



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 29, 2008

House File 2445 - Introduced

HOUSE FILE
BY MAY

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

Passed Senate, Date _____
Vote: Ayes _____ Nays _____

A BILL FOR

- 1 An Act providing that a local government entity may adopt
- 2 legislation regulating the use of phosphorus in proximity to a
- 3 recreational lake.
- 4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 5 TLSB 6138YH 82
- 6 da/nh/5



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House File 2445 - Introduced continued

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1 1 Section 1. Section 200.22, subsection 1, Code 2007, is
1 2 amended by adding the following new paragraph:

1 3 NEW PARAGRAPH. c. "Recreational lake" means a body of
1 4 water, which is not a river or stream, primarily used for
1 5 boating, fishing, swimming, or other recreational purposes.

1 6 Sec. 2. Section 200.22, subsection 3, Code 2007, is
1 7 amended to read as follows:

1 8 3. This section does not apply to local legislation, if it
1 9 does any of the following:

1 10 a. Has general applicability to commercial activity.

1 11 b. Regulates the use of phosphorus within a specific
1 12 separation distance from a recreational lake as established in
1 13 the local legislation.

1 14 EXPLANATION

1 15 This bill amends Code section 200.22 by allowing a local
1 16 governmental entity to regulate the use of phosphorus within a
1 17 separation distance from a recreational lake. Generally, the
1 18 Code section provides for state preemption of matters
1 19 concerning the use, sale, distribution, storage,
1 20 transportation, disposal, formulation, labeling, registration,
1 21 or manufacture of a fertilizer or soil conditioner.

1 22 LSB 6138YH 82

1 23 da/nh/5



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House File 2446 - Introduced

HOUSE FILE
BY BELL

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

A BILL FOR

- 1 An Act relating to landlord and tenant law by modifying
- 2 requirements related to rental deposits, providing for the
- 3 establishment of a landlord=tenant relations review board, and
- 4 requiring certain premises to have an on=site manager.
- 5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 6 TL5B 5993HH 82
- 7 md/sc/5



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1 1 Section 1. Section 543B.8, Code 2007, is amended by adding
1 2 the following new unnumbered paragraph:

1 3 NEW UNNUMBERED PARAGRAPH. A landlord=tenant relations
1 4 review board is established in the department of commerce
1 5 within the real estate commission. The landlord=tenant
1 6 relations review board shall carry out duties specified in
1 7 sections 562A.12B and 562A.35A. The commission shall provide
1 8 staff assistance and administrative support to the
1 9 landlord=tenant relations review board.

1 10 Sec. 2. Section 562A.12, subsection 3, unnumbered
1 11 paragraph 1, Code 2007, is amended to read as follows:

1 12 A landlord shall, within thirty days from the date of
1 13 termination of the tenancy and receipt of the tenant's mailing
1 14 address or delivery instructions, return the rental deposit to
1 15 the tenant or furnish to the tenant a written statement
1 16 showing the specific reason for withholding of the rental
1 17 deposit or any portion thereof. If the rental deposit or any
1 18 portion of the rental deposit is withheld for the restoration
1 19 of the dwelling unit, the statement shall specify the nature
1 20 of the damages. In addition to a written statement of the
1 21 reasons for withholding a rental deposit, the landlord shall
1 22 provide photographic documentation of any damage described in
1 23 the written statement and provide copies of all documentation
1 24 related to any inspection conducted following termination of
1 25 the tenancy. The landlord may withhold from the rental
1 26 deposit only such amounts as are reasonably necessary for the
1 27 following reasons:

1 28 Sec. 3. Section 562A.12, subsection 3, unnumbered
1 29 paragraph 2, Code 2007, is amended to read as follows:

1 30 In ~~an~~ a court action, or in a proceeding pursuant to
1 31 section 562A.12A, concerning the rental deposit, the burden of
1 32 proving, by a preponderance of the evidence, the reason for
1 33 withholding all or any portion of the rental deposit shall be
1 34 on the landlord.

1 35 Sec. 4. NEW SECTION. 562A.12B LANDLORD RENTAL DEPOSIT



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2 1 REPORTS.

2 2 The landlord of a premises having twenty=five or more
2 3 rental dwelling units shall file an annual landlord rental
2 4 deposit report for the previous calendar year with the
2 5 landlord=tenant relations review board on or before February
2 6 1. Each report shall provide the reasons for each rental
2 7 deposit, or portion thereof, withheld by the landlord, the
2 8 original rental deposit amount, and the amount withheld. The
2 9 real estate commission, in consultation with the
2 10 landlord=tenant relations review board, shall prescribe a
2 11 standardized form for reports required under this section.

2 12 Sec. 5. Section 562A.13, Code 2007, is amended by adding
2 13 the following new subsection:

2 14 NEW SUBSECTION. 7. The landlord or a person authorized to
2 15 enter into a rental agreement on behalf of the landlord shall
2 16 provide to the tenant at or before the commencement of the
2 17 tenancy all of the following:

2 18 a. A written statement of all damage to the dwelling unit
2 19 caused by the previous tenant.

2 20 b. Photographs of the dwelling unit taken during the
2 21 inspection conducted at the expiration of the previous
2 22 tenancy.

2 23 c. A written statement of all restoration or repairs made
2 24 following the expiration of the previous tenancy.

2 25 Sec. 6. Section 562A.15, Code 2007, is amended by adding
2 26 the following new subsection:

2 27 NEW SUBSECTION. 5. The landlord of a premises having
2 28 twenty=five or more rental dwelling units is required to
2 29 employ an on=site manager. The on=site manager may either
2 30 reside on the premises or operate an office on the premises
2 31 during normal business hours. A landlord may serve as an
2 32 on=site manager.

2 33 Sec. 7. NEW SECTION. 562A.35A LANDLORD=TENANT RELATIONS
2 34 REVIEW BOARD.

2 35 1. The landlord=tenant relations review board is



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3 1 established in the department of commerce within the real
3 2 estate commission. The landlord=tenant relations review board
3 3 shall consist of three members. Members of the board shall be
3 4 appointed to four=year staggered terms by the governor.
3 5 2. a. A vacancy on the board shall be filled in the same
3 6 manner as the original appointment. A member appointed to
3 7 fill a vacancy created other than by expiration of a term
3 8 shall be appointed for the remainder of the unexpired term.
3 9 b. A majority of the members of the board constitutes a
3 10 quorum. Any action taken by the board must be adopted by the
3 11 affirmative vote of a majority of its membership.
3 12 c. The board shall elect a chairperson from the membership
3 13 of the board. The chairperson shall serve a two=year term.
3 14 d. Board members shall be reimbursed for actual and
3 15 necessary expenses incurred while engaged in their official
3 16 duties.
3 17 3. The real estate commission shall provide staff
3 18 assistance and administrative support to the board.
3 19 4. The duties of the board shall include all of the
3 20 following:
3 21 a. Adopt and publish guidelines that estimate common
3 22 restoration and replacement costs to landlords following
3 23 termination of a tenancy.
3 24 b. Propose rules, for approval by the real estate
3 25 commission and adoption by the commission pursuant to chapter
3 26 17A, describing the reporting requirements for landlords
3 27 pursuant to section 562A.12B.
3 28 c. Hear and decide voluntary informal dispute resolution
3 29 proceedings pursuant to subsection 5.
3 30 d. Receive and index rental deposit complaints against
3 31 landlords from current and former tenants.
3 32 e. Compile and make available an annual report consisting
3 33 of all landlord rental deposit reports received pursuant to
3 34 section 562A.12B, a summary of the board's informal dispute
3 35 resolution proceedings, and an index of all landlord rental



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4 1 deposit complaints received from tenants.
4 2 5. a. The board shall preside over voluntary informal
4 3 dispute resolution proceedings between tenants and landlords
4 4 relating to the withholding of rental deposits under section
4 5 562A.12, subsection 3, paragraph "b".
4 6 b. An application for voluntary informal dispute
4 7 resolution must be voluntarily signed and submitted by both
4 8 parties. The board shall determine a time and place for the
4 9 proceeding and provide written notice of the proceeding to the
4 10 parties.
4 11 c. The board shall adopt procedures to govern proceedings
4 12 under this subsection. The procedures shall be provided to
4 13 the parties in writing and shall accompany the notice of the
4 14 proceeding.
4 15 d. The rules of evidence shall not apply to a proceeding
4 16 under this subsection. The board shall review any relevant
4 17 evidence provided by the parties and the rental agreement
4 18 governing the tenancy.
4 19 e. The burden of proving, by a preponderance of the
4 20 evidence, the reason for withholding all or any portion of the
4 21 rental deposit shall be on the landlord.
4 22 f. The board shall issue a decision in the dispute no
4 23 later than ten days after completion of the proceeding. The
4 24 board's decision is binding on the landlord and tenant if both
4 25 parties have voluntarily participated in the proceeding. A
4 26 decision of the board shall preclude other remedies available
4 27 to the parties relating to the withholding of the rental
4 28 deposit under section 562A.12, subsection 3, paragraph "b".
4 29 However, a board decision may be enforced by a civil action in
4 30 district court, and damages and attorney fees specified in
4 31 section 562A.12, subsections 7 and 8, may be awarded by the
4 32 court.
4 33 g. Section 562A.12, subsections 7 and 8, relating to
4 34 punitive damages and attorney fees, shall not apply to
4 35 voluntary informal dispute resolution proceedings under this



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6 1 voluntary informal dispute resolution proceedings between
6 2 tenants and landlords relating to the withholding of a rental
6 3 deposit for the restoration or repair of a dwelling unit. The
6 4 bill also provides that a decision of the board precludes
6 5 other available remedies relating to the withholding of a
6 6 rental deposit for the restoration or repair of the dwelling
6 7 unit. However, the bill allows a party to enforce a board
6 8 decision by a civil action in district court.
6 9 The bill requires each landlord of a premises having 25 or
6 10 more rental dwelling units to file an annual landlord rental
6 11 deposit report describing each rental deposit withheld by the
6 12 landlord and the reasons for the withholding.
6 13 The bill also requires a landlord of a premises having 25
6 14 or more dwelling units to employ an on-site manager. If a
6 15 landlord fails to comply with the bill's on-site manager
6 16 requirement, the landlord may be subject to tenant remedies
6 17 provided in Code section 562A.21.
6 18 LSB 5993HH 82
6 19 md/sc/5.1



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House File 2447 - Introduced

HOUSE FILE
BY STRUYK

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

A BILL FOR

- 1 An Act providing for the financing of projects associated with
- 2 the marketing of fresh fruits and vegetables.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 5739HH 82
- 5 da/rj/14



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House File 2447 - Introduced continued

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1 1 Section 1. NEW SECTION. 12.42 FRESH FRUITS AND
1 2 VEGETABLES TO IOWANS LINKED INVESTMENT LOAN PROGRAM.
1 3 A fresh fruits and vegetables to Iowans linked investment
1 4 loan program is created. The treasurer of state shall adopt
1 5 rules to administer the program.
1 6 1. The purpose of the program is to increase the
1 7 availability of lower=cost loans throughout this state in a
1 8 manner that stimulates the expansion of markets for all of the
1 9 following:
1 10 a. Raw fresh fruits and vegetables produced in this state.
1 11 b. Fresh fruits and vegetables produced in this state that
1 12 have been minimally processed in this state.
1 13 2. A loan made pursuant to this section shall be made to
1 14 persons who market fresh fruits and vegetables to consumers
1 15 who reside in the same community as where the fresh fruits or
1 16 vegetables are produced. The loans may be used to finance
1 17 projects associated with farmers markets, the WIC farmers'
1 18 market nutrition program, or the senior farmers' market
1 19 nutrition program referred to in chapter 175B, and the
1 20 farm=to=school program established in chapter 190A.
1 21 3. A loan made pursuant to this section must be used for
1 22 the acquisition of capital assets associated with storing,
1 23 preserving, packaging, transporting, or marketing fresh fruits
1 24 and vegetables.
1 25 4. An eligible borrower must be a cooperative association
1 26 as defined in section 490.140 which is organized in this state
1 27 pursuant to chapter 499, 501, or 501A.
1 28 5. The proceeds of a loan made pursuant to this section
1 29 shall not be used to refinance existing debt, including credit
1 30 card debt. However, loan proceeds may be used to refinance a
1 31 short=term bridge loan made in anticipation of the treasurer's
1 32 approval of the linked investment loan package.
1 33 6. The maximum amount of a loan that an eligible borrower
1 34 may receive pursuant to this section is five hundred thousand
1 35 dollars.



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2 1 EXPLANATION
2 2 This bill adds a provision in part of Code chapter 12
2 3 establishing programs under the "Linked Investments for
2 4 Tomorrow Act" in which the treasurer of state invests state
2 5 funds in certificates of deposit in eligible lending
2 6 institutions that lend moneys to eligible borrowers interested
2 7 in capitalizing certain projects described by statute. The
2 8 bill establishes a fresh fruits and vegetables to Iowans
2 9 linked investment loan program. The purpose of the program is
2 10 to increase the availability of lower-cost loans throughout
2 11 this state in a manner that stimulates the expansion of
2 12 markets for raw fresh fruits and vegetables produced in this
2 13 state and fresh fruits and vegetables produced in this state
2 14 that have been minimally processed in this state. An eligible
2 15 borrower must be organized on a cooperative basis. The
2 16 maximum amount of a loan is \$500,000.
2 17 LSB 5739HH 82
2 18 da/rj/14



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House File 2448 - Introduced

HOUSE FILE
BY D. OLSON, PETERSEN, FORD,
and SMITH

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

A BILL FOR

1 An Act requiring consumer notification of product manufacture
2 information relating to the sale or distribution of child-
3 oriented products and providing civil penalties.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
5 TL5B 5621HH 82
6 rn/nh/14



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1 1 Section 1. NEW SECTION. 552B.1 LEGISLATIVE INTENT AND
1 2 FINDINGS.
1 3 It is the intent of the general assembly to promote the
1 4 health, welfare, and safety of the children of this state, and
1 5 assist parents and caregivers in making informed and educated
1 6 choices regarding the purchase of products intended for their
1 7 use. The general assembly finds that these objectives will be
1 8 facilitated through the point-of-sale conveyance of
1 9 information relating to the manufacturing of such products to
1 10 consumers by distributors offering the products for sale at
1 11 retail.
1 12 Sec. 2. NEW SECTION. 552B.2 DEFINITIONS.
1 13 1. "Child" means a person twelve years of age or younger.
1 14 2. "Child-oriented product" means a toy, item of clothing,
1 15 or other consumer good or protective device designed and
1 16 intended for use by, and purchase by or for the benefit of, a
1 17 child.
1 18 3. "Distributor" means a person who takes possession of or
1 19 title to one or more child-oriented products purchased for
1 20 promotional purposes or resale. A person involved solely in
1 21 delivering or storing child-oriented products on behalf of a
1 22 third party is not a distributor.
1 23 Sec. 3. NEW SECTION. 552B.3 CHILD-ORIENTED PRODUCTS ==
1 24 CONSUMER INFORMATION REQUIREMENTS.
1 25 A distributor offering for sale or for promotional purposes
1 26 a child-oriented product in this state shall prominently
1 27 display or make available at the retail or promotional
1 28 distribution location consumer information relating to safety
1 29 standards applicable to the manufacture of the product, as
1 30 follows:
1 31 1. If the product is labeled with a logo, trademark, or
1 32 other representation signifying approval or certification from
1 33 a nationally recognized regulatory authority or consumer
1 34 advocacy organization concerned with child welfare or product
1 35 safety, no additional consumer information shall be required.



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2 1 2. If the product is manufactured within the United States
2 2 and is not labeled with a logo, trademark, or other
2 3 representation signifying approval or certification from a
2 4 nationally recognized regulatory authority or consumer
2 5 advocacy organization concerned with child welfare or product
2 6 safety, a statement or letter from the manufacturer warranting
2 7 the safety of the product and containing contact information
2 8 for the manufacturer shall be made available to consumers on
2 9 the product shelf or at a location in close proximity to an
2 10 unshelved product.

2 11 3. If the product is not manufactured within the United
2 12 States and is not labeled with a logo, trademark, or other
2 13 representation signifying approval or certification from a
2 14 nationally recognized regulatory authority or consumer
2 15 advocacy organization concerned with child welfare or product
2 16 safety, the distributor shall clearly display on the product
2 17 shelf or at a location in close proximity to an unshelved
2 18 product a statement that the product is untested and that its
2 19 safety has not been documented.

2 20 Sec. 4. NEW SECTION. 552B.4 RULES.

2 21 The attorney general shall adopt rules according to chapter
2 22 17A as necessary or appropriate to implement the provisions of
2 23 this chapter. The rules shall include procedures for
2 24 notifying child-oriented product manufacturers of the statement
2 25 or letter requirements of section 552B.3, subsection 2, and
2 26 the penalty provisions for failure to comply with those
2 27 requirements.

2 28 Sec. 5. NEW SECTION. 552B.5 VIOLATIONS.

2 29 A violation of this chapter is a violation of the Iowa
2 30 consumer fraud Act, section 714.16, except that the civil
2 31 penalty to which a manufacturer who fails to provide the
2 32 information required in section 552B.3, subsection 2, may be
2 33 subject shall not exceed one thousand dollars for each day of
2 34 such violation, and the civil penalty to which a distributor
2 35 violating section 552B.3, may be subject shall not exceed ten



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3 1 thousand dollars for each day of such violation.

3 2 EXPLANATION

3 3 This bill requires that consumers purchasing or receiving
3 4 child-oriented products receive product manufacture
3 5 information relating to product safety under specified
3 6 circumstances.

3 7 The bill defines a "child" as a person 12 years of age or
3 8 younger, and defines a "child-oriented product" as a toy, item
3 9 of clothing, or other consumer good or protective device
3 10 designed and intended for use by, and purchase by or for the
3 11 benefit of, a child. Additionally, a "distributor" is a
3 12 person who takes possession or title to one or more
3 13 child-oriented products purchased for promotional purposes or
3 14 resale. The bill excepts from this definition a person
3 15 involved solely in delivering or storing child-oriented
3 16 products on behalf of a third party.

3 17 The bill provides that a distributor offering
3 18 child-oriented products for sale or promotion must display or
3 19 make available information relating to safety standards
3 20 applicable to the manufacture of the product. The nature of
3 21 the information varies depending upon the classification of
3 22 the manufacturer of the products. The bill provides that if a
3 23 product is labeled with a logo, trademark, or other
3 24 representation signifying approval or certification from a
3 25 nationally recognized regulatory authority or consumer
3 26 advocacy organization concerned with child welfare or product
3 27 safety, the distributor will not be required to provide any
3 28 additional consumer information relating to the product. If
3 29 the product is manufactured within the United States and is
3 30 not labeled with such a logo, trademark, or other
3 31 representation, the bill requires a statement or letter from
3 32 the manufacturer warranting the safety of the product and
3 33 containing contact information to be made available by the
3 34 distributor to consumers on the product shelf or at a location
3 35 in close proximity to an unshelved product. In the event that



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4 1 a product is not manufactured within the United States and is
4 2 not labeled with the logo, trademark, or other representation,
4 3 the bill requires a distributor to clearly display on the
4 4 product shelf or at a location in close proximity to an
4 5 unshelved product a statement that the product is untested and
4 6 that its safety has not been documented.

4 7 The bill provides that the attorney general shall adopt
4 8 rules to implement the provisions of the bill, and provides
4 9 that a violation of the bill's requirements by either a
4 10 manufacturer or distributor constitutes consumer fraud
4 11 pursuant to Code section 714.16. As such, violations would be
4 12 subject to broad investigative and injunctive authority by the
4 13 attorney general, but a civil penalty is limited under the
4 14 bill to a maximum of \$10,000 for each day of a violation for
4 15 distributors, and \$1,000 for each day of a violation for
4 16 manufacturers. Civil penalties otherwise applicable under
4 17 Code section 714.16, subsection 7, are subject to a \$40,000
4 18 maximum.

4 19 LSB 5621HH 82

4 20 rn/nh/14



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House File 2449 - 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 consumer mortgage protection, conferring a
2 mortgage broker duty of agency, specifying prohibited actions
3 by lenders, mortgage bankers, and mortgage brokers, and
4 providing penalties.
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
6 TL5B 6375HH 82
7 rn/nh/14



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1 1 DIVISION I
1 2 MORTGAGE BROKER DUTY OF AGENCY
1 3 Section 1. NEW SECTION. 535B.18 DUTY OF AGENCY.
1 4 1. A licensee acting in the capacity of a mortgage broker
1 5 pursuant to section 535B.1, subsection 5, shall be considered
1 6 to have created an agency relationship with the borrower in
1 7 all cases and shall perform all of the following duties:
1 8 a. Act in the borrower's best interest and in good faith
1 9 toward borrowers, and not compromise a borrower's right or
1 10 interest in favor of another person's right or interest,
1 11 including a right or interest of the licensee. A licensee
1 12 shall not accept, give, or charge any undisclosed compensation
1 13 or realize any undisclosed remuneration, either through direct
1 14 or indirect means, that inures to the benefit of the licensee
1 15 on an expenditure made for the borrower.
1 16 b. Carry out all lawful instructions provided or issued by
1 17 the borrower.
1 18 c. Disclose to a borrower all material facts of which the
1 19 licensee has knowledge which might reasonably affect the
1 20 borrower's rights, interests, or ability to receive the
1 21 borrower's intended benefit from the mortgage loan, but not
1 22 facts which are reasonably susceptible to the knowledge of the
1 23 borrower.
1 24 d. Use reasonable care in the performance of duties.
1 25 e. Account to the borrower for all the borrower's money
1 26 and property received as agent.
1 27 2. a. This section shall not be construed to prohibit a
1 28 licensee from contracting for or collecting a fee for services
1 29 rendered which was disclosed and agreed to by the borrower in
1 30 advance of the provision of such services.
1 31 b. This section shall not be construed as requiring a
1 32 licensee to obtain a loan for the borrower containing terms or
1 33 conditions not available to the licensee in the licensee's
1 34 usual course of business, or to obtain a loan for the borrower
1 35 from a mortgage lender with whom the licensee does not have a



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2 1 business relationship.

2 2 DIVISION II

2 3 CONSUMER PROTECTIONS IN CERTAIN HOME LOANS

2 4 Sec. 2. NEW SECTION. 714C.1 DEFINITIONS.

2 5 As used in this chapter, unless the context otherwise
2 6 requires:

2 7 1. "Consumer home loan" means a loan, including a home
2 8 equity line of credit as defined in section 535.10, in which
2 9 the borrower is a natural person, the loan proceeds are to be
2 10 used primarily for personal, family, or household purposes,
2 11 and the loan is secured by a mortgage or deed of trust upon
2 12 residential real property as defined in section 535B.1.

2 13 Consumer home loan includes a loan used to purchase
2 14 residential real property and a refinancing of an existing
2 15 consumer home loan, but specifically excludes reverse mortgage
2 16 transactions.

2 17 2. "Flipping" or "churning" means making a consumer home
2 18 loan to a borrower which refinances an existing consumer home
2 19 loan when the new loan has no reasonable, net tangible benefit
2 20 to the borrower considering all of the circumstances,
2 21 including the terms of both the new and refinanced loans, the
2 22 total cost of the new loan, and the borrower's circumstances.

2 23 3. "Investment grade" means a system of categorizing
2 24 residential mortgage loans in which the loans are commonly
2 25 referred to as prime or subprime, commonly designated by an
2 26 alphabetical character with "A" being the highest investment
2 27 grade, and are distinguished by interest rate or discount
2 28 points or both charged to the borrower, which vary according
2 29 to the degree of perceived risk of default based on factors
2 30 such as the borrower's credit, income and employment history,
2 31 debt ratio, loan-to-value ratio, and prior bankruptcy or
2 32 foreclosure.

2 33 4. "Lender" means a person who makes a loan.

