
2 21 agencies referred to in section 524.217, subsection 2, any
2 22 information relating specifically to the supervision and
2 23 regulation of any state bank, persons subject to the
2 24 provisions of chapter 533A, 533C, 536, or 536A, any affiliate
2 25 of any state bank, or an affiliate of a person subject to the
2 26 provisions of chapter 533A, 533C, 536, or 536A, except when
2 27 ordered to do so by a court of competent jurisdiction and then
2 28 only in those instances referred to in section 524.215,
2 29 subsection 2, paragraphs "a", "b", "c", and "e".

2 30 2. The superintendent may receive documents, materials, or
2 31 other information, including otherwise confidential and
2 32 privileged documents, materials, or other information, from
2 33 other local, state, federal, and international regulatory
2 34 agencies, the conference of state bank supervisors and its
2 35 affiliates or subsidiaries, the American association of



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Senate Study Bill 3145 continued

3 1 mortgage regulators and its affiliates or subsidiaries, and
3 2 the national association of consumer credit administrators and
3 3 its affiliates or subsidiaries, and shall maintain as
3 4 confidential and privileged any such document, material, or
3 5 other information received with notice or the understanding
3 6 that it is confidential or privileged under the laws of the
3 7 jurisdiction that is the source of the document, material, or
3 8 other information.

3 9 Sec. 5. Section 524.216, subsection 2, paragraph c, Code
3 10 Supplement 2007, is amended to read as follows:

3 11 c. A statement of the receipts and disbursements of funds
3 12 of the superintendent during the ~~calendar~~ fiscal year ending
3 13 on the preceding ~~December 31~~ June 30 and of the funds on hand
3 14 on such ~~December 31~~ June 30.

3 15 Sec. 6. NEW SECTION. 524.229 EMERGENCY POWERS OF
3 16 SUPERINTENDENT.

3 17 Whenever the superintendent determines that an emergency
3 18 affecting one or more state-chartered banks or bank offices
3 19 exists, or is impending, in this state or in any part or parts
3 20 of this state, the superintendent may temporarily suspend
3 21 applicable rules or statutes to the extent necessary to allow
3 22 the affected bank or banks to respond to the emergency.

3 23 Sec. 7. Section 524.312, subsection 2, Code 2007, is
3 24 amended to read as follows:

3 25 2. A state bank may, with the prior written approval of
3 26 the superintendent, change the location of its principal place
3 27 of business to a new location within the state. ~~A change of~~
~~3 28 location shall be limited to another location in the same~~
~~3 29 municipal corporation, to a location in a municipal~~
~~3 30 corporation in the same county, or to a location in a~~
~~3 31 municipal corporation in a county that is contiguous to or~~
~~3 32 touching or cornering on the county in which the state bank is~~
~~3 33 located. If a state bank has its principal place of business~~
~~3 34 in an unincorporated area, the superintendent may authorize a~~
~~3 35 change of location of its principal place of business to a new~~



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~~4 1 location within the same unincorporated area as well as to any
4 2 location referred to in this subsection.~~

4 3 Sec. 8. Section 524.1607, Code 2007, is amended to read as
4 4 follows:

4 5 524.1607 FALSE STATEMENT FOR CREDIT.

4 6 1. For the purposes of this section, unless the context
4 7 otherwise requires:

4 8 a. "Financial institution" means a financial institution
4 9 as defined in 18 U.S.C. } 20.

4 10 b. "Mortgage banker" means a person who makes or
4 11 originates mortgage loans on real property located in this
4 12 state.

4 13 c. "Mortgage broker" means a person who arranges or
4 14 negotiates, or attempts to arrange or negotiate, mortgage
4 15 loans on real property located in this state.

4 16 2. Any person who knowingly makes or causes to be made,
4 17 directly or indirectly, any false statement in writing, or who
4 18 procures, knowing that a false statement in writing has been
4 19 made concerning the financial condition or means or ability to
4 20 pay of such person, or any other person in which such person
4 21 is interested or for whom such person is acting, with the
4 22 intent that such statement shall be relied upon by a ~~bank~~
4 23 financial institution, a mortgage banker, a mortgage broker,
4 24 or any other entity licensed by the banking division for the
4 25 purpose of procuring the delivery of property, the payment of
4 26 cash or the receipt of credit in any form, for the benefit of
4 27 such person or of any other person in which such person is
4 28 interested or for whom such person is acting, shall be guilty
4 29 of a fraudulent practice.

4 30 Sec. 9. Section 533A.2, subsections 1 and 2, Code
4 31 Supplement 2007, are amended to read as follows:

4 32 1. A person shall not engage in the business of debt
4 33 management in this state without a license as provided for in
4 34 this chapter unless exempt under subsection 2. A person
4 35 engages in the business of debt management in this state if



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5 1 the person solicits, on behalf of the person or another
5 2 person, to provide, or enters into a contract with one or more
5 3 debtors to provide debt management to a debtor who resides in
5 4 this state.

5 5 2. The following persons, including employees of such
5 6 persons, shall not be required to be licensed ~~when engaged in~~
~~5 7 the regular course of their respective businesses and~~
~~5 8 professions or to otherwise comply with the provisions of this~~
5 9 chapter:

5 10 a. ~~Attorneys at law~~ A licensed attorney admitted to
5 11 practice in this state acting solely as an incident to the
5 12 practice of law.

5 13 b. Banks, savings and loan associations, credit unions,
5 14 mortgage bankers and mortgage brokers licensed or registered
5 15 under chapter 535B, insurance companies and similar
5 16 fiduciaries, regulated loan companies licensed under chapter
5 17 536, and industrial loan companies licensed under chapter
5 18 536A, authorized and admitted to transact business in this
5 19 state and performing credit and financial adjusting in the
5 20 regular course of their principal business, or while
5 21 performing an escrow function.

5 22 c. Abstract companies, while performing an escrow
5 23 function.

5 24 d. Employees of licensees under this chapter, while
5 25 performing services for the employee's licensed employer.

5 26 e. Judicial officers or others acting under court orders.

5 27 f. Nonprofit religious, fraternal, or cooperative
5 28 organizations offering to debtors gratuitous debt-management
5 29 service.

5 30 g. Those persons whose principal business is the
5 31 origination of first mortgage loans on real estate for their
5 32 own portfolios or for sale to institutional investors.

5 33 Sec. 10. Section 533A.7, Code 2007, is amended by striking
5 34 the section and inserting in lieu thereof the following:

5 35 533A.7 DISCIPLINARY ACTION.



