



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 20, 2008

House File 2314 - Introduced

HOUSE FILE
BY PETTENGILL

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

A BILL FOR

- 1 An Act exempting certain sales by qualified organizations
- 2 representing veterans from sales tax.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 5268YH 82
- 5 ak/sc/5



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1 1 Section 1. Section 423.2, subsection 4, Code Supplement
1 2 2007, is amended to read as follows:
1 3 4. a. A tax of five percent is imposed upon the sales
1 4 price derived from the operation of all forms of amusement
1 5 devices and games of skill, games of chance, raffles, and
1 6 bingo games as defined in chapter 99B, and card game
1 7 tournaments conducted under section 99B.7B, that are operated
1 8 or conducted within the state, the tax to be collected from
1 9 the operator in the same manner as for the collection of taxes
1 10 upon the sales price of tickets or admission as provided in
1 11 this section. Nothing in this subsection shall legalize any
1 12 games of skill or chance or slot-operated devices which are
1 13 now prohibited by law.
1 14 b. The tax imposed under this subsection covers the total
1 15 amount from the operation of games of skill, games of chance,
1 16 raffles, and bingo games as defined in chapter 99B, card game
1 17 tournaments conducted under section 99B.7B, and musical
1 18 devices, weighing machines, shooting galleries, billiard and
1 19 pool tables, bowling alleys, pinball machines, slot-operated
1 20 devices selling merchandise not subject to the general sales
1 21 taxes and on the total amount from devices or systems where
1 22 prizes are in any manner awarded to patrons and upon the
1 23 receipts from fees charged for participation in any game or
1 24 other form of amusement, and generally upon the sales price
1 25 from any source of amusement operated for profit, not
1 26 specified in this section, and upon the sales price from which
1 27 tax is not collected for tickets or admission, but tax shall
1 28 not be imposed upon any activity exempt from sales tax under
1 29 section 423.3, subsection 78 or 78A. Every person receiving
1 30 any sales price from the sources described in this section is
1 31 subject to all provisions of this subchapter relating to
1 32 retail sales tax and other provisions of this chapter as
1 33 applicable.
1 34 Sec. 2. Section 423.3, Code Supplement 2007, is amended by
1 35 adding the following new subsection:



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2 1 NEW SUBSECTION. 78A. a. The sales price from sales or
2 2 rental of tangible personal property, or services rendered, by
2 3 a qualified organization representing veterans where the
2 4 profits from the sales or rental of the tangible personal
2 5 property or services rendered are used for the benefit of the
2 6 same qualified organization representing veterans.

2 7 b. This exemption applies to the sales price from games of
2 8 skill, games of chance, raffles, and bingo games as defined in
2 9 chapter 99B, but only to the extent the profits from the
2 10 sales, rental, or services are used by or donated to the
2 11 qualified organization representing veterans.

2 12 c. For the purposes of this subsection, "qualified
2 13 organization representing veterans" means any licensed
2 14 organization representing veterans, which is a post, branch,
2 15 or chapter of a national association of veterans of the armed
2 16 forces of the United States, is a federally chartered
2 17 corporation, is exempt from federal income taxes under section
2 18 501(c)(19) of the Internal Revenue Code as defined in section
2 19 422.3, has an active membership of not less than twelve
2 20 persons, and does not have a self-perpetuating governing body
2 21 and officers.

2 22 EXPLANATION

2 23 This bill exempts sales by veterans organizations from
2 24 state sales tax. The bill also provides that the 5 percent
2 25 tax on games of skill, games of chance, raffles, and bingo
2 26 games is exempted when the games are operated by a qualified
2 27 organization representing veterans and the money from the
2 28 games is donated to the veterans organization.

2 29 The definition of a "qualified organization representing
2 30 veterans" is a licensed organization, which is a post, branch,
2 31 or chapter of a national association of veterans of the United
2 32 States armed forces, is a federally chartered corporation, is
2 33 exempt from federal income taxes, has more than 12 active
2 34 members, and does not have a self-perpetuating governing body
2 35 and officers.



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3 1 LSB 5268YH 82
3 2 ak/sc/5



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House File 2315 - Introduced

HOUSE FILE
BY SMITH

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

Passed Senate, Date _____
Vote: Ayes _____ Nays _____

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 TL5B 5684HH 82
- 7 av/nh/8



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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 5684HH 82

6 25 av/nh/8



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House File 2316 - Introduced

HOUSE FILE
BY WHITEAD

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

A BILL FOR

- 1 An Act appropriating funds for a proposed recreational trail
- 2 along state highway 12 from the entrance to Stone state park.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 5939HH 82
- 5 dea/nh/14



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1 1 Section 1. HIGHWAY 12 RECREATIONAL TRAIL. There is
1 2 appropriated from the rebuild Iowa infrastructure fund to the
1 3 department of transportation for the fiscal year beginning
1 4 July 1, 2008, and ending June 30, 2009, from funds not
1 5 otherwise appropriated, an amount sufficient for the purpose
1 6 of developing and completing a recreational trail beginning at
1 7 the entrance to Stone state park and continuing south for a
1 8 distance of one and one-eighth miles along, but separate from,
1 9 state highway 12.

1 10 EXPLANATION

1 11 This bill provides an appropriation to the department of
1 12 transportation for FY 2008=2009 for the development and
1 13 completion of a recreational trail to be built from the
1 14 entrance to Stone state park and continuing south along state
1 15 highway 12 for a distance of one and one-eighth miles. The
1 16 funding is appropriated from the rebuild Iowa infrastructure
1 17 fund from funds not otherwise appropriated.

1 18 LSB 5939HH 82

1 19 dea/nh/14



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House File 2317 - Introduced

HOUSE FILE
BY BAUDLER

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

A BILL FOR

1 An Act relating to sex offenders by modifying criminal penalties
2 for certain offenses involving sexual abuse in the second
3 degree, lascivious acts with a child, and sexual exploitation,
4 establishing a duty to inform law enforcement about a
5 registered sex offender, modifying residency restrictions,
6 establishing safety zones, providing sex offender information
7 to the public, and classifying criminal offenses that require
8 sex offender registration.

9 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
10 TLSB 5946YH 82
11 jm/rj/14



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1 1 Section 1. Section 692A.2, subsection 6, Code 2007, is
1 2 amended to read as follows:
1 3 6. A person is not required to register while
1 4 incarcerated, in foster care, or in a residential treatment
1 5 program. However, if a person in a residential treatment
1 6 program is enrolled and attending a public or nonpublic
1 7 elementary or secondary school, the person shall register as
1 8 required by this chapter.

1 9 6B. A person who is convicted, as defined in section
1 10 692A.1, of a criminal offense against a minor, sexual
1 11 exploitation, a sexually violent offense, or an other relevant
1 12 offense as a result of adjudication of delinquency in juvenile
1 13 court shall be required to register as required in this
1 14 chapter unless the juvenile court finds that the person should
1 15 not be required to register under this chapter. If a juvenile
1 16 is required to register and the court later modifies the order
1 17 regarding the requirement to register, the court shall
1 18 immediately notify the department.

1 19 6C. Convictions of more than one offense which require
1 20 registration under this chapter but which are prosecuted
1 21 within a single indictment shall be considered as a single
1 22 offense for purposes of registration.

1 23 Sec. 2. NEW SECTION. 692A.3B PRESENCE ON THE REAL
1 24 PROPERTY WHERE CHILDREN ARE PRESENT == SAFETY ZONES.

1 25 1. RESTRICTION. A person required to register under this
1 26 chapter who has been convicted of a criminal offense against a
1 27 minor, or an offense involving a minor that is an aggravated
1 28 offense, sexually violent offense, or other relevant offense,
1 29 shall not be knowingly present on the real property comprising
1 30 a public or nonpublic elementary or secondary school, child
1 31 care facility, public park, library, video arcade, or public
1 32 swimming pool unless subsection 2 or 3 applies or any of the
1 33 following apply:

1 34 a. The person is transporting a minor who is a child of
1 35 the person to or from the school or child care facility.



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2 1 b. The person is attending a parent=teacher conference
2 2 regarding a minor who is a child of the person.
2 3 c. The person has been summoned to discuss the academic or
2 4 social progress of a minor who is a child of the person.
2 5 d. The person is voting at the school or child care
2 6 facility during the hours designated to vote.
2 7 e. The person is present at a public park, library, video
2 8 arcade, or public swimming pool with a minor who is the child
2 9 of the person.
2 10 2. SCHOOL OR CHILD CARE FACILITY EXCEPTION. If the person
2 11 intends to be present at a public or nonpublic elementary or
2 12 secondary school or child care facility for any other reason
2 13 not enumerated in subsection 1, the person shall first notify
2 14 the administrative offices of the public or nonpublic
2 15 elementary or secondary school or child care facility that the
2 16 person intends to be present on the real property comprising
2 17 the school or child care facility, and the person shall
2 18 receive written permission from the school or child care
2 19 facility prior to entering onto the real property comprising
2 20 the school or child care facility.
2 21 3. PUBLIC PARK, LIBRARY, VIDEO ARCADE, OR PUBLIC SWIMMING
2 22 POOL EXCEPTION. If the person intends to be present at a
2 23 public park, library, video arcade, or public swimming pool
2 24 for any other reason not enumerated in subsection 1, the
2 25 person shall first notify the administrative offices of the
2 26 public park, library, video arcade, or public swimming pool
2 27 that the person intends to be present on the real property
2 28 comprising the public park, library, video arcade, or public
2 29 swimming pool, and the person shall receive written permission
2 30 from administrative offices of the public park, library, video
2 31 arcade, or public swimming pool prior to entering onto the
2 32 real property comprising the public park, library, video
2 33 arcade, or public swimming pool. Written permission received
2 34 pursuant to this subsection permits entry onto the real
2 35 property until such time as the administrative office revokes



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3 1 the written permission.

3 2 4. PENALTY. A person who commits a violation of this
3 3 section commits an aggravated misdemeanor.

3 4 Sec. 3. Section 692A.5, subsection 1, paragraph h, Code
3 5 2007, is amended by striking the paragraph and inserting in
3 6 lieu thereof the following:

3 7 h. Inform the person of restrictions for being present on
3 8 real property comprising a public or nonpublic school, child
3 9 care facility, public park, library, video arcade, or public
3 10 swimming pool.

3 11 Sec. 4. NEW SECTION. 692A.7A DUTY TO INFORM LAW
3 12 ENFORCEMENT == PENALTY.

3 13 A person commits a class "D" felony if the person knows
3 14 that another person is required to register under this chapter
3 15 and that the other person is not in compliance with this
3 16 chapter or is eluding a law enforcement agency that is seeking
3 17 to find the other person, and the person does any of the
3 18 following acts:

3 19 1. Withholds information from or fails to notify a law
3 20 enforcement agency about the whereabouts of the other person.

3 21 2. Provides materially false information to a peace
3 22 officer about the other person.

3 23 3. Harbors the other person.

3 24 4. Conceals the other person.

3 25 Sec. 5. Section 692A.13, subsection 1, paragraph b, Code
3 26 2007, is amended to read as follows:

3 27 b. The general public, if a peace officer of the
3 28 department knows the offender is required to register, or
3 29 through the sex offender registry's web page, except that
3 30 relevant information about an offender who was under twenty
3 31 years of age at the time the offender committed a violation of
3 32 section 709.4, subsection 2, paragraph "c", subparagraph (4),
3 33 shall not be disclosed on the web page.

3 34 Sec. 6. Section 902.9, unnumbered paragraph 1, Code 2007,
3 35 is amended to read as follows:



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4 1 The maximum sentence for any person convicted of a felony
4 2 shall be that prescribed by statute or, if not prescribed by
4 3 statute, if other than a class "A" or class "B1" felony shall
4 4 be determined as follows:

4 5 Sec. 7. NEW SECTION. 902.9A CLASS "B1" FELONS.

4 6 A person convicted of a class "B1" felony shall be confined
4 7 for a term of years as ordered by the court at the time of
4 8 sentencing. The minimum term of confinement shall be twenty=
4 9 five years and the maximum term of confinement may be for the
4 10 rest of the defendant's life.

4 11 Sec. 8. NEW SECTION. 902.15 SEXUAL ABUSE, LASCIVIOUS
4 12 ACTS, OR SEXUAL EXPLOITATION == ENHANCEMENT.

4 13 Notwithstanding the penalty for a violation of section
4 14 709.3, 709.8, or 728.12, if a person eighteen years of age or
4 15 older commits an offense against a child twelve years of age
4 16 or younger in violation of section 709.3, 709.8, or 728.12,
4 17 subsection 1, the person commits a class "B1" felony and shall
4 18 be denied parole or work release until the term of the
4 19 sentence ordered pursuant to section 902.9A has been served.

4 20 Sec. 9. Section 903A.2, subsection 1, unnumbered paragraph
4 21 1, Code 2007, is amended to read as follows:

4 22 Each inmate committed to the custody of the director of the
4 23 department of corrections is eligible to earn a reduction of
4 24 sentence, except as provided in paragraph "c", in the manner
4 25 provided in this section. For purposes of calculating the
4 26 amount of time by which an inmate's sentence may be reduced,
4 27 inmates shall be grouped into the following ~~two~~ three
4 28 sentencing categories:

4 29 Sec. 10. Section 903A.2, subsection 1, Code 2007, is
4 30 amended by adding the following new paragraph:

4 31 NEW PARAGRAPH. c. Category "C" sentences are those
4 32 sentences which are classified as class "B1" felonies under
4 33 section 902.15. An inmate of an institution under the control
4 34 of the department of corrections who is serving a category "C"
4 35 sentence is not eligible for a reduction of sentence.



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5 1 Sec. 11. Section 903A.7, Code 2007, is amended to read as
5 2 follows:

5 3 903A.7 SEPARATE SENTENCES.

5 4 Consecutive multiple sentences that are within the same
5 5 category under section 903A.2 shall be construed as one
5 6 continuous sentence for purposes of calculating reductions of
5 7 sentence for earned time. If a person is sentenced to serve
5 8 sentences of ~~both~~ multiple categories, category "C" sentences
5 9 shall be served before category "B" or "A" sentences are

5 10 served, category "B" sentences shall be served before category
5 11 "A" sentences are served, and earned time accrued against the
5 12 category "B" sentences shall not be used to reduce the
5 13 category "A" sentences. If an inmate serving a category "A"
5 14 sentence is sentenced to serve either a category "C" or "B"
5 15 sentence, the category "A" sentence shall be interrupted, and
5 16 no further earned time shall accrue against that sentence
5 17 until the category "C" or "B" sentence is completed.

5 18 Sec. 12. Section 903B.1, Code 2007, is amended to read as
5 19 follows:

5 20 903B.1 SPECIAL SENTENCE == CLASS "B1", CLASS "B", OR CLASS
5 21 "C" FELONIES.

5 22 A person convicted of a class "C" felony or greater offense
5 23 under chapter 709, ~~or~~ a class "C" felony under section 728.12,
5 24 or a class "B1" felony under section 902.15, shall also be
5 25 sentenced, in addition to any other punishment provided by
5 26 law, to a special sentence committing the person into the
5 27 custody of the director of the Iowa department of corrections
5 28 for the rest of the person's life, with eligibility for parole
5 29 as provided in chapter 906. The special sentence imposed
5 30 under this section shall commence upon completion of the
5 31 sentence imposed under any applicable criminal sentencing
5 32 provisions for the underlying criminal offense and the person
5 33 shall begin the sentence under supervision as if on parole.
5 34 The person shall be placed on the corrections continuum in
5 35 chapter 901B, and the terms and conditions of the special



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6 1 sentence, including violations, shall be subject to the same
6 2 set of procedures set out in chapters 901B, 905, 906, and
6 3 ~~chapter~~ 908, and rules adopted under those chapters for
6 4 persons on parole. The revocation of release shall not be for
6 5 a period greater than two years upon any first revocation, and
6 6 five years upon any second or subsequent revocation. A
6 7 special sentence shall be considered a category "A" sentence
6 8 for purposes of calculating earned time under section 903A.2.

6 9 Sec. 13. Section 907.3, subsection 1, paragraph a, Code
6 10 2007, is amended to read as follows:

6 11 a. The offense is a violation of section 709.8 or section
6 12 728.12, subsection 1, and the child is twelve years of age or
6 13 under.

6 14 Sec. 14. Section 692A.2A, Code 2007, is repealed.

6 15 Sec. 15. ADAM WALSH CHILD PROTECTION AND SAFETY ACT ==
6 16 COMPLIANCE. The department of public safety, in anticipation
6 17 of the state complying with the federal Adam Walsh Child
6 18 Protection and Safety Act, shall review all the criminal
6 19 offenses requiring registration under chapter 692A and
6 20 classify each offense requiring registration as a tier I, tier
6 21 II, or tier III offense. The department, no later than
6 22 January 15, 2009, shall provide a report classifying the
6 23 criminal offenses into the tiers to the chairpersons and
6 24 ranking members of the senate and house standing committees on
6 25 judiciary and the house standing committee on public safety
6 26 committee, and the legislative services agency.

6 27 Sec. 16. IMPLEMENTATION OF ACT. Section 25B.2, subsection
6 28 3, shall not apply to this Act.

6 29 EXPLANATION

6 30 This bill relates to sex offenders by modifying the
6 31 criminal penalties for sexual abuse in the second degree,
6 32 lascivious acts with a child, and sexual exploitation,
6 33 requiring a duty to inform law enforcement about a sex
6 34 offender required to register, modifying residency
6 35 restrictions, establishing safety zones, providing sex



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House File 2317 - Introduced continued

7 1 offender information to the public, and classifying criminal
7 2 offenses that require sex offender registration.
7 3 The bill requires a person in a residential treatment
7 4 program who is enrolled and attending a public or nonpublic
7 5 elementary or secondary school, shall register as a sex
7 6 offender. Currently, a person in a residential treatment
7 7 program is not required to register while in the program.
7 8 The bill provides that a registered sex offender who has
7 9 been convicted of a criminal offense against a minor, or an
7 10 offense involving a minor that is an aggravated offense,
7 11 sexually violent offense, or other relevant offense, shall not
7 12 be present on the real property comprising a public or
7 13 nonpublic elementary or secondary school, child care facility,
7 14 or public park, library, video arcade, or public swimming
7 15 pool. However, the bill provides exceptions: (1) a sex
7 16 offender may be present on school or child care facility
7 17 property if the sex offender is transporting the offender's
7 18 child to or from school or a child care facility, the offender
7 19 is attending a parent=teacher conference, the sex offender is
7 20 summoned to discuss the academic or social progress of the
7 21 offender's child, the sex offender is voting in an election
7 22 during the designated hours to vote, or the sex offender is
7 23 present at a public park, library, video arcade, or public
7 24 swimming pool with a minor who is the child of the person; (2)
7 25 if a sex offender is to be present on the real property of a
7 26 school or child care facility for any other reason, the
7 27 offender must first receive written permission from the
7 28 administrative offices of the school or child care facility
7 29 prior to entering onto the property; (3) if the sex offender
7 30 is to be present on the real property comprising a public
7 31 park, library, video arcade, or public swimming pool for any
7 32 other reason, the offender must first receive written
7 33 permission from the administrative offices of the public park,
7 34 library, video arcade, or public swimming pool prior to
7 35 entering onto the property.



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House File 2317 - Introduced continued

8 1 If a person receives written permission to enter onto the
8 2 real property of a public park, library, video arcade, or
8 3 public swimming pool under the bill, the permission to enter
8 4 onto such property permits entry onto the property until such
8 5 time as the administrative office revokes the written
8 6 permission.

8 7 The bill also repeals Code section 692A.2A, which prohibits
8 8 certain sex offenders from residing within 2,000 feet of a
8 9 school or child care facility under most circumstances.

8 10 A person who violates the presence restrictions created in
8 11 the bill commits an aggravated misdemeanor.

8 12 The bill provides that a person commits a class "D" felony
8 13 if a person knows that a registered sex offender is not in
8 14 compliance with the sex offender registry Code chapter,
8 15 chapter 692A, or is eluding a law enforcement agency and does
8 16 any of the following: withholds information from or fails to
8 17 notify a law enforcement agency about the whereabouts of the
8 18 sex offender; provides materially false information to a peace
8 19 officer about the sex offender; or harbors or conceals a sex
8 20 offender.

8 21 The bill enhances the criminal penalties, by creating a new
8 22 class "B1" felony category, for sexual abuse in the second
8 23 degree (Code section 709.3), lascivious acts with a child
8 24 (Code section 709.8), and sexual exploitation of a minor (Code
8 25 section 728.12, subsection 1), for a person 18 years of age or
8 26 older who commits an offense against a child 12 years of age
8 27 or younger. A class "B1" felony is punishable by a minimum
8 28 term of confinement of 25 years and a maximum term of
8 29 confinement that may be for the rest of the person's life. A
8 30 person serving a class "B1" felony is not eligible to receive
8 31 earned time. A class "B1" felon is also not eligible for
8 32 parole or work release.

8 33 The bill also provides that a person serving a class "B1"
8 34 sentence shall also serve a special sentence as provided in
8 35 Code section 903B.1. The special sentence provides, in



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9 1 addition to any other punishment provided by law, that a
9 2 person be committed to the custody of the director of the Iowa
9 3 department of corrections for the rest of the person's life,
9 4 with eligibility for parole as provided in Code chapter 906.
9 5 Under the bill, the special sentence imposed shall commence
9 6 upon completion of the class "B1" felony sentence imposed and
9 7 the person shall begin the sentence under supervision as if on
9 8 parole. The bill provides the person shall be placed on the
9 9 corrections continuum in Code chapter 901B, and the terms and
9 10 conditions of the special sentence, including violations,
9 11 shall be subject to the same set of procedures set out in Code
9 12 chapters 901B, 905, 906, and 908, and rules adopted under
9 13 those chapters for persons on parole. The bill provides that
9 14 if such a person violates the conditions of release, the
9 15 revocation of release shall not be for a period greater than
9 16 two years upon any first revocation, and five years upon any
9 17 second or subsequent revocation. A person serving a special
9 18 sentence under the bill may be discharged early from the
9 19 sentence by the board of parole in the same manner as a person
9 20 on parole.

9 21 The bill also prohibits a person from receiving a suspended
9 22 sentence, deferred sentence, or deferred judgment, if the
9 23 person commits sexual exploitation of a minor involving a
9 24 child who is 12 years of age or younger. Current law
9 25 prohibits a person committing any sexual abuse in the second
9 26 degree or lascivious acts with a child involving a child 12
9 27 years of age or younger from receiving a suspended sentence,
9 28 deferred sentence, or deferred judgment.

9 29 The bill permits a peace officer of the department of
9 30 public safety to inform the general public of a person
9 31 required to register as a sex offender if the peace officer
9 32 knows the person is required to register. Current law
9 33 provides that the department notify the general public through
9 34 the sex offender registry's web page maintained by the
9 35 department.



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House File 2317 - Introduced continued

10 1 The bill requires the department of public safety, in
10 2 anticipation of the state complying with the federal Adam
10 3 Walsh Child Protection and Safety Act, to review all criminal
10 4 offenses requiring sex offender registration under Code
10 5 chapter 692A and classify each offense requiring registration
10 6 as a tier I, tier II, or tier III offense.
10 7 The bill may include a state mandate as defined in Code
10 8 section 25B.3. The bill makes inapplicable Code section
10 9 25B.2, subsection 3, which would relieve a political
10 10 subdivision from complying with a state mandate if funding for
10 11 the cost of the state mandate is not provided or specified.
10 12 Therefore, political subdivisions are required to comply with
10 13 any state mandate included in the bill.
10 14 LSB 5946YH 82
10 15 jm/rj/14



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House File 2318 - Introduced

HOUSE FILE
BY SCHICKEL

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

A BILL FOR

- 1 An Act establishing sex offender exclusion zones in lieu of sex
- 2 offender residency restrictions and providing a penalty.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 5063HH 82
- 5 jm/rj/8



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House File 2318 - Introduced continued

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1 1 Section 1. Section 692A.2A, Code 2007, is amended by
1 2 striking the section and inserting in lieu thereof the
1 3 following:

1 4 692A.2A EXCLUSIONARY ZONES.

1 5 1. As used in this section:

1 6 a. "Child sex offender" means a person required to
1 7 register under this chapter and who has been convicted of a
1 8 criminal offense against a minor.

1 9 b. "Exclusionary zone" means a designated park or
1 10 playground, municipal pool, or the immediate area in or around
1 11 a public or nonpublic school bus stop.

1 12 2. A child sex offender rated a medium or high risk to
1 13 reoffend pursuant to the assessment of risk performed under
1 14 section 692A.13A shall not be present on the real property
1 15 comprising an exclusionary zone.

1 16 3. A child sex offender rated a low risk to reoffend or
1 17 not assessed under section 692A.13A shall not be present on
1 18 the real property comprising an exclusionary zone other than a
1 19 designated park.

1 20 4. A person who violates this section commits an
1 21 aggravated misdemeanor.

1 22 Sec. 2. Section 692A.5, subsection 1, paragraph h, Code
1 23 2007, is amended to read as follows:

1 24 h. Inform the person, ~~if the person's residency is~~
~~1 25 restricted of the exclusionary zones~~ under section 692A.2A,
~~1 26 that the person shall not reside within two thousand feet of~~
~~1 27 the real property comprising a public or nonpublic elementary~~
~~1 28 or secondary school, or a child care facility.~~

1 29 EXPLANATION

1 30 This bill strikes sex offender residency restrictions and
1 31 establishes sex offender exclusion zones.

1 32 The bill provides that a child sex offender who has been
1 33 convicted of a criminal offense against a minor and who is
1 34 rated a medium or high risk to reoffend shall not be present
1 35 on the real property comprising a designated park or



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2 1 playground, municipal pool, or the immediate area in or around
2 2 a public or nonpublic school bus stop.
2 3 The bill provides that a child sex offender who has been
2 4 convicted of a criminal offense against a minor and who is
2 5 rated a low risk to reoffend or who has not been assessed
2 6 shall not be present on the real property which is a
2 7 designated playground, municipal pool, or the immediate area
2 8 in or around a public or nonpublic school bus stop.
2 9 A child sex offender under the bill means a person required
2 10 to register as a sex offender and who has been convicted of a
2 11 criminal offense against a minor. Criminal offense against a
2 12 minor is defined in Code section 692A.1.
2 13 A person who violates the bill commits an aggravated
2 14 misdemeanor. An aggravated misdemeanor is punishable by
2 15 confinement for no more than two years and a fine of at least
2 16 \$625 but not more than \$6,250.
2 17 LSB 5063HH 82
2 18 jm/rj/8.1



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House File 2319 - Introduced

HOUSE FILE
BY FORD

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

Passed Senate, Date _____
Vote: Ayes _____ Nays _____

A BILL FOR

- 1 An Act requiring the facilities used for certain child care,
- 2 early care, and preschool programs and services to be tested
- 3 for lead-based paint hazards.
- 4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 5 TLSB 6352HH 82
- 6 jp/nh/8



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House File 2319 - Introduced continued

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1 1 Section 1. Section 28.8, subsection 3, paragraph c, Code
1 2 2007, is amended by adding the following new subparagraph:
1 3 NEW SUBPARAGRAPH. (6) Require that the facilities, other
1 4 than the children's home, that are regularly used to provide
1 5 program services to children have been tested for lead-based
1 6 paint hazards.

1 7 Sec. 2. Section 237A.12, Code 2007, is amended by adding
1 8 the following new subsection:

1 9 NEW SUBSECTION. 6. The department shall adopt rules
1 10 applicable to child care facilities, child care facilities in
1 11 buildings owned or leased by a school district or accredited
1 12 nonpublic school, and child care homes that receive public
1 13 funding for providing child care, that require the physical
1 14 facilities used for providing child care to be tested for
1 15 lead-based paint hazards.

1 16 Sec. 3. Section 256.9, subsection 35, paragraph e, Code
1 17 Supplement 2007, is amended by adding the following new
1 18 unnumbered paragraph:

1 19 NEW UNNUMBERED PARAGRAPH. The standards shall require the
1 20 physical facilities used for prekindergarten programs to be
1 21 tested for lead-based paint hazards.

1 22 Sec. 4. NEW SECTION. 256A.6 LEAD-BASED PAINT HAZARDS.

1 23 The facilities that are regularly used by children in the
1 24 programs and services addressed by this chapter shall be
1 25 tested for lead-based paint hazards.

1 26 Sec. 5. Section 256C.3, subsection 3, Code Supplement
1 27 2007, is amended by adding the following new paragraph:

1 28 NEW PARAGRAPH. i. A requirement that facilities that are
1 29 regularly used by children in the local program shall be
1 30 tested for lead-based paint hazards.

1 31 EXPLANATION

1 32 This bill requires the facilities used for certain child
1 33 care, early care, and preschool programs and services to be
1 34 tested for lead-based paint hazards.

1 35 The requirement is applied to the following: school ready



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2 1 children grant services administered under the community
2 2 empowerment initiative in Code section 28.8; child care
2 3 facilities (licensed centers, preschools, and registered child
2 4 development homes), child care facilities in buildings owned
2 5 or leased by a school district or accredited nonpublic school,
2 6 and unregistered child care homes that receive public funding
2 7 for providing child care, that are subject to rules adopted by
2 8 the department of human services under Code section 237A.12;
2 9 prekindergarten programs operated by school districts in
2 10 accordance with standards developed by the director of the
2 11 department of education under Code section 256.9; family
2 12 support services and child development programs for at-risk
2 13 children under Code chapter 256A; and the local programs under
2 14 the statewide preschool program for four-year-old children
2 15 under Code chapter 256C.
2 16 LSB 6352HH 82
2 17 jp/nh/8



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House File 2320 - Introduced

HOUSE FILE
BY PETTENGILL

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

A BILL FOR

1 An Act relating to the providing of income tax, franchise tax,
2 premium tax, and moneys and credits tax credits for employers
3 paying part of their employees' student loans and including a
4 retroactive applicability date provision.
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
6 TL5B 5752YH 82
7 mg/rj/5



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1 1 Section 1. NEW SECTION. 261.130 DEFINITIONS.
1 2 As used in this division, unless the context otherwise
1 3 requires:
1 4 1. "Accredited higher education institution" means an
1 5 institution of higher education as defined in section 261.92.
1 6 2. "Commission" means the college student aid commission
1 7 created in section 261.1.
1 8 3. "Qualified undergraduate loan" means a federally
1 9 guaranteed student loan authorized under the federal Higher
1 10 Education Act of 1965, 20 U.S.C. } 1071 et seq., or a loan
1 11 originated by banks, savings and loans, or credit unions
1 12 located in Iowa for purposes of attending an accredited higher
1 13 education institution.
1 14 Sec. 2. NEW SECTION. 261.131 STUDENT LOAN REPAYMENT TAX
1 15 CREDIT PROGRAM.
1 16 1. The commission shall establish a student loan repayment
1 17 tax credit program for employers who repay qualified
1 18 undergraduate loans of students employed in this state by the
1 19 employer. Under the program eligible employers shall be
1 20 entitled to a tax credit to be allowed against the taxes
1 21 imposed under chapter 422, division II, III, or V, or chapter
1 22 432, or against the moneys and credits tax imposed in section
1 23 533.329.
1 24 2. An eligible employer shall receive a credit equal to
1 25 thirty percent of the amount of the qualified undergraduate
1 26 loan repaid by the employer for an employee in the tax year.
1 27 However, in computing the amount of the tax credit only the
1 28 following repayment amount shall be used in the computation:
1 29 a. For the first tax year, not more than fifteen percent
1 30 of the maximum qualified undergraduate loan.
1 31 b. For the second tax year, not more than fifteen percent
1 32 of the maximum qualified undergraduate loan.
1 33 c. For the third tax year, not more than twenty percent of
1 34 the maximum qualified undergraduate loan.
1 35 d. For the fourth tax year, not more than twenty-five



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2 1 percent of the maximum qualified undergraduate loan.
2 2 e. For the fifth tax year, not more than twenty-five
2 3 percent of the maximum qualified undergraduate loan.
2 4 For purposes of the computation of the tax credit pursuant
2 5 to this subsection, "maximum qualified undergraduate loan"
2 6 equals twenty-five thousand dollars.
2 7 3. To qualify as an eligible employer for purposes of the
2 8 tax credit under subsection 2, an employer shall meet all of
2 9 the following:
2 10 a. Pay the employee for whom the loan repayment is to be
2 11 made an annualized salary or wage of at least twenty-five
2 12 thousand dollars.
2 13 b. Employ the individual primarily in this state.
2 14 c. Begin repayment of the qualified undergraduate loan
2 15 within six months of the initial hiring date of the employee.
2 16 For purposes of this paragraph, an employee who is already
2 17 employed by the employer as of July 1, 2008, shall be
2 18 considered to be initially hired as of that date.
2 19 4. If the employer is a partnership, S corporation,
2 20 limited liability company, estate, or trust electing to have
2 21 the income taxed directly to the individual, an individual may
2 22 claim the tax credit allowed. The amount claimed by the
2 23 individual shall be based upon the pro rata share of the
2 24 individual's earnings of the partnership, S corporation,
2 25 limited liability company, estate, or trust.
2 26 5. Any credit in excess of the tax liability for the tax
2 27 year shall be refunded with interest computed under section
2 28 422.25. In lieu of claiming a refund, a taxpayer may elect to
2 29 have the overpayment shown on its final, completed return
2 30 credited to the tax liability for the following tax year.
2 31 Sec. 3. NEW SECTION. 261.132 TAX CREDIT CERTIFICATE
2 32 PROCEDURE.
2 33 1. An employer seeking the student loan repayment tax
2 34 credit under this division shall apply to the commission on
2 35 the form prescribed by the commission, provide verification



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3 1 that the employer is eligible as required under section
3 2 261.131, subsection 3, and any other information required by
3 3 the commission or the department of revenue.
3 4 2. After verifying the eligibility for the tax credit, the
3 5 commission, in consultation with the department of revenue,
3 6 shall issue a student loan repayment tax credit certificate to
3 7 be attached to the person's tax return. The tax credit
3 8 certificate shall contain the taxpayer's name, address, tax
3 9 identification number, the dates of loan repayment, the amount
3 10 of credit, and other information required by the department of
3 11 revenue.
3 12 Sec. 4. NEW SECTION. 422.11V STUDENT LOAN REPAYMENT TAX
3 13 CREDIT.
3 14 The taxes imposed under this division, less the credits
3 15 allowed under section 422.12, shall be reduced by a student
3 16 loan repayment tax credit authorized pursuant to sections
3 17 261.130 through 261.132.
3 18 Sec. 5. Section 422.33, Code Supplement 2007, is amended
3 19 by adding the following new subsection:
3 20 NEW SUBSECTION. 25. The taxes imposed under this division
3 21 shall be reduced by a student loan repayment tax credit
3 22 authorized pursuant to sections 261.130 through 261.132.
3 23 Sec. 6. Section 422.60, Code Supplement 2007, is amended
3 24 by adding the following new subsection:
3 25 NEW SUBSECTION. 15. The taxes imposed under this division
3 26 shall be reduced by a student loan repayment tax credit
3 27 authorized pursuant to sections 261.130 through 261.132.
3 28 Sec. 7. NEW SECTION. 432.12L STUDENT LOAN REPAYMENT TAX
3 29 CREDIT.
3 30 The taxes imposed under this chapter shall be reduced by a
3 31 student loan repayment tax credit authorized pursuant to
3 32 sections 261.130 through 261.132.
3 33 Sec. 8. Section 533.329, subsection 2, Code Supplement
3 34 2007, is amended by adding the following new paragraph:
3 35 NEW PARAGRAPH. n. The moneys and credits tax imposed



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4 1 under this section shall be reduced by a student loan
4 2 repayment tax credit authorized pursuant to sections 261.130
4 3 through 261.132.

4 4 Sec. 9. RETROACTIVE APPLICABILITY DATE. This Act applies
4 5 retroactively to January 1, 2008, for tax years beginning on
4 6 or after that date.

4 7 EXPLANATION

4 8 This bill provides a tax credit for an employer who repays
4 9 any portion of an employee's undergraduate student loan. The
4 10 tax credits are allowable under the individual and corporate
4 11 income taxes, franchise tax, insurance premiums tax, and
4 12 moneys and credits tax of credit unions.

4 13 To be eligible for the tax credit the employer must pay an
4 14 annualized salary or wage of at least \$25,000, employ the
4 15 person in this state, and begin repayment of the student loan
4 16 within six months of the hiring date. However, the bill
4 17 provides that the hiring date for an employee already employed
4 18 as of July 1, 2008, shall be considered July 1, 2008.

4 19 The amount of the tax credit equals 30 percent of the
4 20 amount of the loan repaid not to exceed a certain percentage
4 21 of the first \$25,000 of the student loan. This percentage may
4 22 be claimed over a five-year period, 15 percent for the first
4 23 and second tax years, 20 percent for the third tax year, and
4 24 25 percent for the fourth and fifth tax years.

4 25 The bill applies retroactively to January 1, 2008, for tax
4 26 years beginning on or after that date.

4 27 LSB 5752YH 82

4 28 mg/rj/5



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House File 2321 - 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 education, including for statewide core
2 content and performance standards, graduation requirements,
3 student assessments, education data, and teacher training and
4 salaries.
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
6 TL5B 5766HH 82
7 kh/nh/8



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1 1 Section 1. Section 256.7, subsection 21, paragraph b, Code
1 2 Supplement 2007, is amended to read as follows:
1 3 b. A set of core academic indicators ~~in mathematics and~~
1 4 ~~reading in grades four, eight, and eleven, a set of core~~
1 5 ~~academic indicators in science in grades eight and eleven, and~~
1 6 ~~another set of core indicators that includes, but is not~~
1 7 limited to, data from the assessments administered pursuant to
1 8 subsection 29, graduation rate, postsecondary education, and
1 9 successful employment in Iowa. Annually, the department shall
1 10 report state data for each indicator in the condition of
1 11 education report.
1 12 Sec. 2. Section 256.7, subsection 25, Code Supplement
1 13 2007, is amended to read as follows:
1 14 25. Adopt rules establishing standards for school district
1 15 and area education agency professional development programs
1 16 and for individual teacher professional development plans in
1 17 accordance with section 284.6. Notwithstanding any provision
1 18 to the contrary, until such time as all of a school district's
1 19 attendance centers have aligned curriculum and instruction to
1 20 the state content and performance standards pursuant to
1 21 subsection 28, and the school district has certified such to
1 22 the director, all state, local, and federal funds designated
1 23 for curriculum development or professional development shall,
1 24 to the extent possible, be used only for assisting
1 25 practitioners to develop standards-based curricula and
1 26 implementing standards-based instruction.
1 27 Sec. 3. Section 256.7, subsection 28, Code Supplement
1 28 2007, is amended to read as follows:
1 29 28. a. (1) Adopt a set of, by August 15, 2008, core
1 30 content and performance standards applicable to all students
1 31 in kindergarten through grade twelve in every school district
1 32 and accredited nonpublic school. The board shall consider the
1 33 recommendations of the task force convened by the director in
1 34 accordance with subparagraph (2). The board shall establish
1 35 criteria to ensure that the standards adopted are rigorous and



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2 1 support best practices. However, the standards adopted shall
2 2 not exceed in scope or depth the curriculum that can be
2 3 reasonably taught in the instructional time available. Prior
2 4 to adoption, the board shall submit the proposed standards to
2 5 an external, nonprofit educational organization for an
2 6 independent review. The results of the review shall be posted
2 7 on the department's internet web site.
2 8 (2) Recommended core content and performance standards
2 9 shall be developed by a task force convened by the director of
2 10 the department. The task force shall be comprised of
2 11 teachers, school administrators, higher education faculty who
2 12 teach in the subjects for which the standards are being
2 13 adopted, private sector employers, and members of the boards
2 14 of directors of school districts. The task force shall review
2 15 the national assessment of educational progress standards,
2 16 standards adopted by other states, the appraisal of state
2 17 standards by the Thomas B. Fordham institute, and the achieve,
2 18 inc., American diploma project. The director shall provide
2 19 one staff person at a minimum who is qualified by education
2 20 and experience in developing content and performance standards
2 21 to assist the task force. Members of the task force shall be
2 22 allowed their actual and necessary expenses incurred in the
2 23 performance of their duties. All expenses shall be paid from
2 24 appropriations to the department. The task force shall submit
2 25 its recommendations to the state board of education by July 1,
2 26 2008. The task force may be reconvened whenever the director
2 27 of the department determines there is a need to review or
2 28 amend the core content and performance standards.
2 29 b. For purposes of this subsection, "core content
2 30 standards" includes The core content standards for
2 31 kindergarten through grade six shall include reading and
2 32 writing, mathematics, and science; the core content standards
2 33 for grades seven through twelve shall include English and
2 34 language arts, mathematics, science, history and social
2 35 studies, and art; and the core content standards for grades



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3 1 nine through twelve shall include career and vocational
3 2 courses approved under the federal Carl D. Perkins Career and
3 3 Technical Education Improvement Act of 2006, Pub. L. No.
3 4 109=270. The core content standards shall be identical to at
3 5 least as rigorous as the core content standards included in
3 6 Iowa's approved 2006 standards and assessment system under
3 7 Title I of the federal Elementary and Secondary Education Act
3 8 of 1965, 20 U.S.C. } 6301 et seq., as amended by the federal
3 9 No Child Left Behind Act of 2001, Pub. L. No. 107=110. School
3 10 districts and accredited nonpublic schools shall include, at a
3 11 minimum, the core content and performance standards adopted
3 12 pursuant to this subsection in any set of locally developed
3 13 content standards. School districts and accredited nonpublic
~~3 14 schools are strongly encouraged to include the voluntary model~~
~~3 15 core curriculum or set higher expectations in local standards.~~
~~3 16 As changes in federal law or regulation occur, the state board~~
~~3 17 is authorized to amend the core content standards as~~
~~3 18 appropriate.~~
3 19 c. The performance standards are grade-level expectations
3 20 which shall be aligned to the core content standards adopted
3 21 pursuant to this subsection. The performance standards shall
3 22 specify expectations for students' knowledge and performance
3 23 at the end of a given grade level. The performance standards
3 24 for kindergarten through grade six shall include reading and
3 25 writing, mathematics, and science; for grades seven through
3 26 twelve shall include English and language arts, mathematics,
3 27 science, history and social studies, and art; and for grades
3 28 nine through twelve shall include career and vocational
3 29 courses approved under the federal Carl D. Perkins Career and
3 30 Technical Education Improvement Act of 2006, Pub. L. No.
3 31 109=270.
3 32 d. The board shall require each school district to align
3 33 the local curriculum, instructional materials, and classroom
3 34 instruction to the standards adopted and to submit evidence of
3 35 such alignment satisfactory to the department.



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4 1 e. A student shall not be denied curriculum and
4 2 instruction consistent with the core content standards which
4 3 offer the student an opportunity to become proficient on the
4 4 performance standards adopted pursuant to this subsection.

4 5 Sec. 4. Section 256.7, Code Supplement 2007, is amended by
4 6 adding the following new subsections:

4 7 NEW SUBSECTION. 29. Adopt grade level assessments for
4 8 each of the core content standard subjects. The board shall
4 9 require school districts to administer the assessments to
4 10 students in every grade level. Where possible, the
4 11 assessments shall be psychometrically equated to proficiency
4 12 on the national assessment for educational progress. If the
4 13 percent proficient on any test varies by more than five
4 14 percent from the percent proficient on the national assessment
4 15 of education progress on any administration of the assessment,
4 16 the assessment shall reequate the assessment to align it to
4 17 the national assessment of education progress. If the state
4 18 board determines it is not feasible to adopt assessments for
4 19 every grade level or subject, priority shall be given to
4 20 completing assessments for grade levels assessed by the
4 21 national assessment of education progress. The assessment
4 22 results shall be reported annually to the department and the
4 23 local community in accordance with subsection 21.

4 24 NEW SUBSECTION. 30. Adopt assessments which the board
4 25 shall require school districts to administer to students at
4 26 the end of each unit of algebra, advanced algebra, geometry,
4 27 biology, chemistry, physics, and fourth-year English.
4 28 Advanced placement examinations may be substituted for the
4 29 end-of-unit examination. A student's score on an end-of-unit
4 30 examination shall be placed in the student's permanent record.

4 31 Sec. 5. Section 256.9, subsection 52, Code Supplement
4 32 2007, is amended to read as follows:

4 33 52. Develop and implement a comprehensive management
4 34 information system designed for the purpose of establishing
4 35 standardized electronic data collections and reporting



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5 1 protocols that facilitate compliance with state and federal
5 2 reporting requirements, improve school-to-school and
5 3 district-to-district information exchanges, facilitate
5 4 research and evaluation projects, including longitudinal
5 5 analysis, and maintain the confidentiality of individual
5 6 student and staff data. The system shall provide for the
5 7 electronic transfer of individual student records between
5 8 schools, districts, postsecondary institutions, and the
5 9 department. The director may establish, to the extent
5 10 practicable, a uniform coding and reporting system, including
5 11 a statewide uniform student identification system in which
5 12 each student is uniquely identified. Each student record
5 13 shall contain, at a minimum, student demographic information,
5 14 every assessment score, identification of district and school
5 15 of attendance, identification of each teacher for each grade
5 16 level in which the student was enrolled, participation in any
5 17 special programs, and the courses taken at the secondary level
5 18 and identification of the course teachers. The board of
5 19 directors of a school district, school district
5 20 administrators, and qualified researchers shall not be denied
5 21 access to the system if a request for access does not violate
5 22 section 22.7.

5 23 Sec. 6. Section 256.9, Code Supplement 2007, is amended by
5 24 adding the following new subsection:

5 25 NEW SUBSECTION. 57. Develop and deliver, in collaboration
5 26 with the institutions of higher education governed by the
5 27 state board of regents and the area education agencies,
5 28 subject matter and grade-level specific training for teachers
5 29 and administrators in standards-based curriculum development
5 30 and standards-based instruction.

5 31 Sec. 7. Section 256.11, subsection 5, paragraphs a, d, and
5 32 h, Code Supplement 2007, are amended to read as follows:

5 33 a. Five units of science including biology, physics, and
5 34 chemistry; the units of physics and chemistry may be taught in
5 35 alternate years.



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6 1 d. Four units of a sequential program in mathematics,
6 2 including algebra I, algebra II, geometry, and calculus or
6 3 trigonometry. Each course may be offered in alternate years
6 4 but students must have access to the courses as needed to meet
6 5 the requirements of sections 279.61 and 280.9C.
6 6 h. A minimum of three sequential units in at least four of
6 7 the following six vocational service areas: agriculture,
6 8 business or office occupations, health occupations, family and
6 9 consumer sciences or home economics occupations, industrial
6 10 technology or trade and industrial education, and marketing
6 11 education. Instruction shall be competency-based, articulated
6 12 with postsecondary programs of study, and include field,
6 13 laboratory, or on-the-job training. Each sequential unit
6 14 shall include instruction in a minimum set of competencies
6 15 established by the department of education that relate to the
6 16 following: new and emerging technologies; job-seeking,
6 17 job-adaptability, and other employment, self-employment and
6 18 entrepreneurial skills that reflect current industry standards
6 19 and labor-market needs; and reinforcement of basic academic
6 20 skills. The courses shall provide students with an
6 21 opportunity to score proficient or higher on state assessments
6 22 adopted by the state board of education pursuant to section
6 23 256.7, subsection 29. The instructional programs shall also
6 24 comply with the provisions of chapter 258 relating to
6 25 vocational education. However, this paragraph does not apply
~~6 26 to the teaching of vocational education in nonpublic schools.~~
6 27 The department of education shall permit school districts,
6 28 in meeting the requirements of this section, to use vocational
6 29 core courses in more than one vocational service area and to
6 30 use multi-occupational courses to complete a sequence in more
6 31 than one vocational service area. Vocational courses may be
6 32 offered by a consortium of one or more school districts or
6 33 accredited nonpublic schools. If a vocational course is
6 34 offered at an attendance center other than the attendance
6 35 center at which the student is enrolled, the school district



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7 1 shall provide transportation to a student to and from the
7 2 attendance center where the vocational course is offered
7 3 pursuant to chapter 285.

7 4 Sec. 8. Section 272.2, subsection 1, paragraph a, Code
7 5 Supplement 2007, is amended to read as follows:
7 6 a. License practitioners who do not hold or receive a
7 7 license from another professional licensing board. Licensing
7 8 authority includes the authority to establish criteria for the
7 9 licenses; establish issuance and renewal requirements; create
7 10 application and renewal forms; create licenses that authorize
7 11 different instructional functions or specialties; develop a
7 12 code of professional rights and responsibilities, practices,
7 13 and ethics, which shall, among other things, address the
7 14 failure of a practitioner to fulfill contractual obligations
7 15 under section 279.13; and develop any other classifications,
7 16 distinctions, and procedures which may be necessary to
7 17 exercise licensing duties. Criteria for the practitioner's
7 18 license shall include a requirement that the applicant
7 19 demonstrate the ability to develop a standards-based
7 20 curriculum and employ standards-based instruction. In
7 21 addressing the failure of a practitioner to fulfill
7 22 contractual obligations, the board shall consider factors
7 23 beyond the practitioner's control.

7 24 Sec. 9. NEW SECTION. 280.9C COURSE ACCESS TO MEET
7 25 GRADUATION REQUIREMENTS.
7 26 1. A student shall not be denied access to instruction in
7 27 any subject required pursuant to section 256.7, subsection 26.
7 28 Notwithstanding any provision to the contrary, a student who
7 29 is denied access to a course required for graduation pursuant
7 30 to section 256.7, subsection 26, may enroll in the necessary
7 31 course at the nearest school district or community college
7 32 which offers the course. The cost of the course shall be paid
7 33 by the school district which denied the student access.
7 34 Notwithstanding chapters 261C and 285, the school district
7 35 which denied access shall provide transportation to and from



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8 1 the school district or community college which offers the
8 2 necessary course and in which the student enrolled in
8 3 accordance with this subsection.

8 4 2. The state board of education shall strictly enforce the
8 5 requirements of section 256.7, subsection 26, and section
8 6 256.11 related to course and graduation requirements and the
8 7 accreditation standards and process.

8 8 Sec. 10. Section 284.5, subsection 4, Code 2007, is
8 9 amended to read as follows:

8 10 4. Each school district and area education agency shall
8 11 develop an initial beginning teacher mentoring and induction
8 12 plan. A school district shall include its plan in the school
8 13 district's comprehensive school improvement plan submitted
8 14 pursuant to section 256.7, subsection 21. The beginning
8 15 teacher mentoring and induction plan shall, at a minimum,
8 16 provide for a two-year sequence of induction program content
8 17 and activities to support the Iowa teaching standards, core
8 18 content and performance standards, and beginning teacher
8 19 professional and personal needs; mentor training that
8 20 includes, at a minimum, skills of classroom demonstration and
8 21 coaching, and district expectations for beginning teacher
8 22 competence on Iowa teaching standards; placement of mentors
8 23 and beginning teachers; the process for dissolving mentor and
8 24 beginning teacher partnerships; district organizational
8 25 support for release time for mentors and beginning teachers to
8 26 plan, provide demonstration of classroom practices, observe
8 27 teaching, and provide feedback; structure for mentor selection
8 28 and assignment of mentors to beginning teachers; a district
8 29 facilitator; and program evaluation.

8 30 Sec. 11. Section 284.7, subsection 1, paragraph a,
8 31 subparagraph (2), Code Supplement 2007, is amended to read as
8 32 follows:

8 33 (2) Beginning July 1, 2007 2008, the minimum salary for a
8 34 beginning teacher shall be ~~twenty-six~~ thirty-two thousand ~~five~~
~~8 35 hundred~~ dollars.



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9 1 Sec. 12. Section 284.7, subsection 1, paragraph a, Code
9 2 Supplement 2007, is amended by adding the following new
9 3 subparagraph:
9 4 NEW SUBPARAGRAPH. (3) Beginning July 1, 2008, the minimum
9 5 salary for a beginning teacher teaching in an attendance
9 6 center designated by the department as a hard-to-staff school
9 7 or in a designated teacher shortage area shall be thirty-five
9 8 thousand dollars. The department shall annually compile a
9 9 list of hard-to-staff schools.

9 10 Sec. 13. Section 284.7, subsection 1, paragraph b,
9 11 subparagraph (2), Code Supplement 2007, is amended to read as
9 12 follows:

9 13 (2) Beginning July 1, ~~2007~~ 2008, the minimum salary for a
9 14 ~~first-year~~ career I teacher shall be ~~twenty-seven~~ ten thousand
9 15 ~~five hundred~~ dollars and greater than the minimum salary for
9 16 ~~all other career teachers shall be twenty-eight thousand five~~
9 17 ~~hundred dollars~~ a beginning teacher employed at the same
9 18 attendance center or teaching in the same designated teacher
9 19 shortage area.

9 20 Sec. 14. Section 284.7, subsection 2, unnumbered paragraph
9 21 1, Code Supplement 2007, is amended to read as follows:

9 22 ~~It is the intent of the general assembly to establish and~~
9 23 ~~require the implementation of and provide for the~~
9 24 ~~implementation of~~ Effective July 1, 2008, the following
9 25 additional career path levels are established and shall be
9 26 implemented in accordance with this chapter:

9 27 Sec. 15. Section 284.7, subsection 2, paragraph a,
9 28 subparagraphs (1) and (2), Code Supplement 2007, are amended
9 29 to read as follows:

9 30 (1) A career II teacher is a teacher who meets the
9 31 requirements of subsection 1, paragraph "b", has met the
9 32 requirements established by the school district that employs
9 33 the teacher, taught successfully as a career I teacher for a
9 34 minimum of four years, and is evaluated by the school district
9 35 as demonstrating the competencies of a career II teacher. The



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10 1 teacher shall have successfully completed a performance review
10 2 in order to be classified as a career II teacher. The teacher
10 3 shall be prepared to implement a unique program which
10 4 incorporates twenty-first century skills, academic standards,
10 5 student leadership development, and applied learning.

10 6 (2) ~~It is the intent of the general assembly that the~~
~~10 7 participating district shall establish a~~ The minimum salary
10 8 ~~for a career II teacher that is shall be~~ at least five twenty
10 9 ~~thousand dollars greater than the minimum career teacher~~
10 10 salary for a beginning teacher employed at the same attendance
10 11 center or teaching in the same designated teacher shortage
10 12 area. It is further intended that the district shall adopt a
10 13 plan that facilitates the transition of a career teacher to a
10 14 career II level.

10 15 Sec. 16. Section 284.7, subsection 2, paragraph b,
10 16 subparagraph (2), Code Supplement 2007, is amended to read as
10 17 follows:

10 18 (2) ~~It is the intent of the general assembly that the~~
~~10 19 participating district shall establish a~~ The minimum salary
10 20 ~~for an advanced teacher that is shall be~~ at least thirteen
10 21 thirty thousand five hundred dollars greater than the minimum
10 22 ~~career teacher~~ salary for a beginning teacher employed at the
10 23 same attendance center or teaching in the same designated
10 24 teacher shortage area. ~~In conjunction with the development of~~
~~10 25 the review panel pursuant to section 284.9, the department~~
~~10 26 shall make recommendations to the general assembly by January~~
~~10 27 1, 2002, regarding the appropriate district-to-district~~
~~10 28 recognition for advanced teachers and methods that facilitate~~
~~10 29 the transition of a teacher to the advanced level.~~

10 30 Sec. 17. Section 285.1, subsection 1, paragraph b, Code
10 31 Supplement 2007, is amended to read as follows:

10 32 b. High school pupils shall be entitled to transportation
10 33 only if they live more than three miles from the school
10 34 designated for attendance or if the pupils are taking
10 35 vocational courses located at an attendance center other than



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11 1 the attendance center in which the pupil is enrolled in
11 2 accordance with section 256.11, subsection 5, paragraph "h".
11 3 Sec. 18. Section 285.1, subsection 3, Code Supplement
11 4 2007, is amended to read as follows:
11 5 3. In a district where transportation by school bus is
11 6 impracticable; when a pupil is taking a vocational course
11 7 located at an attendance center other than the attendance
11 8 center in which the pupil is enrolled pursuant to section
11 9 256.11, subsection 5, paragraph "h"; where necessary to
11 10 implement a whole grade sharing agreement under section
11 11 282.10; or where school bus service is not available, the
11 12 board may require parents or guardians to furnish
11 13 transportation for their children to the schools designated
11 14 for attendance. Except as provided in section 285.3, the
11 15 parent or guardian shall be reimbursed for such transportation
11 16 service for public and nonpublic school pupils by the board of
11 17 the resident district in an amount equal to eighty dollars
11 18 plus seventy-five percent of the difference between eighty
11 19 dollars and the previous school year's statewide average per
11 20 pupil transportation cost, as determined by the department of
11 21 education.
11 22 However, a parent or guardian shall not receive
11 23 reimbursement for furnishing transportation for more than
11 24 three family members who attend elementary school and one
11 25 family member who attends high school, except when more than
11 26 one family member is taking a vocational course in accordance
11 27 with this subsection.
11 28 Sec. 19. STATE MANDATE FUNDING SPECIFIED. In accordance
11 29 with section 25B.2, subsection 3, the state cost of requiring
11 30 compliance with any state mandate included in this Act shall
11 31 be paid by a school district from state school foundation aid
11 32 received by the school district under section 257.16. This
11 33 specification of the payment of the state cost shall be deemed
11 34 to meet all of the state funding-related requirements of
11 35 section 25B.2, subsection 3, and no additional state funding



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12 1 shall be necessary for the full implementation of this Act by
12 2 and enforcement of this Act against all affected school
12 3 districts.

12 4 EXPLANATION

12 5 This bill requires the state board of education to adopt by
12 6 rule core content and performance standards for implementation
12 7 by August 15, 2008; requires the board to adopt assessments
12 8 for grade levels and subject areas; and requires school
12 9 districts to incorporate the standards, administer the
12 10 assessments, and implement specific graduation requirements.
12 11 The bill also raises minimum teacher salaries for beginning
12 12 and career I teachers and makes minimum salaries for career II
12 13 and advanced teachers effective July 1, 2008.

12 14 The bill expands on the core content standards requirements
12 15 already established in the Code by providing that the content
12 16 standards for kindergarten through grade six must include
12 17 reading and writing, mathematics, and science, while the
12 18 standards for grades seven through 12 must include English and
12 19 language arts, mathematics, science, history and social
12 20 studies, and art, and for grades nine through 12 must include
12 21 vocational courses. The board must establish criteria to
12 22 ensure that the standards are rigorous and support best
12 23 practices, but the standards are not to exceed in scope or
12 24 depth the curriculum which may be reasonably taught in the
12 25 instructional time available.

12 26 The performance standards, or grade-level expectations,
12 27 must be aligned to the core content standards and must specify
12 28 what all students should know and be able to do at the end of
12 29 a given grade level.

12 30 Recommended core content and performance standards are to
12 31 be developed by a task force convened by the director of the
12 32 department of education and consisting of representatives from
12 33 education and business. The task force shall review national
12 34 standards and standards adopted by other states and submit
12 35 recommended standards to the state board by July 1, 2008.



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13 1 Prior to adoption, the board must submit the proposed
13 2 standards to an external organization for an independent
13 3 review, the results of which shall be posted on the
13 4 department's web site.
13 5 Each school district must align the local curriculum,
13 6 instructional materials, and classroom instruction to the
13 7 standards and submit evidence of such alignment satisfactory
13 8 to the department. School districts must administer grade=
13 9 level assessments at every grade level unless the state board
13 10 determines it is not feasible for every grade level or
13 11 subject. Students cannot be denied curriculum and instruction
13 12 consistent with the standards. The results must be submitted
13 13 annually with the core academic indicator data required under
13 14 Code section 256.7, subsection 21.
13 15 The state board must also adopt assessments which the board
13 16 shall require school districts to administer to students at
13 17 the end of each unit of algebra, advanced algebra, geometry,
13 18 biology, chemistry, physics, and fourth-year English. The
13 19 student may substitute an advanced placement examination. The
13 20 results must be placed in the student's permanent record.
13 21 The bill also requires the department to develop and
13 22 deliver, in collaboration with the regents universities and
13 23 area education agencies, subject matter and grade-level
13 24 specific training for teachers and administrators in
13 25 standards-based curriculum development and standards-based
13 26 instruction. The bill requires, to the extent possible, that
13 27 all local, state, and federal professional development funds
13 28 be used for assisting practitioners to develop standards-based
13 29 curricula and implementing standards-based instruction.
13 30 The bill specifies what each student record held in the
13 31 department of education's comprehensive management information
13 32 system must contain, and provides that access to school
13 33 district boards and administrators and qualified researchers
13 34 cannot be denied if the request does not violate the open
13 35 records law.



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14 1 The bill amends the educational standards to require that
14 2 biology be one of the five science units a school district
14 3 must offer, and the four units of a sequential program in
14 4 mathematics must include algebra I and II, geometry, and
14 5 calculus or trigonometry, which may be offered in alternate
14 6 years as long as students have access to the courses needed to
14 7 graduate. The vocational service area courses must provide
14 8 students with an opportunity to score proficient or higher on
14 9 the state's assessments. Accredited nonpublic schools must
14 10 meet the vocational service area requirements, though the
14 11 courses may be offered by a consortium of school districts or
14 12 accredited nonpublic schools. School districts must provide
14 13 transportation to a student to and from the attendance center
14 14 where the vocational course is offered, but the bill makes the
14 15 school district eligible for state transportation aid for the
14 16 transportation service.

14 17 The bill requires that the board of educational examiners'
14 18 criteria for a practitioner's license include a requirement
14 19 that the applicant demonstrate the ability to develop a
14 20 standards-based curriculum and employ standards-based
14 21 instruction.

14 22 The bill provides that a student shall not be denied access
14 23 to instruction in any subject required for graduation. A
14 24 student who is denied access to a required course may enroll
14 25 in the necessary course at the nearest school district or
14 26 community college and the cost of the course must be paid by
14 27 the school district which denied the student access. The
14 28 school district which denied access must also provide
14 29 transportation to and from the school district or community
14 30 college, which does not qualify for state transportation
14 31 assistance.

14 32 The bill provides that the beginning teacher mentoring and
14 33 induction plan must include a sequence of induction program
14 34 content and activities to support the core content and
14 35 performance standards.



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15 1 The minimum salary for a beginning teacher is increased to
15 2 \$32,000, or \$35,000 for those teaching in designated
15 3 hard-to-staff or teacher shortage areas. The minimum salary
15 4 for a career I teacher, career II teacher, and advanced
15 5 teacher is increased to \$10,000, \$20,000, and \$30,000 more,
15 6 respectively, than the minimum salary for a beginning teacher
15 7 employed at the same attendance center or teaching in the same
15 8 designated teacher shortage area. Prior to advancing to the
15 9 career II level, a career I teacher must have taught
15 10 successfully at the career I level for a minimum of four
15 11 years. The career II teacher must also be prepared to
15 12 implement a unique program which incorporates 21st century
15 13 skills, academic standards, student leadership development,
15 14 and applied learning.

15 15 The bill makes conforming changes by providing that a set
15 16 of core academic indicators required currently must include
15 17 data from the assessments administered in accordance with the
15 18 bill in a report to the department.

15 19 The bill may include a state mandate as defined in Code
15 20 section 25B.3. The bill requires that the state cost of any
15 21 state mandate included in the bill be paid by a school
15 22 district from state school foundation aid received by the
15 23 school district under Code section 257.16. The specification
15 24 is deemed to constitute state compliance with any state
15 25 mandate funding-related requirements of Code section 25B.2.
15 26 The inclusion of this specification is intended to reinstate
15 27 the requirement of political subdivisions to comply with any
15 28 state mandates included in the bill.

15 29 LSB 5766HH 82

15 30 kh/nh/8



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House File 2322 - Introduced

HOUSE FILE
 BY DE BOEF, JACOBS, MAY,
 and PAULSEN

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

A BILL FOR

1 An Act concerning offenses against identity by providing a
 2 procedure to secure credit information and providing a
 3 penalty.
 4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
 5 TL5B 5094YH 82
 6 rn/rj/14



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PAG LIN

1 1 Section 1. NEW SECTION. 714F.1 DEFINITIONS.
1 2 For the purposes of this chapter, unless the context
1 3 otherwise requires:
1 4 1. "Consumer" means an individual.
1 5 2. "Consumer report" means any information relating to the
1 6 creditworthiness of a consumer.
1 7 3. "Consumer reporting agency" means any person or entity
1 8 engaged in the practice of assembling or evaluating consumer
1 9 credit information for the purpose of furnishing a consumer
1 10 report to a third party. A consumer reporting agency shall
1 11 not include any of the following:
1 12 a. A check service or fraud prevention service company
1 13 that reports on incidents of fraud or issues authorizations
1 14 for the purpose of approving or processing negotiable
1 15 instruments, electronic fund transfers, or similar methods of
1 16 payment.
1 17 b. A deposit account information service company that
1 18 issues reports regarding account closures due to fraud,
1 19 overdrafts, automated teller machine abuse, or similar
1 20 negative information regarding a consumer to inquiring
1 21 financial institutions for use only in reviewing the
1 22 consumer's request for a deposit account at the inquiring
1 23 financial institution.
1 24 c. Any person or entity engaged in the practice of
1 25 assembling and merging information contained in a database of
1 26 one or more consumer reporting agencies and does not maintain
1 27 a permanent database of credit information from which new
1 28 consumer reports are produced.
1 29 4. "Identification information" means as defined in
1 30 section 715A.8.
1 31 5. "Identity theft" means as used in section 715A.8.
1 32 6. "Proper identification" means sufficient identification
1 33 information to ascertain that individual's identity.
1 34 7. "Security freeze" means a hold placed on a consumer
1 35 report that prevents a consumer reporting agency from



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2 1 releasing a consumer report without first obtaining the
2 2 consumer's express authorization.
2 3 Sec. 2. NEW SECTION. 714F.2 SECURITY FREEZE.
2 4 A consumer may submit by certified mail to a consumer
2 5 reporting agency a written request for a security freeze. The
2 6 consumer must submit proper identification with the request.
2 7 Within five business days after receiving the request, the
2 8 consumer reporting agency shall commence the security freeze.
2 9 Within ten business days after commencing the security freeze,
2 10 the consumer reporting agency shall send a written
2 11 confirmation to the consumer of the security freeze, a
2 12 personal identification number or password, other than the
2 13 consumer's social security number, for the consumer to use in
2 14 authorizing the suspension or removal of the security freeze,
2 15 including information on how the security freeze may be
2 16 temporarily suspended.
2 17 Sec. 3. NEW SECTION. 714F.3 TEMPORARY SUSPENSION.
2 18 A consumer may request that a security freeze be
2 19 temporarily suspended to allow the consumer reporting agency
2 20 to release the consumer report for a specific time period or
2 21 to a specific third party. The consumer reporting agency may
2 22 develop procedures to expedite the receipt and processing of
2 23 requests which may involve the use of telephones, facsimile
2 24 transmissions, the internet, or other electronic media. The
2 25 consumer reporting agency shall comply with the request within
2 26 three business days after receiving the request. The
2 27 consumer's request shall include all of the following:
2 28 1. Proper identification.
2 29 2. The personal identification number or password provided
2 30 by the consumer reporting agency.
2 31 3. Explicit instructions of the specific time period or
2 32 specific third party designated for suspension of the security
2 33 freeze.
2 34 Sec. 4. NEW SECTION. 714F.4 REMOVAL.
2 35 A security freeze remains in effect until the consumer



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3 1 requests that the security freeze be removed. A consumer
3 2 reporting agency shall remove a security freeze within three
3 3 business days after receiving a request for removal that
3 4 includes proper identification of the consumer and the
3 5 personal identification number or password provided by the
3 6 consumer reporting agency.
3 7 Sec. 5. NEW SECTION. 714F.5 FEES.
3 8 1. A consumer reporting agency shall not charge any fee to
3 9 a consumer who is the victim of identity theft for
3 10 effectuating a security freeze, temporary suspension, or
3 11 removal if with the initial security freeze request, the
3 12 consumer submits a valid copy of the police report,
3 13 investigative report, or complaint filed with a law
3 14 enforcement agency concerning the unlawful use of
3 15 identification information by another person.
3 16 2. A consumer reporting agency may charge a reasonable fee
3 17 in an amount established by the superintendent of banking by
3 18 rule to a consumer who is not the victim of identity theft for
3 19 each security freeze or removal, or for reissuing a personal
3 20 identification number or password if the consumer fails to
3 21 retain the original number. The consumer reporting agency may
3 22 also charge a reasonable fee in an amount established by the
3 23 superintendent of banking by rule for each temporary
3 24 suspension of a security freeze.
3 25 Sec. 6. NEW SECTION. 714F.6 THIRD PARTIES.
3 26 If a third party requests a consumer report that is subject
3 27 to a security freeze, the consumer reporting agency may advise
3 28 the third party that a security freeze is in effect. If the
3 29 consumer does not expressly authorize the third party to have
3 30 access to the consumer report through a temporary suspension
3 31 of the security freeze, the third party shall not be given
3 32 access to the consumer report but may treat a credit
3 33 application as incomplete.
3 34 Sec. 7. NEW SECTION. 714F.7 MISREPRESENTATION OF FACT.
3 35 A consumer reporting agency may suspend or remove a



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4 1 security freeze upon a material misrepresentation of fact by
4 2 the consumer. However, the consumer reporting agency shall
4 3 notify the consumer in writing prior to suspending or removing
4 4 the security freeze.

4 5 Sec. 8. NEW SECTION. 714F.8 EXCEPTIONS.

4 6 A security freeze shall not apply to the following persons
4 7 or entities:

4 8 1. A person or person's subsidiary, affiliate, agent, or
4 9 assignee with which the consumer has or prior to assignment
4 10 had an account, contract, or debtor=creditor relationship for
4 11 the purposes of reviewing the account or collecting the
4 12 financial obligation owing for the account, contract, or debt,
4 13 or extending credit to a consumer with a prior or existing
4 14 account, contract, or debtor=creditor relationship.

4 15 "Reviewing the account" includes activities related to account
4 16 maintenance, monitoring, credit line increases, and account
4 17 upgrades and enhancements.

4 18 2. A subsidiary, affiliate, agent, assignee, or
4 19 prospective assignee of a person to whom access has been
4 20 granted under a temporary suspension for purposes of
4 21 facilitating the extension of credit or another permissible
4 22 use.

4 23 3. A person acting pursuant to a court order, warrant, or
4 24 subpoena.

4 25 4. Child support enforcement officials when investigating
4 26 a child support case pursuant to Title IV=D or Title XIX of
4 27 the federal Social Security Act.

4 28 5. The department of human services or its agents or
4 29 assignees acting to investigate fraud under the medical
4 30 assistance program.

4 31 6. The department of revenue or local taxing authorities;
4 32 or any of their agents or assignees, acting to investigate or
4 33 collect delinquent taxes or assessments, including interest
4 34 and penalties and unpaid court orders, or to fulfill any of
4 35 their other statutory or other responsibilities.



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5 1 7. A person's use of credit information for prescreening
5 2 as provided by the federal Fair Credit Reporting Act.
5 3 8. A person for the sole purpose of providing a credit
5 4 file monitoring subscription service to which the consumer has
5 5 subscribed.
5 6 9. A consumer reporting agency for the sole purpose of
5 7 providing a consumer with a copy of the consumer's consumer
5 8 report upon the consumer's request.
5 9 Sec. 9. NEW SECTION. 714F.9 WRITTEN CONFIRMATION.
5 10 After a security freeze is in effect, a consumer reporting
5 11 agency may post a name, date of birth, social security number,
5 12 or address change in a consumer report provided written
5 13 confirmation is sent to the consumer within thirty days of
5 14 posting the change. For an address change, written
5 15 confirmation shall be sent to both the new and former
5 16 addresses. Written confirmation is not required to correct
5 17 spelling and typographical errors.
5 18 Sec. 10. NEW SECTION. 714F.10 APPLICATION.
5 19 An entity listed in section 714F.1, subsection 3, paragraph
5 20 "a", "b", or "c", shall be subject to a security freeze
5 21 commenced by a consumer reporting agency that obtains
5 22 information from such entity.
5 23 Sec. 11. NEW SECTION. 714F.11 WAIVER VOID.
5 24 A waiver by a consumer of the provisions of this chapter is
5 25 contrary to public policy, and is void and unenforceable.
5 26 Sec. 12. NEW SECTION. 714F.12 ENFORCEMENT.
5 27 A person who violates this chapter violates section 714.16,
5 28 subsection 2, paragraph "a".
5 29 EXPLANATION
5 30 This bill concerns the protection of a person's identity.
5 31 The bill creates new Code chapter 714F that allows an
5 32 individual, the consumer, to place a hold on the individual's
5 33 consumer report to prevent a consumer reporting agency from
5 34 releasing any information relating to the individual's
5 35 creditworthiness without first obtaining the individual's



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6 1 express authorization. This "security freeze" may be
6 2 temporarily suspended to allow a consumer reporting agency to
6 3 release a consumer report for a specific time period or to a
6 4 specific third party. A security freeze remains in effect
6 5 until the individual requests its removal.

6 6 The bill provides that a consumer reporting agency cannot
6 7 charge any fees to an individual who is the victim of identify
6 8 theft. Other individuals may be required to pay a reasonable
6 9 fee per security freeze or removal, or for reissuing a
6 10 necessary identification number or password if the individual
6 11 fails to retain it, and per temporary suspension request, in
6 12 an amount determined by the superintendent of banking by rule.

6 13 The bill addresses third parties that seek a consumer
6 14 report, misrepresentation of a material fact by an individual,
6 15 and lists exceptions to the security freeze, including a
6 16 person with a prior debtor-creditor relationship. The bill
6 17 provides for changes in the consumer report and makes certain
6 18 entities also subject to a security freeze.

6 19 The bill provides that a waiver of the protection offered
6 20 by the security freeze provision is void and unenforceable.

6 21 The bill contains an enforcement provision. A violation is
6 22 an offense under Code section 714.16, and as such would be
6 23 subject to enforcement, including injunctive relief and money
6 24 damages, by the attorney general.

6 25 LSB 5094YH 82

6 26 rn/rj/14



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House File 2323 - Introduced

HOUSE FILE
BY WATTS

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

A BILL FOR

- 1 An Act relating to the preservation of and access to historical
- 2 court records.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 5286YH 82
- 5 jm/nh/14



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House File 2323 - Introduced continued

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1 1 Section 1. NEW SECTION. 602.1615 HISTORICAL RECORD
1 2 PRESERVATION.
1 3 The clerk of the district court shall consult with a
1 4 recognized county historical society or association to ensure
1 5 preservation of historical court records and to provide public
1 6 access to such records as provided in section 602.8103.
1 7 Sec. 2. Section 602.8103, subsection 3, Code Supplement
1 8 2007, is amended to read as follows:
1 9 3. After the original record is reproduced and after
1 10 approval of a majority of the judges of the district court by
1 11 court order, destroy the original records including, but not
1 12 limited to, dockets, journals, scrapbooks, files, and marriage
1 13 license applications. The order shall state the specific
1 14 records which are to be destroyed. An original court file
1 15 shall not be destroyed until after consultation with a
1 16 recognized historical society or association, and the contents
1 17 have been reproduced. As used in this subsection and
1 18 subsection 4, "destroy" includes the transmission of the
1 19 original records which are of general historical interest to
1 20 any recognized historical society or association.

1 21

1 22 EXPLANATION

1 23 This bill relates to the preservation of and access to
1 24 historical court records.

1 25 The bill requires the clerk of the district court to
1 26 consult with a recognized county historical society or
1 27 association prior to the destruction of a court file to ensure
1 28 the preservation of and public access to such records.

1 29 LSB 5286YH 82

1 30 jm/nh/14



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House File 2324 - Introduced

HOUSE FILE
BY JOCHUM

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

A BILL FOR

1 An Act requiring the department of administrative services to
2 procure information technology devices which are accessible to
3 persons who are blind or visually impaired pursuant to
4 specified equal access standards, and providing penalties.
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
6 TL5B 5891YH 82
7 rn/nh/5



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1 1 Section 1. NEW SECTION. 8A.208 PROCUREMENT FOR BLIND OR
1 2 VISUALLY IMPAIRED == ACCESSIBILITY == STANDARDS == INJUNCTIVE
1 3 RELIEF.
1 4 1. DEFINITIONS. For the purposes of this section, unless
1 5 the context otherwise requires:
1 6 a. "Access" means the ability to receive, use, and
1 7 manipulate data and operate controls included in information
1 8 technology.
1 9 b. "Blind or visually impaired individual" means an
1 10 individual who possesses one of the following:
1 11 (1) Visual acuity of 20/200 or less in the better eye with
1 12 correcting lenses or has a limited field of vision so that the
1 13 widest diameter of the visual field subtends an angle no
1 14 greater than twenty degrees.
1 15 (2) A medically indicated expectation of visual
1 16 deterioration.
1 17 (3) A medically diagnosed limitation in visual functioning
1 18 that restricts the individual's ability to read and write
1 19 standard print at levels expected of individuals of comparable
1 20 ability.
1 21 c. "Nonvisual" means synthesized speech, Braille, and
1 22 other output methods not requiring sight.
1 23 2. POLICY. Procurement standards established by the
1 24 department pursuant to section 8A.207 shall be applied to
1 25 blind or visually impaired individuals in accordance with the
1 26 following:
1 27 a. Blind or visually impaired individuals have the right
1 28 to access to and use of information technology devices
1 29 procured by the department for use by employees, program
1 30 participants, and members of the general public.
1 31 b. Information technology devices purchased in whole or in
1 32 part with state funds to be used for the creation, storage,
1 33 retrieval, or dissemination of information and intended for
1 34 use by employees, program participants, and members of the
1 35 general public shall be accessible to and usable by blind or



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2 1 visually impaired individuals.
2 2 3. ASSURANCE OF NONVISUAL ACCESS. The director and the
2 3 head of each participating agency shall ensure that
2 4 information technology devices, information technology
2 5 services, and associated information technology software used
2 6 by employees, program participants, or members of the general
2 7 public provide blind or visually impaired individuals with
2 8 access, including interactive use of the devices, services,
2 9 and associated software, which is equivalent to that provided
2 10 to individuals who are not blind or visually impaired. The
2 11 devices, services, and associated software shall be designed
2 12 to present information, including prompts used for interactive
2 13 communications, in formats intended for both visual and
2 14 nonvisual use and shall be purchased pursuant to a contract
2 15 which includes the technology access clause required under
2 16 subsection 4.
2 17 4. TECHNOLOGY ACCESS CLAUSE.
2 18 a. A technology access clause shall be developed by the
2 19 director and shall require compliance with nonvisual access
2 20 standards established by the department by rule. The clause
2 21 shall specify that information technology devices procured by
2 22 the department for use by blind or visually impaired
2 23 individuals must exhibit all of the following qualities:
2 24 (1) Compatible with technology used for access by
2 25 nonvisual means and providing for effective, interactive
2 26 control and use of operating systems, applications programs,
2 27 and the logical organization of the data format presented.
2 28 (2) Permits use by nonvisual means when integrated into
2 29 networks used to share communications among employees, program
2 30 participants, and members of the public.
2 31 (3) Obtainable without modification for compatibility with
2 32 software and hardware used for nonvisual access whenever
2 33 technology not requiring such modification is commercially
2 34 available.
2 35 b. The technology access clause shall be included in all



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3 1 procurement contracts for participating agencies entered into
3 2 on or after July 1, 2008.

3 3 5. IMPLEMENTATION.

3 4 a. This section shall not require the installation of
3 5 software or peripheral devices used for nonvisual access when
3 6 the information technology devices are being used by
3 7 individuals who are not blind or visually impaired.

3 8 b. Notwithstanding paragraph "a", the applications
3 9 programs and underlying operating systems, including the
3 10 format of the data, used for the manipulation and presentation
3 11 of information shall permit the installation and effective use
3 12 of nonvisual access software and peripheral devices.

3 13 c. Compliance with the provisions of this section with
3 14 regard to information technology devices procured prior to
3 15 July 1, 2008, shall be achieved at the time of procurement of
3 16 an upgrade or replacement of the existing equipment or
3 17 software.

3 18 6. INJUNCTIVE RELIEF. An aggrieved person may seek
3 19 injunctive relief for a violation of this section by filing an
3 20 action in the district court for the county in which the
3 21 aggrieved person resides. Any such action shall be commenced
3 22 within four years after the cause of action accrues. A state
3 23 agency or political subdivision found to be in violation of
3 24 this section shall be assessed and shall pay to the aggrieved
3 25 person fees and other expenses, as defined in section 625.28.
3 26 In addition, the office of the citizens' aide may review
3 27 violations of this section and make recommendations as
3 28 provided in chapter 2C.

3 29 EXPLANATION

3 30 This bill directs the department of administrative services
3 31 to procure information technology devices which are accessible
3 32 to persons who are blind or visually impaired.

3 33 The bill establishes a policy applicable to procurements of
3 34 information technology devices by the department which
3 35 declares that individuals who are blind or visually impaired,



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4 1 as defined in the bill, have the right to access to and use of
4 2 information technology devices procured for use by employees,
4 3 program participants, and members of the general public.
4 4 Further, the policy states that such devices purchased in
4 5 whole or in part with state funds to be used for the creation,
4 6 storage, retrieval, or dissemination of information and
4 7 intended for use by employees, program participants, and
4 8 members of the general public shall be accessible to and
4 9 usable by such blind or visually impaired individuals.
4 10 Based on this policy, the bill confers upon the director of
4 11 the department of administrative services and the heads of
4 12 each participating agency as defined in Code section 8A.201
4 13 the responsibility for ensuring that information technology
4 14 devices, services, and associated software used by employees,
4 15 program participants, or members of the general public shall
4 16 provide blind or visually impaired individuals with equivalent
4 17 access, including interactive use of the equipment and
4 18 services. The bill provides that the devices, services, and
4 19 associated software shall be designed to present information,
4 20 including prompts used for interactive communications, in
4 21 formats intended for both visual and nonvisual use and shall
4 22 be purchased pursuant to a contract which includes a
4 23 technology access clause. That clause, to be developed by the
4 24 director, shall require compliance with nonvisual access
4 25 standards established by the department by rule. The clause
4 26 will specify that information technology devices procured by
4 27 the department for use by blind or visually impaired
4 28 individuals must be compatible with technology used for access
4 29 by nonvisual means and providing for effective, interactive
4 30 control and use of operating systems, applications programs,
4 31 and the logical organization of the data format presented;
4 32 must permit use by nonvisual means when integrated into
4 33 networks used to share communications among employees, program
4 34 participants, and members of the public; and must be
4 35 obtainable without modification for compatibility with



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5 1 software and hardware used for nonvisual access whenever
5 2 technology not requiring such modification is commercially
5 3 available. The bill requires the technology access clause to
5 4 be included in all procurement contracts for participating
5 5 agencies entered into on or after July 1, 2008, and provides
5 6 for compliance with regard to information technology devices
5 7 procured prior to July 1, 2008, at the time of procurement of
5 8 an upgrade or replacement of the existing equipment or
5 9 software.

5 10 The bill provides that installation of software or
5 11 peripheral devices used for nonvisual access is not required
5 12 when the information technology devices involved are being
5 13 used by individuals who are not blind or visually impaired.
5 14 However, the applications programs and underlying operating
5 15 systems must permit the installation and effective use of
5 16 nonvisual access software and peripheral devices.

5 17 The bill specifies injunctive relief for aggrieved persons,
5 18 payment of fees and expenses by a participating agency found
5 19 in violation of the bill's provisions, and possible review of
5 20 violations by the office of the citizens' aide.

5 21 LSB 5891YH 82

5 22 rn/nh/5



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House File 2325 - Introduced

HOUSE FILE
BY D. OLSON and KUHN

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

A BILL FOR

- 1 An Act authorizing counties to access the Iowa communications
- 2 network as a public agency.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 6194HH 82
- 5 rn/rj/14



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House File 2325 - Introduced continued

PAG LIN

1 1 Section 1. Section 8D.2, subsection 5, paragraph a, Code
1 2 2007, is amended to read as follows:
1 3 a. "Public agency" means a state agency, an institution
1 4 under the control of the board of regents, the judicial branch
1 5 as provided in section 8D.13, subsection 17, a school
1 6 corporation, a city library, a library service area as
1 7 provided in chapter 256, a county library as provided in
1 8 chapter 336, or a judicial district department of correctional
1 9 services established in section 905.2, to the extent provided
1 10 in section 8D.13, subsection 15, an agency of the federal
1 11 government, a county, or a United States post office which
1 12 receives a federal grant for pilot and demonstration projects.
1 13 Sec. 2. Section 8D.11, subsection 4, Code Supplement 2007,
1 14 is amended to read as follows:
1 15 4. A political subdivision receiving communications
1 16 services from the state as of April 1, 1986, may continue to
1 17 do so but communications services shall not be provided or
1 18 resold to additional political subdivisions other than a
1 19 school corporation, a county, a city library, a library
1 20 service area as provided in chapter 256, and a county library
1 21 as provided in chapter 336. The rates charged to the
1 22 political subdivision shall be the same as the rates charged
1 23 to state agencies.
1 24 Sec. 3. Section 8D.13, subsection 2, paragraph c, Code
1 25 2007, is amended to read as follows:
1 26 c. "Part III" means the communications connection between
1 27 the secondary switching centers and the agencies defined in
1 28 section 8D.2, subsections 4 and 5, excluding state agencies,
1 29 institutions under the control of the board of regents,
1 30 nonprofit institutions of higher education eligible for
1 31 tuition grants, and the judicial branch, judicial district
1 32 departments of correctional services, hospitals and physician
1 33 clinics, agencies of the federal government, counties, and
1 34 post offices.
1 35 Sec. 4. Section 8D.13, subsection 16, Code 2007, is



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2 1 amended to read as follows:

2 2 16. Access shall be offered to hospitals licensed pursuant
2 3 to chapter 135B and physician clinics for diagnostic,
2 4 clinical, consultative, data, and educational services for the
2 5 purpose of developing a comprehensive, statewide telemedicine
2 6 network, to an agency of the federal government, to a county,
2 7 and to a post office defined as a public agency pursuant to
2 8 section 8D.2, subsection 5. A hospital, physician clinic, an
2 9 agency of the federal government, a county, or a post office
2 10 defined as a public agency pursuant to section 8D.2,
2 11 subsection 5, shall be responsible for all costs associated
2 12 with becoming a part of the network.

2 13 EXPLANATION

2 14 This bill confers upon counties the status of a public
2 15 agency for purposes of being authorized access to the Iowa
2 16 communications network. The bill makes conforming changes to
2 17 Code chapter 8D, which deals with the Iowa communications
2 18 network and the duties of the telecommunications and
2 19 technology commission.

2 20 LSB 6194HH 82

2 21 rn/rj/14



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House File 2326 - Introduced

HOUSE FILE
BY COMMITTEE ON LABOR

(SUCCESSOR TO HSB 599)

Passed House, Date _____

Passed Senate, Date _____

Vote: Ayes _____ Nays _____
Approved

Vote: Ayes _____ Nays _____

A BILL FOR

- 1 An Act relating to amusement ride safety inspections conducted by
- 2 special inspectors authorized by the division of labor
- 3 services in the department of workforce development.
- 4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 5 TLSB 5437HV 82
- 6 ak/nh/8



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1 1 Section 1. Section 88A.4, subsection 4, Code 2007, is
1 2 amended by striking the subsection.
1 3 EXPLANATION
1 4 Current law provides for inspection of amusement rides by
1 5 inspectors employed by the labor commissioner. As an
1 6 alternative to such inspections, current law authorizes
1 7 private amusement ride inspectors to be sponsored by amusement
1 8 ride operators and to perform inspections for such operators.
1 9 This bill strikes this authorization for private inspectors.
1 10 LSB 5437HV 82
1 11 ak/nh/8



Iowa General Assembly
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House File 2327 - Introduced

HOUSE FILE
BY COMMITTEE ON LABOR

(SUCCESSOR TO HSB 602)

Passed House, Date _____

Passed Senate, Date _____

Vote: Ayes _____ Nays _____

Vote: Ayes _____ Nays _____

Approved

A BILL FOR

- 1 An Act relating to inclined or vertical wheelchair lifts
- 2 regulated by the elevator safety board.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 5467HV 82
- 5 ak/nh/5



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House File 2327 - Introduced continued

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1 1 Section 1. Section 89A.1, subsection 10, Code Supplement
1 2 2007, is amended to read as follows:
1 3 10. "Inclined or vertical wheelchair lift" means a lift
1 4 ~~used as part of an accessible route in or at a public building~~
1 5 to transport a wheelchair as specified in the American society
1 6 ~~of mechanical engineers safety codes for elevators and~~
~~1 7 escalators, A17.1 standard for platform lifts and stairway~~
1 8 chairlifts, A18.1.