2 34 5. "Mortgage banker" means the same as defined in section
2 35 535B.1, and includes natural persons required to be registered



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3 1 under section 535B.4A.
3 2 6. "Mortgage broker" means the same as defined in section
3 3 535B.1, and includes natural persons required to be registered
3 4 under section 535B.4A.
3 5 7. "Person" means the same as defined in section 535B.1.
3 6 8. "Reverse mortgage transaction" means a loan for a
3 7 definite or indefinite term secured by a first mortgage or
3 8 first deed of trust on the principal residence of the
3 9 mortgagor located in Iowa, the proceeds of which are disbursed
3 10 to the mortgagor in one or more lump sums, or in equal or
3 11 unequal installments, either directly by the lender or the
3 12 lender's agent, and that requires no repayment until a future
3 13 time, upon the earliest occurrence of one or more events
3 14 specified in the reverse mortgage loan contract such as the
3 15 sale of the property or the death of the borrower.
3 16 Sec. 3. NEW SECTION. 714C.2 CONSUMER PROTECTIONS.
3 17 In any consumer home loan, a lender, mortgage banker, or
3 18 mortgage broker shall not:
3 19 1. Fail to maintain a trust account to hold trust funds
3 20 received in connection with a residential mortgage loan.
3 21 2. Fail to deposit all trust funds into a trust account
3 22 within three business days of receipt; commingle trust funds
3 23 with funds belonging to the lender, mortgage banker, or
3 24 mortgage broker or another person; or use trust account funds
3 25 for any purpose other than that for which they are received.
3 26 3. Unreasonably delay the processing of a residential
3 27 mortgage loan application, or the closing of a residential
3 28 mortgage loan.
3 29 4. Fail to disburse funds according to contractual or
3 30 statutory obligations.
3 31 5. Fail to perform in conformance with written agreements
3 32 with borrowers, investors, or other lenders, mortgage bankers,
3 33 or mortgage brokers.
3 34 6. Charge a fee for a product or service where the product
3 35 or service is not actually provided, or misrepresent the



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4 1 amount charged by or paid to a third party for a product or
4 2 service.
4 3 7. Violate any provision of any other applicable state or
4 4 federal law regulating residential mortgage loans.
4 5 8. Make or cause to be made, directly or indirectly, any
4 6 false, deceptive, or misleading statement or representation in
4 7 connection with a residential loan transaction including,
4 8 without limitation, a false, deceptive, or misleading
4 9 statement or representation regarding the borrower's ability
4 10 to qualify for any mortgage product.
4 11 9. Conduct residential mortgage loan business under any
4 12 name other than that under which a license was issued.
4 13 10. Compensate, whether directly or indirectly, coerce, or
4 14 intimidate an appraiser for the purpose of influencing the
4 15 independent judgment of the appraiser with respect to the
4 16 value of real estate that is to be covered by a residential
4 17 mortgage or is being offered as security according to an
4 18 application for a residential mortgage loan.
4 19 11. Issue any document indicating conditional
4 20 qualification or conditional approval for a residential
4 21 mortgage loan, unless the document also clearly indicates that
4 22 final qualification or approval is not guaranteed, and may be
4 23 subject to additional review.
4 24 12. Make or assist in making any residential mortgage loan
4 25 with the intent that the loan will not be repaid and that the
4 26 lender, mortgage banker, or mortgage broker will obtain title
4 27 to the property through foreclosure.
4 28 13. Provide or offer to provide for a borrower, any
4 29 brokering or lending services under an arrangement with a
4 30 person other than a lender, mortgage banker, or mortgage
4 31 broker, provided that a person may rely upon a written
4 32 representation by the lender, mortgage banker, or mortgage
4 33 broker, that it is in compliance with the licensing
4 34 requirements of chapter 535B.
4 35 14. Claim to represent a lender, mortgage banker, or



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5 1 mortgage broker, unless the person is an employee of the
5 2 lender, mortgage banker, or mortgage broker or unless the
5 3 person has entered into a written agency agreement with the
5 4 lender, mortgage banker, or mortgage broker.
5 5 15. Fail to comply with applicable recordkeeping and
5 6 notification requirements or fail to abide by the affirmations
5 7 made on the application for licensure.
5 8 16. Make, provide, or arrange for a residential loan that
5 9 is of a lower investment grade if the borrower's credit score
5 10 or, if the lender, mortgage banker, or mortgage broker does
5 11 not utilize credit scoring or if a credit score is
5 12 unavailable, then comparable underwriting data, indicates that
5 13 the borrower may qualify for a residential mortgage loan,
5 14 available from or through the lender, mortgage banker, or
5 15 mortgage broker, that is of a higher investment grade, unless
5 16 the borrower is informed that the borrower may qualify for a
5 17 higher investment grade loan with a lower interest rate or
5 18 discount points, and consents in writing to receipt of the
5 19 lower investment grade loan.
5 20 17. Make, publish, disseminate, circulate, place before
5 21 the public, or cause to be made, directly or indirectly, any
5 22 advertisement or marketing materials of any type, or any
5 23 statement or representation relating to the business of
5 24 residential mortgage loans that is false, deceptive, or
5 25 misleading.
5 26 18. Advertise loan types or terms that are not available
5 27 from or through the lender, mortgage banker, or mortgage
5 28 broker on the date advertised, or on the date specified in the
5 29 advertisement. For purposes of this subsection,
5 30 "advertisement" includes but is not limited to a list of
5 31 sample mortgage terms, including interest rates, discount
5 32 points, and closing costs provided by lenders, mortgage
5 33 bankers, or mortgage brokers to a print or electronic medium
5 34 that presents the information to the public.
5 35 19. Use or employ phrases, pictures, return addresses,



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6 1 geographic designations, or other means that create the
6 2 impression, directly or indirectly, that a lender, mortgage
6 3 banker, or mortgage broker is a governmental agency, or is
6 4 associated with, sponsored by, or in any manner connected to,
6 5 related to, or endorsed by a governmental agency, if that is
6 6 not the case.

6 7 20. a. Make, provide, or arrange for a residential loan
6 8 without verifying the borrower's reasonable ability to pay the
6 9 scheduled principal, interest, real estate tax, homeowner's
6 10 insurance, assessments, and mortgage insurance premium
6 11 payments. For loans in which the interest rate may vary, the
6 12 reasonable ability to pay shall be determined based on a fully
6 13 indexed rate and a repayment schedule which achieves full
6 14 amortization over the life of the loan. For all residential
6 15 mortgage loans, the borrower's income and financial resources
6 16 must be verified by tax returns, payroll receipts, bank
6 17 records, or other similarly reliable documents.

6 18 b. This subsection shall not be construed to limit the
6 19 ability of a lender, mortgage banker, or mortgage broker to
6 20 rely on criteria other than the borrower's income and
6 21 financial resources to establish the borrower's reasonable
6 22 ability to repay the residential mortgage loan; however, such
6 23 other criteria must be verified through reasonably reliable
6 24 methods and documentation. A statement by the borrower to the
6 25 lender, mortgage banker, or mortgage broker of the borrower's
6 26 income and resources is not sufficient to establish the
6 27 existence of the income or resources when verifying a
6 28 reasonable ability to pay.

6 29 21. Engage in flipping or churning.

6 30 22. Fail to disclose, when initially informing a borrower
6 31 of the anticipated or actual periodic payment amount for a
6 32 first-lien residential mortgage loan which does not include an
6 33 amount for payment of property taxes and hazard insurance, of
6 34 the additional amount attributable to these items. A lender,
6 35 mortgage banker, or mortgage broker need not make this



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7 1 disclosure concerning a refinancing loan if the lender,
7 2 mortgage banker, or mortgage broker knows that the borrower's
7 3 existing loan that is anticipated to be refinanced does not
7 4 have an escrow account.

7 5 23. Make, provide, or arrange for a residential mortgage
7 6 loan, other than a reverse mortgage, if the borrower's
7 7 compliance with any repayment option offered pursuant to the
7 8 terms of the loan will result in negative amortization during
7 9 any six-month period.

7 10 Sec. 4. NEW SECTION. 714C.3 WAIVER PROHIBITED.

7 11 The terms of this chapter cannot be waived or modified by
7 12 contract or otherwise.

7 13 Sec. 5. NEW SECTION. 714C.4 EXEMPTION.

7 14 The provisions of this chapter shall not apply to federally
7 15 insured depository institutions.

7 16 Sec. 6. NEW SECTION. 714C.5 REMEDIES.

7 17 1. A violation of this chapter is an unlawful practice
7 18 pursuant to section 714.16, subsection 2, paragraph "a".

7 19 2. A borrower who suffers damage or injury as the result
7 20 of a practice which violates this chapter may bring an action
7 21 at law to recover actual damages. The court may order such
7 22 equitable relief as it deems necessary to protect the public
7 23 from further violations, including temporary and permanent
7 24 injunctive relief. In an action in which it is found that a
7 25 person has violated this chapter, the court shall award to the
7 26 borrower the costs of the action and to the borrower's
7 27 attorneys their reasonable fees. Reasonable attorney fees
7 28 shall be determined by the value of the time reasonably
7 29 expended by the attorney and not by the amount of the recovery
7 30 on behalf of the borrower. If the finder of fact finds that a
7 31 practice declared to violate this chapter is willful, in
7 32 addition to an award of actual damages, statutory damages of
7 33 up to three times the amount of actual damages may be awarded
7 34 to a prevailing borrower. Any claim under this chapter shall
7 35 be required to be proved by a preponderance of the evidence.



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8 1 Sec. 7. NEW SECTION. 714C.6 APPLICABILITY OF OTHER LAW.
8 2 This chapter establishes specific consumer protections in
8 3 consumer home loans that are in addition to other consumer
8 4 protections that may be otherwise available under state or
8 5 federal law.

8 6 EXPLANATION

8 7 This bill confers upon licensed mortgage brokers a duty of
8 8 agency, and establishes consumer protection measures in
8 9 relation to certain home loans.

8 10 Division I of the bill provides that a mortgage broker
8 11 acting in the capacity of a mortgage broker pursuant to Code
8 12 section 535B.1, subsection 5, shall be considered to have
8 13 created an agency relationship with a borrower in all cases.
8 14 The bill specifies duties a mortgage broker shall perform
8 15 pursuant to the agency relationship, including acting in a
8 16 borrower's best interest and in good faith, not compromising a
8 17 borrower's right or interest in favor of another person or
8 18 mortgage broker, and not accepting, giving, or charging any
8 19 undisclosed compensation or realizing any undisclosed
8 20 remuneration that inures to the mortgage broker's benefit on
8 21 an expenditure made for the borrower. Additional duties
8 22 include carrying out all lawful instructions provided or
8 23 issued by a borrower, disclosing all material facts of which
8 24 the mortgage broker has knowledge which might reasonably
8 25 affect a borrower's rights, interests, or ability to receive
8 26 the intended benefit from the mortgage loan, but not facts
8 27 which are reasonably susceptible to the knowledge of a
8 28 borrower, using reasonable care in the performance of duties,
8 29 and accounting for all the borrower's money and property
8 30 received as agent.

8 31 The bill states that the duty of agency shall not be
8 32 construed to prohibit a mortgage broker from contracting for
8 33 or collecting a fee for services rendered which was disclosed
8 34 and agreed to by the borrower in advance of the provision of
8 35 the services, and shall also not be construed to require a



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9 1 mortgage broker to obtain a loan for the borrower containing
9 2 terms or conditions not available to the mortgage broker in
9 3 the usual course of business, or to obtain a loan for the
9 4 borrower from a mortgage lender with whom the mortgage broker
9 5 does not have a business relationship.
9 6 A violation of these provisions subjects a mortgage broker
9 7 to the disciplinary provisions of Code chapter 535B, including
9 8 license suspension and revocation, and imposition of civil
9 9 penalties in an amount not to exceed \$5,000 per violation.
9 10 Division II of the bill prohibits or restricts a number of
9 11 potential actions by a lender, mortgage banker, or mortgage
9 12 broker provided in connection with a consumer home loan,
9 13 defined in the bill to include a home loan, equity line of
9 14 credit, and refinancing of an existing loan. The bill states
9 15 that the restrictions do not apply to federally insured
9 16 depository institutions. The bill provides that a lender,
9 17 mortgage banker, or mortgage broker shall not fail to maintain
9 18 a trust account to hold trust funds received in connection
9 19 with a residential mortgage loan; fail to deposit all trust
9 20 funds into a trust account within three business days of
9 21 receipt; commingle trust funds with funds belonging to the
9 22 lender, mortgage banker, or mortgage broker or another person;
9 23 or use trust account funds for any purpose other than that for
9 24 which they are received. A lender, mortgage banker, or
9 25 mortgage broker shall additionally not unreasonably delay the
9 26 processing or closing of a residential mortgage loan
9 27 application or loan; fail to disburse funds according to
9 28 contractual or statutory obligations; fail to perform in
9 29 conformance with written agreements with borrowers, investors,
9 30 or other lenders, mortgage bankers, or mortgage brokers;
9 31 charge a fee for a product or service where the product or
9 32 service is not actually provided, or misrepresent the amount
9 33 charged by or paid to a third party for a product or service;
9 34 violate any provision of any other applicable state or federal
9 35 law regulating residential mortgage loans; make or cause to be



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10 1 made, directly or indirectly, any false, deceptive, or
10 2 misleading statement or representation in connection with a
10 3 residential loan transaction; conduct residential mortgage
10 4 loan business under any name other than that under which a
10 5 license was issued; compensate, whether directly or
10 6 indirectly, coerce, or intimidate an appraiser; or issue any
10 7 document indicating conditional qualification or conditional
10 8 approval for a residential mortgage loan, unless the document
10 9 also clearly indicates that final qualification or approval is
10 10 not guaranteed, and may be subject to additional review.
10 11 Further, the bill provides that a lender, mortgage banker,
10 12 or mortgage broker shall not make or assist in making any
10 13 residential mortgage loan with the intent that the loan will
10 14 not be repaid and that the lender, mortgage banker, or
10 15 mortgage broker will obtain title through foreclosure; provide
10 16 or offer to provide for a borrower, any brokering or lending
10 17 services under an arrangement with a person other than a
10 18 lender, mortgage banker, or mortgage broker; claim to
10 19 represent a lender, mortgage banker, or mortgage broker,
10 20 unless the person is their employee, or has entered into a
10 21 written agency agreement with the lender, mortgage banker, or
10 22 mortgage broker; fail to comply with applicable recordkeeping
10 23 and notification requirements or fail to abide by the
10 24 affirmations made on their licensing application; make,
10 25 provide, or arrange for a residential loan that is of a lower
10 26 investment grade under circumstances specified in the bill;
10 27 make, publish, disseminate, circulate, place before the
10 28 public, or cause to be made, directly or indirectly, any
10 29 advertisement or marketing materials of any type, or any
10 30 statement or representation relating to the business of
10 31 residential mortgage loans that is false, deceptive, or
10 32 misleading; advertise loan types or terms that are not
10 33 available from or through the lender, mortgage banker, or
10 34 mortgage broker on the date advertised or specified; or use or
10 35 employ phrases, pictures, return addresses, geographic



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11 1 designations, or other means that create the impression,
11 2 directly or indirectly, that a lender, mortgage banker, or
11 3 mortgage broker is a governmental agency, or is associated
11 4 with, sponsored by, or in any manner connected to, related to,
11 5 or endorsed by a governmental agency, if that is not the case.

11 6 Also, the bill prohibits a lender, mortgage banker, or
11 7 mortgage broker from making, providing, or arranging for a
11 8 residential loan without verifying the borrower's reasonable
11 9 ability to pay; engaging in flipping or churning as defined in
11 10 the bill; failing to disclose when initially informing a
11 11 borrower of the anticipated or actual periodic payment amount
11 12 for a first-lien residential mortgage loan which does not
11 13 include an amount for payment of property taxes and hazard
11 14 insurance, of the additional amount attributable to these
11 15 items; and making, providing, or arranging for a residential
11 16 mortgage loan, other than a reverse mortgage, if the
11 17 borrower's compliance with any repayment option offered
11 18 pursuant to the terms of the loan will result in negative
11 19 amortization during any six-month period.

11 20 A borrower suffering damage or injury due to a violation of
11 21 these provisions may bring an action to recover actual
11 22 damages. In addition, a violation of these provisions
11 23 constitutes an unlawful practice under Code section 714.16,
11 24 with the remedy of injunctive relief and imposition of a civil
11 25 penalty of up to \$40,000 per violation.

11 26 LSB 6375HH 82

11 27 rn/nh/14



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HOUSE FILE
BY COMMITTEE ON ECONOMIC GROWTH

(SUCCESSOR TO HSB 557)

Passed House, Date _____

Passed Senate, Date _____

Vote: Ayes _____ Nays _____

Vote: Ayes _____ Nays _____

Approved

A BILL FOR

1 An Act relating to certain department of economic development
2 programs including vision Iowa board membership, renewable
3 fuels marketing, film project tax credits, the promotion of
4 Iowa tourism experiences, the consolidation of reporting
5 requirements, the administration of targeted industries
6 development, and providing an effective date.

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

8 TLSB 5583HV 82

9 tw/rj/8



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PAG LIN

1 1 DIVISION I
1 2 VISION IOWA BOARD MEMBERSHIP
1 3 Section 1. Section 15F.102, subsection 2, paragraph f,
1 4 Code 2007, is amended to read as follows:
1 5 f. The director of the department of economic development
1 6 or the director's designee.
1 7 DIVISION II
1 8 MARKETING OF RENEWABLE FUELS PROGRAMS
1 9 Sec. 2. Section 15G.205, subsection 3, Code 2007, is
1 10 amended to read as follows:
1 11 3. Moneys in the renewable fuel infrastructure fund are
1 12 appropriated to the department exclusively to support and
1 13 market the renewable fuel infrastructure programs as provided
1 14 in sections 15G.203 and 15G.204, and as allocated in financial
1 15 incentives by the renewable fuel infrastructure board ~~as~~
1 16 created in section 15G.202. Up to fifty thousand dollars
1 17 shall be allocated each fiscal year to the department to
1 18 support the administration of the programs. The department
1 19 may use up to one and one-half percent of the program funds to
1 20 market the program. Otherwise the moneys shall not be
1 21 transferred, used, obligated, appropriated, or otherwise
1 22 encumbered except to allocate as financial incentives under
1 23 the programs.
1 24 DIVISION III
1 25 FILM PROJECT TAX CREDITS
1 26 Sec. 3. Section 15.393, subsection 2, paragraph b,
1 27 subparagraph (1), Code Supplement 2007, is amended to read as
1 28 follows:
1 29 (1) For tax years beginning on or after January 1, 2007,
1 30 an investment tax credit shall be allowed against the taxes
1 31 imposed in chapter 422, divisions II, III, and V, and in
1 32 chapter 432, and against the moneys and credits tax imposed in
1 33 section 533.329, for a portion of a taxpayer's investment in a
1 34 project registered under the program. The tax credit shall
1 35 equal twenty-five percent of the investment in the project,



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2 1 except that the tax credit shall not exceed twenty-five
2 2 percent of the qualified expenditures on the project. An
2 3 individual may claim a tax credit under this paragraph of a
2 4 partnership, limited liability company, S corporation, estate,
2 5 or trust electing to have income taxed directly to the
2 6 individual. The amount claimed by the individual shall be
2 7 based upon the pro rata share of the individual's earnings
2 8 from the partnership, limited liability company, S
2 9 corporation, estate, or trust. Any tax credit in excess of
2 10 the taxpayer's liability for the tax year may be credited to
2 11 the tax liability for the following five years or until
2 12 depleted, whichever is earlier. A tax credit shall not be
2 13 carried back to a tax year prior to the tax year in which the
2 14 taxpayer claims the tax credit. A taxpayer shall not claim a
2 15 tax credit under this paragraph "b" for qualified expenditures
2 16 for which a tax credit is claimed under paragraph "a".

2 17 DIVISION IV

2 18 TOURISM PROGRAM PROMOTING IOWA EXPERIENCES

2 19 Sec. 4. Section 15.108, subsection 5, paragraph c, Code
2 20 Supplement 2007, is amended to read as follows:
2 21 c. Coordinate and develop with the ~~state~~ department of
2 22 transportation, the ~~state~~ department of natural resources, the
2 23 ~~state~~ department of cultural affairs, ~~and other state agencies~~
2 24 the generation Iowa commission, the vision Iowa board, other
2 25 state agencies, and local and regional entities public
2 26 interpretation, marketing, and education programs ~~which~~ that
2 27 encourage Iowans and out-of-state visitors to participate in
2 28 the ~~recreation~~ recreational and leisure opportunities
2 29 available in Iowa. The department shall establish and
2 30 administer a program that helps connect both Iowa residents
2 31 and residents of other states to new and existing Iowa
2 32 experiences as a means to enhance the economic, social, and
2 33 cultural well-being of the state. The program shall include a
2 34 broad range of new opportunities, both rural and urban,
2 35 including main street destinations, green space initiatives,



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3 1 and artistic and cultural attractions.

3 2 DIVISION V

3 3 CONSOLIDATION OF REPORTING REQUIREMENTS

3 4 Sec. 5. Section 15.104, subsection 1, Code Supplement
3 5 2007, is amended by striking the subsection.

3 6 Sec. 6. Section 15.104, subsection 9, Code Supplement
3 7 2007, is amended by striking the subsection and inserting in
3 8 lieu thereof the following:

3 9 9. By January 31 of each year, submit a report to the
3 10 general assembly and the governor that covers its activities
3 11 during the preceding fiscal year. The report shall include
3 12 all of the following:

3 13 a. FINANCIAL ASSISTANCE PROGRAMS. Data on all assistance
3 14 provided to business finance projects under the community
3 15 economic betterment program established in section 15.317,
3 16 eligible businesses under the high quality job creation
3 17 program described in section 15.326, the value-added
3 18 agricultural products and processes financial assistance
3 19 program established in section 15E.111.

3 20 b. PROJECTS FUNDED THROUGH THE GROW IOWA VALUES FUND. For
3 21 each job creation or retention business finance project
3 22 receiving moneys from the grow Iowa values fund created in
3 23 section 15G.108, the following information:

3 24 (1) The net number of new jobs created as of the date of
3 25 the report. For the purposes of this subparagraph, "net
3 26 number of new jobs" is the number of new or retained jobs as
3 27 identified in the contract.

3 28 (2) The number of jobs created, as of the time of
3 29 reporting, that are at or above the qualifying wage threshold
3 30 for the project. For the purposes of this subparagraph,
3 31 "qualifying wage threshold" means the wage that meets the
3 32 required percentage of the average county or average regional
3 33 wage for the programs or funding sources involved with the
3 34 project.

3 35 (3) The number of retained jobs, as of the time of



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4 1 reporting. For the purposes of this subparagraph, "retained
4 2 jobs" means the number of retained jobs as identified in the
4 3 contract.

4 4 (4) The total amount expended by a business, as of the time
4 5 of reporting, toward the total project cost as identified in
4 6 the contract.

4 7 (5) The project's location.

4 8 (6) The amount, if any, of private and local matching
4 9 funds, as of the time of reporting.

4 10 (7) The amount spent on research and development
4 11 activities, as of the time of reporting.

4 12 c. INDUSTRIAL NEW JOBS TRAINING ACT. Data on all
4 13 assistance or benefits provided under the Iowa industrial new
4 14 jobs training Act established in chapter 260E.

4 15 d. WORKFORCE DEVELOPMENT FUND. The proposed allocation of
4 16 moneys from the workforce development fund to be made for the
4 17 next fiscal year for the programs and purposes contained in
4 18 section 15.343, subsection 2.

4 19 (1) The director shall submit a copy of the proposed
4 20 allocation to the chairpersons of the joint economic
4 21 development appropriations subcommittee of the general
4 22 assembly. Notwithstanding section 8.39, the proposed
4 23 allocation may provide for increased or decreased funding
4 24 levels if the demand for a program indicates that the need is
4 25 greater or lesser than the allocation for that program.

4 26 (2) The director shall submit a report each quarter to the
4 27 board. The report shall include the status of the funds and
4 28 may include the director's proposed revisions. The proposed
4 29 revisions may be approved by the board in January and April of
4 30 each year.

4 31 (3) The director shall also provide quarterly reports to
4 32 the legislative services agency on the status of the funds.

4 33 e. EMPLOYEE TRAINING AND RETRAINING GOALS AND OBJECTIVES.
4 34 Pursuant to section 15.108, subsection 6, the upcoming year's
4 35 goals and objectives, including both short-term and long-term



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5 1 methods of improving program performance, creating employment
5 2 opportunities for residents, and enhancing the delivery of
5 3 services.

5 4 f. ACCELERATED CAREER EDUCATION PROGRAMS. The data
5 5 related to the accelerated career education programs
5 6 established in chapter 260G and the activities of those
5 7 programs during the previous fiscal year.

5 8 g. COORDINATION WITH COMMUNITY COLLEGES AND STATE BOARD OF
5 9 REGENTS. Pursuant to section 15.108, subsection 3, paragraph
5 10 "a", subparagraph (1), an assessment of the degree to which
5 11 the department has coordinated with the community colleges and
5 12 the state board of regents institutions in the avoidance of
5 13 duplication of economic development efforts, including the
5 14 degree to which there are future coordination needs. The
5 15 state board of regents institutions and the community colleges
5 16 shall be given an opportunity to review and comment on this
5 17 portion of the department's annual report prior to its
5 18 printing or release.

5 19 h. ENDOW IOWA PROGRAM. In cooperation with the lead
5 20 philanthropic entity, as defined in section 15E.303, a summary
5 21 of the activities conducted under the endow Iowa grant program
5 22 created in section 15E.304. This portion of the annual report
5 23 shall include a summary of the endow Iowa tax credits approved
5 24 by the department in the prior calendar year, including the
5 25 number of credits approved, the amount approved, a summary of
5 26 the benefiting donations by size, and the number of community
5 27 foundations and affiliate organizations benefiting from the
5 28 tax credit program.

5 29 i. GROW IOWA VALUES FUND EXPENDITURES. Detailed financial
5 30 data that delineate expenditures made under each component of
5 31 the grow Iowa values fund created in section 15G.108.

5 32 j. RENEWABLE FUEL PROGRAMS. A detailed accounting of
5 33 expenditures in support of renewable fuel infrastructure
5 34 programs, as provided in sections 15G.203 and 15G.204. The
5 35 renewable fuel infrastructure board established in section



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6 1 15G.202 shall approve that portion of the department's annual
6 2 report regarding projects supported from the grow Iowa values
6 3 fund created in section 15G.108. This paragraph is repealed
6 4 on July 1, 2012.

6 5 k. PILOT PROJECT CITIES == WITHHOLDING AGREEMENT, TAX
6 6 CREDITS. Data on the pilot project cities established
6 7 pursuant to section 403.19A, including all of the following:

6 8 (1) The amount each project received from each state
6 9 economic development and tax credit program.

6 10 (2) The number of new jobs created as a result of the
6 11 pilot program.

6 12 (3) The average wage of the jobs created as a result of
6 13 the pilot project.