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- 6 1 1. The superintendent may, after notice and hearing
6 2 pursuant to chapter 17A, take disciplinary action against a
6 3 licensee if the superintendent finds any of the following:
- 6 4 a. The licensee, or an owner, partner, member,
6 5 shareholder, officer, director, or manager of the licensee,
6 6 has been convicted of a felony or of an indictable misdemeanor
6 7 for financial gain.
 - 6 8 b. The licensee, or an owner, partner, member,
6 9 shareholder, officer, director, or manager of the licensee,
6 10 has violated any of the provisions of this chapter or any
6 11 other state or federal law, rule, or regulation applicable to
6 12 the conduct of its business.
 - 6 13 c. The licensee, or an owner, partner, member,
6 14 shareholder, officer, director, or manager of the licensee,
6 15 has engaged in fraud or deceit in procuring the issuance of a
6 16 license or renewal under this chapter.
 - 6 17 d. The licensee, or an owner, partner, member,
6 18 shareholder, officer, director, or manager of the licensee,
6 19 has engaged in unfair conduct.
 - 6 20 e. The licensee is insolvent, or has filed for bankruptcy,
6 21 receivership, or assignment for the benefit of creditors.
 - 6 22 f. The licensee fails to post the bond required by the
6 23 provisions of this chapter or the superintendent receives
6 24 notice that the required bond has been canceled.
- 6 25 2. The superintendent may impose one or more of the
6 26 following disciplinary actions against a licensee:
- 6 27 a. Revoke a license.
 - 6 28 b. Suspend a license until further order of the
6 29 superintendent for a specified period of time.
 - 6 30 c. Impose a period of probation under specified
6 31 conditions.
 - 6 32 d. Impose civil penalties in an amount not to exceed five
6 33 thousand dollars for each violation.
 - 6 34 e. Issue a citation and warning respecting licensee
6 35 behavior.



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7 1 f. Order the licensee to pay restitution.
7 2 3. The superintendent may order an emergency suspension of
7 3 a licensee's license pursuant to section 17A.18A. A written
7 4 order containing the facts or conduct which warrants the
7 5 emergency action shall be timely sent to the licensee by
7 6 restricted certified mail. Upon issuance of the suspension
7 7 order, the licensee must also be notified of the right to an
7 8 evidentiary hearing. A suspension proceeding shall be
7 9 promptly instituted and determined.
7 10 4. Except as provided in this section, a license shall not
7 11 be revoked or suspended except after notice and a hearing
7 12 thereon in accordance with chapter 17A.
7 13 5. A licensee may surrender a license by delivering to the
7 14 superintendent written notice of surrender, but a surrender
7 15 does not affect the licensee's civil or criminal liability for
7 16 acts committed before the surrender.
7 17 6. A revocation, suspension, or surrender of a license
7 18 does not impair or affect the obligation of a preexisting
7 19 lawful contract between the licensee and any person, including
7 20 a debtor.
7 21 Sec. 11. NEW SECTION. 533A.16 DEBT SETTLEMENT SERVICES
7 22 PROHIBITED == PENALTY.
7 23 1. For the purposes of this section, "debt settlement
7 24 services" means serving as an intermediary between a debtor
7 25 and one or more creditors of the debtor for a fee for the
7 26 purpose of obtaining concessions from the creditors where the
7 27 plan or strategy offered to the debtor advises a debtor to
7 28 stop making payments to creditors or is otherwise structured
7 29 in a way that encourages the debtor to stop making payments to
7 30 creditors.
7 31 2. A person shall not engage in debt settlement services
7 32 on behalf of a debtor residing in this state. A person
7 33 engages in debt settlement services on behalf of a debtor
7 34 residing in this state if the person solicits, on behalf of
7 35 the person or another person, to provide, or enters into a



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8 1 contract with one or more debtors to provide, debt settlement
8 2 services to a debtor who resides in this state. Any person or
8 3 any owner, partner, member, officer, director, employee,
8 4 agent, or representative thereof who engages in debt
8 5 settlement services on behalf of a debtor residing in this
8 6 state shall be guilty of a serious misdemeanor.

8 7 Sec. 12. NEW SECTION. 533A.17 VIOLATIONS == INJUNCTIONS
8 8 == CIVIL PENALTIES.

8 9 1. If the superintendent believes that a person has
8 10 engaged in, or is about to engage in, an act or practice that
8 11 constitutes or will constitute a violation of this chapter,
8 12 the superintendent may apply to the district court for an
8 13 order enjoining such act or practice. Upon a showing by the
8 14 superintendent that such person has engaged, or is about to
8 15 engage, in any such act or practice, the district court shall
8 16 grant an injunction.

8 17 2. The superintendent may investigate or initiate
8 18 complaints against persons who are not licensed under this
8 19 chapter to determine whether the person is violating this
8 20 chapter.

8 21 3. In addition to or as an alternative to applying to the
8 22 district court for an injunction, the superintendent may issue
8 23 an order to a person who is not licensed under this chapter to
8 24 require compliance with this chapter, may impose a civil
8 25 penalty against such person for any violation of this chapter
8 26 in an amount up to five thousand dollars for each violation,
8 27 and may order the person to pay restitution.

8 28 4. Before issuing an order under this section, the
8 29 superintendent shall provide the person written notice and the
8 30 opportunity to request a hearing. The hearing must be
8 31 requested within thirty days after receipt of the notice and
8 32 shall be conducted in the same manner as provided for in
8 33 disciplinary proceedings involving a licensee under this
8 34 chapter.

8 35 5. A person aggrieved by the imposition of a civil penalty



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9 1 under this section may seek judicial review pursuant to
9 2 section 17A.19.
9 3 6. An action to enforce an order under this section may be
9 4 joined with an action for an injunction.
9 5 Sec. 13. Section 533D.3, subsection 1, Code 2007, is
9 6 amended to read as follows:
9 7 1. A person shall not operate a delayed deposit services
9 8 business in this state unless the person is physically located
9 9 in this state and licensed by the superintendent as provided
9 10 in this chapter.
9 11 Sec. 14. Section 533D.12, Code 2007, is amended by
9 12 striking the section and inserting in lieu thereof the
9 13 following:
9 14 533D.12 DISCIPLINARY ACTION.
9 15 1. The superintendent may, after notice and hearing
9 16 pursuant to chapter 17A, take disciplinary action against a
9 17 licensee if the superintendent finds any of the following:
9 18 a. The licensee or any of its officers, directors,
9 19 shareholders, partners, or members has violated this chapter,
9 20 any rule adopted by the superintendent, or any other state or
9 21 federal law applicable to the conduct of its business.
9 22 b. The licensee has failed to pay a license fee required
9 23 under this chapter or to maintain in effect the bond or bonds
9 24 required under this chapter.
9 25 c. A fact or condition existing which, if it had existed
9 26 at the time of the original application for the license, would
9 27 have resulted in the denial of issuance of a license.
9 28 d. The licensee has abandoned its place of business for a
9 29 period of sixty days or more.
9 30 e. The licensee fails to pay an administrative penalty or
9 31 the cost of investigation as ordered by the superintendent.
9 32 f. The licensee has violated an order of the
9 33 superintendent.
9 34 2. The superintendent may impose one or more of the
9 35 following disciplinary actions against a licensee:



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- 10 1 a. Revoke a license.
10 2 b. Suspend a license until further order of the
10 3 superintendent or for a specified period of time.
10 4 c. Impose a period of probation under specified
10 5 conditions.
10 6 d. Impose civil penalties in an amount not to exceed five
10 7 thousand dollars for each violation.
10 8 e. Issue a citation and warning respecting licensee
10 9 behavior.
10 10 f. Order the licensee to pay restitution.
- 10 11 3. The superintendent may order an emergency suspension of
10 12 a licensee's license pursuant to section 17A.18A. A written
10 13 order containing the facts or conduct which warrants the
10 14 emergency action shall be timely sent to the licensee by
10 15 restricted certified mail. Upon issuance of the suspension
10 16 order, the licensee must also be notified of the right to an
10 17 evidentiary hearing. A suspension proceeding shall be
10 18 promptly instituted and determined.
- 10 19 4. Except as provided in this section, a license shall not
10 20 be revoked or suspended except after notice and a hearing
10 21 thereon in accordance with chapter 17A.
- 10 22 5. A licensee may surrender a license by delivering to the
10 23 superintendent written notice of surrender, but a surrender
10 24 does not affect the licensee's civil or criminal liability for
10 25 acts committed before the surrender.
- 10 26 6. A revocation, suspension, or surrender of a license
10 27 does not impair or affect the obligation of a preexisting
10 28 lawful contract between the licensee and any person, including
10 29 a debtor.
- 10 30 Sec. 15. Section 535.8, subsection 1, Code 2007, is
10 31 amended by striking the subsection and inserting in lieu
10 32 thereof the following:
- 10 33 1. DEFINITIONS. For purposes of this section, unless the
10 34 context otherwise requires:
- 10 35 a. "Collect" means the collection of any fees or costs



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11 1 payable directly or indirectly by the borrower and imposed
11 2 directly or indirectly by the lender as an incident to or a
11 3 condition of making or closing the loan.
11 4 b. "Lender" means a person who makes or originates a loan;
11 5 a person who is identified as a lender on the loan documents;
11 6 a person who arranges, negotiates, or brokers a loan; and a
11 7 person who provides any goods or services as an incident to or
11 8 as a condition required for the making or closing of the loan.
11 9 c. "Loan" means a loan of money which is wholly or in part
11 10 to be used for the purpose of purchasing real property which
11 11 is a single-family or a two-family dwelling occupied or to be
11 12 occupied by the borrower. A loan includes the refinancing of
11 13 a contract or sale, and the refinancing of a prior loan,
11 14 whether or not the borrower also was the borrower under the
11 15 prior loan, and the assumption of a prior loan.
11 16 Sec. 16. Section 535B.2, Code 2007, is amended to read as
11 17 follows:
11 18 535B.2 EXEMPTIONS.
11 19 This chapter, except for sections 535B.3, 535B.11, 535B.12,
11 20 and 535B.13, does not apply to any of the following:
11 21 1. A bank, bank holding company, savings bank, savings and
11 22 loan association, or credit union organized under the laws of
11 23 this state, another state, or the United States, or a wholly
11 24 owned operating subsidiary ~~or affiliate~~ of such a bank, ~~bank~~
~~11 25 holding company~~, savings bank, savings and loan association,
11 26 or credit union.
11 27 2. A loan company licensed under chapter 536 or 536A.
11 28 3. An insurance company or a subsidiary or affiliate of an
11 29 insurance company organized under the laws of this state,
11 30 another state, or the United States, and subject to regulation
11 31 by the commissioner of insurance.
11 32 4. Mortgage lenders or mortgage bankers maintaining an
11 33 office in this state whose principal business in this state is
11 34 conducted with or through mortgage lenders or mortgage bankers
11 35 otherwise exempt under this section and which maintain a place



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12 1 of business in this state.

12 2 ~~5. An insurance producer licensed under chapter 522B.~~

12 3 ~~6.~~ 5. An individual who is employed by a person otherwise
12 4 exempt under this section, or who is under an exclusive
12 5 contract with a person otherwise exempt under this section to
12 6 the extent that the individual is acting within the scope of
12 7 the individual's employment or exclusive contract with the
12 8 exempt person and is acting within the scope of the exempt
12 9 person's charter, license, authority, approval, or
12 10 certificate.

12 11 ~~7.~~ 6. A real estate broker licensed under chapter 543B
12 12 while engaged in practice as a real estate broker.

12 13 ~~8.~~ 7. A nonprofit organization qualifying for tax-exempt
12 14 status under the Internal Revenue Code as defined in section
12 15 422.3 which offers housing services to low and moderate income
12 16 families.

12 17 Sec. 17. Section 535B.3, subsections 1 and 3, Code 2007,
12 18 are amended to read as follows:

12 19 1. A person exempt under section 535B.2, subsection 4 or ~~8~~
12 20 7, shall register with the administrator.

12 21 3. The registrant, except a nonprofit organization exempt
12 22 under section 535B.2, subsection ~~8~~ 7, shall pay an annual
12 23 registration fee of one hundred dollars.

12 24 Sec. 18. Section 535B.4, subsections 6 and 7, Code
12 25 Supplement 2007, are amended to read as follows:

12 26 6. Licenses granted under this chapter expire on the next
12 27 ~~June 30~~ December 31 after their issuance.

12 28 7. Applications for renewals of licenses and individual
12 29 registrations under this chapter must be filed with the
12 30 administrator before ~~June 1~~ December 1 of the year of
12 31 expiration on forms prescribed by the administrator. A
12 32 renewal application must be accompanied by a fee of two
12 33 hundred dollars for a license to transact business solely as a
12 34 mortgage broker, and four hundred dollars for a license to
12 35 transact business as a mortgage banker. The fee to renew an



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13 1 individual registration shall be the fee determined pursuant
13 2 to section 535B.4A. The administrator may assess a late fee
13 3 of ten dollars per day for applications or registrations
13 4 accepted for processing after ~~June~~ December 1.