1 9 Sec. 2. Section 89A.9, subsection 2, Code Supplement 2007,
1 10 is amended to read as follows:

1 11 2. The operating permit shall indicate the type of
1 12 equipment for which it is issued, and in the case of elevators
1 13 shall state whether passenger or freight, and also shall state
1 14 the contract load and speed for each conveyance. The permit
1 15 shall be posted conspicuously in the car of an elevator, or on
1 16 or near a dumbwaiter, escalator, moving walk, or inclined or
1 17 vertical wheelchair lift.

1 18 EXPLANATION

1 19 This bill updates the definition of "inclined or vertical
1 20 wheelchair lift" to reflect the current American society of
1 21 mechanical engineers safety standards. The bill also
1 22 specifies that operating permits need to be posted near
1 23 inclined or vertical wheelchair lifts.

1 24 LSB 5467HV 82

1 25 ak/nh/5



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House File 2328 - Introduced

HOUSE FILE
BY COMMITTEE ON HUMAN RESOURCES

(SUCCESSOR TO HSB 638)

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

A BILL FOR

- 1 An Act relating to services associated with the family investment
- 2 program by moving the family development and self-sufficiency
- 3 council and grant program to the department of human rights
- 4 and revising confidentiality provisions involving the
- 5 programs.
- 6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 7 TLSB 5486HV 82
- 8 jp/nh/8



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House File 2328 - Introduced continued

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1 1 Section 1. NEW SECTION. 216A.107 FAMILY DEVELOPMENT AND
1 2 SELF=SUFFICIENCY == COUNCIL AND GRANT PROGRAM.
1 3 1. A family development and self=sufficiency council is
1 4 established within the department of human rights. The
1 5 council shall consist of the following persons:
1 6 a. The director of the department of human services or the
1 7 director's designee.
1 8 b. The director of the department of public health or the
1 9 director's designee.
1 10 c. The administrator of the division of community action
1 11 agencies of the department of human rights or the
1 12 administrator's designee.
1 13 d. The director of the school of social work at the
1 14 university of Iowa or the director's designee.
1 15 e. The dean of the college of human sciences at Iowa state
1 16 university or the dean's designee.
1 17 f. Two recipients or former recipients of the family
1 18 investment program, selected by the other members of the
1 19 council.
1 20 g. One recipient or former recipient of the family
1 21 investment program who is a member of a racial or ethnic
1 22 minority, selected by the other members of the council.
1 23 h. One member representing providers of services to
1 24 victims of domestic violence, selected by the other members of
1 25 the council.
1 26 i. The head of the department of design, textiles,
1 27 gerontology, and family studies at the university of northern
1 28 Iowa or that person's designee.
1 29 j. The director of the department of education or the
1 30 director's designee.
1 31 k. The director of the department of workforce development
1 32 or the director's designee.
1 33 l. Two persons representing the business community,
1 34 selected by the other members of the council.
1 35 m. Two members from each chamber of the general assembly



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2 1 serving as ex officio, nonvoting members. The two members of
2 2 the senate shall be appointed one each by the majority leader
2 3 and the minority leader of the senate. The two members of the
2 4 house of representatives shall be appointed one each by the
2 5 speaker and the minority leader of the house of
2 6 representatives.

2 7 2. Unless otherwise provided by law, terms of members,
2 8 election of officers, and other procedural matters shall be as
2 9 determined by the council.

2 10 3. The family development and self-sufficiency council
2 11 shall do all of the following:

2 12 a. Identify the factors and conditions that place Iowa
2 13 families at risk of dependency upon the family investment
2 14 program. The council shall seek to use relevant research
2 15 findings and national and Iowa-specific data on the family
2 16 investment program.

2 17 b. Identify the factors and conditions that place Iowa
2 18 families at risk of family instability. The council shall
2 19 seek to use relevant research findings and national and
2 20 Iowa-specific data on family stability issues.

2 21 c. Subject to the availability of funds for this purpose,
2 22 award grants to public or private organizations for provision
2 23 of family development services to families at risk of
2 24 dependency on the family investment program or of family
2 25 instability. Not more than five percent of any funds
2 26 appropriated by the general assembly for the purposes of this
2 27 lettered paragraph may be used for staffing and administration
2 28 of the grants. Grant proposals for the family development and
2 29 self-sufficiency grant program shall include the following
2 30 elements:

2 31 (1) Designation of families to be served that meet one or
2 32 more criteria for being at risk of dependency on the family
2 33 investment program or of family instability, and agreement to
2 34 serve clients that are referred by the department of human
2 35 services from the family investment program which meet the



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3 1 criteria. The criteria may include but are not limited to
3 2 factors such as educational level, work history, family
3 3 structure, age of the youngest child in the family, previous
3 4 length of stay on the family investment program, and
3 5 participation in the family investment program or the foster
3 6 care program while the head of a household was a child. Grant
3 7 proposals shall also establish the number of families to be
3 8 served under the grant.

3 9 (2) Designation of the services to be provided for the
3 10 families served, including assistance regarding job-seeking
3 11 skills, family budgeting, nutrition, self-esteem,
3 12 methamphetamine education, health and hygiene, child rearing,
3 13 child education preparation, and goal setting. Grant
3 14 proposals shall indicate the support groups and support
3 15 systems to be developed for the families served during the
3 16 transition between the need for assistance and
3 17 self-sufficiency.

3 18 (3) Designation of the manner in which other needs of the
3 19 families will be provided for, including but not limited to
3 20 child care assistance, transportation, substance abuse
3 21 treatment, support group counseling, food, clothing, and
3 22 housing.

3 23 (4) Designation of the process for training of the staff
3 24 which provides services, and the appropriateness of the
3 25 training for the purposes of meeting family development and
3 26 self-sufficiency goals of the families being served.

3 27 (5) Designation of the support available within the
3 28 community for the program and for meeting subsequent needs of
3 29 the clients, and the manner in which community resources will
3 30 be made available to the families being served.

3 31 (6) Designation of the manner in which the program will be
3 32 subject to audit and to evaluation.

3 33 (7) Designation of agreement provisions for tracking and
3 34 reporting performance measures developed pursuant to paragraph
3 35 "d".



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4 1 d. Develop appropriate performance measures for the grant
4 2 program to demonstrate how the program helps families achieve
4 3 self=sufficiency.
4 4 e. Seek to enlist research support from the Iowa research
4 5 community in meeting the duties outlined in paragraphs "a"
4 6 through "d".
4 7 f. Seek additional support for the funding of grants under
4 8 the program, including but not limited to funds available
4 9 through the federal government in serving families at risk of
4 10 long=term welfare dependency, and private foundation grants.
4 11 g. Make recommendations to the governor and the general
4 12 assembly on the effectiveness of programs in Iowa and
4 13 throughout the country that provide family development
4 14 services that lead to self=sufficiency for families at risk of
4 15 welfare dependency.
4 16 4. a. The division shall administer the family
4 17 development and self=sufficiency grant program. The
4 18 department of human services shall disclose to the division
4 19 confidential information pertaining to individuals receiving
4 20 services under the grant program, as authorized under section
4 21 217.30. The division and the department of human services
4 22 shall share information and data necessary for tracking
4 23 performance measures of the family development and
4 24 self=sufficiency grant program, for referring families
4 25 participating in the promoting independence and
4 26 self=sufficiency through employment job opportunities and
4 27 basic skills (PROMISE JOBS) program under section 239B.17 and
4 28 related activities and programs to the grant program, and for
4 29 meeting federal reporting requirements. The division and the
4 30 department of human services may by mutual agreement, as
4 31 specified in the memorandum of agreement entered into in
4 32 accordance with paragraph "b", add to or delete from the
4 33 initial shared information items listed in this lettered
4 34 paragraph. The initial shared information shall include but
4 35 is not limited to all of the following:



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5 1 (1) Family enrollments and exits to and from each of the
5 2 programs.
5 3 (2) Monthly reports of individual participant activity in
5 4 PROMISE JOBS components that are countable work activities
5 5 according to federal guidelines applicable to those
5 6 components.
5 7 (3) Aggregate grant program participant activity in all
5 8 PROMISE JOBS program components.
5 9 (4) Work participation rates for grant program
5 10 participants who were active family investment program
5 11 participants.
5 12 (5) The average hourly wage of grant program participants
5 13 who left the family investment program.
5 14 (6) The percentage of grant program participants who
5 15 exited from the grant program at or after the time family
5 16 investment program participation ended and did not reenroll in
5 17 the family investment program for at least one year.
5 18 b. The division shall develop a memorandum of agreement
5 19 with the department of human services to share outcome data
5 20 and coordinate referrals and delivery of services to
5 21 participants in the family investment program under chapter
5 22 239B and the grant program and other shared clients and shall
5 23 provide the department of human services with information
5 24 necessary for compliance with federal temporary assistance for
5 25 needy families block grant state plan and reporting
5 26 requirements, including but not limited to financial and data
5 27 reports.
5 28 c. To the extent that the family development and
5 29 self-sufficiency grant program is funded by the federal
5 30 temporary assistance for needy families block grant and by the
5 31 state maintenance of efforts funds appropriated in connection
5 32 with the block grant, the division shall comply with all
5 33 federal requirements for the block grant. The division is
5 34 responsible for payment of any federal penalty imposed that is
5 35 attributable to the grant program and shall receive any



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6 1 federal bonus payment attributable to the grant program.

6 2 d. The division shall ensure that expenditures of moneys
6 3 appropriated to the department of human services from the
6 4 general fund of the state for the family development and
6 5 self-sufficiency grant program are eligible to be considered
6 6 as state maintenance of effort expenditures under federal
6 7 temporary assistance for needy families block grant
6 8 requirements.

6 9 e. The commission shall consider the recommendations of
6 10 the council in adopting rules pertaining to the grant program.

6 11 f. The division shall submit to the governor and general
6 12 assembly on or before November 30 following the end of each
6 13 state fiscal year, a report detailing performance measure and
6 14 outcome data evaluating the family development and
6 15 self-sufficiency grant program for the fiscal year that just
6 16 ended.

6 17 Sec. 2. Section 217.30, subsection 4, paragraph d, Code
6 18 2007, is amended to read as follows:

6 19 d. The If approved by the director of human services or
6 20 the director's designee pursuant to a written request, the
6 21 department may shall disclose information described in
6 22 subsection 1 to other state agencies or to any other person
6 23 who is not subject to the provisions of chapter 17A and is
6 24 providing services to recipients under chapter 239B who are
6 25 participating in the promoting independence and
6 26 self-sufficiency through employment job opportunities and
6 27 basic skills program, if necessary for the recipients to
6 28 receive the services.

6 29 Sec. 3. Section 232.69, subsection 1, paragraph b,
6 30 subparagraph (5), Code Supplement 2007, is amended to read as
6 31 follows:

6 32 (5) An employee or operator of a licensed child care
6 33 center, registered child development home, head start program,
6 34 family development and self-sufficiency grant program under
6 35 section ~~217.12~~ 216A.107, or healthy opportunities for parents



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7 1 to experience success=healthy families Iowa program under
7 2 section 135.106.
7 3 Sec. 4. Section 239B.8, subsection 2, paragraph e, Code
7 4 Supplement 2007, is amended to read as follows:
7 5 e. FAMILY DEVELOPMENT. Participation in a family
7 6 development and self=sufficiency grant program under section
7 7 ~~217.12~~ 216A.107 or other family development program.
7 8 Sec. 5. Section 239B.8, subsection 6, Code Supplement
7 9 2007, is amended to read as follows:
7 10 6. CONFIDENTIAL INFORMATION DISCLOSURE. The If approved
7 11 by the director of human services or the director's designee
7 12 pursuant to a written request, the department ~~may~~ shall
7 13 disclose confidential information described in section 217.30,
7 14 subsection 1, to other state agencies or to any other entity
7 15 which is not subject to the provisions of chapter 17A and is
7 16 providing services to a participant family who is subject to a
7 17 family investment agreement, if necessary in order for the
7 18 participant family to receive the services. The department
7 19 shall adopt rules establishing standards for disclosure of
7 20 confidential information if disclosure is necessary in order
7 21 for a participant to receive services.
7 22 Sec. 6. Section 217.11, Code 2007, and section 217.12,
7 23 Code Supplement 2007, are repealed.
7 24 Sec. 7. CONTINUATION OF COUNCIL AND GRANT PROGRAM.
7 25 1. The membership of the family development and
7 26 self=sufficiency council established pursuant to section
7 27 217.11, Code 2007, as of June 30, 2008, shall continue on and
7 28 after that date until revised by the council in accordance
7 29 with section 216A.107, as enacted by this Act.
7 30 2. The family development and self=sufficiency grants
7 31 issued pursuant to sections 217.11 and 217.12 and 441 IAC ch.
7 32 165, in effect as of June 30, 2008, shall continue as provided
7 33 by the terms of the grants.
7 34 3. The division of community action agencies shall
7 35 administer the family development and self=sufficiency grant



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8 1 program in accordance with the administrative rules pertaining
8 2 to the grant program in 441 IAC ch. 165, in place of the
8 3 department of human services until replacement administrative
8 4 rules are adopted. The commission on community action
8 5 agencies may adopt emergency rules under section 17A.4,
8 6 subsection 2, and section 17A.5, subsection 2, paragraph "b",
8 7 to implement the provisions of this Act and the rules shall be
8 8 effective immediately upon filing unless a later date is
8 9 specified in the rules. Any rules adopted in accordance with
8 10 this subsection shall also be published as a notice of
8 11 intended action as provided in section 17A.4.

8 12 EXPLANATION

8 13 This bill relates to services associated with the family
8 14 investment program (FIP) by moving the responsibility for and
8 15 Code provisions relating to the family development and
8 16 self-sufficiency (FADSS) council and grant program from the
8 17 department of human services (DHS) to the community action
8 18 agencies division of the department of human rights and
8 19 revising confidentiality requirements involving FADSS and FIP.
8 20 The council is established in current law in Code section
8 21 217.11. The bill moves the council to new Code section
8 22 216A.107. The membership is the same as in current law with
8 23 the following exceptions: the membership slot for the DHS
8 24 child and family services division administrator is replaced
8 25 with a slot for the director of the school of social work at
8 26 the university of Iowa, a slot is added for a current or
8 27 former recipient of FIP who is a member of a racial or ethnic
8 28 minority, a slot is added for a representative of providers of
8 29 services to victims of domestic violence, the slot for the
8 30 public policy center at the university of Iowa is eliminated,
8 31 the names of a college within Iowa state university and a
8 32 department within the university of northern Iowa are
8 33 corrected, and two slots each are added for members of the
8 34 senate and the house of representatives. The council is
8 35 authorized to determine procedural matters.



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9 1 Currently, the duties of the council are in Code section
9 2 217.12. These duties are also moved by the bill to new Code
9 3 section 216A.107. The duties are the same with the following
9 4 changes: the council is no longer required to identify
9 5 factors and conditions regarding families at risk for foster
9 6 care placement and is required to focus on FIP dependency and
9 7 family instability in place of long-term welfare dependency.
9 8 The responsibility to evaluate various programs and services
9 9 associated with the family investment program is eliminated.
9 10 The grant proposals are no longer required to designate staff
9 11 recruitment.

9 12 The division is directed to administer the grant program.
9 13 The division and DHS are authorized to disclose information
9 14 and share data in accordance with Code section 217.30, which
9 15 outlines how DHS handles confidential information concerning
9 16 DHS clients. The division and DHS are required to develop a
9 17 memorandum of agreement to share outcome data and coordinate
9 18 referrals and share information concerning shared clients.
9 19 The initial items of shared information are listed but the
9 20 division and DHS are authorized to change that list by mutual
9 21 agreement provided the changes are specified in the memorandum
9 22 of agreement.

9 23 The division is required to comply with federal block grant
9 24 requirements concerning the federal and state funding for the
9 25 grant program and the division is responsible for any federal
9 26 penalty imposed and will receive any bonus attributable to the
9 27 grant program. The division is required to ensure that state
9 28 funds for the grant program are expended in a manner to
9 29 qualify as state maintenance of effort funding for the federal
9 30 block grant. The commission on community action agencies is
9 31 required to consider the recommendations of the council in
9 32 adopting rules for the grant program. An annual report to the
9 33 governor and general assembly is required concerning the grant
9 34 program outcomes.

9 35 The bill includes a section providing for continuation of



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10 1 the council membership as it existed on June 30, 2008, of the
10 2 grants in effect as of June 30, 2008, and of the
10 3 administrative rules adopted by the department of human
10 4 services until replacement rules are adopted. The commission
10 5 on community action agencies is authorized to adopt rules
10 6 using emergency procedures.
10 7 Code sections 217.11 and 217.12, housing the family
10 8 development and self-sufficiency grant program under the
10 9 purview of DHS, are repealed. Code references to the grant
10 10 program and its employees are amended to reflect the repeal
10 11 and change of responsibility to the division in Code section
10 12 232.69, relating to mandatory child abuse reporting, and Code
10 13 section 239B.8, relating to activities authorized under a
10 14 family investment agreement.
10 15 Code section 217.30, relating to confidentiality of records
10 16 on individuals receiving services from the department of human
10 17 services, is amended pertaining to disclosure to other state
10 18 agencies and nongovernmental agencies of information regarding
10 19 FIP recipients who are participating in the promoting
10 20 independence and self-sufficiency through employment job
10 21 opportunities and basic skills (PROMISE JOBS) program.
10 22 Current law authorizes the disclosure and, together with
10 23 related authority in Code section 239B.8, provides for
10 24 adoption of rules for such disclosure. The bill amends both
10 25 sections to require the disclosure, provided it is requested
10 26 in writing and is approved by the director of human services
10 27 or the director's designee.
10 28 LSB 5486HV 82
10 29 jp/nh/8



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HOUSE FILE
BY COMMITTEE ON ENVIRONMENTAL
PROTECTION

(SUCCESSOR TO HF 751)

Passed House, Date _____

Passed Senate, Date _____

Vote: Ayes _____ Nays _____
Approved

Vote: Ayes _____ Nays _____

A BILL FOR

- 1 An Act relating to the collection and recycling of mercury=added
- 2 thermostats.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 6516HV 82
- 5 tw/nh/24



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1 1 Section 1. NEW SECTION. 455D.31 MERCURY == THERMOSTATS.
1 2 1. As used in this section, unless the context otherwise
1 3 requires:
1 4 a. "Manufacturer" means any person, firm, association,
1 5 partnership, corporation, governmental entity, organization,
1 6 combination, or joint venture that owns or owned the brand
1 7 name of the thermostat.
1 8 b. "Mercury-added thermostat" means a product or device
1 9 that uses a mercury switch to sense and control room
1 10 temperature through communication with heating, ventilating,
1 11 or air-conditioning equipment. "Mercury-added thermostat"
1 12 includes thermostats used to sense and control room
1 13 temperature in residential, commercial, industrial, and other
1 14 buildings but does not include thermostats used to sense and
1 15 control temperature as part of a manufacturing process.
1 16 c. "Thermostat retailer" means a person who sells
1 17 thermostats of any kind directly to homeowners or other
1 18 nonprofessionals through any selling or distribution
1 19 mechanism, including but not limited to sales using the
1 20 internet or catalogues. A thermostat retailer may also be a
1 21 thermostat wholesaler if it meets the definition of thermostat
1 22 wholesaler.
1 23 d. "Thermostat wholesaler" means a person who is engaged
1 24 in the distribution and wholesale selling of large quantities
1 25 of heating, ventilation, and air-conditioning components,
1 26 including thermostats, to contractors who install heating,
1 27 ventilation, and air-conditioning components, including
1 28 thermostats.
1 29 2. Beginning July 1, 2009, a person shall not sell, offer
1 30 for sale, or install a mercury-added thermostat in this state.
1 31 3. Beginning April 1, 2009, except as otherwise provided,
1 32 a person who generates a discarded mercury-added thermostat
1 33 shall manage the mercury-added thermostat as a hazardous waste
1 34 or universal hazardous waste, according to all applicable
1 35 state and federal regulations. A contractor who replaces or



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2 1 removes mercury-added thermostats shall assure that any
2 2 discarded mercury-added thermostat is subject to proper
2 3 separation and management as hazardous waste or universal
2 4 hazardous waste. A contractor who replaces a mercury-added
2 5 thermostat in a residence shall deliver the mercury-added
2 6 thermostat to an appropriate collection location for
2 7 recycling.

2 8 4. Each thermostat manufacturer that has offered for final
2 9 sale, sold at final sale, or distributed mercury-added
2 10 thermostats in the state shall individually, or in conjunction
2 11 with other thermostat manufacturers, do all of the following:

2 12 a. Not later than October 1, 2008, submit a plan to the
2 13 department for approval describing a collection program for
2 14 mercury-added thermostats. The program contained in the plan
2 15 shall ensure that all the following take place:

2 16 (1) That an education and outreach program is developed.
2 17 The program shall be directed toward thermostat wholesalers,
2 18 thermostat retailers, contractors, and homeowners and ensure a
2 19 maximum rate of collection of mercury-added thermostats.
2 20 There shall not be a cost to thermostat wholesalers or
2 21 thermostat retailers for education and outreach materials.

2 22 (2) That handling and recycling of mercury-added
2 23 thermostats are accomplished in a manner that is consistent
2 24 with the provisions of the universal waste rules.

2 25 (3) That containers for mercury-added thermostat
2 26 collection are provided to all thermostat wholesalers. The
2 27 cost to thermostat wholesalers for such containers shall be
2 28 limited to an initial, reasonable, one-time fee per container
2 29 as specified in the plan.

2 30 (4) That collection points will be established to serve
2 31 homeowners. The collection points shall include but are not
2 32 limited to regional collection centers permitted under 567 IAC
2 33 123. Collection points may include but are not limited to
2 34 thermostat retailers.

2 35 (5) That collection systems are provided to all collection



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3 1 points. Collection systems may include individual product
3 2 mail back or multiple collection containers. The costs of
3 3 collection shall not be passed on to a collection point. The
3 4 costs to a collection point shall be limited to an initial,
3 5 reasonable, one-time fee per container as specified in the
3 6 plan.

3 7 b. Not later than April 1, 2009, implement a mercury-added
3 8 thermostat collection plan approved by the department.

3 9 c. Beginning in 2010, submit an annual report to the
3 10 department by April 1 of each year that includes, at a
3 11 minimum, all of the following:

3 12 (1) The number of mercury-added thermostats collected and
3 13 recycled by that manufacturer during the previous calendar
3 14 year.

3 15 (2) The estimated total amount of mercury contained in the
3 16 thermostat components collected by that manufacturer during
3 17 the previous calendar year.

3 18 (3) A list of all participating thermostat wholesalers and
3 19 all collection points for homeowners.

3 20 (4) An evaluation of the effectiveness of the
3 21 manufacturer's collection program.

3 22 (5) An accounting of the administrative costs incurred in
3 23 the course of administering the collection and recycling
3 24 program.

3 25 5. a. By April 1, 2009, a thermostat wholesaler shall do
3 26 both of the following:

3 27 (1) Act as a collection site for mercury-added
3 28 thermostats.

3 29 (2) Promote and utilize the collection containers provided
3 30 by thermostat manufacturers to facilitate a contractor
3 31 collection program.

3 32 b. By April 1, 2009, a thermostat retailer shall
3 33 participate in an education and outreach program to educate
3 34 consumers on the collection program for mercury-added
3 35 thermostats.



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4 1 6. Beginning April 1, 2009, all of the following sales
4 2 prohibitions shall apply to thermostat manufacturers,
4 3 thermostat wholesalers, and thermostat retailers:
4 4 a. A thermostat manufacturer not in compliance with this
4 5 section is prohibited from offering any thermostat for final
4 6 sale in the state. A thermostat manufacturer not in
4 7 compliance with this section shall provide the necessary
4 8 support to thermostat wholesalers and thermostat retailers to
4 9 ensure the manufacturer's thermostats are not offered for
4 10 final sale.
4 11 b. A thermostat wholesaler or thermostat retailer shall
4 12 not offer for final sale any thermostat of a manufacturer that
4 13 is not in compliance with this section.
4 14 7. The department shall do all of the following:
4 15 a. Review and grant approval of, deny, or approve with
4 16 modifications a manufacturer plan required under this section.
4 17 The department shall not approve a plan unless all elements of
4 18 subsection 4, paragraph "a", are adequately addressed and the
4 19 program outlined in the plan will assure a maximum rate of
4 20 collection of mercury-added thermostats. In reviewing a plan
4 21 the department may consider consistency of the plan with
4 22 collection requirements in other states and consider
4 23 consistency between thermostat manufacturer collection
4 24 programs. In reviewing plans, the agency shall ensure that
4 25 education and outreach programs are uniform and consistent to
4 26 ensure ease of implementation by thermostat wholesalers and
4 27 thermostat retailers.
4 28 b. The department shall establish a process for public
4 29 review and comment on all plans submitted by thermostat
4 30 manufacturers prior to plan approval. The department shall
4 31 consult with interested persons, including representatives of
4 32 thermostat manufacturers, environmental groups, thermostat
4 33 wholesalers, thermostat retailers, contractors, and local
4 34 government.
4 35 c. By January 15, 2010, and annually thereafter, the



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5 1 department shall submit a written report to the general
5 2 assembly regarding the collection and recycling of
5 3 mercury-added thermostats in the state. The first report
5 4 submitted shall include recommendations for any statutory
5 5 changes concerning the collection and recycling of
5 6 mercury-added thermostats. Subsequent reports shall include
5 7 an evaluation of the effectiveness of the mercury-added
5 8 thermostat collection and recycling programs, information on
5 9 actual collection rates, and recommendations for any statutory
5 10 changes concerning the collection and recycling of
5 11 mercury-added thermostats.

5 12 8. The goal of the collection and recycling efforts under
5 13 this section is to collect and recycle at least seventy
5 14 percent of the mercury-added thermostats estimated by the
5 15 department to be discarded within two years after the
5 16 implementation of approved plans and at least eighty percent
5 17 of the mercury-added thermostats estimated by the department
5 18 to be discarded within three years after the implementation of
5 19 approved plans. By January 1, 2009, the department shall
5 20 estimate the number of mercury-added thermostats generated in
5 21 the state on an annual basis, in consultation with interested
5 22 persons, including representatives of thermostat
5 23 manufacturers, thermostat wholesalers, thermostat retailers,
5 24 contractors, environmental groups, and local government. If
5 25 collection efforts fail to meet the collection goals described
5 26 in this subsection, the department shall, in consultation with
5 27 interested persons, require modifications to collection
5 28 programs in an attempt to improve collection rates in
5 29 accordance with these goals. Modifications may include but
5 30 are not limited to financial incentives provided by
5 31 manufacturers to service technicians, contractors, or
5 32 homeowners, and the modifications may be in the form of
5 33 rebates, coupons, or cash awards.

5 34 EXPLANATION

5 35 This bill relates to the collection and recycling of



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6 1 mercury-added thermostats.

6 2 The bill defines a mercury-added thermostat as a product or
6 3 device that uses a mercury switch to sense and control room
6 4 temperature through communication with heating, ventilating,
6 5 or air-conditioning equipment and includes thermostats used to
6 6 sense and control room temperature in residential, commercial,
6 7 industrial, and other buildings but does not include
6 8 thermostats used to sense and control temperature as part of a
6 9 manufacturing process.

6 10 The bill provides that a person who discards solid waste
6 11 shall separate mercury-added thermostats from that solid waste
6 12 for management as hazardous waste or universal hazardous
6 13 waste, according to all applicable state and federal
6 14 regulations. The bill provides requirements for a contractor
6 15 who replaces or removes mercury-added thermostats.

6 16 The bill provides that each thermostat manufacturer that
6 17 has offered for final sale, sold at final sale, or has
6 18 distributed mercury-added thermostats in the state shall do
6 19 all of the following:

6 20 1. Submit a plan to the department for approval that
6 21 describes a collection program for mercury-added thermostats.

6 22 2. Implement a mercury-added thermostat collection plan
6 23 approved by the department.

6 24 3. Beginning in 2010, submit an annual report to the
6 25 department by April 1 of each year that includes, at a
6 26 minimum, the number of mercury-added thermostats collected and
6 27 recycled by that manufacturer during the previous calendar
6 28 year, the estimated total amount of mercury contained in the
6 29 mercury-added thermostat components collected by that
6 30 manufacturer during the previous calendar year, an evaluation
6 31 of the effectiveness of the manufacturer's collection program,
6 32 and an accounting of the administrative costs incurred in the
6 33 course of administering the collection and recycling program.

6 34 The bill provides that, beginning July 1, 2009, a person
6 35 shall not offer for final sale, sell at final sale, or



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7 1 distribute mercury-added thermostats. The bill requires a
7 2 wholesaler to act as a collection site for mercury-added
7 3 thermostats, promote and utilize the collection containers
7 4 provided by mercury-added thermostat manufacturers to
7 5 facilitate a contractor collection program, and complete all
7 6 other tasks as needed to establish and maintain a
7 7 cost-effective manufacturer collection program.
7 8 The bill requires retailers to participate in an education
7 9 and outreach program to educate consumers on the collection
7 10 program for mercury-added thermostats.
7 11 The bill requires the department of natural resources to
7 12 review and grant approval of, deny, or approve with
7 13 modifications a manufacturer plan. The bill requires the
7 14 department to establish a process for public review and
7 15 comment on all plans submitted by thermostat manufacturers
7 16 prior to plan approval. The bill requires the department to
7 17 maintain a list of entities that have registered as collection
7 18 points for mercury-added thermostats. The bill requires the
7 19 department to submit a written report to the general assembly
7 20 regarding the collection and recycling of mercury-added
7 21 thermostats in the state.
7 22 The bill provides that the goal of the collection and
7 23 recycling efforts is to collect and recycle at least 70
7 24 percent of the mercury-added thermostats estimated by the
7 25 department to be discarded within two years after the
7 26 implementation of approved plans and at least 80 percent of
7 27 the mercury-added thermostats estimated by the department to
7 28 be discarded within three years after the implementation of
7 29 approved plans. By January 1, 2009, the bill requires the
7 30 department to estimate the number of out-of-service
7 31 mercury-added thermostats generated in the state on an annual
7 32 basis. The bill provides that if collection efforts fail to
7 33 meet the maximum rate of collection, the department shall, in
7 34 consultation with interested persons, require modifications to
7 35 collection programs in an attempt to improve collection rates



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- 8 1 in accordance with these goals.
- 8 2 LSB 6516HV 82
- 8 3 tw/nh/24



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House File 2330 - Introduced

HOUSE FILE
BY MASCHER

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

A BILL FOR

1 An Act relating to at-risk students by establishing a school
2 attendance task force pilot project program, requiring a
3 report, and making an appropriation.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
5 TLSB 6160HH 82
6 kh/nh/24



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1 1 Section 1. Section 256.9, subsection 43, Code Supplement
1 2 2007, is amended to read as follows:

1 3 43. a. Annually prepare a report identifying federal and
1 4 state and, to the extent possible, private foundation funding
1 5 for programs that provide educational, economic, and human
1 6 services support services to at-risk students to assist and
1 7 encourage at-risk students to remain in school and graduate.
1 8 The report shall also include a comprehensive list of options
1 9 and measures schools have used to increase at-risk student
1 10 graduation rates, including but not limited to alternative
1 11 programs, support system programs, tutoring, and one-to-one
1 12 support. The department shall make the report available to
1 13 school districts on its web site.

1 14 b. Prepare a plan and a report for ensuring that all Iowa
1 15 children will be able to satisfy the requirements for high
1 16 school graduation. The plan and report shall include a
1 17 statement of the dimensions of the dropout problem in Iowa; a
1 18 survey of existing programs geared to dropout prevention; a
1 19 plan for use of competency-based outcome methods and measures;
1 20 proposals for alternative means for satisfying graduation
1 21 requirements including alternative high school settings,
1 22 supervised vocational experiences, education experiences
1 23 within the correctional system, screening and assessment
1 24 mechanisms for identifying students who are at risk of
1 25 dropping out and the development of an individualized
1 26 education plan for identified students; a requirement that
1 27 schools provide information to students who drop out of school
1 28 on options for pursuing education at a later date; the
1 29 development of basic materials and information for schools to
1 30 present to students leaving school; a requirement that
1 31 students notify their school districts of residence when the
1 32 student discontinues school, including the reasons for leaving
1 33 school and future plans for career development; a requirement
1 34 that, unless a student chooses to make the information
1 35 relating to the student leaving school confidential, schools



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2 1 make the information available to community colleges, area
2 2 education agencies, and other educational institutions upon
2 3 request; recommendations for the establishment of pilot
2 4 projects for the development of model alternative options
2 5 education programs; a plan for implementation of any
2 6 recommended courses of action to attain a zero dropout rate by
2 7 the year 2000; and other requirements necessary to achieve the
2 8 goals of this subsection. Alternative means for satisfying
2 9 graduation requirements which relate to the development of
2 10 individualized education plans for students who have dropped
2 11 out of the regular school program shall include, but are not
2 12 limited to, a tracking component that requires a school
2 13 district to maintain periodic contact with a student,
2 14 assistance to a dropout in curing any of the student's
2 15 academic deficiencies, an assessment of the student's
2 16 employability skills and plans to improve those skills, and
2 17 treatment or counseling for a student's social needs. The
2 18 department shall also prepare a cost estimate associated with
2 19 implementation of proposals to attain a zero dropout rate,
2 20 including but not limited to evaluation of existing funding
2 21 sources and a recommended allocation of the financial burden
2 22 among federal, state, local, and family resources.

2 23 Sec. 2. Section 256.9, Code Supplement 2007, is amended by
2 24 adding the following new subsection:

2 25 NEW SUBSECTION. 57. If funds are appropriated by the
2 26 general assembly for the program, establish and coordinate, as
2 27 provided in section 299.25, a school attendance task force
2 28 pilot project program, create a grant application process and
2 29 application forms, develop grant criteria, and provide
2 30 technical assistance to school attendance task force pilot
2 31 project program grant recipients as provided in section
2 32 299.25.

2 33 Sec. 3. Section 279.51, Code Supplement 2007, is amended
2 34 by adding the following new subsection:

2 35 NEW SUBSECTION. 3A. Each school district shall annually



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3 1 review the funding streams it utilizes to provide services to
3 2 at-risk students and returning students and for dropout
3 3 prevention, evaluate the services funded to ensure that the
3 4 funds are being used efficiently and effectively, and make
3 5 every effort to identify additional funding sources, community
3 6 or business collaborations, and other funding opportunities
3 7 and measures which could be accessed by the school district to
3 8 expand the services available to the student, make the
3 9 educational experience more meaningful to the student, and
3 10 encourage the student to stay in school and graduate.

3 11 Sec. 4. NEW SECTION. 299.25 SCHOOL ATTENDANCE TASK FORCE
3 12 PILOT PROJECT PROGRAM ESTABLISHED.

3 13 1. If the general assembly appropriates moneys for the
3 14 establishment of a school attendance task force pilot project
3 15 program, the department of education shall establish and
3 16 coordinate a school attendance task force pilot project
3 17 program, as provided in this section to effectuate
3 18 collaborative, positive interventions for truant students with
3 19 multiple needs in order to satisfactorily fill the basic needs
3 20 of the truant student and improve the student's attendance.
3 21 The program shall provide for the establishment of school
3 22 attendance task force projects for a school year.

3 23 2. The department shall establish and administer not less
3 24 than one grant to a large school district, one grant to a
3 25 medium-size school district, and one grant to a small school
3 26 district, and districts shall be selected from both rural and
3 27 urban areas. For purposes of this section, a "large school
3 28 district" is a district with an actual enrollment of five
3 29 thousand or more pupils; a "medium-size school district" is a
3 30 district with an actual enrollment that is greater than seven
3 31 hundred fifty pupils but less than five thousand pupils; and a
3 32 "small school district" is a district with an actual
3 33 enrollment of seven hundred fifty or fewer pupils. A grant
3 34 may be awarded to a consortium of school districts.

3 35 3. The director of the department of education shall



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4 1 develop grant approval criteria for the school attendance task
4 2 force pilot project program. Criteria for the selection of
4 3 grant recipients shall include but is not limited to a method
4 4 for prioritizing grant applications based on illustrated
4 5 efforts to meet the multiple needs of the truant students and
4 6 their families and a requirement that the task force members
4 7 will include representatives from the school district or from
4 8 a consortium of school districts, the office of the county
4 9 attorney, the department of human services, local police and
4 10 county sheriff's departments, and the area juvenile court
4 11 office. Evidence of excessive truancy intervention needs may
4 12 entitle a grant application to priority if the application
4 13 includes methods of amelioration of the problem through
4 14 mediation with a student and the student's parent, guardian,
4 15 or legal or actual custodian.

4 16 4. The department shall provide technical assistance to
4 17 grant recipients to establish school attendance task force
4 18 projects.

4 19 5. Grant recipients shall convene a meeting of the schools
4 20 within the area, the county attorney, and a representative of
4 21 the area juvenile court office to review the support structure
4 22 needed to improve school attendance.

4 23 6. Grant recipients shall provide the department of
4 24 education adequate assurance that district school attendance
4 25 policies will be reviewed. Successful grant recipients shall
4 26 use a local truancy intervention task force to review the
4 27 implementation of truancy provisions in this chapter. Grant
4 28 recipients shall provide the department with a final report on
4 29 the effects of the pilot program implementation. The final
4 30 report shall include recommendations for appropriate
4 31 adjustments to the truancy provisions in this chapter.

4 32 Sec. 5. APPROPRIATION. There is appropriated from the
4 33 general fund of the state to the department of education for
4 34 the fiscal year beginning July 1, 2008, and ending June 30,
4 35 2009, the following amount, or so much thereof as is



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5 1 necessary, to be used for the purpose designated:
 5 2 For purposes of the school attendance task force pilot
 5 3 project program established in section 299.25, if enacted:
 5 4 \$ 250,000
 5 5 The department may retain a portion of the funds for
 5 6 administrative purposes. Notwithstanding section 8.33,
 5 7 unencumbered or unobligated funds remaining on June 30 of the
 5 8 fiscal year for which the funds were appropriated shall not
 5 9 revert but shall be available for expenditure for the
 5 10 following fiscal year for the purposes designated.

EXPLANATION

5 11 This bill establishes a school attendance task force pilot
 5 12 project program and appropriates \$250,000 from the general
 5 13 fund of the state to the department of education for the
 5 14 2008=2009 fiscal year for the purposes of the program. The
 5 15 bill also requires the director of the department to prepare a
 5 16 report on at-risk funding, and requires each school district
 5 17 to annually review and evaluate the at-risk funding and
 5 18 programs utilized by the school district.

5 19 The department of education is charged with establishing
 5 20 and coordinating the program to effectuate collaborative,
 5 21 positive interventions for truant students with multiple needs
 5 22 in order to satisfactorily fill the basic needs of the truant
 5 23 student and improve the student's attendance.

5 24 Project grants are to be awarded to school districts, or a
 5 25 consortium of school districts, of various sizes that are
 5 26 selected from both rural and urban areas.

5 27 The director of the department is directed to develop
 5 28 criteria and a process for implementing school attendance task
 5 29 force pilot programs. The criteria must include a requirement
 5 30 that the task force members include representatives from the
 5 31 school district or from a consortium of school districts, the
 5 32 office of the county attorney, the department of human
 5 33 services, local police and county sheriff's departments, and
 5 34 the area juvenile court office.



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6 1 Grant recipients shall provide the department of education
6 2 with adequate assurance that district school attendance
6 3 policies will be reviewed. Grant recipients are directed to
6 4 convene a meeting with the schools within the area, the county
6 5 attorney, and a representative of the area juvenile court
6 6 office to review the support structure needed to improve
6 7 school attendance.

6 8 Grant recipients shall provide the department with a final
6 9 report on the effects of the pilot program implementation,
6 10 including recommendations for appropriate adjustments to the
6 11 truancy provisions in Code chapter 299.

6 12 The bill also requires the director of the department to
6 13 annually prepare a report identifying funding streams for
6 14 programs that provide support services to at-risk students to
6 15 assist and encourage at-risk students to remain in school and
6 16 graduate. The report shall include a comprehensive list of
6 17 options and measures schools have used to increase at-risk
6 18 student graduation rates. The department must make the report
6 19 available to school districts on its web site.

6 20 Each school district must annually review the funding
6 21 streams it currently utilizes to provide services to at-risk
6 22 students and returning students and for dropout prevention,
6 23 evaluate the services funded to ensure that the funds are
6 24 being used efficiently and effectively, and make every effort
6 25 to identify additional funding sources, community or business
6 26 collaborations, and other funding opportunities and measures
6 27 which could be accessed by the school district to expand the
6 28 services available.

6 29 LSB 6160HH 82

6 30 kh/nh/24



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House File 2331 - Introduced

HOUSE FILE
BY MASCHER

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

A BILL FOR

1 An Act providing for the establishment of a mathematics and
2 science education improvement grant pilot project and making
3 an appropriation.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
5 TLSB 6161HH 82
6 kh/nh/5



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House File 2331 - Introduced continued

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1 1 Section 1. MATHEMATICS AND SCIENCE EDUCATION IMPROVEMENT
1 2 GRANT PILOT PROJECT == APPROPRIATION.
1 3 1. The department of education shall establish and
1 4 administer a mathematics and science education improvement
1 5 grant pilot project to provide a grant to an area education
1 6 agency for purposes of providing a regional and cooperative
1 7 program for any of the following purposes:
1 8 a. Teacher training, professional development, and
1 9 teacher=in=resident programs in the areas of mathematics and
1 10 science.
1 11 b. Supplemental mathematics, science, engineering, and
1 12 other technology=oriented educational opportunities for
1 13 students, including opportunities for low=income, female, and
1 14 minority students.
1 15 c. Internships and workplace learning opportunities in the
1 16 areas of mathematics and science.
1 17 d. Expansion and alignment of curriculum in the areas of
1 18 mathematics and science.
1 19 2. Participation by one or more Iowa targeted businesses
1 20 or business organizations is required in order for an area
1 21 education agency to receive a grant.
1 22 3. Not more than two percent of the grant amount awarded
1 23 shall be used for administrative costs.
1 24 4. Grant criteria shall be developed by the department in
1 25 consultation with business organizations.
1 26 5. Within forty=five days of completion of the project,
1 27 the grant recipient shall submit a report to the department
1 28 describing the uses and activities supported by the grant
1 29 funding and the progress made in achieving the purpose of the
1 30 project. The department shall submit the grant recipient's
1 31 report, a summary of the report, and its findings and
1 32 recommendations regarding the project in a report to the
1 33 general assembly within forty=five days of receipt of the
1 34 grant recipient's report.
1 35 6. The grant recipient shall share the methods and results



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2 1 of the project with other area education agencies.
2 2 7. a. There is appropriated from the general fund of the
2 3 state to the department of education for the fiscal year
2 4 beginning July 1, 2008, and ending June 30, 2009, two hundred
2 5 thousand dollars for purposes of this section.
2 6 b. Notwithstanding section 8.33, moneys appropriated in
2 7 this subsection that remain unencumbered or unobligated at the
2 8 close of the fiscal year shall not revert but shall remain
2 9 available for expenditure for the purposes designated until
2 10 the close of the succeeding fiscal year.

2 11 EXPLANATION

2 12 This bill directs the department of education to establish
2 13 a mathematics and science education improvement grant pilot
2 14 project and appropriates \$200,000 for the pilot project.
2 15 An area education agency may apply to the department for a
2 16 pilot project grant for purposes of providing a regional and
2 17 cooperative program for teacher training, professional
2 18 development, and teacher-in-residence programs in the areas of
2 19 mathematics and science; supplemental mathematics, science,
2 20 engineering, and other technology-oriented educational
2 21 opportunities for students, including opportunities for
2 22 low-income, female, and minority students; internships and
2 23 workplace learning opportunities in the areas of mathematics
2 24 and science; and expansion and alignment of curriculum in the
2 25 areas of mathematics and science.
2 26 Participation by one or more Iowa targeted businesses or
2 27 business organizations is required. Grant criteria shall be
2 28 developed by the department in consultation with business
2 29 organizations.
2 30 The grant recipient must submit a report to the department
2 31 describing the uses and activities supported by the grant
2 32 funding and the progress made in achieving the purpose of the
2 33 project, and must share the methods and results of the project
2 34 with other area education agencies. The department must
2 35 submit the grant recipient's report, a summary of the report,



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3 1 and its findings and recommendations in a report to the
3 2 general assembly.
3 3 LSB 6161HH 82
3 4 kh/nh/5



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House File 2332 - Introduced

HOUSE FILE
BY COMMITTEE ON LABOR

(SUCCESSOR TO HSB 597)

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

A BILL FOR

- 1 An Act relating to workers' compensation benefit payments for
- 2 burial expenses.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 5507HV 82
- 5 av/rj/5



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1 1 Section 1. Section 85.28, Code 2007, is amended to read as
1 2 follows:

1 3 85.28 BURIAL EXPENSE.

1 4 When death ensues from the injury, the employer shall pay
1 5 the reasonable expenses of burial of such employee, not to
1 6 exceed ~~seven thousand five hundred dollars~~ twelve times the
1 7 statewide average weekly wage paid employees as determined by
1 8 the department of workforce development under section 96.19,
1 9 subsection 36, and in effect at the time of death, which shall
1 10 be in addition to other compensation or any other benefit
1 11 provided for in this chapter.

1 12 EXPLANATION

1 13 This bill provides a computation for determining workers'
1 14 compensation benefit payments for burial expenses, changing
1 15 from a flat \$7,500 to 12 times the statewide average weekly
1 16 wage rate as determined by the department of workforce
1 17 development.

1 18 LSB 5507HV 82

1 19 av/rj/5



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House File 2333 - Introduced

HOUSE FILE

BY MASCHER, ABDUL=SAMAD, PALMER,
WENDT, KELLEY, GAYMAN, COHOON,
STAED, BUKTA, WINCKLER, FOEGE,
and HEDDENS

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

Passed Senate, Date _____
Vote: Ayes _____ Nays _____

A BILL FOR

1 An Act relating to measures for preparing a student for a career
2 or postsecondary education, including a statewide core
3 curriculum for school districts and accredited nonpublic
4 schools and a state-designated career information and
5 decision-making system.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

7 TLSB 6159HH 82

8 kh/nh/5



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House File 2333 - Introduced continued

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1 1 Section 1. Section 256.7, subsections 26 and 28, Code
1 2 Supplement 2007, are amended to read as follows:
1 3 26. Adopt rules that establish a ~~voluntary model~~ core
1 4 curriculum and requiring, beginning with the students in the
1 5 2010==2011 school year graduating class, high school
1 6 graduation requirements for all students in school districts
1 7 and accredited nonpublic schools that include at a minimum
1 8 satisfactory completion of four years of English and language
1 9 arts, three years of mathematics, three years of science, and
1 10 three years of social studies. The ~~voluntary model~~ core
1 11 curriculum adopted shall address the core content standards in
1 12 subsection 28 and the skills and knowledge students need to be
1 13 successful in the twenty=first century. The ~~voluntary model~~
1 14 core curriculum shall include social studies and twenty=first
1 15 century learning skills which include but are not limited to
1 16 civic literacy, health literacy, technology literacy,
1 17 financial literacy, and employability skills; and shall
1 18 address the curricular needs of students in kindergarten
1 19 through grade twelve in those areas.
1 20 a. School districts and accredited nonpublic schools shall
1 21 adopt the core curriculum developed for grades nine through
1 22 twelve pursuant to this subsection prior to the school year
1 23 beginning July 1, 2010. The state board shall adopt rules
1 24 establishing a core curriculum for kindergarten through grade
1 25 eight, and school districts and accredited nonpublic schools
1 26 shall adopt the core curriculum established by the state board
1 27 prior to the 2012=2013 school year.
1 28 b. The state board shall continue the inclusive process
1 29 begun during the initial development of a ~~voluntary model~~ core
1 30 curriculum for grades nine through twelve including
1 31 stakeholder involvement, including but not limited to
1 32 representatives from the private sector and the business
1 33 community, and alignment of the ~~voluntary model~~ core
1 34 curriculum to other recognized sets of national and
1 35 international standards. The state board shall also recommend



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2 1 quality assessments to school districts and accredited
2 2 nonpublic schools to measure the ~~voluntary model~~ core
2 3 curriculum.
2 4 c. A school district shall ensure that any course made
2 5 available to a student through a sharing agreement between the
2 6 school district and a community college pursuant to section
2 7 257.11, the postsecondary enrollment options Act under chapter
2 8 261C, district-to-district sharing pursuant to section 257.11,
2 9 or any other sharing agreement between the district and any
2 10 entity providing course programming to students enrolled in
2 11 the school district meets the expectations contained in the
2 12 core curriculum adopted pursuant to this subsection. The
2 13 school district shall ensure that any course that has the
2 14 capacity to generate college credit shall be equivalent to
2 15 college-level work.

2 16 28. Adopt a set of core content standards applicable to
2 17 all students in kindergarten through grade twelve in every
2 18 school district and accredited nonpublic school. For purposes
2 19 of this subsection, "core content standards" includes reading,
2 20 mathematics, and science. The core content standards shall be
2 21 identical to the core content standards included in Iowa's
2 22 approved 2006 standards and assessment system under Title I of
2 23 the federal Elementary and Secondary Education Act of 1965, 20
2 24 U.S.C. } 6301 et seq., as amended by the federal No Child Left
2 25 Behind Act of 2001, Pub. L. No. 107=110. School districts and
2 26 accredited nonpublic schools shall include, at a minimum, the
2 27 core content standards adopted pursuant to this subsection in
2 28 any set of locally developed content standards. School
2 29 districts and accredited nonpublic schools are strongly
2 30 encouraged to ~~include the voluntary model core curriculum or~~
2 31 ~~set higher expectations in local standards.~~ As changes in
2 32 federal law or regulation occur, the state board is authorized
2 33 to amend the core content standards as appropriate.

2 34 Sec. 2. Section 279.61, Code Supplement 2007, is amended
2 35 to read as follows:



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3 1 279.61 STUDENT PLAN FOR PROGRESS TOWARD UNIVERSITY
3 2 ADMISSIONS == REPORT.
3 3 1. For the school year beginning July 1, ~~2007~~ 2008, and
3 4 each succeeding school year, the board of directors of each
3 5 school district shall cooperate with each student enrolled in
3 6 grade eight to develop for the student a core curriculum plan
3 7 to guide the student toward the goal of successfully
3 8 completing, at a minimum, the ~~voluntary model~~ core curriculum
3 9 developed by the state board of education pursuant to section
3 10 256.7, subsection 26, by the time the student graduates from
3 11 high school. The plan shall include career options and shall
3 12 identify the coursework needed in grades nine through twelve
3 13 to support the student's postsecondary education and career
3 14 options. Additionally, the plan shall include a timeline for
3 15 each student to successfully complete, prior to graduation,
3 16 all components of the state-designated career information and
3 17 decision-making system administered by the department in
3 18 accordance with section 118 of the federal Carl D. Perkins
3 19 Career and Technical Education Improvement Act of 2006, Pub.
3 20 L. No. 109=270. The student's parent or guardian shall sign
3 21 the core curriculum plan developed with the student and the
3 22 signed plan shall be included in the student's cumulative
3 23 records.
3 24 2. For the school year beginning July 1, ~~2007~~ 2008, and
3 25 each succeeding school year, the board of directors of each
3 26 school district shall report annually to each student enrolled
3 27 in grades nine through twelve in the school district, and, if
3 28 the student is under the age of eighteen, to each student's
3 29 parent or guardian, the student's progress toward meeting the
3 30 goal of successfully completing the core curriculum and high
3 31 school graduation requirements adopted by the state board of
3 32 education pursuant to section 256.7, subsection 26.
3 33 Sec. 3. DEPARTMENT OF EDUCATION == CORE CURRICULUM STUDY.
3 34 The department of education shall conduct a study of the
3 35 measures necessary for the successful adoption by the state's



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5 1 college credit will be equivalent to college-level work.
5 2 The bill requires that the individual core curriculum plans
5 3 school districts must develop to guide each student toward the
5 4 goal of successfully completing the core curriculum by the
5 5 time the student graduates must include a timeline for the
5 6 successful completion of all components of the
5 7 state-designated career information and decision-making system
5 8 the state maintains under a federal Carl D. Perkins Career and
5 9 Technical Education Improvement Act of 2006 grant.
5 10 The department is directed to conduct a study of the
5 11 measures necessary for the successful adoption by the state's
5 12 school districts and accredited nonpublic schools of core
5 13 curriculums and core content standards established by the
5 14 state board. The department must submit its findings and
5 15 recommendations to the general assembly by November 14, 2008.
5 16 The bill eliminates references to a voluntary model core
5 17 curriculum.
5 18 The bill may include a state mandate as defined in Code
5 19 section 25B.3. The bill requires that the state cost of any
5 20 state mandate included in the bill be paid by a school
5 21 district from state school foundation aid received by the
5 22 school district under Code section 257.16. The specification
5 23 is deemed to constitute state compliance with any state
5 24 mandate funding-related requirements of Code section 25B.2.
5 25 The inclusion of this specification is intended to reinstate
5 26 the requirement of political subdivisions to comply with any
5 27 state mandates included in the bill.
5 28 LSB 6159HH 82
5 29 kh/nh/5



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House File 2334 - Introduced

HOUSE FILE
BY MASCHER

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

A BILL FOR

1 An Act relating to minimum nutrition standards for school
2 district attendance centers and prohibiting the sale of foods
3 with minimal nutritional value in vending machines located in
4 school district attendance centers and providing an effective
5 date.
6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
7 TL5B 6222HH 82
8 kh/nh/8



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1 1 Section 1. Section 256.9, subsection 39, Code Supplement
1 2 2007, is amended to read as follows:
1 3 39. ~~Provide~~ Develop minimum nutrition standards that meet
1 4 or exceed federal guidelines and regulations for foods and
1 5 beverages sold or served in school district attendance centers
1 6 during the normal instructional day. The nutrition standards
1 7 may include portion sizes, minimum nutrient values, and a
1 8 listing of contents. The director shall provide educational
1 9 resources and technical assistance to schools relating to the
1 10 implementation of the nutritional guidelines for food and
1 11 beverages sold on public school grounds or on the grounds of
1 12 nonpublic schools receiving funds under section 283A.10.
1 13 Sec. 2. NEW SECTION. 279.67 NUTRITIONAL STANDARDS.
1 14 1. Food and beverages sold from vending machines located
1 15 in school district elementary, middle school or junior high,
1 16 or secondary school attendance centers shall meet the
1 17 nutrition standards developed pursuant to section 256.9,
1 18 subsection 39.
1 19 2. Foods of minimal nutritional value as defined by the
1 20 United States department of agriculture food and nutrition
1 21 service under 7 C.F.R. pt. 210, appendix B, shall not be sold
1 22 from a vending machine during the normal instructional day in
1 23 any elementary, middle school or junior high, or secondary
1 24 school attendance center.
1 25 3. Contracts and renewal contracts for food or beverages
1 26 shall expressly prohibit the sale of sugared, carbonated
1 27 beverages and all other foods of minimal nutritional value as
1 28 defined by the United States department of agriculture food
1 29 and nutrition service under 7 C.F.R. pt. 210, appendix B, from
1 30 vending machines located in school district attendance
1 31 centers.
1 32 4. Nothing in this section shall be construed to do any of
1 33 the following:
1 34 a. Prohibit a school district from developing and adopting
1 35 nutrition standards that are more stringent than those



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2 1 provided in this section.

2 2 b. Prohibit or limit the sale or distribution of any food
2 3 or beverage item through fund-raising activities of students,
2 4 teachers, or educational groups when the items are intended
2 5 for sale off the attendance center grounds.

2 6 c. Prohibit or limit the sale or distribution of any food
2 7 or beverage items to teachers, administrators, or other adults
2 8 in a faculty lounge or under other circumstances where the
2 9 sale or distribution is limited to teachers, administrators,
2 10 or other adults.

2 11 Sec. 3. EFFECTIVE DATE. Section 279.67, as enacted by
2 12 this Act, takes effect July 1, 2009.

2 13 EXPLANATION

2 14 This bill directs the director of the department of
2 15 education to develop minimum nutrition standards that meet or
2 16 exceed federal guidelines and regulations for foods and
2 17 beverages sold or served on the school grounds of elementary,
2 18 middle or junior high, or secondary schools during the normal
2 19 instructional day, and, effective July 1, 2009, requires that
2 20 food and beverages sold from vending machines located in
2 21 school attendance centers must meet these nutrition standards.

2 22 The bill prohibits, effective July 1, 2009, the sale of
2 23 foods of minimal nutritional value as defined by the United
2 24 States department of agriculture (USDA) food and nutrition
2 25 service under 7 C.F.R. pt. 210, appendix B, from a vending
2 26 machine during the normal instructional day in any school
2 27 attendance center. The USDA definition includes soda water,
2 28 water ices, chewing gum, and certain candies.

2 29 The bill provides that, effective July 1, 2009, contracts
2 30 for food or beverages shall expressly prohibit the sale of
2 31 sugared, carbonated beverages and all other foods of minimal
2 32 nutritional value as defined by the USDA from vending machines
2 33 located in school district attendance centers.

2 34 The bill also provides that nothing in the bill shall be
2 35 construed to prohibit a school district from developing and



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House File 2334 - Introduced continued

3 1 adopting more stringent standards, prohibit or limit the sale
3 2 of food or beverage items through school fund-raising
3 3 activities when the items are intended for sale off the
3 4 attendance center grounds, or prohibit or limit the sale or
3 5 distribution of any food or beverage items to adults in a
3 6 faculty lounge or under other circumstances where the sale or
3 7 distribution is limited to adults.
3 8 LSB 6222HH 82
3 9 kh/nh/8



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 20, 2008

House File 2335 - Introduced

HOUSE FILE
BY BAUDLER and HEDDENS

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

A BILL FOR

- 1 An Act relating to service of a subpoena on a peace officer in a
- 2 criminal case.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 6387YH 82
- 5 rh/rj/24



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House File 2335 - Introduced continued

PAG LIN

1 1 Section 1. NEW SECTION. 813.3A SERVICE OF SUBPOENA ==
1 2 PEACE OFFICER.
1 3 Service of a subpoena in a criminal case arising out of the
1 4 peace officer's official duties shall be made pursuant to rule
1 5 of criminal procedure 2.15, Iowa court rules, except that such
1 6 service shall be made upon a peace officer at the peace
1 7 officer's place of employment and not at the peace officer's
1 8 personal residence.
1 9 EXPLANATION
1 10 This bill provides service of a subpoena in a criminal case
1 11 arising out of the peace officer's official duties shall be
1 12 made pursuant to the rule of criminal procedure 2.15, Iowa
1 13 court rule except that such service shall be made upon a peace
1 14 officer at the peace officer's place of employment and not at
1 15 the officer's personal residence.
1 16 LSB 6387YH 82
1 17 rh/rj/24



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 20, 2008

House File 2336 - Introduced

HOUSE FILE
BY KAUFMANN and REICHERT

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

A BILL FOR

1 An Act directing the office of energy independence to conduct a
2 feasibility study regarding the establishment of low-head
3 hydropower energy production facilities, and providing an
4 effective date.
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
6 TL5B 5536HH 82
7 rn/nh/8



**Iowa General Assembly
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House File 2336 - Introduced continued

PAG LIN

1 1 Section 1. LOW-HEAD HYDROPOWER == FEASIBILITY STUDY.
1 2 1. a. The office of energy independence shall conduct a
1 3 study assessing the feasibility of establishing one or more
1 4 low-head hydropower energy production facilities at one or
1 5 more of the following locations:
1 6 (1) Sites bordering the Mississippi river, including but
1 7 not limited to a federal lock and dam.
1 8 (2) Sites located on a river, stream, or reservoir within
1 9 this state, including but not limited to a lock and dam
1 10 erected in connection with the river, stream, or reservoir.
1 11 b. Prior to identifying potential facility locations, the
1 12 office shall, in coordination with the United States army
1 13 corps of engineers, the department of natural resources, or
1 14 any other federal or state agency or entity the office
1 15 determines appropriate, measure current and flow levels at
1 16 federal lock and dam locations bordering the Mississippi
1 17 river, and at rivers, streams, and reservoirs within this
1 18 state, to assess potential energy generation capacity.
1 19 2. For purposes of this study, a "low-head hydropower
1 20 energy production facility" means a facility designed and
1 21 constructed for energy extraction from flowing water where the
1 22 vertical distance through which the water falls is relatively
1 23 short. The office shall by rule establish distance
1 24 specifications for characterization of a proposed location as
1 25 low-head.
1 26 3. The office shall submit a report of its assessment,
1 27 including recommendations regarding potential energy
1 28 generation capacity derived from low-head hydropower
1 29 facilities, and a proposed number of such facilities and
1 30 potential locations, to the governor and the general assembly
1 31 by January 1, 2009. The report shall also contain
1 32 recommendations for establishing a pilot project involving
1 33 construction of a low-head hydropower energy production
1 34 facility, including a proposed location and timeline for
1 35 development of the facility.



Iowa General Assembly
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House File 2336 - Introduced continued

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

2 3 EXPLANATION

2 4 This bill directs the office of energy independence to
2 5 conduct a study assessing the feasibility of establishing one
2 6 or more low-head hydropower energy production facilities at
2 7 specified locations in this state. The office is also
2 8 directed to measure current and flow levels at federal lock
2 9 and dam locations bordering the Mississippi river, and at
2 10 rivers, streams, and reservoirs within this state, to assess
2 11 potential energy generation capacity, in coordination with the
2 12 United States army corps of engineers, the department of
2 13 natural resources, or other federal or state agencies prior to
2 14 identifying proposed locations for such facilities. The bill
2 15 provides that the office shall establish by rule distance
2 16 specifications for characterization of a proposed location as
2 17 low-head. The office is directed to submit a report,
2 18 including recommendations regarding potential energy
2 19 generation capacity derived from low-head hydropower
2 20 facilities, a proposed number of such facilities, potential
2 21 facility locations, and a pilot project proposal, to the
2 22 governor and the general assembly by January 1, 2009.

2 23 The bill takes effect upon enactment.

2 24 LSB 5536HH 82

2 25 rn/nh/8.1



Iowa General Assembly
Daily Bills, Amendments & Study Bills
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House File 2337 - Introduced

HOUSE FILE
BY KAUFMANN, BAUDLER,
and VAN FOSSEN

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

A BILL FOR

1 An Act relating to restricted driver motor vehicle registration
2 plates to identify persons driving under a temporary
3 restricted driver's license following a second or subsequent
4 revocation for operating while intoxicated, and providing
5 penalties.
6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
7 TLSB 5547YH 82
8 dea/nh/5



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 20, 2008

House File 2337 - Introduced continued

PAG LIN

1 1 Section 1. NEW SECTION. 321.34A RESTRICTED DRIVER
1 2 REGISTRATION PLATES.
1 3 1. Upon application to the county treasurer, the owner of
1 4 a motor vehicle subject to registration shall be issued
1 5 restricted driver registration plates at no charge in exchange
1 6 for the regular or special registration plates issued for the
1 7 vehicle under section 321.34. If the application is for a new
1 8 registration, the restricted driver registration plates shall
1 9 be issued in lieu of regular registration plates upon payment
1 10 of the regular annual registration fee for the vehicle.
1 11 2. Restricted driver registration plates, to be designed
1 12 by the department, shall be of a different color than regular
1 13 registration plates and bear a unique series of alphanumeric
1 14 characters so as to be readily identified by peace officers.
1 15 Application for or acceptance of restricted driver
1 16 registration plates constitutes implied consent for a peace
1 17 officer to stop the vehicle bearing the restricted driver
1 18 registration plates at any time. A peace officer who observes
1 19 the operation of a motor vehicle displaying restricted driver
1 20 registration plates may stop the vehicle for the purpose of
1 21 determining whether the driver is operating the vehicle
1 22 lawfully under a valid driver's license.
1 23 3. Restricted driver registration plates expire on the
1 24 same date as the registration plates they replace and shall be
1 25 validated by the county treasurer in the same manner as
1 26 regular registration plates are validated upon payment of the
1 27 annual registration fee for the vehicle.
1 28 4. Except as provided in section 321J.20, subsection 8,
1 29 upon application by the owner of a motor vehicle, the county
1 30 treasurer shall issue regular or special registration plates,
1 31 under the terms and conditions in section 321.34 and subject
1 32 to applicable fees, in exchange for restricted driver
1 33 registration plates.
1 34 5. It is a simple misdemeanor for a person to do any of
1 35 the following:



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House File 2337 - Introduced continued

2 1 a. Knowingly disguise or obscure the color of restricted
2 2 driver registration plates.
2 3 b. Knowingly operate a motor vehicle displaying restricted
2 4 driver registration plates that have been disguised or
2 5 obscured.
2 6 Sec. 2. Section 321J.20, Code Supplement 2007, is amended
2 7 by adding the following new subsection:
2 8 NEW SUBSECTION. 8. a. Prior to issuing a temporary
2 9 restricted license under this section to a person whose
2 10 driver's license or nonresident operating privilege has been
2 11 revoked for a second or subsequent time under this chapter,
2 12 the department shall require the surrender of the registration
2 13 plates issued under section 321.34 for the following motor
2 14 vehicles, as identified by the department, which are not
2 15 already legally impounded:
2 16 (1) Any motor vehicle registered to the person whose
2 17 license is revoked, individually or jointly.
2 18 (2) Any motor vehicle for which the person whose license
2 19 is revoked is listed on the certificate of title as the owner
2 20 or co-owner.
2 21 (3) Any leased motor vehicle required to be registered
2 22 under section 321F.8, if the person whose license is revoked
2 23 is listed as the lessee or co-lessee.
2 24 b. The department shall issue restricted driver
2 25 registration plates as provided in section 321.34A in exchange
2 26 for the surrendered plates for each motor vehicle listed under
2 27 paragraph "a".
2 28 c. A registered owner of a motor vehicle issued restricted
2 29 driver registration plates under this subsection shall not
2 30 sell the motor vehicle during the time it is registered with
2 31 restricted driver registration plates unless the registered
2 32 owner applies to the department for consent to transfer title
2 33 to the motor vehicle. If the department is satisfied that the
2 34 proposed sale is in good faith and for valid consideration,
2 35 that the registered owner will be deprived of custody and



Iowa General Assembly
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House File 2337 - Introduced continued

3 1 control of the motor vehicle, and that the sale is not for the
3 2 purpose of circumventing the provisions of this subsection,
3 3 the department may certify its consent to the county
3 4 treasurer. The county treasurer shall then transfer the title
3 5 to the new owner upon proper application and issue new
3 6 registration plates. If the title to the motor vehicle is
3 7 transferred by the cancellation of a conditional sales
3 8 contract, a sale upon execution, or by decree or order of a
3 9 court of competent jurisdiction after the registration plates
3 10 have been ordered surrendered under this subsection, the
3 11 department shall order the title surrendered to the new
3 12 registered owner. The county treasurer shall then transfer
3 13 the title to the new owner and issue new registration plates
3 14 pursuant to section 321.34. If a person holding a temporary
3 15 restricted license issued under this section following a
3 16 second or subsequent revocation under this chapter applies for
3 17 a new motor vehicle registration of a type listed under
3 18 paragraph "a", the county treasurer shall issue restricted
3 19 driver registration plates for the vehicle upon payment of the
3 20 annual registration fee for the vehicle.

3 21 d. When the period of revocation of the person's
3 22 noncommercial driver's license under this chapter expires, the
3 23 owner of a motor vehicle issued restricted driver registration
3 24 plates under this subsection may apply to the county treasurer
3 25 for regular or special registration plates for the vehicle,
3 26 under the terms and conditions in section 321.34 and subject
3 27 to applicable fees. When satisfied that the period of license
3 28 revocation under this chapter is expired, and upon payment of
3 29 any required fees, the county treasurer shall issue regular or
3 30 special registration plates for the vehicle in exchange for
3 31 the restricted driver registration plates.

3 32 e. A person holding a temporary restricted license issued
3 33 by the department under this section following a second or
3 34 subsequent revocation under this chapter shall not operate a
3 35 motor vehicle other than a motor vehicle displaying restricted



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 20, 2008**

House File 2337 - Introduced continued

4 1 driver registration plates issued pursuant to section 321.34A
4 2 and this section.

4 3 EXPLANATION

4 4 This bill requires the department of transportation to
4 5 design and issue restricted driver motor vehicle registration
4 6 plates, which shall be of a different color than regular
4 7 registration plates and bear a unique set of alphanumeric
4 8 characters so as to be readily identifiable by peace officers.
4 9 Any motor vehicle owner may apply to the county treasurer for
4 10 restricted driver registration plates to be issued in exchange
4 11 for the regular or special registration plates currently
4 12 issued for the vehicle. The restricted driver registration
4 13 plates are to be substituted at no additional charge, but are
4 14 subject to the regular annual registration fee for the
4 15 vehicle. Application for or acceptance of restricted driver
4 16 registration plates constitutes implied consent for a peace
4 17 officer to stop the vehicle displaying the plates at any time,
4 18 and a peace officer may stop such a vehicle to determine
4 19 whether the driver is operating under a valid driver's
4 20 license.

4 21 The bill prohibits a person whose driver's license or
4 22 nonresident operating privilege has been revoked for a second
4 23 or subsequent time for operating while intoxicated (OWI) from
4 24 operating a motor vehicle under a temporary restricted
4 25 driver's license unless the vehicle displays restricted driver
4 26 registration plates. The bill requires that before such a
4 27 person is issued a temporary restricted license, the
4 28 department shall require the surrender of the regular or
4 29 special registration plates for any motor vehicle registered
4 30 to the person, any motor vehicle for which the person is
4 31 listed as an owner or co-owner, and any motor vehicle for
4 32 which the person is listed as the lessee or co-lessee. Upon
4 33 surrender of the regular or special plates, the department
4 34 shall issue restricted driver registration plates for each
4 35 such vehicle. Any motor vehicle newly registered while the



**Iowa General Assembly
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House File 2337 - Introduced continued

5 1 person is driving under a temporary restricted license for OWI
5 2 must also be issued restricted driver plates in lieu of
5 3 regular registration plates. A vehicle required to have
5 4 restricted driver registration plates cannot be sold without
5 5 the consent of the department. In addition, the bill permits
5 6 transfer of ownership to a vehicle upon cancellation of a
5 7 conditional sales contract, a sale upon execution, or by
5 8 decree or order of a court.

5 9 The bill provides that an OWI offender with a temporary
5 10 restricted license who was required to have restricted driver
5 11 registration plates may exchange the restricted driver plates
5 12 for regular or special registration plates when the period of
5 13 license revocation is expired. The owner of a motor vehicle
5 14 who was not required under OWI provisions to display
5 15 restricted driver registration plates but applied for the
5 16 plates voluntarily may apply to the county treasurer at any
5 17 time to be issued regular or special registration plates.

5 18 The bill prohibits a person from knowingly disguising or
5 19 obscuring the color of restricted driver registration plates
5 20 or from knowingly operating a vehicle whose restricted driver
5 21 registration plates have been obscured or disguised. A
5 22 violation is a simple misdemeanor, punishable by confinement
5 23 for no more than 30 days or a fine of at least \$65 but not
5 24 more than \$625 or by both.

5 25 A person holding a temporary restricted license that was
5 26 issued following a second or subsequent revocation for OWI who
5 27 operates a motor vehicle not displaying restricted driver
5 28 registration plates in violation of the bill's provisions
5 29 would be considered to be driving under a revoked driver's
5 30 license. Such an offense is a serious misdemeanor, punishable
5 31 by confinement for no more than one year and a fine of at
5 32 least \$315 but not more than \$1,875. The person is also
5 33 assessed an additional fine of \$1,000 and the period of
5 34 revocation is doubled.

5 35 LSB 5547YH 82



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House File 2337 - Introduced continued

6 1 dea/nh/5



Iowa General Assembly
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House File 2338 - Introduced

HOUSE FILE
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO HSB 581)

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

Passed Senate, Date _____
Vote: Ayes _____ Nays _____

A BILL FOR

- 1 An Act relating to attendance at child in need of assistance
- 2 proceedings.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 5799HV 82
- 5 jm/rj/8



Iowa General Assembly
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House File 2338 - Introduced continued

PAG LIN

1 1 Section 1. Section 232.91, subsection 3, Code Supplement
1 2 2007, is amended to read as follows:
1 3 3. Any person who is entitled under section 232.88 to
1 4 receive notice of a hearing concerning a child shall be given
1 5 the opportunity to be heard in any other review or hearing
1 6 involving the child. A foster parent, relative, or other
1 7 individual with whom a child has been placed for preadoptive
1 8 care shall have the right to be heard in any proceeding
1 9 involving the child. If a child is of an age appropriate to
1 10 attend the hearing but the child does not attend, the court
1 11 shall determine if the child was informed of the child's right
1 12 to attend the hearing.

1 13 EXPLANATION

1 14 This bill relates to attendance at child in need of
1 15 assistance proceedings.

1 16 Under the bill, in any child in need of assistance
1 17 proceedings where the child does not attend and the child's
1 18 age is appropriate to attend such proceedings, the court shall
1 19 determine if the child was informed of the child's right to
1 20 attend.

1 21 LSB 5799HV 82

1 22 jm/rj/8



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 20, 2008

House File 2339 - Introduced

HOUSE FILE
BY MAY

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

A BILL FOR

1 An Act requiring a study by the department of education relating
2 to the disproportionate number of male students in special
3 education programs.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
5 TLSB 6135YH 82
6 ak/nh/24



Iowa General Assembly
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House File 2339 - Introduced continued

PAG LIN

1 1 Section 1. MALE STUDENTS IN SPECIAL EDUCATION PROGRAMS ==
1 2 STUDY. The department of education shall conduct a study
1 3 regarding the higher proportion of male students in relation
1 4 to female students in special education programs in the state.
1 5 The study shall examine the reasons for the disproportionate
1 6 representation of male students in special education programs
1 7 and include recommendations about how to better meet the needs
1 8 of special education students, how to better meet the needs of
1 9 male students, and how to ensure that special education
1 10 resources are correctly administered. The department shall
1 11 submit a report to the general assembly by January 15, 2009,
1 12 regarding its conclusions and recommendations.

1 13 EXPLANATION

1 14 This bill requires the department of education to conduct a
1 15 study regarding the reasons for the higher proportion of male
1 16 students in relation to female students in special education
1 17 programs. The department must examine the reasons for the
1 18 disproportionate representation and make recommendations about
1 19 how to better meet the needs of all special education
1 20 students, male students, and how to ensure that special
1 21 education resources are correctly administered. The
1 22 department must submit a report to the legislature by January
1 23 15, 2009.

1 24 LSB 6135YH 82

1 25 ak/nh/24



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 20, 2008

House File 2340 - 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 procurement of information technology
- 2 services by the department of administrative services.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 5696YH 82
- 5 da/nh/8



Iowa General Assembly
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House File 2340 - Introduced continued

PAG LIN

1 1 Section 1. Section 8A.207, Code 2007, is amended by adding
1 2 the following new subsection:
1 3 NEW SUBSECTION. 4A. A contract executed by the department
1 4 under subsection 4 which involves the procurement of
1 5 information technology services shall not be for more than
1 6 three years from the date of the contract's execution, and
1 7 shall not be subject to renewal. This subsection does not
1 8 apply to a contract for the procurement of an information
1 9 technology device which includes a warranty or pursuant to
1 10 which information technology services are incidentally
1 11 provided.

1 12 EXPLANATION

1 13 Code section 8A.22 authorizes the department of
1 14 administrative services to provide information technology to a
1 15 number of state agencies. Code section 8A.207 provides that
1 16 the department may cooperate with other governmental entities
1 17 in the procurement of information technology. This bill
1 18 provides that a contract executed by the department which
1 19 involves the delivery of information technology services shall
1 20 not be for more than three years. Code section 8A.201 defines
1 21 information technology services to include providing
1 22 functions, maintenance, and support of information technology
1 23 devices and providing a range of other services related to
1 24 computer system applications, programming, software support,
1 25 security, data management, education, and planning.

1 26 LSB 5696YH 82
1 27 da/nh/8



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 20, 2008

House File 2341

HOUSE FILE
BY MAY

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

Passed Senate, Date _____
Vote: Ayes _____ Nays _____

A BILL FOR

- 1 An Act relating to waivers for early school start dates and year
- 2 around schools.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 6132YH 82
- 5 kh/rj/8



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 20, 2008

House File 2341 continued

PAG LIN

1 1 Section 1. Section 279.10, subsection 2, Code 2007, is
1 2 amended to read as follows:
1 3 2. The board of directors shall hold a public hearing on
1 4 any proposal for a pilot program pursuant to subsection 3
1 5 prior to submitting ~~it~~ a request to the department of
1 6 education for approval.

1 7 Sec. 2. Section 279.10, subsection 4, Code 2007, is
1 8 amended by striking the subsection and inserting in lieu
1 9 thereof the following:

1 10 4. The board of directors of a school district may submit
1 11 an application to the director or the department of education
1 12 requesting a waiver from the earliest school start date
1 13 requirement of subsection 1 in order to conduct educational
1 14 research. The application shall include the scope and
1 15 objectives of the educational research the school district
1 16 intends to conduct. The director of the department of
1 17 education may approve waivers for not more than three school
1 18 districts.

1 19 EXPLANATION

1 20 This bill eliminates the department of education's
1 21 unlimited authority to approve school districts' requests to
1 22 waive the earliest school start date requirement. The bill
1 23 limits the director of the department to issuing waivers to
1 24 not more than three school districts and to issue the waivers
1 25 only to school districts conducting educational research. A
1 26 school district must include in its application the scope and
1 27 objectives of the educational research to be conducted.

1 28 Currently, the school year can begin no sooner than a day
1 29 during the calendar week in which the first day of September
1 30 falls, or, if the first day of September falls on a Sunday, on
1 31 a day during the calendar week which immediately precedes the
1 32 first day of September. School districts currently are
1 33 granted waivers authorizing an earlier start date if the
1 34 director of the department of education determines that a
1 35 starting date on or after the earliest starting date would



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
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House File 2341 continued

- 2 1 have a significant negative educational impact.
- 2 2 The bill includes a technical correction.
- 2 3 LSB 6132YH 82
- 2 4 kh/rj/8



**Iowa General Assembly
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February 20, 2008**

House File 2342 - Introduced

HOUSE FILE

BY MURPHY, ABDUL-SAMAD, BAILEY, BELL, BERRY, BUKTA, COHOON, DAVITT, DANDEKAR, FOEGE, FREVERT, HUSER, GASKILL, GAYMAN, HEDDENS, H. MILLER, LENSING, JACOBY, JOCHUM, McCARTHY, KRESSIG, LYKAM, MASCHER, FORD, KUHN, MERTZ, HUNTER, OLDSO, D. OLSON, R. OLSON, T. OLSON, PALMER, QUIRK, REASONER, REICHERT, SCHUELLER, WISE, SHOMSHOR, STAED, SWAIM, D. TAYLOR, T. TAYLOR, WESSEL-KROESCHELL, SMITH, WENDT, WENTHE, WHITAKER, WHITEAD, THOMAS, KELLEY, WINCKLER, ZIRKELBACH, GRASSLEY, WINDSCHITL, STRUYK, LUKAN, FORRISTALL, WORTHAN, CLUTE, GREINER, BOAL, MAY, VAN FOSSEN, PETTENGILL, TYMESON, SANDS, WATTS, S. OLSON, DRAKE, ROBERTS, RAECKER, VAN ENGELENHOVEN, BAUDLER, GRANZOW, SODERBERG, RAYHONS, PAULSEN, KAUFMANN, SCHICKEL, UPMEYER, JACOBS, RASMUSSEN, ANDERSON, GIPP, DEYOE, WIENCEK, DOLECHECK, HOFFMAN, HUSEMAN, RANTS, ALONS, CHAMBERS, HORBACH, TJEPKES, L. MILLER, DE BOEF, HEATON, TOMENGA, ARNOLD, and PETERSEN

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

A BILL FOR

- 1 An Act exempting certain federal tax rebates under the state
- 2 individual income tax and including a retroactive
- 3 applicability date provision.
- 4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 5 TLSB 6292HH 82
- 6 mg/sc/14



Iowa General Assembly
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House File 2342 - Introduced continued

PAG LIN

1 1 Section 1. Section 422.9, Code 2007, is amended by adding
1 2 the following new subsection:

1 3 NEW SUBSECTION. 8. In determining the amount of deduction
1 4 for federal income tax under subsection 1 or subsection 2,
1 5 paragraph "b", for tax years beginning in the 2008 calendar
1 6 year, the amount of the deduction for the tax year shall not
1 7 be adjusted by the amount received during the tax year of the
1 8 income tax rebate provided pursuant to the federal Recovery
1 9 Rebates and Economic Stimulus for the American People Act of
1 10 2008, Pub. L. No. 110=185, and the amount of such income tax
1 11 rebate shall not be subject to taxation under this division.

1 12 Sec. 2. RETROACTIVE APPLICABILITY DATE. This Act applies
1 13 retroactively to January 1, 2008, for tax years beginning on
1 14 or after that date and before January 1, 2009.

1 15 EXPLANATION

1 16 Under state individual income tax, an individual is allowed
1 17 a deduction for federal income tax paid during the tax year,
1 18 adjusted by any federal income tax refunds received during the
1 19 same tax year. This bill provides that for the 2008 tax year
1 20 any federal tax rebate received under the federal Recovery
1 21 Rebates and Economic Stimulus for the American People Act of
1 22 2008 is not subject to tax and thus would not be used to
1 23 reduce any deduction an individual has for federal income
1 24 taxes paid.

1 25 The bill applies retroactively to January 1, 2008, for tax
1 26 years that begin on or after that date but before January 1,
1 27 2009.

1 28 LSB 6292HH 82

1 29 mg/sc/14



Iowa General Assembly
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House Resolution 109 - Introduced

PAG LIN

H.R. _____ S.R. _____

1 1 HOUSE RESOLUTION NO. ____

1 2 BY H. MILLER, FORD, BERRY, and ABDUL=SAMAD

1 3 A Resolution designating February 2008 as Black History

1 4 Month.

1 5 WHEREAS, Black History Month in the United States

1 6 dates back to 1926, based upon the efforts of Dr.

1 7 Carter G. Woodson, a Harvard-educated scholar

1 8 descended from slave parents; and

1 9 WHEREAS, Black History Month is traditionally

1 10 observed in February of each year; and

1 11 WHEREAS, Black History Month is designated to

1 12 recognize and pay tribute to many African-Americans

1 13 long neglected by society and the history books; and

1 14 WHEREAS, Black History Month aims to bridge the gap

1 15 created by American history's failure to accurately

1 16 acknowledge, portray, and record the contributions of

1 17 Blacks in society; and

1 18 WHEREAS, Black History Month acknowledges the

1 19 achievements of Blacks in the military, the arts,

1 20 civil rights, education, economics, entertainment,

1 21 history, law, literature, medicine, music, politics,

1 22 science, sports, and other areas; and

1 23 WHEREAS, the African-American population in Iowa

1 24 has grown from 1.4 percent of the state population in

1 25 1980 to 2.5 percent in 2006, and is projected to grow

1 26 to 3.4 percent of the state population by 2030; and

1 27 WHEREAS, African-Americans in Iowa are increasingly

1 28 assuming leadership roles in law, medicine,

1 29 government, education, the arts, and other areas; and

1 30 WHEREAS, four African-Americans are currently



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House Resolution 109 - Introduced continued

2 1 serving in the House of Representatives, the largest
2 2 number of African-Americans ever in the House; NOW
2 3 THEREFORE,
2 4 BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES,
2 5 That the House of Representatives designates February
2 6 2008 as Black History Month and encourages schools,
2 7 community leaders, religious leaders, and all Iowans
2 8 to take this opportunity to discover the history of
2 9 African-Americans in Iowa, from George Washington
2 10 Carver to James B. Morris to Simon Estes, and to learn
2 11 about the contributions African-Americans continue to
2 12 make to Iowa's economic and cultural well-being.
2 13 LSB 6518HH 82
2 14 jr/rj/14



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House Study Bill 688

HOUSE FILE
BY (PROPOSED COMMITTEE ON
EDUCATION BILL BY
CHAIRPERSON WENDT)

Passed House, Date _____ Passed Senate, 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 5938YC 82
7 ak/sc/14



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House Study Bill 688 continued

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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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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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House Study Bill 688 continued

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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House Study Bill 688 continued

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 5938YC 82



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House Study Bill 688 continued

15 1 ak/sc/14



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House Study Bill 689

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

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

Passed House, Date _____
Vote: Ayes _____ Nays _____

A BILL FOR

- 1 An Act relating to state agency reporting of the receipt of
- 2 gifts, bequests, and grants.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 5216XD 82
- 5 jp/rj/5



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1 1 Section 1. Section 8.7, Code 2007, is amended to read as
1 2 follows:

1 3 8.7 REPORTING OF GIFTS AND BEQUESTS RECEIVED.

1 4 All gifts, and bequests, ~~and grants~~ received by a
1 5 department or accepted by the governor on behalf of the state
1 6 shall be reported to the Iowa ethics and campaign disclosure
1 7 board and the government oversight committees. The ethics and
1 8 campaign disclosure board shall, by January 31 of each year,
1 9 submit to the fiscal services division of the legislative
1 10 services agency a written report listing all gifts, and
1 11 bequests, ~~and grants~~ received during the previous calendar
1 12 year with a value over one thousand dollars and the purpose
1 13 for each such gift, or bequest, ~~or grant~~. The submission
1 14 shall also include a listing of all gifts, and bequests, ~~and~~
~~1 15 grants~~ received by a department from a person if the
1 16 cumulative value of all gifts, and bequests, ~~and grants~~
1 17 received by the department from the person during the previous
1 18 calendar year exceeds one thousand dollars, and the ethics and
1 19 campaign disclosure board shall include, if available, the
1 20 purpose for each such gift, or bequest, ~~or grant~~. However,
1 21 the reports on gifts, ~~grants~~, or bequests filed by the state
1 22 board of regents pursuant to section 8.44 shall be deemed
1 23 sufficient to comply with the requirements of this section.

1 24 Sec. 2. Section 8.9, Code 2007, is amended to read as
1 25 follows:

1 26 8.9 GRANTS ENTERPRISE MANAGEMENT OFFICE.

1 27 1. The office of grants enterprise management is
1 28 established in the department of management. The function of
1 29 the office is to develop and administer a system to track,
1 30 identify, advocate for, and coordinate nonstate grants as
1 31 defined in section 8.2, subsections 1 and 3. Staffing for the
1 32 office of grants enterprise management shall be provided by a
1 33 facilitator appointed by the director of the department of
1 34 management. Additional staff may be hired, subject to the
1 35 availability of funding. Funding for the office is from the



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2 1 appropriation to the department pursuant to section 8A.505,
2 2 subsection 2.
2 3 2. a. All grant applications submitted and grant moneys
2 4 received by a department on behalf of the state shall be
2 5 reported to the office of grants enterprise management. The
2 6 office shall by January 31 of each year submit to the fiscal
2 7 services division of the legislative services agency a written
2 8 report listing all grants received during the previous
2 9 calendar year with a value over one thousand dollars and the
2 10 funding entity and purpose for each grant. However, the
2 11 reports on grants filed by the state board of regents pursuant
2 12 to section 8.44 shall be deemed sufficient to comply with the
2 13 requirements of this subsection.