6 14 (4) An evaluation of the investment made by the state of
6 15 Iowa in the pilot project cities program, including but not
6 16 limited to the items described in subparagraphs (1) through
6 17 (3).

6 18 Sec. 7. Section 15.108, subsection 3, paragraph a,
6 19 subparagraph (1), Code Supplement 2007, is amended to read as
6 20 follows:

6 21 (1) Provide the mechanisms to promote and facilitate the
6 22 coordination of management and technical assistance services
6 23 to Iowa businesses and industries and to communities by the
6 24 department, by the community colleges, and by the state board
6 25 of regents institutions, including the small business
6 26 development centers, the center for industrial research and
6 27 service, and extension activities. In order to achieve this
6 28 goal, the department may establish periodic meetings with
6 29 representatives from the community colleges and the state
6 30 board of regents institutions to develop this coordination.
6 31 The community colleges and the state board of regents
6 32 institutions shall cooperate with the department in seeking to
6 33 avoid duplication of economic development services through
6 34 greater coordinating efforts in the utilization of space,
6 35 personnel, and materials and in the development of referral



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7 1 and outreach networks. ~~The department shall annually report~~
~~7 2 on the degree to which economic development activities have~~
~~7 3 been coordinated and the degree to which there are future~~
~~7 4 coordination needs, and the community colleges and the state~~
~~7 5 board of regents institutions shall be given an opportunity to~~
~~7 6 review and comment on this report prior to its printing or~~
~~7 7 release.~~ The department shall also establish a registry of
7 8 applications for federal funds related to management and
7 9 technical assistance programs.

7 10 Sec. 8. Section 15.108, subsection 4, paragraph a, Code
7 11 Supplement 2007, is amended by striking the paragraph.

7 12 Sec. 9. Section 15.108, subsection 6, paragraph b,
7 13 subparagraph (3), Code Supplement 2007, is amended by striking
7 14 the subparagraph.

7 15 Sec. 10. Section 15.343, subsection 1, Code 2007, is
7 16 amended to read as follows:

7 17 1. a. A workforce development fund is created as a
7 18 revolving fund in the state treasury under the control of the
7 19 department consisting of any moneys appropriated by the
7 20 general assembly for that purpose and any other moneys
7 21 available to and obtained or accepted by the department from
7 22 the federal government or private sources for placement in the
7 23 fund. The fund shall also include all of the following:

~~7 24 a. Notwithstanding section 8.33, all unencumbered and~~
~~7 25 unobligated funds from 1994 Iowa Acts, chapter 1201, section~~
~~7 26 1, subsection 6, except paragraph "d"; section 3, subsections~~
~~7 27 1 and 3; and section 10, remaining on July 1, 1995, and all~~
~~7 28 unencumbered and unobligated funds in the Iowa conservation~~
~~7 29 corps escrow account established in section 84A.7 and the job~~
~~7 30 training fund established in section 260F.6.~~

~~7 31 b. Moneys moneys~~ appropriated to the fund from the
7 32 workforce development fund account established in section
7 33 15.342A.

7 34 b. Notwithstanding section 8.33, moneys in the workforce
7 35 development fund at the end of each fiscal year shall not



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8 1 revert to any other fund but shall remain in the workforce
8 2 development fund for expenditure for subsequent fiscal years.

8 3 Sec. 11. Section 15.343, subsection 3, paragraph a, Code
8 4 2007, is amended by striking the paragraph.

8 5 Sec. 12. Section 15E.19, subsection 3, Code 2007, is
8 6 amended by striking the subsection.

8 7 Sec. 13. Section 15E.111, subsection 8, Code 2007, is
8 8 amended by striking the subsection.

8 9 Sec. 14. Section 260G.4C, Code 2007, is amended to read as
8 10 follows:

8 11 260G.4C FACILITATOR.

8 12 The department of economic development shall administer the
8 13 statewide allocations of program job credits to accelerated
8 14 career education programs. The department shall ~~collect data~~
~~8 15 related to the programs and prepare an annual report regarding~~
~~8 16 the activities of the programs during the previous fiscal~~
~~8 17 year. The report shall be submitted to the governor and the~~
~~8 18 general assembly by December 31 of each year provide~~
8 19 information about the accelerated career education programs in
8 20 accordance with its annual reporting requirements in section
8 21 15.104, subsection 9.

8 22 Sec. 15. Section 403.19A, subsection 3, paragraph 1, Code
8 23 Supplement 2007, is amended to read as follows:

8 24 1. The department of economic development in consultation
8 25 with the department of revenue shall coordinate the pilot
8 26 project program with the pilot project cities under this
8 27 section. The department of economic development is authorized
8 28 to adopt, amend, and repeal rules to implement the pilot
8 29 project program under this section. ~~The department of~~
~~8 30 economic development shall prepare an annual report for the~~
~~8 31 governor, the general assembly, and the legislative services~~
~~8 32 agency on the pilot project program. The pilot project~~
~~8 33 program annual report shall include but not be limited to all~~
~~8 34 of the following:~~

~~8 35 (1) The amount each project received from each state~~



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~~9 1 economic development and tax credit program.
9 2 (2) The number of new jobs resulting from the pilot
9 3 program.
9 4 (3) The average wage resulting from the pilot project.
9 5 (4) An evaluation of the investment made by the state of
9 6 Iowa, including but not limited to the terms in subparagraphs
9 7 (1) through (3).~~

9 8 Sec. 16. Sections 15.113, 15E.306, 15G.206, Code 2007, are
9 9 repealed.

DIVISION VI

ADMINISTRATION OF TARGETED INDUSTRIES DEVELOPMENT

9 12 Sec. 17. Section 15.411, subsection 2, unnumbered
9 13 paragraph 1, Code Supplement 2007, is amended to read as
9 14 follows:

9 15 The department shall, upon board approval, contract with a
~~9 16 provider through a request for proposals process service
9 17 providers on a case-by-case basis for services related to~~
9 18 statewide commercialization development in the targeted
9 19 industries. Services provided shall include all of the
9 20 following:

9 21 Sec. 18. Section 15.411, Code Supplement 2007, is amended
9 22 by adding the following new subsection:

9 23 NEW SUBSECTION. 10. In each fiscal year, the department
9 24 may expend additional moneys that become available to the
9 25 department from sources such as loan repayments or recaptures
9 26 of awards from federal economic stimulus funds provided the
9 27 department spends those moneys for the implementation of the
9 28 recommendations included in the separate consultant reports on
9 29 bioscience, advanced manufacturing, information technology,
9 30 and entrepreneurship submitted to the department in calendar
9 31 years 2004, 2005, and 2006.

9 32 Sec. 19. EFFECTIVE DATE. The section of this Act amending
9 33 section 15.411, subsection 2, being deemed of immediate
9 34 importance, takes effect upon enactment.

9 35 EXPLANATION



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10 1 This bill makes a number of changes affecting the
10 2 administration of the department of economic development and
10 3 its programs.
10 4 The bill provides that the director of the department may
10 5 appoint a designee to serve on the vision Iowa board.
10 6 The bill allows the department to use up to 1.5 percent of
10 7 the moneys in the renewable fuel infrastructure fund to market
10 8 its renewable fuel programs.
10 9 The bill limits the tax credits available to investors in
10 10 film projects to 25 percent of a project's qualified
10 11 expenditures in the state.
10 12 The bill directs the department, in coordination with other
10 13 state and local entities, to develop and market a new tourism
10 14 program to create new, and promote existing, recreational and
10 15 leisure opportunities in the state.
10 16 The bill strikes a number of the department's existing
10 17 reporting requirements, currently located in many different
10 18 sections of the Code, and reconstitutes them instead under
10 19 Code section 15.104(9). The bill also standardizes the
10 20 department's reporting requirements by providing for a single,
10 21 consolidated annual report to the governor and the general
10 22 assembly due by January 31 of each year. The departmental
10 23 reporting requirements affected by this bill include the
10 24 department's financial assistance programs (Code sections
10 25 15.317, 15.326, and 15E.111), its business finance projects
10 26 under the grow Iowa values fund (Code section 15G.108), its
10 27 job training and workforce development projects (Code chapters
10 28 260E and 260G, and Code sections 15.108 and 15.343), its endow
10 29 Iowa program (Code section 15E.304), its renewable fuel
10 30 infrastructure programs (Code sections 15G.203 and 15G.204),
10 31 and the pilot project cities program (Code section 403.19A).
10 32 The bill allows the department to contract with service
10 33 providers for commercialization development services on a
10 34 case-by-case basis, and it also authorizes the department to
10 35 spend the additional moneys it recaptures from loan payments



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11 1 and federal economic stimulus funds provided it spends those
11 2 moneys on the implementation of consultant recommendations for
11 3 certain targeted industries. The provision regarding
11 4 contracts with service providers takes effect upon enactment.
11 5 LSB 5583HV 82
11 6 tw/rj/8



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HOUSE FILE
BY D. OLSON and TJEPKES

(COMPANION TO LSB 6078SS
BY OLIVE)

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

Passed Senate, Date _____
Vote: Ayes _____ Nays _____

A BILL FOR

- 1 An Act relating to the operation of county hospitals and the
- 2 duties and powers of county hospital trustees.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TL5B 6078HH 82
- 5 md/sc/5



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1 1 Section 1. Section 249J.24, subsection 6, paragraph b,
1 2 Code 2007, is amended to read as follows:
1 3 b. The board of trustees of the acute care teaching
1 4 hospital identified in this subsection and the department
1 5 shall execute an agreement under chapter 28E by July 1, 2005,
1 6 and annually by July 1, thereafter, to specify the
1 7 requirements relative to distribution of the proceeds and the
1 8 distribution of moneys to the hospital from the IowaCare
1 9 account. The agreement shall include provisions relating to
1 10 exceptions to the deadline for submission of clean claims as
1 11 required pursuant to section 249J.7 and provisions relating to
1 12 data reporting requirements regarding the expansion
1 13 population. The agreement may also include a provision
1 14 allowing such hospital to limit access to such hospital by
1 15 expansion population members based on residency of the member,
1 16 if such provision reflects the policy of such hospital
1 17 regarding indigent patients existing on April 1, 2005, as
1 18 adopted by its board of hospital trustees ~~pursuant to section~~
~~1 19 347.14, subsection 4.~~

1 20 Sec. 2. Section 331.321, subsection 1, paragraph p, Code
1 21 2007, is amended to read as follows:

1 22 p. A temporary board of hospital trustees in accordance
1 23 with sections 347.9, 347.9A, and 347.10 if a proposition to
1 24 establish a county hospital has been approved by the voters.

1 25 Sec. 3. Section 347.7, Code 2007, is amended to read as
1 26 follows:

1 27 347.7 TAX LEVIES.

1 28 1. a. If a county hospital is established, the board of
1 29 supervisors, at the time of levying ordinary taxes, shall levy
1 30 a tax at the rate voted not to exceed fifty-four cents per
1 31 thousand dollars of assessed value in any one year for the
1 32 erection and equipment of the hospital, and also a tax not to
1 33 exceed twenty-seven cents per thousand dollars of value for
1 34 the improvement, maintenance, and replacements of the
1 35 hospital, as certified by the board of hospital trustees.



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2 1 However, in counties having a population of two hundred
2 2 twenty-five thousand or over, the levy for taxes payable in
2 3 the fiscal year beginning July 1, 2001, and for subsequent
2 4 fiscal years, for improvements and maintenance of the hospital
2 5 shall not exceed two dollars and five cents per thousand
2 6 dollars of assessed value in any one year.

2 7 b. The proceeds of the taxes constitute the county public
2 8 hospital fund ~~and the~~. The fund is subject to review by the
2 9 board of supervisors in counties having a population of two
2 10 hundred twenty-five thousand or over. However, the board of
2 11 trustees of a county hospital, where funds are available in
2 12 the county public hospital fund of the county which are
2 13 unappropriated, may use the unappropriated funds for erecting
2 14 and equipping hospital buildings and additions to the hospital
2 15 buildings without authority from the voters of the county.

2 16 2. ~~No~~ A levy shall not be made for the improvement,
2 17 maintenance, or replacements of the hospital until the
2 18 hospital has been constructed, staffed, and receiving
2 19 patients. If revenue bonds are issued and outstanding under
2 20 section 331.461, subsection 2, paragraph "d", the board may
2 21 levy a tax to pay operating and maintenance expenses in lieu
2 22 of the authority otherwise contained in this section not to
2 23 exceed twenty-seven cents per thousand dollars of assessed
2 24 value or not to exceed one dollar and twenty-one and one-half
2 25 cents per thousand dollars of assessed value for improvements
2 26 and maintenance of the hospital in counties having a
2 27 population of two hundred twenty-five thousand or over.

2 28 3. In addition to levies otherwise authorized by this
2 29 section, the board of supervisors may levy a tax at the rate,
2 30 not to exceed twenty-seven cents per thousand dollars of
2 31 assessed value, necessary to raise the amount budgeted by the
2 32 board of hospital trustees for support of ambulance service as
2 33 authorized in section 347.14, subsection ~~14~~ 9.

2 34 4. a. The tax levy authorized by this section for
2 35 operation and maintenance of the hospital may be available in



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3 1 whole or in part to any county with or without a county
3 2 hospital organized under this chapter, to be used to enhance
3 3 rural health services in the county. However, the tax levied
3 4 may be expended for enhancement of rural health care services
3 5 only following a local planning process. The Iowa department
3 6 of public health shall establish guidelines to be followed by
3 7 counties in implementing the local planning process which
3 8 shall require legal notice, public hearings, and a referendum
3 9 in accordance with ~~this section and section 347.30~~ subsection
3 10 prior to the authorization of any new levy or a change in the
3 11 use of a levy. The notice shall describe the new levy or the
3 12 change in the use of the levy, indicate the date and location
3 13 of the hearing, and shall be published at least once each week
3 14 for two consecutive weeks in a newspaper having general
3 15 circulation in the county. The hearing shall not take place
3 16 prior to two weeks after the second publication.

3 17 b. Enhancement of rural health services for which the tax
3 18 levy pursuant to this section may be used includes but is not
3 19 limited to emergency medical services, health care services
3 20 shared with other hospitals, rural health clinics, and support
3 21 for rural health care practitioners and public health
3 22 services.

3 23 c. When alternative use of funds from the tax levy
3 24 authorized by this section is proposed in a county with a
3 25 county hospital organized under this chapter, use of the funds
3 26 shall be agreed upon by the elected board of trustees of the
3 27 county hospital. When alternative use of funds from the tax
3 28 levy authorized by this section is proposed in a county
3 29 without a county hospital organized under this chapter, use of
3 30 the funds shall be agreed upon by the board of supervisors and
3 31 any publicly elected hospital board of trustees within the
3 32 county prior to submission of the question to the voters.

3 33 d. Moneys raised from a tax levied in accordance with this
3 34 paragraph subsection for the purpose of enhancing rural health
3 35 services in a county without a county hospital shall be



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4 1 designated and administered by the board of supervisors in a
4 2 manner consistent with the purposes of the levy.

4 3 Sec. 4. Section 347.9, Code 2007, is amended to read as
4 4 follows:

4 5 347.9 TRUSTEES == APPOINTMENT == TERMS OF OFFICE.

4 6 When it has been determined by the voters of a county to
4 7 establish a county public hospital, the board shall appoint
4 8 seven trustees chosen from among the resident citizens of the
4 9 county with reference to their fitness for office, and not
4 10 more than four of the trustees shall be residents of the city
4 11 at which the hospital is located. The trustees shall hold
4 12 office until the following general election, at which time
4 13 their successors shall be elected, two for a term of two
4 14 years, two for four years, and three for six years, and they
4 15 shall determine by lot their respective terms, and thereafter
4 16 their successors shall be elected for regular terms of six
4 17 years each. ~~A person or spouse of a person with medical or
4 18 special staff privileges in the county public hospital or who
4 19 receives direct or indirect compensation in an amount greater
4 20 than one thousand five hundred dollars in a calendar year from
4 21 the county public hospital or direct or indirect compensation
4 22 in an amount greater than one thousand five hundred dollars in
4 23 a calendar year from a person contracting for services with
4 24 the hospital shall not be eligible to serve as a trustee for
4 25 that county public hospital. However, this section does not
4 26 prohibit a licensed health care practitioner from serving as a
4 27 hospital trustee if the practitioner's sole use of the county
4 28 hospital is to provide health care service to an individual
4 29 with mental retardation as defined in section 222.2.~~

4 30 Sec. 5. NEW SECTION. 347.9A TRUSTEES == CONFLICT OF
4 31 INTEREST.

4 32 1. A person or spouse of a person with medical or special
4 33 staff privileges in the county public hospital or who receives
4 34 direct compensation in an amount greater than one thousand
4 35 five hundred dollars in a calendar year from the county public



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5 1 hospital or direct compensation in an amount greater than one
5 2 thousand five hundred dollars in a calendar year from a person
5 3 contracting for services with the hospital shall not be
5 4 eligible to serve as a trustee for that county public
5 5 hospital.

5 6 2. A person or spouse of a person who receives indirect
5 7 compensation from a person contracting for services with the
5 8 hospital in an amount greater than the amount specified by the
5 9 board of trustees shall not be eligible to serve as a trustee
5 10 for that county public hospital.

5 11 3. This section does not prohibit a licensed health care
5 12 practitioner from serving as a hospital trustee if the
5 13 practitioner's sole use of the county hospital is to provide
5 14 health care service to an individual with mental retardation
5 15 as defined in section 222.2.

5 16 Sec. 6. Section 347.11, Code 2007, is amended by striking
5 17 the section and inserting in lieu thereof the following:

5 18 347.11 ORGANIZATION == MEETINGS == QUORUM.

5 19 Hospital trustees shall qualify by taking the usual oath of
5 20 office as provided in chapter 63 and organize by the election
5 21 of a chairperson, a secretary, and a treasurer. The secretary
5 22 shall report to the county auditor and treasurer the names of
5 23 the chairperson, secretary, and treasurer of the board of
5 24 hospital trustees as soon as practicable after the
5 25 qualification of each. A board of hospital trustees shall
5 26 meet as necessary to adequately oversee the operation of the
5 27 hospital. Four trustees shall constitute a quorum necessary
5 28 for actions by the board of hospital trustees. The secretary
5 29 shall maintain a complete record of board meetings,
5 30 proceedings, and actions.

5 31 Sec. 7. Section 347.12, Code 2007, is amended to read as
5 32 follows:

5 33 347.12 ~~OFFICERS' DUTIES == PURCHASING REGULATIONS~~ REVENUE
5 34 COLLECTED == ACCOUNTING PRACTICES.

5 35 ~~The treasurer of the county hospital shall receive and~~



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~~6 1 disburse all funds. Warrants shall be drawn by the secretary
6 2 and countersigned by the chairperson of the board after the
6 3 claim has been certified by the board. However, the board may
6 4 adopt purchasing regulations to govern the purchase of
6 5 specified goods and services without the prior certification
6 6 by the board. The purchasing regulations shall conform to
6 7 generally accepted practices followed by public purchasing
6 8 officers.~~

~~6 9 The treasurer of the county hospital shall keep an accurate
6 10 account of all receipts and disbursements and shall register
6 11 all orders drawn and reported to the treasurer by the
6 12 secretary, showing the number, date, to whom drawn, the fund
6 13 upon which drawn, the purpose and amount.~~

~~6 14 The secretary of the hospital board of trustees shall file
6 15 monthly on or before the thirtieth day of each month with such
6 16 board a complete statement of all receipts and disbursements
6 17 from all funds during the preceding month, and also the
6 18 balance remaining on hand in such funds at the close of the
6 19 period covered by said statement.~~

6 20 1. Before the fifteenth day of each month, the county
6 21 treasurer shall give notice to the chairperson of the board of
6 22 hospital trustees of the amount of revenue collected for each
6 23 fund of the hospital to the first day of that month and the
6 24 county treasurer shall pay the taxes to the treasurer of the
6 25 hospital as provided in section 331.552, subsection 29.

6 26 2. a. The hospital administrator, or the administrator's
6 27 designee, shall ensure that all accounts, funds, reports, and
6 28 financial statements of the county hospital conform to
6 29 generally accepted accounting principles as established by the
6 30 governmental accounting standards board.

6 31 b. The hospital administrator, or the administrator's
6 32 designee, shall file a report with the board of hospital
6 33 trustees on or before the thirtieth day of each month
6 34 containing a summary of all receipts and disbursements of the
6 35 hospital during the preceding month.



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7 1 Sec. 8. Section 347.13, Code 2007, is amended by striking
7 2 the section and inserting in lieu thereof the following:
7 3 347.13 BOARD OF TRUSTEES == DUTIES.
7 4 A board of hospital trustees' duties shall include all of
7 5 the following:
7 6 1. Engage in all activities necessary to manage, control,
7 7 and govern the hospital unless otherwise prohibited under this
7 8 chapter.
7 9 2. Exercise all the rights and duties of hospital
7 10 trustees, including but not limited to authorizing the
7 11 delivery of any health care service, assisted or independent
7 12 living service, or other ancillary service.
7 13 3. Adopt bylaws and rules for its own guidance and for the
7 14 government of the hospital.
7 15 4. Exercise fiduciary duties in accordance with section
7 16 504.831, subsections 1 through 5.
7 17 5. Employ an administrator and fix the administrator's
7 18 compensation. The administrator shall have authority to
7 19 oversee the day-to-day operations of the hospital and its
7 20 employees.
7 21 6. Appoint and hire qualified medical staff and oversee
7 22 the medical care provided by the hospital.
7 23 7. Manage and control the hospital's funds in accordance
7 24 with chapter 540A. In addition to investments permitted under
7 25 section 12B.10, county hospital investments may include common
7 26 stocks.
7 27 8. Determine whether or not any applicant is indigent and
7 28 entitled to free treatment in the hospital, and fix the price
7 29 to be paid by other patients admitted to the hospital for care
7 30 and treatment.
7 31 9. Procure and pay premiums on any and all insurance
7 32 policies required for the prudent management of the hospital
7 33 including but not limited to public liability, professional
7 34 malpractice liability, workers' compensation, and vehicle
7 35 liability. Said insurance may include as additional insureds



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8 1 members of the board of trustees and employees of the
8 2 hospital. This subsection applies to all county hospitals
8 3 whether organized under this chapter, chapter 347A, chapter
8 4 37, or otherwise established by law.
8 5 10. Certify levies for a tax in excess of any tax levy
8 6 limit to meet its obligations to pay the premium costs on tort
8 7 liability insurance, property insurance, workers' compensation
8 8 insurance, and any other insurance that may be necessary for
8 9 the prudent management and operation of the county public
8 10 hospital, the costs of a self=insurance program, the costs of
8 11 a local government risk pool, and amounts payable under any
8 12 insurance agreements to provide or procure such insurance,
8 13 self=insurance program, or local government risk pool.
8 14 11. Publish quarterly in each of the official newspapers
8 15 of the county as selected by the board of supervisors pursuant
8 16 to section 349.1 the schedule of bills allowed, and publish
8 17 annually in such newspapers the schedule of salaries paid by
8 18 job classification and category, but not by listing names of
8 19 individual employees. The names, addresses, salaries, and job
8 20 classification of employees paid in whole from a tax levy
8 21 shall be a public record and open to inspection at reasonable
8 22 times as designated by the board of trustees.
8 23 12. Fix the amount necessary for the improvement and
8 24 maintenance of the hospital and for support of ambulance
8 25 service during the ensuing fiscal year, and certify the amount
8 26 to the county auditor before March 15 of each year, subject to
8 27 any limitation in section 347.7.
8 28 Sec. 9. Section 347.14, Code 2007, is amended by striking
8 29 the section and inserting in lieu thereof the following:
8 30 347.14 BOARD OF TRUSTEES == POWERS.
8 31 The board of trustees may:
8 32 1. Purchase, condemn, or lease a site for such public
8 33 hospital and provide and equip suitable hospital buildings.
8 34 2. Cause plans and specifications to be made and adopted
8 35 for all hospital buildings, and advertise for bids, as



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9 1 required by law for other county buildings, before making a
9 2 contract for the construction of a building.
9 3 3. Notwithstanding any provision of chapter 26 to the
9 4 contrary, enter into a design=build contract for construction
9 5 projects. The design=build contract shall be awarded through
9 6 a competitive selection process that utilizes, at a minimum,
9 7 contractor qualifications, quality, completion time, and cost
9 8 as award criteria. As used in this subsection, "design=build
9 9 contract" means a single contract providing for both design
9 10 services and construction services that may include
9 11 maintenance, operations, preconstruction, and other related
9 12 services.
9 13 4. Accept property by gift, devise, bequest, or otherwise.
9 14 If the board deems it advisable, the board may, at public
9 15 sale, sell or exchange any property so accepted upon a
9 16 concurring vote of a majority of all members of the board of
9 17 hospital trustees. The proceeds of such sale shall be applied
9 18 to the retirement of bonds issued and outstanding in
9 19 connection with the purchase of the property sold, repairs or
9 20 improvements to property owned by the hospital, or to purchase
9 21 or lease equipment.
9 22 5. Borrow moneys to be secured solely by hospital revenues
9 23 for the purposes of improvement, maintenance, or replacement
9 24 of the hospital or for hospital equipment.
9 25 6. Establish and maintain in connection with the hospital
9 26 a training school for nurses.
9 27 7. Establish a fund for depreciation as a separate fund.
9 28 Said funds may be invested in United States government bonds
9 29 and when so invested the accumulation of interest on the bonds
9 30 so purchased shall be used for the purposes of the
9 31 depreciation fund. Such an investment when so made shall
9 32 remain in the United States government bonds until such time
9 33 as in the judgment of the board of trustees it is deemed
9 34 advisable to use the funds for hospital purposes.
9 35 8. Operate a health care facility as defined in section



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10 1 135C.1 in conjunction with the hospital.
10 2 9. Purchase, lease, equip, maintain, and operate an
10 3 ambulance or ambulances to provide necessary and sufficient
10 4 ambulance service or to contract for such vehicles, equipment,
10 5 maintenance, or service when such ambulance service is not
10 6 otherwise available.
10 7 10. a. Submit to the voters at a regular or special
10 8 election a proposition to sell or lease a county public
10 9 hospital for use as a private hospital or as a merged area
10 10 hospital under chapter 145A or to sell or lease a county
10 11 hospital in conjunction with the establishment of a merged
10 12 area hospital. The authorization of the board of hospital
10 13 trustees submitting the proposition may, but is not required
10 14 to, contain conditions which provide for maintaining hospital
10 15 care within the county, for the retention of county public
10 16 hospital employees and staff, and for the continuation of the
10 17 board of trustees for the purpose of carrying out provisions
10 18 of contracts. The property listed in subsection 4 may be
10 19 included in the proposition, but the proceeds from such
10 20 property shall be used for the purchase of equipment or for
10 21 the purpose of providing health care for residents of the
10 22 county. Proceeds from the sale or lease of the county
10 23 hospital or other assets of the board of trustees shall not be
10 24 used for the prepayment of health care services for residents
10 25 of the county with the purchaser or lessee of the county
10 26 hospital or to underwrite the sale or lease of the county
10 27 hospital.
10 28 b. The proposition submitted to the voters of the county
10 29 shall not be set forth at length, but it shall be in
10 30 substantially the following form:
10 31 "Shall the board of hospital trustees of
10 32 county, state of Iowa, be authorized to (state
10 33 authorization which may exclude the conditions) in accordance
10 34 with the terms of authorization approved at the meeting of
10 35 (cite date) of the board of hospital trustees?"