13 5 Sec. 19. Section 535B.4, Code Supplement 2007, is amended
13 6 by adding the following new subsection:

13 7 NEW SUBSECTION. 9. In addition to the application and
13 8 renewal fees provided for in subsections 4 and 7, the
13 9 administrator may assess application and renewal fees for each
13 10 branch location of the licensee, sponsor fees, and change of
13 11 sponsor fees.

13 12 Sec. 20. Section 535B.4A, Code 2007, is amended to read as
13 13 follows:

13 14 535B.4A INDIVIDUAL REGISTRATION REQUIREMENTS == FEES.

13 15 1. A natural person who is a mortgage banker or mortgage
13 16 broker and who is employed by, under contract with, or is an
13 17 agent of a licensee under section 535B.4 shall apply for an
13 18 individual registration with the administrator and shall
13 19 register annually with the administrator. The administrator
13 20 shall collect registration fees necessary to cover the costs
13 21 associated with the annual registrations ~~made pursuant to this~~
13 22 ~~section, including but not limited to sponsor fees and change~~
13 23 of sponsor fees.

13 24 2. Beginning January 1, 2009, each applicant for an
13 25 individual registration must meet the education and training
13 26 requirements adopted by the administrator by rule. The
13 27 education and training requirements may include a post-high
13 28 school education requirement or a requirement that the
13 29 applicant have successfully completed accredited courses
13 30 covering specified subject matters. The administrator may
13 31 incorporate any education and training criteria recommended by
13 32 federal law, or by other financial regulators, self-regulatory
13 33 organizations, or financial industry organizations.

13 34 3. Beginning January 1, 2009, each applicant for an
13 35 individual registration must have passed an examination



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14 1 prescribed by the administrator within two years immediately
14 2 prior to making the application to the administrator. An
14 3 applicant who fails the examination once shall be allowed to
14 4 take the examination up to two additional times, provided at
14 5 least one month has elapsed since the applicant last took the
14 6 examination. An applicant shall pay any fees associated with
14 7 the examination.

14 8 ~~2.~~ 4. An individual registrant who ~~registers~~ applies for
14 9 an individual registration pursuant to this section ~~for the~~
14 10 ~~first time~~ shall submit to a national criminal history check
14 11 through the federal bureau of investigation prior to being
14 12 registered. The administrator may submit the registrant's
14 13 fingerprints to the federal bureau of investigation by the
14 14 department of public safety through the state criminal history
14 15 repository for the purpose of a national criminal history
14 16 check. The results of a criminal history check conducted
14 17 pursuant to this subsection shall not be considered a public
14 18 record under chapter 22. The administrator shall collect fees
14 19 necessary to cover the costs associated with criminal history
14 20 checks conducted pursuant to this section.

14 21 ~~3.~~ 5. A person shall not be eligible for licensing
14 22 pursuant to section 535B.4 unless all individual registrants
14 23 employed by, under contract with, or who are agents of the
14 24 person have successfully completed the registration and
14 25 criminal background check required by this section.

14 26 ~~4.~~ 6. The registration of an individual registrant
14 27 pursuant to this section is not assignable.

14 28 ~~5.~~ 7. The registration of an individual registrant
14 29 pursuant to this section expires on ~~June 30~~ December 31
14 30 following the date of registration.

14 31 ~~6.~~ 8. An individual registrant who fails to comply with
14 32 the requirements of section 535B.9A shall not be ~~registered~~
14 33 renewed or the registration of the individual registrant may
14 34 be suspended or revoked by the administrator.

14 35 Sec. 21. Section 535B.7, subsection 2, Code 2007, is



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15 1 amended by adding the following new paragraph:

15 2 NEW PARAGRAPH. f. Order the licensee or individual
15 3 registrant to pay restitution.

15 4 Sec. 22. Section 535B.8, Code 2007, is amended to read as
15 5 follows:

15 6 535B.8 OPERATING WITHOUT A LICENSE OR REGISTRATION.

15 7 A person, who without first obtaining a license or
15 8 individual registration under this chapter, engages in the
15 9 business or occupation of, or advertises or holds the person
15 10 out as, or claims to be, or temporarily acts as, a mortgage
15 11 banker or mortgage broker in this state is guilty of a class
15 12 "D" felony and may be prosecuted by the attorney general or a
15 13 county attorney.

15 14 Sec. 23. Section 535B.9, subsection 1, Code 2007, is
15 15 amended to read as follows:

15 16 1. An applicant for a license shall file with the
15 17 administrator a bond furnished by a surety company authorized
15 18 to do business in this state, together with evidence of
15 19 whether the applicant is seeking to transact business as a
15 20 mortgage broker or as a mortgage banker. The bond shall be in
15 21 the amount of fifty thousand dollars for a mortgage broker and
15 22 one hundred thousand dollars for a mortgage banker. The bond
15 23 shall be continuous in nature until canceled by the surety
15 24 with not less than thirty days' notice in writing to the
15 25 mortgage broker or mortgage banker and to the administrator
15 26 indicating the surety's intention to cancel the bond on a
15 27 specific date. The bond shall be for the use of the state and
15 28 any persons who may have causes of action against the
15 29 applicant. The bond shall be conditioned upon the applicant's
15 30 faithfully conforming to and abiding by this chapter and any
15 31 rules adopted under this chapter and shall require that the
15 32 surety pay to the state and to any persons all moneys that
15 33 become due or owing to the state and to the persons from the
15 34 applicant by virtue of this chapter.

15 35 Sec. 24. Section 535B.10, subsection 2, Code 2007, is



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16 1 amended to read as follows:

16 2 2. For the purposes of discovering violations of this
16 3 chapter or any related rules or for securing information
16 4 lawfully required under this chapter, the administrator may at
16 5 any time and as often as the administrator deems necessary,
16 6 but in no event less frequently than once during each two-year
16 7 period, investigate the business and examine the books,
16 8 accounts, records, and files used by a licensee or individual
16 9 registrant.