2 14 b. The office of grants enterprise management shall submit
2 15 by July 1 and January 1 of each year to the government
2 16 oversight committees a written report summarizing departmental
2 17 compliance with the requirements of this subsection.

2 18 Sec. 3. Section 68B.32, subsection 1, Code 2007, is
2 19 amended to read as follows:

2 20 1. An Iowa ethics and campaign disclosure board is
2 21 established as an independent agency. The board shall
2 22 administer this chapter and set standards for, investigate
2 23 complaints relating to, and monitor the ethics of officials,
2 24 employees, lobbyists, and candidates for office in the
2 25 executive branch of state government. The board shall
2 26 administer and set standards for, investigate complaints
2 27 relating to, and monitor the campaign finance practices of
2 28 candidates for public office. The board shall administer and
2 29 establish standards for, investigate complaints relating to,
2 30 and monitor the reporting of gifts, and bequests, ~~and grants~~
2 31 under section 8.7. The board shall consist of six members and
2 32 shall be balanced as to political affiliation as provided in
2 33 section 69.16. The members shall be appointed by the
2 34 governor, subject to confirmation by the senate.

2 35 Sec. 4. Section 68B.32A, subsection 4, Code Supplement



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3 1 2007, is amended to read as follows:

3 2 4. Receive and file registration and reports from
3 3 lobbyists of the executive branch of state government, client
3 4 disclosure from clients of lobbyists of the executive branch
3 5 of state government, personal financial disclosure information
3 6 from officials and employees in the executive branch of state
3 7 government who are required to file personal financial
3 8 disclosure information under this chapter, and gift, and
3 9 ~~bequest, and grant~~ disclosure information pursuant to section
3 10 8.7. The board, upon its own motion, may initiate action and
3 11 conduct a hearing relating to reporting requirements under
3 12 this chapter or section 8.7.

3 13 EXPLANATION

3 14 This bill relates to state agency reporting of the receipt
3 15 of gifts, bequests, and grants.

3 16 Under current law, Code section 8.7 requires executive
3 17 branch departments and agencies to annually report the gifts,
3 18 bequests, and grants received to the Iowa ethics and campaign
3 19 disclosure board and the government oversight committees. The
3 20 board is required to compile this information for each gift,
3 21 bequest, and grant with a value over \$1,000 received during
3 22 the previous calendar year, list the purpose, if available,
3 23 and report to the fiscal services division of the legislative
3 24 services agency by January 31 each year.

3 25 The bill amends Code sections 8.7 and 8.9 to shift the
3 26 responsibility for receiving the reporting of grants to the
3 27 office of grants enterprise management of the department of
3 28 management. The office is required to compile the reports in
3 29 the manner required under current law and submit an annual
3 30 report to the fiscal services division by January 31 for the
3 31 grants received during the previous calendar year. In
3 32 addition, the office is required to report each July and
3 33 January to the government oversight committees summarizing
3 34 departmental compliance with the reporting requirements.

3 35 Code section 68B.32 is amended to remove from the Iowa



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4 1 ethics and campaign disclosure board the responsibility to
4 2 address standards for, investigate complaints relating to, and
4 3 monitor the reporting of grants. Code section 68B.32A is
4 4 amended to remove from the board's duties the responsibility
4 5 to receive and file grant disclosure information and to
4 6 conduct hearings relating to the grant reporting requirements.
4 7 LSB 5216XD 82
4 8 jp/rj/5



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House Study Bill 690

SENATE/HOUSE FILE
BY (PROPOSED DEPARTMENT OF
NATURAL RESOURCES BILL)

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

Passed House, Date _____
Vote: Ayes _____ Nays _____

A BILL FOR

- 1 An Act relating to the compliance advisory panel, including the
- 2 appointment of its members and its powers and duties.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 5352DP 82
- 5 da/nh/5



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1 1 Section 1. Section 455B.131, Code Supplement 2007, is
1 2 amended by adding the following new subsection:
1 3 NEW SUBSECTION. 13. "Small business stationary source"
1 4 means a stationary air contaminant source that meets all of
1 5 the following requirements:
1 6 a. Employs one hundred or fewer individuals.
1 7 b. Qualifies as a small business concern by the United
1 8 States department of commerce pursuant to 15 U.S.C. } 632.
1 9 c. Is not a major stationary source.
1 10 d. Emits less than fifty tons per year of any federally
1 11 regulated air pollutant and less than seventy-five tons per
1 12 year of all federally regulated pollutants under the federal
1 13 Clean Air Act Amendments of 1990, 42 U.S.C. } 7401 et seq.
1 14 Sec. 2. NEW SECTION. 455B.133A SMALL BUSINESS STATIONARY
1 15 SOURCE TECHNICAL AND ENVIRONMENTAL COMPLIANCE ASSISTANCE
1 16 PROGRAM.
1 17 A small business stationary source technical and
1 18 environmental compliance assistance program shall be
1 19 administered and enforced as required pursuant to the federal
1 20 Clean Air Act Amendments of 1990, 42 U.S.C. } 7661f.
1 21 Sec. 3. Section 455B.133B, Code 2007, is amended to read
1 22 as follows:
1 23 455B.133B AIR CONTAMINANT SOURCE FUND CREATED.
1 24 An air contaminant source fund is created in the office of
1 25 the treasurer of state under the control of the department.
1 26 1. Moneys received from the fees assessed pursuant to
1 27 section 455B.133, subsection 8, shall be deposited in the
1 28 fund.
1 29 2. Moneys in the fund shall be used solely to defray the
1 30 costs related to the permit, monitoring, and inspection
1 31 program, including the small business stationary source
1 32 technical and environmental compliance assistance program
1 33 required pursuant to the federal Clean Air Act Amendments of
1 34 1990, ~~sections~~ section 502 ~~and 507~~, Pub. L. No. 101=549, and
1 35 as provided in section 455B.133A.



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2 1 3. Notwithstanding section 8.33, any unexpended balance in
2 2 the fund at the end of each fiscal year shall be retained in
2 3 the fund. Notwithstanding section 12C.7, any interest and
2 4 earnings on investments from money in the fund shall be
2 5 credited to the fund.
2 6 Sec. 4. Section 455B.150, Code 2007, is amended to read as
2 7 follows:
2 8 455B.150 COMPLIANCE ADVISORY PANEL == CREATION.
2 9 A compliance advisory panel ~~shall be~~ is created, pursuant
2 10 to Title V, section 507(e) of the federal Clean Air Act
2 11 Amendments of 1990, ~~to review and report on the effectiveness~~
~~2 12 of the small business technical assistance program required by~~
~~2 13 the federal Clean Air Act Amendments of 1990, Pub. L. No.~~
~~2 14 101-549 42 U.S.C. } 7661f.~~
2 15 1. Appointment to the compliance advisory panel shall be
2 16 as follows:
2 17 a. Two persons shall be appointed by the governor.
2 18 (1) Each person shall represent the general public and
2 19 have an interest in air quality issues. The person shall not
2 20 be an owner or represent an owner of a small business
2 21 stationary source.
2 22 (2) The person shall serve for a four-year term and may be
2 23 reappointed. A term of office shall begin and end as provided
2 24 in section 69.19.
2 25 (3) An appointment shall comply with sections 69.16 and
2 26 69.16A. In addition, the appointments shall be geographically
2 27 balanced.
2 28 b. Four persons appointed by the leadership of the general
2 29 assembly.
2 30 (1) The persons shall be appointed as follows:
2 31 (a) One person by the majority leader of the senate after
2 32 consultation with the president of the senate and the minority
2 33 leader, and one person by the minority leader of the senate
2 34 after consultation with the president of the senate and the
2 35 majority leader.



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3 1 (b) Two persons appointed by the speaker of the house of
3 2 representatives after consultation with the majority leader
3 3 and minority leader.
3 4 (2) Each person shall be an owner of a small business
3 5 stationary source or shall represent an owner of a small
3 6 business stationary source.
3 7 (3) The person shall serve for a two-year term and may be
3 8 reappointed.
3 9 (4) A term shall expire upon the convening of the
3 10 following general assembly, or when the appointee's successor
3 11 is appointed, whichever occurs later.
3 12 c. The director or the director's designee who shall serve
3 13 for a term of four years.
3 14 2. A vacancy shall be filled for the unexpired term by the
3 15 original appointing authority in the manner of the original
3 16 appointment.
3 17 3. The members are entitled to receive a per diem as
3 18 specified in section 7E.6 for each day spent in performance of
3 19 duties of members, and shall be reimbursed for all actual
3 20 necessary expenses incurred in the performance of duties as
3 21 members. Per diem and expenses shall be paid from moneys
3 22 deposited in the air contaminant source fund created pursuant
3 23 to section 455B.133B.
3 24 4. The compliance advisory panel shall elect a chairperson
3 25 and may elect a vice chairperson or other officers from among
3 26 its members as provided by its rules. The panel shall meet on
3 27 a regular basis, but at least once each six months, and at the
3 28 call of the chairperson or upon the written request to the
3 29 chairperson of three or more members.
3 30 5. The department shall staff the compliance advisory
3 31 panel and provide the panel with space to conduct its
3 32 meetings, clerical assistance, and necessary supplies and
3 33 equipment.
3 34 Sec. 5. NEW SECTION. 455B.151 COMPLIANCE ADVISORY PANEL
3 35 == POWERS AND DUTIES.



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4 1 The compliance advisory panel created in section 455B.150
4 2 shall review and report on the effectiveness of the small
4 3 business stationary source technical and environmental
4 4 assistance program as provided in section 455B.133A. The
4 5 compliance advisory panel shall do all of the following:
4 6 1. Render advisory opinions concerning the effectiveness
4 7 of the small business stationary source technical and
4 8 environmental compliance assistance program, difficulties
4 9 encountered, and degree and severity of enforcement.
4 10 2. Make periodic reports to the administrator of the
4 11 federal environmental protection agency concerning the
4 12 compliance of the state small business stationary source
4 13 technical and environmental compliance assistance program with
4 14 the requirements of the federal Paperwork Reduction Act, 44
4 15 U.S.C. } 3501 et seq.; the federal Regulatory Flexibility Act,
4 16 5 U.S.C. } 601 et seq.; and the federal Equal Access to
4 17 Justice Act, 5 U.S.C. } 504.
4 18 3. Review information for small business stationary
4 19 sources to assure such information is understandable by the
4 20 layperson.
4 21 4. Have the small business stationary source technical and
4 22 environmental compliance assistance program serve as the
4 23 secretariat for the development and dissemination of such
4 24 reports and advisory opinions.

4 25 EXPLANATION

4 26 BACKGROUND. This bill amends provisions in Code chapter
4 27 455B that provides for implementation of provisions in the
4 28 federal Clean Air Act of 1990 by the department of natural
4 29 resources, which acts on behalf of the United States
4 30 environmental protection agency. Specifically, the bill
4 31 amends provisions relating to small business stationary
4 32 sources, including the following: (1) Code section 455B.133B
4 33 which provides for a small business stationary source
4 34 technical and environmental compliance assistance program, and
4 35 (2) Code section 455B.150 establishing a compliance advisory



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5 1 panel to monitor the program and report on its effectiveness
5 2 to the environmental protection agency (EPA) administrator.
5 3 BILL'S PROVISIONS. The bill does all of the following:
5 4 1. Defines a small business stationary source to include a
5 5 business employing 100 or fewer persons which qualifies under
5 6 regulations by the federal small business administration, is
5 7 not a major source, and emits less than 75 tons of all
5 8 regulated air pollutants.
5 9 2. Moves language establishing a small business stationary
5 10 source technical and environmental compliance assistance
5 11 program to a separate Code section (currently the provisions
5 12 are included in the same Code section as a provision which
5 13 established an air contaminant source fund used to support the
5 14 program).
5 15 3. Provides for the composition of the compliance advisory
5 16 panel, including the appointment of its seven members by the
5 17 governor, the leadership of the general assembly, and the
5 18 department. The members are to represent the interests of the
5 19 public, industry, and department. The bill also provides
5 20 procedures for making the appointments, conducting panel
5 21 meetings, and paying or reimbursing members.
5 22 4. Provides for the powers and duties of the compliance
5 23 advisory panel, including by authorizing the panel to render
5 24 advisory opinions concerning the effectiveness of the program,
5 25 make reports to EPA's administrator concerning the state's
5 26 compliance with the program, review information concerning
5 27 small business stationary sources, and disseminate the panel's
5 28 reports and advisory opinions.
5 29 LSB 5352DP 82
5 30 da/nh/5.1



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House Study Bill 691

SENATE/HOUSE FILE
 BY (PROPOSED DEPARTMENT OF
 NATURAL RESOURCES BILL)

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

Passed House, Date _____
 Vote: Ayes _____ Nays _____

A BILL FOR

- 1 An Act relating to water use permit fees, creating a new water
- 2 use permit fund, and making appropriations.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 5447XD 82
- 5 tw/nh/5



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1 1 Section 1. Section 423.3, Code Supplement 2007, is amended
1 2 by adding the following new subsection:
1 3 NEW SUBSECTION. 93. Water use permit fees paid pursuant
1 4 to section 455B.265.
1 5 Sec. 2. Section 455B.265, Code 2007, is amended by adding
1 6 the following new subsection:
1 7 NEW SUBSECTION. 6. The department may charge an annual
1 8 fee to a person who has been granted a permit pursuant to this
1 9 section or is required to have a permit pursuant to section
1 10 455B.268. The commission shall adopt by rule a schedule
1 11 setting the fee amounts.
1 12 a. The amount of a fee shall be based on all of the
1 13 following:
1 14 (1) The amount of water allocated for storage, withdrawal,
1 15 or diversion.
1 16 (2) The department's reasonable cost of reviewing
1 17 applications, issuing permits, and ensuring compliance with
1 18 the terms of the permits.
1 19 b. Fees collected pursuant to this subsection shall be
1 20 credited to the water use permit fund created in section
1 21 455B.265A.
1 22 c. The commission shall annually review the amount of
1 23 moneys generated by the fees, the balance in the water use
1 24 permit fund, and the anticipated expenses for the succeeding
1 25 fiscal year.
1 26 d. Fees paid pursuant to this section shall not be subject
1 27 to sales or services taxes.
1 28 Sec. 3. NEW SECTION. 455B.265A WATER USE PERMIT FUND ==
1 29 APPROPRIATION.
1 30 1. A water use permit fund is created in the state
1 31 treasury. The fund shall be separate from the general fund of
1 32 the state and shall be under the control of the department.
1 33 2. Moneys credited to the fund from the fees assessed
1 34 pursuant to section 455B.265, subsection 6, are appropriated
1 35 to the department and shall be used for all of the following



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2 1 purposes:

2 2 a. Gathering scientific information about surface water
2 3 and groundwater including but not limited to aquifer
2 4 characteristics including the quantity of water stored in an
2 5 aquifer and the effects of withdrawing water from an aquifer.

2 6 b. Reviewing applications for permits under section
2 7 455B.265, issuing permits, and providing technical assistance
2 8 to permit applicants.

2 9 c. Ensuring compliance with the terms of the permits.

2 10 d. Managing the state's water resources, including
2 11 implementing and enforcing the provisions of sections 455B.261
2 12 through 455B.281 pertaining to water allocation, use,
2 13 diversion, storage, and withdrawal, and completing water
2 14 resource studies.

2 15 3. Notwithstanding section 8.33, any unexpended balance in
2 16 the fund at the end of a fiscal year shall be retained in the
2 17 fund.

2 18 4. Notwithstanding section 12C.7, subsection 2, interest,
2 19 earnings on investments, or time deposits of the moneys in the
2 20 fund shall be retained in the fund.

2 21 EXPLANATION

2 22 This bill relates to water use permit fees for diverting,
2 23 storing, or withdrawing water.

2 24 The bill creates a water use permit fund for revenue
2 25 generated by annual water use permit fees. The bill allows
2 26 the environmental protection commission to set the fee
2 27 schedule according to the allocation of water and the
2 28 department of natural resources' costs relating to the
2 29 permits. The fees paid are not subject to sales or services
2 30 taxes.

2 31 The bill appropriates the money in the fund to the
2 32 department to be used for the purposes provided in the bill.
2 33 Specifically, the bill requires that moneys be used to gather
2 34 scientific information about surface water and groundwater; to
2 35 review applications, issue permits, and provide technical



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3 1 assistance to permit applicants; and to ensure compliance with
3 2 the terms of the permits.
3 3 The bill requires the commission to annually review the
3 4 amount of moneys generated by fees, the balance in the fund,
3 5 and anticipated expenses for the succeeding fiscal year.
3 6 LSB 5447XD 82
3 7 tw/nh/5.1



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House Study Bill 692

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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House Study Bill 692 continued

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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/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 providing for establishment of a mental health services
- 2 system for children and youth.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 5355DP 82
- 5 jp/rj/14



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1 1 Section 1. NEW SECTION. 225C.51 DEFINITIONS.
1 2 For the purposes of this division:
1 3 1. "Child" or "children" means a person or persons under
1 4 eighteen years of age.
1 5 2. "Children's system" or "mental health services system
1 6 for children and youth" means the mental health services
1 7 system for children and youth implemented pursuant to this
1 8 division.
1 9 3. "Functional impairment" means difficulties that
1 10 substantially interfere with or limit a person from achieving
1 11 or maintaining one or more developmentally appropriate social,
1 12 behavioral, cognitive, communicative, or adaptive skills and
1 13 that substantially interfere with or limit the person's role
1 14 or functioning in family, school, or community activities.
1 15 "Functional impairment" includes difficulties of episodic,
1 16 recurrent, and continuous duration. "Functional impairment"
1 17 does not include difficulties resulting from temporary and
1 18 expected responses to stressful events in a person's
1 19 environment.
1 20 4. "Other qualifying mental health disorder" means a
1 21 mental health crisis or any diagnosable mental health disorder
1 22 that is likely to lead to mental health crisis unless there is
1 23 an intervention.
1 24 5. "Serious emotional disturbance" means a diagnosable
1 25 mental, behavioral, or emotional disorder of sufficient
1 26 duration to meet diagnostic criteria specified within the most
1 27 current diagnostic and statistical manual of mental disorders
1 28 published by the American psychiatric association that results
1 29 in a functional impairment. "Serious emotional disturbance"
1 30 does not include substance use and developmental disorders
1 31 unless such disorders co-occur with such a diagnosable mental,
1 32 behavioral, or emotional disorder.
1 33 6. "Youth" means a person eighteen years of age or older
1 34 but under twenty-two years of age who met the criteria for
1 35 having a serious emotional disturbance prior to the age of



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2 1 eighteen.
2 2 Sec. 2. NEW SECTION. 225C.52 MENTAL HEALTH SERVICES
2 3 SYSTEM FOR CHILDREN AND YOUTH == PURPOSE.
2 4 1. Establishing a comprehensive community-based mental
2 5 health services system for children and youth is part of
2 6 fulfilling the requirements of the division and the commission
2 7 to facilitate a comprehensive, continuous, and integrated
2 8 state mental health services plan in accordance with sections
2 9 225C.4, 225C.6, and 225C.6A, and other provisions of this
2 10 chapter. The purpose of establishing the children's system is
2 11 to improve access for children and youth with serious
2 12 emotional disturbances and youth with other qualifying mental
2 13 health disorders to mental health treatment, services, and
2 14 other support in the least restrictive setting possible so the
2 15 children and youth can live with their families and remain in
2 16 their communities. The children's system is also intended to
2 17 meet the needs of children and youth who have mental health
2 18 disorders that co-occur with substance abuse, mental
2 19 retardation, developmental disabilities, or other
2 20 disabilities. The children's system shall emphasize
2 21 community-level collaborative efforts between children and
2 22 youth and the families and the state's systems of education,
2 23 child welfare, juvenile justice, health care, substance abuse,
2 24 and mental health.
2 25 2. The goals and outcomes desired for the children's
2 26 system shall include but are not limited to all of the
2 27 following:
2 28 a. Identifying the mental health needs of children and
2 29 youth.
2 30 b. Performing comprehensive assessments of children and
2 31 youth that are designed to identify functional skills,
2 32 strengths, and services needed.
2 33 c. Providing timely access to available treatment,
2 34 services, and other support.
2 35 d. Offering information and referral services to families



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3 1 to address service needs other than mental health.
3 2 e. Improving access to needed mental health services by
3 3 allowing children and youth to be served with their families
3 4 in the community.
3 5 f. Preventing or reducing utilization of more costly,
3 6 restrictive care by reducing the unnecessary involvement of
3 7 children and youth who have mental health needs and their
3 8 families with law enforcement, the corrections system, and
3 9 detention, juvenile justice, and other legal proceedings;
3 10 reducing the involvement of children and youth with child
3 11 welfare services or state custody; and reducing the placement
3 12 of children and youth in out-of-state residential treatment
3 13 facilities or in group foster care settings.
3 14 g. Increasing the number of children and youth assessed
3 15 for functional skill levels.
3 16 h. Increasing the capacity to develop individualized,
3 17 strengths-based, and integrated treatment plans for children,
3 18 youth, and families.
3 19 i. Promoting communications with caregivers and others
3 20 about the needs of children, youth, and families engaged in
3 21 the children's system.
3 22 j. Developing the ability to aggregate data and
3 23 information, and to evaluate program, service, and system
3 24 efficacy for children, youth, and families being served on a
3 25 local and statewide basis.
3 26 k. Implementing and utilizing outcome measures that are
3 27 consistent with but not limited to the national outcomes
3 28 measures identified by the substance abuse and mental health
3 29 services administration of the United States department of
3 30 health and human services.
3 31 Sec. 3. NEW SECTION. 225C.53 ROLE OF DEPARTMENT AND
3 32 DIVISION == TRANSITION TO ADULT SYSTEM.
3 33 1. The department is the lead agency responsible for the
3 34 development, implementation, oversight, and management of the
3 35 mental health services system for children and youth in



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4 1 accordance with this chapter. The department's
4 2 responsibilities shall be fulfilled by the division.
4 3 2. The division's responsibilities relating to the
4 4 children's system include but are not limited to all of the
4 5 following:
4 6 a. Ensuring that the rules adopted for the children's
4 7 system provide that, within the limits of appropriations for
4 8 the children's system, children and youth shall not be
4 9 inappropriately denied necessary mental health services.
4 10 b. Establishing standards for the provision of home and
4 11 community-based mental health treatment, services, and other
4 12 support under the children's system.
4 13 c. Identifying and implementing eligibility criteria for
4 14 the treatment, services, and other support available under the
4 15 children's system.
4 16 d. Ongoing implementation of recommendations identified
4 17 through children's system improvement efforts.
4 18 3. An adult person who met the criteria for having a
4 19 serious emotional disturbance prior to the age of eighteen may
4 20 qualify to continue services through the adult mental health
4 21 system.
4 22 Sec. 4. NEW SECTION. 225C.54 MENTAL HEALTH SERVICES
4 23 SYSTEM FOR CHILDREN AND YOUTH == INITIAL IMPLEMENTATION.
4 24 1. The mental health services system for children and
4 25 youth shall be initially implemented by the division
4 26 commencing with the fiscal year beginning July 1, 2008. The
4 27 division shall begin implementation by utilizing a competitive
4 28 bidding process to allocate state block grants to develop
4 29 services through existing community mental health centers and
4 30 other local service partners. The implementation shall be
4 31 limited to the extent of the appropriations provided for the
4 32 children's system.
4 33 2. In order to maximize federal financial participation in
4 34 the children's system, the division and the department's
4 35 Medicaid program staff shall analyze the feasibility of



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5 1 leveraging existing Medicaid options, such as expanding the
5 2 home and community-based services waiver for children's mental
5 3 health services, reviewing the feasibility of implementing
5 4 other Medicaid options such as the federal Tax Equity and
5 5 Financial Responsibility Act of 1982 (TEFRA) option for
5 6 children with severe mental illness or emotional disturbance
5 7 and Medicaid administrative funding, and determining the need
5 8 for service enhancements through revisions to the Medicaid
5 9 state plan and the federal state children's health insurance
5 10 program and the healthy and well kids in Iowa program.

5 11 3. Initial block grants shall support a wide range of
5 12 children, youth, and family services and initiatives including
5 13 but not limited to school-based mental health projects, system
5 14 reviews providing service gap analysis, status studies of the
5 15 mental health needs of children and youth in representative
5 16 areas of the state, and mental health assessment capacity
5 17 development based in public schools and clinical settings
5 18 using standard functional assessment tools. The purpose of
5 19 developing the assessment capacity is to determine childrens'
5 20 and youths' degree of impairment in daily functioning due to
5 21 emotional, behavioral, psychological, psychiatric, or
5 22 substance use problems.

5 23 4. The initial block grants may also support an array of
5 24 programs and services including not limited to mobile crisis
5 25 intervention services, or other support intended to prevent
5 26 more intensive or in-patient interventions, skills training,
5 27 intensive care coordination, and cognitive-behavioral and
5 28 multisystemic family therapy. In addition, support may be
5 29 provided for prevention-oriented services including mental
5 30 health consultations regarding home visits, child welfare,
5 31 juvenile justice, and maternal and child health services, and
5 32 consultation for preschool programs.

5 33 5. The division shall report regularly to the commission,
5 34 general assembly, and governor concerning the implementation
5 35 status of the children's system, including but not limited to



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6 1 an annual report submitted each January. The report may
6 2 address funding requirements and statutory amendments
6 3 necessary to further develop the children's system.
6 4 Sec. 5. EMERGENCY RULES. The mental health, mental
6 5 retardation, developmental disabilities, and brain injury
6 6 commission may adopt administrative rules under section 17A.4,
6 7 subsection 2, and section 17A.5, subsection 2, paragraph "b",
6 8 to implement the provisions of this Act and the rules shall
6 9 become effective immediately upon filing or on a later
6 10 effective date specified in the rules, unless the effective
6 11 date is delayed by the administrative rules review committee.
6 12 Any rules adopted in accordance with this section shall not
6 13 take effect before the rules are reviewed by the
6 14 administrative rules review committee. The delay authority
6 15 provided to the administrative rules review committee under
6 16 section 17A.4, subsection 6, and section 17A.8, subsection 9,
6 17 shall be applicable to a delay imposed under this section,
6 18 notwithstanding a provision in those sections making them
6 19 inapplicable to section 17A.5, subsection 2, paragraph "b".
6 20 Any rules adopted in accordance with the provisions of this
6 21 section shall also be published as a notice of intended action
6 22 as provided in section 17A.4.

6 23 EXPLANATION

6 24 This bill provides for creation of a mental health services
6 25 system for children and youth by the division of mental health
6 26 and disability services of the department of human services.

6 27 New Code section 225C.51 provides definitions of the terms
6 28 "child" or "children", "children's system" or "mental health
6 29 services system for children and youth", "functional
6 30 impairment", "other qualifying mental health disorder",
6 31 "serious emotional disturbance", and "youth". "Youth" is
6 32 defined to mean a person age 18 or older but less than age 22
6 33 who met the criteria for having a serious emotional
6 34 disturbance prior to age 18.

6 35 New Code section 225C.52 states the purpose and the goals



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7 1 and outcomes desired for the children's system. The purpose
7 2 is to improve access for children and youth with serious
7 3 emotional disturbances and youth with other qualifying mental
7 4 health disorders to mental health treatment, services, and
7 5 other support in the least restrictive setting possible so the
7 6 children and youth can live with their families and remain in
7 7 their communities.

7 8 New Code section 225C.53 outlines the role of the
7 9 department of human services as the lead agency for the
7 10 children's system and designates the division of mental health
7 11 and disability services to fulfill various responsibilities
7 12 relating to the system.

7 13 New Code section 252C.54 outlines requirements for the
7 14 initial implementation of the system in FY 2008=2009 using
7 15 competitive block grants through existing community mental
7 16 health centers and other local service providers, requiring
7 17 the department to analyze options for leveraging additional
7 18 Medicaid options, and engaging local school, child welfare,
7 19 juvenile justice, mental health, and health care
7 20 professionals. Certain services, such as school-based mental
7 21 health services and the development of mental health
7 22 assessment capacity based in public schools and clinical
7 23 settings, are required to be supported through the block
7 24 grants. The services supported may also include other
7 25 services such as mobile crisis intervention services and
7 26 prevention-oriented services.

7 27 The division is required to regularly report on the status
7 28 of the implementation to the mental health, mental
7 29 retardation, developmental disabilities, and brain injury
7 30 commission, governor, and general assembly, including an
7 31 annual report each January.

7 32 The bill includes authority for the commission to adopt
7 33 administrative rules to implement the bill using emergency
7 34 provisions that forgo public comment periods but maintain a
7 35 final review by the administrative rules review committee



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- 8 1 prior to adoption of the rules.
- 8 2 LSB 5355DP 82
- 8 3 jp/rj/14.2



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House Study Bill 694

SENATE/HOUSE FILE
BY (PROPOSED DEPARTMENT OF
HUMAN RIGHTS/COMMUNITY
ACTION AGENCIES DIVISION
BILL)

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

Passed House, Date _____
Vote: Ayes _____ Nays _____

A BILL FOR

- 1 An Act relating to services associated with the family investment
- 2 program by moving the family development and self-sufficiency
- 3 council and grant program to the department of human rights
- 4 and revising confidentiality provisions involving the
- 5 programs.
- 6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 7 TLSB 5486DP 82
- 8 jp/nh/8



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1 1 Section 1. NEW SECTION. 216A.107 FAMILY DEVELOPMENT AND
1 2 SELF-SUFFICIENCY == COUNCIL AND GRANT PROGRAM.
1 3 1. A family development and self-sufficiency council is
1 4 established within the department of human rights. The
1 5 council shall consist of the following persons:
1 6 a. The director of the department of human services or the
1 7 director's designee.
1 8 b. The director of the department of public health or the
1 9 director's designee.
1 10 c. The administrator of the division of community action
1 11 agencies of the department of human rights or the
1 12 administrator's designee.
1 13 d. The director of the school of social work at the
1 14 university of Iowa or the director's designee.
1 15 e. The dean of the college of human sciences at Iowa state
1 16 university or the dean's designee.
1 17 f. Two recipients or former recipients of the family
1 18 investment program, selected by the other members of the
1 19 council.
1 20 g. The head of the department of design, textiles,
1 21 gerontology, and family studies at the university of northern
1 22 Iowa or that person's designee.
1 23 h. The director of the department of education or the
1 24 director's designee.
1 25 i. The director of the department of workforce development
1 26 or the director's designee.
1 27 j. Two persons representing the business community,
1 28 selected by the other members of the council.
1 29 k. Two members from each chamber of the general assembly
1 30 serving as ex officio, nonvoting members. The two members of
1 31 the senate shall be appointed one each by the majority leader
1 32 and the minority leader of the senate. The two members of the
1 33 house of representatives shall be appointed one each by the
1 34 speaker and the minority leader of the house of
1 35 representatives.



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2 1 2. Unless otherwise provided by law, terms of members,
2 2 election of officers, and other procedural matters shall be as
2 3 determined by the council.

2 4 3. The family development and self-sufficiency council
2 5 shall do all of the following:

2 6 a. Identify the factors and conditions that place Iowa
2 7 families at risk of dependency upon the family investment
2 8 program. The council shall seek to use relevant research
2 9 findings and national and Iowa-specific data on the family
2 10 investment program.

2 11 b. Identify the factors and conditions that place Iowa
2 12 families at risk of family instability. The council shall
2 13 seek to use relevant research findings and national and
2 14 Iowa-specific data on family stability issues.

2 15 c. Subject to the availability of funds for this purpose,
2 16 award grants to public or private organizations for provision
2 17 of family development services to families at risk of
2 18 dependency on the family investment program or of family
2 19 instability. Not more than five percent of any funds
2 20 appropriated by the general assembly for the purposes of this
2 21 lettered paragraph may be used for staffing and administration
2 22 of the grants. Grant proposals for the family development and
2 23 self-sufficiency grant program shall include the following
2 24 elements:

2 25 (1) Designation of families to be served that meet one or
2 26 more criteria for being at risk of dependency on the family
2 27 investment program or of family instability, and agreement to
2 28 serve clients that are referred by the department of human
2 29 services from the family investment program which meet the
2 30 criteria. The criteria may include but are not limited to
2 31 factors such as educational level, work history, family
2 32 structure, age of the youngest child in the family, previous
2 33 length of stay on the family investment program, and
2 34 participation in the family investment program or the foster
2 35 care program while the head of a household was a child. Grant



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3 1 proposals shall also establish the number of families to be
3 2 served under the grant.

3 3 (2) Designation of the services to be provided for the
3 4 families served, including assistance regarding job-seeking
3 5 skills, family budgeting, nutrition, self-esteem,
3 6 methamphetamine education, health and hygiene, child rearing,
3 7 child education preparation, and goal setting. Grant
3 8 proposals shall indicate the support groups and support
3 9 systems to be developed for the families served during the
3 10 transition between the need for assistance and
3 11 self-sufficiency.

3 12 (3) Designation of the manner in which other needs of the
3 13 families will be provided for, including but not limited to
3 14 child care assistance, transportation, substance abuse
3 15 treatment, support group counseling, food, clothing, and
3 16 housing.

3 17 (4) Designation of the process for training of the staff
3 18 which provides services, and the appropriateness of the
3 19 training for the purposes of meeting family development and
3 20 self-sufficiency goals of the families being served.

3 21 (5) Designation of the support available within the
3 22 community for the program and for meeting subsequent needs of
3 23 the clients, and the manner in which community resources will
3 24 be made available to the families being served.

3 25 (6) Designation of the manner in which the program will be
3 26 subject to audit and to evaluation.

3 27 (7) Designation of agreement provisions for tracking and
3 28 reporting performance measures developed pursuant to paragraph
3 29 "d".

3 30 d. Develop appropriate performance measures for the grant
3 31 program to demonstrate how the program helps families achieve
3 32 self-sufficiency.

3 33 e. Seek to enlist research support from the Iowa research
3 34 community in meeting the duties outlined in paragraphs "a"
3 35 through "d".



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4 1 f. Seek additional support for the funding of grants under
4 2 the program, including but not limited to funds available
4 3 through the federal government in serving families at risk of
4 4 long-term welfare dependency, and private foundation grants.

4 5 g. Make recommendations to the governor and the general
4 6 assembly on the effectiveness of programs in Iowa and
4 7 throughout the country that provide family development
4 8 services that lead to self-sufficiency for families at risk of
4 9 welfare dependency.

4 10 4. a. The division shall administer the family
4 11 development and self-sufficiency grant program. The
4 12 department of human services shall disclose to the division
4 13 confidential information pertaining to individuals receiving
4 14 services under the grant program, as authorized under section
4 15 217.30. The division and the department of human services
4 16 shall share information and data necessary for tracking
4 17 performance measures of the family development and
4 18 self-sufficiency grant program, for referring families
4 19 participating in the promoting independence and
4 20 self-sufficiency through employment job opportunities and
4 21 basic skills (PROMISE JOBS) program under section 239B.17 and
4 22 related activities and programs to the grant program, and for
4 23 meeting federal reporting requirements. The shared
4 24 information shall include but is not limited to all of the
4 25 following:

4 26 (1) Family enrollments and exits to and from each of the
4 27 programs.

4 28 (2) Monthly reports of individual participant activity in
4 29 PROMISE JOBS components that are countable work activities
4 30 according to federal guidelines applicable to those
4 31 components.

4 32 (3) Aggregate grant program participant activity in all
4 33 PROMISE JOBS program components.

4 34 (4) Work participation rates for grant program
4 35 participants who were active family investment program



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5 1 participants.

5 2 (5) The average hourly wage of grant program participants
5 3 who left the family investment program.

5 4 (6) The percentage of grant program participants who
5 5 exited from the grant program at or after the time family
5 6 investment program participation ended and did not reenroll in
5 7 the family investment program for at least one year.

5 8 b. The division shall develop a memorandum of agreement
5 9 with the department of human services to coordinate referrals
5 10 and delivery of services to participants in the family
5 11 investment program under chapter 239B and the grant program
5 12 and other shared clients and shall provide the department of
5 13 human services with information necessary for compliance with
5 14 federal temporary assistance for needy families block grant
5 15 state plan and reporting requirements, including but not
5 16 limited to financial and data reports.

5 17 c. To the extent that the family development and
5 18 self-sufficiency grant program is funded by the federal
5 19 temporary assistance for needy families block grant and by the
5 20 state maintenance of efforts funds appropriated in connection
5 21 with the block grant, the division shall comply with all
5 22 federal requirements for the block grant. The division is
5 23 responsible for payment of any federal penalty imposed that is
5 24 attributable to the grant program and shall receive any
5 25 federal bonus payment attributable to the grant program.

5 26 d. The division shall ensure that expenditures of moneys
5 27 appropriated to the department of human services from the
5 28 general fund of the state for the family development and
5 29 self-sufficiency grant program are eligible to be considered
5 30 as state maintenance of effort expenditures under federal
5 31 temporary assistance for needy families block grant
5 32 requirements.

5 33 e. The commission shall consider the recommendations of
5 34 the council in adopting rules pertaining to the grant program.

5 35 f. The division shall submit to the governor and general



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House Study Bill 694 continued

6 1 assembly on or before November 30 following the end of each
6 2 state fiscal year, a report detailing performance measure and
6 3 outcome data evaluating the family development and
6 4 self=sufficiency grant program for the fiscal year that just
6 5 ended.

6 6 Sec. 2. Section 217.30, subsection 4, paragraph d, Code
6 7 2007, is amended to read as follows:

6 8 d. The If approved by the director of human services or
6 9 the director's designee pursuant to a written request, the
6 10 department ~~may~~ shall disclose information described in
6 11 subsection 1 to other state agencies or to any other person
6 12 who is not subject to the provisions of chapter 17A and is
6 13 providing services to recipients under chapter 239B who are
6 14 participating in the promoting independence and
6 15 self=sufficiency through employment job opportunities and
6 16 basic skills program, if necessary for the recipients to
6 17 receive the services.

6 18 Sec. 3. Section 232.69, subsection 1, paragraph b,
6 19 subparagraph (5), Code Supplement 2007, is amended to read as
6 20 follows:

6 21 (5) An employee or operator of a licensed child care
6 22 center, registered child development home, head start program,
6 23 family development and self=sufficiency grant program under
6 24 section ~~217.12~~ 216A.107, or healthy opportunities for parents
6 25 to experience success=healthy families Iowa program under
6 26 section 135.106.

6 27 Sec. 4. Section 239B.8, subsection 2, paragraph e, Code
6 28 Supplement 2007, is amended to read as follows:

6 29 e. FAMILY DEVELOPMENT. Participation in a family
6 30 development and self=sufficiency grant program under section
6 31 ~~217.12~~ 216A.107 or other family development program.

6 32 Sec. 5. Section 239B.8, subsection 6, Code Supplement
6 33 2007, is amended to read as follows:

6 34 6. CONFIDENTIAL INFORMATION DISCLOSURE. The If approved
6 35 by the director of human services or the director's designee



Iowa General Assembly
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February 20, 2008

House Study Bill 694 continued

7 1 pursuant to a written request, the department ~~may~~ shall
7 2 disclose confidential information described in section 217.30,
7 3 subsection 1, to other state agencies or to any other entity
7 4 which is not subject to the provisions of chapter 17A and is
7 5 providing services to a participant family who is subject to a
7 6 family investment agreement, if necessary in order for the
7 7 participant family to receive the services. The department
7 8 shall adopt rules establishing standards for disclosure of
7 9 confidential information if disclosure is necessary in order
7 10 for a participant to receive services.

7 11 Sec. 6. Section 217.11, Code 2007, and section 217.12,
7 12 Code Supplement 2007, are repealed.

7 13 Sec. 7. CONTINUATION OF COUNCIL AND GRANT PROGRAM.

7 14 1. The membership of the family development and
7 15 self=sufficiency council established pursuant to section
7 16 217.11, Code 2007, as of June 30, 2008, shall continue on and
7 17 after that date until revised by the council in accordance
7 18 with section 216A.107, as enacted by this Act.

7 19 2. The family development and self=sufficiency grants
7 20 issued pursuant to sections 217.11 and 217.12 and 441 IAC ch.
7 21 165, in effect as of June 30, 2008, shall continue as provided
7 22 by the terms of the grants.

7 23 3. The division of community action agencies shall
7 24 administer the family development and self=sufficiency grant
7 25 program in accordance with the administrative rules pertaining
7 26 to the grant program in 441 IAC ch. 165, in place of the
7 27 department of human services until replacement administrative
7 28 rules are adopted. The commission on community action
7 29 agencies may adopt emergency rules under section 17A.4,
7 30 subsection 2, and section 17A.5, subsection 2, paragraph "b",
7 31 to implement the provisions of this Act and the rules shall be
7 32 effective immediately upon filing unless a later date is
7 33 specified in the rules. Any rules adopted in accordance with
7 34 this subsection shall also be published as a notice of
7 35 intended action as provided in section 17A.4.



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9 1 outlines how DHS handles confidential information concerning
9 2 DHS clients. The division and DHS are required to develop a
9 3 memorandum of understanding to coordinate referrals and share
9 4 information concerning shared clients. The division is
9 5 required to comply with federal block grant requirements
9 6 concerning the federal and state funding for the grant program
9 7 and the division is responsible for any federal penalty
9 8 imposed and will receive any bonus attributable to the grant
9 9 program. The division is required to ensure that state funds
9 10 for the grant program are expended in a manner to qualify as
9 11 state maintenance of effort funding for the federal block
9 12 grant. The commission on community action agencies is
9 13 required to consider the recommendations of the council in
9 14 adopting rules for the grant program. An annual report to the
9 15 governor and general assembly is required concerning the grant
9 16 program outcomes.

9 17 The bill includes a section providing for continuation of
9 18 the council membership as it existed on June 30, 2008, of the
9 19 grants in effect as of June 30, 2008, and of the
9 20 administrative rules adopted by the department of human
9 21 services until replacement rules are adopted. The commission
9 22 on community action agencies is authorized to adopt rules
9 23 using emergency procedures.

9 24 Code sections 217.11 and 217.12, housing the family
9 25 development and self-sufficiency grant program under the
9 26 purview of DHS, are repealed. Code references to the grant
9 27 program and its employees are amended to reflect the repeal
9 28 and change of responsibility to the division in Code section
9 29 232.69, relating to mandatory child abuse reporting, and Code
9 30 section 239B.8, relating to activities authorized under a
9 31 family investment agreement.

9 32 Code section 217.30, relating to confidentiality of records
9 33 on individuals receiving services from the department of human
9 34 services, is amended pertaining to disclosure to other state
9 35 agencies and nongovernmental agencies of information regarding



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House Study Bill 694 continued

10 1 FIP recipients who are participating in the promoting
10 2 independence and self-sufficiency through employment job
10 3 opportunities and basic skills (PROMISE JOBS) program.
10 4 Current law authorizes the disclosure and, together with
10 5 related authority in Code section 239B.8, provides for
10 6 adoption of rules for such disclosure. The bill amends both
10 7 sections to require the disclosure, provided it is requested
10 8 in writing and is approved by the director of human services
10 9 or the director's designee.
10 10 LSB 5486DP 82
10 11 jp/nh/8.1



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House Study Bill 698

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

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

A BILL FOR

- 1 An Act providing for separation distance requirements between a
- 2 confinement feeding operation structure and a designated
- 3 wetland, and making penalties applicable.
- 4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 5 TLSB 5944HC 82
- 6 da/rj/14



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House Study Bill 698 continued

PAG LIN

1 1 Section 1. Section 459.102, subsection 21, Code 2007, is
 1 2 amended to read as follows:
 1 3 21. "Designated wetland" means land designated as a
 1 4 protected wetland by the United States department of the
 1 5 interior or the department of natural resources, including but
 1 6 not limited to a protected wetland as defined in section
 1 7 456B.1, if the land is owned and managed by the federal
 1 8 government, ~~or~~ the department of natural resources, a county,
 1 9 or a city. However, a designated wetland does not include
 1 10 land where an agricultural drainage well has been plugged
 1 11 causing a temporary wetland or land within a drainage district
 1 12 or levee district.

1 13 EXPLANATION

1 14 This bill amends Code chapter 459, which regulates the
 1 15 impact of confinement feeding operations on the environment.
 1 16 Code section 459.102 provides that in order to be classified
 1 17 as a "designated wetland" two conditions must be met: (1) it
 1 18 must be identified as a "protected wetland" by the United
 1 19 States department of the interior, and (2) it must be owned
 1 20 and managed by the federal government or the department of
 1 21 natural resources. The bill amends that Code section to
 1 22 provide that a protected wetland may also be owned or managed
 1 23 by a county or a city.

1 24 Code section 459.310 establishes a separation distance of
 1 25 2,500 feet between a confinement feeding operation structure
 1 26 (e.g., a confinement building, manure storage structure, or
 1 27 egg washwater storage structure) and a designated wetland. A
 1 28 person who violates the separation distance requirement is
 1 29 subject to a number of penalties including the administrative
 1 30 assessment of a civil penalty of up to \$10,000 (Code sections
 1 31 459.603 and 455B.109).

1 32 LSB 5944HC 82

1 33 da/rj/14



Iowa General Assembly
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House Study Bill 700

HOUSE FILE
BY (PROPOSED COMMITTEE ON
AGRICULTURE BILL BY
CHAIRPERSON MERTZ)

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

Passed Senate, Date _____
Vote: Ayes _____ Nays _____

A BILL FOR

1 An Act providing for the financing of projects relating to flood
2 and erosion control by a county board of supervisors by
3 authorizing the expansion of a property tax levy.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
5 TLSB 6075HC 82
6 da/sc/5



Iowa General Assembly
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House Study Bill 700 continued

PAG LIN

1 1 Section 1. Section 161E.9, Code 2007, is amended to read
1 2 as follows:
1 3 161E.9 TAX LEVY.
1 4 The county board of supervisors may annually levy a tax not
1 5 to exceed six and three-fourths cents per thousand dollars of
1 6 the assessed value of all ~~agricultural lands~~ taxable property
1 7 in the county, to be used for flood and erosion control,
1 8 including acquisition of land or interests in land, and
1 9 repair, alteration, maintenance, and operation of works of
1 10 improvement on lands under the control or jurisdiction of the
1 11 county as provided in this chapter.

1 12 EXPLANATION

1 13 This bill amends Code chapter 161E which authorizes a
1 14 county board of supervisors to provide for flood control, soil
1 15 erosion control, and watershed improvement in the county in
1 16 cooperation with other local governments (e.g., soil and water
1 17 conservation districts) and the federal government.

1 18 Code section 161E.9 authorizes the board to levy a property
1 19 tax on the assessed value of the county's agricultural land to
1 20 finance flood and erosion control projects. The bill amends
1 21 the Code section to provide that the tax is to be levied on
1 22 all of the taxable property in the county.

1 23 LSB 6075HC 82

1 24 da/sc/5



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House Study Bill 701

HOUSE FILE
BY (PROPOSED COMMITTEE ON
AGRICULTURE BILL BY
CHAIRPERSON MERTZ)

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

Passed Senate, Date _____
Vote: Ayes _____ Nays _____

A BILL FOR

- 1 An Act relating to equipment used in egg production operations by
- 2 providing an exemption from sales tax.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 5412YC 82
- 5 da/sc/8



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House Study Bill 701 continued

PAG LIN

1 1 Section 1. Section 423.3, Code Supplement 2007, is amended
1 2 by adding the following new subsection:
1 3 NEW SUBSECTION. 93. Fluorescent or incandescent light
1 4 bulbs that are used in poultry operations housing layer=type
1 5 chickens to produce eggs.

1 6 EXPLANATION
1 7 This bill amends Code section 423.3 which exempts a number
1 8 of items from the tax imposed upon the sales price of sales of
1 9 tangible personal property sold at retail in this state to
1 10 consumers. The bill exempts fluorescent or incandescent light
1 11 bulbs that are used in poultry operations housing layer=type
1 12 chickens to produce eggs.

1 13 LSB 5412YC 82
1 14 da/sc/8



Iowa General Assembly
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House Study Bill 703

HOUSE FILE
BY (PROPOSED COMMITTEE ON
AGRICULTURE BILL BY
CHAIRPERSON MERTZ)

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

Passed Senate, Date _____
Vote: Ayes _____ Nays _____

A BILL FOR

- 1 An Act concerning axle weight limitations for vehicles
- 2 transporting crops during the annual harvest period.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 6187YC 82
- 5 dea/nh/24



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House Study Bill 703 continued

PAG LIN

1 1 Section 1. Section 321.463, Code Supplement 2007, is
1 2 amended by adding the following new subsection:
1 3 NEW SUBSECTION. 7A. For the period beginning September 15
1 4 through December 15 each year, the weight on any one axle,
1 5 including a tandem axle, of a vehicle transporting soybeans,
1 6 corn, hay, straw, or stover on a highway that is not part of
1 7 the interstate system may exceed the legal maximum weight
1 8 limit otherwise allowed under this chapter by ten percent,
1 9 provided that the gross weight on any particular group of
1 10 axles on the vehicle does not exceed the gross weight allowed
1 11 under this chapter for that group of axles.

1 12 EXPLANATION

1 13 This bill eases axle weight restrictions on vehicles
1 14 transporting soybeans, corn, hay, straw, or stover during the
1 15 annual period of harvest. Under the bill, such a vehicle
1 16 traveling on a noninterstate highway during the period of
1 17 September 15 through December 15 may exceed the maximum
1 18 allowable weight on any one axle, including a tandem axle, by
1 19 10 percent, provided the gross weight on any particular group
1 20 of axles does not exceed the legal limit for that group of
1 21 axles.

1 22 LSB 6187YC 82

1 23 dea/nh/24



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House Study Bill 704

HOUSE FILE
BY (PROPOSED COMMITTEE ON
AGRICULTURE BILL BY
CHAIRPERSON MERTZ)

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

Passed Senate, Date _____
Vote: Ayes _____ Nays _____

A BILL FOR

- 1 An Act providing for the incurrence of costs to establish soil
- 2 and water conservation practices.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 6466HC 82
- 5 da/nh/5



Iowa General Assembly
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House Study Bill 704 continued

PAG LIN

1 1 Section 1. Section 161A.48, subsection 3, Code 2007, is
1 2 amended to read as follows:
1 3 3. Upon receiving evidence of the submission of an
1 4 application, the commissioners shall forward to the officer or
1 5 agency to which the application was made a written request to
1 6 receive notification of the disposition of the application.
1 7 When notified of the approval of the application, the
1 8 commissioners shall issue to the same parties who received the
1 9 original administrative order, or their successors in
1 10 interest, a supplementary order, to be delivered in the same
1 11 manner as provided by sections 161A.43 to 161A.53 for delivery
1 12 of original administrative orders. The supplementary order
1 13 shall state a time, not more than six months after approval of
1 14 the application for public cost-sharing funds, by which the
1 15 work needed to comply with the original administrative order
1 16 shall actually be commenced, and a time thereafter when the
1 17 work is to be satisfactorily completed. If feasible, that
1 18 time shall be within one year after the date of the
1 19 supplementary order, but the owner of land on which a soil and
1 20 water conservation practice is being established under this
1 21 section is not required to incur a cost for the practice in
1 22 any one calendar year which exceeds ~~ten~~ twenty dollars per
1 23 acre for each acre of land belonging to that owner and located
1 24 in the county containing the land on which the required
1 25 practice is being established or in counties contiguous to
1 26 that county.

1 27 EXPLANATION

1 28 This bill amends Code section 161A.48 by increasing the
1 29 amount of cost that a person who is an owner or occupant of
1 30 land may incur during any calendar year to establish a soil
1 31 and water conservation practice under a cost-share agreement.
1 32 Currently, the person is not required to incur a cost
1 33 exceeding \$10 per acre and the bill increases that amount to
1 34 \$20 per acre.
1 35 LSB 6466HC 82



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House Study Bill 704 continued

2 1 da/nh/5



Iowa General Assembly
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House Study Bill 706

HOUSE FILE
BY (PROPOSED COMMITTEE ON
VETERANS AFFAIRS BILL BY
CHAIRPERSON ZIRKELBACH)

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

Passed Senate, Date _____
Vote: Ayes _____ Nays _____

A BILL FOR

- 1 An Act relating to the use of persons with disabilities parking
- 2 spaces by certain seriously disabled veterans.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 6485HC 82
- 5 dea/nh/8



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House Study Bill 706 continued

PAG LIN

1 1 Section 1. Section 321L.2, Code 2007, is amended by adding
1 2 the following new subsection:

1 3 NEW SUBSECTION. 5. A seriously disabled veteran who has
1 4 been provided with an automobile or other vehicle by the
1 5 United States government under the provisions of 38 U.S.C. }
1 6 1901 et seq. (1970) is not required to apply for a
1 7 disabilities parking permit under this section. The
1 8 registration plate issued for the disabled veteran's vehicle
1 9 without fee pursuant to section 321.105 entitles the disabled
1 10 veteran to all of the rights and privileges associated with
1 11 persons with disabilities parking permits under this chapter.

1 12 EXPLANATION

1 13 This bill exempts certain seriously disabled veterans from
1 14 the permit requirements for use of a persons with disabilities
1 15 parking space. Seriously disabled veterans who are issued an
1 16 automobile or other vehicle by the United States government
1 17 are entitled to free registration plates for the vehicle. In
1 18 Iowa, such plates are designated by the letters "DV". The
1 19 bill allows the disabled veteran's plate to substitute for a
1 20 persons with disabilities parking permit.

1 21 LSB 6485HC 82

1 22 dea/nh/8



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Senate Amendment 5008

PAG LIN

1 1 Amend Senate File 2176 as follows:
1 2 #1. Page 1, line 11, by striking the words <ARTS,
1 3 AND TOURISM> and inserting the following: <AND ARTS
1 4 TEAMS>.
1 5 #2. Page 1, lines 12 and 13, by striking the words
1 6 <ARTS, AND TOURISM> and inserting the following: <AND
1 7 ARTS TEAMS>.
1 8 #3. Page 1, line 16, by striking the words <arts,
1 9 and tourism> and inserting the following: <and arts>.
1 10 #4. Page 1, lines 21 and 22, by striking the words
1 11 <committees in various regions of the state> and
1 12 inserting the following: <local committees>.
1 13 #5. Page 1, lines 24 and 25, by striking the words
1 14 <arts, and tourism within the regions> and inserting
1 15 the following: <and arts>.
1 16 #6. Page 1, line 27, by striking the words <arts,
1 17 and tourism> and inserting the following: <and arts>.
1 18 #7. Page 1, lines 28 and 29, by striking the words
1 19 <in each region>.
1 20 #8. Title page, line 2, by striking the word
1 21 <regional> and inserting the following: <local>.
1 22
1 23
1 24
1 25 DENNIS H. BLACK
1 26 SF 2176.501 82
1 27 tw/rj/10838
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Senate File 2197 - Introduced

SENATE FILE
BY COMMITTEE ON NATURAL RESOURCES
AND ENVIRONMENT

(SUCCESSOR TO SF 2121)

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

A BILL FOR

1 An Act relating to water quality by establishing a water
2 resources coordinating council, authorizing a marketing
3 campaign, directing assistance to local communities for
4 monitoring and measurement, and creating a regional assessment
5 program, a community-based improvement program, and a
6 wastewater and storm water infrastructure program.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

8 TLSB 5748SV 82

9 tw/nh/14



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Senate File 2197 - Introduced continued

PAG LIN

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



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Senate File 2197 - Introduced continued

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



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Senate File 2197 - Introduced continued

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

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

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

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

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

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

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

3 21 5. MEETINGS AND QUORUM.

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

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

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

3 30 7. DUTIES.

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

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



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Senate File 2197 - Introduced continued

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



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Senate File 2197 - Introduced continued

5 1 cooperative agreements with, other states when a watershed
5 2 extends beyond borders of this state.

5 3 Sec. 4. NEW SECTION. 466B.4 LEGISLATIVE FINDINGS AND
5 4 MARKETING CAMPAIGN.

5 5 1. FINDINGS. The general assembly finds all of the
5 6 following:

5 7 a. Most Iowans desire to have improved water quality
5 8 throughout the state, but many Iowans do not understand the
5 9 problems with local water quality.

5 10 b. Most Iowans believe that the protection of fish and
5 11 wildlife benefits all Iowans.

5 12 c. The benefits of improving water quality could far
5 13 outweigh the costs of implementing mechanisms to improve it.

5 14 d. There is a disparity between rural and urban residents
5 15 with regard to beliefs about who is responsible for protecting
5 16 local watersheds.

5 17 e. Most Iowans look to some level of government for the
5 18 protection of water resources rather than to themselves and
5 19 their own actions. However, it is not possible or desirable
5 20 for state government to take complete control and
5 21 responsibility for water quality.

5 22 2. MARKETING CAMPAIGN. The water resources coordinating
5 23 council shall develop a marketing campaign to educate Iowans
5 24 about the need to take personal responsibility for the quality
5 25 of water in their local watersheds. The emphasis of the
5 26 campaign shall be that not only is everyone responsible for
5 27 clean water, but that everyone benefits from it as well. The
5 28 goals of the campaign shall be to convince Iowans to take
5 29 personal responsibility for clean water and to equip them with
5 30 the tools necessary to effect change through local water
5 31 quality improvement projects.

5 32 Sec. 5. NEW SECTION. 466B.5 REGIONAL WATERSHED
5 33 ASSESSMENT, PLANNING, AND PRIORITIZATION.

5 34 1. REGIONAL WATERSHED ASSESSMENT PROGRAM. The department
5 35 shall create a regional watershed assessment program. The



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

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

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

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

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

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

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

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



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



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

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

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

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

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

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

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

8 33 EXPLANATION

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



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

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

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

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



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Senate File 2197 - Introduced continued

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

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

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

10 14 LSB 5748SV 82

10 15 tw/nh/14



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Senate File 2198 - Introduced

SENATE FILE
BY COMMITTEE ON NATURAL
RESOURCES AND ENVIRONMENT

(SUCCESSOR TO SF 2151)

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

Passed House, Date _____
Vote: Ayes _____ Nays _____

A BILL FOR

- 1 An Act relating to the appointment of the membership of the
- 2 Brushy creek recreation area trails advisory board.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 5923SV 82
- 5 jp/rj/5



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Senate File 2198 - Introduced continued

PAG LIN

1 1 Section 1. Section 455A.8, Code 2007, is amended to read
1 2 as follows:
1 3 455A.8 BRUSHY CREEK RECREATION AREA TRAILS ADVISORY BOARD.
1 4 1. The Brushy creek recreation trails advisory board shall
1 5 be organized within the department and shall be composed of
1 6 ten members including the following: the director of the
1 7 department or the director's designee who shall serve as a
1 8 nonvoting ex officio member, the park ~~ranger~~ employee who is
1 9 primarily responsible for maintenance of the Brushy creek
1 10 recreation area, a member of the state advisory board for
1 11 preserves established under chapter 465C, a person appointed
1 12 by the governor, and six seven persons appointed by the
1 13 legislative council natural resource commission. The director
1 14 shall provide the natural resource commission with nominations
1 15 of prospective board members. Each person appointed by the
1 16 governor or legislative council natural resource commission
1 17 must actively participate in recreational trail activities
1 18 such as hiking, bicycling, an equestrian sport, or a winter
1 19 sport at the Brushy creek recreation area. The voting members
1 20 shall elect a chairperson at the board's first meeting each
1 21 year.
1 22 2. Each voting member of the board shall serve for terms
1 23 of three years, and shall be eligible for reappointment. A
1 24 vacancy on the board shall be filled for the remainder of the
1 25 original term. However, a vacancy in the membership slot
1 26 designated for the park ~~ranger~~ responsible for Brushy creek
1 27 employee shall be replaced filled by the ~~ranger's~~ park
1 28 employee's successor, and the person representing the state
1 29 advisory board for preserves shall serve at the pleasure of
1 30 the board. The department shall reimburse each member, other
1 31 than the director or the director's designee and the park
1 32 ~~ranger~~ employee, for actual expenses incurred by the member in
1 33 performance of the duties of the board. A majority of voting
1 34 members constitutes a quorum, and the affirmative vote of a
1 35 majority present is necessary for any action taken by the



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2 1 board, except that a lesser number may adjourn a meeting. A
2 2 vacancy in the membership of the board does not impair the
2 3 rights of a quorum to exercise all rights and perform all
2 4 duties of the board. The board shall meet as required, but at
2 5 least twice a year. The board shall meet upon call of the
2 6 chairperson, or upon written request of three members of the
2 7 board. Written notice of the time and place of the meeting
2 8 shall be given to each member.

2 9 3. The board shall advise the department and the natural
2 10 resource commission regarding issues and recommendations
2 11 relating to the development and maintenance of trails and
2 12 related activities at or adjacent to the Brushy creek
2 13 recreation area.

2 14 EXPLANATION

2 15 This bill relates to the appointment of the membership of
2 16 the Brushy creek recreation area trails advisory board in Code
2 17 section 455A.8.

2 18 Under current law, the governor appoints one voting member
2 19 and the legislative council appoints six voting members. The
2 20 bill provides for these seven members to be appointed by the
2 21 natural resource commission. The director of the department
2 22 of natural resources is required to provide the commission
2 23 with nominations of prospective members. A membership slot
2 24 reserved in current law for the park ranger responsible for
2 25 the recreation area is changed by the bill to the park
2 26 employee responsible for maintenance of the recreation area.
2 27 Under current law, the members who under the bill will be
2 28 appointed by the commission must actively participate in
2 29 various listed outdoor activities at the recreation area. The
2 30 list is expanded to include bicycling.

2 31 LSB 5923SV 82

2 32 jp/rj/5



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Senate File 2199 - Introduced

SENATE FILE
BY COMMITTEE ON HUMAN RESOURCES

(SUCCESSOR TO SSB 3002)

Passed Senate, Date _____

Passed House, Date _____

Vote: Ayes _____ Nays _____

Vote: Ayes _____ Nays _____

Approved

A BILL FOR

- 1 An Act allowing appeal of denials of dental insurance coverage
- 2 based on medical necessity.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 5401SV 82
- 5 av/nh/14



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Senate File 2199 - 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 5401SV 82
1 14 av/nh/14



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Senate File 2200 - Introduced

SENATE FILE
BY OLIVE

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

Passed House, Date _____
Vote: Ayes _____ Nays _____

A BILL FOR

- 1 An Act requiring radon gas information in certain transfers of
- 2 real estate.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 5555XS 82
- 5 tw/nh/5



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Senate File 2200 - Introduced continued

PAG LIN

1 1 Section 1. Section 558A.4, Code 2007, is amended by adding
1 2 the following new subsection:

1 3 NEW SUBSECTION. 2A. In all transfers of single=family or
1 4 two=family dwellings, the disclosure statement shall include
1 5 information, such as a pamphlet or brochure, describing and
1 6 explaining the dangers of radon gas and the benefits of
1 7 testing for it.

1 8 EXPLANATION

1 9 This bill relates to radon gas information in transfers of
1 10 real estate.

1 11 The bill requires that the disclosure statement
1 12 accompanying transfers of single=family or two=family
1 13 dwellings also include information, such as a brochure or
1 14 pamphlet, about the dangers of radon gas and the benefits of
1 15 testing for it.

1 16 LSB 5555XS 82

1 17 tw/nh/5



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Senate File 2201 - Introduced

SENATE FILE

BY ZAUN, MCKINLEY, WARD, NOBLE,
 PUTNEY, GASKILL, BEHN, WIECK,
 ZIEMAN, HOUSER, KETTERING,
 BOETTGER, HARTSUCH, MULDER,
 and JOHNSON

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

Passed House, Date _____
 Vote: Ayes _____ Nays _____

A BILL FOR

1 An Act relating to the exemption under the individual income tax
 2 of certain federal tax rebates and including a retroactive
 3 applicability date provision.
 4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
 5 TLSB 6080SS 82
 6 mg/sc/14



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Senate File 2201 - Introduced continued

PAG LIN

1 1 Section 1. Section 422.9, Code 2007, is amended by adding
1 2 the following new subsection:

1 3 NEW SUBSECTION. 8. In determining the amount of deduction
1 4 for federal income tax under subsection 1 or subsection 2,
1 5 paragraph "b", for tax years beginning in the 2008 calendar
1 6 year, the amount of the deduction for the tax year shall not
1 7 be adjusted by the amount received during the tax year of the
1 8 income tax rebate provided pursuant to the federal Recovery
1 9 Rebates and Economic Stimulus for the American People Act of
1 10 2008, Pub. L. No. 110=185, and the amount of such income tax
1 11 rebate shall not be subject to taxation under this division.

1 12 Sec. 2. RETROACTIVE APPLICABILITY DATE. This Act applies
1 13 retroactively to January 1, 2008, for tax years beginning on
1 14 or after that date and before January 1, 2009.

1 15 EXPLANATION

1 16 Under state individual income tax, an individual is allowed
1 17 a deduction for federal income tax paid during the tax year,
1 18 adjusted by any federal income tax refunds received during the
1 19 same tax year. This bill provides that for the 2008 tax year
1 20 any federal tax rebate received under the federal Recovery
1 21 Rebates and Economic Stimulus for the American People Act of
1 22 2008 is not subject to tax and thus would not be used to
1 23 reduce any deduction an individual has for federal income
1 24 taxes paid.

1 25 The bill applies retroactively to January 1, 2008, for tax
1 26 years that begin on or after that date but before January 1,
1 27 2009.

1 28 LSB 6080SS 82

1 29 mg/sc/14



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Senate File 2202 - Introduced

SENATE FILE
BY GASKILL

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

A BILL FOR

- 1 An Act relating to rules for discharging wastewater from water
- 2 well drilling sites.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 6093SS 82
- 5 tw/nh/5



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Senate File 2202 - Introduced continued

PAG LIN

1 1 Section 1. NEW SECTION. 455B.198 WASTEWATER DISCHARGE
1 2 FROM WELL DRILLING SITES == RULES.
1 3 1. The commission shall adopt rules to regulate the
1 4 discharge of wastewater from water well drilling sites. The
1 5 rules shall incorporate the following considerations:
1 6 a. The size of the well as measured by the flow of water
1 7 in gallons per minute.
1 8 b. The best management practices for reducing the level of
1 9 wastewater discharge.
1 10 c. The necessity of inspecting the drilling site.
1 11 d. Requirements for notification to the department prior
1 12 to the commencement of drilling operations.
1 13 e. Requirements for retention of records for a well.
1 14 f. Reasonable and appropriate limitations on wastewater
1 15 discharge that balance the need for the well against the need
1 16 to protect the environment.
1 17 2. The commission shall convene an advisory committee that
1 18 includes representatives of the Iowa water well association to
1 19 assist in the development of the rules.
1 20 3. The rules shall be adopted no later than December 31,
1 21 2008.

1 22 EXPLANATION

1 23 This bill relates to water well drilling.
1 24 The bill directs the environmental protection commission to
1 25 develop rules for water well drilling and requires the rules
1 26 to incorporate the following considerations: the size of the
1 27 well as measured by the flow of water in gallons per minute,
1 28 the best management practices for reducing the level of
1 29 wastewater discharge, the necessity of inspecting the drilling
1 30 site, requirements for notification to the department prior to
1 31 the commencement of drilling operations, requirements for
1 32 retention of records for a well, and reasonable and
1 33 appropriate limitations on wastewater discharge that balance
1 34 the need for the well against the need to protect the
1 35 environment.



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Senate File 2202 - Introduced continued

2 1 The bill directs the commission to convene an advisory
2 2 committee of representatives from the Iowa water well
2 3 association to assist in the development of the rules.
2 4 The bill provides that the rules be adopted no later than
2 5 December 31, 2008.
2 6 LSB 6093SS 82
2 7 tw/nh/5



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Senate File 2203 - Introduced

SENATE FILE
BY COMMITTEE ON AGRICULTURE

(SUCCESSOR TO SF 2014)

(COMPANION TO HF 2005
BY LYKAM)

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

A BILL FOR

1 An Act relating to contest events where an animal is injured,
2 tormented, or killed, by providing a penalty for spectators.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
4 TLSB 5144SV 82
5 da/nh/8



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Senate File 2203 - Introduced continued

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1 1 Section 1. Section 717D.4, Code 2007, is amended to read
1 2 as follows:

1 3 717D.4 ~~PENALTIES~~ PENALTY.

1 4 ~~1. Except as provided in subsection 2, a~~ A person who
1 5 violates a provision of this chapter is guilty of a class "D"
1 6 felony.

~~1 7 2. A person who violates section 717D.2 by acting as a
1 8 spectator of a contest event conducted in this state is guilty
1 9 of an aggravated misdemeanor.~~

1 10 EXPLANATION

1 11 This bill amends Code chapter 717D, which prohibits
1 12 activities associated with a contest event, organized for
1 13 entertainment or profit, where an animal is injured,
1 14 tormented, or killed.

1 15 Code section 717D.2 prohibits a person from conducting an
1 16 activity associated with a contest event, including owning or
1 17 operating an establishment where a contest event occurs;
1 18 promoting a contest event; possessing, transporting,
1 19 transferring, or training an animal engaged in a contest
1 20 event; or possessing a device used to enhance animal fighting.
1 21 In addition, Code section 717D.2 prohibits a person from
1 22 acting as a spectator of a contest event, regardless of
1 23 whether the person paid admission to witness the contest
1 24 event. Code section 717D.4 provides that a person who acts in
1 25 violation of Code section 717D.2 is guilty of a class "D"
1 26 felony. There is one exception, a person who acts as a
1 27 spectator of a contest event is guilty of an aggravated
1 28 misdemeanor. The bill makes a spectator also guilty of a
1 29 class "D" felony.

1 30 An aggravated misdemeanor is punishable by confinement for
1 31 no more than two years and a fine of at least \$500 but not
1 32 more than \$5,000. A class "D" felony is punishable by
1 33 confinement for no more than five years and a fine of at least
1 34 \$750 but not more than \$7,500.

1 35 LSB 5144SV 82



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Senate File 2203 - Introduced continued

2 1 da/nh/8



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Senate File 2204 - Introduced

SENATE FILE
 BY COMMITTEE ON HUMAN RESOURCES

(SUCCESSOR TO SSB 3111)

Passed Senate, Date _____ Passed House, 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 5132SV 82
 14 pf/nh/5



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Senate File 2204 - Introduced continued

PAG LIN

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



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Senate File 2204 - Introduced continued

2 1 periodic support obligation.

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

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

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

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

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

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

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

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

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



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

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



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

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

9 10

DIVISION VI

9 11 OBLIGOR SOCIAL SECURITY NUMBER == NOTICE FORM

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

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

9 15

DIVISION VII

9 16

MEDICAL SUPPORT

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

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

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

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

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

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



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



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

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

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

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

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

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

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

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

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

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

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



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12 1 applicable to March 1, 2008.

12 2 EXPLANATION

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

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

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

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



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



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14 1 under any other Code chapter.

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

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

14 27 LSB 5132SV 82

14 28 pf/nh/5.1



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Senate File 2205 - Introduced

SENATE FILE
BY ZAUN

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

Passed House, Date _____
Vote: Ayes _____ Nays _____

A BILL FOR

- 1 An Act expanding institutional eligibility for the Iowa tuition
- 2 grant program.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 5901XS 82
- 5 kh/nh/14



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1 1 Section 1. Section 261.9, subsection 1, unnumbered
1 2 paragraph 1, Code 2007, is amended to read as follows:
1 3 "Accredited private institution" means an institution of
1 4 higher learning ~~located in Iowa which is operated that is~~
1 5 operating privately and in Iowa, is not controlled or
1 6 administered by any state agency or any subdivision of the
1 7 state, and which meets the criteria in paragraphs "a" and "b"
1 8 and all of the criteria in paragraphs "d" through "g", except
1 9 that institutions defined in paragraph "c" of this subsection
1 10 are exempt from the requirements of paragraphs "a" and "b":

1 11 EXPLANATION

1 12 This bill changes the definition of "accredited private
1 13 institution" in order to expand eligibility under the Iowa
1 14 tuition grant program to accredited private institutions whose
1 15 home office is not located in the state.

1 16 The definition is referenced for purposes of membership in
1 17 the institute for tomorrow's workforce; the approval of
1 18 para=educator preparation programs by the state board of
1 19 education; membership on the advisory committee on
1 20 postsecondary registration, the college student aid
1 21 commission's authority to grant temporary relief to
1 22 postsecondary institutions from requirements during national
1 23 emergencies; the definition of "for-profit accredited private
1 24 institutions" for purposes of the tuition grant program; the
1 25 definition of graduate students for purposes of the
1 26 chiropractic graduate student forgivable loans; institutional
1 27 eligibility for the Iowa college work=study program, the
1 28 national guard educational assistance program, the minority
1 29 academic grants for success program, and the teacher shortage
1 30 forgivable loan program; institutional eligibility under the
1 31 postsecondary enrollment options Act; and institutional
1 32 eligibility for the membership on the Iowa studies committee.

1 33 LSB 5901XS 82

1 34 kh/nh/14



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Senate File 2206 - Introduced

SENATE FILE
BY HARTSUCH

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

A BILL FOR

1 An Act concerning investment of certain public funds in companies
2 doing business in countries that support international
3 terrorism by the treasurer of state, public retirement systems
4 in Iowa, and the state board of regents.
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
6 TL5B 5134XS 82
7 ec/nh/8



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1 1 Section 1. NEW SECTION. 12G.1 LEGISLATIVE FINDINGS AND
1 2 INTENT.

1 3 The general assembly is deeply concerned over countries
1 4 that support acts of international terrorism. Therefore, the
1 5 general assembly intends that state funds and funds
1 6 administered by the state, including public employee
1 7 retirement funds, should not be invested in companies that
1 8 provide power production-related services, mineral extraction
1 9 activities, oil-related activities, or military equipment to
1 10 the governments of countries that support international
1 11 terrorism.

1 12 Sec. 2. NEW SECTION. 12G.2 DEFINITIONS.

1 13 As used in this chapter, unless the context otherwise
1 14 requires:

1 15 1. "Active business operations" means all business
1 16 operations that are not inactive business operations.

1 17 2. "Business operations" means engaging in commerce in any
1 18 form in any country supporting terrorism, including by
1 19 acquiring, developing, maintaining, owning, selling,
1 20 possessing, leasing, or operating equipment, facilities,
1 21 personnel, products, services, personal property, real
1 22 property, or any other apparatus of business or commerce.

1 23 3. "Company" means any sole proprietorship, organization,
1 24 association, corporation, partnership, joint venture, limited
1 25 partnership, limited liability partnership, limited liability
1 26 company, or other entity or business association, including
1 27 all wholly-owned subsidiaries, majority-owned subsidiaries,
1 28 parent companies, or affiliates of such entities or business
1 29 associations, that exists for profit-making purposes.

1 30 4. "Country supporting terrorism" means a country
1 31 determined by the United States secretary of state to be a
1 32 state sponsor of terrorism by repeatedly providing support for
1 33 acts of international terrorism. "Country supporting
1 34 terrorism" does not mean the government of Sudan as defined in
1 35 section 12F.2 or a country that is no longer determined by the



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2 1 secretary of state to be a state sponsor of terrorism.
2 2 5. "Direct holdings" in a company means all securities of
2 3 that company held directly by the public fund or in an account
2 4 or fund in which the public fund owns all shares or interests.
2 5 6. "Inactive business operations" means the mere continued
2 6 holding or renewal of rights to property previously operated
2 7 for the purpose of generating revenues but not presently
2 8 deployed for such purpose.
2 9 7. "Indirect holdings" in a company means all securities
2 10 of that company held in an account or fund managed by one or
2 11 more persons not employed by the public fund, in which the
2 12 public fund owns shares or interests together with other
2 13 investors not subject to the provisions of this chapter.
2 14 Indirect holdings include but are not limited to mutual funds,
2 15 fund of funds, private equity funds, hedge funds, and real
2 16 estate funds.
2 17 8. "Military equipment" means weapons, arms, military
2 18 supplies, and equipment that readily may be used for military
2 19 purposes including but not limited to radar systems or
2 20 military-grade transport vehicles, or supplies or services
2 21 sold or provided directly or indirectly to any terrorist
2 22 organization.
2 23 9. "Mineral extraction activities" include exploring,
2 24 extracting, processing, transporting, or wholesale selling or
2 25 trading of elemental minerals or associated metal alloys or
2 26 oxides, including gold, copper, chromium, chromite, diamonds,
2 27 iron, iron ore, silver, tungsten, uranium, and zinc, as well
2 28 as facilitating such activities, including by providing
2 29 supplies or services in support of such activities.
2 30 10. "Oil-related activities" include but are not limited
2 31 to owning rights to oil blocks; exporting, extracting,
2 32 producing, refining, processing, exploring for, transporting,
2 33 selling, or trading of oil; constructing, maintaining, or
2 34 operating a pipeline, refinery, or other oil field
2 35 infrastructure; and facilitating such activities, including by



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3 1 providing supplies or services in support of such activities,
3 2 provided that the mere retail sale of gasoline and related
3 3 consumer products shall not be considered oil-related
3 4 activities.

3 5 11. "Power production activities" means any business
3 6 operation that involves a project commissioned by any
3 7 government entity of a country supporting terrorism whose
3 8 purpose is to facilitate power generation and delivery
3 9 including but not limited to establishing power generating
3 10 plants or hydroelectric dams, selling or installing components
3 11 for the project, providing service contracts related to the
3 12 installation or maintenance of the project, as well as
3 13 facilitating such activities, including by providing supplies
3 14 or services in support of such activities.

3 15 12. "Public fund" means the treasurer of state, the state
3 16 board of regents, the public safety peace officers' retirement
3 17 system created in chapter 97A, the Iowa public employees'
3 18 retirement system created in chapter 97B, the statewide fire
3 19 and police retirement system created in chapter 411, or the
3 20 judicial retirement system created in chapter 602.

3 21 13. "Scrutinized company" means any company that is not a
3 22 social development company that meets any of the following
3 23 criteria:

3 24 a. The company has business operations that involve
3 25 contracts with or provision of supplies or services to the
3 26 government of any country supporting terrorism, companies in
3 27 which the government of any country supporting terrorism has
3 28 any direct or indirect equity share, government-commissioned
3 29 consortiums or projects of any country supporting terrorism,
3 30 or companies involved in government-commissioned consortiums
3 31 or projects of any country supporting terrorism; and meets any
3 32 of the additional following criteria:

3 33 (1) More than ten percent of the company's revenues or
3 34 assets linked to any country supporting terrorism involve
3 35 oil-related activities or mineral extraction activities and



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4 1 the company has failed to take substantial action.
4 2 (2) More than ten percent of the company's revenues or
4 3 assets linked to any country supporting terrorism involve
4 4 power production activities and the company has failed to take
4 5 substantial action.

4 6 b. The company supplies military equipment to any country
4 7 supporting terrorism, unless it clearly shows that the
4 8 military equipment cannot be used to facilitate international
4 9 acts of terrorism.

4 10 14. "Social development company" means a company whose
4 11 primary purpose in any country supporting terrorism is to
4 12 provide humanitarian goods or services, including medicine or
4 13 medical equipment, agricultural supplies or infrastructure,
4 14 educational opportunities, journalism-related activities,
4 15 information or information materials, spiritual-related
4 16 activities, services of a purely clerical or reporting nature,
4 17 food, clothing, or general consumer goods that are unrelated
4 18 to oil-related activities, mineral extraction activities, or
4 19 power production activities.

4 20 15. "Substantial action" means adopting, publicizing, and
4 21 implementing a formal plan to cease scrutinized business
4 22 operations within one year and to refrain from any such new
4 23 business operations.

4 24 Sec. 3. NEW SECTION. 12G.3 IDENTIFICATION OF COMPANIES
4 25 == NOTICE.

4 26 1. a. By July 1, 2008, the public fund shall make its
4 27 best efforts to identify all scrutinized companies in which
4 28 the public fund has direct or indirect holdings or could
4 29 possibly have such holdings in the future and shall create and
4 30 make available to the public a scrutinized companies list for
4 31 that public fund. In addition, as expeditiously as possible,
4 32 the public fund shall update the list if a country is
4 33 determined to be a country supporting terrorism or is no
4 34 longer determined to be a country supporting terrorism after
4 35 July 1, 2008. The list shall further identify whether the



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5 1 company has inactive business operations or active business
5 2 operations. The public fund shall review and update, if
5 3 necessary, the scrutinized companies list and the
5 4 determination of whether a company has inactive or active
5 5 business operations on a quarterly basis thereafter.
5 6 b. In making its best efforts to identify scrutinized
5 7 companies and companies with inactive business operations or
5 8 active business operations, the public fund may review and
5 9 rely, in the best judgment of the public fund, on publicly
5 10 available information regarding companies with business
5 11 operations in any country supporting terrorism, and including
5 12 other information that may be provided by nonprofit
5 13 organizations, research firms, international organizations,
5 14 and government entities. The public fund may also contact
5 15 asset managers and institutional investors for the public fund
5 16 to identify scrutinized companies based upon
5 17 industry-recognized lists of such companies that the public
5 18 fund may have indirect holdings in.
5 19 2. a. For each company on the scrutinized companies list
5 20 with only inactive business operations in which the public
5 21 fund has direct or indirect holdings, the public fund shall
5 22 send a written notice informing the company of the
5 23 requirements of this chapter and encouraging it to continue to
5 24 refrain from initiating active business operations in any
5 25 country supporting terrorism until it is able to avoid
5 26 scrutinized business operations. The public fund shall
5 27 continue to provide such written notice on an annual basis if
5 28 the company remains a scrutinized company with inactive
5 29 business operations.
5 30 b. For each company on the scrutinized companies list with
5 31 active business operations in which the public fund has direct
5 32 or indirect holdings, the public fund shall send a written
5 33 notice informing the company of its status as a scrutinized
5 34 company with active business operations and that it may become
5 35 subject to divestment and restrictions on investing in the



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6 1 company by the public fund. The notice shall offer the
6 2 company the opportunity to clarify its activities in any
6 3 country supporting terrorism and shall encourage the company
6 4 to either cease its scrutinized business operations or convert
6 5 such operations to inactive business operations in order to
6 6 avoid becoming subject to divestment and restrictions on
6 7 investment in the company by the public fund. The public fund
6 8 shall continue to provide such written notice on an annual
6 9 basis if the company remains a scrutinized company with active
6 10 business operations.

6 11 Sec. 4. NEW SECTION. 12G.4 PROHIBITED INVESTMENTS ==
6 12 DIVESTMENT.

6 13 1. The public fund shall not acquire publicly traded
6 14 securities of a company on the public fund's most recent
6 15 scrutinized companies list with active business operations so
6 16 long as such company remains on the public fund's scrutinized
6 17 companies list as a company with active business operations as
6 18 provided in this section.

6 19 2. a. The public fund shall sell, redeem, divest, or
6 20 withdraw all publicly traded securities of a company on the
6 21 public fund's list of scrutinized companies with active
6 22 business operations, so long as the company remains on that
6 23 list, no sooner than ninety days, but no later than eighteen
6 24 months, following the first written notice sent to the
6 25 scrutinized company with active business operations as
6 26 required by section 12G.3.

6 27 b. This subsection shall not be construed to require the
6 28 premature or otherwise imprudent sale, redemption, divestment,
6 29 or withdrawal of an investment, but such sale, redemption,
6 30 divestment, or withdrawal shall be completed as provided by
6 31 this subsection.

6 32 3. The requirements of this section shall not apply to the
6 33 following:

6 34 a. A company which the United States government
6 35 affirmatively declares to be excluded from its present or any



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7 1 future federal sanctions regime relating to any terrorist
7 2 country.
7 3 b. Indirect holdings of a scrutinized company with active
7 4 business operations. The public fund shall, however, submit
7 5 letters to the managers of such investment funds containing
7 6 companies with scrutinized active business operations
7 7 requesting that they consider removing such companies from the
7 8 fund or create a similar fund with indirect holdings devoid of
7 9 such companies. If the manager creates a similar fund, the
7 10 public fund is encouraged to replace all applicable
7 11 investments with investments in the similar fund consistent
7 12 with prudent investing standards.
7 13 Sec. 5. NEW SECTION. 12G.5 REPORTS.
7 14 1. SCRUTINIZED COMPANIES LIST. Each public fund shall,
7 15 within thirty days after the scrutinized companies list is
7 16 created or updated as required by section 12G.3, make the list
7 17 available to the public.
7 18 2. ANNUAL REPORT. On October 1, 2009, and each October 1
7 19 thereafter, each public fund shall make available to the
7 20 public, and file with the general assembly, an annual report
7 21 covering the prior fiscal year that includes the following:
7 22 a. The scrutinized companies list as of the end of the
7 23 fiscal year.
7 24 b. A summary of all written notices sent as required by
7 25 section 12G.3 during the fiscal year.
7 26 c. All investments sold, redeemed, divested, or withdrawn
7 27 as provided in section 12G.4 during the fiscal year.
7 28 Sec. 6. NEW SECTION. 12G.6 LEGAL OBLIGATIONS.
7 29 With respect to actions taken in compliance with this
7 30 chapter, including all good faith determinations regarding
7 31 companies as required by this chapter, the public fund shall
7 32 be exempt from any conflicting statutory or common law
7 33 obligations, including any such obligations in respect to
7 34 choice of asset managers, investment funds, or investments for
7 35 the public fund's securities portfolios.



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8 1 Sec. 7. NEW SECTION. 12G.7 APPLICABILITY.

8 2 The requirements of sections 12G.3, 12G.4, and 12G.5 of
8 3 this chapter shall not apply upon the occurrence of any of the
8 4 following:

8 5 1. The Congress or president of the United States, through
8 6 legislation or executive order, declares that mandatory
8 7 divestment of the type provided for in this chapter interferes
8 8 with the conduct of United States foreign policy.

8 9 2. A controlling circuit or district court of the United
8 10 States issues an opinion that declares the mandatory
8 11 divestment of the type provided for in this chapter or similar
8 12 statutes of other states is preempted by the federal law of
8 13 the United States.

8 14 Sec. 8. Section 12.8, unnumbered paragraph 1, Code
8 15 Supplement 2007, is amended to read as follows:

8 16 The treasurer of state shall invest or deposit, subject to
8 17 ~~chapter~~ chapters 12F and 12G and as provided by law, any of
8 18 the public funds not currently needed for operating expenses
8 19 and shall do so upon receipt of monthly notice from the
8 20 director of the department of administrative services of the
8 21 amount not so needed. In the event of loss on redemption or
8 22 sale of securities invested as prescribed by law, and if the
8 23 transaction is reported to the executive council, neither the
8 24 treasurer nor director of the department of administrative
8 25 services is personally liable but the loss shall be charged
8 26 against the funds which would have received the profits or
8 27 interest of the investment and there is appropriated from the
8 28 funds the amount so required.

8 29 Sec. 9. Section 97A.7, subsection 1, Code Supplement 2007,
8 30 is amended to read as follows:

8 31 1. The board of trustees shall be the trustees of the
8 32 several funds created by this chapter as provided in section
8 33 97A.8 and shall have full power to invest and reinvest such
8 34 funds subject to the terms, conditions, limitations, and
8 35 restrictions imposed by subsection 2 of this section and



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9 1 ~~chapter~~ chapters 12F and 12G, and subject to like terms,
9 2 conditions, limitations, and restrictions said trustees shall
9 3 have full power to hold, purchase, sell, assign, transfer, or
9 4 dispose of any of the securities and investments in which any
9 5 of the funds created herein shall have been invested, as well
9 6 as of the proceeds of said investments and any moneys
9 7 belonging to said funds. The board of trustees may authorize
9 8 the treasurer of state to exercise any of the duties of this
9 9 section. When so authorized the treasurer of state shall
9 10 report any transactions to the board of trustees at its next
9 11 monthly meeting.

