



Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
February 19, 2008

House Amendment 8037

PAG LIN

1 1 Amend House File 2239 as follows:  
1 2 #1. Page 15, by inserting after line 13 the  
1 3 following:  
1 4 <Sec. \_\_\_\_ . Section 279.13, subsection 1, paragraph  
1 5 b, subparagraph (1), Code Supplement 2007, is amended  
1 6 to read as follows:  
1 7 b. (1) Prior to entering into an initial contract  
1 8 with a teacher who holds a license other than an  
1 9 initial license issued by the board of educational  
1 10 examiners under chapter 272, the school district shall  
1 11 either request the division of criminal investigation  
1 12 of the department of public safety to conduct a  
1 13 background investigation of the applicant or request a  
1 14 qualified background screening company accredited by  
1 15 the national association of professional background  
1 16 ~~check~~ screeners to conduct a background check on the  
1 17 applicant.>  
1 18 #2. By renumbering as necessary.  
1 19  
1 20  
1 21  
1 22 VAN FOSSEN of Scott  
1 23 HF 2239.706 82  
1 24 kh/nh/9871  
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House Amendment 8038

PAG LIN

1 1 Amend the amendment, H=8016, to House File 2212, as  
1 2 follows:  
1 3 #1. Page 1, by striking lines 4 through 8 and  
1 4 inserting the following:  
1 5 <<\_\_\_\_. a. Agricultural property which is used by  
1 6 a person when actively engaged in farming, if the  
1 7 person is any of the following:  
1 8 (1) A person who files schedule F as part of the  
1 9 person's annual form 1040 or form 1041 filing with the  
1 10 United States internal revenue service, or an employee  
1 11 of such person while the employee is actively engaged  
1 12 in farming.  
1 13 (2) A person who holds an equity position in or  
1 14 who is employed by a business association holding  
1 15 agricultural land where the business association is  
1 16 any of the following:  
1 17 (a) A family farm corporation, authorized farm  
1 18 corporation, family farm limited partnership, limited  
1 19 partnership, family farm limited liability company,  
1 20 authorized limited liability company, family trust, or  
1 21 authorized trust, as provided in chapter 9H.  
1 22 (b) A limited liability partnership as defined in  
1 23 section 486A.101.  
1 24 (3) A natural person related to the person  
1 25 actively engaged in farming as provided in  
1 26 subparagraph (1) or (2) when the person is actively  
1 27 engaged in farming. The natural person must be  
1 28 related as spouse, parent, grandparent, lineal  
1 29 ascendant of a grandparent or a grandparent's spouse,  
1 30 other lineal descendant of a grandparent or a  
1 31 grandparent's spouse, or a person acting in a  
1 32 fiduciary capacity for persons so related.  
1 33 b. For purposes of this subsection:  
1 34 (1) "Actively engaged in farming" means  
1 35 participating in physical labor on a regular,  
1 36 continuous, and substantial basis, or making  
1 37 day-to-day management decisions, where such  
1 38 participation or decisionmaking is directly related to  
1 39 raising and harvesting crops for feed, food, seed, or  
1 40 fiber, or to the care and feeding of livestock.  
1 41 (2) "Agricultural property" means land of more  
1 42 than ten contiguous acres owned, leased, or held by a  
1 43 person, any residence or other structure located on  
1 44 that land, and any equipment used on that land.>>  
1 45  
1 46  
1 47  
1 48 HORBACH of Tama  
1 49 HF 2212.508 82  
1 50 pf/rj/10595



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# House Amendment 8039

PAG LIN

1 1 Amend Senate File 2123, as passed by the Senate, as  
1 2 follows:  
1 3 #1. Page 1, line 5, by striking the word and  
1 4 figures <January 1, 2007> and inserting the following:  
1 5 <~~January 1, 2007~~ February 14,>.  
1 6 #2. Page 1, line 10, by striking the word and  
1 7 figures <January 1, 2007> and inserting the following:  
1 8 <~~January 1, 2007~~ February 14,>.  
1 9 #3. Page 1, line 18, by striking the word and  
1 10 figures <January 1, 2007> and inserting the following:  
1 11 <~~January 1, 2007~~ February 14,>.  
1 12 #4. Page 1, line 22, by striking the word and  
1 13 figures <January 1, 2007> and inserting the following:  
1 14 <~~January 1, 2007~~ February 14,>.  
1 15 #5. Page 1, line 29, by striking the word and  
1 16 figures <January 1, 2007> and inserting the following:  
1 17 <~~January 1, 2007~~ February 14,>.  
1 18 #6. Page 1, line 34, by striking the word and  
1 19 figures <January 1, 2007> and inserting the following:  
1 20 <~~January 1, 2007~~ February 14,>.  
1 21  
1 22  
1 23  
1 24 RANTS of Woodbury  
1 25  
1 26 SF 2123.501 82  
1 27 mg/sc/10310  
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House Amendment 8040

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1 1 Amend House File 2283 as follows:  
 1 2 #1. Page 3, by inserting after line 17 the  
 1 3 following:  
 1 4 <Sec. \_\_\_\_\_. Section 422.7, subsection 51, Code  
 1 5 Supplement 2007, is amended to read as follows:  
 1 6 51. Subtract, to the extent included, the amount  
 1 7 of any Vietnam Conflict veterans bonus provided  
 1 8 pursuant to section 35A.8, subsection 5, and section  
 1 9 35A.8A.>  
 1 10 #2. Page 3, by inserting after line 19 the  
 1 11 following:  
 1 12 <Sec. \_\_\_\_\_. RETROACTIVE APPLICABILITY. The section  
 1 13 of this Act amending section 422.7, is retroactively  
 1 14 applicable to January 1, 2008, and is applicable for  
 1 15 tax years beginning on and after that date.>  
 1 16 #3. Title page, line 3, by inserting after the  
 1 17 word <date> the following: <and retroactive  
 1 18 applicability provision>.  
 1 19 #4. By renumbering as necessary.  
 1 20  
 1 21  
 1 22  
 1 23 BAILEY of Hamilton  
 1 24 HF 2283.201 82  
 1 25 ec/nh/20244  
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**House File 2290 - Introduced**

HOUSE FILE  
BY ABDUL=SAMAD

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

**A BILL FOR**

- 1 An Act relating to dental homes for children.
- 2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 3 TLSB 5402HH 82
- 4 pf/nh/5



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House File 2290 - Introduced continued

PAG LIN

1 1 Section 1. Section 249J.14, subsection 7, Code 2007, is  
1 2 amended to read as follows:  
1 3 7. DENTAL HOME FOR CHILDREN. ~~By July 1, 2008, every~~ Every  
1 4 recipient of medical assistance who is a child twelve years of  
1 5 age or younger shall have a designated dental home and shall  
1 6 be provided with the dental ~~screenings and preventive care~~  
~~1 7 identified in the oral health standards~~ services as defined  
1 8 under the early and periodic screening, diagnostic, and  
1 9 treatment program.

1 10 EXPLANATION

1 11 This bill relates to the requirement of a dental home for  
1 12 children 12 years of age and younger under the medical  
1 13 assistance program. The bill removes the date by which every  
1 14 child must have a dental home. The bill also replaces the  
1 15 requirement that every child have the dental screenings and  
1 16 preventive care identified in the oral health standards under  
1 17 the early and periodic screening, diagnostic, and treatment  
1 18 program, and instead requires that the child be provided with  
1 19 the dental services as defined under the early and periodic  
1 20 screening, diagnostic, and treatment program.  
1 21 LSB 5402HH 82  
1 22 pf/nh/5



Iowa General Assembly  
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**House File 2291 - Introduced**

HOUSE FILE  
BY ABDUL=SAMAD

Passed House, Date \_\_\_\_\_ Passed Senate, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays  
Approved

**A BILL FOR**

- 1 An Act relating to appeals of denials of dental insurance
- 2 coverage based on medical necessity.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 6105HH 82
- 5 av/nh/14



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House File 2291 - Introduced continued

PAG LIN

1 1 Section 1. Section 514J.3, Code 2007, is amended to read  
1 2 as follows:  
1 3 514J.3 EXCLUSIONS.  
1 4 This chapter does not apply to a hospital confinement  
1 5 indemnity, credit, ~~dental~~, vision, long-term care, disability  
1 6 income insurance coverage, coverage issued as a supplement to  
1 7 liability insurance, workers' compensation or similar  
1 8 insurance, or automobile medical payment insurance.  
1 9 EXPLANATION  
1 10 This bill amends Code section 514J.3 to allow appeal of a  
1 11 denial of dental insurance coverage based on medical  
1 12 necessity, pursuant to Code chapter 514J.  
1 13 LSB 6105HH 82  
1 14 av/nh/14



Iowa General Assembly  
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**House File 2292 - Introduced**

HOUSE FILE  
BY ABDUL=SAMAD

Passed House, Date \_\_\_\_\_ Passed Senate, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays  
Approved

**A BILL FOR**

- 1 An Act relating to employees who are breast=feeding.
- 2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 3 TLSB 6052HH 82
- 4 ak/nh/14



Iowa General Assembly  
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House File 2292 - Introduced continued

PAG LIN

1 1 Section 1. Section 91.5, Code 2007, is amended to read as  
1 2 follows:

1 3 91.5 OTHER DUTIES == JURISDICTION IN GENERAL.

1 4 The commissioner shall have jurisdiction and it shall be  
1 5 the commissioner's duty to supervise the enforcement of:

1 6 1. All laws relating to safety appliances and inspection  
1 7 thereof and health conditions in manufacturing and mercantile  
1 8 establishments, workshops, machine shops, other industrial  
1 9 concerns within the commissioner's jurisdiction and sanitation  
1 10 and shelter for railway employees.

1 11 2. All laws of the state relating to child labor.

1 12 3. All laws relating to employment agencies.

1 13 4. All laws relating to issues of breast=feeding in the  
1 14 workplace.

1 15 ~~4-~~ 5. Such other provisions of law as are now or shall  
1 16 hereafter be within the commissioner's jurisdiction.

1 17 Sec. 2. NEW SECTION. 91F.1 BREAST=FEEDING AT WORK.

1 18 1. An employer shall provide reasonable unpaid break time  
1 19 each day to an employee who needs to express breast milk or  
1 20 breast=feed a child. The break time shall, if possible, run  
1 21 concurrently with any break time already provided to the  
1 22 employee. An employer is not required to provide break time  
1 23 under this section if to do so would unduly disrupt the  
1 24 operations of the employer.

1 25 2. The employer shall make reasonable efforts to provide a  
1 26 room or other location, in close proximity to the work area  
1 27 other than a toilet stall, where the employee can express the  
1 28 breast milk or breast=feed in privacy.

1 29 3. For the purposes of this section, "employer" means a  
1 30 person who employs one or more employees.

1 31 EXPLANATION

1 32 This bill places the enforcement of laws concerning nursing  
1 33 mothers in the workplace under the auspices of the labor  
1 34 commissioner.

1 35 The bill requires that an employer provide reasonable daily



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House File 2292 - Introduced continued

2 1 unpaid break time to an employee who needs to express breast  
2 2 milk or breast-feed a child. The break shall be the same  
2 3 break if one is already given to the employee. An employer is  
2 4 not required to provide a break if doing so would unduly  
2 5 disrupt the employer's work operations.  
2 6 The bill also requires that the employer make reasonable  
2 7 efforts to provide a room or other location, other than a  
2 8 toilet stall, for the employee to express breast milk or  
2 9 breast-feed in privacy.  
2 10 For the purposes of this bill, an employer is defined as a  
2 11 person who employs one or more employees.  
2 12 LSB 6052HH 82  
2 13 ak/nh/14



Iowa General Assembly  
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**House File 2293 - Introduced**

HOUSE FILE  
BY FOEGE

Passed House, Date \_\_\_\_\_ Passed Senate, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays  
Approved

**A BILL FOR**

- 1 An Act providing a small business qualified wellness program tax
- 2 credit and providing a retroactive applicability date.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 5870HH 82
- 5 pf/nh/14



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House File 2293 - Introduced continued

PAG LIN

1 1 Section 1. NEW SECTION. 135.27A SMALL BUSINESS QUALIFIED  
1 2 WELLNESS PROGRAM CERTIFICATION.

1 3 1. The department shall adopt rules for the small business  
1 4 qualified wellness programs that are eligible for a tax credit  
1 5 pursuant to section 422.11V, section 422.33, subsection 25,  
1 6 and section 422.60, subsection 15. The rules shall provide  
1 7 for all of the following:

1 8 a. The minimum standards for use by a small business in  
1 9 establishing a qualified wellness program to improve the  
1 10 health of employees of the small business.

1 11 (1) The minimum standards shall include a requirement that  
1 12 a qualified wellness program provide measurable positive  
1 13 health outcomes for employees.

1 14 (2) The minimum standards shall also include but are not  
1 15 limited to all of the following:

1 16 (a) Provision of a smoking cessation program that covers  
1 17 all United States food and drug administration-approved  
1 18 cessation treatments and cessation counseling through direct  
1 19 payment, reimbursement, or purchase of suitable insurance  
1 20 riders.

1 21 (b) Provision of a program for employees to obtain a  
1 22 regular health risk assessment and to adhere to a treatment  
1 23 program designed to address health risk factors including but  
1 24 not limited to cholesterol levels, triglyceride levels, or  
1 25 blood pressure levels that are outside of the ranges  
1 26 recommended by the centers for disease control and prevention  
1 27 of the United States department of health and human services.

1 28 (3) The minimum standards may include any of the  
1 29 following:

1 30 (a) Provision of programs that target the prevention of  
1 31 onset of disease including but not limited to immunizations  
1 32 and promotion of physical activity.

1 33 (b) Provision of programs that target identification of  
1 34 disease and the treatment of disease following the onset of  
1 35 disease including but not limited to mammography, colonoscopy,



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House File 2293 - Introduced continued

2 1 medication adherence programs, and disease management  
2 2 programs.  
2 3 b. Criteria and a process for certification of a small  
2 4 business qualified wellness program including:  
2 5 (1) An application process for small businesses to submit  
2 6 a description of the small business's wellness program to the  
2 7 department for certification.  
2 8 (2) A review process and the criteria to be used in  
2 9 evaluating a small business's wellness program to determine  
2 10 whether to certify the program as a qualified wellness  
2 11 program.  
2 12 (3) The certification document, verifying a wellness  
2 13 program as a qualified wellness program.  
2 14 2. If the department determines that a small business  
2 15 wellness program is a qualified wellness program, the  
2 16 department shall send the certification document to the small  
2 17 business as verification.  
2 18 3. The department may charge a reasonable fee for the  
2 19 application and certification processes.  
2 20 Sec. 2. NEW SECTION. 422.11V SMALL BUSINESS QUALIFIED  
2 21 WELLNESS PROGRAM TAX CREDIT.  
2 22 1. a. The taxes imposed under this division, less the  
2 23 amounts of nonrefundable credits allowed under this division,  
2 24 shall be reduced by a small business qualified wellness  
2 25 program tax credit for the cost to a small business of  
2 26 providing a qualified wellness program. The amount of the  
2 27 credit for each employer equals fifty percent of the program  
2 28 costs, not to exceed an amount equal to three hundred dollars  
2 29 per year per employee.  
2 30 b. For purposes of this section:  
2 31 (1) "Qualified wellness program" means a wellness program  
2 32 certified by the department of public health pursuant to  
2 33 section 135.27A.  
2 34 (2) "Small business" means a for-profit enterprise that  
2 35 employed for at least fifty percent of the working days of the



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3 1 employer, at least two but not more than one hundred employees  
3 2 during the tax year.

3 3 c. If the credit provided under this section exceeds the  
3 4 taxpayer's state tax liability, the excess may be carried  
3 5 forward to succeeding taxable years and used as a credit  
3 6 against the taxpayer's state tax liability during those  
3 7 taxable years.

3 8 2. An individual may claim a small business qualified  
3 9 wellness program tax credit allowed a partnership, limited  
3 10 liability company, S corporation, estate, or trust electing to  
3 11 have the income taxed directly to the individual. The amount  
3 12 claimed by the individual shall be based upon the pro rata  
3 13 share of the individual's earnings of the partnership, limited  
3 14 liability company, S corporation, estate, or trust.

3 15 3. A taxpayer claiming a credit under this section shall  
3 16 not be precluded, in computing taxable income, from deducting  
3 17 the amount of costs for providing a wellness program allowed  
3 18 under any section of the Internal Revenue Code.

3 19 4. To receive the small business qualified wellness  
3 20 program tax credit, a small business must submit an  
3 21 application to the department accompanied by a certificate  
3 22 received from the department of public health verifying the  
3 23 small business's wellness program as a qualified wellness  
3 24 program. If the taxpayer meets the criteria for eligibility,  
3 25 the department shall issue to the taxpayer a certification of  
3 26 entitlement for the small business qualified wellness program  
3 27 tax credit. The certification must contain the taxpayer's  
3 28 name, address, tax identification number, the amount of the  
3 29 credit, and tax year for which the certificate applies. The  
3 30 taxpayer shall file the tax credit certificate with the  
3 31 taxpayer's tax return in order to claim the tax credit. The  
3 32 department, in cooperation with the department of public  
3 33 health, shall adopt rules to administer this section.

3 34 Sec. 3. Section 422.33, Code Supplement 2007, is amended  
3 35 by adding the following new subsection:



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House File 2293 - Introduced continued

4 1 NEW SUBSECTION. 25. The taxes imposed under this division  
4 2 shall be reduced by a small business qualified wellness  
4 3 program tax credit, provided for in section 422.11V. The tax  
4 4 credit shall be subject to the same conditions, requirements,  
4 5 and dollar limitations as provided for in section 422.11V.

4 6 Sec. 4. Section 422.60, Code Supplement 2007, is amended  
4 7 by adding the following new subsection:

4 8 NEW SUBSECTION. 15. The taxes imposed under this division  
4 9 shall be reduced by a small business qualified wellness  
4 10 program tax credit, provided for in section 422.11V. The tax  
4 11 credit shall be subject to the same conditions, requirements,  
4 12 and dollar limitations as provided for in section 422.11V.

4 13 Sec. 5. RETROACTIVE APPLICABILITY DATE. This Act applies  
4 14 retroactively to January 1, 2008, for tax years beginning on  
4 15 or after that date.

4 16 EXPLANATION

4 17 This bill provides a small business qualified wellness  
4 18 program tax credit under the individual and corporate income  
4 19 taxes and the franchise tax.

4 20 A small business is a for-profit enterprise that employed  
4 21 for at least 50 percent of the working days of the employer,  
4 22 at least two but not more than 100 employees during the tax  
4 23 year. The amount of the credit equals 50 percent of the costs  
4 24 of the qualified wellness program, not to exceed an amount  
4 25 equal to \$300 per employee. Any excess credit may be carried  
4 26 forward to succeeding tax years.

4 27 The bill directs the department of public health to adopt  
4 28 rules specifying the requirements for a qualified wellness  
4 29 program and to provide for certification of small business  
4 30 qualified wellness programs.

4 31 The bill applies retroactively to January 1, 2008, for tax  
4 32 years beginning on or after that date.

4 33 LSB 5870HH 82

4 34 pf/nh/14



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House File 2294 - Introduced

HOUSE FILE

BY BAILEY, FOEGE, WHITAKER, WINCKLER,  
 WESSEL-KROESCHELL, ALONS, WENTHE,  
 L. MILLER, RAYHONS, HEATON, GAYMAN,  
 GASKILL, SWAIM, FREVERT, QUIRK,  
 ABDUL-SAMAD, SCHUELLER, MASCHER,  
 MERTZ, MURPHY, STAED, and KRESSIG

Passed House, Date \_\_\_\_\_  
 Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
           Approved

Passed Senate, Date \_\_\_\_\_  
 Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_

**A BILL FOR**

- 1 An Act relating to individual development accounts authorized for
- 2 certain individuals with low income, providing an
- 3 appropriation, and providing effective and applicability date
- 4 provisions.
- 5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 6 TL5B 6334HH 82
- 7 jp/nh/24



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House File 2294 - Introduced continued

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1 1 Section 1. Section 422.7, subsection 28, paragraph b, Code  
1 2 Supplement 2007, is amended to read as follows:  
1 3 b. The amount of any savings refund or state match  
1 4 payments authorized under section 541A.3, subsection 1.  
1 5 Sec. 2. Section 541A.1, subsection 2, Code 2007, is  
1 6 amended to read as follows:  
1 7 2. "Administrator" means the division of community action  
1 8 agencies of the department of human ~~services~~ rights.  
1 9 Sec. 3. Section 541A.1, Code 2007, is amended by adding  
1 10 the following new subsection:  
1 11 NEW SUBSECTION. 5A. "Household income" means the annual  
1 12 household income of an account holder or prospective account  
1 13 holder, as determined in accordance with rules adopted by the  
1 14 administrator.  
1 15 Sec. 4. Section 541A.2, subsection 4, paragraph a, Code  
1 16 2007, is amended by adding the following new subparagraph:  
1 17 NEW SUBPARAGRAPH. (7) A purpose approved in accordance  
1 18 with rule for a refugee individual development account.  
1 19 Sec. 5. Section 541A.2, subsection 10, Code 2007, is  
1 20 amended to read as follows:  
1 21 10. The total amount of sources of principal which may be  
1 22 in an individual development account shall be limited to ~~fifty~~  
1 23 thirty thousand dollars.  
1 24 Sec. 6. Section 541A.3, Code 2007, is amended to read as  
1 25 follows:  
1 26 541A.3 INDIVIDUAL DEVELOPMENT ACCOUNTS == ~~REFUND STATE~~  
1 27 MATCH AND TAX PROVISIONS.  
1 28 All of the following state match and tax provisions shall  
1 29 apply to an individual development account:  
1 30 1. a. Payment by the state of a state savings ~~refund~~  
1 31 match on amounts of up to two thousand dollars ~~per calendar~~  
1 32 ~~year~~ that an account holder deposits in the account holder's  
1 33 account. To be eligible to receive a state match an account  
1 34 holder must have a household income that is equal to or less  
1 35 than two hundred percent of the federal poverty level.



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House File 2294 - Introduced continued

2 1 b. Moneys transferred to an individual development account  
2 2 from another individual development account and a ~~savings~~  
~~2 3 refund state match~~ received by the account holder in  
2 4 accordance with this section shall not be considered an  
2 5 account holder deposit for purposes of determining a ~~savings~~  
~~2 6 refund state match.~~

2 7 c. Payment of a ~~savings refund state match~~ either shall be  
2 8 made directly to the account holder or to an operating  
2 9 organization's central reserve account for later distribution  
2 10 to the account holder in the most appropriate manner as  
2 11 determined by the administrator.

2 12 d. ~~The Subject to the limitation in paragraph "a", the~~  
2 13 state ~~savings refund match~~ shall be ~~the indicated percentage~~  
~~2 14 of equal to one hundred percent of the amount deposited by~~  
2 15 ~~the account holder.~~

2 16 a. ~~For an account holder with a household income, as~~  
~~2 17 defined in section 425.17, subsection 6, which is one hundred~~  
~~2 18 fifty percent or less of the federal poverty level,~~  
~~2 19 twenty-five percent.~~

2 20 b. ~~For an account holder with a household income which is~~  
~~2 21 more than one hundred fifty percent but less than one hundred~~  
~~2 22 seventy-five percent of the federal poverty level, twenty~~  
~~2 23 percent.~~

2 24 e. ~~For an account holder with a household income which is~~  
~~2 25 one hundred seventy-five percent or more but not more than two~~  
~~2 26 hundred percent of the federal poverty level, fifteen percent.~~

2 27 d. ~~For an account holder with a household income which is~~  
~~2 28 more than two hundred percent of the federal poverty level,~~  
~~2 29 zero percent.~~

2 30 2. Income earned by an individual development account is  
2 31 not subject to state tax, in accordance with the provisions of  
2 32 section 422.7, subsection 28.

2 33 3. Amounts transferred between individual development  
2 34 accounts are not subject to state tax.

2 35 4. ~~The administrator shall work with the United States~~



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~~House File 2294 — Introduced continued~~

~~3 1 secretary of the treasury and the state's congressional  
3 2 delegation as necessary to secure an exemption from federal  
3 3 taxation for individual development accounts and the earnings  
3 4 on those accounts. The administrator shall report annually to  
3 5 the governor and the general assembly concerning the status of  
3 6 federal approval.~~

3 7 5. 4. The administrator shall coordinate the filing of  
3 8 claims for a state savings ~~refunds~~ match authorized under  
3 9 subsection 1, between account holders, and operating  
3 10 organizations, and the department of administrative services.  
3 11 Claims approved by the administrator may be paid by the  
~~3 12 department of administrative services to each account holder,  
3 13 for an aggregate amount for distribution to the holders of the  
3 14 accounts in a particular financial institution, or to an  
3 15 operating organization's central reserve account for later  
3 16 distribution to the account holders depending on the  
3 17 efficiency for issuing the ~~refunds~~ state match payments.~~  
3 18 Claims shall be initially filed with the administrator on or  
3 19 before a date established by the administrator. Claims  
3 20 approved by the administrator shall be paid from the ~~general  
3 21 fund of the state in the manner specified in section 422.74  
3 22 individual development account state match fund.~~

3 23 Sec. 7. Section 541A.5, Code 2007, is amended to read as  
3 24 follows:

3 25 541A.5 RULES.

3 26 1. The administrator commission on community action  
3 27 agencies created in section 216A.92A, in consultation with the  
3 28 department of administrative services, shall adopt  
3 29 administrative rules to administer this chapter.

3 30 2. a. The rules adopted by the ~~administrator~~ commission  
3 31 shall include but are not limited to provision for transfer of  
3 32 an individual development account to a different financial  
3 33 institution than originally approved by the administrator, if  
3 34 the different financial institution has an agreement with the  
3 35 account's operating organization.



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House File 2294 - Introduced continued

4 1 b. The rules for determining household income may provide  
4 2 categorical eligibility for prospective account holders who  
4 3 are enrolled in programs with income eligibility restrictions  
4 4 that are equal to or less than the maximum household income  
4 5 allowed for payment of a state match under section 541A.3.  
4 6 c. Subject to the availability of funding, the commission  
4 7 may adopt rules implementing an individual development account  
4 8 program for refugees. Rules shall identify purposes approved  
4 9 for withdrawals to meet the special needs of refugee families.  
4 10 3. The administrator shall utilize a request for proposals  
4 11 process for selection of operating organizations and approval  
4 12 of financial institutions.  
4 13 Sec. 8. Section 541A.6, Code 2007, is amended to read as  
4 14 follows:  
4 15 541A.6 COMPLIANCE WITH FEDERAL REQUIREMENTS.  
4 16 The ~~administrator~~ commission on community action agencies  
4 17 shall adopt rules for compliance with federal individual  
4 18 development account requirements under the federal Personal  
4 19 Responsibility and Work Opportunity Reconciliation Act of  
4 20 1996, } 103, as codified in 42 U.S.C. } 604(h), under the  
4 21 federal Assets for Independence Act, Pub. L. No. 105=285,  
4 22 Title IV, or with any other federal individual development  
4 23 account program requirements, as necessary for the state to  
~~4 24 qualify to use federal temporary assistance for needy families~~  
~~4 25 block grant funding or other available for drawing federal~~  
4 26 funding for allocation to operating organizations. Any rules  
4 27 adopted under this section shall not apply the federal  
4 28 individual development account program requirements to an  
4 29 operating organization which does not utilize federal funding  
4 30 for the accounts with which it is connected or to an account  
4 31 holder who does not receive temporary assistance for needy  
4 32 families block grant or other federal funding.  
4 33 Sec. 9. NEW SECTION. 541A.7 INDIVIDUAL DEVELOPMENT  
4 34 ACCOUNT STATE MATCH FUND.  
4 35 1. An individual development account state match fund is



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5 1 created in the state treasury under the authority of the  
5 2 administrator. Notwithstanding section 8.33, moneys  
5 3 appropriated to the fund shall not revert to any other fund.  
5 4 Notwithstanding section 12C.7, subsection 2, interest or  
5 5 earnings on moneys deposited in the fund shall be credited to  
5 6 the fund.

5 7 2. Moneys available in the fund for a fiscal year are  
5 8 appropriated to the administrator to be used to provide the  
5 9 state match for account holder deposits in accordance with  
5 10 section 541A.3. At least eighty=five percent of the amount  
5 11 appropriated shall be used for state match payments and the  
5 12 remainder may be used for administrative costs.

5 13 Sec. 10. INDIVIDUAL DEVELOPMENT ACCOUNTS == STATE MATCH  
5 14 APPROPRIATION. There is appropriated from the general fund of  
5 15 the state to the department of human rights for the fiscal  
5 16 year beginning July 1, 2008, and ending June 30, 2009, the  
5 17 following amount, or so much thereof as is necessary, to be  
5 18 used for the purposes designated:

5 19 To be credited to the individual development account state  
5 20 match fund created in this Act:  
5 21 ..... \$ 500,000

5 22 Sec. 11. INDIVIDUAL DEVELOPMENT ACCOUNT RULES ==  
5 23 TRANSITION, EFFECTIVE DATE, AND APPLICABILITY.

5 24 1. The division of community action agencies of the  
5 25 department of human rights shall administer individual  
5 26 development accounts in accordance with the administrative  
5 27 rules pertaining to the accounts in 441 IAC ch. 10, in place  
5 28 of the department of human services until replacement  
5 29 administrative rules are adopted. The commission on community  
5 30 action agencies may adopt emergency rules under section 17A.4,  
5 31 subsection 2, and section 17A.5, subsection 2, paragraph "b",  
5 32 to implement the provisions of this Act and the rules shall be  
5 33 effective immediately upon filing unless a later date is  
5 34 specified in the rules. Any rules adopted in accordance with  
5 35 this subsection shall also be published as a notice of



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6 1 intended action as provided in section 17A.4.  
6 2 2. This Act, being deemed of immediate importance, takes  
6 3 effect upon enactment.  
6 4 3. The change from "savings refund" to "state match" as  
6 5 authorized in section 422.7, subsection 28, and section  
6 6 541A.3, as amended by this Act, is retroactively applicable to  
6 7 January 1, 2008, for the tax year commencing on January 1,  
6 8 2008.

6 9 EXPLANATION

6 10 This bill relates to individual development accounts  
6 11 authorized for certain individuals with low income.  
6 12 Under current law in Code chapter 541A, the department of  
6 13 human services administers the accounts through operating  
6 14 organizations who certify the accounts. Account holder  
6 15 deposits may be matched by operating organizations, federal  
6 16 individual development account funding, and state savings  
6 17 refunds providing a state match for the deposits of account  
6 18 holders with family incomes of 200 percent or less of the  
6 19 federal poverty level. The state savings refund amount ranges  
6 20 from 15=25 percent of account holder deposits, depending on  
6 21 income. Interest and earnings on the accounts and the  
6 22 deposits made to an account by others is exempt from state  
6 23 income tax. Withdrawals from an account must be approved by  
6 24 the operating organization for one of the following approved  
6 25 purposes: higher education costs, training programs, purchase  
6 26 of a primary residence or improvements to such residence,  
6 27 capitalization of a small business start-up, or certain  
6 28 emergency medical costs.  
6 29 The bill makes a number of changes to the requirements for  
6 30 individual development accounts. The maximum amount of  
6 31 deposits of principal to an account is reduced from \$50,000 to  
6 32 \$30,000. Administration of the program is moved from the  
6 33 department of human services to the division of community  
6 34 action agencies of the department of human rights.  
6 35 Requirements for household income determinations and other



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7 1 procedures for the accounts are required to be adopted in rule  
7 2 by the commission on community action agencies with input from  
7 3 the family development and self-sufficiency council. The  
7 4 division is required to utilize a request for proposals  
7 5 process for selection of operating organizations and approval  
7 6 of financial institutions.

7 7 The bill includes a temporary authorization for operation  
7 8 of the accounts in accordance with the rules adopted by the  
7 9 department of human services until replacement rules are  
7 10 adopted. The commission may adopt the replacement rules using  
7 11 emergency procedures which forego public comment and review by  
7 12 the administrative rules review committee.

7 13 The state savings refund is changed to a state match and is  
7 14 increased to 100 percent of account holder deposits. The  
7 15 current state match limit of a percentage of account holder  
7 16 deposits of up to \$2,000 per calendar year is changed with an  
7 17 overall limit of \$2,000. If funding is available the  
7 18 commission may authorize implementing refugee accounts with  
7 19 withdrawals approved for the special needs of refugee  
7 20 families. Code section 422.7, providing for adjustments to  
7 21 income for purposes of determining net income under the state  
7 22 income tax, is amended to include a reference to state match  
7 23 payments in the exemption provision relating to individual  
7 24 development accounts. The provisions of the bill referencing  
7 25 the state match payment are retroactively applicable to  
7 26 January 1, 2008, for the tax year beginning on that date.

7 27 An individual development account state match fund is  
7 28 created in new Code section 541A.7 with a standing  
7 29 appropriation to the division for payments of state matches.  
7 30 A requirement for the program administrator to work with the  
7 31 federal government and the state's congressional delegation to  
7 32 secure federal tax exemption for the accounts and account  
7 33 earnings and to report annually is repealed. A portion of the  
7 34 appropriation may be used for administrative costs. An  
7 35 initial appropriation of \$500,000 is made to the fund.



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8 1     The bill takes effect upon enactment.  
8 2 LSB 6334HH 82  
8 3 jp/nh/24.2



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House File 2295 - Introduced

HOUSE FILE

BY TYMESON, CHAMBERS, WORTHAN,  
WINDSCHITL, BAUDLER, ALONS,  
D. TAYLOR, and GRANZOW

Passed House, Date \_\_\_\_\_

Passed Senate, Date \_\_\_\_\_

Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_

Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_

Approved

A BILL FOR

- 1 An Act concerning the county grant program for veterans and
- 2 providing an effective date.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 5961HH 82
- 5 ec/nh/8



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House File 2295 - Introduced continued

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1 1 Section 1. 2007 Iowa Acts, chapter 218, section 4,  
 1 2 subsection 4, is amended to read as follows:  
 1 3 4. COUNTY GRANT PROGRAM FOR VETERANS  
 1 4 For providing matching grants to counties to provide  
 1 5 improved services to veterans:  
 1 6 ..... \$ 750,000  
 1 7 The department shall establish or continue a grant  
 1 8 application process and shall require each county applying for  
 1 9 a grant to submit a plan for utilizing the grant to improve  
 1 10 services for veterans. The maximum matching grant to be  
 1 11 awarded to a county shall be \$10,000 and the amount awarded  
 1 12 shall be matched on a dollar-for-dollar basis by the county.  
 1 13 Each county receiving a grant shall submit a report to the  
 1 14 department identifying the impact of the grant on increasing  
 1 15 services to veterans as specified by the department. The  
 1 16 department shall submit a report to the general assembly by  
 1 17 October 1, 2008, concerning the impact of the grant program on  
 1 18 services to veterans.  
 1 19 A county that employs an executive director pursuant to  
 1 20 section 35B.6 may also apply for a grant on behalf of a  
 1 21 contiguous county that does not employ an executive director  
 1 22 for the purpose of either allowing that county to employ a  
 1 23 part-time executive director or, pursuant to an agreement  
 1 24 between the counties, to allow the county that employs an  
 1 25 executive director to provide veterans services to the county  
 1 26 that does not employ an executive director. A grant awarded  
 1 27 pursuant to this unnumbered paragraph shall be matched by the  
 1 28 contiguous county that does not employ an executive director.  
 1 29 Notwithstanding section 8.33, moneys appropriated in this  
 1 30 subsection that remain unencumbered or unobligated at the  
 1 31 close of the fiscal year shall not revert to the fund from  
 1 32 which appropriated but shall ~~be credited to the veterans trust~~  
 1 33 ~~fund~~ remain available for expenditure for the purpose  
 1 34 designated until the close of the succeeding fiscal year.  
 1 35 Sec. 2. EFFECTIVE DATE. This Act, being deemed of



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2 1 immediate importance, takes effect upon enactment.

2 2 EXPLANATION

2 3 This bill concerns the county grant program for veterans  
2 4 established for the fiscal year 2007=2008.

2 5 The bill provides that a county with an executive director  
2 6 of the county commission of veteran affairs may apply for a  
2 7 grant on behalf of a contiguous county without an executive  
2 8 director to either allow the county with a director to provide  
2 9 services for the contiguous county or to allow the contiguous  
2 10 county to employ a part-time executive director. The bill  
2 11 provides that the contiguous county shall provide the matching  
2 12 funds for the grant.

2 13 The bill also provides that moneys appropriated for this  
2 14 purpose for the fiscal year beginning July 1, 2007, that  
2 15 remain unencumbered at the close of the fiscal year shall  
2 16 remain available for expenditure under the county grant  
2 17 program in the next fiscal year. Current law provides that  
2 18 unencumbered moneys shall revert to the veterans trust fund at  
2 19 the end of the fiscal year beginning July 1, 2007.

2 20 The bill takes effect upon enactment.

2 21 LSB 5961HH 82

2 22 ec/nh/8



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House File 2296 - Introduced

HOUSE FILE  
BY FORD

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

**A BILL FOR**

1 An Act relating to the recruitment of minorities in certain  
2 businesses receiving incentives under the high quality job  
3 creation Act.  
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
5 TL5B 6341HH 82  
6 tw/nh/8



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House File 2296 - Introduced continued

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1 1 Section 1. Section 15.330, Code 2007, is amended by adding  
1 2 the following new subsection:  
1 3 NEW SUBSECTION. 5. That the eligible business shall make  
1 4 a good faith effort to recruit minority persons, as defined in  
1 5 section 15.102, subsection 5, for a portion of the new jobs  
1 6 created under the agreement and that the eligible business  
1 7 develop training programs specifically designed to address the  
1 8 levels of knowledge, skills, and competencies unique to these  
1 9 persons.

1 10 EXPLANATION

1 11 This bill relates to the high quality job creation Act.  
1 12 The bill requires eligible businesses receiving incentives to  
1 13 create quality jobs under the Act to make a good faith effort  
1 14 to recruit minorities and to provide training programs unique  
1 15 to their skills.

1 16 LSB 6341HH 82

1 17 tw/nh/8



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**House File 2297 - 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 state agencies to provide internet posting of
- 2 the reports from agency studies or other analyses.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 5207HH 82
- 5 jp/rj/5



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House File 2297 - Introduced continued

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1 1 Section 1. Section 8A.202, subsection 2, paragraph e, Code  
1 2 2007, is amended to read as follows:

1 3 e. Developing and maintaining an electronic repository for  
1 4 public access to reference copies of agency mandated reports,  
1 5 newsletters, and publications, and nonmandatory reports, in  
1 6 conformity with section 305.10, subsection 1, paragraph "h".  
1 7 The department shall develop technical standards for an  
1 8 electronic repository in consultation with the state librarian  
1 9 and the state archivist.

1 10 Sec. 2. Section 305.10, subsection 1, paragraph h, Code  
1 11 2007, is amended to read as follows:

1 12 h. (1) Prepare all mandated reports, newsletters, and  
1 13 publications for electronic distribution in accordance with  
1 14 government information policies, standards, and guidelines. A  
1 15 reference copy of all mandated reports, newsletters, and  
1 16 publications shall be located at an electronic repository for  
1 17 public access to be developed and maintained by the department  
1 18 of administrative services in consultation with the state  
1 19 librarian and the state archivist.

1 20 (2) To the extent release of information is not prohibited  
1 21 under chapter 22 or other provision of law, in addition to  
1 22 electronic distribution of the materials required under  
1 23 subparagraph (1), each agency head shall prepare for  
1 24 electronic distribution a report on any study or other  
1 25 analysis performed by the agency that was not mandated. A  
1 26 reference copy of the materials subject to this subparagraph  
1 27 shall be included in the electronic repository for public  
1 28 access with the materials subject to subparagraph (1).

1 29 (3) Any report, newsletter, study, analysis, or  
1 30 publication that is prepared for electronic distribution as  
1 31 described in this lettered paragraph shall be posted in the  
1 32 internet site used by the agency within forty-five business  
1 33 days of completion.

1 34 EXPLANATION

1 35 This bill amends Code section 8A.202, relating to the



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2 1 responsibilities of the department of administrative services  
2 2 for information technology services, and Code section 305.10,  
2 3 relating to state agency head responsibilities regarding  
2 4 agency records, to require internet posting of the  
2 5 nonmandatory reports from agency studies or other analyses.  
2 6 Under the definition in Code section 305.2, the bill applies  
2 7 to any executive or legislative branch department, office,  
2 8 commission, board, or other unit of state government except as  
2 9 otherwise provided by law.  
2 10 Current law in Code section 305.10 requires electronic  
2 11 publishing of mandated agency reports, newsletters, and  
2 12 publications. The bill requires the same electronic  
2 13 publishing for reports and analyses that are not mandated. In  
2 14 addition, the materials addressed by current law and the bill  
2 15 are all required to be posted on the agency internet site  
2 16 within 45 business days of completion.  
2 17 LSB 5207HH 82  
2 18 jp/rj/5.1



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**House File 2298 - Introduced**

HOUSE FILE  
BY WHITEAD

Passed House, Date \_\_\_\_\_ Passed Senate, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays  
Approved

**A BILL FOR**

- 1 An Act relating to the certification of crane operators and
- 2 providing an effective date.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 5744YH 82
- 5 ak/rj/14



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1 1 Section 1. Section 88.5, Code Supplement 2007, is amended  
1 2 by adding the following new subsection:  
1 3 NEW SUBSECTION. 12. CRANE OPERATOR CERTIFICATION.  
1 4 a. For the purposes of this subsection:  
1 5 (1) "Construction" means alteration, creation,  
1 6 development, enlargement, erection, improvement, installation,  
1 7 reconstruction, remodeling, and renovation.  
1 8 (2) "Crane" means any of the following:  
1 9 (a) Any hoisting equipment that lifts and rotates or moves  
1 10 a load in excess of five tons horizontally or vertically.  
1 11 (b) A tower crane that lifts and rotates or moves a load  
1 12 in excess of at least two thousand five hundred pounds  
1 13 horizontally or vertically.  
1 14 b. An individual shall not operate a crane at a site where  
1 15 construction or demolition is being performed unless the  
1 16 individual possesses a crane operator certificate for the type  
1 17 of crane being operated and such certification is issued by a  
1 18 nationally recognized and accredited certification program.  
1 19 c. An employer or a person who is contracted to perform  
1 20 construction or demolition shall not permit an employee,  
1 21 agent, or independent contractor to perform construction or  
1 22 demolition involving a crane in violation of this section.  
1 23 d. A crane operator shall renew the certification required  
1 24 pursuant to this section through a nationally recognized and  
1 25 accredited certification program every five years.  
1 26 e. The requirements of this subsection do not apply to the  
1 27 following:  
1 28 (1) A crane operator trainee or apprentice, if the trainee  
1 29 or apprentice is under the direct supervision of a crane  
1 30 operator who possesses a crane operator certificate for the  
1 31 type of crane being operated.  
1 32 (2) A person who is employed by a public utility, rural  
1 33 electric cooperative, or telephone company.  
1 34 (3) A person engaged in boating, fishing, agriculture, or  
1 35 arboriculture.



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2 1 (4) A person who is operating a crane for personal use on  
2 2 premises owned or leased by that person.

2 3 Sec. 2. EFFECTIVE DATE. This Act takes effect January 1,  
2 4 2009.

2 5 EXPLANATION

2 6 This bill requires a crane operator to be certified to  
2 7 operate the particular type of crane the crane operator uses  
2 8 by a nationally recognized and accredited certification  
2 9 program. The bill defines "crane" and "construction". The  
2 10 bill applies to sites where construction or demolition occurs.  
2 11 The bill prohibits employers or other persons from permitting  
2 12 an employee, agent, or independent contractor to perform work  
2 13 in violation of the bill. The crane operator is required to  
2 14 renew the certification every five years.

2 15 The certification requirements do not apply to a crane  
2 16 operator trainee or apprentice if the trainee or apprentice is  
2 17 under the direct supervision of a crane operator who possesses  
2 18 a crane operator certificate; a person who is employed by a  
2 19 public utility, rural electric cooperative, or telephone  
2 20 company; a person engaged in boating, fishing, agriculture, or  
2 21 arboriculture; or a person who is operating a crane for  
2 22 personal use on premises owned or leased by that person.

2 23 The bill is placed in Code chapter 88, the occupational  
2 24 safety and health chapter, and all applicable provisions of  
2 25 Code chapter 88 apply to the bill, including violation  
2 26 citation and administrative and criminal enforcement  
2 27 provisions. The bill takes effect January 1, 2009.

2 28 LSB 5744YH 82

2 29 ak/rj/14



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**House File 2299 - Introduced**

HOUSE FILE  
BY SANDS and PAULSEN

Passed House, Date \_\_\_\_\_ Passed Senate, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays  
Approved

**A BILL FOR**

1 An Act relating to posting of local government budgets, certain  
2 annual financial reports, and contract information on the  
3 internet.  
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
5 TLSB 5185HH 82  
6 md/sc/5



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1 1 Section 1. NEW SECTION. 24A.1 DEFINITIONS.  
1 2 As used in this chapter:  
1 3 1. "Contract" means an agreement between a political  
1 4 subdivision and a person or entity involving the exchange or  
1 5 payment of five thousand dollars or more. A contract shall  
1 6 not include a contract that is a confidential record pursuant  
1 7 to section 22.7.  
1 8 2. "Expenditure" means a payment made by a political  
1 9 subdivision to any person or entity of five thousand dollars  
1 10 or more or multiple related payments to a person or entity  
1 11 totaling five thousand dollars or more.  
1 12 3. "Political subdivision" means a municipality required  
1 13 to adopt and certify a budget under chapter 24 or a political  
1 14 subdivision required to certify a budget under section 24.17.  
1 15 "Political subdivision" includes but is not limited to  
1 16 counties, cities, school districts, area hospitals, townships,  
1 17 and regional transit districts.  
1 18 Sec. 2. NEW SECTION. 24A.2 ANNUAL REPORT ON CONTRACTS ==  
1 19 INTERNET POSTING.  
1 20 1. On or before June 30 of each fiscal year, a political  
1 21 subdivision shall prepare an annual report of all contracts  
1 22 entered into or in effect during that fiscal year. The report  
1 23 shall be on a form prepared by the department of management  
1 24 and shall include all of the following:  
1 25 a. Names of all parties to the contract.  
1 26 b. Date the contract was executed.  
1 27 c. Amounts of all expenditures made in connection with the  
1 28 contract.  
1 29 d. Description of the contents and general nature of the  
1 30 contract.  
1 31 2. A political subdivision shall post a report of all  
1 32 contracts on the political subdivision's web site, if one is  
1 33 available, or on the government web site of the county where  
1 34 the political subdivision is located in all other cases.  
1 35 3. The department of management shall establish a uniform



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2 1 format that permits political subdivisions to produce and  
2 2 report contract data required under subsection 1. A political  
2 3 subdivision shall submit its contract report for the previous  
2 4 fiscal year to the department of management on or before  
2 5 August 1 of each year. The department of management shall  
2 6 post each contract report received on the department's web  
2 7 site created under section 24A.5, or shall place an electronic  
2 8 link on the department's web site to each contract report  
2 9 posted on the political subdivision web site or county web  
2 10 site.

2 11 4. Annual contract reports shall remain available to the  
2 12 public on the political subdivision's web site, or county web  
2 13 site, and the department of management's web site for a period  
2 14 of ten years.

2 15 Sec. 3. NEW SECTION. 24A.3 ANNUAL FINANCIAL REPORT ==  
2 16 INTERNET POSTING.

2 17 1. Annual financial reports or statements required by law  
2 18 to be prepared by a political subdivision including but not  
2 19 limited to annual financial reports under section 331.403,  
2 20 annual reports under section 384.22, annual statements under  
2 21 359.23, and financial reports under section 279.63, shall be  
2 22 posted by the political subdivision on the political  
2 23 subdivision's web site, if one is available, or on the  
2 24 government web site of the county where the political  
2 25 subdivision is located in all other cases. Each report or  
2 26 statement shall be posted no later than ten days after the  
2 27 date the report or statement is required to be completed.

2 28 2. Each report or statement posted pursuant to subsection  
2 29 1 shall also be submitted to the department of management.  
2 30 The department of management shall post each report or  
2 31 statement on the department's web site, created under section  
2 32 24A.5, or shall place an electronic link on the department's  
2 33 web site to each report or statement posted on the political  
2 34 subdivision web site or county web site.

2 35 3. Reports shall remain available to the public on the



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3 1 political subdivision's web site, or county web site, and the  
3 2 department of management's web site for a period of ten years.

3 3 Sec. 4. NEW SECTION. 24A.4 LOCAL BUDGETS == INTERNET  
3 4 POSTING.

3 5 1. Following certification of a local budget to the county  
3 6 auditor under section 24.17, each political subdivision shall  
3 7 post its budget on the political subdivision's web site, if  
3 8 one is available, or on the government web site of the county  
3 9 where the political subdivision is located in all other cases.

3 10 2. The department of management shall post each political  
3 11 subdivision budget on the department's web site, created under  
3 12 section 24A.5, or shall place an electronic link on the  
3 13 department's web site to each budget posted on the political  
3 14 subdivision web site or county web site.

3 15 3. Budgets shall remain available to the public on the  
3 16 political subdivision's web site, or county web site, and the  
3 17 department of management's web site for a period of ten years.

3 18 Sec. 5. NEW SECTION. 24A.5 DEPARTMENT OF MANAGEMENT  
3 19 DUTIES.

3 20 1. The department of management shall create and maintain  
3 21 a web site that is searchable and accessible to the general  
3 22 public without paying a fee. The web site shall contain all  
3 23 the information required to be posted by the department under  
3 24 this chapter.

3 25 2. The department of management shall adopt rules deemed  
3 26 necessary for the administration of this chapter in accordance  
3 27 with chapter 17A.

3 28 Sec. 6. Section 331.401, subsection 1, Code Supplement  
3 29 2007, is amended by adding the following new paragraph:

3 30 NEW PARAGRAPH. rr. Comply with the requirements of  
3 31 chapter 24A, and assist other political subdivisions within  
3 32 the county in complying with the web site posting requirements  
3 33 of chapter 24A.

3 34 Sec. 7. Section 331.504, Code 2007, is amended by adding  
3 35 the following new subsection:



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4 1 NEW SUBSECTION. 9. Maintain county web site postings  
4 2 pursuant to chapter 24A and assist the board in meeting the  
4 3 web site posting requirements of chapter 24A.  
4 4 Sec. 8. IMPLEMENTATION OF ACT. Section 25B.2, subsection  
4 5 3, Code 2007, shall not apply to this Act.

4 6 EXPLANATION

4 7 This bill creates new Code chapter 24A to require a  
4 8 political subdivision, as defined in the bill, to post certain  
4 9 financial documents on the internet and to require the  
4 10 department of management to also post or provide a link to  
4 11 those documents on the internet.

4 12 The bill requires a political subdivision to prepare an  
4 13 annual report of all contracts entered into or in effect  
4 14 during the previous fiscal year. The bill provides that each  
4 15 annual contract report must be posted on the political  
4 16 subdivision's web site and shall be submitted to the  
4 17 department of management. The bill directs the department of  
4 18 management to post each annual contract report on a web site  
4 19 created to display political subdivision information required  
4 20 under new Code chapter 24A. The bill provides that the web  
4 21 site created by the department of management must be  
4 22 searchable and available to the public without a paying fee.

4 23 The bill also requires a political subdivision that is  
4 24 required by law to prepare an annual financial statement or  
4 25 report to post the report or statement on the political  
4 26 subdivision's web site and submit the report or statement to  
4 27 the department of management for posting on the department's  
4 28 political subdivision information web site.

4 29 The bill requires a political subdivision to post its local  
4 30 budgets on the political subdivision's web site following  
4 31 certification of the budget to the county auditor. The bill  
4 32 also directs the department of management to post each  
4 33 political subdivision's budget on the department's political  
4 34 subdivision information web site.

4 35 LSB 5185HH 82



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House File 2299 - Introduced continued

5 1 md/sc/5



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**House File 2300 - 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 relating to mandatory retirement for senior judges.
- 2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 3 TLSB 6385HH 82
- 4 ec/rj/24



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1 1 Section 1. Section 602.9202, Code 2007, is amended by  
1 2 adding the following new subsection:  
1 3 NEW SUBSECTION. 3A. "Senior judge retirement age" means  
1 4 seventy=eight years of age or, if the senior judge is  
1 5 reappointed as a senior judge for an additional two=year term  
1 6 upon attaining seventy=eight years of age pursuant to section  
1 7 602.9203, eighty years of age.

1 8 Sec. 2. Section 602.9203, subsection 5, Code 2007, is  
1 9 amended to read as follows:

1 10 5. a. A senior judge may be reappointed to additional  
1 11 two=year terms, at the discretion of the supreme court, if the  
1 12 judicial officer meets the requirements of subsection 2.

1 13 b. A senior judge may be reappointed to an additional  
1 14 two=year term upon attaining seventy=eight years of age, at  
1 15 the discretion of the supreme court, if the judicial officer  
1 16 meets the requirements of subsection 2.

1 17 Sec. 3. Section 602.9204, subsection 1, Code 2007, is  
1 18 amended to read as follows:

1 19 1. A judge who retires on or after July 1, 1994, and who  
1 20 is appointed a senior judge under section 602.9203 shall be  
1 21 paid a salary as determined by the general assembly. A senior  
1 22 judge or retired senior judge shall be paid an annuity under  
1 23 the judicial retirement system in the manner provided in  
1 24 section 602.9109, but computed under this section in lieu of  
1 25 section 602.9107, as follows: The annuity paid to a senior  
1 26 judge or retired senior judge shall be an amount equal to the  
1 27 applicable percentage multiplier of the basic senior judge  
1 28 salary, multiplied by the judge's years of service prior to  
1 29 retirement as a judge of one or more of the courts included  
1 30 under this article, for which contributions were made to the  
1 31 system, except the annuity of the senior judge or retired  
1 32 senior judge shall not exceed an amount equal to the  
1 33 applicable specified percentage of the basic senior judge  
1 34 salary used in calculating the annuity. However, following  
1 35 the twelve=month period during which the senior judge or



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2 1 retired senior judge attains ~~seventy-eight years of~~ senior  
2 2 judge retirement age, the annuity paid to the person shall be  
2 3 an amount equal to the applicable percentage multiplier of the  
2 4 basic senior judge salary cap, multiplied by the judge's years  
2 5 of service prior to retirement as a judge of one or more of  
2 6 the courts included under this article, for which  
2 7 contributions were made to the system, except that the annuity  
2 8 shall not exceed an amount equal to the applicable specified  
2 9 percentage of the basic senior judge salary cap. A senior  
2 10 judge or retired senior judge shall not receive benefits  
2 11 calculated using a basic senior judge salary established after  
2 12 the twelve-month period in which the senior judge or retired  
2 13 senior judge attains ~~seventy-eight years of~~ senior judge  
2 14 retirement age. The state shall provide, regardless of age,  
2 15 to an active senior judge or a senior judge with six years of  
2 16 service as a senior judge and to the judge's spouse, and pay  
2 17 for medical insurance until the judge attains ~~the~~ senior judge  
2 18 retirement age ~~of seventy-eight years~~.

2 19 Sec. 4. Section 602.9204, subsection 2, paragraphs d and  
2 20 e, Code 2007, is amended to read as follows:

2 21 d. "Basic senior judge salary cap" means the basic senior  
2 22 judge salary, at the end of the twelve-month period during  
2 23 which the senior judge or retired senior judge attained  
2 24 ~~seventy-eight years of~~ senior judge retirement age, of the  
2 25 office in which the person last served as a judge before  
2 26 retirement as a judge or senior judge.

2 27 e. "Escalator" means the difference between the current  
2 28 basic salary, as of the time each payment is made up to and  
2 29 including the twelve-month period during which the senior  
2 30 judge or retired senior judge attains ~~seventy-eight years of~~  
2 31 senior judge retirement age, of the office in which the senior  
2 32 judge last served as a judge before retirement as a judge or  
2 33 senior judge, and the basic annual salary which the judge is  
2 34 receiving at the time the judge becomes separated from  
2 35 full-time service as a judge of one or more of the courts



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3 1 included in this article, as would be used in computing an  
3 2 annuity pursuant to section 602.9107 without service as a  
3 3 senior judge.

3 4 Sec. 5. Section 602.9207, subsection 1, Code 2007, is  
3 5 amended to read as follows:

3 6 1. A senior judge shall cease to be a senior judge upon  
3 7 completion of the twelve-month period during which the judge  
3 8 attains ~~seventy-eight years of senior judge retirement~~ age.  
3 9 The clerk of the supreme court shall make a notation of the  
3 10 retirement of a senior judge in the roster of senior judges,  
3 11 at which time the senior judge shall become a retired senior  
3 12 judge.

3 13 Sec. 6. Section 602.9208, subsection 1, Code 2007, is  
3 14 amended to read as follows:

3 15 1. A senior judge, at any time prior to the end of the  
3 16 twelve-month period during which the judge attains  
3 17 ~~seventy-eight years of senior judge retirement~~ age, may submit  
3 18 to the clerk of the supreme court a written request that the  
3 19 judge's name be stricken from the roster of senior judges.  
3 20 Upon the receipt of the request the clerk shall strike the  
3 21 name of the person from the roster of senior judges, at which  
3 22 time the person shall cease to be a senior judge. A person  
3 23 who relinquishes a senior judgeship as provided in this  
3 24 subsection may be assigned to temporary judicial duties as  
3 25 provided in section 602.1612.

3 26 EXPLANATION

3 27 This bill allows a senior judge who reaches age 78 to be  
3 28 reappointed to an additional two-year term as a senior judge,  
3 29 thereby increasing the mandatory retirement age for senior  
3 30 judges from 78 to 80 years of age. Current benefit provisions  
3 31 made applicable to senior judges are made subject to the  
3 32 increased retirement age.