16 10 Sec. 25. Section 535B.10, subsection 6, paragraph b, Code
16 11 2007, is amended to read as follows:

16 12 b. The administrator may furnish information relating to
16 13 the supervision of licensees and registrants to the federal
16 14 agencies or federally related entities listed in subsection 3,
16 15 the federal deposit insurance corporation, the federal reserve
16 16 system, the office of the comptroller of the currency, the
16 17 office of thrift supervision, the national credit union
16 18 administration, the federal home loan bank, ~~and~~ a financial
16 19 institution regulatory ~~authorities~~ authority of any other
16 20 states state, a professional licensing authority of this state
16 21 or any other state, or a law enforcement agency, or to any
16 22 official or supervising examiner of such regulatory
16 23 authorities.

16 24 Sec. 26. Section 536.3, Code 2007, is amended to read as
16 25 follows:

16 26 536.3 BOND.

16 27 The applicant shall also at the same time file with the
16 28 superintendent a bond to be approved by the superintendent in
16 29 which the applicant shall be the obligor, with one or more
16 30 sureties, in the sum of ~~one~~ twenty-five thousand dollars. The
16 31 said bond shall run to the state for the use of the state and
16 32 of any person or persons who may have a cause of action
16 33 against the obligor of said bond under the provisions of this
16 34 chapter. Such bond shall be conditioned that said obligor
16 35 will faithfully conform to and abide by the provisions of this



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17 1 chapter and of all rules and regulations lawfully made by the
17 2 superintendent hereunder, and will pay to the state and to any
17 3 such person or persons any and all moneys that may become due
17 4 or owing to the state or to such person or persons from said
17 5 obligor under and by virtue of the provisions of this chapter.

17 6 Sec. 27. Section 536.6, unnumbered paragraph 1, Code 2007,
17 7 is amended to read as follows:

17 8 If the superintendent shall find at any time that the bond
17 9 is insecure or exhausted or otherwise of doubtful validity or
17 10 collectibility, an additional bond to be approved by the
17 11 superintendent, with one or more sureties and of the character
17 12 specified in section 536.3, in the sum of not more than ~~one~~
17 13 twenty-five thousand dollars, shall be filed by the licensee
17 14 within ten days after written demand upon the licensee by the
17 15 superintendent.

17 16 Sec. 28. Section 536.9, Code 2007, is amended by striking
17 17 the section and inserting in lieu thereof the following:

17 18 536.9 DISCIPLINARY ACTION.

17 19 1. The superintendent may, after notice and hearing
17 20 pursuant to chapter 17A, take disciplinary action against a
17 21 licensee if the superintendent finds any of the following:

17 22 a. The licensee has violated a provision of this chapter
17 23 or a rule adopted under this chapter or any other state or
17 24 federal law, rule, or regulation applicable to the conduct of
17 25 its business.

17 26 b. A fact or condition exists which would have warranted
17 27 the superintendent to refuse to originally issue the license.

17 28 c. The licensee has failed to pay the annual license fee
17 29 or to maintain in effect the bond or bonds required under the
17 30 provisions of this chapter.

17 31 d. The licensee is insolvent.

17 32 e. The licensee has violated an order of the
17 33 superintendent.

17 34 2. The superintendent may impose one or more of the
17 35 following disciplinary actions against a licensee:



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18 1 a. Revoke a license.
18 2 b. Suspend a license until further order of the
18 3 superintendent or for a specified period of time.
18 4 c. Impose a period of probation under specified
18 5 conditions.
18 6 d. Impose civil penalties in an amount not to exceed five
18 7 thousand dollars for each violation.
18 8 e. Issue a citation and warning respecting licensee
18 9 behavior.
18 10 f. Order the licensee to pay restitution.
18 11 3. The superintendent may order an emergency suspension of
18 12 a licensee's license pursuant to section 17A.18A. A written
18 13 order containing the facts or conduct which warrants the
18 14 emergency action shall be timely sent to the licensee by
18 15 restricted certified mail. Upon issuance of the suspension
18 16 order, the licensee must also be notified of the right to an
18 17 evidentiary hearing. A suspension proceeding shall be
18 18 promptly instituted and determined.
18 19 4. Except as provided in this section, a license shall not
18 20 be revoked or suspended except after notice and a hearing
18 21 thereon in accordance with chapter 17A.
18 22 5. A licensee may surrender a license by delivering to the
18 23 superintendent written notice of surrender, but a surrender
18 24 does not affect the licensee's civil or criminal liability for
18 25 acts committed before the surrender.
18 26 6. A revocation, suspension, or surrender of a license
18 27 does not impair or affect the obligation of a preexisting
18 28 lawful contract between the licensee and any person, including
18 29 a borrower.
18 30 Sec. 29. Section 536.11, unnumbered paragraph 2, Code
18 31 2007, is amended to read as follows:
18 32 Each licensee shall annually on or before the fifteenth day
18 33 of ~~March~~ April file a report with the superintendent giving
18 34 such relevant information as the superintendent reasonably may
18 35 require concerning the business and operations during the



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19 1 preceding calendar year of the licensed places of business
19 2 conducted by such licensee within the state. Such report
19 3 shall be made under oath and shall be in the form prescribed
19 4 by the superintendent who shall make and publish annually an
19 5 analysis and recapitulation of such reports.

19 6 Sec. 30. Section 536.12, Code 2007, is amended to read as
19 7 follows:

19 8 536.12 RESTRICTIONS ON PRACTICES.

19 9 1. No licensee shall conduct the business of making loans
19 10 under the provisions of this chapter within any office, room,
19 11 suite or place of business in which any other business is
19 12 solicited or engaged in, or in association or conjunction
19 13 therewith, except as may be authorized in writing by the
19 14 superintendent upon the superintendent's finding that the
19 15 character of such other business is such that the granting of
19 16 such authority would not facilitate evasions of this chapter
19 17 or of the rules lawfully made by the superintendent hereunder.

19 18 2. No licensee shall make any loan provided for by this
19 19 chapter under any other name or at any other place of business
19 20 than that named in the license.

19 21 3. No licensee shall take any instrument in which blanks
19 22 are left to be filled in after execution.

19 23 4. No licensee shall agree to obtain or arrange a
19 24 residential mortgage for a potential borrower from a third
19 25 person, unless the licensee also has a mortgage broker license
19 26 and complies with all of the provisions of chapter 535B.

19 27 Sec. 31. Section 536.16, unnumbered paragraph 1, Code
19 28 2007, is amended to read as follows:

19 29 Notwithstanding other provisions of this chapter to the
19 30 contrary, a person who neither has an office physically
19 31 located in this state nor engages in face-to-face solicitation
19 32 in this state, if authorized by another state to make loans in
19 33 that state at a rate of finance charge in excess of the rate
19 34 provided in chapter 535, shall not be subject to ~~the following~~
~~19 35 provisions of this chapter.~~ section 536.10 to the extent it



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20 1 requires the superintendent to make an examination of the
20 2 affairs, place of business, and records of the person on a
20 3 periodic basis.