9 12 Sec. 10. Section 97B.4, subsection 5, Code Supplement
9 13 2007, is amended to read as follows:

9 14 5. INVESTMENTS. The system, through the chief investment
9 15 officer, shall invest, subject to ~~chapter~~ chapters 12F and 12G
9 16 and in accordance with the investment policy and goal
9 17 statement established by the board, the portion of the
9 18 retirement fund which, in the judgment of the system, is not
9 19 needed for current payment of benefits under this chapter
9 20 subject to the requirements of section 97B.7A.

9 21 Sec. 11. Section 262.14, unnumbered paragraph 1, Code
9 22 Supplement 2007, is amended to read as follows:

9 23 The board may invest funds belonging to the institutions,
9 24 subject to ~~chapter~~ chapters 12F and 12G and the following
9 25 regulations:

9 26 Sec. 12. Section 411.7, subsection 1, Code Supplement
9 27 2007, is amended to read as follows:

9 28 1. The board of trustees is the trustee of the fire and
9 29 police retirement fund created in section 411.8 and shall
9 30 annually establish an investment policy to govern the
9 31 investment and reinvestment of the moneys in the fund, subject
9 32 to the terms, conditions, limitations, and restrictions
9 33 imposed by subsection 2 and ~~chapter~~ chapters 12F and 12G.
9 34 Subject to like terms, conditions, limitations, and
9 35 restrictions the system has full power to hold, purchase,



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10 1 sell, assign, transfer, or dispose of any of the securities
10 2 and investments in which the fund has been invested, as well
10 3 as of the proceeds of the investments and any moneys belonging
10 4 to the fund.

10 5 Sec. 13. Section 602.9111, subsection 1, Code Supplement
10 6 2007, is amended to read as follows:

10 7 1. So much of the judicial retirement fund as may not be
10 8 necessary to be kept on hand for the making of disbursements
10 9 under this article shall be invested by the treasurer of state
10 10 in any investments authorized for the Iowa public employees'
10 11 retirement system in section 97B.7A and subject to the
10 12 requirements of ~~chapter~~ chapters 12F and 12G, and the earnings
10 13 therefrom shall be credited to the fund. The treasurer of
10 14 state may execute contracts and agreements with investment
10 15 advisors, consultants, and investment management and benefit
10 16 consultant firms in the administration of the judicial
10 17 retirement fund.

10 18 EXPLANATION

10 19 This bill restricts the treasurer of state, the state board
10 20 of regents, the Iowa public employees' retirement system
10 21 (IPERS), the public safety peace officers' retirement system,
10 22 the statewide fire and police retirement system, and the
10 23 judicial retirement system, defined as public funds, from
10 24 directly investing in certain companies with active business
10 25 operations in any country supporting terrorism. "Country
10 26 supporting terrorism" is defined as a country determined by
10 27 the United States secretary of state to be a state sponsor of
10 28 terrorism. The current list of countries determined to be a
10 29 state sponsor of terrorism includes Cuba, Iran, North Korea,
10 30 Sudan, and Syria. The bill, however, excludes from the
10 31 definition of country supporting terrorism the government of
10 32 Sudan, which is currently addressed in Code chapter 12F. The
10 33 bill also adds notice requirements as to the public funds
10 34 relative to companies with inactive business operations in any
10 35 country supporting terrorism.



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11 1 The bill requires each public fund to develop and maintain
11 2 a list of scrutinized companies with active and inactive
11 3 business operations in any country supporting terrorism that
11 4 the fund has direct or indirect holdings in or in which the
11 5 fund may invest in the future. Each public fund shall
11 6 determine this list by July 1, 2008, and update it on a
11 7 quarterly basis and when a country is added or removed as a
11 8 country supporting terrorism. The bill defines scrutinized
11 9 companies as those companies that have contracts with the
11 10 government of any country supporting terrorism and involve
11 11 some oil-related or power production activities, or supply
11 12 military equipment to any country supporting terrorism. Once
11 13 a company is listed on the scrutinized companies list of a
11 14 public fund, the bill requires the public fund to send a
11 15 notice to that company relative to the requirements of the
11 16 bill. If the company has inactive business operations, the
11 17 notice shall describe the requirements of the bill and
11 18 encourage the company not to engage in active business
11 19 operations. If the company has active business operations,
11 20 the notice shall provide that the company may qualify for
11 21 divestment and other investment restrictions by the public
11 22 fund.

11 23 New Code section 12G.4 requires that a public fund not
11 24 invest in, and shall divest from, holdings in a scrutinized
11 25 company with active business operations. If the public fund
11 26 has direct holdings in the company, the public fund shall
11 27 proceed to divest all assets with that company in 18 months so
11 28 long as the company continues active business operations in
11 29 any country supporting terrorism. The bill provides that a
11 30 public fund shall not be required to divest or refrain from
11 31 investing in a company if the federal government so provides
11 32 or the public fund has indirect holdings, and not direct
11 33 holdings, in that company. However, public funds are
11 34 encouraged to move their indirect holdings to funds that do
11 35 not include scrutinized companies with active business



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12 1 operations. The bill defines indirect holdings to include
12 2 shares in an account or fund managed by persons not employed
12 3 by the public fund, including mutual funds, private equity
12 4 funds, and other similar funds.
12 5 The bill further requires each public fund to prepare and
12 6 make available to the public, and file with the general
12 7 assembly, an annual report, beginning October 1, 2009,
12 8 concerning actions taken by the public fund relative to the
12 9 requirements of this new Code chapter in the previous fiscal
12 10 year.
12 11 The bill provides that the requirements of the bill cease
12 12 to be applicable if Congress or the president of the United
12 13 States declares that mandatory divestment is contrary to
12 14 United States foreign policy or a controlling federal court
12 15 declares the divestment requirements of the bill or similar
12 16 statutes from other states is preempted by federal law.
12 17 LSB 5134XS 82
12 18 ec/nh/8



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Senate File 2207 - Introduced

SENATE FILE
BY KREIMAN

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

Passed House, Date _____
Vote: Ayes _____ Nays _____

A BILL FOR

- 1 An Act relating to grandparent and great-grandparent visitation.
- 2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 3 TLSB 6296XS 82
- 4 pf/nh/5



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1 1 Section 1. Section 600C.1, Code Supplement 2007, is
1 2 amended to read as follows:
1 3 600C.1 GRANDPARENT AND GREAT=GRANDPARENT VISITATION.
1 4 1. The grandparent or great=grandparent of a minor child
1 5 may petition the court for grandchild or great=grandchild
1 6 visitation.
1 7 ~~2. The court shall consider a fit parent's objections to~~
~~1 8 granting visitation under this section. A rebuttable~~
~~1 9 presumption arises that a fit parent's decision to deny~~
~~1 10 visitation to a grandparent or great=grandparent is in the~~
~~1 11 best interest of a minor child.~~
1 12 3. 2. The court may grant visitation to the grandparent
1 13 or great=grandparent if the court finds ~~all of the following~~
1 14 by clear and convincing evidence:
1 15 a. ~~The grandparent or great=grandparent has established a~~
~~1 16 substantial relationship with the child prior to the filing of~~
~~1 17 the petition.~~
1 18 b. ~~The parent who is being asked to temporarily relinquish~~
~~1 19 care, custody, and control of the child to provide visitation~~
~~1 20 is unfit to make the decision regarding visitation.~~
1 21 e. ~~It~~ that it is in the best interest of the child to
1 22 grant such visitation.
1 23 ~~4.~~ 3. For the purposes of this section, "court" means the
1 24 district court or the juvenile court if that court currently
1 25 has jurisdiction over the child in a pending action. If an
1 26 action is not pending, the district court has jurisdiction.
1 27 ~~5.~~ 4. Notwithstanding any provision of this chapter to
1 28 the contrary, venue for any action to establish, enforce, or
1 29 modify visitation under this section shall be in the county
1 30 where either parent resides if no final custody order
1 31 determination relating to the grandchild or great=grandchild
1 32 has been entered by any other court. If a final custody order
1 33 has been entered by any other court, venue shall be located
1 34 exclusively in the county where the most recent final custody
1 35 order was entered. If any other custodial proceeding is



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2 1 pending when an action to establish, enforce, or modify
2 2 visitation under this section is filed, venue shall be located
2 3 exclusively in the county where the pending custodial
2 4 proceeding was filed.

2 5 ~~6.~~ 5. Notice of any proceeding to establish, enforce, or
2 6 modify visitation under this section shall be personally
2 7 served upon all parents of a child whose interests are
2 8 affected by a proceeding brought pursuant to this section and
2 9 all grandparents or great-grandparents who have previously
2 10 obtained a final order or commenced a proceeding under this
2 11 section.

2 12 ~~7.~~ 6. The court shall not enter any temporary order to
2 13 establish, enforce, or modify visitation under this section.

2 14 ~~8.~~ 7. An action brought under this section is subject to
2 15 chapter 598B, and in an action brought to establish, enforce,
2 16 or modify visitation under this section, each party shall
2 17 submit in its first pleading or in an attached affidavit all
2 18 information required by section 598B.209.

2 19 ~~9.~~ 8. In any action brought to establish, enforce, or
2 20 modify visitation under this section, the court may award
2 21 attorney fees to the prevailing party in an amount deemed
2 22 reasonable by the court.

2 23 ~~10.~~ 9. If a proceeding to establish or enforce visitation
2 24 under this section is commenced when a dissolution of marriage
2 25 proceeding is pending concerning the parents of the affected
2 26 minor child, the record and evidence of the dissolution action
2 27 shall remain impounded pursuant to section 598.26. The
2 28 impounded information shall not be released or otherwise made
2 29 available to any person who is not the petitioner or
2 30 respondent or an attorney of record in the dissolution of
2 31 marriage proceeding. Access to the impounded information by
2 32 the attorney of record for the grandparent or
2 33 great-grandparent shall be limited to only that information
2 34 relevant to the grandparent's or great-grandparent's request
2 35 for visitation.



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Senate File 2208 - Introduced

SENATE FILE
BY KREIMAN

(COMPANION TO LSB 5329HH
BY SWAIM)

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

Passed House, Date _____
Vote: Ayes _____ Nays _____

A BILL FOR

- 1 An Act limiting the forest reservation acreage property tax
- 2 exemption and including effective and applicability date
- 3 provisions.
- 4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 5 TLSB 5329SS 82
- 6 sc/rj/8



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1 1 Section 1. Section 427C.3, Code 2007, is amended to read
1 2 as follows:
1 3 427C.3 FOREST RESERVATION.
1 4 1. A forest reservation shall contain not less than two
1 5 hundred growing forest trees on each acre. ~~If~~ Subject to the
1 6 restrictions in subsection 2, if the area selected is a forest
1 7 containing the required number of growing forest trees, ~~it~~ the
1 8 area shall be accepted as a forest reservation under this
1 9 chapter provided application is made or on file on or before
1 10 February 1 of the exemption year. If any buildings are
1 11 standing on an area selected as a forest reservation under
1 12 this section or a fruit-tree reservation under section 427C.7,
1 13 one acre of that area shall be excluded from the tax
1 14 exemption. However, the exclusion of that acre shall not
1 15 affect the area's meeting the acreage requirement of section
1 16 427C.2.

1 17 2. An exemption granted for a forest reservation shall not
1 18 exceed ten acres of reservation. An owner of a forest
1 19 reservation is limited to one forest reservation exemption in
1 20 the county.

1 21 Sec. 2. EFFECTIVE AND APPLICABILITY DATE PROVISIONS. This
1 22 Act, being deemed of immediate importance, takes effect upon
1 23 enactment and applies to forest reservation exemptions granted
1 24 before, on, or after the effective date of this Act. Forest
1 25 reservation exemptions in effect as of the effective date of
1 26 this Act shall be modified so that the amount of exemption
1 27 does not exceed ten acres of forest reservation and so that
1 28 only one exemption per owner per county is allowed.

1 29 EXPLANATION
1 30 This bill limits to 10 acres the amount of forest
1 31 reservation for which a property tax exemption may be granted.
1 32 The bill also provides that an owner of a forest reservation
1 33 is limited to one forest reservation exemption in the county.
1 34 The bill takes effect upon enactment and applies to forest
1 35 reservation exemptions granted before, on, or after the



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2 1 effective date.
2 2 LSB 5329SS 82
2 3 sc/rj/8



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Senate File 2209 - Introduced

SENATE FILE
BY ZAUN

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

Passed House, Date _____
Vote: Ayes _____ Nays _____

A BILL FOR

- 1 An Act relating to the membership of the vision Iowa board and
- 2 including an applicability provision.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 5833XS 82
- 5 tw/rj/5



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1 1 Section 1. Section 15F.102, subsection 2, paragraph d,
1 2 Code 2007, is amended to read as follows:
1 3 d. Four members of the general public, at least two of
1 4 whom are under the age of thirty-five at the time of
1 5 appointment.

1 6 Sec. 2. APPLICABILITY. This Act applies to the
1 7 appointment of members of the general public appointed to the
1 8 vision Iowa board on or after the effective date of this Act.

1 9 EXPLANATION

1 10 This bill relates to the membership of the vision Iowa
1 11 board. The bill provides that at least two of the four
1 12 members of the general public must be under the age of 35 at
1 13 the time of appointment.

1 14 The bill applies to appointments made on or after the
1 15 effective date of the bill.

1 16 LSB 5833XS 82

1 17 tw/rj/5



Iowa General Assembly
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Senate File 2210 - Introduced

SENATE FILE
BY HECKROTH

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

Passed House, Date _____
Vote: Ayes _____ Nays _____

A BILL FOR

1 An Act relating to alternative energy system tax credits under
2 the individual and corporate income taxes for the installation
3 of alternative energy systems and including a retroactive
4 applicability date provision.
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
6 TL5B 6254SS 82
7 rn/nh/24



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Senate File 2210 - Introduced continued

PAG LIN

1 1 Section 1. NEW SECTION. 476E.1 DEFINITIONS.
1 2 As used in this chapter, unless the context otherwise
1 3 requires:
1 4 1. "Alternative energy system" means a system for heating
1 5 or cooling a building, or utilized in conjunction with other
1 6 aspects of the operation or maintenance of a building, which
1 7 utilizes solar, wind turbine, waste management, resource
1 8 recovery, refuse-derived fuel, agricultural crops or residues,
1 9 or woodburning as the primary energy source.
1 10 2. "Board" means the utilities board within the utilities
1 11 division of the department of commerce.
1 12 3. "Department" means the department of revenue.
1 13 4. "Small business" means any enterprise which is located
1 14 in this state, which is operated for profit and under a single
1 15 management, and which has either fewer than twenty employees
1 16 or an annual gross income of less than four million dollars
1 17 computed on the average of the three preceding fiscal years.
1 18 Sec. 2. NEW SECTION. 476E.2 ALTERNATIVE ENERGY SYSTEM
1 19 TAX CREDIT.
1 20 1. A small business is eligible to receive an alternative
1 21 energy system tax credit for the installation of an
1 22 alternative energy system on the real property of the small
1 23 business. The tax credit is allowed against the tax liability
1 24 imposed under chapter 422, division II or III. The amount of
1 25 the tax credit is equal to the lesser of twenty-five percent
1 26 of the total cost of installation of an alternative energy
1 27 system, or five thousand dollars. If the small business
1 28 elects to take the alternative energy system tax credit, the
1 29 small business shall not deduct for Iowa tax purposes any
1 30 amount of the costs of the alternative energy system,
1 31 including the cost of installation, which is deductible for
1 32 federal tax purposes.
1 33 2. To receive the alternative energy system tax credit,
1 34 the small business must submit an application to the board.
1 35 If the taxpayer meets the criteria for eligibility, as



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Senate File 2210 - Introduced continued

2 1 determined by the board and the department by rule, the board
2 2 shall issue to the taxpayer a certification of entitlement for
2 3 the alternative energy system tax credit. Tax credit
2 4 certificates shall be issued on an earliest filed basis. The
2 5 certification shall contain the taxpayer's name, address, tax
2 6 identification number, the amount of the credit, and tax year
2 7 for which the certificate applies. The taxpayer must file the
2 8 tax credit certificate with the taxpayer's individual income
2 9 tax return in order to claim the tax credit.

2 10 3. Any credit used under chapter 422, division II or III,
2 11 which is in excess of the tax liability shall be refunded with
2 12 interest computed under section 422.25. In lieu of claiming a
2 13 refund, a taxpayer may elect to have the overpayment shown on
2 14 the taxpayer's final, completed return credited to the tax
2 15 liability for the following year.

2 16 4. An individual may claim the tax credit under chapter
2 17 422, division II, allowed a partnership, limited liability
2 18 company, S corporation, estate, or trust electing to have the
2 19 income taxed directly to the individual. The amount claimed
2 20 by the individual shall be based upon the pro rata share of
2 21 the individual's earnings of the partnership, limited
2 22 liability company, S corporation, estate, or trust.

2 23 Sec. 3. NEW SECTION. 476E.3 RULES.

2 24 The department may adopt rules pursuant to chapter 17A for
2 25 the administration and enforcement of this chapter.

2 26 Sec. 4. NEW SECTION. 422.11V ALTERNATIVE ENERGY SYSTEM
2 27 TAX CREDIT.

2 28 The taxes imposed under this division, less the credits
2 29 allowed under section 422.12, shall be reduced by an
2 30 alternative energy system tax credit allowed under chapter
2 31 476E.

2 32 Sec. 5. Section 422.33, Code Supplement 2007, is amended
2 33 by adding the following new subsection:

2 34 NEW SUBSECTION. 25. The taxes imposed under this division
2 35 shall be reduced by an alternative energy system tax credit



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Senate File 2211 - Introduced

SENATE FILE
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO SF 2057)

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

Passed House, Date _____
Vote: Ayes _____ Nays _____

A BILL FOR

- 1 An Act relating to the residency of a district judge nominee.
- 2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 3 TLSB 5298SV 82
- 4 jm/rj/8



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Senate File 2211 - Introduced continued

PAG LIN

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

1 23 EXPLANATION

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



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Senate File 2212 - Introduced

SENATE FILE
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO SSB 3122)

Passed Senate, Date _____

Passed House, Date _____

Vote: Ayes _____ Nays _____

Vote: Ayes _____ Nays _____

Approved

A BILL FOR

- 1 An Act relating to determinations in child in need of assistance
- 2 proceedings, and modifying circumstances for termination of
- 3 parental rights.
- 4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 5 TLSB 5975SV 82
- 6 jm/nh/5



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Senate File 2212 - Introduced continued

PAG LIN

1 1 Section 1. Section 232.102, subsection 12, paragraph c,
1 2 Code Supplement 2007, is amended to read as follows:
1 3 c. The parent's parental rights have been terminated under
1 4 section 232.116 or terminated by an order of a court of
1 5 competent jurisdiction in another state with respect to
1 6 another child who is a member of the same family, and there is
1 7 clear and convincing evidence to show that the offer or
1 8 receipt of services would not be likely within a reasonable
1 9 period of time to correct the conditions which led to the
1 10 child's removal.

1 11 Sec. 2. Section 232.116, subsection 1, paragraph g,
1 12 subparagraph (2), Code Supplement 2007, is amended to read as
1 13 follows:

1 14 (2) The court has terminated parental rights pursuant to
1 15 section 232.117 with respect to another child who is a member
1 16 of the same family or a court of competent jurisdiction in
1 17 another state has entered an order terminating parental rights
1 18 with respect to another child who is a member of the same
1 19 family.

1 20 EXPLANATION

1 21 This bill modifies aggravated circumstance determinations
1 22 in child in need of assistance proceedings and circumstances
1 23 for termination of parental rights.

1 24 Under the bill, in child in need of assistance proceedings,
1 25 if the juvenile court finds that the parent's parental rights
1 26 have been terminated by an order of a court of competent
1 27 jurisdiction in another state with respect to another child
1 28 who is a member of the same family, the court may waive the
1 29 requirement that reasonable efforts be made to preserve the
1 30 family. Current law provides that if the court finds the
1 31 parent's parental rights have been terminated under Iowa law
1 32 with respect to another child who is a member of the same
1 33 family, the court may waive the requirement that reasonable
1 34 efforts be made to preserve the family.

1 35 Currently, in termination of parental rights proceedings,



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Senate File 2212 - Introduced continued

2 1 the juvenile court may terminate the parental rights of a
2 2 parent if certain circumstances exist, including that the
2 3 parent's parental rights have been terminated under Iowa law.
2 4 The bill provides that such termination could have occurred
2 5 pursuant to an order of a court of competent jurisdiction in
2 6 another state with respect to another child who is a member of
2 7 the same family.
2 8 LSB 5975SV 82
2 9 jm/nh/5



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Senate Resolution 106 - Introduced

PAG LIN

S.R. _____ H.R. _____

1 1 SENATE RESOLUTION NO.
1 2 BY DOTZLER, HARTSUCH, and NOBLE
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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Senate Resolution 106 - 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 SENATE, That the Senate
2 11 honors award winners Anna Bradley and Marguerite White
2 12 and congratulates them on their success, and
2 13 recognizes and expresses its thanks to the Iowa Small
2 14 Business Development Centers for their ongoing work in
2 15 making Iowa a better place to live and work.
2 16 LSB 6503SS 82
2 17 jr/rj/24



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Senate Resolution 107 - Introduced

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S.R. _____ H.R. _____

1 1 SENATE RESOLUTION NO.
1 2 BY McKIBBEN, PUTNEY, and RIELLY
1 3 A Resolution honoring the men's soccer team from
1 4 Marshalltown Community College for their third=place
1 5 finish in the National Junior College Athletic
1 6 Association National Soccer Tournament.
1 7 WHEREAS, the 2007 National Junior College Athletic
1 8 Association held its National Soccer Tournament in
1 9 Tyler, Texas; and
1 10 WHEREAS, at that competition the Marshalltown
1 11 Community College men's soccer team, the Tigers,
1 12 attended their first ever National Soccer Tournament;
1 13 and
1 14 WHEREAS, the Tigers defeated Mercer County
1 15 Community College of Trenton, New Jersey, and San
1 16 Jacinto College=South of Houston, Texas; and
1 17 WHEREAS, two members of the team, Arkenson Neckels
1 18 and Saulo Litterio, were named to the all=tournament
1 19 team; and
1 20 WHEREAS, with that finish the Tigers completed
1 21 their season with a 23=2=0 record, as Region XI
1 22 Champions and Iowa Community College Athletic
1 23 Conference champions under head coach Marcelo Serrano,
1 24 with one member of the team, Arkenson Neckels, being
1 25 recognized as an honorable mention for All=American;
1 26 NOW THEREFORE,
1 27 BE IT RESOLVED BY THE SENATE, That the Senate
1 28 honors the Marshalltown Community College Tigers for
1 29 their third=place finish in the 2007 National Junior
1 30 College Athletic Association National Soccer



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Senate Resolution 107 - Introduced continued

- 2 1 Tournament.
- 2 2 LSB 6521SS 82
- 2 3 jr/nh/14



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Senate Study Bill 3199

SENATE FILE
BY (PROPOSED COMMITTEE ON
ECONOMIC GROWTH BILL BY
CHAIRPERSON STEWART)

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

Passed House, Date _____
Vote: Ayes _____ Nays _____

A BILL FOR

- 1 An Act relating to the grow Iowa values fund by allocating moneys
- 2 for the physical infrastructure assistance program and
- 3 changing certain job and wage requirements.
- 4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 5 TLSB 5878SC 82
- 6 tw/rj/24



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Senate Study Bill 3199 continued

PAG LIN

1 1 Section 1. Section 15E.175, subsection 1, Code 2007, is
1 2 amended by striking the subsection and inserting in lieu
1 3 thereof the following:

1 4 1. The department shall establish a physical
1 5 infrastructure financial assistance program to provide
1 6 financial assistance for business or community physical
1 7 infrastructure development or redevelopment projects.
1 8 Physical infrastructure development or redevelopment projects
1 9 include but are not limited to infrastructure projects
1 10 involving any mode of transportation; public works and
1 11 utilities such as sewer, water, power, or telecommunications;
1 12 physical improvements which mitigate, prevent, or eliminate
1 13 environmental contaminants; and any other project deemed
1 14 appropriate by the department.

1 15 a. Physical infrastructure projects that create the
1 16 necessary infrastructure for economic success throughout Iowa,
1 17 that provide the foundation for the creation of quality,
1 18 high-wage jobs, and that involve substantial capital
1 19 investment may be eligible for financial assistance under the
1 20 program if within three years of the completion of the
1 21 project, the project is expected to lead to the creation of
1 22 high-quality and high-wage jobs. If, at the end of the
1 23 three-year period, the project has not lead to the creation of
1 24 high-quality, high-wage jobs, the department may seek to
1 25 reclaim any funds granted through the program. At the
1 26 department's discretion, a project may be granted an
1 27 additional year of time to meet the high-quality, high-wage
1 28 job requirements of this subsection.

1 29 b. The department shall adopt rules governing the awarding
1 30 and use of funds pursuant to this section.

1 31 Sec. 2. Section 15E.175, subsection 2, paragraph c, Code
1 32 2007, is amended to read as follows:

1 33 c. ~~Section~~ Notwithstanding section 8.33 shall not apply
~~1 34 to, any unencumbered and unobligated moneys remaining in the~~
1 35 physical infrastructure assistance fund at the end of each



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Senate Study Bill 3199 continued

2 1 fiscal year shall be deposited in the grow Iowa values fund
2 2 created in section 15G.108. Notwithstanding section 12C.7,
2 3 interest earned on moneys in the fund shall be credited to the
2 4 fund.

2 5 Sec. 3. Section 15G.111, subsection 1, paragraph a, Code
2 6 Supplement 2007, is amended to read as follows:

2 7 a. For the fiscal period beginning July 1, ~~2005~~ 2007, and
2 8 ending June 30, 2015, there is appropriated each fiscal year
2 9 from the grow Iowa values fund created in section 15G.108, the
2 10 following amounts for the purposes designated:

~~2 11 (1) For the fiscal year beginning July 1, 2005, and ending~~
~~2 12 June 30, 2006, to the department of economic development~~
~~2 13 thirty-five million dollars for programs administered by the~~
~~2 14 department of economic development.~~

~~2 15 (2) For each fiscal year of the fiscal period beginning~~
~~2 16 July 1, 2006, and ending June 30, 2007, to the department of~~
~~2 17 economic development thirty-three million dollars for programs~~
~~2 18 administered by the department of economic development.~~

~~2 19 (3) (1) For each fiscal year of the fiscal period~~
~~2 20 beginning July 1, 2007, and ending June 30, 2009, to the~~
~~2 21 department of economic development thirty million dollars for~~
~~2 22 the following programs administered by the department of~~
~~2 23 economic development.:~~

2 24 (a) The targeted small business financial assistance
2 25 program established pursuant to section 15.247.

2 26 (b) The community economic betterment program established
2 27 pursuant to section 15.317.

2 28 (c) The entrepreneurial venture assistance program
2 29 established pursuant to section 15.339.

2 30 (d) The value-added agricultural products and processes
2 31 financial assistance program established pursuant to section
2 32 15E.111.

2 33 (e) The physical infrastructure financial assistance
2 34 program established pursuant to section 15E.175.

2 35 (f) The loan and credit guarantee program established



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Senate Study Bill 3199 continued

3 1 pursuant to section 15E.224.
3 2 ~~(4)~~ (2) For each fiscal year of the fiscal period
3 3 beginning July 1, 2009, and ending June 30, 2015, to the
3 4 department of economic development thirty-two million dollars
3 5 for the following programs administered by the department of
~~3 6 economic development.:~~
3 7 (a) The targeted small business financial assistance
3 8 program established pursuant to section 15.247.
3 9 (b) The community economic betterment program established
3 10 pursuant to section 15.317.
3 11 (c) The entrepreneurial venture assistance program
3 12 established pursuant to section 15.339.
3 13 (d) The value-added agricultural products and processes
3 14 financial assistance program established pursuant to section
3 15 15E.111.
3 16 (e) The physical infrastructure financial assistance
3 17 program established pursuant to section 15E.175.
3 18 (f) The loan and credit guarantee program established
3 19 pursuant to section 15E.224.
3 20 Sec. 4. Section 15G.111, Code 2007, is amended by adding
3 21 the following new subsection:
3 22 NEW SUBSECTION. 8A. For the fiscal period beginning July
3 23 1, 2009, and ending June 30, 2015, from the moneys
3 24 appropriated each fiscal year from the grow Iowa values fund
3 25 created in section 15G.108, to the department for program
3 26 administration pursuant to subsection 1, paragraph "a", the
3 27 department shall allocate at least five million dollars for
3 28 deposit in the physical infrastructure assistance fund created
3 29 in section 15E.175. Notwithstanding section 15G.112, projects
3 30 funded with moneys deposited in the physical infrastructure
3 31 assistance fund are not subject to job or wage requirements,
3 32 provided the project provides the infrastructure necessary for
3 33 additional jobs pursuant to the requirements of section
3 34 15E.175.
3 35 Sec. 5. Section 15G.112, subsections 1 and 3, Code 2007,



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Senate Study Bill 3199 continued

4 1 are amended to read as follows:

4 2 1. In order to be eligible to receive financial assistance
4 3 from the department from the moneys appropriated in section
4 4 15G.111, subsection 1, paragraph "a", from the grow Iowa
4 5 values fund to the department for programs administered by the
4 6 department, the average annual wage, including benefits, of
4 7 new jobs created must be equal to or greater than one hundred
4 8 thirty percent of the average county wage. For purposes of
4 9 this section, "average county wage" and "benefits" mean the
4 10 same as defined in section 15I.1.

4 11 3. In awarding moneys appropriated to the department
4 12 pursuant to section 15G.111, subsection 1, paragraph "a", from
4 13 the grow Iowa values fund for programs administered by the
4 14 department, the department shall give special consideration to
4 15 projects that include significant physical infrastructure
4 16 components designed to increase property tax revenues to local
4 17 governments.

4 18 Sec. 6. EFFECTIVE DATE. This Act, being deemed of
4 19 immediate necessity, takes effect upon enactment.

4 20 EXPLANATION

4 21 This bill relates to moneys appropriated from the grow Iowa
4 22 values fund.

4 23 Currently, \$50 million is appropriated each year to the
4 24 grow Iowa values fund, and of those moneys, \$30 million is
4 25 appropriated to the department of economic development to fund
4 26 certain programs. Programs funded in this way are subject to
4 27 job and wage creation requirements.

4 28 The bill directs the department to allocate at least \$5
4 29 million to the physical infrastructure assistance program and
4 30 exempts projects funded by this program from the job and wage
4 31 requirements as long as the project is an infrastructure
4 32 project that leads to the creation of jobs within three years.

4 33 Finally, the bill makes certain conforming amendments to
4 34 the grow Iowa values fund and the physical infrastructure
4 35 assistance program to specify program requirements.



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Senate Study Bill 3199 continued

5 1 LSB 5878SC 82
5 2 tw/rj/24



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Senate Study Bill 3200

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 relating to identity theft, including providing for the
2 notification of a breach in the security of computerized data
3 that includes personal information, establishing a business
4 duty to safeguard personal information against a breach of
5 security, and providing penalties.
6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
7 TLSB 6517SC 82
8 rn/nh/8



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Senate Study Bill 3200 continued

PAG LIN

1 1 Section 1. NEW SECTION. 715C.1 DEFINITIONS.
1 2 As used in this chapter, unless the context otherwise
1 3 requires:
1 4 1. "Breach of security" means unauthorized acquisition of
1 5 computerized data maintained by a person that materially
1 6 compromises the security, confidentiality, or integrity of
1 7 personal information maintained by the person. Good faith
1 8 acquisition of personal information by a person or that
1 9 person's employee or agent for a legitimate purpose of that
1 10 person is not a breach of security, provided that the personal
1 11 information is not used in violation of applicable law or in a
1 12 manner that harms or poses an actual threat to the security,
1 13 confidentiality, or integrity of the personal information.
1 14 2. "Consumer" means an individual who is a resident of
1 15 this state.
1 16 3. "Consumer reporting agency" means the same as defined
1 17 by the federal Fair Credit Reporting Act, 15 U.S.C. } 1681a.
1 18 4. "Debt" means the same as provided in section 537.7102.
1 19 5. "Encryption" means the use of an algorithmic process to
1 20 transform data into a form in which the data is rendered
1 21 unreadable or unusable without the use of a confidential
1 22 process or key.
1 23 6. "Extension of credit" means the right to defer payment
1 24 of debt or to incur debt and defer its payment offered or
1 25 granted primarily for personal, family, or household purposes.
1 26 7. "Financial institution" means the same as defined in
1 27 section 536C.2, subsection 6.
1 28 8. "Identity theft" means the same as provided in section
1 29 715A.8.
1 30 9. "Payment card" means the same as defined in section
1 31 715A.10, subsection 3, paragraph "b".
1 32 10. "Person" means an individual; corporation; business
1 33 trust; estate; trust; partnership; limited liability company;
1 34 association; joint venture; government; governmental
1 35 subdivision, agency, or instrumentality; public corporation;



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Senate Study Bill 3200 continued

2 1 or any other legal or commercial entity.
2 2 11. "Personal information" means an individual's first
2 3 name or first initial and last name in combination with any
2 4 one or more of the following data elements that relate to the
2 5 individual if neither the name nor the data elements are
2 6 encrypted, redacted, or otherwise altered by any method or
2 7 technology in such a manner that the name or data elements are
2 8 unreadable:
2 9 a. Social security number.
2 10 b. Driver's license number or other unique identification
2 11 number created or collected by a government body.
2 12 c. Financial account number, credit card number, or debit
2 13 card number in combination with any required security code,
2 14 access code, or password that would permit access to an
2 15 individual's financial account.
2 16 d. Unique electronic identifier or routing code, in
2 17 combination with any required security code, access code, or
2 18 password.
2 19 12. "Redacted" means altered or truncated so that no more
2 20 than the last four digits of a social security number or other
2 21 numbers designated in section 715A.8, subsection 1, paragraph
2 22 "a", is accessible as part of the data.
2 23 Sec. 2. NEW SECTION. 715C.2 SECURITY BREACH == CONSUMER
2 24 NOTIFICATION == REMEDIES.
2 25 1. Any person who owns, maintains, or otherwise possesses
2 26 data that includes a consumer's personal information that is
2 27 used in the course of the person's business, vocation,
2 28 occupation, or volunteer activities and who was subject to a
2 29 breach of security shall give notice of the breach of security
2 30 following discovery of such breach of security, or receipt of
2 31 notification under subsection 2, to any consumer whose
2 32 personal information was included in the information that was
2 33 breached. The consumer notification shall be made in the most
2 34 expeditious manner possible and without unreasonable delay,
2 35 consistent with the legitimate needs of law enforcement as



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3 1 provided in subsection 3, and consistent with any measures
3 2 necessary to sufficiently determine contact information for
3 3 the affected consumers, determine the scope of the breach, and
3 4 restore the reasonable integrity, security, and
3 5 confidentiality of the data.

3 6 2. Any person who maintains or otherwise possesses
3 7 personal information on behalf of another person shall notify
3 8 the owner or licensor of the information of any breach of
3 9 security immediately following discovery of such breach of
3 10 security if a consumer's personal information was included in
3 11 the information that was breached.

3 12 3. The consumer notification requirements of this section
3 13 may be delayed if a law enforcement agency determines that the
3 14 notification will impede a criminal investigation and the
3 15 agency has made a written request that the notification be
3 16 delayed. The notification required by this section shall be
3 17 made after the law enforcement agency determines that the
3 18 notification will not compromise the investigation and
3 19 notifies the person required to give notice in writing.

3 20 4. For purposes of this section, notification to the
3 21 consumer may be provided by one of the following methods:

3 22 a. Written notice.

3 23 b. Electronic notice if the person's customary method of
3 24 communication with the consumer is by electronic means or is
3 25 consistent with the provisions regarding electronic records
3 26 and signatures set forth in chapter 554D and the federal
3 27 Electronic Signatures in Global and National Commerce Act, 15
3 28 U.S.C. } 7001.

3 29 c. Telephone notice, provided that the contact is made
3 30 directly with the affected consumer.

3 31 d. Substitute notice, if the person demonstrates that the
3 32 cost of providing notice would exceed two hundred fifty
3 33 thousand dollars, that the affected class of consumers to be
3 34 notified exceeds three hundred fifty thousand persons, or if
3 35 the person does not have sufficient contact information to



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4 1 provide notice. Substitute notice shall consist of the
4 2 following:
4 3 (1) Electronic mail notice when the person has an
4 4 electronic mail address for the affected consumers.
4 5 (2) Conspicuous posting of the notice or a link to the
4 6 notice on the internet web site of the person if the person
4 7 maintains an internet web site.
4 8 (3) Notification to major statewide media.
4 9 5. Notice pursuant to this section shall include, at a
4 10 minimum, all of the following:
4 11 a. A description of the breach of security.
4 12 b. The approximate date of the breach of security.
4 13 c. The type of personal information obtained as a result
4 14 of the breach of security.
4 15 d. Contact information for consumer reporting agencies.
4 16 e. Advice to the consumer to report suspected incidents of
4 17 identity theft to law enforcement, including the federal trade
4 18 commission.
4 19 6. Notwithstanding subsection 1, notification is not
4 20 required if, after an appropriate investigation or after
4 21 consultation with the relevant federal, state, or local
4 22 agencies responsible for law enforcement, the person
4 23 determined that no reasonable likelihood of harm to the
4 24 consumers whose personal information has been acquired has
4 25 resulted or will result from the breach. Such a determination
4 26 must be documented in writing and the documentation must be
4 27 maintained for five years.
4 28 7. This section does not apply to any of the following:
4 29 a. A person who complies with notification requirements or
4 30 breach of security procedures that provide greater protection
4 31 to personal information and at least as thorough disclosure
4 32 requirements than that provided by this section pursuant to
4 33 the rules, regulations, procedures, guidance, or guidelines
4 34 established by the person's primary or functional federal
4 35 regulator.



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5 1 b. A person who complies with a state or federal law that
5 2 provides greater protection to personal information and at
5 3 least as thorough disclosure requirements for breach of
5 4 security or personal information than that provided by this
5 5 section.

5 6 c. A person who is subject to and complies with
5 7 regulations promulgated pursuant to Title V of the
5 8 Gramm=Leach=Bliley Act of 1999, 15 U.S.C. } 6801=6809.

5 9 8. a. The attorney general may take appropriate action to
5 10 enact this chapter or bring an action on behalf of an injured
5 11 person for an injunction, actual damages incurred by the
5 12 person, attorney fees, interest, and court costs.

5 13 b. The rights and remedies available under this section
5 14 are cumulative to each other and to any other rights and
5 15 remedies available under the law.

5 16 Sec. 3. NEW SECTION. 715C.3 PERSONAL INFORMATION ==
5 17 BUSINESS DUTY TO SAFEGUARD == RIGHT OF ACTION == DAMAGES AND
5 18 PENALTIES.

5 19 1. Any person who accepts a payment card in connection
5 20 with transactions occurring in the ordinary course of business
5 21 has a duty to comply with or adhere to payment card industry
5 22 data security standards. A financial institution may bring an
5 23 action against a person who is subject to a breach of security
5 24 if the person is found at the time of the breach to have
5 25 engaged in or violated such data security standards.

5 26 2. In an action commenced by a financial institution to
5 27 recover damages pursuant to subsection 1, the financial
5 28 institution shall submit in writing a request that the person
5 29 alleged to have violated this section certify compliance with
5 30 the standards pursuant to a payment card industry=approved
5 31 independent auditor or another person authorized to issue such
5 32 a certification. A presumption of compliance shall exist if a
5 33 person contracts for or utilizes the services of a third party
5 34 to collect, maintain, or store personal information used in
5 35 connection with a payment card, and contractually requires



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6 1 that the third party ensure compliance with the standards on
6 2 an ongoing basis.
6 3 3. a. A financial institution prevailing in an action for
6 4 failure to safeguard personal information against a breach of
6 5 security may recover actual damages arising from the failure.
6 6 Actual damages shall include any costs incurred by the
6 7 financial institution in relation to the following:
6 8 (1) Cancellation or reissuance of a payment card affected
6 9 by the security breach.
6 10 (2) Closing of a deposit, transaction, share draft, or
6 11 other account affected by the security breach and any action
6 12 to stop payment or block a transaction with respect to the
6 13 account.
6 14 (3) Opening or reopening of a deposit, transaction, share
6 15 draft, or other account affected by the security breach.
6 16 (4) Refunding or crediting made to an account holder to
6 17 cover the cost of any unauthorized transaction relating to the
6 18 breach of security.
6 19 (5) Notification to account holders affected by the breach
6 20 of security.
6 21 b. Reasonable attorney fees and costs shall be awarded to
6 22 the prevailing party, with the exception that an award shall
6 23 not be made to a person who failed to submit certification as
6 24 required in subsection 2.
6 25 c. An action pursuant to this section shall not be
6 26 commenced against any person other than a person who has been
6 27 found to have violated this section.
6 28 4. The attorney general may adopt rules necessary to
6 29 implement this section, which may include identification of
6 30 payment card industry standards to be applied.

6 31 EXPLANATION

6 32 This bill provides for the notification of a breach in the
6 33 security of computerized data of personal information, and
6 34 establishes a business duty to safeguard such information
6 35 against security breaches.



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7 1 The bill requires a person who owns, maintains, or
7 2 otherwise possesses computerized data that includes personal
7 3 information to provide notice of any breach of the person's
7 4 security of the data to those residents of this state whose
7 5 personal information was or may have been acquired by an
7 6 unauthorized person. The bill also requires a person who
7 7 maintains computerized data that includes personal information
7 8 that the person does not own to notify the owner of the data
7 9 of any breach in the security of the data. A "person" is
7 10 defined in the bill to include persons that conduct business
7 11 in this state and state agencies. The notice shall be
7 12 provided immediately unless a law enforcement agency
7 13 determines that the notification will impede a criminal
7 14 investigation. The notice may be made in writing, through
7 15 electronic means, or by substitute notice, as defined in the
7 16 bill, and must contain information regarding a description of
7 17 the breach of security, the approximate date of the breach,
7 18 the type of personal information obtained, contact information
7 19 for consumer reporting agencies, and consumer reporting
7 20 advice.

7 21 The bill provides that notification will not be required if
7 22 an investigation or consultation with law enforcement agencies
7 23 determines that no reasonable likelihood of harm has or will
7 24 result from the breach, and that the bill's provisions do not
7 25 apply to persons complying with specified requirements or
7 26 breach of security procedures that provide greater protection
7 27 to personal information and at least as thorough disclosure
7 28 requirements as provided pursuant to the bill.

7 29 The bill provides that the attorney general may bring a
7 30 civil action on behalf of an injured person.

7 31 The bill additionally establishes a duty with respect to a
7 32 person who accepts a payment card in connection with business
7 33 transactions to adhere to payment card industry data security
7 34 standards. The bill authorizes a financial institution, as
7 35 defined in the bill by reference to include a bank, savings



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8 1 and loan association, or credit union organized under the
8 2 provisions of any state or federal law, and their affiliates,
8 3 to bring an action against a person who is subject to a breach
8 4 of security if the person is found at the time of the breach
8 5 to have engaged in or violated such data security standards.

8 6 The bill requires a financial institution to submit a
8 7 written request that a person alleged to have failed to
8 8 protect personal information certify compliance with the
8 9 standards pursuant to a payment card industry-approved
8 10 independent auditor or another person authorized to issue such
8 11 a certification. A presumption in favor of compliance exists
8 12 if a person contracts for or utilizes the services of a third
8 13 party to collect, maintain, or store personal information used
8 14 in connection with a payment card, and requires that the third
8 15 party ensure compliance with the standards on an ongoing
8 16 basis.

8 17 Actual damages which may be recovered by a financial
8 18 institution can include any costs incurred by the financial
8 19 institution relating to cancellation or reissuance of a
8 20 payment card; closing of a deposit, transaction, share draft,
8 21 or other account affected and any action to stop payment or
8 22 block a transaction; opening or reopening of a deposit,
8 23 transaction, share draft, or other account; refunding or
8 24 crediting made to an account holder to cover the cost of any
8 25 unauthorized transaction; and notification to account holders
8 26 affected by the breach of security. The bill also awards
8 27 attorney fees and costs to a prevailing party unless that
8 28 party is a person who failed to comply with the written
8 29 certification request. Further, the bill provides that an
8 30 action for failure to adhere to data security standards cannot
8 31 be commenced against any person other than a person who has
8 32 been found to have violated such standards, other than an
8 33 award of attorney fees and costs if the financial institution
8 34 is not a prevailing party.

8 35 The bill provides that the attorney general shall adopt



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9 1 rules necessary to implement the bill's provisions, including
9 2 identification of payment card industry standards to be
9 3 applied.
9 4 LSB 6517SC 82
9 5 rn/nh/8



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Senate Study Bill 3201

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

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

Passed House, Date _____
Vote: Ayes _____ Nays _____

A BILL FOR

- 1 An Act concerning department of administrative services
- 2 operations.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 5424DP 82
- 5 ec/nh/5



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1 1 Section 1. Section 8.6, Code Supplement 2007, is amended
1 2 by adding the following new subsection:
1 3 NEW SUBSECTION. 16. DESIGNATION OF SERVICES == FUNDING ==
1 4 CUSTOMER COUNCILS.
1 5 a. Establish a process by which the department, in
1 6 consultation with the department of administrative services,
1 7 shall determine which services provided by the department of
1 8 administrative services shall be funded by an appropriation
1 9 and which services shall be funded by the governmental entity
1 10 receiving the service.
1 11 b. Establish a process for determining whether the
1 12 department of administrative services shall be the sole
1 13 provider of a service for purposes of those services which the
1 14 department determines under paragraph "a" are to be funded by
1 15 the governmental entities receiving the service.
1 16 c. Establish, by rule, a customer council responsible for
1 17 overseeing the services provided solely by the department of
1 18 administrative services. The rules adopted shall provide for
1 19 all of the following:
1 20 (1) The method of appointment of members to the council by
1 21 the governmental entities required to receive the services.
1 22 (2) The duties of the customer council which shall be as
1 23 follows:
1 24 (a) Annual review and approval of the department of
1 25 administrative services' business plan regarding services
1 26 provided solely by the department of administrative services.
1 27 (b) Annual review and approval of the procedure for
1 28 resolving complaints concerning services provided by the
1 29 department of administrative services.
1 30 (c) Annual review and approval of the procedure for
1 31 setting rates for the services provided solely by the
1 32 department of administrative services.
1 33 (3) A process for receiving input from affected
1 34 governmental entities as well as for a biennial review by the
1 35 customer council of the determinations made by the department



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2 1 of which services are funded by an appropriation to the
2 2 department of administrative services and which services are
2 3 funded by the governmental entities receiving the service,
2 4 including any recommendations as to whether the department of
2 5 administrative services shall be the sole provider of a
2 6 service funded by the governmental entities receiving the
2 7 service. The department, in consultation with the department
2 8 of administrative services, may change the determination of a
2 9 service if it is determined that the change is in the best
2 10 interests of those governmental entities receiving the
2 11 service.

2 12 d. If a service to be provided may also be provided to the
2 13 judicial branch and legislative branch, then the rules shall
2 14 provide that the chief justice of the supreme court and the
2 15 legislative council may, in their discretion, each appoint a
2 16 member to the customer council.

2 17 Sec. 2. NEW SECTION. 8A.111 REPORTS REQUIRED.

2 18 The department shall provide all of the following reports:

2 19 1. An annual report of the department as required under
2 20 section 7E.3, subsection 4.

2 21 2. Internal service fund service business plans and
2 22 financial reports as required under section 8A.123, subsection
2 23 5, paragraph "a", and an annual internal service fund
2 24 expenditure report as required under section 8A.123,
2 25 subsection 5, paragraph "b".

2 26 3. An annual report regarding total spending on technology
2 27 as required under section 8A.204, subsection 3, paragraph "a".

2 28 4. An annual report of expenditures from the Iowa Access
2 29 revolving fund as provided in section 8A.224.

2 30 5. A technology audit of the electronic transmission
2 31 system as required under section 8A.223.

2 32 6. An annual report on state purchases of recycled and
2 33 soybean-based products as required under section 8A.315,
2 34 subsection 1, paragraph "d".

2 35 7. An annual report on the status of capital projects as



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3 1 required under section 8A.321, subsection 11.

3 2 8. An annual salary report as required under section
3 3 8A.341, subsection 2.

3 4 9. An annual average fuel economy standards compliance
3 5 report as required under section 8A.362, subsection 4,
3 6 paragraph "c".

3 7 10. An annual report of the capitol planning commission as
3 8 required under section 8A.373.

3 9 11. A comprehensive annual financial report as required
3 10 under section 8A.502, subsection 8.

3 11 12. An annual report on the condition of affirmative
3 12 action, diversity, and multicultural programs as provided
3 13 under section 19B.5, subsection 2.

3 14 13. An unpaid warrants report as required under section
3 15 25.2, subsection 3, paragraph "b".

3 16 14. A report on educational leave as provided under
3 17 section 70A.25.

3 18 15. A monthly report regarding the revitalize Iowa's sound
3 19 economy fund as required under section 315.7.

3 20 Sec. 3. Section 8A.202, subsection 2, paragraph e, Code
3 21 2007, is amended by striking the paragraph.

3 22 Sec. 4. Section 305.10, subsection 1, paragraph h, Code
3 23 2007, is amended to read as follows:

3 24 h. Prepare all mandated reports, newsletters, and
3 25 publications for electronic distribution in accordance with
3 26 government information policies, standards, and guidelines. A
~~3 27 reference copy of all mandated reports, newsletters, and~~
~~3 28 publications shall be located at an electronic repository for~~
~~3 29 public access to be developed and maintained by the department~~
~~3 30 of administrative services in consultation with the state~~
~~3 31 librarian and the state archivist.~~

3 32 Sec. 5. Section 8A.121, Code 2007, is repealed.

3 33 EXPLANATION

3 34 This bill concerns department of administrative services
3 35 operations.



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4 1 The bill provides that the department of management, and
4 2 not the department of administrative services, is responsible
4 3 for determining which services provided by the department of
4 4 administrative services shall be funded by an appropriation
4 5 and which services will be funded by the government entities
4 6 receiving the service. The bill requires the department of
4 7 management to consult with the department of administrative
4 8 services in making this determination. The bill also provides
4 9 that the department of management is responsible for
4 10 determining which services that will be funded by the
4 11 government entities shall be solely provided by the department
4 12 of administrative services. For those services solely
4 13 provided by the department of administrative services, the
4 14 bill provides for the department of management to establish a
4 15 customer council responsible for reviewing the department of
4 16 administrative services' business plan and setting the rates
4 17 charged government entities regarding the services provided.
4 18 Code section 8A.121, which provided that the department of
4 19 administrative services is responsible for these duties, is
4 20 repealed.

4 21 New Code section 8A.111 lists reports that the department
4 22 of administrative services is required to prepare or produce
4 23 under current law.

4 24 Code section 305.10, concerning agency records, is amended
4 25 to eliminate the requirement that all mandated reports for
4 26 each agency be located at an electronic repository for public
4 27 access developed and maintained by the department of
4 28 administrative services.

4 29 LSB 5424DP 82

4 30 ec/nh/5.1



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Senate Study Bill 3202

SENATE FILE
BY (PROPOSED COMMITTEE ON
VETERANS AFFAIRS BILL BY
CHAIRPERSON BEALL)

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

Passed House, Date _____
Vote: Ayes _____ Nays _____

A BILL FOR

- 1 An Act concerning the definition of veteran.
- 2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 3 TLSB 6483XC 82
- 4 ec/nh/5



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Senate Study Bill 3202 continued

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1 1 Section 1. Section 35.1, subsection 2, paragraph a, Code
1 2 2007, is amended by striking the paragraph and inserting in
1 3 lieu thereof the following:

1 4 a. "Veteran" means a resident of this state who served in
1 5 the armed forces of the United States, who has completed a
1 6 minimum aggregate of ninety days of active federal service,
1 7 other than training, and who was discharged under honorable
1 8 conditions.

1 9 Sec. 2. Section 35.1, subsection 2, paragraph b,
1 10 unnumbered paragraph 1, Code 2007, is amended to read as
1 11 follows:

1 12 "Veteran" also includes the following persons:

1 13 Sec. 3. Section 35.1, subsection 2, paragraph b,
1 14 subparagraph (5), Code 2007, is amended to read as follows:

1 15 (5) Former members of the armed forces of the United
1 16 States if any portion of their term of enlistment would have
1 17 occurred within during the time period ~~specified in paragraph~~
~~1 18 "a", subparagraph (9) of the Korean Conflict from June 25,~~
1 19 1950, through January 31, 1955, but who instead opted to serve
1 20 five years in the reserve forces of the United States, as
1 21 allowed by federal law, and who were discharged under
1 22 honorable conditions.

1 23 Sec. 4. Section 35.1, subsection 2, paragraph b, Code
1 24 2007, is amended by adding the following new subparagraph:

1 25 NEW SUBPARAGRAPH. (8) Former members of the armed forces
1 26 of the United States, reserve forces, or Iowa national guard
1 27 who were honorably discharged due to injuries incurred while
1 28 in active federal service that precluded completion of a
1 29 minimum aggregate of ninety days of active federal service.

1 30 Sec. 5. Section 35A.13, subsection 1, Code Supplement
1 31 2007, is amended by striking the subsection.

1 32 Sec. 6. Section 331.608, subsection 9, Code 2007, is
1 33 amended to read as follows:

1 34 9. As used in this section, "veteran" means a veteran as
1 35 defined in section 35.1, who enlisted or was inducted from the



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Senate Study Bill 3202 continued

2 1 county, resided at any time in the county, or is buried in the
2 2 county. For purposes of records maintained for claims filed
2 3 under chapter 426A, "veteran" also means a veteran as defined
2 4 in section ~~426A.11, subsection 4~~ 35.1.

2 5 Sec. 7. Section 426A.11, subsection 4, Code 2007, is
2 6 amended by striking the subsection.

2 7 Sec. 8. Section 426A.12, Code 2007, is amended to read as
2 8 follows:

2 9 426A.12 EXEMPTIONS TO RELATIVES.

2 10 1. In case any person in the foregoing classifications
2 11 does not claim the exemption from taxation, it shall be
2 12 allowed in the name of the person to the same extent on the
2 13 property of any one of the following persons in the order
2 14 named:

2 15 ~~1.~~ a. The spouse, or surviving spouse remaining
2 16 unmarried, of a veteran, as defined in ~~this chapter or in~~
2 17 section 35.1, where they are living together or were living
2 18 together at the time of the death of the veteran.

2 19 ~~2.~~ b. The parent whose spouse is deceased and who remains
2 20 unmarried, of a veteran, as defined in ~~this chapter or in~~
2 21 section 35.1, whether living or deceased, where the parent is,
2 22 or was at the time of death of the veteran, dependent on the
2 23 veteran for support.

2 24 ~~3.~~ c. The minor child, or children owning property as
2 25 tenants in common, of a deceased veteran, as defined in ~~this~~
~~2 26 chapter or in~~ section 35.1.

2 27 2. No more than one tax exemption shall be allowed under
2 28 this section or section 426A.11 in the name of a veteran, as
2 29 defined in ~~this chapter or in~~ section 35.1.

2 30 Sec. 9. Section 483A.24, subsection 13, Code Supplement
2 31 2007, is amended to read as follows:

2 32 13. Upon payment of the fee of five dollars for a lifetime
2 33 fishing license or lifetime hunting and fishing combined
2 34 license, the department shall issue a lifetime fishing license
2 35 or lifetime hunting and fishing combined license to a resident



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3 1 of Iowa who is a veteran, as defined in section 35.1,~~or~~
~~3 2 served in the armed forces of the United States for a minimum~~
~~3 3 aggregate of ninety days of active federal service~~ and who was
3 4 disabled or was a prisoner of war during that veteran's
3 5 military service. The department shall prepare an application
3 6 to be used by a person requesting a lifetime fishing license
3 7 or lifetime hunting and fishing combined license under this
3 8 subsection. The department of veterans affairs shall assist
3 9 the department in verifying the status or claims of applicants
3 10 under this subsection. As used in this subsection, "disabled"
3 11 means entitled to compensation under the United States Code,
3 12 Title 38, ch. 11.

3 13 Sec. 10. Section 523I.304, subsection 7, Code Supplement
3 14 2007, is amended to read as follows:

3 15 7. A cemetery owned and controlled by a governmental
3 16 subdivision shall adopt and enforce a rule allowing any
3 17 veteran who is a landowner or who lives within the
3 18 governmental subdivision to purchase an interment space and to
3 19 be interred within the cemetery. For the purposes of this
3 20 section, "veteran" means the same as defined in section 35.1
3 21 ~~or a resident of this state who served in the armed forces of~~
~~3 22 the United States, completed a minimum aggregate of ninety~~
~~3 23 days of active federal service, and was discharged under~~
~~3 24 honorable conditions.~~

3 25 Sec. 11. IMPLEMENTATION OF ACT. Section 25B.2, subsection
3 26 3, shall not apply to this Act.

3 27 EXPLANATION

3 28 This bill changes the definition of veteran in Code section
3 29 35.1 to provide that a veteran includes a resident of this
3 30 state who served in the armed forces of the United States, has
3 31 completed a minimum aggregate of ninety days of active federal
3 32 service, other than training, and was discharged under
3 33 honorable conditions, regardless of when the service occurred.
3 34 Current law defines veteran to include a resident of the state
3 35 who served in the armed forces of the United States only



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4 1 during certain periods of time encompassing various wars and
4 2 conflicts. The definition of veteran is also changed to
4 3 include former members of the armed forces of the United
4 4 States, reserve forces, or Iowa national guard who were
4 5 honorably discharged due to injuries incurred while in active
4 6 federal service that precluded completion of a minimum
4 7 aggregate of ninety days of active federal service. The bill
4 8 makes corresponding changes in other sections of the Code to
4 9 reflect the expanded definition of veteran in Code section
4 10 35.1.

4 11 The definition of veteran in Code section 35.1 applies to
4 12 several provisions of the Code including provisions concerning
4 13 veterans preference in employment, membership on the county
4 14 commission of veteran affairs, indigent burial expenses and
4 15 support, grave markers, hepatitis C awareness program, and
4 16 property tax exemptions.

4 17 The bill may include a state mandate as defined in Code
4 18 section 25B.3. The bill makes inapplicable Code section
4 19 25B.2, subsection 3, which would relieve a political
4 20 subdivision from complying with a state mandate if funding for
4 21 the cost of the state mandate is not provided or specified.
4 22 Therefore, political subdivisions are required to comply with
4 23 any state mandate included in the bill.

4 24 LSB 6483XC 82

4 25 ec/nh/5



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Senate Study Bill 3203

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 Alzheimer's disease and similar forms of
- 2 irreversible dementia.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 5984SC 82
- 5 jp/nh/14



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Senate Study Bill 3203 continued

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1 1 Section 1. NEW SECTION. 135.154 ALZHEIMER'S DISEASE
1 2 SERVICE NEEDS.
1 3 1. The department shall regularly analyze Iowa's
1 4 population by county and age to determine the existing service
1 5 utilization and future service needs of persons with
1 6 Alzheimer's disease and similar forms of irreversible
1 7 dementia. The analysis shall also address the availability of
1 8 existing caregiver services for such needs and the appropriate
1 9 service level for the future.
1 10 2. The department shall modify its community needs
1 11 assessment activities to include questions to identify and
1 12 quantify the numbers of persons with Alzheimer's disease and
1 13 similar forms of irreversible dementia at the community level.
1 14 Sec. 2. NEW SECTION. 231.62 ALZHEIMER'S DISEASE SERVICES
1 15 AND TRAINING.
1 16 1. The department shall regularly review trends and
1 17 initiatives to address the long-term living needs of Iowans to
1 18 determine how the needs of persons with Alzheimer's disease
1 19 and similar forms of irreversible dementia can be
1 20 appropriately met.
1 21 2. The department shall act within the funding available
1 22 to the department to expand and improve training and education
1 23 of persons who regularly deal with persons with Alzheimer's
1 24 disease and similar forms of irreversible dementia. Such
1 25 persons shall include but are not limited to law enforcement
1 26 personnel, long-term care resident's advocates, state
1 27 employees with responsibilities for oversight or monitoring of
1 28 agencies providing long-term care services, and workers and
1 29 managers in services providing direct care to such persons,
1 30 such as nursing facilities and other long-term care settings,
1 31 assisted living programs, elder group homes, residential care
1 32 facilities, adult day facilities, and home health care
1 33 services. The actions shall include but are not limited to
1 34 adopting rules.
1 35 3. The department shall adopt rules to implement all of



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2 1 the following training and education provisions:

2 2 a. Standards for initial hours of training for direct care
2 3 staff, which shall require at least eight hours of classroom
2 4 instruction and eight hours of supervised interactive
2 5 experiences.

2 6 b. Standards for continuing and in-service education for
2 7 direct care staff, which shall require at least eight hours
2 8 annually.

2 9 c. Standards which provide for assessing the competency of
2 10 those who have received training.

2 11 d. A standard curriculum model for the training and
2 12 education. The curriculum model shall include but is not
2 13 limited to the diagnosis process; progression of the disease;
2 14 skills for communicating with persons with the disease, family
2 15 members and friends, and caregivers; daily life skills;
2 16 caregiver stress; the importance of building relationships and
2 17 understanding personal histories; expected challenging
2 18 behaviors; nonpharmacologic interventions; and medication
2 19 management.

2 20 e. A certification process which shall be implemented for
2 21 the trainers and educators who use the standard curriculum
2 22 model.

2 23 4. The department shall conduct a statewide campaign to
2 24 educate health care providers regarding tools and techniques
2 25 for early detection of Alzheimer's disease and similar forms
2 26 of irreversible dementia so that patients and their families
2 27 will better understand the progression of such disease.

2 28 5. Within the funding available, the department shall
2 29 provide funding for public awareness efforts and educational
2 30 efforts for agencies providing long-term care services, direct
2 31 care workers, caregivers, and state employees with
2 32 responsibilities for providing oversight or monitoring of
2 33 agencies providing long-term care services. The department
2 34 shall work with local Alzheimer's disease association chapters
2 35 and other stakeholders in providing the funding.



Iowa General Assembly
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Senate Study Bill 3204

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

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

Passed House, Date _____
Vote: Ayes _____ Nays _____

A BILL FOR

- 1 An Act relating to civil liability for social hosts providing
- 2 alcoholic beverages to persons under legal age.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 6393XC 82
- 5 rh/rj/5



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Senate Study Bill 3204 continued

PAG LIN

1 1 Section 1. Section 123.92, unnumbered paragraph 3, Code
1 2 2007, is amended to read as follows:
1 3 Notwithstanding section 123.49, subsection 1, any person
1 4 who is injured in person or property or means of support by an
1 5 intoxicated person who is under legal age or resulting from
1 6 the intoxication of a person who is under legal age, has a
1 7 right of action for all damages actually sustained, severally
1 8 or jointly, against a person who is not a licensee or
1 9 permittee and who dispensed or gave any beer, wine, or
1 10 intoxicating liquor to the intoxicated underage person when
1 11 the nonlicensee or nonpermittee who dispensed or gave the
1 12 beer, wine, or intoxicating liquor to the underage person knew
1 13 or should have known the underage person was intoxicated, or
1 14 who dispensed or gave beer, wine, or intoxicating liquor to
1 15 the underage person to a point where the nonlicensee or
1 16 nonpermittee knew or should have known that the underage
1 17 person would become intoxicated. If the injury was caused by
1 18 an intoxicated person who is under legal age, a person who is
1 19 not a licensee or permittee and who dispensed or gave beer,
1 20 wine, or intoxicating liquor to the underage person may
1 21 establish as an affirmative defense that the intoxication did
1 22 not contribute to the injurious action of the underage person.
1 23 For purposes of this paragraph, "dispensed" or "gave" means
1 24 the act of physically presenting a receptacle containing beer,
1 25 wine, or intoxicating liquor to the underage person, or
1 26 deliberately and knowingly making available a receptacle
1 27 containing beer, wine, or intoxicating liquor to the underage
1 28 person with direct knowledge that the underage person intends
1 29 to consume the beer, wine, or other intoxicating liquor, but
1 30 without physically presenting such receptacle to the underage
1 31 person, whose actions or intoxication results in the
1 32 sustaining of damages by another person. However, a person
1 33 who dispenses or gives beer, wine, or intoxicating liquor to
1 34 an underage person, or who deliberately and knowingly makes
1 35 available a receptacle containing beer, wine, or intoxicating



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Senate Study Bill 3204 continued

2 1 liquor to an underage person, shall only be liable for any
2 2 damages if the person knew or should have known that the
2 3 underage person was under legal age.

2 4 EXPLANATION

2 5 This bill relates to civil liability for social hosts
2 6 providing alcoholic beverages to persons under legal age.

2 7 Code section 123.92 is amended to extend civil liability to
2 8 a person who deliberately and knowingly makes available a
2 9 receptacle containing beer, wine, or intoxicating liquor to an
2 10 underage person with direct knowledge that the underage person
2 11 intends to consume the beer, wine, or other intoxicating
2 12 liquor and the underage person becomes intoxicated and injures
2 13 another person. Current law provides that a person must
2 14 physically present such receptacle to a person under legal age
2 15 for that person to be liable for injuries caused by that
2 16 intoxicated underage person.

2 17 LSB 6393XC 82

2 18 rh/rj/5



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 20, 2008

Senate Study Bill 3205

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

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

Passed House, Date _____
Vote: Ayes _____ Nays _____

A BILL FOR

- 1 An Act relating to 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 6421XC 82
- 5 jm/nh/8



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Senate Study Bill 3205 continued

PAG LIN

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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Senate Study Bill 3205 continued

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 6421XC 82



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Senate Study Bill 3205 continued

3 1 jm/nh/8



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 20, 2008

Senate Study Bill 3206

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

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

Passed House, Date _____
Vote: Ayes _____ Nays _____

A BILL FOR

- 1 An Act relating to the admissibility of medical records and bills
- 2 in civil cases.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 6433SC 82
- 5 rh/rj/14



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Senate Study Bill 3206 continued

PAG LIN

1 1 Section 1. NEW SECTION. 622.4 ADMISSIBILITY OF MEDICAL
1 2 RECORDS AND BILLS.
1 3 1. In a civil action in which a plaintiff claims that
1 4 health care treatment was necessitated or will be necessitated
1 5 by the events giving rise to the claim or in which the
1 6 plaintiff is seeking medical, hospital, or disability
1 7 benefits, any party may offer the records and billing
1 8 statements of a care provider who provided such treatment, or
1 9 portions thereof, into evidence. Such records may include
1 10 letters or reports by the care provider, including those made
1 11 in connection with the action, that include opinions by the
1 12 care provider regarding the plaintiff's diagnosis, prognosis,
1 13 impairment, causation, or future treatment needs and costs.
1 14 2. A party intending to offer records or billing
1 15 statements of a care provider into evidence pursuant to this
1 16 section shall notify all parties of the party's intent to do
1 17 so on or before the party's deadline to designate expert
1 18 witnesses pursuant to court order or rule. The notice shall
1 19 identify the records and billing statements, or portions
1 20 thereof, that the party intends to offer. Not less than
1 21 thirty days before trial, a party shall provide all other
1 22 parties with copies of the records and billing statements, or
1 23 portions thereof, that the party intends to offer in the
1 24 exhibit form in which they will be offered.
1 25 3. a. A record or billing statement offered pursuant to
1 26 this section is admissible without supporting evidence or
1 27 testimony to identify or authenticate the record or billing
1 28 statement and to establish that the record or billing
1 29 statement is a record of a regularly conducted business
1 30 activity.
1 31 b. A record offered pursuant to this section shall be
1 32 competent evidence to identify or authenticate a record of all
1 33 of the following:
1 34 (1) The existence and treatment of the plaintiff's
1 35 medical, dental, or other health condition and that the



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Senate Study Bill 3206 continued

2 1 treatment described in the record was reasonable and necessary
2 2 to treat the conditions stated.

2 3 (2) The opinions of the care provider as they relate to
2 4 the diagnosis, prognosis, causation, and future treatment
2 5 needs and costs of the plaintiff.

2 6 c. A billing statement offered pursuant to this section is
2 7 competent evidence of the amount and reasonableness of the
2 8 charges for the treatment or materials provided.

2 9 4. This section shall not prohibit a party, including a
2 10 party offering records or billing statements under this
2 11 section, from objecting to the admissibility of records or
2 12 billing statements or portions thereof, or from redacting
2 13 information in such records or billing statements, on any
2 14 other grounds. If the party offering records or billing
2 15 statements under this section has made any redactions thereto,
2 16 the party shall notify all parties about the redactions at the
2 17 time that the records or billing statements are provided in
2 18 exhibit form. A party who objects to the form of a record or
2 19 billing statement or to some or all of its content, or to
2 20 redactions made thereto by the offering party, shall raise the
2 21 objection with the court within ten days of service upon that
2 22 party of the record or billing statement in exhibit form. If
2 23 a party contests the authenticity or identification of a
2 24 record or billing statement offered pursuant to this section,
2 25 or claims that the offered record or billing statement was not
2 26 made in the regular course of the business of the care
2 27 provider, the burden shall be on the objecting party to prove
2 28 such to the court.

2 29 5. The finder of fact may attach whatever weight to
2 30 records and billing statements admitted under this section
2 31 that the finder of fact deems appropriate.

2 32 6. This section shall not be construed to do any of the
2 33 following:

2 34 a. Prohibit any party, including an offering party, from
2 35 examining a care provider by deposition or at trial at that



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Senate Study Bill 3206 continued

3 1 party's expense or from presenting supporting or contrary
3 2 expert testimony.
3 3 b. Impose a duty upon a care provider to provide the care
3 4 provider's opinions in letter or report form, except as
3 5 otherwise required by law.
3 6 c. Alter the rights and limitations of a party or that
3 7 party's legal counsel to communicate with a care provider
3 8 pursuant to section 622.10.
3 9 7. As used in this section, "care provider" means any
3 10 physician or surgeon, physician assistant, advanced registered
3 11 nurse practitioner, mental health professional, dentist,
3 12 chiropractor, or other person who furnishes health care in the
3 13 regular course of business.
3 14 8. This section does not apply to records or billing
3 15 statements of a care provider retained by the plaintiff in
3 16 anticipation of litigation or for trial even though such care
3 17 providers may have provided treatment to the plaintiff.

3 18 EXPLANATION

3 19 This bill relates to the admissibility of medical records
3 20 and billing statements in civil cases.
3 21 The bill provides that in a civil action in which a
3 22 plaintiff claims that health care treatment was necessitated
3 23 or will be necessitated by the events giving rise to the claim
3 24 or in which the plaintiff is seeking medical, hospital, or
3 25 disability benefits, any party may offer the records and
3 26 billing statements of a care provider who provided such
3 27 treatment, or portions thereof, into evidence. Such records
3 28 may include letters or reports by the care provider that
3 29 include opinions by the care provider regarding the
3 30 plaintiff's diagnosis, prognosis, impairment, causation, or
3 31 future treatment needs and costs. The bill defines "care
3 32 provider" as any physician or surgeon, physician assistant,
3 33 advanced registered nurse practitioner, mental health
3 34 professional, dentist, chiropractor, or other person who
3 35 furnishes health care in the regular course of business.



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Senate Study Bill 3206 continued

4 1 The bill provides that a party intending to offer records
4 2 or billing statements of a care provider into evidence shall
4 3 notify all parties of the party's intent to do so on or before
4 4 the party's deadline to designate expert witnesses pursuant to
4 5 court order or rule. The notice shall identify the records
4 6 and billing statements, or portions thereof, that the party
4 7 intends to offer. Not less than 30 days before trial, the
4 8 party shall provide all parties with copies of the records and
4 9 billing statements, or portions thereof, that the party
4 10 intends to offer in the exhibit form in which they will be
4 11 offered.

4 12 The bill provides that a record or billing statement is
4 13 admissible without supporting evidence or testimony to
4 14 identify or authenticate the record or billing statement and
4 15 to establish that the record or billing statement is a record
4 16 of a regularly conducted business activity. A record that is
4 17 offered is competent evidence to identify or authenticate a
4 18 record of all of the existence and treatment of the
4 19 plaintiff's medical, dental, or other health condition and
4 20 that the treatment reflected therein was reasonable and
4 21 necessary to treat the conditions stated and the opinions of
4 22 the care provider as they relate to the diagnosis, prognosis,
4 23 causation, and future treatment needs and costs of the
4 24 plaintiff. A billing statement that is offered is competent
4 25 evidence of the amount and reasonableness of the charges for
4 26 the treatment or materials provided.

4 27 The bill does not prohibit a party from objecting to the
4 28 admissibility of records or statements or portions thereof, or
4 29 from redacting information in such records or statements, on
4 30 any other grounds. If the party offering records or billing
4 31 statements has made any redactions, the party shall notify all
4 32 parties about the redactions at the time that the records or
4 33 billing statements are provided in exhibit form. A party who
4 34 objects to the form of a record or billing statement or to
4 35 some or all of its content, or to redactions made by the



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Senate Study Bill 3206 continued

5 1 offering party, shall raise the objection with the court
5 2 within 10 days of service upon that party of the record or
5 3 billing statement in exhibit form. If a party contests the
5 4 authenticity or identification of a record or billing
5 5 statement offered pursuant to this section, or claims that the
5 6 offered record or billing statement was not made in the
5 7 regular course of the business of the care provider, the
5 8 burden shall be on the objecting party to prove such to the
5 9 court.

5 10 The bill does not prohibit any party from examining a care
5 11 provider by deposition or at trial at that party's expense or
5 12 from presenting supporting or contrary expert testimony, does
5 13 not impose a duty upon a care provider to provide the care
5 14 provider's opinions in letter or report form, and does not
5 15 alter the rights and limitations of a party or that party's
5 16 legal counsel to communicate with a care provider pursuant to
5 17 Code section 622.10.

5 18 The bill does not apply to records or billing statements of
5 19 a care provider retained by the plaintiff in anticipation of
5 20 litigation or for trial even though such care providers may
5 21 have provided treatment to the plaintiff.

5 22 LSB 6433SC 82

5 23 rh/rj/14



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February 20, 2008

Senate Study Bill 3207

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

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

Passed House, Date _____
Vote: Ayes _____ Nays _____

A BILL FOR

- 1 An Act providing that certain liability insurance policy
- 2 information is required to be given to claimants.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 6436XC 82
- 5 av/nh/14



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Senate Study Bill 3207 continued

PAG LIN

1 1 Section 1. NEW SECTION. 515.125A POLICY INFORMATION ==
1 2 DUTY TO PROVIDE.
1 3 1. Upon the written request of a claimant or a claimant's
1 4 representative, an insurer that is providing or may provide
1 5 liability insurance coverage of the claimant's claim or a
1 6 portion of that claim under a policy of insurance, shall,
1 7 within thirty days, provide a written statement, made under
1 8 oath, by a corporate officer, claims manager, or other
1 9 supervisory employee of the insurer. The statement shall
1 10 include the following information with respect to each policy
1 11 of insurance issued by that insurer, including excess or
1 12 umbrella insurance, under which such coverage is being or may
1 13 be provided:
1 14 a. The name of the insurer.
1 15 b. The name of each insured under the policy.
1 16 c. The limits of the liability coverage under the policy.
1 17 d. A statement of any policy or coverage defense which the
1 18 insurer asserts is available to the insurer at the time the
1 19 statement is prepared.
1 20 e. A copy of the policy.
1 21 2. Upon the written request of a claimant or a claimant's
1 22 representative, an insured or the insurance agent of an
1 23 insured against whom a claim for liability is being made or
1 24 may be made, shall disclose the name of the insurer and the
1 25 nature of the insurance coverage to the claimant or the
1 26 claimant's representative. The insured or the insurance agent
1 27 of the insured shall also notify all insurers providing
1 28 coverage for the insured of the request for information and
1 29 each insurer so notified shall supply the information required
1 30 under subsection 1 to the claimant or the claimant's
1 31 representative within thirty days of receipt of such notice.
1 32 3. Information provided to a claimant or a claimant's
1 33 representative pursuant to this section shall be amended
1 34 immediately upon the discovery that the information provided
1 35 is incorrect.



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Senate Study Bill 3207 continued

2 1 EXPLANATION
2 2 This bill requires insurers, and insureds and their
2 3 insurance agents, to provide certain information about
2 4 insurance policies that are providing or may provide liability
2 5 insurance coverage to a claimant, upon the request of the
2 6 claimant or the claimant's representative, and to update the
2 7 information provided when it is not correct.
2 8 LSB 6436XC 82
2 9 av/nh/14



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 20, 2008

Senate Study Bill 3208

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

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

A BILL FOR

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



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Senate Study Bill 3208 continued

PAG LIN

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



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Senate Study Bill 3208 continued

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

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

2 13 EXPLANATION

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

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

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



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Senate Study Bill 3208 continued

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



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 20, 2008

Senate Study Bill 3209

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

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

Passed House, Date _____
Vote: Ayes _____ Nays _____

A BILL FOR

- 1 An Act relating to the emancipation of a minor.
- 2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 3 TL5B 5797SC 82
- 4 jm/rj/14



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Senate Study Bill 3209 continued

PAG LIN

1 1 Section 1. NEW SECTION. 232C.1 EMANCIPATION PETITION ==
1 2 HEARING.
1 3 1. A minor who desires to become emancipated may file a
1 4 petition for an order of emancipation in juvenile court if all
1 5 of the following apply:
1 6 a. The minor is sixteen years of age or older.
1 7 b. The minor is a resident of this state.
1 8 c. The minor is financially self-sufficient.
1 9 d. The minor has a valid driver's license.
1 10 e. The minor is not in the care, custody, or control of
1 11 the state.
1 12 2. A petition filed pursuant to this section shall contain
1 13 the following:
1 14 a. The petitioner's name, mailing address, and date of
1 15 birth.
1 16 b. The name, mailing address of the petitioner's parents
1 17 or legal guardian.
1 18 c. Specific facts to support the petition including but
1 19 not limited to the following:
1 20 (1) The minor has demonstrated financial self-sufficiency,
1 21 including proof of employment or other means of support, which
1 22 does not include assistance or subsidies from a federal,
1 23 state, or local governmental agency.
1 24 (2) The minor has demonstrated an ability to manage the
1 25 personal affairs of the minor, including an established
1 26 residence.
1 27 (3) The minor has demonstrated an ability and commitment
1 28 to obtain and maintain education, vocational training, or
1 29 employment.
1 30 (4) Any other information considered necessary to support
1 31 the petition.
1 32 d. Any one of the following:
1 33 (1) Documentation that the minor has been living on the
1 34 minor's own for at three consecutive months.
1 35 (2) A statement explaining the reasons the minor believes



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2 1 the home of the minor's parents or legal guardian is not
2 2 healthy or a safe environment.
2 3 (3) A notarized statement that contains written consent to
2 4 emancipation by the minor's parents or legal guardian.
2 5 3. The court shall hold a hearing on the petition within
2 6 ninety days of the filing of the petition. Notice of the
2 7 hearing, with a copy of the petition attached, may be sent by
2 8 certified mail at least sixty days prior to the hearing date;
2 9 otherwise, notice of the hearing shall be as provided by the
2 10 rules of civil procedure for service of an original notice.
2 11 4. The minor's parents or legal guardian may file a
2 12 written response objecting to the emancipation within thirty
2 13 days of receiving notice of the hearing.
2 14 5. The minor may participate in the court proceedings on
2 15 the minor's own behalf, or may be represented by the minor's
2 16 own counsel, or the court may appoint a guardian ad litem on
2 17 behalf of the minor.
2 18 Sec. 2. NEW SECTION. 232C.2 STAY == MEDIATION.
2 19 1. Prior to an emancipation hearing held pursuant to
2 20 section 232C.1, the court, on its own motion, may stay the
2 21 proceedings, and refer the parties to mediation, or request
2 22 that the department of human services investigate any
2 23 allegations of child abuse or neglect contained in the
2 24 petition, and order that a written report be prepared and
2 25 filed by the department.
2 26 2. If a minor's parent or guardian object to the petition
2 27 filed pursuant to section 232C.1, the court shall stay the
2 28 proceedings and refer the parties to mediation unless the
2 29 court finds that mediation would not be in the best interests
2 30 of the minor.
2 31 3. If an agreement is reached through mediation, the
2 32 parties shall file the signed agreement with the court.
2 33 Sec. 3. NEW SECTION. 232C.3 DETERMINATION OF
2 34 EMANCIPATION == BEST INTERESTS OF THE MINOR.
2 35 1. The court shall determine emancipation based on the



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- 3 1 best interests of the minor and shall consider all relevant
3 2 factors including the following:
- 3 3 a. The potential risks and consequences of emancipation
 - 3 4 and whether the minor understands the risks and consequences
 - 3 5 of emancipation.
 - 3 6 b. The ability of the minor to be financially
 - 3 7 self-sufficient.
 - 3 8 c. The education level of the minor and success achieved
 - 3 9 in school.
 - 3 10 d. The criminal record of the minor.
 - 3 11 e. The desires of the minor.
 - 3 12 f. The recommendations of the parents or guardian of the
 - 3 13 minor.
- 3 14 2. The minor has the burden of proving by clear and
3 15 convincing evidence that the court shall determine
3 16 emancipation under this section.
- 3 17 3. The court shall carefully consider the best interests
3 18 of the minor and after hearing and consideration of the
3 19 factors enumerated in this section, the court may order the
3 20 minor emancipated or deny the petition for emancipation.
- 3 21 Sec. 4. NEW SECTION. 232C.4 EFFECT OF EMANCIPATION
3 22 ORDER.
- 3 23 1. An emancipation order issued pursuant to section 232C.3
3 24 shall be conclusive evidence the minor is emancipated under
3 25 the following circumstances:
- 3 26 a. The power to sue and be sued in the minor's own name.
 - 3 27 b. The obligation to pay child support.
 - 3 28 c. The right to enter into a binding contract.
 - 3 29 d. The right to buy or sell real property.
 - 3 30 e. The right to establish a legal residence.
 - 3 31 f. The right to incur debts.
 - 3 32 g. The right to make medical decisions.
- 3 33 2. An emancipated minor shall remain subject to alcohol,
3 34 tobacco, and gambling restrictions as provided by law.
- 3 35 3. An emancipated minor shall be required to attend school



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4 1 as provided in chapter 299.

4 2 4. An emancipated minor shall be prosecuted in juvenile or
4 3 district court as provided in section 232.8.

4 4 5. If an emancipation order is entered, the parents or
4 5 legal guardian are exempt from the following:

4 6 a. Making future child support payments from the date of
4 7 the emancipation order.

4 8 b. Providing medical support.

4 9 c. Controlling an emancipated minor's income or property.

4 10 d. Tort liability for actions of the minor after
4 11 emancipation.

4 12 EXPLANATION

4 13 This bill relates to a petition for the emancipation of a
4 14 minor.

4 15 The bill provides that a minor 16 years of age or older may
4 16 file a petition for an order of emancipation in juvenile court
4 17 provided the minor is a resident of the state, financially
4 18 self-sufficient, and has a valid driver's license, and is not
4 19 in the care, custody, or control of a state agency.

4 20 The bill requires the petition for emancipation to include
4 21 facts supporting the financial self-sufficiency of the minor
4 22 which shall not include assistance or subsidies from a
4 23 governmental agency, and shall include the ability and
4 24 commitment of the minor to manage the personal affairs of the
4 25 minor, the ability and commitment of the minor to obtain
4 26 educational training or employment, and any other information
4 27 considered relevant to support the petition.

4 28 Under the bill, the petition shall also include
4 29 documentation that the minor has an established residence away
4 30 from the minor's parents or guardian for at least three
4 31 months, a statement explaining the reasons the minor believes
4 32 the home of the minor's parents or guardian is not a healthy
4 33 or safe environment, or a notarized statement that contains
4 34 written consent to emancipation by the minor's parents or
4 35 guardian.



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5 1 The bill provides that the juvenile court shall hold a
5 2 hearing on the petition within 90 days of the filing of the
5 3 petition.

5 4 The bill provides that prior to any hearing on
5 5 emancipation, the juvenile court may stay the proceedings, and
5 6 refer the minor and the minor's parents to mediation, or
5 7 request the department of human services to investigate any
5 8 allegations of the minor and file a report with the court.

5 9 The bill requires the juvenile court to determine
5 10 emancipation based upon the best interests of the minor.
5 11 Under the bill, the juvenile court shall consider all relevant
5 12 factors including the potential risks and consequences of
5 13 emancipation, the ability of the minor to be self-sufficient,
5 14 the education level of the minor, the minor's criminal record,
5 15 and the desires of the minor and the minor's parents or
5 16 guardian.

5 17 If the court orders emancipation of the child, the effect
5 18 of the order shall be conclusive evidence that the minor has
5 19 the power to sue or be sued, pay child support obligations,
5 20 enter into binding contracts, buy or sell real property,
5 21 establish a legal residence, incur debts, and make medical
5 22 decisions.

5 23 An emancipated minor under the bill remains subject to
5 24 alcohol, gambling, and tobacco restrictions as provided by
5 25 law. An emancipated minor is also required to attend school
5 26 as provided in Code chapter 299.

5 27 If the court orders emancipation of the child, the parents
5 28 or guardian of the child are exempt from making future child
5 29 support obligations, providing medical support, controlling
5 30 the income or property of the minor, or being liable for a
5 31 minor's tortious conduct.

5 32 LSB 5797SC 82

5 33 jm/rj/14



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Senate Study Bill 3210

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

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

Passed House, Date _____
Vote: Ayes _____ Nays _____

A BILL FOR

1 An Act relating to scrap metal transactions, prohibiting certain
2 sales, imposing criminal penalties, and providing an effective
3 date.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
5 TLSB 6023SC 82
6 tw/nh/5



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1 1 Section 1. NEW SECTION. 80.43 SCRAP METAL TRANSACTIONS
1 2 AND REPORTING == PENALTIES.
1 3 1. DEFINITIONS. For purposes of this section, and unless
1 4 the context otherwise requires, the following definitions
1 5 shall apply:
1 6 a. "Scrap metal" means any of the following items where
1 7 the item is the subject of a transaction in which the purchase
1 8 price is based primarily on the value of the metal contained
1 9 in the item:
1 10 (1) Wire, cable, bars, ingots, wire scraps, pieces,
1 11 pellets, clamps, aircraft parts, pipes, or connectors made
1 12 from aluminum. For purposes of this subparagraph, "aluminum"
1 13 does not include food or beverage containers.
1 14 (2) Catalytic converters containing platinum, palladium,
1 15 or rhodium.
1 16 (3) Copper, titanium, tungsten, or nickel in any form.
1 17 (4) Metal beer kegs.
1 18 b. "Scrap metal dealer" means any person operating a
1 19 business at a fixed location that is engaged in one of the
1 20 following activities:
1 21 (1) Buying, selling, procuring, collecting, gathering,
1 22 soliciting, or dealing in scrap metal.
1 23 (2) Operating, managing, or maintaining a scrap metal
1 24 yard.
1 25 c. "Scrap metal yard" means any yard, plot, space,
1 26 enclosure, building, or other place where scrap metal is
1 27 collected, gathered together, stored, or kept for shipment,
1 28 sale, or transfer.
1 29 2. INFORMATION AND IDENTIFICATION REQUIRED.
1 30 a. A person shall not sell scrap metal to a scrap metal
1 31 dealer in this state unless the person provides to the scrap
1 32 metal dealer, at or before the time of sale, the person's
1 33 name, address, and place of business, if any, and presents to
1 34 the scrap metal dealer a valid driver's license or
1 35 nonoperator's identification card.



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2 1 b. A scrap metal dealer shall not purchase scrap metal
2 2 without demanding and receiving the information required by
2 3 this subsection.