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11 1 c. If the proposition is approved by a majority of the
11 2 total votes cast for and against the proposition at the
11 3 election, the board of hospital trustees shall proceed to
11 4 carry out the authorization granted.

11 5 11. In addition to section 21.5, subsection 1, the board
11 6 of hospital trustees by a vote of two-thirds of its members or
11 7 all of the members present at the meeting, may hold a closed
11 8 session to discuss marketing and pricing strategies or
11 9 proprietary information if its competitive position would be
11 10 harmed by public disclosure not required of potential or
11 11 actual competitors, and if no public purpose would be served
11 12 by such disclosure. Notwithstanding section 21.5, subsection
11 13 4, the minutes and a tape recording of the closed session
11 14 shall be available for public examination at that point in
11 15 time when the public disclosure would no longer harm the
11 16 hospital's competitive position. The board of trustees shall
11 17 otherwise comply with the requirements for closed sessions
11 18 under section 21.5, subsection 4.

11 19 12. In addition to section 21.5, subsection 1, the board
11 20 of hospital trustees by a vote of two-thirds of its members or
11 21 all of the members present at the meeting, may hold a closed
11 22 session to discuss patient quality and process improvement
11 23 initiatives. The board of trustees shall comply with the
11 24 requirements for closed sessions under section 21.5,
11 25 subsection 4.

11 26 13. Notwithstanding section 22.2, subsection 1, the
11 27 records of a county public hospital that may not be examined
11 28 or copied as of right include proprietary information, records
11 29 of customer names and accounts, records associated with
11 30 marketing or pricing strategies, preliminary working papers,
11 31 spreadsheet scenarios, and cost data, if the competitive
11 32 position of the county hospital would be harmed by public
11 33 disclosure not required of a potential or actual competitor,
11 34 and if no public purpose would be served by such disclosure.
11 35 A record not subject to examination or copying under this



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12 1 subsection shall be available for public examination and
12 2 copying at that point in time when public disclosure would no
12 3 longer harm the competitive position of the hospital.

12 4 Sec. 10. Section 347.16, subsection 4, Code 2007, is
12 5 amended by striking the subsection.

12 6 Sec. 11. Section 347.19, Code 2007, is amended to read as
12 7 follows:

12 8 347.19 COMPENSATION == EXPENSES.

12 9 ~~No A trustee shall not receive any compensation for~~
12 10 ~~services performed under this chapter, but a trustee shall be~~
12 11 ~~reimbursed for any cash expenditures actually made for~~
12 12 ~~personal expenses incurred in the performance of duties. An~~
12 13 ~~itemized statement of such expenses, verified by the oath of~~
12 14 ~~each such trustee, shall be filed with the secretary, and the~~
12 15 ~~same shall only be allowed by an affirmative vote of all~~
12 16 ~~trustees present at the meeting of the board.~~

12 17 Sec. 12. Section 392.6, unnumbered paragraph 9, Code 2007,
12 18 is amended to read as follows:

12 19 Boards of trustees of institutions provided for in this
12 20 section are granted all of the powers and duties necessary for
12 21 the management, control, and government of the institutions,
12 22 specifically including but not limited to any applicable
12 23 powers and duties granted boards of trustees under other
12 24 provisions of the Code relating to hospitals, nursing homes,
12 25 and custodial homes irrespective of the chapter of the Code
12 26 under which such institutions are established, organized,
12 27 operated, or maintained, unless such provisions are in
12 28 conflict with this section.

12 29 Sec. 13. Sections 347.18, 347.29, 347.30, and 347A.5, Code
12 30 2007, are repealed.

12 31 EXPLANATION

12 32 This bill makes changes to Code chapter 347 relating to
12 33 county hospitals.

12 34 The bill amends Code section 347.7, relating to county
12 35 hospital property tax levies, to include notice and public



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House File 2451 - Introduced continued

13 1 hearing provisions required before hospital funds may be used
13 2 for enhancement of rural health services. These provisions
13 3 are currently applicable to Code section 347.7 by reference in
13 4 Code section 347.30. Code section 347.30 is repealed by the
13 5 bill.

13 6 The bill amends Code section 347.9 by moving the provisions
13 7 relating to conflicts of interest for county hospital trustees
13 8 to new Code section 347.9A. The bill removes trustee
13 9 eligibility restrictions based on indirect compensation
13 10 received from a county hospital or a person contracting for
13 11 services with the hospital. The conflict of interest
13 12 provisions are also amended to require the hospital board of
13 13 trustees to adopt a policy that defines a conflict of interest
13 14 based on the receipt of indirect compensation.

13 15 The bill amends Code section 347.11 by removing the
13 16 requirement that the secretary and treasurer of the board of
13 17 trustees file a surety bond with the chairperson of the board.

13 18 The bill amends Code section 347.12 by striking provisions
13 19 requiring the treasurer of the county hospital to receive and
13 20 disburse all funds, striking provisions requiring board
13 21 certification on payment of claims, striking the requirement
13 22 that the chairperson sign warrants drawn by the secretary of
13 23 the board, and striking provisions relating to the adoption of
13 24 regulations allowing certain purchases to be made without
13 25 prior certification by the board of trustees. The bill also
13 26 amends requirements related to the monthly financial report
13 27 submitted to the board of trustees. The bill directs the
13 28 hospital administrator, or the administrator's designee, to
13 29 ensure that all accounts, funds, reports, and financial
13 30 statements of the county hospital conform to generally
13 31 accepted accounting principles.

13 32 Current Code sections 347.13 and 347.14 contain provisions
13 33 relating to the powers and duties of the board of hospital
13 34 trustees. The Code sections are stricken and rewritten to
13 35 segment them into one Code section on the duties of the board



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14 1 of trustees and one Code section on the powers of the board of
14 2 trustees. Some provisions of these Code sections were deleted
14 3 in their entirety and not rewritten into either of the new
14 4 Code sections. These include provisions in Code section
14 5 347.13 relating to bidding and contracting requirements
14 6 prescribed by the board of trustees for procurement of
14 7 hospital equipment and supplies, supervisory duties over the
14 8 hospital grounds and buildings, providing rooms for detention
14 9 and examination of certain persons, providing certain annual
14 10 financial statements to the county board of supervisors, the
14 11 requirement of voter approval of a proposition to sell or
14 12 lease certain sites and buildings, and a provision relating to
14 13 the leasing of former tuberculosis sanatorium facilities.
14 14 Provisions deleted in their entirety from Code section
14 15 347.14 and not rewritten into either of the new Code sections
14 16 include provisions relating to establishing facilities for
14 17 isolation and detention of persons subject to quarantine,
14 18 determining which hospital services are available to
14 19 nonresidents, naming the hospital, caring for persons
14 20 afflicted with tuberculosis, and operating a psychiatric
14 21 department in connection with the hospital.
14 22 The bill also amends Code section 347.13 by adding
14 23 provisions that require the trustees to exercise fiduciary
14 24 duties in accordance with the requirements for directors of a
14 25 nonprofit corporation, require trustees to control the
14 26 hospital's funds in accordance with the uniform management of
14 27 institutional funds Act, and limit county hospital investments
14 28 to those investments specified in Code section 12B.10 and
14 29 common stock.
14 30 The bill also amends Code section 347.14 by adding
14 31 provisions that allow a board of trustees to enter into a
14 32 design-build contract for construction projects using a
14 33 competitive selection process, that allow the board of
14 34 trustees to hold a closed session under certain specified
14 35 circumstances in addition to those circumstances listed in the



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15 1 open meetings law, and that prevent certain hospital records
15 2 from being examined or copied if such records contain customer
15 3 information and proprietary information that would harm the
15 4 hospital's competitive position.

15 5 By operation of law, Code sections 347.13 and 347.14 apply
15 6 to the board of trustees of an area hospital in Code chapter
15 7 145A.

15 8 The bill amends Code section 347.16 by striking a provision
15 9 relating to the authority of a public hospital to provide care
15 10 and treatment to persons afflicted with tuberculosis.

15 11 The bill repeals Code sections 347.18 and 347A.5. These
15 12 Code sections prohibit discrimination against the
15 13 practitioners of any recognized school of medicine, allow a
15 14 patient to employ at the patient's expense any physician
15 15 selected by the patient, and allow the selected physician to
15 16 have exclusive charge over the treatment of the patient and to
15 17 determine the attending nurses.

15 18 The bill amends Code section 347.19, relating to trustee
15 19 compensation, by striking the requirement that an itemized
15 20 statement of expenses incurred by a trustee must be filed with
15 21 the secretary of the board, and that the statement of expenses
15 22 is subject to approval of the board.

15 23 The bill repeals Code section 347.29 relating to the use of
15 24 property received by gift, devise, or bequest and to the use
15 25 of the proceeds from the sale of such property. The bill also
15 26 repeals Code section 347.30, relating to notice and public
15 27 hearing requirements when selling or leasing certain real
15 28 property.

15 29 By operation of law, the changes made by the bill to Code
15 30 chapter 347 apply to area hospitals organized under Code
15 31 chapter 145A and may apply to hospitals or health care
15 32 facilities established under Code section 392.6.

15 33 LSB 6078HH 82

15 34 md/sc/5.1



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House File 2452 - Introduced

HOUSE FILE
BY COMMITTEE ON TRANSPORTATION

(SUCCESSOR TO HF 2078)

Passed House, Date _____

Passed Senate, Date _____

Vote: Ayes _____ Nays _____

Vote: Ayes _____ Nays _____

Approved

A BILL FOR

- 1 An Act relating to vehicle titles and registration plates for
- 2 specialty vehicles, and providing a penalty and an effective
- 3 date.
- 4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 5 TL5B 5262HV 82
- 6 md/nh/5



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House File 2452 - Introduced continued

PAG LIN

1 1 Section 1. Section 321.1, subsection 59, Code 2007, is
1 2 amended to read as follows:
1 3 59. "Reconstructed vehicle" means every vehicle of a type
1 4 required to be registered ~~hereunder~~ under this chapter
1 5 materially altered from its original construction by the
1 6 removal, addition, or substitution of essential parts, new or
1 7 used. "Reconstructed vehicle" does not include a street rod
1 8 or replica vehicle.

1 9 Sec. 2. Section 321.1, Code 2007, is amended by adding the
1 10 following new subsection:

1 11 NEW SUBSECTION. 61. "Replica vehicle" means any completed
1 12 motor vehicle other than a motorcycle or motorized bicycle
1 13 with a gross vehicle weight rating of less than ten thousand
1 14 pounds consisting of a body, frame, and other essential parts,
1 15 assembled as a reproduction of a vehicle originally
1 16 manufactured by a generally recognized manufacturer of motor
1 17 vehicles with the substitution or addition of essential parts
1 18 to update the vehicle for purposes of safety, performance, or
1 19 reliability. For purposes of vehicle registration, the model
1 20 year of a replica vehicle shall be the same as the model year
1 21 of the motor vehicle that it is designed to resemble.

1 22 Sec. 3. Section 321.1, subsection 74, Code 2007, is
1 23 amended to read as follows:

1 24 74. "Specially constructed vehicle" means every vehicle of
1 25 a type required to be registered ~~hereunder~~ under this chapter
1 26 not originally constructed under a distinctive name, make,
1 27 model, or type by a generally recognized manufacturer of
1 28 vehicles and not materially altered from its original
1 29 construction. A "specially constructed vehicle" does not
1 30 include a street rod or replica vehicle.

1 31 Sec. 4. Section 321.1, Code 2007, is amended by adding the
1 32 following new subsection:

1 33 NEW SUBSECTION. 78A. "Street rod" means any car or motor
1 34 truck with a gross vehicle weight rating of less than ten
1 35 thousand pounds required to be registered under this chapter,



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2 1 manufactured by a generally recognized manufacturer of motor
2 2 vehicles prior to the year 1949, which may contain a body or
2 3 frame not manufactured by the original manufacturer, or any
2 4 motor vehicle designed and manufactured to resemble a motor
2 5 vehicle manufactured prior to the year 1949. For purposes of
2 6 vehicle registration, the model year of a street rod shall be
2 7 the same as the model year of the motor vehicle that it is
2 8 designed to resemble.

2 9 Sec. 5. Section 321.23, subsection 1, Code 2007, is
2 10 amended to read as follows:

2 11 1. a. If the vehicle to be registered is a specially
2 12 constructed vehicle, reconstructed vehicle, street rod,
2 13 replica vehicle, or foreign vehicle, such fact shall be stated
2 14 in the application. A fee of ten dollars shall be paid by the
2 15 person making the application upon issuance of a certificate
2 16 of title by the county treasurer. For a specially constructed
2 17 vehicle, ~~or reconstructed motor~~ vehicle, street rod, or
2 18 replica vehicle subject to registration, the application shall
2 19 be accompanied by a statement from the department authorizing
2 20 the motor vehicle to be titled and registered in this state.

2 21 b. The department shall cause a physical inspection to be
2 22 made of all specially constructed vehicles, ~~or reconstructed~~
2 23 ~~motor~~ vehicles, street rods, and replica vehicles upon
2 24 application for a certificate of title by the owner, to
2 25 determine whether the motor vehicle complies with the
2 26 definition of specially constructed ~~motor~~ vehicle, ~~or~~
2 27 reconstructed motor vehicle, street rod, or replica vehicle in
2 28 this chapter and to determine that the integral component
2 29 parts are properly identified and that the rightful ownership
2 30 is established before issuing the owner the authority to have
2 31 the motor vehicle registered and titled. The purpose of the
2 32 physical inspection under this section is not to determine
2 33 whether the motor vehicle is in a condition safe to operate.

2 34 c. The owner of a specially constructed vehicle, ~~or~~
2 35 reconstructed vehicle, street rod, or replica vehicle shall



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3 1 apply for a certificate of title and registration for the
3 2 vehicle at the county treasurer's office within thirty days of
3 3 the inspection. For a foreign vehicle which has been
3 4 registered outside this state, the owner shall surrender to
3 5 the treasurer all registration plates, registration cards, and
3 6 certificates of title, or if the vehicle to be registered is
3 7 from a nontitle state, the evidence of foreign registration
3 8 and ownership as may be prescribed by the department except as
3 9 provided in subsection 2.

3 10 d. Upon completion of every specially constructed vehicle,
3 11 reconstructed vehicle, street rod, or replica vehicle, the
3 12 owner shall certify on a form prescribed by the department
3 13 that such vehicle is in compliance with all equipment
3 14 specifications required under this chapter.

3 15 Sec. 6. NEW SECTION. 321.115A REPLICAS VEHICLES AND
3 16 STREET RODS == MODEL YEAR PLATES PERMITTED == PENALTY.

3 17 1. A motor vehicle may be registered as a replica vehicle
3 18 or street rod upon payment of the fee provided for in section
3 19 321.109, 321.113, 321.122, or 321.124. The owner of a vehicle
3 20 registered under this section may display registration plates
3 21 from or representing the model year of the motor vehicle or
3 22 the model year of the motor vehicle the registered vehicle is
3 23 designed to resemble, furnished by the person and approved by
3 24 the department, in lieu of the current and valid Iowa
3 25 registration plates issued for the vehicle, provided that the
3 26 current and valid Iowa registration plates and the
3 27 registration card issued for the vehicle are simultaneously
3 28 carried within the vehicle and are available for inspection to
3 29 any peace officer upon the officer's request.

3 30 2. Truck tractors and semitrailers registered under this
3 31 section shall not be used to haul loads.

3 32 3. A person convicted of a violation of this section is
3 33 guilty of a simple misdemeanor punishable as a scheduled
3 34 violation under section 805.8A, subsection 2, paragraph "b".

3 35 Sec. 7. Section 805.8A, subsection 2, paragraph b, Code



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4 1 2007, is amended to read as follows:

4 2 b. For violations under sections 321.17, 321.47, 321.55,
4 3 321.98, ~~and~~ 321.115, and 321.115A, the scheduled fine is
4 4 thirty dollars.

4 5 Sec. 8. EFFECTIVE DATE. This Act takes effect July 1,
4 6 2009.

4 7 EXPLANATION

4 8 This bill establishes definitions for "replica vehicle" and
4 9 "street rod". The bill specifies that for purposes of vehicle
4 10 registration, the model year of the replica vehicle or street
4 11 rod is the same as the model year of the motor vehicle it is
4 12 designed to resemble. The bill requires that if a vehicle is
4 13 to be registered as a street rod or replica vehicle, such fact
4 14 must be stated in the application. A fee of \$10 shall be paid
4 15 by the person making the application upon issuance of a
4 16 certificate of title by the county treasurer. The bill also
4 17 requires the application to be accompanied by a statement from
4 18 the department authorizing the motor vehicle to be titled and
4 19 registered in this state.

4 20 The bill requires the department to physically inspect all
4 21 street rods and replica vehicles upon application for a
4 22 certificate of title to determine whether the motor vehicle
4 23 complies with the definition of street rod or replica vehicle,
4 24 that integral component parts are properly identified, and
4 25 that the rightful ownership is established before issuing the
4 26 owner the authority to have the motor vehicle registered and
4 27 titled. The physical inspection is not intended to determine
4 28 whether the motor vehicle is in a condition safe to operate.
4 29 The owner must apply for a certificate of title and
4 30 registration for the vehicle at the county treasurer's office
4 31 within 30 days of the inspection. The bill requires the owner
4 32 of a street rod or replica vehicle to certify in writing that
4 33 such vehicle is in compliance with all equipment
4 34 specifications.

4 35 New Code section 321.115A allows the owner of a replica



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5 1 vehicle or street rod to, in lieu of the current and valid
5 2 Iowa registration plates, display registration plates from or
5 3 representing the model year of the motor vehicle or the model
5 4 year of the motor vehicle the registered vehicle is designed
5 5 to resemble. The model year plates, however, must be
5 6 furnished by the owner and approved by the department. The
5 7 bill requires the current and valid Iowa registration plates
5 8 and the registration card issued for the vehicle be
5 9 simultaneously carried within the vehicle and available for
5 10 inspection to any peace officer upon the officer's request.
5 11 Truck tractors and semitrailers registered as replica vehicles
5 12 or street rods shall not be used to haul loads. A person
5 13 convicted of a violation of the new Code section is guilty of
5 14 a simple misdemeanor punishable by a scheduled fine of \$30.
5 15 The bill takes effect July 1, 2009.
5 16 LSB 5262HV 82
5 17 md/nh/5



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House File 2453 - Introduced

HOUSE FILE
BY FORD

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

A BILL FOR

- 1 An Act directing certain state agencies to increase efforts to
- 2 publicize their programs.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 6395HH 82
- 5 jr/nh/5



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House File 2453 - Introduced continued

PAG LIN

1 1 Section 1. Section 15.108, subsection 9, Code Supplement
1 2 2007, is amended by adding the following new paragraph:
1 3 NEW PARAGRAPH. g. Increase, to the extent practicable,
1 4 public awareness of the department's programs targeting women,
1 5 minorities, and economically disadvantaged persons by
1 6 distributing informational material to religious, nonprofit,
1 7 and business organizations and encouraging those organizations
1 8 to assist in maximizing awareness of the department's
1 9 programs.

1 10 Sec. 2. Section 16.6, Code 2007, is amended by adding the
1 11 following new subsection:

1 12 NEW SUBSECTION. 4. To the extent practicable, the
1 13 executive director shall increase public awareness of the
1 14 authority's programs targeting minorities, the elderly, and
1 15 the economically disadvantaged by distributing informational
1 16 material to religious, nonprofit, and business organizations
1 17 and encouraging those organizations to assist in maximizing
1 18 awareness of the authority's programs.

1 19 Sec. 3. Section 135.11, Code Supplement 2007, is amended
1 20 by adding the following new subsection:

1 21 NEW SUBSECTION. 32. To the extent practicable, the
1 22 director shall increase public awareness of the department's
1 23 programs by distributing informational material to religious,
1 24 nonprofit, and business organizations and encouraging those
1 25 organizations to assist in maximizing awareness of the
1 26 department's programs.

1 27 Sec. 4. Section 216A.2, Code 2007, is amended by adding
1 28 the following new subsection:

1 29 NEW SUBSECTION. 9. To the extent practicable, increase
1 30 public awareness of the programs and forms of public
1 31 assistance available through the divisions of the department
1 32 by distributing informational material to religious,
1 33 nonprofit, and business organizations and encouraging those
1 34 organizations to assist in maximizing awareness of the
1 35 existence of such divisions, the programs they administer, and



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2 1 the assistance available through those divisions.
2 2 Sec. 5. Section 217.3, Code 2007, is amended by adding the
2 3 following new subsection:
2 4 NEW SUBSECTION. 9. To the extent practicable, encourage
2 5 the divisions within the department to increase public
2 6 awareness of the programs and forms of public assistance
2 7 available through the department by distributing informational
2 8 material to religious, nonprofit, and business organizations
2 9 and encouraging those organizations to assist in maximizing
2 10 awareness of such programs and assistance available through
2 11 the department.

EXPLANATION

2 12 This bill requires, to the extent practicable, the
2 13 department of economic development, the Iowa finance
2 14 authority, the department of public health, the department of
2 15 human services, and the department of human rights to increase
2 16 public awareness of the programs and forms of public
2 17 assistance available through these agencies by distributing
2 18 informational material to religious, nonprofit, and business
2 19 organizations and encouraging those organizations to assist in
2 20 maximizing awareness of the programs and assistance available
2 21 through those departments.
2 22
2 23 LSB 6395HH 82
2 24 jr/nh/5



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House File 2454 - Introduced

HOUSE FILE
BY KAUFMANN, TYMESON, and
GRASSLEY

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

Passed Senate, Date _____
Vote: Ayes _____ Nays _____

A BILL FOR

- 1 An Act relating to eminent domain authority and condemnation
- 2 procedures and including effective date and applicability date
- 3 provisions.
- 4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 5 TL5B 5685YH 82
- 6 sc/rj/8



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House File 2454 - Introduced continued

PAG LIN

1 1 Section 1. Section 6A.22, subsection 2, paragraph c,
1 2 subparagraph (1), Code 2007, is amended to read as follows:
1 3 (1) If private property is to be condemned for development
1 4 or creation of a lake, only that number of acres justified as
1 5 reasonable and necessary for a surface drinking water source,
1 6 and not otherwise acquired, may be condemned. ~~In addition~~
1 7 Prior to making a determination that such lake development or
1 8 creation is reasonable and necessary, the acquiring agency
1 9 shall conduct a review of demonstrate by clear and convincing
1 10 evidence that no other prudent and feasible alternatives to
1 11 alternative for provision of a drinking water source prior to
~~1 12 making a determination that such lake development or creation~~
~~1 13 is reasonable and necessary exists.~~ Development or creation
1 14 of a lake as a surface drinking water source includes all of
1 15 the following:
1 16 (a) Construction of the dam, including sites for suitable
1 17 borrow material and the auxiliary spillway.
1 18 (b) The water supply pool.
1 19 (c) The sediment pool.
1 20 (d) The flood control pool.
1 21 (e) The floodwater retarding pool.
1 22 (f) The surrounding area upstream of the dam no higher in
1 23 elevation than the top of the dam's elevation.
1 24 (g) The appropriate setback distance required by state or
1 25 federal laws and regulations to protect drinking water supply.
1 26 For purposes of this subparagraph (1), "number of acres
1 27 justified as reasonable and necessary for a surface drinking
1 28 water source" means according to guidelines of the United
1 29 States natural resource conservation service and according to
1 30 analyses of surface drinking water capacity needs conducted by
1 31 one or more registered professional engineers. However, any
1 32 guidelines or analyses related to future water capacity needs
1 33 or water capacity needs in time of drought shall be based on
1 34 the current rate of drinking water usage in the area to be
1 35 served by the surface drinking water source.