20 4 Sec. 32. Section 536.16, subsections 1 through 4, Code
20 5 2007, are amended by striking the subsections.

20 6 Sec. 33. NEW SECTION. 536A.7A BONDS.

20 7 1. An applicant for a license shall file with the
20 8 superintendent a bond furnished by a surety company authorized
20 9 to do business in this state. The bond shall be in the amount
20 10 of twenty-five thousand dollars. The bond shall be continuous
20 11 in nature until canceled by the surety with not less than
20 12 thirty days notice in writing to the applicant and to the
20 13 superintendent indicating the surety's intention to cancel the
20 14 bond on a specific date. The bond shall be for the use of the
20 15 state and any persons who may have causes of action against
20 16 the applicant. The bond shall be conditioned upon the
20 17 applicant's faithfully conforming to and abiding by this
20 18 chapter and any rules adopted under this chapter and shall
20 19 require that the surety pay to the state and to any persons
20 20 all moneys that become due or owing to the state and to the
20 21 persons from the applicant by virtue of this chapter.

20 22 2. In lieu of filing a bond, the applicant may pledge an
20 23 alternative form of collateral acceptable to the
20 24 superintendent, if the alternative collateral provides
20 25 protection to the state and any aggrieved person that is
20 26 equivalent to that provided by a bond.

20 27 Sec. 34. Section 536A.14, unnumbered paragraph 1, Code
20 28 2007, is amended to read as follows:

20 29 Each licensee shall annually on or before the fifteenth day
20 30 of ~~March~~ April file with the superintendent a report in
20 31 writing showing the results of the operation of its industrial
20 32 loan business for the previous calendar year, which reports
20 33 shall contain:

20 34 Sec. 35. Section 536A.18, Code 2007, is amended by
20 35 striking the section and inserting in lieu thereof the



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21 1 following:

21 2 536A.18 DISCIPLINARY ACTION.

21 3 1. The superintendent may, after notice and hearing
21 4 pursuant to chapter 17A, take disciplinary action against a
21 5 licensee if the superintendent finds any of the following:

21 6 a. That the licensee has failed to pay the annual license
21 7 fee required by this chapter or to maintain in effect the bond
21 8 or bonds required under this chapter.

21 9 b. That the licensee has violated any of the provisions of
21 10 this chapter or a rule adopted under this chapter or any other
21 11 state or federal law, rule, or regulation applicable to the
21 12 conduct of its business.

21 13 c. That the licensee has refused to submit to the
21 14 examination required by this chapter.

21 15 d. That the licensee has neglected or refused for a period
21 16 of more than thirty days to pay a final judgment rendered
21 17 against it in the courts of this state.

21 18 e. That the licensee has become insolvent.

21 19 f. A fact or condition exists which would have warranted
21 20 the superintendent to refuse to originally issue the license.

21 21 g. The licensee has violated an order of the
21 22 superintendent.

21 23 2. The superintendent may impose one or more of the
21 24 following disciplinary actions against a licensee:

21 25 a. Revoke a license.

21 26 b. Suspend a license until further order of the
21 27 superintendent or for a specified period of time.

21 28 c. Impose a period of probation under specified
21 29 conditions.

21 30 d. Impose civil penalties in an amount not to exceed five
21 31 thousand dollars for each violation.

21 32 e. Issue a citation and warning respecting licensee
21 33 behavior.

21 34 f. Order the licensee to pay restitution.

21 35 3. The superintendent may order an emergency suspension of



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22 1 a licensee's license pursuant to section 17A.18A. A written
22 2 order containing the facts or conduct which warrants the
22 3 emergency action shall be timely sent to the licensee by
22 4 restricted certified mail. Upon issuance of the suspension
22 5 order, the licensee must also be notified of the right to an
22 6 evidentiary hearing. A suspension proceeding shall be
22 7 promptly instituted and determined.

22 8 4. Except as provided in this section, a license shall not
22 9 be revoked or suspended except after notice and a hearing
22 10 thereon in accordance with chapter 17A.

22 11 5. A licensee may surrender a license by delivering to the
22 12 superintendent written notice of surrender, but a surrender
22 13 does not affect the licensee's civil or criminal liability for
22 14 acts committed before the surrender.

22 15 6. A suspension, revocation, relinquishment, or expiration
22 16 of a license shall not invalidate, impair, or affect the
22 17 legality of obligations of any preexisting contracts, or
22 18 prevent the enforcement or collection thereof.

22 19 7. Judicial review of the actions of the superintendent
22 20 may be sought in accordance with the terms of the Iowa
22 21 administrative procedure Act, chapter 17A.

22 22 Sec. 36. Section 536A.23, subsection 1, Code 2007, is
22 23 amended by adding the following new paragraph:

22 24 NEW PARAGRAPH. e. Obtain or arrange a residential
22 25 mortgage loan for a potential borrower from a third person,
22 26 unless the industrial loan company also has a mortgage broker
22 27 license and complies with all provisions of chapter 535B.

22 28 Sec. 37. Section 558.70, subsection 4, Code Supplement
22 29 2007, is amended to read as follows:

22 30 4. This section applies to a contract seller who entered
22 31 into four or more residential real estate contracts in the
22 32 three hundred sixty-five days previous to the contract seller
22 33 signing the contract disclosure statement. For purposes of
22 34 this subsection, two or more entities sharing a common owner
22 35 or manager are considered a single contract seller. This



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23 1 section does not apply to a person or organization listed in
23 2 section 535B.2, subsections 1 through 7 6.

23 3 EXPLANATION

23 4 This bill makes a number of changes to Code provisions
23 5 under the purview of the banking division of the department of
23 6 commerce.