3 33 LSB 6385HH 82

3 34 ec/rj/24



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**House File 2301 - Introduced**

HOUSE FILE  
BY UPMEYER

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

**A BILL FOR**

- 1 An Act relating to health information technology including
- 2 creating an electronic health information commission.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 5538YH 82
- 5 pf/rj/8



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1 1 DIVISION IV  
1 2 IOWA HEALTH INFORMATION TECHNOLOGY SYSTEM  
1 3 Section 1. NEW SECTION. 8.70 DEFINITIONS.  
1 4 As used in this division, unless the context otherwise  
1 5 requires:  
1 6 1. "Health care professional" means a person who is  
1 7 licensed, certified, or otherwise authorized or permitted by  
1 8 the law of this state to administer health care in the  
1 9 ordinary course of business or in the practice of a  
1 10 profession.  
1 11 2. "Health information technology" means the application  
1 12 of information processing, involving both computer hardware  
1 13 and software, that deals with the storage, retrieval, sharing,  
1 14 and use of health care information, data, and knowledge for  
1 15 communication, decision making, quality, safety, and  
1 16 efficiency of clinical practice, and may include but is not  
1 17 limited to:  
1 18 a. An electronic health record that electronically  
1 19 compiles and maintains health information that may be derived  
1 20 from multiple sources about the health status of an individual  
1 21 and may include a core subset of each care delivery  
1 22 organization's electronic medical record such as a continuity  
1 23 of care record or a continuity of care document, computerized  
1 24 physician order entry, electronic prescribing, or clinical  
1 25 decision support.  
1 26 b. A personal health record through which an individual  
1 27 and any other person authorized by the individual can maintain  
1 28 and manage the individual's health information.  
1 29 c. An electronic medical record that is used by health  
1 30 care professionals to electronically document, monitor, and  
1 31 manage health care delivery within a care delivery  
1 32 organization, is the legal record of the patient's encounter  
1 33 with the care delivery organization, and is owned by the care  
1 34 delivery organization.  
1 35 d. A computerized provider order entry function that



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2 1 permits the electronic ordering of diagnostic and treatment  
2 2 services, including prescription drugs.  
2 3 e. A decision support function to assist physicians and  
2 4 other health care providers in making clinical decisions by  
2 5 providing electronic alerts and reminders to improve  
2 6 compliance with best practices, promote regular screenings and  
2 7 other preventive practices, and facilitate diagnoses and  
2 8 treatments.  
2 9 f. An error notification function that generates a warning  
2 10 when an order is entered that is likely to lead to a  
2 11 significant adverse outcome for individuals.  
2 12 g. Tools to allow for the collection, analysis, and  
2 13 reporting of information or data on adverse events, the  
2 14 quality and efficiency of care, patient satisfaction, and  
2 15 other health care-related performance measures.  
2 16 3. "Interoperability" means the ability of two or more  
2 17 systems or components to exchange information or data in an  
2 18 accurate, effective, secure, and consistent manner and to use  
2 19 the information or data that has been exchanged and includes  
2 20 but is not limited to:  
2 21 a. The capacity to connect to a network for the purpose of  
2 22 exchanging information or data with other users.  
2 23 b. The ability of a connected, authenticated user to  
2 24 demonstrate appropriate permissions to participate in the  
2 25 instant transaction over the network.  
2 26 c. The capacity of a connected, authenticated user to  
2 27 access, transmit, receive, and exchange usable information  
2 28 with other users.  
2 29 4. "Recognized interoperability standard" means  
2 30 interoperability standards recognized by the office of the  
2 31 national coordinator for health information technology of the  
2 32 United States department of health and human services.  
2 33 Sec. 2. NEW SECTION. 8.71 IOWA ELECTRONIC HEALTH ==  
2 34 PRINCIPLES == GOALS.  
2 35 1. Health information technology is rapidly evolving so



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3 1 that it can contribute to the goal of improving access to and  
3 2 quality of health care, enhancing efficiency, and reducing  
3 3 costs.

3 4 2. To be effective, the health information technology  
3 5 system shall comply with all of the following principles:

3 6 a. Be patient-centered and market-driven.

3 7 b. Be based on approved standards developed with input  
3 8 from all stakeholders.

3 9 c. Protect the privacy of consumers and the security and  
3 10 confidentiality of all health information.

3 11 d. Promote interoperability.

3 12 e. Ensure the accuracy, completeness, and uniformity of  
3 13 data.

3 14 3. Widespread adoption of health information technology is  
3 15 critical to a successful health information technology system  
3 16 and is best achieved when all of the following occur:

3 17 a. The market provides a variety of certified products  
3 18 from which to choose in order to best fit the needs of the  
3 19 user.

3 20 b. The system provides incentives for health care  
3 21 professionals to utilize the health information technology and  
3 22 provides rewards for any improvement in quality and efficiency  
3 23 resulting from such utilization.

3 24 c. The system provides protocols to address critical  
3 25 problems.

3 26 d. The system is financed by all who benefit from the  
3 27 improved quality, efficiency, savings, and other benefits that  
3 28 result from use of health information technology.

3 29 Sec. 3. NEW SECTION. 8.72 IOWA ELECTRONIC HEALTH  
3 30 INFORMATION COMMISSION.

3 31 1. a. An electronic health information commission is  
3 32 created as a public and private collaborative effort to  
3 33 promote the adoption and use of health information technology  
3 34 in this state in order to improve health care quality,  
3 35 increase patient safety, reduce health care costs, enhance



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4 1 public health, and empower individuals and health care  
4 2 professionals with comprehensive, real-time medical  
4 3 information to provide continuity of care and make the best  
4 4 health care decisions. The commission shall provide oversight  
4 5 for the development, implementation, and coordination of an  
4 6 interoperable electronic health records system, telehealth  
4 7 expansion efforts, the health information technology  
4 8 infrastructure, and other health information technology  
4 9 initiatives in this state.

4 10 b. All health information technology efforts shall  
4 11 endeavor to represent the interests and meet the needs of  
4 12 consumers and the health care sector, protect the privacy of  
4 13 individuals and the confidentiality of individuals'  
4 14 information, promote physician best practices, and make  
4 15 information easily accessible to the appropriate parties. The  
4 16 system developed shall be consumer-driven, flexible, and  
4 17 expandable.

4 18 2. The commission shall consist of five individuals with  
4 19 broad experience and vision in health care and health  
4 20 technology, one member representing the health care consumer,  
4 21 and one member representing the governor. The members shall  
4 22 be appointed by the governor, subject to confirmation by the  
4 23 senate. The governor's initial appointments shall be selected  
4 24 from individuals nominated by the co-chairpersons of the  
4 25 legislative commission on affordable health care plans for  
4 26 small businesses and families established pursuant to 2007  
4 27 Iowa Acts, chapter 218, section 127, in consultation with the  
4 28 chairperson of the electronic health records workgroup as  
4 29 established by the commission, subject to confirmation by the  
4 30 senate.

4 31 3. a. The members shall select a chairperson, annually,  
4 32 from among the membership, and shall serve terms of three  
4 33 years beginning and ending as provided in section 69.19.  
4 34 Member appointments shall comply with sections 69.16 and  
4 35 69.16A. Vacancies shall be filled by the original appointing



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5 1 authority and in the manner of the original appointments.  
5 2 Members shall receive reimbursement for actual expenses  
5 3 incurred while serving in their official capacity and may also  
5 4 be eligible to receive compensation as provided in section  
5 5 7E.6. A person appointed to fill a vacancy for a member shall  
5 6 serve only for the unexpired portion of the term. A member is  
5 7 eligible for reappointment for two successive terms.  
5 8     b. The commission shall meet at least quarterly and at the  
5 9 call of the chairperson. A majority of the members of the  
5 10 commission constitutes a quorum. Any action taken by the  
5 11 commission must be adopted by the affirmative vote of a  
5 12 majority of its membership.  
5 13     c. The commission is located for administrative purposes  
5 14 within the department of management. The department shall  
5 15 provide office space, staff assistance, administrative  
5 16 support, and necessary supplies and equipment for the  
5 17 commission.  
5 18     4. The commission shall do all of the following:  
5 19     a. Establish an advisory council which shall consist of  
5 20 the representatives of entities involved in the electronic  
5 21 health records system task force established pursuant to  
5 22 section 217.41A, Code 2007, and may include any other members  
5 23 the commission determines necessary to assist in the  
5 24 commission's duties including but not limited to consumers and  
5 25 consumer advocacy organizations; physicians and health care  
5 26 professionals; leadership of community hospitals and major  
5 27 integrated health care delivery networks; state agencies  
5 28 including the department of public health, the department of  
5 29 human services, the department of elder affairs, the division  
5 30 of insurance of the department of commerce, and the office of  
5 31 the attorney general; health plans and health insurers; legal  
5 32 experts; academics and ethicists; business leaders; and  
5 33 professional associations. Public members of the advisory  
5 34 council shall receive reimbursement for actual expenses  
5 35 incurred while serving in their official capacity only if they



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6 1 are not eligible for reimbursement by the organization that  
6 2 they represent. Any legislative members shall be reimbursed  
6 3 for actual and necessary expenses incurred in the performance  
6 4 of their duties, and shall be paid the per diem specified in  
6 5 section 2.10, subsection 5, for each day in which engaged in  
6 6 the performance of their duties.

6 7     b. Adopt a statewide health information technology plan by  
6 8 January 1, 2009. Standards and policies developed for the  
6 9 plan shall promote and be consistent with national standards  
6 10 developed by the office of the national coordinator for health  
6 11 information technology of the United States department of  
6 12 health and human services and shall address or provide for all  
6 13 of the following:

6 14     (1) The effective, efficient, statewide use of electronic  
6 15 health information in patient care, health care policymaking,  
6 16 clinical research, health care financing, and continuous  
6 17 quality improvement. The commission shall adopt requirements  
6 18 for interoperable electronic health records in this state  
6 19 including a recognized interoperability standard.

6 20     (2) Education of the public and health care sector about  
6 21 the value of health information technology in improving  
6 22 patient care, and methods to promote increased support and  
6 23 collaboration of state and local public health agencies,  
6 24 health care professionals, and consumers in health information  
6 25 technology initiatives.

6 26     (3) Standards for the exchange of health care information  
6 27 and interoperable electronic health records.

6 28     (4) Policies relating to the protection of privacy of  
6 29 patients and the security and confidentiality of patient  
6 30 information.

6 31     (5) Policies relating to information ownership.

6 32     (6) Policies relating to governance of the various facets  
6 33 of the health information technology system.

6 34     (7) A single patient identifier or other mechanism to  
6 35 share secure patient information. If no alternative is



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- 7 1 determined, all health care professionals shall utilize the  
7 2 mechanism selected by the commission method by January 1,  
7 3 2010.
- 7 4 (8) A standard continuity of care record and other issues  
7 5 related to the content of electronic transmissions. All  
7 6 health care professionals shall utilize the standard  
7 7 continuity of care record by January 1, 2010.
- 7 8 (9) Requirements for electronic prescribing.
- 7 9 (10) Economic incentives and support to facilitate  
7 10 participation in an interoperable system by health care  
7 11 professionals.
- 7 12 c. Identify existing and potential health information  
7 13 technology efforts in this state, regionally, and nationally,  
7 14 and integrate existing efforts to avoid incompatibility  
7 15 between efforts and avoid duplication.
- 7 16 d. Coordinate public and private efforts to provide the  
7 17 network backbone infrastructure for the health information  
7 18 technology system. In coordinating these efforts, the  
7 19 commission shall do all of the following:
- 7 20 (1) Adopt policies to effectuate the logical cost  
7 21 effective usage of and access to the state-owned network, and  
7 22 support of telecommunication carrier products, where  
7 23 applicable.
- 7 24 (2) Complete a memorandum of understanding by January 1,  
7 25 2009, with the Iowa communications network for governmental  
7 26 access usage, with private fiber optic networks for core  
7 27 backbone usage of private fiber optic networks, and with any  
7 28 other communications entity for state-subsidized usage of the  
7 29 communications entity's products to access any backbone  
7 30 network.
- 7 31 (3) Establish protocols to ensure compliance with any  
7 32 applicable federal standards.
- 7 33 (4) Determine costs for accessing the network at a level  
7 34 that provides sufficient funding for the network.
- 7 35 e. Promote the use of telemedicine.



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- 8 1 (1) Examine existing barriers to the use of telemedicine  
8 2 and make recommendations for eliminating these barriers.  
8 3 (2) Examine the most efficient and effective systems of  
8 4 technology for use and make recommendations based on the  
8 5 findings.  
8 6 f. Address the workforce needs generated by increased use  
8 7 of health information technology.  
8 8 g. Adopt rules in accordance with chapter 17A to implement  
8 9 all aspects of the statewide plan and the network.  
8 10 h. Coordinate, monitor, and evaluate the adoption, use,  
8 11 interoperability, and efficiencies of the various facets of  
8 12 health information technology in this state.  
8 13 i. Seek and apply for any federal or private funding to  
8 14 assist in the implementation and support of the health  
8 15 information technology system and make recommendations for  
8 16 funding mechanisms for the ongoing development and maintenance  
8 17 costs of the health information technology system.  
8 18 j. Identify state laws and rules that present barriers to  
8 19 the development of the health information technology system  
8 20 and recommend any changes to the governor and the general  
8 21 assembly.  
8 22 Sec. 4. Section 217.41A, Code 2007, is repealed.

8 23 EXPLANATION

8 24 This bill creates a health information technology system.  
8 25 The bill provides definitions, principles, and goals for the  
8 26 system. The bill creates an electronic health information  
8 27 commission as a public and private collaborative effort and  
8 28 directs the commission to establish an advisory council to  
8 29 assist the commission in its duties; to adopt a statewide  
8 30 health information technology plan by January 1, 2009; to  
8 31 identify existing efforts and integrate these efforts to avoid  
8 32 incompatibility and duplication; to coordinate public and  
8 33 private efforts to provide the network backbone; to promote  
8 34 the use of telemedicine; to address the workforce needs  
8 35 generated by increased use of health information technology;



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9 1 to adopt necessary rules; to coordinate, monitor, and evaluate  
9 2 the adoption, use, interoperability, and efficiencies of the  
9 3 various facets of health information technology in the state;  
9 4 to seek and apply for federal or private funding to assist in  
9 5 implementing the system; and to identify state laws and rules  
9 6 that present barriers to the development of the health  
9 7 information technology system in the state.

9 8 The bill requires that by January 1, 2010, if no  
9 9 alternative method is determined, all health care  
9 10 professionals shall utilize the mechanism selected by the  
9 11 commission and the continuity of care record specified by the  
9 12 commission.

9 13 LSB 5538YH 82

9 14 pf/rj/8.1



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**House File 2302 - 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 relating to enforcement of requirements for illumination
- 2 of motor vehicle registration plates.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 6008HH 82
- 5 dea/nh/8



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1 1 Section 1. Section 321.388, Code 2007, is amended to read  
1 2 as follows:  
1 3 321.388 ILLUMINATING PLATES.  
1 4 Either the rear lamp or a separate lamp shall be so  
1 5 constructed and placed as to illuminate with a white light the  
1 6 rear registration plate and render it clearly legible from a  
1 7 distance of fifty feet to the rear. When the rear  
1 8 registration plate is illuminated by an electric lamp other  
1 9 than the required rear lamp, the two lamps shall be turned on  
1 10 or off only by the same control switch at all times when head  
1 11 lamps are lighted. Notwithstanding any other provision of  
1 12 law, a peace officer shall not stop a motor vehicle operator  
1 13 based solely on an alleged violation of this section.

1 14 EXPLANATION

1 15 This bill prohibits a peace officer from stopping a motor  
1 16 vehicle operator for not having a properly illuminated rear  
1 17 license plate unless the operator is being stopped for another  
1 18 type of violation as well. Current law requires that the rear  
1 19 registration plate must be illuminated by a white light that  
1 20 renders it clearly legible from a distance of 50 feet. The  
1 21 penalty for a violation of the lighting requirements is a  
1 22 scheduled fine of \$10.  
1 23 LSB 6008HH 82  
1 24 dea/nh/8



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**House File 2303 - Introduced**

HOUSE FILE  
BY ABDUL-SAMAD, FORD, and  
SMITH

Passed House, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved

Passed Senate, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_

**A BILL FOR**

- 1 An Act relating to the development and implementation of a
- 2 certificate of employability program by the board of parole.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 6210HH 82
- 5 jm/nh/5



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1 1 Section 1. NEW SECTION. 906.19 CERTIFICATES OF  
1 2 EMPLOYABILITY.  
1 3 1. The board shall develop and implement a certificate of  
1 4 employability program. The certificate program shall be  
1 5 developed to ensure maximum opportunity for rehabilitation and  
1 6 employment of a person on parole and provide protection of the  
1 7 community, while considering the needs of potential employers.  
1 8 2. Issuance of a certificate of employability pursuant to  
1 9 the program shall be based upon the successful completion of  
1 10 designated programs by a person on parole and other relevant  
1 11 factors determined by the board.  
1 12 3. A person required to register under chapter 692A shall  
1 13 be ineligible for the certificate of employability program.  
1 14 4. The board shall develop and adopt rules pursuant to  
1 15 chapter 17A for the implementation and administration of this  
1 16 section.

1 17 EXPLANATION  
1 18 This bill relates to the development and implementation of  
1 19 a certificate of employability program by the board of parole.  
1 20 Under the bill, the certificate of employability program  
1 21 shall be developed to ensure maximum opportunity for the  
1 22 rehabilitation and employment of a person on parole and  
1 23 provide protection of the community, while considering the  
1 24 needs of potential employers.  
1 25 Under the bill, a person required to register as a sex  
1 26 offender is ineligible for the certificate of employability  
1 27 program.  
1 28 The bill requires the board of parole to develop and adopt  
1 29 rules pursuant to Code chapter 17A for the implementation and  
1 30 administration of certificate of employability program.  
1 31 LSB 6210HH 82  
1 32 jm/nh/5



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House File 2304 - Introduced

HOUSE FILE  
BY FORD

Passed House, Date \_\_\_\_\_ Passed Senate, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays  
Approved

**A BILL FOR**

1 An Act relating to farmland preservation, by providing tax  
2 credits and restrictions on the uses of farmland eligible for  
3 tax credits, and providing penalties.  
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
5 TLSB 6026HH 82  
6 da/rj/8



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1 1 Section 1. Section 6B.3, subsection 1, paragraph f, Code  
1 2 2007, is amended to read as follows:  
1 3 f. ~~¶~~ A disclosure statement, if the damages are to be  
1 4 paid by the state and the land to be condemned is within an  
1 5 agricultural area as provided in chapter 352, a eligible  
1 6 farmland which is subject to a farmland preservation agreement  
1 7 or located in an area zoned for exclusive agricultural use  
1 8 under a certified county or city ordinance as provided in  
1 9 chapter 467A. The disclosure statement ~~disclosing~~ shall  
1 10 specify whether any of that land is classified as class I or  
1 11 class II land under the United States department of  
1 12 agriculture natural resources conservation service land  
1 13 capability classification system contained in the agriculture  
1 14 handbook number 210, 1961 edition and, if so classified,  
1 15 stating that the class I or class II land is reasonably  
1 16 necessary for the work of internal improvement for which  
1 17 condemnation is sought.  
1 18 Sec. 2. Section 331.304A, subsection 2, Code 2007, is  
1 19 amended to read as follows:  
1 20 2. a. A Except as provided in paragraph "b", a county  
1 21 shall not adopt or enforce county legislation regulating a  
1 22 condition or activity occurring on land used for the  
1 23 production, care, feeding, or housing of animals unless the  
1 24 regulation of the production, care, feeding, or housing of  
1 25 animals is expressly authorized by state law. County  
1 26 legislation adopted in violation of this section is void and  
1 27 unenforceable and any enforcement activity conducted in  
1 28 violation of this section is void. A condition or activity  
1 29 occurring on land used for the production, care, feeding, or  
1 30 housing of animals includes but is not limited to the  
1 31 construction, operation, or management of an animal feeding  
1 32 operation, an animal feeding operation structure, or aerobic  
1 33 structure, and to the storage, handling, or application of  
1 34 manure or egg washwater.  
1 35 b. A county may zone areas for exclusive agricultural use



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2 1 under a certified county or city ordinance as provided in  
2 2 chapter 467A, subchapter V.  
2 3 Sec. 3. Section 335.2, Code 2007, is amended to read as  
2 4 follows:  
2 5 335.2 FARMS EXEMPT.  
2 6 1. ~~Except to the extent required to implement section~~  
2 7 ~~335.27, no~~ as provided in subsection 2, an ordinance adopted  
2 8 under this chapter ~~applies~~ shall not apply to land, farm  
2 9 houses, farm barns, farm outbuildings or other buildings or  
2 10 structures which are primarily adapted, by reason of nature  
2 11 and area, for use for agricultural purposes, while so used.  
2 12 2. ~~However, the ordinances~~ An ordinance may apply to  
2 13 implement a provision in section 335.27 or chapter 467A,  
2 14 subchapter V. An ordinance may apply to any structure,  
2 15 building, dam, obstruction, deposit or excavation in or on the  
2 16 flood plains of any river or stream.  
2 17 Sec. 4. Section 352.9, Code 2007, is amended to read as  
2 18 follows:  
2 19 352.9 WITHDRAWAL.  
2 20 1. An owner may withdraw from an agricultural area by  
2 21 doing any of the following:  
2 22 a. At any time after three years from the date of creation  
2 23 of an agricultural area, ~~an owner may withdraw from an~~  
2 24 ~~agricultural area by filing by filing a request with the~~  
2 25 county board ~~a request for withdrawal containing of~~  
2 26 supervisors. The request shall include a legal description of  
2 27 the land to be withdrawn and a statement of the reasons for  
2 28 the withdrawal. The ~~county~~ board shall, within sixty days of  
2 29 receipt of the request, approve or deny the request for  
2 30 withdrawal.  
2 31 b. At any time after six years from the date of creation  
2 32 of an agricultural area, ~~an owner may withdraw from an~~  
2 33 ~~agricultural area by filing by filing a demand with the county~~  
2 34 board of supervisors. The demand shall include a ~~notice of~~  
2 35 ~~withdrawal containing a~~ legal description of the land to be



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3 1 withdrawn.

3 2 c. At any time by filing a demand with the county board of  
3 3 supervisors stating that the land within the agricultural area  
3 4 is subject to a farmland preservation agreement or is zoned  
3 5 for exclusive agricultural use under a certified county or  
3 6 city ordinance as provided in chapter 467A. The demand shall  
3 7 include a copy of any farmland preservation agreement executed  
3 8 by the parties pursuant to section 467A.405.

3 9 2. The board of supervisors shall cause the description of  
3 10 that agricultural area filed with the county auditor and  
3 11 recording officer in the county to be modified to reflect any  
3 12 withdrawal. Withdrawal shall be effective on the date of  
3 13 recording. The agricultural area from which the land is  
3 14 withdrawn shall continue in existence even if smaller than  
3 15 three hundred acres after withdrawal.

3 16 Sec. 5. Section 368.11, subsection 3, Code 2007, is  
3 17 amended by adding the following new paragraph:

3 18 NEW PARAGRAPH. o. Whether the land is subject to a  
3 19 farmland preservation agreement as provided in chapter 467A,  
3 20 subchapter IV, or located in an area zoned for exclusive  
3 21 agricultural use under a certified county or city ordinance as  
3 22 provided in chapter 467A, subchapter V.

3 23 Sec. 6. Section 368.17, Code 2007, is amended by adding  
3 24 the following new subsection:

3 25 NEW SUBSECTION. 8. A use which is inconsistent with a use  
3 26 as provided in a farmland preservation agreement or a use  
3 27 within an area zoned for exclusive agricultural use under a  
3 28 certified county or city ordinance as provided in chapter  
3 29 467A, subchapter V.

3 30 Sec. 7. NEW SECTION. 368.27 ANNEXATION OF CERTAIN  
3 31 PROPERTY == COMPLIANCE WITH FARMLAND PRESERVATION AGREEMENTS  
3 32 AND ORDINANCES.

3 33 This section applies to a city ordinance or regulation that  
3 34 purports to regulate farmland which has been annexed by a city  
3 35 under this chapter.



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4 1 1. The city ordinance or regulation shall not regulate an  
4 2 agricultural use occurring on farmland covered by a farmland  
4 3 preservation agreement executed pursuant to section 467A.405  
4 4 and shall not regulate a person who owns and operates such  
4 5 eligible farmland for the duration of the farmland  
4 6 preservation agreement as provided in chapter 467A, subchapter  
4 7 IV. The regulation is unenforceable against the eligible  
4 8 farmland or the owner of the eligible farmland.

4 9 2. The city ordinance or regulation shall not regulate an  
4 10 agricultural use within an area zoned for exclusive  
4 11 agricultural use under a certified county or city ordinance as  
4 12 provided in chapter 467A, subchapter V. The regulation is  
4 13 unenforceable against the farmland or the owner of the  
4 14 farmland.

4 15 Sec. 8. Section 414.2, Code 2007, is amended to read as  
4 16 follows:

4 17 414.2 DISTRICTS.

4 18 For any or all of said purposes the local legislative body,  
4 19 hereinafter referred to as the council, may divide the city  
4 20 into districts, including historical preservation districts  
4 21 but only as provided in section 303.34, of such number, shape,  
4 22 and area as may be deemed best suited to carry out the  
4 23 purposes of this chapter; and within such districts it may  
4 24 regulate and restrict the erection, construction,  
4 25 reconstruction, alteration, repair, or use of buildings,  
4 26 structures, or land. All such regulations and restrictions  
4 27 shall be uniform for each class or kind of buildings  
4 28 throughout each district, but the regulations in one district  
4 29 may differ from those in other districts. The council shall  
4 30 establish districts for exclusively agricultural uses as  
4 31 provided in chapter 467A, subchapter V.

4 32 Sec. 9. NEW SECTION. 422.11V FARMLAND PRESERVATION TAX  
4 33 CREDIT.

4 34 The taxes imposed under this division, less the credits  
4 35 allowed under sections 422.12 and 422.12B, shall be reduced by



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5 1 a farmland preservation tax credit as allowed under chapter  
5 2 467.  
5 3 Sec. 10. Section 422.33, Code Supplement 2007, is amended  
5 4 by adding the following new subsection:  
5 5 NEW SUBSECTION. 25. The taxes imposed under this division  
5 6 shall be reduced by a farmland preservation tax credit as  
5 7 allowed under chapter 467.  
5 8 Sec. 11. NEW SECTION. 467.1 PURPOSE.  
5 9 The purpose of this chapter is to provide a tax credit to  
5 10 owners of farmland which is subject to agricultural use  
5 11 restrictions as provided in chapter 467A.  
5 12 Sec. 12. NEW SECTION. 467.2 DEFINITIONS.  
5 13 As used in this chapter, unless the context otherwise  
5 14 requires:  
5 15 1. "Agricultural use" means the same as defined in section  
5 16 467A.101.  
5 17 2. "Farmland" means the same as defined in section 352.2.  
5 18 3. "Federal agricultural program" means the same as  
5 19 defined in section 467A.101.  
5 20 4. "Gross farm profits" means gross receipts, excluding  
5 21 rent, from agricultural use, including the fair market value  
5 22 at the time of disposition of payments in kind for placing  
5 23 land in federal programs or payments from federal agricultural  
5 24 programs, less the cost or other basis of livestock or other  
5 25 items purchased for resale which are sold or otherwise  
5 26 disposed of during the taxable year.  
5 27 5. "Household" means an individual and the individual's  
5 28 spouse and all minor dependents.  
5 29 6. "Household income" means all of the income of an  
5 30 individual and the individual's spouse and the farm income,  
5 31 including wages, earned on the farm to which the credit  
5 32 applies of all minor dependents attributable to the taxable  
5 33 year while members of the household.  
5 34 7. "Owner" means the same as defined in section 467A.101.  
5 35 8. "Tax credit" means the farmland preservation tax credit



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6 1 allowed in this chapter.  
6 2 Sec. 13. NEW SECTION. 467.3 ELIGIBILITY == CLAIMANT.  
6 3 1. A person may claim the farmland preservation tax credit  
6 4 as follows:  
6 5 a. The person must be an owner of farmland who is an  
6 6 individual or partnership or a family farm corporation, family  
6 7 farm limited liability company, family farm limited  
6 8 partnership, or family trust, as defined in section 9H.1.  
6 9 b. The person who is an individual must be domiciled in  
6 10 this state during the entire tax year for which the tax credit  
6 11 is claimed, except as follows:  
6 12 (1) When two or more individuals of a household are able  
6 13 to qualify individually as a claimant, they may determine  
6 14 between them who is the claimant. If they are unable to  
6 15 agree, the issue shall be resolved by rules adopted by the  
6 16 department.  
6 17 (2) If a person may claim a family farm tax credit under  
6 18 chapter 425A, the person and all individuals from that  
6 19 person's household are ineligible to claim a tax credit under  
6 20 this chapter for the tax year to which the family farm tax  
6 21 credit under chapter 425A pertains.  
6 22 2. If the person is a partnership, S corporation, limited  
6 23 liability company, cooperative organized under chapter 501 and  
6 24 filing as a partnership for federal tax purposes, estate, or  
6 25 trust electing to have the income taxed directly to the  
6 26 individual, an individual may claim the tax credit allowed.  
6 27 The amount claimed by the individual shall be based upon the  
6 28 pro rata share of the individual's earnings of the  
6 29 partnership, S corporation, limited liability company,  
6 30 cooperative organized under chapter 501 and filing as a  
6 31 partnership for federal tax purposes, estate, or trust. The  
6 32 percentage shall be determined as provided in section 15.335A.  
6 33 "Claimant" does not include the estate of a person who is a  
6 34 nonresident of this state on the person's date of death, a  
6 35 trust created by a nonresident person, a trust which receives



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7 1 real property located in this state from a nonresident person  
7 2 or a trust in which a nonresident settlor retains a beneficial  
7 3 interest.

7 4 3. When the farmland is subject to a real estate contract,  
7 5 the claimant is the vendee under the real estate contract.

7 6 Sec. 14. NEW SECTION. 467.4 FARMLAND.

7 7 The tax credit must apply to at least thirty-five or more  
7 8 acres of farmland in this state. The farmland must be subject  
7 9 to a farmland preservation agreement or be an acre zoned for  
7 10 exclusive agricultural use as provided in section 467A.403.

7 11 The farmland must be owned by the claimant during the taxable  
7 12 year for which the tax credit is claimed. In addition, any of  
7 13 the following must apply:

7 14 1. During the taxable year for which the tax credit is  
7 15 claimed, the farmland must have produced not less than six  
7 16 thousand dollars in gross farm profits resulting from the  
7 17 farmland's agricultural use.

7 18 2. During the taxable year for which the tax credit is  
7 19 claimed, and the two years immediately preceding that year,  
7 20 the farmland must have produced not less than eighteen  
7 21 thousand dollars in gross farm profits resulting from the  
7 22 farmland's agricultural use.

7 23 3. During the taxable year for which the tax credit is  
7 24 claimed, or any part of that year, at least thirty-five acres  
7 25 of the farmland was enrolled in the conservation reserve  
7 26 program under 16 U.S.C. } 3831==3835A.

7 27 Sec. 15. NEW SECTION. 467.5 CLAIMS == SUPPORTING  
7 28 DOCUMENTATION.

7 29 A claimant must supply to the department supporting  
7 30 documentation as required by the department which may include  
7 31 any of the following:

7 32 1. A statement of the property taxes due on the farmland  
7 33 for which the claim is made.

7 34 2. A certification by the claimant that all property taxes  
7 35 owed by the claimant on the property for which the claim is



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8 1 made for the year before the year for which the claim is made  
8 2 have been paid.

8 3 3. The portion of the farmland subject to the claim is  
8 4 covered by the farmland preservation agreement or within the  
8 5 area zoned for an exclusive agricultural use.

8 6 4. A statement by the claimant swearing one of the  
8 7 following:

8 8 a. If the farmland subject to the claim is covered by a  
8 9 farmland preservation agreement, a statement that the farmland  
8 10 complies with all requirements of the farmland preservation  
8 11 agreement. The claimant shall attach a copy of the farmland  
8 12 preservation agreement executed by the owner or the owner's  
8 13 predecessor in interest. However, if the claimant has  
8 14 submitted a farmland preservation agreement in a previous year  
8 15 and the claimant determines that the conditions described  
8 16 under that agreement have not changed, the claimant may  
8 17 certify that such conditions have not changed. In that case,  
8 18 the claimant is not required to submit a copy of the agreement  
8 19 otherwise required by the department. The claimant shall  
8 20 swear that each structure built on the farmland or improvement  
8 21 made to the farmland conforms to the requirements of the  
8 22 farmland preservation agreement, and, if applicable, any  
8 23 requirements of an agricultural use ordinance or an exception  
8 24 under the ordinance.

8 25 b. If the farmland subject to the claim is located within  
8 26 an area which is subject to an exclusive agricultural zoning  
8 27 ordinance certified as provided in chapter 467A, subchapter V,  
8 28 a statement that the farmland complies with all requirements  
8 29 of the ordinance. The claimant shall attach a certificate  
8 30 issued by the appropriate local government stating that the  
8 31 farmland is located within the district. However, if the  
8 32 claimant has obtained a certificate of the appropriate zoning  
8 33 authority to file a claim for a previous year and the claimant  
8 34 determines that the conditions described under that claim  
8 35 caused the authority to issue the previous certificate have



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9 1 not changed, the claimant may certify that such conditions  
9 2 have not changed. In that case, the claimant is not required  
9 3 to submit a certificate of the zoning authority unless  
9 4 otherwise required by the department.

9 5 5. With a claim for a tax credit relating to property  
9 6 which is sold during the tax year of the levy, the seller  
9 7 shall submit a copy of the closing agreement and the buyer  
9 8 shall submit a copy of the closing agreement and a copy of the  
9 9 property tax bill.

9 10 Sec. 16. NEW SECTION. 467.6 CLAIMS == INELIGIBILITY.

9 11 A claim is ineligible if any of the following apply:

9 12 1. The claim is not filed with the department in  
9 13 conformity with filing requirements of this chapter or rules  
9 14 adopted by the department.

9 15 2. The property taxes accrued on farmland zoned for  
9 16 exclusive agricultural use under chapter 467A, subchapter V,  
9 17 is granted a special exception or conditional use permit for a  
9 18 use which is not an agricultural use.

9 19 3. The ownership of the farmland has been transferred to  
9 20 the claimant primarily for the purpose of maximizing benefits  
9 21 under this chapter.

9 22 Sec. 17. NEW SECTION. 467.7 TAX CREDIT COMPUTATION ==  
9 23 PROPERTY TAX ACCRUED.

9 24 For purposes of the tax credit provided under this chapter,  
9 25 property taxes on farmland are accrued by referring to the  
9 26 property taxes, exclusive of special assessments and  
9 27 delinquent interest, levied on the farmland and improvements  
9 28 owned by the claimant or any member of the claimant's  
9 29 household in any tax year.

9 30 Sec. 18. NEW SECTION. 467.8 TAX CREDIT COMPUTATION ==  
9 31 EXCESSIVE PROPERTY TAXES.

9 32 The amount of the farmland preservation tax credit that a  
9 33 claimant may file in the claimant's tax year shall be based on  
9 34 excessive property taxes accrued on the farmland in the  
9 35 preceding tax year as provided in section 467.7. The amount



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10 1 of excessive property taxes shall be computed by subtracting  
10 2 from the property taxes accrued the following amounts:  
10 3 1. Seven percent of the second five thousand dollars of  
10 4 household income.  
10 5 2. Nine percent of the third five thousand dollars of  
10 6 household income.  
10 7 3. Eleven percent of the fourth five thousand dollars of  
10 8 household income.  
10 9 4. Seventeen percent of the fifth five thousand dollars of  
10 10 household income.  
10 11 5. Twenty-seven percent of the sixth five thousand dollars  
10 12 of household income.  
10 13 6. Thirty-seven percent of the household income in excess  
10 14 of thirty thousand dollars. The maximum excessive property  
10 15 tax which may be utilized in a single tax year is six thousand  
10 16 dollars.  
10 17 Sec. 19. NEW SECTION. 467.9 TAX CREDIT COMPUTATION ==  
10 18 BASE AMOUNT.  
10 19 1. The tax credit allowed under this chapter shall be  
10 20 limited to the base amount which is the sum of the following:  
10 21 a. Ninety percent of the first two thousand dollars of  
10 22 excessive property taxes accrued on the farmland.  
10 23 b. Seventy percent of the second two thousand dollars of  
10 24 excessive property taxes accrued on the farmland.  
10 25 c. Fifty percent of the third two thousand dollars of  
10 26 excessive property taxes accrued on the farmland.  
10 27 2. a. Subject to paragraph "b", the tax credit for any  
10 28 claimant shall be the greater amount as calculated under this  
10 29 section on any of the following dates:  
10 30 (1) The date at the end of the tax year in which the tax  
10 31 credit is allowed for which the claim is filed.  
10 32 (2) The date on which the farmland became subject to a  
10 33 farmland preservation agreement as provided in chapter 467A,  
10 34 subchapter IV, or was incorporated within the boundaries of an  
10 35 area zoned for exclusive agricultural use under a certified



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11 1 county or city ordinance as provided in chapter 467A,  
11 2 subchapter V.  
11 3 b. The maximum tax credit allowed under this section shall  
11 4 not exceed four thousand two hundred dollars for any claimant.  
11 5 Sec. 20. NEW SECTION. 467.10 TAX CREDIT COMPUTATION ==  
11 6 APPLICATION.

11 7 A person may claim a farmland preservation tax credit under  
11 8 any of the following:

11 9 1. If farmland is located in a county which has adopted an  
11 10 agricultural preservation plan certified as provided in  
11 11 chapter 467A, subchapter III, at the close of the tax year for  
11 12 which the tax credit is claimed, and the farmland is covered  
11 13 by a farmland preservation agreement as provided in chapter  
11 14 467A, subchapter IV, at the close of such tax year, the amount  
11 15 of the claim shall be eighty percent of the base amount  
11 16 specified in section 467.9. For that part of the farmland  
11 17 that is classified as a transition area the amount of the  
11 18 claim shall be seventy-five percent of the base amount  
11 19 specified in section 467.9.

11 20 2. Regardless of whether farmland is located in a county  
11 21 which has adopted an agricultural preservation plan certified  
11 22 as provided in chapter 467A, subchapter III, at the close of  
11 23 the tax year for which the tax credit is claimed, if the  
11 24 farmland is located in an area zoned for exclusive  
11 25 agricultural use by a county or city as provided in chapter  
11 26 467A, subchapter V, at the close of such tax year, the amount  
11 27 of the claim shall be one hundred percent of the base amount  
11 28 specified in section 467.9.

11 29 SUBCHAPTER I

11 30 GENERAL

11 31 Sec. 21. NEW SECTION. 467A.101 DEFINITIONS.

11 32 As used in this chapter, unless the context otherwise  
11 33 requires:

11 34 1. "Agricultural production" means the same as defined in  
11 35 section 717A.1.



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12 1 2. "Agricultural use" means a use associated with  
12 2 agricultural production, including but not limited to  
12 3 maintaining crops or agricultural animals on the farmland.  
12 4 "Agricultural use" includes participating in a federal  
12 5 agricultural program.  
12 6 3. "Commission" means a county farmland preservation  
12 7 commission created pursuant to section 467A.203.  
12 8 4. "Department" means the department of agriculture and  
12 9 land stewardship.  
12 10 5. "Develop" means change to any use other than  
12 11 agricultural use.  
12 12 6. "Devoted primarily to agricultural use" means an  
12 13 agricultural use practiced for at least twelve consecutive  
12 14 months during the preceding thirty-six month period.  
12 15 7. "Eligible farmland" means farmland which meets the  
12 16 requirements of section 467A.401.  
12 17 8. "Farm family business" means any lawful activity,  
12 18 except an activity for agricultural production, which is  
12 19 conducted primarily for any of the following:  
12 20 a. The purchase, sale, lease, or rental of personal or  
12 21 real property.  
12 22 b. The manufacture, processing, or marketing of products,  
12 23 commodities, or any other personal property.  
12 24 c. The sale of services.  
12 25 d. "Farmland" means the same as defined in section 352.2.  
12 26 9. "Federal agricultural program" means a program  
12 27 administered by an agency of the federal government in which a  
12 28 person receives monetary payments or payments in kind for  
12 29 engaging in or refraining from engaging in agricultural  
12 30 production, including by enrolling at least thirty-five acres  
12 31 in the conservation reserve program under 16 U.S.C. } 3831 et  
12 32 seq.  
12 33 10. "Farmland preservation agreement" means a restrictive  
12 34 covenant, evidenced by an instrument in which the owner of the  
12 35 land and the state agree to hold jointly the right to develop



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13 1 eligible farmland except as may be expressly reserved in the  
13 2 instrument and which contains a covenant running with the  
13 3 land, for a term of years, not to develop except as expressly  
13 4 reserved in the instrument.  
13 5 11. "Gross farm profits" means gross receipts, excluding  
13 6 rent, from an agricultural use, including the fair market  
13 7 value at the time of disposition of payments for placing land  
13 8 in federal agricultural programs, less the cost or other basis  
13 9 of agricultural animals or other items purchased for resale  
13 10 which are sold or otherwise disposed of during the taxable  
13 11 year.  
13 12 12. "Local government" means a county or city.  
13 13 13. "Local government filing officer" means an official  
13 14 designated by a local government to receive and deliver  
13 15 documents required to be filed or recorded under this chapter.  
13 16 14. "Local government having jurisdiction" means the city  
13 17 council, if that body has adopted a certified ordinance under  
13 18 subchapter V, or the county board of supervisors where such a  
13 19 city ordinance is not in effect.  
13 20 15. "Owner" means any of the following:  
13 21 a. An individual who holds the fee simple title to the  
13 22 eligible farmland.  
13 23 b. An individual who owns the eligible farmland under a  
13 24 contract of purchase which has been recorded in the office of  
13 25 the county recorder of the county in which the farmland is  
13 26 located.  
13 27 c. An individual who owns the eligible farmland under  
13 28 devise or by operation of the inheritance laws, where the  
13 29 whole interest passes or where the divided interest is shared  
13 30 only by individuals related or formerly related to each other  
13 31 by blood, marriage, or adoption.  
13 32 d. An individual who owns the eligible farmland under a  
13 33 deed which conveys a divided interest, where the divided  
13 34 interest is shared only by individuals related or formerly  
13 35 related to each other by blood, marriage, or adoption.



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14 1 e. A partnership where all partners are related or  
14 2 formerly related to each other by blood, marriage, or  
14 3 adoption.

14 4 f. A family farm entity which is a family farm  
14 5 corporation, family farm limited liability company, family  
14 6 farm limited partnership, or family trust, as defined in  
14 7 section 9H.1.

14 8 16. "State agency" means the same as defined in section  
14 9 8A.101.

14 10 17. "Use consistent with agricultural use" means any  
14 11 activity on land that is devoted primarily to agricultural  
14 12 use, that meets all of the following conditions:

14 13 a. Does not convert the land to another use.

14 14 b. Does not limit the surrounding land's potential for  
14 15 agricultural use.

14 16 c. Does not conflict with agricultural production on land  
14 17 subject to a farmland preservation agreement.

14 18 d. Does not conflict with agricultural production on  
14 19 adjoining land.

14 20

SUBCHAPTER II

14 21

ADMINISTRATION

14 22 Sec. 22. NEW SECTION. 467A.201 INTERAGENCY COOPERATION  
14 23 == REGISTRATION.

14 24 1. All state agencies shall cooperate with the department  
14 25 and local governments in the exchange of information  
14 26 concerning projects and activities, including takings under  
14 27 the power of eminent domain as provided in chapters 6A and 6B,  
14 28 which might jeopardize the preservation of farmland.

14 29 2. The department shall periodically advise other state  
14 30 agencies of the location and description of land upon which  
14 31 there exists a farmland preservation agreement or zoning for  
14 32 exclusively agricultural use.

14 33 3. State agencies shall administer their planning and  
14 34 projects consistent with the purposes of this chapter.

14 35 4. A state agency interested in participating in this



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15 1 chapter shall register with the department in a manner and  
15 2 according to procedures required by the department. The  
15 3 department of revenue, the state department of transportation,  
15 4 the department of economic development, and the department of  
15 5 natural resources shall be deemed to be interested state  
15 6 agencies.

15 7       Sec. 23. NEW SECTION. 467A.202 FARMLAND PRESERVATION  
15 8 COUNCIL.

15 9       A farmland preservation council is created within the  
15 10 department in order to advise the department regarding its  
15 11 administration of this chapter and to assist other state  
15 12 agencies and local governments in complying with the  
15 13 provisions of this chapter.

15 14       1. The members of the farmland preservation council shall  
15 15 include all of the following:

15 16       a. The secretary of agriculture, or the secretary's  
15 17 designee, who shall serve as chairperson.

15 18       b. The director of the department of natural resources or  
15 19 the director's designee.

15 20       c. The dean of the college of agriculture at Iowa state  
15 21 university, or the dean's designee.

15 22       d. The following members who shall be appointed by the  
15 23 governor:

15 24       (1) Three members of three different county farmland  
15 25 preservation commissions.

15 26       (2) Five persons who are interested in issues affecting  
15 27 farmland preservation and development, including all of the  
15 28 following:

15 29       (a) A resident of a city with a population of fifty  
15 30 thousand or more.

15 31       (b) Three persons actively engaged in agricultural  
15 32 production, including row crop farming and animal agriculture.

15 33       (c) A person associated with a nonprofit corporation  
15 34 involved in protecting natural resources, including scenic or  
15 35 open space, and maintaining or enhancing air or water quality.



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16 1 e. The council shall invite two officials from the United  
16 2 States department of agriculture to serve as ex officio,  
16 3 nonvoting members, including a person associated with the  
16 4 natural resources conservation service and a person associated  
16 5 with the farm service agency.

16 6 2. Governor appointments shall be subject to all of the  
16 7 following requirements:

16 8 a. Sections 69.16 and 69.16A shall apply and the  
16 9 appointments shall be geographically balanced.

16 10 b. The appointees shall be confirmed by the senate,  
16 11 pursuant to section 2.32.

16 12 c. Members shall serve five-year staggered terms beginning  
16 13 and ending as provided in section 69.19. The governor shall  
16 14 appoint initial members to serve for less than five years to  
16 15 ensure members serve staggered terms. A member is eligible  
16 16 for reappointment. A vacancy on the council shall be filled  
16 17 for the unexpired portion of the regular term in the same  
16 18 manner as regular appointments are made.

16 19 3. The council shall meet on a regular basis and at the  
16 20 call of the chairperson or upon the written request to the  
16 21 chairperson of five or more members. Members are not entitled  
16 22 to receive compensation but shall receive reimbursement of  
16 23 expenses from the department as provided in section 7E.6.

16 24 4. Six members constitute a quorum and the affirmative  
16 25 vote of a majority of the members present is necessary for any  
16 26 substantive action to be taken by the council. The majority  
16 27 shall not include any member who has a conflict of interest  
16 28 and a statement by a member that the member has a conflict of  
16 29 interest is conclusive for this purpose. A vacancy in the  
16 30 membership does not impair the duties of the council.

16 31 Sec. 24. NEW SECTION. 467A.203 COUNTY FARMLAND  
16 32 PRESERVATION COMMISSIONS.

16 33 In each county a farmland preservation commission is  
16 34 created to administer this chapter as provided in this  
16 35 chapter.



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17 1     1. A farmland preservation commission is composed of the  
17 2 following members:  
17 3     a. One member appointed by and from the county  
17 4 agricultural extension council.  
17 5     b. Two members appointed by the district soil and water  
17 6 conservation commissioners, one of whom must be a member of  
17 7 the district soil and water conservation board of  
17 8 commissioners and one of whom must be a person who is not a  
17 9 commissioner, but is actively engaging in agricultural  
17 10 production in the county.  
17 11     c. One member appointed by the board of supervisors from  
17 12 the residents of the county.  
17 13     d. One member appointed by and from a convention of the  
17 14 members of city councils of the county. However, if a city  
17 15 contains more than fifty percent of the population of a  
17 16 county, that city shall not participate in the convention of  
17 17 city council members. That city shall appoint its own member.  
17 18     e. One member appointed by the board of supervisors from  
17 19 the residents of the county who is actively engaged in  
17 20 agricultural production.  
17 21     2. The county commission shall meet and organize by the  
17 22 election of a chairperson and vice chairperson from among its  
17 23 members. A majority of the members of the county commission  
17 24 constitutes a quorum, and the affirmative vote of a quorum is  
17 25 necessary for any action taken by the commission, except that  
17 26 a lesser number may adjourn a meeting.  
17 27     3. The Iowa state university agricultural extension  
17 28 service shall provide county commissions with technical,  
17 29 informational, and clerical assistance.  
17 30     4. A vacancy in the county commission shall be filled in  
17 31 the same manner as the appointment of the member whose  
17 32 position is vacant. The term of a county commissioner is four  
17 33 years. However, for the initial appointments to the county  
17 34 commission, the members appointed under subsection 1,  
17 35 paragraphs "a" and "b", shall be appointed to terms of two



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18 1 years. Members may be appointed to succeed themselves.  
18 2     Sec. 25. NEW SECTION. 467A.204 RULEMAKING.  
18 3     The department shall adopt rules under chapter 17A as is  
18 4 necessary to administer this chapter.  
18 5     Sec. 26. NEW SECTION. 467A.205 CONTESTED CASE  
18 6 PROCEEDINGS.  
18 7     An applicant for a farmland preservation agreement or a  
18 8 local government may contest the department's decision by  
18 9 requesting a hearing conducted before an administrative law  
18 10 judge pursuant to chapter 17A. If the applicant and a local  
18 11 government are both contesting the department's decision, the  
18 12 applicant may request that the department conduct the hearing  
18 13 on a consolidated basis. The department shall hear the case  
18 14 according to procedures established by rules adopted by the  
18 15 department in conformance with chapter 17A. The department  
18 16 shall render a decision within thirty-five days from the date  
18 17 that the applicant or local government files a demand for a  
18 18 hearing. Judicial review of the department's decision may be  
18 19 sought in accordance with the terms of chapter 17A.  
18 20     Sec. 27. NEW SECTION. 467A.206 PROPERTY TAXATION AND  
18 21 EXEMPTION FROM SPECIAL ASSESSMENTS.  
18 22     1. This chapter does not affect the value of farmland  
18 23 covered by a farmland preservation agreement and such farmland  
18 24 shall not be exempt from general property taxation.  
18 25     2. a. A local government shall not impose a special  
18 26 assessment under title IX, on any of the following:  
18 27         (1) Land covered by a farmland preservation agreement  
18 28 under this chapter, unless the assessment was imposed prior to  
18 29 the recording of the farmland preservation agreement.  
18 30         (2) Land which is exclusively zoned for an agricultural  
18 31 use under this chapter, unless the assessment was imposed  
18 32 prior to the land being zoned exclusively for agricultural  
18 33 use.  
18 34     b. This subsection does not apply to an assessment imposed  
18 35 as provided in chapter 468. Land is not subject to a special



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19 1 assessment as provided in this subsection as long as the land  
19 2 is subject to a farmland preservation agreement or zoned for  
19 3 exclusively agricultural use. The owner of the land is not  
19 4 entitled to any benefit conferred by the special assessment,  
19 5 unless the owner has paid the amount that would have been paid  
19 6 had the land been subject to the special assessment.

19 7

SUBCHAPTER III

19 8

AGRICULTURAL PLANNING

19 9

PART A

19 10

GENERAL

19 11 Sec. 28. NEW SECTION. 467A.301 PRELIMINARY AGRICULTURAL  
19 12 AREAS DELINEATION == AGRICULTURAL PRESERVATION MAPS.

19 13 For the purpose of assisting local governments to preserve  
19 14 agricultural lands, the department, in cooperation with other  
19 15 state agencies and local governments, including county  
19 16 farmland preservation commissions, shall prepare or cause to  
19 17 be prepared, agricultural preservation maps that locate land  
19 18 in the state which is qualified for preservation because of  
19 19 its value for agricultural use. The department shall provide  
19 20 for the preparation of maps which delineate areas of the state  
19 21 where the need for agricultural preservation is highest and  
19 22 the threat of conversion of land to a use inconsistent with  
19 23 agricultural use is the greatest. The agricultural  
19 24 preservation maps shall be prepared utilizing the best  
19 25 practicable method and shall be based upon data such as soil  
19 26 surveys, aerial photography interpretation, existing  
19 27 agricultural zoning and surveys, on-site surveys, and other  
19 28 related studies.

19 29 Sec. 29. NEW SECTION. 467A.302 AGRICULTURAL LAND  
19 30 PRESERVATION ORDINANCES AND AGRICULTURAL AREAS.

19 31 1. Land which is subject to an agricultural land  
19 32 preservation ordinance pursuant to section 335.27 may be  
19 33 subject to a farmland preservation agreement or an exclusive  
19 34 agricultural use zoning ordinance. However, the provisions of  
19 35 the agricultural land preservation ordinance which apply to



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20 1 such land are void upon the execution of the farmland  
20 2 preservation agreement or the adoption of the exclusive  
20 3 agricultural zoning ordinance.  
20 4 2. Land which is located in an agricultural area as  
20 5 provided in chapter 352 may be subject to a farmland  
20 6 preservation agreement or an exclusive agricultural use zoning  
20 7 ordinance. However, the land shall be withdrawn from the  
20 8 agricultural area upon the execution of the farmland  
20 9 preservation agreement or the adoption of the exclusive  
20 10 agricultural zoning ordinance.

20 11 PART B

20 12 AGRICULTURAL PRESERVATION PLANS

20 13 Sec. 30. NEW SECTION. 467A.311 PURPOSE.

20 14 1. The purpose of this subchapter is to specify standards  
20 15 for county agricultural preservation plans required to enable  
20 16 farmland owners to enter into farmland preservation agreements  
20 17 under subchapter IV.

20 18 2. Agricultural preservation planning shall be undertaken  
20 19 in accordance with county and city development strategies  
20 20 including county zoning as provided in chapter 335 and city  
20 21 zoning as provided in chapter 414.

20 22 Sec. 31. NEW SECTION. 467A.312 BASIS FOR THE PLAN.

20 23 A county agricultural preservation plan shall be based upon  
20 24 county inventories as provided in section 467A.313 together  
20 25 with surveys, studies, and analyses of agricultural uses and  
20 26 productivity, natural resources and open space, population and  
20 27 population densities, urban growth patterns, housing, and the  
20 28 character, location, timing, needs, and capacity of existing  
20 29 and future public uses.

20 30 Sec. 32. NEW SECTION. 467A.313 COUNTY INVENTORIES.

20 31 1. Each farmland preservation commission shall compile a  
20 32 county land use inventory of the unincorporated areas of the  
20 33 county based on inventories compiled pursuant to section  
20 34 352.4. The county inventories shall, where adequate data is  
20 35 available, contain at least the following:



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21 1 a. Land available and used for agricultural purposes by  
21 2 soil suitability classifications or land capability  
21 3 classification, whichever is available.  
21 4 b. The lands used for public facilities, which may include  
21 5 parks, recreation areas, schools, government buildings, and  
21 6 historical sites.  
21 7 c. The lands used for private open spaces, which may  
21 8 include woodlands, wetlands, and water bodies.  
21 9 d. The land used for each of the following uses:  
21 10 commercial, industrial, including mineral extraction,  
21 11 residential, and transportation.  
21 12 e. The lands which have been converted from agricultural  
21 13 use to residential use, commercial or industrial use, or  
21 14 public facilities since 1982.  
21 15 2. In addition to that provided under subsection 1, the  
21 16 county inventory shall also contain the land inside the  
21 17 boundaries of a city which is taxed as agricultural land.  
21 18 3. The information required by subsection 1 shall be  
21 19 provided both in narrative and map form. The county  
21 20 commission shall provide a cartographic display which  
21 21 contrasts the county's present land use with the land use in  
21 22 the county in 1982 based on the best available information.  
21 23 The display need only show the areas in agriculture, private  
21 24 open spaces, public facilities, commercial, industrial,  
21 25 residential, and transportation uses.  
21 26 4. The department, department of management, department of  
21 27 natural resources geological survey, state agricultural  
21 28 extension service, and department of economic development  
21 29 shall, upon request, provide to each county commission any  
21 30 pertinent land use information available to assist in the  
21 31 compiling of the county land use inventories.  
21 32 Sec. 33. NEW SECTION. 467A.314 COUNTY FARMLAND  
21 33 PRESERVATION PLAN.  
21 34 1. A county farmland preservation commission under the  
21 35 direction of a county board of supervisors may prepare a



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22 1 county agricultural preservation plan for approval by the  
22 2 county board of supervisors.  
22 3 2. The commission may rely upon the county land  
22 4 preservation and use plan required under section 352.5, as a  
22 5 basis to preparing the county agricultural preservation plan.  
22 6 The county's farmland preservation plan shall at least include  
22 7 the following:  
22 8 a. A statement of policy regarding the preservation of  
22 9 eligible farmland, urban growth, future public uses, and the  
22 10 protection of significant natural resource, open space,  
22 11 scenic, historic, or architectural areas.  
22 12 b. A map identifying farmland to be preserved, areas of  
22 13 special environmental, natural resource, or open space  
22 14 significance and any transition areas. A transition area must  
22 15 have a predominantly agricultural use which the plan  
22 16 identifies for future development. A farmland preservation  
22 17 area mapped under this section must include a minimum of one  
22 18 hundred acres. The department must provide the map to the  
22 19 county at least twelve months prior to adoption of the  
22 20 farmland preservation plan.  
22 21 3. A map provided for under this section shall include  
22 22 areas that include all of the following:  
22 23 a. A transition area that must include a minimum of  
22 24 thirty-five acres.  
22 25 b. Areas adjacent to the identified agricultural area on  
22 26 which are incompatible with agricultural use.  
22 27 c. Areas that are not economically viable for agricultural  
22 28 use.  
22 29 d. Areas having substantial urban growth or planned urban  
22 30 expansion that creates a public need to convert agricultural  
22 31 land use to other uses.  
22 32 e. Areas in which maintenance of the area's agricultural  
22 33 use is not consistent with the goals and objectives of the  
22 34 county agricultural preservation plan.  
22 35 Sec. 34. NEW SECTION. 467A.315 IMPLEMENTATION PROGRAM.