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2 1 In making determinations required under this subparagraph
2 2 (1), any reviews or analyses conducted by an engineer shall be
2 3 conducted by a registered professional engineer selected by a
2 4 committee of private landowners affected by the proposed
2 5 condemnation action. The acquiring agency shall be
2 6 responsible for paying the fees and expenses of an engineer
2 7 whose services are retained pursuant to this subparagraph (1).

2 8 Sec. 2. Section 6A.24, subsection 3, Code 2007, is amended
2 9 to read as follows:

2 10 3. For any action brought under this section, the burden
2 11 of proof shall be on the acquiring agency to prove by a
~~2 12 preponderance of the clear and convincing evidence that the~~
2 13 finding of public use, public purpose, or public improvement
2 14 meets the definition of those terms. If a property owner or a
2 15 contract purchaser of record or a tenant occupying the
2 16 property under a recorded lease prevails in an action brought
2 17 under this section, the acquiring agency shall be required to
2 18 pay the costs, including reasonable attorney fees, of the
2 19 adverse party.

2 20 Sec. 3. Section 6B.54, subsection 10, Code 2007, is
2 21 amended by adding the following new paragraph:

2 22 NEW PARAGRAPH. c. Reasonable attorney fees and reasonable
2 23 costs, including expert witness fees and fees relating to
2 24 appraisal of the property, not to exceed one hundred thousand
2 25 dollars.

2 26 Sec. 4. Section 316.4, subsection 1, Code 2007, is amended
2 27 to read as follows:

2 28 1. If a program or project undertaken by a displacing
2 29 agency will result in the displacement of a person, the
2 30 displacing agency shall make a payment to the displaced
2 31 person, upon proper application as approved by the displacing
2 32 agency, for actual reasonable and necessary expenses incurred
2 33 in moving the person, the person's family, business, farm
2 34 operation, or other personal property subject to rules and
2 35 limits established by the department. The payment may also



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3 1 provide for actual direct losses of tangible personal
3 2 property, purchase of substitute personal property, business
3 3 reestablishment expenses, storage expenses, and expenses
3 4 incurred in searching for a replacement business or farm. If
3 5 relocation of a business or farm operation is not economically
3 6 feasible, the displaced person may also apply for payment of
3 7 the loss of existing business relationships because of the
3 8 inability to relocate the business or farm operation to a
3 9 location similar in economic advantage to the location from
3 10 which the business or farm operation was moved.

3 11 Sec. 5. Section 364.4, subsection 1, paragraph a,
3 12 unnumbered paragraph 1, Code 2007, is amended to read as
3 13 follows:

3 14 Acquire, hold, and dispose of property outside the city in
3 15 the same manner as within. However, the power of a city to
3 16 acquire property outside the city does not include the power
3 17 to acquire property outside the city by eminent domain, except
3 18 if viable alternatives do not exist within the city and the
3 19 acquisition of the property is necessary for the following,
3 20 subject to the provisions of chapters 6A and 6B:

3 21 Sec. 6. Section 403.7, subsection 1, unnumbered paragraph
3 22 1, Code 2007, is amended to read as follows:

3 23 A municipality shall have the right to acquire by
3 24 condemnation any interest in real property, including a fee
3 25 simple title thereto, which it may deem necessary for or in
3 26 connection with an urban renewal project under this chapter,
3 27 subject to the limitations on eminent domain authority in
3 28 ~~chapter~~ chapters 6A and 6B. However, a municipality shall not
3 29 condemn agricultural land included within an economic
3 30 development area for any use unless the owner of the
3 31 agricultural land consents to condemnation or unless ~~the~~
~~3 32 municipality determines that the land is necessary or useful~~
3 33 viable alternatives to the condemnation of agricultural land
3 34 do not exist and the acquisition of the property is necessary
3 35 for any of the following:



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House File 2454 - Introduced continued

5 1 business or farm operation to a location similar in economic
5 2 advantage to the location from which the business or farm
5 3 operation was moved.
5 4 The bill adds a condition to the circumstances in which a
5 5 city may condemn land outside the city limits to provide that
5 6 condemnation may occur if viable alternatives do not exist
5 7 within the city and the acquisition of the land is necessary
5 8 for the purposes stated in current law. The bill also amends
5 9 urban renewal law relating to the circumstances in which a
5 10 municipality may condemn agricultural land within an economic
5 11 development urban renewal area to provide that condemnation
5 12 may occur if viable alternatives do not exist and the
5 13 acquisition of the land is necessary for the purposes stated
5 14 in current law.
5 15 The bill takes effect upon enactment and applies to
5 16 projects or condemnation proceedings pending or commenced on
5 17 or after that date.
5 18 LSB 5685YH 82
5 19 sc/rj/8.1



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House File 2455 - Introduced

HOUSE FILE
BY KAUFMANN, WISE, and
UPMEYER

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

A BILL FOR

- 1 An Act relating to articulation agreements between public
- 2 postsecondary institutions.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 5229YH 82
- 5 kh/rj/14



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House File 2455 - Introduced continued

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1 1 Section 1. NEW SECTION. 256.42 STATE POSTSECONDARY
1 2 TRANSFER AND ARTICULATION OVERSIGHT COMMITTEE.
1 3 1. A state postsecondary transfer and articulation
1 4 oversight committee is established within the department. The
1 5 committee shall consist of five voting members, one of whom
1 6 shall be the director of the department of education or the
1 7 director's designee. The governor shall appoint four members
1 8 as follows:
1 9 a. Two persons who shall be members of boards of directors
1 10 of community colleges.
1 11 b. Two persons who shall represent the institutions of
1 12 higher education governed by the state board of regents.
1 13 2. The committee shall meet to resolve the credit and
1 14 transfer or articulation disputes between the community
1 15 colleges, the regents universities, and students who wish to
1 16 transfer community college credits to a regents university.
1 17 3. The committee shall designate a chairperson, and may
1 18 change the designation. The committee shall meet no less than
1 19 four times per year and may meet at the call of the
1 20 chairperson or upon the written request to the chairperson of
1 21 two or more members. The members appointed by the governor
1 22 shall serve a term of four years, except that the initial term
1 23 of one member appointed pursuant to subsection 1, paragraph
1 24 "a", and one member appointed pursuant to subsection 1,
1 25 paragraph "b", shall be for two years. Members appointed by
1 26 the governor shall be appointed in each odd-numbered year to
1 27 succeed members whose terms expire as provided by section
1 28 69.19. If a vacancy occurs, a successor shall be appointed in
1 29 the same manner as the original appointment to serve the
1 30 unexpired term. A member designated to represent the director
1 31 of the department shall serve at the pleasure of the director.
1 32 A majority of the voting members of the committee constitutes
1 33 a quorum, and the concurrence of a majority of the voting
1 34 members of the committee in any matter within their duties is
1 35 required for its determination. Members are entitled to



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House File 2455 - Introduced continued

2 1 actual expenses necessarily incurred in the discharge of their
2 2 duties as members of the committee. The expenses paid to the
2 3 committee members shall be paid from funds appropriated to the
2 4 department.

2 5 Sec. 2. Section 260C.14, Code 2007, is amended by adding
2 6 the following new subsection:

2 7 NEW SUBSECTION. 22. Enter into a collective statewide
2 8 articulation agreement with the state board of regents
2 9 pursuant to section 262.9, subsection 32. The agreement shall
2 10 provide for the creation of a bachelor of applied science
2 11 degree and equivalent recognition for an applied science
2 12 degree offered at the community college level. The
2 13 cooperation of each community college in abiding by the terms
2 14 of the agreement shall be reviewed and considered by the
2 15 general assembly when making the annual appropriation for the
2 16 community college.

2 17 Sec. 3. Section 262.9, Code Supplement 2007, is amended by
2 18 adding the following new subsection:

2 19 NEW SUBSECTION. 32. a. In consultation with the state
2 20 board for community colleges established pursuant to section
2 21 260C.3, establish and enter into a collective statewide
2 22 articulation agreement with the community colleges established
2 23 pursuant to chapter 260C. The agreement shall provide for the
2 24 creation of a bachelor of applied science degree and
2 25 equivalent recognition for an applied science degree offered
2 26 at the community college level. An accredited private
2 27 institution as defined in section 261.9 may elect to enter
2 28 into the agreement. The policies and procedures set forth in
2 29 the agreement shall be fully operational at each of the
2 30 institutions of higher education under the board's control by
2 31 July 1, 2009. The articulation agreement shall provide for
2 32 the seamless transfer of academic credits from a completed
2 33 associate of arts or associate of science degree program to a
2 34 baccalaureate degree program offered by the institutions of
2 35 higher education under the control of the state board of



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- 3 1 regents, and shall include the following:
- 3 2 (1) A listing of the general education core courses for
3 3 the associate of arts and associate of science degrees.
- 3 4 (2) Policies and procedures for the seamless transfer and
3 5 application of academic credits from a completed associate
3 6 degree program to a baccalaureate degree program, including a
3 7 guarantee that an associate of arts degree or an associate of
3 8 science degree awarded by a community college established
3 9 pursuant to chapter 260C, shall be fully transferable and
3 10 credited as the first two years of a baccalaureate degree
3 11 program at the institutions of higher education under the
3 12 board's control to which a student is admitted.
- 3 13 (3) Policies and procedures for the implementation of an
3 14 appeals process for students and institutions to resolve
3 15 disputes regarding the transfer of academic credits.
- 3 16 (4) Policies and procedures for the annual review and
3 17 updating of the agreement.
- 3 18 (5) Policies and procedures for the collection of data by
3 19 the board to ensure that its institutions of higher education
3 20 are in compliance with the provisions of this subsection and
3 21 to ensure that the agreement is fostering both a seamless
3 22 transfer process and the academic success of transfer students
3 23 at the board's institutions of higher education. The board
3 24 shall annually determine the data to be collected and shall
3 25 notify each institution in a timely manner of the data to be
3 26 collected.
- 3 27 b. Direct the institutions of higher education under its
3 28 control to allow for the transfer of up to eighty hours of the
3 29 credits earned by a student who has completed an associate
3 30 degree program prior to transferring into a baccalaureate
3 31 degree program at the institution.
- 3 32 c. Prepare an annual report summarizing the data collected
3 33 pursuant to paragraph "a", subparagraph (5), and including an
3 34 analysis of the effect of the agreement on the transfer
3 35 process and on the academic success of transfer students at



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4 1 the institutions of higher education under its control, and an
4 2 analysis of each institution's compliance with the provisions
4 3 of this subsection. The board shall submit the report to the
4 4 general assembly and the governor by January 15 of each year.
4 5 The cooperation of each institution of higher education under
4 6 the board's control in abiding by the terms of the agreement
4 7 shall be reviewed and considered by the general assembly when
4 8 making the annual appropriation for the institution. However,
4 9 this subsection shall not be construed to require any of the
4 10 institutions of higher education to admit any student or to
4 11 waive its admission standards and application procedures for
4 12 any student.

4 13 EXPLANATION

4 14 This bill relates to articulation between the state's
4 15 postsecondary institutions by establishing a state
4 16 postsecondary transfer and articulation oversight committee,
4 17 directing the boards of directors of the community colleges
4 18 and the state board of regents to enter into a collective
4 19 statewide articulation agreement to create a bachelor of
4 20 applied science degree and equivalent recognition for an
4 21 associate of applied science degree offered at the community
4 22 college level, and by requiring the board of regents to direct
4 23 its universities to allow the transfer of up to 80 hours of
4 24 credit earned as a community college student.

4 25 The agreement must include a listing of the general
4 26 education core courses for the associate degrees; a guarantee
4 27 that an associate degree awarded by a community college is
4 28 fully transferable; and policies and procedures for an appeals
4 29 process for students and institutions to resolve academic
4 30 credit transfer disputes, the annual review and updating of
4 31 the agreement, and for the collection of data by the state
4 32 board of regents to ensure compliance and to ensure that the
4 33 agreement is fostering both a seamless transfer process and
4 34 the academic success of transfer students at the regents
4 35 universities.



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5 1 The state board of regents is also to direct the
5 2 universities under its control to allow for the transfer of up
5 3 to 80 of the credits earned by a student who has completed an
5 4 associate degree program prior to transferring into a regents
5 5 university degree program.
5 6 The bill establishes a state postsecondary transfer and
5 7 articulation oversight committee within the department of
5 8 education. The committee consists of five voting members:
5 9 the director of the department of education or the director's
5 10 designee and four members appointed by the governor. Two of
5 11 the members appointed by the governor must be members of the
5 12 boards of directors of community colleges and the remaining
5 13 two are to represent the institutions of higher education
5 14 governed by the state board of regents. The committee shall
5 15 meet to resolve the credit and transfer or articulation
5 16 disputes between the community colleges, the regents
5 17 universities, and students who wish to transfer community
5 18 college credits to a regents university.
5 19 LSB 5229YH 82
5 20 kh/rj/14.1



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House File 2456 - Introduced

HOUSE FILE
BY HUSER

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

A BILL FOR

1 An Act relating to the payment of costs for the alteration,
2 movement, or relocation of utility facilities necessitated by
3 a highway construction project.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
5 TL5B 5834YH 82
6 dea/nh/5



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House File 2456 - Introduced continued

PAG LIN

1 1 Section 1. Section 306.46, Code 2007, is amended to read
1 2 as follows:

1 3 306.46 PUBLIC UTILITY FACILITIES == PUBLIC ROAD
1 4 RIGHTS=OF=WAY == FACILITY RELOCATION COSTS.

1 5 1. A public utility may construct, operate, repair, or
1 6 maintain its utility facilities within a public road
1 7 right-of-way. The location of new utility facilities shall
1 8 comply with section 318.9. A utility facility shall not be
1 9 constructed or installed in a manner that causes interference
1 10 with public use of the road.

1 11 2. Whenever a utility facility which is owned or operated
1 12 by a public utility and located in, over, along, or under a
1 13 highway is required to be altered, moved, or relocated because
1 14 of the construction of a highway project, the cost of the
1 15 alteration, movement, or relocation and the expense of
1 16 acquiring lands, rights or interests in land, or any other
1 17 rights acquired to accomplish such alteration, movement, or
1 18 relocation shall be paid by the agency having jurisdiction and
1 19 control of the highway.

1 20 2. 3. For purposes of this section, ~~"public utility"~~ the
1 21 following definitions apply:

1 22 a. "Cost of the alteration, movement, or relocation" means
1 23 the entire amount paid by the public utility which is properly
1 24 attributable to the alteration, movement, or relocation of the
1 25 facility, minus any increase in value of the new facility and
1 26 any salvage value derived from the old facility.

1 27 b. "Public utility" means a public utility as defined in
1 28 section 476.1, and shall also include waterworks, municipally
1 29 owned waterworks, joint water utilities, rural water districts
1 30 incorporated under chapter 357A or chapter 504, and
1 31 cooperative water associations. ~~For the purposes of this~~
1 32 ~~section, "utility facilities"~~

1 33 c. "Utility facility" means any ~~cables, conduits~~ cable,
1 34 conduit, wire, pipe, casing pipe, supporting ~~poles, guys~~ pole,
1 35 guy, ~~and~~ or other material ~~and~~ or equipment utilized for the



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House File 2456 - Introduced continued

2 1 furnishing of electric, gas, communications, water, or sewer
2 2 service.
2 3 ~~3.~~ 4. This section shall not impair or interfere with a
2 4 city's authority to grant, amend, extend, or renew a franchise
2 5 as provided in section 364.2, and shall not impair or
2 6 interfere with a city's existing general police powers to
2 7 control the use of its right-of-way.
2 8 Sec. 2. Section 306A.10, Code 2007, is amended by striking
2 9 the section and inserting in lieu thereof the following:
2 10 306A.10 ALTERATION, MOVEMENT, OR RELOCATION OF UTILITY
2 11 FACILITIES == COSTS.
2 12 1. Whenever a utility facility located in, over, along, or
2 13 under a highway is required to be altered, moved, or relocated
2 14 because of the construction of a highway project on a route of
2 15 the national system of interstate and defense highways,
2 16 including extensions within cities, or on streets or highways
2 17 resulting from interstate substitutions in a qualified
2 18 metropolitan area under 23 U.S.C. chapter 23, the utility
2 19 owning or operating the facility shall alter, remove, or
2 20 relocate the facility in accordance with statutory notice.
2 21 The cost of the alteration, movement, or relocation and the
2 22 expense of acquiring lands, rights or interests in land, or
2 23 any other rights acquired to accomplish the alteration,
2 24 movement, or relocation, shall be paid by the agency having
2 25 jurisdiction and control of the highway and shall be paid from
2 26 participating federal aid or other funds.
2 27 2. For purposes of this section, "cost of the alteration,
2 28 movement, or relocation" means the entire amount paid by the
2 29 utility which is properly attributable to the alteration,
2 30 movement, or relocation of the facility, minus any increase in
2 31 value of the new facility and any salvage value derived from
2 32 the old facility.
2 33 Sec. 3. Sections 306A.11 and 306A.12, Code 2007, are
2 34 repealed.
2 35

EXPLANATION



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House File 2456 - Introduced continued

3 1 This bill addresses the costs incurred by a utility for the
3 2 alteration, movement, or relocation of a facility due to a
3 3 highway construction project.

3 4 Current law provides for payment of the cost of removal or
3 5 relocation of a utility facility for projects on highways that
3 6 are on routes of the national system of interstate and defense
3 7 highways or highways resulting from interstate substitutions
3 8 in a qualified metropolitan area. The costs are ascertained
3 9 by the highway authority or through condemnation proceedings
3 10 and may be paid from participating federal or other funds.
3 11 The bill repeals a provision in current law that prohibits
3 12 reimbursement for utility facility relocation or removal
3 13 unless federal aid is available in an amount equal to 85
3 14 percent of the reimbursement payment. Under the bill, the
3 15 utility's actual costs are to be reimbursed, and reimbursement
3 16 from federal funds is required for such projects if federal
3 17 aid is available. For purposes of Code provisions relating to
3 18 federal aid highways, "utility" includes privately, publicly,
3 19 municipally, or cooperatively owned utilities.

3 20 The bill also requires that the costs of alteration,
3 21 movement, or removal of a utility facility necessitated by any
3 22 highway construction project under state, county, or municipal
3 23 jurisdiction and the expense of acquiring lands or rights or
3 24 interests in land or any other rights acquired to accomplish
3 25 the alteration, movement, or relocation, shall be paid by the
3 26 agency having jurisdiction and control of the highway. This
3 27 provision applies to public utilities entitled under current
3 28 law to locate utility facilities within a public road
3 29 right-of-way.

3 30 The bill defines "cost of the alteration, movement, or
3 31 relocation" to mean the entire amount paid by the utility
3 32 which is properly attributable to the alteration, movement, or
3 33 relocation of the facility, minus any increase in value of the
3 34 new facility and any salvage value derived from the old
3 35 facility.



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House File 2456 - Introduced continued

4 1 LSB 5834YH 82
4 2 dea/nh/5



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February 29, 2008

House File 2457 - Introduced

HOUSE FILE
BY HUSER

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

A BILL FOR

1 An Act relating to weight limitations for certain commercial
2 vehicles hauling grain, livestock vehicles, and construction
3 vehicles, requiring a permit, establishing a fee, and
4 allocating revenues to the TIME=21 fund.
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
6 TL5B 6202HH 82
7 dea/nh/5



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House File 2457 - Introduced continued

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1 1 Section 1. Section 312.2, Code Supplement 2007, is amended
 1 2 by adding the following new subsection:
 1 3 NEW SUBSECTION. 19. a. The treasurer of state, before
 1 4 making the allotments provided for in this section, shall
 1 5 credit annually to the TIME=21 fund created in section 312A.2,
 1 6 the revenue accruing to the road use tax fund from special
 1 7 permit fees collected pursuant to section 321.463, subsection
 1 8 5, paragraph "c".

1 9 b. This subsection is repealed June 30, 2028.

1 10 Sec. 2. Section 321.463, subsection 5, paragraph c, Code
 1 11 Supplement 2007, is amended to read as follows:

1 12 c. (1) The department shall issue annual special permits
 1 13 for the operation of commercial vehicles hauling grain,
 1 14 livestock vehicles, and construction vehicles with a gross
 1 15 weight exceeding the limit under paragraph "a" or "b". The
 1 16 annual fee for a permit is one hundred dollars. The permit
 1 17 shall be carried in the vehicle at all times when the vehicle
 1 18 is operating with a gross weight in excess of the limit
 1 19 applicable to the vehicle under paragraph "a" or "b". The
 1 20 maximum gross weight allowed to be carried on a commercial
 1 21 vehicle hauling grain, a livestock vehicle, or a construction
 1 22 vehicle operating under a permit issued under this
 1 23 subparagraph on noninterstate highways is as follows:

1 24	NONINTERSTATE HIGHWAYS MAXIMUM GROSS WEIGHT TABLE		
1 25	<u>COMMERCIAL VEHICLE HAULING GRAIN,</u>		
1 26	<u>LIVESTOCK VEHICLE, OR CONSTRUCTION VEHICLE == SPECIAL</u>		
1 27	<u>PERMIT REQUIRED</u>		
1 28	Distance		
1 29	in feet	6 Axles	7 Axles
1 30			
1 31	44	80,500	80,500
1 32	45	81,000	81,500
1 33	46	81,500	82,500
1 34	47	82,000	83,500
1 35	48	83,000	84,000



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2	1	49	83,500	85,000
2	2	50	84,000	86,000
2	3	51	84,500	87,000
2	4	52	85,000	88,000
2	5	53	86,000	88,500
2	6	54	86,500	89,500
2	7	55	87,000	90,500
2	8	56	87,500	91,500
2	9	57	88,000	92,000
2	10	58	89,000	93,000
2	11	59	89,500	94,000
2	12	60	90,000	95,000
2	13	61		95,500
2	14	62		96,000

2 15 (2) Notwithstanding any provision of this section to the
 2 16 contrary, for a vehicle operated under a permit issued under
 2 17 this paragraph "c", the maximum gross weight allowed to be
 2 18 carried on a noninterstate highway by a livestock vehicle with
 2 19 five axles, a minimum distance in feet between the centers of
 2 20 the first and fifth axles of sixty-one feet, and a minimum
 2 21 distance between the two rear axles of at least eight feet and
 2 22 one inch is eighty-six thousand pounds.

2 23 (3) For purposes of this paragraph "c", "construction
 2 24 vehicle" includes a solid waste transport vehicle traveling
 2 25 from a transfer station to a landfill.

2 26 (4) The department may adopt rules to administer this
 2 27 paragraph "c".

2 28 Sec. 3. Section 321.463, subsection 8, Code Supplement
 2 29 2007, is amended to read as follows:

2 30 8. A vehicle or combination of vehicles transporting
 2 31 materials or equipment on nonprimary highways to or from a
 2 32 construction project or commercial plant site may operate
 2 33 under the maximum gross weight table for primary highways in
 2 34 subsection 5, paragraph "a", if the route is approved by the
 2 35 appropriate local authority. Route approval is not required



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3 1 if the vehicle or combination of vehicles transporting
3 2 materials or equipment to or from a construction project or
3 3 commercial plant site ~~complies with the maximum gross weight~~
~~3 4 table for noninterstate highways in~~ is operating in compliance
3 5 with subsection 5, paragraph "c".

3 6 EXPLANATION

3 7 Under current law, a special maximum gross weight table for
3 8 livestock vehicles and construction vehicles with six or seven
3 9 axles and a maximum gross weight limit for certain five-axle
3 10 livestock vehicles allows such vehicles operated on
3 11 noninterstate highways to exceed the regular maximum weight
3 12 limitations applicable to other vehicles of similar size.
3 13 This bill allows six-axle and seven-axle commercial vehicles
3 14 hauling grain to be operated under the same weight limits
3 15 currently applicable only to livestock vehicles and
3 16 construction vehicles. The bill requires the department of
3 17 transportation to issue annual permits, for a fee of \$100 for
3 18 commercial vehicles hauling grain, livestock vehicles, and
3 19 construction vehicles to operate under those existing weight
3 20 limits. The permit shall be carried in the vehicle at all
3 21 times when it is operated in excess of regular vehicle weight
3 22 limits. The bill also specifies that a solid waste transport
3 23 vehicle traveling from a transfer station to a landfill is
3 24 considered a construction vehicle for purposes of the weight
3 25 limitations and permit provisions applicable to construction
3 26 vehicles.