23 7 With regard to Code chapter 524, dealing with bank
23 8 regulation, the bill adds bank holding companies and savings
23 9 and loan holding companies to the list of entities authorized
23 10 to use the word "bank" in the name or title of their business
23 11 organization, designates successor acting superintendents in
23 12 the event the office of the superintendent of banking is
23 13 vacant, and allows the superintendent regulatory flexibility
23 14 in the event of a determination of a disaster impacting a
23 15 bank's operation. The bill restricts application of a
23 16 prohibition against obtaining a loan or property from banks
23 17 applicable to specified banking officials and employees, to
23 18 banks or savings and loan associations the official or
23 19 employee is personally involved in examining or reviewing, and
23 20 provides that information received by the superintendent of
23 21 banking regarded as confidential by other regulatory agencies
23 22 and entities will maintain that confidential status when in
23 23 the custody of the banking division. The bill also changes
23 24 from a calendar to fiscal year basis information contained in
23 25 the superintendent's annual report, eliminates outdated
23 26 geographic restrictions on a bank's ability to change its
23 27 principal place of business, and makes it a fraudulent
23 28 practice to provide false information for credit to any type
23 29 of financial institution, as defined in the bill, as well as
23 30 mortgage bankers and mortgage brokers.

23 31 Regarding Code chapter 533A, dealing with debt management,
23 32 the bill changes a reference to "attorneys at law" to refer to
23 33 a licensed attorney admitted to practice in Iowa acting solely
23 34 as an incident to the attorney's legal practice in a section
23 35 relating to exemptions from the Code chapter, and adds to an



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24 1 exemption relating to employees of licensees that they are
24 2 exempt from licensing while performing services for their
24 3 employer. The bill adds to the definition of engaging in the
24 4 business of debt management solicitation either by a person on
24 5 their own behalf or on behalf of another person, and prohibits
24 6 engaging in debt settlement services whereby a person accepts
24 7 a fee from a debtor in obtaining concessions as an
24 8 intermediary with creditors and subsequently advises the
24 9 debtor to discontinue making creditor payments, and imposes a
24 10 civil penalty of up to \$5,000 for each violation. Further,
24 11 the bill provides an expanded array of disciplinary actions
24 12 and uniform processes available to the superintendent in the
24 13 event of specified licensee criminal and civil violations,
24 14 unfair conduct, insolvency, failure to post required bond, or
24 15 violations of an order of the superintendent, and specifies
24 16 injunctive relief and civil penalties in an amount up to
24 17 \$5,000 for violations of the Code chapter.

24 18 In connection with Code chapter 533D, relating to delayed
24 19 deposit services, the bill provides that delayed deposit
24 20 companies must be physically located in this state in order to
24 21 operate a delayed deposit service in the state, and provides
24 22 an expanded array of disciplinary actions and uniform
24 23 processes available in the event of licensee misconduct
24 24 similar in nature to the actions available with respect to
24 25 licensees under Code chapter 533A pursuant to the bill,
24 26 including the civil penalty of up to \$5,000.

24 27 Concerning Code chapter 535, relating to regulation of
24 28 matters pertaining to money and interest, the bill expands a
24 29 definition of "lender", to which requirements relating to
24 30 costs and fees on residential real estate loan costs and
24 31 disclosures regarding discount points apply, to include loan
24 32 originators, brokers, and persons providing any goods or
24 33 services as an incident to or condition required for the
24 34 making or closing of a loan.

24 35 The bill additionally modifies Code chapter 535B, dealing



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25 1 with mortgage bankers and brokers. The bill deletes a
25 2 reference to an "affiliate" of a bank, bank holding company,
25 3 savings bank, savings and loan association, or credit union
25 4 and an insurance producer, as qualifying for an exemption from
25 5 applicability of much of the chapter and modifies the
25 6 exemption for real estate brokers, changes licensing and
25 7 individual registration expiration periods and renewal
25 8 deadlines to December 31 and December 1, respectively, and
25 9 provides for additional fees in the form of application and
25 10 renewal fees for branch locations, sponsor fees, and change of
25 11 sponsor fees. Further, the bill authorizes establishment of
25 12 education and testing requirements as a prerequisite to
25 13 registration, authorizes payment of restitution by licensees
25 14 as part of a disciplinary case, clarifies that acting as a
25 15 mortgage banker or broker as an employee or contractor of a
25 16 licensee without obtaining individual registration is a class
25 17 "D" felony, and increases the size of the bond mortgage banker
25 18 licensees must pay from \$50,000 to \$100,000. The bill also
25 19 mandates auditing of licensees or registrants under the Code
25 20 chapter at least once every two years, and expands the
25 21 entities to which information relating to licensee and
25 22 registrant supervision may be furnished to include
25 23 professional licensing authorities in this state, other
25 24 states, and law enforcement agencies.

25 25 Regarding Code chapter 536, relating to regulated loans,
25 26 the bill increases the size of the bond paid by licensees from
25 27 \$1,000 to \$25,000, and extends, similar to other provisions of
25 28 the bill, an expanded array of disciplinary actions and
25 29 uniform processes available in the event of specified licensee
25 30 misconduct. The bill changes the date licensees under the
25 31 Code chapter must submit their annual reports from March 15 to
25 32 April 15, provides that a licensee may not broker loans
25 33 without a mortgage broker license, and deletes several
25 34 exemptions previously applicable to nonresident licensees who
25 35 are not physically located in this state nor engaged in



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26 1 face-to-face solicitation.
26 2 The bill additionally contains changes applicable to Code
26 3 chapter 536A, concerning industrial loans. The bill changes
26 4 the date for annual report submission from March 15 to April
26 5 15, and again imposes an expanded array of disciplinary
26 6 actions and uniform processes applicable to licensee
26 7 misconduct, including the civil penalty provision of up to
26 8 \$5,000. The bill provides that a licensee under the Code
26 9 chapter may not broker loans without a mortgage broker
26 10 license, and provides that licensees must post a bond in the
26 11 amount of \$25,000, or in the alternative pledge a form of
26 12 collateral providing a comparable degree of protection.
26 13 LSB 5291DP 82
26 14 rn/nh/5.2



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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 lessees of certain real estate to file the lease
- 2 with the county assessor and providing a civil penalty.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 5802SC 82
- 5 md/sc/8