2 4 3. REGISTER OF TRANSACTIONS. A scrap metal dealer shall
2 5 keep a register or log of each transaction, including a record
2 6 of the information required by subsection 2, a description of
2 7 the item purchased, the price paid for the item, and a copy of
2 8 the driver's license or nonoperator's identification card
2 9 required pursuant to subsection 2. All records and
2 10 information kept pursuant to this subsection shall be retained
2 11 for at least two years, and a copy or computer printout of the
2 12 information shall be furnished to a law enforcement agency
2 13 upon request.

2 14 4. PAYMENT AND REPORTS.

2 15 a. A scrap metal dealer shall not provide payment to a
2 16 person selling scrap metal at the time of the transaction if
2 17 the transaction is for copper or aluminum wire with a diameter
2 18 of at least three-eighths of an inch or the value of the
2 19 transaction is more than three hundred dollars. Payment shall
2 20 instead be made by check or money order mailed to the person's
2 21 permanent home or business address as provided to the scrap
2 22 metal dealer pursuant to subsection 2.

2 23 b. A scrap metal dealer mailing payment for a transaction
2 24 pursuant to this subsection shall do both of the following:

2 25 (1) File a report with the department of public safety
2 26 noticing the receipt of the scrap metal. The report shall
2 27 include the details from the register or log of the
2 28 transaction required by subsection 3.

2 29 (2) Keep the scrap metal received in the physical custody
2 30 and control of the scrap metal dealer for at least seven days
2 31 after filing the report.

2 32 5. EXEMPTIONS. The following scrap metal transactions are
2 33 exempt from the requirements of this section:

2 34 a. Transactions in which the total sale price is fifty
2 35 dollars or less, except transactions for the sale of catalytic



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3 1 converters.

3 2 b. Transactions for the sale of catalytic converters in
3 3 which the total sale price is thirty dollars or less.

3 4 c. Transactions in which a scrap metal dealer is selling
3 5 scrap metal.

3 6 d. Transactions in which the person selling the scrap
3 7 metal is known to the scrap metal dealer purchasing the scrap
3 8 metal to be the officer, employee, or agent of an established
3 9 business, operating from a fixed location, that may reasonably
3 10 be expected to produce scrap metal during the operation of the
3 11 business.

3 12 6. CRIMINAL PENALTIES. A person who violates this section
3 13 is guilty of a simple misdemeanor. However, a person who
3 14 violates this section three or more times within a two-year
3 15 period is guilty of a serious misdemeanor.

3 16 Sec. 2. EFFECTIVE DATE. This Act, being deemed of
3 17 immediate importance, takes effect upon enactment.

3 18 EXPLANATION

3 19 This bill relates to scrap metal sales.

3 20 The bill prohibits persons from selling scrap metal to a
3 21 scrap metal dealer without providing identification and
3 22 certain information such as a permanent address.

3 23 The bill prevents scrap metal dealers from making on the
3 24 spot payment to persons selling scrap metal if the transaction
3 25 is for more than \$300 or if it is for copper or aluminum wire
3 26 three-eighths of an inch or more in size.

3 27 The bill exempts certain transactions of small dollar
3 28 amounts and transactions in which the person selling the scrap
3 29 metal is a scrap metal dealer or in which the person selling
3 30 is known to the scrap metal dealer as an established business
3 31 that generates scrap metal.

3 32 The bill requires scrap metal dealers to keep records of
3 33 transactions for at least two years and to provide that
3 34 information to law enforcement agencies upon request.

3 35 The bill imposes criminal penalties for violations. A



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4 1 person who violates the Code chapter is guilty of a simple
4 2 misdemeanor, and a person who does so three or more times in a
4 3 two-year period is guilty of a serious misdemeanor.
4 4 A simple misdemeanor is punishable by confinement for no
4 5 more than 30 days or a fine of at least \$65 but not more than
4 6 \$625 or by both.
4 7 A serious misdemeanor is punishable by confinement for no
4 8 more than one year and a fine of at least \$315 but not more
4 9 than \$1,875.
4 10 LSB 6023SC 82
4 11 tw/nh/5



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Senate Study Bill 3211

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

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

Passed House, Date _____
Vote: Ayes _____ Nays _____

A BILL FOR

1 An Act relating to public intoxication by using or consuming a
2 controlled substance or by inhaling or consuming an inhalant
3 and making a penalty applicable.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
5 TLSB 6209SC 82
6 jm/nh/14



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1 1 Section 1. Section 123.46, subsection 1, Code 2007, is
1 2 amended by adding the following new paragraphs:
1 3 NEW PARAGRAPH. bb. "Controlled substance" means any
1 4 substance or compound listed in section 124.204 or 124.206.
1 5 NEW PARAGRAPH. bc. "Inhalant" means any substance which,
1 6 if inhaled, causes intoxication.
1 7 Sec. 2. Section 123.46, Code 2007, is amended by adding
1 8 the following new subsection:
1 9 NEW SUBSECTION. 2A. A person shall not use or consume a
1 10 controlled substance or intentionally inhale or consume an
1 11 inhalant upon the public streets or highways. A person shall
1 12 not use or consume a controlled substance or intentionally
1 13 inhale or consume an inhalant in a public place. A person
1 14 shall not be intoxicated by a controlled substance or by
1 15 intentional inhalation or consumption of an inhalant in a
1 16 public place. A person violating this subsection is guilty of
1 17 a simple misdemeanor.
1 18 Sec. 3. Section 123.46, subsection 3, Code 2007, is
1 19 amended to read as follows:
1 20 3. When a peace officer arrests a person on a charge of
1 21 public intoxication under this section and intoxication by
1 22 alcohol is alleged, the peace officer shall inform the person
1 23 that the person may have a chemical test administered at the
1 24 person's own expense. ~~If~~ However, if intoxication by alcohol
1 25 is alleged, and a device approved by the commissioner of
1 26 public safety for testing a sample of a person's breath to
1 27 determine the person's blood alcohol concentration is
1 28 available, that is the only test that need be offered the
1 29 person arrested. If intoxication by a controlled substance or
1 30 inhalant is alleged, the person shall be permitted to arrange
1 31 for the providing of a urine or blood sample at the person's
1 32 own expense for testing. In a prosecution for public
1 33 intoxication, evidence of the results of a the chemical or
1 34 other test performed under this subsection is admissible upon
1 35 proof of a proper foundation. The percentage of alcohol



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2 1 present in a person's blood, breath, or urine established by
2 2 the results of a chemical test performed within two hours
2 3 after the person's arrest on a charge of public intoxication
2 4 is presumed to be the percentage of alcohol present at the
2 5 time of arrest.

2 6 Sec. 4. IMPLEMENTATION OF ACT. Section 25B.2, subsection
2 7 3, shall not apply to this Act.

2 8 EXPLANATION

2 9 This bill relates to public intoxication by using or
2 10 consuming a controlled substance or by inhaling or consuming
2 11 an inhalant.

2 12 The bill provides that a person shall not use or consume a
2 13 controlled substance or intentionally inhale or consume an
2 14 inhalant upon the public streets or highways. The bill also
2 15 prohibits a person from using or consuming a controlled
2 16 substance or intentionally inhaling or consuming an inhalant
2 17 in a public place or being intoxicated by such a controlled
2 18 substance or inhalant in a public place.

2 19 The bill defines "controlled substance" to mean any
2 20 substance or compound listed in Code section 124.204 or
2 21 124.206. The bill also defines "inhalant" to mean any
2 22 substance which, if inhaled, causes intoxication.

2 23 A person who violates the bill commits a simple
2 24 misdemeanor. A simple misdemeanor is punishable by
2 25 confinement for no more than 30 days or a fine of at least \$65
2 26 but not more than \$625 or by both.

2 27 The bill may include a state mandate as defined in Code
2 28 section 25B.3. The bill makes inapplicable Code section
2 29 25B.2, subsection 3, which would relieve a political
2 30 subdivision from complying with a state mandate if funding for
2 31 the cost of the state mandate is not provided or specified.
2 32 Therefore, political subdivisions are required to comply with
2 33 any state mandate included in the bill.

2 34 LSB 6209SC 82

2 35 jm/nh/14



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Senate Study Bill 3212

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

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

Passed House, Date _____
Vote: Ayes _____ Nays _____

A BILL FOR

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



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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 5972SC 82
3 20 jm/nh/5



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Senate Study Bill 3213

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

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

Passed House, Date _____
Vote: Ayes _____ Nays _____

A BILL FOR

1 An Act relating to offenses against identity by establishing a
2 procedure to secure credit information and providing a
3 penalty.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
5 TLSB 6012XC 82
6 rn/rj/14



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1 1 Section 1. NEW SECTION. 714F.1 DEFINITIONS.
1 2 For the purposes of this chapter, unless the context
1 3 otherwise requires:
1 4 1. "Consumer" means an individual.
1 5 2. "Consumer report" means any information relating to the
1 6 creditworthiness of a consumer.
1 7 3. "Consumer reporting agency" means any person or entity
1 8 engaged in the practice of assembling or evaluating consumer
1 9 credit information for the purpose of furnishing a consumer
1 10 report to a third party. A consumer reporting agency shall
1 11 not include any of the following:
1 12 a. A check service or fraud prevention service company
1 13 that reports on incidents of fraud or issues authorizations
1 14 for the purpose of approving or processing negotiable
1 15 instruments, electronic fund transfers, or similar methods of
1 16 payment.
1 17 b. A deposit account information service company that
1 18 issues reports regarding account closures due to fraud,
1 19 overdrafts, automated teller machine abuse, or similar
1 20 negative information regarding a consumer to inquiring
1 21 financial institutions for use only in reviewing the
1 22 consumer's request for a deposit account at the inquiring
1 23 financial institution.
1 24 c. Any person or entity engaged in the practice of
1 25 assembling and merging information contained in a database of
1 26 one or more consumer reporting agencies and does not maintain
1 27 a permanent database of credit information from which new
1 28 consumer reports are produced.
1 29 4. "Identification information" means as defined in
1 30 section 715A.8.
1 31 5. "Identity theft" means as used in section 715A.8.
1 32 6. "Proper identification" means sufficient identification
1 33 information to ascertain that individual's identity.
1 34 7. "Security freeze" means a hold placed on a consumer
1 35 report that prevents a consumer reporting agency from



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2 1 releasing a consumer report without first obtaining the
2 2 consumer's express authorization.
2 3 Sec. 2. NEW SECTION. 714F.2 SECURITY FREEZE.
2 4 A consumer may submit by certified mail to a consumer
2 5 reporting agency a written request for a security freeze. The
2 6 consumer must submit proper identification with the request.
2 7 Within five business days after receiving the request, the
2 8 consumer reporting agency shall commence the security freeze.
2 9 Within ten business days after commencing the security freeze,
2 10 the consumer reporting agency shall send a written
2 11 confirmation to the consumer of the security freeze, a
2 12 personal identification number or password, other than the
2 13 consumer's social security number, for the consumer to use in
2 14 authorizing the suspension or removal of the security freeze,
2 15 including information on how the security freeze may be
2 16 temporarily suspended.
2 17 Sec. 3. NEW SECTION. 714F.3 TEMPORARY SUSPENSION.
2 18 A consumer may request that a security freeze be
2 19 temporarily suspended to allow the consumer reporting agency
2 20 to release the consumer report for a specific time period or
2 21 to a specific third party. The consumer reporting agency may
2 22 develop procedures to expedite the receipt and processing of
2 23 requests which may involve the use of telephones, facsimile
2 24 transmissions, the internet, or other electronic media. The
2 25 consumer reporting agency shall comply with the request within
2 26 three business days after receiving the request. The
2 27 consumer's request shall include all of the following:
2 28 1. Proper identification.
2 29 2. The personal identification number or password provided
2 30 by the consumer reporting agency.
2 31 3. Explicit instructions of the specific time period or
2 32 specific third party designated for suspension of the security
2 33 freeze.
2 34 Sec. 4. NEW SECTION. 714F.4 REMOVAL.
2 35 A security freeze remains in effect until the consumer



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3 1 requests that the security freeze be removed. A consumer
3 2 reporting agency shall remove a security freeze within three
3 3 business days after receiving a request for removal that
3 4 includes proper identification of the consumer and the
3 5 personal identification number or password provided by the
3 6 consumer reporting agency.

3 7 Sec. 5. NEW SECTION. 714F.5 FEES.

3 8 1. A consumer reporting agency shall not charge any fee to
3 9 a consumer who is the victim of identity theft for
3 10 effectuating a security freeze, temporary suspension, or
3 11 removal if with the initial security freeze request, the
3 12 consumer submits a valid copy of the police report, the
3 13 investigative report, or complaint filed with a law
3 14 enforcement agency concerning the unlawful use of
3 15 identification information by another person.

3 16 2. A consumer reporting agency may charge a fee not to
3 17 exceed ten dollars to a consumer who is not the victim of
3 18 identity theft for each security freeze, removal, or for
3 19 reissuing a personal identification number or password if the
3 20 consumer fails to retain the original number. The consumer
3 21 reporting agency may charge a fee not to exceed twelve dollars
3 22 for each temporary suspension of a security freeze.

3 23 Sec. 6. NEW SECTION. 714F.6 THIRD PARTIES.

3 24 If a third party requests a consumer report that is subject
3 25 to a security freeze, the consumer reporting agency may advise
3 26 the third party that a security freeze is in effect. If the
3 27 consumer does not expressly authorize the third party to have
3 28 access to the consumer report through a temporary suspension
3 29 of the security freeze, the third party shall not be given
3 30 access to the consumer report but may treat a credit
3 31 application as incomplete.

3 32 Sec. 7. NEW SECTION. 714F.7 MISREPRESENTATION OF FACT.

3 33 A consumer reporting agency may suspend or remove a
3 34 security freeze upon a material misrepresentation of fact by
3 35 the consumer. However, the consumer reporting agency shall



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4 1 notify the consumer in writing prior to suspending or removing
4 2 the security freeze.

4 3 Sec. 8. NEW SECTION. 714F.8 EXCEPTIONS.

4 4 A security freeze shall not apply to the following persons
4 5 or entities:

4 6 1. A person or person's subsidiary, affiliate, agent, or
4 7 assignee with which the consumer has or prior to assignment
4 8 had an account, contract, or debtor=creditor relationship for
4 9 the purposes of reviewing the account or collecting the
4 10 financial obligation owing for the account, contract, or debt,
4 11 or extending credit to a consumer with a prior or existing
4 12 account, contract, or debtor=creditor relationship.

4 13 "Reviewing the account" includes activities related to account
4 14 maintenance, monitoring, credit line increases, and account
4 15 upgrades and enhancements.

4 16 2. A subsidiary, affiliate, agent, assignee, or
4 17 prospective assignee of a person to whom access has been
4 18 granted under a temporary suspension for purposes of
4 19 facilitating the extension of credit or another permissible
4 20 use.

4 21 3. A person acting pursuant to a court order, warrant, or
4 22 subpoena.

4 23 4. Child support enforcement officials when investigating
4 24 a child support case pursuant to Title IV=D or Title XIX of
4 25 the federal Social Security Act.

4 26 5. The department of human services or its agents or
4 27 assignees acting to investigate fraud under the medical
4 28 assistance program.

4 29 6. The department of revenue or local taxing authorities;
4 30 or any of their agents or assignees, acting to investigate or
4 31 collect delinquent taxes or assessments, including interest
4 32 and penalties and unpaid court orders, or to fulfill any of
4 33 their other statutory or other responsibilities.

4 34 7. A person's use of credit information for prescreening
4 35 as provided by the federal Fair Credit Reporting Act.



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5 1 8. A person for the sole purpose of providing a credit
5 2 file monitoring subscription service to which the consumer has
5 3 subscribed.

5 4 9. A consumer reporting agency for the sole purpose of
5 5 providing a consumer with a copy of the consumer's consumer
5 6 report upon the consumer's request.

5 7 Sec. 9. NEW SECTION. 714F.9 WRITTEN CONFIRMATION.

5 8 After a security freeze is in effect, a consumer reporting
5 9 agency may post a name, date of birth, social security number,
5 10 or address change in a consumer report provided written
5 11 confirmation is sent to the consumer within thirty days of
5 12 posting the change. For an address change, written
5 13 confirmation shall be sent to both the new and former
5 14 addresses. Written confirmation is not required to correct
5 15 spelling and typographical errors.

5 16 Sec. 10. NEW SECTION. 714F.10 APPLICATION.

5 17 An entity listed in section 714F.1, subsection 3, paragraph
5 18 "a", "b", or "c", shall be subject to a security freeze
5 19 commenced by a consumer reporting agency that obtains
5 20 information from such entity.

5 21 Sec. 11. NEW SECTION. 714F.11 WAIVER VOID.

5 22 A waiver by a consumer of the provisions of this chapter is
5 23 contrary to public policy, and is void and unenforceable.

5 24 Sec. 12. NEW SECTION. 714F.12 ENFORCEMENT.

5 25 A person who violates this chapter violates section 714.16,
5 26 subsection 2, paragraph "a". All powers conferred upon the
5 27 attorney general to accomplish the objectives and carry out
5 28 the duties prescribed in section 714.16 are also conferred
5 29 upon the attorney general to enforce this chapter, including
5 30 but not limited to the power to issue subpoenas, adopt rules,
5 31 and seek injunctive relief and a monetary award for civil
5 32 penalties, attorney fees, and costs. Additionally, the
5 33 attorney general may seek and recover the greater of five
5 34 hundred dollars or actual damages for each customer injured by
5 35 a violation of this chapter.



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6 1

EXPLANATION

6 2 This bill concerns the protection of a person's identity.

6 3 The bill creates new Code chapter 714F that allows an
6 4 individual, the consumer, to place a hold on the individual's
6 5 consumer report to prevent a consumer reporting agency from
6 6 releasing any information relating to the individual's
6 7 creditworthiness without first obtaining the individual's
6 8 express authorization. This "security freeze" may be
6 9 temporarily suspended to allow a consumer reporting agency to
6 10 release a consumer report for a specific time period or to a
6 11 specific third party. A security freeze remains in effect
6 12 until the individual requests its removal.

6 13 The bill provides that a consumer reporting agency cannot
6 14 charge any fees to an individual who is the victim of identify
6 15 theft. Other individuals pay a fee up to \$10 per security
6 16 freeze, removal, or for reissuing a necessary password if the
6 17 individual fails to retain it, and up to \$12 per temporary
6 18 suspension request.

6 19 The bill addresses third parties that seek a consumer
6 20 report, misrepresentation of a material fact by an individual,
6 21 and lists exceptions to the security freeze, including a
6 22 person with a prior debtor-creditor relationship. The bill
6 23 provides for changes in the consumer report and makes certain
6 24 entities also subject to a security freeze.

6 25 The bill provides that a waiver of the protection offered
6 26 by the security freeze provision is void and unenforceable.

6 27 The bill contains enforcement provisions. A violation is
6 28 an offense under Code section 714.16 and is subject to
6 29 enforcement, including injunctive relief and money damages, by
6 30 the attorney general.

6 31 LSB 6012XC 82

6 32 rn/rj/14



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Senate Study Bill 3214

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

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

Passed House, Date _____
Vote: Ayes _____ Nays _____

A BILL FOR

- 1 An Act relating to registration requirements for sex offenders.
- 2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 3 TL5B 5974SC 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 5974SC 82
4 27 jm/rj/14



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Senate Study Bill 3215

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

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

A BILL FOR

1 An Act relating to statutory corrections which may adjust
 2 language to reflect current practices, insert earlier
 3 omissions, delete redundancies and inaccuracies, delete
 4 temporary language, resolve inconsistencies and conflicts,
 5 update ongoing provisions, or remove ambiguities, and
 6 including effective and retroactive applicability date
 7 provisions.
 8 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
 9 TLSB 5698SC 82
 10 lh/rj/5



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1 1 DIVISION I
 1 2 MISCELLANEOUS PROVISIONS
 1 3 Section 1. Section 1C.2, Code 2007, is amended to read as
 1 4 follows:
 1 5 1C.2 PAID HOLIDAYS.
 1 6 1. State employees are granted, except as provided in ~~the~~
~~1 7 fourth paragraph of this section subsection 3,~~ the following
 1 8 holidays off from employment with pay:
 1 9 ~~1.~~ a. New Year's Day, January 1.
 1 10 ~~2.~~ b. Martin Luther King, Jr.'s Birthday, the third
 1 11 Monday in January.
 1 12 ~~3.~~ c. Memorial Day, the last Monday in May.
 1 13 ~~4.~~ d. Independence Day, July 4.
 1 14 ~~5.~~ e. Labor Day, the first Monday in September.
 1 15 ~~6.~~ f. Veterans Day, November 11.
 1 16 ~~7.~~ g. Thanksgiving Day, the fourth Thursday in November.
 1 17 ~~8.~~ h. Friday after Thanksgiving, the Friday following
 1 18 Thanksgiving Day.
 1 19 ~~9.~~ i. Christmas Day, December 25.
~~1 20 10. Two days of paid leave each year to be added to the~~
~~1 21 vacation allowance and accrued under the provisions of section~~
~~1 22 70A.1.~~
 1 23 2. a. State employees are granted two days of paid leave
 1 24 each year to be added to the vacation allowance and accrued
 1 25 under the provisions of section 70A.1. ~~The~~ In addition, an
 1 26 appointing authority shall grant not more than four additional
 1 27 days of paid leave each year as required to implement contract
 1 28 provisions negotiated pursuant to chapter 20.
 1 29 b. The executive council may designate days off from
 1 30 employment with pay in addition to those enumerated in this
 1 31 section for state employees at its discretion.
 1 32 3. If a holiday enumerated in this section falls on
 1 33 Saturday, the preceding Friday shall be granted and if a
 1 34 holiday enumerated in this section falls on Sunday, the
 1 35 following Monday shall be granted. In those cases, where by



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2 1 nature of the employment a state employee must be required to
2 2 work on a holiday the provisions of ~~the first paragraph of~~
~~2 3 this section~~ subsection 1 shall not apply, however,
2 4 compensation shall be made on the basis of the employee's
2 5 straight time hourly rate for a forty-hour workweek and shall
2 6 be made in either compensatory time off or cash payment, at
2 7 the discretion of the appointing authority unless otherwise
2 8 provided for in a collective bargaining agreement.
2 9 Notwithstanding any other provision of this section, an
2 10 employee of the state who does not accrue sick leave or
2 11 vacation, and who works on a holiday, shall receive regular
2 12 pay for the hours worked on that holiday and shall not
2 13 otherwise earn holiday compensatory pay.
2 14 4. A holiday or paid leave granted to a state employee
2 15 under this section shall be in addition to vacation time to
2 16 which a state employee is entitled under section 70A.1.
2 17 Sec. 2. Section 2.40, subsection 1, Code 2007, is amended
2 18 to read as follows:
2 19 1. a. A member of the general assembly may elect to
2 20 become a member of a state group insurance plan for employees
2 21 of the state established under chapter 509A subject to the
2 22 following conditions:
2 23 a. (1) The member shall be eligible for all state group
2 24 insurance plans on the basis of enrollment rules established
2 25 for full-time state employees excluded from collective
2 26 bargaining as provided in chapter 20.
2 27 b. (2) The member shall pay the premium for the plan
2 28 selected on the same basis as a full-time state employee
2 29 excluded from collective bargaining as provided in chapter 20.
2 30 c. (3) The member shall authorize a payroll deduction of
2 31 the premium due according to the member's pay plan selected
2 32 pursuant to section 2.10, subsection 4.
2 33 d. (4) The premium rate shall be the same as the premium
2 34 rate paid by a state employee for the plan selected.
2 35 ~~b. A member of the general assembly may elect to become a~~



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~~3 1 member of a state group insurance plan.~~ A member of the
3 2 general assembly may continue membership in a state group
3 3 insurance plan without reapplication during the member's
3 4 tenure as a member of consecutive general assemblies. For the
3 5 purpose of electing to become a member of the state health or
3 6 medical service group insurance plan, a member of the general
3 7 assembly has the status of a "new hire", full-time state
3 8 employee following each election of that member in a general
3 9 or special election, or during the first subsequent annual
3 10 open enrollment.

3 11 c. In lieu of membership in a state health or medical
3 12 group insurance plan, a member of the general assembly may
3 13 elect to receive reimbursement for the costs paid by the
3 14 member for a continuation of a group coverage (COBRA) health
3 15 or medical insurance plan. The member shall apply for
3 16 reimbursement by submitting evidence of payment for a COBRA
3 17 health or medical insurance plan. The maximum reimbursement
3 18 shall be no greater than the state's contribution for health
3 19 or medical insurance family plan II.

3 20 d. A member of the general assembly who elects to become a
3 21 member of a state health or medical group insurance plan shall
3 22 be exempted from preexisting medical condition waiting
3 23 periods. A member of the general assembly may change programs
3 24 or coverage under the state health or medical service group
3 25 insurance plan during the month of January of odd-numbered
3 26 years, but program and coverage change selections shall be
3 27 subject to the enrollment rules established for full-time
3 28 state employees excluded from collective bargaining as
3 29 provided in chapter 20.

3 30 e. A person who has been a member of the general assembly
3 31 for two years and who has elected to be a member of a state
3 32 health or medical group insurance plan may continue to be a
3 33 member of such state health or medical group insurance plan by
3 34 requesting continuation in writing to the finance officer
3 35 within thirty-one days after leaving office. The continuing



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4 1 former member of the general assembly shall pay the total
4 2 premium for the state plan and shall have the same rights to
4 3 change programs or coverage as state employees. This
4 4 paragraph shall not be construed to permit a former member to
4 5 become a member of a state health or medical group insurance
4 6 plan providing programs or coverage of a type that the former
4 7 member did not elect to continue pursuant to this paragraph.
4 8 f. In the event of the death of a former member of the
4 9 general assembly who has elected to continue to be a member of
4 10 a state health or medical group insurance plan, the surviving
4 11 spouse of the former member whose insurance would otherwise
4 12 terminate because of the death of the former member may elect
4 13 to continue to be a member of such state health or medical
4 14 group insurance plan by requesting continuation in writing to
4 15 the finance officer within thirty-one days after the death of
4 16 the former member. The surviving spouse of the former member
4 17 shall pay the total premium for the state plan and shall have
4 18 the same rights to change programs or coverage as state
4 19 employees. For purposes of this paragraph, health or medical
4 20 programs or coverage and dental programs or coverage are to be
4 21 treated separately and the rights to change programs or
4 22 coverage apply only to the type of programs or coverage that
4 23 the continuing former member has elected to continue. ~~This~~
~~4 24 paragraph shall not be construed to permit a former member to~~
~~4 25 become a member of a state health or medical group insurance~~
~~4 26 plan providing programs or coverage of a type that the former~~
~~4 27 member did not elect to continue pursuant to this paragraph.~~
4 28 Sec. 3. Section 2C.16, Code 2007, is amended to read as
4 29 follows:
4 30 2C.16 RECOMMENDATIONS TO AGENCY.
4 31 1. ~~If,~~ The citizens' aide shall state recommendations to
4 32 an agency, if, after having considered a complaint and
4 33 whatever material the citizens' aide deems pertinent, the
4 34 citizens' aide finds substantiating facts ~~that~~ for any of the
4 35 following:



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5 1 ~~1.~~ a. A matter should be further considered by the
5 2 agency~~;~~.

5 3 ~~2.~~ b. An administrative action should be modified or
5 4 canceled~~;~~.

5 5 ~~3.~~ c. A rule on which an administrative action is based
5 6 should be altered~~;~~.

5 7 ~~4.~~ d. Reasons should be given for an administrative
5 8 action~~;~~ ~~or.~~.

5 9 ~~5.~~ e. Any other action should be taken by the agency, ~~the~~
~~5 10 citizens' aide shall state the recommendations to the agency.~~

5 11 2. If the citizens' aide requests, the agency shall,
5 12 within twenty working days notify the citizens' aide of any
5 13 action taken on the recommendations or the reasons for not
5 14 complying with them.

5 15 3. If the citizens' aide believes that an administrative
5 16 action has occurred because of laws of which results are
5 17 unfair or otherwise objectionable, the citizens' aide shall
5 18 notify the general assembly concerning desirable statutory
5 19 change.

5 20 Sec. 4. Section 3.1, Code 2007, is amended to read as
5 21 follows:

5 22 3.1 FORM OF BILLS.

5 23 1. Bills designed to amend, revise, enact, codify, or
5 24 repeal a law:

5 25 ~~1.~~ a. Shall refer to the numbers of the sections or
5 26 chapters of the Code or Code Supplement to be amended or
5 27 repealed, but it is not necessary to refer to the sections or
5 28 chapters in the title.

5 29 ~~2.~~ b. Shall refer to the session of the general assembly
5 30 and the sections and chapters of the Acts to be amended if the
5 31 bill relates to a section or sections of an Act not appearing
5 32 in the Code or codified in a supplement to the Code.

5 33 ~~3.~~ c. All Shall express all references to statutes ~~shall~~
~~5 34 be expressed in numerals.~~

5 35 ~~4.~~ 2. The title to a bill shall contain a brief statement



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6 1 of the purpose of the bill, however all detail matters
6 2 properly connected with the subject so expressed may be
6 3 omitted from the title.

6 4 Sec. 5. Section 3.3, Code Supplement 2007, is amended to
6 5 read as follows:

6 6 3.3 HEADNOTES AND HISTORICAL REFERENCES.

6 7 Proper headnotes may be placed at the beginning of a
6 8 section of a bill or a Code section, and at the end of a Code
6 9 section there may be placed a reference to the section number
6 10 of the Code, or any Iowa Act from which the matter of the Code
6 11 section was taken. However, except as provided for the
6 12 uniform commercial code, pursuant to section 554.1107,
6 13 headnotes shall not be considered as part of the law as
6 14 enacted. Historical references shall not be considered as a
6 15 part of the law as enacted.

6 16 Sec. 6. Section 4.13, Code 2007, is amended to read as
6 17 follows:

6 18 4.13 GENERAL SAVINGS PROVISION.

6 19 1. The ~~re-enactment~~ reenactment, revision, amendment, or
6 20 repeal of a statute does not affect any of the following:

6 21 ~~1.~~ a. The prior operation of the statute or any prior
6 22 action taken ~~thereunder~~; under the statute.

6 23 ~~2.~~ b. Any validation, cure, right, privilege, obligation,
6 24 or liability previously acquired, accrued, accorded, or
6 25 incurred ~~thereunder~~; under the statute.

6 26 ~~3.~~ c. Any violation ~~thereof~~ of the statute or penalty,
6 27 forfeiture, or punishment incurred in respect ~~thereto~~ to the
6 28 statute, prior to the amendment or repeal; ~~or.~~

6 29 4. d. Any investigation, proceeding, or remedy in respect
6 30 of any privilege, obligation, liability, penalty, forfeiture,
6 31 or punishment; and the investigation, proceeding, or remedy
6 32 may be instituted, continued, or enforced, and the penalty,
6 33 forfeiture, or punishment imposed, as if the statute had not
6 34 been repealed or amended.

6 35 2. If the penalty, forfeiture, or punishment for any



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7 1 offense is reduced by a ~~re-enactment~~ reenactment, revision, or
7 2 amendment of a statute, the penalty, forfeiture, or punishment
7 3 if not already imposed shall be imposed according to the
7 4 statute as amended.

7 5 Sec. 7. Section 7E.5, subsection 1, paragraph s, Code
7 6 2007, is amended to read as follows:

7 7 s. The department of human rights, created in section
7 8 216A.1, which has primary responsibility for services relating
7 9 to Latino persons, women, persons with disabilities, community
7 10 action agencies, criminal and juvenile justice planning, the
7 11 status of African-Americans, ~~and~~ deaf and hard-of-hearing
7 12 persons, and status of Iowans of Asian and Pacific Islander
7 13 heritage.

7 14 Sec. 8. Section 8A.101, subsection 1, unnumbered paragraph
7 15 1, Code Supplement 2007, is amended to read as follows:

7 16 "Agency" or "state agency" means a unit of state
7 17 government, which is an authority, board, commission,
7 18 committee, council, department, ~~examining or licensing board,~~
7 19 or independent agency as defined in section 7E.4, including
7 20 but not limited to each principal central department
7 21 enumerated in section 7E.5. However, "agency" or "state
7 22 agency" does not mean any of the following:

7 23 Sec. 9. Section 8F.2, subsection 1, Code Supplement 2007,
7 24 is amended to read as follows:

7 25 1. "Agency" means a unit of state government, which is an
7 26 authority, board, commission, committee, council, department,
7 27 ~~examining or licensing board,~~ or independent agency as defined
7 28 in section 7E.4, including but not limited to each principal
7 29 central department enumerated in section 7E.5. However,
7 30 "agency" does not mean the Iowa public employees' retirement
7 31 system created under chapter 97B, the public broadcasting
7 32 division of the department of education created under section
7 33 256.81, the statewide fire and police retirement system
7 34 created under chapter 411, or an agricultural commodity
7 35 promotion board subject to a producer referendum.



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8 1 Sec. 10. Section 9D.2, Code 2007, is amended to read as
8 2 follows:

8 3 9D.2 REGISTRATION REQUIRED.

8 4 1. a. A travel agency doing business in this state shall
8 5 register with the secretary of state as a travel agency if it
8 6 or its travel agent conducts the solicitation of an Iowa
8 7 resident.

8 8 b. A travel agency required to register under paragraph
8 9 "a" shall not permit a travel agent employed by the travel
8 10 agency to do business in this state unless the agency ~~has~~
~~8 11 filed the required registration statement~~ is registered with
8 12 the secretary of state.

8 13 2. A travel agent shall not knowingly do business in this
8 14 state unless and until the travel agency employing the travel
8 15 agent ~~has~~ is registered with the secretary of state as a
8 16 travel agency if the travel agency or any of the agency's
8 17 travel agents conduct the solicitation of an Iowa resident.

8 18 3. This section does not require registration for, or
8 19 prohibit, solicitation by mail or telecommunications of a
8 20 person with whom the travel agency has a previous travel
8 21 services provider=customer relationship, having previously
8 22 arranged travel related services for that customer on at least
8 23 one prior occasion.

8 24 4. "Doing business" in this state, for purposes of this
8 25 chapter, means any of the following:

8 26 a. Offering to sell or selling travel services, if the
8 27 offer is made or received within the state.

8 28 b. Offering to arrange, or arranging, travel services for
8 29 a fee or commission, direct or indirect, if the offer is made
8 30 or received in this state.

8 31 c. Offering to, or awarding travel services as a prize or
8 32 award, if the offer or award is made in or received in this
8 33 state.

8 34 5. An applicant shall complete ~~the~~ an application for
8 35 registration ~~statement~~ form provided by the secretary. The



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9 1 ~~registration statement~~ application form must be accompanied by
9 2 the required bond or evidence of financial responsibility and
9 3 the registration fee. The ~~registration statement~~ application
9 4 form shall include all of the following information:

9 5 a. The name and signature of an officer or partner of a
9 6 business entity or the names and signatures of the principal
9 7 owner and operator if the agency is a sole proprietorship.

9 8 b. The name, address, and telephone number of the
9 9 applicant and the name of all travel agents employed by the
9 10 applicant travel agency.

9 11 c. The name, address, and telephone number of any person
9 12 who owns or controls, directly or indirectly, ten percent or
9 13 more of the applicant.

9 14 d. If the applicant is a foreign corporation or business,
9 15 the name and address of the corporation's agent in this state
9 16 for service of process.

9 17 e. Any additional information required by rule adopted by
9 18 the secretary pursuant to chapter 17A.

9 19 6. The application form shall be accompanied by a written
9 20 irrevocable consent to service of process. The consent must
9 21 provide that actions in connection with doing business in this
9 22 state may be commenced against the registrant in the proper
9 23 jurisdiction in this state in which the cause of action may
9 24 arise, or in which the plaintiff may reside, by service of
9 25 process on the secretary as the registrant's agent and
9 26 stipulating and agreeing that such service of process shall be
9 27 taken and held in all courts to be as valid and binding as if
9 28 service of process had been made upon the person according to
9 29 the laws of this or any other state. The consent to service
9 30 of process shall be in such form and supported by such
9 31 additional information as the secretary may by rule require.

9 32 7. An annual registration fee as established by the
9 33 secretary by rule is required at the time the application for
9 34 registration ~~statement~~ form is filed with the secretary, and
9 35 on or before the anniversary date of the effective date of



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10 1 registration for each subsequent year. The registration fee
10 2 shall be established at a rate deemed reasonably necessary by
10 3 the secretary to support the administration of this chapter,
10 4 but not to exceed fifteen dollars per year per agency. If an
10 5 applicant or a registrant fails to pay the annual registration
10 6 fee, the application for registration or registration lapses
10 7 and becomes ineffective.

10 8 8. A registrant shall submit to the secretary corrections
10 9 to the information supplied in the registration ~~statement~~ form
10 10 within a reasonable time after a change in circumstances,
10 11 which circumstances would be required to be reported in an
10 12 initial application for registration ~~statement~~ form, except
10 13 travel agents' names as required in subsection 5, paragraph
10 14 "b". The names of travel agents shall be updated at the time
10 15 of annual registration.

10 16 9. The secretary may revoke or suspend a registration for
10 17 cause subject to the contested case provisions of chapter 17A.

10 18 Sec. 11. Section 9D.3, Code 2007, is amended to read as
10 19 follows:

10 20 9D.3 EVIDENCE OF FINANCIAL SECURITY.

10 21 1. An application for registration of a travel agency must
10 22 be accompanied by a surety or cash performance bond in
10 23 conformity with rules adopted by the secretary in the
10 24 principal amount of ten thousand dollars, with an aggregate
10 25 limit of ten thousand dollars. The bond shall be executed by
10 26 a surety company authorized to do business in this state, and
10 27 the bond shall be continuous in nature until canceled by the
10 28 surety with not less than sixty days' written notice to both
10 29 the ~~registrant~~ travel agency and to the secretary. The notice
10 30 shall indicate the surety's intent to cancel the bond on a
10 31 date at least sixty days after the date of the notice.

10 32 2. a. The bond shall be payable to the state for the use
10 33 and benefit of either:

10 34 ~~a-~~ (1) A person who is injured by the fraud,
10 35 misrepresentation, or financial failure of the travel agency



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11 1 or a travel agent employed by the travel agency.

11 2 ~~b.~~ (2) The state on behalf of a person or persons under
11 3 paragraph "a".

11 4 b. The bond shall be conditioned such that the registrant
11 5 will pay any judgment recovered by a person in a court of this
11 6 state in a suit for actual damages, including reasonable
11 7 attorney's fees, or for rescission, resulting from a cause of
11 8 action involving the sale or offer of sale of travel services.
11 9 The bond shall be open to successive claims, but the aggregate
11 10 amount of the claims paid shall not exceed the principal
11 11 amount of the bond.

11 12 3. If ~~a~~ an applicant or registrant has contracted with the
11 13 airlines reporting corporation or the passenger network
11 14 services corporation, or similar organizations approved by the
11 15 secretary of state with equivalent bonding requirements for
11 16 participation, in lieu of the bond required by subsection 1,
11 17 the applicant or registrant may file with the secretary a
11 18 certified copy of the official approval and appointment of the
11 19 applicant or registrant from the airlines reporting
11 20 corporation or the passenger network services corporation.

11 21 4. In lieu of any bond or guarantee required to be
11 22 provided by this section, ~~a~~ an applicant or registrant may do
11 23 any of the following:

11 24 a. File with secretary proof of professional liability and
11 25 errors and omissions insurance in an amount of at least one
11 26 million dollars annually.

11 27 b. Deposit with the secretary cash, securities, or a
11 28 statement from a federally insured financial institution
11 29 guaranteeing the performance of the applicant or registrant up
11 30 to a maximum of ten thousand dollars to be held or applied to
11 31 the purposes to which the proceeds of the bond would otherwise
11 32 be applied.

11 33 Sec. 12. Section 13A.3, Code 2007, is amended to read as
11 34 follows:

11 35 13A.3 MEMBERSHIP AND TERMS.



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12 1 1. The council shall consist of five members as follows:
12 2 ~~1.~~ a. The attorney general or the attorney general's
12 3 designated representative.
12 4 ~~2.~~ b. The president of the Iowa county attorneys
12 5 association or its successor.
12 6 ~~3.~~ c. Three members elected by the Iowa county attorneys
12 7 association or its successor.
12 8 2. A member shall vacate an appointment upon termination
12 9 of the member's official position as a prosecuting attorney or
12 10 an attorney general. A vacancy shall be filled in the same
12 11 manner as the original appointment. A member appointed to
12 12 fill a vacancy created other than by expiration of a term on
12 13 the council shall be appointed for the unexpired term of the
12 14 member whom the new member is to succeed in the same manner as
12 15 the original appointment. Any member may be reappointed for
12 16 an additional term.
12 17 3. The terms of the elected members shall be three years
12 18 and shall ~~begin January 1, 1976, but initial terms shall be~~
12 19 ~~staggered so that the elected members shall serve terms of~~
~~12 20 one, two, and three years respectively~~ one member is elected
12 21 each year.
12 22 Sec. 13. Section 15.421, subsections 2 and 3, Code
12 23 Supplement 2007, are amended to read as follows:
12 24 2. a. The commission shall ~~consist of~~ include fifteen
12 25 voting members appointed by the governor, subject to
12 26 confirmation by the senate. At the time of appointment or
12 27 reappointment, a voting member shall be at least eighteen
12 28 years of age, but ~~less than thirty-five~~ years of age. The
12 29 voting membership shall reflect diversity within all of the
12 30 following areas:
12 31 (1) Geographic location within the state.
12 32 (2) Public, private, and nonprofit sector employment.
12 33 (3) Location of secondary and higher education within and
12 34 outside Iowa.
12 35 (4) Urban and rural residents.



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13 1 (5) Multicultural diversity.
13 2 b. Four members of the general assembly shall serve as
13 3 nonvoting, ex officio members of the commission with two from
13 4 the senate and two from the house of representatives and not
13 5 more than one member from each chamber being from the same
13 6 political party. The two senators shall be designated by the
13 7 president of the senate after consultation with the majority
13 8 and minority leaders of the senate. The two representatives
13 9 shall be designated by the speaker of the house of
13 10 representatives after consultation with the majority and
13 11 minority leaders of the house of representatives.
13 12 3. The voting members shall be appointed in compliance
13 13 with the requirements of sections 69.16, 69.16A, and 69.19,
13 14 and shall serve staggered, three-year terms as designated by
13 15 the governor. ~~Members~~ Voting members may be reappointed by
13 16 the governor provided the requirements of subsection 2 are
13 17 met.
13 18 Sec. 14. Section 15E.17, subsection 4, Code 2007, is
13 19 amended to read as follows:
13 20 4. Subsections 2 and 3 do not apply to the following:
13 21 a. The utilities division of the department of commerce
13 22 insofar as the information relates to public utilities.
13 23 b. The banking division of the department of commerce.
13 24 ~~e. The savings and loan division of the department of~~
~~13 25 commerce.~~
13 26 ~~d.~~ c. The credit union division of the department of
13 27 commerce.
13 28 Sec. 15. Section 15G.111, subsection 2, Code Supplement
13 29 2007, is amended to read as follows:
13 30 2. a. For the fiscal period beginning July 1, 2005, and
13 31 ending June 30, 2015, there is appropriated each fiscal year
13 32 from the grow Iowa values fund created in section 15G.108 to
13 33 the department of economic development five million dollars
13 34 for financial assistance to institutions of higher learning
13 35 under the control of the state board of regents for capacity



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14 1 building infrastructure in areas related to technology
14 2 commercialization, for marketing and business development
14 3 efforts in areas related to technology commercialization,
14 4 entrepreneurship, and business growth, and for infrastructure
14 5 projects and programs needed to assist in the implementation
14 6 of activities under chapter 262B. In allocating moneys to
14 7 institutions under the control of the state board of regents,
14 8 the board shall require the institutions to provide a
14 9 one-to-one match of additional moneys for the activities
14 10 funded with moneys appropriated under this subsection. The
14 11 state board of regents shall annually prepare a report for
14 12 submission to the governor, the general assembly, and the
14 13 legislative services agency regarding the activities,
14 14 projects, and programs funded with moneys appropriated under
14 15 this subsection.

14 16 b. The state board of regents may allocate any moneys
14 17 appropriated under this subsection and received from the
14 18 department for financial assistance to a single biosciences
14 19 development organization determined by the department to
14 20 possess expertise in promoting the area of bioscience
14 21 entrepreneurship. The organization must be composed of
14 22 representatives of both the public and the private sector and
14 23 shall be composed of subunits or subcommittees in the areas of
14 24 existing identified biosciences platforms, education and
14 25 workforce development, commercialization, communication,
14 26 policy and governance, and finance. Such financial assistance
14 27 shall be used for purposes of activities related to
14 28 biosciences and bioeconomy development under chapter 262B, and
14 29 to accredited private universities in this state.

~~14 30 By September 30, 2007, the legislative services agency~~
~~14 31 shall submit a written report to the fiscal committee of the~~
~~14 32 legislative council and the standing committees on economic~~
~~14 33 growth in the senate and the house of representatives~~
~~14 34 regarding a review of expenditures by the state board of~~
~~14 35 regents from appropriations under this subsection and 2006~~



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~~15 1 Iowa Acts, ch. 1179, section 14.~~

15 2 Sec. 16. Section 16.3, subsection 11, Code Supplement
15 3 2007, is amended by striking the subsection.

15 4 Sec. 17. Section 16.5, subsection 1, paragraphs f and m,
15 5 Code Supplement 2007, are amended to read as follows:

15 6 f. By rule, the ~~board~~ authority shall adopt procedures
15 7 relating to competitive bidding, including the identification
15 8 of those circumstances under which competitive bidding by the
15 9 authority, either formally or informally, shall be required.
15 10 In any bidding process, the authority may administer its own
15 11 bidding and procurement or may utilize the services of the
15 12 department of administrative services or any other agency.
15 13 Except when such rules apply, the authority and all contracts
15 14 made by it in carrying out its public and essential
15 15 governmental functions with respect to any of its programs
15 16 shall be exempt from the provisions and requirements of all
15 17 laws or rules of the state which require competitive bids in
15 18 connection with the letting of such contracts.

15 19 m. In cooperation with other local, state, or federal
15 20 governmental agencies, conduct research studies, develop
15 21 estimates of unmet housing needs, ~~and~~ gather and compile data
15 22 useful to ~~facilitate~~ facilitating decision making, and enter
15 23 into agreements to carry out programs within or without the
15 24 state which the authority finds to be consistent with the
15 25 goals of the authority.

15 26 Sec. 18. Section 24.20, Code 2007, is amended to read as
15 27 follows:

15 28 24.20 TAX RATES FINAL.

15 29 The several tax rates and levies of the municipalities thus
15 30 determined and certified in the manner provided in ~~the~~
~~15 31 preceding~~ sections 24.1 through 24.19, except such as are
15 32 authorized by a vote of the people, shall stand as the tax
15 33 rates and levies of said municipality for the ensuing fiscal
15 34 year for the purposes set out in the budget.

15 35 Sec. 19. Section 26.13, Code Supplement 2007, is amended



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16 1 to read as follows:

16 2 26.13 EARLY RELEASE OF RETAINED FUNDS.

16 3 1. For purposes of this section:

16 4 a. "Authorized contract representative" means the person
16 5 chosen by the governmental entity or the department to
16 6 represent its interests or the person designated in the
16 7 contract as the party representing the governmental entity's
16 8 or the department's interest regarding administration and
16 9 oversight of the project.

16 10 b. "Department" means the state department of
16 11 transportation.

16 12 c. "Substantially completed" means the first date on which
16 13 any of the following occurs:

16 14 (1) Completion of the public improvement project or the
16 15 highway, bridge, or culvert project or when the work on the
16 16 public improvement or the highway, bridge, or culvert project
16 17 has been substantially completed in general accordance with
16 18 the terms and provisions of the contract.

16 19 (2) The work on the public improvement or on the
16 20 designated portion is substantially completed in general
16 21 accordance with the terms of the contract so that the
16 22 governmental entity or the department can occupy or utilize
16 23 the public improvement or designated portion of the public
16 24 improvement for its intended purpose. This subparagraph shall
16 25 not apply to highway, bridge, or culvert projects.

16 26 (3) The public improvement project or the highway, bridge,
16 27 or culvert project is certified as having been substantially
16 28 completed by either of the following:

16 29 (a) The architect or engineer authorized to make such
16 30 certification.

16 31 (b) The authorized contract representative.

16 32 (4) The governmental entity or the department is occupying
16 33 or utilizing the public improvement for its intended purpose.
16 34 This subparagraph shall not apply to highway, bridge, or
16 35 culvert projects.



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17 1 2. Payments made by a governmental entity or the state
17 2 department of transportation for the construction of public
17 3 improvements and highway, bridge, or culvert projects shall be
17 4 made in accordance with the provisions of chapter 573, except
17 5 as provided in this section. ~~For purposes of this section,~~
~~17 6 "department" means the state department of transportation.:~~
17 7 1. a. At any time after all or any part of the work on
17 8 the public improvement or highway, bridge, or culvert project
17 9 is substantially completed, the contractor may request the
17 10 release of all or part of the retained funds owed. The
17 11 request shall be accompanied by a sworn statement of the
17 12 contractor that, ten calendar days prior to filing the
17 13 request, notice was given as required by ~~subsection 7~~
17 14 paragraphs "f" and "g" to all known subcontractors,
17 15 sub-subcontractors, and suppliers.
17 16 2. b. Except as provided under ~~subsection 3~~ paragraph
17 17 "c", upon receipt of the request, the governmental entity or
17 18 the department shall release all or part of the retained
17 19 funds. Retained funds that are approved as payable shall be
17 20 paid at the time of the next monthly payment or within thirty
17 21 days, whichever is sooner. If partial retained funds are
17 22 released pursuant to a contractor's request, no retained funds
17 23 shall be subsequently held based on that portion of the work.
17 24 If within thirty days of when payment becomes due the
17 25 governmental entity or the department does not release the
17 26 retained funds due, interest shall accrue on the amount of
17 27 retained funds at the rate of interest that is calculated as
17 28 the prime rate plus one percent per year as of the day
17 29 interest begins to accrue until the amount is paid.
17 30 3. c. If labor and materials are yet to be provided at
17 31 the time the request for the release of the retained funds is
17 32 made, an amount equal to two hundred percent of the value of
17 33 the labor or materials yet to be provided, as determined by
17 34 the governmental entity's or the department's authorized
17 35 contract representative, may be withheld until such labor or



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18 1 materials are provided. ~~For purposes of this section,~~
~~18 2 "authorized contract representative" means the person chosen~~
~~18 3 by the governmental entity or the department to represent its~~
~~18 4 interests or the person designated in the contract as the~~
~~18 5 party representing the governmental entity's or the~~
~~18 6 department's interest regarding administration and oversight~~
~~18 7 of the project.~~

18 8 4. d. An itemization of the labor or materials yet to be
18 9 provided, or the reason that the request for release of
18 10 retained funds is denied, shall be provided to the contractor
18 11 in writing within thirty calendar days of the receipt of the
18 12 request for release of retained funds.

18 13 5. ~~For purposes of this section, "substantially completed"~~
~~18 14 means the first date on which any of the following occurs:~~

18 15 a. ~~Completion of the public improvement project or the~~
~~18 16 highway, bridge, or culvert project or when the work on the~~
~~18 17 public improvement or the highway, bridge, or culvert project~~
~~18 18 has been substantially completed in general accordance with~~
~~18 19 the terms and provisions of the contract.~~

18 20 b. ~~The work on the public improvement or on the designated~~
~~18 21 portion is substantially completed in general accordance with~~
~~18 22 the terms of the contract so that the governmental entity or~~
~~18 23 the department can occupy or utilize the public improvement or~~
~~18 24 designated portion of the public improvement for its intended~~
~~18 25 purpose. This paragraph shall not apply to highway, bridge,~~
~~18 26 or culvert projects.~~

18 27 c. ~~The public improvement project or the highway, bridge,~~
~~18 28 or culvert project is certified as having been substantially~~
~~18 29 completed by either of the following:~~

18 30 (1) ~~The architect or engineer authorized to make such~~
~~18 31 certification.~~

18 32 (2) ~~The authorized contract representative.~~

18 33 d. ~~The governmental entity or the department is occupying~~
~~18 34 or utilizing the public improvement for its intended purpose.~~
~~18 35 This paragraph shall not apply to highway, bridge, or culvert~~



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~~19 1 projects.~~

19 2 ~~6.~~ e. The contractor shall release retained funds to the
19 3 subcontractor or subcontractors in the same manner as retained
19 4 funds are released to the contractor by the governmental
19 5 entity or the department. Each subcontractor shall pass
19 6 through to each lower tier subcontractor all retained fund
19 7 payments from the contractor.

19 8 ~~7.~~ f. Prior to applying for release of retained funds,
19 9 the contractor shall send a notice to all known
19 10 subcontractors, sub-subcontractors, and suppliers that
19 11 provided labor or materials for the public improvement project
19 12 or the highway, bridge, or culvert project.

19 13 g. The notice shall be substantially similar to the
19 14 following:

19 15 "NOTICE OF CONTRACTOR'S
19 16 REQUEST FOR EARLY RELEASE
19 17 OF RETAINED FUNDS

19 18 You are hereby notified that [name of contractor] will be
19 19 requesting an early release of funds on a public improvement
19 20 project or a highway, bridge, or culvert project designated as
19 21 [name of project] for which you have or may have provided
19 22 labor or materials. The request will be made pursuant to Iowa
19 23 Code section 26.13. The request may be filed with the [name
19 24 of governmental entity or department] after ten calendar days
19 25 from the date of this notice. The purpose of the request is
19 26 to have [name of governmental entity or department] release
19 27 and pay funds for all work that has been performed and charged
19 28 to [name of governmental entity or department] as of the date
19 29 of this notice. This notice is provided in accordance with
19 30 Iowa Code section 26.13."

19 31 Sec. 20. Section 35A.5, subsection 10, Code Supplement
19 32 2007, is amended to read as follows:

19 33 10. Establish and operate a state veterans cemetery and
19 34 make application to the government of the United States or any
19 35 subdivision, agency, or instrumentality thereof, for funds for



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20 1 the purpose of establishing such a cemetery.

20 2 a. The ~~state~~ department may enter into agreements with any
20 3 subdivision of the state for assistance in operating the
20 4 cemetery.

20 5 b. The state shall own the land on which the cemetery is
20 6 located.

20 7 c. The department shall have the authority to accept
20 8 federal grant funds, funding from state subdivisions,
20 9 donations from private sources, and federal "plot allowance"
20 10 payments.

20 11 d. The department through the director shall have the
20 12 authority to accept suitable cemetery land, in accordance with
20 13 federal veterans cemetery grant guidelines, from the federal
20 14 government, state government, state subdivisions, private
20 15 sources, and any other source wishing to transfer land for use
20 16 as a veterans cemetery.

20 17 e. The department may lease or use property received
20 18 pursuant to this subsection for any purpose so long as such
20 19 leasing or use does not interfere with the use of the property
20 20 for cemetery purposes and is not contrary to federal or state
20 21 guidelines.

20 22 f. All funds received pursuant to this subsection,
20 23 including lease payments or funds generated from any activity
20 24 engaged in on any property accepted pursuant to this
20 25 subsection, shall be deposited into an account dedicated to
20 26 the establishment, operation, and maintenance of a veterans
20 27 cemetery and these funds shall be expended only for those
20 28 purposes.

20 29 g. Notwithstanding section 8.33, any moneys in the account
20 30 for a state veterans cemetery shall not revert and,
20 31 notwithstanding section 12C.7, subsection 2, interest or
20 32 earnings on moneys deposited in the fund shall be credited to
20 33 the account.

20 34 Sec. 21. Section 35A.8, subsection 5, paragraph a, Code
20 35 Supplement 2007, is amended to read as follows:



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21 1 a. The executive director shall provide for the
21 2 administration of the bonus authorized in this subsection.
21 3 The ~~commission~~ department shall adopt rules, pursuant to
21 4 chapter 17A, as necessary to administer this subsection
21 5 including but not limited to application procedures,
21 6 investigation, approval or disapproval, and payment of claims.

21 7 Sec. 22. Section 46.16, subsection 1, Code 2007, is
21 8 amended to read as follows:

21 9 1. Subject to sections 602.1610 and 602.1612 and to
21 10 removal for cause:

21 11 a. The initial term of office of judges of the supreme
21 12 court, court of appeals and district court shall be for one
21 13 year after appointment and until January 1 following the next
21 14 judicial election after expiration of such year; and

21 15 b. The regular term of office of judges of the supreme
21 16 court retained at a judicial election shall be eight years,
21 17 and of judges of the court of appeals and district court so
21 18 retained shall be six years, from the expiration of their
21 19 initial or previous regular term as the case may be.

21 20 ~~For the purpose of initial appointments to the court of~~
~~21 21 appeals, two of the judges appointed shall serve an irregular~~
~~21 22 term ending December 31 of the fourth year after expiration of~~
~~21 23 the initial term prescribed in subsection 1 and two of the~~
~~21 24 judges appointed shall serve an irregular term ending December~~
~~21 25 31 of the fifth year after expiration of the initial term~~
~~21 26 prescribed in subsection 1. Expiration of irregular terms~~
~~21 27 shall be deemed expiration of regular terms for all purposes.~~

21 28 Sec. 23. Section 68A.503, subsection 2, paragraph a, Code
21 29 Supplement 2007, is amended to read as follows:

21 30 a. Except as provided in subsection 3, it is unlawful for
21 31 a member of a committee, or its employee or representative,
21 32 except a ballot issue committee, or for a candidate for office
21 33 or the representative of the candidate, to solicit, request,
21 34 or knowingly receive from an insurance company, savings and
21 35 loan association, bank, credit union, or corporation organized



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22 1 pursuant to the laws of this state, the United States, or any
22 2 other state, territory, or foreign country, whether for profit
22 3 or not, or its officer, agent, or representative, any money,
22 4 property, or thing of value belonging to the insurance
22 5 company, savings and loan association, bank, credit union, or
22 6 corporation for campaign expenses, or to expressly advocate
22 7 that the vote of an elector be used to nominate, elect, or
22 8 defeat a candidate for public office.

22 9 Sec. 24. Section 68B.4A, subsection 4, Code 2007, is
22 10 amended to read as follows:

22 11 4. The selling of any goods or services by the legislative
22 12 employee does not cause the ~~official or~~ employee to sell goods
22 13 or services to the general assembly on behalf of the
22 14 individual, association, or corporation.

22 15 Sec. 25. Section 80B.11, subsection 1, paragraph c,
22 16 subparagraph (2), Code Supplement 2007, is amended to read as
22 17 follows:

22 18 (2) In-service training under this paragraph "c" shall
22 19 include the requirement that ~~by December 31, 1994~~, all law
22 20 enforcement officers complete a course on investigation,
22 21 identification, and reporting of public offenses based on the
22 22 race, color, religion, ancestry, national origin, political
22 23 affiliation, sex, sexual orientation, age, or disability of
22 24 the victim. The director shall consult with the civil rights
22 25 commission, the department of public safety, and the
22 26 prosecuting attorneys training coordinator in developing the
22 27 requirements for this course and may contract with outside
22 28 providers for this course.

22 29 Sec. 26. Section 86.2, Code 2007, is amended to read as
22 30 follows:

22 31 86.2 APPOINTMENT OF DEPUTIES ~~AND ASSISTANTS~~.

22 32 1. The commissioner may appoint:

22 33 ~~1.~~ a. Chief deputy workers' compensation commissioners
22 34 for whose acts the commissioner is responsible, who are exempt
22 35 from the merit system provisions of chapter 8A, subchapter IV,



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23 1 and who shall serve at the pleasure of the commissioner.
23 2 2. b. Deputy workers' compensation commissioners for
23 3 whose acts the commissioner is responsible and who shall serve
23 4 at the pleasure of the commissioner.
23 5 2. All chief deputies and deputies must be lawyers
23 6 admitted to practice in this state.
23 7 3. The commissioner may appoint one or more chief deputy
23 8 workers' compensation commissioners and one or more ~~assistant~~
23 9 deputy workers' compensation commissioners. A chief deputy
23 10 workers' compensation commissioner or ~~an assistant~~ a deputy
23 11 workers' compensation commissioner shall perform such
23 12 additional administrative responsibilities as are deemed
23 13 reasonably necessary and assigned by the commissioner.
23 14 Sec. 27. Section 87.1, subsection 1, Code Supplement 2007,
23 15 is amended to read as follows:
23 16 1. Every employer subject to the provisions of this
23 17 chapter and chapters 85, 85A, 85B, and 86, unless relieved
23 18 ~~therefrom~~ as hereinafter provided from the requirements
23 19 imposed under this chapter and chapters 85, 85A, 85B, and 86,
23 20 shall insure the employer's liability ~~thereunder~~ under this
23 21 chapter and chapters 85, 85A, 85B, and 86 in some corporation,
23 22 association, or organization approved by the commissioner of
23 23 insurance.
23 24 Sec. 28. Section 87.22, Code 2007, is amended to read as
23 25 follows:
23 26 87.22 CORPORATE OFFICER EXCLUSION FROM WORKERS'
23 27 COMPENSATION OR EMPLOYERS' LIABILITY COVERAGE.
23 28 1. The president, vice president, secretary, and treasurer
23 29 of a corporation other than a family farm corporation, but not
23 30 to exceed four officers per corporation, may exclude
23 31 themselves from workers' compensation coverage under chapters
23 32 85, 85A, and 85B by knowingly and voluntarily rejecting
23 33 workers' compensation coverage by signing, and attaching to
23 34 the workers' compensation or employers' liability policy a
23 35 written rejection, or if such a policy is not issued, by



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24 1 signing a written rejection which is witnessed by two
 24 2 disinterested individuals who are not, formally or informally,
 24 3 affiliated with the corporation and which is filed by the
 24 4 corporation with the workers' compensation commissioner.
 24 5 2. The written rejection shall be in substantially the
 24 6 following form:

REJECTION OF WORKERS'
 COMPENSATION OR EMPLOYERS'
 LIABILITY COVERAGE

24 10 I understand that by signing this statement I reject the
 24 11 coverage of chapters 85, 85A, and 85B of the Code of Iowa
 24 12 relating to workers' compensation.

24 13 I understand that my rejection of the coverage of chapters
 24 14 85, 85A, and 85B is not a waiver of any rights or remedies
 24 15 available to me or to others on my behalf in a civil action
 24 16 related to personal injuries sustained by me arising out of
 24 17 and in the course of my employment with the corporation.

24 18 I also understand that by signing this statement and
 24 19 checking alternative (1) below I reject employers' liability
 24 20 coverage for bodily injuries or death sustained by me arising
 24 21 out of and in the course of my employment with the
 24 22 corporation. (Check either alternative (1) or (2):)

- 24 23 (1) I reject the employers' liability coverage.
- 24 24 (2) I decline to reject the employers' liability coverage.

24 25 Signed

24 26 Corporate Office

24 27 Date

24 28 City, County, State

24 29 of Residence

24 30 Witness

24 31 Witness

24 32 I also understand that the signing of this statement and
 24 33 checking of alternative (1) below by an authorized agent of
 24 34 the corporation rejects for the corporation employers'
 24 35 liability coverage for bodily injuries or death sustained by



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25 1 me arising out of and in the course of my employment with the
25 2 corporation. (Check either alternative (1) or (2):)

25 3 (1) The corporation rejects the employers' liability
25 4 coverage.

25 5 (2) The corporation declines to reject the employers'
25 6 liability coverage.

25 7 Signed

25 8 Relationship to Corporation

25 9 Date

25 10 City, County, State

25 11 of Residence

25 12 Witness

25 13 Witness

25 14 3. The rejection of workers' compensation coverage is not
25 15 enforceable if it is required as a condition of employment.

25 16 4. A corporate officer who signs a written rejection filed
25 17 with the workers' compensation commissioner may terminate the
25 18 rejection by signing a written notice of termination which is
25 19 witnessed by two disinterested individuals, who are not,
25 20 formally or informally, affiliated with the corporation and
25 21 which is filed by the corporation with the workers'
25 22 compensation commissioner.

25 23 Sec. 29. Section 89.7A, subsection 1, Code Supplement
25 24 2007, is amended to read as follows:

25 25 1. The commissioner shall issue a certificate of
25 26 inspection valid for the period specified in section 89.3
25 27 after the payment of a fee, the filing of an inspection
25 28 report, and the correction or other appropriate resolution of
25 29 any defects identified in the inspection report. The
25 30 certificate shall be posted at a place near the location of
25 31 the equipment.

25 32 Sec. 30. Section 97B.49G, subsection 2, paragraph b, Code
25 33 2007, is amended to read as follows:

25 34 b. (1) Effective July 1, 1978, for each member who
25 35 retired from the retirement system prior to January 1, 1976,



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26 1 the amount of regular monthly retirement allowance
26 2 attributable to membership service and prior service that was
26 3 payable to the member for June 1978 is increased as follows:
26 4 ~~(1)~~ (a) For the first ten years of service, fifty cents
26 5 per month for each complete year of service.
26 6 ~~(2)~~ (b) For the eleventh through the twentieth years of
26 7 service, two dollars per month for each complete year of
26 8 service.
26 9 ~~(3)~~ (c) For the twenty-first through the thirtieth years
26 10 of service, three dollars per month for each complete year of
26 11 service.
26 12 (2) Effective July 1, 1979, the increases granted to
26 13 members under this ~~subparagraph~~ paragraph "b" shall be paid to
26 14 contingent annuitants and to beneficiaries.
26 15 Sec. 31. Section 100B.22, subsection 1, paragraph b, Code
26 16 Supplement 2007, is amended to read as follows:
26 17 b. The public agencies named in paragraph "a",
26 18 ~~subparagraphs (1) through (10)~~, shall, in conjunction with the
26 19 bureau, coordinate fire service training programs as described
26 20 in section 100B.6 at each training center.
26 21 Sec. 32. Section 100B.22, subsection 2, paragraph a, Code
26 22 Supplement 2007, is amended to read as follows:
26 23 a. A lead public agency listed in subsection 1, paragraph
26 24 "a", ~~subparagraphs (1) through (11)~~, shall submit an
26 25 application to the bureau in order to be eligible to receive a
26 26 state appropriation for the agency's training center. The
26 27 bureau shall prescribe the form of the application and, on or
26 28 before August 15, 2006, shall provide such application to each
26 29 lead public agency.
26 30 Sec. 33. Section 100C.10, subsection 4, Code Supplement
26 31 2007, is amended to read as follows:
26 32 4. The commissioner shall initially appoint two members
26 33 for two-year terms, two members for four-year terms, and three
26 34 members for six-year terms. Following the expiration of the
26 35 terms of initially appointed members, each term thereafter



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27 1 shall be for a period of six years. No member shall serve
27 2 more than two consecutive terms. ~~Of the appointments to new~~
~~27 3 positions on the board which take effect July 1, 2007, the~~
~~27 4 commissioner shall make the initial appointments for two,~~
~~27 5 four, or six years, at the commissioner's discretion, so that~~
~~27 6 the terms of no more than four board members shall expire at~~
~~27 7 the same time.~~ If a position on the board becomes vacant
27 8 prior to the expiration of a member's term, the member
27 9 appointed to the vacancy shall serve the balance of the
27 10 unexpired term.

27 11 Sec. 34. Section 103.6, subsection 2, unnumbered paragraph
27 12 1, Code Supplement 2007, is amended to read as follows:

27 13 2. Revoke, suspend, or refuse to renew any license granted
27 14 pursuant to this chapter when the licensee does any of the
27 15 following:

27 16 Sec. 35. Section 103.22, subsection 10, Code Supplement
27 17 2007, is amended to read as follows:

27 18 10. Apply to a person performing alarm system
27 19 installations pursuant to section 103.14 or to a person who is
27 20 engaged in the design, installation, erection, repair,
27 21 maintenance, or alteration of class two or class three remote
27 22 control, signaling, or power-limited circuits, optical fiber
27 23 cables or other cabling, or communications circuits, including
27 24 raceways, as defined in the national electrical code for
27 25 voice, video, audio, and data signals in commercial or
27 26 residential premises.

27 27 Sec. 36. Section 103A.21, subsection 2, Code Supplement
27 28 2007, is amended to read as follows:

27 29 2. Violation of this chapter shall not impose any
27 30 disability upon or affect or impair the credibility as a
27 31 witness, or otherwise, of any person.

27 32 ~~Violations of this section shall be simple misdemeanors.~~

27 33 Sec. 37. Section 135.20, subsection 2, Code Supplement
27 34 2007, is amended to read as follows:

27 35 2. The information to be distributed shall be determined



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28 1 by the department by rule, in consultation with the department
28 2 of veterans affairs. The department shall cooperate with the
28 3 department of veterans affairs regarding distribution of the
28 4 information to the veterans home, the county commissions of
28 5 veteran affairs, veterans hospitals, and other appropriate
28 6 points of distribution. The information shall, at a minimum,
28 7 contain statements indicating that:
28 8 a. The federal department of veterans affairs estimates a
28 9 hepatitis C infection rate in veterans more than three times
28 10 higher than for the general population.
28 11 b. The infection rate for Vietnam veterans is estimated to
28 12 be even higher than for other veterans groups.
28 13 c. The disease is caused by a bloodborne virus readily
28 14 transmitted during combat and combat-related emergency medical
28 15 treatment.
28 16 d. Many veterans currently carrying the virus were
28 17 infected prior to the development of medical screening tests.
28 18 e. The hepatitis C virus often resolves into a chronic
28 19 infection without symptoms for ten to thirty years before
28 20 signs of resultant liver disease appear.
28 21 f. This unusually long latency period makes it difficult
28 22 to connect current symptoms with an infection that may have
28 23 actually been contracted during military service decades ago.
28 24 g. The information shall also present treatment options
28 25 and shall specify a procedure to be followed for veterans
28 26 desiring a medical consultation for screening and treatment
28 27 purposes. ~~The department shall cooperate with the department~~
~~28 28 of veterans affairs regarding distribution of the information~~
~~28 29 to the veterans home, the county commissions of veteran~~
~~28 30 affairs, veterans hospitals, and other appropriate points of~~
~~28 31 distribution.~~
28 32 Sec. 38. Section 147.88, Code Supplement 2007, is amended
28 33 to read as follows:
28 34 147.88 INSPECTIONS.
28 35 The department of inspections and appeals may perform



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29 1 inspections as required by this subtitle, except for
29 2 inspections for the board of medicine, board of pharmacy,
29 3 board of nursing, and the dental board. The department of
29 4 inspections and appeals shall employ personnel related to the
29 5 inspection functions.

29 6 Sec. 39. Section 172B.4, subsection 3, Code 2007, is
29 7 amended to read as follows:

29 8 3. LAW ENFORCEMENT OFFICER.

29 9 a. A law enforcement officer, upon requesting and
29 10 receiving a transportation certificate, shall retain a copy of
29 11 the certificate and shall submit the certificate to the law
29 12 enforcement agency by which the officer is employed.

29 13 b. The law enforcement officer shall give to the person
29 14 transporting livestock, in a form prescribed by the
29 15 commissioner of public safety or the commissioner's designee,
29 16 a receipt for the certificate given to the officer. ~~However,~~
~~29 17 a The commissioner of public safety may authorize the use of~~
29 18 any method of giving receipt, including endorsement by the
29 19 officer on the certificate retained by the person transporting
29 20 livestock. The receipt shall make the law enforcement officer
29 21 issuing the receipt identifiable by other law enforcement
29 22 officers.

29 23 c. A law enforcement officer shall not retain a copy of
29 24 the certificate if the person transporting livestock has a
29 25 receipt issued by another law enforcement officer.

29 26 ~~The commissioner of public safety may authorize the use of~~
~~29 27 any method of giving receipt, including endorsement by the~~
~~29 28 officer on the certificate retained by the person transporting~~
~~29 29 livestock. The receipt shall make the law enforcement officer~~
~~29 30 issuing the receipt identifiable by other law enforcement~~
~~29 31 officers.~~

29 32 Sec. 40. Section 175.19, subsections 2 and 5, Code 2007,
29 33 are amended to read as follows:

29 34 2. a. The authority or any trustee appointed under the
29 35 indenture under which the bonds are issued may, but upon



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30 1 written request of the holders of twenty-five percent in
30 2 aggregate principal amount of the issue of bonds or notes then
30 3 outstanding shall:

30 4 ~~a.~~ (1) Enforce all rights of the bondholders or
30 5 noteholders including the right to require the authority to
30 6 carry out its agreements with the holders and to perform its
30 7 duties under this chapter.

30 8 ~~b.~~ (2) Bring suit upon the bonds or notes.

30 9 ~~c.~~ (3) By action require the authority to account as if
30 10 it were the trustee of an express trust for the holders.

30 11 ~~d.~~ (4) By action enjoin any acts or things which are
30 12 unlawful or in violation of the rights of the holders.

30 13 ~~e.~~ (5) Declare all the bonds or notes due and payable and
30 14 if all defaults are made good then with the consent of the
30 15 holders of twenty-five percent of the aggregate principal
30 16 amount of the issue of bonds or notes then outstanding, annul
30 17 the declaration and its consequences.

30 18 b. The bondholders or noteholders may, to the extent
30 19 provided in the resolution to which the bonds or notes were
30 20 issued or in its agreement with the authority, enforce any of
30 21 the remedies in paragraphs "a" through "e" or the remedies
30 22 provided in such proceedings or agreements for and on their
30 23 own behalf.

30 24 5. The district court has jurisdiction of any action by
30 25 the trustee on behalf of bondholders or noteholders. The
30 26 venue of the action shall be in the county in which the
30 27 principal office of the authority is located.

30 28 ~~The bondholders or noteholders may, to the extent provided~~
~~30 29 in the resolution to which the bonds or notes were issued or~~
~~30 30 in its agreement with the authority, enforce any of the~~
~~30 31 remedies in paragraphs "a" to "e" or the remedies provided in~~
~~30 32 such proceedings or agreements for and on their own behalf.~~

30 33 Sec. 41. Section 185.3, subsection 1, Code 2007, is
30 34 amended to read as follows:

30 35 1. a. The board shall consist of directors who are



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31 1 producers residing in Iowa at the time of the election. The
31 2 directors shall ~~include all of the following~~ be elected as
31 3 follows:

31 4 ~~a. (1) Four producers who are directors shall be~~ elected
31 5 from producers from the state at large.

31 6 ~~b. (2) One producer who is director per district shall be~~
31 7 elected from producers from each district in the state.

31 8 However, two ~~producers~~ directors shall be elected from the
31 9 producers from a district producing if more than an average of

31 10 twenty-five million bushels of soybeans were produced in that
31 11 district in the three previous years prior to the election.

31 12 b. A producer shall be entitled to vote in the election
31 13 regardless of whether the producer is a member of the
31 14 association.

31 15 Sec. 42. Section 231D.5, subsection 2, Code Supplement
31 16 2007, is amended to read as follows:

31 17 2. In the case of an application by an existing
31 18 certificate holder for a new or newly acquired adult day
31 19 services program, the department may deny certification on the

31 20 basis of continuing or repeated failure of the certificate
31 21 holder to operate any previously certified adult day services

31 22 program in compliance with this chapter or of the rules
31 23 adopted pursuant to this chapter.

31 24 Sec. 43. Section 256.11, subsection 5, paragraph b, Code
31 25 Supplement 2007, is amended to read as follows:

31 26 b. Five units of the social studies including instruction
31 27 in voting statutes and procedures, voter registration

31 28 requirements, the use of paper ballots and voting machines in
31 29 the election process, and the method of acquiring and casting

31 30 an absentee ballot. All students shall complete a minimum of
31 31 one-half unit of United States government and one unit of

31 32 United States history. The one-half unit of United States
31 33 government shall include the voting procedure as described in

31 34 this lettered paragraph and section 280.9A. The government
31 35 instruction shall also include a study of the Constitution of



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32 1 the United States and the Bill of Rights contained in the
32 2 Constitution and an assessment of a student's knowledge of the
32 3 Constitution and the Bill of Rights.

~~32 4 The county auditor, upon request and at a site chosen by
32 5 the county auditor, shall make available to schools within the
32 6 county voting machines or sample ballots that are generally
32 7 used within the county, at times when these machines or sample
32 8 ballots are not in use for their recognized purpose.~~

32 9 Sec. 44. Section 261A.4, subsection 13, Code 2007, is
32 10 amended to read as follows:

32 11 13. "Loan funding deposit" means money or other property
32 12 that is deposited:

32 13 a. ~~by~~ By an institution with the authority or a trustee.

32 14 b. In amounts deemed necessary by the authority as a
32 15 condition for the institution's participation in the

32 16 authority's programs.

32 17 c. ~~for~~ For the purpose of one or more of the following:

32 18 ~~a.~~ (1) Providing security for obligations.

32 19 ~~b.~~ (2) Funding a default reserve fund.

32 20 ~~c.~~ (3) Acquiring default insurance.

32 21 ~~d.~~ (4) Defraying costs of the authority.

~~32 22 The moneys or properties shall be in amounts deemed
32 23 necessary by the authority as a condition for the
32 24 institution's participation in the authority's programs.~~

32 25 Sec. 45. Section 272.9A, subsection 1, Code Supplement
32 26 2007, is amended to read as follows:

32 27 1. Beginning July 1, 2007, requirements for administrator
32 28 licensure beyond an initial license shall include completion
32 29 of a beginning administrator mentoring and induction program

~~32 30 provided by the department pursuant to section 284A.5,
32 31 subsection 2, and demonstration of competence on the~~

32 32 administrator standards adopted pursuant to section 284A.3.

32 33 Sec. 46. Section 280.9A, Code 2007, is amended by adding
32 34 the following new subsection:

32 35 NEW SUBSECTION. 1A. The county auditor, upon request and



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33 1 at a site chosen by the county auditor, shall make available
33 2 to schools within the county voting machines or sample ballots
33 3 that are generally used within the county, at times when these
33 4 machines or sample ballots are not in use for their recognized
33 5 purpose.

33 6 Sec. 47. Section 341A.12, unnumbered paragraph 1, Code
33 7 Supplement 2007, is amended to read as follows:

33 8 No person in the classified civil service who has been
33 9 permanently appointed or inducted into civil service under
33 10 provisions of this chapter shall be removed, suspended, or
33 11 demoted except for cause, and only upon written accusation of
33 12 the county sheriff, which shall be served upon the accused,
33 13 and a duplicate filed with the commission. Any person so
33 14 removed, suspended, or reduced in rank or grade may, within
33 15 ten days after presentation to the person of the order of
33 16 removal, suspension or reduction, appeal to the commission
33 17 from such order. The commission shall, within two weeks from
33 18 the filing of such appeal, hold a hearing thereon, and fully
33 19 hear and determine the matter, and either affirm, modify, or
33 20 revoke such order. The appellant shall be entitled to ~~appeal~~
~~33 21 personally appear in person~~, produce evidence, and to have
33 22 counsel. The finding and decision of the commission shall be
33 23 certified to the sheriff, and shall be enforced and followed
33 24 by the sheriff, but under no condition shall the employee who
33 25 has appealed to the commission be permanently removed,
33 26 suspended, or reduced in rank until such finding and decision
33 27 of the commission is certified to the sheriff pursuant to the
33 28 rules of civil procedure.

33 29 Sec. 48. Section 357A.11, subsection 13, Code Supplement
33 30 2007, is amended to read as follows:

33 31 13. In addition to all other powers granted to the board,
33 32 the board may sell, convey, merge, or otherwise dispose of all
33 33 or any portion of the real property or personal property of
33 34 the district and all or any portion of the district's right to
33 35 provide water or wastewater service to an area in order that



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34 1 another service provider permitted by the department of
34 2 natural resources pursuant to chapter 455B may assume any or
34 3 all of the district's duties and obligations or that the
34 4 district may be dissolved.

34 5 a. If the district is to be dissolved, the board shall
34 6 file a notice of dissolution with the auditor of the county or
34 7 counties in which the district is located.

34 8 b. Prior to such sale, conveyance, merger, or disposition
34 9 by the board that includes the relinquishment of the
34 10 district's right to provide service to an area, the board
34 11 shall publish notice of a public hearing not less than four
34 12 nor more than twenty days before the date fixed for the
34 13 hearing in a newspaper of general circulation in the area for
34 14 which the board seeks to relinquish service. The board shall
34 15 mail notice of a public hearing to the district's members in
34 16 the area for which the board seeks to relinquish service not
34 17 less than fourteen days prior to such public hearing. A
34 18 public hearing is not required when the board relinquishes the
34 19 district's right to service an area within the corporate
34 20 limits of a city if the city will provide service in
34 21 compliance with the city's annexation plan.

34 22 c. After hearing or if none is required, the board may
34 23 adopt a resolution approving the sale, conveyance, merger, or
34 24 disposition; however, the board shall provide for the
34 25 continuation of water or wastewater service to the area by
34 26 another service provider immediately following such sale,
34 27 conveyance, merger, or disposition.

~~34 28 This chapter and chapter 384, as it applies to rural water
34 29 districts, shall not be construed to mean that the real
34 30 property of any rural water subscriber shall be used as
34 31 security for any debts of a rural water district. However,
34 32 the failure to pay water rates or charges by a subscriber may
34 33 result in a lien being attached against the premises served
34 34 upon certification to the county treasurer that the rate or
34 35 charges are due.~~



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35 1 Sec. 49. NEW SECTION. 357A.25 PROPERTY NOT SECURITY FOR
35 2 DEBT.

35 3 This chapter and chapter 384, as it applies to rural water
35 4 districts, shall not be construed to mean that the real
35 5 property of any rural water subscriber shall be used as
35 6 security for any debts of a rural water district. However,
35 7 the failure to pay water rates or charges by a subscriber may
35 8 result in a lien being attached against the premises served
35 9 upon certification to the county treasurer that the rate or
35 10 charges are due.

35 11 Sec. 50. Section 422.11T, Code Supplement 2007, is amended
35 12 to read as follows:

35 13 422.11T FILM QUALIFIED EXPENDITURE TAX CREDIT.

35 14 The taxes imposed under this division, less the ~~credits~~
35 15 credit allowed under ~~sections~~ section 422.12 and ~~422.12B~~,
35 16 shall be reduced by a qualified expenditure tax credit
35 17 authorized pursuant to section 15.393, subsection 2, paragraph
35 18 "a".

35 19 Sec. 51. Section 422.11U, Code Supplement 2007, is amended
35 20 to read as follows:

35 21 422.11U FILM INVESTMENT TAX CREDIT.

35 22 The taxes imposed under this division, less the ~~credits~~
35 23 credit allowed under ~~sections~~ section 422.12 and ~~422.12B~~,
35 24 shall be reduced by an investment tax credit authorized
35 25 pursuant to section 15.393, subsection 2, paragraph "b".

35 26 Sec. 52. Section 434.16, Code 2007, is amended to read as
35 27 follows:

35 28 434.16 ASSESSMENT OF SLEEPING AND DINING CARS.

35 29 The director of revenue shall, at the time of the
35 30 assessment of other railway property for taxation, assess for
35 31 taxation the average number of sleeping and dining cars as
35 32 provided in section 434.6 so used by such corporation each
35 33 month and the assessed value of said cars shall bear the same
35 34 proportion to the entire value thereof that the monthly
35 35 average number of miles such cars have been run or operated



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36 1 within the state shall bear to the monthly average number of
36 2 miles such cars have been used or operated within and without
36 3 the state. Such valuation shall be in the same ratio as that
36 4 of the property of individuals, and shall be added to the
36 5 assessed valuation of the corporation, fixed under ~~the~~
~~36 6 preceding sections~~ section 434.15.

36 7 Sec. 53. Section 455B.131, subsection 9, Code Supplement
36 8 2007, is amended to read as follows:

36 9 9. "Person" means an individual, partnership,
36 10 ~~copartnership~~, cooperative, firm, company, public or private
36 11 corporation, political subdivision, agency of the state,
36 12 trust, estate, joint stock company, an agency or department of
36 13 the federal government or any other legal entity, or a legal
36 14 representative, agent, officer, employee or assigns of such
36 15 entities.

36 16 Sec. 54. Section 462A.2, subsection 22, Code Supplement
36 17 2007, is amended to read as follows:

36 18 22. "Navigable waters" means all lakes, rivers, and
36 19 streams, which can support a vessel capable of carrying one or
36 20 more persons during a total of six months ~~period~~ in one out of
36 21 every ten years.

36 22 Sec. 55. Section 484B.4, subsection 1, Code 2007, is
36 23 amended to read as follows:

36 24 1. A person who owns or controls by lease or otherwise for
36 25 five or more years, a contiguous tract of land having an area
36 26 of not less than three hundred twenty acres, and who desires
36 27 to establish a hunting preserve, to propagate and sell game
36 28 birds and their young or unhatched eggs, and shoot game birds
36 29 and ungulates on the land, under this chapter or the rules of
36 30 the commission, shall make application to the department for
36 31 an operator's license. The application shall be made under
36 32 oath of the applicant or under oath of one of its principal
36 33 officers if the applicant is an association, or corporation,
~~36 34 or copartnership~~. Under the authority of this license, any
36 35 property or facilities to be used for propagating, holding,



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37 1 processing, or pasturing of game birds or ungulates shall not
37 2 be required to be contained within the contiguous land area
37 3 used for hunting purposes. The application shall be
37 4 accompanied by an operator's license fee of two hundred
37 5 dollars.

37 6 Sec. 56. Section 490.624, subsection 2, unnumbered
37 7 paragraph 1, Code Supplement 2007, is amended to read as
37 8 follows:

37 9 The terms and conditions of such rights, options, or
37 10 warrants, including those outstanding on ~~the effective date of~~
~~37 11 this section July 1, 1989~~, may include, without limitation,

37 12 restrictions, or conditions that do any of the following:

37 13 Sec. 57. Section 524.212, Code Supplement 2007, is amended
37 14 to read as follows:

37 15 524.212 PROHIBITION AGAINST DISCLOSURE OF REGULATORY
37 16 INFORMATION.

37 17 The superintendent, members of the state banking council,
37 18 general counsel, examiners, or other employees of the banking
37 19 division shall not disclose, in any manner, to any person
37 20 other than the person examined and those regulatory agencies
37 21 referred to in section 524.217, subsection 2, any information
37 22 relating specifically to the supervision and regulation of any
37 23 state bank, persons subject to the provisions of chapter 533A,
37 24 533C, 536, or 536A, any affiliate of any state bank, or an
37 25 affiliate of a person subject to the provisions of chapter
37 26 533A, 533C, 536, or 536A, except when ordered to do so by a
37 27 court of competent jurisdiction and then only in those
37 28 instances referred to in section 524.215, subsection 2,
37 29 paragraphs "a", "b", "c", ~~and~~ "e", and "f".

37 30 Sec. 58. Section 533.214, Code Supplement 2007, is amended
37 31 to read as follows:

37 32 533.214 CENTRAL CREDIT UNIONS.

37 33 Credit unions known as central credit unions may exist for
37 34 the purpose of serving directors, officers, and employees of
37 35 credit unions, members of dissolved and ~~members of other~~



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38 1 existing credit unions, ~~directors, officers, and employees of~~
38 2 credit unions, employee groups as described in section
38 3 533.301, subsection 13, and such other persons as the
38 4 superintendent approves.

38 5 Sec. 59. Section 537A.4, unnumbered paragraph 2, Code
38 6 2007, is amended to read as follows:

38 7 This section does not apply to a contract for the operation
38 8 of or for the sale or rental of equipment for games of skill
38 9 or games of chance, if both the contract and the games are in
38 10 compliance with chapter 99B. This section does not apply to
38 11 wagering under the pari-mutuel method of wagering authorized
38 12 by chapter 99D. This section does not apply to the sale,
38 13 purchase, or redemption of a ticket or share in the state
38 14 lottery in compliance with chapter 99G. This section does not
38 15 apply to wagering ~~under the excursion boat gambling method of~~
~~38 16 wagering~~ authorized by chapter 99F. This section does not
38 17 apply to the sale, purchase, or redemption of any ticket or
38 18 similar gambling device legally purchased in Indian lands
38 19 within this state.