3 27 The bill requires the treasurer of state, prior to
3 28 distributing moneys under the road use tax fund formula, to
3 29 credit the fees from permits issued to commercial vehicles
3 30 hauling grain, livestock vehicles, and construction vehicles
3 31 to the TIME=21 fund. The provision crediting fees to the
3 32 TIME=21 fund is repealed and revenues will revert to the road
3 33 use tax fund on June 30, 2028. Pursuant to current law, the
3 34 TIME=21 fund is scheduled to be dissolved on that date.
3 35 LSB 6202HH 82



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House File 2457 - Introduced continued

4 1 dea/nh/5



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House File 2458 - Introduced

HOUSE FILE
BY DE BOEF

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

Passed Senate, Date _____
Vote: Ayes _____ Nays _____

A BILL FOR

- 1 An Act relating to the disposition of property seized during an
- 2 investigation.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 5415YH 82
- 5 jm/rj/8



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House File 2458 - Introduced continued

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1 1 Section 1. Section 809.5, subsection 1, paragraph a, Code
1 2 Supplement 2007, is amended to read as follows:
1 3 a. The seizing agency shall send notice by ~~restricted~~
1 4 ~~certified mail, return receipt requested~~ regular mail or by
1 5 hand delivery, to the last known address of any person having
1 6 an ownership or possessory right in the property, stating that
1 7 the property must be claimed within thirty days from the date
1 8 of ~~receipt of mailing or delivering~~ the notice. If the value
1 9 of the property is greater than five hundred dollars, the
1 10 notice shall be sent by restricted certified mail, return
1 11 receipt requested, stating that the property must be claimed
1 12 within thirty days from the date of receipt of the notice.
1 13 Refusal of restricted certified mail, return receipt
1 14 requested, shall be construed as receipt of the notice. Such
1 15 notice shall state that if no written claim for the property
1 16 is filed with the seizing agency within thirty days of mailing
1 17 or delivering the notice or within thirty days from the date
1 18 of receipt of the notice, if the value of the property is
1 19 greater than five hundred dollars, the property shall be
1 20 deemed abandoned and disposed of accordingly.

1 21 EXPLANATION

1 22 This bill relates to the disposition of property seized
1 23 during an investigation.

1 24 The bill permits the seizing agency to send notice by
1 25 regular mail or by hand delivery to the last known address of
1 26 any person having an ownership or possessory right in the
1 27 seized property, if the value of the property is \$500 or less.
1 28 The bill also provides that such notice shall state that if no
1 29 written claim is filed within 30 days of mailing or delivering
1 30 the notice by regular mail the property shall be deemed
1 31 abandoned.

1 32 The bill does not change current law if the value of the
1 33 property is greater than \$500 which requires the seizing
1 34 agency to send notice by restricted certified mail, return
1 35 receipt requested, to the last known address of any person



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- 2 1 with an ownership or possessory right in the seized property.
- 2 2 LSB 5415YH 82
- 2 3 jm/rj/8.2



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House File 2459 - 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 an annual report regarding the purchase of
2 locally and regionally produced or processed food by schools
3 under the farm-to-school program.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
5 TLSB 6220HH 82
6 da/nh/5



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House File 2459 - Introduced continued

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1 1 Section 1. NEW SECTION. 190A.5 REPORT.
1 2 The farm=to=school council shall prepare a farm=to=school
1 3 report for submission to the governor and general assembly by
1 4 January 15 of each year.
1 5 1. The department of agriculture and land stewardship in
1 6 cooperation with the department of education shall assist the
1 7 council in preparing the report.
1 8 2. The report shall evaluate the success of the
1 9 farm=to=school program in achieving the program's purpose as
1 10 provided in section 190A.1 and grade how it has accomplished
1 11 the program's goals as provided in section 190A.3. The report
1 12 shall include at least all of the following:
1 13 a. The extent to which farmers and schools are
1 14 participating in the program on a regional basis.
1 15 b. The extent to which public agencies and nonprofit
1 16 organizations are partnering with the council to facilitate
1 17 communication between farmers and schools, and contributions
1 18 have been received to support the program.
1 19 c. The council's plans to improve and expand the program.
1 20 d. Any recommendations by the council to improve or expand
1 21 the program, including but not limited to legislative
1 22 proposals.

1 23 EXPLANATION

1 24 This bill amends Code chapter 190A as enacted in 2007 by
1 25 the general assembly (2007 Acts, ch. 215, sections 93=96) to
1 26 encourage and promote the purchase of locally and regionally
1 27 produced or processed food in order to improve child nutrition
1 28 and strengthen local and regional farm economies. The program
1 29 seeks to link elementary and secondary public and nonpublic
1 30 schools with Iowa farms to provide schools with fresh and
1 31 minimally processed food for inclusion in school meals and
1 32 snacks.
1 33 The bill requires that a farm=to=school council comprised
1 34 of representatives of interested agencies, organizations
1 35 dedicated to health and nutrition, and agricultural producers



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2 1 prepare a report each year for submission to the governor and
2 2 the general assembly. The report must evaluate and grade the
2 3 success of the program, and include plans to improve or expand
2 4 the program, and recommendations to expand or improve the
2 5 program.
2 6 LSB 6220HH 82
2 7 da/nh/5



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House File 2460 - Introduced

HOUSE FILE
BY WHITAKER

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

A BILL FOR

1 An Act allocating moneys in the groundwater protection fund for
2 landfill waste, composting, and recycling by providing for
3 competitive pilot projects in three communities.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
5 TLSB 6122HH 82
6 tw/nh/14



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House File 2460 - Introduced continued

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1 1 Section 1. Section 455E.11, subsection 2, paragraph a,
1 2 subparagraph (1), Code 2007, is amended by adding the
1 3 following new subparagraph subdivision:
1 4 NEW SUBPARAGRAPH SUBDIVISION. (bb) Two hundred fifty
1 5 thousand dollars to the department to fund competitive pilot
1 6 projects in three counties or communities for the development
1 7 of methods to reduce landfill waste through improved recycling
1 8 and composting of waste. The three counties or communities
1 9 shall have a population less than thirty thousand and shall be
1 10 located in different areas of the state. The department shall
1 11 encourage the participants in the pilot projects to compete
1 12 against each other as to which participant can reduce waste
1 13 the most and which can collect the most recyclable materials.
1 14 The department shall determine which participants were the
1 15 most successful and shall make a grant to such participants in
1 16 the amount of one dollar per resident in the participant's
1 17 county or community to be used to fund further efforts to
1 18 reduce landfill waste.

1 19 EXPLANATION

1 20 This bill relates to a competitive pilot project for the
1 21 recycling and composting of waste.
1 22 The bill provides that \$250,000 of the moneys deposited
1 23 from solid waste tonnage fees into the solid waste account of
1 24 the groundwater protection fund be allocated to the department
1 25 of natural resources to be used to fund a competitive pilot
1 26 project program between three counties or communities across
1 27 the state. The participants are to compete against each other
1 28 to see which can reduce waste the most and collect the most
1 29 recyclable materials. The department is to determine the most
1 30 successful participants and make a grant in the amount of \$1
1 31 per resident in the participant's county or community to be
1 32 used to fund further efforts to reduce landfill waste.

1 33 LSB 6122HH 82

1 34 tw/nh/14.1



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House File 2461 - Introduced

HOUSE FILE
BY KAUFMANN, TYMESON,
GRASSLEY, and MERTZ

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

Passed Senate, Date _____
Vote: Ayes _____ Nays _____

A BILL FOR

- 1 An Act placing restrictions and requirements relating to eminent
- 2 domain and condemnation procedures and including effective
- 3 date and applicability date provisions.
- 4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 5 TL5B 6246YH 82
- 6 sc/rj/8



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House File 2461 - Introduced continued

PAG LIN

1 1 Section 1. NEW SECTION. 6A.15 PROPERTY ON STATE HISTORIC
1 2 REGISTRY.

1 3 Property listed on the state register of historic places
1 4 maintained by the historical division of the department of
1 5 cultural affairs shall not be removed from the register solely
1 6 for the purpose of allowing acquisition of the property by
1 7 condemnation.

1 8 Sec. 2. Section 6A.24, subsection 3, Code 2007, is amended
1 9 to read as follows:

1 10 3. For any action brought under this section, the burden
1 11 of proof shall be on the acquiring agency to prove by a
~~1 12 preponderance of the clear and convincing~~ evidence that the
1 13 finding of public use, public purpose, or public improvement
1 14 meets the definition of those terms. If a property owner or a
1 15 contract purchaser of record or a tenant occupying the
1 16 property under a recorded lease prevails in an action brought
1 17 under this section, the acquiring agency shall be required to
1 18 pay the costs, including reasonable attorney fees, of the
1 19 adverse party.

1 20 Sec. 3. Section 6B.2C, Code 2007, is amended to read as
1 21 follows:

1 22 6B.2C APPROVAL OF THE PUBLIC IMPROVEMENT.

1 23 The authority to condemn is not conferred, and the
1 24 condemnation proceedings shall not commence, unless the
1 25 governing body for the acquiring agency ~~approves, by~~
1 26 resolution, declares that adequate funding for the public
1 27 improvement has been secured, that the use of condemnation for
1 28 the public improvement is approved, and that there is a
1 29 reasonable expectation the applicant will be able to achieve
1 30 its public purpose, comply with all applicable standards, and
1 31 obtain the necessary permits.

1 32 Sec. 4. NEW SECTION. 68B.8 BAN ON CERTAIN LOBBYING
1 33 ACTIVITIES ON BEHALF OF POLITICAL SUBDIVISIONS.

1 34 A political subdivision that collects and expends property
1 35 taxes shall not use public funds of any kind to pay a person,



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House File 2461 - Introduced continued

2 1 organization, or other entity to act as a lobbyist in relation
2 2 to any legislation relating specifically to eminent domain
2 3 authority or condemnation procedures.

2 4 Sec. 5. Section 316.4, subsection 1, Code 2007, is amended
2 5 to read as follows:

2 6 1. If a program or project undertaken by a displacing
2 7 agency will result in the displacement of a person, the
2 8 displacing agency shall make a payment to the displaced
2 9 person, upon proper application as approved by the displacing
2 10 agency, for actual reasonable and necessary expenses incurred
2 11 in moving the person, the person's family, business, farm
2 12 operation, or other personal property subject to rules and
2 13 limits established by the department. The payment may also
2 14 provide for actual direct losses of tangible personal
2 15 property, purchase of substitute personal property, business
2 16 reestablishment expenses, storage expenses, and expenses
2 17 incurred in searching for a replacement business or farm. If
2 18 relocation of a business or farm operation is not economically
2 19 feasible, the displaced person may also apply for payment of
2 20 the loss of existing business relationships because of the
2 21 inability to relocate the business or farm operation to a
2 22 location similar in economic advantage to the location from
2 23 which the business or farm operation was displaced.

2 24 Sec. 6. EFFECTIVE AND APPLICABILITY DATES. This Act,
2 25 being deemed of immediate importance, takes effect upon
2 26 enactment and applies to projects or condemnation proceedings
2 27 pending or commenced on or after that date.

2 28 EXPLANATION

2 29 This bill places various restrictions and requirements on
2 30 the use of eminent domain authority and condemnation
2 31 procedures.

2 32 The bill provides that property listed on the state
2 33 register of historic places shall not be removed from the
2 34 register solely for the purpose of allowing the property to be
2 35 acquired by condemnation.



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3 1 The bill changes the standard of proof on the acquiring
3 2 agency from a preponderance of the evidence to clear and
3 3 convincing evidence for an action brought in district court
3 4 challenging the exercise of eminent domain authority or
3 5 contesting condemnation proceedings.

3 6 The bill provides that the authority to condemn property is
3 7 not conferred, and condemnation proceedings shall not
3 8 commence, until the governing body of the acquiring agency has
3 9 declared that adequate funding for the public improvement has
3 10 been secured.

3 11 The bill prohibits a political subdivision that collects
3 12 and expends property taxes from using any public funds to pay
3 13 a person, organization, or other entity to lobby on any
3 14 legislation relating specifically to eminent domain authority
3 15 or condemnation procedures.

3 16 The bill provides that if relocation of a business or farm
3 17 operation is not economically feasible, the displaced person
3 18 may apply for payment of the loss of existing business
3 19 relationships because of the inability to relocate the
3 20 business or farm operation to a location similar in economic
3 21 advantage to the location from which the business or farm
3 22 operation was displaced.

3 23 The bill takes effect upon enactment and applies to
3 24 projects or condemnation proceedings pending or commenced on
3 25 or after that date.

3 26 LSB 6246YH 82

3 27 sc/rj/8



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House File 2462 - 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 urban renewal plans and areas, by placing a
2 durational limitation on the use of tax increment financing in
3 certain urban renewal areas, relating to amendments to urban
4 renewal plans, requiring voter approval of certain urban
5 renewal projects, and including effective, retroactive, and
6 other applicability date provisions.
7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
8 TL5B 6398HH 82
9 sc/rj/14



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House File 2462 - Introduced continued

PAG LIN

1 1 Section 1. Section 403.5, subsection 5, Code 2007, is
1 2 amended to read as follows:
1 3 5. An urban renewal plan may be ~~modified~~ amended at any
1 4 time: ~~Provided, that.~~ However, if ~~modified~~ the urban renewal
1 5 plan is amended after the lease or sale by the municipality of
1 6 real property in the urban renewal project area, such
1 7 modification amendment may be conditioned upon such approval
1 8 of the owner, lessee, or successor in interest as the
1 9 municipality may deem advisable, and in any event such
1 10 modification amendment shall be subject to such rights at law
1 11 or in equity as a lessee or purchaser, or a lessee's or
1 12 purchaser's successor or successors in interest, may be
1 13 entitled to assert. ~~The~~ A project may be added to an urban
1 14 renewal plan only by an amendment to the plan. Territory may
1 15 be added to, or severed from, an urban renewal area only by an
1 16 amendment to the urban renewal plan. When amending an urban
1 17 renewal plan, the municipality shall comply with the
1 18 notification and consultation process provided in this section
1 19 prior to the approval of any amendment or modification to an
1 20 adopted urban renewal plan if such amendment or modification
1 21 provides for refunding bonds or refinancing resulting in an
1 22 increase in debt service or provides for the issuance of bonds
1 23 or other indebtedness, to be funded primarily in the manner
1 24 provided in section 403.19, or if such amendment proposes to
1 25 add a project to an urban renewal plan or proposes to add
1 26 territory to an urban renewal area or proposes to sever
1 27 territory from an urban renewal area.
1 28 Sec. 2. Section 403.5, Code 2007, is amended by adding the
1 29 following new subsection:
1 30 NEW SUBSECTION. 5A. Before an urban renewal plan may be
1 31 amended to add a project to the plan, the proposed amendment
1 32 to the plan shall be submitted to the registered voters of the
1 33 municipality. If the amendment to the plan is approved at
1 34 election, the governing body of the municipality may proceed
1 35 with adoption of the amendment to the plan. If the proposed



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House File 2462 - Introduced continued

2 1 amendment to the plan is not approved at election, the same or
2 2 similar proposal shall not be submitted to the voters for a
2 3 period of twelve months from the date of the election.

2 4 Sec. 3. Section 403.5, subsection 6, Code 2007, is amended
2 5 to read as follows:

2 6 6. Upon the approval by a municipality of an urban renewal
2 7 plan or of any ~~modification thereof~~ amendment to an urban
2 8 renewal plan or upon approval of an amendment to an urban

2 9 renewal plan pursuant to subsection 5A, such plan or
2 10 modification amendment shall be deemed to be in full force and
2 11 effect for the respective urban renewal area, and the
2 12 municipality may then cause such plan or ~~modification~~
2 13 amendment to be carried out in accordance with its terms.

2 14 Sec. 4. NEW SECTION. 403.5A DURATIONAL LIMITATIONS ON
2 15 URBAN RENEWAL AREAS.

2 16 1. Notwithstanding section 403.17, subsection 10, if an
2 17 urban renewal plan for an urban renewal area is based upon a
2 18 finding that the area is an economic development area, then
2 19 the division of revenue provided in section 403.19 and stated
2 20 in the plan shall be limited to fifteen years beginning with
2 21 the calendar year following the calendar year in which the
2 22 municipality first certifies to the county auditor the amount
2 23 of any loans, advances, indebtedness, or bonds which qualify
2 24 for payment from the division of revenue provided in section
2 25 403.19. This subsection applies to urban renewal plans for
2 26 economic development areas adopted on or after January 1,
2 27 2008.

2 28 2. If an urban renewal plan for an urban renewal area is
2 29 based upon a finding that the area is a slum or blighted area,
2 30 then the division of revenue provided in section 403.19 and
2 31 stated in the plan shall be limited to fifteen years beginning
2 32 with the calendar year following the calendar year in which
2 33 the municipality first certifies to the county auditor the
2 34 amount of any loans, advances, indebtedness, or bonds which
2 35 qualify for payment from the division of revenue provided in



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3 1 section 403.19. This subsection applies to urban renewal
3 2 plans for slum or blighted areas adopted on or after January
3 3 1, 2008.

3 4 Sec. 5. Section 403.6, subsection 6, paragraph b, Code
3 5 2007, is amended to read as follows:

3 6 b. Urban renewal plans adopted, or amended, pursuant to
3 7 the requirements of section 403.5;

3 8 Sec. 6. Section 403.6, subsection 12, Code 2007, is
3 9 amended to read as follows:

3 10 12. To approve and amend urban renewal plans, subject to
3 11 the requirements of section 403.5.

3 12 Sec. 7. EFFECTIVE AND APPLICABILITY DATE. The sections of
3 13 this Act amending section 403.5, subsections 5 and 6, enacting
3 14 section 403.5, subsection 5A, and amending section 403.6,
3 15 being deemed of immediate importance, take effect upon
3 16 enactment and apply to amendments to urban renewal plans if
3 17 such amendments are proposed by a municipality on or after the
3 18 effective date of this Act.

3 19 EXPLANATION

3 20 This bill makes changes relating to urban renewal plans and
3 21 areas.

3 22 The bill provides that a project may be added to an urban
3 23 renewal plan, or territory added to or severed from an urban
3 24 renewal area, only by an amendment to the urban renewal plan.
3 25 The bill also provides that before an urban renewal plan may
3 26 be amended to add a project to the plan, the proposed
3 27 amendment must be approved at an election. If the proposal is
3 28 not approved at an election, the same or similar proposal
3 29 shall not be submitted to the voters for a period of twelve
3 30 months from the date of the election. These provisions of the
3 31 bill take effect upon enactment and apply to amendments to
3 32 urban renewal plans if such amendments are proposed on or
3 33 after the effective date.

3 34 The bill establishes a durational limitation of 15 years
3 35 for dividing revenue in an urban renewal area designated as an



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House File 2462 - Introduced continued

4 1 economic development area or as a slum or blighted area and
4 2 established by an urban renewal plan adopted by a municipality
4 3 on or after January 1, 2008. Currently, a division of revenue
4 4 in urban renewal areas designated as economic development
4 5 areas and established by an urban renewal plan adopted on or
4 6 after January 1, 1995, is limited in duration to 20 years.
4 7 LSB 6398HH 82
4 8 sc/rj/14



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House File 2463 - Introduced

HOUSE FILE
BY COMMITTEE ON LABOR

(SUCCESSOR TO HSB 603)

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

A BILL FOR

- 1 An Act relating to the payment of wages.
- 2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 3 TL5B 5438HV 82
- 4 ak/nh/8



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House File 2463 - Introduced continued

PAG LIN

1 1 Section 1. Section 91A.3, subsection 3, paragraph a,
1 2 unnumbered paragraph 1, Code Supplement 2007, is amended to
1 3 read as follows:

1 4 The wages paid under subsection 1 shall be ~~sent to the~~
1 5 ~~employee by mail or be~~ paid at the employee's normal place of
1 6 employment during normal employment hours or at a place and
1 7 hour mutually agreed upon by the employer and employee, or the
1 8 employee may elect to have the wages sent for direct deposit,
1 9 on or by the regular payday of the employee, into a financial
1 10 institution designated by the employee. Upon written request
1 11 by the employee, wages due may be sent to the employee by
1 12 mail. The employer shall maintain a copy of the request for
1 13 as long as it is effective and for at least two years
1 14 thereafter. An employee hired on or after July 1, 2005, may
1 15 be required, as a condition of employment, to participate in
1 16 direct deposit of the employee's wages in a financial
1 17 institution of the employee's choice unless any of the
1 18 following conditions exist:

1 19 Sec. 2. Section 91A.3, subsection 3, paragraph b, Code
1 20 Supplement 2007, is amended to read as follows:

1 21 b. If the employer fails to ~~send~~ pay an employee's wages
1 22 ~~for direct deposit~~ on or by the regular payday in accordance
1 23 with this subsection, the employer is liable for the amount of
1 24 any overdraft charge if the overdraft is created on the
1 25 employee's account because of the employer's failure to ~~send~~
1 26 pay the wages on or by the regular payday. The overdraft
1 27 charges may be the basis for a claim under section 91A.10 and
1 28 for damages under section 91A.8.

1 29 EXPLANATION

1 30 This bill expands the circumstances under which an
1 31 employee's overdraft charges that were caused by an employer's
1 32 failure to pay wages timely would be the basis for a wage
1 33 claim under Code chapter 91A to all failures to timely pay
1 34 wages rather than only failures to send wages for direct
1 35 deposit.



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House File 2463 - Introduced continued

2 1 The bill also provides that upon written request an
2 2 employee may receive wages by mail. An employer must keep the
2 3 request for as long as it is effective and for at least two
2 4 years after.
2 5 LSB 5438HV 82
2 6 ak/nh/8



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House File 2464 - Introduced

HOUSE FILE
BY KAUFMANN, TYMESON, and
GRASSLEY

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

Passed Senate, Date _____
Vote: Ayes _____ Nays _____

A BILL FOR

1 An Act relating to the deliberations of a compensation commission
2 during condemnation proceedings and including an effective
3 date provision.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
5 TL5B 5546YH 82
6 sc/rj/5



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House File 2464 - Introduced continued

PAG LIN

1 1 Section 1. Section 6B.14, subsection 2, Code Supplement
1 2 2007, is amended to read as follows:
1 3 2. Prior to the meeting of the commission, the commission
1 4 or a commissioner shall not communicate with the applicant,
1 5 property owner, or tenant, or their agents, regarding the
1 6 condemnation proceedings. The commissioners shall meet in
1 7 open session to view the property and to receive evidence, ~~but~~
~~1 8 may and shall deliberate and vote in closed open session.~~
1 9 When deliberating in closed session, the meeting is closed to
1 10 all persons who are not commissioners except for personnel
1 11 from the sheriff's office if such personnel is requested by
1 12 the commission. After deliberations commence, the commission
1 13 and each commissioner is prohibited from communicating with
1 14 any party to the proceeding unless such communication occurs
1 15 in the presence of or with the consent of the property owner
1 16 and the other parties who appeared before the commission or
1 17 their agents. However, if the commission is deliberating in
~~1 18 closed session, and after deliberations commence the~~
~~1 19 commission requires further information from a party or a~~
~~1 20 witness, the commission shall notify the property owner and~~
~~1 21 the acquiring agency that they are allowed to attend the~~
~~1 22 meeting at which such additional information shall be provided~~
~~1 23 but only for that period of time during which the additional~~
~~1 24 information is being provided. The property owner and the~~
~~1 25 acquiring agency shall be given a reasonable opportunity to~~
~~1 26 attend the meeting.~~ The commission shall keep minutes of all
1 27 its meetings showing the date, time, and place, the members
1 28 present, and the action taken at each meeting. The minutes
1 29 shall show the results of each vote taken and information
1 30 sufficient to indicate the vote of each member present. ~~The~~
~~1 31 vote of each member present shall be made public at the open~~
~~1 32 session.~~ The minutes shall be public records open to public
1 33 inspection.
1 34 Sec. 2. EFFECTIVE DATE. This Act, being deemed of
1 35 immediate importance, takes effect upon enactment.



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House File 2465 - Introduced

HOUSE FILE
BY ALONS

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

A BILL FOR

1 An Act relating to the registration of motor vehicles that
2 transport loads in excess of one hundred thirty thousand
3 pounds and providing fees.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
5 TLSB 5674HH 82
6 dea/nh/14



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House File 2465 - Introduced continued

PAG LIN

1 1 Section 1. Section 321E.12, Code 2007, is amended to read
1 2 as follows:

1 3 321E.12 REGISTRATION MUST BE CONSISTENT.

1 4 1. A vehicle traveling under permit shall be properly
1 5 registered for the gross weight of the vehicle and load. A
1 6 trip permit issued according to section 326.23 shall not be
1 7 used in lieu of the registration provided for in this section.
1 8 A person owning special mobile equipment may use a transport
1 9 vehicle registered for the gross weight of the transport
1 10 without a load.

1 11 2. a. Vehicles, while being used for the transportation
1 12 of buildings, except mobile homes and factory-built
1 13 structures, may be registered for the combined gross weight of
1 14 the vehicle and load on a single-trip basis. The fee is five
1 15 cents per ton exceeding the weight registered under section
1 16 321.122 per mile of travel.

1 17 b. Vehicles registered pursuant to section 321.122 for a
1 18 combined gross weight of one hundred thirty thousand pounds or
1 19 more may be registered for the combined gross weight of the
1 20 vehicle and load on a single-trip basis for weight exceeding
1 21 the weight registered under section 321.122. The fee is
1 22 thirty-three cents per ton exceeding the weight registered
1 23 under section 321.122 per mile of travel.

1 24 c. Fees Single-trip registration fees shall not be
1 25 prorated for fractions of miles. This provision does not
1 26 exempt these vehicles Vehicles registered under paragraph "a"
1 27 or "b" are not exempt from any other provision of this
1 28 chapter.