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PAG LIN

1 1 Section 1. NEW SECTION. 428.4A BUILDINGS AND
1 2 IMPROVEMENTS == LEASES OF REAL ESTATE RECORDED.
1 3 1. A lease of real estate made for the purpose of erecting
1 4 a building or making improvements to the real estate by a
1 5 person other than the owner of the land, as provided in
1 6 section 428.4, shall be filed by the lessee with the
1 7 appropriate assessor not later than sixty days after the
1 8 execution of the lease.
1 9 2. a. A lease required to be filed under this section
1 10 shall disclose all of the following:
1 11 (1) The names and addresses of all parties to the lease.
1 12 (2) A description of the land subject to the lease and any
1 13 buildings or improvements located on the land.
1 14 (3) A description of all interests in the land subject to
1 15 the lease and all interests in any buildings or improvements
1 16 located on the land.
1 17 (4) The duration of the lease.
1 18 b. If a lease is required to be filed under this section,
1 19 the requirement is satisfied by filing either the entire lease
1 20 or a memorandum of the lease containing the information
1 21 required in paragraph "a".
1 22 3. Failure to timely file a lease under this section shall
1 23 not invalidate an otherwise valid lease.
1 24 4. Leases filed under this section shall be retained by
1 25 the assessor for the duration of the lease or until all taxes,
1 26 as defined in section 445.1, subsection 6, owed by the lessee
1 27 have been paid.
1 28 5. Failure of a lessee to file a lease as required under
1 29 this section is punishable by a civil penalty not to exceed
1 30 one hundred dollars per day for each day of violation. The
1 31 assessor shall forward to the city attorney or county
1 32 attorney, as applicable, of the assessing jurisdiction where
1 33 the real estate is located a copy of each lease recorded more
1 34 than sixty days from the date the lease was executed. The
1 35 city attorney or county attorney shall initiate action in the



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2 1 district court to enforce provisions of this section. Civil
2 2 penalties collected pursuant to this subsection shall be
2 3 deposited in the general fund of the city or county, as
2 4 appropriate.

2 5 Sec. 2. Section 441.17, Code 2007, is amended by adding
2 6 the following new subsection:

2 7 NEW SUBSECTION. 12. Document and retain all leases
2 8 required to be filed under section 441.17, and make such lease
2 9 information available to all other county officials upon
2 10 request.

2 11 EXPLANATION

2 12 This bill requires a lease of real estate made for the
2 13 purpose of erecting a building or making improvements to the
2 14 real estate by a person other than the owner of the land to be
2 15 filed by the lessee with the county assessor not later than 60
2 16 days after the execution of the lease. The bill provides that
2 17 each lease filed shall disclose certain details of the lease
2 18 or the lessee may file a memorandum of the lease containing
2 19 that information.

2 20 The bill provides that leases filed with the assessor shall
2 21 be retained by the assessor for the duration of the lease or
2 22 until all taxes owed by the lessee have been paid.

2 23 The bill provides that the failure of a lessee to file a
2 24 lease as required under the bill is punishable by a civil
2 25 penalty not to exceed \$100 per day for each day of violation.
2 26 The bill provides that civil penalties collected shall be
2 27 deposited in the appropriate city or county general fund.

2 28 LSB 5802SC 82

2 29 md/sc/8



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Senate Study Bill 3147

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

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

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 TL5B 5912SC 82
6 jr/rj/5



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



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Senate Study Bill 3148

SENATE FILE
BY (PROPOSED COMMITTEE ON WAYS
AND MEANS BILL BY
CHAIRPERSON BOLKCOM)

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

A BILL FOR

1 An Act providing an Iowa individual income tax checkoff for the
2 department of human services' child abuse prevention program,
3 making an appropriation, and providing for the Act's
4 implementation.
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
6 TLSB 6435XC 82
7 ak/rj/24



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1 1 Section 1. NEW SECTION. 235A.2 CHILD ABUSE PREVENTION
1 2 PROGRAM FUND.
1 3 1. A child abuse prevention program fund is created in the
1 4 state treasury under the control of the department of human
1 5 services. The fund is composed of moneys appropriated or
1 6 available to and obtained or accepted by the treasurer of
1 7 state for deposit in the fund. The fund shall include moneys
1 8 transferred to the fund as provided in section 422.12K. All
1 9 interest earned on moneys in the fund shall be credited to and
1 10 remain in the fund. Section 8.33 does not apply to moneys in
1 11 the fund.
1 12 2. Moneys in the fund that are authorized by the
1 13 department for expenditure are appropriated, and shall be
1 14 used, for the purposes described in section 235A.1 of
1 15 preventing child abuse and neglect.
1 16 Sec. 2. NEW SECTION. 422.12K INCOME TAX CHECKOFF FOR
1 17 CHILD ABUSE PREVENTION PROGRAM FUND.
1 18 1. A person who files an individual or a joint income tax
1 19 return with the department of revenue under section 422.13 may
1 20 designate one dollar or more to be paid to the child abuse
1 21 prevention program fund created in section 235A.2. If the
1 22 refund due on the return or the payment remitted with the
1 23 return is insufficient to pay the additional amount designated
1 24 by the taxpayer to the child abuse prevention program fund,
1 25 the amount designated shall be reduced to the remaining amount
1 26 remitted with the return. The designation of a contribution
1 27 to the child abuse prevention program fund under this section
1 28 is irrevocable.
1 29 2. The director of revenue shall draft the income tax form
1 30 to allow the designation of contributions to the child abuse
1 31 prevention program fund on the tax return. The department of
1 32 revenue, on or before January 31, shall transfer the total
1 33 amount designated on the tax return forms due in the preceding
1 34 calendar year to the child abuse prevention program fund.
1 35 However, before a checkoff pursuant to this section shall be



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2 1 permitted, all liabilities on the books of the department of
2 2 revenue and accounts identified as owing under section 421.17
2 3 and the political contribution allowed under section 68A.601
2 4 shall be satisfied.

2 5 3. The department of human services may authorize payment
2 6 of moneys from the child abuse prevention program fund, in
2 7 accordance with section 235A.2.

2 8 4. The department of revenue shall adopt rules to
2 9 administer this section.

2 10 5. This section is subject to repeal under section
2 11 422.12E.

2 12 Sec. 3. IMPLEMENTATION. The checkoff created in this Act
2 13 is eligible for placement on the individual income tax return
2 14 form commencing with the tax year beginning January 1, 2009,
2 15 provided the conditions for placement on the return form set
2 16 out in section 422.12E are met.

2 17 EXPLANATION

2 18 This bill provides that taxpayers filing individual income
2 19 tax returns will be allowed to designate \$1 or more on the
2 20 return to be paid to the child abuse prevention program fund.
2 21 The bill creates the child abuse prevention program fund in
2 22 the department of human services. The bill requires the
2 23 department of revenue to annually remit moneys collected from
2 24 the checkoff to the fund. Moneys in the fund shall be used by
2 25 the department of human services' child abuse prevention
2 26 program, as described in Code section 235A.1.

2 27 The bill provides that the checkoff is eligible for
2 28 placement on the individual income tax return for the tax year
2 29 beginning January 1, 2009, provided the conditions for
2 30 placement on the return form set out in Code section 422.12E
2 31 are met.

2 32 LSB 6435XC 82

2 33 ak/rj/24