38 20 Sec. 60. Section 542.4, subsection 1, Code 2007, is
38 21 amended to read as follows:

38 22 1. An Iowa accountancy examining board is created within
38 23 the professional licensing and regulation bureau of the
38 24 banking division of the department of commerce to administer
38 25 and enforce this chapter. The board shall consist of eight
38 26 members, appointed by the governor and subject to senate
38 27 confirmation, all of whom shall be residents of this state.
38 28 Five of the eight members shall be holders of certificates
38 29 issued under section 542.6, one member shall be the holder of
38 30 a license issued under section 542.8, and two shall not be
38 31 certified public accountants or licensed public accountants
38 32 and shall represent the general public. At least three of the
38 33 holders of certificates issued under section 542.6 shall also
38 34 be qualified to supervise attest services as provided in
38 35 section 542.7. A certified or licensed member of the board



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39 1 shall be actively engaged in practice as a certified public
39 2 accountant or as a licensed public accountant and shall have
39 3 been so engaged for five years preceding appointment, the last
39 4 two of which shall have been in this state. Professional
39 5 associations or societies composed of certified public
39 6 accountants or licensed public accountants may recommend the
39 7 names of potential board members to the governor. However,
39 8 the governor is not bound by the recommendations. A board
39 9 member is not required to be a member of any professional
39 10 association or society composed of certified public
39 11 accountants or licensed public accountants. The term of each
39 12 member of the board shall be three years, as designated by the
39 13 governor, and appointments to the board are subject to the
39 14 requirements of sections 69.16, 69.16A, and 69.19. ~~Members of~~
~~39 15 the board appointed and serving pursuant to chapter 542C, Code~~
~~39 16 2001, on July 1, 2002, shall serve out the terms for which~~
~~39 17 they were appointed.~~ Vacancies occurring during a term shall
39 18 be filled by appointment by the governor for the unexpired
39 19 term. Upon the expiration of the member's term of office, a
39 20 member shall continue to serve until a successor shall have
39 21 been appointed and taken office. The public members of the
39 22 board shall be allowed to participate in administrative,
39 23 clerical, or ministerial functions incident to giving the
39 24 examinations, but shall not determine the content or determine
39 25 the correctness of the answers. The licensed public
39 26 accountant member shall not determine the content of the
39 27 certified public accountant examination or determine the
39 28 correctness of the answers. Any member of the board whose
39 29 certificate under section 542.6 or license under section 542.8
39 30 is revoked or suspended shall automatically cease to be a
39 31 member of the board, and the governor may, after a hearing,
39 32 remove any member of the board for neglect of duty or other
39 33 just cause. A person who has served three successive complete
39 34 terms shall not be eligible for reappointment, but appointment
39 35 to fill an unexpired term shall not be considered a complete



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40 1 term for this purpose.

40 2 Sec. 61. Section 542.5, subsection 8, Code 2007, is

40 3 amended to read as follows:

40 4 8. An applicant must pass an examination which shall be

40 5 offered at least twice per year and which shall test the

40 6 applicant's knowledge of the subjects of accounting and

40 7 auditing, and such other related subjects as the board may

40 8 specify by rule, including but not limited to business law and

40 9 taxation. The examination shall be held at a time determined

40 10 by the board and may be changed from time to time. The board

40 11 shall prescribe by rule the methods of applying for and

40 12 conducting the examination, including methods for grading and

40 13 determining a passing grade required of an applicant for a

40 14 certificate. However, the board, to the extent possible,

40 15 shall ensure the examination, grading of the examination, and

40 16 the passing grades are uniform with those applicable in all

40 17 other states. The board may make such use of all or any part

40 18 of a nationally recognized uniform certified public accountant

40 19 examination and advisory grading service, and may contract

40 20 with third parties to perform such administrative services

40 21 with respect to the examination as it deems appropriate to

40 22 perform the duties of the board with respect to examination.

40 23 ~~Except as otherwise provided under this section, a person who~~

~~40 24 has partially passed the examination required by this~~

~~40 25 subsection by passing one or more subjects prior to December~~

~~40 26 31, 2000, has until December 31, 2003, to successfully~~

~~40 27 complete the examination process and qualify for a certificate~~

~~40 28 under the educational requirements in effect prior to December~~

~~40 29 31, 2000.~~

40 30 Sec. 62. Section 554.2505, subsection 2, Code Supplement

40 31 2007, is amended to read as follows:

40 32 2. When shipment by the seller with reservation of a

40 33 security interest is in violation of the contract for sale it

40 34 constitutes an improper contract for transportation ~~within the~~

~~40 35 preceding~~ under section 554.2504 but impairs neither the



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41 1 rights given to the buyer by shipment and identification of
41 2 the goods to the contract nor the seller's powers as a holder
41 3 of a negotiable document of title.

41 4 Sec. 63. Section 564.3, Code 2007, is amended to read as
41 5 follows:

41 6 564.3 ~~FOOTWAY PEDESTRIAN RIGHTS=OF=WAY OR EASEMENTS.~~

41 7 ~~No right of footway, except claimed in connection with a~~
~~41 8 right to pass with carriages, An easement or right-of-way for~~
41 9 pedestrian traffic shall not be acquired by prescription or
41 10 adverse use for any length of time except when claimed in
41 11 connection with an easement or right-of-way to permit passage
41 12 of public or private vehicular traffic.

41 13 Sec. 64. Section 600A.2, subsections 6 and 8, Code 2007,
41 14 are amended to read as follows:

41 15 6. "Custodian" means a stepparent or a relative within the
41 16 fourth degree of consanguinity to a minor child who has
41 17 assumed responsibility for that child, a person who has
41 18 accepted a release of custody, or a person appointed by a
41 19 court or juvenile court having jurisdiction over a child. A
41 20 "custodian" has the rights and duties provided in section

41 21 600A.2A. The rights and duties of a custodian with respect to
41 22 a child shall be as follows:

41 23 a. ~~To maintain or transfer to another the physical~~
41 24 ~~possession of that child.~~

41 25 b. ~~To protect, train, and discipline that child.~~

41 26 c. ~~To provide food, clothing, housing, and ordinary~~
41 27 ~~medical care for that child.~~

41 28 d. ~~To consent to emergency medical care, including~~
41 29 ~~surgery.~~

41 30 e. ~~To sign a release of medical information to a health~~
41 31 ~~professional.~~

41 32 ~~All rights and duties of a custodian shall be subject to any~~
41 33 ~~residual rights and duties remaining in a parent or guardian.~~

41 34 8. "Guardian" means a person who is not the parent of a
41 35 minor child, but who has been appointed by a court or juvenile



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42 1 court having jurisdiction over the minor child to make
42 2 important decisions which have permanent effect on the life
42 3 and development of that child and to promote the general
42 4 welfare of that child. A guardian has the rights and duties
42 5 provided in section 600A.2B. A guardian may be a court or a
42 6 juvenile court. Guardian does not mean conservator, as
42 7 defined in section 633.3, although a person who is appointed
42 8 to be a guardian may also be appointed to be a conservator.
42 9 ~~Unless otherwise enlarged or circumscribed by a court or~~
~~42 10 juvenile court having jurisdiction over the minor child or by~~
~~42 11 operation of law, the rights and duties of a guardian with~~
~~42 12 respect to a minor child shall be as follows:~~
42 13 a. ~~To consent to marriage, enlistment in the armed forces~~
~~42 14 of the United States, or medical, psychiatric or surgical~~
~~42 15 treatment.~~
42 16 b. ~~To serve as custodian, unless another person has been~~
~~42 17 appointed custodian.~~
42 18 c. ~~To make reasonable visitations if the guardian does not~~
~~42 19 have physical possession or custody of the minor child.~~
42 20 d. ~~To consent to adoption and to make any other decision~~
~~42 21 that the parents could have made when the parent=child~~
~~42 22 relationship existed.~~
42 23 Sec. 65. NEW SECTION. 600A.2A RIGHTS AND DUTIES OF
42 24 CUSTODIAN.
42 25 1. The rights and duties of a custodian with respect to a
42 26 child shall be as follows:
42 27 a. To maintain or transfer to another the physical
42 28 possession of that child.
42 29 b. To protect, train, and discipline that child.
42 30 c. To provide food, clothing, housing, and ordinary
42 31 medical care for that child.
42 32 d. To consent to emergency medical care, including
42 33 surgery.
42 34 e. To sign a release of medical information to a health
42 35 professional.



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43 1 2. All rights and duties of a custodian shall be subject
43 2 to any residual rights and duties remaining in a parent or
43 3 guardian.

43 4 Sec. 66. NEW SECTION. 600A.2B RIGHTS AND DUTIES OF
43 5 GUARDIAN.

43 6 Unless otherwise enlarged or circumscribed by a court or
43 7 juvenile court having jurisdiction over the minor child or by
43 8 operation of law, the rights and duties of a guardian with
43 9 respect to a minor child shall be as follows:

43 10 1. To consent to marriage, enlistment in the armed forces
43 11 of the United States, or medical, psychiatric, or surgical
43 12 treatment.

43 13 2. To serve as custodian, unless another person has been
43 14 appointed custodian.

43 15 3. To make reasonable visitations if the guardian does not
43 16 have physical possession or custody of the minor child.

43 17 4. To consent to adoption and to make any other decision
43 18 that the parents could have made when the parent-child
43 19 relationship existed.

43 20 Sec. 67. Section 615.1, Code 2007, is amended to read as
43 21 follows:

43 22 615.1 EXECUTION ON CERTAIN JUDGMENTS PROHIBITED.

43 23 1. A After the expiration of a period of two years from
43 24 the date of entry of judgment, exclusive of any time during
43 25 which execution on the judgment was stayed pending a
43 26 bankruptcy action, a judgment entered in an action for either
43 27 of the following actions the foreclosure of a real estate
43 28 mortgage, deed of trust, or real estate contract upon property
43 29 which at the time of judgment is either used for an
43 30 agricultural purpose as defined in section 535.13 or a
43 31 one-family or two-family dwelling which is the residence of
43 32 the mortgagor, or in any action on a claim for rent shall be
43 33 null and void, all liens shall be extinguished, and no
43 34 execution shall be issued for any purpose other than as a
43 35 setoff or counterclaim ~~after the expiration of a period of two~~



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~~44 1 years, exclusive of any time during which execution on the
44 2 judgment was stayed pending a bankruptcy action, from the
44 3 entry thereof.:~~

44 4 a. An action for the foreclosure of a real estate
44 5 mortgage, deed of trust, or real estate contract upon property
44 6 which at the time of judgment is either used for an
44 7 agricultural purpose as defined in section 535.13 or as a
44 8 one-family or two-family dwelling which is the residence of
44 9 the mortgagor.

44 10 b. An action on a claim for rent.

44 11 2. As used in this section, "mortgagor" means a mortgagor
44 12 or a borrower executing a deed of trust as provided in chapter
44 13 654 or a vendee of a real estate contract.

44 14 Sec. 68. Section 622.10, subsection 6, Code Supplement
44 15 2007, is amended to read as follows:

~~44 16 6. A qualified school guidance counselor, who has met the
44 17 certification and accreditation standards of the department of
44 18 education as provided in section 256.11, subsection 10, is
44 19 licensed by the board of educational examiners under chapter
44 20 272 and who obtains information by reason of the counselor's
44 21 employment as a qualified school guidance counselor, shall not
44 22 be allowed, in giving testimony, to disclose any confidential
44 23 communications properly entrusted to the counselor by a pupil
44 24 or the pupil's parent or guardian in the counselor's capacity
44 25 as a qualified school guidance counselor and necessary and
44 26 proper to enable the counselor to perform the counselor's
44 27 duties as a qualified school guidance counselor.~~

44 28 Sec. 69. Section 633.113, Code 2007, is amended to read as
44 29 follows:

44 30 633.113 COMMITMENT.

44 31 If, upon being served with an order of the court requiring
44 32 appearance for interrogation, as provided in ~~the preceding~~
~~44 33 sections hereof~~ section 633.112, any person fails to appear in
44 34 accordance therewith, or if, having appeared, the person
44 35 refuses to answer any question which the court thinks proper



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45 1 to be put to the person in the course of such examination, or
45 2 if the person fails to comply with the order of the court
45 3 requiring the delivery of the property to the fiduciary, the
45 4 person may be committed to the jail of the county until the
45 5 person does.

45 6 Sec. 70. Section 715A.2A, subsection 2, Code 2007, is
45 7 amended to read as follows:

45 8 2. An employer who establishes that it has complied in
45 9 good faith with the requirements of 8 U.S.C. } ~~1324(b)~~
45 10 1324a(b) with respect to the hiring or continued employment of
45 11 an alien in the United States has established an affirmative
45 12 defense that the employer has not violated this section.

45 13 Sec. 71. Sections 15.221, 15.222, 15.223, 15.224, and
45 14 15.225, Code 2007, are repealed.

45 15 Sec. 72. Section 327B.6, Code Supplement 2007, is
45 16 repealed.

45 17 DIVISION II

45 18 VOLUME I RENUMBERING

45 19 Sec. 73. Section 2.14, subsections 1 and 3, Code 2007, are
45 20 amended to read as follows:

45 21 1. a. A standing committee of either house or a
45 22 subcommittee when authorized by the chairperson of the
45 23 standing committee, may meet when the general assembly is not
45 24 in session in the manner provided in this section and upon
45 25 call pursuant to the rules of the house or senate. In case of
45 26 vacancy in the chair or in the chairperson's absence, the
45 27 ranking member shall act as chairperson.

45 28 b. A standing committee or subcommittee may act on bills
45 29 and resolutions in the interim between the first and second
45 30 regular sessions of a general assembly. A standing committee
45 31 may also study and draft proposed committee bills. However,
45 32 unless the subject matter of a study or proposed committee
45 33 bill has been assigned to a standing committee for study by
45 34 the general assembly or legislative council, the services of
45 35 the legislative services agency cannot be utilized.



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46 1 c. The date, time, and place of any meeting of a standing
46 2 committee shall, by the person or persons calling the meeting,
46 3 be reported to and be available to the public in the office of
46 4 the director of the legislative services agency at least five
46 5 days prior to the meeting.

46 6 d. A standing committee may hold public hearings and
46 7 receive testimony upon any subject matter within its
46 8 jurisdiction.

46 9 3. Interim studies utilizing the services of the
46 10 legislative services agency must be authorized by the general
46 11 assembly or the legislative council. ~~A standing committee may~~
46 12 ~~also study and draft proposed committee bills. However,~~
46 13 ~~unless the subject matter of a study or proposed committee~~
46 14 ~~bill has been assigned to a standing committee for study by~~
46 15 ~~the general assembly or legislative council, the services of~~
46 16 ~~the legislative services agency cannot be utilized.~~

46 17 a. Nonlegislative members shall not serve upon any study
46 18 committee, unless approved by the legislative council. ~~A~~
46 19 ~~standing committee may hold public hearings and receive~~
46 20 ~~testimony upon any subject matter within its jurisdiction.~~

46 21 b. Nonlegislative members of study committees shall be
46 22 paid their necessary travel and actual expenses incurred in
46 23 attending committee or subcommittee meetings for the purposes
46 24 of the study.

46 25 Sec. 74. Section 2.32, Code 2007, is amended to read as
46 26 follows:

46 27 2.32 CONFIRMATION OF APPOINTMENTS == PROCEDURES.

46 28 1. The governor shall either make an appointment or file a
46 29 notice of deferred appointment by March 15 for the following
46 30 appointments which are subject to confirmation by the senate:

46 31 a. An appointment to fill a term beginning on May 1 of
46 32 that year.

46 33 b. An appointment to fill a vacancy, other than as
46 34 provided for in paragraph "d," existing prior to the convening
46 35 of the general assembly in regular session in that year.



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47 1 c. An appointment to fill a vacancy, other than as
47 2 provided for in paragraph "d," which is known, prior to the
47 3 convening of the general assembly in regular session, will
47 4 occur before May 1 of that year.

47 5 d. An appointment to fill a vacancy existing in a
47 6 full-time compensated position on December 15 prior to the
47 7 convening of the general assembly.

47 8 2. The governor shall file by February 1 with the
47 9 secretary of the senate a list of all the appointment
47 10 positions requiring gubernatorial action pursuant to
47 11 subsection 1. The secretary of the senate shall provide the
47 12 governor a written acknowledgment of the list within five days
47 13 of its receipt. The senate shall approve the list or request
47 14 corrections by resolution by February 15.

47 15 3. The governor shall submit all appointments requiring
47 16 confirmation by the senate and notices of deferred appointment
47 17 to the secretary of the senate who shall provide the
47 18 governor's office with receipts of submission. Each notice of
47 19 appointment shall be accompanied by a statement of the
47 20 appointee's political affiliation. The notice of a deferred
47 21 appointment shall be filed by the governor with the secretary
47 22 of the senate and accompanied by a statement of reasons for
47 23 the deferral.

47 24 4. A gubernatorial appointee, whose appointment is subject
47 25 to confirmation by the senate and who serves at the pleasure
47 26 of the governor, is subject to reconfirmation by the senate
47 27 during the regular session of the general assembly convening
47 28 in January if the appointee will complete the appointee's
47 29 fourth year in office on or before the following April 30.
47 30 For the purposes of this section, the submission of an
47 31 appointee for reconfirmation is deemed the same as the
47 32 submission of an appointee for confirmation and the procedures
47 33 of this section regarding confirmation and the consequences of
47 34 refusal to confirm are the same for reconfirmation.

47 35 5. If an appointment subject to senate confirmation is



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48 1 required by statute to be made by an appointing authority
48 2 other than the governor, the duties assigned under this
48 3 section to the governor shall be performed by the appointing
48 4 authority.

48 5 ~~2.~~ 6. If a vacancy in a position requiring confirmation
48 6 by the senate, other than a full-time compensated position,
48 7 occurs after the convening of the general assembly in regular
48 8 session, the governor shall, within sixty calendar days after
48 9 the vacancy occurs, either make an appointment or file a
48 10 notice of deferred appointment unless the general assembly has
48 11 adjourned its regular session before the sixty-day period
48 12 expires. If a vacancy in a full-time compensated position
48 13 requiring senate confirmation occurs after December 15, the
48 14 governor shall, within ninety calendar days after the vacancy
48 15 occurs, make an appointment or file a notice of deferred
48 16 appointment unless the general assembly has adjourned its
48 17 regular session before the ninety-day period expires.

48 18 ~~3.~~ 7. If an appointment is submitted pursuant to
48 19 subsection 1, the senate shall by April 15 of that year either
48 20 approve, disapprove, or by resolution defer consideration of
48 21 confirmation of the appointment. If an appointment is
48 22 submitted pursuant to subsection ~~2~~ 6, the senate shall either
48 23 approve, disapprove, or by resolution defer consideration of
48 24 confirmation of the appointment within thirty days after
48 25 receiving the appointment from the governor. The senate may
48 26 defer consideration of an appointment until a later time
48 27 during that session, but the senate shall not adjourn that
48 28 session until all appointments submitted pursuant to this
48 29 section before the last thirty days of the session are
48 30 approved or disapproved. If a nomination is submitted during
48 31 the last thirty days of the session, the senate may by
48 32 resolution defer consideration of the appointment until the
48 33 next regular session of the general assembly and the
48 34 nomination shall be considered as though made during the
48 35 legislative interim.



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49 1 ~~Sixty days after a person's appointment has been~~
49 2 ~~disapproved by the senate, that person shall not serve in that~~
49 3 ~~position as an interim appointment or by holding over in~~
49 4 ~~office and the governor shall submit another appointment or~~
49 5 ~~file a notice of deferred appointment before the sixty-day~~
49 6 ~~period expires.~~

49 7 ~~4. The governor shall submit all appointments requiring~~
49 8 ~~confirmation by the senate and notices of deferred appointment~~
49 9 ~~to the secretary of the senate who shall provide the~~
49 10 ~~governor's office with receipts of submission. Each notice of~~
49 11 ~~appointment shall be accompanied by a statement of the~~
49 12 ~~appointee's political affiliation. The notice of a deferred~~
49 13 ~~appointment shall be filed by the governor with the secretary~~
49 14 ~~of the senate and accompanied by a statement of reasons for~~
49 15 ~~the deferral.~~

49 16 ~~5. 8. The confirmation of every appointment submitted to~~
49 17 ~~the senate requires the approval of two-thirds of the members~~
49 18 ~~of the senate. The senate shall adopt rules governing the~~
49 19 ~~referral of appointments to committees, the reports of~~
49 20 ~~committees on appointments, and the confirmation of~~
49 21 ~~appointments by the senate.~~

49 22 ~~6. The confirmation of every appointment submitted to the~~
49 23 ~~senate requires the approval of two-thirds of the members of~~
49 24 ~~the senate.~~

49 25 ~~9. A person whose appointment is subject to senate~~
49 26 ~~confirmation shall make available to the senate committee to~~
49 27 ~~which the appointment is referred, upon the committee's~~
49 28 ~~request, a notarized statement that the person has filed~~
49 29 ~~federal and state income tax returns for the three years~~
49 30 ~~immediately preceding the appointment, or a notarized~~
49 31 ~~statement of the legal reason for failure to file. If the~~
49 32 ~~appointment is to a board, commission, council, or other body~~
49 33 ~~empowered to take disciplinary action, all complaints and~~
49 34 ~~statements of charges, settlement agreements, findings of~~
49 35 ~~fact, and orders pertaining to any disciplinary action taken~~



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50 1 by that board, commission, council, or body in a contested
50 2 case against the person whose appointment is being reviewed by
50 3 the senate shall be made available to the senate committee to
50 4 which the appointment is referred upon its request.

50 5 10. All tax records, complaint files, investigation files,
50 6 other investigation reports, and other investigative
50 7 information in the possession of the committee which relate to
50 8 appointee tax filings or complaints and statements of charges,
50 9 settlement agreements, findings of fact, and orders from any
50 10 past disciplinary action in a contested case against the
50 11 appointee are privileged and confidential and they are not
50 12 subject to discovery, subpoena, or other means of legal
50 13 compulsion for their release to a person other than the
50 14 appointee unless otherwise provided by law.

50 15 ~~7. The governor shall file by February 1 with the~~
~~50 16 secretary of the senate a list of all the appointment~~
~~50 17 positions requiring gubernatorial action pursuant to~~
~~50 18 subsection 1. The secretary of the senate shall provide the~~
~~50 19 governor a written acknowledgment of the list within five days~~
~~50 20 of its receipt. The senate shall approve the list or request~~
~~50 21 corrections by resolution by February 15.~~

50 22 ~~8. A gubernatorial appointee, whose appointment is subject~~
~~50 23 to confirmation by the senate and who serves at the pleasure~~
~~50 24 of the governor, is subject to reconfirmation by the senate~~
~~50 25 during the regular session of the general assembly convening~~
~~50 26 in January if the appointee will complete the appointee's~~
~~50 27 fourth year in office on or before the following April 30.~~
~~50 28 For the purposes of this section, the submission of an~~
~~50 29 appointee for reconfirmation is deemed the same as the~~
~~50 30 submission of an appointee for confirmation and the procedures~~
~~50 31 of this section regarding confirmation and the consequences of~~
~~50 32 refusal to confirm are the same for reconfirmation.~~

50 33 ~~9. If an appointment subject to senate confirmation is~~
~~50 34 required by statute to be made by an appointing authority~~
~~50 35 other than the governor, the duties assigned under this~~



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~~51 1 section to the governor shall be performed by the appointing
51 2 authority.~~

51 3 11. Sixty days after a person's appointment has been
51 4 disapproved by the senate, that person shall not serve in that
51 5 position as an interim appointment or by holding over in
51 6 office and the governor shall submit another appointment or
51 7 file a notice of deferred appointment before the sixty-day
51 8 period expires.

51 9 Sec. 75. Section 8.3A, Code 2007, is amended to read as
51 10 follows:

51 11 8.3A CAPITAL PROJECT PLANNING AND BUDGETING == GOVERNOR'S
51 12 DUTIES.

51 13 1. DEFINITIONS. For the purposes of this section:

51 14 a. "Capital project" does not include highway and
51 15 right-of-way projects or airport capital projects undertaken
51 16 by the state department of transportation and financed from
51 17 dedicated funds or capital projects funded by nonstate grants,
51 18 gifts, or contracts obtained at or through state universities,
51 19 if the projects do not require a commitment of additional
51 20 state resources for maintenance, operations, or staffing.

~~51 21 A capital project shall not be divided into smaller
51 22 projects in such a manner as to thwart the intent of this
51 23 section to provide for the evaluation of a capital project
51 24 whose cost cumulatively equals or exceeds two hundred fifty
51 25 thousand dollars.~~

51 26 b. "Facility" means a distinct parcel of land or a
51 27 building used by the state or a state agency for a specific
51 28 purpose.

51 29 c. "State agency" means any executive, judicial, or
51 30 legislative department, commission, board, institution,
51 31 division, bureau, office, agency, or other entity of state
51 32 government.

51 33 2. DUTIES. The governor shall:

51 34 a. Develop criteria for the evaluation of proposed capital
51 35 projects which shall include but not be limited to the



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52 1 following:

52 2 (1) Fiscal impacts on costs and revenues.

52 3 (2) Health and safety effects.

52 4 (3) Community economic effects.

52 5 (4) Environmental, aesthetic, and social effects.

52 6 (5) Amount of disruption and inconvenience caused by the
52 7 capital project.

52 8 (6) Distributional effects.

52 9 (7) Feasibility, including public support and project
52 10 readiness.

52 11 (8) Implications of deferring the project.

52 12 (9) Amount of uncertainty and risk.

52 13 (10) Effects on interjurisdictional relationships.

52 14 (11) Advantages accruing from relationships to other
52 15 capital project proposals.

52 16 (12) Private sector contracting for construction,
52 17 operation, or maintenance.

52 18 b. Make recommendations to the general assembly and the
52 19 legislative capital projects committee regarding the funding
52 20 and priorities of proposed capital projects.

52 21 c. Develop maintenance standards and guidelines for
52 22 capital projects.

52 23 d. Review financing alternatives available to fund capital
52 24 projects, including the evaluation of the advantages and
52 25 disadvantages of bonding for all types of capital projects
52 26 undertaken by all state agencies.

52 27 e. Monitor the debt of the state or a state agency.

52 28 3. DIVISION OF PROJECT RESTRICTED. A capital project
52 29 shall not be divided into smaller projects in such a manner as
52 30 to thwart the intent of this section to provide for the
52 31 evaluation of a capital project whose cost cumulatively equals
52 32 or exceeds two hundred fifty thousand dollars.

52 33 Sec. 76. Section 8A.204, subsection 3, paragraph g,
52 34 subparagraph (4), Code Supplement 2007, is amended to read as
52 35 follows:



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53 1 (4) Review and approval of all concept papers and
53 2 documentation related to requests for proposals for all
53 3 information technology devices, hardware acquisition,
53 4 information technology services, software development
53 5 projects, and information technology outsourcing for agencies
53 6 that exceed the greater of a total cost of fifty thousand
53 7 dollars or a total involvement of seven hundred fifty agency
53 8 staff hours- as follows:

53 9 (a) The review and approval of concept papers and
53 10 documentation as provided in this subparagraph shall occur
53 11 prior to the issuance of the related request for proposals.

53 12 (b) Notwithstanding section 21.5, subsection 1, the board,
53 13 by vote of at least six members, may hold a closed session to
53 14 review and discuss concept papers and documentation related to
53 15 a request for proposals if the board determines that the
53 16 public disclosure of such discussion prior to the issuance of
53 17 the request for proposals may disadvantage any potential
53 18 vendors.

53 19 (c) The board shall keep detailed minutes of all
53 20 discussion, persons present, and action occurring at a closed
53 21 session, and shall also tape record all of the closed session.
53 22 The minutes and the tape recording of a session closed under
53 23 this subparagraph shall be made available for public
53 24 examination when a final decision is made regarding whether to
53 25 issue the request for proposals.

53 26 (d) All board actions and decisions regarding this
53 27 information shall be made in open session and appropriately
53 28 recorded.

53 29 Sec. 77. Section 8A.324, Code 2007, is amended to read as
53 30 follows:

53 31 8A.324 DISPOSAL OF PERSONAL PROPERTY.

53 32 1. The director may dispose of personal property of the
53 33 state under the director's control by any of the following
53 34 means:

53 35 ~~1.~~ a. The director may dispose of unfit or unnecessary



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54 1 personal property by sale. Proceeds from the sale of personal
54 2 property shall be deposited in the general fund of the state.
54 3 ~~2. b.~~ If the director concludes that the personal
54 4 property has little or no value, the director may enter into
54 5 an agreement with a not=for=profit organization or
54 6 governmental agency to dispose of the personal property. The
~~54 7 not=for=profit organization or governmental agency may charge~~
~~54 8 the state agency in control of the property with the cost of~~
~~54 9 removing and transporting the property. Title to the personal~~
~~54 10 property shall transfer when the personal property is in the~~
~~54 11 possession of the not=for=profit organization or governmental~~
~~54 12 agency. If a governmental agency adds value to the property~~
~~54 13 transferred to it and sells it, the proceeds from the sale~~
~~54 14 shall be deposited with the governmental agency and not in the~~
~~54 15 general fund of the state.~~

54 16 ~~A not=for=profit organization or governmental agency that~~
~~54 17 enters into an agreement with the director pursuant to this~~
~~54 18 subsection may sell or otherwise transfer the personal~~
~~54 19 property received from the department to any person that the~~
~~54 20 department would be able to sell or otherwise transfer such~~
~~54 21 property to under this chapter, including, but not limited to,~~
~~54 22 the general public. The authority granted to sell or~~
~~54 23 otherwise transfer personal property pursuant to this~~
~~54 24 paragraph supersedes any other restrictions applicable to the~~
~~54 25 not=for=profit organization or governmental agency, but only~~
~~54 26 for purposes of the personal property received from the~~
~~54 27 department.~~

54 28 ~~3. c.~~ The director may dispose of presses, printing
54 29 equipment, printing supplies, and other machinery or equipment
54 30 used in the printing operation.

54 31 2. A not=for=profit organization or governmental agency
54 32 that enters into an agreement with the director pursuant to
54 33 subsection 1 may charge the state agency in control of the
54 34 property with the cost of removing and transporting the
54 35 property. Title to the personal property shall transfer when



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55 1 the personal property is in the possession of the
55 2 not-for-profit organization or governmental agency. If a
55 3 governmental agency adds value to the property transferred to
55 4 it and sells it, the proceeds from the sale shall be deposited
55 5 with the governmental agency and not in the general fund of
55 6 the state. The not-for-profit organization or governmental
55 7 agency may sell or otherwise transfer the personal property
55 8 received from the department to any person that the department
55 9 would be able to sell or otherwise transfer such property to
55 10 under this chapter, including but not limited to the general
55 11 public. The authority granted to sell or otherwise transfer
55 12 personal property pursuant to this subsection supersedes any
55 13 other restrictions applicable to the not-for-profit
55 14 organization or governmental agency, but only for purposes of
55 15 the personal property received from the department.

55 16 Sec. 78. Section 8A.413, Code 2007, is amended to read as
55 17 follows:

55 18 8A.413 STATE HUMAN RESOURCE MANAGEMENT == RULES.

55 19 The department shall adopt rules for the administration of
55 20 this subchapter pursuant to chapter 17A. Rulemaking shall be
55 21 carried out with due regard to the terms of collective
55 22 bargaining agreements. A rule shall not supersede a provision
55 23 of a collective bargaining agreement negotiated under chapter
55 24 20. Notwithstanding any provisions to the contrary, a rule or
55 25 regulation shall not be adopted by the department which would
55 26 deprive the state of Iowa, or any of its agencies or
55 27 institutions, of federal grants or other forms of financial
55 28 assistance. The rules shall provide:

55 29 1. For the preparation, maintenance, and revision of a job
55 30 classification plan that encompasses each job in the executive
55 31 branch, excluding job classifications under the state board of
55 32 regents, based upon assigned duties and responsibilities, so
55 33 that the same general qualifications may reasonably be
55 34 required for and the same pay plan may be equitably applied to
55 35 all jobs in the same job classification. The director shall



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56 1 classify the position of every employee in the executive
56 2 branch, excluding employees of the state board of regents,
56 3 into one of the classes in the plan. An appointing authority
56 4 or employee adversely affected by a classification or
56 5 reclassification decision may file an appeal with the
56 6 director. Appeals of a classification or reclassification
56 7 decision shall be exempt from the provisions of section 17A.11
56 8 and shall be heard by a committee appointed by the director.
56 9 The classification or reclassification of a position that
56 10 would cause the expenditure of additional salary funds shall
56 11 not become effective if the expenditure of funds would be in
56 12 excess of the total amount budgeted for the department of the
56 13 appointing authority until budgetary approval has been
56 14 obtained from the director of the department of management.

56 15 2. When For notification of the governor when the public
56 16 interest requires a decrease or increase of employees in any
56 17 position or type of employment not otherwise provided by law,
56 18 or the creation or abolishment of any position or type of
56 19 employment, as determined by the director, acting in good
56 20 faith, ~~shall so notify the governor~~. Thereafter, the position
56 21 or type of employment shall stand abolished or created and the
56 22 number of employees therein reduced or increased.

56 23 ~~2.~~ 3. For pay plans covering all employees in the
56 24 executive branch, excluding employees of the state board of
56 25 regents, after consultation with the governor and appointing
56 26 authorities, and consistent with the terms of collective
56 27 bargaining agreements negotiated under chapter 20.

56 28 ~~3.~~ 4. For examinations to determine the relative fitness
56 29 of applicants for employment.

56 30 a. Such examinations shall be practical in character and
56 31 shall relate to such matters as will fairly assess the ability
56 32 of the applicant to discharge the duties of the position to
56 33 which appointment is sought.

56 34 b. Where the Code of Iowa establishes certification,
56 35 registration, or licensing provisions, such documents shall be



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57 1 considered prima facie evidence of basic skills accomplishment
57 2 and such persons shall be exempt from further basic skills
57 3 examination.

57 4 ~~5. Vacancies shall be announced publicly~~ For the public
57 5 announcement of vacancies at least ten days in advance of the
57 6 date fixed for the filing of applications for the vacancies,
57 7 and ~~shall be advertised~~ the advertisement of the vacancies
57 8 through the communications media. The director may, however,
57 9 in the director's discretion, continue to receive applications
57 10 and examine candidates for a period adequate to assure a
57 11 sufficient number of eligibles to meet the needs of the
57 12 system, and may add the names of successful candidates to
57 13 existing eligible lists.

57 14 ~~4. 6.~~ For promotions which shall give appropriate
57 15 consideration to the applicant's qualifications, record of
57 16 performance, and conduct. A promotion means a change in the
57 17 status of an employee from a position in one class to a
57 18 position in another class having a higher pay grade.

57 19 ~~5. 7.~~ For the establishment of lists for appointment and
57 20 promotion, upon which lists shall be placed the names of
57 21 successful candidates.

57 22 ~~6. 8.~~ For the rejection of applicants who fail to meet
57 23 reasonable requirements.

57 24 ~~7. 9.~~ For the appointment by the appointing authority of
57 25 a person on the appropriate list to fill a vacancy.

57 26 ~~8. 10.~~ For a probation period of six months, excluding
57 27 educational or training leave, before appointment may be made
57 28 complete, and during which period a probationer may be
57 29 discharged or reduced in class or pay. If the employee's
57 30 services are unsatisfactory, the employee shall be dropped
57 31 from the payroll on or before the expiration of the probation
57 32 period. If satisfactory, the appointment shall be deemed
57 33 permanent. The determination of the appointing authority
57 34 shall be final and conclusive.

57 35 ~~9. 11.~~ For temporary employment for not more than seven



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58 1 hundred eighty hours in a fiscal year.
58 2 ~~10.~~ 12. For provisional employment when there is no
58 3 appropriate list available. Such provisional employment shall
58 4 not continue longer than one hundred eighty calendar days.
58 5 ~~11.~~ 13. For transfer from a position in one state agency
58 6 to a similar position in the same state agency or another
58 7 state agency involving similar qualifications, duties,
58 8 responsibilities, and salary ranges. Whenever an employee
58 9 transfers or is transferred from one state agency to another
58 10 state agency, the employee's seniority rights, any accumulated
58 11 sick leave, and accumulated vacation time, as provided in the
58 12 law, shall be transferred to the new place of employment and
58 13 credited to the employee. Employees who are subject to
58 14 contracts negotiated under chapter 20 which include transfer
58 15 provisions shall be governed by the contract provisions.
58 16 ~~12.~~ 14. For reinstatement of persons who have attained
58 17 permanent status and who resign in good standing or who are
58 18 laid off from their positions without fault or delinquency on
58 19 their part.
58 20 ~~13.~~ 15. For establishing in cooperation with the
58 21 appointing authorities a performance management system for all
58 22 employees in the executive branch, excluding employees of the
58 23 state board of regents, which shall be considered in
58 24 determining salary increases; as a factor in promotions; as a
58 25 factor in determining the order of layoffs and in
58 26 reinstatement; as a factor in demotions, discharges, and
58 27 transfers; and for the regular evaluation, at least annually,
58 28 of the qualifications and performance of those employees.
58 29 ~~14.~~ 16. For layoffs by reason of lack of funds or work,
58 30 or reorganization, and for the recall of employees so laid
58 31 off, giving consideration in layoffs to the employee's
58 32 performance record and length of service. An employee who has
58 33 been laid off may be on a recall list for one year, which list
58 34 shall be exhausted by the organizational unit enforcing the
58 35 layoff before selection of an employee may be made from the



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59 1 promotional or nonpromotional list in the employee's
59 2 classification. Employees who are subject to contracts
59 3 negotiated under chapter 20 which include layoff and recall
59 4 provisions shall be governed by the contract provisions.
59 5 ~~15.~~ 17. For imposition, as a disciplinary measure, of a
59 6 suspension from service without pay.
59 7 ~~16.~~ 18. a. For discharge, suspension, or reduction in
59 8 job classification or pay grade for any of the following
59 9 causes:
59 10 (1) Failure to perform assigned duties;
~~59 11 inadequacy.~~
59 12 (2) Inadequacy in performing assigned duties; ~~negligence;~~
~~59 13 inefficiency; incompetence; insubordination; unrehabilitated.~~
59 14 (3) Negligence.
59 15 (4) Inefficiency.
59 16 (5) Incompetence.
59 17 (6) Insubordination.
59 18 (7) Unrehabilitated alcoholism or narcotics addiction;
~~59 19 dishonesty; unlawful.~~
59 20 (8) Dishonesty.
59 21 (9) Unlawful discrimination; ~~failure.~~
59 22 (10) Failure to maintain a license, certificate, or
59 23 qualification necessary for a job classification or position;
~~59 24 any.~~
59 25 (11) Any act or conduct which adversely affects the
59 26 employee's performance or the employing agency; ~~or any.~~
59 27 (12) Any other good cause for discharge, suspension, or
59 28 reduction.
59 29 b. The person discharged, suspended, or reduced shall be
59 30 given a written statement of the reasons for the discharge,
59 31 suspension, or reduction within twenty-four hours after the
59 32 discharge, suspension, or reduction.
59 33 c. All persons concerned with the administration of this
59 34 subchapter shall use their best efforts to ensure that this
59 35 subchapter and the rules adopted pursuant to this subchapter



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60 1 shall not be a means of protecting or retaining unqualified or
60 2 unsatisfactory employees, and shall discharge, suspend, or
60 3 reduce in job classification or pay grade all employees who
60 4 should be discharged, suspended, or reduced for any of the
60 5 causes stated in this subsection.

60 6 ~~17.~~ 19. For establishment of a uniform plan for resolving
60 7 employee grievances and complaints. Employees who are subject
60 8 to contracts negotiated under chapter 20 which include
60 9 grievance and complaint provisions shall be governed by the
60 10 contract provisions.

60 11 ~~18.~~ 20. For attendance regulations, and special leaves of
60 12 absence, with or without pay, or reduced pay, in the various
60 13 classes of positions in the executive branch, excluding
60 14 positions under the state board of regents.

60 15 a. Employees who are subject to contracts negotiated under
60 16 chapter 20 which include leave of absence provisions shall be
60 17 governed by the contract provisions.

60 18 b. Annual sick leave and vacation time shall be granted in
60 19 accordance with section 70A.1.

60 20 ~~19.~~ 21. For the development and operation of programs to
60 21 improve the work effectiveness and morale of employees in the
60 22 executive branch, excluding employees of the state board of
60 23 regents, including training, safety, health, welfare,
60 24 counseling, recreation, and employee relations.

~~60 25 20. Notwithstanding any provisions to the contrary, a rule
60 26 or regulation shall not be adopted by the department which
60 27 would deprive the state of Iowa, or any of its agencies or
60 28 institutions, of federal grants or other forms of financial
60 29 assistance.~~

60 30 ~~21.~~ 22. For veterans preference through a provision that
60 31 veterans, as defined in section 35.1, shall have five points
60 32 added to the grade or score attained in qualifying
60 33 examinations for appointment to jobs.

60 34 a. Veterans who have a service-connected disability or are
60 35 receiving compensation, disability benefits, or pension under



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61 1 laws administered by the veterans administration shall have
61 2 ten points added to the grades attained in qualifying
61 3 examinations.

61 4 b. A veteran who has been awarded the purple heart for
61 5 disabilities incurred in action shall be considered to have a
61 6 service-connected disability.

61 7 ~~22.~~ 23. For acceptance of the qualifications,
61 8 requirements, regulations, and general provisions established
61 9 under other sections of the Code pertaining to professional
61 10 registration, certification, and licensing.

61 11 Sec. 79. Section 8D.3, subsections 1 and 2, Code
61 12 Supplement 2007, are amended to read as follows:

61 13 1. COMMISSION ESTABLISHED. A telecommunications and
61 14 technology commission is established with the sole authority
61 15 to supervise the management, development, and operation of the
61 16 network and ensure that all components of the network are
61 17 technically compatible. The management, development, and
61 18 operation of the network shall not be subject to the
61 19 jurisdiction or control of any other state agency. However,
61 20 the commission is subject to the general operations practices
61 21 and procedures which are generally applicable to other state
61 22 agencies.

61 23 a. The commission shall ensure that the network operates
61 24 in an efficient and responsible manner consistent with the
61 25 provisions of this chapter for the purpose of providing the
61 26 best economic service attainable to the network users
61 27 consistent with the state's financial capacity.

61 28 b. The commission shall ensure that educational users and
61 29 the use, design, and implementation for educational
61 30 applications be given the highest priority concerning use of
61 31 the network.

61 32 c. The commission shall provide for the centralized,
61 33 coordinated use and control of the network.

61 34 2. MEMBERS. The commission is composed of five members
61 35 appointed by the governor and subject to confirmation by the



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62 1 senate. Members of the commission shall not serve in any
62 2 manner or be employed by an authorized user of the network or
62 3 by an entity seeking to do or doing business with the network.

62 4 a. The governor shall appoint a member as the chairperson
62 5 of the commission from the five members appointed by the
62 6 governor, subject to confirmation by the senate.

62 7 b. Members of the commission shall serve six-year
62 8 staggered terms as designated by the governor and appointments
62 9 to the commission are subject to the requirements of sections
62 10 69.16, 69.16A, and 69.19. Vacancies shall be filled by the
62 11 governor for the duration of the unexpired term.

62 12 c. The salary of the members of the commission shall be
62 13 twelve thousand dollars per year, except that the salary of
62 14 the chairperson shall be seventeen thousand dollars per year.
62 15 Members of the commission shall also be reimbursed for all
62 16 actual and necessary expenses incurred in the performance of
62 17 duties as members. The benefits and salary paid to the
62 18 members of the commission shall be adjusted annually equal to
62 19 the average of the annual pay adjustments, expense
62 20 reimbursements, and related benefits provided under collective
62 21 bargaining agreements negotiated pursuant to chapter 20.

62 22 d. Meetings of the commission shall be held at the call of
62 23 the chairperson of the commission. In addition to the members
62 24 appointed by the governor, the auditor of state or the
62 25 auditor's designee shall serve as a nonvoting, ex officio
62 26 member of the commission.

~~62 27 The benefits and salary paid to the members of the~~
~~62 28 commission shall be adjusted annually equal to the average of~~
~~62 29 the annual pay adjustments, expense reimbursements, and~~
~~62 30 related benefits provided under collective bargaining~~
~~62 31 agreements negotiated pursuant to chapter 20.~~

62 32 Sec. 80. Section 15.331A, Code 2007, is amended to read as
62 33 follows:

62 34 15.331A SALES AND USE TAX REFUND.

62 35 1. The eligible business shall be entitled to a refund of



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63 1 the sales and use taxes paid under chapter 423 for gas,
63 2 electricity, water, or sewer utility services, goods, wares,
63 3 or merchandise, or on services rendered, furnished, or
63 4 performed to or for a contractor or subcontractor and used in
63 5 the fulfillment of a written contract relating to the
63 6 construction or equipping of a facility of the eligible
63 7 business. Taxes attributable to intangible property and
63 8 furniture and furnishings shall not be refunded. However, an
63 9 eligible business shall be entitled to a refund for taxes
63 10 attributable to racks, shelving, and conveyor equipment to be
63 11 used in a warehouse or distribution center subject to section
63 12 15.331C.

63 13 2. To receive the refund a claim shall be filed by the
63 14 eligible business with the department of revenue as follows:

63 15 ~~1.~~ a. The contractor or subcontractor shall state under
63 16 oath, on forms provided by the department, the amount of the
63 17 sales of goods, wares, or merchandise or services rendered,
63 18 furnished, or performed including water, sewer, gas, and
63 19 electric utility services upon which sales or use tax has been
63 20 paid prior to the project completion, and shall file the forms
63 21 with the eligible business before final settlement is made.

63 22 ~~2.~~ b. The eligible business shall, not more than one year
63 23 after project completion, make application to the department
63 24 for any refund of the amount of the sales and use taxes paid
63 25 pursuant to chapter 423 upon any goods, wares, or merchandise,
63 26 or services rendered, furnished, or performed, including
63 27 water, sewer, gas, and electric utility services. The
63 28 application shall be made in the manner and upon forms to be
63 29 provided by the department, and the department shall audit the
63 30 claim and, if approved, issue a warrant to the eligible
63 31 business in the amount of the sales or use tax which has been
63 32 paid to the state of Iowa under a contract. A claim filed by
63 33 the eligible business in accordance with this section shall
63 34 not be denied by reason of a limitation provision set forth in
63 35 chapter 421 or 423.



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64 1 3. A contractor or subcontractor who willfully makes a
64 2 false report of tax paid under the provisions of this section
64 3 is guilty of a simple misdemeanor and in addition is liable
64 4 for the payment of the tax and any applicable penalty and
64 5 interest.

64 6 Sec. 81. Section 17A.4, Code 2007, is amended to read as
64 7 follows:

64 8 17A.4 PROCEDURE FOR ADOPTION OF RULES.

64 9 1. Prior to the adoption, amendment, or repeal of any rule
64 10 an agency shall:

64 11 a. Give notice of its intended action by submitting the
64 12 notice to the administrative rules coordinator and the
64 13 administrative code editor. The administrative rules
64 14 coordinator shall assign an ARC number to each rulemaking
64 15 document. The administrative code editor shall publish each
64 16 notice meeting the requirements of this chapter in the Iowa
64 17 administrative bulletin created pursuant to section 17A.6.
64 18 Any notice of intended action shall be published at least
64 19 thirty=five days in advance of the action. The notice shall
64 20 include a statement of either the terms or substance of the
64 21 intended action or a description of the subjects and issues
64 22 involved, and the time when, the place where, and the manner
64 23 in which interested persons may present their views.

64 24 b. Afford all interested persons not less than twenty days
64 25 to submit data, views, or arguments in writing. If timely
64 26 requested in writing by twenty=five interested persons, by a
64 27 governmental subdivision, by the administrative rules review
64 28 committee, by an agency, or by an association having not less
64 29 than twenty=five members, the agency must give interested
64 30 persons an opportunity to make oral presentation. The
64 31 opportunity for oral presentation must be held at least twenty
64 32 days after publication of the notice of its time and place in
64 33 the Iowa administrative bulletin. The agency shall consider
64 34 fully all written and oral submissions respecting the proposed
64 35 rule. Within one hundred eighty days following either the



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65 1 notice published according to the provisions of paragraph "a"
65 2 or within one hundred eighty days after the last date of the
65 3 oral presentations on the proposed rule, whichever is later,
65 4 the agency shall adopt a rule pursuant to the rulemaking
65 5 proceeding or shall terminate the proceeding by publishing
65 6 notice of termination in the Iowa administrative bulletin.
65 7 ~~An agency shall include in a preamble to each rule it~~
~~65 8 adopts a brief explanation of the principal reasons for its~~
~~65 9 action and, if applicable, a brief explanation of the~~
~~65 10 principal reasons for its failure to provide in that rule for~~
~~65 11 the waiver of the rule in specified situations if no such~~
~~65 12 waiver provision is included in the rule. This explanatory~~
~~65 13 requirement does not apply when the agency adopts a rule that~~
~~65 14 only defines the meaning of a provision of law if the agency~~
~~65 15 does not possess delegated authority to bind the courts to any~~
~~65 16 extent with its definition. In addition, if requested to do~~
~~65 17 so by an interested person, either prior to adoption or within~~
~~65 18 thirty days thereafter, the agency shall issue a concise~~
~~65 19 statement of the principal reasons for and against the rule~~
~~65 20 adopted, incorporating therein the reasons for overruling~~
~~65 21 considerations urged against the rule. This concise statement~~
~~65 22 shall be issued either at the time of the adoption of the rule~~
~~65 23 or within thirty-five days after the agency receives the~~
~~65 24 request.~~
65 25 c. Mail the number of copies of the proposed rule as
65 26 requested to the state office of a trade or occupational
65 27 association which has registered its name and address with the
65 28 agency. The trade or occupational association shall reimburse
65 29 the agency for the actual cost incurred in providing the
65 30 copies of the proposed rule under this paragraph. Failure to
65 31 provide copies as provided in this paragraph shall not be
65 32 grounds for the invalidation of a rule, unless that failure
65 33 was deliberate on the part of that agency or the result of
65 34 gross negligence.
65 35 2. An agency shall include in a preamble to each rule it



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66 1 adopts a brief explanation of the principal reasons for its
66 2 action and, if applicable, a brief explanation of the
66 3 principal reasons for its failure to provide in that rule for
66 4 the waiver of the rule in specified situations if no such
66 5 waiver provision is included in the rule. This explanatory
66 6 requirement does not apply when the agency adopts a rule that
66 7 only defines the meaning of a provision of law if the agency
66 8 does not possess delegated authority to bind the courts to any
66 9 extent with its definition. In addition, if requested to do
66 10 so by an interested person, either prior to adoption or within
66 11 thirty days thereafter, the agency shall issue a concise
66 12 statement of the principal reasons for and against the rule
66 13 adopted, incorporating therein the reasons for overruling
66 14 considerations urged against the rule. This concise statement
66 15 shall be issued either at the time of the adoption of the rule
66 16 or within thirty-five days after the agency receives the
66 17 request.

66 18 ~~2.~~ 3. When an agency for good cause finds that notice and
66 19 public participation would be unnecessary, impracticable, or
66 20 contrary to the public interest, the provisions of subsection
66 21 1 shall be inapplicable. The agency shall incorporate in each
66 22 rule issued in reliance upon this provision either the finding
66 23 and a brief statement of the reasons for the finding, or a
66 24 statement that the rule is within a very narrowly tailored
66 25 category of rules whose issuance has previously been exempted
66 26 from subsection 1 by a special rule relying on this provision
66 27 and including such a finding and statement of reasons for the
66 28 entire category. If the administrative rules review committee
66 29 by a two-thirds vote, the governor, or the attorney general
66 30 files with the administrative code editor an objection to the
66 31 adoption of any rule pursuant to this subsection, that rule
66 32 shall cease to be effective one hundred eighty days after the
66 33 date the objection was filed. A copy of the objection,
66 34 properly dated, shall be forwarded to the agency at the time
66 35 of filing the objection. In any action contesting a rule



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67 1 adopted pursuant to this subsection, the burden of proof shall
67 2 be on the agency to show that the procedures of subsection 1
67 3 were impracticable, unnecessary, or contrary to the public
67 4 interest and that, if a category of rules was involved, the
67 5 category was very narrowly tailored.

67 6 ~~3.~~ 4. Any notice of intended action or rule filed without
67 7 notice pursuant to subsection ~~2~~ 3, which necessitates
67 8 additional annual expenditures of at least one hundred
67 9 thousand dollars or combined expenditures of at least five
67 10 hundred thousand dollars within five years by all affected
67 11 persons, including the agency itself, shall be accompanied by
67 12 a fiscal impact statement outlining the expenditures. The
67 13 agency shall promptly deliver a copy of the statement to the
67 14 legislative services agency. To the extent feasible, the
67 15 legislative services agency shall analyze the statement and
67 16 provide a summary of that analysis to the administrative rules
67 17 review committee. If the agency has made a good faith effort
67 18 to comply with the requirements of this subsection, the rule
67 19 shall not be invalidated on the ground that the contents of
67 20 the statement are insufficient or inaccurate.

67 21 ~~4.~~ 5. No rule adopted after July 1, 1975, is valid unless
67 22 adopted in substantial compliance with the above requirements
67 23 of this section. However, a rule shall be conclusively
67 24 presumed to have been made in compliance with all of the above
67 25 procedural requirements of this section if it has not been
67 26 invalidated on the grounds of noncompliance in a proceeding
67 27 commenced within two years after its effective date.

67 28 ~~5.~~ 6. a. If the administrative rules review committee
67 29 created by section 17A.8, the governor, or the attorney
67 30 general finds objection to all or some portion of a proposed
67 31 or adopted rule because that rule is deemed to be
67 32 unreasonable, arbitrary, capricious, or otherwise beyond the
67 33 authority delegated to the agency, the committee, governor, or
67 34 attorney general may, in writing, notify the agency of the
67 35 objection. In the case of a rule issued under subsection ~~2~~ 3,



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68 1 or a rule made effective under section 17A.5, subsection 2,
68 2 paragraph "b", the committee, governor, or attorney general
68 3 may notify the agency of such an objection. The committee,
68 4 governor, or attorney general shall also file a certified copy
68 5 of such an objection in the office of the administrative code
68 6 editor and a notice to the effect that an objection has been
68 7 filed shall be published in the next issue of the Iowa
68 8 administrative bulletin and in the Iowa administrative code
68 9 when that rule is printed in it. The burden of proof shall
68 10 then be on the agency in any proceeding for judicial review or
68 11 for enforcement of the rule heard subsequent to the filing to
68 12 establish that the rule or portion of the rule timely objected
68 13 to according to the above procedure is not unreasonable,
68 14 arbitrary, capricious, or otherwise beyond the authority
68 15 delegated to it.

68 16 b. If the agency fails to meet the burden of proof
68 17 prescribed for a rule objected to according to the provisions
68 18 of paragraph "a" ~~of this subsection~~, the court shall declare
68 19 the rule or portion of the rule objected to invalid and
68 20 judgment shall be rendered against the agency for court costs.
68 21 Such court costs shall include a reasonable attorney fee and
68 22 shall be payable by the director of the department of
68 23 administrative services from the support appropriations of the
68 24 agency which issued the rule in question.

68 25 ~~6.~~ 7. Upon the vote of two-thirds of its members the
68 26 administrative rules review committee may delay the effective
68 27 date of a rule seventy days beyond that permitted in section
68 28 17A.5, unless the rule was promulgated under section 17A.5,
68 29 subsection 2, paragraph "b". This provision shall be utilized
68 30 by the committee only if further time is necessary to study
68 31 and examine the rule. Notice of an effective date that was
68 32 delayed under this provision shall be published in the Iowa
68 33 administrative code and bulletin.

68 34 ~~7.~~ 8. The governor may rescind an adopted rule by
68 35 executive order within seventy days of the rule becoming



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69 1 effective. The governor shall provide a copy of the executive
69 2 order to the administrative code editor who shall include it
69 3 in the next publication of the Iowa administrative bulletin.

69 4 Sec. 82. Section 17A.4A, subsections 1, 4, and 7, Code
69 5 2007, are amended to read as follows:

69 6 1. An agency shall issue a regulatory analysis of a
69 7 proposed rule that complies with subsection 2, paragraph "a",
69 8 if, within thirty=two days after the published notice of
69 9 proposed rule adoption, a written request for the analysis is
69 10 submitted to the agency by the administrative rules review
69 11 committee or the administrative rules coordinator. An agency
69 12 shall issue a regulatory analysis of a proposed rule that
69 13 complies with subsection 2, paragraph "b", if the rule would
69 14 have a substantial impact on small business and if, within
69 15 thirty=two days after the published notice of proposed rule
69 16 adoption, a written request for analysis is submitted to the
69 17 agency by the administrative rules review committee, the
69 18 administrative rules coordinator, at least twenty=five persons
69 19 signing that request who each qualify as a small business or
69 20 by an organization representing at least twenty=five such
69 21 persons. If a rule has been adopted without prior notice and
69 22 an opportunity for public participation in reliance upon
69 23 section 17A.4, subsection ~~2~~ 3, the written request for an
69 24 analysis that complies with subsection 2, paragraph "a" or
69 25 "b", may be made within seventy days of publication of the
69 26 rule.

69 27 4. Upon receipt by an agency of a timely request for a
69 28 regulatory analysis, the agency shall extend the period
69 29 specified in this chapter for each of the following until at
69 30 least twenty days after publication in the administrative
69 31 bulletin of a concise summary of the regulatory analysis:

69 32 a. The end of the period during which persons may make
69 33 written submissions on the proposed rule.

69 34 b. The end of the period during which an oral proceeding
69 35 may be requested.



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70 1 c. The date of any required oral proceeding on the
70 2 proposed rule.
70 3 4A. In the case of a rule adopted without prior notice and
70 4 an opportunity for public participation in reliance upon
70 5 section 17A.4, subsection ~~2~~ 3, the summary must be published
70 6 within seventy days of the request.
70 7 7. a. For the purpose of this section, "small business"
70 8 means any entity including but not limited to an individual,
70 9 partnership, corporation, joint venture, association, or
70 10 cooperative, to which all of the following apply:
70 11 ~~a.~~ (1) It is not an affiliate or subsidiary of an entity
70 12 dominant in its field of operation.
70 13 ~~b.~~ (2) It has either twenty or fewer full-time equivalent
70 14 positions or less than one million dollars in annual gross
70 15 revenues in the preceding fiscal year.
70 16 b. For purposes of this definition, "dominant in its field
70 17 of operation" means having more than twenty full-time
70 18 equivalent positions and more than one million dollars in
70 19 annual gross revenues, and "affiliate or subsidiary of an
70 20 entity dominant in its field of operation" means an entity
70 21 which is at least twenty percent owned by an entity dominant
70 22 in its field of operation, or by partners, officers,
70 23 directors, majority stockholders, or their equivalent, of an
70 24 entity dominant in that field of operation.
70 25 Sec. 83. Section 20.5, Code Supplement 2007, is amended to
70 26 read as follows:
70 27 20.5 PUBLIC EMPLOYMENT RELATIONS BOARD.
70 28 1. There is established a board to be known as the "Public
70 29 Employment Relations Board".
70 30 a. The board shall consist of three members appointed by
70 31 the governor, subject to confirmation by the senate. In
70 32 selecting the members of the board, consideration shall be
70 33 given to their knowledge, ability, and experience in the field
70 34 of labor-management relations. No more than two members shall
70 35 be of the same political affiliation, no member shall engage



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71 1 in any political activity while holding office and the members
71 2 shall devote full time to their duties.

71 3 b. The members shall be appointed for staggered terms of
71 4 four years beginning and ending as provided in section 69.19.

71 5 c. The member first appointed for a term of four years
71 6 shall serve as chairperson and each of the member's successors
71 7 shall also serve as chairperson.

71 8 ~~2.~~ d. Any vacancy occurring shall be filled in the same
71 9 manner as regular appointments are made.

71 10 ~~3. In selecting the members of the board, consideration~~
~~71 11 shall be given to their knowledge, ability, and experience in~~
~~71 12 the field of labor-management relations. The chairperson and~~
~~71 13 the remaining two members shall be compensated as provided in~~
~~71 14 section 7E.6, subsection 5.~~

71 15 ~~4.~~ 2. The board may employ such persons as are necessary
71 16 for the performance of its functions. Personnel of the board
71 17 shall be employed pursuant to the provisions of chapter 8A,
71 18 subchapter IV.

71 19 ~~5.~~ 3. The chairperson and the remaining two members shall
71 20 be compensated as provided in section 7E.6, subsection 5.

71 21 Members of the board and other employees of the board shall be
71 22 allowed their actual and necessary expenses incurred in the
71 23 performance of their duties. All expenses and salaries shall
71 24 be paid from appropriations for such purposes and the board
71 25 shall be subject to the budget requirements of chapter 8.

71 26 Sec. 84. Section 24.26, Code 2007, is amended to read as
71 27 follows:

71 28 24.26 STATE APPEAL BOARD.

71 29 1. The state appeal board in the department of management
71 30 consists of the following:

71 31 ~~1.~~ a. The director of the department of management.

71 32 ~~2.~~ b. The auditor of state.

71 33 ~~3.~~ c. The treasurer of state.

71 34 2. The annual meeting of the state board shall be held on
71 35 the second Tuesday of January in each year. At each annual



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72 1 meeting the state board shall organize by the election from
72 2 its members of a chairperson and a vice chairperson; and by
72 3 appointing a secretary. Two members of the state board
72 4 constitute a quorum for the transaction of any business.
72 5 3. The state board may appoint one or more competent and
72 6 specially qualified persons as deputies, to appear and act for
72 7 it at initial hearings. ~~The annual meeting of the state board~~
~~72 8 shall be held on the second Tuesday of January in each year.~~
72 9 Each deputy appointed by the state board is entitled to
72 10 receive the amount of the deputy's necessary expenses actually
72 11 incurred while engaged in the performance of the deputy's
72 12 official duties. The expenses shall be audited and approved
72 13 by the state board and proper receipts filed for them.
72 14 4. The expenses of the state board shall be paid from the
72 15 funds appropriated to the department of management.
72 16 Sec. 85. Section 68A.102, subsection 10, Code Supplement
72 17 2007, is amended to read as follows:
72 18 10. a. "Contribution" means:
72 19 ~~a-~~ (1) A gift, loan, advance, deposit, rebate, refund, or
72 20 transfer of money or a gift in kind.
72 21 ~~b-~~ (2) The payment, by any person other than a candidate
72 22 or political committee, of compensation for the personal
72 23 services of another person which are rendered to a candidate
72 24 or political committee for any such purpose.
72 25 b. "Contribution" shall not include ~~services~~:
72 26 (1) Services provided without compensation by individuals
72 27 volunteering their time on behalf of a candidate's committee
72 28 or political committee or a state or county statutory
72 29 political committee except when organized or provided on a
72 30 collective basis by a business, trade association, labor
72 31 union, or any other organized group or association.
72 32 ~~"Contribution" shall not include refreshments~~
72 33 (2) Refreshments served at a campaign function so long as
72 34 such refreshments do not exceed fifty dollars in value or
72 35 transportation provided to a candidate so long as its value



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73 1 computed at the current rate of reimbursement allowed under
73 2 the standard mileage rate method for computation of business
73 3 expenses pursuant to the Internal Revenue Code does not exceed
73 4 one hundred dollars in value in any one reporting period.

73 5 ~~"Contribution" shall not include something~~

73 6 (3) Something provided to a candidate for the candidate's
73 7 personal consumption or use and not intended for or on behalf
73 8 of the candidate's committee.

73 9 Sec. 86. Section 68B.32A, subsection 2, unnumbered
73 10 paragraph 2, Code Supplement 2007, is amended to read as
73 11 follows:

73 12 2A. The board may establish ~~Establish~~ a process to assign
73 13 signature codes to a person or committee for purposes of
73 14 facilitating an electronic filing procedure. The assignment
73 15 of signature codes shall be kept confidential, notwithstanding
73 16 section 22.2. The board and persons electronically filing
73 17 reports and statements shall keep assigned signature codes or
73 18 subsequently selected signature codes confidential. Signature
73 19 codes shall not be subject to state security policies
73 20 regarding frequency of change.

73 21 Sec. 87. Section 73A.21, Code 2007, is amended to read as
73 22 follows:

73 23 73A.21 RECIPROCAL RESIDENT BIDDER PREFERENCE BY STATE, ITS
73 24 AGENCIES, AND POLITICAL SUBDIVISIONS.

73 25 1. For purposes of this section:

73 26 a. "Public improvement" means public improvements as
73 27 defined in section 73A.1 and includes road construction,
73 28 reconstruction, and maintenance projects.

73 29 b. "Resident bidder" means a person authorized to transact
73 30 business in this state and having a place of business for
73 31 transacting business within the state at which it is
73 32 conducting and has conducted business for at least six months
73 33 prior to the first advertisement for the public improvement
73 34 and in the case of a corporation, having at least fifty
73 35 percent of its common stock owned by residents of this state.



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74 1 If another state or foreign country has a more stringent
74 2 definition of a resident bidder, the more stringent definition
74 3 is applicable as to bidders from that state or foreign
74 4 country.

74 5 2. Notwithstanding this chapter, chapter 73, chapter 309,
74 6 chapter 310, chapter 331, or chapter 384, when a contract for
74 7 a public improvement is to be awarded to the lowest
74 8 responsible bidder, a resident bidder shall be allowed a
74 9 preference as against a nonresident bidder from a state or
74 10 foreign country which gives or requires a preference to
74 11 bidders from that state or foreign country. The preference is
74 12 equal to the preference given or required by the state or
74 13 foreign country in which the nonresident bidder is a resident.
74 14 "Resident bidder" means a person authorized to transact
~~74 15 business in this state and having a place of business for~~
~~74 16 transacting business within the state at which it is~~
~~74 17 conducting and has conducted business for at least six months~~
~~74 18 prior to the first advertisement for the public improvement~~
~~74 19 and in the case of a corporation, having at least fifty~~
~~74 20 percent of its common stock owned by residents of this state.~~
~~74 21 If another state or foreign country has a more stringent~~
~~74 22 definition of a resident bidder, the more stringent definition~~
~~74 23 is applicable as to bidders from that state or foreign~~
~~74 24 country.~~

74 25 ~~For purposes of this section, "public improvement" means~~
~~74 26 public improvements as defined in section 73A.1 and includes~~
~~74 27 road construction, reconstruction, and maintenance projects.~~

74 28 3. This section applies to the state, its agencies, and
74 29 any political subdivisions of the state.

74 30 4. If it is determined that this may cause denial of
74 31 federal funds which would otherwise be available, or would
74 32 otherwise be inconsistent with requirements of federal law,
74 33 this section shall be suspended, but only to the extent
74 34 necessary to prevent denial of the funds or to eliminate the
74 35 inconsistency with federal requirements.



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75 1 Sec. 88. Section 80.9, Code Supplement 2007, is amended to
75 2 read as follows:

75 3 80.9 DUTIES OF DEPARTMENT == DUTIES AND POWERS OF PEACE
75 4 OFFICERS == STATE PATROL.

75 5 1. It shall be the duty of the department to prevent
75 6 crime, to detect and apprehend criminals, and to enforce such
75 7 other laws as are hereinafter specified. ~~A peace officer of~~
~~75 8 the department when authorized by the commissioner shall have~~
~~75 9 and exercise all the powers of any other peace officer of the~~
~~75 10 state.~~

75 11 2. The state patrol is established in the department. The
75 12 patrol shall be under the direction of the commissioner. The
75 13 number of supervisory officers shall be in proportion to the
75 14 membership of the state patrol. The department shall maintain
75 15 a vehicle theft unit in the state patrol to investigate and
75 16 assist in the examination and identification of stolen,
75 17 altered, or forfeited vehicles.

75 18 3. The department shall be primarily responsible for the
75 19 enforcement of all laws and rules relating to any controlled
75 20 substance or counterfeit substance, except for making
75 21 accountability audits of the supply and inventory of
75 22 controlled substances in the possession of pharmacists,
75 23 physicians, hospitals, and health care facilities as defined
75 24 in section 135C.1, as well as in the possession of any and all
75 25 other individuals or institutions authorized to have
75 26 possession of any controlled substances.

75 27 ~~1. A peace officer shall not exercise the general powers~~
~~75 28 of a peace officer within the limits of any city, except:~~

75 29 ~~a. When so ordered by the direction of the governor;~~

75 30 ~~b. When request is made by the mayor of any city, with the~~
~~75 31 approval of the commissioner;~~

75 32 ~~c. When request is made by the sheriff or county attorney~~
~~75 33 of any county with the approval of the commissioner;~~

75 34 ~~d. While in the pursuit of law violators or in~~
~~75 35 investigating law violations;~~



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76 1 ~~e. While making any inspection provided by this chapter,~~
~~76 2 or any additional inspection ordered by the commissioner;~~
76 3 ~~f. When engaged in the investigating and enforcing of fire~~
~~76 4 and arson laws;~~
76 5 ~~g. When engaged in the investigation and enforcement of~~
~~76 6 laws relating to narcotic, counterfeit, stimulant, and~~
~~76 7 depressant drugs.~~
76 8 ~~When a peace officer of the department is acting in~~
~~76 9 cooperation with any other local peace officer, or county~~
~~76 10 attorney in general criminal investigation work, or when~~
~~76 11 acting on a special assignment by the commissioner, the~~
~~76 12 jurisdiction of the peace officer is statewide.~~
76 13 ~~However, the above limitations shall in no way be construed~~
~~76 14 as a limitation as to their power as officers when a public~~
~~76 15 offense is being committed in their presence.~~
76 16 ~~2. In more particular, the duties of a peace officer shall~~
~~76 17 be as follows:~~
76 18 ~~a. To enforce all state laws.~~
76 19 ~~b. To enforce all laws relating to traffic on the public~~
~~76 20 highways of the state, including those relating to the safe~~
~~76 21 and legal operation of passenger cars, motorcycles, motor~~
~~76 22 trucks and buses; to see that proper safety rules are observed~~
~~76 23 and to give first aid to the injured.~~
76 24 ~~e. To investigate all fires; to apprehend persons~~
~~76 25 suspected of arson; to enforce all safety measures in~~
~~76 26 connection with the prevention of fires; to disseminate~~
~~76 27 fire-prevention education; to develop training standards and~~
~~76 28 provide training to fire fighters around the state; and to~~
~~76 29 address other issues related to fire service and emergency~~
~~76 30 response as requested by the state fire service and emergency~~
~~76 31 response council.~~
76 32 ~~d. 4. To~~ The department shall collect and classify, and
76 33 keep at all times available, complete information useful for
76 34 the detection of crime, and the identification and
76 35 apprehension of criminals. Such information shall be



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77 1 available for all peace officers within the state, under such
77 2 regulations as the commissioner may prescribe. The provisions
~~77 3 of chapter 141A do not apply to the entry of human~~
~~77 4 immunodeficiency virus-related information by criminal or~~
~~77 5 juvenile justice agencies, as defined in section 692.1, into~~
~~77 6 the Iowa criminal justice information system or the national~~
~~77 7 crime information center system. The provisions of chapter~~
~~77 8 141A also do not apply to the transmission of the same~~
~~77 9 information from either or both information systems to~~
~~77 10 criminal or juvenile justice agencies. The provisions of~~
~~77 11 chapter 141A also do not apply to the transmission of the same~~
~~77 12 information from either or both information systems to~~
~~77 13 employees of state correctional institutions subject to the~~
~~77 14 jurisdiction of the department of corrections, employees of~~
~~77 15 secure facilities for juveniles subject to the jurisdiction of~~
~~77 16 the department of human services, and employees of city and~~
~~77 17 county jails, if those employees have direct physical~~
~~77 18 supervision over inmates of those facilities or institutions.~~
~~77 19 Human immunodeficiency virus-related information shall not be~~
~~77 20 transmitted over the police radio broadcasting system under~~
~~77 21 chapter 693 or any other radio-based communications system.~~
~~77 22 An employee of an agency receiving human immunodeficiency~~
~~77 23 virus-related information under this section who communicates~~
~~77 24 the information to another employee who does not have direct~~
~~77 25 physical supervision over inmates, other than to a supervisor~~
~~77 26 of an employee who has direct physical supervision over~~
~~77 27 inmates for the purpose of conveying the information to such~~
~~77 28 an employee, or who communicates the information to any person~~
~~77 29 not employed by the agency or uses the information outside the~~
~~77 30 agency is guilty of a class "D" felony. The commissioner~~
~~77 31 shall adopt rules regarding the transmission of human~~
~~77 32 immunodeficiency virus-related information including~~
~~77 33 provisions for maintaining confidentiality of the information.~~
~~77 34 The rules shall include a requirement that persons receiving~~
~~77 35 information from the Iowa criminal justice information system~~



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~~78 1 or the national crime information center system receive
78 2 training regarding confidentiality standards applicable to the
78 3 information received from the system. The commissioner shall
78 4 develop and establish, in cooperation with the department of
78 5 corrections and the Iowa department of public health, training
78 6 programs and program criteria for persons receiving human
78 7 immunodeficiency virus-related information through the Iowa
78 8 criminal justice information system or the national crime
78 9 information center system.~~

78 10 e. 5. To The department shall operate such radio
78 11 broadcasting stations as may be necessary in order to
78 12 disseminate information which will make possible the speedy
78 13 apprehension of lawbreakers, as well as such other information
78 14 as may be necessary in connection with the duties of ~~this~~
~~78 15 office~~ the department.

78 16 f. 6. Provide The department shall provide protection and
78 17 security for persons and property on the grounds of the state
78 18 capitol complex.

78 19 g. 7. To The department shall assist persons who are
78 20 responsible for the care of private and public land in
78 21 identifying growing marijuana plants when the plants are
78 22 reported to the department. The department shall also provide
78 23 education to the persons regarding methods of eradicating the
78 24 plants. The department shall adopt rules necessary to carry
78 25 out this ~~paragraph~~ subsection.

~~78 26 h. To maintain a vehicle theft unit in the state patrol to
78 27 investigate and assist in the examination and identification
78 28 of stolen, altered, or forfeited vehicles.~~

78 29 i. 8. Receive The department shall receive and review the
78 30 budget submitted by the state fire marshal and the state fire
78 31 service and emergency response council. The department shall
78 32 develop training standards, provide training to fire fighters
78 33 around the state, and address other issues related to fire
78 34 service and emergency response as requested by the state fire
78 35 service and emergency response council.



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79 1 ~~j.~~ 9. ~~To~~ The department shall administer section 100B.31
79 2 relating to volunteer emergency services provider death
79 3 benefits.

79 4 3. ~~A peace officer may administer oaths, acknowledge~~
~~79 5 signatures, and take voluntary testimony pursuant to the peace~~
~~79 6 officer's duties as provided by law.~~

79 7 4. ~~The state patrol is established in the department. The~~
~~79 8 patrol shall be under the direction of the commissioner. The~~
~~79 9 number of supervisory officers shall be in proportion to the~~
~~79 10 membership of the state patrol.~~

79 11 5. ~~The department shall be primarily responsible for the~~
~~79 12 enforcement of all laws and rules relating to any controlled~~
~~79 13 substance or counterfeit substance, except for making~~
~~79 14 accountability audits of the supply and inventory of~~
~~79 15 controlled substances in the possession of pharmacists,~~
~~79 16 physicians, hospitals, and health care facilities as defined~~
~~79 17 in section 135C.1, as well as in the possession of any and all~~
~~79 18 other individuals or institutions authorized to have~~
~~79 19 possession of any controlled substances.~~

79 20 Sec. 89. NEW SECTION. 80.9A AUTHORITY AND DUTIES OF
79 21 PEACE OFFICERS OF THE DEPARTMENT.

79 22 1. A peace officer of the department when authorized by
79 23 the commissioner shall have and exercise all the powers of any
79 24 other peace officer of the state.

79 25 2. When a peace officer of the department is acting in
79 26 cooperation with any other local peace officer, or county
79 27 attorney in general criminal investigation work, or when
79 28 acting on a special assignment by the commissioner, the
79 29 jurisdiction of the peace officer is statewide.

79 30 3. A peace officer may administer oaths, acknowledge
79 31 signatures, and take voluntary testimony pursuant to the peace
79 32 officer's duties as provided by law.

79 33 4. An authorized peace officer of the department
79 34 designated to conduct examinations, investigations, or
79 35 inspections and enforce the laws relating to controlled or



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80 1 counterfeit substances shall have all the authority of other
80 2 peace officers and may arrest a person without warrant for
80 3 offenses under this chapter committed in the peace officer's
80 4 presence or, in the case of a felony, if the peace officer has
80 5 probable cause to believe that the person arrested has
80 6 committed or is committing such offense. A peace officer of
80 7 the department shall have the same authority as other peace
80 8 officers to seize controlled or counterfeit substances or
80 9 articles used in the manufacture or sale of controlled or
80 10 counterfeit substances which they have reasonable grounds to
80 11 believe are in violation of law. Such controlled or
80 12 counterfeit substances or articles shall be subject to
80 13 forfeiture.

80 14 5. In more particular, the duties of a peace officer shall
80 15 be as follows:

80 16 a. To enforce all state laws.

80 17 b. To enforce all laws relating to traffic on the public
80 18 highways of the state, including those relating to the safe
80 19 and legal operation of passenger cars, motorcycles, motor
80 20 trucks and buses; to see that proper safety rules are
80 21 observed; and to give first aid to the injured.

80 22 c. To investigate all fires; to apprehend persons
80 23 suspected of arson; to enforce all safety measures in
80 24 connection with the prevention of fires; and to disseminate
80 25 fire-prevention education.

80 26 6. A peace officer shall not exercise the general powers
80 27 of a peace officer within the limits of any city, except as
80 28 follows:

80 29 a. When so ordered by the direction of the governor.

80 30 b. When request is made by the mayor of any city, with the
80 31 approval of the commissioner.

80 32 c. When request is made by the sheriff or county attorney
80 33 of any county with the approval of the commissioner.

80 34 d. While in the pursuit of law violators or in
80 35 investigating law violations.



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81 1 e. While making any inspection provided by this chapter,
81 2 or any additional inspection ordered by the commissioner.
81 3 f. When engaged in the investigating and enforcing of fire
81 4 and arson laws.
81 5 g. When engaged in the investigation and enforcement of
81 6 laws relating to narcotic, counterfeit, stimulant, and
81 7 depressant drugs.
81 8 7. The limitations specified in subsection 6 shall in no
81 9 way be construed as a limitation on the power of peace
81 10 officers when a public offense is being committed in their
81 11 presence.
81 12 Sec. 90. NEW SECTION. 80.9B HUMAN IMMUNODEFICIENCY
81 13 VIRUS=RELATED INFORMATION.
81 14 1. The provisions of chapter 141A do not apply to the
81 15 entry of human immunodeficiency virus=related information by
81 16 criminal or juvenile justice agencies, as defined in section
81 17 692.1, into the Iowa criminal justice information system or
81 18 the national crime information center system.
81 19 2. The provisions of chapter 141A also do not apply to the
81 20 transmission of the same information from either or both
81 21 information systems to criminal or juvenile justice agencies.
81 22 3. The provisions of chapter 141A also do not apply to the
81 23 transmission of the same information from either or both
81 24 information systems to employees of state correctional
81 25 institutions subject to the jurisdiction of the department of
81 26 corrections, employees of secure facilities for juveniles
81 27 subject to the jurisdiction of the department of human
81 28 services, and employees of city and county jails, if those
81 29 employees have direct physical supervision over inmates of
81 30 those facilities or institutions.
81 31 4. Human immunodeficiency virus=related information shall
81 32 not be transmitted over the police radio broadcasting system
81 33 under chapter 693 or any other radio=based communications
81 34 system.
81 35 5. An employee of an agency receiving human



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82 1 immunodeficiency virus-related information under this section
82 2 who communicates the information to another employee who does
82 3 not have direct physical supervision over inmates, other than
82 4 to a supervisor of an employee who has direct physical
82 5 supervision over inmates for the purpose of conveying the
82 6 information to such an employee, or who communicates the
82 7 information to any person not employed by the agency or uses
82 8 the information outside the agency is guilty of a class "D"
82 9 felony.

82 10 6. The commissioner shall adopt rules regarding the
82 11 transmission of human immunodeficiency virus-related
82 12 information including provisions for maintaining
82 13 confidentiality of the information. The rules shall include a
82 14 requirement that persons receiving information from the Iowa
82 15 criminal justice information system or the national crime
82 16 information center system receive training regarding
82 17 confidentiality standards applicable to the information
82 18 received from the system.

82 19 7. The commissioner shall develop and establish, in
82 20 cooperation with the department of corrections and the
82 21 department of public health, training programs and program
82 22 criteria for persons receiving human immunodeficiency
82 23 virus-related information through the Iowa criminal justice
82 24 information system or the national crime information center
82 25 system.

82 26 Sec. 91. Section 80B.6, Code 2007, is amended to read as
82 27 follows:

82 28 80B.6 COUNCIL CREATED == MEMBERSHIP.

82 29 1. There is created the Iowa law enforcement academy
82 30 council which shall consist of the following seven voting
82 31 members appointed by the governor subject to confirmation by
82 32 the senate to terms of four years commencing as provided in
82 33 section 69.19:

82 34 ~~1.~~ a. Three residents of the state.

82 35 ~~2.~~ b. A sheriff of a county.



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83 1 ~~3.~~ c. A police officer who is a member of a police
83 2 department of a city with a population larger than fifty
83 3 thousand persons.
83 4 ~~4.~~ d. A police officer who is a member of a police
83 5 department of a city with a population of less than fifty
83 6 thousand persons.
83 7 ~~5.~~ e. A member of the department of public safety.
83 8 2. One senator appointed by the president of the senate
83 9 after consultation with the majority leader and the minority
83 10 leader of the senate and one representative appointed by the
83 11 speaker of the house are also ex officio, nonvoting members of
83 12 the council.
83 13 3. In the event a member appointed pursuant to this
83 14 section is unable to complete a term, the vacancy shall be
83 15 filled for the unexpired term in the same manner as the
83 16 original appointment.
83 17 Sec. 92. Section 85.61, subsections 2, 7, and 11, Code
83 18 Supplement 2007, are amended to read as follows:
83 19 2. "Employer" includes and applies to a the following:
83 20 a. A person, firm, association, or corporation, state,
83 21 county, municipal corporation, school corporation, area
83 22 education agency, township as an employer of volunteer fire
83 23 fighters, volunteer emergency rescue technicians, and
83 24 emergency medical care providers only, benefited fire
83 25 district, and the legal representatives of a deceased
83 26 employer. ~~"Employer" includes and applies to a~~
83 27 b. A rehabilitation facility approved for
83 28 purchase=of=service contracts or for referrals by the
83 29 department of human services or the department of education.
83 30 c. ~~"Employer" also includes and applies to an~~ An eligible
83 31 postsecondary institution as defined in section 261C.3,
83 32 subsection 1, a school corporation, or an accredited nonpublic
83 33 school if a student enrolled in the eligible postsecondary
83 34 institution, school corporation, or accredited nonpublic
83 35 school is providing unpaid services under a school=to=work



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84 1 program that includes, but is not limited to, the components
84 2 provided for in section 258.10, subsection 2, paragraphs "a"
84 3 through "f". However, if a student participating in a
84 4 school-to-work program is participating in open enrollment
84 5 under section 282.18, "employer" means the receiving district.

84 6 ~~"Employer" also includes and applies to a~~
84 7 d. A community college as defined in section 260C.2, if a
84 8 student enrolled in the community college is providing unpaid
84 9 services under a school-to-work program that includes but is
84 10 not limited to the components provided for in section 258.10,
84 11 subsection 2, paragraphs "a" through "f", and that is offered
84 12 by the community college pursuant to a contractual agreement
84 13 with a school corporation or accredited nonpublic school to
84 14 provide the program. If a student participating in a
84 15 school-to-work program that includes but is not limited to the
84 16 components provided for in section 258.10, subsection 2,
84 17 paragraphs "a" through "f", is paid for services provided
84 18 under the program, "employer" means any entity otherwise
84 19 defined as an employer under this subsection which pays the
84 20 student for providing services under the program.

84 21 7. The words "personal injury arising out of and in the
84 22 course of the employment" shall include injuries to employees
84 23 whose services are being performed on, in, or about the
84 24 premises which are occupied, used, or controlled by the
84 25 employer, and also injuries to those who are engaged elsewhere
84 26 in places where their employer's business requires their
84 27 presence and subjects them to dangers incident to the
84 28 business.

84 29 a. Personal injuries sustained by a volunteer fire fighter
84 30 arise in the course of employment if the injuries are
84 31 sustained at any time from the time the volunteer fire fighter
84 32 is summoned to duty as a volunteer fire fighter until the time
84 33 the volunteer fire fighter is discharged from duty by the
84 34 chief of the volunteer fire department or the chief's
84 35 designee.



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85 1 b. Personal injuries sustained by volunteer emergency
85 2 rescue technicians or emergency medical care providers as
85 3 defined in section 147A.1 arise in the course of employment if
85 4 the injuries are sustained at any time from the time the
85 5 volunteer emergency rescue technicians or emergency medical
85 6 care providers are summoned to duty until the time those
85 7 duties have been fully discharged.

85 8 11. ~~a.~~ "Worker" or "employee" means a person who has
85 9 entered into the employment of, or works under contract of
85 10 service, express or implied, or apprenticeship, for an
85 11 employer; an executive officer elected or appointed and
85 12 empowered under and in accordance with the charter and bylaws
85 13 of a corporation, including a person holding an official
85 14 position, or standing in a representative capacity of the
85 15 employer; an official elected or appointed by the state, or a
85 16 county, school district, area education agency, municipal
85 17 corporation, or city under any form of government; a member of
85 18 the state patrol; a conservation officer; and a proprietor,
85 19 limited liability company member, limited liability partner,
85 20 or partner who elects to be covered pursuant to section 85.1A,
85 21 except as specified in this chapter.

85 22 ~~b.~~ a. "Worker" or "employee" includes ~~an~~ the following:

85 23 (1) An inmate as defined in section 85.59 and a person
85 24 described in section 85.60.