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23 1 A county farmland preservation plan shall include an  
23 2 implementation program of specific public actions designed to  
23 3 preserve eligible farmland and agricultural uses and guide  
23 4 urban growth. Such implementation program shall include all  
23 5 of the following:  
23 6 1. A general description of existing and proposed land use  
23 7 controls.  
23 8 2. A description of the character, location, timing, use,  
23 9 capacity, and financing of existing and proposed public uses  
23 10 to serve existing and new development.  
23 11 3. An identification of procedures and standards for  
23 12 controlling the installation and maintenance of private sewage  
23 13 disposal systems as defined in section 455B.171, and  
23 14 identifying areas not suitable for the installation of such  
23 15 systems.  
23 16 4. A program to protect areas of significant elements of  
23 17 the state's natural open space heritage, including but not  
23 18 limited to significant river, lake, wetland, prairie, forest  
23 19 areas, other biologically significant areas, land containing  
23 20 significant archaeological, historical, or cultural value, or  
23 21 fish or wildlife habitats, as defined in rules adopted by the  
23 22 department of natural resources.  
23 23 Sec. 35. NEW SECTION. 467A.316 COORDINATION.  
23 24 1. A county agricultural preservation plan shall include  
23 25 an agricultural preservation plan adopted by a city within the  
23 26 county if the city's plan complies with the provisions of this  
23 27 subchapter.  
23 28 2. Copies of the farmland preservation plan shall be  
23 29 submitted for review and comment to each city within the  
23 30 county, and each adjoining county.  
23 31 Sec. 36. NEW SECTION. 467A.317 CERTIFICATION.  
23 32 Upon completion of a county agricultural preservation plan  
23 33 described in this subchapter, a copy of the plan shall be  
23 34 submitted to the department for review and certification as  
23 35 provided by rules adopted by the department.





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25 1 use under an ordinance by a county or city certified as  
25 2 provided in subchapter V which is in effect in a county or  
25 3 city where the eligible farmland is located.

25 4 1. In a county that has adopted a certified exclusive  
25 5 agricultural use zoning ordinance, the eligible farmland may  
25 6 be located in the area zoned for exclusive agricultural use  
25 7 which is not in a city. However, if the eligible land is  
25 8 located in a city, the following shall apply:

25 9 a. In a county with a population density of less than one  
25 10 hundred persons per square mile which has adopted a certified  
25 11 exclusive agricultural use zoning ordinance, the county board  
25 12 of supervisors shall approve or disapprove the application  
25 13 even if the city in which the land is located has not approved  
25 14 the ordinance.

25 15 b. In a county with a population density of one hundred or  
25 16 more persons per square mile, which has adopted a certified  
25 17 exclusive agricultural use zoning ordinance, the city in which  
25 18 the land is located must have approved the ordinance.

25 19 2. In a city that has adopted a certified exclusive  
25 20 agricultural use zoning ordinance, an owner of the land must  
25 21 be located in the area zoned for exclusive agricultural use by  
25 22 the city.

25 23 Sec. 40. NEW SECTION. 467A.403 LOCAL GOVERNMENTS HAVING  
25 24 JURISDICTION.

25 25 The county board of supervisors shall be the local  
25 26 government having jurisdiction to approve or disapprove an  
25 27 application to be covered by a farmland preservation  
25 28 agreement, except if the eligible farmland is located in a  
25 29 city. In that case the local government having jurisdiction  
25 30 is the city.

25 31 Sec. 41. NEW SECTION. 467A.404 APPLICATION.

25 32 1. An owner of eligible farmland applying to execute a  
25 33 farmland preservation agreement must file the application with  
25 34 the county recorder on a form provided by the department. If  
25 35 an application received by the county recorder is not signed



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26 1 by all persons holding a recorded mortgage on the land to be  
26 2 covered by the farmland preservation agreement, the  
26 3 application is void and shall not be processed by the county  
26 4 recorder. The application shall include all of the following:  
26 5     a. A land survey or legal description of all farmland to  
26 6 be covered by the farmland preservation agreement.  
26 7     b. A map showing significant natural features and all  
26 8 structures and physical improvements on the land subject to  
26 9 the farmland preservation agreement or an aerial photograph of  
26 10 all land which is an integral part of the owner's farming  
26 11 operation which is marked to indicate the farmland and  
26 12 structures to be covered by the agreement.  
26 13     c. The soil classification of the land covered by the  
26 14 farmland preservation agreement and such other data as the  
26 15 department deems reasonably necessary to determine the  
26 16 eligibility of the land for coverage under the farmland  
26 17 preservation agreement.  
26 18     2. Upon receipt of the application, the county recorder  
26 19 shall forward a notice of the application to the department  
26 20 and the county board of supervisors in the county where the  
26 21 land covered by the farmland preservation agreement is  
26 22 located. However, if the land is located in a city, the  
26 23 county recorder shall also deliver a notice of the application  
26 24 to the local government filing officer of the city where the  
26 25 farmland is located. The department shall deliver the  
26 26 application to any interested state agency.  
26 27     3. If the local government having jurisdiction is a county  
26 28 board of supervisors, the board shall provide notice and  
26 29 conduct a public hearing in the same manner as provided in  
26 30 section 335.6. If the local government having jurisdiction is  
26 31 a city, the city shall provide notice and conduct a public  
26 32 hearing in the same manner as provided in section 414.4.  
26 33 However, notwithstanding those sections, all persons shall  
26 34 have thirty days to review, comment, and make recommendations  
26 35 to the local government having jurisdiction.



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27 1 4. After considering the comments and recommendations of  
27 2 the interested state agencies and local governments, the local  
27 3 government having jurisdiction shall approve or disapprove the  
27 4 application within one hundred twenty days after the  
27 5 application is received by the local government filing officer  
27 6 for the local government having jurisdiction, unless such time  
27 7 is extended by mutual agreement of the applicant and the local  
27 8 government having jurisdiction. The approval or disapproval  
27 9 of the application shall be based on all of the following:  
27 10 a. Whether the eligible farmland is designated an  
27 11 agricultural preservation area in a certified agricultural  
27 12 preservation plan established under this subchapter or is an  
27 13 area zoned for exclusive agricultural use under an ordinance  
27 14 certified as provided in subchapter V.  
27 15 b. The productivity and viability of the land for  
27 16 agricultural use.  
27 17 c. The predominance of agricultural use on the land.  
27 18 d. The inclusion of all contiguous lands which are in  
27 19 single ownership.  
27 20 e. Whether the property is eligible farmland.  
27 21 f. The degree to which the application is consistent with  
27 22 the county agricultural preservation plan.  
27 23 g. Whether the land is or has been subject to an  
27 24 agricultural land preservation ordinance under section 335.27  
27 25 or is or has been located in an agricultural area pursuant to  
27 26 chapter 352.  
27 27 h. Other criteria established by the local government  
27 28 consistent with agricultural preservation.  
27 29 5. The local government filing officer of the local  
27 30 government having jurisdiction shall deliver a copy of the  
27 31 application to execute a farmland preservation agreement as  
27 32 approved or disapproved by the local governing body having  
27 33 jurisdiction, along with the comments and recommendations of  
27 34 the interested state agencies and the local governments which  
27 35 have reviewed the application, to the department. If action



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28 1 is not taken by the local government having jurisdiction  
28 2 within the time prescribed or agreed upon, the applicant may  
28 3 proceed as if the application were disapproved.  
28 4       6. The department shall review the application and may  
28 5 disapprove an application to execute a farmland preservation  
28 6 agreement which has been approved by a local government having  
28 7 jurisdiction only if the land is not eligible farmland.  
28 8       7. If the application concerns land which is or has been  
28 9 subject to an agricultural land preservation ordinance under  
28 10 section 335.27 or is or has been located in an agricultural  
28 11 area pursuant to chapter 352, the local government having  
28 12 jurisdiction and the department shall approve or disapprove  
28 13 the application on an expedited basis.  
28 14       8. If the application to execute a farmland preservation  
28 15 agreement is disapproved by the local government having  
28 16 jurisdiction or the department, the application shall be  
28 17 returned to the applicant with a written statement providing  
28 18 each reason for the disapproval, and explaining the  
28 19 applicant's right to contest the decision pursuant to section  
28 20 467A.205.  
28 21       9. An applicant whose application has been disapproved  
28 22 under this section may reapply to be covered by a farmland  
28 23 preservation agreement following a one-year waiting period  
28 24 from notice of final determination of the original application  
28 25 by the local government having jurisdiction and the  
28 26 department, or the department following a contested case  
28 27 proceeding or a court on appeal.  
28 28       Sec. 42. NEW SECTION. 467A.405 EXECUTION.  
28 29       This section applies when an application to be covered by a  
28 30 farmland preservation agreement is approved by the final  
28 31 determination of the local government having jurisdiction and  
28 32 the department, or the department following a contested case  
28 33 proceeding or a court on appeal. The department shall prepare  
28 34 and deliver to the applicant the farmland preservation  
28 35 agreement for execution. The department shall execute the



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29 1 farmland preservation agreement on behalf of the state. The  
29 2 department shall record the farmland preservation agreement  
29 3 with the county recorder in the county where the eligible  
29 4 farmland covered by the agreement is located. The department  
29 5 shall send a copy of the executed agreement to the local  
29 6 government filing officer for the local government having  
29 7 jurisdiction. The department shall also publish the executed  
29 8 farmland preservation agreement on its internet site.

29 9

PART B

29 10

TERMS AND CONDITIONS

29 11 Sec. 43. NEW SECTION. 467A.411 FARMLAND PRESERVATION  
29 12 AGREEMENTS == PERMITTED USES.

29 13 1. Only the following uses are permitted on the eligible  
29 14 farmland covered by a farmland preservation agreement:

29 15 a. A structure which is consistent with an agricultural  
29 16 use, the county agricultural preservation plan, or pursuant to  
29 17 approval by the local governing body having jurisdiction and  
29 18 the department. However, the local governing body having  
29 19 jurisdiction or the department may approve any structure  
29 20 affecting less than five acres of land.

29 21 b. A structure built on the land or an improvement made to  
29 22 the land which is incidental to a scenic, access or utility  
29 23 easement or license, a lease for oil and natural gas  
29 24 exploration and extraction, or a structure or improvement made  
29 25 as an incident to that easement, license, or lease, so long as  
29 26 the structure or improvement does not significantly depart  
29 27 from the agricultural use or the county agricultural  
29 28 preservation plan, or the structure is built or improvement is  
29 29 made pursuant to an approval by the local governing body  
29 30 having jurisdiction and the department. However, the local  
29 31 governing body having jurisdiction or the department may waive  
29 32 its approval for a structure built or improvement made  
29 33 affecting less than five acres of land.

29 34 c. Farming operations shall be conducted in compliance  
29 35 with a soil and water resource conservation plan for the soil



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30 1 and water conservation district where the farmland is located  
30 2 as provided in section 161A.7, any agreement under which the  
30 3 owner is a party which provides for the conservation of soil  
30 4 and water resources on the farmland or the installation of  
30 5 soil and water practices, including but not limited to a  
30 6 conservation agreement as provided in section 161A.42.

30 7 d. Any other condition and restriction on the land as  
30 8 agreed to by the parties that is deemed necessary to preserve  
30 9 the land for agricultural use if it is not in conflict with  
30 10 the county agricultural preservation plan.

30 11 2. The department shall not require the owner to permit  
30 12 public access onto the land.

30 13 3. A farmland preservation agreement may provide for  
30 14 transition areas if the farmland is located in an area  
30 15 identified as a transition area under a certified county  
30 16 agricultural preservation plan. A transition area is not  
30 17 required to be zoned exclusively for agricultural purposes and  
30 18 is not required to be designated an agricultural preservation  
30 19 area in a certified agricultural preservation plan. The land  
30 20 relating to a transition area may be subject to the farmland  
30 21 preservation agreement for not less than five and not more  
30 22 than twenty years, consistent with the county agricultural  
30 23 preservation plan.

30 24 Sec. 44. NEW SECTION. 467A.412 FARMLAND PRESERVATION  
30 25 AGREEMENTS == CONTENTS.

30 26 The farmland preservation agreement shall include all terms  
30 27 and conditions of the agreement including permitted uses as  
30 28 provided in section 467A.411, the rights and obligations of  
30 29 the parties, the owner's eligibility to claim a farmland  
30 30 preservation tax credit as provided in chapter 467, the  
30 31 duration of the agreement, and methods to provide for the  
30 32 relinquishment or release of the agreement as provided in part  
30 33 C. The agreement shall also provide a statement in boldface,  
30 34 uppercase, and twelve or higher point type that contains the  
30 35 following language:



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31 1 NOTICE. UPON VIOLATION OF THIS AGREEMENT, YOU MAY BE  
31 2 SUBJECT TO CIVIL PENALTIES AND UPON THE RELINQUISHMENT OF THIS  
31 3 AGREEMENT INCLUDING BY CONVERSION OF A PERMITTED USE, YOU MAY  
31 4 BE REQUIRED TO PAY BACK ALL OR A PART OF TAX CREDITS RECEIVED  
31 5 TOGETHER WITH INTEREST.

31 6

PART C

31 7

DURATION, RELINQUISHMENT, AND RELEASE

31 8

Sec. 45. NEW SECTION. 467A.421 FARMLAND PRESERVATION

31 9

AGREEMENT == DURATION AND EFFECT.

31 10

1. If an owner of farmland executes a farmland

31 11

preservation agreement, the owner shall deliver it to the

31 12

department for execution on behalf of the state. A farmland

31 13

preservation agreement shall become effective on the date it

31 14

is recorded with the county recorder in the county where the

31 15

farmland covered by the farmland preservation agreement is

31 16

located. The department shall within thirty days of receipt

31 17

record the executed agreement with the county recorder of the

31 18

county in which the farmland covered by the farmland

31 19

preservation agreement is located, notify the applicant, the

31 20

local governing body having jurisdiction, and all interested

31 21

agencies that the farmland preservation agreement has been

31 22

executed.

31 23

2. A farmland preservation agreement executed as provided

31 24

in section 467A.405 and recorded shall be effective for not

31 25

less than ten years nor more than twenty=five years.

31 26

3. An owner of farmland which is subject to a farmland

31 27

preservation agreement with a term of less than twenty=five

31 28

years may extend the term of the agreement to twenty=five

31 29

years with the approval of the local government having

31 30

jurisdiction and the department.

31 31

Sec. 46. NEW SECTION. 467A.422 CHANGE OF OWNERSHIP.

31 32

Farmland covered by a farmland preservation agreement may

31 33

be sold, subject to the reservation of rights contained in the

31 34

agreement. The seller shall notify the local government

31 35

having jurisdiction and the department of any such transfer.



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32 1 Sec. 47. NEW SECTION. 467A.423 EXPIRATION OR  
32 2 TERMINATION.

32 3 1. A farmland preservation agreement shall terminate on  
32 4 the expiration of the term of the agreement.

32 5 2. When the owner of farmland covered by a farmland  
32 6 preservation agreement dies or is certified by a physician to  
32 7 be totally and permanently disabled, the owner's estate, a  
32 8 successor in interest, or the owner who is totally and  
32 9 permanently disabled may terminate the farmland preservation  
32 10 agreement upon providing one hundred twenty days' notice to  
32 11 the local government having jurisdiction and the department,  
32 12 unless the time is extended by mutual agreement of the  
32 13 applicant and the local governing body having jurisdiction.

32 14 Sec. 48. NEW SECTION. 467A.424 RELINQUISHMENT AND  
32 15 RELEASE OF FARMLAND PRESERVATION AGREEMENTS.

32 16 A local government having jurisdiction and the department  
32 17 may relinquish a farmland preservation agreement or may  
32 18 release part of the farmland covered by the farmland  
32 19 preservation agreement prior to the termination date contained  
32 20 in the agreement as follows:

32 21 1. The owner of the farmland must submit an application,  
32 22 in a manner and according to procedures required by the  
32 23 department, to the county recorder of the county where the  
32 24 farmland is located requesting that the agreement be  
32 25 relinquished or that part of the farmland be released from the  
32 26 agreement. Upon receipt of the application, the county  
32 27 recorder shall deliver a written notification to the local  
32 28 government filing officer for a local government having  
32 29 jurisdiction, the department, and interested state agencies.  
32 30 If the local government having jurisdiction is a county board  
32 31 of supervisors, the board shall provide notice and conduct a  
32 32 public hearing in the same manner as provided in section  
32 33 335.6. If the local government having jurisdiction is a city,  
32 34 the city shall provide notice and conduct a public hearing in  
32 35 the same manner as provided in section 414.4. However,



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33 1 notwithstanding those sections, all persons shall have thirty  
33 2 days to review, comment, and make recommendations to the local  
33 3 government having jurisdiction in the same manner as the  
33 4 original application.

33 5 2. After considering the comments and recommendations of  
33 6 any local government and interested state agency, and after  
33 7 holding a public hearing, the local government having  
33 8 jurisdiction shall approve or disapprove the application  
33 9 within one hundred twenty days after it is filed, unless the  
33 10 time is extended by mutual agreement of the applicant and the  
33 11 local governing body having jurisdiction.

33 12 3. a. As part of its review of an application for  
33 13 relinquishment or release, the local government having  
33 14 jurisdiction shall consider all of the following factors:

33 15 (1) The agricultural productivity of the land involved.

33 16 (2) Whether the proposed use minimizes the amount of  
33 17 agricultural land converted to nonagricultural uses.

33 18 (3) The economic costs and benefits of the proposed use to  
33 19 the local economy compared to the costs and benefits of the  
33 20 land for agricultural use.

33 21 (4) The costs of providing public facilities to the  
33 22 proposed use, and the ability of affected local units of  
33 23 government to provide them.

33 24 b. The local government having jurisdiction shall not  
33 25 approve an application for relinquishment or release under  
33 26 this subsection unless it finds one or more of the following:

33 27 (1) Relinquishment or release will allow the owner to  
33 28 resolve foreclosure or bankruptcy proceedings by a voluntary  
33 29 settlement with a mortgagee or a creditor.

33 30 (2) Significant natural physical changes in the land have  
33 31 occurred that are generally irreversible and permanently  
33 32 affect the land.

33 33 (3) Surrounding conditions prohibit agricultural use.

33 34 (4) Relinquishment or release will allow the owner to  
33 35 develop the land to assist local economic development or will



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34 1 allow a school board or city government to build structures or  
34 2 make improvements.

34 3 (5) Relinquishment or release will allow the transfer of  
34 4 the land for subsequent agriculturally related, utility,  
34 5 religious, or institutional use that is consistent with the  
34 6 agricultural use and that is found to be necessary after  
34 7 considering alternative locations available for such use.

34 8 c. The local government having jurisdiction shall not  
34 9 approve an application for relinquishment or release, unless  
34 10 it finds that all of the following conditions exist:

34 11 (1) Adequate public facilities to serve the proposed  
34 12 development or use exist or will be provided as part of the  
34 13 development.

34 14 (2) The land is suitable for the proposed development or  
34 15 use.

34 16 (3) The proposed use will not cause air pollution, water  
34 17 pollution, including as provided in title XI of the Code, or  
34 18 soil erosion exceeds applicable state or local standards,  
34 19 including as provided in chapter 161A; adversely affect rare  
34 20 or irreplaceable natural areas; or otherwise harm the  
34 21 environment.

34 22 (4) The use is consistent with remaining agricultural uses  
34 23 in the area.

34 24 (5) The use is consistent with the county's certified  
34 25 agricultural preservation plan, if a plan is in effect.

34 26 (6) The proposed use is not for residential development.

34 27 (7) The proposed use is consistent with local economic  
34 28 development plans.

34 29 (8) No alternative location is available for the proposed  
34 30 development or use that is suitable.

34 31 4. The local government filing officer of the local  
34 32 governing body having jurisdiction shall deliver a copy of the  
34 33 application for the relinquishment or release of the farmland  
34 34 preservation agreement as approved or disapproved by the local  
34 35 governing body having jurisdiction, along with the comments



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35 1 and recommendations of the interested state agencies and the  
35 2 local governments which has reviewed the application, to the  
35 3 department. If action is not taken by the local governing  
35 4 body having jurisdiction within the time prescribed or agreed  
35 5 upon, the applicant may proceed as if the application were  
35 6 disapproved.

35 7 5. The department shall review the application and within  
35 8 sixty days, upon consideration of the criteria considered by  
35 9 the local government having jurisdiction, shall approve or  
35 10 disapprove the relinquishment or release. The department  
35 11 shall approve the relinquishment or release if it finds any of  
35 12 the following:

35 13 a. The farmland covered by the farmland preservation  
35 14 agreement has been acquired by the state or federal government  
35 15 for building a structure or making a public improvement,  
35 16 including but not limited to highway improvements.

35 17 b. The farmland that has been subject to a farmland  
35 18 preservation agreement for at least ten years.

35 19 6. If the application for relinquishment or release is  
35 20 disapproved by the local government having jurisdiction, the  
35 21 application shall be returned to the applicant with a written  
35 22 statement providing each reason for the disapproval. Within  
35 23 thirty days after receipt of an application which has been  
35 24 approved or disapproved, the applicant or the local government  
35 25 having jurisdiction may contest the decision to the department  
35 26 as provided in section 467A.205. An applicant whose  
35 27 application has been disapproved under this section may  
35 28 reapply for a relinquishment or release following a one-year  
35 29 waiting period from notice of the final determination of the  
35 30 original application by the local government having  
35 31 jurisdiction and the department, or the department following a  
35 32 contested case proceeding or a court on appeal.

35 33 Sec. 49. NEW SECTION. 467A.425 CONVERSION.

35 34 Any person subject to a farmland preservation agreement  
35 35 under this subchapter may apply to the department if the



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36 1 county in which the land is located adopts a certified  
36 2 agricultural preservation plan or if the farmland becomes  
36 3 subject to a certified exclusive agricultural use zoning  
36 4 ordinance. In such case, the farmland preservation agreement  
36 5 under this chapter may be relinquished one hundred twenty days  
36 6 following the delivery of the application.

36 7 PART D  
36 8 PENALTIES

36 9 Sec. 50. NEW SECTION. 467A.431 PENALTIES FOR CHANGE OF  
36 10 USE.

36 11 If the owner or a successor in title of the farmland  
36 12 subject to a farmland preservation agreement, which has been  
36 13 executed as provided in section 467A.405 and recorded, changes  
36 14 the use of the land which is not authorized in the farmland  
36 15 preservation agreement, and the change of use is not approved  
36 16 as provided in part B, all of the following apply:

36 17 1. The owner may be required to credit all tax credits  
36 18 received to the state.

36 19 2. The owner or successor in interest is subject to a  
36 20 civil penalty in an amount not to exceed double the value of  
36 21 the eligible farmland as established at the time the eligible  
36 22 farmland preservation agreement was recorded. However, the  
36 23 owner or a successor in title of the eligible farmland shall  
36 24 have one year to become compliant before the civil penalty of  
36 25 this subsection shall be applicable.

36 26 SUBCHAPTER V  
36 27 EXCLUSIVE AGRICULTURAL ZONING

36 28 Sec. 51. NEW SECTION. 467A.501 APPLICABILITY == COUNTY  
36 29 AND CITY ZONING REQUIREMENTS.

36 30 This subchapter applies to a county which has adopted a  
36 31 zoning ordinance under chapter 335, and shall apply regardless  
36 32 of sections 331.304A and 335.2. This subchapter applies to a  
36 33 city which has adopted a zoning ordinance pursuant to chapter  
36 34 414.

36 35 Sec. 52. NEW SECTION. 467A.502 COUNTIES == ANIMAL



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37 1 FEEDING OPERATIONS.

37 2 This chapter does not authorize a county to restrict or  
37 3 regulate a condition or activity occurring on land used for  
37 4 the production, care, feeding, or housing of animals unless  
37 5 the regulation of the production, care, feeding, or housing of  
37 6 animals is expressly authorized by state law. An exclusive  
37 7 agricultural zoning ordinance adopted in violation of this  
37 8 section is void and unenforceable and any enforcement activity  
37 9 conducted in violation of this section is void. A condition  
37 10 or activity occurring on land used for the production, care,  
37 11 feeding, or housing of animals includes but is not limited to  
37 12 the construction, operation, or management of an animal  
37 13 feeding operation, an animal feeding operation structure, or  
37 14 aerobic structure, and to the storage, handling, or  
37 15 application of manure or egg washwater, all as provided in  
37 16 chapters 459 and 459A.

37 17 Sec. 53. NEW SECTION. 467A.503 PROCEDURES.

37 18 1. An exclusive agricultural zoning ordinance for the  
37 19 county shall be consistent with a county agricultural  
37 20 preservation plan as provided in subchapter III.

37 21 2. Notwithstanding section 335.4, the procedure  
37 22 established in this subsection shall be the only procedure by  
37 23 which a city in a county with a population density of one  
37 24 hundred or more persons per square mile may reject the  
37 25 application of a county exclusive agricultural use zoning  
37 26 ordinance in that city.

37 27 a. A majority of cities in such county may reject the  
37 28 adoption of a county exclusive agricultural use zoning  
37 29 ordinance under this subchapter for all cities within the  
37 30 county. A majority of the cities must file resolutions with  
37 31 the county recorder or another officer designed by the county  
37 32 board of supervisors. The cities must file the resolutions  
37 33 which reject the adoption of a county exclusive agricultural  
37 34 zoning ordinance within six months after the adoption of the  
37 35 ordinance by the county's board of supervisors.



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38 1       b. An amendment to an existing county zoning ordinance to  
38 2 bring the ordinance into compliance with this chapter, which  
38 3 is adopted by the county board of supervisors, shall be  
38 4 effective in any city which does not file a certified copy of  
38 5 a resolution disapproving of the amendment in accordance with  
38 6 section 335.7. In a city which disapproves of the amendment,  
38 7 the former agricultural zoning remains in effect.

38 8       Sec. 54. NEW SECTION. 467A.504 ORDINANCE STANDARDS.

38 9       1. An exclusive agricultural zoning ordinance adopted  
38 10 under this subchapter shall be deemed an exclusive  
38 11 agricultural use ordinance for the county. The county board  
38 12 of supervisors shall adopt the zoning ordinance in the same  
38 13 manner and according to the same procedures as provided in  
38 14 chapter 335. A city shall adopt the zoning ordinance in the  
38 15 same manner and according to the same procedures as provided  
38 16 in chapter 414. The zoning ordinance may include all  
38 17 jurisdictional, organizational, or enforcement provisions  
38 18 applicable in those chapters.

38 19       2. The zoning ordinance shall provide for exclusive  
38 20 agricultural use areas in the same manner as provided in  
38 21 section 335.4.

38 22       3. An exclusive agricultural use area shall provide for  
38 23 agricultural uses that are consistent with those allowed as  
38 24 part of an agricultural preservation area under any  
38 25 agricultural preservation plan certified as provided in  
38 26 subchapter III. The ordinance's use restrictions must provide  
38 27 for all of the following:

38 28       a. A minimum lot size.

38 29       b. The only residences, preexisting or not, allowed as  
38 30 permitted or conditional uses have a use consistent with  
38 31 agricultural use and are occupied by any of the following:

38 32       (1) The owner of the parcel.

38 33       (2) A person, or a family at least one adult member of  
38 34 which, earns the majority of the person's adjusted gross  
38 35 income from conducting the farm operations on the parcel.



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39 1       (3) A parent or child of an individual meeting the  
39 2 requirements of subparagraph (1) or (2).  
39 3       c. A structure shall not be built and an improvement shall  
39 4 not be made on the land in an exclusive agricultural use area  
39 5 unless consistent with an agricultural use.  
39 6       4. a. The following allowable uses include special  
39 7 exceptions and conditional uses:  
39 8       (1) A preexisting use.  
39 9       (2) Gas, communications, and electric utility uses are  
39 10 special exceptions or permitted or conditional uses and are  
39 11 uses consistent with agricultural use.  
39 12       (3) Institutional or governmental uses that are consistent  
39 13 with agricultural use or are found to be necessary in light of  
39 14 alternative locations available for that use.  
39 15       b. The department shall be notified of the approval of any  
39 16 special exceptions and conditional uses in areas zoned for  
39 17 exclusive agricultural use.  
39 18       5. For purposes of farm consolidation, a farm residence or  
39 19 structure which existed prior to the adoption of the ordinance  
39 20 may be separated from a larger farm parcel.  
39 21       6. A farm family business may be permitted as a special  
39 22 exception or conditional use if limited to existing farm  
39 23 residences or structures or portions of the existing farmstead  
39 24 that are not dedicated to agricultural uses, and if not more  
39 25 than two persons who are not members of the resident farm  
39 26 family are employed in the farm family business.  
39 27       7. Nonmetallic mineral extraction, including clay and  
39 28 gravel extraction, may be permitted as a special exception or  
39 29 conditional use if a license has been obtained under section  
39 30 208.7 and a reclamation plan exists for the restoration of the  
39 31 nonmetallic mineral extraction site to agricultural use.  
39 32       Sec. 55. NEW SECTION. 467A.505 CERTIFICATION.  
39 33       The department shall review an exclusive agricultural use  
39 34 zoning ordinance which shall be submitted to the department  
39 35 prior to it becoming effective. The department shall certify



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40 1 to the local government having jurisdiction whether the  
40 2 ordinances meet the required standards of this subchapter.  
40 3 The department may issue a certification upon condition or in  
40 4 whole or in part.

40 5 Sec. 56. NEW SECTION. 467A.506 ORDINANCE REVISIONS.

40 6 1. A local government may approve petitions for rezoning  
40 7 areas zoned for exclusive agricultural use only after findings  
40 8 are made based upon consideration of the following:

40 9 a. Adequate public uses to accommodate development exist  
40 10 or will be provided within a reasonable time.

40 11 b. Provision of public uses to accommodate development  
40 12 will not place an unreasonable burden on the ability of  
40 13 affected local government to provide them.

40 14 c. The land proposed for rezoning is suitable for  
40 15 development and development will not result in undue water or  
40 16 air pollution, cause unreasonable soil erosion, or have an  
40 17 unreasonably adverse effect on rare or irreplaceable natural  
40 18 areas.

40 19 2. The department shall be notified of all rezonings under  
40 20 this section.

40 21 Sec. 57. NEW SECTION. 467A.507 PENALTIES FOR CHANGE OF  
40 22 USE.

40 23 1. A county may enforce this subchapter in the same manner  
40 24 as chapter 335 and a city may enforce this subchapter in the  
40 25 same manner as provided in chapter 414.

40 26 2. If the owner of land governed by an ordinance adopted  
40 27 under this subchapter changes the use of the land which is not  
40 28 authorized by the ordinance, the owner may be required to  
40 29 credit all tax credits received to the state.

40 30 3. The owner is subject to a civil penalty in an amount  
40 31 not to exceed double the value of the farmland as established  
40 32 at the time the farmland became subject to the ordinance.  
40 33 However, the owner shall have one year to become compliant  
40 34 before the civil penalty of this subsection shall be  
40 35 applicable.



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41 1 Sec. 58. Sections 352.3, 352.4, and 352.5, Code 2007, are  
41 2 repealed.

41 3 EXPLANATION

41 4 GENERAL. This bill provides a number of methods to  
41 5 encourage the preservation of farmland in this state,  
41 6 including the use of income tax credits which are based on  
41 7 restrictions placed on the use of land for agricultural  
41 8 purposes accomplished through private agreements with the  
41 9 state or through zoning restrictions imposed by counties or  
41 10 cities.

41 11 CURRENT LAW == AGRICULTURAL AREAS. Current law provides  
41 12 several ways in which agricultural land may be preserved for  
41 13 agricultural uses. Code chapter 352 establishes county land  
41 14 preservation and use commissions, provides for county  
41 15 inventories of land, and requires counties to develop county  
41 16 land preservation and use plans.

41 17 Code section 352.6 provides that an owner of farmland may  
41 18 submit a proposal to a county board of supervisors in a county  
41 19 where the farmland is located in order to create or expand an  
41 20 agricultural area which includes at least 300 acres. The land  
41 21 may only be used for an agricultural purpose with limited  
41 22 exceptions including preexisting structures, utilities, and  
41 23 noninterfering uses approved by the board of supervisors.

41 24 Code section 352.7 requires the board of supervisors to  
41 25 conduct a public hearing regarding the proposal, Code section  
41 26 352.8 provides that a description of an approved agricultural  
41 27 area must be filed with the county recorder, and Code section  
41 28 352.9 provides for the withdrawal from the agricultural area.  
41 29 Code section 352.10 limits the authority of public agencies to  
41 30 impose public benefit assessments or special assessments upon  
41 31 land located in an agricultural area. Code section 352.11  
41 32 provides special incentives to landowners who apply to include  
41 33 their land within an agricultural area, including restrictions  
41 34 upon persons bringing nuisance suits against farmers located  
41 35 in agricultural areas, and priority for water use. Under Code



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42 1 section 6B.3, in an eminent domain proceeding, an application  
42 2 to a court must include information regarding land to be  
42 3 condemned that is within an agricultural area.  
42 4 CURRENT LAW == COUNTY ZONING. Code chapter 335 authorizes  
42 5 but does not require counties to adopt county zoning  
42 6 ordinances. Code section 335.2 provides that a county cannot  
42 7 adopt a zoning ordinance that applies to agricultural land or  
42 8 related structures, with narrow exceptions. One exception  
42 9 provides that a county board of supervisors may adopt an  
42 10 agricultural land preservation ordinance. Code section 335.27  
42 11 authorizes a county board of supervisors to adopt such an  
42 12 ordinance which subjects farmland to the same use restrictions  
42 13 provided for agricultural areas.  
42 14 CURRENT LAW == ANIMAL FEEDING OPERATIONS. Code section  
42 15 331.304A prohibits a county from adopting or enforcing county  
42 16 legislation regulating a condition or activity occurring on  
42 17 land used for the production, care, feeding, or housing of  
42 18 animals unless the regulation is expressly authorized by state  
42 19 law.  
42 20 BILL'S PROVISIONS == INCOME TAX CREDIT. The bill provides  
42 21 an income tax credit to owners of farmland which is subject to  
42 22 agricultural use restrictions as provided in the bill.  
42 23 In order to claim a tax credit, a person must be an owner  
42 24 (or vendee under a land sale contract) of farmland. The  
42 25 person may be an individual or partnership or hold the land as  
42 26 a business association limited to a family farm corporation,  
42 27 family farm limited liability company, family farm limited  
42 28 partnership, or family trust in which shareholders or members  
42 29 are actively engaged in farming (see Code chapter 9H). The  
42 30 bill requires that individuals claiming the tax credit be  
42 31 domiciled in the state.  
42 32 The tax credit applies to at least 35 or more acres of  
42 33 farmland in this state owned by the claimant during the  
42 34 taxable year for which the tax credit is claimed. In  
42 35 addition, the bill imposes threshold requirements upon the



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43 1 amount of revenue produced from the farmland's agricultural  
43 2 use or is enrolled in the federal conservation reserve  
43 3 program.

43 4     The bill requires the claimant to provide the department of  
43 5 revenue with any supporting documentation required to verify  
43 6 and process the claim. The bill requires that the land be  
43 7 subject to a farmland preservation agreement or be located  
43 8 within a district which is zoned for exclusive agricultural  
43 9 use as provided in the bill.

43 10     The bill computes the income tax credit based upon property  
43 11 taxes paid on the farmland (up to \$6,000). The amount is  
43 12 based on "excessive property taxes" computed by subtracting  
43 13 from property taxes accrued an escalating percentage of each  
43 14 \$5,000 of household income earned. The tax credit is limited  
43 15 to the base amount which is a percentage of each \$2,000 of  
43 16 excessive property taxes computed with the maximum tax credit  
43 17 available not to exceed \$4,200 for any claimant. A person may  
43 18 claim a tax credit if the farmland is located in a county  
43 19 which has adopted an agricultural preservation plan certified  
43 20 and the farmland is covered by a farmland preservation  
43 21 agreement. The person may also claim the tax credit,  
43 22 regardless of whether farmland is located in a county which  
43 23 has adopted an agricultural preservation plan, if the farmland  
43 24 is located in an area zoned for exclusive agricultural use by  
43 25 a county or city.

43 26     BILL'S PROVISIONS == FARMLAND PRESERVATION. The bill  
43 27 provides for a new Code chapter 467A, providing for the  
43 28 preservation of land for agricultural use (a use associated  
43 29 with agricultural production, including but not limited to  
43 30 maintaining crops or agricultural animals on the farmland or  
43 31 participating in a federal agricultural program) and to  
43 32 prevent such land from development (changing the use to other  
43 33 than an agricultural use).

43 34     ADMINISTRATION. This part of the bill's provisions are  
43 35 administered by the department of agriculture and land



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House File 2304 - Introduced continued

44 1 stewardship (department) and local governments (counties or  
44 2 cities). All state agencies are required to cooperate with  
44 3 the department and local governments. A state agency  
44 4 interested in participating in the farmland preservation  
44 5 initiative may register with the department.  
44 6 The bill establishes a farmland preservation council within  
44 7 the department in order to advise and to assist other state  
44 8 agencies and local governments in complying with the bill's  
44 9 provisions of this chapter.  
44 10 The bill provides for a farmland preservation commission in  
44 11 each county. The provisions are based on current commissions  
44 12 which are created in Code section 352.3, but which may not  
44 13 currently be active.  
44 14 The department is required to adopt rules to administer the  
44 15 initiative and to provide contested case procedures for  
44 16 persons including applicants for farmland preservation  
44 17 agreements or a local government which seeks to challenge a  
44 18 departmental decision.  
44 19 The bill provides that a local government is prohibited  
44 20 from imposing a special assessment on land and covered by a  
44 21 farmland preservation agreement under this chapter, unless the  
44 22 assessment was imposed prior to the recording of the farmland  
44 23 preservation agreement or land which is exclusively zoned for  
44 24 an agricultural use, unless the assessment was imposed prior  
44 25 to the land being zoned exclusively for agricultural use. The  
44 26 bill provides that the prohibition does not apply to drainage  
44 27 assessments. Alternatively, an owner is not entitled to any  
44 28 benefit conferred by the special assessment, unless the owner  
44 29 has paid the amount that would have been paid had the land  
44 30 been subject to the special assessment.  
44 31 AGRICULTURAL PLANNING. The bill requires the department in  
44 32 cooperation with other state agencies and local governments to  
44 33 prepare agricultural preservation maps that locate land in the  
44 34 state which is qualified for preservation because of its value  
44 35 for agricultural use.



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House File 2304 - Introduced continued

45 1       AGRICULTURAL PRESERVATION ORDINANCES AND AGRICULTURAL  
45 2 AREAS. The bill provides that land that is subject to an  
45 3 agricultural land preservation ordinance (Code section 335.27)  
45 4 may be subject to a farmland preservation agreement or an  
45 5 exclusive agricultural use zoning ordinance. Similarly, land  
45 6 located in an agricultural area as provided in Code chapter  
45 7 352 may be subject to a farmland preservation agreement or an  
45 8 exclusive agricultural use zoning ordinance. The land must be  
45 9 withdrawn from the agricultural area upon the execution of the  
45 10 farmland preservation agreement or the adoption of the  
45 11 exclusive agricultural zoning ordinance.

45 12       AGRICULTURAL PRESERVATION PLANS. The bill provides for  
45 13 county agricultural preservation planning in accordance with  
45 14 county and city development strategies including zoning. The  
45 15 bill provides that a county's agricultural preservation plan  
45 16 must be based on county inventories prepared by the county's  
45 17 farmland preservation commission. Counties are required to  
45 18 keep farmland inventories under Code section 352.4, and the  
45 19 bill uses the same provisions when describing requirements for  
45 20 county inventories (a description of the types of land within  
45 21 the county). A county farmland preservation commission may  
45 22 prepare a county agricultural preservation plan for approval  
45 23 by the county board of supervisors.

45 24       The bill provides for a county agricultural preservation  
45 25 plan which includes specific public actions designed to  
45 26 preserve farmland and agricultural uses and guide urban  
45 27 growth. The bill provides that a city may adopt an  
45 28 agricultural preservation plan in the same manner as a county  
45 29 and the city plan must be incorporated in the county plan.  
45 30 The plan must be submitted to the department for review and  
45 31 certification.

45 32       FARMLAND PRESERVATION AGREEMENTS. The bill provides that  
45 33 farmland preservation agreements must apply to eligible  
45 34 farmland which includes a parcel of 35 or more acres of  
45 35 contiguous land which is devoted primarily to agricultural



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46 1 use. In addition, the bill requires that the land must  
46 2 produce a certain threshold of gross farm profits or be  
46 3 involved in a federal agricultural program (e.g., the  
46 4 conservation reserve program). The agreement applies to  
46 5 eligible farmland subject to an agricultural preservation plan  
46 6 which is in effect in the county where the eligible farmland  
46 7 is located or farmland which is located in an area zoned for  
46 8 exclusive agricultural use under an ordinance by a county or  
46 9 city as provided in the bill.

46 10 The county board of supervisors is the local government  
46 11 having jurisdiction to approve or disapprove an application to  
46 12 be covered by a farmland preservation agreement, except if the  
46 13 eligible farmland is located in a city. In that case the  
46 14 local government having jurisdiction is the city.

46 15 The bill provides procedures for an owner of eligible  
46 16 farmland to apply to execute a farmland preservation  
46 17 agreement. The application must be filed with the county  
46 18 recorder in the county where the land is located. The  
46 19 application must include a legal description of the land and  
46 20 characteristics of the land including improvements and soil  
46 21 conservation classifications. The county recorder must  
46 22 forward the notice to the department, county board of  
46 23 supervisors, and the filing officer of any city in which the  
46 24 land is located. The local government having jurisdiction  
46 25 must conduct a public hearing and invite comments from other  
46 26 local governments and interested state agencies. The local  
46 27 government having jurisdiction and the department must approve  
46 28 the application. If approved, the department must prepare and  
46 29 deliver to the applicant the farmland preservation agreement  
46 30 for execution which is recorded with the county recorder.

46 31 The bill provides for permitted uses of eligible land  
46 32 covered by a farmland preservation agreement, which must  
46 33 relate to an agricultural use or another consistent use. The  
46 34 agreement must also provide for soil and water conservation  
46 35 practices (see Code chapter 161A), and other conditions or



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House File 2304 - Introduced continued

47 1 restrictions on the land as agreed to by the parties. The  
47 2 agreement may also provide for transition areas if the  
47 3 farmland is located in an area identified as a transition area  
47 4 under the county's agricultural preservation plan. The  
47 5 transition area is not required to be zoned exclusively for  
47 6 agricultural purposes.

47 7 The bill provides for the duration, relinquishment, and  
47 8 release of farmland preservation agreements. Generally, it is  
47 9 effective for at least 10 but not more than 25 years. The  
47 10 eligible farmland may be sold, subject to the reservation of  
47 11 rights contained in the agreement. The eligible farmland may  
47 12 be withdrawn or relinquished earlier than the expiration date,  
47 13 based on the incapacity of the owner, or approval by the local  
47 14 government having jurisdiction and the department based on a  
47 15 number of factors including proposed uses of the eligible  
47 16 farmland and the financial condition of the owner. The  
47 17 eligible farmland may also be converted to land within a  
47 18 county or city ordinance providing for the exclusive  
47 19 agricultural use of the land as provided in the bill.

47 20 If the owner whose land is subject to a farmland  
47 21 preservation agreement changes the use of the land to one  
47 22 which is not authorized in the bill, the owner may be required  
47 23 to pay back all tax credits received. The owner may be  
47 24 enjoined from changing the use by the local government having  
47 25 jurisdiction or the department. In addition, the owner is  
47 26 subject to a civil penalty in an amount not to exceed double  
47 27 the value of the eligible farmland as established at the time  
47 28 the eligible farmland preservation agreement was recorded.

47 29 **AGRICULTURAL ZONING.** A county which has adopted a county  
47 30 zoning ordinance under Code chapter 335 may adopt a special  
47 31 agricultural zoning ordinance under the bill. Similarly, a  
47 32 city may adopt such an ordinance. The bill provides that a  
47 33 county cannot regulate a condition or activity occurring on  
47 34 land used for the production, care, feeding, or housing of  
47 35 animals (similar to Code section 331.304A).



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House File 2304 - Introduced continued

48 1     The bill provides that an exclusive agricultural zoning  
48 2 ordinance for the county shall be consistent with a county  
48 3 agricultural preservation plan. The bill provides for  
48 4 participation by cities within a county when determining  
48 5 whether to approve or disapprove an ordinance. The bill  
48 6 provides that an exclusive agricultural zoning ordinance shall  
48 7 be deemed an exclusive agricultural use ordinance for the  
48 8 local government which adopts the ordinance. The ordinance  
48 9 must provide for agricultural uses that are consistent with  
48 10 those allowed as part of an agricultural preservation area  
48 11 under any agricultural preservation plan. The ordinance must  
48 12 account for special uses, including preexisting uses,  
48 13 utilities, institutional or governmental uses, and farm family  
48 14 businesses. The department must review and certify an  
48 15 exclusive agricultural use zoning ordinance. The bill  
48 16 provides for revisions of the ordinances.

48 17     The bill provides for enforcement and penalties, including  
48 18 in the same manner available to a county or city to enforce  
48 19 zoning regulations. The department or the local government  
48 20 may also enforce the ordinance in the same manner as they may  
48 21 enforce a breach of a farmland preservation ordinance as  
48 22 provided in the bill.

48 23     The bill eliminates a number of provisions in Code chapter  
48 24 352 relating to county land preservation and use commissions,  
48 25 county inventories, and county land preservation and use plans  
48 26 which are provided for in the bill.

48 27 LSB 6026HH 82

48 28 da/rj/8.1



Iowa General Assembly  
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House File 2305 - Introduced

HOUSE FILE

BY PAULSEN, STRUYK, KAUFMANN, BAUDLER,  
 DEYOE, RAYHONS, SODERBERG, UPMEYER,  
 HEATON, TJEPKES, TYMESON, FORRISTALL,  
 L. MILLER, GREINER, HOFFMAN, CHAMBERS,  
 ALONS, WORTHAN, MAY, DE BOEF, SANDS,  
 WATTS, LUKAN, DOLECHECK, RANTS, ROBERTS,  
 D. TAYLOR, JACOBS, VAN FOSSEN, BOAL,  
 VAN ENGELENHOVEN, PETTENGILL, TOMENGA,  
 QUIRK, T. TAYLOR, DANDEKAR, KELLEY,  
 SHOMSHOR, BUKTA, BAILEY, ZIRKELBACH,  
 JACOBY, GIPP, RAECKER, DRAKE, FOEGE,  
 HUSEMAN, R. OLSON, CLUTE, ANDERSON,  
 WISE, GRASSLEY, RASMUSSEN, HUSER,  
 SCHICKEL, WINDSCHITL, and BERRY

Passed House, Date \_\_\_\_\_ Passed Senate, Date \_\_\_\_\_  
 Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
 Approved

A BILL FOR

1 An Act revising the definition of alternative and renewable  
 2 energy applicable to specified energy independence  
 3 initiatives.  
 4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
 5 TLSB 5077YH 82  
 6 rn/rj/8



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House File 2305 - Introduced continued

PAG LIN

1 1 Section 1. Section 469.31, subsection 2, Code Supplement  
1 2 2007, is amended to read as follows:  
1 3 2. "Alternative and renewable energy" means energy sources  
1 4 including but not limited to solar, wind turbine, waste  
1 5 management, resource recovery, recovered energy generation,  
1 6 refuse-derived fuel, hydroelectric, agricultural crops or  
1 7 residues, hydrogen produced using renewable fuel sources,  
1 8 nuclear, and woodburning, or relating to renewable fuel  
1 9 development and distribution.  
1 10 EXPLANATION  
1 11 This bill adds nuclear energy to the definition of  
1 12 alternative and renewable energy applicable to Code chapter  
1 13 469 relating to energy independence initiatives.  
1 14 LSB 5077YH 82  
1 15 rn/rj/8



Iowa General Assembly  
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**House File 2306 - Introduced**

HOUSE FILE  
BY REICHERT

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

**A BILL FOR**

- 1 An Act creating an Iowa housing council and making
- 2 appropriations.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 6344HH 82
- 5 md/rj/8



Iowa General Assembly  
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House File 2306 - Introduced continued

PAG LIN

1 1 Section 1. NEW SECTION. 16.191 IOWA HOUSING COUNCIL.  
1 2 1. An Iowa housing council is created, consisting of  
1 3 twenty=one voting members, and four ex officio, nonvoting  
1 4 members. Not more than eleven of the voting members shall be  
1 5 from the same political party. At least one voting member at  
1 6 all times shall have been less than thirty years of age at the  
1 7 time of initial appointment. The governor shall appoint the  
1 8 voting members of the council listed in subsection 3,  
1 9 paragraphs "n" through "u", for a term of four years beginning  
1 10 and ending as provided by section 69.19, subject to  
1 11 confirmation by the senate, and the governor's appointments  
1 12 shall include persons knowledgeable of housing issues. A  
1 13 vacancy on the council shall be filled in the same manner as  
1 14 regular appointments are made for the unexpired portion of the  
1 15 regular term.  
1 16 2. The four ex officio, nonvoting members shall be  
1 17 legislative members who are two state senators, one appointed  
1 18 by the majority leader of the senate and one appointed by the  
1 19 minority leader of the senate from their respective parties;  
1 20 and two state representatives, one appointed by the speaker of  
1 21 the house of representatives and one appointed by the minority  
1 22 leader of the house of representatives from their respective  
1 23 parties. The legislative members shall serve two=year terms  
1 24 that coincide with the legislative biennium.  
1 25 3. The twenty=one voting members of the council shall  
1 26 consist of all of the following:  
1 27 a. The director of the department of economic development  
1 28 or the director's designee.  
1 29 b. The director of the department of education or the  
1 30 director's designee.  
1 31 c. The director of human services or the director's  
1 32 designee.  
1 33 d. The attorney general or the attorney general's  
1 34 designee.  
1 35 e. The director of the department of human rights or the



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House File 2306 - Introduced continued

- 2 1 director's designee.
- 2 2 f. The director of the department of elder affairs or the
- 2 3 director's designee.
- 2 4 g. The director of public health or the director's
- 2 5 designee.
- 2 6 h. The director of the department of corrections or the
- 2 7 director's designee.
- 2 8 i. The commissioner of public safety or the commissioner's
- 2 9 designee.
- 2 10 j. The director of the department of veterans affairs or
- 2 11 the director's designee.
- 2 12 k. The director of the Iowa finance authority or the
- 2 13 director's designee.
- 2 14 l. The director of the department of commerce or the
- 2 15 director's designee.
- 2 16 m. A representative of community colleges selected by the
- 2 17 Iowa association of community college presidents.
- 2 18 n. A representative from a statewide housing construction
- 2 19 organization selected by the governor.
- 2 20 o. A representative from an organization focused on
- 2 21 housing construction for minorities selected by the governor.
- 2 22 p. A representative from an organization advocating for
- 2 23 cities selected by the governor.
- 2 24 q. A representative from an organization advocating for
- 2 25 counties selected by the governor.
- 2 26 r. A representative from an organization advocating for
- 2 27 realtors of Iowa selected by the governor.
- 2 28 s. A representative with expertise in mental health and
- 2 29 the needs of persons with disabilities selected by the
- 2 30 governor.
- 2 31 t. A representative from an organization advocating on
- 2 32 housing issues in urban areas selected by the governor.
- 2 33 u. A representative from an organization advocating on
- 2 34 housing issues in rural areas selected by the governor.
- 2 35 4. An agency director's designee may vote on council



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House File 2306 - Introduced continued

3 1 matters in the absence of the director.

3 2 5. Members of the council shall be allowed their actual  
3 3 and necessary expenses incurred in the performance of their  
3 4 duties. All expenses shall be paid from appropriations for  
3 5 those purposes, except that legislative members shall be paid  
3 6 their expenses and per diem as provided in section 2.10. A  
3 7 voting member of the council may also be eligible to receive  
3 8 compensation as provided in section 7E.6.

3 9 6. The Iowa finance authority shall provide administrative  
3 10 services to the Iowa housing council.

3 11 7. The council shall form at least five subcommittees to  
3 12 concentrate on five areas of housing designated in subsection  
3 13 8. Subcommittee membership shall consist of members of the  
3 14 council and any additional members deemed necessary by the  
3 15 council. The council may decide to form additional  
3 16 subcommittees as other needs arise. The subcommittees shall  
3 17 develop proposed legislation and policy dealing with housing  
3 18 issues that, upon approval by a majority of the voting members  
3 19 of the council, shall be forwarded as a recommendation to the  
3 20 governor and the Iowa finance authority.

3 21 8. The council shall form five subcommittees to focus on  
3 22 all of the following areas:

3 23 a. Households earning below fifty percent of the median  
3 24 income for the state, with particular emphasis on households  
3 25 earning below thirty percent of the median income for the  
3 26 state.

3 27 b. Low-income seniors and low-income persons with any form  
3 28 of disability, including but not limited to physical  
3 29 disability, developmental disability, mental illness, co=  
3 30 occurring mental illness and substance abuse disorders, or  
3 31 AIDS and AIDS-related conditions. For purposes of this  
3 32 section, "AIDS" and "AIDS-related conditions" mean the same as  
3 33 defined in section 141A.1.

3 34 c. Low-income and moderate-income persons unable to afford  
3 35 transportation or housing near work, and issues related to



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House File 2306 - Introduced continued

4 1 adequate affordable housing to support economic growth and  
4 2 development of a community, including new construction,  
4 3 redevelopment, and urban renewal issues.  
4 4     d. Low-income persons residing in existing affordable  
4 5 housing that is in danger of becoming unaffordable or lost,  
4 6 and persons determined to be or at risk of becoming homeless.  
4 7     e. Affordable rental housing, access to available  
4 8 financing for housing, first-time home buyers, and  
4 9 relationships between landlords and tenants.  
4 10     9. a. The Iowa housing council shall adopt a biennial  
4 11 comprehensive plan on housing for purposes of advising the  
4 12 governor and the Iowa finance authority on housing issues, and  
4 13 providing a resource to help effect changes in policy and  
4 14 through legislation on homeless issues.  
4 15     b. By January 1, 2011, the first biennial comprehensive  
4 16 plan shall be submitted to the general assembly, the governor,  
4 17 and the chairpersons of the standing committees on economic  
4 18 growth.  
4 19     c. A biennial comprehensive plan shall include but not be  
4 20 limited to all of the following:  
4 21         (1) Funding recommendations for housing construction,  
4 22 preservation, rehabilitation, and supportive services where  
4 23 necessary, related to the underserved population, including  
4 24 focus areas of the subcommittees of the council.  
4 25         (2) Recommended state actions that promote the  
4 26 construction, preservation, and rehabilitation of affordable  
4 27 housing by the private sector, the not-for-profit sector, and  
4 28 governmental entities and address any policies and practices  
4 29 that impede its promotion of construction, preservation, and  
4 30 rehabilitation of affordable housing.  
4 31         (3) Specific suggestions, options, and incentives for  
4 32 local governments and municipalities to develop their own  
4 33 comprehensive housing plan for the community.  
4 34     10. a. The Iowa finance authority, in consultation with  
4 35 the council, shall adopt rules pursuant to chapter 17A for



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House File 2306 - Introduced continued

5 1 carrying out the duties of the council pursuant to this  
5 2 section.

5 3 b. The council shall establish internal rules of procedure  
5 4 consistent with the provisions of this section.

5 5 c. Rules adopted or internal rules of procedure  
5 6 established pursuant to paragraph "a" or "b" shall be  
5 7 consistent with the requirements of the federal McKinney-Vento  
5 8 Homeless Assistance Act, 42 U.S.C. } 11301, et seq.

5 9 11. The council shall comply with the requirements of  
5 10 chapters 21 and 22. The Iowa finance authority shall be the  
5 11 official repository of council records.

5 12 12. There is appropriated annually from the general fund  
5 13 of the state to the Iowa finance authority fifty thousand  
5 14 dollars for administrative purposes related to this section.

5 15 Sec. 2. TRANSITION. For the transitional period beginning  
5 16 July 1, 2008, and ending June 30, 2009, the composition of the  
5 17 voting members of the council shall be determined by the  
5 18 governor and shall be comprised of members of the homelessness  
5 19 advisory committee created in section 16.100.

5 20 EXPLANATION

5 21 This bill creates an Iowa housing council and makes an  
5 22 appropriation.

5 23 The bill creates an Iowa housing council consisting of 21  
5 24 voting members, and four ex officio, nonvoting members. The  
5 25 bill provides that members of the council shall be allowed  
5 26 their actual and necessary expenses incurred in the  
5 27 performance of their duties and may be eligible to receive  
5 28 compensation. The bill provides that the Iowa finance  
5 29 authority shall provide administrative services to the Iowa  
5 30 housing council.

5 31 The bill requires the council to form at least five  
5 32 subcommittees to concentrate on five certain areas of housing.  
5 33 Subcommittee membership shall consist of members of the  
5 34 council and any additional members deemed necessary by the  
5 35 council. The bill requires the subcommittees to develop



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House File 2306 - Introduced continued

6 1 proposed legislation and policy dealing with housing issues  
6 2 that, upon approval by a majority of the council, shall be  
6 3 forwarded as a recommendation to the governor and the Iowa  
6 4 finance authority.