1 29 EXPLANATION

1 30 This bill provides a registration option for vehicles that
1 31 are occasionally used to transport loads in excess of 130,000
1 32 pounds. Under current law, such a vehicle is required to pay
1 33 an annual registration fee based on a combined gross weight
1 34 for the vehicle or combination of vehicles that includes the
1 35 maximum load to be transported at any time during the



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House File 2465 - Introduced continued

2 1 registration year.
2 2 The bill allows the owner of a vehicle who has paid an
2 3 annual registration fee based on a combined gross weight of
2 4 130,000 pounds or more to register the vehicle for additional
2 5 weight on a single-trip basis. The fee is 33 cents per ton
2 6 exceeding the weight registered for the year per mile of
2 7 travel. The fees may not be prorated for fractions of miles,
2 8 and vehicles registered on a single-trip basis are not exempt
2 9 from existing provisions relating to vehicles of excessive
2 10 size and weight.
2 11 LSB 5674HH 82
2 12 dea/nh/14.1



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House File 2466 - Introduced

HOUSE FILE
BY MAY

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

A BILL FOR

- 1 An Act relating to intentional acts exclusions in insurance
- 2 policies.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 6051HH 82
- 5 av/nh/8



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House File 2466 - Introduced continued

PAG LIN

1 1 Section 1. NEW SECTION. 515.101A DUTY TO DEFEND ==
1 2 SELF=DEFENSE.

1 3 A condition or exclusion in an application, policy, or
1 4 contract of insurance that excludes coverage for expected or
1 5 intentional injuries caused by the insured is not applicable
1 6 when the injury occurred while the insured was acting in
1 7 self=defense.

1 8 EXPLANATION

1 9 This bill provides that a condition or exclusion in an
1 10 application, policy, or contract of insurance that excludes
1 11 coverage for expected or intentional injuries caused by the
1 12 insured is not applicable when the injury occurred while the
1 13 insured was acting in self=defense. The bill abrogates the
1 14 holdings of the Iowa supreme court that acting in self=defense
1 15 by an insured does not prevent application of an intentional
1 16 acts exclusion in the insured's insurance policy.

1 17 LSB 6051HH 82

1 18 av/nh/8



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House File 2467 - Introduced

HOUSE FILE
BY KAUFMANN and SCHUELLER

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

A BILL FOR

- 1 An Act relating to the holding of a parent in contempt regarding
- 2 the denial of child visitation and making a penalty
- 3 applicable.
- 4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 5 TLSB 5548HH 82
- 6 pf/nh/8



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House File 2467 - Introduced continued

PAG LIN

1 1 Section 1. Section 598.23, subsection 1, Code Supplement
1 2 2007, is amended to read as follows:
1 3 1. If a person against whom a temporary order or final
1 4 decree has been entered willfully disobeys the order or
1 5 decree, the person may be cited and punished by the court for
1 6 contempt and be committed to the county jail for a period of
1 7 time not to exceed thirty days for each offense. The court
1 8 may find that a person willfully disobeyed the order or decree
1 9 and hold the person in contempt if the person is found to have
1 10 unilaterally decided to deny visitation, as prescribed by the
1 11 order or decree, in response to a non=life=threatening
1 12 emergency.

1 13

EXPLANATION

1 14 This bill provides that one basis for a finding of contempt
1 15 under the dissolution of marriage and domestic relations Code
1 16 chapter is that a person willfully disobeyed an order or
1 17 decree by unilaterally deciding to deny visitation, as
1 18 prescribed by the order or decree, in response to a
1 19 non=life=threatening emergency. The punishment for contempt
1 20 is commitment to the county jail for a period not to exceed 30
1 21 days for each offense, or an alternative penalty specified in
1 22 the section.

1 23 LSB 5548HH 82

1 24 pf/nh/8



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House File 2468 - Introduced

HOUSE FILE
BY KAUFMANN and SCHUELLER

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

A BILL FOR

1 An Act relating to modification of an order of child custody
2 based upon the relocation of a parent awarded physical
3 custody.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
5 TLSB 5545YH 82
6 pf/nh/14



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House File 2468 - Introduced continued

PAG LIN

1 1 Section 1. Section 598.21D, Code 2007, is amended to read
1 2 as follows:

1 3 598.21D RELOCATION OF PARENT AS GROUNDS TO MODIFY ORDER OF
1 4 CHILD CUSTODY == LEVEL OF CARE CONSIDERATION IN MODIFYING.

1 5 1. If a parent awarded joint legal custody and physical
1 6 care or sole legal custody is relocating the residence of the
1 7 minor child to a location which is one hundred fifty miles or
1 8 more from the residence of the minor child at the time that
1 9 custody was awarded, the court may consider the relocation a
1 10 substantial change in circumstances.

1 11 2. If the court determines that the relocation is a
1 12 substantial change in circumstances, in determining the best
1 13 interest of the child, the court may modify an existing order
1 14 that awarded joint legal custody and physical care to the
1 15 relocating parent and instead award joint legal custody and
1 16 physical care to the nonrelocating parent, if the court finds
1 17 that, in regard to the level of care provided by each parent,
1 18 the care provided by the nonrelocating parent is equal to the
1 19 level of care provided by the relocating parent. If the court
1 20 modifies the order and awards joint legal custody and physical
1 21 care to the nonrelocating parent, the court shall modify the
1 22 custody order to, at a minimum, preserve, as nearly as
1 23 possible, the existing relationship between the minor child
1 24 and the relocating parent. If modified, the order may include
1 25 a provision for extended visitation during summer vacations
1 26 and school breaks and scheduled telephone contact between the
1 27 relocating parent and the minor child. The modification may
1 28 include a provision assigning the responsibility for
1 29 transportation of the minor child for visitation purposes to
1 30 either or both parents.

1 31 3. If the court determines that the relocation is a
1 32 substantial change in circumstances, and the court modifies
1 33 the custody order retaining the provisions of the order
1 34 awarding joint legal custody and physical care or sole legal
1 35 custody to the relocating parent, the court shall modify the



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House File 2468 - Introduced continued

2 1 custody order to, at a minimum, preserve, as nearly as
2 2 possible, the existing relationship between the minor child
2 3 and the nonrelocating parent. If modified, the order may
2 4 include a provision for extended visitation during summer
2 5 vacations and school breaks and scheduled telephone contact
2 6 between the nonrelocating parent and the minor child. The
2 7 modification may include a provision assigning the
2 8 responsibility for transportation of the minor child for
2 9 visitation purposes to either or both parents.
2 10 4. If the court makes a finding of past interference by
2 11 the a parent awarded joint legal custody and physical care or
~~2 12 sole legal custody~~ with the minor child's access to the other
2 13 parent, the court may order the posting of a cash bond to
2 14 assure future compliance with the visitation provisions of the
2 15 decree. The supreme court shall prescribe guidelines for the
2 16 forfeiting of the bond and restoration of the bond following
2 17 forfeiting of the bond.

2 18 EXPLANATION

2 19 This bill amends provisions relating to relocation of a
2 20 parent as grounds for modification of a child custody order.
2 21 Current law provides that if a parent who has been awarded
2 22 joint legal custody and physical care or sole legal custody is
2 23 relocating the residence of the minor child to a location
2 24 which is 150 miles or more from the residence of the minor
2 25 child at the time that custody was awarded, the court may
2 26 consider the relocation a substantial change in circumstances.
2 27 The bill provides that if the court determines that the
2 28 relocation is a substantial change in circumstances, in
2 29 determining the best interest of the child, the court may
2 30 modify the existing order that awarded joint legal custody and
2 31 physical care to the relocating parent and instead award joint
2 32 legal custody and physical care to the nonrelocating parent,
2 33 if the court finds that, in regard to the level of care
2 34 provided by each parent, the care provided by the
2 35 nonrelocating parent is equal to the level of care provided by



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3 1 the relocating parent. If the court does modify the order and
3 2 awards joint legal custody and physical care to the
3 3 nonrelocating parent, the court is also to modify the custody
3 4 order to preserve, as nearly as possible, the existing
3 5 relationship between the minor child and the relocating
3 6 parent. Additionally, if the order is modified, the order may
3 7 include a provision for extended visitation during summer
3 8 vacations and school breaks and scheduled telephone contact
3 9 between the relocating parent and the minor child. The
3 10 modification may also include a provision assigning the
3 11 responsibility for transportation of the minor child for
3 12 visitation purposes to either or both parents.

3 13 Current law is retained regarding modification of the order
3 14 in a manner that retains the award of custody with the
3 15 relocating parent and the provisions relating to preserving
3 16 the existing relationship with the nonrelocating parent,
3 17 extended vacations and school breaks, telephone contact, and
3 18 provision for transportation of the minor child for visitation
3 19 purposes to either or both parents.

3 20 The bill amends the provision relating to posting of a cash
3 21 bond based on past interference by the relocating parent to
3 22 apply to both parents.

3 23 LSB 5545YH 82

3 24 pf/nh/14



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

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

A BILL FOR

1 An Act relating to health care reform including health care
 2 coverage intended for children, health information technology,
 3 end-of-life care promotion, preexisting conditions and
 4 dependent children coverage, and medical homes, providing an
 5 appropriation, and including an applicability provision.
 6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
 7 TLSB 6541YC 82
 8 av:pf/rj/14



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PAG LIN

1 1 DIVISION I
1 2 HEALTH CARE COVERAGE INTENT
1 3 Section 1. DECLARATION OF INTENT.
1 4 1. It is the intent of the general assembly, as funding
1 5 becomes available, to progress toward achievement of the goal
1 6 that all Iowans have health care coverage which meets certain
1 7 standards of quality and affordability with the initial
1 8 priority being that all children have such health care
1 9 coverage by December 31, 2010.
1 10 2. It is also the intent of the general assembly that if
1 11 sufficient funding is available, and if federal
1 12 reauthorization of the state children's health insurance
1 13 program provides sufficient federal allocations to the state
1 14 and authorization to cover such children as an option under
1 15 the state children's health insurance program, the department
1 16 of human services may expand coverage under the state
1 17 children's health insurance program to cover children with
1 18 family incomes up to three hundred percent of the federal
1 19 poverty level.
1 20 DIVISION II
1 21 IOWA HEALTH INFORMATION TECHNOLOGY SYSTEM
1 22 Sec. 2. NEW SECTION. 8.70 DEFINITIONS.
1 23 As used in this division, unless the context otherwise
1 24 requires:
1 25 1. "Health care professional" means a person who is
1 26 licensed, certified, or otherwise authorized or permitted by
1 27 the law of this state to administer health care in the
1 28 ordinary course of business of in the practice of a
1 29 profession.
1 30 2. "Health information technology" means the application
1 31 of information processing, involving both computer hardware
1 32 and software, that deals with the storage, retrieval, sharing,
1 33 and use of health care information, data, and knowledge for
1 34 communication, decision making, quality, safety, and
1 35 efficiency of clinical practice, and may include but is not



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2 1 limited to:

2 2 a. An electronic health record that electronically
2 3 compiles and maintains health information that may be derived
2 4 from multiple sources about the health status of an individual
2 5 and may include a core subset of each care delivery
2 6 organization's electronic medical record such as a continuity
2 7 of care record or a continuity of care document, computerized
2 8 physician order entry, electronic prescribing, or clinical
2 9 decision support.

2 10 b. A personal health record through which an individual
2 11 and any other person authorized by the individual can maintain
2 12 and manage the individual's health information.

2 13 c. An electronic medical record that is used by health
2 14 care professionals to electronically document, monitor, and
2 15 manage health care delivery within a care delivery
2 16 organization, is the legal record of the patient's encounter
2 17 with the care delivery organization, and is owned by the care
2 18 delivery organization.

2 19 d. A computerized provider order entry function that
2 20 permits the electronic ordering of diagnostic and treatment
2 21 services, including prescription drugs.

2 22 e. A decision support function to assist physicians and
2 23 other health care providers in making clinical decisions by
2 24 providing electronic alerts and reminders to improve
2 25 compliance with best practices, promote regular screenings and
2 26 other preventive practices, and facilitate diagnoses and
2 27 treatments.

2 28 f. Tools to allow for the collection, analysis, and
2 29 reporting of information or data on adverse events, the
2 30 quality and efficiency of care, patient satisfaction, and
2 31 other health care-related performance measures.

2 32 3. "Interoperability" means the ability of two or more
2 33 systems or components to exchange information or data in an
2 34 accurate, effective, secure, and consistent manner and to use
2 35 the information or data that has been exchanged and includes



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- 3 1 but is not limited to:
- 3 2 a. The capacity to connect to a network for the purpose of
3 3 exchanging information or data with other users.
- 3 4 b. The ability of a connected, authenticated user to
3 5 demonstrate appropriate permissions to participate in the
3 6 instant transaction over the network.
- 3 7 c. The capacity of a connected, authenticated user to
3 8 access, transmit, receive, and exchange usable information
3 9 with other users.
- 3 10 4. "Recognized interoperability standard" means
3 11 interoperability standards recognized by the office of the
3 12 national coordinator for health information technology of the
3 13 United States department of health and human services.
- 3 14 Sec. 3. NEW SECTION. 8.71 IOWA ELECTRONIC HEALTH ==
3 15 PRINCIPLES == GOALS.
- 3 16 1. Health information technology is rapidly evolving so
3 17 that it can contribute to the goals of improving access to and
3 18 quality of health care, enhancing efficiency, and reducing
3 19 costs.
- 3 20 2. To be effective, the health information technology
3 21 system shall comply with all of the following principles:
- 3 22 a. Be patient-centered and market-driven.
- 3 23 b. Be based on approved standards developed with input
3 24 from all stakeholders.
- 3 25 c. Protect the privacy of consumers and the security and
3 26 confidentiality of all health information.
- 3 27 d. Promote interoperability.
- 3 28 e. Ensure the accuracy, completeness, and uniformity of
3 29 data.
- 3 30 3. Widespread adoption of health information technology is
3 31 critical to a successful health information technology system
3 32 and is best achieved when all of the following occur:
- 3 33 a. The market provides a variety of certified products
3 34 from which to choose in order to best fit the needs of the
3 35 user.



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4 1 b. The system provides incentives for health care
4 2 professionals to utilize the health information technology and
4 3 provides rewards for any improvement in quality and efficiency
4 4 resulting from such utilization.

4 5 c. The system provides protocols to address critical
4 6 problems.

4 7 d. The system is financed by all who benefit from the
4 8 improved quality, efficiency, savings, and other benefits that
4 9 result from use of health information technology.

4 10 Sec. 4. NEW SECTION. 8.72 IOWA ELECTRONIC HEALTH
4 11 INFORMATION COMMISSION.

4 12 1. a. An electronic health information commission is
4 13 created as a public and private collaborative effort to
4 14 promote the adoption and use of health information technology
4 15 in this state in order to improve health care quality,
4 16 increase patient safety, reduce health care costs, enhance
4 17 public health, and empower individuals and health care
4 18 professionals with comprehensive, real-time medical
4 19 information to provide continuity of care and make the best
4 20 health care decisions. The commission shall provide oversight
4 21 for the development, implementation, and coordination of an
4 22 interoperable electronic health records system, telehealth
4 23 expansion efforts, the health information technology
4 24 infrastructure, and other health information technology
4 25 initiatives in this state. The commission shall be guided by
4 26 the principles and goals specified in section 8.71.

4 27 b. All health information technology efforts shall
4 28 endeavor to represent the interests and meet the needs of
4 29 consumers and the health care sector, protect the privacy of
4 30 individuals and the confidentiality of individuals'
4 31 information, promote physician best practices, and make
4 32 information easily accessible to the appropriate parties. The
4 33 system developed shall be consumer-driven, flexible, and
4 34 expandable.

4 35 2. The commission shall consist of five voting members who



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5 1 are individuals with broad experience and vision in health
5 2 care and health technology, and four members of the general
5 3 assembly who shall serve as ex officio, nonvoting members.
5 4 The voting members shall be appointed by the governor, subject
5 5 to confirmation by the senate. The legislative members of the
5 6 commission shall be appointed by the majority leader of the
5 7 senate, the minority leader of the senate, the speaker of the
5 8 house of representatives, and the minority leader of the house
5 9 of representatives.

5 10 3. a. The voting members shall serve terms of three years
5 11 beginning and ending as provided in section 69.19. Voting
5 12 member appointments shall comply with sections 69.16 and
5 13 69.16A. Voting members shall receive reimbursement for actual
5 14 expenses incurred while serving in their official capacity and
5 15 voting members may also be eligible to receive compensation as
5 16 provided in section 7E.6. Legislative members shall be paid
5 17 the per diem and expenses specified in section 2.10.
5 18 Vacancies shall be filled by the original appointing authority
5 19 and in the manner of the original appointments. A person
5 20 appointed to fill a vacancy for a member shall serve only for
5 21 the unexpired portion of the term. A voting member is
5 22 eligible for reappointment for two successive terms.

5 23 b. The voting members shall select a chairperson,
5 24 annually, from among the membership. The commission shall
5 25 meet at least quarterly and at the call of the chairperson. A
5 26 majority of the voting members of the commission constitutes a
5 27 quorum. Any action taken by the commission must be adopted by
5 28 the affirmative vote of a majority of its voting membership.

5 29 c. The commission is located for administrative purposes
5 30 within the department of management. The department shall
5 31 provide office space, staff assistance, administrative
5 32 support, and necessary supplies and equipment for the
5 33 commission.

5 34 4. The commission shall do all of the following:

5 35 a. Establish a technical advisory group which shall



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6 1 consist of the representatives of entities involved in the
6 2 electronic health records system task force established
6 3 pursuant to section 217.41A, Code 2007, and any other members
6 4 the commission determines necessary to assist in the
6 5 commission's duties at various stages of development of the
6 6 electronic health information system. Executive branch
6 7 agencies shall also be included as necessary to assist in the
6 8 duties of the commission. Public members of the technical
6 9 advisory group shall receive reimbursement for actual expenses
6 10 incurred while serving in their official capacity only if they
6 11 are not eligible for reimbursement by the organization that
6 12 they represent. Any legislative members shall be paid the per
6 13 diem and expenses specified in section 2.10.

6 14 b. Adopt a statewide health information technology plan by
6 15 January 1, 2009. In developing the plan, the commission shall
6 16 seek the input of providers, payers, and consumers. Standards
6 17 and policies developed for the plan shall promote and be
6 18 consistent with national standards developed by the office of
6 19 the national coordinator for health information technology of
6 20 the United States department of health and human services and
6 21 shall address or provide for all of the following:

6 22 (1) The effective, efficient, statewide use of electronic
6 23 health information in patient care, health care policymaking,
6 24 clinical research, health care financing, and continuous
6 25 quality improvement. The commission shall adopt requirements
6 26 for interoperable electronic health records in this state
6 27 including a recognized interoperability standard.

6 28 (2) Education of the public and health care sector about
6 29 the value of health information technology in improving
6 30 patient care, and methods to promote increased support and
6 31 collaboration of state and local public health agencies,
6 32 health care professionals, and consumers in health information
6 33 technology initiatives.

6 34 (3) Standards for the exchange of health care information
6 35 and interoperable electronic health records.



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- 7 1 (4) Policies relating to the protection of privacy of
7 2 patients and the security and confidentiality of patient
7 3 information.
- 7 4 (5) Policies relating to information ownership.
- 7 5 (6) Policies relating to governance of the various facets
7 6 of the health information technology system.
- 7 7 (7) A single patient identifier or alternative mechanism
7 8 to share secure patient information. If no alternative
7 9 mechanism is acceptable to the commission, all health care
7 10 professionals shall utilize the mechanism selected by the
7 11 commission by January 1, 2010.
- 7 12 (8) A standard continuity of care record and other issues
7 13 related to the content of electronic transmissions. All
7 14 health care professionals shall utilize the standard
7 15 continuity of care record by January 1, 2010.
- 7 16 (9) Requirements for electronic prescribing.
- 7 17 (10) Economic incentives and support to facilitate
7 18 participation in an interoperable system by health care
7 19 professionals.
- 7 20 c. Identify existing and potential health information
7 21 technology efforts in this state, regionally, and nationally,
7 22 and integrate existing efforts to avoid incompatibility
7 23 between efforts and avoid duplication.
- 7 24 d. Coordinate public and private efforts to provide the
7 25 network backbone infrastructure for the health information
7 26 technology system. In coordinating these efforts, the
7 27 commission shall do all of the following:
- 7 28 (1) Adopt policies to effectuate the logical cost
7 29 effective usage of and access to the state-owned network, and
7 30 support of telecommunication carrier products, where
7 31 applicable.
- 7 32 (2) Consult with the Iowa communications network, private
7 33 fiberoptic networks, and any other communications entity to
7 34 seek collaboration, avoid duplication, and leverage
7 35 opportunities in developing a backbone network.



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- 8 1 (3) Establish protocols to ensure compliance with any
8 2 applicable federal standards.
- 8 3 (4) Determine costs for accessing the network at a level
8 4 that provides sufficient funding for the network.
- 8 5 e. Promote the use of telemedicine.
- 8 6 (1) Examine existing barriers to the use of telemedicine
8 7 and make recommendations for eliminating these barriers.
- 8 8 (2) Examine the most efficient and effective systems of
8 9 technology for use and make recommendations based on the
8 10 findings.
- 8 11 f. Address the workforce needs generated by increased use
8 12 of health information technology.
- 8 13 g. Adopt rules in accordance with chapter 17A to implement
8 14 all aspects of the statewide plan and the network.
- 8 15 h. Coordinate, monitor, and evaluate the adoption, use,
8 16 interoperability, and efficiencies of the various facets of
8 17 health information technology in this state.
- 8 18 i. Seek and apply for any federal or private funding to
8 19 assist in the implementation and support of the health
8 20 information technology system and make recommendations for
8 21 funding mechanisms for the ongoing development and maintenance
8 22 costs of the health information technology system.
- 8 23 j. Identify state laws and rules that present barriers to
8 24 the development of the health information technology system
8 25 and recommend any changes to the governor and the general
8 26 assembly.
- 8 27 Sec. 5. Section 217.41A, Code 2007, is repealed.
- 8 28 DIVISION III
- 8 29 END=OF=LIFE CARE PROMOTION
- 8 30 Sec. 6. NEW SECTION. 231.62 END=OF=LIFE CARE PROMOTION.
- 8 31 1. The department shall consult with the Iowa medical
8 32 society, the Iowa end-of-life coalition, the Iowa hospice
8 33 organization, the university of Iowa palliative care program,
8 34 and other health care professionals whose scope of practice
8 35 includes end-of-life care to develop educational and



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9 1 patient-centered information on end-of-life care for
9 2 terminally ill patients and health care professionals.
9 3 2. For the purposes of this section, "end-of-life care"
9 4 means care provided to meet the physical, psychological,
9 5 social, spiritual, and practical needs of terminally ill
9 6 patients and their caregivers.

9 7 DIVISION IV
9 8 HEALTH CARE COVERAGE

9 9 Sec. 7. Section 509.3, Code 2007, is amended by adding the
9 10 following new subsection:

9 11 NEW SUBSECTION. 8. A provision that the insurer will
9 12 permit continuation of existing coverage for an unmarried
9 13 dependent child of an insured or enrollee who so elects, at
9 14 least through the age of twenty-five years old or so long as
9 15 the dependent child maintains full-time status as a student in
9 16 an accredited institution of postsecondary education,
9 17 whichever occurs last, at a premium established in accordance
9 18 with the insurer's rating practices.

9 19 Sec. 8. Section 513B.2, subsection 6, paragraph b, Code
9 20 Supplement 2007, is amended to read as follows:

9 21 b. A small employer carrier ~~may~~ shall establish additional
9 22 groupings under each of the subparagraphs in paragraph "a" on
9 23 the basis of underwriting criteria which are expected to
9 24 produce substantial variation in the health care costs. A
9 25 small employer carrier shall offer health insurance coverage
9 26 to a bona fide association as defined in section 509.1,
9 27 subsection 8, paragraph "b", that utilizes the rating bands
9 28 devised pursuant to the additional groupings established.

9 29 Sec. 9. Section 513C.7, subsection 2, paragraph a, Code
9 30 2007, is amended to read as follows:

9 31 ~~a-~~ The individual basic or standard health benefit plan
9 32 shall not deny, exclude, or limit benefits for a covered
9 33 individual for losses incurred more than twelve months
9 34 following the effective date of the individual's coverage due
9 35 to a preexisting condition. A preexisting condition shall not



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10 1 be defined more restrictively than any of the following:
10 2 ~~(1)~~ a. A condition that would cause an ordinarily prudent
10 3 person to seek medical advice, diagnosis, care, or treatment
10 4 during the twelve months immediately preceding the effective
10 5 date of coverage.
10 6 ~~(2)~~ b. A condition for which medical advice, diagnosis,
10 7 care, or treatment was recommended or received during the
10 8 twelve months immediately preceding the effective date of
10 9 coverage.
10 10 ~~(3)~~ c. A pregnancy existing on the effective date of
10 11 coverage.
10 12 Sec. 10. Section 513C.7, subsection 2, paragraph b, Code
10 13 2007, is amended by striking the paragraph.
10 14 Sec. 11. NEW SECTION. 514A.3B ADDITIONAL REQUIREMENTS.
10 15 1. An insurer which accepts an individual for coverage
10 16 under an individual policy or contract of accident and health
10 17 insurance shall waive any time period applicable to a
10 18 preexisting condition exclusion or limitation period
10 19 requirement of the policy or contract with respect to
10 20 particular services in an individual health benefit plan for
10 21 the period of time the individual was previously covered by
10 22 qualifying previous coverage as defined in section 513C.3 that
10 23 provided benefits with respect to such services, provided that
10 24 the qualifying previous coverage was continuous to a date not
10 25 more than sixty=three days prior to the effective date of the
10 26 new policy or contract. For purposes of this section, periods
10 27 of coverage under medical assistance provided pursuant to
10 28 chapter 249A or 514I, or Medicare coverage provided pursuant
10 29 to Title XVIII of the federal Social Security Act shall not be
10 30 counted with respect to the sixty=three=day requirement.
10 31 2. An insurer issuing an individual policy or contract of
10 32 accident and health insurance which provides coverage for
10 33 dependent children of the insured shall permit continuation of
10 34 coverage for an unmarried dependent child of an insured or
10 35 enrollee who so elects, at least through the age of



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11 1 twenty-five years old or so long as the dependent child
11 2 maintains full-time status as a student in an accredited
11 3 institution of postsecondary education, whichever occurs last,
11 4 at a premium established in accordance with the insurer's
11 5 rating practices.