85 25 ~~e.~~ (2) ~~"Worker" or "employee" includes an~~ An emergency
85 26 medical care provider as defined in section 147A.1, a
85 27 volunteer emergency rescue technician as defined in section
85 28 147A.1, a volunteer ambulance driver, or an emergency medical
85 29 technician trainee, only if an agreement is reached between
85 30 such worker or employee and the employer for whom the
85 31 volunteer services are provided that workers' compensation
85 32 coverage under this chapter and chapters 85A and 85B is to be
85 33 provided by the employer. An emergency medical care provider
85 34 or volunteer emergency rescue technician who is a worker or
85 35 employee under this ~~paragraph~~ subparagraph is not a casual



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86 1 employee. "Volunteer ambulance driver" means a person
86 2 performing services as a volunteer ambulance driver at the
86 3 request of the person in charge of a fire department or
86 4 ambulance service of a municipality. "Emergency medical
86 5 technician trainee" means a person enrolled in and training
86 6 for emergency medical technician certification.
86 7 ~~d. (3) "Worker" or "employee" includes a~~ A real estate
86 8 agent who does not provide the services of an independent
86 9 contractor. For the purposes of this ~~paragraph "d"~~
86 10 subparagraph, a real estate agent is an independent contractor
86 11 if the real estate agent is licensed by the Iowa real estate
86 12 commission as a salesperson and both of the following apply:
86 13 ~~(1)~~ (a) Seventy-five percent or more of the remuneration,
86 14 whether or not paid in cash, for the services performed by the
86 15 individual as a real estate salesperson is derived from one
86 16 company and is directly related to sales or other output,
86 17 including the performance of services, rather than to the
86 18 number of hours worked.
86 19 ~~(2)~~ (b) The services performed by the individual are
86 20 performed pursuant to a written contract between the
86 21 individual and the person for whom the services are performed,
86 22 and the contract provides that the individual will not be
86 23 treated as an employee with respect to the services for state
86 24 tax purposes.
86 25 ~~e. (4) "Worker" or "employee" includes a~~ A student
86 26 enrolled in a public school corporation or accredited
86 27 nonpublic school who is participating in a school-to-work
86 28 program that includes but is not limited to the components
86 29 provided for in section 258.10, subsection 2, paragraphs "a"
86 30 through "f". ~~"Worker" or "employee" also includes a~~
86 31 (5) A student enrolled in a community college as defined
86 32 in section 260C.2, who is participating in a school-to-work
86 33 program that includes but is not limited to the components
86 34 provided for in section 258.10, subsection 2, paragraphs "a"
86 35 through "f", and that is offered by the community college



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87 1 pursuant to a contractual agreement with a school corporation
87 2 or accredited nonpublic school to provide the program.
87 3 ~~f.~~ b. The term "worker" or "employee" shall include the
87 4 singular and plural. Any reference to a worker or employee
87 5 who has been injured shall, when such worker or employee is
87 6 dead, include the worker's or employee's dependents as herein
87 7 defined or the worker's or employee's legal representatives;
87 8 and where the worker or employee is a minor or incompetent, it
87 9 shall include the minor's or incompetent's guardian, next
87 10 friend, or trustee. Notwithstanding any law prohibiting the
87 11 employment of minors, all minor employees shall be entitled to
87 12 the benefits of this chapter and chapters 86 and 87 regardless
87 13 of the age of such minor employee.
87 14 ~~g.~~ c. The following persons shall not be deemed "workers"
87 15 or "employees":
87 16 (1) A person whose employment is purely casual and not for
87 17 the purpose of the employer's trade or business except as
87 18 otherwise provided in section 85.1.
87 19 (2) An independent contractor.
87 20 (3) An owner=operator who, as an individual or partner, or
87 21 shareholder of a corporate owner=operator, owns a vehicle
87 22 licensed and registered as a truck, road tractor, or truck
87 23 tractor by a governmental agency, is an independent contractor
87 24 while performing services in the operation of the
87 25 owner=operator's vehicle if all of the following conditions
87 26 are substantially present:
87 27 (a) The owner=operator is responsible for the maintenance
87 28 of the vehicle.
87 29 (b) The owner=operator bears the principal burden of the
87 30 vehicle's operating costs, including fuel, repairs, supplies,
87 31 collision insurance, and personal expenses for the operator
87 32 while on the road.
87 33 (c) The owner=operator is responsible for supplying the
87 34 necessary personnel to operate the vehicle, and the personnel
87 35 are considered the owner=operator's employees.



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88 1 (d) The owner-operator's compensation is based on factors
88 2 related to the work performed, including a percentage of any
88 3 schedule of rates or lawfully published tariff, and not on the
88 4 basis of the hours or time expended.

88 5 (e) The owner-operator determines the details and means of
88 6 performing the services, in conformance with regulatory
88 7 requirements, operating procedures of the carrier, and
88 8 specifications of the shipper.

88 9 (f) The owner-operator enters into a contract which
88 10 specifies the relationship to be that of an independent
88 11 contractor and not that of an employee.

88 12 (4) Directors of a corporation who are not at the same
88 13 time employees of the corporation; or directors, trustees,
88 14 officers, or other managing officials of a nonprofit
88 15 corporation or association who are not at the same time
88 16 full-time employees of the nonprofit corporation or
88 17 association.

88 18 (5) Proprietors, limited liability company members,
88 19 limited liability partners, and partners who have not elected
88 20 to be covered by the workers' compensation law of this state
88 21 pursuant to section 85.1A.

88 22 Sec. 93. Section 88.8, subsection 3, Code 2007, is amended
88 23 to read as follows:

88 24 3. CONTESTED NOTICE.

88 25 a. If an employer notifies the commissioner that the
88 26 employer intends to contest a citation issued under section
88 27 88.7, or notification issued under subsection 1 or 2 of this
88 28 section or if, within fifteen working days of the issuance of
88 29 a citation under section 88.7, any employee or authorized
88 30 employee representative files a notice with the commissioner
88 31 alleging that the period of time fixed in the citation for the
88 32 abatement of the violation is unreasonable, the commissioner
88 33 shall immediately advise the appeal board of such
88 34 notification, and the appeal board shall afford an opportunity
88 35 for a hearing.



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89 1 b. At the hearing, the appeal board shall act as an
89 2 adjudicatory body. The appeal board shall thereafter issue an
89 3 order, based on findings of fact, affirming, modifying, or
89 4 vacating the commissioner's citation or proposed penalty or
89 5 directing other appropriate relief, and such order shall
89 6 become final thirty days after its issuance.

89 7 c. Upon a showing by an employer of a good faith effort to
89 8 comply with the abatement requirements of a citation, and that
89 9 abatement has not been completed because of factors beyond the
89 10 employer's reasonable control, the commissioner, after an
89 11 opportunity for a hearing shall issue an order affirming or
89 12 modifying the abatement requirements in such citation.

89 13 d. The rules of procedure prescribed by the appeal board
89 14 shall provide affected employees or representatives of
89 15 affected employees an opportunity to participate as parties to
89 16 hearings under this subsection, and shall conform to rules of
89 17 procedure adopted under the federal law by federal authorities
89 18 insofar as the federal rules of procedure do not conflict with
89 19 state law.

89 20 4. WITHDRAWAL OF CITATION OR SETTLEMENT. The commissioner
89 21 has unreviewable discretion to withdraw a citation charging an
89 22 employer with violating this chapter. If the parties enter
89 23 into a settlement agreement prior to a hearing, the employment
89 24 appeal board shall enter an order affirming the agreement.

89 25 Sec. 94. Section 100B.1, subsection 1, Code 2007, is
89 26 amended to read as follows:

89 27 1. The state fire service and emergency response council
89 28 is established in the division of state fire marshal of the
89 29 department of public safety.

89 30 a. The council shall consist of eleven voting members and
89 31 one ex officio, nonvoting member. ~~Members~~ Voting members of
89 32 the state fire service and emergency response council shall be
89 33 appointed by the governor.

89 34 (1) The governor shall appoint voting members of the
89 35 council from a list of nominees submitted by each of the



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90 1 following organizations:

90 2 ~~a.~~ (a) Two members from a list submitted by the Iowa
90 3 firemen's association.

90 4 ~~b.~~ (b) Two members from a list submitted by the Iowa fire
90 5 chiefs' association.

90 6 ~~c.~~ (c) One member from a list submitted by the Iowa
90 7 association of professional fire fighters.

90 8 ~~d.~~ (d) Two members from a list submitted by the Iowa
90 9 association of professional fire chiefs.

90 10 ~~e.~~ (e) One member from a list submitted by the Iowa fire
90 11 fighters group.

90 12 ~~f.~~ (f) One member from a list submitted by the Iowa
90 13 emergency medical services association.

90 14 (2) A person nominated for inclusion in the voting
90 15 membership on the council is not required to be a member of
90 16 the organization that nominates the person.

90 17 (3) The tenth and eleventh members of the council shall be
90 18 members of the general public appointed by the governor.

90 19 (4) The labor commissioner, or the labor commissioner's
90 20 designee, shall be a nonvoting, ex officio member of the
90 21 council.

90 22 b. Members of the council shall hold office commencing
90 23 July 1, 2000, for four years and until their successors are
90 24 appointed, except that three initial appointees shall be
90 25 appointed for two years, four initial appointees for three
90 26 years, and four initial appointees for four years.

90 27 c. The fire marshal or the fire marshal's designee shall
90 28 attend each meeting of the council.

90 29 Sec. 95. Section 80.34, Code Supplement 2007, is repealed.

90 30 DIVISION III

90 31 CONFORMING AMENDMENTS TO MISCELLANEOUS PROVISIONS

90 32 AND VOLUME I RENUMBERING

90 33 Sec. 96. Section 7J.1, subsection 7, paragraph b,
90 34 subparagraph (3), Code 2007, is amended to read as follows:

90 35 (3) The administrative rules review committee shall review



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91 1 the proposed waiver or suspension at the committee's next
91 2 scheduled meeting following submission of the proposal and may
91 3 either take no action or affirmatively approve the waiver or
91 4 suspension, or delay the effective date of the waiver or
91 5 suspension in the same manner as for rules as provided in
91 6 section 17A.4, subsection ~~5~~ 6, and section 17A.8, subsection
91 7 9. If the administrative rules review committee either
91 8 approves or takes no action concerning the proposed waiver or
91 9 suspension, the waiver or suspension may become effective no
91 10 earlier than the day following the meeting. If the
91 11 administrative rules review committee delays the effective
91 12 date of the waiver or suspension but no further action is
91 13 taken to rescind the waiver or suspension, the proposed waiver
91 14 or suspension may become effective no earlier than upon the
91 15 conclusion of the delay. The administrative rules review
91 16 committee shall notify the applicable charter agency of its
91 17 action concerning the proposed waiver or suspension.

91 18 Sec. 97. Section 8D.13, subsection 19, Code 2007, is
91 19 amended to read as follows:

91 20 19. Access to the network shall be offered to the
91 21 department of public safety and the department of public
91 22 defense for the purpose of establishing and operating a shared
91 23 data-only network providing law enforcement, emergency
91 24 management, disaster service, emergency warning, and other
91 25 emergency information dissemination services to federal,
91 26 state, and local law enforcement agencies as provided in
91 27 ~~section~~ sections 80.9 and 80.9B, and local emergency
91 28 management offices established under the authority of sections
91 29 29C.9 and 29C.10.

91 30 Sec. 98. Section 17A.8, subsection 8, Code 2007, is
91 31 amended to read as follows:

91 32 8. If the committee finds objection to a rule, it may
91 33 utilize the procedure provided in section 17A.4, subsection ~~5~~
91 34 6. In addition or in the alternative, the committee may
91 35 include in the referral, under subsection 7, a recommendation



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92 1 that this rule be overcome by statute. If the committee of
92 2 the general assembly to which a rule is referred finds
92 3 objection to the referred rule, it may recommend to the
92 4 general assembly that this rule be overcome by statute. This
92 5 section shall not be construed to prevent a committee of the
92 6 general assembly from reviewing a rule on its own motion.
92 7 Sec. 99. Section 19B.12, subsections 3 and 4, Code 2007,
92 8 are amended to read as follows:
92 9 3. a. As used in this section, "sexual harassment" means
92 10 persistent, repetitive, or highly egregious conduct directed
92 11 at a specific individual or group of individuals that a
92 12 reasonable person would interpret as intentional harassment of
92 13 a sexual nature, taking into consideration the full context in
92 14 which the conduct occurs, which conduct threatens to impair
92 15 the ability of a person to perform the duties of employment,
92 16 or otherwise function normally within an institution
92 17 responsible for the person's care, rehabilitation, education,
92 18 or training.
92 19 b. "Sexual harassment" may include, but is not limited to,
92 20 the following:
92 21 a. (1) Unsolicited sexual advances by a person toward
92 22 another person who has clearly communicated the other person's
92 23 desire not to be the subject of those advances.
92 24 b. (2) Sexual advances or propositions made by a person
92 25 having superior authority toward another person within the
92 26 workplace or institution.
92 27 c. (3) Instances of offensive sexual remarks or speech or
92 28 graphic sexual displays directed at a person in the workplace
92 29 or institution, who has clearly communicated the person's
92 30 objection to that conduct, and where the person is not free to
92 31 avoid that conduct due to the requirements of the employment
92 32 or the confines or operations of the institution.
92 33 d. (4) Dress requirements that bear no relation to the
92 34 person's employment responsibilities or institutional status.
92 35 4. The department of administrative services for all state



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93 1 agencies, and the state board of regents for its institutions,
93 2 shall adopt rules and appropriate internal, confidential
93 3 grievance procedures to implement this section, and shall
93 4 adopt procedures for determining violations of this section
93 5 and for ordering appropriate dispositions that may include,
93 6 but are not limited to, discharge, suspension, or reduction in
93 7 rank or grade as defined in section 8A.413, subsection ~~16~~ 18.

93 8 Sec. 100. Section 80B.13, subsection 10, Code Supplement
93 9 2007, is amended to read as follows:

93 10 10. Secure the assistance of the state division of
93 11 criminal investigation in the investigation of alleged
93 12 violations, as provided under section ~~80.9~~ 80.9A, subsection ~~1~~
93 13 6, paragraphs "c" and "g", of the provisions adopted under
93 14 section 80B.11.

93 15 Sec. 101. Section 87.1, subsection 2, Code Supplement
93 16 2007, is amended to read as follows:

93 17 2. A motor carrier who contracts with an owner=operator
93 18 who is acting as an independent contractor pursuant to section
93 19 85.61, subsection 11, paragraph ~~"g"~~ "c", shall not be required
93 20 to insure the motor carrier's liability for the
93 21 owner=operator. A motor carrier may procure compensation
93 22 liability insurance coverage for these owner=operators, and
93 23 may charge the owner=operator for the costs of the premiums.
93 24 A motor carrier shall require the owner=operator to provide
93 25 and maintain a certificate of workers' compensation insurance
93 26 covering the owner=operator's employees. An owner=operator
93 27 shall remain responsible for providing compensation liability
93 28 insurance for the owner=operator's employees.

93 29 Sec. 102. Section 87.23, Code Supplement 2007, is amended
93 30 to read as follows:

93 31 87.23 COMPENSATION LIABILITY INSURANCE NOT REQUIRED.

93 32 A corporation, association, or organization approved by the
93 33 commissioner of insurance to provide compensation liability
93 34 insurance shall not require a motor carrier that contracts
93 35 with an owner=operator who is acting as an independent



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94 1 contractor pursuant to section 85.61, subsection 11, paragraph
94 2 ~~"g"~~ "c", to purchase compensation liability insurance for the
94 3 employer's liability for the owner-operator or its employees.

94 4 Sec. 103. Section 100B.22, subsection 6, Code Supplement
94 5 2007, is amended to read as follows:

94 6 6. The state fire marshal may adopt administrative rules
94 7 under section 17A.4, subsection ~~2~~ 3, and section 17A.5,
94 8 subsection 2, paragraph "b", to administer this section.

94 9 Sec. 104. Section 141A.9, subsection 2, paragraph j, Code
94 10 Supplement 2007, is amended to read as follows:

94 11 j. To employees of state correctional institutions subject
94 12 to the jurisdiction of the department of corrections,
94 13 employees of secure facilities for juveniles subject to the
94 14 department of human services, and employees of city and county
94 15 jails, if the employees have direct supervision over inmates
94 16 of those facilities or institutions in the exercise of the
94 17 duties prescribed pursuant to section ~~80.9, subsection 2,~~
~~94 18 paragraph "d"~~ 80.9B.

94 19 Sec. 105. Section 147.102, Code Supplement 2007, is
94 20 amended to read as follows:

94 21 147.102 PSYCHOLOGISTS, CHIROPRACTORS, AND DENTISTS.

94 22 Notwithstanding the provisions of this subtitle, every
94 23 application for a license to practice psychology,
94 24 chiropractic, or dentistry shall be made directly to the
94 25 chairperson, executive director, or secretary of the board of
94 26 such profession, and every reciprocal agreement for the
94 27 recognition of any such license issued in another state shall
94 28 be negotiated by the board for such profession. All
94 29 examination, license, and renewal fees received from persons
94 30 licensed to practice any of such professions shall be paid to
94 31 and collected by the chairperson, executive director, or
94 32 secretary of the board of such profession. The salary of the
94 33 secretary shall be established by the governor with the
94 34 approval of the executive council pursuant to section 8A.413,
94 35 subsection ~~2~~ 3, under the pay plan for exempt positions in the



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95 1 executive branch of government.

95 2 Sec. 106. Section 147.103A, subsection 4, Code Supplement
95 3 2007, is amended to read as follows:

95 4 4. Applications for a license shall be made to the
95 5 chairperson, executive director, or secretary of the board.
95 6 All examination, license, and renewal fees shall be paid to
95 7 and collected by the chairperson, executive director, or
95 8 secretary of the board. The salary of the executive director
95 9 of the board shall be established by the governor with
95 10 approval of the executive council pursuant to section 8A.413,
95 11 subsection ~~2~~ 3, under the pay plan for exempt positions in the
95 12 executive branch of government.

95 13 Sec. 107. Section 152.2, Code 2007, is amended to read as
95 14 follows:

95 15 152.2 EXECUTIVE DIRECTOR == ASSISTANTS.

95 16 The board shall appoint a full-time executive director.
95 17 The executive director shall be a registered nurse and shall
95 18 not be a member of the board. The governor, with the approval
95 19 of the executive council pursuant to section 8A.413,
95 20 subsection ~~2~~ 3, under the pay plan for exempt positions in the
95 21 executive branch of government, shall set the salary of the
95 22 executive director.

95 23 Sec. 108. Section 231.22, Code 2007, is amended to read as
95 24 follows:

95 25 231.22 DIRECTOR.

95 26 1. The governor, subject to confirmation by the senate,
95 27 shall appoint a director of the department of elder affairs
95 28 who shall, subject to chapter 8A, subchapter IV, employ and
95 29 direct staff as necessary to carry out the powers and duties
95 30 created by this chapter. The director shall serve at the
95 31 pleasure of the governor. However, the director is subject to
95 32 reconfirmation by the senate as provided in section 2.32,
95 33 subsection ~~2~~ 3. The governor shall set the salary for the
95 34 director within the range set by the general assembly.

95 35 2. The director shall have the following qualifications



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96 1 and training:

96 2 1. a. Training in the field of gerontology, social work,
96 3 public health, public administration, or other related fields.

96 4 2. b. Direct experience or extensive knowledge of
96 5 programs and services related to elders.

96 6 3. c. Demonstrated understanding and concern for the
96 7 welfare of elders.

96 8 4. d. Demonstrated competency and recent working
96 9 experience in an administrative, supervisory, or management
96 10 position.

96 11 Sec. 109. Section 249A.20A, subsection 10, Code 2007, is
96 12 amended to read as follows:

96 13 10. The department may adopt administrative rules under
96 14 section 17A.4, subsection ~~2~~ 3, and section 17A.5, subsection
96 15 2, paragraph "b", to implement this section.

96 16 Sec. 110. Section 252I.1, subsection 10, Code Supplement
96 17 2007, is amended to read as follows:

96 18 10. "Working days" means only Monday, Tuesday, Wednesday,
96 19 Thursday, and Friday, but excluding the holidays specified in
96 20 section 1C.2, ~~subsections~~ subsection 1 through 9.

96 21 Sec. 111. Section 313.4, subsections 1, 3, and 4, Code
96 22 2007, are amended to read as follows:

96 23 1. a. Said primary road fund is hereby appropriated for
96 24 and shall be used in the establishment, construction and
96 25 maintenance of the primary road system, including the
96 26 drainage, grading, surfacing, construction of bridges and
96 27 culverts, the elimination or improvement of railroad
96 28 crossings, the acquiring of additional right-of-way, all other
96 29 expense incurred in the construction and maintenance of said
96 30 primary road system and the maintenance and housing of the
96 31 department.

96 32 b. The department may expend moneys from the fund for dust
96 33 control on a secondary road or municipal street within a
96 34 municipal street system when there is a notable increase in
96 35 traffic on the secondary road or municipal street due to



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97 1 closure of a road by the department for purposes of
97 2 establishing, constructing, or maintaining a primary road.
97 3 3. There is appropriated from funds appropriated to the
97 4 department which would otherwise revert to the primary road
97 5 fund pursuant to the provisions of the Act appropriating the
97 6 funds or chapter 8, an amount sufficient to pay the increase
97 7 in salaries, which increase is not otherwise provided for by
97 8 the general assembly in an appropriation bill, resulting from
97 9 the annual review of the merit pay plan as provided in section
97 10 8A.413, subsection ~~2~~ 3. The appropriation herein provided
97 11 shall be in effect from the effective date of the revised pay
97 12 plan to the end of the fiscal biennium in which it becomes
97 13 effective.

97 14 4. a. Such fund is appropriated and shall be used by the
97 15 department to provide energy and for the operation and
97 16 maintenance of those primary road freeway lighting systems
97 17 within the corporate boundaries of cities including energy and
97 18 maintenance costs associated with interchange conflict
97 19 lighting on existing and future freeway and expressway
97 20 segments constructed to interstate standards.

97 21 b. The costs of serving freeway lighting for each utility
97 22 providing the service shall be determined by the utilities
97 23 division of the department of commerce, and rates for such
97 24 service shall be no higher than necessary to recover these
97 25 costs. Funds received under the provisions of this subsection
97 26 shall be used solely for the operation and maintenance of a
97 27 freeway lighting system.

97 28 Sec. 112. Section 321.20B, subsection 1, Code Supplement
97 29 2007, is amended to read as follows:

97 30 1. a. Notwithstanding chapter 321A, which requires
97 31 certain persons to maintain proof of financial responsibility,
97 32 a person shall not drive a motor vehicle on the highways of
97 33 this state unless financial liability coverage, as defined in
97 34 section 321.1, subsection 24B, is in effect for the motor
97 35 vehicle and unless the driver has in the motor vehicle the



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98 1 proof of financial liability coverage card issued for the
98 2 motor vehicle, or if the vehicle is registered in another
98 3 state, other evidence that financial liability coverage is in
98 4 effect for the motor vehicle.

98 5 b. It shall be conclusively presumed that a motor vehicle
98 6 driven upon a parking lot which is available to the public
98 7 without charge or which is available to customers or invitees
98 8 of a business or facility without charge was driven on the
98 9 highways of this state in order to enter the parking lot, and
98 10 this section shall be applicable to such a motor vehicle. As
98 11 used in this section, "parking lot" includes access roads,
98 12 drives, lanes, aisles, entrances, and exits to and from a
98 13 parking lot described in this paragraph.

98 14 c. This subsection does not apply to the operator of a
98 15 motor vehicle owned by or leased to the United States, this
98 16 state or another state, or any political subdivision of this
98 17 state or of another state, or to a motor vehicle which is
98 18 subject to section 325A.6 ~~or 327B.6~~.

98 19 Sec. 113. Section 321A.33, Code 2007, is amended to read
98 20 as follows:

98 21 321A.33 EXCEPTIONS.

98 22 This chapter does not apply to any motor vehicle owned by
98 23 the United States, this state, or any political subdivision of
98 24 this state or to any operator, except for section 321A.4,
98 25 while on official duty operating such motor vehicle. This
98 26 chapter does not apply, except for sections 321A.4 and
98 27 321A.26, to any motor vehicle which is subject to section
98 28 325A.6 ~~or 327B.6~~.

98 29 Sec. 114. Section 421.17A, subsection 1, paragraph h, Code
98 30 Supplement 2007, is amended to read as follows:

98 31 h. "Working days" means Monday through Friday, excluding
98 32 the holidays specified in section 1C.2, ~~subsections~~ subsection
98 33 1 through 9.

98 34 Sec. 115. Section 455G.4, subsections 1 and 3, Code 2007,
98 35 are amended to read as follows:



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99 1 1. MEMBERS OF THE BOARD.
99 2 a. The Iowa comprehensive petroleum underground storage
99 3 tank fund board is established consisting of the following
99 4 members:
99 5 ~~a.~~ (1) The director of the department of natural
99 6 resources, or the director's designee.
99 7 ~~b.~~ (2) The treasurer of state, or the treasurer's
99 8 designee.
99 9 ~~c.~~ (3) The commissioner of insurance, or the
99 10 commissioner's designee.
99 11 ~~d.~~ (4) Two public members appointed by the governor and
99 12 confirmed by the senate to staggered four-year terms, except
99 13 that of the first members appointed, one public member shall
99 14 be appointed for a term of two years and one for a term of
99 15 four years. A public member shall have experience, knowledge,
99 16 and expertise of the subject matter embraced within this
99 17 chapter. Two public members shall be appointed with
99 18 experience in either, or both, financial markets or insurance.
99 19 ~~e.~~ (5) Two owners or operators appointed by the governor.
99 20 One of the owners or operators appointed pursuant to this
99 21 ~~paragraph~~ subparagraph shall have been a petroleum systems
99 22 insured through the underground storage tank insurance fund as
99 23 it existed on June 30, 2004, or a successor to the underground
99 24 storage tank insurance fund and shall have been an insured
99 25 through the insurance account of the comprehensive petroleum
99 26 underground storage tank fund on or before October 26, 1990.
99 27 One of the owners or operators appointed pursuant to this
99 28 ~~paragraph~~ subparagraph shall be self-insured.
99 29 ~~f.~~ (6) The director of the legislative services agency,
99 30 or the director's designee. The director under this ~~paragraph~~
99 31 subparagraph shall not participate as a voting member of the
99 32 board.
99 33 b. A public member appointed pursuant to paragraph "~~d~~"
99 34 "a", subparagraph (4), shall not have a conflict of interest.
99 35 For purposes of this section a "conflict of interest" means an



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100 1 affiliation, within the twelve months before the member's
100 2 appointment, with the regulated tank community, or with a
100 3 person or property and casualty insurer offering competitive
100 4 insurance or other means of financial assurance or which
100 5 previously offered environmental hazard insurance for a member
100 6 of the regulated tank community.

100 7 c. The filling of positions reserved for public
100 8 representatives, vacancies, membership terms, payment of
100 9 compensation and expenses, and removal of members are governed
100 10 by chapter 69. Members of the board are entitled to receive
100 11 reimbursement of actual expenses incurred in the discharge of
100 12 their duties within the limits of funds appropriated to the
100 13 board or made available to the fund. Each member of the board
100 14 may also be eligible to receive compensation as provided in
100 15 section 7E.6. The members shall elect a voting chairperson of
100 16 the board from among the members of the board.

100 17 3. RULES AND EMERGENCY RULES.

100 18 a. The board shall adopt rules regarding its practice and
100 19 procedures, develop underwriting standards, establish
100 20 procedures for investigating and settling claims made against
100 21 the fund, and otherwise implement and administer this chapter.

100 22 ~~b. The board may adopt administrative rules under section~~
100 23 ~~17A.4, subsection 2, and section 17A.5, subsection 2,~~
100 24 ~~paragraph "b", to implement this subsection for one year after~~
100 25 ~~May 5, 1989.~~

100 26 ~~e. b.~~ Rules necessary for the implementation and
100 27 collection of the environmental protection charge shall be
100 28 adopted ~~on or before June 1, 1989.~~

100 29 ~~d. c.~~ Rules to facilitate and encourage the use of
100 30 community remediation whenever possible shall be adopted.

100 31 ~~e. d.~~ The board shall adopt rules relating to appeal
100 32 procedures which shall require the administrator to deliver
100 33 notice of appeal to the affected parties within fifteen days
100 34 of receipt of notice, require that the hearing be held within
100 35 one hundred eighty days of the filing of the petition unless



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101 1 good cause is shown for the delay, and require that a final
101 2 decision be issued no later than one hundred twenty days
101 3 following the close of the hearing. The time restrictions in
101 4 this paragraph may be waived by mutual agreement of the
101 5 parties.

101 6 Sec. 116. Section 474.1, Code 2007, is amended to read as
101 7 follows:

101 8 474.1 CREATION OF DIVISION AND BOARD == ORGANIZATION.

101 9 1. A utilities division is created within the department
101 10 of commerce. The policymaking body for the division is the
101 11 utilities board which is created within the division. The
101 12 board is composed of three members appointed by the governor
101 13 and subject to confirmation by the senate, not more than two
101 14 of whom shall be from the same political party. Each member
101 15 appointed shall serve for six-year staggered terms beginning
101 16 and ending as provided by section 69.19. Vacancies shall be
101 17 filled for the unexpired portion of the term in the same
101 18 manner as full-term appointments are made.

101 19 2. The utilities board shall organize by appointing an
101 20 executive secretary, who shall take the same oath as the
101 21 members. The board shall set the salary of the executive
101 22 secretary within the limits of the pay plan for exempt
101 23 positions provided for in section 8A.413, subsection ~~2~~ 3,
101 24 unless otherwise provided by the general assembly. The board
101 25 may employ additional personnel as it finds necessary.
101 26 Subject to confirmation by the senate, the governor shall
101 27 appoint a member as the chairperson of the board. The
101 28 chairperson shall be the administrator of the utilities
101 29 division. The appointment as chairperson shall be for a
101 30 two-year term which begins and ends as provided in section
101 31 69.19.

101 32 3. As used in this chapter and chapters 475A, 476, 476A,
101 33 478, 479, 479A, and 479B, "division" and "utilities division"
101 34 mean the utilities division of the department of commerce.

101 35 DIVISION IV



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102 1 EFFECTIVE DATE == RETROACTIVE APPLICABILITY
102 2 Sec. 117. EFFECTIVE DATE == RETROACTIVE APPLICABILITY.
102 3 The section of this Act amending section 490.624, subsection
102 4 2, being deemed of immediate importance, takes effect upon
102 5 enactment and applies retroactively to July 1, 1989.
102 6 EXPLANATION
102 7 This bill contains statutory corrections that adjust
102 8 language to reflect current practices, insert earlier
102 9 omissions, delete redundancies and inaccuracies, delete
102 10 temporary language, resolve inconsistencies and conflicts,
102 11 update ongoing provisions, or remove ambiguities. The Code
102 12 sections amended include the following:
102 13 DIVISION I == MISCELLANEOUS PROVISIONS. Code section 1C.2:
102 14 Removes language relating to paid vacation leave from the list
102 15 of paid state holidays and places it with other language
102 16 relating to annual paid leave. The entire Code section is
102 17 also renumbered and internal references are corrected.
102 18 Code section 2.40(1): Deletes a sentence relating to
102 19 legislator participation in state health care plans from the
102 20 second unnumbered paragraph of this subsection, that conflicts
102 21 with language in the first unnumbered paragraph and paragraphs
102 22 "a" through "c". The entire subsection is also organized by
102 23 dividing the second unnumbered paragraph into its respective
102 24 concepts and moving a sentence relating to a former
102 25 legislator's ability to participate in state health care plans
102 26 from the end of the paragraph to be with language relating to
102 27 how former legislators may continue their health care coverage
102 28 under state group health care plans. The conflict in the
102 29 sentence that is deleted in the bill was created when the
102 30 sentence was amended by 1989 Iowa Acts, ch. 303, section 14,
102 31 to eliminate portions of the sentence that show that the
102 32 sentence was originally designed as a transitional provision
102 33 for legislative participation in state group health care
102 34 plans.
102 35 Code section 2C.16: Reorganizes this provision relating to



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103 1 the stating of recommendations by the citizens' aide to an
103 2 agency by moving a sentence fragment from the end of the first
103 3 sentence in paragraph "e" to the prefatory language at the
103 4 beginning of the Code section. The Code section is also
103 5 renumbered to eliminate unnumbered paragraphs from the Code
103 6 section.

103 7 Code section 3.1: Conforms language in an existing
103 8 subsection to qualifying lead-in language in the Code section
103 9 and renumbers the entire provision to eliminate unnumbered
103 10 paragraphs.

103 11 Code section 3.3: Corrects drafting errors made in 2007
103 12 legislation updating the section. This bill strikes a comma
103 13 preceding an essential clause and inserts "not" to conform to
103 14 the intent of the Code section as previously enacted.

103 15 Code section 4.13: Updates and reorganizes this general
103 16 statutory savings clause provision by correcting spelling,
103 17 updating use of terminology, and renumbering the provision to
103 18 eliminate unnumbered paragraphs.

103 19 Code section 7E.5: Adds language relating to services
103 20 provided by the department of human rights to Iowans of Asian
103 21 and Pacific Islander heritage to this provision to conform the
103 22 provision to changes made to Code chapter 216A by 2004 Iowa
103 23 Acts, ch. 1020.

103 24 Code sections 8A.101(1) and 8F.2(1): Strikes a reference
103 25 to "examining or licensing board" in a provision defining
103 26 agency or state agency as certain entities defined in Code
103 27 section 7E.4. The provision includes "board" as one of such
103 28 entities. Although "board" is defined in Code section 7E.4 to
103 29 include professional licensing boards, "examining or licensing
103 30 board" is not a defined term in that Code section.

103 31 Code section 9D.2(5) and 9D.3: Renumbers the second
103 32 unnumbered paragraph in subsection 5 of current Code section
103 33 9D.2 as new subsection 6 and changes terminology used in both
103 34 Code sections 9D.2 and 9D.3 to refer to the application for
103 35 registration filed by a travel agency to conform to other



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104 1 terminology in this provision relating to registration of
104 2 travel agencies doing business in Iowa.
104 3 Code section 13A.3: Eliminates obsolete language relating
104 4 to the staggering of the terms of members of the prosecuting
104 5 attorneys training council in this provision establishing the
104 6 council and numbers the provision to eliminate unnumbered
104 7 paragraphs.
104 8 Code sections 15.221 through 15.225 (repealed at end of
104 9 division of bill): Repeals provisions establishing and
104 10 regulating the Iowa Lewis and Clark bicentennial commission
104 11 and fund. Code section 15.225 provided for dissolution of the
104 12 commission by December 31, 2007, and all expenses of the
104 13 commission have been paid.
104 14 Code section 15.421(2) and (3): Clarifies that the
104 15 generation Iowa commission shall include, rather than consist
104 16 of, 15 voting members, in addition to four legislative
104 17 nonvoting, ex officio members. The bill also makes
104 18 corresponding changes clarifying that certain age requirement
104 19 and appointment provisions apply only to voting members.
104 20 Code section 15E.17(4): Deletes language relating to the
104 21 former savings and loan division of the department of
104 22 commerce. That division was eliminated and its authority
104 23 transferred to the banking division of the department of
104 24 commerce in 2007 Iowa Acts, ch. 88.
104 25 Code section 15G.111(2): Deletes language relating to
104 26 submission of a report by the legislative services agency by
104 27 September 30, 2007, from this provision relating to allocation
104 28 of funds from the grow Iowa values fund to state board of
104 29 regents higher education institutions.
104 30 Code section 16.3(11): Strikes this subsection, which is
104 31 identical to current subsection 19, from this Code section
104 32 containing legislative findings regarding establishment of the
104 33 Iowa finance authority, the title guarantee division, and the
104 34 Iowa economic development bond bank program.
104 35 Code section 16.5(1): Substitutes the word "authority" for



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105 1 the word "board" to conform usage to other language within the
105 2 paragraph and corrects the grammar in another paragraph in
105 3 this provision relating to the duties of the Iowa finance
105 4 authority.

105 5 Code sections 24.20, 434.16, and 633.113: Strikes the
105 6 words "the preceding sections" and inserts specific numeric
105 7 references to the Code sections which precede these Code
105 8 sections.

105 9 Code section 26.13: Substantially reorganizes this
105 10 provision relating to public improvement contracts by moving
105 11 all definitions contained in the Code section to the beginning
105 12 of the Code section, renumbering the entire Code section, and
105 13 correcting internal references as necessary.

105 14 Code section 35A.5(10): Changes the word "state" to the
105 15 word "department" and divides out and designates separate
105 16 activities within a provision relating to the department of
105 17 veterans affairs duty to establish and operate a veterans
105 18 cemetery.

105 19 Code section 35A.8(5)(a): Changes the word "commission" to
105 20 "department" to conform to changes made by 2007 Iowa Acts, ch.
105 21 6, in this Code section and other sections of the Code.

105 22 Code section 46.16(1): Strikes language outlining the
105 23 procedure by which the staggering of the initial terms of the
105 24 judges appointed to serve on the Iowa court of appeals was
105 25 accomplished when that court was first established in 1976.

105 26 Code section 68A.503(2)(a): Adds the words "credit union"
105 27 to a list of types of entities from which candidate's
105 28 committees and candidates cannot solicit, request, or receive
105 29 anything of value for campaign expenses or to expressly
105 30 advocate that an elector vote to nominate, elect, or defeat a
105 31 candidate for public office. The addition conforms the
105 32 listing of entities to other usages of the same list of
105 33 entities elsewhere in the paragraph and Code section.

105 34 Code section 68B.4A: Strikes the words "official or" in
105 35 this provision relating to legislative employee sales of goods



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106 1 or services but not sales of goods or services by officials.
106 2 Sales of goods or services of this nature by various state
106 3 officials are covered under Code sections 68B.3, 68B.4, and
106 4 68B.4B.

106 5 Code section 80B.11(1)(c): Strikes an obsolete date
106 6 relating by which all law enforcement officers were to have
106 7 completed a course on investigation and identification of
106 8 discriminatory public offenses.

106 9 Code section 86.2: Redesignates and conforms the use of
106 10 terminology within a Code section that provides for the
106 11 appointment of deputy commissioners by the workers'
106 12 compensation commissioner of the department of workforce
106 13 development. There are no assistant workers' compensation
106 14 commissioners in the department of workforce development, and
106 15 the persons who are appointed by the workforce compensation
106 16 commissioner are deputy commissioners.

106 17 Code section 87.1(1): Adds language to clarify and update
106 18 references to the Code chapters on employer liability for
106 19 workers' compensation.

106 20 Code section 87.22: Numbers provisions within this Code
106 21 section and divides existing language into two subsections to
106 22 distinguish between the procedure for corporate officer
106 23 exclusion from workers' compensation or employers' liability
106 24 coverage and the contents of the written rejection form.

106 25 Code section 89.7A(1): Reinserts language requiring
106 26 posting of certificates of inspection for boilers and unfired
106 27 steam pressure vessels which was inadvertently left out in
106 28 2007 legislation moving the language relating to issuance of
106 29 such certificates from Code section 89.3 to this Code section.

106 30 Code section 97B.49G(2)(b): Corrects an internal reference
106 31 to the types of increases in Iowa public employees' retirement
106 32 system benefits that were made available to contingent
106 33 annuitants and beneficiaries effective July 1, 1979.

106 34 Code section 100B.22(1)(b) and (2)(a): Conforms internal
106 35 references to the fire service training centers to each other



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107 1 by striking the references to the subparagraphs. When the
107 2 Code section was enacted by 2006 Iowa Acts, ch. 1179, section
107 3 44, the references in subsection 1, paragraph "b", and
107 4 subsection 2, paragraph "a", and paragraph "a" of subsection
107 5 1, inadvertently failed to conform to each other although
107 6 subsection 1 contains a total of 11 subparagraphs in which all
107 7 of the fire service training centers are listed.

107 8 Code section 100C.10(4): Strikes an obsolete sentence
107 9 relating to the appointment of the initial members to the fire
107 10 extinguishing system contractors and alarm systems advisory
107 11 board.

107 12 Code section 103.6(2): Inserts "does any of the following"
107 13 to clarify that the electrical examining board may revoke,
107 14 suspend, or refuse to renew a license granted pursuant to Code
107 15 chapter 103 in any of the circumstances listed.

107 16 Code section 103.22(10): Clarifies language relating to
107 17 persons who are exempt from regulation as electricians or
107 18 electrical contractors under Code chapter 103.

107 19 Code section 103A.21: Deletes a redundant penalty
107 20 provision in subsection 2 of this provision relating to
107 21 violations of the state building code. Subsection 1 of this
107 22 Code section currently prohibits noncompliance with an order
107 23 of a local building department, knowing violations of
107 24 applicable provisions of the state building code, and knowing
107 25 violations of any order of a local building and provides that
107 26 violations are a simple misdemeanor.

107 27 Code section 135.20(2): Reorganizes provisions relating to
107 28 information required to be distributed to veterans regarding
107 29 hepatitis C to clarify the general applicability of a
107 30 provision governing the distribution of all such information.

107 31 Code section 147.88: Clarifies this provision describing
107 32 the authority of the department of inspections and appeals to
107 33 perform inspections for various health profession licensing
107 34 boards, by adding the words "inspections for" to the language
107 35 which describes limitations on that authority.



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108 1 Code section 172B.4(3): Rewrites, reorganizes, and
108 2 subdivides language relating to the process by which law
108 3 enforcement officers may give a receipt to a transporter of
108 4 livestock for a transportation certificate that the law
108 5 enforcement officer must submit to the officer's employing law
108 6 enforcement agency.

108 7 Code section 175.19: Corrects an error made when the
108 8 amendment to subsection 2 of this Code section by 1981 Iowa
108 9 Acts, ch. 68, section 5, was codified, by moving this
108 10 paragraph relating to enforcement of remedies by bondholders
108 11 or noteholders under an agricultural development program.

108 12 Code section 185.3(1): Updates, redesignates, and
108 13 clarifies the procedure by which directors are elected to the
108 14 Iowa soybean association board and at what point it is
108 15 determined which districts may elect two directors to the
108 16 board.

108 17 Code section 231D.5(2): Provides that the department may
108 18 deny certification for a new or newly acquired adult day
108 19 services program for an existing certificate holder on the
108 20 basis of the certificate holder's continuing or repeated
108 21 failure to operate in compliance with the Code chapter.
108 22 Currently, this provision is an incomplete sentence.

108 23 Code sections 256.11(5)(b) and 280.9A: Moves language
108 24 requiring county auditors to, upon request, provide schools
108 25 within the county with voting machines or sample ballots that
108 26 are generally used within the county, from the provision
108 27 establishing the accreditation standards for grades nine
108 28 through 12 in public and nonpublic schools, to the Code
108 29 section that establishes the standards for the provision of
108 30 history and government and voter registration instruction in
108 31 the schools in grades nine through 12.

108 32 Code section 261A.4(13): Redrafts and reorganizes language
108 33 that defines the term "loan funding deposit" in the Code
108 34 chapter establishing the higher education loan authority.

108 35 Code section 272.9A(1): Strikes language incorrectly



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109 1 indicating that a beginning administrator mentoring and
109 2 induction program is provided by the department of education
109 3 pursuant to Code section 284A.5, subsection 2, in a provision
109 4 relating to administrator licensure. Beginning administrator
109 5 mentoring and induction programs are established by school
109 6 boards.
109 7 Code section 327B.6 (repealed at end of division of bill):
109 8 Repeals the Code section, requiring the filing of evidence of
109 9 insurance or surety bond by a carrier prior to registration,
109 10 pursuant to its own terms. The Code section is repealed on
109 11 the transition termination date referred to in Code section
109 12 327B.1, subsection 2, paragraph "b", which was reported by the
109 13 state department of transportation as January 1, 2007.
109 14 Code section 341A.12: Corrects a drafting error in
109 15 language describing an appellant's rights on appeal to the
109 16 civil service commission, by changing the words "appeal
109 17 personally" to "appear in person".
109 18 Code sections 357A.11(11) and 357A.25: Moves language
109 19 relating to construction of the Code chapter providing for the
109 20 establishment of rural water districts and the Code chapter
109 21 pertaining to city finance as they relate to the use of real
109 22 property of a rural water subscriber as security for debts of
109 23 a rural water district from subsection 13 of Code section
109 24 357A.11 into a separate new Code section 357A.25 and letters
109 25 the provisions remaining in that subsection 13 which describe
109 26 the process for dissolution of a rural water district.
109 27 Code sections 422.11T and 422.11U: Strikes references to
109 28 the credit in Code section 422.12B due to 2007 legislation
109 29 making the earned income tax credit in Code section 422.12B
109 30 refundable.
109 31 Code sections 455B.131 and 484B.4: Strikes the word
109 32 "copartnership" from both of these provisions. The term
109 33 "copartnership" is synonymous with the more common term
109 34 "partnership", which is a "person" under Code section 484B.4,
109 35 pursuant to the definition of that term in Code section 4.1.



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110 1 The term "partnership" is also contained in and remains in
110 2 Code section 455B.131 after the strike of the term
110 3 "copartnership".
110 4 Code section 462A.2(22): Strikes the word "period" from
110 5 this provision to clarify the characteristics used to
110 6 determine whether a body of water is considered to be a
110 7 navigable water.
110 8 Code sections 490.624(2): Substitutes the date "July 1,
110 9 1989" for the words "the effective date of this section".
110 10 Although the words "the effective date of this section" were
110 11 added in 2007, the Code section itself was effective on July
110 12 1, 1989, and the rights, options, or warrants of business
110 13 corporations which are referred to are those that would have
110 14 been affected by the enactment of this Code section in 1989.
110 15 This amendment is effective upon enactment and applies
110 16 retroactively to July 1, 1989 (see division IV of bill).
110 17 Code section 524.212: Adds a reference to Code section
110 18 524.215, subsection 2, new paragraph "f", in a provision
110 19 prohibiting the disclosure of certain banking regulatory
110 20 information except pursuant to court order and then only in
110 21 those instances referred to in Code section 524.215,
110 22 subsection 2, paragraphs "a", "b", "c", and "e". The
110 23 circumstances described in new paragraph "f" are similar to
110 24 those referenced in the other paragraphs.
110 25 Code section 533.214: Reorganizes the provision relating
110 26 to the purposes of central credit unions and clarifies that
110 27 the "other credit unions" whose members the central credit
110 28 unions are serving are "existing credit unions".
110 29 Code section 537A.4: Conforms the exception stated in this
110 30 provision to the prohibition against gambling to the current
110 31 language of and the changes made to Code chapter 99F by 2007
110 32 Iowa Acts, ch. 188.
110 33 Code sections 542.4(1) and 542.5(8): Strikes transitional
110 34 provisions relating to the membership of the Iowa accountancy
110 35 examining board, the terms of which lapsed by 2005, and the



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111 1 examination requirements for certification as a certified
111 2 public accountant, the terms of which lapsed in 2003.
111 3 Code section 554.2505(2): Substitutes a numeric reference
111 4 to Code section 554.2504 for a reference to the "preceding
111 5 section" in a provision relating to shipments of goods by
111 6 sellers with a reservation of a security interest in those
111 7 goods.
111 8 Code section 564.3: Updates obsolete language relating to
111 9 when one private property owner may acquire a pedestrian
111 10 right-of-way or easement by prescription or adverse use from
111 11 another private property owner.
111 12 Code section 600A.2(6) and (8): Moves language listing the
111 13 rights and duties of guardians and custodians from the
111 14 definitions of those terms in subsections 6 and 8 of this Code
111 15 section to separate new Code sections 600A.2A and 600A.2B and
111 16 substitutes a reference to the new Code sections in place of
111 17 the language that was moved.
111 18 Code section 615.1: Rewrites this provision prohibiting
111 19 execution on judgments entered in actions for foreclosure of
111 20 real estate mortgages, deeds of trust, or real estate
111 21 contracts upon certain agricultural and residential property
111 22 and prohibiting execution on judgments entered in actions on a
111 23 claim for rent after the expiration of a two-year period from
111 24 the date of entry of judgment.
111 25 Code section 622.10(6): Corrects a codification error made
111 26 in 1988 in language relating to the method by which qualified
111 27 school guidance counselor are licensed and the entity which is
111 28 responsible for licensing those individuals. The original
111 29 reference should have been to Code section 256.11, subsection
111 30 9A, which was enacted by 1988 Iowa Acts, ch. 1262, section 2,
111 31 as a new subsection 10, but codified at subsection 9A in 1989.
111 32 The mistake resulted when an intervening amendment from 1988
111 33 Iowa Acts, ch. 1134, section 107, was applied and mistaken as
111 34 being identical to the amendment from chapter 1262, section 2.
111 35 Code section 715A.2A(2): Substitutes the proper United



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112 1 States Code citation relating to documents giving evidence of
112 2 United States citizenship in a provision providing an
112 3 affirmative defense to the accommodation of forgery if an
112 4 employer shows that it has complied in good faith with the
112 5 federal provisions.

112 6 DIVISION II == VOLUME I RENUMBERING. Code sections in this
112 7 division are amended by substantially reorganizing and
112 8 redesignating the provisions to eliminate the presence of
112 9 unnumbered paragraphs within the Code sections and to place
112 10 like provisions together to facilitate use and readability of
112 11 these provisions. Although no concepts and very few words are
112 12 eliminated in any of the provisions, some of the language is
112 13 rewritten slightly in language that is moved to conform that
112 14 language to the syntax of its new location.

112 15 The Code sections affected include Code sections 2.14;
112 16 2.32; 8.3A; 8A.204; 8A.324; 8A.413; 8D.3; 15.331A; 17A.4;
112 17 17A.4A; 20.5; 24.26; 68A.102; 68B.32A; 73A.21; 80.34 (repealed
112 18 at end of division of bill); 80.9; 80.9A; 80.9B; 80B.6; 85.61;
112 19 88.8; 96.3; 100B.1; and 103A.21.

112 20 DIVISION III == CONFORMING AMENDMENTS. Internal references
112 21 to these amended provisions are corrected in Code sections
112 22 7J.1; 8D.13; 17A.8; 19B.12; 80B.13; 87.1; 87.23; 100B.22;
112 23 141A.9; 147.102; 147.103A; 152.2; 231.22; 249A.20A; 252I.1;
112 24 313.4; 321.20B; 321A.33; 421.17A; 455G.4; and 474.1.

112 25 LSB 5698SC 82

112 26 lh/rj/5



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Senate Study Bill 3216

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 for health and human
- 2 services and including other related provisions and
- 3 appropriations, and providing effective and applicability date
- 4 provisions.
- 5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 6 TL5B 5012XG 82
- 7 pf/jp/14



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PAG LIN

1 1 DIVISION I
 1 2 GENERAL FUND AND BLOCK GRANT APPROPRIATIONS
 1 3 ELDER AFFAIRS
 1 4 Section 1. DEPARTMENT OF ELDER AFFAIRS. There is
 1 5 appropriated from the general fund of the state to the
 1 6 department of elder affairs for the fiscal year beginning July
 1 7 1, 2008, and ending June 30, 2009, the following amount, or so
 1 8 much thereof as is necessary, to be used for the purposes
 1 9 designated:
 1 10 For aging programs for the department of elder affairs and
 1 11 area agencies on aging to provide citizens of Iowa who are 60
 1 12 years of age and older with case management for the frail
 1 13 elderly only if the monthly cost per client for case
 1 14 management for the frail elderly services provided does not
 1 15 exceed an average of \$70, resident advocate committee
 1 16 coordination, employment, and other services which may include
 1 17 but are not limited to adult day services, respite care, chore
 1 18 services, telephone reassurance, information and assistance,
 1 19 and home repair services, and for the construction of entrance
 1 20 ramps which make residences accessible to the physically
 1 21 handicapped, and for salaries, support, administration,
 1 22 maintenance, and miscellaneous purposes:
 1 23 \$ 4,866,698
 1 24 1. Funds appropriated in this section may be used to
 1 25 supplement federal funds under federal regulations. To
 1 26 receive funds appropriated in this section, a local area
 1 27 agency on aging shall match the funds with moneys from other
 1 28 sources according to rules adopted by the department. Funds
 1 29 appropriated in this section may be used for elderly services
 1 30 not specifically enumerated in this section only if approved
 1 31 by an area agency on aging for provision of the service within
 1 32 the area.
 1 33 2. Of the funds appropriated in this section, \$2,788,223
 1 34 shall be used for case management for the frail elderly. Of
 1 35 the funds allocated in this subsection, \$1,385,015 shall be



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2 1 transferred to the department of human services in equal
 2 2 amounts on a quarterly basis for reimbursement of case
 2 3 management services provided under the medical assistance
 2 4 elderly waiver. The department of human services shall adopt
 2 5 rules for case management services provided under the medical
 2 6 assistance elderly waiver in consultation with the department
 2 7 of elder affairs. The monthly cost per client for case
 2 8 management for the frail elderly services provided shall not
 2 9 exceed an average of \$70.

2 10 3. Of the funds appropriated in this section, \$200,198
 2 11 shall be transferred to the department of economic development
 2 12 for the Iowa commission on volunteer services to be used for
 2 13 the retired and senior volunteer program.

PUBLIC HEALTH

2 14
 2 15 Sec. 2. DEPARTMENT OF PUBLIC HEALTH. There is
 2 16 appropriated from the general fund of the state to the
 2 17 department of public health for the fiscal year beginning July
 2 18 1, 2008, and ending June 30, 2009, the following amounts, or
 2 19 so much thereof as is necessary, to be used for the purposes
 2 20 designated:

2 21 1. ADDICTIVE DISORDERS

2 22 For reducing the prevalence of use of tobacco, alcohol, and
 2 23 other drugs, and treating individuals affected by addictive
 2 24 behaviors, including gambling:
 2 25 \$ 22,780,614
 2 26 The requirement of section 123.53, subsection 3, is met by
 2 27 the appropriations made in this Act for purposes of addictive
 2 28 disorders for the fiscal year beginning July 1, 2008.

2 29 2. HEALTHY CHILDREN AND FAMILIES

2 30 For promoting the optimum health status for children,
 2 31 adolescents from birth through 21 years of age, and families:
 2 32 \$ 3,536,913
 2 33 a. Of the funds appropriated in this subsection, not more
 2 34 than \$645,917 shall be used for the healthy opportunities to
 2 35 experience success (HOPES)=healthy families Iowa (HFI) program



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3 1 established pursuant to section 135.106. The department shall
 3 2 transfer the funding allocated for the HOPES=HFI program to
 3 3 the Iowa empowerment board for distribution and shall assist
 3 4 the board in managing the contracting for the funding. The
 3 5 funding shall be distributed to renew the grants that were
 3 6 provided to the grantees that operated the program during the
 3 7 fiscal year ending June 30, 2008.

3 8 b. Of the funds appropriated in this subsection,
 3 9 \$1,000,000 is allocated for a family planning grants program.

3 10 3. CHRONIC CONDITIONS

3 11 For serving individuals identified as having chronic
 3 12 conditions or special health care needs:

3 13 \$ 2,243,840

3 14 a. Of the combined funds appropriated in this subsection
 3 15 and the funds appropriated for purposes of this subsection
 3 16 from the health care trust fund, \$900,000 is allocated for a
 3 17 healthy communities initiative that promotes physical fitness
 3 18 and healthy eating habits to lessen the impacts of obesity on
 3 19 health care needs.

3 20 b. Of the funds appropriated in this subsection, \$75,000
 3 21 is allocated to implement a governor's physical fitness
 3 22 challenge initiative.

3 23 4. COMMUNITY CAPACITY

3 24 For strengthening the health care delivery system at the
 3 25 local level:

3 26 \$ 3,303,014

3 27 Of the funds appropriated in this subsection, \$159,700 is
 3 28 allocated for continuation of an initiative implemented at the
 3 29 university of Iowa and \$140,300 is allocated for an initiative
 3 30 at the state mental health institute at Cherokee to expand and
 3 31 improve the workforce engaged in mental health treatment and
 3 32 services. The initiatives shall receive input from the
 3 33 university of Iowa, the department of human services, the
 3 34 department of public health, and the mental health, mental
 3 35 retardation, developmental disabilities, and brain injury



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4 1 commission to address the focus of the initiatives. The
 4 2 department of human services, the department of public health,
 4 3 and the commission shall receive regular updates concerning
 4 4 the status of the initiatives.

4 5 5. ELDERLY WELLNESS
 4 6 For promotion of healthy aging and optimization of the
 4 7 health of older adults:
 4 8 \$ 9,233,985

4 9 6. ENVIRONMENTAL HAZARDS
 4 10 For reducing the public's exposure to hazards in the
 4 11 environment, primarily chemical hazards:
 4 12 \$ 1,113,118

4 13 7. INFECTIOUS DISEASES
 4 14 For reducing the incidence and prevalence of communicable
 4 15 diseases:
 4 16 \$ 2,658,286

4 17 Of the funds appropriated in this subsection, \$1,000,000 is
 4 18 allocated for an increase in purchasing of vaccines for
 4 19 immunizations.

4 20 8. PUBLIC PROTECTION
 4 21 For protecting the health and safety of the public through
 4 22 establishing standards and enforcing regulations:
 4 23 \$ 4,262,978

4 24 a. Of the funds appropriated in this subsection, \$643,500
 4 25 shall be credited to the emergency medical services fund
 4 26 created in section 135.25. Moneys in the emergency medical
 4 27 services fund are appropriated to the department to be used
 4 28 for the purposes of the fund.

4 29 b. Of the funds appropriated in this subsection, \$400,000
 4 30 is allocated for start up costs to implement licensing of
 4 31 plumbers and mechanical professionals in accordance with 2007
 4 32 Iowa Acts, ch. 198.

4 33 9. RESOURCE MANAGEMENT
 4 34 For establishing and sustaining the overall ability of the
 4 35 department to deliver services to the public:



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5 1 \$ 1,205,933

5 2 The university of Iowa hospitals and clinics under the
5 3 control of the state board of regents shall not receive
5 4 indirect costs from the funds appropriated in this section.

5 5 Sec. 3. GAMBLING TREATMENT FUND == APPROPRIATION.

5 6 1. In lieu of the appropriation made in section 135.150,
5 7 subsection 1, there is appropriated from funds available in
5 8 the gambling treatment fund created in section 135.150 to the
5 9 department of public health for the fiscal year beginning July
5 10 1, 2008, and ending June 30, 2009, the following amount, or so
5 11 much thereof as is necessary, to be used for the purposes
5 12 designated:

5 13 To be utilized for the benefit of persons with addictive
5 14 disorders:

5 15 \$ 2,215,000

5 16 It is the intent of the general assembly that from the
5 17 moneys appropriated in this subsection persons with a dual
5 18 diagnosis of substance abuse and gambling addictions shall be
5 19 given priority in treatment services.

5 20 2. The amount remaining in the gambling treatment fund
5 21 after the appropriation made in subsection 1 is appropriated
5 22 to the department to be used for funding of administrative
5 23 costs and to provide programs which may include but are not
5 24 limited to outpatient and follow-up treatment for persons
5 25 affected by problem gambling, rehabilitation and residential
5 26 treatment programs, information and referral services,
5 27 education and preventive services, and financial management
5 28 services. Of the amount appropriated in this subsection, up
5 29 to \$100,000 may be used for the licensing of gambling
5 30 treatment programs as provided in section 135.150.

5 31 DEPARTMENT OF VETERANS AFFAIRS

5 32 Sec. 4. DEPARTMENT OF VETERANS AFFAIRS. There is
5 33 appropriated from the general fund of the state to the
5 34 department of veterans affairs for the fiscal year beginning
5 35 July 1, 2008, and ending June 30, 2009, the following amounts,



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6 1 or so much thereof as is necessary, to be used for the
 6 2 purposes designated:

6 3 1. DEPARTMENT OF VETERANS AFFAIRS ADMINISTRATION
 6 4 For salaries, support, maintenance, and miscellaneous
 6 5 purposes, including the war orphans educational assistance
 6 6 fund established pursuant to section 35.8:
 6 7 \$ 1,163,457

6 8 2. IOWA VETERANS HOME
 6 9 For salaries, support, maintenance, and miscellaneous
 6 10 purposes:
 6 11 \$ 12,694,154

6 12 3. VETERANS HOME OWNERSHIP GRANT PROGRAM
 6 13 For continuation of the veterans home ownership grant
 6 14 program in accordance with section 35A.15 for persons who are
 6 15 or were eligible members of the armed forces of the United
 6 16 States:
 6 17 \$ 1,600,000

6 18 The active duty service period used for program eligibility
 6 19 under the definition in section 35A.15, subsection 1, shall
 6 20 begin September 11, 2001, and end June 30, 2009.
 6 21 Notwithstanding section 8.33, moneys appropriated in this
 6 22 subsection that remain unencumbered or unobligated at the
 6 23 close of the fiscal year shall not revert but shall remain
 6 24 available for expenditure for the purposes designated until
 6 25 the close of the succeeding fiscal year.

6 26 4. COUNTY GRANT PROGRAM FOR VETERANS
 6 27 For providing matching grants to counties to provide
 6 28 improved services to veterans:
 6 29 \$ 600,000

6 30 The department shall establish or continue a grant
 6 31 application process and shall require each county applying for
 6 32 a grant to submit a plan for utilizing the grant to improve
 6 33 services for veterans. The maximum matching grant to be
 6 34 awarded to a county shall be \$10,000 and the amount awarded
 6 35 shall be matched on a \$1=for=\$1 basis by the county. Each



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7 1 county receiving a grant shall submit a report to the
7 2 department identifying the impact of the grant on increasing
7 3 services to veterans as specified by the department. The
7 4 department shall submit a report to the general assembly by
7 5 October 1, 2008, concerning the impact of the grant program on
7 6 services to veterans.

7 7 Notwithstanding section 8.33, moneys appropriated in this
7 8 subsection that remain unencumbered or unobligated at the
7 9 close of the fiscal year shall not revert to the fund from
7 10 which appropriated but shall be credited to the veterans trust
7 11 fund.

7 12 5. STATE EDUCATIONAL ASSISTANCE == CHILDREN OF DECEASED
7 13 VETERANS

7 14 For provision of educational assistance pursuant to section
7 15 35.9:

7 16 \$ 27,000

HUMAN SERVICES

7 18 Sec. 5. TEMPORARY ASSISTANCE FOR NEEDY FAMILIES BLOCK
7 19 GRANT. There is appropriated from the fund created in section
7 20 8.41 to the department of human services for the fiscal year
7 21 beginning July 1, 2008, and ending June 30, 2009, from moneys
7 22 received under the federal temporary assistance for needy
7 23 families (TANF) block grant pursuant to the federal Personal
7 24 Responsibility and Work Opportunity Reconciliation Act of
7 25 1996, Pub. L. No. 104=193, and successor legislation, which
7 26 are federally appropriated for the federal fiscal years
7 27 beginning October 1, 2007, and ending September 30, 2008, and
7 28 beginning October 1, 2008, and ending September 30, 2009, the
7 29 following amounts, or so much thereof as is necessary, to be
7 30 used for the purposes designated:

7 31 1. To be credited to the family investment program account
7 32 and used for assistance under the family investment program
7 33 under chapter 239B:

7 34 \$ 28,101,513

7 35 2. To be credited to the family investment program account



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8 1 and used for the job opportunities and basic skills (JOBS)
8 2 program and implementing family investment agreements in
8 3 accordance with chapter 239B:
8 4 \$ 13,334,528
8 5 Notwithstanding section 8.33, not more than 5 percent of
8 6 the moneys designated in this subsection that are allocated by
8 7 the department for contracted services, other than family
8 8 self-sufficiency grant services allocated under this
8 9 subsection, that remain unencumbered or unobligated at the
8 10 close of the fiscal year shall not revert but shall remain
8 11 available for expenditure for the purposes designated until
8 12 the close of the succeeding fiscal year. However, unless such
8 13 moneys are encumbered or obligated on or before September 30,
8 14 2009, the moneys shall revert.
8 15 3. To be used for the family development and
8 16 self-sufficiency grant program administered by the department
8 17 of human rights as provided under this division of this Act:
8 18 \$ 2,998,675
8 19 4. For field operations:
8 20 \$ 17,707,495
8 21 5. For general administration:
8 22 \$ 3,744,000
8 23 6. For local administrative costs:
8 24 \$ 2,189,830
8 25 7. For state child care assistance:
8 26 \$ 25,886,177
8 27 a. Of the funds appropriated in this subsection,
8 28 \$18,986,177 shall be transferred to the child care and
8 29 development block grant appropriation made for the federal
8 30 fiscal year beginning October 1, 2008, and ending September
8 31 30, 2009. Of this amount, \$200,000 shall be used for
8 32 provision of educational opportunities to registered child
8 33 care home providers in order to improve services and programs
8 34 offered by this category of providers and to increase the
8 35 number of such providers. The department may contract with



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9 1 institutions of higher education or child care resource and
9 2 referral centers to provide the educational opportunities.
9 3 Allowable administrative costs under the contracts shall not
9 4 exceed 5 percent. The application used for the contract
9 5 process shall not exceed two pages in length.

9 6 b. Any funds appropriated in this subsection remaining
9 7 unallocated shall be used for state child care assistance
9 8 payments for individuals enrolled in the family investment
9 9 program who are employed.

9 10 8. For mental health and developmental disabilities
9 11 community services:

9 12 \$ 4,894,052

9 13 9. For child and family services:

9 14 \$ 32,084,430

9 15 10. For child abuse prevention grants:

9 16 \$ 250,000

9 17 11. For pregnancy prevention grants on the condition that
9 18 family planning services are funded:

9 19 \$ 1,930,067

9 20 Pregnancy prevention grants shall be awarded to programs in
9 21 existence on or before July 1, 2008, if the programs are
9 22 comprehensive in scope and have demonstrated positive
9 23 outcomes. Grants shall be awarded to pregnancy prevention
9 24 programs which are developed after July 1, 2008, if the
9 25 programs are comprehensive in scope and are based on existing
9 26 models that have demonstrated positive outcomes. Grants shall
9 27 comply with the requirements provided in 1997 Iowa Acts,
9 28 chapter 208, section 14, subsections 1 and 2, including the
9 29 requirement that grant programs must emphasize sexual
9 30 abstinence. Priority in the awarding of grants shall be given
9 31 to programs that serve areas of the state which demonstrate
9 32 the highest percentage of unplanned pregnancies of females of
9 33 childbearing age within the geographic area to be served by
9 34 the grant.

9 35 12. For technology needs and other resources necessary to



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10 1 meet federal welfare reform reporting, tracking, and case
 10 2 management requirements:
 10 3 \$ 1,037,186
 10 4 13. For the healthy opportunities for parents to
 10 5 experience success (HOPES) program administered by the
 10 6 department of public health to target child abuse prevention:
 10 7 \$ 200,000
 10 8 14. To be credited to the state child care assistance
 10 9 appropriation made in this section to be used for funding of
 10 10 community-based early childhood programs targeted to children
 10 11 from birth through five years of age developed by community
 10 12 empowerment areas as provided in section 28.9:
 10 13 \$ 7,350,000
 10 14 The department shall transfer TANF block grant funding
 10 15 appropriated and allocated in this subsection to the child
 10 16 care and development block grant appropriation in accordance
 10 17 with federal law as necessary to comply with the provisions of
 10 18 this subsection.
 10 19 15. For a pilot program to be established in one or more
 10 20 judicial districts, selected by the department and the
 10 21 judicial council, to provide employment and support services
 10 22 to delinquent child support obligors as an alternative to
 10 23 commitment to jail as punishment for contempt of court:
 10 24 \$ 200,000
 10 25 Of the amounts appropriated in this section, \$12,962,008
 10 26 for the fiscal year beginning July 1, 2008, shall be
 10 27 transferred to the appropriation of the federal social
 10 28 services block grant for that fiscal year.
 10 29 The department may transfer funds allocated in this section
 10 30 to the appropriations in this Act for general administration
 10 31 and field operations for resources necessary to implement and
 10 32 operate the services referred to in this section and those
 10 33 funded in the appropriation made in this division of this Act
 10 34 for the family investment program from the general fund of the
 10 35 state.



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11 1 Sec. 6. FAMILY INVESTMENT PROGRAM ACCOUNT.
 11 2 1. Moneys credited to the family investment program (FIP)
 11 3 account for the fiscal year beginning July 1, 2008, and ending
 11 4 June 30, 2009, shall be used to provide assistance in
 11 5 accordance with chapter 239B.
 11 6 2. The department may use a portion of the moneys credited
 11 7 to the FIP account under this section as necessary for
 11 8 salaries, support, maintenance, and miscellaneous purposes.
 11 9 3. The department may transfer funds allocated in this
 11 10 section to the appropriations in this Act for general
 11 11 administration and field operations for resources necessary to
 11 12 implement and operate the services referred to in this section
 11 13 and those funded in the appropriation made in this division of
 11 14 this Act for the family investment program from the general
 11 15 fund of the state.
 11 16 4. Moneys appropriated in this division of this Act and
 11 17 credited to the FIP account for the fiscal year beginning July
 11 18 1, 2008, and ending June 30, 2009, are allocated as follows:
 11 19 a. To be retained by the department of human services to
 11 20 be used for coordinating with the department of human rights
 11 21 to more effectively serve participants in the FIP program and
 11 22 other shared clients and to meet federal reporting
 11 23 requirements under the federal temporary assistance for needy
 11 24 families block grant:
 11 25 \$ 20,000
 11 26 b. To the department of human rights for staffing,
 11 27 administration, and implementation of the family development
 11 28 and self-sufficiency grant program:
 11 29 \$ 5,563,042
 11 30 (1) Of the funds allocated for the family development and
 11 31 self-sufficiency grant program in this lettered paragraph, not
 11 32 more than 5 percent of the funds shall be used for the
 11 33 administration of the grant program.
 11 34 (2) The department of human rights may continue to
 11 35 implement the family development and self-sufficiency grant



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12 1 program statewide during fiscal year 2008=2009.

12 2 (3) The department of human rights is responsible for
12 3 complying with all federal temporary assistance for needy
12 4 families block grant requirements with respect to the funds
12 5 allocated in this lettered paragraph and for any federal
12 6 penalty that may result from a failure to meet the
12 7 requirements. These responsibilities include but are not
12 8 limited to ensuring that all expenditures of federal block
12 9 grant and state maintenance of effort funds are appropriate
12 10 and allowable in accordance with federal requirements and meet
12 11 federal work participation requirements with respect to the
12 12 population receiving benefits or services under the family
12 13 development and self=sufficiency grant program that are
12 14 subject to work requirements.

12 15 (4) With the allocation of funding for the family
12 16 development and self=sufficiency grant program directly to the
12 17 department of human rights in lieu of allocation through the
12 18 department of human services, the department of human rights
12 19 shall assume all responsibility for the grant program. The
12 20 responsibility includes identifying and addressing
12 21 implementation of any revisions in state law or administrative
12 22 rule needed to effect this change, including but not limited
12 23 to identifying any amendments needed to section 217.12.

12 24 (5) The department of human rights, consistent with the
12 25 accountable government Act in chapter 8E, shall adopt
12 26 appropriate performance measures for the grant program,
12 27 including but not limited to measures demonstrating how the
12 28 program helps families achieve self=sufficiency. The
12 29 department of human rights shall submit to the governor and
12 30 general assembly on or before October 31, 2009, a report
12 31 detailing these measures and outcomes achieved for the fiscal
12 32 year beginning July 1, 2008, and ending June 30, 2009.

12 33 (6) The department of human rights shall develop a
12 34 memorandum of agreement with the department of human services
12 35 to coordinate referrals and delivery of services to



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13 1 participants in the family investment program and other shared
 13 2 clients and shall provide the department of human services
 13 3 with information necessary for compliance with federal
 13 4 temporary assistance for needy families block grant state plan
 13 5 and reporting requirements, including but not limited to
 13 6 financial and data reports.
 13 7 c. For the diversion subaccount of the FIP account:
 13 8 \$ 2,814,000
 13 9 (1) A portion of the moneys allocated for the subaccount
 13 10 may be used for field operations salaries, data management
 13 11 system development, and implementation costs and support
 13 12 deemed necessary by the director of human services in order to
 13 13 administer the FIP diversion program.
 13 14 (2) Of the funds allocated in this lettered paragraph, not
 13 15 more than \$250,000 shall be used to develop or continue
 13 16 community-level parental obligation pilot projects. The
 13 17 requirements established under 2001 Iowa Acts, chapter 191,
 13 18 section 3, subsection 5, paragraph "c", subparagraph (3),
 13 19 shall remain applicable to the parental obligation pilot
 13 20 projects for fiscal year 2008=2009. Notwithstanding 441 IAC
 13 21 100.8, providing for termination of rules relating to the
 13 22 pilot projects the earlier of October 1, 2006, or when
 13 23 legislative authority is discontinued, the rules relating to
 13 24 the pilot projects shall remain in effect until June 30, 2009.
 13 25 d. For continuation of the program to provide transitional
 13 26 benefits to families with members who are employed at the time
 13 27 the family leaves the family investment program in accordance
 13 28 with section 239B.11A:
 13 29 \$ 2,000,000
 13 30 e. For the food stamp employment and training program:
 13 31 \$ 68,059
 13 32 f. For the JOBS program:
 13 33 \$ 22,310,116
 13 34 5. Of the child support collections assigned under FIP, an
 13 35 amount equal to the federal share of support collections shall



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14 1 be credited to the child support recovery appropriation. Of
 14 2 the remainder of the assigned child support collections
 14 3 received by the child support recovery unit, a portion shall
 14 4 be credited to the FIP account, a portion may be used to
 14 5 increase recoveries, and a portion may be used to sustain cash
 14 6 flow in the child support payments account. If as a result
 14 7 the appropriations allocated in this section are insufficient
 14 8 to sustain cash assistance payments and meet federal
 14 9 maintenance of effort requirements, the department shall seek
 14 10 supplemental funding. If child support collections assigned
 14 11 under FIP are greater than estimated or are otherwise
 14 12 determined not to be required for maintenance of effort, the
 14 13 state share of either amount may be transferred to or retained
 14 14 in the child support payment account.

14 15 6. The department may adopt emergency rules for the family
 14 16 investment, JOBS, family development and self-sufficiency
 14 17 grant, food stamp, and medical assistance programs if
 14 18 necessary to comply with federal requirements.

14 19 Sec. 7. FAMILY INVESTMENT PROGRAM GENERAL FUND. There is
 14 20 appropriated from the general fund of the state to the
 14 21 department of human services for the fiscal year beginning
 14 22 July 1, 2008, and ending June 30, 2009, the following amount,
 14 23 or so much thereof as is necessary, to be used for the purpose
 14 24 designated:

14 25 To be credited to the family investment program (FIP)
 14 26 account and used for family investment program assistance
 14 27 under chapter 239B:
 14 28 \$ 42,368,632

14 29 1. Of the funds appropriated in this section, \$8,975,588
 14 30 is allocated for the JOBS program.

14 31 2. Of the funds appropriated in this section, \$2,584,367
 14 32 is allocated for the family development and self-sufficiency
 14 33 grant program as provided under section 217.12 and this
 14 34 division of this Act. The department of human rights shall
 14 35 ensure that the expenditures of moneys allocated from the



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15 1 general fund of the state pursuant to this subsection are
15 2 eligible to be considered as state maintenance of effort
15 3 expenditures under federal temporary assistance for needy
15 4 families block grant requirements.

15 5 3. Of the funds appropriated in this section, \$250,000
15 6 shall be used to continue a grant to an Iowa-based nonprofit
15 7 organization with a history of providing tax preparation
15 8 assistance to low-income Iowans in order to expand the usage
15 9 of the earned income tax credit. The purpose of the grant is
15 10 to supply this assistance to underserved areas of the state.
15 11 The grant shall be provided to an organization that has
15 12 existing national foundation support for supplying such
15 13 assistance that can also secure local charitable match
15 14 funding.

15 15 4. Of the funds appropriated in this section, \$200,000 is
15 16 allocated for financial literacy grants.

15 17 5. Notwithstanding section 8.39, for the fiscal year
15 18 beginning July 1, 2008, if necessary to meet federal
15 19 maintenance of effort requirements or to transfer federal
15 20 temporary assistance for needy families block grant funding to
15 21 be used for purposes of the federal social services block
15 22 grant or to meet cash flow needs resulting from delays in
15 23 receiving federal funding or to implement, in accordance with
15 24 this division of this Act, activities currently funded with
15 25 juvenile court services, county, or community moneys, and
15 26 state moneys used in combination with such moneys, the
15 27 department of human services may transfer funds within or
15 28 between any of the appropriations made in this division of
15 29 this Act and appropriations in law for the federal social
15 30 services block grant to the department for the following
15 31 purposes, provided that the combined amount of state and
15 32 federal temporary assistance for needy families block grant
15 33 funding for each appropriation remains the same before and
15 34 after the transfer:

15 35 a. For the family investment program.



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16 1 b. For child care assistance.
 16 2 c. For child and family services.
 16 3 d. For field operations.
 16 4 e. For general administration.
 16 5 f. MH/MR/DD/BI community services (local purchase).
 16 6 This subsection shall not be construed to prohibit the use
 16 7 of existing state transfer authority for other purposes. The
 16 8 department shall report any transfers made pursuant to this
 16 9 subsection to the legislative services agency.
 16 10 Sec. 8. CHILD SUPPORT RECOVERY. There is appropriated
 16 11 from the general fund of the state to the department of human
 16 12 services for the fiscal year beginning July 1, 2008, and
 16 13 ending June 30, 2009, the following amount, or so much thereof
 16 14 as is necessary, to be used for the purposes designated:
 16 15 For child support recovery, including salaries, support,
 16 16 maintenance, and miscellaneous purposes:
 16 17 \$ 15,316,323
 16 18 1. The department shall expend up to \$31,000, including
 16 19 federal financial participation, for the fiscal year beginning
 16 20 July 1, 2008, for a child support public awareness campaign.
 16 21 The department and the office of the attorney general shall
 16 22 cooperate in continuation of the campaign. The public
 16 23 awareness campaign shall emphasize, through a variety of media
 16 24 activities, the importance of maximum involvement of both
 16 25 parents in the lives of their children as well as the
 16 26 importance of payment of child support obligations.
 16 27 2. Federal access and visitation grant moneys shall be
 16 28 issued directly to private not-for-profit agencies that
 16 29 provide services designed to increase compliance with the
 16 30 child access provisions of court orders, including but not
 16 31 limited to neutral visitation sites and mediation services.
 16 32 3. The appropriation made to the department for child
 16 33 support recovery may be used throughout the fiscal year in the
 16 34 manner necessary for purposes of cash flow management, and for
 16 35 cash flow management purposes the department may temporarily



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17 1 draw more than the amount appropriated, provided the amount
17 2 appropriated is not exceeded at the close of the fiscal year.
17 3 Sec. 9. MEDICAL ASSISTANCE. There is appropriated from
17 4 the general fund of the state to the department of human
17 5 services for the fiscal year beginning July 1, 2008, and
17 6 ending June 30, 2009, the following amount, or so much thereof
17 7 as is necessary, to be used for the purpose designated:
17 8 For medical assistance reimbursement and associated costs
17 9 as specifically provided in the reimbursement methodologies in
17 10 effect on June 30, 2008, except as otherwise expressly
17 11 authorized by law, including reimbursement for abortion
17 12 services which shall be available under the medical assistance
17 13 program only for those abortions which are medically
17 14 necessary:
17 15 \$695,858,450
17 16 1. Medically necessary abortions are those performed under
17 17 any of the following conditions:
17 18 a. The attending physician certifies that continuing the
17 19 pregnancy would endanger the life of the pregnant woman.
17 20 b. The attending physician certifies that the fetus is
17 21 physically deformed, mentally deficient, or afflicted with a
17 22 congenital illness.
17 23 c. The pregnancy is the result of a rape which is reported
17 24 within 45 days of the incident to a law enforcement agency or
17 25 public or private health agency which may include a family
17 26 physician.
17 27 d. The pregnancy is the result of incest which is reported
17 28 within 150 days of the incident to a law enforcement agency or
17 29 public or private health agency which may include a family
17 30 physician.
17 31 e. Any spontaneous abortion, commonly known as a
17 32 miscarriage, if not all of the products of conception are
17 33 expelled.
17 34 2. The department shall utilize not more than \$60,000 of
17 35 the funds appropriated in this section to continue the



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18 1 AIDS/HIV health insurance premium payment program as
18 2 established in 1992 Iowa Acts, Second Extraordinary Session,
18 3 chapter 1001, section 409, subsection 6. Of the funds
18 4 allocated in this subsection, not more than \$5,000 may be
18 5 expended for administrative purposes.
18 6 3. Of the funds appropriated in this Act to the department
18 7 of public health for addictive disorders, \$950,000 for the
18 8 fiscal year beginning July 1, 2008, shall be transferred to
18 9 the department of human services for an integrated substance
18 10 abuse managed care system. The department shall not assume
18 11 management of the substance abuse system in place of the
18 12 managed care contractor unless such a change in approach is
18 13 specifically authorized in law.
18 14 4. a. The department shall aggressively pursue options
18 15 for providing medical assistance or other assistance to
18 16 individuals with special needs who become ineligible to
18 17 continue receiving services under the early and periodic
18 18 screening, diagnosis, and treatment program under the medical
18 19 assistance program due to becoming 21 years of age who have
18 20 been approved for additional assistance through the
18 21 department's exception to policy provisions, but who have
18 22 health care needs in excess of the funding available through
18 23 the exception to policy provisions.
18 24 b. Of the funds appropriated in this section, \$100,000
18 25 shall be used for participation in one or more pilot projects
18 26 operated by a private provider to allow the individual or
18 27 individuals to receive service in the community in accordance
18 28 with principles established in *Olmstead v. L.C.*, 527 U.S. 581
18 29 (1999), for the purpose of providing medical assistance or
18 30 other assistance to individuals with special needs who become
18 31 ineligible to continue receiving services under the early and
18 32 periodic screening, diagnosis, and treatment program under the
18 33 medical assistance program due to becoming 21 years of age who
18 34 have been approved for additional assistance through the
18 35 department's exception to policy provisions, but who have



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19 1 health care needs in excess of the funding available through
19 2 the exception to the policy provisions.

19 3 5. Of the funds appropriated in this section, up to
19 4 \$3,050,082 may be transferred to the field operations or
19 5 general administration appropriations in this Act for
19 6 operational costs associated with Part D of the federal
19 7 Medicare Prescription Drug, Improvement, and Modernization Act
19 8 of 2003, Pub. L. No. 108=173.

19 9 6. In addition to any other funds appropriated in this
19 10 Act, of the funds appropriated in this section, \$250,000 shall
19 11 be used for continuation of the grant to the Iowa healthcare
19 12 collaborative as defined in section 135.40.

19 13 7. Of the funds appropriated in this section, up to
19 14 \$500,000 shall be used to enhance outreach efforts. The
19 15 department may transfer funds allocated in this subsection to
19 16 the appropriations in this division of this Act for general
19 17 administration, the state children's health insurance program,
19 18 or medical contracts, as necessary, to implement the outreach
19 19 efforts.

19 20 8. Of the funds appropriated in this section, a sufficient
19 21 amount is allocated to supplement the incomes of residents in
19 22 nursing facilities with incomes of less than \$50 per month in
19 23 the amount necessary for the residents to receive a personal
19 24 needs allowance of \$50 per month.

19 25 9. Of the funds appropriated in this section, up to
19 26 \$442,100 may be transferred to the appropriation in this Act
19 27 for medical contracts to be used for clinical assessment
19 28 services related to remedial services in accordance with
19 29 federal law.

19 30 10. Of the funds appropriated in this section, \$1,143,522
19 31 may be used for the demonstration to maintain independence and
19 32 employment (DMIE) if the waiver for DMIE is approved by the
19 33 centers for Medicare and Medicaid services of the United
19 34 States department of health and human services. Additionally,
19 35 if the waiver is approved, \$440,000 of the funds shall be



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20 1 transferred to the department of corrections for DMIE
20 2 activities.
20 3 11. Of the funds appropriated in this section, the
20 4 following amounts shall be transferred to appropriations made
20 5 in this division of this Act to the state mental health
20 6 institutes:
20 7 a. Cherokee mental health institute \$ 5,933,659
20 8 b. Clarinda mental health institute \$ 1,289,526
20 9 c. Independence mental health institute \$ 5,899,400
20 10 d. Mount Pleasant mental health institute \$ 3,751,626
20 11 12. a. Of the funds appropriated in this section,
20 12 \$2,797,719 is allocated for state match for disproportionate
20 13 share hospital payment of \$7,321,954 to hospitals that meet
20 14 both of the following conditions:
20 15 (1) The hospital qualifies for disproportionate share and
20 16 graduate medical education payments.
20 17 (2) The hospital is an Iowa state-owned hospital with more
20 18 than 500 beds and eight or more distinct residency specialty
20 19 or subspecialty programs recognized by the American college of
20 20 graduate medical education.
20 21 b. Distribution of the disproportionate share payment
20 22 shall be made on a monthly basis. The total amount of
20 23 disproportionate share payments including graduate medical
20 24 education, enhanced disproportionate share, and Iowa
20 25 state-owned teaching hospital payments shall not exceed the
20 26 amount of the state's allotment under Pub. L. No. 102=234. In
20 27 addition, the total amount of all disproportionate share
20 28 payments shall not exceed the hospital-specific
20 29 disproportionate share limits under Pub. L. No. 103=66.
20 30 13. The department shall implement cost-saving initiatives
20 31 including implementing a surcharge for claims filed on paper
20 32 when electronic filing is available, including claims for
20 33 behavioral drugs on the preferred drug list, revising the
20 34 state maximum allowable cost for generic drugs by eliminating
20 35 brand-name drugs from the calculation, collecting a



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21 1 supplemental rebate on diabetic supplies, reimbursing
 21 2 physicians for drugs at the same rate as pharmacists,
 21 3 reimbursing anesthesiologists at Medicare rates, and revising
 21 4 nursing home payments to eliminate the supplemental
 21 5 accountability measures payments.
 21 6 14. A portion of the funds appropriated in this section
 21 7 may be transferred to the appropriations made in this division
 21 8 of this Act for general administration, medical contracts, the
 21 9 state children's health insurance program, or field operations
 21 10 to be used for the state match cost to comply with the payment
 21 11 error rate measurement (PERM) program for both the medical
 21 12 assistance and state children's health insurance programs as
 21 13 developed by the centers for Medicare and Medicaid services of
 21 14 the United States department of health and human services to
 21 15 comply with the federal Improper Payments Information Act of
 21 16 2002, Pub. L. No. 107=300.
 21 17 Sec. 10. HEALTH INSURANCE PREMIUM PAYMENT PROGRAM. There
 21 18 is appropriated from the general fund of the state to the
 21 19 department of human services for the fiscal year beginning
 21 20 July 1, 2008, and ending June 30, 2009, the following amount,
 21 21 or so much thereof as is necessary, to be used for the purpose
 21 22 designated:
 21 23 For administration of the health insurance premium payment
 21 24 program, including salaries, support, maintenance, and
 21 25 miscellaneous purposes:
 21 26 \$ 566,338
 21 27 Sec. 11. MEDICAL CONTRACTS. There is appropriated from
 21 28 the general fund of the state to the department of human
 21 29 services for the fiscal year beginning July 1, 2008, and
 21 30 ending June 30, 2009, the following amount, or so much thereof
 21 31 as is necessary, to be used for the purpose designated:
 21 32 For medical contracts, including salaries, support,
 21 33 maintenance, and miscellaneous purposes:
 21 34 \$ 14,796,616
 21 35 1. Of the funds appropriated in this section, \$50,000



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22 1 shall be used for electronic cross=matching with state vital
 22 2 records databases through the department of public health.
 22 3 2. Of the funds appropriated in this section, \$500,000
 22 4 shall be used for increased monitoring of home and
 22 5 community=based services.
 22 6 Sec. 12. STATE SUPPLEMENTARY ASSISTANCE.
 22 7 1. There is appropriated from the general fund of the
 22 8 state to the department of human services for the fiscal year
 22 9 beginning July 1, 2008, and ending June 30, 2009, the
 22 10 following amount, or so much thereof as is necessary, to be
 22 11 used for the purpose designated:
 22 12 For the state supplementary assistance program:
 22 13 \$ 18,793,766
 22 14 2. The department shall increase the personal needs
 22 15 allowance for residents of residential care facilities by the
 22 16 same percentage and at the same time as federal supplemental
 22 17 security income and federal social security benefits are
 22 18 increased due to a recognized increase in the cost of living.
 22 19 The department may adopt emergency rules to implement this
 22 20 subsection.
 22 21 3. If during the fiscal year beginning July 1, 2008, the
 22 22 department projects that state supplementary assistance
 22 23 expenditures for a calendar year will not meet the federal
 22 24 pass=through requirement specified in Title XVI of the federal
 22 25 Social Security Act, section 1618, as codified in 42 U.S.C. }
 22 26 1382g, the department may take actions including but not
 22 27 limited to increasing the personal needs allowance for
 22 28 residential care facility residents and making programmatic
 22 29 adjustments or upward adjustments of the residential care
 22 30 facility or in=home health=related care reimbursement rates
 22 31 prescribed in this division of this Act to ensure that federal
 22 32 requirements are met. In addition, the department may make
 22 33 other programmatic and rate adjustments necessary to remain
 22 34 within the amount appropriated in this section while ensuring
 22 35 compliance with federal requirements. The department may



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23 1 adopt emergency rules to implement the provisions of this
 23 2 subsection.
 23 3 Sec. 13. STATE CHILDREN'S HEALTH INSURANCE PROGRAM.
 23 4 1. There is appropriated from the general fund of the
 23 5 state to the department of human services for the fiscal year
 23 6 beginning July 1, 2008, and ending June 30, 2009, the
 23 7 following amount, or so much thereof as is necessary, to be
 23 8 used for the purpose designated:
 23 9 For maintenance of the healthy and well kids in Iowa (hawk=
 23 10 i) program pursuant to chapter 514I for receipt of federal
 23 11 financial participation under Title XXI of the federal Social
 23 12 Security Act, which creates the state children's health
 23 13 insurance program:
 23 14 \$ 11,768,175
 23 15 2. If sufficient funding is available under this Act, and
 23 16 if federal reauthorization of the state children's health
 23 17 insurance program provides sufficient federal allocations to
 23 18 the state and authorization to cover the following populations
 23 19 as an option under the state children's health insurance
 23 20 program, the department may expand coverage under the state
 23 21 children's health insurance program as follows:
 23 22 a. By eliminating the categorical exclusion of state
 23 23 employees from receiving state children's health insurance
 23 24 program benefits.
 23 25 b. By providing coverage for legal immigrant children and
 23 26 pregnant women not eligible under current federal guidelines.
 23 27 c. By covering children up to age twenty=one, or up to age
 23 28 twenty=three if the child is attending school.
 23 29 3. If the United States Congress does not authorize
 23 30 additional federal funds necessary to address the shortfall
 23 31 for the state children's health insurance program, the
 23 32 department may use 100 percent of state funds from the
 23 33 appropriation made in this section for the period beginning
 23 34 July 1, 2008, and ending June 30, 2009, and may, after
 23 35 consultation with the governor and the general assembly,



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24 1 utilize funding from the appropriations made in this Act for
 24 2 medical assistance to maintain the state children's health
 24 3 insurance program.