6 5 The bill requires the Iowa housing council to adopt a  
6 6 biennial comprehensive plan on housing for purposes of  
6 7 advising the governor and the Iowa finance authority on  
6 8 housing issues, and providing a resource to help effect  
6 9 changes in policy and through legislation on homeless issues.  
6 10 The bill requires the first biennial comprehensive plan to be  
6 11 submitted to the general assembly, the governor, and the  
6 12 chairpersons of the standing committees on economic growth in  
6 13 both houses by January 1, 2011. The bill provides that a  
6 14 biennial comprehensive plan shall include funding  
6 15 recommendations for housing construction, preservation,  
6 16 rehabilitation, and supportive services where necessary,  
6 17 related to the underserved population, including focus areas  
6 18 of the subcommittees of the council; recommended state actions  
6 19 that promote the construction, preservation, and  
6 20 rehabilitation of affordable housing by the private sector,  
6 21 the not-for-profit sector, and governmental entities and  
6 22 address any policies and practices that impede its promotion  
6 23 of construction, preservation, and rehabilitation of  
6 24 affordable housing; and specific suggestions, options, and  
6 25 incentives for local governments and municipalities to develop  
6 26 their own comprehensive housing plan for the community.

6 27 The bill provides that the Iowa finance authority, in  
6 28 consultation with the council, shall adopt rules pursuant to  
6 29 chapter 17A for carrying out the duties of the council. The  
6 30 bill requires the council to establish internal rules of  
6 31 procedure and comply with the open meetings and open records  
6 32 requirements of Code chapters 21 and 22.

6 33 The bill appropriates annually from the general fund of the  
6 34 state to the Iowa finance authority \$50,000 for administrative  
6 35 purposes related to the council.



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House File 2306 - Introduced continued

7 1 The bill provides that, for the transitional period  
7 2 beginning July 1, 2008, and ending June 30, 2009, the  
7 3 composition of the voting members of the council shall be  
7 4 determined by the governor and shall be comprised of members  
7 5 of the homelessness advisory committee.  
7 6 LSB 6344HH 82  
7 7 md/rj/8



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**House File 2307 - Introduced**

HOUSE FILE  
BY KAUFMANN, SWAIM, FORRISTALL,  
and HEDDENS

Passed House, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved

Passed Senate, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_

**A BILL FOR**

- 1 An Act making an appropriation for a breast and cervical cancer
- 2 early detection program.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 5098YH 82
- 5 pf/rj/8



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House File 2307 - Introduced continued

PAG LIN

1 1 Section 1. BREAST AND CERVICAL CANCER EARLY DETECTION ==  
 1 2 APPROPRIATION. There is appropriated from the general fund of  
 1 3 the state to the department of public health for the fiscal  
 1 4 year beginning July 1, 2008, and ending June 30, 2009, the  
 1 5 following amount, or so much thereof as is necessary, to be  
 1 6 used for the purpose designated:  
 1 7 For a breast and cervical cancer early detection program:  
 1 8 ..... \$ 300,000  
 1 9 EXPLANATION  
 1 10 This bill appropriates \$300,000 from the general fund of  
 1 11 the state to the department of public health for FY 2008=2009  
 1 12 for a breast and cervical cancer early detection program.  
 1 13 LSB 5098YH 82  
 1 14 pf/rj/8



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**House File 2308 - Introduced**

HOUSE FILE  
BY SMITH

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

**A BILL FOR**

- 1 An Act relating to consumer rental purchase agreement definitions
- 2 and references contained within the consumer credit code.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 5620HH 82
- 5 rn/nh/5



Iowa General Assembly  
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House File 2308 - Introduced continued

PAG LIN

1 1 Section 1. Section 423.31, subsection 4, Code 2007, is  
1 2 amended to read as follows:  
1 3 4. Every retailer at the time of making any return  
1 4 required by this section shall compute and pay to the  
1 5 department the tax due for the preceding period. The tax on  
1 6 sales prices from the sale or rental of tangible personal  
1 7 property under a consumer rental purchase agreement as defined  
1 8 in section 537.3604, subsection ~~§~~ 3, is payable in the tax  
1 9 period of receipt.

1 10 Sec. 2. Section 535.17, subsection 5, paragraph c, Code  
1 11 2007, is amended to read as follows:

1 12 c. "Credit agreement" means any contract made or acquired  
1 13 by a lender to loan money, finance any transaction, or  
1 14 otherwise extend credit for any purpose, and includes all of  
1 15 the terms of the contract. "Credit agreement" does not mean a  
1 16 contract to loan money, finance a transaction, or otherwise  
1 17 extend credit by means of or pursuant to a credit card, as  
1 18 defined in section 537.1301, subsection 17, or pursuant to  
1 19 open-end credit, as defined in section 537.1301, subsection  
1 20 31, or pursuant to a home equity line of credit, as defined in  
1 21 section 535.10 whether the loan, financing, or credit is for  
1 22 consumer or business purposes or a consumer rental purchase  
1 23 agreement as defined in section 537.3604, subsection ~~§~~ 3.

1 24 Sec. 3. Section 537.3604, Code 2007, is amended to read as  
1 25 follows:

1 26 537.3604 GENERAL DEFINITIONS.

1 27 As used in this part, unless otherwise required by the  
1 28 context:

1 29 1. "Administrator" means the administrator as designated  
1 30 in section 537.6103.

1 31 2. "Advertisement" means a commercial message in any  
1 32 medium, including signs, window displays, and price tags, that  
1 33 promotes, directly or indirectly, a consumer rental purchase  
1 34 agreement.

1 35 ~~3. "Cash price" means the price at which the lessor in the~~



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~~2 1 ordinary course of business would offer to sell the personal~~  
~~2 2 property to the lessee for cash on the date of the consumer~~  
~~2 3 rental purchase agreement.~~  
2 4 3. "Consumer rental purchase agreement" means an agreement  
2 5 for the use of personal property in which all of the following  
2 6 are applicable:  
2 7 a. The lessor is regularly engaged in the rental purchase  
2 8 business.  
2 9 b. The agreement is for an initial period of four months  
2 10 or less, whether or not there is any obligation beyond the  
2 11 initial period, that is automatically renewable with each  
2 12 payment and that permits the lessee to become the owner of the  
2 13 property.  
2 14 c. The lessee is a person other than an organization.  
2 15 d. The lessee takes under the consumer rental purchase  
2 16 agreement primarily for a personal, family, or household  
2 17 purpose.  
2 18 e. The amount payable under the consumer rental purchase  
2 19 agreement does not exceed twenty-five thousand dollars.  
2 20 4. "Consummation" means the time at which the lessee  
2 21 enters into a consumer rental purchase agreement.  
2 22 5. "Lessee" means a natural person who rents personal  
2 23 property under a consumer rental purchase agreement for  
2 24 personal, family, or household use.  
2 25 6. "Lessor" means a person who, in the ordinary course of  
2 26 business, regularly leases, offers to lease, or arranges for  
2 27 the leasing of property under a consumer rental purchase  
2 28 agreement.  
2 29 7. "Personal property" means any property that is not real  
2 30 property under the laws of this state when it is made  
2 31 available for a consumer rental purchase agreement.  
2 32 ~~8. "Consumer rental purchase agreement" means an agreement~~  
~~2 33 for the use of personal property in which all of the following~~  
~~2 34 are applicable:~~  
2 35 ~~a. The lessor is regularly engaged in the rental purchase~~



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~~3 1 business.~~

~~3 2 b. The agreement is for an initial period of four months  
3 3 or less, whether or not there is any obligation beyond the  
3 4 initial period, that is automatically renewable with each  
3 5 payment and that permits the lessee to become the owner of the  
3 6 property.~~

~~3 7 e. The lessee is a person other than an organization.~~

~~3 8 d. The lessee takes under the consumer rental purchase  
3 9 agreement primarily for a personal, family, or household  
3 10 purpose.~~

~~3 11 e. The amount payable under the consumer rental purchase  
3 12 agreement does not exceed twenty-five thousand dollars.~~

~~3 13 8. "Retail value" of personal property means the price at  
3 14 which personal property of like type, quality, and quantity  
3 15 would change hands between a willing seller and a willing  
3 16 buyer, at retail, for cash, in the particular market area at  
3 17 the time the consumer rental purchase agreement is entered  
3 18 into, which price does not include any applicable sales, use,  
3 19 privilege, excise, or documentary stamp taxes payable upon the  
3 20 transfer of such property.~~

~~3 21 Sec. 4. Section 537.3605, subsection 9, Code 2007, is  
3 22 amended to read as follows:~~

~~3 23 9. The cash price retail value of the merchandise.~~

~~3 24 Sec. 5. Section 537.3608, subsections 1 and 2, Code 2007,  
3 25 are amended to read as follows:~~

~~3 26 1. A lessor shall not offer a consumer rental purchase  
3 27 agreement in which fifty percent of all lease payments  
3 28 necessary to acquire ownership of the leased property exceeds  
3 29 the cash price retail value of the leased property. When  
3 30 fifty percent of all lease payments made by a lessee equals  
3 31 the cash price retail value of the property disclosed to the  
3 32 lessee pursuant to section 537.3605, subsection 9, the lessee  
3 33 shall acquire ownership of the leased property and the  
3 34 agreement shall terminate.~~

~~3 35 2. At any time after tendering an initial lease payment, a~~



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4 1 lessee may acquire ownership of the property that is the  
4 2 subject of the consumer rental purchase agreement by tendering  
4 3 an amount equal to the amount by which the ~~cash price~~ retail  
4 4 value of the leased property exceeds fifty percent of all  
4 5 lease payments made by the lessee.

4 6 EXPLANATION

4 7 This bill substitutes a definition of "retail value" for  
4 8 the current definition of "cash price" contained within Code  
4 9 section 537.3604 and applicable to consumer rental purchase  
4 10 agreements. The bill defines "retail value" to refer to the  
4 11 price at which personal property of like type, quality, and  
4 12 quantity would change hands between a willing seller and a  
4 13 willing buyer, at retail, for cash, in the particular market  
4 14 area at the time the consumer rental purchase agreement is  
4 15 entered into, excluding any applicable sales, use, privilege,  
4 16 excise, or documentary stamp taxes payable upon the transfer  
4 17 of such property. The bill makes corresponding substitutions  
4 18 to refer to retail value as requiring disclosure by the lessor  
4 19 in a consumer rental purchase agreement, and with reference to  
4 20 acquiring ownership of leased personal property in specified  
4 21 circumstances.

4 22 The bill makes a technical change reordering the definition  
4 23 of "consumer rental purchase agreement" contained within Code  
4 24 section 537.3604.

4 25 LSB 5620HH 82

4 26 rn/nh/5



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**House File 2309 - Introduced**

HOUSE FILE  
BY COMMITTEE ON HUMAN  
RESOURCES

(SUCCESSOR TO HSB 624)

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

**A BILL FOR**

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



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PAG LIN

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



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2 1 periodic support obligation.

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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



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

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

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

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

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

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

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

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



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5 1 SUPPORT PAYMENTS.

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

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

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

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

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

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



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

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

6 5 DIVISION II

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

6 7 SUPPORT OBLIGORS

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

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

6 17 DIVISION III

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

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

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

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

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

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

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



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7 1 regarding receipt and use of the information.

7 2 DIVISION IV

7 3 CELLULAR TELEPHONE NUMBERS == AVAILABLE

7 4 TO CHILD SUPPORT RECOVERY UNIT

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

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

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

7 19 DIVISION V

7 20 SPECIFIED INCOME PROVIDERS == ESTABLISHMENT

7 21 OF ACCOUNTS FOR SUPPORT PAYMENTS

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

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

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

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

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



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

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

8 11 3. Upon motion filed by the child support recovery unit  
8 12 and notice, the district court may order an income provider  
8 13 specified under subsection 2 to provide an existing  
8 14 single-owner personal account for obtaining support payments,  
8 15 or, if no existing account is provided, to establish a bank or  
8 16 other financial institution account for the sole purpose of  
8 17 obtaining support payments owed by the obligor. Notice shall  
8 18 be served on the obligor or other income provider by regular  
8 19 mail and proof of service completed according to rule of civil  
8 20 procedure 1.442. If a hearing is not requested within ten  
8 21 days of service of the notice, the court may enter an order  
8 22 under this subsection. The order shall specify the amount of  
8 23 the compensation that is to be deposited into such account and  
8 24 the frequency with which such deposits are to be made, whether  
8 25 weekly, biweekly, semimonthly, or monthly. Within ten days of  
8 26 the issuance of the order under this subsection, the income  
8 27 provider shall provide the unit with written authorization for  
8 28 the unit to receive from such account, by automatic  
8 29 withdrawal, the amount ordered to be deposited into such  
8 30 account. The court may provide a method for timely increase  
8 31 or decrease of the amounts to be deposited or withdrawn and  
8 32 shall specify the duration of the order. The order shall be  
8 33 subject to modification due to a change in the amount of the  
8 34 support order or a delinquency, or if the unit will no longer  
8 35 be providing services under this chapter.



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9 1 4. Failure to establish the account or to deposit the  
9 2 required amount into the account or to authorize automatic  
9 3 withdrawal of the required amount by the unit is failure to  
9 4 comply with an order entered under subsection 3, which shall  
9 5 be punishable as contempt.

9 6 5. This section shall be construed to furnish an  
9 7 additional remedy and shall in no way affect or impair any  
9 8 other remedy, civil or criminal, provided in any other statute  
9 9 and available to the unit in relation to the same subject  
9 10 matter, and shall not relieve an income provider of a duty  
9 11 under any other chapter.

9 12 DIVISION VI

9 13 OBLIGOR SOCIAL SECURITY NUMBER == NOTICE FORM

9 14 Sec. 12. Section 252I.6, subsection 2, paragraph a, Code  
9 15 2007, is amended to read as follows:

9 16 a. The name ~~and social security number~~ of the obligor.

9 17 DIVISION VII

9 18 MEDICAL SUPPORT

9 19 Sec. 13. Section 252E.1A, subsection 2, paragraph a,  
9 20 subparagraphs (1) and (2), as enacted by 2007 Iowa Acts,  
9 21 chapter 218, section 164, are amended to read as follows:

9 22 (1) The premium cost for a child to the parent ordered to  
9 23 provide the plan does not exceed five percent of that parent's  
9 24 gross income or the child support guidelines established  
9 25 pursuant to section 598.21B specifically provide an  
9 26 alternative income-based numeric standard for determining the  
9 27 reasonable cost of the premium, in which case the reasonable  
9 28 cost of the premium as determined by the standard specified by  
9 29 the child support guidelines shall apply.

9 30 (2) The premium cost for a child exceeds ~~five percent of~~  
9 31 ~~the gross income of the parent ordered to provide the plan the~~  
9 32 ~~amount specified in subparagraph (1) and that parent consents~~  
9 33 ~~or does not object to entry of that order.~~

9 34 Sec. 14. Section 252E.1A, subsection 3, as enacted by 2007  
9 35 Iowa Acts, chapter 218, section 164, is amended to read as



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10 1 follows:

10 2 3. If a health benefit plan is not available at the time  
10 3 of the entry of the order, the court shall order a reasonable  
10 4 monetary amount in lieu of a health benefit plan, which amount  
10 5 shall be stated in the order. For purposes of this  
10 6 subsection, a reasonable amount means five percent of the  
10 7 gross income of the parent ordered to provide the monetary  
10 8 amount for medical support or if the child support guidelines  
10 9 established pursuant to section 598.21B specifically provide  
10 10 an alternative income-based numeric standard for determining  
10 11 the reasonable amount, a reasonable amount means the amount as  
10 12 determined by the standard specified by the child support  
10 13 guidelines. This subsection shall not apply in any of the

10 14 following circumstances:

10 15 a. If the parent's monthly support obligation established  
10 16 pursuant to the child support guidelines prescribed by the  
10 17 supreme court pursuant to section 598.21B is the minimum  
10 18 obligation amount. If this paragraph applies, the court shall  
10 19 order the parent to provide a health benefit plan when a plan  
10 20 becomes available for which there is no premium cost for a  
10 21 child to the parent.

10 22 b. If subsection 7, paragraph "d", "e", or "f" applies.

10 23 Sec. 15. Section 252E.1A, subsection 6, as enacted by 2007  
10 24 Iowa Acts, chapter 218, section 164, is amended to read as  
10 25 follows:

10 26 6. An order, decree, or judgment entered before ~~March 1,~~  
10 27 ~~2008~~ July 1, 2009, that provides for the support of a child  
10 28 may be modified in accordance with this section.

10 29 Sec. 16. Section 252E.1A, subsection 7, as enacted by 2007  
10 30 Iowa Acts, chapter 218, section 164, is amended by adding the  
10 31 following new paragraph:

10 32 NEW PARAGRAPH. f. If a health benefit plan is not  
10 33 available, and the noncustodial parent is receiving assistance  
10 34 or is residing with any child receiving assistance as provided  
10 35 in section 252E.2A, subsection 1, paragraph "c", subparagraph



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11 1 (3) or (4), the unit shall seek an order that the noncustodial  
11 2 parent shall provide a health benefit plan when a plan becomes  
11 3 available for which there is no premium cost for a child to  
11 4 the parent.

11 5 Sec. 17. Section 252E.2A, subsection 1, paragraph b, as  
11 6 enacted by 2007 Iowa Acts, chapter 218, section 165, is  
11 7 amended to read as follows:

11 8 b. The unit is notified that the conditions of paragraph  
11 9 "c" are met and ~~there is a pending action to establish or~~  
~~11 10 modify support initiated by the unit, or the parent ordered to~~  
11 11 provide medical support submits a written statement to the  
11 12 unit that the requirements of paragraph "c" are met.

11 13 Sec. 18. Section 252E.2A, subsection 1, paragraph c,  
11 14 unnumbered paragraph 1, as enacted by 2007 Iowa Acts, chapter  
11 15 218, section 165, is amended to read as follows:

11 16 The parent ordered to provide medical support ~~or the parent~~  
~~11 17 from whom the unit is seeking to establish or modify medical~~  
~~11 18 support~~ meets at least one of the following conditions:

11 19 Sec. 19. Section 252E.2A, subsection 5, as enacted by 2007  
11 20 Iowa Acts, chapter 218, section 165, is amended to read as  
11 21 follows:

11 22 5. An order, decree, or judgment entered or pending on or  
11 23 before ~~March 1, 2008~~ July 1, 2009, that provides for the  
11 24 support of a child may be satisfied as provided in this  
11 25 section.

11 26 Sec. 20. 2007 Iowa Acts, chapter 218, section 187, is  
11 27 amended to read as follows:

11 28 SEC. 187. EFFECTIVE DATE. This division of this Act takes  
11 29 effect ~~March 1, 2008~~ July 1, 2009.

11 30 Sec. 21. CHILD SUPPORT RECOVERY == MEDICAL SUPPORT.  
11 31 Notwithstanding chapter 252C, 252F, or 252H, or any other  
11 32 applicable chapter, either parent may be ordered to provide  
11 33 medical support in accordance with the federal Deficit  
11 34 Reduction Act of 2005, Pub. L. No. 109=171.

11 35 Sec. 22. EFFECTIVE DATE == RETROACTIVE APPLICABILITY.



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House File 2309 - Introduced continued

12 1 This division of this Act, being deemed of immediate  
12 2 importance, takes effect upon enactment and is retroactively  
12 3 applicable to March 1, 2008.

12 4 EXPLANATION

12 5 Division I of this bill relates to the assignment of  
12 6 support payments to the department under the family investment  
12 7 program. The federal Deficit Reduction Act of 2005 provides  
12 8 that families who begin receiving family investment program  
12 9 benefits on or after October 1, 2009, are only subject to  
12 10 assignment to the state of child support that becomes due  
12 11 during the period they are receiving FIP benefits. The bill  
12 12 makes corresponding changes relating to such assignment and  
12 13 retains the provision that the amount of the assigned child  
12 14 support cannot exceed the amount of FIP benefits paid to the  
12 15 family. The bill also provides that any rights to support  
12 16 payments assigned to the department on or before September 30,  
12 17 2009, shall remain assigned to the department. The division  
12 18 takes effect October 1, 2009.

12 19 Division II of the bill provides that if the state is  
12 20 holding money for a person who owes delinquent child support,  
12 21 whether or not the person is a state employee, the money may  
12 22 be garnished to pay the child support.

12 23 Division III of the bill provides for the provision of  
12 24 information regarding delinquent child support obligors as  
12 25 required by federal law to consumer reporting agencies and  
12 26 specifies the requirements that a consumer reporting agency  
12 27 must meet regarding the receipt and use of the information.

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



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House File 2309 - Introduced continued

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



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House File 2309 - Introduced continued

14 1 affect or impair any other remedy, civil or criminal, provided  
14 2 in any other statute and available to the unit in relation to  
14 3 the same subject matter, and shall not relieve an income  
14 4 provider of a duty under any other Code chapter.  
14 5 Division VI of the bill eliminates the requirement for the  
14 6 child support recovery unit to include the obligor's social  
14 7 security number on the notice form regarding the  
14 8 administrative levy of an account of the parent who owes  
14 9 delinquent child support.  
14 10 Division VII of the bill delays, until July 1, 2009,  
14 11 changes enacted in Iowa law, based upon the federal Deficit  
14 12 Reduction Act of 2005 regarding medical support, which would  
14 13 have taken effect March 1, 2008. Division VII of the bill  
14 14 also makes changes in these medical support provisions to  
14 15 allow for the determination of the amount of the reasonable  
14 16 cost a parent is to pay for medical support to be either an  
14 17 amount which is 5 percent of a parent's gross income, or, if  
14 18 the child support guidelines specify an income-based standard  
14 19 for determining the reasonable amount, the amount determined  
14 20 by the guidelines. Division VII of the bill also allows the  
14 21 court an alternative means of ordering medical support for a  
14 22 parent with low income. Division VII of the bill amends  
14 23 current law to eliminate references to pending actions to  
14 24 provide that the new provisions relating to medical support  
14 25 orders only apply if there is an existing order. Division VII  
14 26 of the bill provides that, notwithstanding any existing law to  
14 27 the contrary, either parent may be ordered to provide medical  
14 28 support in accordance with the federal Deficit Reduction Act  
14 29 of 2005.  
14 30 LSB 5132HV 82  
14 31 pf/nh/5



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**House File 2310 - Introduced**

HOUSE FILE  
BY COMMITTEE ON HUMAN RESOURCES

(SUCCESSOR TO HSB 568)

Passed House, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved

Passed Senate, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_

**A BILL FOR**

1 An Act requiring the departments of public health and human  
2 services to collect data and develop a protocol to address the  
3 relationship between substance misuse, abuse, or dependency by  
4 a child's parent, guardian, custodian, or other person  
5 responsible for the child's care and child abuse.  
6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
7 TLSB 5091HV 82  
8 jp/nh/5



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House File 2310 - Introduced continued

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1 1 Section 1. SUBSTANCE ABUSE AND CHILD ABUSE.

1 2 1. The departments of public health and human services  
1 3 shall conduct a study involving the collection of information  
1 4 regarding the relationship between substance misuse, abuse, or  
1 5 dependency by a child's parent, guardian, custodian, or other  
1 6 person responsible for the child's care and child abuse. The  
1 7 purpose of the study is to identify effective means of  
1 8 reducing the incidence and impact of child abuse, including  
1 9 denial of critical care and interventions with families by the  
1 10 child welfare system, that is wholly or partially caused by  
1 11 substance misuse, abuse, or dependency by the child's parent,  
1 12 guardian, custodian, or other person responsible for the  
1 13 child's care.

1 14 2. The data, activity, and information addressed by the  
1 15 study shall include but is not limited to all of the  
1 16 following:

1 17 a. The departments shall develop data identifying the  
1 18 prevalence of the presence of children in the household among  
1 19 adults receiving substance use disorder evaluations. The  
1 20 initial data collected shall cover at least three months of  
1 21 the fiscal year beginning July 1, 2008.

1 22 b. The department of human services shall include in the  
1 23 written assessment made for a child abuse report a  
1 24 determination as to whether or not substance abuse by the  
1 25 child's parent, guardian, custodian, or other person  
1 26 responsible for the child's care was a factor in the report  
1 27 and finding of abuse. The department shall provide  
1 28 nonidentifying information concerning the prevalence of the  
1 29 determinations in child abuse assessments. The initial data  
1 30 collected shall cover at least three months of the fiscal year  
1 31 beginning July 1, 2008.

1 32 c. The departments shall develop and implement a protocol  
1 33 to jointly address those child abuse cases that are wholly or  
1 34 partially caused by substance misuse, abuse, or dependency by  
1 35 the child's parent, guardian, custodian, or other person



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House File 2310 - Introduced continued

2 1 responsible for the child's care. The protocol shall  
2 2 initially be implemented by the departments on or before July  
2 3 1, 2009.  
2 4 3. The departments shall make an initial report to the  
2 5 governor and the standing committees on human resources of the  
2 6 senate and house of representatives concerning the initial  
2 7 data collected, preliminary recommendations, and status of the  
2 8 protocol implementation pursuant to this section on or before  
2 9 December 15, 2009, and shall make a report covering the  
2 10 initial data for a twelve-month period on or before December  
2 11 15, 2010.

2 12 EXPLANATION

2 13 This bill requires the departments of public health (DPH)  
2 14 and human services (DHS) to perform a study, collect data, and  
2 15 develop a protocol to address the relationship between  
2 16 substance misuse, abuse, or dependency by a child's parent,  
2 17 guardian, custodian, or other person responsible for the  
2 18 child's care and child abuse.

2 19 The DPH and DHS are required to develop data identifying  
2 20 the prevalence of the presence of children in the household  
2 21 among adults receiving substance use disorder evaluations; DHS  
2 22 is required to include in the written assessment made for a  
2 23 child abuse report a determination as to whether or not  
2 24 substance abuse by the child's parent, guardian, custodian, or  
2 25 other person responsible for the child's care was a factor in  
2 26 the report and finding of abuse; and DPH and DHS are required  
2 27 to develop and implement a protocol to jointly address those  
2 28 child abuse cases that are wholly or partially caused by  
2 29 substance misuse, abuse, or dependency by the child's parent,  
2 30 guardian, custodian, or other person responsible for the  
2 31 child's care.

2 32 The bill includes dates for reporting to the governor and  
2 33 committees on human resources of the senate and house of  
2 34 representatives.

2 35 LSB 5091HV 82



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House File 2310 - Introduced continued

3 1 jp/nh/5



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**House File 2311 - Introduced**

HOUSE FILE  
BY BOAL

Passed House, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved

Passed Senate, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_

**A BILL FOR**

- 1 An Act relating to a contribution to a local anticrime
- 2 organization in connection with a criminal proceeding.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 5954YH 82
- 5 jm/rj/8



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House File 2311 - Introduced continued

PAG LIN

1 1 Section 1. Section 907.13, subsection 2, Code 2007, is  
1 2 amended to read as follows:

1 3 2. The defendant's plan of community service, the comments  
1 4 of the defendant's probation officer, and the comments of the  
1 5 representative of the judicial district department of  
1 6 correctional services responsible for the unpaid community  
1 7 service program, shall be submitted promptly to the court.  
1 8 The court shall promptly enter an order approving the plan or  
1 9 modifying it. Compliance with the plan of community service  
1 10 as approved or modified by the court shall be a condition of  
1 11 the defendant's probation. The court thereafter may modify  
1 12 the plan at any time upon the defendant's request, upon the  
1 13 request of the judicial district department of correctional  
1 14 services, or upon the court's own motion. As an option for  
1 15 modification of a plan, the court may allow a defendant to  
1 16 complete some part or all of the defendant's community service  
1 17 obligation through the ~~donation~~ contribution of property to a  
1 18 ~~charitable organization other than a governmental subdivision~~  
1 19 local anticrime organization. A ~~donation~~ contribution of  
1 20 property to a charitable organization local anticrime  
1 21 organization offered in satisfaction of some part or all of a  
1 22 community service obligation under this subsection is not a  
1 23 deductible contribution for the purposes of federal or state  
1 24 income taxes. A contribution to a local anticrime  
1 25 organization may also be part of a plan of restitution as  
1 26 provided in chapter 910.

1 27 Sec. 2. Section 910.1, subsection 4, Code 2007, is amended  
1 28 to read as follows:

1 29 4. "Restitution" means payment of pecuniary damages to a  
1 30 victim in an amount and in the manner provided by the  
1 31 offender's plan of restitution. "Restitution" also includes  
1 32 fines, penalties, and surcharges, the contribution of funds to  
1 33 a local anticrime organization ~~which provided assistance to~~  
1 34 ~~law enforcement in an offender's case~~, the payment of crime  
1 35 victim compensation program reimbursements, payment of



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House File 2311 - Introduced continued

2 1 restitution to public agencies pursuant to section 321J.2,  
2 2 subsection 9, paragraph "b", court costs including  
2 3 correctional fees approved pursuant to section 356.7,  
2 4 court-appointed attorney fees ordered pursuant to section  
2 5 815.9, including the expense of a public defender, and the  
2 6 performance of a public service by an offender in an amount  
2 7 set by the court when the offender cannot reasonably pay all  
2 8 or part of the court costs including correctional fees  
2 9 approved pursuant to section 356.7, or court-appointed  
2 10 attorney fees ordered pursuant to section 815.9, including the  
2 11 expense of a public defender.

2 12 EXPLANATION

2 13 This bill relates to a contribution to a local anticrime  
2 14 organization in connection with a criminal proceeding.

2 15 The bill permits a person to make a contribution to a local  
2 16 anticrime organization in lieu of performing community  
2 17 service, and strikes the provision permitting a person to make  
2 18 a donation to a charitable organization in lieu of performing  
2 19 community service.

2 20 The bill provides that a person may make a contribution to  
2 21 a local anticrime organization as part of the person's plan of  
2 22 restitution. Currently, a person may make a contribution to a  
2 23 local anticrime organization as long as the local anticrime  
2 24 organization provided assistance to law enforcement in the  
2 25 person's criminal case.

2 26 LSB 5954YH 82

2 27 jm/rj/8



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**House File 2312 - Introduced**

HOUSE FILE  
BY RAECKER

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

**A BILL FOR**

- 1 An Act relating to special permits for Canada goose hunting and
- 2 providing a penalty.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 5768YH 82
- 5 av/nh/8



Iowa General Assembly  
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House File 2312 - Introduced continued

PAG LIN

1 1 Section 1. NEW SECTION. 484A.3 CANADA GOOSE HUNTING ==  
1 2 SPECIAL PERMITS.

1 3 1. The commission may issue permits to allow landowners  
1 4 and tenants to hunt Canada geese on land owned or farmed by  
1 5 them that is in an area closed to Canada goose hunting.

1 6 2. Canada goose hunting permits issued to such landowners  
1 7 and tenants are valid only for use on the land for which the  
1 8 applicant applies pursuant to this section. Individuals  
1 9 qualified to request a goose hunting permit pursuant to this  
1 10 section include landowners and tenants and their spouses,  
1 11 parents, children, children's spouses, grandchildren,  
1 12 siblings, and siblings' spouses.

1 13 3. The commission shall adopt rules pursuant to chapter  
1 14 17A to implement this section.

1 15 EXPLANATION

1 16 This bill provides that the natural resource commission may  
1 17 issue permits to allow landowners and tenants to hunt Canada  
1 18 geese on land owned or farmed by them that is in an area  
1 19 closed to Canada goose hunting. The bill also provides that  
1 20 the Canada goose hunting permits that are issued are valid  
1 21 only for use on the land for which the applicant applies and  
1 22 are available for issuance to landowners and tenants as well  
1 23 as their spouses, parents, children, children's spouses,  
1 24 grandchildren, siblings, and siblings' spouses.

1 25 A person who violates the provisions of the bill is guilty  
1 26 of a simple misdemeanor. A simple misdemeanor is punishable  
1 27 by confinement for no more than 30 days or a fine of at least  
1 28 \$65 but not more than \$625 or by both.

1 29 LSB 5768YH 82

1 30 av/nh/8



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**House File 2313 - Introduced**

HOUSE FILE  
BY GRANZOW

Passed House, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved

Passed Senate, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_

**A BILL FOR**

- 1 An Act increasing the financial aid required of the state for
- 2 county juvenile detention homes.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 6366YH 82
- 5 jp/nh/5



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House File 2313 - Introduced continued

PAG LIN

1 1 Section 1. Section 232.142, subsection 3, Code 2007, is  
1 2 amended to read as follows:  
1 3 3. A county or multicounty juvenile detention home  
1 4 approved pursuant to this section shall receive financial aid  
1 5 from the state in a manner approved by the director. Aid paid  
1 6 by the state shall be at least ~~ten~~ thirty percent and not more  
1 7 than fifty percent of the total cost of the establishment,  
1 8 improvements, operation, and maintenance of the home.

1 9 EXPLANATION  
1 10 This bill increases the financial aid required of the state  
1 11 for county juvenile detention homes. Under current law in  
1 12 Code section 232.142, a county or multicounty juvenile  
1 13 detention home is subject to annual approval by the director  
1 14 of human services to be in compliance with the rules and  
1 15 standards adopted by the department of human services and  
1 16 inspection by the department of inspections and appeals. If  
1 17 those two requirements are met, the detention home is eligible  
1 18 for financial aid from the state of 10 to 50 percent of the  
1 19 cost of the detention home. The bill increases the minimum  
1 20 amount to 30 percent of the cost.

1 21 LSB 6366YH 82

1 22 jp/nh/5



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House Resolution 108 - Introduced

PAG LIN

H.R. \_\_\_\_\_ S.R. \_\_\_\_\_

1 1 HOUSE RESOLUTION NO. 108  
1 2 BY REICHERT and STRUYK  
1 3 A Resolution to recognize the Iowa Small Business  
1 4 Development Centers and honor 2007 award winners  
1 5 Anna Bradley and Marguerite White.  
1 6 WHEREAS, since 1981, the Iowa Small Business  
1 7 Development Centers have provided expert and  
1 8 confidential business counseling services and training  
1 9 workshops to entrepreneurs in all 99 Iowa counties;  
1 10 and  
1 11 WHEREAS, the Iowa Small Business Development  
1 12 Centers provide a wide variety of services to foster  
1 13 the growth of Iowa business, including one-to-one  
1 14 professional business counseling; learning  
1 15 opportunities == workshops, courses and classes,  
1 16 internet-based learning, telephone and e-based  
1 17 contact, and print and electronic materials; resource  
1 18 connections == financing sources, state and federal  
1 19 programs, associations, databases, local and regional  
1 20 programs, host institutions, and communities; and  
1 21 specialty programs and assistance == business  
1 22 succession, market research, strategic planning,  
1 23 MyEntreNet, introduction to international business,  
1 24 and community building; and  
1 25 WHEREAS, the Iowa Small Business Development  
1 26 Centers have announced the 2007 award winners for its  
1 27 two special entrepreneur of the year awards; and  
1 28 WHEREAS, Anna Bradley, Chief Executive Officer of  
1 29 Criterion 508 Solutions, Inc., is the 2007 Deb Dalziel  
1 30 Woman Entrepreneur Achievement Award winner, an award



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House Resolution 108 - Introduced continued

2 1 which honors an Iowa woman entrepreneur who has  
2 2 significantly changed or improved her life and the  
2 3 lives of others; and  
2 4       WHEREAS, Marguerite White has been selected to  
2 5 receive the Neal Smith Award, an award named in honor  
2 6 of the long-serving Iowa congressman, given to an Iowa  
2 7 entrepreneur who has been in business a minimum of  
2 8 three years and has been significantly assisted by an  
2 9 Iowa Small Business Development Center; NOW THEREFORE,  
2 10       BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES,  
2 11 That the House of Representatives honors award winners  
2 12 Anna Bradley and Marguerite White and congratulates  
2 13 them on their success, and recognizes and expresses  
2 14 its thanks to the Iowa Small Business Development  
2 15 Centers for their ongoing work in making Iowa a better  
2 16 place to live and work.  
2 17 LSB 6503HH 82  
2 18 jr/rj/24



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House Study Bill 680

HOUSE FILE

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

Passed House, Date \_\_\_\_\_ Passed Senate, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays  
Approved

A BILL FOR

1 An Act relating to the establishment or approval of discounted  
2 gas and electric utility rates applicable to low-income  
3 residents.  
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
5 TLSB 5867HC 82  
6 rn/nh/5



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House Study Bill 680 continued

PAG LIN

1 1 Section 1. NEW SECTION. 476.8A LOW=INCOME RESIDENTIAL  
 1 2 CUSTOMERS == DISCOUNT RATE.  
 1 3 The board may establish or approve low=income residential  
 1 4 discount rates for gas and electric utility service furnished  
 1 5 to qualified low=income residents as determined pursuant to  
 1 6 section 476.20, subsection 2, to ensure the affordable,  
 1 7 reliable, and continuous furnishing of such services, lower  
 1 8 the percentage of income devoted to utility bills by  
 1 9 low=income households, increase customer payment rates, and  
 1 10 reduce costs associated with customer account collection  
 1 11 activities. The discount rates, if established, shall be  
 1 12 applicable to gas and electric service furnished by a public  
 1 13 utility subject to rate regulation and, at a utility's  
 1 14 discretion, to a public utility exempt from the board's rate  
 1 15 regulation authority. The disconnection restrictions  
 1 16 applicable to qualifying low=income residents pursuant to  
 1 17 section 476.20 shall continue to apply notwithstanding  
 1 18 imposition of discount rates established pursuant to this  
 1 19 section.

EXPLANATION

1 20  
 1 21 This bill authorizes the Iowa utilities board to establish  
 1 22 or approve discount rates for gas and electric utility service  
 1 23 applicable to low=income residents who qualify for  
 1 24 disconnection restriction provisions specified in Code section  
 1 25 476.20. The bill specifies that discount rates would be  
 1 26 established to ensure the affordable, reliable, and continuous  
 1 27 furnishing of utility services, lower the percentage of income  
 1 28 devoted to utility bills by low=income households, increase  
 1 29 customer payment rates, and reduce costs associated with  
 1 30 customer account collection activities by utilities. The  
 1 31 rates, if established, would apply to gas and electric  
 1 32 utilities subject to rate regulation under Code chapter 476,  
 1 33 and optionally to utilities not subject to the board's rate  
 1 34 regulation authority. The bill provides that disconnection  
 1 35 restrictions shall continue to apply to qualifying low=income



**Iowa General Assembly  
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House Study Bill 680 continued

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



Iowa General Assembly  
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House Study Bill 681

HOUSE FILE  
BY (PROPOSED COMMITTEE ON  
GOVERNMENT OVERSIGHT BILL  
BY CHAIRPERSON LENSING)

Passed House, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved

Passed Senate, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_

A BILL FOR

1 An Act relating to student loans, including the allocation for  
2 qualified student loan bonds under the private activity bond  
3 allocation Act, and the finance charges, terms, and conditions  
4 for consumer loans made for postsecondary education purposes,  
5 and providing penalties.  
6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
7 TLSB 6459YC 82  
8 kh/rj/8



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House Study Bill 681 continued

PAG LIN

1 1 Section 1. Section 7C.4A, subsection 3, Code 2007, is  
1 2 amended to read as follows:  
1 3 3. Sixteen percent of the state ceiling shall be allocated  
1 4 to qualified student loan bonds. However, at any time during  
1 5 the calendar year the governor's designee, ~~with the approval~~  
~~1 6 of the Iowa student loan liquidity corporation,~~ may determine  
1 7 that a lesser amount need be allocated to qualified student  
1 8 loan bonds and on that date the lesser amount shall be the  
1 9 amount allocated for those bonds and the excess shall be  
1 10 allocated under subsection 7.

1 11 Sec. 2. Section 261.38, subsection 5, Code 2007, is  
1 12 amended by striking the subsection.

1 13 Sec. 3. Section 537.2401, subsection 1, Code Supplement  
1 14 2007, is amended to read as follows:

1 15 1. Except as provided with respect to a finance charge for  
1 16 loans pursuant to open-end credit under section 537.2402, ~~and~~  
1 17 loans secured by a certificate of title of a motor vehicle  
1 18 under section 537.2403, and consumer loans for postsecondary  
1 19 education purposes under section 573.2404, a lender may  
1 20 contract for and receive a finance charge not exceeding the  
1 21 maximum charge permitted by the laws of this state or of the  
1 22 United States for similar lenders, and, in addition, with  
1 23 respect to a consumer loan, a supervised financial  
1 24 organization or a mortgage lender may contract for and receive  
1 25 a finance charge, calculated according to the actuarial  
1 26 method, not exceeding twenty-one percent per year on the  
1 27 unpaid balance of the amount financed. Except as provided in  
1 28 section 537.2403, this subsection does not prohibit a lender  
1 29 from contracting for and receiving a finance charge exceeding  
1 30 twenty-one percent per year on the unpaid balance of the  
1 31 amount financed on consumer loans if authorized by other  
1 32 provisions of the law.

1 33 Sec. 4. NEW SECTION. 537.2404 FINANCE CHARGE FOR  
1 34 CONSUMER LOANS FOR POSTSECONDARY EDUCATION.

1 35 1. In making a consumer loan to an individual who is a



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2 1 student or the parent or guardian of a student for purposes of  
2 2 financing a postsecondary education, a creditor shall not  
2 3 impose finance charges or other terms or conditions more  
2 4 onerous than those extended contemporaneously to students,  
2 5 parents, or guardians, as applicable, under the federally  
2 6 guaranteed higher education loan programs administered by the  
2 7 college student aid commission.

2 8 2. A consumer who is charged a finance charge in excess of  
2 9 the limitation in this section may seek any remedies available  
2 10 under section 537.5201 for an excess charge.

2 11 3. A creditor who willfully and knowingly makes charges in  
2 12 excess of those permitted pursuant to subsection 1 is guilty  
2 13 of a serious misdemeanor.

2 14 4. Notwithstanding section 537.1301, subsection 15,  
2 15 paragraph "a", subparagraph (5), for purposes of this section,  
2 16 a consumer loan includes a consumer loan in which the amount  
2 17 financed is of any amount.

2 18 EXPLANATION

2 19 This bill relates to student loans.

2 20 The bill eliminates the authorization of the Iowa student  
2 21 loan liquidity corporation to issue qualified student loan  
2 22 bonds under the private activity bond allocation Act and to  
2 23 issue bonds, notes, or other obligations under an agreement  
2 24 with the college student aid commission.

2 25 Under Code section 537.5201(3), a consumer is not obligated  
2 26 to pay an excess charge and is entitled to a refund of any  
2 27 excess charge paid. If a consumer entitled to a refund is  
2 28 refused the refund, the consumer may recover from the creditor  
2 29 or other person liable in a civil action the excess charge and  
2 30 a penalty of not less than \$100 or more than \$1,000. A  
2 31 creditor who willfully and knowingly makes charges in excess  
2 32 of those allowed under the bill is guilty of a serious  
2 33 misdemeanor.

2 34 The bill amends the Iowa consumer credit code to provide  
2 35 that creditors who make consumer loans, including supervised



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3 1 loans, to students or parents or guardians of students for  
3 2 postsecondary education purposes cannot impose finance charges  
3 3 or other terms or conditions more onerous than those extended  
3 4 to students or parents or guardians under the federally  
3 5 guaranteed higher education loan programs administered by the  
3 6 college student aid commission.  
3 7 Consumer loans regulated under the Code are limited to  
3 8 loans of not more than \$25,000. The bill exempts loans made  
3 9 to students, parents, or guardians for postsecondary education  
3 10 purposes from this limitation, making the bill's provisions  
3 11 applicable to such loans of any amount.  
3 12 LSB 6459YC 82  
3 13 kh/rj/8



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House Study Bill 682

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

Passed Senate, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved

Passed House, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_

A BILL FOR

1 An Act establishing a lifelong learning accounts program within  
2 the educational savings plan trust and providing tax credits  
3 for contributions made by employers to lifelong learning  
4 accounts and including an applicability date provision.  
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
6 TLSB 5444DP 82  
7 mg/nh/8



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1 1 Section 1. NEW SECTION. 12D.12 LIFELONG LEARNING  
1 2 ACCOUNTS PROGRAM.  
1 3 1. As used in this section and section 12D.13:  
1 4 a. "Department" means the Iowa department of workforce  
1 5 development.  
1 6 b. "Employee" means an individual who works for an  
1 7 employer on the average of twenty hours a week based on the  
1 8 previous six months.  
1 9 c. "Employer" means the same as defined in section 422.4.  
1 10 2. The trust shall establish, in coordination with the  
1 11 department, a lifelong learning accounts program to encourage  
1 12 employees and employers to save for training and retraining  
1 13 through the trust.  
1 14 3. Participants entering into an agreement with the trust  
1 15 may designate the account established pursuant to the  
1 16 agreement as a lifelong learning account.  
1 17 4. The department shall document the process and outcomes  
1 18 in the establishment of lifelong learning accounts, and  
1 19 prepare a report thereon, to be submitted to the general  
1 20 assembly twenty days prior to the convening of the regular  
1 21 session biennially with the first report submitted prior to  
1 22 the 2010 regular session.  
1 23 5. The treasurer of state, after consultation with the  
1 24 department, shall adopt rules necessary to effectively carry  
1 25 out the provisions of this section.  
1 26 Sec. 2. NEW SECTION. 12D.13 LIFELONG LEARNING ACCOUNT  
1 27 TAX CREDIT.  
1 28 1. An employer shall be entitled to a lifelong learning  
1 29 account tax credit equal to fifty percent of the employer's  
1 30 annual aggregate lifelong learning account contributions made  
1 31 in the employer's tax year to the lifelong learning accounts  
1 32 established on behalf of the employer's employees. The  
1 33 maximum annual contribution which qualifies for the credit is  
1 34 five hundred dollars per employee.  
1 35 2. Any credit in excess of the tax liability shall be



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2 1 refunded with interest computed under section 422.25. In lieu  
2 2 of claiming a refund, a taxpayer may elect to have the  
2 3 overpayment shown on the taxpayer's final, completed return  
2 4 credited to the tax liability for the following tax year.

2 5 3. An individual may claim the tax credit allowed a  
2 6 partnership, limited liability company, S corporation, estate,  
2 7 or trust electing to have the income taxed directly to an  
2 8 individual. The amount claimed by the individual shall be  
2 9 based upon the pro rata share of the individual's earnings of  
2 10 a partnership, limited liability company, S corporation,  
2 11 estate, or trust.

2 12 Sec. 3. NEW SECTION. 422.11V LIFELONG LEARNING ACCOUNT  
2 13 TAX CREDIT.

2 14 The taxes imposed under this division, less the credits  
2 15 allowed under section 422.12, shall be reduced by a lifelong  
2 16 learning account tax credit authorized pursuant to section  
2 17 12D.13.

2 18 Sec. 4. Section 422.33, Code Supplement 2007, is amended  
2 19 by adding the following new subsection:

2 20 NEW SUBSECTION. 25. The taxes imposed under this division  
2 21 shall be reduced by a lifelong learning account tax credit  
2 22 authorized pursuant to section 12D.13.

2 23 Sec. 5. Section 422.60, Code Supplement 2007, is amended  
2 24 by adding the following new subsection:

2 25 NEW SUBSECTION. 15. The taxes imposed under this division  
2 26 shall be reduced by a lifelong learning account tax credit  
2 27 authorized pursuant to section 12D.13.

2 28 Sec. 6. NEW SECTION. 432.12L LIFELONG LEARNING ACCOUNT  
2 29 TAX CREDIT.

2 30 The tax imposed under this chapter shall be reduced by a  
2 31 lifelong learning account tax credit authorized pursuant to  
2 32 section 12D.13.

2 33 Sec. 7. Section 533.329, subsection 2, Code Supplement  
2 34 2007, is amended by adding the following new paragraph:

2 35 NEW PARAGRAPH. n. The moneys and credits tax imposed



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3 1 under this section shall be reduced by a lifelong learning  
3 2 account tax credit authorized pursuant to section 12D.13.  
3 3 Sec. 8. APPLICABILITY DATE. This Act applies to tax years  
3 4 ending after the effective date of this Act.

3 5 EXPLANATION

3 6 This bill directs the treasurer of state, in coordination  
3 7 with the department of workforce development, to establish a  
3 8 lifelong learning accounts program within the Iowa educational  
3 9 savings plan trust. The purpose of the program is to  
3 10 encourage employees and their employers to save for worker  
3 11 training and retraining.

3 12 The bill provides a refundable tax credit for the employer  
3 13 for contributions to an employee's account equal to 50 percent  
3 14 of the first \$500 of the employer's contributions made during  
3 15 the employer's tax year.

3 16 The tax credit may be used to reduce the tax liability  
3 17 under the individual and corporate income, franchise,  
3 18 insurance premiums, and moneys and credits taxes.

3 19 The bill applies to tax years ending after the effective  
3 20 date of the bill.

3 21 LSB 5444DP 82

3 22 mg/nh/8.1



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House Study Bill 683

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

Passed House, Date \_\_\_\_\_ Passed Senate, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays  
Approved

A BILL FOR

- 1 An Act relating to sentencing a person after a third or
- 2 subsequent felony conviction, and providing a penalty.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 6421YC 82
- 5 jm/nh/8



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1 1 Section 1. NEW SECTION. 902.15 THIRD FELONY CONVICTION  
1 2 == ENHANCEMENT.  
1 3 1. Notwithstanding any other provision of the Code to the  
1 4 contrary, a person convicted of a third or subsequent felony  
1 5 shall be sentenced to serve an indeterminate term of life in  
1 6 prison in lieu of the penalty provided in the underlying  
1 7 felony offense.  
1 8 2. A person sentenced pursuant to this section shall serve  
1 9 a minimum term of confinement of fifty years of the sentence  
1 10 imposed in this section.  
1 11 3. A person sentenced pursuant to this section shall not  
1 12 be eligible for parole until the person has served the minimum  
1 13 term of confinement imposed by this section.  
1 14 a. A person shall not be paroled if pending criminal  
1 15 charges exist against the person.  
1 16 b. A person shall not be paroled if the person has been  
1 17 convicted of a criminal offense involving physical violence  
1 18 while confined.  
1 19 4. In order for a person to be sentenced under this  
1 20 section, the prosecuting attorney shall allege and prove that  
1 21 this section is applicable to the person.  
1 22 5. Convictions occurring prior to July 1, 2008, shall be  
1 23 considered a previous conviction in determining if a  
1 24 conviction is a third or subsequent felony conviction.  
1 25 6. A criminal conviction committed in another jurisdiction  
1 26 which would constitute a felony in this state shall be  
1 27 considered a previous conviction in determining if a  
1 28 conviction is a third or subsequent felony conviction.  
1 29 7. Successful completion of probation for a deferred  
1 30 judgment or an adjudication in juvenile court shall not be  
1 31 considered a previous conviction in determining if a  
1 32 conviction is a third or subsequent felony conviction.  
1 33 Sec. 2. Section 907.3, subsection 2, Code 2007, is amended  
1 34 by adding the following new paragraph:  
1 35 NEW PARAGRAPH. g. A sentence imposed for a third or



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2 1 subsequent felony conviction under section 902.15.  
2 2 Sec. 3. Section 907.3, subsection 3, Code 2007, is amended  
2 3 by adding the following new paragraph:  
2 4 NEW PARAGRAPH. g. A sentence imposed for a third or  
2 5 subsequent felony conviction under section 902.15.

2 6 EXPLANATION

2 7 This bill relates to sentencing a person after a third or  
2 8 subsequent felony conviction.

2 9 The bill provides that a person convicted of a third or  
2 10 subsequent felony shall be sentenced to serve an indeterminate  
2 11 term of life in prison. A person sentenced pursuant to the  
2 12 bill shall serve a minimum of 50 years of the sentence imposed  
2 13 in this Code section.

2 14 A person is not eligible for parole under the bill if  
2 15 pending criminal charges exist against the person or if the  
2 16 person has been convicted of a criminal offense involving  
2 17 physical violence while confined.

2 18 Under the bill, convictions occurring prior to the  
2 19 effective date of the bill shall be considered a previous  
2 20 conviction in determining if a conviction is a third or  
2 21 subsequent felony conviction.

2 22 The bill provides that a criminal conviction committed in  
2 23 another jurisdiction which would constitute a felony in this  
2 24 state shall be considered a previous conviction in determining  
2 25 if a conviction is a third or subsequent felony conviction.

2 26 Under the bill, successful completion of probation for a  
2 27 deferred judgment or an adjudication in juvenile court shall  
2 28 not be considered a previous conviction in determining if a  
2 29 conviction is a third or subsequent felony conviction.

2 30 A person sentenced under the bill is not eligible for a  
2 31 deferred or suspended sentence. A person sentenced for a  
2 32 third felony conviction is already prohibited from receiving a  
2 33 deferred judgment pursuant to Code section 907.3, subsection  
2 34 1, paragraph "b".

2 35 LSB 6421YC 82



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3 1 jm/nh/8



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House Study Bill 684

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

Passed House, Date \_\_\_\_\_ Passed Senate, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays  
Approved

A BILL FOR

- 1 An Act relating to registration requirements for sex offenders.
- 2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 3 TLSB 5974HC 82
- 4 jm/rj/14



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1 1 Section 1. Section 692A.2, subsection 1, paragraph c, Code  
1 2 2007, is amended to read as follows:

1 3 c. From the date of release as a juvenile from group  
1 4 foster care or residential treatment.

1 5 Sec. 2. Section 692A.2, subsection 6, Code 2007, is  
1 6 amended to read as follows:

1 7 6. A person is not required to register while  
1 8 incarcerated, in group foster care, or in a state or private  
1 9 residential treatment program.

1 10 6A. A person who is convicted, as defined in section  
1 11 692A.1, of a criminal offense against a minor, an aggravated  
1 12 offense, sexual exploitation, a sexually violent offense, or  
1 13 an other relevant offense as a result of an adjudication of  
1 14 delinquency in juvenile court shall be required to register as  
1 15 required in this chapter unless the juvenile court finds,  
1 16 pursuant to section 692A.2B, suspends the registration  
1 17 requirement, and finds that the person should not be required  
1 18 to register under this chapter or orders that the person  
1 19 register for a period other than required by this chapter. If  
1 20 a juvenile is required to register and the court later  
1 21 modifies the order regarding the suspension of the requirement  
1 22 to register or modifies the period of registration pursuant to  
1 23 section 692A.2B, the court shall immediately notify the  
1 24 department.

1 25 6B Convictions of more than one offense which require  
1 26 registration under this chapter but which are prosecuted  
1 27 within a single indictment shall be considered as a single  
1 28 offense for purposes of registration.

1 29 Sec. 3. NEW SECTION. 692A.2B SUSPENSION OR MODIFICATION  
1 30 OF REGISTRATION.

1 31 1. A person who is required to register under this chapter  
1 32 as the result of an adjudication of delinquency may file a  
1 33 motion to suspend or modify registration requirements under  
1 34 this chapter. The juvenile court, after notice to all  
1 35 parties, and upon hearing, may suspend the registration



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2 1 requirements of the person, or modify the registration  
2 2 requirements of the person for a period other than required by  
2 3 this chapter as provided in subsection 3.

2 4     2. A person who is required to register under this chapter  
2 5 as the result of an adjudication of delinquency is only  
2 6 eligible to file a motion to suspend the registration  
2 7 requirements, and the motion must be filed and hearing must be  
2 8 held prior to the discharge of the person from juvenile court  
2 9 jurisdiction for the offense requiring registration. An order  
2 10 that suspends the registration requirements shall include  
2 11 written findings that a departure from the registry  
2 12 requirements is warranted and shall include appropriate  
2 13 restrictions upon the person to protect the public during the  
2 14 suspension of the registry requirements. If an order is  
2 15 entered suspending the registration requirements in juvenile  
2 16 court and the person is discharged from the jurisdiction of  
2 17 juvenile court, any modifications of the suspension order  
2 18 shall be made in district court.

2 19     a. If the person has been ordered to participate or is  
2 20 participating in an appropriate outpatient treatment program  
2 21 for juvenile sex offenders, the juvenile court may temporarily  
2 22 suspend the registration requirement and may defer hearing on  
2 23 the motion filed pursuant to subsection 1, until the person  
2 24 has completed treatment or has been discharged from the  
2 25 treatment program.

2 26     b. A final order on the motion shall be entered within  
2 27 thirty days from the date of completion or discharge from  
2 28 treatment.

2 29     3. Notwithstanding any of other provisions of this chapter  
2 30 to the contrary, if a person committed an offense requiring  
2 31 registration as a minor, the court having jurisdiction over  
2 32 the offense may, upon motion of the person, and after  
2 33 reasonable notice and hearing, order the person to register  
2 34 for a period other than required by this chapter. The court  
2 35 shall make written findings that a period other than required



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- 3 1 by this chapter is warranted based upon any of the following:  
3 2 a. The successful completion of treatment.  
3 3 b. The age of the person when the commission of the  
3 4 offense occurred.  
3 5 c. The nature of the offense.  
3 6 d. Any other information deemed relevant by the court.

3 7 EXPLANATION

3 8 This bill relates to registration requirements for sex  
3 9 offenders.

3 10 The bill specifies that a person is not required to  
3 11 register while the person is in group foster care or in a  
3 12 state or private residential treatment program. Currently, a  
3 13 person is not required to register if the person is in foster  
3 14 care or in a residential treatment program.

3 15 The bill provides that a juvenile, including a juvenile  
3 16 convicted of an aggravated offense, who is adjudicated of an  
3 17 offense that requires registration shall register as a sex  
3 18 offender unless the court, upon motion of the person required  
3 19 to register, suspends the registration requirement or orders  
3 20 the person to register for a period other than required by  
3 21 law. Currently, a juvenile must register as required unless  
3 22 the juvenile court finds that the person should not register.  
3 23 In addition, under current law, a juvenile convicted of an  
3 24 aggravated offense must register without exception.

3 25 Under the bill, a person who is required to register under  
3 26 this Code chapter as the result of an adjudication of  
3 27 delinquency may file a motion to suspend or modify  
3 28 registration requirements. The juvenile court may suspend the  
3 29 registration requirements of the person, or modify the  
3 30 registration requirements of the person for a period other  
3 31 than required if warranted, and appropriate restrictions are  
3 32 placed upon the person to protect the public during the period  
3 33 of suspension.