11 6 Sec. 12. APPLICABILITY. This division of this Act applies
11 7 to policies or contracts of accident and health insurance
11 8 delivered or issued for delivery or continued or renewed in
11 9 this state on or after July 1, 2008.

11 10 DIVISION V
11 11 MEDICAL HOME

11 12 Sec. 13. NEW SECTION. 135.154 DEFINITIONS.

11 13 As used in this chapter, unless the context otherwise
11 14 requires:

11 15 1. "Department" means the department of public health.

11 16 2. "Health care professional" means a person who is
11 17 licensed, certified, or otherwise authorized or permitted by
11 18 the law of this state to administer health care in the
11 19 ordinary course of business or in the practice of a
11 20 profession.

11 21 3. "Medical home" means a team approach to providing
11 22 health care that originates in a primary care setting; fosters
11 23 a partnership among the patient, the primary care physician
11 24 and other health care professionals, and where appropriate,
11 25 the patient's family; utilizes the partnership to access all
11 26 medical and nonmedical health-related services needed by the
11 27 patient and the patient's family to achieve maximum health
11 28 potential; maintains a centralized, comprehensive record of
11 29 all health-related services to promote continuity of care; and
11 30 has all of the characteristics specified in section 135.155.

11 31 4. "Medical home commission" or "commission" means the
11 32 medical home commission created in section 135.156.

11 33 5. "National committee for quality assurance" means the
11 34 nationally recognized, independent nonprofit organization that
11 35 measures the quality and performance of health care and health



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12 1 care plans in the United States; provides accreditation,
12 2 certification, and recognition programs for health care plans
12 3 and programs; and is recognized in Iowa as an accrediting
12 4 organization for commercial and Medicaid=managed care
12 5 organizations.

12 6 6. "Nonphysician primary care professionals" means
12 7 providers of health care other than physicians who render some
12 8 primary care services including advanced registered nurse
12 9 practitioners, physician assistants, pharmacists, and other
12 10 health care professionals.

12 11 7. "Personal provider" means the patient's first point of
12 12 contact in the health care system with a primary care provider
12 13 who identifies the patient's health needs, and, working with a
12 14 team of health care professionals, provides for and
12 15 coordinates appropriate care to address the health needs
12 16 identified.

12 17 8. "Primary care" means health care which emphasizes
12 18 providing for a patient's general health needs and utilizes
12 19 collaboration with other health care professionals and
12 20 consultation or referral as appropriate to meet the needs
12 21 identified.

12 22 9. "Primary care physician" means a generalist physician
12 23 who is specifically trained to provide primary care at the
12 24 point of first contact, and takes continuing responsibility
12 25 for providing the patient's care.

12 26 Sec. 14. NEW SECTION. 135.155 MEDICAL HOME PURPOSES ==
12 27 CHARACTERISTICS.

12 28 1. The purposes of a medical home are the following:

12 29 a. To reduce disparities in health care access, delivery,
12 30 and health care outcomes.

12 31 b. To improve quality of health care and lower health care
12 32 costs, thereby creating savings to allow more Iowans to have
12 33 health care coverage and to provide for the sustainability of
12 34 the health care system.

12 35 c. To provide a tangible method to document if each Iowan



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13 1 has access to health care.
13 2 2. A medical home has all of the following
13 3 characteristics:
13 4 a. A personal provider. Each patient has an ongoing
13 5 relationship with a personal provider trained to provide first
13 6 contact and continuous and comprehensive care.
13 7 b. A provider-directed medical practice. The personal
13 8 provider leads a team of individuals at the practice level who
13 9 collectively take responsibility for the ongoing health care
13 10 of patients.
13 11 c. Whole person orientation. The personal provider is
13 12 responsible for providing for all of a patient's health care
13 13 needs or taking responsibility for appropriately arranging
13 14 health care by other qualified health care professionals.
13 15 This responsibility includes health care at all stages of life
13 16 including provision of acute care, chronic care, preventive
13 17 services, and end-of-life care.
13 18 d. Coordination and integration of care. Care is
13 19 coordinated and integrated across all elements of the complex
13 20 health care system and the patient's community. Care is
13 21 facilitated by registries, information technology, health
13 22 information exchanges, and other means to assure that patients
13 23 get the indicated care when and where they need and want the
13 24 care in a culturally and linguistically appropriate manner.
13 25 e. Quality and safety. The following are quality and
13 26 safety components of the medical home:
13 27 (1) Provider-directed medical practices advocate for their
13 28 patients to support the attainment of optimal,
13 29 patient-centered outcomes that are defined by a care planning
13 30 process driven by a compassionate, robust partnership between
13 31 providers, the patient, and the patient's family.
13 32 (2) Evidence-based medicine and clinical decision-support
13 33 tools guide decision making.
13 34 (3) Providers in the medical practice accept
13 35 accountability for continuous quality improvement through



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14 1 voluntary engagement in performance measurement and
14 2 improvement.

14 3 (4) Patients actively participate in decision making and
14 4 feedback is sought to ensure that the patients' expectations
14 5 are being met.

14 6 (5) Information technology is utilized appropriately to
14 7 support optimal patient care, performance measurement, patient
14 8 education, and enhanced communication.

14 9 (6) Practices participate in a voluntary recognition
14 10 process conducted by an appropriate nongovernmental entity to
14 11 demonstrate that the practice has the capabilities to provide
14 12 patient-centered services consistent with the medical home
14 13 model.

14 14 (7) Patients and families participate in quality
14 15 improvement activities at the practice level.

14 16 f. Enhanced access to health care. Enhanced access to
14 17 health care is available through systems such as open
14 18 scheduling, expanded hours, and new options for communication
14 19 between the patient, the patient's personal provider, and
14 20 practice staff.

14 21 g. Payment. The payment system appropriately recognizes
14 22 the added value provided to patients who have a
14 23 patient-centered medical home. The payment structure
14 24 framework of the medical home provides all of the following:

14 25 (1) Reflects the value of provider and nonprovider staff
14 26 and patient-centered care management work that is in addition
14 27 to the face-to-face visit.

14 28 (2) Pays for services associated with coordination of
14 29 health care both within a given practice and between
14 30 consultants, ancillary providers, and community resources.

14 31 (3) Supports adoption and use of health information
14 32 technology for quality improvement.

14 33 (4) Supports provision of enhanced communication access
14 34 such as secure electronic mail and telephone consultation.

14 35 (5) Recognizes the value of physician work associated with



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15 1 remote monitoring of clinical data using technology.
15 2 (6) Allows for separate fee=for=service payments for
15 3 face=to=face visits. Payments for health care management
15 4 services that are in addition to the face=to=face visit do not
15 5 result in a reduction in the payments for face=to=face visits.
15 6 (7) Recognizes case mix differences in the patient
15 7 population being treated within the practice.
15 8 (8) Allows providers to share in savings from reduced
15 9 hospitalizations associated with provider=guided health care
15 10 management in the office setting.
15 11 (9) Allows for additional payments for achieving
15 12 measurable and continuous quality improvements.
15 13 Sec. 15. NEW SECTION. 135.156 MEDICAL HOME COMMISSION.
15 14 1. A medical home commission is created consisting of the
15 15 following members:
15 16 a. The director of public health, or the director's
15 17 designee, who shall act as chairperson of the commission.
15 18 b. The director of human services, or the director's
15 19 designee.
15 20 c. The commissioner of insurance, or the commissioner's
15 21 designee.
15 22 d. A representative of health insurers.
15 23 e. A representative of the Iowa dental association.
15 24 f. A representative of the Iowa nurses association.
15 25 g. A family physician who is a member of the Iowa academy
15 26 of family physicians.
15 27 h. A health care consumer.
15 28 i. A representative of the Iowa collaborative safety net
15 29 provider network established pursuant to section 135.153.
15 30 j. A representative of the Iowa pharmacy association.
15 31 2. a. Members of the commission from the organizations
15 32 specified in subsection 1 shall be selected by the respective
15 33 organization. Terms of public members of the commission shall
15 34 begin and end as provided by section 69.19. Any vacancy shall
15 35 be filled in the same manner as regular appointments are made



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16 1 for the unexpired portion of the regular term. Public members
16 2 shall serve terms of three years. A member is eligible for
16 3 reappointment for two successive terms.

16 4 b. Public members of the commission shall receive their
16 5 actual and necessary expenses incurred in the performance of
16 6 their duties and may be eligible to receive compensation as
16 7 provided in section 7E.6.

16 8 c. The commission shall meet at least quarterly and in
16 9 accordance with rules adopted by the commission.

16 10 d. A majority of the members of the commission constitutes
16 11 a quorum. Any action taken by the commission must be adopted
16 12 by the affirmative vote of a majority of its voting
16 13 membership.

16 14 e. The commission is located for administrative purposes
16 15 within the division of health promotion and chronic disease
16 16 management within the department. The commission shall
16 17 coordinate efforts with other divisions, bureaus, and offices
16 18 within the department including but not limited to the office
16 19 of multicultural health established in section 135.12 and oral
16 20 health bureau established in section 135.15, in order to avoid
16 21 duplication of efforts. The department shall provide office
16 22 space, staff assistance, administrative support, and necessary
16 23 supplies and equipment to the commission.

16 24 3. The commission may adopt rules pursuant to chapter 17A
16 25 to administer the programs of the commission.

16 26 Sec. 16. NEW SECTION. 135.157 MEDICAL HOME SYSTEM ==
16 27 DEVELOPMENT AND IMPLEMENTATION.

16 28 1. The commission shall develop a plan for implementation
16 29 of a statewide medical home system. The initial phase shall
16 30 focus on providing a medical home for children, beginning with
16 31 those children who are recipients of medical assistance or the
16 32 hawk=i program, and expanding to children covered through the
16 33 exchange created pursuant to section 514M.4. The second phase
16 34 shall focus on providing a medical home to the expansion
16 35 population under the IowaCare program and to adult recipients



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17 1 of medical assistance. The third phase shall focus on
17 2 providing a medical home to adults covered through the
17 3 exchange created pursuant to section 514M.4. The commission,
17 4 in collaboration with parents, schools, communities, health
17 5 plans, and providers, shall endeavor to increase healthy
17 6 outcomes for children and adults by linking the children and
17 7 adults with a medical home, identifying health improvement
17 8 goals for children and adults, and linking reimbursement
17 9 strategies to increasing healthy outcomes for children and
17 10 adults. The plan shall provide that the medical home system
17 11 shall do all of the following:

- 17 12 a. Coordinate and provide access to evidence-based health
17 13 care services, emphasizing convenient, comprehensive primary
17 14 care and including preventive, screening, and well-child
17 15 health services.
- 17 16 b. Provide access to appropriate specialty care and
17 17 inpatient services.
- 17 18 c. Provide quality-driven and cost-effective health care.
- 17 19 d. Provide access to pharmacist-delivered medication
17 20 reconciliation and medication therapy management services,
17 21 where appropriate.
- 17 22 e. Promote strong and effective medical management
17 23 including but not limited to planning treatment strategies,
17 24 monitoring health outcomes and resource use, sharing
17 25 information, and organizing care to avoid duplication of
17 26 service.
- 17 27 f. Emphasize patient and provider accountability.
- 17 28 g. Prioritize local access to the continuum of health care
17 29 services in the most appropriate setting.
- 17 30 h. Establish a baseline for medical home goals and
17 31 establish performance measures that indicate a child or adult
17 32 has an established and effective medical home. For children,
17 33 these goals and performance measures may include but are not
17 34 limited to childhood immunizations rates, well-child care
17 35 utilization rates, care management for children with chronic



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18 1 illnesses, emergency room utilization, and preventive oral
18 2 health service utilization.
18 3 i. For children, coordinate with and integrate guidelines,
18 4 data, and information from existing newborn and child health
18 5 programs and entities, including but not limited to the
18 6 healthy opportunities to experience, success=healthy families
18 7 Iowa program, the community empowerment program, the center
18 8 for congenital and inherited disorders screening and health
18 9 care programs, standards of care for pediatric health
18 10 guidelines, the office of multicultural health established in
18 11 section 135.12, the oral health bureau established in section
18 12 135.15, and other similar programs and services.
18 13 2. The commission shall develop an organizational
18 14 structure for the medical home system in this state. The
18 15 organizational structure plan shall integrate existing
18 16 resources, provide a strategy to coordinate health care
18 17 services, provide for monitoring and data collection on
18 18 medical homes, provide for training and education to health
18 19 care professionals and families, and provide for transition of
18 20 children to the adult medical care system. The organizational
18 21 structure may be based on collaborative teams of stakeholders
18 22 throughout the state such as local public health agencies, the
18 23 collaborative safety net provider network established in
18 24 section 135.153, or a combination of statewide organizations.
18 25 Care coordination may be provided through regional offices or
18 26 through individual provider practices. The organizational
18 27 structure may also include the use of telemedicine resources,
18 28 and may provide for partnering with pediatric and family
18 29 practice residency programs to improve access to preventive
18 30 care for children. The organizational structure shall also
18 31 address the need to organize and provide health care to
18 32 increase accessibility for patients including using venues
18 33 more accessible to patients and having hours of operation that
18 34 are conducive to the population served.
18 35 3. The commission shall adopt standards and a process to



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19 1 certify medical homes based on the national committee for
19 2 quality assurance standards. The certification process and
19 3 standards shall provide mechanisms to monitor performance and
19 4 to evaluate, promote, and improve the quality of health of and
19 5 health care delivered to patients through a medical home. The
19 6 mechanism shall require participating providers to monitor
19 7 clinical progress and performance in meeting applicable
19 8 standards and to provide information in a form and manner
19 9 specified by the commission. The evaluation mechanism shall
19 10 be developed with input from consumers, providers, and payers.
19 11 At a minimum the evaluation shall determine any increased
19 12 quality in health care provided and any decrease in cost
19 13 resulting from the medical home system compared with other
19 14 health care delivery systems. The standards and process shall
19 15 also include a mechanism for other ancillary service providers
19 16 to become affiliated with a certified medical home.

19 17 4. The commission shall adopt education and training
19 18 standards for health care professionals participating in the
19 19 medical home system.

19 20 5. The commission shall provide for system simplification
19 21 through the use of universal referral forms, internet-based
19 22 tools for providers, and a central medical home internet site
19 23 for providers.

19 24 6. The commission shall determine a rate of reimbursement
19 25 and recommend incentives for participation in the medical home
19 26 system to ensure that providers enter and remain participating
19 27 in the system. In adopting the incentives, the commission
19 28 shall consider, at a minimum, providing incentives to promote
19 29 wellness, prevention, chronic care management, immunizations,
19 30 health care management, and the use of electronic health
19 31 records. In developing the reimbursement system and
19 32 incentives, the commission shall analyze, at a minimum, the
19 33 feasibility of all of the following:

19 34 a. Reimbursement under the medical assistance program to
19 35 promote wellness and prevention, provide care coordination,



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20 1 and provide chronic care management.

20 2 b. Increasing reimbursement to Medicare levels for certain
20 3 wellness and prevention services, chronic care management, and
20 4 immunizations.

20 5 c. Providing reimbursement for primary care services by
20 6 addressing the disparities between reimbursement for specialty
20 7 services and primary care services.

20 8 d. Increased funding for efforts to transform medical
20 9 practices into certified medical homes, including emphasizing
20 10 the implementation of the use of electronic health records.

20 11 e. Targeted reimbursement to providers linked to health
20 12 care quality improvement measures established by the
20 13 commission.

20 14 f. Reimbursement for specified ancillary support services
20 15 such as transportation for medical appointments and other such
20 16 services.

20 17 g. Providing reimbursement for medication reconciliation
20 18 and medication therapy management service, where appropriate.

20 19 7. The commission shall coordinate the requirements and
20 20 activities of the medical home system with the requirements
20 21 and activities of the dental home for children as described in
20 22 section 249J.14, subsection 7, and shall recommend financial
20 23 incentives for dentists and nondental providers to promote
20 24 oral health care coordination through preventive dental
20 25 intervention, early identification of oral disease risk,
20 26 health care coordination and data tracking, treatment, chronic
20 27 care management, education and training, parental guidance,
20 28 and oral health promotions for children.

20 29 8. The commission shall integrate the recommendations and
20 30 policies developed by the prevention and chronic care
20 31 management advisory council into the medical home system.

20 32 9. Implementation phases.

20 33 a. Initial implementation shall require participation in
20 34 the medical home system of children who are recipients of the
20 35 medical assistance or the hawk=i programs and children who



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21 1 have health insurance coverage through the exchange created in
21 2 section 514M.4. The commission shall develop an enhanced
21 3 reimbursement methodology for recipients of medical assistance
21 4 and hawk=i to compensate providers who participate in the
21 5 medical home system. The department of human services shall
21 6 submit any state plan amendments or request any waivers
21 7 necessary from the centers for Medicare and Medicaid services
21 8 of the United States department of health and human services
21 9 for approval of the reimbursement methodology. The commission
21 10 shall work with the exchange to develop an enhanced
21 11 reimbursement methodology for children covered through the
21 12 exchange to compensate providers who participate in the
21 13 medical home system.

21 14 b. The commission shall work with the department of human
21 15 services and with the exchange to expand the medical home
21 16 system to adult recipients of medical assistance, the
21 17 expansion population under the IowaCare program, and adults
21 18 covered through the exchange. The commission shall work with
21 19 the centers for Medicare and Medicaid services of the United
21 20 States department of health and human services to allow
21 21 Medicare recipients to utilize the medical home system.

21 22 c. The commission shall work with the department of
21 23 administrative services to allow state employees to utilize
21 24 the medical home system.

21 25 d. The commission shall work with insurers and
21 26 self-insured companies, if requested, to make the medical home
21 27 system available to individuals with private health care
21 28 coverage.

21 29 10. The commission shall provide oversight for all
21 30 certified medical homes. The commission shall review the
21 31 progress of the medical home system at each meeting and
21 32 recommend improvements to the system, as necessary.

21 33 11. The commission shall annually evaluate the medical
21 34 home system and make recommendations to the governor and the
21 35 general assembly regarding improvements to and continuation of



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22 1 the system.
22 2 Sec. 17. Section 249J.14, subsection 7, Code 2007, is
22 3 amended to read as follows:
22 4 7. DENTAL HOME FOR CHILDREN. ~~By July 1, 2008, every~~ Every
22 5 recipient of medical assistance who is a child twelve years of
22 6 age or younger shall have a designated dental home and shall
22 7 be provided with the dental ~~screenings and preventive care~~
22 8 ~~identified in the oral health standards~~ services as defined
22 9 under the early and periodic screening, diagnostic, and
22 10 treatment program.

22 11 EXPLANATION

22 12 This bill relates to health care reform including health
22 13 information technology, end-of-life care promotion,
22 14 preexisting conditions, dependent care coverage, and medical
22 15 homes.

22 16 Division I of the bill provides the intent of the general
22 17 assembly that all Iowans have health care coverage, as funding
22 18 becomes available, and that the initial priority is that all
22 19 children have health care coverage by December 31, 2010.
22 20 Additionally, the bill provides that it is the intent of the
22 21 general assembly that if the federal reauthorization of the
22 22 state children's health insurance program provides sufficient
22 23 allocations and authorization, the department of human
22 24 services may expand coverage of children to cover children
22 25 with family incomes up to 300 percent of the federal poverty
22 26 level.

22 27 Division II of the bill provides definitions, principles,
22 28 and goals for the Iowa health information technology system.
22 29 The bill creates an electronic health information commission
22 30 as a public and private collaborative effort and directs the
22 31 commission to establish a technical advisory group to assist
22 32 the commission in its duties; to adopt a statewide health
22 33 information technology plan by January 1, 2009; to identify
22 34 existing efforts and integrate these efforts to avoid
22 35 incompatibility and duplication; to coordinate public and



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23 1 private efforts to provide the network backbone; to promote
23 2 the use of telemedicine; to address the workforce needs
23 3 generated by increased use of health information technology;
23 4 to adopt necessary rules; to coordinate, monitor, and evaluate
23 5 the adoption, use, interoperability, and efficiencies of the
23 6 various facets of health information technology in the state;
23 7 to seek and apply for federal or private funding to assist in
23 8 implementing the system; and to identify state laws and rules
23 9 that present barriers to the development of the health
23 10 information technology system in the state.

23 11 Division II requires that by January 1, 2010, all health
23 12 care professionals utilize the single patient identifier or
23 13 alternative mechanism and continuity of care record specified
23 14 by the commission.

23 15 Division III directs the department of elder affairs to
23 16 consult with the Iowa medical society, the Iowa end-of-life
23 17 coalition, the Iowa hospice organization, the university of
23 18 Iowa palliative care program, and other health care
23 19 professionals whose scope of practice includes end-of-life
23 20 care to develop educational and patient-centered information
23 21 on end-of-life care for terminally ill patients and health
23 22 care professionals. The division also defines "end-of-life
23 23 care".

23 24 Division IV of the bill amends Code section 509.3 to
23 25 require a group policy of accident or health insurance to
23 26 permit continuation of existing coverage for an unmarried
23 27 dependent child of an insured or enrollee who so elects, until
23 28 the dependent is 25 years old or for as long as the dependent
23 29 is a full-time college student, whichever occurs last, at a
23 30 premium established in accordance with the insurer's rating
23 31 practices.

23 32 Division IV also amends Code section 513B.2(6)(b) to
23 33 require an insurance carrier that provides small group health
23 34 care coverage to establish additional groupings of small
23 35 employers on the basis of underwriting criteria which are



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24 1 expected to produce substantial variation in health care
24 2 costs, and to offer health insurance coverage to a bona fide
24 3 association utilizing the rating bands devised pursuant to the
24 4 additional groupings established. Division IV amends Code
24 5 section 513C.7(2)(b) by striking the paragraph, whose content
24 6 is now included in new Code section 514A.3B.

24 7 Division IV creates new Code section 514A.3B which requires
24 8 an insurer which accepts an individual for coverage under an
24 9 individual policy or contract of accident and health insurance
24 10 to waive any time period applicable to a preexisting condition
24 11 exclusion or limitation period of the policy or contract with
24 12 respect to particular services in an individual health benefit
24 13 plan for the period of time the individual was previously
24 14 covered by qualifying previous coverage that was continuous to
24 15 a date not more than 63 days prior to the effective date of
24 16 the new policy or contract.

24 17 New Code section 514A.3B also requires an individual policy
24 18 or contract of accident and sickness insurance to permit
24 19 continuation of existing coverage for an unmarried dependent
24 20 child of an insured or enrollee who so elects, until the
24 21 dependent is 25 years old or for as long as the dependent is a
24 22 full-time college student, whichever occurs last, at a premium
24 23 established in accordance with the insurer's rating practices.

24 24 Division IV applies to policies or contracts of accident
24 25 and health insurance delivered or issued for delivery or
24 26 continued or renewed in this state on or after July 1, 2008.

24 27 Division V of the bill relates to medical homes. The
24 28 division provides definitions, including the definition of a
24 29 medical home which is a team approach to providing health care
24 30 that originates in a primary care setting, and provides for
24 31 continuity in and coordination of care. The division
24 32 specifies the characteristics of a medical home, and creates a
24 33 medical home commission. The commission is directed to
24 34 develop a plan for implementation of a statewide medical home
24 35 system. Implementation is to take place in phases, beginning



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25 1 with children who are recipients of medical assistance
25 2 (Medicaid) or the hawk=i program and expanding to children
25 3 covered through the exchange created in the division. The
25 4 second phase would provide a medical home to adults under the
25 5 IowaCare program and adult recipients of Medicaid. The third
25 6 phase would provide for a medical home for adults covered
25 7 through the exchange.
25 8 The division specifies the duties of the medical home
25 9 commission and the organizational structure for the medical
25 10 home system. The division directs the commission to adopt
25 11 standards and a process to certify medical homes based on
25 12 national standards, to adopt education and training standards
25 13 for health care professionals participating in the medical
25 14 home system, to provide for system simplification, to
25 15 determine a rate of reimbursement and recommend incentives for
25 16 participation in the medical home system, and to coordinate
25 17 efforts with the dental home for children, and integrate the
25 18 recommendations of the prevention and chronic care management
25 19 advisory council into the medical home system.
25 20 In addition to the phased-in implementation, the division
25 21 also directs the commission to work with the department of
25 22 administrative services to allow state employees to utilize
25 23 the medical home system, to work with the centers for Medicare
25 24 and Medicaid services of the United States department of
25 25 health and human services to allow Medicare recipients to
25 26 utilize the medical home system and to work with insurers and
25 27 self-insured companies to allow those with private insurance
25 28 to access the medical home system. The commission is directed
25 29 to provide oversight for the medical home system and to
25 30 evaluate and make recommendations regarding improvements to
25 31 and continuation of the medical home system.
25 32 LSB 6541YC 82
25 33 av:pf/rj/14.1