24 4 Sec. 14. CHILD CARE ASSISTANCE. There is appropriated
 24 5 from the general fund of the state to the department of human
 24 6 services for the fiscal year beginning July 1, 2008, and
 24 7 ending June 30, 2009, the following amount, or so much thereof
 24 8 as is necessary, to be used for the purpose designated:

24 9 For child care programs:

24 10 \$ 41,636,097

24 11 1. Of the funds appropriated in this section, \$37,630,285
 24 12 shall be used for state child care assistance in accordance
 24 13 with section 237A.13.

24 14 2. Nothing in this section shall be construed or is
 24 15 intended as or shall imply a grant of entitlement for services
 24 16 to persons who are eligible for assistance due to an income
 24 17 level consistent with the waiting list requirements of section
 24 18 237A.13. Any state obligation to provide services pursuant to
 24 19 this section is limited to the extent of the funds
 24 20 appropriated in this section.

24 21 3. Of the funds appropriated in this section, \$525,524 is
 24 22 allocated for the statewide program for child care resource
 24 23 and referral services under section 237A.26. A list of the
 24 24 registered and licensed child care facilities operating in the
 24 25 area served by a child care resource and referral service
 24 26 shall be made available to the families receiving state child
 24 27 care assistance in that area.

24 28 4. Of the funds appropriated in this section, \$2,280,288
 24 29 is allocated for child care quality improvement initiatives
 24 30 including but not limited to continuation of the voluntary
 24 31 quality rating system in accordance with section 237A.30.

24 32 5. The department may use any of the funds appropriated in
 24 33 this section as a match to obtain federal funds for use in
 24 34 expanding child care assistance and related programs. For the
 24 35 purpose of expenditures of state and federal child care



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25 1 funding, funds shall be considered obligated at the time
 25 2 expenditures are projected or are allocated to the
 25 3 department's service areas. Projections shall be based on
 25 4 current and projected caseload growth, current and projected
 25 5 provider rates, staffing requirements for eligibility
 25 6 determination and management of program requirements including
 25 7 data systems management, staffing requirements for
 25 8 administration of the program, contractual and grant
 25 9 obligations and any transfers to other state agencies, and
 25 10 obligations for decategorization or innovation projects.
 25 11 6. A portion of the state match for the federal child care
 25 12 and development block grant shall be provided as necessary to
 25 13 meet federal matching funds requirements through the state
 25 14 general fund appropriation made for child development grants
 25 15 and other programs for at-risk children in section 279.51.
 25 16 7. Of the funds appropriated in this section, \$1,200,000
 25 17 is transferred to the Iowa empowerment fund from which it is
 25 18 appropriated to be used for professional development for the
 25 19 system of early care, health, and education.
 25 20 8. Notwithstanding section 8.33, moneys appropriated in
 25 21 this section or received from the federal appropriations made
 25 22 for the purposes of this section that remain unencumbered or
 25 23 unobligated at the close of the fiscal year shall not revert
 25 24 to any fund but shall remain available for expenditure for the
 25 25 purposes designated until the close of the succeeding fiscal
 25 26 year.
 25 27 Sec. 15. JUVENILE INSTITUTIONS. There is appropriated
 25 28 from the general fund of the state to the department of human
 25 29 services for the fiscal year beginning July 1, 2008, and
 25 30 ending June 30, 2009, the following amounts, or so much
 25 31 thereof as is necessary, to be used for the purposes
 25 32 designated:
 25 33 1. For operation of the Iowa juvenile home at Toledo, and
 25 34 for salaries, support, and maintenance:
 25 35 \$ 7,579,484



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26 1 2. For operation of the state training school at Eldora,
26 2 and for salaries, support, and maintenance:
26 3 \$ 11,948,327

26 4 3. A portion of the moneys appropriated in this section
26 5 shall be used by the state training school and by the Iowa
26 6 juvenile home for grants for adolescent pregnancy prevention
26 7 activities at the institutions in the fiscal year beginning
26 8 July 1, 2008.

26 9 Sec. 16. CHILD AND FAMILY SERVICES.

26 10 1. There is appropriated from the general fund of the
26 11 state to the department of human services for the fiscal year
26 12 beginning July 1, 2008, and ending June 30, 2009, the
26 13 following amount, or so much thereof as is necessary, to be
26 14 used for the purpose designated:

26 15 For child and family services:
26 16 \$ 93,141,701

26 17 2. In order to address a reduction of \$5,200,000 from the
26 18 amount allocated under the appropriation made for the purposes
26 19 of this section in prior years for purposes of juvenile
26 20 delinquent graduated sanction services, up to \$5,200,000 of
26 21 the amount of federal temporary assistance for needy families
26 22 block grant funding appropriated in this division of this Act
26 23 for child and family services shall be made available for
26 24 purposes of juvenile delinquent graduated sanction services.

26 25 3. The department may transfer funds appropriated in this
26 26 section as necessary to pay the nonfederal costs of services
26 27 reimbursed under the medical assistance program, the state
26 28 child care assistance program, or the family investment
26 29 program which are provided to children who would otherwise
26 30 receive services paid under the appropriation in this section.
26 31 The department may transfer funds appropriated in this section
26 32 to the appropriations in this division of this Act for general
26 33 administration and for field operations as necessary to
26 34 implement and operate the services funded in this section.

26 35 4. a. Of the funds appropriated in this section, up to



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27 1 \$35,482,162 is allocated as the statewide expenditure target
27 2 under section 232.143 for group foster care maintenance and
27 3 services.

27 4 b. If at any time after September 30, 2008, annualization
27 5 of a service area's current expenditures indicates a service
27 6 area is at risk of exceeding its group foster care expenditure
27 7 target under section 232.143 by more than 5 percent, the
27 8 department and juvenile court services shall examine all group
27 9 foster care placements in that service area in order to
27 10 identify those which might be appropriate for termination. In
27 11 addition, any aftercare services believed to be needed for the
27 12 children whose placements may be terminated shall be
27 13 identified. The department and juvenile court services shall
27 14 initiate action to set dispositional review hearings for the
27 15 placements identified. In such a dispositional review
27 16 hearing, the juvenile court shall determine whether needed
27 17 aftercare services are available and whether termination of
27 18 the placement is in the best interest of the child and the
27 19 community.

27 20 5. A portion of the funds appropriated in this section may
27 21 be used for emergency family assistance to provide other
27 22 resources required for a family participating in a family
27 23 preservation or reunification project or successor project to
27 24 stay together or to be reunified.

27 25 6. Notwithstanding section 234.35 or any other provision
27 26 of law to the contrary, for the fiscal year beginning July 1,
27 27 2008, state funding for shelter care shall be limited to the
27 28 amount necessary to fund 273 beds that are guaranteed and
27 29 seven beds that are not guaranteed.

27 30 7. Federal funds received by the state during the fiscal
27 31 year beginning July 1, 2008, as the result of the expenditure
27 32 of state funds appropriated during a previous state fiscal
27 33 year for a service or activity funded under this section are
27 34 appropriated to the department to be used as additional
27 35 funding for services and purposes provided for under this



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28 1 section. Notwithstanding section 8.33, moneys received in
28 2 accordance with this subsection that remain unencumbered or
28 3 unobligated at the close of the fiscal year shall not revert
28 4 to any fund but shall remain available for the purposes
28 5 designated until the close of the succeeding fiscal year.
28 6 8. Of the funds appropriated in this section, \$3,696,285
28 7 or a sufficient amount shall be used for protective child care
28 8 assistance.
28 9 9. a. Of the funds appropriated in this section, up to
28 10 \$2,291,653 is allocated for the payment of the expenses of
28 11 court-ordered services provided to juveniles who are under the
28 12 supervision of juvenile court services, which expenses are a
28 13 charge upon the state pursuant to section 232.141, subsection
28 14 4. Of the amount allocated in this lettered paragraph, up to
28 15 \$1,571,850 shall be made available to provide school-based
28 16 supervision of children adjudicated under chapter 232, of
28 17 which not more than \$15,000 may be used for the purpose of
28 18 training. A portion of the cost of each school-based liaison
28 19 officer shall be paid by the school district or other funding
28 20 source as approved by the chief juvenile court officer.
28 21 b. Of the funds appropriated in this section, up to
28 22 \$832,205 is allocated for the payment of the expenses of
28 23 court-ordered services provided to children who are under the
28 24 supervision of the department, which expenses are a charge
28 25 upon the state pursuant to section 232.141, subsection 4.
28 26 c. Notwithstanding section 232.141 or any other provision
28 27 of law to the contrary, the amounts allocated in this
28 28 subsection shall be distributed to the judicial districts as
28 29 determined by the state court administrator and to the
28 30 department's service areas as determined by the administrator
28 31 of the department's division of child and family services.
28 32 The state court administrator and the division administrator
28 33 shall make the determination of the distribution amounts on or
28 34 before June 15, 2008.
28 35 d. Notwithstanding chapter 232 or any other provision of



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29 1 law to the contrary, a district or juvenile court shall not
29 2 order any service which is a charge upon the state pursuant to
29 3 section 232.141 if there are insufficient court-ordered
29 4 services funds available in the district court or departmental
29 5 service area distribution amounts to pay for the service. The
29 6 chief juvenile court officer and the departmental service area
29 7 manager shall encourage use of the funds allocated in this
29 8 subsection such that there are sufficient funds to pay for all
29 9 court-related services during the entire year. The chief
29 10 juvenile court officers and departmental service area managers
29 11 shall attempt to anticipate potential surpluses and shortfalls
29 12 in the distribution amounts and shall cooperatively request
29 13 the state court administrator or division administrator to
29 14 transfer funds between the judicial districts' or departmental
29 15 service areas' distribution amounts as prudent.

29 16 e. Notwithstanding any provision of law to the contrary, a
29 17 district or juvenile court shall not order a county to pay for
29 18 any service provided to a juvenile pursuant to an order
29 19 entered under chapter 232 which is a charge upon the state
29 20 under section 232.141, subsection 4.

29 21 f. Of the funds allocated in this subsection, not more
29 22 than \$100,000 may be used by the judicial branch for
29 23 administration of the requirements under this subsection.

29 24 10. Of the funds appropriated in this section, \$1,040,300
29 25 shall be transferred to the department of public health to be
29 26 used for the child protection center grant program in
29 27 accordance with section 135.118.

29 28 11. If the department receives federal approval to
29 29 implement a waiver under Title IV-E of the federal Social
29 30 Security Act to enable providers to serve children who remain
29 31 in the children's families and communities, for purposes of
29 32 eligibility under the medical assistance program children who
29 33 participate in the waiver shall be considered to be placed in
29 34 foster care.

29 35 12. Of the funds appropriated in this section, \$4,188,579



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30 1 is allocated for the preparation for adult living program
30 2 pursuant to section 234.46.

30 3 13. Of the funds appropriated in this section, \$1,040,300
30 4 shall be used to continue juvenile drug courts. The amount
30 5 allocated in this subsection shall be distributed as follows:

- 30 6 a. To the judicial branch for salaries to assist with the
- 30 7 operation of juvenile drug court programs operated in the
- 30 8 following jurisdictions:
- 30 9 (1) Marshall county:
- 30 10 \$ 61,800
- 30 11 (2) Woodbury county:
- 30 12 \$ 123,862
- 30 13 (3) Polk county:
- 30 14 \$ 193,057
- 30 15 (4) The third judicial district:
- 30 16 \$ 66,950
- 30 17 (5) The eighth judicial district:
- 30 18 \$ 66,950

30 19 b. For court-ordered services to support substance abuse
30 20 services provided to the juveniles participating in the
30 21 juvenile drug court programs listed in paragraph "a" and the
30 22 juveniles' families:

30 23 \$ 527,681

30 24 The state court administrator shall allocate the funding
30 25 designated in this paragraph among the programs.

30 26 14. Of the funds appropriated in this section, \$239,269
30 27 shall be used for continuation of a grant to a nonprofit human
30 28 services organization providing services to individuals and
30 29 families in multiple locations in southwest Iowa and Nebraska
30 30 for support of a project providing immediate, sensitive
30 31 support and forensic interviews, medical exams, needs
30 32 assessments, and referrals for victims of child abuse and
30 33 their nonoffending family members.

30 34 15. Of the funds appropriated in this section, \$121,200 is
30 35 allocated for expansion of the elevate approach of providing a



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31 1 support network to children placed in foster care.

31 2 16. Of the funds appropriated in this section, \$303,000 is
31 3 allocated for continuation of sibling visitation provisions
31 4 for children subject to a court order for out-of-home
31 5 placement in accordance with section 232.108.

31 6 17. Of the funds appropriated in this section, \$202,000 is
31 7 allocated for use pursuant to section 235A.1 for continuation
31 8 of the initiative to address child sexual abuse implemented
31 9 pursuant to 2007 Iowa Acts, ch. 218, section 18, subsection
31 10 21.

31 11 Sec. 17. ADOPTION SUBSIDY.

31 12 1. There is appropriated from the general fund of the
31 13 state to the department of human services for the fiscal year
31 14 beginning July 1, 2008, and ending June 30, 2009, the
31 15 following amount, or so much thereof as is necessary, to be
31 16 used for the purpose designated:

31 17 For adoption subsidy payments and services:

31 18 \$ 35,074,772

31 19 2. The department may transfer funds appropriated in this
31 20 section to the appropriations in this Act for child and family
31 21 services to be used for adoptive family recruitment and other
31 22 services to achieve adoption.

31 23 3. Federal funds received by the state during the fiscal
31 24 year beginning July 1, 2008, as the result of the expenditure
31 25 of state funds during a previous state fiscal year for a
31 26 service or activity funded under this section are appropriated
31 27 to the department to be used as additional funding for the
31 28 services and activities funded under this section.

31 29 Notwithstanding section 8.33, moneys received in accordance
31 30 with this subsection that remain unencumbered or unobligated
31 31 at the close of the fiscal year shall not revert to any fund
31 32 but shall remain available for expenditure for the purposes
31 33 designated until the close of the succeeding fiscal year.

31 34 Sec. 18. JUVENILE DETENTION HOME FUND. Moneys deposited
31 35 in the juvenile detention home fund created in section 232.142



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32 1 during the fiscal year beginning July 1, 2008, and ending June
 32 2 30, 2009, are appropriated to the department of human services
 32 3 for the fiscal year beginning July 1, 2008, and ending June
 32 4 30, 2009, for distribution as follows:

32 5 1. An amount equal to 10 percent of the costs of the
 32 6 establishment, improvement, operation, and maintenance of
 32 7 county or multicounty juvenile detention homes in the fiscal
 32 8 year beginning July 1, 2007. Moneys appropriated for
 32 9 distribution in accordance with this subsection shall be
 32 10 allocated among eligible detention homes, prorated on the
 32 11 basis of an eligible detention home's proportion of the costs
 32 12 of all eligible detention homes in the fiscal year beginning
 32 13 July 1, 2007. Notwithstanding section 232.142, subsection 3,
 32 14 the financial aid payable by the state under that provision
 32 15 for the fiscal year beginning July 1, 2008, shall be limited
 32 16 to the amount appropriated for the purposes of this
 32 17 subsection.

32 18 2. For renewal of a grant to a county with a population
 32 19 between 189,000 and 196,000 in the latest preceding certified
 32 20 federal census for implementation of the county's runaway
 32 21 treatment plan under section 232.195:

32 22 \$ 80,000

32 23 3. For continuation and expansion of the community
 32 24 partnership for child protection sites:

32 25 \$ 418,000

32 26 4. For continuation of the department's minority youth and
 32 27 family projects under the redesign of the child welfare
 32 28 system:

32 29 \$ 375,000

32 30 5. For funding of the state match for the federal
 32 31 substance abuse and mental health services administration
 32 32 (SAMHSA) system of care grant:

32 33 \$ 400,000

32 34 6. For transfer to the appropriation made in this Act for
 32 35 child and family services to supplement the statewide



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33 1 expenditure target amount under section 232.143 designated in
 33 2 the appropriation made in this Act for child and family
 33 3 services:
 33 4 \$ 1,324,000
 33 5 7. For training of nonlicensed relatives caring for
 33 6 children in the child welfare system:
 33 7 \$ 276,000
 33 8 8. The remainder for additional allocations to county or
 33 9 multicounty juvenile detention homes, in accordance with the
 33 10 distribution requirements of subsection 1.
 33 11 Sec. 19. FAMILY SUPPORT SUBSIDY PROGRAM.
 33 12 1. There is appropriated from the general fund of the
 33 13 state to the department of human services for the fiscal year
 33 14 beginning July 1, 2008, and ending June 30, 2009, the
 33 15 following amount, or so much thereof as is necessary, to be
 33 16 used for the purpose designated:
 33 17 For the family support subsidy program:
 33 18 \$ 1,936,434
 33 19 2. The department shall use at least \$433,212 of the
 33 20 moneys appropriated in this section for the family support
 33 21 center component of the comprehensive family support program
 33 22 under section 225C.47. Not more than \$20,000 of the amount
 33 23 allocated in this subsection shall be used for administrative
 33 24 costs.
 33 25 Sec. 20. CONNER DECREE. There is appropriated from the
 33 26 general fund of the state to the department of human services
 33 27 for the fiscal year beginning July 1, 2008, and ending June
 33 28 30, 2009, the following amount, or so much thereof as is
 33 29 necessary, to be used for the purpose designated:
 33 30 For building community capacity through the coordination
 33 31 and provision of training opportunities in accordance with the
 33 32 consent decree of Conner v. Branstad, No. 4=86=CV=30871(S.D.
 33 33 Iowa, July 14, 1994):
 33 34 \$ 42,623
 33 35 Sec. 21. STATE MENTAL HEALTH SYSTEMS == EMERGENCY



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34 1 RESPONSE. There is appropriated from the general fund of the
 34 2 state to the department of human services for the fiscal year
 34 3 beginning July 1, 2008, and ending June 30, 2009, the
 34 4 following amount, or so much thereof as is necessary, to be
 34 5 used for the purposes designated:
 34 6 For implementation and operation of emergency response
 34 7 mental health crisis services grants:
 34 8 \$ 3,000,000
 34 9 The funds appropriated in this section shall be used to
 34 10 award grants for the implementation of statewide emergency
 34 11 response mental health crisis services. The grants shall be
 34 12 awarded so that implementation is effective January 1, 2009.
 34 13 Sec. 22. MENTAL HEALTH INSTITUTES. There is appropriated
 34 14 from the general fund of the state to the department of human
 34 15 services for the fiscal year beginning July 1, 2008, and
 34 16 ending June 30, 2009, the following amounts, or so much
 34 17 thereof as is necessary, to be used for the purposes
 34 18 designated:
 34 19 1. For the state mental health institute at Cherokee for
 34 20 salaries, support, maintenance, and miscellaneous purposes:
 34 21 \$ 5,727,743
 34 22 2. For the state mental health institute at Clarinda for
 34 23 salaries, support, maintenance, and miscellaneous purposes:
 34 24 \$ 7,023,073
 34 25 3. For the state mental health institute at Independence
 34 26 for salaries, support, maintenance, and miscellaneous
 34 27 purposes:
 34 28 \$ 10,495,879
 34 29 4. For the state mental health institute at Mount Pleasant
 34 30 for salaries, support, maintenance, and miscellaneous
 34 31 purposes:
 34 32 \$ 1,874,721
 34 33 Sec. 23. STATE RESOURCE CENTERS.
 34 34 1. There is appropriated from the general fund of the
 34 35 state to the department of human services for the fiscal year



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35 1 beginning July 1, 2008, and ending June 30, 2009, the
 35 2 following amounts, or so much thereof as is necessary, to be
 35 3 used for the purposes designated:

35 4 a. For the state resource center at Glenwood for salaries,
 35 5 support, maintenance, and miscellaneous purposes:
 35 6 \$ 17,383,372

35 7 b. For the state resource center at Woodward for salaries,
 35 8 support, maintenance, and miscellaneous purposes:
 35 9 \$ 11,547,207

35 10 2. The department may continue to bill for state resource
 35 11 center services utilizing a scope of services approach used
 35 12 for private providers of ICFMR services, in a manner which
 35 13 does not shift costs between the medical assistance program,
 35 14 counties, or other sources of funding for the state resource
 35 15 centers.

35 16 3. The state resource centers may expand the time-limited
 35 17 assessment and respite services during the fiscal year.

35 18 4. If the department's administration and the department
 35 19 of management concur with a finding by a state resource
 35 20 center's superintendent that projected revenues can reasonably
 35 21 be expected to pay the salary and support costs for a new
 35 22 employee position, or that such costs for adding a particular
 35 23 number of new positions for the fiscal year would be less than
 35 24 the overtime costs if new positions would not be added, the
 35 25 superintendent may add the new position or positions. If the
 35 26 vacant positions available to a resource center do not include
 35 27 the position classification desired to be filled, the state
 35 28 resource center's superintendent may reclassify any vacant
 35 29 position as necessary to fill the desired position. The
 35 30 superintendents of the state resource centers may, by mutual
 35 31 agreement, pool vacant positions and position classifications
 35 32 during the course of the fiscal year in order to assist one
 35 33 another in filling necessary positions.

35 34 5. If existing capacity limitations are reached in
 35 35 operating units, a waiting list is in effect for a service or



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36 1 a special need for which a payment source or other funding is
36 2 available for the service or to address the special need, and
36 3 facilities for the service or to address the special need can
36 4 be provided within the available payment source or other
36 5 funding, the superintendent of a state resource center may
36 6 authorize opening not more than two units or other facilities
36 7 and begin implementing the service or addressing the special
36 8 need during fiscal year 2008=2009.

36 9 Sec. 24. MI/MR/DD STATE CASES.

36 10 1. There is appropriated from the general fund of the
36 11 state to the department of human services for the fiscal year
36 12 beginning July 1, 2008, and ending June 30, 2009, the
36 13 following amount, or so much thereof as is necessary, to be
36 14 used for the purpose designated:

36 15 For distribution to counties for state case services for
36 16 persons with mental illness, mental retardation, and
36 17 developmental disabilities in accordance with section 331.440:
36 18 \$ 13,067,178

36 19 2. For the fiscal year beginning July 1, 2008, and ending
36 20 June 30, 2009, \$200,000 is allocated for state case services
36 21 from the amounts appropriated from the fund created in section
36 22 8.41 to the department of human services from the funds
36 23 received from the federal government under 42 U.S.C., ch. 6A,
36 24 subch. XVII, relating to the community mental health center
36 25 block grant, for the federal fiscal years beginning October 1,
36 26 2006, and ending September 30, 2007, beginning October 1,
36 27 2007, and ending September 30, 2008, and beginning October 1,
36 28 2008, and ending September 30, 2009. The allocation made in
36 29 this subsection shall be made prior to any other distribution
36 30 allocation of the appropriated federal funds.

36 31 3. Notwithstanding section 8.33, moneys appropriated in
36 32 this section that remain unencumbered or unobligated at the
36 33 close of the fiscal year shall not revert but shall remain
36 34 available for expenditure for the purposes designated until
36 35 the close of the succeeding fiscal year.



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37 1 Sec. 25. MENTAL HEALTH AND DEVELOPMENTAL DISABILITIES ==
 37 2 COMMUNITY SERVICES FUND. There is appropriated from the
 37 3 general fund of the state to the mental health and
 37 4 developmental disabilities community services fund created in
 37 5 section 225C.7 for the fiscal year beginning July 1, 2008, and
 37 6 ending June 30, 2009, the following amount, or so much thereof
 37 7 as is necessary, to be used for the purpose designated:
 37 8 For mental health and developmental disabilities community
 37 9 services in accordance with this division of this Act:
 37 10 \$ 18,017,890
 37 11 1. Of the funds appropriated in this section, \$17,727,890
 37 12 shall be allocated to counties for funding of community-based
 37 13 mental health and developmental disabilities services. The
 37 14 moneys shall be allocated to a county as follows:
 37 15 a. Fifty percent based upon the county's proportion of the
 37 16 state's population of persons with an annual income which is
 37 17 equal to or less than the poverty guideline established by the
 37 18 federal office of management and budget.
 37 19 b. Fifty percent based upon the county's proportion of the
 37 20 state's general population.
 37 21 2. a. A county shall utilize the funding the county
 37 22 receives pursuant to subsection 1 for services provided to
 37 23 persons with a disability, as defined in section 225C.2.
 37 24 However, no more than 50 percent of the funding shall be used
 37 25 for services provided to any one of the service populations.
 37 26 b. A county shall use at least 50 percent of the funding
 37 27 the county receives under subsection 1 for contemporary
 37 28 services provided to persons with a disability, as described
 37 29 in rules adopted by the department.
 37 30 3. Of the funds appropriated in this section, \$30,000
 37 31 shall be used to support the Iowa compass program providing
 37 32 computerized information and referral services for Iowans with
 37 33 disabilities and their families.
 37 34 4. a. Funding appropriated for purposes of the federal
 37 35 social services block grant is allocated for distribution to



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38 1 counties for local purchase of services for persons with
38 2 mental illness, mental retardation, or other developmental
38 3 disability.

38 4 b. The funds allocated in this subsection shall be
38 5 expended by counties in accordance with the county's approved
38 6 county management plan. A county without an approved county
38 7 management plan shall not receive allocated funds until the
38 8 county's management plan is approved.

38 9 c. The funds provided by this subsection shall be
38 10 allocated to each county as follows:

38 11 (1) Fifty percent based upon the county's proportion of
38 12 the state's population of persons with an annual income which
38 13 is equal to or less than the poverty guideline established by
38 14 the federal office of management and budget.

38 15 (2) Fifty percent based upon the amount provided to the
38 16 county for local purchase of services in the preceding fiscal
38 17 year.

38 18 5. A county is eligible for funds under this section if
38 19 the county qualifies for a state payment as described in
38 20 section 331.439.

38 21 6. Of the funds appropriated in this section, \$260,000 is
38 22 allocated to the department for continuing the development of
38 23 an assessment process, for use beginning in a subsequent
38 24 fiscal year as authorized specifically by a statute to be
38 25 enacted in a subsequent fiscal year, determining on a
38 26 consistent basis the needs and capacities of persons seeking
38 27 or receiving mental health, mental retardation, developmental
38 28 disabilities, or brain injury services that are paid for in
38 29 whole or in part by the state or a county. The assessment
38 30 process shall be developed with the involvement of counties
38 31 and the mental health, mental retardation, developmental
38 32 disabilities, and brain injury commission.

38 33 7. The most recent population estimates issued by the
38 34 United States bureau of the census shall be applied for the
38 35 population factors utilized in this section.



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39 1 Sec. 26. SEXUALLY VIOLENT PREDATORS.

39 2 1. There is appropriated from the general fund of the

39 3 state to the department of human services for the fiscal year

39 4 beginning July 1, 2008, and ending June 30, 2009, the

39 5 following amount, or so much thereof as is necessary, to be

39 6 used for the purpose designated:

39 7 For costs associated with the commitment and treatment of

39 8 sexually violent predators in the unit located at the state

39 9 mental health institute at Cherokee, including costs of legal

39 10 services and other associated costs, including salaries,

39 11 support, maintenance, and miscellaneous purposes:

39 12 \$ 6,720,268

39 13 2. Unless specifically prohibited by law, if the amount

39 14 charged provides for recoupment of at least the entire amount

39 15 of direct and indirect costs, the department of human services

39 16 may contract with other states to provide care and treatment

39 17 of persons placed by the other states at the unit for sexually

39 18 violent predators at Cherokee. The moneys received under such

39 19 a contract shall be considered to be repayment receipts and

39 20 used for the purposes of the appropriation made in this

39 21 section.

39 22 Sec. 27. FIELD OPERATIONS. There is appropriated from the

39 23 general fund of the state to the department of human services

39 24 for the fiscal year beginning July 1, 2008, and ending June

39 25 30, 2009, the following amount, or so much thereof as is

39 26 necessary, to be used for the purposes designated:

39 27 For field operations, including salaries, support,

39 28 maintenance, and miscellaneous purposes:

39 29 \$ 71,505,340

39 30 1. The amount appropriated in this section includes an

39 31 increase for additional full-time equivalent positions to

39 32 provide for additional child and family visits.

39 33 2. Priority in filling full-time equivalent positions

39 34 shall be given to those positions related to child protection

39 35 services.



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40 1 Sec. 28. GENERAL ADMINISTRATION. There is appropriated
40 2 from the general fund of the state to the department of human
40 3 services for the fiscal year beginning July 1, 2008, and
40 4 ending June 30, 2009, the following amount, or so much thereof
40 5 as is necessary, to be used for the purpose designated:
40 6 For general administration, including salaries, support,
40 7 maintenance, and miscellaneous purposes:
40 8 \$ 17,063,966
40 9 Of the funds appropriated in this section, \$57,000 is
40 10 allocated for the prevention of disabilities policy council
40 11 established in section 225B.3.

40 12 Sec. 29. VOLUNTEERS. There is appropriated from the
40 13 general fund of the state to the department of human services
40 14 for the fiscal year beginning July 1, 2008, and ending June
40 15 30, 2009, the following amount, or so much thereof as is
40 16 necessary, to be used for the purpose designated:
40 17 For development and coordination of volunteer services:
40 18 \$ 109,568

40 19 Sec. 30. MEDICAL ASSISTANCE, STATE SUPPLEMENTARY
40 20 ASSISTANCE, AND SOCIAL SERVICE PROVIDERS REIMBURSED UNDER THE
40 21 DEPARTMENT OF HUMAN SERVICES.

40 22 1. a. (1) For the fiscal year beginning July 1, 2008,
40 23 the total state funding amount for the nursing facility budget
40 24 shall not exceed \$175,449,949.

40 25 (2) The department, in cooperation with nursing facility
40 26 representatives, shall review projections for state funding
40 27 expenditures for reimbursement of nursing facilities on a
40 28 quarterly basis and the department shall determine if an
40 29 adjustment to the medical assistance reimbursement rate is
40 30 necessary in order to provide reimbursement within the state
40 31 funding amount. Any temporary enhanced federal financial
40 32 participation that may become available to the Iowa medical
40 33 assistance program during the fiscal year shall not be used in
40 34 projecting the nursing facility budget. Notwithstanding 2001
40 35 Iowa Acts, chapter 192, section 4, subsection 2, paragraph



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41 1 "c", and subsection 3, paragraph "a", subparagraph (2), if the
41 2 state funding expenditures for the nursing facility budget for
41 3 the fiscal year beginning July 1, 2008, are projected to
41 4 exceed the amount specified in subparagraph (1), the
41 5 department shall adjust the reimbursement for nursing
41 6 facilities reimbursed under the case-mix reimbursement system
41 7 to maintain expenditures of the nursing facility budget within
41 8 the specified amount. The department shall revise such
41 9 reimbursement as necessary to remove the outcomes factor in
41 10 accordance with the amendment in this division of this Act to
41 11 2001 Iowa Acts, ch. 192, section 4, subsection 4.

41 12 b. For the fiscal year beginning July 1, 2008, the
41 13 department shall reimburse pharmacy dispensing fees using a
41 14 single rate of \$4.57 per prescription or the pharmacy's usual
41 15 and customary fee, whichever is lower.

41 16 c. (1) For the fiscal year beginning July 1, 2008,
41 17 reimbursement rates for inpatient and outpatient hospital
41 18 services shall be increased by 1 percent over the rates in
41 19 effect on June 30, 2008. The department shall continue the
41 20 outpatient hospital reimbursement system based upon ambulatory
41 21 patient groups implemented pursuant to 1994 Iowa Acts, chapter
41 22 1186, section 25, subsection 1, paragraph "f", unless the
41 23 department adopts the Medicare ambulatory payment
41 24 classification methodology authorized in subparagraph (2).

41 25 (2) The department may implement the Medicare ambulatory
41 26 payment classification methodology for reimbursement of
41 27 outpatient hospital services. Any change in hospital
41 28 reimbursement shall be budget neutral.

41 29 (3) In order to ensure the efficient use of limited state
41 30 funds in procuring health care services for low-income Iowans,
41 31 funds appropriated in this Act for hospital services shall not
41 32 be used for activities which would be excluded from a
41 33 determination of reasonable costs under the federal Medicare
41 34 program pursuant to 42 U.S.C. } 1395X(v)(1)(N).

41 35 d. For the fiscal year beginning July 1, 2008,



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42 1 reimbursement rates for rural health clinics, hospices,
42 2 independent laboratories, and acute mental hospitals shall be
42 3 increased in accordance with increases under the federal
42 4 Medicare program or as supported by their Medicare audited
42 5 costs.

42 6 e. (1) For the fiscal year beginning July 1, 2008,
42 7 reimbursement rates for home health agencies shall be
42 8 increased by 1 percent over the rates in effect on June 30,
42 9 2008, not to exceed a home health agency's actual allowable
42 10 cost.

42 11 (2) The department shall establish a fixed fee
42 12 reimbursement schedule for home health agencies under the
42 13 medical assistance program beginning July 1, 2008.

42 14 f. For the fiscal year beginning July 1, 2008, federally
42 15 qualified health centers shall receive cost-based
42 16 reimbursement for 100 percent of the reasonable costs for the
42 17 provision of services to recipients of medical assistance.

42 18 g. For the fiscal year beginning July 1, 2008, the
42 19 reimbursement rates for dental services shall be increased by
42 20 1 percent over the rates in effect on June 30, 2008.

42 21 h. For the fiscal year beginning July 1, 2008, the maximum
42 22 reimbursement rate for psychiatric medical institutions for
42 23 children shall be \$167.19 per day.

42 24 i. For the fiscal year beginning July 1, 2008, unless
42 25 otherwise specified in this Act, all noninstitutional medical
42 26 assistance provider reimbursement rates shall be increased by
42 27 1 percent over the rates in effect on June 30, 2008, except
42 28 for area education agencies, local education agencies, infant
42 29 and toddler services providers, and those providers whose
42 30 rates are required to be determined pursuant to section
42 31 249A.20.

42 32 j. Notwithstanding section 249A.20, for the fiscal year
42 33 beginning July 1, 2008, the average reimbursement rate for
42 34 health care providers eligible for use of the federal Medicare
42 35 resource-based relative value scale reimbursement methodology



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43 1 under that section shall be increased by 1 percent over the
43 2 rate in effect on June 30, 2008; however, this rate shall not
43 3 exceed the maximum level authorized by the federal government.

43 4 k. For the fiscal year beginning July 1, 2008, the
43 5 reimbursement rate for residential care facilities shall not
43 6 be less than the minimum payment level as established by the
43 7 federal government to meet the federally mandated maintenance
43 8 of effort requirement. The flat reimbursement rate for
43 9 facilities electing not to file semiannual cost reports shall
43 10 not be less than the minimum payment level as established by
43 11 the federal government to meet the federally mandated
43 12 maintenance of effort requirement.

43 13 1. For the fiscal year beginning July 1, 2008, inpatient
43 14 mental health services provided at hospitals shall be
43 15 reimbursed at the cost of the services, subject to Medicaid
43 16 program upper payment limit rules; community mental health
43 17 centers and providers of mental health services to county
43 18 residents pursuant to a waiver approved under section 225C.7,
43 19 subsection 3, shall be reimbursed at 100 percent of the
43 20 reasonable costs for the provision of services to recipients
43 21 of medical assistance; and psychiatrists shall be reimbursed
43 22 at the medical assistance program fee for service rate.

43 23 m. Effective October 1, 2008, the reimbursement rate for
43 24 consumer directed attendant care shall be increased by 2
43 25 percent over the rates in effect on September 30, 2008.

43 26 n. For the fiscal year beginning July 1, 2008, the
43 27 reimbursement rate for anesthesiologists shall be increased by
43 28 one percent over the Medicare rate for anesthesiologists in
43 29 effect on January 1, 2008.

43 30 2. For the fiscal year beginning July 1, 2008, the
43 31 reimbursement rate for providers reimbursed under the in=
43 32 home-related care program shall not be less than the minimum
43 33 payment level as established by the federal government to meet
43 34 the federally mandated maintenance of effort requirement.

43 35 3. Unless otherwise directed in this section, when the



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44 1 department's reimbursement methodology for any provider
44 2 reimbursed in accordance with this section includes an
44 3 inflation factor, this factor shall not exceed the amount by
44 4 which the consumer price index for all urban consumers
44 5 increased during the calendar year ending December 31, 2002.
44 6 4. For the fiscal year beginning July 1, 2008, the foster
44 7 family basic daily maintenance rate paid in accordance with
44 8 section 234.38, the maximum adoption subsidy rate, and the
44 9 maximum supervised apartment living foster care rate for
44 10 children ages 0 through 5 years shall be \$16.36, the rate for
44 11 children ages 6 through 11 years shall be \$17.01, the rate for
44 12 children ages 12 through 15 years shall be \$18.62, and the
44 13 rate for children ages 16 and older shall be \$18.87.
44 14 5. For the fiscal year beginning July 1, 2008, the maximum
44 15 reimbursement rates for social services providers reimbursed
44 16 under a purchase of social services contract shall be
44 17 increased by 1 percent over the rates in effect on June 30,
44 18 2008, or to the provider's actual and allowable cost plus
44 19 inflation for each service, whichever is less. The rates may
44 20 also be adjusted under any of the following circumstances:
44 21 a. If a new service was added after June 30, 2008, the
44 22 initial reimbursement rate for the service shall be based upon
44 23 actual and allowable costs.
44 24 b. If a social service provider loses a source of income
44 25 used to determine the reimbursement rate for the provider, the
44 26 provider's reimbursement rate may be adjusted to reflect the
44 27 loss of income, provided that the lost income was used to
44 28 support actual and allowable costs of a service purchased
44 29 under a purchase of service contract.
44 30 6. For the fiscal year beginning July 1, 2008, the
44 31 reimbursement rates for family-centered service providers,
44 32 family foster care service providers, group foster care
44 33 service providers, and the resource family recruitment and
44 34 retention contractor shall be increased by 1 percent over the
44 35 rates in effect on June 30, 2008.



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45 1 7. The group foster care reimbursement rates paid for
45 2 placement of children out of state shall be calculated
45 3 according to the same rate-setting principles as those used
45 4 for in-state providers, unless the director of human services
45 5 or the director's designee determines that appropriate care
45 6 cannot be provided within the state. The payment of the daily
45 7 rate shall be based on the number of days in the calendar
45 8 month in which service is provided.

45 9 8. For the fiscal year beginning July 1, 2008, the
45 10 reimbursement rates for remedial service providers shall be
45 11 increased by 1 percent over the rates in effect for June 30,
45 12 2008.

45 13 9. a. For the fiscal year beginning July 1, 2008, the
45 14 combined service and maintenance components of the
45 15 reimbursement rate paid for shelter care services purchased
45 16 under a contract shall be based on the financial and
45 17 statistical report submitted to the department. The maximum
45 18 reimbursement rate shall be \$92.36 per day. The department
45 19 shall reimburse a shelter care provider at the provider's
45 20 actual and allowable unit cost plus inflation, not to exceed
45 21 the maximum reimbursement rate.

45 22 b. Notwithstanding section 232.141, subsection 8, for the
45 23 fiscal year beginning July 1, 2008, the amount of the
45 24 statewide average of the actual and allowable rates for
45 25 reimbursement of juvenile shelter care homes that is utilized
45 26 for the limitation on recovery of unpaid costs shall be
45 27 increased by \$0.91 over the amount in effect for this purpose
45 28 in the preceding fiscal year.

45 29 10. For the fiscal year beginning July 1, 2008, the
45 30 department shall calculate reimbursement rates for
45 31 intermediate care facilities for persons with mental
45 32 retardation at the 80th percentile.

45 33 11. For the fiscal year beginning July 1, 2008, for child
45 34 care providers reimbursed under the state child care
45 35 assistance program, the department shall set provider



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46 1 reimbursement rates based on the rate reimbursement survey
46 2 completed in December 2004. Effective October 1, 2008, the
46 3 child care provider reimbursement rates shall be increased by
46 4 2 percent over the rates in effect on September 30, 2008. The
46 5 department shall set rates in a manner so as to provide
46 6 incentives for a nonregistered provider to become registered
46 7 by applying the increase only to registered and licensed
46 8 providers.

46 9 12. For the fiscal year beginning July 1, 2008,
46 10 reimbursements for providers reimbursed by the department of
46 11 human services may be modified if appropriated funding is
46 12 allocated for that purpose from the senior living trust fund
46 13 created in section 249H.4, or as specified in appropriations
46 14 from the healthy Iowans tobacco trust created in section
46 15 12.65.

46 16 13. The department may adopt emergency rules to implement
46 17 this section.

46 18 Sec. 31. 2001 Iowa Acts, chapter 192, section 4,
46 19 subsection 4, is amended to read as follows:

46 20 4. ACCOUNTABILITY MEASURERS INCREASED PAYMENTS == DIRECT
46 21 CARE WORKERS.

~~46 22 a. It is the intent of the general assembly that the~~
~~46 23 department of human services initiate a system to measure a~~
~~46 24 variety of elements to determine a nursing facility's capacity~~
~~46 25 to provide quality of life and appropriate access to medical~~
~~46 26 assistance program beneficiaries in a cost-effective manner.~~
~~46 27 Beginning July 1, 2001, the department shall implement a~~
~~46 28 process to collect data for these measurements and shall~~
~~46 29 develop procedures to increase nursing facility reimbursements~~
~~46 30 based upon a nursing facility's achievement of multiple~~
~~46 31 favorable outcomes as determined by these measurements. Any~~
~~46 32 increased reimbursement shall not exceed 3 percent of the~~
~~46 33 calculation of the modified price-based case-mix reimbursement~~
~~46 34 median. The increased reimbursement shall be included in the~~
~~46 35 calculation of nursing facility modified price-based payment~~



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~~47 1 rates beginning July 1, 2002, with the exception of
47 2 Medicare-certified hospital-based nursing facilities,
47 3 state-operated nursing facilities, and special population
47 4 nursing facilities.~~

47 5 b. It is the intent of the general assembly that increases
47 6 in payments to nursing facilities under the case-mix adjusted
47 7 component shall be used for the provision of direct care with
47 8 an emphasis on compensation to direct care workers. The
47 9 department shall compile and provide a detailed analysis to
47 10 demonstrate growth of direct care costs, increased acuity, and
47 11 care needs of residents. The department shall also provide
47 12 analysis of cost reports submitted by providers and the
47 13 resulting desk review and field audit adjustment to reclassify
47 14 and amend provider cost and statistical data. The results of
47 15 these analyses shall be submitted to the general assembly for
47 16 evaluation to determine payment levels following the
47 17 transition funding period.

47 18 Sec. 32. EMERGENCY RULES. If specifically authorized by a
47 19 provision of this division of this Act, the department of
47 20 human services or the mental health, mental retardation,
47 21 developmental disabilities, and brain injury commission may
47 22 adopt administrative rules under section 17A.4, subsection 2,
47 23 and section 17A.5, subsection 2, paragraph "b", to implement
47 24 the provisions and the rules shall become effective
47 25 immediately upon filing or on a later effective date specified
47 26 in the rules, unless the effective date is delayed by the
47 27 administrative rules review committee. Any rules adopted in
47 28 accordance with this section shall not take effect before the
47 29 rules are reviewed by the administrative rules review
47 30 committee. The delay authority provided to the administrative
47 31 rules review committee under section 17A.4, subsection 5, and
47 32 section 17A.8, subsection 9, shall be applicable to a delay
47 33 imposed under this section, notwithstanding a provision in
47 34 those sections making them inapplicable to section 17A.5,
47 35 subsection 2, paragraph "b". Any rules adopted in accordance



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48 1 with the provisions of this section shall also be published as
48 2 notice of intended action as provided in section 17A.4.

48 3 Sec. 33. REPORTS. Any reports or information required to
48 4 be compiled and submitted under this Act shall be submitted to
48 5 the chairpersons and ranking members of the joint
48 6 appropriations subcommittee on health and human services, the
48 7 legislative services agency, and the legislative caucus staffs
48 8 on or before the dates specified for submission of the reports
48 9 or information.

48 10 Sec. 34. EFFECTIVE DATES. The following provisions of
48 11 this division of this Act, being deemed of immediate
48 12 importance, take effect upon enactment:

48 13 The provision under the appropriation for child and family
48 14 services for the administration of the division of child and
48 15 family services of the department of human services and the
48 16 state court administration to distribute the funding allocated
48 17 for court-ordered services provided to juveniles who are under
48 18 the supervision of juvenile court services.

48 19 DIVISION II

48 20 SENIOR LIVING TRUST FUND,

48 21 PHARMACEUTICAL SETTLEMENT ACCOUNT,

48 22 IOWACARE ACCOUNT, AND HEALTH CARE

48 23 TRANSFORMATION ACCOUNT

48 24 Sec. 35. DEPARTMENT OF ELDER AFFAIRS. There is
48 25 appropriated from the senior living trust fund created in
48 26 section 249H.4 to the department of elder affairs for the
48 27 fiscal year beginning July 1, 2008, and ending June 30, 2009,
48 28 the following amount, or so much thereof as is necessary, to
48 29 be used for the purpose designated:

48 30 For the development and implementation of a comprehensive
48 31 senior living program, including case management only if the
48 32 monthly cost per client for case management for the frail
48 33 elderly services provided does not exceed an average of \$70,
48 34 and including program administration and costs associated with
48 35 implementation, salaries, support, maintenance, and



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49 1 miscellaneous purposes:
 49 2 \$ 8,442,707
 49 3 1. Of the funds appropriated in this section, \$2,196,967
 49 4 shall be used for case management for the frail elderly. Of
 49 5 the funds allocated in this subsection, \$1,010,000 shall be
 49 6 transferred to the department of human services in equal
 49 7 amounts on a quarterly basis for reimbursement of case
 49 8 management services provided under the medical assistance
 49 9 elderly waiver. The monthly cost per client for case
 49 10 management for the frail elderly services provided shall not
 49 11 exceed an average of \$70.
 49 12 2. Notwithstanding section 249H.7, the department of elder
 49 13 affairs shall distribute up to \$400,000 of the funds
 49 14 appropriated in this section in a manner that will supplement
 49 15 and maximize federal funds under the federal Older Americans
 49 16 Act and shall not use the amount distributed for any
 49 17 administrative purposes of either the department of elder
 49 18 affairs or the area agencies on aging.
 49 19 3. Of the funds appropriated in this section, \$60,000
 49 20 shall be used to provide dementia-specific education to direct
 49 21 care workers and other providers of long-term care to enhance
 49 22 existing or scheduled efforts through the Iowa caregivers
 49 23 association, the Alzheimer's association, and other
 49 24 organizations identified as appropriate by the department.
 49 25 Sec. 36. DEPARTMENT OF INSPECTIONS AND APPEALS. There is
 49 26 appropriated from the senior living trust fund created in
 49 27 section 249H.4 to the department of inspections and appeals
 49 28 for the fiscal year beginning July 1, 2008, and ending June
 49 29 30, 2009, the following amount, or so much thereof as is
 49 30 necessary, to be used for the purpose designated:
 49 31 For the inspection and certification of assisted living
 49 32 facilities and adult day care services, including program
 49 33 administration and costs associated with implementation,
 49 34 salaries, support, maintenance, and miscellaneous purposes:
 49 35 \$ 1,183,303



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50 1 Sec. 37. DEPARTMENT OF HUMAN SERVICES. There is
50 2 appropriated from the senior living trust fund created in
50 3 section 249H.4 to the department of human services for the
50 4 fiscal year beginning July 1, 2008, and ending June 30, 2009,
50 5 the following amount, or so much thereof as is necessary, to
50 6 be used for the purpose designated:

50 7 To supplement the medical assistance program appropriations
50 8 made in this Act, including program administration and costs
50 9 associated with implementation, salaries, support,
50 10 maintenance, and miscellaneous purposes:

50 11 \$ 65,000,000

50 12 In order to carry out the purposes of this section, the
50 13 department may transfer funds appropriated in this section to
50 14 supplement other appropriations made to the department of
50 15 human services.

50 16 Sec. 38. IOWA FINANCE AUTHORITY. There is appropriated
50 17 from the senior living trust fund created in section 249H.4 to
50 18 the Iowa finance authority for the fiscal year beginning July
50 19 1, 2008, and ending June 30, 2009, the following amount, or so
50 20 much thereof as is necessary, to be used for the purposes
50 21 designated:

50 22 To provide reimbursement for rent expenses to eligible
50 23 persons:

50 24 \$ 700,000

50 25 Participation in the rent subsidy program shall be limited
50 26 to only those persons who meet the eligibility requirements
50 27 for home and community-based services waiver services in
50 28 effect on July 1, 2008, and to those individuals who are
50 29 eligible for the federal money follows the person grant
50 30 program under the medical assistance program.

50 31 Sec. 39. PHARMACEUTICAL SETTLEMENT ACCOUNT. There is
50 32 appropriated from the pharmaceutical settlement account
50 33 created in section 249A.33 to the department of human services
50 34 for the fiscal year beginning July 1, 2008, and ending June
50 35 30, 2009, the following amount, or so much thereof as is



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51 1 necessary, to be used for the purpose designated:
 51 2 To supplement the appropriations made for medical contracts
 51 3 under the medical assistance program:
 51 4 \$ 942,767
 51 5 Sec. 40. APPROPRIATIONS FROM IOWACARE ACCOUNT.
 51 6 1. There is appropriated from the IowaCare account created
 51 7 in section 249J.24 to the state board of regents for
 51 8 distribution to the university of Iowa hospitals and clinics
 51 9 for the fiscal year beginning July 1, 2008, and ending June
 51 10 30, 2009, the following amount, or so much thereof as is
 51 11 necessary, to be used for the purposes designated:
 51 12 For salaries, support, maintenance, equipment, and
 51 13 miscellaneous purposes, for the provision of medical and
 51 14 surgical treatment of indigent patients, for provision of
 51 15 services to members of the expansion population pursuant to
 51 16 chapter 249J, and for medical education:
 51 17 \$ 27,284,584
 51 18 a. Funds appropriated in this subsection shall not be used
 51 19 to perform abortions except medically necessary abortions, and
 51 20 shall not be used to operate the early termination of
 51 21 pregnancy clinic except for the performance of medically
 51 22 necessary abortions. For the purpose of this subsection, an
 51 23 abortion is the purposeful interruption of pregnancy with the
 51 24 intention other than to produce a live-born infant or to
 51 25 remove a dead fetus, and a medically necessary abortion is one
 51 26 performed under one of the following conditions:
 51 27 (1) The attending physician certifies that continuing the
 51 28 pregnancy would endanger the life of the pregnant woman.
 51 29 (2) The attending physician certifies that the fetus is
 51 30 physically deformed, mentally deficient, or afflicted with a
 51 31 congenital illness.
 51 32 (3) The pregnancy is the result of a rape which is
 51 33 reported within 45 days of the incident to a law enforcement
 51 34 agency or public or private health agency which may include a
 51 35 family physician.



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52 1 (4) The pregnancy is the result of incest which is
52 2 reported within 150 days of the incident to a law enforcement
52 3 agency or public or private health agency which may include a
52 4 family physician.

52 5 (5) The abortion is a spontaneous abortion, commonly known
52 6 as a miscarriage, wherein not all of the products of
52 7 conception are expelled.

52 8 b. Notwithstanding any provision of law to the contrary,
52 9 the amount appropriated in this subsection shall be allocated
52 10 in twelve equal monthly payments as provided in section
52 11 249J.24.

52 12 2. There is appropriated from the IowaCare account created
52 13 in section 249J.24 to the state board of regents for
52 14 distribution to the university of Iowa hospitals and clinics
52 15 for the fiscal year beginning July 1, 2008, and ending June
52 16 30, 2009, the following amount, or so much thereof as is
52 17 necessary, to be used for the purposes designated:

52 18 For salaries, support, maintenance, equipment, and
52 19 miscellaneous purposes, for the provision of medical and
52 20 surgical treatment of indigent patients, for provision of
52 21 services to members of the expansion population pursuant to
52 22 chapter 249J, and for medical education:
52 23 \$ 35,969,365

52 24 The amount appropriated in this subsection shall be
52 25 distributed only if expansion population claims adjudicated
52 26 and paid by the Iowa Medicaid enterprise exceed the
52 27 appropriation to the state board of regents for distribution
52 28 to the university of Iowa hospitals and clinics provided in
52 29 subsection 1. The amount appropriated in this subsection
52 30 shall be distributed monthly for expansion population claims
52 31 adjudicated and approved for payment by the Iowa Medicaid
52 32 enterprise using medical assistance program reimbursement
52 33 rates.

52 34 3. There is appropriated from the IowaCare account created
52 35 in section 249J.24 to the department of human services for the



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53 1 fiscal year beginning July 1, 2008, and ending June 30, 2009,
 53 2 the following amount, or so much thereof as is necessary, to
 53 3 be used for the purposes designated:
 53 4 For distribution to a publicly owned acute care teaching
 53 5 hospital located in a county with a population over three
 53 6 hundred fifty thousand for the provision of medical and
 53 7 surgical treatment of indigent patients, for provision of
 53 8 services to members of the expansion population pursuant to
 53 9 chapter 249J, and for medical education:
 53 10 \$ 37,000,000
 53 11 Notwithstanding any provision of law to the contrary, the
 53 12 amount appropriated in this subsection shall be allocated in
 53 13 twelve equal monthly payments as provided in section 249J.24.
 53 14 4. There is appropriated from the IowaCare account created
 53 15 in section 249J.24 to the department of human services for the
 53 16 fiscal year beginning July 1, 2008, and ending June 30, 2009,
 53 17 the following amounts, or so much thereof as is necessary, to
 53 18 be used for the purposes designated:
 53 19 a. For the state mental health institute at Cherokee, for
 53 20 salaries, support, maintenance, and miscellaneous purposes,
 53 21 including services to members of the expansion population
 53 22 pursuant to chapter 249J:
 53 23 \$ 3,164,766
 53 24 b. For the state mental health institute at Clarinda, for
 53 25 salaries, support, maintenance, and miscellaneous purposes,
 53 26 including services to members of the expansion population
 53 27 pursuant to chapter 249J:
 53 28 \$ 687,779
 53 29 c. For the state mental health institute at Independence,
 53 30 for salaries, support, maintenance, and miscellaneous
 53 31 purposes, including services to members of the expansion
 53 32 population pursuant to chapter 249J:
 53 33 \$ 3,146,494
 53 34 d. For the state mental health institute at Mount
 53 35 Pleasant, for salaries, support, maintenance, and



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54 1 miscellaneous purposes, including services to members of the
 54 2 expansion population pursuant to chapter 249J:
 54 3 \$ 2,000,961
 54 4 Sec. 41. APPROPRIATIONS FROM ACCOUNT FOR HEALTH CARE
 54 5 TRANSFORMATION. There is appropriated from the account for
 54 6 health care transformation created in section 249J.23 to the
 54 7 department of human services for the fiscal year beginning
 54 8 July 1, 2008, and ending June 30, 2009, the following amounts,
 54 9 or so much thereof as is necessary, to be used for the
 54 10 purposes designated:
 54 11 1. For the costs of medical examinations and development
 54 12 of personal health improvement plans for the expansion
 54 13 population pursuant to section 249J.6:
 54 14 \$ 556,800
 54 15 2. For the provision of a medical information hotline for
 54 16 the expansion population as provided in section 249J.6:
 54 17 \$ 150,000
 54 18 3. For other health promotion partnership activities
 54 19 pursuant to section 249J.14:
 54 20 \$ 900,000
 54 21 4. For the costs related to audits, performance
 54 22 evaluations, and studies required pursuant to chapter 249J:
 54 23 \$ 400,000
 54 24 5. For administrative costs associated with chapter 249J:
 54 25 \$ 1,132,412
 54 26 6. For planning and development, in cooperation with the
 54 27 department of public health, of a phased-in program to provide
 54 28 a dental home for children:
 54 29 \$ 500,000
 54 30 The department shall issue a request for proposals for a
 54 31 performance-based contract to implement the dental home for
 54 32 children and shall apply for any waivers from the centers for
 54 33 Medicare and Medicaid services of the United States department
 54 34 of health and human services, as necessary, to pursue a
 54 35 phased-in approach. The department shall submit progress



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55 1 reports regarding the planning and development of the dental
 55 2 home for children to the medical assistance projections and
 55 3 assessment council on a periodic basis.
 55 4 7. For a mental health transformation pilot project:
 55 5 \$ 250,000
 55 6 8. For mental health and developmental disability
 55 7 workforce development:
 55 8 \$ 1,050,000
 55 9 Notwithstanding section 8.39, subsection 1, without the
 55 10 prior written consent and approval of the governor and the
 55 11 director of the department of management, the director of
 55 12 human services may transfer funds among the appropriations
 55 13 made in this section as necessary to carry out the purposes of
 55 14 the account for health care transformation. The department
 55 15 shall report any transfers made pursuant to this section to
 55 16 the legislative services agency.
 55 17 Sec. 42. TRANSFER FROM ACCOUNT FOR HEALTH CARE
 55 18 TRANSFORMATION. There is transferred from the account for
 55 19 health care transformation created pursuant to section 249J.23
 55 20 to the IowaCare account created in section 249J.24 a total of
 55 21 \$2,000,000 for the fiscal year beginning July 1, 2008, and
 55 22 ending June 30, 2009.
 55 23 Sec. 43. MEDICAL ASSISTANCE PROGRAM == REVERSION TO SENIOR
 55 24 LIVING TRUST FUND FOR FY 2008=2009. Notwithstanding section
 55 25 8.33, if moneys appropriated for purposes of the medical
 55 26 assistance program for the fiscal year beginning July 1, 2008,
 55 27 and ending June 30, 2009, from the general fund of the state,
 55 28 the senior living trust fund, and the health care trust fund
 55 29 are in excess of actual expenditures for the medical
 55 30 assistance program and remain unencumbered or unobligated at
 55 31 the close of the fiscal year, the excess moneys shall not
 55 32 revert but shall be transferred to the senior living trust
 55 33 fund created in section 249H.4.
 55 34 DIVISION III
 55 35 MH/MR/DD/BI SERVICES



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58 1 \$ 6,993,754
58 2 a. Of the funds appropriated in this subsection, \$450,000
58 3 shall be used for continuation of culturally competent
58 4 substance abuse treatment pilot projects.
58 5 (1) The department shall utilize the amount allocated in
58 6 this lettered paragraph to expand existing contracts to
58 7 continue at least three pilot projects to provide culturally
58 8 competent substance abuse treatment in various areas of the
58 9 state. Each pilot project shall target a particular ethnic
58 10 minority population. The populations targeted shall include
58 11 but are not limited to African-American, Asian, and Latino.
58 12 (2) The pilot project requirements shall provide for
58 13 documentation or other means to ensure access to the cultural
58 14 competence approach used by a pilot project so that such
58 15 approach can be replicated and improved upon in successor
58 16 programs.
58 17 b. Of the funds appropriated in this subsection,
58 18 \$5,861,754 shall be used for tobacco use prevention,
58 19 cessation, and treatment. The department shall utilize the
58 20 funds to provide for a variety of activities related to
58 21 tobacco use prevention, cessation, and treatment including to
58 22 support Quitline Iowa, QuitNet cessation counseling and
58 23 education, grants to school districts and community
58 24 organizations to support Just Eliminate Lies youth chapters
58 25 and youth tobacco prevention activities, expansion of the Just
58 26 Eliminate Lies tobacco prevention media campaign with a focus
58 27 on rural areas, nicotine replacement therapy, and other
58 28 prevention and cessation materials and media promotion. Of
58 29 the funds allocated in this lettered paragraph, not more than
58 30 \$500,000 shall be used for cessation media promotion. Of the
58 31 funds allocated in this lettered paragraph, \$255,000 may be
58 32 utilized by the department for administrative purposes.
58 33 c. Of the funds appropriated in this subsection, \$682,000
58 34 shall be used for substance abuse treatment activities.
58 35 2. HEALTHY CHILDREN AND FAMILIES



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59 1 \$ 657,500
 59 2 a. Of the funds appropriated in this subsection, \$200,000
 59 3 shall be used as additional funding to address the healthy
 59 4 mental development of children from birth through five years
 59 5 of age through local evidence-based strategies that engage
 59 6 both the public and private sectors in promoting healthy
 59 7 development, prevention, and treatment for children.
 59 8 b. Of the funds appropriated in this subsection, \$180,000
 59 9 shall be used for childhood obesity prevention.
 59 10 c. Of the funds appropriated in this subsection, \$39,000
 59 11 shall be used for the dental screening of children program
 59 12 pursuant to section 135.17.
 59 13 d. Of the funds appropriated in this subsection, \$238,500
 59 14 shall be used to provide audiological services and hearing
 59 15 aids for children. The department may enter into a contract
 59 16 to administer this paragraph.
 59 17 3. CHRONIC CONDITIONS
 59 18 \$ 1,178,981
 59 19 a. Of the funds appropriated in this subsection, \$473,981
 59 20 shall be used as additional funding for child health specialty
 59 21 clinics.
 59 22 b. Of the funds appropriated in this subsection, \$500,000
 59 23 shall be used for the comprehensive cancer control program to
 59 24 reduce the burden of cancer in Iowa through prevention, early
 59 25 detection, effective treatment, and ensuring quality of life.
 59 26 The department shall utilize one of the full-time equivalent
 59 27 positions authorized for the department for administration of
 59 28 the activities related to the comprehensive cancer control
 59 29 program.
 59 30 c. Of the funds appropriated in this subsection, \$5,000
 59 31 shall be used for the hemophilia advisory council pursuant to
 59 32 chapter 135N.
 59 33 d. Of the funds appropriated in this subsection, \$200,000
 59 34 shall be used for cervical and colon cancer screening.
 59 35 4. COMMUNITY CAPACITY



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60 1 \$ 2,830,000
60 2 a. Of the funds appropriated in this subsection, \$200,000
60 3 shall be used for the mental health professional shortage area
60 4 program implemented pursuant to section 135.80.
60 5 b. Of the funds appropriated in this subsection, \$50,000
60 6 shall be used for a grant to a statewide association of
60 7 psychologists that is affiliated with the American
60 8 psychological association to be used for continuation of a
60 9 program to rotate intern psychologists in placements in urban
60 10 and rural mental health professional shortage areas, as
60 11 defined in section 135.80.
60 12 c. Of the funds appropriated in this subsection, the
60 13 following amounts shall be allocated to the Iowa collaborative
60 14 safety net provider network established in accordance with
60 15 section 135.153 to be used for the purposes designated:
60 16 (1) For distribution to the Iowa=Nebraska primary care
60 17 association for statewide coordination of the Iowa
60 18 collaborative safety net provider network:
60 19 \$ 100,000
60 20 (2) For distribution to free clinics for necessary
60 21 infrastructure, statewide coordination, provider recruitment,
60 22 service delivery, and provision of assistance to patients in
60 23 determining an appropriate medical home:
60 24 \$ 250,000
60 25 (3) For distribution to rural health clinics for necessary
60 26 infrastructure, statewide coordination, provider recruitment,
60 27 service delivery, and provision of assistance to patients in
60 28 determining an appropriate medical home:
60 29 \$ 150,000
60 30 (4) For continuation of the safety net provider patient
60 31 access to specialty health care initiative as described in
60 32 2007 Iowa Acts, ch. 218, section 109:
60 33 \$ 400,000
60 34 (5) For continuation of the pharmaceutical infrastructure
60 35 for safety net providers as described in 2007 Iowa Acts, ch.



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61 1 218, section 108:
61 2 \$ 400,000
61 3 d. Of the funds appropriated in this subsection, \$650,000
61 4 shall be used to continue the incubation grant program to
61 5 community health centers that receive a total score of 85
61 6 based on the evaluation criteria of the health resources and
61 7 services administration of the United States department of
61 8 health and human services.
61 9 e. Of the funds appropriated in this subsection, \$140,000
61 10 shall be used for allocation to an independent statewide
61 11 direct care worker association for education, outreach,
61 12 leadership development, mentoring, and other initiatives
61 13 intended to enhance the recruitment and retention of direct
61 14 care workers in health and long-term care.
61 15 f. The department shall utilize one of the full-time
61 16 equivalent positions authorized for the department for
61 17 administration of the activities related to the Iowa
61 18 collaborative safety net provider network.
61 19 g. The department shall utilize one of the full-time
61 20 equivalent positions authorized for the department for
61 21 administration of the voluntary health care provider program
61 22 pursuant to section 135.24.
61 23 Sec. 46. DEPARTMENT OF HUMAN SERVICES. In addition to any
61 24 other appropriation made in this Act for the purposes
61 25 designated, there is appropriated from the health care trust
61 26 fund created in section 453A.35A to the department of human
61 27 services for the fiscal year beginning July 1, 2008, and
61 28 ending June 30, 2009, the following amounts, or so much
61 29 thereof as is necessary, for the purposes designated:
61 30 1. MEDICAL ASSISTANCE
61 31 \$100,018,096
61 32 2. STATE CHILDREN'S HEALTH INSURANCE PROGRAM
61 33 \$ 8,329,570
61 34 The funds appropriated in this subsection shall be used to
61 35 support current enrollment and natural growth in the program



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63 1 unnumbered paragraph:

63 2 NEW UNNUMBERED PARAGRAPH. Notwithstanding section 232.188,
63 3 subsection 5, up to \$3,605,000 of the moneys in the
63 4 allocations made in this subsection or made from any other
63 5 source for the decategorization of child welfare and juvenile
63 6 justice funding initiative under section 232.188, that are
63 7 designated as carryover funding and that remain unencumbered
63 8 or unobligated at the close of the fiscal year beginning July
63 9 1, 2007, shall not revert but shall remain available for
63 10 expenditure until the close of the succeeding fiscal year to
63 11 be used for the purposes of continuing the initiative in the
63 12 succeeding fiscal year.

63 13 Sec. 49. 2007 Iowa Acts, chapter 176, section 3, is
63 14 amended to read as follows:

63 15 SEC. 3. VIETNAM CONFLICT VETERANS BONUS FUND
63 16 APPROPRIATION. Notwithstanding any provision of section
63 17 35A.13 to the contrary, there is appropriated from the
63 18 veterans trust fund created in section 35A.13 to the
63 19 department of veterans affairs for the fiscal year beginning
63 20 July 1, 2007, and ending June 30, 2008, the following amount,
63 21 or so much thereof as is necessary, to be used for the purpose
63 22 designated:

63 23 For deposit in the Vietnam Conflict veterans bonus fund:
63 24 \$ 500,000

63 25 Notwithstanding section 8.33, moneys appropriated in this
63 26 section that remain unencumbered or unobligated at the close
63 27 of the fiscal year shall not revert but shall remain available
63 28 for expenditure for the purposes designated until the close of
63 29 the succeeding fiscal year.

63 30 Sec. 50. 2006 Iowa Acts, chapter 1184, section 5, as
63 31 amended by 2007 Iowa Acts, chapter 203, section 1, subsection
63 32 4, is amended to read as follows:

63 33 NEW SUBSECTION. 4. INJURED VETERANS GRANT PROGRAM

63 34 For continuation of the injured veterans grant program in
63 35 accordance with section 35A.14, for providing hardship grants



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64 1 to military veterans seriously injured in a combat zone since
 64 2 September 11, 2001:
 64 3 \$ 2,000,000
 64 4 Notwithstanding section 8.33, moneys appropriated in this
 64 5 subsection that remain unencumbered or unobligated at the
 64 6 close of the fiscal year shall not revert but shall remain
 64 7 available for expenditure for the purposes designated until
 64 8 the close of the ~~succeeding~~ fiscal year beginning July 1,
 64 9 2008.

64 10 Sec. 51. 2007 Iowa Acts, chapter 218, section 7,
 64 11 subsections 1 and 7, are amended to read as follows:

64 12 1. To be credited to the family investment program account
 64 13 and used for assistance under the family investment program
 64 14 under chapter 239B:

64 15 \$ ~~36,890,944~~
 64 16 30,390,944

64 17 7. For state child care assistance:
 64 18 \$ ~~18,986,177~~
 64 19 25,486,177

64 20 a. Of the funds appropriated in this subsection,
 64 21 \$18,986,177 shall be transferred to the child care and
 64 22 development block grant appropriation made for the federal
 64 23 fiscal year beginning October 1, 2007, and ending September
 64 24 30, 2008, in 2007 Iowa Acts, ch. 204, section 13. Of this
 64 25 amount, \$200,000 shall be used for provision of educational
 64 26 opportunities to registered child care home providers in order
 64 27 to improve services and programs offered by this category of
 64 28 providers and to increase the number of providers. The
 64 29 department may contract with institutions of higher education
 64 30 or child care resource and referral centers to provide the
 64 31 educational opportunities. Allowable administrative costs
 64 32 under the contracts shall not exceed 5 percent. The
 64 33 application for a grant shall not exceed two pages in length.

64 34 b. ~~The Any~~ funds appropriated in this subsection ~~shall be~~
 64 35 ~~transferred to the child care and development block grant~~



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~~65 1 appropriation that remain unallocated shall be used for state
65 2 child care assistance payments for individuals enrolled in the
65 3 family investment program who are employed.~~

65 4 Sec. 52. EFFECTIVE DATE. This division of this Act, being
65 5 deemed of immediate importance, takes effect upon enactment.

65 6 DIVISION VI
65 7 PRIOR YEAR APPROPRIATION CHANGES WITH
65 8 CONTINGENT APPLICABILITY DATE

65 9 Sec. 53. 2007 Iowa Acts, chapter 214, section 9,
65 10 subsection 2, paragraph b, is amended to read as follows:

65 11 b. Psychiatric hospital

65 12 For salaries, support, maintenance, equipment,
65 13 miscellaneous purposes, for the care, treatment, and
65 14 maintenance of committed and voluntary public patients, and
65 15 for not more than the following full-time equivalent
65 16 positions:

65 17	\$	7,043,056
65 18		<u>0</u>
65 19	FTEs	269.65

65 20 Sec. 54. 2007 Iowa Acts, chapter 215, section 15,
65 21 unnumbered paragraph 1, is amended to read as follows:

65 22 There is appropriated from the general fund of the state to
65 23 the salary adjustment fund for distribution by the department
65 24 of management to the various state departments, boards,
65 25 commissions, councils, and agencies, including the state board
65 26 of regents except as otherwise provided, and the judicial
65 27 branch, for the fiscal year beginning July 1, 2007, and ending
65 28 June 30, 2008, the amount of ~~\$106,848,094~~ \$106,569,196, or so
65 29 much thereof as may be necessary, to fully fund annual pay
65 30 adjustments, expense reimbursements, and related benefits
65 31 implemented pursuant to the following:

65 32 Sec. 55. 2007 Iowa Acts, chapter 215, section 15, is
65 33 amended by adding the following new subsection:

65 34 NEW SUBSECTION. 16. The amount distributed to the state
65 35 psychiatric hospital administered by the state board of



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66 1 regents from the appropriation in this section shall be
66 2 reduced to zero.

66 3 Sec. 56. 2007 Iowa Acts, chapter 218, section 11,
66 4 unnumbered paragraph 2, is amended to read as follows:

66 5 For medical assistance reimbursement and associated costs
66 6 as specifically provided in the reimbursement methodologies in
66 7 effect on June 30, 2007, except as otherwise expressly
66 8 authorized by law, including reimbursement for abortion
66 9 services, which shall be available under the medical
66 10 assistance program only for those abortions which are
66 11 medically necessary:

66 12	\$ 616,771,820
66 13	<u>624,093,774</u>

66 14 Sec. 57. 2007 Iowa Acts, chapter 218, section 11, is
66 15 amended by adding the following new subsections:

66 16 NEW SUBSECTION. 17. a. Of the funds appropriated in this
66 17 section, \$2,797,719 is allocated for state match for
66 18 disproportionate share hospital payment of \$7,321,954 to
66 19 hospitals that meet both of the following conditions:

66 20 (1) The hospital qualifies for disproportionate share and
66 21 graduate medical education payments.

66 22 (2) The hospital is an Iowa state-owned hospital with more
66 23 than 500 beds and eight or more distinct residency specialty
66 24 or subspecialty programs recognized by the American college of
66 25 graduate medical education.

66 26 b. Distribution of the disproportionate share payment
66 27 shall be made on a monthly basis. The total amount of
66 28 disproportionate share payments including graduate medical
66 29 education, enhanced disproportionate share, and Iowa
66 30 state-owned teaching hospital payments shall not exceed the
66 31 amount of the state's allotment under Pub. L. No. 102=234. In
66 32 addition, the total amount of all disproportionate share
66 33 payments shall not exceed the hospital-specific
66 34 disproportionate share limits under Pub. L. No. 103=66.

66 35 NEW SUBSECTION. 18. Of the funds appropriated in this



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67 1 section, \$4,524,235 is transferred to the IowaCare account
67 2 created in section 249J.24 for the fiscal year beginning July
67 3 1, 2007, and ending June 30, 2008.

67 4 NEW SUBSECTION. 19. The department shall immediately
67 5 notify the governor and the general assembly of any changes in
67 6 federal policies or application of policies that impact the
67 7 distribution of hospital disproportionate share payments.

67 8 Sec. 58. 2007 Iowa Acts, chapter 218, section 73,
67 9 subsection 2, is amended to read as follows:

67 10 2. There is appropriated from the IowaCare account created
67 11 in section 249J.24 to the state board of regents for
67 12 distribution to the university of Iowa hospitals and clinics
67 13 for the fiscal year beginning July 1, 2007, and ending June
67 14 30, 2008, the following amount, or so much thereof as is
67 15 necessary, to be used for the purposes designated:

67 16 For salaries, support, maintenance, equipment, and
67 17 miscellaneous purposes, for the provision of medical and
67 18 surgical treatment of indigent patients, for provision of
67 19 services to members of the expansion population pursuant to
67 20 chapter 249J, and for medical education:

67 21	\$ 10,000,000
67 22	<u>25,684,211</u>

67 23 The amount appropriated in this subsection shall be
67 24 distributed only if expansion population claims adjudicated
67 25 and paid by the Iowa Medicaid enterprise exceed the
67 26 appropriation to the state board of regents for distribution
67 27 to the university of Iowa hospitals and clinics provided in
67 28 subsection 1. The amount appropriated in this subsection
67 29 shall be distributed monthly for expansion population claims
67 30 adjudicated and approved for payment by the Iowa Medicaid
67 31 enterprise using medical assistance program reimbursement
67 32 rates.

67 33 Notwithstanding section 8.33, moneys appropriated in this
67 34 subsection that remain unencumbered or unobligated at the
67 35 close of the fiscal year shall not revert but shall remain



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68 1 available for expenditure for the purposes designated until
68 2 the close of the succeeding fiscal year.

68 3 Sec. 59. 2007 Iowa Acts, chapter 218, section 98,
68 4 subsection 2, is amended by adding the following new
68 5 paragraph:

68 6 NEW PARAGRAPH. d. Notwithstanding section 8.33, moneys
68 7 appropriated in this subsection that are allocated for
68 8 outreach and remain unencumbered or unobligated at the close
68 9 of the fiscal year, shall not revert but shall remain
68 10 available for expenditure for the purposes designated until
68 11 the close of the succeeding fiscal year.

68 12 Sec. 60. EFFECTIVE DATE == CONTINGENT EFFECTIVE DATE ==
68 13 RETROACTIVE APPLICABILITY. This division of this Act, being
68 14 deemed of immediate importance, takes effect upon enactment
68 15 and is retroactively applicable to December 21, 2007.
68 16 However, the division is applicable only if the department of
68 17 human services receives approval of a medical assistance state
68 18 plan amendment from the centers for Medicare and Medicaid
68 19 services of the United States department of health and human
68 20 services to utilize the disproportionate share hospital
68 21 payments as specified in this division. The department shall
68 22 notify the governor, the persons designated by this Act to
68 23 receive reports, and the Code editor concerning the center's
68 24 approval or denial of the state plan amendment.

DIVISION VII

MH/MR/DD/BI SERVICES ALLOWED

GROWTH FUNDING == FY 2009=2010

68 28 Sec. 61. COUNTY MENTAL HEALTH, MENTAL RETARDATION,
68 29 DEVELOPMENTAL DISABILITIES, AND BRAIN INJURY ALLOWED GROWTH
68 30 APPROPRIATION AND ALLOCATIONS == FISCAL YEAR 2008=2009.

68 31 1. There is appropriated from the general fund of the
68 32 state to the department of human services for the fiscal year
68 33 beginning July 1, 2009, and ending June 30, 2010, the
68 34 following amount, or so much thereof as is necessary, to be
68 35 used for the purpose designated:



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69 1 For distribution to counties of the county mental health,
69 2 mental retardation, and developmental disabilities allowed
69 3 growth factor adjustment for fiscal year 2009=2010, and for
69 4 the brain injury services program in the department of public
69 5 health:

69 6 \$ 73,114,612

69 7 2. The amount appropriated in this Act to the mental
69 8 health property tax relief fund created in chapter 426B for
69 9 the county allowed growth shall be allocated as follows:

69 10 a. For distribution to counties of the county mental
69 11 health, mental retardation, and developmental disabilities
69 12 allowed growth factor adjustment, as provided in this section
69 13 in lieu of the provisions of section 331.438, subsection 2,
69 14 and section 331.439, subsection 3, and chapter 426B:

69 15 \$ 69,688,019

69 16 b. For transfer to the department of public health for the
69 17 brain injury services program in accordance with section
69 18 135.22B:

69 19 \$ 3,426,593

DIVISION VIII

CODE CHANGES

69 22 Sec. 62. Section 35D.18, subsection 5, Code 2007, is
69 23 amended to read as follows:

69 24 5. Notwithstanding section 8.33, ~~up to five hundred~~
~~69 25 thousand dollars of any balance in the Iowa veterans home~~
69 26 ~~revenue annual appropriation or revenues that remain remains~~
69 27 unencumbered or unobligated at the close of the fiscal year
69 28 shall not revert but shall remain available for expenditure
69 29 for specified purposes of the Iowa veterans home until the
69 30 close of the succeeding fiscal year.

69 31 Sec. 63. Section 234.12A, subsection 1, Code 2007, is
69 32 amended to read as follows:

69 33 1. The department of human services shall maintain an
69 34 electronic benefits transfer program utilizing electronic
69 35 funds transfer systems. The program shall ~~at a minimum~~



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70 1 provide for all of the following:

70 2 a. A that a retailer shall not be required to make cash
70 3 disbursements or to provide, purchase, or upgrade electronic
70 4 funds transfer system equipment as a condition of
70 5 participation in the program.

70 6 b. ~~A retailer providing electronic funds transfer system
70 7 equipment for transactions pursuant to the program shall be
70 8 reimbursed seven cents for each approved transaction pursuant
70 9 to the program utilizing the retailer's equipment.~~

70 10 c. ~~A retailer that provides electronic funds transfer
70 11 system equipment for transactions pursuant to the program and
70 12 who makes cash disbursements pursuant to the program utilizing
70 13 the retailer's equipment shall be paid a fee of seven cents by
70 14 the department for each cash disbursement transaction by the
70 15 retailer.~~

70 16 Sec. 64. Sections 237A.28 and 422.100, Code 2007, are
70 17 repealed.

70 18 EXPLANATION

70 19 This bill relates to and makes appropriations for health
70 20 and human services for FY 2008=2009 to the department of
70 21 veterans affairs, the Iowa veterans home, the department of
70 22 elder affairs, the department of public health, Iowa finance
70 23 authority, department of human rights, state board of regents,
70 24 department of inspections and appeals, and the department of
70 25 human services.

70 26 GENERAL FUND, VETERANS TRUST FUND, AND BLOCK GRANT
70 27 APPROPRIATIONS. This division appropriates funding from the
70 28 general fund of the state for the department of elder affairs,
70 29 the department of public health, and the department of
70 30 veterans affairs.

70 31 The division appropriates funds from the gambling treatment
70 32 fund in lieu of the standing appropriation in Code section
70 33 135.150 for addictive disorders and provides for use of the
70 34 funds remaining in the fund.

70 35 The division appropriates funding from the general fund of



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71 1 the state and the federal temporary assistance for needy
71 2 families block grant to the department of human services. The
71 3 allocation for the family development and self-sufficiency
71 4 grant program is made directly to the department of human
71 5 rights.

71 6 The reimbursement section addresses reimbursement for
71 7 providers reimbursed by the department of human services.

71 8 The division eliminates the provision relating to providing
71 9 increased nursing facility reimbursement based on
71 10 accountability measurements.

71 11 SENIOR LIVING TRUST FUND, PHARMACEUTICAL SETTLEMENT
71 12 ACCOUNT, IOWACARE ACCOUNT, AND HEALTH CARE TRANSFORMATION
71 13 ACCOUNT. This division makes appropriations for FY 2008=2009
71 14 from the senior living trust fund to the department of elder
71 15 affairs, the department of human services, the department of
71 16 inspections and appeals, and the Iowa finance authority.

71 17 The division makes an appropriation from the pharmaceutical
71 18 settlement account to the department of human services to
71 19 supplement the medical contracts appropriation.

71 20 The division makes appropriations from the IowaCare account
71 21 to the state board of regents for distribution to the
71 22 university of Iowa hospitals and clinics, and to the
71 23 department of human services for distribution to a publicly
71 24 owned acute care teaching hospital in a county with a
71 25 population over 350,000, and to the state mental health
71 26 institutes for purposes related to the IowaCare program and
71 27 indigent care. The division also makes an appropriation to
71 28 the department of human services from the health care
71 29 transformation account for various health care reform
71 30 initiatives. The division makes an additional appropriation
71 31 for distribution to the university of Iowa hospitals and
71 32 clinics based on claims adjudicated and paid.

71 33 MH/MR/DD/BI SERVICES ALLOWED GROWTH FUNDING == FY
71 34 2008=2009. This division revises and provides for
71 35 distribution of the services funding previously appropriated



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72 1 for FY 2008=2009.
72 2 HEALTH CARE TRUST FUND. This division includes provisions
72 3 relating to health care and makes appropriations from the
72 4 health care trust fund.
72 5 PUBLIC HEALTH AND DEPARTMENT OF HUMAN SERVICES
72 6 APPROPRIATIONS. Appropriations are made from the health care
72 7 trust fund to the department of public health for addictive
72 8 disorders, healthy children and families, chronic conditions,
72 9 and community capacity. In addition, the department of public
72 10 health is required to continue working with other state
72 11 agencies to enhance workforce competency of professional and
72 12 direct care staff who provide behavioral health services.
72 13 Funds are appropriated from the health care trust fund to
72 14 the department of human services for medical assistance, the
72 15 state children's health insurance program, and mental health,
72 16 mental retardation, and developmental disability (MH/MR/DD)
72 17 services allowed growth.
72 18 PRIOR YEAR APPROPRIATION CHANGES. This division changes
72 19 prior year appropriations.
72 20 An allocation made in 2006 Iowa Acts, ch. 1184, for
72 21 purposes of the decategorization of child welfare and juvenile
72 22 justice funding initiative under Code section 232.188 is
72 23 amended to provide that up to \$3,605,000 from the allocation
72 24 and any other funding designated as carryover funding under
72 25 the initiative that is unencumbered or unobligated at the
72 26 close of fiscal year 2007=2008 will not revert as provided in
72 27 Code section 232.188 but instead will remain to be used for
72 28 the initiative in FY 2008=2009.
72 29 The appropriation made in 2007 Iowa Acts, ch. 176, for the
72 30 Vietnam Conflict veterans bonus fund is amended to provide
72 31 that the appropriation does not revert at the close of FY
72 32 2007=2008 but remains available through the succeeding fiscal
72 33 year.
72 34 The appropriation made in 2007 Iowa Acts, ch. 203, for the
72 35 injured veterans grant program is amended to provide that the



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73 1 appropriation does not revert at the close of FY 2007=2008 but
73 2 remains available through the succeeding fiscal year.
73 3 The division takes effect upon enactment.
73 4 PRIOR YEAR APPROPRIATION CHANGES WITH CONTINGENT
73 5 APPLICABILITY DATE. This division changes prior year
73 6 appropriations and is retroactively applicable to December 21,
73 7 2007, but is contingent upon federal approval of a Medicaid
73 8 state plan amendment.
73 9 Two appropriations made from the federal temporary
73 10 assistance for needy families block grant in 2007 Iowa Acts,
73 11 ch. 218, are amended to reduce the family investment program
73 12 appropriation by \$6.5 million and increase the appropriation
73 13 for state child care assistance by a like amount.
73 14 The appropriation made from the general fund of the state
73 15 in 2007 Iowa Acts, ch. 214, for the state psychiatric hospital
73 16 is reduced to zero and is replaced by increasing the
73 17 appropriation made from the general fund of the state for the
73 18 medical assistance program in 2007 Iowa Acts, ch. 218, and
73 19 making an allocation for the psychiatric hospital. The
73 20 medical assistance appropriation is also amended to transfer
73 21 approximately \$4.5 million to the IowaCare account. In
73 22 addition, the appropriation made in 2007 Iowa Acts, ch. 215,
73 23 for the salary adjustment fund is amended to reduce the
73 24 appropriation and to reflect that the distribution of salary
73 25 adjustment moneys for the state psychiatric hospital are
73 26 reduced to zero.
73 27 The bill also increases the amount appropriated to the
73 28 state board of regents for the IowaCare program for FY
73 29 2007=2008, and makes distribution of the amount contingent
73 30 upon claims adjudicated and approved for payment.
73 31 MH/MR/DD/BI SERVICES ALLOWED GROWTH FUNDING FOR FY
73 32 2009=2010. This division provides the FY 2008=2009 allowed
73 33 growth appropriation for distribution to counties and for the
73 34 brain injury services program in the department of public
73 35 health.



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74 1 CODE CHANGES. This division provides miscellaneous Code
74 2 changes.
74 3 Code section 35D.18, requiring the Iowa veterans home to
74 4 operate with a net general fund appropriation, is amended to
74 5 remove a \$500,000 restriction on the amount of excess funding
74 6 that may be carried forward at the close of a fiscal year.
74 7 Code section 234.12A, relating to the electronic benefits
74 8 transfer program operated by the department of human services
74 9 for food stamp benefits, is amended to repeal a requirement to
74 10 reimburse retailers for each transaction and cash
74 11 disbursement.
74 12 Code sections 237A.28 and 422.100, which respectively
74 13 establish the child care credit fund and require the treasurer
74 14 of state to credit \$2.6 million annually into the fund from
74 15 individual income tax withholding receipts, are repealed.
74 16 LSB 5012XG 82
74 17 pf/jp/14.4