3 34 If an order is entered suspending the registration  
3 35 requirements under the bill, and the person is discharged from



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4 1 the jurisdiction of juvenile court, any modifications of the  
4 2 suspension order shall be made in district court.  
4 3 Under the bill, a person who is required to register under  
4 4 this Code chapter as the result of an adjudication of  
4 5 delinquency is only eligible to file a motion to suspend the  
4 6 registration requirements, and the motion must be filed and  
4 7 hearing must be held prior to the discharge of the person from  
4 8 juvenile court jurisdiction.  
4 9 Under the bill, if the person has been ordered to  
4 10 participate or is participating in an appropriate outpatient  
4 11 treatment program for juvenile sex offenders, the juvenile  
4 12 court may temporarily suspend the registration requirement and  
4 13 may defer hearing on the motion filed pursuant the bill, until  
4 14 the person has completed treatment or has been discharged from  
4 15 the treatment program.  
4 16 Under the bill, if a person committed an offense requiring  
4 17 registration as a minor, the court having jurisdiction over  
4 18 the offense may, upon motion of the person, order the person  
4 19 to register for a period other than required by law. If the  
4 20 court orders registration for a period other than required by  
4 21 law, the court shall make written findings that a period other  
4 22 than required by law is warranted based upon the successful  
4 23 completion of treatment, the age of the person when the  
4 24 commission of the offense occurred, the nature of the offense,  
4 25 or any other information deemed relevant by the court.  
4 26 LSB 5974HC 82  
4 27 jm/rj/14



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House Study Bill 685

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

Passed House, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved

Passed Senate, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_

A BILL FOR

- 1 An Act assessing a mediation fee in small claims cases.
- 2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 3 TLSB 6446YC 82
- 4 jm/nh/8



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1 1 Section 1. Section 602.8105, subsection 1, paragraph d,  
1 2 Code Supplement 2007, is amended to read as follows:  
1 3 d. For filing and docketing a small claims action and for  
1 4 small claims mediation, the amounts specified in section  
1 5 631.6.

1 6 Sec. 2. Section 631.6, subsection 1, Code 2007, is amended  
1 7 by adding the following new paragraph:

1 8 NEW PARAGRAPH. e. Fees for mediation shall be twenty-five  
1 9 dollars to be collected if a mediator is used.

1 10 Sec. 3. Section 631.6, Code 2007, is amended by adding the  
1 11 following new subsection:

1 12 NEW SUBSECTION. 3. The amount collected for mediation in  
1 13 the action shall be distributed to the mediator used in the  
1 14 action.

1 15 EXPLANATION

1 16 This bill assesses a mediation fee in small claims cases.

1 17 The bill imposes a \$25 mediation fee upon the filing of a  
1 18 small claims case which shall be assessed as a court cost in  
1 19 the case if a mediator is used. The bill requires the  
1 20 mediation fee be distributed to the mediator used in the case.

1 21 LSB 6446YC 82

1 22 jm/nh/8



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House Study Bill 686

HOUSE FILE  
BY (PROPOSED COMMITTEE ON  
ECONOMIC GROWTH BILL BY  
CHAIRPERSON THOMAS)

Passed House, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved

Passed Senate, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_

A BILL FOR

1 An Act relating to economic development by providing for the  
2 confidentiality of certain details contained in contracts and  
3 applications for grant funds.  
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
5 TLSB 6501HC 82  
6 tw/nh/5



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1 1 Section 1. Section 15.104, subsection 6, Code Supplement  
1 2 2007, is amended by adding the following new paragraphs:  
1 3 NEW PARAGRAPH. a. In establishing guidelines, procedures,  
1 4 and policies for the awarding of grants, the board shall give  
1 5 due regard to the confidentiality of certain information  
1 6 disclosed during the grant application process.  
1 7 NEW PARAGRAPH. b. The board shall consider the written  
1 8 request of an applicant or award recipient to keep  
1 9 confidential certain details of an application, a contract, or  
1 10 the materials submitted in support of an application or a  
1 11 contract. If the request includes a sufficient explanation as  
1 12 to why the public disclosure of such details would give an  
1 13 unfair advantage to competitors, the board may keep certain  
1 14 details confidential. If the board elects to keep certain  
1 15 details confidential, the board shall release only the  
1 16 nonconfidential details in response to a request for records  
1 17 pursuant to chapter 22. If confidential details are withheld  
1 18 from a request for records pursuant to chapter 22, the board  
1 19 shall release an explanation of why the information was deemed  
1 20 confidential and a summary of the nature of the information  
1 21 withheld.  
1 22 NEW PARAGRAPH. c. If a request for confidentiality is  
1 23 denied by the board, an applicant may withdraw an application  
1 24 and any supporting materials, and the board shall not retain  
1 25 any copies of the application. Upon notice that an  
1 26 application has been withdrawn, the board shall not release a  
1 27 copy in response to a request for records pursuant to chapter  
1 28 22.

1 29 EXPLANATION

1 30 This bill relates to the confidentiality of information  
1 31 coming before the economic development board. This includes  
1 32 applications for grant funds and contracts with the board and  
1 33 any materials submitted in support of such applications or  
1 34 contracts.  
1 35 The bill allows an applicant or a contract party to request



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2 1 that certain details of an application or contract be deemed  
2 2 confidential. If the board finds that the information would  
2 3 provide a competitive advantage to competitors of the  
2 4 applicant, the board may elect to keep the information  
2 5 confidential.

2 6 If the board receives a request for records pursuant to  
2 7 Code chapter 22, it must release only the nonconfidential  
2 8 portions of the application or contract. When the board  
2 9 withholds confidential information, it must also release an  
2 10 explanation as to why the information was kept confidential  
2 11 and a summary of the nature of the information.

2 12 An applicant whose request for confidentiality is denied  
2 13 may withdraw the application, and in such cases, the board  
2 14 must not retain a copy of the application or release a copy  
2 15 upon a request for records pursuant to Code chapter 22.

2 16 LSB 6501HC 82

2 17 tw/nh/5



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House Study Bill 687

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

Passed House, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved

Passed Senate, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_

A BILL FOR

- 1 An Act relating to deferred judgment criminal records.
- 2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 3 TLSB 5972HC 82
- 4 jm/nh/5



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PAG LIN

1 1 Section 1. Section 907.4, Code 2007, is amended to read as  
1 2 follows:

1 3 907.4 DEFERRED JUDGMENT DOCKET.

1 4 1. A deferment of judgment under section 907.3 shall be  
1 5 entered promptly by the clerk of the district court, or the  
1 6 clerk's designee, into the deferred judgment database of the  
1 7 state, which shall serve as the deferred judgment docket. The  
1 8 deferred judgment docket shall be maintained by the state  
1 9 court administrator and shall not be destroyed. The docket

1 10 shall contain a permanent record of the deferred judgment  
1 11 including the name and date of birth of the defendant, the  
1 12 district court docket number, the nature of the offense, and  
1 13 the date of the deferred judgment. Before granting deferred  
1 14 judgment in any case, the court shall search the deferred  
1 15 judgment docket and shall consider any prior record of a  
1 16 deferred judgment against the defendant.

1 17 2. The permanent record provided for in ~~this section~~  
1 18 subsection 1 is a confidential record exempted from public  
1 19 access under section 22.7 and shall be available only to  
1 20 justices of the supreme court, judges of the court of appeals,  
1 21 district judges, district associate judges, judicial  
1 22 magistrates, clerks of the district court, judicial district  
1 23 departments of correctional services, county attorneys, and  
1 24 the department of corrections requesting information pursuant  
1 25 to this section, or the designee of a justice, judge,  
1 26 magistrate, clerk, judicial district department of  
1 27 correctional services, or county attorney, or department.

1 28 Sec. 2. NEW SECTION. 907.4A EXPUNGED CRIMINAL RECORDS OF  
1 29 THE COURT == ACCESS.

1 30 After the clerk of the district court has promptly entered  
1 31 the portions of the court's criminal record into the deferred  
1 32 judgment database as required under section 907.4, the clerk  
1 33 of the district court shall expunge the court's entire  
1 34 criminal record of the deferred judgment by segregating the  
1 35 record into a separate area or database. The court's entire



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2 1 criminal record of the deferred judgment shall be considered a  
2 2 confidential record exempt from public access under section  
2 3 22.7 but shall be made available by the clerk of the district  
2 4 court, upon request and without court order, to the agencies  
2 5 or persons granted access to the deferred judgment docket  
2 6 under section 907.4, subsection 2.

2 7 Sec. 3. Section 907.9, subsection 4, Code 2007, is amended  
2 8 to read as follows:

2 9 4. At the expiration of the period of probation and if the  
2 10 fees imposed under sections 815.9 and 905.14 have been paid or  
2 11 on condition that unpaid supervision fees be paid, the court  
2 12 shall order the discharge of the person from probation, and  
2 13 the court shall forward to the governor a recommendation for  
2 14 or against restoration of citizenship rights to that person.  
2 15 A person who has been discharged from probation shall no  
2 16 longer be held to answer for the person's offense.

2 17 4A. Upon discharge from probation, if judgment has been  
2 18 deferred under section 907.3, the court's criminal record with  
2 19 reference to the deferred judgment shall be expunged as  
2 20 provided in section 907.4A. ~~The record maintained by the~~  
~~2 21 state court administrator as required by section 907.4 shall~~  
~~2 22 not be expunged.~~ The court's record shall not be expunged in  
2 23 any other circumstances unless otherwise authorized by law.

2 24 EXPLANATION

2 25 This bill relates to deferred judgment criminal records.

2 26 The bill provides that after the clerk of the district  
2 27 court has promptly entered the portions of the court's  
2 28 criminal record into the deferred judgment database as  
2 29 required under Code section 907.4, the clerk of the district  
2 30 court shall expunge the court's entire criminal record of the  
2 31 deferred judgment by segregating the record of the deferred  
2 32 judgment into a separate area or database.

2 33 Under the bill, the court's entire criminal record of the  
2 34 deferred judgment segregated into a separate area or database  
2 35 shall be considered a confidential record exempt from public



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3 1 access under Code section 22.7 but shall be made available by  
3 2 the clerk of the district court, upon request and without  
3 3 court order, to the agencies or persons granted access to the  
3 4 deferred judgment docket under Code section 907.4.  
3 5     Currently, the court's criminal record relating to a  
3 6 deferred judgment is expunged, but a record of the deferred  
3 7 judgment is made permanent. The permanent record under  
3 8 current law includes the name and date of birth of the  
3 9 defendant, the district court docket number, the nature of the  
3 10 offense, and the date of the deferred judgment.  
3 11     The bill strikes a provision in Code section 907.9  
3 12 requiring the state court administrator to maintain deferred  
3 13 judgment records and moves the provision to Code section  
3 14 907.4.  
3 15     The bill also provides that the court's record shall not be  
3 16 expunged unless otherwise authorized by law. Current law  
3 17 authorizes criminal records to be expunged under Code sections  
3 18 123.46, 321.211A, and 321.385A.  
3 19 LSB 5972HC 82  
3 20 jm/nh/5



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## Senate Amendment 5005

PAG LIN

1 1 Amend Senate File 2089 as follows:  
1 2 #1. Page 1, by inserting after line 15 the  
1 3 following:  
1 4 <d. The state commissioner shall ensure that an  
1 5 absentee ballot application is included as an insert  
1 6 in telephone directories distributed in the state.  
1 7 The state commissioner shall also make absentee ballot  
1 8 applications available in all public libraries in the  
1 9 state.>  
1 10  
1 11  
1 12  
1 13 BRAD ZAUN  
1 14 SF 2089.702 82  
1 15 sc/nh/20187  
1 16  
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## Senate Amendment 5006

PAG LIN

1 1 Amend Senate File 2089 as follows:  
1 2 #1. Page 1, line 5, by inserting after the word  
1 3 <application> the following: <on a sheet of paper  
1 4 eight and one-half by eleven inches in size>.  
1 5  
1 6  
1 7  
1 8 BRAD ZAUN  
1 9 SF 2089.701 82  
1 10 sc/nh/20186  
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# Senate Amendment 5007

PAG LIN

1 1 Amend Senate File 2089 as follows:  
1 2 #1. Page 1, line 6, by inserting after the word  
1 3 <required.> the following: <An application submitted  
1 4 in such manner shall not be accepted if it is written  
1 5 on an envelope, matchbook, or napkin.>  
1 6  
1 7  
1 8  
1 9 BRAD ZAUN  
1 10 SF 2089.301 82  
1 11 sc/nh/20249  
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Senate File 2189 - Introduced

SENATE FILE  
BY COMMITTEE ON STATE  
GOVERNMENT

(SUCCESSOR TO SF 2147)

Passed Senate, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved

Passed House, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_

A BILL FOR

- 1 An Act concerning bingo conducted during county fairs.
- 2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 3 TLSB 6214SV 82
- 4 ec/nh/5



Iowa General Assembly  
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Senate File 2189 - Introduced continued

PAG LIN

1 1 Section 1. Section 99B.7, subsection 1, paragraph c,  
1 2 unnumbered paragraph 2, Code 2007, is amended to read as  
1 3 follows:

1 4 However, notwithstanding the limitations on frequency and  
1 5 duration of bingo occasions as provided in this lettered  
1 6 paragraph, bingo may be conducted during the duration of a  
1 7 fair event conducted by a fair under the provisions of chapter  
1 8 174. In addition, a qualified organization, which is a senior  
1 9 citizens' center or a residents' council at a senior citizen  
1 10 housing project or a group home, may hold more than fourteen  
1 11 bingo occasions per month and more than three bingo occasions  
1 12 per week within the same structure or building, and bingo  
1 13 occasions conducted by such a qualified organization may last  
1 14 for longer than four consecutive hours, if the majority of the  
1 15 patrons of the qualified organization's bingo occasions also  
1 16 participate in other activities of the senior citizens' center  
1 17 or are residents of the housing project. At the conclusion of  
1 18 each bingo occasion, the person conducting the game shall  
1 19 announce both the gross receipts received from the bingo  
1 20 occasion and the use permitted under subsection 3, paragraph  
1 21 "b", to which the net receipts of the bingo occasion will be  
1 22 dedicated and distributed.

1 23

EXPLANATION

1 24 This bill provides that the limitation on the frequency and  
1 25 duration of bingo occasions does not apply to bingo conducted  
1 26 during a county fair.

1 27 LSB 6214SV 82

1 28 ec/nh/5



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**Senate File 2190 - Introduced**

SENATE FILE  
BY WARNSTADT

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

**A BILL FOR**

1 An Act relating to the filing of an examining physician's report  
2 prior to involuntary hospitalization hearings for chronic  
3 substance abusers and mentally ill persons.  
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
5 TLSB 5769XS 82  
6 rh/nh/5



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Senate File 2190 - Introduced continued

PAG LIN

1 1 Section 1. Section 125.80, subsection 2, Code 2007, is  
1 2 amended to read as follows:  
1 3 2. A written report of the examination by a  
1 4 court=designated physician shall be filed with the clerk at  
1 5 least twenty-four hours prior to the hearing date. A written  
1 6 report of an examination by a physician chosen by the  
1 7 respondent may be similarly filed. The clerk shall  
1 8 immediately:

1 9 a. Cause a report to be shown to the judge who issued the  
1 10 order.

1 11 b. Cause the respondent and the respondent's attorney to  
1 12 receive ~~a copy~~ copies of the report of a court=designated  
1 13 physician.

1 14 Sec. 2. Section 229.10, subsection 2, Code 2007, is  
1 15 amended to read as follows:

1 16 2. A written report of the examination by the  
1 17 court=designated physician or physicians shall be filed with  
1 18 the clerk at least twenty-four hours prior to the time set for  
1 19 hearing. A written report of any examination by a physician  
1 20 chosen by the respondent may be similarly filed. The clerk  
1 21 shall immediately:

1 22 a. Cause the report or reports to be shown to the judge  
1 23 who issued the order; and

1 24 b. Cause the respondent and the respondent's attorney to  
1 25 receive ~~a copy~~ copies of the report of the court=designated  
1 26 physician or physicians.

1 27 EXPLANATION

1 28 This bill relates to the filing of an examining physician's  
1 29 report prior to involuntary hospitalization hearings for  
1 30 chronic substance abusers and mentally ill persons.

1 31 Under current law, after an application for involuntary  
1 32 hospitalization is filed under either Code chapter 125  
1 33 (relating to chronic substance abusers) or Code chapter 229  
1 34 (relating to mentally ill persons) a licensed physician or  
1 35 physicians must examine the respondent prior to the



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Senate File 2190 - Introduced continued

2 1 hospitalization hearing and must submit a written report or  
2 2 reports on the examination to the clerk of court prior to the  
2 3 hospitalization hearing.  
2 4 The bill specifies that the physician's written report  
2 5 shall be filed with the clerk of court at least 24 hours prior  
2 6 to the hospitalization hearing and the clerk of court shall  
2 7 immediately send copies of the report to the respondent and  
2 8 the respondent's attorney.  
2 9 LSB 5769XS 82  
2 10 rh/nh/5



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**Senate File 2191 - Introduced**

SENATE FILE  
BY ZIEMAN

Passed Senate, Date \_\_\_\_\_ Passed House, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays  
Approved

**A BILL FOR**

- 1 An Act relating to the purchase of liability insurance by the
- 2 association of Iowa fairs.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 5730SS 82
- 5 av/rj/5



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Senate File 2191 - Introduced continued

PAG LIN

1 1 Section 1. NEW SECTION. 174.8A LIABILITY INSURANCE.

1 2 The association of Iowa fairs shall have, as one of its  
1 3 purposes, the power to purchase liability insurance as a  
1 4 purchasing group pursuant to section 515E.8 on behalf of  
1 5 eligible fairs which are members of the association.

1 6 EXPLANATION

1 7 This bill provides that the association of Iowa fairs shall  
1 8 have, as one of its purposes, the power to purchase liability  
1 9 insurance as a purchasing group pursuant to Code section  
1 10 515E.8 on behalf of eligible fairs which are members of the  
1 11 association.

1 12 LSB 5730SS 82

1 13 av/rj/5



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**Senate File 2192 - Introduced**

SENATE FILE  
BY HOGG

Passed Senate, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved

Passed House, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_

**A BILL FOR**

- 1 An Act relating to greenhouse gas emissions, specifying
- 2 greenhouse gas reduction goals, carbon dioxide sequestration
- 3 assessments, and cost recovery disallowance of designated
- 4 public utility investments under certain circumstances.
- 5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 6 TL5B 6250XS 82
- 7 rn/rj/5



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Senate File 2192 - Introduced continued

PAG LIN

1 1 Section 1. Section 455B.851, subsection 7, Code Supplement  
1 2 2007, is amended to read as follows:

1 3 7. After consideration of a full range of policies and  
1 4 strategies, including the cost-effectiveness of the  
1 5 strategies, the council shall develop multiple scenarios  
1 6 designed to reduce statewide greenhouse gas emissions  
1 7 ~~including one scenario that would reduce such emissions by~~  
1 8 fifty to ninety percent by 2050. The council shall also  
1 9 develop short-term, medium-term, and long-term scenarios  
1 10 designed to reduce statewide greenhouse gas emissions and  
1 11 shall consider the cost-effectiveness of the scenarios. The  
1 12 council shall establish ~~a~~ 2005 as the baseline year for  
1 13 purposes of calculating reductions in statewide greenhouse gas  
1 14 emissions and assessing the extent to which the goal is being  
1 15 achieved. The council shall submit the proposal to the  
1 16 governor and the general assembly by January 1, ~~2008~~ 2009.

1 17 Sec. 2. Section 476.6, Code Supplement 2007, is amended by  
1 18 adding the following new subsection:

1 19 NEW SUBSECTION. 23. COST RECOVERY DISALLOWANCE ==  
1 20 GREENHOUSE GAS CONTRIBUTION. In determining or approving rates  
1 21 applicable to gas and electric utilities subject to rate  
1 22 regulation under this chapter, the board may disallow cost  
1 23 recovery of all or a portion of investment expenses incurred  
1 24 by the utility on or after July 1, 2008, which the board  
1 25 determines are attributable to greenhouse gas emissions and  
1 26 associated emission control equipment.

1 27 Sec. 3. CARBON DIOXIDE SEQUESTRATION == FEASIBILITY STUDY.  
1 28 The department of natural resources shall conduct a  
1 29 feasibility study regarding the potential for carbon dioxide  
1 30 storage in underground geological formations in this state.  
1 31 The study shall include identification of potential storage  
1 32 locations, carbon dioxide gas transmission to storage  
1 33 locations, greenhouse gas reduction estimates, and estimated  
1 34 costs. The department shall submit a report summarizing the  
1 35 results of the study and making recommendations to the



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Senate File 2192 - Introduced continued

2 1 governor, the director of the office of energy independence,  
2 2 and the general assembly by January 1, 2009.

2 3 EXPLANATION

2 4 This bill relates to greenhouse gas emission reduction and  
2 5 related matters.

2 6 The bill modifies provisions relating to greenhouse gas  
2 7 reduction strategies to be developed by the Iowa climate  
2 8 change advisory council to specify a statewide greenhouse gas  
2 9 emission reduction goal of from 50 to 90 percent by 2050, when  
2 10 compared to 2005 as the baseline year.

2 11 The bill also authorizes the Iowa utilities board, in  
2 12 determining or approving rates applicable to rate-regulated  
2 13 gas and electric utilities, to disallow cost recovery of all  
2 14 or a portion of investment expenses incurred by a utility on  
2 15 or after July 1, 2008, which the board determines are  
2 16 attributable to greenhouse gas emissions and associated  
2 17 emission control equipment.

2 18 Additionally, the bill directs the department of natural  
2 19 resources to conduct a feasibility study regarding the  
2 20 potential for carbon dioxide storage in underground geological  
2 21 formations in this state, and to submit a report summarizing  
2 22 the results of the study and making recommendations to the  
2 23 governor, the director of the office of energy independence,  
2 24 and the general assembly by January 1, 2009.

2 25 LSB 6250XS 82

2 26 rn/rj/5



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**Senate File 2193 - Introduced**

SENATE FILE  
BY COMMITTEE ON STATE  
GOVERNMENT

(SUCCESSOR TO SSB 3150)

Passed Senate, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved

Passed House, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_

**A BILL FOR**

- 1 An Act relating to conflicts of interest, lobbying activities,
- 2 and receipt of gifts by certain government officials and
- 3 employees.
- 4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 5 TLSB 5487SV 82
- 6 av/rj/5



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Senate File 2193 - Introduced continued

PAG LIN

1 1 Section 1. Section 68B.2A, Code 2007, is amended by adding  
1 2 the following new subsection:

1 3 NEW SUBSECTION. 4. The board shall adopt rules pursuant  
1 4 to chapter 17A further delineating particular situations where  
1 5 outside employment or activity of officials and state  
1 6 employees of the executive branch will be deemed to create an  
1 7 unacceptable conflict of interest.

1 8 Sec. 2. Section 68B.5A, subsections 2 and 5, Code 2007,  
1 9 are amended to read as follows:

1 10 2. The head of a major subunit of a department or  
1 11 independent state agency whose position involves substantial  
1 12 exercise of administrative discretion or the expenditure of  
1 13 public funds, a full-time employee of an office of a statewide  
1 14 elected official whose position involves substantial exercise  
1 15 of administrative discretion or the expenditure of public  
1 16 funds, or a legislative employee whose position involves a  
1 17 substantial exercise of administrative discretion or the  
1 18 expenditure of public funds, shall not, during the time in  
1 19 which the person serves or is employed by the state, act as a  
1 20 lobbyist before the agency in which the person is employed or  
1 21 before state agencies, officials, or employees with whom the  
1 22 person has substantial or regular contact as part of the  
1 23 person's duties, unless the person is designated, by the  
1 24 agency in which the person serves or is employed, to represent  
1 25 the official position of the agency.

1 26 5. The head of a major subunit of a department or  
1 27 independent state agency whose position involves substantial  
1 28 exercise of administrative discretion or the expenditure of  
1 29 public funds, a full-time employee of an office of a statewide  
1 30 elected official whose position involves substantial exercise  
1 31 of administrative discretion or the expenditure of public  
1 32 funds, or a legislative employee whose position involves a  
1 33 substantial exercise of administrative discretion or the  
1 34 expenditure of public funds, shall not, within two years after  
1 35 termination of employment, become a lobbyist before the agency



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Senate File 2193 - Introduced continued

2 1 in which the person was employed or before state agencies or  
2 2 officials or employees with whom the person had substantial  
2 3 and regular contact as part of the person's former duties.

2 4 Sec. 3. Section 68B.22, subsection 4, Code Supplement  
2 5 2007, is amended by adding the following new paragraph:  
2 6 NEW PARAGRAPH. hh. Food and beverages provided at a meal  
2 7 that is part of a bona fide event or program at which the  
2 8 recipient is being honored for public service.

2 9 EXPLANATION

2 10 This bill relates to conflicts of interest, lobbying  
2 11 activities, and receipt of gifts by certain government  
2 12 officials and employees.

2 13 Code section 68B.2A(4) is amended to require the Iowa  
2 14 ethics and campaign disclosure board to adopt administrative  
2 15 rules further delineating particular situations where outside  
2 16 employment or activity of officials and state employees of the  
2 17 executive branch will be deemed to create an unacceptable  
2 18 conflict of interest.

2 19 Code section 68B.5A(2) and (5) are amended to ban certain  
2 20 lobbying activities by the head of a major subunit of a  
2 21 department or independent state agency, or by a full-time  
2 22 employee of an office of a statewide elected official, if such  
2 23 person's position involves a substantial exercise of  
2 24 administrative discretion or the expenditure of public funds.

2 25 Code section 68B.22(4) is amended to provide that food and  
2 26 beverages provided at a meal that is part of a bona fide event  
2 27 or program at which the recipient is being honored for public  
2 28 service may be received by a public official, public employee,  
2 29 candidate, or members of the immediate family of the public  
2 30 official, public employee, or candidate.

2 31 LSB 5487SV 82

2 32 av/rj/5



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**Senate File 2194 - Introduced**

SENATE FILE  
BY COMMITTEE ON STATE  
GOVERNMENT

(SUCCESSOR TO SSB 3139)

Passed Senate, Date \_\_\_\_\_ Passed House, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays  
Approved

**A BILL FOR**

1 An Act providing for the oversight of persons organized or doing  
2 business in this state on a nonprofit basis, providing for  
3 fees, and making an appropriation.  
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
5 TLSB 5288SV 82  
6 da/nh/14



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Senate File 2194 - Introduced continued

PAG LIN

1 1 Section 1. NEW SECTION. 13.41 CHARITIES OVERSIGHT FUND  
 1 2 == APPROPRIATION.  
 1 3 A charities oversight fund is created in the state  
 1 4 treasury.  
 1 5 1. The fund shall be administered by the treasurer of  
 1 6 state upon direction of the attorney general. The fund shall  
 1 7 include all of the following:  
 1 8 a. Moneys collected by the secretary of state for the  
 1 9 filing of biennial reports by domestic nonprofit corporations  
 1 10 as provided in section 504.1613.  
 1 11 b. Moneys appropriated to the fund and any other moneys  
 1 12 available to and obtained or accepted by the treasurer of  
 1 13 state for placement in the fund.  
 1 14 2. a. Notwithstanding section 12C.7, interest or earnings  
 1 15 on moneys in the fund shall be credited to the fund.  
 1 16 b. Notwithstanding section 8.33, moneys in the fund that  
 1 17 remain unencumbered or unobligated at the end of the fiscal  
 1 18 year shall not revert, but shall remain available for the same  
 1 19 purpose in the succeeding fiscal year.  
 1 20 3. Moneys in the fund are available only as provided by an  
 1 21 appropriation by the general assembly to the attorney general.  
 1 22 The appropriated moneys shall be used exclusively by the  
 1 23 attorney general for purposes of providing oversight,  
 1 24 including regulation, of persons organized or doing business  
 1 25 in this state on a nonprofit basis, including domestic  
 1 26 nonprofit corporations and domestic charitable trusts.  
 1 27 Nothing in this subsection expands the authority of the  
 1 28 attorney general to provide oversight of such persons.  
 1 29 Sec. 2. Section 504.113, subsection 1, paragraph w, Code  
 1 30 Supplement 2007, is amended to read as follows:  
 1 31 w. (1) Biennial report (not by electronic  
 1 32 transmission)..... \$ —  
 1 33 30  
 1 34 (2) Biennial report (by electronic  
 1 35 transmission)..... \$ 25



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Senate File 2194 - Introduced continued

2 1 Sec. 3. Section 504.1613, subsection 4, paragraph b, Code  
2 2 2007, is amended to read as follows:

2 3 b. A filing fee for the biennial report shall be assessed  
2 4 and collected by the secretary of state.

2 5 (1) Except for the fees provided in subparagraph (2), the  
2 6 amount of the fee shall be determined by the secretary of  
2 7 state. The fees shall be deposited into the general fund of  
2 8 the state.

2 9 (2) For a corporation other than a mutual benefit  
2 10 corporation, the amount of the fee is thirty dollars. However  
2 11 if, and to the extent permitted by the secretary of state  
2 12 pursuant to section 504.111, such corporation files a biennial  
2 13 report by electronic transmission, the amount of the fee is  
2 14 twenty-five dollars. The fees shall be deposited into the  
2 15 charities oversight fund as provided in section 13.41.

2 16 Sec. 4. APPROPRIATIONS. There is appropriated from the  
2 17 charities oversight fund created in section 13.41, as enacted  
2 18 in this Act, to the office of attorney general for the fiscal  
2 19 year beginning July 1, 2008, and ending June 30, 2009, the  
2 20 following amount, or so much thereof as is necessary, to be  
2 21 used for the purposes designated:

2 22 For purposes of providing oversight, including regulation,  
2 23 of persons organized or doing business in this state on a  
2 24 nonprofit basis, as provided in section 13.41, as enacted in  
2 25 this Act, and for not more than the following full-time  
2 26 equivalent positions:

2 27 .....	\$	150,000
2 28 .....	FTEs	2.00

EXPLANATION

2 30 This bill creates a charities oversight fund and provides  
2 31 for an appropriation from the fund to the attorney general to  
2 32 support the oversight, including regulation, of persons  
2 33 organized or doing business in this state on a nonprofit basis  
2 34 (other than mutual benefit corporations). The fund is  
2 35 supported by moneys collected by the secretary of state from



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3 1 domestic nonprofit corporations other than mutual benefit  
3 2 corporations who must file a report each odd-numbered year  
3 3 with the secretary of state. The amount of the fee is \$30  
3 4 unless the secretary of state accepts documents in an  
3 5 electronic format in which case the fee is \$25.  
3 6 The bill provides that moneys in the fund must be  
3 7 appropriated by the general assembly. The bill makes an  
3 8 appropriation from the fund to support the oversight.  
3 9 LSB 5288SV 82  
3 10 da/nh/14



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**Senate File 2195 - Introduced**

SENATE FILE  
BY DANIELSON

Passed Senate, Date \_\_\_\_\_ Passed House, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays  
Approved

**A BILL FOR**

- 1 An Act relating to the property tax exemption for speculative
- 2 shell buildings and including effective and retroactive
- 3 applicability date provisions.
- 4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 5 TLSB 5858SS 82
- 6 sc/nh/8



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Senate File 2195 - Introduced continued

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1 1 Section 1. Section 427.1, subsection 27, unnumbered  
1 2 paragraph 1, Code Supplement 2007, is amended to read as  
1 3 follows:  
1 4 New construction of shell buildings by community  
1 5 development organizations, not=for=profit cooperative  
1 6 associations under chapter 499, or for=profit entities for  
1 7 speculative purposes or the portion of the value added to  
1 8 buildings being reconstructed or renovated by community  
1 9 development organizations, not=for=profit cooperative  
1 10 associations under chapter 499, or for=profit entities in  
1 11 order to become speculative shell buildings. The exemption or  
1 12 partial exemption shall be allowed only pursuant to ordinance  
1 13 of a city council or board of supervisors, which ordinance  
1 14 shall specify if the exemption will be available for community  
1 15 development organizations, not=for=profit cooperative  
1 16 associations under chapter 499, or for=profit entities ~~and~~.  
1 17 The exemption shall be effective for the assessment year in  
1 18 which the building is first assessed for property taxation or  
1 19 the assessment year in which the reconstruction or renovation  
1 20 first adds value ~~and~~ or, if the new construction is  
1 21 reconstruction or renovation of an existing building or  
1 22 structure which constitutes complete replacement or refitting  
1 23 of an existing building or structure and the city council or  
1 24 county board of supervisors gives prior approval of the  
1 25 exemption, the assessment year in which the reconstruction or  
1 26 renovation commences. The exemption shall remain in effect  
1 27 for all subsequent years until the property is leased or sold  
1 28 or for a specific time period stated in the ordinance or until  
1 29 the exemption is terminated by ordinance of the city council  
1 30 or board of supervisors which approved the exemption.  
1 31 Eligibility for an exemption as a speculative shell building  
1 32 shall be determined as of January 1 of the assessment year.  
1 33 However, an exemption shall not be granted a speculative shell  
1 34 building of a not=for=profit cooperative association under  
1 35 chapter 499 or a for=profit entity if the building is used by



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2 1 the cooperative association or for-profit entity, or a  
2 2 subsidiary or majority owners thereof for other than as a  
2 3 speculative shell building. If the shell building or any  
2 4 portion of the shell building is leased or sold, the portion  
2 5 of the shell building which is leased or sold shall not be  
2 6 entitled to an exemption under this subsection for subsequent  
2 7 years. An application shall be filed pursuant to section  
2 8 427B.4 for each project for which an exemption is claimed.  
2 9 Upon the sale of the shell building, the shell building shall  
2 10 be considered new construction for purposes of section 427B.1  
2 11 if used for purposes set forth in section 427B.1.

2 12 Sec. 2. EFFECTIVE AND APPLICABILITY DATES. This Act,  
2 13 being deemed of immediate importance, takes effect upon  
2 14 enactment and applies retroactively to January 1, 2007, for  
2 15 assessment years beginning on or after that date.

2 16 EXPLANATION

2 17 Current law provides a property tax exemption for  
2 18 construction, reconstruction, or renovation of a building as a  
2 19 speculative shell building. The exemption is available in  
2 20 those cities and counties that have adopted an ordinance  
2 21 allowing the exemption. Current law also provides that the  
2 22 exemption begins in the assessment year that the speculative  
2 23 building is first assessed for taxation or the assessment year  
2 24 in which the reconstruction or renovation first adds value.

2 25 This bill provides that the exemption may begin in the  
2 26 assessment year in which the reconstruction or renovation  
2 27 commences if it involves complete replacement or refitting of  
2 28 an existing building or structure and the city council or  
2 29 county board of supervisors gives prior approval of the  
2 30 exemption.

2 31 The bill takes effect upon enactment and applies  
2 32 retroactively to January 1, 2007, for assessment years  
2 33 beginning on or after that date.

2 34 LSB 5858SS 82

2 35 sc/nh/8



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**Senate File 2196 - Introduced**

SENATE FILE  
BY DANIELSON

Passed Senate, Date \_\_\_\_\_ Passed House, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays  
Approved

**A BILL FOR**

1 An Act concerning the purchase of creditable service and  
2 postretirement adjustments to benefits under the municipal  
3 fire and police retirement system.  
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
5 TLSB 5883SS 82  
6 ec/sc/5



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1 1 Section 1. Section 411.6, subsection 12, paragraph d, Code  
1 2 2007, is amended to read as follows:

1 3 d. A retired member eligible for benefits under subsection  
1 4 ~~1 of this section~~ is not eligible for the readjustment of  
1 5 pensions provided in this subsection unless the member served  
1 6 twenty-two years and attained the age of fifty-five years  
1 7 prior to the member's termination of employment or the member  
1 8 has made a purchase of the benefit provided under this  
1 9 subsection pursuant to section 411.6D.

1 10 Sec. 2. NEW SECTION. 411.6D ANNUAL READJUSTMENT OF  
1 11 PENSION BENEFIT PURCHASE.

1 12 1. An active member of the system who has been a member of  
1 13 the retirement system four or more years may elect to purchase  
1 14 eligibility to receive an annual readjustment of pension  
1 15 provided by section 411.6, subsection 12, subject to the  
1 16 requirements of this section.

1 17 2. A member seeking to purchase eligibility to receive an  
1 18 annual readjustment of pension pursuant to this section shall  
1 19 file a written application with the system requesting an  
1 20 actuarial determination of the cost of the purchase and pay  
1 21 the costs incurred by the system in determining the cost of  
1 22 the purchase. Upon receipt of the cost estimate for the  
1 23 purchase, the member has sixty days to sign a written  
1 24 agreement to purchase eligibility to receive an annual  
1 25 readjustment of pension and make contributions to the system  
1 26 in an amount equal to the actuarial cost of the purchase of  
1 27 eligibility. If a member retires within sixty days of the  
1 28 member's receipt of the cost estimate, the member has ninety  
1 29 days from the member's retirement date to purchase eligibility  
1 30 to receive an annual readjustment of pension.

1 31 3. For purposes of this section, the actuarial cost of the  
1 32 purchase of eligibility to receive an annual readjustment of  
1 33 pension as provided by section 411.6, subsection 12, is an  
1 34 amount determined by the system in accordance with actuarial  
1 35 tables, as reported to the system by the system's actuary,



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2 1 which reflects the actuarial cost necessary to fund an  
2 2 increased retirement benefit resulting from the purchase.  
2 3 Sec. 3. NEW SECTION. 411.10 PURCHASE OF SERVICE CREDIT.  
2 4 1. An active member of the system who has been a member of  
2 5 the retirement system four or more years may elect to purchase  
2 6 up to three years of service credit that will be recognized by  
2 7 the retirement system for purposes of calculating a member's  
2 8 benefit, pursuant to Internal Revenue Code section 415(n) and  
2 9 the requirements of this section.  
2 10 2. a. A member seeking to purchase service credit  
2 11 pursuant to this section shall file a written application with  
2 12 the system requesting an actuarial determination of the cost  
2 13 of a purchase of service credit and pay the costs incurred by  
2 14 the system in determining the cost of the purchase of service.  
2 15 Upon receipt of the cost estimate for the purchase of service  
2 16 from the system, the member has sixty days to sign a written  
2 17 agreement to purchase service credit, including the specific  
2 18 number of months or years to be purchased, and make  
2 19 contributions to the system in an amount equal to the  
2 20 actuarial cost of the service credit purchase. If a member  
2 21 retires within sixty days of the member's receipt of the cost  
2 22 estimate, the member has ninety days from the member's  
2 23 retirement date to purchase the service credit.  
2 24 b. For purposes of this subsection, the actuarial cost of  
2 25 the service credit purchase is an amount determined by the  
2 26 system in accordance with actuarial tables, as reported to the  
2 27 system by the system's actuary, which reflects the actuarial  
2 28 cost necessary to fund an increased retirement allowance  
2 29 resulting from the purchase of service credit.  
2 30 3. The system shall ensure that the member, in exercising  
2 31 an option provided in this section, does not exceed the amount  
2 32 of annual additions to a member's account permitted pursuant  
2 33 to section 415 of the federal Internal Revenue Code.

2 34 EXPLANATION

2 35 This bill makes changes to the municipal fire and police



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3 1 retirement system of Iowa (MFPRSI) created in Code chapter  
3 2 411.  
3 3       New Code section 411.6D permits current members of MFPRSI  
3 4 with at least four years of service to purchase eligibility to  
3 5 receive an annual readjustment of their pension during  
3 6 retirement if they would not otherwise be eligible to receive  
3 7 this benefit. Under current law, only members who served 22  
3 8 years and attained the age of 55 years prior to the member's  
3 9 termination of employment are eligible for this readjustment  
3 10 of their pension during retirement. The bill provides that a  
3 11 member who wishes to purchase this benefit shall make  
3 12 application to the system and pay the costs incurred by the  
3 13 system in determining the actuarial cost of purchasing the  
3 14 benefit. Upon receipt of the cost of purchasing this benefit,  
3 15 the member has 60 days to agree to purchase the benefit and to  
3 16 pay the actuarial cost of purchasing the benefit. If the  
3 17 member retires within that 60-day period, the bill allows the  
3 18 member 90 days from the date of retirement to purchase the  
3 19 benefit. The actuarial cost of the purchase is defined as the  
3 20 cost necessary to fund an increased retirement benefit  
3 21 resulting from the purchase.  
3 22       New Code section 411.10 permits current members of MFPRSI  
3 23 with at least four years of service to purchase up to three  
3 24 years of service credit under the system. The bill provides  
3 25 that the member is required to pay the full actuarial cost of  
3 26 the service purchase and must make application with the  
3 27 retirement system for the purchase of service. The bill  
3 28 provides that a member who wishes to purchase service credit  
3 29 shall make application to the system and pay the costs  
3 30 incurred by the system in determining the actuarial cost of  
3 31 purchasing the service credit. Upon receipt of the cost of  
3 32 purchasing service credit, the member has 60 days to agree to  
3 33 purchase the service credit, or so much of the purchase as the  
3 34 member designates, and to pay the actuarial cost of purchasing  
3 35 the service credit. If the member retires within that 60-day



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4 1 period, the bill allows the member 90 days from the date of  
4 2 retirement to purchase the service credit. The actuarial cost  
4 3 of the service purchase is defined as the cost necessary to  
4 4 fund an increased retirement allowance resulting from the  
4 5 purchase of the service credit.  
4 6 LSB 5883SS 82  
4 7 ec/sc/5



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Senate Study Bill 3187

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 that funding of teacher compensation,  
2 professional development, early intervention, and educational  
3 excellence phase II be implemented through the school aid  
4 formula on a per pupil basis.  
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
6 TLSB 5938XC 82  
7 ak/sc/14



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1 1 Section 1. Section 257.4, subsection 1, paragraph a, Code  
1 2 2007, is amended to read as follows:

1 3 a. A school district shall cause an additional property  
1 4 tax to be levied each year. The rate of the additional  
1 5 property tax levy in a school district shall be determined by  
1 6 the department of management and shall be calculated to raise  
1 7 the difference between the combined district cost for the  
1 8 budget year and the sum of ~~the products~~ the following:

1 9 (1) The product of the regular program foundation base per  
1 10 pupil times the weighted enrollment in the district. ~~and the~~

1 11 (2) The product of special education support services  
1 12 foundation base per pupil times the special education support  
1 13 services weighted enrollment in the district.

1 14 (3) The total teacher salary supplement district cost.

1 15 (4) The total professional development teacher salary  
1 16 supplement district cost.

1 17 (5) The total early intervention supplement district cost.

1 18 (6) The area education agency total teacher salary  
1 19 supplement district cost.

1 20 (7) The area education agency total professional  
1 21 development teacher salary supplement district cost.

1 22 Sec. 2. Section 257.9, Code 2007, is amended by adding the  
1 23 following new subsections:

1 24 NEW SUBSECTION. 6. TEACHER SALARY SUPPLEMENT STATE COST  
1 25 PER PUPIL. For the budget year beginning July 1, 2009, for

1 26 the teacher salary supplement state cost per pupil, the  
1 27 department of management shall add together the teacher  
1 28 compensation allocation made to each district for the fiscal  
1 29 year beginning July 1, 2008, pursuant to section 284.13,  
1 30 subsection 1, paragraph "h", and the phase II allocation made  
1 31 to each district for the fiscal year beginning July 1, 2008,  
1 32 pursuant to section 294A.9, and divide that sum by the  
1 33 statewide total budget enrollment for the fiscal year  
1 34 beginning July 1, 2008. The teacher salary supplement state

1 35 cost per pupil for the budget year beginning July 1, 2010, and



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Senate Study Bill 3187 continued

2 1 succeeding budget years, shall be the amount calculated by the  
2 2 department of management under this subsection for the base  
2 3 year plus an allowable growth amount that is equal to the  
2 4 state percent of growth, pursuant to section 257.8, for the  
2 5 budget year, multiplied by the amount calculated by the  
2 6 department of management under this subsection for the base  
2 7 year.

2 8 NEW SUBSECTION. 7. PROFESSIONAL DEVELOPMENT TEACHER  
2 9 SALARY SUPPLEMENT STATE COST PER PUPIL. For the budget year  
2 10 beginning July 1, 2009, for the professional development  
2 11 teacher salary supplement state cost per pupil, the department  
2 12 of management shall add together the teacher compensation  
2 13 allocation made to each district for the fiscal year beginning  
2 14 July 1, 2008, pursuant to section 284.13, subsection 1,  
2 15 paragraph "h", and divide that sum by the statewide total  
2 16 budget enrollment for the fiscal year beginning July 1, 2008.  
2 17 The professional development teacher salary supplement state  
2 18 cost per pupil for the budget year beginning July 1, 2010, and  
2 19 succeeding budget years, shall be the amount calculated by the  
2 20 department of management under this subsection for the base  
2 21 year plus an allowable growth amount that is equal to the  
2 22 state percent of growth, pursuant to section 257.8, for the  
2 23 budget year, multiplied by the amount calculated by the  
2 24 department of management under this subsection for the base  
2 25 year.

2 26 NEW SUBSECTION. 8. EARLY INTERVENTION SUPPLEMENT STATE  
2 27 COST PER PUPIL. For the budget year beginning July 1, 2009,  
2 28 for the early intervention supplement state cost per pupil,  
2 29 the department of management shall add together the early  
2 30 intervention allocation made to each district for the fiscal  
2 31 year beginning July 1, 2008, pursuant to section 256D.4, and  
2 32 divide that sum by the statewide total budget enrollment for  
2 33 the fiscal year beginning July 1, 2008. The early  
2 34 intervention supplement state cost per pupil for the budget  
2 35 year beginning July 1, 2010, and succeeding budget years,



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3 1 shall be the amount calculated by the department of management  
3 2 under this subsection for the base year plus an allowable  
3 3 growth amount that is equal to the state percent of growth,  
3 4 pursuant to section 257.8, for the budget year, multiplied by  
3 5 the amount calculated by the department of management under  
3 6 this subsection for the base year.

3 7 NEW SUBSECTION. 9. AREA EDUCATION AGENCY TEACHER SALARY  
3 8 SUPPLEMENT STATE COST PER PUPIL. For the budget year  
3 9 beginning July 1, 2009, for the area education agency teacher  
3 10 salary supplement state cost per pupil, the department of  
3 11 management shall add together the teacher compensation  
3 12 allocation made to each area education agency for the fiscal  
3 13 year beginning July 1, 2008, pursuant to section 284.13,  
3 14 subsection 1, paragraph "i", and the phase II allocation made  
3 15 to each area education agency for the fiscal year beginning  
3 16 July 1, 2008, pursuant to section 294A.9, and divide that sum  
3 17 by the statewide special education support services weighted  
3 18 enrollment for the fiscal year beginning July 1, 2008. The  
3 19 area education agency teacher salary supplement state cost per  
3 20 pupil for the budget year beginning July 1, 2010, and  
3 21 succeeding budget years, shall be the amount calculated by the  
3 22 department of management under this subsection for the base  
3 23 year plus an allowable growth amount that is equal to the  
3 24 state percent of growth, pursuant to section 257.8, for the  
3 25 budget year, multiplied by the amount calculated by the  
3 26 department of management under this subsection for the base  
3 27 year.

3 28 NEW SUBSECTION. 10. AREA EDUCATION AGENCY PROFESSIONAL  
3 29 DEVELOPMENT TEACHER SALARY SUPPLEMENT STATE COST PER PUPIL.  
3 30 For the budget year beginning July 1, 2009, for the area  
3 31 education agency professional development teacher salary  
3 32 supplement state cost per pupil, the department of management  
3 33 shall add together the teacher compensation allocation made to  
3 34 each area education agency for the fiscal year beginning July  
3 35 1, 2008, pursuant to section 284.13, subsection 1, paragraph



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4 1 "i", and divide that sum by the statewide special education  
4 2 support services weighted enrollment for the fiscal year  
4 3 beginning July 1, 2008. The area education agency  
4 4 professional development teacher salary supplement state cost  
4 5 per pupil for the budget year beginning July 1, 2010, and  
4 6 succeeding budget years, shall be the amount calculated by the  
4 7 department of management under this subsection for the base  
4 8 year plus an allowable growth amount that is equal to the  
4 9 state percent of growth, pursuant to section 257.8, for the  
4 10 budget year, multiplied by the amount calculated by the  
4 11 department of management under this subsection for the base  
4 12 year.

4 13 Sec. 3. Section 257.10, subsection 8, unnumbered paragraph  
4 14 1, Code 2007, is amended to read as follows:

4 15 Combined district cost is the sum of the regular program  
4 16 district cost per pupil multiplied by the weighted enrollment,  
4 17 ~~and~~ the special education support services district cost, the  
4 18 total teacher salary supplement district cost, the total  
4 19 professional development salary supplement district cost, and  
4 20 the total early intervention supplement district cost, plus  
4 21 the sum of the additional district cost allocated to the  
4 22 district to fund media services and educational services  
4 23 provided through the area education agency, the area education  
4 24 agency total teacher salary supplement district cost and the  
4 25 area education agency total professional development teacher  
4 26 salary supplement district cost.

4 27 Sec. 4. Section 257.10, Code 2007, is amended by adding  
4 28 the following new subsections:

4 29 NEW SUBSECTION. 9. TEACHER SALARY SUPPLEMENT COST PER  
4 30 PUPIL AND DISTRICT COST.

4 31 a. For the budget year beginning July 1, 2009, for the  
4 32 teacher salary supplement the department of management shall  
4 33 add together the teacher compensation allocation made to each  
4 34 district for the fiscal year beginning July 1, 2008, pursuant  
4 35 to section 284.13, subsection 1, paragraph "h", and the phase



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5 1 II allocation made to each district for the fiscal year  
5 2 beginning July 1, 2008, pursuant to section 294A.9, and divide  
5 3 that sum by the district's budget enrollment in the fiscal  
5 4 year beginning July 1, 2008, to determine the teacher salary  
5 5 supplement district cost per pupil. For the budget year  
5 6 beginning July 1, 2010, and succeeding budget years, the  
5 7 teacher salary supplement district cost per pupil for each  
5 8 school district for a budget year is the teacher salary  
5 9 supplement program district cost per pupil for the base year  
5 10 plus the teacher salary supplement state allowable growth  
5 11 amount for the budget year.

5 12 b. For the budget year beginning July 1, 2010, and  
5 13 succeeding budget years, if the department of management  
5 14 determines that the unadjusted teacher salary supplement  
5 15 district cost of a school district for a budget year is less  
5 16 than one hundred one percent of the unadjusted teacher salary  
5 17 supplement district cost for the base year for the school  
5 18 district, the school district shall receive a budget  
5 19 adjustment for that budget year equal to the difference.

5 20 c. (1) The unadjusted teacher salary supplement district  
5 21 cost is the teacher salary supplement district cost per pupil  
5 22 for each school district for a budget year multiplied by the  
5 23 budget enrollment for that school district.

5 24 (2) The total teacher salary supplement district cost is  
5 25 the sum of the unadjusted teacher salary supplement district  
5 26 cost plus the budget adjustment for that budget year.

5 27 d. The use of the funds calculated under this subsection  
5 28 shall comply with the requirements of chapters 284 and 294A  
5 29 and shall be distributed to teachers pursuant to section  
5 30 284.7.

5 31 NEW SUBSECTION. 10. PROFESSIONAL DEVELOPMENT TEACHER  
5 32 SALARY SUPPLEMENT COST PER PUPIL AND DISTRICT COST.

5 33 a. For the budget year beginning July 1, 2009, the  
5 34 department of management shall divide the professional  
5 35 development allocation made to each district for the fiscal



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6 1 year beginning July 1, 2008, pursuant to section 284.13, by  
6 2 the district's budget enrollment in the fiscal year beginning  
6 3 July 1, 2008, to determine the professional development  
6 4 teacher salary supplement cost per pupil. For the budget year  
6 5 beginning July 1, 2010, and succeeding budget years, the  
6 6 professional development teacher salary supplement district  
6 7 cost per pupil for each school district for a budget year is  
6 8 the professional development teacher salary supplement  
6 9 district cost per pupil for the base year plus the  
6 10 professional development teacher salary supplement state  
6 11 allowable growth amount for the budget year.

6 12 b. For the budget year beginning July 1, 2010, and  
6 13 succeeding budget years, if the department of management  
6 14 determines that the unadjusted professional development  
6 15 teacher salary supplement district cost of a school district  
6 16 for a budget year is less than one hundred one percent of the  
6 17 unadjusted professional development teacher salary supplement  
6 18 district cost for the base year for the school district, the  
6 19 school district shall receive a budget adjustment for that  
6 20 budget year equal to the difference.

6 21 c. (1) The unadjusted professional development teacher  
6 22 salary supplement district cost is the professional  
6 23 development teacher salary supplement district cost per pupil  
6 24 for each school district for a budget year multiplied by the  
6 25 budget enrollment for that school district.

6 26 (2) The total professional development teacher salary  
6 27 supplement district cost is the sum of the unadjusted  
6 28 professional development supplement district cost plus the  
6 29 budget adjustment for that budget year.

6 30 d. The use of the funds calculated under this subsection  
6 31 shall comply with the requirements of chapter 284. The  
6 32 distribution of these funds shall be determined by the teacher  
6 33 quality committee established in section 284.4.

6 34 NEW SUBSECTION. 11. EARLY INTERVENTION SUPPLEMENT COST  
6 35 PER PUPIL AND DISTRICT COST.



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7 1 a. For the budget year beginning July 1, 2009, the  
7 2 department of management shall divide the early intervention  
7 3 allocation made to each district for the fiscal year beginning  
7 4 July 1, 2008, pursuant to section 256D.4, by the district's  
7 5 budget enrollment in the fiscal year beginning July 1, 2008,  
7 6 to determine the early intervention supplement cost per pupil.  
7 7 For the budget year beginning July 1, 2010, and succeeding  
7 8 budget years, the early intervention supplement district cost  
7 9 per pupil for each school district for a budget year is the  
7 10 early intervention supplement district cost per pupil for the  
7 11 base year plus the early development supplement state  
7 12 allowable growth amount for the budget year.

7 13 b. For the budget year beginning July 1, 2010, and  
7 14 succeeding budget years, if the department of management  
7 15 determines that the unadjusted early intervention supplement  
7 16 district cost of a school district for a budget year is less  
7 17 than one hundred one percent of the unadjusted early  
7 18 intervention supplement district cost for the base year for  
7 19 the school district, the school district shall receive a  
7 20 budget adjustment for that budget year equal to the  
7 21 difference.

7 22 c. (1) The unadjusted early intervention supplement  
7 23 district cost is the early intervention supplement district  
7 24 cost per pupil for each school district for a budget year  
7 25 multiplied by the budget enrollment for that school district.

7 26 (2) The total early intervention supplement district cost  
7 27 is the sum of the unadjusted early intervention supplement  
7 28 district cost plus the budget adjustment for that budget year.

7 29 d. The use of the funds calculated under this subsection  
7 30 shall comply with the requirements of chapter 256D.

7 31 Sec. 5. Section 257.35, subsection 1, Code Supplement  
7 32 2007, is amended to read as follows:

7 33 1. The department of management shall deduct the amounts  
7 34 calculated for special education support services, media  
7 35 services, area education agency teacher salary supplement



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8 1 district cost, area education agency professional development  
8 2 teacher salary supplement district cost, and educational  
8 3 services for each school district from the state aid due to  
8 4 the district pursuant to this chapter and shall pay the  
8 5 amounts to the respective area education agencies on a monthly  
8 6 basis from September 15 through June 15 during each school  
8 7 year. The department of management shall notify each school  
8 8 district of the amount of state aid deducted for these  
8 9 purposes and the balance of state aid shall be paid to the  
8 10 district. If a district does not qualify for state aid under  
8 11 this chapter in an amount sufficient to cover its amount due  
8 12 to the area education agency as calculated by the department  
8 13 of management, the school district shall pay the deficiency to  
8 14 the area education agency from other moneys received by the  
8 15 district, on a quarterly basis during each school year.  
8 16 Sec. 6. NEW SECTION. 257.37A AREA EDUCATION AGENCY  
8 17 SALARY SUPPLEMENT FUNDING.  
8 18 1. AREA EDUCATION AGENCY TEACHER SALARY SUPPLEMENT COST  
8 19 PER PUPIL AND DISTRICT COST.  
8 20 a. For the budget year beginning July 1, 2009, the  
8 21 department of management shall add together the teacher  
8 22 compensation allocation made to each area education agency for  
8 23 the fiscal year beginning July 1, 2008, pursuant to section  
8 24 284.13, subsection 1, paragraph "i", and the phase II  
8 25 allocation made to each area education agency for the fiscal  
8 26 year beginning July 1, 2008, pursuant to section 294A.9, and  
8 27 divide that sum by the special education support services  
8 28 weighted enrollment in the fiscal year beginning July 1, 2008,  
8 29 to determine the area education teacher salary supplement cost  
8 30 per pupil. For the budget year beginning July 1, 2010, and  
8 31 succeeding budget years, the area education agency teacher  
8 32 salary supplement district cost per pupil for each area  
8 33 education agency for a budget year is the area education  
8 34 agency teacher salary supplement district cost per pupil for  
8 35 the base year plus the area education agency teacher salary



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9 1 supplement state allowable growth amount for the budget year.  
9 2 b. For the budget year beginning July 1, 2010, and  
9 3 succeeding budget years, if the department of management  
9 4 determines that the unadjusted area education agency teacher  
9 5 salary supplement district cost of an area education agency  
9 6 for a budget year is less than one hundred one percent of the  
9 7 unadjusted area education agency teacher salary supplement  
9 8 district cost for the base year for the area education agency,  
9 9 the area education agency shall receive a budget adjustment  
9 10 for that budget year equal to the difference.  
9 11 c. (1) The unadjusted area education agency teacher  
9 12 salary supplement district cost is the area education agency  
9 13 teacher salary supplement district cost per pupil for each  
9 14 area education agency for a budget year multiplied by the  
9 15 special education support services weighted enrollment for  
9 16 that area education agency.  
9 17 (2) The total area education agency teacher salary  
9 18 supplement district cost is the sum of the unadjusted area  
9 19 education agency teacher salary supplement district cost plus  
9 20 the budget adjustment for that budget year.  
9 21 d. The use of the funds calculated under this subsection  
9 22 shall comply with requirements of chapters 284 and 294A and  
9 23 shall be distributed to teachers pursuant to section 284.7.  
9 24 2. AREA EDUCATION AGENCY PROFESSIONAL DEVELOPMENT TEACHER  
9 25 SALARY SUPPLEMENT COST PER PUPIL AND DISTRICT COST.  
9 26 a. For the budget year beginning July 1, 2009, the  
9 27 department of management shall divide the area education  
9 28 agency professional development teacher salary supplement made  
9 29 to each area education agency for the fiscal year beginning  
9 30 July 1, 2008, pursuant to section 284.13, by the special  
9 31 education support services weighted enrollment in the fiscal  
9 32 year beginning July 1, 2008, to determine the professional  
9 33 development teacher salary supplement cost per pupil. For the  
9 34 budget year beginning July 1, 2010, and succeeding budget  
9 35 years, the area education agency professional development



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10 1 teacher salary supplement district cost per pupil for each  
10 2 area education agency for a budget year is the area education  
10 3 agency professional development teacher salary supplement  
10 4 district cost per pupil for the base year plus the area  
10 5 education agency professional development teacher salary  
10 6 supplement state allowable growth amount for the budget year.

10 7 b. For the budget year beginning July 1, 2010, and  
10 8 succeeding budget years, if the department of management  
10 9 determines that the unadjusted area education agency  
10 10 professional development teacher salary supplement district  
10 11 cost of an area education agency for a budget year is less  
10 12 than one hundred one percent of the unadjusted area education  
10 13 agency professional development teacher salary supplement  
10 14 district cost for the base year for the area education agency,  
10 15 the area education agency shall receive a budget adjustment  
10 16 for that budget year equal to the difference.

10 17 c. (1) The unadjusted area education agency professional  
10 18 development teacher salary supplement district cost is the  
10 19 area education agency professional development teacher salary  
10 20 supplement district cost per pupil for each area education  
10 21 agency for a budget year multiplied by the special education  
10 22 support services weighted enrollment for that area education  
10 23 agency.

10 24 (2) The total area education agency professional  
10 25 development salary supplement district cost is the sum of the  
10 26 unadjusted area education agency professional development  
10 27 teacher salary supplement district cost plus the budget  
10 28 adjustment for that budget year.

10 29 d. The use of the funds calculated under this subsection  
10 30 shall comply with requirements of chapter 284. The  
10 31 distribution of these funds shall be determined by the teacher  
10 32 quality committee established in section 284.4.

10 33 Sec. 7. NEW SECTION. 257.51 STATE CATEGORICAL  
10 34 APPROPRIATIONS.

10 35 For the budget year beginning July 1, 2009, and succeeding



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11 1 budget years, if the general assembly makes an appropriation  
11 2 pursuant to section 284.13, subsection 1, paragraph "h" or  
11 3 "i", or for the phase II allocation pursuant to section  
11 4 294A.9, or for professional development pursuant to section  
11 5 284.13, subsection 1, paragraph "d", or for early intervention  
11 6 pursuant to section 256D.4, the department of management shall  
11 7 recalculate the formulas in section 257.9, subsections 6  
11 8 through 10; section 257.10, subsections 9, 10, and 11; and  
11 9 section 257.37A.

11 10

EXPLANATION

11 11 This bill provides that beginning in fiscal year 2010, the  
11 12 funding for teacher compensation, professional development,  
11 13 early intervention, and educational excellence phase II shall  
11 14 be implemented on a per pupil basis through the school aid  
11 15 formula.

11 16 The bill amends Code section 257.4 to require that the  
11 17 district cost for total teacher salary supplement, total  
11 18 professional development salary supplement, early intervention  
11 19 supplement, area education agency (AEA) total teacher salary  
11 20 supplement, and AEA total professional development teacher  
11 21 salary supplement be funded entirely through state aid.

11 22 Code section 257.9 is amended to add five new subsections.  
11 23 Each subsection establishes a state cost per pupil beginning  
11 24 with the school budget year beginning July 1, 2009, for the  
11 25 following: the teacher salary supplement, the professional  
11 26 development salary supplement, the early intervention  
11 27 supplement, the AEA teacher salary supplement, and the AEA  
11 28 professional development teacher salary supplement.

11 29 Code section 257.10 is amended to provide that the district  
11 30 cost of the total teacher salary supplement, the total  
11 31 professional development teacher salary supplement, the early  
11 32 intervention supplement, the AEA total teacher salary  
11 33 supplement, and the AEA total professional development salary  
11 34 supplement shall each be added to a school district's combined  
11 35 district cost.



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12 1 The bill adds three new subsections to Code section 257.10.  
12 2 New subsection 9 establishes the teacher salary supplement  
12 3 cost per pupil and district cost beginning with the school  
12 4 budget year beginning July 1, 2009, and is based on  
12 5 allocations made to school districts for the school budget  
12 6 year beginning July 1, 2008, for student achievement and  
12 7 teacher quality teacher compensation and educational  
12 8 excellence phase II. The subsection also provides that,  
12 9 beginning with the school budget year beginning July 1, 2010,  
12 10 the per pupil cost will increase by the statewide allowable  
12 11 growth amount enacted for each budget year. The subsection  
12 12 provides for a budget adjustment that would guarantee each  
12 13 district 101 percent of the previous year's teacher salary  
12 14 supplement district cost, not including the previous year's  
12 15 budget adjustment. The bill requires that funds received from  
12 16 the teacher salary supplement be used in compliance with  
12 17 requirements specified in Code chapter 284, relating to  
12 18 teacher performance, compensation, and career development, and  
12 19 Code chapter 294A, relating to the education excellence  
12 20 program.

12 21 New subsection 10 establishes the professional development  
12 22 teacher salary supplement cost per pupil and district cost  
12 23 beginning with the school budget year beginning July 1, 2009,  
12 24 and is based on allocations made to school districts for the  
12 25 school budget year beginning July 1, 2008, for student  
12 26 achievement and teacher quality professional development. The  
12 27 subsection also provides that, beginning with the school  
12 28 budget year beginning July 1, 2010, the per pupil cost will  
12 29 increase by the statewide allowable growth amount enacted for  
12 30 that budget year. The subsection provides for a budget  
12 31 adjustment that would guarantee each district 101 percent of  
12 32 the previous year's professional development teacher salary  
12 33 supplement district cost, not including the previous year's  
12 34 budget adjustment. The bill requires that the funds received  
12 35 from the professional development teacher salary supplement be



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13 1 used in compliance with the requirements specified in Code  
13 2 chapter 284.  
13 3     New subsection 11 establishes the early intervention  
13 4 supplement cost per pupil and district cost beginning with the  
13 5 school budget year beginning July 1, 2009, and is based on  
13 6 allocations made to school districts for the school budget  
13 7 year beginning July 1, 2008, for early intervention and class  
13 8 size reduction. The subsection also provides that, beginning  
13 9 with the school budget year beginning July 1, 2010, the per  
13 10 pupil cost will increase by the statewide allowable growth  
13 11 amount enacted for that budget year. The subsection provides  
13 12 for a budget adjustment that would guarantee each district 101  
13 13 percent of the previous year's early intervention supplement  
13 14 district cost, not including the previous year's budget  
13 15 adjustment. The bill requires that the funds received from  
13 16 the early intervention supplement be used in compliance with  
13 17 the requirements specified in Code chapter 256D, relating to  
13 18 the Iowa early intervention block grant program.  
13 19     Code section 257.35 is amended to provide that funding for  
13 20 the AEA teacher salary supplement and the AEA professional  
13 21 development teacher salary supplement flow through the school  
13 22 districts to the appropriate AEA.  
13 23     The bill creates new Code section 257.35A in order to  
13 24 establish the AEA funding for teacher salary supplement and  
13 25 professional development teacher salary supplement for cost  
13 26 per pupil and district cost.  
13 27     New Code section 257.35A provides that the AEA teacher  
13 28 salary supplement cost per pupil and district cost is  
13 29 established beginning with the school budget year beginning  
13 30 July 1, 2009, and is based on allocations made to AEAs for the  
13 31 school budget year beginning July 1, 2008, for student  
13 32 achievement and teacher quality teacher compensation and  
13 33 educational excellence phase II. The Code section also  
13 34 provides that, beginning with the school budget year beginning  
13 35 July 1, 2010, the per pupil cost will increase by the



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14 1 statewide allowable growth amount enacted for that budget  
14 2 year. The Code section provides for a budget adjustment that  
14 3 would guarantee each AEA 101 percent of the previous year's  
14 4 teacher salary supplement district cost, not including the  
14 5 previous year's budget adjustment. The bill requires that the  
14 6 funds received from the teacher salary supplement be used in  
14 7 compliance with the requirements specified in Code chapters  
14 8 284 and 294A.

14 9 New Code section 257.35A also establishes AEA professional  
14 10 development teacher salary supplement cost per pupil and  
14 11 district cost beginning with the school budget year beginning  
14 12 July 1, 2009, and is based on allocations made to AEAs for the  
14 13 school budget year beginning July 1, 2008, for student  
14 14 achievement and teacher quality professional development. The  
14 15 Code section also provides that, beginning with the school  
14 16 budget year beginning July 1, 2010, the per pupil cost will  
14 17 increase by the statewide allowable growth amount enacted for  
14 18 that budget year. The Code section provides for a budget  
14 19 adjustment that would guarantee each district 101 percent of  
14 20 the previous year's professional development teacher salary  
14 21 supplement district cost, not including the previous year's  
14 22 budget adjustment. The bill requires that the funds received  
14 23 from the professional development teacher salary supplement be  
14 24 used in compliance with the requirements specified in Code  
14 25 chapter 284.

14 26 The bill creates new Code section 257.51, which requires  
14 27 that, beginning with the school budget year beginning July 1,  
14 28 2009, any state appropriations made to school districts or  
14 29 AEAs for teacher salaries through the student achievement and  
14 30 teacher quality program, the educational excellence phase II  
14 31 program, the professional development through the student  
14 32 achievement and teacher quality program, or the early  
14 33 intervention and class size reduction program will be added on  
14 34 a per pupil basis through the school aid formula.

14 35 LSB 5938XC 82



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15 1 ak/sc/14



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**Senate Study Bill 3188**

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 relating to the office of the county recorder by making  
 2 changes to fees charged by the county recorder, information  
 3 required to be endorsed on certain recorded documents and  
 4 instruments, and standards for indexes maintained by the  
 5 county recorder.  
 6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
 7 TLSB 5763SC 82  
 8 md/sc/5



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PAG LIN

1 1 Section 1. Section 10A.108, subsections 4 through 6, Code  
1 2 2007, are amended to read as follows:

1 3 4. The county recorder of each county shall prepare and  
1 4 maintain in the recorder's office an index of liens of debts  
1 5 established based upon benefits or provider payments  
1 6 inappropriately obtained from and owed the department of human  
1 7 services, ~~which provides~~ containing the applicable entries  
1 8 specified in sections 558.49 and 558.52, and providing

1 9 appropriate columns for all of the following data, under the  
1 10 names of debtors, arranged alphabetically:

1 11 a. The name of the debtor.

1 12 b. "State of Iowa, Department of Human Services" as  
1 13 claimant.

1 14 c. The time that the notice of the lien was ~~received~~  
1 15 recorded.

1 16 d. The date of notice.

1 17 e. The amount of the lien currently due.

1 18 f. The date of the assessment.

1 19 g. The date of satisfaction of the debt.

1 20 h. Any extension of the time period for application of the  
1 21 lien and the date that the notice for extension was filed.

1 22 5. The recorder shall endorse on each notice of lien the  
1 23 day and time ~~received~~ recorded and the document reference  
1 24 number, and shall preserve the notice. The recorder shall

1 25 index the notice and shall record the lien in the manner  
1 26 provided for recording real estate mortgages. The lien ~~shall~~  
1 27 ~~be is~~ effective from the time of the indexing.

1 28 6. The department shall pay, from moneys appropriated to  
1 29 the department for this purpose, a recording ~~fee~~ fees as  
1 30 provided in section 331.604, for the recording of the lien, or  
1 31 for satisfaction of the lien.

1 32 Sec. 2. Section 96.14, subsection 3, unnumbered paragraph  
1 33 1, Code Supplement 2007, is amended to read as follows:

1 34 The county recorder of each county shall prepare and keep  
1 35 in the recorder's office an index ~~to show~~ containing the



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2 1 applicable entries specified in sections 558.49 and 558.52 and  
2 2 showing the following data, under the names of employers,  
2 3 arranged alphabetically:  
2 4     Sec. 3. Section 96.14, subsection 3, paragraph c, Code  
2 5 Supplement 2007, is amended to read as follows:  
2 6     c. Time notice of lien was ~~received~~ recorded.  
2 7     Sec. 4. Section 96.14, subsection 3, unnumbered paragraphs  
2 8 4 and 5, Code Supplement 2007, are amended to read as follows:  
2 9     The recorder shall endorse on each notice of lien the day,  
2 10 hour, and minute when ~~received~~ recorded and the document  
2 11 reference number, and shall index the notice in the index, and  
2 12 shall record the lien in the manner provided for recording  
2 13 real estate mortgages, and the. The lien shall be is  
2 14 effective from the time of the indexing of the lien.  
2 15     The department shall pay a recording ~~fee~~ fees as provided  
2 16 in section 331.604, for the recording of the lien, or for its  
2 17 satisfaction.  
2 18     Sec. 5. Section 124C.4, subsection 3, Code 2007, is  
2 19 amended to read as follows:  
2 20     3. Each notice of lien shall be endorsed with the day,  
2 21 hour, and minute when the notice was ~~received~~ recorded and the  
2 22 document reference number, and the notice shall be preserved,  
2 23 indexed, and recorded in the manner provided for recording  
2 24 real estate mortgages. The lien shall be is effective from  
2 25 the time of its indexing. The department shall pay a  
2 26 recording fee fees as provided by section 331.604 for the  
2 27 recording of the lien or for its satisfaction.  
2 28     Sec. 6. Section 331.602, subsections 8 and 37, Code 2007,  
2 29 are amended to read as follows:  
2 30     8. Endorse on each notice of an unemployment contribution  
2 31 lien the day, hour, and minute that the lien is ~~received from~~  
2 32 ~~the department of workforce development~~ recorded and the  
2 33 document reference number, index the notice of lien, and  
2 34 record the lien as provided in section 96.14, subsection 3.  
2 35     37. Carry out duties relating to the indexing of name



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3 1 changes, and the recorder shall charge ~~a fee~~ fees for indexing  
3 2 as provided in section 331.604.

3 3 Sec. 7. Section 331.604, Code 2007, is amended to read as  
3 4 follows:

3 5 331.604 ~~GENERAL RECORDING AND FILING FEE FEES~~.

3 6 1. Except as otherwise provided by state law, subsection ~~2~~  
3 7 4, or section 331.605, the recorder shall collect a fee of  
3 8 five dollars for each page or fraction of a page of an  
3 9 instrument which is filed or recorded in the recorder's  
3 10 office. If a page or fraction of a page contains more than  
3 11 one transaction, the recorder shall collect the fee for each  
3 12 transaction.

3 13 2. a. The recorder shall also collect a fee of one dollar  
3 14 for each recorded transaction for which a fee is paid pursuant

3 15 to subsection 1 to be used exclusively for the purpose of  
3 16 preserving and maintaining public records. The treasurer, on  
3 17 behalf of the recorder, shall establish and maintain a county  
3 18 recorder's records management fund into which all moneys  
3 19 collected pursuant to this subsection shall be deposited.

3 20 Interest earned on moneys deposited in the fund shall be  
3 21 credited to the county recorder's records management fund.

3 22 The recorder shall use the moneys deposited in the fund to  
3 23 produce and maintain public records that meet archival

3 24 standards, and to enhance the technological storage,  
3 25 retrieval, and transmission capabilities related to archival

3 26 quality records. The recorder may cooperate with other  
3 27 entities, boards, and agencies to establish methods of records

3 28 management, and participate in other joint ventures which  
3 29 further the purposes of this subsection.

3 30 b. Fees collected pursuant to this subsection shall be  
3 31 used to accomplish the following purposes:

3 32 (1) Preserve and maintain public records.

3 33 (2) Assist counties in reducing record preservation costs.

3 34 (3) Encourage and foster maximum access to public records  
3 35 maintained by county recorders at locations throughout the



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4 1 state.

4 2 (4) Establish plans for anticipated and possible future  
4 3 needs, including the handling and preservation of vital  
4 4 statistics.

4 5 3. a. The county recorder shall also collect a fee of one  
4 6 dollar for each recorded transaction, regardless of the number  
4 7 of pages, for which a fee is paid pursuant to subsection 1 to  
4 8 be used for the purpose set forth in paragraph "c".

4 9 b. The county treasurer, on behalf of the recorder, shall  
4 10 establish and maintain a county recorder's electronic  
4 11 transaction fund into which all moneys collected pursuant to  
4 12 paragraph "a" shall be deposited. Interest earned on moneys  
4 13 deposited in this fund shall be computed based on the average  
4 14 monthly balance in the fund and shall be credited to the  
4 15 county recorder's electronic transaction fund.

4 16 c. The local government electronic transaction fund is  
4 17 established in the office of the treasurer of state under the  
4 18 control of the treasurer of state. Moneys deposited into the  
4 19 fund are not subject to section 8.33. Notwithstanding section  
4 20 12C.7, interest or earnings on moneys in the local government  
4 21 electronic transaction fund shall be credited to the fund.

4 22 Moneys in the local government electronic transaction fund are  
4 23 not subject to transfer, appropriation, or reversion to any  
4 24 other fund, or any other use except as provided in this  
4 25 paragraph "c". On a monthly basis, the county treasurer shall  
4 26 pay each fee collected pursuant to paragraph "a" to the  
4 27 treasurer of state for deposit into the local government  
4 28 electronic transaction fund. Moneys credited to the local  
4 29 government electronic transaction fund are appropriated to the  
4 30 treasurer of state to be used for the purpose of planning and  
4 31 implementing electronic recording and electronic transactions  
4 32 in each county and developing county and statewide internet  
4 33 web sites to provide electronic access to records and  
4 34 information and to pay the ongoing costs of integrating and  
4 35 maintaining the statewide internet web site.



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5 1 d. The recorder shall make available any information  
5 2 required by the county auditor or auditor of state concerning  
5 3 the fees collected under this subsection for the purposes of  
5 4 determining the amount of fees collected and the uses for  
5 5 which such fees are expended.

5 6 ~~2.~~ 4. A county shall not be required to pay a fee to the  
5 7 recorder for filing or recording instruments.

5 8 Sec. 8. Section 331.605B, subsection 1, Code 2007, is  
5 9 amended to read as follows:

5 10 1. The recorder shall make available any information  
5 11 required by the county or state auditor concerning the fees  
5 12 collected under section ~~331.605A~~ 331.604, subsection 2, for  
5 13 the purposes of determining the amount of fees collected and  
5 14 the uses for which such fees are expended.

5 15 Sec. 9. Section 331.606B, subsection 2, unnumbered  
5 16 paragraph 1, Code 2007, is amended to read as follows:

5 17 For any document or instrument of conveyance, the name of  
5 18 the property taxpayer and the taxpayer's complete mailing  
5 19 address is required on the first page of the document below  
5 20 the three-inch margin. Each document or instrument, other  
5 21 than a plat or survey or a drawing related to a plat or  
5 22 survey, that is presented for recording shall contain the  
5 23 following information on the first page below the three-inch  
5 24 margin:

5 25 Sec. 10. Section 331.606B, subsection 2, paragraph b, Code  
5 26 2007, is amended by striking the paragraph.

5 27 Sec. 11. Section 331.606B, subsection 6, Code 2007, is  
5 28 amended to read as follows:

5 29 6. a. On and after July 1, 2005, a document or instrument  
5 30 that does not conform to the format standards specified in  
5 31 subsections 1 through 3 shall not be ~~recorded~~ accepted for  
5 32 recording except upon payment of an additional recording fee  
5 33 of ten dollars per document or instrument. The requirement  
5 34 applies only to documents or instruments dated on or after  
5 35 July 1, 2005, and does not apply to those documents or



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6 1 instruments specifically exempted in subsection 4.

6 2 b. On and after July 1, 2008, a document or instrument

6 3 that does not conform to the format standards specified in

6 4 subsection 1, paragraphs "c" and "e", shall not be accepted

6 5 for recording. This paragraph applies only to documents or

6 6 instruments dated on or after July 1, 2008, and does not apply

6 7 to those documents or instruments specifically exempted in

6 8 subsection 4.

6 9 Sec. 12. Section 331.607, subsection 5, Code 2007, is

6 10 amended by striking the subsection and inserting in lieu

6 11 thereof the following:

6 12 5. An index for records of private drainage systems as

6 13 provided in section 468.623.

6 14 Sec. 13. Section 331.609, subsection 4, Code 2007, is

6 15 amended to read as follows:

6 16 4. The ~~fee~~ fees for filing or recording, and indexing each

6 17 notice of lien or certificate or notice affecting the lien

6 18 shall be as provided in section 331.604. The officer shall

6 19 bill the internal revenue service or any other appropriate

6 20 federal agency on a monthly basis for fees for documents filed

6 21 or recorded by it.

6 22 Sec. 14. Section 359A.10, Code 2007, is amended to read as

6 23 follows:

6 24 359A.10 ENTRY AND RECORD OF ORDERS.

6 25 Such orders, decisions, notices, and returns shall be

6 26 entered of record at length by the township clerk, and a copy

6 27 thereof certified by the township clerk to the county

6 28 recorder, who shall record the same in the recorder's office

6 29 in a book kept for that purpose, and index such record in the

6 30 name of each adjoining owner as grantor to the other. The

6 31 county recorder shall collect fees specified in section

6 32 331.604.

6 33 Sec. 15. Section 359A.12, Code 2007, is amended to read as

6 34 follows:

6 35 359A.12 DIVISION BY AGREEMENT == RECORD.



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7 1 The several owners may, in writing, agree upon the portion  
7 2 of partition fences between their lands which shall be erected  
7 3 and maintained by each, which writing shall describe the lands  
7 4 and the parts of the fences so assigned, be signed and  
7 5 acknowledged by them, and filed and recorded in the office of  
7 6 the recorder of deeds of the county or counties in which they  
7 7 are situated. The county recorder shall collect fees  
7 8 specified in section 331.604.

7 9 Sec. 16. Section 422.26, subsections 4 and 5, Code 2007,  
7 10 are amended to read as follows:

7 11 4. The county recorder of each county shall keep in the  
7 12 recorder's office an index ~~and record to show~~ containing the  
7 13 applicable entries in sections 558.49 and 558.52 and showing  
7 14 the following data, under the names of taxpayers, arranged  
7 15 alphabetically:

- 7 16 a. The name of the taxpayer.
- 7 17 b. The name "State of Iowa" as claimant.
- 7 18 c. Time notice of lien was ~~received~~ recorded.
- 7 19 d. Date of notice.
- 7 20 e. Amount of lien then due.
- 7 21 f. Date of assessment.
- 7 22 g. When satisfied.

7 23 The recorder shall endorse on each notice of lien the day,  
7 24 hour, and minute when ~~received and~~ recorded and the document  
7 25 reference number, shall preserve the same, and shall index the  
7 26 notice in the index and shall record the lien in the manner  
7 27 provided for recording real estate mortgages, and the. The  
7 28 lien ~~shall be~~ is effective from the time of the indexing of  
7 29 the lien.

7 30 5. The department shall pay ~~a~~ recording ~~fee~~ fees as  
7 31 provided in section 331.604, for the recording of the lien, or  
7 32 for its satisfaction.

7 33 Sec. 17. Section 424.11, unnumbered paragraphs 4 and 5,  
7 34 Code 2007, are amended to read as follows:

7 35 The recorder shall endorse on each notice of lien the day,



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8 1 hour, and minute when ~~received~~ recorded and the document  
8 2 reference number, and shall preserve the notice, and. The  
8 3 recorder shall also immediately index the notice and record  
8 4 the lien in the manner provided for recording real estate  
8 5 mortgages, ~~and the.~~ The lien shall be effective from the time  
8 6 of its indexing.

8 7 The department shall pay a recording ~~fee~~ fees as provided  
8 8 in section 331.604, for the recording of the lien, or for its  
8 9 satisfaction.

8 10 Sec. 18. Section 437A.11, unnumbered paragraph 2, Code  
8 11 2007, is amended to read as follows:

8 12 The county recorder of each county shall ~~prepare and keep~~  
8 13 ~~in the recorder's office an~~ index each lien showing the  
8 14 applicable entries specified in sections 558.49 and 558.52 and  
8 15 record to show showing, under the names of taxpayers arranged  
8 16 alphabetically, all of the following:

8 17 Sec. 19. Section 437A.11, subsection 3, Code 2007, is  
8 18 amended to read as follows:

8 19 3. Time the notice of lien was ~~received~~ recorded.

8 20 Sec. 20. Section 437A.11, unnumbered paragraphs 3 through  
8 21 5, Code 2007, are amended to read as follows:

8 22 The recorder shall endorse on each notice of lien the day,  
8 23 hour, and minute when ~~received and preserve such notice, and~~  
8 24 recorded and the document reference number, shall preserve  
8 25 such notice, shall index the notice in the index, and shall  
8 26 promptly record the lien in the manner provided for recording  
8 27 real estate mortgages. The lien is effective from the time of  
8 28 the indexing of the lien.

8 29 The county treasurer or chief financial officer of the city  
8 30 shall pay a recording ~~fee~~ fees as provided in section 331.604,  
8 31 for the recording of the lien, or for its satisfaction.

8 32 Upon the payment of the replacement tax as to which a  
8 33 county treasurer or chief financial officer of a city has  
8 34 filed notice with a county recorder, the county treasurer or  
8 35 chief financial officer of the city shall promptly file with



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9 1 the recorder a satisfaction of the replacement tax. The  
9 2 recorder shall ~~enter the satisfaction on the record the notice~~  
9 3 ~~on file in the recorder's office and indicate that fact on the~~  
~~9 4 index of satisfaction showing the applicable entries specified~~  
9 5 in sections 558.49 and 558.52.

9 6 Sec. 21. Section 437A.22, unnumbered paragraph 3, Code  
9 7 2007, is amended to read as follows:

9 8 The county recorder of each county shall ~~prepare and keep~~  
~~9 9 in the recorder's office an index each lien showing the~~  
9 10 ~~applicable entries specified in sections 558.49 and 558.52 and~~  
9 11 ~~record to show showing~~, under the names of taxpayers arranged  
9 12 alphabetically, all of the following:

9 13 Sec. 22. Section 437A.22, subsection 3, Code 2007, is  
9 14 amended to read as follows:

9 15 3. Time the notice of lien was ~~received~~ recorded.

9 16 Sec. 23. Section 437A.22, unnumbered paragraphs 4 and 5,  
9 17 Code 2007, are amended to read as follows:

9 18 The recorder shall endorse on each notice of lien the day,  
9 19 hour, and minute when ~~received and~~ recorded and the document  
9 20 reference, shall preserve such notice, and shall promptly  
9 21 record the lien in the manner provided for recording real  
9 22 estate mortgages. The lien is effective from the time of the  
9 23 indexing of the lien.

9 24 The director, from moneys appropriated to the department of  
9 25 revenue for this purpose, shall pay ~~a recording fee~~ fees as  
9 26 provided in section 331.604 for the recording of the lien, or  
9 27 for its satisfaction.

9 28 Sec. 24. Section 468.623, Code 2007, is amended to read as  
9 29 follows:

9 30 468.623 PRIVATE DRAINAGE SYSTEM == RECORD.

9 31 1. Any person who has provided a system of drainage on  
9 32 land owned by the person may have the same made a matter of  
9 33 record in the office of the county recorder of the county in  
9 34 which the drainage system is located, provided any drainage  
9 35 system constructed after July 1, 1969, shall be made a matter



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10 1 of record, ~~as is hereinafter provided~~ and shall contain the  
10 2 applicable entries specified in sections 558.49 and 558.52.  
10 3 2. Records under subsection 1 may be used to give the  
10 4 owner's name, description of tracts of land drained, stating  
10 5 the time when the drainage system was established, the kind,  
10 6 quality, and brand of tile used, the name and place of the  
10 7 manufacturing plant, the name of contractors who laid the  
10 8 tile, the name of the engineer in charge of the survey and  
10 9 installation, the cost of tile, delivery, installation, and  
10 10 engineering expense, depths, grades, outlets, connections,  
10 11 contracts for agreements with adjoining landowners as to  
10 12 connections, and any other matters or information that may be  
10 13 considered of value, and such information may be furnished by  
10 14 the landowner or the engineer having charge of the  
10 15 installation and certified to under oath.  
10 16 Sec. 25. Section 468.626, Code 2007, is amended to read as  
10 17 follows:  
10 18 468.626 ORIGINAL PLAT FILED.  
10 19 In lieu of making the record as herein provided, any  
10 20 landowner may file with the county recorder the original plat  
10 21 used in the establishment of ~~said~~ the drainage system, or a  
10 22 copy ~~thereof~~ of the plat, which shall be certified by the  
10 23 engineer having made the same. If practicable, a plat filed  
10 24 under this section shall be made a matter of record and shall  
10 25 contain the applicable entries specified in sections 558.49  
10 26 and 558.52.  
10 27 Sec. 26. Section 468.628, Code 2007, is amended to read as  
10 28 follows:  
10 29 468.628 FEES FOR ~~RECORD AND COPIES~~ RECORDING.  
10 30 ~~The county~~ When information is filed with the county  
10 31 recorder pursuant to section 468.623 or 468.626, the recorder  
10 32 shall be entitled to collect recording fees for the filing and  
10 33 information heretofore provided for, and for the making of  
10 34 copies of such records the same as is provided for other work  
10 35 of a similar nature in the amounts specified in section



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11 1 331.604.

11 2 Sec. 27. Section 547.3, Code 2007, is amended to read as  
11 3 follows:

11 4 547.3 FEE FOR RECORDING.

11 5 The county recorder shall ~~charge and receive a fee collect~~  
11 6 fees in the amount specified in section 331.604 for each

11 7 verified statement recorded under this chapter. The recorder  
11 8 may return the original instrument to the sender or dispose of  
11 9 the instrument if the sender does not wish to have the  
11 10 instrument returned. An instrument filed in the recorder's  
11 11 office before July 1, 1990, may be returned to the sender or  
11 12 disposed of if the sender does not wish to have the instrument  
11 13 returned and if there is an official copy of the instrument in  
11 14 the recorder's office.

11 15 Sec. 28. Section 557.24, Code 2007, is amended to read as  
11 16 follows:

11 17 557.24 FEE.

11 18 A person having the name of the person's farm recorded as  
11 19 provided in section 557.22 shall first pay to the county  
11 20 recorder ~~a fee in the amount~~ the fees specified in section  
11 21 331.604, which ~~fee~~ shall be paid to the county treasurer as  
11 22 other fees are paid to the county treasurer by the recorder.

11 23 Sec. 29. Section 557.26, Code 2007, is amended to read as  
11 24 follows:

11 25 557.26 CANCELLATION == FEE.

11 26 If the owner of a registered farm desires to cancel the  
11 27 registered name of the farm, the owner shall acknowledge  
11 28 cancellation of the name by execution of an instrument in  
11 29 writing referring to the farm name, and shall record the  
11 30 instrument. For the latter service the county recorder shall  
11 31 ~~charge a fee in~~ collect the ~~amount~~ fees specified in section  
11 32 331.604, which shall be paid to the county treasurer as other  
11 33 fees are paid to the county treasurer by the recorder.

11 34 Sec. 30. Section 558.55, Code Supplement 2007, is amended  
11 35 to read as follows:



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12 1 558.55 FILING AND INDEXING == CONSTRUCTIVE NOTICE.  
12 2 The recorder must endorse upon every instrument properly  
12 3 filed for ~~record~~ recording in the recorder's office, the day,  
12 4 hour, and minute ~~of the filing~~ when recorded and the document  
12 5 reference number, and enter in the index the entries required  
12 6 to be entered pursuant to sections 558.49 and 558.52, ~~and the~~  
12 7 ~~filing~~. The recording and indexing shall constitute  
12 8 constructive notice to all persons of the rights of the  
12 9 grantees conferred by the instruments.  
12 10 Sec. 31. Section 558.66, unnumbered paragraph 1, Code  
12 11 2007, is amended to read as follows:  
12 12 Upon receipt of a certificate issued by the clerk of the  
12 13 district court or clerk of the supreme court indicating that  
12 14 the title to real estate has been finally established in any  
12 15 named person by judgment or decree or by will or by affidavit  
12 16 of or on behalf of a surviving spouse that has been recorded  
12 17 by the recorder, the auditor shall enter the information in  
12 18 the certificate upon the transfer books, upon payment of a fee  
12 19 in the amount specified in section 331.507, subsection 2,  
12 20 paragraph "a". In the case of the affidavit filed with the  
12 21 recorder, the fee set forth in section 331.507, subsection 2,  
12 22 paragraph "a", and the ~~fee~~ fees set forth in section 331.604,  
12 23 shall be collected by the recorder and paid to the treasurer  
12 24 as provided in section 331.902, subsection 3.  
12 25 Sec. 32. Section 598.21, subsection 2, Code Supplement  
12 26 2007, is amended to read as follows:  
12 27 2. DUTIES OF COUNTY RECORDER. The county recorder shall  
12 28 record each quitclaim deed or change of title and shall  
12 29 collect the fee specified in section 331.507, subsection 2,  
12 30 paragraph "a", and the ~~fee~~ fees specified in section 331.604,  
12 31 ~~subsection 1~~.  
12 32 Sec. 33. Section 633.481, Code 2007, is amended to read as  
12 33 follows:  
12 34 633.481 CERTIFICATE TO COUNTY RECORDER FOR TAX PURPOSES  
12 35 WITHOUT ADMINISTRATION.



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13 1 When an inventory or report is filed under section 450.22,  
13 2 without administration of the estate of the decedent, the heir  
13 3 or heir's attorney shall prepare and deliver to the county  
13 4 recorder of the county in which the real estate is situated a  
13 5 certificate pertaining to each parcel of real estate described  
13 6 in the inventory or report. Any fees for certificates or  
13 7 recording fees required by this section or section 633.480  
13 8 shall be assessed as costs of administration. The ~~fee~~ fees  
13 9 for recording and indexing the instrument shall be as provided  
13 10 in section 331.604. The county recorder shall deliver the  
13 11 certificates to the county auditor as provided in section  
13 12 558.58.

13 13 Sec. 34. Section 674.14, Code 2007, is amended to read as  
13 14 follows:

13 15 674.14 INDEXING IN REAL PROPERTY RECORD.

13 16 The county recorder and county auditor of each county in  
13 17 which the petitioner owns real property shall ~~charge~~ collect  
13 18 fees in the amounts specified in sections 331.604 and 331.507,  
13 19 subsection 2, paragraph "b", for indexing a change of name for  
13 20 each parcel of real estate.

13 21 Sec. 35. Sections 331.605A, 331.605C, 468.624, and  
13 22 468.625, Code 2007, are repealed.

13 23 EXPLANATION

13 24 This bill makes changes relating to the office of county  
13 25 recorder.

13 26 The bill makes changes relating to certain documents filed  
13 27 with the county recorder and specifies that the county  
13 28 recorder must endorse upon each document or instrument, in  
13 29 addition to other information, the document reference number.

13 30 The bill incorporates the document management fee in Code  
13 31 section 331.605A and the electronic transaction fee in Code  
13 32 section 331.605C into the other existing recording and filing  
13 33 fee provisions under Code section 331.604.

13 34 The bill requires certain indexes under the control of the  
13 35 county recorder to include applicable entries required to be



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14 1 made for conveyances of property. The bill repeals Code  
14 2 sections 468.624 and 468.625 pertaining to private drainage  
14 3 system plat books and record books and directs those records  
14 4 to be maintained in accordance with the index requirements of  
14 5 other indexes maintained by the county recorder.

14 6 The bill allows a county recorder to refuse to record a  
14 7 document or instrument that does not conform to the format  
14 8 standards pertaining to legibility, signatures, and the  
14 9 printing of names on the document or instrument.

14 10 The bill also allows a county recorder to collect recording  
14 11 fees for orders, decisions, and notices made by a fence viewer  
14 12 and written agreements between adjoining landowners.

14 13 LSB 5763SC 82

14 14 md/sc/5



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**Senate Study Bill 3189**

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

Passed Senate, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved

Passed House, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_

**A BILL FOR**

- 1 An Act relating to and making appropriations involving state
- 2 government, by providing for agriculture, natural resources,
- 3 and environmental protection.
- 4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 5 TLSB 5014XG 82
- 6 da/mg/8



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PAG LIN

1 1 DIVISION I

1 2 DEPARTMENT OF AGRICULTURE AND LAND STEWARDSHIP

1 3 GENERAL APPROPRIATIONS

1 4 Section 1. GENERAL FUND == DEPARTMENT. There is

1 5 appropriated from the general fund of the state to the

1 6 department of agriculture and land stewardship for the fiscal

1 7 year beginning July 1, 2008, and ending June 30, 2009, the

1 8 following amount, or so much thereof as is necessary, to be

1 9 used for the purposes designated:

1 10 For purposes of supporting the department, including its

1 11 divisions, for administration, regulation, and programs; and

1 12 for salaries, support, maintenance, and miscellaneous

1 13 purposes:

1 14 ..... \$ 19,278,172

1 15 DESIGNATED APPROPRIATIONS == ANIMAL HUSBANDRY

1 16 Sec. 2. GENERAL FUND == CHRONIC WASTING DISEASE CONTROL

1 17 PROGRAM. There is appropriated from the general fund of the

1 18 state to the department of agriculture and land stewardship

1 19 for the fiscal year beginning July 1, 2008, and ending June

1 20 30, 2009, the following amount, or so much thereof as is

1 21 necessary, to be used for the purposes designated:

1 22 For purposes of administering a chronic wasting disease

1 23 control program for the control of chronic wasting disease

1 24 which threatens farm deer as provided in chapter 170,

1 25 including for salaries, support, maintenance, and

1 26 miscellaneous purposes:

1 27 ..... \$ 100,000

1 28 The program may include procedures for the inspection and

1 29 testing of farm deer, responses to reported cases of chronic

1 30 wasting disease, and methods to ensure that owners of farm

1 31 deer may engage in the movement and sale of farm deer.

1 32 Sec. 3. HORSE AND DOG RACING. There is appropriated from

1 33 the moneys available under section 99D.13 to the department of

1 34 agriculture and land stewardship for the fiscal year beginning

1 35 July 1, 2008, and ending June 30, 2009, the following amount,



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2 1 or so much thereof as is necessary, to be used for the  
 2 2 purposes designated:  
 2 3     For purposes of supporting the department's administration  
 2 4 and enforcement of horse and dog racing law pursuant to  
 2 5 section 99D.22, including for salaries, support, maintenance,  
 2 6 and miscellaneous purposes:  
 2 7 ..... \$     305,516  
 2 8     Sec. 4. GENERAL FUND == DAIRY PRODUCTS CONTROL. There is  
 2 9 appropriated from the general fund of the state to the  
 2 10 department of agriculture and land stewardship for the fiscal  
 2 11 year beginning July 1, 2008, and ending June 30, 2009, the  
 2 12 following amount, or so much thereof as is necessary, to be  
 2 13 used for the purposes designated:  
 2 14     For purposes of supporting the operations of the dairy  
 2 15 products control bureau, including for salaries, support,  
 2 16 maintenance, and miscellaneous purposes:  
 2 17 ..... \$     951,666  
 2 18     Sec. 5. GENERAL FUND == AVIAN INFLUENZA CONTROL. There is  
 2 19 appropriated from the general fund of the state to the  
 2 20 department of agriculture and land stewardship for the fiscal  
 2 21 year beginning July 1, 2008, and ending June 30, 2009, the  
 2 22 following amount, or so much thereof as is necessary, to be  
 2 23 used for the purpose designated:  
 2 24     For purposes of controlling avian influenza by conducting  
 2 25 testing and monitoring:  
 2 26 ..... \$     50,000  
 2 27     Notwithstanding section 8.33, moneys appropriated in this  
 2 28 section that remain unencumbered or unobligated at the close  
 2 29 of the fiscal year shall not revert but shall remain available  
 2 30 to be used for the continued testing and monitoring of avian  
 2 31 influenza.  
 2 32             DESIGNATED APPROPRIATION == PLANT PROTECTION AND  
 2 33                                     CROP PRODUCTION  
 2 34     Sec. 6. GENERAL FUND == APIARY LAW. There is appropriated  
 2 35 from the general fund of the state to the department of



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3 1 agriculture and land stewardship for the fiscal year beginning  
3 2 July 1, 2008, and ending June 30, 2009, the following amount,  
3 3 or so much thereof as is necessary, to be used for the  
3 4 purposes designated:

3 5     For purposes of administering and enforcing apiary law as  
3 6 provided in chapter 160, including for salaries, support,  
3 7 maintenance, and miscellaneous purposes:  
3 8 ..... \$       40,000

3 9     Sec. 7. GYPSY MOTH CONTROL. There is appropriated from  
3 10 the general fund of the state to the department of agriculture  
3 11 and land stewardship for the fiscal year beginning July 1,  
3 12 2008, and ending June 30, 2009, the following amount, or so  
3 13 much thereof as is necessary, to be used for the purposes  
3 14 designated:

3 15     For the control of the pest commonly referred to as the  
3 16 gypsy moth, including but not limited to the detection,  
3 17 surveillance, and eradication of the gypsy moth:  
3 18 ..... \$       50,000

3 19     Sec. 8. EMERALD ASH BORER PUBLIC AWARENESS PROJECT. There  
3 20 is appropriated from the general fund of the state to the  
3 21 department of agriculture and land stewardship for the fiscal  
3 22 year beginning July 1, 2008, and ending June 30, 2009, the  
3 23 following amount, or so much thereof as is necessary, to be  
3 24 used for the purposes designated:

3 25     For the support of a public awareness project to inform  
3 26 persons regarding the presence and danger of the pest commonly  
3 27 known as the emerald ash borer:  
3 28 ..... \$       50,000

3 29     Sec. 9. GENERAL FUND == SOIL AND WATER CONSERVATION  
3 30 DISTRICTS. There is appropriated from the general fund of the  
3 31 state to the department of agriculture and land stewardship  
3 32 for the fiscal year beginning July 1, 2008, and ending June  
3 33 30, 2009, the following amount, or so much thereof as is  
3 34 necessary, to be used for the purposes designated:

3 35     For purposes of reimbursing commissioners of soil and water



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4 1 conservation districts for administrative expenses including  
 4 2 but not limited to travel expenses, technical training, and  
 4 3 professional dues:  
 4 4 ..... \$ 250,000  
 4 5 A soil and water conservation district receiving moneys  
 4 6 from an allocation provided pursuant to this section shall  
 4 7 submit a report to the soil conservation division of the  
 4 8 department of agriculture and land stewardship by July 1,  
 4 9 2009, accounting for moneys which have been expended or  
 4 10 unexpended or which have been obligated or encumbered. The  
 4 11 report shall state how the moneys were used.  
 4 12 DESIGNATED APPROPRIATIONS == FOOD MARKETING AND SECURITY  
 4 13 Sec. 10. GENERAL FUND == SENIOR FARMERS MARKET NUTRITION  
 4 14 PROGRAM. There is appropriated from the general fund of the  
 4 15 state to the department of agriculture and land stewardship  
 4 16 for the fiscal year beginning July 1, 2008, and ending June  
 4 17 30, 2009, the following amount, or so much thereof as is  
 4 18 necessary, to be used for the purposes designated:  
 4 19 For purposes of administering a senior farmers market  
 4 20 nutrition program, including salaries, support, maintenance,  
 4 21 and miscellaneous purposes:  
 4 22 ..... \$ 77,000  
 4 23 Sec. 11. EMERGENCY VETERINARIAN RAPID RESPONSE SERVICES  
 4 24 PROGRAM. There is appropriated from the general fund of the  
 4 25 state to the department of agriculture and land stewardship  
 4 26 for the fiscal year beginning July 1, 2008, and ending June  
 4 27 30, 2009, the following amount, or so much thereof as is  
 4 28 necessary, to be used for the purposes designated:  
 4 29 For purposes of supporting veterinary emergency  
 4 30 preparedness and response services necessary to prevent or  
 4 31 control a serious threat to the public health, public safety,  
 4 32 or the state's economy caused by the transmission of disease  
 4 33 among livestock or agricultural animals, including as provided  
 4 34 in section 163.3A:  
 4 35 ..... \$ 130,000



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5 1       Sec. 12. ORGANIC AGRICULTURAL PRODUCTS. There is  
5 2 appropriated from the general fund of the state to the  
5 3 department of agriculture and land stewardship for the fiscal  
5 4 year beginning July 1, 2008, and ending June 30, 2009, the  
5 5 following amount, or so much thereof as is necessary, to be  
5 6 used for the purposes designated:  
5 7       For purposes of supporting the department's regulation and  
5 8 promotion of organic agricultural products as provided in  
5 9 chapter 190C, including salaries, support, maintenance, and  
5 10 miscellaneous purposes:  
5 11 ..... \$       54,671

5 12       Sec. 13. GRAPE AND WINE DEVELOPMENT FUND. There is  
5 13 appropriated from the general fund of the state to the grape  
5 14 and wine development fund created in section 175A.5 for the  
5 15 fiscal year beginning July 1, 2008, and ending June 30, 2009,  
5 16 the following amount, or so much thereof as is necessary, to  
5 17 be used for the purposes designated:  
5 18       For carrying out the purposes of the fund:  
5 19 ..... \$       108,000

5 20               DESIGNATED APPROPRIATIONS == RENEWABLE FUEL

5 21       Sec. 14. MOTOR FUEL INSPECTION. There is appropriated  
5 22 from the renewable fuel infrastructure fund as created in  
5 23 section 15G.205 to the department of agriculture and land  
5 24 stewardship for the fiscal year beginning July 1, 2008, and  
5 25 ending June 30, 2009, the following amount, or so much thereof  
5 26 as is necessary, to be used for the purposes designated:  
5 27       For purposes of the inspection of motor fuel, including  
5 28 salaries, support, maintenance, and miscellaneous purposes:  
5 29 ..... \$       300,000

5 30                               DIVISION II

5 31                               DEPARTMENT OF NATURAL RESOURCES

5 32                               GENERAL APPROPRIATIONS

5 33       Sec. 15. GENERAL FUND == DEPARTMENT. There is  
5 34 appropriated from the general fund of the state to the  
5 35 department of natural resources for the fiscal year beginning



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6 1 July 1, 2008, and ending June 30, 2009, the following amount,  
 6 2 or so much thereof as is necessary, to be used for the  
 6 3 purposes designated:  
 6 4     For purposes of supporting the department, including its  
 6 5 divisions, for administration, regulation, and programs; and  
 6 6 for salaries, support, maintenance, and miscellaneous  
 6 7 purposes:  
 6 8 ..... \$ 20,019,822  
 6 9     Sec. 16. STATE FISH AND GAME PROTECTION FUND == DIVISION  
 6 10 OF FISH AND WILDLIFE.  
 6 11     1. a. There is appropriated from the state fish and game  
 6 12 protection fund to the department of natural resources for the  
 6 13 fiscal year beginning July 1, 2008, and ending June 30, 2009,  
 6 14 the following amount, or so much thereof as is necessary, to  
 6 15 be used for the purposes designated:  
 6 16     For purposes of supporting the division of fish and  
 6 17 wildlife, including for administration, regulation, and  
 6 18 programs; and for salaries, support, maintenance, equipment,  
 6 19 and miscellaneous purposes:  
 6 20 ..... \$ 37,626,733  
 6 21     b. Notwithstanding section 455A.10, the department may use  
 6 22 the unappropriated balance remaining in the state fish and  
 6 23 game protection fund to provide for the funding of health and  
 6 24 life insurance premium payments from unused sick leave  
 6 25 balances of conservation peace officers employed in a  
 6 26 protection occupation who retire, pursuant to section 97B.49B.  
 6 27     2. The department shall not expend more moneys from the  
 6 28 state fish and game protection fund than provided in this  
 6 29 section, unless the expenditure derives from contributions  
 6 30 made by a private entity, or a grant or moneys received from  
 6 31 the federal government, and is approved by the natural  
 6 32 resource commission. The department of natural resources  
 6 33 shall promptly notify the legislative services agency and the  
 6 34 chairpersons and ranking members of the joint appropriations  
 6 35 subcommittee on agriculture and natural resources concerning



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7 1 the commission's approval.

7 2     Sec. 17. GROUNDWATER PROTECTION FUND == WATER QUALITY.

7 3 There is appropriated from the groundwater protection fund  
7 4 created in section 455E.11 to the department of natural  
7 5 resources for the fiscal year beginning July 1, 2008, and  
7 6 ending June 30, 2009, from those moneys which are not  
7 7 allocated pursuant to that section, the following amount, or  
7 8 so much thereof as is necessary, to be used for the purposes  
7 9 designated:

7 10     For purposes of supporting the department's protection of  
7 11 the state's groundwater, including for administration,  
7 12 regulation, and programs, and for salaries, support,  
7 13 maintenance, equipment, and miscellaneous purposes:

7 14 ..... \$ 3,455,832

7 15     Sec. 18. NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM  
7 16 PERMIT FUND. There is appropriated from the national  
7 17 pollutant discharge elimination system permit fund created in  
7 18 section 455B.196 to the department of natural resources for  
7 19 the fiscal year beginning July 1, 2008, and ending June 30,  
7 20 2009, the following amount, or so much thereof as is  
7 21 necessary, to be used for the purposes designated:

7 22     For purposes of expediting the department's processing of  
7 23 national pollutant discharge elimination system applications  
7 24 and the issuance of permits, including salaries, support,  
7 25 maintenance, and miscellaneous purposes:

7 26 ..... \$ 700,000

7 27     DESIGNATED APPROPRIATIONS == MISCELLANEOUS

7 28     Sec. 19. SPECIAL SNOWMOBILE FUND == SNOWMOBILE PROGRAM.  
7 29 There is transferred on July 1, 2008, from the fees required  
7 30 to be deposited in the special snowmobile fund under section  
7 31 321G.7 to the fish and game protection fund and appropriated  
7 32 to the department of natural resources for the fiscal year  
7 33 beginning July 1, 2008, and ending June 30, 2009, the  
7 34 following amount, or so much thereof as is necessary, to be  
7 35 used for the purpose designated:



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8 1 For purposes of administering and enforcing the state  
 8 2 snowmobile program:  
 8 3 ..... \$ 100,000  
 8 4 Sec. 20. UNASSIGNED REVENUE FUND == UNDERGROUND STORAGE  
 8 5 TANK SECTION EXPENSES. There is appropriated from the  
 8 6 unassigned revenue fund administered by the Iowa comprehensive  
 8 7 underground storage tank fund board to the department of  
 8 8 natural resources for the fiscal year beginning July 1, 2008,  
 8 9 and ending June 30, 2009, the following amount, or so much  
 8 10 thereof as is necessary, to be used for the purpose  
 8 11 designated:  
 8 12 For purposes of paying for administration expenses of the  
 8 13 department's underground storage tank section:  
 8 14 ..... \$ 200,000  
 8 15 Sec. 21. LAKE PROJECTS.  
 8 16 1. There is appropriated from the general fund of the  
 8 17 state to the department of natural resources for  
 8 18 implementation of lake projects that have established  
 8 19 watershed improvement initiatives and community support and  
 8 20 are in accordance with the department's annual lake  
 8 21 restoration plan and report:  
 8 22 ..... \$ 8,600,000  
 8 23 2. Of the moneys appropriated in subsection 1, \$200,000  
 8 24 shall be used by the department for the purposes of supporting  
 8 25 a low head dam public hazard improvement program.  
 8 26 a. The department shall award grants to local communities,  
 8 27 including counties and cities, to support projects approved by  
 8 28 the department.  
 8 29 b. The department shall require each local community  
 8 30 applying for a project grant to submit a project plan for the  
 8 31 expenditure of the moneys, and file a report with the  
 8 32 department regarding the project, as required by the  
 8 33 department.  
 8 34 c. The department shall only award moneys to a local  
 8 35 community on a matching basis. A local community shall



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9 1 contribute one dollar for each dollar awarded by the  
9 2 department in order to finance a project.

9 3 3. Notwithstanding section 8.33, moneys appropriated in  
9 4 this section that remain unencumbered or unobligated at the  
9 5 close of the fiscal year shall not revert but shall remain  
9 6 available for the purposes designated until the close of the  
9 7 fiscal year beginning July 1, 2009, or until the purpose of  
9 8 the section has been satisfied, whichever is earlier.

9 9 Sec. 22. LIVESTOCK-RELATED ODORS.

9 10 1. There is appropriated from the general fund of the  
9 11 state to the department of natural resources to implement a  
9 12 five-year project to reduce livestock-related odors in  
9 13 cooperation with the department of agriculture and land  
9 14 stewardship and Iowa state university:

9 15 ..... \$ 1,000,000

9 16 2. Notwithstanding section 8.33, moneys appropriated in  
9 17 this section that remain unencumbered or unobligated at the  
9 18 close of the fiscal year shall not revert but shall remain  
9 19 available for the purposes designated until the close of the  
9 20 fiscal year beginning July 1, 2009, or until the purpose of  
9 21 the section has been satisfied, whichever is earlier.

DIVISION III

IOWA STATE UNIVERSITY

9 24 Sec. 23. AGRICULTURAL REMEDIATION FUND == OPEN FEEDLOT  
9 25 WATER QUALITY RESEARCH PROJECT. There is appropriated from  
9 26 the agrichemical remediation fund created in section 161.7 to  
9 27 Iowa state university of science and technology for the fiscal  
9 28 year beginning July 1, 2008, and ending June 30, 2009, the  
9 29 following amount, or so much thereof as is necessary, to be  
9 30 used for the purposes designated:

9 31 For purposes of supporting a water quality research project  
9 32 which studies the effectiveness of alternative technologies  
9 33 used to reduce risks to water quality from effluent  
9 34 originating from open feedlots which house beef cattle:  
9 35 ..... \$ 50,000



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10 1 In conducting the project, Iowa state university of science
10 2 and technology shall cooperate with the Iowa cattlemen's
10 3 association, the department of natural resources, the
10 4 department of agriculture and land stewardship, and the United
10 5 States department of agriculture natural resource conservation
10 6 service.

10 7 Sec. 24. VETERINARY DIAGNOSTIC LABORATORY.

10 8 1. There is appropriated from the general fund of the
10 9 state to Iowa state university of science and technology for
10 10 the fiscal year beginning July 1, 2008, and ending June 30,
10 11 2009, the following amount, or so much thereof as is
10 12 necessary, to be used for the purposes designated:

10 13 For purposes of supporting the college of veterinary
10 14 medicine for the operation of the veterinary diagnostic
10 15 laboratory:

10 16 ..... \$ 2,068,706

10 17 2. Iowa state university of science and technology shall
10 18 not reduce the amount that it allocates to support the college
10 19 of veterinary medicine from any other source due to the
10 20 appropriation made in this section.

10 21 3. If by the end of the fiscal year, Iowa state university
10 22 of science and technology fails to allocate the moneys
10 23 appropriated in this section to the college of veterinary
10 24 medicine in accordance with this section, the moneys
10 25 appropriated in this section for that fiscal year shall revert
10 26 to the general fund of the state.

10 27 DIVISION IV

10 28 ENVIRONMENT FIRST FUND

10 29 Sec. 25. DEPARTMENT OF AGRICULTURE AND LAND STEWARDSHIP.

10 30 There is appropriated from the environment first fund created
10 31 in section 8.57A to the department of agriculture and land
10 32 stewardship for the fiscal year beginning July 1, 2008, and
10 33 ending June 30, 2009, the following amounts, or so much
10 34 thereof as is necessary, to be used for the purposes
10 35 designated:



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11 1     1. a. For the conservation reserve enhancement program  
 11 2 (CREP) to restore and construct wetlands for the purposes of  
 11 3 intercepting tile line runoff, reducing nutrient loss,  
 11 4 improving water quality, and enhancing agricultural production  
 11 5 practices:  
 11 6 ..... \$ 1,500,000  
 11 7     b. Not more than 5 percent of the moneys appropriated in  
 11 8 paragraph "a" may be used for costs of administration and  
 11 9 implementation of soil and water conservation practices.  
 11 10    2. a. For continuation of a program that provides  
 11 11 multiobjective resource protections for flood control, water  
 11 12 quality, erosion control, and natural resource conservation:  
 11 13 ..... \$ 2,550,000  
 11 14     b. Not more than 5 percent of the moneys appropriated in  
 11 15 paragraph "a" may be used for costs of administration and  
 11 16 implementation of soil and water conservation practices.  
 11 17     3. a. For continuation of a statewide voluntary farm  
 11 18 management demonstration program to demonstrate the  
 11 19 effectiveness and adaptability of emerging practices in  
 11 20 agronomy that protect water resources and provide other  
 11 21 environmental benefits:  
 11 22 ..... \$ 850,000  
 11 23     b. Not more than 5 percent of the moneys appropriated in  
 11 24 paragraph "a" may be used for costs of administration and  
 11 25 implementation of soil and water conservation practices.  
 11 26     c. Of the amount appropriated in paragraph "a", \$400,000  
 11 27 shall be allocated to the Iowa soybean association's  
 11 28 agriculture and environment performance program.  
 11 29     4. a. For deposit in the agricultural drainage well water  
 11 30 quality assistance fund created in section 460.303 to be used  
 11 31 for purposes of supporting the agricultural drainage well  
 11 32 water quality assistance program as provided in section  
 11 33 460.304:  
 11 34 ..... \$ 1,480,000  
 11 35     b. Not more than 5 percent of the moneys appropriated in



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12 1 paragraph "a" may be used for costs of administration and  
12 2 implementation of soil and water conservation practices.  
12 3 5. a. For use by the soil conservation division, to  
12 4 provide financial assistance for the establishment of  
12 5 permanent soil and water conservation practices:  
12 6 ..... \$ 7,000,000  
12 7 b. Not more than 5 percent of the moneys appropriated in  
12 8 paragraph "a" may be allocated for cost sharing to abate  
12 9 complaints filed under section 161A.47.  
12 10 c. Of the moneys appropriated in paragraph "a", 5 percent  
12 11 shall be allocated for financial incentives to establish  
12 12 practices to protect watersheds above publicly owned lakes of  
12 13 the state from soil erosion and sediment as provided in  
12 14 section 161A.73.  
12 15 d. Not more than 30 percent of a soil and water  
12 16 conservation district's allocation of moneys as financial  
12 17 incentives may be provided for the purpose of establishing  
12 18 management practices to control soil erosion on land that is  
12 19 row cropped, including but not limited to no-till planting,  
12 20 ridge-till planting, contouring, and contour strip-cropping as  
12 21 provided in section 161A.73.  
12 22 e. The state soil conservation committee created in  
12 23 section 161A.4 may allocate moneys appropriated in paragraph  
12 24 "a" to conduct research and demonstration projects to promote  
12 25 conservation tillage and nonpoint source pollution control  
12 26 practices.  
12 27 f. The allocation of moneys as financial incentives as  
12 28 provided in section 161A.73 may be used in combination with  
12 29 moneys allocated by the department of natural resources.  
12 30 g. Not more than 10 percent of the moneys appropriated in  
12 31 paragraph "a" may be used for costs of administration and  
12 32 implementation of soil and water conservation practices.  
12 33 6. a. To encourage and assist farmers in enrolling in and  
12 34 the implementation of federal conservation programs and to  
12 35 work with them to enhance their revegetation efforts to



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13 1 improve water quality and habitat:  
13 2 ..... \$ 1,500,000  
13 3     b. Not more than 5 percent of the moneys appropriated in  
13 4 paragraph "a" may be used for costs of administration and  
13 5 implementation of soil and water conservation practices.  
13 6     7. a. For deposit in the loess hills development and  
13 7 conservation fund created in section 161D.2:  
13 8 ..... \$ 580,000  
13 9     b. (1) Of the amount appropriated in paragraph "a",  
13 10 \$386,667 shall be allocated to the fund's hungry canyons  
13 11 account.  
13 12     (2) Not more than 10 percent of the moneys allocated to  
13 13 the hungry canyons account as provided in subparagraph (1) may  
13 14 be used for administrative costs.  
13 15     c. (1) Of the amount appropriated in paragraph "a",  
13 16 \$193,333 shall be allocated to the fund's loess hills alliance  
13 17 account.  
13 18     (2) Not more than 10 percent of the moneys allocated to  
13 19 the loess hills alliance account as provided in subparagraph  
13 20 (1) may be used for administrative costs.  
13 21     8. a. For deposit in the southern Iowa development and  
13 22 conservation fund created in section 161D.12:  
13 23 ..... \$ 300,000  
13 24     b. Not more than 5 percent of the moneys appropriated in  
13 25 paragraph "a" may be used for administrative costs.  
13 26     9. For purposes of supporting a farm-to-school program, as  
13 27 provided in chapter 190A, including salaries, support,  
13 28 maintenance, and miscellaneous purposes:  
13 29 ..... \$ 80,000  
13 30     10. For purposes of supporting the office of state  
13 31 apiarist, including the state apiarist who shall be appointed  
13 32 by the secretary of agriculture pursuant to section 160.1, and  
13 33 for carrying out the duties of the state apiarist as provided  
13 34 in chapter 160:  
13 35 ..... \$ 40,000



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14 1     11. For purposes of providing assistance in controlling  
 14 2 flooding and improving water quality:  
 14 3 ..... \$     150,000  
 14 4     Sec. 26. DEPARTMENT OF ECONOMIC DEVELOPMENT. There is  
 14 5 appropriated from the environment first fund created in  
 14 6 section 8.57A to the department of economic development for  
 14 7 the fiscal year beginning July 1, 2008, and ending June 30,  
 14 8 2009, the following amount, or so much thereof as is  
 14 9 necessary, to be used for the purposes designated:  
 14 10     For deposit in the brownfield redevelopment fund created in  
 14 11 section 15.293 to provide financial and technical assistance  
 14 12 under the brownfield redevelopment program as provided in  
 14 13 section 15.292:  
 14 14 ..... \$     500,000  
 14 15     Sec. 27. DEPARTMENT OF NATURAL RESOURCES. There is  
 14 16 appropriated from the environment first fund created in  
 14 17 section 8.57A to the department of natural resources for the  
 14 18 fiscal year beginning July 1, 2008, and ending June 30, 2009,  
 14 19 the following amounts, or so much thereof as is necessary, to  
 14 20 be used for the purposes designated:  
 14 21     1. For statewide coordination of volunteer efforts under  
 14 22 the water quality and keepers of the land programs:  
 14 23 ..... \$     100,000  
 14 24     2. For regular maintenance of state parks and staff time  
 14 25 associated with these activities:  
 14 26 ..... \$   2,470,000  
 14 27     3. To provide local watershed managers with geographic  
 14 28 information system data for their use in developing,  
 14 29 monitoring, and displaying results of their watershed work:  
 14 30 ..... \$     195,000  
 14 31     4. For continuing the establishment and operation of water  
 14 32 quality monitoring stations:  
 14 33 ..... \$   2,955,000  
 14 34     5. For deposit in the public water supply system account  
 14 35 of the water quality protection fund created in section



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15 1 455B.183A:  
 15 2 ..... \$ 500,000  
 15 3 6. For the regulation of animal feeding operations,  
 15 4 including as provided for in chapters 459 and 459A:  
 15 5 ..... \$ 360,000  
 15 6 7. For the abatement, control, and prevention of ambient  
 15 7 air pollution in this state, including measures as necessary  
 15 8 to assure attainment and maintenance of ambient air quality  
 15 9 standards from particulate matter:  
 15 10 ..... \$ 520,000  
 15 11 8. For regulating water quantity from surface and  
 15 12 subsurface sources by providing for the allocation and use of  
 15 13 water resources, the protection and management of water  
 15 14 resources, and the preclusion of conflicts among users of  
 15 15 water resources, including as provided in chapter 455B,  
 15 16 division III, part 4:  
 15 17 ..... \$ 480,000  
 15 18 9. To support full-time personnel necessary to conduct air  
 15 19 quality permitting activities associated with biofuel  
 15 20 production:  
 15 21 ..... \$ 90,000  
 15 22 10. To support full-time personnel to implement measures  
 15 23 to track and manage greenhouse emissions as provided in  
 15 24 section 455B.152:  
 15 25 ..... \$ 150,000  
 15 26 11. For the implementation or enforcement of floodplain  
 15 27 management regulations:  
 15 28 ..... \$ 150,000  
 15 29 Sec. 28. REVERSION.  
 15 30 1. Except as provided in subsection 2, and notwithstanding  
 15 31 section 8.33, moneys appropriated for the fiscal year  
 15 32 beginning July 1, 2008, in this division of this Act that  
 15 33 remain unencumbered or unobligated at the close of the fiscal  
 15 34 year shall not revert but shall remain available for the  
 15 35 purposes designated until the close of the fiscal year



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16 1 beginning July 1, 2009, or until the project for which the  
16 2 appropriation was made is completed, whichever is earlier.  
16 3 2. Notwithstanding section 8.33, moneys appropriated in  
16 4 this division of this Act to the department of agriculture and  
16 5 land stewardship to provide financial assistance for the  
16 6 establishment of permanent soil and water conservation  
16 7 practices that remain unencumbered or unobligated at the close  
16 8 of the fiscal year shall not revert but shall remain available  
16 9 for expenditure for the purposes designated until the close of  
16 10 the fiscal year beginning July 1, 2011.

EXPLANATION

16 12 GENERAL. This bill relates to agriculture and natural  
16 13 resources by making appropriations for the 2008=2009 fiscal  
16 14 year to support related entities, including the department of  
16 15 agriculture and land stewardship, the department of natural  
16 16 resources, the department of economic development, and Iowa  
16 17 state university.

16 18 The bill appropriates moneys to the department of  
16 19 agriculture and land stewardship and the department of natural  
16 20 resources. The appropriations are made to support those  
16 21 departments for administration, regulation, and programs. The  
16 22 bill also provides moneys to support specific programs or  
16 23 projects administered by those departments. The bill  
16 24 appropriates moneys from a number of sources, including the  
16 25 general fund of the state, the state fish and game protection  
16 26 fund, and the groundwater protection fund.

16 27 DEPARTMENT OF AGRICULTURE AND LAND STEWARDSHIP. For the  
16 28 department of agriculture and land stewardship, moneys are  
16 29 appropriated in order to support its divisions.

16 30 The bill appropriates moneys from the general fund to  
16 31 support animal husbandry including for the administration of  
16 32 the chronic wasting disease program, horse and dog racing,  
16 33 dairy products control, and avian influenza control. The bill  
16 34 supports programs for plant protection and crop production,  
16 35 including apiary law, and the control of pests. The bill also



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17 1 appropriates moneys to reimburse commissioners of soil and  
17 2 water conservation districts for expenses. The bill provides  
17 3 for food marketing and security. It provides for a senior  
17 4 farmers market nutrition program. It provides for an  
17 5 emergency veterinarian rapid response program, and the  
17 6 regulation of organic agricultural products. It also provides  
17 7 for motor fuel inspection.

17 8 DEPARTMENT OF NATURAL RESOURCES. For the department of  
17 9 natural resources, moneys are appropriated from the general  
17 10 fund in order to support its divisions.

17 11 The bill makes appropriations from other funds. The bill  
17 12 appropriates moneys to the department of natural resources  
17 13 from the state fish and game protection fund to support  
17 14 programs related to fish and wildlife. The bill appropriates  
17 15 moneys from the groundwater protection fund to support  
17 16 groundwater quality. The bill appropriates moneys from the  
17 17 national pollutant discharge elimination system permit fund to  
17 18 the department of natural resources for processing permit  
17 19 applications.

17 20 The bill includes miscellaneous provisions. The bill  
17 21 transfers moneys from the snowmobile fund to the fish and game  
17 22 protection fund for snowmobile programs. An appropriation is  
17 23 made from the unassigned revenue fund administered by the Iowa  
17 24 comprehensive underground storage tank fund board to the  
17 25 department of natural resources for administration and  
17 26 expenses of the underground storage tank section.

17 27 The bill provides for financing lake projects, and a low  
17 28 head dam public hazard improvement program. It finances a  
17 29 project to reduce livestock odor.

17 30 The bill provides that the department of natural resources  
17 31 may use additional funds for staffing to reduce the  
17 32 department's floodplain permit backlog and implementing the  
17 33 federal maximum daily load program.

17 34 IOWA STATE UNIVERSITY. The bill appropriates moneys to  
17 35 Iowa state university from the agricultural remediation fund



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18 1 to continue a project to perform water quality research to  
18 2 determine methods to reduce risks to water quality associated  
18 3 with open feedlot runoff and from the general fund of the  
18 4 state for the operation of the veterinary diagnostic  
18 5 laboratory.  
18 6 ENVIRONMENT FIRST FUND. The bill appropriates funding from  
18 7 the environment first fund to the departments of agriculture  
18 8 and land stewardship, economic development, and natural  
18 9 resources to support a number of programs and projects.  
18 10 LSB 5014XG 82  
18 11 da/mg/8.3



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**Senate Study Bill 3190**

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

Passed Senate, Date \_\_\_\_\_ Passed House, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays  
Approved

**A BILL FOR**

1 An Act requiring health benefit coverage for certain cancer  
2 treatment delivered pursuant to approved cancer clinical  
3 trials, establishing a cancer clinical trial review board, and  
4 providing an applicability date.  
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
6 TLSB 5684SC 82  
7 av/nh/8



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PAG LIN

1 1 Section 1. NEW SECTION. 514C.23 APPROVED CANCER CLINICAL  
1 2 TRIALS COVERAGE.  
1 3 1. DEFINITIONS. For purposes of this section, unless the  
1 4 context otherwise requires:  
1 5 a. "Approved cancer clinical trial" means a scientific  
1 6 study of a new therapy for the treatment of cancer in human  
1 7 beings that meets the requirements set forth in subsection 3  
1 8 and consists of a scientific plan of treatment that includes  
1 9 specified goals, a rationale and background for the plan,  
1 10 criteria for patient selection, specific directions for  
1 11 administering therapy and monitoring patients, a definition of  
1 12 quantitative measures for determining treatment response, and  
1 13 methods for documenting and treating adverse reactions.  
1 14 b. "Board" means the cancer clinical trial review board  
1 15 established in subsection 4.  
1 16 c. "Institutional review board" means a board, committee,  
1 17 or other group formally designated by an institution and  
1 18 approved by the national institutes of health, office for  
1 19 protection from research risks, to review, approve the  
1 20 initiation of, and conduct periodic review of biomedical  
1 21 research involving human subjects. "Institutional review  
1 22 board" means the same as "institutional review committee" as  
1 23 used in section 520(g) of the federal Food, Drug, and Cosmetic  
1 24 Act, as codified in 21 U.S.C. } 301 et seq.  
1 25 d. "Routine patient care costs" means physician fees,  
1 26 laboratory expenses, and expenses associated with the  
1 27 hospitalization, administration of treatment, and evaluation  
1 28 of a patient during the course of treatment which are  
1 29 consistent with usual and customary patterns and standards of  
1 30 care incurred whenever an enrollee, subscriber, or insured  
1 31 receives medical care associated with an approved cancer  
1 32 clinical trial, and which would be covered if such items and  
1 33 services were provided other than in connection with an  
1 34 approved cancer clinical trial.  
1 35 e. "Therapeutic intent" means that a treatment is aimed at



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2 1 improving a patient's health outcome relative to either  
2 2 survival or quality of life.  
2 3 2. COVERAGE REQUIRED. Notwithstanding the uniformity of  
2 4 treatment requirements of section 514C.6, a policy or contract  
2 5 providing for third-party payment or prepayment of health or  
2 6 medical expenses shall provide coverage benefits for routine  
2 7 patient care costs incurred for cancer treatment in an  
2 8 approved cancer clinical trial to the same extent that such  
2 9 policy or contract provides coverage for treating any other  
2 10 sickness, injury, disease, or condition covered under the  
2 11 policy or contract, if the insured has been referred for such  
2 12 cancer treatment by two physicians who specialize in oncology  
2 13 and the cancer treatment is given pursuant to an approved  
2 14 cancer clinical trial that meets the criteria set forth in  
2 15 subsection 3. Services that are furnished without charge to a  
2 16 participant in the approved cancer clinical trial are not  
2 17 required to be covered as routine patient care costs pursuant  
2 18 to this section.  
2 19 3. CRITERIA. Routine patient care costs for cancer  
2 20 treatment given pursuant to an approved cancer clinical trial  
2 21 shall be covered pursuant to this section if all of the  
2 22 following requirements are met:  
2 23 a. The treatment is provided with therapeutic intent and  
2 24 is provided pursuant to an approved cancer clinical trial that  
2 25 has been authorized or approved by one of the following:  
2 26 (1) The national institutes of health.  
2 27 (2) The United States food and drug administration.  
2 28 (3) The United States department of defense.  
2 29 (4) The United States department of veterans affairs.  
2 30 b. The proposed treatment has been reviewed and approved  
2 31 by the applicable qualified institutional review board.  
2 32 c. The available clinical or preclinical data indicate  
2 33 that the treatment that will be provided pursuant to the  
2 34 approved cancer clinical trial will be at least as effective  
2 35 as the standard therapy and is anticipated to constitute an



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3 1 improvement in therapeutic effectiveness for the treatment of  
3 2 the disease in question.

3 3 4. CANCER CLINICAL TRIAL REVIEW BOARD.

3 4 a. A cancer clinical trial review board is established in  
3 5 the department of public health.

3 6 b. The board shall consist of the director of public  
3 7 health or the director's designee, and the following  
3 8 additional members appointed by the governor and subject to  
3 9 confirmation by the senate:

3 10 (1) One member who is a physician licensed to practice  
3 11 medicine and surgery in this state and who specializes in  
3 12 oncology, is a member of a community medical oncology  
3 13 practice, and is not on the staff of a comprehensive or  
3 14 clinical cancer center designated by the national cancer  
3 15 institute.

3 16 (2) One member who is a physician licensed to practice  
3 17 medicine and surgery in this state who specializes in oncology  
3 18 and is on the staff of a comprehensive or clinical cancer  
3 19 center designated by the national cancer institute.

3 20 (3) One member who is a medical ethicist recognized for  
3 21 expertise in evaluating ethical implications of health care  
3 22 practices and procedures.

3 23 (4) One member who is a medical economist recognized for  
3 24 expertise in evaluating economic implications of health care  
3 25 practices and procedures.

3 26 (5) One member who is a physician licensed to practice  
3 27 medicine and surgery in this state who is employed by or  
3 28 represents an insurer.

3 29 (6) One member who is a physician licensed to practice  
3 30 medicine and surgery in this state who is employed by or  
3 31 represents a nonprofit health care service plan.

3 32 (7) One member who is a physician licensed to practice  
3 33 medicine and surgery in this state who is employed by or  
3 34 represents a health maintenance organization.

3 35 (8) One member who is a resident of this state who



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4 1 represents residents with health insurance who are consumers  
4 2 of oncology services.  
4 3 c. The members of the board shall annually elect one  
4 4 member as chairperson and one as vice chairperson.  
4 5 d. The board shall meet not less than four times per year  
4 6 at the call of the chairperson or at the request of a majority  
4 7 of the board's members.  
4 8 e. The appointed members of the board shall be appointed  
4 9 for terms of four years beginning and ending as provided in  
4 10 section 69.19. A member of the board is eligible for  
4 11 reappointment. The governor shall fill a vacancy for the  
4 12 remainder of the unexpired term. An appointed member of the  
4 13 board may be removed by the governor for misfeasance,  
4 14 malfeasance, or willful neglect of duty or other cause after  
4 15 notice and a public hearing unless the notice and hearing are  
4 16 waived by the member in writing.  
4 17 f. A majority of the members of the board constitutes a  
4 18 quorum. The affirmative vote of a majority of the members is  
4 19 necessary for any action taken by the board. The majority  
4 20 shall not include a member who has a conflict of interest and  
4 21 a statement by a member of a conflict of interest is  
4 22 conclusive for this purpose. A vacancy in the membership of  
4 23 the board does not impair the right of a quorum to exercise  
4 24 the rights and perform the duties of the board.  
4 25 g. The board has the power and duty to hold hearings and  
4 26 issue adjudications of disputes referred to the board by the  
4 27 commissioner of insurance involving third-party reimbursement  
4 28 for routine patient care costs incurred in association with  
4 29 approved cancer clinical trials, subject to review and appeal,  
4 30 pursuant to chapter 17A.  
4 31 h. Members of the board shall not receive compensation for  
4 32 the performance of their duties as members but each member  
4 33 shall be paid necessary expenses incurred while engaged in the  
4 34 performance of the duties of the board.  
4 35 5. APPLICABILITY.



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5 1 a. This section applies to the following classes of  
5 2 third-party payment provider contracts or policies delivered,  
5 3 issued for delivery, continued, or renewed in this state on or  
5 4 after July 1, 2008:

5 5 (1) Individual or group accident and sickness insurance  
5 6 providing coverage on an expense-incurred basis.

5 7 (2) An individual or group hospital or medical service  
5 8 contract issued pursuant to chapter 509, 514, or 514A.

5 9 (3) An individual or group health maintenance organization  
5 10 contract regulated under chapter 514B.

5 11 (4) Any other entity engaged in the business of insurance,  
5 12 risk transfer, or risk retention, which is subject to the  
5 13 jurisdiction of the commissioner.

5 14 (5) A plan established pursuant to chapter 509A for public  
5 15 employees.

5 16 (6) An organized delivery system licensed by the director  
5 17 of public health.

5 18 b. This section shall not apply to accident-only,  
5 19 specified disease, short-term hospital or medical, hospital  
5 20 confinement indemnity, credit, dental, vision, Medicare  
5 21 supplement, long-term care, basic hospital and  
5 22 medical-surgical expense coverage as defined by the  
5 23 commissioner, disability income insurance coverage, coverage  
5 24 issued as a supplement to liability insurance, workers'  
5 25 compensation or similar insurance, or automobile medical  
5 26 payment insurance.

5 27 EXPLANATION

5 28 This bill requires health benefit coverage for cancer  
5 29 treatment delivered pursuant to an approved cancer clinical  
5 30 trial. The bill defines "approved cancer clinical trial" as a  
5 31 scientific study of a new therapy for the treatment of cancer  
5 32 in human beings that meets requirements specified in the bill  
5 33 and consists of a scientific plan of treatment.

5 34 The bill requires that a policy or contract provide health  
5 35 benefit coverage for routine patient care costs incurred for



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6 1 cancer treatment in an approved cancer clinical trial to the  
6 2 same extent that the policy or contract provides coverage for  
6 3 treating any other sickness, injury, disease, or condition  
6 4 covered under the policy or contract, if the insured has been  
6 5 referred for such cancer treatment by two physicians who  
6 6 specialize in oncology, and the cancer treatment is given  
6 7 pursuant to an approved cancer clinical trial as set forth in  
6 8 the bill.

6 9       The bill also establishes the cancer clinical trial review  
6 10 board in the department of public health, consisting of the  
6 11 director of public health and eight additional members with  
6 12 specified expertise, appointed by the governor and subject to  
6 13 confirmation by the senate. The purpose of the board is to  
6 14 hold hearings and issue adjudications of disputes referred to  
6 15 the board by the commissioner of insurance involving  
6 16 third-party reimbursement for routine patient care costs for  
6 17 cancer treatment incurred in association with approved cancer  
6 18 clinical trials, subject to review and appeal, pursuant to  
6 19 Code chapter 17A.

6 20       The bill applies to specified classes of third-party  
6 21 payment provider contracts or policies delivered, issued for  
6 22 delivery, continued, or renewed in this state on or after July  
6 23 1, 2008.

6 24 LSB 5684SC 82

6 25 av/nh/8



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**Senate Study Bill 3191**

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

Passed Senate, Date \_\_\_\_\_  
 Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
           Approved

Passed House, Date \_\_\_\_\_  
 Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_

**A BILL FOR**

- 1 An Act relating to the inclusion of licensed marital and family
- 2 therapists as behavioral health participating providers under
- 3 the medical assistance program.
- 4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 5 TLSB 6419XC 82
- 6 pf/nh/8



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Senate Study Bill 3191 continued

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1 1 Section 1. NEW SECTION. 249A.15A LICENSED MARITAL AND  
1 2 FAMILY THERAPISTS.  
1 3 The department shall adopt rules pursuant to chapter 17A  
1 4 entitling marital and family therapists who are licensed  
1 5 pursuant to chapter 154D to payment for behavioral health  
1 6 services provided to recipients of medical assistance, subject  
1 7 to limitations and exclusions the department finds necessary  
1 8 on the basis of federal laws and regulations.

1 9 Sec. 2. MEDICAID STATE PLAN == MARITAL AND FAMILY  
1 10 THERAPISTS. The department of human services shall amend the  
1 11 medical assistance state plan to allow marital and family  
1 12 therapists licensed in the state to be participating  
1 13 behavioral health providers under the medical assistance  
1 14 program.

1 15 EXPLANATION

1 16 This bill directs the department of human services to adopt  
1 17 rules entitling marital and family therapists licensed in the  
1 18 state to payment for behavioral health services provided to  
1 19 recipients of medical assistance, subject to any limitations  
1 20 and exclusions based on federal law and regulation. The bill  
1 21 also directs the department to amend the medical assistance  
1 22 state plan to allow marital and family therapists licensed in  
1 23 the state to be behavioral health participating providers  
1 24 under the medical assistance program.

1 25 LSB 6419XC 82

1 26 pf/nh/8



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**Senate Study Bill 3192**

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

Passed Senate, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved

Passed House, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_

**A BILL FOR**

1 An Act establishing a lifelong learning accounts program within  
2 the educational savings plan trust and providing tax credits  
3 for contributions made by employers to lifelong learning  
4 accounts and including an applicability date provision.  
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
6 TLSB 5444DP 82  
7 mg/nh/8



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Senate Study Bill 3192 continued

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1 1 Section 1. NEW SECTION. 12D.12 LIFELONG LEARNING  
1 2 ACCOUNTS PROGRAM.  
1 3 1. As used in this section and section 12D.13:  
1 4 a. "Department" means the Iowa department of workforce  
1 5 development.  
1 6 b. "Employee" means an individual who works for an  
1 7 employer on the average of twenty hours a week based on the  
1 8 previous six months.  
1 9 c. "Employer" means the same as defined in section 422.4.  
1 10 2. The trust shall establish, in coordination with the  
1 11 department, a lifelong learning accounts program to encourage  
1 12 employees and employers to save for training and retraining  
1 13 through the trust.  
1 14 3. Participants entering into an agreement with the trust  
1 15 may designate the account established pursuant to the  
1 16 agreement as a lifelong learning account.  
1 17 4. The department shall document the process and outcomes  
1 18 in the establishment of lifelong learning accounts, and  
1 19 prepare a report thereon, to be submitted to the general  
1 20 assembly twenty days prior to the convening of the regular  
1 21 session biennially with the first report submitted prior to  
1 22 the 2010 regular session.  
1 23 5. The treasurer of state, after consultation with the  
1 24 department, shall adopt rules necessary to effectively carry  
1 25 out the provisions of this section.  
1 26 Sec. 2. NEW SECTION. 12D.13 LIFELONG LEARNING ACCOUNT  
1 27 TAX CREDIT.  
1 28 1. An employer shall be entitled to a lifelong learning  
1 29 account tax credit equal to fifty percent of the employer's  
1 30 annual aggregate lifelong learning account contributions made  
1 31 in the employer's tax year to the lifelong learning accounts  
1 32 established on behalf of the employer's employees. The  
1 33 maximum annual contribution which qualifies for the credit is  
1 34 five hundred dollars per employee.  
1 35 2. Any credit in excess of the tax liability shall be



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2 1 refunded with interest computed under section 422.25. In lieu  
2 2 of claiming a refund, a taxpayer may elect to have the  
2 3 overpayment shown on the taxpayer's final, completed return  
2 4 credited to the tax liability for the following tax year.

2 5 3. An individual may claim the tax credit allowed a  
2 6 partnership, limited liability company, S corporation, estate,  
2 7 or trust electing to have the income taxed directly to an  
2 8 individual. The amount claimed by the individual shall be  
2 9 based upon the pro rata share of the individual's earnings of  
2 10 a partnership, limited liability company, S corporation,  
2 11 estate, or trust.

2 12 Sec. 3. NEW SECTION. 422.11V LIFELONG LEARNING ACCOUNT  
2 13 TAX CREDIT.

2 14 The taxes imposed under this division, less the credits  
2 15 allowed under section 422.12, shall be reduced by a lifelong  
2 16 learning account tax credit authorized pursuant to section  
2 17 12D.13.

2 18 Sec. 4. Section 422.33, Code Supplement 2007, is amended  
2 19 by adding the following new subsection:

2 20 NEW SUBSECTION. 25. The taxes imposed under this division  
2 21 shall be reduced by a lifelong learning account tax credit  
2 22 authorized pursuant to section 12D.13.

2 23 Sec. 5. Section 422.60, Code Supplement 2007, is amended  
2 24 by adding the following new subsection:

2 25 NEW SUBSECTION. 15. The taxes imposed under this division  
2 26 shall be reduced by a lifelong learning account tax credit  
2 27 authorized pursuant to section 12D.13.

2 28 Sec. 6. NEW SECTION. 432.12L LIFELONG LEARNING ACCOUNT  
2 29 TAX CREDIT.

2 30 The tax imposed under this chapter shall be reduced by a  
2 31 lifelong learning account tax credit authorized pursuant to  
2 32 section 12D.13.

2 33 Sec. 7. Section 533.329, subsection 2, Code Supplement  
2 34 2007, is amended by adding the following new paragraph:

2 35 NEW PARAGRAPH. n. The moneys and credits tax imposed



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3 1 under this section shall be reduced by a lifelong learning  
3 2 account tax credit authorized pursuant to section 12D.13.  
3 3 Sec. 8. APPLICABILITY DATE. This Act applies to tax years  
3 4 ending after the effective date of this Act.

3 5 EXPLANATION

3 6 This bill directs the treasurer of state, in coordination  
3 7 with the department of workforce development, to establish a  
3 8 lifelong learning accounts program within the Iowa educational  
3 9 savings plan trust. The purpose of the program is to  
3 10 encourage employees and their employers to save for worker  
3 11 training and retraining.

3 12 The bill provides a refundable tax credit for the employer  
3 13 for contributions to an employee's account equal to 50 percent  
3 14 of the first \$500 of the employer's contributions made during  
3 15 the employer's tax year.

3 16 The tax credit may be used to reduce the tax liability  
3 17 under the individual and corporate income, franchise,  
3 18 insurance premiums, and moneys and credits taxes.

3 19 The bill applies to tax years ending after the effective  
3 20 date of the bill.

3 21 LSB 5444DP 82

3 22 mg/nh/8.1



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**Senate Study Bill 3193**

SENATE FILE  
BY (PROPOSED COMMITTEE ON  
TRANSPORTATION BILL BY  
CHAIRPERSON RIELLY)

Passed Senate, Date \_\_\_\_\_ Passed House, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved

**A BILL FOR**

- 1 An Act exempting certain persons from motor vehicle manufacturer
- 2 licensing requirements.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 6456SC 82
- 5 dea/nh/8



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1 1 Section 1. Section 322.27, Code 2007, is amended to read  
 1 2 as follows:  
 1 3 322.27 MANUFACTURER'S LICENSE.  
 1 4 1. A manufacturer, except an alien manufacturer  
 1 5 represented by an importer, shall not engage in business as a  
 1 6 manufacturer in this state or employ, appoint, or maintain  
 1 7 distributors or wholesalers or dealers, without a license as  
 1 8 provided in this chapter. However, new motor vehicle dealers  
 1 9 may wholesale motor vehicles without an additional license and  
 1 10 used motor vehicle dealers may wholesale used motor vehicles  
 1 11 without an additional license.

1 12 2. A person who installs passenger-carrying components,  
 1 13 cargo-carrying components, or work-performing components on a  
 1 14 new motor vehicle, or who installs readily attachable  
 1 15 equipment on a motor vehicle, to bring the motor vehicle into  
 1 16 compliance with federal motor vehicle safety standards  
 1 17 referred to in 49 C.F.R. } 568.1, is not required to be  
 1 18 licensed as a manufacturer. As used in the subsection, "motor  
 1 19 vehicle" means a motor vehicle as defined in section 321.1  
 1 20 which will be subject to registration when the manufacturer's  
 1 21 label required under section 321.30, subsection 2, is affixed  
 1 22 to the motor vehicle.

EXPLANATION

1 23  
 1 24 This bill provides that certain persons who install  
 1 25 passenger-carrying, cargo-carrying, or work-performing  
 1 26 components on a new motor vehicle, or who install readily  
 1 27 attachable equipment on a motor vehicle, to bring the motor  
 1 28 vehicle into compliance with federal motor vehicle safety  
 1 29 standards are not required to be licensed as motor vehicle  
 1 30 manufacturers. The bill defines "motor vehicle" to specify  
 1 31 that a motor vehicle referred to in the bill is a motor  
 1 32 vehicle which, once the manufacturer's certification label is  
 1 33 affixed, will be subject to registration under Code chapter  
 1 34 321.



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Senate Study Bill 3193 continued

2 1 dea/nh/8



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**Senate Study Bill 3194**

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

Passed Senate, Date \_\_\_\_\_ Passed House, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays  
Approved

**A BILL FOR**

1 An Act relating to health care reform including health  
2 information technology, wellness initiatives including an  
3 income tax checkoff, coverage for preexisting conditions,  
4 continuation of coverage for certain dependent children, and  
5 limitations on rate increases for long-term care insurance,  
6 providing an appropriation, and including an applicability  
7 provision.  
8 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
9 TL5B 5712XL 82  
10 av/rj/14



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1 1 Section 1. NEW SECTION. 8.70 DEFINITIONS.  
1 2 As used in this division, unless the context otherwise  
1 3 requires:  
1 4 1. "Health care professional" means a person who is  
1 5 licensed, certified, or otherwise authorized or permitted by  
1 6 the law of this state to administer health care in the  
1 7 ordinary course of business of in the practice of a  
1 8 profession.  
1 9 2. "Health information technology" means the application  
1 10 of information processing, involving both computer hardware  
1 11 and software, that deals with the storage, retrieval, sharing,  
1 12 and use of health care information, data, and knowledge for  
1 13 communication, decision making, quality, safety, and  
1 14 efficiency of clinical practice, and may include but is not  
1 15 limited to:  
1 16 a. An electronic health record that electronically  
1 17 compiles and maintains health information that may be derived  
1 18 from multiple sources about the health status of an individual  
1 19 and may include a core subset of each care delivery  
1 20 organization's electronic medical record such as a continuity  
1 21 of care record or a continuity of care document, computerized  
1 22 physician order entry, electronic prescribing, or clinical  
1 23 decision support.  
1 24 b. A personal health record through which an individual  
1 25 and any other person authorized by the individual can maintain  
1 26 and manage the individual's health information.  
1 27 c. An electronic medical record that is used by health  
1 28 care professionals to electronically document, monitor, and  
1 29 manage health care delivery within a care delivery  
1 30 organization, is the legal record of the patient's encounter  
1 31 with the care delivery organization, and is owned by the care  
1 32 delivery organization.  
1 33 d. A computerized provider order entry function that  
1 34 permits the electronic ordering of diagnostic and treatment  
1 35 services, including prescription drugs.



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2 1 e. A decision support function to assist physicians and  
2 2 other health care providers in making clinical decisions by  
2 3 providing electronic alerts and reminders to improve  
2 4 compliance with best practices, promote regular screenings and  
2 5 other preventive practices, and facilitate diagnoses and  
2 6 treatments.

2 7 f. An error notification function that generates a warning  
2 8 when an order is entered that is likely to lead to a  
2 9 significant adverse outcome for individuals.

2 10 g. Tools to allow for the collection, analysis, and  
2 11 reporting of information or data on adverse events, the  
2 12 quality and efficiency of care, patient satisfaction, and  
2 13 other health care-related performance measures.

2 14 3. "Interoperability" means the ability of two or more  
2 15 systems or components to exchange information or data in an  
2 16 accurate, effective, secure, and consistent manner and to use  
2 17 the information or data that has been exchanged and includes  
2 18 but is not limited to:

2 19 a. The capacity to connect to a network for the purpose of  
2 20 exchanging information or data with other users.

2 21 b. The ability of a connected, authenticated user to  
2 22 demonstrate appropriate permissions to participate in the  
2 23 instant transaction over the network.

2 24 c. The capacity of a connected, authenticated user to  
2 25 access, transmit, receive, and exchange usable information  
2 26 with other users.

2 27 4. "Recognized interoperability standard" means  
2 28 interoperability standards recognized by the office of the  
2 29 national coordinator for health information technology of the  
2 30 United States department of health and human services.

2 31 Sec. 2. NEW SECTION. 8.71 IOWA ELECTRONIC HEALTH ==  
2 32 PRINCIPLES == GOALS.

2 33 1. Health information technology is rapidly evolving so  
2 34 that it can contribute to the goals of improving access to and  
2 35 quality of health care, enhancing efficiency, and reducing



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3 1 costs.  
3 2 2. To be effective, the health information technology  
3 3 system shall comply with all of the following principles:  
3 4 a. Be patient-centered and market-driven.  
3 5 b. Be based on approved standards developed with input  
3 6 from all stakeholders.  
3 7 c. Protect the privacy of consumers and the security and  
3 8 confidentiality of all health information.  
3 9 d. Promote interoperability.  
3 10 e. Ensure the accuracy, completeness, and uniformity of  
3 11 data.  
3 12 3. Widespread adoption of health information technology is  
3 13 critical to a successful health information technology system  
3 14 and is best achieved when all of the following occur:  
3 15 a. The market provides a variety of certified products  
3 16 from which to choose in order to best fit the needs of the  
3 17 user.  
3 18 b. The system provides incentives for health care  
3 19 professionals to utilize the health information technology and  
3 20 provides rewards for any improvement in quality and efficiency  
3 21 resulting from such utilization.  
3 22 c. The system provides protocols to address critical  
3 23 problems.  
3 24 d. The system is financed by all who benefit from the  
3 25 improved quality, efficiency, savings, and other benefits that  
3 26 result from use of health information technology.  
3 27 Sec. 3. NEW SECTION. 8.72 IOWA ELECTRONIC HEALTH  
3 28 INFORMATION COMMISSION.  
3 29 1. a. An electronic health information commission is  
3 30 created as a public and private collaborative effort to  
3 31 promote the adoption and use of health information technology  
3 32 in this state in order to improve health care quality,  
3 33 increase patient safety, reduce health care costs, enhance  
3 34 public health, and empower individuals and health care  
3 35 professionals with comprehensive, real-time medical



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4 1 information to provide continuity of care and make the best  
4 2 health care decisions. The commission shall provide oversight  
4 3 for the development, implementation, and coordination of an  
4 4 interoperable electronic health records system, telehealth  
4 5 expansion efforts, the health information technology  
4 6 infrastructure, and other health information technology  
4 7 initiatives in this state.

4 8     b. All health information technology efforts shall  
4 9 endeavor to represent the interests and meet the needs of  
4 10 consumers and the health care sector, protect the privacy of  
4 11 individuals and the confidentiality of individuals'  
4 12 information, promote physician best practices, and make  
4 13 information easily accessible to the appropriate parties. The  
4 14 system developed shall be consumer-driven, flexible, and  
4 15 expandable.

4 16     2. The commission shall consist of individuals with broad  
4 17 experience and vision in health care and health technology and  
4 18 one member representing the health care consumer. The voting  
4 19 members shall be appointed by the governor, subject to  
4 20 confirmation by the senate. The voting members shall include  
4 21 all of the following:

4 22     a. The director of the Iowa communications network.

4 23     b. Two members who are the chief information officers of  
4 24 the two largest private health care systems.

4 25     c. One member who is the chief information officer of a  
4 26 public health care system.

4 27     d. A representative of the private telecommunications  
4 28 industry.

4 29     e. A representative of a rural hospital that is a member  
4 30 of the Iowa hospital association.

4 31     f. A consumer advocate.

4 32     g. A representative of the Iowa safety net provider  
4 33 network created in section 135.153.

4 34     3. a. The members shall select a chairperson, annually,  
4 35 from among the membership, and shall serve terms of three



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5 1 years beginning and ending as provided in section 69.19.  
5 2 Voting member appointments shall comply with sections 69.16  
5 3 and 69.16A. Vacancies shall be filled by the original  
5 4 appointing authority and in the manner of the original  
5 5 appointments. Members shall receive reimbursement for actual  
5 6 expenses incurred while serving in their official capacity and  
5 7 voting members may also be eligible to receive compensation as  
5 8 provided in section 7E.6. A person appointed to fill a  
5 9 vacancy for a member shall serve only for the unexpired  
5 10 portion of the term. A member is eligible for reappointment  
5 11 for two successive terms.

5 12 b. The commission shall meet at the call of the  
5 13 chairperson. A majority of the voting members of the  
5 14 commission constitutes a quorum. Any action taken by the  
5 15 commission must be adopted by the affirmative vote of a  
5 16 majority of its voting membership.

5 17 c. The commission is located for administrative purposes  
5 18 within the department of management. The department shall  
5 19 provide office space, staff assistance, administrative  
5 20 support, and necessary supplies and equipment for the  
5 21 commission.

5 22 4. The commission shall do all of the following:

5 23 a. Establish an advisory council which shall consist of  
5 24 the representatives of entities involved in the electronic  
5 25 health records system task force established pursuant to  
5 26 section 217.41A, Code 2007, and any other members the  
5 27 commission determines necessary to assist in the commission's  
5 28 duties including but not limited to consumers and consumer  
5 29 advocacy organizations; physicians and health care  
5 30 professionals; leadership of community hospitals and major  
5 31 integrated health care delivery networks; state agencies  
5 32 including the department of public health, the department of  
5 33 human services, the department of elder affairs, the division  
5 34 of insurance of the department of commerce, and the office of  
5 35 the attorney general; health plans and health insurers; legal



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6 1 experts; academics and ethicists; business leaders; and  
6 2 professional associations.

6 3     b. Adopt a statewide health information technology plan by  
6 4 January 1, 2009. In developing the plan, the commission shall  
6 5 seek the input of providers, payers, and consumers. Standards  
6 6 and policies developed for the plan shall promote and be  
6 7 consistent with national standards developed by the office of  
6 8 the national coordinator for health information technology of  
6 9 the United States department of health and human services and  
6 10 shall address or provide for all of the following:

6 11       (1) The effective, efficient, statewide use of electronic  
6 12 health information in patient care, health care policymaking,  
6 13 clinical research, health care financing, and continuous  
6 14 quality improvement. The commission shall adopt requirements  
6 15 for interoperable electronic health records in this state  
6 16 including a recognized interoperability standard.

6 17       (2) Education of the public and health care sector about  
6 18 the value of health information technology in improving  
6 19 patient care, and methods to promote increased support and  
6 20 collaboration of state and local public health agencies,  
6 21 health care professionals, and consumers in health information  
6 22 technology initiatives.

6 23       (3) Uniform standards for the exchange of health care  
6 24 information and interoperable electronic health records.

6 25       (4) Policies relating to the protection of privacy of  
6 26 patients and the security and confidentiality of patient  
6 27 information.

6 28       (5) Policies relating to information ownership.

6 29       (6) Policies relating to governance of the various facets  
6 30 of the health information technology system.

6 31       (7) A single patient identifier to share secure patient  
6 32 information. All health care professionals shall utilize the  
6 33 single patient identifier by January 1, 2010.

6 34       (8) A standard continuity of care record and other issues  
6 35 related to the content of electronic transmissions. All



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7 1 health care professionals shall utilize the standard  
7 2 continuity of care record by January 1, 2010.  
7 3 (9) Requirements for electronic prescribing.  
7 4 (10) Economic incentives and support to facilitate  
7 5 participation in an interoperable system by health care  
7 6 professionals.  
7 7 c. Identify existing and potential health information  
7 8 technology efforts in this state, regionally, and nationally,  
7 9 and integrate existing efforts to avoid incompatibility  
7 10 between efforts and avoid duplication.  
7 11 d. Coordinate public and private efforts to provide the  
7 12 network backbone infrastructure for the health information  
7 13 technology system. In coordinating these efforts, the  
7 14 commission shall do all of the following:  
7 15 (1) Adopt policies to effectuate the logical cost  
7 16 effective usage of and access to the state-owned network, and  
7 17 support of telecommunication carrier products, where  
7 18 applicable.  
7 19 (2) Complete a memorandum of understanding by January 1,  
7 20 2009, with the Iowa communications network for governmental  
7 21 access usage, with private fiber optic networks for core  
7 22 backbone usage of private fiber optic networks, and with any  
7 23 other communications entity for state-subsidized usage of the  
7 24 communications entity's products to access any backbone  
7 25 network.  
7 26 (3) Establish protocols to ensure compliance with any  
7 27 applicable federal standards.  
7 28 (4) Determine costs for accessing the network at a level  
7 29 that provides sufficient funding for the network.  
7 30 e. Promote the use of telemedicine.  
7 31 (1) Examine existing barriers to the use of telemedicine  
7 32 and make recommendations for eliminating these barriers.  
7 33 (2) Examine the most efficient and effective systems of  
7 34 technology for use and make recommendations based on the  
7 35 findings.



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- 8 1 f. Address the workforce needs generated by increased use  
8 2 of health information technology.
- 8 3 g. Adopt rules in accordance with chapter 17A to implement  
8 4 all aspects of the statewide plan and the network.
- 8 5 h. Coordinate, monitor, and evaluate the adoption, use,  
8 6 interoperability, and efficiencies of the various facets of  
8 7 health information technology in this state.
- 8 8 i. Seek and apply for any federal or private funding to  
8 9 assist in the implementation and support of the health  
8 10 information technology system and make recommendations for  
8 11 funding mechanisms for the ongoing development and maintenance  
8 12 costs of the health information technology system.
- 8 13 j. Identify state laws and rules that present barriers to  
8 14 the development of the health information technology system  
8 15 and recommend any changes to the governor and the general  
8 16 assembly.
- 8 17 Sec. 4. NEW SECTION. 135.27A KEEP IOWA HEALTHY FUND.
- 8 18 1. A keep Iowa healthy fund is created in the office of  
8 19 the treasurer of state under the control of the department of  
8 20 public health. The fund is composed of moneys appropriated or  
8 21 available to and obtained and accepted by the treasurer of  
8 22 state for deposit in the fund. The fund shall include moneys  
8 23 transferred to the fund as provided in section 422.12K. All  
8 24 interest earned on moneys in the fund shall be credited to and  
8 25 remain in the fund. Section 8.33 does not apply to moneys in  
8 26 the fund.
- 8 27 2. Moneys in the fund are appropriated and shall be used  
8 28 to pay for community wellness initiatives or shall be  
8 29 distributed to county public health agencies to provide health  
8 30 care screenings, mental health services, and other  
8 31 county-based services to low-income Iowans.
- 8 32 3. The director may authorize payment of moneys from the  
8 33 fund upon approval of an application from a private or public  
8 34 organization. The applicant shall submit a plan for a  
8 35 wellness initiative project or a project that provides health



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9 1 care services to low-income Iowans along with its application.  
9 2 The department shall, by rule, establish standards concerning  
9 3 the type of projects eligible for assistance.

9 4 Sec. 5. NEW SECTION. 422.12K INCOME TAX CHECKOFF FOR  
9 5 WELLNESS.

9 6 1. A person who files an individual or a joint income tax  
9 7 return with the department of revenue under section 422.13 may  
9 8 designate one dollar or more to be paid to the keep Iowa  
9 9 healthy fund as created in section 135.27A. If the refund due  
9 10 on the return or the payment remitted with the return is  
9 11 insufficient to pay the amount designated by the taxpayer to  
9 12 the keep Iowa healthy fund, the amount designated shall be  
9 13 reduced to the remaining amount of the refund or the remaining  
9 14 amount remitted with the return. The designation of a  
9 15 contribution to the keep Iowa healthy fund under this section  
9 16 is irrevocable.

9 17 2. The director of revenue shall draft the income tax form  
9 18 to allow the designation of contributions to the keep Iowa  
9 19 healthy fund on the tax return. The department, on or before  
9 20 January 31, shall transfer the total amount designated on the  
9 21 tax form due in the preceding year to the fund created in  
9 22 section 135.27A. However, before a checkoff pursuant to this  
9 23 section shall be permitted, all liabilities on the books of  
9 24 the department of administrative services and accounts  
9 25 identified as owing under section 8A.504 and the political  
9 26 contribution allowed under section 68A.601 shall be satisfied.

9 27 3. The director of public health may authorize payment  
9 28 from the keep Iowa healthy fund pursuant to section 135.27A.

9 29 4. The department of revenue shall adopt rules to  
9 30 administer this section.

9 31 5. This section is subject to repeal under section  
9 32 422.12E.

9 33 Sec. 6. Section 509.3, Code 2007, is amended by adding the  
9 34 following new subsection:

9 35 NEW SUBSECTION. 8. A provision that the company will



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10 1 permit continuation of coverage for an unmarried dependent  
10 2 child of an insured or enrollee who so elects, at least  
10 3 through the age of twenty-five years old or so long as the  
10 4 dependent child maintains full-time status as a student in an  
10 5 accredited institution of postsecondary education, whichever  
10 6 occurs last.

10 7 Sec. 7. Section 513B.2, subsection 6, paragraph b, Code  
10 8 Supplement 2007, is amended to read as follows:

10 9 b. A small employer carrier ~~may~~ shall establish additional  
10 10 groupings under each of the subparagraphs in paragraph "a" on  
10 11 the basis of underwriting criteria which are expected to  
10 12 produce substantial variation in the health care costs. A  
10 13 small employer carrier shall offer health insurance coverage  
10 14 to a bona fide association as defined in section 509.1,  
10 15 subsection 8, paragraph "b", that utilizes the rating bands  
10 16 devised pursuant to the additional groupings established.

10 17 Sec. 8. Section 514A.3, subsection 2, Code 2007, is  
10 18 amended by adding the following new paragraphs:

10 19 NEW PARAGRAPH. 1. A provision as follows:

10 20 CREDIT TOWARD PREEXISTING CONDITIONS WAITING PERIODS FOR  
10 21 CONTINUOUS GROUP COVERAGE: A person who is accepted for  
10 22 coverage under an individual policy or contract of accident  
10 23 and sickness insurance shall be considered to satisfy  
10 24 preexisting conditions waiting period requirements of the  
10 25 policy or contract to the extent that such waiting periods  
10 26 were satisfied in prior continuous creditable coverage under a  
10 27 group policy or contract.

10 28 NEW PARAGRAPH. m. A provision as follows:

10 29 CONTINUATION OF COVERAGE FOR DEPENDENT CHILDREN: An  
10 30 individual policy or contract of accident and sickness  
10 31 insurance shall permit continuation of coverage for an  
10 32 unmarried dependent child of an insured or enrollee who so  
10 33 elects, at least through the age of twenty-five years old or  
10 34 so long as the dependent child maintains full-time status as a  
10 35 student in an accredited institution of postsecondary



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11 1 education, whichever occurs last.

11 2 Sec. 9. Section 514G.7, subsection 5, Code 2007, is  
11 3 amended to read as follows:

11 4 5. RULES.

11 5 a. The commissioner may adopt rules establishing loss  
11 6 ratio standards for long-term care insurance policies provided  
11 7 that a specific reference to long-term care insurance policies  
11 8 is contained in the rules.

11 9 b. The commissioner shall adopt rules providing for  
11 10 preapproval of filings for actuarially justified rate  
11 11 increases by entities subject to regulation under this  
11 12 chapter, but in no case shall a rate increase of more than  
11 13 twelve percent be approved in any one year. The commissioner  
11 14 may suspend such rules adopted pursuant to this subsection, in  
11 15 whole or in part, as to the premium rates applicable to one or  
11 16 more entities subject to regulation under this chapter for one  
11 17 or more rating periods upon a filing by the entity and a  
11 18 finding by the commissioner that the suspension is reasonable  
11 19 based on the financial condition of the entity or that the  
11 20 suspension will enhance the efficiency and fairness of the  
11 21 marketplace for long-term care insurance.

11 22 Sec. 10. Section 217.41A, Code 2007, is repealed.

11 23 Sec. 11. APPLICABILITY. The section of this Act that  
11 24 amends section 514A.3, subsection 2, applies to policies or  
11 25 contracts of accident and sickness insurance delivered or  
11 26 issued for delivery or continued or renewed in this state on  
11 27 or after July 1, 2008.

11 28 EXPLANATION

11 29 This bill relates to health care reform including health  
11 30 information technology, wellness initiatives, coverage for  
11 31 preexisting conditions, continuation of coverage for certain  
11 32 dependent children, and limitations on rate increases for  
11 33 long-term care insurance.

11 34 The bill provides definitions, principles, and goals for  
11 35 the Iowa health information technology system. The bill



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12 1 creates an electronic health information commission as a  
12 2 public and private collaborative effort and directs the  
12 3 commission to establish an advisory council to assist the  
12 4 commission in its duties; to adopt a statewide health  
12 5 information technology plan by January 1, 2009; to identify  
12 6 existing efforts and integrate these efforts to avoid  
12 7 incompatibility and duplication; to coordinate public and  
12 8 private efforts to provide the network backbone; to promote  
12 9 the use of telemedicine; to address the workforce needs  
12 10 generated by increased use of health information technology;  
12 11 to adopt necessary rules; to coordinate, monitor, and evaluate  
12 12 the adoption, use, interoperability, and efficiencies of the  
12 13 various facets of health information technology in the state;  
12 14 to seek and apply for federal or private funding to assist in  
12 15 implementing the system; and to identify state laws and rules  
12 16 that present barriers to the development of the health  
12 17 information technology system in the state.

12 18 The bill requires that by January 1, 2010, all health care  
12 19 professionals utilize the patient identifier and continuity of  
12 20 care record specified by the commission.

12 21 New Code section 135.27A creates a keep Iowa healthy fund  
12 22 in the office of the treasurer of state under the control of  
12 23 the department of public health. Moneys in the fund are  
12 24 appropriated to pay for community wellness initiatives or for  
12 25 distribution to county public health agencies to provide  
12 26 health care screenings, mental health services, and other  
12 27 county-based services to low-income Iowans. The moneys may  
12 28 also be used for wellness projects submitted by public or  
12 29 private organizations.

12 30 New Code section 422.12K creates an income tax checkoff for  
12 31 wellness that allows a person who files an Iowa individual or  
12 32 joint income tax return to designate that \$1 or more be paid  
12 33 to the keep Iowa healthy fund to support fund activities as  
12 34 specified in Code section 135.27A.

12 35 Code section 509.3 is amended to require a group policy of



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13 1 accident or health insurance to permit continuation of  
13 2 coverage for an unmarried dependent child of an insured or  
13 3 enrollee who so elects, until the dependent is 25 years old or  
13 4 for as long as the dependent is a full-time college student,  
13 5 whichever occurs last.

13 6 Code section 513B.2(6)(b) is amended to require an  
13 7 insurance carrier that provides small group health care  
13 8 coverage to establish additional groupings of small employers  
13 9 on the basis of underwriting criteria which are expected to  
13 10 produce substantial variation in health care costs, and to  
13 11 offer health insurance coverage to a bona fide association  
13 12 utilizing the rating bands devised pursuant to the additional  
13 13 groupings established.

13 14 Code section 514A.3(2) is amended to provide that an  
13 15 individual policy or contract of accident and sickness  
13 16 insurance delivered or issued for delivery in this state must  
13 17 include a provision that allows a person who is accepted for  
13 18 coverage to be considered to have satisfied preexisting  
13 19 conditions waiting period requirements of the policy or  
13 20 contract to the extent that such waiting periods were  
13 21 satisfied in prior continuous creditable coverage under a  
13 22 group policy or contract. The provision applies to policies  
13 23 or contracts of accident and sickness insurance delivered or  
13 24 issued for delivery or continued or renewed in this state on  
13 25 or after July 1, 2008.

13 26 Code section 514A.3(2) is also amended to require an  
13 27 individual policy or contract of accident and sickness  
13 28 insurance to permit continuation of coverage for an unmarried  
13 29 dependent child of an insured or enrollee who so elects, until  
13 30 the dependent is 25 years old or for as long as the dependent  
13 31 is a full-time college student, whichever occurs last.

13 32 Code section 514G.7(5) is amended to require the  
13 33 commissioner of insurance to adopt rules providing for  
13 34 preapproval of filings for actuarially justified rate  
13 35 increases for long-term care insurance but limits such rate



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14 1 increases to no more than 12 percent in any one year. The  
14 2 commissioner may suspend such rules as to premium rates  
14 3 applicable to one or more entities subject to regulation under  
14 4 this Code chapter upon a finding that the suspension is  
14 5 reasonable based on the financial condition of the entity or  
14 6 that the suspension will enhance the efficiency and fairness  
14 7 of the marketplace for long-term care insurance.  
14 8 LSB 5712XL 82  
14 9 av/rj/14.1



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SENATE/HOUSE FILE  
BY (RECOMMENDED BY HOME=BASED  
CHILD CARE STUDY COMMITTEE  
BILL)

Passed Senate, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved

Passed House, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_

A BILL FOR

- 1 An Act relating to child care by revising requirements for child
- 2 care homes and child development homes, restricting the
- 3 presence of certain registered sex offenders on the premises
- 4 of child care providers, and providing penalties and an
- 5 appropriation.
- 6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 7 TLSB 5970IC 82
- 8 jp/nh/5



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PAG LIN

1 1 Section 1. NEW SECTION. 237A.3B CHILD CARE HOMES AND  
1 2 CHILD DEVELOPMENT HOMES == REQUIREMENTS.  
1 3 1. Each child care home or child development home provider  
1 4 shall conspicuously post signage in the home providing all of  
1 5 the following:  
1 6 a. Identification of the provider as an unregistered child  
1 7 care home or a registered child development home.  
1 8 b. Information expressly stating that the provider is  
1 9 prohibited from inflicting corporal punishment on a child  
1 10 receiving child care and listing the prohibited forms of  
1 11 corporal punishment identified in section 237A.18. The  
1 12 information shall also explain how to file a complaint with  
1 13 the department if the provider is alleged to have inflicted  
1 14 corporal punishment on a child other than a child for whom the  
1 15 provider is the child's parent, guardian, or custodian.  
1 16 2. This section does not apply to a person who is only  
1 17 providing care to one or more children for whom the person is  
1 18 the parent, guardian, or custodian.  
1 19 Sec. 2. Section 237A.5, subsection 2, paragraph a,  
1 20 subparagraph (3), Code 2007, is amended by adding the  
1 21 following new subparagraph subdivision:  
1 22 NEW SUBPARAGRAPH SUBDIVISION. (f) The person has been  
1 23 determined, through an investigation by the department of a  
1 24 complaint, a child abuse assessment, or the existence of a  
1 25 criminal record, to have inflicted corporal punishment as  
1 26 described in section 237A.18 on an individual receiving child  
1 27 care from the person.  
1 28 Sec. 3. NEW SECTION. 237A.18 CORPORAL PUNISHMENT.  
1 29 1. For the purposes of this section, "corporal punishment"  
1 30 includes but is not limited to spanking, slapping, shaking,  
1 31 punishment which is humiliating or frightening, using  
1 32 restraints, or enclosing a child in a locked area.  
1 33 2. A person who operates, is employed by, or resides in a  
1 34 child care home, child development home, or child care center  
1 35 shall not inflict corporal punishment on an individual



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2 1 receiving care from the child care home, child development  
2 2 home, or child care center. This section does not apply to  
2 3 corporal punishment inflicted on an individual by a person who  
2 4 is the individual's parent, guardian, or custodian.

2 5 3. A person who has inflicted corporal punishment on an  
2 6 individual receiving care from the child care home, child  
2 7 development home, or child care center in violation of this  
2 8 section, as determined through an investigation by the  
2 9 department of a complaint, a child abuse assessment, or  
2 10 existence of a criminal record, may be subject to prohibition  
2 11 of involvement with child care in accordance with section  
2 12 237A.5.

2 13 Sec. 4. NEW SECTION. 692A.3B PRESENCE ON THE REAL  
2 14 PROPERTY COMPRISING A CHILD CARE FACILITY OR CHILD CARE HOME  
2 15 == RESTRICTION.

2 16 1. As used in this section, "child care provider" includes  
2 17 a "child care center", "child care home", "child development  
2 18 home", and "preschool" as those terms are defined in section  
2 19 237A.1, and a "child care program" as defined in section  
2 20 279.49 and authorized in section 280.3A.

2 21 2. A person required to register under this chapter who  
2 22 has been convicted of a criminal offense against a minor, or  
2 23 an offense involving a minor that is an aggravated offense,  
2 24 sexually violent offense, or other relevant offense, shall not  
2 25 be knowingly present on the real property comprising a child  
2 26 care provider, unless subsection 3 applies or any of the  
2 27 following apply:

2 28 a. The person is transporting a minor who is a child of  
2 29 the person to or from the child care provider.

2 30 b. The person is attending a child care provider  
2 31 conference regarding a minor who is a child of the person.

2 32 c. The person has been summoned to discuss the  
2 33 developmental activity or social progress of a minor who is a  
2 34 child of the person.

2 35 d. The person is voting in the building in which the child



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3 1 care provider is located during the hours designated to vote.  
 3 2 3. If the person intends to be present for any other  
 3 3 reason not enumerated in subsection 2, the person shall first  
 3 4 notify the person in charge of the child care provider that  
 3 5 the person intends to be present on the real property  
 3 6 comprising the child care provider, and the person shall  
 3 7 receive written permission from the child care provider prior  
 3 8 to entering onto the real property comprising the child care  
 3 9 provider.

3 10 4. A person who commits a violation of this section  
 3 11 commits an aggravated misdemeanor.

3 12 Sec. 5. CHILD CARE WORKGROUP. There is appropriated from  
 3 13 the general fund of the state to the department of human  
 3 14 services for the fiscal year beginning July 1, 2008, and  
 3 15 ending June 30, 2009, the following amount, or so much thereof  
 3 16 as is necessary, to be used for the purpose designated:

3 17 For costs associated with the child care workgroup  
 3 18 established pursuant to this section:  
 3 19 ..... \$ 100,000

3 20 1. a. The department of human services, in partnership  
 3 21 with the departments of education, human rights, and public  
 3 22 health and the Iowa empowerment board, shall establish a  
 3 23 workgroup to address implementation of the provisions of this  
 3 24 Act and the issues identified in this section. The workgroup  
 3 25 membership shall also include representatives of the state  
 3 26 child care advisory council and representatives of registered  
 3 27 and nonregistered child care providers.

3 28 b. The workgroup shall submit a report with findings and  
 3 29 recommendations to the governor and the general assembly on or  
 3 30 before December 15, 2008, to address possible implementation  
 3 31 of a mandatory system of registration for home-based child  
 3 32 care providers or a voluntary licensure system and the other  
 3 33 issues addressed by the workgroup in accordance with this  
 3 34 section.

3 35 c. The workgroup shall address the implementation issues



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4 1 associated with a change in child care regulation to mandatory  
4 2 registration as described in paragraph "b". The issues  
4 3 considered shall include but are not limited to planning for  
4 4 the phase-in of and costs for additional inspection visits of  
4 5 child development homes, increased expenses for state child  
4 6 care assistance program slots, revising state child care  
4 7 assistance program reimbursement methodologies to reward  
4 8 quality, and other implementation issues.  
4 9 2. a. The workgroup shall cooperate with early childhood  
4 10 stakeholders and the private sector in addressing the many  
4 11 publicly supported programs and services directed to early  
4 12 childhood and issues involved with redirecting the programs  
4 13 and services to be part of a cohesive child care system.  
4 14 b. The issues addressed shall include professional  
4 15 development of workers, improving the workforce, ensuring  
4 16 articulation between programs, meeting the needs of both  
4 17 children and parents, enhancing community engagement to  
4 18 support early childhood, and other efforts to address early  
4 19 childhood needs with a coordinated system.  
4 20 3. In addition, the workgroup shall explore other issues,  
4 21 including but not limited to all of the following:  
4 22 a. Using the internet to provide information to child care  
4 23 providers, capacity for providers to register with the  
4 24 department of human services via the internet, and training  
4 25 information.  
4 26 b. Creating a database of all child care providers.  
4 27 c. Streamlining and coordinating inspections of home-based  
4 28 child care providers.  
4 29 d. Providing health care insurance for providers and their  
4 30 workers.  
4 31 e. Educating the public on the advantages of using a  
4 32 registered child care provider.  
4 33 f. Developing possible sanctions for violations at child  
4 34 care facilities other than closing the facilities.  
4 35 g. Requiring a state and federal fingerprint-based



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5 1 background check for all licensed and registered child care  
5 2 providers, as well as nonregistered providers caring for  
5 3 children through the state child care assistance program.  
5 4 h. Providing additional opportunities and resources for  
5 5 child care providers and instructing the Iowa state university  
5 6 of science and technology cooperative extension service in  
5 7 agriculture and home economics, child care resource and  
5 8 referral agencies, and community colleges to expand continuing  
5 9 education opportunities offered at times the providers are not  
5 10 providing care.

5 11 i. Implementing an electronic benefit transfer program to  
5 12 pay for state child care assistance.

5 13 Sec. 6. IMPLEMENTATION OF ACT. Section 25B.2, subsection  
5 14 3, shall not apply to this Act.

5 15 EXPLANATION

5 16 This bill relates to child care by revising requirements  
5 17 for child care homes and child development homes, restricting  
5 18 the presence of certain registered sex offenders on the  
5 19 premises of child care providers, and providing penalties and  
5 20 an appropriation.

5 21 Code section 237A.5, relating to records checks and other  
5 22 provisions involved with prohibiting certain persons from  
5 23 involvement with child care, is amended to include inflicting  
5 24 of corporal punishment as described in the bill's new Code  
5 25 section 237A.18 in the list of transgressions that must be  
5 26 evaluated by the department of human services to determine if  
5 27 the transgression warrants prohibition of the person's  
5 28 involvement with child care.

5 29 New Code section 237A.18 defines the term "corporal  
5 30 punishment", prohibits any person providing child care or  
5 31 living where child care is provided from inflicting corporal  
5 32 punishment on children receiving care, and states that such a  
5 33 person who inflicts corporal punishment may be prohibited from  
5 34 involvement with child care. The provision does not apply to  
5 35 corporal punishment inflicted on an individual by the person



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6 1 who is the individual's parent, guardian, or custodian.  
6 2 For purposes of new Code section 692A.3B, the term "child  
6 3 care provider" is defined using terms from Code chapter 237A  
6 4 to include a "child care center" (a facility providing child  
6 5 care or preschool services for seven or more children, except  
6 6 when the facility is registered as a child development home),  
6 7 "preschool" (a licensed center or registered child development  
6 8 home providing programs to children ages three through five  
6 9 for up to three hours per day), "child development home" (a  
6 10 registered home that may provide child care to six or more  
6 11 children at any one time), or "child care home" (a home in  
6 12 which child care is provided to five or fewer children at any  
6 13 one time that is not registered). These terms are defined in  
6 14 Code section 237A.1. In addition, "child care provider"  
6 15 includes child care operated by or contracted for by a school  
6 16 board or the authorities in charge of an accredited nonpublic  
6 17 school, provided the child care meets standards adopted by the  
6 18 state board of education.  
6 19 New Code section 692A.3B provides that a registered sex  
6 20 offender who has been convicted of a criminal offense against  
6 21 a minor, or an offense involving a minor that is an aggravated  
6 22 offense, sexually violent offense, or other relevant offense,  
6 23 shall not be present on the real property comprising a child  
6 24 care provider. However, the following exceptions are  
6 25 provided: (1) a sex offender may be present on child care  
6 26 provider property if the sex offender is transporting the  
6 27 offender's child to or from the child care provider, the  
6 28 offender is attending a child care provider conference, the  
6 29 sex offender is summoned to discuss the developmental activity  
6 30 or social progress of the offender's child, or the sex  
6 31 offender is voting in an election during the designated hours  
6 32 to vote; and (2) if a sex offender is to be present on the  
6 33 real property of a child care provider for any other reason,  
6 34 the sex offender must first receive written permission from  
6 35 the administration of the child care provider prior to



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7 1 entering onto the property.

7 2     A person who violates new Code section 692A.3B commits an  
7 3 aggravated misdemeanor. An aggravated misdemeanor is  
7 4 punishable by confinement for no more than two years and a  
7 5 fine of at least \$625 but not more than \$6,250.

7 6     An appropriation is provided to the department of human  
7 7 services to establish a workgroup in partnership with the  
7 8 departments of education, human rights, and public health and  
7 9 the Iowa empowerment board. The workgroup is required to  
7 10 address possible implementation of a mandatory system of  
7 11 registration for home-based child care providers or a  
7 12 voluntary licensure system and numerous other child care  
7 13 issues. The workgroup is required to report to the governor  
7 14 and general assembly on or before December 15, 2008.

7 15     The bill may include a state mandate as defined in Code  
7 16 section 25B.3. The bill makes inapplicable Code section  
7 17 25B.2, subsection 3, which would relieve a political  
7 18 subdivision from complying with a state mandate if funding for  
7 19 the cost of the state mandate is not provided or specified.  
7 20 Therefore, political subdivisions are required to comply with  
7 21 any state mandate included in the bill.

7 22 LSB 5970IC 82

7 23 jp/nh/5



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**Senate Study Bill 3196**

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

Passed Senate, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved

Passed House, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_

**A BILL FOR**

- 1 An Act relating to recovery from third parties liable for health
- 2 care coverage provided to recipients of medical assistance,
- 3 and providing an effective date.
- 4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 5 TLSB 5468DP 82
- 6 pf/nh/8



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PAG LIN

1 1 Section 1. Section 249A.2, Code 2007, is amended by adding  
1 2 the following new subsection:

1 3 NEW SUBSECTION. 4A. "Entity" includes but is not limited  
1 4 to a carrier as defined in section 514C.13, health insurer,  
1 5 health maintenance organization as defined in section 514B.1,  
1 6 nonprofit health service corporation as specified in chapter  
1 7 514, self-insured plan, group health plan, service benefit  
1 8 plan, managed care organization, pharmacy benefits manager as  
1 9 defined in section 510B.1, preferred provider organization,  
1 10 professional association or society, trust, pool, union,  
1 11 fraternal benefit society, third-party administrator, and any  
1 12 other party that is, by law, contract, or agreement, legally  
1 13 responsible for payment of a claim for a health care item or  
1 14 service.

1 15 Sec. 2. Section 249A.6, Code 2007, is amended to read as  
1 16 follows:

1 17 249A.6 ASSIGNMENT == LIEN.

1 18 1. a. As a condition of eligibility for medical  
1 19 assistance, a recipient who has the legal capacity to execute  
1 20 an assignment shall do all of the following:

1 21 (1) Assign to the department any rights to payment of  
1 22 medical care and services from any third party.

1 23 (2) Cooperate with the department in obtaining payments  
1 24 described in subparagraph (1).

1 25 (3) Cooperate with the department in identifying and  
1 26 providing information to assist the department in pursuing any  
1 27 third party who may be liable to pay for medical care and  
1 28 services available under the medical assistance program.

1 29 b. Any amount collected by the department through an  
1 30 assignment shall be retained by the department as  
1 31 reimbursement for medical assistance payments.

1 32 c. An assignment under this subsection is in addition to  
1 33 an assignment of medical support payments under any other law,  
1 34 including section 252E.11.

1 35 2. When payment is made by the department for medical care



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2 1 or expenses through the medical assistance program on behalf  
2 2 of a recipient, the department shall have a lien, to the  
2 3 extent of those payments, upon all monetary claims which the  
2 4 recipient may have against third parties. A lien under this  
2 5 section is not effective unless the department files a notice  
2 6 of lien with the clerk of the district court in the county  
2 7 where the recipient resides and with the recipient's attorney  
2 8 when the recipient's eligibility for medical assistance is  
2 9 established. The notice of lien shall be filed before the  
2 10 third party has concluded a final settlement with the  
2 11 recipient, the recipient's attorney, or other representative.  
2 12 The third party shall obtain a written determination from the  
2 13 department concerning the amount of the lien before a  
2 14 settlement is deemed final for purposes of this section. A  
2 15 compromise, including but not limited to a settlement, waiver  
2 16 or release, of a claim under this section does not defeat the  
2 17 department's lien except pursuant to the written agreement of  
2 18 the director or the director's designee. A settlement, award,  
2 19 or judgment structured in any manner not to include medical  
2 20 expenses or an action brought by a recipient or on behalf of a  
2 21 recipient which fails to state a claim for recovery of medical  
2 22 expenses does not defeat the department's lien if there is any  
2 23 recovery on the recipient's claim.

2 24 ~~2.~~ 3. The department shall be given notice of monetary  
2 25 claims against third parties as follows:

2 26 a. Applicants for medical assistance shall notify the  
2 27 department of any possible claims against third parties upon  
2 28 submitting the application. Recipients of medical assistance  
2 29 shall notify the department of any possible claims when those  
2 30 claims arise.

2 31 b. A person who provides health care services to a person  
2 32 receiving assistance through the medical assistance program  
2 33 shall notify the department whenever the person has reason to  
2 34 believe that third parties may be liable for payment of the  
2 35 costs of those health care services.



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3 1 c. An attorney representing an applicant for or recipient  
3 2 of assistance on a claim upon which the department has a lien  
3 3 under this section shall notify the department of the claim of  
3 4 which the attorney has actual knowledge, prior to filing a  
3 5 claim, commencing an action, or negotiating a settlement  
3 6 offer. Actual knowledge under this section shall include the  
3 7 notice to the attorney pursuant to subsection ~~1~~ 2.

3 8 The mailing and deposit in a United States post office or  
3 9 public mailing box of the notice, addressed to the department  
3 10 at its state or district office location, is adequate legal  
3 11 notice of the claim.

3 12 ~~3.~~ 4. The department's lien is valid and binding on an  
3 13 attorney, insurer, or other third party only upon notice by  
3 14 the department or unless the attorney, insurer, or third party  
3 15 has actual notice that the recipient is receiving medical  
3 16 assistance from the department and only to the extent to which  
3 17 the attorney, insurer, or third party has not made payment to  
3 18 the recipient or an assignee of the recipient prior to the  
3 19 notice. Payment of benefits by an insurer or third party  
3 20 pursuant to the rights of the lienholder in this section  
3 21 discharges the attorney, insurer, or third party from  
3 22 liability to the recipient or the recipient's assignee to the  
3 23 extent of the payment to the department.

3 24 ~~4.~~ 5. If a recipient of assistance through the medical  
3 25 assistance program incurs the obligation to pay attorney fees  
3 26 and court costs for the purpose of enforcing a monetary claim  
3 27 upon which the department has a lien under this section, upon  
3 28 the receipt of the judgment or settlement of the total claim,  
3 29 of which the lien for medical assistance payments is a part,  
3 30 the court costs and reasonable attorney fees shall first be  
3 31 deducted from this total judgment or settlement. One-third of  
3 32 the remaining balance shall then be deducted and paid to the  
3 33 recipient. From the remaining balance, the lien of the  
3 34 department shall be paid. Any amount remaining shall be paid  
3 35 to the recipient. An attorney acting on behalf of a recipient



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4 1 of medical assistance for the purpose of enforcing a claim  
4 2 upon which the department has a lien shall not collect from  
4 3 the recipient any amount as attorney fees which is in excess  
4 4 of the amount which the attorney customarily would collect on  
4 5 claims not subject to this section.

4 6 ~~5.~~ 6. For purposes of this section the term "third party"  
4 7 includes an attorney, individual, institution, corporation, or  
4 8 public or private agency which is or may be liable to pay part  
4 9 or all of the medical costs incurred as a result of injury,  
4 10 disease, or disability by or on behalf of an applicant for or  
4 11 recipient of assistance under the medical assistance program.

4 12 ~~6.~~ 7. The department may enforce its lien by a civil  
4 13 action against any liable third party.

4 14 Sec. 3. NEW SECTION. 249A.36 HEALTH CARE INFORMATION  
4 15 SHARING.

4 16 1. An entity shall provide on a monthly basis to the  
4 17 department, in a format determined by the department,  
4 18 information necessary to enable the department or entity to  
4 19 determine whether a health care coverage recipient of the  
4 20 entity is also a recipient of medical assistance. If the  
4 21 department determines that a health care coverage recipient of  
4 22 an entity is also a recipient of medical assistance, the  
4 23 department shall request any additional information or payment  
4 24 from the entity as described in subsection 2.

4 25 2. If the department determines that a health care  
4 26 coverage recipient of the entity is also a medical assistance  
4 27 recipient, the entity shall do all of the following, as  
4 28 applicable, by no later than one hundred eighty days after the  
4 29 department's request made pursuant to subsection 1:

4 30 a. Pay the department for, or assign to the department any  
4 31 right of recovery owed to the entity for, a covered health  
4 32 claim for which medical assistance payment has been made.

4 33 b. Pay the claim submitted by the health care coverage  
4 34 recipient in lieu of a medical assistance payment of the  
4 35 claim.



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5 1 c. Respond to any inquiry by the department concerning a  
5 2 claim for payment for any health care item or service that is  
5 3 submitted no later than three years after the date the health  
5 4 care item or service was provided.

5 5 3. An entity shall not deny a payment to the department  
5 6 for any claim submitted by the department on any procedural  
5 7 basis, including the date of submission of the claim, the type  
5 8 or format of the claim form, or a failure to present proper  
5 9 documentation at the time the health care item or service that  
5 10 is the basis of the claim was provided, if both of the  
5 11 following apply:

5 12 a. The claim is submitted to the entity within three years  
5 13 of the date that the health care item or service that is the  
5 14 subject of the claim was provided.

5 15 b. Any action by the state to enforce its rights under  
5 16 this section is commenced within six years of the date that  
5 17 the claim was submitted by the state.

5 18 4. If the department determines that a health care  
5 19 coverage recipient of an entity is also a medical assistance  
5 20 recipient, both of the following provisions shall apply:

5 21 a. The department may use information received under  
5 22 subsection 1 to update the medical assistance database  
5 23 maintained by the department.

5 24 b. The department shall share with that entity only such  
5 25 information necessary for claims adjudication activities or to  
5 26 recover erroneous medical assistance payments made.

5 27 5. The department may adopt rules pursuant to chapter 17A  
5 28 as necessary to implement this section. Rules governing the  
5 29 exchange of information under this section shall be consistent  
5 30 with all laws, regulations, and rules relating to the  
5 31 confidentiality or privacy of personal information or medical  
5 32 records, including but not limited to the federal Health  
5 33 Insurance Portability and Accountability Act of 1996, Pub. L.  
5 34 No. 104=191, and regulations promulgated in accordance with  
5 35 that Act, and published in 45 C.F.R. pts. 160 to 164.



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6 1 Sec. 4. Section 488.201, subsection 1, Code 2007, is  
6 2 amended by adding the following new paragraph:

6 3 NEW PARAGRAPH. dd. An agreement to cooperate with the  
6 4 department of human services in complying with section  
6 5 249A.36.

6 6 Sec. 5. Section 488.210, subsection 1, Code 2007, is  
6 7 amended by adding the following new paragraph:

6 8 NEW PARAGRAPH. e. (1) The street and mailing address of  
6 9 any entity, as defined in section 249A.2, legally responsible  
6 10 for payment of a claim for a health care item or service  
6 11 provided to a health care coverage recipient of the limited  
6 12 partnership or foreign limited partnership.

6 13 (2) A statement agreeing to cooperate with the department  
6 14 of human services in complying with section 249A.36.

6 15 (3) The secretary of state shall provide the information  
6 16 submitted under this lettered paragraph to the department of  
6 17 human services in the format determined by the department of  
6 18 human services to enable the department of human services to  
6 19 determine whether a health care coverage recipient of the  
6 20 limited partnership or foreign limited partnership is also a  
6 21 medical assistance recipient pursuant to section 249A.36.

6 22 Sec. 6. Section 490.202, subsection 1, Code Supplement  
6 23 2007, is amended by adding the following new paragraph:

6 24 NEW PARAGRAPH. e. A statement agreeing to cooperate with  
6 25 the department of human services in complying with section  
6 26 249A.36.

6 27 Sec. 7. Section 490.1622, subsection 1, Code 2007, is  
6 28 amended by adding the following new paragraph:

6 29 NEW PARAGRAPH. e. (1) The street and mailing address of  
6 30 any entity, as defined in section 249A.2, legally responsible  
6 31 for payment of a claim for a health care item or service  
6 32 provided to a health care coverage recipient of the domestic  
6 33 corporation or foreign corporation.

6 34 (2) A statement agreeing to cooperate with the department  
6 35 of human services in complying with section 249A.36.



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7 1 (3) The secretary of state shall provide the information  
7 2 submitted under this lettered paragraph to the department of  
7 3 human services in the format determined by the department of  
7 4 human services to enable the department of human services to  
7 5 determine whether a health care coverage recipient of the  
7 6 domestic corporation or foreign corporation is also a medical  
7 7 assistance recipient pursuant to section 249A.36.

7 8 Sec. 8. Section 490A.131, subsection 1, Code 2007, is  
7 9 amended by adding the following new paragraph:

7 10 NEW PARAGRAPH. e. (1) The street and mailing address of  
7 11 any entity, as defined in section 249A.2, legally responsible  
7 12 for payment of a claim for a health care item or service  
7 13 provided to a health care coverage recipient of the limited  
7 14 liability company or foreign limited liability company.

7 15 (2) A statement agreeing to cooperate with the department  
7 16 of human services in complying with section 249A.36.

7 17 (3) The secretary of state shall provide the information  
7 18 submitted in this lettered paragraph to the department of  
7 19 human services in the format determined by the department of  
7 20 human services to enable the department of human services to  
7 21 determine whether a health care coverage recipient of the  
7 22 limited liability company or foreign limited liability company  
7 23 is also a medical assistance recipient pursuant to section  
7 24 249A.36.

7 25 Sec. 9. Section 490A.303, subsection 1, Code 2007, is  
7 26 amended by adding the following new paragraph:

7 27 NEW PARAGRAPH. e. A statement agreeing to cooperate with  
7 28 the department of human services in complying with section  
7 29 249A.36.

7 30 Sec. 10. Section 496C.21, Code 2007, is amended by adding  
7 31 the following new subsection:

7 32 NEW SUBSECTION. 5. a. The street and mailing address of  
7 33 any entity, as defined in section 249A.2, legally responsible  
7 34 for payment of a claim for a health care item or service  
7 35 provided to a health care coverage recipient of the domestic



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8 1 professional corporation or foreign professional corporation.

8 2 b. A statement agreeing to cooperate with the department  
8 3 of human services in complying with section 249A.36.

8 4 c. The secretary of state shall provide the information  
8 5 submitted in this lettered paragraph to the department of  
8 6 human services in the format determined by the department of  
8 7 human services to enable the department of human services to  
8 8 determine whether a health care coverage recipient of the  
8 9 professional corporation or foreign professional corporation  
8 10 is also a medical assistance recipient pursuant to section  
8 11 249A.36.

8 12 Sec. 11. Section 497.22, Code 2007, is amended to read as  
8 13 follows:

8 14 497.22 BIENNIAL REPORT == PENALTY.

8 15 1. Section 504.1613 applies to a cooperative association  
8 16 organized under this chapter in the same manner as that  
8 17 section applies to a corporation organized under chapter 504.  
8 18 In addition to the information required to be set forth in the  
8 19 biennial report under section 504.1613, the cooperative  
8 20 association shall also set forth the total amount of business  
8 21 transacted, number of members, total expense of operation,  
8 22 total amount of indebtedness, and total profits or losses for  
8 23 each calendar or fiscal year of the two-year period which  
8 24 ended immediately preceding the first day of January of the  
8 25 year in which the report is filed.

8 26 2. a. The cooperative association shall also include in  
8 27 the biennial report all of the following:

8 28 (1) The street and mailing address of any entity, as  
8 29 defined in section 249A.2, legally responsible for payment of  
8 30 a claim for a health care item or service provided to a health  
8 31 care coverage recipient of the cooperative association.

8 32 (2) A statement agreeing to cooperate with the department  
8 33 of human services in complying with section 249A.36.

8 34 b. The secretary of state shall provide the information  
8 35 submitted under this subsection to the department of human



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9 1 services in the format determined by the department of human  
9 2 services to enable the department of human services to  
9 3 determine whether a health care coverage recipient of the  
9 4 cooperative association is also a medical assistance recipient  
9 5 pursuant to section 249A.36.

9 6 3. A cooperative association which fails to comply with  
9 7 this section before April 1 of the year in which the report is  
9 8 due is subject to a penalty of ten dollars.

9 9 Sec. 12. Section 498.24, Code 2007, is amended to read as  
9 10 follows:

9 11 498.24 BIENNIAL REPORT == PENALTY.

9 12 1. Section 504.1613 applies to a cooperative association  
9 13 organized under this chapter in the same manner as that  
9 14 section applies to a corporation organized under chapter 504.  
9 15 In addition to the information required to be set forth in the  
9 16 biennial report under section 504.1613, the cooperative  
9 17 association shall also set forth the total amount of business  
9 18 transacted, number of members, total expense of operation,  
9 19 total amount of indebtedness, and total profits or losses for  
9 20 each calendar or fiscal year of the two-year period which  
9 21 ended immediately preceding the first day of January of the  
9 22 year in which the report is filed.

9 23 2. a. The nonprofit cooperative association shall also  
9 24 include in the biennial report all of the following:

9 25 (1) The street and mailing address of any entity, as  
9 26 defined in section 249A.2, legally responsible for payment of  
9 27 a claim for a health care item or service provided to a health  
9 28 care coverage recipient of the nonprofit cooperative  
9 29 association.

9 30 (2) A statement agreeing to cooperate with the department  
9 31 of human services in complying with section 249A.36.

9 32 b. The secretary of state shall provide the information  
9 33 submitted under this subsection to the department of human  
9 34 services in the format determined by the department of human  
9 35 services to enable the department of human services to



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10 1 determine whether a health care coverage recipient of the  
10 2 nonprofit cooperative association is also a medical assistance  
10 3 recipient pursuant to section 249A.36.

10 4 3. A cooperative association which fails to comply with  
10 5 this section before April 1 of the year in which the report is  
10 6 due is subject to a penalty of ten dollars.

10 7 Sec. 13. Section 499.40, Code 2007, is amended by adding  
10 8 the following new subsection:

10 9 NEW SUBSECTION. 9. A statement agreeing to cooperate with  
10 10 the department of human services in complying with section  
10 11 249A.36.

10 12 Sec. 14. Section 499.49, Code 2007, is amended to read as  
10 13 follows:

10 14 499.49 BIENNIAL REPORT.

10 15 1. Section 504.1613 applies to a cooperative organized  
10 16 under this chapter in the same manner as that section applies  
10 17 to a corporation organized under chapter 504. In addition to  
10 18 the information required to be set forth in the biennial  
10 19 report under section 504.1613, the cooperative shall also set  
10 20 forth the number of members of the cooperative, the percentage  
10 21 of the cooperative's business done with or for its own members  
10 22 during each of the fiscal or calendar years of the preceding  
10 23 two-year period, the percentage of the cooperative's business  
10 24 done with or for each class of nonmembers specified in section  
10 25 499.3, and any other information deemed necessary by the  
10 26 secretary of state to advise the secretary whether the  
10 27 cooperative is actually functioning as a cooperative.

10 28 2. a. The cooperative association shall also include in  
10 29 the biennial report all of the following:

10 30 (1) The street and mailing address of any entity, as  
10 31 defined in section 249A.2, legally responsible for payment of  
10 32 a claim for a health care item or service provided to a health  
10 33 care coverage recipient of the cooperative association.

10 34 (2) A statement agreeing to cooperate with the department  
10 35 of human services in complying with section 249A.36.



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11 1 b. The secretary of state shall provide the information  
11 2 submitted under this subsection to the department of human  
11 3 services in the format determined by the department of human  
11 4 services to enable the department of human services to  
11 5 determine whether a health care coverage recipient of the  
11 6 cooperative association is also a medical assistance recipient  
11 7 pursuant to section 249A.36.

11 8 Sec. 15. Section 501.202, subsection 2, Code 2007, is  
11 9 amended by adding the following new paragraph:  
11 10 NEW PARAGRAPH. g. A statement agreeing to cooperate with  
11 11 the department of human services in complying with section  
11 12 249A.36.

11 13 Sec. 16. Section 501.713, subsection 1, Code 2007, is  
11 14 amended by adding the following new paragraph:  
11 15 NEW PARAGRAPH. e. (1) The street and mailing address of  
11 16 any entity, as defined in section 249A.2, legally responsible  
11 17 for payment of a claim for a health care item or service  
11 18 provided to a health care coverage recipient of the closed  
11 19 cooperative.

11 20 (2) A statement agreeing to cooperate with the department  
11 21 of human services in complying with section 249A.36.

11 22 (3) The secretary of state shall provide the information  
11 23 submitted under this lettered paragraph to the department of  
11 24 human services in the format determined by the department of  
11 25 human services to enable the department of human services to  
11 26 determine whether a health care coverage recipient of the  
11 27 closed cooperative is also a medical assistance recipient  
11 28 pursuant to section 249A.36.

11 29 Sec. 17. Section 501A.231, subsection 1, Code 2007, is  
11 30 amended by adding the following new paragraph:  
11 31 NEW PARAGRAPH. e. (1) The street and mailing address of  
11 32 any entity, as defined in section 249A.2, legally responsible  
11 33 for payment of a claim for a health care item or service  
11 34 provided to a health care coverage recipient of the  
11 35 cooperative.



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12 1       (2) A statement agreeing to cooperate with the department  
12 2 of human services in complying with section 249A.36.

12 3       (3) The secretary of state shall provide the information  
12 4 submitted under this lettered paragraph to the department of  
12 5 human services in the format determined by the department of  
12 6 human services to enable the department of human services to  
12 7 determine whether a health care coverage recipient of the  
12 8 cooperative is also a medical assistance recipient pursuant to  
12 9 section 249A.36.

12 10       Sec. 18. Section 501A.503, subsection 1, paragraph a, Code  
12 11 2007, is amended by adding the following new subparagraph:

12 12       NEW SUBPARAGRAPH. (6) A statement agreeing to cooperate  
12 13 with the department of human services in complying with  
12 14 section 249A.36.

12 15       Sec. 19. Section 504.202, subsection 1, Code 2007, is  
12 16 amended by adding the following new paragraph:

12 17       NEW PARAGRAPH. f. A statement agreeing to cooperate with  
12 18 the department of human services in complying with section  
12 19 249A.36.

12 20       Sec. 20. Section 504.1613, subsection 1, Code 2007, is  
12 21 amended by adding the following new paragraph:

12 22       NEW PARAGRAPH. f. (1) The street and mailing address of  
12 23 any entity, as defined in section 249A.2, legally responsible  
12 24 for payment of a claim for a health care item or service  
12 25 provided to a health care coverage recipient of the domestic  
12 26 nonprofit corporation or foreign nonprofit corporation.

12 27       (2) A statement agreeing to cooperate with the department  
12 28 of human services in complying with section 249A.36.

12 29       (3) The secretary of state shall provide the information  
12 30 submitted under this lettered paragraph to the department of  
12 31 human services in the format determined by the department of  
12 32 human services to enable the department of human services to  
12 33 determine whether a health care coverage recipient of the  
12 34 domestic nonprofit corporation or foreign nonprofit  
12 35 corporation is also a medical assistance recipient pursuant to



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13 1 section 249A.36.

13 2 Sec. 21. Section 505.25, Code 2007, is amended to read as  
13 3 follows:

13 4 505.25 INFORMATION PROVIDED TO MEDICAL ASSISTANCE PROGRAM,  
13 5 HAWK=I PROGRAM, AND CHILD SUPPORT RECOVERY UNIT.

13 6 1. A carrier, as defined in section 514C.13, shall enter  
13 7 into a health insurance data match program with the department  
13 8 of human services for the sole purpose of comparing the names  
13 9 of the carrier's insureds with the names of recipients of the  
13 10 medical assistance program under chapter 249A, individuals  
13 11 under the purview of the child support recovery unit pursuant  
13 12 to chapter 252B, or enrollees of the hawk=i program under  
13 13 chapter 514I.

13 14 2. An entity as defined in section 249A.2 shall enter into  
13 15 a health insurance data match program with the department of  
13 16 human services requiring the entity to provide on a monthly  
13 17 basis to the department, in the format determined by the  
13 18 department, information necessary to enable the department to  
13 19 determine whether a health care coverage recipient of the  
13 20 entity is also a recipient of medical assistance under chapter  
13 21 249A.

13 22 3. The division of insurance of the department of commerce  
13 23 shall make information available to the department of human  
13 24 services for the purpose of identifying carriers and entities  
13 25 subject to the health insurance data match program.

13 26 Sec. 22. EFFECTIVE DATE. This Act takes effect March 1,  
13 27 2008.

13 28 EXPLANATION

13 29 This bill provides for the sharing of information between  
13 30 entities that have health care coverage information and the  
13 31 Iowa Medicaid Enterprise (IME) to determine if a medical  
13 32 assistance recipient has third-party coverage through an  
13 33 entity that would be responsible for the costs of health care  
13 34 services and items which would be provided through the medical  
13 35 assistance program.



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14 1       The bill defines "entity" for the purpose of identifying  
14 2 these third-party payors, provides for the establishment of  
14 3 cooperative agreements and information sharing between the  
14 4 entities and the IME to enable the IME to determine if a  
14 5 health care coverage recipient of the entity is also a medical  
14 6 assistance recipient, and provides a process for payment of  
14 7 claims by the entities if the health care coverage recipient  
14 8 is also a recipient of medical assistance. The bill requires  
14 9 business entities, as a requirement of doing business in the  
14 10 state, to agree to cooperate with the department of human  
14 11 services in sharing information with IME for the purposes of  
14 12 this bill.

14 13       The bill requires that, as a condition of eligibility for  
14 14 medical assistance, a recipient who has the legal capacity to  
14 15 execute an assignment shall assign to the department of human  
14 16 services any rights to payments of medical care and services  
14 17 from any third party, cooperate with the department in  
14 18 obtaining payment, and cooperate with the department in  
14 19 identifying and providing information to assist the department  
14 20 in pursuing any third party who may be liable to pay for  
14 21 medical care and services available under the medical  
14 22 assistance program.

14 23 LSB 5468DP 82

14 24 pf/nh/8



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February 19, 2008

Senate Study Bill 3197

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

Passed Senate, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved

Passed House, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_

A BILL FOR

- 1 An Act modifying provisions relating to the application for a
- 2 certificate of franchise authority applicable to the provision
- 3 of cable or video services by an existing provider.
- 4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 5 TLSB 6420XC 82
- 6 rn/nh/5



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1 1 Section 1. Section 477A.1, subsection 12, Code Supplement  
1 2 2007, is amended to read as follows:

1 3 12. "Municipality" means a ~~county or~~ city.

1 4 Sec. 2. Section 477A.2, subsection 2, paragraph b, Code  
1 5 Supplement 2007, is amended to read as follows:

1 6 b. Upon expiration of a franchise, a person may choose to  
1 7 renegotiate a franchise agreement with a municipality or may  
1 8 choose to obtain a certificate of franchise authority under  
1 9 this chapter. An application for a certificate of franchise  
1 10 authority pursuant to this subsection may be filed within  
1 11 sixty days prior to the expiration of a municipal franchise  
1 12 agreement. An application filed prior to the expiration of a  
1 13 municipal franchise agreement shall take effect upon the  
1 14 expiration date of the municipal franchise agreement.

1 15 EXPLANATION

1 16 This bill modifies certain provisions applicable to an  
1 17 application for a certificate of franchise authority to  
1 18 provide cable and video services.

1 19 The bill deletes counties from the definition of a  
1 20 municipality for purposes of Code chapter 477A, resulting in  
1 21 "municipality" referring to a city for purposes of the Code  
1 22 chapter. The bill additionally specifies that an application  
1 23 submitted for a certificate of franchise authority by a person  
1 24 who was providing services pursuant to a franchise agreement  
1 25 in existence prior to July 1, 2007, may be filed within 60  
1 26 days prior to the expiration of the existing municipal  
1 27 franchise. The bill specifies that an application filed prior  
1 28 to the expiration of a municipal franchise agreement shall  
1 29 take effect upon the expiration date of the municipal  
1 30 franchise agreement.

1 31 LSB 6420XC 82

1 32 rn/nh/5.1



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**Senate Study Bill 3198**

SENATE FILE  
BY (PROPOSED COMMITTEE ON  
AGRICULTURE BILL BY  
CHAIRPERSON FRAISE)

Passed Senate, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved

Passed House, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_

**A BILL FOR**

- 1 An Act providing for infrastructure associated with storing,
- 2 blending, and dispensing renewable fuel, and providing an
- 3 effective date.
- 4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 5 TLSB 6470XC 82
- 6 da/nh/5



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

1 3 1. "Biodiesel", "biodiesel blended fuel", "biodiesel  
1 4 fuel", "E=85 gasoline", "ethanol", "ethanol blended gasoline",  
1 5 "gasoline", "motor fuel", "~~motor fuel pump~~", "retail dealer",  
1 6 and "retail motor fuel site" mean the same as defined in  
1 7 section 214A.1.

1 8 Sec. 2. Section 15G.201, Code 2007, is amended by adding  
1 9 the following new subsections:

1 10 NEW SUBSECTION. 4A. "Motor fuel pump" and "motor fuel  
1 11 blender pump" or "blender pump" mean the same as defined in  
1 12 section 214.1.

1 13 NEW SUBSECTION. 5A. "Tank vehicle" means the same as  
1 14 defined in section 321.1.

1 15 Sec. 3. Section 15G.202, subsection 6, Code 2007, is  
1 16 amended by striking the subsection.

1 17 Sec. 4. Section 15G.203, subsection 1, Code Supplement  
1 18 2007, is amended to read as follows:

1 19 1. The purpose of the program is to improve retail motor  
1 20 fuel sites by installing, replacing, or converting ~~motor fuel~~  
1 21 ~~storage and dispensing~~ infrastructure. ~~The infrastructure~~  
1 22 ~~must be to be used to store, blend, or dispense renewable~~  
1 23 ~~fuel. The infrastructure shall be ethanol infrastructure or~~  
1 24 ~~biodiesel infrastructure.~~

1 25 a. (1) Ethanol infrastructure shall be designed and shall  
1 26 be used exclusively to store do any of the following:

1 27 (a) Store and dispense renewable fuel which is E=85  
1 28 gasoline.

1 29 (b) Store, blend, and dispense motor fuel from a motor  
1 30 fuel blender pump, as required in this subparagraph  
1 31 subdivision. The ethanol infrastructure may provide for the  
1 32 storage of ethanol or ethanol blended gasoline, or for  
1 33 blending ethanol with gasoline, so long as the ethanol  
1 34 infrastructure includes a motor fuel blender pump which  
1 35 dispenses different classifications of ethanol blended



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2 1 gasoline and which must dispense E=85 at all times that the  
2 2 blender pump is operating.

2 3 (2) Biodiesel infrastructure shall be designed and used  
2 4 exclusively to do any of the following:

2 5 (a) Store and dispense biodiesel, or biodiesel blended  
2 6 fuel.

2 7 (b) Blend or dispense biodiesel fuel from a motor fuel  
2 8 blender pump.

2 9 b. The infrastructure must be located on the premises of a  
2 10 retail motor fuel ~~sites~~ site operated by a retail ~~dealers~~  
2 11 dealer.

2 12 c. The infrastructure shall not include a tank vehicle.

2 13 Sec. 5. Section 15G.203, subsection 2, Code Supplement  
2 14 2007, is amended to read as follows:

2 15 2. A person may apply to the department to receive  
2 16 financial incentives ~~on a cost-share basis. The department~~  
~~2 17 shall forward the applications to the underground storage tank~~  
~~2 18 fund board as required by that board for evaluation and~~  
~~2 19 recommendation. The underground storage tank fund board may~~  
~~2 20 rank the applications with comments and shall forward them to~~  
~~2 21 the infrastructure board for approval or disapproval. The and~~  
2 22 the department shall award financial incentives ~~on a~~  
~~2 23 cost-share basis~~ to an eligible person whose application was  
2 24 approved by the infrastructure board.

2 25 Sec. 6. Section 15G.203, subsection 3, Code Supplement  
2 26 2007, is amended by striking the subsection.

2 27 Sec. 7. Section 15G.203, subsection 4, paragraph b,  
2 28 subparagraphs (3) and (4), Code Supplement 2007, are amended  
2 29 to read as follows:

2 30 (3) A statement describing how the retail motor fuel site  
2 31 is to be improved, the total estimated cost of the planned  
2 32 improvement, and the date when the infrastructure will be  
2 33 first used ~~to store and dispense the renewable fuel.~~

2 34 (4) A statement certifying that the infrastructure shall  
2 35 ~~not only~~ be used ~~to store or dispense motor fuel other than~~



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~~3 1 E-85 gasoline, biodiesel, or biodiesel blended fuel to comply~~  
~~3 2 with the provisions of this section and as specified in the~~  
~~3 3 cost-share agreement, unless granted a waiver by the~~  
~~3 4 infrastructure board pursuant to this section.~~  
~~3 5 Sec. 8. Section 15G.203, subsection 6, Code Supplement~~  
~~3 6 2007, is amended by striking the subsection.~~  
~~3 7 Sec. 9. Section 15G.203, subsection 7, Code Supplement~~  
~~3 8 2007, is amended to read as follows:~~  
~~3 9 7. An award of financial incentives to a participating~~  
~~3 10 person shall be on a cost-share basis in the form of a grant.~~  
~~3 11 To~~  
~~3 12 ~~In order to~~ participate in the program an eligible person~~  
~~3 13 must execute a cost-share agreement with the department as~~  
~~3 14 approved by the infrastructure board in which the person~~  
~~3 15 contributes a percentage of the total costs related to~~  
~~3 16 improving the retail motor fuel site. The infrastructure~~  
~~3 17 board may approve multiple improvements to the same retail~~  
~~3 18 motor fuel site for the full amount available for both ethanol~~  
~~3 19 infrastructure as provided in paragraph "a" and biodiesel~~  
~~3 20 infrastructure as provided in paragraph "b" so long as the~~  
~~3 21 improvements for ethanol infrastructure and for biodiesel~~  
~~3 22 infrastructure are made under separate cost-share agreements.~~  
~~3 23 a. This paragraph "a" applies to the installation,~~  
~~3 24 replacement, or conversion of ethanol infrastructure.~~  
~~3 25 (1) Except as provided in ~~paragraph "b"~~ subparagraph (2),~~  
~~3 26 a participating person may be awarded standard financial~~  
~~3 27 incentives. The standard financial incentives awarded to the~~  
~~3 28 participating person shall not exceed ~~fifty~~ seventy percent of~~  
~~3 29 the actual cost of making the improvement or ~~thirty~~ fifty~~  
~~3 30 thousand dollars, whichever is less. The infrastructure board~~  
~~3 31 may approve multiple awards of standard financial incentives~~  
~~3 32 to make improvements to a retail motor fuel site so long as~~  
~~3 33 the total amount of the awards does not exceed the limitations~~  
~~3 34 provided in this ~~paragraph~~ subparagraph (1).~~  
~~3 35 ~~b-~~ (2) In addition to any standard financial incentives~~



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4 1 awarded to a participating person under ~~paragraph "a"~~  
4 2 subparagraph (1), the participating person may be awarded  
4 3 supplemental financial incentives to upgrade or replace a  
4 4 dispenser which is part of gasoline storage and dispensing  
4 5 infrastructure used to store and dispense E=85 gasoline as  
4 6 provided in section 455G.31. The person is only eligible to  
4 7 receive the supplemental financial incentives if the person  
4 8 installed the dispenser not later than sixty days after the  
4 9 date of the publication in the Iowa administrative bulletin of  
4 10 the state fire marshal's order providing that a commercially  
4 11 available dispenser is listed as compatible for use with E=85  
4 12 gasoline by an independent testing laboratory as provided in  
4 13 section 455G.31. The supplemental financial incentives  
4 14 awarded to the participating person shall not exceed  
4 15 seventy=five percent of the actual cost of making the  
4 16 improvement or thirty thousand dollars, whichever is less.

4 17 b. This paragraph "b" applies to the installation,  
4 18 replacement, or conversion of biodiesel infrastructure.

4 19 (1) A participating person may be awarded financial  
4 20 incentives. The financial incentives awarded to the  
4 21 participating person shall not exceed the amount of the  
4 22 cost=share schedule provided in this subparagraph or fifty  
4 23 thousand dollars, whichever is less. The cost=share schedule  
4 24 shall be based on the classifications provided in section  
4 25 214A.2. The cost=share agreement shall provide for the  
4 26 minimum classification of biodiesel fuel to be stored,  
4 27 blended, or dispensed using the infrastructure according to  
4 28 the following cost=share schedule:

4 29 (a) Fifty percent for biodiesel fuel classified as B=2  
4 30 biodiesel fuel or higher but not as high as B=5 biodiesel  
4 31 fuel.

4 32 (b) Fifty=five percent for biodiesel fuel classified as  
4 33 B=5 biodiesel fuel or higher but not as high as B=10 biodiesel  
4 34 fuel.

4 35 (c) Sixty percent for biodiesel fuel classified as B=10



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5 1 biodiesel fuel or higher but not as high as B=20 biodiesel  
5 2 fuel.  
5 3 (d) Seventy percent for biodiesel fuel classified as B=20  
5 4 biodiesel fuel or higher.  
5 5 (2) The infrastructure board may approve multiple awards  
5 6 of financial incentives to a retail motor fuel site so long as  
5 7 the total amount of awards does not exceed the limitations  
5 8 provided in this paragraph "b".  
5 9 Sec. 10. Section 15G.204, subsection 1, Code Supplement  
5 10 2007, is amended to read as follows:  
5 11 1. A person may apply to the department to receive  
5 12 financial incentives on a cost-share basis. The department  
~~5 13 shall forward the applications to the underground storage tank~~  
~~5 14 fund board as required by that board for evaluation and~~  
~~5 15 recommendation. The underground storage tank fund board may~~  
~~5 16 rank the applications with comments and shall forward them to~~  
~~5 17 the infrastructure board for approval or disapproval. The and~~  
5 18 the department shall award financial incentives on a  
5 19 cost-share basis to an eligible person whose application was  
5 20 approved by the infrastructure board.  
5 21 Sec. 11. Section 15G.204, subsection 2, Code Supplement  
5 22 2007, is amended by striking the subsection.  
5 23 Sec. 12. Section 214.1, Code 2007, is amended to read as  
5 24 follows:  
5 25 214.1 DEFINITIONS.  
5 26 ~~For the purpose of As used in this chapter, unless the~~  
5 27 context otherwise requires:  
5 28 1. "Biofuel", "biodiesel", "biodiesel fuel", "ethanol",  
5 29 "motor fuel", "retail dealer", "retail motor fuel site", and  
5 30 "wholesale dealer" mean the same as defined in section 214A.1.  
5 31 2. "Commercial weighing and measuring device" or "device"  
5 32 means the same as defined in section 215.26.  
5 33 2. 3. "Motor fuel" means the same as defined in section  
~~5 34 214A.1 fuel blender pump" or "blender pump" means a motor fuel~~  
5 35 pump that dispenses a type of motor fuel that is blended from



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6 1 two or more different types of motor fuels and which may  
6 2 dispense more than one type of blended motor fuel.  
6 3 ~~3.~~ 4. "Motor fuel pump" means a pump, meter, or similar  
6 4 commercial weighing and measuring device used to measure and  
6 5 dispense motor fuel on a retail basis.  
6 6 4. ~~"Retail dealer" means the same as defined in section~~  
~~6 7 214A.1.~~  
6 8 5. ~~"Wholesale dealer" means the same as defined in section~~  
~~6 9 214A.1~~ "Motor fuel storage tank" or "storage tank" means an  
6 10 aboveground or belowground container that is a fixture used to  
6 11 store an accumulation of motor fuel.  
6 12 Sec. 13. Section 214.9, Code 2007, is amended to read as  
6 13 follows:  
6 14 214.9 SELF=SERVICE MOTOR FUEL PUMPS.  
6 15 ~~Self=service~~ A self=service motor fuel ~~pumps~~ pump located  
6 16 at a retail motor ~~vehicle~~ fuel ~~stations~~ site may be equipped  
6 17 with an automatic latch=open ~~devices~~ device on the fuel  
6 18 dispensing hose nozzle only if the nozzle valve is the  
6 19 automatic closing type.  
6 20 Sec. 14. Section 214A.1, Code 2007, is amended by adding  
6 21 the following new subsection:  
6 22 NEW SUBSECTION. 4A. "Biodiesel fuel" means biodiesel or  
6 23 biodiesel blended fuel.  
6 24 Sec. 15. Section 214A.1, subsection 14, Code 2007, is  
6 25 amended to read as follows:  
6 26 14. "Motor fuel pump" and "motor fuel blender pump" or  
6 27 "blender pump" means the same as defined in section 214.1.  
6 28 Sec. 16. Section 214A.1, subsection 15, Code 2007, is  
6 29 amended to read as follows:  
6 30 15. "Motor fuel storage tank" means ~~an aboveground or~~  
~~6 31 belowground container that is a fixture, used to keep an~~  
~~6 32 accumulation of motor fuel~~ the same as defined in section  
6 33 214.1.  
6 34 Sec. 17. Section 214A.2, Code 2007, is amended by adding  
6 35 the following new subsection:



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7 1 NEW SUBSECTION. 4A. Ethanol blended gasoline shall be  
7 2 designated E=xx where "xx" is the volume percent of ethanol in  
7 3 the ethanol blended gasoline and biodiesel fuel shall be  
7 4 designated B=xx where "xx" is the volume percent of biodiesel.  
7 5 Sec. 18. Section 214A.2B, Code Supplement 2007, is amended  
7 6 to read as follows:

7 7 214A.2B LABORATORY FOR MOTOR FUEL AND BIOFUELS.

7 8 A laboratory for motor fuel and biofuels is established at  
7 9 a merged area school which is engaged in biofuels testing on  
7 10 July 1, 2007, and which testing includes but is not limited to  
7 11 ~~B=20~~ B=20 biodiesel fuel testing for motor trucks and the  
7 12 ability of biofuels to meet A.S.T.M. international standards.  
7 13 The laboratory shall conduct testing of motor fuel sold in  
7 14 this state and biofuel which is blended in motor fuel in this  
7 15 state to ensure that the motor fuel or biofuels meet the  
7 16 requirements in section 214A.2.

7 17 Sec. 19. Section 214A.3, subsection 2, paragraph b, Code  
7 18 2007, is amended to read as follows:

7 19 b. (1) Ethanol blended gasoline sold by a dealer shall be  
7 20 designated ~~E=xx where "xx" is the volume percent of ethanol in~~  
~~7 21 the ethanol blended gasoline~~ according to its classification  
7 22 as provided in section 214A.2. However, a person advertising  
7 23 E=10 gasoline may only designate it as ethanol blended  
7 24 gasoline. A person shall not knowingly falsely advertise  
7 25 ethanol blended gasoline by using an inaccurate designation in  
7 26 violation of this subparagraph.

7 27 (2) Biodiesel ~~blended~~ fuel shall be designated ~~B=xx where~~  
~~7 28 "xx" is the volume percent of biodiesel in the biodiesel~~  
~~7 29 blended fuel~~ according to its classification as provided in  
7 30 section 214A.2. A person shall not knowingly falsely  
7 31 advertise biodiesel ~~blended~~ fuel by using an inaccurate  
7 32 designation in violation of this subparagraph.

7 33 Sec. 20. Section 455G.31, subsection 1, paragraph b, Code  
7 34 Supplement 2007, is amended to read as follows:

7 35 b. "Gasoline storage and dispensing infrastructure" means



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8 1 any storage tank located below ground or above ground and any  
8 2 associated equipment including but not limited to a pipe,  
8 3 hose, connection, fitting seal, or motor fuel pump, which is  
8 4 used to store, measure, and dispense gasoline by a retail  
8 5 dealer.

8 6 Sec. 21. Section 455G.31, subsection 1, Code Supplement  
8 7 2007, is amended by adding the following new paragraph:  
8 8 NEW PARAGRAPH. c. "Dispenser" includes a motor fuel pump  
8 9 as defined in section 214.1, including but not limited to a  
8 10 motor fuel blender pump.

8 11 Sec. 22. Section 15.401, Code 2007, is repealed.

8 12 Sec. 23. RENEWABLE FUEL INFRASTRUCTURE PROGRAM FOR RETAIL  
8 13 MOTOR FUEL SITES == CONSIDERATION OF APPLICATIONS. The  
8 14 renewable fuel infrastructure board created in section 15G.202  
8 15 may award financial incentives to a person participating in  
8 16 the renewable fuel infrastructure program for retail motor  
8 17 fuel sites for an amount provided in section 15G.203,  
8 18 subsection 7, as amended in this Act, if the person applied to  
8 19 the department of economic development on or after February  
8 20 19, 2008.

8 21 Sec. 24. EFFECTIVE DATE. This Act, being deemed of  
8 22 immediate importance, takes effect upon enactment.

8 23 EXPLANATION

8 24 BACKGROUND. This bill amends Code provisions relating to  
8 25 infrastructure associated with the storage, blending, and  
8 26 dispensing of renewable fuel and specifically programs  
8 27 administered by the renewable fuel infrastructure board (see  
8 28 Code section 15G.202) established within the department of  
8 29 economic development and supported by moneys appropriated from  
8 30 the grow Iowa values fund (see Code section 15G.111(7)). The  
8 31 programs include the renewable fuel infrastructure programs  
8 32 for retail motor fuel sites (see Code section 15G.203) and  
8 33 biodiesel terminal facilities (see Code section 15G.204) which  
8 34 provide grants on a cost=share basis to participating persons.  
8 35 The department of agriculture and land stewardship regulates



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9 1 motor fuel pumps located at service stations (referred to as  
9 2 motor fuel sites) and motor fuel sold at those sites.

9 3 CONSIDERATION OF APPLICATIONS. The bill strikes a  
9 4 provision requiring the underground storage tank board to  
9 5 review applications for financial incentives under the  
9 6 programs.

9 7 BLENDER PUMPS. The bill provides for a new type of motor  
9 8 fuel pump referred to as a motor fuel blender pump (blender  
9 9 pump) which dispenses a blend of two types of motor fuel and  
9 10 may allow a retail customer to select the percent of biofuel,  
9 11 either ethanol (ethyl alcohol) which is blended into gasoline,  
9 12 or biodiesel (derived from vegetable oils or animal fats)  
9 13 which may dispensed or blended into diesel fuel. The bill  
9 14 expands the renewable fuel infrastructure program to provide  
9 15 financing to support the installation, replacement, or  
9 16 conversion of infrastructure associated with using a blender  
9 17 pump to dispense ethanol blended gasoline or biodiesel fuel.

9 18 FINANCING. The bill divides financing for improvements to  
9 19 infrastructure associated with storing, blending, and  
9 20 dispensing ethanol or ethanol blended gasoline and  
9 21 infrastructure associated with improving infrastructure  
9 22 associated with storing, blending, or dispensing biodiesel  
9 23 fuel (i.e., biodiesel blended fuel).

9 24 A participating person may execute two cost=share  
9 25 agreements: (1) to receive up to the full amount available to  
9 26 improve their retail motor fuel site with ethanol  
9 27 infrastructure, and (2) to receive up to the full amount  
9 28 available to improve the same retail motor fuel site with  
9 29 biodiesel infrastructure.

9 30 For ethanol infrastructure the amount of the financing is  
9 31 increased from 50 to 70 percent of the cost of making the  
9 32 improvement with a ceiling amount increased from \$30,000 to  
9 33 \$50,000. For biodiesel infrastructure, the amount of the  
9 34 financing is based on a cost=share agreement schedule, with  
9 35 the same increased ceiling. According to the schedule, the



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10 1 amount of financing is based on a the amount of biodiesel  
10 2 contained in the fuel, ranging from 50 percent of the cost of  
10 3 making an improvement for biodiesel fuel classified from B=2  
10 4 to B=5 to 70 percent for biodiesel classified B=20 or higher.  
10 5 AUTHORIZATION TO USE BLENDER PUMPS. The bill amends Code  
10 6 section 455G.31 which allows the state fire marshal to approve  
10 7 the installation of infrastructure associated with storing and  
10 8 dispensing E=85. The bill provides that such infrastructure  
10 9 includes blender pumps.  
10 10 APPLICATIONS. The bill provides that the infrastructure  
10 11 board may award financial incentives to participating persons  
10 12 who submitted an application on or after February 19, 2008.  
10 13 EFFECTIVE DATE. The bill takes effect upon enactment.  
10 14 LSB 6470XC 82  
10 15 da/nh/5.1